



Mayor/Council Meeting Agenda
Tuesday, March 1, 2022, 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. February 15, 2022 Mayor/Council Meeting

Resolutions

- A. BR-2022-07 Authorization to Execute Acceptance Letter Regarding GA Power Funding for Electronic Charging System Infrastructure At Main Street Parking Deck
- B. GR-2022-03 GFSTC Fireworks Tax Grant
- C. GR-2022-04 Georgia Public Safety Officials and First Responders Supplement Grant

APPOINTMENTS:

- A. Parks and Recreation Board
- Position previously held by Chris Romberg

PUBLIC HEARING(S):

Annexation/Zoning Items

- A. Request from **McKinley Homes US, LLC** for a special use on a 7.74± acres tract located on the west side of Florence Drive, across from its intersection with Bentley Park Circle (a/k/a **2920 Florence Drive, SW**), having a zoning of Office and Institutional (O-I). **Ward Number: Four.** Tax Parcel Number(s): 08-015-005-029. **Request: Residential townhomes.**
- Proposed Zoning Resolution ZR-2022-02
- B. Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia to amend Table 9-5-1 of Article 9-5 entitled "Permitted and Special Uses for Residential Zoning Districts"; to amend Table 9-6-1 of Article 9-6 entitled "Permitted and Special Uses for Nonresidential Zoning Districts"; to amend Section 9-10-2-5 entitled "Single-Family Attached Dwelling (Fee-Simple Townhouse); to amend Section 9-10-3-5 entitled "Private Swimming Pools"; to amend subsection (b) of Section 9-18-6-6 entitled "Changeable Copy"; to amend subsection (c) of Section 9-21-1-12 entitled "Powers and Duties"; to amend subsection (d) of Section 9-22-2-18 entitled "Action by Governing Body".
- Proposed Ordinance 2022-09

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Friday, February 25, 2022, 2:09 PM



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 2/24/2022

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 3/1/2022

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@gainesvillega.gov.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Department Director:

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

Date Submitted: 2/25/2022
Presenter: Denise Jordan
Item of Business: February 15, 2022 Mayor/Council Meeting
Meeting Date: 3/1/2022

Purpose of Request:

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

History/Background:

Facts & Issues for Consideration:

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

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

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

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 2/23/2022

Presenter: Bryan Lackey

Item of Business: BR-2022-07 Authorization to Execute Acceptance Letter Regarding GA Power Funding for Electronic Charging System Infrastructure At Main Street Parking Deck

Meeting Date: 3/1/2022

Purpose of Request:

To provide authorization to execute a Customer Acceptance Letter for the Georgia Power Make Ready Program. This program will install the infrastructure needed to have Electric Vehicle Chargers available in the Main Street Parking Deck.

History/Background:

Facts & Issues for Consideration:

Both Renaissance and Carroll Daniel Construction would like to have electric charging stations installed as well.

Georgia Power will be paying for the infrastructure.

The Gainesville Redevelopment Authority will approve an easement to allow Georgia Power to install the infrastructure in the parking deck.

Department Recommendation:

Approve the resolution.

Department Director:

Bryan Lackey

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

Amount Requested:

Source of Funds:

Georgia Power

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

BR-2022-07 Authorization to Execute Acceptance Letter Regarding GA

- | | | |
|---|---|------------------------|
| ❏ | Power Funding for Electronic Charging System Infrastructure At Main Street Parking Deck | Resolution |
| ❏ | Participation Acceptance Letter | Contract/Agreement/MOU |
| ❏ | Site Plan Design / Reference Map | Attachments/Exhibits |

RESOLUTION BR-2022-07

**AUTHORIZATION TO EXECUTE ACCEPTANCE LETTER REGARDING GEORGIA
POWER FUNDING FOR ELECTRONIC CHARGING SYSTEM INFRASTRUCTURE AT
MAIN STREET PARKING DECK**

WHEREAS, the City of Gainesville ("City"), in conjunction with the Gainesville Redevelopment Authority ("Authority"), provides parking for citizens and visitors to the downtown area in the parking deck located on Main Street; and

WHEREAS, Georgia Power has funding available through the Make Ready Program to provide infrastructure for electric charging stations to accommodate the growing needs of citizens who operate electric vehicles; and

WHEREAS, Georgia Power has accepted the City's application for funding assistance in the amount of \$158,319.46, which funds will be used to install the infrastructure necessary to support electric chargers in the Main Street parking deck.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the acceptance of said funds from Georgia Power and authorizes the Mayor, City Manager, and City Attorney to execute a document in substantially the same form as the attached customer proposal acceptance letter as well as such other documents as may be necessary to effectuate the provisions of the customer proposal acceptance letter.

Adopted this _____ day of _____, 2022.

W. Samuel Couvillon, 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



Feb-6 2022

Project Ref ID: GPETRE1548482938

Georgia Power Electric Transportation Make Ready Program Customer Proposal Acceptance Letter

Georgia Power has accepted your application for funding assistance through the Make Ready Program as approved by the Georgia Public Service 2019 Rate Case order in Docket #42516. By signing this agreement, Georgia Power will invest \$158,319.46 in charging system infrastructure at your facility as defined in the program agreement. Georgia Power will own and maintain the charging infrastructure to support the chargers you select. You will then select a provider to own, operate, and maintain the chargers to best suit the needs of your facility.

Attached is a copy of the site plan design that will be installed at the property located at:

City of Gainesville Parking Deck

0 Main Street
Gainesville, GA 30501

Acct No:0171916153

The installation will be completed by: EnviroSpark

By signing this agreement, you agree that the site plan is acceptable, and you are ready to move forward with the installation of the charging infrastructure and have plans to acquire the chargers.

Once we receive this signed agreement, we will schedule an on-site preconstruction meeting with necessary parties to layout the schedule and plan.

Signature

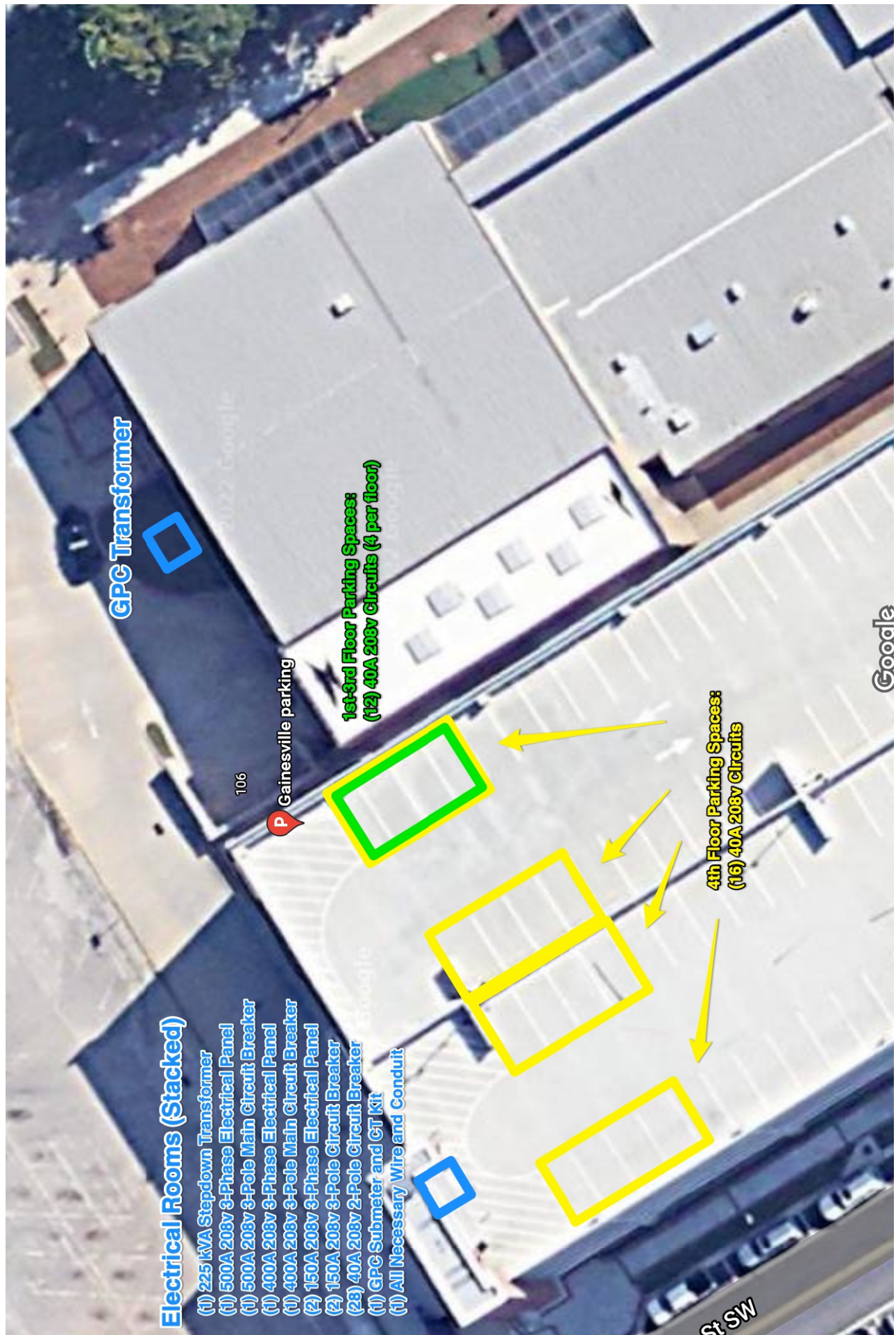
Date

Printed Name

Email

Title

Phone



Date Submitted: 2/21/2022
Presenter: Bryan Lackey
Item of Business: GR-2022-03 GFSTC Fireworks Tax Grant
Meeting Date: 3/1/2022

Purpose of Request:

The purpose of this request is to apply for and accept grant funds.

History/Background:

Facts & Issues for Consideration:

The Fire Department has a direct need to expand fire safety education outreach to the community and desires to use these grant funds to purchase materials to support this effort.

Department Recommendation:

Adopt the resolution as presented.

Department Director:

Brandon Ellis

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
 GR-2022-03 GFSTC Fireworks Tax Grant	Resolution

RESOLUTION GR-2022-03

GFSTC 2022 Fireworks Tax Grant

WHEREAS, the Georgia Firefighters Standards and Training Council (GFSTC) 2022 Fireworks Tax Grant committee has opened grant funding allowing the Gainesville Fire Department to apply for funding for up to \$25,000 with a match of 10%; and

WHEREAS, the Gainesville Fire Department has a direct need to expand our education outreach to the community through fire safety education; and

WHEREAS, the Gainesville Fire Department wishes to apply for grant funding up to \$13,000; and

WHEREAS, the Gainesville Fire Department wishes to use grant funds to purchase fire safety education training materials in the form of a fire safety education inflatable house, allowing for easier outreach and interactions within the community.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body authorizes the Gainesville Fire Department to apply for the referenced grant funds.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to execute documents necessary to accept and administer the grant.

Adopted this _____ day of _____, 2022.

W. Samuel Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

Date Submitted: 2/17/2022

Presenter: Bryan Lackey

Item of Business: GR-2022-04 Georgia Public Safety Officials and First Responders Supplement Grant

Meeting Date: 3/1/2022

Purpose of Request:

To provide a \$1,000 pay supplement for all eligible sworn law enforcement officials and first responders serving during August of 2021.

History/Background:

The Governor of the State of Georgia announced on September 27, 2021 a Public Safety Officials and First Responders Supplement Grant ("Grant") to recognize the sacrifice and dedication of public safety officers and first responders have shown in serving Georgians and their communities during the COVID-19 pandemic.

Facts & Issues for Consideration:

Department Recommendation:

Financial Services recommends the approval of the Georgia Public Safety Officials and First Responders Supplement Grant.

Department Director:

Jeremy Perry

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ GR-2022-04 Georgia Public Safety Officials and First Responders Supplement Grant	Resolution

RESOLUTION GR-2022-04

GEORGIA PUBLIC SAFETY OFFICIALS AND FIRST RESPONDERS SUPPLEMENT GRANT

WHEREAS, the Governor of the State of Georgia announced on September 27, 2021 a Georgia Public Safety Officials and First Responders Supplement Grant ("Grant") to recognize the sacrifice and dedication of public safety officers and first responders have shown in serving Georgians and their communities during the COVID-19 pandemic; and

WHEREAS, the Grant will provide a \$1,000 pay supplement for all eligible sworn law enforcement officials and first responders in Georgia serving during August of 2021; and

WHEREAS, the City is eligible to apply for this Grant on behalf of these eligible employees as a municipal government of the state of Georgia; and

WHEREAS, the City Council desires through this resolution to authorize the City Manager to apply for the Grant and disburse accordingly to eligible employees.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the acceptance of said funds distributed by the Governor's Office of Planning and Budget.

Adopted this _____ day of _____, 2022.

W. Samuel Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

Date Submitted: 2/21/2022

Presenter: Sam Couvillon

Item of Business: Parks and Recreation Board

- Position previously held by Chris Romberg

Meeting Date: 3/1/2022

Purpose of Request:

The purpose of this request is to address the vacant position previously held by Chris Romberg.

History/Background:

The Parks & Recreation board follow the guidelines as set forth in the City Charter, Code of Ordinances and Bylaws of the Gainesville Parks & Recreation Board. Members serve five-year terms or until a successor is appointed.

Facts & Issues for Consideration:

Chris Romberg submitted his resignation. Trey McPhaul was submitted as a potential nominee and has confirmed a willingness to serve on the board. An outstanding debt verification has been completed.

Department Recommendation:

To consider and approve the nomination as submitted by the Mayor.

Department Director:

Sam Couvillon

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

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Parks and Rec Members	Backup Material
☐ C. Romberg Resignation Letter	Backup Material

PARKS AND RECREATION BOARD

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Ward 1	Peeples Chair	Kingsley	10/15/19 UE	12/17/2019	12/31/2024
Ward 1	Simpson Vice Chair	John	8/18/15 UE	12/18/2018	12/31/2023
Ward 2	Daniel Secretary/Treasurer	Kristin	3/17/2015	12/17/2019	12/31/2024
Ward 2	Murray	Alex	1/19/2021		12/31/2025
Ward 3	Washington	Robert	12/18/2018		12/31/2023
Ward 3	Castleberry	Jerry	8/19/2008 UE	12/15/2009 12/16/2014 12/17/2019	12/31/2024
Ward 4	Morgan	Chris	12/21/2021 <i>(term begins 1/1/22)</i>		12/31/2026
Ward 4	Loggins	Brent	12/21/2021 <i>(term begins 1/1/22)</i>		12/31/2026
Ward 5	Romberg Vacant	Chris	12/31/2003	12/16/2008 12/3/2013 12/18/2018	12/31/2023
Ex-Officio	Clay	Juli	1/19/2021	1/4/2022	1/17/2023
Director	Mattison	Kate		Board Appointed	

TERM: Five year terms

CONTACT: Kate Mattison, Director of Parks & Recreation

UE: Unexpired Term

UPDATED: 1/31/2022 ag

Mrs. Kate Mattison
Director
Gainesville Parks and Recreation

January 30, 2022

Kate,

I am sending you my notice of resignation from the Gainesville Parks and Recreation Board, effective February 1, 2022. It has been one of the great pleasures in my life to have served with this amazing organization. I can not speak highly enough of all the people who work so hard to make Gainesville Parks and Recreation so exceptional. Melvin Cooper used to quote Vince Lombardi, "Perfection is not attainable, but if we chase perfection, we will catch excellence". Gainesville Parks and Recreation HAS caught excellence, and no doubt, will continue to do so under your leadership.

Thank you for the privilege of serving on this board.

Sincerely,

Chris M. Romberg

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 2/14/2022

Presenter: Abb Hayes

Item of Business: Request from **McKinley Homes US, LLC** for a special use on a 7.74± acres tract located on the west side of Florence Drive, across from its intersection with Bentley Park Circle (a/k/a **2920 Florence Drive, SW**), having a zoning of Office and Institutional (O-I). **Ward Number: Four.** Tax Parcel Number(s): 08-015-005-029. **Request: Residential townhomes.**

- Proposed Zoning Resolution ZR-2022-02

Meeting Date: 3/1/2022

Purpose of Request:

To conduct a public hearing regarding the following zoning request as presented at the February 8, 2022 Planning and Appeals Board Meeting:

The applicant is proposing a special use for the development of 70 fee-simple townhomes. The townhomes are two-story in design with two car garages. The units will range from 1,603 to 1,863 square feet in size. Amenities will include a small pocket park and a dog walk. Access is proposed from Florence Drive. The property contains an older abandoned church building that will be demolished. Surrounding uses include residential townhomes, condominiums, Free Chapel Worship Center and the Hall County Government and Sheriff's office.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

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

SAMPLE MOTIONS

Approval of Resolution ZR-2022-02:

I move to approve the resolution for a special use to allow residential townhomes within Office and Institutional (O-I) zoning district with nine conditions.

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 Newspaper Article	Backup Material
	PAB Recommendation Report	Report
	Proposed Resolution ZR-2022-02	Resolution
	Location Maps	Backup Material
	Narrative	Backup Material
	Site Plan	Backup Material
	Survey	Backup Material
	Architectural Renderings	Backup Material
	Various concept models	Backup Material

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Bert Williams and
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Padgett Law
67 Old Water Oak
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(850) 422-2520
5,12,19,26
OF GEORGIA
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EL MCGOLDRICK
NIFER PARKER-
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original principal
of \$239,900.00
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174, Page 362,
County records,
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ferred to NEWREZ
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k 8409, Page 581,
County records,
rsigned will sell
outcry to the
bidder for cash,
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er place as lawfully

mortgage.
THIS LAW FIRM IS ACTING
AS A DEBT COLLECTOR
ATTEMPTING TO COLLECT
A DEBT. ANY INFORMATION
OBTAINED MAY BE USED
FOR THAT PURPOSE.
NEWREZ LLC D/B/A
SHELLPOINT MORTGAGE
SERVICING, as Attorney-in-
Fact for
MICHAEL MCGOLDRICK
AND JENNIFER PARKER-
MCGOLDRICK
Robertson, Anschutz,
Schneid, Crane & Partners,
PLLC 10700 Abbott's Bridge
Road Suite 170 Duluth, GA
30097 Phone: 470.321.7112
Firm File No. 20-074582
103235 1/5,12,19,26

Miscellaneous



NEW SEX OFFENDER TO
HALL COUNTY
NAME: MATTHEW SCOTT
WHELCHHEL
ADDRESS: 766 JESSE JEWEL
PKWY #368 Gainesville GA
30501
DATE OF OFFENSE:
04/06/2002
OFFENSE: Statutory Rape
(F)
COURT OF CONVICTION:
Forsyth County
WEBSITE: <https://gbi.georgia.gov/georgia-sex-offender-registry>
103609 1/19

ABANDONED MOTOR
VEHICLE PETITION
ADVERTISEMENT
Vehicle make: CADILLAC
Year: 1987 Model: DEVILLE
Vehicle ID#
1G6CD1180H4202520
Vehicle License#: TCF8493
State: GA
Magistrate Court Case No.:
22-L-00101
present location of vehicle:
344 Kathleen Dr. SE
Marietta, GA 30067
You are hereby notified that
petition was filed in the
Magistrate Court of Cobb
County 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.
Anyone with an ownership
interest in this vehicle
may file an answer to the
petition on or before:
2/11/2022.
Answer forms may be found
in the Magistrate Court
Clerk's office located at: 32
Waddell St SE, Marietta, GA
30090.
Forms may also be
obtained online at www.georgiamagistratecourt.com
103691 1/19,26
IN THE SUPERIOR COURT
OF HALL COUNTY STATE OF

on ongoing research, it is
possible that members of
the Godfrey Luther and
Ervin (Irvine) Strickland, Sr.
families were interred at this
place. The subject property
was owned by descendants
of the Stricklands (two
Bagwell families) into the
20th century. Members
of other families may be
buried here as well. If
you are a descendant of
individuals buried in the
subject cemetery or if you
know someone who may
be, please contact Mr. Neil
Bowen at: 770 345 0706; by
e mail at: nbowen.rswa@gmail.com; or by mail at:
R.S. Webb & Associates, P.O.
Drawer 1319, Holly Springs,
Ga., 30142.
103434 1/12, 19,26,2/2

NOTICE:
Interest in 5436 Clarks
Bridge Road, Gainesville,
GA 30506
IN THE SUPERIOR COURT OF
HALL COUNTY
STATE OF GEORGIA
TAW Investments, LLC,
Petitioner,
v.
CIVIL ACTION FILE NO.:
2021CV1500W
Thester Lynn Satterfield
and James Browning, The
Property Commonly Known
as 5436 Clarks Bridge Rd.,
Tax Parcel: 12054 000003
Hall County, Georgia, and
all persons who claim or
might claim adversely to
Petitioner's title
Respondents.

To: All parties who claim
or may claim an adverse
possessory title right to the
property known as 5436
Clarks Bridge Road, Tax
Parcel 12054 000003, Hall
County
You are hereby notified that
the above-styled, action
seeking to establish title
to the below described
property against all
the world was filed on
August 24, 2021 in the
Superior Court of Hall
County, Georgia, Case No.
2021CV1500W, and that by
reason of Order for Service
by Publication issued by
said Court on the 29th day
of December, 2021, you are
hereby commanded to be
and appear at said Court
within thirty (30) days of
the date of the Order for
Service by Publication to
answer said Petition and
file in accordance with the
Court. The property is more
particularly described as
follows:
All the following described
property, to-wit: Two lots
in the town of Brookton,
Ga. Lots Nos. 68 and
69 of the Survey of J.F.
Moorefield made Jan. 30th,
1913. Beginning at the
Northwest corner of No.
102, thence Ease Course to
the Gainesville and North-
western Railroad right of
way; thence North said
right of way 100 feet to
Southeast corner of Lot
No. 70, thence West course

CHANGE NAME OF ADULT
Ali Sam Shaneheche Filed
a Petition in the Superior
Court of Hall County on the
28th day of December 2021
to change name from Ali
Sam Shaneheche to
Aria Enzo Di Vaio
Any interested party has
the right to appear in this
case and file objections
within 30 days after the
Petition was filed.
Dated 12/28/2021
/s/ Ali Sam Shaneheche
103280 1/5,12,19,26

SUPERIOR COURT OF HALL
COUNTY
STATE OF GEORGIA
In re the Name Change of
William Lamar Fayson
Petitioner
Civil Action Case Number
21CV217BJ
NOTICE OF PETITION TO
CHANGE NAME OF ADULT
William Lamar Fayson filed
a petition in the Superior
Court of Hall County
on December 6, 2021 to
change the name from
William Lamar Fayson to
William Lamar Newton Any
interested party has the
right to appear in this case
and file objections within
30 days after the petition
was filed.
Dated 12/6/2021
/s/William Lamar Fayson
Petitioner Pro se
103646 1/19,26,2/2,9

Public Hearings

NOTICE is hereby given that
the Hall County Planning
Commission shall conduct
a public hearing at the
Gainesville Civic Center,
830 Green Street NE,
Gainesville, Georgia, at 5:15
p.m. on Monday, February
7, 2022 to consider the
following:
1. Application of Travis
Little for a front yard
setback variance from 65
feet to 30 feet from the
centerline of road on a
1.80± acre tract located on
the north side of Guth Road
approximately 695 feet
from its intersection with
J M Turk Road; a.k.a. 4611
Guth Road; Zoned AR-III;
Tax Parcel 15043 000201.
Proposed Use: addition
to existing home and
construct detached garage.
* Commission District 1.
2. Application of Jacob
Thornton for a right yard
setback variance from
15 feet to 7.5 feet from
property line and a left
side yard setback variance
from 15 feet to 10 feet
from property line on a
1.17± acre tract located on
the east side of Whites Mill
Road approximately 63 feet
from its intersection with
Stephens Road; a.k.a. 4910
Whites Mill Road; Zoned
AR-III; Tax Parcel 08054
003001A. Proposed Use:
construct a residence. *
Commission District 2.
3. Application of Viktor Vlad
for a road frontage variance

NOTICE OF PLANNING AND
APPEALS BOARD PUBLIC
HEARING
Notice is hereby given that
the Gainesville Planning
and Appeals Board will
conduct a public hearing
on Tuesday, February 8,
2022 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 Daniel
J. Peck to vary the
illumination requirements
for a monument sign and
wall sign on a 0.62± acre
tract located on the east
side of South Enota Drive,
north of Downey Boulevard
(a/k/a 440 South Enota
Drive, NE), having a zoning
of Office and Institutional
(O-I).
Ward Number: Three
Tax Parcel Number(s):
01-064-002-036
Request: Monument sign
and wall sign
2) Request from Phillip R.
Brown for an appeal of an
administrative decision to
disallow use for lodging
services on a 3.5± acres
tract located at the
terminus of Mountain View
Circle, west of Honeysuckle
Road (a/k/a 725 Mountain
View Circle, NW), having a
zoning of Residential-I (R-
I).
Ward Number: One
Tax Parcel Number(s):
01-111-001-011
Request: Reverse
administrative decision
3) Request from McKinley
Homes US, LLC for a special
use on a 7.74± acres tract
located on the west side
of Florence Drive, across
from its intersection with
Bentley Park Circle (a/k/a
2920 Florence Drive, SW),
having a zoning of Office
and Institutional (O-I).
Ward Number: Four
Tax Parcel Number(s):
08-015-005-029
Request: Residential
townhomes
4) Request from the
City of Gainesville to
amend the Unified Land
Development Code for
the City of Gainesville,
Georgia to amend Table
9-5-1 of Article 9-5 entitled
"Permitted and Special
Uses for Residential Zoning
Districts"; to amend Table
9-6-1 of Article 9-6 entitled
"Permitted and Special
Uses for Nonresidential
Zoning Districts"; to amend
Section 9-10-2-5 entitled
"Single-Family Attached
Dwelling (Fee-Simple
Townhouse); to amend
Section 9-10-3-5 entitled
"Private Swimming Pools";
to amend subsection (b) of
Section 9-18-6-6 entitled
"Changeable Copy"; to
amend subsection (c) of
Section 9-21-1-12 entitled
"Powers and Duties"; to
amend subsection (d) of
Section 9-22-2-18 entitled

Holly Owens seeks
variances to reduce
setbacks as follows:
1) 5277 Old Cornelia Hwy.
a) reduce front setback
from 100 feet to 50 feet;
b) reduce north side
setback from 25 feet to 9
feet; and
c) reduce south side setback
from 25 feet to 15 feet.
2) 5281 Old Cornelia Hwy.
a) reduce front setback
from 100 feet to 50 feet;
b) reduce north side
setback from 25 feet to 16
feet; and
c) reduce south side setback
from 25 feet to 15 feet.
All interested parties are
invited to attend and be
heard.
If you have questions or
comments regarding this
application or need special
accommodations, then
please contact Dennis
Bergin, City Manager, at
City Hall.
If you speak regarding
this application, then
you must complete a
Campaign Disclosure
form if you have made
campaign contributions in
the amount of \$250.00 or
more to any member of the
Council within two years
of the date of the public
hearing.
103732 1/19,26

Public Sales/Auctions

Notice of Public Auction:
Boardwalk Storage-
Cleveland Hwy pursuant to
the "TITLE 10. COMMERCE
AND TRADE CHAPTER 4.
WAREHOUSEMEN ARTICLE
5. SELF-SERVICE STORAGE
FACILITIES GEORGIA CODE
O.C.G.A. § 10-4-210 hereby
gives Notice of Sale under
said act, to wit.
Will be holding a public
auction online at Lockerfox.
com
On February 10, 2022 @
11:30AM
Only Bank Checks will be
accepted.
All sales are final & the
units must be cleaned out
completely & broom swept
in 48 hours.
a 100.00 CASH cleaning
deposit is required. This
will be refunded upon unit
inspection.
Clermont location -6720
Cleveland Hwy, Clermont,
GA 30527 770-983-5453
Unit-C19 Nicholson, J
Unit-CC24 Mann, D
Unit-D02 Daniel, J
Unit-D05 Ramey, J
Unit-D10 Mann, D,
Unit-F08 Greene, L
Unit-A03 Martin, E
103579 1/19,26
NOTICE SALE
This unit will be sold at
public auction to the
highest bidder for cash, at
Double Eagle Self Storage
3558 Atlanta Hwy., Flowery
Branch, Ga. 30542 on
Tuesday, January 25, 2022
at 3:30pm. To foreclose and
satisfy warehouseman's
lien covering storage as

place as lawfully within the legal ile, on February he property in ity Deed and s follows:
ACT OR PARCEL ING AND BEING DGM DISTRICT, INTY, GEORGIA, 53, RIVERSTONE DIVISION, UNIT 1, AS PER PLAT IN PLAT BOOK GES 186-195, INTY, GEORGIA WHICH PLAT IS ATED HEREIN BY AND MADE A IIS DESCRIPTION. rty being known EXINGTON WAY, N, GA 30517
best of the ed's knowledge, y, or parties ssion of said is/are MICHAEL ICK AND PARKER- ICK or tenant(s). secured by said ed has been and eclared due and eause of, among isible events of ilure to pay the ess as provided Note and said Deed. The debt in default, this e made for the f paying the same xpenses of sale, attorney's fees intent to collect fees having been
erty will be sold o the following: outstanding ad taxes (including ich are a lien, r not yet due and n of any taxing (3) any matters ght be disclosed urate survey and 1 of the property; any assessments, encumbrances, ordinances, is, covenants, and if record superior ecurity Deed first ove.
will be conducted o the following: (1) ion that the sale hibited under the ruptcy Code; and confirmation and the status of the the holder of the

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
JANUARY TERM, 2022 TERM OF GRAND JURY
The attached list represents the indictments presented to the Grand Jury and taken to Judge C. Andrew Fuller in open court is date, January 12, 2022.
I received this list along with the envelope containing the indictments in open court on this date, January 12, 2022. The Courtroom was open to the public at the time of the presentation to me of the envelope containing indictments and the list of indictments as shown on Exhibit "A," attached hereto.
C. ANDREW FULLER
JUDGE, HALL COUNTY SUPERIOR COURT
1-11-22 DATE
3:04PMTIME
CASES PRESENTED TO GRAND JURY ON JANUARY 12, 2022.
Defendant and Charges
J A Simpson Aggravated ssault criminal damage prop etc
NT Couch terroristic threats etc
MD Higgins rape etc
Dt Powell possession schll controlled sub etc
L Mendoza battery FV etc
SM Jowers aggravated batter etc
CL Stott serious injury by vehicle etc
OS Griffin theft by shoplifting
JJ Chummar possession con substance etc
Lunch Break
MB Schoolcraft aggravated assault etc
TB Yopp criminal attempt to commit a F etc
GL Fricks homicide by vehicle etc
AH Moore possession synthetic cannabinoid etc
ST Hogan aggravated assault etc
AV Sfta terroristic threats etc
HR Day trafficking methamphetamine etc
DT Jones habitual violator DUI etc
JH Whitt criminal damage to property etc
SD McCrary aggravated assault
January 12, 2022
103757 1/19
LEGAL AND PUBLIC NOTICE:
Chafin Land Development,

Southwest corner of Lot No. 70; thence West course along line of Lot No. 70 to Main Street; thence South Main Street 100 feet to beginning corner. Including improvements on said property being three room frame dwelling. This being the same property described in deed from Mrs. Lucretia Wilson Little et al. to W.S. Edge, recorded in Book 122, page 540, Clerk's Office, Hall Superior Court. Appearance may be made by filing a written response with the Clerk of the Court in the above-styled action.
WITNESSETH
The Honorable Clint G. Bearden, Judge of the Superior Court of Hall County,
T W R / m m k / 1 5 2 1 7 / W260623
103289 1/5,12,19,26
Name Changes
SUPERIOR COURT HALL COUNTY
STATE OF GEORGIA
In re the name change of Melissa Anne Bennett
Petitioner
Civil Action Case Number 2021CV2144W
NOTICE OF PETITION TO CHANGE NAME
Melissa Anne Bennett filed a petition in the Superior Court of Hall County on December 1 2021, to change the name from Melissa Anne Woolston
Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
Dated 12/1/2021
/s/ Melissa Anne Bennett
Petitioner Pro se
103600 1/19,26,2/2,9
SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of Gwendolyn Frances Gabbard
Petitioner
Civil Action Case Number 2021CV2076C
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Gwendolyn Frances Gabbard filed a petition in the Superior Court of Hall County on November 19 2021 to change the name from Gwendolyn Frances Gabbard to Zachariah

for a road frontage variance from 150 feet to 125 feet on a 5.02± acre tract located at the intersection of Union Church Road and Oliver Road; a.k.a. 5630 Union Church Road; Zoned AR-IV; Tax Parcel 15039 000067. Proposed Use: 5 lot subdivision. ** Commission District 1.
4. Application of Viktor Vlad to rezone from Agricultural Residential-IV (AR-IV) to Residential-I (R-I) on a 5.02± acre tract located at the intersection of Union Church Road and Oliver Road; a.k.a. 5630 Union Church Road; Zoned AR-IV; Tax Parcel 15039 000067. Proposed Use: 5 lot subdivision. ** Commission District 1.
5. Application of Friendship 24, LLC to rezone from Agricultural Residential-IV (AR-IV) to Planned Commercial Development (PCD) on a 24.23± acre tract located on the north side of Friendship Road approximately 3,111 feet from its intersection with Deaton Creek Parkway; a.k.a. 1639 Friendship Road; Zoned AR-IV; Tax Parcel 15039 000012B. Proposed Use: self-storage, boat/RV/box truck parking. ** Commission District 1.
NOTE: In accordance with Georgia law, anyone who (a) wishes to express 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

Section 9-22-2-18 entitled "Action by Governing Body".
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE GAINESVILLE ZONING MAP
Notice is hereby given that the Gainesville City Council will conduct a public hearing on Tuesday, March 1, 2022 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 McKinley Homes US, LLC for a special use on a 7.74± acres tract located on the west side of Florence Drive, across from its intersection with Bentley Park Circle (a/k/a 2920 Florence Drive, SW), having a zoning of Office and Institutional (O-I). Ward Number: Four
Tax Parcel Number(s): 08-015-005-029
Request: Residential townhomes
2) Request from the City of Gainesville to amend the Unified Land Development Code for the City of Gainesville, Georgia to amend Table 9-5-1 of Article 9-5 entitled "Permitted and Special Uses for Residential Zoning Districts"; to amend Table 9-6-1 of Article 9-6 entitled "Permitted and Special Uses for Nonresidential Zoning Districts"; to amend Section 9-10-2-5 entitled "Single-Family Attached Dwelling (Fee-Simple Townhouse); to amend Section 9-10-3-5 entitled "Private Swimming Pools"; to amend subsection (b) of Section 9-18-6-6 entitled "Changeable Copy"; to amend subsection (c) of Section 9-21-1-12 entitled "Powers and Duties"; to amend subsection (d) of Section 9-22-2-18' entitled "Action by Governing Body".
Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570
103727 1/19
PUBLIC NOTICE
The Planning Commission of the City of Lula will hear

lien covering storage, as indicated on the personal and household goods of the following:
#527 John Pierce
103511 1/12,15,19
Probate Notices
CITATION COURT OF HALL COUNTY RE: ESTATE OF MARCUS BRYON HOLMBERG (FORMER) WARD
Date of Publication, if any: January 19, 2022
TO WHOM IT MAY CONCERN:
The conservator of the above estate, has applied for Discharge from said trust. This is to notify the above interested parties to show cause, if any they can, why said conservator should not be discharged from office and liability. All objections must be in writing, setting forth the grounds of any such objections, and filed with the above Probate Court, at 116 Spring Street, First Floor, Gainesville, Georgia 30501 on or before 10:00 A.M. March 7, 2022, said date being more than 30 days from the date of publication, or if personally served, then 10 days from the date of such service. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/ telephone number for the required amount of filing fees.
If any objections are filed, a hearing will be scheduled for a later date. If no objections are filed, the petition may be granted without a hearing.
PATTY WALTERS LAINE
PROBATE JUDGE
By: DENISE GARCIA
PROBATE CLERK
116 SPRING STREET, FIRST FLOOR ADDRESS
GAINESVILLE, GEORGIA 30501
770-531-6925
102996 1/19
CITATION
PROBATE COURT OF HALL

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant McKinley Homes US, LLC
Property Owner America's Home Place, Inc.
Location 2920 Florence Drive, SW
Request Special use within O-I zoning
Total Acres 7.74± acres
Ward Four
Proposed Use 70 residential townhomes
Planning Division Staff Recommendation **Approval, with conditions**
Planning & Appeals Board Recommendation **Approval, with conditions**
Date February 8, 2022

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

The applicant is proposing a special use for the development of 70 fee-simple townhomes. The proposed residential density for the property is 9.04 dwelling units per acre. The townhomes are two-story in design ranging from 1,603 to 1,863 square feet in size, with two car garages. Exterior materials include a mixture of brick, cementitious siding, shakes and board & batten. Two driveways are proposed from Florence Drive and 18 guest parking spaces will be provided in the community. Amenities are to include a small pocket park, children's play area, dog walk and community mailbox. Stormwater detention will be located to the rear of the development.

The property contains a church building, parking lot and two driveways that will be demolished. The property is heavily wooded and includes a Georgia Power easement.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Richmond Gardens Townhomes	Office and Institutional (O-I)
South	Cellular Tower	Office and Institutional (O-I)
East	Bentley Park Condominiums Single-family home	Office and Institutional (O-I) Agricultural Residential-III (AR-III) -County
West	Free Chapel Campus	Neighborhood Business (N-B)

▪ **Other Departmental Comments**

There were no other departmental comments for this request.

▪ **Zoning History**

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

2021 - A request by Adventures Real Estate, LLC to rezone a 17.028± acres tract located at 2520 Browns Bridge Road from Residential-I-A (R-I-A) to General Business (G-B) was conditionally approved for an automotive related facility.

2021 – A request by Pamela Eagar to annex a 0.15± acre tract located at 2834 Browns Bridge Road with a zoning of General Business (G-B) was conditionally approved for no proposed use.

2020 – A request by CenterPoint Integrated Solutions to annex a 7.81± acres tract located at 2602 Browns Bridge Road with a zoning of General Business (G-B) was conditionally approved for a CarMax Auto Superstore.

2020 – A request by Gainesville City Board of Education to rezone a 16.67± acres tract located at 1263 and 1279 McEver Road, SW from Residential-I (R-I) to Office and Institutional (O-I) was conditionally approved for a new middle school.

2020 – A request by Gainesville City Board of Education to annex a 5.931± acres tract located at 2550 and 2560 Gould Drive with Office and Institutional (O-I) zoning with a special use was conditionally approved for a new middle school and existing single-family home.

2020 – A request by Mauricio Ortega to annex a 0.51± acre tract located at 23 Cherrywood Drive with Residential-I (R-I) zoning was approved for sewer for a single-family home.

2018 – A request by Tyler Land Holdings to amend a 2.98± acres tract located at 1209 and 1229 Hillside Gardens Lane zoned Planned Unit Development (P-U-D) was conditionally approved for a boat sales dealership.

2017 – A request by Pro Building Systems to annex a 0.516± acre tract located at 2431 S Smith Road was approved with conditional General Business (G-B) zoning for an auto collision center.

2017 – A request by Manor Lake Development, LLC for a special use on a 9.24± acres tract located at 2900 McEver Road was approved with conditional Office and Institutional (O-I) zoning for an assisted living facility.

2015 – A request by the Roman Catholic Archdiocese of Atlanta to amend a 14.233± acres tract located at 2436 S. Smith Road and zoned Planned Unit Development (P-U-D) was conditionally approved for a church.

2015 – A request by the Roman Catholic Archdiocese of Atlanta to amend and rezone a 4.899± acres tract located at 0 S Smith Road from Residential-I (R-I) to Planned Unit Development (P-U-D) was conditionally approved for a church.

2013 – A request by Foote & Miller Properties, LLC to annex a 2.72± acres tract located at 2420 Browns Bridge Road was approved with General Business (G-B) zoning for sewer for an existing auto dealership.

2012 – A request by Rescate 2000, Inc. for a special use on an 8.19± acres tract located at 2920 Florence Drive (Subject Property) was approved with conditional Office and Institutional (O-I) zoning for a daycare center.

▪ **Staff Analysis**

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

The property is located at the southern end of Florence Drive which is a public street that extends from Browns Bridge Road to the Free Chapel Worship Center campus. The surrounding uses include a mixture of public and private property which includes the Hall County Administrative and Sheriff's office, 42-unit Bentley Park condominiums, 52-unit Richmond Gardens condominiums, 47-unit Richmond townhomes, 26-unit Fox Hollow condominiums, two residential homes, cellular tower, The Furniture Store and the Auto Gallery car sales/rental facility. These properties are zoned Office and Institutional (O-I), Neighborhood Business (N-B) Residential-II (R-II), Agricultural Residential-III (AR-III) and General Business (G-B). It appears the proposed use is suitable given the adjacent and nearby uses.

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

The proposed townhome development will function in a similar manner as the surrounding residential communities. There are 169 existing residential housing units located off of Florence Drive not including the 70 proposed townhome units. The additional units will increase traffic and turning movements at the intersection of Browns Bridge Road and Florence Drive.

(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 Public / *Institutional* / *Transportation* / *Utility* land use category which includes areas planned for public and institutional uses including governmental, educational, medical, houses of worship, major transportation, utilities or communication facilities.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Suburban Residential* Character Area. The vision for this area is to preserve older, stable residential subdivisions and encourage newer projects with smaller lot sizes, pedestrian infrastructure, and buildings patterned after traditional local housing, possibly containing a small neighborhood-serving "village center".

As well, the quality community objectives state that housing choices should continue to be diversified to support a range of household incomes, sizes, types, but consist mostly of traditional single-family detached lots. In areas where natural features or sensitive environments are important, cluster housing or conservation subdivision design may be appropriate. Land uses allowed in the *Suburban Residential Character Area* include low-density residential, medium-high density residential, multifamily residential, public / institutional, commercial, and parks / recreation / conservation, mixed-use.

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

The applicant desires to keep the zoning as O-I which requires special use approval for the proposed residential townhomes. A zoning of O-I could allow for the property to be redeveloped for an office complex, bank, club, lodge, custom order shop, daycare, public use, school and a church. It appears the proposal is more suitable given the adjacent and nearby residential uses.

(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?

Public water, sewer and public safety currently serve the subject property and are sufficient. Existing public safety services currently respond to the adjacent and nearby properties. Gainesville Fire Station #4 is located approximately 1.97± miles away off of Memorial Park Drive.

The proposed townhomes will increase traffic turning movements onto Browns Bridge Road. Left turning movements are especially difficult during peak hour traffic. Secondary access is available through the adjacent Free Chapel campus and the Hall County Sheriff's office when the gates are open. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the 65 residential townhomes on average could generate 406± new trips per weekday (50% entering, 50% exiting), 31± A.M. peak hour trips (19% entering, 81% exiting) and 36± P.M. peak hour trips (64% entering, 36% exiting).

The proposed development is not an age-restricted community. The projected number of students that would attend public schools within the proposed development is unknown at this time. The City of Gainesville currently provides bus service within the immediate area.

(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 property has functioned as a church for over 40+ years. Much of the neighboring land was undeveloped until the neighboring Richmond Townhomes and Richmond Garden Condominiums were developed in the mid 1990's which changed the growth pattern from potentially office and institutional to high density residential which is consistent with the proposed townhome use.

(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 attached residential uses, the proposed special use request appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

Special Use Criteria

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

Florence Drive is a two lane asphalt road with no curb / gutter / sidewalks and is maintained by the City of Gainesville. The proposed 70-unit townhome development will moderately increase vehicular traffic on the road but it appears the existing road is sufficient for the proposal.

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

The development proposes two driveways off of Florence Drive which are sufficient. Internal 5-foot wide sidewalks are proposed on both sides of the internal roads to provide the community walkability to all common areas. There are no sidewalks on Florence Drive except for a small segment which fronts the Auto Gallery car dealership property on the east side of Florence Drive.

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

Existing public facilities are adequate to serve the proposed use. Police and Fire facilities are located within 1.97 miles of the property. It is unknown the number of school aged

children that will be living in the development. Gainesville Elementary School and the new Gainesville Middle School are located in close proximity off of McEver Road.

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

The townhomes are designed with two-car garages, driveway parking for two additional vehicles and 18 additional guest parking spaces within the development. Garbage pickup will be provided by the City of Gainesville. The proposed use should not create noise, light, glare or odor which are regulated by City codes.

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

The proposed townhome development will function similar to the adjacent and nearby residential townhome and condominium communities located off of Florence Drive. No hours of operation are proposed.

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

The proposed townhomes are two-story in design and include a total of 13 buildings with each building having no more than 6-townhome units. The proposed scale and quality of the development appears to be compatible with the other residential developments along Florence Drive.

▪ **Staff Recommendation**

The Planning Division staff is recommending **approval** of special use request based on the Comprehensive Plan and the adjacent attached residential uses.

Conditions

1. The proposal shall be generally consistent with the concept plan and architectural elevations provided with this 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. Each townhome unit shall provide a two car garage.
4. The rear and sides of each townhome building shall be constructed with a minimum 3-foot high watermark of brick or stone material. In addition, all roof structures shall be constructed with architectural shingles.
5. All proposed privacy fencing shall be decorative in nature and shall consist of wrought iron, aluminum or vinyl material.
6. A minimum 20-foot wide planted landscape buffer shall be required along Florence Drive. The landscape buffer shall include a minimum 3-foot high landscaped berm. In addition, a minimum 10-foot wide landscape buffer shall be required along the northerly property line to help screen the rear and side of the proposed townhomes, pocket park and dog walk.

7. All stormwater detention ponds shall be properly fenced and screened with a mixture of evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
 8. The developer/property owner shall construct 5-foot (5') wide sidewalks on both sides of the proposed interior private streets.
 9. 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 February 8, 2022 PAB Meeting Minutes

Applicant Presentation: Bill Schimdt, 9915 Buice Road, Alpharetta with McKinley Homes explained there will be 70 fee-simple units with prices from high 200's to low 300's which fits with the surrounding neighborhood. There will be a buffer in the back between the utility easement and in the front with a 20-foot landscape buffer.

FAVOR: None

OPPOSE: Andrea Crozier, 641 Ridgewood Avenue, asked if the project was in the city limits or in the county and Chairman Carter answered it would be in the city limits.

Betty Lou Pfister, 3012 Bentley Park Circle, stated she doesn't like idea of the project at that location. Florence Drive is a dead-end street which goes to the church property with a gate and is a small road with older folks in the area. She stated the gate is open on Sundays but closed otherwise. Ms. Pfister stated the density proposed is too much for the area and while developing it there would be large trucks and stated the street isn't very wide. She expressed concern with entering into Browns Bridge Road with making left turns and with the amount of additional vehicles along with additional children. The communities are quite, not against growth but such a tight area that it's not a wise decision.

Douglas Young, 2890 Florence Drive in the Richmond Townhomes community stated he attended the monthly meeting of the HOA board and they strongly oppose the proposal. He stated they are not opposed to new townhomes but 70 townhomes is a shockingly large number. He agreed with all said by Ms. Pfister along with there being no sidewalks. There are 169 residences presently and traffic is too heavy for the small road. Sunday traffic is heavy or any time there is a service at the church. He said a large number of people walk along with elderly residents and children. He stated they are very concerned with an already overcrowded street to add 70 townhomes it will create a traffic hazard but with a smaller development they would not be so opposed. The other concern was with both exits being onto Florence Drive making traffic worse. He asked the board to consider opposing the project or at least 70 townhomes.

Nora Nelson, 2888 Florence Drive stated she agrees with Betty and Douglas, traffic on Sundays is overwhelming with police directing traffic at Browns Bridge Road and Florence Drive. She stated with a large amount of elderly and young people, there is no place to walk or play, no sidewalks and no street lights. Ms. Nelson said the way the road is configured it doesn't lend itself to having an additional 70 townhomes and would like the property to be developed. She suggested infrastructure should be first, safety of the children and current residents and is opposed unless some of the issues be rectified.

Robert Martin, 2963 Bentley Park, stated he is not totally against the development. He said the townhomes look nice which could increase property values but is concerned with the amount of townhomes. He stated if approved would like to see the number reduced or a solution to the issues. He agrees there are elderly people that walk down street, no traffic issues except on Sunday with hundreds of vehicles using the road and hopes some improvement and adjustments with making it a dead-end street again. He agrees the property is an eye sore and sees the value in developing it but Florence Drive is a very small street with no dividing line on it.

PLANNING AND APPEALS BOARD COMMENTS: Chairman Carter asked Mr. Tate the number of units that could be developed and he answered 12 units per acre. Chairman Carter stated the request is under what could be allowed.

There was a motion to recommend conditional approval the special use for residential townhomes having a zoning of Office and Institutional (O-I) with the following conditions:

Conditions

1. The proposal shall be generally consistent with the concept plan and architectural elevations provided with this 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. Each townhome unit shall provide a two car garage.
4. The rear and sides of each townhome building shall be constructed with a minimum 3-foot high watermark of brick or stone material. In addition, all roof structures shall be constructed with architectural shingles.
5. All proposed privacy fencing shall be decorative in nature and shall consist of wrought iron, aluminum or vinyl material.
6. A minimum 20-foot wide planted landscape buffer shall be required along Florence Drive. The landscape buffer shall include a minimum 3-foot high landscaped berm. In addition, a minimum 10-foot wide landscape buffer shall be required along the northerly property line to help screen the rear and side of the proposed townhomes, pocket park and dog walk.
7. All stormwater detention ponds shall be properly fenced and screened with a mixture of evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
8. The developer/property owner shall construct 5-foot (5') wide sidewalks on both sides of the proposed interior private streets.
9. 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.

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 5 favor, 2 absent (Delgado, Thompson)

RESOLUTION ZR-2022-02

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

WHEREAS, under **Chapter 9-6-2 Office and Institutional (O-I)** zoning district of the Unified Land Development Code of the City of Gainesville, Georgia; **Section 9-6-2-2 Permitted and Special Uses** allows for *residential townhomes* subject to City Council approval after review and recommendation by the Gainesville Planning and Appeals Board; and

WHEREAS, an application has been received from **McKinley Homes US, LLC** to allow *residential townhomes* within an Office and Institutional (O-I) zoning district identified as follows:

**08-015-005-029
2920 Florence Drive, SW
Ward Four**

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

WHEREAS, the **Gainesville Planning and Appeals Board**, held a public hearing regarding this matter on **February 8, 2022**.

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

Conditions

- 1. The proposal shall be generally consistent with the concept plan and architectural elevations provided with this 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. Each townhome unit shall provide a two car garage.**
- 4. The rear and sides of each townhome building shall be constructed with a minimum 3-foot high watermark of brick or stone material. In addition, all roof structures shall be constructed with architectural shingles.**
- 5. All proposed privacy fencing shall be decorative in nature and shall consist of wrought iron, aluminum or vinyl material.**
- 6. A minimum 20-foot wide planted landscape buffer shall be required along Florence Drive. The landscape buffer shall include a minimum 3-foot high landscaped berm. In**

RESOLUTION ZR-2022-02

addition, a minimum 10-foot wide landscape buffer shall be required along the northerly property line to help screen the rear and side of the proposed townhomes, pocket park and dog walk.

7. All stormwater detention ponds shall be properly fenced and screened with a mixture of evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
8. The developer/property owner shall construct 5-foot (5') wide sidewalks on both sides of the proposed interior private streets.
9. 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.

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

Adopted this _____ day of _____, 2022.

W. Samuel Couvillon, 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



GAINESVILLE

Hall County
Administration
Offices

Richmond Towne Homes

FLORENCE DRIVE

BENTLEY PARK CIRCLE

O-I

N-B

Free Chapel

R-II

Applicant: **MCKINLEY HOMES US, LLC**

SPECIAL USE REQUEST

Subject Property Address:
2920 Florence Drive, SW

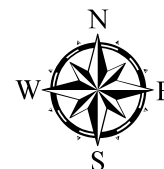
Tax Parcel:
08-015-005-029

Request:

Special use on a 7.74+/- acres tract within Office and Institutional (O-I) zoning for residential townhomes.



Subject Property



Meeting Date: **02/08/2022**

Map Prepared: **01/18/2022**

0 90 180 Feet
Page 30 of 51

SCALE: 1" = 167'



GAINESVILLE

Hall County
Administration
Offices

Richmond Towne Homes

FLORENCE DRIVE

BENTLEY PARK CIRCLE

Free Chapel

Applicant: **MCKINLEY HOMES US, LLC**

SPECIAL USE REQUEST

Subject Property Address:
2920 Florence Drive, SW

Tax Parcel:
08-015-005-029

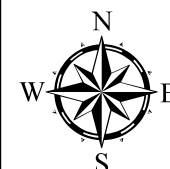
Request:

Special use on a 7.74+/- acres tract within Office and Institutional (O-I) zoning for residential townhomes.



Subject Property

Aerial from 2021



Meeting Date: **02/08/2022**

Map Prepared: **01/18/2022**

0 90 180 Feet
Page 31 of 51

SCALE: 1" = 167'

City of Gainesville
Planning and Appeals Board.
300 Henry Ward Way
Gainesville, GA 30501

RE: Project Narrative for 2920 SW Florence Dr. Special Use Application of McKinley Homes US, LLC.

McKinley Homes US, LLC (the "Applicant"). Submits this Narrative and the attached zoning Application for the purpose of Special Use within the existing O-I zoning. The 7.74 acre site is located at 2924 SW Florence Dr., Gainesville, GA. The proposed community will include 70 fee simple townhomes. We believe the proposed townhome community and location provides for the housing needs of a growing, diverse population with attractive attached, pedestrian scaled townhomes.

The 7.74 acre site is located on Florence Dr, just south of Browns Bridge Rd. The property is adjacent to other townhome communities and the Hall County Sheriffs Office. The site currently has a vacant church on the property that will be removed. There will be 2 entries into the community from Florence Dr. Our main entry will be lined up across the street from Bentley Park Circle, a second entry is proposed approximately 300' south of the main entry. Florence Dr. provides convenient access to Brown Bridge Rd.. Browns Bridge Rd will provide easy access to shopping, employment centers, schools, and I-985. The site is walkable to the nearby Walmart Neighborhood Market, Walgreens and other nearby retail located at the Browns Bridge Rd/ McEver intersection.

The site is currently zoned O-I. We are proposing a Special Use within the existing O-I zoning. The proposed Special Use is in keeping with the surrounding townhome communities and will not adversely impact their uses or values.

The homes in the proposed community will include 70 front load townhomes. The 6 proposed townhome plans will range in size from 1603sf to 1863sf. The attractive townhome exteriors will include Brick, Cementitious Siding, Shakes and Board & Batten. Each home will include a 2 car garage and additional 2 spaces provided on the driveway for guest. There will be 18 additional guest parking spaces provided in the community.

The community will have an amenity area that will include a small pocket park with children's play area, community mailbox, and dog walk.

We plan to build at one furnished model home which will include a sales office in the garage.

We welcome the opportunity to meet with the staff of The City of Gainesville Planning and Development Department to answer or address any questions or concerns relating to the matters set forth in this letter or in our application.

Respectfully submitted this 29th day of December, 2021.

McKinley Homes

A handwritten signature in blue ink, appearing to read "Bill Schmidt", is written over the printed name.

Bill Schmidt
VP of Land Acquisition



DEVELOPMENT SUMMARY

PARCEL ID: 08015 005029
ADDRESS: 2920 FLORENCE DRIVE SW
SITE AREA: 7.74 AC (337,088 SF)
OWNER: AMERICA'S HOME PLACE, INC

LOCAL JURISDICTION: CITY OF GAINESVILLE, GEORGIA
EXISTING ZONING: O-1
PROPOSED CONDITION: O-1 SPECIAL USE
OVERLAY: AIRPORT ZONE (CONICAL)
CHARACTER AREA: SUBURBAN RESIDENTIAL
FUTURE LAND USE: PUBLIC / INSTITUTIONAL / TRANSPORTATION / UTILITY

EXISTING LAND USE: CHURCH & GYMNASIUM BUILDING
PROPOSED LAND USE: MEDIUM-DENSITY RESIDENTIAL
70 TOWNHOME UNITS
12.0 DU/AC
9.0 DU/AC
MAX RES. DENSITY: 35% (117,980 SF)
PROPOSED DENSITY: 24% (81,573 SF)
MAX BLDG COVERAGE: 60' (4 STORIES)
MIN BLDG SEPARATION: 20'
BLDG UNIT OFFSETS: MIN 3' FOR BLDG CONTAINING MORE THAN 3 UNITS WITH COMMON WALLS; NO MORE THAN 6 UNITS MAY HAVE COMMON WALLS

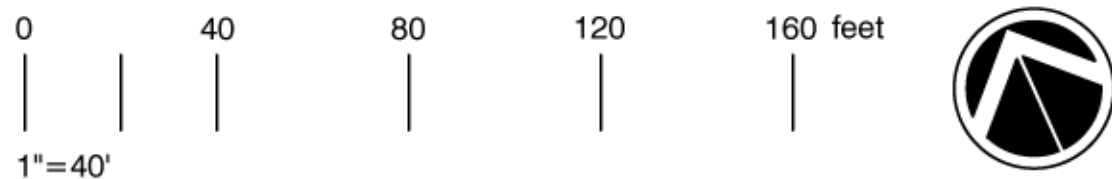
MAX IMPERVIOUS SURFACE COVERAGE: 60% (202,252 SF)
EXISTING IMPERVIOUS AREA: 14% (48,151 SF)
PROPOSED IMPERVIOUS AREA: 52% (174,225 SF)

MINIMUM SETBACKS
FRONT YARD: 30' (FROM PUBLIC STREET R/W)
15' (FROM PRIVATE STREET R/W)
SIDE YARD: 0' (FROM PERIMETER BOUNDARY)
REAR YARD: 0' (FROM PERIMETER BOUNDARY)

REQUIRED PARKING
USE: SINGLE-FAMILY ATTACHED
MIN PARKING: 2 SPACES PER UNIT X 70 UNITS = 140 SPACES
MAX PARKING: 4 SPACES PER UNIT X 70 UNITS = 280 SPACES

PROVIDED PARKING
2 GARAGE SPACE PER UNIT X 70 UNITS = 140 SPACES
GUEST/SURFACE PARKING = 18 SPACES
TOTAL PARKING PROVIDED = 158 SPACES

- ALL INTERIOR STREETS ARE PRIVATE WITH 50' R/W
- WATER AND SEWER SERVICE BY CITY OF GAINESVILLE



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2920 FLORENCE DRIVE

CITY OF GAINESVILLE, GEORGIA

1/13/2022

#21.103

ZONING SITE PLAN

SHEET 1 OF 1



OWNER:



ENGINEER:







THE SINCLAIR



THE HARTWELL



THE OCONEE



THE BURTON



THE LANIER



THE RABUN



Date Submitted: 2/14/2022

Presenter: Abb Hayes

Item of Business: Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia to amend Table 9-5-1 of Article 9-5 entitled "Permitted and Special Uses for Residential Zoning Districts"; to amend Table 9-6-1 of Article 9-6 entitled "Permitted and Special Uses for Nonresidential Zoning Districts"; to amend Section 9-10-2-5 entitled "Single-Family Attached Dwelling (Fee-Simple Townhouse); to amend Section 9-10-3-5 entitled "Private Swimming Pools"; to amend subsection (b) of Section 9-18-6-6 entitled "Changeable Copy"; to amend subsection (c) of Section 9-21-1-12 entitled "Powers and Duties"; to amend subsection (d) of Section 9-22-2-18 entitled "Action by Governing Body".

- Proposed Ordinance 2022-09

Meeting Date: 3/1/2022

Purpose of Request:

To conduct a public hearing regarding the following ULDC amendment request as presented at the February 8, 2022 Planning and Appeals Board Meeting:

The Gainesville Community and Economic Development Department is proposing to amend the Unified Land Development Code to provide for further clarification. The following amendments are proposed:

- Table 9-5-1 entitled "Permitted and Special Uses for Residential Zoning Districts" to add a new use entitled "Short Term Rental";
- Table 9-6-1 entitled "Permitted and Special Uses for Nonresidential Zoning Districts" to add a new use entitled "Short Term Rental" and to allow a drive-thru restaurant within Neighborhood Business (N-B);
- Section 9-10-2-5 entitled "Single-Family Attached Dwelling (Fee-Simple Townhouse)" to adopt a new subsection (h) entitled "Driveways" and a new subsection (i) entitled "Parking";
- Section 9-10-3-5 entitled "private swimming pools" to change the fence height requirements;
- Subsection (b) of Section 9-18-6-6 entitled "Changeable Copy" to allow a fuel canopy electronic price changer sign in lieu of a monument sign;
- Subsection (c) of Section 9-21-1-12 entitled "Recommendations on text amendments" to eliminate it in its entirety;
- Subsection (d) of Section 9-22-2-18 entitled "Action by Governing Body" to amend the tabling requirements for zoning applications.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

SAMPLE MOTIONS

Approval of Ordinance 2022-09:

I move to approve the ordinance to amend the Unified Land Development Code 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
	Ord. 2022-09 ULDC Amendment	Ordinance
	Code Amendment Ordinance Redlined	Ordinance

idual or entity
ull authority to
amend and
terms of the loan
AR FINANCIAL
ION, 135 Maxes
ville, NY 11747,
769.
rty will be sold on
asis without any
tion, warranty or
ainst the above-
the undersigned.
ill also be subject
following items
/ affect the title:
ordinances; b)
hich would be
by an accurate
by an inspection
roperty; c) any
ig ad valorem
cluding taxes,
stitute liens upon
erty whether or
ue and payable;
assessments; e)
f redemption of
j authority; f) all
ig bills for public
hich constitute
n said property;
ictive covenants,
s, rights-of-way
other matters of
erior to said
eed. To the best
knowledge and
the undersigned,
rs and party in
1 of the property
Williams and
a Williams and or
The sale will be
l subject to 1)
on that the sale
hibited under the
ruptcy code and
onfirmation and
he status of the
the holder of the
eed.
R FINANCIAL
TION, as Attorney-
Bert Williams and
e Williams
Padgett Law
67 Old Water Oak
e 203, Tallahassee,
(850) 422-2520
5,12,19,26
OF GEORGIA
OF JACKSON
OF SALE UNDER
to the power
ontained in the
Deed executed
EL MCGOLDRICK
NIFER PARKER-
RICK to
N CHASE BANK,
original principal
of \$239,900.00
ember 1, 2018
rdered in Deed
174, Page 362,
County records,
rity Deed being
ferred to NEWREZ
/A SHELLPOINT
SE SERVICING in
k 8409, Page 581,
County records,
rsigned will sell
outcry to the
bidder for cash,
the Courthouse
aid County, or at
er place as lawfully

mortgage.
THIS LAW FIRM IS ACTING
AS A DEBT COLLECTOR
ATTEMPTING TO COLLECT
A DEBT. ANY INFORMATION
OBTAINED MAY BE USED
FOR THAT PURPOSE.
NEWREZ LLC D/B/A
SHELLPOINT MORTGAGE
SERVICING, as Attorney-in-
Fact for
MICHAEL MCGOLDRICK
AND JENNIFER PARKER-
MCGOLDRICK
Robertson, Anschutz,
Schneid, Crane & Partners,
PLLC 10700 Abbott's Bridge
Road Suite 170 Duluth, GA
30097 Phone: 470.321.7112
Firm File No. 20-074582
103235 1/5,12,19,26

Miscellaneous



NEW SEX OFFENDER TO
HALL COUNTY
NAME: MATTHEW SCOTT
WHELCHHEL
ADDRESS: 766 JESSE JEWEL
PKWY #368 Gainesville GA
30501
DATE OF OFFENSE:
04/06/2002
OFFENSE: Statutory Rape
(F)
COURT OF CONVICTION:
Forsyth County
WEBSITE: <https://gbi.georgia.gov/georgia-sex-offender-registry>
103609 1/19

ABANDONED MOTOR
VEHICLE PETITION
ADVERTISEMENT
Vehicle make: CADILLAC
Year: 1987 Model: DEVILLE
Vehicle ID#
1G6CD1180H4202520
Vehicle License#: TCF8493
State: GA
Magistrate Court Case No.:
22-L-00101
present location of vehicle:
344 Kathleen Dr. SE
Marietta, GA 30067
You are hereby notified that
petition was filed in the
Magistrate Court of Cobb
County 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.
Anyone with an ownership
interest in this vehicle
may file an answer to the
petition on or before:
2/11/2022.
Answer forms may be found
in the Magistrate Court
Clerk's office located at: 32
Waddell St SE, Marietta, GA
30090.
Forms may also be
obtained online at www.georgiamagistratecourt.com
103691 1/19,26
IN THE SUPERIOR COURT
OF HALL COUNTY STATE OF

on ongoing research, it is
possible that members of
the Godfrey Luther and
Ervin (Irvine) Strickland, Sr.
families were interred at this
place. The subject property
was owned by descendants
of the Stricklands (two
Bagwell families) into the
20th century. Members
of other families may be
buried here as well. If
you are a descendant of
individuals buried in the
subject cemetery or if you
know someone who may
be, please contact Mr. Neil
Bowen at: 770 345 0706; by
e mail at: nbowen.rswa@gmail.com; or by mail at:
R.S. Webb & Associates, P.O.
Drawer 1319, Holly Springs,
Ga., 30142.
103434 1/12, 19,26,2/2

NOTICE:
Interest in 5436 Clarks
Bridge Road, Gainesville,
GA 30506
IN THE SUPERIOR COURT OF
HALL COUNTY
STATE OF GEORGIA
TAW Investments, LLC,
Petitioner,
v.
CIVIL ACTION FILE NO.:
2021CV1500W
Thester Lynn Satterfield
and James Browning, The
Property Commonly Known
as 5436 Clarks Bridge Rd.,
Tax Parcel: 12054 000003
Hall County, Georgia, and
all persons who claim or
might claim adversely to
Petitioner's title
Respondents.

To: All parties who claim
or may claim an adverse
possessory title right to the
property known as 5436
Clarks Bridge Road, Tax
Parcel 12054 000003, Hall
County
You are hereby notified that
the above-styled, action
seeking to establish title
to the below described
property against all
the world was filed on
August 24, 2021 in the
Superior Court of Hall
County, Georgia, Case No.
2021CV1500W, and that by
reason of Order for Service
by Publication issued by
said Court on the 29th day
of December, 2021, you are
hereby commanded to be
and appear at said Court
within thirty (30) days of
the date of the Order for
Service by Publication to
answer said Petition and
file in accordance with the
Court. The property is more
particularly described as
follows:
All the following described
property, to-wit: Two lots
in the town of Brookton,
Ga. Lots Nos. 68 and
69 of the Survey of J.F.
Moorefield made Jan. 30th,
1913. Beginning at the
Northwest corner of No.
102, thence Ease Course to
the Gainesville and North-
western Railroad right of
way; thence North said
right of way 100 feet to
Southeast corner of Lot
No. 70, thence West course

CHANGE NAME OF ADULT
Ali Sam Shaneheche Filed
a Petition in the Superior
Court of Hall County on the
28th day of December 2021
to change name from Ali
Sam Shaneheche to
Aria Enzo Di Vaio
Any interested party has
the right to appear in this
case and file objections
within 30 days after the
Petition was filed.
Dated 12/28/2021
/s/ Ali Sam Shaneheche
103280 1/5,12,19,26

SUPERIOR COURT OF HALL
COUNTY
STATE OF GEORGIA
In re the Name Change of
William Lamar Fayson
Petitioner
Civil Action Case Number
21CV217BJ
NOTICE OF PETITION TO
CHANGE NAME OF ADULT
William Lamar Fayson filed
a petition in the Superior
Court of Hall County
on December 6, 2021 to
change the name from
William Lamar Fayson to
William Lamar Newton Any
interested party has the
right to appear in this case
and file objections within
30 days after the petition
was filed.
Dated 12/6/2021
/s/William Lamar Fayson
Petitioner Pro se
103646 1/19,26,2/2,9

Public Hearings

NOTICE is hereby given that
the Hall County Planning
Commission shall conduct
a public hearing at the
Gainesville Civic Center,
830 Green Street NE,
Gainesville, Georgia, at 5:15
p.m. on Monday, February
7, 2022 to consider the
following:
1. Application of Travis
Little for a front yard
setback variance from 65
feet to 30 feet from the
centerline of road on a
1.80± acre tract located on
the north side of Guth Road
approximately 695 feet
from its intersection with
J M Turk Road; a.k.a. 4611
Guth Road; Zoned AR-III;
Tax Parcel 15043 000201.
Proposed Use: addition
to existing home and
construct detached garage.
* Commission District 1.
2. Application of Jacob
Thornton for a right yard
setback variance from
15 feet to 7.5 feet from
property line and a left
side yard setback variance
from 15 feet to 10 feet
from property line on a
1.17± acre tract located on
the east side of Whites Mill
Road approximately 63 feet
from its intersection with
Stephens Road; a.k.a. 4910
Whites Mill Road; Zoned
AR-III; Tax Parcel 08054
003001A. Proposed Use:
construct a residence. *
Commission District 2.
3. Application of Viktor Vlad
for a road frontage variance

NOTICE OF PLANNING AND
APPEALS BOARD PUBLIC
HEARING
Notice is hereby given that
the Gainesville Planning
and Appeals Board will
conduct a public hearing
on Tuesday, February 8,
2022 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 Daniel
J. Peck to vary the
illumination requirements
for a monument sign and
wall sign on a 0.62± acre
tract located on the east
side of South Enota Drive,
north of Downey Boulevard
(a/k/a 440 South Enota
Drive, NE), having a zoning
of Office and Institutional
(O-I).
Ward Number: Three
Tax Parcel Number(s):
01-064-002-036
Request: Monument sign
and wall sign
2) Request from Phillip R.
Brown for an appeal of an
administrative decision to
disallow use for lodging
services on a 3.5± acres
tract located at the
terminus of Mountain View
Circle, west of Honeysuckle
Road (a/k/a 725 Mountain
View Circle, NW), having a
zoning of Residential-I (R-
I).
Ward Number: One
Tax Parcel Number(s):
01-111-001-011
Request: Reverse
administrative decision
3) Request from McKinley
Homes US, LLC for a special
use on a 7.74± acres tract
located on the west side
of Florence Drive, across
from its intersection with
Bentley Park Circle (a/k/a
2920 Florence Drive, SW),
having a zoning of Office
and Institutional (O-I).
Ward Number: Four
Tax Parcel Number(s):
08-015-005-029
Request: Residential
townhomes
4) Request from the
City of Gainesville to
amend the Unified Land
Development Code for
the City of Gainesville,
Georgia to amend Table
9-5-1 of Article 9-5 entitled
"Permitted and Special
Uses for Residential Zoning
Districts"; to amend Table
9-6-1 of Article 9-6 entitled
"Permitted and Special
Uses for Nonresidential
Zoning Districts"; to amend
Section 9-10-2-5 entitled
"Single-Family Attached
Dwelling (Fee-Simple
Townhouse); to amend
Section 9-10-3-5 entitled
"Private Swimming Pools";
to amend subsection (b) of
Section 9-18-6-6 entitled
"Changeable Copy"; to
amend subsection (c) of
Section 9-21-1-12 entitled
"Powers and Duties"; to
amend subsection (d) of
Section 9-22-2-18 entitled

Holly Owens seeks
variances to reduce
setbacks as follows:
1) 5277 Old Cornelia Hwy.
a) reduce front setback
from 100 feet to 50 feet;
b) reduce north side
setback from 25 feet to 9
feet; and
c) reduce south side setback
from 25 feet to 15 feet.
2) 5281 Old Cornelia Hwy.
a) reduce front setback
from 100 feet to 50 feet;
b) reduce north side
setback from 25 feet to 16
feet; and
c) reduce south side setback
from 25 feet to 15 feet.
All interested parties are
invited to attend and be
heard.
If you have questions or
comments regarding this
application or need special
accommodations, then
please contact Dennis
Bergin, City Manager, at
City Hall.
If you speak regarding
this application, then
you must complete a
Campaign Disclosure
form if you have made
campaign contributions in
the amount of \$250.00 or
more to any member of the
Council within two years
of the date of the public
hearing.
103732 1/19,26

Public Sales/Auctions

Notice of Public Auction:
Boardwalk Storage-
Cleveland Hwy pursuant to
the "TITLE 10. COMMERCE
AND TRADE CHAPTER 4.
WAREHOUSEMEN ARTICLE
5. SELF-SERVICE STORAGE
FACILITIES GEORGIA CODE
O.C.G.A. § 10-4-210 hereby
gives Notice of Sale under
said act, to wit.
Will be holding a public
auction online at Lockerfox.
com
On February 10, 2022 @
11:30AM
Only Bank Checks will be
accepted.
All sales are final & the
units must be cleaned out
completely & broom swept
in 48 hours.
a 100.00 CASH cleaning
deposit is required. This
will be refunded upon unit
inspection.
Clermont location -6720
Cleveland Hwy, Clermont,
GA 30527 770-983-5453
Unit-C19 Nicholson, J
Unit-CC24 Mann, D
Unit-D02 Daniel, J
Unit-D05 Ramey, J
Unit-D10 Mann, D,
Unit-F08 Greene, L
Unit-A03 Martin, E
103579 1/19,26
NOTICE SALE
This unit will be sold at
public auction to the
highest bidder for cash, at
Double Eagle Self Storage
3558 Atlanta Hwy., Flowery
Branch, Ga. 30542 on
Tuesday, January 25, 2022
at 3:30pm. To foreclose and
satisfy warehouseman's
lien covering storage as

place as lawfully within the legal ile, on February he property in ity Deed and s follows:
ACT OR PARCEL ING AND BEING DGM DISTRICT, INTY, GEORGIA, 53, RIVERSTONE DIVISION, UNIT 1, AS PER PLAT IN PLAT BOOK GES 186-195, INTY, GEORGIA WHICH PLAT IS ATED HEREIN BY AND MADE A IIS DESCRIPTION. rty being known EXINGTON WAY, N, GA 30517
best of the ed's knowledge, y, or parties ssion of said is/are MICHAEL ICK AND PARKER- ICK or tenant(s). secured by said ed has been and eclared due and eause of, among isible events of ilure to pay the ess as provided Note and said Deed. The debt in default, this e made for the f paying the same xpenses of sale, attorney's fees intent to collect fees having been
erty will be sold o the following: outstanding ad taxes (including ich are a lien, r not yet due and n of any taxing (3) any matters ght be disclosed urate survey and 1 of the property; any assessments, encumbrances, ordinances, is, covenants, and if record superior ecurity Deed first ove.
will be conducted o the following: (1) ion that the sale ibited under the ruptcy Code; and confirmation and the status of the the holder of the

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
JANUARY TERM, 2022 TERM OF GRAND JURY
The attached list represents the indictments presented to the Grand Jury and taken to Judge C. Andrew Fuller in open court is date, January 12, 2022.
I received this list along with the envelope containing the indictments in open court on this date, January 12, 2022. The Courtroom was open to the public at the time of the presentation to me of the envelope containing indictments and the list of indictments as shown on Exhibit "A," attached hereto.
C. ANDREW FULLER
JUDGE, HALL COUNTY SUPERIOR COURT
1-11-22 DATE
3:04PMTIME
CASES PRESENTED TO GRAND JURY ON JANUARY 12, 2022.
Defendant and Charges
J A Simpson Aggravated ssault criminal damage prop etc
NT Couch terroristic threats etc
MD Higgins rape etc
Dt Powell possession schll controlled sub etc
L Mendoza battery FV etc
SM Jowers aggravated batter etc
CL Stott serious injury by vehicle etc
OS Griffin theft by shoplifting
JJ Chummar possession con substance etc
Lunch Break
MB Schoolcraft aggravated assault etc
TB Yopp criminal attempt to commit a F etc
GL Fricks homicide by vehicle etc
AH Moore possession synthetic cannabinoid etc
ST Hogan aggravated assault etc
AV Sfta terroristic threats etc
HR Day trafficking methamphetamine etc
DT Jones habitual violator DUI etc
JH Whitt criminal damage to property etc
SD McCrary aggravated assault
January 12, 2022
103757 1/19
LEGAL AND PUBLIC NOTICE:
Chafin Land Development,

Southwest corner of Lot No. 70; thence West course along line of Lot No. 70 to Main Street; thence South Main Street 100 feet to beginning corner. Including improvements on said property being three room frame dwelling. This being the same property described in deed from Mrs. Lucretia Wilson Little et al. to W.S. Edge, recorded in Book 122, page 540, Clerk's Office, Hall Superior Court. Appearance may be made by filing a written response with the Clerk of the Court in the above-styled action.
WITNESSETH
The Honorable Clint G. Bearden, Judge of the Superior Court of Hall County,
T W R / m m k / 1 5 2 1 7 / W260623
103289 1/5,12,19,26
Name Changes
SUPERIOR COURT HALL COUNTY
STATE OF GEORGIA
In re the name change of Melissa Anne Bennett
Petitioner
Civil Action Case Number 2021CV2144W
NOTICE OF PETITION TO CHANGE NAME
Melissa Anne Bennett filed a petition in the Superior Court of Hall County on December 1 2021, to change the name from Melissa Anne Woolston
Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
Dated 12/1/2021
/s/ Melissa Anne Bennett
Petitioner Pro se
103600 1/19,26,2/9
SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of Gwendolyn Frances Gabbard
Petitioner
Civil Action Case Number 2021CV2076C
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Gwendolyn Frances Gabbard filed a petition in the Superior Court of Hall County on November 19 2021 to change the name from Gwendolyn Frances Gabbard to Zachariah

for a road frontage variance from 150 feet to 125 feet on a 5.02± acre tract located at the intersection of Union Church Road and Oliver Road; a.k.a. 5630 Union Church Road; Zoned AR-IV; Tax Parcel 15039 000067. Proposed Use: 5 lot subdivision. ** Commission District 1.
4. Application of Viktor Vlad to rezone from Agricultural Residential-IV (AR-IV) to Residential-I (R-I) on a 5.02± acre tract located at the intersection of Union Church Road and Oliver Road; a.k.a. 5630 Union Church Road; Zoned AR-IV; Tax Parcel 15039 000067. Proposed Use: 5 lot subdivision. ** Commission District 1.
5. Application of Friendship 24, LLC to rezone from Agricultural Residential-IV (AR-IV) to Planned Commercial Development (PCD) on a 24.23± acre tract located on the north side of Friendship Road approximately 3,111 feet from its intersection with Deaton Creek Parkway; a.k.a. 1639 Friendship Road; Zoned AR-IV; Tax Parcel 15039 000012B. Proposed Use: self-storage, boat/RV/box truck parking. ** Commission District 1.
NOTE: In accordance with Georgia law, anyone who (a) wishes to express 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

Section 9-22-2-18 entitled "Action by Governing Body".
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE GAINESVILLE ZONING MAP
Notice is hereby given that the Gainesville City Council will conduct a public hearing on Tuesday, March 1, 2022 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 McKinley Homes US, LLC for a special use on a 7.74± acres tract located on the west side of Florence Drive, across from its intersection with Bentley Park Circle (a/k/a 2920 Florence Drive, SW), having a zoning of Office and Institutional (O-I). Ward Number: Four
Tax Parcel Number(s): 08-015-005-029
Request: Residential townhomes
2) Request from the City of Gainesville to amend the Unified Land Development Code for the City of Gainesville, Georgia to amend Table 9-5-1 of Article 9-5 entitled "Permitted and Special Uses for Residential Zoning Districts"; to amend Table 9-6-1 of Article 9-6 entitled "Permitted and Special Uses for Nonresidential Zoning Districts"; to amend Section 9-10-2-5 entitled "Single-Family Attached Dwelling (Fee-Simple Townhouse); to amend Section 9-10-3-5 entitled "Private Swimming Pools"; to amend subsection (b) of Section 9-18-6-6 entitled "Changeable Copy"; to amend subsection (c) of Section 9-21-1-12 entitled "Powers and Duties"; to amend subsection (d) of Section 9-22-2-18' entitled "Action by Governing Body".
Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570
103727 1/19
PUBLIC NOTICE
The Planning Commission of the City of Lula will hear

lien covering storage, as indicated on the personal and household goods of the following:
#527 John Pierce
103511 1/12,15,19
Probate Notices
CITATION COURT OF HALL COUNTY RE: ESTATE OF MARCUS BRYON HOLMBERG (FORMER) WARD
Date of Publication, if any: January 19, 2022
TO WHOM IT MAY CONCERN:
The conservator of the above estate, has applied for Discharge from said trust. This is to notify the above interested parties to show cause, if any they can, why said conservator should not be discharged from office and liability. All objections must be in writing, setting forth the grounds of any such objections, and filed with the above Probate Court, at 116 Spring Street, First Floor, Gainesville, Georgia 30501 on or before 10:00 A.M. March 7, 2022, said date being more than 30 days from the date of publication, or if personally served, then 10 days from the date of such service. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/ telephone number for the required amount of filing fees.
If any objections are filed, a hearing will be scheduled for a later date. If no objections are filed, the petition may be granted without a hearing.
PATTY WALTERS LAINE
PROBATE JUDGE
By: DENISE GARCIA
PROBATE CLERK
116 SPRING STREET, FIRST FLOOR ADDRESS
GAINESVILLE, GEORGIA 30501
770-531-6925
102996 1/19
CITATION
PROBATE COURT OF HALL

Passed: _____

AN ORDINANCE

No. 2022-09

AN ORDINANCE TO AMEND TABLES 9-5-1 AND 9-6-1 AND SECTIONS 9-10-2-5, 9-10-3-5, 9-18-6-6, 9-21-1-12, AND 9-22-2-18 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA HEREINAFTER REFERRED TO AS “THE ULDC” AS SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I.

Table 9-5-1 of the ULDC is hereby amended by adding the use entitled “Short Term Rental” in the section of Table 9-5-1 entitled “OFFICE AND COMMERCIAL USES” between the uses entitled “Personal service establishment, 2,500 square feet or less of gross floor area per establishment” and “Special event facility” as set forth below:

Use	Definition	Specific Regulations	R-I-A	R-I	N-C	R-II	R-O
Office and Commercial Uses							
Short Term Rental	Short Term Rental: The occupancy of all or a portion of a residential structure, rented to the public for a fee for the purpose of overnight lodging for a period not more than 15 days. Includes Airbnb, Vrbo and the like.		X	X	X	X	●

SECTION II.

Table 9-6-1 of the ULDC is hereby amended by adding the use entitled “Short Term Rental” in the section of Table 9-6-1 entitled “OFFICE AND COMMERCIAL USES” between the uses entitled “Sexually-oriented adult use” and “Special event facility” as set forth below:

Use	Definition	Specific Regulations	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Office and Commercial Uses									
Short Term Rental	Short Term Rental: The occupancy of all or a portion of a residential structure, rented to the public for a fee for the purpose of overnight lodging for a period not more than 15 days. Includes Airbnb, Vrbo and the like.		X	X	●	●	●	●	●

SECTION III.

Table 9-6-1 of the ULDC is hereby amended to permit a “Restaurant, drive-through” use within the Neighborhood Business (N-B) zoning district as set forth below:

ORDINANCE NO. 2022-09

Use	Definition	Specific Regulations	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Office and Commercial Uses									
Restaurant, drive-through	Restaurant, drive-through: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to consume state and in which the principal or accessory method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle either in a parked state or in vehicle aisles, without the need for the customer to exit the motor vehicle.		X	●	○	●	●	●	●

SECTION IV.

Section 9-10-2-5 of the ULDC is hereby amended by adding at the end of Section 9-10-2-5 subsection (h) entitled “Driveways” and subsection (i) entitled “Parking” to read as follows:

Section 9-10-2-5. Single-Family Attached Dwelling (Fee-Simple Townhouse).

- (h) Driveways. Townhouse developments shall be designed with shared access to minimize the number of driveways off of a public street. Access must be reviewed and approved by the Public Works Department, and no more than two (2) driveways for a townhouse development shall be permitted on a public street.
- (i) Parking. Each townhouse unit shall have a two (2) car garage. An exemption from this requirement may be allowed if the parking is located behind the townhouse building(s).

SECTION V.

Section 9-10-3-5 of the ULDC is hereby amended to read as follows:

Section 9-10-3-5. Private Swimming Pool.

Swimming pools accessory to single-family dwellings shall be located in rear or side yards. All swimming pools shall be located at least ten (10) feet from all property lines. Swimming pools must be enclosed by a fence or wall at least four (4) feet in height (or as otherwise specified in an adopted swimming pool code or building code) and maintained in good condition with a lockable gate.

SECTION VI.

Section 9-18-6-6 of the ULDC is hereby amended to read as follows:

Section 9-18-6-6. Changeable Copy.

- (a) No more than one (1) changeable copy electronic sign shall be permitted for any single lot.
- (b) Changeable copy, not to exceed twenty (20) square feet in area, shall be authorized to be incorporated into a principal use, monument (ground) sign. A changeable copy electronic price

ORDINANCE NO. 2022-09

changer sign may be permitted on no more than two sides of a fuel canopy in lieu of a principal use, monument (ground) sign.

(c) Changeable copy electronic signs are authorized only if in compliance with Chapter 9-18-4 of this Article with regard to illumination and electronic changeable copy signs.

(d) Changeable copy shall not be incorporated into an existing billboard.

SECTION VII.

Section 9-21-1-12 of the ULDC is hereby amended to read as follows:

Section 9-21-1-12. Powers and Duties.

The Planning and Appeals Board shall have without limitation the following powers and duties:

- (a) Recommendations on comprehensive plan. Review the provisions of the City's Comprehensive Plan from time to time, and to make such recommendations to the Governing Body as it deems appropriate concerning its adoption or amendment.
- (b) Recommendations on annexation, rezoning and special use applications. Conduct a public hearing on each application for annexation, rezoning or special use approval, review the application in accordance with the standards and procedures set forth in this Unified Land Development Code and the Zoning Procedures Law (O.C.G.A. 36-66-1 et seq.), and make such recommendations to the Governing Body as it deems appropriate on each application.
- (c) Initiation of rezoning applications and text amendments. Initiate on its own motion a zoning change or an amendment to the text of any article of this Unified Land Development Code when, in its determination, such changes are appropriate for consideration. Any initiation by the Planning and Appeals Board must go through the normal public notification and application requirements as stated in Article 9-22 of the Unified Land Development Code.
- (d) Decisions on variances. Conduct a public hearing and make a final decision in accordance with the procedures and provisions of this Unified Land Development Code on each application for a zoning variance or flood protection variance.
- (e) Decisions on administrative appeals. Conduct a public hearing and make a final decision in accordance with the procedures and provisions of this Unified Land Development Code on each appeal of an administrative decision pursuant to this Code or an interpretation of the provisions of this Code by an administrative officer. In exercising these powers regarding an appeal of an administrative decision, the Planning and Appeals Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determinations of the administrative official, and to that end shall have the power to direct issuance of a permit.
- (f) Other powers. The Planning and Appeals Board shall also have such other powers, duties or responsibilities assigned to it by the Governing Body, explicitly assigned by this Unified Land Development Code, or reasonably implied by Code.

ORDINANCE NO. 2022-09

SECTION VIII.

Section 9-22-2-18 of the ULDC is hereby amended to read as follows:

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

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

After conducting a public hearing, in taking action on an application, the Governing Body may:

- (a) Approve the application as submitted by ordinance.
- (b) Approve the application with conditions.
- (c) Deny the proposal.
- (d) Table the proposal for consideration at a future meeting.
- (e) Refer the application back to the Planning and Appeals Board for further consideration, with notice of public hearings before the Planning and Appeals Board and Governing Body, the same as required for the initial application.
- (f) Refer the application back to the Planning and Appeals Board for further consideration, without the requirement to hold a public hearing and provide notice thereof.

SECTION IX.

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

SECTION X.

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

SECTION XI.

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

ORDINANCE NO. 2022-09

W. Samuel Couvillon, 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. 2022-

AN ORDINANCE TO AMEND TABLES 9-5-1 AND 9-6-1 AND SECTIONS 9-10-2-5, 9-10-3-5, 9-18-6-6, 9-21-1-12, AND 9-22-2-18 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA HEREINAFTER REFERRED TO AS “THE ULDC” AS SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I.

Table 9-5-1 of the ULDC is hereby amended by adding the use entitled “Short Term Rental” in the section of Table 9-5-1 entitled “OFFICE AND COMMERCIAL USES” between the uses entitled “Personal service establishment, 2,500 square feet or less of gross floor area per establishment” and “Special event facility” as set forth below:

Use	Definition	Specific Regulations	R-I-A	R-I	N-C	R-II	R-O
Office and Commercial Uses							
Short Term Rental	Short Term Rental: The occupancy of all or a portion of a residential structure, rented to the public for a fee for the purpose of overnight lodging for a period not more than 15 days. Includes Airbnb, Vrbo and the like.		X	X	X	X	●

SECTION II.

Table 9-6-1 of the ULDC is hereby amended by adding the use entitled “Short Term Rental” in the section of Table 9-6-1 entitled “OFFICE AND COMMERCIAL USES” between the uses entitled “Sexually-oriented adult use” and “Special event facility” as set forth below:

Use	Definition	Specific Regulations	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Office and Commercial Uses									
Short Term Rental	Short Term Rental: The occupancy of all or a portion of a residential structure, rented to the public for a fee for the purpose of overnight lodging for a period not more than 15 days. Includes Airbnb, Vrbo and the like.		X	X	●	●	●	●	●

SECTION III.

Table 9-6-1 of the ULDC is hereby amended to permit a “Restaurant, drive-through” use within the Neighborhood Business (N-B) zoning district as set forth below:

ORDINANCE NO. 2022-

Use	Definition	Specific Regulations	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Office and Commercial Uses									
Restaurant, drive-through	Restaurant, drive-through: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to consume state and in which the principal or accessory method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle either in a parked state or in vehicle aisles, without the need for the customer to exit the motor vehicle.		X	●	○	●	●	●	●

SECTION IV.

Section 9-10-2-5 of the ULDC is hereby amended by adding at the end of Section 9-10-2-5 subsection (h) entitled “Driveways” and subsection (i) entitled “Parking” to read as follows:

Section 9-10-2-5. Single-Family Attached Dwelling (Fee-Simple Townhouse).

(h) Driveways. Townhouse developments shall be designed with shared access to minimize the number of driveways off of a public street. Access must be reviewed and approved by the Public Works Department, and no more than two (2) driveways for a townhouse development shall be permitted on a public street.

(i) Parking. Each townhouse unit shall have a two (2) car garage. An exemption from this requirement may be allowed if the parking is located behind the townhouse building(s).

SECTION V.

Section 9-10-3-5 of the ULDC is hereby amended to read as follows:

Section 9-10-3-5. Private Swimming Pool.

Swimming pools accessory to single-family dwellings shall be located in rear or side yards. All swimming pools shall be located at least ten (10) feet from all property lines. Swimming pools must be enclosed by a fence or wall at least **four (4)** feet in height (or as otherwise specified in an adopted swimming pool code or building code) and maintained in good condition with a lockable gate.

SECTION VI.

Section 9-18-6-6 of the ULDC is hereby amended to read as follows:

Section 9-18-6-6. Changeable Copy.

- (a) No more than one (1) changeable copy electronic sign shall be permitted for any single lot.
- (b) Changeable copy, not to exceed twenty (20) square feet in area, shall be authorized to be incorporated into a principal use, monument (ground) sign. **A changeable copy electronic price**

ORDINANCE NO. 2022-

changer sign may be permitted on no more than two sides of a fuel canopy in lieu of a principal use, monument (ground) sign.

- (c) Changeable copy electronic signs are authorized only if in compliance with Chapter 9-18-4 of this Article with regard to illumination and electronic changeable copy signs.
- (d) Changeable copy shall not be incorporated into an existing billboard.

SECTION VII.

Section 9-21-1-12 of the ULDC is hereby amended to read as follows:

Section 9-21-1-12. Powers and Duties.

The Planning and Appeals Board shall have without limitation the following powers and duties:

- (a) Recommendations on comprehensive plan. Review the provisions of the City's Comprehensive Plan from time to time, and to make such recommendations to the Governing Body as it deems appropriate concerning its adoption or amendment.
- (b) Recommendations on annexation, rezoning and special use applications. Conduct a public hearing on each application for annexation, rezoning or special use approval, review the application in accordance with the standards and procedures set forth in this Unified Land Development Code and the Zoning Procedures Law (O.C.G.A. 36-66-1 et seq.), and make such recommendations to the Governing Body as it deems appropriate on each application.
- (c) Initiation of rezoning applications and text amendments. Initiate on its own motion a zoning change or an amendment to the text of any article of this Unified Land Development Code when, in its determination, such changes are appropriate for consideration. Any initiation by the Planning and Appeals Board must go through the normal public notification and application requirements as stated in Article 9-22 of the Unified Land Development Code.
- (d) Decisions on variances. Conduct a public hearing and make a final decision in accordance with the procedures and provisions of this Unified Land Development Code on each application for a zoning variance or flood protection variance.
- (e) Decisions on administrative appeals. Conduct a public hearing and make a final decision in accordance with the procedures and provisions of this Unified Land Development Code on each appeal of an administrative decision pursuant to this Code or an interpretation of the provisions of this Code by an administrative officer. In exercising these powers regarding an appeal of an administrative decision, the Planning and Appeals Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determinations of the administrative official, and to that end shall have the power to direct issuance of a permit.
- (f) Other powers. The Planning and Appeals Board shall also have such other powers, duties or responsibilities assigned to it by the Governing Body, explicitly assigned by this Unified Land Development Code, or reasonably implied by Code.

SECTION VIII.

Section 9-22-2-18 of the ULDC is hereby amended to read as follows:

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

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

After conducting a public hearing, in taking action on an application, the Governing Body may:

- (a) Approve the application as submitted by ordinance.
- (b) Approve the application with conditions.
- (c) Deny the proposal.
- (d) Table the proposal for consideration **at a future meeting.**
- (e) Refer the application back to the Planning and Appeals Board for further consideration, with notice of public hearings before the Planning and Appeals Board and Governing Body, the same as required for the initial application.
- (f) Refer the application back to the Planning and Appeals Board for further consideration, without the requirement to hold a public hearing and provide notice thereof.

SECTION IX.

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

SECTION X.

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

SECTION XI.

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

ORDINANCE NO. 2022-

W. Samuel Couvillon, 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