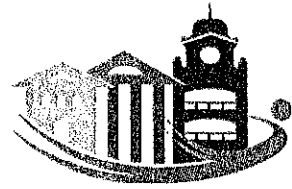




**CITY OF DULUTH
Planning Commission
Meeting Minutes
May 7, 2018**



COMMISSIONERS PRESENT: Chairman Gary Canter, Vice Chairman Ray Williams, Commissioners Manfred Graeder, Bernard Robertson and Alana Moss

COMMISSIONERS ABSENT: Commissioner Bob Pennington.

STAFF PRESENT: Bill Aiken, Planning and Development Director
Dan Robinson, Senior Planner

I. CALL TO ORDER

Meeting called to Order at 7:00pm

II. GENERAL BUSINESS

None

III. APPROVAL OF MINUTES

1. Approval of the April 16, 2018 Minutes

Motion to Approve the Minutes made by Commissioner Williams, Seconded by Commissioner Graeder.

ALL FOR, Motion Passes 5-0

IV. OLD BUSINESS

1. Case: Z#2017-003
Applicant: Marty Orr
Location: Duluth Highway and Howell Street
Parcel: R6293 073, R6293 200, R6293 214
Request: Rezoning from C-1 (Neighborhood Business District) to PUD (Planned Unit Development District) to allow for 55 single family attached homes.

Mr. Robinson presented for staff. The purpose of this request (Z#2017-003) is to rezone +/- 6.01 acres of property in Land Lot 293, 6th District, Gwinnett County, consisting of tax parcels R6293 073, R6293 214, R6293 200 from C-1 (Neighborhood

Business District) to PUD (Planned Unit Development District). The applicant intends to develop the site with 55 single-family attached homes. The proposed development also contains open space along the rear of the property.

The site currently consists of three (3) parcels totaling +/- 6.01 acres. Parcel R6293 200 contains a parking lot for a small church along with an assortment of accessory structures including a shed and trailer. This property has been mostly cleared of all vegetation with the exception of the very back of the property. Parcel R6293 073 contains a single family house and an accessory building. Parcel R6293 214 is undeveloped. There is a stream at the rear of the three properties which is identified by the Gwinnett County GIS and U.S. Fish and Wildlife's National Wetland Inventory. State and local regulations prohibit clearing and grading within 50 feet of the stream for water quality. There is an additional 25 foot buffer that prohibits impervious surfaces.

The property is surrounded by a mixture of uses. To the north of the property across the stream are two large undeveloped parcels totaling +/- 16.7 acres. To east is a power substation owned by Georgia Power. To the south, across Duluth Highway are two office buildings. To the west along Howell Street is an office building owned by Southern Bell (AT&T).

The City has been working for years to redevelop downtown with restaurants and retail establishments. Adding 55 housing units within walking distance to downtown will help improve the viability of the restaurants and retail establishments.

The proposed development followed the spirit and intent of the district by incorporating many of the design regulations. The Downtown Overlay District (DOD) requires building facades to be primarily brick with accents of different materials. The proposed architecture of both the front and rear entry units are entirely brick on three sides with flat roofs and parapet walls.

The applicant is proposing sidewalks fronting the subject properties along Duluth Highway and Howell Street. The sidewalk on the adjacent property ends just short of the property line by roughly 7-12 feet. The applicant has stated that he is not willing to extend the sidewalk past the property line. Therefore, there will be a gap in the sidewalk along Howell Street.

Georgia Department of Transportation has stated that they will not review the development during the land development permit (LDP) process as there is no proposed driveway onto Duluth Highway. Therefore, staff is recommending that the applicant commission a traffic impact study to determine what infrastructure improvements would be necessary if the development of 55 townhomes is added. The traffic impact study will be required prior to the issuance of any permits.

Planning staff recommends approval of Case Z#2017-003 with conditions provided in Exhibit "B" of this staff report.

Commissioner Williams asked if there were any City plans for sidewalk improvements to Howell Street. Mr. Robinson stated that the City has no plans for sidewalk improvements on Howell Street.

Commissioner Graeder asked if it was possible for AT&T to construct the sidewalk in front of their property to extend to the property line. Mr. Robinson stated that it would be difficult for the City to retroactively make AT&T add more sidewalk so long after the building was constructed.

Chairman Canter opened the public comment portion of the hearing to those in support of the proposed rezoning.

Kenneth Wood, Planners and Engineers, 300 Research Court, Norcross, spoke on behalf of the applicant. Mr. Wood stated that the proposed development was designed to be an urban development with homes engaging with Duluth Highway. The development would spur development in the urban style the City is encouraging. The entrance to the development was pushed as far away from Duluth Highway as possible. The distance away from the intersections leaves room for an added turn lane on Howell Street if the traffic impact study shows it is needed.

Regarding the sidewalk connectivity along Howell Street, the sidewalk ends on AT&T's property. They are extremely hard to get a response from. If the sidewalk is on AT&T's property and there is a condition that the sidewalk connect we feel like getting an easement from them would be very difficult.

Marty Orr, 4235 South Lee Street, Buford, applicant, stated the he has done everything the City has asked regarding the architecture of the buildings. At this time we do not know if the A/C units will be located on the rear or on the side of the buildings. Mr. Orr asked that the condition be changed to allow the A/C units be placed on the side of the buildings.

Commissioner Williams stated he understood the concern about dealing with AT&T and how difficult it is to get communication from them.

Commissioner Graeder asked what the anticipated timeline is for the development. Mr. Wood stated that late 2019 would be when the homes would be for sale.

Chairman Canter asked if the applicant had received the letter from staff regarding the traffic impact study. The applicant stated he did receive the letter and is willing to commission the report if the zoning is approved.

Chairman Canter then open the public comment portion of the meeting to those in opposition of the proposed rezoning.

Reverend Willie Goodman, 3458 Church Street, Duluth, spoke in opposition. Reverend Goodman expressed concern with traffic safety and traffic management. This property is adjacent to property owned by Mt. Carmel church. Rev. Goodman stated that the church is in the process of deciding what to do with the property and that they are concerned that this development would affect their property.

Caesar Cuenta, 2953 Dover Drive, Duluth, asked if the case was tabled would that delay the traffic impact study. Mr. Cuenta also requested that the sidewalk along Duluth Highway be six feet wide to make it more comfortable to people walking. Mr. Cuenta said he supported the project and thought it was a great development if the traffic study supported the location.

Penny Poole, 925 Smoketree Drive, Tucker, spoke in opposition of the request. Ms. Poole stated that there should be some input from the citizens. She stated that the developer did not meet with the citizens or ask the citizens how they felt about the development. Ms. Poole believes the developer has no regard for the community.

A number of people in attendance wanted their opposition for the proposed rezoning to be on record:

Andrea Sears, 2518 Parkview Run Cove, Duluth
Finita Harris, 3388 Forest Knoll Drive, Duluth
Tamera Rogers, 3461 Jones Street, Duluth
Derrick Rogers, 1892 Hillside Bend Crossing, Lawrenceville
Eugene Snow, 2617 Old Peachtree Road, Duluth
Mike Daily, 3361 Church Street, Duluth

Chairman Canter closed the public comment portion of the hearing.

Commission Graeder stated that condition #11 should be revised to allow the air conditioning units to also be located on the sides of the buildings. Mr. Aiken stated that staff could amend the condition to allow flexibility of the location of the units, but not in the front of the buildings.

Chairman Canter stated he is concerned about the impact to traffic and was under the assumption that Georgia Department of Transportation would review the plans for the project and require road improvements. He believes that the traffic impact analysis will cover what improvements are needed.

Commissioner Moss stated that if the zoning stayed the same a commercial building could be built with no traffic stipulations or zoning conditions for architectural design.

Chairman Canter asked how the results of the traffic impact study would be implemented. Mr. Aiken stated that the improvements recommended in the traffic impact study will be required during the development plan review process. If the developer was unwilling to include the needed improvements into the plans no LDP would be issued.

Motion to Approve Z#2017-003 with staff conditions with condition #11 amended to allow air conditioning units on the side of the buildings made by Commissioner Moss, Seconded by Commissioner Williams.

ALL FOR, Motion Passes 5-0

V. NEW BUSINESS

None

VI. OTHER BUSINESS

1. Matters from Staff

Mr. Aiken gave updates on various City Capital Improvement Projects.

2. Matters from Commission

None.

3. Matters from Public

Ms. Penny Poole asked how she could get the staff report and other items from the meeting. Chairman Canter advised her to email planning staff during normal working hours.

VII. ADJOURNMENT

Motion to Adjourn made by Commissioner Williams, Seconded by Commissioner Graeder.

ALL FOR, Motion Passes 5-0

Approved this 4th day of JUNE, 2018


Chairman


Secretary/Witness

