

1. CALL TO ORDER

2. MINUTES

A. July 14, 2020 PAB Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Variance Request

- (1) Request from **Joseph Spagnuolo** to vary the front yard setback requirement on a 1.49± acres tract located on the southeast side of East Lake Drive across from its intersection with Chattahoochee Trace (a/k/a **825 East Lake Drive, NW**), having a zoning classification of Residential-I-A (R-I-A).

Ward Number: One

Tax Parcel Number(s): 01-107-001-123

Request: Two single-family homes

B. Annexation Request

- (1) Request from **Darrell W. Wiley** to annex a 0.16± acre tract located on the northeast side of the intersection of Mundy Mill Road and Millside Parkway (a/k/a **0 Mundy Mill Road**) and to establish zoning as Planned Unit Development (P-U-D).

Ward Number: Four

Tax Parcel Number(s): 08-030-000-102 (Part)

Request: Right-of-way

C. Rezoning Request

- (1) Request from the City of Gainesville to rezone 25 parcels totaling 39.0± acres located within the Midtown Overlay Zone (a/k/a 319 Abby Place, SW; 422, 435 Banks Street, SW; 722 Bradford Street, SW; 506 and 508 Davis Street, SW; 0 Pine Street, SW; 603, 609, 619, 625 and 631 Gordon Avenue, SW; 729, 878, 901 and 905 Grove Street, SW; 636 High Street, SW; 687, 711, 721 and 743 Main Street, SW; 409, 427 and 435 Parker Street, SW; 701 and 757 Queen City Parkway, SW; 504 Summit Street, SW) from Heavy Industrial (H-I), Light Industrial (L-I), General Business (G-B) and Residential-II (R-II) to Office and Institutional (O-I).

Ward Number: Three

Tax Parcel Number(s): 01-013-003-001, 002, 003, 004, 005, 006, 007, 008 and 009; 01-014-002-001, 014 and 019; 01-015-001-006, 008, 009, 011 and 012; 01-015-003-006; 01-017-001-003; 01-018-001-014, 019 and 022; 01-019-003-005A; 01-030-001-001 and 023

Request: No change in use

D. Code Amendment Request

- (1) Request from the **City of Gainesville** to amend Section 9-8-2-4 of the Gainesville Unified Land Development Code entitled "Dimensional Requirements" for the Gateway Corridor Overlay Zone.

5. MISCELLANEOUS

6. ADJOURNMENT

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 7/21/2020
Presenter: N/A
Item of Business: July 14, 2020 PAB Meeting Minutes
Meeting Date: 8/11/2020

Purpose of Request:

The purpose of this request is to allow the Planning and Appeals Board to approve the minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

The draft minutes were reviewed by the Planning Manager and Community Development Director.

Department Recommendation:

Approval of the minutes as presented.

Department Director:

Rusty Ligon

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

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
 Draft Minutes	Minutes

**GAINESVILLE PLANNING AND APPEALS BOARD
DRAFT MINUTES OF MEETING
JULY 14, 2020**

CALL TO ORDER Vice-Chair Fleming at 5:30 p.m.

Members Present: Vice-Chair Jane Fleming and Board Members Rich White, Kelvin Simmons, Eddie Martin, Ryan Thompson and Carmen Delgado

Members Absent: Chairman Doug Carter

Staff Present: Community & Economic Development Deputy Director Matt Tate and Recording Secretary Gwen Fleming

Others Present: Council Member Barbara Brooks

MINUTES OF JUNE 9, 2020

Motion made by Board Member Thompson

Motion seconded by Board Member White

Vote – 6 favor, 1 absent (Carter)

NEW BUSINESS

A. Annexation Requests

- 1) Request from **Mauricio Ortega** to annex a 0.51± acre tract located on the south side of Cherrywood Drive, west of Cherry Circle (a/k/a **23 Cherrywood Drive**) and to establish zoning as Residential-I (R-I).

Ward Number: Four

Tax Parcel Number(s): 08-015-002-011

Request: Sewer for a single-family home

Staff Presentation: Deputy Director Matt Tate gave the following staff presentation:

The applicant is proposing to annex the subject property in order to utilize sewer for a single-family home that was recently permitted in Hall County.

The property is adjacent to the city limits to the south and is zoned Residential-I (R-I) within unincorporated Hall County.

The subject property is a partially wooded lot and has access to Cherrywood Drive.

Adjacent uses include single-family homes located within Hall County as well as City owned property that contains sewer utilities and a pump station zoned for light industrial purposes within the city limits.

The proposed home is approximately 2,193 square feet with one access driveway from Cherrywood Drive.

The Future Development Map for the City of Gainesville places the property within the Low-Medium Density Residential land use category and is within the Suburban Residential Character Area which includes low-density to medium-density residential uses.

The Planning Division staff is recommending approval of this annexation request with Residential-I (R-I) zoning, based on the Comprehensive Land Use Plan and the adjacent residential land use.

Applicant Presentation: None

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the annexation request with Residential-I (R-I) zoning as presented.

Motion made by Board Member Thompson
Motion seconded by Board Member Delgado
Vote – 6 favor, 1 absent (Carter)

- 2) Request from **1430 Calvary Church Rd LLC** to annex a 0.46± acre tract located on the west side of Calvary Church Road, southwest of its intersection with Calvary Drive (a/k/a **1442 Calvary Church Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Three
Tax Parcel Number(s): 15-035-000-001
Request: Granite South warehouse addition

Staff Presentation: Deputy Director Matt Tate gave the following staff presentation:

The applicant is proposing to annex the subject 0.46± acre property to expand the existing Granite South business which fabricates granite and cabinets. Adjacent uses include mostly industrial uses within Gainesville and Hall County, residential uses located across Calvary Church Road in the County and land owned by the Gainesville Area Park Commission which includes the Elachee Nature Science Center. The subject property contains a vacant single-family home that will be demolished for a 19,500± square foot warehouse addition. The addition will extend from the existing 10,000 square foot office/warehouse building which is located on the larger adjacent property currently within the city limits. The intent is to combine the properties under one jurisdiction. The existing driveway will be redesigned and additional parking will be provided off of Calvary Church Road which is a County maintained road.

The Future Development Map for the City of Gainesville places the property within the Industrial land use category and the property is located within the Economic Development Gateways character area which includes a wide range of office, business, supportive commercial, light industrial, manufacturing, research and development uses.

The Planning Division staff is recommending conditional approval of the proposed annexation request with Light Industrial (L-I) zoning, based on the Comprehensive Plan and the adjacent non-residential land uses.

Applicant Presentation: Bradley Rush, 5351 Mt. Vernon Road, stated the property was purchased at the beginning of the year and they have been updating and renovating the current warehouse. He stated this will be a better use of the space which is an industrial area and really needs the space.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request to annex the subject property and to establish zoning as Light Industrial (L-I) with the following conditions:

Conditions

1. An updated as-built boundary survey/plat of the subject property, combining the subject property with the adjacent 1430 Calvary Church Road property and indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy.
2. A minimum 3-foot high water table consisting of stucco, brick or rock material shall be required on the exterior front wall of the proposed building.

Motion made by Board Member White

Motion seconded by Board Member Delgado

Vote – 6 favor, 1 absent (Carter)

NOTE: The annexation and rezoning requests by the Gainesville City Board of Education were presented together although the motions were made separately.

- 3) Request from the **Gainesville City Board of Education** to annex a 5.934± acres tract located on the east side of Gould Drive between McEver Road and S Smith Road (a/k/a **2550 and 2560 Gould Drive**) and to establish zoning as Office and Institutional (O-I) with a special use.

Ward Number: Four

Tax Parcel Number(s): 08-015-009-001 & 001B

Request: New Middle School / Existing single-family home

Staff Presentation: Deputy Director Matt Tate gave the following staff presentation:

The Gainesville City Board of Education is proposing to develop a 22.6± acres tract of land for a second middle school campus. As well, part of the proposal includes special use approval to allow an existing single-family rental home to remain. As a reminder, the proposed middle school is permitted within any zoning district as it is considered a public use. The intent is to bring all of the parcels under one jurisdiction with a zoning of Office and Institutional (O-I). Overall, the property includes an assemblage of four parcels located east of Gould Drive and south of McEver Road, directly across from the older Free Chapel church campus. The properties are mostly wooded with the exception of the single-family

home. The adjacent uses include single-family homes in the County located along Gould Drive, three churches and undeveloped property.

The first part of the request involves annexing two parcels consisting of 5.934± acres with O-I zoning with a Special Use. The second part of the request involves rezoning two parcels consisting of 16.67± acres from R-I to O-I. The proposed middle school is designed to have a maximum enrollment of 1,275 students with a 125 staff including teachers. The development includes a two-story, 183,400 square foot building, multi-purpose field with field house and bleachers. Primary access is proposed off of McEver Road for parent drop-off/pick-up, buses and visitors. The school will operate with 14 buses. Secondary access is proposed off of Gould Drive which is a County maintained road and is for school staff including teachers. Coordination for access will be required with the Georgia Department of Transportation (GDOT) Gainesville Public Works and Hall County. An Intersection Control Evaluation was completed for the proposal for the proposed full access driveway on McEver Road. The findings of the study are summarized within the staff report.

Future Development Map for the City of Gainesville places the subject property within the *Mixed-Use General* land use category and within the *Suburban Residential* Character Area. This category includes low-density residential, medium-density residential, multi-family residential, public / institutional, commercial, and parks / recreation / conservation, mixed-use.

The Planning Division staff is recommending conditional approval of this annexation request with a special use and rezoning request with a zoning of Office and Institutional (O-I) based on the Comprehensive Plan and the adjacent and nearby mixture of uses.

Applicant Presentation: **Jeremy Williams**, 741 Chattahoochee Place, stated Gainesville Middle School currently houses over 1,800 students that was built for less than 1,500. He said all growth over the last decade has been on the southwest side of the city. He stated this would alleviate Mundy Mill elementary school, Gainesville Exploration Academy as well as a portion Centennial Arts Academy. He also said the timeline proposed is the end of this calendar year or first of next year and they agree with all the conditions.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Vice-Chair Fleming reminded the Board to vote on the requests separately and in order it was presented.

There was a motion to recommend conditional approval of the request to annex the subject property and to establish zoning as Office and Institutional (O-I) with a special use to allow an existing single-family home to remain with the following conditions:

Conditions

1. The owner/developer shall screen the proposed buildings, parking lots, dumpster pad and stormwater facilities from the adjacent single-family homes located at 2550 and 2590 Gould Drive with a mixture of evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.

2. Prior to a permit being issued for the proposed use, a Traffic Impact Study (TIS) shall be required by the developer/property owner to further study access improvements along Gould Drive. The scope of the study shall be determined by the Gainesville Public Works Department Director.
3. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director in coordination with Hall County and the Georgia Department of Transportation (GDOT). 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. As determined by the Public Works Director, the proposed sidewalk shall connect with the existing sidewalks along McEver Road.
4. The proposed signs shall adhere to Office and Institutional (O-I) zoning standards except that an internally illuminated sign may be allowed fronting McEver Road. An electronic message board sign shall not be permitted fronting Gould Drive.

Motion made by Board Member Martin
Motion seconded by Board Member White
6 favor, 1 absent (Carter)

B. Rezoning Request

- 1) Request from the **Gainesville City Board of Education** to rezone a 16.67± acres tract located on the south side of McEver Road, east of its intersection with Gould Drive (a/k/a **1263 and 1279 McEver Road, SW**) from Residential-I (R-I) to Office and Institutional (O-I).
Ward Number: Four
Tax Parcel Number(s): 08-006-001-070 and 08-015-009-020
Request: New Middle School

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

Conditions

1. The owner/developer shall screen the proposed buildings, parking lots, dumpster pad and stormwater facilities from the adjacent single-family homes located at 2550 and 2590 Gould Drive with a mixture of evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.
2. Prior to a permit being issued for the proposed use, a Traffic Impact Study (TIS) shall be required by the developer/property owner to further study access improvements along Gould Drive. The scope of the study shall be determined by the Gainesville Public Works Department Director.
3. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director in coordination with Hall County and the Georgia Department of Transportation (GDOT). 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. As determined by the Public Works Director, the proposed sidewalk shall connect with the existing sidewalks along McEver Road.

- 4. The proposed signs shall adhere to Office and Institutional (O-I) zoning standards except that an internally illuminated sign may be allowed fronting McEver Road. An electronic message board sign shall not be permitted fronting Gould Drive.**

Motion made by Board Member Thompson
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 absent (Carter)

D. Zoning Amendment Request

- 1) Request from **OHC Lanier North, LLC** to amend the existing Planned Unit Development (P-U-D) zoning on a 26.16± acres tract located northeast of Dawsonville Highway and on the north side of the intersection of Strickland Drive and Sportsman Club Road, with road frontage on Karen Lane (a/k/a **0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive**).
Ward Number: One
Tax Parcel Number(s): 00-109-003-001, 004, 005; 00-109B-000-001, 002A and 036
Request: Active adult community and up to four residential lots

Staff Presentation: Deputy Director Matt Tate gave the following staff presentation:

The applicant is proposing to amend an existing Planned Unit Development (P-U-D) on a 26.16± acres tract to allow for up to four estate lots. The property was previously annexed and zoned Planned Unit Development with sixteen conditions (P-U-D-c) in 2017. The current approved use for the property includes 90 active adult units consisting of terrace homes and townhomes with a community clubhouse and pool. There has been no development at this time.

The intent of this request is to retain the original P-U-D standards and allow the owner the option to subdivide the property into as many as four single family lots. In order to do so, zoning condition #16 will be amended and a new zoning condition #17 is proposed.

The Planning staff is recommending conditional approval of the request by amending following existing zoning condition #16 and the addition of zoning condition #17 as stated:

Applicant Presentation: Tad Braswell, 5256 Peachtree Road, Atlanta, Georgia stated Oak Hall Companies put together and zoned this 26 acres and 188 acres and purchased this portion of the development in 2018. They have been working on the financing which has been challenging. He stated they were approached by a single buyer wanting to build on the lake with a certain view. The buyer would like to build a single-family home on the back of the property, utilize the existing dock and might even want to build more than one house. But the intent for this buyer is to build on 6 to 8 acres and doesn't need 26 acres. There is a first right of refusal in the contract to buy back the balance of the property. Their intent is to have 1 to 4 estate lots in the back six to eight acres and then would buy back the balance of it and develop it. So once this is done we will know more if we develop an attached or detached product and more about the market and best use for it. He stated there are several traffic control and transportation requirements that are conditions of the property that are also conditions of the big piece, so any improvements on Sportsman Club will have to

be done in conjunction with it. He said some of the property is too steep to develop and they will be sensitive to the environment. He stated in the zoning conditions require a minimum square footage for the size of the townhome and they couldn't build anything smaller along with being restricted to retirement/age.

FAVOR: None

OPPOSE: **Teresa Strayhorn**, 2303 Mt. Crest Place, wanted clarification on the property approved for 90 units and is concerned the development is proposing to add 4 residential lots and not adding density which would overcrowd the units in a much smaller area.

Deputy Director Tate read the new zoning conditions again. The developer would submit the development plan to subdivide the property which would probably reduce the overall units to less than a total of 90.

Vice-Chair Fleming stated the developer would need approval from the city and there are conditions in place with the city regarding the size of the square footage if that happened. She also said the board will be glad to give more details after the meeting or answer any questions now.

Cyril Pcolinsky, 2200 Sportsman Club Road, stated he is not in opposition to the proposal but asking for adjustments. He pointed out on a photo the houses seem to be on the bottom side and that area is a large slope and would like to co-exist on R-I zoning and the P-U-D zoning and would propose some transition area between these two zonings. The transition area is specifically on the slope and is asking the developer and City of Gainesville not to build the four units on the slope area. He requested the project be decreased and not build four units on the slope because it would be rear facing sitting directly above their homes.

Brian Pinson, 2254 Karen Lane, stated he would like to know what other modifications would be a part of the development. He was concerned about a traffic signal at Dawsonville Highway and heavy traffic on Karen Lane.

Planning and Appeals Board Comments: Board Member Thompson and Vice-Chair Fleming asked if one estate lot was sold then could the other property still be used for multi-family units such as a retirement community. Mr. Tate stated the intent of the conditions is to retain the ability to develop for the current use but if it were to be subdivided for an estate lot then it could not be developed for more than 90 units. He also stated there is no specific plan as to where the property boundary would be subdivided. Mr. Tate stated the conditions require a signal warrant analysis study for the intersection at Dawsonville Highway and any improvements identified will require approval before any development.

There was a motion to recommend conditional approval of the zoning amendment request to allow up to four estate lots within Planned Unit Development (P-U-D) zoning as presented with the following conditions:

Conditions

Development Standards

1. The development standards within the applicant's narrative, concept plan and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval. Any zoning conditions

adopted as part of this zoning ordinance that conflict with the applicant's narrative, concept plan and architectural renderings shall take precedence over the applicant's development standards.

- 2. The approved use for the property shall be limited to an active adult community for seniors not to exceed 90 terrace homes / townhome units as stated within the applicant's revised concept plan and narrative.**
- 3. The development shall comply with applicable U. S. Department of Housing and Urban Development (HUD) rules for age-restricted communities. The organization established for the management of the development shall comply with HUD rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.**
- 4. A minimum 50-foot perimeter buffer shall be required against all adjacent roads and the adjacent private properties. The exterior 25 feet of this perimeter buffer will be undisturbed, except where disturbance is required for erosion control, storm water management, or the installation of utilities; the interior 25 feet of this buffer may be graded and replanted. Any additional plantings required will be in accordance with City of Gainesville's Buffer Standards. The Community Development Director shall have the final determination on the number, location and type of trees to be planted, as required by Article 9-16 of the Unified Land Development Code.**
- 5. The minimum heated floor space for the terrace homes / townhomes shall be 1,100 square feet.**
- 6. Covenants shall be put in place by the developer restricting against the parking of boats, trailers, and campers within driveways.**
- 7. The proposed amenity clubhouse shall include a minimum 3:12 roof pitch and exterior facade materials shall be similar in architecture to the proposed terrace homes / townhomes.**
- 8. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Gainesville Community Development Director. All signs associated with residential uses shall be limited to indirect lighting. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.**
- 9. The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. Storm water management for the development must provide water quality treatment for no less than 110% of the State required treatment volume. The City of Gainesville shall approve the final design of all water quality measures.**

Transportation / Traffic

- 10. Prior to the issuance of a land disturbance permit, the developer shall provide a signal warrant analysis be performed per Georgia Department of Transportation (GDOT) standards for the following intersection:**

- a. Dawsonville Highway (SR 53) at Sportsman Club Road**

All costs associated with the signal warrant analysis study and, if warranted by such study, any costs associated with the installation of a traffic signal and intersection improvements shall be at the full expense of the developer.

- 11. The developer shall perform the following traffic improvements identified within the Summary of Study Findings and Recommendations as stated within the revised Traffic Impact Study, dated April 7, 2017, for the proposed development:**

- a. Dawsonville Highway (SR 53) at Sportsman Club Road; add a northbound exclusive right turn lane on Dawsonville Highway (SR 53).**

The developer shall coordinate these improvements with GDOT and the Gainesville Public Works Director prior to permitting. The Gainesville Public Works Director and GDOT shall have the final determination of the time line of these improvements based on the developer's proposed construction schedule. All costs associated with the improvements shall be at the full expense of the developer.

- 12. Prior to the issuance of a land disturbance permit, the developer shall evaluate, design and construct the left turn lane on Dawsonville Highway (SR 53) and Sportsman Club Road to meet GDOT storage and design requirements. If the existing left turn lane at this location meets these requirements, this condition will be deemed satisfied.**

- 13. Prior to the issuance of a land disturbance permit, the intersection of Strickland Drive, Karen Lane and the new access road to the proposed development shall be redesigned to include realignment for better traffic circulation, and to meet current roadway design criteria. The improvements shall be completed prior to permitting direct access from the development onto Karen Lane and Strickland Drive and prior to the construction of the most northern Pod of terrace and cottage homes. All costs associated with the improvements shall be at the full expense of the developer.**

- 14. All new streets shall meet the standards within the current Gainesville Unified Land Development Code. All proposed residential uses and amenities shall provide for pedestrian connectivity throughout the development. All costs associated with the improvements shall be at the full expense of the developer.**

- 15. Prior to the issuance of a land disturbance permit, the developer shall seek documentation from Hall County to verify that no improvements will be required to the intersection of Sportsman Club Road and Strickland Drive.**

- 16. Access to the development shall be from either Strickland Drive or Karen Lane. In the event that the property owner/developer utilizes the property for one, single-family residence, then a driveway to service only such residence shall be allowed from Karen Lane. No other driveways for individual lots shall be allowed onto Sportsman Club Road, Strickland Drive or Karen Lane.**

- 17. All conditions above which pertain to the overall development and subdividing of the property shall be enforced at such time as the property owner/developer requests a Land Disturbance Permit to subdivide the property into more than 4 residential lots. In no case shall the total number of proposed homes exceed 90 units.**

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

ADJOURNMENT

There was a motion to adjourn the meeting at 6:20 p.m.

Motion made by Board Member Martin
Motion seconded by Board Member Delgado
Vote – 6 favor, 1 absent (Carter)

Respectfully submitted,

Jane Fleming, Vice-Chair

Gwen Fleming, Recording Secretary

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 7/21/2020

Presenter: Matt Tate

Item of Business: Request from **Joseph Spagnuolo** to vary the front yard setback requirement on a 1.49± acres tract located on the southeast side of East Lake Drive across from its intersection with Chattahoochee Trace (a/k/a **825 East Lake Drive, NW**), having a zoning classification of Residential-I-A (R-I-A).
Ward Number: One
Tax Parcel Number(s): 01-107-001-123
Request: Two single-family homes

Meeting Date: 8/11/2020

Purpose of Request:

The applicant is requesting to vary the front yard setback requirement from 40 feet to 20 feet. The applicant intends to subdivide the property into two lots in order to construct two single-family homes. The applicant is basing the hardship on the shape of the lot and desires to build the homes without a front entry garage that would allow for more pleasing architectural and landscape design. Access is proposed from East Lake Drive and the proposed lots will have a private septic system. The property is a wooded lot within the Chattahoochee Country Club and is adjacent to Lake Lanier.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with one condition. See the Staff Recommendation report for details.

Department Director:

Rusty Ligon

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

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Hardship Statement	Backup Material
☐ Survey	Backup Material
☐ Concept Plan	Backup Material
☐ Architectural Renderings	Backup Material

**GAINESVILLE PLANNING AND APPEALS BOARD
STAFF RECOMMENDATION**

Applicant Joseph Spagnuolo
Property Owner Chattahoochee Country Club
Location 825 East Lake Drive, NW
Request Vary the front yard setback
Size 1.49± acres
Zoning Residential-I-A (R-I-A)
Ward One
Proposed Use Two single-family homes
Planning Division Staff Recommendation **Approval, with condition**
Date August 11, 2020

▪ **Request**

The applicant is requesting to vary the front yard setback requirement from 40 feet to 20 feet. The applicant intends to subdivide the property into two lots in order to construct two single-family homes. Access is proposed from East Lake Drive and the proposed lots will have private septic systems.

▪ **Background Information and Existing Conditions**

The property is an undeveloped, wooded lot within the Chattahoochee Country Club and is adjacent to Lake Lanier. East of the property is the golf course and the dam separating Lake Lanier and Lake Knickerbocker. Single-family homes are located directly across East Lake Drive.

▪ **Significant Factors**

The Ordinance requires that the applicant's claim for hardship must be based on the size or shape of the lot, its topography, or other physical characteristics inherent in the lot itself and not on the desired aesthetics. Further, the Code states that a variance shall not be granted as a convenience to the applicant or as a way to gain any advantage or interest over similarly zoned properties.

The applicant is basing the hardship on the shape of the lot and desires to build the homes without a front entry garage that would allow for a more pleasing architectural and landscape design.

▪ **Other Departmental Comments**

There are no other departmental comments for this request.

▪ **Supporting Documents**

Statement of Hardship, Plat, Concept Plan, Architectural Elevations, and Floor Plans.

▪ **Analysis**

(1) Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography?

The property is somewhat unusual in shape and depth and has sloping topography. The property is 645± feet in length and varies in width from 40 feet to 140 feet. The property slopes as much as 20 to 25 feet downward toward Lake Lanier. As well, the entire property line fronting East Lake Drive shifts approximately 11-feet toward the road bringing the property line closer to the actual road bed.

(2) Would the application of the Unified Land Development Code to this particular piece of property create an unnecessary hardship?

The purpose of the building setback requirement is to provide for uniformity of building placement, sufficient access, as well as to provide for adequate separation from neighboring properties for fire safety. Sufficient access and adequate separation would not appear to be an issue if the variance were granted. The reduction of the front yard setback to 20-feet would be similar to the existing home located across the street at 790 East Lake Drive.

(3) Are there conditions that are peculiar to the property which adversely affect its reasonable uses or usability as currently zoned?

The property is zoned Residential-I-A (R-I-A) which allows for single-family residential uses. The property would retain its right to be used for single-family purposes regardless of the setback variance. The size of the property is large enough to subdivide for two lots per zoning requirements but further approval will be required from the Hall County Environmental Health Department to permit a private septic system. In order to adhere to the current setbacks, the applicant would be required to redesign the proposed homes.

(4) Would relief, if granted, cause substantial detriment to the public good or impair the purposes and intent of this ordinance?

If the variance were approved, the homes would be closer to East Lake Drive than most of the nearby homes except for the home located directly across the street. Constructing smaller homes or choosing a different style of home are an option but may be out of character with the neighborhood. Approving the variance request would not appear to cause detriment to the public good.

(5) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.

The shape and depth of the property appear to support the need for a variance. The rear yard is adjacent to Lake Lanier which has a zero-foot (0') setback which will allow for the homes to be shifted closer to the rear property line. Even so, the size and style of the proposed homes will require an encroachment within the 40-foot front yard setback.

(6) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.

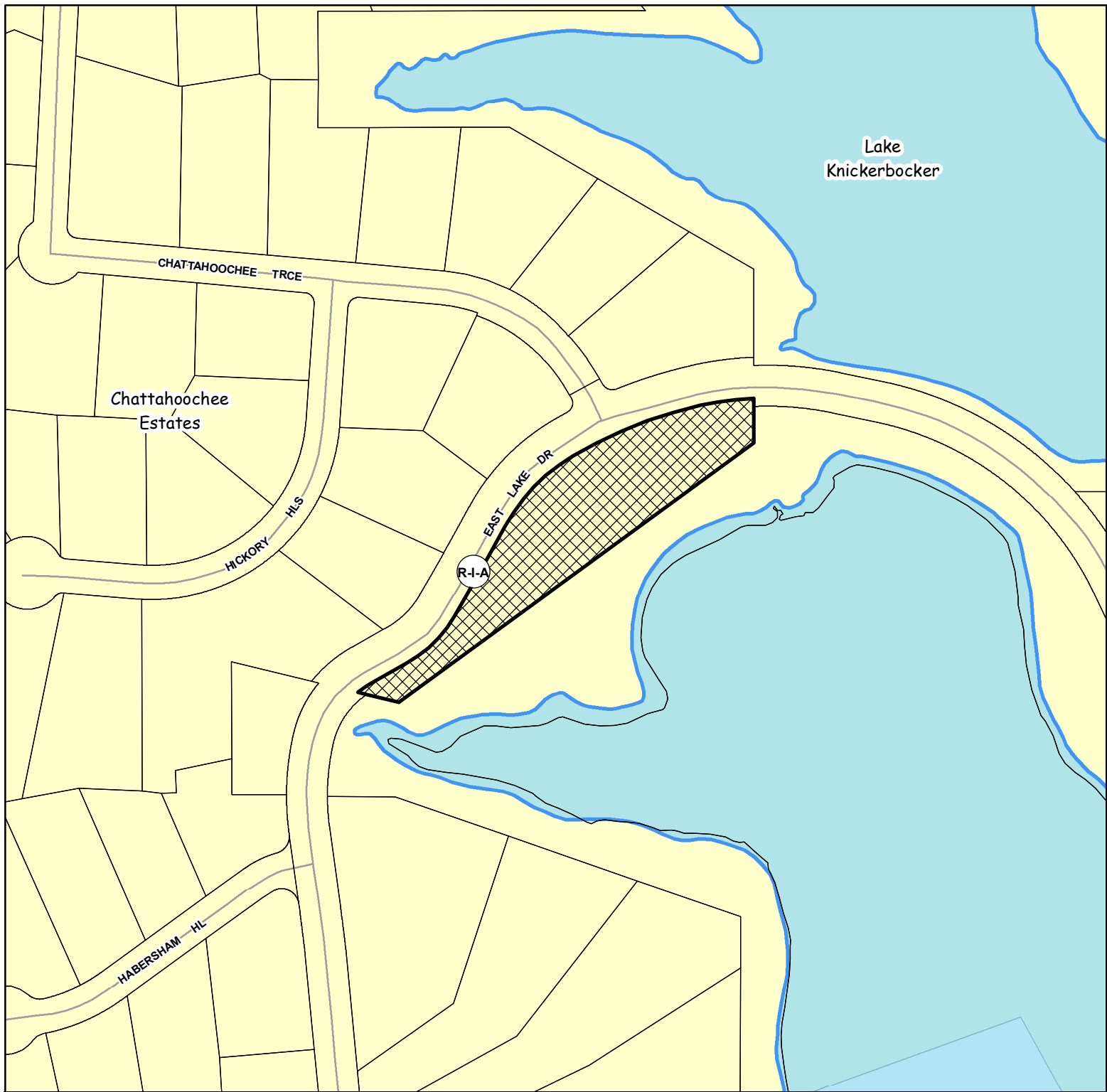
The applicant desires to purchase the property to subdivide it for two homes and was made aware of the setback requirement prior to filing for the variance request.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this variance request based on the shape and depth of the subject property.

Condition

The two proposed lots shall each have a minimum 10-foot wide frontage landscape area containing a mixture of deciduous and evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.



Applicant:

JOSEPH SPAGNUOLO

VARIANCE REQUEST

Request:

Vary the front yard setback requirement on a 1.49+/- acres tract within Residential-I-A (R-I-A) zoning for 2 single-family homes

Subject Property Address:

825 East Lake Drive, NW

Tax Parcel:

01-107-001-123

Meeting Date: 08/11/2020

Map Prepared: 07/20/2020



Subject Property



0 120 240 360 480 Feet

1" = 200'



CITY OF

GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT





Applicant:

JOSEPH SPAGNUOLO

VARIANCE REQUEST

Request:

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Subject Property Address:

825 East Lake Drive, NW

Tax Parcel:

01-107-001-123

Meeting Date: 08/11/2020

Map Prepared: 07/20/2020



Subject Property

Aerial from 2018



0 120 240 360 480 Feet

1" = 200'



CITY OF

GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT



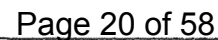
**Variance Request
Statement of Hardship**

1. Due to the shape of this lot and the normal front line setback we feel that this would impose several limitations on our home design. We were hoping not to use front load garages in our design. Being able to obtain this variance will allow us to have a more aesthetically pleasing architectural design with side loading courtyard garages, several of which we are discussing with our builder. This variance approval will also allow for more pleasing landscape designs in front of the home and garages, instead of straight driveways from East Lake Drive.
2. Does Not Apply
3. The shape of the lot.
4. We believe that granting this variance will not impose any detriment to the public. This will allow these two lots to utilize the land in a better way, will allow for the homes built here to utilize side entry garages and sweeping driveways, and will remove the need for front loading garages. According to our findings on the Hall County GIS system the only other neighboring home facing this street has a similar setback from the front line.
5. If the zoning ordinance were applied literally two homes can be built on these lots, but their design and appeal would be less aesthetically pleasing to the homeowners and neighbors.
6. Does Not Apply

Joseph Spagnuolo

6/29/2020

EXIST "A"





Concept Plan

Architectural Rendering
1 of 3

Tidewater₁₆₁₁

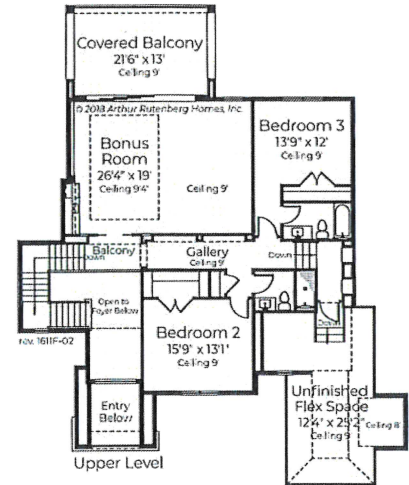
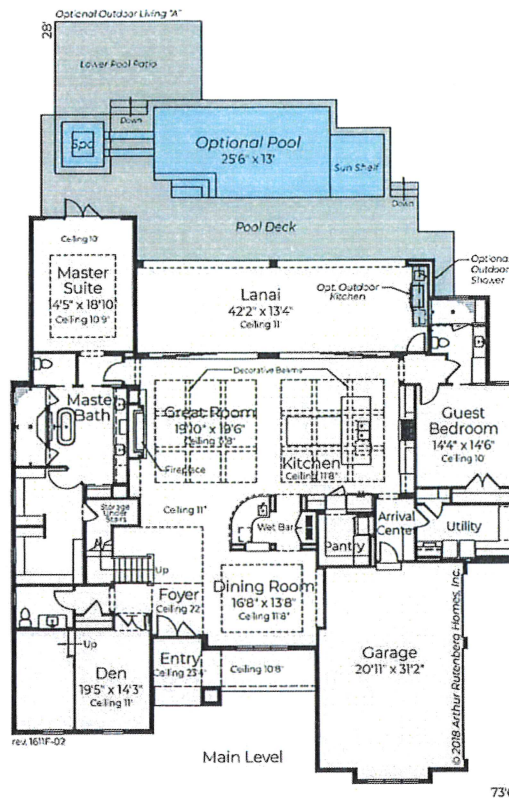
4 BEDROOMS | 4.5 BATHS | DEN
GREAT ROOM | BONUS ROOM



Coastal Farm House – Elevation C



Coastal Farm House – Elevation D



Plan #1611F – Elev B

Living	4,897 S.F.
Main Level Living	3,377 S.F.
Upper Level Living	1,520 S.F.
Unfinished Flex Space	405 S.F.
Lanai	568 S.F.
Covered Balcony	280 S.F.
Garage	658 S.F.
Entry	173 S.F.
TOTAL	6,981 S.F.

West Indies – Elevation B

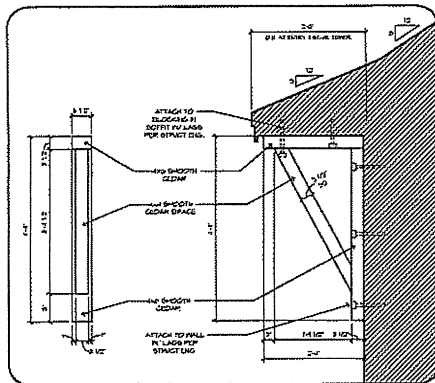
Additional elevations may be available, ask your sales consultant



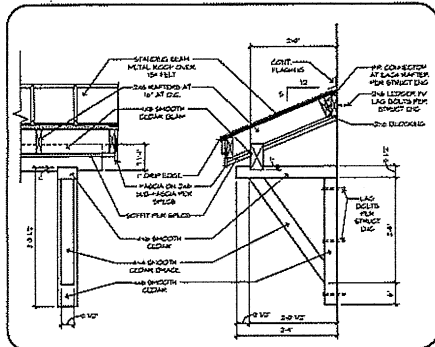
ARHOMES™

Changes and modifications to floor plans, materials and specifications may be made without notice. Square Footages will vary between elevations specific to plan and exterior material differences. Some items pictured or illustrated are optional and are an additional cost. Dimensions are approximate. Illustrations are artist renderings only. Home and customer-specific detailed drawings and specifications will be furnished to each customer as part of their Building Agreement. All AR Homes floor plans and designs are copyrighted. All rights reserved and strictly enforced. November 2019

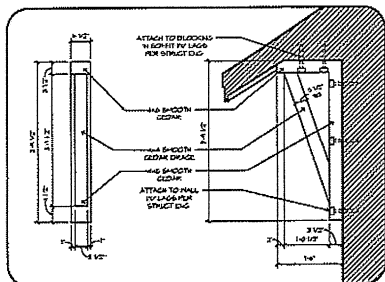




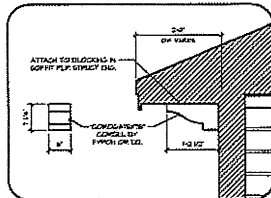
1 ENTRY & STAIR TOWER BRACKET DETAIL
3/4\"/>



2 ANNING ROOF AT GARAGE DETAIL
3/4\"/>



3 M. SUITE BRACKET DETAIL
3/4\"/>



4 CORBEL DETAIL
3/4\"/>

1. BRACKET WITH ANGLE 2\"/>

2. 2\"/>

3. 2\"/>

4. 2\"/>

5. 2\"/>

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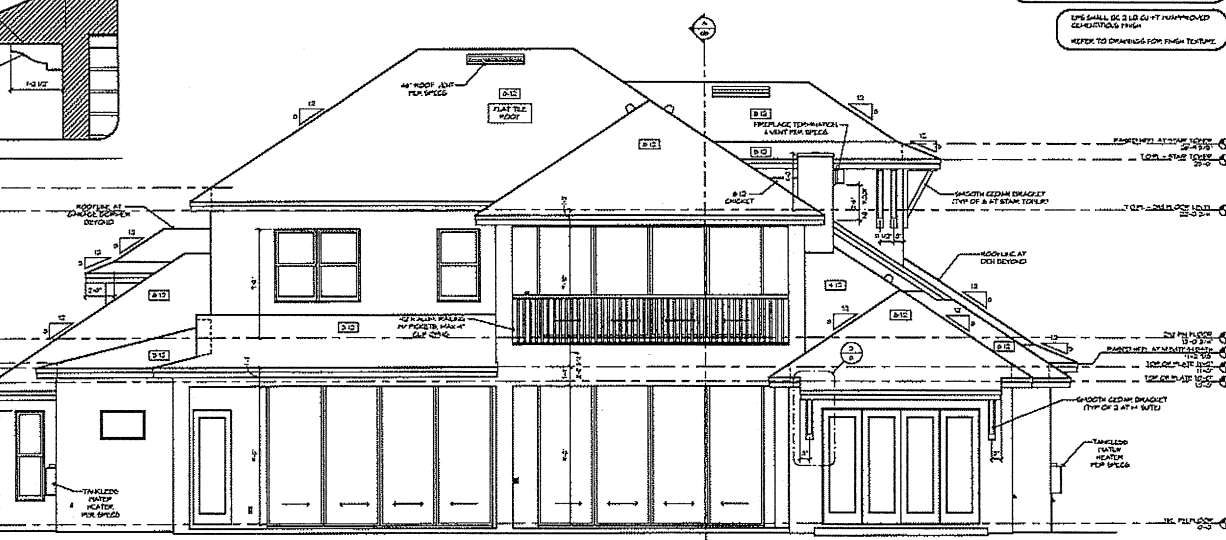
36. 2\"/>

37. 2\"/>

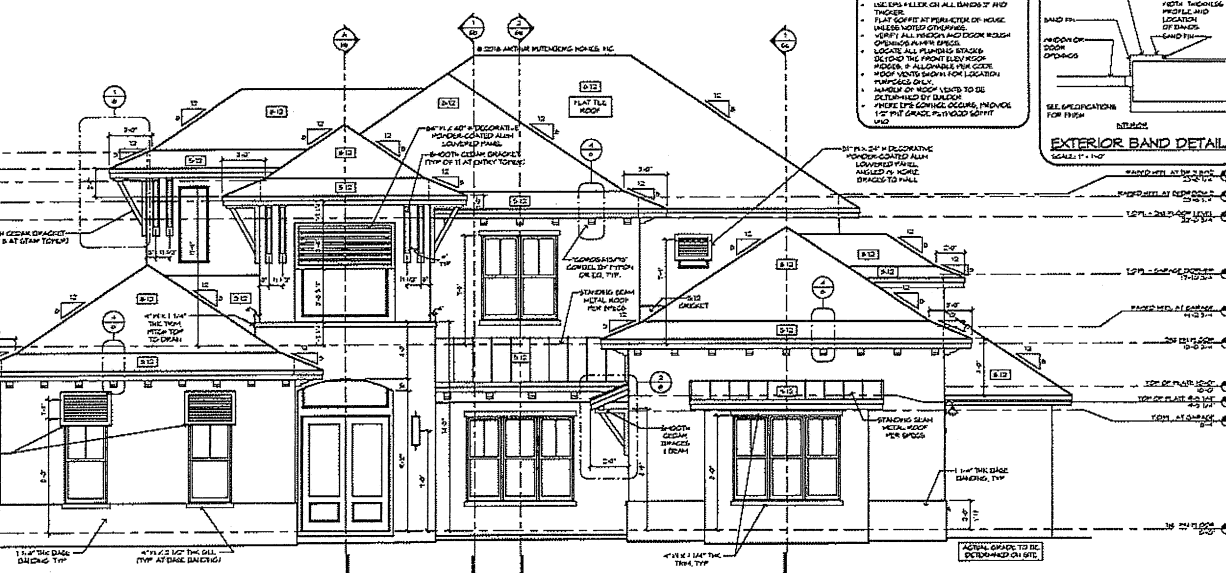
38. 2\"/>

39. 2\"/>

40. 2\"/>



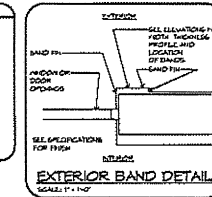
REAR ELEVATION
1/4\"/>



FRONT ELEVATION
1/4\"/>

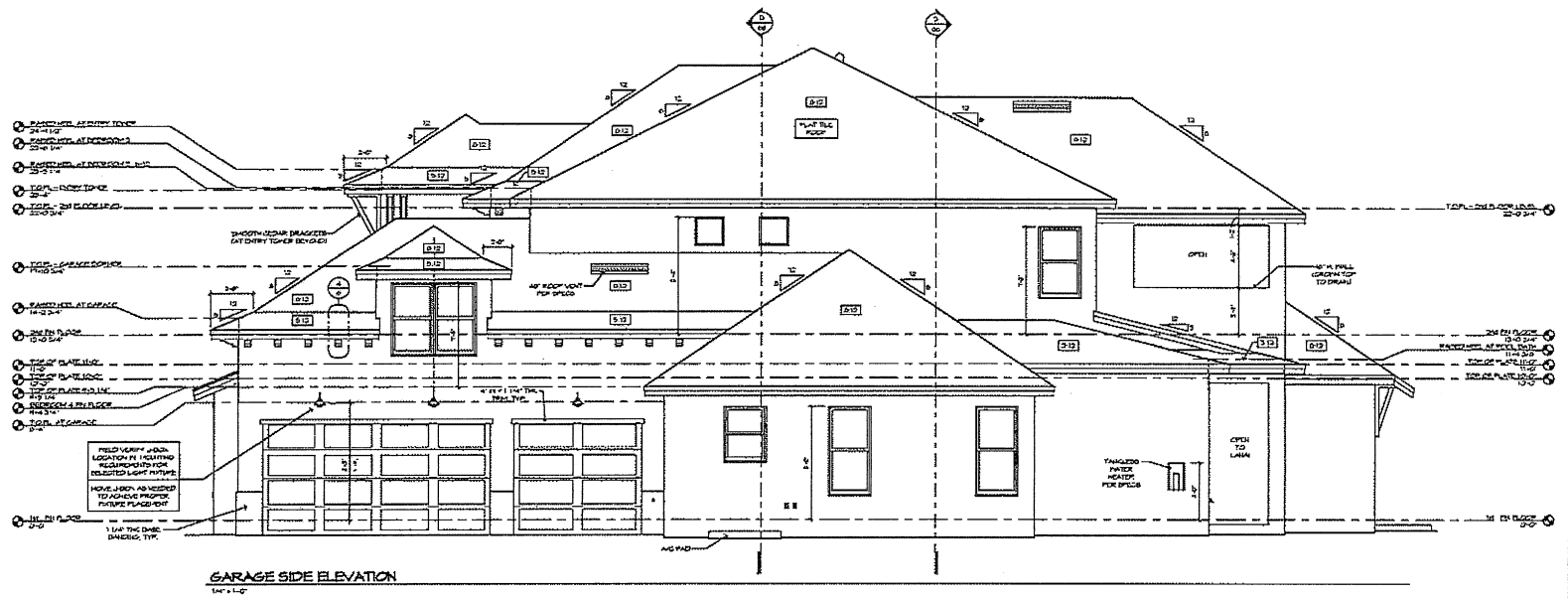
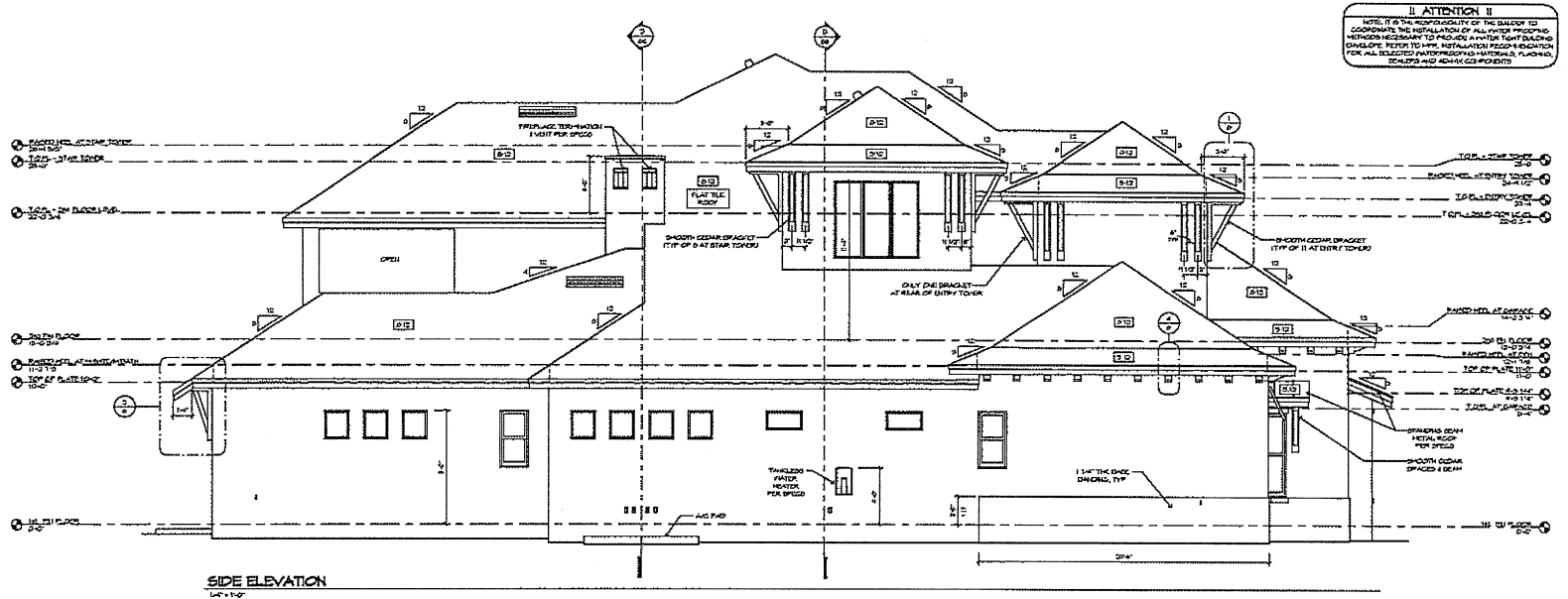
II. ATTENTION !!
NOTE: IT IS THE RESPONSIBILITY OF THE DESIGNER TO
COORDINATE THE INSTALLATION OF ALL WATER PROOFING
MEMBRANES NECESSARY TO PROVIDE A WATER TIGHT BUILDING
ENVELOPE, NOT TO THE FURTHER LATERAL PRESUMPTION
FOR ALL SELECTED WATERPROOFING MATERIALS, PLANNING
SEALERS AND JOINTS COMPONENTS.
EPS SHALL BE 3 LB/FT³ UNCOMPRESSED
CHARACTERISTICS THICK
REFER TO DIMENSIONS FOR FINISH TEXTURE.

GENERAL NOTES:
1. IDENTIFY LOCATION AND POSSIBLE
ADDITION OF FILLED CELLS
USE EPS FILLER ON ALL BANDS 2" AND
THICKER
2. FLAT ROOF AT PARALLEL OR HANG
UNLESS NOTED OTHERWISE
3. IDENTIFY ALL HANGING AND COVER ROUGH
CARPENTRY WITH BRICK
4. LOCATE ALL HANGING BRACKETS
BEHIND THE FRONT ELEVATION
5. PROVIDE 1" ALLOWANCE FOR COSE
HANG VENTS SHOWN FOR LOCATION
HANGING BRACKETS
6. HANGING OF ROOF VENTS TO BE
DETERMINED BY DESIGNER
7. PROVIDE EPS CORNICE OCCASION, PROVIDE
1" RPT GRADE PLUS VOID SPACE
AND



EXTERIOR BAND DETAIL
SCALE: 1\"/>

Arthur Rosenberg
Architect
1000 10th St. N.
St. Paul, MN 55102
612.291.1000
www.arthurrosenberg.com
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CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 7/21/2020

Presenter: Matt Tate

Item of Business: Request from **Darrell W. Wiley** to annex a 0.16± acre tract located on the northeast side of the intersection of Mundy Mill Road and Millside Parkway (a/k/a **0 Mundy Mill Road**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Four
Tax Parcel Number(s): 08-030-000-102 (Part)
Request: Right-of-way

Meeting Date: 8/11/2020

Purpose of Request:

The applicant is proposing to annex the subject property with a zoning of Planned Unit Development (P-U-D) in order to correct a city limits boundary line issue that was discovered after the Mundy Mill subdivision was developed. The property is located on the right side of the existing entrance to the Mundy Mill subdivision at the intersection of Millside Parkway and Mundy Mill Road. The property includes a portion of an existing right-turn lane into the subdivision. There are no proposed changes to the right-of-way property.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with thirty conditions. See the Staff Recommendation memo for details.

Department Director:

Rusty Ligon

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

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Memo	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Plat	Backup Material
☐ Oakwood Deannexation Application	Backup Material
☐ Hall County Resolution	Backup Material

MEMORANDUM

TO: Gainesville Planning and Appeals Board

FROM: Community & Economic Development Department – Planning Division

DATE: August 11, 2020

SUBJECT: Request from Darrell W. Wiley to annex a 0.16± acre tract and to establish zoning as Planned Unit Development (P-U-D).

The applicant is proposing to annex the subject 0.16± acre tract with a zoning of Planned Unit Development (P-U-D). The purpose of the request is to correct a city limits boundary line issue that was discovered after the Mundy Mill subdivision was developed. The small tract of land is located on the right side of the existing entrance to the Mundy Mill subdivision at the intersection of Millside Parkway and Mundy Mill Road. The property includes a portion of an existing right-turn lane into the subdivision. There is no change in use proposed.

The Planning Division staff is recommending **conditional approval** of the request with the same 30 original zoning conditions from Ordinance 2010-13 that are part of the Mundy Mill subdivision.

Conditions

Transportation/Traffic

1. All road improvements associated within the scope of the proposed development shall be at the full expense of the developer(s). The scope of the development shall be defined as those roads/intersections directly within, adjacent to, and within 1,500 feet of the subject property as studied within the Traffic Impact Study (TIS) submitted with this application. These road improvements are to include additional signalization, turn lanes, widening of roads, striping, and signage as stated in the TIS. This may include all or portions of Mundy Mill Road, Meeks Road, Fairbanks Drive, Old Oakwood Road, Old Flowery Branch Road, and Mountain View Road. The cost of the required road improvements shall be prorated based on developed property values of the residential, commercial, retail, office and industrial properties.
2. The developer(s) shall work with the Georgia Department of Transportation, Hall County Traffic Engineering, the City of Oakwood, and the City of Gainesville Public Works Department to ensure that these improvements are performed in a timely manner so as to not conflict with any of the existing or planned road projects that are scheduled to take place outside the scope of the proposed development.
3. All sign locations, access point (new and existing) designations for *new* roads, sight distances, and sight triangles shall be reviewed and clarified, in the beginning stages of plans and submittals with GaDOT and the Public Works Director so as to limit the number of access points in that area.

4. A signal warrant study will be required for the major intersections of internal streets within the development. If a signal light is warranted at a specific intersection, such installation shall be completed at the expense of the developer(s) and shall meet all specifications as determined by the Public Works Department. A signal light shall not be installed until traffic volumes actually meet the levels as determined by the warrant study.
5. The developer(s) shall meet with Public Works prior to initiating the final civil design to discuss a traffic calming plan. A traffic calming plan consisting of tools such as landscaped traffic circles at intersections, raised crosswalks, landscaped center medians, chicanes, or other measures that aid in keeping the average speed on residential streets approximately 25 mph or below shall be prepared and approved by Public Works. Specific measures in the approved plan shall be constructed at the same time the streets are constructed.
6. All roads dedicated to the City of Gainesville shall meet City specifications, and all private roads shall be constructed with materials that meet City specifications.
7. All interpretations relating to transportation and/or traffic improvement conditions shall be subject to approval of the Gainesville Public Works Director.
8. The new four lane parkway as reflected on the site plan shall be constructed and designed so as to allow a connection to the Tumbling Creek Connector across Old Oakwood Road.

Development Standards

9. Sidewalks shall be required along both sides of the streets within the development and shall be a minimum of four feet (4') wide along streets classified as residential streets and six feet (6') wide along collector streets and streets in the commercial zones. Alternatively, sidewalks shall be permitted along one side of the street in parkway areas at a minimum width of eight feet (8') and a minimum of five feet (5') along roads classified as residential streets.
10. All proposed single-family lots within the development shall only be allowed to access new interior roads within the subdivision. Direct access shall not be allowed onto roads that existed prior to this development.
11. Access to all service areas adjacent to single-family detached homes, including dumpster pads, shall be limited to the hours of between 9:00 a.m. and 6:00 p.m., unless an emergency situation warrants access to these areas.
12. Upon completion of the development, no outside storage of any materials shall be allowed. No storage of hazardous chemicals, as listed in the Standard Fire Code, shall be permitted.
13. Outdoor lighting used in this development; be it for recreational, security or general purposes, shall be of non-spill design and placed in a manner so as to minimize direct visibility by adjoining or adjacent properties.
14. The proposed residential, office, commercial, and accessory structures shall be similar in scale and architecture to the elevation drawings and pictures as submitted with the application.

15. The subject property shall be developed substantially in accordance with the Site plan with minor engineering deviations excepted. All site plan, architectural renderings, pedestrian/trail access plan, and traffic impact studies shall become a part of the annexation, zoning and rezoning ordinances.
16. The number of *single-family detached homes* shall not exceed 1,148 units and shall contain a minimum of 1,500 square feet of heated space. Front facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The remaining three facades shall consist of these materials or cementeous siding such as hardiplank. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line and minimum lot width at right-of-way line of 20 feet, with the exception of Pod M of the concept plan which shall have a minimum lot width at the building setback line reduced to 50-feet.

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

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

17. The number of attached *single-family condominiums* or fee simple townhomes shall not exceed 775 total units. The minimum unit/lot width shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementeous siding such as hardiplank. No fewer than three or more than ten units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.
18. The number of *apartment units* shall not exceed 460 units. Height shall not exceed three stories, although $\frac{3}{4}$ splits will be allowed. Each unit will contain a minimum of 750 square feet. Each unit shall have at least 1.75 parking spaces. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.
19. The subject property may be developed for up to 806,000 square feet of traditional office, mid-rise office, and office warehouse space. Within the 806,000 square foot maximum, commercial and retail uses may be allowed within Pods B and N. At no such time shall the maximum allowed square footage within those pods exceed what is specified on the approved concept plan. This space may be developed for these

uses but sold in a condominium format. Height of such structures shall be limited to 3 stories from average finished grade. Parking spaces will be provided at a minimum ratio of 3.5 spaces per 1000 square feet of useable office space. Monument signage shall be required in any office pod as per Exhibit B, and lights shall be shielded and angled so as to minimize glare onto adjacent properties. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required.

20. The subject property may be developed for up to 885,000 square feet of commercial/retail space. The maximum height of any structure, excluding architectural accents; such as clocks, cupolas and bell towers; shall be 50 feet. Use of pitched roofs shall be encouraged. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required. Parking shall be provided at a minimum of four spaces per 1,000 square feet of space. Lights shall be shielded and angled so as to minimize glare onto adjacent properties, and dumpsters shall be screened. Under no circumstances shall the following uses be allowed: Pawn shops, adult entertainment, adult bookstores, extended-stay hotel, rooming house, or boarding house. Signage shall be as per the attached sign plan.
21. Architectural treatment shall be of consistent design throughout the community and as per the renderings.
22. A minimum of 100 acres shall be maintained as green space, with passive recreation and trails as per the plan. Sidewalks shall connect the residential and non-residential components of this community.
23. A Mandatory Property Owners Association will be created for the single-family detached community to insure that these conditions are observed during development and in terms of architectural consistency thereafter. Separate mandatory associations will be set up for the single-family detached and single-family attached products to own and manage open space, common areas, and architectural controls. Open space elsewhere in the project shall be maintained as common area by the overall Property Owner's Association, or by a separate Association within whose boundaries the common area is located. Maintenance of the amenities package set forth on the site plan shall be the responsibility of the owners of single-family detached homes. However, at the option of those residents, memberships may be extended to other Mundy Mill residents for a fee to cover maintenance. Amenities packages also may be established in the individual townhome or apartment pods, but shall be the responsibility of the owners of land therein.

Buffers

24. A 100 foot wide buffer shall be provided against Balus Creek and all other blue-line streams. The first 50 feet of the buffer shall be measured from the top of the creek bank and shall be undisturbed. The remaining 50 feet of the buffer, if disturbed, shall be stabilized and replanted with vegetation subject to Planning Department approval.
25. A 25 foot minimum perimeter buffer will be created and infilled as necessary with plant material. However, this buffer will not be required along any Mundy Mill Road frontages. Landscaped buffers of at least 25 feet are also required along any road frontages.

26. Landscaped buffers of at least 25 feet also shall separate any non-residential pod or existing non-residential use from a residential pod. The buffer shall be subject to Planning Department approval.
27. All proposed detention ponds shall be sufficiently fenced and buffered from view from all roads and adjacent properties. All buffer materials shall be approved by the Planning Department.

Gainesville City Board of Education

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

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

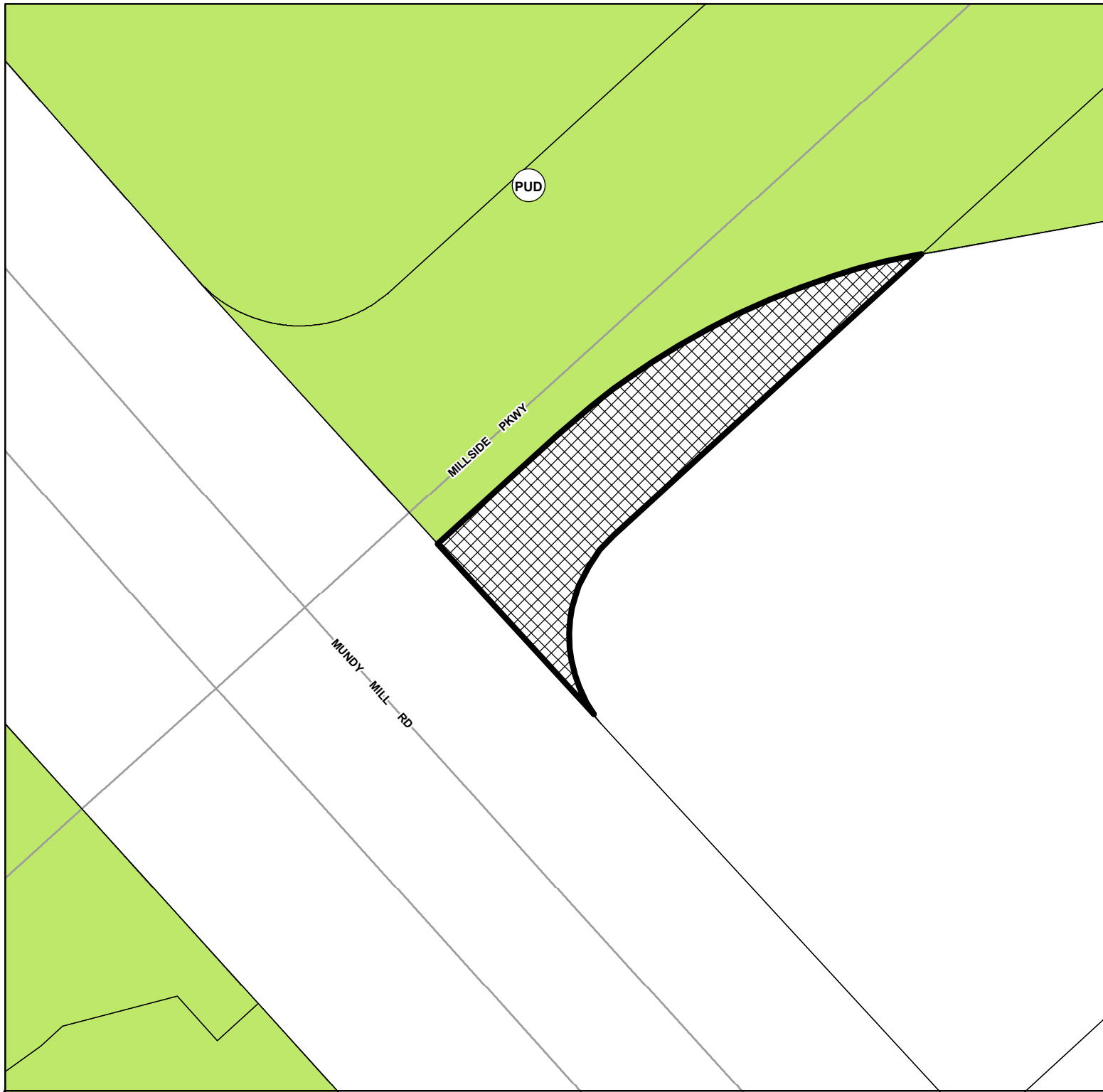
The City notes that this condition may be imposed only because the owner/developer has agreed to it.

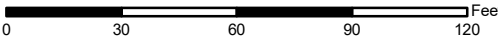
Quality Enhancement

29. In order to further enhance and assure the quality of development, the City expects the developer shall perform/provide the following:

- Detailed landscape plan for parkway, subject to approval by the Department of Planning and Development.
- Reconstruction of Mundy Mill as focal point for community, subject to approval of the Georgia Department of Transportation.
- A minimum of two amenity locations shall be provided for the entire development of the detached single-family residential pods. At minimum the amenity sites shall include a pool house, swimming pool and playground.
- Sidewalks and streetlights throughout community.
- All products within the development shall contain exterior construction materials limitation; must use brick, masonry stucco, stacked stone, cedar shake, or hardiplank.
- Open space - 18%.
- Pedestrian trail plan (3.5± miles) connecting entire community.
- Parkway plan sidewalk width sufficient to create a bicycle lane.
- Every single-family home built on the subject property shall contain ceramic tiled bathroom floors.
- Every single-family home shall be built to accommodate at least one fireplace.
- No vinyl siding on any product within development excluding soffit areas.
- Each pod of townhouses and apartments will have its own amenities package.
- All underground utilities.
- Uniform mailboxes will be provided for each detached single-family residential pod. Uniform street signs will be provided throughout the development.

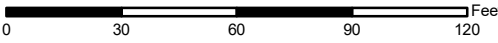
30. Along Balus Creek, the developer shall reserve for the City, by way of easement, a ten foot strip of land for use as a bicycle path. At such time as the City or County constructs an element of its bike path system to which this easement might connect, the City and/or County, at its/their expense,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



Applicant: DARRELL W. WILEY		 Subject Property	
ANNEXATION REQUEST			
Request: Annex 0.16+/- acre for right-of-way		 1" = 50'	
Subject Property Address: 0 Mundy Mill Road	Tax Parcel: 08-030-000-102 (Part)		
Meeting Date: 08/11/2020 Map Prepared: 07/20/2020		 CITY OF GAINESVILLE COMMUNITY AND ECONOMIC DEVELOPMENT  Page 32 of 58	



Hall County GIS

Applicant: DARRELL W. WILEY		 Subject Property Aerial from 2018  Feet 1" = 50' 
ANNEXATION REQUEST		
Request: Annex 0.16+/- acre for right-of-way		 CITY OF GAINESVILLE COMMUNITY AND ECONOMIC DEVELOPMENT 
Subject Property Address: 0 Mundy Mill Road	Tax Parcel: 08-030-000-102 (Part)	
Meeting Date: 08/11/2020	Map Prepared: 07/20/2020	

CITY OF GAINESVILLE
APPLICATION FOR ANNEXATION
May 26, 2020

Applicant: Mundy Mill Association, Inc.

Mundy Mill Association, Inc. respectfully requests the City of Gainesville annex, with a zoning of Planned Unit Development (P-U-D), Parcel B into its city limits. This 0.16 acre tract is located at the intersection of Millside Parkway and Mundy Mill Road. Application for de-annexation of the parcel from City of Oakwood was submitted on May 6, 2020. Mundy Mill Association, Inc. agrees to dedicate the property to City of Gainesville and requests no compensation.

Background:

In 1992, owners of adjoining properties on Mundy Mill Road signed permanent easements providing that either property owner could, at some point, construct a new road centered on the line dividing their respective properties. The developer/owner of the property west of the line, constructed the entrance of the road known as Millside Parkway on the property line, using land owned by both property owners as required in the permanent easements. However, the developer re-routed the remaining portion of the road to the west of the property line, effectively blocking access to the road by the property owner to the east.

The development went into bankruptcy sometime during the 2008 recession and was purchased by Butler Property, LLC in 2012. In 2018 Butler Property, LLC and Mundy Mill Center, LLC began discussing options for resolving the issue. In April 2020, an agreement was reached. Butler Property agreed to allow access to Millside Parkway via an extension of Continental Drive from its current cul-de-sac, to the second median break. Access is contingent upon Mundy Mill Association, Inc./Mundy Mill Center, LLC applying for and receiving de-annexation of Parcel B from Oakwood and dedication of the tract to Gainesville.

eFiled & eRecorded
DATE: 5/24/2019
TIME: 10:11 AM
PLAT BOOK: 00877
PAGE: 00129
RECORDING FEE: 16.00
PARTICIPANT ID: 957655462
CLERK: Charles Baker
Hall County, GA
NOTE: by ch 1 of 2

FLOOD INFORMATION:
THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA AS PER FIRM FLOOD INSURANCE RATE MAP OF THE CITY OF OAKWOOD COMMUNITY PANEL NO. 13034A (ISS. F. EFFECTIVE DATE: SEPTEMBER 29, 2006).

WETLANDS INFORMATION:
AS PER THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY MAPS, THIS PROPERTY DOES NOT CONTAIN WETLANDS.

SURVEYOR'S NOTES:
EQUIPMENT USED FOR MEASUREMENT: TOPCON GTS-820A
G.P.S. EQUIPMENT USED: TOPCON LEICA

HORIZONTAL AND VERTICAL INFORMATION SHOWN HEREON BASED ON GROUND OBSERVATIONS ON 5/23/2019 AND PROCESSED THROUGH THE NATIONAL GEODESIC SURVEY ORIS SOLUTION METHOD.

HORIZONTAL: NAD83 (GA WEST ZONE 1002-STATE PLANE COORDINATES)
VERTICAL: NAVD83 (Computed using GEOID09)

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SHOWN. IT HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 25,823 FEET AND AN ANGULAR ERROR OF 0.000017" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES RULE. PARTIAL CALC. / J.M.L.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE AS FOLLOWS:
TOTAL BOUNDARY ONE FOOT IN 64,205 FEET
TRACT 1: ONE FOOT IN 257,656 FEET
TRACT 2: ONE FOOT IN 420,474 FEET
TRACT 3: ONE FOOT IN 266,569 FEET
TRACT 4: ONE FOOT IN 134,187 FEET
TRACT 5: ONE FOOT IN 54,337 FEET
TRACT 6: ONE FOOT IN 17,252 FEET

RIGHT-OF-WAY OF CONTINENTAL DRIVE AND EXECUTIVE DRIVE ONE FOOT IN 17,252 FEET AREA IN RIGHT-OF-WAY OF MAJOR HIGHWAYS: ONE FOOT IN 151,441 FEET.

THIS PLAT WAS NOT PREPARED FROM THE AD OF A TRUE SEARCH AND IS SUBJECT TO ANY RESTRICTIONS OR EASEMENTS THAT MIGHT BE RECORDED.

THIS PLAT OR SURVEY IS FOR THE EXCLUSIVE USE OF THE PARTY OR PARTIES LISTED UNDER THE CATCHY "NAD83" KEY. ANY OTHER PARTY USE TO BE AT THEIR OWN RISK.

UTILITIES:
WATER: CITY OF GAINESVILLE WATER
SEWER: CITY OF GAINESVILLE SANITARY SEWER

ZONING INFORMATION:
CURRENT CITY OF OAKWOOD ZONING - C-2 (COMMERCIAL BUSINESS)

BUILDING SETBACKS:
FRONT: 65' FROM RIGHT-OF-WAY OF MAJOR HIGHWAYS
SIDE: 5' FROM PROPERTY LINE
REAR: 10' FROM PROPERTY LINE

SURVEYOR'S CERTIFICATION:
AS REQUIRED BY SUBSECTION (C) OF O.C.G.A. SECTION 16-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR WHO IS A MEMBER OF THE PROFESSIONAL LAND SURVEYORS OF THE STATE OF GEORGIA. THE SURVEYOR HAS REVIEWED THE PLAT AND HAS FOUND IT TO BE A CORRECT REPRESENTATION OF THE LAND SHOWN. THE SURVEYOR HAS REVIEWED THE PLAT AND HAS FOUND IT TO BE A CORRECT REPRESENTATION OF THE LAND SHOWN.

THE FOLLOWING GOVERNMENTAL BODIES HAVE APPROVED THIS MAP FOR PLAT FOR FILING:
ZONING ADMINISTRATOR CITY OF OAKWOOD
PUBLIC HEALTH OFFICER CITY OF OAKWOOD

DATE: 5/23/19
DATE: 5/23/19

DATE: 05/29/2019
DATE: 05/29/2019

DATE: 05/29/2019
DATE: 05/29/2019

DATE: 05/29/2019
DATE: 05/29/2019

LEGEND:
● I.P.T. - IRON PIN FOUND
○ C.T.P. - CROWNED TOP PIN FOUND
○ R.B.E. - REBAR PIN FOUND
○ S.P.T. - SPIN TOP FOUND
○ A.I.P. - ANGLE IRON FOUND
○ C.A.P. - CONCRETE ANCHOR FOUND
○ B.S.L. - BUILDING SETBACK LINE
○ B.O.C. - BACK OF CURB
○ C.L. - CENTER LINE
○ C.M. - CATCH BASIN
○ D.M. - DOWN MAIN
○ D.P. - DOWN POWER LINE
○ H.P. - HIGH PRESSURE
○ G.W. - GUT WIRE
○ G.M. - GATE MALE
○ H.E. - HIGH ENERGY POLYETHYLENE PIPE
○ L.L. - LAND LOT LINE
○ J.M. - JUNCTION MARK
○ N.P. - NEW OR FORMERLY
○ P.P. - POWER POLE
○ P.T. - POWER TRANSFORMER BOX
○ P.U. - PROPERTY USE
○ R.C. - RADIUS CURVE
○ R.P. - RIGHT OF WAY
○ R.S. - REINFORCED CONCRETE PIPE
○ S.P. - SERVICE POLE
○ T.C. - TELEPHONE CABLE
○ T.P. - TELEPHONE POLE
○ T.R. - TELEPHONE RISER
○ W. - WATER MAIN
○ W.V. - WATER VALVE
○ W.V. - WATER VALVE
○ S. - SANITARY SEWER LINE
○ C. - CONTIGUOUS

SEE SHEET No. 2
MATCH LINE

TRACT 5
MUNDY MILL CENTER, LLC
Deed Book 8013, Page 281

TRACT 6
WILEY AND WILEY REAL ESTATE, LLC
Deed Book 7888, Page 285

TRACT 4
SEE SHEET No. 2
MATCH LINE

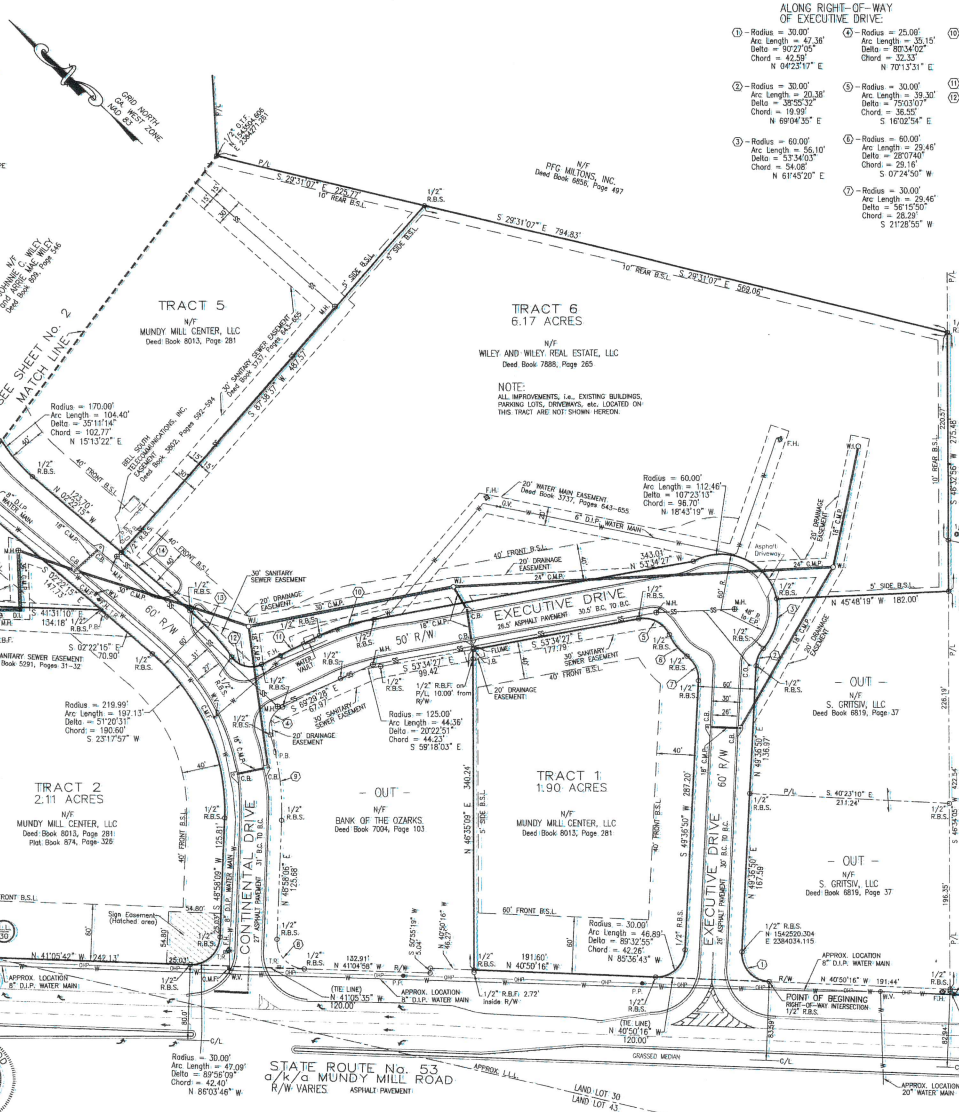
TRACT 2
2.11 ACRES
MUNDY MILL CENTER, LLC
Deed Book 8013, Page 281
Plat Book 874, Page 326

TRACT 1
1.90 ACRES
MUNDY MILL CENTER, LLC
Deed Book 8013, Page 281

STATE ROUTE No. 53
a/k/a MUNDY MILL ROAD
R/W VARIES ASPHALT PAVEMENT

OWNER AND SUBDIVIDER:
Mundy Mill Center, LLC
P.O. BOX 3253
Gainesville, GA 30503
Phone: (770) 654-0637

DATE: 05/29/2019
DATE: 05/29/2019



STATE WATERS BUFFER:
A 50 FOOT UNDEVELOPED VEGETATIVE BUFFER MEETING STATE REGULATIONS WILL BE PRESERVED ADJACENT TO ALL STREAMS AND LAKES. BUFFER TO BE MEASURED HORIZONTALLY FROM A POINT WHERE VEGETATION HAS BEEN INTERFERED BY NORMAL STREAM FLOW OR WAVE ACTION.

GRAPHIC SCALE - 1" = 60 FEET

DATE: 05/29/2019
DATE: 05/29/2019

ALONG RIGHT-OF-WAY OF EXECUTIVE DRIVE:

① - Radius = 30.00'
Arc Length = 42.36'
Delta = 80°27'05"
Chord = 30.35'
N 04°23'17" E

② - Radius = 30.00'
Arc Length = 20.36'
Delta = 38°53'37"
Chord = 19.91'
N 61°45'20" E

③ - Radius = 30.00'
Arc Length = 59.10'
Delta = 107°23'13"
Chord = 86.10'
N 51°42'21" W

④ - Radius = 25.00'
Arc Length = 35.10'
Delta = 80°34'02"
Chord = 32.33'
N 70°13'51" E

⑤ - Radius = 30.00'
Arc Length = 39.30'
Delta = 75°03'07"
Chord = 36.50'
S 10°02'34" E

⑥ - Radius = 60.00'
Arc Length = 79.46'
Delta = 153°43'03"
Chord = 126.29'
S 07°45'50" W

⑦ - Radius = 30.00'
Arc Length = 29.46'
Delta = 58°15'50"
Chord = 26.29'
S 21°28'55" W

ALONG RIGHT-OF-WAY OF CONTINENTAL DRIVE:

⑧ - Radius = 175.00'
Arc Length = 651.14'
Delta = 15°41'22"
Chord = 59.84'
N 59°39'48" W

⑨ - Radius = 280.00'
Arc Length = 92.29'
Delta = 10°10'30"
Chord = 52.56'
N 32°22'50" E

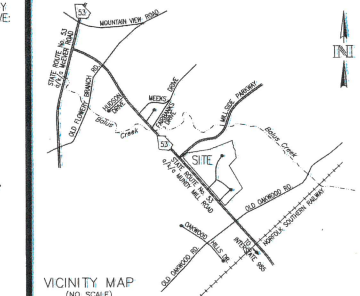
⑩ - Radius = 280.00'
Arc Length = 65.69'
Delta = 10°10'30"
Chord = 55.54'
N 04°21'00" E

⑪ - Radius = 280.00'
Arc Length = 92.29'
Delta = 10°10'30"
Chord = 52.56'
N 32°22'50" E

⑫ - Radius = 280.00'
Arc Length = 65.69'
Delta = 10°10'30"
Chord = 55.54'
N 04°21'00" E

⑬ - Radius = 280.00'
Arc Length = 92.29'
Delta = 10°10'30"
Chord = 52.56'
N 32°22'50" E

⑭ - Radius = 280.00'
Arc Length = 65.69'
Delta = 10°10'30"
Chord = 55.54'
N 04°21'00" E



OWNER'S CERTIFICATE OF OWNERSHIP AND DEDICATION:
(STATE OF GEORGIA)
(CITY OF OAKWOOD)
THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED THERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE PUBLIC FOREVER THE FOLLOWING:

PUBLIC STREETS: 1.90 ACRES
PUBLIC DRAINS: 1.67 ACRES
PUBLIC EASEMENTS: 2.39 ACRES
PUBLIC PARKS/OPEN SPACE: 0.00 ACRES

Printed Name of Subdivider: David M. Patton
Signature of Subdivider: [Signature]
Printed Name of Owner of Record: [Name]
Signature of Owner of Record: [Signature]

FINAL PLAT APPROVAL:
THE ZONING ADMINISTRATOR OF THE CITY OF OAKWOOD, GEORGIA, CERTIFIES THAT THIS PLAT COMPLIES WITH THE CITY OF OAKWOOD ZONING ORDINANCE, CONDITIONS OF ZONING, AND THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE CITY OF OAKWOOD, AND THAT THIS PLAT IS HEREBY APPROVED AND RELEASED FOR RECORDING PURPOSES.

DATE: 5/23/19
Zoning Administrator: [Signature]
City of Oakwood

CERTIFICATION OF PUBLIC HEALTH OFFICIAL:
THIS IS TO CERTIFY THAT THIS PLAT AND PROPOSED WATER AND SEWERAGE FACILITIES ARE ACCEPTABLE.

Public Health Officer: [Signature]
Date: [Date]

FINAL SURVEYOR'S CERTIFICATE:
IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN; AND THAT ALL REQUIREMENTS OF THE CITY OF OAKWOOD SUBDIVISION AND LAND DEVELOPMENT REGULATIONS AND THE REQUIREMENTS OF THE OAKWOOD ZONING ORDINANCE HAVE BEEN FULLY COMPLIED WITH.

DATE: 5/23/19
Chris M. Patton
Registered Georgia Land Surveyor
No. 2647

DATE: 5/23/19
DATE: 5/23/19

DATE: 5/23/19
DATE: 5/23/19

DATE: 5/23/19
DATE: 5/23/19

DATE: 5/23/19
DATE: 5/23/19

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DATE: 5/23/19
DATE: 5/23/19

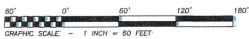


P.O. BOX 256
GAINESVILLE, GA 30503
PHONE: (770) 532-6602
FAX: (770) 532-1985
www.pattonlandsurveying.com

FINAL PLAT FOR:
MUNDY MILL CENTER, LLC
BEING A REPLAT OF A PORTION OF THE PLAT FOR JOHNIE C. WILEY & ARRIE MAE WILEY (PLAT BOOK 866, PAGE 133 & 134)
- LOCATED IN -
THE CITY OF OAKWOOD
LAND LOTS 30 and 43, 8th LAND DISTRICT
HALL COUNTY, GEORGIA

REVISIONS: [Table]
SCALE: 1" = 60'
PLAT DATE: 05/09/2019
SURVEY DATE: 05/07/2019
SHEET NUMBER: 1 of 2

THIS BLOCK IS RESERVED FOR THE CLERK
OF THE SUPERIOR COURT



CENTERLINE OF CREEK IS THE PROPERTY LINE:		
LINE	BEARING	DISTANCE
L1	S 02°03'54" E	34.92
L2	S 15°59'14" E	20.56
L3	S 66°27'19" W	18.12
L4	E 26°33'11" E	15.39
L5	S 16°54'40" E	20.43
L6	S 27°37'35" E	56.40
L7	S 05°14'46" E	22.71
L8	S 07°40'07" W	38.80
L9	S 30°39'37" E	31.24
L10	S 28°46'49" E	48.08
L11	S 05°05'05" E	45.48
L12	S 07°11'19" E	72.78
L13	S 16°28'56" E	56.07
L14	S 09°27'27" E	57.67
L15	S 22°50'35" E	20.62



PATTON
LAND SURVEYING
REGISTERED PROFESSIONAL
LAND SURVEYORS

P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com
11-058.05.dwg

FINAL PLAT FOR:
MUNDY MILL CENTER, LLC
BEING A REPLAT OF A PORTION OF THE PLAT FOR
JOHNNIE C. WILEY & ARRIE MAE WILEY
(PLAT BOOK 866, PAGE 133 & 134)
- LOCATED IN -
THE CITY OF OAKWOOD
LAND LOTS 30 and 43, 8th LAND DISTRICT
HALL COUNTY, GEORGIA

REVISIONS	
SCALE: 1" = 60'	
PLAT DATE: 05/09/2019	
SURVEY DATE: 05/07/2019	
SHEET NUMBER: 2 of 2	

eFiled & eRecorded
DATE: 5/24/2019
TIME: 10:11 AM
PLAT BOOK: 00877
PAGE: 00130
RECORDING FEE: 16.00
PARTICIPANT ID: 9576554652
CLERK: Charles Baker
Hall County, GA
NOTE: by ch 2 of 2

THIS BLOCK IS RESERVED FOR THE CLERK
OF THE SUPERIOR COURT

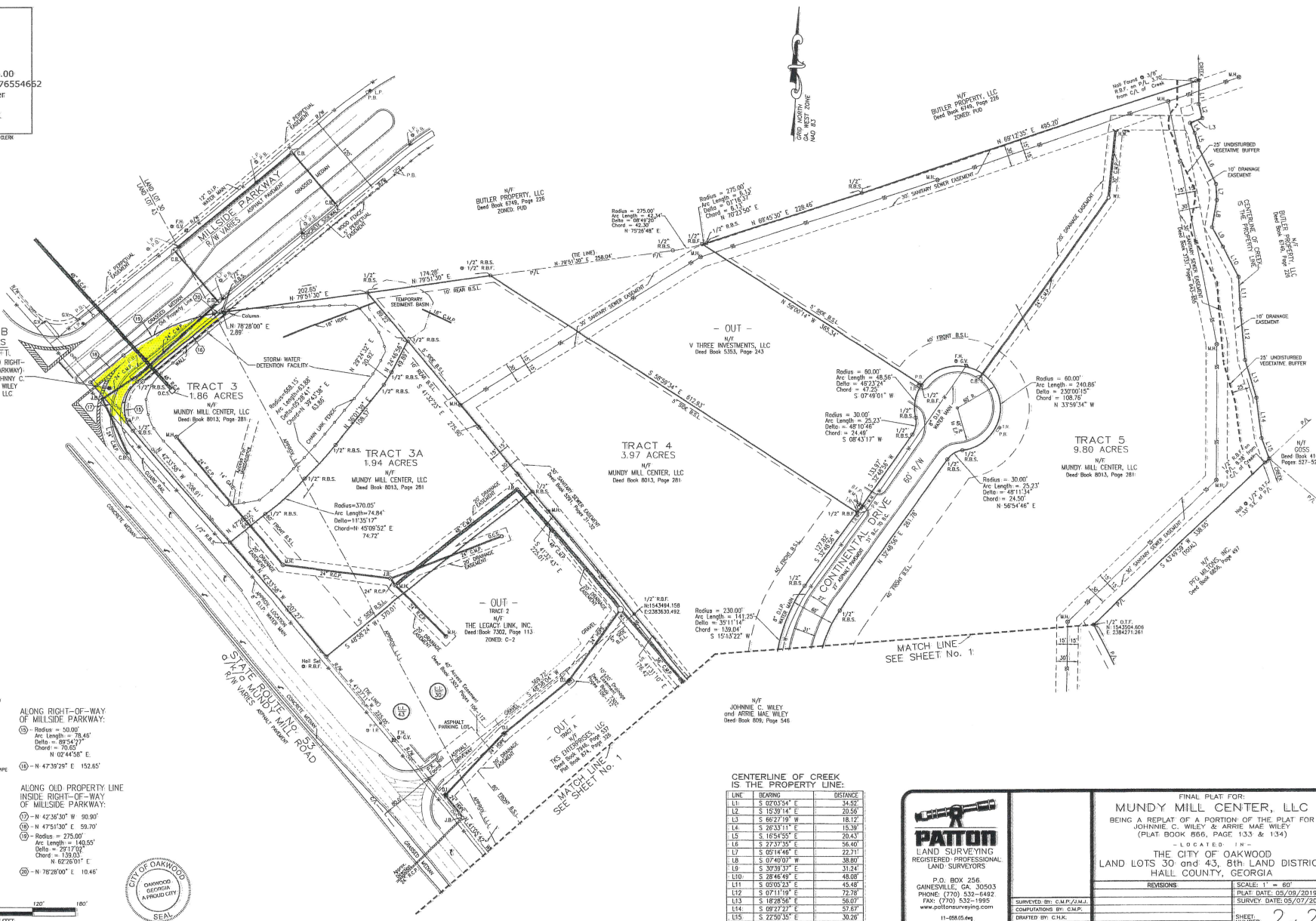
LEGEND:
R.F.P. - IRON PIN FOUND
C.T.F. - CRIMPED TOP PIN FOUND
R.B.F. - REBAR PIN FOUND
O.T.F. - OPEN TOP FOUND
A.I.F. - ANGLE IRON FOUND
R.C.M. - CONCRETE MANDREL FOUND
B.S.L. - BUILDING SETBACK LINE
R.C. - RACE OF CURB
C.L. - CENTER LINE
C.B. - CATCH BASIN
C.M.P. - CORRUGATED METAL PIPE
D.I.P. - DUCTILE IRON PIPE
O.F.P. - OVERHEAD POWER LINE
F.H. - FIRE HYDRANT
G.W. - GUY WIRE
G.M. - GATE MARK
H.D. - HIGH DENSITY POLYETHYLENE PIPE
H.L. - HOLE
L.L. - LAND LOT LINE
M.M. - MARKER
N.P. - NOW OR FORMERLY
P.D. - POWER DISTRIBUTION BOX
P.L. - PROPERTY LINE
P.C. - POLYETHYLENE CHLORIDE PIPE
R.W. - RIGHT OF WAY
R.C.P. - REINFORCED CONCRETE PIPE
T.L. - TELEPHONE CABLE
T.P. - TELEPHONE POLE
T.W. - TELEPHONE WIRE
W.B. - WATER MAIN
W.I. - WATER INLET
W.V. - WATER VALVE
S.S. - SANITARY SEWER LINE
--- CONTINUOUS

**ALONG RIGHT-OF-WAY
OF MILLSIDE PARKWAY:**
⑮ - Radius = 50.00'
Arc Length = 78.44'
Delta = 89°54'27"
Chord = 70.63'
N 02°44'58" E

**ALONG OLD PROPERTY LINE
INSIDE RIGHT-OF-WAY
OF MILLSIDE PARKWAY:**
⑮ - N 47°39'29" E 152.85'
⑯ - N 42°36'30" W 90.90'
⑰ - N 47°51'30" E 59.70'
⑱ - Radius = 275.00'
Arc Length = 149.55'
Delta = 27°17'57"
Chord = 120.03'
N 02°26'01" E 10.45'



GRAPHIC SCALE - 1" = 60 FEET



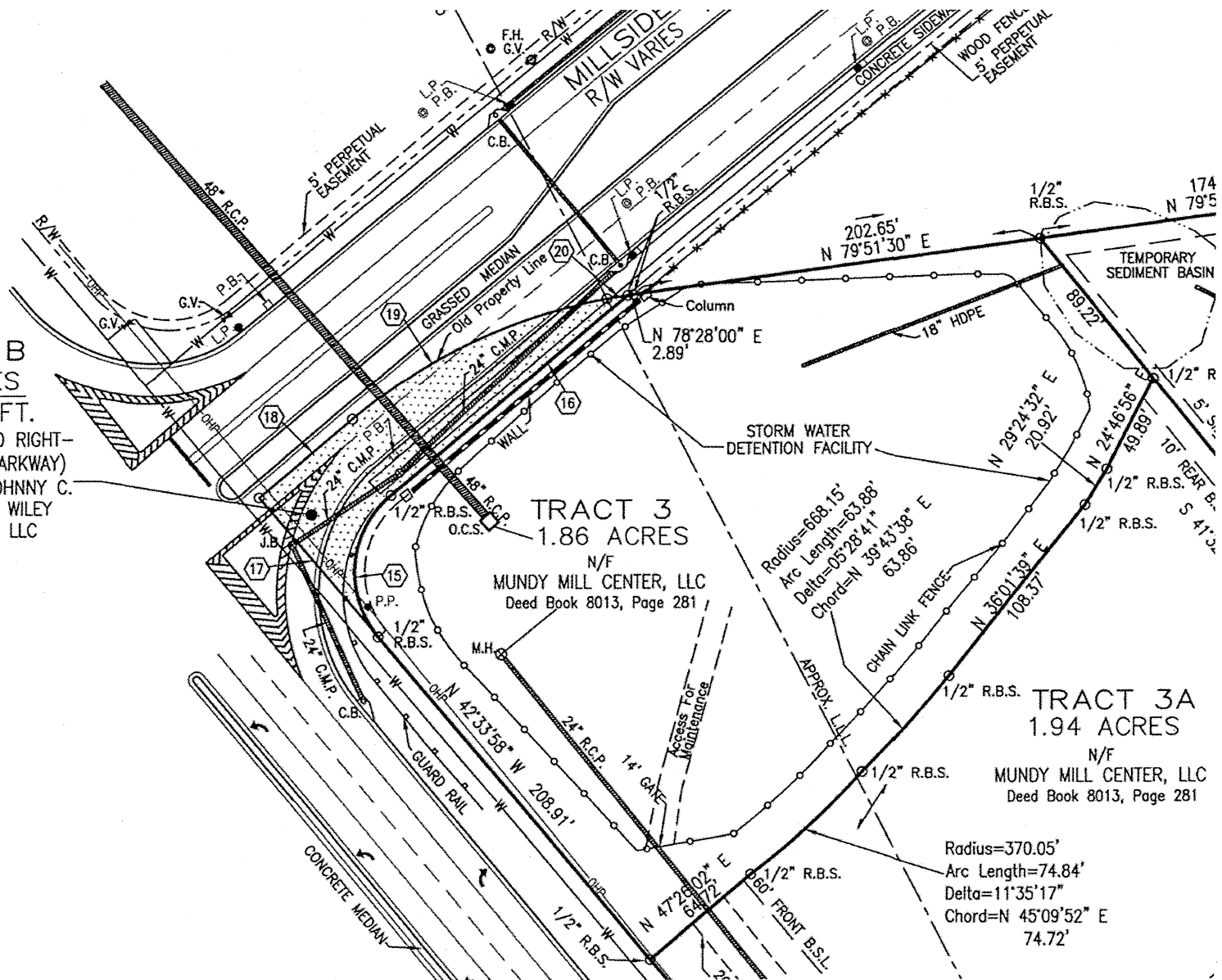
CENTERLINE OF CREEK
IS THE PROPERTY LINE:

LINE	BEARING	DISTANCE
L1	S 07°03'54" E	34.92'
L2	S 15°39'14" E	20.56'
L3	S 66°27'19" W	18.12'
L4	S 26°33'11" E	15.39'
L5	S 16°54'59" E	20.43'
L6	S 22°32'30" E	56.40'
L7	S 09°14'48" E	22.71'
L8	S 07°45'07" W	38.80'
L9	S 30°39'37" E	31.24'
L10	S 28°46'49" E	49.08'
L11	S 05°05'23" E	43.48'
L12	S 07°11'19" E	72.78'
L13	S 18°28'58" E	56.07'
L14	S 89°27'27" E	57.67'
L15	S 22°50'35" E	30.29'

PATTON
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GAINESVILLE, GA 30603
PHONE: (770) 532-6492
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www.pattonsurveying.com
11-058546
JN 11-058505

FINAL PLAT FOR:
MUNDY MILL CENTER, LLC
BEING A REPLAT OF A PORTION OF THE PLAT FOR
JOHNNIE C. WILEY & ARRIE MAE WILEY
(PLAT BOOK 606, PAGE 133 & 134)
LOCATED IN -
THE CITY OF OAKWOOD
LAND LOTS 30 and 43, 8th LAND DISTRICT
HALL COUNTY, GEORGIA
REVISIONS
PLAT DATE: 05/09/2019
SURVEY DATE: 05/07/2019
SCALE: 1" = 60'
SHEET NUMBER: 2 of 2

PARCEL B
 0.16 ACRES
 6,938 SQ. FT.
 (AREA INSIDE PROPOSED RIGHT-
 OF-WAY OF MILLSIDE PARKWAY)
 TO BE DEEDED FROM JOHNNY C.
 WILEY AND ARRIE MAE WILEY
 TO BUTLER PROPERTY, LLC



H. Lamar Scroggs
Mayor

Stephen Hendrix
Council Member

Pat Jones
Council Member

Todd Wilson
Council Member

Dwight Wood
Council Member

Sheri Clark Millwood
Council Member

Donald T. Hunt
City Attorney

Mai Chang
City Clerk

B.R. White
City Manager

Post Office Box 99
4035 Walnut Circle
Oakwood, GA 30566
P. 770-534-2365
F. 770-297-3223

CityofOakwood.net

Certified Mail – Return Receipt Requested

May 22, 2020

City of Gainesville Planning and Zoning Department
300 Henry Ward Way, Suite 303
P.O. Box 2496
Gainesville, Ga 30501

Re: Application for De-Annexation
Mundy Mill Association, Inc.
Original Parcel Number 08030 000018 - ± .16 acres of 3.81 acres

To Whom It May Concern:

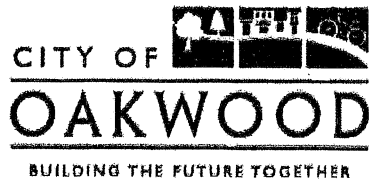
Please find attached a copy of the petition for de-annexation for the above-described parcel required as part of the City's notice obligations pursuant to O.C.G.A. Section 36-36-111. The City of Oakwood, Georgia, by the authority vested in the Mayor and the Council of the City of Oakwood, Georgia by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to consider de-annexation the property described heretofore by ordinance at a regular meeting of the Mayor and the Council. This letter has been sent to you by certified mail, return receipt requested, upon acceptance of petition for de-annexation by the City of Oakwood in accordance with § 36-36-111.

Sincerely,

Donald T. Hunt
City Attorney

C: B. R. White, Jr. – City Manager

Enclosures: 1. Petition for De-Annexation
2. "Annexation Map"



4035 WALNUT CIRCLE / P.O. BOX 99
OAKWOOD GA 30566
770-534-2365

GENERAL APPLICATION FORM

TYPE OF APPLICANT:

- ☒ PROPERTY OWNER ☐ DEVELOPER/BUILDER
☐ RESIDENT/PROPRIETOR ☐ ATTORNEY/AGENT

NAME: Mundy Mill Association, Inc.

ADDRESS: P.O. Box 3253

CITY: Gainesville

STATE: GA

ZIP CODE: 30503

PHONE: NA

CELL: 770-654-0637

FAX: NA

E-MAIL: darrell.wiley@jandjfoods.com

PERSON TO CONTACT

NAME: Darrell W. Wiley

ADDRESS: 1180 Springdale Road, Gainesville, GA 30501

PHONE: 770-654-0637

FAX:

E-MAIL: darrell.wiley@jandjfoods.com

PROPERTY OWNER

NAME: Mundy Mill Association, Inc.

ADDRESS: P.O. Box 3253

CITY: Gainesville

STATE: GA

ZIP CODE: 30503

PHONE: 770-654-0637

FAX: NA

E-MAIL: darrell.wiley@jandjfoods.com

DESCRIPTION OF PROPERTY

ADDRESS:

TAX MAP & PARCEL #: 8030000018

ACREAGE: 0.16 of 3.81

TYPE OF APPLICATION

- ☐ ANNEXATION AND ZONING ☐ PRELIMINARY PLAT
☐ REZONING ☐ EXEMPTION PLAT
☐ APPEAL ☐ FINAL PLAT
☐ SITE PLAN APPROVAL ☐ AMENDMENT ☒ OTHER DE-ANNEXATION
☐ CHANGE IN CONDITIONS
☐ CONDITIONAL USE
☐ VARIANCE TO ZONING ORDINANCE
☐ VARIANCE TO SUBDIVISION REGULATIONS
☐ SOIL EROSION/DEVELOPMENT PERMIT (1.1 ACRES OR MORE)
☐ DEVELOPMENT PERMIT (LESS THAN 1.1 ACRES)
☐ ACCEPTANCE OF STREETS

SIGNATURE: Darrell W. Wiley, CEO

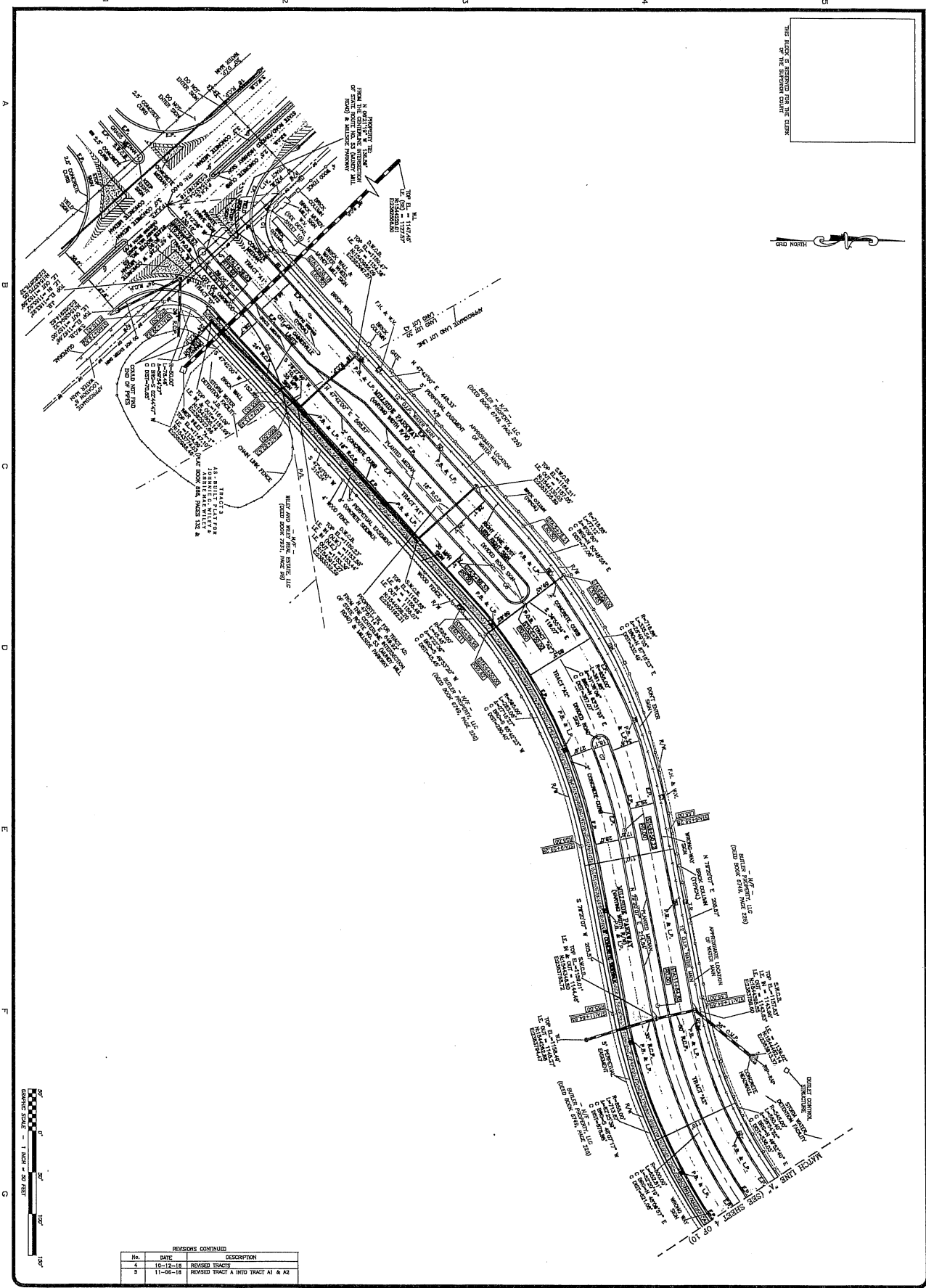
DATE: 5-6-2020

OFFICE USE ONLY

FEE: \$

☐ CASH ☐ CHECK #





3 of 10

SCALE: 1" = 50'

PRINT DATE: 10/09/2017

FILE DATE: 10/12/2017

14-09-0108 REV 04

JN: 13-055

No.	DATE	DESCRIPTION
1	01-22-17	ADDED STORM STRUCTURE ASSEMBLY DATA, ADDED SANITARY SEWER STRUCTURE, ASSEMBLY DATA, ADDED WATER VALVE DETAILS, REVERSED TRACT "A" TO REMOVE DESIRED ROADWAY STORAGE
2	02-12-18	ADDED SHEET 2 WITH ZONING CONDITIONS, ADDED SURVEYOR'S NOTE #6
3	06-04-18	ADDED CENTERLINE ROAD INVERSE DATA

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

- LOCATED IN -

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

REGISTERED PROFESSIONAL
LAND SURVEYORS

P.O. BOX 256
GAINESVILLE, GA. 30603
PHONE: (770) 532-6482
FAX: (770) 532-1995
www.pattonsurveying.com

STATE OF GEORGIA
COUNTY OF HALL

A RESOLUTION

**A RESOLUTION CONSENTING TO THE DE-ANNEXATION OF THAT
PORTION OF PROPERTY BELONGING TO MUNDY MILL
ASSOCIATION, INC. IDENTIFIED AS A PORTION OF TAX PARCEL
NUMBER 08-03-000-018 WITHIN THE CORPORATE LIMITS OF THE
CITY OF OAKWOOD, HALL COUNTY, GEORGIA.**

WHEREAS, the owner of certain land adjoining the existing corporate limits of the City of Oakwood, Georgia has filed his petition with the City of Oakwood, Georgia requesting that the City of Oakwood de-annex said property as it creates certain maintenance issues between the Cities of Oakwood and Gainesville and should be maintained as a portion of the right of way of the City of Gainesville, said land hereinafter described in Exhibits "A" and "B" in the ordinance of de-annexation from the City of Oakwood, Georgia; and

WHEREAS, the City of Oakwood has accepted said application and petition and held a first reading on a proposed ordinance to de-annex said property so that the parcel may be annexed into the City of Gainesville for maintenance purposes; and

WHEREAS, it appears that the City of Oakwood is willing to de-annex the property and the City of Gainesville is willing to annex the property so as to not create a permanent island; and

WHEREAS, O.C.G.A. Section 36-36-22 requires the consent of Hall County by the "adoption of a resolution by the governing authority of the county in which such property is located consenting to such de-annexation";

**NOW THEREFORE, THE BOARD OF COMMISSIONERS FOR HALL COUNTY,
GEORGIA HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. Pursuant to O.C.G.A. §36-36-22, the Board of Commissioners of Hall County, Georgia (hereinafter "County") consents to the following described tract of land (see Exhibits "A" and "B") being de-annexed from the existing corporate limits of the City of Oakwood, Georgia as fully and completely as if the limits had been so defined by the General Assembly of Georgia.

SECTION 2. See attached Exhibit "A" for the legal descriptions of said property which is hereby incorporated herein by reference thereto.

SECTION 3. See plat of property attached hereto as Exhibit "B" and incorporated herein by reference thereto.

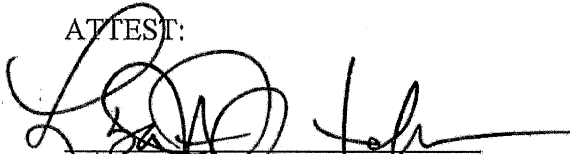
SECTION 4. In accordance with O.C.G.A. Section 36-36-22, the City Clerk for the City Council of the City of Oakwood, Georgia is to file with the Board of Commissioners of Hall County, Georgia a description and plat exhibit describing the lands de-annexed from the City of Oakwood, Georgia.

SECTION 5. The Hall County Board of Commissioners has no objection to the annexation into the City of Gainesville of the 0.16-acre tract, and the Board waives any and all further notice associated with such annexation.

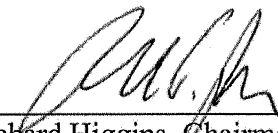
9th **PASSED AND ADOPTED** by the Board of Commissioners of Hall County, Georgia this day of July, 2020.

Hall County Board of Commissioners

ATTEST:


Lisa Ritchie, County Clerk

By


Richard Higgins, Chairman
Board of Commissioners
Hall County, Georgia

Approved as to form:


Van Stephens, County Attorney

Legal Description: Millside Parkway Tract "D" (Area 4)

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

Commencing at a PK Nail set at the centerline intersection of State Route No. 53 (Mundy Mill Road)(varying width r/w) & Millside Parkway, located at Georgia State Plane Coordinate Northing 1543754.25, Easting 2382787.18, Georgia West Zone, North American Datum of 1983/2007 adjustment, THENCE North 06 degrees 21 minutes 19 seconds West for a distance of 136.59 feet to a point on the Northeasterly right-of-way line of said State Route No. 53;

Thence following said State Route No. 53 the following course:

Thence South 42 degrees 12 minutes 26 seconds East for a distance of 130.10 feet to a point, and said point being the TRUE POINT OF BEGINNING.

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

Thence following said State Route No. 53 the following course:

Thence North 42 degrees 12 minutes 26 seconds West for a distance of 90.90 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 0.16 acres more or less.

Exhibit "A"

eFiled & eRecorded
 DATE: 5/24/2019
 TIME: 10:11 AM
 PLAT BOOK: 00877
 PAGE: 00130
 RECORDING FEE: 16.00
 PARTICIPANT ID: 9576554662
 CLERK: Charles Baker
 Hall County, GA
 NOTE: by ch 2 of 2

THIS BLOCK IS RESERVED FOR THE CLERK
 OF THE SUPERIOR COURT

PARCEL B
0.16 ACRES
6,938 SQ. FT.
 (AREA INSIDE PROPOSED RIGHT-
 OF-WAY OF MILLSIDE PARKWAY)
 TO BE DEEDED FROM JOHNNY C.
 WILEY AND ARRIE MAE WILEY
 TO BUTLER PROPERTY, LLC

TRACT 3
1.86 ACRES

MUNDY MILL CENTER, LLC
 Deed Book 8013, Page 281

TRACT 1.94

MUNDY MILL
 Deed Book 8

Radius=370.05'
 Arc Length=74.84'
 Delta=11°35'17"
 Chord=N 45°09'52"
 74.72'

Exhibit "B"

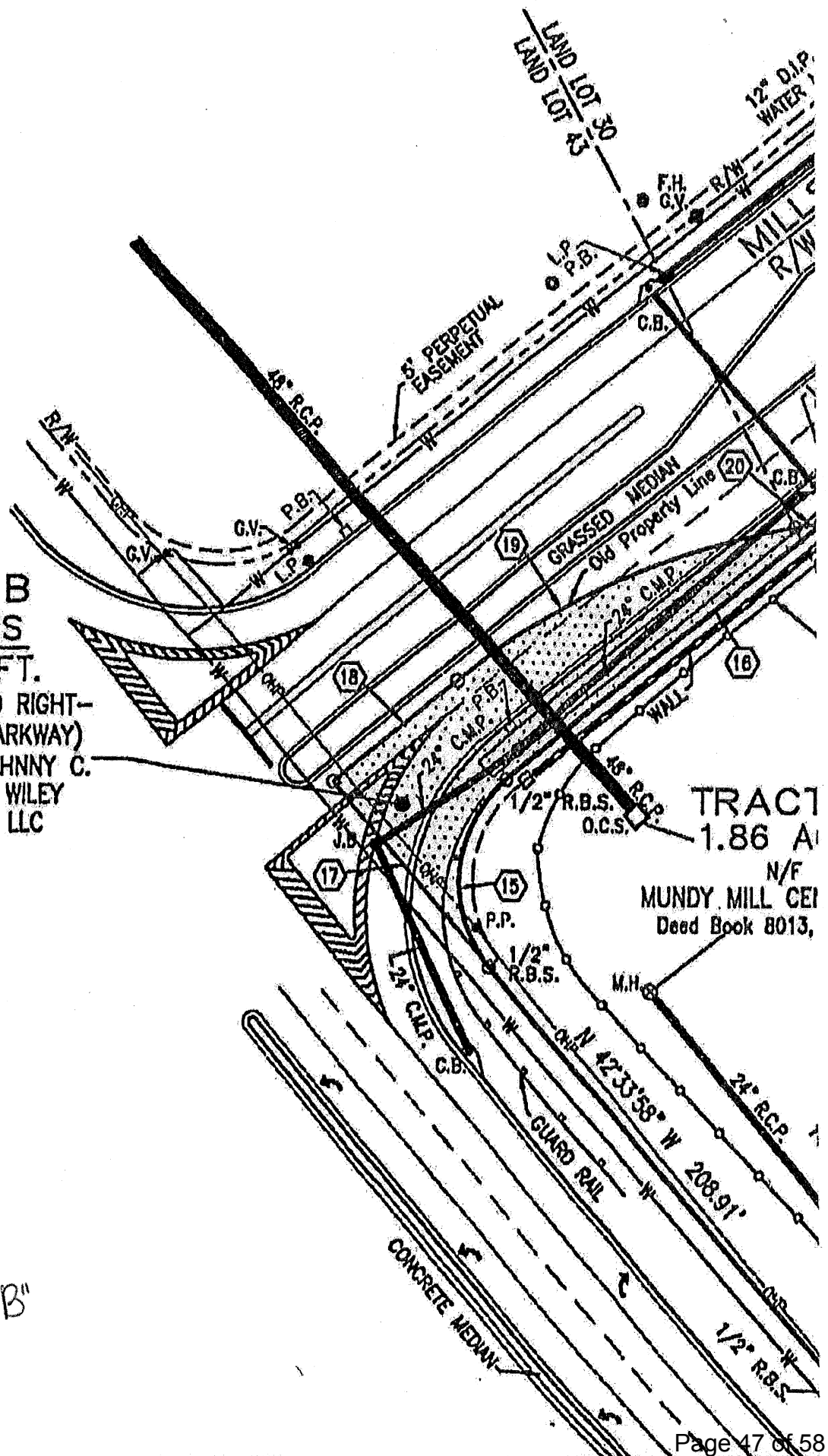
LEGEND:

- I.P.F. - IRON PIN FOUND
- C.T.P. - CHAPPED TOP PIN FOUND
- R.B.F. - REBAR PIN FOUND
- R.B.S. - REBAR PIN SET

PARCEL B
0.16 ACRES
6,938 SQ. FT.

(AREA INSIDE PROPOSED RIGHT-
OF-WAY OF MILLSIDE PARKWAY)
TO BE DEEDED FROM JOHNNY C.
WILEY AND ARRIE MAE WILEY
TO BUTLER PROPERTY, LLC

Exhibit "B"



CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 7/21/2020

Presenter: Matt Tate

Item of Business: Request from the City of Gainesville to rezone 25 parcels totaling 39.0± acres located within the Midtown Overlay Zone (a/k/a 319 Abby Place, SW; 422, 435 Banks Street, SW; 722 Bradford Street, SW; 506 and 508 Davis Street, SW; 0 Pine Street, SW; 603, 609, 619, 625 and 631 Gordon Avenue, SW; 729, 878, 901 and 905 Grove Street, SW; 636 High Street, SW; 687, 711, 721 and 743 Main Street, SW; 409, 427 and 435 Parker Street, SW; 701 and 757 Queen City Parkway, SW; 504 Summit Street, SW) from Heavy Industrial (H-I), Light Industrial (L-I), General Business (G-B) and Residential-II (R-II) to Office and Institutional (O-I).
Ward Number: Three
Tax Parcel Number(s): 01-013-003-001, 002, 003, 004, 005, 006, 007, 008 and 009; 01-014-002-001, 014 and 019; 01-015-001-006, 008, 009, 011 and 012; 01-015-003-006; 01-017-001-003; 01-018-001-014, 019 and 022; 01-019-003-005A; 01-030-001-001 and 023
Request: No change in use

Meeting Date: 8/11/2020

Purpose of Request:

The City of Gainesville is proposing to rezone a total of 25 properties located within the Midtown Overlay Zone. All of the properties are owned by the City of Gainesville except for three privately owned properties which have given permission to rezone. The purpose of the request is to rezone the properties to Office and Institutional (O-I) which is more suitable for the existing uses. Some of the existing uses include the Midtown Greenway, Gainesville Public Safety Complex, Fire Station #1, Water Resources building, Gainesville Connection Transit Station and office/warehouse buildings. There is no change in use proposed for the properties.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff is recommending approval of this request. See the Staff Recommendation report for details.

Department Director:

Rusty Ligon

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

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Proposed Rezoning Ordinance	Ordinance
☐ Exhibit A - Midtown Zoning Map	Attachments/Exhibits

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant City of Gainesville
Property Owner See attached list
Location See attached list
Request Rezone from H-I, L-I, G-B and R-II to O-I
Total Acres 39.0± acres
Ward Three
Proposed Use No change in use
Planning Division Staff Recommendation **Approval**
Date August 11, 2020

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

The City of Gainesville is proposing to rezone a total of 25 properties located within the Midtown Overlay Zone. All of the properties are owned by the City of Gainesville except for three privately owned properties which have given permission to rezone. The purpose of the request is to rezone the properties to Office and Institutional (O-I) which is more suitable for the existing uses. Some of the existing uses include the Midtown Greenway, Gainesville Public Safety Complex, Fire Station #1, Water Resources building, New Skate Park, Gainesville Connection Transit Station and office/warehouse buildings. There is no change in use proposed for the properties.

▪ **Adjacent Land Use and Zoning**

The surrounding uses include a mixture of industrial, commercial, office and residential uses.

▪ **Other Departmental Comments**

There were no departmental comments for this request.

▪ **Zoning History**

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

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

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

2020- A request by the City of Gainesville to rezone a 6.84± acres tract located at 110 and 120 Jesse Jewell Parkway, SE; 525 Bradford Street, SE; 111 College Avenue, SE from Planned Unit Development (P-U-D) and General Business (G-B) to Planned Unit Development (P-U-D) was approved with conditions for a mixed-use development.

2020- A request by the City of Gainesville to rezone a 4.1± acres tract located at 610 and 622 Main Street, SW; 605 Grove Street, SW from Light Industrial (L-I) to Planned Unit Development (P-U-D) was approved with conditions for a mixed-use development.

2019- A request by Christopher Wimberly to rezone 0.31± acres located at 315 Summit Street, SE from Residential-II (R-II) to General Business (G-B) was approved with conditions for a funeral home.

2016- A request by the Gainesville Housing Authority to rezone 11.671± acres located at 233, 240, 315, and 323 Atlanta Street; 207, 209, 221, 223 and 229 Summit Street from Residential-II (R-II), Neighborhood Business (N-B) and General Business (G-B) to Planned Unit Development (P-U-D) was approved with conditions for multi-family apartments.

2014- A request by Pap Datta to rezone 1.04± acres with a special use located at 510, 514 and 520 Maple Street from General Business (G-B) to Light Industrial (L-I) was approved with conditions for a micro-brewery.

2014- A request by Mercy Housing to rezone a 2.2± acres tract located at 620 and 628 Gordon Avenue, SW; 0, 602 and 612 Longstreet Avenue, SW; 627 Queen City Parkway, SW; 504, 512, 514, 520 and 528 Banks Street, SW from Residential-II (R-II), Office and Institutional (O-I), General Business (G-B) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D) was approved with conditions for 90 multi-family low-income housing units but the request was withdrawn at City Council second reading.

Staff Analysis

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

The adjacent and nearby property consists of a mixture of residential, commercial and industrial zoned properties. The proposal includes rezoning 25 parcels to a more appropriate zoning based on the current use of the properties which includes public facilities owned by the City of Gainesville and professional office/service uses owned by two private property owners.

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

There is no proposed change in use. The properties will continue to function as public uses with the exception of two private office uses and a hair salon. There will be no adverse effects to the adjacent or nearby properties.

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

The Gainesville Future Development Map places the subject properties within the *Mixed-Use Midtown* land use category. This category includes areas to be developed in accordance with the Midtown Redevelopment Plan which allows for a mixture of land uses including office, neighborhood retail, and residential.

According to the Character Area map for the City of Gainesville, the subject properties are located within the *Central Core* Character Area specifically within the *Downtown/Midtown* subarea. The vision for this area should strive for additional office and housing to provide a more sustainable mix of uses. Recent public improvements to Midtown including the Midtown Greenway and the Jesse Jewell pedestrian bridge have begun a long-term transition to more diverse land uses including a mixed-use core along Main and Bradford streets; flanking multi-family (ideally mixed-income) housing; a multi-modal transportation node at the Amtrak station; and an office /

conference / hospitality extension of Downtown across Jesse Jewell Parkway. In addition, mixed-income high quality multi-family housing development should be targeted to take advantage of the open space investment made in the Midtown Greenway and related parks. Land uses supported in the Midtown subarea include mixed-use, multi-family residential, commercial, public / institutional, and transportation / communications / utilities.

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

The subject properties are currently zoned for multi-family residential, heavy commercial and light/heavy industrial uses. As previously stated, the proposed zoning of Office and Institutional (O-I) is more appropriate based on the existing use of the properties. The proposed rezoning will further support the Midtown Overlay Zone which currently prohibits inappropriate uses such as liquor stores, tobacco/vaping stores, auto sales/repair and heavy industrial 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?

There is no anticipated increased impact to public facilities including public safety, roads, utilities and schools.

(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 is located within the Midtown Overlay Zone which was established in 2005 with the intent to set higher standards for the appearance and functionality of the land uses. It is also intended to encourage mixed-use development and the creation of more housing, employment, and recreational opportunities originally identified within the *The Renaissance of Midtown Gainesville Redevelopment Plan* created in 2001. It is expected that the strategic public investment that has occurred within the Midtown area will continue to encourage further investment as desired by the applicant. Rezoning the subject properties to a more appropriate zoning that reflects the existing uses will only help to support this effort.

(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 existing uses, it appears the proposal reflects a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property, with the proposed zoning conditions.

▪ **Staff Recommendation**

The Planning Division staff is recommending **approval** of this rezoning request with a zoning of **Office and Institutional (O-I)** based on the Comprehensive Land Use Plan and the existing uses.

Passed: _____

AN ORDINANCE

No. 2020-

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A TOTAL OF 25 PARCELS CONSISTING OF 39.0± ACRES LOCATED WITHIN THE MIDTOWN OVERLAY ZONE, AS SHOWN ON EXHIBIT A, FROM HEAVY INDUSTRIAL (H-I), LIGHT INDUSTRIAL (L-I), GENERAL BUSINESS (G-B) AND RESIDENTIAL-II (R-II) TO OFFICE AND INSTITUTIONAL (O-I); 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.

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

See attached Exhibit A, showing the total of 25 parcels comprising 39.0± acres, all of which parcels shall be rezoned as set forth herein.

Tax Parcel #	Parcel Address	Existing Zoning
01013 003001	409 Parker Street SW	H-I
01013 003002	427 Parker Street SW	L-I
01013 003003	435 Parker Street SW	H-I
01013 003004	603 Gordon Avenue SW	G-B
01013 003005	609 Gordon Avenue SW	G-B
01013 003006	619 Gordon Avenue SW	G-B
01013 003007	625 Gordon Avenue SW	G-B
01013 003008	631 Gordon Avenue SW	G-B
01013 003009	422 Banks Street SW	H-I
01014 002001	435 Banks Street SW	G-B
01014 002014	701 Queen City Parkway SW	H-I
01014 002019	504 Summit Street SW	H-I
01015 001006	687 Main Street SW	G-B
01015 001008	711 Main Street SW	R-II
01015 001009	721 Main Street SW	L-I
01015 001011	743 Main Street SW	L-I
01015 001012	722 Bradford Street SW	L-I
01015 003006	729 Grove Street SW	L-I
01017 001003	0 Pine Street SW	H-I
01018 001014	508 Davis Street SW	H-I
01018 001019	878 Grove Street SW	H-I
01018 001022	506 Davis Street SW	H-I
01019 003005A	901 & 905 Grove Street SW / 319 Abby Place SW	H-I
01030 001001	757 Queen City Parkway SW	R-II
01030 001023	636 High Street SW	R-II

SECTION II.

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

SECTION III.

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

SECTION IV.

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

C. Danny Dunagan, Jr., Mayor

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

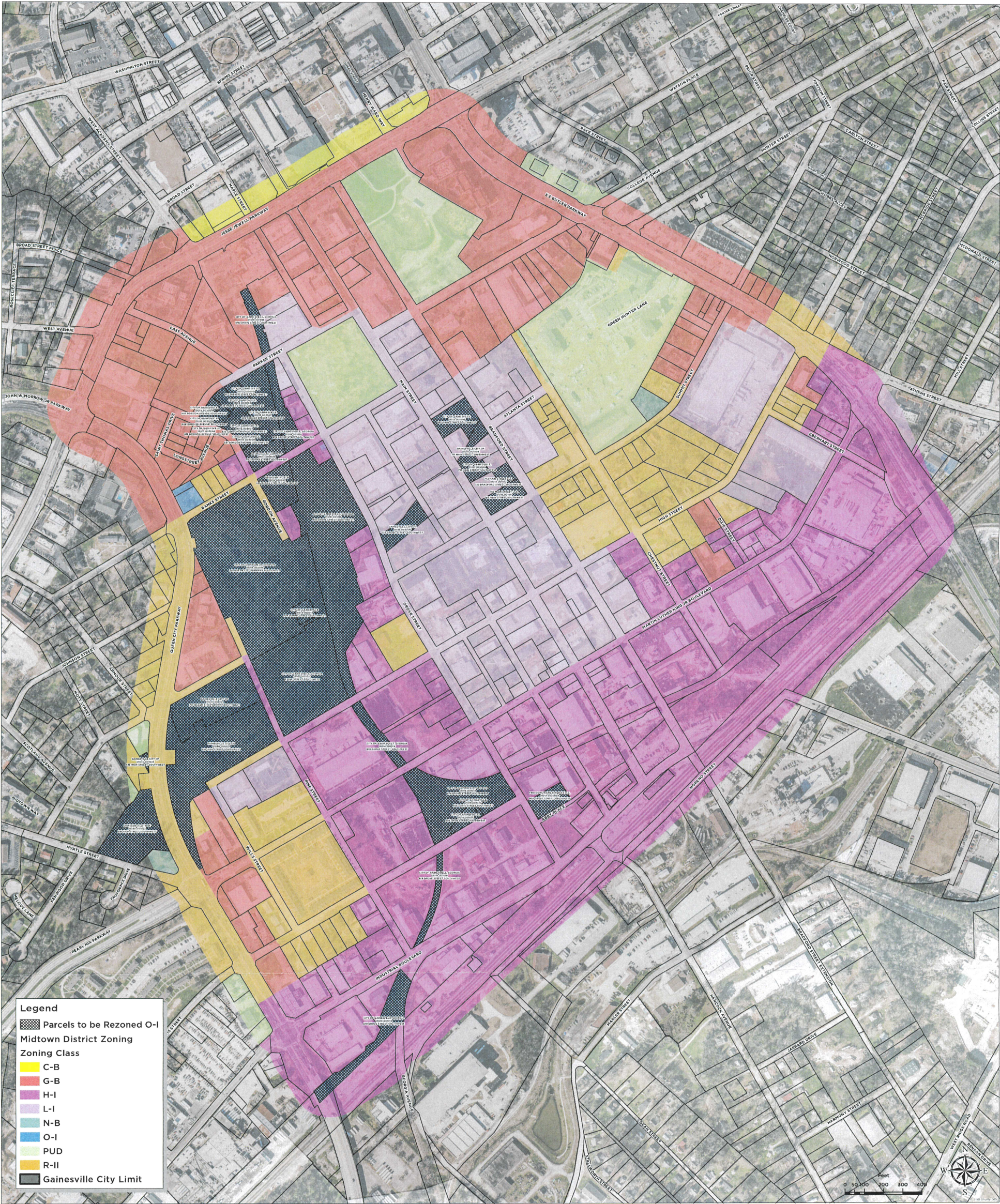
ATTEST:

Denise O. Jordan, City Clerk



GAINESVILLE

MIDTOWN DISTRICT ZONING MAP - EXHIBIT A



CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 7/21/2020

Presenter: Matt Tate

Item of Business: Request from the **City of Gainesville** to amend Section 9-8-2-4 of the Gainesville Unified Land Development Code entitled "Dimensional Requirements" for the Gateway Corridor Overlay Zone.

Meeting Date: 8/11/2020

Purpose of Request:

The City of Gainesville is proposing to amend the Gainesville Unified Land Development Code to require special use approval to subdivide commercially zoned lots 20 acres or larger located within the Gateway Corridor Overlay Zone. In addition, criteria shall be considered prior to special use approval. The purpose of the request is to provide standards for properties that have potential to be further subdivided and developed into commercial outparcels. There are currently 29 commercially zoned parcels located within the Gateway Corridor Overlay Zone that are 20 acres or larger.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval as presented. See the proposed ordinance for details.

Department Director:

Rusty Ligon

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

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Proposed Ordinance	Ordinance

AN ORDINANCE

No. 2020-

AN ORDINANCE TO AMEND SECTION 9-8-2-4 OF THE UNIFIED LAND DEVELOPMENT CODE ENTITLED “DIMENSIONAL REQUIREMENTS” BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I.

Section 9-8-2-4 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended by eliminating it in its entirety and substituting in its place the language set forth below:

Section 9-8-2-4. - Dimensional requirements.

This overlay zone does not establish dimensional requirements, except that nonresidential zoned lots twenty (20) acres or larger shall require special use approval by the governing body to further subdivide. The governing body shall consider the following standards in deciding whether to grant special use approval to subdivide the lot, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal.

1. Minimum subdivided lot size should be 2 acres.
2. Maximum impervious surface coverage should not exceed 75 percent of the subdivided lot.
3. Minimum landscaped open space should be a minimum of 20 percent of the subdivided lot.
4. Access should be limited to an internal access easement within the property, prior to any subdividing, to facilitate the movement of motor vehicles across the property. New driveways on existing public right-of-way areas should be discouraged.
5. The following uses are discouraged:

Automated or non-automated car washes.
Coin-laundry facilities.
Dollar-type stores or thrift stores.
Community donation boxes.
Gas stations (located on lots less than 2 acres in size).
Group homes, homeless shelters, rooming house or crisis centers.
Hookah, E-cigarette, and/or Vapor lounge/bars.
Indoor or outdoor commercial recreational facilities.

Kennels.
Liquor stores.
Marine sales or repair stores.
Massage parlors.
Mini-warehouses including climate-controlled self-service storage facilities.
Motels or extended stay lodging.
Motor vehicle sales or service.
Pawn shops.
Psychics, fortune tellers, clairvoyants and the like.
Retail sales of alternative nicotine products.
Sexually-oriented adult uses.
Tattoo parlors.
Taxi-cab or limousine services.
Tobacco or vaping stores.
Vehicle emission testing facility.
Veterinarian or animal hospitals with outdoor kennels.
Wireless telecommunication facility or cell towers excluding co-location.

Unless otherwise stated, uses shall be subject to the applicable dimensional requirements for the underlying zoning district in which said uses are located.

SECTION II.

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

SECTION III.

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

SECTION IV.

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

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk