



*Gary Canter, Chairman
Ray Williams, Vice Chairman
Manfred Graeder*

*Alana Moss
Robert Pennington
Bernard Robertson*

**SUMMARY MINUTES
PLANNING COMMISSION
CITY OF DULUTH, GA
3167 Main Street
Duluth, GA 30096**

August 6, 2018 **CITY HALL – COUNCIL CHAMBERS** **7:00 pm**

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Bill Aiken, Planning and Development Director
Daniel 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 July 16th, 2018 Minutes

Motion to Approve the July 16th, 2018 Minutes made by Commissioner Graeder, Seconded by Commissioner Pennington.

ALL FOR, Motion Passes 5-0

IV. OLD BUSINESS

None

V. NEW BUSINESS

Case: Z#2018-001
Applicant: Warren Jolly, The Providence Group of Georgia, LLC
Location: Main Street near Peachtree Industrial Boulevard
Request: Rezone 4.63 acres from C-2 (General Business District) to PUD (Planned Unit Development District) to allow for 47 townhomes.

Mr. Robinson presented for staff: The purpose of this request is to rezone 4.63 acres of property in Land Lot 205, 7th District, Gwinnett County, consisting of tax parcel R7205 012 from C-2 (General Business District) to PUD (Planned Unit Development District). The applicant intends to develop the site with 47 townhomes. The site is currently undeveloped and contains +/- 4.63 acres. The property is surrounded by a mixture of uses. To the north of the property is the Marketplace Village mixed-use development that is currently in the land development stage. The area closest to the subject property will be a 126-unit age-restricted apartment development. To the east, across Main Street is the Heights at Sugarloaf and Sugarloaf Market PUD. There is an office/manufacturing building to the south across Main Street. To the west is a water pumping station owned by Gwinnett County Department of Water Resources. Not adjacent, but in very close proximity is the Riverbrooke neighborhood which has nearly 600 single family homes.

Planning staff has some concerns with the site plan. The first concern is the location of the proposed driveway. Staff believes that the driveway would be safer if it was located on the northern or southern end of the property due to the site distances. The city's contracted engineers as well as staff from Gwinnett County Department of Transportation agree that the proposed location is not the preferred location of the driveway.

The second concern staff has is the location of the above-ground detention pond being adjacent to the Main Street multi-use trail. The multi-use trail is a 10 foot wide sidewalk that will extend from Peachtree Industrial Boulevard along Main Street to Brock Road. The multi-use trail is the largest capital project the City is working on. Staff believes that placing a detention pond right next to the trail detracts from it. In addition to the detention pond, there are a number of townhomes where the rear elevation face Main Street. Staff feels that it is important the unit front Main Street so there is interaction with the trail. The applicant is also proposing to include a 4 foot decorative fence.

Planned Unit Development Districts require a certain amount of open space. This site is being completely cleared and developed. However there are no significant natural features on this property. Residential-only PUD developments are required to provide an area for amenities that 10% of the gross floor area of the units. The applicant is proposing a dog park within the center of the street. The applicant is also counting a side yard and the grassed area at the entrance to the neighborhood as amenity area. In staff's opinion, only the dog park meets the spirit and intent of the amenity requirement.

Finally, the architecture of the townhomes, while high in quality, is substantially similar to other nearby neighborhoods that the development has built recently in Duluth and Suwanee. It is a goal of the city to encourage a mix of housing styles so that the neighborhoods do not "age" at the same rate.

Staff recommends denial of the rezoning.

Commissioner Williams: Did the applicant make an attempt to meet with the adjacent homeowners?

Mr. Robinson: Yes. The applicant and I attended a Riverbrooke neighborhood meeting to discuss the request.

Commission Graeder: Can you talk about the topography of the site.

Mr. Robinson: The site does step up from Main Street and Marketplace Village. It is my understanding that there is a fair amount of rock. I don't believe the final building floor elevations have been determined at this time.

Chairman Canter opened the public hearing to those speaking in favor of the request.

Warren Jolly, President of the Providence Group of Georgia, applicant: I have been a resident of Duluth for the past 20 years. I can't tell you how discouraged I am with staff's recommendation. We are asking to build fee simple townhomes next to 126 apartments. We have built projects in Duluth like Rivers Edge which was a pipe farm. We also zoned the Glens at Sugarloaf which is across Peachtree Industrial Boulevard from the Fuqua development (Sugarloaf Market). At that time the city was more favorable to down zoning property from commercial to residential.

I've been doing this for 30 years and we don't do like most developers and not spend any money on due diligence. We build around 500 houses a year. We spent significant dollars on engineering and testing. We aren't guessing that this site works. We are doing a residential use so we should not be required to have a buffer.

We do not own the strip of land near Marketplace Village. We cannot build a driveway on land that we don't own. Both driveway locations that staff recommended don't work without easements or buying additional property. The locations also don't work because of the topography of the site.

We have built units on the Alpharetta Loop and the Beltline in Atlanta. We are very familiar with orienting buildings to face trails. We came in with a site plan with the townhomes facing the trail along with the pocket parks near the entrance. We build these all over the place and people love them. People could use the pocket park as public space where people can rest on benches.

I met with staff a number of times before we filed the application and after. I never heard of the requirement of 10% open space. I don't find the definition of open in the ordinance. There should also be no buffer on our property because townhomes are less intensive than the apartments we are next to.

Chairman Canter asked if there was any one in the audience that wished to speak in opposition to the request. There being none, the Chairman closed the public hearing portion of the meeting.

Commissioner Moss: Would you explain what fee-simple townhomes mean?

Mr. Jolly: It is a form of ownership. It means the owner of the townhome owns the ground underneath the townhome.

Commissioner Robertson: Is the entire site rock or are the certain areas where the rock is located?

Mr. Jolly: Most of the site is rock at some depth.

Commissioner Robertson: is this the best place for a detention pond?

Mr. Jolly: We have to sell houses so we want to make the detention pond as good looking as we can. I can't control where the low spot is on the site and that is the low spot.

Commissioner Graeder: I have concerns with the topography. The site is elevated from the road and surrounding property that the base of the homes will be higher than the buildings around it.

Mr. Jolly: That is correct. The topography is challenging but I cannot change it.

Motion to Deny Z#2018-001 made by Commissioner Pennington, Seconded by Commissioner Graeder.

ALL FOR, Motion Passes 5-0

VI. OTHER BUSINESS

1. Matters from Staff

None

2. Matters from Commission

Commissioner Graeder asked when the allowed uses table will be presented. Mr. Aiken replied that it will likely come to Planning Commission in November or December.

3. Matters from Public

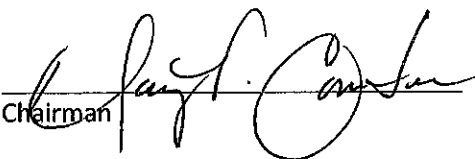
None

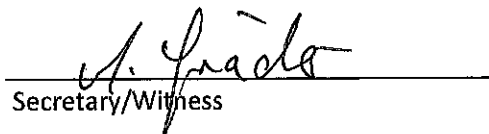
VII. ADJOURNMENT

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

ALL FOR, Motion Passes 5-0

Approved this 15th day of OCTOBER 2018


Chairman


Secretary/Witness