

1. CALL TO ORDER

2. MINUTES

A. September 14, 2021 PAB Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Annexation Requests

- (1) Request from **Koch Foods of Gainesville, LLC** to annex a 0.572± acre tract located on the northwest side of the intersection of Industrial Boulevard and Mitchell Street (a/k/a **966 Industrial Boulevard**) and to establish zoning as Heavy Industrial (H-I).
Ward Number: Four
Tax Parcel Number(s): 00-050-001-007
Request: Poultry processing plant expansion
- (2) Request from the **Atlanta Botanical Garden, Inc.** to annex a total of 17.032± acres to include a 10.237± acres tract located on the northwest side of the intersections of Lake Hill Drive and Randall Street and Lake Hill Drive and Gary Street; and a 6.795± acres tract located on the west side of the cul-de-sac of Barrett Street, having road frontage on the north side of Riverbend Circle (a/k/a **115 Barrett Street, 102, 104 and 106 Gary Street; 213, 301, 303 and 305 Lake Hill Drive; 0, 100, 101, 102, 103, 104, 105, 106, 107, 109 and 111 Randall Street; 0 Riverbend Circle**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 00-093-001-003A, 005, 020, 021, 022, 023, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, and 040
Request: Atlanta Botanical Garden expansion
- (3) Request from **Caballero Holdings, LLC** to annex a total of 140.77± acres to include a 44.91± acres tract located at the northeast side of the terminus of Floyd Road; a 80.8± acres tract located on the north side of Eberhart Cemetery Road; a 9.467± acres tract, 4.397± acres tract and a 1.996± acres tract located southwest of the intersection of Jesse Jewell Parkway and Old Cornelia Highway (a/k/a **0 Eberhart Cemetery Road; 2465 Floyd Road, SE; 2166, 2170 and 2210 Old Cornelia Highway**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel Number(s): 15-022-000-001B, 003 (Part); 15-033B-000-022, 024 and 026A
Request: Master planned mixed-use development

B. Rezoning Requests

- (1) Request from the **Atlanta Botanical Garden, Inc.** to rezone a total of 20.695± acres to include a 13.625± acres tract located on the west side of Lake Hill Drive, having road frontage on the north side of Barrett Street; and a 7.07± acres tract located on the northwest side of the cul-de-sac of Roper Hill Road (a/k/a **103 Gary Street, NE; 1662 Roper Hill Road, NE**) from Residential-II (R-II) and General Business (G-B) to Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 00-093-001-042; 01-084-004-005
Request: Atlanta Botanical Garden expansion
- (2) Request from **Koch Foods of Gainesville, LLC** to rezone a 0.55± acre tract located between Davis

Street and Industrial Boulevard, southwest of Queen City Parkway (a/k/a **911, 913 and 919 Davis Street, SW; 950 Industrial Boulevard, SW**) from Residential-II (R-II) to Heavy Industrial (H-I).

Ward Number: Four

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

Request: Poultry processing plant expansion

C. Zoning Amendment Requests

- (1) Request from **Caballero Holdings, LLC** to amend an existing Planned Unit Development (P-U-D) zoning totaling 981.661± acres located east of Lanier Parkway (I-985), south of the intersection of Old Cornelia Highway and Dana Drive, south of Floyd Road and east of its terminus, having road frontage on the east side of Lenox Drive (a/k/a **0, 2490 and 2544 Floyd Road, SE; 0 Lenox Drive, SE; 0 Old Cornelia Highway, SE**).

Ward Number: Three

Tax Parcel Number(s): 15-021-000-164; 15-022-000-003M, 004, 034 and 086; 15-033-000-001

Request: Master planned mixed-use community

D. Code Amendment Requests

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

5. MISCELLANEOUS

6. ADJOURNMENT

Date Submitted: 10/15/2021
Presenter: N/A
Item of Business: September 14, 2021 PAB Meeting Minutes
Meeting Date: 11/9/2021

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 Office & Records Coordinator and the Community Development Deputy 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
MINUTES OF MEETING
SEPTEMBER 14, 2021**

CALL TO ORDER Chairman Carter at 5:30 p.m.

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

Members Absent: None

Staff Present: Community & Economic Director Rusty Ligon, Community & Economic Deputy Director Matt Tate and Recording Secretary Gwen Fleming

Others Present: Council Members Barbara Brooks, George Wangemann, City Clerk Denise Jordan and Deputy Clerk Alisa Grayson

MINUTES OF AUGUST 10, 2021

There was a motion to approve the minutes as presented.

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

OLD BUSINESS

NEW BUSINESS

A. Variance Request

- 1) Request from **Beltan Properties** to vary the stream buffer requirement on a 0.76± acre tract located on the north side of Stillwater Drive, east of Chattahoochee Trace (a/k/a **3076 Stillwater Drive, NW**), having a zoning classification of Residential-I-A (R-I-A).

Ward Number: One

Tax Parcel Number(s): 01-107-001-059

Request: Single-family home and septic field lines

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

The applicant is proposing to vary the third and outermost 25-feet of the required 75-foot stream buffer in order to construct primary underground septic field lines for a single-family home. The first 50' of the buffer is required to be undisturbed and the third and outermost 25-feet of the buffer may be minimally disturbed but must be kept free of all impervious cover. The 0.76 acre property is located within the Chattahoochee Estates West subdivision and contains an existing concrete foundation for a two-story, 7,775± square foot home currently under construction. The permit for the home was issued on 2/1/2021. The property is zoned R-I-A, is heavily wooded and slopes downward from the street to the creek branch/rear property line which flows to Lake Knickerbocker. The adjacent uses include single-family homes. Specifically, total area of encroachment within the outermost 25-feet includes approximately a 4,000± square foot area (25' x 160') which includes the

underground primary septic field lines. A similar variance was approved for the property next door at 3080 Stillwater Drive on 12/8/2020. The applicant is basing the hardship on the fact that the recorded plat for the property predates the current stream buffer requirements and the ordinance has created limited area to access suitable soil for a septic system. The applicant states the area of encroachment will be landscaped back with sodded grass and or pine straw / mulch to return to its natural state.

The Planning Division staff is recommending **conditional approval** of the proposed stream buffer variance request based on the slope of the property and proposed mitigation plan.

Applicant Presentation: **Matt Bell**, 5207 Atlanta Highway, stated after reviewing the topo they had to re-position the location of the garage. He said the septic permit was submitted with Environmental Health, and they recommended for him to apply for a variance to remove the last 25 feet of the stream buffer requirement. He stated his neighbor had the same issue but not because of Lake Knickerbocker but a small stream on the back side of the property which is causing the issue with the field lines. Mr. Bell agrees with the staff comments and recommendation.

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to conditionally approve the request to vary the stream buffer requirement for a single-family home and septic field lines having a zoning of Residential-I-A (R-I-A).

Condition

The applicant shall be required to adhere to the site plan and mitigation plan submitted with this stream buffer variance request.

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

B. Rezoning Requests

- 1) Request from **Adventures Real Estate, LLC** to rezone a 17.028± acres tract located on the north side of Browns Bridge Road, southeast of Cherry Hill Drive (a/k/a **2520 Browns Bridge Road, SW**) from Residential-I-A (R-I-A) to General Business (G-B).
Ward Number: Five
Tax Parcel Number(s): 08-015-009-014 (Part)
Request: Automotive related facility

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

The applicant is proposing to rezone the 17.028 subject property to develop an automotive facility which sells pre-owned vehicles. The adjacent uses include vacant land, Church, future site of CarMax used car sales facility and residential homes. The property is undeveloped, heavily wooded, contains a stream and is located within the Gateway Corridor Overlay Zone. According to the concept plan, the proposal includes a dealership building with associated parking for customers, employees and inventory and access is preliminarily shown from Browns Bridge Road. As well, the applicant states that the future development will agree to adhere to the Gateway Corridor Overlay Zone

standards. Coordination will be required with the Georgia Department of Transportation (GDOT). There were no other departmental comments for this request.

The Gainesville 2030 Future Development Map places the front half of the subject property within the *Retail/Commercial* land use category and the rear half of the property within the *Medium-High Density Residential* land use category. The *Retail/Commercial* land use category where the proposed auto facility is proposed includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, and automotive related businesses.

According to the Character Area map for the City of Gainesville, the subject property is located both within the *Browns Bridge Corridor* Character Area which includes medium-density residential, multi-family residential, mixed-use, commercial, light industrial, and parks / recreation / conservation uses.

The Planning Division staff is recommending **conditional approval** of the rezoning request with a zoning of **General Business (G-B)** based on the Comprehensive Plan and the adjacent and nearby mixture of uses.

Applicant Presentation: Frank Simpson, 1186 Riverside Terrace, stated he had a few representatives present from Adventures Real Estate and reminded everyone that Browns Bridge Road is known as the automotive corridor from new dealers to used/repairs and service. He stated they do have a new car dealership that will develop and occupy the site. Mr. Simpson said it will be a full service facility with a repair shop in the back and new cars for sale in the front. He also said the power-point presentation slide of the building will be similar as to the one occupied by the dealership. They are in agreement with the Gateway Corridor guidelines and agree to the conditions set forth by the planning department.

OPPOSE: None

There was a motion to recommend conditional approval to rezone the subject property from Residential-I-A (R-I-A) to General Business (G-B) with the following conditions:

Conditions

1. The proposed buildings shall meet the exterior building material requirements of the Gateway Corridor Overlay Zone.
2. An electronic message board sign shall not be permitted for the subject property.
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 owner/developer.
4. An updated as-built boundary survey/plat of the subject property, indicating all improvements required for the proposed use shall be recorded prior to obtaining a Certificate of Occupancy.

Motion made by Board Member Martin

Motion seconded by Board Member Thompson

Vote – 7 favor

- 2) Request from **Northeast Georgia Medical Center** to rezone a 48.997± acres tract located northwest of the intersection of Jesse Jewell Parkway and Downey Boulevard, having road frontage on Brenau Lane, Sherwood Park Drive, South Enota Drive, Spring Street, Medical Center Way and Wisteria Drive (a/k/a **743 Spring Street, NE; 1227 Sherwood Park Drive, NE; 200 Wisteria Drive, NE; 1075 Jesse Jewell Parkway, SW**) from Planned Unit Development (P-U-D) and Office and Institutional (O-I) to Planned Unit Development (P-U-D).

Ward Number: Three

Tax Parcel Number(s): 01-023-006-007; 01-064-004-009

Request: Hospital campus expansion

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

The applicant is proposing to rezone the 48.9 acres subject property in order to expand the existing hospital campus to include 927,500 square feet of facility space over a period of 13 years which will include three phases. Surrounding uses include the Brenau campus, Sherwood Office Park, various offices, gas station, apartments and the Fair Street neighborhood. As well, the property is located within the Limestone Parkway Overlay Zone. The proposal includes a new 660,000 square foot patient tower totaling 12 stories in height which will include a roof top helipad.

Emergency room services will be relocated to the ground floor of the new tower. Additionally, approximately 400,000 square feet of space will be constructed within the campus, as well as, 795 new parking spaces and a 40,000 square foot Central Energy Facility (CEF) located within the adjacent Sherwood Office Park. (Shaded) Existing buildings will be updated overtime and as part of the proposal and access will be improved to include a new driveway off of Downey Boulevard across from Vine Street for the Emergency Room and parking deck. As well, intersection and access improvements on South Enota Drive and Sherwood Park Drive are proposed.

A Traffic Impact Study was conducted for the proposed development on July 2021 which studied 7 intersections including the new site driveways. The full build-out is anticipated to generate 4,090 daily entering and 4,090 exiting trips, 553 trips entering and 260 trips exiting in the A.M. and 282 trips entering and 598 trips exiting in the P.M.

A Development of Regional Impact Study was completed for this request and the Georgia Mountains Regional Commission found that the proposal does **NOT** present any potential adverse inter-jurisdictional impacts. Coordination will be required with the Georgia Department of Transportation and the Gainesville Public Works Department. There were no other departmental comments for this request.

The Gainesville Future Development Map places the majority of subject property within the *Public / Institutional / Transportation, Communication and Utilities* land use category and the *Mixed-Use General* land use category. The Character Area map places the subject property is within the *Limestone Medical Corridor Character Area* which is supportive of the proposal.

The Planning Division staff is recommending **conditional approval** of this rezoning request from Planned Unit Development (P-U-D) and Office and Institutional (O-I) to Planned Unit Development (P-U-D) based on the Comprehensive Plan and the adjacent mixture of uses.

Applicant Presentation: **Carol Burrell**, 3262 Dunlap Drive, CEO of Northeast Georgia Health System and joining her was NGHS Board Chair R. K. Whitehead and stated together they will provide a high level overview of the tower project. She then introduced several people in attendance that were in support of the project.

R. K. Whitehead, 459 Peninsula Road, Chairman of Northeast Georgia Health System Board of Trustees, stated the project has been several years in planning and is consistent with the long-range master plan of the system. Mr. Whitehead said it should be recognized the importance of the project, with COVID when things were shutting down, they continued to plan, work through various issues of getting the new tower built including the rezoning process. He said the Board's role is to ensure the long-term health care needs of the community are met from 15, 20 to 30 years of generations which is what this new project will do. He then spoke about the background of the hospital from the beginning in 1951 with 90 beds, growing to a four hospital system, stating once the project is complete, the Gainesville campus will have a total 749 beds making it the third largest single hospital campus on record in the state. He said the project has been approved and endorsed by the Georgia Department of Community Health which awarded the medical center a Certificate of Need approval to proceed on much needed services.

Carol Burrell stated the plan for a new tower assures the community the system will meet the needs of the most critical patients and it is the key clinical staff that makes the future services available. Ms. Burrell said upon opening there will be an additional 600 new jobs providing care for patients. She then explained the slides of the presentation for the future expansion which connects directly to the north patient tower that was completed in 2009. She said it will add an additional 120 beds with 72 beds built over time. She said the space dedicated to the tower is focused on high capacity clinic services specifically on heart and vascular, including comprehensive stroke care, trauma, and emergency services. She stated it will replace and expand emergency services department from the south side to the north side of the campus facing Downey Boulevard. She said the emergency department treats well over 100,000 patients annually and is ranked as the fifth busiest in the state and the new plan will allow them to treat up to 140,000 patients. She also said support services included are expanded food services, more than 400 additional parking spaces and a supporting Central Energy facility and in total the square footage within the tower footprint is approximately 700,000 square feet. She also explained the slide showing the scale of the new tower compared to the current north tower and with an important feature of a roof-top heli-pad for emergency air transport. She stated patients that arrive by air will be transported via oversized high speed elevators to the service required which is carefully planned to be in close proximity of the patient's arrival. She said the planning of the tower has been during a critical time with four surges of COVID 19 pandemic and the knowledge gained through the experience provided an opportunity to plan for a different future with the ability to better screen, treat and manage a high volume of infectious patients. She said Dr. Mohak Dave will speak about the important safety measures built to the planning and investment strategy.

R.K. Whitehead stated Phase 1 should be opening in January of 2025 and Phase 2 will be an additional 72 beds which will be three floors on the back side.

Dr. Mohak Dave, 2620 Parker Trail, Medical Director for Emergency Services, stated he will talk about the COVID response and its importance to the planning component of the project. He said they were already into the planning of it prior to the onset of the pandemic and realized that COVID was going to be primarily a respiratory, air-borne transmitted disease

and knew they had negative pressure space in the emergency department but only had four beds with a pandemic that was coming full force. He said they had to adapt very quickly to meet the needs of patients which included having two tents with one tent at the Braselton campus which had negative pressure, including a mobile medical unit to care for and protect patients as well as staff. He stated they far exceeded the supply of negative pressure beds, then they went back to the planning partners to figure how to go from makeshift isolation rooms to the future state. Dr. Dave stated the new project will now have every emergency department bed negative pressure capability, negative pressure in the waiting room spaces as well as the in-patient wings. He then explained negative pressure is basically a vacuum that keeps the bad viral particles or disease in a contained space and releasing them into the environment after the appropriate degree of filtering.

Willard Larisey, 140 Vidal Boulevard, Decatur, architect, explained the architectural renderings of the presentation. The first rendering was the main public entry of the existing rotunda of north tower one with the new expansion to the right. The building is ten occupied stories tall with a mechanical penthouse and heli-pad on top. He stated the lower portion of the expansion is an extension of the north concourse which leads to the emergency department, new kitchen and food/dining destination. He said the next floor contains a significant amount of medical equipment which supports the negative pressure capability as described by Dr. Dave. Mr. Larisey said there are five patient floors with a screen wall on top to hide the roof-top equipment and then the heli-pad. He explained the exterior materials which is consistent with the materials used for the Braselton medical center along with the extensive landscaping installed at both locations. Mr. Larisey then spoke of the renderings on the north side of the building as viewed from Downey and is dedicated for the emergency department with the parking deck to the right in the foreground which will provide convenient access for patients, ambulances and for staff. He stated the next rendering is the emergency department entrance and to the right are three levels but only one and a half levels are visible above-ground. He said the next rendering is the north side with a full build-out of Phase 2 with three additional patient floors on the back wing providing the 72 additional patient beds. He stated the current Phase 1 includes the foundation and structure to support the future expansion and is important when trying to preserve land-bank and put the most clinical program in place. Mr. Larisey stated the next rendering is the northeast corner of the remote Central Energy facility, two stories tall with a roof-top screen and a staff parking deck behind it. He stated the two floors are taller than normal because of the medical equipment required to support the negative pressure capabilities for the hospital. The design includes several features to help minimize the scale of the building which is set into the hillside covered by dirt on two sides along with a two-tone color scheme to help breakdown the scale along with a significant planting of evergreen trees between the property and adjacent property owners. He explained the final slide is the site plan with three main components being the hospital expansion and bed tower, on the top right is the emergency department deck and Central Energy facility on the left. He stated the drawing illustrates a connection between the Central Energy facility and the hospital which will be an underground concrete utility tunnel that will provide a safe routing under South Enota for the mechanical and electrical services.

Emily Bagwell, 9018 Bill Savage Road, Lula, legal advisor for the zoning application stated she will provide highlights of the project schedule and address the staff report. She stated after reviewing the staff report, they are confident with the proposed conditions with one minor change being the second sentence of condition 3 be revised to read "The buffer tree planting shall be subject to the approval of the Community & Economic Development Director." She stated it would give them more flexibility on the type of plantings and with 20 foot at initial planting trees which will be evergreens. Ms. Bagwell stated as indicated on the

timeline NGMC received its Certificate of Need from the State of Georgia for the new tower in August and has been authorized to construct the project by the state. She said enabling work such as demolition and utility relocation has already begun along South Enota Drive. She stated work on the tower and related support facilities including the parking deck and Central Energy facility will start at the beginning of 2022 and the project open for business at the beginning of 2025. She shared some economic and employment facts related to the tower with approximately 600 new incremental employees along with the health system having a strong track record directed by the board of employing vendors based on their service area on construction projects. She stated the construction project and related employment will continue the hospital's role as a strong economic force in Hall County and beyond.

OPPOSE: Dr. Phil Koch, 1221 Sherwood Park Drive, stated he is an oral surgeon with an office in Sherwood Park for 42 years and on the medical staff for 44 years. Dr. Koch is not speaking against the project and thinks it looks great but the only issue is the power plant is proposed to be put in his office park one building down from his office. He said according to the studies that have been done it will not make much noise. He stated when he purchased the lot he was told it would only be for professional office buildings. He again stated he does not oppose the project but questioning why the power plant is positioned in their nice office park which has 12 to 15 buildings with each having their own architectural personality. Dr. Koch said he has always been proud to be in the office park with a neighborhood atmosphere, very private. He is concerned with noise and basically a big box at the corner of the street. He asked for such a large project why it has to be located in their office park. He said big city hospitals position those type of power plants on top of the hospital or other locations. Dr. Koch is not excited about having a power plant 150 feet from his office with patients coming in and hopefully the hospital could explore another location for it. He met with the hospital representatives at his office, he asked them about putting it on top of the building being built and was told they planned to expand it two more stories later which would be in the way and suggested locating the building across the street in an empty lot but was told there was a creek and an issue with the structure support. Dr. Koch's other concern was the issue of eminent domain with the hospital taking property whenever they need it for expansion.

REBUTTAL: Mr. Larisey stated the design process has been ongoing for over a year to find the best location for energy facility and begins with good site planning. He stated on the hospital now the energy facility is located out of the path of clinical expansion which is a good common principal and even considered locating it there but due to the amount of underground utilities that must remain operational it is not possible. He said there is no room for it adjacent to the expansion within the confines of Downey and South Enota. Mr. Larisey stated they considered locating it under the facility but already digging down for the hospital and parking deck as far as economically feasible or locating it in the basement which is full of mechanical equipment so there is no space for it there. He said they explored locating it on top of the parking deck which is structured for two additional floors of parking and the weight of parking compared to the equipment is not a possibility. Mr. Larisey stated the risk of putting cooling towers on top of clinical services is a huge risk and not advisable. He stated it was the design team and hospital's recommendation that Sherwood was the most feasible and logical site.

Tracy Vardeman, 911 Chattahoochee Drive, stated they met with every property owner in the park that had an interest and have discussed the same concerns with them and have no plans to acquire property. They are looking long-term about expansion for the health system in the future and acquired Sherwood Plaza several years ago but no definitive plans

for it. She stated any service that is outpatient is the desire to get it off campus such as the medical park buildings on Jesse Jewell.

There was a motion to recommend conditional approval to rezone the subject property from Planned Unit Development (P-U-D) and Office and Institutional (O-I) to Planned Unit Development (P-U-D) with the suggested modification of condition three as follows:

Conditions

- 1. The development standards shall be consistent with the concept plan and architectural renderings provided with this rezoning application.**
- 2. Within 180 days of the issuance of a Certificate of Completion for the new Hospital Tower, the applicant will conduct a study to measure the sounds emanating from the Central Energy Facility located at or near the property known as 1227 Sherwood Park Drive ("CEF"). Should the average decibels emanating from the CEF, as measured along the northern property line during normal operating conditions exceed, by more than eight decibels, the average daytime decibel levels as measured adjacent to 1227 Sherwood Park Drive along the northern property line prior to issuance of the Certificate of Completion, but without the CEF in operation, ("Existing Sound Environment"), then the applicant will use reasonable measures in an effort to reduce the decibel level to no more than eight decibels above that of the Existing Sound Environment.**
- 3. The proposed Central Energy Facility ("CEF") shall be buffered along the northerly and easterly property lines with evergreen trees at a minimum install height of twenty feet (20') to help screen the facility from the adjacent Sherwood Park Office Park. The buffer trees shall be subject to the approval of the Community and Economic Development Director.**
- 4. Any required new stormwater detention facility shall be provided on site and underground.**
- 5. All service areas, including dumpster pads, shall be screened from view from adjoining properties, public streets, parking areas, and other areas open to the public. Such screening, which may be vegetative or structural with vegetation, is subject to the Community and Economic Development Director approval. Any structural buffer must have a decorative appearance and conform to the architectural style of the building.**
- 6. The proposed number, location, type and size of all signage for the development shall be subject to the Community & Economic Development Director approval.**
- 7. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified necessary within the Traffic Impact Study (TIS) shall be at the full expense of the developer/property owner. This shall not include improvements to the intersection of Park Hill Drive at S. Enota Drive identified within the TIS.**

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

C. Zoning Amendment Requests

- 1) Request from **Winterset Holdings, LLC** to amend a portion of an existing Planned Unit Development (P-U-D) zoning totaling 12.66± acres located on the east and west sides of Wilson Drive, northeast of its intersection with Athens Highway (a/k/a **2125 Wilson Drive, SE**).
Ward Number: Three
Tax Parcel Number(s): 15-022D-000-001 (Part)
Request: 65 residential townhomes

Chairman Carter stated Deputy Director Tate received notification the applicant would like to table their request to the October 12, 2021 Planning and Appeals Board meeting.

There was a motion to table the zoning amendment request to the October 12, 2021 PAB meeting.

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

- 2) Request from **Easto Construction** to amend a portion of an existing Planned Unit Development (P-U-D) zoning totaling 4.847± acres located southeast of the intersection of Thompson Bridge Road and High Vista Point (a/k/a **2702 High Vista Point, NE**).
Ward Number: One
Tax Parcel Number(s): 01-100-002-032
Request: 50 residential townhomes

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

The applicant proposes to amend the 4.847± acres property zoned Planned Unit Development (P-U-D) zoning for a gated community consisting of 50 fee-simple townhomes. Adjacent uses include High Pointe gated single-family neighborhood, Vista Ridge apartment complex, Rubicon Center, The Dance Company and various offices. The property is part of a larger Planned Unit Development (P-U-D) originally approved in 1995 for 31 single-family lots and 200 condominium units within two 15-story buildings. In 2000, the P-U-D was amended reducing the number of condominium units to 34 within a 12-story building. Presently there are 17 single-family homes and a community dock constructed on the adjacent neighboring High Pointe subdivision which is not included as part of the zoning amendment. The property is partially wooded with steep terrain and contains a powerline easement. The proposal includes increasing the number of units from 34 condominium units to 50 townhome units that will range from 2,750 and 3,100 square feet in size of heated floor space with three to four bedrooms. Each unit 3-story in design to include a two-car garage or a fully covered carport. Amenities are to include a common area, pool, club house with kitchen and active space. Access is proposed from a new driveway located off of High Vista Point. Coordination with the Georgia Department of Transportation will be required to address the proposed access. There were no other departmental comments for this request.

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

dwelling units per acre. The proposed residential density for the subject property is 10.32 du/ac for the subject 4.8 acres property but has an overall residential density of 3.6± du/ac for the original PUD boundary which includes the High Point neighborhood property.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Lake District* which includes low-density residential, medium-density residential, multifamily residential, mixed-use, commercial, public / institutional, transportation / communications / utilities, and parks / recreation / conservation.

The Planning Division staff is recommending **conditional approval** of this zoning amendment request based on the Comprehensive Plan and the adjacent residential uses with the following conditions:

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

Applicant Presentation: Robert Fouse, 1548 Jade Cove Drive, Powder Springs, stated he is the architect for the project and complimented the neighborhood for meeting with him. He said their goal is to be a good and compelling neighbor to the Gainesville community and feels the property can be developed to the good of everyone. His client asked him to explore the P-U-D zoning as zoned already but wants to explore the highest and best use for the property which is a townhome community rather than a high-rise. They consider it to be a more appropriate construction in between a lovely single-family home community to the north and a multi-family community to the south. He said the high-rise is more compelling economically but felt the best thing for everyone is to consider a townhome development like the slides on the presentation. Mr. Fouse stated there is no designed floorplan or elevation and only picked the style of structure from the internet but many at the neighborhood meeting did not like the style chosen. He stated it is their desire to work with them to

address concerns and engage the neighbors in the process. The site plan on the presentation depicts 44 units but are applying for 50 units maximum but still needs to complete due diligence to determine the exact size and configurations but expect it to be less. He said they are exploring a high-end price point with an average sale price of \$800,000 to \$900,000 for the units but will not sell for that amount if there is no place for a lawn/landscaping, patio/porch area. The most important feature for the site is the panoramic lake view which is almost 270 degrees of lake view but the lower to the lake it shrinks to 45 to 60 degree view of the water. He stated the purpose is to provide a wonderful residential living opportunity with lake view and lake front property. He stated they are not exploring the option of docks and feel the project is a gap development between the \$500,000 to \$600,000 range homes and the multi-family apartments to the south and can fill the gap in an appropriate and architectural aesthetic way. He acknowledged he has no certain style of building and designs whatever the client desires. He hopes to involve the neighbors in deciding the style of the townhomes and looking forward to their comments and believes there is a better use for modification of the P-U-D zoning and believes in the townhome project presented. They acknowledge there are several challenges and concerns regarding traffic, intersection of driveway from High Vista Point onto Thompson Bridge Road. They will work with the neighbors, and support of the city to approach GDOT to provide some controls at the intersection. The project will double the amount of vehicles impacting the intersection which may require a traffic study and his client agrees too. There are questions of where the driveway will connect to High Vista Point, not to impact the roundabout, gate and drive. He hopes to engage all parties in the discussion and is aware some will not be happy with the project. They have been exploring the site for two years and there is a reason it has been undeveloped since 1990 for 30 years because it is a tough site. He believes this project is a good answer and the most appropriate.

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

Bob Willis, 2718 High Vista Point, stated he is representing the homeowners association and has given out two items. The first was a petition of signatures of the residents with 100 percent opposing the application and respectfully request denial of it. He stated they are not opposed to development and are well aware of growth in the community and agree the land should be developed. Mr. Willis said the property is not flat, mostly ridge and is more cliff-like and believes the reason for the zoning is because there is very little space there with the cross-roads of a major power line, Corps property, lake, topography and grade. They met with the developer to get more information but could not get enough information to know what the project is going to be about. They are very concerned about the verifiable track record of the architect and developer but want reliable evidence that shows experience and skill to complete the project successfully. He stated the other handout contains their primary objections to the project and reviewed them briefly. Mr. Willis said there was no local resume of work of prior projects found but the architect has had two business entities that the Secretary of State has ended for failure to pay the registration fee. They looked for evidence of a website for the developer, nothing was found and the business address was a sports bar or tee shirt shop in Buford. He said when reviewing the plans, they are incomplete and inadequate details such as the stock photos. Mr. Willis said they wonder about the developer's due diligence on the project since at the meeting they were told there has been no meaningful civil engineering, utility, environmental, traffic or marking studies and no ground or grade surveys. He said they could not find evidence of experience, credibility or attention to details. He said they feel the project is too complex for a developer or architect's first or second project. They have asked for a list or a portfolio and evidence

of experience and have received nothing. He said with no traffic study done and number of cars could go over 100 to 150 per day and already very dangerous. He said the price points are not based on marketing studies and appear unrealistic. Mr. Willis said with the developer being unknown, and the complexity of the project their concern is it will not be properly and successfully completed. He said there is the risk of flipping which if the developer decides to sell the property undeveloped then the community would likely have no say on the development to the new developer and concerned this might happen due to the incomplete nature of the due diligence with the track record almost non-existence.

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

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

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

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

ADJOURNMENT

There was a motion to adjourn the meeting at 7:06 p.m.

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

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary

Date Submitted: 10/4/2021

Presenter: Matt Tate

Item of Business: Request from **Koch Foods of Gainesville, LLC** to annex a 0.572± acre tract located on the northwest side of the intersection of Industrial Boulevard and Mitchell Street (a/k/a **966 Industrial Boulevard**) and to establish zoning as Heavy Industrial (H-I).

Ward Number: Four

Tax Parcel Number(s): 00-050-001-007

Request: Poultry processing plant expansion

Meeting Date: 11/9/2021

Purpose of Request:

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

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with three conditions. 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
☐ Narrative	Backup Material
☐ Survey	Backup Material
☐ Site Plan	Backup Material
☐ Photograph	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

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

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

Size Annexation: 0.572± acre
Rezoning: 0.55± acre

Ward Four

Proposed Use Poultry processing plant expansion

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

Date November 9, 2021

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

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

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

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

Annexation

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

Rezoning

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

▪ **Adjacent Land Use and Zoning**

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

▪ **Zoning History**

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

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

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

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

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

▪ **Staff Analysis**

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

The surrounding uses include mostly heavy industrial uses which involve poultry processing. The subject property has functioned as a poultry processing facility for approximately 60 years. Except for the adjacent Residential-II (R-II) zoned Melrose Apartments to the north, the surrounding

properties are zoned Heavy Industrial (H-I) and Planned Unit Development (P-U-D) and are nonresidential.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Based on the Comprehensive Plan and the adjacent industrial uses, the proposal with the recommended conditions appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

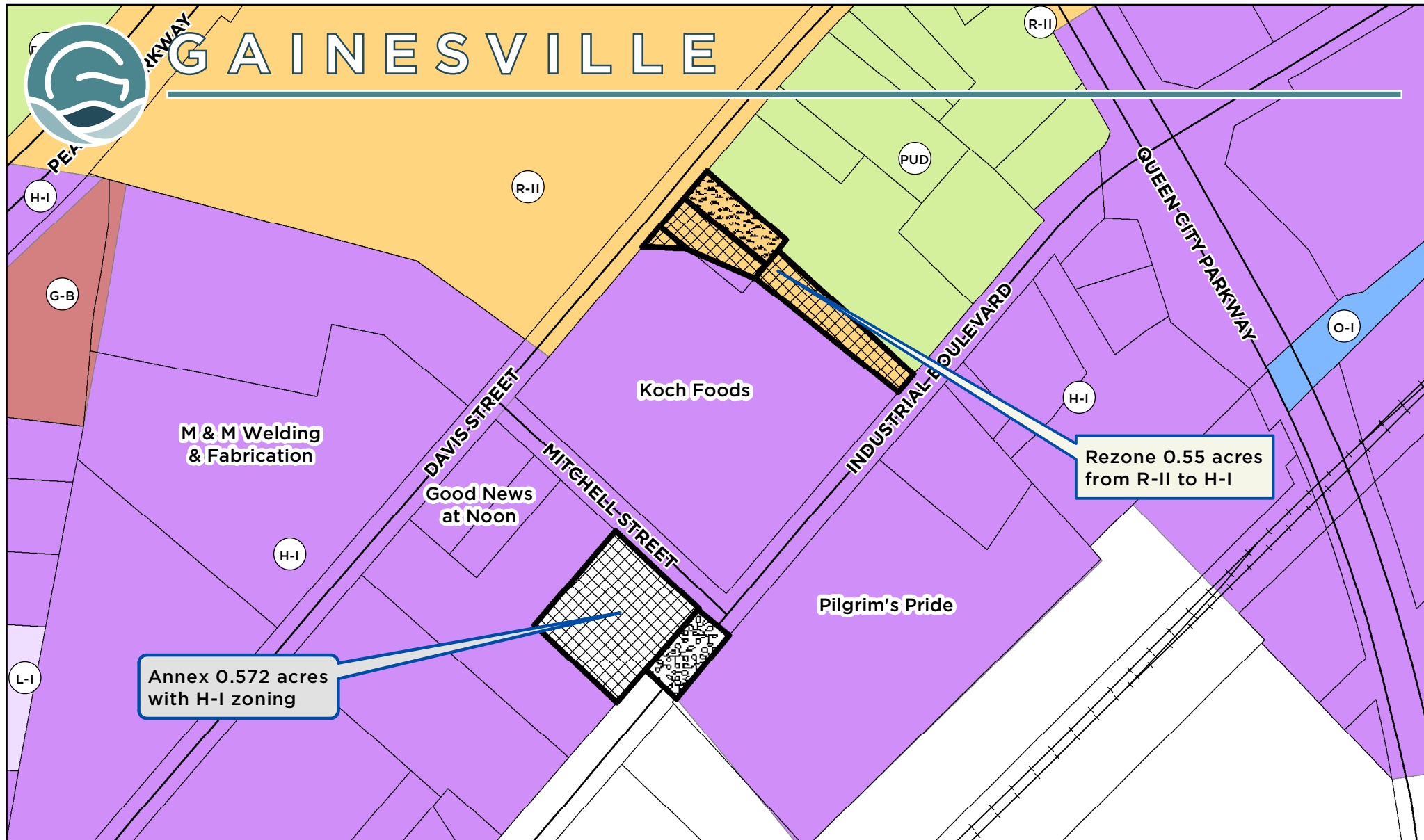
The Planning Division staff is recommending **conditional approval** of the annexation and rezoning request based on the Comprehensive Plan and the adjacent industrial uses.

Conditions

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



GAINESVILLE



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

ANNEXATION & REZONING REQUESTS

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

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

Request:

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



Subject Property



Right-of-way
to be annexed



Right-of-way
to be rezoned

Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

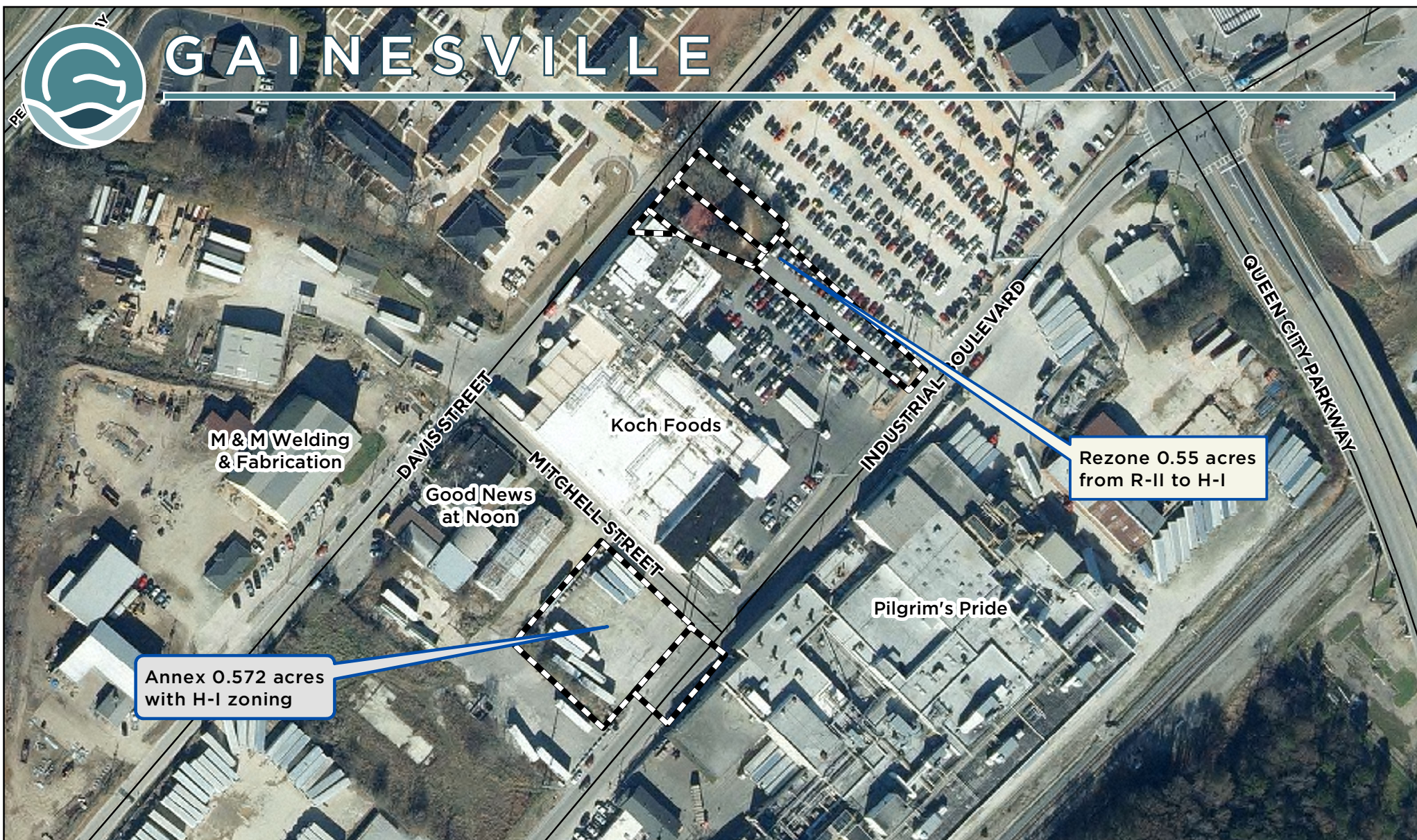
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Page 22 of 171

SCALE: 1" = 182'





GAINESVILLE



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

ANNEXATION & REZONING REQUESTS

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

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

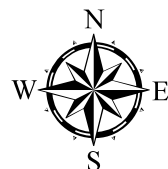
Request:

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



Subject Property and ROW to be annexed or rezoned

Aerial from 2021



Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

0 90 180 Feet
Page 23 of 171

SCALE: 1" = 167'

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

966 Industrial Boulevard
Gainesville, Georgia 30501

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

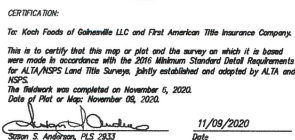
The existing poultry processing facility is approximately 74,000 square feet in size which was established in the early 1960's. Koch Foods purchased the current facility in 2002. The new state of the art facility will range from approximately 170,000 to 183,000 square feet in size depending on the final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

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

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

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated herein. RECORDED OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Technical Surveyors. Professional Engineers and Land Surveyors and an act forth in O.C.G.A. Section 15-2-67.

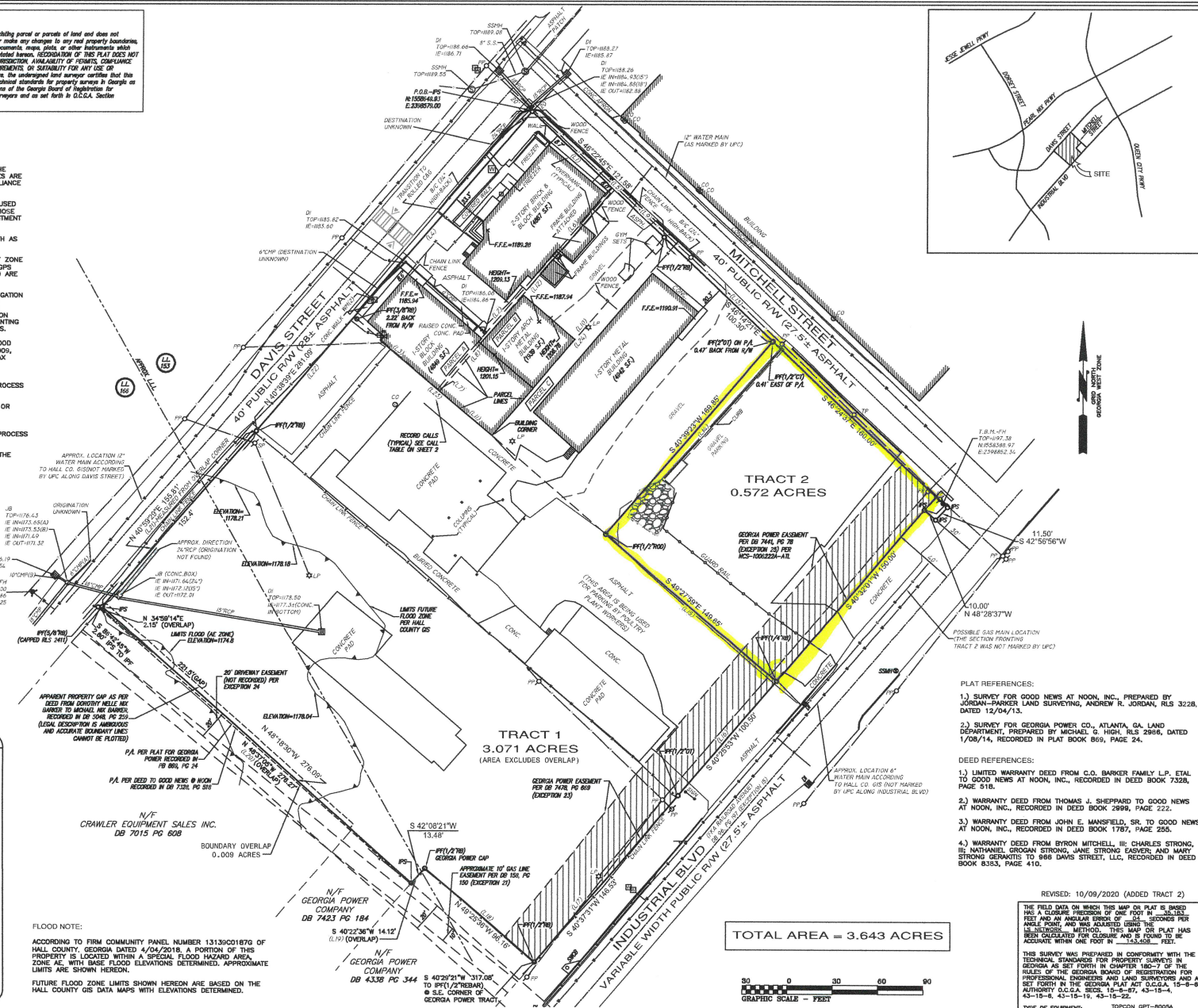
- 1.) THIS PLAT HAS BEEN DONE FOR THE USE AND PURPOSE OF THE CREDIT ASCRIBED AND CONTRACTED WITH BELOW. ALL OTHER PARTIES ARE RELEASED FROM ANY LIABILITY ON OR ON TO THE LIMITED DEGREE OF REWARD UPON THIS PLAT BY THIRD PARTIES.
- 2.) THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE THOSE USED TO DETERMINE THE BOUNDARY OF THIS PROPERTY AND THOSE BASED ON FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT FILE NO: MCB-1006/22-AT, DATED OCTOBER 21, 2020.
- 3.) THE NORTH HERMION SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY THE BOUNDARY OF THIS PROPERTY.
- 5.) STATE PLANE COORDINATES AND ELEVATIONS ARE GEORGIA WEST ZONE NAD83/NAD83 AS ESTABLISHED BY RIT METHODS USING A LEICA GPS RECEIVER AND A STATE STATION ON THE LEICA SMARTNET AND ARE BASED ON GEODID 2012B.
- 6.) UNDERGROUND UTILITIES ARE BASED ON SURFACE FIELD INVESTIGATION AND CONDUCTED RECORDS. THERE ARE OTHER UNDERGROUND UTILITIES WHICH ARE NOT SHOWN ON THIS PLAT. UTILITIES SHOULD BE MARKED BY A QUALIFIED UNDERGROUND UTILITY LOCATION SERVICE. THE PLAT IS BASED ON THE SURFACE FIELD INVESTIGATION TRACT 2 AND HAVE NOT BEEN INVESTIGATED BY ATLAS CONSULTANTS.
- 7.) THE CURRENT OWNER OF THE 666 DAVIS STREET HEREM IS GOOD NEWS INVESTMENT GROUP LLC. THE ADDRESS IS 01500 01000A AND 01500 01000A & 01500 010010 AND 186 DAVIS STREET, LLC, TX. PARCEL: 000000 001007.
- 8.) NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR REPAIRS OR REPAIRS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- 9.) NO EVIDENCE OF RECENT EARTH MOVING OR SIDEWALK CONSTRUCTION OR REPAIRS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- 10.) NO WETLANDS DELINEATION MARKERS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- 11.) NO PLANNING AND ZONING REPORT (PZR) WAS FURNISHED BY THE

[illegible]

ACCORDING TO FIRM COMMUNITY PANEL NUMBER 1313G0C0187G OF HALL COUNTY, GEORGIA DATED 4/04/2018, A PORTION OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, ZONE AE, WITH BASE FLOOD ELEVATIONS DETERMINED. APPROXIMATE LIMITS ARE SHOWN HEREON.

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

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

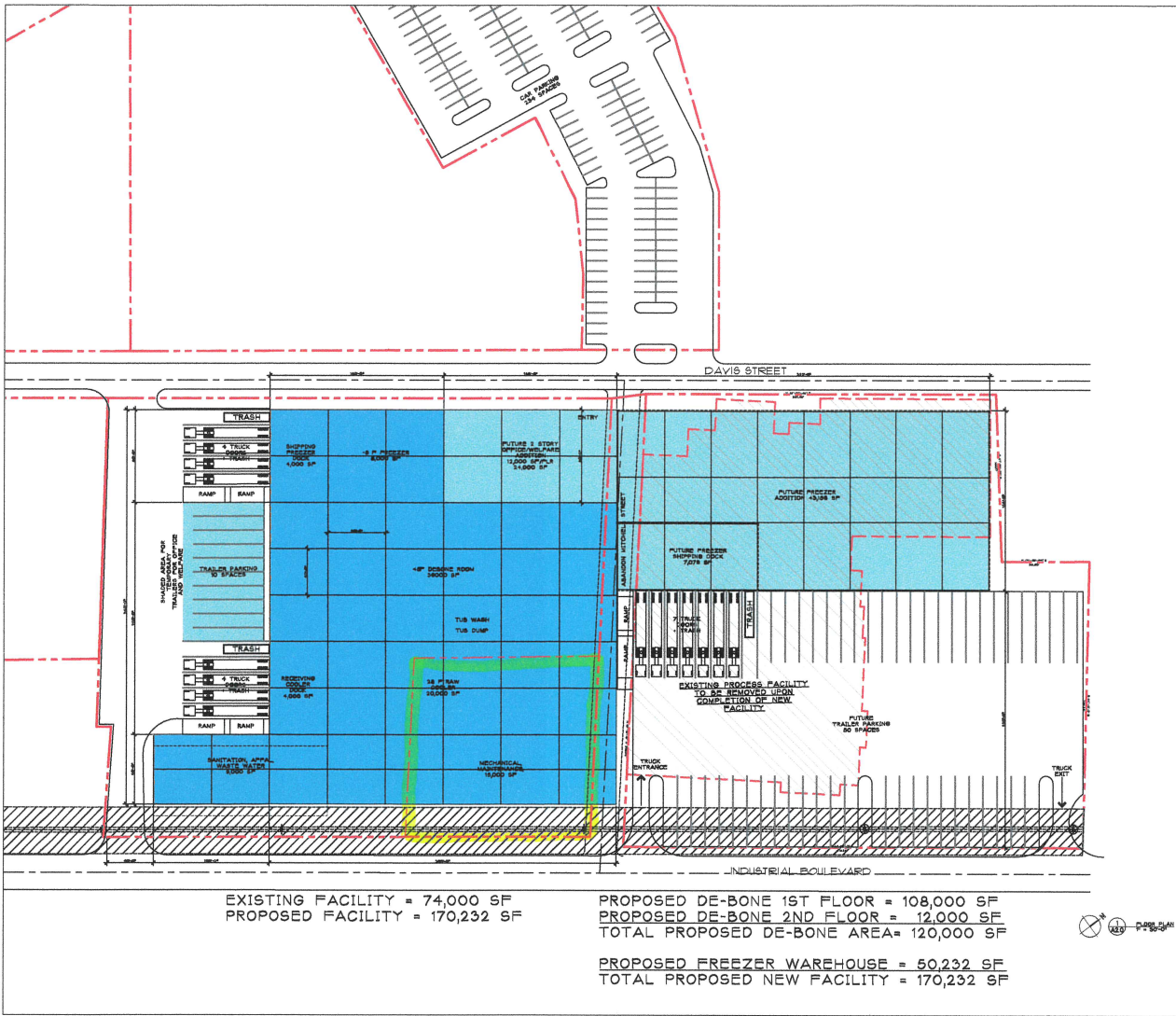


Atlas Technical Consultants, LLC
Engineering • Planning • Landscape Architecture • Land Acquisition • Surveying
LSF00034, EXP. 3/30/2020
930 Interstate Ridge Drive, Suite 1st
Gainesville, Georgia 30501
PHONE: (770) 532-4021 FAX: (770) 532-4023

LTA/NSPS LAND TITLE SURVEY:
KOCH FOODS OF GAINESVILLE LLC
 LAND LOTS 153 & 166 - 9th DISTRICT, GMD 411
 CITY OF GAINESVILLE
 HALL COUNTY, GEORGIA

SHEET **1**
of
2 SHEETS

VERTICAL SCALE: N/A
HORIZONTAL SCALE: 1" = 30'
DATE: 4/16/2020
DATE OF FIELD SURVEY: 4/14/2020
DRAWN BY: SA
CHECKED BY: DRJ
JOB NO.: 20G210A





KOCH FOODS

PROJECT: KOCH FOODS - PROCESS FACILITY
 ATLANTA, GEORGIA

DRAWING FLOOR PLAN



UNITED INSULATED STRUCTURES CORP.
 A DIVISION OF KIMBERLY-CLARK INDUSTRIES, INC.
 10000 KIMBERLY DRIVE
 DALLAS, TEXAS 75243
 PHONE: (214) 416-1000
 FAX: (214) 416-1001
 E-MAIL: kci@kimberly-clark.com
 WWW: www.kimberly-clark.com

A2.0

Existing Facility



Date Submitted: 10/4/2021

Presenter: Matt Tate

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

Meeting Date: 11/9/2021

Purpose of Request:

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

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with five conditions. 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
☐ Narrative	Backup Material

Existing Plan	Backup Material
Surveys	Backup Material
Overall Master plan	Backup Material
Parking layout	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Atlanta Botanical Garden, Inc.
Locations..... 115 Barrett Street, 102, 104 and 106 Gary Street; 213, 301, 303 and 305 Lake Hill Drive; 0, 100, 101, 102, 103, 104, 105, 106, 107, 109 and 111 Randall Street; 0 Riverbend Circle; 103 Gary Street; 1662 Roper Hill Road
Request..... Annex with P-U-D zoning
Rezoning from R-II and G-B to P-U-D
Size Annexation: 17.032± acres
Rezoning: 20.695± acres
Ward..... Two
Proposed Use..... Atlanta Botanical Garden expansion
Planning Division Staff Recommendation **Approval, with conditions**
Date..... November 9, 2021

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

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

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

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

Annexation

The properties consist of 17.032± acres and are zoned Residential-I (R-I) in Hall County. Tract 1 is 10.237± acres in size and contains 18 parcels including all of Gary Street and part of Randall Street. The properties are located on the west side Lake Hill Drive and are part of an existing county unincorporated island. Most of the properties are heavily wooded and contain numerous residential structures that will be removed. Immediate plans include providing access and parking off of Lake Hill Drive to serve the existing amphitheater.

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

Rezoning

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

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

▪ **Adjacent Land Use and Zoning**

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

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

▪ **Zoning History**

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

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

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

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

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

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

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

▪ **Staff Analysis**

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

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

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

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

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

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

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

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

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

The *Limestone Medical Corridor* character area is envisioned as an employment corridor and not anticipated to expand Gainesville's traditional neighborhood fabric, but there is space for housing development. Limestone Creek is a sensitive environment and should be buffered and protected from new development. There should be a focus on preservation of existing character through an adaptive reuse where feasible. Land uses supported in the character area are public / institutional, low-density residential, medium-density residential, multi-family residential, mixed-use, commercial, and parks / recreation / conservation.

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

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

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

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

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

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

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

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

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

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

Based on the Comprehensive Plan and the adjacent mixture of uses, the proposal with the recommended conditions appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

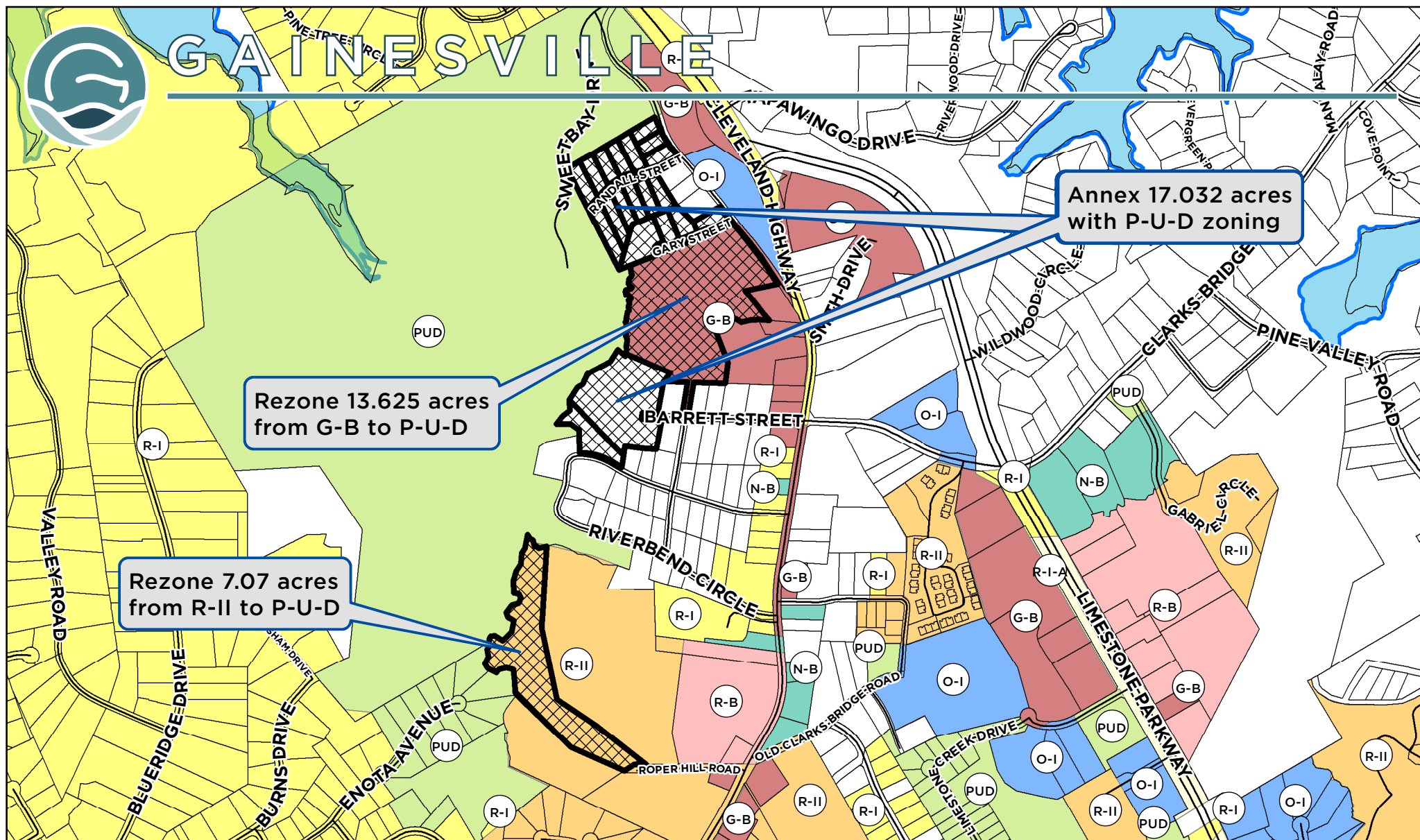
The Planning Division staff is recommending **conditional approval** of the annexation and rezoning request based on the Comprehensive Plan and the adjacent mixture of uses.

Conditions

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



GAINESVILLE



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

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

ANNEXATION & REZONING REQUESTS

Subject Property Address:
See attached addresses for each request

Tax Parcel:
See attached tax parcel numbers for each request



Subject Property

Right-of-way to be annexed

Aerial from 2018



Meeting Date: 11/09/2021

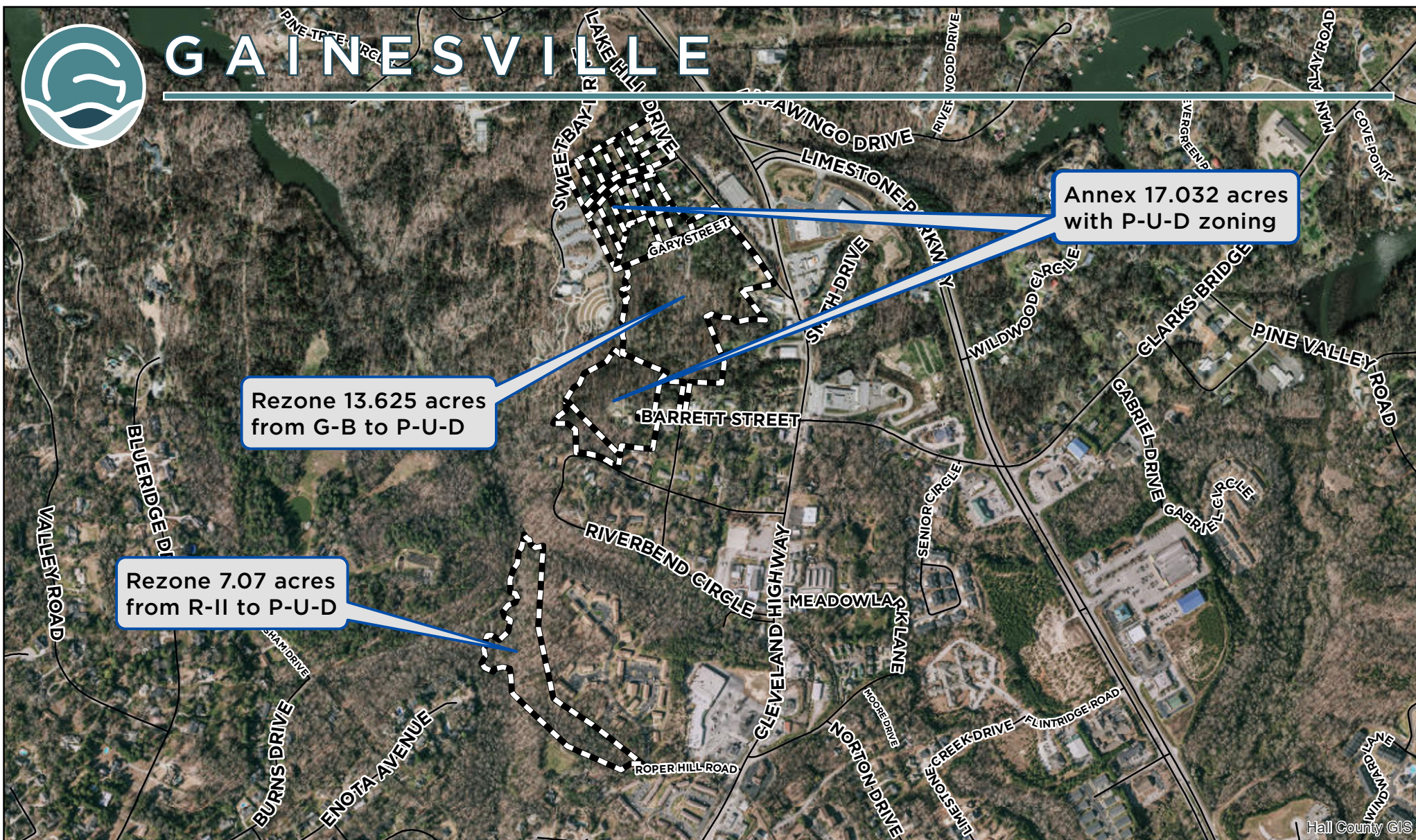
Map Prepared: 09/30/2021

0 490 980 Feet
Page 35 of 471

SCALE: 1" = 833'



GAINESVILLE



Hall County GIS

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

Request:
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ANNEXATION & REZONING REQUESTS

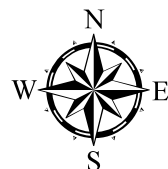
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Subject Property and
Right-of-way to be annexed

Aerial from 2018



Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

0 490 980 Feet
Page 36 of 47

SCALE: 1" = 833'

Project Narrative - Annexation

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

ACREAGE – 17.032 acres +/-

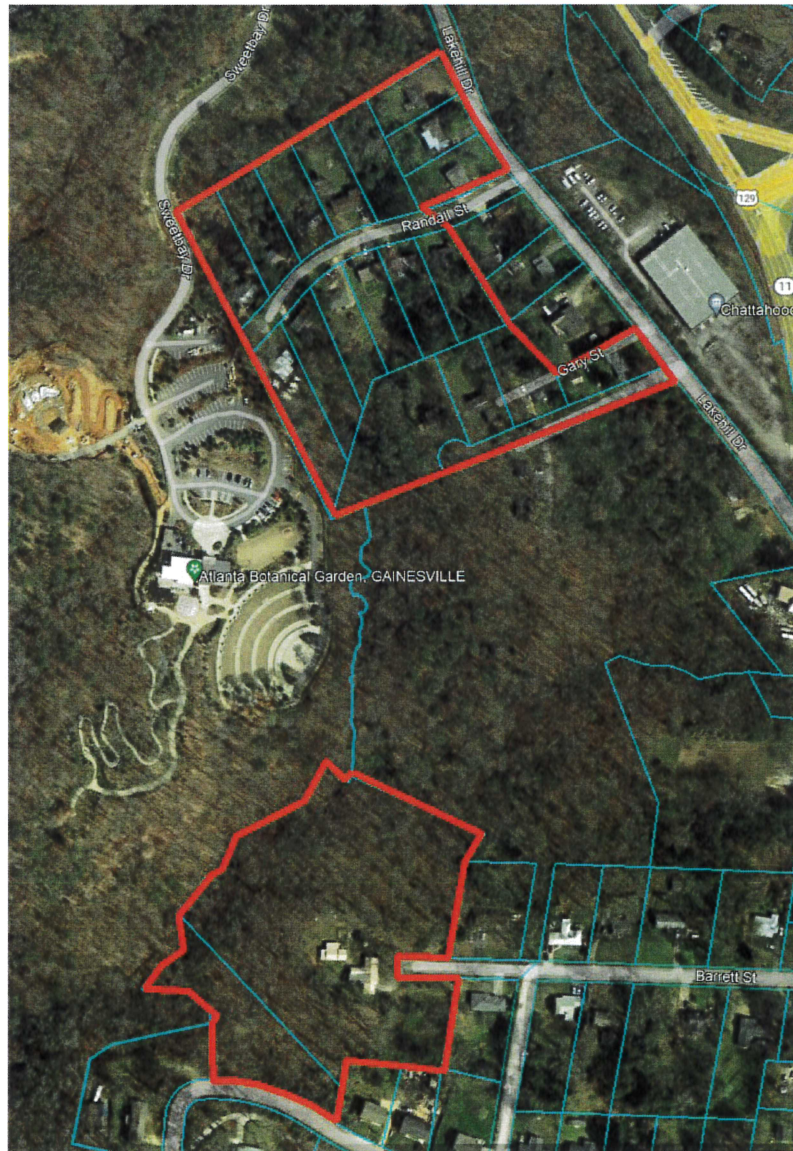
APPLICANT – The Atlanta Botanical Garden, Inc.

Summary

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

Site Description

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



Adjacencies

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

Access

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

Comprehensive Plan Consistency

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

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

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

Lighting, Signage & Graphics

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

Setbacks

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

About the Site

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

Proposed Land Uses

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

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

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

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

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

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

Future Expansion:

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

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

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

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

Site Access

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

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

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

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

Signage

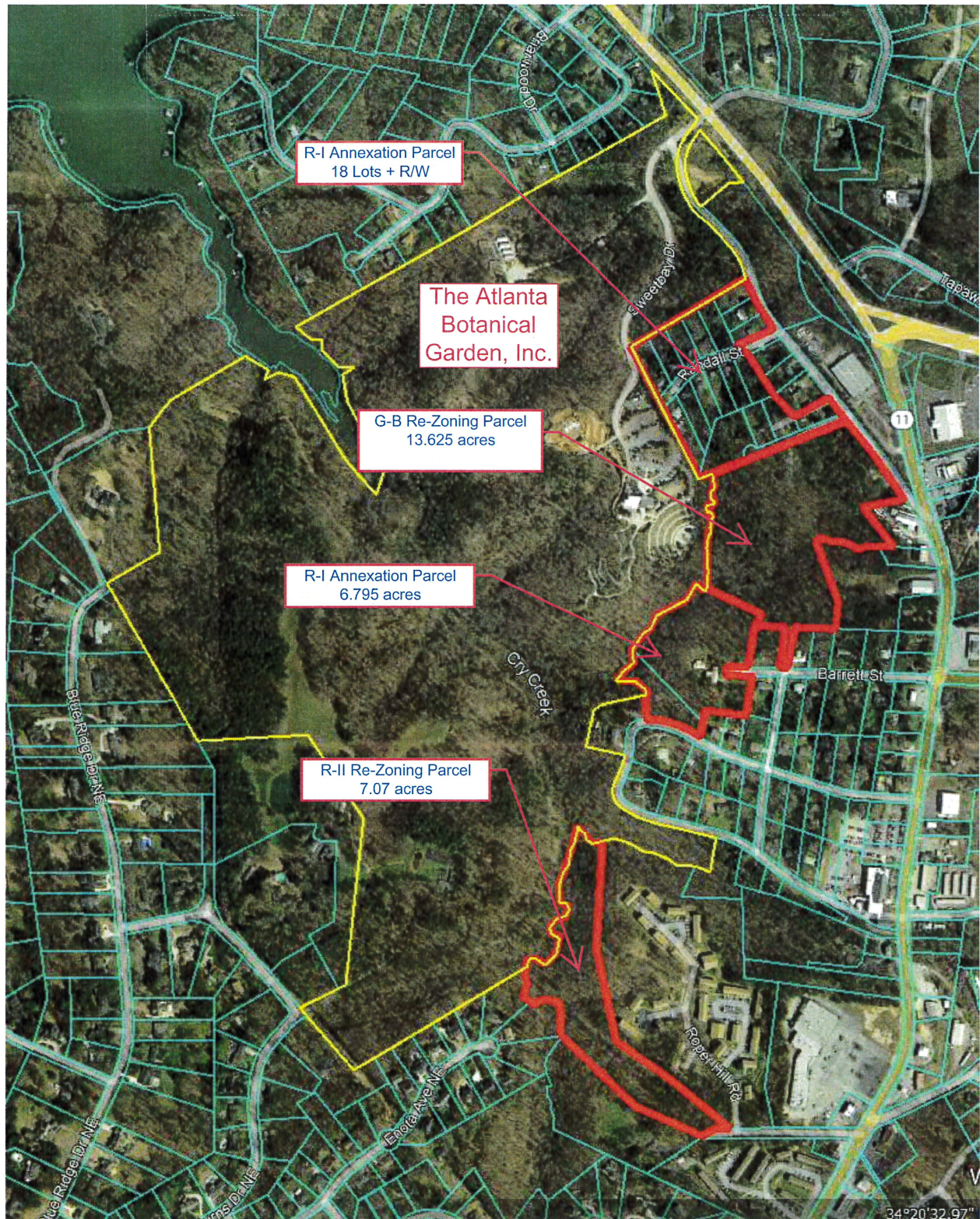
Due to the nature of the venue as a public attraction, the need for signage to attract attention and way find within the gardens will be critical. ABG would like keep the marketing strategy similar to the Atlanta site and use banner signs and or vertical pole signs on both sides of the entrance road.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

Setbacks

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

Special Requirements for Smithgall Arboretum

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



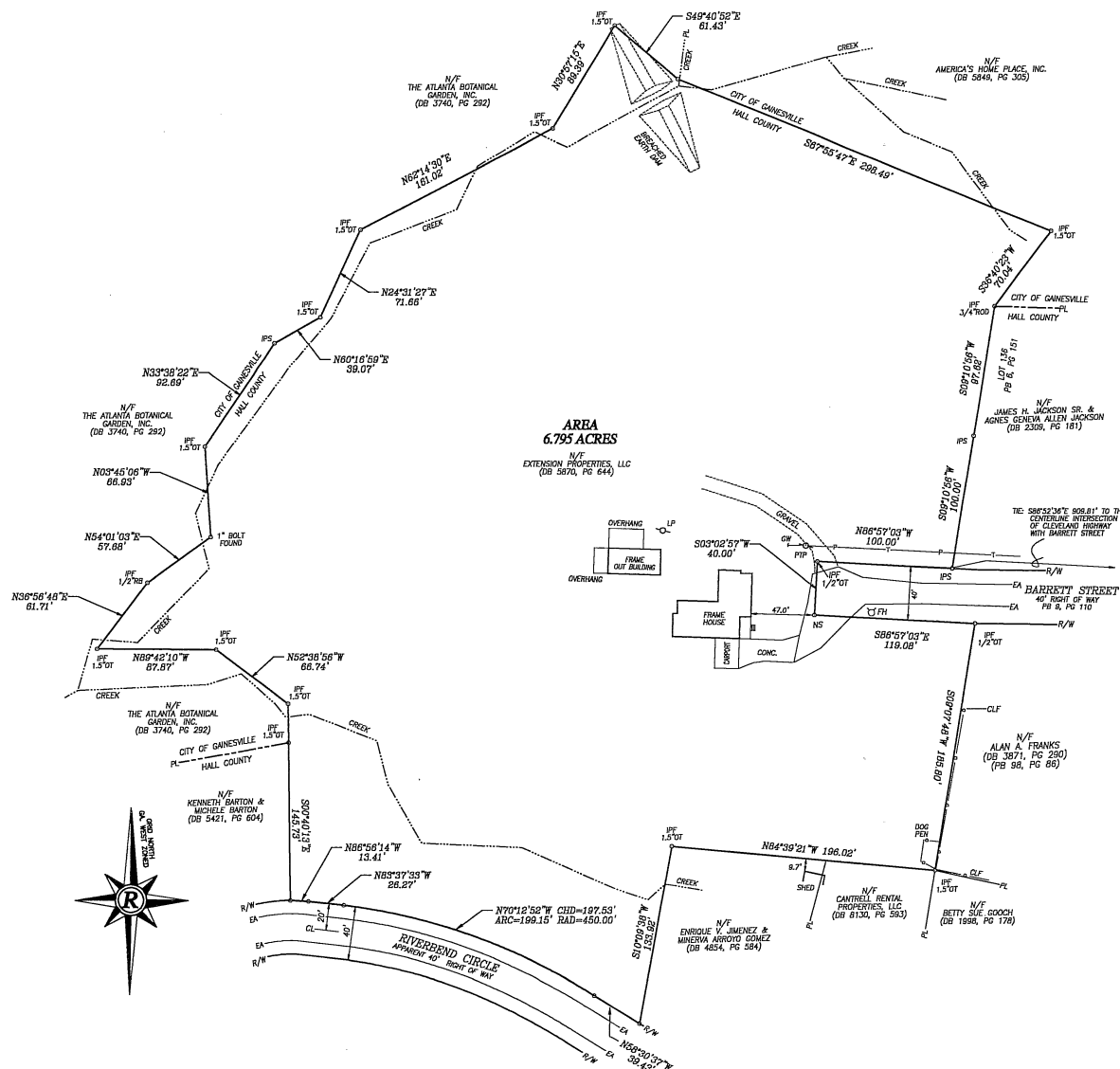
THIS BLOCK RESERVED FOR
THE CLERK OF THE SUPERIOR COURT

LEGEND:

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

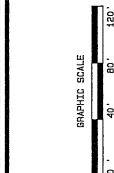
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225 Oak Street N.W. # Gainesville, Georgia 30601
(770) 718-0500 (770) 718-9050 Fax #
www.rochester-aassoc.com

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

[illegible]

SHEET
1
OF
1

DATE : 2/28/2019
SCALE : 1"=40'
JOB NO : 02027148.COM
FILE NO : 02027148.COM
DRAWN BY: RSC



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

REFERENCE PLATS

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

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

[illegible]

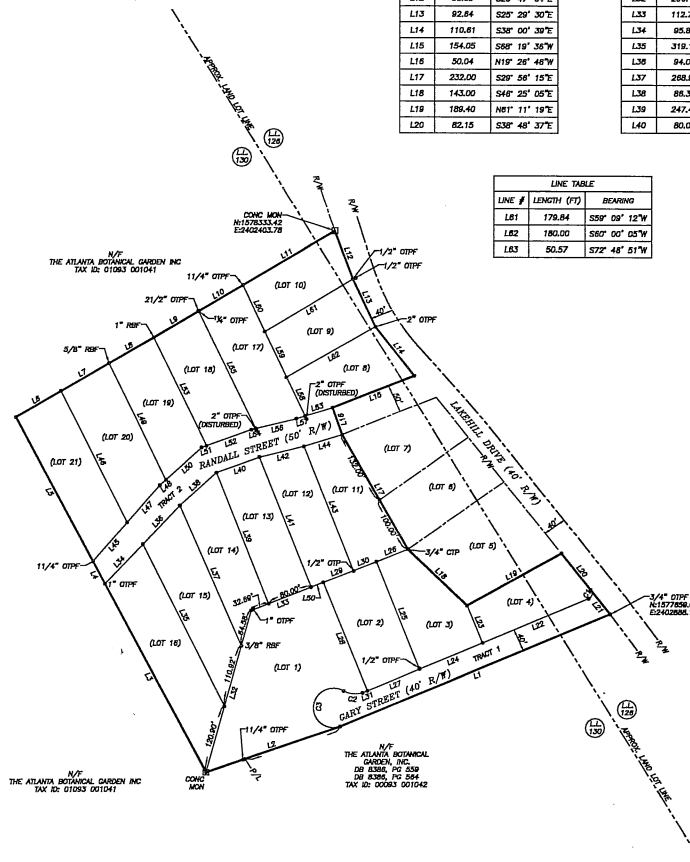
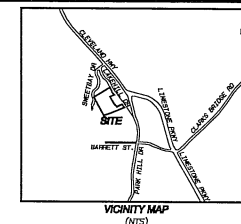
LINE TABLE		
LINE #	LENGTH (FT)	BEARING
L21	54.83	N36° 30' 12" E
L22	201.62	S87° 17' 52" E
L23	71.53	S22° 36' 36" E
L24	120.01	S87° 17' 52" E
L25	203.56	S21° 52' 43" E
L26	59.70	N68° 20' 37" W
L27	99.07	S71° 52' 52" E
L28	206.16	S22° 07' 59" E
L29	55.68	N68° 02' 53" E
L30	43.00	N68° 20' 37" W
L31	9.22	S87° 17' 52" E
L32	298.40	N15° 29' 14" E
L33	112.70	N68° 41' 02" E
L34	85.85	N43° 40' 10" E
L35	319.13	S26° 38' 33" E
L36	94.08	N43° 40' 10" E
L37	268.94	S23° 34' 54" E
L38	86.38	N46° 02' 45" E
L39	247.47	S21° 35' 18" E
L40	80.00	N72° 20' 43" E

LINE TABLE			
LINE #	LENGTH (FT)	BEARING	
L41	245.15	S21° 30' 56"	
L42	80.00	N78° 25' 48"	
L43	233.00	S21° 47' 18"	
L44	70.00	N72° 46' 18"	
L45	91.00	S41° 16' 18"	
L46	257.81	S28° 41' 09"	
L47	66.38	S41° 16' 18"	
L48	14.33	S48° 02' 45"	
L49	228.15	S23° 52' 07"	
L50	81.47	S48° 02' 45"	
L51	8.67	S70° 20' 47"	
L52	83.54	S70° 20' 47"	
L53	212.86	S25° 45' 22"	
L54	7.50	S76° 25' 48"	
L55	231.14	S25° 37' 31"	
L56	73.17	S76° 25' 48"	
L57	15.93	S72° 48' 51"	
L58	78.30	S25° 14' 48"	
L59	90.00	S25° 14' 48"	
L60	90.00	S95° 14' 48"	

LINE TABLE		
LINE #	LENGTH (FT)	BEARING
L81	179.84	S59° 09' 12"W
L82	180.00	S60° 00' 05"W
L83	50.57	S72° 48' 51"W

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

TRACT 1	0.484 AC
TRACT 2	0.571 AC
LOT 1	1.199 AC
LOT 2	0.468 AC
LOT 3	0.466 AC
LOT 4	0.380 AC
LOT 8	0.412 AC
LOT 9	0.376 AC
LOT 10	0.375 AC
LOT 11	0.459 AC
LOT 12	0.439 AC
LOT 13	0.452 AC
LOT 14	0.437 AC
LOT 15	0.540 AC
LOT 16	0.690 AC
LOT 17	0.496 AC
LOT 18	0.461 AC
LOT 19	0.454 AC
LOT 20	0.530 AC
LOT 21	0.548 AC
TOTAL	10.232 AC



ANNEXATION PLAT FOR
ATLANTA BOTANICAL GARDENS

[illegible]

A horizontal graphic scale bar. The top half is labeled 'MILES' and has markings for 0, 100, 200, and 300. The bottom half is labeled 'KILOMETERS' and has markings for 0, 100, 200, and 300. The bar is divided into segments by vertical lines.



SHEET
1
or
1

DATE: 9/21/21
SCALE: 1" = 100'
JOB NO.: G252149.0PP
DRAWN BY: NSA





**Rochester
& Associates, Inc.**

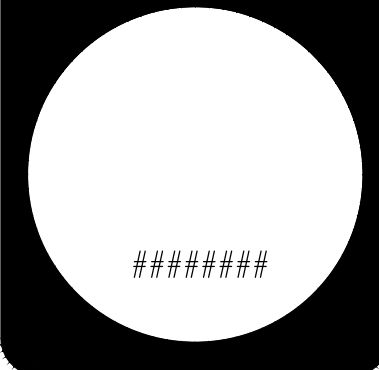
425 Oak Street N.W. • Gainesville, Georgia 30501
(770)716.8123 • (770)716.8124 Fax • www.rochester-assoc.com

MASTER PLAN
THE ATLANTA
BOTANICAL GARDEN

GAINESVILLE, GA
FALL COUNTY

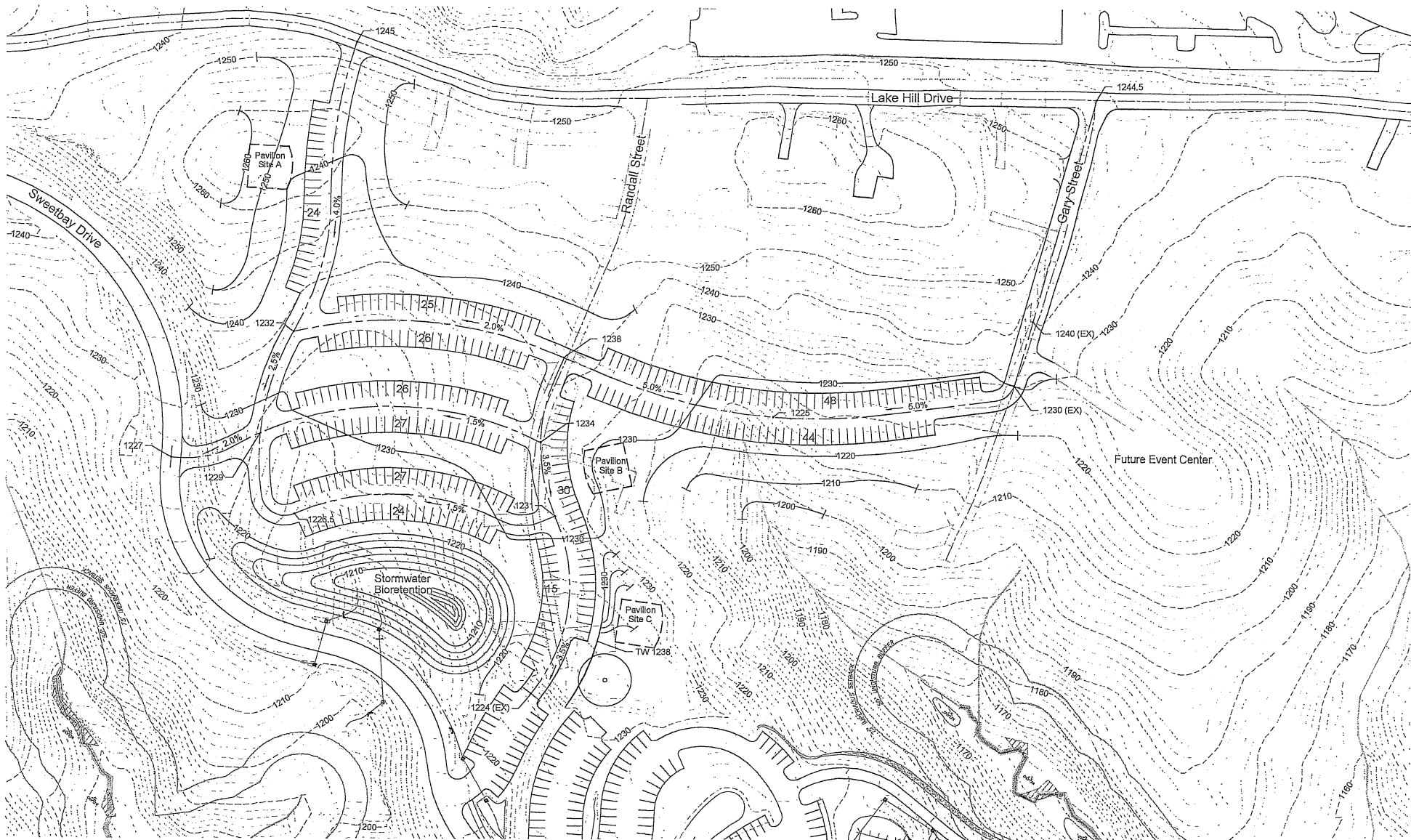
NO.		DATE	DESCRIPTION

GRAPHIC SCALE
0' 100' 200' 400' 600'

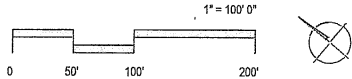


SHEET
1
OF
1

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



Atlanta Botanical Garden



Conceptual Parking Layout
August 2, 2021

Parking Summary:

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

Property Legend

	ABGG Current Ownership
	ABGG Future Ownership

Date Submitted: 10/4/2021

Presenter: Matt Tate

Item of Business: Request from **Caballero Holdings, LLC** to annex a total of 140.77± acres to include a 44.91± acres tract located at the northeast side of the terminus of Floyd Road; a 80.8± acres tract located on the north side of Eberhart Cemetery Road; a 9.467± acres tract, 4.397± acres tract and a 1.996± acres tract located southwest of the intersection of Jesse Jewell Parkway and Old Cornelia Highway (a/k/a **0 Eberhart Cemetery Road; 2465 Floyd Road, SE; 2166, 2170 and 2210 Old Cornelia Highway**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel Number(s): 15-022-000-001B, 003 (Part); 15-033B-000-022, 024 and 026A
Request: Master planned mixed-use development

Meeting Date: 11/9/2021

Purpose of Request:

The applicant is proposing to annex a 140.77± tract with a zoning of Planned Unit Development (P-U-D) for a mixed-use community. The property includes 5 parcels which are zoned Agricultural Residential-IV (AR-IV), Agricultural Residential-III (AR-III) and Residential-II (R-II) within the County.

The proposed development known as "Gainesville Township" will include a total of 1,122 acres, 1,414 single-family detached homes, 311 townhomes, 640 multi-family units and up to 75,000 square feet of commercial space. The residential uses include single-family homes ranging from a minimum of 1,200 to 1,800 square feet; townhomes ranging from a minimum of 1,100 to 1,400 square feet; and multi-family. The development will contain a variety of different housing types and sizes and price points for all ages. A variety of community amenities are planned and 645± acres will remain as open space. Two points of access are proposed from Old Cornelia Highway. The primary access will be from the new road serving the future "The Coop" Athletic Complex. All streets that are not gated are intended to be maintained by the City. Solid waste pick-up will be provided by the City as well.

The property is located within the North Oconee Water Supply Watershed Protection Overlay Zone. The surrounding uses include undeveloped land, the future Melvin Cooper "The Coop" Athletic Complex, single-family homes, church, gas station, package store, Rabbit Town Café, Avita Behavioral Health Facility and White Sulphur Elementary School.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Department Director:
Rusty Ligon

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

N/A

Amount Requested:

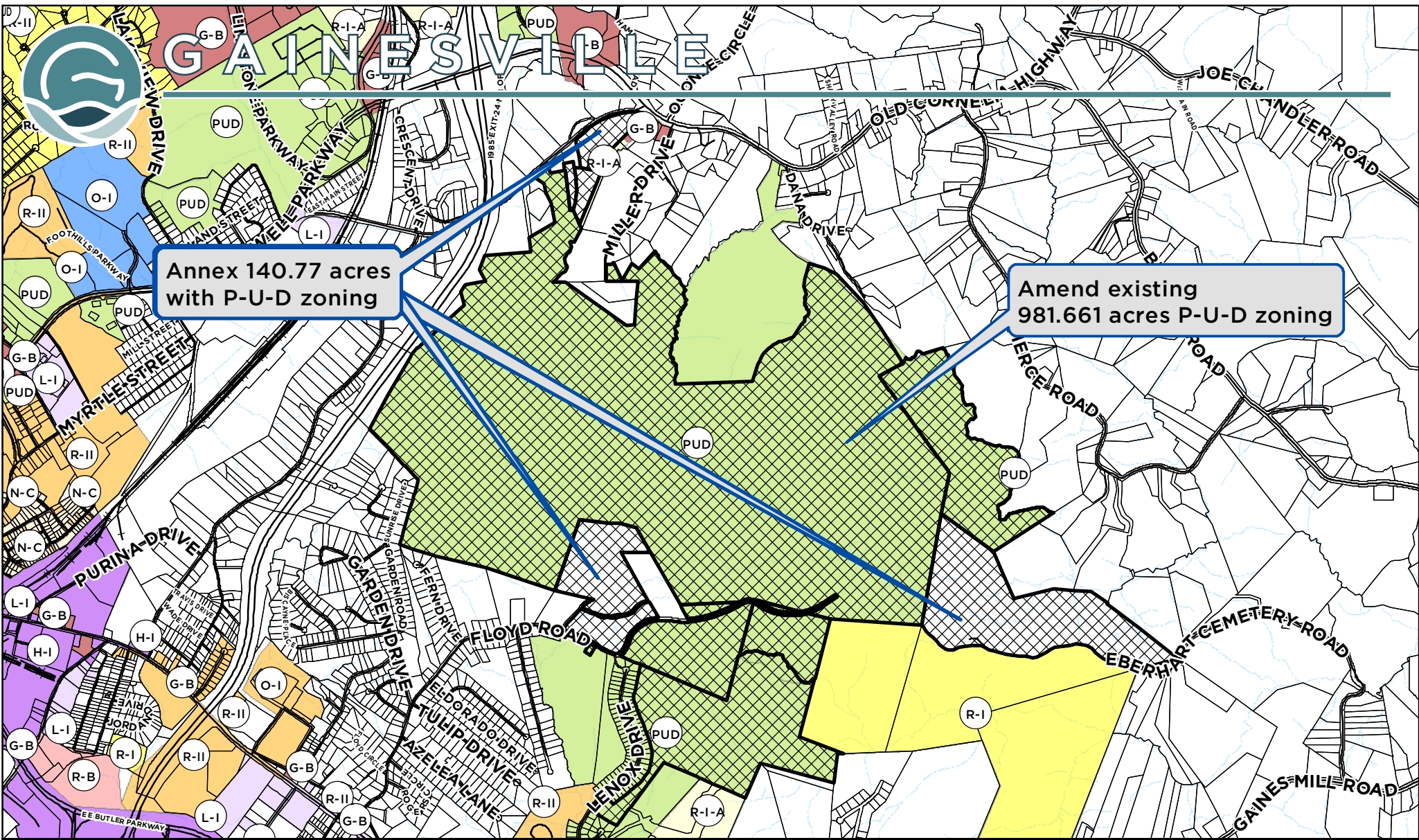
Source of Funds:

Finance Comments:

Administrative Comments:

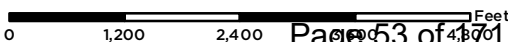
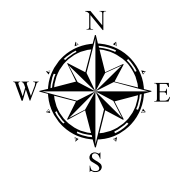
ATTACHMENTS:

Description		Type
	Location Maps	Backup Material
	Annexation parcels	Backup Material
	Narrative	Backup Material
	Site Plans	Backup Material
	Open-space plan	Backup Material



Applicant: CABALLERO HOLDINGS, LLC		Request: Annex 140.77+/- acres tract and establish zoning as Planned Unit Development (P-U-D); and Amend existing Planned Unit Development (P-U-D) zoning on a 981.661+/- acres tract for a master planned mixed-use development	
ANNEXATION & ZONING AMENDMENT REQUEST			
Subject Property Address: 0, 2166, 2170 & 2210 Old Cornelia Hwy, SE; 0, 2465, 2490 & 2544 Floyd Road, SE; 0 Lenox Drive, SE; & 0 Eberhart Cemetery Rd.		Tax Parcel: 15-021-000-164; 15-022-000-001B, 003 (Part), 003M, 004, 034 & 086; 15-033-000-001; 15-033B-000-022, 024 & 026A	
Meeting Date: 11/09/2021		Map Prepared: 09/30/2021	
		Page 53 of 171	

 Subject Property



SCALE: 1" = 2,000'



GAINESVILLE

Annex 140.77 acres
with P-U-D zoning

Amend existing
981.661 acres P-U-D zoning

Applicant: **CABALLERO HOLDINGS, LLC**

ANNEXATION & ZONING AMENDMENT REQUEST

Subject Property Address:
0, 2166, 2170 & 2210 Old Cornelia Hwy, SE;
0, 2465, 2490 & 2544 Floyd Road, SE;
0 Lenox Drive, SE; & 0 Eberhart Cemetery Rd.

Tax Parcel:
15-021-000-164; 15-022-000-001B,
003 (Part), 003M, 004, 034 & 086;
15-033-000-001; 15-033B-000-022,
024 & 026A

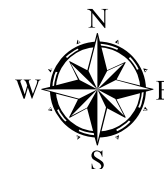
Request:

Annex 140.77+/- acres tract and establish zoning as Planned Unit Development (P-U-D); and Amend existing Planned Unit Development (P-U-D) zoning on a 981.661+/- acres tract for a master planned mixed-use development



Subject Property

Aerial from 2018



Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

0 1,200 2,400 Feet

Page 54 of 171

SCALE: 1" = 2,000'

15033B 000024

15033B 000022

15033B 000026A

Annexation Parcels

15022 000001B

15022 000003

UNIT SUMMARY	
ACREAGE	1122
SINGLE FAMILY DETACHED UNITS	1414
SINGLE FAMILY ATTACHED UNITS	311
MULTI-FAMILY UNITS	540
TOTAL RESIDENTIAL	2365
OVERALL DENSITY	2.10
OPEN SPACE	845.3 ACRES
COMMERCIAL	75000 SF

OWNER INFORMATION:
CABALLERO HOLDINGS, LLC
 3840 WINDERMERE PARKWAY, SUITE 402
 CUMMING, GA 30041

NOTE:
 1. THE BOUNDARY AND EXISTING PARCELS LINES SHOWN WERE TAKEN FROM
 HALL COUNTY GIS & SURVEY PROVIDED BY ROCHESTER & ASSOCIATES, INC.
 2. EXISTING TOPOGRAPHY AND UTILITIES SHOWN FROM HALL COUNTY GIS &
 SURVEY PROVIDED BY ROCHESTER & ASSOCIATES, INC.
 3. THE EXISTING CREEKS AND BUFFERS TAKEN FROM HALL COUNTY GIS, NOT
 FIELD VERIFIED.
 4. FLOODING OF THE PROPERTY ARE LOCATED IN A FLOOD HAZARD ZONE "X"
 AS PER FEMA FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA
 COMMUNITY FIRM NO. 13128C0100, DATED APRIL 4, 2018.

CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
 HALL COUNTY, GEORGIA

ZONING PLAN - GAINESVILLE TOWNSHIP

GAINESVILLE TOWNSHIP

a

Planned Unit Development

Gainesville, Georgia

September 24, 2021

DRAFT



**Caballero Holdings, LLC
3840 Windermere Parkway
Cumming, Georgia 30041**

PROJECT OVERVIEW

of Gainesville Township

Gainesville Township is a master planned community consisting of approximately 2365 homes on approximately 1122 acres. Development is planned to be primarily confined to the ridgelines in order to promote a greater balance with nature. 645± acres will remain as open space. The project's overall density is approximately 2.11 units per acre. The project is less dense than most other developments served by public sewer and will contain a variety of different housing types and sizes, which will be separated into various sub-communities or pods. This variety of housing types is intended to encompass different price points and accommodate residents of varying ages, from young professionals to families to active seniors. The community's focal point will be the Gainesville Township Central Amenity, passive parks throughout and extensive trail system, which are all designed to create a unique identity and character for the development.

Large areas of open space containing mature trees are integrated into the master plan to preserve the property's natural beauty. A significant number of homes within each pod will adjoin these open spaces thereby allowing residents to use and enjoy the open space areas. Over 80,000 feet of jurisdictional streams bisect the property, creating natural buffers and preservation areas.

In essence, Gainesville Township connotes a sense of community at a special place in the foothills of the Northeast Georgia Mountains — a place many would like to call home.

DEVELOPER'S STORY

of Gainesville Township

Cotter Properties and Development, LLC (“CPD”), parent company of Caballero Holdings, LLC was established by Douglas W. Cotter, Jr. in 2004 and is one of the preeminent residential real estate development firms in the southeast.

Mr. Cotter and his partners have extensive development experience and participated in the development of over 8,000 residential lots prior to 2014. Since 2014 CPD has rezoned, entitled or developed in excess of 8,000 residential lots and is currently working to rezone, entitle and develop over 12,000 additional residential lots.

CPD has served as the sole or primary developer on over 40 projects since 2014 and more than 60 projects prior to 2014.

Through its relationships with local real estate brokers and the nation’s largest home builders, CPD is able to source projects others miss and close on projects others simply cannot disentangle and consummate.

CPD is well positioned for the future and to take advantage of current market opportunities, which include serving as a preferred development partner for multiple national builders and local development sponsors.

CPD’s current principals are Douglas W. Cotter, Jr. and George E. Harvey III. Mr. Cotter is a past president of The Greater Atlanta Home Builders Association and has been active in the real estate development and home building arenas since 1991. Mr. Harvey is an attorney that left the full-time practice of law in 2006 in order to pursue a career as a real estate developer.

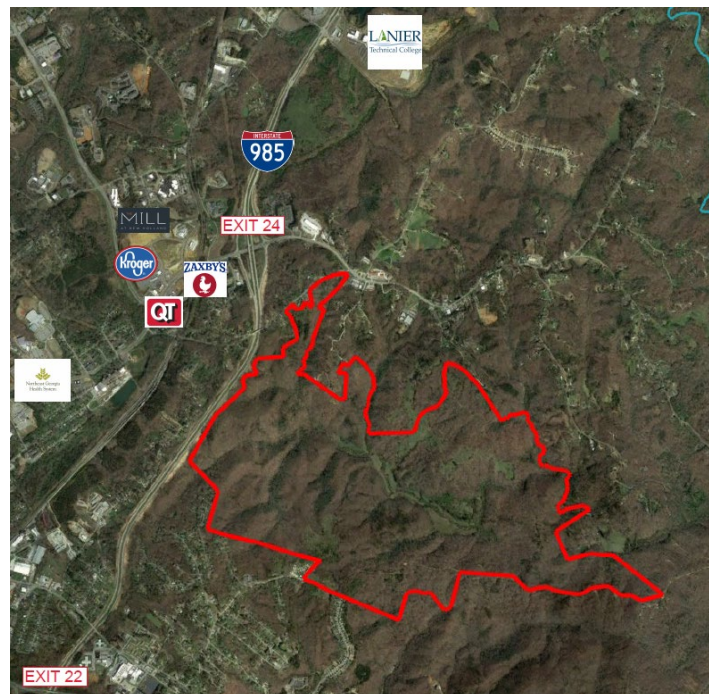
LOCATION

of Gainesville Township

The future Gainesville Township community is located less than 3 miles northeast of the City of Gainesville square and less than 1 mile east of I-985 at Exit 24. Primary access to the property will be from Old Cornelia Highway near the current location of White Sulphur Elementary School. The property is surrounded primarily by developed residential uses.

Gainesville Township will straddle and protect the floodplain of Pond Fork, a tributary to the Middle Oconee River. Several unnamed streams exist on the property and will be preserved along with the majority of their associated mature tree canopy. Limited areas of the property were previously timbered, creating pastures in the lower lying areas. The property is surrounded by a variety of residential uses which have been developed over the past 50 years. Approximately 1400 lf of the property fronts to I-985 just south of Exit 24.

A major retail area, anchored by a Mega Kroger is developing on the west side of I-985 along with restaurants and other commercial uses. North Georgia Health System's main campus is located approximately 2.2 miles away on Jesse Jewell Parkway. The new campus of Lanier Technical Institute is located less than 2 miles north on I-985.



CHARACTER

of Gainesville Township

The Gainesville Township community has been carefully planned to minimize environmental impacts and maximize internal connectivity based on streams, wetlands, steep slopes and other natural features. Development will be concentrated primarily along ridge lines with the majority of land adjacent to streams left untouched. The general theme is planned to promote a sense of community and interconnectivity while still providing smaller pods of development that may have their own individual identities.

Gainesville Township is planned to contain a variety of housing types, including age-targeted single-family houses and town houses for active adults and traditional single-family neighborhoods with a range of lot widths and home sizes as well as multi-family options.

A key feature of Gainesville Township will be its multi-use system of walking paths that will connect all areas of the community to the Central Amenity. The community design will foster connectivity for the residents to one another, nature and the amenities. Additional planned amenities include a spacious clubhouse for gatherings, lap pool with separate children's area, pickle ball courts, disc golf and lighted tennis courts suitable for ALTA/USTA competition. Small pocket parks, intimate landscaped spaces and winding sidewalks will further promote the cohesiveness of the community.

STREET SYSTEM

of Gainesville Township

The primary entrance to Gainesville Township will be at the current intersection of Old Cornelia Highway and White Sulphur Elementary School. Additionally, a second entrance is planned on Old Cornelia Highway to the west of the primary entrance. A future third entrance may be added to the south of the property with access to Athens Highway (US 129). All streets are planned to become publicly maintained at the expiration of the required maintenance periods. All streets will be constructed to City of Gainesville standards and will include sidewalks, multi-use paths, street lights and cross walks where indicated. Multi-Use paths may be constructed of concrete or asphalt.

Streets that are located internal to single family attached and multi-family portions of the project may be gated and remain private as determined by the Developer.

OPEN SPACE

of Gainesville Township

At 645± acres, the open space that meanders throughout the development will be directly accessible to each residential pod. The open space will include areas for amenities, walking paths and passive or active recreation. However, the majority of the open space will be left undisturbed to protect the natural beauty of the site as well as environmentally sensitive areas. The development team believes this element adds tremendous value to the overall development.

Gainesville Township is being developed with nature and outdoor experiences in mind, including numerous parks, open spaces and an extensive network of walking paths as well as natural water amenities. Pocket parks will be located throughout the community and will be connected through the network of walking paths. One pocket park may include benches and an arboretum while another may have a swing set and yet another may simply have a community lawn or nature observation deck. These areas will serve as the focal points for different areas of the community. This element of the community will become a social gathering place and will serve as host to diverse community activities.

AMENITIES

of Gainesville Township

Primary amenities are planned in the central portion of the property with additional amenities planned throughout the project.

The Central Amenity Center will include:

- Clubhouse
- Swim Center with a lap pool with children's play area
- Tennis Center with lighted courts suitable for ALTA/USTA competition
- Pickle Ball courts
- Great Lawn with pavilion for outdoor functions
- Mail Kiosk
- Disc Golf
- Pocket Parks
- Dog Park
- Extensive Trail, Sidewalk and Multi-Use Path System

The Central Amenity building, parking and street elements are designed to be pedestrian-friendly with vehicular traffic programmed for slower speeds around the proposed roundabout. Bicycle racks are planned to promote non-vehicular trips to the Center. Satellite amenities of a smaller scale may be offered at other areas based on future needs and market demand. These amenities could range from small open space areas to cabanas with neighborhood sized pools. A boat/RV storage area may also be included for neighborhood

The extensive trail and sidewalk and multi-use path system, along with the other amenity features, will promote social interaction between residents of the Gainesville Township community and promote a healthy lifestyle for its residents. The individual elements of these amenities may be phased in relation to future needs and market demand.



RESIDENTIAL PRODUCTS of Gainesville Township

SINGLE FAMILY DETACHED

The community's development plan has created a balance of residential product choices that will accommodate multiple lifestyle desires. Particular emphasis has been placed on preserving as many areas of natural beauty and tree cover as economically possible, thereby creating natural separation of neighborhoods and promoting access to parks and open spaces.

Traditional single-family lots are proposed for the majority of Gainesville Township. A variety of lot width sizes and product sizes will be located throughout the project. Similar sizes will be "clustered" together and may be completed by multiple builder groups. While the majority of these products will be owner occupied, nothing in this document shall prohibit their use as for rent products, at the requested limit.

Lot standards and the allowable maximum percentages of each lot size is indicated below. The combined number of 40's & 50's shall not exceed 65% of the total.

SF Detached	40	50	60	95
Lot width	40	50	60	95
Minimum lot size	4,000	5,000	6,000	9,000
Minimum Front Setback	20	20	20	20
Minimum Side Setback	5	5	5	5
Minimum Rear Setback	15	15	15	15
Exterior buffer	25	25	25	25
Minimum Building Separation	10	10	10	10
Maximum % of lot type in development	40%	60%	80%	No Max
Unit Width	<30	<40	<50	<85
Minimum Square Footage	1,200	1,300	1,500	1,800



SINGLE FAMILY ATTACHED

Single Family Attached product will be located strategically within the project, providing an alternative lifestyle and pricing option. This product may consist of both multi-level townhome style homes and single-level quadraplex homes. While some of the products will be targeted toward families, others may be age-targeted to a 55+ buyer. All single family attached homes will be offered as low or no maintenance alternatives to detached home ownership. While the majority of these products will be owner occupied, nothing in this document shall prohibit their use as “for rent” products.

Lot standards and the allowable maximum percentages of each lot size is indicated below:

SF Attached	Townhomes	Townhomes
Lot Width	20'	24'
Minimum Lot Size	2,000	2,000
Front SB	15'	20'
Side SB	0'	0'
Rear SB	0'	15'
Exterior Buffer to Residential	25'	25'
Building Separation	20'	20'
Minimum Squire Footage	1,100	1,400
Maximum %	No Max	No Max



MULTI-FAMILY

Multi-Family product is planned for a minimum of two locations within the project. Product offerings may include both family oriented as well as adult focused options. The product will be low rise (two/three or three/four story) garden style or breezeway style buildings, attached manor homes or detached cottages with a variety of amenities.

Multi-Family standards are indicated below:

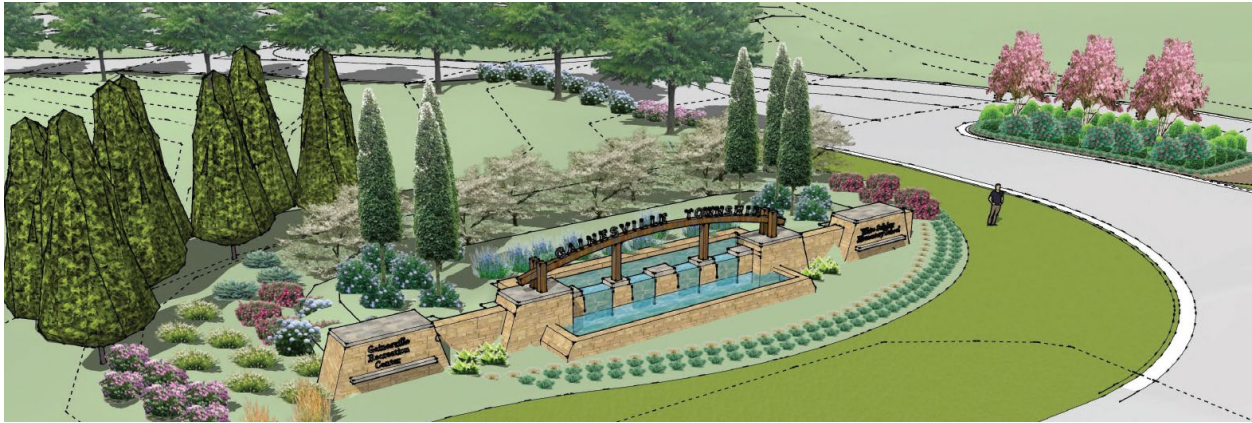
Multi-Family	Garden Style	Breezeway Style	Manor	Cottages
Front SB	30'	30'	10'	10'
Side SB	10'	10'	10'	5'
Rear SB	20'	20'	10'	10'
Building Separation	20'	20'	20'	10'
Maximum Stories	4	4	3	2
Maximum Height	60'	60'	45'	35'



COMMERCIAL DEVELOPMENT of Gainesville Township

Commercial development may occur in areas with external road access, primarily along Old Cornelia Highway. Allowable uses shall be those specific to the Neighborhood Business District (N-B), drive thru restaurants and those specified under the “Institutionalized residential living and care facilities, serving more than eighteen (18) persons” use. Individual buildings shall not exceed three (3) stories in height with a gross square footage not to exceed 75,000 square feet. Parking ratios shall be in accordance with City of Gainesville ordinances based on the final use of the property.





SITE DEVELOPMENT

of Gainesville Township

Monumentation & Signage

The gateway to Gainesville Township is located at the intersection of Old Cornelia Highway and the City's new entrance to the Gainesville Youth Sports Complex. This intersection will serve the Youth Sports Complex, White Sulphur Elementary School and Gainesville Township. This entrance will act as the main visual link to the project and announces the development. As such, a critical part of Gainesville Township's initial impression, the project gateway will include landscape and hardscape features, signage, monumentation, and lighting establishing a sense of place and arrival point. The major gateway will define Gainesville Township, reflecting the architectural and landscape style of the development. Signage will contain additional identification of the Gainesville Youth Sports Complex and the White Sulphur Elementary School.

Billboard placement, including electronic billboards, on the property shall be allowed and limited to frontage along I-985. These billboards shall not exceed 440 square feet and 45 feet in height. All billboards are limited to project related content and must be removed within seven years of erection or 95% of project build-out, whichever occurs last. There shall be a limit of two such billboards.

Secondary Identification

Additional signage and monumentation elements may be placed throughout the development and should be similar in style to the major project identification but will be smaller in scale. These may be placed at the secondary access points on Old Cornelia Highway or on interior streets of Gainesville Township.

Minor information signs may also be used to guide visitors to various neighborhoods, amenities, and points of interest within Gainesville Township. The information signs might include event listings and other pertinent information relevant to the community.

Landscaping

Together with the infrastructure design, the proper planning and design of outdoor spaces is critical in fostering the desired atmosphere of Gainesville Township. The overall landscape concept for this area plays a crucial role in unifying Gainesville Township and is intended to ensure that residences and related improvements are in concert with scenic beauty and natural conditions.

The development will respect the area's natural setting and include new plantings that harmonize with the existing environment and the landscape character of the region. A consistent landscape that responds to aesthetic concerns and helps establish a positive image within the development for years to come must be established.





COMMUNITY STANDARDS of Gainesville Township

Maintenance & Ownership of Streets and Open Spaces

All of the streets, including those within individual pods or phases, are intended to be built to the typical sections shown herein and otherwise to the standards of the City of Gainesville. Other than the Parkway, roads may be gated for limited access and privately maintained. Roads not gated or otherwise access-limited will be dedicated to the City of Gainesville for maintenance. All interior open spaces and common elements will be deeded to the Master Home Owner's Association for maintenance and operation.

Water & Sewer Utilities

The City of Gainesville will provide water and sewer service to Gainesville Township. The availability of services has been verified with the City of Gainesville.

Homeowners Association

A mandatory Home Owner's Association (HOA) or multiple associations will be formed for Gainesville Township or portions thereof. The HOA(s) will maintain and manage all of the common areas of the development, including financial management, architectural controls, and enforcement of community standards. Establish in the covenant 300 max single family detached rentals and 75% max attached rentals. Any modifications or new construction within the community must be approved by an Architectural Review Board. The Board will be established and operated by the Developer until such time as the powers are transferred to the HOA(s).

Model Homes & Prairie Homes

Prior to approval of any phased Final Plat, the City of Gainesville will issue a maximum of 50 model home permits and 50 prairie home permits. Once final platting has been approved for the outstanding prairie home permits, the City of Gainesville will issue additional prairie home permits, not to exceed 50 at any given time. This time period allows the Developer to accelerate their production schedule and reduce the time frame necessary to complete a house and close a sale. In a development of this magnitude, the City of Gainesville recognizes the carrying cost of land acquisition, infrastructure and overhead require an expedited delivery schedule to meet project objectives and insure the ongoing success and vitality of the project.

Model home and prairie home permits will not be issued until access to the lot is provided in the form of a hard surface (crusher run) and fire protection is established within 500 feet of the lot in the form of a 1500-gallon tank fitted to City of Gainesville Fire Department specifications. The applicant/property owner agrees to indemnify the City of Gainesville against any claim of loss that may result from the early issuance of these type of permits.

Model Home and Prairie Home shall be defined as follows:

Prairie Home – A concept used by Developers to allow for home construction starts (building permit issuance) prior to Final Plat recording. Prairie Home permits will not be granted temporary certificate of occupancy or permanent certificate of occupancy until approval of the final plat for the phase of development in which they are located.

Model Home – A concept used by Developers to allow for home construction starts in order to model building types, floor plans, interior finishes, etc. to potential buyers. Model home permits will be granted a temporary certificate of occupancy (provided adequate restroom facilities have been completed) prior to final plat that will restrict the use of the structure to a sales center and furniture

staging. Habitation will not be allowed in model homes until a permanent certificate of occupancy has been issued. Permanent certificate of occupancy will not be issued until approval of the final plat for the phase of development in which they are located.

Drainage & Stormwater Management

All of Gainesville Township lies within the Pond Fork drainage basin and flows to the Middle Oconee River. Highest elevations are on the north and east and sides of the property, with flows generally to the east side of the property. Master detention facilities, serving multiple phases of development, are planned at suitable locations to reduce the number of detention ponds otherwise required.

Uses

Land development for residential housing is dynamic because of the need to concurrently predict and respond to the local real estate market and national economic and demographic trends.

Approval of the Gainesville Township Master Plan is intended to approve approximately 2365 units as the maximum number of units for the development. Housing product types may be rearranged, combined or reconfigured without limit within the development, provided the total number of units nor the maximum number of lot sizes are not exceeded and that the overall change will not substantially increase impact to the public school system, roadways at peak hours or points of connection.

Uses of a traditional single family residential nature are primarily for owner occupancy but, up to 300 units Single Family Detached and 75% Single Family Attached may be used for rental purposes. Multi-Family uses are intended to be 100% for rental purposes. If market conditions warrant, up to 5% of the acreage of Gainesville Township may be used instead for senior resident adult congregate living facilities of independent living, assisted living, personal care and/or memory care at a density not to exceed 22 units per acre, but shall not include a nursing home or any other facility that requires a Certificate of Need.

Uses and standards described in the plan anticipate and describe single-family detached, single-family attached and multi-family forms of construction. If the use and/or form of housing for a particular phase is not specifically described or detailed in the plan, such a use or form may be approved administratively by staff based on then existing approved standards of the City of Gainesville for such a form of construction on similar sites elsewhere in the incorporated areas of the City.

Rental Percentage Breakdown

Type	Number	% of Total	%of Max Rental	Max # Rental
SF Detached	1414	60%	21%	300
SF Attached	311	13%	75%	233
Multi-Family	640	27%	100%	640
Total Residential	2365			

Phasing

Phase 1 – The Developer intends to construct a portion of Gainesville Township Parkway (beyond the point constructed by the City) to access and serve approximately 200 single family detached lots, 150 single family attached units and 320 multi-family units. In addition, the Central Amenity will be started during Phase 1, with a completion no later than the completion of Phase 2.

Phase 2 – The Developer intends to develop additional portions of the property, to serve 200 single family attached lots.

Phase 3 – The Developer intends to develop additional portions of the property, to serve 200 single family attached lots.

Phase 4 – The Developer intends to develop additional portions of the property, to serve 200 single family attached lots and 150 additional single family detached homes.

Phase 5 & Future Phases – The Developer intends to complete the Gainesville Township Parkway and develop additional lots as demand warrants

Phasing is generally sequential, but may overlap. Lots of various sizes and ownership types may be under development concurrently in multiple portions of the overall site.

ZONING REQUEST

of Gainesville Township

The current zoning was approved in February 2001 as “Sussex”.
The chart below shows the primary differences in the two plans:

Comparison to Current Zoning Plan		
Version	Current Plan	Proposed Plan
Name	Sussex	Gainesville Township
Acreage	965	1122
Single Family Detached Units*	977	1414
Single Family Attached Units	197	311
Multi-Family Units	1096	640
Total Residential	2270	2365
Overall Density	2.35	2.11
Open Space	548.5 acres	645.3 acres
Commercial	24,000 Sf	75,000 SF

*no more than 300 detached units shall be constructed as build to rent

This request includes:

- Annexation and Rezoning of five parcels that are contiguous with the currently zoned property. These parcels total approximately 144 acres.
- Amend the existing zoning approval as detailed in the application, zoning narrative and conceptual site plan.
- Amend the conditions of zoning as outlined below.

EXISTING CONDITION**PROPOSED CONDITION**

1. All intersections of the proposed development and Old Cornelia Highway, Dana Drive, or other existing roadways shall be at the full discretion of the Gainesville Public Waters Director, in conjunction with the needs and requirements of the Hall County Traffic Engineer.	1. N/A THE CITY OF GAINESVILLE NOW OWNS THE AREA WHERE THIS INTERSECTION IS LOCATED AND WILL BE RESPONSIBLE FOR ITS CONSTRUCTION.
2. If Dana Drive is accessed from the subject property, Dana Drive shall be improved to the standards imposed by the Gainesville Public Works Director and the Hall County Traffic Engineer, between this entry point and Old Cornelia Highway.	2. If Dana Drive is accessed from the subject property, Dana Drive shall be improved to the standards imposed by the Gainesville Public Works Director and the Hall County Traffic Engineer, to the extent feasible within the existing right-of-way, between this entry point and Old Cornelia Highway,
3. If warranted, the developer, at his expense, shall provide and install any and all signalization required for entrances to the development from Old Cornelia Highway by the City of Gainesville, Hall County, or the Georgia Department of Transportation that is related to traffic impacts generated from this development.	3. N/A THE CITY OF GAINESVILLE NOW OWNS THE AREA WHERE THIS INTERSECTION IS LOCATED AND WILL BE RESPONSIBLE FOR ITS CONSTRUCTION.
4. All utilities within this development shall be underground.	4. All utilities within this development shall be underground.
5. The developer shall provide and install street lighting throughout this development, subject to the approval of the Planning Department.	5. The developer shall provide and install street lighting throughout this development, subject to the approval of the Planning Department.
6. The developer shall install sidewalks throughout this development, including the multi-family portions, subject to the approval of the Planning Department.	6. The developer shall install sidewalks throughout this development, including the multi-family portions, subject to the approval of the Planning Department. The main loop road shall have 5' sidewalks on both sides of the road. All other roads shall have 4' sidewalks on one side only.
7. Any multi-family and townhouse development site layouts and design shall	7. Any multi-family and townhouse development site layouts and design

be at the full discretion of the Planning Department.	shall be at the full discretion of the Planning Department, not to be unreasonably withheld if the total unit count is not exceeded.
8. Billboard placement shall be limited to frontage along I-985. These billboards shall not exceed 440 square feet and 45 feet in height. All billboards are limited to project related content and must be removed within five years of erection or 95% of project build-out, whichever occurs last. There shall be a limit of two such billboards allowed.	8. Billboard placement, including electronic billboards , shall be limited to frontage along I-985. These billboards shall not exceed 440 square feet and 45 feet in height. All billboards are limited to project related content and must be removed within five years of erection or 95% of project build-out, whichever occurs last. There shall be a limit of two such billboards allowed.
9. This development shall be subject to the stipulations and requirements of the North Oconee Watershed Act.	9. This development shall be subject to the stipulations and requirements of the City of Gainesville Stream Buffer Ordinance.
10. In the event primary access is through White Sulphur School, the developer shall pay for all necessary improvements. Such improvements shall be subject to the approval of the Hall County Traffic Engineer.	10. N/A THE CITY OF GAINESVILLE NOW OWNS THE AREA WHERE THIS INTERSECTION IS LOCATED AND WILL BE RESPONSIBLE FOR ITS CONSTRUCTION.
11. A site shall be made available within the boundaries of the entire 1122 acre proposed development to the City of Gainesville for a school consisting of twenty (20) acres of land which meets the criteria established by the Georgia State School Board for such a public school. This site shall be made available by the developer without charge for the land, at any time within seven (7) years after the developer has provided paved access to the site.	11. A site shall be made available within the boundaries of the entire 1122 acre proposed development to the City of Gainesville for a school consisting of twenty (20) acres of land which meets the criteria established by the Georgia State School Board for such a public school. This site shall be made available by the developer without charge for the land, at any time within seven (7) years after the developer has provided paved access to the site. Alternatively, the School Board may elect to receive an amount equal to the Developer's per acre purchase price (for 20 acres), to be

	paid in two installments at the time of initial takedown of the property and at the second takedown of the property.
12. The developer agrees to make available an additional twenty (20) acres, for a total of forty (40) acres, if the City of Gainesville School Board would be required to pay fair market value for this last twenty (20) acres. This site shall be made available by the developer at any time within seven (7) years after the developer has provided paved access to the site.	12. The developer agrees to make available an additional twenty (20) acres, for a total of forty (40) acres, if the City of Gainesville School Board would be required to pay fair market value for this last twenty (20) acres, which may not be contiguous to the first twenty (20) acres. This site shall be made available by the developer at any time within seven (7) years after the developer has provided paved access to the site.
13. A site shall be made available within the boundaries of the entire 1122 acre proposed development to the City of Gainesville for a fire station and a precinct for the police department consisting of not more than two (2) acres of land which will be designated by the developer and reasonable approved by the Gainesville City Council for such public services. This site shall be made available by the developer without charge for the land, at any time within seven (7) years after the developer has provided paved access to the site.	13. A site shall be made available within the boundaries of the entire 1122 acre proposed development to the City of Gainesville for a fire station and a precinct for the police department consisting of not more than two (2) acres of land which will be designated by the developer and reasonable approved by the Gainesville City Council for such public services. This site shall be made available by the developer without charge for the land, at any time within seven (7) years after the developer has provided paved access to the site.
14. The plan shall include a fifty (50') foot buffer separating all portions of the development from the existing single-family communities to the south of the project site. The composition of this buffer, including any fencing deemed necessary, shall be subject to final approval by the Planning Department.	14. The plan shall include a twenty-five (25') foot buffer separating all portions of the development from the existing single-family communities to the south of the project site. Where a twenty-five (25') buffer cannot be provided, the composition of this buffer, including any fencing deemed necessary, shall be subject to final approval by the Planning Department.

15. The first phase of the development shall begin at the primary entrance to the site located adjacent to the proposed commercial development and townhouse section (Pod A), and shall continue into the single-family portion of the community.	15. The first phase of the development shall begin at the end of the main entrance road to be constructed by the City of Gainesville , and shall continue into the single-family portion of the community.
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Conceptual Master Plan

The development of the Community shall be controlled by this Narrative, the Master Plan, attached hereto, Zoning Condition Modifications referenced above and other exhibits provided as modified in the final approval. The Plan is considered conceptual in nature, and certain modifications to that Plan are anticipated as reflected in the specific language herein. Beyond such specific language, modifications of the location and arrangement of lots, roads, amenities and other improvements that do not materially conflict with specific standards and requirements of these conditions may be made by the Developer, so long as such modification does not materially alter the location or nature of improvements within 100 feet of the Community Boundary, or impact previously recorded residential sections, or change the land use or increase density.

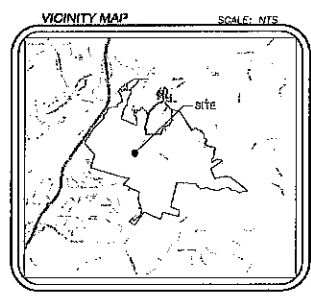
MAPS & SURVEYS

of Gainesville Township

- **Regional Activity Map**
- **ALTA Boundary Survey**
- **Conceptual Master Plan**
- **Pedestrian Access Plan**
- **Proposed Open Space Plan**
- **Proposed Entrance Rendering**
- **Proposed Amenity Rendering**



UNIT SUMMARY	
ACREAGE	1122
SINGLE FAMILY DETACHED UNITS	1414
SINGLE FAMILY ATTACHED UNITS	311
MULTI-FAMILY UNITS	640
TOTAL RESIDENTIAL	2385
OVERALL DENSITY	2.10
OPEN SPACE	645± ACRES
COMMERCIAL	75000 SF



OWNER INFORMATION:
CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

NOTE:
1. THE BOUNDARY AND EXISTING SPACES LINES SHOWN HERE, TAKEN FROM
HALL COUNTY GIS & SURVEY PREPARED BY ROCHESSTER & ASSOCIATES, INC.
2. EXISTING BOUNDARY AND SPACES TAKEN FROM HALL COUNTY GIS &
3. THE EXISTING CREEKS AND DITCHES TAKEN FROM HALL COUNTY GIS, NOT
FIELD VERIFIED.
4. PORTIONS OF THIS PROPERTY ARE LOCATED IN A FLOOD HAZARD ZONE "X"
AS PER FEMA FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA,
COMMUNITY FIRM NO. 1313001400, DATED APRIL 4, 2016.

CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

DATE: 9/23/2021
GRAPHIC SCALE
150' 0' 300' 600'





OWNER INFORMATION:
CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

NOTE:
1. THE BOUNDARY AND EXISTING PARCEL LINES SHOWN WERE TAKEN FROM
HALL COUNTY GIS & SURVEY PREPARED BY ROCHESTER & ASSOCIATES, INC.
2. EXISTING TOPOGRAPHY AND UTILITIES TAKEN FROM HALL COUNTY GIS &
SURVEY PREPARED BY ROCHESTER & ASSOCIATES, INC.
3. THE CAUSING CREEKS AND BUFFERS TAKEN FROM HALL COUNTY GIS, NOT
FIELD VERIFIED.
4. PORTIONS OF THIS PROPERTY ARE LOCATED IN A FLOOD HAZARD ZONE "X"
AS PER FEMA FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA,
COMMUNITY PANEL NO. 13139C01950, DATED APRIL 4, 2018.

DATE: 9/22/2021
GRAPHIC SCALE
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JOB NO. 2216028.DWG
FILE NO. "DRAFT"
DRAWN BY: JGP



GABALLERO HOLDINGS, LLC
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA



OPEN SPACE SUMMARY		
OPEN SPACE NAME	AREA (AC.)	SPACE TYPE
OPEN SPACE #1	179.89	OPEN SPACE
OPEN SPACE #2	63.88	OPEN SPACE
OPEN SPACE #3	2.53	OPEN SPACE
OPEN SPACE #4	0.53	OPEN SPACE
OPEN SPACE #5	6.87	OPEN SPACE
OPEN SPACE #6	200.35	OPEN SPACE
OPEN SPACE #7	161.09	OPEN SPACE
OPEN SPACE #8	4.25	OPEN SPACE
OPEN SPACE #9	1.18	DOG PARK
OPEN SPACE #10	1.54	COMMUNITY GARDEN
OPEN SPACE #11	0.79	PARK
OPEN SPACE #12	0.50	PARK
OPEN SPACE #13	0.41	PARK
OPEN SPACE #14	0.20	PARK
AREA #15	1.76	STORMWATER AREA
AREA #16	1.39	STORMWATER AREA
AREA #17	1.80	STORMWATER AREA
AREA #18	0.91	STORMWATER AREA
AREA #19	0.80	STORMWATER AREA
AREA #20	1.80	STORMWATER AREA
AREA #21	2.39	STORMWATER AREA
AREA #22	1.83	STORMWATER AREA
AREA #23	2.49	STORMWATER AREA
AREA #24	2.09	STORMWATER AREA
AREA #25	1.22	STORMWATER AREA

OPEN SPACE AREA (#1-#14) = 845± ACRES

OWNER INFORMATION:

CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

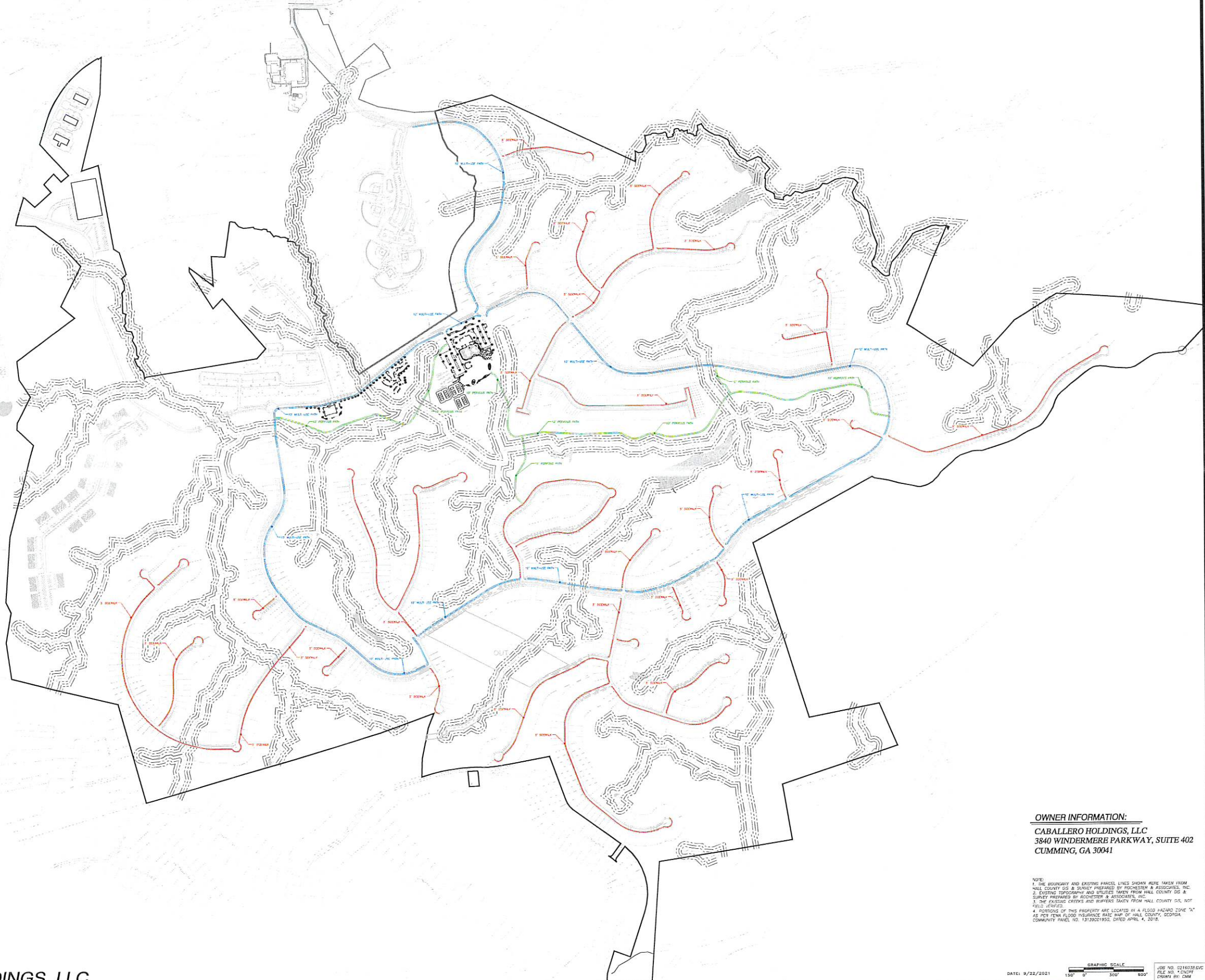
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SURVEY PROVIDED BY ROCHESTER & ASSOCIATES, INC.
3. ALL EXISTING UTILITIES AND UTILITIES WERE TAKEN FROM HALL COUNTY GIS, NOT
FIELD VERIFICATION.
4. PORTIONS OF THIS PROPERTY ARE LOCATED BY A FLOOD HAZARD ZONE "A"
AS PER FEMA FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA.
COMMUNITY FLOOD INSURANCE RATE MAP NO. 13180C0001A, DATED APRIL 4, 2016.

DATE: 9/24/2021
DRAWN BY: CMM
CHECKED BY: CMM
JOB NO. 05160201.DWG
FILE NO. 120101
CUMULATIVE BY: CMM



CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
HALL COUNTY, GEORGIA



OWNER INFORMATION:
CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

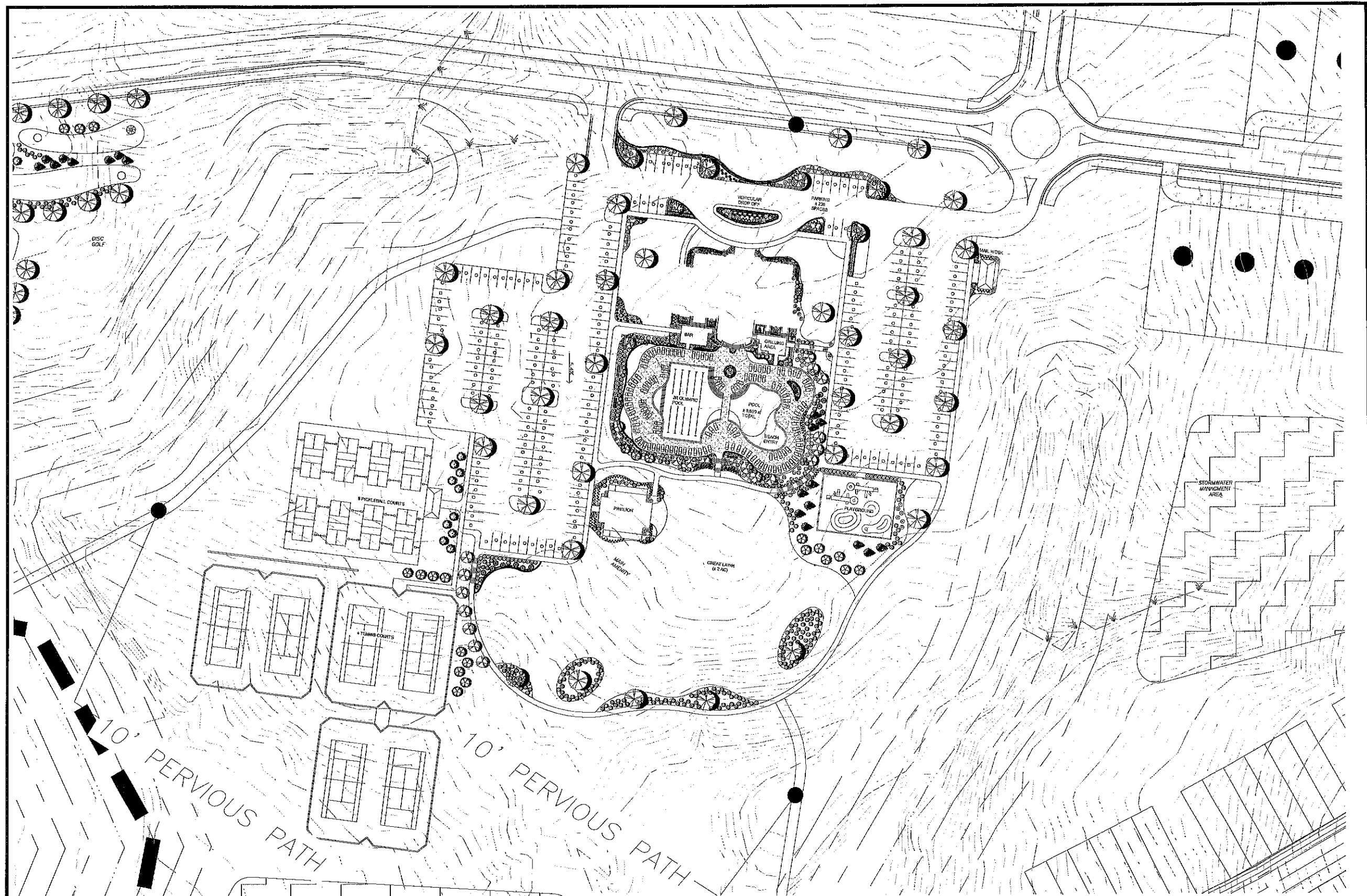
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SURVEY PREPARED BY ROCHESTER & ASSOCIATES, INC.
3. THE EXISTING CREEKS AND BUFFERS TAKEN FROM HALL COUNTY GIS, NOT
FIELD VERIFIED.
4. PORTIONS OF THIS PROPERTY ARE LOCATED IN A FLOOD HAZARD ZONE "X"
AS PER FEMA FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA,
COMMUNITY PANEL NO. 13139C01950, DATED APRIL 4, 2016.

CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

DATE: 9/22/2021
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JOB NO. 221632R.GVC
FILE NO. *COURT
DRAWN BY: CMH





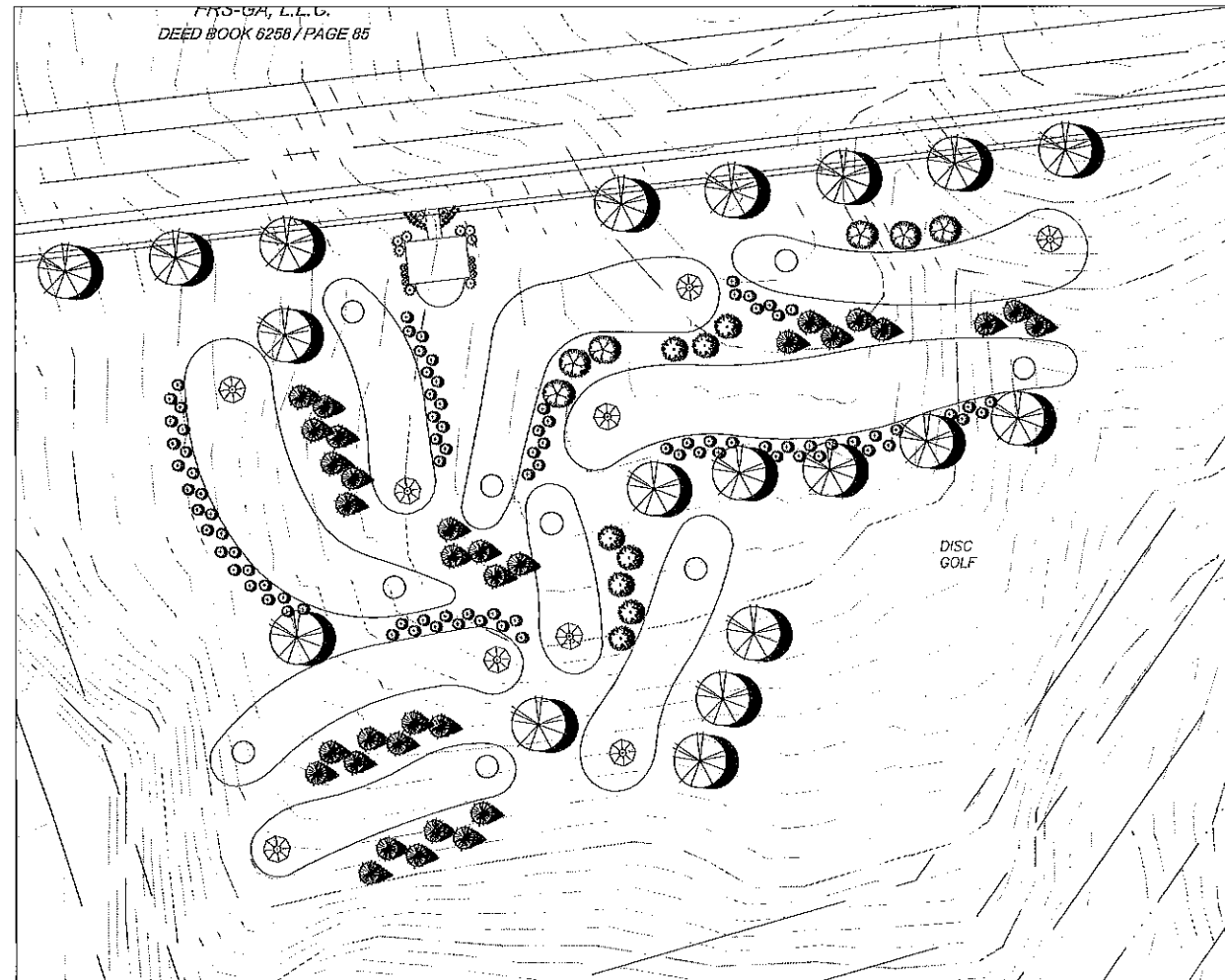
OWNER INFORMATION:
 CABALLERO HOLDINGS, LLC
 3840 WINDERMERE PARKWAY, SUITE 402
 CUMMING, GA 30041

DATE: 9/22/2021
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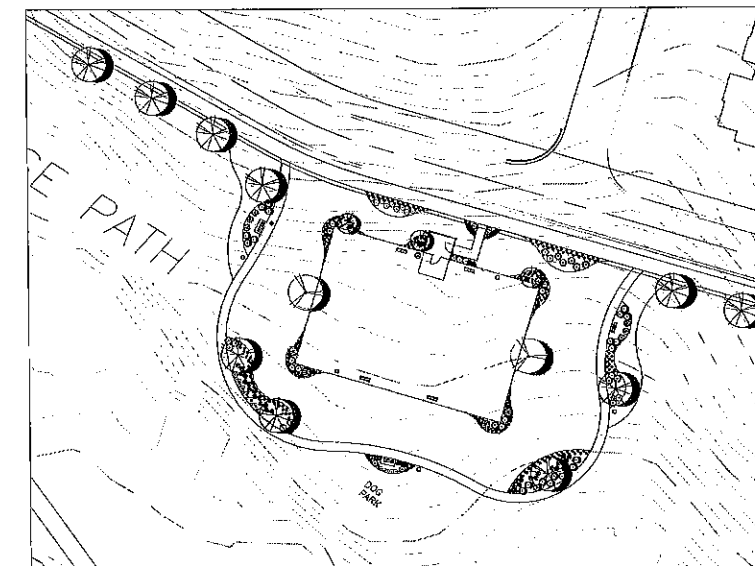


CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
 HALL COUNTY, GEORGIA



DISC GOLF AMENITY



DOG PARK AMENITY

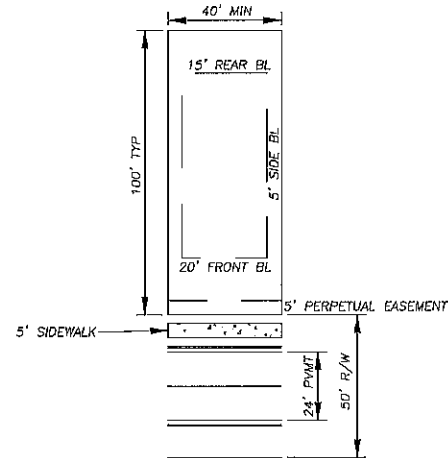
CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

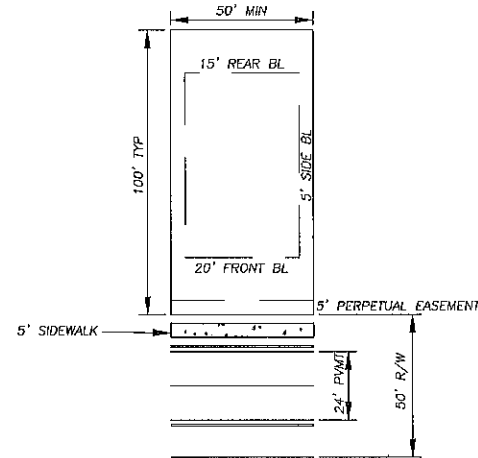
OWNER INFORMATION:
CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

DATE: 9/22/2021
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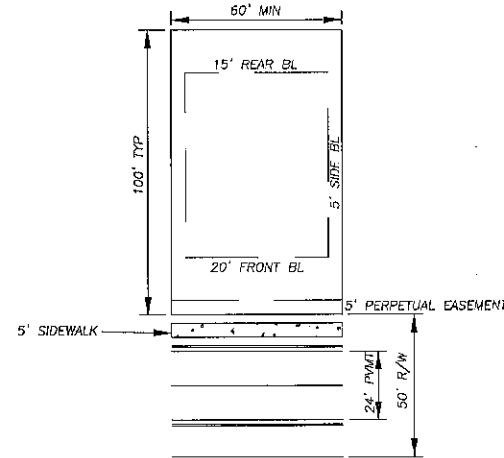
Rochester
Associates, Inc.
10000 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041
(770) 880-0000



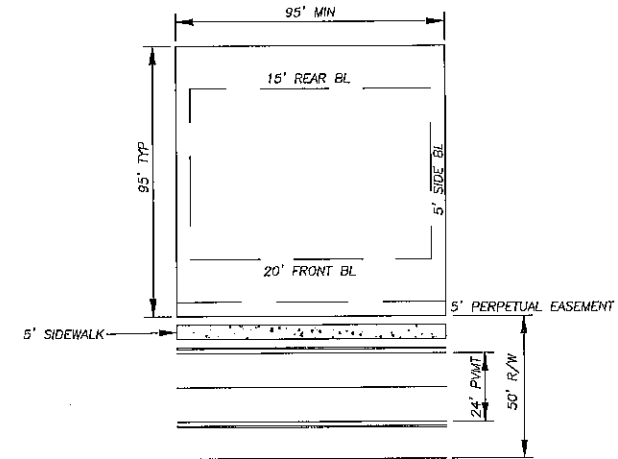
NOTES:
MINIMUM 4,000 SF LOT
MINIMUM 40' LOT WIDTH
MINIMUM BUILDING SEPARATION 10'
MAXIMUM PERCENTAGE OF LOT TYPE IN DEVELOPMENT: 40%
MINIMUM HOUSE SF: 1,400 SF



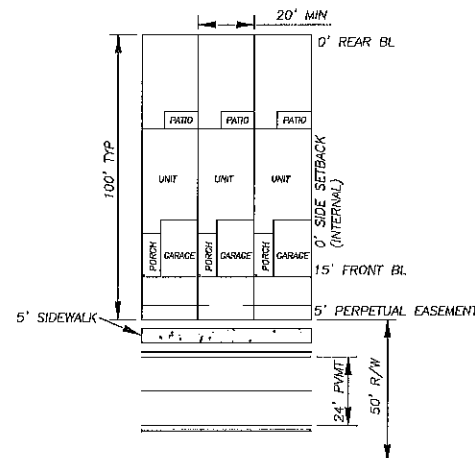
NOTES:
MINIMUM 5,000 SF LOT
MINIMUM 50' LOT WIDTH
MINIMUM BUILDING SEPARATION 10'
MAXIMUM PERCENTAGE OF LOT TYPE IN DEVELOPMENT: 60%
MINIMUM HOUSE SF: 1,400 SF



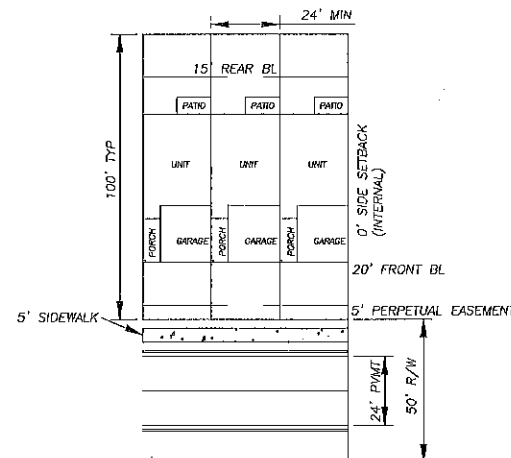
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MINIMUM 8,000 SF LOT
MINIMUM 60' LOT WIDTH
MINIMUM BUILDING SEPARATION 10'
MAXIMUM PERCENTAGE OF LOT TYPE IN DEVELOPMENT: 80%
MINIMUM HOUSE SF: 1,600 SF



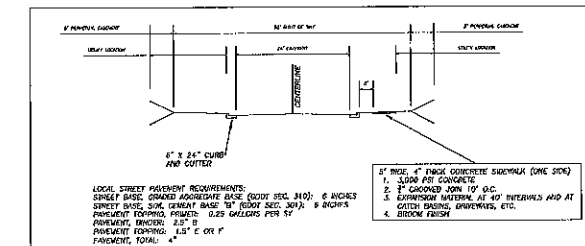
NOTES:
MINIMUM 9,000 SF LOT
MINIMUM 95' LOT WIDTH
MINIMUM BUILDING SEPARATION 10'
MAXIMUM PERCENTAGE OF LOT TYPE IN DEVELOPMENT: NO MAX
MINIMUM HOUSE SF: 1,800 SF



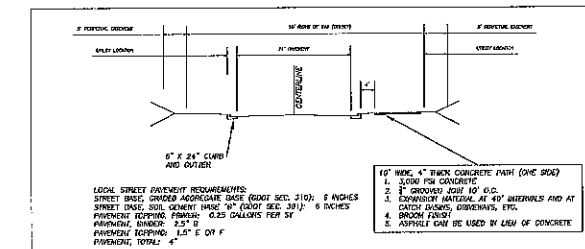
NOTES:
MINIMUM 2,000 SF LOT
MINIMUM 20' LOT WIDTH
MINIMUM BUILDING SEPARATION 20'
EXTERIOR BUFFER TO RESIDENTIAL: 25'
MAXIMUM PERCENTAGE OF LOT TYPE IN DEVELOPMENT: NO MAX
MINIMUM UNIT SF: 1,100 SF



NOTES:
MINIMUM 2,000 SF LOT
MINIMUM 24' LOT WIDTH
MINIMUM BUILDING SEPARATION 20'
EXTERIOR BUFFER TO RESIDENTIAL: 25'
MAXIMUM PERCENTAGE OF LOT TYPE IN DEVELOPMENT: NO MAX
MINIMUM UNIT SF: 1,400 SF



TYPICAL RESIDENTIAL STREET SECTION



TYPICAL MAIN LOOP ROADWAY SECTION

N.T.S.

FRONT OF GARAGE SHALL BE A MINIMUM 20' BEHIND BACK OF SIDEWALK

CABALLERO HOLDINGS, LLC

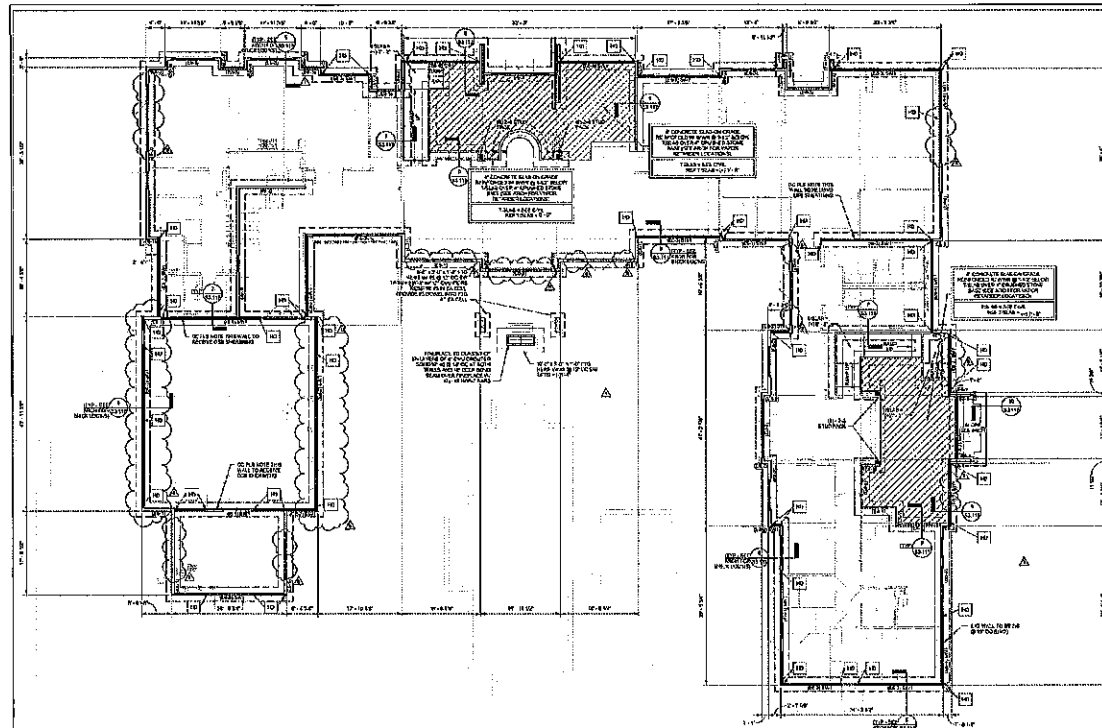
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

LOT TYPE PLAN - GAINESVILLE TOWNSHIP
Page 87 of 174

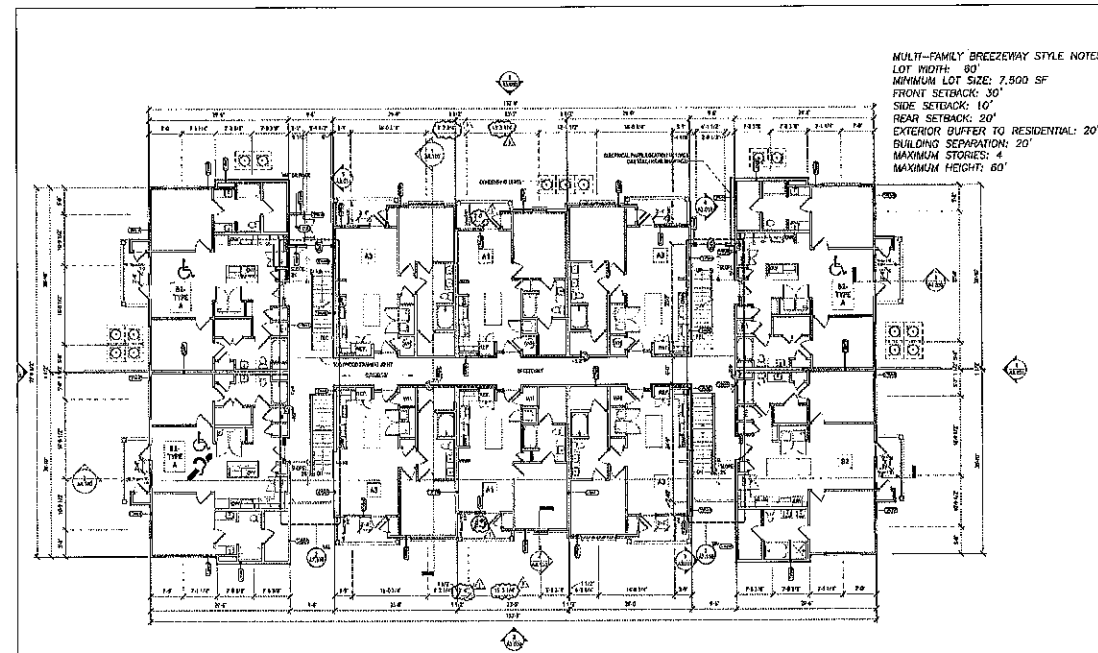
OWNER INFORMATION:
CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

DATE: 9/22/2021
GRAPHIC SCALE: 1" = 30'

JOE INC. 0516038.CAD
FILE NO. 4 CONCEPT
DRAWING DATE: 09/22/2021
Rochester
Associates, Inc.
www.rochesterassociates.com

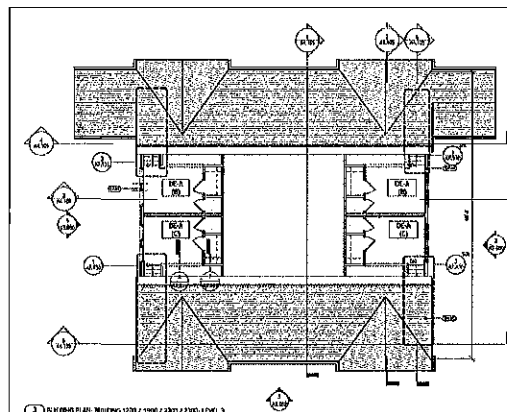


EXAMPLE MULTI-FAMILY AMENITY

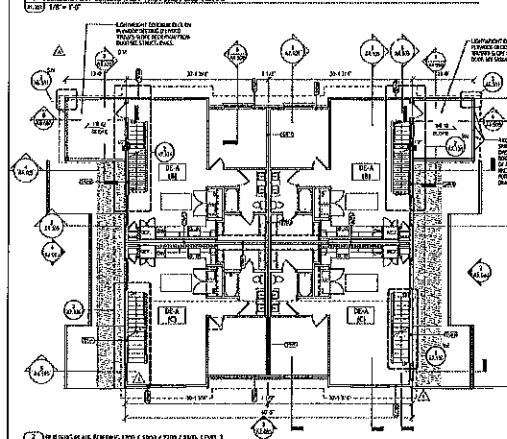


TYPICAL MULTI-FAMILY UNIT (BREEZEWAY STYLE)

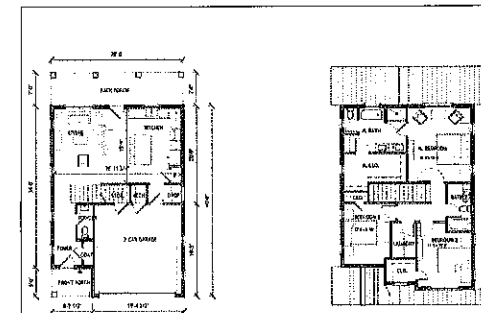
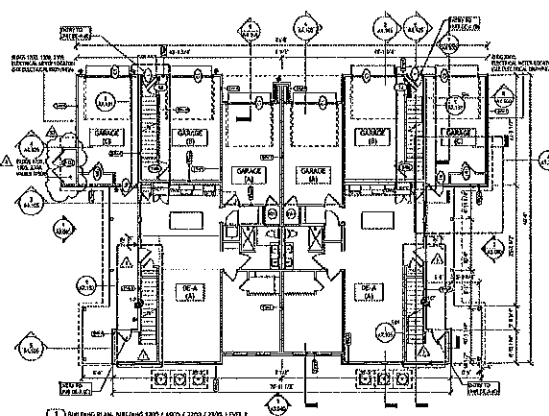
MULTI-FAMILY BREEZEWAY STYLE NOTES:
 LOT WIDTH: 60'
 MINIMUM LOT SIZE: 7,500 SF
 FRONT SETBACK: 30'
 SIDE SETBACK: 10'
 REAR SETBACK: 20'
 EXTERIOR BUFFER TO RESIDENTIAL: 20'
 BUILDING SEPARATION: 20'
 MAXIMUM STORIES: 4
 MAXIMUM HEIGHT: 60'



MULTI-FAMILY MANOR NOTES:
 LOT WIDTH: 100'
 MINIMUM LOT SIZE: 8,000 SF
 FRONT SETBACK: 10'
 SIDE SETBACK: 10'
 REAR SETBACK: 10'
 EXTERIOR BUFFER TO RESIDENTIAL: 20'
 BUILDING SEPARATION: 20'
 MAXIMUM STORIES: 3
 MAXIMUM HEIGHT: 45'

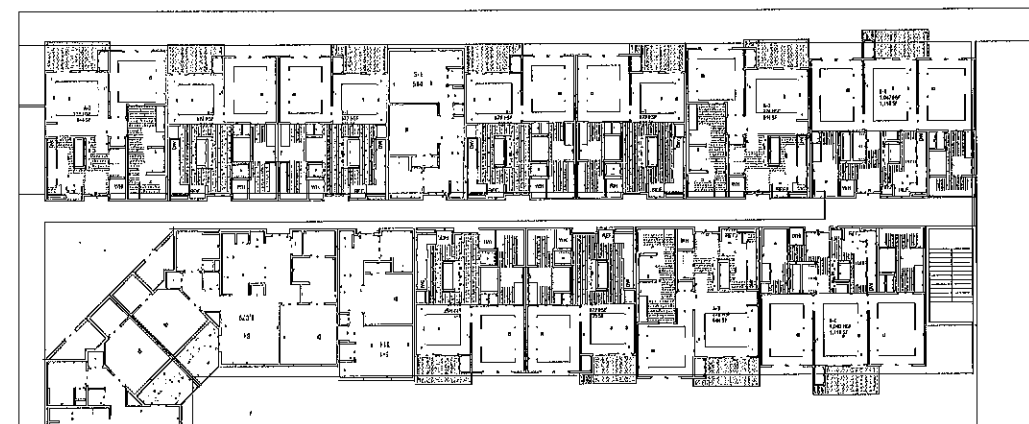


TYPICAL MULTI-FAMILY MANOR HOMES



TYPICAL SINGLE FAMILY COTTAGE

SINGLE FAMILY COTTAGE NOTES:
 LOT WIDTH: 40'
 MINIMUM LOT SIZE: 4,000 SF
 FRONT SETBACK: 10'
 SIDE SETBACK: 5'
 REAR SETBACK: 10'
 EXTERIOR BUFFER TO RESIDENTIAL: 20'
 BUILDING SEPARATION: 10'
 MAXIMUM STORIES: 2
 MAXIMUM HEIGHT: 35'



TYPICAL MULTI-FAMILY UNIT (GARDEN STYLE)

MULTI-FAMILY GARDEN STYLE NOTES:
 LOT WIDTH: 60'
 MINIMUM LOT SIZE: 7,500 SF
 FRONT SETBACK: 30'
 SIDE SETBACK: 10'
 REAR SETBACK: 20'
 EXTERIOR BUFFER TO RESIDENTIAL: 20'
 BUILDING SEPARATION: 20'
 MAXIMUM STORIES: 4
 MAXIMUM HEIGHT: 60'

OWNER INFORMATION:
 CABALLERO HOLDINGS, LLC
 3840 WINDERMERE PARKWAY, SUITE 402
 CUMMING, GA 30041

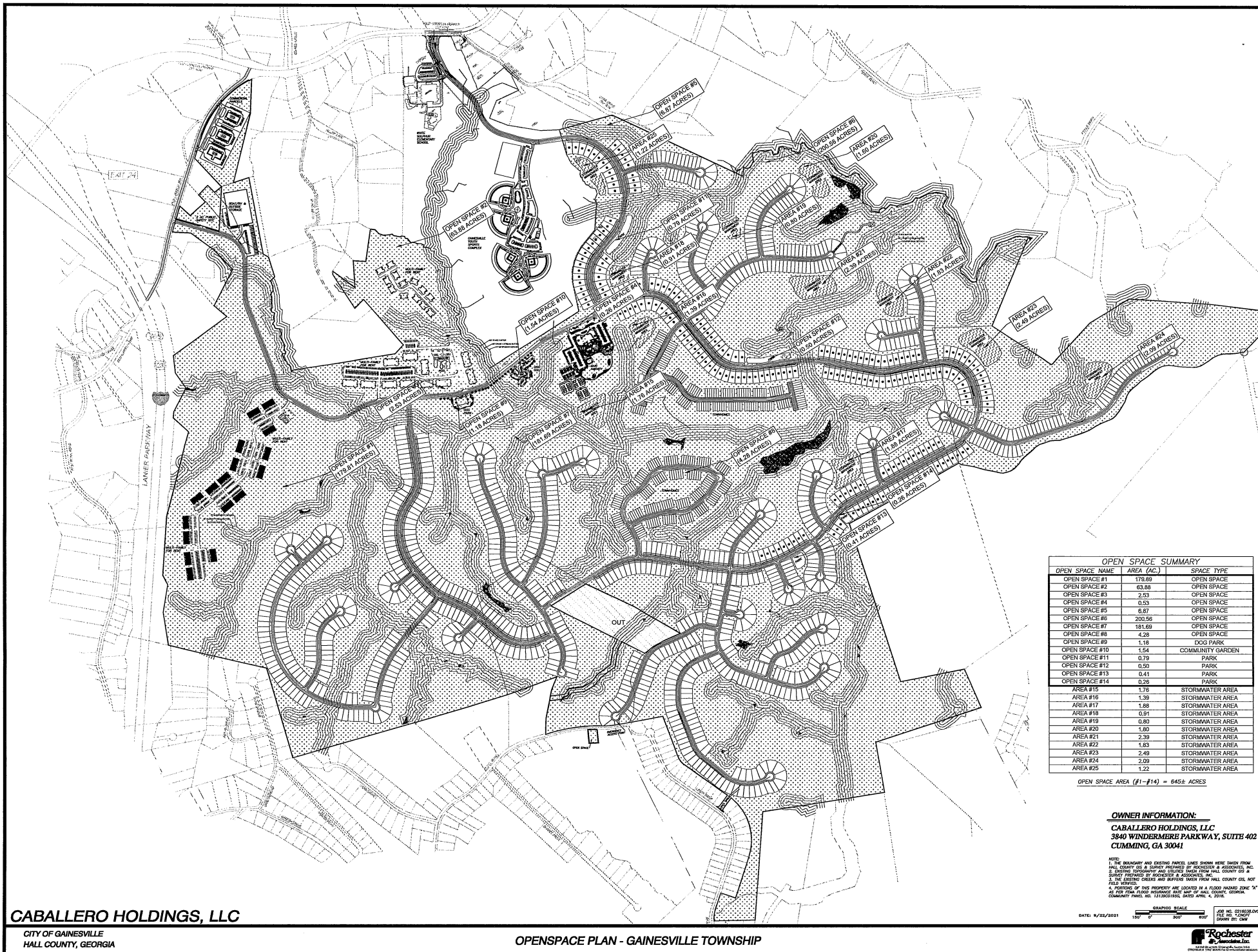
DATE: 9/22/2021 NOT TO SCALE

JOE INC. 02162021000
 FILE NO. 1000000
 CROWN BY CHM



CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
 HALL COUNTY, GEORGIA



Date Submitted: 10/4/2021

Presenter: Matt Tate

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

Meeting Date: 11/9/2021

Purpose of Request:

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

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with five conditions. 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
☐ Narrative	Backup Material
☐ Master plan	Backup Material
☐ Existing plan	Backup Material

- ▣ Parking layout
- ▣ Surveys

Backup Material
Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Atlanta Botanical Garden, Inc.
Locations..... 115 Barrett Street, 102, 104 and 106 Gary Street; 213, 301, 303 and 305 Lake Hill Drive; 0, 100, 101, 102, 103, 104, 105, 106, 107, 109 and 111 Randall Street; 0 Riverbend Circle; 103 Gary Street; 1662 Roper Hill Road
Request..... Annex with P-U-D zoning
Rezoning from R-II and G-B to P-U-D
Size Annexation: 17.032± acres
Rezoning: 20.695± acres
Ward..... Two
Proposed Use..... Atlanta Botanical Garden expansion
Planning Division Staff Recommendation **Approval, with conditions**
Date..... November 9, 2021

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

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

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

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

Annexation

The properties consist of 17.032± acres and are zoned Residential-I (R-I) in Hall County. Tract 1 is 10.237± acres in size and contains 18 parcels including all of Gary Street and part of Randall Street. The properties are located on the west side Lake Hill Drive and are part of an existing county unincorporated island. Most of the properties are heavily wooded and contain numerous residential structures that will be removed. Immediate plans include providing access and parking off of Lake Hill Drive to serve the existing amphitheater.

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

Rezoning

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

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

▪ **Adjacent Land Use and Zoning**

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

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

▪ **Zoning History**

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

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

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

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

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

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

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

▪ **Staff Analysis**

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

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

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

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

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

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

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

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

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

The *Limestone Medical Corridor* character area is envisioned as an employment corridor and not anticipated to expand Gainesville's traditional neighborhood fabric, but there is space for housing development. Limestone Creek is a sensitive environment and should be buffered and protected from new development. There should be a focus on preservation of existing character through an adaptive reuse where feasible. Land uses supported in the character area are public / institutional, low-density residential, medium-density residential, multi-family residential, mixed-use, commercial, and parks / recreation / conservation.

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

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

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

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

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

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

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

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

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

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

Based on the Comprehensive Plan and the adjacent mixture of uses, the proposal with the recommended conditions appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

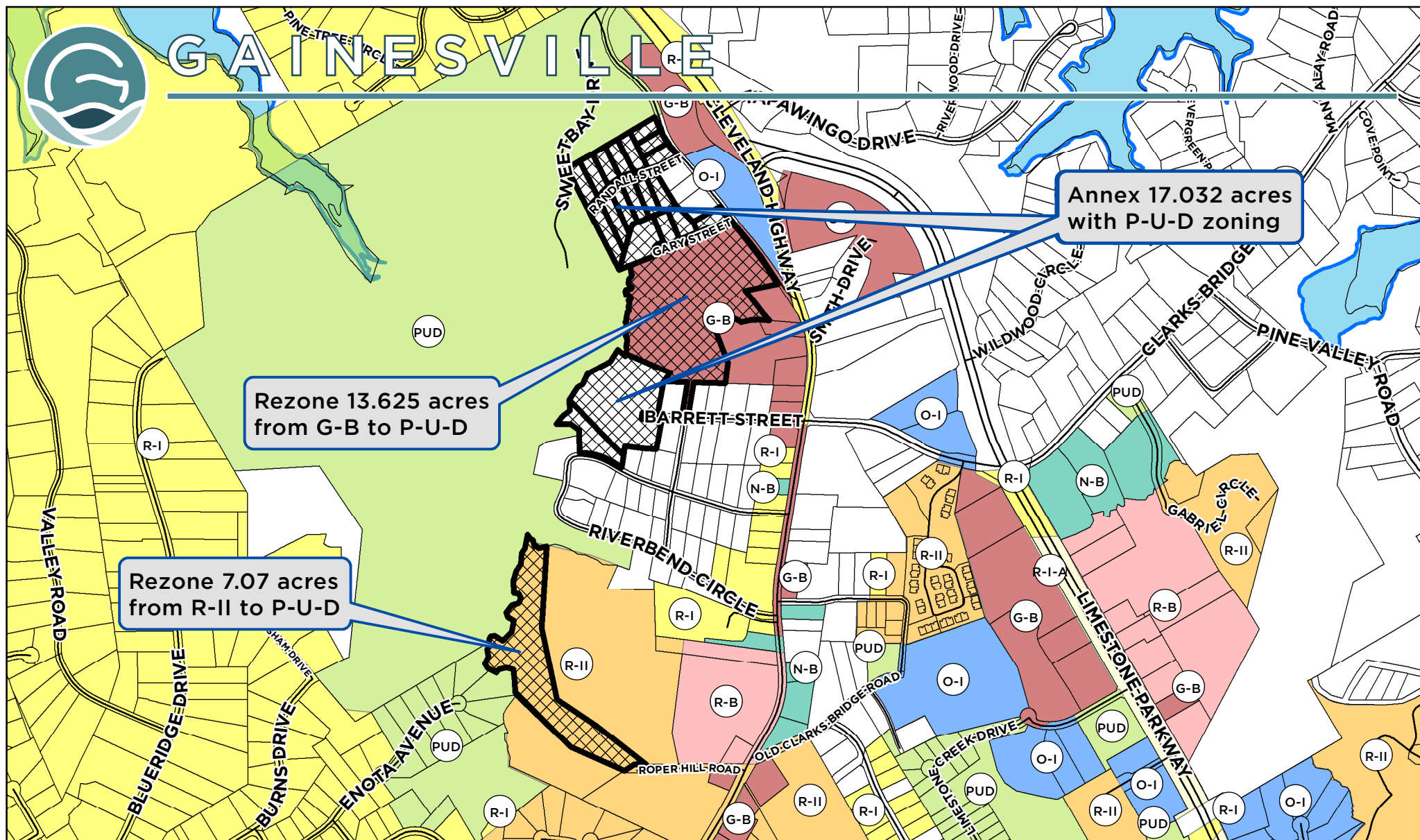
The Planning Division staff is recommending **conditional approval** of the annexation and rezoning request based on the Comprehensive Plan and the adjacent mixture of uses.

Conditions

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



GAINESVILLE



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

ANNEXATION & REZONING REQUESTS

Subject Property Address:
See attached addresses for each request

Tax Parcel:
See attached tax parcel numbers for each request

Request:

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



Subject Property



Right-of-way to be annexed

Aerial from 2018



Meeting Date: 11/09/2021

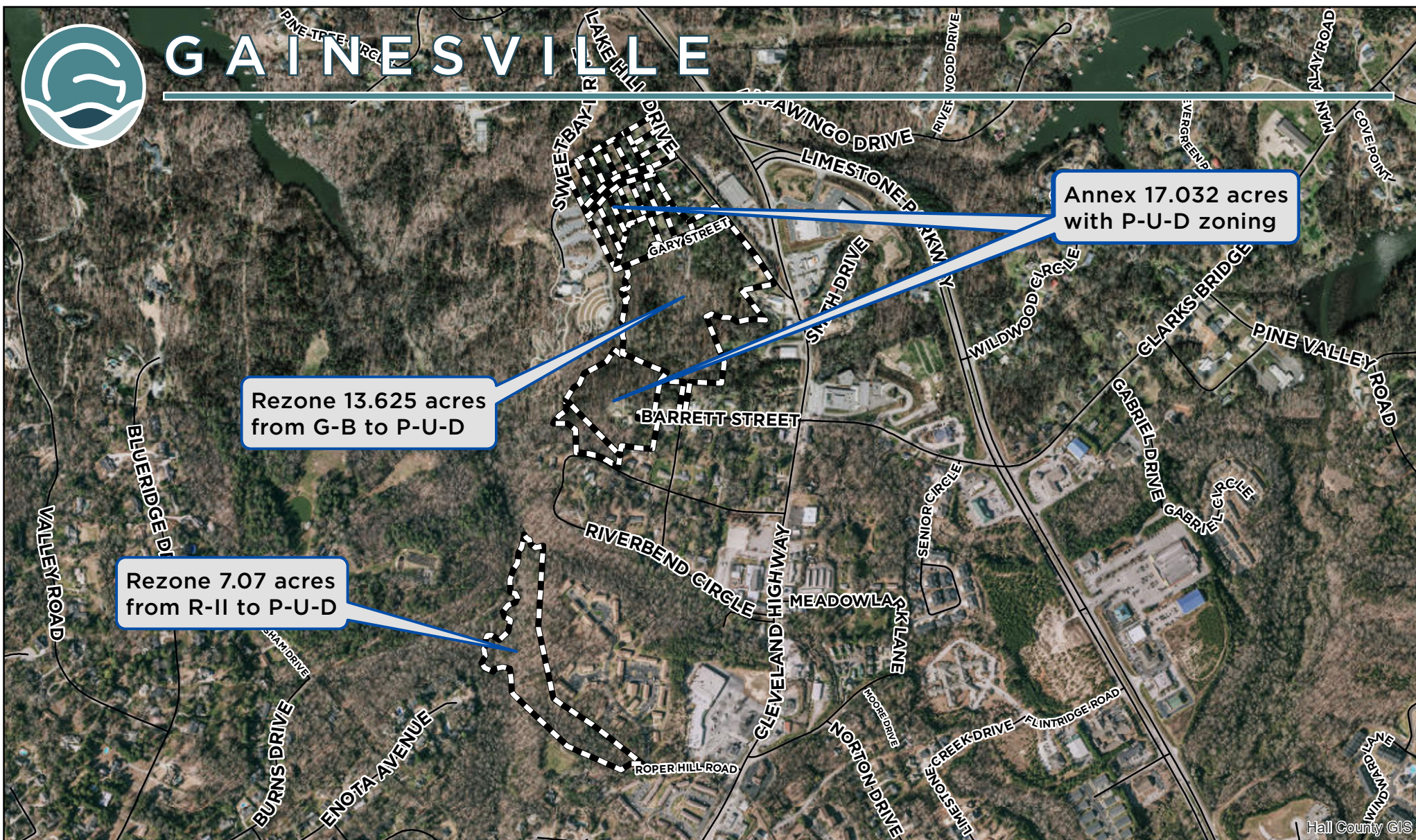
Map Prepared: 09/30/2021

0 490 980 Feet
Page 97 of 171

SCALE: 1" = 833'



GAINESVILLE



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

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

ANNEXATION & REZONING REQUESTS

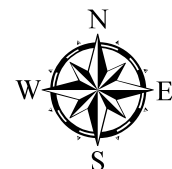
Subject Property Address:
See attached addresses for each request

Tax Parcel:
See attached tax parcel numbers for each request



Subject Property and
Right-of-way to be annexed

Aerial from 2018



Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

0 490 980 Feet
Page 98 of 171

SCALE: 1" = 833'

Project Narrative – Re-Zoning

LOCATION – Barrett Street, Lakehill Drive, Gary Street & Roper Hill Road

ACREAGE – 20.695 acres +/-

APPLICANT – The Atlanta Botanical Garden, Inc.

Summary

The accompanying application seeks a zoning change from R-II & G-B to PUD (Planned Residential Development) for 20.695 acres +/- of undeveloped property in two separate tracts. The R-II zoned parcel is located at the western end of Roper Hill Road, approximately 600' west of its intersection with Cleveland Highway (US 129). The G-B zoned parcel is located approximately 100 feet northwest of the Lakehill Drive & Cleveland Highway (US 129) intersection. The intent is to add additional property to the existing Atlanta Botanical Garden – Gainesville Campus for future expansion. The proposed use is appropriate for the City's vision of this area as a Gateway to the "Smithgall Botanical Garden" as identified in the 2017 Comprehensive Plan. Planned expansions will be phased in based on need and funding opportunities. .

Site Description

The site consists of two parcels, one located on Roper Hill Road and one located on Lakehill Drive. In addition, where the lots are separated by right-of-way, the right-of-way is included as part of this application.



Adjacencies

The R-II property is surrounded by other R-II properties or property under common ownership with The Atlanta Botanical Garden. The G-B property is surrounded by R-I, other G-B property or property under common ownership with The Atlanta Botanical Garden.

Access

Access to the property is planned from existing Roper Hill Road, Lakehill Drive and from the existing Atlanta Botanical Garden property.

Comprehensive Plan Consistency

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

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

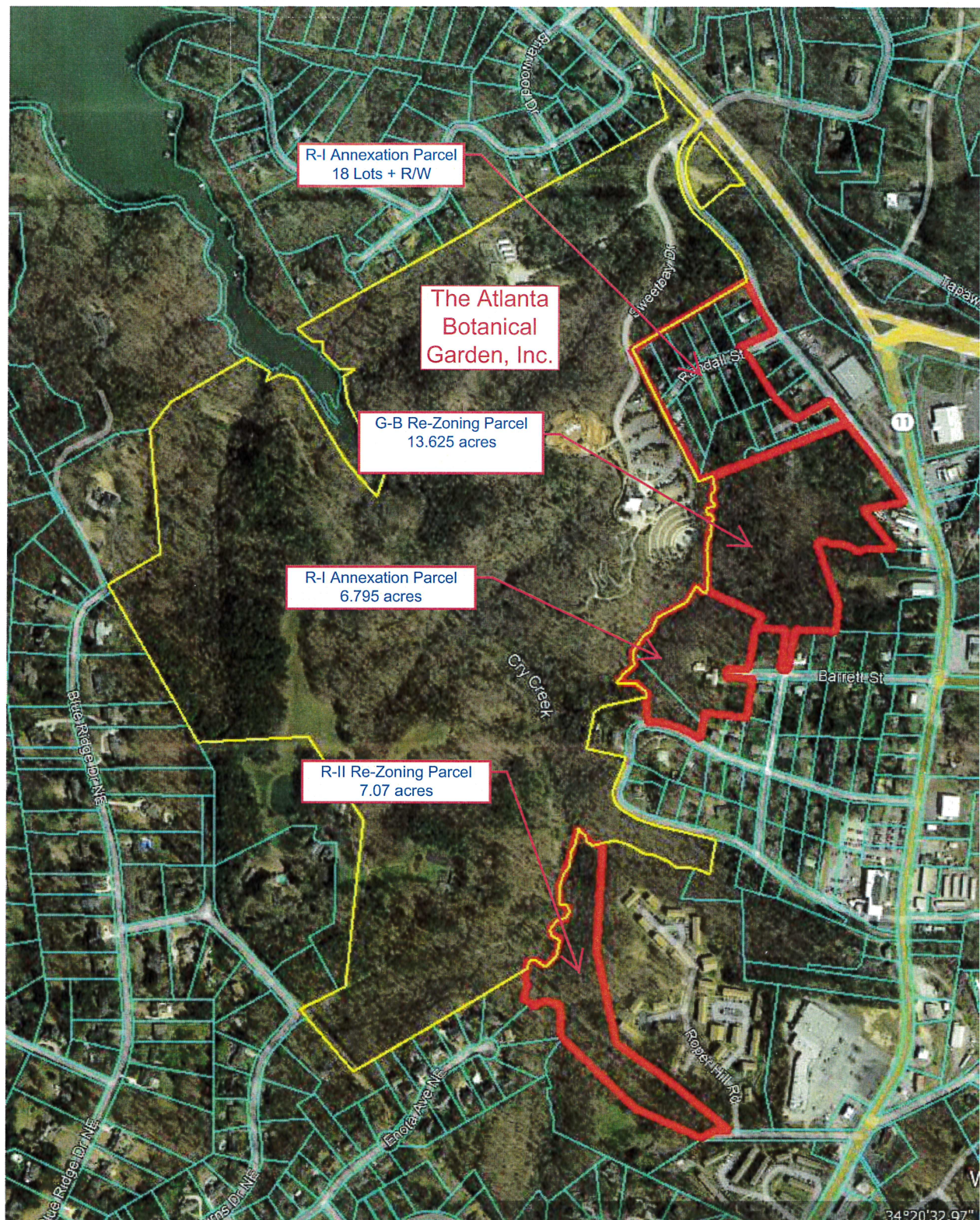
- Entry Lane
- Visitors Center
- Parking Area
- Enchanted Woodland Garden
- Amphitheater
- Children’s Garden
- Waterfall Trail
- Native Plants Ravine
- Asian Valley
- Education Center
- Event Center and associated facilities

Lighting, Signage & Graphics

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

Setbacks

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



About the Site

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

Proposed Land Uses

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

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

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

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

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

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

Future Expansion:

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

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

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

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

Site Access

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

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

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

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

Signage

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

Setbacks

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

Special Requirements for Smithgall Arboretum

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

- [illegible]

SURVEY CONTACT:
ROCHESTER & ASSOCIATES, INC.
RICK MILLARD, RLS
(770) 718-0600

Rochester
& Associates, Inc.

425 Oak Street N.W., Gainesville, Georgia 30601
(770)718-9990 Fax: www.rochester-usoc.com

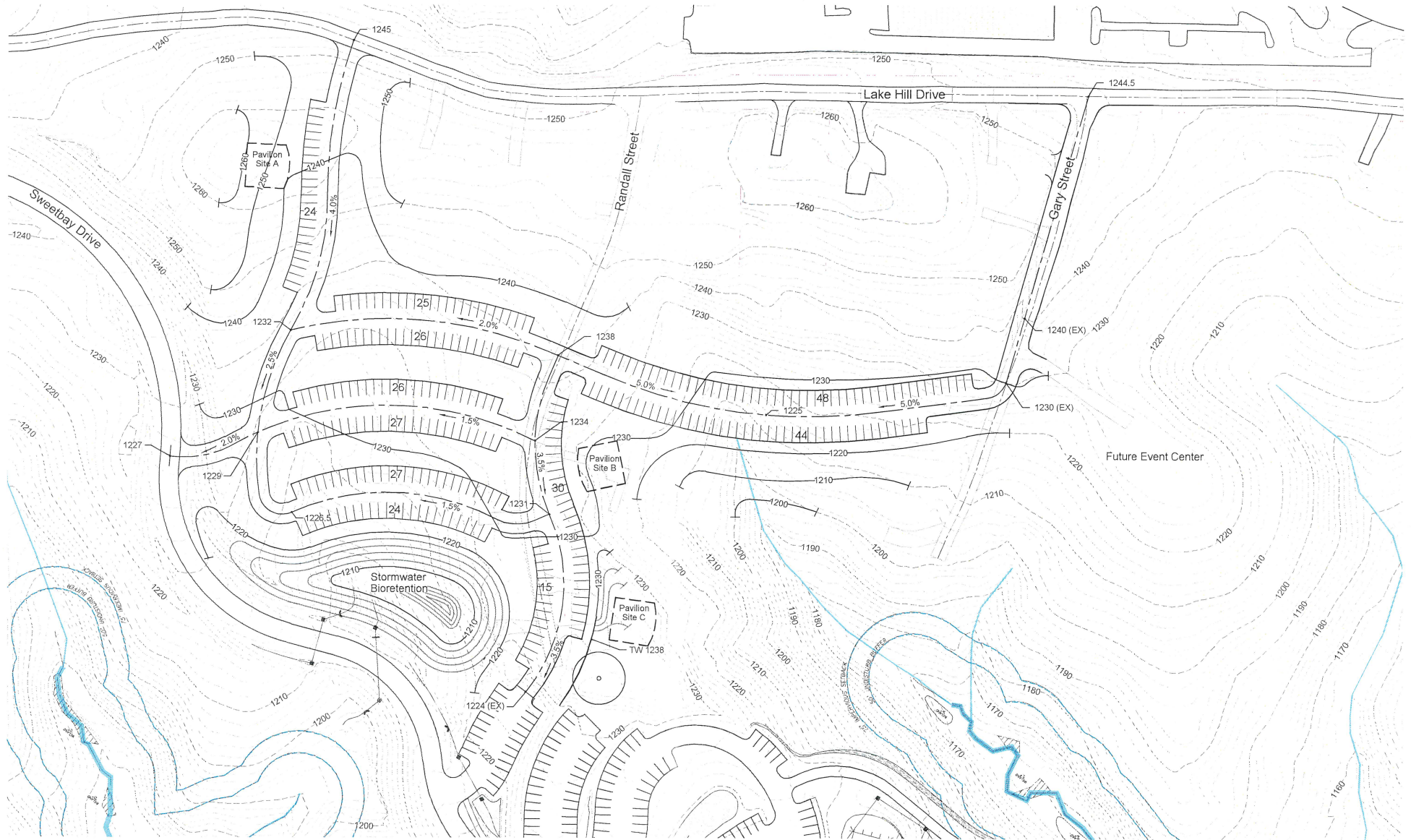
OVERALL CONCEPT PLAN
FOR :
SMITHGALL WOODLAND GARDEN

LOCATED IN
LAND LOTS 126, 127, 130,
9th DISTRICT
CITY OF GAINESVILLE, HALL COUNTY.

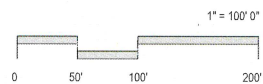
THIS CONSOLE OR ANY PART THEREOF SHALL BE THE PROPERTY OF THE U.S. GOVERNMENT AND SHALL BE LOANED TO YOU BY THE U.S. GOVERNMENT. IT IS TO BE USED ONLY FOR THE PURPOSES AUTHORIZED BY THE U.S. GOVERNMENT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE U.S. GOVERNMENT.	
GRAPHIC SCALE	
100' 0' 200' 400'	
NO.	DATE
DESCRIPTION	
REVISIONS	

SHEET
1
OF
1

DATE: 11/2/11
SCALE: 1" = 200'
JOB NO: C202149.SWC.00
FILE NO: *.SWC.CHST.PRO
DRAWN BY: SWC



Atlanta Botanical Garden



Conceptual Parking Layout

August 2, 2021

Parking Summary:

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

Property Legend

ABGG Current Ownership
 ABGG Future Ownership

THIS BLOCK RESERVED FOR THE
FIELD OF THE SURVEYOR



LEGEND

- AC - ALTIMETER
- REF - REFERENCE EVIDENCE FOUND
- CH - CHAIN LINE
- CONG - CONCRETE
- CO - CO - USED BOOK PAGE
- 1/2" - 1/2" PIN SET (1/2" BEARING)
- 1/4" - 1/4" PIN SET
- 1/8" - 1/8" PIN SET
- 1/16" - 1/16" PIN SET
- 1/32" - 1/32" PIN SET
- 1/64" - 1/64" PIN SET
- 1/128" - 1/128" PIN SET
- 1/256" - 1/256" PIN SET
- 1/512" - 1/512" PIN SET
- 1/1024" - 1/1024" PIN SET
- 1/2048" - 1/2048" PIN SET
- 1/4096" - 1/4096" PIN SET
- 1/8192" - 1/8192" PIN SET
- 1/16384" - 1/16384" PIN SET
- 1/32768" - 1/32768" PIN SET
- 1/65536" - 1/65536" PIN SET
- 1/131072" - 1/131072" PIN SET
- 1/262144" - 1/262144" PIN SET
- 1/524288" - 1/524288" PIN SET
- 1/1048576" - 1/1048576" PIN SET
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REFERENCE PLATS

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

SURVEY NOTES

2. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.

3. THE HORIZONTAL DATA FOR THIS STUDY IS THE NORTH AMERICAN DATUM OF 1983 (NAD 83) GEODIC WEST ZONE) AND THE VERTICAL DATUM USED IS THE NORTH AMERICAN DATUM OF 1983 (NAVD83) AS DETERMINED BY U.S. NAVY. THE EQUIPMENT USED TO OBTAIN THIS DATA HAS A DATA PROCESSING MODULE THAT CAN STORE AND RECOVER A TRIMBLE 2500 DATA COLLECTION RECEIVER, THE CORRELATION VIA A WIRELESS NETWORK FROM DATA STATIONS OPERATED BY THE NAVY. HOWEVER, THE AVERAGE RELATIVE POSITIONING ACCURACY DETERMINED BY THE DATA COLLECTION EQUIPMENT IS 10 METERS. THE DATA COLLECTION EQUIPMENT'S METADATA VALUES ARE STORED IN THE DATA COLLECTION SOFTWARE. THE INFORMATION OF THE FIELD DATA WAS MANIPULATED INTO CONVENTIONAL EQUIPMENT AS DESCRIBED ABOVE.

4. THIS SURVEY WAS PREPARED WITHOUT THE DUTY OF A CURRENT TITLE COMMITMENT THEREFORE ACCEPTANCE IS MADE HEREIN TO ANY ENCUMBRANCES, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, WHICH MAY EXIST. FURTHERMORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY, OR INTERESTS, WHICH ARE NOT RECORDED OR NOT DISCLOSED BY THE TITLE COMMITMENT OR OTHERWISE KNOWN TO THE SURVEYOR. THEREFORE ACCEPTANCE IS TAKEN TO ANY SUCH RISKS.

3. MU IDENTIFIED AND DEMARKED WETLANDS WERE OBSERVED DURING THE COURSE OF THE FIELD SURVEY. HOWEVER THE SURVEYOR DID NOT DO A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE. THEREFORE EXCEPTION IS MADE HEREIN TO ANY WETLANDS THAT MAY EXIST WITHIN THE BOUNDARY OF THIS SITE.

THE CENTERLINE OF DRECK AS FIELD LOCATED 08-23-2011 IS THIS PROPERTY LINE. BOUNDARY MARKER BOUNDARIES ARE SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND IT MAY OR MAY NOT REPRESENT THE ACTUAL LOCATION OF THE LIMIT OF TITLE.

7. NO PORTION OF THIS PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA AS PER FEMA FLOOD INSURANCE RATE MAPS OF THIS COUNTY, GEORGIA AS SHOWN ON MAP NUMBER 130283 PANEL 0179 D DATING A REVISION DATE OF APRIL 4, 2018.

It, during the field survey performed on this site there were no visible above ground evidence of a human burial area or cemetery discovered. However, this surveyor did not perform a thorough inspection of the interior of this site. Therefore, exception is made, intention to any human areas or generally that may exist within the boundaries of this site.

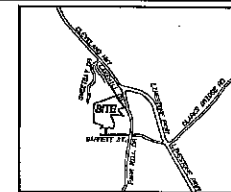
8. ALL PROPERTY CODES REFERENCED AS "MS" INDICATES A 1/2" REBAR PLACED WITH A YELLOW PLASTIC CAP STAMPED "WOOLSTEIN-LSF000486", UNLESS OTHERWISE NOTED.

DO. THEY PLAY AN OPEN TACTICAL GAME OF THE SORTS KNOWN TO SOME OF THE
PARTIES AS AN OPEN GAME.

18. ALL DISTANCES AS SHOWN ARE HORIZONTAL DISTANCES IN U.S. SURVEY FEET (0.3048 METERS = 1 METER)

12. INTEROP. AGREEMENTS EXIST WHICH ARE NOT SHOWN HEREIN.

13. THE PURPOSE OF THIS SURVEY IS TO RETRACE EXISTING PARCELS HEREON IN AN EFFORT TO RECONSTRUCT ALL PARCELS INTO ONE TRACT OF LAND.



VICINITY MAP
(175)

CALL TABLE		
LINE/ENTRY	NUMBER BROWSE	CLICKS/ENTRY
11	53575047	453.34
12	53575047	767.01
13	53575134	238.08
14	53575134	77.58
15	53575134	515.70
16	53575134	254.04
17	53575134	254.56
18	53575134	108.11
19	53575134	89.23
20	53575134	704.13
21	53575134	184.41
22	53575134	367.2
23	53575134	184.60
24	53575134	149.04
25	53575134	76.14
26	53575134	588.19
27	53575134	3.77
28	53575134	6.51
29	53575134	28.19
30	53575134	45.21

CHA. TABLE		
LAB/JOINT	DRIVE METHOD	DRIVE LENGTH
121	W17X17.5	15.79
124	W16X21.5	3.81
125	W16X21.5	3.81
126	W16X21.5	14.32
127	W16X21.5	7.62
128	W16X21.5	3.36
127	W17X17.5	23.87
128	W16X21.5	3.81
130	W16X21.5	16.11
131	W16X21.5	10.70
132	W17X21.5	25.93
133	W16X21.5	14.86
134	W16X21.5	23.63
135	W16X21.5	16.53
136	W17X21.5	34.25
137	W16X21.5	8.94
138	W16X21.5	35.65
139	W17X21.5	28.68
140	W16X21.5	14.15

CALL NUMBER	CHORD NUMBER	CHORD LETTER
141	N20°04'00"E	19.06
142	N18°02'49"W	14.06
143	N04°50'35"E	25.28
144	N38°31'19"W	18.02
145	N71°00'14"E	174.85
146	N23°12'00"E	254.00



Rochester
& Associates, Inc.
425 Oak Street N.W., Gainesville, Georgia 30501

ATLANTA BOTANICAL GARDENS

GRADED SCALE		NO. DATE DESCRIPTION	
1	200'		
2	180'		
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100	200'		



DATE: 9/23/2021
SCALE: 1" = 10'
JOB NO.: C22149.022
DRAWN BY: NGA
CHECKED BY: NGA

Date Submitted: 10/15/2021

Presenter: Matt Tate

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

Meeting Date: 11/9/2021

Purpose of Request:

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

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with three conditions. 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
☐ Narrative	Backup Material
☐ Survey	Backup Material
☐ Site Plan	Backup Material
☐ Photograph	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

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

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

Size Annexation: 0.572± acre
Rezoning: 0.55± acre

Ward..... Four

Proposed Use..... Poultry processing plant expansion

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

Date..... November 9, 2021

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

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

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

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

Annexation

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

Rezoning

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

▪ **Adjacent Land Use and Zoning**

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

▪ **Zoning History**

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

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

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

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

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

▪ **Staff Analysis**

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

The surrounding uses include mostly heavy industrial uses which involve poultry processing. The subject property has functioned as a poultry processing facility for approximately 60 years. Except for the adjacent Residential-II (R-II) zoned Melrose Apartments to the north, the surrounding

properties are zoned Heavy Industrial (H-I) and Planned Unit Development (P-U-D) and are nonresidential.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Based on the Comprehensive Plan and the adjacent industrial uses, the proposal with the recommended conditions appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

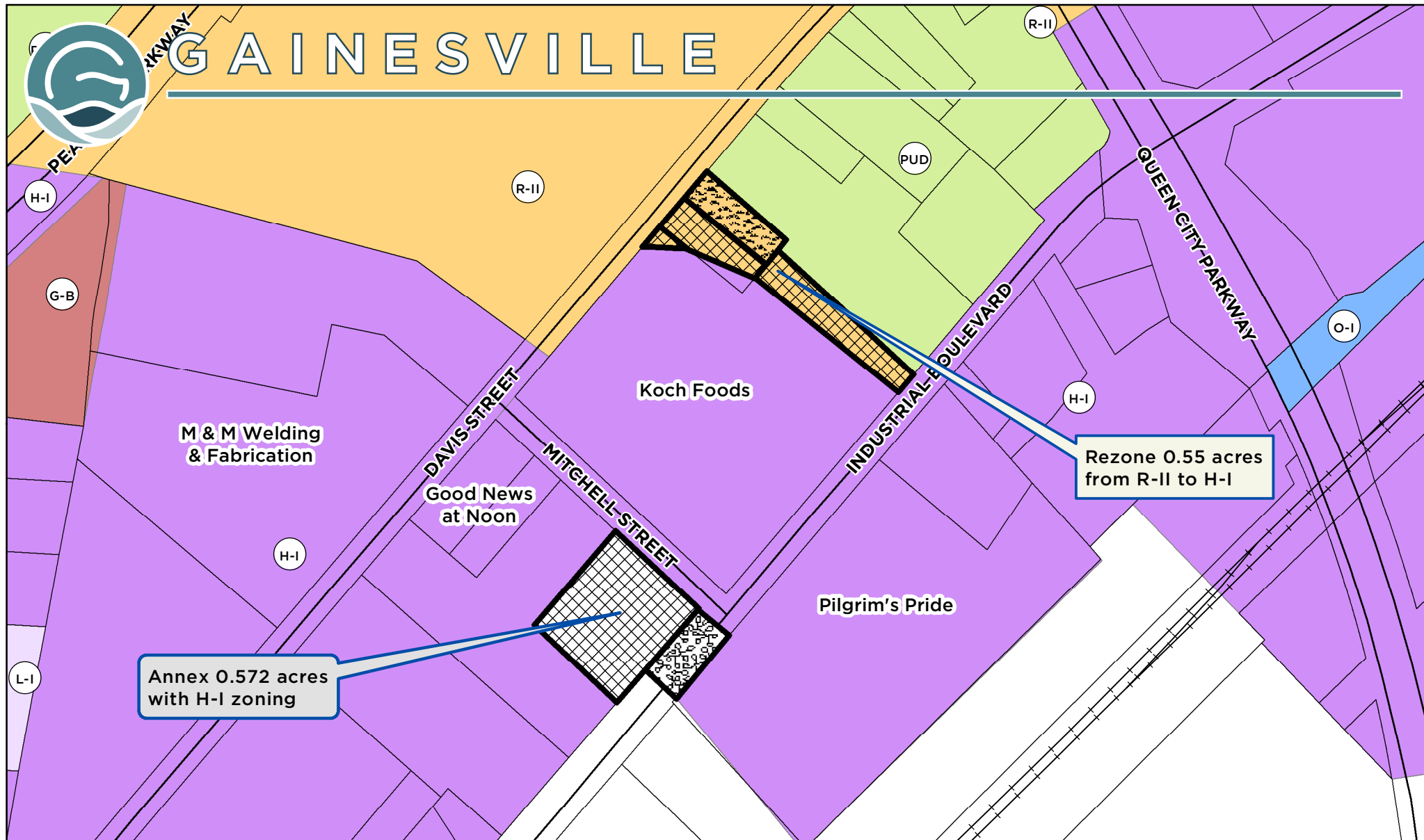
The Planning Division staff is recommending **conditional approval** of the annexation and rezoning request based on the Comprehensive Plan and the adjacent industrial uses.

Conditions

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



GAINESVILLE



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

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

ANNEXATION & REZONING REQUESTS

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

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



Subject Property



Right-of-way
to be annexed



Right-of-way
to be rezoned



Meeting Date: 11/09/2021

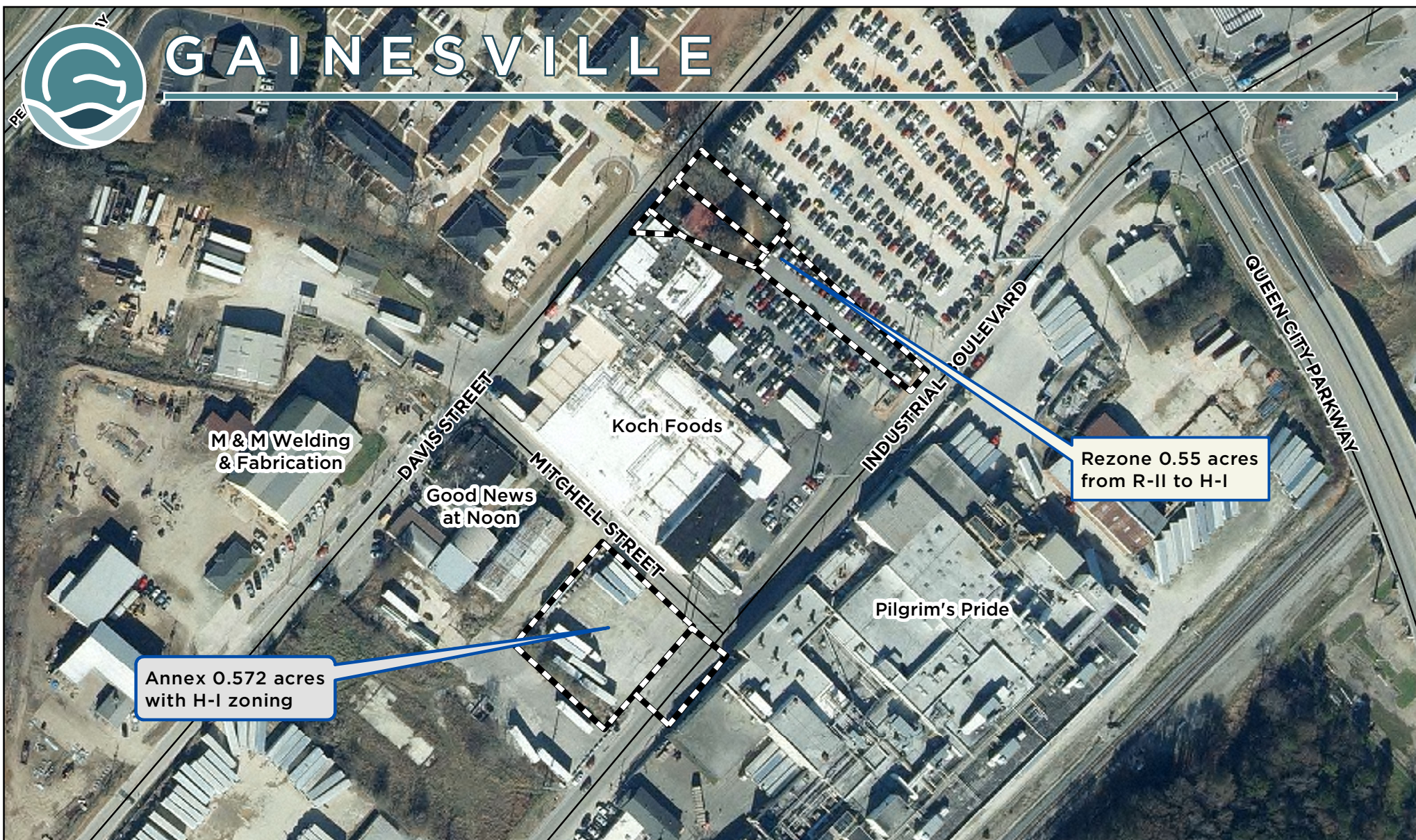
Map Prepared: 09/30/2021

0 100 200 Feet
Page 119 of 171

SCALE: 1" = 182'



GAINESVILLE



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

ANNEXATION & REZONING REQUESTS

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

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

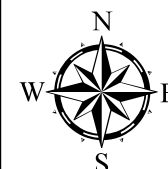
Request:

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



Subject Property and ROW to be annexed or rezoned

Aerial from 2021



Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

0 90 180 Feet
Page 126 of 171

SCALE: 1" = 167'

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

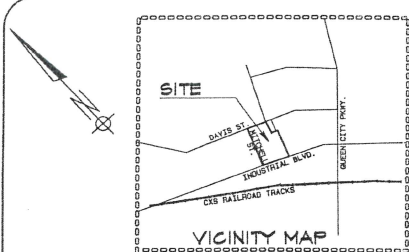
911, 913 & 915 Davis Street: 950 Industrial Boulevard
Gainesville, Georgia 30501

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

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

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

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



ZONING DATA

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

LEGEND

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

GENERAL NOTES

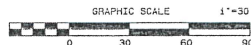
1. The field data upon which this survey is based has a closure precision of one foot in 40,217 feet and an angular error of 7.50 seconds per angle point and was adjusted using the Compass Rule.
2. The survey has been calculated for closure and is found to be accurate within one foot in 156,477 feet.
3. Field information for this survey was obtained with a SET 40 Total Station Theodolite.
4. The survey was based on items listed in Part II - Schedule B of Chicago Title Insurance Company's Commitment No. 1001, dated November 24, 2001 at 5:00 p.m.
5. THESE ITEMS ARE NOT SURVEY RELATED.
Item 3(c): Easement from City Ice Co. to Georgia Power Company, dated May 7, 1966, filed for record May 8, 1966 at B: 45 a.m., recorded in Deed Book 186, Page 246.
Records of Hall County, Georgia
THIS DOCUMENT GIVES GEORGIA POWER COMPANY THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN LINES FOR TRANSMITTING ELECTRIC CURRENT TO THE PROPERTY, BUT EXACT LOCATION CAN NOT BE DETERMINED.
Item 3(d): Easement from City Ice Company to Georgia Power Company, dated November 23, 1966, filed for record December 3, 1966 at 8:00 a.m., recorded in Deed Book 330, Page 174, aforesaid records.
THIS DOCUMENT GIVES GEORGIA POWER COMPANY THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN LINES FOR TRANSMITTING ELECTRIC CURRENT TO THE PROPERTY, BUT EXACT LOCATION CAN NOT BE DETERMINED.
Item 3(e): Easement from Grass Foods, Inc. to Georgia Power Company, dated March 8, 1990, filed for record March 8, 1990 at 10:00 a.m., recorded in Deed Book 1448, Page 10, aforesaid records.
THIS DOCUMENT GIVES GEORGIA POWER COMPANY THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN LINES FOR TRANSMITTING ELECTRIC CURRENT TO THE PROPERTY, BUT EXACT LOCATION CAN NOT BE DETERMINED.
Item 3(f): Easements, if any, reserved by the City of Gainesville over, through, under and across Penny Street to construct, alter, maintain, and repair utilities located on said property.
PENNY STREET ABANDONED FROM HERE SHOWN TO INDUSTRIAL BOULEVARD. THE CITY OF GAINESVILLE MAY HAVE RESERVED A UTILITY EASEMENT FOR THE AREA ABANDONED.
Item 3(g): All matters which would be disclosed by a current and accurate survey and visual inspection of the subject property.
THIS ITEM IS SELF-EXPLANATORY.
5. The Hall County, Georgia Tax Map shows a 12 foot by 125 foot alley in this approximate location, which apparently exists. However, the legal description for this parcel includes the alley within the property.
6. The legal description for the property states the right-of-way for Industrial Boulevard to be 16.17 feet from the centerline. In conversations with the City, they only claim 30 feet total right-of-way.
7. The site was visited on December 20, 2001. At that time we observed no evidence of earth moving work, building construction or building additions within recent months.
8. The site was visited on December 20, 2001. At that time we observed no evidence of recent street or sidewalk construction repairs. Hall County has no improvement plans available for streets fronting this parcel of land.
9. The site was visited on December 20, 2001. At that time we observed no evidence of the site being used as a solid waste dump, dump or sanitary landfill. Please note that we are surveyors and not Environmental Scientists or Engineers. To the extent of the lack of these services, an Environmental Assessment I study should be performed by a qualified Environmental Scientist or Engineer.

STATEMENT OF ENCROACHMENTS

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

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

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



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FLOOD NOTE: By graphic plotting only, this property is in Zone X of the Flood Insurance Rate Map, Community Panel No. 130468 0010 C, which bears a revised date of April 17, 1995, and is not in a Special Flood Hazard Area. By telephone call dated December 21, 2001 to the Engineering Division, FEMA (800-368-5820) we have learned this community does currently participate in the National Flood Insurance Program. To determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT AT THE INTERSECTION OF THE RIGHTS AND MITCHELL STREET 15 FEET FROM CENTERLINE (SAYED BEING THE POINT OF BEGINNING OF TRACT BEING DESCRIBED AND THENCE ALONG THE RIGHT OF WAY 150 FEET FROM CENTERLINE OF SAID DAVIS STREET NORTH 43 DEGREES 15 MINUTES 00 SECONDS EAST 308.49 FEET TO A POINT; THENCE LEAVE SAID RIGHT OF WAY, RUN SOUTH 47 DEGREES NORTH 43 DEGREES EAST 143.72 FEET TO A POINT; THENCE SOUTH 43 DEGREES 23 MINUTES 41 SECONDS EAST 240.00 FEET TO A POINT ON THE RIGHT-OF-WAY 16.17 FEET FROM THE CENTERLINE OF INDUSTRIAL BOULEVARD (CENTERLINE) OF SAID INDUSTRIAL BOULEVARD SOUTH 43 DEGREES 15 MINUTES 26 SECONDS WEST 399.07 FEET A POINT OF 15 FEET FROM THE CENTERLINE OF MITCHELL STREET; THENCE NORTH 43 DEGREES 15 MINUTES 10 SECONDS WEST 383.29 FEET TO THE POINT OF BEGINNING.

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

THE ABOVE DESCRIBED PROPERTY IS THE SAME PROPERTY DESCRIBED AND INSURED BY CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE NO. 1001, DATED NOVEMBER 24, 2001 AT 5:00 P.M.

ALTA/ACSM LAND TITLE SURVEY

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

1. The title of this survey is "ALTA/ACSM Land Title Survey, Grcko, B & C Project 20010854/ Site 2, 950 Industrial Boulevard, Gainesville, GA, County of Hall, State of Georgia".
2. The survey was made by the undersigned, a duly qualified and licensed surveyor, on or about the date of the survey, and the results of the survey are set forth in this report.
3. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
4. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
5. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
6. The survey was made in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 50, of the Official Code of Georgia Annotated, as amended.
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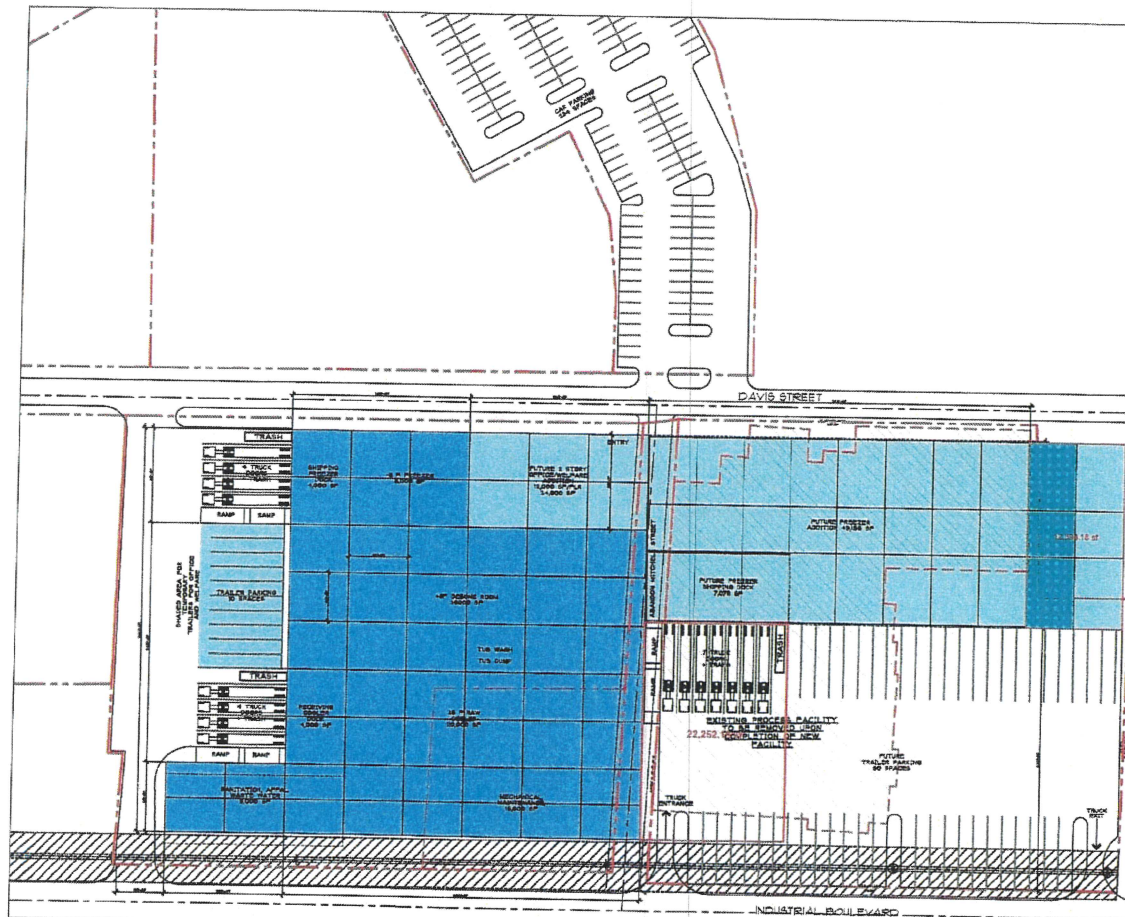
The undersigned has prepared and executed a copy of this report and the same is being filed with the Surveying and Mapping Board of the State of Georgia. The report is being filed with the Surveying and Mapping Board of the State of Georgia. The report is being filed with the Surveying and Mapping Board of the State of Georgia.



Survey Prepared by:
Beck & Clark, Inc.
517 Cemetery Street
Norcross, GA 30071
Phone: 770-449-8523
Fax: 770-449-1068
S-B 201612-10, 01-1310

SHEET 1 OF 1

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



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

DRAWING: FLOOR PLAN

UNITED INSULATED STRUCTURES, CORP.
1000 N. W. 10TH AVENUE, SUITE 100
FORT LAUDERDALE, FL 33304
TEL: (954) 576-1000
FAX: (954) 576-1001
WWW.UISC.COM

DATE: 01/11/2011
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

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

DATE: 01/11/2011
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

A2.0

Existing Facility



Date Submitted: 10/4/2021

Presenter: Matt Tate

Item of Business: Request from **Caballero Holdings, LLC** to amend an existing Planned Unit Development (P-U-D) zoning totaling 981.661± acres located east of Lanier Parkway (I-985), south of the intersection of Old Cornelia Highway and Dana Drive, south of Floyd Road and east of its terminus, having road frontage on the east side of Lenox Drive (a/k/a **0, 2490 and 2544 Floyd Road, SE; 0 Lenox Drive, SE; 0 Old Cornelia Highway, SE**).
 Ward Number: Three
 Tax Parcel Number(s): 15-021-000-164; 15-022-000-003M, 004, 034 and 086; 15-033-000-001
 Request: Master planned mixed-use community

Meeting Date: 11/9/2021

Purpose of Request:

The applicant is proposing to amend an existing 981.661± acres property zoned Planned Unit Development (P-U-D) for a mixed-use community.

The proposed development known as "Gainesville Township" will include a total of 1,122 acres, 1,414 single-family detached homes, 311 townhomes, 640 multi-family units and up to 75,000 square feet of commercial space. The residential uses include single-family homes ranging from a minimum of 1,200 to 1,800 square feet; townhomes ranging from a minimum of 1,100 to 1,400 square feet; and multi-family. Development will contain a variety of different housing types and sizes and price points for all ages. A variety of community amenities are planned and 645± acres will remain as open space. Two points of access are proposed from Old Cornelia Highway. The primary access will be from the new road serving the future "The Coop" Athletic Complex. All streets that are not gated are intended to be maintained by the City. Solid waste pick-up will be provided by the City as well.

The property is located within the North Oconee Water Supply Watershed Protection Overlay Zone. The surrounding uses include undeveloped land, the future Melvin Cooper "The Coop" Athletic Complex, single-family homes, church, gas station, package store, Rabbit Town Café, Avita Behavioral Health Facility and White Sulphur Elementary School.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

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:

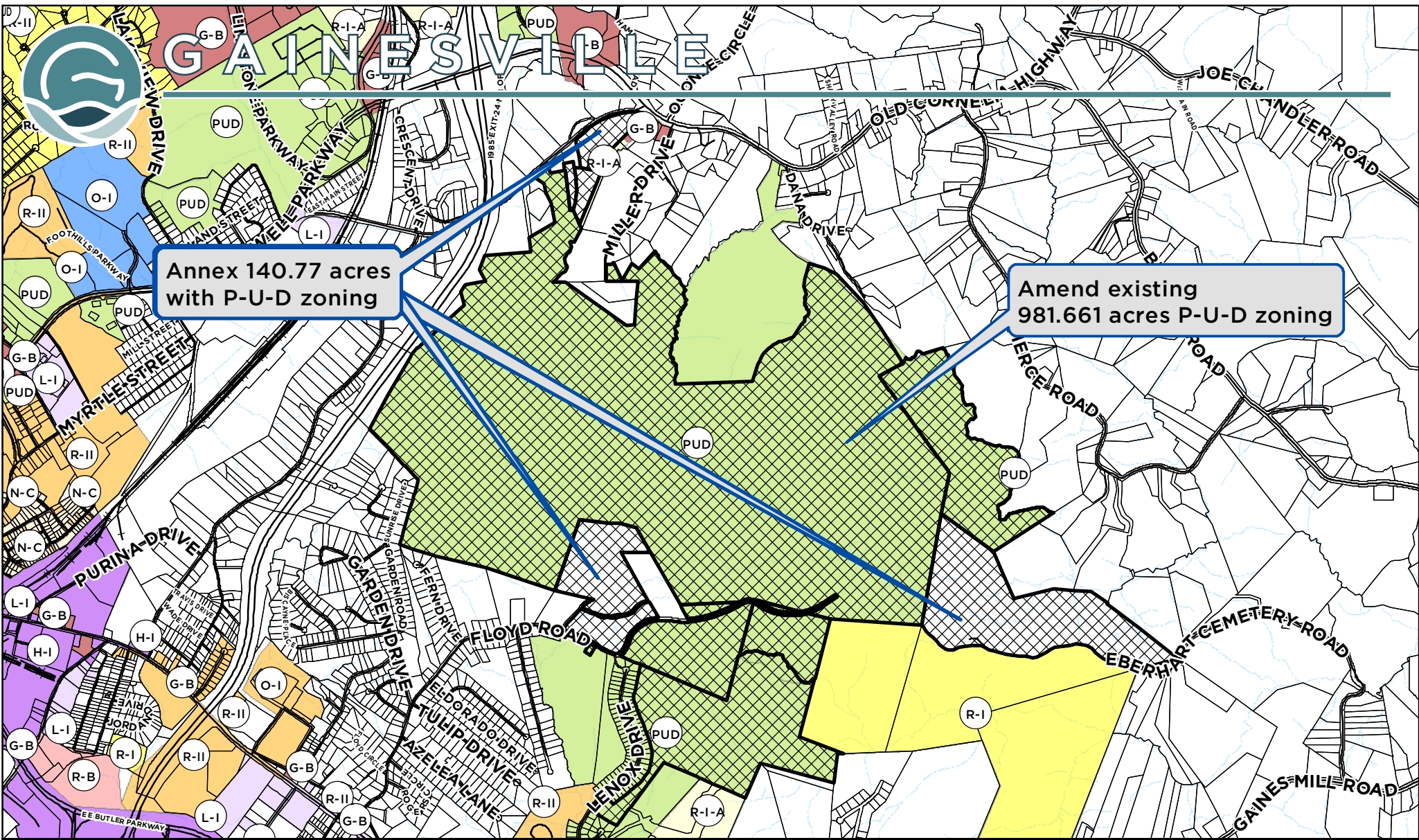
ATTACHMENTS:

Description

Type

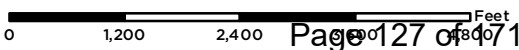
- Location Maps
- Narrative
- Site Plans
- Annexation Parcels

- Backup Material
- Backup Material
- Backup Material
- Backup Material



Applicant: CABALLERO HOLDINGS, LLC		Request: Annex 140.77+/- acres tract and establish zoning as Planned Unit Development (P-U-D); and Amend existing Planned Unit Development (P-U-D) zoning on a 981.661+/- acres tract for a master planned mixed-use development	
ANNEXATION & ZONING AMENDMENT REQUEST			
Subject Property Address: 0, 2166, 2170 & 2210 Old Cornelia Hwy, SE; 0, 2465, 2490 & 2544 Floyd Road, SE; 0 Lenox Drive, SE; & 0 Eberhart Cemetery Rd.		Tax Parcel: 15-021-000-164; 15-022-000-001B, 003 (Part), 003M, 004, 034 & 086; 15-033-000-001; 15-033B-000-022, 024 & 026A	
Meeting Date: 11/09/2021		Map Prepared: 09/30/2021	
		Page 127 of 171	

 Subject Property



SCALE: 1" = 2,000'





GAINESVILLE

Annex 140.77 acres
with P-U-D zoning

Amend existing
981.661 acres P-U-D zoning

Applicant: **CABALLERO HOLDINGS, LLC**

ANNEXATION & ZONING AMENDMENT REQUEST

Subject Property Address:
0, 2166, 2170 & 2210 Old Cornelia Hwy, SE;
0, 2465, 2490 & 2544 Floyd Road, SE;
0 Lenox Drive, SE; & 0 Eberhart Cemetery Rd.

Tax Parcel:
15-021-000-164; 15-022-000-001B,
003 (Part), 003M, 004, 034 & 086;
15-033-000-001; 15-033B-000-022,
024 & 026A

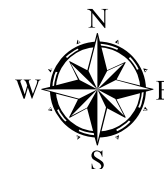
Request:

Annex 140.77+/- acres tract and establish zoning as Planned Unit Development (P-U-D); and Amend existing Planned Unit Development (P-U-D) zoning on a 981.661+/- acres tract for a master planned mixed-use development



Subject Property

Aerial from 2018



Meeting Date: 11/09/2021

Map Prepared: 09/30/2021

0 1,200 2,400 Feet
Page 128 of 171

SCALE: 1" = 2,000'

GAINESVILLE TOWNSHIP

a

Planned Unit Development

Gainesville, Georgia

September 24, 2021

DRAFT



**Caballero Holdings, LLC
3840 Windermere Parkway
Cumming, Georgia 30041**

PROJECT OVERVIEW

of Gainesville Township

Gainesville Township is a master planned community consisting of approximately 2365 homes on approximately 1122 acres. Development is planned to be primarily confined to the ridgelines in order to promote a greater balance with nature. 645± acres will remain as open space. The project's overall density is approximately 2.11 units per acre. The project is less dense than most other developments served by public sewer and will contain a variety of different housing types and sizes, which will be separated into various sub-communities or pods. This variety of housing types is intended to encompass different price points and accommodate residents of varying ages, from young professionals to families to active seniors. The community's focal point will be the Gainesville Township Central Amenity, passive parks throughout and extensive trail system, which are all designed to create a unique identity and character for the development.

Large areas of open space containing mature trees are integrated into the master plan to preserve the property's natural beauty. A significant number of homes within each pod will adjoin these open spaces thereby allowing residents to use and enjoy the open space areas. Over 80,000 feet of jurisdictional streams bisect the property, creating natural buffers and preservation areas.

In essence, Gainesville Township connotes a sense of community at a special place in the foothills of the Northeast Georgia Mountains — a place many would like to call home.

DEVELOPER'S STORY

of Gainesville Township

Cotter Properties and Development, LLC (“CPD”), parent company of Caballero Holdings, LLC was established by Douglas W. Cotter, Jr. in 2004 and is one of the preeminent residential real estate development firms in the southeast.

Mr. Cotter and his partners have extensive development experience and participated in the development of over 8,000 residential lots prior to 2014. Since 2014 CPD has rezoned, entitled or developed in excess of 8,000 residential lots and is currently working to rezone, entitle and develop over 12,000 additional residential lots.

CPD has served as the sole or primary developer on over 40 projects since 2014 and more than 60 projects prior to 2014.

Through its relationships with local real estate brokers and the nation’s largest home builders, CPD is able to source projects others miss and close on projects others simply cannot disentangle and consummate.

CPD is well positioned for the future and to take advantage of current market opportunities, which include serving as a preferred development partner for multiple national builders and local development sponsors.

CPD’s current principals are Douglas W. Cotter, Jr. and George E. Harvey III. Mr. Cotter is a past president of The Greater Atlanta Home Builders Association and has been active in the real estate development and home building arenas since 1991. Mr. Harvey is an attorney that left the full-time practice of law in 2006 in order to pursue a career as a real estate developer.

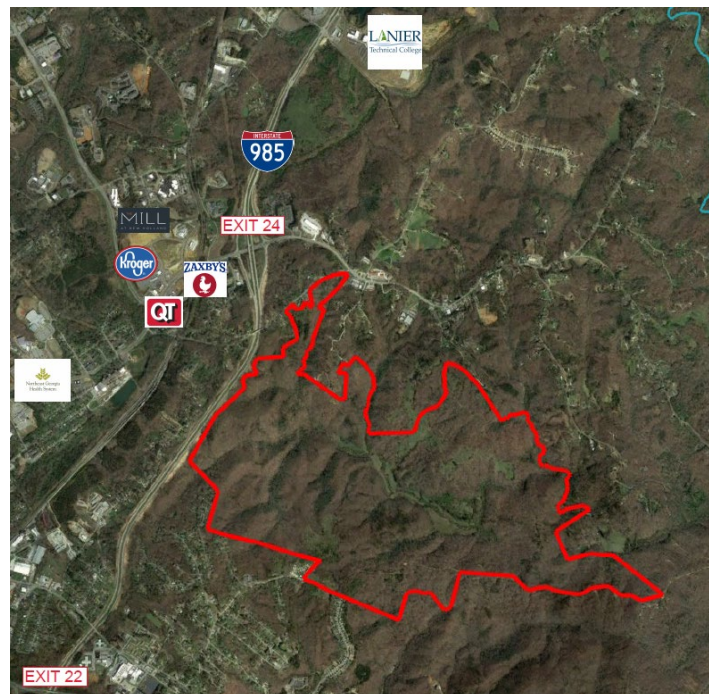
LOCATION

of Gainesville Township

The future Gainesville Township community is located less than 3 miles northeast of the City of Gainesville square and less than 1 mile east of I-985 at Exit 24. Primary access to the property will be from Old Cornelia Highway near the current location of White Sulphur Elementary School. The property is surrounded primarily by developed residential uses.

Gainesville Township will straddle and protect the floodplain of Pond Fork, a tributary to the Middle Oconee River. Several unnamed streams exist on the property and will be preserved along with the majority of their associated mature tree canopy. Limited areas of the property were previously timbered, creating pastures in the lower lying areas. The property is surrounded by a variety of residential uses which have been developed over the past 50 years. Approximately 1400 lf of the property fronts to I-985 just south of Exit 24.

A major retail area, anchored by a Mega Kroger is developing on the west side of I-985 along with restaurants and other commercial uses. North Georgia Health System's main campus is located approximately 2.2 miles away on Jesse Jewell Parkway. The new campus of Lanier Technical Institute is located less than 2 miles north on I-985.



CHARACTER

of Gainesville Township

The Gainesville Township community has been carefully planned to minimize environmental impacts and maximize internal connectivity based on streams, wetlands, steep slopes and other natural features. Development will be concentrated primarily along ridge lines with the majority of land adjacent to streams left untouched. The general theme is planned to promote a sense of community and interconnectivity while still providing smaller pods of development that may have their own individual identities.

Gainesville Township is planned to contain a variety of housing types, including age-targeted single-family houses and town houses for active adults and traditional single-family neighborhoods with a range of lot widths and home sizes as well as multi-family options.

A key feature of Gainesville Township will be its multi-use system of walking paths that will connect all areas of the community to the Central Amenity. The community design will foster connectivity for the residents to one another, nature and the amenities. Additional planned amenities include a spacious clubhouse for gatherings, lap pool with separate children's area, pickle ball courts, disc golf and lighted tennis courts suitable for ALTA/USTA competition. Small pocket parks, intimate landscaped spaces and winding sidewalks will further promote the cohesiveness of the community.

STREET SYSTEM

of Gainesville Township

The primary entrance to Gainesville Township will be at the current intersection of Old Cornelia Highway and White Sulphur Elementary School. Additionally, a second entrance is planned on Old Cornelia Highway to the west of the primary entrance. A future third entrance may be added to the south of the property with access to Athens Highway (US 129). All streets are planned to become publicly maintained at the expiration of the required maintenance periods. All streets will be constructed to City of Gainesville standards and will include sidewalks, multi-use paths, street lights and cross walks where indicated. Multi-Use paths may be constructed of concrete or asphalt.

Streets that are located internal to single family attached and multi-family portions of the project may be gated and remain private as determined by the Developer.

OPEN SPACE

of Gainesville Township

At 645± acres, the open space that meanders throughout the development will be directly accessible to each residential pod. The open space will include areas for amenities, walking paths and passive or active recreation. However, the majority of the open space will be left undisturbed to protect the natural beauty of the site as well as environmentally sensitive areas. The development team believes this element adds tremendous value to the overall development.

Gainesville Township is being developed with nature and outdoor experiences in mind, including numerous parks, open spaces and an extensive network of walking paths as well as natural water amenities. Pocket parks will be located throughout the community and will be connected through the network of walking paths. One pocket park may include benches and an arboretum while another may have a swing set and yet another may simply have a community lawn or nature observation deck. These areas will serve as the focal points for different areas of the community. This element of the community will become a social gathering place and will serve as host to diverse community activities.

AMENITIES

of Gainesville Township

Primary amenities are planned in the central portion of the property with additional amenities planned throughout the project.

The Central Amenity Center will include:

- Clubhouse
- Swim Center with a lap pool with children's play area
- Tennis Center with lighted courts suitable for ALTA/USTA competition
- Pickle Ball courts
- Great Lawn with pavilion for outdoor functions
- Mail Kiosk
- Disc Golf
- Pocket Parks
- Dog Park
- Extensive Trail, Sidewalk and Multi-Use Path System

The Central Amenity building, parking and street elements are designed to be pedestrian-friendly with vehicular traffic programmed for slower speeds around the proposed roundabout. Bicycle racks are planned to promote non-vehicular trips to the Center. Satellite amenities of a smaller scale may be offered at other areas based on future needs and market demand. These amenities could range from small open space areas to cabanas with neighborhood sized pools. A boat/RV storage area may also be included for neighborhood

The extensive trail and sidewalk and multi-use path system, along with the other amenity features, will promote social interaction between residents of the Gainesville Township community and promote a healthy lifestyle for its residents. The individual elements of these amenities may be phased in relation to future needs and market demand.



RESIDENTIAL PRODUCTS of Gainesville Township

SINGLE FAMILY DETACHED

The community's development plan has created a balance of residential product choices that will accommodate multiple lifestyle desires. Particular emphasis has been placed on preserving as many areas of natural beauty and tree cover as economically possible, thereby creating natural separation of neighborhoods and promoting access to parks and open spaces.

Traditional single-family lots are proposed for the majority of Gainesville Township. A variety of lot width sizes and product sizes will be located throughout the project. Similar sizes will be "clustered" together and may be completed by multiple builder groups. While the majority of these products will be owner occupied, nothing in this document shall prohibit their use as for rent products, at the requested limit.

Lot standards and the allowable maximum percentages of each lot size is indicated below. The combined number of 40's & 50's shall not exceed 65% of the total.

SF Detached	40	50	60	95
Lot width	40	50	60	95
Minimum lot size	4,000	5,000	6,000	9,000
Minimum Front Setback	20	20	20	20
Minimum Side Setback	5	5	5	5
Minimum Rear Setback	15	15	15	15
Exterior buffer	25	25	25	25
Minimum Building Separation	10	10	10	10
Maximum % of lot type in development	40%	60%	80%	No Max
Unit Width	<30	<40	<50	<85
Minimum Square Footage	1,200	1,300	1,500	1,800



SINGLE FAMILY ATTACHED

Single Family Attached product will be located strategically within the project, providing an alternative lifestyle and pricing option. This product may consist of both multi-level townhome style homes and single-level quadraplex homes. While some of the products will be targeted toward families, others may be age-targeted to a 55+ buyer. All single family attached homes will be offered as low or no maintenance alternatives to detached home ownership. While the majority of these products will be owner occupied, nothing in this document shall prohibit their use as “for rent” products.

Lot standards and the allowable maximum percentages of each lot size is indicated below:

SF Attached	Townhomes	Townhomes
Lot Width	20'	24'
Minimum Lot Size	2,000	2,000
Front SB	15'	20'
Side SB	0'	0'
Rear SB	0'	15'
Exterior Buffer to Residential	25'	25'
Building Separation	20'	20'
Minimum Squire Footage	1,100	1,400
Maximum %	No Max	No Max



MULTI-FAMILY

Multi-Family product is planned for a minimum of two locations within the project. Product offerings may include both family oriented as well as adult focused options. The product will be low rise (two/three or three/four story) garden style or breezeway style buildings, attached manor homes or detached cottages with a variety of amenities.

Multi-Family standards are indicated below:

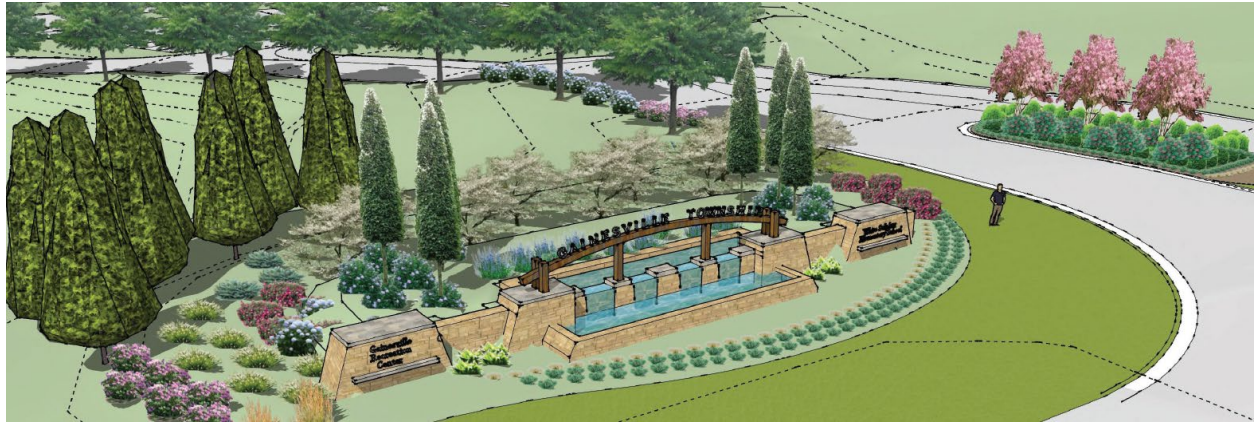
Multi-Family	Garden Style	Breezeway Style	Manor	Cottages
Front SB	30'	30'	10'	10'
Side SB	10'	10'	10'	5'
Rear SB	20'	20'	10'	10'
Building Separation	20'	20'	20'	10'
Maximum Stories	4	4	3	2
Maximum Height	60'	60'	45'	35'



COMMERCIAL DEVELOPMENT of Gainesville Township

Commercial development may occur in areas with external road access, primarily along Old Cornelia Highway. Allowable uses shall be those specific to the Neighborhood Business District (N-B), drive thru restaurants and those specified under the “Institutionalized residential living and care facilities, serving more than eighteen (18) persons” use. Individual buildings shall not exceed three (3) stories in height with a gross square footage not to exceed 75,000 square feet. Parking ratios shall be in accordance with City of Gainesville ordinances based on the final use of the property.





SITE DEVELOPMENT **of Gainesville Township**

Monumentation & Signage

The gateway to Gainesville Township is located at the intersection of Old Cornelia Highway and the City's new entrance to the Gainesville Youth Sports Complex. This intersection will serve the Youth Sports Complex, White Sulphur Elementary School and Gainesville Township. This entrance will act as the main visual link to the project and announces the development. As such, a critical part of Gainesville Township's initial impression, the project gateway will include landscape and hardscape features, signage, monumentation, and lighting establishing a sense of place and arrival point. The major gateway will define Gainesville Township, reflecting the architectural and landscape style of the development. Signage will contain additional identification of the Gainesville Youth Sports Complex and the White Sulphur Elementary School.

Billboard placement, including electronic billboards, on the property shall be allowed and limited to frontage along I-985. These billboards shall not exceed 440 square feet and 45 feet in height. All billboards are limited to project related content and must be removed within seven years of erection or 95% of project build-out, whichever occurs last. There shall be a limit of two such billboards.

Secondary Identification

Additional signage and monumentation elements may be placed throughout the development and should be similar in style to the major project identification but will be smaller in scale. These may be placed at the secondary access points on Old Cornelia Highway or on interior streets of Gainesville Township.

Minor information signs may also be used to guide visitors to various neighborhoods, amenities, and points of interest within Gainesville Township. The information signs might include event listings and other pertinent information relevant to the community.

Landscaping

Together with the infrastructure design, the proper planning and design of outdoor spaces is critical in fostering the desired atmosphere of Gainesville Township. The overall landscape concept for this area plays a crucial role in unifying Gainesville Township and is intended to ensure that residences and related improvements are in concert with scenic beauty and natural conditions.

The development will respect the area's natural setting and include new plantings that harmonize with the existing environment and the landscape character of the region. A consistent landscape that responds to aesthetic concerns and helps establish a positive image within the development for years to come must be established.





COMMUNITY STANDARDS of Gainesville Township

Maintenance & Ownership of Streets and Open Spaces

All of the streets, including those within individual pods or phases, are intended to be built to the typical sections shown herein and otherwise to the standards of the City of Gainesville. Other than the Parkway, roads may be gated for limited access and privately maintained. Roads not gated or otherwise access-limited will be dedicated to the City of Gainesville for maintenance. All interior open spaces and common elements will be deeded to the Master Home Owner's Association for maintenance and operation.

Water & Sewer Utilities

The City of Gainesville will provide water and sewer service to Gainesville Township. The availability of services has been verified with the City of Gainesville.

Homeowners Association

A mandatory Home Owner's Association (HOA) or multiple associations will be formed for Gainesville Township or portions thereof. The HOA(s) will maintain and manage all of the common areas of the development, including financial management, architectural controls, and enforcement of community standards. Establish in the covenant 300 max single family detached rentals and 75% max attached rentals. Any modifications or new construction within the community must be approved by an Architectural Review Board. The Board will be established and operated by the Developer until such time as the powers are transferred to the HOA(s).

Model Homes & Prairie Homes

Prior to approval of any phased Final Plat, the City of Gainesville will issue a maximum of 50 model home permits and 50 prairie home permits. Once final platting has been approved for the outstanding prairie home permits, the City of Gainesville will issue additional prairie home permits, not to exceed 50 at any given time. This time period allows the Developer to accelerate their production schedule and reduce the time frame necessary to complete a house and close a sale. In a development of this magnitude, the City of Gainesville recognizes the carrying cost of land acquisition, infrastructure and overhead require an expedited delivery schedule to meet project objectives and insure the ongoing success and vitality of the project.

Model home and prairie home permits will not be issued until access to the lot is provided in the form of a hard surface (crusher run) and fire protection is established within 500 feet of the lot in the form of a 1500-gallon tank fitted to City of Gainesville Fire Department specifications. The applicant/property owner agrees to indemnify the City of Gainesville against any claim of loss that may result from the early issuance of these type of permits.

Model Home and Prairie Home shall be defined as follows:

Prairie Home – A concept used by Developers to allow for home construction starts (building permit issuance) prior to Final Plat recording. Prairie Home permits will not be granted temporary certificate of occupancy or permanent certificate of occupancy until approval of the final plat for the phase of development in which they are located.

Model Home – A concept used by Developers to allow for home construction starts in order to model building types, floor plans, interior finishes, etc. to potential buyers. Model home permits will be granted a temporary certificate of occupancy (provided adequate restroom facilities have been completed) prior to final plat that will restrict the use of the structure to a sales center and furniture

staging. Habitation will not be allowed in model homes until a permanent certificate of occupancy has been issued. Permanent certificate of occupancy will not be issued until approval of the final plat for the phase of development in which they are located.

Drainage & Stormwater Management

All of Gainesville Township lies within the Pond Fork drainage basin and flows to the Middle Oconee River. Highest elevations are on the north and east and sides of the property, with flows generally to the east side of the property. Master detention facilities, serving multiple phases of development, are planned at suitable locations to reduce the number of detention ponds otherwise required.

Uses

Land development for residential housing is dynamic because of the need to concurrently predict and respond to the local real estate market and national economic and demographic trends.

Approval of the Gainesville Township Master Plan is intended to approve approximately 2365 units as the maximum number of units for the development. Housing product types may be rearranged, combined or reconfigured without limit within the development, provided the total number of units nor the maximum number of lot sizes are not exceeded and that the overall change will not substantially increase impact to the public school system, roadways at peak hours or points of connection.

Uses of a traditional single family residential nature are primarily for owner occupancy but, up to 300 units Single Family Detached and 75% Single Family Attached may be used for rental purposes. Multi-Family uses are intended to be 100% for rental purposes. If market conditions warrant, up to 5% of the acreage of Gainesville Township may be used instead for senior resident adult congregate living facilities of independent living, assisted living, personal care and/or memory care at a density not to exceed 22 units per acre, but shall not include a nursing home or any other facility that requires a Certificate of Need.

Uses and standards described in the plan anticipate and describe single-family detached, single-family attached and multi-family forms of construction. If the use and/or form of housing for a particular phase is not specifically described or detailed in the plan, such a use or form may be approved administratively by staff based on then existing approved standards of the City of Gainesville for such a form of construction on similar sites elsewhere in the incorporated areas of the City.

Rental Percentage Breakdown

Type	Number	% of Total	%of Max Rental	Max # Rental
SF Detached	1414	60%	21%	300
SF Attached	311	13%	75%	233
Multi-Family	640	27%	100%	640
Total Residential	2365			

Phasing

Phase 1 – The Developer intends to construct a portion of Gainesville Township Parkway (beyond the point constructed by the City) to access and serve approximately 200 single family detached lots, 150 single family attached units and 320 multi-family units. In addition, the Central Amenity will be started during Phase 1, with a completion no later than the completion of Phase 2.

Phase 2 – The Developer intends to develop additional portions of the property, to serve 200 single family attached lots.

Phase 3 – The Developer intends to develop additional portions of the property, to serve 200 single family attached lots.

Phase 4 – The Developer intends to develop additional portions of the property, to serve 200 single family attached lots and 150 additional single family detached homes.

Phase 5 & Future Phases – The Developer intends to complete the Gainesville Township Parkway and develop additional lots as demand warrants

Phasing is generally sequential, but may overlap. Lots of various sizes and ownership types may be under development concurrently in multiple portions of the overall site.

ZONING REQUEST

of Gainesville Township

The current zoning was approved in February 2001 as “Sussex”.
The chart below shows the primary differences in the two plans:

Comparison to Current Zoning Plan		
Version	Current Plan	Proposed Plan
Name	Sussex	Gainesville Township
Acreage	965	1122
Single Family Detached Units*	977	1414
Single Family Attached Units	197	311
Multi-Family Units	1096	640
Total Residential	2270	2365
Overall Density	2.35	2.11
Open Space	548.5 acres	645.3 acres
Commercial	24,000 Sf	75,000 SF

*no more than 300 detached units shall be constructed as build to rent

This request includes:

- Annexation and Rezoning of five parcels that are contiguous with the currently zoned property. These parcels total approximately 144 acres.
- Amend the existing zoning approval as detailed in the application, zoning narrative and conceptual site plan.
- Amend the conditions of zoning as outlined below.

EXISTING CONDITION**PROPOSED CONDITION**

1. All intersections of the proposed development and Old Cornelia Highway, Dana Drive, or other existing roadways shall be at the full discretion of the Gainesville Public Waters Director, in conjunction with the needs and requirements of the Hall County Traffic Engineer.	1. N/A THE CITY OF GAINESVILLE NOW OWNS THE AREA WHERE THIS INTERSECTION IS LOCATED AND WILL BE RESPONSIBLE FOR ITS CONSTRUCTION.
2. If Dana Drive is accessed from the subject property, Dana Drive shall be improved to the standards imposed by the Gainesville Public Works Director and the Hall County Traffic Engineer, between this entry point and Old Cornelia Highway.	2. If Dana Drive is accessed from the subject property, Dana Drive shall be improved to the standards imposed by the Gainesville Public Works Director and the Hall County Traffic Engineer, to the extent feasible within the existing right-of-way, between this entry point and Old Cornelia Highway,
3. If warranted, the developer, at his expense, shall provide and install any and all signalization required for entrances to the development from Old Cornelia Highway by the City of Gainesville, Hall County, or the Georgia Department of Transportation that is related to traffic impacts generated from this development.	3. N/A THE CITY OF GAINESVILLE NOW OWNS THE AREA WHERE THIS INTERSECTION IS LOCATED AND WILL BE RESPONSIBLE FOR ITS CONSTRUCTION.
4. All utilities within this development shall be underground.	4. All utilities within this development shall be underground.
5. The developer shall provide and install street lighting throughout this development, subject to the approval of the Planning Department.	5. The developer shall provide and install street lighting throughout this development, subject to the approval of the Planning Department.
6. The developer shall install sidewalks throughout this development, including the multi-family portions, subject to the approval of the Planning Department.	6. The developer shall install sidewalks throughout this development, including the multi-family portions, subject to the approval of the Planning Department. The main loop road shall have 5' sidewalks on both sides of the road. All other roads shall have 4' sidewalks on one side only.
7. Any multi-family and townhouse development site layouts and design shall	7. Any multi-family and townhouse development site layouts and design

be at the full discretion of the Planning Department.	shall be at the full discretion of the Planning Department, not to be unreasonably withheld if the total unit count is not exceeded.
8. Billboard placement shall be limited to frontage along I-985. These billboards shall not exceed 440 square feet and 45 feet in height. All billboards are limited to project related content and must be removed within five years of erection or 95% of project build-out, whichever occurs last. There shall be a limit of two such billboards allowed.	8. Billboard placement, including electronic billboards , shall be limited to frontage along I-985. These billboards shall not exceed 440 square feet and 45 feet in height. All billboards are limited to project related content and must be removed within five years of erection or 95% of project build-out, whichever occurs last. There shall be a limit of two such billboards allowed.
9. This development shall be subject to the stipulations and requirements of the North Oconee Watershed Act.	9. This development shall be subject to the stipulations and requirements of the City of Gainesville Stream Buffer Ordinance.
10. In the event primary access is through White Sulphur School, the developer shall pay for all necessary improvements. Such improvements shall be subject to the approval of the Hall County Traffic Engineer.	10. N/A THE CITY OF GAINESVILLE NOW OWNS THE AREA WHERE THIS INTERSECTION IS LOCATED AND WILL BE RESPONSIBLE FOR ITS CONSTRUCTION.
11. A site shall be made available within the boundaries of the entire 1122 acre proposed development to the City of Gainesville for a school consisting of twenty (20) acres of land which meets the criteria established by the Georgia State School Board for such a public school. This site shall be made available by the developer without charge for the land, at any time within seven (7) years after the developer has provided paved access to the site.	11. A site shall be made available within the boundaries of the entire 1122 acre proposed development to the City of Gainesville for a school consisting of twenty (20) acres of land which meets the criteria established by the Georgia State School Board for such a public school. This site shall be made available by the developer without charge for the land, at any time within seven (7) years after the developer has provided paved access to the site. Alternatively, the School Board may elect to receive an amount equal to the Developer's per acre purchase price (for 20 acres), to be

	paid in two installments at the time of initial takedown of the property and at the second takedown of the property.
12. The developer agrees to make available an additional twenty (20) acres, for a total of forty (40) acres, if the City of Gainesville School Board would be required to pay fair market value for this last twenty (20) acres. This site shall be made available by the developer at any time within seven (7) years after the developer has provided paved access to the site.	12. The developer agrees to make available an additional twenty (20) acres, for a total of forty (40) acres, if the City of Gainesville School Board would be required to pay fair market value for this last twenty (20) acres, which may not be contiguous to the first twenty (20) acres. This site shall be made available by the developer at any time within seven (7) years after the developer has provided paved access to the site.
13. A site shall be made available within the boundaries of the entire 1122 acre proposed development to the City of Gainesville for a fire station and a precinct for the police department consisting of not more than two (2) acres of land which will be designated by the developer and reasonable approved by the Gainesville City Council for such public services. This site shall be made available by the developer without charge for the land, at any time within seven (7) years after the developer has provided paved access to the site.	13. A site shall be made available within the boundaries of the entire 1122 acre proposed development to the City of Gainesville for a fire station and a precinct for the police department consisting of not more than two (2) acres of land which will be designated by the developer and reasonable approved by the Gainesville City Council for such public services. This site shall be made available by the developer without charge for the land, at any time within seven (7) years after the developer has provided paved access to the site.
14. The plan shall include a fifty (50') foot buffer separating all portions of the development from the existing single-family communities to the south of the project site. The composition of this buffer, including any fencing deemed necessary, shall be subject to final approval by the Planning Department.	14. The plan shall include a twenty-five (25') foot buffer separating all portions of the development from the existing single-family communities to the south of the project site. Where a twenty-five (25') buffer cannot be provided, the composition of this buffer, including any fencing deemed necessary, shall be subject to final approval by the Planning Department.

15. The first phase of the development shall begin at the primary entrance to the site located adjacent to the proposed commercial development and townhouse section (Pod A), and shall continue into the single-family portion of the community.	15. The first phase of the development shall begin at the end of the main entrance road to be constructed by the City of Gainesville , and shall continue into the single-family portion of the community.
---	---

Conceptual Master Plan

The development of the Community shall be controlled by this Narrative, the Master Plan, attached hereto, Zoning Condition Modifications referenced above and other exhibits provided as modified in the final approval. The Plan is considered conceptual in nature, and certain modifications to that Plan are anticipated as reflected in the specific language herein. Beyond such specific language, modifications of the location and arrangement of lots, roads, amenities and other improvements that do not materially conflict with specific standards and requirements of these conditions may be made by the Developer, so long as such modification does not materially alter the location or nature of improvements within 100 feet of the Community Boundary, or impact previously recorded residential sections, or change the land use or increase density.

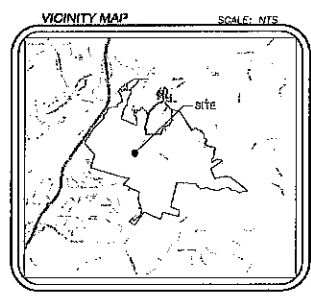
MAPS & SURVEYS

of Gainesville Township

- **Regional Activity Map**
- **ALTA Boundary Survey**
- **Conceptual Master Plan**
- **Pedestrian Access Plan**
- **Proposed Open Space Plan**
- **Proposed Entrance Rendering**
- **Proposed Amenity Rendering**



UNIT SUMMARY	
ACREAGE	1122
SINGLE FAMILY DETACHED UNITS	1414
SINGLE FAMILY ATTACHED UNITS	311
MULTI-FAMILY UNITS	640
TOTAL RESIDENTIAL	2385
OVERALL DENSITY	2.10
OPEN SPACE	645± ACRES
COMMERCIAL	75000 SF



OWNER INFORMATION:
CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

NOTE:
1. THE BOUNDARY AND EXISTING PAVEMENT LINES SHOWN WERE TAKEN FROM
HALL COUNTY GIS & SURVEY PREPARED BY ROCHESLER & ASSOCIATES, INC.
2. EXISTING BOUNDARY AND EXISTING PAVEMENT LINES FROM HALL COUNTY GIS &
SURVEY PREPARED BY ROCHESLER & ASSOCIATES, INC.
3. THE EXISTING CREEKS AND DITCHES SHOWN WERE TAKEN FROM HALL COUNTY GIS, NOT
FIELD VERIFIED.
4. PORTIONS OF THIS PROPERTY ARE LOCATED IN A FLOOD HAZARD ZONE "X"
AS PER FEMA FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA,
COMMUNITY FIRM NO. 1313001400, DATED APRIL 4, 2016.

CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

DATE: 9/23/2021
GRAPHIC SCALE
150' 0' 300' 600'





OWNER INFORMATION:
CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

NOTE:
1. THE BOUNDARY AND EXISTING PARCEL LINES SHOWN WERE TAKEN FROM
HALL COUNTY GIS & SURVEY PREPARED BY ROCHESTER & ASSOCIATES, INC.
2. EXISTING TOPOGRAPHY AND UTILITIES TAKEN FROM HALL COUNTY GIS &
SURVEY PREPARED BY ROCHESTER & ASSOCIATES, INC.
3. THE EXISTING CREEKS AND BUFFERS TAKEN FROM HALL COUNTY GIS, NOT
FIELD VERIFIED.
4. PORTIONS OF THIS PROPERTY ARE LOCATED IN A FLOOD HAZARD ZONE "X"
AS PER FEMA FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA,
COMMUNITY PANEL NO. 13139C0195D, DATED APRIL 4, 2018.

DATE: 9/22/2021
GRAPHIC SCALE
150' 0' 300' 600'
JOB NO. 2216028.DWG
FILE NO. "DRAFT"
DRAWN BY: JGP



GABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
HALL COUNTY, GEORGIA



OPEN SPACE SUMMARY		
OPEN SPACE NAME	AREA (AC.)	SPACE TYPE
OPEN SPACE #1	179.89	OPEN SPACE
OPEN SPACE #2	63.88	OPEN SPACE
OPEN SPACE #3	2.53	OPEN SPACE
OPEN SPACE #4	0.53	OPEN SPACE
OPEN SPACE #5	6.87	OPEN SPACE
OPEN SPACE #6	200.35	OPEN SPACE
OPEN SPACE #7	161.09	OPEN SPACE
OPEN SPACE #8	4.25	OPEN SPACE
OPEN SPACE #9	1.18	DOG PARK
OPEN SPACE #10	1.54	COMMUNITY GARDEN
OPEN SPACE #11	0.79	PARK
OPEN SPACE #12	0.50	PARK
OPEN SPACE #13	0.41	PARK
OPEN SPACE #14	0.20	PARK
AREA #15	1.76	STORMWATER AREA
AREA #16	1.39	STORMWATER AREA
AREA #17	1.80	STORMWATER AREA
AREA #18	0.91	STORMWATER AREA
AREA #19	0.80	STORMWATER AREA
AREA #20	1.80	STORMWATER AREA
AREA #21	2.39	STORMWATER AREA
AREA #22	1.83	STORMWATER AREA
AREA #23	2.49	STORMWATER AREA
AREA #24	2.09	STORMWATER AREA
AREA #25	1.22	STORMWATER AREA

OPEN SPACE AREA (#1-#14) = 845± ACRES

OWNER INFORMATION:

CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

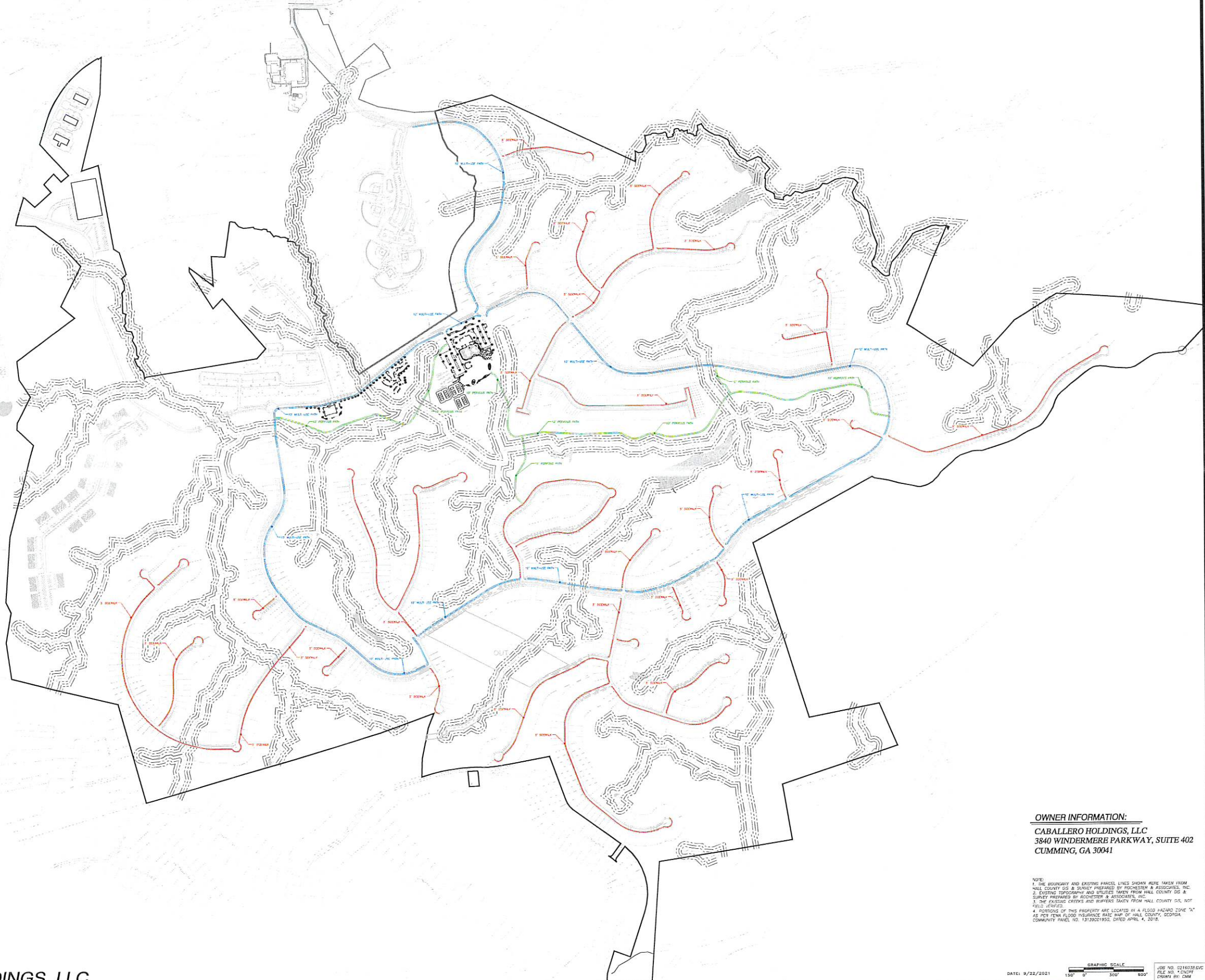
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1. THE BOUNDARY AND EXISTING PARCELS LINES SHOWN HEREIN WERE TAKEN FROM
HALL COUNTY GIS & COUNTY HISTORICAL RECORDS & RECORDS, INC.
2. EXISTING TOPOGRAPHY AND UTILITIES WERE TAKEN FROM HALL COUNTY GIS &
SURVEY PROVIDED BY ROCHESTER & ASSOCIATES, INC.
3. ALL EXISTING UTILITIES AND UTILITIES WERE TAKEN FROM HALL COUNTY GIS, NOT
FIELD VERIFICATION.
4. PORTIONS OF THIS PROPERTY ARE LOCATED BY A FLOOD HAZARD ZONE "X"
AS PER FEMA FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA.
COMMUNITY FLOOD INSURANCE RATE MAP NO. 13180C0258A, DATED APRIL 4, 2016.

DATE: 9/24/2021
DRAWN BY: CMH
JOB NO. 05160242.DWG
FILE NO. 1200P
CUMULATIVE BY: CMH



CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
HALL COUNTY, GEORGIA



OWNER INFORMATION:
CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

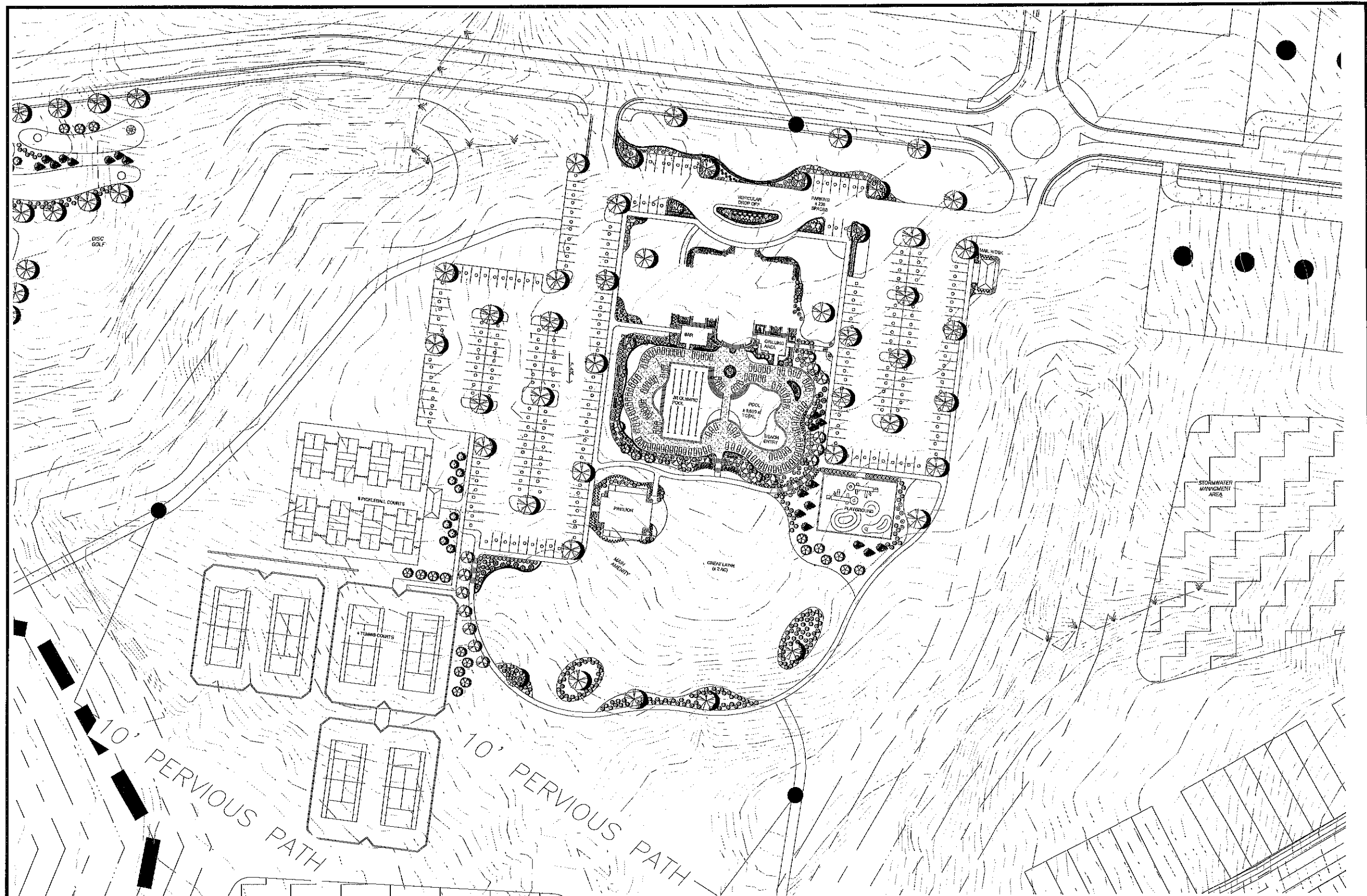
NOTE:
1. THE BOUNDARY AND EXISTING PARCEL LINES SHOWN WERE TAKEN FROM
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2. EXISTING TOPOGRAPHY AND UTILITIES TAKEN FROM HALL COUNTY GIS &
SURVEY PREPARED BY ROCHESTER & ASSOCIATES, INC.
3. THE EXISTING CREEKS AND BUFFERS TAKEN FROM HALL COUNTY GIS, NOT
FIELD VERIFIED.
4. PORTIONS OF THIS PROPERTY ARE LOCATED IN A FLOOD HAZARD ZONE "X"
AS PER FEMA FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA,
COMMUNITY PANEL NO. 13139C0195D, DATED APRIL 4, 2016.

CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

DATE: 9/22/2021
GRAPHIC SCALE: 150' 0' 300' 600'
JOB NO. 221632R.GVC
FILE NO. *COURT
DRAWN BY: CMH





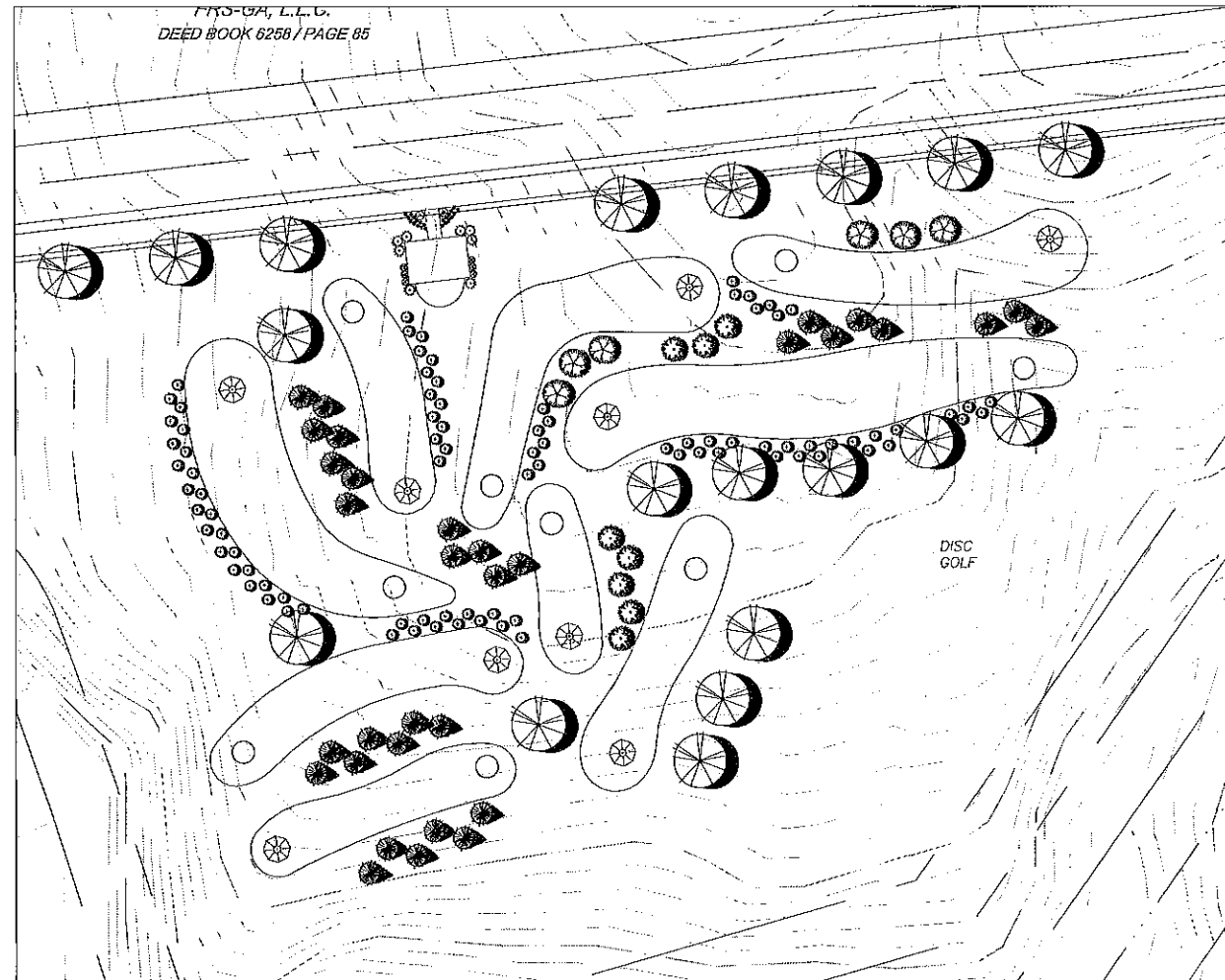
OWNER INFORMATION:
 CABALLERO HOLDINGS, LLC
 3840 WINDERMERE PARKWAY, SUITE 402
 CUMMING, GA 30041

DATE: 9/22/2021
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 FILE NO. "22021"
 DRAWN BY: CMB

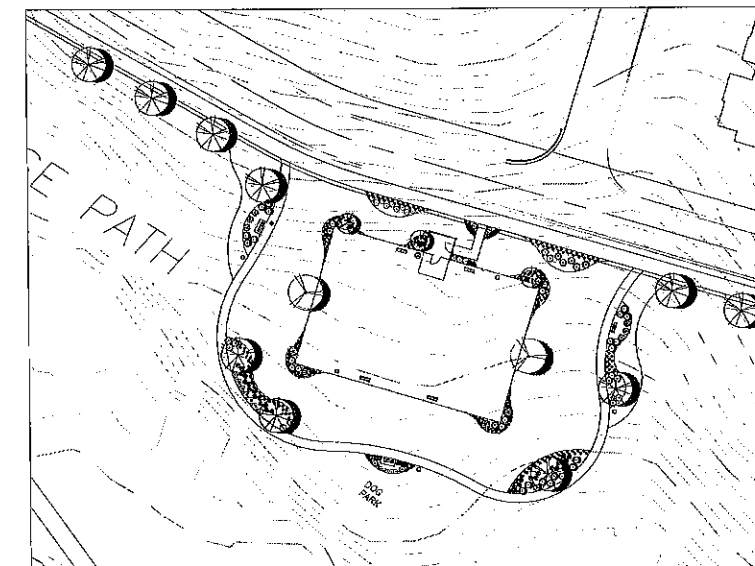


CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
 HALL COUNTY, GEORGIA



DISC GOLF AMENITY



DOG PARK AMENITY

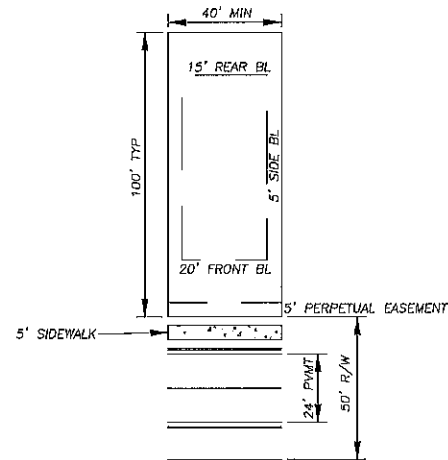
CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

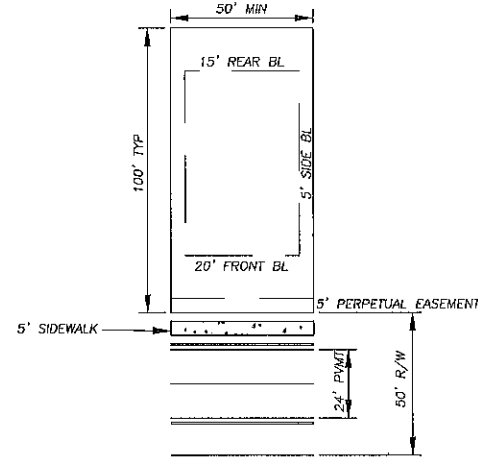
OWNER INFORMATION:
CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

DATE: 9/22/2021
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DRAWN BY: CASH

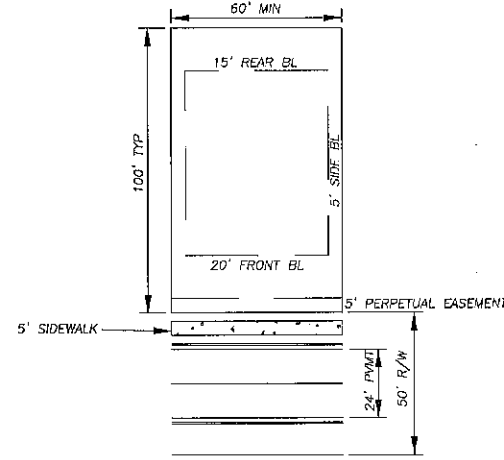
Rochester
Associates, Inc.
10000 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041
770-880-0000



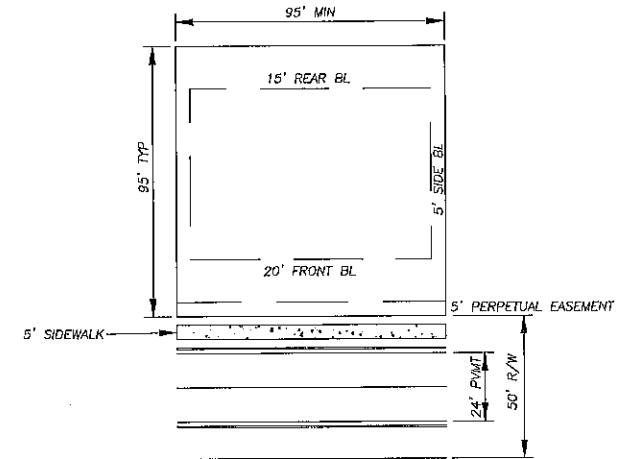
NOTES:
MINIMUM 4,000 SF LOT
MINIMUM 40' LOT WIDTH
MINIMUM BUILDING SEPARATION 10'
MAXIMUM PERCENTAGE OF LOT TYPE IN DEVELOPMENT: 40%
MINIMUM HOUSE SF: 1,400 SF



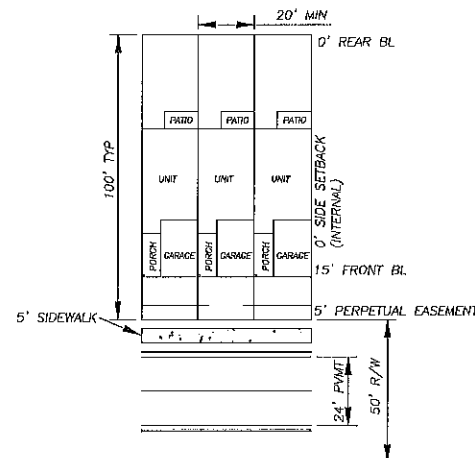
NOTES:
MINIMUM 5,000 SF LOT
MINIMUM 50' LOT WIDTH
MINIMUM BUILDING SEPARATION 10'
MAXIMUM PERCENTAGE OF LOT TYPE IN DEVELOPMENT: 60%
MINIMUM HOUSE SF: 1,400 SF



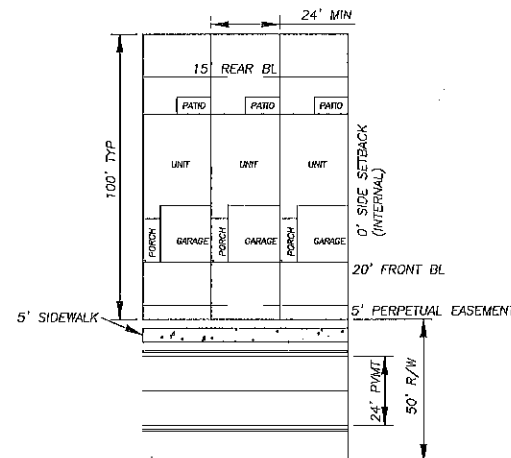
NOTES:
MINIMUM 8,000 SF LOT
MINIMUM 60' LOT WIDTH
MINIMUM BUILDING SEPARATION 10'
MAXIMUM PERCENTAGE OF LOT TYPE IN DEVELOPMENT: 80%
MINIMUM HOUSE SF: 1,600 SF



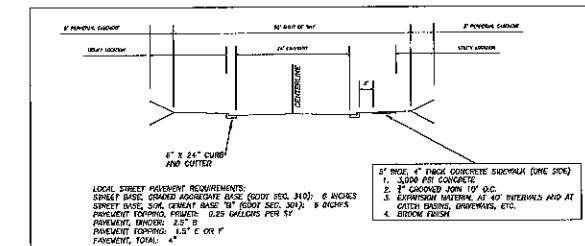
NOTES:
MINIMUM 9,000 SF LOT
MINIMUM 95' LOT WIDTH
MINIMUM BUILDING SEPARATION 10'
MAXIMUM PERCENTAGE OF LOT TYPE IN DEVELOPMENT: NO MAX
MINIMUM HOUSE SF: 1,800 SF



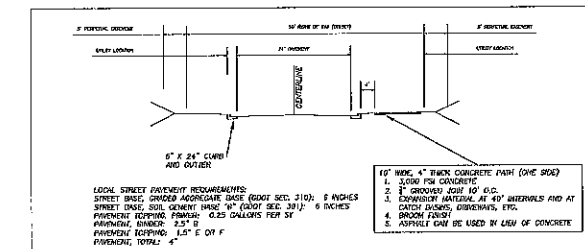
NOTES:
MINIMUM 2,000 SF LOT
MINIMUM 20' LOT WIDTH
MINIMUM BUILDING SEPARATION 20'
EXTERIOR BUFFER TO RESIDENTIAL: 25'
MAXIMUM PERCENTAGE OF LOT TYPE IN DEVELOPMENT: NO MAX
MINIMUM UNIT SF: 1,100 SF



NOTES:
MINIMUM 2,000 SF LOT
MINIMUM 24' LOT WIDTH
MINIMUM BUILDING SEPARATION 20'
EXTERIOR BUFFER TO RESIDENTIAL: 25'
MAXIMUM PERCENTAGE OF LOT TYPE IN DEVELOPMENT: NO MAX
MINIMUM UNIT SF: 1,400 SF



TYPICAL RESIDENTIAL STREET SECTION



TYPICAL MAIN LOOP ROADWAY SECTION

N.T.S.

FRONT OF GARAGE SHALL BE A MINIMUM 20' BEHIND BACK OF SIDEWALK

CABALLERO HOLDINGS, LLC

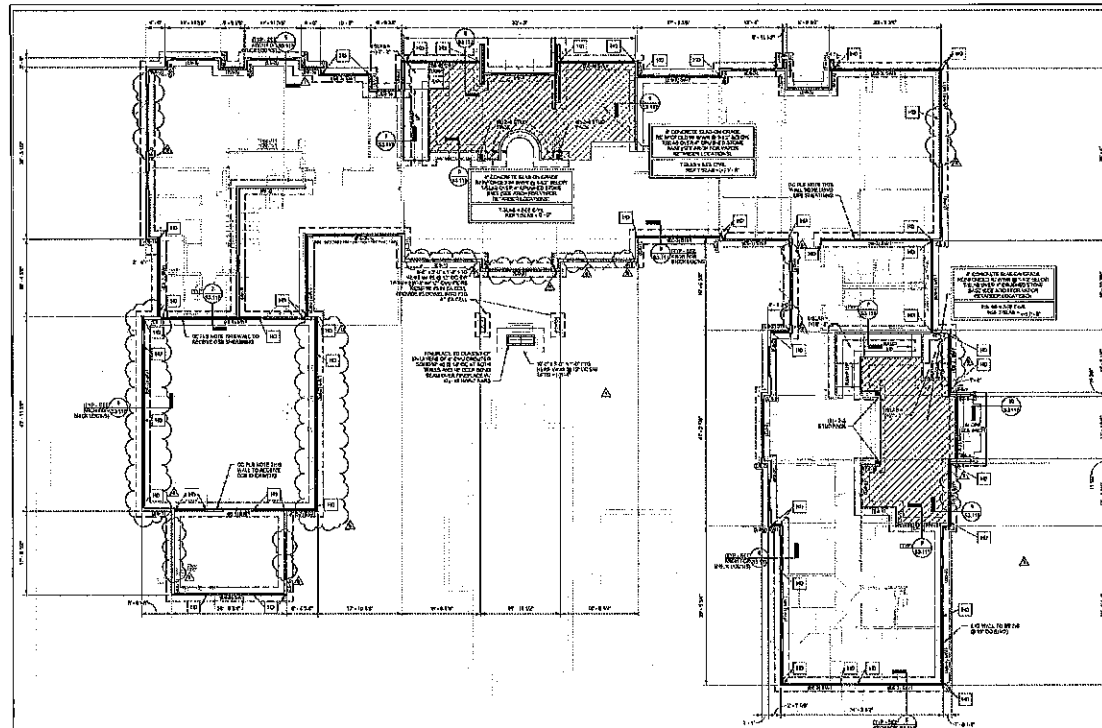
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

LOT TYPE PLAN - GAINESVILLE TOWNSHIP
Page 160 of 171

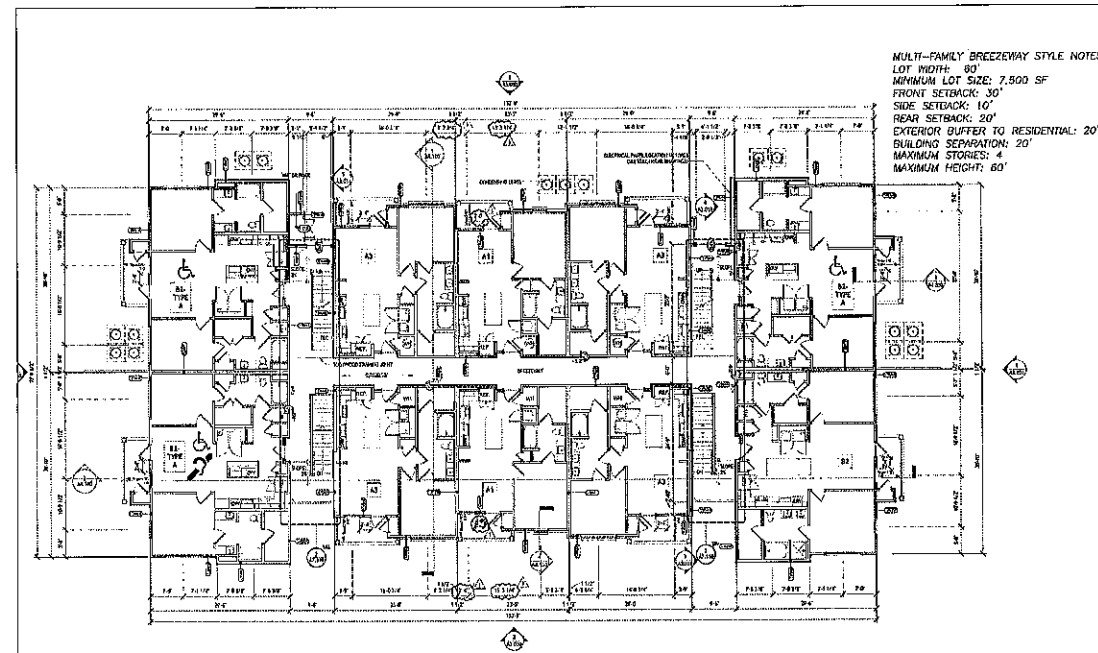
OWNER INFORMATION:
CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

DATE: 9/22/2021
GRAPHIC SCALE: 1" = 10'

JOE INC. 0516038.CAD
FILE NO. 4 CONCEPT
DRAWING DATE: 09/22/2021
Rochester
Associates, Inc.

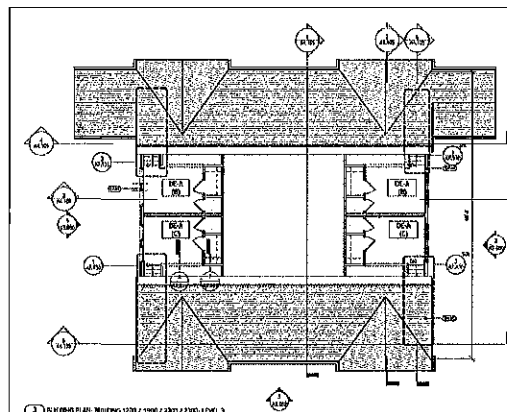


EXAMPLE MULTI-FAMILY AMENITY

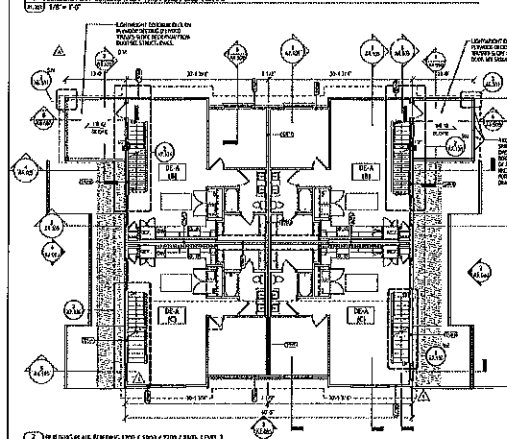


TYPICAL MULTI-FAMILY UNIT (BREEZEWAY STYLE)

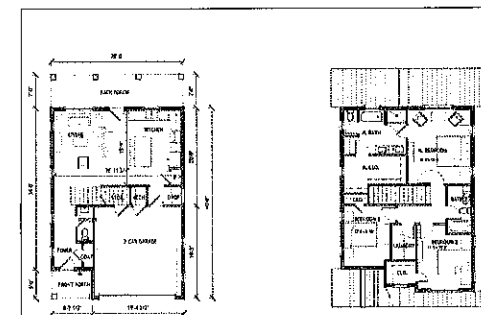
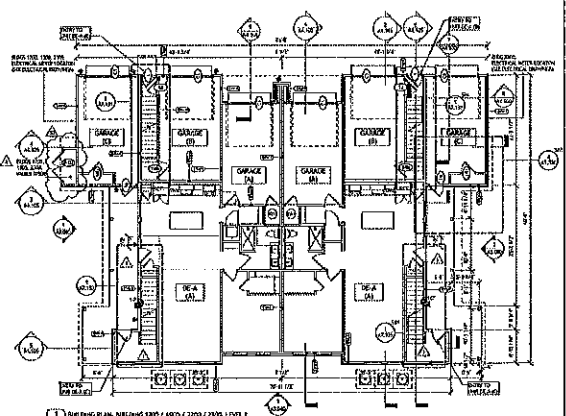
MULTI-FAMILY BREEZEWAY STYLE NOTES:
 LOT WIDTH: 60'
 MINIMUM LOT SIZE: 7,500 SF
 FRONT SETBACK: 30'
 SIDE SETBACK: 10'
 REAR SETBACK: 20'
 EXTERIOR BUFFER TO RESIDENTIAL: 20'
 BUILDING SEPARATION: 20'
 MAXIMUM STORES: 4
 MAXIMUM HEIGHT: 60'



MULTI-FAMILY MANOR NOTES:
 LOT WIDTH: 100'
 MINIMUM LOT SIZE: 8,000 SF
 FRONT SETBACK: 10'
 SIDE SETBACK: 10'
 REAR SETBACK: 10'
 EXTERIOR BUFFER TO RESIDENTIAL: 20'
 BUILDING SEPARATION: 20'
 MAXIMUM STORES: 3
 MAXIMUM HEIGHT: 45'

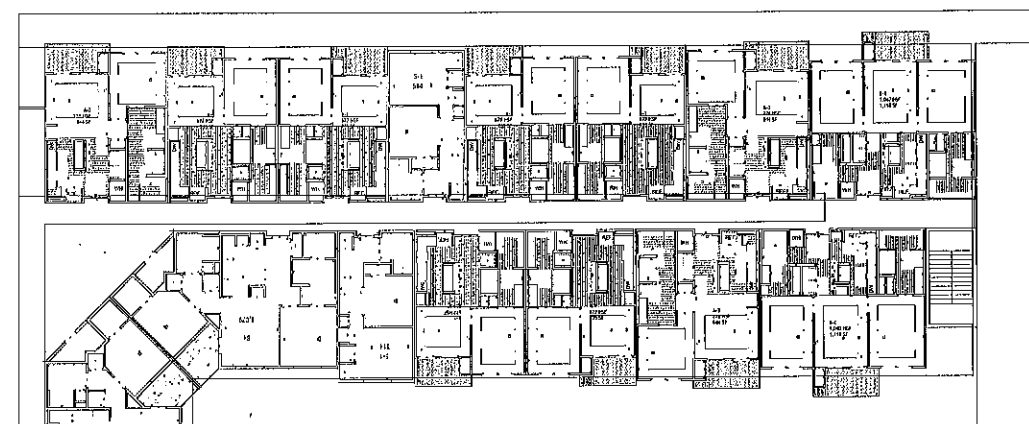


TYPICAL MULTI-FAMILY MANOR HOMES



TYPICAL SINGLE FAMILY COTTAGE

SINGLE FAMILY COTTAGE NOTES:
 LOT WIDTH: 40'
 MINIMUM LOT SIZE: 4,000 SF
 FRONT SETBACK: 10'
 SIDE SETBACK: 5'
 REAR SETBACK: 10'
 EXTERIOR BUFFER TO RESIDENTIAL: 20'
 BUILDING SEPARATION: 10'
 MAXIMUM STORES: 2
 MAXIMUM HEIGHT: 35'



TYPICAL MULTI-FAMILY UNIT (GARDEN STYLE)

MULTI-FAMILY GARDEN STYLE NOTES:
 LOT WIDTH: 60'
 MINIMUM LOT SIZE: 7,500 SF
 FRONT SETBACK: 30'
 SIDE SETBACK: 10'
 REAR SETBACK: 20'
 EXTERIOR BUFFER TO RESIDENTIAL: 20'
 BUILDING SEPARATION: 20'
 MAXIMUM STORES: 4
 MAXIMUM HEIGHT: 60'

OWNER INFORMATION:
 CABALLERO HOLDINGS, LLC
 3840 WINDERMERE PARKWAY, SUITE 402
 CUMMING, GA 30041

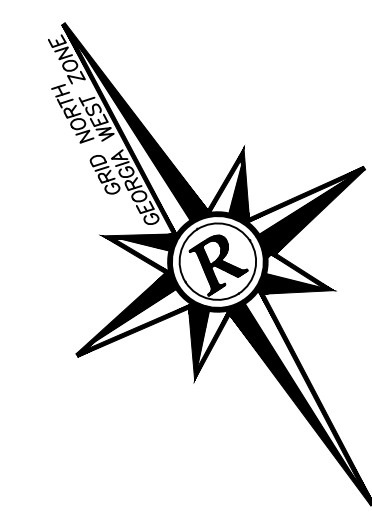
DATE: 9/22/2021 NOT TO SCALE

JOE INC. 02162021-000
 FILE NO. 1000000
 COUNTY DIST. CHIEF



CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
 HALL COUNTY, GEORGIA



Annexation Parcels

15033B 000024

15033B 000022

15033B 000026A

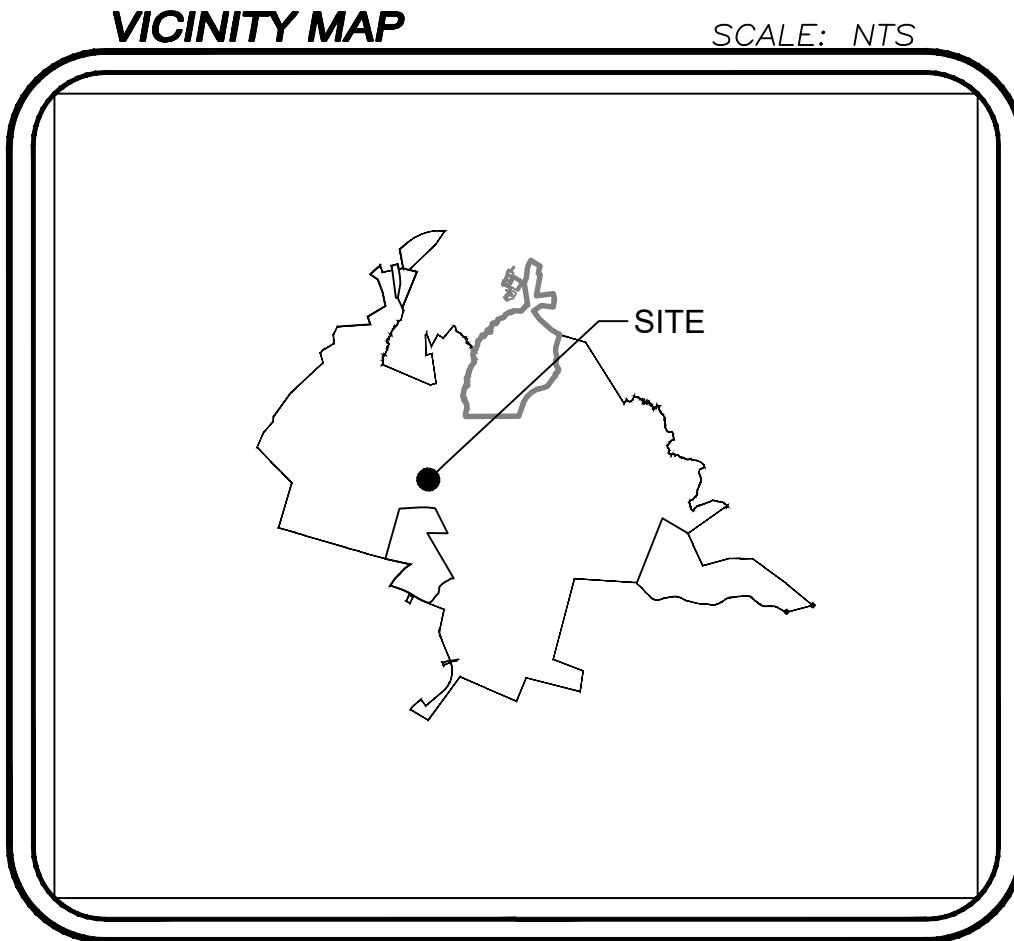
15022 00001B

15022 000003

UNIT SUMMARY	
ACREAGE	1122
SINGLE FAMILY DETACHED UNITS	1414
SINGLE FAMILY ATTACHED UNITS	311
MULTI-FAMILY UNITS	640
TOTAL RESIDENTIAL	2365
OVERALL DENSITY	2.10
OPEN SPACE	645± ACRES
COMMERCIAL	75000 SF

OWNER INFORMATION:
CABALLERO HOLDINGS, LLC
3840 WINDERMERE PARKWAY, SUITE 402
CUMMING, GA 30041

NOTE:
1. THE BOUNDARY AND EXISTING PARCEL LINES SHOWN WERE TAKEN FROM HALL COUNTY GIS & SURVEY PREPARED BY ROCHESTER & ASSOCIATES, INC.
2. EXISTING TOPOGRAPHY AND UTILITIES TAKEN FROM HALL COUNTY GIS & SURVEY PREPARED BY ROCHESTER & ASSOCIATES, INC.
3. THE EXISTING CREEKS AND BUFFERS TAKEN FROM HALL COUNTY GIS, NOT FIELD VERIFIED.
4. PORTIONS OF THIS PROPERTY ARE LOCATED IN A FLOOD HAZARD ZONE "A" AS PER FEMA FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA, COMMUNITY PANEL NO. 13139C0195G, DATED APRIL 4, 2016.



CABALLERO HOLDINGS, LLC

CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

ZONING PLAN - GAINESVILLE TOWNSHIP

DATE: 9/22/2021
JOB NO. G216038 CAB
FILE NO. 4 CONCEPT
DRAWN BY: CMM



Date Submitted: 10/15/2021

Presenter: Matt Tate

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

Meeting Date: 11/9/2021

Purpose of Request:

The proposed amendments of the Unified Land Development Code are intended to provide more clarity and better regulate the code. Specifically, land use Tables 9-5-1 and 9-6-1 are being amended to include the definition of a "Short Term Rental" to be permitted within the Residential and Office (R-O), Central Business (C-B), Regional Business (R-B), General Business (G-B), Light Industrial (L-I) and Heavy Industrial (H-I) zoning districts. Amendments to the "Single-family Attached Dwelling (Townhouse)" standards to include driveway and parking requirements. An amendment to the fencing requirement for "Private Swimming Pools" changes the minimum fence height from 5-feet to 4-feet to match the International Swimming Pool and Spa Code standards. Proposed changes to the Powers and Duties of the Planning and Appeals Board include no longer requiring recommendations on text amendments to provide for a more efficient process. Lastly, a change is proposed to remove the requirement of tabling zoning items to the next scheduled City Council meeting.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

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
☐ Code Amendment Ordinance Clean Version	Backup Material
☐ Code Amendment Ordinance Redlined Version	Backup Material

Passed: _____

AN ORDINANCE

No. 2021-

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

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

SECTION I.

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

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

SECTION II.

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

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

SECTION III.

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

ORDINANCE NO. 2021-

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

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

SECTION IV.

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

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

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

SECTION V.

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

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

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

- (a) Recommendations on comprehensive plan. Review the provisions of the City's Comprehensive Plan from time to time, and to make such recommendations to the Governing Body as it deems appropriate concerning its adoption or amendment.
- (b) Recommendations on annexation, rezoning and special use applications. Conduct a public hearing on each application for annexation, rezoning or special use approval, review the application in accordance with the standards and procedures set forth in this Unified Land Development Code and the Zoning Procedures Law (O.C.G.A. 36-66-1 et seq.), and make such recommendations to the Governing Body as it deems appropriate on each application.
- (c) Initiation of rezoning applications and text amendments. Initiate on its own motion a zoning change or an amendment to the text of any article of this Unified Land Development Code when, in its determination, such changes are appropriate for consideration. Any initiation by the Planning and Appeals Board must go through the normal public notification and application requirements as stated in Article 9-22 of the Unified Land Development Code.

ORDINANCE NO. 2021-

- (d) Decisions on variances. Conduct a public hearing and make a final decision in accordance with the procedures and provisions of this Unified Land Development Code on each application for a zoning variance or flood protection variance.
- (e) Decisions on administrative appeals. Conduct a public hearing and make a final decision in accordance with the procedures and provisions of this Unified Land Development Code on each appeal of an administrative decision pursuant to this Code or an interpretation of the provisions of this Code by an administrative officer. In exercising these powers regarding an appeal of an administrative decision, the Planning and Appeals Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determinations of the administrative official, and to that end shall have the power to direct issuance of a permit.
- (f) Other powers. The Planning and Appeals Board shall also have such other powers, duties or responsibilities assigned to it by the Governing Body, explicitly assigned by this Unified Land Development Code, or reasonably implied by Code.

SECTION VI.

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

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

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

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

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

SECTION VII.

ORDINANCE NO. 2021-

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

SECTION VIII.

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 IX.

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

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

Passed: _____

AN ORDINANCE

No. 2021-

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

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

SECTION I.

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

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

SECTION II.

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

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

SECTION III.

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

ORDINANCE NO. 2021-

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

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

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

SECTION IV.

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

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

Swimming pools accessory to single-family dwellings shall be located in rear or side yards. All swimming pools shall be located at least ten (10) feet from all property lines. Swimming pools must be enclosed by a fence or wall at least ~~five (5)~~ four (4) feet in height (or as otherwise specified in an adopted swimming pool code or building code) and maintained in good condition with a lockable gate.

SECTION V.

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

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

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

- (a) Recommendations on comprehensive plan. Review the provisions of the City's Comprehensive Plan from time to time, and to make such recommendations to the Governing Body as it deems appropriate concerning its adoption or amendment.
- (b) Recommendations on annexation, rezoning and special use applications. Conduct a public hearing on each application for annexation, rezoning or special use approval, review the application in accordance with the standards and procedures set forth in this Unified Land Development Code and the Zoning Procedures Law (O.C.G.A. 36-66-1 et seq.), and make such recommendations to the Governing Body as it deems appropriate on each application.

~~(c) Recommendations on text amendments. Conduct a public hearing on proposals to amend any portion of Articles 9-1 through 9-11, Articles 9-16 through 9-18, and Articles 9-21 through 9-22 and 9-24 of this Unified Land Development Code in accordance with the standards and procedures set forth in this Unified Land Development Code and the Zoning Procedures Law (O.C.G.A. 36-66-1 et seq.). The Board may review any such proposed text review and make such recommendation to the Governing Body on such text amendments as it deems appropriate. The Planning and Appeals~~

ORDINANCE NO. 2021-

Board shall also consider text amendments to any other Articles of this Unified Land Development Code, if assigned such role or responsibility by the Governing Body.

- ~~(d)~~(c) Initiation of rezoning applications and text amendments. Initiate on its own motion a zoning change or an amendment to the text of any article of this Unified Land Development Code when, in its determination, such changes are appropriate for consideration. Any initiation by the Planning and Appeals Board must go through the normal public notification and application requirements as stated in Article 9-22 of the Unified Land Development Code.
- ~~(e)~~(d) Decisions on variances. Conduct a public hearing and make a final decision in accordance with the procedures and provisions of this Unified Land Development Code on each application for a zoning variance or flood protection variance.
- ~~(f)~~(e) Decisions on administrative appeals. Conduct a public hearing and make a final decision in accordance with the procedures and provisions of this Unified Land Development Code on each appeal of an administrative decision pursuant to this Code or an interpretation of the provisions of this Code by an administrative officer. In exercising these powers regarding an appeal of an administrative decision, the Planning and Appeals Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determinations of the administrative official, and to that end shall have the power to direct issuance of a permit.
- ~~(g)~~(f) Other powers. The Planning and Appeals Board shall also have such other powers, duties or responsibilities assigned to it by the Governing Body, explicitly assigned by this Unified Land Development Code, or reasonably implied by Code.

SECTION VI.

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

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

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

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

- (a) Approve the application as submitted by ordinance.
- (b) Approve the application with conditions.
- (c) Deny the proposal.
- ~~(d)~~ Table the proposal for consideration at a future meeting.~~at its next scheduled meeting.~~

ORDINANCE NO. 2021-

- (e) Refer the application back to the Planning and Appeals Board for further consideration, with notice of public hearings before the Planning and Appeals Board and Governing Body, the same as required for the initial application.
- (f) Refer the application back to the Planning and Appeals Board for further consideration, without the requirement to hold a public hearing and provide notice thereof.

SECTION VII.

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

SECTION VIII.

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 IX.

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

C. Danny Dunagan, Jr., Mayor

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

ATTEST:

Denise O. Jordan, City Clerk