



Mayor/Council Meeting Agenda
Tuesday, December 7, 2021, 5:30 PM
Public Safety Complex, Municipal Court Room
701 Queen City Parkway, Gainesville, GA 30501
Mayor or Mayor Pro Tem Presides

INVOCATION:

PLEDGE OF ALLEGIANCE:

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Minutes

A. November 16, 2021 Mayor/Council Meeting

RESOLUTION(S):

A. GR-2021-15 Authorization to Execute Donation Agreement for Lake Lanier Olympic Park Plaza Pavilion

PUBLIC HEARING(S):

Annexation/Zoning Items

A. (Tabled at the October 5, 2021 Council Meeting)

Request from **Easto Construction** to amend a portion of an existing Planned Unit Development (P-U-D) zoning totaling 4.847± acres located southeast of the intersection of Thompson Bridge Road and High Vista Point (a/k/a **2702 High Vista Point, NE**). **Ward Number: One**. Tax Parcel Number(s): 01-100-002-032. **Request: 44 residential townhomes.**

- Proposed Zoning Amendment Ordinance 2021-27

B. Request from **Koch Foods of Gainesville, LLC** to annex a 0.572± acre tract located on the northwest side of the intersection of Industrial Boulevard and Mitchell Street (a/k/a **966 Industrial Boulevard**) and to establish zoning as Heavy Industrial (H-I). **Ward Number: Four**. Tax Parcel Number(s): 00-050-001-007. **Request: Poultry processing plant expansion.**

- Proposed Annexation Ordinance 2021-30
- Proposed Zoning Ordinance 2021-31

C. Request from **Koch Foods of Gainesville, LLC** to rezone a 0.55± acre tract located between Davis Street and Industrial Boulevard, southwest of Queen City Parkway (a/k/a **911, 913 and 919 Davis Street, SW; 950 Industrial Boulevard, SW**) from Residential-II (R-II) to Heavy Industrial (H-I). **Ward Number: Four**. Tax Parcel Number(s): 01-030-009-001 and 002; 00-030-009-002 (Part). **Request: Poultry processing plant expansion.**

- Proposed Rezoning Ordinance 2021-32

D. Request from the **Atlanta Botanical Garden, Inc.** to annex a total of 17.032± acres to include a 10.237± acres tract located on the northwest side of the intersections of Lake Hill Drive and Randall Street and Lake Hill Drive and Gary Street; and a 6.795± acres tract located on the west side of the cul-de-sac of Barrett Street, having road frontage on the north side of Riverbend Circle (a/k/a **115 Barrett Street, 102, 104 and 106 Gary Street; 213, 301, 303 and 305 Lake Hill Drive; 0, 100, 101, 102, 103, 104, 105, 106, 107, 109 and 111 Randall Street; 0 Riverbend Circle**) and to establish zoning as Planned Unit Development (P-U-D). **Ward Number: Two.** Tax Parcel Number(s): 00-093-001-003A, 005, 020, 021, 022, 023, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, and 040. **Request: Atlanta Botanical Garden expansion.**

- Proposed Annexation Ordinance 2021-33
- Proposed Zoning Ordinance 2021-34

E. Request from the **Atlanta Botanical Garden, Inc.** to rezone a total of 20.695± acres to include a 13.625± acres tract located on the west side of Lake Hill Drive, having road frontage on the north side of Barrett Street; and a 7.07± acres tract located on the northwest side of the cul-de-sac of Roper Hill Road (a/k/a **103 Gary Street, NE; 1662 Roper Hill Road, NE**) from Residential-II (R-II) and General Business (G-B) to Planned Unit Development (P-U-D). **Ward Number: Two.** Tax Parcel Number(s): 00-093-001-042; 01-084-004-005. **Request: Atlanta Botanical Garden expansion.**

- Proposed Rezoning Ordinance 2021-35

CITY MANAGER ISSUES:

A. BR-2021-53 S.R. 129 South/S.R. 323 Sanitary Sewer Extension Cost Participation Agreement

CITY ATTORNEY ISSUES:

A. BR-2021-54 Memorandum of Understanding Regarding Opioid Settlement

CITY CLERK ISSUES:

A. BR-2021-55 2022 Meeting Calendar for the Governing Body

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Monday, December 6, 2021, 2:20 PM



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 11/29/2021

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 12/7/2021

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:



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/7/2021
Presenter: Denise Jordan
Item of Business: November 16, 2021 Mayor/Council Meeting
Meeting Date: 12/7/2021

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: 11/22/2021

Presenter: Robyn Lynch

Item of Business: GR-2021-15 Authorization to Execute Donation Agreement for Lake Lanier Olympic Park Plaza Pavilion

Meeting Date: 12/7/2021

Purpose of Request:

Resolution to accept donation of capital improvement to Lake Lanier Olympic Park from the Lake Lanier Olympic Park Foundation.

History/Background:

The Lake Lanier Olympic Park Foundation serves to foster the healthy development of the sports of rowing and canoe/kayak on Lake Lanier; and to generate and provide financial resources for the programs at the Lake Lanier Olympic Park; and to provide oversight coordination, communication and input from and with local governments, community and neighbors; and to encourage community support and involvement; and to insure community inclusion in the use and development of the programs and facilities.

Facts & Issues for Consideration:

The LLOP Foundation implemented a strategic plan to invest in four capital improvements to the Olympic Park.

- 1 - Additional courtesy docks for community use
- 2 - Completion of a one mile walking trail with wellness components along the trail
- 3 - Addition of public art
- 4 - New pavilion on the plaza, creating a new venue for year round use

The foundation began a capital campaign in August 2021 with a goal of \$1.5M. To date they have raised over \$850 with a significant gift from NGHS of \$600k designated for the plaza pavilion.

Pavilion to be built in 2022.

Department Recommendation:

To approve the resolution and recognize the Olympic Park Foundation and NGHS for their continued support of Lake Lanier Olympic Park.

Department Director:

Robyn Lynch

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

Amount Requested:

0

Source of Funds:

n/a

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
📎	GR-2021-15 Authorization to Execute Donation Agreement for Lake Lanier Olympic Park Plaza Pavilion	Resolution
📎	Exhibit A - Donation Agreement	Attachments/Exhibits
📎	Rendering	Backup Material

RESOLUTION GR-2021-15

**AUTHORIZATION TO EXECUTE DONATION AGREEMENT
FOR LAKE LANIER OLYMPIC PARK PLAZA PAVAILLION**

WHEREAS, The Lake Lanier Olympic Park Foundation (the Foundation) has created a strategic plan to invest in capital improvements at Lake Lanier Olympic Park. The Foundation has identified the following improvement projects to fund: 1) an additional courtesy dock, 2) walking trails, 3) public art and 4) a plaza pavilion; and

WHEREAS, the Foundation has set a fundraising goal of \$1.5M for these projects and has already raised \$850,000. The Foundation has received contributions from multiple entities and would like to recognize the Northeast Georgia Health System (NGHS) for their 10-year commitment; and

WHEREAS, the NHGS donation will be used to construct the Plaza Pavilion; and

WHEREAS, the terms of the donation are outlined in the Donation Agreement, which is attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville would like to recognize the Lake Lanier Olympic Park Foundation, Northeast Georgia Health System and other supporters for their contributions to the Lake Lanier Olympic Park.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the acceptance of said donation from the Lake Lanier Olympic Park Foundation and authorizes the Mayor, City Manager and City Attorney to execute a document in substantially the same form as the attached Donation Agreement, as well as such other documents as may be necessary to effectuate the provisions of the donation agreement.

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



Capital Campaign Support Proposal
September 30, 2021

North Georgia Health System





Carol and NGHS Leadership Team,

Thank you for your time and consideration of Phase II of the master plan capital projects proposed at Lake Lanier Olympic Park.

As we celebrate the 25th Anniversary of the 1996 Centennial Olympic Games, we are proud to say that the Lake Lanier Olympic Park is the last remaining venue for the 1996 games that is still being used for its original purpose. We look forward to celebrating the efforts of the legacy clubs, the Lake Lanier Olympic Park Foundation and the community as a whole for its support in creating a legacy that we can all be proud of.

Since the re-establishment of the foundation (formally known as Gainesville-Hall '96), our community has invested over \$2M in improvements to the park and the city is set to invest an additional \$17M over the next 3 years through a complete renovation of the boathouse.

The foundation has identified additional areas of improvement that they have taken the lead in fundraising for in order to have these completed in time for the 2026 NCAA Rowing National Championships. As you have seen in our presentation, these improvements include a plaza pavilion, walking trails and additional courtesy docks. We are honored that NGHS is committed to working as our partner in making these improvements a reality.

Attached is our proposal for sponsorship of the Lake Lanier Olympic Park Plaza that includes branding of the hospital. We would like to work as partners to create the look and design of the signage that is mutually acceptable.

Mimi Collins
Chairman, Lake Lanier Olympic Park Foundation

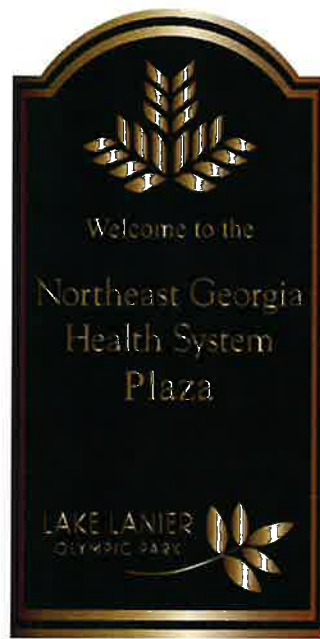
Robyn Lynch
Director of Tourism, City of Gainesville

Northeast Georgia Health System Plaza (naming TBD)

Exclusive naming rights of the Plaza and Plaza Pavilion. Branding will be present at the entrance to the plaza and on the plaza pavilion. In addition, branding of the Plaza will be present on the Lake Lanier Olympic Park website and on marketing materials promoting events located on the plaza. Sponsorship will include 6 annual rentals of the plaza and/or Olympic timing tower. First right of refusal for premier sponsorship opportunities for annual events hosted by the Lake Lanier Olympic Park Foundation.

\$600,000

This exclusive sponsorship will be secured for the time period of 10 years. The opportunity to extend the sponsorship based on a mutual agreement will be available on an annual basis after the expiration of this agreement.



- Sponsorship opportunities will be available for the Olympic Timing tower, future picnic pavilions on the boathouse side of the park, fitness nodes and public art locations. No other health system would be eligible for these opportunities unless approved by NGHS.
- This agreement is between NGHS and the Lake Lanier Olympic Park Foundation with cooperation from the City of Gainesville and does not hold its tenants (Lanier Canoe Kayak Club and Lake Lanier Rowing Club) to its sponsorship exclusivity.
- If at any time the name of NGHS changes, the hospital would be responsible for updating signage at Lake Lanier Olympic Park.

Handwritten signature of Mimi Collins in blue ink.

Mimi Collins, Chairman
Lake Lanier Olympic Park Foundation

Handwritten signature of Sean Couch in blue ink.

Sean Couch
Northeast Georgia Health System



Date Submitted: 11/24/2021

Presenter: Abb Hayes

Item of Business: **(Tabled at the October 5, 2021 Council Meeting)**
Request from **Easto Construction** to amend a portion of an existing Planned Unit Development (P-U-D) zoning totaling 4.847± acres located southeast of the intersection of Thompson Bridge Road and High Vista Point (a/k/a **2702 High Vista Point, NE**). **Ward Number: One**. Tax Parcel Number(s): 01-100-002-032. **Request: 44 residential townhomes.**

- Proposed Zoning Amendment Ordinance 2021-27

Meeting Date: 12/7/2021

Purpose of Request:

To conduct a public hearing regarding the zoning request as presented at the September 14, 2021 Planning and Appeals Board Meeting and tabled at the October 5, 2021 Council Meeting:

The applicants original proposal was to amend the P-U-D for 50 residential townhomes. In response to neighborhood opposition raised at the Planning and Appeals Board meeting, the applicant has lowered the number of residential townhomes to a maximum of 44 units as reflected on the revised narrative, concept plan and architectural renderings. The townhomes consist of three to five bedroom units ranging from 2,750 to 3,200 square feet of heated floor space. Each unit will include a two-car garage, terraces, balconies, and outdoor kitchen space with high end finishes. Amenities are to include common area, club house, pool and active space. Access is proposed from High Vista Pointe prior to the privacy gate which serves the adjacent High Pointe single-family neighborhood. The property is located within the Gateway Corridor Overlay Zone. Adjacent uses include single-family homes, multi-family apartments, Rubicon Center, The Dance Company and various offices.

The property is part of a larger P-U-D development originally approved in 1995 for 31 single-family lots and 200 condominium units within two, 15-story buildings. In 2000, the plan was amended reducing the number of condominium units to 34 within a single, 12-story building. Presently there are 17 single-family homes and a community dock constructed within the adjacent High Pointe subdivision which is not included as part of the zoning amendment.

History/Background:

Facts & Issues for Consideration:

This request was originally presented at the September 14, 2021 Planning Appeals Board Meeting and tabled at the October 5, 2021 Council Meeting.

Department Recommendation:

Staff recommended approval with six conditions as presented. PAB recommended denial of the request. See the PAB Recommendation report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2021-27:

I move to approve the ordinance to amend the existing Planned Unit Development (P-U-D) for the subject property for 44

residential townhomes with six conditions as presented.

Denial of the Request:
I move to deny this request.

Department Director:

Rusty Ligon

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Legal Ad Newspaper Article	Legal Ad
☐ PAB Recommendation Report	Report
☐ Proposed Zoning Amendment Ordinance 2021-27	Ordinance
☐ Location Maps	Backup Material
☐ Developer Letter	Backup Material
☐ Narrative	Backup Material
☐ Narrative - Revised	Backup Material
☐ Community Benefit Statement	Backup Material
☐ Plat	Backup Material
☐ Yr 2000 Approved Zoning Plan	Backup Material
☐ Concept Plan and Architectural Renderings	Backup Material
☐ Concept Plan and Architectural Renderings - Revised	Backup Material

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Hearings

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36-36-1)

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held before

of Flowery

the City of Flowery Branch City Council to consider a request from South Hall, LLC. for the rezoning of three (3) parcels of land totaling 1.10 +/- acres of land from TND (Traditional Neighborhood District) to CBD (Central Business District). The parcels for consideration are located on Church Street and are identified as follows:

08112A 002007
08112A 002008
08112A 002009
NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.
WHEN: October 7, 2021 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757

TELEPHONE: (770) 967-6371
PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at: Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at: Vickie.s@flowerybranchga.org if special program

from Residential-I and Agricultural Residential-III (AR-III) to Highway Business (H-B) on a 9.862± acre tract located on the north side of Browns Bridge Road at its intersection with Cherokee Trail; a.k.a. 4152 Browns Bridge Road; Zoned R-I & AR-III; Tax Parcel 08050 003002. Proposed Use: self-storage warehouse. Commission District 2.
5. Application of McKinley Homes US, LLC to rezone from Agricultural Residential-III (AR-III) and Planned Commercial Farm District (PCFD) to Planned Residential Development (PRD) on a 162.36± acre tract located on the west side of Spout Springs Road at its intersection with Lancaster Crossing; a.k.a. 6863 and 6803 Spout Springs Road; Zoned AR-IV & PCFD; Tax Parcel 15042 000009(pt.) and 000010. Proposed Use: 393 lot single family attached and detached development. Commission District 6.
6. Application of McKinley Homes US, LLC to rezone from Planned Commercial Farm District (PCFD) to Planned Commercial Development (PCD) on a 4.19± acre tract located on the west side of Spout Springs Road at its intersection with Lancaster Crossing; a.k.a. 6803 Spout Springs Road; Zoned PCFD; Tax Parcel 15042 000009(pt.). Proposed Use: retail development. Commission District 1.
7. Application of Mark Skelton to rezone from Agricultural Residential-III to Residential-I (R-I) on a 6.41± acre tract located on the north side of L J Martin Road approximately 1,235 feet from its intersection with Strickland Road; a.k.a. 5301 Strickland Road; Zoned AR-III; Tax Parcel 15037 000031. Proposed Use: 3-lot subdivision. Commission District 1.
8. Appeal of the Planning Commission's approval of Mark Skelton for a right side yard setback variance from 15 feet to 7 feet on a 6.41± acre tract located on the north

opposition to the proposed rezoning and (b) has made, within two years immediately preceding the filing of the proposed rezoning, campaign contributions aggregating \$250 or more to a member of the County Commission shall file a disclosure of contributions with the Planning Department at least five (5) days prior to the first hearing of the proposed rezoning by the County Commission. (OCGA § 36-67A-3[C]).
*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision. The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, November 11, 2021 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.
**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, November 11, 2021. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.
**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, October 28, 2021. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.
100529 9/15

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

existing Planned Unit Development (P-U-D) zoning totaling 4.847± acres located southeast of the intersection of Thompson Bridge Road and High Vista Point (a/k/a 2702 High Vista Point, NE).
Ward Number: One
Tax Parcel Number(s): 01-100-002-032
Request: 50 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})
100521 9/15

NOTICE OF PUBLIC HEARING UPON APPLICATION FOR ANNEXATION AND REZONING
Pursuant to O.C.G.A. § 36-36-1 et seq. and O.C.G.A. § 36-36-20 et seq., notice is hereby given that the City of Buford, a Georgia Municipal Corporation, will hold a public hearing to evaluate the applications of certain landowners, more fully set forth on Exhibit "A", to annex and zone property to the corporate limits of the City of Buford as provided in O.C.G.A. § 36-36-20 which is contiguous to the existing limits. The property proposed for annexation and rezoning is contiguous to the present corporate limits of the City of Buford and is more particularly described

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 1/2 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 1/2 inch rebar pin set, said point being THE TRUE POINT OF BEGINNING.

Said property contains 0.639 Acres.
100095
8/25,9/1,8,15,22,29

The City of Buford Planning and Zoning Board will meet on Tuesday, September 14, 2021 at 7:00 p.m. at Buford City Hall, 2300 Buford Highway, Buford, Georgia 30518 and the Buford City Commission will meet on Monday, October 4, 2021 at 7:00 p.m. at Buford City Arena, 2795 Sawnee Avenue, Buford, Georgia 30518 to consider a special use permit at 4925 Lexie Lane for John Cunningham and Krist Biba. The special use permit requested is to allow climate-controlled storage.

100093
8/25,9/1,8,15,22,29
The City of Buford Zoning Board of Appeals will meet on Monday, September 20, 2021 at 7:00 p.m. at Buford City Hall, 2300 Buford Highway,

and identified as Mulberry Street, parcel number 3 001009, from (Traditional hborhood District) HB (Highway CE IS HEREBY N that the Mayor & cil have the power npose a different g designation the requested and se or delete zoning litions that may ge the application iderably. The ic is invited to d this meeting ty Hall, 5410 Pine t, Flowery Branch, ia. N: October 7, -6:00 p.m. RE: City Hall cil Chambers : PO Box 757 PHONE: (770) 967- IONS INTERESTED THIS MATTER are ed to review application for axation and ning which is on with the City Clerk he City of Flowery ch and to attend public hearing he date, time and e provided in this ce, to express their ion on this matter. ten comments may e received in lieu testimony during public hearing. ore information, act Rich nson, Community elopment Director @flowerybranchga. compliance with Americans with abilities Act of 1990, City of Flowery ch is committed to iding reasonable omodations a person with disability. Please act the Flowery ch City Clerk Vickie rt at: Vickies@ erybranchga.org 489 9/15 OF FLOWERY ICE OF PUBLIC RING ONING ICE IS HEREBY N (pursuant to G.A.S 36-36-1) a public hearing be held before

if special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged. 100488 9/15 NOTICE is hereby given that the Hall County Board of Commissioners shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 6:00 p.m. on Thursday, September 23, 2021 to consider the following: 1. Application of James and Stacey Thompson for a Use Subject to County Commission approval on a 0.28± acre tract located on the south side of Samoa Way approximately 226 feet from its intersection with Paradise Point Road; a.k.a. 6416 Samoa Way; Zoned R-I; Tax Parcel 08141 001010. Proposed Use: accessory structures with no primary residence. Commission District 1. 2. Application of James G. Major for a Use Subject to County Commission approval on a 31.15± acre tract located on the east side of Hog Mountain Road approximately 1,236 feet from its intersection with Blackjack Road; a.k.a. 5692 Hog Mountain Road; Zoned AR-III; Tax Parcel 08136 000002. Proposed Use: 3 lot subdivision. Commission District 1. 3. Application of Pulte Group to rezone from Agricultural Residential-IV (AR-IV) to Planned Residential Development (PRD) on a 54.03± acre tract located on the west side of Spout Springs Road at its intersection with Williams Road; a.k.a. 7095, 7099, & 7103 Spout Springs Road; Zoned AR-IV; Tax Parcels 15042 000015, 000015A & 15041 000010. Proposed Use: 144 lot single family subdivision. Commission District 1. 4. Application of Lanier Luxe Self Storage to rezone

located on the north side of L J Martin Road approximately 1,235 feet from its intersection with Strickland Road; a.k.a. 5301 L J Martin Drive; Zoned AR-III; Tax Parcel 15037 000031. Proposed Use: 3-lot subdivision. Commission District 1. 100530 9/15 NOTICE is hereby given that the Hall County Planning Commission shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 5:15 p.m. on Monday, October 4, 2021 to consider the following: 1. Previously tabled application of Invest NH, LLC for a Use Subject to County Commission approval on a 6.75± acre tract located on the east side of Lula Road at its intersection with Glade Farm Road; a.k.a. 7404 Lula Road; Zoned AR-IV; Tax Parcel 12115 000005(pt.). Proposed Use: 5 lot subdivision. *** Commission District 3. 2. Application of Morteza Modaber for a Use Subject to County Commission approval on a 0.38± acre tract located on the north side of Browns Bridge Road at its intersection with Whiting Drive; a.k.a. 1790 Browns Bridge Road; Zoned H-B; Tax Parcels 00123 007017 & 007016. Proposed Use: auto repair and body shop. ** Commission District 4. 3. Application of Rabun Gap Holdings to rezone from Planned Commercial Farm District (PCFD) to Planned Residential Development (PRD) on a 20.67± acre tract located on the west side of Spout Springs Road approximately 100 feet from its intersection with Lancaster Crossing; a.k.a. 6804 Spout Springs Road; Zoned PCFD. Tax Parcel 15042 000018. Proposed Use: 101 unit mixed residential development. ** NOTE: In accordance with Georgia law, anyone who (a) wishes to express

Notice is hereby given that the Gainesville City Council will conduct a public hearing on Tuesday, October 5, 2021 at 5:30 p.m. in the Gainesville Justice Center (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in downtown Gainesville on the following requests: 1) Request from Adventures Real Estate, LLC to rezone a 17.028± acres tract located on the north side of Browns Bridge Road, southeast of Cherry Hill Drive (a/k/a 2520 Browns Bridge Road, SW) from Residential-I-A (R-I-A) to General Business (G-B). Ward Number: Five Tax Parcel Number(s): 08-015-009-014 (Part) Request: Automotive related facility 2) Request from Northeast Georgia Medical Center to rezone a 48.997± acres tract located northwest of the intersection of Jesse Jewell Parkway and Downey Boulevard, having road frontage on Brenau Lane, Sherwood Park Drive, South Enota Drive, Spring Street, Medical Center Way and Wisteria Drive (a/k/a 743 Spring Street, NE; 1227 Sherwood Park Drive, NE; 200 Wisteria Drive NE; 1075 Jesse Jewell Parkway, SW) from Planned Unit Development (P-U-D) and Office and Institutional (O-I) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel Number(s): 01-023-006-007; 01-064-004-009 Request: Hospital campus expansion 3) Request from Winterset Holdings, LLC to amend a portion of an existing Planned Unit Development (P-U-D) zoning totaling 12.66± acres located on the east and west sides of Wilson Drive, northeast of its intersection with Athens Highway (a/k/a 2125 Wilson Drive, SE). Ward Number: Three Tax Parcel Number(s): 15-022D-000-001 (Part) Request: 65 residential townhomes 4) Request from Easto Construction to amend a portion of an

in Exhibit "A" attached hereto. The City of Buford Planning Commission will hold a public hearing and make a recommendation on such application for annexation and rezoning on Tuesday, September 14, 2021, at 7:00 pm, Buford City Hall, 2300 Buford Highway, Buford, Gwinnett County, Georgia 30518. Please note that this is a change in location from the regular monthly Planning Commission meeting. The Buford City Commission will hold a public hearing to discuss and pass upon the proposed applications for annexation and rezoning on Monday, October 4, 2021 at 7:00 p.m., Buford City Arena, 2795 Sawnee Avenue, Buford, Gwinnett County, Georgia 30518. Please note that this is a change in location from the regular monthly City Commission meeting. This 17th day of August, 2021. CHANDLER, BRITT & JAY, LLC City Attorneys EXHIBIT "A" OWNER/APPLICANT: Jason Jackson CURRENTLY ZONED: R3 PROPOSED ZONING: R-100 All that tract or parcel of land lying and being in Land Lot 158 of the 7th Land District, Hall County, Georgia and being more particularly described as follows; To find the true point of beginning, commence at the centerline 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

Buford, Georgia; 30518 to consider a variance request at 901 Gainesville Highway out of parcel 08-169 004002, being 7.6 acres, for Michael Ewing. The variance requested is to allow no painted stripe demarcation of the surplus parking area. All that Tract or parcel of land lying and being in Land Lots 169 & 170 of the 8th District of Hall County, Georgia, and being more particularly described as follows: COMMENCE at a point of intersection on the easterly right-of-way line of Buford Highway (right-of-way varies with the southwesterly right-of-way line of Logistics Boulevard (60' right-of-way easement); thence following the right-of-way line of Buford Highway the following calls: S39°03'12"W a distance of 249.4 feet to a point; thence S45°56'29"W a distance of 65.85 feet to a point; thence S50°53'47"W a distance of 17.0 feet to a point; thence S12°39'58"W a distance of 43.12 feet to a point; thence S23°39'40"W a distance of 53.8 feet to a point; thence S31°53'09"W a distance of 102.81 feet to a point; thence S39°06'42"W a distance of 59.00 feet to a point and the TRUE POINT OF BEGINNING thence leaving said right-of-way line and running S50°53'43"W a distance of 333.25 feet to a point in the centerline of a creek thence following said centerline meandering of creek a distance of 914' +/- to a point which has a chord of S59°56'25"W a distance of 728.59 feet; thence continuing along said centerline of meandering creek a distance of 1,785' +/- to a point, which has a chord of S36°44'30"W a distance of 1205.78 feet to a point; thence leaving the centerline of creek and running N30°21'15"W a distance of 141.06 feet to a point on the easterly right-of-way line of Buford Highway; thence following said right-of-way line the following

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant Easto Construction
Property Owners The J. Bradley Abernathy Trust &
David Scroggs
Location 2702 High Vista Point, NE
Request Amend P-U-D zoning
Total Acres 4.847± acres
Ward One
Proposed Use 50 residential townhomes
Planning Division Staff Recommendation **Approval, with conditions**
Planning & Appeals Board Recommendation **Denial**
Date September 14, 2021

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

The applicant proposes to amend the Planned Unit Development (P-U-D) zoning for a gated community consisting of 50 fee-simple townhomes. The townhome units will range from 2,750 and 3,100 square feet in size of heated floor space with three to four bedrooms. Each unit will include a two-car garage or a fully covered carport, parking for two additional cars on the driveway, terraces, balconies, and outdoor kitchen space. The townhomes will not exceed 40-feet in height. Amenities are to include a common area, pool, club house with kitchen and active space. Access is proposed from a new driveway located off of High Vista Pointe prior to the privacy gate serving the single-family neighborhood. City water, sewer and garbage pickup will be provided by the City of Gainesville.

The property is part of a larger Planned Unit Development (P-U-D) originally approved in 1995 for 31 single-family lots and 200 condominium units within two 15-story buildings. In 2000, the P-U-D was amended reducing the number of condominium units to 34 within a 12-story building. Presently there are 17 single-family homes and a community dock constructed on the adjacent neighboring High Pointe subdivision which is not included as part of the zoning amendment. The property is partially wooded with steep terrain and contains a powerline easement.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	High Pointe Single-family Neighborhood	Planned Unit Development (P-U-D)
South	Vista Ridge at Lake Lanier Apartments	Residential-II (R-II)
East	Lake Lanier; Georgia Power property	Residential-I (R-I)
West	Rubicon center; Social Security office, Alfa Insurance; The Dance Company; Phoenix at Lake Lanier Assisted Living	Residential-II (R-II); General Business (G-B)

▪ **Other Departmental Comments**

Coordination with the Georgia Department of Transportation will be required to address the proposed access. 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:

2019 – A request by Fred Godbee to rezone a 0.5+ acre tract located at 1831 Thompson Bridge Road, NW from Residential-I (R-I) to Neighborhood Business (N-B) was conditionally approved for a security office.

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

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

2014 - A request by Over the Hill Holdings, LLC to amend a 10.34± acres tract located at 2601 Thompson Bridge Road zoned Planned Unit Development (P-U-D) for an assisted living facility (Phoenix) was approved with conditions.

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

2012 - A request by WAG Properties, Inc. to annex a 0.68± acre tract located at 1868 Thompson Bridge Road for a transportation logistics brokerage was approved with General Business (G-B) zoning.

▪ **Staff Analysis**

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

The surrounding uses include a mixture of single-family, multi-family, institutional, office, and commercial uses. The zoning for the property is currently approved for 34 unit residential condominiums within a 12 story building. Given the existing approved use for the property, the proposal appears to be more in character with the adjacent development.

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

The proposed use should not adversely impact the surrounding and nearby properties given that only 50 fee-simple townhomes are being proposed; however, the residential use will change how the property currently functions given that it is undeveloped. Parking, access, stormwater and building orientation are important as to not detract from the adjacent residential uses. Again, the previously approved use for the property would have significantly more impact on the adjacent properties given its height and scale.

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

The Future Development Map for the City of Gainesville places the subject property within the *Low-Medium 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 with only limited light office use allowed, such as a home office. The proposed residential density for the subject property is 10.32 dwelling units per acre which is above the 4.0 maximum density guidelines for this land use category. However, the P-U-D zoning including the single-family properties, has an overall density of 3.6± dwelling units per acre. Given the current approved use for the property and the adjacent apartment uses, the proposal appears to be reasonable.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Lake District*. The main character area driver is the presence of Lake Lanier and its distinctive rolling landscape. While the vision for the north is single-family preservation, limited commercial intensification of the existing node, protection of the tree canopy and shoreline ecosystem, and continued enhancement of the golf club, opportunities for land use changes are more prevalent south of Thompson Bridge. Here, the focus should be taking advantage of the lake and forest to build a character more similar to the north. This includes repositioning Thompson Bridge Road as a multimodal “Great Street” and supporting new conservation-based single-family housing and open space preservation on undeveloped land. Land uses allowed in the Lake District are low-density residential, medium-density residential, multifamily residential, mixed-use, commercial, public / institutional, transportation / communications / utilities, and parks / recreation / conservation.

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

It is staff's opinion the proposed P-U-D amendment is more in character with the surrounding uses and landscape than the 12-story condominiums currently approved for the property. Since the original proposal for the property was approved over 20 years ago, the surrounding properties have remained residential in scale not exceeding 3 stories in height. The proposed zoning amendment appears more appropriate even though 16 additional residential units are proposed.

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

City water, sewer and public safety services are currently provided to the property. Water is present along High Vista Pointe and Thompson Bridge Road. Sewer is located within the property along the lake. Gainesville Fire Station #3 is located approximately 1.5± miles to the north off of Nancy Creek Road.

The proposal will slightly increase ingress and egress traffic movements off of Thompson Bridge Road where left turning movements can be difficult during rush hour traffic. There is currently a north bound dedicated right turn and a center median left turn lane onto High Vista Pointe. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the 50 residential townhomes on average could generate 290± new trips per weekday (50% entering, 50% exiting), 22± A.M. peak hour trips (19% entering, 81% exiting) and 26± P.M. peak hour trips (64% entering, 36% exiting).

The proposed use should have minimal impacts on the Gainesville City School System given there are only 50 residential units proposed. It is unknown how many school-aged may live within the development. The proposal is not age restricted but given its price point appears to be mostly families without school aged children.

(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?

In comparison to Jesse Jewell Parkway, Dawsonville Highway, Browns Bridge Road and Atlanta Highway, development along Thompson Bridge Road has been more methodical. This is in part due to the location of the lake, its topography, and the distance from I-985 and the railroad. The Comprehensive Plan identifies the need for quality housing within the downtown area. The location of the subject property is conducive for residential purposes but is challenged due to steep topography and a powerline easement.

(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 mixture of residential uses, the proposed zoning amendment 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 zoning amendment request based on the Comprehensive Plan and the adjacent residential uses.

Conditions

1. The proposal shall be generally consistent with the concept plan and architectural pictures provided with this zoning amendment application per the review and approval of the Community and Economic Development Director.
2. The proposed townhome development shall adhere to the development standards stated within Section 9-10-2-5 of the Unified Land Development Code entitled "Single-Family Attached Dwelling (Fee-Simple Townhouse)."
3. In addition to the parking provided for each townhome unit and the amenity, a minimum of 10 guest parking spaces shall be provided within the development.
4. The owner/developer shall screen all stormwater detention ponds with a mixture of evergreen trees. In addition, there shall be a minimum 20-foot wide landscape buffer planted area adjacent to High Vista Point and Thompson Bridge Road. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
5. Signage for the development shall be located at the entrance of the development located off of High Vista Point. Signage shall be limited to the residential zoning standards stated within Section 9-18-5-6 of the Unified Land Development Code entitled "Project Entrance Signs", not to exceed 8-feet in height and 32 square feet of sign face area with ground lighting.
6. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director. The approval of said design shall be required prior to issuance of a building 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 September 14, 2021 PAB Meeting Minutes

Applicant Presentation: **Robert Fouse**, 1548 Jade Cove Drive, Powder Springs, stated he is the architect for the project and complimented the neighborhood for meeting with him. He said their goal is to be a good and compelling neighbor to the Gainesville community and feels the property can be developed to the good of everyone. His client asked him to explore the P-U-D zoning as zoned already but wants to explore the highest and best use for the property which is a townhome community rather than a high-rise. They consider it to be a more appropriate construction in between a lovely single-family home community to the north and a multi-family community to the south. He said the high-rise is more compelling economically but felt the best thing for everyone is to consider a townhome development like the slides on the presentation. Mr. Fouse stated there is no designed floorplan or elevation and only picked the style of structure from the internet but many at the neighborhood meeting did not like the style chosen. He stated it is their desire to work with them to address concerns and engage the neighbors in the process. The site plan on the presentation depicts 44 units but are applying for 50 units maximum but still needs to complete due diligence to determine the exact size and configurations but expect it to be less. He said they are exploring a high-end price point with an average sale price of \$800,000 to \$900,000 for the units but will not sell for that amount if there is no place for a lawn/landscaping, patio/porch area. The most important feature for the site is the panoramic lake view which is almost 270 degrees of lake view but the lower to the lake it shrinks to 45 to 60 degree view of the water. He stated the purpose is to provide a wonderful residential living opportunity with lake view and lake front property. He stated they are not exploring the option of docks and feel the project is a gap development between the \$500,000 to \$600,000 range homes and the multi-family apartments to the south and can fill the gap in an appropriate and architectural aesthetic way. He acknowledged he has no certain style of building and designs whatever the client desires. He hopes to involve the neighbors in deciding the style of the townhomes and looking forward to their comments and believes there is a better use for modification of the P-U-D zoning and believes in the townhome project presented. They acknowledge there are several challenges and concerns regarding traffic, intersection of driveway from High Vista Point onto Thompson Bridge Road. They will work with the neighbors, and support of the city to approach GDOT to provide some controls at the intersection. The project will double the amount of vehicles impacting the intersection which may require a traffic study and his client agrees too. There are questions of where the driveway will connect to High Vista Point, not to impact the roundabout, gate and drive. He hopes to engage all parties in the discussion and is aware some will not be happy with the project. They have been exploring the site for two years and there is a reason it has been undeveloped since 1990 for 30 years because it is a tough site. He believes this project is a good answer and the most appropriate.

OPPOSE: **Mark Burns**, 2706 High Vista Point, stated he is the treasurer for the High Point Homeowners Association and on behalf of the board and neighbors respectfully oppose the request for rezoning.

Bob Willis, 2718 High Vista Point, stated he is representing the homeowners association and has given out two items. The first was a petition of signatures of the residents with 100 percent opposing the application and respectfully request denial of it. He stated they are not opposed to development and are well aware of growth in the community and agree the land should be developed. Mr. Willis said the property is not flat, mostly ridge and is more cliff-like and believes the reason for the zoning is because there is very little space there with the cross-roads of a major power line, Corps property, lake, topography and grade. They met with the developer to get more information but could not get enough information

to know what the project is going to be about. They are very concerned about the verifiable track record of the architect and developer but want reliable evidence that shows experience and skill to complete the project successfully. He stated the other handout contains their primary objections to the project and reviewed them briefly. Mr. Willis said there was no local resume of work of prior projects found but the architect has had two business entities that the Secretary of State has ended for failure to pay the registration fee. They looked for evidence of a website for the developer, nothing was found and the business address was a sports bar or tee shirt shop in Buford. He said when reviewing the plans, they are incomplete and inadequate details such as the stock photos. Mr. Willis said they wonder about the developer's due diligence on the project since at the meeting they were told there has been no meaningful civil engineering, utility, environmental, traffic or marking studies and no ground or grade surveys. He said they could not find evidence of experience, credibility or attention to details. He said they feel the project is too complex for a developer or architect's first or second project. They have asked for a list or a portfolio and evidence of experience and have received nothing. He said with no traffic study done and number of cars could go over 100 to 150 per day and already very dangerous. He said the price points are not based on marketing studies and appear unrealistic. Mr. Willis said with the developer being unknown, and the complexity of the project their concern is it will not be properly and successfully completed. He said there is the risk of flipping which if the developer decides to sell the property undeveloped then the community would likely have no say on the development to the new developer and concerned this might happen due to the incomplete nature of the due diligence with the track record almost non-existence.

Dani Burns, 2706 High Vista Point, stated she has been in real estate for twenty years, license broker as well as a sales agent with fourteen years in Gainesville at Keller Williams Lanier Partners. She spoke about her sales for last year compared to this year and specializing in lake and luxury. Ms. Burns said in the last two years she has been involved in every MLS recorded sale of a Gainesville townhome or condo project above \$500,000. She stated in the Gainesville Times and from their meeting with the developer, the price point was \$800,000 to \$900,000 range. She stated in the packet is a marketing analysis regarding townhomes in Gainesville and the average townhome is 248,000 with the most expensive being \$608,000 in the Candler Park subdivision. She stated Candler Park is closer to town, easier to build, contains garages but these drawings do not show garages. She stated Candler Park does not have road noise and significant power lines which effects selling and value of the property. She said those two factors impact their subdivision and the sales price for the last year in High Point of a home over 6,000 square feet at \$642,800. She feels the developer is not taking the negative factors into consideration. She stated their neighborhood value is almost 25 percent less in sales compared to Marina Bay and Harbor Point due to the negative impact of road noise and power lines. Ms. Burns stated if the zoning is changed and the developer is not able to follow-through and if his numbers are incorrect, they would be looking at an unfortunate, unfavorable and unintended consequence concerning this rezoning. She stated they are not a subdivision opposed to development, and are open to working with a seller or developer that brings a proposal that is reasonable and feasible that can be worked on together. Ms. Burns appreciates the comments to involve the community but just worried they will not follow through. She said if the zoning was approved, they are opposed to carports and the architectural designs.

REBUTTAL: Mr. Fouse stated he understands each of the comments made but disappointed that some were more directed at qualifications than the project. He said he has been a registered architect in 9 states for 30 years, and done about 700 projects. He said his client has done many projects in his career and feels he does not need to justify his qualifications. He said they are still committed trying to work with the neighborhood association, understand their concerns, understands their statements but the job of the developer is to make sure he is not going to lose money on a development and if so, he's not going to do it and will stop. Mr. Fouse said the project is very preliminary and is deliberate and told the neighborhood association last week that is deliberate. He said they

are about to spend a quarter of a million dollars on engineering and architectural work to confirm that this idea is going work but are not going to do that until there is clarification from the board if that is a path worth taking or not.

There was a motion to recommend denial of the zoning amendment request to allow for 50 residential townhomes with Planned Unit Development (P-U-D) zoning.

Motion made by Board Member Thompson
Motion seconded by Board Member Simmons
Vote – 7 favor

Passed: _____

AN ORDINANCE

No. 2021-27

AN ORDINANCE AMENDING THE EXISTING PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c) ZONING TOTALING 4.847± ACRES LOCATED SOUTHEAST OF THE INTERSECTION OF THOMPSON BRIDGE ROAD AND HIGH VISTA POINT (A/K/A 2702 HIGH VISTA POINT, NE); 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 United Development, with conditions (P-U-D-c)**.

Conditions

- 1. The proposal shall be generally consistent with the concept plan and architectural pictures provided with this zoning amendment application per the review and approval of the Community and Economic Development Director.**
- 2. The proposed townhome development shall adhere to the development standards stated within Section 9-10-2-5 of the Unified Land Development Code entitled “Single-Family Attached Dwelling (Fee-Simple Townhouse).”**
- 3. In addition to the parking provided for each townhome unit and the amenity, a minimum of 10 guest parking spaces shall be provided within the development.**
- 4. The owner/developer shall screen all stormwater detention ponds with a mixture of evergreen trees. In addition, there shall be a minimum 20-foot wide landscape buffer planted area adjacent to High Vista Point and Thompson Bridge Road. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**
- 5. Signage for the development shall be located at the entrance of the development located off of High Vista Point. Signage shall be limited to the residential zoning standards stated within Section 9-18-5-6 of the Unified Land Development Code entitled “Project Entrance Signs”, not to exceed 8-feet in height and 32 square feet of sign face area with ground lighting.**
- 6. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director. The approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements**

ORDINANCE NO. 2021-27

associated with the proposed development shall be at the full expense of the developer/property owner.

Legal Description

All the tract or parcel of land, together with any improvements located thereon, lying and being in Land Lot 143, 9th Land District, City of Gainesville, Hall County, Georgia, containing 4.847 acres as shown on a plat of survey prepared by Moreland Altobelli Associates, Inc., dated January 28, 1987, last revised July 2, 2000, styled "Survey for Bradley Abernathy, Sr. and David Scroggs", recorded in Hall County, Georgia, Plat Slide 787, Page 250A together with a perpetual non-exclusive easement for ingress and egress, as shown on said plat, a portion of said easement being over High Vista Point, and a portion of said easement lying between High Vista Point and the property hereinabove conveyed, said easements being more particularly described as follows:

The first easement being over High Vista Point, beginning at the terminus of the public right of way, and bounded by lines C-14, C-15, C-16, L-20, C-11, C-9, and C-8 as shown on said plat. The easement between High Vista Point and the property herein conveyed is bounded by L-12, C-11, L-14, and L-6. Also conveyed is the right to remove landscaping, structures, or other improvements whatsoever necessary for the grading and development of the ingress and egress easement over the portion of both easements lying outside the paving of High Vista Point, but including the curbing of High Vista Point. TOGETHER with the right to construct, in connection with its ingress and egress easements, a retaining wall or skirt wall in the common area, and to abut the stone column on the South/Southeasterly side of the ingress/egress easement area. This conveyance is subject to all matters shown on the survey referenced in the description.

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

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

ORDINANCE NO. 2021-27

C. Danny Dunagan, Jr., Mayor

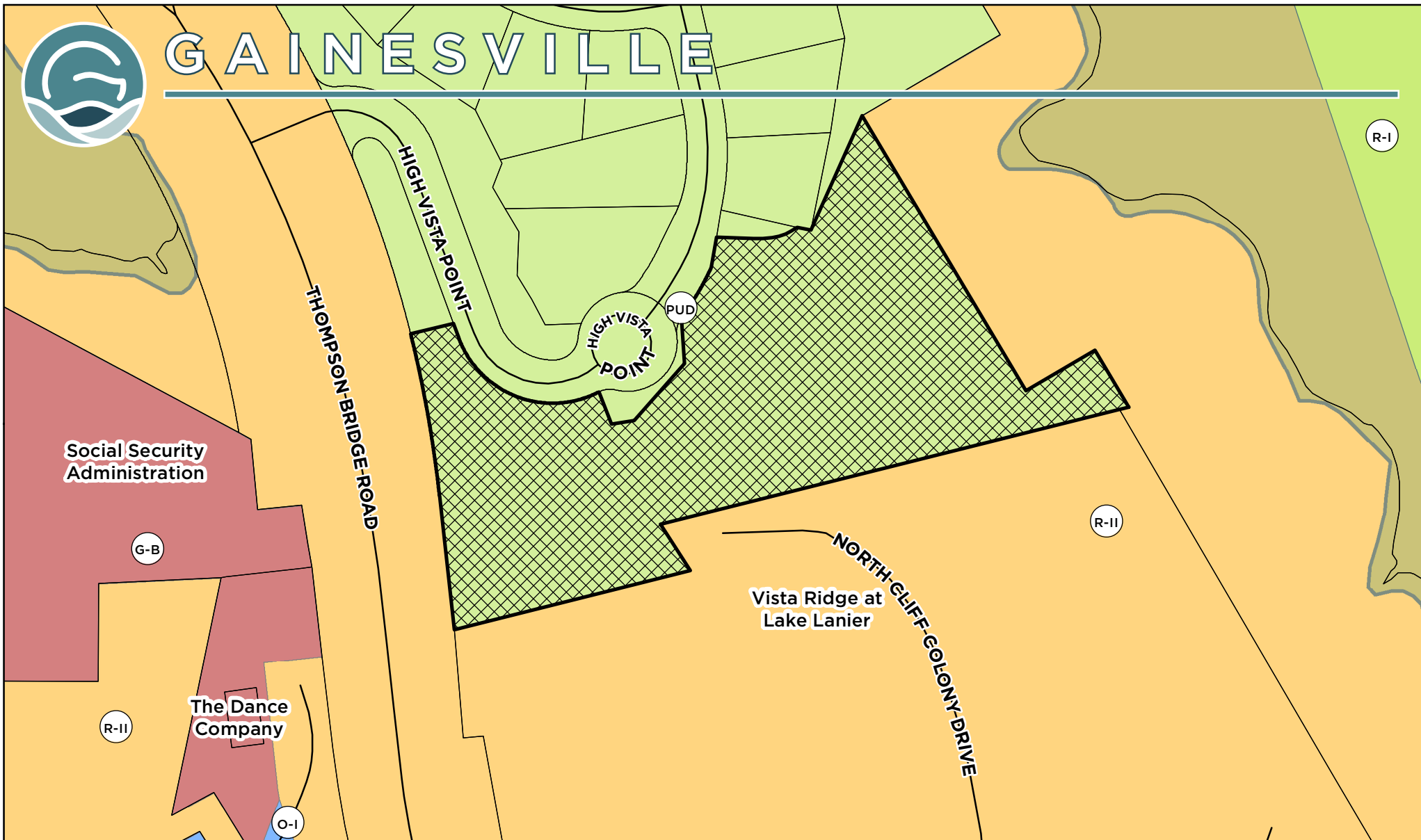
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



GAINESVILLE



Applicant:

EASTO CONSTRUCTION

Request:

Amend a portion of the existing Planned Unit Development (P-U-D) zoning totaling 4.847+/- acres tract for 50 residential townhomes

ZONING AMENDMENT REQUEST

Subject Property Address:

2702 High Vista Point, NE

Tax Parcel:

01-100-002-032



Subject Property



Meeting Date: 09/14/2021

Map Prepared: 08/17/2021

0 90 180 Feet
Page 26 of 204

SCALE: 1" = 167'



GAINESVILLE



Hall County GIS

Applicant:

EASTO CONSTRUCTION

Request:

Amend a portion of the existing Planned Unit Development (P-U-D) zoning totaling 4.847+/- acres tract for 50 residential townhomes

ZONING AMENDMENT REQUEST

Subject Property Address:

2702 High Vista Point, NE

Tax Parcel:

01-100-002-032



Subject Property

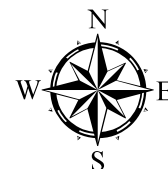
Aerial from 2018

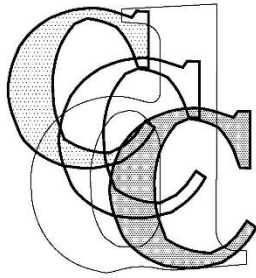
Meeting Date: 09/14/2021

Map Prepared: 08/17/2021

0 90 180 Feet
Page 27 of 204

SCALE: 1" = 167'





**CHEROKEE
DESIGN &
CONSTRUCTION
CONSULTING, P. C.**

PMB 211
3600 Dallas Highway Suite 230
Marietta, Georgia 30064
Voice 770-722-9986
rjf.cherokeedesign@gmail.com

Mr. Richie Reitano
Eastco Construction, Inc.
2685 Buford Highway
Suite 500
Buford, Georgia 30518

RE: High Vista on Lanier

Thank you so much for the opportunity to work with you on our project, High Vista on Lanier.

As a summary, please allow this letter to serve as a narrative of the project's highlights.

The project will feature three and four bedroom townhomes, averaging near 2,850 square feet. The projected units will be very modern, featuring lake view balconies on both of the upper floors on both ends of the home. Roof top decks are also predicted. Grades, as well as trees, will obviously dictate final views, but our expectation is that more than 75% of the homes will have pure lake views of more than 180 degrees.

The homes will be between 2600 and 3000 SF, excluding the two car garage. We anticipate very high end finishes, with granite or quartz counters, level 5 finishes on drywall, Viking appliances, hardwood floors, Progressive Lighting and very modern aesthetics. Projected building heights are 35 feet.

Access to the site is off High Vista, following a turn-in from Thompson Bridge Road. We anticipate monument signage in two locations, visible from both Thompson Bridge and at the curb cut at High Vista. While the site will only have one access point, the property is designed to allow for all code required emergency vehicle access, with a full 360 degree drive path.

The development team does not anticipate any need for variance from setbacks or easements, though Civil Engineering has not been commenced.

We will definitely be able to accommodate outdoor kitchen space in back yards, and have terraces, as well as livable balconies on both sides of the building.

The attached site plan illustrates the utility easements and anticipated setbacks. Final PUD documents, including grades, will show all property dimensions, retaining walls, building footprints, driveways and auxiliary parking.

Additionally, all landscape areas will be defined.

The HOA will contract directly with utility companies, trash services, landscapers and other common amenity maintenance.

Lastly, it is a project intent to engage formal relationships with neighboring HOA to properly resolve shared services and traffic questions.

Please let me know if you have any questions or comments.

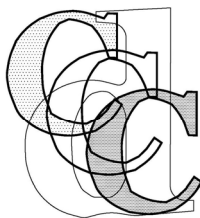
Sincerely,

Robert L. Fouse
President

A
DESIGN AND DEVELOPMENT
NARRATIVE FOR AN
EXISTING PUD MODIFICATION

2702 High Vista Point

Gainesville, Georgia



**CHEROKEE
DESIGN &
CONSTRUCTION
CONSULTING, P. C.**

PMB 211
3600 Dallas Highway Suite 230
Marietta, Georgia 30064
Voice 770-722-9986
rlf.cherokeedesign@gmail.com

EXECUTIVE SUMMARY

2702 High Vista Point is one of the few remaining properties (non-single family residential) on the shore of Lake Lanier that remains completely undeveloped. It currently has approved PUD zoning authorizing a condominium project consisting of 34 units in a multi-story high-rise, including multiple stories of garage parking. The anticipated project has languished for more than 20 years and has never had any meaningful positive progress, as the underlying economics are simply not feasible.

The land is virgin, but was investigated as a part of the single family development adjacent to the site. Surveys, geotechnical reports, and meets and bounds were completed more than 20 years ago, with the anticipation of development. Obviously, circumstances caused those development plans to be rendered incomplete.

The new development concept anticipates up to 50 townhomes (dependent upon final Civil Engineering solutions), completely eliminating the high-rise character of the project and replacing it with 3 story structures, consistent with the style rendered on the cover and within the submitted drawings, creating a more appropriate transitional site between the high end residential properties to our north, and the more moderately priced apartments to our south.

The property concept includes both an amenity building housing spaces accommodating pool activities and rentable party space (with a usable kitchen), and a second building that will be designed for more active space (pool, ping pong, arcades). The two buildings, along with the associated amenities (pool, deck, volley ball, walkway to lake, etc.) will be the ultimate maintenance responsibility of the HOA to be created. We are in active discussion with our neighboring HOA to explore shared benefits.

It is anticipated that the vast majority of the unit will have true lake views from multiple decks and rooftops, and will allow the development to attract higher price point buyers who seek the lifestyle and exclusivity of lakefront property. We believe the property will become a model for the continuously evolving greater community in Gainesville.

CONSISTENCY WITH CITY GOALS AND PRIORITIES

The development objectives are, based upon preliminary conversations, completely consistent with both the City of Gainesville's objectives, and those of the impacted neighbors. No parties have spoken in favor of the previous PUD approval, allowing a multi story high-rise. All parties, including our development team, recognize the currently approved project may not best fit the definition of "highest and best" use.

We feel very confident a 3 story townhouse project, featuring high end amenities and assets consistent with the desires of the current market, is a far superior solution for the property.

DEVELOPMENT PLAN

Property Address:	2702 High Vista Point, Gainesville, Georgia
Site Area:	4.85 Acres +/-
Existing Zoning:	Approved High-rise PUD
Existing Conditions:	Vacant, virgin land.
Proposed Use:	A new townhome community of no more than 50 units.
Proposed Density:	10.3 units per acre, maximum.
Site Development:	Developer anticipates no variance from comparable zoning restrictions.
Maximum Heights:	Developer anticipates 10-11' interior ceiling heights, 3 floors, with roof decks on some units. Maximum heights should not exceed 40'-0" above lowest adjacent grade levels. Any pitched roof requirements will raise the maximum height to ridge.
Open Space:	In addition to build exterior amenity spaces, the site will maintain significant undeveloped property, landscaped and available for resident use.
Parking:	All units are anticipated to have either a 2-car garage or a fully, structurally covered carport, as well as a drive way size to accommodate an additional 2 vehicles. Common areas and amenity buildings will also have small parking areas for events and activities.
Interface:	The developer is eager to engage neighbors and the City to find the most appropriate minor modifications that benefit the City of Gainesville, neighboring properties, and the Developer's interests.

GENERAL GUIDELINES

Parking:	The project anticipates 4 spaces per unit, 2 in either a garage or fully covered carport, with an additional two spaces available in the driveway for each unit. Additional parking will be provided at common amenity buildings and spaces.
Resident Units:	3 and 4 bedroom, 3 story townhomes are the proposed unit types for the project. 3 bedroom units are projects to be approximately 2750 SF, while the 4 bedroom units are projected at approximately 3100 SF. Each unit is projected to include both front side and rear side balconies with lake views, as well as roof top decks on those units where views can be maximized. Sales prices are assumed to be at the high end of the market, with some units commanding 7-figure sales price. Interior finishes and amenities are meant to meet or exceed the options available in the PMA and within comparable properties. The project assumes two amenity buildings housing various common services and HOA benefits. The project also assumes exterior amenities including a pool.
Building Heights:	Flat roof (accessible deck) solutions should not exceed a projected 40'-0". If pitched roofs are implemented at the request of the City, that height will likely be exceeded.
Ongoing Operations:	The project anticipates the creation of an HOA that will assume responsibility for common area maintenance, including landscaping and repairs. The site will feature significant accent lighting, safety features, mail and garbage services, and all other required functional amenities. The project does not anticipate seeking any variance from standard code for these items.

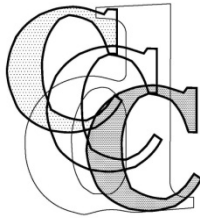
All proposed landscaping, including any “replacement” requirements for those tree eliminated as a result of the development will be subject to standard City review and requirements. The project will seek cooperation from the Corp of Engineers for removal of dead and diseased trees, as well as to allow Corp property to serve as a benefit to residents, though the team recognizes the difficulty of that process and the unlikely positive outcome.

Developers have established relationship with neighboring HOA leadership, and anticipate a strong partnership benefitting all parties affected by the proposed development.

REVISED DESIGN AND DEVELOPMENT
NARRATIVE FOR MODIFICATION OF AN
EXISTING PUD

2702 High Vista Point

Gainesville, Georgia



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CONSTRUCTION
CONSULTING, P. C.**

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Marietta, Georgia 30064
Voice 770-722-9986
rlf.cherokeedesign@gmail.com



**SMITH GILLIAM
WILLIAMS & MILES**

Smith, Gilliam, Williams & Miles, P.A.
301 Green Street, Suite 200
Gainesville, Georgia 30501
(770) 536-3381
tsmith@sgwmfirm.com

EXECUTIVE SUMMARY

2702 High Vista Point is one of the few remaining properties (non-single family residential) on the shore of Lake Lanier that remains completely undeveloped. It currently has approved PUD zoning authorizing a condominium project consisting of 34 units in a multi-story high-rise, including multiple stories of garage parking.

This revised development concept calls for up to 44 three-story townhomes (dependent upon final Civil Engineering solutions) that will eliminate the high-rise condominium concept called for by current zoning. The character of the project will be consistent with the style shown on the revised site plan.

The property concept includes a clubhouse, swimming pool, tennis court, and green space. Maintenance of the amenities will be the ultimate responsibility of the HOA to be created.

A vast majority of the units will have true lake views which will allow the development to attract higher price point buyers seeking the lifestyle and exclusivity of lakefront property.

DEVELOPMENT PLAN

Property Address:	2702 High Vista Point, Gainesville, Georgia
Site Area:	4.85 Acres +/-
Existing Zoning:	Approved high-rise PUD
Existing Conditions:	Vacant, virgin land.
Proposed Use:	A new townhome community of no more than 44 units.
Proposed Density:	9.07 units per acre, maximum.
Site Development:	Developer anticipates no variance from comparable zoning restrictions.
Maximum Heights:	Developer anticipates 10-11' interior ceiling heights, 3 floors, with roof decks. Maximum heights should not exceed 52'-0" (including pitched roof) above lowest adjacent grade levels.
Open Space:	In addition to amenity areas, the site will maintain significant undeveloped property, landscaped and available for resident use.
Parking:	All units are anticipated to have a 2-car garage as well as a driveway sized to accommodate an additional 2 vehicles. Common areas and the clubhouse will also have small parking areas for events and activities.
Interface:	The developer is eager to engage neighbors and the City to find the most appropriate minor modifications that benefit the City of Gainesville, neighboring properties, and the Developer's interests.

GENERAL GUIDELINES

Parking:	The project anticipates 4 spaces per unit, 2 in a garage, with an additional 2 spaces available in the driveway for each unit. Additional parking will be provided at amenity areas and the clubhouse.
Resident Units:	3 to 5 bedroom, three-story townhomes are the proposed unit types for the project. 3 bedroom units are projected to be approximately 2750 SF, 4 bedroom units are projected to be approximately 3100 SF, and 5 bedroom units are projected to be approximately 3200 SF. Each unit is projected to include a roof deck. Units positioned where views can be maximized will also include balconies. Each unit will include an option for an elevator. Sales prices are projected to be at the high end of the market, with some units commanding 7-figure sales price. Interior finishes and amenities will meet or exceed the options available in the PMA and within comparable properties. The project assumes one clubhouse, along with a swimming pool and tennis court.
Building Heights:	All units will have a pitched roof. Building heights, including the pitched roof, are not expected to exceed 52'-0".
Ongoing Operations:	The project anticipates the creation of an HOA that will assume responsibility for common area maintenance, including landscaping and repairs. The site will feature significant accent lighting, safety features, mail and garbage services, and all other required functional amenities. The project does not anticipate seeking any variance from standard code for these items. All proposed landscaping, including any "replacement" requirements for those trees eliminated as a result of the development, will be subject to standard City review and requirements.

High Vista 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 spectacular views and limited entrance to property.

Community Benefits

- Only one gated entrance instead of multiple entrances to not negatively impact traffic.
- The one entrance is off Thompson Bridge Road and there is already a turning lane in place near entrance for the existing subdivision.
- Price point is projected \$750,000 – \$1 million plus.
- Gated entrance provides security against any concerns of crime increase
- Owner occupied and owned fee simple residences – not rentals
- Visually appealing high-quality contemporary energy efficient townhomes
- Providing a high-quality home in a gated community with quality amenities such as pool, athletic courts and clubhouse.
- Lower impact than the original proposed PUD of high rise units. Units will be minimum of 2400 sq feet with quality trim and landscapes.
- 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
- Easy access to shopping and downtown
- Professionally maintained grounds
- Energy efficient designs
- Townhome design to minimize impact on the lake while giving owners gorgeous lake and potentially long range mountain views.
- Less than five minutes to a major hospital
- Single entry point with security gate
- High quality finishes both inside and out
- Professionally landscaped
- Fine amenities pool, athletic courts & clubhouse

NOTES:

1. THIS PLAT HAS BEEN DONE FOR THE USE AND PURPOSE OF THE CLIENT ASSIGNED AND CONTRACTED WITH BELOW. ALL OTHER PARTIES ARE SUBSEQUENTLY PUT ON NOTICE AS TO THE LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY THIRD PARTIES.
2. THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
3. THE NORTH MERIDIAN SHOWN HEREON IS BASED ON A RECORD GRID BEARING.
4. THE COMMON AREA SHALL NOT BE CONSIDERED FOR A RESIDENTIAL SITE.
5. THERE MAY OR MAY NOT BE ADDITIONAL UNDERGROUND UTILITIES NOT SHOWN HEREON. NO WARRANTY IS MADE AS TO THE LOCATION, SIZE OR DISTANCE OF UTILITIES WHICH COULD NOT BE VERIFIED BY SURFACE INVESTIGATION.

PLAT REFERENCES:

113 PLAT OF SURVEY FOR CLARK & CHEEK L.L.C., PREPARED BY MORELAND ALTOBELLI ASSOCIATES, INC., DATED 11-02-95.

123 PLAT FOR HIGH POINT SUBDIVISION, BY MORELAND ALTOBELLI ASSOCIATES, PLAT BOOK SLIDE 102, PAGE 104.

COURSE BEARING DISTANCE

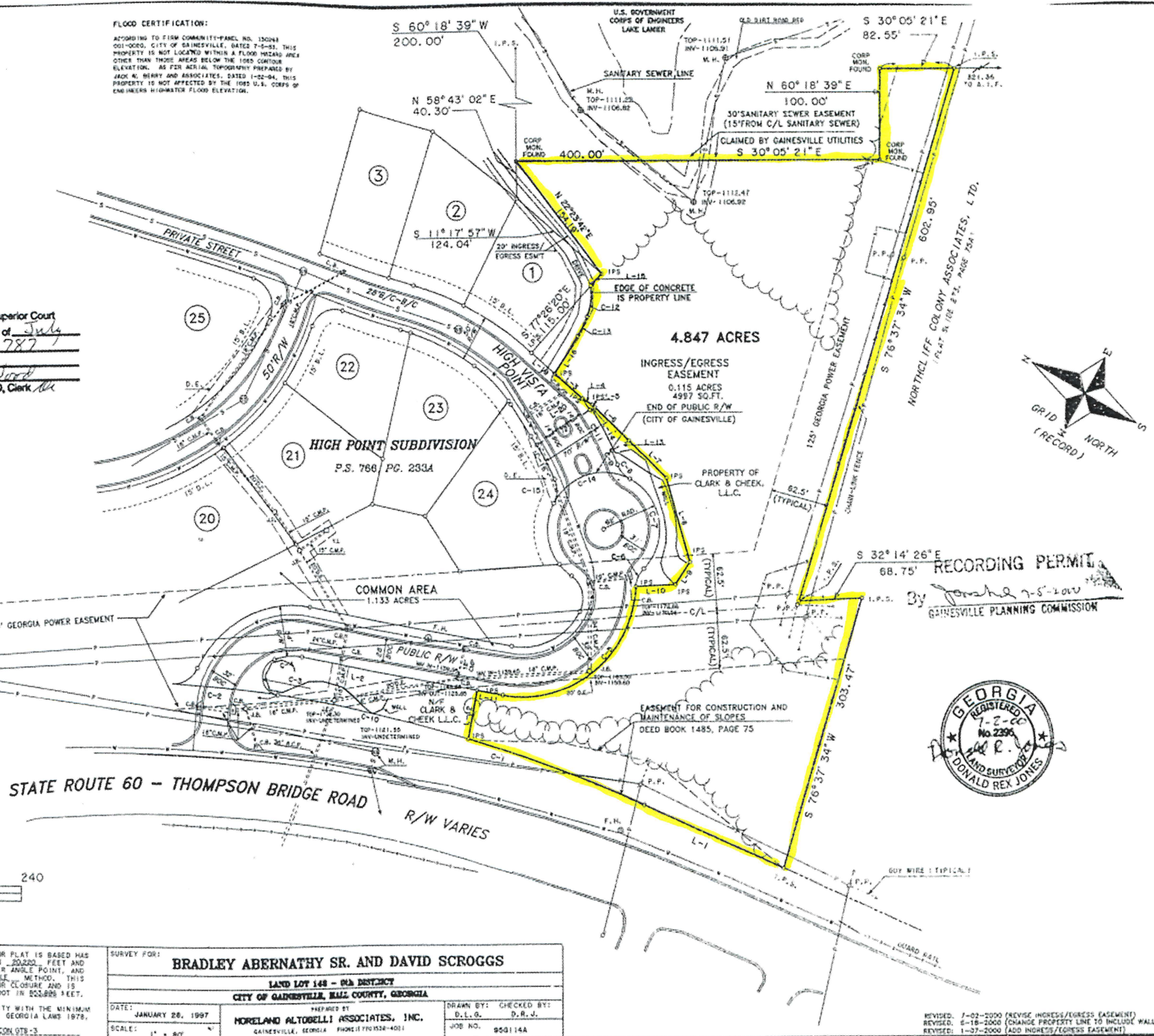
L-1	N 05°30'26"E	167.70'
L-2	S 19°30'00"E	204.36'
L-3	N 11°06'16"E	40.76'
L-4	N 00°24'36"E	12.36'
L-5	N 14°10'31"E	3.48'
L-6	N 14°10'31"E	52.37'
L-7	N 14°10'31"E	57.54'
L-8	N 64°16'10"E	95.30'
L-9	S 86°34'08"E	29.15'
L-10	S 32°43'26"E	43.51'
L-11	S 10°29'56"E	28.77'
L-12	N 70°30'00"E	53.18'
L-13	N 58°30'34"E	21.82'
L-14	S 58°30'34"E	6.23'
L-15	S 77°26'20"E	17.20'
L-16	S 67°26'20"E	33.49'
L-17	N 60°44'27"E	23.82'
L-18	S 87°47'55"E	47.12'
L-19	N 11°00'16"E	54.24'
L-20	S 62°37'45"E	70.00'

CURVE	RADIUS	LENGTH	CHORD	CH. BEARING
C-1	1522.39'	207.14'	206.88'	N 09°26'13"W
C-2	1522.39'	118.45'	118.42'	N 24°02'20"W
C-3	23.00'	55.28'	58.87'	N 54°50'52"E
C-4	63.01'	32.61'	32.60'	S 34°18'00"E
C-5	125.00'	212.30'	187.68'	S 68°08'16"E
C-6	30.00'	21.65'	21.16'	N 83°00'36"E
C-7	62.00'	115.16'	96.33'	N 51°16'17"E
C-8	30.00'	21.06'	20.66'	N 18°11'11"E
C-9	346.00'	16.50'	16.50'	N 36°58'14"E
C-10	1522.39'	225.19'	224.94'	N 17°34'20"W
C-11	346.00'	50.04'	50.00'	S 13°08'23"E
C-12	65.00'	33.87'	33.49'	N 67°26'55"E
C-13	137.00'	57.87'	57.82'	N 95°46'40"E
C-14	62.00'	62.00'	88.02'	N 47°10'26"W
C-15	30.00'	27.04'	26.13'	N 61°46'40"E
C-16	278.00'	41.97'	41.64'	N 31°39'55"E

Georgia, Hall County, Clerk Superior Court
Filed in office this 6 day of July
2017 Recorded in slide 787
Page 230A
Dwight S. Wood
DWIGHT S. WOOD, Clerk

FLOOD CERTIFICATION:

ACCORDING TO FIRM COMMUNITY PANEL NO. 13094 001-000, CITY OF GAINESVILLE, DATED 7-8-83, THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA. ELEVATION: AS PER AERIAL TOPOGRAPHY PREPARED BY JACK M. HENRY AND ASSOCIATES, DATED 1-02-84, THIS PROPERTY IS NOT AFFECTED BY THE 1985 U.S. CORPS OF ENGINEERS HIGHWATER FLOOD ELEVATION.



RECORDING PERMIT
By Donna R. Jones
GAINESVILLE PLANNING COMMISSION



- I. F.	LEGEND
- M. F.	ANGLE IRON FOUND
- C.	CONCRETE MONUMENT FOUND
- P. F.	CENTERLINE
- P. S.	IRON PIN FOUND
- L.	IRON PIN SET (1/2" REBAR)
- L. L.	LAND LOT
- P.	PROPERTY LINE
- P. L.	OVERHEAD POWER LINE
- P. F.	POWER PILE
- W.	RIGHT-OF-WAY

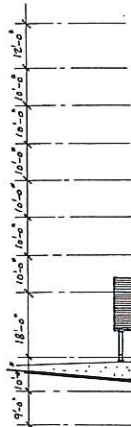
THE FIELD DATA ON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,000 FEET AND AN ANGULAR ERROR OF ONE SECOND PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 50,000 FEET.

THIS PLAT WAS PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW, GEORGIA LAWS 1978, AND IS SUITABLE FOR RECORDING.

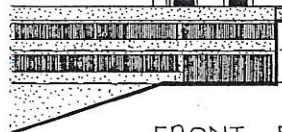
TYPE OF EQUIPMENT: TOPCON GTS-3

SURVEY FOR:	
BRADLEY ABERNATHY SR. AND DAVID SCROGGS	
LAND LOT 148 - 8th DISTRICT	
CITY OF GAINESVILLE, HALL COUNTY, GEORGIA	
DATE:	JANUARY 28, 1997
SCALE:	1" = 80'
PREPARED BY:	MORELAND ALTOBELLI ASSOCIATES, INC.
DESIGNED BY:	D. L. G.
CHECKED BY:	D. R. J.
JOB NO.	950114A

REVISED: 7-02-2000 (REVISE INGRESS/EGRESS EASEMENT)
REVISED: 6-18-2000 (CHANGE PROPERTY LINE TO INCLUDE WALLS)
REVISED: 1-27-2000 (ADD INGRESS/EGRESS EASEMENT)



THOMPSON BRIDGE ROAD ELEVATION



FRONT ELEVATION
SCALE : $\frac{1}{16}'' = 1'-0''$

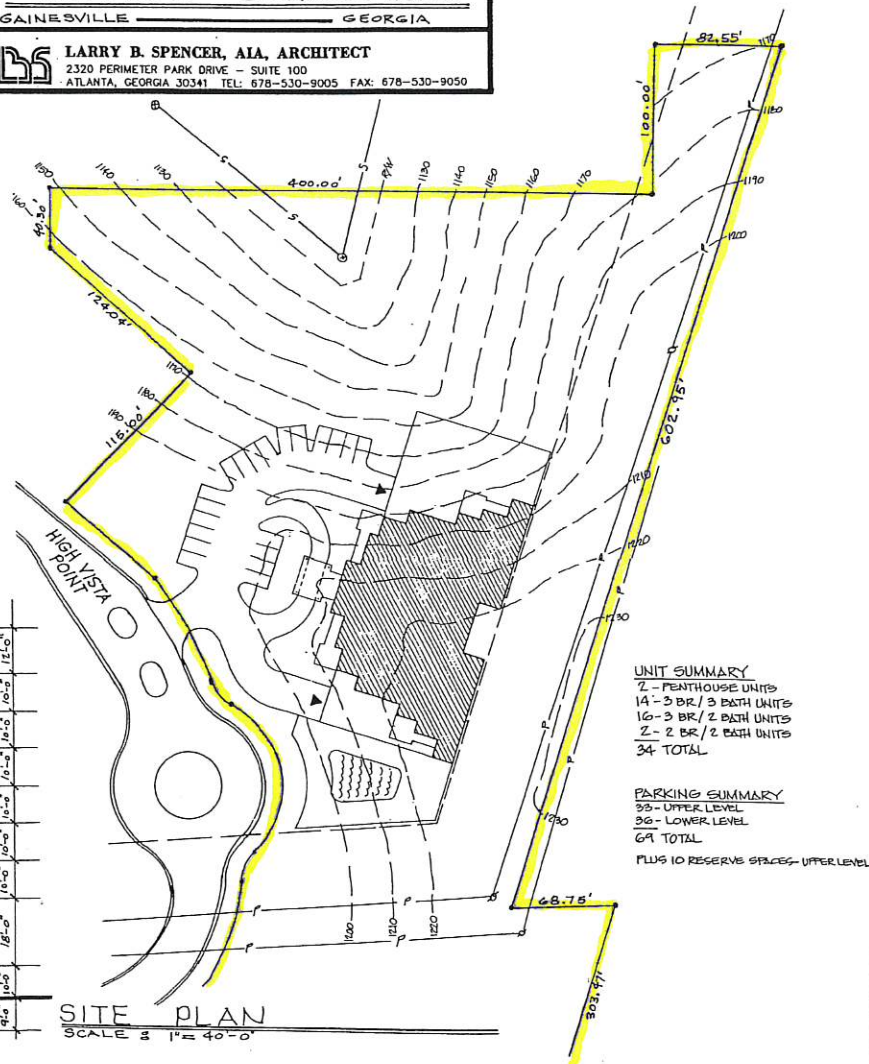
HIGHPOINT CONDOMINIUMS

GAINESVILLE _____ GEORGIA



LARRY B. SPENCER, AIA, ARCHITECT

2320 PERIMETER PARK DRIVE - SUITE 100
ATLANTA, GEORGIA 30341 TEL: 678-530-9005 FAX: 678-530-9050



UNIT SUMMARY
2 - PENTHOUSE UNITS
14 - 3 BR / 3 BATH UNITS
16 - 3 BR / 2 BATH UNITS
2 - 2 BR / 2 BATH UNITS
34 TOTAL

PARKING SUMMARY
33 - UPPER LEVEL
36 - LOWER LEVEL
69 TOTAL

PLUS 10 RESERVE SPACES- UPPER LEVEL

HIGH

PRELIMINARY

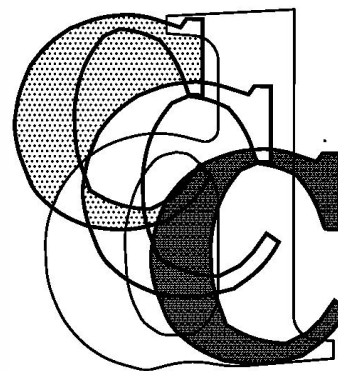
SHEET TITLE

1

1

A NEW LUXURY TOWNHOME
COMMUNITY
AT
HIGH VISTA ON LANIER

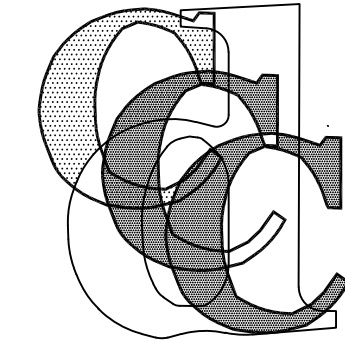
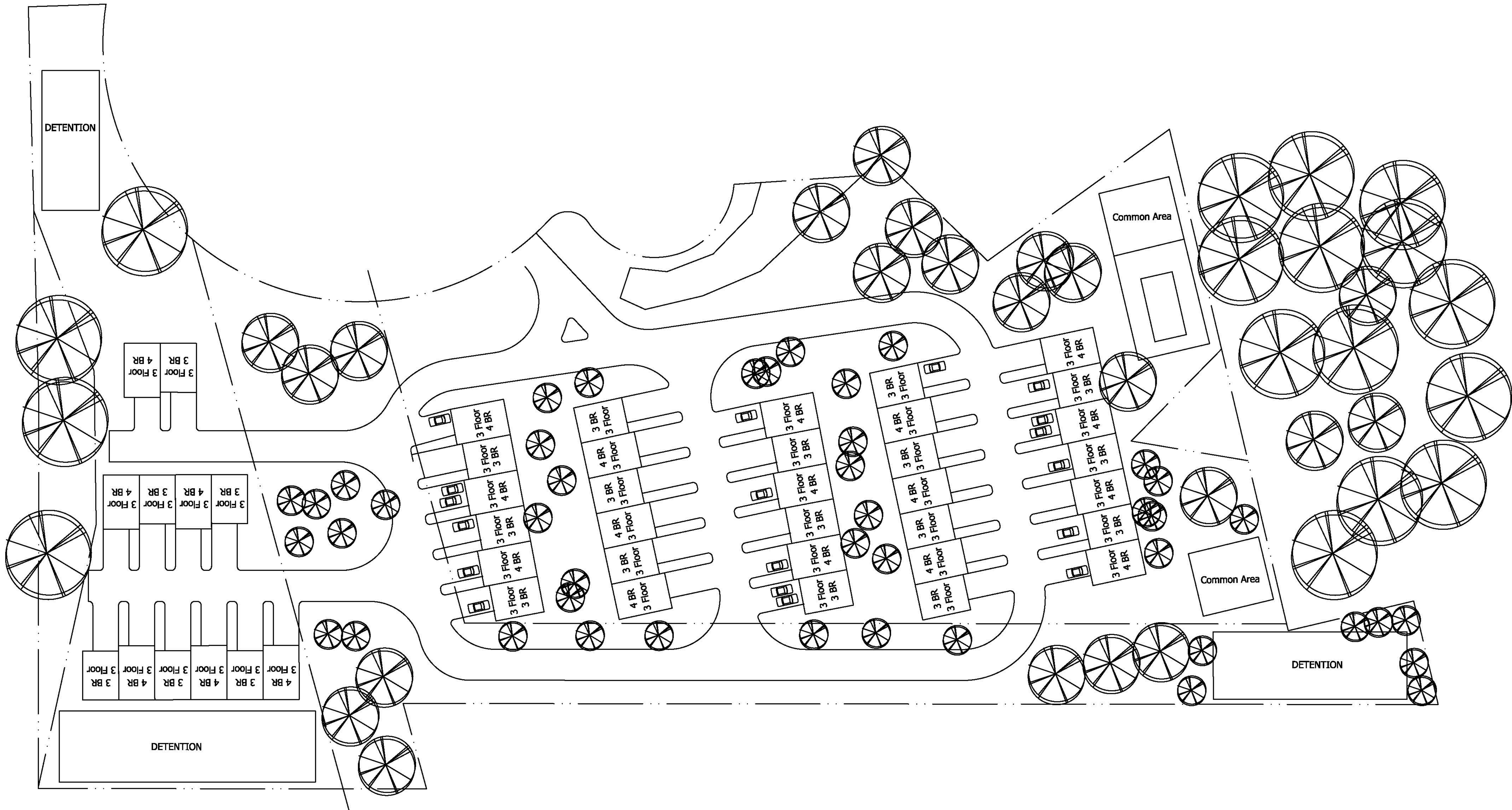
2702 High Vista Point, Gainesville, Georgia
ISSUED FOR PUD MODIFICATION APPLICATION



CHEROKEE
DESIGN &
CONSTRUCTION
CONSULTING, P. C.

PMB 211
3600 Dallas Hwy, Suite 220
Marietta, Georgia 30064
Voice 770-722-9986
rif.cherokeedesign@gmail.com

CODE SUMMARY				INDEX TO DRAWINGS	DRAWING ISSUE:																																										
VICINITY MAP: PROJECT SITE PROJECT ADDRESS: TYPE OF PACKAGE: ...CONSTRUCTION OF TOWNHOMES SEISMIC DESIGN CATEGORY: "C" WIND SPEED: 90 MPH EXPOSURE CATEGORY: C APPLICABLE CODES: Building: 2012 edition International Building Code Mechanical: 2012 edition International Mechanical Code Plumbing: 2012 edition International Plumbing Code Gas: 2012 edition International Fuel Gas Code Electrical: 2014 edition National Electrical Code Energy: 2009 edition International Energy Conservation Code Fire: 2012 edition International Fire Code Life Safety: 2012 Life Safety Code - NFPA 101 Accessibility: 2015 Georgia Accessibility Code/Rules and Regulations of the Georgia Safety Fire Commissioner Ch. 120-3-20 NOTE: SHALL COMPLY WITH ALL APPLICABLE GEORGIA AMENDMENTS NOTE: THE SUPPRESSION SYSTEM IN THE PLANS IS FOR REFERENCE ONLY AND THE SUPPRESSION SYSTEM MUST BE SUBMITTED AND APPROVED SEPARATELY.	C. OCCUPANCY CLASSIFICATION	IBC	NFPA 101	Occupancy Calculations per Table 7.3.1.2 Chapter 7 Life Safety Code 2012	<table><tr><td colspan="3">Issue Dates:</td></tr><tr><td>No.</td><td>ISSUE</td><td>DATE</td></tr><tr><td></td><td>PUD Submission</td><td>07/29/21</td></tr><tr><td></td><td>Revised PUD Submission</td><td>08/23/21</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><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><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>	Issue Dates:			No.	ISSUE	DATE		PUD Submission	07/29/21		Revised PUD Submission	08/23/21																														
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D. TYPE OF CONSTRUCTION A - Protected / B - Unprotected																																															
E. AUTOMATIC SPRINKLER SYSTEM SPRINKLERED / UNSPRINKLERED																																															
F. ALLOWABLE HEIGHT HEIGHT SHOWN																																															
G. ALLOWABLE AREA 1. Area Allowed Per Unit 2. Actual Area Per Unit																																															
H. FIRE RESISTANCE RATINGS - BUILDING ELEMENTS 1. Structural Frame 2. Bearing Walls 3. Non-Bearing Walls 4. Floor Construction 5. Roof Construction				Unit Summary																																											
I. FIRE RESISTANCE RATINGS - EXTERIOR WALLS 1. Separation Distance 2. Bearing Walls 3. Non-Bearing Walls 4. Opening Protection 5. Vertical Fire Spread Protection 6. Parapets																																															
J. FIRE RESISTANCE RATINGS - FIRE & SMOKE BARRIERS 1. Shaft Enclosures 2. Exit Enclosures & Corridors 3. Horizontal Exits 4. Incidental Use Areas 5. Fire Area/ Occupancy Separation 6. Smoke Barriers																																															
K. COMMON PATH OF TRAVEL																																															
L. EGRESS/CORRIDOR WIDTH REQUIRED PROVIDED																																															
M. DEAD END CORRIDORS																																															
N. TRAVEL DISTANCE AUTOMATIC FIRE SPRINKLER SYSTEM																																															

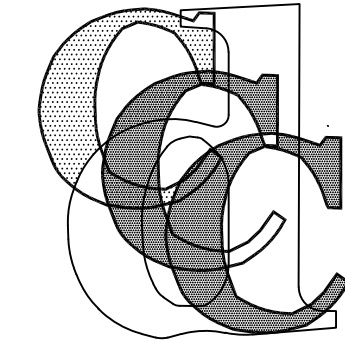


No.	ISSUE	DATE
	PUD APPLICATION	07/29/21



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Voice 770-722-9986
rff.cherokeedesign@gmail.com



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Seal:

CIVIL ENGINEER:

STRUCTURAL ENGINEER:

MEP ENGINEER:

Job Title:

A NEW LUXURY TOWNHOME
COMMUNITY

HIGH VIST ON LANIER

2702 HIGH VISTA POINT

GAINESVILLE
GEORGIA

Sheet Information:

Job Number	2107003
Original Issue Date	

Issue Dates:

No.	ISSUE	DATE
	PUD APPLICATION	07/29/21

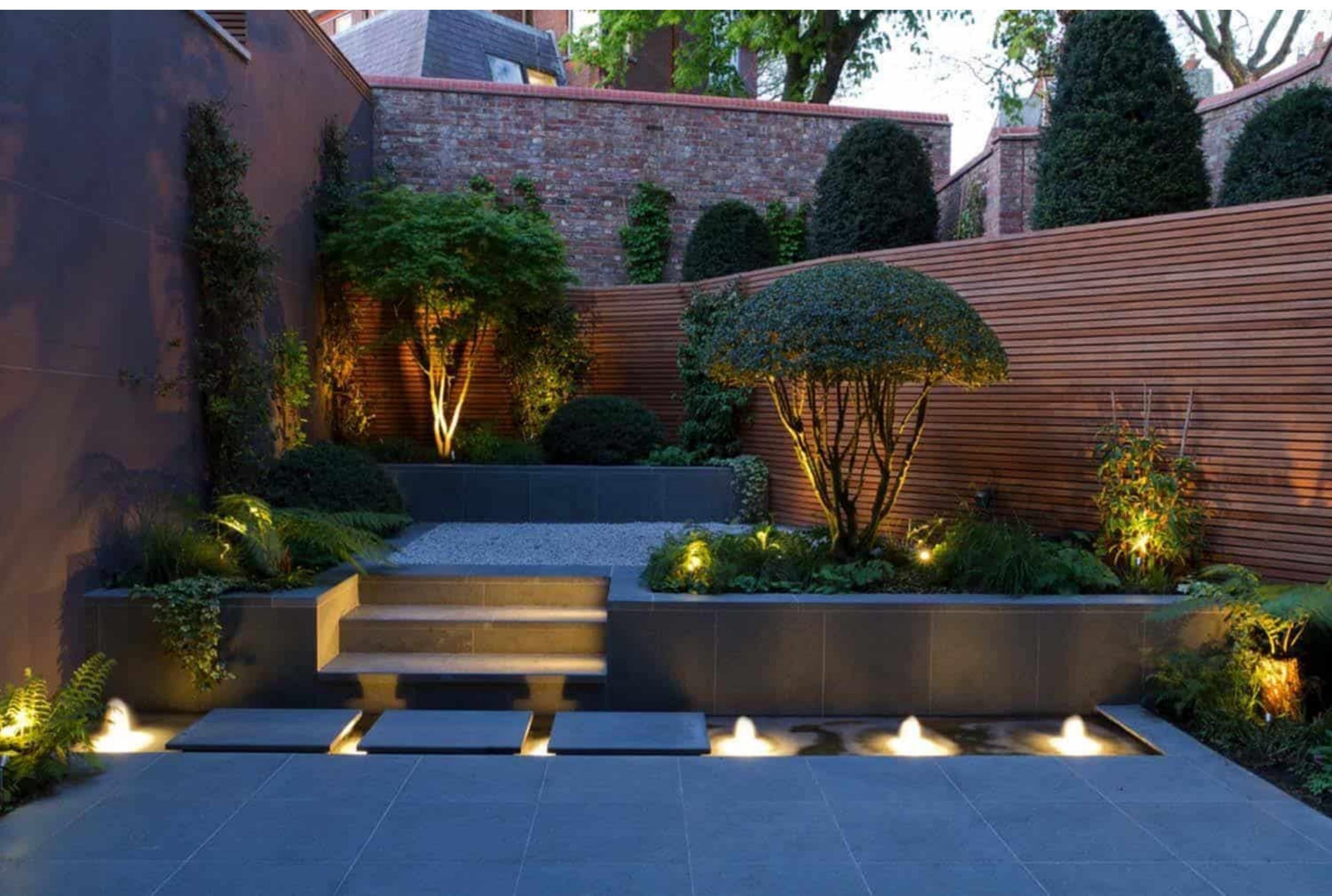
Sheet Title:

CONCEPT
ARCHITECTURAL
IMAGE

Sheet:

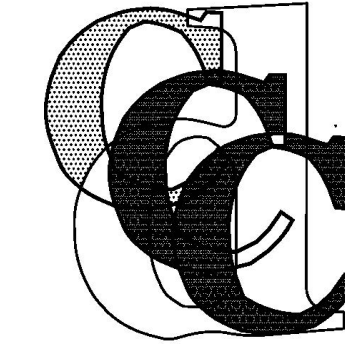
A102

FOR CONSTRUCTION



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PMB 211
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Voice 770-722-9986
rff.cherokeedesign@gmail.com



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Seal:

Consultants: CIVIL ENGINEER:

STRUCTURAL ENGINEER:

MEP ENGINEER:

Job Title:

**A NEW LUXURY TOWNHOME
COMMUNITY
HIGH VIST ON LANIER
2702 HIGH VISTA POINT
GAINESVILLE
GEORGIA**

Sheet 1 mation:

Job Number	2107003
Original Issue Date	

Issue Dates:

No.	ISSUE	DATE
	PUD APPLICATION	07/29/21

Sheet Title:

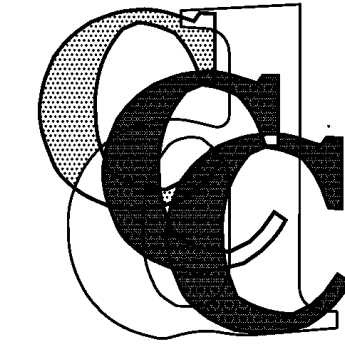
**REAR SIDE
IMAGES**

Sheet:

A103
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MEP ENGINEER:

Job Title:

**A NEW LUXURY TOWNHOME
COMMUNITY
HIGH VIST ON LANIER**
2702 HIGH VISTA POINT
GAIN VILLE GE GA

Sheet Information:

Job Number	2107003
Original Issue Date	

Issue Dates:

No.	ISSUE	DATE
	PUD APPLICATION	07/29/21

Sheet Title:

**RENDERED
SITE PLAN**

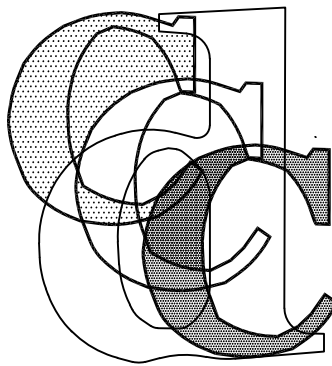
Sheet:

A104

FOR CONSTRUCTION

A NEW LUXURY TOWNHOME
COMMUNITY
AT
HIGH VISTA ON LANIER

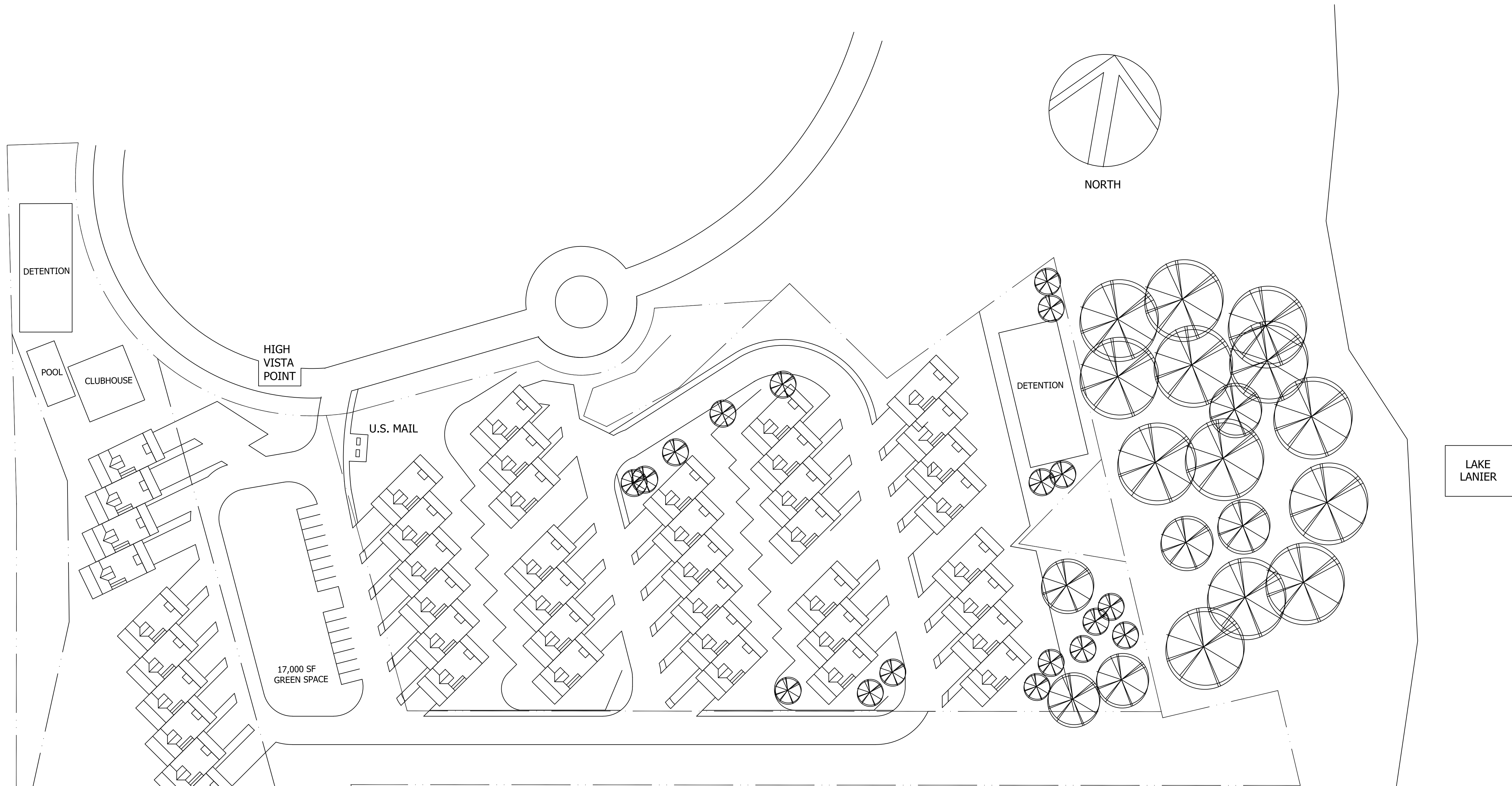
2702 High Vista Point, Gainesville, Georgia
ISSUED FOR PUD MODIFICATION APPLICATION



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CODE SUMMARY					INDEX TO DRAWINGS		DRAWING ISSUE:	
VICINITY MAP: PROJECT SITE PROJECT ADDRESS: TYPE OF PACKAGE: ... CONSTRUCTION OF TOWNHOMES SEISMIC DESIGN CATEGORY: "C" WIND SPEED: 90 MPH APPLICABLE CODES: Building: 2012 edition International Building Code Mechanical: 2012 edition International Mechanical Code Plumbing: 2012 edition International Plumbing Code Gas: 2012 edition International Fuel Gas Code Electrical: 2014 edition National Electrical Code Energy: 2009 edition International Energy Conservation Code Fire: 2012 edition International Fire Code Life Safety: 2012 Life Safety Code - NFPA 101 Accessibility: 2015 Georgia Accessibility Code/Rules and Regulations of the Georgia Safety Fire Commissioner Ch. 120-3-20 NOTE: SHALL COMPLY WITH ALL APPLICABLE GEORGIA AMENDMENTS NOTE: THE SUPPRESSION SYSTEM IN THE PLANS IS FOR REFERENCE ONLY AND THE SUPPRESSION SYSTEM MUST BE SUBMITTED AND APPROVED SEPARATELY.	C. OCCUPANCY CLASSIFICATION	IBC	NFPA 101	Occupancy Calculations per Table 7.3.1.2 Chapter 7 Life Safety Code 2012		Issue Dates:		
	D. TYPE OF CONSTRUCTION A - Protected / B - Unprotected					No.	ISSUE	DATE
	E. AUTOMATIC SPRINKLER SYSTEM SPRINKLERED / UNSPRINKLERED						PUD Submission	07/29/21
	F. ALLOWABLE HEIGHT HEIGHT SHOWN						City Council Hearing	12/07/21
	G. ALLOWABLE AREA 1. Area Allowed Per Unit 2. Actual Area Per Unit							
	H. FIRE RESISTANCE RATINGS - BUILDING ELEMENTS 1. Structural Frame 2. Bearing Walls 3. Non-Bearing Walls 4. Floor Construction 5. Roof Construction			Unit Summary				
	I. FIRE RESISTANCE RATINGS - EXTERIOR WALLS 1. Separation Distance 2. Bearing Walls 3. Non-Bearing Walls 4. Opening Protection 5. Vertical Fire Spread Protection 6. Parapets							
	J. FIRE RESISTANCE RATINGS - FIRE & SMOKE BARRIERS 1. Shaft Enclosures 2. Exit Enclosures & Corridors 3. Horizontal Exits 4. Incidental Use Areas 5. Fire Area/ Occupancy Separation 6. Smoke Barriers							
	K. COMMON PATH OF TRAVEL							
	L. EGRESS/CORRIDOR WIDTH REQUIRED PROVIDED							
M. DEAD END CORRIDORS								
N. TRAVEL DISTANCE AUTOMATIC FIRE SPRINKLER SYSTEM								



DEVELOPMENT NOTES AND STANDARDS

THE PROPOSED DEVELOPMENT INCLUDES 44 UNITS, MIXED BETWEEN 3 AND 4 BEDROOM TOWNHOMES. EACH UNIT INCLUDES A 20'-0" DRIVEWAY AND A TWO CAR GARAGE, RESULTING IN 4 VEHICLE SPACES PER UNIT. THE DEVELOPMENT ANTICIPATES 10'-0" PLATE HEIGHTS FOR EACH OF 3 FLOORS, RESULTING IN 35'-0" TO THE EAVE, WITH A 4:12 PITCHED ROOF, ADDING 6 VERTICAL FEET OF ROOF PITCH. EACH UNIT CONTAINS MULTIPLE BALCONIES, AND A LARGE ROOF DECK. ADDITIONALLY, EACH UNIT HAS A PRIVATE, GROUND-LEVEL COURTYARD. 5'-0" SIDEWALKS ARE PRESENT ON THE EAST SIDE OF EACH VEHICULAR STREET. 150'-0" UTILITY EASEMENT REMAINS UNBUILT. 15 ADDITIONAL VISITOR PARKING SPACES ARE PROVIDED ON SITE. DETENTION IS ACCOMMODATED IN TWO PONDS, AT THE TWO LOW POINTS OF THE SITE.

THE SITE SLOPES FROM A HIGH POINT AT THE WEST END TO A LOW POINT AT THE EAST. SIMILARLY, THE SITE SLOPES FROM A HIGH POINT AT THE SOUTHERN PROPERTY LINE TO A LOW POINT AT THE NORTHERN PROPERTY LINE. THE EASTERN MOST UNITS WILL STEP, VIA FOUNDATION WALLS APPROXIMATELY 18 INCHES WITH EACH NEW UNIT RESULTING IN ROUGHLY 10'-0" OF GRADE CHANGE FROM NORTH APPROXIMATELY 18 INCHES WITH EACH NEW UNIT RESULTING IN ROUGHLY 10'-0" OF GRADE CHANGE FROM NORTH TO SOUTH. MOVING EAST TO WEST, EACH BUILDING ROW WILL BE APPROXIAMTELY 8'-0" HIGHER THAN THE ROW IMMEDIATELY TO THE EAST. THIS WILL ALLOW FOR ALL UNITS TO HAVE UNENCUMBERED LAKE VIEWS (LOOKING OVER THE BUILDING BELOW). EACH BUILDING ROW WILL STEP UP THE SLOPE AS DESCRIBED ABOVE. (APPROXIMATELY 18 INCHES PER UNIT VERTICAL STEP.

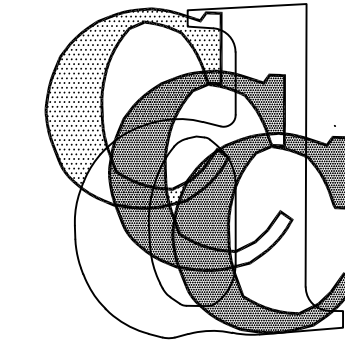
1

CONCEPTUAL SITE PLAN WITH BUILDING AND PARKING LAYOUT

1" = 50'-0"

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STRUCTURAL ENGINEER:

MEP ENGINEER:

Job Title:

LUXURY TOWNHOMES
at
HIGH VISTA POINT
A 44 UNIT DEVELOPMENT

GAINESVILLE
GEORGIA

Sheet Information:

Job Number	2021-08
Original Issue Date	11/07/21

Issue Dates:

No.	ISSUE	DATE
	Council Meeting	12/07/21

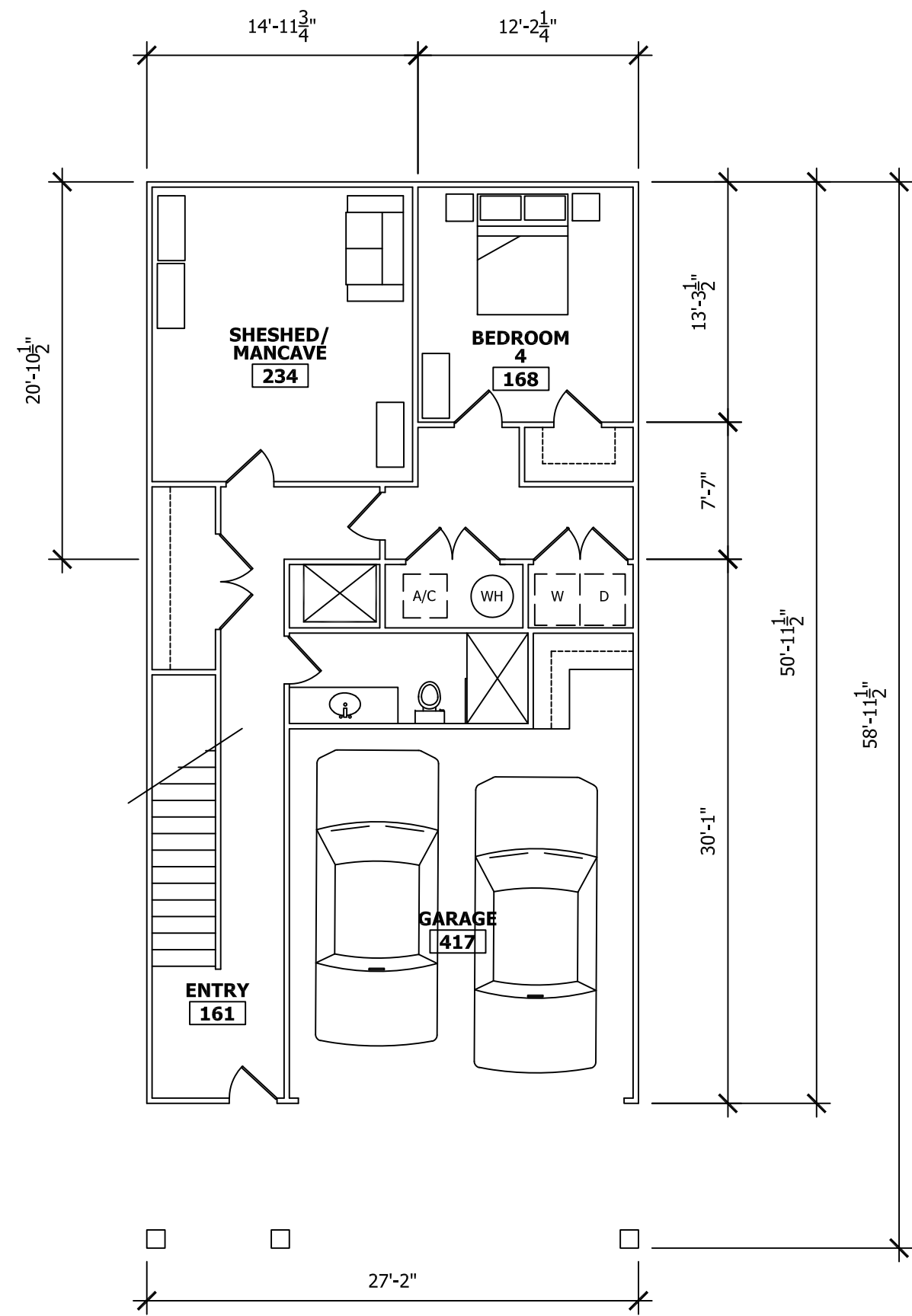
Sheet Title:

CONCEPTUAL
SITE PLAN WITH
BUILDING AND
PARKING LAYOUT

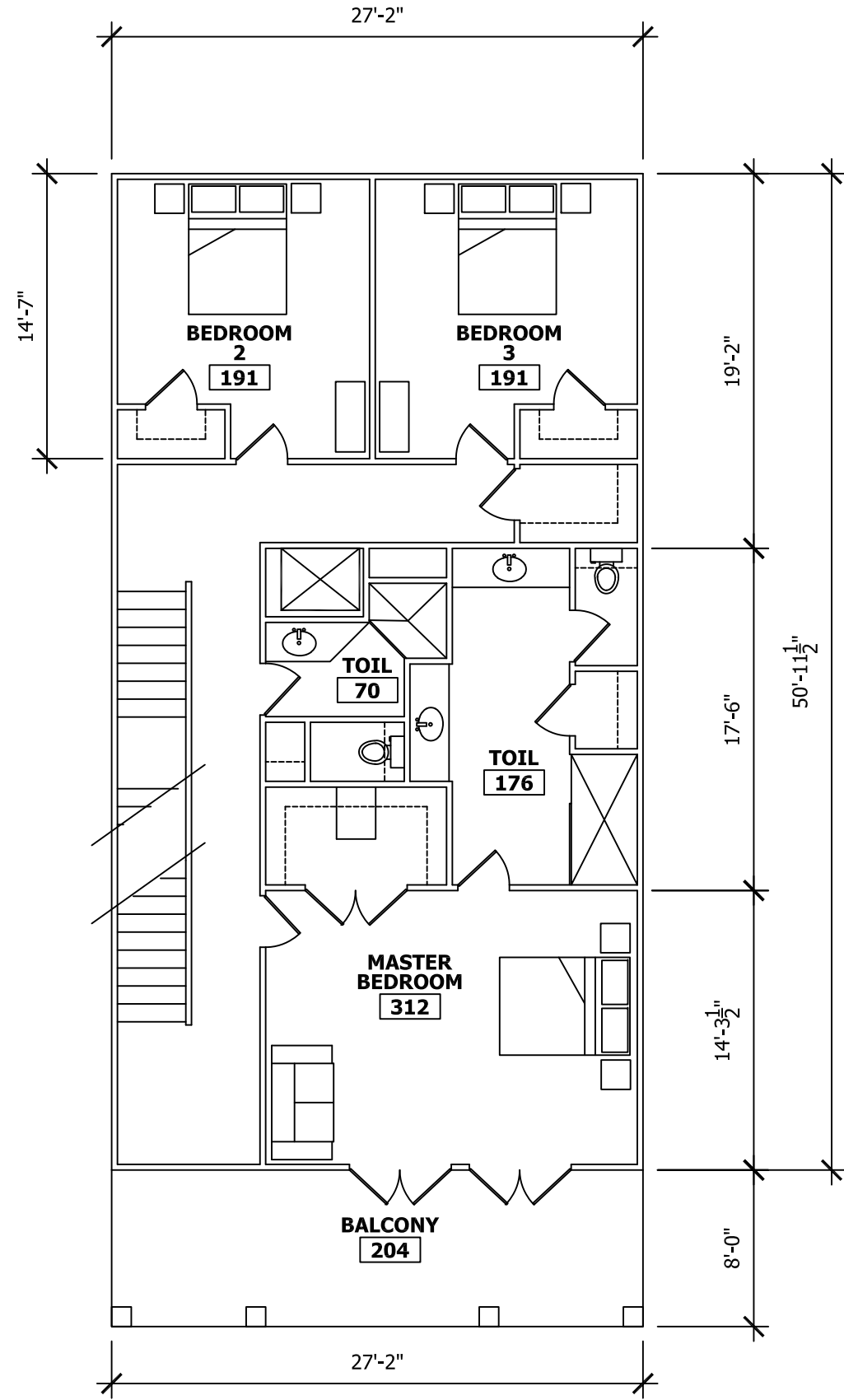
Sheet:

A101

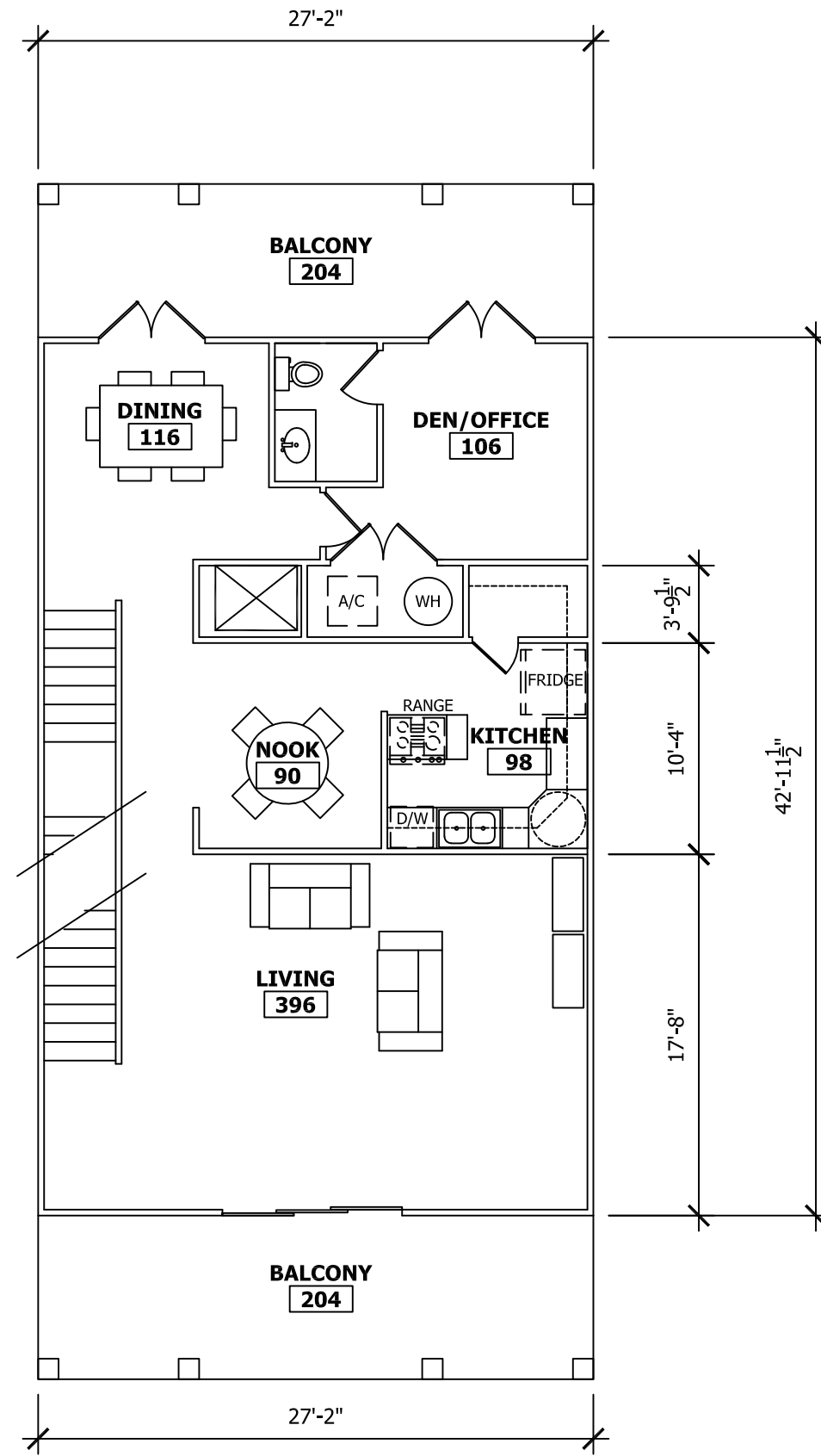
NOT FOR CONSTRUCTION



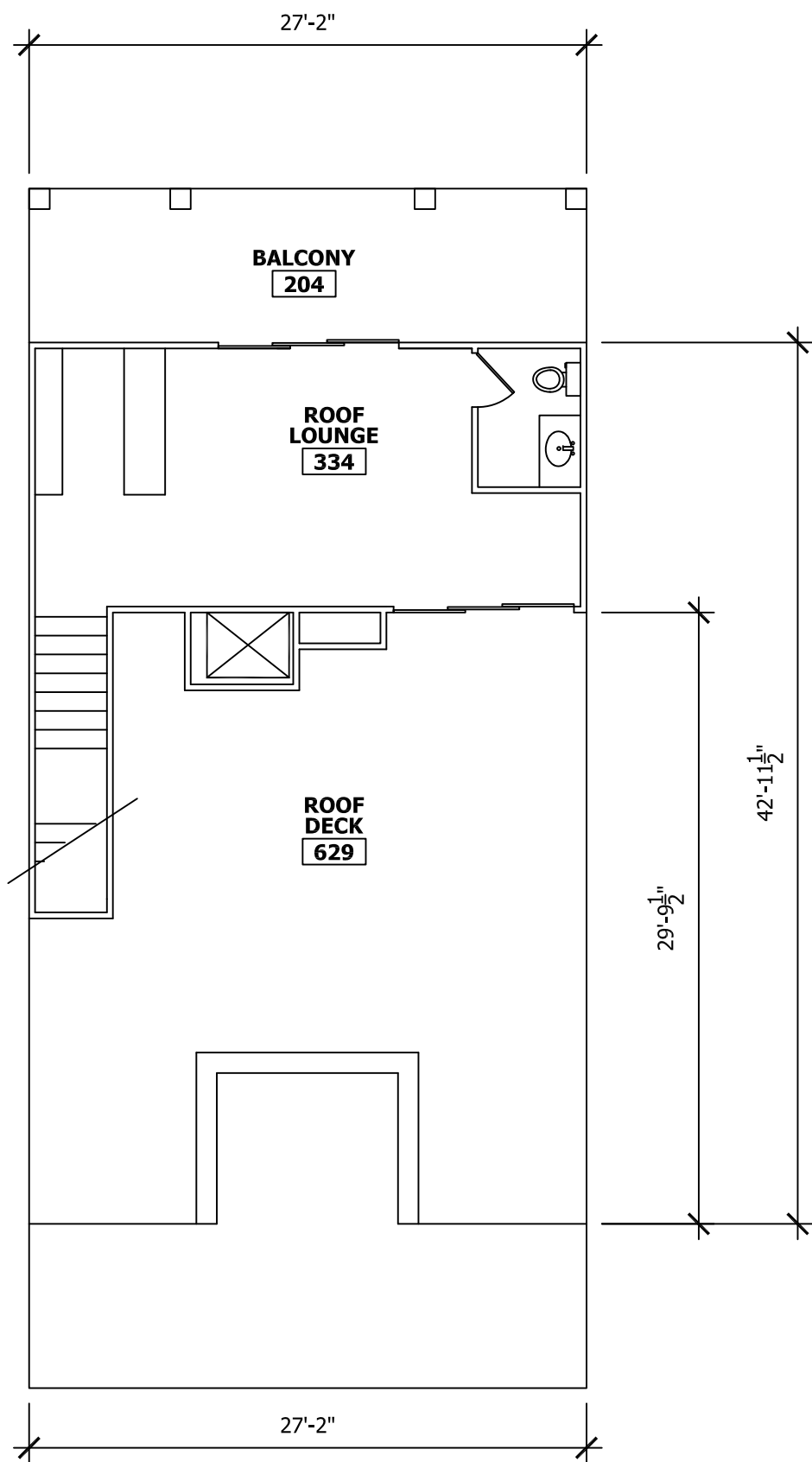
1 GARAGE/ENTRY LEVEL 1
1/8" = 1'-0"



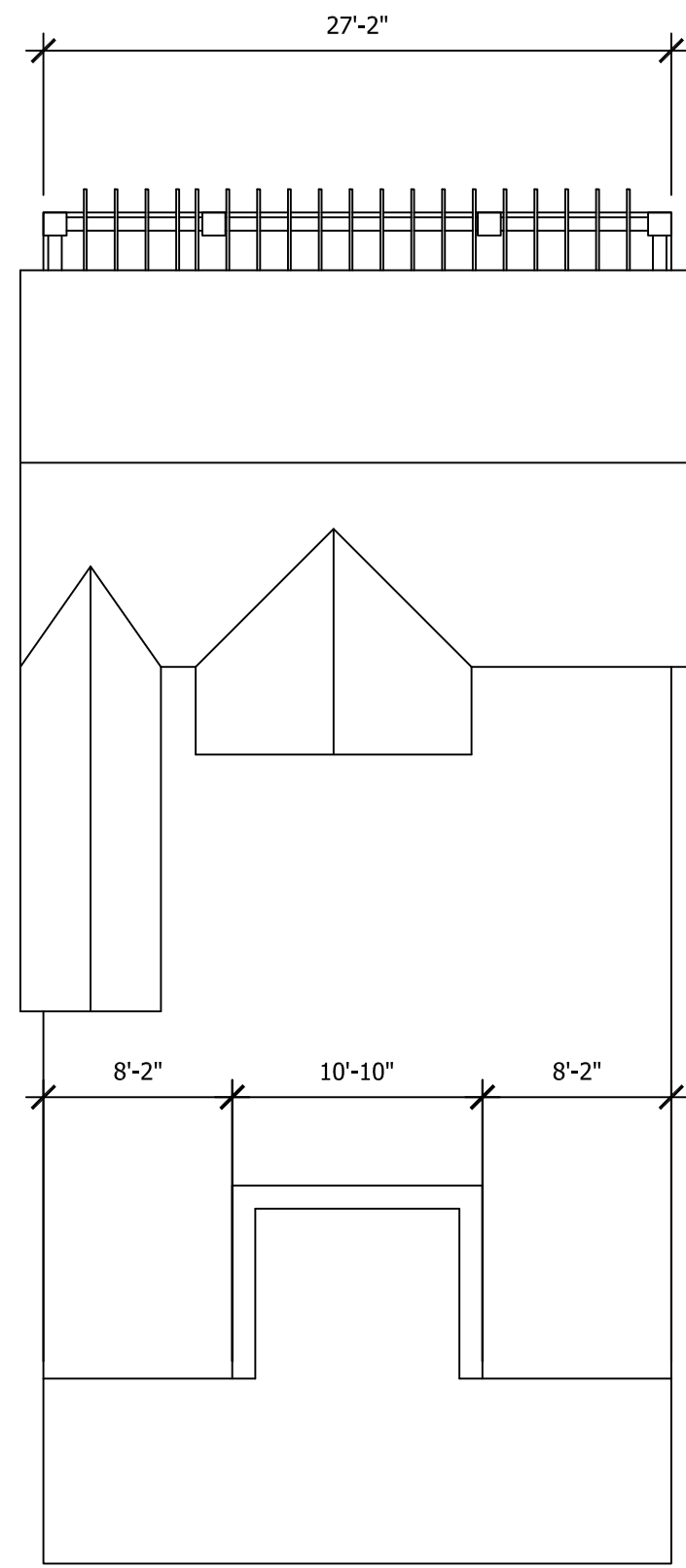
2 BEDROOM LEVEL 2
1/8" = 1'-0"



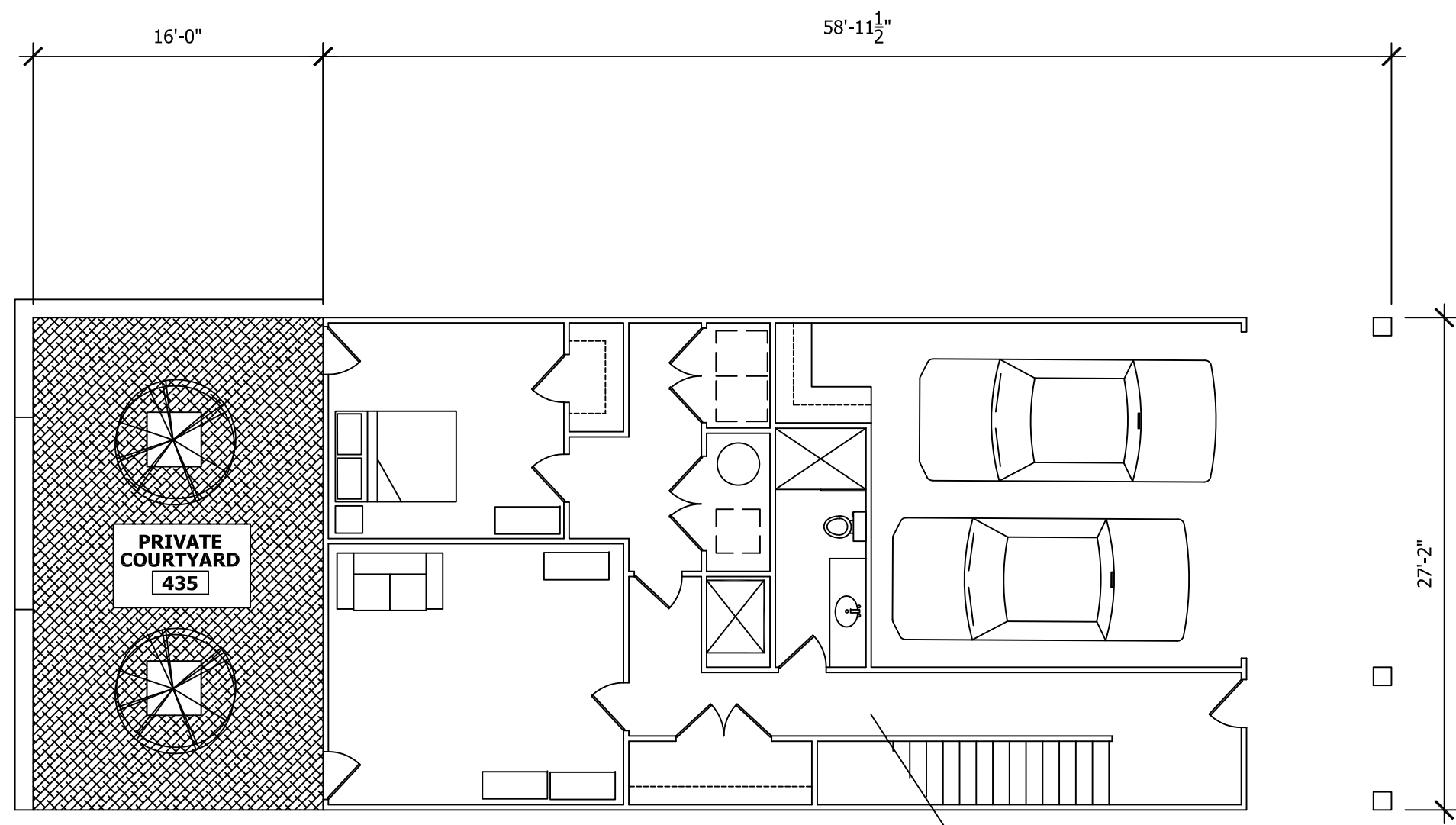
3 LIVING LEVEL 3
1/8" = 1'-0"



4 ROOF DECK LEVEL 4
1/8" = 1'-0"



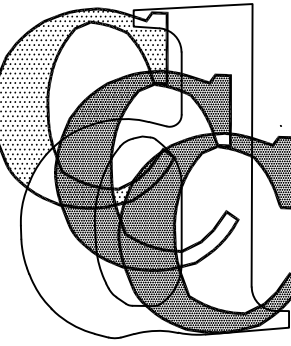
5 ROOF PLAN
1/8" = 1'-0"



6 COURTYARD PLAN
1/8" = 1'-0"

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STRUCTURAL ENGINEER:

MEP ENGINEER:

Job Title:

**LUXURY TOWNHOMES
at
HIGH VISTA POINT
A 44 UNIT DEVELOPMENT**

GAINESVILLE
GEORGIA

Sheet Information:

Job Number	2021-08
Original Issue Date	

Issue Dates:

No.	ISSUE	DATE
	Council Meeting	12/07/21

Sheet Title:

**SCHEMATIC
FLOOR PLANS
AND ROOF PLAN**

Sheet:

A102

NOT FOR CONSTRUCTION



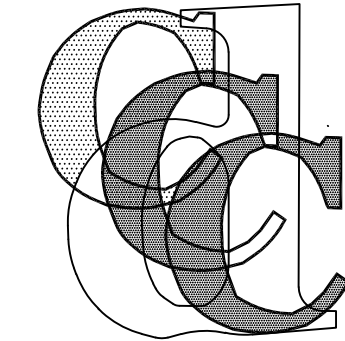
1

CONCEPTUAL ELEVATION _ GARAGE FRONT ENTRY

3/16" = 1'-0"

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MEP ENGINEER:

Job Title:

LUXURY TOWNHOMES
at
HIGH VISTA POINT
A 44 UNIT DEVELOPMENT

GAINESVILLE
GEORGIA

Sheet Information:

Job Number	2021-08
Original Issue Date	

Issue Dates:

No.	ISSUE	DATE
	Council Meeting	12/07/21

Sheet Title:

CONCEPTUAL
ELEVATION

Sheet:

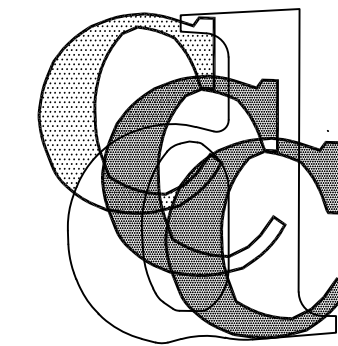
A103

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MEP ENGINEER:

Job Title:

**LUXURY TOWNHOMES
at
HIGH VISTA POINT
A 44 UNIT DEVELOPMENT**

GAINESVILLE
GEORGIA

Sheet Information:

Job Number	2021-08
Original Issue Date	

Issue Dates:

No.	ISSUE	DATE
	Council Meeting	12/07/21

Sheet Title:

**CONCEPT
RENDERING OF
GARAGE FRONT
ENTRY**

Sheet:

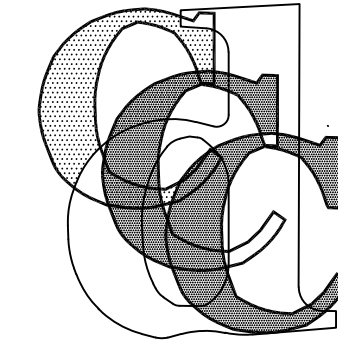
A104

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MEP ENGINEER:

Job Title:

**LUXURY TOWNHOMES
at
HIGH VISTA POINT
A 44 UNIT DEVELOPMENT**

GAINESVILLE
GEORGIA

Sheet Information:

Job Number	2021-08
Original Issue Date	

Issue Dates:

No.	ISSUE	DATE
	Council Meeting	12/07/21

Sheet Title:

**CONCEPTUAL
REAR SIDE
BALCONIES**

Sheet:

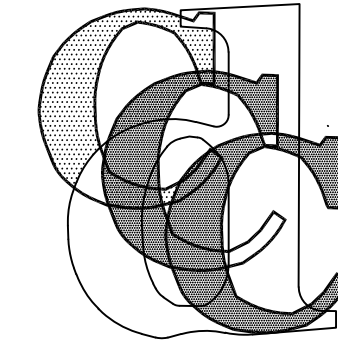
A105

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STRUCTURAL ENGINEER:

MEP ENGINEER:

Job Title:

LUXURY TOWNHOMES

at

HIGH VISTA POINT

A 44 UNIT DEVELOPMENT

GAINESVILLE
GEORGIA

Sheet Information:

Job Number	2021-08
Original Issue Date	

Issue Dates:

No.	ISSUE	DATE
	Council Meeting	12/07/21

Sheet Title:

**CONCEPTUAL
GROUND LEVEL
GARDEN SPACE**

Sheet:

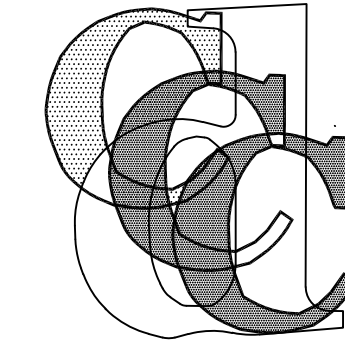
A106

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MEP ENGINEER:

Job Title:

**LUXURY TOWNHOMES
at
HIGH VISTA POINT
A 44 UNIT DEVELOPMENT**

GAINESVILLE
GEORGIA

Sheet Information:

Job Number	2021-08
Original Issue Date	

Issue Dates:

No.	ISSUE	DATE
	Council Meeting	12/07/21

Sheet Title:

**CONCEPTUAL
ROOF DECK**

Sheet:

A107

NOT FOR CONSTRUCTION

Date Submitted: 11/22/2021

Presenter: Abb Hayes

Item of Business: Request from **Koch Foods of Gainesville, LLC** to annex a 0.572± acre tract located on the northwest side of the intersection of Industrial Boulevard and Mitchell Street (a/k/a **966 Industrial Boulevard**) and to establish zoning as Heavy Industrial (H-I). **Ward Number: Four.** Tax Parcel Number(s): 00-050-001-007. **Request: Poultry processing plant expansion.**

- Proposed Annexation Ordinance 2021-30
- Proposed Zoning Ordinance 2021-31

Meeting Date: 12/7/2021

Purpose of Request:

To conduct a public hearing regarding the following annexation/zoning request as presented at the November 9, 2021 Planning and Appeals Board Meeting:

The applicant is proposing to annex the subject property with a zoning of Heavy Industrial (H-I). The property is adjacent to the city limits on all sides and is zoned Heavy Industrial (I-II) in the County and is currently being used for truck parking. The intent is to bring the subject property under one jurisdiction in order to redevelop the subject property and the adjacent properties owned by Koch Foods which total approximately 10.0± acres in size. The new facility will range from approximately 170,000 to 183,000 square feet in size to include poultry processing, freezer, office and truck bays/docking and parking. Access is designed to improve truck movements off of Industrial Boulevard. The applicant intends to close Mitchell Street as part of the expansion. Employee parking will be relocated off of Davis Street directly across from the proposed entrance to the planned facility. The adjacent uses are industrial. Property owned by the Gainesville Housing Authority is located north across Davis Street which includes the Melrose Apartments.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Staff and PAB recommended approval with three conditions. See the PAB Recommendation report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2021-30

I move to approve the ordinance to annex the subject property for a poultry processing plant expansion as presented.

Approval of Ordinance 2021-31

I move to approve the ordinance to establish zoning as Heavy Industrial for the subject property with three conditions as presented.

Denial of the Request:

I move to deny this request.

Department Director:

Rusty Ligon

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
☐	Legal Ad	Legal Ad
☐	PAB Recommendation Report	Report
☐	Proposed Annexation Ordinance 2021-30	Ordinance
☐	Proposed Zoning Ordinance 2021-31	Ordinance
☐	Location Maps	Backup Material
☐	Narrative	Backup Material
☐	Survey	Backup Material
☐	Site Plan	Backup Material
☐	Photograph	Backup Material

way of Norton Circle, said iron pin being located 1,870 feet from the intersection of the Westerly right of way of Norton Circle with the Southerly right of way of US Highway 23 as measured in a southeasterly-southwesterly and southeasterly direction along the westerly right of way of Norton Circle; thence from said beginning iron pin along the Westerly right of way of Norton Circle South 18 degrees 52 minutes East 100.0 feet to an iron pin; thence South 71 degrees 00 minutes known as **5850 Norton Cir, Flowery Branch, GA 30542** together with all fixtures and personal property attached to and constituting a part of said property, if any. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the subject property is (are): James D. Bartlett or tenant or tenants. Champion Mortgage LLC is the entity or individual designated who shall have full authority to negotiate, amend and modify all terms of the mortgage. Champion Mortgage LLC Loss Mitigation PO Box 91322 Seattle, WA 98111-9422 Phone 855-683-3095 Fax 866-621-1036 Note, however, that such entity or individual is not required by law to negotiate, amend or modify the terms of the loan.

Said property will be sold subject to: (a) any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), (b) unpaid water or sewage bills that constitute a lien against the property whether due and payable or not yet due and payable and which may not be of record, (c) the right of redemption of any taxing authority, (d) any matters which might be disclosed by an accurate survey and inspection of the property, and (e) any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.

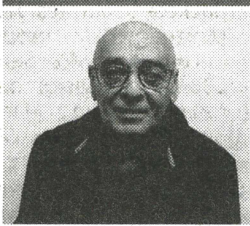
The sale will be conducted subject to (1) confirmation that the sale is not prohibited under the U.S. Bankruptcy Code; and (2) final confirmation and audit of the status of the loan with the holder of the Security Deed. Pursuant to O.C.G.A. Section 9-13-172.1, which allows for certain procedures regarding the rescission of judicial and non-judicial sales in the State of Georgia, the Deed Under Power and other foreclosure documents may not be provided until final confirmation and audit of the status of the loan as provided immediately above.

Nationstar Mortgage LLC d/b/a Champion Mortgage Company as agent and Attorney in Fact for James D. Bartlett Aldridge Pite, LLP, 15 Piedmont Center, 3575 Piedmont Road, N.E., Suite 500, Atlanta, Georgia 30305, (404) 994-7637.

THIS LAW FIRM MAY BE ACTING AS A

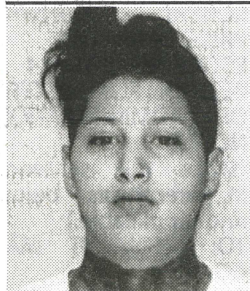
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. 1341-751A 101492 11/10, 17,24,12/1

Miscellaneous



NEW SEX-OFFENDER TO HALL COUNTY NAME: Joaquin Jose Pareja

DATE OF OFFENSE: 05/17/2021 (Conviction Date) OFFENSE: Sexual Battery to a Minor (Felony) COURT OF CONVICTION: Superior Court Hall County Georgia. WEBSITE: <https://gbi.georgia.gov/georgia-sex-offender-registry> 101772 11/17



NOTICE OF SECOND DUI CONVICTION WITHIN 5 YEARS

TO BE PUBLISHED

Insert Photo NAME: NALLELY OLVERA CITY: GAINESVILLE, GA COUNTY: HALL ZIP CODE: 30507

ARREST DATE: 11/11/2020

ARREST TIME: 02:16 AM

ARREST LOCATION: LANIER PKWY @ EXIT 22 NB OFF

DISPOSITION: GUILTY

Hall County Superior & State Court

Charles Baker, Clerk

225 Green Street, SE

Gainesville, GA 30501

PUBLISHED PURSUANT TO O.C.G.A. 40-6-391A1

2021SR1787Z

Page 2 of Photo Order

101671 11/17

A B A N D O N E D

MOTOR VEHICLE

A D V E R T I S E M E N T

NOTICE (TOWING OR STORAGE COMPANY)

Vehicle make: SUZUKI

Year: 2005 Model: FORENZA

Vehicle ID#: KL5JD56Z75K120309

Vehicle License: NONE

State:

are hereby notified, in accordance with OCGA 40-11-19(a)(2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicles are currently located at 344 Kathleen Dr SW, Marietta GA 30067

Anyone with an ownership interest in this vehicle should contact the following business immediately: KOTOWING, 344 Kathleen Dr SW, Marietta GA 30067 770-650-1413 101670 11/17,24

NOTICE OF HOME RULE AMENDMENT

NOVEMBER 10, 2021 AND DECEMBER 9, 2021 MEETINGS

The Hall County Board of Commissioners hereby provides notice that on November 10, 2021 and December

Georgia counties set forth in Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983 to amend the Act of the Georgia General Assembly creating the Board of Commissioners of Hall County, approved March 21, 1935 (Ga. L. 1935, p. 661), as amended, so as to delete in its entirety Section 13.1 of said Act relating to the enactment, following readings at no less than two consecutive regular meetings of the Board of Commissioners, of Child(ren):

Ayal Marie Blackmon

Civil Action

Case Number

2021CV1982W

Monique Marie Royer

Petitioner, vs.

John Colton Blackmon

Respondent.

NOTICE OF PETITION TO CHANGE NAME(S) OF MINOR CHILD(REN)

Monique Marie Royer

filed a petition in the Hall County Superior Court on 11/10/2021 to change the name(s) of the following minor child(ren)

from Ayla Marie Blackmon to Ayla Marie Royer

Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA ss 19-12-1(f)(2) and (3).

Dated: 4/13/21

/s/Monique Marie Royer

Petitioner Pro se

101615 11/17,24,12/1,8

IN THE SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of

M A M O U D

MURAD Petitioner

CAFN: 2021CV1865A

NOTICE OF PETITION TO CHANGE NAME OF ADULT

An action was filed in the Superior Court of Hall County on October 15, 2021, to change the Petitioner's name as follows: Petitioner's name: MAMOU D MURAD

Desired new name: MUARD

CAULKER

Any interested party has the right to appear in this case and file objection before the final judgment is order in this case.

This 22nd day of October, 2021.

QUINDE & ASSOCIATES, LLC

/s/ Elena Quinde Elena Quinde Attorney for Plaintiff State Bar No. 210477

elena@quindelaw.com 1 0 0 2 9 0 1 0 / 2 7 , 11/3,10,17

IN THE SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the name change of Lauren Hockaday

Civil Action File No 2021CV1459J

Notice of Petition to Change Name

I, Lauren Hockaday, filed a petition in the Superior Court of Hall County Georgia on the 5th day of October 2021 to change my name from Lauren Hope Hockaday to Laura Hope Crawford

Any interested party has the right to appear in this case and file objections within 30 days after the petition was filed.

Signed this 5 day of October 2021.

OF HALL COUNTY

STATE OF GEORGIA

IN RE: JESSICA LEPAGE BROWN

CIVIL ACTION FILE NO.: 2021CV1803W

IN RE OF SECTION FOR NAME CHANGE

Jessica Lepage Brown filed a petition in the Hall County, Superior Court on the 6day of October, 2021 to change the name from Jessica Lepage Brown to Jessica Lepage Burris.

Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.

Dated 11/2/2021

/s/Yehimy Sanchez Aguilera

Per Pro: 101105

11/10,17,24,12/1

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of

Virginia Augusta Stump

Petitioner

Civil Action Case Number 2021CV1765B

NOTICE OF PETITION TO CHANGE NAME OF ADULT

Virginia Augusta Stump filed a petition in the Superior Court of Hall County on 9/3/21 to change the name from Virginia Augusta Stump to Virginia Augusta Puckett.

Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.

Dated 9/30/2021

/s/ Virginia Augusta Stump

Petitioner Pro se

1 0 1 2 9 1 1 0 / 2 7 , 11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change

Philecy Jade Ellison

Petitioner

Civil Action Case Number 2021CV1898C

NOTICE OF PETITION TO CHANGE NAME OF ADULT

OF HALL COUNTY

STATE OF GEORGIA

IN RE: JESSICA LEPAGE BROWN

CIVIL ACTION FILE NO.: 2021CV1803W

IN RE OF SECTION FOR NAME CHANGE

Jessica Lepage Brown filed a petition in the Hall County, Superior Court on the 6day of October, 2021 to change the name from Jessica Lepage Brown to Jessica Lepage Burris.

Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.

Dated 10/20/21

/s/Philecy Jade Ellison

Petitioner Pro se

101282

10/27,11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change

Siarrah Renee Wallace

Petitioner

ordinance updating the Flowery Branch Zoning Ordinance on December 2, 2021, at 6:00 P.M. in the Flowery Branch City Hall Council Chambers located at 5410 Pine Street.

Rich@flowerybranchga.org

101634 11/17

NOTICE is hereby given that the Hall County Board of Commissioners shall conduct a public hearing at the Gainesville Civic Center, 830 Green Street, Gainesville, Georgia, at 5:30 p.m. on Tuesday, November 30, 2021 to consider the following:

1. Application of FIDES Development to rezone from Agricultural Residential-III (AR-III) and Vacation Cottage (V-C) to Planned Residential Development (PRD) on a 16.28 acre tract located at the terminus of North Waterworks Road, Seymour Circle, and Seymour Drive; a.k.a. 3450 North Waterworks Road; Zoned AR-III and V-C; Tax Parcel 08167 005002. Proposed Use: mixed use residential development.

Commission District 3. NOTE: Tabled at the September 9, 2021 Voting Meeting until the September 23, 2021 Voting Meeting.

NOTE: Tabled at the September 23, 2021 Voting Meeting until the October 28, 2021 Voting Meeting.

NOTE: Tabled at the October 28, 2021 Voting Meeting until the November 10, 2021 Special Called Voting Meeting.

NOTE: Tabled at the November 10, 2021 Special Called Voting Meeting until the November 30, 2021 Special Called Voting Meeting.

NOTE: Tabled at the November 30, 2021 Special Called Voting Meeting.

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to change the name from Philecy Jade Ellison to Philecy Jade Ferrar-Ellison

Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.

Dated 10/20/21

/s/Philecy Jade Ellison

Petitioner Pro se

101282

10/27,11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change

Siarrah Renee Wallace

Petitioner

ordinance updating the Flowery Branch Zoning Ordinance on December 2, 2021, at 6:00 P.M. in the Flowery Branch City Hall Council Chambers located at 5410 Pine Street.

Rich@flowerybranchga.org

101634 11/17

NOTICE is hereby given that the Hall County Board of Commissioners shall conduct a public hearing at the Gainesville Civic Center, 830 Green Street, Gainesville, Georgia, at 5:30 p.m. on Tuesday

expansion

4) Request from Koch Foods of Gainesville, LLC to rezone a 0.55± acre tract located between Davis Street and Industrial Boulevard, southwest of Queen City Parkway (a/k/a 911, 913 and 919 Davis Street, SW; 950 Industrial Boulevard, SW) from Residential-II (R-II) to Heavy Industrial (H-I).
Ward Number: Four
Tax Parcel Number(s): 01-030-009-001 and 002; 00-030-009-002 (Part)
Request: Poultry processing plant expansion
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-33 (c))
101651 11/17

NOTICE TO THE PUBLIC

The Buford City Commission will meet on Tuesday, December 13, 2021 at 7:00 p.m. at the Buford City Arena, 2795 Sawnee Avenue, Buford, Georgia 30518 to conduct a public hearing and consider an amendment to the City of Buford's Zoning Ordinance, Section 1308 "Special Uses" "Automobile Fueling Stations". The Planning Commission will conduct a hearing on November 30, 2021 at 7:00 p.m. at Buford City Hall, 2300 Buford

M33 DIANE HOGAN Georgia Code, Article 5, Section 10-4-2010, et. seq. JMA AB2904, AU 3877 Terms of Sale: Cash, 15% Buyer Premium 101593 11/17,24,12/1,8

Auction of General Household & Commercial Goods North Lanier Storage 5335 Browns Bridge Rd Gainesville, GA 30504 Phone: 678-321-8000 10:00 AM, Thursday December 9th, 2021 01 Rose Ingalsbe, 08 Anna Lewis, 14 Ronald Saylor, 19 Deandre Hawkins, 57 Emma Passmore, A16 Rose Ingalsbe, A17 Rose Ingalsbe, A18 Rose Ingalsbe, A25 Monica Putka, B116 Rex Martin, B134 Gina Johnson, B144 Brittany Gamble, C02 Marcus Wheeler, D31 Kevin Fisher, Georgia Code, Article 5, Section 10-4-2010, ET. Seq. JMA AB 2904, AU 3877 Terms of Sale: Cash, 15% Buyer Premium 101594 11/17,24,12/1,8

Notice of Public Auction. Boardwalk Storage-Murrayville Will be holding a public auction online at Lockerfox.com on Date: December 2, 2021 @ Time: 11:00am This is a cash only sale - Please bring a money order. All sales are final and the units must be cleaned out completely in 48 hours. A 100.00 cash cleaning deposit is required and will be refunded upon unit inspection.

We currently have 1 Unit Unit-Murphy Bed, wooden furniture, plastic totes, pallets, artificial flowers, potato-onion piece, metal tub, flat screen tv 678-989-1999 5162 Thompson Bridge Rd Murrayville Ga 30533 101766 11/17,24

Unit Sale Chestnut Mini Storage Unit 124&342 to satisfy payment Unit Consist of household items & Misc Belonging to Darlene Cochran to the highest

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF EDDIE NICELY, SR., DECEASED

NOTICE

ESTATE NO. E-20-223

IN RE: The Petition to Probate Will in Solemn Form in the above-referenced estate having been duly filed.

[For use if an heir is required to be served by publication]

TO: Keri Aliyah Nicely [List here all heirs having known addresses to be served by publication]

This is to notify you to file objection, if there is any, to the petition to probate will in solemn form in this Court on or before December 6 2021

BE NOTIFIED FURTHER:

All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be

sworn to before a notary public or before a probate court clerk, and filing fees must be

tendered with your objections, unless you qualify to file as an indigent party.

Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be

(scheduled at a later date). If no objections are filed, the petition may be granted

without a hearing. Patty Walters Laine Judge of the Probate Court

By: Riley Norris Clerk of the Probate Court

116 Spring Street. SE Gainesville, GA 30501 Address 770.533-7828 101474 11/3,10,17,24

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF JOE L NOLAN, JR, DECEASED

ESTATE NO. E-16-248

such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be

tendered with your objections, unless you qualify to file as an indigent party.

Contact probate court personnel for the required amount of filing fees. If any objections are filed, a

hearing will be held at a later date. If no objections are filed, the petition may be granted without a hearing.

Patty Walters Laine Judge of the Probate Court

By: Melissa C. Phillips Clerk of the Probate Court

116 Spring Street Gainesville, GA 30501 770-535-9710 101710 11/17

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF MICHAEL ROBERT PRICE, DECEASED

ESTATE NO. E-19-601

NOTICE [For discharge from office and all liability]

IN RE: Petition for Discharge of Personal Representative

TO: WHOM IT MAY CONCERN:

This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before December 6th, 2021

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be

sworn to before a notary public or before a probate court clerk, and filing fees must be

tendered with your objections, unless you qualify to file as an indigent party.

Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be

scheduled at a later date. If no objections are filed, the petition may be granted

without a hearing. Patty Walters Laine Judge of the Probate Court

By: Melissa C. Phillips Clerk of the Probate Court

116 Spring Street First Floor Gainesville, GA 30501 Address

770-535-9710 101710 11/17

STATE OF GEORGIA IN RE: ESTATE OF EDWARD ALLEN HYDE, DECEASED

ESTATE NO. E-21-656

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

[Strike the sentence in parenthesis below if not applicable.]

TO: whom it may concern: Latonya Michelle Hyde has petitioned to be appointed administrator of the estate of Edward Allen Hyde, deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted.

All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before December 6, 2021.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be

sworn to before a notary public or before a probate court clerk, and filing fees must be

tendered with your objections, unless you qualify to file as an indigent party.

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scheduled at a later date. If no objections are filed, the petition may be granted

without a hearing. Patty Walters Laine Judge of the Probate Court

By: Melissa C. Phillips Clerk of the Probate Court

116 Spring Street First Floor Gainesville, GA 30501 Address

770-535-9710 101710 11/17

to be a administrators estate of Jam Wyllie, Jr., of said county petitioner has applied for offbond, ofreports, ofstatements, or grant powers cont O.C.G.A. § 53-12-261. All interested are hereby notified to show cause why said petition should not be granted.

All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before December 6, 2021.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be

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scheduled at a later date. If no objections are filed, the petition may be granted

without a hearing. Patty Walters Laine Judge of the Probate Court

By: Riley Norris Clerk of the Probate Court

116 Spring Street Gainesville, GA 30501 Address

770-531692 101467 11/3

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF ROBERT PRICE, DECEASED

ESTATE NO. E-16-248

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

[Strike the sentence in parenthesis below if not applicable.]

TO: whom it may concern: Latonya Michelle Hyde has petitioned to be appointed administrator of the estate of Edward Allen Hyde, deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted.

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Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be

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without a hearing. Patty Walters Laine Judge of the Probate Court

By: Riley Norris Clerk of the Probate Court

116 Spring Street Gainesville, GA 30501 Address

770-531692 101467 11/3

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF ROBERT PRICE, DECEASED

ESTATE NO. E-16-248

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

[Strike the sentence in parenthesis below if not applicable.]

TO: whom it may concern: Latonya Michelle Hyde has petitioned to be appointed administrator of the estate of Edward Allen Hyde, deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted.

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without a hearing. Patty Walters Laine Judge of the Probate Court

By: Riley Norris Clerk of the Probate Court

116 Spring Street Gainesville, GA 30501 Address

770-531692 101467 11/3

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant Koch Foods of Gainesville, LLC
Property Owners Boardwalk Properties, LLC
Locations 950 and 966 Industrial Boulevard, SW
911, 913 and 919 Davis Street, SW

Request Annex with H-I zoning
Rezone from R-II to H-I
Size Annexation: 0.572± acre
Rezoning: 0.55± acre
Ward Four
Proposed Use Poultry processing plant expansion
Planning Division Staff Recommendation **Approval, with conditions**
Planning & Appeals Board Recommendation **Approval, with conditions**
Date November 9, 2021

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

The applicant is proposing to annex 0.572± acre with a zoning of Heavy Industrial (H-I) and to rezone a 0.55± acre from Residential-II (R-II) to Heavy Industrial (H-I). The purpose is to redevelop the entire 10.0± acres campus for a new poultry processing plant. The existing facility is approximately 74,000 square feet in size and was established in the 1960's. Koch Foods purchased the current facility in 2002. The new state of the art facility will range from approximately 170,000 to 183,000 square feet in size depending on the final design of the site. The exterior facade materials of the metal building will consist of metal insulated panels and precast loading dock areas. The anticipated breakdown of square footage for the facility is as follows:

- 96,000 sf poultry processing/de-boning facility,
- 24,000 sf of office space,
- 62,826 sf of freezer area,
- 234 parking spaces for employees/visitors,
- 16 truck bays/docking stations,
- 50 parking spaced devoted to trailer parking.

Driveway access will be provided for delivery trucks off of Industrial Boulevard and Davis Street. The access plan is designed to improve truck movements off of Industrial Boulevard. Employee parking will be relocated off of Davis Street directly across from the proposed entrance to the planned facility. The applicant intends to close Mitchell Street as part of the expansion.

Annexation

The 0.572± acre subject property is adjacent to the city limits on all sides and is zoned Heavy Industrial (I-II) in the County and is currently being used for truck parking. The property is part of a larger unincorporated island. The intent is to bring the subject property and the adjacent property owned by Koch Foods under one jurisdiction.

Rezoning

The 0.55± acre subject property consists of three parcels that are owned or under contract by Koch Foods and a small strip of right-of-way. Presently, the property is zoned Residential-II (R-II) and contains part of a parking lot and a duplex rental home that will be demolished as part of the redevelopment. The intent is to clean up the zoning boundary so that all of the properties owned by Koch Foods are zoned Heavy Industrial (H-I).

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Melrose Apartments (Public Housing)	Residential-II (R-II) -City
South	Pilgrim's Pride Poultry Processing Plant	Light Industrial (L-I) -City Heavy Industrial (I-II) -County
East	Pilgrim's Pride Office and Parking	Planned Unit Development (P-U-D) -City
West	Heavy Industrial Uses / Trailer Storage	Heavy Industrial (H-I) -City

▪ **Zoning History**

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

2021- A request by the McNeal Development, LLC to rezone 4.86± acres tract located at 504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive from Heavy Industrial (H-I), General Business (G-B), Residential-II (R-II), Office and Institutional (O-I) to Planned Unit Development (P-U-D) for 214 multi-family apartments was approved with conditions.

2020- A request by the City of Gainesville to rezone 39.0± acres consisting of 25 properties located within Midtown Gainesville from Heavy Industrial (H-I), Light Industrial (L-I), General Business (G-B), Residential-II (R-II) to Office and Institutional (O-I) for existing uses was approved.

2020- A request by Davis Pine, LLC to rezone a 0.47± acre tract located at 890, 892 and 898 Wills Street, SW from General Business (G-B) to Residential-II (R-II) for seven multi-family apartments was approved with conditions.

2020- A request by the Gainesville Non-Profit Development Foundation to rezone a 1.07± acres tract located at 623, 635, 641 and 645 Davis Street, SW from General Business (G-B) and Heavy Industrial (H-I) to Residential-II (R-II) for four single-family homes was approved with conditions.

▪ **Staff Analysis**

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

The surrounding uses include mostly heavy industrial uses which involve poultry processing. The subject property has functioned as a poultry processing facility for approximately 60 years. Except

for the adjacent Residential-II (R-II) zoned Melrose Apartments to the north, the surrounding properties are zoned Heavy Industrial (H-I) and Planned Unit Development (P-U-D) and are nonresidential.

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

The proposal intends to replace the existing poultry processing facility with a new, modernized facility. The proposed changes will update and address long standing logistical and operational issues such as employee parking, truck access and storage which are expected to have a positive impact on the adjacent properties.

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

It is staff's opinion the proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property within the *Industrial* land use category. This category includes areas containing or planned for a wide range of office, business, light industrial, manufacturing, research and development uses.

According to the Character Area map for the City of Gainesville, the subject properties are located within the Economic Development Gateways character area which appears to support the applicant's proposal. This character area represents the industrial, warehousing and other commercial enterprises that parallel the I-985 and Norfolk-Southern railroad corridor. The primary vision for the area is to continue to support economic development while preserving and strengthening important natural and cultural resources. These areas include a wide range of office, business, light industrial, manufacturing, research, and development uses; and commercial uses that directly support or are otherwise linked to the dominant business use as well as mixed-use, residential (existing uses only), public / institutional, transportation / communications / utilities, and parks / recreation / conservation uses.

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

The subject 0.572± acre property to be annexed is part of a larger unincorporated island and is currently zoned Heavy Industrial (I-II) in Hall County. The property could remain in the county; however, the applicant would like all of the property under one jurisdiction. The 0.55± acre portion of property to be rezoned from Residential-II (R-II) to Heavy Industrial (H-I) contains a right-of-way, duplex home and part of the parking lot used by Koch Foods. This property is required to be rezoned for the proposed project.

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

City water, sewer, and public safety services are currently provided to the property and capacity is sufficient. Gainesville Fire Station #1 is located approximately 0.4± mile away off of Queen City Parkway.

There should be no direct impacts to the City school system as the request is for future industrial purposes.

The applicant proposes to improve access and parking off of Industrial Boulevard and Davis Street. As well, it is the intent to Mitchell Street which is currently used primarily by Koch Foods for truck access.

(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 proposed use will remain the same but will be improved. Most of the properties located off of Industrial Boulevard and Davis Street have remained mostly industrial for decades due to the close proximity to the interstate, railroad and airport. It is anticipated that this will remain unchanged.

(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 industrial uses, the proposal 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 the annexation and rezoning request based on the Comprehensive Plan and the adjacent industrial uses.

Conditions

1. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.
 2. The proposed redevelopment of the subject property shall meet the Gainesville Unified Land Development Code standards including but not limited to access, parking, stormwater, landscaping, fencing and signage.
 3. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.
-

Excerpts from the November 9, 2021 PAB Meeting Minutes

Applicant Presentation: William Fasulo, 4703 Hiawatha Drive, stated the goal is to build a state-of-the-art facility to do business, the current location is land-locked. Mr. Fasulo said the plan is to build the new facility and vacate the current one.

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to recommend conditional approval of the annexation request with a zoning of Heavy Industrial (H-I).

Conditions

1. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.
2. The proposed redevelopment of the subject property shall meet the Gainesville Unified Land Development Code standards including but not limited to access, parking, stormwater, landscaping, fencing and signage.
3. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

Vote – 6 favor, 1 absent (Delgado)

There was a motion to recommend conditional approval to rezone the subject property from Residential-II (R-II) to Heavy Industrial (H-I) with the following conditions:

Conditions

1. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.
2. The proposed redevelopment of the subject property shall meet the Gainesville Unified Land Development Code standards including but not limited to access, parking, stormwater, landscaping, fencing and signage.
3. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.

Motion made by Board Member Thompson

Motion seconded by Board Member Simmons

Vote – 6 favor, 1 absent (Delgado)

Passed: _____

AN ORDINANCE

No. 2021-30

AN ORDINANCE ANNEXING A 0.572± ACRE TRACT LOCATED ON THE NORTHWEST SIDE OF THE INTERSECTION OF INDUSTRIAL BOULEVARD AND MITCHELL STREET (A/K/A 966 INDUSTRIAL BOULEVARD) 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

All that tract of land lying and being in G.M.D. 411, Land Lot 153 of the 9th District, City of Gainesville, Hall County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set (1/2" rebar) at the right-of-way intersection of the southwesterly right-of-way of Mitchell Street, said point being twenty (20) feet from the centerline of said Mitchell Street and the northwesterly right-of-way of Industrial Boulevard, formerly known as Railroad Avenue, said point being thirty (30) feet from the centerline of said Industrial Boulevard at this point; Thence, South 42 degrees 56 minutes 56 seconds West for a distance of 11.50 feet along said right-of-way of Industrial Boulevard to an iron pin set (1/2" rebar); Thence, North 48 degrees 28 minutes 37 seconds West for a distance of 10.00 feet continuing along said right-of-way to an iron pin set (1/2" rebar), said pin being forty (40) feet from said centerline at this point; Thence, South 40 degrees 32 minutes 01 seconds West for a distance of 150.00 feet continuing along said right-of-way to an iron pin found (1/4" rebar); Thence, North 49 degrees 27 minutes 59 seconds West for a distance of 149.65 feet leaving said right-of-way to an iron pin found (1/2" rod); Thence, North 40 degrees 39 minutes 23 seconds East for a distance of 169.85 feet to a point on the right-of-way of said Mitchell Street, said point witnessed by an iron pin found (2" open top) 0.47 feet back from said right-of-way; Thence, South 46 degrees 24 minutes 37 seconds East for a distance of 160.00 feet along said right-of-way of Mitchell Street to an iron pin set (1/2" rebar) at the POINT OF BEGINNING.

Containing within said bounds an area of 0.572 acres more or less shown as Tract 2 on an ALTA/NSPS survey for Koch Foods of Gainesville LLC, prepared by Atlas Technical

ORDINANCE NO. 2021-30

Consultants, LLC, dated 4/16/2000, last revised on 11/09/2020. Said survey by specific reference is made a part hereof.

The annexation is to include all that portion of the right-of-way known as Industrial Boulevard 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.

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. 2021-31

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 0.572± ACRE TRACT LOCATED ON THE NORTHWEST SIDE OF THE INTERSECTION OF INDUSTRIAL BOULEVARD AND MITCHELL STREET (A/K/A 966 INDUSTRIAL BOULEVARD) AT THE TIME OF ANNEXATION AS HEAVY INDUSTRIAL, WITH CONDITIONS (H-I-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 **Heavy Industrial, with conditions (H-I-c)**.

Conditions

- 1. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access / traffic / sidewalk improvements associated with the proposal shall be at the full expense of the property owner.**
- 2. The proposed redevelopment of the subject property shall meet the Gainesville Unified Land Development Code standards including but not limited to access, parking, stormwater, landscaping, fencing and signage.**
- 3. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.**

Legal Description

All that tract of land lying and being in G.M.D. 411, Land Lot 153 of the 9th District, City of Gainesville, Hall County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set (1/2" rebar) at the right-of-way intersection of the southwesterly right-of-way of Mitchell Street, said point being twenty (20) feet from the centerline of said Mitchell Street and the northwesterly right-of-way of Industrial Boulevard, formerly known as Railroad Avenue, said point being thirty (30) feet from the centerline of said Industrial Boulevard

ORDINANCE NO. 2021-31

at this point; Thence, South 42 degrees 56 minutes 56 seconds West for a distance of 11.50 feet along said right-of-way of Industrial Boulevard to an iron pin set (1/2" rebar); Thence, North 48 degrees 28 minutes 37 seconds West for a distance of 10.00 feet continuing along said right-of-way to an iron pin set (1/2" rebar), said pin being forty (40) feet from said centerline at this point; Thence, South 40 degrees 32 minutes 01 seconds West for a distance of 150.00 feet continuing along said right-of-way to an iron pin found (1/4" rebar); Thence, North 49 degrees 27 minutes 59 seconds West for a distance of 149.65 feet leaving said right-of-way to an iron pin found (1/2" rod); Thence, North 40 degrees 39 minutes 23 seconds East for a distance of 169.85 feet to a point on the right-of-way of said Mitchell Street, said point witnessed by an iron pin found (2" open top) 0.47 feet back from said right-of-way; Thence, South 46 degrees 24 minutes 37 seconds East for a distance of 160.00 feet along said right-of-way of Mitchell Street to an iron pin set (1/2" rebar) at the POINT OF BEGINNING.

Containing within said bounds an area of 0.572 acres more or less shown as Tract 2 on an ALTA/NSPS survey for Koch Foods of Gainesville LLC, prepared by Atlas Technical Consultants, LLC, dated 4/16/2000, last revised on 11/09/2020. Said survey by specific reference is made a part hereof.

The annexation is to include all that portion of right-of-way known as Industrial Boulevard located between the subject property and the existing city limits of Gainesville.

SECTION II

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

SECTION III

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

SECTION IV

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.

ORDINANCE NO. 2021-31

C. Danny Dunagan, Jr., Mayor

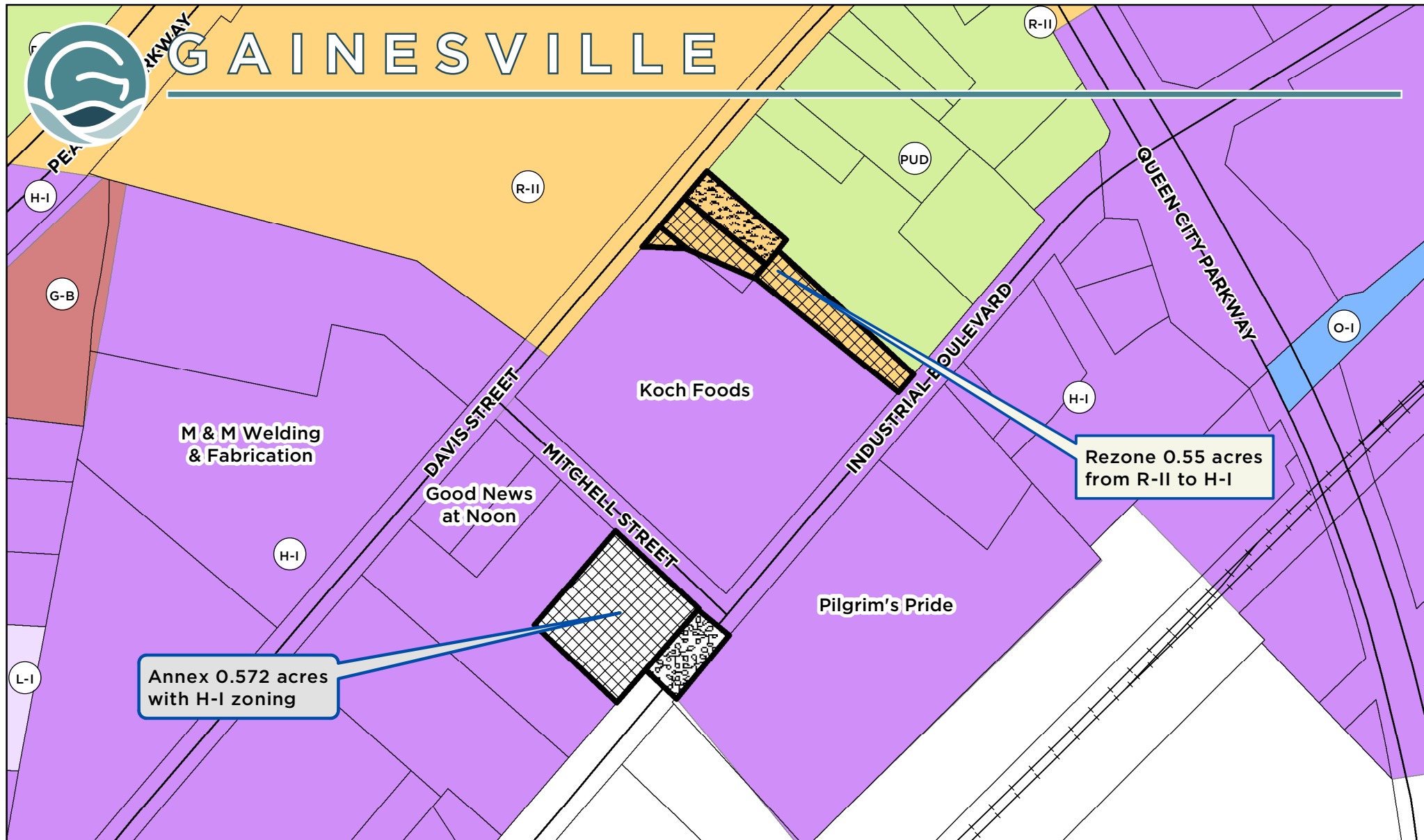
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



GAINESVILLE



Applicant: **KOCH FOODS OF GAINESVILLE, LLC**

ANNEXATION & REZONING REQUESTS

Subject Property Address:
966 Industrial Boulevard;
911, 913 & 919 Davis Street, SW;
950 Industrial Boulevard, SW

Tax Parcel:
00-050-001-007;
01-030-009-001 & 002;
00-030-009-002 (Part)

Request:

Annex 0.572+/- acre tract and establish zoning as Heavy Industrial (H-I); & Rezone 0.55+/- acre tract from Residential-II (R-II) to Heavy Industrial (H-I) for a poultry processing plant expansion



Subject Property



Right-of-way
to be annexed



Right-of-way
to be rezoned

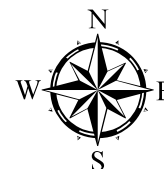
Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

0 100 200 Feet

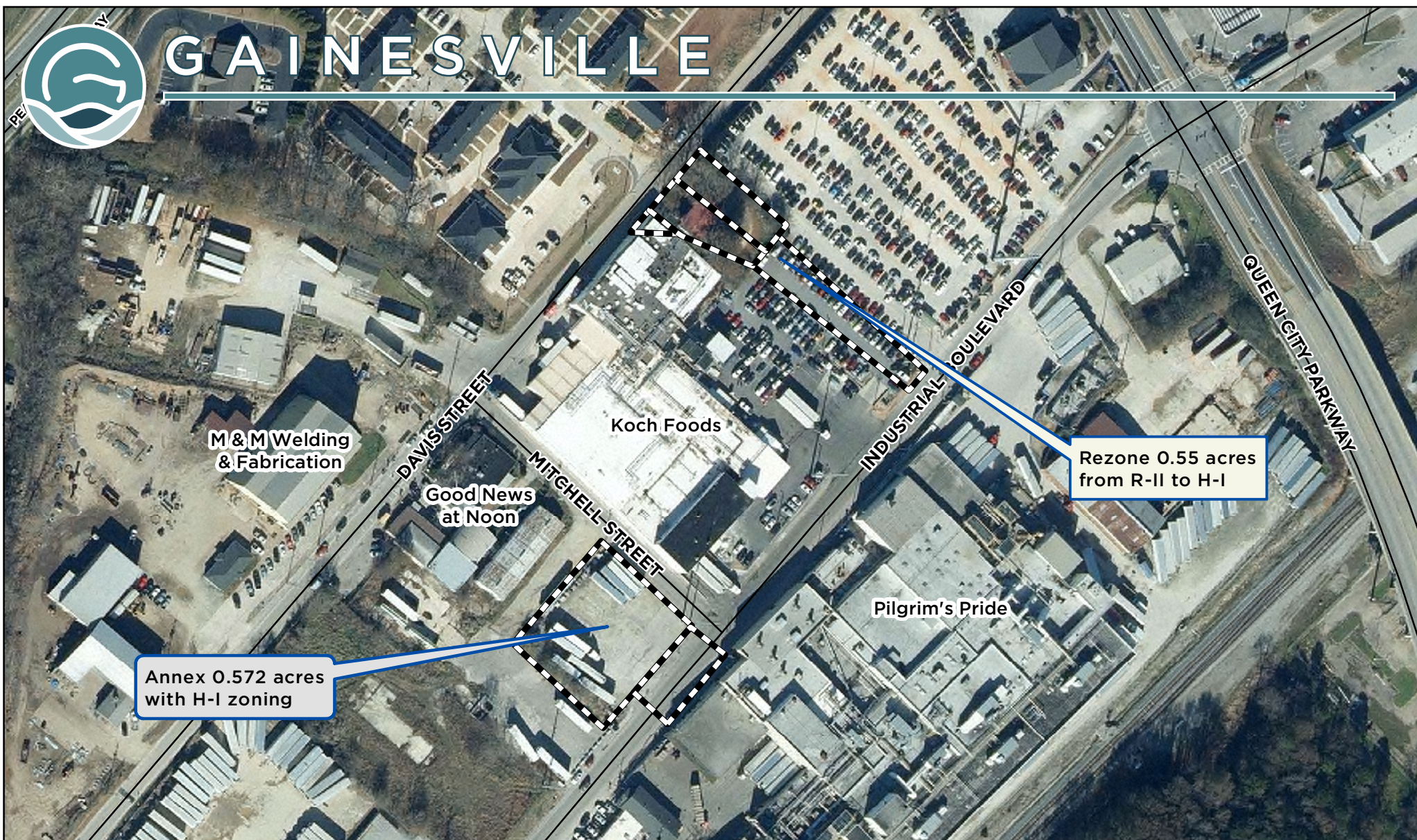
Page 70 of 204

SCALE: 1" = 182'





GAINESVILLE



Applicant: **KOCH FOODS OF GAINESVILLE, LLC**

ANNEXATION & REZONING REQUESTS

Subject Property Address:
966 Industrial Boulevard;
911, 913 & 919 Davis Street, SW;
950 Industrial Boulevard, SW

Tax Parcel:
00-050-001-007;
01-030-009-001 & 002;
00-030-009-002 (Part)

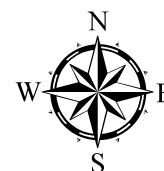
Request:

Annex 0.572+/- acre tract and establish zoning as Heavy Industrial (H-I); &
Rezone 0.55+/- acre tract from Residential-II (R-II) to Heavy Industrial (H-I)
for a poultry processing plant expansion



Subject Property and ROW to be annexed or rezoned

Aerial from 2021



Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

0 90 180 Feet
Page 71 of 204

SCALE: 1" = 167'

**Annexation/Zoning Narrative for
Koch Foods of Gainesville, LLC**

966 Industrial Boulevard
Gainesville, Georgia 30501

Koch Foods is proposing to annex a 0.571± acre property with a zoning of Heavy Industrial (H-I). The property will be part of a new Koch Foods poultry processing facility. The property is zoned Heavy Industrial (I-II) within unincorporated Hall County and is currently a vacant lot used for truck/trailer parking. It is the intent to bring the subject property under one jurisdiction and a zoning of H-I in order to redevelop the subject property and the adjacent properties owned by Koch Foods which total approximately 10.0± acres in size.

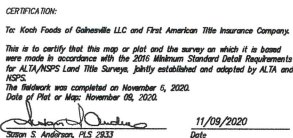
The existing poultry processing facility is approximately 74,000 square feet in size which was established in the early 1960's. Koch Foods purchased the current facility in 2002. The new state of the art facility will range from approximately 170,000 to 183,000 square feet in size depending on the final design of the site. The exterior facade materials of the metal building will consist of metal insulated panels and precast loading dock areas. The anticipated breakdown of square footage for the facility is as follows:

- 96,000 sf poultry processing/de-boning facility,
- 24,000 sf of office space,
- 62,826 sf of freezer area,
- 234 parking spaces for employees/visitors,
- 16 truck bays/docking stations,
- 50 parking spaced devoted to trailer parking.

Driveway access will be provided for delivery trucks off of Industrial Boulevard and Davis Street. The access plan is designed to improve truck movements off of Industrial Boulevard. Employee parking will be relocated off of Davis Street directly across from the proposed entrance to the planned facility.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or parcels, nor change to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF EASEMENTS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in G.C.G.A. Section 47-6-2.

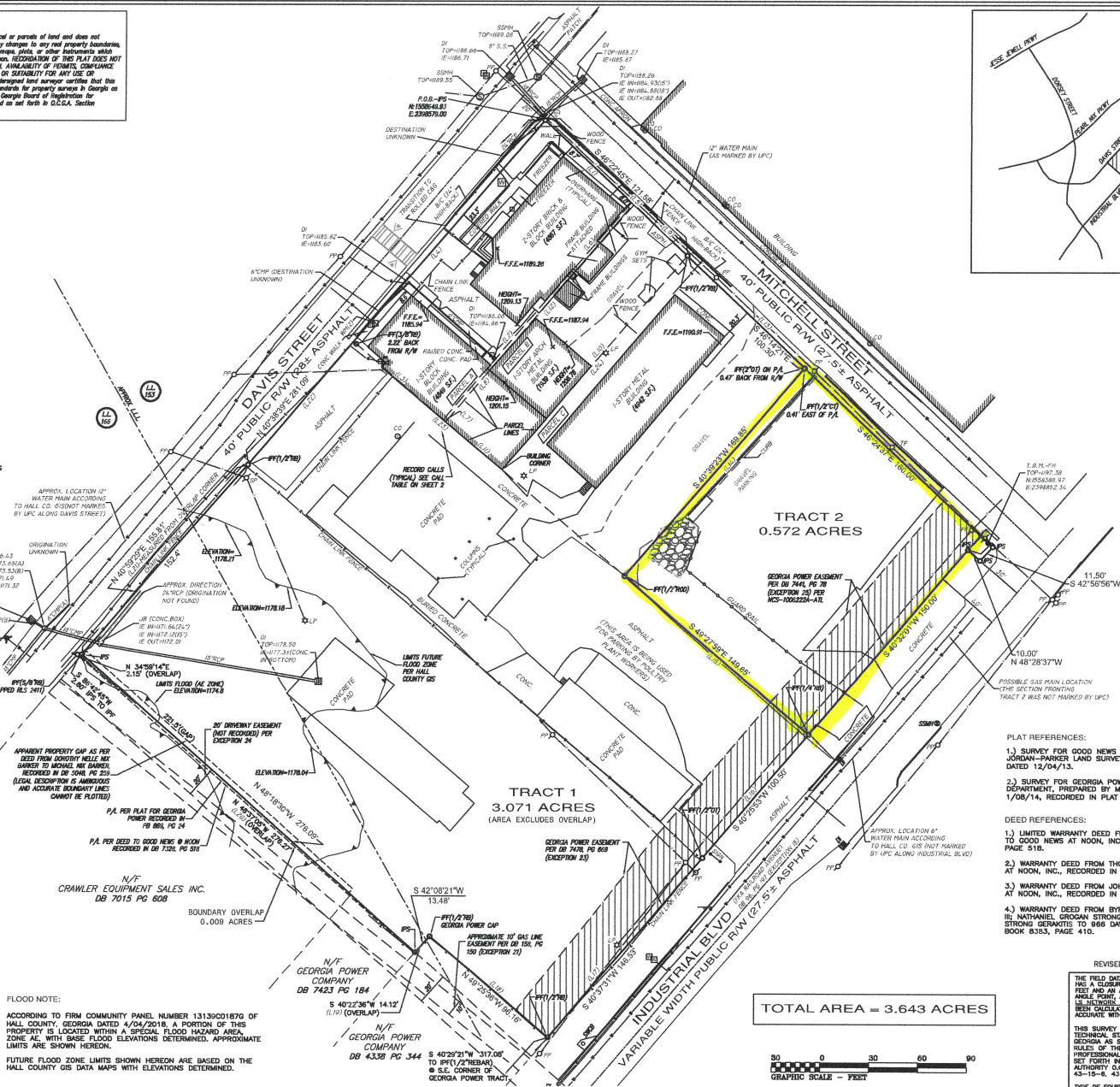
- 1) THIS PLAT HAS BEEN DONE FOR THE USE AND PURPOSE OF THE CLAY ACQUIRED AND CONTRACTED WITH BELOW. ALL OTHER PARTIES ARE RELEASED FROM ANY NOTICE TO THE LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY THIRD PARTIES.
- 2) THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE THOSE USED BY THE COUNTY CLERK AS THE PRIMARY DATA OF THIS PROPERTY AND THESE BASED ON 1991-1992 ATTORNEY TITLE INSURANCE COMPANY TITLE COMMITMENT FILE NO. NCS-1006222-AT, DATED OCTOBER 21, 2020.
- 3) THE NORTH MERIDIAN SHOWN HEREIN IS BASED ON GRID NORTH AS OBTAINED FROM THE NATIONAL GRID.
- 5) STATE PLANE COORDINATES AND ELEVATIONS ARE GEORGIA WEST ZONE NAD83/VANORIS AS ESTABLISHED BY RIT METHODS USING A LEICA GPS SURVEYING STATION ON THE LEICA SMARTNET AND ARE BASED ON GEOD 2018.
- 6) UNDERGROUND UTILITIES ARE BASED ON SURFACE FIELD INVESTIGATION UTILITIES COMPANY RECORDS. THERE ARE OTHER UNDERGROUND UTILITIES WHICH ARE NOT SHOWN ON THESE RECORDS. UTILITIES SHOULD BE MARKED BY A QUALIFIED UNDERGROUND UTILITY LOCATION SERVICE. THE RECORDS OF THE UTILITY COMPANY ARE NOT FRINGING TRACT 2 AND HAVE NOT BEEN INVESTIGATED BY ATLAS CONSULTANTS.
- 7) THE CURRENT OWNER OF THE 866 DAVIS STREET HEREIN IS GOOD NEWS CHURCH OF CHRIST, INC. THE ADDITIONS HEREON 01050 01000A, 01050 010010A, 01050 010110 AND 866 DAVIS STREET, LLC, TAX PARCEL, 000005 010107.
- 8) NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR REMEDIATION WORKS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- 9) NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REMEDIATION WORKS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- 10) NO WETLANDS DELINEATION MARKERS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- 11) NO PLANNING AND ZONING RECORD (PZR) WAS FURNISHED BY THE

[illegible]

ACCORDING TO FIRM COMMUNITY PANEL NUMBER 1313GC0187G OF HALL COUNTY, GEORGIA DATED 4/04/2018, A PORTION OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, ZONE AE, WITH BASE FLOOD ELEVATIONS DETERMINED. APPROXIMATE LIMITS ARE SHOWN HEREON.

FUTURE FLOOD ZONE LIMITS SHOWN HEREON ARE BASED ON THE HALL COUNTY GIS DATA MAPS WITH ELEVATIONS DETERMINED.

FUTURE FLOOD ZONE LIMITS SHOWN HEREON ARE BASED ON THE
HALL COUNTY GIS DATA MAPS WITH ELEVATIONS DETERMINED.



1. SURVEY FOR GOOD NEWS AT NOON, INC., PREPARED BY JORDAN-PARKER LAND SURVEYING, ANDREW R. JORDAN, RLS 3228, 2/28/14, 1.3.

2. SURVEY FOR GEORGIA POWER CO., ATLANTA, GA LAND DEPARTMENT, PREPARED BY MICHAEL G. HIGGS, RLS 2988, 2/28/14, 1.08/1.4, RECORDED IN PLAT BOOK 869, PAGE 224.

DEED REFERENCES:

1. LIMITED WARRANTY DEED FROM CO. BARKER FAMILY L.P., ETAL. TO GOOD NEWS AT NOON, INC., RECORDED IN DEED BOOK 7328, 2/28/14, 1.3.

2. WARRANTY DEED FROM THOMAS J. SHEPPARD TO GOOD NEWS AT NOON, INC., RECORDED IN DEED BOOK 2698, PAGE 222.

3. WARRANTY DEED FROM JOHN E. MANSFIELD, SR. TO GOOD NEWS AT NOON, INC., RECORDED IN DEED BOOK 1787, PAGE 255.

4. WARRANTY DEED FROM BYRON MITCHELL, JR.; CHARLES STRONG, JR.; JANE STRONG, JANE STRONG EASERS, AND MARY STRONG GERAKOTOS TO 868 DAVIS STREET, LLC, RECORDED IN DEED BOOK 1787, PAGE 255.

REVISED: 10/09/2020 (ADDED TRACT 2)

THE FIELD DATA ON WHICH THIS MAP ON PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 30,000 FEET AND AN ANGULAR PRECISION OF .04 SECONDS PER ANGLE POINT, AND WAS OBTAINED BY THE USE OF THE L-1 NETWORK. METHOD: THIS MAP OR PLAT HAS BEEN CALCULATED FOR AN ACCURACY OF 1:10,000 TO BE ACCURATE WITHIN ONE IN 13,500 FEET.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND SET FORTH IN THE GEORGIA CODE, SECTION 15-6-40, 15-6-41, 15-6-42, 15-6-43, 15-6-44, 15-6-45, 15-6-46, 15-6-47, 15-6-48, 15-6-49, 15-6-50, 15-6-51, 15-6-52, 15-6-53, 15-6-54, 15-6-55, 15-6-56, 15-6-57, 15-6-58, 15-6-59, 15-6-60, 15-6-61, 15-6-62, 15-6-63, 15-6-64, 15-6-65, 15-6-66, 15-6-67, 15-6-68, 15-6-69, 15-6-70, 15-6-71, 15-6-72, 15-6-73, 15-6-74, 15-6-75, 15-6-76, 15-6-77, 15-6-78, 15-6-79, 15-6-80, 15-6-81, 15-6-82, 15-6-83, 15-6-84, 15-6-85, 15-6-86, 15-6-87, 15-6-88, 15-6-89, 15-6-90, 15-6-91, 15-6-92, 15-6-93, 15-6-94, 15-6-95, 15-6-96, 15-6-97, 15-6-98, 15-6-99, 15-6-100, 15-6-101, 15-6-102, 15-6-103, 15-6-104, 15-6-105, 15-6-106, 15-6-107, 15-6-108, 15-6-109, 15-6-110, 15-6-111, 15-6-112, 15-6-113, 15-6-114, 15-6-115, 15-6-116, 15-6-117, 15-6-118, 15-6-119, 15-6-120, 15-6-121, 15-6-122, 15-6-123, 15-6-124, 15-6-125, 15-6-126, 15-6-127, 15-6-128, 15-6-129, 15-6-130, 15-6-131, 15-6-132, 15-6-133, 15-6-134, 15-6-135, 15-6-136, 15-6-137, 15-6-138, 15-6-139, 15-6-140, 15-6-141, 15-6-142, 15-6-143, 15-6-144, 15-6-145, 15-6-146, 15-6-147, 15-6-148, 15-6-149, 15-6-150, 15-6-151, 15-6-152, 15-6-153, 15-6-154, 15-6-155, 15-6-156, 15-6-157, 15-6-158, 15-6-159, 15-6-160, 15-6-161, 15-6-162, 15-6-163, 15-6-164, 15-6-165, 15-6-166, 15-6-167, 15-6-168, 15-6-169, 15-6-170, 15-6-171, 15-6-172, 15-6-173, 15-6-174, 15-6-175, 15-6-176, 15-6-177, 15-6-178, 15-6-179, 15-6-180, 15-6-181, 15-6-182, 15-6-183, 15-6-184, 15-6-185, 15-6-186, 15-6-187, 15-6-188, 15-6-189, 15-6-190, 15-6-191, 15-6-192, 15-6-193, 15-6-194, 15-6-195, 15-6-196, 15-6-197, 15-6-198, 15-6-199, 15-6-200, 15-6-201, 15-6-202, 15-6-203, 15-6-204, 15-6-205, 15-6-206, 15-6-207, 15-6-208, 15-6-209, 15-6-210, 15-6-211, 15-6-212, 15-6-213, 15-6-214, 15-6-215, 15-6-216, 15-6-217, 15-6-218, 15-6-219, 15-6-220, 15-6-221, 15-6-222, 15-6-223, 15-6-224, 15-6-225, 15-6-226, 15-6-227, 15-6-228, 15-6-229, 15-6-230, 15-6-231, 15-6-232, 15-6-233, 15-6-234, 15-6-235, 15-6-236, 15-6-237, 15-6-238, 15-6-239, 15-6-240, 15-6-241, 15-6-242, 15-6-243, 15-6-244, 15-6-245, 15-6-246, 15-6-247, 15-6-248, 15-6-249, 15-6-250, 15-6-251, 15-6-252, 15-6-253, 15-6-254, 15-6-255, 15-6-256, 15-6-257, 15-6-258, 15-6-259, 15-6-260, 15-6-261, 15-6-262, 15-6-263, 15-6-264, 15-6-265, 15-6-266, 15-6-267, 15-6-268, 15-6-269, 15-6-270, 15-6-271, 15-6-272, 15-6-273, 15-6-274, 15-6-275, 15-6-276, 15-6-277, 15-6-278, 15-6-279, 15-6-280, 15-6-281, 15-6-282, 15-6-283, 15-6-284, 15-6-285, 15-6-286, 15-6-287, 15-6-288, 15-6-289, 15-6-290, 15-6-291, 15-6-292, 15-6-293, 15-6-294, 15-6-295, 15-6-296, 15-6-297, 15-6-298, 15-6-299, 15-6-300, 15-6-301, 15-6-302, 15-6-303, 15-6-304, 15-6-305, 15-6-306, 15-6-307, 15-6-308, 15-6-309, 15-6-310, 15-6-311, 15-6-312, 15-6-313, 15-6-314, 15-6-315, 15-6-316, 15-6-317, 15-6-318, 15-6-319, 15-6-320, 15-6-321, 15-6-322, 15-6-323, 15-6-324, 15-6-325, 15-6-326, 15-6-327, 15-6-328, 15-6-329, 15-6-330, 15-6-331, 15-6-332, 15-6-333, 15-6-334, 15-6-335, 15-6-336, 15-6-337, 15-6-338, 15-6-339, 15-6-340, 15-6-341, 15-6-342, 15-6-343, 15-6-344, 15-6-345, 15-6-346, 15-6-347, 15-6-348, 15-6-349, 15-6-350, 15-6-351, 15-6-352, 15-6-353, 15-6-354, 15-6-355, 15-6-356, 15-6-357, 15-6-358, 15-6-359, 15-6-360, 15-6-361, 15-6-362, 15-6-363, 15-6-364, 15-6-365, 15-6-366, 15-6-367, 15-6-368, 15-6-369, 15-6-370, 15-6-371, 15-6-372, 15-6-373, 15-6-374, 15-6-375, 15-6-376, 15-6-377, 15-6-378, 15-6-379, 15-6-380, 15-6-381, 15-6-382, 15-6-383, 15-6-384, 15-6-385, 15-6-386, 15-6-387, 15-6-388, 15-6-389, 15-6-390, 15-6-391, 15-6-392, 15-6-393, 15-6-394, 15-6-395, 15-6-396, 15-6-397, 15-6-398, 15-6-399, 15-6-400, 15-6-401, 15-6-402, 15-6-403, 15-6-404, 15-6-405, 15-6-406, 15-6-407, 15-6-408, 15-6-409, 15-6-410, 15-6-411, 15-6-412, 15-6-413, 15-6-414, 15-6-415, 15-6-416, 15-6-417, 15-6-418, 15-6-419, 15-6-420, 15-6-421, 15-6-422, 15-6-423, 15-6-424, 15-6-425, 15-6-426, 15-6-427, 15-6-428, 15-6-429, 15-6-430, 15-6-431, 15-6-432, 15-6-433, 15

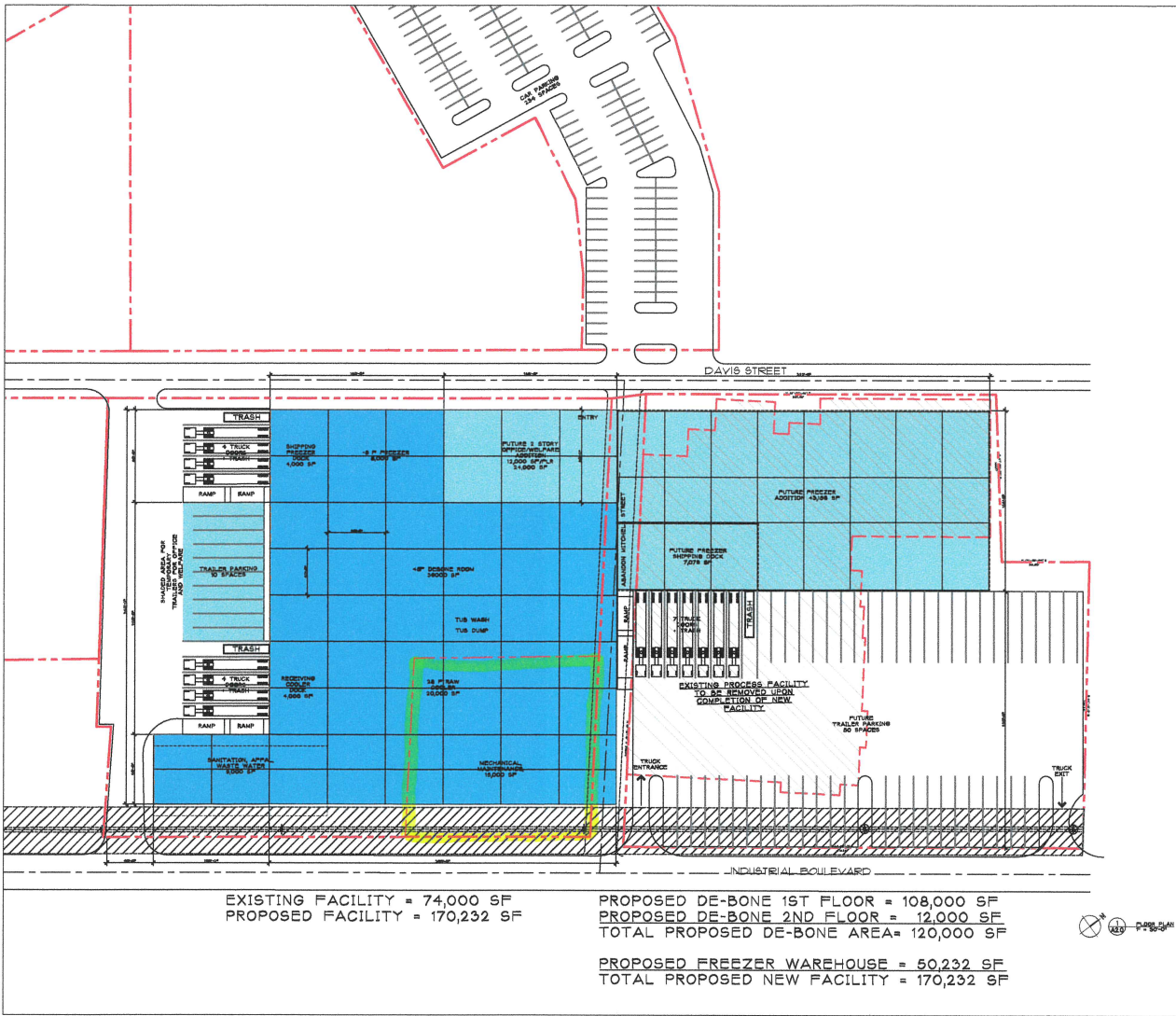
Atlas Technical Consultants, LLC
Engineering • Planning • Landscape Architecture • Land Acquisition • Surveying

ATLAS

LSF000334, EXP. 5/30/2020
950 Interstate Ridge Drive, Suite 170
Gainesville, Georgia 30501
PHONE: (770) 532-4021 FAX: (770) 532-4023

IS LAND TITLE SURVEY:
KKOCH FOODS OF GAINESVILLE LLC
LAND LOTS 153 & 166 - 9th DISTRICT, GMD 411
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

SHEET 1 of 2 SHEETS	
VERTICAL SCALE: N/A	
HORIZONTAL SCALE: 1" = 30'	
DATE 4/18/2020	
DATE OF FIELD SURVEY: 4/14/2020	
DRAWN BY: SA	
CHECKED BY: DRJ	





KOCH FOODS

PROJECT: KOCH FOODS - PROCESS FACILITY
 ADVISORY BOARD: ADVISORY BOARD
 GAINESVILLE, FLORIDA

DRAWING FLOOR PLAN



UNITED STATES OF AMERICA
 DEPARTMENT OF AGRICULTURE
 AGRICULTURAL RESEARCH SERVICE



ARS
 UNITED STATES OF AMERICA
 DEPARTMENT OF AGRICULTURE
 AGRICULTURAL RESEARCH SERVICE

A2.0

Existing Facility



Date Submitted: 11/22/2021

Presenter: Abb Hayes

Item of Business: Request from **Koch Foods of Gainesville, LLC** to rezone a 0.55± acre tract located between Davis Street and Industrial Boulevard, southwest of Queen City Parkway (a/k/a **911, 913 and 919 Davis Street, SW; 950 Industrial Boulevard, SW**) from Residential-II (R-II) to Heavy Industrial (H-I). **Ward Number: Four.** Tax Parcel Number(s): 01-030-009-001 and 002; 00-030-009-002 (Part). **Request: Poultry processing plant expansion.**

- Proposed Rezoning Ordinance 2021-32

Meeting Date: 12/7/2021

Purpose of Request:

To conduct a public hearing regarding the following rezoning request as presented at the November 9, 2021 Planning and Appeals Board Meeting.

The applicant is proposing to rezone the subject property to Heavy Industrial (H-I) in order to clean up the existing zoning boundary. The property consists of three parcels owned or under contract by Koch Foods and a small strip of right-of-way. The property is part of the redevelopment of the 10.0± acres Koch Foods campus. The new poultry processing facility will range from approximately 170,000 to 183,000 square feet in size to include poultry processing, freezer, office and truck bays/docking and parking. Access is designed to improve truck movements off of Industrial Boulevard. The applicant intends to close the small strip of right-of-way as part of the expansion. Employee parking will be relocated off of Davis Street directly across from the proposed entrance to the planned facility. The adjacent uses are industrial. Property owned by the Gainesville Housing Authority is located north across Davis Street which includes the Melrose Apartments.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Staff and PAB recommended approval with three conditions. See the PAB Recommendation Report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2021-32

I move to approve the ordinance to rezone the subject property from Residential-II to Heavy Industrial with three conditions as presented.

Denial of the Request:
I move to deny the request.

Department Director:

Rusty Ligon

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
☐	Legal Ad	Legal Ad
☐	PAB Recommendation Report	Report
☐	Proposed Rezoning Ordinance 2021-32	Ordinance
☐	Location Maps	Backup Material
☐	Narrative	Backup Material
☐	Survey	Backup Material
☐	Site Plan	Backup Material
☐	Photograph	Backup Material

expansion

4) Request from Koch Foods of Gainesville, LLC to rezone a 0.55± acre tract located between Davis Street and Industrial Boulevard, southwest of Queen City Parkway (a/k/a 911, 913 and 919 Davis Street, SW; 950 Industrial Boulevard, SW) from Residential-II (R-II) to Heavy Industrial (H-I).
Ward Number: Four
Tax Parcel Number(s): 01-030-009-001 and 002; 00-030-009-002 (Part)
Request: Poultry processing plant expansion
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-33 (c))
101651 11/17

NOTICE TO THE PUBLIC

The Buford City Commission will meet on Tuesday, December 13, 2021 at 7:00 p.m. at the Buford City Arena, 2795 Sawnee Avenue, Buford, Georgia 30518 to conduct a public hearing and consider an amendment to the City of Buford's Zoning Ordinance, Section 1308 "Special Uses" "Automobile Fueling Stations". The Planning Commission will conduct a hearing on November 30, 2021 at 7:00 p.m. at Buford City Hall, 2300 Buford

M33 DIANE HOGAN Georgia Code, Article 5, Section 10-4-2010, et. seq. JMA AB2904, AU 3877 Terms of Sale: Cash, 15% Buyer Premium 101593 11/17,24,12/1,8

Auction of General Household & Commercial Goods North Lanier Storage 5335 Browns Bridge Rd Gainesville, GA 30504 Phone: 678-321-8000 10:00 AM, Thursday December 9th, 2021 01 Rose Ingalsbe, 08 Anna Lewis, 14 Ronald Saylor, 19 Deandre Hawkins, 57 Emma Passmore, A16 Rose Ingalsbe, A17 Rose Ingalsbe, A18 Rose Ingalsbe, A25 Monica Putka, B116 Rex Martin, B134 Gina Johnson, B144 Brittany Gamble, C02 Marcus Wheeler, D31 Kevin Fisher, Georgia Code, Article 5, Section 10-4-2010, ET. Seq. JMA AB 2904, AU 3877 Terms of Sale: Cash, 15% Buyer Premium 101594 11/17,24,12/1,8

Notice of Public Auction. Boardwalk Storage-Murrayville Will be holding a public auction online at Lockerfox.com on Date: December 2, 2021 @ Time: 11:00am This is a cash only sale - Please bring a money order. All sales are final and the units must be cleaned out completely in 48 hours. A 100.00 cash cleaning deposit is required and will be refunded upon unit inspection.

We currently have 1 Unit Unit-Murphy Bed, wooden furniture, plastic totes, pallets, artificial flowers, potato-onion piece, metal tub, flat screen tv 678-989-1999 5162 Thompson Bridge Rd Murrayville Ga 30533 101766 11/17,24

Unit Sale Chestnut Mini Storage Unit 124&342 to satisfy payment Unit Consist of household items & Misc Belonging to Darlene Cochran to the highest

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA IN RE: ESTATE OF EDDIE NICELY, SR., DECEASED

NOTICE ESTATE NO. E-20-223 IN RE: The Petition to Probate Will in Solemn Form in the above-referenced estate having been duly filed. [For use if an heir is required to be served by publication] TO: Keri Aliyah Nicely [List here all heirs having known addresses to be served by publication] This is to notify you to file objection, if there is any, to the petition to probate will in solemn form in this Court on or before December 6 2021

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: Riley Norris Clerk of the Probate Court 116 Spring Street, SE Gainesville, GA 30501 Address 770.533-7828 101474 11/3,10,17,24

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA IN RE: ESTATE OF JOE L NOLAN, JR, DECEASED ESTATE NO. E-16-248

such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be held at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: Melissa C. Phillips Clerk of the Probate Court 116 Spring Street Gainesville, GA 30501 770-535-9710 101710 11/17

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA IN RE: ESTATE OF MICHAEL JOHN ROE, JR, DECEASED ESTATE NO. E-19-601

NOTICE [For discharge from office and all liability] IN RE: Petition for Discharge of Personal Representative TO: WHOM IT MAY CONCERN: This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before December 6th, 2021 BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: Melissa C. Phillips Clerk of the Probate Court 116 Spring Street First Floor Gainesville, GA 30501 Address

STATE OF GEORGIA IN RE: ESTATE OF EDWARD ALLEN HYDE, DECEASED ESTATE NO. E-21-656 PETITION FOR LETTERS OF ADMINISTRATION NOTICE

[Strike the sentence in parenthesis below if not applicable.] TO: whom it may concern: Latonya Michelle Hyde has petitioned to be appointed administrator of the estate of Edward Allen Hyde, deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before December 6, 2021.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: Riley Norris Clerk of the Probate Court 116 Spring Street Gainesville, GA 30501 Address 770-531692 101467 11/3

to be a administrators estate of Jam Wyllie, Jr., of said county petitioner has applied for offbond, ofreports, ofstatements, or grant powers cont O.C.G.A. § 53-12-261. All interested are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before December 6th, 2021. BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before December 6, 2021. BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: Riley Norris Clerk of the Probate Court 116 Spring Street Gainesville, GA 30501 Address 770-531692 101467 11/3

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA IN RE: ESTATE OF ROBERT PRICE, DECEASED ESTATE NO. E-16-248 PETITION FOR LETTERS OF ADMINISTRATION NOTICE [Strike the sentence in parenthesis below if not applicable.] TO: whom it may concern: Latonya Michelle Hyde has petitioned to be appointed administrator of the estate of Edward Allen Hyde, deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before December 6, 2021.

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant Koch Foods of Gainesville, LLC
Property Owners Boardwalk Properties, LLC
Locations 950 and 966 Industrial Boulevard, SW
911, 913 and 919 Davis Street, SW

Request..... Annex with H-I zoning
Rezone from R-II to H-I

Size Annexation: 0.572± acre
Rezoning: 0.55± acre

Ward..... Four

Proposed Use..... Poultry processing plant expansion

Planning Division Staff Recommendation **Approval, with conditions**
Planning & Appeals Board Recommendation..... **Approval, with conditions**
Date..... November 9, 2021

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

The applicant is proposing to annex 0.572± acre with a zoning of Heavy Industrial (H-I) and to rezone a 0.55± acre from Residential-II (R-II) to Heavy Industrial (H-I). The purpose is to redevelop the entire 10.0± acres campus for a new poultry processing plant. The existing facility is approximately 74,000 square feet in size and was established in the 1960's. Koch Foods purchased the current facility in 2002. The new state of the art facility will range from approximately 170,000 to 183,000 square feet in size depending on the final design of the site. The exterior facade materials of the metal building will consist of metal insulated panels and precast loading dock areas. The anticipated breakdown of square footage for the facility is as follows:

- 96,000 sf poultry processing/de-boning facility,
- 24,000 sf of office space,
- 62,826 sf of freezer area,
- 234 parking spaces for employees/visitors,
- 16 truck bays/docking stations,
- 50 parking spaced devoted to trailer parking.

Driveway access will be provided for delivery trucks off of Industrial Boulevard and Davis Street. The access plan is designed to improve truck movements off of Industrial Boulevard. Employee parking will be relocated off of Davis Street directly across from the proposed entrance to the planned facility. The applicant intends to close Mitchell Street as part of the expansion.

Annexation

The 0.572± acre subject property is adjacent to the city limits on all sides and is zoned Heavy Industrial (I-II) in the County and is currently being used for truck parking. The property is part of a larger unincorporated island. The intent is to bring the subject property and the adjacent property owned by Koch Foods under one jurisdiction.

Rezoning

The 0.55± acre subject property consists of three parcels that are owned or under contract by Koch Foods and a small strip of right-of-way. Presently, the property is zoned Residential-II (R-II) and contains part of a parking lot and a duplex rental home that will be demolished as part of the redevelopment. The intent is to clean up the zoning boundary so that all of the properties owned by Koch Foods are zoned Heavy Industrial (H-I).

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Melrose Apartments (Public Housing)	Residential-II (R-II) -City
South	Pilgrim's Pride Poultry Processing Plant	Light Industrial (L-I) -City Heavy Industrial (I-II) -County
East	Pilgrim's Pride Office and Parking	Planned Unit Development (P-U-D) -City
West	Heavy Industrial Uses / Trailer Storage	Heavy Industrial (H-I) -City

▪ **Zoning History**

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

2021- A request by the McNeal Development, LLC to rezone 4.86± acres tract located at 504, 512, 514, 520 and 528 Banks Street, SW; 510 East Avenue, SW; 535, 548, 549, 604, 608, 620 and 628 Gordon Avenue, SW; 0, 602, 611 and 612 Longstreet Avenue, SW; 436 and 442 Parker Street, SW; 627 and 635 Queen City Parkway; 507 and 513 Saint Thomas Drive from Heavy Industrial (H-I), General Business (G-B), Residential-II (R-II), Office and Institutional (O-I) to Planned Unit Development (P-U-D) for 214 multi-family apartments was approved with conditions.

2020- A request by the City of Gainesville to rezone 39.0± acres consisting of 25 properties located within Midtown Gainesville from Heavy Industrial (H-I), Light Industrial (L-I), General Business (G-B), Residential-II (R-II) to Office and Institutional (O-I) for existing uses was approved.

2020- A request by Davis Pine, LLC to rezone a 0.47± acre tract located at 890, 892 and 898 Wills Street, SW from General Business (G-B) to Residential-II (R-II) for seven multi-family apartments was approved with conditions.

2020- A request by the Gainesville Non-Profit Development Foundation to rezone a 1.07± acres tract located at 623, 635, 641 and 645 Davis Street, SW from General Business (G-B) and Heavy Industrial (H-I) to Residential-II (R-II) for four single-family homes was approved with conditions.

▪ **Staff Analysis**

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

The surrounding uses include mostly heavy industrial uses which involve poultry processing. The subject property has functioned as a poultry processing facility for approximately 60 years. Except

for the adjacent Residential-II (R-II) zoned Melrose Apartments to the north, the surrounding properties are zoned Heavy Industrial (H-I) and Planned Unit Development (P-U-D) and are nonresidential.

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

The proposal intends to replace the existing poultry processing facility with a new, modernized facility. The proposed changes will update and address long standing logistical and operational issues such as employee parking, truck access and storage which are expected to have a positive impact on the adjacent properties.

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

It is staff's opinion the proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property within the *Industrial* land use category. This category includes areas containing or planned for a wide range of office, business, light industrial, manufacturing, research and development uses.

According to the Character Area map for the City of Gainesville, the subject properties are located within the Economic Development Gateways character area which appears to support the applicant's proposal. This character area represents the industrial, warehousing and other commercial enterprises that parallel the I-985 and Norfolk-Southern railroad corridor. The primary vision for the area is to continue to support economic development while preserving and strengthening important natural and cultural resources. These areas include a wide range of office, business, light industrial, manufacturing, research, and development uses; and commercial uses that directly support or are otherwise linked to the dominant business use as well as mixed-use, residential (existing uses only), public / institutional, transportation / communications / utilities, and parks / recreation / conservation uses.

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

The subject 0.572± acre property to be annexed is part of a larger unincorporated island and is currently zoned Heavy Industrial (I-II) in Hall County. The property could remain in the county; however, the applicant would like all of the property under one jurisdiction. The 0.55± acre portion of property to be rezoned from Residential-II (R-II) to Heavy Industrial (H-I) contains a right-of-way, duplex home and part of the parking lot used by Koch Foods. This property is required to be rezoned for the proposed project.

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

City water, sewer, and public safety services are currently provided to the property and capacity is sufficient. Gainesville Fire Station #1 is located approximately 0.4± mile away off of Queen City Parkway.

There should be no direct impacts to the City school system as the request is for future industrial purposes.

The applicant proposes to improve access and parking off of Industrial Boulevard and Davis Street. As well, it is the intent to Mitchell Street which is currently used primarily by Koch Foods for truck access.

(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 proposed use will remain the same but will be improved. Most of the properties located off of Industrial Boulevard and Davis Street have remained mostly industrial for decades due to the close proximity to the interstate, railroad and airport. It is anticipated that this will remain unchanged.

(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 industrial uses, the proposal 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 the annexation and rezoning request based on the Comprehensive Plan and the adjacent industrial uses.

Conditions

1. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.
 2. The proposed redevelopment of the subject property shall meet the Gainesville Unified Land Development Code standards including but not limited to access, parking, stormwater, landscaping, fencing and signage.
 3. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.
-

Excerpts from the November 9, 2021 PAB Meeting Minutes

Applicant Presentation: William Fasulo, 4703 Hiawatha Drive, stated the goal is to build a state-of-the-art facility to do business, the current location is land-locked. Mr. Fasulo said the plan is to build the new facility and vacate the current one.

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to recommend conditional approval of the annexation request with a zoning of Heavy Industrial (H-I).

Conditions

1. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.
2. The proposed redevelopment of the subject property shall meet the Gainesville Unified Land Development Code standards including but not limited to access, parking, stormwater, landscaping, fencing and signage.
3. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

Vote – 6 favor, 1 absent (Delgado)

There was a motion to recommend conditional approval to rezone the subject property from Residential-II (R-II) to Heavy Industrial (H-I) with the following conditions:

Conditions

1. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.
2. The proposed redevelopment of the subject property shall meet the Gainesville Unified Land Development Code standards including but not limited to access, parking, stormwater, landscaping, fencing and signage.
3. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.

Motion made by Board Member Thompson

Motion seconded by Board Member Simmons

Vote – 6 favor, 1 absent (Delgado)

Passed: _____

AN ORDINANCE

No. 2021-32

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 0.55± ACRE TRACT LOCATED BETWEEN DAVIS STREET AND INDUSTRIAL BOULEVARD, SOUTHWEST OF QUEEN CITY PARKWAY (A/K/A 911, 913 AND 919 DAVIS STREET, SW; 950 INDUSTRIAL BOULEVARD, SW) FROM RESIDENTIAL-II (R-II) TO HEAVY INDUSTRIAL, WITH CONDITIONS (H-I-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 **Heavy Industrial, with conditions (H-I-c)**.

Conditions

- 1. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access / traffic / sidewalk improvements associated with the proposal shall be at the full expense of the property owner.**
- 2. The proposed redevelopment of the subject property shall meet the Gainesville Unified Land Development Code standards including but not limited to access, parking, stormwater, landscaping, fencing and signage.**
- 3. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.**

Legal Description

All that tract of land lying and being in G.M.D. 411, Land Lot 153, 9th District, City of Gainesville, Hall County, Georgia and being more particularly described as follows:

COMMENCING at a point at the right-of-way intersection of the northeasterly right-of-way of Mitchell Street, said point being fifteen (15) feet from the centerline of said Mitchell Street with the southeasterly right-of-way of Davis Street, said point being twenty (20) feet from the centerline of said Davis Street; Thence, 306.49 feet along said southeasterly right-of-way of Davis Street to an iron pin found (1/2" rebar) at the POINT OF BEGINNING. Thence, North 41 degrees 42 minutes 05 seconds East for a distance of 22.98 feet along the forty (40) feet right-

ORDINANCE NO. 2021-32

of-way of Davis Street to a point; Thence, North 40 degrees 04 minutes 32 seconds East for a distance of 37.28 feet continuing along said right-of-way to a point; Thence, South 48 degrees 05 minutes 32 seconds East for a distance of 5.00 feet to an iron pin set (1/2" rebar) on the original southeasterly fifty (50) feet right-of-way of Davis Street, said point being twenty-five (25) feet from said centerline of Davis Street and a point on the original southwesterly right-of-way of Penny Street having a right-of-way width of forty (40) feet, said Penny Street currently not used as a public right-of-way and possibly abandoned; Thence, South 40 degrees 04 minutes 32 seconds West for a distance of 37.18 feet along said original right-of-way of Davis Street to a point; Thence, South 41degrees 42 minutes 05 seconds West for a distance of 22.82 feet continuing along said original right-of-way to a an iron pin set (1/2" rebar); Thence, North 51 degrees 03 minutes 01 seconds West for a distance of 5.01 feet leaving said original right-of-way to an iron pin found (1/2" rebar) at the POINT OF BEGINNING.

TRACT 2

All that tract of land lying and being in G.M.D. 411, Land Lot 153, 9th District, City of Gainesville, Hall County, Georgia and being more particularly described as follows:

COMMENCING at a point at the right-of-way intersection of the northeasterly right-of-way of Mitchell Street, said point being fifteen (15) feet from the centerline of said Mitchell Street with the southeasterly right-of-way of Davis Street, said point being twenty (20) feet from the centerline of said Davis Street; Thence, 306.49 feet along said southeasterly right-of-way of Davis Street to an iron pin found (1/2" rebar); Thence, South 51 degrees 03 minutes 01 seconds East for a distance of 5.01feet to an iron pin set (1/2" rebar) on the original southeasterly fifty (50) feet right-of-way of Davis Street, said point being twenty-five (25) feet from said centerline of Davis Street and being the POINT OF BEGINNING. Thence, North 41 degrees 42 minutes 05 seconds East for a distance of 22.82 feet along said original right-of-way of Davis Street to a point; Thence, North 40 degrees 04 minutes 32 seconds East for a distance of 37.18 feet continuing along said original right-of-way to an iron pin set (1/2" rebar) on the original southwesterly right-of-way of Penny Street having a right-of-way width of forty (40) feet, said Penny Street currently not used as a public right-of-way and possibly abandoned; Thence, South 48 degrees 05 minutes 32 seconds East for a distance of 138.22 feet along said right-of-way of Penny Street to an iron pin set (1/2" rebar); Thence, South 40 degrees 17 minutes 41 seconds West for a distance of 52.85 feet to an iron pin found (3/4" open top); Thence, North 51 degrees 03 minutes 01 seconds West for a distance of 138.62 feet to the POINT OF BEGINNING.

Said tracts containing 0.55± acres more or less and all of Penny Street right-of-way.

SECTION II

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

SECTION III

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

ORDINANCE NO. 2021-32

SECTION IV

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

SECTION V

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

C. Danny Dunagan, Jr., Mayor

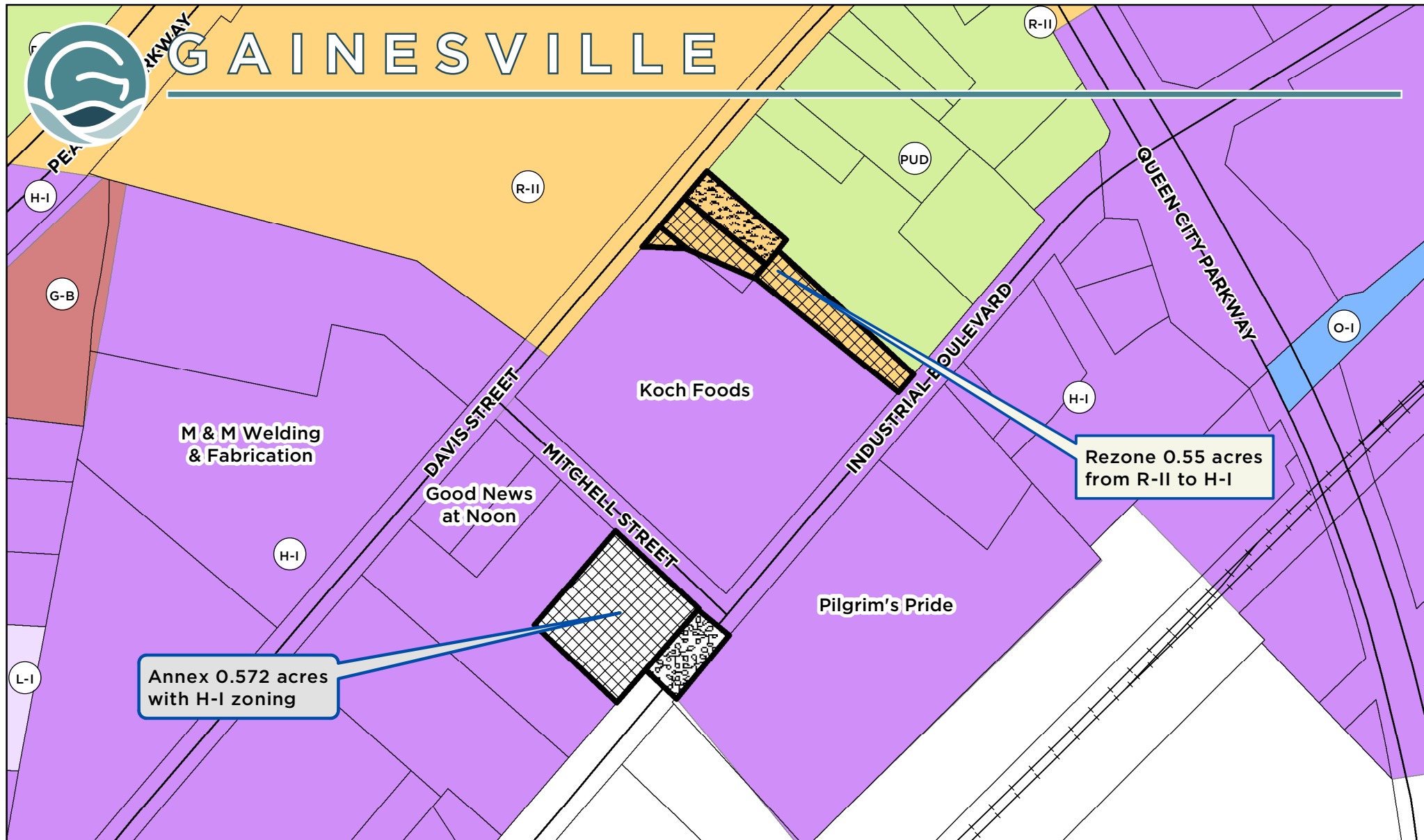
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



GAINESVILLE



Applicant: **KOCH FOODS OF GAINESVILLE, LLC**

ANNEXATION & REZONING REQUESTS

Subject Property Address:
966 Industrial Boulevard;
911, 913 & 919 Davis Street, SW;
950 Industrial Boulevard, SW

Tax Parcel:
00-050-001-007;
01-030-009-001 & 002;
00-030-009-002 (Part)

Request:

Annex 0.572+/- acre tract and establish zoning as Heavy Industrial (H-I); & Rezone 0.55+/- acre tract from Residential-II (R-II) to Heavy Industrial (H-I) for a poultry processing plant expansion



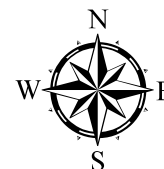
Subject Property



Right-of-way
to be annexed



Right-of-way
to be rezoned



Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

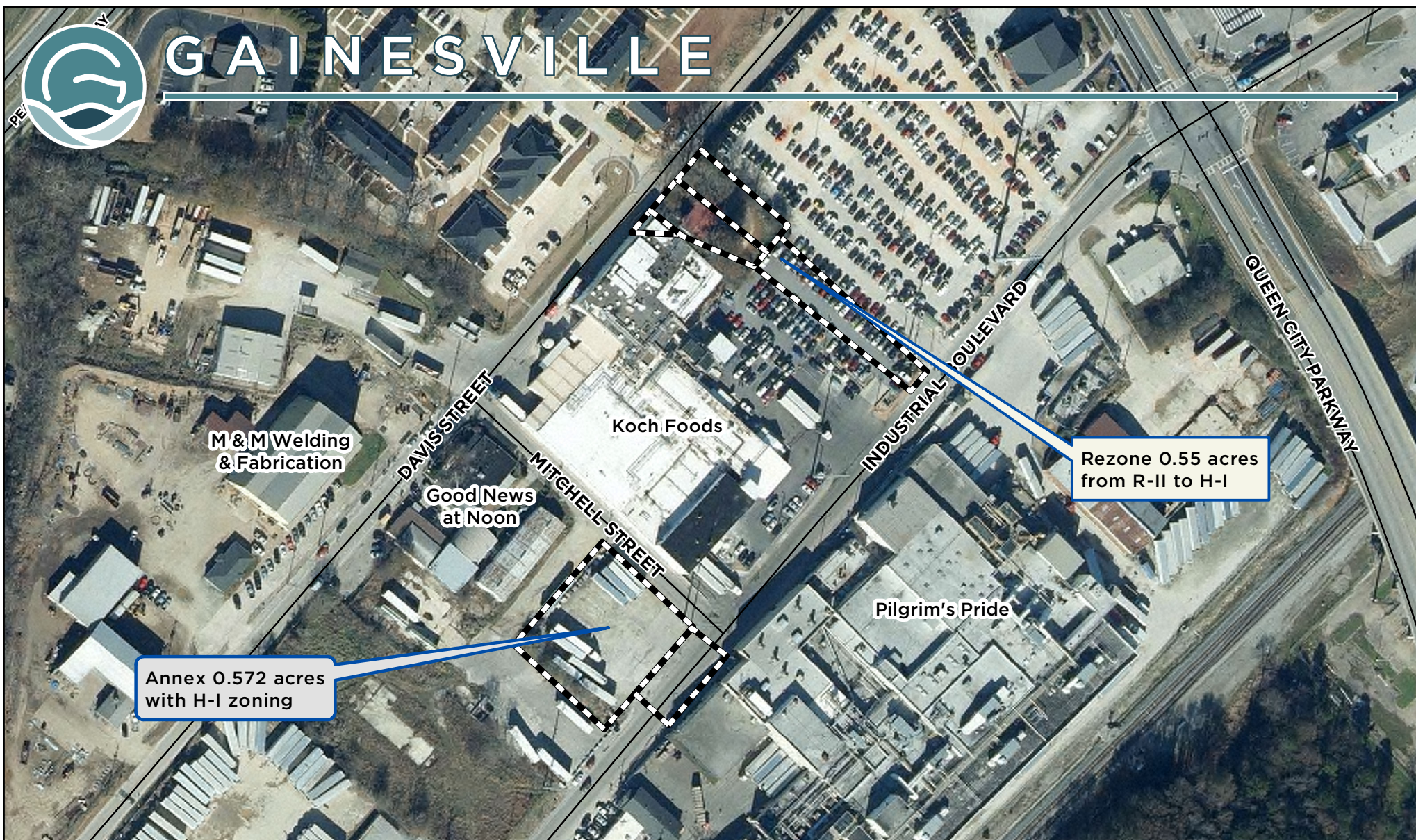
0 100 200 Feet

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SCALE: 1" = 182'



GAINESVILLE



Applicant: **KOCH FOODS OF GAINESVILLE, LLC**

ANNEXATION & REZONING REQUESTS

Subject Property Address:
966 Industrial Boulevard;
911, 913 & 919 Davis Street, SW;
950 Industrial Boulevard, SW

Tax Parcel:
00-050-001-007;
01-030-009-001 & 002;
00-030-009-002 (Part)

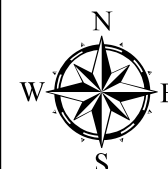
Request:

Annex 0.572+/- acre tract and establish zoning as Heavy Industrial (H-I); &
Rezone 0.55+/- acre tract from Residential-II (R-II) to Heavy Industrial (H-I)
for a poultry processing plant expansion



Subject Property and ROW to be annexed or rezoned

Aerial from 2021



Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

0 90 180 Feet
Page 89 of 204

SCALE: 1" = 167'

**Rezoning Narrative for
Koch Foods of Gainesville, LLC**

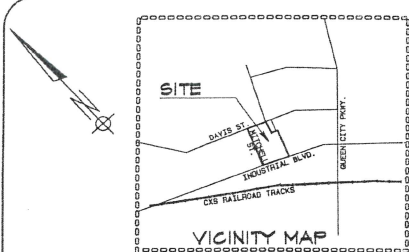
911, 913 & 915 Davis Street: 950 Industrial Boulevard
Gainesville, Georgia 30501

Koch Foods is proposing to rezone a 0.55± acre property from Residential-II (R-II) to Heavy Industrial (H-I). The property will be part of a new Koch Foods poultry processing facility. The property consists of part or all of four parcels which includes part of the existing poultry processing plant, parking and a duplex that will be demolished. It is the intent to bring the subject property under one zoning of H-I in order to redevelop the subject property and the adjacent properties owned by Koch Foods which total approximately 10.0± acres in size.

The existing poultry processing facility is approximately 74,000 square feet in size which was established in the early 1960's. Koch Foods purchased the current facility in 2002. The new state of the art facility will range from approximately 170,000 to 183,000 square feet in size depending on the final design of the site. The exterior facade materials of the metal building will consist of metal insulated panels and precast loading dock areas. The anticipated breakdown of square footage for the facility is as follows:

- 96,000 sf poultry processing/de-boning facility,
- 24,000 sf of office space,
- 62,826 sf of freezer area,
- 234 parking spaces for employees/visitors,
- 16 truck bays/docking stations,
- 50 parking spaced devoted to trailer parking.

Driveway access will be provided for delivery trucks off of Industrial Boulevard and Davis Street. The access plan is designed to improve truck movements off of Industrial Boulevard. Employee parking will be relocated off of Davis Street directly across from the proposed entrance to the planned facility.



ZONING DATA

1. PROPERTY IS ZONED HEAVY INDUSTRIAL (I-II).
2. BUILDING SETBACKS:
FRONT: 75' FROM C/L DAVIS STREET
SIDE: 30 FEET
REAR: 40' FROM R/W MITCHELL STREET
40' FROM R/W INDUSTRIAL BOULEVARD.
3. PARKING REQUIREMENTS: 16 SPACES FOR EACH 1,000 S.F. OF GROSS FLOOR AREA. THEREFORE, THIS SITE REQUIRES 114 PARKING SPACES. THIS SITE HAS 19 CAR SPACES AND 7 TRUCK SPACES.
4. MAXIMUM LAND COVERAGE: AT LEAST 20% OF SITE MUST BE RETAINED AS OPEN SPACE.
5. SOURCE: HALL COUNTY, GEORGIA ZONING REGULATIONS, LAST REVISED NOVEMBER, 2000.
JESSICA DEMPSEY, PLANNER
GAINESVILLE-HALL COUNTY PLANNING DEPARTMENT
440 Pryor Street
P.O. Box 1435
Gainesville, Georgia 30503
(770) 531-6805
(770) 531-3902 (FAX)

LEGEND

- IPF IRON PIN FOUND
- IPS IRON PIN SET
- LLL LAND LOT LINE
- WM WATER METER
- WFH FIRE HYDRANT
- SM SEWER MANHOLE
- DI DROP INLET
- CB CATCH BASIN
- PP POWER POLE
- GW GUY WIRE
- WI WEIR INLET
- HD HEADWALL
- ILP LIGHT POLE

GENERAL NOTES

1. The field data upon which this survey is based has a closure precision of one foot in 40,217 feet and an angular error of 7.50 seconds per angle point and was adjusted using the Compass Rule.
2. The survey has been calculated for closure and is found to be accurate within one foot in 156,477 feet.
3. Field information for this survey was obtained with a SET 40 Total Station Theodolite.
4. The survey is based on items listed in Part II - Schedule B of Chicago Title Insurance Company's Commitment No. 1001, dated 10/20/00, with an effective date of commitment of November 24, 2001 at 5:00 p.m.
5. THESE ITEMS ARE NOT SURVEY RELATED.
Item 3(c): Easement from City Ice Co. to Georgia Power Company, dated May 7, 1966, filed for record May 8, 1966 at B: 45 a.m., recorded in Deed Book 188, Page 246.
Records of Hall County, Georgia
THIS DOCUMENT GIVES GEORGIA POWER COMPANY THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN LINES FOR TRANSMITTING ELECTRIC CURRENT TO THE PROPERTY, BUT EXACT LOCATION CAN NOT BE DETERMINED.
Item 3(d): Easement from City Ice Company to Georgia Power Company, dated November 23, 1966, filed for record December 3, 1966 at 8:00 a.m., recorded in Deed Book 330, Page 174, aforesaid records.
THIS DOCUMENT GIVES GEORGIA POWER COMPANY THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN LINES FOR TRANSMITTING ELECTRIC CURRENT TO THE PROPERTY, BUT EXACT LOCATION CAN NOT BE DETERMINED.
Item 3(e): Easement from Grass Foods, Inc. to Georgia Power Company, dated March 8, 1990, filed for record March 8, 1990 at 10:00 a.m., recorded in Deed Book 1448, Page 10, aforesaid records.
THIS DOCUMENT GIVES GEORGIA POWER COMPANY THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN LINES FOR TRANSMITTING ELECTRIC CURRENT TO THE PROPERTY, BUT EXACT LOCATION CAN NOT BE DETERMINED.
Item 3(f): Easements, if any, reserved by the City of Gainesville over, through, under and across Penny Street to construct, alter, maintain, and repair utilities located on said property.
PENNY STREET ABANDONED FROM HERE SHOWN TO INDUSTRIAL BOULEVARD. THE CITY OF GAINESVILLE MAY HAVE RESERVED A UTILITY EASEMENT FOR THE AREA ABANDONED.
Item 3(g): All matters which would be disclosed by a current and accurate survey and visual inspection of the subject property.
THIS ITEM IS SELF-EXPLANATORY.
5. The Hall County, Georgia Tax Map shows a 12 foot by 125 foot alley in this approximate location, which apparently exists. However, the legal description for this parcel includes the alley within the property.
6. The legal description for the property states the right-of-way for Industrial Boulevard to be 16.17 feet from the centerline. In conversations with the City, they only claim 30 feet total right-of-way.
7. The site was visited on December 20, 2001. At that time we observed no evidence of earth moving work, building construction or building additions within recent months.
8. The site was visited on December 20, 2001. At that time we observed no evidence of recent street or sidewalk construction repairs. Hall County has no improvement plans available for streets fronting this parcel of land.
9. The site was visited on December 20, 2001. At that time we observed no evidence of the site being used as a solid waste dump, dump or sanitary landfill. Please note that we are surveyors and not Environmental Scientists or Engineers. To the extent of the lack of these services, an Environmental Assessment I study should be performed by a qualified Environmental Scientist or Engineer.

STATEMENT OF ENCROACHMENTS

- A BUILDING ENCROACHES FROM 0.99' TO 1.05 FEET ONTO RIGHT-OF-WAY
- B 2.09' FENCE ENCROACHMENT

HEIGHT RESTRICTIONS:
THIS PARCEL OF LAND FALLS WITHIN THE AIRPORT OVERLAY DISTRICT. WHILE HALL COUNTY HAS NO HEIGHT RESTRICTIONS FOR THIS PARCEL, THE MAXIMUM ELEVATION ALLOWED FOR THIS PARCEL IS 1425.06 BASED ON MEAN SEA LEVEL. (THIS IS APPROXIMATELY 200 FEET +/-)

ACCORDING TO TAX RECORDS, THIS PROPERTY IS IN THE CITY OF GAINESVILLE. ACCORDING TO JESSICA DEMPSEY OF THE GAINESVILLE-HALL COUNTY PLANNING DEPARTMENT, THIS PROPERTY IS IN HALL COUNTY. THE ZONING DATA GIVEN ABOVE IS ACCORDING TO THE COUNTY.



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FLOOD NOTE: By graphic plotting only, this property is in Zone X of the Flood Insurance Rate Map, Community Panel No. 15046B 0010 C, which bears a revised date of April 17, 1995, and is not in a Special Flood Hazard Area. By telephone call dated December 21, 2001 to the Engineering Division, FEMA (800-368-5820) we have learned this community does currently participate in the National Flood Insurance Program. To determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT AT THE INTERSECTION OF THE RIGHTS OF WAY LINE OF DAVIS STREET 120 FEET FROM CENTERLINE (POINT BEING THE POINT OF BEGINNING OF TRACT BEING DESCRIBED) AND THENCE ALONG THE RIGHT OF WAY 120 FEET FROM CENTERLINE OF SAID DAVIS STREET NORTH 43 DEGREES 20 MINUTES 00 SECONDS EAST 308.49 FEET TO A POINT; THENCE LEAVE SAID RIGHT OF WAY, RUN SOUTH 47 DEGREES NORTH 43 DEGREES EAST 143.72 FEET TO A POINT; THENCE SOUTH 43 DEGREES 23 MINUTES 41 SECONDS EAST 240.00 FEET TO A POINT ON THE RIGHT-OF-WAY 16.17 FEET FROM THE CENTERLINE OF INDUSTRIAL BOULEVARD (CENTERLINE) OF SAID INDUSTRIAL BOULEVARD SOUTH 43 ON THE RIGHT OF WAY 16.17 FEET FROM THE CENTERLINE OF AFORESAID MITCHELL STREET; RUN THENCE ALONG THE RIGHT OF 15 FEET FROM THE CENTERLINE OF MITCHELL STREET NORTH 43 DEGREES 10 MINUTES 10 SECONDS WEST 389.29 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD, SAID PROPERTY CONTAINS 143.814 SQUARE FEET OR 3.302 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED PROPERTY IS THE SAME PROPERTY DESCRIBED AND INSURED BY CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE NO. 1001, DATED 10/20/00, WITH AN EFFECTIVE DATE OF COMMITMENT OF NOVEMBER 24, 2001 AT 5:00 P.M.

ALTA/ACSM LAND TITLE SURVEY

Grcko
B & C PROJECT 20010854/ Site 2
950 Industrial Boulevard, Gainesville, GA
County of Hall, State of GA

1. The title of this survey is "ALTA/ACSM Land Title Survey, Grcko, B & C Project 20010854/ Site 2, 950 Industrial Boulevard, Gainesville, GA, County of Hall, State of Georgia".
2. The survey was made by the undersigned, a duly qualified and licensed surveyor, on or about the date of the survey, and the results of the survey are set forth in this report.
3. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
4. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
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9. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
10. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
11. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
12. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
13. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
14. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
15. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
16. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
17. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
18. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
19. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
20. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.

The undersigned has prepared and executed a copy of this report and the same shall be filed for record in the office of the Clerk of the Superior Court of the County of Hall, Georgia, and the same shall be made available to the public.

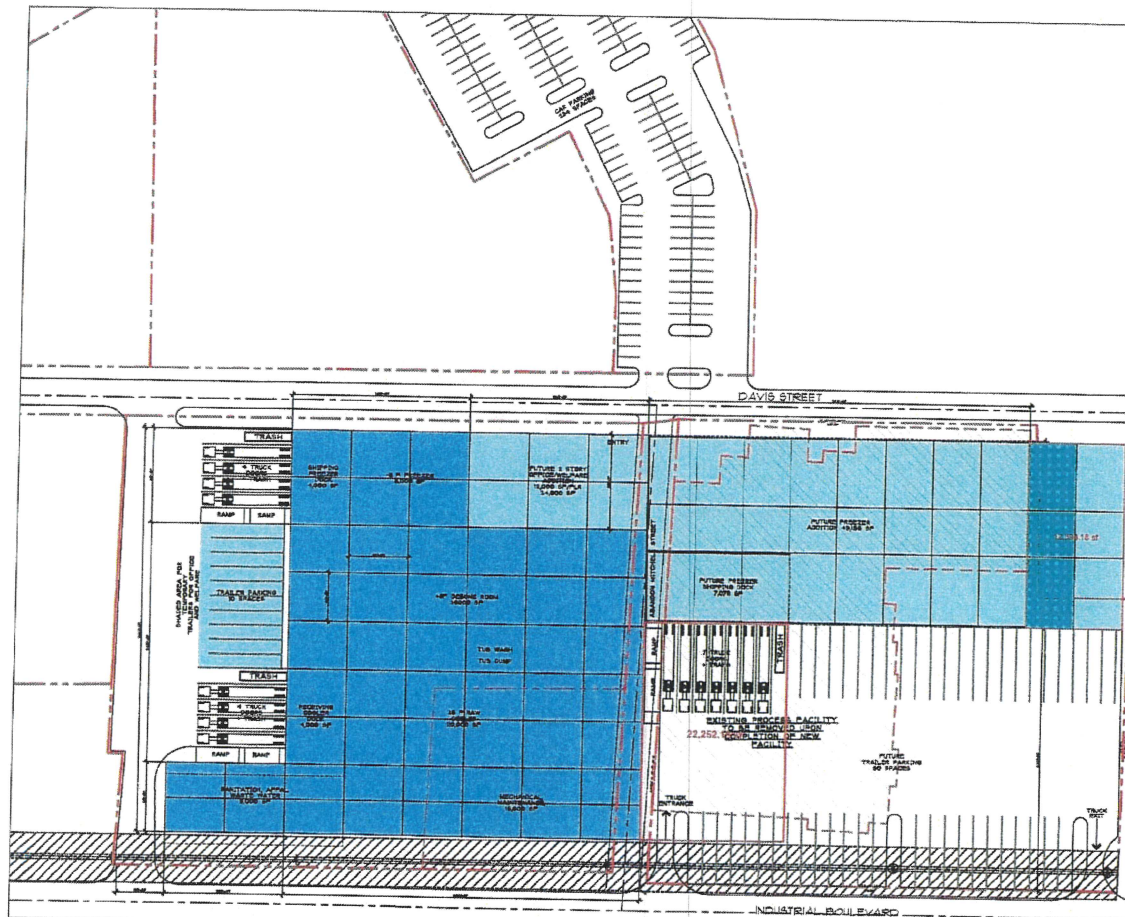
This Survey is made in accordance with the 1995 Minimum Standard Detail for ALTA/ACSM Land Title Surveys, as adopted by the American Land Title Association (ALTA) and the National Board of Surveyors (NBS).

Survey Prepared by:
Beck & Clark, Inc.
517 Cemetery Street
Norcross, GA 30071
Phone: 770-449-8523
Fax: 770-449-1068
E-Mail: info@beckandclark.com



SHEET 1 OF 1

BOCK & CLARK'S NATIONAL SURVEYORS NETWORK
ENGINEERS & SURVEYORS 1-800-787-8391 (1-800-SURVEY-1) (FAX: 330-658-3608)
537 N. CLEVELAND - MASSILLON RD., AKRON, OHIO 44333



EXISTING FACILITY = 74,000 SF
 PROPOSED FACILITY = 170,232 SF

PROPOSED DE-BONE 1ST FLOOR = 108,000 SF
 PROPOSED DE-BONE 2ND FLOOR = 12,000 SF
 TOTAL PROPOSED DE-BONE AREA = 120,000 SF

PROPOSED FREEZER WAREHOUSE = 50,232 SF
 TOTAL PROPOSED NEW FACILITY = 170,232 SF



PROJECT: KOCH FOODS - PROCESS FACILITY
 1700 DAVIS STREET
 GAINESVILLE, GEORGIA

DRAWING: FLOOR PLAN

 UNITED STATES BUILDING CONSTRUCTION CORPORATION 1000 17TH AVENUE, SUITE 100 GAINESVILLE, FL 32609 TEL: 352/336-1111 FAX: 352/336-1112 WWW.USBC-USA.COM	
A2.0	

Existing Facility



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 11/22/2021

Presenter: Abb Hayes

Item of Business: Request from the **Atlanta Botanical Garden, Inc.** to annex a total of 17.032± acres to include a 10.237± acres tract located on the northwest side of the intersections of Lake Hill Drive and Randall Street and Lake Hill Drive and Gary Street; and a 6.795± acres tract located on the west side of the cul-de-sac of Barrett Street, having road frontage on the north side of Riverbend Circle (a/k/a **115 Barrett Street, 102, 104 and 106 Gary Street; 213, 301, 303 and 305 Lake Hill Drive; 0, 100, 101, 102, 103, 104, 105, 106, 107, 109 and 111 Randall Street; 0 Riverbend Circle**) and to establish zoning as Planned Unit Development (P-U-D). **Ward Number: Two.** Tax Parcel Number(s): 00-093-001-003A, 005, 020, 021, 022, 023, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, and 040. **Request: Atlanta Botanical Garden expansion.**

- Proposed Annexation Ordinance 2021-33
- Proposed Zoning Ordinance 2021-34

Meeting Date: 12/7/2021

Purpose of Request:

To conduct a public hearing regarding the following annexation/zoning request as presented at the November 9, 2021 Planning and Appeals Board Meeting:

The applicant is proposing to annex the subject property which includes two separate tracts of land that are part of an existing unincorporated island. The purpose of the request is to combine the properties with the adjacent Atlanta Botanical Garden campus which is currently zoned Planned Unit Development (P-U-D) which was approved for a visitor center, parking areas, enchanted woodland garden, amphitheater, children's garden, waterfall trail, native plants ravine, Asian valley, education center, event center and associated facilities and an entry lane. It is intended for a portion of Randall Street and all of Gary Street to be abandoned to provide for access off of Lake Hill Drive and additional parking to serve the campus. The subject properties are located within the Limestone Parkway Overlay Zone and are adjacent to single-family homes and property owned by the applicant.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Staff and PAB recommended approval with five conditions. See the PAB Recommendation Report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2021-33

I move to approve the ordinance to annex the subject property for an Atlanta Botanical Garden expansion.

Approval of Ordinance 2021-34

I move to approve the ordinance to establish zoning as Planned Unit Development for the subject property with five conditions as presented.

Denial of the Request:
I move to deny the request.

Department Director:

Rusty Ligon

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
☐	Legal Ad	Legal Ad
☐	PAB Recommendation Report	Report
☐	Proposed Annexation Ordinance 2021-33	Ordinance
☐	Proposed Zoning Ordinance 2021-34	Ordinance
☐	Location Maps	Backup Material
☐	Narrative	Backup Material
☐	Existing Plan	Backup Material
☐	Surveys	Backup Material
☐	Overall Master plan	Backup Material
☐	Parking layout	Backup Material

way of Norton Circle, said iron pin being located 1,870 feet from the intersection of the Westerly right of way of Norton Circle with the Southerly right of way of US Highway 23 as measured in a southeasterly-southwesterly and southeasterly direction along the westerly right of way of Norton Circle; thence from said beginning iron pin along the Westerly right of way of Norton Circle South 18 degrees 52 minutes East 100.0 feet to an iron pin; thence South 71 degrees 00 minutes known as **5850 Norton Cir, Flowery Branch, GA 30542** together with all fixtures and personal property attached to and constituting a part of said property, if any. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the subject property is (are): James D. Bartlett or tenant or tenants. Champion Mortgage LLC is the entity or individual designated who shall have full authority to negotiate, amend and modify all terms of the mortgage. Champion Mortgage LLC
Loss Mitigation
PO Box 91322
Seattle, WA 98111-9422
Phone 855-683-3095
Fax 866-621-1036
Note, however, that such entity or individual is not required by law to negotiate, amend or modify the terms of the loan.

Said property will be sold subject to: (a) any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), (b) unpaid water or sewage bills that constitute a lien against the property whether due and payable or not yet due and payable and which may not be of record, (c) the right of redemption of any taxing authority, (d) any matters which might be disclosed by an accurate survey and inspection of the property, and (e) any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.

The sale will be conducted subject to (1) confirmation that the sale is not prohibited under the U.S. Bankruptcy Code; and (2) final confirmation and audit of the status of the loan with the holder of the Security Deed. Pursuant to O.C.G.A. Section 9-13-172.1, which allows for certain procedures regarding the rescission of judicial and non-judicial sales in the State of Georgia, the Deed Under Power and other foreclosure documents may not be provided until final confirmation and audit of the status of the loan as provided immediately above.

Nationstar Mortgage LLC d/b/a Champion Mortgage Company as agent and Attorney in Fact for James D. Bartlett Aldridge Pite, LLP, 15 Piedmont Center, 3575 Piedmont Road, N.E., Suite 500, Atlanta, Georgia 30305, (404) 994-7637.

THIS LAW FIRM MAY BE ACTING AS A

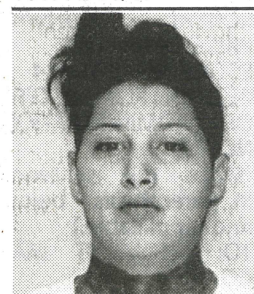
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. 1341-751A 101492 11/10, 17,24,12/1

Miscellaneous



NEW SEX-OFFENDER TO HALL COUNTY
NAME: Joaquin Jose Pareja

DATE OF OFFENSE: 05/17/2021 (Conviction Date)
OFFENSE: Sexual Battery to a Minor (Felony)
COURT OF CONVICTION: Superior Court Hall County Georgia.
WEBSITE: <https://gbi.georgia.gov/georgia-sex-offender-registry>
101772 11/17



NOTICE OF SECOND DUI CONVICTION WITHIN 5 YEARS

TO BE PUBLISHED
Insert Photo
NAME: NALLELY OLVERA
CITY: GAINESVILLE, GA
COUNTY: HALL
ZIP CODE: 30507
ARREST DATE: 11/11/2020
ARREST TIME: 02:16 AM
ARREST LOCATION: LANIER PKWY @ EXIT 22 NB OFF
DISPOSITION: GUILTY
Hall County Superior & State Court
Charles Baker, Clerk
225 Green Street, SE
Gainesville, GA 30501
PUBLISHED PURSUANT TO O.C.G.A. 40-6-391A1
2021SR1787Z
Page 2 of Photo Order
101671 11/17

A B A N D O N E D MOTOR VEHICLE ADVERTISEMENT NOTICE (TOWING OR STORAGE COMPANY)

Vehicle make: SUZUKI
Year: 2005 Model: FORENZA
Vehicle ID#: KL5JD56Z75K120309
Vehicle License: NONE
State:

are hereby notified, in accordance with OCGA 40-11-19(a)(2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicles are currently located at 344 Kathleen Dr SW, Marietta GA 30067

Anyone with an ownership interest in this vehicle should contact the following business immediately: KOTOWING, 344 Kathleen Dr SW, Marietta GA 30067 770-650-1413
101670 11/17,24

NOTICE OF HOME RULE AMENDMENT

NOVEMBER 10, 2021 AND DECEMBER 9, 2021 MEETINGS

The Hall County Board of Commissioners hereby provides notice that on November 10, 2021 and December

Georgia counties set forth in Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983 to amend the Act of the Georgia General Assembly creating the Board of Commissioners of Hall County, approved March 21, 1935 (Ga. L. 1935, p. 661), as amended, so as to delete in its entirety Section 13.1 of said Act relating to the enactment, following readings at no less than two consecutive regular meetings of the Board of Commissioners, of Child(ren):

Ayal Marie Blackmon Civil Action Case Number 2021CV1982W
Monique Marie Royer Petitioner, vs. John Colton Blackmon Respondent.
NOTICE OF PETITION TO CHANGE NAME(S) OF MINOR CHILD(REN)

Monique Marie Royer filed a petition in the Hall County Superior Court on 11/10/2021 to change the name(s) of the following minor child(ren) from Ayla Marie Blackmon to Ayla Marie Royer

Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA §§19-12-1(f)(2) and (3).
Dated: 4/13/21
/s/Monique Marie Royer
Petitioner Pro se
101615 11/17,24,12/1,8

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
In re the Name Change of M A M O U D MURAD
Petitioner CAFN: 2021CV1865A
NOTICE OF PETITION TO CHANGE NAME OF ADULT

An action was filed in the Superior Court of Hall County on October 15, 2021, to change the Petitioner's name as follows: Petitioner's name: MAMOU D MURAD
Desired new name: MUARD DANIEL CAULKER

Any interested party has the right to appear in this case and file objection before the final judgment is order in this case.

This 22nd day of October, 2021.
QUINDE & ASSOCIATES, LLC
/s/ Elena Quinde Elena Quinde Attorney for Plaintiff State Bar No. 210477
elena@quindelaw.com
1 0 0 2 9 0 1 0 / 2 7 , 11/3,10,17

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA

In re the name change of Lauren Hockaday Civil Action File No 2021CV1459J

Notice of Petition to Change Name I, Lauren Hockaday, filed a petition in the Superior Court of Hall County Georgia on the 5th day of October 2021 to change my name from Lauren Hope Hockaday to Laura Hope Crawford

Any interested party has the right to appear in this case and file objections within 30 days after the petition was filed.
Signed this 5 day of October 2021.

OF HALL COUNTY STATE OF GEORGIA
IN RE: JESSICA LEPAGE BROWN CIVIL ACTION FILE NO.: 2021CV1803W
N E E OF SECTION FOR NAME CHANGE

Jessica Lepage Brown filed a petition in the Hall County, Superior Court on the 6day of October, 2021 to change the name from Jessica Lepage Brown to Jessica Lepage Burris. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.

Alejandra Flores Proposed New Name Alejandra Flores Sanchez
Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA sec 19-12-1(f)(2) and (3).
Dated 11/2/2021
/s/Yehimy Sanchez Aguilera
Petitioner Pro se
101105
11/10,17,24,12/1

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
In re the Name Change of Virginia Augusta Stump Petitioner
Civil Action Case Number 2021CV1765B
NOTICE OF PETITION TO CHANGE NAME OF ADULT

Virginia Augusta Stump filed a petition in the Superior Court of Hall County on 9/3/21 to change the name from Virginia Augusta Stump to Virginia Augusta Puckett. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
Dated 9/30/2021
/s/ Virginia Augusta Stump
Petitioner Pro se
1 0 1 2 9 1 1 0 / 2 7 , 11/3,10,17

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
In re the Name Change of Children Charlie Davis Conner Kayla Conner Petitioner
V Jonathan Conner Respondent
Civil Action Case Number 2021CV1912J
NOTICE OF PETITION TO CHANGE NAME OF MINOR CHILD

Kayla Conner and a petition in the Superior Court of Hall County on October 26, 2021 to change the name of the following minor child From Charlie Davis Conner to Charles Everett Conner
Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA ss 19-12-1(f)(2) and (3)
Dated 10/26/2021
/s/ Kayla Conner
Petitioner Pro se
101563
11/10,17,24,12/1

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA

In re the Name Change Philecy Jade Ellison Petitioner

Civil Action Case Number 2021CV1898C
NOTICE OF PETITION TO CHANGE NAME OF ADULT

Philecy Jade Ellison

to change the name from Philecy Jade Ellison to Philecy Jade Ferrar-Ellison

Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.

Dated 10/20/21
/s/Philecy Jade Ellison
Petitioner Pro se
101282
10/27,11/3,10,17

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA

In re the Name Change Philecy Jade Ellison Petitioner

to change the name from Philecy Jade Ellison to Philecy Jade Ferrar-Ellison
Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.

Dated 10/20/21
/s/Philecy Jade Ellison
Petitioner Pro se
101282
10/27,11/3,10,17

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
In re the Name Change Sarrah Renee Wallace Petitioner

ordinance updating the Flowery Branch Zoning Ordinance on December 2, 2021, at 6:00 P.M. in the Flowery Branch City Hall Council Chambers located at 5410 Pine Street.
Rich@flowerybranchga.org
101634 11/17

NOTICE is hereby given that the Hall County Board of Commissioners shall conduct a public hearing at the Gainesville Civic Center, 830 Green Street, Gainesville, Georgia, at 5:30 p.m. on Tuesday, November 30, 2021 to consider the following:

1. Application of FIDES Development to rezone from Agricultural Residential-III (AR-III) and Vacation Cottage (V-C) to Planned Residential Development (PRD) on a 16.28 acre tract located at the terminus of North Waterworks Road, Seymour Circle, and Seymour Drive; a.k.a. 3450 North Waterworks Road; Zoned AR-III and V-C; Tax Parcel 08167 005002. Proposed Use: mixed use residential development.
Commission District 3. NOTE: Tabled at the September 9, 2021 Voting Meeting until the September 23, 2021 Voting Meeting. NOTE: Tabled at the September 23, 2021 Voting Meeting until the October 28, 2021 Voting Meeting. NOTE: Tabled at the October 28, 2021 Voting Meeting until the November 10, 2021 Special Called Voting Meeting. NOTE: Tabled at the November 10, 2021 Special Called Voting Meeting until the November 30, 2021 Special Called Voting Meeting.

1. NOTE: Tabled at the September 9, 2021 Voting Meeting until the September 23, 2021 Voting Meeting. NOTE: Tabled at the September 23, 2021 Voting Meeting until the October 28, 2021 Voting Meeting. NOTE: Tabled at the October 28, 2021 Voting Meeting until the November 10, 2021 Special Called Voting Meeting. NOTE: Tabled at the November 10, 2021 Special Called Voting Meeting until the November 30, 2021 Special Called Voting Meeting.

2. Application of John Roberts to rezone from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) on a 38.85± acre tract located on the north side of Lee Land Road, at its intersection with Webb Girth Road; a.k.a. 2522 Lee Land Road, Zoned AR-III; Tax Parcel 15030 000027A. Proposed Use: 160 unit townhome development.
Commission District 4. NOTE: Continued at the October 28, 2021 Voting Meeting until the November 10, 2021 Special Called Voting Meeting. NOTE: Tabled at the November 10, 2021 Special Called Voting Meeting until the November 30, 2021 Special Called Voting Meeting.

3. Application of Bilal Gillani to rezone from Agricultural Residential-III (AR-III) to Agricultural Residential-IV (AR-IV) on a 5.08± acre tract

intersection with Shady Valley Road; a.k.a. 2633 Old Cornelia Highway; Zoned AR-III & AR-IV; Tax Parcel 150218000050. Proposed Use: auto repair and used auto sales. Commission District 3. NOTE: Continued at the October 28, 2021 Voting Meeting until the November 10, 2021 Special Called Voting Meeting. NOTE: Tabled at the November 10, 2021 Special Called Voting Meeting until the November 30, 2021 Special Called Voting Meeting.

4. Application of Casey (R-MF) on a 30.69± acre tract located on the east and west sides of Wallis Road at its intersection with Atlanta Highway; a.k.a. 3542 Wallis Road; Zoned H-B and R-II; Tax Parcel 08047 001005. Proposed Use: 298 unit multi-family development. Commission District 2. NOTE: Tabled at the October 28, 2021 Voting Meeting until the November 10, 2021 Special Called Voting Meeting. NOTE: Tabled at the November 10, 2021 Special Called Voting Meeting until the November 30, 2021 Special Called Voting Meeting.

6. Application of Invest to County Commission approval on a 6.75± acre tract located on the east side of Lula Road at its intersection with Glade Farm Road; a.k.a. 7404 Lula Road; Zoned AR-IV; Tax Parcel 12115 000005(pt.). Proposed Use: 5-lot subdivision. Commission District 3. NOTE: Tabled at the November 10, 2021 Special Called Voting Meeting until the November 30, 2021 Special Called Voting Meeting.

7. 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. NOTE: Tabled at the November 10, 2021 Special Called Voting Meeting until the November 30, 2021 Special Called Voting Meeting.

8. Application of Morteza Modaber for a Use Subject to County Commission approval on a 0.38± acre tract located on the north side of Browns Bridge Road at its intersection with Whiting Drive; a.k.a. 1790 Browns Bridge Road; Zoned H-B; Tax Parcels 00123 007017 & 007016. Proposed Use: auto repair and body shop. Commission District 4. NOTE: Tabled at the November 10, 2021 Special Called Voting Meeting until the November 30, 2021 Special Called Voting Meeting.

9. Application of Clyde D. Broadway Jr. DBA Green Earth Replacement for a Use Subject to County Commission approval on a 12.76± acre tract located on the east side of Calvary Church Road

10. Application of Clyde D. Broadway Jr. DBA Green Earth Replacement for a Use Subject to County Commission approval on a 12.76± acre tract located on the east side of Calvary Church Road

11. Application of Clyde D. Broadway Jr. DBA Green Earth Replacement for a Use Subject to County Commission approval on a 12.76± acre tract located on the east side of Calvary Church Road

12. Application of Clyde D. Broadway Jr. DBA Green Earth Replacement for a Use Subject to County Commission approval on a 12.76± acre tract located on the east side of Calvary Church Road

13. Application of Clyde D. Broadway Jr. DBA Green Earth Replacement for a Use Subject to County Commission approval on a 12.76± acre tract located on the east side of Calvary Church Road

14. Application of Clyde D. Broadway Jr. DBA Green Earth Replacement for a Use Subject to County Commission approval on a 12.76± acre tract located on the east side of Calvary Church Road

15. Application of Clyde D. Broadway Jr. DBA Green Earth Replacement for a Use Subject to County Commission approval on a 12.76± acre tract located on the east side of Calvary Church Road

Drive; a.k.a. 1563 Calvary Church Road; Zoned I-II; Tax Parcel 15031 000097. Proposed Use: inert landfill. Commission District 4. NOTE: Tabled at the November 10, 2021 Special Called Voting Meeting until the November 30, 2021 Special Called Voting Meeting.
101667 11/17

NOTICE OF HISTORIC PRESERVATION COMMISSION MEETING
NOTICE is hereby given that the Gainesville Historic Preservation Commission will be painting the unpainted historic brick exterior façade
101650 11/17

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

Notice is hereby given that the Gainesville City Council will conduct a public hearing on Tuesday, December 7, 2021 at 5:30 p.m. in the Gainesville Justice Center (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following requests:

1) Request from Koch Foods of Gainesville, LLC to annex a 0.572± acre tract located on the northwest side of the intersection of Industrial Boulevard and Mitchell Street (a/k/a 966 Industrial Boulevard) and to establish zoning as Heavy Industrial (H-I); Ward Number: Four
Tax Parcel Number(s): 00-050-001-007
Request: P o u l t r y processing plant expansion

2) Request from the Atlanta Botanical Garden, Inc. to annex a total of 17.032± acres to include a 10.237± acres tract located on the northwest side of the intersections of Lake Hill Drive and Randall Street and Lake Hill Drive and Gary Street; and a 6.795± acres tract located on the west side of the cul-de-sac of Barrett Street, having road frontage on the north side of Riverbend Circle (a/k/a 115 Barrett Street, 102, 104 and 106 Gary Street; 213, 301, 303 and 305 Lake Hill Drive; 0, 100, 101, 102, 103, 104, 105, 106, 107, 109 and 111 Randall Street; 0 Riverbend Circle) and to establish zoning as Planned Unit Development (P-U-D). Ward Number: Two
Tax Parcel Number(s): 00-093-001-003A, 005, 020, 021, 022, 023, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, and 040
Request: A t l a n t a Botanical Garden expansion

3) Request from the Atlanta Botanical Garden, Inc. to rezone a total of 20.695± acres to include a 13.625± acres tract located on the west side of Lake Hill Drive, having road frontage on the north side of Barrett Street; and a 7.07± acres tract located on the northwest side of the cul-de-sac of Roper Hill Road (a/k/a 103 Gary Street, NE; 1662 Roper Hill Road, NE) from Residential-II (R-II) and General Business, (G-B) to Planned Unit Development (P-U-D). Ward Number: Two
Tax Parcel Number(s): 00-093-001-

4) Request from the Atlanta Botanical Garden, Inc. to rezone a total of 20.695± acres to include a 13.625± acres tract located on the west side of Lake Hill Drive, having road frontage on the north side of Barrett Street; and a 7.07± acres tract located on the northwest side of the cul-de-sac of Roper Hill Road (a/k/a 103 Gary Street, NE; 1662 Roper Hill Road, NE) from Residential-II (R-II) and General Business, (G-B) to Planned Unit Development (P-U-D). Ward Number: Two
Tax Parcel Number(s): 00-093-001-

5) Request from the Atlanta Botanical Garden, Inc. to rezone a total of 20.695± acres to include a 13.625± acres tract located on the west side of Lake Hill Drive, having road frontage on the north side of Barrett Street; and a 7.07± acres tract located on the northwest side of the cul-de-sac of Roper Hill Road (a/k/a 103 Gary Street, NE; 1662 Roper Hill Road, NE) from Residential-II (R-II) and General Business, (G-B) to Planned Unit Development (P-U-D). Ward Number: Two
Tax Parcel Number(s): 00-093-001-

6) Request from the Atlanta Botanical Garden, Inc. to rezone a total of 20.695± acres to include a 13.625± acres tract located on the west side of Lake Hill Drive, having road frontage on the north side of Barrett Street; and a 7.07± acres tract located on the northwest side of the cul-de-sac of Roper Hill Road (a/k/a 103 Gary Street, NE; 1662 Roper Hill Road, NE) from Residential-II (R-II) and General Business, (G-B) to Planned Unit Development (P-U-D). Ward Number: Two
Tax Parcel Number(s): 00-093-001-

7) Request from the Atlanta Botanical Garden, Inc. to rezone a total of 20.695± acres to include a 13.625± acres tract located on the west side of Lake Hill Drive, having road frontage on the north side of Barrett Street; and a 7.07± acres tract located on the northwest side of the cul-de-sac of Roper Hill Road (a/k/a 103 Gary Street, NE; 1662 Roper Hill Road, NE) from Residential-II (R-II) and General Business, (G-B) to Planned Unit Development (P-U-D). Ward Number: Two
Tax Parcel Number(s): 00-093-001-

expansion

4) Request from Koch Foods of Gainesville, LLC to rezone a 0.55± acre tract located between Davis Street and Industrial Boulevard, southwest of Queen City Parkway (a/k/a 911, 913 and 919 Davis Street, SW; 950 Industrial Boulevard, SW) from Residential-II (R-II) to Heavy Industrial (H-I).
Ward Number: Four
Tax Parcel Number(s): 01-030-009-001 and 002; 00-030-009-002 (Part)
Request: Poultry processing plant expansion
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-33 (c))
101651 11/17

NOTICE TO THE PUBLIC

The Buford City Commission will meet on Tuesday, December 13, 2021 at 7:00 p.m. at the Buford City Arena, 2795 Sawnee Avenue, Buford, Georgia 30518 to conduct a public hearing and consider an amendment to the City of Buford's Zoning Ordinance, Section 1308 "Special Uses" "Automobile Fueling Stations". The Planning Commission will conduct a hearing on November 30, 2021 at 7:00 p.m. at Buford City Hall, 2300 Buford

M33 DIANE HOGAN Georgia Code, Article 5, Section 10-4-2010, et. seq. JMA AB2904, AU 3877 Terms of Sale: Cash, 15% Buyer Premium 101593 11/17,24,12/1,8

Auction of General Household & Commercial Goods North Lanier Storage 5335 Browns Bridge Rd Gainesville, GA 30504 Phone: 678-321-8000 10:00 AM, Thursday December 9th, 2021 01 Rose Ingalsbe, 08 Anna Lewis, 14 Ronald Saylor, 19 Deandre Hawkins, 57 Emma Passmore, A16 Rose Ingalsbe, A17 Rose Ingalsbe, A18 Rose Ingalsbe, A25 Monica Putka, B116 Rex Martin, B134 Gina Johnson, B144 Brittany Gamble, C02 Marcus Wheeler, D31 Kevin Fisher, Georgia Code, Article 5, Section 10-4-2010, ET. Seq. JMA AB 2904, AU 3877 Terms of Sale: Cash, 15% Buyer Premium 101594 11/17,24,12/1,8

Notice of Public Auction. Boardwalk Storage-Murrayville Will be holding a public auction online at Lockerfox.com on Date: December 2, 2021 @ Time: 11:00am This is a cash only sale - Please bring a money order. All sales are final and the units must be cleaned out completely in 48 hours. A 100.00 cash cleaning deposit is required and will be refunded upon unit inspection.

We currently have 1 Unit Unit-Murphy Bed, wooden furniture, plastic totes, pallets, artificial flowers, potato-onion piece, metal tub, flat screen tv 678-989-1999 5162 Thompson Bridge Rd Murrayville Ga 30533 101766 11/17,24

Unit Sale Chestnut Mini Storage Unit 124&342 to satisfy payment Unit Consist of household items & Misc Belonging to Darlene Cochran to the highest

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF EDDIE NICELY, SR., DECEASED

NOTICE ESTATE NO. E-20-223 IN RE: The Petition to Probate Will in Solemn Form in the above-referenced estate having been duly filed. [For use if an heir is required to be served by publication] TO: Keri Aliyah Nicely [List here all heirs having known addresses to be served by publication] This is to notify you to file objection, if there is any, to the petition to probate will in solemn form in this Court on or before December 6 2021

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: Riley Norris Clerk of the Probate Court 116 Spring Street, SE Gainesville, GA 30501 Address 770.533-7828 101474 11/3,10,17,24

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA IN RE: ESTATE OF JOE L NOLAN, JR, DECEASED ESTATE NO. E-16-248

such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be held at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: Melissa C. Phillips Clerk of the Probate Court 116 Spring Street Gainesville, GA 30501 770-535-9710 101710 11/17

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF MICHAEL JOHN ROE, JR, DECEASED

ESTATE NO. E-19-601

NOTICE [For discharge from office and all liability] IN RE: Petition for Discharge of Personal Representative TO: WHOM IT MAY CONCERN: This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before December 6th, 2021

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any

STATE OF GEORGIA IN RE: ESTATE OF EDWARD ALLEN HYDE, DECEASED ESTATE NO. E-21-656 PETITION FOR LETTERS OF ADMINISTRATION NOTICE

[Strike the sentence in parenthesis below if not applicable.] TO: whom it may concern: Latonya Michelle Hyde has petitioned to be appointed administrator of the estate of Edward Allen Hyde, deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before December 6, 2021.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: Melissa C. Phillips Clerk of the Probate Court 116 Spring Street First Floor Gainesville, GA 30501 Address

to be a administrators estate of Jam Wyllie, Jr., of said county petitioner has applied for offbond, ofreports, ofstatements, or grant powers cont O.C.G.A. § 53-12-261. All interested are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before December 6th, 2021. BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before December 6, 2021. BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: Riley Norris Clerk of the Probate Court 116 Spring Street Gainesville, GA 30501 Address 770-531692 101467 11/3

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA IN RE: ESTATE OF ROBERT PRICE, DECEASED ESTATE NO. E-16-248 PETITION FOR LETTERS OF ADMINISTRATION NOTICE [Strike the sentence in parenthesis below if not applicable.]

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant and Property Owner..... Atlanta Botanical Garden, Inc.

Locations..... 115 Barrett Street, 102, 104 and 106 Gary Street; 213, 301, 303 and 305 Lake Hill Drive; 0, 100, 101, 102, 103, 104, 105, 106, 107, 109 and 111 Randall Street; 0 Riverbend Circle; 103 Gary Street; 1662 Roper Hill Road

Request..... Annex with P-U-D zoning
Rezoning from R-II and G-B to P-U-D

Size Annexation: 17.032± acres
Rezoning: 20.695± acres

Ward..... Two

Proposed Use..... Atlanta Botanical Garden expansion

Planning Division Staff Recommendation **Approval, with conditions**

Planning & Appeals Board Recommendation..... **Approval, with conditions**

Date..... November 9, 2021

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

The Atlanta Botanical Garden (ABG) is proposing to annex 17.032± acres and rezone 20.695± acres with a zoning of Planned Unit Development (P-U-D). The property will be combined with the adjacent 167.99± acres ABG campus which has access off of Cleveland Highway. The existing campus was previously zoned P-U-D and approved for a visitor center, parking areas, enchanted woodland garden, 2,000 seat amphitheater, children's garden, waterfall trail, native plants ravine, Asian valley, education center, parking, event center and associated facilities. Presently, the parent parcel contains an amphitheater, visitor center, greenhouse, gardens, exhibits and parking.

It is the intent to allow the previously approved uses/facilities and standards. As well, additional parking, access and a future event center is proposed. Other development standards include:

- 693± parking spaces (Phase 1: 316± spaces / Future Phase: 377± spaces);
- Principle building and structure setbacks of 40-feet from the front property line, 20-feet from a rear property line and 10-feet from a side property line;
- The use of banner signs and or vertical pole signs on both sides of the entrance road. It is anticipated to have plantings on either side of the main entrance with signage.

Annexation

The properties consist of 17.032± acres and are zoned Residential-I (R-I) in Hall County. Tract 1 is 10.237± acres in size and contains 18 parcels including all of Gary Street and part of Randall Street. The properties are located on the west side Lake Hill Drive and are part of an existing county unincorporated island. Most of the properties are heavily wooded and contain

numerous residential structures that will be removed. Immediate plans include providing access and parking off of Lake Hill Drive to serve the existing amphitheater.

Tract 2 consists of two parcels totaling 6.795± acres tract located on the west side of the cul-de-sac of Barrett Street with road frontage on the north side of Riverbend Circle. The property is heavily wooded and contains two residential structures that will be removed. The intent is to develop the property for additional parking in the future.

Rezoning

The property consists of two tracts totaling 20.695± acres. Tract 1 is a 13.625± acres parcel zoned General Business (G-B) and is located on the west side of Lake Hill Drive with road frontage on Barrett Street. The property is heavily wooded and contains two residential structures that will be removed. The property will provide for additional access and parking off of Lake Hill Drive. As well, a future 30,000± square foot event center is planned but no timeframe or other details have been provided at this time.

Tract 2 is a 7.07± acres parcel zoned Residential-II (R-II) and is located on the northwest side of the cul-de-sac of Roper Hill Road. The property is heavily wooded and contains no structures. The long term plan for this property includes an access drive connecting the entire campus to Roper Hill Road. No timeframe or other details have been provided at this time.

▪ Adjacent Land Use and Zoning

Location	Use	Zoning
North	Atlanta Botanical Gardens	Planned Unit Development (P-U-D) -City Residential-I (R-I) -City
South	Atlanta Botanical Gardens Single family homes Single-family homes & Apartments Undeveloped Land	Planned Unit Development (P-U-D) -City Residential-I (R-I) -City & County Residential-II (R-II)- City General Business (G-B)- City
East	Forestry Office Cain Electric & City Fire Station #2 Ridgecrest Apartments Single-family homes	Office and Institutional (O-I)- City General Business (G-B)- City Residential-II (R-II)- City Residential I (R-I) County
West	Atlanta Botanical Gardens Single-family homes	Planned Unit Development -City

The subject properties are located within the Limestone Parkway Overlay Zone and is located east of Lake Lanier and Cry Creek which is an important part of the Chattahoochee River Watershed. Other uses within the immediate area include Riverbend Elementary School, Liberty Utilities, Riverbend Baptist Church and the Northlake Plaza Shopping Center.

▪ Zoning History

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

2021 – A request by Carl Volle to annex a 1.69± acres tract with a zoning of Residential-II (R-II) located at 1646 Meadowlark Lane was approved for six single-family homes.

2019 – A request by Cindy Ford to annex a 0.62± acre tract with a zoning of Residential-I (R-I) located at 1659 Meadowlark Lane was approved for sewer for an existing single-family home.

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.

2014 – A request by Waffle House Inc. to amend a condition of zoning on a 3.21± acres tract located at 2551 Limestone Parkway zoned General Business, with conditions (G-B-c) was approved for a Waffle House restaurant.

2013 – A request by the City of Gainesville to annex 115 unincorporated island parcels and right-of-way totaling 197.07± acres in size was approved with conditions.

2011- A request by The Atlanta Botanical Garden to amend an a 167.99± acres tract zoned Planned Unit Development (P-U-D) located at 351 Lake Hill Drive, NE for a Woodland / Botanical Garden was approved with conditions.

▪ **Staff Analysis**

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

The proposal appears to be suitable given the proposal is of similar character and provides for a sufficient mixture uses that are in close proximity with the existing Atlanta Botanical Gardens (ABG). The surrounding uses include a mixture of single-family, multi-family, public, office and commercial uses that have been established for many years.

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

ABG is considered a regional use attracting patrons from all over the county and state. As well, the scale of the proposed parking and building expansion is much larger than the adjacent single-family properties so consideration to eliminate any intrusion to the neighborhood is encouraged. The proposal will need to take into consideration any potential impacts to the adjacent residential properties through the addition of buffers and improved internal and external traffic flow. The master plan for the ABG provides for significant natural buffer zones and proposes no direct access to the adjacent and nearby single-family residential uses. Architectural standards are expected to be in character with the existing visitor center and other facilities. According to the applicant, it is intended that any site development have as little environmental impact as possible in order to preserve the integrity of the native landscape. The proposal is intended to better accommodate patrons and visitors by providing better access, parking and future event space.

Traffic and turning movements will increase due to additional onsite parking be proposed for future ABG concerts and events. Currently, offsite parking with shuttle transportation is provided for larger events approximately 6-12 times per year. Traffic counts will vary depending on event schedules. The existing Sweet Bay Drive at Cleveland Highway will continue to serve main access with two secondary access drives off of Lake Hill Drive and possibly a future access off of Roper Hill Road. The maximum occupancy load for a 30,000 square foot event center is approximately 1,800 people. Coordination will be required with the Georgia Department of Transportation and the City of Gainesville Public Works Traffic Division to determine what improvements will be necessary for the future event center.

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

It is staff's opinion the proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property both within the *Parks/Recreation/Conservation* land use category and the *Low- Medium Density Residential* land use category. The *Parks/Recreation/Conservation* category is intended for planned parks and recreation facilities, permanently designated open space, and conservation areas, including buffers also along waterways and other environmental features. The *Low Density Residential* category is intended for single-family detached housing at densities ranging from 2 to 4 dwelling units per acre and limited light office uses.

According to the Character Area map for the City of Gainesville, the subject properties are located within the *Regional Recreational / Conservation* character area, *Limestone Medical Corridor* character area and the *Traditional Neighborhoods* character area.

The *Regional Recreational / Conservation* character area supports the preservation and expansion of green and conservation sites and protecting environmentally sensitive areas. Suitable uses include regional recreation /conservation areas, parks, public and institutional uses.

The *Limestone Medical Corridor* character 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 *Traditional Neighborhoods* character area encourages compatible infill development but is seen as an area of minimal change. Suitable uses include low-density, medium-density residential, mixed-use, commercial, public / institutional, and parks / recreation / conservation.

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

As it stands, the subject properties are piece milled and are partially zoned for single-family, multi-family and commercial uses. The applicant desires to have all of the property owned by ABG in the city limits with the same zoning Planned Unit Development (P-U-D) which is considered a site specific zoning. The proposed additions will enhance some of the development standards to better serve staff, educators and the public needs, as well as to meet the current vision of the ABG. It appears the applicant's proposed amendments are reasonable and will take in consideration impact on the surrounding properties over what is currently approved for the property.

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

City water, sewer, and public safety services are currently provided to the property and capacity is sufficient. Gainesville Fire Station #2 is located adjacent to the property fronting Cleveland Highway.

There should be no direct impacts to the City school system as the request is for non-residential purposes. However, ABG offers an educational center and numerous exhibits that are catered toward the growth of school-aged children.

The preliminary design for access allows for access connection to the main ABG entrance off of Cleveland Highway and Sweet Bay Drive. At minimum, access improvements will be required on Lake Hill Drive, Gary Street and Roper Hill Road where additional access is proposed.

(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 surrounding area has changed over the last 15+ years in part due to the location of ABG and the growth along nearby Limestone Parkway. It is anticipated the surrounding area will continue to attract a mixture of residential and nonresidential uses given the location of nearby shopping, healthcare and public facilities.

(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 mixture of uses, the proposal 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 the annexation and rezoning request based on the Comprehensive Plan and the adjacent mixture of uses.

Conditions

1. The development plan and architectural plan for the proposed access, parking lot and event center must be reviewed and approved by the Community and Economic Development Director prior to the issuance of a permit.
2. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Community and Economic Development Director. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.
3. The proposed parking, event center and all other facilities within the subject property shall be sufficiently screened from the adjacent residential uses. The vegetated buffer areas shall be a minimum of 50-foot wide and the location, size and type of vegetation shall be approved by the Community and Economic Development Director.
4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director in conjunction with the Georgia Department of Transportation if required. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner/applicant. There shall be no vehicular access allowed from Barrett Street or Riverbend Circle.
5. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.

Excerpts from the November 9, 2021 PAB Meeting Minutes

Applicant Presentation: **Bradley Dunckel**, Rochester & Associates, 425 Oak Street stated also present is Art Fix from Atlanta Botanical Garden and they will be glad to answer any questions.

OPPOSE: **Alex Mathes** 1532 Enota Avenue, stated he lives in the Cry Creek subdivision on the eastern portion of the 168 acres which backs up to the alternative access area. He said after researching online for information, read the applicant's narrative and believes it seemed to be recycled from phase one of the original Botanical Garden and offered no specific information as to the future plans of the alternative access, specifically the 7.07 acres to be rezoned. Mr. Mathes requested the applicant provide information regarding rezoning area which is on the back of his property, is very steep, rugged and are two perennial streams that flows directly into Cry Creek. He said that he hopes the applicant will be requesting stream variances from EPD for any type of construction over the streams. Mr. Mathes hopes the applicant will reduce the footprint and understands they are a membership driven conservation organization and generate an enormous amount of money, and hopes they do their due diligence. Also, he hopes they work with adjacent land owners to minimize disturbance such as a gated road, install nighttime lights so there are no illuminating lights in his back yard, and hopes the gardens will be forthcoming and transparent about potential future uses. He stated it is a large tract close to the city of Gainesville, Lake Lanier and residential areas, needs a fence enclosure to keep out deer and large mammals. He stated concern for large mammals being pushed out into adjacent neighborhoods and possible a strike hazard onto Highway 129 causing risk to the public. He stated to recap he hopes the applicant to be more forthcoming of proposed actions.

Alison Toller, 1531 Enota Avenue, stated she lives on the cul-de-sac of the property to be rezoned and reason for purchasing her house was it is on a quiet and protected street, one street subdivision and near Enota Elementary School. She said the Botanical Gardens is behind her property and understood would likely always remain green space and more reason to buy the property. Mrs. Toller's concern was the rezoned property and creating a road, bringing a public area into their backyard, and the use of the road has not been disclosed. She said currently there is only deer and kids playing in the back yard. Mrs. Toller's request is to deny the rezoning request 7.07 acres or table until there are more specific plans such as traffic level, what it might look like and could have a realistic expectation as to the road and purpose of it, if it would be heavily traveled. She said it is not in keeping with the neighborhood and has concerns of devaluation of their property.

PLANNING AND APPEALS BOARD COMMENTS: Chairman Carter stated the property to be rezoned is currently zoned R-II which is multi-family zoning in the City of Gainesville and could allow for apartments to be placed on the property. Chairman Carter stated the concerns were Cry Creek, potential road/sidewalk, streams, EPD, stream variances, gates and lights were some of them.

REBUTTAL: **Mr. Dunckel** stated changing from a master plan to a land development permit plan some details will be addressed and worked out at that time. He stated there are aware of stream buffers which will be avoided and will put the road at a minimal 75-feet away from the property line that forms the back of Mr. Mathes property. He said there might be topography challenges and understands the road will only be used for event situations giving a back access for some of the traffic in the other direction. He stated there are no plans to further develop the green space, bulk of the property and the organization is conservation and education focused. Mr. Dunckel believes the purchase of the properties will allow the

botanical garden to place the parking in an area that has been previously developed either partially or fully developed before. He said they are trying to avoid any large scale disturbance like a parking lot into the main area of the garden.

Art Fix, 1345 Piedmont Road, stated he is the Atlanta Botanical Garden Chief Operating Officer and the plan is incorporation into the city and have the same zoning classification. Mr. Fix said the vision short-term and long-term is to provide approximately 300 parking spaces in the first phase. He stated the second phase would include an additional 300 spaces on the northern section where houses are currently located and provide close to 700 parking spaces total. He said the amphitheater holds approximately 2,000 people so should allow sufficient quantity to allow access to the venue with egress using Lake Hill Road, parking will be closed off from Lake Hill Road at the entrance drive. He said the parking will be closed off from Lake Hill during normal hours but only used as egress during concert activity. Mr. Fix said the normal traffic flow will continue to be Sweetbay Drive, the main entrance. He stated at some point in time, they might consider an eatable garden/children's garden to teach about plants which could be ten to fifteen years from now. He said Rochester & Associates did include some of those elements for the big picture and to think ahead but not in the short-term plan.

There was a motion to recommend conditional approval of the annexation request with a zoning of Planned Unit Development (P-U-D).

Conditions

- 1. The development plan and architectural plan for the proposed access, parking lot and event center must be reviewed and approved by the Community and Economic Development Director prior to the issuance of a permit.**
- 2. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Community and Economic Development Director. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.**
- 3. The proposed parking, event center and all other facilities within the subject property shall be sufficiently screened from the adjacent residential uses. The vegetated buffer areas shall be a minimum of 50-foot wide and the location, size and type of vegetation shall be approved by the Community and Economic Development Director.**
- 4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director in conjunction with the Georgia Department of Transportation if required. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner/applicant. There shall be no vehicular access allowed from Barrett Street or Riverbend Circle.**
- 5. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.**

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 6 favor, 1 absent (Delgado)

There was a motion to recommend conditional approval to rezone the subject property from Residential-II (R-II) and General Business (G-B) to Planned Unit Development (P-U-D) with the following conditions:

Conditions

1. The development plan and architectural plan for the proposed access, parking lot and event center must be reviewed and approved by the Community and Economic Development Director prior to the issuance of a permit.
2. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Community and Economic Development Director. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.
3. The proposed parking, event center and all other facilities within the subject property shall be sufficiently screened from the adjacent residential uses. The vegetated buffer areas shall be a minimum of 50-foot wide and the location, size and type of vegetation shall be approved by the Community and Economic Development Director.
4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director in conjunction with the Georgia Department of Transportation if required. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner/applicant. There shall be no vehicular access allowed from Barrett Street or Riverbend Circle.
5. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.

Motion made by Board Member Martin

Motion seconded by Board Member Thompson

Vote – 6 favor, 1 absent (Delgado)

Passed: _____

AN ORDINANCE

No. 2021-33

AN ORDINANCE ANNEXING A TOTAL OF 17.032± ACRES TO INCLUDE A 10.237± ACRES TRACT LOCATED ON THE NORTHWEST SIDE OF THE INTERSECTIONS OF LAKE HILL DRIVE AND RANDALL STREET AND LAKE HILL DRIVE AND GARY STREET; AND A 6.795± ACRES TRACT LOCATED ON THE WEST SIDE OF THE CUL-DE-SAC OF BARRETT STREET, HAVING ROAD FRONTAGE ON THE NORTH SIDE OF RIVERBEND CIRCLE (A/K/A 115 BARRETT STREET; 102, 104 AND 106 GARY STREET; 213, 301, 303 AND 305 LAKE HILL DRIVE; 0, 100, 101, 102, 103, 104, 105, 106, 107, 109 AND 111 RANDALL STREET; 0 RIVERBEND CIRCLE); 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

All that tract or parcel of land lying and being in Land Lots 126 and 130 of the 9th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a 3/4" open top pipe found at the intersection of the southwestern right-of-way of Lake Hill Drive (40' right-of-way) and the southeastern right-of-way of Gary Street (40' right-of-way) having a state plane coordinate of Northing coordinate of 1577659.07 and Easting coordinate of 2402888.18 (North American Datum 1983, Georgia West Zone), thence along the aforementioned right-of-way South 67°17'52" West, a distance of 514.00 feet to a point; thence leaving said right-of-way and along the property now or formerly of The Atlanta Botanical Garden, Inc. South 71°08'14" West, a distance of 248.67 feet to a concrete monument; thence North 28°00'23" West, a distance of 376.60 feet to a 1" open top pipe found on the southeastern right-of-way of Randall Street (50' right-of-way); thence North 28°11'15" West, a distance of 44.86 feet to a 1-1/4" open top pipe found on the northwestern right-of-way of Randall Street (50' right-of-way); thence leaving said right-of-way and along the property of The Atlanta Botanical Gardens, Inc. North 27°58'40" West, a distance of 285.94 feet to a point; thence North 59°28'36" East, a distance of 188.37 feet to a 5/8" rebar found; thence North 59°37'07" East, a distance of 90.78 feet to a 1" rebar found;

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thence North 59°20'07" East, a distance of 91.26 feet to a 2-1/2" open top pipe found; thence North 59°35'54" East, a distance of 89.71 feet to a 1-1/4" open top pipe found; thence North 59°25'05" East, a distance of 186.80 feet to a concrete monument found on the aforementioned southwestern right-of-way of Lake Hill Drive; thence along said right-of-way South 20°47'04" East, a distance of 90.09 feet to a 1/2" open top pipe found; thence South 25°29'30" East, a distance of 92.64 feet to a 2" open top pipe found; thence South 38°00'39" East, a distance of 110.61 feet to a point on the aforementioned northwestern right-of-way of Randall Street; thence a long said right-of-way South 68°19'36" West, a distance of 154.05 feet to a point; thence South 19°26'46" East, a distance of 50.04 feet to a point on the aforementioned southeastern right-of-way of Randall Street; thence leaving said right-of-way and along the property now or formerly of Douglas a. Kirkpatrick South 29°56'15" East, a distance of 132.00 feet to a point; thence along the property now or formerly of Linda Santelli South 29°56'15" East, a distance of 100.00 to a 3/4" crimped top pipe; thence along the property now or formerly of Luis A. Barbosa South 46°25'05" East, a distance of 143.00 feet to a point; thence along the property now or formerly of Pine Dear Creations, LLC North 61°11'19" East, a distance of 189.40 feet to a point on the aforementioned southwestern right-of-way of Lake Hill Drive; thence a long said right-of-way South 38°48'37" East, a distance of 82.15 feet to a point on the aforementioned northeastern right-of-way of Gary Street; thence South 38°30'12" East, a distance of 54.83 feet to the POINT OF BEGINNING.

Said tract contains 10.237 acres more or less.

All that tract or parcel of land lying and being in Land Lot 130 of the 9th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin on the northern right of way of Barrett Street, said right-of-way being 40 feet in width, said iron pin also lying South 86°52'36" East a distance of 909.81 feet from the intersection of the centerlines of Cleveland Highway and Barrett Street; Thence proceeding along said right of way North 86°57'03" West a distance of 100.00 feet to a 1/2" open top pipe; Thence South 03°02'57" West a distance of 40.00 feet to a nail; Thence South 86°57'03" East a distance of 119.08 feet to a 1/2" open top pipe; Thence leaving said right of way and proceeding along the property now or formerly of Alan A. Franks South 9°07'48" West a distance of 185.80 feet to a 1.5" open top pipe; Thence proceeding along the property now or formerly of Cantrell Rental Properties, LLC and Enrique V. Jimenez, et al North 84°39'21" West a distance of 196.02 feet to a 1.5" open top pipe; Thence South 10°09'38" West a distance of 133.92 feet to a point on the northeastern right-of-way of Riverbend Circle, said right-of-way being 40 feet in width; Thence proceeding along said right-of-way North 58°30'37" West a distance of 39.43 feet to a point; Thence along the arc of a curve to the left having a radius of 450.00' and an arc length of 199.15 being subtended by a chord of North 70°12'52" West a distance of 197.53 feet to a point; Thence North 83°37'33" West a distance of 26.27 feet to a point; Thence North 86°56'14" West a distance of 13.41 feet to a point; Thence proceeding along the property now or formerly of Kenneth & Michele Barton and The Atlanta Botanical Garden, Inc. North 00°40'13" West a distance of 145.73 feet to a 1.5" open top pipe; Thence North 52°38'56" West a distance of 66.74 feet to a 1.5" open top pipe; Thence North 89°42'10" West a distance of 87.87 feet to a 1.5" open top pipe; Thence North 36°56'48" East a distance of 61.71 feet to a 1/2" rebar; Thence North 54°01'03" East a distance of 57.68 feet to a 1" bolt; Thence North 03°45'06" West a distance of 66.93 feet to a 1.5" open top pipe; Thence North 33°38'22" East a distance of 92.69 feet to an iron pin; North 60°16'59" East a distance of 39.07 feet to a 1.5" open top pipe; Thence North 24°31'27" East a distance of 71.66 feet to a 1.5" open top pipe; Thence North 62°14'30" East a distance of 161.02 feet to a 1.5" open top pipe; Thence North 30°57'15" East a distance of

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89.39 feet to a 1.5" open top pipe; Thence South 49°40'52" East a distance of 61.43 feet to a point; Thence proceeding along the property now or formerly of America's Home Place, Inc. South 67°55'47" East a distance of 298.49 feet to a 1.5" open top pipe; Thence South 36°40'23" West a distance of 70.04 feet to a 3/4"rod; Thence proceeding along the property now or formerly of Jams H. & Agnes Geneva Allen Jackson South 09°10'56" West a distance of 97.62 feet to an iron pin; Thence South 09°10'56" West a distance of 100.00 feet to the POINT OF BEGINNING.

Said tract contains 6.795 acres.

The annexation is to include all that portion of the right-of-way known as Lake Hill Drive, Randall Street, Gary Street and Barrett Street 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.

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.

ORDINANCE NO. 2021-33

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. 2021-34

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A TOTAL OF 17.032± ACRES TO INCLUDE A 10.237± ACRES TRACT LOCATED ON THE NORTHWEST SIDE OF THE INTERSECTIONS OF LAKE HILL DRIVE AND RANDALL STREET AND LAKE HILL DRIVE AND GARY STREET; AND A 6.795± ACRES TRACT LOCATED ON THE WEST SIDE OF THE CUL-DE-SAC OF BARRETT STREET, HAVING ROAD FRONTAGE ON THE NORTH SIDE OF RIVERBEND CIRCLE (A/K/A 115 BARRETT STREET; 102, 104 AND 106 GARY STREET; 213, 301, 303 AND 305 LAKE HILL DRIVE; 0, 100, 101, 102, 103, 104, 105, 106, 107, 109 AND 111 RANDALL STREET; 0 RIVERBEND CIRCLE) 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 development plan and architectural plan for the proposed access, parking lot and event center must be reviewed and approved by the Community and Economic Development Director prior to the issuance of a permit.
2. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Community and Economic Development Director. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.
3. The proposed parking, event center and all other facilities within the subject property shall be sufficiently screened from the adjacent residential uses. The vegetated buffer areas shall be a minimum of 50-foot wide and the location, size and type of vegetation shall be approved by the Community and Economic Development Director.
4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director in conjunction with the Georgia

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Department of Transportation if required. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner/applicant. There shall be no vehicular access allowed from Barrett Street or Riverbend Circle.

- 5. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.**

Legal Description

All that tract or parcel of land lying and being in Land Lots 126 and 130 of the 9th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a 3/4" open top pipe found at the intersection of the southwestern right-of-way of Lake Hill Drive (40' right-of-way) and the southeastern right-of-way of Gary Street (40' right-of-way) having a state plane coordinate of Northing coordinate of 1577659.07 and Easting coordinate of 2402888.18 (North American Datum 1983, Georgia West Zone), thence along the aforementioned right-of-way South 67°17'52" West, a distance of 514.00 feet to a point; thence leaving said right-of-way and along the property now or formerly of The Atlanta Botanical Garden, Inc. South 71°08'14" West, a distance of 248.67 feet to a concrete monument; thence North 28°00'23" West, a distance of 376.60 feet to a 1" open top pipe found on the southeastern right-of-way of Randall Street (50' right-of-way); thence North 28°11'15" West, a distance of 44.86 feet to a 1-1/4" open top pipe found on the northwestern right-of-way of Randall Street (50' right-of-way); thence leaving said right-of-way and along the property of The Atlanta Botanical Gardens, Inc. North 27°58'40" West, a distance of 285.94 feet to a point; thence North 59°28'36" East, a distance of 188.37 feet to a 5/8" rebar found; thence North 59°37'07" East, a distance of 90.78 feet to a 1" rebar found; thence North 59°20'07" East, a distance of 91.26 feet to a 2-1/2" open top pipe found; thence North 59°35'54" East, a distance of 89.71 feet to a 1-1/4" open top pipe found; thence North 59°25'05" East, a distance of 186.80 feet to a concrete monument found on the aforementioned southwestern right-of-way of Lake Hill Drive; thence along said right-of-way South 20°47'04" East, a distance of 90.09 feet to a 1/2" open top pipe found; thence South 25°29'30" East, a distance of 92.64 feet to a 2" open top pipe found; thence South 38°00'39" East, a distance of 110.61 feet to a point on the aforementioned northwestern right-of-way of Randall Street; thence along said right-of-way South 68°19'36" West, a distance of 154.05 feet to a point; thence South 19°26'46" East, a distance of 50.04 feet to a point on the aforementioned southeastern right-of-way of Randall Street; thence leaving said right-of-way and along the property now or formerly of Douglas a. Kirkpatrick South 29°56'15" East, a distance of 132.00 feet to a point; thence along the property now or formerly of Linda Santelli South 29°56'15" East, a distance of 100.00 to a 3/4" crimped top pipe; thence along the property now or formerly of Luis A. Barbosa South 46°25'05" East, a distance of 143.00 feet to a point; thence along the property now or formerly of Pine Dear Creations, LLC North 61°11'19" East, a distance of 189.40 feet to a point on the aforementioned southwestern right-of-way of Lake Hill Drive; thence along said right-of-way South 38°48'37" East, a distance of 82.15 feet to a point on the aforementioned northeastern right-of-way of Gary Street; thence South 38°30'12" East, a distance of 54.83 feet to the POINT OF BEGINNING.

Said tract contains 10.237 acres more or less.

All that tract or parcel of land lying and being in Land Lot 130 of the 9th District, Hall County, Georgia and being more particularly described as follows:

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BEGINNING at an iron pin on the northern right of way of Barrett Street, said right-of-way being 40 feet in width, said iron pin also lying South 86°52'36" East a distance of 909.81 feet from the intersection of the centerlines of Cleveland Highway and Barrett Street; Thence proceeding along said right of way North 86°57'03" West a distance of 100.00 feet to a 1/2" open top pipe; Thence South 03°02'57" West a distance of 40.00 feet to a nail; Thence South 86°57'03" East a distance of 119.08 feet to a 1/2" open top pipe; Thence leaving said right of way and proceeding along the property now or formerly of Alan A. Franks South 9°07'48" West a distance of 185.80 feet to a 1.5" open top pipe; Thence proceeding along the property now or formerly of Cantrell Rental Properties, LLC and Enrique V. Jimenez, et al North 84°39'21" West a distance of 196.02 feet to a 1.5" open top pipe; Thence South 10°09'38" West a distance of 133.92 feet to a point on the northeastern right-of-way of Riverbend Circle, said right-of-way being 40 feet in width; Thence proceeding along said right-of-way North 58°30'37" West a distance of 39.43 feet to a point; Thence along the arc of a curve to the left having a radius of 450.00' and an arc length of 199.15 being subtended by a chord of North 70°12'52" West a distance of 197.53 feet to a point; Thence North 83°37'33" West a distance of 26.27 feet to a point; Thence North 86°56'14" West a distance of 13.41 feet to a point; Thence proceeding along the property now or formerly of Kenneth & Michele Barton and The Atlanta Botanical Garden, Inc. North 00°40'13" West a distance of 145.73 feet to a 1.5" open top pipe; Thence North 52°38'56" West a distance of 66.74 feet to a 1.5" open top pipe; Thence North 89°42'10" West a distance of 87.87 feet to a 1.5" open top pipe; Thence North 36°56'48" East a distance of 61.71 feet to a 1/2" rebar; Thence North 54°01'03" East a distance of 57.68 feet to a 1" bolt; Thence North 03°45'06" West a distance of 66.93 feet to a 1.5" open top pipe; Thence North 33°38'22" East a distance of 92.69 feet to an iron pin; North 60°16'59" East a distance of 39.07 feet to a 1.5" open top pipe; Thence North 24°31'27" East a distance of 71.66 feet to a 1.5" open top pipe; Thence North 62°14'30" East a distance of 161.02 feet to a 1.5" open top pipe; Thence North 30°57'15" East a distance of 89.39 feet to a 1.5" open top pipe; Thence South 49°40'52" East a distance of 61.43 feet to a point; Thence proceeding along the property now or formerly of America's Home Place, Inc. South 67°55'47" East a distance of 298.49 feet to a 1.5" open top pipe; Thence South 36°40'23" West a distance of 70.04 feet to a 3/4" rod; Thence proceeding along the property now or formerly of Jams H. & Agnes Geneva Allen Jackson South 09°10'56" West a distance of 97.62 feet to an iron pin; Thence South 09°10'56" West a distance of 100.00 feet to the POINT OF BEGINNING.

Said tract contains 6.795 acres.

The annexation is to include all that portion of right-of-way known as Lake Hill Drive, Randall Street, Gary Street and Barrett Street located between the subject property and the existing city limits of Gainesville.

SECTION II

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

ORDINANCE NO. 2021-34

SECTION III

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

SECTION IV

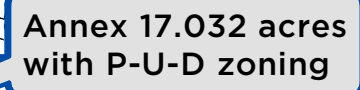
The effective date of this Ordinance shall be the first day of the month following approval by the governing body of the City of Gainesville, Georgia.

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



**Rezone 13.625 acres
from G-B to P-U-D**

**Rezone 7.07 acres
from R-II to P-U-D**

Request:
Annex 17.032+/- acres tract and establish zoning as Planned Unit Development (P-U-D); and Rezone 20.695+/- acres tract from Residential-II (R-II) and General Business (G-B) to Planned Unit Development (P-U-D) for Atlanta Botanical Garden expansion

ANNEXATION & REZONING REQUESTS

Tax Parcel:
See attached tax parcel numbers
for each request

 Subject Property

 Right-of-way to be annexed

Aerial from 2018



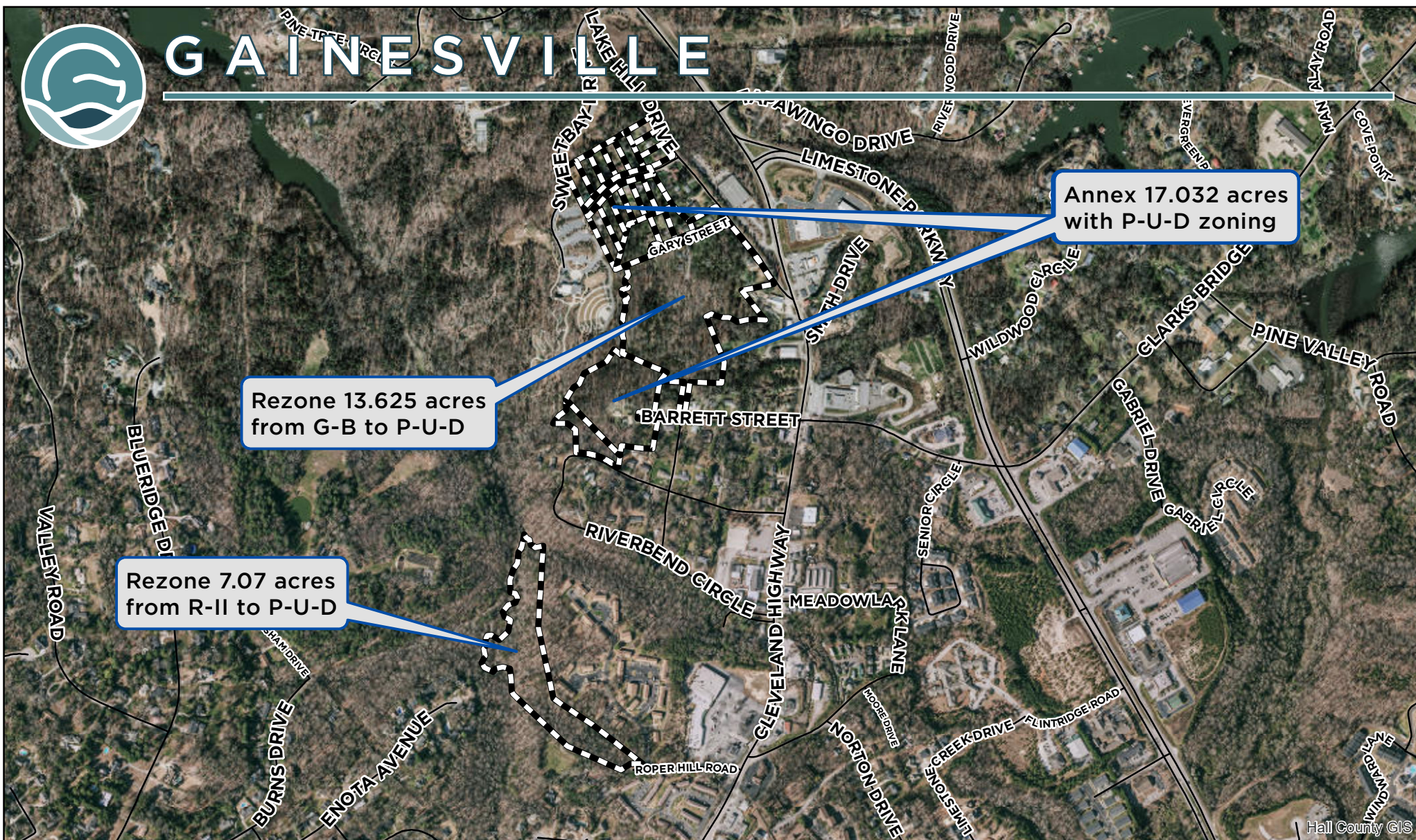
Map Prepared: 09/30/2021

0 490 980 1470 1960 Feet

SCALE: 1" = 833'



GAINESVILLE



Hall County GIS

Applicant: **ATLANTA BOTANICAL GARDEN, INC.**

Request:
Annex 17.032+/- acres tract and establish zoning as Planned Unit Development (P-U-D); and Rezone 20.695+/- acres tract from Residential-II (R-II) and General Business (G-B) to Planned Unit Development (P-U-D) for Atlanta Botanical Garden expansion

ANNEXATION & REZONING REQUESTS

Subject Property Address:
See attached addresses for each request

Tax Parcel:
See attached tax parcel numbers for each request



Subject Property and
Right-of-way to be annexed

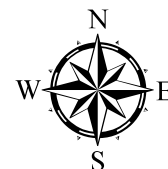
Aerial from 2018

Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

0 490 980 Feet
Page 115 of 204

SCALE: 1" = 833'



Project Narrative - Annexation

LOCATION – Lakehill Drive, Randall Street, Gary Street, Barrett Street

ACREAGE – 17.032 acres +/-

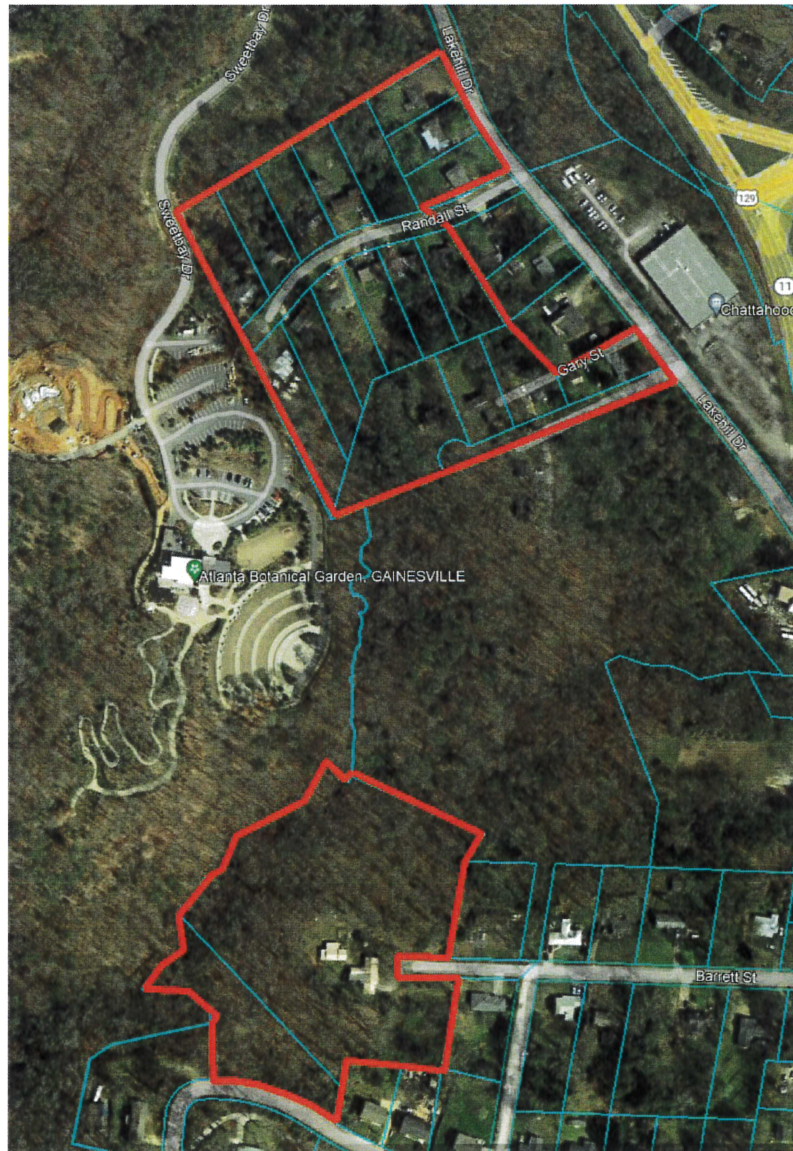
APPLICANT – The Atlanta Botanical Garden, Inc.

Summary

The accompanying application seeks annexation with a proposed zoning designation of PUD (Planned Residential Development) for 17.032 acres +/- of developed lots (18), rights-of-way located in unincorporated Hall County and a parcel containing a single residence. The parcels are located approximately 1,100 feet northwest of the Lakehill Drive & Cleveland Highway (US 129) intersection and at the western end of Barrett Street. The intent is to add additional property to the existing Atlanta Botanical Garden – Gainesville Campus for future expansion. The proposed use is appropriate for the City's vision of this area as a Gateway to the "Smithgall Botanical Garden" as identified in the 2017 Comprehensive Plan. Planned expansions will be phased in based on need and funding opportunities. .

Site Description

The site consists of two parcels located on Barrett Street and 18 developed, single family lots in the Riverbend Heights S/D. In addition, where the lots are separated by right-of-way, the right-of-way is included as part of this application.



Adjacencies

The property is surrounded by property under common ownership with The Atlanta Botanical Garden on the north, west and south sides of the property. Three lots that are part of the Riverbend Heights S/D, zoned R-I, are located on the east side as well as parcels zoned G-B and O-I.

Access

Access to the property is planned from existing Lakehill Drive and from the existing Atlanta Botanical Garden property. The access from Lakehill Drive may occur within the current right-of-way of Randall Street.

Comprehensive Plan Consistency

The project is located with the “Limestone Medical Corridor character area” designation of the 2017 Comprehensive Plan and Future Land Use Map. This use will be a continuation and potential expansion of the many programs and offerings of the Gardens.

Proposed Uses – These uses are consistent with the previously approved PUD for the existing Atlanta Botanical Garden property. Additional descriptions can be found in the “Smithgall Botanical Gardens PUD Amendment Narrative, approved in January 2012.

- Entry Lane
- Visitors Center
- Parking Area
- Enchanted Woodland Garden
- Amphitheater
- Children’s Garden
- Waterfall Trail
- Native Plants Ravine
- Asian Valley
- Education Center
- Event Center and associated facilities

Lighting, Signage & Graphics

All outdoor lighting and signage will follow the guidelines and requirements of the City of Gainesville code. Low spill fixtures, up lighting and low impact signage will be utilized to mitigate negative impacts. All exterior street and directional signage will be coordinated to promote a unified and coordinated plan. Banner Signage and Vertical Pole Signage may be used at the Entry Lane location to promote the Gardens and its events.

Setbacks

Principle buildings and structures shall not be located closer than 40’ to front property lines, 10’ to side property lines and 20’ to rear property lines.

About the Site

This remarkable property, located inside the City limits of Ganesville, includes the rolling lawns and pastures of the Smithgall residence, extensive beech and oak forest, and a portion of the valley of Cry Creek. The site represents a broad cross section of Appalachian/Upper Piedmont ecosystems and is an important part of the Chattahoochee River Watershed. Preserving and enhancing these ecosystems on site is a major focus of the Smithgall Arboretum's mission. Much of Charles and Lessie Smithgalls' motivation in giving this beautiful site to ABG was to preserve its dramatic landforms, streams and forests. As part of the education program, the Botanical Garden will feature high quality environmental restoration projects, based on the latest and best science. Projects would include the restoration of stream corridors, the removal and control of invasive exotics, and forest, meadow and wetland habitat re-creation. These projects would be demonstrations, relevant to local property owners and land managers at a variety of scales.

Proposed Land Uses

The plan for Smithgall Botanical Garden is to use previously disturbed lands for new development. It is intended that future site development have as little environmental impact as possible in order to preserve the integrity of the native landscape.

The proposed Phase 1 development consists of (see the attached "Concept Plan for Smithgall Woodland Gardens"):

1. *Woodland Entry Lane* – The entrance of Hwy 129 will be an experience in itself. The roadway will meander through the forest and give visitors their first peek at the beautiful large trees on the property. Small flowering trees will enhance the roadway and be underplanted with drifts of native perennials along the roadside. It will terminate on a prominent knoll, the site of the visitors center and parking area. The proposed road alignment may require local variances for vertical and horizontal curves to minimize the disturbed footprint and preserve the woodland feel as you enter the garden. It is the Garden's desire to occasionally allow parking on one side of the road during large events provided that adequate fire accessibility is still available.

2. *Visitors Center* – The light and airy visitor’s center will be a multi-use facility consisting of offices, classrooms, an indoor-outdoor special events area, and a small gift shop. The center will be built with energy efficient principles in mind and continues the theme of conservation and sustainability. The surrounding trees will be left in place wherever possible to assist with cooling during the hot summer months. An aquatic pond with native aquatic vegetation will be constructed in the vicinity of the deck behind the visitor’s center and look out over the central core of the garden.
3. *Parking Area* – The terraced parking area will be environmentally friendly, words not normally associated with parking lots. Paving surfaces will be water permeable, and planted bio-swales will collect drainage water and allow it to percolate back into the water table. Trees will provide shade and relief for both visitors and cars. Natural wall materials will be used where possible to preserve natural grade and save trees.

There are 118 parking spaces proposed onsite in the immediate construction phase with plans to expand this parking lot in future phases. There is also the potential to accommodate an additional 60-80 cars parked on one side of the private entry road or in grassed overflow lots on site. Reduced parking spaces available onsite will encourage car pools, offsite parking, and shuttle transportation for large events. Existing owners of large parking lots in the immediate area will be approached with regards to event parking and shuttle opportunities. 118 Parking spaces will be sufficient for day to day operations and offsite parking with shuttle transportation is only expected during large events and concerts at the amphitheater, approximately 6-12 times per year.
4. *Enchanted Woodland Garden* – This 4-acre garden captures the spirit of the woodland with four distinct areas: the Wind Trail, the Earth Trail, the Water Trail, and the Sky Trail. These enchanting gardens will create striking beauty within a woodland environment, dazzling with bursts of color and sheer beauty. From thousands of spring bulbs to wildflowers and flowering shrubs and trees, visitors will be enthralled with color around every bend in the pathway. Multiuse paths of various materials (crushed stone, concrete, asphalt, pervious pavers, mulch, etc.) will be used for pedestrian traffic and compliant with ADA standards.
5. *Amphitheater* – Large naturalistic performance venue adjacent to the visitor’s center offering spectacular views. Plans would be for summer concerts series and other events accommodating an audience up to 2000. Seating will be primarily terraced lawn seating in the amphitheater with capacity calculated using 10 square feet per person.

6. *Children's Garden* – proposed for the highest point on the property and themed around the magic of discovery. Highlights include fairy gardens, ponds and streams, castle ruins, monster grove, tree village, misting monster grotto, a small sheltered performance area, restrooms, and a small multi-purpose lawn. This area was previously shown in PUD documents as a festival space.

Future Expansion:

7. *Waterfall Trail, Phase 1* – A narrowly framed ravine lined with ferns and rhododendrons. Trails along the waterfall will let visitors experience it close up from the top and bottom. Rustic foot bridges repeatedly across the stream near the top and bottom of the falls, and below will include stone bridges to stop and watch the water cascade. The stream bank of Cry Creek and its unnamed tributaries have been badly eroded by surrounding development and will be re-vegetated and restored. The construction of the waterfall ravine may require a nationwide permit for stream restoration and a state and local stream buffer variance.

The applicant would like to amend the PUD to include a 10% administrative variance option so that staff can approve up to 10% of the total local stream buffer area that may be encroached for grading in critical areas to save trees. It is the intent of the applicant to preserve trees whenever possible. It is likely that there will be opportunities in the waterfall and sewer access areas where a slight encroachment into the stream buffer would allow for preservation of significant trees and the grading to be shifted into lesser areas of scrub or underbrush.

8. *Native Plants ravine* – Celebrating indigenous plants of the Southeast with a massing of shrubs, ground covers and perennials creating intimate garden spaces. Will include trails enhanced with well-placed seating, rustic shelters and overlooks creating glimpses of the valley.
9. *Asian Valley* – Plants of Asian origin will combine with subtle Asian inspired bridges and garden features. Wide open valley with sunny meadows nicely contrasting the woodlands. Plant exchanges with Japanese nurseries and plant collection trips to Asia will help make this valley spectacular.
10. *Education Center* – Expansion of current greenhouse to house educational and conservation research facilities, additional parking, and outdoor programming. Education activities will range from children's drop-in classes to story time in the garden. Adults can learn from experts through classes, symposia and walks through the garden. Hands-on workshops like starting vegetable gardens, making herb containers, and flower photography are popular adult education classes. Programming will be an essential component of the garden. From art exhibits to "wine in the woods" to tulip festivals, Smithgall Woodland Garden will

provide year-round activities and fun for all ages. With a focus on research and education, Smithgall woodland garden will partner with local universities in the greater Gainesville area to provide internships and other learning experiences for undergraduate and graduate research students. Scholars in horticulture and related fields will be able to roll up their sleeves and conduct ground breaking research at the Woodland gardens. The existing greenhouse will be expanded to house classrooms and research facilities while serving as the hub for the Garden's conservatory nursery and horticulture evaluation program. There are long range plans to add an education and multi-use building next to the visitor's center when the demand for these services and programs warrants additional space.

Site Access

The main garden facilities will be located on the northeastern side of the site in order to minimize disturbance to the slopes of the mature, native forest. Public will access the site from a newly created road (proposed name Sweetbay Dr.) off Georgia State Highway 129. The existing Lake Hill Dr (AKA New Bridge Dr) will be realigned for a perpendicular intersection into the new road. A Right of Way (ROW) land swap will take place between the City and Atlanta Botanical Gardens for change in ROW due to the new alignment. The entrance road from the intersection of Lake Hill and Sweetbay Drive is proposed to be private and gated to limit public access to the gardens during operational hours. Within safe design criteria, we anticipate the pavement width, vertical curves and horizontal curves to be minimized to reduce the disturbed footprint and preserve the woodland feel and you enter the garden. It is not expected to utilize curb and gutter as a piped storm water conveyance system would trench through tree roots and kill the trees creating the desired tree canopy over the road. Stormwater will be treated via ditches, enhanced swales and bioretention areas. This road will remain private as it will be gated and not meet the minimum road requirements to be accepted by the City of Gainesville.

The new alignment at Hwy 129 will not affect any GDOT owned ROW. Improvements will begin on the City portion of New Bridge Road. The applicant owns the property on both sides of the road and would like to propose a ROW swap to account for the new ROW created and old ROW abandoned by the proposed realignment. The applicant is proposing a ROW swap that will exchange ~0.126 acres of existing City ROW with ~0.258 acres of proposed ROW. The net increase in ROW for the City is ~0.132 acres. See attached exhibit "Land Swap Exhibit."

The southwestern portion of the site is where Mrs. Smithgall still resides and will be retained as their Home Place for her lifetime. ABG wishes to reduce visitor impact

through the adjacent residential neighborhood, thus no public access will be permitted from this part of the site.

Signage

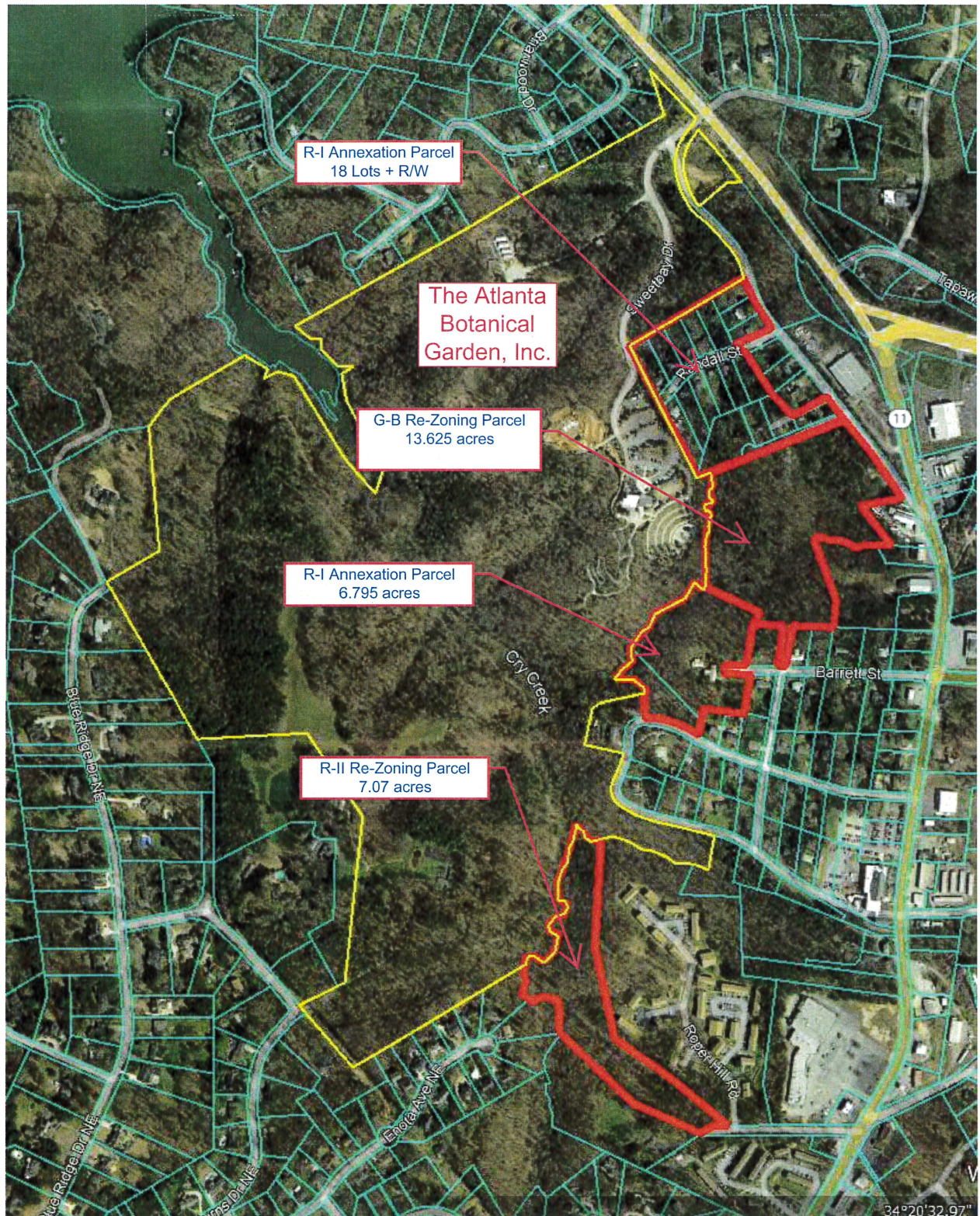
Due to the nature of the venue as a public attraction, the need for signage to attract attention and way find within the gardens will be critical. ABG would like keep the marketing strategy similar to the Atlanta site and use banner signs and or vertical pole signs on both sides of the entrance road. It is anticipated to have plantings on either side of the main entrance with signage (outside of the City and GDOT ROW) not to exceed 195 square feet. Signs may be lit by direct or indirect illumination. A consistent theme using similar smaller banners may be used interior to the site during holidays, events, way finding, etc.

Setbacks

Principle buildings and structures shall not be located closer than 40' to front property lines, 10' from side property lines, and 20' from rear property lines.

Special Requirements for Smithgall Arboretum

- Septic field for some facilities (i.e. Greenhouse/Headhouse bathrooms)
- Composting toilets
- Wells for water supply and irrigation
- Biofiltration systems for run off irrigation water
- Water runoff from greenhouse roof into rain barrels
- Water retention basins & bogs for storm water run off
- Goats for kudzu control
- Propane heat for greenhouse facilities
- Underground utilities
- Water permeable paving in the parking lot (future)





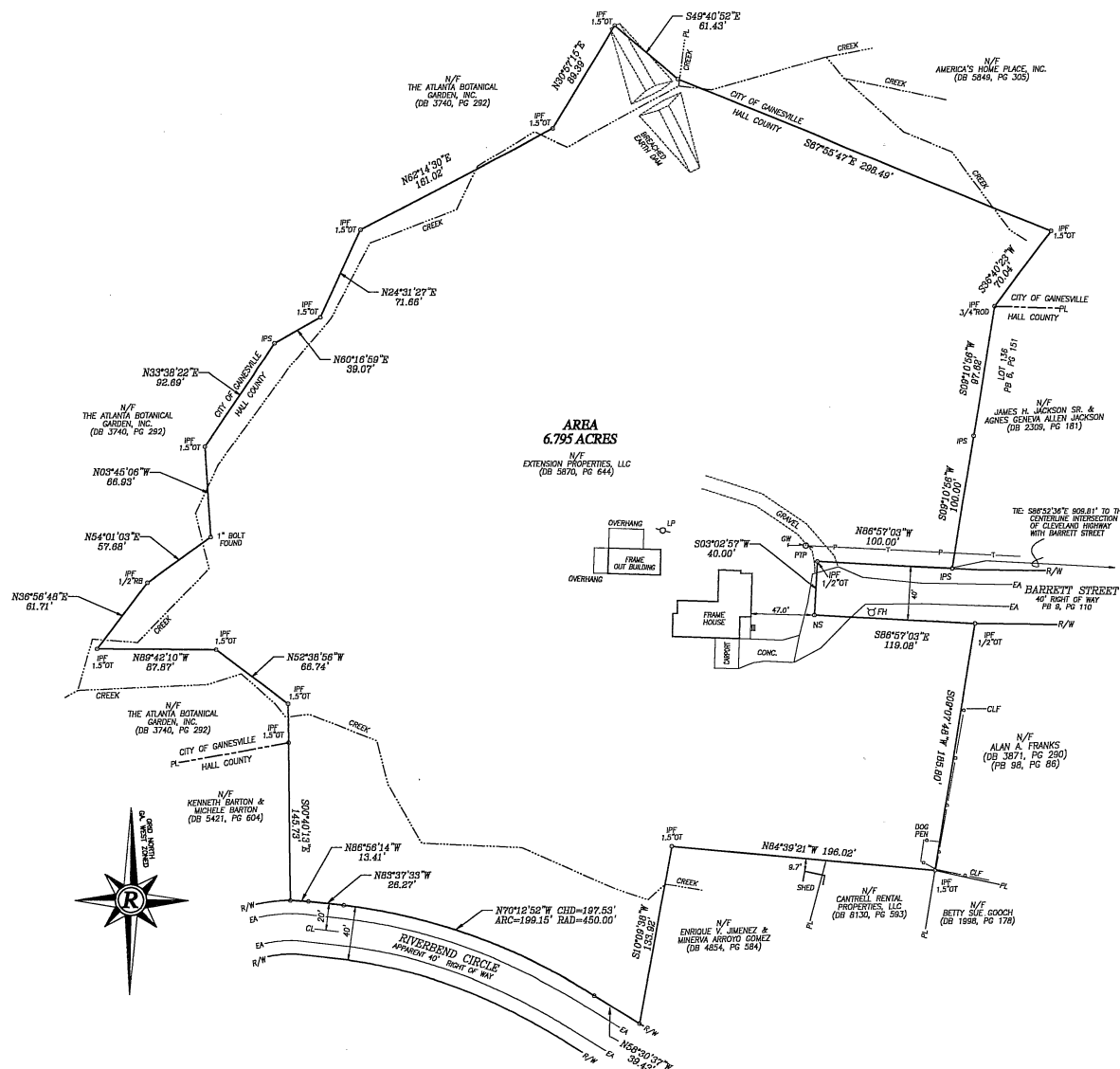
THIS BLOCK RESERVED FOR
THE CLERK OF THE SUPERIOR COURT

LEGEND:

C&G	-	CURB & GUTTER
CONC	-	CONCRETE
DL PG	-	DEED BOOK, PAGE
EA	-	EDGE OF ASPHALT
GW	-	GUY WIRE
IFN	-	IRON PIN FOUND
IPS	-	IRON PIN
	-	1/2" REBAR WITH A YELLOW CAP STAMPED ROCHESTER-LS-000048"
LL	-	LAND LOT
LL	-	LAND LOT LINE
NO	-	NORM OR FORMERLY
OT	-	OPEN TO PIPE
PTP	-	POMER - TELEPHONE POLE
	-	OVERHEAD W/OKER LINE
PL PG	-	PLAT BOOK, PAGE
PT	-	PROPERTY
POB	-	POINT OF BEGINNING
RE	-	REBAR
R/W	-	RIGHT OF WAY
SD	-	STRONG DRAIN
SWCB	-	SINGLE MESH CATCH BASIN
	-	OVERHEAD TELEPHONE LINE

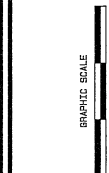
NOTES:

- [illegible]



Rochester
& Associates, Inc.
225 Oak Street N.W. • Gainesville, Georgia 30601
(770)718.0600 (770)718.9050 Fax #
www.rochesterter-associ.com

ANNEXATION PLAT FOR:
EXTENSION PROPERTIES, LLC
LOCATED IN
LAND LOT 130, 9TH DISTRICT,
WALKER COUNTY, GEORGIA

[illegible]

SHEET	DATE : 2/28/2018
1	SCALE : 1"=40'
OF	JOB NO : 02027148.COM
1	FILE NO : 02027148.COM



AC - ACRES
BEF - BOUNDARY EVIDENCE FOUND
CLF - CHAIN LINK FENCE
CONC - CONCRETE
DEED PG - DEED BOOK, PAGE
IPS - IRON PIN SET (1/2" REBAR)
L.L. - LAND LOT
MON - MONUMENT
N/F - NOW OR FORMERLY
OTPF - OPEN TOP PIPE FOUND
PL PG - PLAT BOOK, PAGE
P/L - PROPERTY LINE
POS - POINT OF BEGINNING
REB - REBAR FOUND
RWF - RIGHT OF WAY

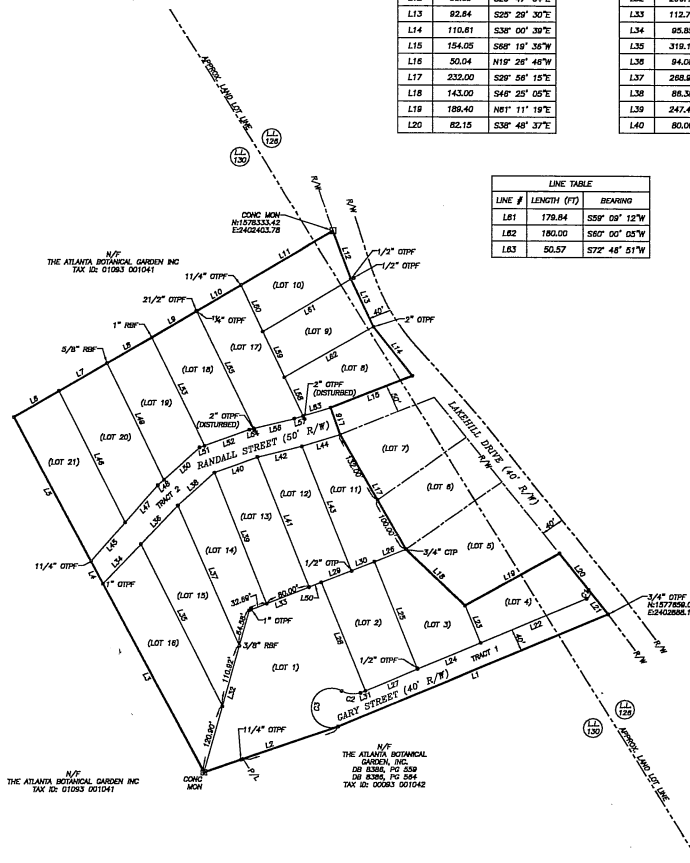
1. SUBDIVISION PLAT FOR RIVERBEND HEIGHTS RECORDED IN PLAT BOOK 14 PAGE 45, RECORDED IN HALL COUNTY RECORDS.

2. SUBDIVISION PLAT FOR RIVERBEND HEIGHTS RECORDED IN PLAT BOOK 11 PAGE 7, RECORDED IN HALL COUNTY RECORDS.

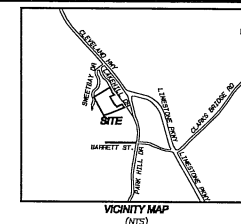
[illegible]

LINE TABLE		
LINE #	LENGTH (FT)	BEARING
L41	254.15	S21° 30' 56"
L42	80.00	N79° 25' 49"
L43	233.00	S21° 4' 16"
L44	70.03	N72° 46' 18"
L45	91.00	S41° 16' 10"
L46	257.61	S26° 41' 09"
L47	86.38	S41° 16' 10"
L48	14.33	S48° 02' 45"
L49	228.15	S25° 52' 07"
L50	84.47	S48° 02' 45"
L51	8.97	S70° 20' 47"
L52	83.54	S70° 20' 47"
L53	212.88	S25° 45' 22"
L54	7.50	S72° 45' 43"
L55	231.14	S25° 37' 31"
L56	73.57	S56° 28' 48"
L57	15.93	S72° 46' 51"
L58	78.30	S25° 14' 48"
L59	90.00	S25° 14' 48"
L60	90.00	S25° 14' 48"

CURVE TABLE				
CURVE #	CHORD BEARING	CHORD LENGTH (FT)	ARC LENGTH (FT)	RADIUS (F)
C1	S14° 17' 00"W	15.98	18.51	10.00
C2	N84° 47' 28"W	33.35	34.28	42.26
C3	S03° 42' 12"W	63.22	141.02	35.00



TRACT 1	0.484 AC
TRACT 2	0.571 AC
LOT 1	1.199 AC
LOT 2	0.468 AC
LOT 3	0.466 AC
LOT 4	0.380 AC
LOT 8	0.412 AC
LOT 9	0.376 AC
LOT 10	0.375 AC
LOT 11	0.459 AC
LOT 12	0.439 AC
LOT 13	0.452 AC
LOT 14	0.437 AC
LOT 15	0.540 AC
LOT 16	0.690 AC
LOT 17	0.496 AC
LOT 18	0.461 AC
LOT 19	0.454 AC
LOT 20	0.530 AC
LOT 21	0.548 AC
TOTAL	10.237 AC



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ANNEXATION PLAT FOUR

ATLANTA BOTANICAL GARDENS

[illegible]

GRAPHIC SCALE

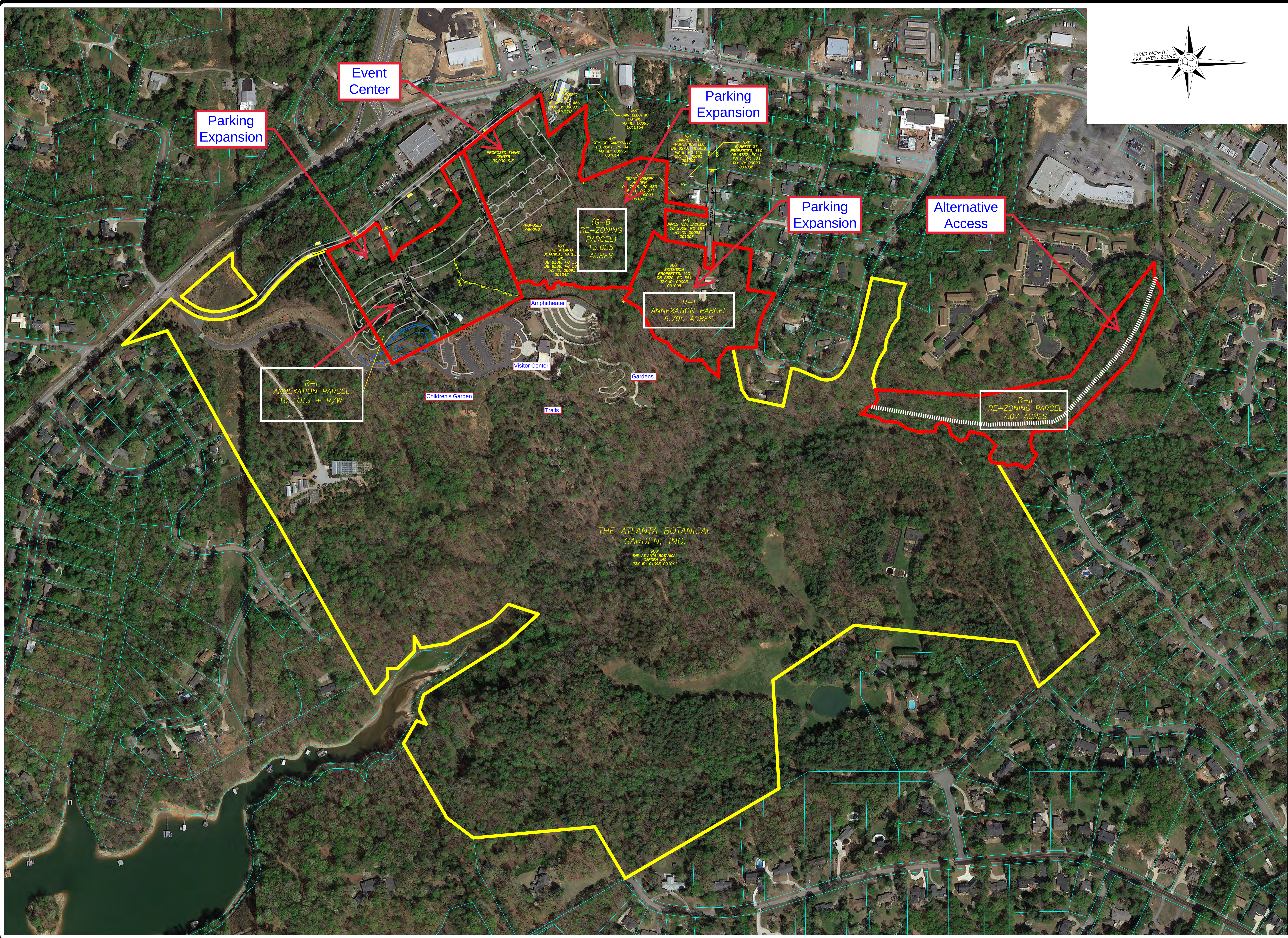
0' 50' 100' 200' 300'



SHEET
1
or
1

DATE: 9/21/21
SCALE: 1" = 100'
JOB NO.: C202149.CPP
DRAWN BY: MSA
DWG NO.: BDRY

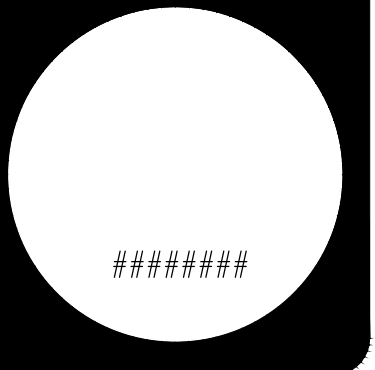




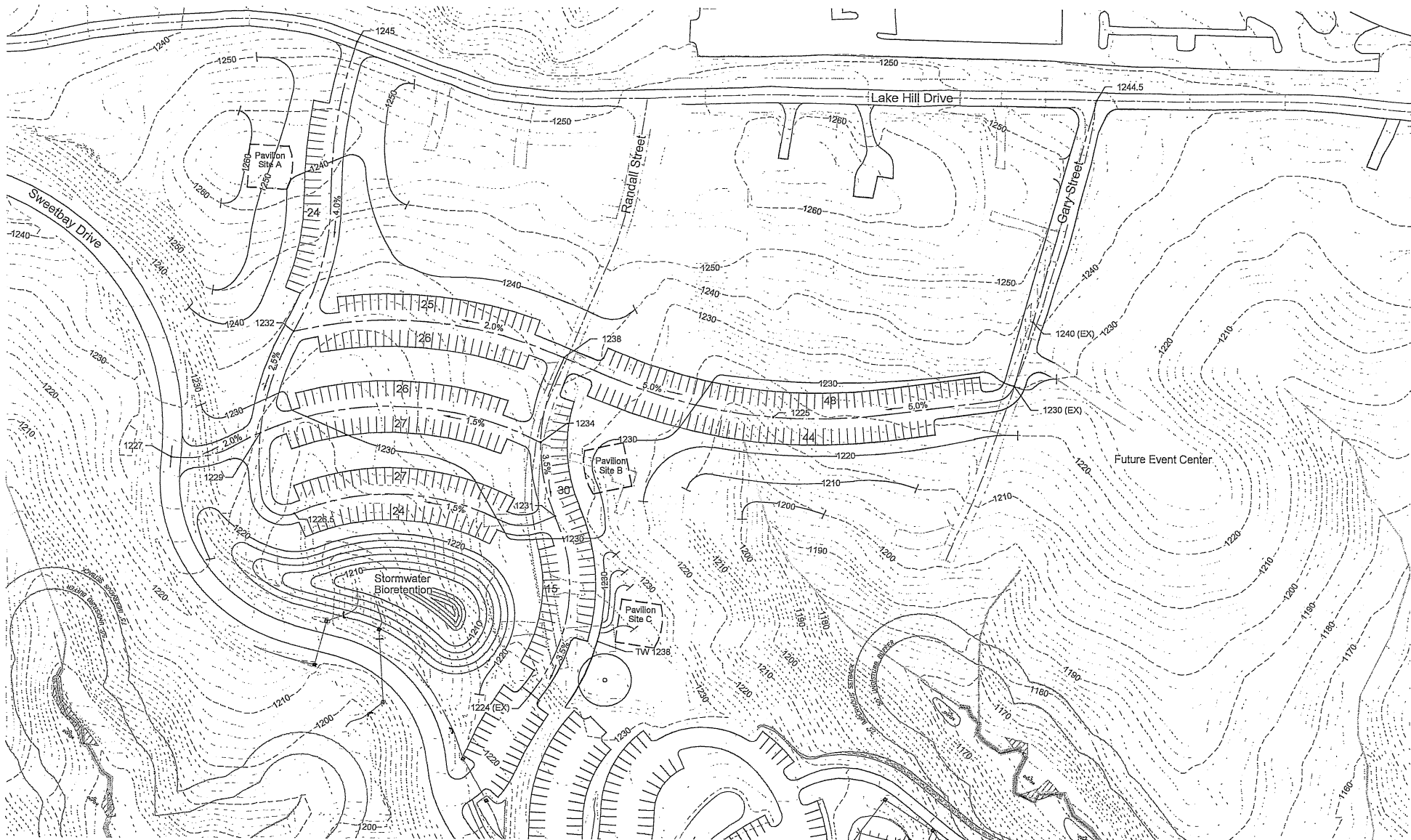
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MASTER PLAN
THE ATLANTA
BOTANICAL GARDEN

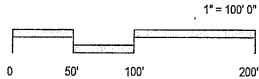
NO.	DATE	DESCRIPTION
		REVISIONS



SHEET 1 OF 1
DATE: 10/15/21
SCALE: 1" = 200'
JOB NO.: 2021149.OFP
DRAWN BY: ECB
DWG NO.: ZONING



Atlanta Botanical Garden



Conceptual Parking Layout
August 2, 2021

Parking Summary:

Phase 1:	316 Spaces
Future:	377 Spaces
Total:	693 Spaces

Property Legend

	ABGG Current Ownership
	ABGG Future Ownership

Date Submitted: 11/22/2021

Presenter: Abb Hayes

Item of Business: Request from the **Atlanta Botanical Garden, Inc.** to rezone a total of 20.695± acres to include a 13.625± acres tract located on the west side of Lake Hill Drive, having road frontage on the north side of Barrett Street; and a 7.07± acres tract located on the northwest side of the cul-de-sac of Roper Hill Road (a/k/a **103 Gary Street, NE; 1662 Roper Hill Road, NE**) from Residential-II (R-II) and General Business (G-B) to Planned Unit Development (P-U-D). **Ward Number: Two.** Tax Parcel Number(s): 00-093-001-042; 01-084-004-005. **Request: Atlanta Botanical Garden expansion.**

- Proposed Rezoning Ordinance 2021-35

Meeting Date: 12/7/2021

Purpose of Request:

To conduct a public hearing regarding the following rezoning request as presented at the November 9, 2021 Planning and Appeals Board Meeting:

The applicant is proposing to rezone the subject property which includes two separate tracts of land. The purpose of the request is to combine the properties with the adjacent Atlanta Botanical Garden campus which is currently zoned Planned Unit Development (P-U-D) and was approved for a visitor center, parking areas, enchanted woodland garden, amphitheater, children's garden, waterfall trail, native plants ravine, Asian valley, education center, event center and associated facilities and an entry lane. It is intended for the 13.625± a portion of property to be used for the future event center. Future access is proposed from Lake Hill Drive and Roper Hill Road. No other details have been provided for the remainder property at this time. The subject properties are located within the Limestone Parkway Overlay Zone and are adjacent to single-family homes, multi-family apartments and property owned by the applicant.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Staff and PAB recommended approval with five conditions. See the PAB Recommendation Report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2021-35

I move to approve the ordinance to rezone the subject property from Residential-II and General Business to Planned Unit Development with five conditions as presented.

Denial of the Request:

I move to deny the request.

Department Director:

Rusty Ligon

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
☐	Legal Ad	Legal Ad
☐	PAB Recommendation Report	Report
☐	Proposed Rezoning Ordinance 2021-35	Ordinance
☐	Location Maps	Backup Material
☐	Narrative	Backup Material
☐	Surveys	Backup Material
☐	Existing plan	Backup Material
☐	Master plan	Backup Material
☐	Parking layout	Backup Material

way of Norton Circle, said iron pin being located 1,870 feet from the intersection of the Westerly right of way of Norton Circle with the Southerly right of way of US Highway 23 as measured in a southeasterly-southwesterly and southeasterly direction along the westerly right of way of Norton Circle; thence from said beginning iron pin along the Westerly right of way of Norton Circle South 18 degrees 52 minutes East 100.0 feet to an iron pin; thence South 71 degrees 00 minutes known as **5850 Norton Cir, Flowery Branch, GA 30542** together with all fixtures and personal property attached to and constituting a part of said property, if any. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the subject property is (are): James D. Bartlett or tenant or tenants. Champion Mortgage LLC is the entity or individual designated who shall have full authority to negotiate, amend and modify all terms of the mortgage. Champion Mortgage LLC Loss Mitigation PO Box 91322 Seattle, WA 98111-9422 Phone 855-683-3095 Fax 866-621-1036 Note, however, that such entity or individual is not required by law to negotiate, amend or modify the terms of the loan.

Said property will be sold subject to: (a) any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), (b) unpaid water or sewage bills that constitute a lien against the property whether due and payable or not yet due and payable and which may not be of record, (c) the right of redemption of any taxing authority, (d) any matters which might be disclosed by an accurate survey and inspection of the property, and (e) any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.

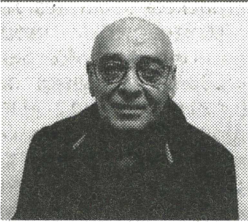
The sale will be conducted subject to (1) confirmation that the sale is not prohibited under the U.S. Bankruptcy Code; and (2) final confirmation and audit of the status of the loan with the holder of the Security Deed. Pursuant to O.C.G.A. Section 9-13-172.1, which allows for certain procedures regarding the rescission of judicial and non-judicial sales in the State of Georgia, the Deed Under Power and other foreclosure documents may not be provided until final confirmation and audit of the status of the loan as provided immediately above.

Nationstar Mortgage LLC d/b/a Champion Mortgage Company as agent and Attorney in Fact for James D. Bartlett Aldridge Pite, LLP, 15 Piedmont Center, 3575 Piedmont Road, N.E., Suite 500, Atlanta, Georgia 30305, (404) 994-7637.

1341-751A THIS LAW FIRM MAY BE ACTING AS A

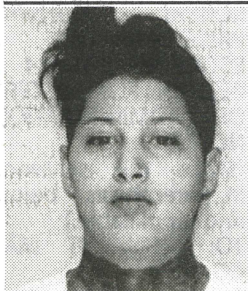
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. 1341-751A 101492 11/10, 17,24,12/1

Miscellaneous



NEW SEX-OFFENDER TO HALL COUNTY NAME: Joaquin Jose Pareja

DATE OF OFFENSE: 05/17/2021 (Conviction Date) OFFENSE: Sexual Battery to a Minor (Felony) COURT OF CONVICTION: Superior Court Hall County Georgia. WEBSITE: <https://gbi.georgia.gov/georgia-sex-offender-registry> 101772 11/17



NOTICE OF SECOND DUI CONVICTION WITHIN 5 YEARS

TO BE PUBLISHED

Insert Photo NAME: NALLELY OLVERA CITY: GAINESVILLE, GA COUNTY: HALL ZIP CODE: 30507

ARREST DATE: 11/11/2020

ARREST TIME: 02:16 AM

ARREST LOCATION: LANIER PKWY @ EXIT 22 NB OFF

DISPOSITION: GUILTY

Hall County Superior & State Court

Charles Baker, Clerk

225 Green Street, SE

Gainesville, GA 30501

PUBLISHED PURSUANT TO O.C.G.A. 40-6-391A1

2021SR1787Z

Page 2 of Photo Order

101671 11/17

A B A N D O N E D

MOTOR VEHICLE

A D V E R T I S E M E N T

NOTICE (TOWING OR STORAGE COMPANY)

Vehicle make: SUZUKI

Year: 2005 Model: FORENZA

Vehicle ID#: KL5JD56Z75K120309

Vehicle License: NONE

State:

are hereby notified, in accordance with OCGA 40-11-19(a)(2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicles are currently located at 344 Kathleen Dr SW, Marietta GA 30067

Anyone with an ownership interest in this vehicle should contact the following business immediately: KOTOWING, 344 Kathleen Dr SW, Marietta GA 30067 770-650-1413 101670 11/17,24

NOTICE OF HOME RULE AMENDMENT

NOVEMBER 10, 2021 AND DECEMBER 9, 2021 MEETINGS

The Hall County Board of Commissioners hereby provides notice that on November 10, 2021 and December

Georgia counties set forth in Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983 to amend the Act of the Georgia General Assembly creating the Board of Commissioners of Hall County, approved March 21, 1935 (Ga. L. 1935, p. 661), as amended, so as to delete in its entirety Section 13.1 of said Act relating to the enactment, following readings at no less than two consecutive regular meetings of the Board of Commissioners, of Child(ren): Ayla Marie Blackmon Civil Action Case Number 2021CV1982W

Monique Marie Royer Petitioner, vs. John Colton Blackmon Respondent.

NOTICE OF PETITION TO CHANGE NAME(S) OF MINOR CHILD(REN)

Monique Marie Royer filed a petition in the Hall County Superior Court on 11/10/2021 to change the name(s) of the following minor child(ren) from Ayla Marie Blackmon to Ayla Marie Royer

Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA ss 19-12-1(f)(2) and (3).

Dated 11/2/2021 /s/Yehimy Sanchez Aguilera Petitioner Pro se 101105 11/10,17,24,12/1

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Virginia Augusta Stump

Petitioner Civil Action Case Number 2021CV1765B

NOTICE OF PETITION TO CHANGE NAME OF ADULT

Virginia Augusta Stump filed a petition in the Superior Court of Hall County on 9/3/21 to change the name from Virginia Augusta Stump to Virginia Augusta Puckett. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.

Dated 9/30/2021 /s/ Virginia Augusta Stump Petitioner Pro se 10129110 / 2 / 7, 11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

NOTICE OF PETITION TO CHANGE NAME OF MINOR CHILD

Kayla Conner filed a petition in the Superior Court of Hall County on October 26, 2021 to change the name of the following minor child From Charlie Davis Conner to Charles Everett Conner

Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA ss 19-12-1(f)(2) and (3)

Dated 10/26/2021 /s/ Kayla Conner Petitioner Pro se 101563 11/10,17,24,12/1

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

NOTICE OF PETITION TO CHANGE NAME OF MINOR CHILD

Kayla Conner filed a petition in the Superior Court of Hall County on October 26, 2021 to change the name of the following minor child From Charlie Davis Conner to Charles Everett Conner

Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA ss 19-12-1(f)(2) and (3)

Dated 10/26/2021 /s/ Kayla Conner Petitioner Pro se 101563 11/10,17,24,12/1

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

NOTICE OF PETITION TO CHANGE NAME OF MINOR CHILD

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Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA ss 19-12-1(f)(2) and (3)

Dated 10/26/2021 /s/ Kayla Conner Petitioner Pro se 101563 11/10,17,24,12/1

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

NOTICE OF PETITION TO CHANGE NAME OF MINOR CHILD

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Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA ss 19-12-1(f)(2) and (3)

Dated 10/26/2021 /s/ Kayla Conner Petitioner Pro se 101563 11/10,17,24,12/1

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

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Dated 10/26/2021 /s/ Kayla Conner Petitioner Pro se 101563 11/10,17,24,12/1

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

NOTICE OF PETITION TO CHANGE NAME OF MINOR CHILD

Kayla Conner filed a petition in the Superior Court of Hall County on October 26, 2021 to change the name of the following minor child From Charlie Davis Conner to Charles Everett Conner

OF HALL COUNTY

STATE OF GEORGIA

INRE: JESSICA LEPAGE BROWN

CIVIL ACTION FILE NO.: 2021CV1803W

NOTICE OF PETITION FOR NAME CHANGE

Jessica Lepage Brown filed a petition in the Hall County, Superior Court on the 6day of October, 2021 to change the name from Jessica Lepage Brown to Jessica Lepage Burris. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.

Alejandra Flores Proposed New Name Alejandra Flores Sanchez

Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA sec 19-12-1(f)(2) and (3).

Dated 11/2/2021 /s/Yehimy Sanchez Aguilera Petitioner Pro se 101105 11/10,17,24,12/1

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

NOTICE OF PETITION TO CHANGE NAME OF ADULT

Virginia Augusta Stump filed a petition in the Superior Court of Hall County on 9/3/21 to change the name from Virginia Augusta Stump to Virginia Augusta Puckett. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.

Dated 9/30/2021 /s/ Virginia Augusta Stump Petitioner Pro se 10129110 / 2 / 7, 11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

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Dated 9/30/2021 /s/ Virginia Augusta Stump Petitioner Pro se 10129110 / 2 / 7, 11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

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Dated 9/30/2021 /s/ Virginia Augusta Stump Petitioner Pro se 10129110 / 2 / 7, 11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

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Dated 9/30/2021 /s/ Virginia Augusta Stump Petitioner Pro se 10129110 / 2 / 7, 11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

NOTICE OF PETITION TO CHANGE NAME OF ADULT

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Dated 9/30/2021 /s/ Virginia Augusta Stump Petitioner Pro se 10129110 / 2 / 7, 11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

NOTICE OF PETITION TO CHANGE NAME OF ADULT

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Dated 9/30/2021 /s/ Virginia Augusta Stump Petitioner Pro se 10129110 / 2 / 7, 11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

NOTICE OF PETITION TO CHANGE NAME OF ADULT

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Dated 9/30/2021 /s/ Virginia Augusta Stump Petitioner Pro se 10129110 / 2 / 7, 11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

NOTICE OF PETITION TO CHANGE NAME OF ADULT

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Dated 9/30/2021 /s/ Virginia Augusta Stump Petitioner Pro se 10129110 / 2 / 7, 11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

to change the name from Philecy Jade Ellison to Philecy Jade Ferrar-Ellison

Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.

Dated 10/20/21 /s/Philecy Jade Ellison Petitioner Pro se 101282 10/27,11/3,10,17

SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

In re the Name Change of Children

Charlie Davis Conner Kayla Conner Petitioner

Jonathan Conner Respondent

Civil Action Case Number 2021CV1912J

expansion

4) Request from Koch Foods of Gainesville, LLC to rezone a 0.55± acre tract located between Davis Street and Industrial Boulevard, southwest of Queen City Parkway (a/k/a 911, 913 and 919 Davis Street, SW; 950 Industrial Boulevard, SW) from Residential-II (R-II) to Heavy Industrial (H-I).

Ward Number: Four

Tax	Parcel
Number(s): 01-030-009-001 and 002; 00-030-009-002 (Part)	

Request: P o u l t r y processing plant expansion

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})
101651 11/17

NOTICE TO THE PUBLIC

The Buford City Commission will meet on Tuesday, December 13, 2021 at 7:00 p.m. at the Buford City Arena 2795 Sawnee Avenue, Buford, Georgia 30518 to conduct a public hearing and consider an amendment to the City of Buford's Zoning Ordinance, Section 1308 "Special Uses" "Automobile Fueling Stations". The Planning Commission will conduct a hearing on November 30, 2021 at 7:00 p.m. at Buford City Hall 2300 Buford

M33 DIANE HOGAN
Georgia Code, Article 5,
Section 10-4-2010, et.
seq. JMA AB2904, AU
3877 Terms of Sale: Cash,
15% Buyer Premium
101593 11/17,24,12/1,8

Auction of General Household & Commercial Goods
North Lanier Storage
5335 Browns Bridge Rd.
Gainesville, GA 30504
Phone: 678-321-8000
10:00 AM, Thursday
December 9th, 2021
01 Rose Ingalsbe, 08
Anna Lewis, 14 Ronald
Saylor,
19 Deandre Hawkins,
57 Emma Passmore,
A16 Rose Ingalsbe, A17
Rose Ingalsbe, A18 Rose
Ingalsbe, A25 Monica
Putka,
B116 Rex Martin, B134
Gina Johnson, B144
Brittany Gamble, C02
Marcus Wheeler, D31
Kevin Fisher,
Georgia Code, Article 5,
Section 10-4-2010, ET
Seq. JMA AB 2904, AU
3877
Terms of Sale: Cash, 15%
Buyer Premium
101594 11/17,24,12/1,8

Notice of Public Auction.
Boardwalk Storage-
Murrayville
Will be holding a public
auction online at
Lockerfox.com on
Date: December 2, 2021
@ Time: 11:00am
This is a cash only sale
- Please bring a money
order. All sales are final
and the
units must be cleaned
out completely in 48
hours. A 100.00 cash
cleaning deposit is
required and will be
refunded upon unit
inspection.

We currently have
1 Unit Unit-Murphy
Bed, wooden
furniture, plastic totes,
pallets, artificial
flowers, potato-onion
piece, metal tub, flat
screen tv
678-989-1999
5162 Thompson Bridge
Rd
Murrayville Ga 30533
101766 11/17/24

Unit Sale Chestnut Mini Storage
Unit 124&342 to satisfy
payment Unit Consist of
household items & Misc
Belonging to Darlene
Cochran to the highest

IN THE PROBATE
COURT OF HALL
COUNTY STATE OF
GEORGIA
IN RE: ESTATE OF
EDDIE NICELY, SR.,
DECEASED

NOTICE
ESTATE NO. E-20-223
IN RE: The Petition to
Probate Will in Solemn
Form in the above-
referenced estate
having been duly filed.
[For use if an heir is
required to be served
by publication]
TO: Keri Aliyah Nicely
[List here all heirs
having known
addresses to be served
by publication]
This is to notify you to
file objection, if there is
any, to the petition to
probate will in solemn
form in this Court on or
before December 6
2021

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

Patty Walters Laine
Judge of the Probate Court

By: Riley Norris
Clerk of the Probate Court

116 Spring Street. SE
Gainesville, GA 30501
Address
770.533-7828
101474 11/3,10,17,24

IN THE PROBATE
COURT OF HALL
COUNTY STATE OF
GEORGIA
IN RE: ESTATE OF JOEL
NOLAN, JR,
DECEASED
ESTATE NO. E-16-248

such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees may be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be held at a later date. If no objections are filed, the petition may be granted without a hearing.

Patty Walters Laine
Judge of the Probate Court

By: Melissa C. Phillips
Clerk of the Probate Court

116 Spring Street
Gainesville, GA 30501
770-535-9710
101710 11/17

IN THE PROBATE
COURT OF HALL
COUNTY STATE OF
GEORGIA
IN RE: ESTATE OF
MICHAEL ROE, JR.
DECEASED
ESTATE NO. E-19-601
NOTICE
[For discharge from
office and all liability]
IN RE: Petition for
Discharge of Personal
Representative
TO: WHOM IT MAY
CONCERN:
This is to notify you
to file an objection
if there is any, to
the petition for
discharge of personal
representative, in this
Court on or before
December 6th, 2021

BE NOTIFIED FURTHER:
All objections to the
Petition must be in
writing, setting forth
the grounds of any
such objections. All
objections should be
sworn to before a
notary public or before
a probate court clerk,
and filing fees must be
tendered with your
objections, and
you will be liable to pay as
an indigent party.
Contact probate court
personnel for the
required amount of
filing fees. If any
objections are filed

STATE OF GEORGIA
IN RE: ESTATE OF
EDWARD ALLEN HYD
E, DECEASED
ESTATE NO. E-21-656
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

[Strike the sentence in parenthesis below if not applicable.]
TO: whom it may concern: Latonya Michelle Hyde
has petitioned to be appointed administrator of the estate of Edward Allen Hyde, deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before December 6, 2021.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

Patty Walters Laine
Judge of the Probate Court

By: Melissa C. Phillips
Clerk of the Probate Court

116 Spring Street First Floor
Gainesville, Texas 76901
30501

Address

to be a
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Wylie, Jr., c
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ofreports,
ofstatements,
or grant
powers cont
O.C.G.A. § 53
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the grounds o
objections, a
be filed with
on or before
6th, 2021.
BE NOTIFIED
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a hearing
(scheduled
date). If no
are filed, th
may be
without
a hearing.
Patty Walters
Judge of the
Court
By: Riley Nor
Clerk of the
Court
116 Spring S
Gainesville, C
Address
770-531692
101467 11/3

IN THE PROB
OF HALL
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IN RE: ESTATE
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in parenthe
if not applica

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant and Property Owner..... Atlanta Botanical Garden, Inc.

Locations..... 115 Barrett Street, 102, 104 and 106 Gary Street; 213, 301, 303 and 305 Lake Hill Drive; 0, 100, 101, 102, 103, 104, 105, 106, 107, 109 and 111 Randall Street; 0 Riverbend Circle; 103 Gary Street; 1662 Roper Hill Road

Request..... Annex with P-U-D zoning
Rezoning from R-II and G-B to P-U-D

Size Annexation: 17.032± acres
Rezoning: 20.695± acres

Ward..... Two

Proposed Use..... Atlanta Botanical Garden expansion

Planning Division Staff Recommendation **Approval, with conditions**

Planning & Appeals Board Recommendation..... **Approval, with conditions**

Date..... November 9, 2021

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

The Atlanta Botanical Garden (ABG) is proposing to annex 17.032± acres and rezone 20.695± acres with a zoning of Planned Unit Development (P-U-D). The property will be combined with the adjacent 167.99± acres ABG campus which has access off of Cleveland Highway. The existing campus was previously zoned P-U-D and approved for a visitor center, parking areas, enchanted woodland garden, 2,000 seat amphitheater, children's garden, waterfall trail, native plants ravine, Asian valley, education center, parking, event center and associated facilities. Presently, the parent parcel contains an amphitheater, visitor center, greenhouse, gardens, exhibits and parking.

It is the intent to allow the previously approved uses/facilities and standards. As well, additional parking, access and a future event center is proposed. Other development standards include:

- 693± parking spaces (Phase 1: 316± spaces / Future Phase: 377± spaces);
- Principle building and structure setbacks of 40-feet from the front property line, 20-feet from a rear property line and 10-feet from a side property line;
- The use of banner signs and or vertical pole signs on both sides of the entrance road. It is anticipated to have plantings on either side of the main entrance with signage.

Annexation

The properties consist of 17.032± acres and are zoned Residential-I (R-I) in Hall County. Tract 1 is 10.237± acres in size and contains 18 parcels including all of Gary Street and part of Randall Street. The properties are located on the west side Lake Hill Drive and are part of an existing county unincorporated island. Most of the properties are heavily wooded and contain

numerous residential structures that will be removed. Immediate plans include providing access and parking off of Lake Hill Drive to serve the existing amphitheater.

Tract 2 consists of two parcels totaling 6.795± acres tract located on the west side of the cul-de-sac of Barrett Street with road frontage on the north side of Riverbend Circle. The property is heavily wooded and contains two residential structures that will be removed. The intent is to develop the property for additional parking in the future.

Rezoning

The property consists of two tracts totaling 20.695± acres. Tract 1 is a 13.625± acres parcel zoned General Business (G-B) and is located on the west side of Lake Hill Drive with road frontage on Barrett Street. The property is heavily wooded and contains two residential structures that will be removed. The property will provide for additional access and parking off of Lake Hill Drive. As well, a future 30,000± square foot event center is planned but no timeframe or other details have been provided at this time.

Tract 2 is a 7.07± acres parcel zoned Residential-II (R-II) and is located on the northwest side of the cul-de-sac of Roper Hill Road. The property is heavily wooded and contains no structures. The long term plan for this property includes an access drive connecting the entire campus to Roper Hill Road. No timeframe or other details have been provided at this time.

▪ Adjacent Land Use and Zoning

Location	Use	Zoning
North	Atlanta Botanical Gardens	Planned Unit Development (P-U-D) -City Residential-I (R-I) -City
South	Atlanta Botanical Gardens Single family homes Single-family homes & Apartments Undeveloped Land	Planned Unit Development (P-U-D) -City Residential-I (R-I) -City & County Residential-II (R-II)- City General Business (G-B)- City
East	Forestry Office Cain Electric & City Fire Station #2 Ridgecrest Apartments Single-family homes	Office and Institutional (O-I)- City General Business (G-B)- City Residential-II (R-II)- City Residential I (R-I) County
West	Atlanta Botanical Gardens Single-family homes	Planned Unit Development -City

The subject properties are located within the Limestone Parkway Overlay Zone and is located east of Lake Lanier and Cry Creek which is an important part of the Chattahoochee River Watershed. Other uses within the immediate area include Riverbend Elementary School, Liberty Utilities, Riverbend Baptist Church and the Northlake Plaza Shopping Center.

▪ Zoning History

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

2021 – A request by Carl Volle to annex a 1.69± acres tract with a zoning of Residential-II (R-II) located at 1646 Meadowlark Lane was approved for six single-family homes.

2019 – A request by Cindy Ford to annex a 0.62± acre tract with a zoning of Residential-I (R-I) located at 1659 Meadowlark Lane was approved for sewer for an existing single-family home.

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.

2014 – A request by Waffle House Inc. to amend a condition of zoning on a 3.21± acres tract located at 2551 Limestone Parkway zoned General Business, with conditions (G-B-c) was approved for a Waffle House restaurant.

2013 – A request by the City of Gainesville to annex 115 unincorporated island parcels and right-of-way totaling 197.07± acres in size was approved with conditions.

2011- A request by The Atlanta Botanical Garden to amend an a 167.99± acres tract zoned Planned Unit Development (P-U-D) located at 351 Lake Hill Drive, NE for a Woodland / Botanical Garden was approved with conditions.

▪ **Staff Analysis**

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

The proposal appears to be suitable given the proposal is of similar character and provides for a sufficient mixture uses that are in close proximity with the existing Atlanta Botanical Gardens (ABG). The surrounding uses include a mixture of single-family, multi-family, public, office and commercial uses that have been established for many years.

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

ABG is considered a regional use attracting patrons from all over the county and state. As well, the scale of the proposed parking and building expansion is much larger than the adjacent single-family properties so consideration to eliminate any intrusion to the neighborhood is encouraged. The proposal will need to take into consideration any potential impacts to the adjacent residential properties through the addition of buffers and improved internal and external traffic flow. The master plan for the ABG provides for significant natural buffer zones and proposes no direct access to the adjacent and nearby single-family residential uses. Architectural standards are expected to be in character with the existing visitor center and other facilities. According to the applicant, it is intended that any site development have as little environmental impact as possible in order to preserve the integrity of the native landscape. The proposal is intended to better accommodate patrons and visitors by providing better access, parking and future event space.

Traffic and turning movements will increase due to additional onsite parking be proposed for future ABG concerts and events. Currently, offsite parking with shuttle transportation is provided for larger events approximately 6-12 times per year. Traffic counts will vary depending on event schedules. The existing Sweet Bay Drive at Cleveland Highway will continue to serve main access with two secondary access drives off of Lake Hill Drive and possibly a future access off of Roper Hill Road. The maximum occupancy load for a 30,000 square foot event center is approximately 1,800 people. Coordination will be required with the Georgia Department of Transportation and the City of Gainesville Public Works Traffic Division to determine what improvements will be necessary for the future event center.

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

It is staff's opinion the proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property both within the *Parks/Recreation/Conservation* land use category and the *Low- Medium Density Residential* land use category. The *Parks/Recreation/Conservation* category is intended for planned parks and recreation facilities, permanently designated open space, and conservation areas, including buffers also along waterways and other environmental features. The *Low Density Residential* category is intended for single-family detached housing at densities ranging from 2 to 4 dwelling units per acre and limited light office uses.

According to the Character Area map for the City of Gainesville, the subject properties are located within the *Regional Recreational / Conservation* character area, *Limestone Medical Corridor* character area and the *Traditional Neighborhoods* character area.

The *Regional Recreational / Conservation* character area supports the preservation and expansion of green and conservation sites and protecting environmentally sensitive areas. Suitable uses include regional recreation /conservation areas, parks, public and institutional uses.

The *Limestone Medical Corridor* character 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 *Traditional Neighborhoods* character area encourages compatible infill development but is seen as an area of minimal change. Suitable uses include low-density, medium-density residential, mixed-use, commercial, public / institutional, and parks / recreation / conservation.

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

As it stands, the subject properties are piece milled and are partially zoned for single-family, multi-family and commercial uses. The applicant desires to have all of the property owned by ABG in the city limits with the same zoning Planned Unit Development (P-U-D) which is considered a site specific zoning. The proposed additions will enhance some of the development standards to better serve staff, educators and the public needs, as well as to meet the current vision of the ABG. It appears the applicant's proposed amendments are reasonable and will take in consideration impact on the surrounding properties over what is currently approved for the property.

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

City water, sewer, and public safety services are currently provided to the property and capacity is sufficient. Gainesville Fire Station #2 is located adjacent to the property fronting Cleveland Highway.

There should be no direct impacts to the City school system as the request is for non-residential purposes. However, ABG offers an educational center and numerous exhibits that are catered toward the growth of school-aged children.

The preliminary design for access allows for access connection to the main ABG entrance off of Cleveland Highway and Sweet Bay Drive. At minimum, access improvements will be required on Lake Hill Drive, Gary Street and Roper Hill Road where additional access is proposed.

(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 surrounding area has changed over the last 15+ years in part due to the location of ABG and the growth along nearby Limestone Parkway. It is anticipated the surrounding area will continue to attract a mixture of residential and nonresidential uses given the location of nearby shopping, healthcare and public facilities.

(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 mixture of uses, the proposal 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 the annexation and rezoning request based on the Comprehensive Plan and the adjacent mixture of uses.

Conditions

1. The development plan and architectural plan for the proposed access, parking lot and event center must be reviewed and approved by the Community and Economic Development Director prior to the issuance of a permit.
2. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Community and Economic Development Director. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.
3. The proposed parking, event center and all other facilities within the subject property shall be sufficiently screened from the adjacent residential uses. The vegetated buffer areas shall be a minimum of 50-foot wide and the location, size and type of vegetation shall be approved by the Community and Economic Development Director.
4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director in conjunction with the Georgia Department of Transportation if required. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner/applicant. There shall be no vehicular access allowed from Barrett Street or Riverbend Circle.
5. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.

Excerpts from the November 9, 2021 PAB Meeting Minutes

Applicant Presentation: **Bradley Dunckel**, Rochester & Associates, 425 Oak Street stated also present is Art Fix from Atlanta Botanical Garden and they will be glad to answer any questions.

OPPOSE: **Alex Mathes** 1532 Enota Avenue, stated he lives in the Cry Creek subdivision on the eastern portion of the 168 acres which backs up to the alternative access area. He said after researching online for information, read the applicant's narrative and believes it seemed to be recycled from phase one of the original Botanical Garden and offered no specific information as to the future plans of the alternative access, specifically the 7.07 acres to be rezoned. Mr. Mathes requested the applicant provide information regarding rezoning area which is on the back of his property, is very steep, rugged and are two perennial streams that flows directly into Cry Creek. He said that he hopes the applicant will be requesting stream variances from EPD for any type of construction over the streams. Mr. Mathes hopes the applicant will reduce the footprint and understands they are a membership driven conservation organization and generate an enormous amount of money, and hopes they do their due diligence. Also, he hopes they work with adjacent land owners to minimize disturbance such as a gated road, install nighttime lights so there are no illuminating lights in his back yard, and hopes the gardens will be forthcoming and transparent about potential future uses. He stated it is a large tract close to the city of Gainesville, Lake Lanier and residential areas, needs a fence enclosure to keep out deer and large mammals. He stated concern for large mammals being pushed out into adjacent neighborhoods and possible a strike hazard onto Highway 129 causing risk to the public. He stated to recap he hopes the applicant to be more forthcoming of proposed actions.

Alison Toller, 1531 Enota Avenue, stated she lives on the cul-de-sac of the property to be rezoned and reason for purchasing her house was it is on a quiet and protected street, one street subdivision and near Enota Elementary School. She said the Botanical Gardens is behind her property and understood would likely always remain green space and more reason to buy the property. Mrs. Toller's concern was the rezoned property and creating a road, bringing a public area into their backyard, and the use of the road has not been disclosed. She said currently there is only deer and kids playing in the back yard. Mrs. Toller's request is to deny the rezoning request 7.07 acres or table until there are more specific plans such as traffic level, what it might look like and could have a realistic expectation as to the road and purpose of it, if it would be heavily traveled. She said it is not in keeping with the neighborhood and has concerns of devaluation of their property.

PLANNING AND APPEALS BOARD COMMENTS: Chairman Carter stated the property to be rezoned is currently zoned R-II which is multi-family zoning in the City of Gainesville and could allow for apartments to be placed on the property. Chairman Carter stated the concerns were Cry Creek, potential road/sidewalk, streams, EPD, stream variances, gates and lights were some of them.

REBUTTAL: **Mr. Dunckel** stated changing from a master plan to a land development permit plan some details will be addressed and worked out at that time. He stated there are aware of stream buffers which will be avoided and will put the road at a minimal 75-feet away from the property line that forms the back of Mr. Mathes property. He said there might be topography challenges and understands the road will only be used for event situations giving a back access for some of the traffic in the other direction. He stated there are no plans to further develop the green space, bulk of the property and the organization is conservation and education focused. Mr. Dunckel believes the purchase of the properties will allow the

botanical garden to place the parking in an area that has been previously developed either partially or fully developed before. He said they are trying to avoid any large scale disturbance like a parking lot into the main area of the garden.

Art Fix, 1345 Piedmont Road, stated he is the Atlanta Botanical Garden Chief Operating Officer and the plan is incorporation into the city and have the same zoning classification. Mr. Fix said the vision short-term and long-term is to provide approximately 300 parking spaces in the first phase. He stated the second phase would include an additional 300 spaces on the northern section where houses are currently located and provide close to 700 parking spaces total. He said the amphitheater holds approximately 2,000 people so should allow sufficient quantity to allow access to the venue with egress using Lake Hill Road, parking will be closed off from Lake Hill Road at the entrance drive. He said the parking will be closed off from Lake Hill during normal hours but only used as egress during concert activity. Mr. Fix said the normal traffic flow will continue to be Sweetbay Drive, the main entrance. He stated at some point in time, they might consider an eatable garden/children's garden to teach about plants which could be ten to fifteen years from now. He said Rochester & Associates did include some of those elements for the big picture and to think ahead but not in the short-term plan.

There was a motion to recommend conditional approval of the annexation request with a zoning of Planned Unit Development (P-U-D).

Conditions

- 1. The development plan and architectural plan for the proposed access, parking lot and event center must be reviewed and approved by the Community and Economic Development Director prior to the issuance of a permit.**
- 2. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Community and Economic Development Director. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.**
- 3. The proposed parking, event center and all other facilities within the subject property shall be sufficiently screened from the adjacent residential uses. The vegetated buffer areas shall be a minimum of 50-foot wide and the location, size and type of vegetation shall be approved by the Community and Economic Development Director.**
- 4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director in conjunction with the Georgia Department of Transportation if required. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner/applicant. There shall be no vehicular access allowed from Barrett Street or Riverbend Circle.**
- 5. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.**

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 6 favor, 1 absent (Delgado)

There was a motion to recommend conditional approval to rezone the subject property from Residential-II (R-II) and General Business (G-B) to Planned Unit Development (P-U-D) with the following conditions:

Conditions

1. The development plan and architectural plan for the proposed access, parking lot and event center must be reviewed and approved by the Community and Economic Development Director prior to the issuance of a permit.
2. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Community and Economic Development Director. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.
3. The proposed parking, event center and all other facilities within the subject property shall be sufficiently screened from the adjacent residential uses. The vegetated buffer areas shall be a minimum of 50-foot wide and the location, size and type of vegetation shall be approved by the Community and Economic Development Director.
4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director in conjunction with the Georgia Department of Transportation if required. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner/applicant. There shall be no vehicular access allowed from Barrett Street or Riverbend Circle.
5. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.

Motion made by Board Member Martin

Motion seconded by Board Member Thompson

Vote – 6 favor, 1 absent (Delgado)

Passed: _____

AN ORDINANCE

No. 2021-35

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A TOTAL OF 20.695± ACRES TO INCLUDE A 13.625± ACRES TRACT LOCATED ON THE WEST SIDE OF LAKE HILL DRIVE, HAVING ROAD FRONTAGE ON THE NORTH SIDE OF BARRETT STREET; AND A 7.07± ACRES TRACT LOCATED ON THE NORTHWEST SIDE OF THE CUL-DE-SAC OF ROPER HILL ROAD (A/K/A 103 GARY STREET, NE; 1662 ROPER HILL ROAD, NE) FROM RESIDENTIAL-II (R-II) AND GENERAL BUSINESS (G-B) TO 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 development plan and architectural plan for the proposed access, parking lot and event center must be reviewed and approved by the Community and Economic Development Director prior to the issuance of a permit.
2. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Community and Economic Development Director. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.
3. The proposed parking, event center and all other facilities within the subject property shall be sufficiently screened from the adjacent residential uses. The vegetated buffer areas shall be a minimum of 50-foot wide and the location, size and type of vegetation shall be approved by the Community and Economic Development Director.
4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director in conjunction with the Georgia Department of Transportation if required. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the

ORDINANCE NO. 2021-35

property owner/applicant. There shall be no vehicular access allowed from Barrett Street or Riverbend Circle.

5. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.

Legal Description

All that tract or parcel of land lying and being in Land Lots 126 & 130 of the 9th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a 3/4" open top pipe located at the intersection of the Southwestern right-of-way of Lakehill Drive, said right-of-way being 40 feet in width, and the southeastern right-of-way of Gary Street, said right-of-way being 40 feet in width; Thence proceeding along said southwestern right-of-way of Lakehill Drive South 36°50'40" East a distance of 455.90 feet to a point; Thence leaving said right-of-way and proceeding along the property now or formerly of Cain Electric Co., Inc. South 75°16'02" West a distance of 200.85 feet to a 1/2" rebar; Thence South 37°41'39" East a distance of 236.05 feet to a 1/2" rebar; Thence North 83°42'07" West a distance of 77.28 feet to a point; Thence proceeding along the property now or formerly of City of Gainesville North 83°32'59" West a distance of 112.70 feet to a point; Thence South 87°53'55" West a distance of 176.96 feet to a 1/2" rebar; Thence South 21°39'50" East a distance of 294.59 feet to a 3/4" open top; Thence South 7°32'39" West a distance of 132.61 feet to a 3/4" open top; Thence proceeding along the property now or formerly of Barrett St. Properties, LLC North 89°17'53" West a distance of 89.33 feet to a point; Thence proceeding along the property now or formerly of Grant Joseph Holden North 88°44'43" West a distance of 109.13 feet to a point; Thence South 9°21'06" West a distance of 198.41 feet to a 1/2" open top on the northeastern right-of-way of Barrett Street, said right-of-way being 40 feet in width; Thence proceeding along said right-of-way North 87°44'05" West a distance of 39.72 feet to a 5/8" rebar; Thence leaving said right of way and proceeding along the property now or formerly of James HSR Jackson North 09°49'37" East a distance of 196.60 feet to a point; Thence North 88°20'01" West a distance of 149.88 feet to a 1/2" rebar; Thence proceeding along the property now or formerly of Extension Properties, LLC North 36°39'51" East a distance of 70.14 feet to a 1-1/4" open top pipe; Thence North 67°55'27" West a distance of 298.59 feet to a 1-1/2" open top pipe in the centerline of a stream; Thence proceeding along said stream centerline the following courses and distances: North 2°48'59" East a distance of 3.72 feet to a point; North 27°39'55" East a distance of 9.31 feet to a point; North 7°04'43" East a distance of 28.29 feet to a point; North 1°08'47" East a distance of 46.01 feet to a point; North 17°18'18" East a distance of 13.79 feet to a point; North 18°07'21" West a distance of 32.62 feet to a point; North 6°53'14" East a distance of 63.61 feet to a point; North 17°58'51" West a distance of 14.32 feet to a point; North 0°47'12" West a distance of 26.04 feet to a point; North 15°06'29" East a distance of 32.38 feet to a point; North 32°16'11" East a distance of 22.87 feet to a point; North 07°00'01" East a distance of 25.10 feet to a point; North 9°27'00" West a distance of 28.11 feet to a point; North 34°18'38" East a distance of 16.83 feet to a point; North 7°32'58" East a distance of 15.80 feet to a point; North 37°03'21" West a distance of 20.73 feet to a point; South 87°34'32" West a distance of 14.80 feet to a point; North 18°05'52" West a distance of 22.53 feet to a point; North 32°46'41" East a distance of 15.57 feet to a point; North 77°57'19" East a distance of 34.25 feet to a point; North 22°54'30" East a distance of 8.26 feet to a point; North 45°33'44" West a distance of 30.65 feet to a point; North 01°14'03" East a distance of 26.86 feet to a point; North 50°59'56" East a distance of 14.10 feet to a point; North 20°04'09" East a distance of 19.95 feet to a point; North 18°02'45"

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West a distance of 14.06 feet to a point; North 4°50'35" East a distance of 26.25 feet to a point; North 34°31'19" West a distance of 18.82 feet to a 1-1/4" open top pipe; Thence proceeding along the property now or formerly of Pine Dear Creations North 71°08'14" East a distance of 176.65 feet to a point on the aforementioned southeastern right-of-way of Gary Street; Thence proceeding along said right-of-way North 67°17'52" East a distance of 514.00 feet to the POINT OF BEGINNING.

Said tract contains 13.625 acres.

All that tract or parcel of land lying and being in Land Lots 130 & 131 of the 9th District, Hall County, Georgia and being more particularly described as follows:

Commencing at the Land Lot Corner common to Land Lots 130, 131, 139 & 140; Thence proceeding along the Land Lot Line common to Land Lots 130 & 131 North 61°02'00" East a distance of 852.08 feet to a point in the centerline of Cry Creek, said point also being the TRUE POINT OF BEGINNING;

Thence proceeding along the centerline of said Cry Creek and the property now or formerly of The Atlanta Botanical Garden, Inc. the following courses and distances: North 12°58'00" East a distance of 38.93 feet to a point; North 81°21'14" East a distance of 51.00 feet to a point; South 32°05'38" East a distance of 44.00 feet to a point; North 46°13'49" East a distance of 62.73 feet to a point; North 24°31'14" East a distance of 84.21 feet to a point; North 48°16'39" West a distance of 70.17 feet to a point; North 29°44'39" East a distance of 52.76 feet to a point; North 64°53'09" East a distance of 66.98 feet to a point; North 14°00'45" West a distance of 39.24 feet to a point; South 86°36'49" West a distance of 30.64 feet to a point; North 0°18'56" West a distance of 87.49 feet to a point; North 15°55'00" East a distance of 203.19 feet to a point; and North 23°15'03" East a distance of 98.37 feet to a point to a point being the intersection of the centerline of said Cry Creek with the centerline of an unnamed tributary; Thence proceeding along the centerline of said tributary South 46°30'03" East a distance of 113.09 feet to a point; thence leaving said centerline and proceeding along the property now or formerly of Ridgecrest Apartments Georgia, LLC South 03°35'43" West a distance of 512.57 feet to an iron pin; Thence South 11°55'30" East a distance of 450.00 feet to an iron pin; thence South 51°22'29" East a distance of 47.10 feet to a sanitary manhole; South 56°16'00" East a distance of 246.61 feet to a sanitary manhole; South 51°36'31" East a distance of 397.80 feet to an iron pin on the northern right-of-way of Roper Hill Road, said right-of-way being 50 feet in width; Thence proceeding along said northern right-of-way South 87°43'15" West a distance of 80.00 feet to a point; South 57°31'16" West a distance of 9.93 feet to a point; South 60°16'52" West a distance of 56.36 feet to a point; Thence leaving said right-of-way and proceeding along the property now or formerly of John L. Cromartie, Jr. North 64°24'05" West a distance of 354.73 feet to a point in the centerline of the aforementioned Cry Creek; Thence proceeding along said centerline as well as the property now or formerly of John L. Cromartie, Jr., Alexander M. Mathes, Andrew M. Pedry and Alison W. Toller the following courses and distances: North 44°24'05" West a distance of 462.37 feet to a point; North 06°05'12" West a distance of 162.30 feet to a point; North 62°26'34" West a distance of 96.47 feet to a point; South 06°41'43" West a distance of 46.00 feet to a point; South 61°00'29" West a distance of 19.31 feet to a point; North 69°16'30" West a distance of 72.83 feet to a point; North 14°41'25" East a distance of 90.44 feet to a point; North 17°36'13" West a distance of 28.64 feet to a point; and North 14°26'55" East a distance of 47.11 feet to the TRUE POINT OF BEGINNING.

Said tract contains 7.07 acres as shown on a survey for Don Carter and Louise Fortuna prepared by Owen Ayers & Associates, dated September 1981, recorded in Plat Book 102, Page 5, Hall County, Georgia records.

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SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

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

C. Danny Dunagan, Jr., Mayor

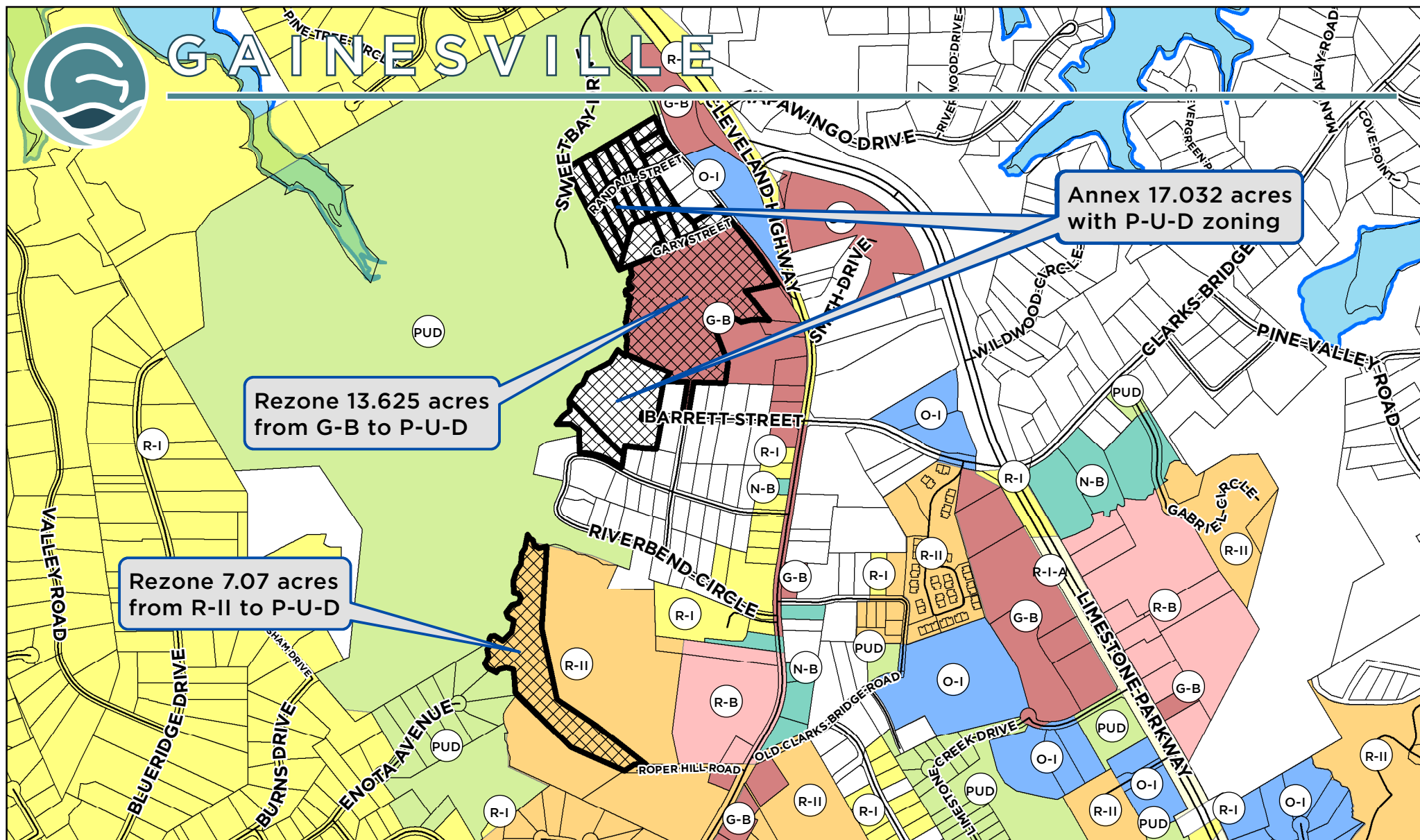
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



GAINESVILLE



Applicant: **ATLANTA BOTANICAL GARDEN, INC.**

ANNEXATION & REZONING REQUESTS

Subject Property Address:
See attached addresses for each request

Tax Parcel:
See attached tax parcel numbers for each request

Request:

Annex 17.032+/- acres tract and establish zoning as Planned Unit Development (P-U-D); and Rezone 20.695+/- acres tract from Residential-II (R-II) and General Business (G-B) to Planned Unit Development (P-U-D) for Atlanta Botanical Garden expansion



Subject Property

Right-of-way to be annexed

Aerial from 2018



Meeting Date: 11/09/2021

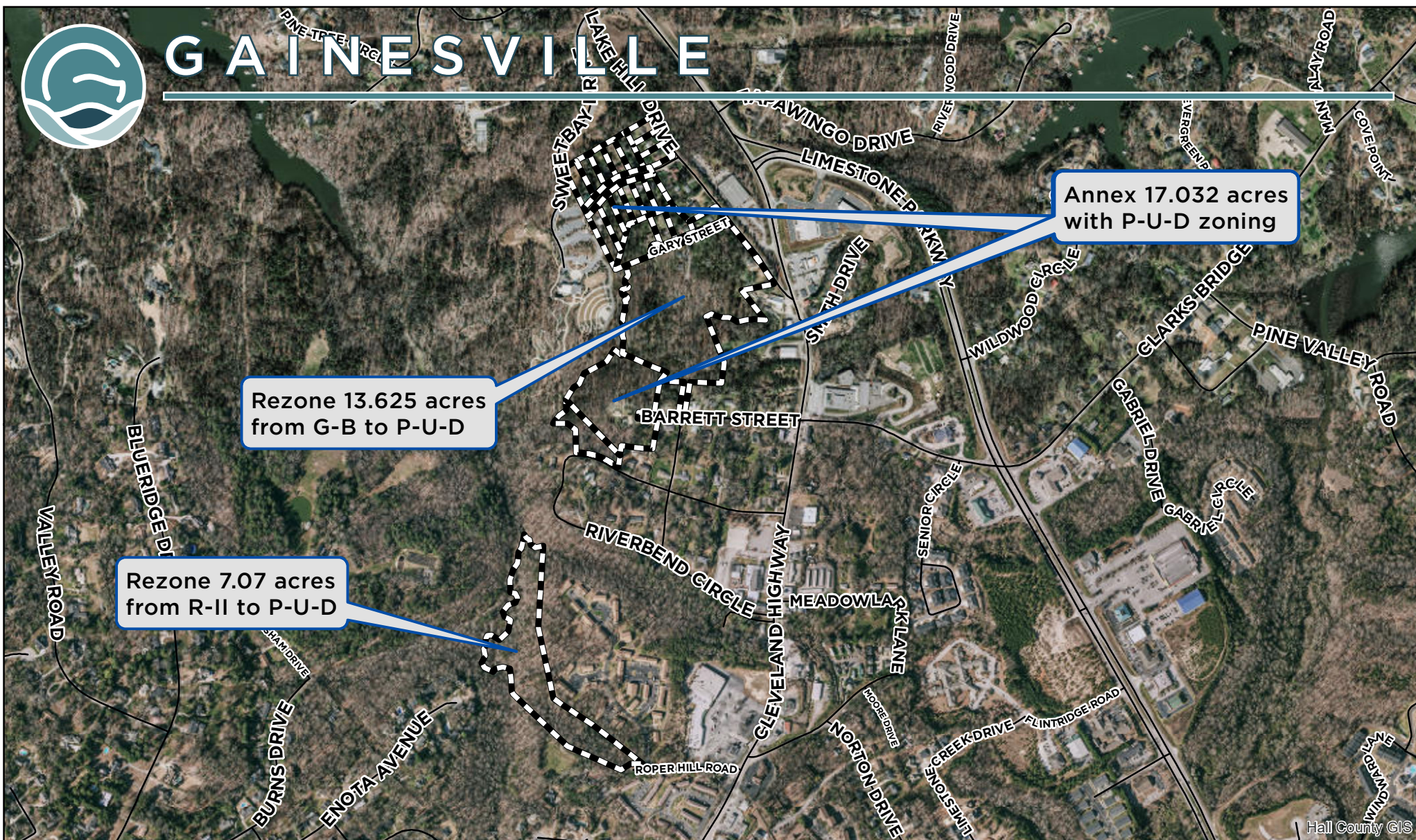
Map Prepared: 09/30/2021

0 490 980 Feet
Page 146 of 204

SCALE: 1" = 833'



GAINESVILLE



Hall County GIS

Applicant: **ATLANTA BOTANICAL GARDEN, INC.**

ANNEXATION & REZONING REQUESTS

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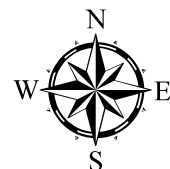
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Subject Property and
Right-of-way to be annexed

Aerial from 2018



Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

0 490 980 Feet
Page 147 of 204

SCALE: 1" = 833'

Project Narrative – Re-Zoning

LOCATION – Barrett Street, Lakehill Drive, Gary Street & Roper Hill Road

ACREAGE – 20.695 acres +/-

APPLICANT – The Atlanta Botanical Garden, Inc.

Summary

The accompanying application seeks a zoning change from R-II & G-B to PUD (Planned Residential Development) for 20.695 acres +/- of undeveloped property in two separate tracts. The R-II zoned parcel is located at the western end of Roper Hill Road, approximately 600' west of its intersection with Cleveland Highway (US 129). The G-B zoned parcel is located approximately 100 feet northwest of the Lakehill Drive & Cleveland Highway (US 129) intersection. The intent is to add additional property to the existing Atlanta Botanical Garden – Gainesville Campus for future expansion. The proposed use is appropriate for the City's vision of this area as a Gateway to the "Smithgall Botanical Garden" as identified in the 2017 Comprehensive Plan. Planned expansions will be phased in based on need and funding opportunities. .

Site Description

The site consists of two parcels, one located on Roper Hill Road and one located on Lakehill Drive. In addition, where the lots are separated by right-of-way, the right-of-way is included as part of this application.



Adjacencies

The R-II property is surrounded by other R-II properties or property under common ownership with The Atlanta Botanical Garden. The G-B property is surrounded by R-I, other G-B property or property under common ownership with The Atlanta Botanical Garden.

Access

Access to the property is planned from existing Roper Hill Road, Lakehill Drive and from the existing Atlanta Botanical Garden property.

Comprehensive Plan Consistency

The project is located with the “Limestone Medical Corridor character area” designation of the 2017 Comprehensive Plan and Future Land Use Map. This use will be a continuation and potential expansion of the many programs and offerings of the Gardens.

Proposed Uses – These uses are consistent with the previously approved PUD for the existing Atlanta Botanical Garden property. Additional descriptions can be found in the “Smithgall Botanical Gardens PUD Amendment Narrative, approved in January 2012.

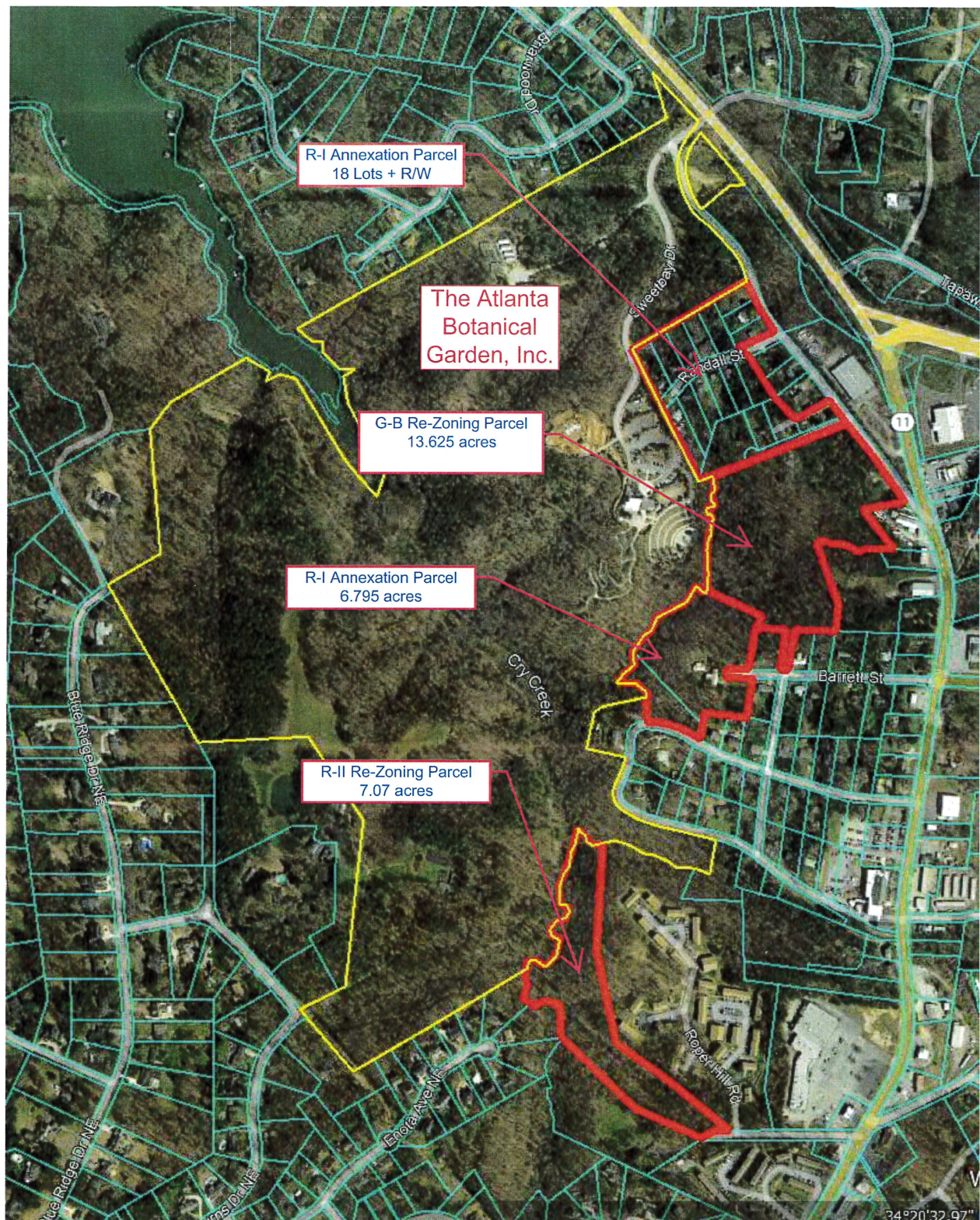
- Entry Lane
- Visitors Center
- Parking Area
- Enchanted Woodland Garden
- Amphitheater
- Children’s Garden
- Waterfall Trail
- Native Plants Ravine
- Asian Valley
- Education Center
- Event Center and associated facilities

Lighting, Signage & Graphics

All outdoor lighting and signage will follow the guidelines and requirements of the City of Gainesville code. Low spill fixtures, up lighting and low impact signage will be utilized to mitigate negative impacts. All exterior street and directional signage will be coordinated to promote a unified and coordinated plan. Banner Signage and Vertical Pole Signage may be used at the Entry Lane location to promote the Gardens and its events.

Setbacks

Principle buildings and structures shall not be located closer than 40’ to front property lines, 10’ to side property lines and 20’ to rear property lines.



About the Site

This remarkable property, located inside the City limits of Ganesville, includes the rolling lawns and pastures of the Smithgall residence, extensive beech and oak forest, and a portion of the valley of Cry Creek. The site represents a broad cross section of Appalachian/Upper Piedmont ecosystems and is an important part of the Chattahoochee River Watershed. Preserving and enhancing these ecosystems on site is a major focus of the Smithgall Arboretum's mission. Much of Charles and Lessie Smithgalls' motivation in giving this beautiful site to ABG was to preserve its dramatic landforms, streams and forests. As part of the education program, the Botanical Garden will feature high quality environmental restoration projects, based on the latest and best science. Projects would include the restoration of stream corridors, the removal and control of invasive exotics, and forest, meadow and wetland habitat re-creation. These projects would be demonstrations, relevant to local property owners and land managers at a variety of scales.

Proposed Land Uses

The plan for Smithgall Botanical Garden is to use previously disturbed lands for new development. It is intended that future site development have as little environmental impact as possible in order to preserve the integrity of the native landscape.

The proposed Phase 1 development consists of (see the attached "Concept Plan for Smithgall Woodland Gardens"):

1. *Woodland Entry Lane* – The entrance of Hwy 129 will be an experience in itself. The roadway will meander through the forest and give visitors their first peek at the beautiful large trees on the property. Small flowering trees will enhance the roadway and be underplanted with drifts of native perennials along the roadside. It will terminate on a prominent knoll, the site of the visitors center and parking area. The proposed road alignment may require local variances for vertical and horizontal curves to minimize the disturbed footprint and preserve the woodland feel as you enter the garden. It is the Garden's desire to occasionally allow parking on one side of the road during large events provided that adequate fire accessibility is still available.

2. *Visitors Center* – The light and airy visitor’s center will be a multi-use facility consisting of offices, classrooms, an indoor-outdoor special events area, and a small gift shop. The center will be built with energy efficient principles in mind and continues the theme of conservation and sustainability. The surrounding trees will be left in place wherever possible to assist with cooling during the hot summer months. An aquatic pond with native aquatic vegetation will be constructed in the vicinity of the deck behind the visitor’s center and look out over the central core of the garden.
3. *Parking Area* – The terraced parking area will be environmentally friendly, words not normally associated with parking lots. Paving surfaces will be water permeable, and planted bio-swales will collect drainage water and allow it to percolate back into the water table. Trees will provide shade and relief for both visitors and cars. Natural wall materials will be used where possible to preserve natural grade and save trees.

There are 118 parking spaces proposed onsite in the immediate construction phase with plans to expand this parking lot in future phases. There is also the potential to accommodate an additional 60-80 cars parked on one side of the private entry road or in grassed overflow lots on site. Reduced parking spaces available onsite will encourage car pools, offsite parking, and shuttle transportation for large events. Existing owners of large parking lots in the immediate area will be approached with regards to event parking and shuttle opportunities. 118 Parking spaces will be sufficient for day to day operations and offsite parking with shuttle transportation is only expected during large events and concerts at the amphitheater, approximately 6-12 times per year.
4. *Enchanted Woodland Garden* – This 4-acre garden captures the spirit of the woodland with four distinct areas: the Wind Trail, the Earth Trail, the Water Trail, and the Sky Trail. These enchanting gardens will create striking beauty within a woodland environment, dazzling with bursts of color and sheer beauty. From thousands of spring bulbs to wildflowers and flowering shrubs and trees, visitors will be enthralled with color around every bend in the pathway. Multiuse paths of various materials (crushed stone, concrete, asphalt, pervious pavers, mulch, etc.) will be used for pedestrian traffic and compliant with ADA standards.
5. *Amphitheater* – Large naturalistic performance venue adjacent to the visitor’s center offering spectacular views. Plans would be for summer concerts series and other events accommodating an audience up to 2000. Seating will be primarily terraced lawn seating in the amphitheater with capacity calculated using 10 square feet per person.

6. *Children's Garden* – proposed for the highest point on the property and themed around the magic of discovery. Highlights include fairy gardens, ponds and streams, castle ruins, monster grove, tree village, misting monster grotto, a small sheltered performance area, restrooms, and a small multi-purpose lawn. This area was previously shown in PUD documents as a festival space.

Future Expansion:

7. *Waterfall Trail, Phase 1* – A narrowly framed ravine lined with ferns and rhododendrons. Trails along the waterfall will let visitors experience it close up from the top and bottom. Rustic foot bridges repeatedly across the stream near the top and bottom of the falls, and below will include stone bridges to stop and watch the water cascade. The stream bank of Cry Creek and its unnamed tributaries have been badly eroded by surrounding development and will be re-vegetated and restored. The construction of the waterfall ravine may require a nationwide permit for stream restoration and a state and local stream buffer variance.

The applicant would like to amend the PUD to include a 10% administrative variance option so that staff can approve up to 10% of the total local stream buffer area that may be encroached for grading in critical areas to save trees. It is the intent of the applicant to preserve trees whenever possible. It is likely that there will be opportunities in the waterfall and sewer access areas where a slight encroachment into the stream buffer would allow for preservation of significant trees and the grading to be shifted into lesser areas of scrub or underbrush.

8. *Native Plants ravine* – Celebrating indigenous plants of the Southeast with a massing of shrubs, ground covers and perennials creating intimate garden spaces. Will include trails enhanced with well-placed seating, rustic shelters and overlooks creating glimpses of the valley.
9. *Asian Valley* – Plants of Asian origin will combine with subtle Asian inspired bridges and garden features. Wide open valley with sunny meadows nicely contrasting the woodlands. Plant exchanges with Japanese nurseries and plant collection trips to Asia will help make this valley spectacular.
10. *Education Center* – Expansion of current greenhouse to house educational and conservation research facilities, additional parking, and outdoor programming. Education activities will range from children's drop-in classes to story time in the garden. Adults can learn from experts through classes, symposia and walks through the garden. Hands-on workshops like starting vegetable gardens, making herb containers, and flower photography are popular adult education classes. Programming will be an essential component of the garden. From art exhibits to "wine in the woods" to tulip festivals, Smithgall Woodland Garden will

provide year-round activities and fun for all ages. With a focus on research and education, Smithgall woodland garden will partner with local universities in the greater Gainesville area to provide internships and other learning experiences for undergraduate and graduate research students. Scholars in horticulture and related fields will be able to roll up their sleeves and conduct ground breaking research at the Woodland gardens. The existing greenhouse will be expanded to house classrooms and research facilities while serving as the hub for the Garden's conservatory nursery and horticulture evaluation program. There are long range plans to add an education and multi-use building next to the visitor's center when the demand for these services and programs warrants additional space.

Site Access

The main garden facilities will be located on the northeastern side of the site in order to minimize disturbance to the slopes of the mature, native forest. Public will access the site from a newly created road (proposed name Sweetbay Dr.) off Georgia State Highway 129. The existing Lake Hill Dr (AKA New Bridge Dr) will be realigned for a perpendicular intersection into the new road. A Right of Way (ROW) land swap will take place between the City and Atlanta Botanical Gardens for change in ROW due to the new alignment. The entrance road from the intersection of Lake Hill and Sweetbay Drive is proposed to be private and gated to limit public access to the gardens during operational hours. Within safe design criteria, we anticipate the pavement width, vertical curves and horizontal curves to be minimized to reduce the disturbed footprint and preserve the woodland feel and you enter the garden. It is not expected to utilize curb and gutter as a piped storm water conveyance system would trench through tree roots and kill the trees creating the desired tree canopy over the road. Stormwater will be treated via ditches, enhanced swales and bioretention areas. This road will remain private as it will be gated and not meet the minimum road requirements to be accepted by the City of Gainesville.

The new alignment at Hwy 129 will not affect any GDOT owned ROW. Improvements will begin on the City portion of New Bridge Road. The applicant owns the property on both sides of the road and would like to propose a ROW swap to account for the new ROW created and old ROW abandoned by the proposed realignment. The applicant is proposing a ROW swap that will exchange ~0.126 acres of existing City ROW with ~0.258 acres of proposed ROW. The net increase in ROW for the City is ~0.132 acres. See attached exhibit "Land Swap Exhibit."

The southwestern portion of the site is where Mrs. Smithgall still resides and will be retained as their Home Place for her lifetime. ABG wishes to reduce visitor impact

through the adjacent residential neighborhood, thus no public access will be permitted from this part of the site.

Signage

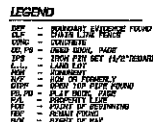
Due to the nature of the venue as a public attraction, the need for signage to attract attention and way find within the gardens will be critical. ABG would like keep the marketing strategy similar to the Atlanta site and use banner signs and or vertical pole signs on both sides of the entrance road. It is anticipated to have plantings on either side of the main entrance with signage (outside of the City and GDOT ROW) not to exceed 195 square feet. Signs may be lit by direct or indirect illumination. A consistent theme using similar smaller banners may be used interior to the site during holidays, events, way finding, etc.

Setbacks

Principle buildings and structures shall not be located closer than 40' to front property lines, 10' from side property lines, and 20' from rear property lines.

Special Requirements for Smithgall Arboretum

- Septic field for some facilities (i.e. Greenhouse/Headhouse bathrooms)
- Composting toilets
- Wells for water supply and irrigation
- Biofiltration systems for run off irrigation water
- Water runoff from greenhouse roof into rain barrels
- Water retention basins & bogs for storm water run off
- Goats for kudzu control
- Propane heat for greenhouse facilities
- Underground utilities
- Water permeable paving in the parking lot (future)



REFERENCE PLATS

1. SUBDIVISION PLAT FOR REVENUE HEIGHTS RECORDED IN PLAT BOOK 14 PAGE 45, RECORDED IN HALL COUNTY RECORDS.

2. SUBDIVISION PLAT FOR HYDEWELL HEIGHTS RECORDED IN PLAT BOOK 11 PAGE 7, RECORDED IN HALL COUNTY RECORDS.

SURVEY NOTES

1. THE FIELD DATA DATED 05/04/2022 THRU 04/10/2023 UPON WHICH THIS PLAN IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 13,407 FEET AND AN ANGULAR ERROR OF 2" SEDGWICK PER ANGLE AND WAS ADJUSTED USING LEAST SQUARES. A TRIMBLE S-SERIES TOTAL STATION WAS USED FOR ANGULAR AND LINEAR MEASUREMENTS.

2. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1025-824 FEET.

J. THE HORIZONTAL DISTANCE FROM THE CENTER OF GRAVITY TO THE POINT OF APPLICATION

GEOMETRIC TEST ZONE) AND THE VERTICAL ANGLE USED IN THE NORTH AMERICAN VERTICAL DATUM OF 1888 (NAVD83) AS DETERMINED BY UTMARS ET AL. THE EQUIPMENT USED TO OBTAIN THIS DATA HAS A DATA FREQUENCY RANGE OF 160 GNSS GPS RECEIVER WITH A TRIMBLE 727 DATA COLLECTOR PROVIDING ITS CONNECTION VIA A WIRELESS NETWORK FROM DATA STATIONS OPERATED BY INDIAN NATION. THE ABOVE LISTED POSSESSION ACQUISITION OBTAINED ON THE NORTH AMERICAN DATUM IN THE FORMER STATE OF TEXAS AND 4,000 FT. VERTICAL. THESE DATA WERE OBTAINED FROM THE PROCESSING SOFTWARE. THE INFORMATION OF THE FIELD WORK WAS MANAGED WITH CONVENTIONAL EQUIPMENT AS DESCRIBED ABOVE.

4. THIS SURVEY WAS CONDUCTED WITHOUT THE INTERVIEW OF A CURRENT TITLE COMRADE/ THEREFORE, DISCLOSURE IS MADE PRIMARILY TO ANY EXISTING, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF PERSONS, WHICH MAY EXIST. FURTHERMORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, ENCUMBRANCES, RIGHTS OF WAY, OR RESTRICTIONS, WHICH ARE NOT RECORDED OR NOT DISCLOSED BY THE TITLE COMRADE/ OR OTHERWISE UNKNOWN TO THE SURVEYOR. THEREFORE, DISCLOSURE IS MADE TO ANY SUCH EFFECT.

5. NO IDENTIFIED AND DELIMITED ISLANDS WERE OBSERVED DURING THE COURSE OF THE FIELD SURVEY. HOWEVER THIS SURVEYOR DID NOT DO A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE. THEREFORE EXCEPTION IS MADE HEREIN TO ANY ISLANDS THAT MAY EXIST WITHIN THE BOUNDARIES OF THIS SITE.

2. PORTION OF THIS PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA AS PER FEMA, FLOOD INSURANCE RATE MAP, FIRM NO. 17035C0010.

IT DURING THE FIELD SURVEY PERFORMED ON THIS DATE THERE WERE NO VISIBLE ABOVE GROUND EVIDENCE OF A BURIAL SUBAL AREA OR CONCRETE DISCOVERED. HOWEVER, THIS SEARCHER DID NOT PERFORM A THOROUGH INSPECTION OF THE INTERIOR OF THIS SILE. THEREFORE EXCEPT

6. ALL PROPERTY CORNERS REFERENCED AS "MS" INDICATES A 1/2" REBAR PLACED WITH A YELLOW PLASTIC CAP STAMPED "WOOLSTEEL-LSF000046", UNLESS OTHERWISE NOTED.

11. ALL DISTANCES AS SHOWN ARE HORIZONTAL. EXCEPT DISTANCES IN U.S. SURVEY FEET (39.37 INCHES = 1 METER)

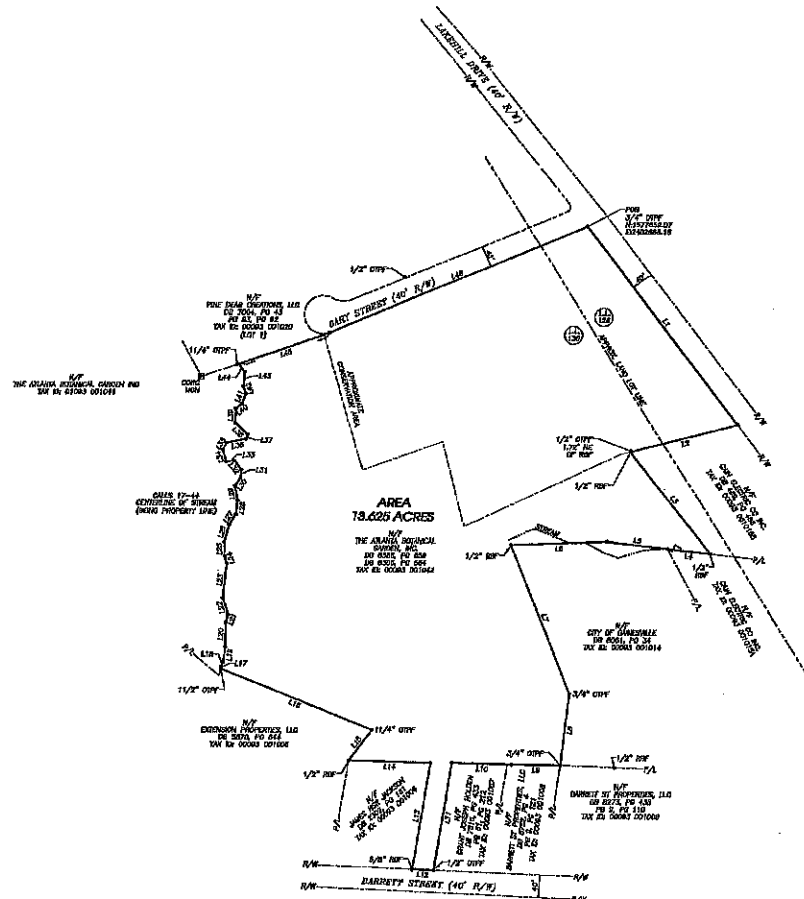
13. THE PURPOSE OF THIS SURVEY IS TO RETRACE EXISTING PARCELS HEREON IN AN EFFORT TO RECONCILE ALL PARCELS INTO ONE TRACT OF LAND.

[illegible]

GEORGIA 811
Lifesaver Program Center, Inc.

Major safety updates
Child Protection

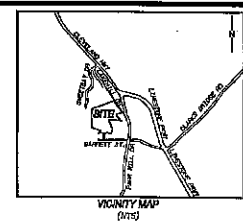
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11	535303012	450.52
12	870324148	260.00
13	835741382	281.69
14	840101010	72.58
15	835235910	116.70
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18	367252700	138.61
19	168717510	89.23
20	168741510	100.13
21	256231010	168.41
22	168741085	347.72
23	168740372	186.60
24	168750172	149.84
25	810101010	70.14
26	168750207	168.03
27	168740106	3.77
28	168750363	6.31
29	168740103	28.29
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LINE/CURVES	BEFORE 1970	AFTER 1970
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128	41000/2100	35.82
129	40000/4100	65.61
130	40000/5100	14.82
176	41000/7000	78.04
178	41000/8000	32.38
187	41500/1000	23.87
198	40000/1000	26.10
199	40000/5000	30.11
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131	41000/4000	15.96
132	41500/2100	25.73
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137	41000/4100	30.68
138	40000/4100	78.83
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LINE/ADDRESS	CHORD REFERENCE	CHORD LENGTH (ft)
L41	N20°04'10"E	18.96
L42	N18°02'43"W	14.06
L43	S61°50'33"E	25.28
L44	N34°31'58"W	18.02
L45	N73°06'14"E	17.685
L46	S67°17'01"E	214.00



Rochester
& Associates, Inc.

425 Oak Street N.W., Gainesville, Georgia 32601
770/716-8123 (770)/764-8124 Fax: www.rochester-association.com

MEETING PLACE FOR
ATLANTA BOTANICAL GARDENS
LAW OFFICE 1224 N. 100
904 LAW OFFICE
HALL COUNTY, GEORGIA

[illegible]

DATE: 8/23/2021
SCALE: 1" = 100'
JOB NO.: G282149.002
DRAWN BY: MSA
DWG NO.: 1000

- [illegible]

SURVEY CONTACT:
ROCHESTER & ASSOCIATES, INC.
RICK MILLARD, RLS
(770) 718-0600

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Rochester
& Associates, Inc.

425 Oak Street N.W. • Gainesville, Georgia 30601
 (770) 718.9090 Fax • www.rochester-assoc.com
 (770) 718.0600

OVERALL CONCEPT PLAN
FOR
SMITHGALL WOODLAND GARDEN
LOCATED IN
LAND LOTS 126, 127, 130,
9th DISTRICT
CITY OF DENVER, COLORADO

[illegible]

SHEET
1
OF
1

DATE: 11/3/11
SCALE: 1" = 200'
JOB NO: G203149.SWG.00
FILE NO: *.SWG.CHGT.PRO
DRAWN BY: SWG



**Rochester
& Associates, Inc.**

425 Oak Street N.W. • Gainesville, Georgia 30501
(770)716.8123 • (770)716.8124 Fax • www.rochester-assoc.com

MASTER PLAN
THE ATLANTA
BOTANICAL GARDEN

GAINESVILLE, GA
FALL COUNTY

NO.	DATE	DESCRIPTION

GRAPHIC SCALE
0' 100' 200' 400' 600'

1'

OF

1

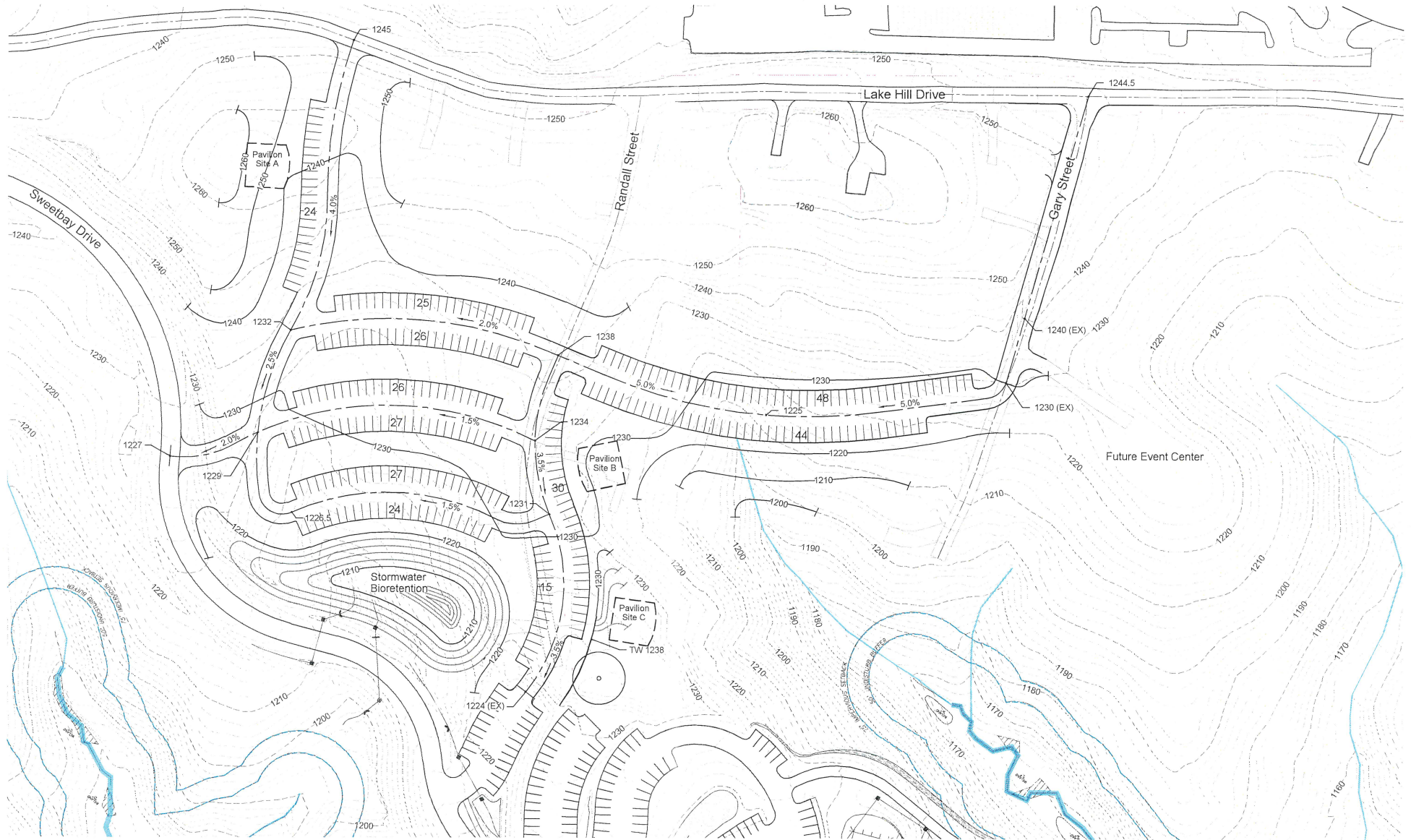
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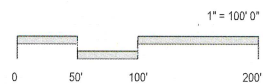
JOB NO.: 2021149.OFP

DRAWN BY: ECB

DWG NO.: ZONING



Atlanta Botanical Garden



Conceptual Parking Layout

August 2, 2021

Parking Summary:

Phase 1: 316 Spaces
 Future: 377 Spaces
 Total: 693 Spaces

Property Legend

- ABGG Current Ownership
- ABGG Future Ownership

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 11/29/2021

Presenter: Bryan Lackey

Item of Business: BR-2021-53 S.R. 129 South/S.R. 323 Sanitary Sewer Extension Cost Participation Agreement

Meeting Date: 12/7/2021

Purpose of Request:

The purpose of this request is to enter into a cost-sharing agreement with GD Jones Investments, LP.

History/Background:

The property owner/developer of land located at 2242 Gaines Mill Road and 2579 Gillsville Highway wishes to connect a proposed residential development onto the sanitary sewer system.

Facts & Issues for Consideration:

The property owner agrees to (1) provide, at no cost, any and all required property and/or easements for extending said gravity sewer, sewage force main and lift station and (2) contribute \$450,000 toward the overall cost of the construction of the necessary sanitary sewer infrastructure. The proposed resolution authorizes execution of documents necessary to complete the agreement.

Department Recommendation:

Adopt the resolution as presented.

Department Director:

Bryan Lackey

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2021-53 SR 129 South/SR 323 Sanitary Sewer Extension Cost Participation Agreement (GD Jones Investments, LP)	Resolution
☐ George Jones Cost Participation Agreement (aka GD Jones Investments LP)	Attachments/Exhibits
☐ Exhibit A	Attachments/Exhibits
☐ Exhibit B	Attachments/Exhibits

RESOLUTION BR-2021-53

S.R. 129 SOUTH/S.R. 323 SANITARY SEWER EXTENSION COST PARTICIPATION AGREEMENT

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

WHEREAS, Gainesville Department of Water Resources (GDWR) intends to construct sanitary sewer infrastructure necessary to provide sanitary sewer service to the intersection of Athens and Gillsville Highways; and

WHEREAS, the Property Owner/Developer of land located at 2242 Gaines Mill Road and 2579 Gillsville Highway wishes to connect a proposed residential development onto the City of Gainesville's sanitary sewer system; and

WHEREAS, GDWR and the Property Owner/Developer desire to enter into a cost-sharing agreement to accommodate the common interest; and

WHEREAS, a regional sanitary sewage lift station, sewage force main and gravity sewer extension, portions of which are located on said property, are required before connection to the Gainesville sanitary sewer system is possible; and

WHEREAS, the property owner agrees to provide the City, at no cost, any and all required property and/or easements for extending said gravity sewer, sewage force main and lift station; and

WHEREAS, the property owner also agrees to contribute \$450,000 toward the overall cost of the construction of the necessary sanitary sewer infrastructure; and

WHEREAS, GDWR staff has reviewed said request and concurs with the reasonable nature of the request.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes GDWR to enter into a cost-sharing agreement with the Property Owner/Developer in substantially the same form as the attached First Amended Sewer Service Cost Participation Agreement.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to execute such documents as may be necessary to complete this agreement.

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

First Amended Sewer Service Cost Participation Agreement with the City of Gainesville

THIS AGREEMENT is entered into as of the ____ day of _____, 2021, by and between the **CITY OF GAINESVILLE**, a municipal corporation existing in and by virtue of the laws of the State of Georgia (hereinafter referred to as “City”), and **GD JONES INVESTMENTS, LP** (hereinafter referred to as “Developer”).

WITNESSETH:

City previously approved a Sewer Service Cost Participation Agreement with Developer by Resolution BR-2020-03. City and Developer enter into this First Amended Agreement to replace the previously approved Agreement. The purpose of this agreement is to set forth the obligations, duties and legal relationship of the parties hereto with regard to the operation, maintenance and ownership of the wastewater collection facilities to be constructed to the Developer’s property from the City’s existing wastewater collection system.

In order for the City to provide wastewater services to the Developer, it is necessary that a wastewater line, including a pump station (hereinafter referred to as “Project”) be constructed to provide a physical connection between the Developer’s property described on Exhibit “B”, attached hereto and incorporated by reference herein (the “Property”), and the City’s wastewater collection system. The City reserves the right to amend or add lines, pump station or other facilities and to add or amend the routes as set forth in the Basis of Design Report without approval of Developer, so long as such amendments or additions do not materially change the location of routes within the Developer’s Property after initial plats are approved for the subdivision. The City may not unilaterally lower the Developer’s allocation of capacity in the Project in any event without the Developer’s prior written approval.

In order for sanitary sewer service to be provided to Developer’s Property, the Developer and City propose to enter into this Agreement under which the City will construct, own, maintain, and operate the Project and provide wastewater service.

In order for the City to provide wastewater collection services beyond the Developer’s Property to possible customers in need of such services other than Developer, the City proposes to construct the joint project described herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and recitals contained herein and in consideration of the promises, performance, and compensation as

set out in the terms and conditions hereinafter enumerated, City and Developer agree as follows:

1. Service to be provided. City agrees to provide sewage treatment service to Developer's Property for wastewater flow which is collected and transported by the Project sewage collection system to the City's existing sewage collection system, as hereinafter set out.
2. Location of the Project. The Project shall be located and constructed on the route and sites described in the Basis of Design Report prepared by Wiedeman and Singleton, Inc. (the "Independent Engineers"), Norcross, Georgia, a copy of which report is attached hereto as Exhibit "A" and incorporated herein by reference.
3. Easements and Land Acquisitions – Ownership of the Project. Acquisition of easements and/or right-of-ways beyond the Developer's Property will be the responsibility of the City and shall be in the name of the City. The Developer shall provide easements through Developer's Property as necessary for the Project, plus any easements that may be necessary to allow future service and extensions to be provided to another property owner or owners beyond the Developer's Property and/or surrounding areas; provided, however, the routes for easements and/or rights-of-way required by this Section 3 within the Developer's Property shall be in substantially the locations shown by initial plats submitted by Developer and/or its assigns and approved for the subdivision.
4. Construction and Operation. Participants agree that City has expertise, experience and facilities to construct, maintain and operate the Project and that City should construct, manage and own all improvements, including sewer lines, structures, pump stations and other sewer facilities. City agrees to accept such authority and obligations and agrees to cause the Project to be constructed in conformance with the design parameters set out in Exhibit "A" and in accordance with the plans and specifications to be prepared by the Independent Engineers in conformity with the Basis of Design Report (said report and said plans and specifications being hereafter referred to as the "Plans and Specifications"). City shall operate the Project in compliance with all applicable statutes, regulations, ordinances, rules and other legal requirements, now or hereinafter enacted or amended, and shall maintain and operate the Project in good working order and condition and at a capacity which shall permit Developer at all times to dispose of wastewater in the amounts described in Paragraph 7 hereof. The City shall make all necessary repairs and replacements to the Project.

5. Ownership and Technical Review. The Project including all pipes, pumps, and related equipment in connection therewith, together with all easements and property upon which same are located, will be owned by City. During the design period, City will be responsible for providing design engineering. City will bid the Project under its normal procedures and documentation. During construction, City will provide construction administration services and inspection. After completion of construction, City will own and be responsible for operation and maintenance of the Project. Developer will have the right to review and comment on the Plans and Specifications and any studies, designs, or drawings pertaining to this Project. Developer (and their agents, representatives or designees) shall have the right to inspect the Project at all reasonable times and on reasonable notice, and shall also be permitted, at all reasonable times, to examine the books and records of City with respect to the Project.
6. Cost Allocation. Initial Project construction cost will be based upon the “Opinion of Construction Costs” prepared by the Independent Engineers, as shown in the Basis of Design Report set forth in Exhibit “A”. Developer’s project cost portion is defined as and limited to a maximum of \$450,000. City’s project cost portion is defined as \$6,431,000. In the event that the Opinion of Construction Costs is revised, the City shall pay for all costs above the Developer’s project cost portion set forth above.
7. Wastewater Flow Limits. The Project will be designed to handle at least a daily flow of 1.1 MGD (million gallons per day) or 764 GPM (gallons per minute). The Developer’s capacity of the proposed pump station shall be approximately 230 GPM of total capacity. The City’s capacity of the proposed pump station shall be approximately 534 GPM of total capacity.
8. Project Funds. Prior to issuance of a Land Disturbance Permit for construction of development on the Property or prior to award of bid to City’s contractor for construction of sanitary sewer system, whichever occurs first, Developer will pay to the City the sum of \$450,000.00, as Developer’s cost portion of the Project. The City shall be responsible for the approximate amount of \$6,431,000 to fund the City’s share of the costs of the Project. These funds shall be paid from the City of Gainesville Department of Water Resources Capital Projects Fund.
9. Right to Information. City and Developer and their duly authorized agents and representatives will have the right of access to pertinent information on this Project. Specifically, all such parties will have access to information regarding the cost, design, schedule, construction, maintenance and operation of the Project.

10. Additional Customers. The City may accept additional customers or change the estimated capacity of the system at any time so long as the Developer's guaranteed capacity of 230 GPM can be met by the system.

11. Default and Termination.

- (a) If a party fails to fully perform any of the terms or provisions of this Agreement, such failure shall constitute an event of default by such party under this Agreement. Performance by Developer of its obligations hereunder is contingent on Developer having first provided written consent to City for commencement of work.
- (b) A defaulting party shall have thirty (30) days grace within which to cure or commence good faith cure of the above events of default from the date of receipt of written notice by certified mail from the other party that it intends to regard such violation as a default pursuant to the Agreement.
- (c) In the event of any litigation regarding this Agreement arising between City and Developer, both parties do hereby mutually consent to the jurisdiction of the Superior Court of Hall County, Georgia.
- (d) The failure to enforce any breach of this Agreement by either party shall not constitute a waiver as to the right to require the performance of such defaulted obligation or duty required of either party pursuant to this Agreement. It is acknowledged that every obligation or duty required of either party pursuant to this Agreement shall be considered a condition of performance both as to time and substance.

12. Notices. All notices or communications required under this Agreement shall be in writing to the parties' designated agent at their address given below (or such other address as may be hereafter communicated to the other party):

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

G D Jones Investments, LP
4211 Misty Morning Way, Apt. 2610
Gainesville, GA 30506
Attention: George Jones

With copy to:

Robert A. Weber, Jr.
303 Jesse Jewell Parkway, Suite 310
Gainesville, Georgia 30501

13. Dispute Resolution. Arbitration will not be allowed on this Project. All disputes arising out of this Agreement shall be mediated by the parties within a reasonable time after the first request for mediation, prior to either party filing a suit in a court of law, provided, however, that neither party shall be obligated to mediate prior to requesting injunctive relief.

14. Miscellaneous Provisions.

- (a) Each of the terms and conditions of this Agreement shall apply, extend to, be binding upon, and inure to the benefit or detriment of the parties hereto, their respective successors and assigns. Such successor in interest or assignee shall have all rights, powers and privileges conferred by this Agreement and shall be entitled to enforce the same according to law. In the event Developer sells, transfers, or conveys the Property, Developer may assign this Agreement, and all of its rights, duties, and obligations hereunder, without consent by the City to the person or entity acquiring the Property, whereupon GD Jones Investments, LP shall have no further obligation or liability hereunder. The City agrees to look solely to Developer's assignee as successor owner of the Property for satisfaction of any liabilities or obligations hereunder. Any reference herein to Developer shall be construed as meaning any successor in interest to which Developer's rights and duties hereunder have been assigned.
- (b) Should any provision of this Agreement require judicial interpretation, it is agreed and stipulated by and between the parties hereto that the court interpreting or construing the same shall not apply a presumption that the provisions hereof shall be more strictly construed against one party by reason of the rule of construction that an instrument is to be construed more strictly against the party who prepared the same.
- (c) This Agreement shall be governed by, construed under, performed and enforced in accordance with the laws of the State of Georgia.
- (d) This agreement supersedes all prior negotiations, discussions, statements and agreements between the parties and constitutes the full, complete

and entire agreement between the parties with respect to the subject hereof; no member, officer, employee or agent of any party has authority to make, or has made, any statement, agreement, representation or contemporaneous agreement, oral or written, in connection herewith, amending, supplementing, modifying, adding to, deleting from, or changing the terms and conditions of this Agreement. No modification of or amendment to this Agreement shall be binding on any party hereto unless such modification or amendment shall be properly authorized, in writing, properly signed by both parties, unless otherwise provided, and incorporated in and by reference made a part hereof.

- (e) The headnotes or titles to the sections of this Agreement are inserted only as a matter of convenience and for reference, and in no way confine, limit nor describe the scope nor intent of any section of this Agreement nor in any way affect this Agreement.
- (f) This Agreement is executed in multiple counterparts, and each of the counterparts shall be deemed to be an original and shall have the same force and effect as if it alone had been executed by the parties.
- (g) The parties consent to jurisdiction and venue for all actions arising out of this agreement in the Superior Court of Hall County Georgia.

CITY OF
GAINESVILLE
WATER RESOURCES

IN WITNESS WHEREOF, the parties, by and through their duly authorized officers, have caused these presents to be executed on their behalf, the day and year first above written.

APPROVED AS TO FORM

CITY OF GAINESVILLE

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

By: _____
Bryan Lackey
City Manager

Executed before me this _____
day of _____, 20____

Attest: _____
Denise O. Jordan, City Clerk

Notary Public
My Commission Expires:

CITY SEAL

AFFIX NOTARY SEAL

APPROVED AS TO FORM

G D JONES INVESTMENTS, LP

Attorney

By: _____

Executed before me this _____
day of _____, 20____

Attest: _____

Notary Public
My Commission Expires:

COMPANY SEAL

AFFIX NOTARY SEAL

EXHIBIT "A"

BASIS OF DESIGN



GAINESVILLE DEPARTMENT OF
WATER RESOURCES

GILLSVILLE HIGHWAY
PUMP STATION, GRAVITY SEWERS AND
FORCE MAIN

UPDATED DECEMBER 30, 2019
(ALTERNATE A – SERIES PUMPING)



PREPARED BY:

Wiedeman and Singleton, Inc



WIEDEMAN AND SINGLETON, INC.
Civil and Environmental Engineers

Technical Memorandum



To: Corey Jones, P.E.
Cc: Myron Bennett, P.E. and Nick Swafford
From: Peter Johns, P.E. and Matt Henderson, P.E.
Date: December 30, 2019
Re: Gillsville Highway Pump Station, Gravity Sewers and Force Main – Basis of Design – Alternative A
Job No.: 228-19-222

INTRODUCTION

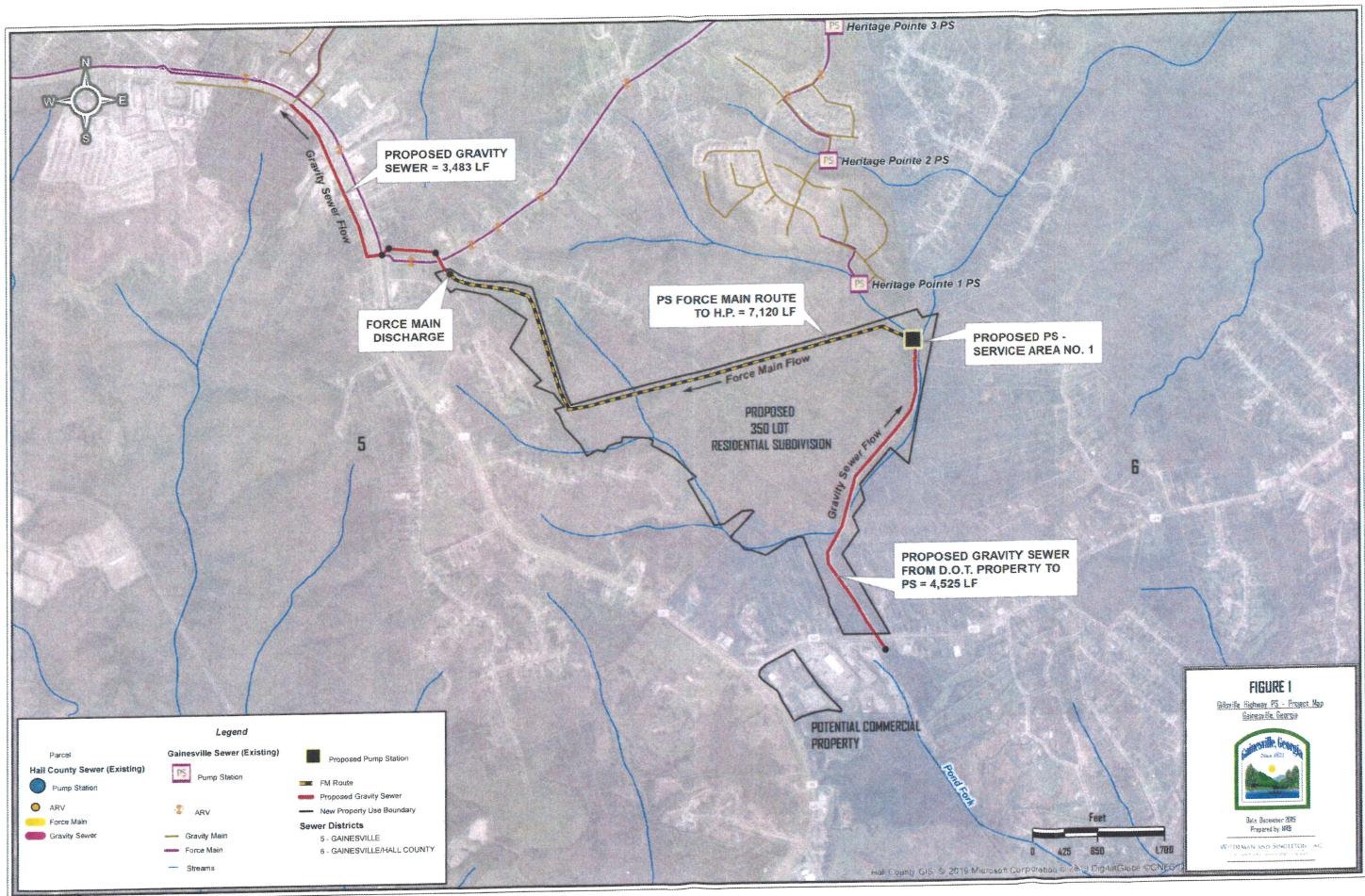
The Gainesville Department of Water Resources (GDWR) is planning to extend public water and wastewater service to a planned 350 lot residential development and several other properties all located in the vicinity of the Athens and Gillsville Highway intersection (see **Figure 1**). Wastewater service to be provided by the GDWR will include the Gillsville Highway Pump Station (PS) and associated gravity sewers and force main shown in **Figure 1**. With this configuration, the proposed Gillsville Highway Pump Station will pump wastewater into an existing sanitary sewer manhole located at the intersection of Athens Highway and Wilson Drive. Wastewater will then flow to the existing Athens Highway PS which will be further pumped and eventually treated at the Flat Creek Water Reclamation Facility (WRF).

The purpose of this Technical Memorandum is to establish the proposed service area, estimate wastewater flows for design purposes, and develop the Basis of Design for the Gillsville Highway Pump Station, gravity sewers and force main.

WASTEWATER SERVICE AREAS

Proposed Gillsville Highway Pump Station

The proposed overall area to be served by the Gillsville Highway Pump Station is known as Service Area No. 1 and is shown graphically in **Figure 2**. This area is comprised of the currently planned 350 lot residential subdivision and other surrounding residential, commercial, and industrial properties along Athens Highway from Gaines Mill Road to Gillsville Highway and along a portion of Gillsville Highway. Total acreages for these properties based on zoning designation are presented in **Table 1**.



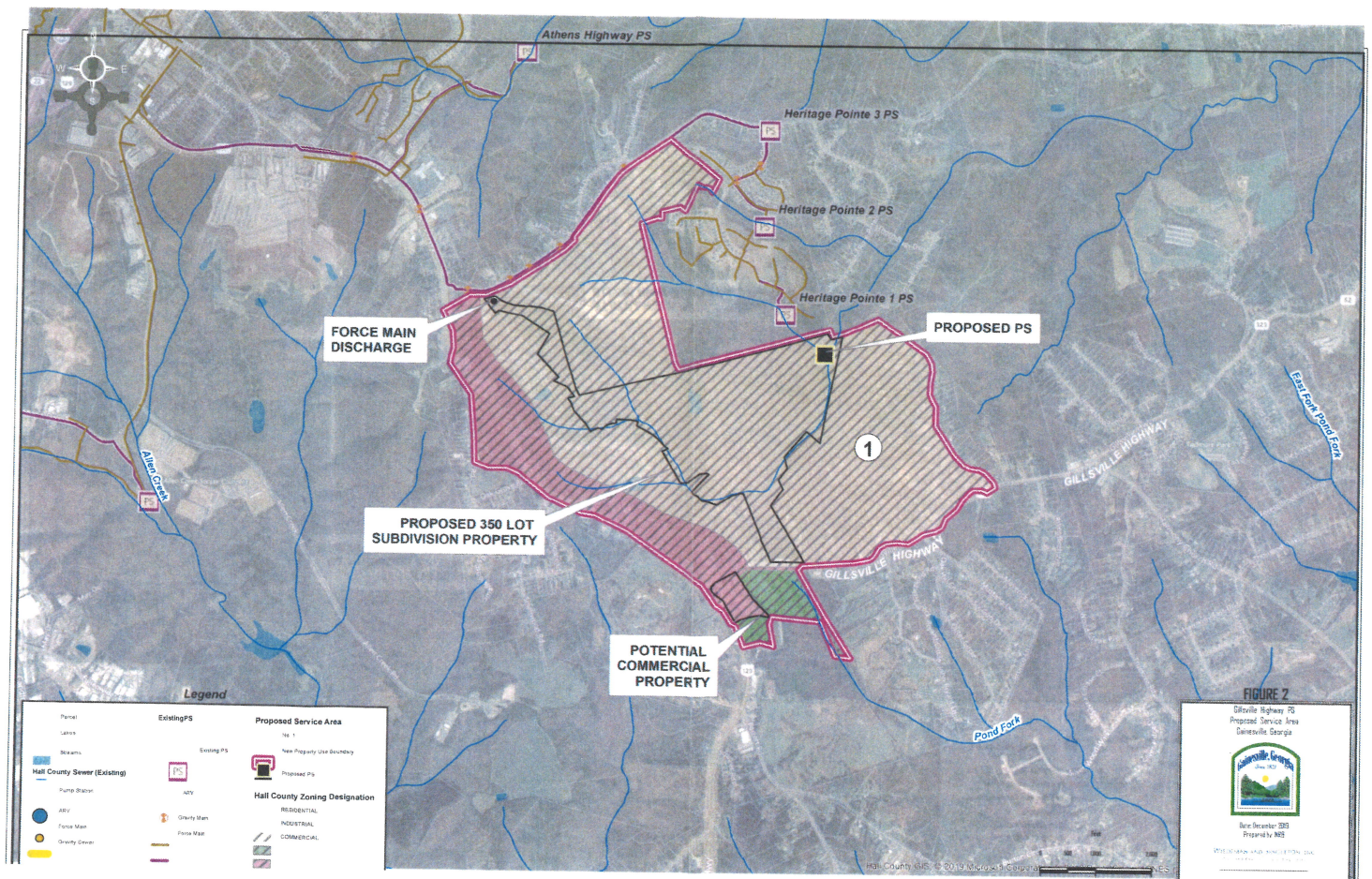


Table 1 – Summary of Total Acreages Served by the Gillsville Highway Pump Station

Service Area Designation	Residential	Commercial	Industrial	Undevelopable Land
1	744 ¹	144	27	0

Notes: 1. Acreage-based flow calculations used for 573 acres. The remaining 171 acres is for the “350 Lot Subdivision” in Service Area 1 where the planned number of proposed housing units is known.

FLOW PROJECTIONS

For planning purposes, based on our firm’s previous analysis of GDWR’s historical water and wastewater flows, we recommend that the average annual daily flow (AADF) flow projections for build-out of the Gillsville Highway PS be based on the following criteria:

Residential Flows Based on Acreage:

Population Density = 3 people/acre

Per Capita Wastewater Flows = 50 gpcd

Residential Flows Based on Number of Housing Units:

Population Density = 3 persons/unit

Per Capita Wastewater Flows = 50 gpcd

Number of Units = 350 units

Commercial Flows

400 gpd/acre

Industrial Flows

1,000 gpd/acre

Inflow & Infiltration

Allowance Included in Peaking Factor

Maximum flows used for sizing wastewater collection system infrastructure can be estimated by applying a peaking factor (PF) to average annual daily flows (AADF). According to “Design and Construction of Sanitary and Storm Sewers,” prepared by a joint committee of the ASCE and WPCF (now WEF), a relationship between AADF and a PF can be expressed using the following equation:

$$PF = 3.81 \times (AADF^{-0.16})$$

The AADF can then be multiplied by this peaking factor (PF) to estimate peak instantaneous flow, which includes an allowance for inflow and infiltration (I&I). Maximum monthly flows can be estimated by multiplying the AADF by 1.25.

Utilizing the criteria outlined herein, the proposed flow projections are presented in **Table 2** for the potential area which could be served by the proposed Gillsville Highway Pump Station.

Table 2 –Proposed Gillsville Highway PS Flows

Service Area Designation	Total AADF, mgd	Max. Month, mgd	PF	Peak Flow, mgd
1	0.22	0.28	4.85	1.1

Our proposed Basis of Design for the planned Gillsville Highway Pump Station and appurtenances is presented as follows, along with our preliminary opinion of construction costs. Following approval of this Technical Memorandum, detailed design of the proposed infrastructure can be initiated. This includes preparation of construction drawings and technical specifications for solicitation of bids from general contractors.

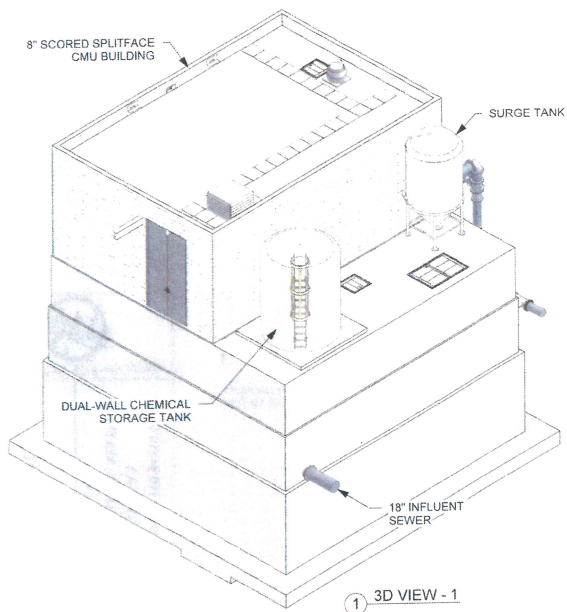
GILLSVILLE HIGHWAY PUMP STATION, GRAVITY SEWERS, AND FORCE MAIN – DESIGN CRITERIA

Due to the high pumping head of approximately 350 feet (152 psi), series pumping in some manner is required. Originally, based on a different force main route, we recommended constructing the system utilizing two (2) Gorman-Rupp package suction-lift type pump stations in series, but this would require additional property acquisition and the operation and maintenance of two pump stations versus one station. Based on these concerns, we recommend the proposed Gillsville Highway PS be constructed with two pumps arranged in series as a single pumping unit (i.e., like the series pumps currently installed at the GDWR's Calvary Church Road Pump Station). This will be a permanent wet-pit/dry-pit type pump station with centrifugal non-clog wastewater pumps. This type of pump station will provide a long service life and, by utilizing the configuration outlined herein, and can be easily expanded in the future when needed by increasing the speed of the pumps using Variable Frequency Drives (VFD's).

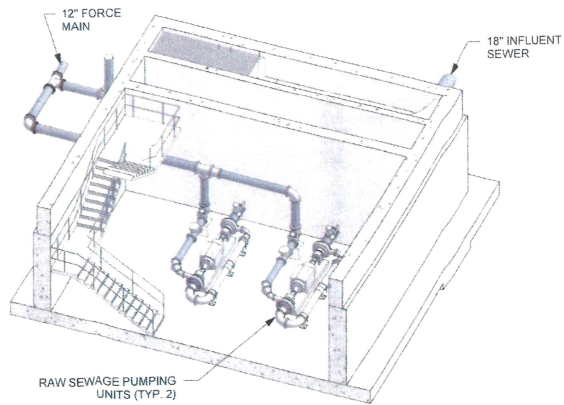
Pump Station Force Main Size: The following velocities and friction losses are calculated at a peak design flow of 1.1 MGD (764 gpm) for various ductile iron pipe (DIP) sizes:

Nominal Pipe Diameter (inches)	Actual Pipe I.D. Class 350 (inches)	Pipe Velocity (ft./sec.) @ 1.1 MGD	Pipe Friction Loss/100 ft. (C=110) @ 1.1 MGD	Flow Req'd for 2 ft./sec. Force Main Velocity	Flow Req'd for 3 ft./sec. Force Main Velocity
10	10.33	2.89	0.43 ft	528 gpm	792 gpm
12	12.45	2.01	0.18 ft	760 gpm	1,136 gpm
14	14.30	1.50	0.09 ft	1,020 gpm	1,534 gpm

According to available GIS topographic information and the proposed force main alignment shown in **Figure 1**, the static head on the pumps at the Gillsville Highway PS will be approximately 350 feet (152 psi), and the length between the PS and the discharge point will be approximately 7,120 feet (See **Figure 3** for the force main profile). The head loss in the proposed force main should be minimized while still maintaining a cleansing velocity of at least 2 feet per second (fps) to help re-suspend material settled out between pumping cycles. As influent flows increase at the station due to future development, the pump



① 3D VIEW - 1



② 3D VIEW - 2

No.	Description	Date
1	CONCEPT DRAWINGS	12/20/19



Wiedeman and Singleton, Inc.

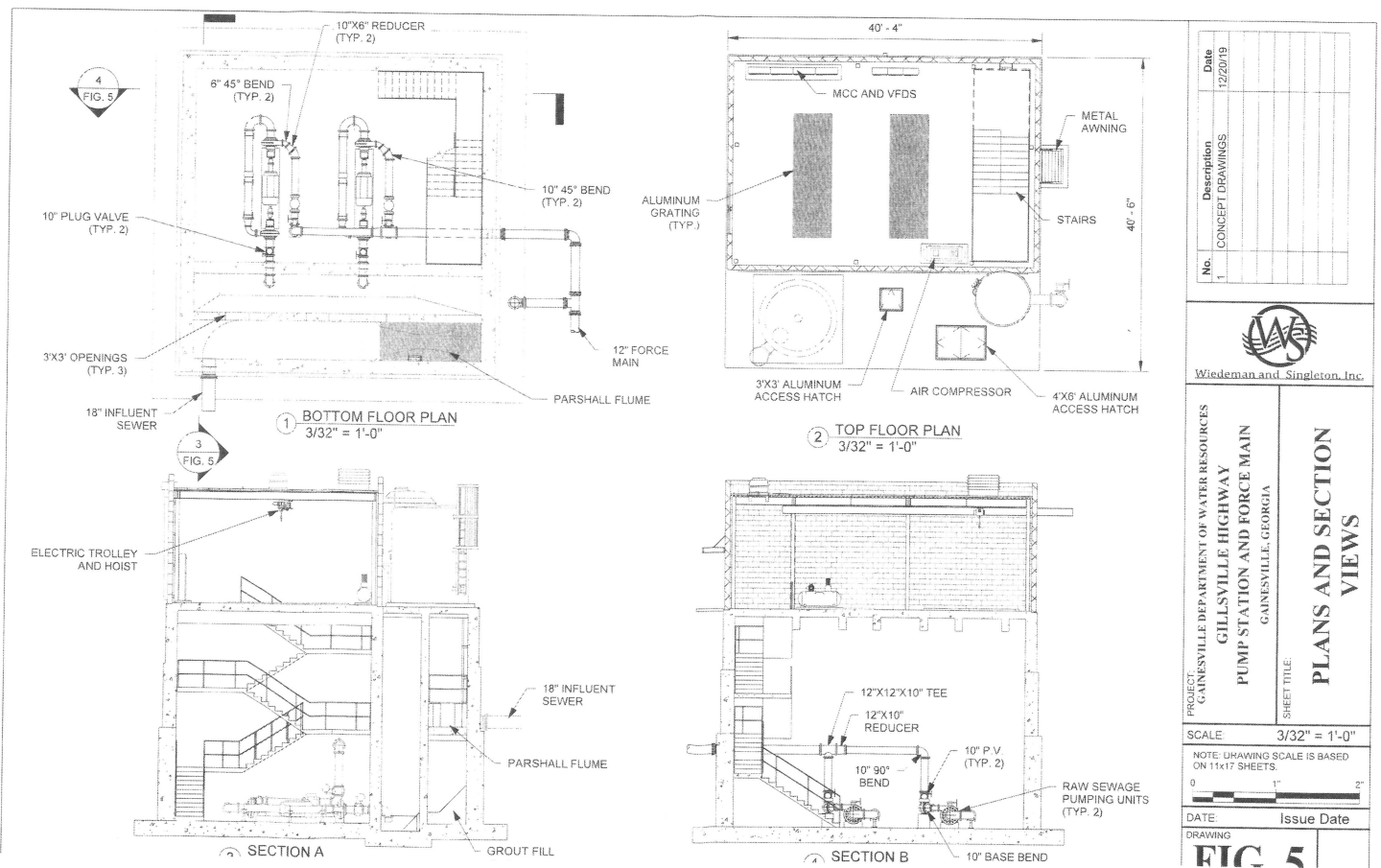
PROJECT: GAINESVILLE DEPARTMENT OF WATER RESOURCES GILLSVILLE HIGHWAY PUMP STATION AND FORCE MAIN GAINESVILLE, GEORGIA	SHEET TITLE: 3D VIEWS
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SCALE:

NOTE: DRAWING SCALE IS BASED ON 11x17 SHEETS.



DATE:	Issue Date
FIG. 4	



No.	Description	Date
1	CONCEPT DRAWINGS	12/20/19



Wiedeman and Singleton, Inc.

PROJECT: GAINESVILLE DEPARTMENT OF WATER RESOURCES
GILLSVILLE HIGHWAY
PUMP STATION AND FORCE MAIN
GAINESVILLE, GEORGIA

PLANS AND SECTION VIEWS

SCALE: 3/32" = 1'-0"

NOTE: DRAWING SCALE IS BASED ON 11X17 SHEETS.



DATE: Issue Date

DRAWING

FIG. 5

speeds can be ramped up utilizing the VFDs, and the capacity of the station can be increased to approximately 1.7 MGD (build-out condition). Taking these factors into account, we recommend installation of a 12-inch DIP force main for the Gillsville Highway PS.

At a build-out design velocity of 3.11 fps in the 12-inch force main, the maximum pressure rise (beyond normal working pressure) based on an instantaneous valve closure is approximately 158 psi. Normal working pressure in the 12-inch force main at the design flow of 1.7 MGD is 164 psi (See **Attachment A – Total Dynamic Pumping Head Calculations**). Pressure class 350 DIP is designed for a normal working pressure of 350 psi plus a surge allowance of 100 psi with a safety factor of 2.0 (see AWWA C150). As such, pressure class 350 DIP is adequate for this project. Unless permanent surge protection equipment justifies lower pressures, we recommend that the force main be pressure tested at a minimum of 250 psi and that the force main fittings be restrained using concrete blocking and mechanical joint restraint with a design safety factor of 1.5.

Pump Station Total Dynamic Head: The total dynamic head (TDH) and primary duty point for this pumping system is summarized as follows:

Design Pump Head (TDH) at 1.7 MGD:

Static Head = 1280' - 930' = 350 feet
 Common Force Main Friction = 27 feet (Hazen-Williams C=110)
 Minor Losses = 1.0 feet
 TDH = 378 feet @ 1.7 MGD (1152 gpm)

Pump Configuration & Number of Units: Due to the high pumping head involved with this project, two pumps arranged in series will comprise a single pump unit. Two series pump units will be installed (one duty and one standby). With the use of VFDs, the firm pumping capacity of the station can be increased in the future (one duty pump unit and one standby) by simply increasing the speed of the pumps. This arrangement is summarized as follows:

- Initial conditions – two series pump units installed (one duty and one standby) with each series pump unit set up to operate at 1662 rpm, the capacity of the pump station will be approximately 1.1 MGD (764 gpm).
- Future (build-out) conditions – two series pump units installed (one duty and one standby) with each series pump unit set up to operate at 1764 rpm, the capacity of the station will be approximately 1.7 MGD (1152 gpm).

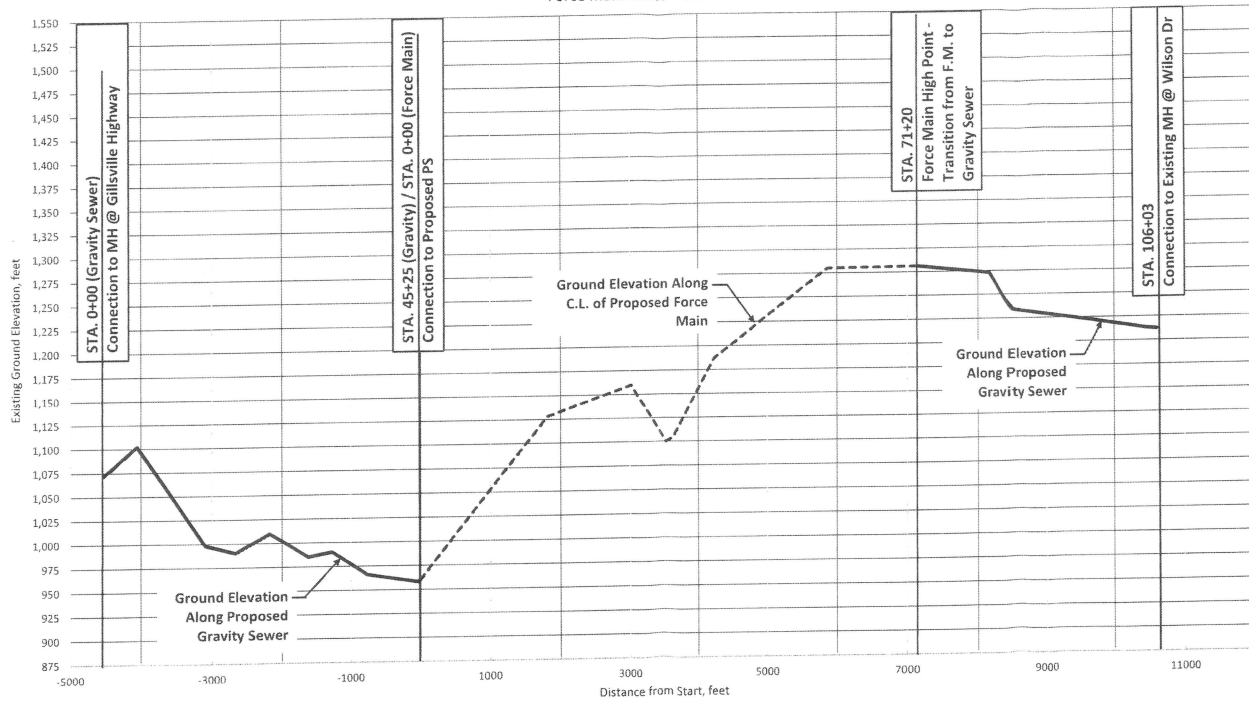
A preliminary pump selection and pump curve for the proposed pumping arrangement is included in **Attachment B** of this report.

Gillsville Highway Pump Station Configuration: The proposed pump station will be constructed at the location shown in **Figure 1**. To maximize pump efficiency, we recommend the pump station be constructed using a wet pit/dry pit design as shown in **Figures 4 and 5**, which is a similar configuration to several of the City's other larger regional wastewater pump stations. Based on our previous experience with series pumping, we further recommend that the required series pumping arrangement be constructed using a double-shafted motor to drive the pumps in series. A summary of the more specific design criteria recommended for the pump station is as follows:

Number of Pumping Units	2 Total (1 Duty Pump Unit & 1 Stand-by Unit).
Pump Type	Centrifugal, Non-Clog Pumps Piped in Series.
Motor Drive Type	Double Shafted Motor w/VFDs. 250 HP Motors.

Wiedeman and Singleton, Inc.

Figure 3
 Gillsville Highway Pump Station
 Force Main Route - Ground Profile



WIEDEMAN AND SINGLETON, INC.
 Civil and Environmental Engineers

Operating Pumps @ 1662 rpm	764 gpm (1.1 MGD)
Operating Pumps @ 1764 rpm	1152 gpm (1.7 MGD)
Flow Meter	Parshall Flume
Wet Well Volume*	7,500 gallons (Minimum above high water level)
Level Control System	Bubbler System with Float Backups
Hoisting Arrangement	Electric Hoist and Trolley
Electrical Service	480V, 3 Phase

* GDWR requires 30 minutes holding time at AADF for pump station wet wells, which may include the volume of the upstream gravity sewers without overflow.

Other miscellaneous design considerations for the pump stations are as follows:

1. Water Supply – Water will be needed at the pump station for general wash down purposes. Because this demand should not be any more than 20-30 gpm, a 2-inch PVC water supply line or larger with a 1-inch meter should be adequate. RPZ type backflow prevention devices will be located upstream of the water service at the pump station.
2. Auxiliary Power - In the event of power failure at the pump station, we recommend that the station be designed to operate off a stand-by diesel engine generator. In this situation, it appears that a 600-kW generator capacity will be needed for the ultimate pumping capacity of 1.7 MGD. Final sizing and configuration, however, will need to be verified during detailed design. Power feed shall be underground.
3. Odor and Sulfide Control – Since the volume of the proposed Gillsville Highway PS force main will be slightly more than 42,000 gallons, undesirable concentrations of hydrogen sulfide and hydrogen sulfide related odors and corrosion may occur during the initial start-up of the pump station when flows are low and travel times long (e.g., 12 hours or longer). In order to help mitigate customer complaints and system destruction from sulfide corrosion, we recommend installing some means of source control at the proposed Pump Station.

As a separate project, it is our understanding that the GDWR is currently evaluating the best means to control sulfides and odors throughout their entire collection system. Depending on the results of this evaluation, the final means for odor and sulfide control facilities to be installed can be added during detailed design.

4. Surge Control & Pressures – During detailed design, software will be used to model potential surge problems during both initial and future flow conditions with the proposed installation conditions (e.g., force main route, pump type, etc.). However, due to the high working and potential surge pressures in the force main, we anticipate the need to install slow closing check valves (e.g., cushioned swing check valves) and a surge tank to help control potential transients during an emergency shut down or power failure.
5. SCADA Requirements – Critical input/output (I/O) at the pump station will be wired to a remote terminal unit (RTU) at the pump station to facilitate tying into the owner's existing wastewater pump station SCADA system.
6. Flow Metering – An influent flow meter (i.e., Parshall Flume) will be installed inside the exterior wet well of the pump station. Output from the flow meter will be tied into the owner's SCADA system and recorded locally.
7. Architecture – The pump station will be constructed using cast in place concrete for the substructure and masonry block with an architectural face (i.e., split face block) for the superstructure.

8. Entrance Road – A 12'-0" wide asphalt access road will be constructed into the pump station site. Grade on the access road will be limited to less than 10% and the access road will be designed for delivery of liquid chemicals to control odors and sulfides. At the pump station site, crushed stone (GAB and #57 stone) will be placed outside of the asphalt limits to the fencing.
9. Pump Station Security – A fence and double gate will be constructed around the pump station site for security. Also, adequate site lighting will be installed for security purposes and for potential night-time repair work.
10. Bypass Pumping Connection – A flanged connection will be installed in the force main at the pump station site to allow for temporary bypass pumping around the pump station.

Influent Gravity Sewer Size: The proposed Gillsville Highway PS will have an influent gravity sewer that will discharge into the pump station wetwell as shown in **Figures 4 and 5**. The first section of this sewer is sized to be an 18-inch pipe from the pump station to the first manhole. The remaining length of gravity sewer to the terminus manhole shall be 12-inch pipe (See **Figure 1**).

Discharge Gravity Sewer Size: The proposed Gillsville Highway PS force main will terminate and be turned up inside a manhole structure at the location shown in **Figures 1 and 2**. From this point, wastewater will flow by gravity into an existing sanitary sewer that will continue to flow by gravity to the existing Athens Highway PS. Based on the firm pumping capacity of approximately 1.7 MGD, the discharge gravity sewer is sized to be a 12-inch pipe in sewer sections where a minimum slope of 0.5% slope can be achieved, and an 18-inch pipe in sections where the slope is less than 0.5%.

Downstream Gravity Sewer Capacity: The existing Athens Highway PS (and downstream sewer capacity) has previously been master planned for a firm pumping capacity of 2.0 MGD. Based on operating records (pump run times) provided by the GDWR, the average annual daily flow (AADF) pumped by the Athens Highway PS between August 1, 2018 and July 31, 2019 was approximately 0.09 MGD (i.e., a significant amount of reserve capacity will exist at the Athens Highway PS). As such, with only two pumps (one duty and one standby) installed at the Gillsville Highway PS (firm pumping capacity will be approximately 1.7 MGD), it is apparent that adequate downstream sewer capacity exists at the Athens Highway PS. However, since a portion of the existing gravity sewer upstream of the Athens Highway PS has 10-inch pipe, it will be prudent to evaluate the capacity of the line before the firm capacity in the Gillsville Highway PS is increased to meet future conditions.

PIPELINE EASEMENT REQUIREMENTS

Per GDWR requirements, the following easements will be required across private property:

<u>Pipeline Diameter</u>	<u>Permanent Easements</u>	<u>Construction Easements</u>
< 18-inches	30 feet	50 feet
≥ 18-inches	40 feet	60 feet

OPINION OF CONSTRUCTION COSTS

Our preliminary opinion of construction costs for the proposed Gillsville Highway Pump Stations, gravity sewers and force mains are as follows:

Item	Construction Costs
Gillsville Highway Pump Station & Appurtenances	\$ 4,080,000
Gravity Sewers	
Influent 12-inch Gravity Sewer (4425 L.F.)	\$ 585,000
Influent 18-inch Gravity Sewer (100 L.F.)	\$ 20,000
Discharge 12-inch Gravity Sewer (3133 L.F.)	\$ 414,000
Discharge 18-inch Gravity Sewer (350 L.F.)	\$ 70,000
Force Main	
12-inch (7120 L.F.)	\$ 812,000
	Subtotal \$ 5,981,000
Project Contingencies (15%)	\$ 900,000
Total	\$ 6,881,000

This opinion of construction costs is based upon: (1) actual projects designed by Wiedeman and Singleton, Inc.; (2) data provided by manufacturers, suppliers of material and equipment; and local contractors; and (3) data presented in professional journals, published construction bid summaries, and United States Environmental Protection Agency (EPA) publications. Construction costs included herein do not include administrative and legal, easement acquisition, engineering, or construction administration.

EXHIBIT "B"

LEGAL DESCRIPTION

All that tract of parcel of land lying and being in Tadmore District, G.M.D. 268 of Hall County, Georgia and being more particularly described as follows:

To find THE TRUE POINT OF BEGINNING, begin at a P.K. nail found at the centerline intersection of Timber Ridge Circle with the centerline of Gaines Mill Road;

THENCE in an easterly direction along said centerline of Gaines Mill Road for a total distance of 589.7 feet to a point;

THENCE South 26 degrees 00 minutes 31 seconds East for a distance of 41.02 feet to a point located on the southerly right-of-way of Gaines Mill Road (80'r/w), said point being THE TRUE POINT OF BEGINNING;

THENCE along a curve to the left having a radius of 475.77 feet and an arc length of 99.14 feet, being subtended by a chord of North 74 degrees 15 minutes 59 seconds East for a distance of 98.97 feet along said right-of-way to a point;

THENCE South 43 degrees 54 minutes 18 seconds East for a distance of 48.88 feet leaving said right-of-way to a point;

THENCE South 42 degrees 55 minutes 08 seconds East for a distance of 57.52 feet to a point;

THENCE South 38 degrees 05 minutes 05 seconds East for a distance of 41.26 feet to a point;

THENCE South 50 degrees 09 minutes 40 seconds East for a distance of 33.04 feet to a point;

THENCE South 60 degrees 58 minutes 16 seconds East for a distance of 76.39 feet to a point;

THENCE South 69 degrees 58 minutes 20 seconds East for a distance of 123.18 feet to a point;

THENCE South 81 degrees 22 minutes 29 seconds East for a distance of 188.04 feet to a point;

THENCE South 87 degrees 34 minutes 52 seconds East for a distance of 255.84 feet to a point;

THENCE North 88 degrees 37 minutes 04 seconds East for a distance of 49.11 feet to a point;

THENCE South 86 degrees 08 minutes 13 seconds East for a distance of 131.24 feet to a point;

THENCE South 73 degrees 09 minutes 24 seconds East for a distance of 177.52 feet to a point;

THENCE South 17 degrees 17 minutes 12 seconds East for a distance of 1653.82 feet to a 5/8" re-bar found;

THENCE North 75 degrees 09 minutes 13 seconds East for a distance of 1485.74 feet to a point;

THENCE North 76 degrees 27 minutes 39 seconds East for a distance of 358.02 feet to a 1/2" re-bar found;

THENCE North 74 degrees 54 minutes 43 seconds East for a distance of 2831.37 feet to a 1/2" crimp top pipe found;

THENCE North 74 degrees 38 minutes 47 seconds East for a distance of 247.22 feet to a point;

THENCE South 09 degrees 23 minutes 29 seconds West for a distance of 1177.33 feet to a 3/4" crimp top pipe found;

THENCE South 09 degrees 59 minutes 44 seconds West for a distance of 577.35 feet to an angle iron found;

THENCE South 08 degrees 10 minutes 18 seconds West for a distance of 220.85 feet to a 3/4" crimp top pipe found;

THENCE South 12 degrees 13 minutes 37 seconds West for a distance of 228.09 feet to a rock found;

THENCE South 40 degrees 26 minutes 43 seconds West for a

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distance of 514.44 feet to an axle found;
 THENCE South 40 degrees 03 minutes 02 seconds West for a
 distance of 626.00 feet to a 2" rod found;
 THENCE North 48 degrees 41 minutes 56 seconds West for a
 distance of 411.03 feet to a 3/8" re-bar found at a rock;
 THENCE South 73 degrees 30 minutes 21 seconds West for a
 distance of 424.17 feet to a 1" rod found;
 THENCE South 72 degrees 33 minutes 57 seconds West for a
 distance of 187.95 feet to a 3/8" re-bar found at a rock;
 THENCE North 57 degrees 08 minutes 03 seconds West for a
 distance of 475.05 feet to a rock found;
 THENCE North 27 degrees 18 minutes 30 seconds West for a
 distance of 151.30 feet to a rock found;
 THENCE South 59 degrees 16 minutes 10 seconds West for a
 distance of 284.97 feet to a rock found;
 THENCE South 82 degrees 31 minutes 05 seconds West for a
 distance of 140.10 feet to a point located in the centerline of a
 creek;
 THENCE along said centerline following the meanderings
 Thereof for the following courses and distances:
 THENCE North 54 degrees 24 minutes 11 seconds West for a
 distance of 14.71 feet to a point;
 THENCE North 24 degrees 16 minutes 02 seconds West for a
 distance of 117.07 feet to a point;
 THENCE North 01 degrees 07 minutes 24 seconds East for a
 distance of 38.10 feet to a point;
 THENCE North 31 degrees 54 minutes 02 seconds West for a
 distance of 145.64 feet to a point;
 THENCE North 78 degrees 03 minutes 46 seconds West for a
 distance of 20.57 feet to a point;
 THENCE North 22 degrees 34 minutes 28 seconds West for a
 distance of 7.84 feet to a point;
 THENCE North 00 degrees 40 minutes 33 seconds West for a
 distance of 33.94 feet to a point;
 THENCE South 87 degrees 37 minutes 10 seconds West for a
 distance of 21.84 feet to a point;
 THENCE North 18 degrees 58 minutes 14 seconds West for a
 distance of 75.26 feet to a point;
 THENCE North 28 degrees 37 minutes 27 seconds West for a
 distance of 21.39 feet to a point;
 THENCE North 73 degrees 15 minutes 32 seconds West for a
 distance of 16.98 feet to a point;
 THENCE North 45 degrees 07 minutes 07 seconds West for a
 distance of 28.95 feet to a point;
 THENCE North 25 degrees 10 minutes 26 seconds West for a
 distance of 119.58 feet to a point;
 THENCE North 25 degrees 17 minutes 22 seconds East for a
 distance of 14.27 feet to a point;
 THENCE North 70 degrees 48 minutes 20 seconds West for a
 distance of 68.36 feet to a point;
 THENCE North 31 degrees 49 minutes 51 seconds West for a
 distance of 16.53 feet to a point;
 THENCE North 05 degrees 33 minutes 10 seconds West for a
 distance of 66.61 feet to a point;
 THENCE North 61 degrees 03 minutes 26 seconds East for a
 distance of 47.96 feet to a point;
 THENCE North 86 degrees 08 minutes 18 seconds West for a
 distance of 93.16 feet to a point;
 THENCE North 41 degrees 14 minutes 47 seconds West for a
 distance of 16.16 feet to a point;

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THENCE North 53 degrees 40 minutes 41 seconds East for a
 distance of 47.78 feet to a point;
 THENCE North 42 degrees 18 minutes 51 seconds West for a
 distance of 138.40 feet to a point;
 THENCE North 60 degrees 37 minutes 41 seconds West for a
 distance of 95.32 feet to a point;
 THENCE North 14 degrees 26 minutes 49 seconds West for a
 distance of 26.63 feet to a point;
 THENCE South 88 degrees 07 minutes 53 seconds West for a
 distance of 35.65 feet to a point;
 THENCE North 42 degrees 47 minutes 35 seconds West for a
 distance of 73.93 feet to a point;
 THENCE North 14 degrees 56 minutes 12 seconds East for a
 distance of 38.15 feet to a point;
 THENCE South 86 degrees 49 minutes 24 seconds West for a
 distance of 124.57 feet to a point;
 THENCE South 71 degrees 49 minutes 02 seconds West for a
 distance of 69.41 feet to a point;
 THENCE North 35 degrees 51 minutes 58 seconds West for a
 distance of 89.21 feet to a point;
 THENCE South 81 degrees 29 minutes 20 seconds West for a
 distance of 76.72 feet to a point;
 THENCE North 80 degrees 03 minutes 08 seconds West for a
 distance of 67.90 feet to a point;
 THENCE South 89 degrees 04 minutes 00 seconds West for a
 distance of 159.14 feet to a point;
 THENCE South 10 degrees 41 minutes 47 seconds West for a
 distance of 50.82 feet to a point;
 THENCE South 55 degrees 22 minutes 35 seconds West for a
 distance of 46.75 feet to a point;
 THENCE South 88 degrees 55 minutes 35 seconds West for a
 distance of 67.65 feet to a point;
 THENCE South 55 degrees 54 minutes 46 seconds West for a
 distance of 80.05 feet to a point;
 THENCE South 24 degrees 36 minutes 16 seconds West for a
 distance of 50.78 feet to a point;
 THENCE South 57 degrees 29 minutes 52 seconds West for a
 distance of 29.61 feet to a point;
 THENCE North 87 degrees 12 minutes 09 seconds West for a
 distance of 63.19 feet to a point;
 THENCE North 44 degrees 22 minutes 20 seconds West for a
 distance of 28.53 feet to a point;
 THENCE South 79 degrees 38 minutes 28 seconds West for a
 distance of 40.05 feet to a point;
 THENCE South 63 degrees 28 minutes 51 seconds West for a
 distance of 78.23 feet to a point;
 THENCE South 76 degrees 22 minutes 24 seconds West for a
 distance of 45.69 feet to a point;
 THENCE South 47 degrees 51 minutes 48 seconds West for a
 distance of 18.70 feet to a point;
 THENCE North 26 degrees 30 minutes 56 seconds West for a
 distance of 179.25 feet leaving said centerline of said creek to a
 1/2" re-bar found;
 THENCE North 42 degrees 46 minutes 56 seconds West for a
 distance of 136.07 feet to a 1/2" re-bar found;
 THENCE North 43 degrees 53 minutes 13 seconds West for a
 distance of 169.02 feet to a point;
 THENCE North 26 degrees 53 minutes 13 seconds West for a
 distance of 181.02 feet to a 1/2" re-bar found;
 THENCE North 38 degrees 58 minutes 13 seconds West for a

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distance of 71.00 feet to a point;
THENCE North 77 degrees 40 minutes 05 seconds East for a
distance of 115.70 feet to a point;
THENCE North 09 degrees 39 minutes 37 seconds West for a
distance of 127.94 feet to a point;
THENCE North 44 degrees 47 minutes 05 seconds West for a
distance of 1025.79 feet to a point;
THENCE North 05 degrees 35 minutes 40 seconds East for a
distance of 433.22 feet to a point;
THENCE North 54 degrees 24 minutes 40 seconds West for a
distance of 400.00 feet to a point;
THENCE North 81 degrees 20 minutes 34 seconds West for a
distance of 210.25 feet to a point;
THENCE North 69 degrees 58 minutes 20 seconds West for a
distance of 149.96 feet to a point;
THENCE North 62 degrees 19 minutes 35 seconds West for a
distance of 65.67 feet to a point;
THENCE South 63 degrees 59 minutes 29 seconds West for a
distance of 40.00 feet to a point;
THENCE North 26 degrees 00 minutes 31 seconds West for a
distance of 295.02 feet to a point located on the southerly
right-of-way of Gaines Mill Road, said point being THE TRUE POINT
OF BEGINNING.

Together with and subject to covenants, easements, and
restrictions of record. Said property contains 197.163 acres
more or less.

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L E G A L D E S C R I P T I O N

All that tract or parcel of land lying and being in G.M.D. 268 (Tadmire) of Hall County, Georgia and being more particularly described as follows:

To find THE TRUE POINT OF BEGINNING, begin at the intersection of the centerline of U.S. Highway No. 129 with the centerline of State Route No. 323;

THENCE North 66 degrees 13 minutes 47 seconds East for a distance of 1267.23 feet to a 1/4" re-bar on the northerly right-of-way of State Route 323 (80' r/w), said point being THE TRUE POINT OF BEGINNING.

THENCE North 19 degrees 47 minutes 09 seconds West for a distance of 1329.10 feet leaving said right-of-way to a point located in the centerline of a creek;

THENCE along said centerline of said creek following the meanderings thereof for the following calls:

THENCE North 62 degrees 21 minutes 24 seconds West for a distance of 27.76 feet to a point;

THENCE South 88 degrees 46 minutes 00 seconds West for a distance of 52.59 feet to a point;

THENCE South 70 degrees 50 minutes 11 seconds West for a distance of 75.42 feet to a point;

THENCE South 80 degrees 30 minutes 14 seconds West for a distance of 31.56 feet to a point;

THENCE South 41 degrees 59 minutes 13 seconds West for a distance of 34.34 feet to a point;

THENCE South 25 degrees 39 minutes 38 seconds West for a distance of 30.96 feet to a point;

THENCE South 68 degrees 54 minutes 54 seconds West for a distance of 30.69 feet to a point;

THENCE North 84 degrees 35 minutes 35 seconds West for a distance of 73.79 feet to a point;

THENCE South 74 degrees 19 minutes 39 seconds West for a distance of 42.24 feet to a point;

THENCE South 27 degrees 50 minutes 40 seconds West for a distance of 20.19 feet to a point;

THENCE South 08 degrees 31 minutes 21 seconds West for a distance of 11.43 feet to a point;

THENCE South 48 degrees 34 minutes 00 seconds West for a distance of 39.82 feet to a point;

THENCE South 31 degrees 44 minutes 48 seconds West for a distance of 50.86 feet to a point;

THENCE North 78 degrees 50 minutes 51 seconds West for a distance of 25.60 feet to a point;

THENCE South 32 degrees 40 minutes 44 seconds West for a distance of 30.02 feet to a point;

THENCE South 04 degrees 02 minutes 02 seconds East for a distance of 11.54 feet to a point;

THENCE South 49 degrees 39 minutes 25 seconds East for a distance of 19.26 feet to a point;

THENCE South 52 degrees 04 minutes 25 seconds West for a distance of 24.89 feet to a point;

THENCE South 80 degrees 33 minutes 51 seconds West for a distance of 41.95 feet to a point;

THENCE North 24 degrees 00 minutes 01 seconds West for a

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distance of 26.53 feet to a point;
THENCE South 87 degrees 07 minutes 02 seconds West for a distance of 28.15 feet to a point;
THENCE North 61 degrees 13 minutes 24 seconds West for a distance of 66.46 feet to a point;
THENCE South 82 degrees 40 minutes 10 seconds West for a distance of 28.80 feet to a point;
THENCE North 34 degrees 30 minutes 31 seconds West for a distance of 37.43 feet to a point;
THENCE South 86 degrees 42 minutes 44 seconds West for a distance of 49.44 feet to a point;
THENCE North 85 degrees 51 minutes 51 seconds West for a distance of 34.91 feet to a point;
THENCE North 62 degrees 03 minutes 48 seconds West for a distance of 99.13 feet to a point;
THENCE North 07 degrees 24 minutes 41 seconds West for a distance of 13.46 feet to a point;
THENCE North 50 degrees 41 minutes 54 seconds West for a distance of 39.09 feet to a point;
THENCE North 07 degrees 43 minutes 28 seconds West for a distance of 30.82 feet to a point;
THENCE North 75 degrees 29 minutes 51 seconds West for a distance of 58.21 feet to a point;
THENCE North 24 degrees 04 minutes 20 seconds West for a distance of 32.33 feet to a point;
THENCE South 76 degrees 35 minutes 42 seconds West for a distance of 26.17 feet to a point;
THENCE North 36 degrees 34 minutes 57 seconds West for a distance of 24.02 feet to a point;
THENCE North 43 degrees 55 minutes 01 seconds East for a distance of 439.08 feet leaving said creek to a rock found;
THENCE South 57 degrees 08 minutes 03 seconds East for a distance of 475.05 feet to a 3/8" re-bar found at a rock;
THENCE North 72 degrees 33 minutes 57 seconds East for a distance of 187.95 feet to a 1" rod found;
THENCE North 73 degrees 30 minutes 21 seconds East for a distance of 424.17 feet to a 3/8" re-bar found at a rock;
THENCE South 48 degrees 41 minutes 56 seconds East for a distance of 411.03 feet to a 2" rod found;
THENCE South 40 degrees 12 minutes 12 seconds West for a distance of 248.36 feet to a 2" rod found;
THENCE South 30 degrees 51 minutes 58 seconds East for a distance of 1193.90 feet to a point located on the northerly right-of-way of State Route No. 323 (80' r/w);
THENCE South 89 degrees 50 minutes 12 seconds West for a distance of 623.26 feet along said right-of-way to a 1/4" re-bar found, said point being THE TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record. Said property contains 22.490 acres more or less.

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Date Submitted: 12/3/2021
Presenter: Abb Hayes
Item of Business: BR-2021-54 Memorandum of Understanding Regarding Opioid Settlement
Meeting Date: 12/7/2021

Purpose of Request:

The purpose of this request is to authorize the execution of a Memorandum of Understanding and related documents.

History/Background:

The City initiated litigation against certain manufacturers and distributors of prescription opioids.

Facts & Issues for Consideration:

The City desires to enter a Memorandum of Understanding to join the National Distributor and J&J Settlements to maximize recovery which (1) appoints City Manager Bryan Lackey as the duly-appointed representative and (2) authorizes the duly-appointed representative to execute specific documents.

Department Recommendation:

Approve the resolution as presented.

Department Director:

Bryan Lackey

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

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2021-54 MOU re Opioid Settlement	Resolution
☐ Exhibit A	Attachments/Exhibits
☐ Exhibit B	Attachments/Exhibits
☐ Exhibit C	Attachments/Exhibits

BUSINESS RESOLUTION 2021-54

MEMORANDUM OF UNDERSTANDING REGARDING OPIOID SETTLEMENT

WHEREAS, the City initiated litigation against certain manufacturers and distributors of prescription opioids in *In re: National Prescription Opiate Litigation*, MDL 2804, to hold them accountable for the opioid epidemic and to seek equitable and monetary relief; and

WHEREAS, opioid distributor defendants McKesson Corporation, AmerisourceBergen Corporation, and Cardinal Health, Inc. (“Settling Distributors”), and opioid manufacturer defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (“J&J”) have separately reached settlement frameworks (otherwise known as the “National Distributor Settlement” and “J&J Settlement”) with certain states and local government entities that the State of Georgia and Georgia’s local government entities have the option to join; and

WHEREAS, the State of Georgia and certain Georgia local government entities seek to enter a Memorandum of Understanding that would enable them to join the National Distributor and J&J Settlements and maximize the recovery to the State of Georgia and Georgia local government entities from those settlements; and

WHEREAS, the City desires to agree to be bound by the Memorandum of Understanding and to participate in the National Distributor and J&J Settlements.

NOW, THEREFORE, BE IT RESOLVED BY THE GAINESVILLE CITY COUNCIL, AS FOLLOWS:

Section 1. The City Council, as the governing body of the City, hereby agrees to be bound by the Memorandum of Understanding between the State of Georgia and certain Georgia local government entities concerning the National Distributor and J&J Settlements.

Section 2. The City Council, as the governing body of the City, hereby agrees to participate in the National Distributor and J&J Settlements.

Section 3. The City Council hereby appoints City Manager Bryan Lackey as the duly-appointed representative of the City for the purposes of agreeing to be bound by the Memorandum of Understanding and participating in the National Distributor and J&J Settlements.

Section 4. The City Council directs the duly-appointed representative of the City to execute the “acknowledgment AND AGREEMENT TO BE BOUND BY MEMORANDUM OF UNDERSTANDING,” attached hereto and incorporated herein as Exhibit A.

Section 5. The City Council directs the duly-appointed representative of the City to execute the “Subdivision Distributor Settlement Participation Form,” attached hereto and incorporated herein as Exhibit B.

Section 6. The City Council directs the duly-appointed representative of the City to execute the “Janssen Settlement Participation Form,” attached hereto and incorporated herein as Exhibit C.

Section 7. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

BUSINESS RESOLUTION 2021-54

MEMORANDUM OF UNDERSTANDING REGARDING OPIOID SETTLEMENT

Section 8. This Resolution shall be in full force and effect from and after its adoption as provided by law.

This Resolution was introduced, seconded and adopted at a duly convened meeting of the Gainesville City Council, held on this _____ day of December, 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

**ACKNOWLEDGEMENT AND AGREEMENT
TO BE BOUND BY MEMORANDUM OF UNDERSTANDING**

WHEREFORE, the undersigned, as a duly-appointed representative of the below-referenced entity, acknowledges the following:

- The City of Gainesville, Georgia has received the State of Georgia and Local Governments: Memorandum of Understanding Concerning National Distributor and Johnson & Johnson Opioid Settlements.
- The undersigned is a duly-appointed representative of the City of Gainesville, Georgia, and has the authority to execute this document and bind the City of Gainesville, Georgia to the Memorandum of Understanding.
- The City of Gainesville, Georgia is either represented by legal counsel, or has the ability to obtain advice from legal counsel, concerning the contents and implication of the Memorandum of Understanding.
- The undersigned, on behalf of the City of Gainesville, Georgia, understands and acknowledges the terms of the Memorandum of Understanding, and the City of Gainesville, Georgia agrees to be bound by its terms.
- No party is under duress or undue influence.

/s/ _____

Name: Bryan Lackey

Title: City Manager

Date: 12-7-21

Entity City of Gainesville, Georgia

Subdivision Distributor Settlement Participation Form

Governmental Entity: City of Gainesville	State: Georgia
Authorized Official: Bryan Lackey, City Manager	
Address 1: PO Box 2496	
Address 2:	
City, State, Zip: Gainesville, GA 30503	
Phone: 770-297-5495	
Email: blackey@gainesvillega.gov	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("*Distributor Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Distributor Settlement.
7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including, but not limited to, all provisions of

Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.

9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.
12. The effective date of this Participation Form shall be the date on which the State of Georgia enters into the Distributor Settlement. In the event that the State of Georgia elects not to enter into the Distributor Settlement, this Participation Form shall be null and void and shall confer no rights or obligations on the State of Georgia, the Released Entities (as defined in the National Settlement Agreement dated July 21, 2021), or the Governmental Entity.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: Bryan Lackey

Title: City Manager

Date: 12-7-21

Janssen Settlement Participation Form

Governmental Entity: City of Gainesville	State: Georgia
Authorized Official: Bryan Lackey, City Manager	
Address 1: PO Box 2496	
Address 2:	
City, State, Zip: Gainesville, GA 30503	
Phone: 770-297-5495	
Email: blackey@gainesvillega.gov	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("Janssen Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in

their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.

9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.
11. The effective date of this Participation Form shall be the date on which the State of Georgia enters into the Janssen Settlement. In the event that the State of Georgia elects not to enter into the Janssen Settlement, this Participation Form shall be null and void and shall confer no rights or obligations on the State of Georgia, the Released Entities (as defined in the National Settlement Agreement dated July 21, 2021), or the Governmental Entity.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: Bryan Lackey

Title: City Manager

Date: 12-7-21



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 12/3/2021
Presenter: Denise Jordan
Item of Business: BR-2021-55 2022 Meeting Calendar for the Governing Body
Meeting Date: 12/7/2021

Purpose of Request:

The purpose of this request is to adopt the 2022 meeting calendar.

History/Background:

Meetings of the governing body are held in accordance with the Open Meetings Act and the City Charter.

Facts & Issues for Consideration:

The calendar makes adjustments for spring break and several holidays.

Department Recommendation:

Adopt the resolution as presented.

Department Director:

Bryan Lackey

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

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2021-55 2022 Meeting Calendar for the Governing Body	Resolution
☐ 2022 Meeting Calendar (Work Session/Council Meeting)	Attachments/Exhibits

RESOLUTION BR-2021-55

2022 MEETING CALENDAR FOR THE GOVERNING BODY

WHEREAS, the governing body holds regular scheduled meetings each month; and

WHEREAS, regular scheduled Mayor/Council Meetings occur on the first and third Tuesday of each month; and

WHEREAS, regular scheduled Work Sessions occur on the Thursday before each Mayor/Council Meeting; and

WHEREAS, the Charter for the City of Gainesville requires a resolution to establish regular meeting dates of the governing body.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the City of Gainesville hereby adopts the attached as the regularly scheduled meeting calendar for 2022.

BE IT FURTHER RESOLVED that amendments to the meeting calendar may occur in accordance with Chapter 14 of Title 50 of the Official Code of Georgia Annotated and in accordance with the Section 2.20 of the City Charter.

Adopted this _____ day of December, 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

2022 WORK SESSION/COUNCIL MEETING CALENDAR

Work Session
Thursday, 9:00 AM
Administration Building
Board Room
300 Henry Ward Way

Council Meeting
Tuesday, 5:30 PM
Public Safety Complex
Municipal Court Room
701 Queen City Parkway

1		01/04/22
2	01/13/22	01/18/22
3	01/27/22	02/01/22
4	02/10/22	02/15/22
5	02/24/22	03/01/22
6	03/10/22	03/15/22
7	04/14/22	04/19/22
8	04/28/22	05/03/22
9	05/12/22	05/17/22
10	06/02/22	06/07/22
11	06/16/22	06/21/22
12	07/14/22	07/19/22
13	07/28/22	08/02/22
14	08/11/22	08/16/22
15	09/01/22	09/06/22
16	09/15/22	09/20/22
17	09/29/22	10/04/22
18	10/13/22	10/18/22
19	10/27/22	11/01/22
20	11/10/22	11/15/22
21	12/01/22	12/06/22
22	12/15/22	12/20/22
23	01/12/23	01/17/23