



Mayor/Council Meeting Agenda
Tuesday, September 21, 2021, 5:30 PM
Gainesville Civic Center, Ballroom
830 Green Street, Gainesville, GA 30501
Mayor or Mayor Pro Tem Presides

INVOCATION:

PLEDGE OF ALLEGIANCE:

PRESENTATIONS / RECOGNITIONS:

A. Proclamation: Constitution Week

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Appointments

- A. Airport Advisory Committee
 - Reappoint Casey Graybeal and Rodney Smith
- B. Housing Authority
 - Reappoint Mary Brown

Minutes

- A. July 29, 2021 Work Session
- B. August 3, 2021 Mayor/Council Meeting
- C. August 12, 2021 Work Session
- D. August 17, 2021 Mayor/Council Meeting

Resolutions

- A. BR-2021-41 Tax Allocation District (TAD) Funding for "The National" at 111 Green Street

PUBLIC HEARING(S):

Annexation/Zoning Items

- A. Request from **Optum Development** to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a **1744 Cleveland Highway**) and to establish zoning as Planned Unit Development (P-U-D). Ward **Number: Two**. Tax Parcel Number(s): 09-126-000-024 (Part).
Request: 36 residential townhomes.
 - Proposed Annexation Ordinance 2021-25
 - Proposed Zoning Ordinance 2021-26

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Friday, September 17, 2021, 1:35 PM

Date Submitted: 8/2/2021
Presenter: Mayor Dunagan
Item of Business: Proclamation: Constitution Week
Meeting Date: 9/21/2021

Purpose of Request:

To present a proclamation in recognizing the Colonel William Chandler Chapter of the Daughters of American Revolution as they continue to acknowledge and promote the observance of the signing of the Constitution of the United States.

History/Background:

2021 is the 234th anniversary of the signing of the Constitution of the United States.

Facts & Issues for Consideration:

Attendees:

- Mary Leatherwood, First Vice Regent Colonel William Candler Chapter
- Janet Shields, Constitution Week Co-Chair
- Margaret Whalen, Constitution Week Co-Chair
- Julie Hawk, Chapter Member

Department Recommendation:

N/A

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
☐ Proclamation: Constitution Week	Presentation



PROCLAMATION

- WHEREAS,** *in 1955 the President General of the Daughters of the American Revolution, Gertrude S. Carraway, adopted a project to promote the observance of the U.S. Constitution with a memorial week beginning on the anniversary of the signing of this document, September 17th; and*
- WHEREAS,** *Constitution Week was officially declared by President Eisenhower on August 2, 1956, the culmination of a proposal the Daughters of the American Revolution sent through Senator William F. Knowland of California; and*
- WHEREAS,** *locally, the Colonel William Candler Chapter of the National Daughters of the American Revolution will proudly celebrate and promote the two hundred and thirty third Anniversary of the signing of the Constitution of the United States; and*
- WHEREAS,** *this 234th Anniversary of the Constitution provides a historic opportunity for all Americans to reflect on the rights and privileges of citizenship incorporated within its framework, and to learn about and celebrate the achievements of our founding forefathers and foremothers throughout the year.*

NOW, THEREFORE, BE IT RESOLVED, that I, C. Danny Dunagan, Jr., Mayor and the Gainesville City Council, do hereby proclaim September 17-23, 2021 to be

“Constitution Week”

rededicating ourselves to our country and the support and defense of our Constitution and to a greater involvement in responsible citizenship.

Presented this 21st day of September, 2021

**C. Danny Dunagan, Jr., Mayor
City of Gainesville**



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 9/16/2021

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 9/21/2021

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: 9/10/2021

Presenter: Danny Dunagan

Item of Business: Airport Advisory Committee

- Reappoint Casey Graybeal and Rodney Smith

Meeting Date: 9/21/2021

Purpose of Request:

The purpose of this request is to address the expired terms for positions held by Casey Graybeal and Rodney Smith.

History/Background:

The AAC follows the guidelines of the City Charter and the Code of Ordinances as well as the requirements set forth in Business Resolution 2011-43. Members serve three-year terms.

Facts & Issues for Consideration:

Casey Graybeal and Rodney Smith have confirmed a willingness to serve another term. The outstanding debt verification process has been completed with no concerns.

Department Recommendation:

To accept the nominations for Casey Graybeal and Rodney Smith to serve another term as submitted by the Mayor during the September 16, 2021 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
☐ AAC Members	Backup Material
☐ AAC Attendance Report	Backup Material

AIRPORT ADVISORY COMMITTEE

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRATION
Ward 1	Graybeal	Casey	5/2/2017	8/21/2018	9/4/2021
Ward 2	Smith	Rodney	9/5/2006 UE	3/17/2009 9/4/2012 9/1/2015 8/21/2018	9/4/2021
Ward 3	Haynes	John	3/4/2014	5/2/2017 6/16/2020	6/16/2023
Ward 4	Nivens	Allen	5/19/2020		5/19/2023
Ward 5	Kemp, Jr.	Alvin (Lee)	1/6/2004 UE	2/7/2006 3/17/2009 3/4/2014 5/2/2017 5/19/2020	5/19/2023
Hall County Representative	Wayne	Alan	12/13/2007	6/5/2012 8/18/2015 8/21/2018 7/20/2021	6/5/2024
EX-OFFICIO Representative	Brooks	Barbara	1/19/2021		1/4/2022
EX-OFFICIO Representative	Clay	Juli	1/19/2021		1/4/2022
Airport Manager Chair	Poole	Lisa			

TERM: Three year terms

NOTE: Council makes all appointments

Hall County makes recommendations to the Council

Public Works Director (or designee) serves as Chair with voting privileges

CONTACT: Lisa Poole, Lee Gilmer Airport Manager

UPDATED: 7/29/21 ag

AIRPORT ADVISORY COMMITTEE ATTENDANCE REPORT

MEETING			BOARD MEMBER							
	DATE	TYPE	GRAYBEAL	SMITH	HAYNES	NIVENS	KEMP	WAYNE	CLAY	BROOKS
1	8/13/2019	R	1	1	1	1	1	0	N/A	N/A
2	11/12/2019	R	0	0	1	1		0	N/A	N/A
3	2/11/2020	R	1	0	1	1	1	1	1	N/A
4	5/12/2020	CANCELED								
5	8/11/2020	CANCELED								
6	11/10/2020	R	1	1	1	1	0	0	1	1
7	2/9/2021	R	0	1	1	1	0	1	1	1
8	5/11/2021	R	0	1	1	0	0	1	1	1
9	8/10/2021	R	0	1	0	1	0	0	1	0
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	TOTAL	7	3	5	6	6	2	3	5	3
	ATTENDANCE %		43%	71%	86%	86%	29%	43%	100%	75%
TYPE MEETING: R = Regular Scheduled Meeting C = Called Meeting ATTENDANCE: 0 = Absent 1 = Attended										
NOTES:										
Submitted By: _____ Lisa Poole Recording Secretary Date: 8/25/2021										

Date Submitted: 9/14/2021
Presenter: Danny Dunagan
Item of Business: Housing Authority
• Reappoint Mary Brown
Meeting Date: 9/21/2021

Purpose of Request:

The purpose of this request is to address the expired term position for Mary Brown. The appointment term will be for one-year.

History/Background:

The Housing Authority follows the guidelines within Georgia Code (Section 8-3-50) as well as the City Charter and the City Code of Ordinances. Appointees serve a five-year term.

Facts & Issues for Consideration:

Mary Brown serves as the Resident Commissioner. The outstanding debt verification process has been completed with no concerns.

Department Recommendation:

To accept the nomination of Mary Brown for a one-year term as submitted by the Mayor during the September 16, 2021 Work Session.

Department Director:

Danny Dunagan

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Housing Authority Members	Backup Material
☐ HA Attendance Report	Backup Material

HOUSING AUTHORITY

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Commissioner	Thompson	Faron	8/16/2011 UE	8/18/2015 7/21/2020	8/18/2025
Commissioner	Cochran	Broughton	2/16/2010	5/5/2015 5/19/2020	5/19/2025
Commissioner	Smallwood	Darryl	10/1/1997	8/20/2002 9/2/2008 3/4/2014 2/19/2019	3/4/2024
Resident Commissioner	Brown	Mary	8/16/2011	9/6/2016	9/6/2021
Commissioner	Figueras	Myrtle	1/19/2016 UE	1/22/2019	2/4/2024
Ex-Officio	Couvillon	Sam	1/7/2020	1/19/2021	1/4/2022

TERM: Five year terms

CONTACT: Beth Brown, Executive Director
Housing Authority
P.O. Box 653
Gainesville, GA 30503
770-536-1294
bbrown@gainesvillehousing.org
www.gainesvillehousing.org

UPDATED: 1/20/2021

HOUSING AUTHORITY ATTENDANCE REPORT

MEETING			BOARD MEMBER					
	DATE	TYPE	NAME	NAME	NAME	NAME	NAME	NAME
			Cochran	Thompson	Smallwood	Brown	Figueras	Couvillon
1	8/21/2019	R	1	1	1	1	1	N/A
2	9/18/2019	R	1	1	0	1	0	N/A
3	10/28/2019	R	0	1	1	1	1	N/A
4	11/20/2019	R	1	1	0	1	1	N/A
5	12/18/2019	R	1	1	1	0	0	N/A
6	1/15/2020	R	1	0	1	0	1	0
7	2/19/2020	Cancelled						
8	3/18/2020	Virtual	1	1	1	1	1	0
9	4/29/2020	Virtual	1	1	0	0	1	0
10	5/20/2020	Virtual	0	1	1	1	1	1
11	6/17/2020	Cancelled						
12	7/15/2020	Virtual	1	0	1	1	1	1
13	8/19/2020	Virtual	1	1	1	1	0	1
14	9/16/2020	Virtual	1	1	1	1	1	1
15	10/14/2020	Virtual	1	1	1	1	1	1
16	11/6/2021	Virtual	1	1	0	0	1	1
17	12/16/2021	Cancelled						
18	1/20/2021	Virtual	1	1	1	1	1	1
19	2/17/2021	Virtual	1	1	1	1	1	1
20	3/17/2021	Cancelled						
21	4/21/2021	Virtual	0	1	1	0	1	1
22	5/26/2021	Virtual	1	1	1	1	1	1
23	6/23/2021	R	1	1	1	1	0	1
24	7/21/2021	Cancelled						
25	8/18/2021	R	0	1	1	1	1	1
26								
26								
TOTAL		20	16	18	16	15	16	12
ATTENDANCE %			80%	90%	80%	75%	80%	80%

TYPE MEETING: R = Regular Scheduled Meeting
ATTENDANCE: 0 = Absent

C = Called Meeting
 1 = Attended

NOTES:

Submitted By: Shanna Kennedy
 Recording Secretary

Date: 9/15/2021

Date Submitted: 9/21/2021
Presenter: Denise Jordan
Item of Business: July 29, 2021 Work Session
Meeting Date: 9/21/2021

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: 9/21/2021
Presenter: Denise Jordan
Item of Business: August 3, 2021 Mayor/Council Meeting
Meeting Date: 9/21/2021

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

Date Submitted: 9/21/2021
Presenter: Denise Jordan
Item of Business: August 12, 2021 Work Session
Meeting Date: 9/21/2021

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: 9/21/2021
Presenter: Denise Jordan
Item of Business: August 17, 2021 Mayor/Council Meeting
Meeting Date: 9/21/2021

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

Date Submitted: 9/10/2021

Presenter: Bryan Lackey

Item of Business: BR-2021-41 Tax Allocation District (TAD) Funding for "The National" at 111 Green Street

Meeting Date: 9/21/2021

Purpose of Request:

To consider a recommendation from the TAD Advisory Committee regarding TAD Funding for The National.

History/Background:

The National project will include a 130 room Courtyard by Marriott, 143 one and two bedroom apartment units, a parking deck and public plaza. The National has submitted an application for TAD Funding.

Facts & Issues for Consideration:

The TAD Advisory Committee met on 8/16/21 to consider the request from The National.

Department Recommendation:

Approve the recommendation from the TAD Advisory Committee.

Department Director:

Bryan Lackey

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

Amount Requested:

10,972,750

Source of Funds:

TAD

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
 BR-2021-41 Tax Allocation District (TAD) Funding for "The National" at 111 Green Street	Resolution

RESOLUTION BR-2021-41

TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “THE NATIONAL” AT 111 GREEN STREET

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

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

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

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

WHEREAS, an application involving the construction of a 130 room Courtyard by Marriott hotel and a 143-unit multi-family development at 111 Green Street known as The National, hereinafter “project,” was reviewed by the TAD Advisory Committee and determined to achieve the TAD criteria; and

WHEREAS, the TAD Advisory Committee unanimously recommended approval of the TAD funding request of up to \$10,972,750 for the following uses with the following conditions and payment schedule:

Use:

- | | |
|------------------------------|----------------------------------|
| • Land | • Demolition |
| • Grading and Excavation | • Concrete Finishing and Masonry |
| • Utilities and Stormwater | • Handrails, Balconies & Louvers |
| • Curbs, Sidewalk and Paving | • Plaza and Waterproofing |
| • Landscaping | |
| • Soil Stabilization | |

Conditions:

- Permitted project must be in substantial conformance with the architectural renderings and budget submitted with the TAD application.
- In order to receive TAD funds, new sidewalks, curb & gutter, and landscaping must be installed at the developer’s expense on Washington, Green and Spring streets, in accordance with the City’s streetscaping standards, as evidenced by the streetscaping in the surrounding downtown area.

RESOLUTION BR-2021-41

**TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “THE NATIONAL”
AT 111 GREEN STREET**

Payment Schedule:

Up to \$10,972,750 in TAD funds shall be made payable upon submittal of paid invoices for the purchase of and/or labor to complete or install the items specified under “Use” above, based upon the schedule and conditions listed below:

- Reimbursement will be distributed on an annual basis based on the TAD increment generated by The National for that calendar year.
- Reimbursement will begin the calendar year after the calendar year in which the first Certificate of Occupancy is obtained for either the hotel or apartments.
- The total period for reimbursement of up to the maximum of \$10,972,750 shall not exceed a period of 15 calendar years, which period shall commence upon the first calendar year in which any reimbursement is paid to the applicant.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the TAD application of up to \$10,972,750 for The National at 111 Green Street.

BE IT FURTHER RESOLVED THAT that the governing body for the City of Gainesville hereby approves funding for the redevelopment improvement from the increment generated by The National project and that is deposited into the Tax Allocation District Fund.

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

Adopted this _____ day of _____, 2021.

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: 9/10/2021

Presenter: Abb Hayes

Item of Business: Request from **Optum Development** to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a **1744 Cleveland Highway**) and to establish zoning as Planned Unit Development (P-U-D). Ward **Number: Two**. Tax Parcel Number(s): 09-126-000-024 (Part). **Request: 36 residential townhomes.**

- Proposed Annexation Ordinance 2021-25
- Proposed Zoning Ordinance 2021-26

Meeting Date: 9/21/2021

Purpose of Request:

To conduct a public hearing regarding the following annexation/zoning request as presented at the August 10, 2021 Planning and Appeals Board Meeting:

The applicant is proposing to annex the subject property with a zoning of Planned Unit Development (P-U-D) for sewer for 36 residential townhomes. The property is currently zoned Residential-I (R-I) and Vacation Cottage (V-C) within unincorporated Hall County and is adjacent to the city limits to the west across Limestone Parkway. The proposed townhomes will range from 2,241 to 2,549 square feet of heated floor space. The units include three stories of living space, two car garages and a roof top deck. Amenities include a pool, clubhouse and walking trails. Access is proposed from Limestone Parkway. The property is located within the Limestone Parkway Overlay Zone and borders a creek and Lake Lanier. The adjacent uses include single-family homes within the county and the Liberty Utilities facility.

History/Background:

Item was tabled at the July 13, 2021 Planning and Appeals Board Meeting to allow neighbors time to meet with the applicant.

Facts & Issues for Consideration:

Department Recommendation:

Staff recommended approval with eight (8) conditions and PAB recommended approval with eighteen (18) conditions. See the PAB Recommendation report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2021-25:

I move to approve the ordinance to annex the subject property for 36 residential townhomes as presented.

Approval of Ordinance 2021-26:

I move to approve the ordinance to establish zoning as Planned Unit Development (P-U-D) with eighteen 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 Newspaper Article	Legal Ad
☐ PAB Recommendation Report	Report
☐ Proposed Annexation Ordinance 2021-25	Ordinance
☐ Proposed Zoning Ordinance 2021-26	Ordinance
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Community Benefit Statement	Backup Material
☐ Site Plan	Backup Material
☐ Elevation Rendering	Backup Material
☐ Topographic Survey	Backup Material
☐ Color Renderings	Backup Material
☐ Architectural Renderings	Backup Material
☐ Dean Davis Supplemental Information	Presentation

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361875
Attorneys for Petitioner
100246 9/1,8,15,22
SUPERIOR COURT OF
HALL COUNTY
STATE OF GEORGIA
In re the Name Change
of:
Jade Alexis Lamoreaux
Petitioner.
Civil Action
Case Number
2021CV1357J
NOTICE OF PETITION
TO CHANGE NAME OF
ADULT
Jade Alexis Lamoreaux
filed a petition in the
Superior Court of Hall
County on August 2
2021, to change the
name from: Jade Alexis
Lamoreaux to Jade
Alexis West
Any interested party
has the right to appear
in this case and file
objections within 30
days after the Petition
was filed.
Dated August 2 2021
/s/ Jade Alexis
Lamoreaux
Petitioner Pro se
99969 8/18,25,9/1,8
SUPERIOR COURT OF
HALL COUNTY
STATE OF GEORGIA
In re the Name Change
of Child(ren):
Ali Reza Ali Mohammad
Ali Safa Ali Mohammad
Ali Wafa Ali
Mohammad
Ali Hamraz
Petitioner,
Civil Action File No
2021 CV 1153W
Respondent.
NOTICE OF FILING
PETITION TO CHANGE
NAME(S) OF MINOR
CHILD(REN)
A petition was filed in
the Superior Court of
Hall County on July
2 2021 to change the
name of the following
minor children):
From Ali Reza Ali
Mohammad Proposed
New Name Ali Rez
Hamraz
From Ali Safa Ali
Mohammad Proposed

of Rebecca Meers
Petitioner
Civil Action Case
Number 2021
CV1175KJ
NOTICE OF PETITION
TO CHANGE NAME OF
ADULT
Rebecca Lynn Meers
filed a petition in the
Superior Court of Hill
County on July 7 2021
to change the name
from Rebecca Lynn
Meers to Rebecca Lynn
Platto. Any interested
party has the right to
appear in this case and
file objections within
30 days after the
Petition was filed.
Dated 7/7/2021
/s/ Rebecca Meers
100117 8/25,9/1,8,15

Public Hearings

Aviso Público de
Audiencia Pública
y Solicitud de
Comentarios Públicos
con Respecto al
Borrador del Reporte
de Evaluación del
Desempeño del Plan
Consolidado Anual
2020-2021
Del Estado de Georgia
El Estado de Georgia,
de conformidad con las
regulaciones aplicables
del Departamento de
Vivienda y Desarrollo
Urbano de EE.UU.
(HUD, por sus siglas en
inglés), ha preparado
un borrador del Reporte
de Evaluación del
Desempeño del Plan
Consolidado Anual
(CAPER, por sus siglas en
inglés) por el año fiscal
federal 2020. El estado
de Georgia organizará
una audiencia pública y
un seminario web para
presentar El CAPER. El
CAPER es la revista anual
de los desempeños del
Estado de lograr las
metas y los objetivos
identificados por el Plan
Consolidado 2018-2022
y el Plan de Acción 2020.
Note que el CAPER
también incluye el
Reporte del Desempeño
y Evaluación por el
Paquete de Subvención

Zoned AR-III & AR-IV; Tax
Parcel 15021B000050.
Proposed Use: auto
repair and used auto
sales. ** Commission
District 3.
3. Application of Bilal
Gillani to rezone from
Agricultural Residential-
III (AR-III) & Agricultural
Residential-IV (AR-IV) to
Highway Business (H-
B) on a 5.08± acre tract
located on the west
side of Old Cornelia
Highway approximately
539 feet from its
intersection with Shady
Valley Road; a.k.a. 2633
Old Cornelia Highway;
Zoned AR-III & AR-IV; Tax
Parcel 15021B000050.
Proposed Use: auto
repair and used auto
sales. ** Commission
District 3.
4. Application of Casey
Walker/CSC Properties,
LLC to rezone from
Agricultural Residential-
III (AR-III) to Highway
Business (H-B) on a
3.63± acre tract located
on the north side of
McEver Road at its
intersection with Lights
Ferry Road; a.k.a. 5820
McEver Road; Zoned
AR-III; Tax Parcel 08119
000003(pt.). Proposed
Use: gas station &
convenience store. **
Commission District 1.
5. Application of Atlas
Development to rezone
from Agricultural
Residential-III (AR-III)
and Residential-I (R-I)
to Planned Residential
Development (PRD)
on a 79.18± acre tract
located on the west
side of Union Church
Road at its intersection
with Union Circle;
a.k.a. 5166 & 5154
Union Church Road;
Zoned AR-III & R-I; Tax
Parcels 15043 000059 &
000073. Proposed Use:
148 lot subdivision. **
Commission District 1.
6. Application of Friends
to the Forlorn Pitbull
Rescue, Inc. to rezone
from Agricultural
Residential-IV (AR-IV)
to Planned Residential
Development (PRD) on a
38.39± acres on the

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, September
21, 2021 at 5:30 p.m.
in the Gainesville Civic
Center (Ballroom),
830 Green Street, N.E.
in Gainesville on the
following request:
1) Request from Optum
Development to annex
a 7.77± acres tract
located on the northeast
side of Limestone
Parkway, across from
the intersection of
Tapawingo Drive
and Riverwood Drive
(a/k/a 1744 Cleveland
Highway) and to
establish zoning
as Planned Unit
Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s):
09-126-000-024 (Part)
Request: 36 residential
townhomes
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))
100212 9/1

intersection of Mabry
Ridge Drive and Carter
Road; THENCE traveling
South 21 Degrees 13
Minutes 16 Seconds
East for a distance of
31.94 feet to a point
on the southeast right
of way of Carter Road
(60' right of way), said
point having Georgia
State Plane Coordinates
(West Zone) of North
1511616.2140 and East
2359762.5650 and
being marked by a ½
inch rebar pin set, said
point being THE TRUE
POINT OF BEGINNING.
THENCE traveling on
said right of way along
a curve to the right
having a radius of
455.47 feet and an arc
length of 100.47 feet
being subtended by a
chord bearing of North
53 Degrees 17 Minutes
29 Seconds East and
a chord distance of
100.26 feet to a point
at the intersection of the
Land Lot Line common
to Land Lots 151 and
158 and said right of
way, said point marked
by a 5/8 inch rebar pin
found; THENCE leaving
said right of way and
traveling on said Land
Lot Line South 30
Degrees 28 Minutes
00 Seconds East for a
distance of 277.72 feet
to a point, said point
marked by a ½ inch
rebar pin set; THENCE
leaving said Land Lot
Line South 52 Degrees
57 Minutes 34 Seconds
West for a distance of
99.81 feet to a point,
said point marked by
an Axle found; THENCE
traveling North 30
Degrees 34 Minutes
21 Seconds West for
a distance of 278.24
feet to a point on the
southeast right of way
of Carter Road (60' right
of way), said point
marked by a ½ inch
rebar pin set, said point
being THE TRUE POINT
OF BEGINNING.
Said property contains
0.639 Acres.
100095
8/25/21

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant Optum Development
Property Owners Patricia O’Kelley & Betty Hulsey
Location 1744 Cleveland Highway
Request Annex with P-U-D zoning
Total Acres 7.77± acres
Ward Two
Proposed Use 36 residential townhomes
Planning Division Staff Recommendation **Approval, with conditions**
Planning & Appeals Board Recommendation **Approval, with conditions**
Date August 10, 2021

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

The applicant is proposing to annex the subject property with a zoning of Planned Unit Development (P-U-D) for sewer for a gated, fee-simple residential townhome community consisting of 36 units.

The property is currently zoned Residential-I (R-I) and Vacation Cottage (V-C) within unincorporated Hall County and is adjacent to the city limits to the west across Limestone Parkway. The property is located within the Limestone Overlay Zone and borders a creek and Lake Lanier. The property has road frontage on Limestone Parkway and Tapawingo Drive. The adjacent uses include single-family homes within the county and the Liberty Utilities facility.

The proposed townhome units will range from 2,241 to 2,549 square feet of heated floor space. Each unit includes three stories of living space, two car garages and a roof top deck. Units will vary but will contain 3 bedrooms and 3½ baths. Some units will have an option to install an elevator. The exterior of the buildings will consist of modern design to include a mixture of Hardie siding, stucco, stone or brick accents and metal canopies may be used over balconies and doors. The price point for each townhome unit is \$500,000 or higher. The anticipated development start date is late 2021.

Amenities include a pool, clubhouse and walking trails. One access driveway is proposed from Limestone Parkway which will contain a 24-foot wide private street (back of curb to back of curb), minimum 4-foot wide sidewalks 2-feet from the curb. No access is proposed from Tapawingo Drive. A natural vegetated buffer consisting of deciduous and evergreen trees will remain adjacent to the residential properties located within unincorporated Hall County to the north and east. In addition, most of the existing trees fronting Limestone Parkway will remain.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Single-family homes	Residential-I (R-I) and Vacation Cottage (V-C) -County
South	Single-family homes	Residential-I (R-I) -County
East	Single-family homes	Residential-I (R-I) and Vacation Cottage (V-C) -County
West	Liberty Utilities facility; Dentist office	General Business (G-B) -City Office and Institutional (O-I) -County

Other significant uses within the immediate area include The Atlanta Botanical Garden, Lakeview Academy, New Holland Market shopping center and Riverbend Elementary School which is planned to close before the 2023 school year.

▪ **Other Departmental Comments**

Coordination will be required with the Georgia Department of Transportation for the proposed request.

There were no other departmental comments for this request.

▪ **Zoning History**

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

2021 – A request by Jim Chapman Communities to rezone 36.7± acres located at 0 Beverly Road from General Business (G-B) to Planned Unit Development (P-U-D) for a 220-unit rental cottage community was given a recommendation of denial by the Planning and Appeals Board and withdrawn prior to the City Council meeting.

2020 – A request by Frank Norton, Jr. to annex a 2.16± acres tract with a zoning of Planned Unit Development (P-U-D) located at 39, 44, 48 and 49 Quarry Street; 4 Highland Street and to amend a 14.43± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 Lakeview Drive NE; 52, 54 and 56 Quarry Street NE was conditionally approved for 49 residential cottage and townhomes.

2020 – A request by Capstone Acquisitions, LLC to annex a 6.148± acres tract with a zoning of Light Industrial (L-I) located at 0 Jesse Jewell Parkway was conditionally approved for a climate-controlled self-storage and office/warehouse.

2018 – A request by Limestone Greenway, LLC to annex a 75.12± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 and 2065 Limestone Parkway was conditionally approved for a mixed-use development.

2017 – A request by Keel Property Management, LLC to annex a 6.32± acres tract with a zoning of General Business (G-B) located at 0 White Sulphur Road Drive was conditionally approved for restaurant, retail and a carwash.

2017 – A request by the City of Gainesville to rezone 53.177± acres located at 1514, 1515, 1545, 1560 and 1581 Community Way from Residential-II (R-II) to Office and Institutional (O-I) zoning was approved for existing uses and for future professional office purposes.

2012 – A request by Pacolet Milliken Enterprises, Inc. to annex a 68.223± acres tract located at 601 White Sulphur Road with a zoning of Planned Unit Development (P-U-D) was conditionally approved for a mixed-use development.

▪ **Staff Analysis**

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

The surrounding properties include mostly single-family homes located in the County. Non-residential uses are located to the west across Limestone Parkway. The proposed 36 residential townhomes appear suitable given the development will transition between the

adjacent non-residential uses and single-family properties. In addition, the annexation of the property seems logical given that most of the nearby office, medical, institutional, commercial, entertainment and utility services are located within the city limits.

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

The proposed use is designed to have little to no impact on the adjacent single-family neighborhoods. Access is proposed from Limestone Parkway eliminating additional traffic on Tapawingo Drive. According to the concept plan, approximately 2.5± acres of the 7.77 acres property will be developed. Significant green space and undisturbed vegetation along the perimeter of the property will be provided due to stream buffer requirements and the need to buffer Limestone Parkway. In addition, there is 300 feet or more of separation between the nearest proposed townhome and closest single-family home according to the concept plan.

The property is located within the Limestone Parkway Overlay Zone which is intended to create an identity for the area that will enhance its vitality and protect the value of the properties within the zone. It is also the intent to retain an overall appearance similar to that of the natural terrain and to limit extreme alteration of the terrain and blend approved alterations into the natural shape of the land. Proper soil erosion measures will be required to protect the adjacent stream and Lake Lanier.

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

The Future Development Map for the City of Gainesville places the property within the *Low-Medium Density Residential* land use category, which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from two to four dwelling units per acre.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Limestone Medical Corridor*. The area is envisioned as an employment corridor and not anticipated to expand Gainesville's traditional neighborhood fabric, but there is space for housing development. Limestone Creek is a sensitive environment and should be buffered and protected from new development. There should be a focus on preservation of existing character through an adaptive reuse where feasible. Land uses supported in the character area are public / institutional, low density residential, medium density residential, multi-family residential, mixed-use, commercial, and parks / recreation / conservation. The overall gross density of the proposed development is *4.63 dwelling units per acre* which is considered medium density residential. It appears the proposal is consistent with the Comprehensive Plan.

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

The property is zoned Residential-I (R-I) and Vacation Cottage (V-C) in the county which does not permit residential townhomes. The applicant desires to be located within the city limits in order to utilize water and sewer services. The property is suitable for the proposed use given its size and proximity to Limestone Parkway. Any potential environmental impacts will need to be mitigated based on the location of streams and Lake Lanier.

(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 adjacent properties and are sufficient to provide service to the proposed development. Stormwater facilities will be located onsite and will be required to meet the current stormwater regulations. The new Gainesville Fire Station #2 is located off of Park Hill Drive/Cleveland Highway and is approximately 0.5± mile from the subject property.

The proposal will increase ingress and egress traffic movements along Limestone Parkway. According to the traffic study, the development on average could generate 209± new trips per weekday, 16± A.M. and 19± P.M. peak hour trips.

It is anticipated that some of the proposed townhomes will be occupied with families that could have school aged children that could attend the Gainesville City School System or possibly nearby Lakeview Academy. The number of school aged children is unknown at this time, but the impact would appear to be small given the scale of the project.

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

The recent development within the surrounding area has been significantly influenced by nearby I-985, Northeast Georgia Medical Center and available infrastructure which has driven the desire for additional residential housing and commercial uses including grocery, restaurant, medical office and such. The subject property is designated as low to medium residential Comprehensive Plan which appears appropriate given the adjacent residential uses and the topography and streams that limit the area to develop within the property.

(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 and nonresidential uses, the proposed annexation request with the recommended conditions appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

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

Conditions

1. The proposed development shall not exceed 36 fee-simple residential townhome units.
2. The development shall be consistent with the concept plan and architectural renderings provided with this annexation application.
3. Signage for the development shall adhere to the Residential-II (R-II) zoning requirements of the Unified Land Development Code.
4. The development shall require a minimum 50-foot wide undisturbed vegetated buffer on both sides of the stream adjacent to the single-family properties located off of Tapawingo Drive and Wildwood Circle. Additional evergreen trees shall be

planted between the townhome units and stream where deemed necessary and adjacent to all proposed stormwater detention pond areas. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.

5. The existing trees located within the Limestone Parkway right-of-way shall remain undisturbed except for where required for access, signage and regular maintenance.
 6. Vehicular access shall be limited to Limestone Parkway, with a single entrance/exit as shown on the submitted concept plan. No vehicular access on Tapawingo Drive will be allowed.
 7. All streets within the development shall be privately maintained with a minimum width of 24-feet (back of curb to back of curb). Minimum 5-foot wide sidewalks shall be provided on both sides of the street with a 2-foot grass beauty strip between the curb and the sidewalk.
 8. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. The approval of said design shall be required prior to issuance of a land development permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
-

Excerpts from the August 10, 2021 PAB Meeting Minutes

Applicant Presentation: Attorney Steve Gilliam, 301 Green Street, stated he represents Ed Maxwell the developer for the request. He said the neighbors have met with the developer on two different occasions and presented Mr. Maxwell with nineteen conditions. He advised Mr. Maxwell reviewed and highlighted the conditions that are agreeable. Attorney Gilliam presented the board members with the conditions which already had been emailed to each board member and then Mr. Gilliam reviewed each condition stating if the developer agreed/disagreed with comments.

Ed Maxwell, 1974 Delta Drive, explained the elevation site plan and topography from the lake up to the development. He stated the trees on the corps property will have a short retaining wall coming up the slope, grading up to the first row of buildings, planting trees along that slope to mitigate water out. He explained the storm drain, the area around it would capture and keep water from running around the buildings. He stated the upper building closer to Limestone will have six feet of fill dirt with elongated windows on the lower level of the building.

OPPOSE: Attorney Joshua Scoggins, 202 Tribble Gap Road, Suite 200, Cumming, stated he prepared the conditions for the neighbors and the only conditions agreed by the developer were the ones required by code. He stated the main concern in condition one was the Future Land Use Map states the property to be low to medium density residential with a maximum of 4 units an acre. He stated the development is currently at 4.7 and asks the board recommend the density not exceed 4 units an acre. Attorney Scoggins stated the condition of a 10 percent limitation on rental units is reasonable and should remain. He stated the top decks should be eliminated on the ends of the buildings which would impact the surrounding neighbors. Attorney Scoggins said the developer is only agreeing to conditions that are required to be done by the ordinance and are concerned with the project

being completed within a reasonable length of time and not to drag out. He stated the condition regarding pre- and post- siltation studies of Lake Lanier be added to the conditions.

Dean Davis, 2000 Riverwood Drive, said everyone appreciates the weeks given to understand the project including meeting with the neighbors each night in the streets but they are concerned about the stone wall, the height of it and it being the type of retaining wall as behind Kroger but a wall that is lined with actual stone would fit into the neighborhood. Mr. Davis stated another concern was the lighting standards and reduce the nighttime glow of lights by using a national standard for low nighttime lighting. He stated the properties around the lake are 1 to 4 units per acre, it is in Hall County which is considered Lake Area Residential in the Hall County Future Land Use Map with intent to preserve the established neighborhoods and create opportunities for permanent and vacation residences at lower residential densities which is the reason to limit to 4 units per acre.

Tim Meyer, 1947 Tapawingo Drive, stated his concern was the environmental impact if the development is approved and if so the conditions should be included. He said the property is zoned R-I and should not change. Mr. Meyer said the lake, woods, streams and wildlife would be affected and should remain residential.

Stacey Rutherford, 2022 Riverwood Drive, asked if the board members had physically walked the property, the wall and height was a major concern for the neighbors. She stated Mr. Maxwell was asked about the number of townhomes that would need to be sold before breaking ground but gave no answer to them and are concerned with the clearing trees and nothing happening due to not selling \$500,000 condos. Ms. Rutherford said if spending that amount of money for a townhome on the lake why not just purchase a house on the lake instead.

REBUTTAL: Attorney Gilliam stated the Future Land Use Plan is a guide, not zoning and staff can override by making a recommendation with a Planned Unit Development. He stated Limestone Parkway is basically a commercial corridor and this development is transitional housing, residential and will remain residential. He said the topography of the land, steep grade will not work with one house per acre lot subdivision and is the reason for a P-U-D which allows changes due to the topography.

Ed Maxwell, stated he wanted to address concerns not agreed to in the conditions which they are working with Georgia Power regarding the lighting, no street lights will be behind the buildings which are 300 feet from the nearest building, street lights will be in between buildings and not as tall as the buildings. He said the Corps property will remain heavily wooded which buffers the development and the residential homes. Mr. Maxwell said they will propose erosion control measures as per code including an extra row along the Corps line to control any runoff. He stated one of the conditions the neighbors are asking is for the development not to exceed 36 months but there is no guarantee it can be completed within that time frame. Mr. Maxwell stated the retaining wall circle around property where it drops off sharply, the end units will have a sub-level underneath which will have brick, stucco and stone. He said the wall will remain the same height, wrap the corner and as the topography falls away the sub-walls of the units will fall with it which will be a stair-step of walls but no 60 foot wall. Mr. Tate asked Mr. Maxwell to go through the highlighted conditions and its number which were agreeable.

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to recommend conditional approval of the annexation request and establish zoning as Planned Unit Development (P-U-D) with the original eight conditions along with the nine conditions agreed by the developer.

Motion made by Board Member Martin
Motion seconded by Board Member White
Vote – 5 favor, 2 oppose (Fleming, Delgado)

There was an amended motion to recommend conditional approval of the annexation request and establish zoning as Planned Unit Development (P-U-D) with the original eight conditions along with the ten conditions agreed by the developer.

Motion made by Board Member Martin
Motion seconded by Board Member White
Vote – 5 favor, 2 oppose (Fleming, Delgado)

Conditions

- 1. The proposed development shall not exceed 36 fee-simple residential townhome units.**
- 2. The development shall be consistent with the concept plan and architectural renderings provided with this annexation application.**
- 3. Signage for the development shall adhere to the Residential-II (R-II) zoning requirements of the Unified Land Development Code.**
- 4. The development shall require a minimum 50-foot wide undisturbed vegetated buffer on both sides of the stream adjacent to the single-family properties located off of Tapawingo Drive and Wildwood Circle. Additional evergreen trees shall be planted between the townhome units and stream where deemed necessary and adjacent to all proposed stormwater detention pond areas. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**
- 5. The existing trees located within the Limestone Parkway right-of-way shall remain undisturbed except for where required for access, signage and regular maintenance.**
- 6. Vehicular access shall be limited to Limestone Parkway, with a single entrance/exit as shown on the submitted concept plan. No vehicular access on Tapawingo Drive will be allowed.**
- 7. All streets within the development shall be privately maintained with a minimum width of 24-feet (back of curb to back of curb). Minimum 5-foot wide sidewalks shall be provided on both sides of the street with a 2-foot grass beauty strip between the curb and the sidewalk.**
- 8. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. The approval of said design shall be required prior to issuance of a land development permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.**
- 9. The development shall comply with all relevant sections of the Unified Land Development Code of the City of Gainesville, including all amendments passed on 11/30/20.**
- 10. The development shall comply with all relevant sections of City of Gainesville Unified Land Development Code CHAPTER 9-16-5 – Tree Protection.**
- 11. No rentals for less than 30 days will be permitted as part of the HOA.**

- 12. Any trail system shall not be accessible to the general public.**
- 13. There shall be no above ground, open air detention or retention for control of storm water. All storm water detention and retention shall be sub-terrain.**
- 14. There shall be no vehicular access from the subject property onto Tapawingo Drive.**
- 15. Neither the developer/builder nor its successors and assigns shall seek a dock permit of any kind from the Corps of Engineers for access to Lake Lanier per the HOA.**
- 16. Siding will consist of a mixture of masonry siding i.e. Shakes, lag, board Batten on the front facade.**
- 17. The only fencing that will be installed is fencing required by code and at the entrance.**
- 18. Developer and/or builder shall purchase Contractor's Pollution Liability Coverage acceptable to the City to indemnify against any pollution damage caused to Lake Lanier or any other adjacent or nearby properties as a result of land disturbance activities and the construction of homes on the subject property. Said Liability Coverage shall contain a policy limit of no less than one million dollars (\$1,000,000.00) and shall remain in effect throughout the entire duration of development and build- out of the proposed neighborhood and will be maintained until permanent vegetation is established on the downhill slopes. Developer agrees to install three rows of silt fence between the proposed townhomes and the stream buffer prior to construction.**

Passed: _____

AN ORDINANCE

No. 2021-25

AN ORDINANCE ANNEXING A 7.77± ACRES TRACT LOCATED ON THE NORTHEAST SIDE OF LIMESTONE PARKWAY, ACROSS FROM THE INTERSECTION OF TAPAWINGO DRIVE AND RIVERWOOD DRIVE (A/K/A 1744 CLEVELAND HIGHWAY); ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE, GEORGIA; TO REPEAL 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 are and shall be annexed into the existing corporate limits of the City of Gainesville, Georgia, so that said lands shall constitute a part of the land within the corporate limits of the City of Gainesville, Georgia, as fully and completely as if the limits had been so defined by the General Assembly of Georgia.

Legal Description

Tract 1

All that tract or parcel of land lying and being in land lot 126, 9th district of Hall County, Georgia and being more particularly described as follows:

Commencing at a point at the centerline intersection of Limestone Parkway and Clarks Bridge Road, thence N 12°25'22" W for a distance of 914.53' to a found concrete monument on the easterly right-of-way of said Limestone Parkway, said point being the point of beginning for the parcel herein described;

Thence continuing along said right-of-way N 17°38'35" W a distance of 268.26' to a found concrete monument; thence N 20°43'27" W a distance of 437.08' to a found concrete monument; thence N 45°09'19" W a distance of 115.06' to a found concrete monument; thence N 51°58'26" W a distance of 224.62' to a point; thence N 17°01'59" W a distance of 157.78' to a found concrete monument; thence N 78°24'17" W a distance of 151.72' to a point at the intersection of said right-of-way of Limestone Parkway and the southerly right-of-way of Tapawingo Drive (40' r/w); thence along said southerly right-of-way with a curve turning to the left with an arc length of 147.30', with a radius of 438.43', with a chord bearing of N 83°02'38" E, with a chord length of 146.61' to a point; thence N 71°39'05" E a distance of 105.54' to a point; thence with a curve turning to the right with an arc length of 118.98', with a radius of 218.82', with a chord bearing of N 88°13'06" E, with a chord length of 117.52' to a point; thence S 78°31'33" E a distance of 128.20' to a point; thence with a curve turning to the left with an

ORDINANCE NO. 2021-25

arc length of 155.05', with a radius of 307.75', with a chord bearing of N 87°02'26" E, with a chord length of 153.42' to a found 3/8" rebar; thence leaving said southerly right-of-way of Tapawingo Drive S 20°27'17" W a distance of 89.67' found Corps of Engineers monument; thence S 38°50'11" W a distance of 52.81' to a found angle iron; thence S 31°49'05" E a distance of 530.34' to a found angle iron; thence N 59°14'44" E a distance of 117.57' to a found 3/4" solid at angle iron; thence S 36°32'19" W a distance of 13.87' to a found 5/8" rebar; thence S 41°42'51" W a distance of 90.03' to a 3/4" open top pipe; thence S 42°04'07" W a distance of 89.95' to a found 2" open top pipe; thence S 16°15'51" W a distance of 90.38' to a found 2" open top pipe; thence S 10°04'35" W a distance of 88.11' to a found 1/2" open top pipe; thence S 14°12'30" W a distance of 89.51' to a found 1/2" open top pipe; thence S 14°53'14" W a distance of 90.44' to a found 1/2" open top pipe; thence S 36°10'19" E a distance of 54.51' to a found angle iron; thence S 67°54'26" W a distance of 80.02' to a found 1/2" open top pipe; thence S 32°21'18" W a distance of 23.41' to the point of beginning.

Said parcel contains 7.61 acres.

Tract 2

All that tract or parcel of land lying and being in land lot 126, 9th district of Hall County, Georgia and being more particularly described as follows:

Commencing at a point at the centerline intersection of Limestone Parkway and Clarks Bridge Road, thence N 12°25'22" W for a distance of 914.53' to a found concrete monument on the easterly right-of-way of said Limestone Parkway, thence continuing along said right-of-way N 17°38'35" W a distance of 268.26' to a found concrete monument; thence N 20°43'27" W a distance of 437.08' to a found concrete monument; thence N 45°09'19" W a distance of 115.06' to a found concrete monument; thence N 51°58'26" W a distance of 224.62' to a point; thence N 17°01'59" W a distance of 157.78' to a found concrete monument; thence N 78°24'17" W a distance of 246.07' to a point; thence N 73°05'09" W a distance of 41.99' to point at the intersection of said right-of-way of Limestone Parkway and the southerly right-of-way of Tapawingo Drive (40' r/w), said point being the point of beginning for the parcel herein described; thence continuing along said right-of-way of Limestone Parkway N 73°05'09" W a distance of 58.13' to a point; thence N 82°53'32" W a distance of 125.49' to a found concrete monument; thence leaving said right-of-way of Limestone Parkway N 10°52'22" E a distance of 65.44' to a point on the aforementioned southerly right-of-way of Tapawingo Drive; thence along said right-of-way S 59°34'00" E a distance of 153.94' to a point; thence with a curve turning to the left with an arc length of 39.77', with a radius of 351.64', with a chord bearing of S 61°53'20" E, with a chord length of 39.75' to the point of beginning.

Said parcel contains 0.12 acres.

The annexation is to include all that portion of the right-of-way known as Limestone Parkway located between the subject property and the existing city limits as shown on the location map.

SECTION II

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

ORDINANCE NO. 2021-25

SECTION III

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

SECTION IV

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

SECTION V

The effective date of this Ordinance shall be the first day of the month following 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

Passed: _____

AN ORDINANCE

No. 2021-26

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 7.77± ACRES TRACT LOCATED ON THE NORTHEAST SIDE OF LIMESTONE PARKWAY, ACROSS FROM THE INTERSECTION OF TAPAWINGO DRIVE AND RIVERWOOD DRIVE (A/K/A 1744 CLEVELAND HIGHWAY) AT THE TIME OF ANNEXATION AS PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c); TO REPEAL 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 **Planned Unit Development, with conditions (P-U-D-c)**.

Conditions

- 1. The proposed development shall not exceed 36 fee-simple residential townhome units.**
- 2. The development shall be consistent with the concept plan and architectural renderings provided with this annexation application.**
- 3. Signage for the development shall adhere to the Residential-II (R-II) zoning requirements of the Unified Land Development Code.**
- 4. The development shall require a minimum 50-foot wide undisturbed vegetated buffer on both sides of the stream adjacent to the single-family properties located off of Tapawingo Drive and Wildwood Circle. Additional evergreen trees shall be planted between the townhome units and stream where deemed necessary and adjacent to all proposed stormwater detention pond areas. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**
- 5. The existing trees located within the Limestone Parkway right-of-way shall remain undisturbed except for where required for access, signage and regular maintenance.**
- 6. Vehicular access shall be limited to Limestone Parkway, with a single entrance/exit as shown on the submitted concept plan. No vehicular access on Tapawingo Drive will be allowed.**

ORDINANCE NO. 2021-26

- 7. All streets within the development shall be privately maintained with a minimum width of 24-feet (back of curb to back of curb). Minimum 5-foot wide sidewalks shall be provided on both sides of the street with a 2-foot grass beauty strip between the curb and the sidewalk.**
- 8. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. The approval of said design shall be required prior to issuance of a land development permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.**
- 9. The development shall comply with all relevant sections of the Unified Land Development Code of the City of Gainesville, including all amendments passed on 11/30/20.**
- 10. The development shall comply with all relevant sections of City of Gainesville Unified Land Development Code CHAPTER 9-16-5 – Tree Protection.**
- 11. No rentals for less than 30 days will be permitted as part of the HOA.**
- 12. Any trail system shall not be accessible to the general public.**
- 13. There shall be no above ground, open air detention or retention for control of storm water. All storm water detention and retention shall be sub-terrain.**
- 14. There shall be no vehicular access from the subject property onto Tapawingo Drive.**
- 15. Neither the developer/builder nor its successors and assigns shall seek a dock permit of any kind from the Corps of Engineers for access to Lake Lanier per the HOA.**
- 16. Siding will consist of a mixture of masonry siding i.e. Shakes, lag, board Batten on the front facade.**
- 17. The only fencing that will be installed is fencing required by code and at the entrance.**
- 18. Developer and/or builder shall purchase Contractor's Pollution Liability Coverage acceptable to the City to indemnify against any pollution damage caused to Lake Lanier or any other adjacent or nearby properties as a result of land disturbance activities and the construction of homes on the subject property. Said Liability Coverage shall contain a policy limit of no less than one million dollars (\$1,000,000.00) and shall remain in effect throughout the entire duration of development and build- out of the proposed neighborhood and will be maintained until permanent vegetation is established on the downhill slopes. Developer agrees to install three rows of silt fence between the proposed townhomes and the stream buffer prior to construction.**

Legal Description

Tract 1

All that tract or parcel of land lying and being in land lot 126, 9th district of Hall County, Georgia and being more particularly described as follows:

Commencing at a point at the centerline intersection of Limestone Parkway and Clarks Bridge Road, thence N 12°25'22" W for a distance of 914.53' to a found concrete monument on the

ORDINANCE NO. 2021-26

easterly right-of-way of said Limestone Parkway, said point being the point of beginning for the parcel herein described;

Thence continuing along said right-of-way N 17°38'35" W a distance of 268.26' to a found concrete monument; thence N 20°43'27" W a distance of 437.08' to a found concrete monument; thence N 45°09'19" W a distance of 115.06' to a found concrete monument; thence N 51°58'26" W a distance of 224.62' to a point; thence N 17°01'59" W a distance of 157.78' to a found concrete monument; thence N 78°24'17" W a distance of 151.72' to a point at the intersection of said right-of-way of Limestone Parkway and the southerly right-of-way of Tapawingo Drive (40' r/w); thence along said southerly right-of-way with a curve turning to the left with an arc length of 147.30', with a radius of 438.43', with a chord bearing of N 83°02'38" E, with a chord length of 146.61' to a point; thence N 71°39'05" E a distance of 105.54' to a point; thence with a curve turning to the right with an arc length of 118.98', with a radius of 218.82', with a chord bearing of N 88°13'06" E, with a chord length of 117.52' to a point; thence S 78°31'33" E a distance of 128.20' to a point; thence with a curve turning to the left with an arc length of 155.05', with a radius of 307.75', with a chord bearing of N 87°02'26" E, with a chord length of 153.42' to a found 3/8" rebar; thence leaving said southerly right-of-way of Tapawingo Drive S 20°27'17" W a distance of 89.67' found Corps of Engineers monument; thence S 38°50'11" W a distance of 52.81' to a found angle iron; thence S 31°49'05" E a distance of 530.34' to a found angle iron; thence N 59°14'44" E a distance of 117.57' to a found 3/4" solid at angle iron; thence S 36°32'19" W a distance of 13.87' to a found 5/8" rebar; thence S 41°42'51" W a distance of 90.03' to a 3/4" open top pipe; thence S 42°04'07" W a distance of 89.95' to a found 2" open top pipe; thence S 16°15'51" W a distance of 90.38' to a found 2" open top pipe; thence S 10°04'35" W a distance of 88.11' to a found 1/2" open top pipe; thence S 14°12'30" W a distance of 89.51' to a found 1/2" open top pipe; thence S 14°53'14" W a distance of 90.44' to a found 1/2" open top pipe; thence S 36°10'19" E a distance of 54.51' to a found angle iron; thence S 67°54'26" W a distance of 80.02' to a found 1/2" open top pipe; thence S 32°21'18" W a distance of 23.41' to the point of beginning.

Said parcel contains 7.61 acres.

Tract 2

All that tract or parcel of land lying and being in land lot 126, 9th district of Hall County, Georgia and being more particularly described as follows:

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ORDINANCE NO. 2021-26

turning to the left with an arc length of 39.77', with a radius of 351.64', with a chord bearing of S 61°53'20" E, with a chord length of 39.75' to the point of beginning.

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SECTION II

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SECTION III

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SECTION IV

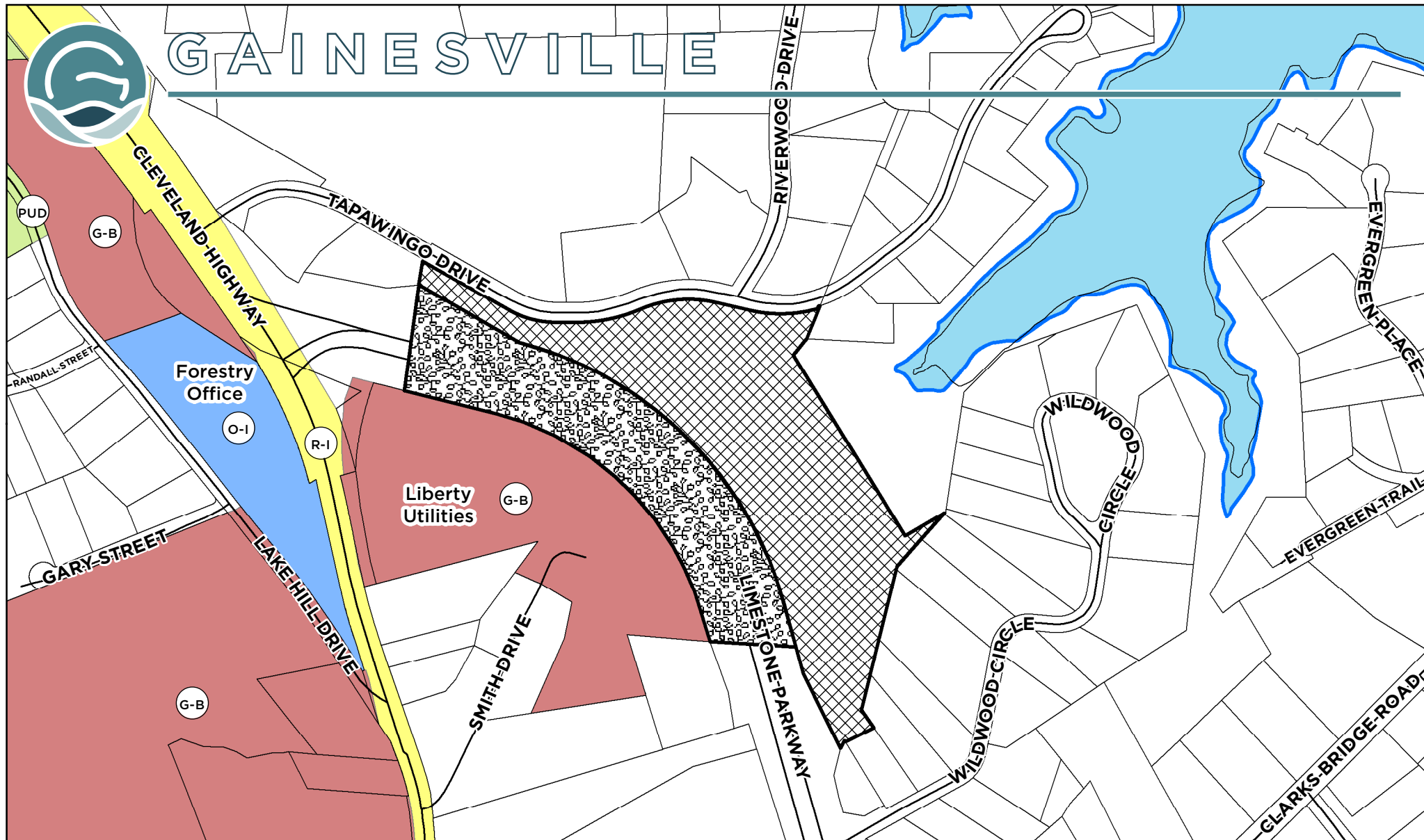
The effective date of this Ordinance shall be the first day of the month following approval by the governing body of the City of Gainesville, Georgia.

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk



Applicant: **OPTUM DEVELOPMENT**

ANNEXATION REQUEST

Subject Property Address:
1744 Cleveland Highway

Tax Parcel:
09-126-000-024 (Part)

Request:

Annex 7.77+/- acres tract and establish zoning as Planned Unit Development (P-U-D) for 36 residential townhomes



Subject Property

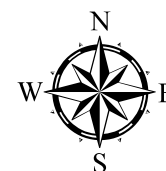
Right-of-way to be annexed

Meeting Date: 08/10/2021

Map Prepared: 07/20/2021

0 190 380 760 Feet
Page 37 of 78

SCALE: 1" = 333'





GAINESVILLE



Applicant:

OPTUM DEVELOPMENT

ANNEXATION REQUEST

Subject Property Address:
1744 Cleveland Highway

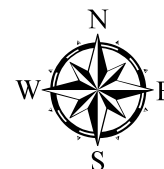
Tax Parcel:
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Subject Property and
Right-of-way to be annexed
Aerial from 2018



Meeting Date: 08/10/2021

Map Prepared: 07/20/2021

0 190 380 570 Feet
Page 38 of 78

SCALE: 1" = 333'



LETTER OF INTENT
REQUEST FOR ANNEXATION AND REZONING
CITY OF GAINESVILLE, GEORGIA

RE: ±7.77 acres located at Limestone Parkway, Parcel ID 09126 000024

Through its engineer and as authorized by the Applicant, Optum Development, LLC (the “Applicant”) respectfully submits this Letter of Intent to the Gainesville City Council in support of an application for annexation and rezoning for townhomes with a PUD zoning. The property is currently zoned R-1 and V-C in Hall County. Currently the property is in the Hall County Gateway Corridor Overlay District. If annexed, the property would be in the City’s Limestone Overlay District.

The site plan has 36 proposed townhome units with a density of 4.63 units per acre. Due to the regulatory and topographical constraints of the property, this is most likely the maximum number of units using the preferred unit dimensions shown on the site plan. However, the applicant requests an approval of a density range of five (5) to ten (10) dwelling units per acre which is stated in the City of Gainesville ordinance as ‘urban residential medium’.

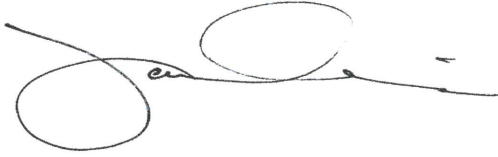
This will be a gated community with a 24’ wide private street (back of curb to back of curb), minimum 4’ wide sidewalks 2’ from the curb. An amenity area with a pool and walking trails are proposed.

A 25’ front setback is proposed so that the units can be closer to Limestone Parkway. The R/W is unusually wide in this area. This allows for less disturbed area and less impervious surface. The townhome exterior could be comprised of Hardie siding or stucco, accented by stone and/or brick. Some units will have an option to install an elevator. There will be access to the rooftops with decking. Metal canopies with a copper coloring may be used over balconies and doors.

This proposed development provides an appropriate transition from the commercial and office use on Limestone Parkway with the residential properties around Tapawingo Drive. There are also state waters buffers on both the north and south side of the property, adjacent to residences.

A Site plan and the appropriate authorization forms have been included in the application to allow for comprehensive review and approval of the proposed annexation and rezoning.

Sincerely,

A handwritten signature in black ink, consisting of a large loop on the left, a horizontal line, and a smaller loop on the right.

James Irvin, PE
Engineer for Applicant
Foothills Land Design, LLC

Limestone Townhomes Benefit Statement

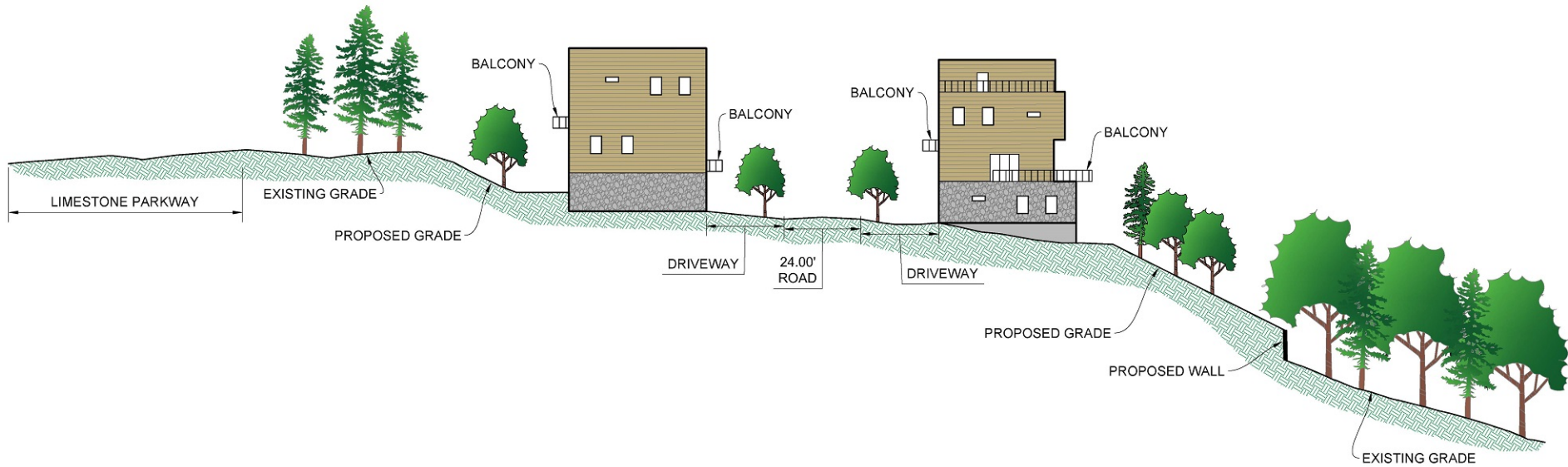
The biggest benefit for the community is that this project will provide a safe and energy efficient home for families and pets with the peace of mind of security and limited access.

Community Benefits

- Only one gated entrance instead of multiple entrances to not negatively impact traffic.
- The one entrance is off Limestone Parkway and there is already a turning lane in place near entrance.
- Only 36 townhomes proposed on 7.7 acres which allows for approximately 4 acres of green space.
- Price point is projected \$550,000 – \$650,000
- Gated entrance provides security against any concerns of crime increase
- Owner occupied and owned fee simple residences – not rentals
- Natural features such as creek and vegetation protected
- Tree line buffer from neighboring properties and Limestone Parkway
- Visually appealing high-quality townhomes
- The townhomes will be 2'-14' lower than Limestone Parkway and the average will be 8' below the road.
- Privacy Retaining walls 5' in height and visually obstructed from neighboring properties by the buffer and US Army Corp property.
- Approximately 300 feet from the closest surrounding residence.
- Providing a high-quality home in a gated community with a smaller footprint for residents to downsize and still be close to town for conveniences such as shopping, medical and access to 985.
- If not a residential development this could be a more intense commercial development site.
- HOA - Covenants

Future Residents Benefits

- Quality Construction and Development
- Owner occupied
- HOA - Covenants
- Green Space
- Natural walking trail
- Easy access to local parks and lake
- Six minutes from town Square and amphitheater
- Professionally maintained grounds
- Outdoor led lighting for safety
- Energy efficient designs
- Townhome design to minimize impact on the lake side land development to ensure larger Greenbelt
- Easy access to shopping
- Less than five minutes to a major hospital
- Single entry point with security gate
- High-end finishes both inside and out
- Professionally landscaped with sidewalks on both sides of the road
- Half mile loop walking trail for residence to maintain it active lifestyle yet still being inside a private security





TOPOGRAPHIC SURVEY FOR:	
OPTUM CONSTRUCTION GROUP	
LAND LOT 126 - 9TH DISTRICT HALL COUNTY, GEORGIA	
 CLARK CANADAY LAND SURVEYING • PLANNING • CONSULTING 4066 HOLLY SPRINGS ROAD GILLSVILLE, GA 30553 678.630.2039 clarkcanaday2@gmail.com	
 Grid North - GA WEST Scale: 1" = 60'	Plat Date: 4/1/21 Project #: 210C6001 Drawn by: PDC Checked by: PDC
Sheet 1 of 1	

Limestone Parkway is on the left.

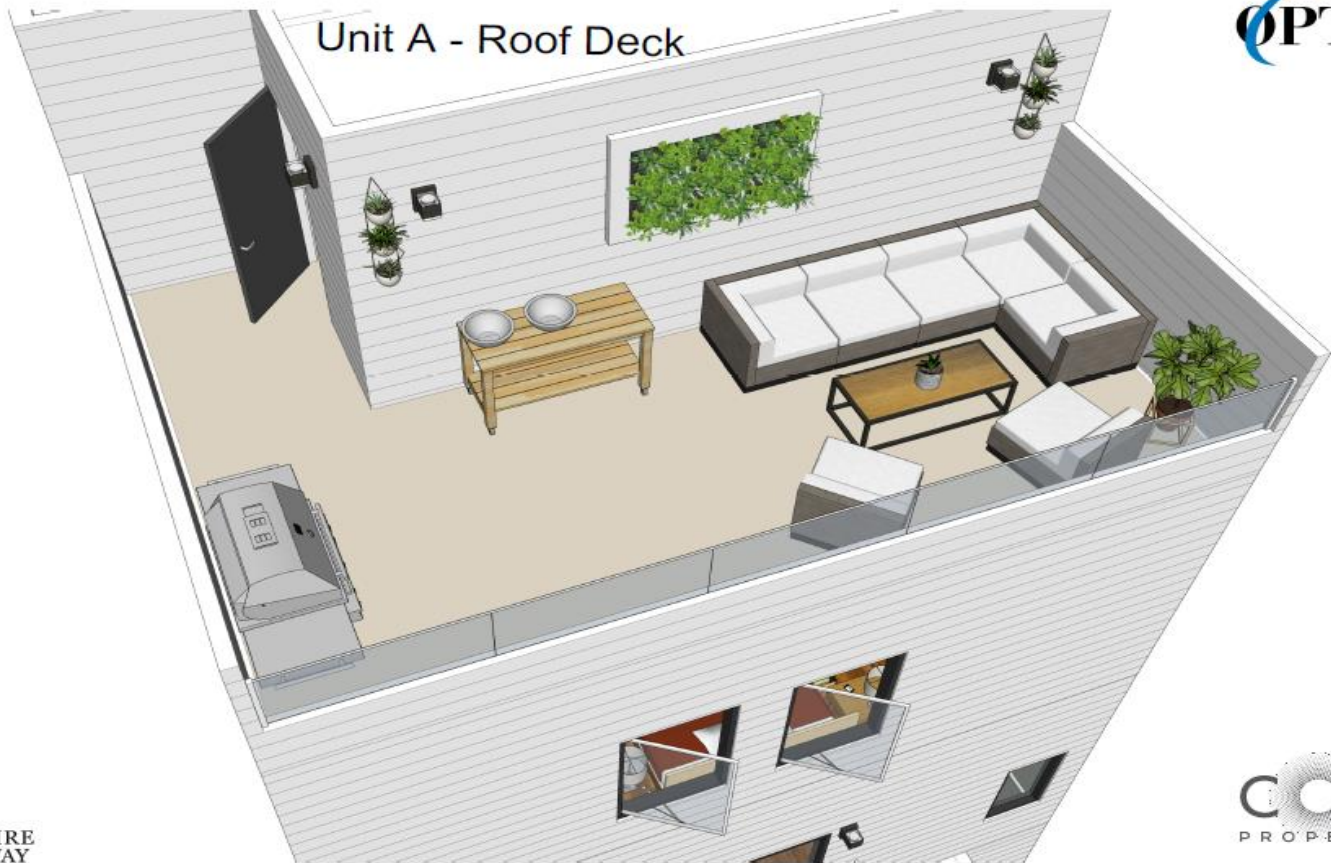


Looking at Limestone Parkway side.

Development



Rear View



Unit A - Ground Floor



BERKSHIRE
HATHAWAY
HomeServices
Georgia Properties

CORE
PROPERTIES

CHRISTINA BROOKS & JOEY ABERGROMBIE
(470) 228-0846
coreproperties@bhhsgeorgia.com

Unit A - First Floor



BERKSHIRE
HATHAWAY
HomeServices
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CORE
PROPERTIES

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Unit A - First Floor

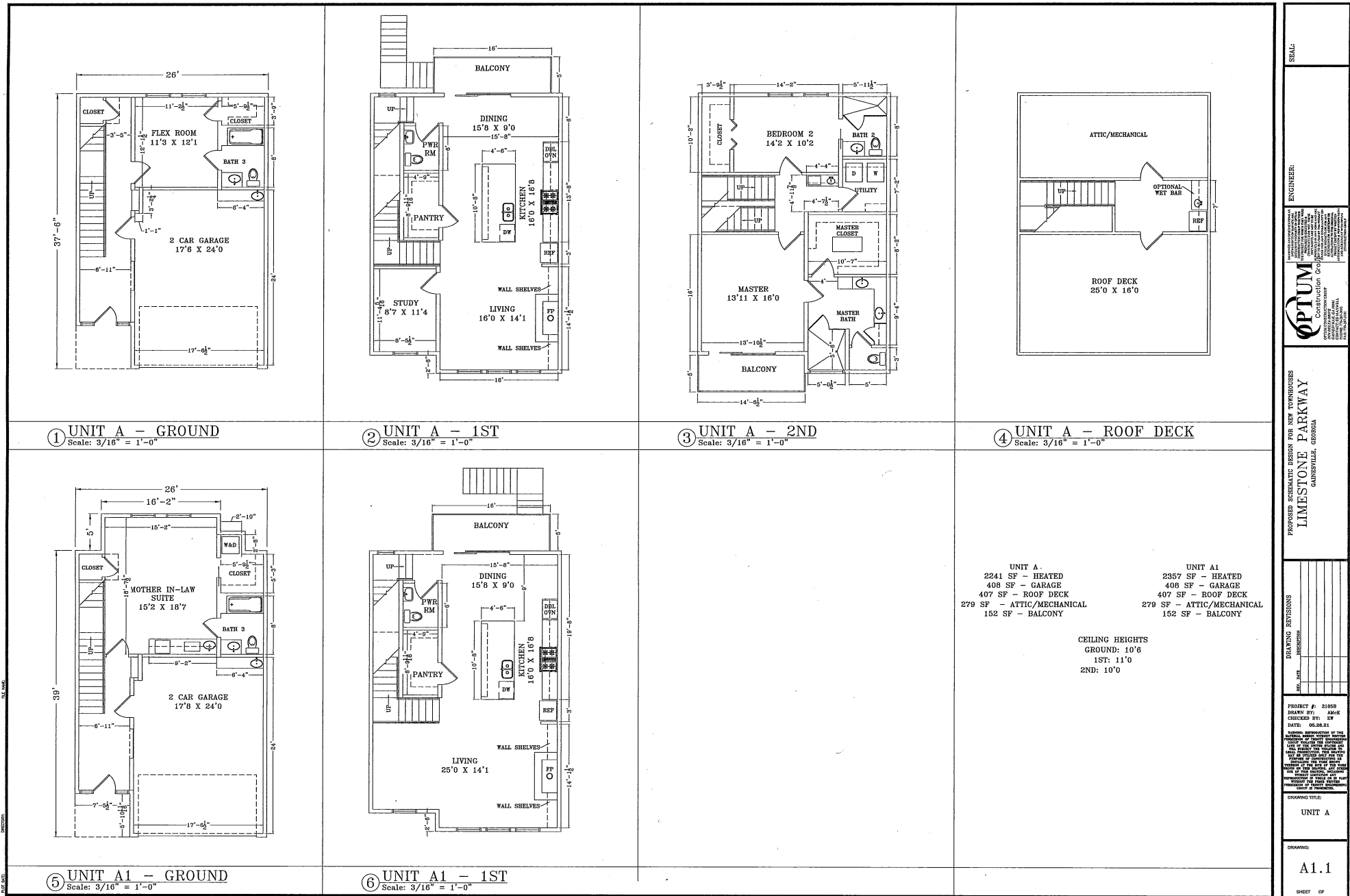


Unit A - First Floor



Unit A - Second Floor





SEAL

ENGINEER



PROPOSED SCHEMATIC DESIGN FOR NEW TOWNHOUSES
LIMESTONE PARKWAY
GAINESVILLE, GEORGIA

DRAWING REVISIONS

PROJECT # 21008
DRAWING NO. 1000
CHECKED BY: SP
DATE: 06.26.21

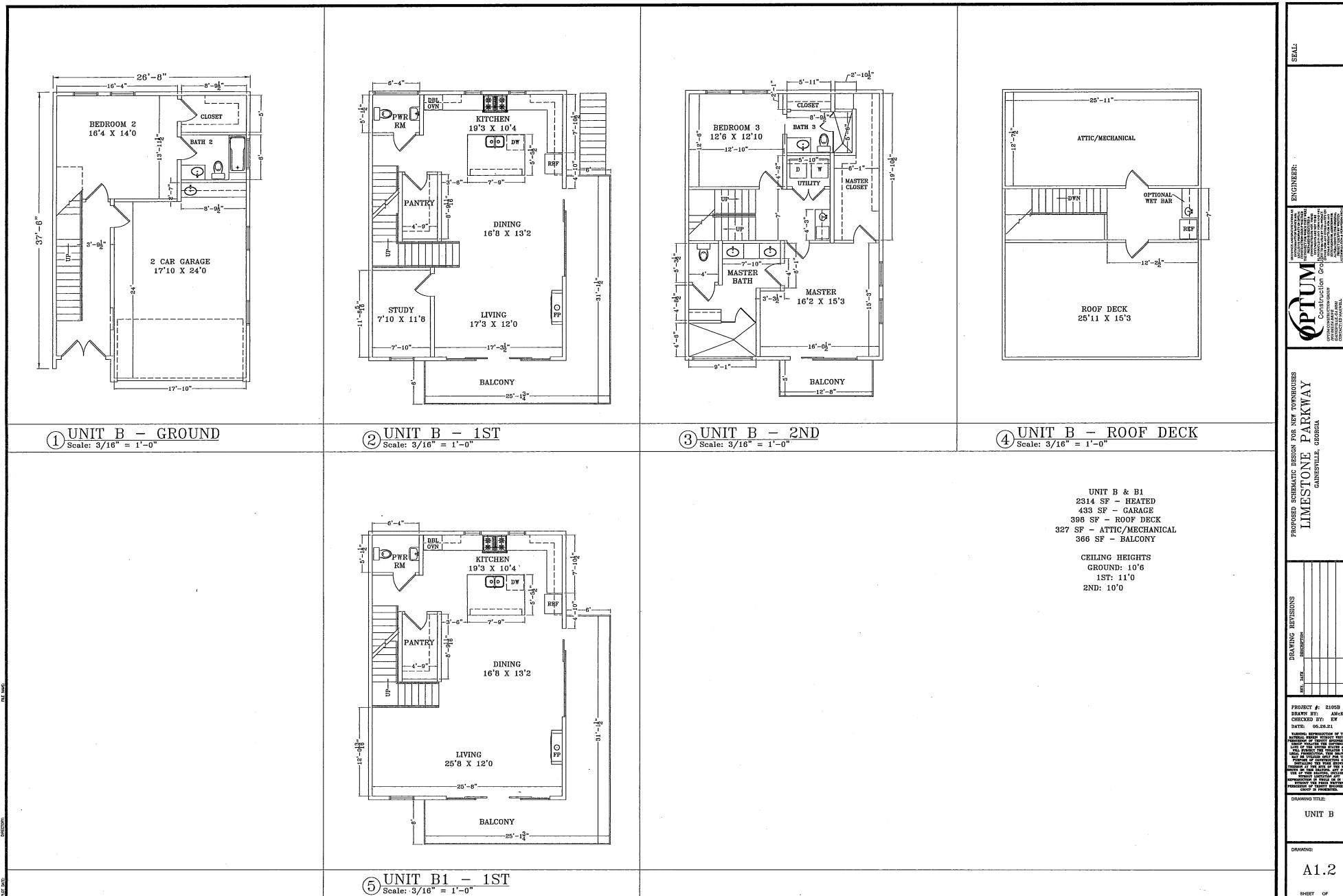
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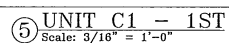
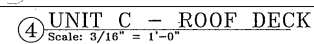
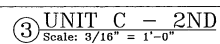
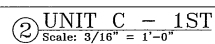
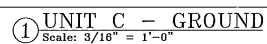
UNIT A

DRAWING:

A1.1

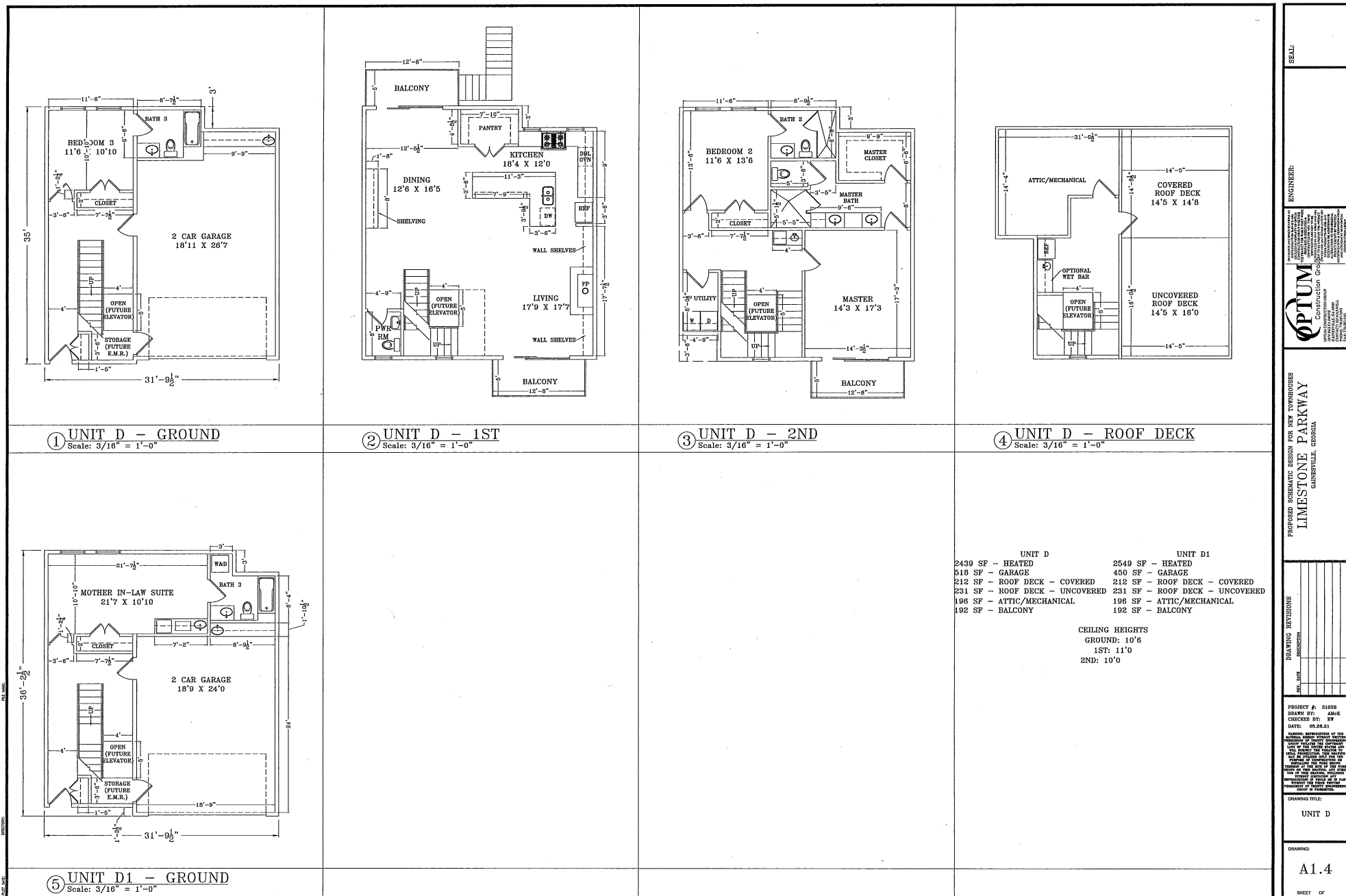
SHEET OF



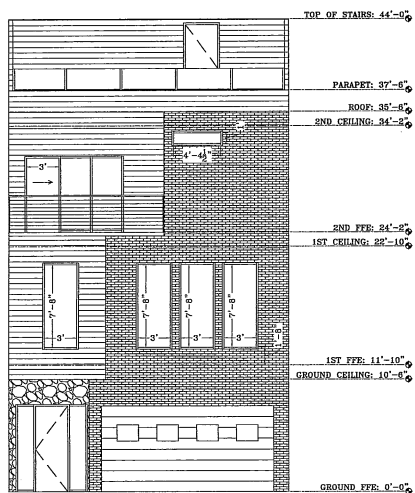


CEILING HEIGHTS
GROUND: 10'6
1ST: 11'0
2ND: 10'0

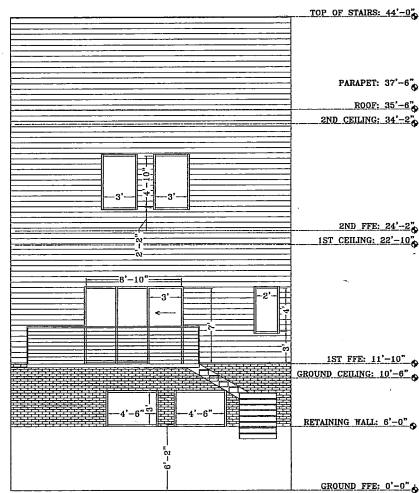
Page 52 of 78



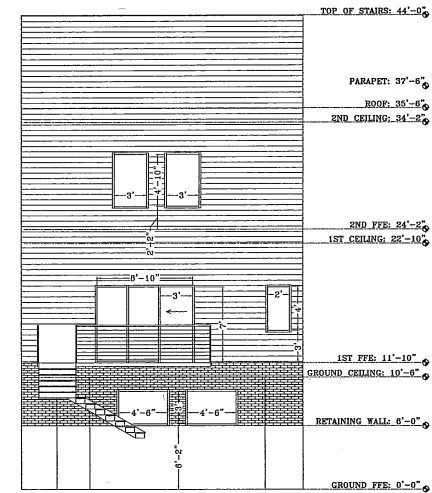
SEAL:	ENGINEER:															
PROPOSED SCHEMATIC DESIGN FOR NEW TOWNHOUSES LIMESTONE PARKWAY GAINESVILLE, GEORGIA																
DRAWING REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	DESCRIPTION													PROJECT #: 21030 DRAWN BY: JMKC CHECKED BY: EV DATE: 02.28.21 RATING: REPRESENTATIVE OF THE NATIONAL ASSOCIATION OF ARCHITECTS STATE OF GEORGIA JAMES M. CANNON ARCHITECT 1000 N. GUNPOWDER BLVD., SUITE 100 GAINESVILLE, GEORGIA 30606 (770) 434-1111 JAMES.M.CANNON@OPTUMCONSTRUCTION.COM
NO.	DATE	DESCRIPTION														
DRAWING TITLE:																
UNIT D																
DRAWING:																
A1.4																
SHEET OF																



① UNIT A - FRONT ELEVATION
Scale: 1/4" = 1'-0"



② UNIT A - REAR ELEVATION
Scale: 1/4" = 1'-0"



③ UNIT A1 - REAR ELEVATION
Scale: 1/4" = 1'-0"

SEAL:

ENGINEER:



PROPOSED SCHEMATIC DESIGN FOR NEW TOWNHOUSES
LIMESTONE PARKWAY
GAINESVILLE, GEORGIA

DRAWING REVISIONS

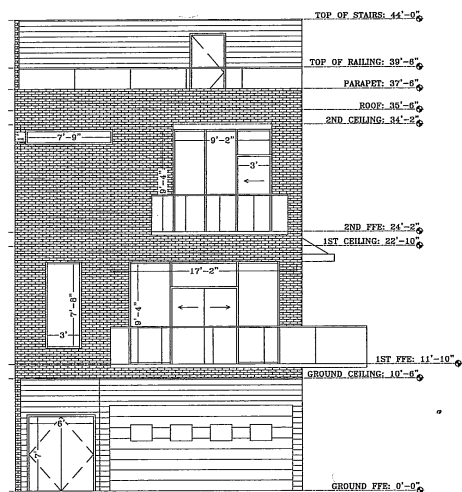
PROJECT #: 2100
DRAWN BY: JAC
CHECKED BY: EF
DATE: 03.25.21

REVISIONS OF THE
DRAWING SHALL BE
MADE BY THE
DESIGNER AND
APPROVED BY THE
ENGINEER. NO
CHANGES SHALL
BE MADE WITHOUT
THE WRITTEN
CONSENT OF THE
ENGINEER.

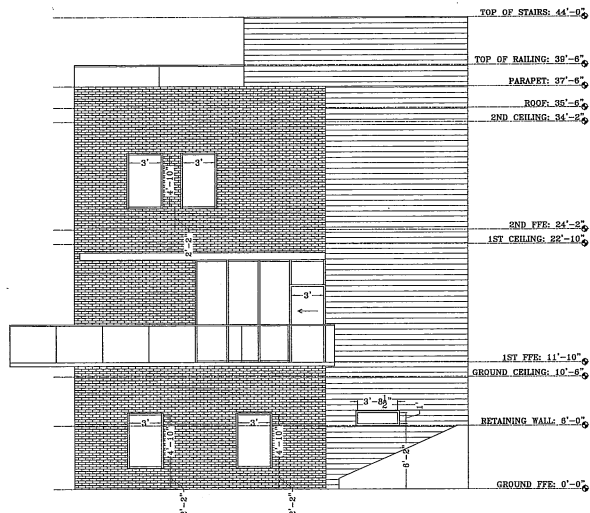
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UNIT A -
EXTERIOR
ELEVATIONS

DRAWING:
A2.1

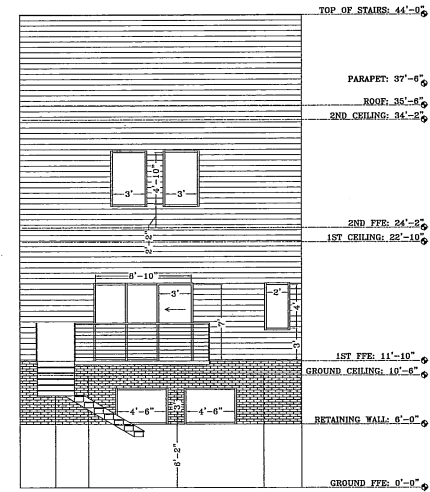
SHEET OF



① UNIT B - FRONT ELEVATION
Scale: 3/16" = 1'-0"



② UNIT B - SIDE ELEVATION
Scale: 3/16" = 1'-0"



③ UNIT B - REAR ELEVATION
Scale: 3/16" = 1'-0"

SEAL:

ENGINEER:



PROPOSED SCHEMATIC DESIGN FOR NEW TOWNHOUSES
LIMESTONE PARKWAY
GAINESVILLE, GEORGIA

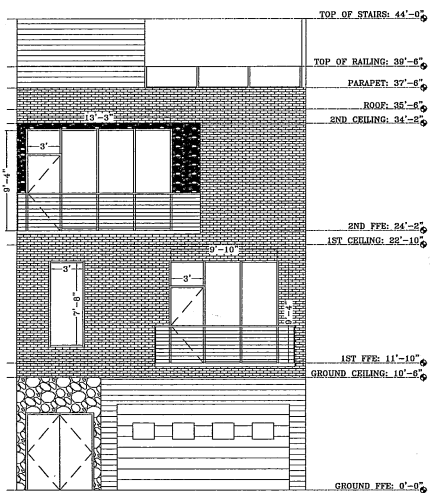
DRAWING REVISIONS

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CHECKED BY: EW
DATE: 06-28-23
REVISIONS: 1. 06-28-23
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3. 06-28-23
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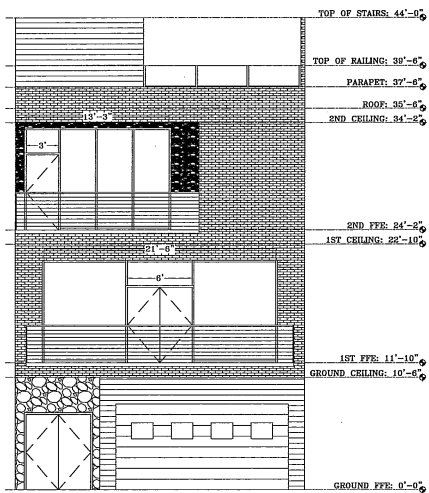
DRAWING TITLE:
UNIT B -
EXTERIOR
ELEVATIONS

DRAWN BY:
A2.2

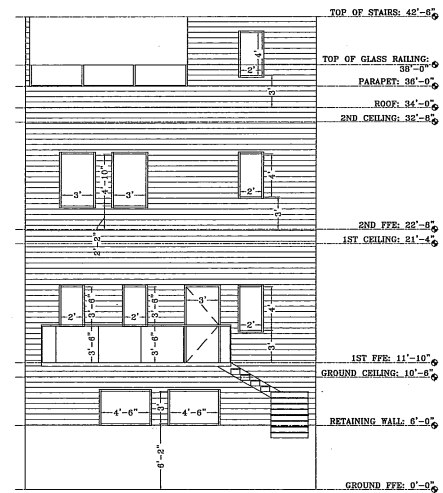
SHEET OF



① UNIT C - FRONT ELEVATION
Scale: 3/16" = 1'-0"



② UNIT C1 - FRONT ELEVATION
Scale: 3/16" = 1'-0"



③ UNIT C - REAR ELEVATION
Scale: 3/16" = 1'-0"

SEAL:

ENGINEER:

OPTUM
CONSULTANTS
ARCHITECTS
INCORPORATED
1000 N. W. 10th Ave., Suite 1000
Fort Lauderdale, FL 33311
Tel: 954.561.1000
Fax: 954.561.1001
www.optumconsultants.com

PROPOSED SCHEMATIC DESIGN FOR NEW TOWNHOUSES
LIMESTONE PARKWAY
GAINESVILLE, GEORGIA

DRAWING REVISIONS

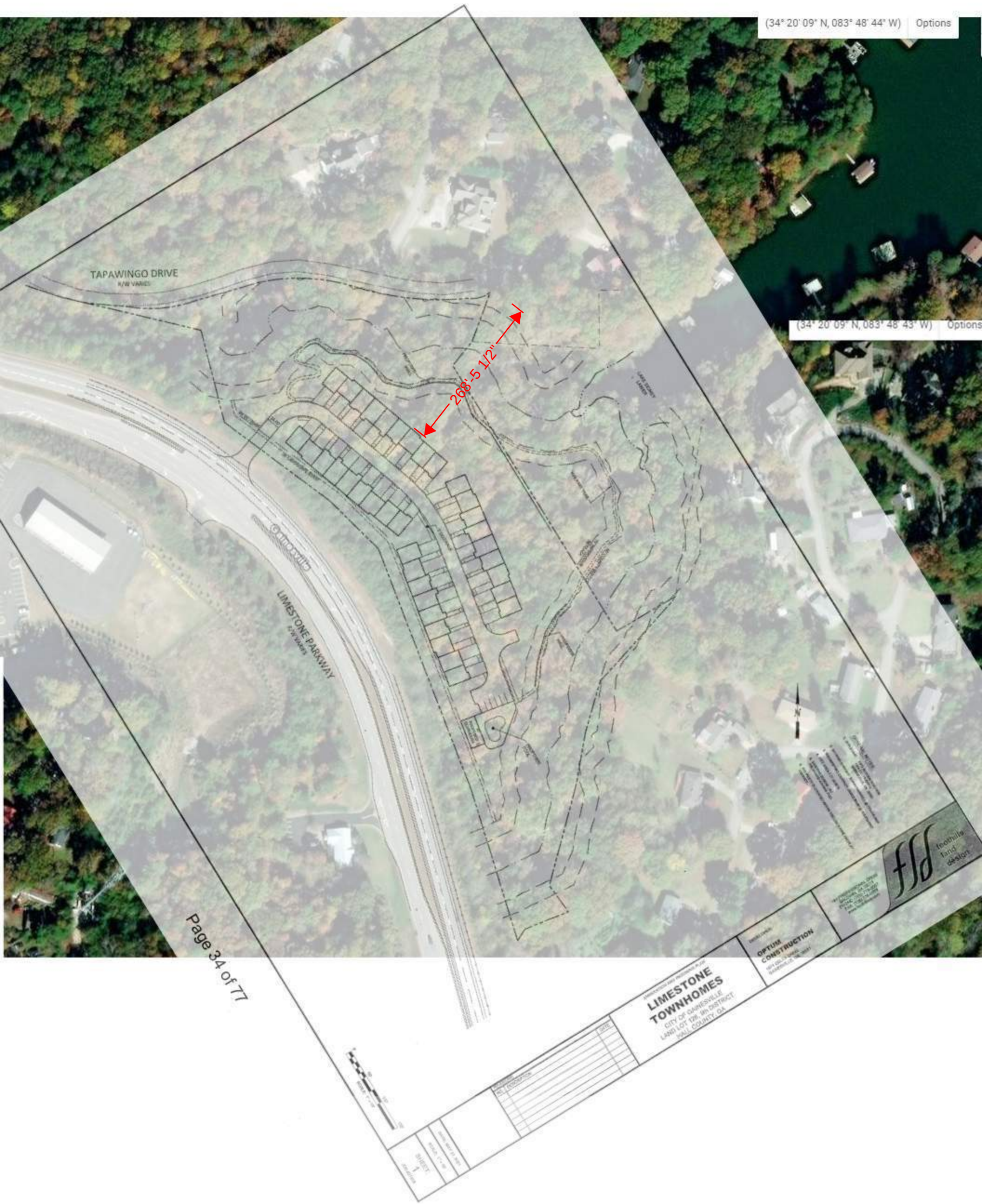
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CHECKED BY: EW
DATE: 05-22-21
REVISIONS: 1. 05-22-21
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4. 05-22-21
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6. 05-22-21
7. 05-22-21
8. 05-22-21
9. 05-22-21
10. 05-22-21

DRAWING TITLE:
**UNIT C -
EXTERIOR
ELEVATIONS**

DRAWING:
A2.3

SHEET OF





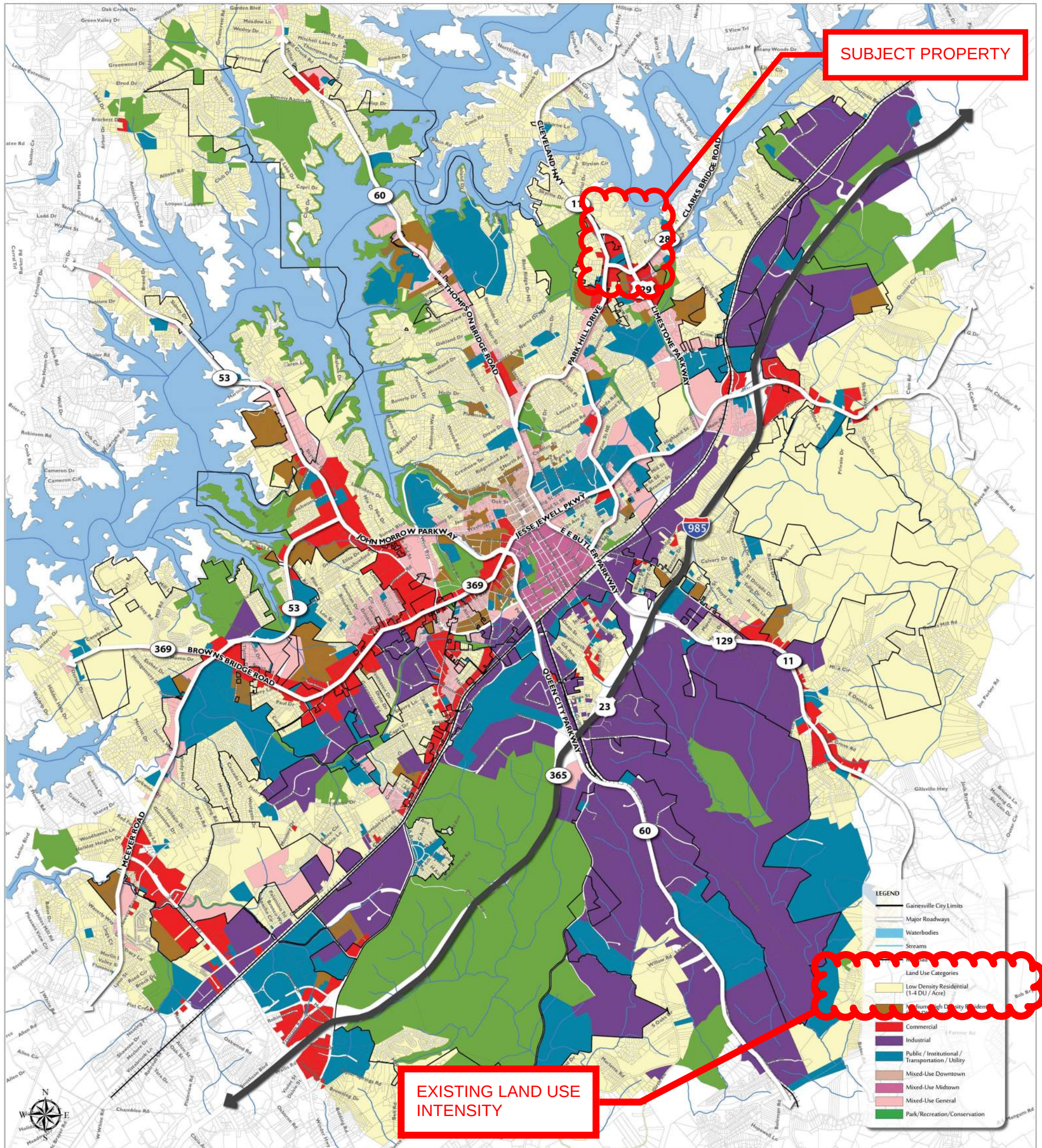
FFE - FINISH FLOOR ELEVATION
TOW - TOP OF WALL
BOW - BOTTOM OF WALL





GAINESVILLE

FUTURE LAND USE MAP



EXCERPT FROM GAINESVILLE UDC
CONCERNING LIMESTONE
OVERLAY ZONE

CHAPTER 9-8-3. - LIMESTONE PARKWAY OVERLAY ZONE

Sec. 9-8-3-1. - Purpose and intent.

The purpose of the Limestone Parkway overlay zone is to provide special design requirements for those properties located within the zone, regardless of their zoning classification, in order to maintain a consistent appearance along the parkway and throughout the zone, as applied via the site and architectural design review processes established in article 9-9 of this Code. The intent of this zone is to create an identity for the area that will enhance its economic vitality and protect the value of properties within the zone.

It is also the intent of this chapter, relative to hillside developments, to retain an overall appearance similar to that of the natural terrain, i.e., to limit extreme alteration of the terrain and blend approved alterations into the natural shape of the land; specifically:

- (a) To preserve the most visually significant slope banks and ridge lines in their natural state by clustering developments;
- (b) To encourage only minimal grading which relates to the natural contour of the land;
- (c) To preserve visually significant rock outcropping, native plant materials, natural hydrology, and areas of visual significance;
- (d) To encourage variety in building types, padding techniques, grading techniques, lot sizes, site design, density, arrangement, and spacing of buildings in developments;
- (e) To encourage innovative architectural, landscaping, circulation, and site design;
- (f) To discourage mass grading of large pads and excessive terracing; and,
- (g) To provide safe circulation of vehicular and pedestrian traffic to and within the hillside areas and to provide access for emergency vehicles necessary to serve the hillside areas.

(Ord. No. 2016-09, § VII, 6-21-16)

Sec. 9-8-3-2. - Boundaries and map.

The boundaries of the Limestone Parkway overlay zone shall be as shown on a map titled Limestone Parkway overlay zone which is hereby adopted and made a part of this Code, and which may be amended from time to time in accordance with the procedures established in this Code.

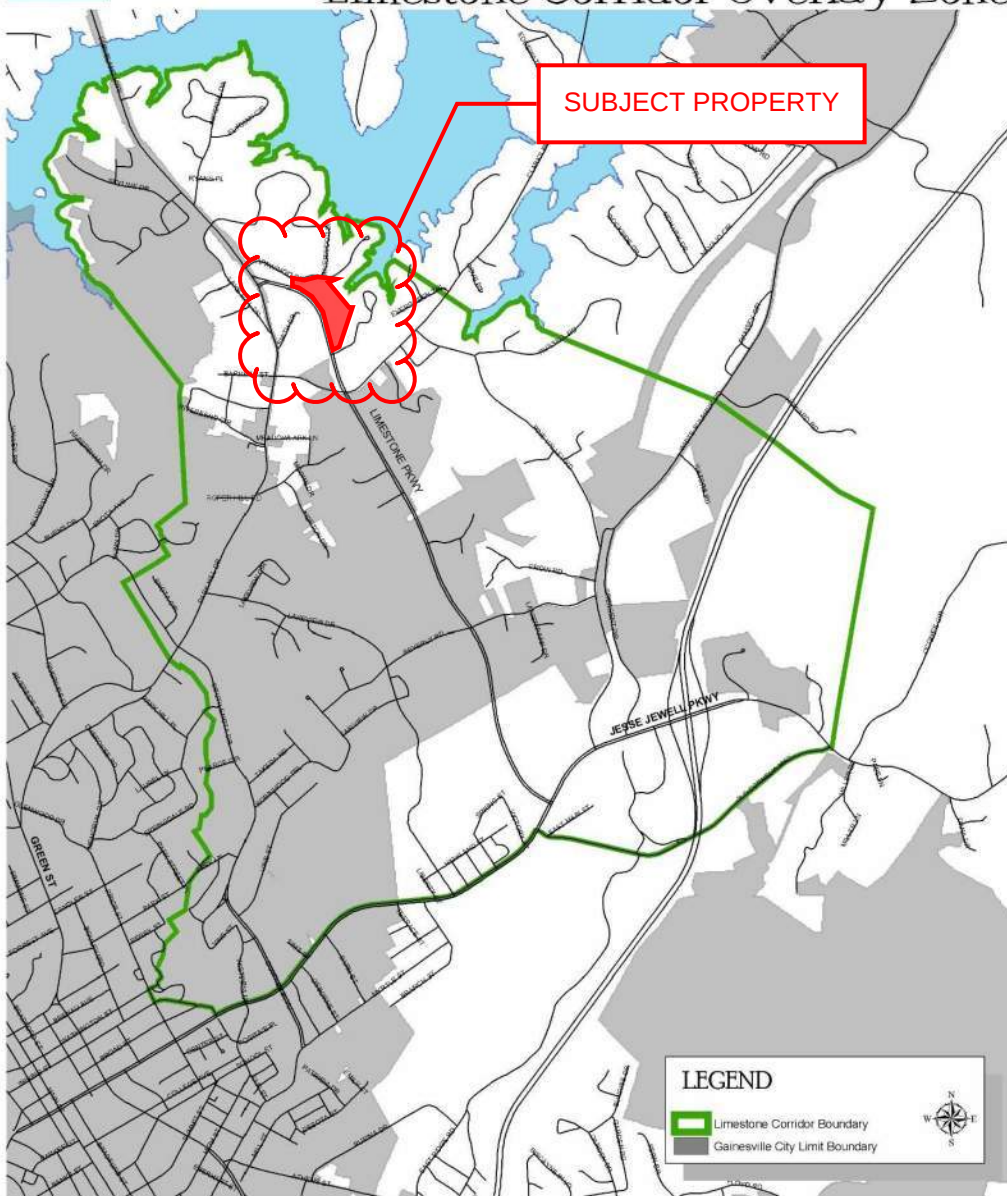
Sec. 9-8-3-3. - Permitted uses.

All uses permitted by right or as special uses by the underlying zoning district shall be similarly permitted in the Limestone Parkway overlay zone.



City of Gainesville

Limestone Corridor Overlay Zone



(Ord. No. 2016-09, § VII, 6-21-16)

Sec. 9-8-3-4. - Dimensional requirements.

All properties located within the Limestone Parkway overlay zone shall conform to the dimensional requirements of table 9-8-3-1, where such requirements are more restrictive than the requirements of the underlying zoning district:

TABLE 9-8-3-1
LIMESTONE PARKWAY OVERLAY ZONE DIMENSIONAL REQUIREMENTS

HEIGHT REQUIREMENTS	Limestone Parkway Overlay Zone
Maximum height (number of stories), nonresidential buildings only	1 (also see section 9-8-3-5)
PRINCIPAL BUILDING SETBACKS	
Front, arterial street, minimum (feet)	50
Front, all other streets, minimum (feet)	30
Side and Rear	An administrative variance may be granted to rear and side setback requirements through site plan review to achieve the objectives of this Chapter
MAXIMUM FLOOR AREA REQUIREMENTS	
Maximum floor area, building used primarily for residential uses	0.2
Maximum floor area, building used primarily for offices	0.25 for one story or 0.35 for two or more stories
Maximum floor area, building used primarily for retail sales or services	0.35
Maximum impervious surface (percent of lot)	60%

site area = 7.77 AC
 maximum floor area allowed = 67,692 SF
 floor area proposed = 86,400 SF

THE PROPOSED APPROXIMATE FLOOR AREA OF THE PROJECT (2,400 SF/AVG x 36 UNITS) EXCEEDS THE ALLOWABLE FLOOR AREA BY 18,708 SF (27% OVERAGE). REDUCING DEVELOPMENT TO 28 TOTAL UNITS OR A MAXIMUM OF 3.6 UNITS PER ACRE WOULD BRING THE DEVELOPMENT INTO COMPLIANCE.

to a total height of two (2) stories for an building which is constructed on a hillside so that only additional setback from arterial roads and from shall be permitted for each additional fifteen (15)

EXCERPT FROM GAINESVILLE UDC
CONCERNING PUD ZONING

- (g) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- (h) Natural features within the property, including drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be outlined.
- (i) Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
- (j) The proposed project layout including:
 - (1) For subdivisions, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
 - (2) For multi-family and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.
- (k) The proposed phasing of the development if it is proposed to be built in sections.
- (l) A statement as to the source of domestic water supply.
- (m) A statement as to the provision for sanitary sewage disposal.
- (n) The approximate location of proposed stormwater detention facilities.
- (o) Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

Sec. 9-22-2-5. - Special application requirements for planned unit developments.

Applications for rezoning to the PUD, planned unit development district, or applications for a zoning amendment of an existing PUD; shall in addition to the other requirements specified in this chapter, include the following:

- (a) *Binding concept plan.* Unless specifically approved otherwise, the concept plan shall become a condition of zoning approval and must be followed.
- (b) *Architectural elevations.* Applications shall include perspective front, side, and rear elevation drawings of representative building types. These drawings shall indicate general architectural characteristics. If the PUD is approved, architectural elevations submitted as part of the application shall be considered binding unless specifically noted otherwise in the approval.
- (c) ***Land uses and development summary.*** The application shall include a list of all land uses proposed to be included in the PUD, the total land area devoted to each of the land uses proposed, the percentage of the total land area within the PUD devoted to each proposed land use, the number of residential units by type, floor area for each type of dwelling unit (typical, or a range as appropriate), density, and the total square footage of buildings devoted to non-residential uses. **In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase.**
- (d) *Dimensional requirements.* The application shall contain all dimensional requirements that are proposed to apply within the PUD, including minimum lot sizes, minimum lot widths, maximum building coverage, front, side and rear building setbacks, and maximum heights. Such proposed dimensional requirements shall be presented in a table on the development plan or in the written text accompanying the application. The application should indicate dimensional provisions for those items specified in tables 9-5-2 and 9-6-2, to the extent they apply to the uses proposed.

- (e) *Improvement requirements comparison.* The application shall contain descriptions of improvements to be constructed within the PUD, such as but not limited to street types, right-of-way widths, pavement widths, sidewalk locations and dimensions, and other improvements. Such proposed improvements shall be presented in a table on the development plan or in the written text accompanying the application that shows the proposed improvements in comparison with improvements that would be required otherwise without approval of a PUD. To the extent they can be shown at the time of development plan approval, environmental quality standards should be incorporated in the development application, particularly as they relate to storm water runoff, stream protection, and tree protection.
- (f) *Private restrictions.* PUDs that have commonly owned facilities and space shall have private restrictions and covenants established which shall be subject to the approval of the city attorney and the director. The developer of a PUD involving commonly owned facilities and space shall submit, along with the development plan application, a declaration of covenants, conditions, and restrictions and articles of incorporation and by-laws for the property owners or home owners association. The declaration shall confer membership to the owner of property subject to assessment by the association, provide for voting rights in the association with suggestions for the division of power between the developer and the property owners, and provide for maintenance assessments, among other things. The director may waive the requirements of this paragraph when, in his or her opinion, an applicant submits a letter that demonstrates his or her intent to comply with these requirements and addresses any particular issues associated with maintenance of common grounds.
- (g) *Community benefit statement.* The applicant shall submit a written statement identifying the relative benefits that will accrue to the community as a result of the property being developed under PUD provisions. Benefits to the community include mixed land uses that reduce vehicle trips, open spaces provided and linked to larger open space networks, natural features retained, and quality architectural designs provided. This statement is a developer's opportunity to define why the PUD proposal merits approval and how it will serve the community better than a conventional development.

Sec. 9-22-2-6. - Notice of public hearing in newspaper.

Before the governing body may take final action on a proposed rezoning or special use application, the planning and appeals board shall hold a public hearing on the proposal. At least fifteen (15) days but not more than forty-five (45) days prior to the public hearing before the planning and appeals board, notice shall be published in a newspaper of general circulation within the city. The published notice shall be prepared by the planning department and shall include the location of the property, the present zoning classification of the property, the proposed rezoning or special use requested, and the date, time, and place of the public hearing before the planning and appeals board. Notice of the date, time, and place of the public hearing before the governing body shall also be provided.

Sec. 9-22-2-7. - Notice of public hearing by sign on property.

At least fifteen (15) days but not more than forty-five (45) days prior to the public hearing, the city shall post a sign or signs stating the date, time and place of the public hearing before the planning and appeals board, the present zoning classification and the proposed zoning change or the proposed special use. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning or special use has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property. Notice of the date, time, and place of the public hearing before the governing body shall also be provided.

Sec. 9-22-2-8. - Notice to adjacent property owners.

At least ten (10) days prior to the planning and appeals board public hearing, the applicant shall cause a notice to be mailed to all persons owning property located abutting or across any street from the property that is the subject matter of the rezoning or special use application. The written notice shall be mailed to the property owners as such names and addresses appear on the county's ad valorem tax records. The

notice shall state the date, time, place and purpose of the hearing by the planning and appeals board. Notice of the date, time, and place of the public hearing before the governing body shall also be provided.

Sec. 9-22-2-9. - Special notice requirements.

Pursuant to the specific requirements of the Zoning Procedures Law (O.C.G.A. 36-66-6), when a proposed rezoning or special use application relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, the director shall ensure that the additional public notice requirements of O.C.G.A. 36-66-6 are met.

Sec. 9-22-2-10. - Investigations and staff recommendation.

Within a reasonable period of time after acceptance of a complete application, the director may but shall not be required to send the application or notice thereof out for review by internal municipal departments and external agencies as may be appropriate. Any written comments received in a timely submitted for consideration to the planning and appeals board memorandum. Any such comments shall become public records.

THESE ITEMS WERE CONSIDERED IN THE ORIGINAL REZONING SUBMITTAL AND WERE ENUMERATED AS ITEMS 1-7 IN THE STAFF RECOMMENDATION DATED AUGUST 10, 2021

required to investigate and make a recommendation regarding a such investigation and recommendation shall if in writing be made appeals board prior to its public hearing and shall become public and recommendations, if provided, shall be available no later than the time of the planning and appeals board's public hearing on the matter.

Sec. 9-22-2-11. - Planning and appeals board hearing and recommendation.

The planning and appeals board shall convene a public hearing on the rezoning or special use application as provided in the public notice. The public hearing shall follow policies and procedures which govern calling and conducting public hearings established in chapter 9-22-9. The planning and appeals board shall have sixty-five (65) calendar days from the date of its public hearing within which to submit its recommendation on the rezoning or special use application. The planning and appeals board may submit any additional report it deems appropriate. The recommendations of the planning and appeals board shall have an advisory effect only and shall not be binding on the governing body.

Sec. 9-22-2-12. - Criteria to consider for applications.

The planning and appeals board and the governing body shall consider the following standards in considering any rezoning, zoning amendment, or special Use application, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (a) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- (b) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?
- (c) Is the proposed use compatible with the purpose and intent of the comprehensive plan?
- (d) Are their substantial reasons why the property cannot or should not be used as currently zoned?
- (e) 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?
- (f) 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?
- (g) 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?

Sec. 9-22-2-13. - Additional procedures and criteria for planned unit developments.

In addition to the requirements for a rezoning or special use specified in section 9-22-2-3, approval proceedings for PUD rezoning/zoning amendment and development approval shall include the following:

(a) *Preapplication conference.* At least fifteen (15) calendar days prior to filing a formal application for a PUD, the applicant is required to confer with the director or representative of the planning and development department in order to review the general character of the plan and to obtain information on the nature and extent of the proposed development.

(b) *Criteria for approval.* In considering and acting upon applications for PUDs, the planning and appeals board and the governing body shall consider and base their recommendation and decision, respectively, on the following criteria (not all inclusive), and any other factors it may consider appropriate in reaching such a decision:

(1) *Consistency with the comprehensive plan of the city.*

Low Density Residential
1-4 Units Per Acre

(2) The extent to which the proposed mix of land uses is appropriate in terms of location and character.

(3) The extent to which the development is compatible with surrounding properties. Compatibility can be achieved by ensuring that the overall scale and design of development does not overwhelm or otherwise detract from the established character of the neighborhood or surroundings. The PUD zoning district is not intended to allow for the intrusion of incompatible land uses into single-family neighborhoods that create negative land use impacts.

(4) The extent to which the proposed architectural features of buildings within the development are harmonious.

(5) The adequacy of open spaces, play areas and recreation facilities that are provided for the needs of the development occupants.

(c) *Revisions.* Amendments to approved planned unit development rezoning and development applications, including those approved prior to the adoption of this chapter, shall be permitted but governed by this chapter.

(d) *Land development plans.* Upon approval of a PUD rezoning and development application by the governing body, the developer may apply for land development permit approval.

(e) *Permits and certificates.* No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be

THESE ITEMS WERE NOT REFERRED TO IN THE REZONING SUBMITTAL DATED AUGUST 10, 2021 BUT THEY ARE REQUIRED TO BE CONSIDERED FOR PUD REZONINGS. IT IS OUR FEELING THAT ITEMS (b) (1) AND (3) ARE OF SIGNIFICANT CONCERN.

development that has not been approved in accordance with the director shall authorize the issuance of building permits for area covered by the approved development if they are in approved development, after improvements are installed in accordance with the requirements, and if found to be in conformance with all applicable regulations. The director shall authorize the issuance of a certificate of occupancy for a building, structure, or use located in the area covered by the approved development if it conforms to the requirements of the approved development regulations. After completion of a planned unit development,

the use of land and construction, modification, or alteration of any buildings, structures, or uses within the area covered by the planned unit development shall continue to be regulated by the approved development plan.

Sec. 9-22-2-14. - Additional criteria to consider for special use applications.

The planning and appeals board and the governing body shall consider the following standards in considering any special use application, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

(a) The type of street providing access to the subject property is adequate to serve the proposed special use.

CONDITIONS OFFERED FOR CONSIDERATION
TO APPLICANT AND SHARED WITH PLANNING
AND APPEALS BOARD

Requested Supplemental Conditions to Zoning:

1. Modify the zoning request from PUD to R-II Zoning. It is not necessary to rezone this property PUD for the proposed development due to their being only a single dwelling type, not a variety of dwelling types as stipulated by the PUD zoning.
2. Zoning density shall be limited to 4 units per gross acre as stipulated by the current City of Gainesville Future Land Use Map.
3. The development shall comply with all relevant sections of the Unified Land Development Code of the City of Gainesville, including all amendments passed on 11/03/20.
4. Relocate retaining wall outside of the 25' impervious buffer and no greater than 30' horizontal from the rear of the residential units to prevent the excessive removal of both understory, canopy and significant trees and the destruction of natural vegetation on the subject property. This will also serve to protect the critical root zone of those canopy and significant trees to remain that are within the stream buffer zone. This also supports the Limestone Medical Corridor character as stated in the 2040 Comprehensive plan: "The diversity of land uses is balanced by the remarkable natural landscape with forest, streams and wetlands, and rock outcrops, all providing a unique rural environment close to the city center."
5. The development shall comply with all relevant sections of City of Gainesville Unified Land Development Code CHAPTER 9-16-5. - TREE PROTECTION.
6. Exposed face of the downward slope side of the retaining wall shall be natural stone veneer traditionally available in this geographic region, such as granite or field stone in order to blend into the environment. Artificial cultured stone, concrete form liners, or concrete block gravity walls constructed with geotextile fabric shall not be deemed an appropriate substitution.
7. The total percentage of residential units allowed to be rental units shall be limited to 10% of the total unit number.
8. Any trail system installed for residents shall stay within the subject property and not extend into Corps property.
9. Any trail system installed for residents shall not be accessible to the general public.
10. Residential units on the north and east side of the subject property shall not have roof top decks of any size or elevated decks greater than 125 square feet in size on the north and east sides of the residences that are overlooking Tapawingo Drive and Riverwood Drive.
11. There shall be no above ground, open air detention or retention for control of stormwater. All stormwater detention and retention shall be subterranean.
12. There shall be no vehicular access from the subject property onto Tapawingo Drive.
13. The development shall not seek a dock permit of any kind from the Corps of Engineers for access to Lake Lanier.
14. All measurable silt runoff into the cove will be dredged out at developer's expense to preserve the existing nature of the Lake Lanier environment.
15. Developer to install rip rap around the Lake Lanier Corps shoreline to help reduce erosion and soil runoff into the lake. (Developer to add Rick and Melinda Waters property as a show of good will since their property is the most affected by the new development)
16. Minimum listing price for each residence shall be no less than \$550,000.00 as is already stated in the marketing collateral for the new development.

CONDITIONS APPLICANT AND NEIGHBORS AGREED TO DELETE

CONDITIONS ACCEPTED AND APPLIED TO REZONING

CONDITIONS NOT AGREED TO BY APPLICANT

17. Exterior materials of the new construction shall consist of 60% brick or stone veneer, 40% wood, fiber cement, or composite materials, in keeping with the anticipated quality of the overall development.
18. All exterior lighting within the community and installed on the exterior of the buildings shall by Dark Sky Compliant light fixtures to preserve the existing natural nighttime environment and reduce unwanted glare towards the existing residences.
19. There shall be no perimeter fence installed at the subject property boundary so as to allow the continued movement of existing wildlife throughout the region. Any necessary fencing and fall protection as required by code shall be decorative and designed to blend into the environment. No chain link fencing shall be allowed.
20. The development shall be constructed in a single phase not to exceed a 24-month construction schedule.

VIEW FROM TAPAWINGO DRIVE



VIEW LOOKING INTO SITE FROM CREEK



VIEW LOOKING INTO SITE FROM CREEK





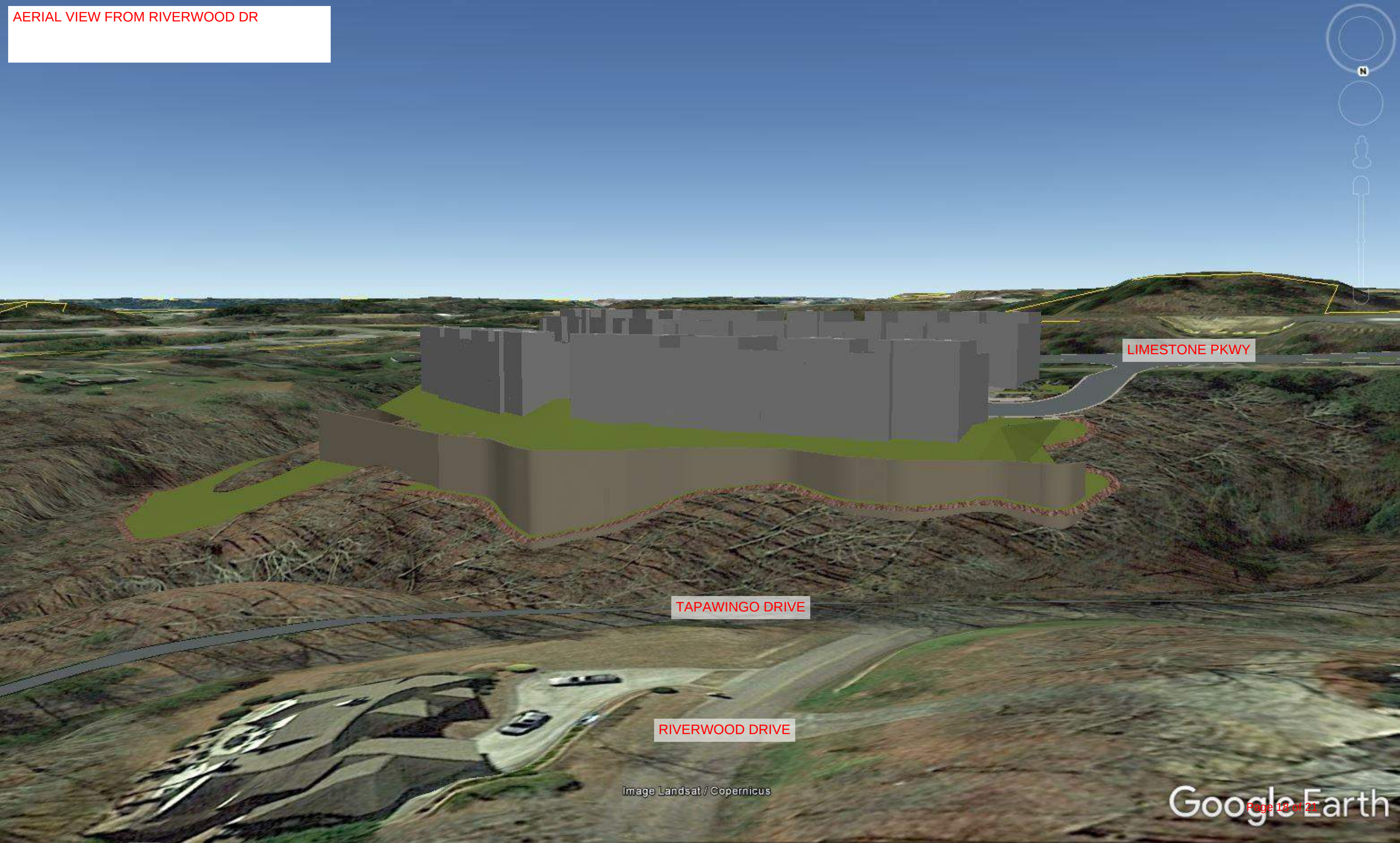


WILDWOOD CIRCLE

RIVERWOOD DRIVE

TAPAWINGO DRIVE

LIMESTONE PARKWAY



LIMESTONE PKWY

TAPAWINGO DRIVE

RIVERWOOD DRIVE



LIMESTONE PKWY

RIVERWOOD DRIVE

Image Landsat / Copernicus

6 ft





Image Landsat / Copernicus

