



Mayor/Council Meeting Agenda
Tuesday, December 15, 2020, 5:30 PM
Public Safety Complex, Municipal Court Room
701 Queen City Parkway, Gainesville, GA 30501
Mayor or Mayor Pro Tem Presides

INVOCATION:

PLEDGE OF ALLEGIANCE:

PRESENTATIONS / RECOGNITIONS:

- A. Post-Employment Service Recognition

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Appointments

- A. Ethics Committee
- Appoint Ruth Bruner
- B. Historic Preservation Commission
- Appoint Ruth Bruner

Minutes

- A. November 12, 2020 Work Session
- B. November 17, 2020 Mayor/Council Meeting

Resolutions

- A. AR-2020-10 Fourth Quarter Budget Adjustment for Fiscal Year 2020
- B. BR-2020-46 Accepting a Portion of Millside Parkway as a City Street
- C. BR-2020-47 Adoption of an Intergovernmental Agreement with Hall County for Constructing and Maintaining of the Library Parking Deck
- D. BR-2020-48 Chattahoochee Golf Course Advisory Committee Meetings
- E. BR-2020-49 Declaration of Surplus Property
- F. BR-2020-50 Sanitary Sewer Agreement Between City of Gainesville and Family Promise of Hall County, Inc.
- G. BR-2020-51 Selection of Airport Consultant
- H. PR-2020-17 FY2021 Local Maintenance and Improvement Grant (LMIG)

PUBLIC HEARING(S):

Annexation/Zoning Items

A. Request from the **Clipper Petroleum, Inc.** to rezone a 0.41± acre tract located on the north side of Christopher Drive, west of its intersection with Thompson Bridge Road (a/k/a **150 Christopher Drive**) from Residential-I (R-I) to Neighborhood Business (N-B), with a special use. **Ward Number: Two.** Tax Parcel Number(s): 01-074-004-018. **Request: Convenience store with fuel pumps.**

- Proposed Rezoning Ordinance 2020-43
- Proposed Zoning Resolution 2020-05

B. Request from the **Clipper Petroleum, Inc.** for a special use on a 0.704± acre tract located on the northwest side of the intersection of Christopher Drive and Thompson Bridge Road (a/k/a **1261 and 1265 Thompson Bridge Road**), having a zoning of Neighborhood Business (N-B). **Ward Number: Two.** Tax Parcel Number(s): 01-074-004-019. **Request: Convenience store with fuel pumps.**

- Proposed Zoning Resolution 2020-06

CITY MANAGER ISSUES:

- A. BR-2020-18 Approval of Exercising Power of Eminent Domain at 628 EE Butler Parkway
(Tabled at the September 15, 2020 Mayor/Council Meeting)
- B. BR-2020-52 Property Acquisition from America's Home Place, Inc.

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Friday, December 11, 2020, 12:46 PM
Revised: Monday, December 14, 2020, 4:18 PM

Date Submitted: 10/26/2020
Presenter: Danny Dunagan
Item of Business: Post-Employment Service Recognition
Meeting Date: 12/15/2020

Purpose of Request:

To recognize the following retirees for their service:

1. Kelli Cranford
2. Randy Morrow
3. John Robertson

History/Background:

Facts & Issues for Consideration:

See the attached summary for general information regarding the retirees.

John Robertson will not be receiving a clock because he chose a shadow box from the PD. It has already been given to him.

Department Recommendation:

Department Director:

Janeann Allison

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

N/A

Amount Requested:

Source of Funds:

General Fund, i.e., HR Budget

Finance Comments:

Administrative Comments:

Funding is included through the annual budget process.

ATTACHMENTS:

Description	Type
 Retiree Statistical Sheet	Backup Material

- 📄 Kelli Cranford Testimonial
- 📄 Randy Morrow Testimonial
- 📄 John Robertson Testimonial

Backup Material

Backup Material

Backup Material



GAINESVILLE

The City of Gainesville Retired Employees

**Kelli Cranford
Department of Water Resources**

**25 years, 3 months, 14 days
01/16/1995 – 04/30/2020**

**Randy Morrow
Department of Water Resources**

**33 years, 8 days
03/23/1987 – 03/31/2020**

**John Robertson
Police Department**

**26 years, 4 months, 28 days
05/02/1994 – 09/30/2020**

Total Accumulated Services: 84 years, 8 months, and 20 days



Kelli Cranford

Your retirement, after 25 years, 3 months, and 14 days of service to the Gainesville City Government, is an occasion which fully merits a formal and sincere expression of the appreciation for the sterling qualities of mind and spirit which have been reflected in your devotion to the citizens of our City.

As Council Members, we are acutely aware that progress in municipal government is largely predicated upon the loyalty and effectiveness of its employees in faithfully carrying out the acts of the Council, and efficiently delivering the services provided by the departments in which they are employed.

Let it be further known, that the City of Gainesville takes great pleasure in the caliber of employees such as yourself, whose records of service have contributed substantially to the stature of our City as one of the most progressive of Georgia's municipalities.

Therefore, the governing body of the City of Gainesville issues this "Testimonial" in grateful appreciation for your loyalty and dedication to the City of Gainesville during your long and honorable record of service.

Executed this 15th day of December, 2020.

C. Danny Dunagan, Jr., Mayor

Zack Thompson, Council Member

George Wangemann, Council Member

W. Samuel Couvillon, Council Member

Barbara B. Brooks, Council Member

Juli Clay, Council Member



Randy Morrow

Your retirement, after 33 years and 8 days of service to the Gainesville City Government, is an occasion which fully merits a formal and sincere expression of the appreciation for the sterling qualities of mind and spirit which have been reflected in your devotion to the citizens of our City.

As Council Members, we are acutely aware that progress in municipal government is largely predicated upon the loyalty and effectiveness of its employees in faithfully carrying out the acts of the Council, and efficiently delivering the services provided by the departments in which they are employed.

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Executed this 15th day of December, 2020.

C. Danny Dunagan, Jr., Mayor

Zack Thompson, Council Member

George Wangemann, Council Member

W. Samuel Couvillon, Council Member

Barbara B. Brooks, Council Member

Juli Clay, Council Member



John Robertson

Your retirement, after 26 years, 4 months, and 28 days of service to the Gainesville City Government, is an occasion which fully merits a formal and sincere expression of the appreciation for the sterling qualities of mind and spirit which have been reflected in your devotion to the citizens of our City.

As Council Members, we are acutely aware that progress in municipal government is largely predicated upon the loyalty and effectiveness of its employees in faithfully carrying out the acts of the Council, and efficiently delivering the services provided by the departments in which they are employed.

Let it be further known, that the City of Gainesville takes great pleasure in the caliber of employees such as yourself, whose records of service have contributed substantially to the stature of our City as one of the most progressive of Georgia's municipalities.

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W. Samuel Couvillon, Council Member

Barbara B. Brooks, Council Member

Juli Clay, Council Member



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/10/2020

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 12/15/2020

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:

Date Submitted: 12/7/2020
Presenter: Danny Dunagan
Item of Business: Ethics Committee
• Appoint Ruth Bruner
Meeting Date: 12/15/2020

Purpose of Request:

The purpose of this request is to address the vacant position previously held by Bill Currans.

History/Background:

The Ethics Committee follows the guidelines of the City Charter and the Code of Ordinances. Members serve a four-year term.

Facts & Issues for Consideration:

Mr. Bill Currans moved outside the City limits and is no longer eligible to serve. Ruth Bruner is willing to serve on the committee. The debt verification process was completed with no concerns.

Department Recommendation:

To accept the nomination as submitted by the Mayor during the December 10, 2020 Work Session.

Department Director:

Danny Dunagan

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
 Ethics Committee Members	Backup Material

ETHICS COMMITTEE

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED REELECTED	EXPIRES
Ward 1	Nivens	Johnny	5/1/2012	6/21/2016 6/16/2020	6/21/2024
Ward 2	Rochester	Darrell	3/3/20 UE	6/16/2020	6/21/2024
Ward 3	Hutchens	Linda	7/5/2016	6/16/2020	7/5/2024
Ward 4	Currans	Bill Vacant	5/1/2012	6/21/2016	6/21/2020
Ward 5	Sanders	William (Bill)	2/18//20 UE	10/6/2020	10/4/2024

TERM: Four year terms

Created via Ordinance 2007-37 adopted 9/4/2007

CONTACT: City Clerk Denise Jordan

UE: Unexpired Term

UPDATED: 10/7/2020

Date Submitted: 12/7/2020
Presenter: Danny Dunagan
Item of Business: Historic Preservation Commission
• Appoint Ruth Bruner
Meeting Date: 12/15/2020

Purpose of Request:

The purpose of this request is to address the vacant position previously held by Arturo Corso.

History/Background:

The HPC follows the guidelines set forth in the City Charter, Code of Ordinances and the Unified Land Development Code. Members serve a three-year term.

Facts & Issues for Consideration:

Mr. Arturo Corso moved outside the City limits and is no longer eligible to serve. Mrs. Ruth Bruner has confirmed a willingness to serve and fill the unexpired term position. The debt verification process was completed with no concerns.

Department Recommendation:

To accept the nomination as submitted by the Mayor during the December 10, 2020 Work Session.

Department Director:

Danny Dunagan

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
☐ HPC Members	Backup Material
☐ Arturo Corso Resignation Letter	Backup Material

HISTORIC PRESERVATION COMMISSION

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Ward 1	Bachman	Richard (Dick)	7/17/2007	9/7/2010 5/21/2013 7/19/2016 6/18/2019	6/30/2022
Ward 2	Walters	J. A. (Jim)	8/19/2008	12/6/2011 8/5/2014 12/5/2017 6/16/2020	6/30/2023
Ward 3	Corso Vacant	Arturo	10/15/2019 UE	6/16/2020	6/30/2023
Ward 4	Day	Cathy	12/5/2017	6/18/2019	6/30/2022
Ward 5	Bailey	Jack	12/6/11 UE	6/5/2012 8/18/2015 7/17/2018	6/30/2021
Ex-Officio	Wangemann	George	1/10/2017	1/9/2018 1/8/2019 1/7/2020	1/18/2021

TERM: Initial terms were staggered beginning July 1, 2002
Three year terms which expire on June 30th.

CONTACT: Jessica Tullar / Rusty Ligon, Community & Economic Development Dept.

UPDATED: 9/18/20 ag

The Corso Law Center
Attorneys
A Limited Liability Company

Arturo Corso
Principal

427 Green Street, N.W.
Gainesville, Georgia 30501

Admitted in
New York, Georgia
and Washington, D.C.

Telephone (770) 532-9732

Facsimile (770) 532-9733

September 16, 2020

Jessica Tullar, MPA / AICP
Housing & Special Projects Manager
311 Henry Ward Way, SE
Gainesville, Georgia 30501
VIA ELECTRONIC MAIL

RE: Board Membership – Gainesville Historic Preservation Committee

Dear Jessica,

Greetings. I hope this letter finds you well. As we discussed a short time ago, my family and I have moved outside the city limits of Gainesville as of yesterday. Therefore, as I am no longer a legal resident of the City, regrettably I must offer my resignation from the HPC under the definition of the historic preservation jurisdiction language of the State Act.

My law practice and other businesses will remain located on Green Street, I am happy to say; so we will still see each other around town. It has been my honor to serve on this committee, however briefly. I am constantly impressed with what you and the rest of the planning department do for the City of Gainesville each day. Thank you for that.

Sincerely,

/s/ *Arturo Corso*
Arturo Corso
Attorney at Law

Date Submitted: 12/11/2020
Presenter: Denise Jordan
Item of Business: November 12, 2020 Work Session
Meeting Date: 12/15/2020

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

Date Submitted: 12/10/2020
Presenter: Denise Jordan
Item of Business: November 17, 2020 Mayor/Council Meeting
Meeting Date: 12/15/2020

Purpose of Request:

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

History/Background:

Facts & Issues for Consideration:

The referenced 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: 12/1/2020
Presenter: Bryan Lackey
Item of Business: AR-2020-10 Fourth Quarter Budget Adjustment for Fiscal Year 2020
Meeting Date: 12/15/2020

Purpose of Request:

This request is to approve the budget adjustments associated with the fourth quarter of fiscal year 2020.

History/Background:

The City of Gainesville Code states in part:

Sec. 2-3-87 - Budget amendments

(a) General amendment. The council may amend the budget as deemed necessary or advantageous during the fiscal year, provided additional revenues or funding sources are identified for any net increase in expenditure. Following the end of each fiscal year quarter, any approved adjustments, including budgets for any projects authorized during the quarter shall be enacted through a budget adjustment resolution upon favorable vote of the city council. The supplemental budget resolutions shall be balanced for each and every fund that is amended.

Facts & Issues for Consideration:

Department Recommendation:

Financial Services recommends the approval of the fourth quarter budget adjustment for fiscal year 2020.

Department Director:

Jeremy Perry

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ AR-2020-10 Fourth Quarter Budget Adjustment for Fiscal Year 2020	Resolution
☐ Attachment A - Charts for 4th Quarter Budget Adjustments for FY2020	Attachments/Exhibits
☐ Attachment B - Description of 4th Quarter Budget Adjustments for FY2020	Attachments/Exhibits

RESOLUTION AR-2020-10

**REGARDING FOURTH QUARTER BUDGET ADJUSTMENT
FOR FISCAL YEAR 2020**

WHEREAS, the City Council approved a budget for fiscal year 2020 for the City of Gainesville on June 18, 2019; and

WHEREAS, the budget is a dynamic rather than static revenue and spending plan which requires adjustment from time to time as circumstances change; and

WHEREAS, these adjustments maintain a balanced budget for all funds.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby adopts the adjustments to the budget listed on "Attachment A" and "Attachment B", attached hereto and made a part of the Resolution.

Adopted this _____ day of _____, 2020.

C. Danny Dunagan, Jr., Mayor

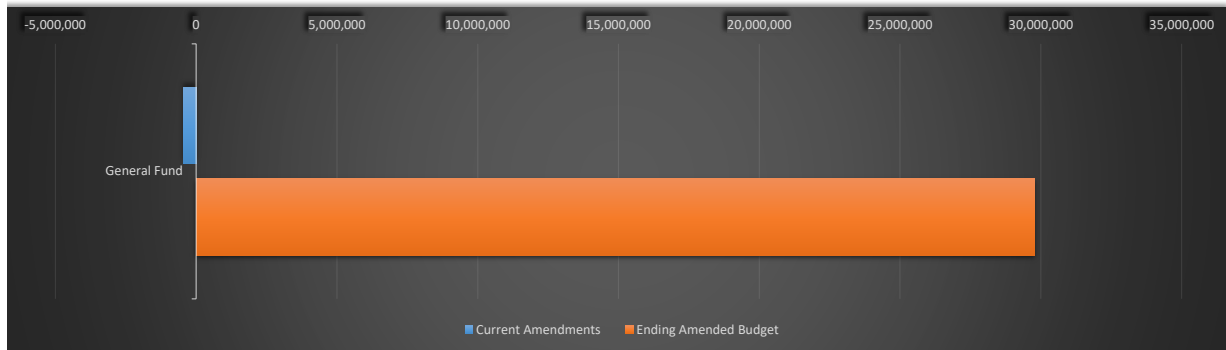
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

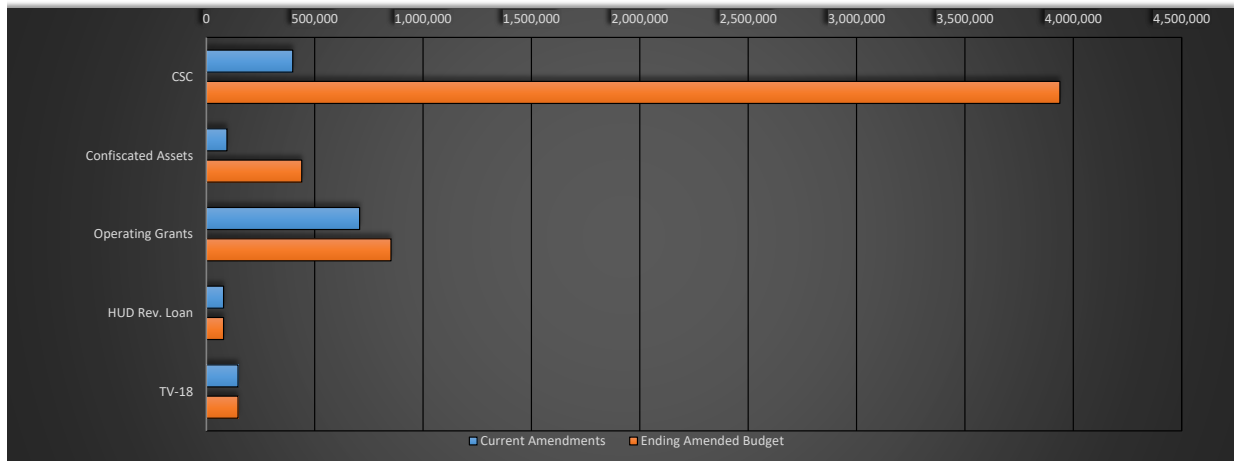
Denise O. Jordan, City Clerk

ATTACHMENT A

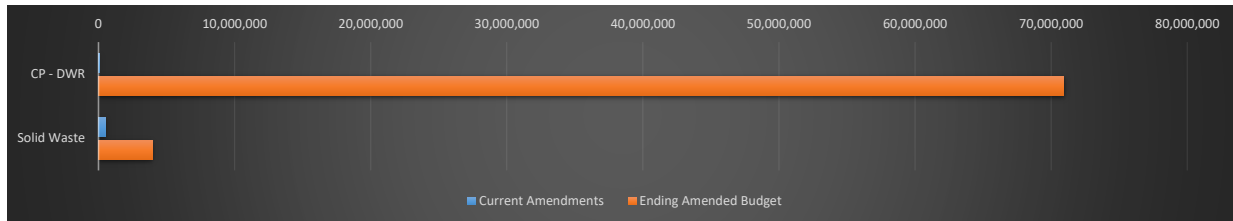
General Fund			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
General Fund	30,223,208	-454,624	29,768,584
Grand Total	30,223,208	-454,624	29,768,584



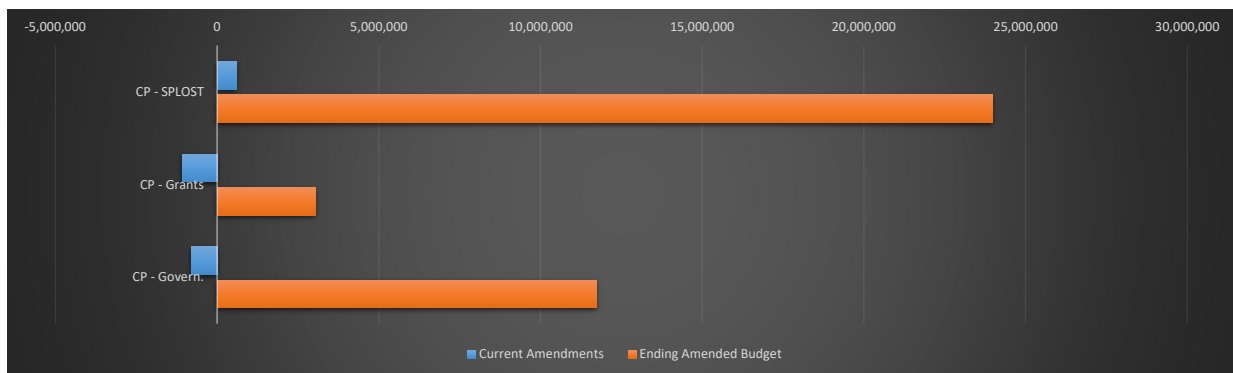
Special Revenue Funds			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
CSC	3,539,544	398,451	3,937,995
Cemetery Trust	47,500	0	47,500
Confiscated Assets	344,942	95,050	439,992
Operating Grants	144,792	707,083	851,875
HUD Grants	1,000,655	-2,833	997,822
HUD Rev. Loan	0	79,400	79,400
Fire Services fund	10,761,797	0	10,761,797
Econ. Dev.	108,000	0	108,000
Land Bank Authority	75,000	-75,000	0
TAD	551,743	0	551,743
H/M Tax Fund	1,289,311	0	1,289,311
Impact Fee	4,111,263	-350,000	3,761,263
TV-18	0	146,252	146,252
Info. Tech. Fund	44,784	450	45,234
Grand Total	22,019,331	998,853	23,018,184



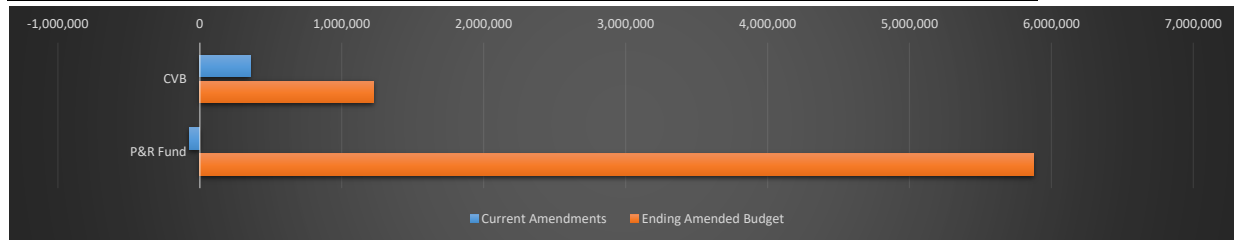
Enterprise Funds			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
DWR	73,813,532	0	73,813,532
CP - DWR	70,881,906	57,785	70,939,691
Solid Waste	3,481,353	482,000	3,963,353
Airport	2,550,399	0	2,550,399
Golf	1,559,683	0	1,559,683
Grand Total	152,286,873	539,785	152,826,658



Capital and Debt Funds			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
CP - SPLOST	23,384,479	587,601	23,972,080
CP - Grants	4,114,225	-1,076,446	3,037,779
CP - Govern.	12,525,987	-804,624	11,721,363
Debt. Serv.	3,296,537	0	3,296,537
Grand Total	43,321,228	-1,293,469	42,027,759



Component Unit			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
CVB	869,345	354,271	1,223,616
P&R Fund	5,949,258	-73,700	5,875,558
CP - P&R	3,361,497	0	3,361,497
Grand Total	10,180,100	280,571	7,099,174



Non-Profit			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
Non-Profit	24,367	1,492,995	1,517,362
Grand Total	24,367	1,492,995	1,517,362

Internal Service Fund			
Fund	Beginning Amended Budget	Current Amendments	Ending Amended Budget
Gen. Insurance	1,925,949	0	1,925,949
Employee Ben.	9,804,275	0	9,804,275
Veh. Serv.	2,605,085	0	2,605,085
Grand Total	14,335,309	0	14,335,309

ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS

GENERAL FUND

GENERAL FUND

The General fund recognized a total decrease of \$-454,624 during the fourth quarter of fiscal year 2020. The adjustments associated with this decrease are as follows:

- Transfer from General Fund for project 92050-Fire Station #2 Relocation- \$350,000.
- Reverse transfer to General Government Capital Projects fund \$-804,624.

SPECIAL REVENUE FUNDS

COMMUNITY SERVICE CENTER

The Community Service Center fund recognized a total increase of \$398,451 during the fourth quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- Increase in budgeted fund balance of \$398,451 due to purchase of transit and COVID-19 related purchases.

CONFISCATED ASSETS

The Confiscated Assets fund recognized a total increase of \$95,050 during the fourth quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- Increase in budgeted fund balance of \$95,050.

GRANTS FUND

The Grants fund recognized a total increase of \$707,083 during the fourth quarter of fiscal year 2020. The adjustments associated with this increase are as follows:

- Recognize FEMA COVID-19 grant revenue in the amount of \$677,743.
- GSAR 2019 grant establishment in the amount of \$29,340.

HUD GRANTS FUND

The HUD Grants fund recognized a total decrease of \$-2,833 during the fourth quarter of fiscal year 2020. The adjustment associated with this decrease is as follows:

- Reversal of CDBG 2014 reappropriations in the amount of \$-23,956.
- Establishment of CDBG 2014-Davis Street Cottages Budget in the amount of \$21,123.

ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS

HUD REVOLVING LOAN FUND

The HUD Revolving Loan fund recognized a total increase of \$79,400 during the fourth quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- Establishment of HUD RLF Budget for FY20 in the amount of \$79,400.

LAND BANK AUTHORITY FUND

The Land Bank Authority fund recognized a total decrease of \$-75,000 during the fourth quarter of fiscal year 2020. The adjustment associated with this decrease is as follows:

- Budget reduction in the amount of \$-75,000 due to COVID-19.

IMPACT FEE FUND

The Impact Fee fund recognized a total decrease of \$-350,000 during the fourth quarter of fiscal year 2020. The adjustment associated with this decrease is as follows:

- Reduction of Impact Fee funding for 92050-Fire Station #2 Relocation in the amount of \$-350,000.

TV-18 FUND

The TV-18 fund recognized a total increase of \$146,252 during the fourth quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- Increase in budgeted fund balance in the amount of \$146,252 to close out the fund.

INFORMATION TECHNOLOGY FUND

The Impact Fee fund recognized a total increase of \$450 during the fourth quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- Increase in budgeted fund balance in the amount of \$450.

ENTERPRISE FUNDS

SOLID WASTE FUND

The Solid Waste fund recognized a total increase of \$482,000 during the fourth quarter of FY2020. The adjustment was due to a one-time adjustment to the Indirect Cost Allocation relating to Public Works in the amount of \$482,000.

ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS
CAPITAL AND DEBT FUNDS

DWR CAPITAL PROJECTS FUND

The Department of Water Resources Capital Project fund recognized a total increase of \$57,785 during the fourth quarter of FY2020. The adjustments associated with this increase are as follows:

- Participation costs for 00318 River Blue Property in the amount of \$25,000.
- Transfer from 505 fund to 308 for the purchase of a Citric Acid Pump Skid in the amount of \$32,785.

GRANTS CAPITAL PROJECTS FUND

The Grants Capital Projects fund recognized a total decrease of \$-1,076,446 during the fourth quarter of FY2020. The adjustments associated with this decrease are as follows:

- Reduction of project 93165-Greenway Connectivity by TAP grant amount of \$1,000,000.
- Adjustment of CDBG 2019 project budgets in the amount of \$53,905.
- Reversal of CDBG 2014 FY20 reappropriations in the amount of \$23,956.
- Increase of CDBG 2017 for Davis Street Cottages in the amount of \$1,415.

GENERAL GOVERNMENT CAPITAL PROJECTS FUND

The General Government Capital Projects fund recognized a total decrease of \$-804,624 during the fourth quarter of FY2020. The adjustment associated with this decrease is as follows:

- Reverse transfer from General Fund in the amount of \$-804,624.

SPLOST CAPITAL PROJECTS FUND

The SPLOST Capital Project fund recognized a total increase of \$587,601 during the fourth quarter of FY2020. The adjustments associated with this increase are as follows:

- Allocation of SPLOST VII collections in the amount of \$587,601.

ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS
COMPONENT UNIT

GAINESVILLE CVB FUND

The Gainesville CVB fund recognized a total increase of \$354,271 during the fourth quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- Transfer of Lake Lanier Olympic Park budget to CVB in the amount of \$354,271.

PARKS AND RECREATION FUND

The Parks and Recreation fund recognized a total decrease of \$-73,700 during the fourth quarter of FY2020. The adjustment associated with the transfer of the Lake Lanier Olympic Park budget to CVB.

NON-PROFIT HOUSING FUND

The Non-Profit Housing fund recognized a total increase of \$1,492,995 during the fourth quarter of fiscal year 2020. The adjustment associated with this increase is as follows:

- Establish the budget for the Davis Street Cottages project in the amount of \$1,492,995.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/1/2020

Presenter: Bryan Lackey

Item of Business: BR-2020-46 Accepting a Portion of Millside Parkway as a City Street

Meeting Date: 12/15/2020

Purpose of Request:

To recommend acceptance of the identified portion of Millside Parkway as a City street.

History/Background:

Resolution BR-2018-57 was adopted which accepted the other sections of Millside Parkway.

Facts & Issues for Consideration:

This portion of Millside Parkway was developed and constructed in accordance with the approved plans.

Department Recommendation:

Approve the resolution for acceptance as a City street.

Department Director:

Chris Rotalsky

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

Amount Requested:

N/A

Source of Funds:

N/A

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2020-46 Accepting a Portion of Millside Parkway as a City Street	Resolution
☐ Warranty Deed	Contract/Agreement/MOU
☐ Final Plat	Backup Material

RESOLUTION BR-2020-46

ACCEPTING A PORTION OF MILLSIDE PARKWAY AS A CITY STREET

WHEREAS, the governing body for the City of Gainesville adopted resolution BR-2018-57 which accepted two sections of Millside Parkway as a City of Gainesville public street; and

WHEREAS, a third section, as described in the attached Warranty Deed, was excluded; and

WHEREAS, the Gainesville Public Works Department has determined that this remaining section was developed and constructed in accordance with the approved plans.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby accepts the portion of Millside Parkway described in the attached Warranty Deed as a City of Gainesville public street and accepts the associated lighting and standard maintenance costs thereof.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville authorizes the Mayor and/or the City Manager to sign, and staff to record, the Warranty Deed accepting the associated right-of-way.

Adopted this ____ day of _____, 2020.

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

AFTER RECORDING PLEASE RETURN TO:
City of Gainesville
PO Box 2496
Gainesville, GA 30503

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HALL

This deed made by and between Mundy Mill Association, Inc., Grantor, and the City of Gainesville, Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents, does grant, bargain, sell and convey unto the said Grantee,

All that tract or parcel of land lying and being in Land Lots 30 & 43, 8th Land District, formerly in the City of Oakwood, but currently in the City of Gainesville, Hall County, Georgia and as shown on a plat prepared by Patton Land Surveying, LLC, for Millside Development, LLC, Plat dated October 12th, 2017, last revised November 6th, 2018 and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at a PK Nail set at the centerline intersection of State Route No. 53 (Mundy Mill Road)(varying width r/w) and Millside Parkway, located at Georgia State Plane Coordinate Northing 1543754.25, Easting 2382787.18, Georgia West Zone, North American Datum of 1983/2007 adjustment, THENCE North 06 degrees 21 minutes 19 seconds West for a distance of 136.59 feet to a point on the Northeasterly right-of-way line of said State Route No. 53; Thence following said State Route No. 53 the following course: South 42 degrees 12 minutes 26 seconds East for a distance of 130.10 feet to a point, and said point being the TRUE POINT OF BEGINNING.

Thence from the True Point of Beginning North 47 degrees 51 minutes 19 seconds East for a distance of 59.06 feet to a point; Thence along a curve to the right having a radius of 275.00 feet and an arc length of 140.55 feet, being subtended by a chord of North 62 degrees 25 minutes 50 seconds East for a distance of 139.03 feet to a point; Thence North 78 degrees 27 minutes 49 seconds East for a distance of 10.69 feet to a point; Thence South 47 degrees 42 minutes 00 seconds West for a distance of 152.85 feet to a point; Thence along a curve to the left having a radius of 50.00 feet and an arc length of 78.46 feet, being subtended by a chord of South 02 degrees 44 minutes 47 seconds West for a distance of 70.65 feet to a point on the Northeasterly right-of-way line of said State Route No. 53; Thence following said State Route

No. 53 the following course: North 42 degrees 12 minutes 26 seconds West for a distance of 90.90 feet to a point and said point being the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, together with all rights and appurtenances unto the said Grantee, forever in FEE SIMPLE, and the Grantor WARRANT the title to the same against the lawful claims of all persons whomever. Subject to the exceptions listed in Exhibit A. (*Exhibit A would include any existing easements, etc. to third parties, if any*)

Whenever there is a reference herein to the Grantor or the Grantee, the singular includes the plural and the masculine includes the feminine and the neuter, and said terms include and bind the heirs, executors, administrator, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and affixed his seal this ____ day of _____, 2020.

Signed, sealed and delivered
in the presence of:

MUNDY MILL ASSOCIATION, INC.

Witness By: _____ (SEAL)
Darrell Wayne Wiley, CEO

Notary Public
My commission expires:
[Notary Seal]

APPROVED AS TO FORM

CITY OF GAINESVILLE

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

By: _____
C. Danny Dunagan, Jr., Mayor

Executed before me this _____
day of _____, 20____

Attest: _____
Denise O. Jordan, City Clerk

Notary Public
My Commission Expires:

CITY SEAL

AFFIX NOTARY SEAL

EXHIBIT "A"

1. Memorandum of Agreement Creating Easements, Establishing Covenants and Restrictions between Johnnie C. Wiley and Annie May Wiley and Montine B. McDaniel and William A. Bagwell, dated November 25, 1992, filed November 30, 1992, recorded in Deed Book 1868, page 156, Hall County, Georgia Deed Records; as amended by Amendment dated September 12, 2000, filed September 13, 2000, recorded in Deed Book 3737, page 360, aforesaid records.
2. Amended and Restated Declaration of Covenants, Restrictions and Easements for the Mundy Mill Center made as of this 20th day of December, 2019, by Mundy Mill Center, LLC, a Georgia Limited Liability Company, Wiley & Wiley Real Estate, LLC, a Georgia Limited Liability Company, Mundy Mill Association, Inc. a Georgia Not for Profit Corporation, as recorded in Deed Book 8422, Page 104, aforesaid records.
3. Right of Way Deed to Department of Transportation, dated September 10, 1992, recorded in Deed Book 1824, page 304 of the Hall County, Georgia Deed Records, which deed also conveys access rights.
4. Right of Way Deed to Department of Transportation, dated December 28, 1992, recorded in Deed Book 1884, page 62 of the Hall County, Georgia Deed Records, which deed also conveys access rights.
5. Easement to City of Gainesville dated July 17, 2000, recorded in Deed Book 3737, page 643 of the Hall County, Georgia Deed Records.
6. Declaration of Protective Covenants and Restrictions for Mundy Mill Center, dated September 17, 2004, recorded in Deed Book 5214, page 338 of the Hall County, Georgia Deed Records.
7. Easement to City of Gainesville filed for record April 22, 2005, recorded in Deed Book 5291, page 31 of the Hall County, Georgia Deed Records.
8. First Amendment to Declaration of Protective Covenants and Restrictions for Mundy Mill Center, filed for record July 10, 2017, recorded in Deed Book 7931, page 94 of the Hall County, Georgia Deed Records.
9. Declaration of Covenants, Restrictions and Easements for Mundy Mill Center, dated November 7, 2018, filed for record November 9, 2018, recorded in Deed Book 8176, pages 625-644 of the Hall County, Georgia Deed Records.
10. All matters shown on plat of survey for Johnnie C. Wiley and Arrie Mae Wiley dated October 25, 2011, revised November 2, 2012, prepared by Patton Land Surveying, Chris M. Patton, Georgia Registered Land Surveyor No. 2647, a copy of said plat being recorded in Plat Book 866, page 133 of the Hall County, Georgia Plat Records, including but not limited to:
 - (a) building setback lines;
 - (b) 30-foot sanitary sewer easement along the northerly property line of subject property; and
 - (c) 20-foot drainage easement in the northeastern corner of subject property;

FINAL PLAT OF MILLSIDE PARKWAY

LYING IN LAND LOTS 25, 30, & 43, 8TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA
(BEING A PORTION OF PARCEL: 08024 005008A)

THIS BLOCK IS RESERVED FOR THE CLERK
OF THE SUPERIOR COURT

STATE WATERS BUFFER:

AN UNDISTURBED VEGETATIVE BUFFER MEETING CITY AND
STATE REGULATIONS WILL BE PRESERVED ADJACENT TO
ALL STREAMS AND LAKES. BUFFER IS TO BE MEASURED
HORIZONTALLY FROM POINT WHERE VEGETATION HAS BEEN
WRESTED BY NORMAL STREAM FLOW OR WAVE ACTION.

OWNER'S CERTIFICATE

State of Georgia
City of Gainesville, County of Hall

The owner of the land shown on this plat and whose name
is subscribed thereto, and in person or through a duly
authorized agent, acknowledges that this plat was made
from an actual survey and dedicated to the city of
Gainesville forever, all water mains, sanitary sewers,
easements, and associated appurtenances thereon shown.

Owner's name: BUTLER PROPERTY, LLC

Owner's address: BUTLER PROPERTY, LLC
P.O. BOX 978
Gainesville, Georgia

(Owner's signature)

Date

OWNER'S CERTIFICATE

State of Georgia
City of Gainesville, County of Hall

The undersigned certifies that he or she is the owner and subdivider of the
land shown on this plat and that the plat and the public and private
improvements contained therein or associated therewith meet all applicable
requirements and standards of the Gainesville Unified Land Development Code.
The owner further acknowledges this plat and allotment to be his free act
and deed, and dedicates to the Public forever all areas shown or indicated
on this plat as public streets, easements or other public use areas, and all
water system, sewerage and other public improvements (hereinafter
"facilities"). However, the City of Gainesville will not take ownership and
maintenance of these facilities until such time as the undersigned petitions
for and the Governing Body of the City of Gainesville accepts the dedication
and acceptance of the facilities as provided in section 9-13-14-12 of the
Gainesville Unified Land Development Code and provided a maintenance bond
as required in sections 9-13-13-9 and 10.

Owner's name: BUTLER PROPERTY, LLC

Owner's address: BUTLER PROPERTY, LLC
P.O. BOX 978
Gainesville, Georgia 30503

(Owner's signature)

Date

OWNER'S CONTACT INFORMATION:

BUTLER PROPERTY, LLC
P.O. BOX 978
Gainesville, Georgia
30503
770-532-3400

SURVEYOR'S CERTIFICATE

It is hereby certified that this plat is true and correct and was prepared
from an actual survey of the property by me or under my supervision; that
all monuments shown thereon actually exist.

The field data upon which this plat is based has a closure precision of one
foot in 38,140 feet, and an angular error of 00'00"02" per angle
point, and was adjusted using Crandall's rule.

By: *Chris M. Patton*
Registered Georgia Land Surveyor No. 2647
Patton Land Surveying
P.O. Box 256
Gainesville, GA 30503
Phone: (770) 532-6492
Fax: (770) 532-1995
E-Mail: cpatt@pattonlandsurveying.com
Date: NOVEMBER 7TH, 2018



HALL COUNTY SURVEYOR

SURVEYOR'S CERTIFICATION:

AS REQUIRED BY SUBSECTION (C) OF O.C.G.A. SECTION 15-6-67, THE
REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT
OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL
APPLICABLE MUNICIPAL, COUNTY OR MUNICIPAL-COUNTY PLANNING
COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR
THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT
APPROVAL IS NOT REQUIRED.

THE FOLLOWING GOVERNMENTAL BODIES HAVE APPROVED THIS MAP, PLAT
OR PLAN FOR FILING:

CITY OF GAINESVILLE COMMUNITY DEVELOPMENT DEPARTMENT DATE:

SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE
APPROPRIATE GOVERNMENTAL BODIES BY ANY SUCH PURCHASER/OWNER
AS TO INTENDED USE OF ANY PARCEL. THE REGISTERED LAND SURVEYOR
FURTHER CERTIFIES THAT THIS MAP, PLAT OR PLAN COMPLIES WITH THE
MINIMUM STANDARDS AND SPECIFICATIONS OF THE STATE BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND
THE GEORGIA SUPERIOR COURT CLERKS COOPERATIVE AUTHORITY. THE
APPROVAL SIGNATURES ABOVE WERE NOT IN PLACE WHEN THIS SURVEY
WAS ISSUED, AND ARE TO BE PROPERLY OBTAINED PRIOR TO
RECORDING.

CHRIS M. PATTON, GA. R.L.S. #2647

DATE:

SHEET INDEX

SHEET 1 - COVER SHEET
SHEET 2 - COVER SHEET
SHEET 3 - MAP SHEET
SHEET 4 - MAP SHEET
SHEET 5 - MAP SHEET
SHEET 6 - MAP SHEET
SHEET 7 - MAP SHEET
SHEET 8 - SEWER ASBUILTS & PROFILE
SHEET 9 - SEWER ASBUILTS & PROFILE
SHEET 10 - WATER VALVE DETAILS

REFERENCES:

1. DEED BOOK 1696, PAGE 185
2. DEED BOOK 6749, PAGE 226
3. DEED BOOK 7931, PAGE 98
4. DEED BOOK 7618, PAGE 384
5. DEED BOOK 7611, PAGE 195
6. DEED BOOK 7628, PAGE 674
7. DEED BOOK 7747, PAGE 151
8. DEED BOOK 7216, PAGE 611
9. DEED BOOK 866, PAGES 132 & 133
10. PLAT BOOK 854, PAGES 118-122
11. PLAT BOOK 853, PAGES 247-250
12. PLAT BOOK 854, PAGES 1 & 2

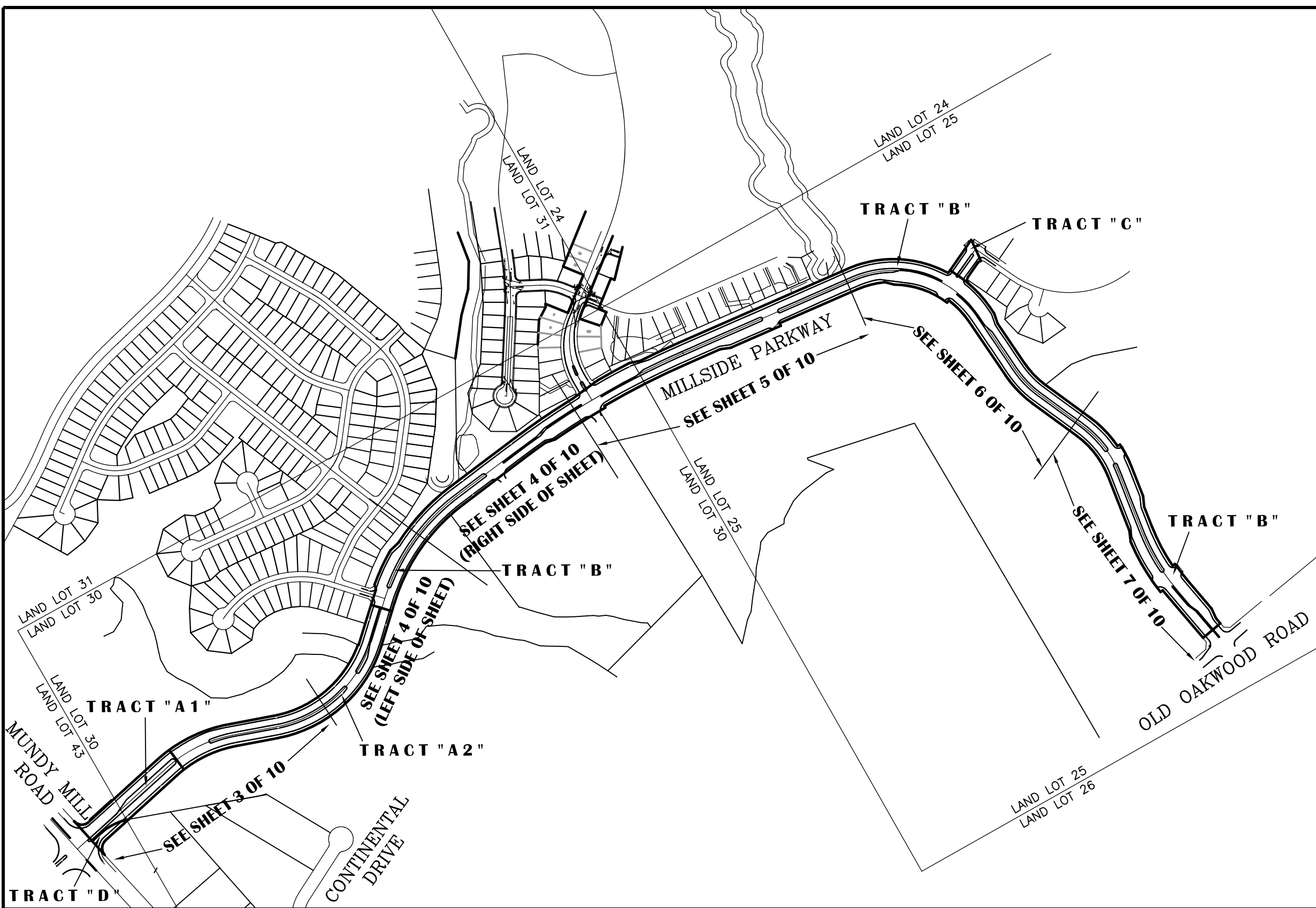
WATER VALVE MONUMENTS

C.M.F. NO. 1
N:1544956.16
E:2384220.37
C.M.F. NO. 2
N:1546020.32
E:2385310.32
C.M.F. NO. 3
N:1546420.78
E:2387020.94
C.M.F. NO. 4
N:1545920.45
E:2387622.02
C.M.F. NO. 5
N:1545850.12
E:2387900.03
C.M.F. NO. 6
N:1545063.40
E:2388007.82

PROJECT LOCATION

VICINITY MAP
(NOT TO SCALE)

SHEET INDEX (SCALE: 1"=500')



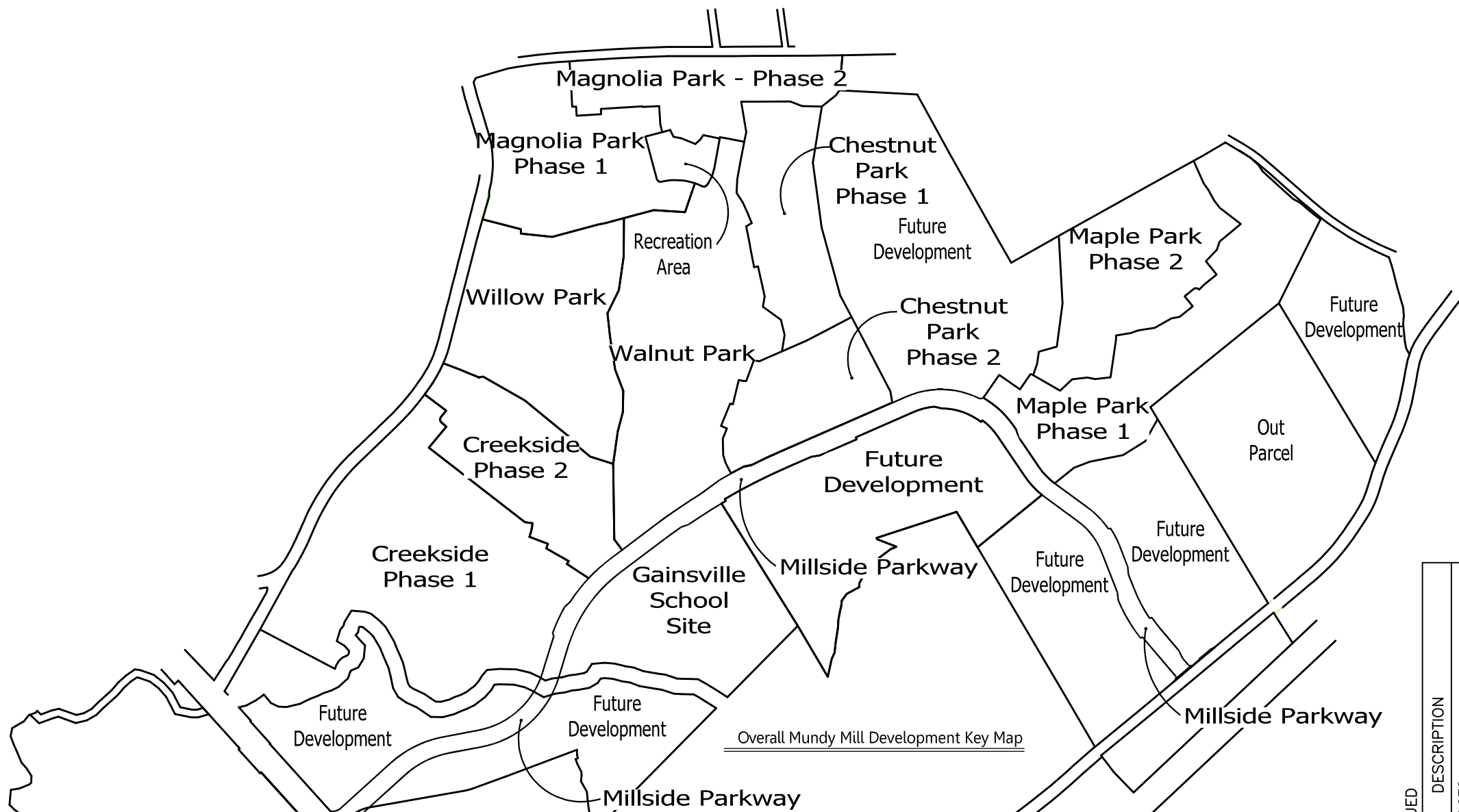
AREAS:

TRACT "A1" - 1.45 ACRES
TRACT "A2" - 3.40 ACRES
TRACT "B" - 14.63 ACRES
TRACT "C" - 0.32 ACRES
TRACT "D" - 0.16 ACRES

LEGEND:

△ A.I.F. - ANGLE IRON FOUND
⊗ A.F. - AXLE FOUND
■ C.M.F. - CONCRETE MONUMENT FOUND
○ C.T.F. - CRIMP TOP PIN FOUND
● R.B.F. - REBAR FOUND (SEE DRAWING FOR SIZE)
● O.T.F. - OPEN TOP FOUND (SEE DRAWING FOR SIZE)
○ I.P.F. - IRON PIN FOUND
⊗ P.K.N.F. - PARKER KALON NAIL FOUND
⊗ FX - X-CUT FOUND
◆ NF - NAIL FOUND
⊗ RF - ROCK FOUND
● RRF - RAILROAD SPIKE FOUND
⊗ TF - TACK FOUND
⊗ P.K.N.S. - PARKER KALON NAIL SET
○ R.B.S. - 1/2" REBAR SET WITH CAP
○ CMS - CONCRETE MONUMENT SET
○ NS - NAIL SET
○ CP - CALCULATED POINT
⊗ D.I. - DROP INLET
⊗ J.B. - JUNCTION BOX
⊗ WI - WIER INLET
⊗ C.R. - CABLE RISER
⊗ T.R. - TELEPHONE RISER
⊗ C.B. - SUBSURFACE CABLE BOX
⊗ P.B. - POWER TRANSFORMER BOX
○ P.P. - POWER POLE
○ S.P. - SERVICE POLE
⊗ T.P. - TELEPHONE POLE
⊗ L.F. - LIGHT POLE
⊗ G.Y. - GUY WIRE
⊗ G.P. - GUY ANCHOR POLE
⊗ E.S. - ELECTRIC SERVICE
⊗ E.P.B. - ELECTRIC PULL BOX
⊗ W.M. - WATER METER
⊗ W.V. - WATER VALVE
⊗ F.H. - FIRE HYDRANT
⊗ F.D.C. - FIRE DEPARTMENT CONNECTION
⊗ I.C.V. - IRRIGATION CONTROL VALVE
⊗ WP - WELL POINT
⊗ C.O. - SANITARY CLEANOUT
⊗ S.S.M.H. - SANITARY SEWER MANHOLE
⊗ G.V. - SANITARY GATE VALVE
⊗ H.W. - HARDWOOD TREE
⊗ P.T. - PINE TREE
⊗ M.T. - MISCELLANEOUS TYPE TREE
⊗ GAS - GAS VALVE
⊗ G.M. - GAS METER
⊗ P. - PROPANE TANK
⊗ F.F. - FLAG POLE
⊗ TSP - TRAFFIC SIGNAL POLE
⊗ TSB - TRAFFIC SIGNAL BOX
⊗ BO - WATER BLOW OFF
⊗ BFP - WATER BACKFLOW PREVENTER
⊗ TMH - TELEPHONE MANHOLE
⊗ MW - MONITORING WELL
● BP - BOLLARD POST
⊗ SNL - TRAFFIC SIGN
⊗ T. - TELEPHONE VAULT
E.P. - EDGE OF PAVEMENT
B.C. - BACK OF CURB
C.M.P. - CORRUGATED METAL PIPE
R.C.P. - REINFORCED CONCRETE PIPE
B.C.C.M.P. - BITUMINOUS COATED CORRUGATED PIPE
H.D.P.E. - HIGH DENSITY POLYETHYLENE PIPE
V.C. - POLYVINYL CHLORIDE PIPE
D.I.P. - DUCTILE IRON PIPE
C.B. - CATCH BASIN
S.W.C.B. - SINGLE WING CATCH BASIN
D.W.C.B. - DOUBLE WING CATCH BASIN
I.E. - INVERT ELEVATION
R.W. - RETAINING WALL
-T- - BURIED TELEPHONE LINE
-OHP- - OVERHEAD POWER LINES
-W- - BURIED WATER MAIN
-G- - BURIED GAS LINE
-O- - CHAIN LINK FENCE
-D- - WOOD FENCE
-X- - WIRE FENCE
-SS- - BURIED SEWER LINE
P/L - PROPERTY LINE
R/W - RIGHT-OF-WAY
N/F - NOW OR FORMERLY
C - CENTERLINE
INTX - INTERSECTION
R - CURVE RADIUS
L - CURVE ARC LENGTH
C - CURVE CENTRAL ANGLE
C BRG - CHORD BEARING
C DIST - CHORD DISTANCE
L.L. - LAND LOT
N - NORTHING COORDINATE
E - EASTING COORDINATE
S/B - SETBACK
C.O. - CONTINUOUS OWNERSHIP
BL - BASELINE
STA - STATION
R - OFFSET RIGHT
L - OFFSET LEFT
D.E. - DRAINAGE EASEMENT (10' EACH SIDE
OF THE CENTERLINE EXISTING PIPE)
(UNLESS DIMENSIONED OTHERWISE)
S.E. - SEWER EASEMENT (15' EACH SIDE
OF THE CENTERLINE EXISTING PIPE)
A.E. - ACCESS EASEMENT
P.C. - POINT OF CURVATURE
P.T. - POINT OF TANGENCY
P.I. - POINT OF INTERSECTION
H.W. - HEADWALL
O.C.S. - OUTLET CONTROL STRUCTURE
ORF - ORIFICE
H.W. - CONCRETE HEADWALL
G.V. - GATE VALVE
P.E. - PERPETUAL EASEMENT
SL - SEWER LINE
P.O.B. - POINT OF BEGINNING

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	78.62'	70.77'	S 87°15'13" E	190°05'33"
C2	4055.00'	370.77'	370.64'	N 55°34'21" E	15°14'20"
C3	10000.00'	6.40'	6.40'	N 77°10'48" E	0°22'01"
C4	4000.00'	436.34'	436.12'	N 66°04'41" E	16°15'00"
C5	275.00'	140.55'	139.03'	S 62°25'50" W	29°17'02"
C6	655.00'	161.43'	61.41'	N 50°23'13" E	5°22'25"
C7	655.00'	300.22'	297.60'	N 66°12'16" E	26°15'41"



SURVEYOR'S NOTES:

1. THIS SURVEY WAS PREPARED ON THE GEORGIA STATE PLANE COORDINATE SYSTEM, TRANSVERSE
MERCATOR PROJECTION, WEST ZONE, NORTH AMERICAN DATUM OF 1983/2007 ADJUSTMENT. THE COMBINED
SCALE FACTOR FOR THIS SITE IS: 0.999908780. (GRID DISTANCE/SCALE FACTOR=GROUND DISTANCE). ALL
COORDINATES SHOWN HEREON ARE GRID COORDINATES UNLESS OTHERWISE STATED.

2. CONVENTIONAL EQUIPMENT USED FOR MEASUREMENT WAS A TOPCON PS 103. GPS EQUIPMENT USED
FOR MEASUREMENT WAS A CHAMPION TKO GNSS RECEIVER USING REALTIME KINEMATIC OBSERVATIONS
PROCESSED THROUGH THE EGPS NETWORK.

3. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN
38,140 FEET AND AN ANGULAR CLOSURE OF 00'00"02" PER ANGLE POINT, AND WAS ADJUSTED USING
LEAST SQUARES RULE. FIELD PARTY J.J.L. & H.R.

4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE AS FOLLOWS:
TRACT "A1" - WITHIN ONE FOOT IN 614,836 FEET.
TRACT "A2" - WITHIN ONE FOOT IN 304,975 FEET.
TRACT "B" - WITHIN ONE FOOT IN 449,343 FEET.
TRACT "C" - WITHIN ONE FOOT IN 136,108 FEET.
TRACT "D" - WITHIN ONE FOOT IN 283,079 FEET.

5. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF TITLE REVIEW AND IS SUBJECT TO ANY
RESERVATIONS, RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

6. THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGULATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (OCGA)
15-6-67 AS AMENDED BY HB76 (2017).

7. THE LAST DAY OF THE FIELD SURVEY WAS OCTOBER 9TH, 2017.

8. ALL DETENTION FACILITIES WHETHER A POND OR UNDERGROUND AND ALL IDENTIFIED EASEMENTS
OUTSIDE THE PUBLIC RIGHT-OF-WAY WILL BE PRIVATELY OWNED AND MAINTAINED BY THE HOMEOWNERS
ASSOCIATION.

No.	DATE	REVISIONS CONTINUED	
		DESCRIPTION	REVISIONS
4	10-12-18	REVISED TRACTS	REVISED TRACT A INTO TRACT A1 & A2
5	11-06-18		

FINAL PLAT OF MILLSIDE PARKWAY FOR:
MILLSIDE DEVELOPMENT LLC.
(COVER SHEET)

LAND LOTS 25, 30 & 43
8TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

REVISIONS

No.	DATE	DESCRIPTION
1	01-22-17	ADDED STORM STRUCTURE ASBUILT DATA, ADDED SANITARY SEWER STRUCTURE ASBUILT DATA, ADDED WATER VALVE DETAILS, REVISED TRACT "A" TO REMOVE DEEDED R/W FOR OLD OAKWOOD ROAD AND ADDED ROADWAY SIGNAGE
2	02-12-18	ADDED SHEET 2 WITH ZONING CONDITIONS, ADDED SURVEYOR'S NOTE #8
3	08-08-18	ADDED CENTERLINE ROAD INVERSE DATA

SHEET NUMBER:

1 of 10

SCALE: N/A

SURVEY DATE: 10/09/2017

PLAT DATE: 10/12/2017

13-059-MILLSIDE PKWY.dwg

JN. 13-059

REGISTERED PROFESSIONAL
LAND SURVEYORS

PATTON
LAND SURVEYING, LLC

P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com

FINAL PLAT OF
MILLSIDE PARKWAY

LYING IN LAND LOTS 25, & 43, 8TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA
(BEING A PORTION OF PARCEL: 08024 005008A)

THIS BLOCK IS RESERVED FOR THE CLERK
OF THE SUPERIOR COURT

Millside Parkway Inversed Centerline Road Data:

Bearing	Distance	Northing	Easting
N 47°42'00" E	588.57	1535097.98	2380154.31
Radius: 655.00	Chord: 357.07	Degree: 8°44'51"	Dir: Right
Length: 361.65	Delta: 31°38'06"	Tangent: 185.56	
Chord BRG: N 63°31'03" E	Rad-In: S 42°18'00"	E Rad-Out: S 10°39'53" E	
Radius PntNo: N: 1535009.63 E: 2381030.45	1536653.32	2380909.23	
N 79°20'07" E	214.64	1535693.04	2381120.16
Radius: 600.00	Chord: 621.08	Degree: 9°32'57"	Dir: Left
Length: 652.81	Delta: 62°20'19"	Tangent: 362.93	
Chord BRG: N 48°09'57" E	Rad-In: N 10°39'54" W	Rad-Out: N 73°00'13" W	
Radius PntNo: N: 1536282.67 E: 2381009.12	1536107.29	2381582.92	
S 73°00'13" E	2.87	1536106.45	2381585.66
N 17°00'42" E	215.10	1536312.14	2381648.59
Radius: 1000.00	Chord: 617.31	Degree: 5°43'46"	Dir: Right
Length: 627.56	Delta: 35°57'24"	Tangent: 324.50	
Chord BRG: N 34°58'29" E	Rad-In: S 73°00'13" E	Rad-Out: S 73°02'49" E	
Radius PntNo: N: 1536019.83 E: 2382004.92	1536817.97	2382002.45	
N 52°57'11" E	368.95	1537040.25	2382296.92
Radius: 4000.00	Chord: 184.48	Degree: 1°25'57"	Dir: Right
Length: 184.50	Delta: 2°38'34"	Tangent: 92.27	
Chord BRG: N 54°16'28" E	Rad-In: S 37°02'49" E	Rad-Out: S 34°24'15" E	
Radius PntNo: N: 1533847.68 E: 2384706.80	1537147.97	2382446.69	
Radius: 4000.00	Chord: 749.98	Degree: 1°25'57"	Dir: Right
Length: 751.09	Delta: 10°45'31"	Tangent: 376.65	
Chord BRG: N 60°58'30" E	Rad-In: S 34°24'15" E	Rad-Out: S 23°38'45" E	
Radius PntNo: N: 1537414.60 E: 2384706.80	1537511.85	2383102.48	
N 66°21'15" E	899.49	1537872.62	2383926.45
Radius: 500.00	Chord: 639.40	Degree: 11°27'33"	Dir: Right
Length: 693.72	Delta: 79°29'39"	Tangent: 415.80	
Chord BRG: S 73°53'55" E	Rad-In: S 23°38'45" E	Rad-Out: S 55°50'54" W	
Radius PntNo: N: 1537414.60 E: 2384126.99	1537695.29	2384540.77	
S 34°09'06" E	315.26	1537434.39	2384717.75
Radius: 500.00	Chord: 170.53	Degree: 11°27'33"	Dir: Left
Length: 171.37	Delta: 19°38'18"	Tangent: 86.53	
Chord BRG: S 43°58'14" E	Rad-In: N 55°50'54" E	Rad-Out: N 36°12'38" E	
Radius PntNo: N: 1537715.09 E: 2385131.53	1537311.66	2384836.15	
S 53°47'22" E	267.07	1537153.89	2385051.64
Radius: 500.00	Chord: 278.92	Degree: 11°27'33"	Dir: Right
Length: 282.67	Delta: 32°23'30"	Tangent: 145.22	
Chord BRG: S 37°35'37" E	Rad-In: S 36°12'38" W	Rad-Out: S 68°36'08" W	
Radius PntNo: N: 1536750.46 E: 2384736.26	1536932.88	2385221.79	
S 21°23'52" E	305.53	1536648.41	2385333.26
Radius: 1000.00	Chord: 329.94	Degree: 5°43'46"	Dir: Left
Length: 331.45	Delta: 18°59'27"	Tangent: 167.26	
Chord BRG: S 30°53'35" E	Rad-In: N 68°36'08" E	Rad-Out: N 49°36'41" E	
Radius PntNo: N: 1537013.25 E: 2386264.33	1536365.28	2385502.66	
S 40°23'19" E	266.99	1536161.93	2385675.66

Total Distance Inversed: 7501.28

CONDITIONS OF ZONING:

AN ORDINANCE

No. 2010-13

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY AMENDING CONDITIONS 1, 2, 4, 5, 11, 16, 17, 22, 23, 25, 28 AND 29 OF THE EXISTING PLANNED UNIT DEVELOPMENT ZONING AS CONTAINED IN ORDINANCE NOS. 2004-70, 2004-74, 2004-75, 2006-23 AND 2007-84; ON A 605± ACRES TRACT OF LAND HAVING ROAD FRONTAGE ALONG MUNDY MILL ROAD, MEEKS DRIVE, MOUNTAIN VIEW ROAD, OLD OAKWOOD ROAD, MILLSIDE PARKWAY, FAIRBANKS DRIVE, LOST CREEK DRIVE, HIDDEN CREEK DRIVE, HIDDEN VALLEY COURT, COOPERS CREEK LANE, WHISPER CREEK COURT, COTTONWOOD TRAIL, SWEETWATER DRIVE, TURTLE COVE, CLUBSIDE DRIVE, BAGWELL DRIVE, ABBEY LANE, BRAYDEN DRIVE, WHILSHIRE COURT, COUNTRY MANOR WALK, PEARHAVEN LANE, SWAMP CYPRESS TRAIL, MAGNOLIA PLACE, SPRUCE TRAIL, BLACK BIRCH RUN AND BOX ELDER PATH; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(Amendment to the Zoning Map)

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gainesville, Georgia, as follows:

SECTION I.

That from and after the passage of this Ordinance, Conditions 1, 2, 4, 5, 11, 16, 17, 22, 23, 25, 28 and 29 as contained in Ordinance Nos. 2004-70, 2004-74, 2004-75, 2006-23 and 2007-84 of the existing Planned Unit Development, with conditions (P-U-D-c) zoning is hereby amended as follows:

Conditions

Transportation/Traffic

- All road improvements associated within the scope of the proposed development shall be at the full expense of the developer(s). The scope of the development shall be defined as those roads/intersections directly within, adjacent to, and within 1,500 feet of the subject property as studied within the Traffic Impact Study (TIS) submitted with this application. These road improvements are to include additional signalization, turn lanes, widening of roads, striping, and signage as stated in the TIS. This may include all or portions of Mundy Mill Road, Meeks Road, Fairbanks Drive, Old Oakwood Road, Old Flowery Branch Road, and Mountain View Road. The cost of the required road improvements shall be prorated based on developed property values of the residential, commercial, retail, office and industrial properties.
- The developer(s) shall work with the Georgia Department of Transportation, Hall County Traffic Engineering, the City of Oakwood, and the City of Gainesville Public Works Department to ensure that these improvements are performed in a timely manner so as to not conflict with any of the existing or planned road projects that are scheduled to take place outside the scope of the proposed development.
- All sign locations, access point (new and existing) designations for new roads, sight distances, and sight triangles shall be reviewed and clarified, in the beginning stages of plans and submittals with GaDOT and the Public Works Director so as to limit the number of access points in that area.
- A signal warrant study will be required for the major intersections of internal streets within the development. If a signal light is warranted at a specific intersection, such installation shall be completed at the expense of the developer(s) and shall meet all specifications as determined by the Public Works Department. A signal light shall not be installed until traffic volumes actually meet the levels as determined by the warrant study.
- The developer(s) shall meet with Public Works prior to initiating the final civil design to discuss a traffic calming plan. A traffic calming plan consisting of tools such as landscaped traffic circles at intersections, raised crosswalks, landscaped center medians, chicanes, or other measures that aid in keeping the average speed on residential streets approximately 25 mph or below shall be prepared and approved by Public Works. Specific measure in the approved plan shall be constructed at the same time the streets are constructed.
- All roads dedicated to the City of Gainesville shall meet City specifications, and all private roads shall be constructed with materials that meet City specifications.
- All interpretations relating to transportation and/or traffic improvement conditions shall be subject to approval of the Gainesville Public Works Director.
- The new four lane parkway as reflected on the site plan shall be constructed and designed so as to allow a connection to the Tumbling Creek Connector across Old Oakwood Road.

Development Standards

- Sidewalks shall be required along both sides of the streets within the development and shall be a minimum of four feet (4') wide along streets classified as residential streets and six feet (6') wide along collector streets and streets in the commercial zones. Alternatively, sidewalks shall be permitted along one side of the street in parkway areas at a minimum width of eight feet (8') and a minimum of five feet (5') along roads classified as residential streets.
- All proposed single-family lots within the development shall only be allowed to access new interior roads within the subdivision. Direct access shall not be allowed onto roads that existed prior to this development.
- Access to all service areas adjacent to single-family detached homes, including dumpster pads, shall be limited to the hours of between 9:00 a.m. and 6:00 p.m., unless an emergency situation warrants access to these areas.

CONDITIONS OF ZONING: (CONTINUED)

- Upon completion of the development, no outside storage of any materials shall be allowed. No storage of hazardous chemicals, as listed in the Standard Fire Code, shall be permitted.

- Outdoor lighting used in this development; be it for recreational, security or general purposes, shall be of non-spill design and placed in a manner so as to minimize direct visibility by adjoining or adjacent properties.

- The proposed residential, office, commercial, and accessory structures shall be similar in scale and architecture to the elevation drawings and pictures as submitted with the application.

- The subject property shall be developed substantially in accordance with the Site plan with minor engineering deviations excepted. All site plan, architectural renderings, pedestrian/trail access plan, and traffic impact studies shall become a part of the annexation, zoning and rezoning ordinances.

- The number of single-family detached homes shall not exceed 1,148 units and shall contain a minimum of 1,500 square feet of heated space. Front facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The remaining three facades shall consist of these materials or cementitious siding such as hardiplank. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line and minimum lot width at right-of-way line of 20 feet, with the exception of Pod M of the concept plan which shall have a minimum lot width at the building setback line reduced to 50-feet.

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

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

- The number of attached single-family condominiums or fee simple townhomes shall not exceed 775 total units. The minimum unit/lot width shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementitious siding such as hardiplank. No fewer than three or more than ten units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.

- The number of apartment units shall not exceed 460 units. Height shall not exceed three stories, although ½ splits will be allowed. Each unit will contain a minimum of 750 square feet. Each unit shall have at least 1.75 parking spaces. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.

- The subject property may be developed for up to 806,000 square feet of traditional office, mid-rise office, and office warehouse space. Within the 806,000 square foot maximum, commercial and retail uses may be allowed within Pods B and N. At no such time shall the maximum allowed square footage within those pods exceed what is specified on the approved concept plan. This space may be developed for these uses but sold in a condominium format. Height of such structures shall be limited to 3 stories from average finished grade. Parking spaces will be provided at a minimum ratio of 3.5 spaces per 1000 square feet of useable office space. Monument signage shall be required in any office pod as per Exhibit B, and lights shall be shielded and angled so as to minimize glare onto adjacent properties. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required.

- The subject property may be developed for up to 895,000 square feet of commercial/retail space. The maximum height of any structure, excluding architectural accents; such as clocks, cupolas and bell towers; shall be 50 feet. Use of pitched roofs shall be encouraged. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required. Parking shall be provided at a minimum of four spaces per 1,000 square feet of space. Lights shall be shielded and angled so as to minimize glare onto adjacent properties, and dumpsters shall be screened. Under no circumstances shall the following uses be allowed: Pawn shops, adult entertainment, adult bookstores, extended-stay hotel, rooming house, or boarding house. Signage shall be as per the attached sign plan.

- Architectural treatment shall be of consistent design throughout the community and as per the renderings.

- A minimum of 100 acres shall be maintained as green space, with passive recreation and trails as per the plan. Sidewalks shall connect the residential and non-residential components of this community.

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

CONDITIONS OF ZONING: (CONTINUED)

frontages. Landscaped buffers of at least 25 feet are also required along any road frontages.

- Landscaped buffers of at least 25 feet also shall separate any non-residential pod or existing non-residential use from a residential pod. The buffer shall be subject to Planning Department approval.

- All proposed detention ponds shall be sufficiently fenced and buffered from view from all roads and adjacent properties. All buffer materials shall be approved by the Planning Department.

Gainesville City Board of Education

- As agreed to by the owner/developer, the 17.0 acre tract of land identified on the plat/site plan attached as Exhibit A shall be reserved for use as an elementary school site. At that time (or earlier at the owner/developer's discretion), and presupposing the School Board still wants the property for an elementary school, the owner/developer shall promptly convey to it, without charge. In the event the School Board does not secure a building permit and begin construction of an elementary school before December 31, 2012, then the developer shall retain all rights to develop of the entire 17.0 acre tract as per the original terms of zoning approval except for this condition, and the School Board shall promptly convey marketable title to the property back to the owner/developer at no charge. Additionally, if no elementary school is actually constructed on this site by December 31, 2013, then the School Board shall return marketable title to the property to the developer without charge. The conveyance documents executed by the owner/developer to the School Board will contain these terms and requirements. This agreement to reserve the 17.0 acres tract shall not prohibit the owner/developer from including it in any plat it may prepare for its development of a single-family residential pod and also will allow the owner/developer to put on it any necessary utility or other storm water easements which may be required for the development as a whole, provided such improvements do not materially affect the Board's ability to use the site for a school. This agreement also shall not prohibit the owner/developer from earlier transferring the 17.0 acre site to the City to be held for the School Board, subject to the requirements of this paragraph. Finally, but for utility/drainage easements or right-of-way dedicated as part of the road system in or along the frontages of the Mundy Mill development, the owner/developer shall not be required to dedicate or give to the City of Gainesville any additional property incidental to this development. However, if the School Board fails to acquire this property, then the owner/developer shall convey three acres of land to the City for a public safety use.

Notwithstanding any of the foregoing, if at such time as the School Board has acquired the 17.0 acre site and is ready to begin feasibility assessments, and if the

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

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

Quality Enhancement

- In order to further enhance and assure the quality of development, the City expects the developer shall provide the following:

- Detailed landscape plan for parkway, subject to approval by the Department of Planning and Development.
- Reconstruction of Mundy Mill as focal point for community, subject to approval of the Georgia Department of Transportation.
- A minimum of two amenity locations shall be provided for the entire development of the detached single-family residential pods. At minimum the amenity sites shall include a pool house, swimming pool and playground.
- Sidewalks and streetlights throughout community.
- All products within the development shall contain exterior construction materials limitation; must use brick, masonry stucco, stacked stone, cedar shake, or hardiplank.
- Open space - 18%.
- Pedestrian trail plan (3.52 miles) connecting entire community.
- Parkway plan sidewalk width sufficient to create a bicycle lane.
- Every single-family home built on the subject property shall contain ceramic tiled bathroom floors.
- Every single-family home shall be built to accommodate at least one fireplace.
- No vinyl siding on any product within development excluding soffit areas.
- Each pod of townhouses and apartments will have its own amenities package.
- All underground utilities.
- Uniform mailboxes will be provided for each detached single-family residential pod. Uniform street signs will be provided throughout the development.

- Along Batas Creek, the developer shall reserve for the City, by way of easement, a ten foot strip of land for use as a bicycle path. At such time as the City or County constructs an element of its bike path system to which this easement might connect, the City and/or County, at its/their expense, may pave this strip. No development shall occur on the property which would interfere with the eventual construction of this path by the appropriate governmental entity, except for the boulevard which will cross the creek.

NOTE: THE PROPERTY DEPICTED ON THIS PLAT IS A PORTION OF A LARGER TRACT OF LAND ALL OF WHICH IS SUBJECT TO PUD ZONING ORDINANCES, INCLUDING BUT NOT LIMITED TO ORDINANCE 2016-01.

REVISIONS CONTINUED			
No.	DATE	DESCRIPTION	
4	10-12-18	REVISED TRACTS	INTO TRACT A1 & A2
5	11-06-18	REVISED TRACT A	INTO TRACT A1 & A2

MILLSIDE DEVELOPMENT LLC.
(COVER SHEET)

FINAL PLAT OF MILLSIDE PARKWAY FOR:

LAND LOTS 25, 30 & 43
8TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

REVISIONS

REVISIONS			
No.	DATE	DESCRIPTION	
1	01-22-17	ADDED STORM STRUCTURE ASBUILT DATA, ADDED SANITARY SEWER STRUCTURE ASBUILT DATA, ADDED WATER VALVE DETAILS	
		REVISED TRACT "A" TO REMOVE DEEDED R/W FOR OLD OAKWOOD ROAD AND ADDED ROADWAY SIGNAGE	
2	02-12-18	ADDED SHEET 2 WITH ZONING CONDITIONS, ADDED SURVEYOR'S NOTE #8	
3	06-08-18	ADDED CENTERLINE ROAD INVERSE DATA	

SHEET NUMBER:

2 of 10

SCALE: N/A

SURVEY DATE: 10/09/2017

PLAT DATE: 10/12/2017

13-059-MILLSIDE PKWY.dwg

JN. 13-059

REGISTERED PROFESSIONAL
LAND SURVEYORS

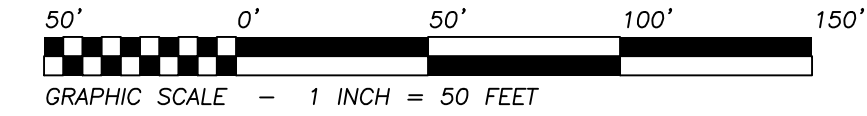
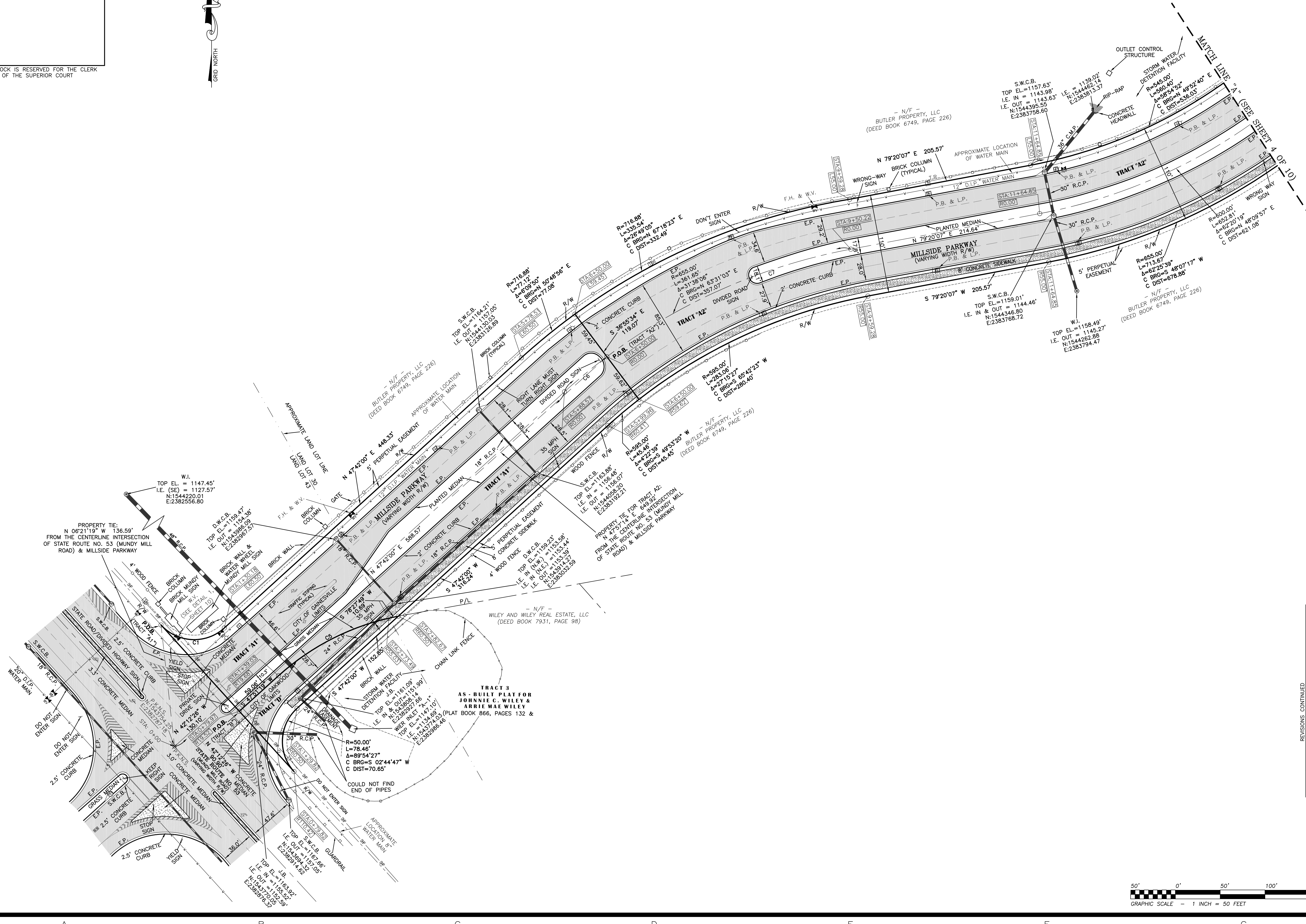
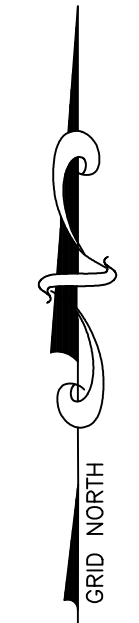
CHAS. M. PATTON
LAND SURVEYING, LLC

GEORGIA
REGISTERED
PROFESSIONAL
SURVEYOR
CHAS. M. PATTON
HALL COUNTY SURVEYOR

P.O. BOX 256
GAINESVILLE, GA. 30503
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THIS BLOCK IS RESERVED FOR THE CLERK
OF THE SUPERIOR COURT



REVISIONS CONTINUED

No.	DATE	DESCRIPTION
4	10-12-18	REVISED TRACTS
5	11-06-18	REVISED TRACT A INTO TRACT A1 & A2

No.	DATE	DESCRIPTION
1	01-22-17	ADDED STORM STRUCTURE ASBUILT DATA
		ADDED SANITARY SEWER STRUCTURE
		ASBUILT DATA, ADDED WATER VALVE DETAILS
		REVISED TRACT "A" TO REMOVE DEEDED
		R/W FOR OLD OAKWOOD ROAD AND ADDED
		ROADWAY SIGNAGE
2	02-12-18	ADDED SHEET 2 WITH ZONING CONDITIONS
		ADDED SURVEYOR'S NOTE #8
3	06-08-18	ADDED CENTERLINE ROAD INVERSE DATA

SHEET NUMBER:

3 of 10

SCALE: 1" = 50'

SURVEY DATE: 10/09/2017

PLAT DATE: 10/12/2017

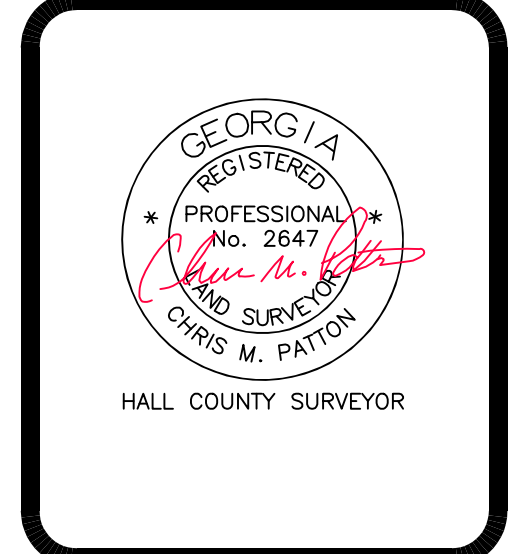
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JN. 13-059

FINAL PLAT OF MILLSIDE PARKWAY FOR:
MILLSIDE DEVELOPMENT LLC.
(MAP SHEET)

- LOCATED IN -

LAND LOTS 25, 30 & 43
8TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA



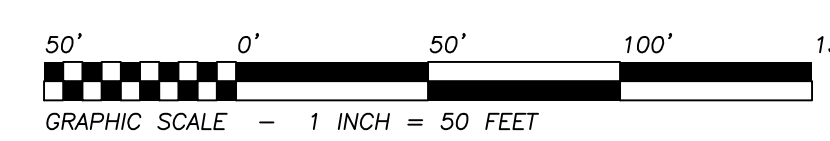
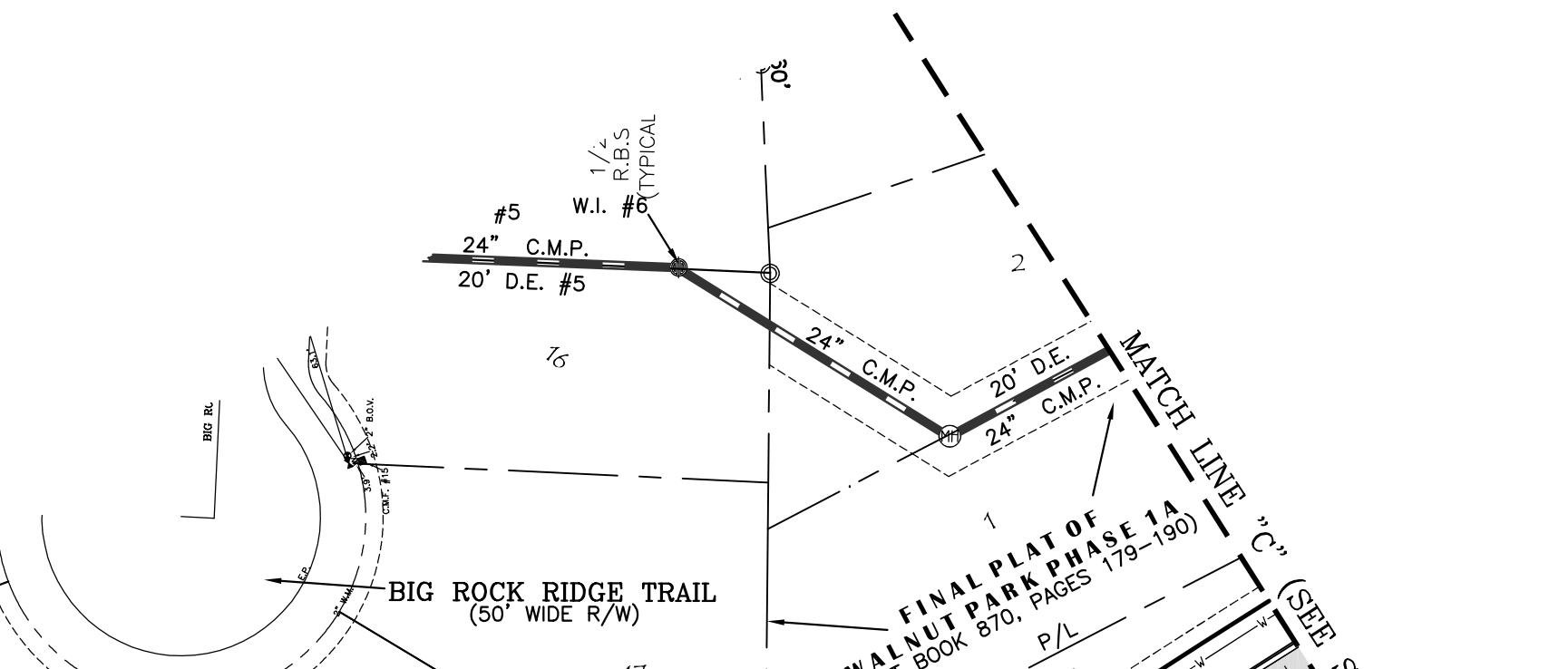
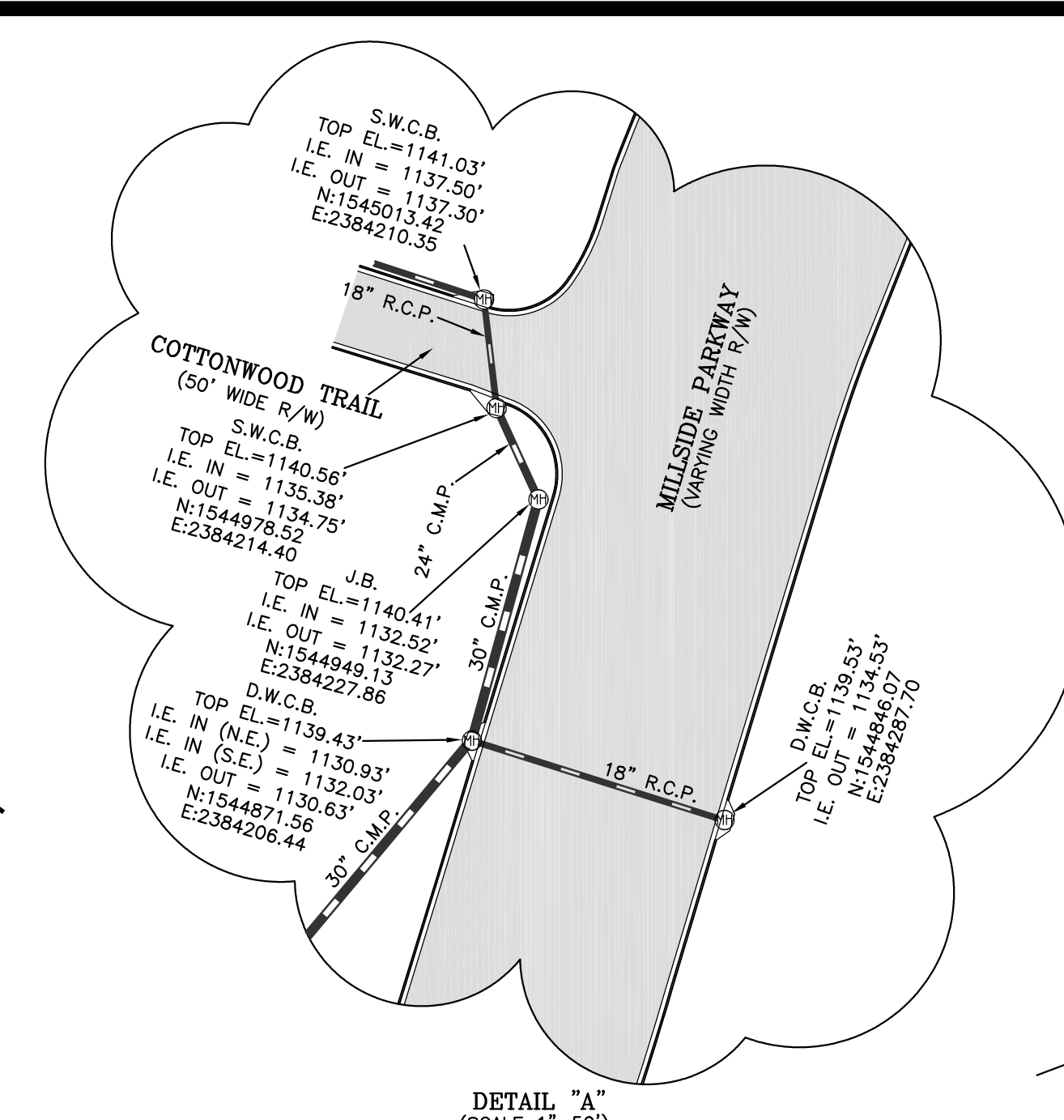
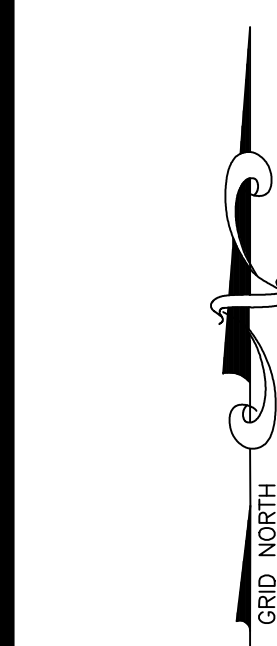
REGISTERED PROFESSIONAL
LAND SURVEYORS

PATTON
LAND SURVEYING, LLC

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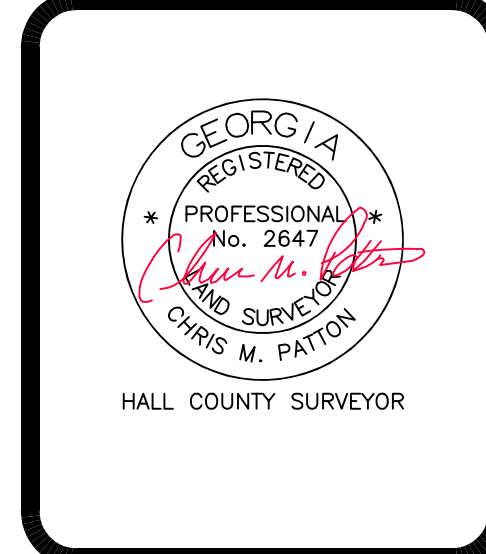


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5	11-08-18

No.	DATE	DESCRIPTION
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		ADDED SANITARY SEWER STRUCTURE
		AS-BUILT DATA, ADDED WATER VALVE DETAILS
		REVISED TRACT "A" TO REMOVE DEEDED
		R/W FOR OLD OAKWOOD ROAD AND ADDED
2	02-12-18	ADDED SHEET 2 WITH ZONING CONDITIONS
		ADDED SURVEYOR'S NOTE #8
3	06-08-18	ADDED CENTERLINE ROAD INVERSE DATA

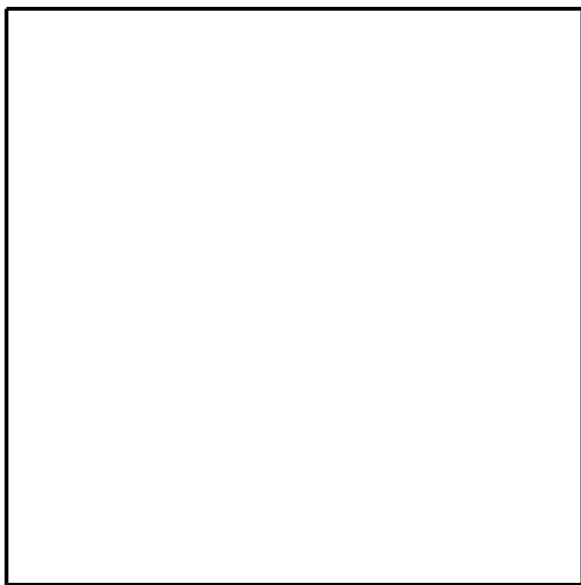
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SCALE: 1" = 50'	
SURVEY DATE: 10/09/2017	
PLAT DATE: 10/12/2017	
13-059-MILLSIDE PKWY.dwg	
JN. 13-059	

FINAL PLAT OF MILLSIDE PARKWAY FOR:
MILLSIDE DEVELOPMENT LLC.
(MAP SHEET)
- LOCATED IN -
LAND LOTS 25, 30 & 43
8TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

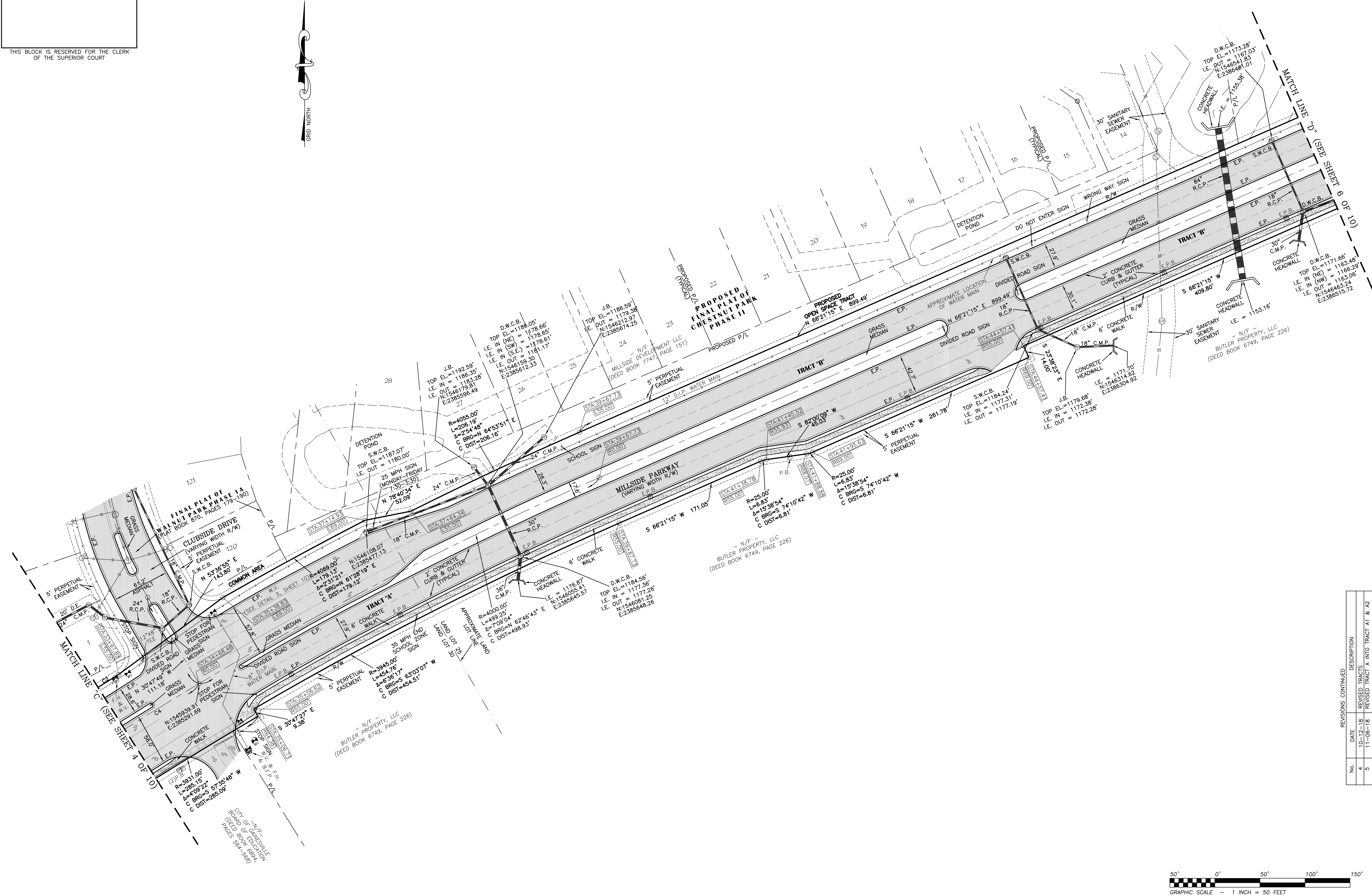


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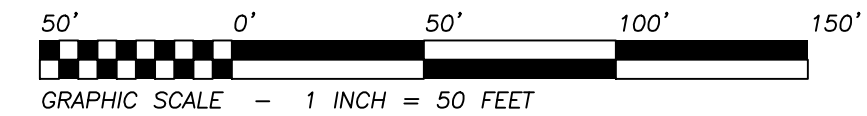
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5	11-06-18	REVISED TRACT A INTO TRACT A1 & A2	

REVISIONS		DESCRIPTION	
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		ASBUILT DATA, ADDED WATER VALVE DETAILS	
		REVISED TRACT "A" TO REMOVE DECEED	
		R/W FOR OLD OAKWOOD ROAD AND ADDED	
		ROADWAY SIGNAGE	
2	02-12-18	ADDED SHEET 2 WITH ZONING CONDITIONS.	
		ADDED SURVEYOR'S NOTE #8	
3	08-08-18	ADDED CENTERLINE ROAD INVERSE DATA	

SHEET NUMBER:	
5	of 10
SCALE: 1" = 50'	
SURVEY DATE: 10/09/2017	
PLAT DATE: 10/12/2017	
13-059-MILLSIDE PKWY.dwg	
JN. 13-059	



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PATTON
LAND SURVEYING, LLC

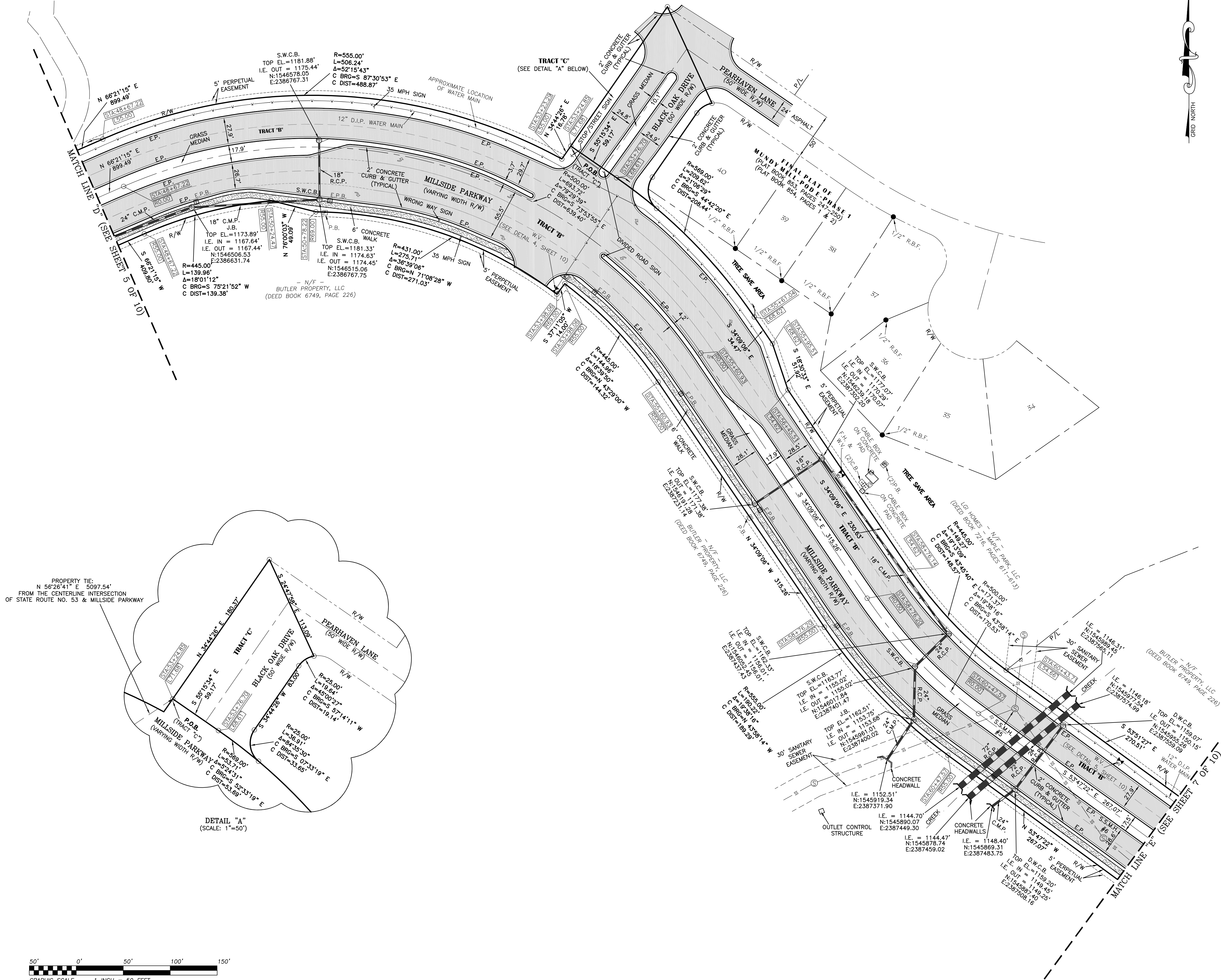
GEORGIA
REGISTERED
PROFESSIONAL
No. 2647
Chris M. Patton
HALL COUNTY SURVEYOR

FINAL PLAT OF MILLSIDE PARKWAY FOR:
MILLSIDE DEVELOPMENT LLC.
(MAP SHEET)

- LOCATED IN -

LAND LOTS 25, 30 & 43
8TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

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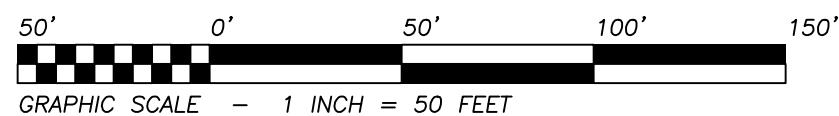
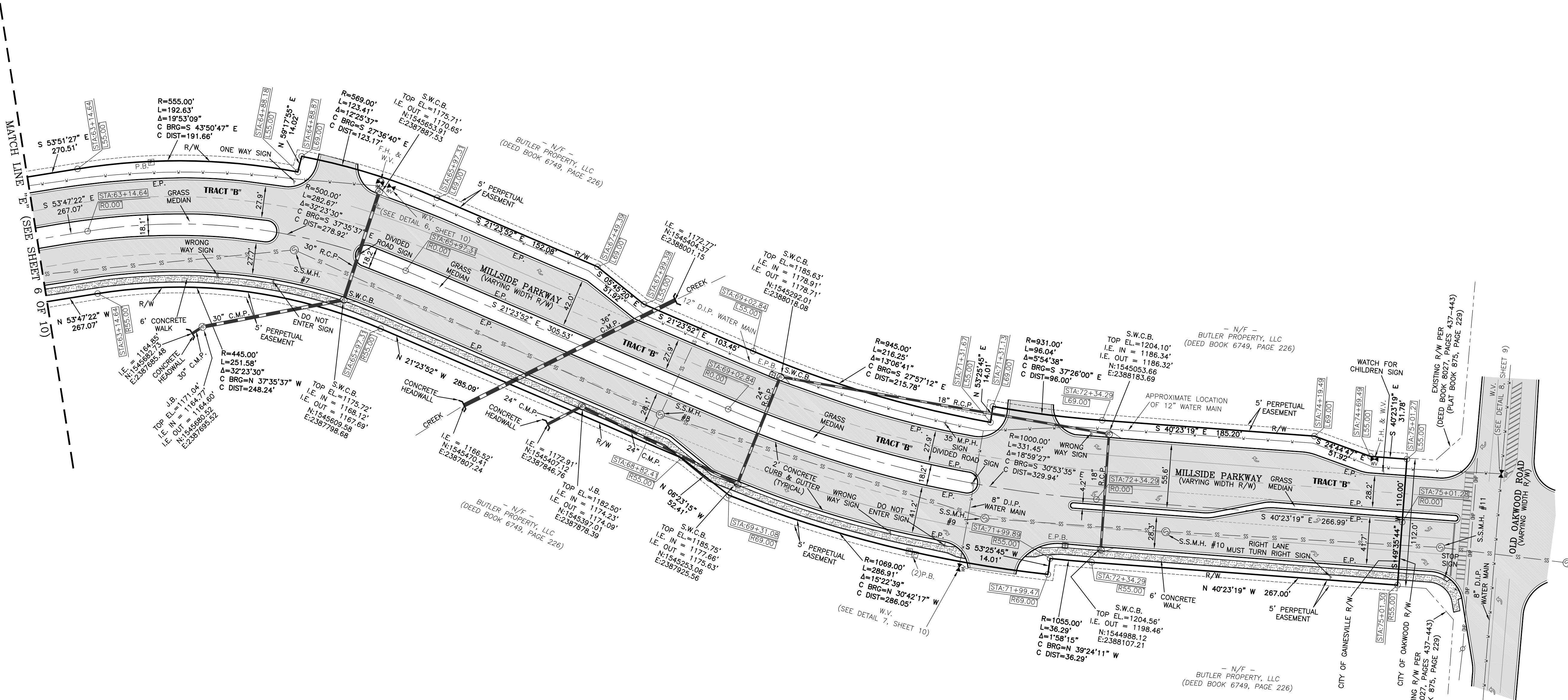
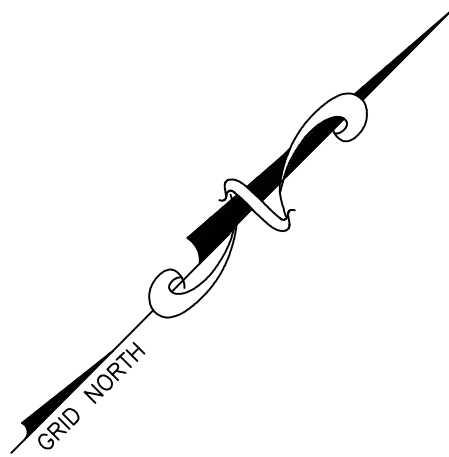
SHEET NUMBER:
6 of 10
SCALE: 1" = 50'
SURVEY DATE: 10/09/2017
PLAT DATE: 10/12/2017
13-059-MILLSIDE PKWY.dwg
JN. 13-059

REGISTERED PROFESSIONAL
LAND SURVEYORS
P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com



MILLSIDE DEVELOPMENT LLC.
(MAP SHEET)
- LOCATED IN -
LAND LOTS 25, 30 & 43
8TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

THIS BLOCK IS RESERVED FOR THE CLERK
OF THE SUPERIOR COURT



REVISIONS CONTINUED	
No.	DATE
4	10-12-18
5	11-06-18

REVISIONS	
No.	DATE
1	01-22-17
	ADDED STORM STRUCTURE ASBUILT DATA
	ADDED SANITARY SEWER STRUCTURE
	ASBUILT DATA, ADDED WATER VALVE DETAILS
	REVISED TRACT "A" TO REMOVE DEEDED
	R/W FOR OLD OAKWOOD ROAD AND ADDED
	ROADWAY SIGNAGE
2	02-12-18
	ADDED SHEET 2 WITH ZONING CONDITIONS
	ADDED SURVEYOR'S NOTE #8
3	06-08-18
	ADDED CENTERLINE ROAD INVERSE DATA

SHEET NUMBER:
7 of **10**
SCALE: 1" = 50'
SURVEY DATE: 10/09/2017
PLAT DATE: 10/12/2017
13-059-MILLSIDE PKWY.dwg
JN. 13-059

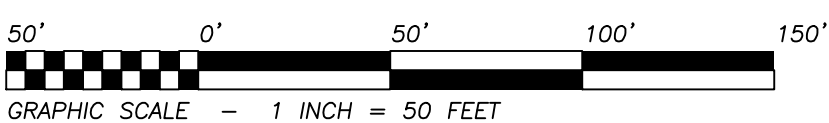
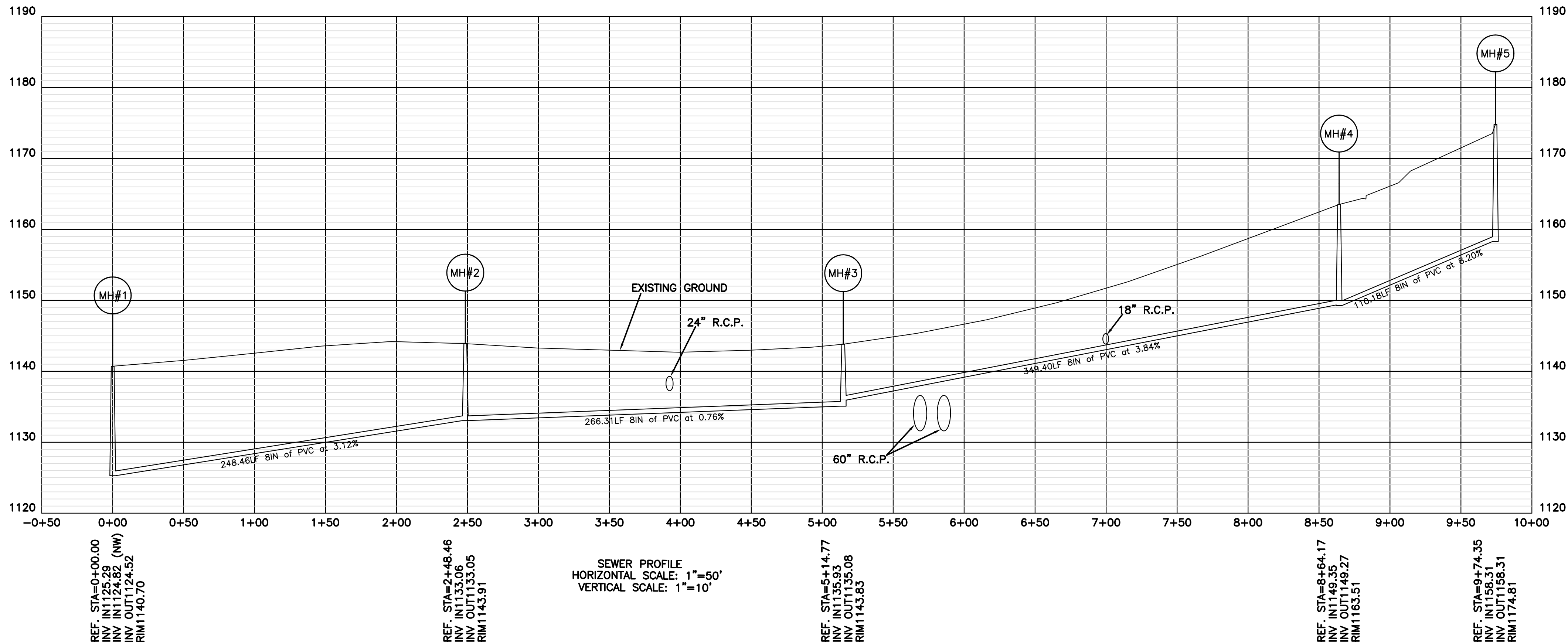
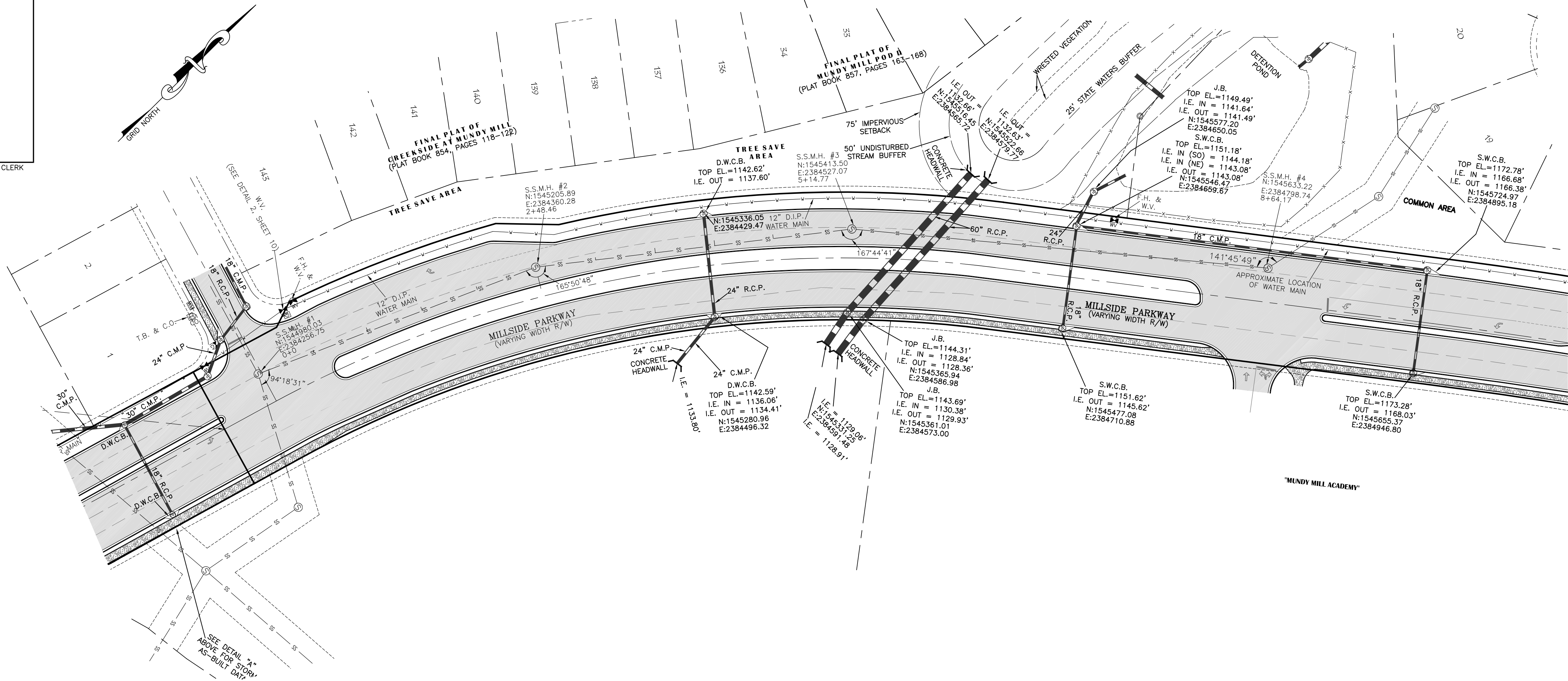
REGISTERED PROFESSIONAL
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PHONE: (770) 532-6492
FAX: (770) 532-1995
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FINAL PLAT OF MILLSIDE PARKWAY FOR:
MILLSIDE DEVELOPMENT LLC.
(MAP SHEET)
- LOCATED IN -
LAND LOTS 25, 30 & 43
8TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

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THIS BLOCK IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT

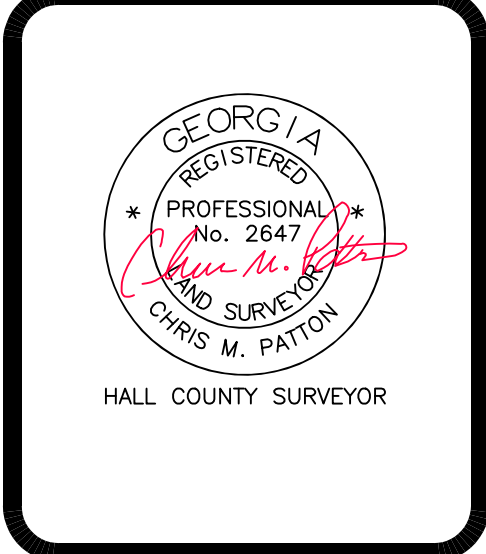


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4	10-12-18		
5	11-06-18		

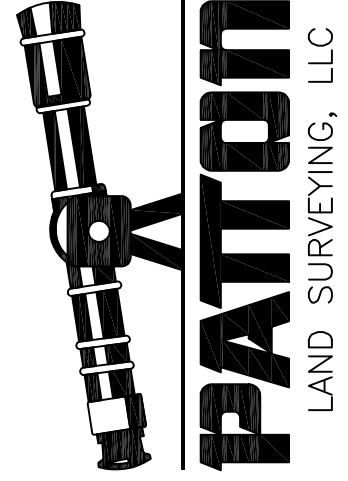
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No.	DESCRIPTION
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2	ADDED SHEET 2 WITH ZONING CONDITIONS, ADDED SURVEYOR'S NOTE #8
3	ADDED CENTERLINE ROAD INVERSE DATA

SHEET NUMBER:
8 of 10
SCALE: 1" = 50'
SURVEY DATE: 10/09/2017
PLAT DATE: 10/12/2017
13-059-MILLSIDE PKWY.dwg
JN. 13-059

FINAL PLAT OF MILLSIDE PARKWAY FOR:
MILLSIDE DEVELOPMENT LLC.
(SEWER ASBUILT'S PLAN & PROFILE SHEET)
- LOCATED IN -
LAND LOTS 25, 30 & 43
8TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA



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A

B

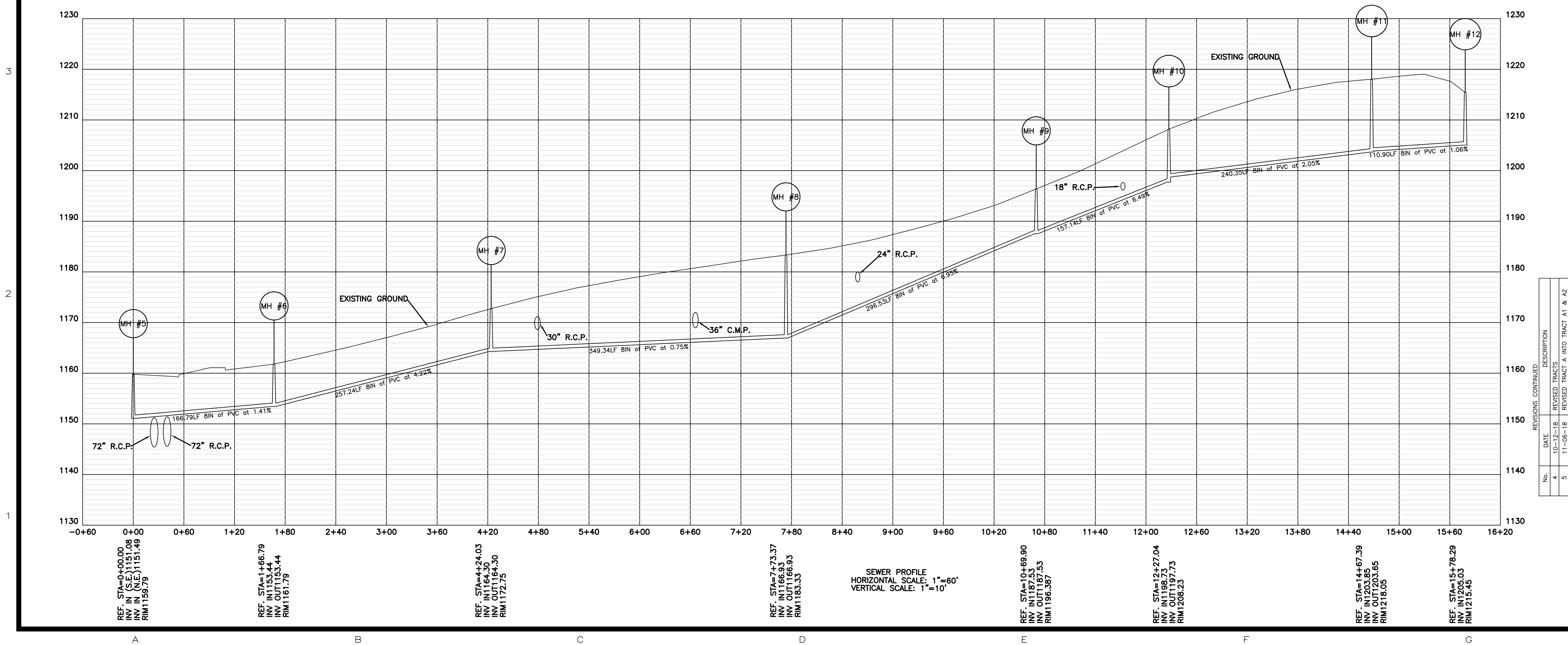
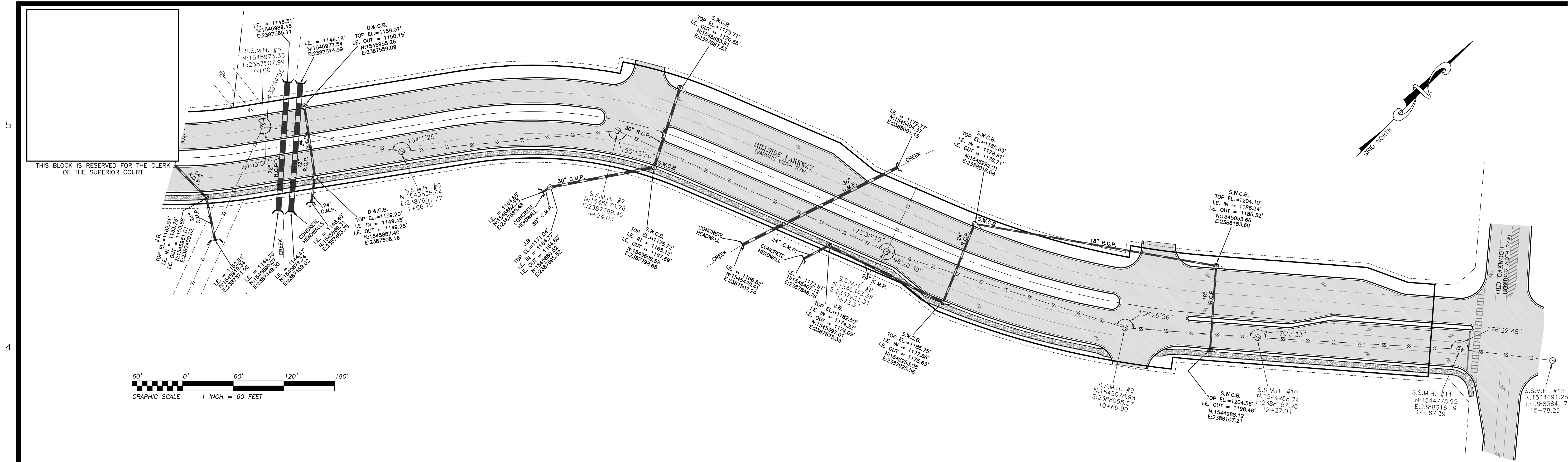
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REGISTERED PROFESSIONAL LAND SURVEYORS

P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com

PATTON

LAND SURVEYING, LLC

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR No. 2647

CHRIS M. PATTON

HALL COUNTY SURVEYOR

FINAL PLAT OF MILLSIDE PARKWAY FOR:
MILLSIDE DEVELOPMENT LLC.
(SEWER ASBUILT'S PLAN & PROFILE SHEET)

LOCATED IN -
LAND LOTS 25, 30 & 43
8TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

REVISIONS

No.	DATE	DESCRIPTION
1	01-22-17	ADDED STORM STRUCTURE ASBUILT DATA,
2	02-12-18	ADDED SANITARY SEWER STRUCTURE
3	06-08-18	ASBUILT DATA, ADDED WATER VALVE DETAILS
4	10-12-18	REVISED TRACT "A" TO REMOVE DEEDED
5	11-06-18	R/W FOR OLD OAKWOOD ROAD AND ADDED
6	02-12-18	ROADWAY SIGNAGE
7	02-12-18	ADDED SHEET 2 WITH ZONING CONDITIONS,
8	06-08-18	ADDED SURVEYOR'S NOTE #8
9	06-08-18	ADDED CENTERLINE ROAD INVERSE DATA

SHEET NUMBER:

9 of 10

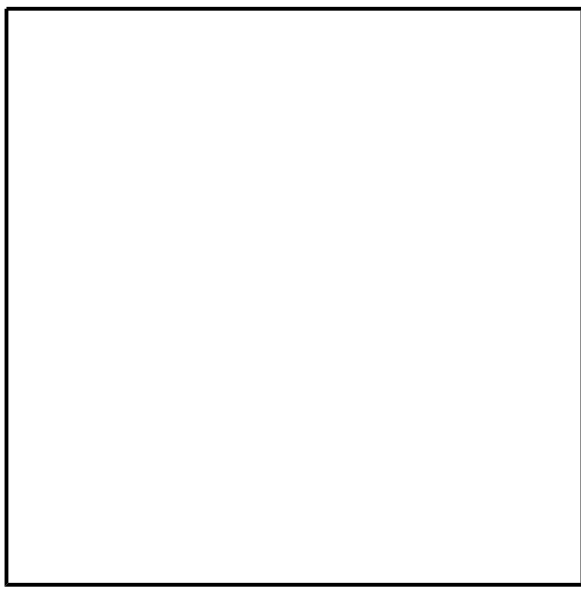
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SURVEY DATE: 10/09/2017

PLAT DATE: 10/12/2017

13-059-MILLSIDE PKWY.dwg
JN. 13-059

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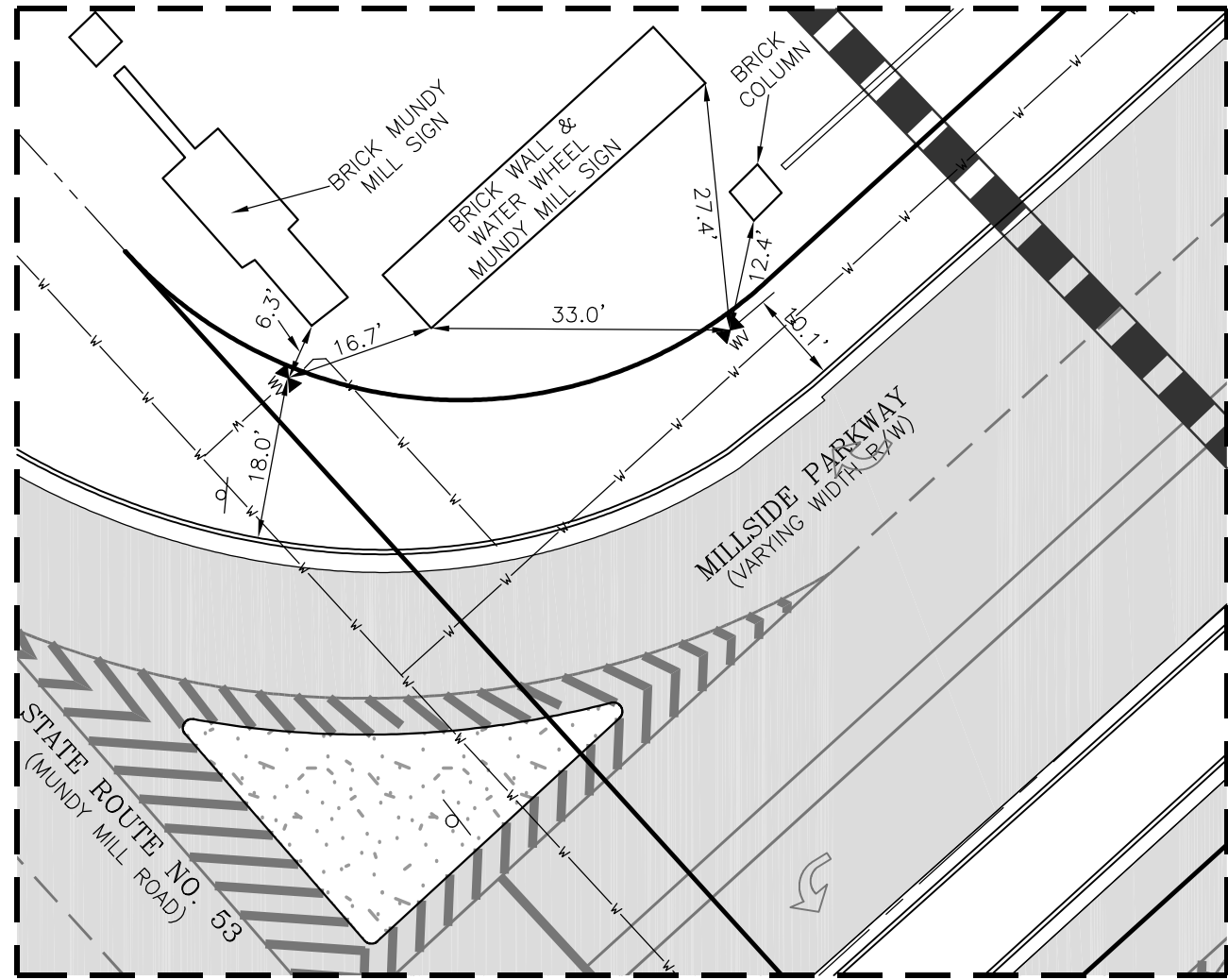


THIS BLOCK IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT

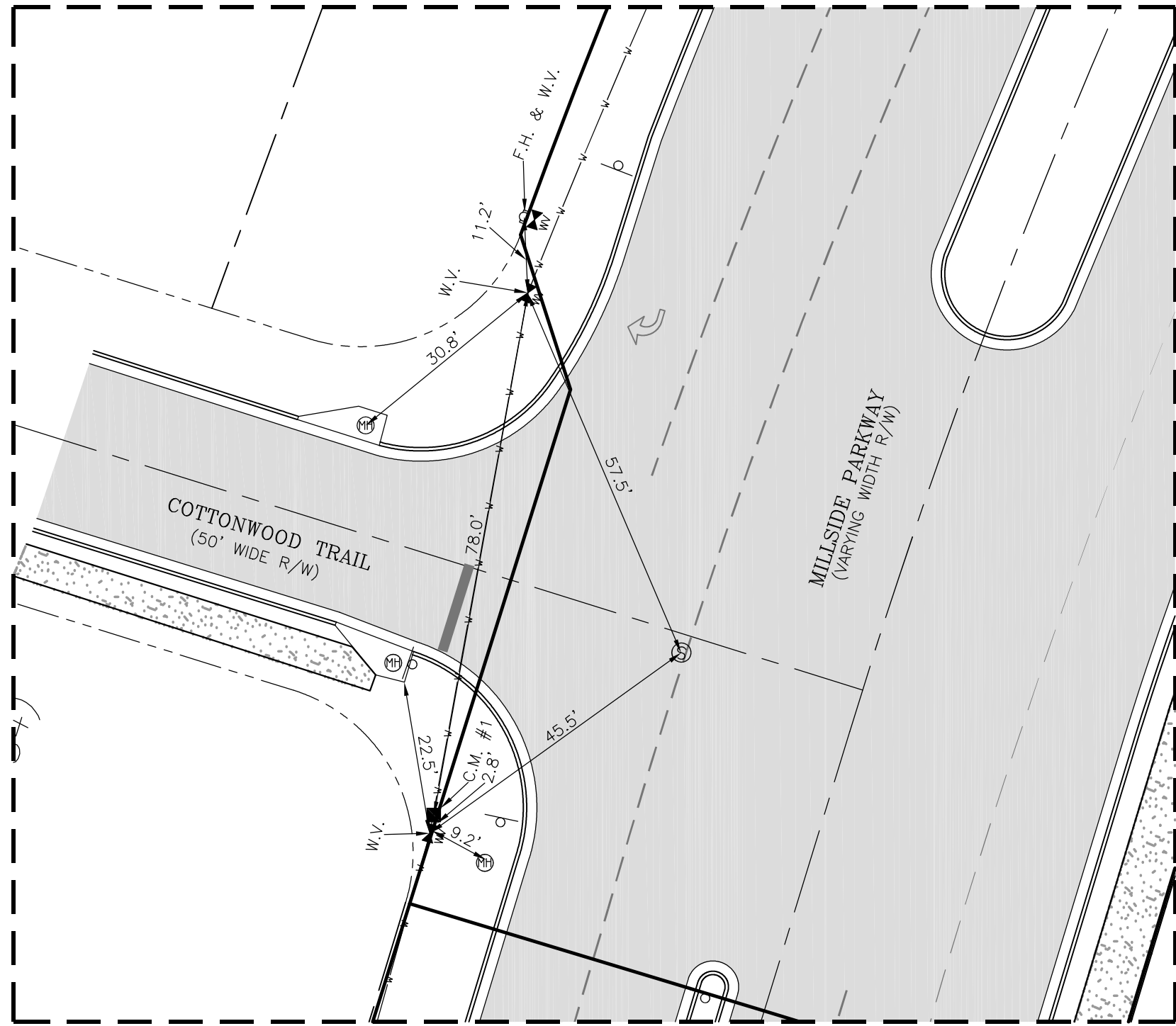


WATER VALVE MONUMENTS

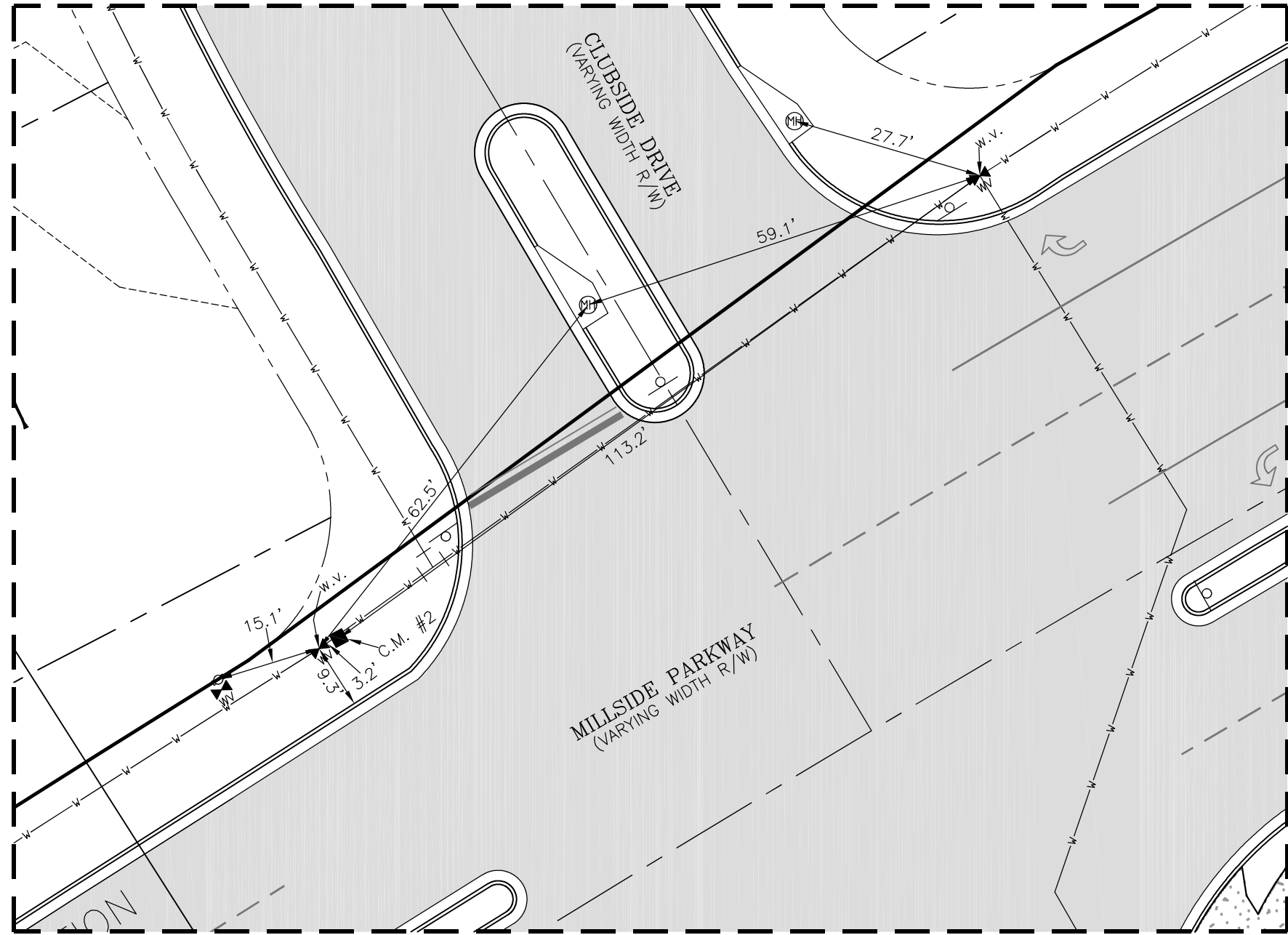
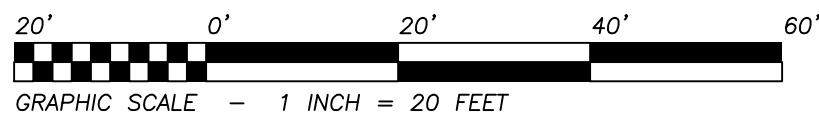
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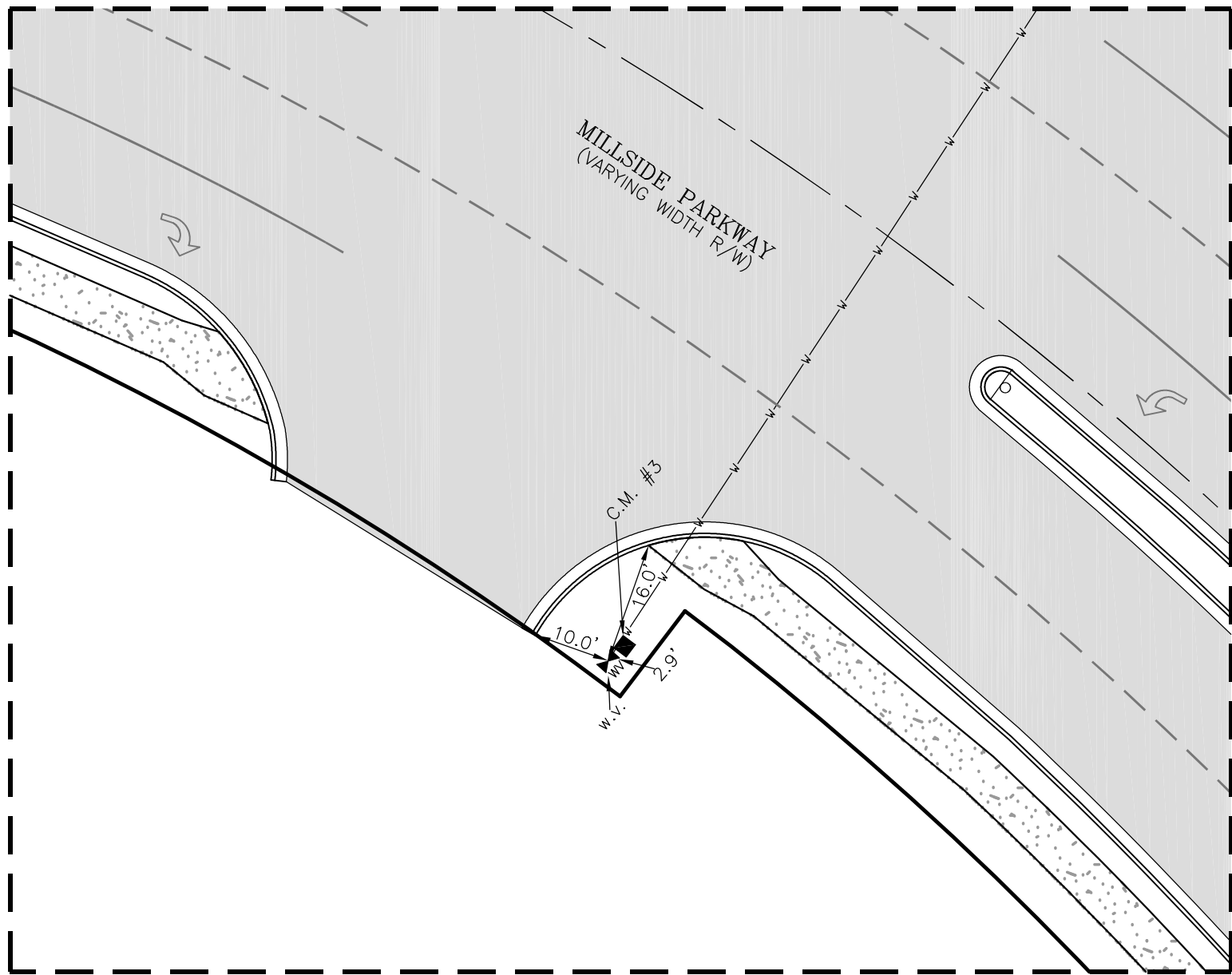
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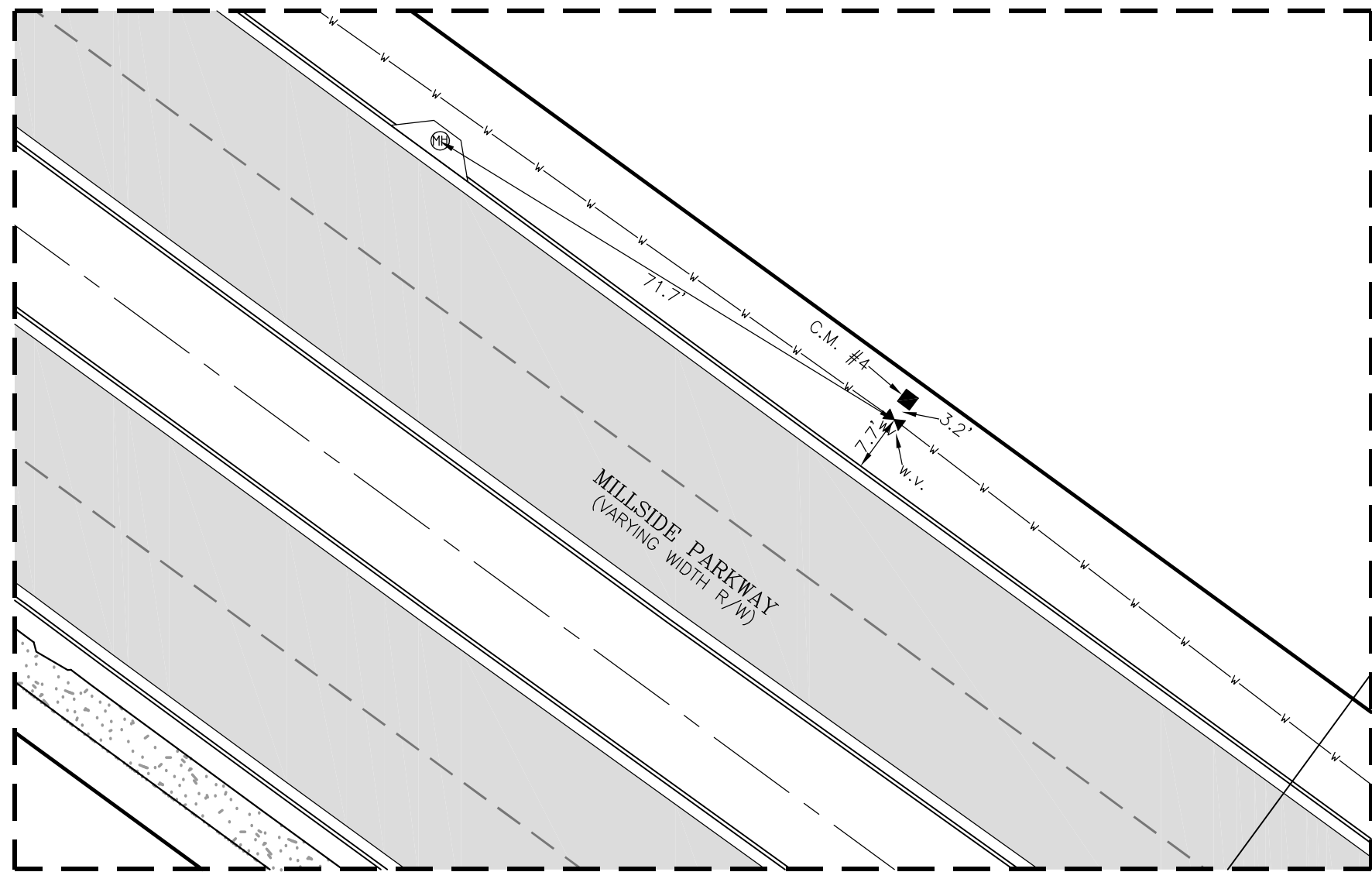
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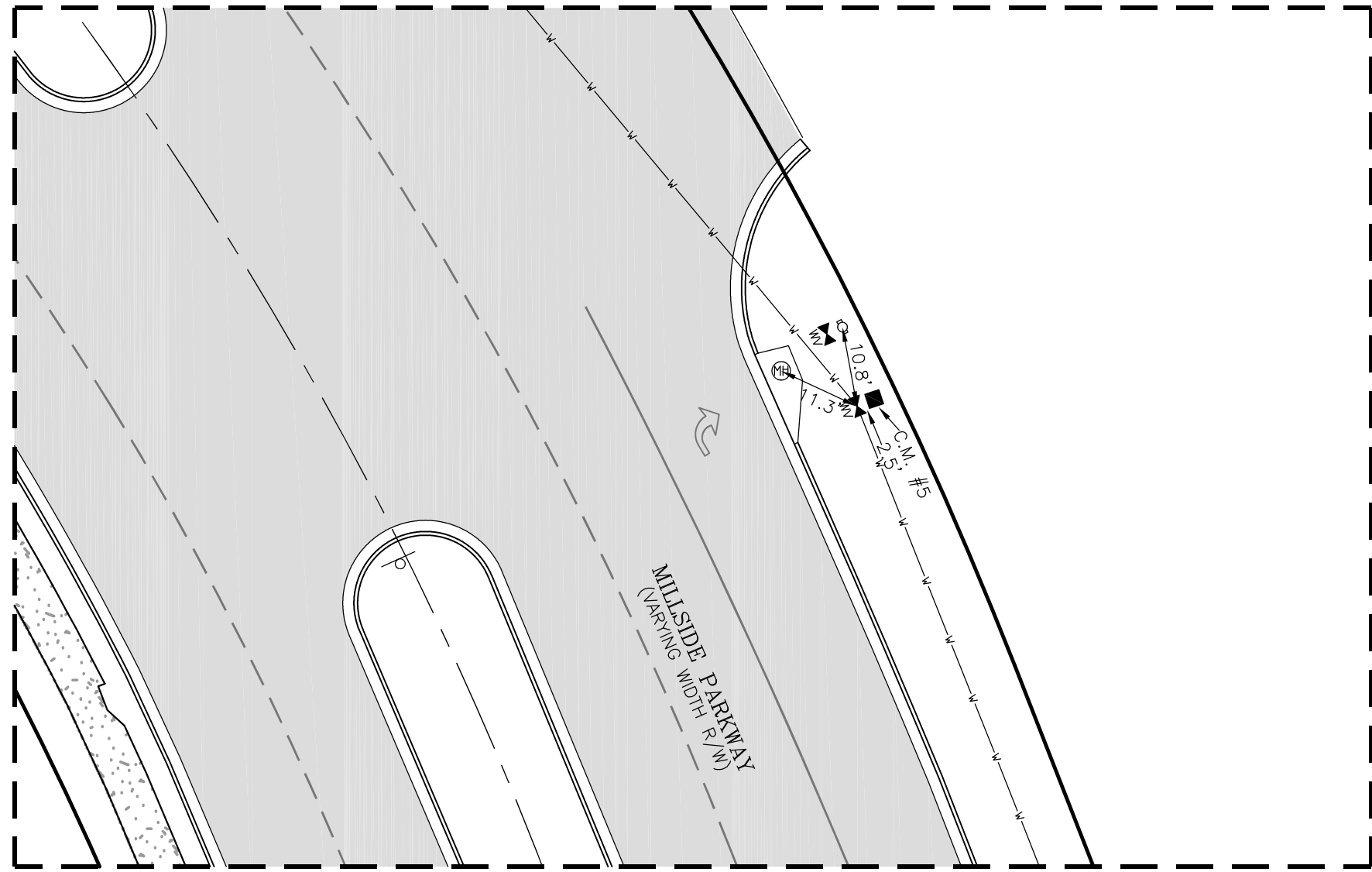
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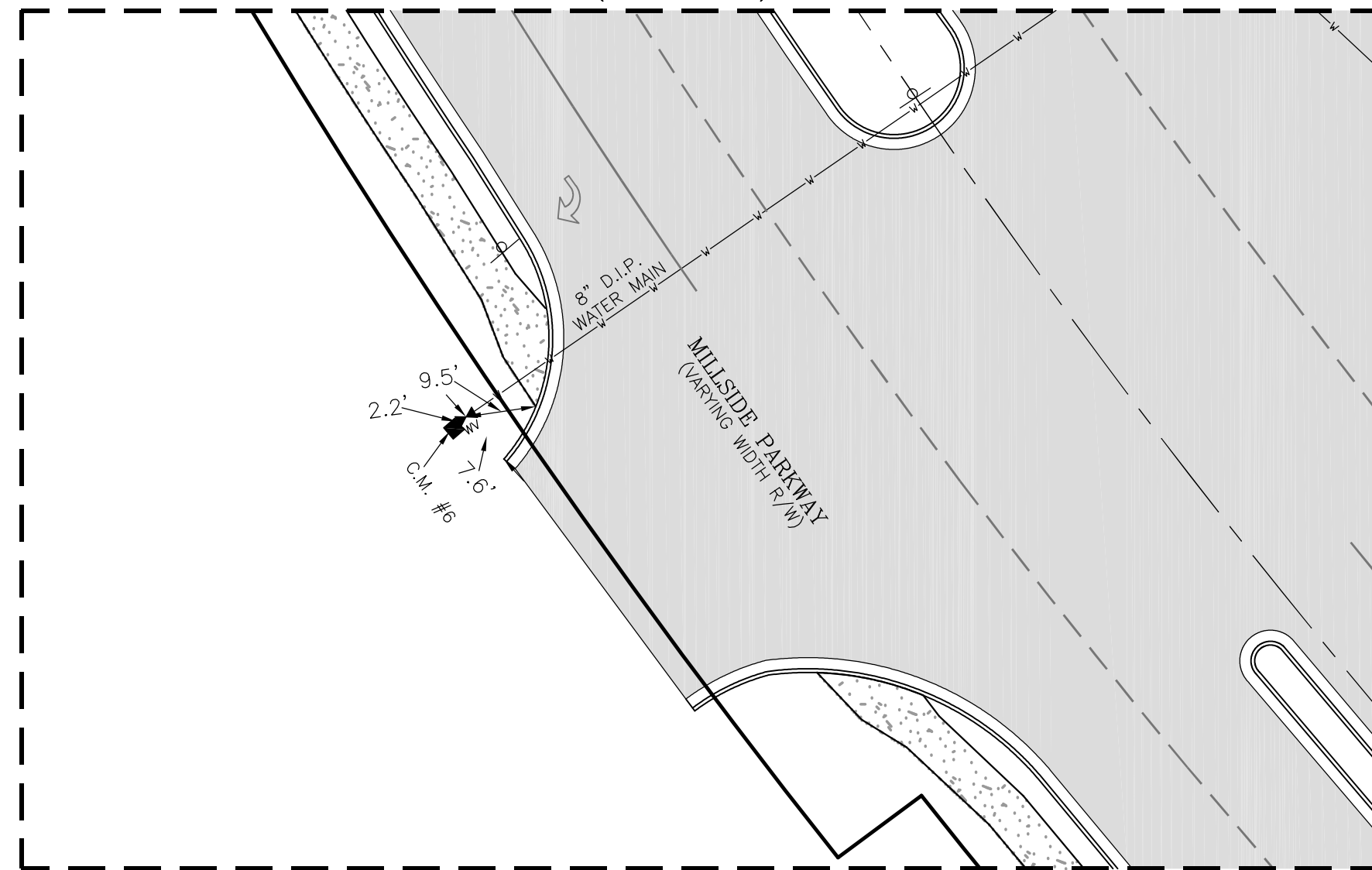
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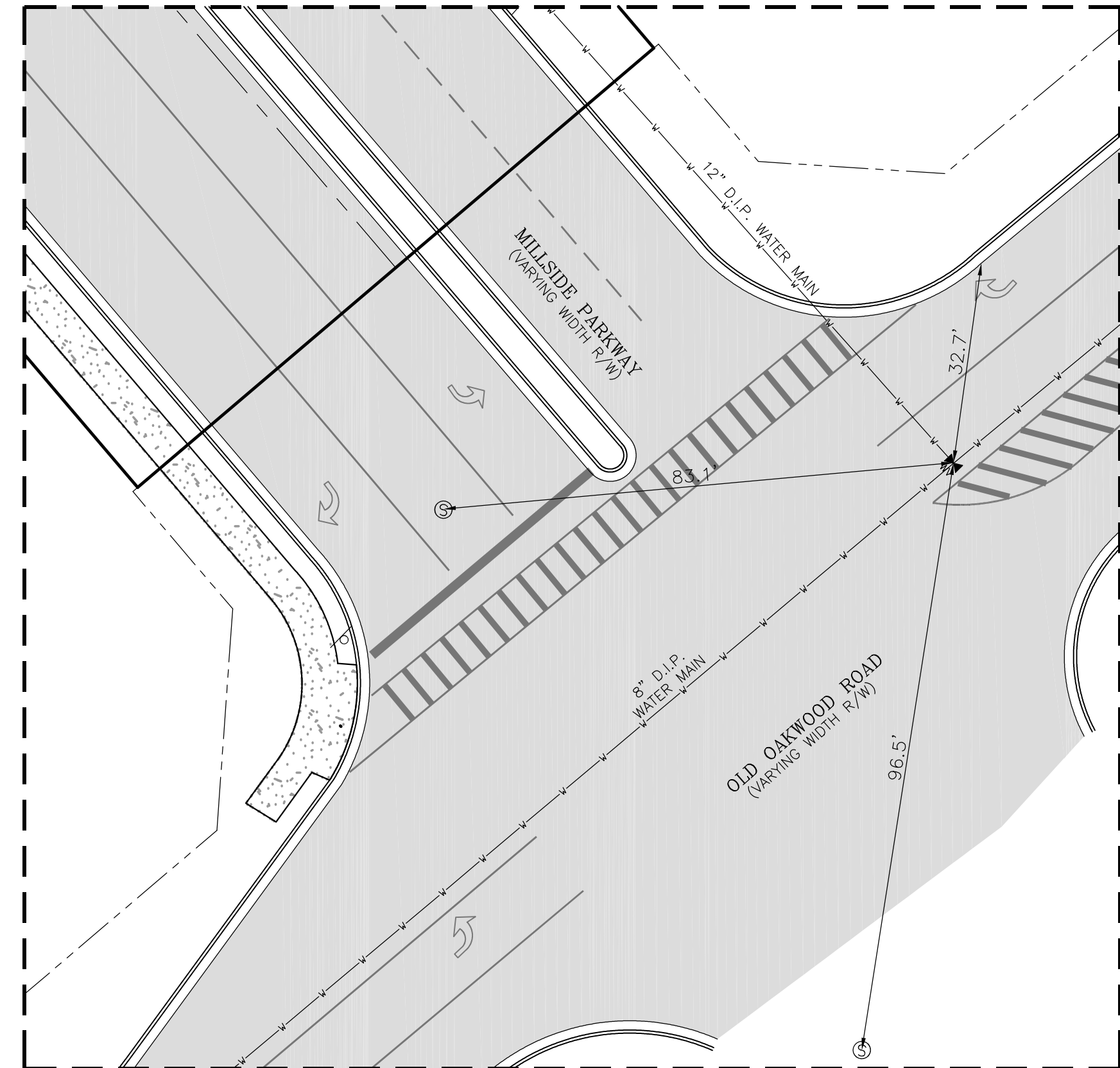
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WATER VALVE DETAIL NO. 6
(SCALE 1"=20')



WATER VALVE DETAIL NO. 7
(SCALE 1"=20')



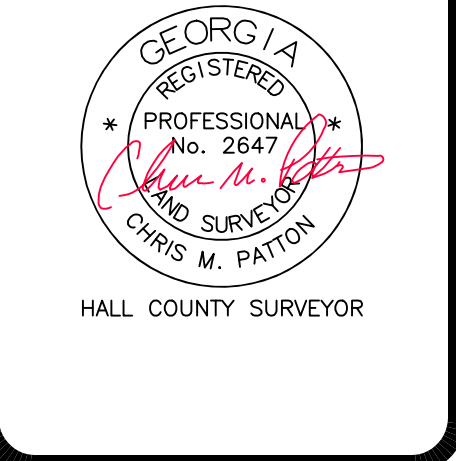
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REVISIONS CONTINUED			
No.	DATE	DESCRIPTION	
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5	11-06-18	REVISED TRACT A INTO TRACT A1 & A2	

REVISIONS			
No.	DATE	DESCRIPTION	
1	01-22-17	ADDED STORM STRUCTURE ASBUILT DATA.	
		ADDED SANITARY SEWER STRUCTURE	
		ASBUILT DATA, ADDED WATER VALVE DETAILS.	
		REVISED TRACT "A" TO REMOVE DECEED	
		R/W FOR OLD OAKWOOD ROAD AND ADDED	
		ROADWAY SIGNAGE	
2	02-12-18	ADDED SHEET 2 WITH ZONING CONDITIONS.	
		ADDED SURVEYOR'S NOTE #8	
3	06-08-18	ADDED CENTERLINE ROAD INVERSE DATA	

SHEET NUMBER:	
10	of 10
SCALE: 1" = 20'	
SURVEY DATE: 10/09/2017	
PLAT DATE: 10/12/2017	
13-059-MILLSIDE PKWY.dwg	
JN. 13-059	

FINAL PLAT OF MILLSIDE PARKWAY FOR:
MILLSIDE DEVELOPMENT LLC.
(WATER VALVE DETAIL SHEET)
- LOCATED IN -
**LAND LOTS 25, 30 & 43
8TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA**



REGISTERED PROFESSIONAL
LAND SURVEYORS
PATTON
LAND SURVEYING, LLC
P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com

Date Submitted: 11/13/2020

Presenter: Bryan Lackey

Item of Business: BR-2020-47 Adoption of an Intergovernmental Agreement with Hall County for Constructing and Maintaining of the Library Parking Deck

Meeting Date: 12/15/2020

Purpose of Request:

To approve the IGA with Hall County to allow Gainesville to manage the use of SPLOST VIII Tier Funds for the construction of the new North Downtown Parking Deck.

History/Background:

During the development of the SPLOST VIII project list, Hall County and the City of Gainesville agreed to jointly fund the construction of a new parking deck to serve both patrons of the renovated library as well as merchants of the north side of downtown.

Facts & Issues for Consideration:

Department Recommendation:

Approval of the IGA.

Department Director:

Bryan Lackey

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

Amount Requested:

N/A

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
BR-2020-47 Adoption of IGA with Hall County for Constructing and Maintaining of the Library Parking Deck	Resolution
Intergovernmental Agreement with Hall County for Constructing and Maintaining of the Library Parking Deck	Contract/Agreement/MOU

RESOLUTION BR-2020-47

**ADOPTION OF AN INTERGOVERNMENTAL AGREEMENT FOR THE CONSTRUCTING
AND MAINTAINING OF THE LIBRARY PARKING DECK**

WHEREAS, Hall County and the City of Gainesville have partnered to plan and develop the new downtown parking deck near the library, which will provide parking opportunities to City and County residents to more easily access and enjoy downtown Gainesville; and

WHEREAS, the new parking deck will also enhance the local economy through growth in small businesses in and around downtown Gainesville, and provide an increased desire to live or work near downtown Gainesville; and

WHEREAS, Hall County and Gainesville desire to establish certain responsibilities with regard to the new downtown parking deck and the use of SPLOST VIII funds because the governing authorities deem the provision of a new downtown parking deck to be in the best interest of all citizens of their respective jurisdictions; and

WHEREAS, the terms of the responsibilities have been reduced to writing in the Intergovernmental Agreement for the Constructing and Maintaining of the Library Parking Deck, which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Mayor to execute the Intergovernmental Agreement to provide for the construction and maintenance of the Library Parking Deck.

BE IT FURTHER RESOLVED THAT the City of Gainesville Mayor, City Manager, and/or City Attorney are authorized to sign all necessary documents in executing the agreement.

Adopted this _____ **day of** _____, **2020.**

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

STATE OF GEORGIA

COUNTY OF HALL

**INTERGOVERNMENTAL AGREEMENT CONCERNING THE CONSTRUCTING
AND MAINTAINING OF THE LIBRARY PARKING DECK**

This Intergovernmental Agreement, entered into as of the _____ day of _____, 2020, by and between HALL COUNTY, GEORGIA, a political subdivision of the State of Georgia, by and through its duly authorized governing authority, the Board of Commissioners of Hall County, Georgia, (hereinafter referred to as "Hall County"), and the CITY OF GAINESVILLE, a municipal corporation by and through its duly authorized governing body, the Mayor and City Council of Gainesville, Georgia (hereinafter referred to as "Gainesville"), the purpose of which is to set forth the responsibilities and obligations of each party as to the construction of a "Library Parking Deck" to be located at 100 Brenau Ave., Gainesville, Georgia. This Agreement as it relates to such issues shall provide as follows:

WHEREAS, Hall County and the qualified municipalities of Hall County entered into an Intergovernmental Agreement dated August 22, 2019 ("IGA") naming and allocating projects to be funded through a special one percent (1%) sales and use tax to be approved by the voters of Hall County ("SPLOST VIII"); and

WHEREAS, included within the terms of Exhibit "A" of the IGA was a county-wide Level II Project for Hall County described as a Library Parking Deck with an estimated \$5,000,000 cost allocation; and

WHEREAS, included within the terms of the IGA for the City of Gainesville was a "Downtown Parking Deck" with an estimated \$4,000,000 cost allocation from SPLOST VIII; and

WHEREAS, the Qualified Voters of Hall County on November 5, 2019, by special election, approved a special one percent (1%) sales and use tax to be levied within Hall County for a period of six (6) years for the raising of approximately \$216,960,000 for the purpose of funding certain capital outlay projects within the incorporated and unincorporated areas of Hall County; and

WHEREAS, included within such approved projects were the above referenced projects for Hall County and the City of Gainesville being the "Library Parking Deck" and the "Downtown Parking Deck", hereinafter commonly referred to as the Library Parking Deck; and

WHEREAS, Hall County and Gainesville have agreed to combine their respective SPLOST VIII funding allocations to provide for one centrally located parking deck to be located at 100 Brenau Avenue, Gainesville, Georgia and hereinafter referred to as the "Library Parking Deck"; and

WHEREAS, the Library Parking Deck will provide substantial benefits to the residents of Gainesville and Hall County who patronize the Library, as well as Library staff and non-resident visitors;

NOW, THEREFORE, it is agreed by and between Hall County and Gainesville as follows:

1.

Hall County shall fund its portion of the Library Parking Deck through the use of special purpose local option sales tax not to exceed \$5,000,000 as permitted by the SPLOST VIII Resolution as approved by the qualified voters of Hall County, and as set forth in the IGA.

2.

The City shall fund its portion of the Library Parking Deck (also known as the Downtown Parking Deck) through the use of special purpose local option sales tax not to exceed \$4,000,000 as permitted by the SPLOST VIII Resolution as approved by the qualified voters of Hall County, and as set forth in the IGA.

3.

Gainesville and Hall County mutually agree that the available property located at 100 Brenau Avenue, as more particularly described on Exhibit "A," which is attached hereto and by this reference made a part hereof, is the most suitable site upon which to construct the Library Parking Deck.

4.

Gainesville shall contract for professional services as necessary for the design and implementation of construction of the Library Parking Deck, including but not limited to, architectural plans and drawings, engineering and surveying services. All design and engineering decisions shall be made by Gainesville; however, Gainesville will make all architectural plans and drawings available to Hall County for its review, comment and approval.

To the extent necessary, Gainesville shall contract for demolition and site preparation of the chosen site prior to construction of the new Library Parking Deck.

Gainesville agrees to bid out the construction of the project. In doing so, Gainesville will comply with all of the County's and the City's public bidding requirements. Gainesville shall award the bid or rebid the Library Parking Deck, in its sole discretion; however, Gainesville will make Hall County aware of any bid or rebid decisions to allow for review and comment. Gainesville agrees to consider the use of inmate labor where cost savings are evident.

5.

Gainesville shall maintain all financial records representing expenditures incurred in the design, bidding, engineering, construction and equipping of the project, and shall provide copies of such to the county concurrent with the receipt of payments made by Hall County to Gainesville as provided in paragraph 6 hereof.

To ensure that SPLOST VIII funding is sufficient to satisfy project expenditures, the parties agree to plan and undertake the completion of such project on a timeline consistent with sales tax collections.

6.

a. Gainesville shall deposit their funds in the existing Gainesville Special Purpose Local Option Sales Tax Fund (the "SPLOST Fund"). Gainesville shall create a separate account for the Library Parking Deck within the SPLOST Fund to record deposits and expenditures for this joint project (the "Library Parking Deck Account"). Gainesville shall act as the depository and custodian of the SPLOST VIII proceeds received by Gainesville upon such terms and conditions as may be acceptable to Gainesville. Upon receipt of the annual disbursement of the SPLOST Funds from Hall County under paragraph 6(b) below, such funds from Hall County shall be deposited in the SPLOST Fund and accounted for in the Library Parking Deck Account.

b. Hall County shall receive SPLOST VIII tax proceeds from the State as required by statute and the SPLOST VIII IGA and allocate such tax proceeds into the SPLOST Fund in accordance with the terms of the SPLOST VIII IGA.

(i) Hall County shall further allocate proceeds and deposit from the SPLOST VIII proceeds into the Level II Projects subaccount in accordance with Exhibit "A" of the SPLOST VIII IGA on a monthly basis until the County's Level II Projects including the Library Parking Deck have been fully funded based on the allocation requirements.

set out in Exhibit "A" to the SPLOST VIII IGA in an amount not less than the sum of \$35,871,920.00.

(ii) Hall County shall disburse **five million dollars** (\$5,000,000.00) from the Level II Projects subaccount to Gainesville for the Library Parking Deck Project in six (6) equal annual payments of **eight hundred thirty-three thousand three hundred thirty-three dollars and thirty-three cents** (\$833,333.33) payable beginning in December 2020 and ending December 2025. Should the Library Parking Deck Project be completed at a cost less than \$9,000,000, any remaining funds in the Library Parking Deck Account shall be prorated between Hall County and Gainesville based upon their pro rata contributions as set forth herein.

7.

The term of this Agreement shall be for a period beginning with the date that the last party hereto executes the Agreement, and ending upon completion of the Library Parking Deck and completion of payments, expenditures and disbursements from the Library Parking Deck Account set forth under paragraph 6 above. Upon completion of the Library Parking Deck Project, the parties may enter into an agreement for joint operation of the Library Parking Deck upon the approval of the governing bodies of both the Gainesville and Hall County for such term as may be mutually agreeable, provided, however, whether or not such new agreement is entered into, each party hereto shall have an undivided right of use of the Library Parking Deck. Neither party shall have the unilateral right to exclude the public from use of the Library Parking Deck.

8.

Builder's risk insurance shall be maintained during construction by Gainesville, which may require such insurance as a provision of the construction contract. In the

event any portion of the Library Parking Deck is damaged, or destroyed, all insurance proceeds shall be applied to the replacement and completion of the Library Parking Deck.

9.

Upon completion of the Library Parking Deck, Hall County shall be authorized to designate up to five-ninths of the parking spaces for Library staff and/or Library patrons, in such location within the Library Parking Deck as is mutually agreeable between Gainesville and Hall County, which agreement as to number and location of spaces shall be reviewed annually and subject to approval by Hall County and Gainesville. This paragraph may be amended or deleted in the event the parties enter into a subsequent maintenance agreement that addresses parking. Neither party may assign their rights, obligations or responsibilities under this Agreement without the written consent of the other party.

10.

This Agreement constitutes the sole agreement of the parties as to the construction of the Library Parking Deck and shall be binding on the parties and the successors in office of the governing bodies of each party.

11.

Hall County shall indemnify and hold harmless Gainesville, its agents, contractors, employees and assigns from any and all claims resulting from any fault of Hall County to the extent authorized by law.

12.

Gainesville shall indemnify and hold harmless Hall County, its agents, contractors, employees and assigns from any and all claims resulting from any fault of Gainesville to the extent authorized by law.

13.

The terms of this Agreement shall not be altered, amended or modified except in writing signed by duly authorized officers or representatives of Hall County and Gainesville.

14.

This Agreement shall be construed under the laws of the State of Georgia. Jurisdiction and venue shall be in the Superior Court of Hall County, Georgia.

15.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Agreement shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Agreement as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this Agreement not held to be invalid. It is hereby declared to be the intent of Hall County and Gainesville to provide separable and divisible parts, and they do hereby adopt any and all parts hereof as may not be held invalid for any reason.

16.

Any notice or communications hereunder shall be in writing and shall be deemed to have been delivered when deposited in the United States mail addressed as follows:

City of Gainesville
ATTN: City Manager
P. O. Box 2496
Gainesville, GA 30503

Hall County Commission
ATTN: County Administrator
P. O. Box 1435
Gainesville, GA 30503

or to such other address as either party may designate for itself by written notice to the other given from time to time, in the manner herein provided.

IN WITNESS WHEREOF, the parties hereto, by and through their Chief Executive Officers, have executed this Agreement the date and year above.

CITY OF GAINESVILLE, GEORGIA

By: _____
Danny Dunagan, Mayor

Attest: _____
Denise Jordan
City Clerk (SEAL)

Date: _____

Approved as to Form:

City Attorney

HALL COUNTY, GEORGIA

By: _____
Richard Higgins, Chairman
Hall County Board of Commissioners

Attest: _____
Lisa A. Ritchie
County Clerk (SEAL)

Date: _____

Approved as to Form:

County Attorney

980370-1
64797
11/20/20

SITE PLAN AND DIAGRAM OF BUILDING



Date Submitted: 11/25/2020
Presenter: Bryan Lackey
Item of Business: BR-2020-48 Chattahoochee Golf Course Advisory Committee Meetings
Meeting Date: 12/15/2020

Purpose of Request:

The purpose of this request is to update meeting requirements for the Chattahoochee Golf Course Advisory Committee.

History/Background:

Facts & Issues for Consideration:

This is a housekeeping matter to change the meeting schedule to at least once each quarter. Currently, the Committee is required to meet every month.

Department Recommendation:

Adopt the resolution as presented.

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-2020-48 Chattahoochee Golf Course Advisory Committee Meetings	Resolution
☐ Exhibit A	Attachments/Exhibits

RESOLUTION BR-2020-48

CHATTAHOOCHEE GOLF COURSE ADVISORY COMMITTEE

WHEREAS, the governing body of Gainesville, Georgia entered into a corporate golf agreement with the Chattahoochee Country Club (CCC); and

WHEREAS, the agreement established the Chattahoochee Golf Course Advisory Committee (CGCAC); and

WHEREAS, there is a desire to change the Committee's meeting schedule; and

WHEREAS, Exhibit A requires the CGCAC to meet at least once per quarter.

NOW, THEREFORE, BE IT RESOLVED THAT the Chattahoochee Golf Course Advisory Committee is hereby re-established as indicated in Exhibit A.

BE IT FURTHER RESOLVED THAT resolutions BR-2004-66 and BR-2010-23 are hereby rescinded.

Adopted this ____ **day of** _____, **2020.**

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

CHATTAHOOCHEE GOLF COURSE ADVISORY COMMITTEE

(a) Establishment

- (1) A Chattahoochee Golf Course Advisory Committee was established December 7, 2004. The Committee shall consist of ten members, five of whom shall be residents of the city and members of Chattahoochee Country Club and five of which may reside in the City or unincorporated Hall County.
- (2) Each member of the Committee shall be appointed to a three-year term, beginning on July 1, 2010. Initial terms shall be staggered.
- (3) A member of the Committee may be appointed to two three-year successive terms and shall continue to serve if their term expires until a successor is appointed.
- (4) When a position becomes vacant before the end of a term, the governing body shall appoint a new member for the duration of the remaining term.

(b) Proceedings of the Golf Course Advisory Committee

- (1) The governing body shall select a chairman. The vice chairman shall be elected by members of the Committee. The vice chairman shall preside at meetings in the absence of the chairman.
- (2) The Committee may adopt such by-laws, rules or procedures as appropriate.
- (3) The Committee shall meet at least once each quarter or at the call of the chairman. All meetings shall be open to the public and properly advertised.
- (4) A majority of the entire Committee shall constitute a quorum.
- (5) The Director of Golf or his designee shall serve as secretary to the Committee.

(c) Powers and Duties of the Golf Course Advisory Committee

- (1) The Committee shall work with the Director of Golf to develop and implement a Master Plan for improvements to the Chattahoochee Golf Course.
- (2) The Committee shall review and recommend to the governing body an annual capital improvement plan for the Chattahoochee Golf Course.
- (3) The Committee may also review proposed annual operating budgets and other operational aspects of the Chattahoochee Golf Course as requested by the Director of Golf; however, the Committee shall have no role in personnel matters of the department.
- (4) The Committee shall also have such other powers, duties or responsibilities as assigned to it by the governing body.

Date Submitted: 12/3/2020
Presenter: Bryan Lackey
Item of Business: BR-2020-49 Declaration of Surplus Property
Meeting Date: 12/15/2020

Purpose of Request:

Requesting Council declare the property on the attached listings as surplus for public sale or disposal.

History/Background:

The City's Capital Asset policy dictates the procedure for transferring assets that have outlived their useful life to surplus. This policy has been followed with the assets listed on Attachments A and B. Financial Services periodically requests that property be declared surplus in order to sell or dispose of property in a timely and orderly manner.

Facts & Issues for Consideration:

Surplus property that was purchased by the City is offered to other City departments before a sale takes place. Property seized or confiscated by the Police department is not offered to City departments.

Department Recommendation:

Property listed on Attachments A and B be declared as surplus.

Department Director:

Jeremy Perry

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2020-49 Declaration of Surplus Property	Resolution
☐ Attachment A - Tagged Assets	Attachments/Exhibits
☐ Attachment B - Non-Tagged Asset	Attachments/Exhibits

RESOLUTION BR-2020-49

Declaration of Surplus Property

WHEREAS, the City Financial Services staff recommends that the attached lists (Attachments A and B) of property be declared surplus and made available for the sale or donation in accordance with Resolution BR-90-81 adopting the City's Purchasing Policies and Procedures; and

WHEREAS, it has been determined that the property listed on Attachment A and B has served beyond its useful life and the City Financial Services staff believes that the method of disposal shall be by sale at auction to the highest bidder in accordance with the policies and procedure, or dispensation in a manner approved by the City Manager; and

WHEREAS, the City Financial Services staff shall set a date, place and time for the appropriate sale; and

WHEREAS, the method of disposal of surplus property shall be an auction, utilizing GovDeals, an online auction company recommended by the Georgia Municipal Association, with concurrence of the City Attorney, City Clerk, and City Manager in accordance with the policies and procedures, or dispensation in a manner approved by the City Manager; and

WHEREAS, funds derived from the sale of surplus property shall be deposited to the appropriate fund and account as determined by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby declare the property listed on Attachment A and B surplus and available for public sale or disposal as approved by the City Manager, and that any item not sold at the sale shall be disposed of in an appropriate manner with concurrence of the City Manager.

Adopted this ____ **day of** _____, **2020.**

C. Danny Dunagan, Jr., Mayor

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ATTEST:

Denise O. Jordan, City Clerk

Tagged Assets

				Attachment A
Asset #	Asset Description	Dept #	Purchase Date	Purchase Cost

Cemetery

14622	Hustler 54" Mower	4950	4/1/2014	7458.8
14776	Hustler 54" Mower	4950	8/11/2014	7857.53
19423	2000 F150 4x2	4950	8/4/2000	17515

Community Service Center

14346	2014 Chevy 4500	5420	2/20/2014	82966
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Department of Water Resources

3552	John Deere Tractor	4430.06	4/27/1987	\$ 16,750.00
8582	Chlorinator System Vacuum	4430.07	1/24/1996	\$ 9,108.02
11338	Hach Auto Cat 9000	4430.07	7/11/2003	\$ 3,020.00
11779	Hach Spectrophotomer	4430.07	8/24/2004	\$ 2,200.00
11781	Prominent Metering Pump	4430.07	8/24/2004	\$ 2,358.00
11785	Metrotech 810 Locator	4330	7/29/2004	\$ 2,048.50
11803	Cap Control Chlorinator	4430.07	6/30/2004	\$ 3,553.20
11930	Hach Chlorine Analyzer	4430.07	3/21/2005	\$ 2,736.50
11997	Locator 9890 XT	4440	7/18/2005	\$ 2,800.00
12099	Hach 2100N Turbid meter	4430.07	9/29/2005	\$ 1,973.00
12098	Hach Auto Cat 9000	4430.07	9/27/2005	\$ 3,022.00
12313	Metrotech 9890 DLXT Line Locator	4440	7/28/2006	\$ 3,390.00
12392	2006 Millennium 15Ton Trailer	4330	9/6/2006	\$ 10,140.00
12672	2008 Ford Explorer XLT 4x4	4250	10/5/2007	\$ 21,215.00
12683	New Holland B95 Backhoe	4330	8/8/2007	\$ 47,666.00
12710	Prominent Sigma Diaphragm Pump	4430.07	8/3/2007	\$ 1,636.01
12711	Prominent Sigma Diaphragm Pump	4430.07	8/3/2007	\$ 1,636.01
12744	1997 Mack Tractor	4335.09	9/24/2007	\$ 5,000.00
12766	Hach Acidification unit	4430.07	10/2/2007	\$ 1,346.50
13116	2010 Ford F150 4x2	4985	9/11/2009	\$ 15,335.00
13200	1994 Ford FT900 Sewage SS36	4330	11/30/1993	\$ 35,781.00
13678	Hach Spectrophotomer	4430.07	3/22/2011	\$ 2,110.00
13804	New Holland T4050 Tractor	4330	10/12/2011	\$ 33,381.00
14088	Exmark Zero Turn Mower	4900	8/24/2012	\$ 8,720.00
14089	Exmark Zero Turn Mower	4335.08	8/24/2012	\$ 8,720.00
14325	Prominent Metering Pump	4430.07	6/14/2013	\$ 2,395.92
14549	Hach Turbid meter	4430.07	2/18/2014	\$ 2,053.21
15659	Aqua Scope Kit	4440	1/29/1999	\$ 2,020.28
15780	EE Titralab AT	4430.07	11/15/2016	\$ 2,688.50
16328	Pulsatron Metering Pump	4430.07	8/16/2017	\$ 2,154.00
19393	Metrotech 9890 Line Locator	4440	8/10/2000	\$ 3,429.50

Tagged Assets

Attachment A

Asset #	Asset Description	Dept #	Purchase Date	Purchase Cost
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Fire

11953	Scott Air Pak	3500	5/20/2005	\$ 3,975.55
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Parks and Recreation

8469	Metrotech 810 Locator	6200.03	1/2/1996	\$ 2,124.90
11902	Exmark 36" Walk behind Mower	6000	2/10/2005	\$ 3,764.20
12047	Exmark 60" Mower	6200.03	7/27/2005	\$ 6,835.22
12772	Exmark 60" Mower	6200.03	10/24/2007	\$ 7,469.50
14943	1998 Ford 555E Backhoe Tractor	6000	8/19/1998	\$ 39,442.00
19599	2001 Ford F150 Longbed	6200.03	2/9/2001	\$ 18,434.00

Public Works - Public Lands and Buildings

8424	Bobcat Skid Steer	1565	10/11/1995	\$ 17,652.66
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Public Works - Traffic

12137	Hilt Loop Tester	4270	1/25/2006	\$ 4,432.50
13104	Cutter/Plotter	4270	8/14/2009	\$ 5,664.30
13298	Controller Tester	4270	9/17/1997	\$ 1,830.00

Public Works - Streets

13914	Hustler Zero Turn Mower	4200	5/9/2012	\$ 6,875.02
19226	Champion Motor Grader	4200	4/18/2000	\$ 84,911.00

Public Works - Solid Waste

11674	2005 International Packer Truck	4500	8/26/2004	\$ 103,765.14
12087	2006 International Packer Truck	4500	10/25/2005	\$ 109,550.00
12699	2007 F150	4500	8/23/2007	\$ 15,330.00
12734	2007 International Packer Truck	4500	9/12/2007	\$ 137,327.70
13063	2008 International Packer Truck	4500	6/8/2009	\$ 151,884.00
13473	1999 International Packer Truck	4500	10/14/1998	\$ 69,743.47
13659	2011 F150	4500	2/23/2011	\$ 18,100.00
13879	2012 F150	4500	4/10/2012	\$ 16,717.88
13912	20YD Loader	4500	7/24/2012	\$ 55,980.00

Non-Tagged Assets

			Attachment B
Asset #	Asset Description	Dept #	Comments

Department of Water Recourses

No Tag	Sewage Portable Pump on Trailer	4430	Below Threshold
No Tag	Hach DR/IA Colorimeter	4430.07	Below Threshold
No Tag	Portable PH Meter	4430.07	Below Threshold
No Tag	Hach 1720D Turbid meter	4430.07	Below Threshold
No Tag	Portable Sewer Pump	4430	Below Threshold
No Tag	Hach Auto Cat	4430.07	Below Threshold

Information Technology

No Tag	(5) Computer Rack	1535	Below Threshold
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Public Works - Public Lands and Buildings

No Tag	Surplus Railroad Equipment	1565	Non-Tagged
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Public Works - Solid Waste

No Tag	2020 Ford F150 FX4 Bed Only	4500	Below Threshold
No Tag	2020 Ford F150 4x4 Bed Only	4500	Below Threshold
No Tag	2021 Ford F150 4x4 Bed Only	4500	Below Threshold

Public Works - Vehicle Services

No Tag	P/S Kit	4990	Below Threshold
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Date Submitted: 12/4/2020

Presenter: Bryan Lackey

Item of Business: BR-2020-50 Sanitary Sewer Agreement Between City of Gainesville and Family Promise of Hall County, Inc.

Meeting Date: 12/15/2020

Purpose of Request:

Obtain authorization for the City to enter into a sanitary sewer agreement with Family Promise of Hall County, Inc.

History/Background:

Family Promise of Hall County, Inc. wishes to connect to Gainesville public sewer. In order to connect, the necessary sanitary sewer facilities must encroach into Georgia DOT right-of-way. Georgia DOT requires Family Promise to partner with the City for representation by a public entity.

Facts & Issues for Consideration:

Family Promise of Hall County provides a valuable service to the citizens of Gainesville/Hall County and will also become a sewer customer of the City if the agreement is approved.

Department Recommendation:

Approve authorization to enter into the agreement.

Department Director:

Linda MacGregor

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
BR-2020-50 Sanitary Sewer Agreement Between City of Gainesville and Family Promise of Hall County, Inc.	Resolution
Family Promise Sanitary Sewer Concept Plan	Attachments/Exhibits

RESOLUTION BR-2020-50

**SANITARY SEWER AGREEMENT BETWEEN THE CITY OF GAINESVILLE AND FAMILY
PROMISE OF HALL COUNTY, INC.**

WHEREAS, the City of Gainesville ("City") owns and operates a sanitary sewer system; and

WHEREAS, Family Promise of Hall County, Inc. ("Family Promise") owns real property located at 3606 McEver Road a.k.a. State Route 53 and designated as Hall County Tax Parcel Number 08032 00002 ("the Property"), and Family Promise wishes to connect the Property to the City's sanitary sewer system; and

WHEREAS, Family Promise proposes to follow the route shown on the attached site plan to connect private sanitary sewer facilities to the City's sanitary sewer system, which requires encroachment within the public right-of-way owned by the Georgia Department of Transportation ("GDOT"); and

WHEREAS, GDOT requires an agreement between Family Promise and the City related to the location of private sanitary sewer facilities within GDOT right-of-way; and

WHEREAS, the City recognizes the value of the services provided by Family Promise to citizens of the City, as well as the benefits of adding Family Promise as a customer of the City sanitary sewer system.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes City staff to coordinate the preparation of an agreement involving the City, Family Promise, and GDOT to effectuate the connection of the Property to the City's sanitary sewer system.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to sign any and all documents that may be necessary to effectuate the connection of the Property to the City's sanitary sewer system.

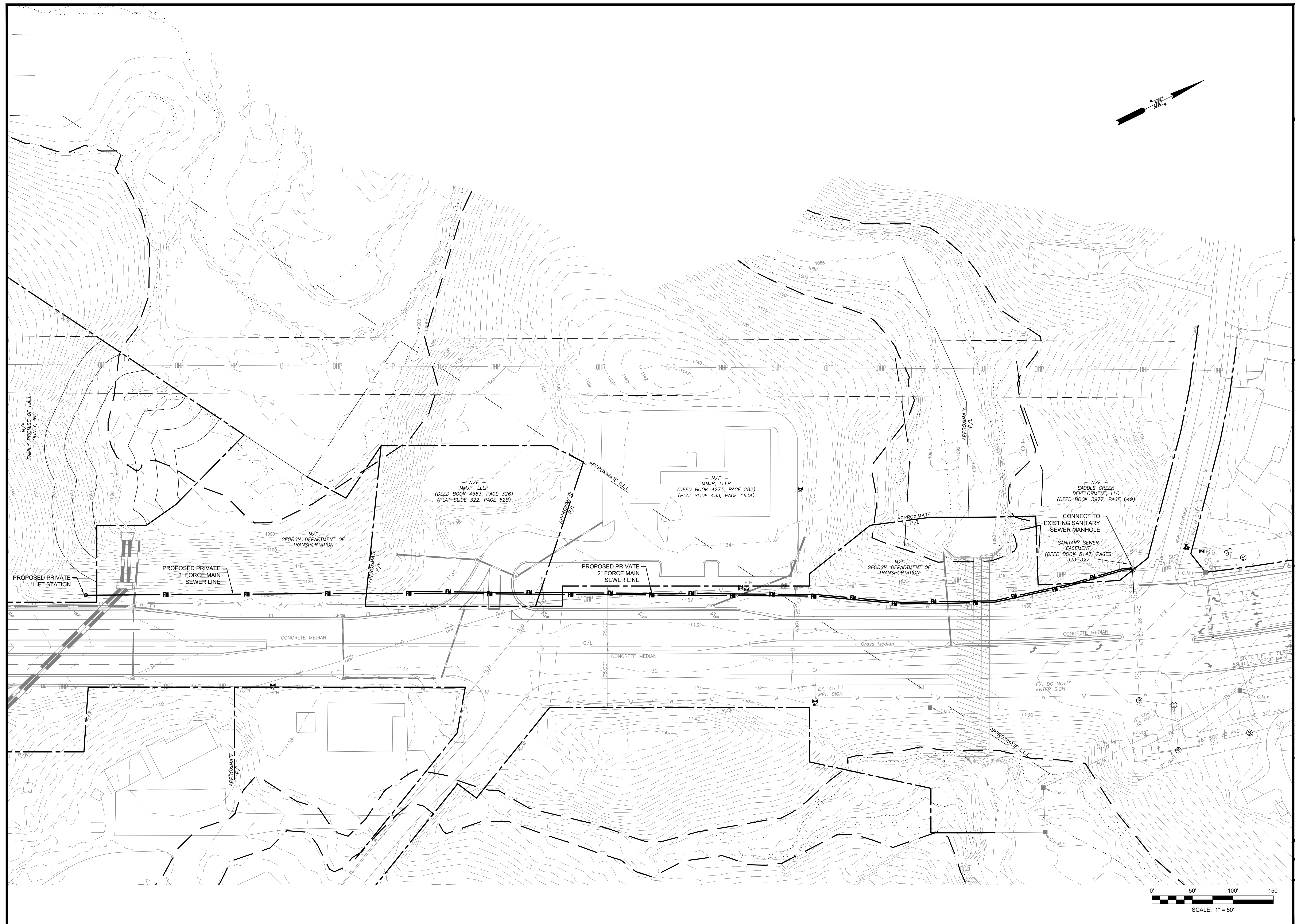
Adopted this _____ day of _____, 2020.

C. Danny Dunagan, Jr., Mayor

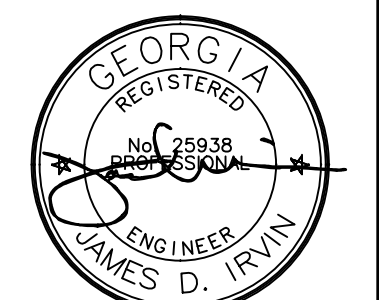
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



REVISIONS:	
NO.	DESCRIPTION DATE



GSWCC LEVEL II #9832

DATE: SEPTEMBER 30, 2020

SCALE: 1" = 50'

SHEET:

1

JOB #20091

Date Submitted: 12/1/2020
Presenter: Bryan Lackey
Item of Business: BR-2020-51 Selection of Airport Consultant
Meeting Date: 12/15/2020

Purpose of Request:

Select Lead Edge Design Group to be the Airport Consultant for the next five years.

History/Background:

The Airport Consultant provides engineering and consulting services to the City to assist in operating the Lee Gilmer Memorial Airport.

Facts & Issues for Consideration:

Public Works solicited proposals from qualified consultants. The Airport Consultant Selection Team concluded Lead Edge Design Group was the most qualified and capable proposer.

Department Recommendation:

Approve selection of Lead Edge Design Group as the Airport Consultant.

Department Director:

Chris Rotalsky

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

Amount Requested:

N/A

Source of Funds:

Airport Enterprise Fund

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2020-51 Selection of Airport Consultant	Resolution

RESOLUTION BR-2020-51

Selection of Airport Consultant

WHEREAS, the City of Gainesville owns and operates the Lee Gilmer Memorial Airport for the public interest; and

WHEREAS, the City has advertised for and solicited proposals from qualified consulting engineering firms pursuant to FAA Advisory Circular 150/5100-14E; and

WHEREAS, the members of the Airport Consultant Selection Team have selected Lead Edge Design Group as the most qualified and capable firm to provide the full range of consulting services for the Lee Gilmer Memorial Airport.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the selection of Lead Edge Design Group to provide engineering and consulting services to the City as its airport consultant for the next five (5) years.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville also authorizes the Mayor and City Manager to execute all necessary contract documents to complete this work.

Adopted this _____ **day of** _____, **2020.**

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

Date Submitted: 11/13/2020
Presenter: Bryan Lackey
Item of Business: PR-2020-17 FY2021 Local Maintenance and Improvement Grant (LMIG)

Meeting Date: 12/15/2020

Purpose of Request:

To receive authorization to apply for and accept the FY2021 LMIG funds from the Georgia Department of Transportation (GDOT).

History/Background:

GDOT has announced the City is eligible for \$372,883.37 for FY2021.

Facts & Issues for Consideration:

The City has identified portions of Auburn Avenue, Baywood Drive, Beverly Drive, Boone Street, Chamblee Court, Cherokee Drive, Hillcrest Avenue, Myrtle Street and Ridgewood Terrace as meeting the state criteria.

Department Recommendation:

Apply for and accept the FY2021 LMIG funds.

Department Director:

Chris Rotalsky

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

Amount Requested:

N/A

Source of Funds:

Capital Improvement Projects

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
 PR-2020-17 FY2021 Local Maintenance and Improvement Grant (LMIG)	Resolution

RESOLUTION PR-2020-17

FY2021 Local Maintenance and Improvement Grant (LMIG)

WHEREAS, the Georgia Department of Transportation has announced the FY2021 Local Maintenance and Improvement Grant (LMIG) Program; and

WHEREAS, the identified grant amount for the City of Gainesville is \$372,833.37; and

WHEREAS, the City has identified portions of Auburn Avenue, Baywood Drive, Beverly Drive, Boone Street, Chamblee Court, Cherokee Drive, Hillcrest Avenue, Myrtle Street and Ridgewood Terrace as meeting the state criteria and will be submitted as part of the LMIG application; and

WHEREAS, the required matching funds are available from SPLOST as provided in the budgeted Capital Improvements Project entitled FY2021 Street Resurfacing Program.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Public Works Department to prepare and submit the application necessary for the project identified by staff, and further authorizes the Mayor and City Manager to sign all necessary documents for executing this grant application.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby accepts the LMIG funding in the amount of \$372,833.37.

Adopted this _____ day of _____, 2020.

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

Date Submitted: 11/23/2020

Presenter: Abb Hayes

Item of Business: Request from the **Clipper Petroleum, Inc.** to rezone a 0.41± acre tract located on the north side of Christopher Drive, west of its intersection with Thompson Bridge Road (a/k/a **150 Christopher Drive**) from Residential-I (R-I) to Neighborhood Business (N-B), with a special use. **Ward Number: Two.** Tax Parcel Number(s): 01-074-004-018. **Request: Convenience store with fuel pumps.**

- Proposed Rezoning Ordinance 2020-43
- Proposed Zoning Resolution 2020-05

Meeting Date: 12/15/2020

Purpose of Request:

To conduct a public hearing regarding the following zoning request as presented at the November 10, 2020 Planning and Appeals Board Meeting:

The proposal includes a 4,500 square foot convenience store and a 4,160 square foot (52' x 80') canopy consisting of 12 pumps (6 fueling stations). Access is proposed from Christopher Drive as well as a shared driveway off of Thompson Bridge Road. The property contains a single-family rental home that will be demolished and replaced with part of the convenience store building, retaining wall and a 25' vegetated buffer. The entire development includes two lots for a total of 1.11± acres. The adjacent uses include single-family homes, vacant commercial property, Honey Baked Ham restaurant and the Publix shopping center.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Staff and PAB recommended denial of this request. However, if approved staff would recommend eight conditions. See the PAB Recommendation report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2020-43:

I move to approve the ordinance to rezone the subject property from Residential-I (R-I) to Neighborhood Business (N-B) with a special use with eight conditions as presented.

Approval of Resolution ZR-2020-05:

I move to approve the resolution to allow for a convenience store with fuel pumps within Neighborhood Business (N-B) zoning district with eight conditions as presented.

Denial of the Request:

I move to deny this request.

Department Director:

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 2020-43	Ordinance
☐	Proposed Resolution ZR-2020-05	Resolution
☐	Location Maps	Backup Material
☐	Narrative	Backup Material
☐	Survey	Backup Material
☐	Site Plan	Backup Material
☐	Topographic Survey	Backup Material
☐	Architectural Renderings	Backup Material

LEGAL AD
Gainesville City Council

Publish Wednesday, November 25, 2020
THE TIMES

**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, December 15, 2020 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 the **Clipper Petroleum, Inc.** to rezone a 0.41± acre tract located on the north side of Christopher Drive, west of its intersection with Thompson Bridge Road (a/k/a **150 Christopher Drive**) from Residential-I (R-I) to Neighborhood Business (N-B), with a special use.
Ward Number: Two
Tax Parcel Number(s): 01-074-004-018
Request: Convenience store with fuel pumps
- 2) Request from the **Clipper Petroleum, Inc.** for a special use on a 0.704± acre tract located on the northwest side of the intersection of Christopher Drive and Thompson Bridge Road (a/k/a **1261 and 1265 Thompson Bridge Road**), having a zoning of Neighborhood Business (N-B).
Ward Number: Two
Tax Parcel Number(s): 01-074-004-019
Request: Convenience store with fuel pumps

Additional information is available from the Community and Economic 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 Clipper Petroleum, Inc.
Property Owner Deborah J. Wallace
Speedy Sloth, LLC
Location 150 Christopher Drive
1261 and 1265 Thompson Bridge Road
Request (0.41± acre parcel) -Rezone from R-I to
N-B with a special use
Request (0.704± acre parcel) -Special use request
within N-B zoning
Ward Two
Proposed Use Convenience store with fuel pumps
Planning Division Staff Recommendation **Denial**
Planning & Appeals Board Recommendation **Denial**
Date November 10, 2020

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

The proposal consists of two applications and properties totaling 1.11± acres in size. The applicant intends to combine the two properties to construct a 4,500 square foot convenience store and a 4,160 square foot (52' x 80') canopy consisting of 6 fueling islands with 12 pumps. The proposed business hours are Sunday thru Thursday from 5:30 a.m. to 11:00 p.m. and Friday/Saturday from 5:30 a.m. to 12:00 a.m. The applicant plans to close the existing BP convenience store/gas station located at 1180 Thompson Bridge Road and deed restrict it upon the sale or lease that it cannot be used as a convenience store with fuel pumps.

The first application proposes to rezone a 0.41± acre parcel located at 150 Christopher Drive from Residential-I (R-I) to Neighborhood Business (N-B) with a special use. The property includes a single-family rental home that will be removed and replaced with part of the convenience store building, retaining wall, rear access drive, dumpster pad and a 25-foot planted vegetated buffer.

The second application proposes a special use for a 0.704± acre parcel located at 1261 and 1265 Thompson Bridge Road currently zoned Neighborhood Business (N-B). The property is located within the Gateway Corridor Overlay Zone and was the previous site of the Kangaroo Citgo gas station and a commercial building that were removed. The property will include a fuel canopy, part of the convenience store building, retaining wall, parking, and access drives. In addition, an existing commercial billboard will be removed from the site to allow for internal access with the neighboring property to the north.

The proposed store is to include a mixture of EFIS, brick or stone materials designed to meet overlay standards. In addition, the support poles for the fuel canopy will be faced with brick or stone material to match the building. According to the applicant's concept plan, the existing driveways on Thompson Bridge Road and Christopher Drive will be relocated. A right-in/ right-out access is proposed from Thompson Bridge Road that will be shared with the neighboring property to the north that is currently under development review for a Zaxby's restaurant. As well, a full access two-way driveway is proposed on Christopher Drive.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Proposed Zaxby's restaurant, (Previous Long John Silver's restaurant site)	Neighborhood Business (N-B) Office and Institutional (O-I)
South	Honey Baked Ham Restaurant; Single-family home	Neighborhood Business (N-B) Residential-I (R-I)
East	Publix Grocery center; Strip shopping center	Regional Business (R-B) Neighborhood Business (N-B)
West	Single-family home	Residential-I (R-I)

▪ **Other Departmental Comments**

According to the Georgia Department of Transportation (GDOT), the development will be required to meet the sight distance requirements and will need to coordinate with GDOT for review and approval.

According to the Gainesville Public Works Department, the developer will need to coordinate with the Gainesville Public Works Department and the Georgia Department of Transportation (GDOT) prior to permitting to address the future traffic improvements at the intersection of Thompson Bridge Road and Christopher Drive.

▪ **Zoning History**

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

2020 - A request by Walker-Lanier, LLC to rezone a 0.50± acre tract located at 989 Lanier Avenue and 1437 Walker Street from Residential-I (R-I) to Residential-II (R-II) was approved with conditions for duplex homes.

2017 - A request by The 5 MCS, LLC to rezone a 5.24± acres tract located at 1012 Enota Avenue from Residential-I (R-I) and Planned Unit Development (P-U-D) to Planned Unit Development (P-U-D) was approved with conditions for an assisted living facility, townhome cottages and a single-family home.

2017 - A request by Adams & Copeland, LLC for a special use for a hair salon and office within the Office and Institutional (O-I) zoning district located at 1665 Thompson Bridge Road was approved with conditions.

2017 - A request by Montecito Development for a special use for a convenience store with fuel pumps within the Neighborhood Business (N-B) zoning district located at 1281 Thompson Bridge Road was denied.

2017 - A request by Montecito Development to rezone a 0.48± acres tract located at 149 Enota Avenue from Office and Institutional (O-I) to Neighborhood Business (N-B) zoning district with a special use was denied.

2016 - A request by Jack Bailey to rezone a 0.61± acre tract located at 1665 Thompson Bridge Road NW from Residential-I (R-I) to Office and Institutional (O-I) was approved with conditions for an insurance office.

2016 - A request by Teresa Vickers for a special use for a hair salon within the Office and Institutional (O-I) zoning district located at 977 and 983 Enota Avenue was approved with conditions.

2015 - A request by David P. Johnson to rezone a 1.458± acres tract located at 1537 and 1551 Thompson Bridge Road; and 135 Virginia Circle from Residential-I (R-I) to Neighborhood Business (N-B) with a special use for a restaurant with drive-thru and retail was denied.

2014 – A request by Polestar Development, LLC to rezone a 1.741± acres tract located at 1435 Thompson Bridge Road from Residential-II (R-II) to Regional Business (R-B) for a grocery store and fuel service station was approved with conditions.

2013 - A request by Michael Slate to rezone a 0.67± acre tract located at 971 Lanier Avenue NE from Residential-I (R-I) to Residential and Office (R-O) for a professional office was approved with conditions.

2011 - A request by Greg Loyd for a special use for a Dunkin Donut restaurant with a drive thru within the Neighborhood Business (N-B) zoning district located at 1151 Thompson Bridge Road was approved with conditions.

2011 - A request by Jamie Collins to rezone a 1.149± acres tract located at 1452, 1464 and 1472 Thompson Bridge Road NE from Residential-I (R-I) and Neighborhood Business (N-B) to General Business (G-B) for a Taco Bell restaurant was approved with conditions.

2011 - A request by One Eleven, LLC for a special use for the Little Yellow Coffee House with a drive-thru within the Neighborhood Business (N-B) zoning district located at 996 Thompson Bridge Road was approved with conditions.

2010 - A request by Yonah Burger for a special use for a restaurant with a drive-thru within the Neighborhood Business (N-B) zoning district located at 1191 and 1195 Thompson Bridge Road 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 uses include single-family residential homes, office, service and commercial uses and are zoned Residential-I (R-I), Residential-II (R-II), Office and Institutional (O-I), Neighborhood Business (N-B) and Regional Business (R-B). The applicants proposed development area extends westerly along Christopher Drive toward an established residential district. A zoning of Neighborhood Business (N-B) is suitable for neighborhood scale retail uses; however, expanding the commercial property into an existing established residential area is contrary to the preservation of our downtown neighborhoods.

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

The proposal would appear to have less of an impact to the adjacent neighborhood if the development were confined to property already fronting Thompson Bridge Road. This portion of the property has historically been used for commercial purposes and could continue to do so. The proposed convenience store with fuel pumps will increase turning movements that will present difficult access for delivery trucks and large fuel trucks on Thompson Bridge Road and Christopher Drive. As well, these uses typically have longer business hours, create more noise from traffic, fuel/delivery trucks and dumpster usage.

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

The proposed development is located within the *Retail/Commercial* land use category. The *Retail/Commercial* land use 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.

According to the Character Area map for the City of Gainesville, the rear 0.41± acre portion of the subject property is located within the *Traditional Neighborhoods* Character Area, specifically within the *Northern Neighborhoods subarea*. The front 0.704± acre portion of the subject property is located within the *City Park Neighborhood Center* Character Area.

The vision for the *Traditional Neighborhood Character 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 include low-density and medium-density residential, and mixed-use / commercial.

The vision for the *City Park Neighborhood Center* Character Area states that Thompson Bridge Road should be transformed into a “Complete Street” with sidewalks, landscaping, bike lanes and transit stops. Preservation of local small businesses should be a priority, and key early commercial buildings targeted for preservation. New commercial development should be compatible with the small scale of the older structures, and parking should be located to the rear with inter-parcel connectivity where possible. The area is not anticipated to see major economic growth, but remain oriented toward addressing existing neighborhood needs. Businesses providing basic goods and services that neighborhood residents depend on in daily life (for example food, household supplies, medicine etc.) should be encouraged. Locally-owned / family-owned businesses should be promoted to encourage small business investment / entrepreneurship. Land uses allowed include mixed-use, commercial and public/Institutional.

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

The two properties could remain as currently zoned and function separately except for the proposal requires the need for special use approval and rezoning. The existing vacant corner commercial lot could be redeveloped for other office, restaurant or commercial purposes. The existing single-family home could continue to be occupied for single-family purposes. While the N-B zoning district allows for neighborhood scale commercial uses such as a convenience store, special use approval is required to permit fuel pumps. Most of the uses permitted within the Neighborhood Business (N-B) zoning district are not auto-oriented in nature so as to discourage increased vehicular noise, lights, fumes, and traffic within neighborhood areas. There are currently four gas stations within one mile of the subject property.

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

City water, sewer and public safety services are currently provided to the property. Gainesville Fire Station #2 is located off of Cleveland Highway and is approximately 2.1± miles from the subject property.

The proposed use would have no impact on the school system given that it is a non-residential use.

The proposal will increase ingress and egress traffic movements along Thompson Bridge Road which typically experiences high southbound traffic volumes in the morning and high northbound traffic volumes in the evening. According to the Transportation Master Plan for this area, there are planned intersection improvements at the corner of Thompson Bridge Road and Enota Avenue which will include the addition of a dedicated right turn lane.

(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?

Over the past 40 years this segment of Thompson Bridge Road has experienced steady commercial growth. Much of the growth has included redevelopment of existing commercial properties and the conversion of residential parcels fronting Thompson Bridge Road for office or neighborhood scale retail and restaurant uses. The proposal requires the rezoning of property that does not front Thompson Bridge Road is more intrusive to the existing neighborhood.

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

Based on the Comprehensive Plan and the adjacent residential zoning, the proposal as a whole does not reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

Additional Criteria

(1) The type of street providing access to the subject property is adequate to serve the proposed Special Use.

Thompson Bridge Road (SR 60) is an arterial road and is capable of serving the proposal with access improvements. Christopher Drive is considered a local neighborhood road that is often used as a cut through between Thomson Bridge Road and Dawsonville Highway. Christopher Drive is less conducive for heavy truck traffic.

(2) Access into and out of the property adequately provides for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles.

The subject properties are located at the northwest side of the intersection of Thompson Bridge Road and Christopher Drive. The applicant's concept plan appears to provide for sufficient access for pedestrian safety and emergency vehicles.

(3) Public facilities such as schools, water or sewer utilities, and police or fire protection are adequate to serve the Special Use.

Existing public facilities are adequate to serve the proposed use.

(4) Refuse, service, parking and loading areas on the property are located and screened to protect other properties in the area from such adverse effects as noise, light, glare or odor.

The proposed concept plan includes a 25-foot wide vegetative and structural buffer adjacent to the single-family property. The proposed dumpster is proposed behind the building but is adjacent to the residential property. Proper lighting that does not produce glare will be required as part of the Unified Land Development Code.

(5) The hours and manner of operation of the Special Use have no adverse effects on other properties in the area.

The applicant states the proposed hours of operation are for the store are Sunday thru Thursday from 5:30 a.m. to 11:00 p.m. and Friday/Saturday from 5:30 a.m. to 12:00 a.m. which is typical of a convenience store. Due to the property being adjacent to residential homes on Christopher Drive, an office, specialty retail or restaurant use would be more conducive.

(6) The height, size and location of the buildings or other structures proposed on the property are compatible with the height, size or location of buildings or other structures on neighboring properties.

The height and size of the proposed structures appear consistent with other commercial structures located along Thompson Bridge Road. However, the proposed location of the building, rear access drive and dumpster will further encroach into the established neighborhood.

▪ **Staff Recommendation**

The Planning Division staff is recommending **denial** of this request based on the Comprehensive Plan and the adjacent residential uses. However, if approved, staff would recommend the following conditions:

Conditions

1. The proposed development shall be generally consistent with the standards depicted on the architectural pictures provided with the rezoning and special use application including exterior materials, roof pitch, canopy, building/canopy setbacks and buffer.
2. The exterior materials and roof pitch of the building and canopy shall adhere to the standards as depicted on the architectural elevation provided with this rezoning application.
3. The development shall require a minimum 35-foot wide evergreen planted buffer adjacent to all single-family property located to the west. The location, number, spacing, size and type of trees planted shall be subject to Community and Economic Development Department Director approval.
4. The existing commercial billboard sign shall be removed from the property.
5. Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required. The applicant shall coordinate with the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT) to determine the scope of the study.
6. All access point design for the subject property shall require approval 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 or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.
7. The applicant / owner shall provide for internal parcel vehicular access with the adjacent vacant property located to the north.
8. 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 November 10, 2020 PAB Meeting Minutes

Applicant Presentation: Attorney Steve Gilliam, 301 Green Street, stated he represents the applicant Clipper Petroleum and Speedy Sloth. Tom Bower is also present to answer any questions along with Mark Linkesh for the real estate side of it. Mr. Gilliam explained the location of the properties and zoning information of each with the PowerPoint stating the depth of proposed zoning boundary for the 150 Christopher Drive property matched the current commercial zoning boundary of the properties to the north along Enota Avenue. He stated Clipper has agreed to close the other store across the street if this is approved once built and there would be a net gain of zero of convenience stores. He said the use of 150 Christopher Drive matches the footprint of the one behind it and there would be no gasoline pumps placed on that location. Attorney Gilliam talked about the entrances for the convenience store location and provided a notebook for each board member for easier explanation stating the house will be removed from Christopher Drive. He said the purpose for acquiring the Christopher Drive property was because of setbacks pushing the canopy back and a 16-foot wall will be installed which will block out all of the noise. He then explained the location and placement of pumps under the canopy and said the staff recommended a 35-foot planted buffer which the applicant has agreed to do. He said the staff reports state the retail commercial land-use category allows for an automotive related business and recommended denial but also states if approved, there are eight conditions and all conditions are acceptable to the applicant. Attorney Gilliam said the billboard sign will be removed and he would be happy to answer any questions. He said the property at 162 Christopher Drive is owned by a LLC of David Hughes which has written a letter recommending the board approve the request.

Tom Bower, 5317 T. L. Bower Way, Flowery Branch, with Clipper Petroleum mentioned the history of the company which has been in business since 1933 and was acquired in 1974 by Tom Bower, Sr. along with Bob Braff that established a reputable company doing things the right way. He stated in the packet provided to the Board is information about the quality of the building made of brick and stone and will be a clean store with no video games and a quality operation. He mentioned the placement of a 16-foot wall at the highest point along with the height of the building will block any noise that might be a distraction. He stated the lights on the property will not impact the adjoining property owners. He said this would be a good move for them with a 4,500 square feet facility compared to the 2,000 square feet existing facility and would allow them to offer more products. Mr. Bower stated there would only be six dispensers or pumping units which will be twelve fueling positions.

FAVOR: None

OPPOSE: Paul Clarkson, 291 Sequoia Trace, stated he is the property owner of 184 Christopher Drive. He and his neighbor are very concerned with additional traffic and at certain times of the day it is very difficult to back out of the driveway. He said most people needing to travel north on Thompson Bridge after fueling would need to take Longview and then to Enota to the light. He is glad to see there is going to be an improvement at the traffic light on Thompson Bridge and Enota but there is a real concern about the current traffic there now so his question is how much additional traffic will there be. He also stated he understands the need for the fueling station since there is only one at the Walmart Neighborhood Center until further north but his main concern is the additional traffic that is anticipated.

Marilyn Clarkson, 184 Christopher Drive, stated she is extremely concerned with traffic which is already bad. She stated people cut through Christopher Drive to get to Holly to avoid Dixon. Also, she stated beyond this property is a big hill which you cannot see

beyond and people back out of their driveways, so adding this type of facility to it will make it that much worse. She mentioned several homes had been refurbished and is concerned that their own property value will be ruined. She stated the traffic is already a nightmare and will only get worse with this facility.

Rebuttal: Tom Bower agreed that Thompson Bridge is heavily traveled as it is but no additional traffic will be added. He said there will be interconnectivity with Zaxby's and believes most people will go to Enota Drive if traveling north and make a left turn at the light. He said the other alternative is going to Christopher Drive, wait for the light to stop traffic and get out that way. He met with Anthony Barbose who owns the house across the street from this lot on Christopher who had the same questions and told them verbally he has no problem with the rezoning and is in favor of it.

Planning and Appeals Board Comments: Vice-Chair Fleming asked about the operational hours for the business. Mr. Bower stated the normal hours are from 5:30 a.m. to 11 p.m. Sunday thru Thursday and open till 12 p.m. on Friday and Saturday but currently are only open 6 a.m. to 10 p.m. Chairman Carter asked Mr. Bower if he could build the convenience store without the additional property that needs to be rezoned. Mr. Bower stated the project could not be built without the additional property.

There was a motion to recommend denial to rezone the subject property from Residential-I (R-I) to Neighborhood Business (N-B) with a special use.

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

Planning and Appeals Board Comments: Board Member Thompson commented that the applicant has a very nice product but does not agree with it going into the neighborhood and wishes it could be put on the one lot that has been a convenience store in the past. Chairman Carter stated he appreciates the comment from Board Member Thompson for the applicant and are great community members, great projects but there is a concern that came out in the voting of reaching into the residential neighborhood. He stated there have been concerns with that throughout the years with the city and a lot of people have taken the position of trying to prevent reaching into those residential neighborhoods. Chairman Carter stated he had hoped it could be done on the existing site and wanted to offer further explanation of their thinking on it.

There was a motion to recommend denial of the special use request having a zoning of Neighborhood Business.

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

Passed: _____

AN ORDINANCE

No. 2020-43

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 0.41± ACRE TRACT LOCATED ON THE NORTH SIDE OF CHRISTOPHER DRIVE, WEST OF ITS INTERSECTION WITH THOMPSON BRIDGE ROAD (A/K/A 150 CHRISTOPHER DRIVE) FROM RESIDENTIAL-I (R-I) TO NEIGHBORHOOD BUSINESS, WITH CONDITIONS (N-B-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; 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.

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 **Neighborhood Business, with conditions (N-B-c)**:

Conditions

- 1. The proposed development shall be generally consistent with the standards depicted on the architectural pictures provided with the rezoning and special use application including exterior materials, roof pitch, canopy, building/canopy setbacks and buffer.**
- 2. The exterior materials and roof pitch of the building and canopy shall adhere to the standards as depicted on the architectural elevation provided with this rezoning application.**
- 3. The development shall require a minimum 35-foot wide evergreen planted buffer adjacent to all single-family property located to the west. The location, number, spacing, size and type of trees planted shall be subject to Community and Economic Development Department Director approval.**
- 4. The existing commercial billboard sign shall be removed from the property.**
- 5. Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required. The applicant shall coordinate with the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT) to determine the scope of the study.**
- 6. All access point design for the subject property shall require approval 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 or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.**
- 7. The applicant / owner shall provide for internal parcel vehicular access with the adjacent vacant property located to the north.**

ORDINANCE NO. 2020-43

- 8. 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.**

Legal Description

All that tract or parcel of land lying and being in land lot 146 of the 9th District of Hall County and the City of Gainesville, Georgia, containing 0.413 acres, more or less, more particularly described as follows:

Beginning at a mag nail set where the most southwestern mitered point on the boundary of the northern 40 foot right of way of Christopher Drive and the western variable right of way of Thompson Bridge Road intersect; thence along the said northern 40 foot right of way of Christopher Drive south 59 degrees 11 minutes 37 seconds west 78.39 feet to a ½ inch rebar found on said right of way; thence continuing along said right of way of Christopher Drive south 59 degrees 11 minutes 37 seconds west 73.14 feet to a 1 inch open top pipe found on said right of way and the true point of beginning.

From the true point of beginning, thence along said right of way of Christopher Drive south 58 degrees 46 minutes 24 seconds west for a distance of 105.13 feet to an iron pin set on said right of way; thence leaving said right of way north 33 degrees 43 minutes 22 seconds west for a distance of 171.73 feet to a 1 inch open top pipe; thence north 58 degrees 51 minutes 07 seconds east for a distance of 104.88 feet to a 1/2 inch rebar; thence south 33 degrees 48 minutes 30 seconds east for a distance of 171.60 feet to a 1 inch open top pipe found on the northern 40 foot right of way of Christopher Drive and the true point of beginning.

This land description contains 0.413 acres more or less, as depicted by a boundary retracement and topographic survey for Clipper Petroleum, Inc., prepared by DS Griffin, Inc. dated July 23, 2020. Property is located at 150 Christopher Drive and contains all of lot 11B along with certain parts of lots 12B and 13B of the Christopher subdivision.

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.

ORDINANCE NO. 2020-43

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

RESOLUTION ZR-2020-05

APPROVAL OF A REQUEST FOR A SPECIAL USE SUBJECT TO APPROVAL BY THE CITY COUNCIL

WHEREAS, under **Chapter 9-6-2 N-B Neighborhood Business District** of the Unified Land Development Code of the City of Gainesville, Georgia; **Section 9-6-2-2 Permitted and Special Uses** allows for *convenience store with fuel pumps* subject to City Council approval after review and recommendation by the Gainesville Planning and Appeals Board; and

WHEREAS, an application has been received from **Clipper Petroleum** to allow a *convenience store with fuel pumps* within a Neighborhood Business (N-B) zoning district identified as follows:

01-074-004-018
150 Christopher Drive
Ward Two

WHEREAS, the application has been evaluated under any criteria specified in the aforesaid section; and

WHEREAS, the **Gainesville Planning and Appeals Board**, held a public hearing regarding this matter on **November 10, 2020**.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the applicant's request for a special use permit as stated above and subject to all the terms of the Unified Land Development Code with the following conditions:

Conditions

1. The proposed development shall be generally consistent with the standards depicted on the architectural pictures provided with the rezoning and special use application including exterior materials, roof pitch, canopy, building/canopy setbacks and buffer.
2. The exterior materials and roof pitch of the building and canopy shall adhere to the standards as depicted on the architectural elevation provided with this rezoning application.
3. The development shall require a minimum 35-foot wide evergreen planted buffer adjacent to all single-family property located to the west. The location, number, spacing, size and type of trees planted shall be subject to Community and Economic Development Department Director approval.
4. The existing commercial billboard sign shall be removed from the property.
5. Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required. The applicant shall coordinate with the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT) to determine the scope of the study.
6. All access point design for the subject property shall require approval 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 or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.

RESOLUTION ZR-2020-05

7. The applicant / owner shall provide for internal parcel vehicular access with the adjacent vacant property located to the north.
8. 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.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the applicant's request for a special use permit as stated above and subject to all the terms of the Unified Land Development Code.

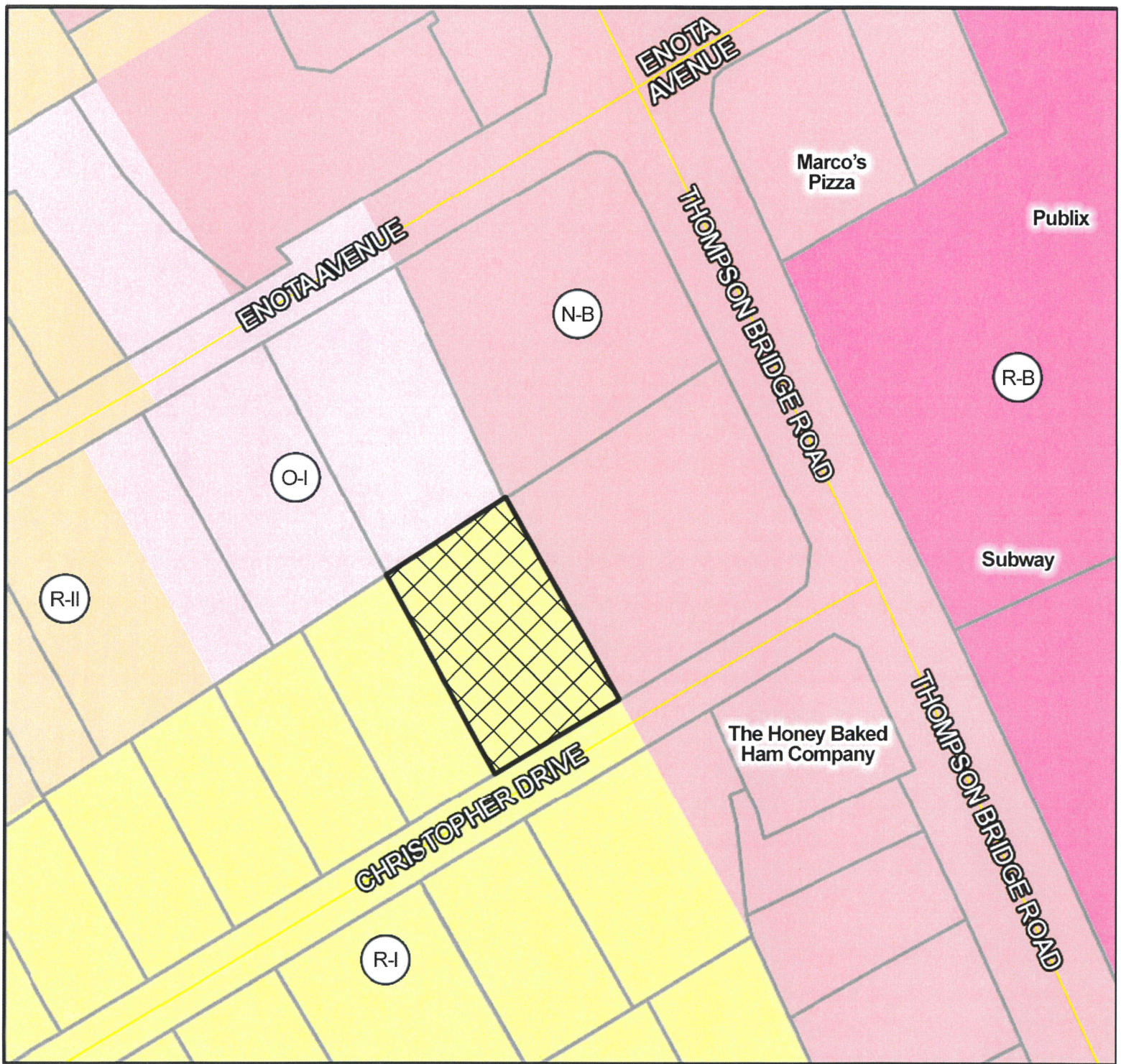
Adopted this _____ day of _____, 2020.

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



Applicant:

CLIPPER PETROLEUM, INC.

REZONING REQUEST

Request:

Rezone 0.41 +/- acre from Residential - I (R-I) to Neighborhood Business (N-B), with a special use for a convenience store with fuel pumps

Subject Property Address:

150 Christopher Drive

Tax Parcel:

01-074-004-018

Meeting Date: 11/10/2020

Map Prepared: 10/14/2020



Subject Property

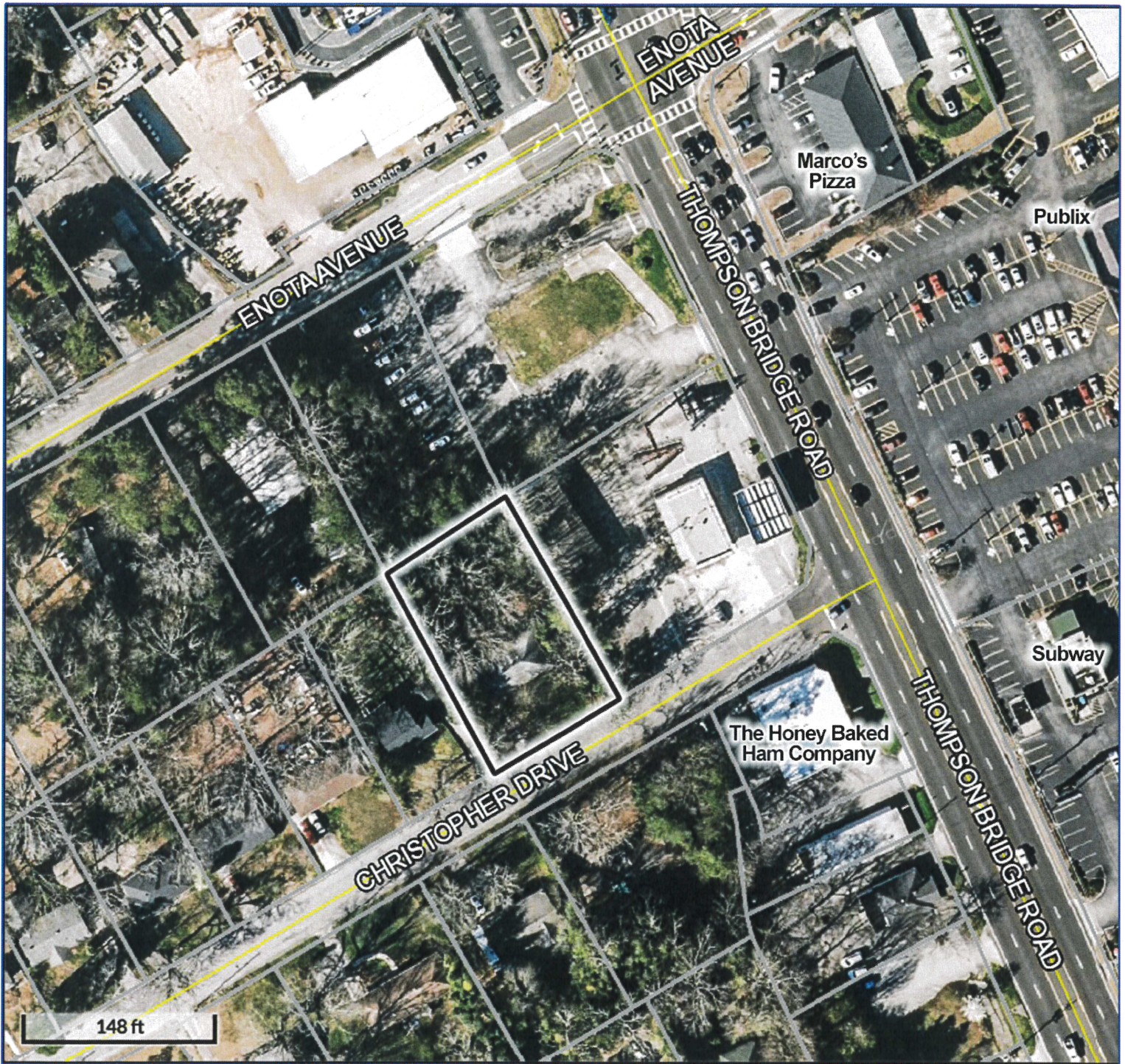


CITY OF

GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT





Applicant:

CLIPPER PETROLEUM, INC.

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Subject Property Address:

150 Christopher Drive

Tax Parcel:

01-074-004-018

Meeting Date: 11/10/2020

Map Prepared: 10/14/2020

 Subject Property

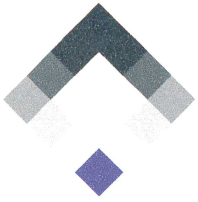
Aerial from 2018



CITY OF
GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT





SMITH GILLIAM WILLIAMS & MILES

sgwmfirm.com

770.536.3381

770.531.1481

P.O. Box 1098
Gainesville, GA 30503

NARRATIVE REPORT

For City of Gainesville Application for Zoning Action
By Clipper Petroleum Inc. dated September 29, 2020

This Narrative Report is submitted by Applicant Clipper Petroleum, Inc. (hereafter "Applicant") on behalf of property owner, Speedy Sloth, LLC, for the property located at 1261 Thompson Bridge Road, Gainesville, Georgia 30501, Tax Parcel 010074 004019; and on behalf of property owner, Deborah J. Wallace for the property located at 150 Christopher Drive, Gainesville, Georgia 30501, Tax Parcel 010074 004018.

Applicant seeks a Special Use for a convenience store with fuel pumps for the property located at 1261 Thompson Bridge Road, Gainesville, Georgia 30501. The current zoning is N-B.

Applicant seeks a rezoning of 150 Christopher Drive, Gainesville, Georgia 30501 from R-1 to N-B with Special Use for a convenience store with fuel pumps.

Applicant is the owner and operator of numerous convenience stores in the north Georgia area. The proposed building is a convenience store totaling 4,500 square feet. The site plan is attached with the Application and shows there will be six petroleum pump station islands covered by a 52 x 80 canopy. Renderings submitted with the Application show the look and style of the proposed convenience store. Photographs are submitted to show the type of pump islands and the canopy. Nonspillage lighting will be used to light the property at night.

Because of setback requirements, a permanent Georgia DOT Easement for construction and maintenance, a 5 foot sidewalk, and a 10 foot landscape strip, the canopy and C-Store have to be moved back from Thompson Bridge Road approximately 40-45 feet from the right of way. There is also a joint driveway with the parcel located north of the property with a right in and right out turn lane. Because of the location of the driveway and the topography of the property, the entry point into the parking lot and driveway on the northern part of the proposed rezoned property has to be beyond the canopy. There is a proposed 40 foot driveway and parking places in front of the proposed convenience store with a 10 foot sidewalk which requires it to be set back approximately 40 feet from the canopy. Because of the topography, a retaining wall will need to be built on the adjoining property which is sought to be rezoned from R-1 to N-B at 150 Christopher Drive.

The property can be exited on the north end through the joint driveway and the right hand turn or on the south end through the driveway exit on Christopher Drive.

There are two variances that will be needed for the canopy. A 31 foot front building setback from Christopher Drive and a 33 foot front building setback from Thompson Bridge Road.

The property has access to Gainesville City Water and Sanitary Sewer and direct access to Christopher Drive and Thompson Bridge Road.

The property located at 1261 Thompson Bridge Road has been vacant for years and a former convenience store has been removed. There is a large billboard sign on this property that will be removed.

The property located at 150 Christopher Drive is a leased residence that will be removed. There will be a 25 foot vegetative structural buffer and building setback from an existing block wall.

Applicant currently owns a convenience store on the opposite side of Thompson Bridge Road located at 1180 Thompson Bridge Road. After construction of the proposed convenience store, Applicant will close the existing convenience store and deed restrict it upon the sale or lease that it cannot be used as a convenience store with fuel pumps.

Applicant respectfully requests approval and submits the two applications and exhibits in support of its requests.

If the planning staff, the Planning and Appeals Board or City Council Members need additional information, please do not hesitate to contact Mark Linkesh, Real Estate Official with Clipper Petroleum, Inc. or Applicant's counsel, Steven P. Gilliam, whose contact information is contained on the law firm's letterhead on which this narrative is written.

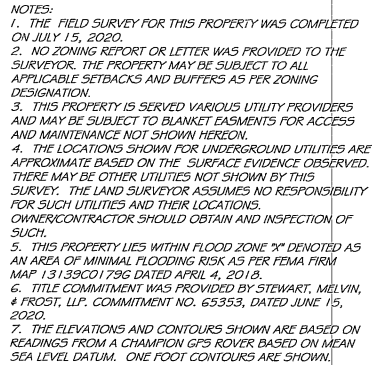
Sincerely,

Steven P. Gilliam

SPG/jsb

Enclosures: Zoning Applications (2)
Supporting Documents

C: Clipper Petroleum, Inc.
Deborah J. Wallace
Speedy Sloth, LLC



CTP = CRIMP TOP PIPE
 IFF = IRON PIN FOUND
 OTP = OPEN TOP PIPE
 RBF = REBAR PIN FOUND
 IPS = 1/2" REBAR PIN SET
 RW = RIGHT OF WAY
 LL = LAND LOT
 LLL = LAND LOT LINE
 SSE = SANITARY SEWER EASEMENT
 DE = DRAINAGE EASEMENT
 UE = UTILITY EASEMENT
 PL = PROPERTY LINE
 BL = BUILDING LINE
 CL = CENTERLINE
 EP = EDGE OF PAVEMENT
 BOC = BACK OF CURB
 MH = MAN HOLE
 CB = CATCH BASIN
 JB = JUNCTION BOX
 GI = GRATE INLET
 HW = HEAD WALL
 PP = POWER POLE
 LP = LIGHT POLE
 FH = FIRE HYDRANT
 FO = FIBER OPTICS
 FM = SEWER FORCE MAIN
 -S- = SANITARY SEWER LINE/PIPE
 -::- = STORM SEWER LINE/PIPE
 -X- = FENCE LINE
 WV = WATER VALVE
 WM = WATER METER
 CO = SAN. SEWER CLEANOUT
 ooo = FLOOD HAZARD ZONE LINE
 NVF = NOW OR FORMERLY

--REFERENCES--
 1. DB 7323, PG 422 HALL COUNTY RECORDS
 2. DB 302, PG 76 HALL COUNTY RECORDS
 3. DB 756, PG 216 HALL COUNTY RECORDS
 4. PB 6, PG 33 HALL COUNTY RECORDS
 5. ALL OTHER DEEDS AND REFERENCES ARE SHOWN HEREON.

THE CITY OF GAINESVILLE
 SURVEY FOR:

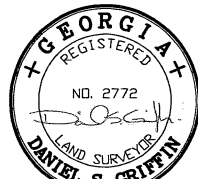
AREA
0.413AC

PROPERTY LOCATED AT 150 CHRISTOPHER DRIVE IN THE CITY OF GAINESVILLE

BOUNDARY RETRACEMENT AND TOPOGRAPHIC SURVEY FOR:

CLIPPER PETROLEUM, INC.
ALL OF LOT 11B TOGETHER WITH PARTS OF LOTS 12B AND 13B
OF THE CHRISTOPHER SUBDIVISION

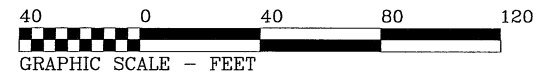
DS GRIFFIN, INC.
PROFESSIONAL LAND SURVEYING
2048 MILL LANDING CT.
LAWRENCEVILLE, GEORGIA 30043
(770) 778-3293



CERTIFICATION:

THIS SURVEY IS A RETRACEMENT OF AN EXISTING PARCEL OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL. THE RECORDING INFORMATION OF THE DOCUMENT(S), MAP(S), PLAT(S) OR OTHER INSTRUMENT(S) WHICH CREATED THE PARCEL(S) ARE STATED HEREON. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF THE LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHER, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS MAP, PLAT, OR PLAN COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT OCGA 15-6-67.

BY: Daniel S. Griffin
DANIEL S. GRIFFIN, REGISTERED GEORGIA LAND SURVEYOR NO. 2772





Know what's below.
Call before you dig.

UTILITY DISCLAIMER:

In addition to showing the structures to be built under this contract, the drawings show certain information obtained by the engineer regarding the pipes, pole lines, conduits, and other structures which exist along the line of the work, both above and below the surface of the ground. The engineer and the owner expressly disclaim any responsibility for the accuracy or completeness of the information given on the drawings with regard to existing structures, and the contractor will not be entitled to any extra compensation on account of any inaccuracy or incompleteness of such information. Such structures being indicated only for the convenience of the contractor, who must verify the information to his own satisfaction. The giving of this information upon the contract drawings will not release the contractor of his obligation to support and protect all pipes, conduits, and other structures. The contractor shall locate all underground obstructions prior to excavation so as to prevent any damage to these services or other utilities. Any such damage must be repaired without delay and the cost of such repairs must be borne by the contractor.

ENOTA AVENUE
VARIABLE R/W

R/W CALL CHART			
Date	Station	Length	Chord Desc.
01	1+00.00	131.50'	131.50'
			S 25°50'30" E



LOCATION MAP

PARKING REQUIREMENTS:

CITY REQUIREMENT:	REQUIRED MAXIMUM	REQUIRED MINIMUM	PARKING PROVIDED
CONVENIENCE STORE @ 4,500 S.F.			
1 SPACE PER 100 S.F. (MINIMUM)	45	23	27*
1 SPACE PER 200 S.F. (MINIMUM)			

*INCLUDES 1 ADA SPACE PROVIDED (1 REQUIRED)

ZONING DATA TABLE:

CURRENT ZONING:	H-3 (NEIGHBORHOOD BUSINESS)
PROPOSED ZONING:	N/A
OVERLAY DISTRICT:	GAINESVILLE GATEWAY CORRIDOR
PROPOSED USE ALLOWANCE:	REQUIRES SPECIAL USE PERMIT
MINIMUM BUILDING COVERAGE:	50%
PROPOSED BUILDING COVERAGE:	43.3%
MINIMUM LOT AREA:	725
PROPOSED LOT AREA:	1,231.54
MINIMUM OPEN SPACE:	20%
PROPOSED OPEN SPACE:	33.3%
MINIMUM ROAD FRONTAGE:	40 FT
MINIMUM LOT WIDTH:	75 FT
MINIMUM LOT SIZE:	15,000 S.F.
BUILDING SETBACKS:	
FRONT:	40 FT
SIDE:	NONE
REAR:	NONE
SETBACK ADJUSTING:	25 FT
LANDSCAPE STRIPS:	
ALONG ROAD:	10 FT
ALONG SIDE:	10 FT

THE PROPERTY DOES NOT LIE IN A 100-FT FLOOD ZONE AS SHOWN ON FEMA COMMUNITY PANEL, AL, 131002702G, DATED APRIL 4, 2018.



PROJECT NAME
**THOMPSON
BRIDGE ROAD
C-STORE**

1261 THOMPSON
BRIDGE ROAD,
LL 146, 9th DIST.,
CITY OF GAINESVILLE,
GEORGIA

DATE:
4-8-20

DESIGN BY: JME
DRAWN BY: JME
CHECKED BY: JME

☒ Not Released for Construction
☐ Released for Construction

OWNER/DEVELOPER

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REVISIONS	
1	4-8-20
FIRST SUBMITTAL	

JOB NUMBER:
20-009

SHEET TITLE
**PLAN
C-4**









Date Submitted: 11/23/2020

Presenter: Abb Hayes

Item of Business: Request from the **Clipper Petroleum, Inc.** for a special use on a 0.704± acre tract located on the northwest side of the intersection of Christopher Drive and Thompson Bridge Road (a/k/a **1261 and 1265 Thompson Bridge Road**), having a zoning of Neighborhood Business (N-B). **Ward Number: Two.** Tax Parcel Number(s): 01-074-004-019. **Request: Convenience store with fuel pumps.**

- Proposed Zoning Resolution 2020-06

Meeting Date: 12/15/2020

Purpose of Request:

To conduct a public hearing regarding the following special use zoning request as presented at the November 10, 2020 Planning and Appeals Board Meeting:

The proposal includes a 4,500 square foot convenience store and a 4,160 square foot (52' x 80') canopy consisting of 12 pumps (6 fueling stations). Access is proposed from Christopher Drive as well as a shared driveway off of Thompson Bridge Road. The property was the previous site of the Kangaroo Citgo gas station as well as a commercial building that have both been demolished. Presently the site is mostly paved and contains a large billboard sign that will be removed. The entire development includes two lots for a total of 1.11± acres. The property is located within the Gateway Corridor Overlay Zone and the adjacent uses include single-family homes, vacant commercial property, Honey Baked Ham restaurant and the Publix shopping center.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Staff and PAB recommended denial of this request. However, if approved staff would recommend eight conditions. See the PAB Recommendation report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Resolution ZR-2020-06 :

I move to approve the resolution to allow for a convenience store with fuel pumps within Neighborhood Business (N-B) zoning district with eight conditions as presented.

Denial of the Request:

I move to deny this request.

Department Director:

Rusty Ligon

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
☐	Legal Ad	Legal Ad
☐	PAB Recommendation Report	Report
☐	Proposed Resolution ZR-2020-06	Resolution
☐	Location Maps	Backup Material
☐	Narrative	Backup Material
☐	Site Plan	Backup Material
☐	Survey	Backup Material
☐	Architectural Renderings	Backup Material

LEGAL AD
Gainesville City Council

Publish Wednesday, November 25, 2020
THE TIMES

**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, December 15, 2020 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 the **Clipper Petroleum, Inc.** to rezone a 0.41± acre tract located on the north side of Christopher Drive, west of its intersection with Thompson Bridge Road (a/k/a **150 Christopher Drive**) from Residential-I (R-I) to Neighborhood Business (N-B), with a special use.
Ward Number: Two
Tax Parcel Number(s): 01-074-004-018
Request: Convenience store with fuel pumps
- 2) Request from the **Clipper Petroleum, Inc.** for a special use on a 0.704± acre tract located on the northwest side of the intersection of Christopher Drive and Thompson Bridge Road (a/k/a **1261 and 1265 Thompson Bridge Road**), having a zoning of Neighborhood Business (N-B).
Ward Number: Two
Tax Parcel Number(s): 01-074-004-019
Request: Convenience store with fuel pumps

Additional information is available from the Community and Economic 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 Clipper Petroleum, Inc.
Property Owner Deborah J. Wallace
Speedy Sloth, LLC
Location 150 Christopher Drive
1261 and 1265 Thompson Bridge Road
Request (0.41± acre parcel) -Rezone from R-I to
N-B with a special use
Request (0.704± acre parcel) -Special use request
within N-B zoning
Ward Two
Proposed Use Convenience store with fuel pumps
Planning Division Staff Recommendation **Denial**
Planning & Appeals Board Recommendation **Denial**
Date November 10, 2020

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

The proposal consists of two applications and properties totaling 1.11± acres in size. The applicant intends to combine the two properties to construct a 4,500 square foot convenience store and a 4,160 square foot (52' x 80') canopy consisting of 6 fueling islands with 12 pumps. The proposed business hours are Sunday thru Thursday from 5:30 a.m. to 11:00 p.m. and Friday/Saturday from 5:30 a.m. to 12:00 a.m. The applicant plans to close the existing BP convenience store/gas station located at 1180 Thompson Bridge Road and deed restrict it upon the sale or lease that it cannot be used as a convenience store with fuel pumps.

The first application proposes to rezone a 0.41± acre parcel located at 150 Christopher Drive from Residential-I (R-I) to Neighborhood Business (N-B) with a special use. The property includes a single-family rental home that will be removed and replaced with part of the convenience store building, retaining wall, rear access drive, dumpster pad and a 25-foot planted vegetated buffer.

The second application proposes a special use for a 0.704± acre parcel located at 1261 and 1265 Thompson Bridge Road currently zoned Neighborhood Business (N-B). The property is located within the Gateway Corridor Overlay Zone and was the previous site of the Kangaroo Citgo gas station and a commercial building that were removed. The property will include a fuel canopy, part of the convenience store building, retaining wall, parking, and access drives. In addition, an existing commercial billboard will be removed from the site to allow for internal access with the neighboring property to the north.

The proposed store is to include a mixture of EFIS, brick or stone materials designed to meet overlay standards. In addition, the support poles for the fuel canopy will be faced with brick or stone material to match the building. According to the applicant's concept plan, the existing driveways on Thompson Bridge Road and Christopher Drive will be relocated. A right-in/ right-out access is proposed from Thompson Bridge Road that will be shared with the neighboring property to the north that is currently under development review for a Zaxby's restaurant. As well, a full access two-way driveway is proposed on Christopher Drive.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Proposed Zaxby's restaurant, (Previous Long John Silver's restaurant site)	Neighborhood Business (N-B) Office and Institutional (O-I)
South	Honey Baked Ham Restaurant; Single-family home	Neighborhood Business (N-B) Residential-I (R-I)
East	Publix Grocery center; Strip shopping center	Regional Business (R-B) Neighborhood Business (N-B)
West	Single-family home	Residential-I (R-I)

▪ **Other Departmental Comments**

According to the Georgia Department of Transportation (GDOT), the development will be required to meet the sight distance requirements and will need to coordinate with GDOT for review and approval.

According to the Gainesville Public Works Department, the developer will need to coordinate with the Gainesville Public Works Department and the Georgia Department of Transportation (GDOT) prior to permitting to address the future traffic improvements at the intersection of Thompson Bridge Road and Christopher Drive.

▪ **Zoning History**

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

2020 - A request by Walker-Lanier, LLC to rezone a 0.50± acre tract located at 989 Lanier Avenue and 1437 Walker Street from Residential-I (R-I) to Residential-II (R-II) was approved with conditions for duplex homes.

2017 - A request by The 5 MCS, LLC to rezone a 5.24± acres tract located at 1012 Enota Avenue from Residential-I (R-I) and Planned Unit Development (P-U-D) to Planned Unit Development (P-U-D) was approved with conditions for an assisted living facility, townhome cottages and a single-family home.

2017 - A request by Adams & Copeland, LLC for a special use for a hair salon and office within the Office and Institutional (O-I) zoning district located at 1665 Thompson Bridge Road was approved with conditions.

2017 - A request by Montecito Development for a special use for a convenience store with fuel pumps within the Neighborhood Business (N-B) zoning district located at 1281 Thompson Bridge Road was denied.

2017 - A request by Montecito Development to rezone a 0.48± acres tract located at 149 Enota Avenue from Office and Institutional (O-I) to Neighborhood Business (N-B) zoning district with a special use was denied.

2016 - A request by Jack Bailey to rezone a 0.61± acre tract located at 1665 Thompson Bridge Road NW from Residential-I (R-I) to Office and Institutional (O-I) was approved with conditions for an insurance office.

2016 - A request by Teresa Vickers for a special use for a hair salon within the Office and Institutional (O-I) zoning district located at 977 and 983 Enota Avenue was approved with conditions.

2015 - A request by David P. Johnson to rezone a 1.458± acres tract located at 1537 and 1551 Thompson Bridge Road; and 135 Virginia Circle from Residential-I (R-I) to Neighborhood Business (N-B) with a special use for a restaurant with drive-thru and retail was denied.

2014 – A request by Polestar Development, LLC to rezone a 1.741± acres tract located at 1435 Thompson Bridge Road from Residential-II (R-II) to Regional Business (R-B) for a grocery store and fuel service station was approved with conditions.

2013 - A request by Michael Slate to rezone a 0.67± acre tract located at 971 Lanier Avenue NE from Residential-I (R-I) to Residential and Office (R-O) for a professional office was approved with conditions.

2011 - A request by Greg Loyd for a special use for a Dunkin Donut restaurant with a drive thru within the Neighborhood Business (N-B) zoning district located at 1151 Thompson Bridge Road was approved with conditions.

2011 - A request by Jamie Collins to rezone a 1.149± acres tract located at 1452, 1464 and 1472 Thompson Bridge Road NE from Residential-I (R-I) and Neighborhood Business (N-B) to General Business (G-B) for a Taco Bell restaurant was approved with conditions.

2011 - A request by One Eleven, LLC for a special use for the Little Yellow Coffee House with a drive-thru within the Neighborhood Business (N-B) zoning district located at 996 Thompson Bridge Road was approved with conditions.

2010 - A request by Yonah Burger for a special use for a restaurant with a drive-thru within the Neighborhood Business (N-B) zoning district located at 1191 and 1195 Thompson Bridge Road 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 uses include single-family residential homes, office, service and commercial uses and are zoned Residential-I (R-I), Residential-II (R-II), Office and Institutional (O-I), Neighborhood Business (N-B) and Regional Business (R-B). The applicants proposed development area extends westerly along Christopher Drive toward an established residential district. A zoning of Neighborhood Business (N-B) is suitable for neighborhood scale retail uses; however, expanding the commercial property into an existing established residential area is contrary to the preservation of our downtown neighborhoods.

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

The proposal would appear to have less of an impact to the adjacent neighborhood if the development were confined to property already fronting Thompson Bridge Road. This portion of the property has historically been used for commercial purposes and could continue to do so. The proposed convenience store with fuel pumps will increase turning movements that will present difficult access for delivery trucks and large fuel trucks on Thompson Bridge Road and Christopher Drive. As well, these uses typically have longer business hours, create more noise from traffic, fuel/delivery trucks and dumpster usage.

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

The proposed development is located within the *Retail/Commercial* land use category. The *Retail/Commercial* land use 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.

According to the Character Area map for the City of Gainesville, the rear 0.41± acre portion of the subject property is located within the *Traditional Neighborhoods* Character Area, specifically within the *Northern Neighborhoods subarea*. The front 0.704± acre portion of the subject property is located within the *City Park Neighborhood Center* Character Area.

The vision for the *Traditional Neighborhood Character 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 include low-density and medium-density residential, and mixed-use / commercial.

The vision for the *City Park Neighborhood Center* Character Area states that Thompson Bridge Road should be transformed into a “Complete Street” with sidewalks, landscaping, bike lanes and transit stops. Preservation of local small businesses should be a priority, and key early commercial buildings targeted for preservation. New commercial development should be compatible with the small scale of the older structures, and parking should be located to the rear with inter-parcel connectivity where possible. The area is not anticipated to see major economic growth, but remain oriented toward addressing existing neighborhood needs. Businesses providing basic goods and services that neighborhood residents depend on in daily life (for example food, household supplies, medicine etc.) should be encouraged. Locally-owned / family-owned businesses should be promoted to encourage small business investment / entrepreneurship. Land uses allowed include mixed-use, commercial and public/Institutional.

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

The two properties could remain as currently zoned and function separately except for the proposal requires the need for special use approval and rezoning. The existing vacant corner commercial lot could be redeveloped for other office, restaurant or commercial purposes. The existing single-family home could continue to be occupied for single-family purposes. While the N-B zoning district allows for neighborhood scale commercial uses such as a convenience store, special use approval is required to permit fuel pumps. Most of the uses permitted within the Neighborhood Business (N-B) zoning district are not auto-oriented in nature so as to discourage increased vehicular noise, lights, fumes, and traffic within neighborhood areas. There are currently four gas stations within one mile of the subject property.

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

City water, sewer and public safety services are currently provided to the property. Gainesville Fire Station #2 is located off of Cleveland Highway and is approximately 2.1± miles from the subject property.

The proposed use would have no impact on the school system given that it is a non-residential use.

The proposal will increase ingress and egress traffic movements along Thompson Bridge Road which typically experiences high southbound traffic volumes in the morning and high northbound traffic volumes in the evening. According to the Transportation Master Plan for this area, there are planned intersection improvements at the corner of Thompson Bridge Road and Enota Avenue which will include the addition of a dedicated right turn lane.

(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?

Over the past 40 years this segment of Thompson Bridge Road has experienced steady commercial growth. Much of the growth has included redevelopment of existing commercial properties and the conversion of residential parcels fronting Thompson Bridge Road for office or neighborhood scale retail and restaurant uses. The proposal requires the rezoning of property that does not front Thompson Bridge Road is more intrusive to the existing neighborhood.

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

Based on the Comprehensive Plan and the adjacent residential zoning, the proposal as a whole does not reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

Additional Criteria

(1) The type of street providing access to the subject property is adequate to serve the proposed Special Use.

Thompson Bridge Road (SR 60) is an arterial road and is capable of serving the proposal with access improvements. Christopher Drive is considered a local neighborhood road that is often used as a cut through between Thomson Bridge Road and Dawsonville Highway. Christopher Drive is less conducive for heavy truck traffic.

(2) Access into and out of the property adequately provides for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles.

The subject properties are located at the northwest side of the intersection of Thompson Bridge Road and Christopher Drive. The applicant's concept plan appears to provide for sufficient access for pedestrian safety and emergency vehicles.

(3) Public facilities such as schools, water or sewer utilities, and police or fire protection are adequate to serve the Special Use.

Existing public facilities are adequate to serve the proposed use.

(4) Refuse, service, parking and loading areas on the property are located and screened to protect other properties in the area from such adverse effects as noise, light, glare or odor.

The proposed concept plan includes a 25-foot wide vegetative and structural buffer adjacent to the single-family property. The proposed dumpster is proposed behind the building but is adjacent to the residential property. Proper lighting that does not produce glare will be required as part of the Unified Land Development Code.

(5) The hours and manner of operation of the Special Use have no adverse effects on other properties in the area.

The applicant states the proposed hours of operation are for the store are Sunday thru Thursday from 5:30 a.m. to 11:00 p.m. and Friday/Saturday from 5:30 a.m. to 12:00 a.m. which is typical of a convenience store. Due to the property being adjacent to residential homes on Christopher Drive, an office, specialty retail or restaurant use would be more conducive.

(6) The height, size and location of the buildings or other structures proposed on the property are compatible with the height, size or location of buildings or other structures on neighboring properties.

The height and size of the proposed structures appear consistent with other commercial structures located along Thompson Bridge Road. However, the proposed location of the building, rear access drive and dumpster will further encroach into the established neighborhood.

▪ **Staff Recommendation**

The Planning Division staff is recommending **denial** of this request based on the Comprehensive Plan and the adjacent residential uses. However, if approved, staff would recommend the following conditions:

Conditions

1. The proposed development shall be generally consistent with the standards depicted on the architectural pictures provided with the rezoning and special use application including exterior materials, roof pitch, canopy, building/canopy setbacks and buffer.
2. The exterior materials and roof pitch of the building and canopy shall adhere to the standards as depicted on the architectural elevation provided with this rezoning application.
3. The development shall require a minimum 35-foot wide evergreen planted buffer adjacent to all single-family property located to the west. The location, number, spacing, size and type of trees planted shall be subject to Community and Economic Development Department Director approval.
4. The existing commercial billboard sign shall be removed from the property.
5. Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required. The applicant shall coordinate with the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT) to determine the scope of the study.
6. All access point design for the subject property shall require approval 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 or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.
7. The applicant / owner shall provide for internal parcel vehicular access with the adjacent vacant property located to the north.
8. 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 November 10, 2020 PAB Meeting Minutes

Applicant Presentation: Attorney Steve Gilliam, 301 Green Street, stated he represents the applicant Clipper Petroleum and Speedy Sloth. Tom Bower is also present to answer any questions along with Mark Linkesh for the real estate side of it. Mr. Gilliam explained the location of the properties and zoning information of each with the PowerPoint stating the depth of proposed zoning boundary for the 150 Christopher Drive property matched the current commercial zoning boundary of the properties to the north along Enota Avenue. He stated Clipper has agreed to close the other store across the street if this is approved once built and there would be a net gain of zero of convenience stores. He said the use of 150 Christopher Drive matches the footprint of the one behind it and there would be no gasoline pumps placed on that location. Attorney Gilliam talked about the entrances for the convenience store location and provided a notebook for each board member for easier explanation stating the house will be removed from Christopher Drive. He said the purpose for acquiring the Christopher Drive property was because of setbacks pushing the canopy back and a 16-foot wall will be installed which will block out all of the noise. He then explained the location and placement of pumps under the canopy and said the staff recommended a 35-foot planted buffer which the applicant has agreed to do. He said the staff reports state the retail commercial land-use category allows for an automotive related business and recommended denial but also states if approved, there are eight conditions and all conditions are acceptable to the applicant. Attorney Gilliam said the billboard sign will be removed and he would be happy to answer any questions. He said the property at 162 Christopher Drive is owned by a LLC of David Hughes which has written a letter recommending the board approve the request.

Tom Bower, 5317 T. L. Bower Way, Flowery Branch, with Clipper Petroleum mentioned the history of the company which has been in business since 1933 and was acquired in 1974 by Tom Bower, Sr. along with Bob Braff that established a reputable company doing things the right way. He stated in the packet provided to the Board is information about the quality of the building made of brick and stone and will be a clean store with no video games and a quality operation. He mentioned the placement of a 16-foot wall at the highest point along with the height of the building will block any noise that might be a distraction. He stated the lights on the property will not impact the adjoining property owners. He said this would be a good move for them with a 4,500 square feet facility compared to the 2,000 square feet existing facility and would allow them to offer more products. Mr. Bower stated there would only be six dispensers or pumping units which will be twelve fueling positions.

FAVOR: None

OPPOSE: Paul Clarkson, 291 Sequoia Trace, stated he is the property owner of 184 Christopher Drive. He and his neighbor are very concerned with additional traffic and at certain times of the day it is very difficult to back out of the driveway. He said most people needing to travel north on Thompson Bridge after fueling would need to take Longview and then to Enota to the light. He is glad to see there is going to be an improvement at the traffic light on Thompson Bridge and Enota but there is a real concern about the current traffic there now so his question is how much additional traffic will there be. He also stated he understands the need for the fueling station since there is only one at the Walmart Neighborhood Center until further north but his main concern is the additional traffic that is anticipated.

Marilyn Clarkson, 184 Christopher Drive, stated she is extremely concerned with traffic which is already bad. She stated people cut through Christopher Drive to get to Holly to avoid Dixon. Also, she stated beyond this property is a big hill which you cannot see

beyond and people back out of their driveways, so adding this type of facility to it will make it that much worse. She mentioned several homes had been refurbished and is concerned that their own property value will be ruined. She stated the traffic is already a nightmare and will only get worse with this facility.

Rebuttal: Tom Bower agreed that Thompson Bridge is heavily traveled as it is but no additional traffic will be added. He said there will be interconnectivity with Zaxby's and believes most people will go to Enota Drive if traveling north and make a left turn at the light. He said the other alternative is going to Christopher Drive, wait for the light to stop traffic and get out that way. He met with Anthony Barbose who owns the house across the street from this lot on Christopher who had the same questions and told them verbally he has no problem with the rezoning and is in favor of it.

Planning and Appeals Board Comments: Vice-Chair Fleming asked about the operational hours for the business. Mr. Bower stated the normal hours are from 5:30 a.m. to 11 p.m. Sunday thru Thursday and open till 12 p.m. on Friday and Saturday but currently are only open 6 a.m. to 10 p.m. Chairman Carter asked Mr. Bower if he could build the convenience store without the additional property that needs to be rezoned. Mr. Bower stated the project could not be built without the additional property.

There was a motion to recommend denial to rezone the subject property from Residential-I (R-I) to Neighborhood Business (N-B) with a special use.

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

Planning and Appeals Board Comments: Board Member Thompson commented that the applicant has a very nice product but does not agree with it going into the neighborhood and wishes it could be put on the one lot that has been a convenience store in the past. Chairman Carter stated he appreciates the comment from Board Member Thompson for the applicant and are great community members, great projects but there is a concern that came out in the voting of reaching into the residential neighborhood. He stated there have been concerns with that throughout the years with the city and a lot of people have taken the position of trying to prevent reaching into those residential neighborhoods. Chairman Carter stated he had hoped it could be done on the existing site and wanted to offer further explanation of their thinking on it.

There was a motion to recommend denial of the special use request having a zoning of Neighborhood Business.

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

RESOLUTION ZR-2020-06

APPROVAL OF A REQUEST FOR A SPECIAL USE SUBJECT TO APPROVAL BY THE CITY COUNCIL

WHEREAS, under **Chapter 9-6-2 N-B Neighborhood Business District** of the Unified Land Development Code of the City of Gainesville, Georgia; **Section 9-6-2-2 Permitted and Special Uses** allows for *convenience store with fuel pumps* subject to City Council approval after review and recommendation by the Gainesville Planning and Appeals Board; and

WHEREAS, an application has been received from **Clipper Petroleum** to allow a *convenience store with fuel pumps* within a Neighborhood Business (N-B) zoning district identified as follows:

01-074-004-019
1261 & 1265 Thompson Bridge Road
Ward Two

WHEREAS, the application has been evaluated under any criteria specified in the aforesaid section; and

WHEREAS, the **Gainesville Planning and Appeals Board**, held a public hearing regarding this matter on **November 10, 2020**.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the applicant's request for a special use permit as stated above and subject to all the terms of the Unified Land Development Code with the following conditions:

Conditions

1. The proposed development shall be generally consistent with the standards depicted on the architectural pictures provided with the rezoning and special use application including exterior materials, roof pitch, canopy, building/canopy setbacks and buffer.
2. The exterior materials and roof pitch of the building and canopy shall adhere to the standards as depicted on the architectural elevation provided with this rezoning application.
3. The development shall require a minimum 35-foot wide evergreen planted buffer adjacent to all single-family property located to the west. The location, number, spacing, size and type of trees planted shall be subject to Community and Economic Development Department Director approval.
4. The existing commercial billboard sign shall be removed from the property.
5. Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required. The applicant shall coordinate with the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT) to determine the scope of the study.
6. All access point design for the subject property shall require approval 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 or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.

RESOLUTION ZR-2020-06

7. The applicant / owner shall provide for internal parcel vehicular access with the adjacent vacant property located to the north.
8. 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.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the applicant's request for a special use permit as stated above and subject to all the terms of the Unified Land Development Code.

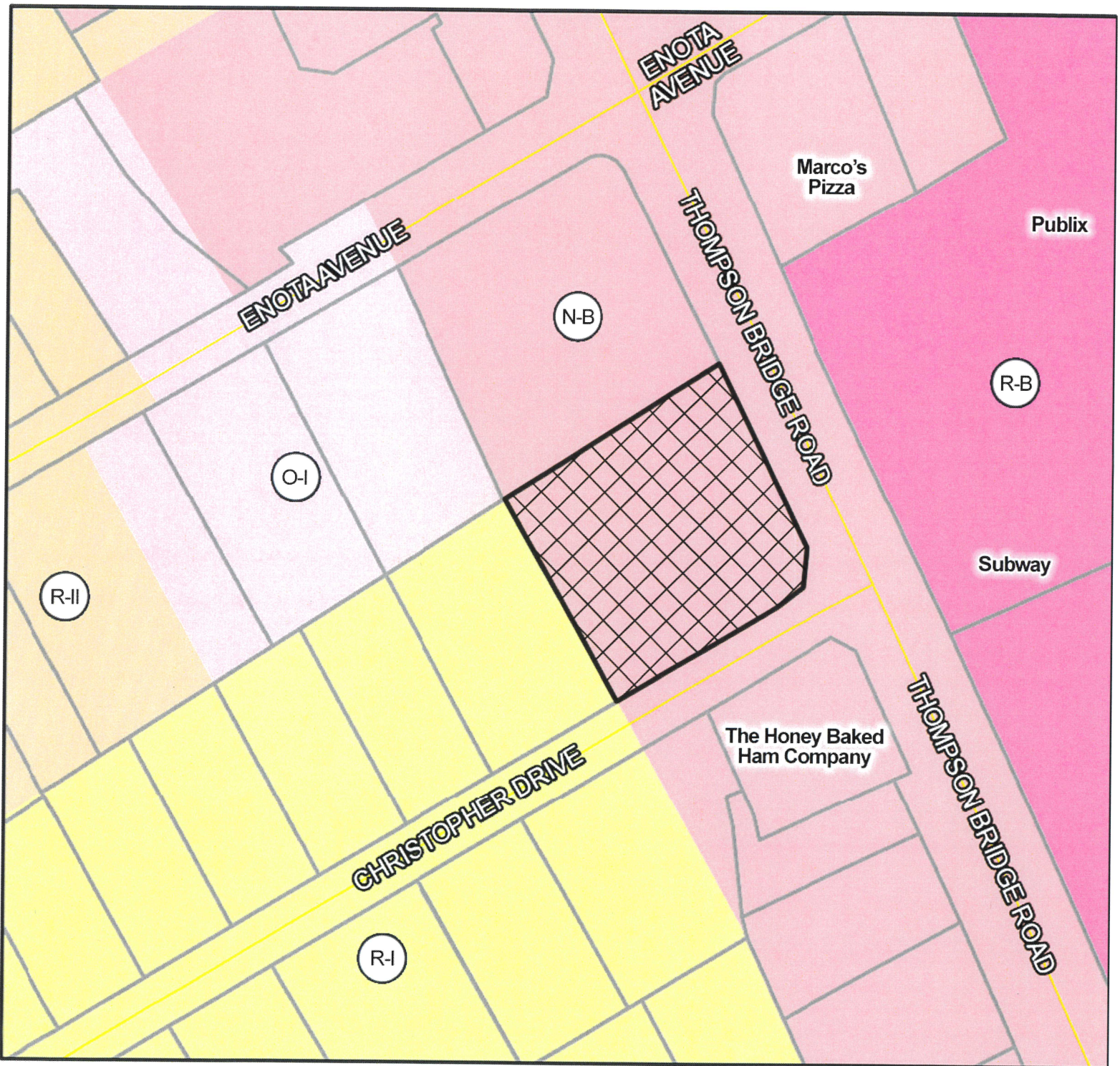
Adopted this _____ day of _____, 2020.

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



Applicant:		CLIPPER PETROLEUM, INC.	
SPECIAL USE REQUEST			
Request: Special use for 0.704 +/- acre, having a zoning of Neighborhood Business (N-B), for a convenience store with fuel pumps			
Subject Property Address: 1261 & 1265 Thompson Bridge Road		Tax Parcel: 01-074-004-019	
Meeting Date: 11/10/2020		Map Prepared: 10/14/2020	

Subject Property

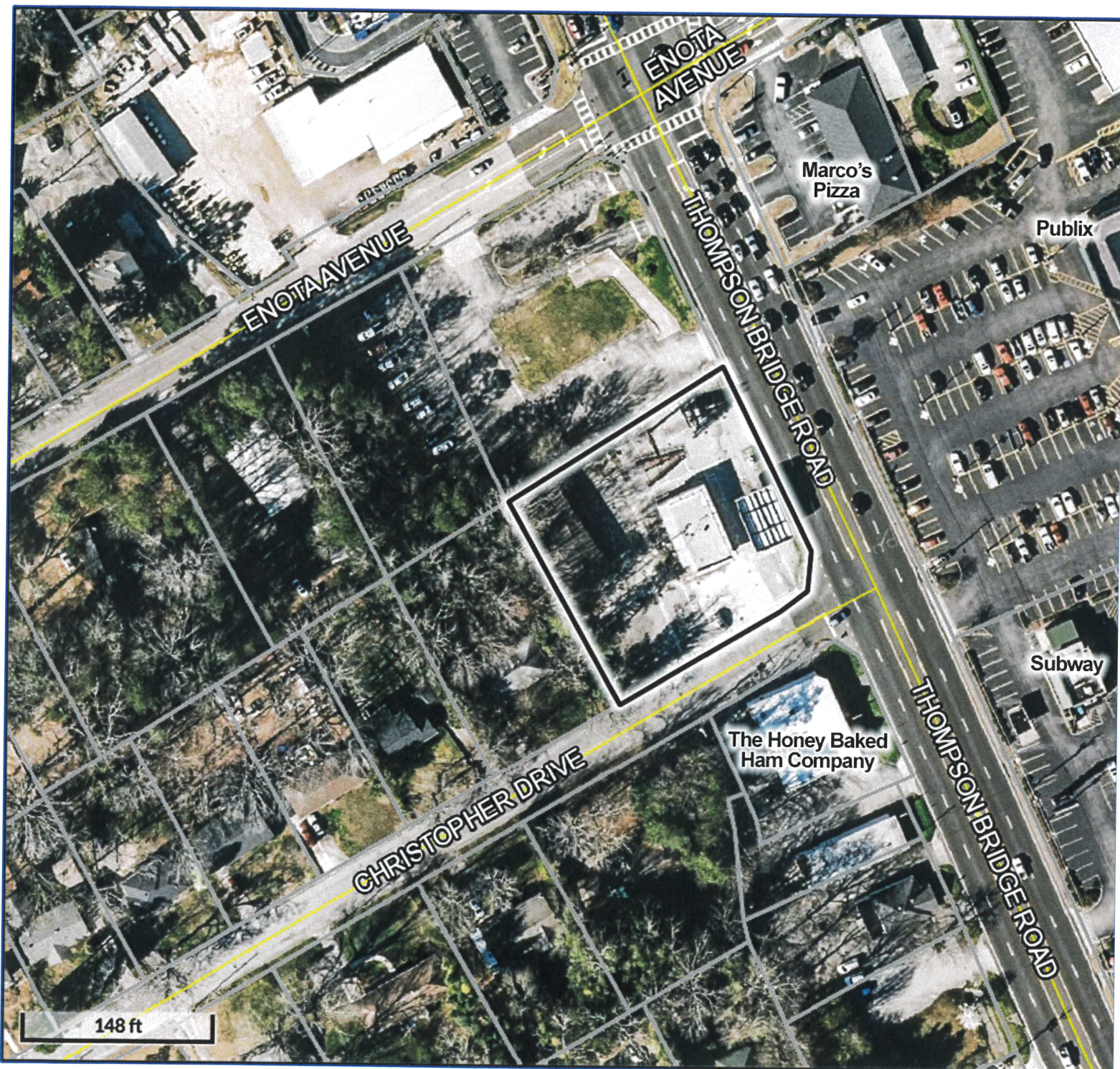
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CITY OF

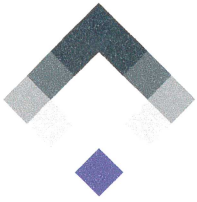
GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT

Page 111 of 135



Applicant: CLIPPER PETROLEUM, INC.		Subject Property Aerial from 2018 N
SPECIAL USE REQUEST		
Request: Special use for 0.704 +/- acre, having a zoning of Neighborhood Business (N-B), for a convenience store with fuel pumps		
Subject Property Address: 1261 & 1265 Thompson Bridge Road	Tax Parcel: 01-074-004-019	CITY OF GAINESVILLE COMMUNITY AND ECONOMIC DEVELOPMENT
Meeting Date: 11/10/2020 Map Prepared: 10/14/2020		



SMITH GILLIAM WILLIAMS & MILES

sgwmfirm.com

770.536.3381

770.531.1481

P.O. Box 1098
Gainesville, GA 30503

NARRATIVE REPORT

For City of Gainesville Application for Zoning Action
By Clipper Petroleum Inc. dated September 29, 2020

This Narrative Report is submitted by Applicant Clipper Petroleum, Inc. (hereafter "Applicant") on behalf of property owner, Speedy Sloth, LLC, for the property located at 1261 Thompson Bridge Road, Gainesville, Georgia 30501, Tax Parcel 010074 004019; and on behalf of property owner, Deborah J. Wallace for the property located at 150 Christopher Drive, Gainesville, Georgia 30501, Tax Parcel 010074 004018.

Applicant seeks a Special Use for a convenience store with fuel pumps for the property located at 1261 Thompson Bridge Road, Gainesville, Georgia 30501. The current zoning is N-B.

Applicant seeks a rezoning of 150 Christopher Drive, Gainesville, Georgia 30501 from R-1 to N-B with Special Use for a convenience store with fuel pumps.

Applicant is the owner and operator of numerous convenience stores in the north Georgia area. The proposed building is a convenience store totaling 4,500 square feet. The site plan is attached with the Application and shows there will be six petroleum pump station islands covered by a 52 x 80 canopy. Renderings submitted with the Application show the look and style of the proposed convenience store. Photographs are submitted to show the type of pump islands and the canopy. Nonspillage lighting will be used to light the property at night.

Because of setback requirements, a permanent Georgia DOT Easement for construction and maintenance, a 5 foot sidewalk, and a 10 foot landscape strip, the canopy and C-Store have to be moved back from Thompson Bridge Road approximately 40-45 feet from the right of way. There is also a joint driveway with the parcel located north of the property with a right in and right out turn lane. Because of the location of the driveway and the topography of the property, the entry point into the parking lot and driveway on the northern part of the proposed rezoned property has to be beyond the canopy. There is a proposed 40 foot driveway and parking places in front of the proposed convenience store with a 10 foot sidewalk which requires it to be set back approximately 40 feet from the canopy. Because of the topography, a retaining wall will need to be built on the adjoining property which is sought to be rezoned from R-1 to N-B at 150 Christopher Drive.

The property can be exited on the north end through the joint driveway and the right hand turn or on the south end through the driveway exit on Christopher Drive.

There are two variances that will be needed for the canopy. A 31 foot front building setback from Christopher Drive and a 33 foot front building setback from Thompson Bridge Road.

The property has access to Gainesville City Water and Sanitary Sewer and direct access to Christopher Drive and Thompson Bridge Road.

The property located at 1261 Thompson Bridge Road has been vacant for years and a former convenience store has been removed. There is a large billboard sign on this property that will be removed.

The property located at 150 Christopher Drive is a leased residence that will be removed. There will be a 25 foot vegetative structural buffer and building setback from an existing block wall.

Applicant currently owns a convenience store on the opposite side of Thompson Bridge Road located at 1180 Thompson Bridge Road. After construction of the proposed convenience store, Applicant will close the existing convenience store and deed restrict it upon the sale or lease that it cannot be used as a convenience store with fuel pumps.

Applicant respectfully requests approval and submits the two applications and exhibits in support of its requests.

If the planning staff, the Planning and Appeals Board or City Council Members need additional information, please do not hesitate to contact Mark Linkesh, Real Estate Official with Clipper Petroleum, Inc. or Applicant's counsel, Steven P. Gilliam, whose contact information is contained on the law firm's letterhead on which this narrative is written.

Sincerely,

Steven P. Gilliam

SPG/jsb

Enclosures: Zoning Applications (2)
Supporting Documents

C: Clipper Petroleum, Inc.
Deborah J. Wallace
Speedy Sloth, LLC



Know what's below.
Call before you dig.

UTILITY DISCLAIMER:

In addition to showing the structures to be built under this contract, the drawings show certain information obtained by the engineer regarding the pipes, pole lines, conduits, and other structures which exist along the line of the work, both above and below the surface of the ground. The engineer and the owner expressly disclaim any responsibility for the accuracy or completeness of the information given on the drawings with regard to existing structures, and the contractor will not be entitled to any extra compensation on account of any inaccuracy or incompleteness of such information. Said structures being indicated only for the convenience of the contractor, who must verify the information to his own satisfaction. The giving of this information upon the contract drawings will not release the contractor of his obligation to support and protect all pipes, conduits, and other structures. The contractor shall locate all underground obstructions prior to excavation so as to prevent any damage to these services or other utilities. Any such damage must be repaired without delay and the cost of such repairs must be borne by the contractor.

ENOTA AVENUE
VARIABLE R/W

R/W CALL CHART			
Date	Station	Length	Chord Desc.
01	1+00.00	131.50'	131.50'
02	1+31.50	131.50'	S 25°50'30" E



LOCATION MAP

PARKING REQUIREMENTS:

CITY REQUIREMENT:	REQUIRED MAXIMUM	REQUIRED MINIMUM	PARKING PROVIDED
CONVENIENCE STORE @ 4,500 S.F.			
1 SPACE PER 100 S.F. (MINIMUM)	45	23	27*
1 SPACE PER 200 S.F. (MINIMUM)			

*INCLUDES 1 ADA SPACE PROVIDED (1 REQUIRED)

ZONING DATA TABLE:

CURRENT ZONING:	H-3 (NEIGHBORHOOD BUSINESS)
PROPOSED ZONING:	N/A
OVERLAY DISTRICT:	GAINESVILLE GATEWAY CORRIDOR
PROPOSED USE ALLOWANCE:	REQUIRES SPECIAL USE PERMIT
MINIMUM BUILDING COVERAGE:	50%
PROPOSED BUILDING COVERAGE:	43.3%
MINIMUM LOT WIDTH:	75'
PROPOSED LOT WIDTH:	125'
MINIMUM OPEN SPACE:	20%
PROPOSED OPEN SPACE:	33.3%
MINIMUM ROAD FRONTAGE:	40'
MINIMUM LOT DEPTH:	75'
MINIMUM LOT SIZE:	15,000 S.F.
BUILDING SETBACKS:	
FRONT:	40'
SIDE:	NONE
REAR:	NONE
SETBACK ADJUSTING:	25'
LANDSCAPE STRIPS:	
ALONG ROAD:	10'
ALONG SIDE:	10'

THE PROPERTY DOES NOT LIE IN A 100-FT FLOOD ZONE AS SHOWN ON FEMA COMMUNITY PANEL, AL, 13100270G, DATED APRIL 4, 2018.



PROJECT NAME
**THOMPSON
BRIDGE ROAD
C-STORE**

1261 THOMPSON
BRIDGE ROAD,
LL 146, 9th DIST.,
CITY OF GAINESVILLE,
GEORGIA

DATE:
4-8-20

DESIGN BY: JME
DRAWN BY: JME
CHECKED BY: JME

☒ Not Released for Construction
☐ Released for Construction

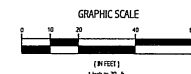
OWNER/DEVELOPER

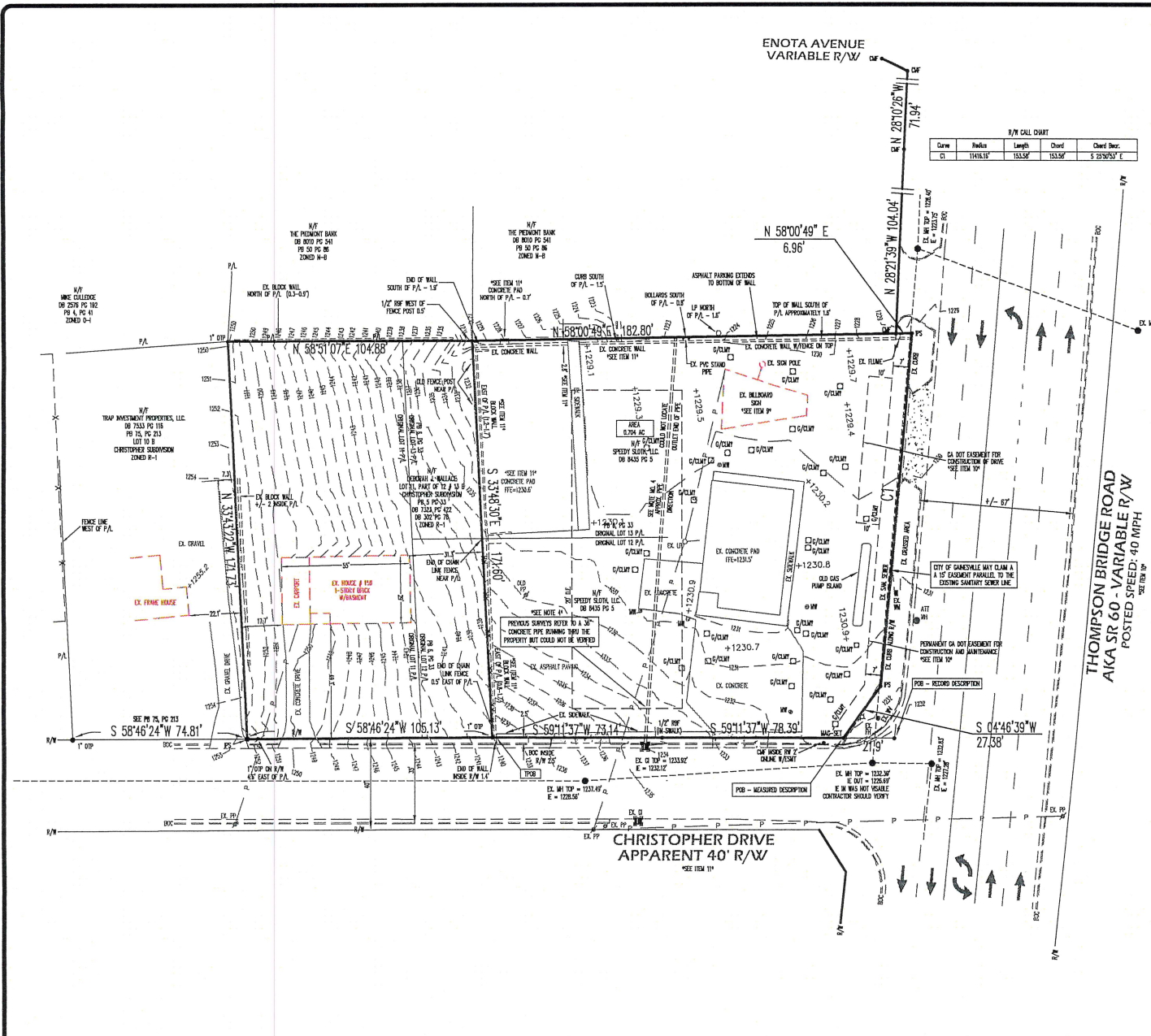
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REVISIONS	
1	4-8-20
FIRST SUBMITTAL	

JOB NUMBER:
20-009

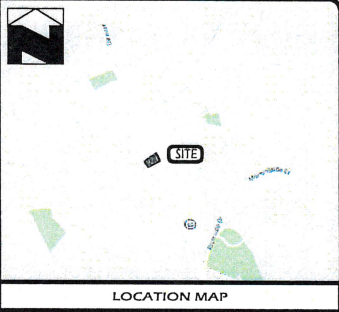
SHEET TITLE
**SITE
PLAN
C-4**





1/4" CALL CHART

Curve	Radius	Length	Chord	Chord Bear.
C1	THIRTY	153.58'	153.58'	S 25°50'51" E



Evans Design Group, Inc.
Civil Engineering /
Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(770) 478.207 / 483.00
jevans@evansidg.com

GEORGIA
REGISTERED
PROFESSIONAL
ENGINEER
J. EVANS
EXPIRATION DATE: 12/31/2024

PROJECT NAME
**THOMPSON
BRIDGE ROAD
C-STORE**

1261 THOMPSON
BRIDGE ROAD,
LL 146, 9th DIST.,
CITY OF GAINESVILLE,
GEORGIA

DATE:
4-8-20

DESIGN BY: JME DRAWN BY: JME CHECKED BY: JME

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

REVISIONS

JOB NUMBER:
20-009

SHEET TITLE
**EXISTING
CONDITIONS**

C-2









Date Submitted: 4/15/2020

Presenter: Bryan Lackey

Item of Business: BR-2020-18 Approval of Exercising Power of Eminent Domain at 628 EE Butler Parkway
(Tabled at the September 15, 2020 Mayor/Council Meeting)

Meeting Date: 12/15/2020

Purpose of Request:

The purpose of this request is to approve utilizing eminent domain to acquire the property at 628 EE Butler Parkway for a public purpose.

History/Background:

Facts & Issues for Consideration:

A sign was placed on the property on April 3, 2020. Public Notice appeared in the weekend edition of the Gainesville Times dated April 4-5 and April 11-12, 2020.

The resolution was tabled at the April 21, 2020, May 19, 2020, June 16, 2020, July 21, 2020, August 4, 2020, August 18, 2020 and September 15, 2020 Mayor/Council Meetings.

Department Recommendation:

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
☐ Public Notice in Gainesville Times	Legal Ad

Legal Organ: The Times
Published: April 4-5, 2020 Edition
Published: April 11-12, 2020 Edition

PUBLIC NOTICE

The Governing Authority of the City of Gainesville will consider whether to exercise the power of eminent domain to acquire the property located at 628 S.E. E. E. Butler Parkway, Gainesville, Georgia for a public purpose. The consideration of this question will come before the City of Gainesville Governing Authority on April 21, 2020, at 6:15 PM at the Gainesville Justice Center, Municipal Court Room, 701 Queen City Parkway, Gainesville, Georgia 30501.

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/14/2020
Presenter: Bryan Lackey
Item of Business: BR-2020-52 Property Acquisition from America's Home Place, Inc.
Meeting Date: 12/15/2020

Purpose of Request:

The purpose of this request is to authorize the purchase of a 0.81 acre tract of property located on Cleveland Highway.

History/Background:

Purchase of the referenced property provides an opportunity to increase law enforcement efforts in this area.

Facts & Issues for Consideration:

Department Recommendation:

Adopt the resolution as presented.

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-2020-52 Property Acquisition from America's Home Place, Inc.	Resolution
☐ BR-2020-52 Real Estate Purchase and Lease Agreement	Backup Material
☐ Aerial Photo	Backup Material

RESOLUTION BR-2020-52

Property Acquisition from America's Home Place, Inc.

WHEREAS, the governing body of the City of Gainesville, Georgia (the "City") has a desire to continue its efforts to provide law enforcement services for the citizens of Gainesville; and

WHEREAS, the property owned by America's Home Place, Inc. (the "Seller"), located on Cleveland Highway, as more particularly described in the Real Estate Purchase and Sale Agreement described below, will be used by the City to provide law enforcement services for the public; and

WHEREAS, the governing body for the City desires to purchase said property.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville does hereby adopt and ratify the Real Estate Purchase and Sale Agreement between the City and the Sellers, with an effective date of October 9, 2020, and does hereby authorize the purchase of the property owned by the Seller and directs the Mayor, the City Manager and the City Attorney to execute the Real Estate Purchase and Sale Agreement with Gainesville and the Seller, as well as all other such documents and agreements that may be necessary to complete the closing of the purchase of the property.

Adopted this ____ day of _____, 2020.

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

STATE OF GEORGIA

COUNTY OF HALL

REAL ESTATE PURCHASE AND SALE AGREEMENT

This Real Estate Purchase and Sale Agreement (this "Agreement") is made and entered into by and between America's Home Place, Inc. a domestic profit corporation of the State of Georgia (the "Seller"), and The City of Gainesville, Georgia (the "Purchaser");

WHEREAS, Seller is the owner of that certain parcel of real property located in the City of Gainesville, Hall County, Georgia, being tax parcel number 00093 001019 and more particularly described as follows:

All that tract or parcel of land lying and being in Land Lots 126 and 130 of the 9th Land District, Hall County, Georgia, being Tract Two, containing 0.81 acres, as shown on that plat of survey for Americas Home Place, Inc. dated January 8, 2020, by Chris M. Patton, GA RLS #2647, recorded in Plat Book 878, Page 168, Hall County, Georgia Plat Records. Said plat and the record thereof are hereby incorporated for a full and complete legal description. The real property is hereinafter referred to as "the Property."

WHEREAS, Purchaser desires to purchase the Property and Seller desires to sell the Property pursuant to the terms and conditions of this Agreement;

WITNESSETH:

NOW, THEREFORE, for and in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Seller and Purchaser hereby agree as follows:

1.1 Agreement of Purchase and Sale. Purchaser agrees to purchase and the Seller agrees to sell, subject to the terms and conditions set forth in this Agreement, the Property.

1.2 Purchase Price. The purchase price to be paid by the Purchaser to the Seller for the Property shall be Two Hundred Ninety Thousand and no/100 (290,000.00) Dollars (the "Purchase Price") and shall be paid by Purchaser to Seller at Closing as follows: All cash at closing.

1.3 INTENTIONALLY DELETED.

1.4 Purchaser's obligations are contingent upon satisfactory completion of any and all inspections set forth below.

1.5 Effective Date. The parties hereto agree that for all purposes of this Agreement, the Effective Date of this Agreement shall be the date that this Agreement is executed by Seller.

1.6 Inspection Period. Purchaser, at Purchaser's sole cost and expense shall have the right to conduct an inspection of the Property for a period from the effective date, through and including that date which is thirty (30) days after the Effective Date (the "Inspection Period"). The inspection may include economic, engineering, financing, environmental, regulatory and any other factor relating to Purchaser's use of the Property. During the Inspection Period, and thereafter if Purchaser does not terminate this Agreement, Seller shall give Purchaser and Purchaser's agent and representatives reasonable access to the Property during normal business hours for purposes of inspecting and conducting such tests as are reasonable and necessary for Purchaser to determine if the Property is satisfactory for Purchaser's intended use

All inspections conducted by Purchaser pursuant to this Contract shall be non-invasive in nature, and shall not include any invasive Phase II or other sampling or testing unless otherwise agreed to in writing by Seller, subject to Seller's review and approval of a proposed scope of work for such activities, which may be granted or withheld at Seller's sole discretion. Purchaser shall ensure that: (a) all of its affiliates, employees, advisors, contractors, representatives or agents ("Representatives") who enter the Property shall have adequate, commercially reasonable insurance; (b) no liens shall be placed on the Property or levied against Seller as a result of Purchaser's inspection; and (c) the Property is restored to the same or similar condition as existed prior to any entry.

Purchaser expressly agrees that the results of any environmental investigation, review, sampling or analyses obtained by Purchaser in the course of or in connection with the inspections conducted hereunder shall remain confidential to Purchaser and its Representatives through the date of Closing and shall not be disclosed to Seller, the Georgia Environmental Protection Division, any other governmental entity or to any other third parties prior to Closing. These confidentiality obligations shall survive the termination of this Contract.

Purchaser shall indemnify, hold harmless from and defend Seller, and his agents, affiliates, successors and assigns, from and against any and all liabilities, claims, causes of action, damages, losses, penalties, forfeitures, suits, costs and expenses (including without limitation, investigation costs, costs of defense, settlement and reasonable attorneys' fees) incurred or arising in connection with Purchaser's or any Representative's breach of the confidentiality and other obligations set forth in this Contract, entry onto the Property or enforcement of this indemnity. All indemnification

obligations contained herein shall survive the Closing and any termination of this Contract.

"AS IS" PURCHASE

To the maximum extent permitted by applicable law and except for Seller's representations and warranties specifically set forth above ("Seller's Warranties"), the transactions contemplated by this Contract are made and will be made without representation, covenant, or warranty of any kind (whether express, implied, or, to the maximum extent permitted by applicable law, statutory) by Seller. As a material part of the consideration for this Contract, Purchaser agrees to accept the Property on an "AS IS" and "WHERE IS" basis, with all faults and any and all latent and patent defects, and without any representation or warranty, all of which Seller hereby disclaims, except for Seller's Warranties. Except for Seller's Warranties, no warranty or representation is made by Seller as to (a) fitness for any particular purpose, (b) merchantability, (c) design, (d) quality, (e) condition, (f) operation or income, (g) compliance with drawings or specifications, (h) absence of defects, (i) absence of hazardous or toxic substances, (j) absence of faults, (k) flooding, or (l) compliance with laws and regulations including, without limitation, those relating to health, safety, and the environment. Purchaser acknowledges that Purchaser has entered into this Contract with the intention of making and relying upon its own investigation of the physical, environmental, economic use, compliance, and legal condition of the Property and that Purchaser is not now relying, and will not later rely, upon any representations and warranties made by Seller, respectively, or anyone acting or claiming to act, by, through or under or on Seller's behalf concerning the Property, except for Seller's Warranties.

From and after the date of Closing, Purchaser, for itself and its Representatives, successors-in-title, successors and assigns, hereby releases, indemnifies, holds harmless and forever discharges Seller and his agents, affiliates, successors and assigns (collectively the "releasees") from any and all rights, claims and demands, damages and losses at law or in equity, whether known or unknown at the time of this Contract, which Purchaser has or may have in the future, arising out of the physical, environmental, economic or legal condition of the Property, including, without limitation, all claims in tort or contract and any claim for indemnification or contribution arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Section 9601, et seq.) or any similar federal, state or local statute, rule or regulation and any and all matters affecting the Property.

1.7 Right of Termination. If Purchaser discovers any matter during the Inspection Period that is unacceptable to Purchaser for any reason, in Purchaser's sole discretion, Purchaser may terminate this Agreement by giving Seller written notice thereof (the "Termination Notice") at any time prior to the expiration of the Inspection Period. If Purchaser fails to timely give the Termination Notice prior to the expiration of the Inspection Period, upon expiration of the Inspection Period, Purchaser shall be deemed to have waived its rights to terminate this Agreement. If the Purchaser provides the Termination Notice prior to the expiration of the Inspection Period, the parties shall have no further right or obligation hereunder; provided however, Purchaser shall be obligated

to comply with its restoration and indemnification obligations set forth in this Section. Time is of the essence in regard to termination as set forth herein.

1.8 Seller's Documentation Delivery. Not later than 5:00 P.M., on the second (2nd) business day after the Effective Date, Seller shall deliver to Purchaser and Purchaser's attorney any and all such documents concerning the title and condition of the Property as are known to Seller, including but not limited to all deeds, plats, surveys, maps, drawings, plats, title insurance policies, title reports, environmental reports, soils analysis, engineering reports, appraisals, tax bills, tax assessment notices, declarations of covenants or conditions in effect on the Property, any permits applicable to the Property, and the reports of any other kind or nature. Seller will additionally deliver a full copy of any and all current leases, together with any amendments or extensions thereof, and rent roles for the property. Purchaser may provide a list of additional requested documentation to Seller and Seller agrees to deliver all such available documents within five (5) business days. The information, other than matters of public record or matters generally known to the public, furnished to, or obtained through inspection of the Property by, Purchaser, its affiliates, lenders, employees, attorneys, accountants and other professionals or agents relating to the Property, will be treated by Purchaser, its affiliates, lenders, employees, agents, and current and prospective investors as confidential. Should the Closing fail to occur for any reason, Purchaser shall deliver to Seller all existing copies of the Property Information within three (3) business days of the Closing date.

1.9 Condition of Property. Seller represent that at the closing any and all improvements located thereon will be in the same condition as they are on the Effective Date of this Agreement. Seller shall convey title to the Property to Purchaser via limited warranty deed.

1.10 Permitted Exceptions. Title to the Property shall be free and clear of liens and encumbrances, except for: (i) zoning; (ii) current year's and future ad valorem taxes and assessments affecting the Property which are not yet due and payable; (iii) any liens, encumbrances or other title exceptions approved or waived by Purchaser as provided in Section 1.11.

1.11 Title Examination. Purchaser will complete its examination of the title to the Property during the Inspection Period. As part of this examination, Purchaser will obtain, and Purchaser will pay for at closing, a title insurance certificate and commitment showing Seller's title to the Property to be marketable in fact. Purchaser shall notify Seller in writing of any objections or defects to the title. If Purchaser delivers notice of any such objections or defects, then Seller, within ten (10) days after receipt of such notice, shall either elect: (i) not to cure any such defects or (ii) to promptly attempt to cure any such defects before Closing. Seller's failure to send written notice to Purchaser within such ten (10) day period electing to either not cure or attempt to cure such defects shall be deemed an election by Seller not to cure such defects. If Seller refuses to cure such defects, then, no later than ten (10) days after receipt of Seller's notice refusing to cure, or the deemed refusal to cure, Purchaser shall elect as its sole remedy to either: (i) terminate this Agreement by giving written notice thereof to Seller, in which event: (a) this Agreement shall thereupon be of no further force and effect; (b)

no party hereto shall have any further rights, duties or obligations hereunder; and (c) Seller shall instruct the Escrow Agent to return the balance of the Earnest Money to Purchaser; or (ii) accept the title to the Property subject to the defects without adjustment to the Purchase Price and proceed to Closing as set forth herein. At closing, the Purchaser is to pay all premiums necessary to convert the title insurance commitment to a Purchaser's title insurance policy in the full amount of the purchase price.

1.12 Survey. Purchaser may obtain at its expense, as soon as practical after the effective date, an ALTA/ACSM Survey according to Purchaser's specifications, complete with utilities, and showing the Property and the total acreage to the nearest 1/100th acre. Purchaser shall notify Seller in writing of any objections or defects to the Property revealed by the Survey. If Purchaser delivers notice of any such objections or defects, then Seller, within ten (10) days after receipt of such notice, shall either elect: (i) not to cure any such defects or (ii) to promptly attempt to cure any such defects before Closing. Seller's failure to send written notice to Purchaser within such ten (10) day period electing to either not cure or attempt to cure such defects shall be deemed an election by Seller not to cure such defects. If Seller refuses to cure such defects Purchaser shall elect as its sole remedy to either: (i) terminate this Contract by giving written notice thereof to Seller, in which event no party hereto shall have any further rights, duties or obligations hereunder; or (ii) accept the survey to the Property subject to the defects without adjustment to the Purchase Price and proceed to Closing as set forth herein.

1.13 INTENTIONALLY OMITTED

1.14 Utilities. Purchaser shall confirm the availability of any and all utilities servicing the Property, including, without limitation, public water, sanitary sewer, storm sewer, electric, natural gas, and telephone and that each such utility service has sufficient capacity to serve the intended use by Purchaser.

1.15 Existing Leases. Seller will not amend, modify, extend, alter or terminate any existing lease, contract or agreement affecting the Property, or enter into any new lease, contract or agreement affecting the Property during the term of this Agreement. Notwithstanding this prohibition, Seller will be permitted to extend any expired or expiring lease on a month to month basis.

1.16 Flood Determination. Purchaser shall confirm that the Property is not within the 100-year flood plain as established by FEMA.

1.17 INTENTIONALLY OMITTED

1.18 Closing Date. Closing shall be on or before thirty (30) days following the end of the Inspection Period.

1.19 Closing Location. Closing shall take place at Hulsey, Oliver & Mahar, LLP or at such other location as chosen by Purchaser.

1.20 Title. There shall be conveyed at closing, good and marketable, fee simple title to the Property by limited warranty deed. Good and marketable fee simple title is hereby defined as title which is insurable by First American Title Insurance Company at its standard rates on an ALTA Owner's Policy. The Property shall be described according to survey obtained pursuant to Section 1.12 above.

1.21 Seller's Obligations at Closing. At Closing, Seller, at its sole cost and expense, shall deliver to the Purchaser the following:

- a) Limited Warranty Deed in recordable form conveying good, marketable and insurable title to the Property;
- b) A Non-Foreign Affidavit;
- c) Seller's Affidavit acceptable to Purchaser's title insurance company;
- d) Affidavit allowing Purchaser to properly comply with 1099 reporting requirements;
- e) Certification that there are no existing leases encumbering all or any portion of the Property;
- f) Written confirmation that any and all management and service contracts have been terminated, or assigned to Purchaser, at Purchaser's sole election;
- g) An executed closing statement (the "Closing Statement") setting forth in reasonable detail the financial transaction contemplated by this Agreement, including without limitation the Purchase Price, all prorations, the allocation of costs specified herein, and the source, application and disbursement of all funds. Purchaser shall be responsible for preparing the Closing Statement.

1.22 Purchaser's Obligations at Closing. At Closing, Purchaser, at its sole cost and expense, shall deliver to Seller the following:

- a) Immediately available funds payable to the Seller representing the cash portion of the Purchase Price, prorations and other items reflected on the closing statements;
- b) Such documents as are reasonably required to fully authorize the purchase of the Property by Purchaser and execution of all Closing documents;
- c) The Closing Statement.

1.23 Costs. Purchaser shall pay all costs and fees related to any title policy, title commitment, survey, appraisal, environmental audits and the recording of the deed. Seller shall pay any real estate transfer tax associated with the conveyance that may be imposed on the transaction. Seller and Purchaser shall pay the fees of their own attorneys for services related to the preparation and negotiation of this Agreement and the purchase and sale of the Property.

1.24 Prorations. Ad valorem taxes on the Property for the year of closing shall be prorated at Closing, effective as of the Closing Date, based on actual amounts, if known, and if not, then on the best available estimates thereof. Provided that Seller

receives the Purchase Price, the date of closing will be attributable to Purchaser. If tax assessments for the Property for the current year are unavailable as of the Closing Date, said ad valorem taxes shall be prorated or adjusted based upon the immediately preceding tax year figures. The parties shall cooperate to transfer all utility services to the Property, effective as of the Closing Date; provided, however, Seller will be responsible for all charges applicable to the period prior to the Closing Date, and Purchaser shall be responsible for all charges applicable to the period from and after the Closing Date. All taxes, assessments and charges due and payable with respect to the Property after Closing shall be the responsibility of Purchaser. The provisions of this Article shall survive closing.

Additionally, any and all rents and other operating expenses, if any, will be pro-rated at closing.

1.25 General Obligations of Purchaser and Seller. At Closing the Seller and Purchaser shall cause to be delivered such other instruments and documents as may be reasonable, necessary and appropriate to complete the Closing of this transaction.

1.26 Possession. Seller agrees to deliver possession of the Property to Purchaser on the Closing Date and after consummation and funding of the transaction described herein.

1.27 Default by Purchaser. If Purchaser fails to perform any of its obligations under this Agreement for any reason other than Seller's default or the permitted termination of this Agreement by either Seller or Purchaser as herein expressly provided, Seller shall be entitled, as its sole remedy, to terminate this Agreement and receive the balance of the Earnest Money deposited by Purchaser as liquidated damages for the breach of this Agreement, it being agreed between the parties that the actual damages to Seller in the event of such breach are impractical to ascertain and the amount of the Earnest Money is a reasonable estimate thereof.

1.28 Default by Seller. In the event that Seller fails to perform any of its obligations under this Agreement for any reason other than Purchaser's default or the permitted termination of this Agreement by Seller or Purchaser as herein expressly provided, Purchaser shall be entitled, as its sole remedy to seek to enforce specific performance of Seller's obligation to do all things reasonably necessary to execute the documents required by this Agreement and to convey title to the Property to Purchaser. Purchaser shall be deemed to have elected to terminate this Agreement if Purchaser fails to file suit for specific performance against Seller on or before thirty (30) days following the date upon which Closing was to have occurred.

1.29 Condemnation. If, at any time prior to the Closing, any action or proceeding is filed or threatened under which the Property, or any portion thereof, may be taken pursuant to condemnation, then, at the option of Purchaser: (a) this Agreement shall terminate and the balance of the Earnest Money shall immediately be returned to Purchaser, and no party hereto shall have any further rights, liabilities or obligations

hereunder; or (b) this Agreement shall remain in full force and effect, and Seller, at the time of closing hereunder, shall transfer and assign to Purchaser all of Seller's right, title and interest in and to any proceeds received or which may be received by reason of such taking, or a sale in lieu thereof, said option to be exercisable by Purchaser by delivering to Seller written notice of such exercise on or before the fifteenth (15th) day following the date on which Purchaser receives from Seller written notice that such suit has been filed or is threatened, but in no event later than the date of closing hereunder. If Purchaser fails to exercise said option within said fifteen (15)-day period, then Purchaser shall be deemed to have elected the alternative set forth in subsection (a) above.

1.30 Commissions. Purchaser and Seller each warrant and represent to the other that such party has not employed a real estate broker or agent in connection with the transaction contemplated hereby. Each party agrees to indemnify and hold the other harmless from any loss or cost suffered or incurred by it as a result of the other's representation herein being untrue. This provision shall survive the Closing or any termination of this Agreement.

1.31 Assignment. Neither party may assign this Agreement without the prior written consent of the other. Any such prohibited assignment shall be void. Notwithstanding the foregoing Purchaser shall be entitled to assign the rights of Purchaser to another entity controlled by the same owners created for the purpose of this transaction.

1.32 Entire Agreement. This Agreement embodies the entire agreement of the parties hereto and can be modified or varied only by a written instrument subscribed to by all parties hereto.

1.33 Time of Essence. Time is of the essence of this Agreement.

1.34 Notices. Any notice, request, demand, instruction, or other communication to be given to either party hereunder, except those required to be delivered at Closing, shall be in writing, and shall be deemed to be delivered upon receipt, if hand delivered or delivered by overnight delivery service, or upon deposit in certified mail, return receipt requested, addressed as follows:

If to the City: City of Gainesville
 Attention: Bryan Lackey
 300 Henry Ward Way
 Gainesville, GA 30501
 Phone 770-535-6860
 Email: blackey@gainesville.org

With a copy to: Hulsey, Oliver and Mahar, LLP

Attention: Abbott S. Hayes, Jr.
200 E. E. Butler Parkway
Gainesville, GA 30501
Phone: 770-532-6312
Email: ash@homlaw.com

If to Seller: America's Home Place, Inc.
Attention: Keith Brown
2144 Hilton Dr.
Gainesville, GA 30501
kbrown@americashomeplace.com

With a copy to: James M. Walters
311 Green St., Suite 103
Gainesville, GA 30501
jim@thewaltersfirm.com

1.35 Change of Address. The addresses and addressees for the purpose of this Article may be changed by either party by giving notice of such change to the other party in the manner provided for giving notice.

1.36 Captions. The captions used in connection with the paragraphs of this Agreement are for convenience only and shall not be deemed to construe or limit the meaning of the language contained in this Agreement, or be used as interpreting the meanings and provisions hereof.

1.37 Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

1.38 Responsibility to Cooperate. All parties agree to take all actions and do all things reasonably necessary to fulfill the terms and conditions of this Agreement in good faith and in a timely manner. Purchaser and Seller shall execute and deliver such certifications, affidavits, and statements as are required at closing to meet the requirements of any lender(s) and of federal and state law.

1.39 Construction. The parties acknowledge that their attorneys have reviewed and negotiated the provisions of this Agreement; therefore, the rule of construction that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any amendments or exhibits hereto.

1.40 Governing Law. This Agreement shall be construed and interpreted under the laws of the State of Georgia, without regard to any conflicts of law doctrine of such state.

1.41 Counterparts. This Agreement may be executed in any number of counterparts which together shall constitute the Agreement of the parties.

1.42 Special Stipulations. The following Special Stipulations, if conflicting with any exhibit, addendum or preceding paragraph (including changes thereto made by the parties), shall control:

IN WITNESS WHEREOF, this instrument has been executed in multiple copies of the dates set forth below, and each executed copy shall be deemed an original for all purposes.

Purchaser:

CITY OF GAINESVILLE

By: 

Bryan Lackey, City Manager

Attest: _____

Denise O. Jordan, City Clerk

Date: _____

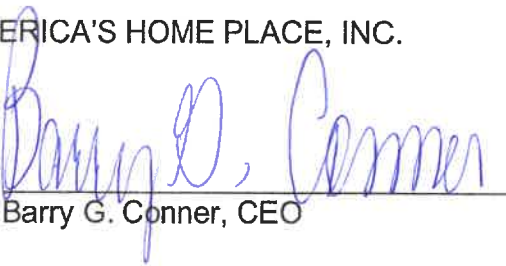
CITY SEAL

Approved as to form:

Abbott Swift Hayes, Jr.

Date: _____

AMERICA'S HOME PLACE, INC.

By: 

Barry G. Conner, CEO

Attest: 

Date: 10-9-2020

ASH/w242671

