



AGENDA

Gainesville Mayor/Council Meeting
Tuesday, February 6, 2018, 5:30 PM
Public Safety Complex (Gainesville Justice Center)
Municipal Court Room, 701 Queen City Parkway
Mayor or Mayor Pro Tem Presides

INVOCATION:

PLEDGE OF ALLEGIANCE:

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Minutes

- A. January 9, 2018 Mayor/Council Meeting
- B. January 18, 2018 Work Session
- C. January 23, 2018 Mayor/Council Meeting

Resolutions

- A. BR-2018-07 Authorize Payment to Bleakly Advisory Group from the Fund Balance of the Tax Allocation District Fund
- B. BR-2018-08 Diverse Use of Fireworks
- C. BR-2018-09 Tax Allocation District (TAD) Funding For Broad Street Station at 400 Jesse Jewell Parkway
- D. BR-2018-10 Tax Allocation District (TAD) Funding for Carroll Daniel Construction Company at 330 Main Street and Downtown Parking Deck Expansion at 0 Main Street
- E. BR-2018-11 Tax Allocation District (TAD) Funding for JOMCO Inc. at 808 S. Main Street
- F. BR-2018-12 Tax Allocation District (TAD) Funding for Parkside on the Square at 106 Spring Street and Downtown Parking Deck Expansion at 0 Main Street
- G. PR-2018-03 Parking Deck Expansion Project
- H. PR-2018-04 Spout Springs Road Utilities Relocation - Phase I

GENERAL LEGISLATION:

A. Home Rule Ordinance 2018-01

Discontinue Second Readings and Clarify Voting Powers of the Mayor

AN ORDINANCE TO AMEND SUBSECTION B OF SECTION 2.23 ENTITLED "ORDINANCE FORM; PROCEDURES" OF THE CHARTER OF THE CITY OF GAINESVILLE, GEORGIA AND SUBSECTION 1 OF SECTION 2.29 ENTITLED "POWERS AND DUTIES OF MAYOR" OF THE CHARTER OF THE CITY OF GAINESVILLE, GEORGIA BY ELIMINATING SAID SUBSECTIONS IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING PROVISIONS OF THE CHARTER; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

PUBLIC HEARING(S):

Annexation/Zoning Items

- A. Request from **EDRE Assets, LLC** to annex a 5.048± acres tract located on the north side of Ramsey Road at its terminus (a/k/a **0, 2608 and 2611 Ramsey Road**) and to establish zoning as Planned Unit Development (P-U-D). **Ward Number: Two.** Tax Parcel Number(s): 09-110-000-019 (part), 024 and 027. **Request: 3 single-family lots.**
- B. Request from **Altus Development, LLC** to rezone a 1.13± acres tract located on the northwest side of the intersection of Park Hill Drive and South Enota Drive (a/k/a **1351 Park Hill Drive**) from Residential-II (R-II) to Office and Institutional (O-I). **Ward Number: Two.** Tax Parcel Number(s): 01-077-001-027. **Request: Medical office.**
- C. Request from **Tyler Land Holdings** to amend the existing Planned Unit Development (P-U-D) zoning on a 2.98± acres tract located on the northeast side of the intersection of McEver Road and Hillside Gardens Lane (a/k/a **1209 and 1229 Hillside Gardens Lane**) . **Ward Number: Five.** Tax Parcel Number(s): 08-006-001-058 and 075. **Request: Boat sales dealership.**
- D. Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to include amendments to Section 9-21-1-7 entitled "Meetings"; amendments to subsections (a), (b), (c) and (f) of Section 9-22-2-18 entitled "Action By Governing Body."

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

- A. BR-2018-06 Authorization to Execute Compromise, Settlement and Release Agreement By and Between the City of Gainesville and Fairway Outdoor Funding, LLC

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Friday, February 2, 2018, 9:15 AM

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 1/29/2018

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 2/6/2018

Purpose of Request:

The following appointments, minutes and/or resolutions are being considered under the Consent Agenda Section. These items were previously distributed for review and/or discussed. Unless otherwise directed by Mayor and Council, they will not be discussed during this meeting.

If you have questions regarding these documents, please feel free to contact the City Clerk's Office during normal business hours (Monday through Friday from 8:00 AM to 5:00 PM) at 770-535-6865 or via email to cityclerk@gainesville.org.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Department Director:

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 2/1/2018
Presenter: Denise Jordan
Item of Business: January 9, 2018 Mayor/Council Meeting
Meeting Date: 2/6/2018

Purpose of Request:

The purpose of this request is to allow the governing body to approve minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested: **Source of Funds:**

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 2/1/2018
Presenter: Denise Jordan
Item of Business: January 18, 2018 Work Session
Meeting Date: 2/6/2018

Purpose of Request:

The purpose of this request is to allow the governing body to approve minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested: **Source of Funds:**

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 2/1/2018
Presenter: Denise Jordan
Item of Business: January 23, 2018 Mayor/Council Meeting
Meeting Date: 2/6/2018

Purpose of Request:

The purpose of this request is to allow the governing body to approve minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested: **Source of Funds:**

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 2/1/2018

Presenter: Bryan Lackey

Item of Business: BR-2018-07 Authorize Payment to Bleakly Advisory Group from the Fund Balance of the Tax Allocation District Fund

Meeting Date: 2/6/2018

Purpose of Request:

To authorize payment from the fund balance of the TAD Fund to Bleakly Advisory Group for financial analysis of recent TAD applications.

History/Background:

The TAD Advisory Committee recommended approval of payment to Bleakly Advisory Group from the fund balance of the TAD Fund.

Facts & Issues for Consideration:

Department Recommendation:

Approval of the Resolution

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

No

Amount Requested:

\$7500

Source of Funds:

Fund Balance of the TAD Fund

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2018-07 Authorize Payment to Bleakly Advisory Group	Resolution

RESOLUTION BR-2018-07

**RESOLUTION TO AUTHORIZE PAYMENT TO BLEAKLY ADVISORY GROUP
FROM THE FUND BALANCE OF THE TAX ALLOCATION DISTRICT FUND**

WHEREAS, on October 17, 2006 the Gainesville City Council adopted the Midtown Redevelopment Plan and created Tax Allocation District (TAD) Number One – Midtown pursuant to the Georgia Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) as the next steps in the City’s redevelopment effort to reinvigorate Midtown; and

WHEREAS, the City of Gainesville considers applications for TAD financing for purposes or uses that are consistent with the definition of “redevelopment” as defined in the Georgia Redevelopment Powers Law [O.C.G.A. § 36-44-3(5)]; and

WHEREAS, upon a request for TAD funding, Bleakly Advisory Group conducts a financial analysis of the application for a fee; and

WHEREAS, Bleakly Advisory Group has provided analysis to the City of Gainesville and TAD Advisory Committee on recent TAD applications; and

WHEREAS, the TAD Advisory Committee unanimously recommended approval of payment to Bleakly Advisory Group from the fund balance of the Tax Allocation District Fund.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the payment of up to \$7,500 to Bleakly Advisory Group from the fund balance of the Tax Allocation District Fund.

Adopted this _____ day of _____, 2018.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 1/24/2018
Presenter: Bryan Lackey
Item of Business: BR-2018-08 Diverse Use of Fireworks
Meeting Date: 2/6/2018

Purpose of Request:

The purpose of this request is to recognize and acknowledge the diverse needs in different regions of the State of Georgia with respect to the use of fireworks.

History/Background:

Facts & Issues for Consideration:

House Bill 419 was passed during the 2017 Legislative Session enabling governing authorities in certain counties to further regulate the use of ignition of fireworks. It does not address the use of fireworks nor does it restrict or address the sale of fireworks.

Department Recommendation:

Adopt the resolution.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2018-08 Diverse Use of Fireworks	Resolution

RESOLUTION BR-2018-08

ACKNOWLEDGING DIVERSE USE OF FIREWORKS

WHEREAS, there are significant differences throughout the State in terms of types of communities and housing; and

WHEREAS, there are major differences in choices in terms of building density, lot size, and proximity to neighbors; and

WHEREAS, the choice of those who live in more populated areas of the State has been limited in terms of the use of fireworks and the quality of life in those more populated areas has been diminished; and

WHEREAS, fireworks are the only noise that is treated differently than other noises in state law and all other noises are governed by noise ordinances that are passed by local governments to govern their jurisdiction; and

WHEREAS, there are large unincorporated areas of the State that do not have noise ordinances; and

WHEREAS, according to <https://library.municode.com.ga>, there are only 108 of the 538 cities in Georgia, i.e., twenty percent of the cities in Georgia, that have a noise ordinance and would thus be affected by the new legislation; and

WHEREAS, all of our southeastern neighbors allow local control of the use of fireworks in their State and half of the States nationwide allow for local control of the use of fireworks, except the State of Massachusetts that does not allow the use of fireworks at all; and

WHEREAS, the Georgia House of Representatives passed House Bill 419 during the 2017 Legislative Session by a vote of 147 to 17 to enable the governing authorities in certain counties to further regulate the use or ignition of fireworks; and

WHEREAS, House Bill 419 does not address the use of all fireworks but rather the noise created by certain fireworks; and

WHEREAS, House Bill 419 does not in any fashion restrict or address the sale of fireworks.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GAINESVILLE that this resolution is presented to urge the Georgia Senate of the General Assembly to pass House Bill 419 and for the Governor of the State of Georgia to sign such bill into law to improve the quality of life for the citizens of their city, recognizing that not all such counties and cities have noise ordinances and that the population density in some areas of Georgia will not warrant regulation of noises by noise ordinance.

Adopted this ____ day of _____, 2018.

RESOLUTION BR-2018-08
ACKNOWLEDGING DIVERSE USE OF FIREWORKS

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 1/25/2018

Presenter: Bryan Lackey

Item of Business: BR-2018-09 Tax Allocation District (TAD) Funding For Broad Street Station at 400 Jesse Jewell Parkway

Meeting Date: 2/6/2018

Purpose of Request:

To consider a TAD funding request from Broad Street Station.

History/Background:

The TAD Advisory Committee met on 1/25/18 to hear from the applicant, financial consultant and staff. The TAD Advisory Committee recommended approval of this request with various conditions.

Facts & Issues for Consideration:

Department Recommendation:

Approval of the resolution to authorize TAD funding.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

Amount Requested:

42,000

Source of Funds:

TAD Fund

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2018-09 TAD Funding Request - Broad Street Station	Resolution

RESOLUTION BR-2018-09

TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “BROAD STREET STATION” AT 400 JESSE JEWELL PARKWAY

WHEREAS, the Gainesville City Council is committed to the success of the redevelopment of Midtown Gainesville into a live, work and play area; and

WHEREAS, on October 17, 2006 the Gainesville City Council adopted the Midtown Redevelopment Plan and created Tax Allocation District (TAD) Number One – Midtown pursuant to the Georgia Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) as the next steps in the City’s redevelopment effort to reinvigorate Midtown; and

WHEREAS, the City of Gainesville will only consider applications for TAD financing for purposes or uses that are consistent with the definition of “redevelopment” as defined in the Georgia Redevelopment Powers Law [O.C.G.A. § 36-44-3(5)], with said eligible purposes or uses including public works and utilities, telecommunications infrastructure, street/streetscape improvements, parks and open space amenities, transit facilities and public parking structures, pedestrian amenities and safety improvements, and site preparation; and

WHEREAS, upon approval of a request for TAD funding, a TAD Development Agreement between the applicant/developer and the City shall be executed, and shall specify the eligible expenses, what method of funding will be utilized (i.e. pay-as-you-go, bank financing, bond financing or other method), and any special conditions and performance standards of the developer; and

WHEREAS, an application involving the historic rehabilitation and restoration of an existing 1,507 SF office building into a vintage service station for use as a restaurant at 400 Jesse Jewell Parkway was reviewed by the TAD Advisory Committee and determined to achieve the TAD criteria; and

WHEREAS, the TAD Advisory Committee unanimously recommended approval of the TAD funding request of up to \$42,000 for the following use with the following conditions and payment schedule:

Use:

For exterior enhancements to include:

- **Demolition of building and parking**
- **Overhead roll up doors with glass windows**
- **Store front glass**

Conditions:

- **Property must be used as a restaurant or retail for a period of at least 10 years**
- **Permitted project must be in substantial conformance with the architectural renderings and budget submitted with the TAD application**

RESOLUTION BR-2018-09

**TAX ALLOCATION DISTRICT (TAD) FUNDING FOR "BROAD STREET STATION"
AT 400 JESSE JEWELL PARKWAY**

Payment Schedule:

Up to \$42,000 in TAD funds shall be made payable upon submittal of paid invoices for the purchase of and/or labor to complete or install the items specified under "Use" above

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the TAD application of up to \$42,000 for "Broad Street Station" at 400 Jesse Jewell Parkway.

BE IT FURTHER RESOLVED THAT that the governing body for the City of Gainesville hereby approves funding for the redevelopment improvement from the fund balance of the Tax Allocation District Fund.

BE IT FURTHER RESOLVED THAT the governing body authorizes the City Manager and City Attorney to prepare and execute a TAD Development Agreement to effectuate the terms and conditions of the funding, use and payment schedule.

Adopted this _____ day of _____, 2018.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 1/25/2018

Presenter: Bryan Lackey

Item of Business: BR-2018-10 Tax Allocation District (TAD) Funding for Carroll Daniel Construction Company at 330 Main Street and
Downtown Parking Deck Expansion at 0 Main Street

Meeting Date: 2/6/2018

Purpose of Request:

To consider a TAD funding request from Carroll Daniel Construction Company.

History/Background:

The TAD Advisory Committee met on 1/25/18 to hear from the applicant, financial consultant and staff. The TAD Advisory Committee recommended approval of this request with various conditions.

Facts & Issues for Consideration:**Department Recommendation:**

Approval of the resolution to authorize TAD funding.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?**Amount Requested:**

1,999,389

Source of Funds:

TAD Fund

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
 BR-2018-10 TAD Funding Request - Carroll Daniel Construction Company	Resolution

RESOLUTION BR-2018-10

TAX ALLOCATION DISTRICT (TAD) FUNDING FOR CARROLL DANIEL CONSTRUCTION COMPANY AT 330 MAIN STREET AND DOWNTOWN PARKING DECK EXPANSION AT 0 MAIN STREET

WHEREAS, the Gainesville City Council is committed to the success of the redevelopment of Midtown Gainesville into a live, work and play area; and

WHEREAS, on October 17, 2006 the Gainesville City Council adopted the Midtown Redevelopment Plan and created Tax Allocation District (TAD) Number One – Midtown pursuant to the Georgia Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) as the next steps in the City’s redevelopment effort to reinvigorate Midtown; and

WHEREAS, the City of Gainesville will only consider applications for TAD financing for purposes or uses that are consistent with the definition of “redevelopment” as defined in the Georgia Redevelopment Powers Law [O.C.G.A. § 36-44-3(5)], with said eligible purposes or uses including public works and utilities, telecommunications infrastructure, street/streetscape improvements, parks and open space amenities, transit facilities and public parking structures, pedestrian amenities and safety improvements, and site preparation; and

WHEREAS, upon approval of a request for TAD funding, a TAD Development Agreement between the applicant/developer and the City shall be executed, and shall specify the eligible expenses, what method of funding will be utilized (i.e. pay-as-you-go, bank financing, bond financing or other method), and any special conditions and performance standards of the developer; and

WHEREAS, an application involving the construction of a 64,000 SF Class A Office Building at 330 Main Street and expansion of the downtown parking deck at 0 Main Street was reviewed by the TAD Advisory Committee and determined to achieve the TAD criteria; and

WHEREAS, the TAD Advisory Committee unanimously recommended approval of the TAD funding request of up to \$498,917 for the following use at 330 Main Street with the following conditions and payment schedule:

Use:

- **Geotechnical Services and Hazard Analysis**
- **Phase 1 & 2 Environmental Assessments**
- **Demolition of Existing Infrastructure & Site Grading**
- **Decorative Concrete Walks/Pavers**
- **Decorative Hardscape Planters & Landscaping**
- **Power & Phone Relocation**
- **Site Stairs & Site Street Furniture**

Conditions:

- **Property at 330 Main Street must be constructed with 10,000 SF of flex space for retail or restaurant use**
- **All utilities on the property at 330 Main Street, including the street frontage, must be relocated underground**

RESOLUTION BR-2018-10

**TAX ALLOCATION DISTRICT (TAD) FUNDING FOR CARROLL DANIEL
CONSTRUCTION COMPANY AT 330 MAIN STREET
AND DOWNTOWN PARKING DECK EXPANSION AT 0 MAIN STREET**

- Permitted project must be in substantial conformance with the architectural renderings and budget submitted with the TAD application

Payment Schedule:

- Up to \$498,917 in TAD funds shall be made payable upon submittal of paid invoices for the purchase of and/or labor to complete or install the items specified under “Use” above

WHEREAS, the TAD Advisory Committee unanimously recommended approval of the TAD funding request of \$1,500,472 for the following use and payment schedule:

Use:

- Expansion of Downtown Parking Deck at 0 Main Street

Payment Schedule:

- Bond financing for expansion of the downtown parking deck whereas the TAD Increment generated from Carroll Daniel Construction Company will be utilized to pay the debt service until a total of \$1,500,472 has been accumulated

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the TAD application of up to \$498,917 for Carroll Daniel Construction Company at 330 Main Street and \$1,500,472 for expansion of the Downtown Parking Deck at 0 Main Street.

BE IT FURTHER RESOLVED THAT that the governing body for the City of Gainesville hereby approves funding of up to \$498,917 from the fund balance of the Tax Allocation District Fund.

BE IT FURTHER RESOLVED THAT that the governing body for the City of Gainesville hereby approves the utilization of the TAD Increment generated from Carroll Daniel Construction Company for the expansion of the Downtown Parking Deck until a total of \$1,500,472 has been accumulated.

BE IT FURTHER RESOLVED THAT the governing body authorizes the City Manager and City Attorney to prepare and execute a TAD Development Agreement to effectuate the terms and conditions of the funding, use and payment schedule.

RESOLUTION BR-2018-10

**TAX ALLOCATION DISTRICT (TAD) FUNDING FOR CARROLL DANIEL
CONSTRUCTION COMPANY AT 330 MAIN STREET
AND DOWNTOWN PARKING DECK EXPANSION AT 0 MAIN STREET**

Adopted this ____ day of _____, 2018.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 1/25/2018
Presenter: Bryan Lackey
Item of Business: BR-2018-11 Tax Allocation District (TAD) Funding for JOMCO Inc. at 808 S. Main Street
Meeting Date: 2/6/2018

Purpose of Request:

To consider a TAD funding request from JOMCO Inc.

History/Background:

The TAD Advisory Committee met on 1/25/18 to hear from the applicant, financial consultant and staff. The TAD Advisory Committee recommended approval of this request with various conditions.

Facts & Issues for Consideration:

Department Recommendation:

Approval of the resolution to authorize TAD funding.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

Amount Requested:

74,000

Source of Funds:

TAD Fund

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
 BR-2018-11 TAD Funding Request - JOMCO Inc.	Resolution

RESOLUTION BR-2018-11

TAX ALLOCATION DISTRICT (TAD) FUNDING FOR JOMCO INC. AT 808 S. MAIN STREET

WHEREAS, the Gainesville City Council is committed to the success of the redevelopment of Midtown Gainesville into a live, work and play area; and

WHEREAS, on October 17, 2006 the Gainesville City Council adopted the Midtown Redevelopment Plan and created Tax Allocation District (TAD) Number One – Midtown pursuant to the Georgia Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) as the next steps in the City’s redevelopment effort to reinvigorate Midtown; and

WHEREAS, the City of Gainesville will only consider applications for TAD financing for purposes or uses that are consistent with the definition of “redevelopment” as defined in the Georgia Redevelopment Powers Law [O.C.G.A. § 36-44-3(5)], with said eligible purposes or uses including public works and utilities, telecommunications infrastructure, street/streetscape improvements, parks and open space amenities, transit facilities and public parking structures, pedestrian amenities and safety improvements, and site preparation; and

WHEREAS, upon approval of a request for TAD funding, a TAD Development Agreement between the applicant/developer and the City shall be executed, and shall specify the eligible expenses, what method of funding will be utilized (i.e. pay-as-you-go, bank financing, bond financing or other method), and any special conditions and performance standards of the developer; and

WHEREAS, an application involving the renovation of an existing 12,100 SF office building at 808 S. Main Street was reviewed by the TAD Advisory Committee and determined to achieve the TAD criteria; and

WHEREAS, the TAD Advisory Committee unanimously recommended approval of the TAD funding request of up to \$74,000 for the following use with the following conditions and payment schedule:

Use:

For exterior masonry consisting of brick or brick and arriscraft

Conditions:

Permitted project must be in substantial conformance with the architectural renderings and budget submitted with the TAD application

Payment Schedule:

Up to \$74,000 in TAD funds shall be made payable upon submittal of paid invoices for the purchase of and/or labor to install the exterior masonry

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the TAD application of up to \$74,000 for JOMCO Inc. at 808 S. Main Street.

RESOLUTION BR-2018-11

**TAX ALLOCATION DISTRICT (TAD) FUNDING FOR JOMCO INC.
AT 808 S. MAIN STREET**

BE IT FURTHER RESOLVED THAT that the governing body for the City of Gainesville hereby approves funding for the redevelopment improvement from the fund balance of the Tax Allocation District Fund.

BE IT FURTHER RESOLVED THAT the governing body authorizes the City Manager and City Attorney to prepare and execute a TAD Development Agreement to effectuate the terms and conditions of the funding, use and payment schedule.

Adopted this ____ day of _____, 2018.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 1/25/2018

Presenter: Bryan Lackey

Item of Business: BR-2018-12 Tax Allocation District (TAD) Funding for Parkside on the Square at 106 Spring Street and Downtown Parking Deck Expansion at 0 Main Street

Meeting Date: 2/6/2018

Purpose of Request:

To consider a TAD funding request from Parkside on the Square.

History/Background:

The TAD Advisory Committee met on 1/25/18 to hear from the applicant, financial consultant and staff. The TAD Advisory Committee recommended approval of this request with various conditions.

Facts & Issues for Consideration:

Department Recommendation:

Approval of the resolution to authorize TAD funding.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

Amount Requested:

3,858,873

Source of Funds:

TAD Fund

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2018-12 TAD Funding Request - Parkside on the Square	Resolution

RESOLUTION BR-2018-12

TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “PARKSIDE ON THE SQUARE” AT 106 SPRING STREET AND DOWNTOWN PARKING DECK EXPANSION AT 0 MAIN STREET

WHEREAS, the Gainesville City Council is committed to the success of the redevelopment of Midtown Gainesville into a live, work and play area; and

WHEREAS, on October 17, 2006 the Gainesville City Council adopted the Midtown Redevelopment Plan and created Tax Allocation District (TAD) Number One – Midtown pursuant to the Georgia Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) as the next steps in the City’s redevelopment effort to reinvigorate Midtown; and

WHEREAS, the City of Gainesville will only consider applications for TAD financing for purposes or uses that are consistent with the definition of “redevelopment” as defined in the Georgia Redevelopment Powers Law [O.C.G.A. § 36-44-3(5)], with said eligible purposes or uses including public works and utilities, telecommunications infrastructure, street/streetscape improvements, parks and open space amenities, transit facilities and public parking structures, pedestrian amenities and safety improvements, and site preparation; and

WHEREAS, upon approval of a request for TAD funding, a TAD Development Agreement between the applicant/developer and the City shall be executed, and shall specify the eligible expenses, what method of funding will be utilized (i.e. pay-as-you-go, bank financing, bond financing or other method), and any special conditions and performance standards of the developer; and

WHEREAS, an application involving the construction of 15,000 SF of street front retail and 32 condominiums above at 106 Spring Street and expansion of the downtown parking deck at 0 Main Street was reviewed by the TAD Advisory Committee and determined to achieve the TAD criteria; and

WHEREAS, the TAD Advisory Committee unanimously recommended approval of the TAD funding request of up to \$2,464,000 for the following use at 106 Spring Street with the following conditions and payment schedule:

Use:

- **Site Work**
- **Concrete Podium Structure**
- **Pedestrian Bridge**
- **Canopies over Retail**
- **Exterior Architectural Enhancements**
- **Pocket Park**

Conditions:

- **Development must contain restaurant/retail use at the street level**
- **A minimum investment of \$224,000 must be made for the development of a Pocket Park to provide connectivity between Roosevelt Square and the Downtown Square**

RESOLUTION BR-2018-12

**TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “PARKSIDE ON THE SQUARE”
AT 106 SPRING STREET
AND DOWNTOWN PARKING DECK EXPANSION AT 0 MAIN STREET**

- Permitted project must be in substantial conformance with the architectural renderings and budget submitted with the TAD application

Payment Schedule:

- Up to \$2,464,000 in bond financing shall be made payable upon submittal of paid invoices for the purchase of and/or labor to complete or install the items specified under “Use” above whereas the TAD Increment generated from Parkside on the Square will be utilized to pay the debt service

WHEREAS, the TAD Advisory Committee unanimously recommended approval of the TAD funding request of \$1,394,873 for the following use and payment schedule:

Use:

- Expansion of Downtown Parking Deck at 0 Main Street

Payment Schedule:

- Bond financing for expansion of the downtown parking deck whereas the TAD Increment generated from Parkside on the Square, after \$2,464,000 has been accumulated, will be utilized to pay the debt service until a total of \$1,394,873 has been accumulated

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the TAD application of up to \$2,464,000 for Parkside on the Square at 106 Spring Street and \$1,394,873 for expansion of the Downtown Parking Deck at 0 Main Street.

BE IT FURTHER RESOLVED THAT that the governing body for the City of Gainesville hereby approves the utilization of the TAD Increment generated from Parkside on the Square until a total of \$3,858,873 has been accumulated.

BE IT FURTHER RESOLVED THAT the governing body authorizes the City Manager and City Attorney to prepare and execute a TAD Development Agreement to effectuate the terms and conditions of the funding, use and payment schedule.

RESOLUTION BR-2018-12

**TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “PARKSIDE ON THE SQUARE”
AT 106 SPRING STREET
AND DOWNTOWN PARKING DECK EXPANSION AT 0 MAIN STREET**

Adopted this ____ day of _____, 2018.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/22/2017
Presenter: Bryan Lackey
Item of Business: PR-2018-03 Parking Deck Expansion Project
Meeting Date: 2/6/2018

Purpose of Request:

Award of Construction Contract to Carroll Daniel Construction Company.

History/Background:

The City of Gainesville is engaged in expanding the parking deck located at 301 Main Street.

Facts & Issues for Consideration:

Staff has evaluated five Bids that were received for the City of Gainesville, Georgia Parking Deck Expansion Project and recommends award of contract to Carroll Daniel Construction Company, which is the lowest acceptable Bidder.

Department Recommendation:

Authorize staff by resolution to award the construction contract to Carroll Daniel Construction Company.

Department Director:

Linda MacGregor

If funding is involved, are funds approved within the current budget?

Amount Requested:

\$4,341,300.00

Source of Funds:

Tax-exempt Bonds

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Parking Deck Expansion	Resolution
☐ Parking Deck Expansion CIP Summary	Attachments/Exhibits

RESOLUTION PR-2018-03

PARKING DECK EXPANSION PROJECT

WHEREAS, the City of Gainesville is engaged in expanding the parking deck located at 301 Main Street and constructing public restrooms in this same area as part of this expansion project; and

WHEREAS, five bids from construction contractors were received on December 7, 2017; and

WHEREAS, the lowest acceptable bid for the expansion project was submitted by Carroll Daniel Construction Company, in the amount of \$3,435,666.00; and

WHEREAS, staff has reviewed and evaluated the bid from Carroll Daniel Construction Company and recommends the construction contract be awarded to Carroll Daniel Construction Company, in the amount of \$3,435,666.00; and

WHEREAS, an additional \$905,634.00 is also authorized for contingency, project management, legal fees, and other miscellaneous project expenditures necessary to complete this project for a total project budget of \$4,341,300.00.

WHEREAS, all or a portion of the cost of the Project will be financed with the proceeds of tax-exempt obligation bonds (the "Bonds") to be issued by the City or other conduit issuer on behalf of the City; and

WHEREAS, prior to the issuance of the Bonds, the City may pay for a portion of the cost of the Project; and

WHEREAS, the City will reimburse itself with Bond proceeds for the cost of the Project paid prior to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes award of the construction contract to Carroll Daniel Construction Company, in the amount of \$3,435,666.00.

BE IT FURTHER RESOLVED THAT the total authorized project expenditure shall not exceed \$4,341,300.00 and that said expenditure shall be from Tax-exempt Bonds. The estimated project construction time is 240 calendar days from the date of notice to proceed.

BE IT FURTHER RESOLVED THAT the City of Gainesville Mayor, City Manager and City Attorney are authorized to sign such documents that may be necessary to complete this project.

Adopted this ____ day of _____, 2018.

C. Danny Dunagan, Jr. Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

GENERAL GOVERNMENT

CAPITAL IMPROVEMENTS PROJECT SUMMARY REQUEST

PROJECT NAME: The City of Gainesville, Georgia Parking Deck Expansion Project			
PROJECT NUMBER: _____		PROJECT DEPARTMENT _____	
RESOLUTION NUMBER: PR-2018-03		LOCATION: 1565.00	
PROJECT MANAGER: Byran Lackey			
CHECK ONE: NEW PROJECT: ☒ ADDITIONAL FUNDING _____			

CODE		ACCOUNT NUMBER	AMOUNT REQUEST
SWB - CITY PROVIDED PROJECT MANAGEMENT			
1100	Salaries and Wages	511100.XXX to 511150.XXX	\$30,000.00
1101	Overtime Earnings	511300.XXX to 511350.XXX	
1110	Health and Life Insurance Premiums	512100.000	
1140	Social Security and Medicare Expense	512200.000	
1171	Retirement Contribution - Plan A	512400.001	
	SUBTOTAL		\$30,000.00
PDD - PROJECT DEVELOPMENT & DESIGN			
8101	Project Development	541000.001	
8102	Facility Design/Bidding Service	541000.002	
8103	Geotechnical	541000.003	
8104	Laboratory	541000.004	
8105	Survey	541000.005	
8106	Other	541000.011	
8107	Legal Services	541000.006	
	SUBTOTAL		\$0.00
LAND - LAND/EASEMENT ACQUISITION			
8201	Survey	541100.003	\$0.00
8202	Legal Services	541100.004	
8203	Land Agent Services	541100.005	
8204	Land Purchase	541100.001	
8205	Easement Acquisition	541100.002	
	SUBTOTAL		\$0.00
CON - CONSTRUCTION			
8301	Construction Admin. Services	541000.007	\$25,000.00
8302	Resident Inspection Services	541000.008	\$160,000.00
8303	Legal Services	541000.006	\$3,500.00
8304	Contracted Construction Cost	541000.009	\$4,122,800.00
8305	City-Furnished Materials	541000.010	
8306	Other	541000.011	
8308	Furnishings and Equipment (Taggable Assets)	531600.002	
	SUBTOTAL		\$4,311,300.00
MEQ - MACHINERY AND EQUIPMENT			
2000	Equipment	542000.000	
2200	Vehicles	542000.000	
	SUBTOTAL		\$0.00
INT - INTANGIBLES			

5431	Master Plans & Studies	543000.001	
5432	Software	543000.002	
5433	Other	543000.003	
	SUBTOTAL		\$0.00
RMT - REPAIRS AND MAINTENANCE			
5201	Annual Maintenance Contracts	522200.001	
5202	General Repairs and Maintenance	522200.002	
5203	Equipment Repairs	522200.003	
5204	Vehicles	522200.004	
5205	Tires	522200.005	
5206	Streets	522200.006	
5207	Sidewalks	522200.007	
5208	Bridges	522200.008	
5209	Stormwater	522200.009	
	SUBTOTAL		\$0.00
	TOTAL		\$4,341,300.00

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 1/19/2018
Presenter: Bryan Lackey
Item of Business: PR-2018-04 Spout Springs Road Utilities Relocation - Phase I
Meeting Date: 2/6/2018

Purpose of Request:

To request funding to enter into a professional services agreement for the design and bidding services of the Spout Springs Road Utilities Relocation - Phase I Project.

History/Background:

The Georgia Department of Transportation (GDOT) will be widening and improving a section of Spout Springs Road from Union Circle to Hog Mountain Road and has requested the City of Gainesville to relocate all utilities in conflict with the road widening project.

Facts & Issues for Consideration:

This project will relocate all existing water mains that are in conflict with the Georgia Department of Transportation road widening project.

Department Recommendation:

Authorize staff by resolution to enter into an agreement for professional services with Wiedeman and Singleton, Inc. to complete the design and bidding phases of this project.

Department Director:

Linda MacGregor

If funding is involved, are funds approved within the current budget?

Amount Requested:

\$347,420.00

Source of Funds:

Department of Water Resources Capital Projects Fund

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
PR-2018-04 Spout Springs Road Utilities Relocation - Phase I	Resolution
Spout Springs Rd Utilities Relocation CIP Summary	Attachments/Exhibits

- Spout Springs Rd UR - P1 Design Proposal
- Location Map

- Backup Material
- Powerpoint Presentation

RESOLUTION PR-2018-04

SPOUT SPRINGS ROAD UTILITIES RELOCATION – PHASE I DESIGN AND BIDDING SERVICES

WHEREAS, the City of Gainesville owns and operates a water distribution system that serves a large portion of Hall County; and

WHEREAS, the Georgia Department of Transportation (GDOT), has planned to improve and widen a section of Spout Springs Road (CR 1287) from Union Circle to Hog Mountain Road; and

WHEREAS, GDOT has notified the City of Gainesville and submitted roadway plans requesting relocation of any City utilities which are in conflict with the roadway improvement project; and

WHEREAS, the Department of Water Resources (DWR) staff has identified utility conflicts within the City's service area and plans to conduct all necessary relocations necessary to protect the City's utilities; and

WHEREAS, Wiedeman and Singleton, Inc. has submitted a proposal and scope to perform design and bidding services for the required utility improvements; and

WHEREAS, DWR staff has reviewed said scope and proposal and recommends Wiedeman and Singleton, Inc. be authorized to proceed with performing this project; and

WHEREAS, DWR staff recommends entering into an Agreement for Professional Services for the Spout Springs Road Utilities Relocation – Phase I project with Wiedeman and Singleton, Inc.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes staff to enter into an Agreement for Professional Services with Wiedeman and Singleton, Inc. and apply for and obtain all necessary permits and licenses, obtain bids from pre-qualified contractors, and make recommendation of award to the governing body for the City of Gainesville.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby authorizes and directs the City Manager, City Attorney and DWR staff to acquire, at fair market value, temporary and permanent easements and other property that may be required to construct and operate the facilities.

BE IT FURTHER RESOLVED THAT the total authorized expenditure shall not exceed \$347,420.00 and that said expenditure shall be from the Department of Water Resources Capital Projects Fund.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Mayor, City Manager and/or City Attorney to sign applicable documents that may be necessary to complete this project.

RESOLUTION PR-2018-04

**SPOUT SPRINGS ROAD UTILITIES RELOCATION – PHASE I DESIGN AND BIDDING
SERVICES**

Adopted this _____ day of _____, 2018.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

DEPT OF WATER RESOURCES

CAPITAL IMPROVEMENTS PROJECT SUMMARY REQUEST

PROJECT NAME: Spout Springs Road Utilities Relocation - Phase I			
PROJECT NUMBER: _____		PROJECT DEPARTMENT Water Resources	
RESOLUTION NUMBER: PR-2018-04		LOCATION: 4440.00	
PROJECT MANAGER: Marcial Mosqueda			
CHECK ONE: NEW PROJECT: ☒ ADDITIONAL FUNDING _____			

CODE		ACCOUNT NUMBER	AMOUNT REQUEST
SWB - CITY PROVIDED PROJECT MANAGEMENT			
1100	Salaries and Wages	511100.XXX to 511150.XXX	\$45,000.00
1101	Overtime Earnings	511300.XXX to 511350.XXX	
1110	Health and Life Insurance Premiums	512100.000	
1140	Social Security and Medicare Expense	512200.000	
1171	Retirement Contribution - Plan A	512400.001	
	SUBTOTAL		\$45,000.00
PDD - PROJECT DEVELOPMENT & DESIGN			
8101	Project Development	541000.001	
8102	Facility Design/Bidding Service	541000.002	\$190,420.00
8103	Geotechnical	541000.003	\$3,000.00
8104	Laboratory	541000.004	
8105	Survey	541000.005	
8106	Other	541000.011	\$8,000.00
8107	Legal Services	541000.006	
	SUBTOTAL		\$201,420.00
LAND - LAND/EASEMENT ACQUISITION			
8201	Survey	541100.003	\$5,000.00
8202	Legal Services	541100.004	\$12,000.00
8203	Land Agent Services	541100.005	\$4,000.00
8204	Land Purchase	541100.001	\$20,000.00
8205	Easement Acquisition	541100.002	\$60,000.00
	SUBTOTAL		\$101,000.00
CON - CONSTRUCTION			
8301	Construction Admin. Services	541000.007	
8302	Resident Inspection Services	541000.008	
8303	Legal Services	541000.006	
8304	Contracted Construction Cost	541000.009	
8305	City-Furnished Materials	541000.010	
8306	Other	541000.011	
8308	Furnishings and Equipment (Taggable Assets)	531600.002	
	SUBTOTAL		\$0.00
MEQ - MACHINERY AND EQUIPMENT			
2000	Equipment	542000.000	
2200	Vehicles	542200.000	
	SUBTOTAL		\$0.00
INT - INTANGIBLES			

5431	Master Plans & Studies	543000.001	
5432	Software	543000.002	
5433	Other	543000.003	
	SUBTOTAL		\$0.00
RMT - REPAIRS AND MAINTENANCE			
5201	Annual Maintenance Contracts	522200.001	
5202	General Repairs and Maintenance	522200.002	
5203	Equipment Repairs	522200.003	
5204	Vehicles	522200.004	
5205	Tires	522200.005	
5206	Streets	522200.006	
5207	Sidewalks	522200.007	
5208	Bridges	522200.008	
5209	Stormwater	522200.009	
	SUBTOTAL		\$0.00
	TOTAL		\$347,420.00

PROPOSAL FEE SCHEDULE

FAILURE TO RETURN THE FOLLOWING AS A PART OF YOUR PROPOSAL DOCUMENT MAY RESULT IN REJECTION OF YOUR PROPOSAL:

ITEM	DESCRIPTION	PROPOSED TOTAL HOURS	NOT TO EXCEED PROPOSED COST
Design Services			
1	Project Management	148	\$25,604.00
2	Detailed Design Drawings AND OTHER DESIGN TASKS	954	\$92,970.00
3	Contract Documents	106	\$10,330.00
4	Permitting	100	\$10,720.00
5	Progress Meetings	40	\$4,890.00
Bidding Services			
6	Project Management & Bid Meeting	18	\$3,052.00
7	Pre-Bid Meeting with Documents AND OTHER BID TASKS	132	\$12,638.00
8	Tabulation of Bids & Award Recommendation	8	\$656.00
9	Construction Documents	12	\$1,736.00
Easements			
10	45 - Base Easement With Exhibit	98	\$10,558.00
	Price Per =	\$ 235.00	Additional Easements May Be Added
11	Cash Allowance for Condemnation (Easement With Exhibit, Legal, and Plat)		\$12,000.00
As - Built Plans			
12	Prepare Final As-Built Plans	62	\$5,266.00

NOT-TO-EXCEED PROPOSED COST, ITEM 1 THROUGH 12, INCLUSIVE, THE AMOUNT OF
ONE HUNDRED NINETY THOUSAND FOUR HUNDRED TWENTY AND 00/100 CENTS
DOLLARS (\$ 190,420.00)

NOTES: 1. See attached task versus man-hour breakdown for additional details.
2. Man-hours shown for W&S staff only.
3. Direct expenses included in costs. See attached for additional details

CITY OF GAINESVILLE
SPOUT SPRINGS ROAD UTILITIES
RELOCATION – PHASE I
REQUEST FOR PROPOSAL

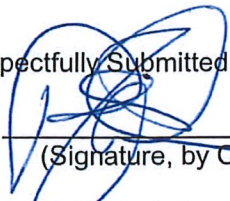
The above cost shall be a total not-to-exceed amount. Attach an hourly rate schedule for all job classifications involved in the design and permitting of the facility including any sub-consultants.
Hourly rate schedule applies to any optional and additional services as directed by Gainesville Department of Water Resources.

IN COMPLIANCE WITH THE ATTACHED PROPOSAL REQUIREMENTS, THE UNDERSIGNED OFFERS AND AGREES, IF THIS PROPOSAL IS ACCEPTED BY THE GAINESVILLE CITY COUNCIL WITHIN NINETY (90) DAYS OF THE DATE OF OPENING, TO FURNISH ANY AND ALL OF THE ITEMS UPON WHICH PRICES ARE QUOTED, AT THE FEE STATED IN THE PROPOSAL DOCUMENT.

The Offeror operates as:

- ☐ Individual
☐ Partnership
☒ Corporation in the State of Georgia

Respectfully Submitted,

BY: 
(Signature, by Officer of Corporation)

(SEAL)

Peter J. Johns, P.E.
Name of Offeror (Type or print)

Title: Chairman Phone: (678) 910-1123

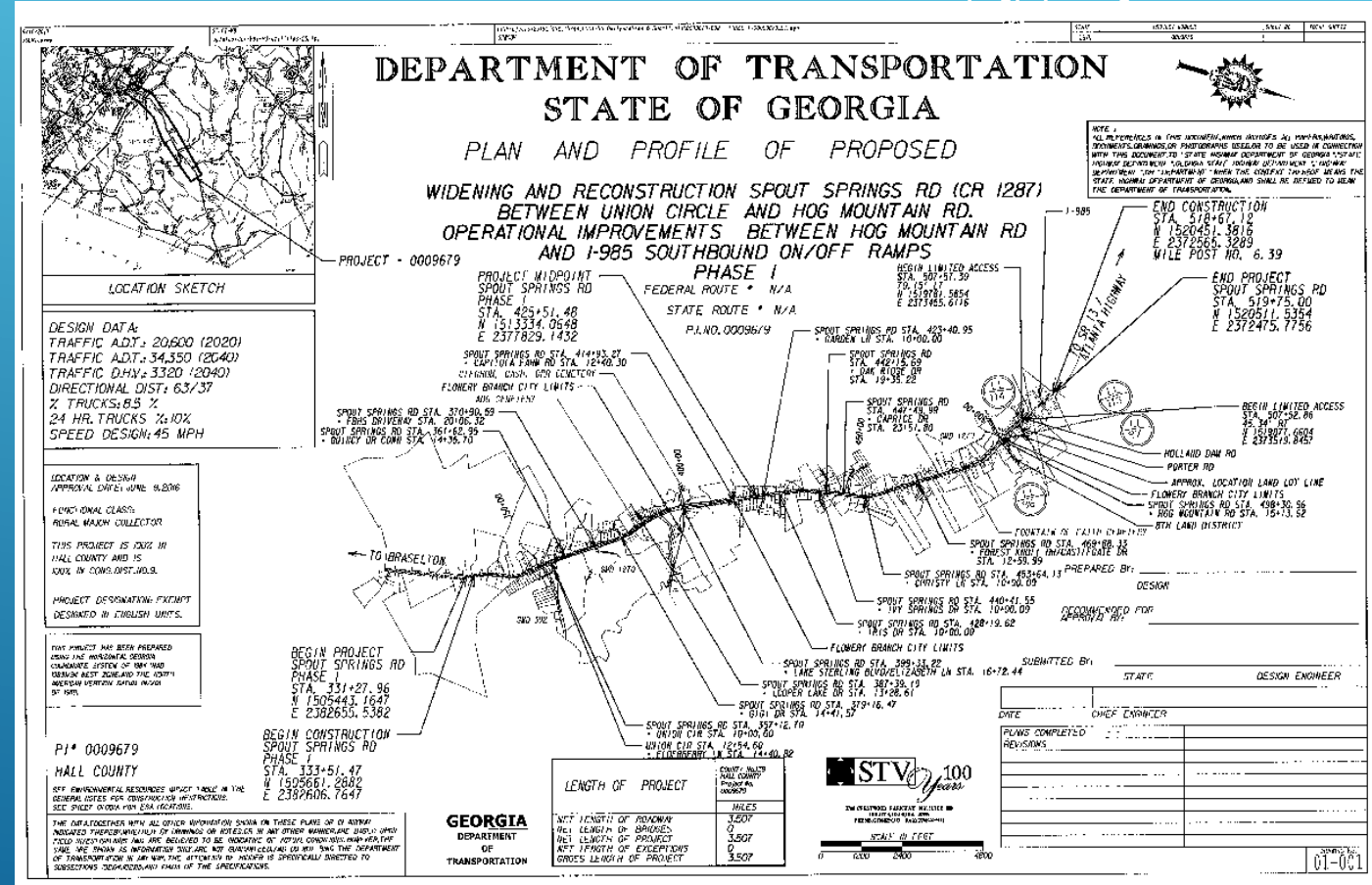
Company: Wiedeman and Singleton, Inc. Fax: NA

Address: 3091 Governors Lake Drive, Suite 430 Witness: 
(Officer of Corporation)

Norcross, GA 30071 Date: 12/19/2012

Department of Water Resources

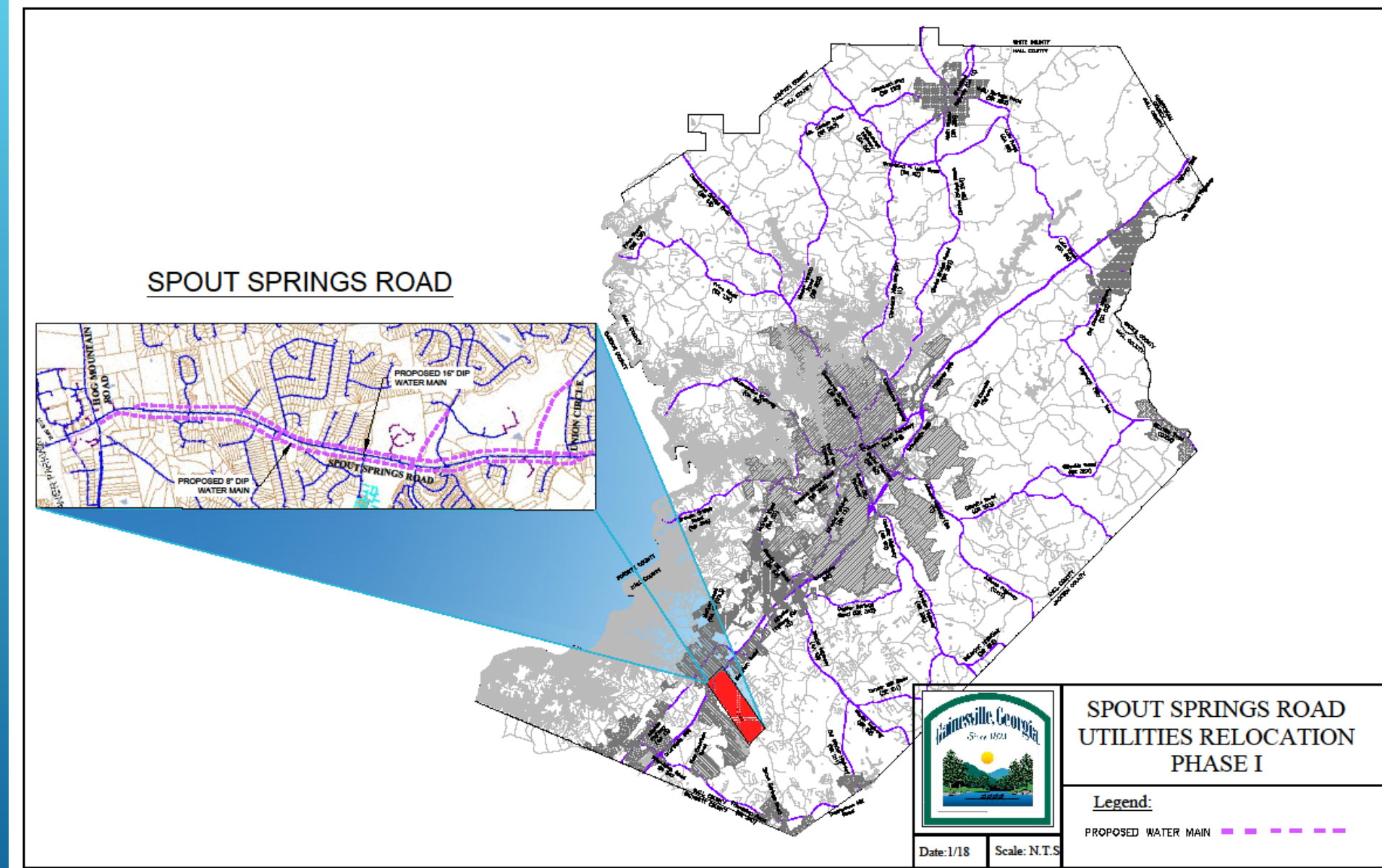
SPOUT SPRINGS ROAD UTILITIES RELOCATION – PHASE I DESIGN AND BIDDING SERVICES



SPOUT SPRINGS ROAD UTILITIES RELOCATION PHASE I

Award of Contract:

- Total not-to-exceed cost =
\$347,420.00
- Design and
Bidding Services



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 1/16/2018

Presenter: Bryan Lackey

Item of Business: **Home Rule Ordinance 2018-01**
Discontinue Second Readings and Clarify Voting Powers of the Mayor
AN ORDINANCE TO AMEND SUBSECTION B OF SECTION 2.23 ENTITLED "ORDINANCE FORM; PROCEDURES" OF THE CHARTER OF THE CITY OF GAINESVILLE, GEORGIA AND SUBSECTION 1 OF SECTION 2.29 ENTITLED "POWERS AND DUTIES OF MAYOR" OF THE CHARTER OF THE CITY OF GAINESVILLE, GEORGIA BY ELIMINATING SAID SUBSECTIONS IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING PROVISIONS OF THE CHARTER; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Meeting Date: 2/6/2018

Purpose of Request:

The purpose of this request is to present an ordinance that (1) discontinues the need for the second reading of ordinances (except when required by state/federal law) and (2) provides additional detail as to the powers and duties of the Mayor, and to obtain permission to proceed with amending the Charter.

History/Background:

The governing body asked staff to investigate the possibility of discontinuing the second reading of ordinances, and to clarify the powers and duties of the Mayor.

Facts & Issues for Consideration:

The proposed ordinance is an amendment to the Charter that is being processed utilizing home rule powers. This process takes at least five weeks to complete after authorization from the governing body to proceed. The anticipated date for first reading is February 6, 2018.

Department Recommendation:

To hold first reading on the proposed Home Rule Ordinance.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

	Description	Type
▣	HR-2018-01 Ordinance: Discontinue Second Readings and Clarify Duties of Mayor	Ordinance
▣	Process and Proposed Timeline	Backup Material

Published:	01/25/2018
Published:	02/01/2018
First Reading:	
Published:	
Passed:	

HOME RULE ORDINANCE

HR- 2018-01

AN ORDINANCE TO AMEND SUBSECTION B OF SECTION 2.23 ENTITLED “ORDINANCE FORM; PROCEDURES” OF THE CHARTER OF THE CITY OF GAINESVILLE, GEORGIA AND SUBSECTION 1 OF SECTION 2.29 ENTITLED “POWERS AND DUTIES OF MAYOR” OF THE CHARTER OF THE CITY OF GAINESVILLE, GEORGIA BY ELIMINATING SAID SUBSECTIONS IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING PROVISIONS OF THE CHARTER; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF GAINESVILLE, GEORGIA, AS FOLLOWS:

SECTION I.

Subsection (b) of Section 2.23 of the Charter of the City of Gainesville, Georgia is hereby amended to read as follows:

- (b) An ordinance may be introduced by any member of the governing body and be read at a regular or special meeting. Ordinances shall be considered and adopted or rejected by the governing body in accordance with the rules which it shall establish. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember.

SECTION II.

Subsection (1) of Section 2.29 of the Charter of the City of Gainesville, Georgia is hereby amended to read as follows:

- (1) Preside at meetings of the governing body where he or she shall have all the rights, powers, duties, and responsibilities of a councilmember except that the mayor shall not make a motion or second a motion and shall be entitled to vote on matters before the governing body only in the following situations: (a) when there is an equal division on the question; (b) when the mayor’s vote will provide the fourth affirmative vote required for approval of a matter; or (c) when the mayor’s vote will provide the majority vote required for approval of a matter. The mayor shall also be entitled to vote on the election and removal of the following officers and employees of the council: mayor pro tempore, city manager, city attorney, municipal court judge, solicitor, and city auditor;

SECTION III.

The Charter and all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION IV.

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION V.

The effective date of this Ordinance shall be upon approval by the Governing Body of the City of Gainesville.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

Amendment to Charter as it relates to Second Readings and Voting Requirements

PROCEDURE FOR CHARTER AMENDMENTS

1. Presentation to Council at Work Session seeking approval to proceed with advertisement
2. Proposed ordinance filed in City Clerk's Office and Clerk of Superior Court's Office
3. Notice of proposed amendment published in legal organ once a week for 3 weeks within a period of 60 days before final adoption. Notice shall include the caption on the ordinance and shall state a copy of the proposed amendment is on file in the City Clerk's Office and in the Clerk of the Superior Court's Office for public inspection.
4. Adopt ordinance at two regularly scheduled consecutive meetings not less than 7 nor more than 60 days apart.
5. Obtain Publisher's Affidavit from legal organ.
6. Provide Secretary of State and Clerk of Superior Court with a copy of the approved ordinance, a certified copy of the minutes (first and second reading) and a copy of the publisher's affidavit. Mail to Secretary of State, Elections Division, Suite 1104 West Tower, 2 MLK Jr. Drive, Atlanta, Georgia 30334
7. In general, the process takes between 5 and 9 weeks to complete.

TIMELINE FOR ADOPTING THE ORDINANCE

ACTION	PROPOSED SCHEDULE	ACTUAL SCHEDULE
Presentation at Work Session	1/18/18	
Approval to move forward	1/18/18	
Filed with Clerk of Superior Court	1/19/18	
Published	1/25/18	
Published	2/1/18	
First Reading	2/6/18	
Published	2/8/18	
Advise Council advertising is complete	2/15/18	
Passed	2/20/18	
Publisher's Affidavit	2/9/18 – 2/20/18	
Mailed to Secretary of State	2/23/18	

Notes:

- ULDC will need to be amended. The request goes before the Planning and Appeals Board on January 16, 2018.
- Build a schedule that allows the Charter amendment and the ULDC amendment to be adopted at the same meeting or as close together as possible.
- The proposed schedule allows both ordinance (ULDC and Charter amendment) to be considered at the same Council Meetings.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 1/22/2018

Presenter: Matt Tate

Item of Business: Request from **EDRE Assets, LLC** to annex a 5.048± acres tract located on the north side of Ramsey Road at its terminus (a/k/a **0, 2608 and 2611 Ramsey Road**) and to establish zoning as Planned Unit Development (P-U-D). **Ward Number: Two.** Tax Parcel Number(s): 09-110-000-019 (part), 024 and 027. **Request: 3 single-family lots.**

Meeting Date: 2/6/2018

Purpose of Request:

The applicant is proposing to annex the subject property with a zoning of Planned Unit Development (P-U-D) for the purpose of utilizing city sewer for 3 single-family lots that would access a future shared driveway. The property is currently zoned Planned Residential Development (P-R-D) within unincorporated Hall County and is adjacent to the city limits to the south and east. In 2008, the subject tract was conditionally approved for a 3 lot subdivision in the county but has remained undeveloped. The property touches Lake Lanier to the north, is heavily wooded, contains sloping topography and has minimal access on Ramsey Road. Nearby uses include mostly undeveloped land, a single-family home and Kubota Manufacturing.

History/Background:

This agenda item was tabled at the December 12, 2017 PAB meeting in order to modify the boundary survey which removed the neighbors septic drain field from the subject property. By doing so, there was a 0.16 acre reduction in the size of the subject property to be annexed.

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended conditional approval with five conditions.

PAB recommended conditional approval with five conditions.

See PAB Recommendation Report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval

I move to approve first reading of an ordinance to annex the subject property.

I move to approve first reading of an ordinance to establish zoning as Planned Unit Development, with five conditions.

Denial

I move to deny this request.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
☐	Legal Ad	Legal Ad
☐	PAB Recommendation Report	Report
☐	Proposed Annexation Ordinance	Ordinance
☐	Proposed Zoning Ordinance	Ordinance
☐	Location Maps	Backup Material
☐	Narrative	Backup Material
☐	Survey	Backup Material
☐	Architectural Renderings	Backup Material

COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council

Publish Sunday, December 31, 2017
THE TIMES

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING

Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, January 16, 2018 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **EDRE Assets, LLC** to annex a 5.048± acres tract located on the north side of Ramsey Road at its terminus (a/k/a **0, 2608 and 2611 Ramsey Road**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 09-110-000-019 (part), 024 and 027
Request: 3 single-family lots
- 2) Request from **Altus Development, LLC** to rezone a 1.13± acres tract located on the northwest side of the intersection of Park Hill Drive and South Enota Drive (a/k/a **1351 Park Hill Drive**) from Residential-II (R-II) to Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 01-077-001-027
Request: Medical office
- 3) Request from **Tyler Land Holdings** to amend the existing Planned Unit Development (P-U-D) zoning on a 2.98± acres tract located on the northeast side of the intersection of McEver Road and Hillside Gardens Lane (a/k/a **1209 and 1229 Hillside Gardens Lane**).
Ward Number: Five
Tax Parcel Number(s): 08-006-001-058 and 075
Request: Boat sales dealership
- 4) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to include amendments to Section 9-21-1-7 entitled "Meetings"; amendments to subsections (a), (b), (c) and (f) of Section 9-22-2-18 entitled "Action By Governing Body."

**NOTICE OF PUBLIC HEARING ON PROPOSED
AMENDMENTS TO THE GAINESVILLE ZONING MAP**

Notice is hereby given that the **Gainesville City Council** will conduct a public hearing on **Tuesday, February 6, 2018 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **EDRE Assets, LLC** to annex a 5.048± acres tract located on the north side of Ramsey Road at its terminus (a/k/a **0, 2608 and 2611 Ramsey Road**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 09-110-000-019 (part), 024 and 027
Request: 3 single-family lots
- 2) Request from **Altus Development, LLC** to rezone a 1.13± acres tract located on the northwest side of the intersection of Park Hill Drive and South Enota Drive (a/k/a **1351 Park Hill Drive**) from Residential-II (R-II) to Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 01-077-001-027
Request: Medical office
- 3) Request from **Tyler Land Holdings** to amend the existing Planned Unit Development (P-U-D) zoning on a 2.98± acres tract located on the northeast side of the intersection of McEver Road and Hillside Gardens Lane (a/k/a **1209 and 1229 Hillside Gardens Lane**).
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Request: Boat sales dealership
- 4) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to include amendments to Section 9-21-1-7 entitled "Meetings"; amendments to subsections (a), (b), (c) and (f) of Section 9-22-2-18 entitled "Action By Governing Body."

Additional information is available from the Community Development Department, Planning Division, by calling 770-531-6570.

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})

GAINESVILLE PLANNING and APPEALS BOARD RECOMMENDATION

Applicant and Property Owner..... EDRE Assets, LLC
Location..... 0, 2608 and 2611 Ramsey Road
Request..... Annex with Planned Unit Development (P-U-D) zoning
Size 5.048± acres
Ward..... Two
Proposed Use..... 3 single-family lots
Planning Division Staff Recommendation **Approval, with conditions**
Planning and Appeals Board Recommendation **Approval, with conditions**
Date..... January 16, 2018

▪ **Applicant's Proposal and Background Information**

The applicant is proposing to annex the subject property with a zoning of Planned Unit Development (P-U-D) for the purpose of utilizing city sewer for 3 single-family lots. The property is currently zoned Planned Residential Development (P-R-D) within unincorporated Hall County and is adjacent to the city limits to the south and east. The property touches Lake Lanier to the north, is heavily wooded, contains sloping topography and has 41 feet of frontage on Ramsey Road. Nearby uses include mostly undeveloped land, a single-family home and Kubota Manufacturing.

In 2008, the subject tract was conditionally approved for a 3 lot subdivision in Hall County, but has remained undeveloped. As part of the approval, a short private street and cul-de-sac was required to be constructed with a security gate. The applicant desires to change this requirement to allow for an open shared driveway instead of constructing a gated private street and cul-de-sac. Access to the three lots from Ramsey Road will be provided by a common access easement and driveway on Lot 2. Each lot will conform to the minimum Residential-I (R-I) zoning standards excluding the minimum road frontage requirements. Each home will have a minimum heated floor space of 2,000 square feet and each of the three lots will be over 1.35 acres in size. No storm water detention is required for this type of subdivision and three, two-slip boat docks have been approved by the Corps of Engineers. Of note, part of a driveway and fence from the adjacent residential property to the east encroaches within the subject property.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Single-family homes, Lake Lanier	Vacation Cottage (V-C) – County
South	Kubota Manufacturing, Single-family property	Light Industrial (L-I) and Residential-I (R-I) – City Agricultural Residential-III (AR-III) – County
East	Undeveloped land	Residential-I (R-I) – City Vacation Cottage (V-C) – County
West	Single-family home	Vacation Cottage (V-C) – County

Other uses in the immediate area include Clarks Bridge Park which is the site of the Olympic rowing, canoe and kayak venue.

▪ **Other Departmental Comments**

The Gainesville City School System states that bus transportation is not currently provided to the area and would not justify extending a bus route until additional developments are built.

There were no other departmental comments regarding this request.

▪ **Zoning History**

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

2015 – A request by Jordan and Jordan Properties, Inc. to annex a 0.89± acre tract located at 2860 Goetz Circle was approved with conditional Residential-I (R-I) zoning for access for a 16-lot single-family subdivision.

2010 – A request by Jordan and Jordan Properties, Inc. to annex a 8.27± acres tract located at 2880 Goetz Circle was approved with conditional Residential-I (R-I) zoning for a 16-lot single-family subdivision.

2008 – A request by Kubota USA, Inc. to abandon a 3.313± acres portion of Ramsey Road right-of-way zoned Light Industrial (L-I) was approved with conditions.

▪ **Staff Analysis**

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

The proposed 3 lot subdivision appears to be suitable with the adjacent and nearby single-family properties and has already received zoning approval in the county. The proposed annexation desires to utilize city sewer which will cause less environmental impact to Lake Lanier. The surrounding area includes Lake Lanier, vacant land, single-family homes and Kubota Manufacturing.

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

The proposal should not adversely affect the existing use or usability of the adjacent or nearby property. The applicant proposes a shared driveway concept which will provide for sufficient access and less impervious surface runoff to Lake Lanier. The neighboring single-family residential property to the west should experience little to no impact as its access to Ramsey Road and use of a private septic system will remain. Impacts to nearby Kubota Manufacturing should be minimal as residential traffic is now redirected to Sargent Road which was extended to White Sulphur Road away from the industrial truck traffic on Ramsey Road.

(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 subject property within the *Low-Medium Density Residential* land use category, which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from two to four

dwelling units per acre. The development proposes a residential density of only 0.57 dwelling units per acre.

According to the Character Area Map of the 2030 Gainesville Comprehensive Plan the property is located within the *Economic Development Gateways* Character Area and is directly adjacent to the *Lake District* Character Area. The primary vision for the *Economic Development Gateways* Character Area is to continue to support economic development while preserving and strengthening important natural and cultural resources. The vision for *Lake District* Character Area is driven by the presence of Lake Lanier and its distinctive rolling landscape. Infill development is not a priority although redevelopment of older apartments, retail and office space is important. Land uses allowed include commercial, industrial, mixed-use, residential (existing low density residential uses), public / institutional, transportation / communications / utilities, and parks / recreation / conservation.

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

Presently, the subject property is zoned Planned Residential Development (P-R-D) within the county and is approved for 3 single-family lots of similar size. The development proposes a similar zoning in the city to utilize water and sewer services, which requires the property to be annexed when contiguous to the city limits.

(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?

The proposed annexation should not cause an excessive or burdensome use of public facilities or service over and above what has already been approved for the adjacent property. Given the scale of the proposed residential subdivision, the load on public services is expected to be moderately increased. Existing water and sewer is available and the applicant is not requesting the city to share in the cost of accessing available sewer.

Both the Fire and Police Departments service the properties located in the adjacent Gainesville Industrial Park North. The closest fire stations include Gainesville Fire Station #1 which is approximately 6.3 miles from the subject property and Hall County Fire Station #7 which is 2.4 miles from the subject property. The city and county have an automatic aid agreement which allows the city or county to respond first in the event of a fire or medical emergency.

The proposed development will increase the loads on the City Public Works Department to provide for solid waste (i.e. household garbage, and leaf and limb) pick-up service. However, the city currently serves nearby properties.

Should the future residents choose to send their school-age children to city schools, there would be a moderate increase to the Gainesville City School System including the need to bus the school aged children which is currently not within an existing bus route.

(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?

The subject property is somewhat unique in that it is positioned between industrial property and residential lake property. While it is expected that the adjacent land to the south within the industrial park will continue to be developed for industrial purposes, the subject property would be better suited for residential purposes based on the established residential development pattern that has occurred along Lake Lanier.

(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 Land Use Plan and the surrounding mixture of land uses, the proposed use appears to be reasonable. The proposed 3 lot residential subdivision with the proposed zoning conditions appears to reflect a balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property based on the subject property's proximity to Lake Lanier and the adjacent residentially zoned properties.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of the annexation request with **Planned Unit Development (P-U-D) zoning**, based on the Comprehensive Plan and adjacent residential use.

Conditions

1. The proposal shall be limited to a maximum of 3 single-family lots and shall adhere to the development standards as depicted within the narrative, concept plan and architectural renderings submitted with the application.
2. The minimum heated floor space of each single-family home shall be 2,000 square feet.
3. Completion of the common driveway shall be required prior to the issuance of a Certificate of Occupancy for the proposed homes. Access point design of the proposed shared driveway along Ramsey Road must be reviewed and approved by the Gainesville Public Works Department. All road improvements associated with access to the subject property shall be at the full expense of the developer.
4. The owner/developer shall disclose the existence of industrial activities on adjacent and nearby properties as part of the purchase/sale agreement with potential buyers. Said disclosure shall state: "Owners, occupants, and users of property shown are hereby informed of the impacts associated with industrial practices which may take place on adjacent and nearby property including, but not limited to noise, odors, dust, traffic and the operation of machinery. Therefore, owners, occupants and users of the property should be prepared to expect the effects of such practices."
5. All conditions of zoning shall be made a part of any final plat created for the subdivision.

Excerpts from the January 16, 2018 PAB Meeting Minutes

Applicant Presentation: Jack O'Hanlon, 120 Hickory Walk, Marietta, stated he was a civil engineering consultant representing the applicant. He stated the staff report covered everything but did mention the reason the request was tabled was to remove a sliver of the subject property from the original survey which included the septic drain field for an adjacent property because of concerns by environmental health. He felt that issue had been resolved and asked for approval from the Board.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request to annex the subject property and establish zoning as Planned Unit Development (P-U-D) with the following conditions:

Conditions

- 1. The proposal shall be limited to a maximum of 3 single-family lots and shall adhere to the development standards as depicted within the narrative, concept plan and architectural renderings submitted with the application.**
- 2. The minimum heated floor space of each single-family home shall be 2,000 square feet.**
- 3. Completion of the common driveway shall be required prior to the issuance of a Certificate of Occupancy for the proposed homes. Access point design of the proposed shared driveway along Ramsey Road must be reviewed and approved by the Gainesville Public Works Department. All road improvements associated with access to the subject property shall be at the full expense of the developer.**
- 4. The owner/developer shall disclose the existence of industrial activities on adjacent and nearby properties as part of the purchase/sale agreement with potential buyers. Said disclosure shall state: "Owners, occupants, and users of property shown are hereby informed of the impacts associated with industrial practices which may take place on adjacent and nearby property including, but not limited to noise, odors, dust, traffic and the operation of machinery. Therefore, owners, occupants and users of the property should be prepared to expect the effects of such practices."**
- 5. All conditions of zoning shall be made a part of any final plat created for the subdivision.**

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

Vote – 6 favor, 1 vacancy

First Reading: _____
Passed: _____

AN ORDINANCE

No. 2018-

AN ORDINANCE ANNEXING A 5.048± ACRES TRACT LOCATED ON THE NORTH SIDE OF RAMSEY ROAD AT ITS TERMINUS (A/K/A 0, 2608 AND 2611 RAMSEY ROAD); ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE, GEORGIA; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(Amendment to City Limit Boundary)

WHEREAS, a 5.048± acres tract located on the north side of Ramsey Road at its terminus (a/k/a **0, 2608 and 2611 Ramsey Road**), lies within the unincorporated lands of Hall County and adjoins the existing corporate limits of the City of Gainesville; and

WHEREAS, the hereinafter described lands be incorporated and annexed into the City of Gainesville.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF GAINESVILLE, GEORGIA, AS FOLLOWS:

SECTION I.

That from and after the passage of this Ordinance the following described lands are and shall be annexed into the existing corporate limits of the City of Gainesville, Georgia, so that said lands shall constitute a part of the land within the corporate limits of the City of Gainesville, Georgia, as fully and completely as if the limits had been so defined by the General Assembly of Georgia.

Legal Description

All that tract or parcel of land lying and being in Land Lot 110, 9th Land District, Hall County, Georgia as shown on a plat prepared by Patton Land Surveying, LLC, for EDRE Assets LLC, dated October 23rd, 2017 and being more particularly described as follows:

Commencing at a PK nail found at the centerline intersection of Sargent Road and Goetz Drive, located at Georgia State Plane Coordinate Northing 1582894.36, Easting 2413061.19, Georgia West Zone, North American Datum of 1983/2007 adjustment, THENCE North 84 degrees 35 minutes 01 seconds West for a distance of 1,309.68 feet to a 1/2" rebar pin found on the Northerly right-of-way line cul-de-sac of Ramsey Road (having a 60' radius & a 80' wide right-of-way), and said point being the TRUE POINT OF BEGINNING.

Thence along the cul-de-sac right-of-way line for Ramsey Road the following course:

ORDINANCE NO. 2018-

Thence along a curve to the left having a radius of 60.00 feet and an arc length of 41.94 feet, being subtended by a chord of South 50 degrees 45 minutes 24 seconds West for a distance of 41.09 feet to a 1/2" rebar pin found;

Thence leaving said Ramsey Road the following courses:

Thence North 65 degrees 37 minutes 15 seconds West for a distance of 180.19 feet to a 1/2" rebar pin found; Thence North 26 degrees 30 minutes 25 seconds West for a distance of 171.11 feet to a 1/2" rebar pin found; Thence North 12 degrees 49 minutes 46 seconds East for a distance of 68.08 feet to a 1/2" rebar pin found; Thence North 21 degrees 07 minutes 02 seconds West for a distance of 168.51 feet to a 1/2" rebar pin found; Thence North 31 degrees 11 minutes 56 seconds West for a distance of 88.56 feet to a 1/2" rebar pin found on the boundary line of the U.S. Government Buford Reservoir, Lake Sidney Lanier;

Thence following the boundary line of the U.S. Government Buford Reservoir, Lake Sidney Lanier the following courses:

Thence North 58 degrees 48 minutes 00 seconds East for a distance of 111.97 feet to a concrete monument found at Government corner #110-27; Thence South 32 degrees 43 minutes 20 seconds East for a distance of 96.77 feet to an angle iron found at Government corner #110-26; Thence North 58 degrees 52 minutes 08 seconds East for a distance of 248.40 feet to an angle iron found at Government corner #110-25; Thence South 32 degrees 37 minutes 31 seconds East for a distance of 348.14 feet to a an angle iron found at Government corner #110-24;

Thence leaving the boundary line of the U.S. Government Buford Reservoir, Lake Sidney Lanier the following courses:

Thence South 32 degrees 37 minutes 31 seconds East for a distance of 137.19 feet to a 1/2" rebar pin found; Thence South 55 degrees 53 minutes 34 seconds West for a distance of 319.81 feet to a 1/2" rebar pin found; Thence South 19 degrees 13 minutes 26 seconds East for a distance of 18.82 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 5.048 acres more or less.

SECTION II.

The Secretary to the City Council of the City of Gainesville is directed to make and file with the Department of Community Affairs of the State of Georgia a certified copy of this Ordinance together with a plat describing lands annexed to the City of Gainesville by this Ordinance.

SECTION III.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION IV.

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

ORDINANCE NO. 2018-

SECTION V.

The effective date of this Ordinance shall be upon approval by the governing authority of the City of Gainesville, Georgia.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

First Reading: _____
Passed: _____

AN ORDINANCE

No. 2018-

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 5.048± ACRES TRACT LOCATED ON THE NORTH SIDE OF RAMSEY ROAD AT ITS TERMINUS (A/K/A 0, 2608 AND 2611 RAMSEY ROAD) AT THE TIME OF ANNEXATION AS PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(Amendment to Zoning Map)

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF GAINESVILLE, GEORGIA, AS FOLLOWS:

SECTION I.

That from and after the passage of this Ordinance the following described lands shall be zoned and so designated on the Zoning Map of the City of Gainesville as **Planned Unit Development, with conditions (P-U-D-c)**.

Conditions

1. The proposal shall be limited to a maximum of 3 single-family lots and shall adhere to the development standards as depicted within the narrative, concept plan and architectural renderings submitted with the application.
2. The minimum heated floor space of each single-family home shall be 2,000 square feet.
3. Completion of the common driveway shall be required prior to the issuance of a Certificate of Occupancy for the proposed homes. Access point design of the proposed shared driveway along Ramsey Road must be reviewed and approved by the Gainesville Public Works Department. All road improvements associated with access to the subject property shall be at the full expense of the developer.
4. The owner/developer shall disclose the existence of industrial activities on adjacent and nearby properties as part of the purchase/sale agreement with potential buyers. Said disclosure shall state: "Owners, occupants, and users of property shown are hereby informed of the impacts associated with industrial practices which may take place on adjacent and nearby property including, but not limited to noise, odors, dust, traffic and the operation of machinery. Therefore, owners, occupants and users of the property should be prepared to expect the effects of such practices."
5. All conditions of zoning shall be made a part of any final plat created for the subdivision.

ORDINANCE NO. 2018-

Legal Description

All that tract or parcel of land lying and being in Land Lot 110, 9th Land District, Hall County, Georgia as shown on a plat prepared by Patton Land Surveying, LLC, for EDRE Assets LLC, dated October 23rd, 2017 and being more particularly described as follows:

Commencing at a PK nail found at the centerline intersection of Sargent Road and Goetz Drive, located at Georgia State Plane Coordinate Northing 1582894.36, Easting 2413061.19, Georgia West Zone, North American Datum of 1983/2007 adjustment, THENCE North 84 degrees 35 minutes 01 seconds West for a distance of 1,309.68 feet to a 1/2" rebar pin found on the Northerly right-of-way line cul-de-sac of Ramsey Road (having a 60' radius & a 80' wide right-of-way), and said point being the TRUE POINT OF BEGINNING.

Thence along the cul-de-sac right-of-way line for Ramsey Road the following course:

Thence along a curve to the left having a radius of 60.00 feet and an arc length of 41.94 feet, being subtended by a chord of South 50 degrees 45 minutes 24 seconds West for a distance of 41.09 feet to a 1/2" rebar pin found;

Thence leaving said Ramsey Road the following courses:

Thence North 65 degrees 37 minutes 15 seconds West for a distance of 180.19 feet to a 1/2" rebar pin found; Thence North 26 degrees 30 minutes 25 seconds West for a distance of 171.11 feet to a 1/2" rebar pin found; Thence North 12 degrees 49 minutes 46 seconds East for a distance of 68.08 feet to a 1/2" rebar pin found; Thence North 21 degrees 07 minutes 02 seconds West for a distance of 168.51 feet to a 1/2" rebar pin found; Thence North 31 degrees 11 minutes 56 seconds West for a distance of 88.56 feet to a 1/2" rebar pin found on the boundary line of the U.S. Government Buford Reservoir, Lake Sidney Lanier;

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Thence leaving the boundary line of the U.S. Government Buford Reservoir, Lake Sidney Lanier the following courses:

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Said property contains 5.048 acres more or less.

ORDINANCE NO. 2018-

SECTION II.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION III.

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION IV.

This Ordinance is enacted as an amendment to the Code of the City of Gainesville, Georgia, and is to be codified as a part of Section 9-1-1-5.

SECTION V.

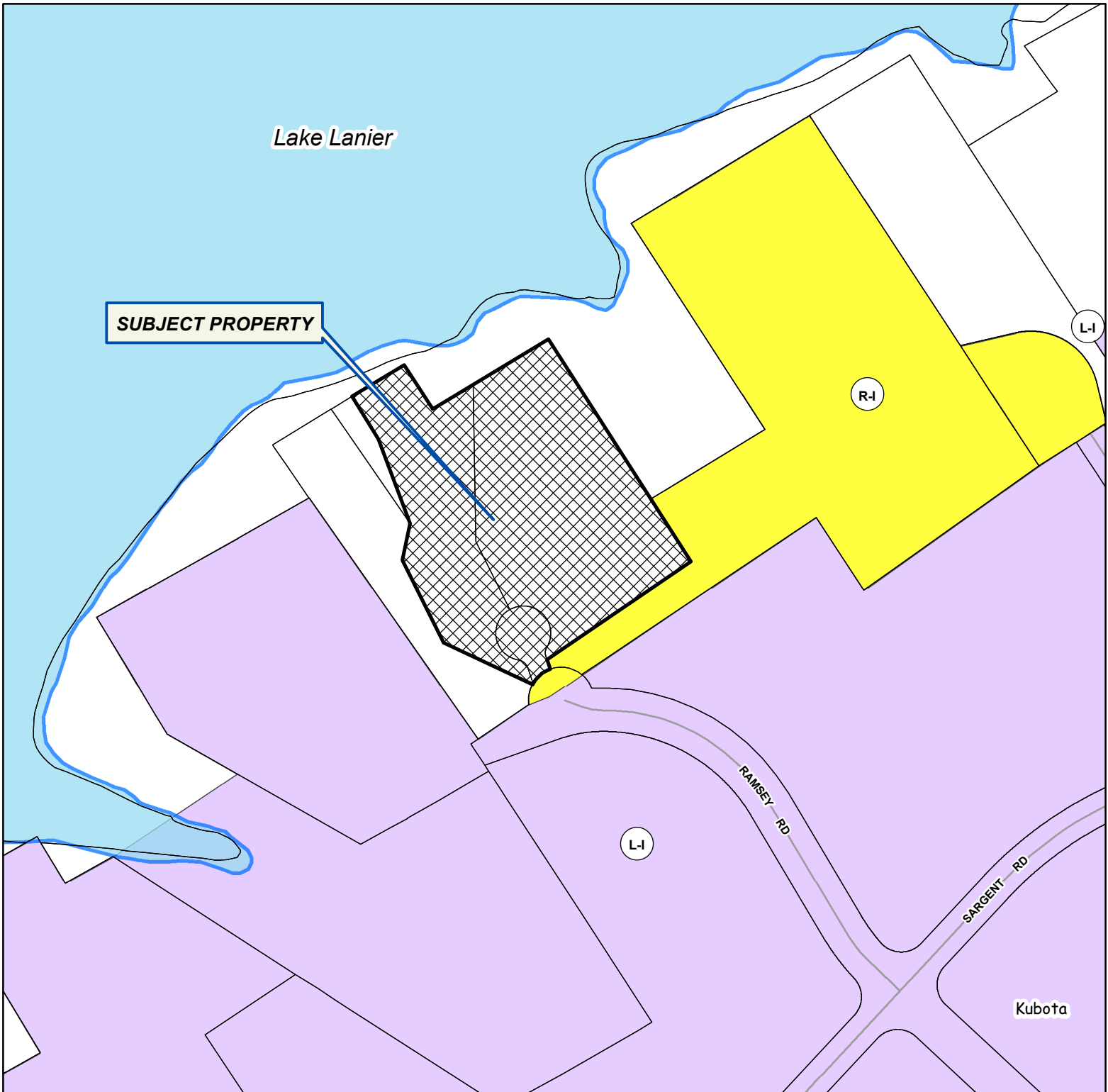
The effective date of this Ordinance shall be upon approval by the governing authority of the City of Gainesville, Georgia.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



Applicant:

ANNEXATION REQUEST

EDRE ASSETS, LLC



Request:

Annex a 5.048+/- acres tract with
Planned Unit Development (P-U-D)
zoning for 3 single-family lots

Subject Area Address:

0, 2608, 2611 Ramsey Road

Meeting: 01/16/2018

Prepared: 10/30/2017

Gainesville Community Development Department

 Subject Property

0 150 300 450 600 Feet



1" = 250'

Tax Parcel: 09-110-000-019 (part), 024 and 027



Applicant:

ANNEXATION REQUEST

EDRE ASSETS, LLC



Request:

Annex a 5.048+/- acres tract with
Planned Unit Development (P-U-D)
zoning for 3 single-family lots

Subject Area Address:

0, 2608, 2611 Ramsey Road

Meeting: 01/16/2018

Prepared: 10/30/2017

Gainesville Community Development Department



Subject Property

Aerial from 2015

0 150 300 450 600 Feet



1" = 250'

Tax Parcel: 09-110-000-019 (part), 024 and 027

City of Gainesville Annexation Narrative

Ramsey Road Property

Owner/Applicant: Edre Assets, LLC

Prepared by John P. O'Hanlon, PE

October 27, 2017

Revised December 14, 2017

Background:

The subject property is 5.05 acres of land currently comprised of two tax parcels (09110 000027, 09110 000024) and a portion of a third tax parcel (09110 000019), located at the terminus cul-de-sac of Ramsey Road in Land Lot 110 of the 9th District of unincorporated Hall County. The property was re-zoned by Hall County from AR-III (Agricultural Residential) and VC (Vacation Cottage) to the PRD (Planned Residential District) on November 13, 2008 as a 3-lot subdivision. The property was subsequently subdivided in accordance with the re-zoning via the recording of a Final Plat on March 24, 2009. A copy of the 2008 Rezoning Plat, Zoning Approval Letter and Final Plat are included in the appendix.

Subsequent to the Final Plat recording, two of the three lots were combined into one (2611 Ramsey Road). Loans on the lots were foreclosed and the current owner purchased the two lots (2611 & 2608) from lending institutions. A third parcel (09110 000019), containing a proposed cul-de-sac and a non-contiguous sliver of land were purchased by the owner via a tax deed sale and foreclosure. The adjacent property at 2600 Ramsey Road was subdivided from the property by the former owner (Brinson) but the construction of the existing home required the former owner to "add" the sliver of land to accommodate the existing septic drain field. A foreclosure on the 2600 Ramsey Road property did not include the sliver and the current owner purchased only the foreclosed property. In order to comply with Hall County Environmental Health Department requirements, Edre Assets has agreed to sell the sliver to the current owner (Madeleine Oster). Thus, the sliver portion of the third tax parcel is excluded from the annexation request.

Annexation for Connection to City Sewer:

There is an existing City of Gainesville 8-inch sewer line running along Ramsey Road. The owner seeks to tie the three future homes onto the City's sewer system rather than use onsite septic tank systems. Connecting to the City's sewer system requires annexation of the property.

Annexation to Establish Zoning of PUD:

As part of the annexation, Edre Assets is requesting to establish the City's PUD zoning district upon the property. The City's PUD district is similar to the property's current Hall County zoning of PRD in that it provides for a flexible subdividing of the property while still conforming to the existing character of the surrounding area. The proposed three lots will conform to all the minimum requirements of the City's R-1 zoning district with the exception of the 40 foot minimum road frontage.

Annexation Concept Plan:

The Annexation/Zoning Concept Plan prepared by Patton Land Surveying depicts the configuration of the three proposed lots. The property has only about 40 feet of frontage on Ramsey Road but widens quickly. In order to provide road frontage to the lots, the 2008 Hall County re-zoning included a very short private street and cu-de-sac on its own tax parcel. The conditions for that rezoning included installing a security gate to control access to the private cul-de-sac and lots.

Rather than constructing a private cul-de-sac on its own tax parcel, Edre Assets is requesting a common driveway within a common access easement on Lot 2 to serve the three lots. Lots 1 and 3 will have frontage on the common access easement. Edre Assets is also requesting that the common security gate condition from the Hall County re-zoning be eliminated. Along with reducing land disturbance and impervious coverage, deleting the private cul-de-sac will eliminate the need for a separate tax parcel and the establishment of homeowner's association covenants controlling the ownership and maintenance of the parcel and its improvements. The proposed common driveway simplifies access to the three lots and will be constructed to City of Gainesville standard.

The internal lot lines on the Annexation/Zoning Concept Plan were reconfigured from those depicted on the Final Plat (see former property lines on Sheet 2) to provide each lot with sufficient direct access to lakefront land of the US Army Corps of Engineers. The former owner intended the three lots to have shared access to a proposed 6-slip community dock. Edre Assets has been granted the option of converting the proposed community dock to three 2-slip individual docks by the Army Corps.

Conditions of PUD Zoning:

Edre Assets requests the following conditions be made part of annexation and zoning of the property to the PUD District:

1. A maximum of a three (3) lots as generally shown on the Annexation Concept Plan prepared by Patton Land Surveying and dated October 23, 2017. Access to the three lots from Ramsey Road shall be provided by a common access easement and driveway on Lot 2.
2. All homes to have a minimum heated floor space on 2,000 square feet (same as current Hall County PRD conditions).
3. Subdividing the property into three (3) residential lots does not constitute a Land Development Project and the property shall be exempt from the City of Gainesville storm water ordinance (same as current Hall County PRD condition).
4. The common driveway entrance on Lot 2 shall be 18 feet wide and approximately 80 long, constructed of concrete in accordance with the standards of the City of Gainesville.
5. Completion of the common driveway shall occur before any homes constructed on the three lots are issued a Certificate of Occupancy. A note of this condition shall be prominently depicted on the superseding recorded Final Plat.
6. The common security gate requirement from the Hall County 2008 re-zoning shall be eliminated.

Appendix

Rezoning Plat for B-3, LLC by Diversified Technical Group and dated September 4, 2008

Hall County Board of Commissioners Approval Letter dated November 19, 2008

Recorded (Final) Plat for B-3, LLC by Diversified Technical Group and dated September 4, 2008 and recorded in Plat Book 860, Page 179 Hall County Record on March 24, 2009.

Architectural Renderings

**City of Gainesville Annexation
Ramsey Road Property
October 25, 2017**

The following renderings represent a sample of home styles recently constructed on residential lots in the City of Gainesville with heated areas from approximately 2,000 to 4,000 sf. Home facades will be brick, stone, Hardie® type siding or a combination. Due to the limited number of lots, the Applicant anticipates individual lot owners will construct custom built homes.



American Craftsman 2-Story

Brick – Stone – Hardie® Siding
Side Entry Garage



Country European Traditional

Stone – Hardie® Siding/Board & Batten



Lake Retreat Cottage

Stone – Hardie® Siding
2-Story: 2,000 -2,400 SF



American Traditional

Brick - Stone - Hardie® Siding
Detached Garage

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 1/22/2018

Presenter: Matt Tate

Item of Business: Request from **Altus Development, LLC** to rezone a 1.13± acres tract located on the northwest side of the intersection of Park Hill Drive and South Enota Drive (a/k/a **1351 Park Hill Drive**) from Residential-II (R-II) to Office and Institutional (O-I). **Ward Number: Two.** Tax Parcel Number(s): 01-077-001-027. **Request: Medical office.**

Meeting Date: 2/6/2018

Purpose of Request:

The applicant is proposing to rezone the subject property in order to construct a 10,800 square foot medical office building. The property is located within the Limestone Corridor Overlay Zone and contains an older single-family home that will be demolished. The anticipated hours for each of the two medical office tenants are from 8 A.M. to 5 P.M. According to the concept plan there will be a total of 47 parking spaces and a right turn in/out driveway is proposed on Park Hill Drive and South Enota Drive. Adjacent uses include the Burnam Wood subdivision, Beehive Homes Assisted Living facility, CVS Pharmacy and single-family homes.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended conditional approval with four conditions.

PAB recommended conditional approval with four conditions.

See the PAB Recommendation Report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval

I move to approve first reading of an ordinance to rezone the subject property from Residential-II to Office and Institutional, with four conditions.

Denial

I move to deny this request.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
	Legal Ad	Legal Ad
	PAB Recommendation Report	Report
	Proposed Rezoning Ordinance	Ordinance
	Location Maps	Backup Material
	Narrative	Backup Material
	Survey	Backup Material
	Site Plan	Backup Material
	Elevations	Backup Material

COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council

Publish Sunday, December 31, 2017
THE TIMES

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING

Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, January 16, 2018 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **EDRE Assets, LLC** to annex a 5.048± acres tract located on the north side of Ramsey Road at its terminus (a/k/a **0, 2608 and 2611 Ramsey Road**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 09-110-000-019 (part), 024 and 027
Request: 3 single-family lots
- 2) Request from **Altus Development, LLC** to rezone a 1.13± acres tract located on the northwest side of the intersection of Park Hill Drive and South Enota Drive (a/k/a **1351 Park Hill Drive**) from Residential-II (R-II) to Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 01-077-001-027
Request: Medical office
- 3) Request from **Tyler Land Holdings** to amend the existing Planned Unit Development (P-U-D) zoning on a 2.98± acres tract located on the northeast side of the intersection of McEver Road and Hillside Gardens Lane (a/k/a **1209 and 1229 Hillside Gardens Lane**).
Ward Number: Five
Tax Parcel Number(s): 08-006-001-058 and 075
Request: Boat sales dealership
- 4) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to include amendments to Section 9-21-1-7 entitled "Meetings"; amendments to subsections (a), (b), (c) and (f) of Section 9-22-2-18 entitled "Action By Governing Body."

**NOTICE OF PUBLIC HEARING ON PROPOSED
AMENDMENTS TO THE GAINESVILLE ZONING MAP**

Notice is hereby given that the **Gainesville City Council** will conduct a public hearing on **Tuesday, February 6, 2018 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **EDRE Assets, LLC** to annex a 5.048± acres tract located on the north side of Ramsey Road at its terminus (a/k/a **0, 2608 and 2611 Ramsey Road**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 09-110-000-019 (part), 024 and 027
Request: 3 single-family lots
- 2) Request from **Altus Development, LLC** to rezone a 1.13± acres tract located on the northwest side of the intersection of Park Hill Drive and South Enota Drive (a/k/a **1351 Park Hill Drive**) from Residential-II (R-II) to Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 01-077-001-027
Request: Medical office
- 3) Request from **Tyler Land Holdings** to amend the existing Planned Unit Development (P-U-D) zoning on a 2.98± acres tract located on the northeast side of the intersection of McEver Road and Hillside Gardens Lane (a/k/a **1209 and 1229 Hillside Gardens Lane**).
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Additional information is available from the Community Development Department, Planning Division, by calling 770-531-6570.

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant Altus Development, LLC
Property Owner Joyce Parks Edmondson
Location 1351 Park Hill Drive
Request Rezone from R-II to O-I
Size 1.13± acres
Ward Two
Proposed Use Medical office
Planning Division Staff Recommendation **Approval, with conditions**
Planning and Appeals Board Recommendation **Approval, with conditions**
Date January 16, 2018

▪ **Applicant's Proposal and Background Information**

The applicant is proposing to rezone the subject property in order to construct a 10,800 square foot medical office building. The property is located within the Limestone Corridor Overlay Zone and contains an established, single-family rental home that is currently occupied. The home will be demolished to make room for the proposed medical office. The anticipated hours for the medical office tenants are from 8 A.M. to 5 P.M. According to the concept plan there will be a total of 47 parking spaces and a right turn in/out driveway is proposed on Park Hill Drive and South Enota Drive.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Beehive Homes Assisted Living Facility; Vacant property	Residential-I (R-I) and Residential-II (R-II)
South	Single-family homes	Residential-I (R-I)
East	CVS Pharmacy	Office and Institutional (O-I)
West	Burnam Wood subdivision	Residential-I (R-I) and Residential-II (R-II)

Significant uses in the area include the Enota Elementary School, Northeast Georgia Medical and Lakeview Academy.

▪ **Other Departmental Comments**

According to the Gainesville Public Works Department, the applicant will need to continue coordination efforts with the Georgia Department of Transportation (GDOT) and the Gainesville Public Works Department for access design and permitting.

▪ **Zoning History**

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

2017 – A request by JH Homes, Inc. to rezone a 21.87± acres tract located at 1024, 1030 and 1037 Pearce Way NE; and 0 South Enota Drive NE from Office and Institutional (O-I) to Residential-II (R-II) for 65 residential townhomes was approved with conditions.

2017 – A request by Hanh My Thi Doan for a special use within Office and Institutional (O-I) on a 0.52± acre tract located at 502 South Enota Drive for a nail salon was denied.

2016 – A request by O'Reilly Automotive Stores, Inc. to rezone a 1.29± acre tract located at 1446 Park Hill Drive from Office and Institutional (O-I) to Neighborhood Business (N-B) for an auto parts store was approved with conditions.

2016 – A request by Andrew Hothem to rezone a 0.48± acre tract located at 1490 Park Hill Drive from Residential-I (R-I) to Residential-II (R-II) for a two-family residence was approved with conditions.

2014 – A request by Beehive Homes of Gainesville to rezone a 2.0± acre tract located at 1351 Park Hill Drive from Residential-I (R-I) to Residential-II (R-II) for an assisted living facility was approved with conditions.

2013 – A request by Ketan / Gopalji Patel to rezone a 1.26± acre tract located at 1572, 1582 and 1586 Park Hill Drive from Residential-II (R-II) and Office and Institutional (O-I) to General Business (G-B) for a professional office and commercial use was approved with conditions.

2012 – A request by The Atlanta Botanical Garden, Inc. to amend existing Planned Unit Development (P-U-D) zoning located at 351 Lake Hill Drive for a Woodland / Botanical Garden was approved with conditions.

▪ **Staff Analysis**

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

The adjacent and nearby development to the west and south have remained single-family. The adjacent properties to the north and east have been redeveloped for an assisted living facility and a retail/pharmacy. Additional development has occurred within the past 20 years in most part due to the location and growth of Northeast Georgia Medical Center. Given the proximity of the subject property to adjacent single-family uses, the property should be limited to neighborhood scale office or light neighborhood retail.

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

Overall, the adjacent uses should experience limited effects from the proposal which is similar to what has occurred with the adjacent non-residential development. It is expected that the proposal will increase traffic volumes from the property due to more vehicular turning movements being created. Aesthetically, the proposed building is different from the adjacent single-family homes; however, it is similar in scale to adjacent non-residential uses. Of comparison, the adjacent CVS Pharmacy building is 10,800 square feet in size and the Beehive Homes Phase 1 building is 10,774 square feet in size. Sufficient buffers should be provided adjacent to the Burnam Wood Subdivision to help reduce visual impacts.

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

The proposal appears to be consistent with the Comprehensive Plan. The subject property is adjacent to both single-family and non-residential uses and is located at the intersection of South Enota Drive and Park Hill Drive which makes it less conducive for single-family development.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category. This category includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Traditional Neighborhoods* Character Area specifically within the *Northern Neighborhoods subarea*. The vision for this area anticipates minimal change, and primary issues within this subarea include incompatible infill development and the threat of encroaching urban sprawl. Commercial encroachment should be minimized and should respect and mirror the small scale of the surrounding neighborhoods, while the purity of the landscape and quality of housing should be preserved. The area is not a primary destination for business; however neighborhood serving business development is encouraged. Land uses allowed in the *Northern Neighborhoods subarea* include low-density and medium-density residential, and mixed-use / commercial.

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

The subject property is zoned Residential-II (R-II) which allows for single-family and multi-family up to 13 residential units. The applicant is proposing to rezone the property to Office and Institutional (O-I) for a medical office building. Medical offices are currently present to the northeast and southeast along Park Hill Drive and South Enota Drive. The proposed office appears to be in scale and characteristic of the non-residential growth along this segment of Park Hill Drive.

(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?

The proposal should have minimal impacts to the existing public facilities. City water and public safety services are currently provided to the property. Gainesville Fire Station #2 is located off of Holly Drive and is approximately 1.1± miles from the subject property.

The proposed medical office building will have no impact on the school system given that it is a non-residential use.

The subject property is located along State Route 11 / U.S. 129 which is considered an arterial road capable of handling traffic produced by the proposed use. However, the intersection of Park Hill Drive and South Enota Drive experiences high traffic volumes much of which is created by patrons traveling to and from the nearby Enota Elementary School, Lakeview Academy and North East Georgia Medical Center. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the proposed use on average would generate 390± new trips per day, 38± A.M. peak hour trips and 46± P.M. peak hour trips.

(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?

The subject property contains an established single-family home but is zoned for multi-family purposes. The surrounding property near the intersection of Park Hill Drive and South Enota Drive has experienced steady neighborhood office and commercial growth within the last 20 years. Much of this is due to the expansion of North East Georgia Medical Center which has created the need for ancillary professional, medical and neighborhood retail serving uses.

(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?

Due to the Comprehensive Land Use Plan and the nearby non-residential uses, the proposed rezoning request appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this rezoning request based on the Comprehensive Plan and the mixture of residential and non-residential uses.

Conditions

1. The exterior materials of the building shall adhere to the standards as depicted on the architectural elevation provided with this rezoning application. All flat roof surfaces and roof top equipment shall be screened by a parapet roof on all sides.
2. The westerly side of the property shall be planted with a dense evergreen buffer along the property line. The location, spacing, size and type of vegetation and trees planted shall be subject to Community Development Department Director approval. In addition, a decorative eight foot (8') tall opaque fence shall be provided between the planted buffer and the building / parking area / dumpster but shall not extend to Park Hill Drive beyond the proposed dumpster pad.
3. All access point design and sidewalk installation along Park Hill Drive and South Enota Drive must be reviewed and approved by the Georgia Department of Transportation in conjunction with the Gainesville Public Works Director. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer / property owner.
4. An updated as-built boundary survey / plat of the subject property, indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy.

Excerpts from the January 16, 2018 PAB Meeting Minutes

Applicant Presentation: Charlie Hawkins, Norton Agency, 646 Tommy Aaron Drive, stated the buyer had no issues with the conditions of zoning as presented.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request to rezone the subject property from Residential-II (R-II) to Office and Institutional (O-I) zoning, with the following conditions:

Conditions

1. The exterior materials of the building shall adhere to the standards as depicted on the architectural elevation provided with this rezoning application. All flat roof surfaces and roof top equipment shall be screened by a parapet roof on all sides.
2. The westerly side of the property shall be planted with a dense evergreen buffer along the property line. The location, spacing, size and type of vegetation and trees

planted shall be subject to Community Development Department Director approval. In addition, a decorative eight foot (8') tall opaque fence shall be provided between the planted buffer and the building / parking area / dumpster but shall not extend to Park Hill Drive beyond the proposed dumpster pad.

3. All access point design and sidewalk installation along Park Hill Drive and South Enota Drive must be reviewed and approved by the Georgia Department of Transportation in conjunction with the Gainesville Public Works Director. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer / property owner.
4. An updated as-built boundary survey / plat of the subject property, indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy.

Motion made by Board Member Martin

Motion seconded by Board Member Delgado

Vote – 6 favor, 1 vacancy

First Reading: _____
Passed: _____

AN ORDINANCE

No. 2018-

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 1.13± ACRES TRACT LOCATED ON THE NORTHWEST SIDE OF THE INTERSECTION OF PARK HILL DRIVE AND SOUTH ENOTA DRIVE (A/K/A 1351 PARK HILL DRIVE) FROM RESIDENTIAL-II (R-II) TO OFFICE AND INSTITUTIONAL, WITH CONDITIONS (O-I-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(Amendment to Zoning Map)

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF GAINESVILLE, GEORGIA, AS FOLLOWS:

SECTION I.

That from and after the passage of this Ordinance the following described lands shall be zoned and so designated on the Zoning Map of the City of Gainesville as **Office and Institutional, with conditions (O-I-c)**:

Conditions

- 1. The exterior materials of the building shall adhere to the standards as depicted on the architectural elevation provided with this rezoning application. All flat roof surfaces and roof top equipment shall be screened by a parapet roof on all sides.**
- 2. The westerly side of the property shall be planted with a dense evergreen buffer along the property line. The location, spacing, size and type of vegetation and trees planted shall be subject to Community Development Department Director approval. In addition, a decorative eight foot (8') tall opaque fence shall be provided between the planted buffer and the building / parking area / dumpster but shall not extend to Park Hill Drive beyond the proposed dumpster pad.**
- 3. All access point design and sidewalk installation along Park Hill Drive and South Enota Drive must be reviewed and approved by the Georgia Department of Transportation in conjunction with the Gainesville Public Works Director. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer / property owner.**
- 4. An updated as-built boundary survey / plat of the subject property, indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy.**

ORDINANCE NO. 2018-___

Legal Description

All that tract or parcel of land lying and being in Land Lot 139, 9th Land District, City of Gainesville, Hall County, Georgia as shown on a plat prepared by Patton Land Surveying, LLC, for Altus Development, LLC, dated December 6th, 2017 and being more particularly described as follows:

Commencing at a PK Nail set at the centerline intersection of South Enota Drive (50' wide right-of-way) and Park Hill Drive (various width right-of-way), located at Georgia State Plane Coordinate Northing 1571602.31, Easting 2401617.61, Georgia West Zone, North American Datum of 1983/2007 adjustment, THENCE North 89 degrees 09 minutes 55 seconds West for a distance of 41.96 feet to a PK Nail set at the intersection of the Westerly right-of-way line of said South Enota Drive with the Northerly right-of-way line of said Park Hill Drive, and said point being the TRUE POINT OF BEGINNING.

Thence leaving said South Enota Drive and following along said Park Hill Drive the following course:

Thence South 32 degrees 39 minutes 33 seconds West for a distance of 230.00 feet to a 1/2" rebar pin set;

Thence leaving said Park Hill Drive the following courses:

Thence North 31 degrees 42 minutes 27 seconds West for a distance of 287.80 feet to a 1/2" rebar pin found; Thence North 54 degrees 49 minutes 33 seconds East for a distance of 195.59 feet to a 1/2" rebar pin and cap found stamped "DES" on the Westerly right-of-way line of said South Enota Drive;

Thence following said South Enota Drive the following course:

Thence South 35 degrees 10 minutes 27 seconds East for a distance of 200.50 feet to a point and said point being the POINT OF BEGINNING;

Said property contains 1.13 acres more or less.

SECTION II.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION III.

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION IV.

This Ordinance is enacted as an amendment to the Code of the City of Gainesville, Georgia, and is to be codified as a part of Section 9-1-1-5.

SECTION V.

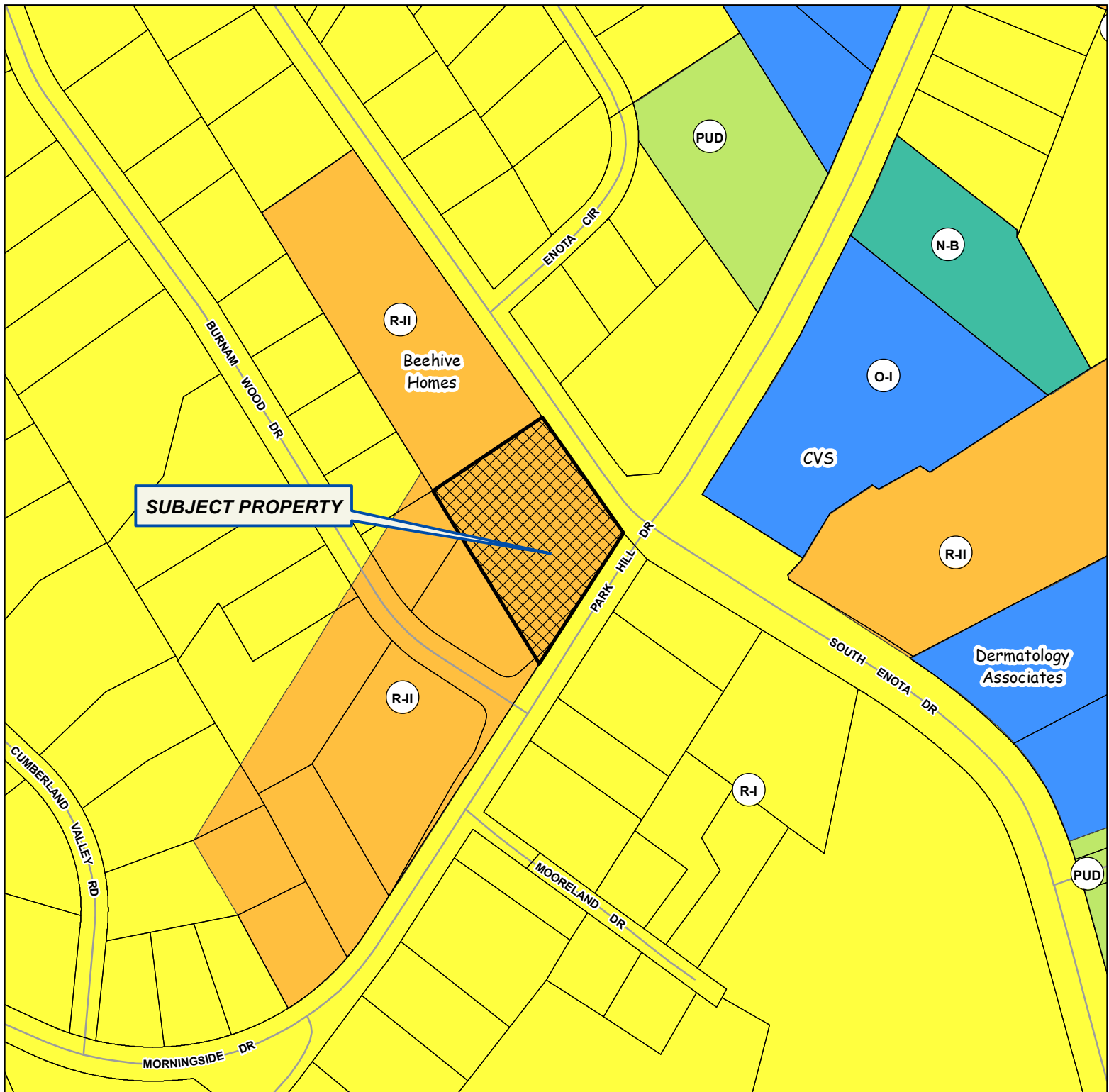
The effective date of this Ordinance shall be upon approval by the governing body of the City of Gainesville, Georgia.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



Applicant:

REZONING REQUEST

ALTUS DEVELOPMENT, LLC



Request:

Rezone 1.13+/- acres from Residential-II (R-II) to Office and Institutional (O-I) for medical office

Subject Area Address:

1351 Park Hill Drive

Meeting: 1/16/2018

Prepared: 11/28/2017

Gainesville Community Development Department



Subject Property



0 120 240 360 480 Feet

1" = 200'

Tax Parcel: 01-077-001-027



Applicant:

REZONING REQUEST

ALTUS DEVELOPMENT, LLC



Request:

Rezone 1.13+/- acres from Residential-II (R-II) to Office and Institutional (O-I) for medical office

Subject Area Address:

1351 Park Hill Drive

Meeting: 1/16/2018

Prepared: 11/28/2017

Gainesville Community Development Department



Subject Property

Aerial from 2015

0 120 240 360 480 Feet



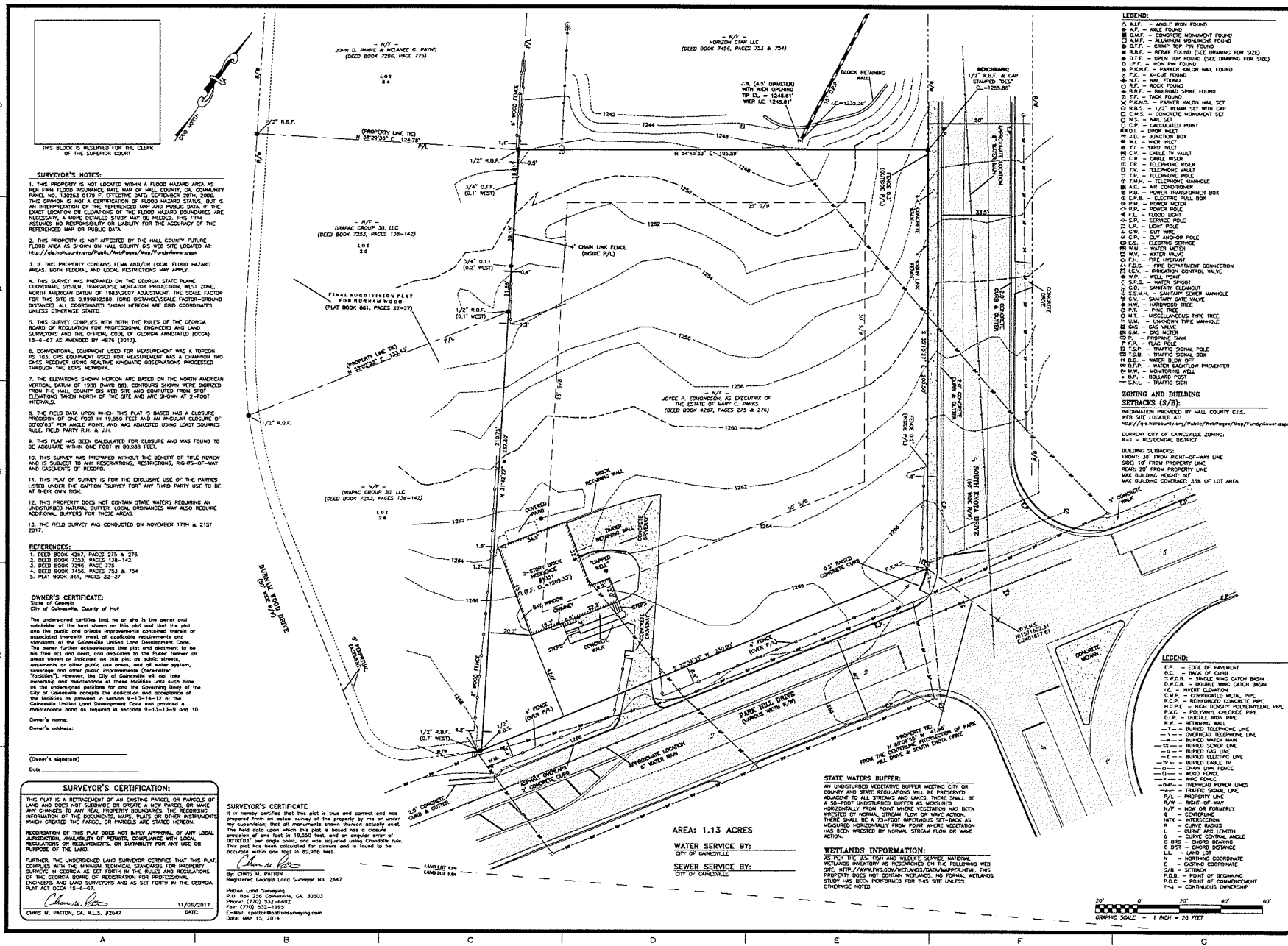
1" = 200'

Tax Parcel: 01-077-001-027

NARRATIVE REPORT

Address: 1351 PARK HIL DRIVE, GAINESVILLE, GA 30501

ALTUS DEVELOPMENT, LLC would like to construct an up-scale medical office and requests rezoning from the current R2 to O-I. The building will be approximately 10,800 square feet on 1.13 acres. The overall development will blend with the existing area in terms of architecture and landscaping. The landscaping will be environmentally friendly using rock and vegetation that will compliment the building design. The building and landscaping will use LED lighting that is visually pleasing at night. The two medical tenants will be low-impact users that have operating hours between 8 am to 5 pm during week days and closed on weekends.



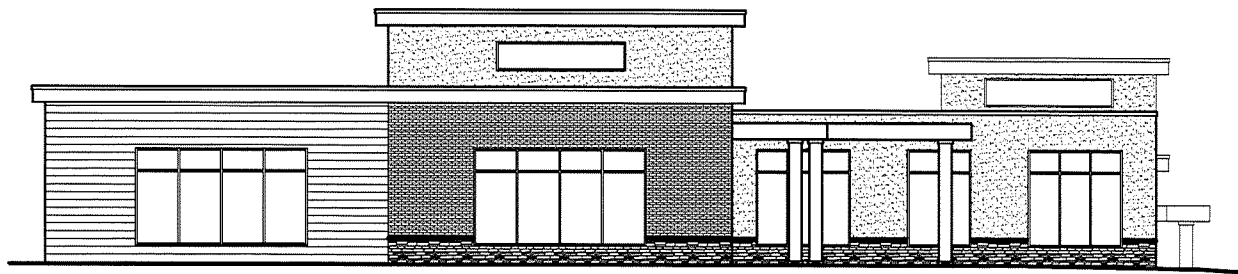
REGISTERED PROFESSIONAL LAND SURVEYORS
P.O. BOX 256, 39631
PHONE: (770) 532-8452
FAX: (770) 532-1995
www.patonsurveying.com



ALTUS DEVELOPMENT, LLC
RETRACED/TOPOGRAPHIC SURVEY FOR:
- LOCATED IN -
LAND LOT 139
9TH LAND DISTRICT
GAINESVILLE, FLORIDA

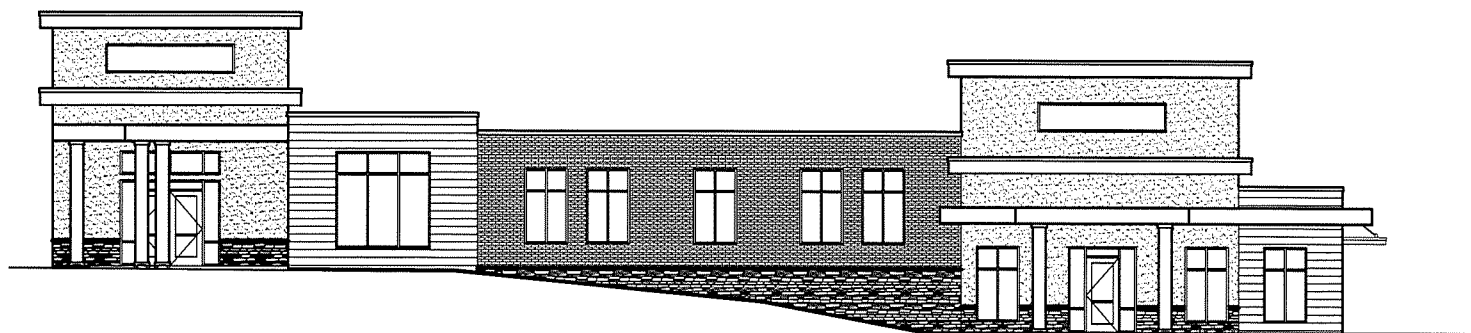
REVISIONS
DATE
DESCRIPTION
1
2
3
4
5
6
7
8
9
10

SHEET NUMBER:
1 of 1
SCALE: 1" = 20'
SURVEY DATE: 11/21/2017
PLAT DATE: 12/06/2017
17-257-64
JN. 17-257



LEFT SIDE ELEVATION:

SCALE: 3/16" = 1'-0"



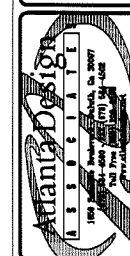
FRONT ELEVATION:

SCALE: 3/16" = 1'-0"

DATE	REVISION

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ALTUS DEVELOPMENT, LLC
1351 PARK HILL DRIVE
GAINESVILLE, GA 30601



REVIEW PLANS ONLY!
NOT FOR CONSTRUCTION

JOB NO. ATL-187K
FILE NO. A5-201
DATE: 11-27-17
DRAWN BY: CB
CHECKED BY: PTC

SHEET
FRONT AND LEFT SIDE ELEVATIONS
A5-201

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 1/22/2018

Presenter: Matt Tate

Item of Business: Request from **Tyler Land Holdings** to amend the existing Planned Unit Development (P-U-D) zoning on a 2.98± acres tract located on the northeast side of the intersection of McEver Road and Hillside Gardens Lane (a/k/a **1209 and 1229 Hillside Gardens Lane**). **Ward Number: Five.** Tax Parcel Number(s): 08-006-001-058 and 075.
Request: Boat sales dealership.

Meeting Date: 2/6/2018

Purpose of Request:

The applicant is proposing to amend the existing Planned Unit Development (P-U-D) zoning to allow for boat sales dealership. The entire tract consists of two parcels originally annexed in 2004 with PUD zoning for office, warehousing and light retail uses within an existing 12,000 square foot metal building. In addition, there were to be three, 5,000 square foot, two-story office/warehouse buildings and an additional 8,000 square foot warehouse building that were never constructed. The existing metal building has been occupied by multiple tenants including a construction company, recreational trailers sales facility, arts and gifts retail store and attorneys office. The applicant proposes to renovate and significantly upgrade the existing building with brick facade, windows and architectural treatments to create a first class sales facility. All boats will be serviced inside of the existing building and outdoor boat storage is proposed to the rear along Hillside Gardens Lane. Extensive landscaping is proposed along portions of Hillside Gardens Lane and McEver Road to screen the boat storage and display areas. Access will remain the same which includes two driveways on Hillside Gardens Lane. Adjacent uses include Gainesville Exploration Academy, Hall County Recycling Center, Hillside Memorial Gardens Cemetery, Hillside Chapel Funeral Home and Life South Community Blood Center.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended conditional approval with seven conditions.

PAB recommended conditional approval with seven conditions.

See the PAB Recommendation Report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval

I move to approve first reading of an ordinance to amend the existing Planned Unit Development for the subject property for a boat sales dealership.

Denial

I move to deny this request.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
☐	Legal Ad	Legal Ad
☐	PAB Recommendation Report	Report
☐	Proposed Zoning Amendment Ordinance	Ordinance
☐	Location Maps	Backup Material
☐	Narrative	Backup Material
☐	Site Plan	Backup Material
☐	Elevations	Backup Material
☐	Pictures	Backup Material
☐	Letter of Favor	Backup Material

COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council

Publish Sunday, December 31, 2017
THE TIMES

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING

Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, January 16, 2018 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **EDRE Assets, LLC** to annex a 5.048± acres tract located on the north side of Ramsey Road at its terminus (a/k/a **0, 2608 and 2611 Ramsey Road**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 09-110-000-019 (part), 024 and 027
Request: 3 single-family lots
- 2) Request from **Altus Development, LLC** to rezone a 1.13± acres tract located on the northwest side of the intersection of Park Hill Drive and South Enota Drive (a/k/a **1351 Park Hill Drive**) from Residential-II (R-II) to Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 01-077-001-027
Request: Medical office
- 3) Request from **Tyler Land Holdings** to amend the existing Planned Unit Development (P-U-D) zoning on a 2.98± acres tract located on the northeast side of the intersection of McEver Road and Hillside Gardens Lane (a/k/a **1209 and 1229 Hillside Gardens Lane**).
Ward Number: Five
Tax Parcel Number(s): 08-006-001-058 and 075
Request: Boat sales dealership
- 4) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to include amendments to Section 9-21-1-7 entitled "Meetings"; amendments to subsections (a), (b), (c) and (f) of Section 9-22-2-18 entitled "Action By Governing Body."

**NOTICE OF PUBLIC HEARING ON PROPOSED
AMENDMENTS TO THE GAINESVILLE ZONING MAP**

Notice is hereby given that the **Gainesville City Council** will conduct a public hearing on **Tuesday, February 6, 2018 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **EDRE Assets, LLC** to annex a 5.048± acres tract located on the north side of Ramsey Road at its terminus (a/k/a **0, 2608 and 2611 Ramsey Road**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 09-110-000-019 (part), 024 and 027
Request: 3 single-family lots
- 2) Request from **Altus Development, LLC** to rezone a 1.13± acres tract located on the northwest side of the intersection of Park Hill Drive and South Enota Drive (a/k/a **1351 Park Hill Drive**) from Residential-II (R-II) to Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 01-077-001-027
Request: Medical office
- 3) Request from **Tyler Land Holdings** to amend the existing Planned Unit Development (P-U-D) zoning on a 2.98± acres tract located on the northeast side of the intersection of McEver Road and Hillside Gardens Lane (a/k/a **1209 and 1229 Hillside Gardens Lane**).
Ward Number: Five
Tax Parcel Number(s): 08-006-001-058 and 075
Request: Boat sales dealership
- 4) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to include amendments to Section 9-21-1-7 entitled "Meetings"; amendments to subsections (a), (b), (c) and (f) of Section 9-22-2-18 entitled "Action By Governing Body."

Additional information is available from the Community Development Department, Planning Division, by calling 770-531-6570.

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})

Applicant	Tyler Land Holdings
Property Owner(s)	Rives Doss, Barbara Cheeley and Butterfly Properties, Inc.
Location	1209 and 1229 Hillside Gardens Lane
Request	Amend existing P-U-D zoning
Total Acres	2.98± acres
Ward	Five
Proposed Use	Boat sales dealership
Planning Division Staff Recommendation	Approval, with conditions
Planning and Appeals Board Recommendation	Approval, with conditions
Date	January 16, 2018

The applicant is proposing to amend the existing Planned Unit Development (P-U-D) zoning for a boat sales dealership. The applicant proposes to renovate and significantly upgrade the existing 12,000 square foot metal building with brick facade, windows and architectural treatments to create a first class sales facility. All boats will be serviced inside of the existing building and boat inventory will be stored outside on the easterly side of the property fronting Hillside Gardens Lane. In addition, an area within the existing front parking lot facing McEver Road will be reserved for limited boat display. Extensive landscaping is proposed along portions of Hillside Gardens Lane and McEver Road to screen and beautify the boat storage and display areas. This will include a 15-foot wide vegetated buffer and a decorative wrought iron fence. Access will remain the same which includes two driveways on Hillside Gardens Lane.

The entire tract consists of two parcels which were originally annexed in 2004 with P-U-D zoning for office, warehousing and light retail uses within an existing 12,000 square foot metal building. In addition, there were to be three, 5,000 square foot, two-story office/warehouse buildings and an additional 8,000 square foot warehouse building that were never constructed. The existing metal building has been occupied by multiple tenants including a construction company, recreational trailers sales facility, arts and gifts retail store and attorneys office.

Location	Use	Zoning
North	Gainesville Exploration Academy	Residential-II (R-II) -City
South	Hillside Memorial Gardens Cemetery	Residential-II (R-II) -County
East	Hall County Recycling Center	Residential-II (R-II) -County
West	Hillside Chapel Funeral Home; Life South Community Blood Center	Planned Office Development (P-O-D) -County Planned Commercial Development (P-C-D) -County

▪ **Other Departmental Comments**

There were no other departmental comments.

▪ **Zoning History**

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

2018 – A request by McEver Extension Properties, LLC to amend a 3.32± acres tract zoned Planned Unit Development (P-U-D) located at 970 McEver Road was approved with conditions for an office building addition.

2016 – A request by Spring Road Group, LLC to annex a 10.06± acres tract located at 2360, 2370, 2374, 2376, 2380, 2400 and 2410 Spring Road was conditionally approved with Residential-II (R-II) zoning for a 110-unit active adult community.

2015 – A request by Ken Chupp to annex a 0.821± acre tract located at 2305, 2313 & 2317 Pine Circle Drive and 2280, 2282 & 2284 Spring Road was approved with Residential-II (R-II) zoning for sewer for three existing duplex homes.

2015 – A request by Fernando Martinez to annex a 0.24± acre tract located at 2321 Pine Circle Drive for sewer was approved with Residential-I (R-I) zoning.

2009 – A request by Raul Castruita to annex a 0.34± acre tract located at 2283 Spring Road for sewer was approved with Residential-I (R-I) zoning.

2007 – A request by Sentinel Properties, Inc. to annex a 4.67± acres tract located at 2475 and 2503 Pemican Run for 56 townhome/condominium units was approved with conditional Planned Unit Development (P-U-D) zoning.

▪ **Staff Analysis**

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

The adjacent and nearby property includes a mixture of uses including a Gainesville Exploration Academy elementary school, Hall County compactor site, cemetery, funeral home and office uses. This segment of McEver Road has not experienced the volume of retail development with outdoor display seen along Browns Bridge Road and portions of Dawsonville Highway. However, the subject property has been occupied by various office and retail uses which have involved some outdoor storage of materials and equipment from a construction business. Outdoor storage and display may be acceptable if appropriately screened and maintained to improve the aesthetics of the property.

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

The proposed use should have minimal impacts on the adjacent properties as they are non-residential. Hillside Gardens Lane is used as a cut through from McEver Road to Spring Road and serves the adjacent cemetery and county trash/recycling center. The road is maintained by Hall County which is a two-lane road that is only 20 feet wide. Minimal impacts may occur when boats are being transported; however, the existing driveway locations appear to be sufficient distance from McEver Road.

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

The front portion of the subject property which contains the building is located within the Retail/Commercial land use category based on the Future Development Map for the City of Gainesville. This category includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, and automotive related businesses. Commercial uses may be located as a single use in one building or grouped together in a shopping center.

The rear wooded portion of the subject property is located within the *Public / Institutional / TCU (transportation, communication, utilities)* land use category. This category includes areas containing or planned for public and institutional uses including governmental, educational and medical facilities, houses of worship, and similar institutional facilities; or for major transportation, utilities or communication facilities.

The subject property is also located within the *Suburban Commercial* Character Area. This area will continue to grow as a regional retail center for the City and Hall County, but should diversify over time to include multi-family housing and a higher-density mix of retail, office, services and high-quality employment. In addition, expanding premium retail could offer a variety of shopping options that are currently not available elsewhere in the City which will encourage consumers to stay in Gainesville. As it grows, the area will become one of the most prominent commercial corridors and gateways into the City, and a thriving economic anchor for the northwest side. When development occurs, adequate buffers should be maintained around development to protect watersheds and sensitive environments. Land uses allowed within the *Suburban Commercial* area include commercial, public / institutional, multi-family residential and mixed use.

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

The subject property is zoned Planned Unit Development (P-U-D) which is a site specific zoning. The existing P-U-D zoning is approved for five office warehouse buildings totaling 35,000 square feet of office and commercial space. The proposed amendment seeks to only utilize the existing 12,000 square foot building and to allow for recreational boat sales and service with outdoor storage. It appears the proposed zoning amendment request is reasonable based on the applicant's development standards proposed 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?

The subject property and adjacent development currently utilizes City water and sewer services and there is sufficient capacity to serve the development.

Existing public safety services respond to the adjacent and nearby properties. Gainesville Fire Station #4 is located approximately 2.9 miles from the property off of Memorial Park Drive.

No impacts to the school system are expected as the development is for non-residential purposes.

The data provided to determine the estimated trip generation for the proposed use is very limited according to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition). A recreational vehicle sales facility of the proposed size will have an estimated 30 P.M. new peak hour trips. However, given that the proposed use is seasonal, it is expected that most of the traffic generated would occur during the spring and summer months.

(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?

The anticipated use for the subject property is for non-residential purposes. The property is located along an arterial corridor near to one of Gainesville's most active regional commercial corridors. This area has experienced tremendous growth over the past 15 to 20 years including the development of numerous multi-family apartments and nearby shopping along Dawsonville Highway. New commercial development should be carefully considered as McEver Road is located within the Gateway Corridor Overlay Zone and is in an area of less dense commercial development. There are currently two boat sales/service facilities located off of Dawsonville Highway including Park Marine and Gainesville Marina.

(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?

Due to the subject property's proximity to existing residential and commercial land uses, the proposed use, with the recommended zoning conditions appears to promote a reasonable balance between the interests of the City, the property owner, and neighboring residents and property owners.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this zoning amendment request based on the Comprehensive Plan and the adjacent residential and non-residential land uses.

Conditions

1. The proposal shall be generally consistent with the building and site development standards provided with this application.
2. The proposed use shall be limited to the proposed boat sales and service use, as well as professional office uses.
3. The outdoor storage areas shall be limited to storage of boats only. The storage areas must consist of asphalt, concrete or an impervious material acceptable to the Gainesville Department of Water Resources Director.
4. The proposed landscaping along McEver Road and Hillside Gardens Lane shall be a minimum of 15 feet in width and shall screen all proposed boat storage areas and above ground storm water detention areas. The location, spacing, size and type of vegetation and trees planted shall be subject to Community Development Department Director approval.
5. A decorative wrought iron fence not to exceed eight feet (8') in height shall be installed along the perimeter of the property between the storage and parking areas and the vegetated buffer.
6. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer / property owner.
7. An updated as-built boundary survey/plat of the subject property indicating all improvements required for the proposed use and conditions of zoning shall be recorded prior to obtaining a Certificate of Occupancy.

Excerpts from the January 16, 2018 PAB Meeting Minutes

Applicant Presentation: **Rett Tyler**, 568 Sheffield Way, Birmingham, Alabama, stated that Skiers Marine is a 23 year old company in which he shared some history. He stated the Atlanta boating market is 5th in the nation so it only makes sense for them to expand their market area and have their fifth location in Gainesville. They are currently in a temporary location in Oakwood on Mundy Mill Road. Mr. Tyler stated the proposed project along the gateway into Gainesville would be a \$6,000,000 investment between the land, inventory and renovation of the building, and they are projecting 12 to 15 million in sales and estimate selling 100 new Mastercraft and pontoon boats per year. He stated they made a minor change to the exterior of the building and presented renderings of a daylight view and dusk view of the building to show the proposed lighting along McEver Road, noting this would be a state of the art facility with average boat sales of \$130,000 each. He felt they have the best employees and products and are excited about the opportunity to serve Gainesville.

FAVOR: **Ed Myers**, 752 Chattahoochee Place, stated he was the civil engineer for the project and had a few items on the technical side of things. He presented a letter from Rives Doss, one of the property owners, where he received support from the adjacent property owners for this project. Mr. Myers requested condition 3 be changed to allow the use of gravel in the screened storage areas as a cost savings but more importantly for safety reasons, noting gravel would better stabilize the boats. The applicant would like to display some boats along McEver Road as Mr. Tate mentioned. In conclusion, Mr. Myers asked condition 7 be revised so the applicant could occupy the space immediately upon closing which is scheduled for March 1st, noting they could immediately begin construction of the buffer and storage areas and install fencing. The applicant would like to stage the storage of the boats for the spring boating season then begin the building renovations in August when the boating season is winding down in order to be completed by the end of the year. The current condition requires an updated as-built survey to be completed before the certificate of occupancy could be issued.

OPPOSE: None

Planning and Appeals Board Comments: Chairman Carter reviewed the requested changes to conditions. Planning Manager Matt Tate stated the applicant did not want a display area which was totally buffered and noted screening with landscape and fencing was acceptable relating to the display area but he was unclear on the number of boats they plan to display.

Mr. Tyler stated the storage area for boat repair would be located behind the building going up Hillside Gardens Lane and they are requesting gravel to be used in that storage area which would not be visible from Hillside Gardens Lane because it also helps with water runoff. He stated the display area would be located on the grassy area, which is required to be paved according to standards, in front of the building and parking spaces along McEver Road where they would have 7 or 8 boats displayed. They would also display 5 or 6 boats in the parking spaces on the side of the building along Hillside Gardens Lane and display 5 or 6 boats indoors as well.

Chairman Carter asked Mr. Tyler to clarify the staging issue Mr. Myers mentioned. Mr. Tyler stated he would like to complete the project in three phases in the following order: 1) the boat repair storage area in the spring; 2) then the front display area; and finally 3) the building renovation in August which should be completed by the end of this year, noting once the building

renovation begins, everything would come out of the building except for a couple of offices and they would not be able to operate.

Planning Manager Matt Tate stated there are other businesses in Gainesville with outdoor displays and his main concern is with the aesthetics by making sure the display area is landscaped and on a hard surface area as the City has a no yard parking ordinance. In regards to the use of gravel in the storage areas, Mr. Tate would like to leave condition 3 as stated which would allow the Department of Water Resources to review and approve any alternative material.

Community Development Director Rusty Ligon agreed with Mr. Tate but noted he would advocate on the applicant's behalf that the boat storage area be gravel for safety purposes.

There was discussion regarding the revision of condition 7 in order to allow the applicant to occupy the building in the spring before building renovations begin in August to be completed by the end of the year.

There was a motion to recommend conditional approval of the request to amend the existing Planned Unit Development (P-U-D) zoning to allow a boat sales dealership with the following revised conditions:

Conditions

- 1. The proposal shall be generally consistent with the building and site development standards provided with this application.**
- 2. The proposed use shall be limited to the proposed boat sales and service use, as well as professional office uses.**
- 3. The outdoor storage areas shall be limited to storage of boats only. The storage areas must consist of asphalt, concrete or an impervious material acceptable to the Gainesville Department of Water Resources Director.**
- 4. The proposed landscaping along McEver Road and Hillside Gardens Lane shall be a minimum of 15 feet in width and shall screen all proposed boat storage areas and above ground storm water detention areas. The location, spacing, size and type of vegetation and trees planted shall be subject to Community Development Department Director approval.**
- 5. A decorative wrought iron fence not to exceed eight feet (8') in height shall be installed along the perimeter of the property between the storage and parking areas and the vegetated buffer.**
- 6. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer / property owner.**
- 7. All building and property improvements as identified in the applicant's concept plan and the aforementioned zoning conditions shall be completed by December 31, 2018. Upon the completion of all improvements, an updated as-built boundary survey/plat of the subject property shall be recorded.**

Motion made by Board Member Martin

Motion seconded by Board Member Thompson

Vote – 6 favor, 1 vacancy

First Reading: _____
Passed: _____

AN ORDINANCE

No. 2018-

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY AMENDING THE EXISTING PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c) ZONING ON A 2.98± ACRES TRACT LOCATED ON THE NORTHEAST SIDE THE INTERSECTION OF MCEVER ROAD AND HILLSIDE GARDENS LANE (A/K/A 1209 AND 1229 HILLSIDE GARDENS LANE); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(Amendment to the Zoning Map)

BE IT HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GAINESVILLE, GEORGIA AS FOLLOWS:

SECTION I.

That from and after the passage of this Ordinance, the subject property containing 2.98± acres with **Planned Unit Development, with conditions (P-U-D-c)** zoning is hereby amended as follows:

Conditions

- 1. The proposal shall be generally consistent with the building and site development standards provided with this application.**
- 2. The proposed use shall be limited to the proposed boat sales and service use, as well as professional office uses.**
- 3. The outdoor storage areas shall be limited to storage of boats only. The storage areas must consist of asphalt, concrete or an impervious material acceptable to the Gainesville Department of Water Resources Director.**
- 4. The proposed landscaping along McEver Road and Hillside Gardens Lane shall be a minimum of 15 feet in width and shall screen all proposed boat storage areas and above ground storm water detention areas. The location, spacing, size and type of vegetation and trees planted shall be subject to Community Development Department Director approval.**
- 5. A decorative wrought iron fence not to exceed eight feet (8') in height shall be installed along the perimeter of the property between the storage and parking areas and the vegetated buffer.**
- 6. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer / property owner.**

ORDINANCE NO. 2018-

- 7. All building and property improvements as identified in the applicant's concept plan and the aforementioned zoning conditions shall be completed by December 31, 2018. Upon the completion of all improvements, an updated as-built boundary survey/plot of the subject property shall be recorded.**

Legal Description

All that tract or parcel of land lying and being in Land Lot 6, 8th Land District, Hall County, Georgia and being more particularly described as follows:

Beginning at the Southerly mitered right-of-way corner located at the Northeast corner of the intersection of Hillside Gardens Lane and McEver Road as shown on the deed for right-of-way as recorded in Deed Book 4161, Pages 70-74, Hall;

Thence following the Easterly right-of-way line of said McEver Road the following courses:

Thence North 47 degrees 47 minutes 35 seconds West for a distance of 36.10 feet to a point;
Thence North 07 degrees 43 minutes 45 seconds West for a distance of 85.65 feet to a point;

Thence leaving McEver Road the following courses:

Thence North 61 degrees 20 minutes 11 seconds East for a distance of 821.10 feet to a point;
Thence South 25 degrees 26 minutes 51 seconds East for a distance of 168.35 feet to a point on the Northerly right-of-way line of Hillside Garden Lane;

Thence following Hillside Garden Lane the following courses:

Thence South 68 degrees 21 minutes 27 seconds West for a distance of 42.66 feet to a point;
Thence South 60 degrees 27 minutes 00 seconds West for a distance of 92.74 feet to a point;
Thence South 58 degrees 08 minutes 00 seconds West for a distance of 197.30 feet to a point;
Thence South 64 degrees 25 minutes 47 seconds West for a distance of 85.75 feet to a point;
Thence South 69 degrees 55 minutes 00 seconds West for a distance of 47.08 feet to a point;
Thence South 69 degrees 55 minutes 00 seconds West for a distance of 74.63 feet to a point;
Thence South 66 degrees 00 minutes 10 seconds West for a distance of 177.81 feet to a point;
Thence North 26 degrees 22 minutes 58 seconds West for a distance of 20.00 feet to a point;
Thence South 63 degrees 18 minutes 29 seconds West for a distance of 116.04 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 2.98 acres more or less.

SECTION II.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION III.

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

ORDINANCE NO. 2018-

SECTION IV.

This Ordinance is enacted as an amendment to the Code of the City of Gainesville, Georgia, and is to be codified as a part of Section 9-1-1-5 thereof.

SECTION V.

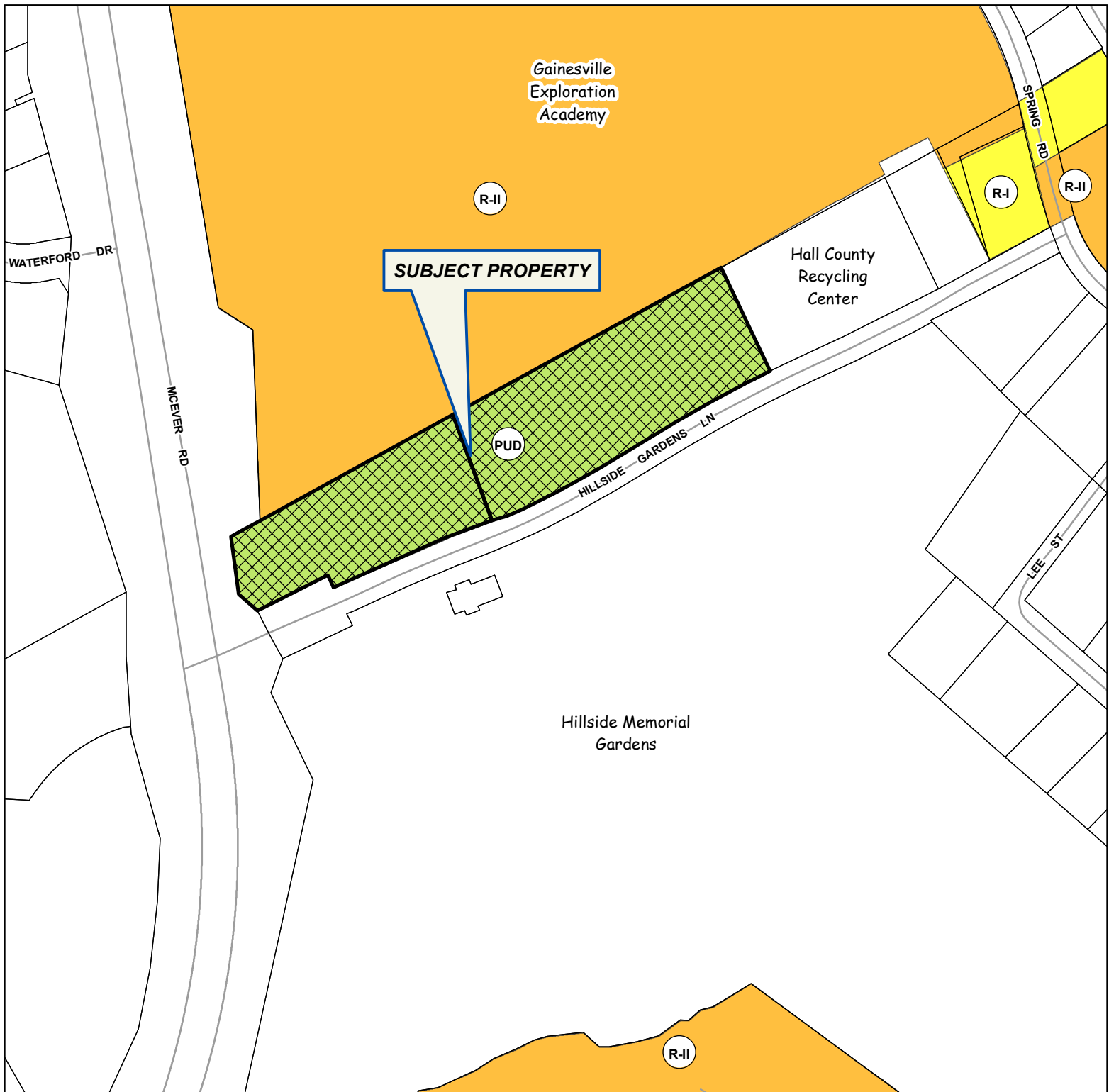
The effective date of this Ordinance shall be upon approval by the governing authority of the City of Gainesville, Georgia.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



Applicant:

ZONING AMENDMENT REQUEST

TYLER LAND HOLDINGS



Request:

Amend existing Planned Unit Development (P-U-D) zoning on a 2.98+/- acres tract for a boat sales dealership

Subject Area Address:

1209 & 1229 Hillside Gardens Lane

Meeting: 1/16/2018

Prepared: 11/28/2017

Gainesville Community Development Department

 Subject Property

0 120 240 360 480 Feet



1" = 200'

Tax Parcel: 08-006-001-058 and 075



Applicant:

ZONING AMENDMENT REQUEST

TYLER LAND HOLDINGS



Request:

Amend existing Planned Unit Development (P-U-D) zoning on a 2.98+/- acres tract for a boat sales dealership

Subject Area Address:

1209 & 1229 Hillside Gardens Lane

Meeting: 1/16/2018

Prepared: 11/28/2017

Gainesville Community Development Department



Subject Property

Aerial from 2015

0 120 240 360 480 Feet



1" = 200'

Tax Parcel: 08-006-001-058 and 075

**REZONING APPLICATION NARRATIVE
PROPOSED PUD DEVELOPMENT
BY**

TYLER LAND HOLDINGS

Introduction

The applicant is requesting to change the use of the existing PUD development on Hillside Gardens Lane. The property is currently two parcels. The first has an existing two story metal building that is an office for a construction company. The second parcel is currently undeveloped and a wooded lot. The applicant is requesting the two properties be combined into one parcel and converted to a high end boat sales and service facility.

Existing Site Description

The site is located on Hillside Garden Lane at the intersection of McEver Road. The adjoining property to the east is a Hall County trash collection and recycling facility. To the north of the site is the existing Gainesville Elementary School. Across the street to the west is the Memorial Park Cemetery. There is approximately a 100-foot buffer on the school property that consists of mature hardwood trees and an existing swale that parallels the property line, but is fully contained on the school grounds.

The site is the current office location for C.B.C. Construction Company. There is an existing building with associated parking on the site. The topography of the land slopes downhill from the east to the west side of the site.

Proposed Site Description

The applicant currently owns and runs four similar dealerships in Alabama and Tennessee. He is looking to open a new dealership near Lake Lanier. Projected revenues are \$4 million in the first year expanding to \$8 million the next year. The proposed boat sales and service will be located in the existing building on the property. The building will be renovated and updated to provide a first class facility. A rendering of the building is included with the application along with interior pictures of his other dealerships.

The eastern undeveloped area of the site will be utilized for boat storage of the inventory and boats in for service. All service of the boats will be indoors. There are three large dock doors in the rear of the existing building to provide access to move the boats in and out of the building. Along Hillside Garden Lane, a fence with screening along with landscaping, will shield this storage area from view to the public.

Access to the property will utilize the existing two drives on Hillside Garden Lane. No new access drives will be constructed.

Storm water facilities will be constructed to comply with the current regulations. It is envisioned that a pond will be constructed behind the building with possibly an underground treatment facility in the front of the building.

Buffers and Landscaping

There are no buffers proposed for this development based upon the surrounding users. The school site to the north has a natural buffer established and the topography of the two sites provides adequate separation of the facilities. A landscape area will be established along the road frontage of the development. Additional landscaping as required by new development regulations will also be provided.

Signage

The existing signs will be utilized for the new business. All signs in the landscaped areas and on the buildings will comply with any additional sign regulations for the city.

Water and Sewer

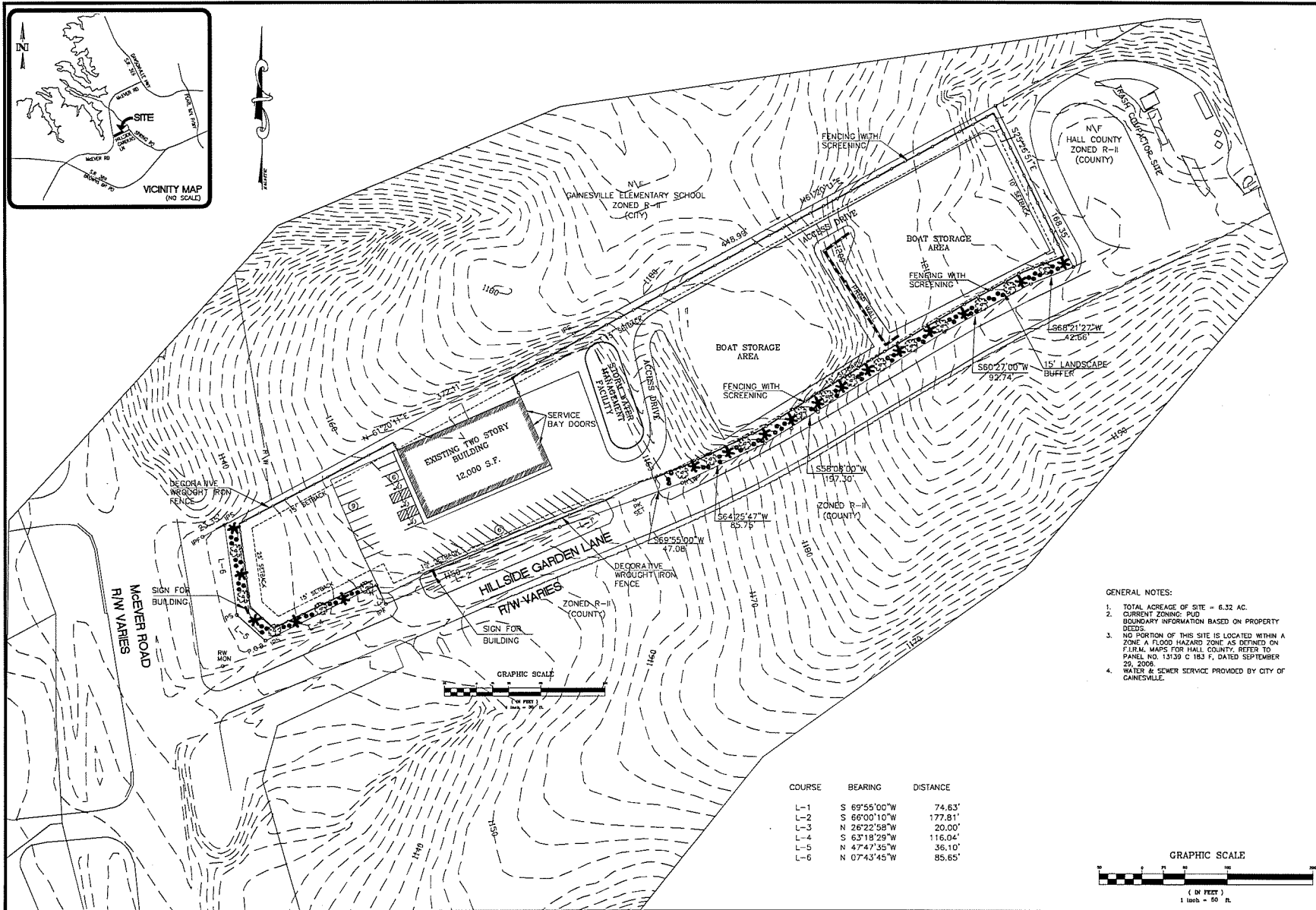
The city of Gainesville currently serves the property with water and sanitary sewer service.

Conclusion

It is therefore concluded that this development is in keeping with the comprehensive plan, is well located for access to major transportation routes, and has been conceived and planed with compatibility to the neighborhood. Tyler Land Holdings respectfully requests that this development be approved as submitted.



Proposed Building Exterior



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Seal

MYERS & CO.
civil engineers

1705-107-1014
myers@myersandco.com

P.O. BOX 631
GAINESVILLE, GA 32603

Project Description
TYLER LAND HOLDINGS

TAX PARCELS 68055 00103
& 68055 00105
632 AC. TOTAL
HALL COUNTY, GEORGIA

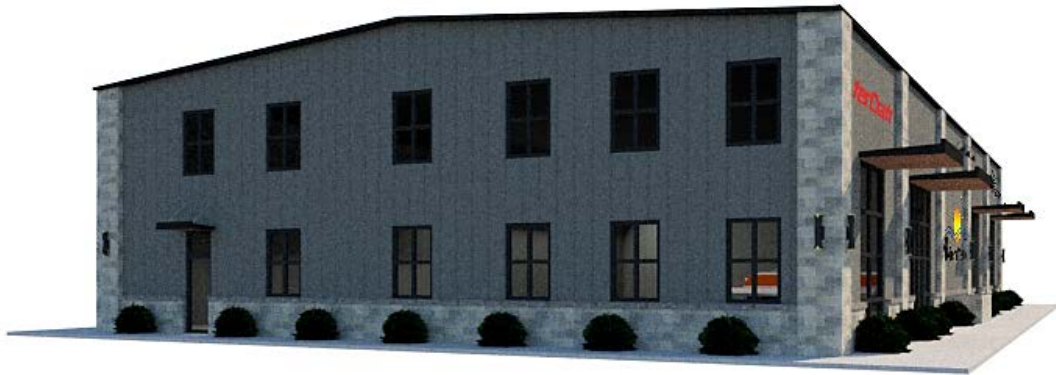
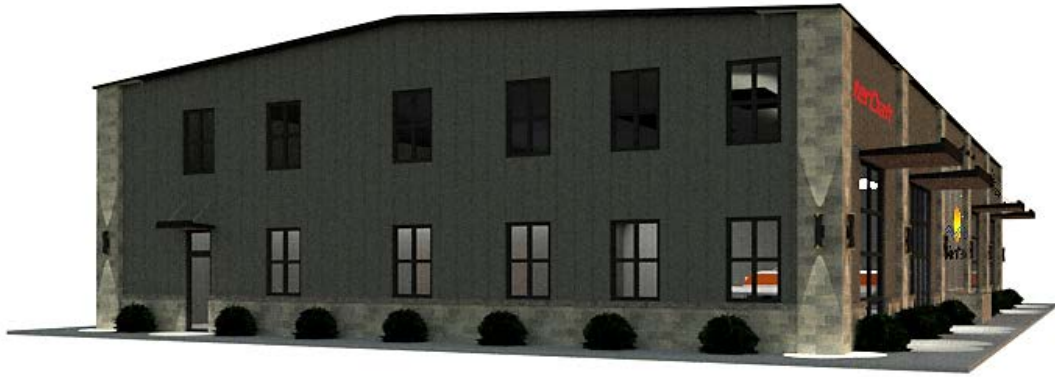
DATE 11-27-17

JOB NO. 17-37

SHEET TITLE
REZONING
PLAN

Revisions

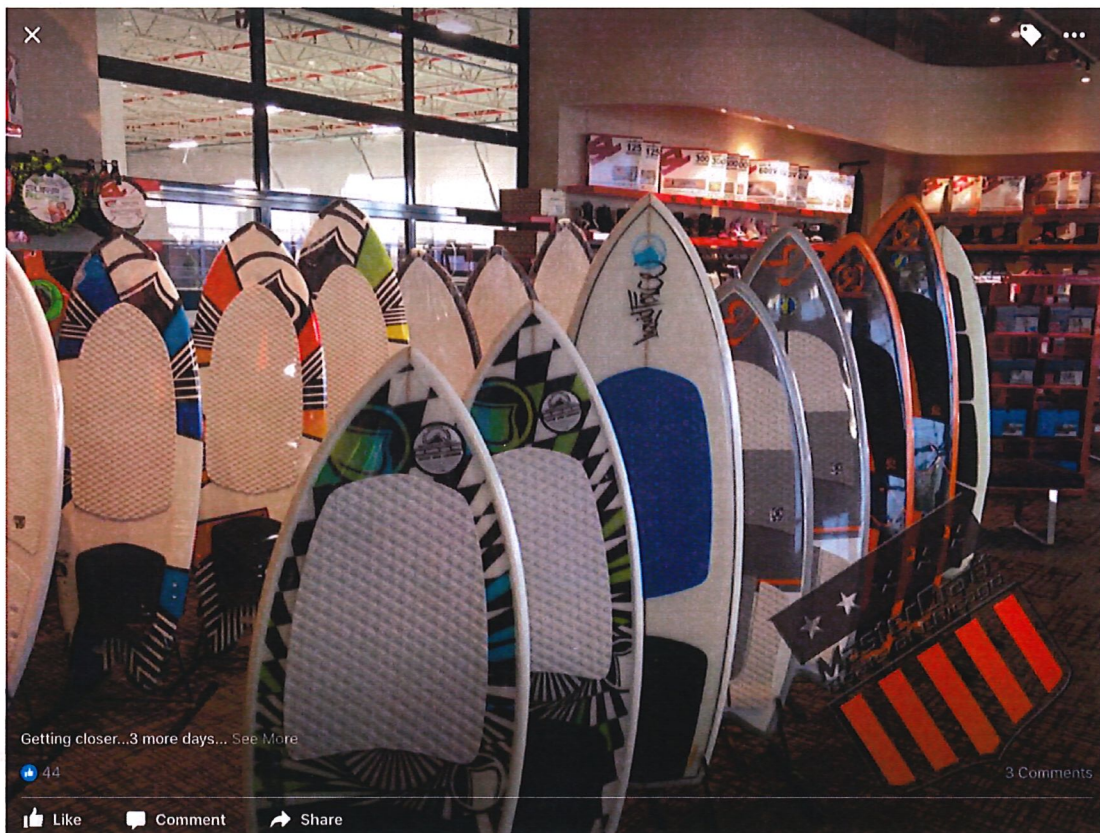
SHEET
RZ-1







Showroom



Sales Area



Showroom



Sales Area

Judy Foster

From: Charlie Hawkins [REDACTED]
Sent: Thursday, January 11, 2018 3:37 PM
To: Judy Foster; Matt Tate
Cc: [REDACTED]
Subject: January 16 - Zoning Amendment Request - 1209 and 1229 Hillside Gardens Lane
Attachments: LETTER from NEIGHBORS_supporting the rezoning request.pdf

Importance: High

Judy,

I hope you are doing well! I am unsure whether or not yall have received the attached letter from the surrounding neighbors showing support for our request. No authorized representation was available to sign off on behalf of the School or Life South. Rather, they gave the current property owner a verbal. I know yall would like to have the attached in preparation for the January 16th date!

Please let me know of any questions!

Thanks,

Charlie Hawkins

Commercial & Land Realtor

Website [REDACTED]

	Charlie Hawkins The Norton Agency Realtor [REDACTED] [REDACTED] [REDACTED] 434 Green Street Gainesville, GA 30501
---	---

December 1, 2017

To: City of Gainesville Board of Commissioners
300 Henry Ward Way
P.O. Box 2496
Gainesville, GA 30501

Re: Zoning Request from Tyler Land Holdings for 1209 Hillside Gardens Lane

Dear Council Member:

This letter is to inform you that as a property owner near 1209 Hillside Gardens Lane, I/We do not have any issues with the zoning application filed by Myers & Co. for Tyler Land Holdings.

Your consideration in this matter is greatly appreciated.

Respectfully!

Hillside Memorial Gardens

x Joshua K Barnett

Hillside Chapel Funeral Home

x Joshua K Barnett

Chapt. Bapt. Asso.

x R. D. Jones

Life South

x OK with Rezoning

Gainesville Elementary School

x OK w/ Rezoning

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 1/22/2018

Presenter: Matt Tate

Item of Business: Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to include amendments to Section 9-21-1-7 entitled "Meetings"; amendments to subsections (a), (b), (c) and (f) of Section 9-22-2-18 entitled "Action By Governing Body."

Meeting Date: 2/6/2018

Purpose of Request:

The City of Gainesville is proposing to amend Section 9-21-1-7 of the Unified Land Development Code to give the authority to the Community Development Department Director to approve the Planning and Appeals Board meeting calendar. In addition, an amendment to Section 9-22-2-18 is proposed to remove the requirement of a second reading by the Governing Body for zoning actions.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval of the amendments.

PAB recommended approval of the amendments.

SAMPLE MOTIONS

Approval

I move to approve first reading of an ordinance to amend the ULDC as presented.

Denial

I move to deny this request.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
	Legal Ad	Legal Ad
	Proposed Code Amendment	Ordinance

COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council

Publish Sunday, December 31, 2017
THE TIMES

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING

Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, January 16, 2018 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **EDRE Assets, LLC** to annex a 5.048± acres tract located on the north side of Ramsey Road at its terminus (a/k/a **0, 2608 and 2611 Ramsey Road**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 09-110-000-019 (part), 024 and 027
Request: 3 single-family lots
- 2) Request from **Altus Development, LLC** to rezone a 1.13± acres tract located on the northwest side of the intersection of Park Hill Drive and South Enota Drive (a/k/a **1351 Park Hill Drive**) from Residential-II (R-II) to Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 01-077-001-027
Request: Medical office
- 3) Request from **Tyler Land Holdings** to amend the existing Planned Unit Development (P-U-D) zoning on a 2.98± acres tract located on the northeast side of the intersection of McEver Road and Hillside Gardens Lane (a/k/a **1209 and 1229 Hillside Gardens Lane**).
Ward Number: Five
Tax Parcel Number(s): 08-006-001-058 and 075
Request: Boat sales dealership
- 4) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to include amendments to Section 9-21-1-7 entitled "Meetings"; amendments to subsections (a), (b), (c) and (f) of Section 9-22-2-18 entitled "Action By Governing Body."

**NOTICE OF PUBLIC HEARING ON PROPOSED
AMENDMENTS TO THE GAINESVILLE ZONING MAP**

Notice is hereby given that the **Gainesville City Council** will conduct a public hearing on **Tuesday, February 6, 2018 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

- 1) Request from **EDRE Assets, LLC** to annex a 5.048± acres tract located on the north side of Ramsey Road at its terminus (a/k/a **0, 2608 and 2611 Ramsey Road**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 09-110-000-019 (part), 024 and 027
Request: 3 single-family lots
- 2) Request from **Altus Development, LLC** to rezone a 1.13± acres tract located on the northwest side of the intersection of Park Hill Drive and South Enota Drive (a/k/a **1351 Park Hill Drive**) from Residential-II (R-II) to Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 01-077-001-027
Request: Medical office
- 3) Request from **Tyler Land Holdings** to amend the existing Planned Unit Development (P-U-D) zoning on a 2.98± acres tract located on the northeast side of the intersection of McEver Road and Hillside Gardens Lane (a/k/a **1209 and 1229 Hillside Gardens Lane**).
Ward Number: Five
Tax Parcel Number(s): 08-006-001-058 and 075
Request: Boat sales dealership
- 4) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to include amendments to Section 9-21-1-7 entitled "Meetings"; amendments to subsections (a), (b), (c) and (f) of Section 9-22-2-18 entitled "Action By Governing Body."

Additional information is available from the Community Development Department, Planning Division, by calling 770-531-6570.

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})

First Reading: _____
Passed: _____

CITY OF GAINESVILLE
COUNTY OF HALL
STATE OF GEORGIA

AN ORDINANCE

No. 2018-

AN ORDINANCE TO TO AMEND SECTION 9-21-1-7 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA ENTITLED “MEETINGS” AND TO AMEND SECTION 9-22-2-18 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA ENTITLED “ACTION BY GOVERNING BODY” BY ELIMINATING SAID SECTIONS IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF GAINESVILLE, GEORGIA, AS FOLLOWS:

SECTION I.

Section 9-21-1-7 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-21-1-7. Meetings.

The Planning and Appeals Board shall meet each month in accordance with the schedule of meeting dates and times approved by the ~~Governing Body~~ Community Development Department Director. Other meetings of the Planning and Appeals Board shall be held at the call of the Director if there is business to be brought before it, or at such other times as the Planning and Appeals Board may determine. All meetings of the Planning and Appeals Board shall be open to the public.

SECTION II.

Section 9-22-2-18 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-22-2-18. Action by Governing Body.

No action shall be taken on a rezoning or special use application by the governing body until it has received a recommendation by the Planning and Appeals Board, or upon the expiration of the sixty-five (65) day review period of the Planning and Appeals Board. In rendering a decision on a rezoning or special use application, the governing body shall consider all information supplied by the applicant, the Director, and the Planning and Appeals Board, any information presented at the public hearing of the Planning and Appeals Board, and information gained at its own public hearing.

After conducting a public hearing, in taking action on an application, the governing body may:

- (a) Approve the application as submitted by ordinance ~~which requires two readings for a Rezoning application and one reading for a Special Use application.~~
- (b) Approve the application with conditions ~~which requires two readings for a Rezoning application and one reading for a Special Use application.~~
- (c) Deny the proposal, ~~which shall not require a second reading.~~
- (d) Table the proposal for consideration at its next scheduled meeting.
- (e) Refer the application back to the Planning and Appeals Board for further consideration, with notice of public hearings before the Planning and Appeals Board and governing body, the same as required for the initial application.
- (f) Refer the application back to the Planning and Appeals Board for further consideration, without the requirement to hold a public hearing and provide notice thereof.

SECTION III.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION IV.

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid and unconstitutional.

SECTION V.

The effective date of this Ordinance shall be upon final approval by the governing body of the City of Gainesville, Georgia.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 2/1/2018

Presenter: Bryan Lackey

Item of Business: BR-2018-06 Authorization to Execute Compromise, Settlement and Release Agreement By and Between the City of Gainesville and Fairway Outdoor Funding, LLC

Meeting Date: 2/6/2018

Purpose of Request:

The purpose of this resolution is to authorize execution of an agreement with Fairway Outdoor Funding, LLC.

History/Background:

Facts & Issues for Consideration:

Differences with Fairway have been resolved through comprehensive negotiations to avoid litigation.

Department Recommendation:

Adopt the resolution as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2018-06 Authorize Fairway Outdoor Funding Settlement Agreement	Resolution
☐ Fairway Outdoor Funding Settlement and Release Agreement	Attachments/Exhibits

RESOLUTION BR-2018-06

**AUTHORIZATION TO EXECUTE COMPROMISE, SETTLEMENT AND RELEASE
AGREEMENT BY AND BETWEEN THE CITY OF GAINESVILLE AND FAIRWAY OUTDOOR
FUNDING, LLC**

WHEREAS, Fairway Outdoor Funding, LLC submitted fifteen (15) applications to the City for permits to convert its existing billboards in the City to utilize electronic display panels ("Applications"); and

WHEREAS, the City denied all fifteen (15) Applications; and

WHEREAS, Fairway notified the City that it intended to file suit; and

WHEREAS, rather than litigate in a lawsuit, Fairway and the City began comprehensive negotiations to resolve their differences; and

WHEREAS, Fairway and the City recognize that new electronic signage technology can provide important benefits when included in a digital billboard network, including prompt public safety messages, such as Amber Alerts and emergency announcements; and

WHEREAS, Fairway and the City further acknowledge that a reduction in the number of nonconforming billboards in the City, so long as additional advertising opportunities are created through new technology, may improve the aesthetics of the City without harming economic opportunity; and

WHEREAS, Fairway and the City now wish to memorialize the terms of the settlement and so enter into the Agreement attached hereto as Exhibit "A;" and

WHEREAS, certain other disputes have arisen or might arise in the future between Fairway and the City regarding the Applications, and because Fairway and the City wish to settle any and all disputes or claims between them in their entirety, they enter into the Agreement attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Mayor, City Manager and/or City Attorney to execute the Compromise, Settlement, and Release Agreement by and between City of Gainesville, Georgia and Fairway Outdoor Funding, LLC, which Agreement is attached hereto as Exhibit "A," and any other documents necessary to effectuate the provisions of said Agreement.

Adopted this ____ **day of** _____ **2018.**

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

EXHIBIT A

COMPROMISE, SETTLEMENT, AND RELEASE AGREEMENT

THIS COMPROMISE, SETTLEMENT, AND RELEASE AGREEMENT (“Agreement”) is entered into as of the date the last party executed this Agreement (the “Effective Date”) by and between the City of Gainesville, Georgia (“City”) and Fairway Outdoor Funding, LLC (“Fairway”) (City and Fairway are collectively referred to herein as “Parties;” each may be referred to as “Party” in the singular). The Parties are executing this Agreement with respect to the following matters:

RECITALS

WHEREAS Fairway submitted fifteen (15) applications to the City for permits to convert its existing billboards in the City to utilize electronic display panels (“Applications”); and

WHEREAS the City denied all fifteen (15) Applications; and

WHEREAS Fairway notified the City that it intended to file suit and forwarded a copy of the complaint to the City; and

WHEREAS rather than litigate in a lawsuit the Parties began comprehensive negotiations to resolve their differences; and

WHEREAS the Parties recognize that new electronic signage technology can provide important benefits when included in a digital billboard network, including prompt public safety messages, such as Amber Alerts and emergency announcements; and

WHEREAS the Parties further acknowledge that a reduction in the number of nonconforming billboards in the City, so long as additional advertising opportunities are created through new technology, may improve the aesthetics of the City without harming economic opportunity; and

WHEREAS the Parties now wish to memorialize the terms of settlement and so enter into this Agreement; and

WHEREAS certain other disputes have arisen or might arise in the future between the Parties regarding the Applications, and because the Parties wish to settle any and all disputes or claims between them in their entirety, they enter into this Agreement.

Therefore, in light of the foregoing and based upon the exchange of valuable consideration by and between the parties to this Agreement, the Parties hereby agree as follows:

(1) Each of the respective Parties to this Agreement hereby mutually releases and forever discharges each of the other Parties to this Agreement and all of such Parties’ successors,

EXHIBIT A

assigns, agents, affiliates, officers, directors, employees, representatives, insurers, and attorneys and each of them of and from any and all claims, debts, liabilities, demands, obligations, damages, costs, expenses, attorneys' fees, actions and causes of action, of every nature, character and description, known or unknown, which any of the respective Parties to this Agreement, now own or hold or may have at any time heretofore owned or held, or may at any time own or hold against any other Party to this Agreement with respect to the Applications and with respect to any claims whatsoever relating to the conversion and/or erection of billboards utilizing electronic display panels, excepting enforcing this Agreement. This Agreement does not restrict either Party or any of their assignees, from enforcing this Agreement or restrict Fairway, or any of its assignees from asserting the right to build, operate, modify, or relocate the signs allowed pursuant to this Agreement.

(2) If and when the billboard panels listed in Column A are completely removed, then the billboard panel described in Column B may be converted to an electronic display in accordance with the conditions set forth in Paragraph (3) below.

Phase One – Years 1-2

Column A

Fairway panels L2135 and L2136

Fairway panels L2416 and L2085

Fairway panels L2417 and L2418

Fairway panels L2080 and L2081

Fairway panels L2062 and L2063

Fairway panels L2420 and L2421

Fairway panels L2082 and L2083

Column B

Fairway panel L2458

Fairway panel L2334

Fairway panel G5401

Fairway panel L2084

Fairway panel L2134

Fairway panel L2414

Fairway panel L2415

Phase Two – After Year 2

Column A

Fairway panels G802 and G803

Fairway panels L2320, L2321, G6361, and G6362

Column B

Fairway panel G5382

Fairway panel G5361

EXHIBIT A

Fairway panels L2557, L2558, L2488, and L2489

Fairway panel L2521

Fairway panels L2456 and L2457

Fairway panel L2335

Fairway panels L2958, L2959, L2210, L2211, L2212, and L2213 Fairway panel L2431

(3) The conditions for all conversions are as follows:

a. Electronic displays may not exceed 300 square feet in size.

b. Conditional permits only will be issued for panels to be converted to electronic displays until the billboard panels from Column A are completely removed at which time certificate of occupancy/final approval will issue if all work has been completed in accordance with the conditional permit. The City will certify Georgia Department of Transportation forms as necessary to permit the listed conversions. Electricity to the converted panel shall not be activated until the panels from Column A are completely removed. Work on any converted structure shall include the addition of a decorative base of brick or stone material surrounding the base pole(s) to a height of at least ten feet.

c. Existing sign structures identified above within Section 2, Column B, may be utilized for converted panels where certified as compliant with current building codes and wind loads by a Georgia-certified professional engineer. Structural bolstering or new structures shall be permitted where a Georgia-certified professional engineer certifies that such measures are needed to meet current building codes and wind loads. Where a new structure is required it must be installed on the same property of the previous structure and may be installed where the existing sign stands or within 50 feet of the existing sign, except where good cause (such as utilities, driveways, or structures) exists for a farther move, in which case Fairway may seek administrative approval from the City of Gainesville Community Development Director. The total height of converted billboards may be reduced but not increased and shall be limited to a height of 35 feet (as measured from the ground to the top of the billboard when the panel and pole structure is replaced) except that where Fairway can show the existing sign height exceeds 35 feet, it may maintain or reconstruct at the preexisting height. In order to minimize heights of converted signs, Fairway shall be able to trim trees on private property with landowner permission and the City agrees not to plant any trees or vegetation that may interfere with sign visibility.

d. No message appearing on an electronic display may be displayed for less than ten (10) seconds inclusive of transition time between messages of no more than a two (2) seconds.

e. No electronic message shall flash, scroll the entire display from one side of the sign to the other whether from top to bottom or from one side of the sign to the other, or give the illusion of movement. Only static electronic messages shall be allowed. The electronic display shall not have varying light intensity during the display of any single message.

EXHIBIT A

f. The electronic portion of each sign may not operate at brightness levels of more than 0.30 foot candles above ambient light levels as measured from a distance of 150 feet.

g. Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.

h. The owner of any electronic sign shall provide to the City information for a contact who is available twenty-four (24) hours a day, seven (7) days a week, and able to turn off the electronic sign promptly if a malfunction occurs. If, at any time, more than twenty-five (25) percent of the digital display lights malfunction or are no longer working, the owner of the sign containing an electronic display shall turn off the electronic display until repairs are made.

i. Each electronic billboard display must comply with all Georgia Department of Transportation rules and regulations.

j. Each sign containing an electronic display shall contain a default design that will freeze the design in one position should a malfunction occur.

k. Fairway shall promptly make its electronic billboard displays available to local, county, and state law enforcement for emergency messages, to include Amber Alerts and other missing persons announcements, disaster evacuation information, and other emergency public safety topics. Such messages will be added as soon as practicable after request from such law enforcement agencies and will remain in the advertising rotation for a minimum of 48 hours or such lesser time period as requested.

l. Fairway shall donate one spot in the advertising rotation on each electronic display so that the City may post promotional messages, community announcements, and the like (i.e., "Easter Egg Hunt on Midtown Greenway"). Such messages shall be added to the advertising rotation eight times each calendar year for up to two weeks. Fairway also agrees to provide additional spots when space is available.

This Agreement sets forth all, and is intended to be an integration of all, of the covenants, promises, agreements, warranties, and representations among the Parties hereto, and, other than as expressly set forth herein, there are no covenants, promises, agreement, warranties, representations, or other understandings, oral or written, express or implied, among them relating to any and all disputes that exist or might exist between the parties. This Agreement constitutes the entire agreement between the Parties.

This Agreement shall not be modified by either party by oral representation made before or after the execution of this Agreement. All modifications must be in writing and signed by the party to be charged therewith.

EXHIBIT A

This Agreement represents the compromise of doubtful claims and is not an admission of liability by any Party.

This instrument may be executed in separate counterparts and shall become effective when such separate counterparts have been exchanged among the parties. Faxed or scanned signatures shall be binding and sufficient.

No presumption against or in favor of any person or party shall apply due to the drafting of this document.

This Agreement shall be governed by the substantive and procedural laws of the State of Georgia. Any suit brought to enforce any provisions of this Agreement must be brought in the courts of the State of Georgia.

Each of the Parties and each of the undersigned individuals hereby warrant to the other Parties that the undersigned have the authority to execute this Agreement and to bind the respective Parties to this Agreement. The Parties represent and warrant that they are the owners of all claims settled and released herein, that they have the authority to release all claims settled and released herein, and that they have not heretofore assigned to any other person or entity all or any portion of any claim settled and released herein. The rights and privileges of this Agreement shall be freely assignable by Fairway and Fairway agrees to provide a copy of this Agreement to any successor.

The Parties acknowledge that the terms of this Agreement have been read, that its provisions are fully understood, that it has been approved by each of them as represented by counsel, and that same has been fully signed by them as their free act, and shall be binding upon all Parties upon execution.

SIGNATURES ON FOLLOWING PAGE

EXHIBIT A

REVIEWED, APPROVED, AND ACCEPTED BY:

FAIRWAY OUTDOOR FUNDING, LLC

By: _____

Its: _____

Sworn to and subscribed before
me this _____ day of _____, 2018.

NOTARY PUBLIC: _____
My Commission Expires: _____

AFFIX NOTARY SEAL

REVIEWED, APPROVED, AND ACCEPTED BY:

APPROVED AS TO FORM

CITY OF GAINESVILLE

Abbott S. Hayes, Jr.
Hulsey, Oliver & Mahar, LLP
City Attorney

By: _____
Bryan Lackey
City Manager

Executed before me this _____
day of _____, 2018.

Attest: _____
Denise O. Jordan, City Clerk

Notary Public
My Commission Expires:

CITY SEAL

AFFIX NOTARY SEAL