

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant.....Weekley Homes, LLC
Property Owner.....Societal CDMO Gainesville, LLC
Location.....0 and 1300 Gould Drive, SW
Request.....Amend P-U-D zoning
Size.....120.98± acres
Ward.....Four
Proposed Use.....Mixed-use development
Planning Division Staff Recommendation.....**Denial**
Date.....November 14, 2023

▪ **Applicant's Proposal**

The proposal is for a mixed-use residential development consisting of 507 age restricted, active adult residential units known as “Lanier Landing”. The proposed development is comprised of 147 single-family detached lots, 40 paired (duplex) villas and 320 attached condominiums at an overall density of 4.19 du/ac. It is anticipated the project will be built out over a period of 48 to 60 months over four phases. The first two phases will include infrastructure, roads, stormwater facilities, detached lots, paired villa lots and amenities. The last two phases include attached condominiums and walking trails. Phasing may overlap to include portions of the overall site as the detached homes and paired villas are being constructed.

The general design standards for each type of residential use are as follows:

Use	# of Units	Lot Size (Min)	Lot Widths	Unit Size (Min Heated Sq. Ft.)			Height (Stories)	Setbacks (Min)		
								Front	Side	Rear
Detached Homes	147	6,000 s.f.	50', 60', 80'	1,400			1 – 1 ½	20'	5'	15'
Paired Villas	40	6,000 s.f.	50', 60', 80'	1,400			1 – 1 ½	20'	5'	15'
Attached Condos	320	N/A	N/A	1-Bed	2-Bed	3-Bed	5 – 6	20'	10'	15'
				950	1,200	1,450				

The development includes 38.79± acres of open green space which consists of approximately 32% of the total acreage. The open space areas will include amenities, extensive walking paths, passive or active recreation and undisturbed areas. Part of the open space is to include a 50-foot wide perimeter buffer adjacent to the Waters Edge Subdivision and the Societal CDMO pharmaceutical property. Amenities include clubhouses, resort style swimming pool, lawns, pocket parks, pickleball courts, private boat docking and dry boat storage. A multi-slip dock is proposed within the cove between the subject property and the Cresswind at Lake Lanier subdivision which has not been approved by the Corps of Engineers.

Access to the site includes a single road from McEver Road which will be gated. The access road and all interior roads will be privately maintained. Minimum 4 foot wide sidewalks are proposed on at least one side of each residential road.

▪ **Existing and Background Information**

The property consists of two parcels which have approximately 2 miles of property frontage along Lake Lanier. The larger of the two tracts fronts McEver Road for a distance 1,040± feet and is located within the Gateway Corridor Overlay Zone. The property is heavily wooded and contains three tributaries that flow into Lake Lanier as well as a Georgia powerline easement that traverses part of the property.

The property was rezoned in 1982 for a conference center and scientific retreat complex not to exceed 55,000 square feet in size, consisting of 64 guest rooms, auditorium, cafeteria, conference rooms, 3 swimming pools, 3 tennis courts, eight horse stables and a single-family caretaker residence and an unspecified number of private villas. The uses were intended to compliment the adjacent Elan Pharmaceutical (now Societal CDMO Pharmaceutical Company), but were never developed.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Pemmican Point Subdivision	Vacation Cottage (V-C) -County
South	Midgard Self Storage; Walmart Neighborhood Market center;	General Business (G-B) -City Regional Business (R-B) -City
	Single-family home; Encounter Church	Agricultural Residential-III (AR-III) -County Residential-I (R-I) -County
East	Societal CDMO Pharmaceutical; Waters Edge Subdivision	Regional Business (R-B) -City Residential-I (R-I) -City
West	Cresswind at Lake Lanier; Mill Ridge Landing Subdivision	Planned Unit Development (PUD) -City Residential-I (R-I) -County

▪ **Other Departmental Comments**

The Gainesville Fire Department states that all roads must be constructed to City standards not to exceed 10% grade for the fire apparatus road. Road widths could be subject to change as needed.

The request will require coordination with the Georgia Department of Transportation (GDOT). A driveway permst will be required for access on SR 53/ McEver Road.

The proposed development required a Development of Regional Impact (DRI #4011) study to be performed by the Georgia Mountains Regional Commission (GMRC). According to the study, the GMRC recommends that City work with the Gainesville Hall Metropolitan Planning Organization (GHMPO) and the Georgia Department of Transportation (GDOT) to review the proposed configuration of access and possible impacts to McEver Road and the intersection of McEver Road and Browns Bridge Road. The GMRC recommends that the optimal performance level for McEver Road would preclude the need of a traffic signal at the entrance to the proposed development. In addition, best environmental practices are encouraged regarding stormwater management upon compliance with State and local regulations.

There were no other departmental comments for the request.

▪ **Traffic Study Summary**

A traffic impact study (TIS) was originally conducted for this development on June 12, 2023 for a development consisting of 29,750 square feet of commercial space and 591 residential units consisting of 38-single-family detached homes, 138 attached townhomes and 415 apartments that were not age restricted. The studied intersections included McEver Road at Browns Bridge Road (signalized); McEver Road and Midgard Self Storage Driveway/ Site driveway; McEver

Road at Gould Drive / Waters Edge Drive; and McEver Road at Spring Road/ Pemmican Run (signalized). Turning movement counts were collected on Wednesday, March 08, 2023. All turning movement counts were recorded during the AM and PM peak hours between 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM, respectively. The below table represents the anticipated project trip generation

	Total Trips	Inbound Trips	Outbound Trips
Daily	5,841	2,920	2,921
AM	318	84	234
PM	726	426	300

The results of future traffic operations analysis indicate that the signalized intersection of McEver Road and Browns Bridge Road will operate at LOS “E” (Poor) in the PM peak both in “No-Build” and “Build” conditions. Some of the stop controlled side street approaches will operate at levels-of-service of “F” (Very Poor) in both AM and PM peaks hours especially the northbound and southbound driveway approaches including the Gould Drive/ Waters Edge Road intersection at McEver Road and particularly at the Midgard Storage Driveway/ Site Driveway intersection experiencing long delays of over 300 seconds in the PM peak hour. However, the side street traffic volumes do not seem to meet warrants for installation of a traffic signal.

The following improvements are recommended and are limited to the site driveway on McEver Road which is aligned with the Midgard Self Storage driveway.

1. One entering and two exiting lanes at the site driveway.
2. Raised island for exiting right-turn lane at the site driveway.
3. Stop-sign controlled on the driveway approach with McEver Road remaining free flow.
4. Request removal of the existing “No U-Turn” sign at median and provide a Left-Turn Lane.
5. Right-Turn Lane for entering traffic at the site driveway.
6. Provide / Confirm adequate sight distance per AASHTO standards.
7. Perform Intersection Control Evaluation with Signal Warrant Analysis.

▪ **Zoning History**

The following zoning actions have taken place in the immediate area during the last ten years:

2023 – A request by QuikTrip Corporation C/O Eric Bikas to amend a 2.86± acres tract located at 2925 Browns Bridge Road, SW zoned Planned Unit Development (P-U-D) was conditionally approved for a QuikTrip convenience store/gas station.

2023 - A request by Loan Donuts Holdings, LLC to rezone a 1.063± acres tract located at 2895 Browns Bridge Road, SW from Residential-I-A (R-I-A) Office and Institutional (O-I) to Neighborhood Business (N-B) was approved for a Dunkin Donuts restaurant.

2022 – A request by Jeff Arkema for a special use on a 1.77± acres tract located at 2888 Browns Bridge Road, SW was approved with conditional Office and Institutional (O-I) zoning for an automotive styling center.

2022 – A request by McKinley Homes US, LLC, for a special use on a 7.74± acres tract located at 2920 Florence Drive was approved with conditional Office and Institutional (O-I) zoning for 70 residential townhomes.

2021 – A request by Tidal Wave Auto Spa to amend a 7.76± acres tract located at 1440 McEver Road zoned Planned Unit Development (P-U-D) was conditionally approved for an express car was facility.

2021 - A request by Adventures Real Estate, LLC to rezone a 17.028± acres tract located at 2520 Browns Bridge Road from Residential-I-A (R-I-A) to General Business (G-B) was conditionally approved for an automotive related facility.

2021 – A request by Pamela Eagar to annex a 0.15± acre tract located at 2834 Browns Bridge Road with a zoning of General Business (G-B) was conditionally approved for no proposed use.

2020 – A request by CenterPoint Integrated Solutions to annex a 7.81± acres tract located at 2602 Browns Bridge Road with a zoning of General Business (G-B) was conditionally approved for a CarMax Auto Superstore.

2020 – A request by Gainesville City Board of Education to rezone a 16.67± acres tract located at 1263 and 1279 McEver Road, SW from Residential-I (R-I) to Office and Institutional (O-I) was conditionally approved for a new middle school.

2020 – A request by Gainesville City Board of Education to annex a 5.931± acres tract located at 2550 and 2560 Gould Drive with Office and Institutional (O-I) zoning with a special use was conditionally approved for a new middle school and existing single-family home.

2020 – A request by Mauricio Ortega to annex a 0.51± acre tract located at 23 Cherrywood Drive with Residential-I (R-I) zoning was approved for sewer for a single-family home.

2018 – A request by Tyler Land Holdings to amend a 2.98± acres tract located at 1209 and 1229 Hillside Gardens Lane zoned Planned Unit Development (P-U-D) was conditionally approved for a boat sales dealership.

2017 – A request by Pro Building Systems to annex a 0.516± acre tract located at 2431 S Smith Road was approved with conditional General Business (G-B) zoning for an auto collision center.

2017 – A request by Manor Lake Development, LLC for a special use on a 9.24± acres tract located at 2900 McEver Road was approved with conditional Office and Institutional (O-I) zoning for an assisted living facility.

2015 – A request by the Roman Catholic Archdiocese of Atlanta to amend a 14.233± acres tract located at 2436 S. Smith Road and zoned Planned Unit Development (P-U-D) was conditionally approved for a church.

2015 – A request by the Roman Catholic Archdiocese of Atlanta to amend and rezone a 4.899± acres tract located at 0 S Smith Road from Residential-I (R-I) to Planned Unit Development (P-U-D) was conditionally approved for a church.

2013 – A request by Foote & Miller Properties, LLC to annex a 2.72± acres tract located at 2420 Browns Bridge Road was approved with General Business (G-B) zoning for sewer for an existing auto dealership.

▪ **Staff Analysis**

(1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

The property has remained a greenfield tract located at the western edge of the city limits next to Lake Lanier. Over 40 years ago the property was approved for a conference center to compliment the adjacent Elan Pharmaceutical (now Societal CDMO Pharmaceutical Company). Since that time, development along McEver Road extension from Browns Bridge Road and

Dawsonville Highway has consisted of a mixture of single-family and multi-family residential, institutional and limited commercial uses. The adjacent properties are zoned Residential-I (R-I), Vacation Cottage (V-C), Agriculture Residential-III (AR-III), Regional Business (R-B), General Business (G-B) and Planned Unit Development (P-U-D).

The adjacent Waters Edge, Cresswind at Lake Lanier and Pemmican Point subdivision are the most impacted by the proposal. While residential development is suitable for the subject property, it appears the proposal is inconsistent with the average density of the adjacent and nearby residential development fronting Lake Lanier.

Subdivision	Lots/Units	Total Acres	Residential Density
Beechwood Estates (City)	72	36.7±	1.96 du/ac
Cresswind at Lake Lanier (City)	950 (per zoning)	469.2±	2.02 du/ac
Lake Society-Ahaluna Drive (City)	770 (per zoning)	208.8	3.69 du/ac
Lost River Cove (City)	540 Condos (per zoning) 60 SF Lots (per zoning)	78.2±	7.67 du/ac
Mill Ridge Landing (County)	31	23.8±	1.32 du/ac
Pemmican Point (County)	17	19.6±	0.87 du/ac
Waters Edge (City)	90	52.8±	1.7 du/ac
Average Density			2.75 du/ac

(2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

The proposed development does not propose direct access to the adjacent properties. Additional traffic and turning movements will be generated by the proposal on McEver Road. The recommended improvements stated in the traffic study should help, but additional delays are anticipated at the side street approaches on McEver Road that are not signalized. The proposed height of the 5 to 6 story condominiums will visually impact the Waters Edge, Cresswind at Lake Lanier and Pemmican Point residential neighborhoods and would be uncharacteristic with the adjacent and nearby properties. In light of the adjacent development and topography of the property, it appears reducing the number of proposed units as well as the height of the proposed residential condominiums is reasonable. Potential environmental impacts to Lake Lanier are always a concern with lake side development. Stormwater measures and best management practices will be required for the development to protect the natural resources.

(3) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The Future Development Map for the City of Gainesville places the property within the *Parks, Recreation & Conservation* land use category which includes areas containing or planned for parks and recreation facilities, permanently designated open space, or conservation areas including buffers along waterways and other environmental features. The land use description has not changed for 40+ years due to the property having a site specific zoning for a conference retreat center with passive and active green space.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Suburban Neighborhood* Character Area. The vision for this area is to preserve older, stable residential subdivisions and encourage newer projects with smaller lot sizes, pedestrian infrastructure, and buildings patterned after traditional local housing, possibly containing a small neighborhood-serving “village center”. Neighborhood-scale businesses are prioritized that can serve local residents. Future population growth should be balanced between new development and infill areas. Housing choices should be diverse to support a range of household incomes, lifestyles, sizes and types, but consist mostly of single-family detached lots.

Land uses allowed in the *Suburban Neighborhood Character Area* include parks and recreation, single-family residential, limited multi-family residential, limited general mixed-use, limited commercial (retail and office), public and institutional.

It is staff's opinion that the proposed development would be more consistent with the *Suburban Neighborhood Character Area* if proposed at a lower density consisting of mostly single-family detached lots.

(4) Are there substantial reasons why the property cannot or should not be used as currently zoned?

The subject property is currently zoned P-U-D for a conference center and scientific retreat complex not to exceed 55,000 square feet in size, consisting of 64 guest rooms, auditorium, cafeteria, conference rooms, 3 swimming pools, 3 tennis courts, eight horse stables and a single-family caretaker residence and an unspecified number of private villas. A different use requires the P-U-D zoning to be amended or the property to be rezoned entirely. The proposed P-U-D amendment is a site-specific zoning that assures the developer will adhere to the proposed development quality and standards as presented by the applicant and any associated zoning conditions.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

City water and sewer is available and capacity is sufficient to serve the proposed development.

Existing public safety services currently respond to the adjacent properties. Gainesville Fire Station #4 is located off of Memorial Park Drive which is approximately 2.2± miles from the subject property. Hall County Fire Station #4 is 0.8 mile south of the property off of McEver Road.

According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the proposed age restricted detached homes, paired villas and condominiums will generate a combined 1,789 weekday trips (50% entering, 50% exiting), 176 A.M. peak hour trips (43% entering, 57% exiting), and 176 P.M. peak hour trips (56% entering, 44% exiting).

The traffic impact study was based on a more intense proposal that included a total of 591 residential units and 29,750 square feet of commercial space. The current proposal is an age-restricted community consisting of 507 residential units and no commercial space. Site distance appears to be sufficient for the proposed McEver Road access but coordination will be required with GDOT for necessary improvements which are identified in the Traffic Study. The results of the future traffic operations analysis indicate that the studied non-signalized intersections at McEver Road will operate with significant delays.

The proposed use is designed as an age-restricted community which should have minimal to no impact on the Gainesville City School System. The applicant estimates the development will have less than 25 resident school age children.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

Properties fronting McEver Road include a mixture of residential and commercial due to the nearby Dawsonville Highway and Browns Bridge Road commercial corridors. Properties fronting Lake Lanier have remained mostly single-family residential in nature at lower densities. The mixture of residential housing proposed may be suitable with a reduction in density and reducing the height of the proposed condominiums to no more than 3 stories.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

Based on the Comprehensive Plan and the adjacent single-family detached residential uses, it appears the proposal as presented does not reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property, with the recommended zoning conditions.

▪ **Decisions Involving Constitutional Challenges**

The applicant has filed a constitutional objection with this zoning amendment request. In addition to the above Staff Analysis, the governing body shall pay particular attention to the following criteria in relation to this zoning amendment request:

- (1) Existing uses and zoning of the subject and nearby property;
- (2) The extent to which property values are diminished by the particular zoning restrictions;
- (3) The extent to which the destruction of property values, if any, promotes the health, safety, morals or general welfare of the public;
- (4) The relative gain to the public, as compared to the hardship, if any, imposed upon the individual property owner;
- (5) The suitability of subject property for zoned purposes;
- (6) The length of time the property, if vacant, has been vacant as zoned considered in the context of land development in the areas and the vicinity of the property.

▪ **Staff Recommendation**

The Planning Division staff is recommending **denial** of this Planned Unit Development (P-U-D) zoning amendment request, based on the Comprehensive Plan and the adjacent and nearby residential uses. However, if consideration is given to approve this request, Staff would recommend the following zoning conditions.

Conditions

1. **The development standards within the applicant's narrative, concept plans, zoning booklet and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval. Any zoning conditions adopted as part of this zoning ordinance that conflict with these documents shall take precedence over the applicant's development standards.**
2. **The proposal shall not to exceed 333 age-restricted units (2.75 du/ac). The unit mix shall allow for no more than 100 condominium units and 40 paired villas. The number of detached residential homes shall not be limited so as the total number of all residential units combined do not exceed 333 age-restricted units.**
3. **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.**

- 4. A mandatory Homeowners Association (HOA) or multiple associations shall be required for the proposed development providing for the financial management, architectural controls, enforcement of community standards and management of all common areas. Any modifications or new construction within the community must be approved by the Architectural Review Board. The Board will be established and operated by the developer until such time the powers are transferred to the HOA(s). A covenant shall be required to be recorded for the proposed development stating that no more than 20% of the total residential units may be rented between all condominiums, detached and attached residential products.**
- 5. The condominium buildings shall not exceed 3 stories in height as measured from the lowest elevation.**
- 6. The proposed 50-foot wide perimeter buffer adjacent to the Waters Edge subdivision shall be remain undisturbed. A mixture of evergreen Cryptomeria, Arborvitae and Eastern Red Cedar trees shall be planted along the western edge of the perimeter buffer adjacent to the proposed single-family detached lots. The minimum height of the trees shall be 10 feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**
- 7. The right-of-way fronting McEver Road shall be landscaped and maintained subject to the approval of the Community & Economic Development Director.**
- 8. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT). All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.**
- 9. All proposed roads shall meet City standards. Sidewalks shall be provided on both sides of all roads and drive aisles/parking areas at a minimum width of 5-feet. The sidewalks shall extend and connect to the existing sidewalk network on McEver Road.**
- 10. All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses, roads and Lake Lanier.**
- 11. Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**
- 12. A uniform sign plan shall be required for the proposed development subject to the approval of the Community and Economic Development Department Director.**