

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
AUGUST 11, 2020**

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

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming and Board Members Rich White, Kelvin Simmons, Eddie Martin and Ryan Thompson

Members Absent: Board Member Carmen Delgado

Staff Present: Community & Economic Development Deputy Director Matt Tate and Recording Secretary Gwen Fleming

Others Present: Council Members Barbara Brooks and George Wangemann

MINUTES OF JULY 14, 2020

Motion made by Board Member Thompson
Motion seconded by Board Member White
Vote – 6 favor, 1 absent (Delgado)

NEW BUSINESS

A. Variance Request

- 1) Request from **Joseph Spagnuolo** to vary the front yard setback requirement on a 1.49± acres tract located on the southeast side of East Lake Drive across from its intersection with Chattahoochee Trace (a/k/a **825 East Lake Drive, NW**), having a zoning classification of Residential-I-A (R-I-A).
Ward Number: One
Tax Parcel Number(s): 01-107-001-123
Request: Two single-family homes

NOTE: *The applicant withdrew the variance request on August 10, 2020 and no action was required for this item.*

B. Annexation Request

- 1) Request from **Darrell W. Wiley** to annex a 0.16± acre tract located on the northeast side of the intersection of Mundy Mill Road and Millside Parkway (a/k/a **0 Mundy Mill Road**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Four
Tax Parcel Number(s): 08-030-000-102
Request: Right-of-way

Staff Presentation: Deputy Director Matt Tate gave the following staff presentation:

The applicant is proposing to annex the subject 0.16± acre tract with a zoning of Planned Unit Development (P-U-D). The purpose of the request is to correct a city limits boundary line issue that was discovered after the Mundy Mill subdivision was developed.

The tract is located on the right side of the existing entrance to the Mundy Mill subdivision at the intersection of Millside Parkway and Mundy Mill Road and includes a portion of an existing right-turn lane into the subdivision. There is no change in use proposed.

The Planning Division staff is recommending conditional approval of the request with the same 30 original zoning conditions from Ordinance 2010-13 that are part of the Mundy Mill subdivision.

Applicant Presentation: Darrell Wiley, 1180 Springdale Road, asked the Board to approve the request to correct a mistake from many years ago.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the annexation request and to establish zoning as Planned Unit Development (P-U-D) with the same 30 original zoning conditions from Ordinance 2010-13 that are part of the Mundy Mill subdivision.

Conditions

Transportation/Traffic

1. All road improvements associated within the scope of the proposed development shall be at the full expense of the developer(s). The scope of the development shall be defined as those roads/intersections directly within, adjacent to, and within 1,500 feet of the subject property as studied within the Traffic Impact Study (TIS) submitted with this application. These road improvements are to include additional signalization, turn lanes, widening of roads, striping, and signage as stated in the TIS. This may include all or portions of Mundy Mill Road, Meeks Road, Fairbanks Drive, Old Oakwood Road, Old Flowery Branch Road, and Mountain View Road. The cost of the required road improvements shall be prorated based on developed property values of the residential, commercial, retail, office and industrial properties.
2. The developer(s) shall work with the Georgia Department of Transportation, Hall County Traffic Engineering, the City of Oakwood, and the City of Gainesville Public Works Department to ensure that these improvements are performed in a timely manner so as to not conflict with any of the existing or planned road projects that are scheduled to take place outside the scope of the proposed development.
3. All sign locations, access point (new and existing) designations for *new* roads, sight distances, and sight triangles shall be reviewed and clarified, in the beginning stages of plans and submittals with GaDOT and the Public Works Director so as to limit the number of access points in that area.
4. A signal warrant study will be required for the major intersections of internal streets within the development. If a signal light is warranted at a specific intersection, such installation shall be completed at the expense of the developer(s) and shall meet all specifications as determined by the Public Works

Department. A signal light shall not be installed until traffic volumes actually meet the levels as determined by the warrant study.

5. The developer(s) shall meet with Public Works prior to initiating the final civil design to discuss a traffic calming plan. A traffic calming plan consisting of tools such as landscaped traffic circles at intersections, raised crosswalks, landscaped center medians, chicanes, or other measures that aid in keeping the average speed on residential streets approximately 25 mph or below shall be prepared and approved by Public Works. Specific measures in the approved plan shall be constructed at the same time the streets are constructed.
6. All roads dedicated to the City of Gainesville shall meet City specifications, and all private roads shall be constructed with materials that meet City specifications.
7. All interpretations relating to transportation and/or traffic improvement conditions shall be subject to approval of the Gainesville Public Works Director.
8. The new four lane parkway as reflected on the site plan shall be constructed and designed so as to allow a connection to the Tumbling Creek Connector across Old Oakwood Road.

Development Standards

9. Sidewalks shall be required along both sides of the streets within the development and shall be a minimum of four feet (4') wide along streets classified as residential streets and six feet (6') wide along collector streets and streets in the commercial zones. Alternatively, sidewalks shall be permitted along one side of the street in parkway areas at a minimum width of eight feet (8') and a minimum of five feet (5') along roads classified as residential streets.
10. All proposed single-family lots within the development shall only be allowed to access new interior roads within the subdivision. Direct access shall not be allowed onto roads that existed prior to this development.
11. Access to all service areas adjacent to single-family detached homes, including dumpster pads, shall be limited to the hours of between 9:00 a.m. and 6:00 p.m., unless an emergency situation warrants access to these areas.
12. Upon completion of the development, no outside storage of any materials shall be allowed. No storage of hazardous chemicals, as listed in the Standard Fire Code, shall be permitted.
13. Outdoor lighting used in this development; be it for recreational, security or general purposes, shall be of non-spill design and placed in a manner so as to minimize direct visibility by adjoining or adjacent properties.
14. The proposed residential, office, commercial, and accessory structures shall be similar in scale and architecture to the elevation drawings and pictures as submitted with the application.
15. The subject property shall be developed substantially in accordance with the Site plan with minor engineering deviations excepted. All site plan, architectural renderings, pedestrian/trail access plan, and traffic impact studies shall become a part of the annexation, zoning and rezoning ordinances.
16. The number of *single-family detached homes* shall not exceed 1,148 units and shall contain a minimum of 1,500 square feet of heated space. Front facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The remaining three facades shall consist of these materials or cementeous siding such as hardiplank. Single-family lots shall be no less than

6,000 square feet in size, with 60 feet of lot width at the building setback line and minimum lot width at right-of-way line of 20 feet, with the exception of Pod M of the concept plan which shall have a minimum lot width at the building setback line reduced to 50-feet.

Pod L of the concept plan dated 10/06/04 shall be the highest-end product proposed by the developer and shall contain a minimum of 1,800 square feet of heated space. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line, and minimum lot width at right-of-way line of 20 feet. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementeous siding such as hardiplank.

Each home within all single-family residential detached pods will have an attached garage for at least two cars. The front yard of each lot shall be sodded and planted with at least one hardwood tree. Monument signage shall be used for the entrance to any detached single-family residential pod as per the attached site plan, and each entrance shall have plantings or other architectural accents.

- 17. The number of attached *single-family condominiums* or fee simple townhomes shall not exceed 775 total units. The minimum unit/lot width shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear façade may consist of these materials or cementeous siding such as hardiplank. No fewer than three or more than ten units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.**
- 18. The number of *apartment units* shall not exceed 460 units. Height shall not exceed three stories, although $\frac{3}{4}$ splits will be allowed. Each unit will contain a minimum of 750 square feet. Each unit shall have at least 1.75 parking spaces. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.**
- 19. The subject property may be developed for up to 806,000 square feet of traditional office, mid-rise office, and office warehouse space. Within the 806,000 square foot maximum, commercial and retail uses may be allowed within Pods B and N. At no such time shall the maximum allowed square footage within those pods exceed what is specified on the approved concept plan. This space may be developed for these uses but sold in a condominium format. Height of such structures shall be limited to 3 stories from average finished grade. Parking spaces will be provided at a minimum ratio of 3.5 spaces per 1000 square feet of useable office space. Monument signage shall be required in any office pod as per Exhibit B, and lights shall be shielded and angled so as to minimize glare onto adjacent properties. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required.**
- 20. The subject property may be developed for up to 885,000 square feet of commercial/retail space. The maximum height of any structure, excluding architectural accents; such as clocks, cupolas and bell towers; shall be 50 feet. Use of pitched roofs shall be encouraged. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required. Parking shall be provided at a minimum of four spaces per 1,000 square feet of**

space. Lights shall be shielded and angled so as to minimize glare onto adjacent properties, and dumpsters shall be screened. Under no circumstances shall the following uses be allowed: Pawn shops, adult entertainment, adult bookstores, extended-stay hotel, rooming house, or boarding house. Signage shall be as per the attached sign plan.

21. Architectural treatment shall be of consistent design throughout the community and as per the renderings.
22. A minimum of 100 acres shall be maintained as green space, with passive recreation and trails as per the plan. Sidewalks shall connect the residential and non-residential components of this community.
23. A Mandatory Property Owners Association will be created for the single-family detached community to insure that these conditions are observed during development and in terms of architectural consistency thereafter. Separate mandatory associations will be set up for the single-family detached and single-family attached products to own and manage open space, common areas, and architectural controls. Open space elsewhere in the project shall be maintained as common area by the overall Property Owner's Association, or by a separate Association within whose boundaries the common area is located. Maintenance of the amenities package set forth on the site plan shall be the responsibility of the owners of single-family detached homes. However, at the option of those residents, memberships may be extended to other Mundy Mill residents for a fee to cover maintenance. Amenities packages also may be established in the individual townhome or apartment pods, but shall be the responsibility of the owners of land therein.

Buffers

24. A 100 foot wide buffer shall be provided against Balus Creek and all other blue-line streams. The first 50 feet of the buffer shall be measured from the top of the creek bank and shall be undisturbed. The remaining 50 feet of the buffer, if disturbed, shall be stabilized and replanted with vegetation subject to Planning Department approval.
25. A 25 foot minimum perimeter buffer will be created and infilled as necessary with plant material. However, this buffer will not be required along any Mundy Mill Road frontages. Landscaped buffers of at least 25 feet are also required along any road frontages.
26. Landscaped buffers of at least 25 feet also shall separate any non-residential pod or existing non-residential use from a residential pod. The buffer shall be subject to Planning Department approval.
27. All proposed detention ponds shall be sufficiently fenced and buffered from view from all roads and adjacent properties. All buffer materials shall be approved by the Planning Department.

Gainesville City Board of Education

28. As agreed to by the owner/developer, the 17.0 acre tract of land identified on the plat/site plan attached as Exhibit A shall be reserved for use as an elementary school site. At that time (or earlier at the owner/developer's discretion), and presupposing the School Board still wants the property for an elementary school, the owner/developer shall promptly convey to it, without charge. In the event the School Board does not secure a building permit and begin construction of an elementary school before December 31, 2012, then the developer shall retain all

rights to develop of the entire 17.0 acres tract as per the original terms of zoning approval except for this condition, and the School Board shall promptly convey marketable title to the property back to the owner/developer at no charge. Additionally, if no elementary school is actually constructed on this site by December 31, 2013, then the School Board shall return marketable title to the property to the developer without charge. The conveyance documents executed by the owner/developer to the School Board will contain these terms and requirements. This agreement to reserve the 17.0 acres tract shall not prohibit the owner/developer from including it in any plat it may prepare for its development of a single-family residential pod and also will allow the owner/developer to put on it any necessary utility or other storm water easements which may be required for the development as a whole, provided such improvements do not materially affect the Board's ability to use the site for a school. This agreement also shall not prohibit the owner/developer from earlier transferring the 17.0 acres site to the City to be held for the School Board, subject to the requirements of this paragraph. Finally, but for utility/drainage easements or right-of-way dedicated as part of the road system in or along the frontages of the Mundy Mill development, the owner/developer shall not be required to dedicate or give to the City of Gainesville any additional property incidental to this development. However, if the School Board fails to acquire this property, then the owner/developer shall convey three acres of land to the City for a public safety use.

Notwithstanding any of the foregoing, if at such time as the School Board has acquired the 17.0 acres site and is ready to begin feasibility assessments, and if the State Board of Education should determine that the site is not then suitable for use as a school under the applicable state standards, then the Board of Education may sell the 17.0 acres tract and retain the proceeds for use in purchasing an alternative site. Provided, however, that once an arms length transaction for a fair market value purchase of the site has been secured by the School Board, the owner/developer shall have a right of first refusal to repurchase the tract at the exact same purchase price. Provided further, that the proceeds from such sale must be expended on a new school site within 60 days of closing, otherwise it shall be remitted instanter to the owner/developer.

The City notes that this condition may be imposed only because the owner/developer has agreed to it.

Quality Enhancement

29. In order to further enhance and assure the quality of development, the City expects the developer shall perform/provide the following:
- Detailed landscape plan for parkway, subject to approval by the Department of Planning and Development.
 - Reconstruction of Mundy Mill as focal point for community, subject to approval of the Georgia Department of Transportation.
 - A minimum of two amenity locations shall be provided for the entire development of the detached single-family residential pods. At minimum the amenity sites shall include a pool house, swimming pool and playground.
 - Sidewalks and streetlights throughout community.

- **All products within the development shall contain exterior construction materials limitation; must use brick, masonry stucco, stacked stone, cedar shake, or hardiplank.**
 - **Open space - 18%.**
 - **Pedestrian trail plan (3.5± miles) connecting entire community.**
 - **Parkway plan sidewalk width sufficient to create a bicycle lane.**
 - **Every single-family home built on the subject property shall contain ceramic tiled bathroom floors.**
 - **Every single-family home shall be built to accommodate at least one fireplace.**
 - **No vinyl siding on any product within development excluding soffit areas.**
 - **Each pod of townhouses and apartments will have its own amenities package.**
 - **All underground utilities.**
 - **Uniform mailboxes will be provided for each detached single-family residential pod. Uniform street signs will be provided throughout the development.**
30. **Along Balus Creek, the developer shall reserve for the City, by way of easement, a ten foot strip of land for use as a bicycle path. At such time as the City or County constructs an element of its bike path system to which this easement might connect, the City and/or County, at its/their expense, may pave this strip. No development shall occur on the property which would interfere with the eventual construction of this path by the appropriate governmental entity, except for the boulevard which will cross the creek.**

Motion made by Board Member Martin
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 absent (Delgado)

C. Rezoning Request

- 1) Request from the **City of Gainesville** to rezone 25 parcels totaling 39.0± acres located within the Midtown Overlay Zone (a/k/a **319 Abby Place, SW; 422, 435 Banks Street, SW; 722 Bradford Street, SW; 506 and 508 Davis Street, SW; 0 Pine Street, SW; 603, 609, 619, 625 and 631 Gordon Avenue, SW; 729, 878, 901 and 905 Grove Street, SW; 636 High Street, SW; 687, 711, 721 and 743 Main Street, SW; 409, 427 and 435 Parker Street, SW; 701 and 757 Queen City Parkway, SW; 504 Summit Street, SW**) from Heavy Industrial (H-I), Light Industrial (L-I), General Business (G-B) and Residential-II (R-II) to Office and Institutional (O-I).
- Ward Number: Three
Tax Parcel Number(s): 01-013-003-001, 002, 003, 004, 005, 006, 007, 008 and 009; 01-014-002-001, 014 and 019; 01-015-001-006, 008, 009, 011 and 012; 01-015-003-006; 01-017-001-003; 01-018-001-014, 019 and 022; 01-019-003-005A; 01-030-001-001 and 023
- Request: No change in use

Staff Presentation: Deputy Director Matt Tate gave the following staff presentation:

The City of Gainesville is proposing to rezone a total of 25 properties and 39.0± acres located within the Midtown Overlay Zone. All of the properties are owned by the City of Gainesville except for three privately owned properties which have given permission to rezone as part of a previous Tax Allocation District approval. The purpose of the request is to rezone the properties From Heavy Industrial (H-I), Light Industrial (L-I), General Business (G-B) and Residential-II (R-II) to Office and Institutional (O-I) which is more suitable for the existing uses. Some of the existing uses include the Midtown Greenway, Gainesville Public Safety Complex, Fire Station #1, Water Resources building, New Skate Park, Gainesville Connection Transit Station and office/warehouse buildings. There is no change in use proposed for the properties. The surrounding uses include a mixture of industrial, commercial, office and residential uses.

The Gainesville Future Development Map of the Comprehensive Plan places the subject properties within the *Mixed-Use Midtown* land use category. As well, the subject properties are located within the *Central Core* Character Area.

The Planning Division staff is recommending approval of this rezoning request with a zoning of Office and Institutional (O-I) based on the Comprehensive Land Use Plan and the existing uses.

Applicant Presentation: None

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Vice-Chair Fleming stated she would like to thank Mr. Tate and the staff for their hard work and believes it is a good move. Chairman Carter also agreed and appreciates everything the Planning staff is doing.

There was a motion to recommend approval of the request to rezone the subject properties from Heavy Industrial (H-I), Light Industrial (L-I), General Business (G-B) and Residential-II (R-II) to Office and Institutional (O-I) as presented.

Motion made by Vice-Chair Fleming
Motion seconded by Board Member Thompson
Vote – 6 favor, 1 absent (Delgado)

D. Code Amendment Request

- 1) Request from the **City of Gainesville** to amend Section 9-8-2-4 of the Gainesville Unified Land Development Code entitled “Dimensional Requirements” for the Gateway Corridor Overlay Zone.

Staff Presentation: Deputy Director Matt Tate gave the following staff presentation:

The City of Gainesville is proposing to amend Section 9-8-2-4 the Gainesville Unified Land Development Code entitled “Dimension Requirements” of the Gateway Corridor Overlay Zone. The purpose of the request is to provide standards for properties that have the potential to be further subdivided and developed into commercial outparcels. The proposed amendment would require special use approval by City Council in order to subdivide non-residential zoned lots 20 acres or larger located within the Gateway Corridor Overlay Zone.

As part of the consideration, criteria is given in deciding whether to grant special use approval to subdivide the lot.

1. Minimum subdivided lot size should be 2 acres.
2. Maximum impervious surface coverage should not exceed 75 percent of the subdivided lot.
3. Minimum landscaped open space should be a minimum of 20 percent of the subdivided lot.
4. Access should be limited to an internal access easement within the property, prior to any subdividing, to facilitate the movement of motor vehicles across the property. New driveways on existing public right-of-way areas should be discouraged.
5. Certain uses are discouraged such as liquor stores, pawn shops, gas stations and vaping stores.

There are currently 29 commercially zoned parcels located within the Gateway Corridor Overlay Zone that are 20 acres or larger.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the code amendment as presented.

Motion made by Board Member Martin
Motion seconded by Board Member White
Vote – 6 favor, 1 absent (Delgado)

MISCELLANEOUS

Community & Economic Deputy Director Matt Tate presented the Board with a copy of The Park Hill Corridor Plan and stated it was a year process took about a year working with a steering committee. He stated the study area is a two and a half mile corridor beginning at the Civic Center and ending at the Botanical Gardens property. The City partnered with the Carl Vinson Institute along with the which conducted numerous surveys that provided community input basically to help create a vision for the area and potential improvements along this corridor. He stated this is a wonderful document with many illustrations that provides short term/long term projects, some of which are already in the process. Mr. Tate stated it was announced at City Council Work Session about a similar study for the Athens Street area will begin shortly. The exact study area hasn't been decided but will be following the same process partnering with the Carl Vinson Institute.

ADJOURNMENT

There was a motion to adjourn the meeting at 5:45 p.m.

Motion made by Board Member Simmons
Motion seconded by Board Member White
Vote – 6 favor, 1 absent (Delgado)

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary