

**GAINESVILLE PLANNING AND APPEALS BOARD  
MINUTES OF MEETING  
NOVEMBER 13, 2018**

**CALL TO ORDER** Chairman Carter at 5:30 p.m.

**Members Present:** Chairman Doug Carter, Vice-Chair Jane Fleming and Board Members Eddie Martin, Sr., Carmen Delgado and Rich White

**Members Absent:** Board Members Kelvin Simmons and Ryan Thompson

**Staff Present:** Community Development Director Rusty Ligon, Planning Manager Matt Tate, Planning Technician Judy Foster and Recording Secretary Brandy Palmero

**Others Present:** Council Member George Wangemann

**MINUTES OF OCTOBER 9, 2018**

**There was a motion to approve the minutes as presented.**

Motion made by Board Member Martin  
Motion seconded by Board Member White  
**Vote – 5 favor, 2 absent (Simmons, Thompson)**

**NEW BUSINESS**

**A. Rezoning Request**

- 1) Request from **KRM 2016, LLC** to rezone a 0.855± acre tract located on the northeast and northwest side of the intersection of Athens Street and Mill Street (a/k/a **827, 831 and 851 Athens Street**) from Residential-II (R-II) and Heavy Industrial (H-I) to Residential-II (R-II).  
Ward Number: Three  
Tax Parcel Number(s): 01-034-006-009 and 010; 01-034-001-013  
Request: Five residential duplexes

***NOTE: Board Member Martin recused himself from the meeting due to a conflict of interest with this request.***

**Staff Presentation:** Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to rezone a 0.855 acre tract from H-I and R-II to R-II for the purpose of constructing five residential duplex homes for rent. Most of the property is zoned H-I with the exception of a small R-II zoned portion of the 851 Athens Street parcel. The properties are currently undeveloped. Adjacent and nearby uses include single-family homes, Harper-Smith historic house, Newell Recycling Scrap Iron & Metal, Fockele Garden Company and Burger King restaurant. The applicant desires to subdivide the existing parcels and position the homes in the same manner as the other homes on Mill Street. In order to do so, future setback variances will be necessary to construct the homes closer to the street. Each home will be constructed with fiber-cement siding on all four sides and each unit will be approximately 1,100 square feet in size with two bedrooms/two baths and two parking spaces per unit. The elevation of the homes will not exceed 1.5 stories. A total

of five driveways are proposed on Mill Street and two driveways are proposed on Athens Street in order to accommodate parking for the first two units.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category and within the *Traditional Neighborhoods* Character Area specifically within the *Fair Street Area NPU subarea*, which appear to support the proposed use.

The Planning Division staff is recommending conditional approval of this rezoning request based on the Comprehensive Plan and the adjacent mixture of uses with four conditions.

**Applicant Presentation: Eddie Martin, Jr.**, 946 Lanier Avenue, stated that he would like to add more homes in the Gainesville city limits by creating the same consistent homes that already exist down Athens Street and Mill Street.

**FAVOR:** None

**OPPOSE: Vickie Smith**, 3872 Fieldgreen Court, stated she was against adding more housing in the area of Mill Street. She expressed concern of adding congestion to an already heavy populated area.

**Dorothy Bolden**, 2940 Maverick Trail, stated that the proposed area is already congested enough due to traffic and on-street parking. She stated that the area is full of elderly residents including her mom. Her concern is that the duplexes would be too close to her mom's backyard and her mom's safety would be at risk. She added that she has no idea the population of tenants these homes would bring and it is causing more stress for the elderly residents that currently live in the area.

**Planning and Appeals Board Comments:** Vice-Chair Fleming questioned Mr. Martin on the price point for the monthly rentals for these units. Mr. Martin stated the price would be from \$800-\$900 dollars per month. Mr. Martin also added he is staying with the one level type homes to attract more of an elderly cliental.

Vice-Chair Fleming also questioned what else could possibly be built at the property as currently zoned. Planning Manager Matt Tate replied that most of the property is zoned for heavy industrial and/or office/commercial which could affect traffic even more than the proposed plans.

**There was a motion to recommend conditional approval to rezone the subject property from Residential-II (R-II) and Heavy Industrial (H-I) to Residential-II (R-II) for five residential duplexes with the following conditions:**

**Conditions**

- 1. The proposed duplex structures shall be generally consistent with the standards depicted on the pictures provided with this application not to exceed a maximum of 1.5 stories in height with a minimum 3:12 pitched roof. The exterior walls shall consist of cementitious siding materials with a minimum 3-foot high brick water table on the front and side exterior walls of the structure. In addition, each unit shall include a covered front porch.**
- 2. The developer shall provide for a frontage landscape area along Athens Street which may include trees/shrubs and a decorative fence consisting of brick,**

wrought iron, aluminum or vinyl materials not to exceed 4-feet in height. The location, spacing, size and type of trees/shrubs planted and fence shall be subject to Community Development Department Director approval.

3. All driveway locations shall be submitted for review by the Gainesville Public Works Director, and approval of said design shall be required prior to issuance of a building permit. Any required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
4. An updated survey/plat of the subject properties shall be recorded prior to obtaining a Certificate of Occupancy.

Motion made by Board Member White

Motion seconded by Board Member Fleming

**Vote – 4 favor, 1 recusal (Martin), 2 absent (Simmons, Thompson)**

#### **B. Zoning Amendment Request**

- 1) Request from **Southeastern Land Solutions, LLC** to amend the existing Planned Unit Development (P-U-D) zoning on a 1.34± acres tract located on the northwest side of the intersection of McEver Road and Stephens Road (a/k/a **0 McEver Road, SW**).  
Ward Number: Four  
Tax Parcel Number(s): 08-042B-000-180  
Request: Five single-family lots

**Staff Presentation:** Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to amend the existing Planned Unit Development (P-U-D) zoning on a 1.34± acres tract to allow five single-family lots instead of a small neighborhood retail center as part of the adjacent Copper Spring Subdivision located in Gainesville. The purpose of the request is to allow the subject property to be part of the adjacent/future “Brannon Ridge” development recently annexed into Oakwood. The development is to consist of 112 single-family lots and 75 townhomes, which will include the proposed five single-family lots. Each home will not exceed two stories in height with two-car garages on minimum lot sizes of 4,800 square feet. The homes will have a craftsman style consisting a mixture of masonry materials and fiber cement siding. Access to the subject property is proposed through the subdivision off of Waverly Way which is a County road.

Comments were received from the Gainesville Public Works Department, Fire Department and Gainesville City School System which in summary state that the location and access to the proposed five lots may create some logistical issues regarding solid waste services, road maintenance, service delivery for public safety and feasibility of transportation services for City schools.

The Gainesville 2030 Future Development Map places the subject property within the *Mixed Use General* land use category and the *Suburban Residential* Character Area which is consistent with the proposed use.

The Planning Division staff is recommending approval of this zoning amendment request based on the comprehensive plan and the adjacent residential use, but with the four zoning conditions to help address the logistical challenges identified by Public Works, Fire and the School System.

**Applicant Presentation:** Eric Johansen, 3938 Oak Crossing Drive, Suwanee, stated after talking with the staff that he agrees that the five single-family lots would be easier to modify with the conditions in the Copper Springs Subdivision instead of later on down the road needing to annex or rezone the property. He also added that he fully agrees with all of the conditions.

**FAVOR:** None

**OPPOSE:** None

**Planning and Appeals Board Comments:** None

There was a motion to recommend conditional approval of the request to amend the existing Planned Unit Development (P-U-D) zoning to allow five single-family lots with the following conditions:

**Conditions**

1. The proposed single-family homes shall be generally consistent with the standards depicted on the concept plan and architectural elevations provided with this zoning amendment application.
2. The City of Gainesville shall assume no responsibility to provide for the maintenance of streets, solid waste pickup and/or stormwater management, due to the subject property's limited access through the jurisdictions of Hall County and the City of Oakwood. The owner/developer expressly consents to this rezoning condition.
3. In the event that the owner/developer sells any of the lots within the subject property, the owner/developer shall provide written notification within each deed of sale of the preceding condition that the City of Gainesville shall not be responsible for the maintenance of streets, solid waste pickup and/or stormwater management.
4. The subject property shall be limited to five (5) age-restricted single-family lots for seniors 55 years of age and up. The development shall comply with applicable U. S. Department of Housing and Urban Development (HUD) rules for age-restricted communities. The organization established for the management of the development shall comply with HUD rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.

Motion made by Board Member Delgado

Motion seconded by Board Member Fleming

**Vote – 4 favor, 1 opposed (Martin), 2 absent (Simmons, Thompson)**

**ADJOURNMENT**

There was a motion to adjourn the meeting at 5:54 p.m.

Motion made by Board Member Martin

Motion seconded by Board Member Delgado

**Vote – 5 favor, 2 absent (Simmons, Thompson)**

Respectfully submitted,

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Doug Carter, Chairman

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Brandy Palmero, Recording Secretary