GAINESVILLE

Mayor/Council Meeting Agenda
Tuesday, July 18, 2023, 5:30 PM
Public Safety Complex, Municipal Court Room
701 Queen City Parkway, Gainesville, GA 30501
Mayor or Mayor Pro Tem Presides

INVOCATION:

PLEDGE OF ALLEGIANCE:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Appointments

A. Metropolitan Planning Organization - Citizens Advisory Committee

- Reappoint Beverly Nordholz and Sammy Smith
- Appoint Betsy Wigington and Jason Cox

Minutes

A. June 15, 2023 Work Session

B. June 20, 2023 Mayor/Council Meeting

Resolutions

A. BR-2023-27 Declaration of Surplus Property

B. BR-2023-28 Waltkoch, Ltd. Airport Lease Extension Agreement

PUBLIC HEARING(S):

Annexation/Zoning Items

A. Request from **Dutton Properties, LLC** to annex a 1.44± acres tract located on the north side of Beverly Road, east of the intersection of Limestone Parkway and Beverly Road (a/k/a **2041 Beverly Road**) and to establish a zoning of Office and Institutional (O-I). **Ward Number: Two**. Tax Parcel Number: 09-124-000-007. **Request: Medical office**.

- Proposed Annexation Ordinance 2023-15
- Proposed Zoning Ordinance 2023-16

B. Request from **Dutton Properties, LLC** to amend the existing zoning conditions for a 2.01± acres tract zoned Office and Institutional (O-I) located on the northeast side of the intersection of Limestone Parkway and Beverly Road (a/k/a **0 Beverly Road, NE**). **Ward Number: Two.** Tax Parcel Number: 09-124-000-202. **Request: Medical Office**.

- Proposed Rezoning Ordinance 2023-17

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: July 13, 2023

Date Submitted: July 13, 2023

Final Approval Date: July 13, 2023

Presenter: Sam Couvillon

Item of Business: Metropolitan Planning Organization - Citizens Advisory Committee

- Reappoint Beverly Nordholz and Sammy Smith
- Appoint Betsy Wigington and Jason Cox

Meeting Date: July 18, 2023

Purpose of Request:
The purpose of this request is to address the expired term and vacant positions.

Facts & Issues / History & Background:
The MPO-CAC follows the guidelines of the City Charter and the Code of Ordinances as well as the bylaws of the committee. Members of the committee serve three-year terms. Beverly Nordholz and Sammy Smith have expressed a willingness to serve another term as confirmed by Joseph Boyd, GHMPO. Betsy Wigington and Jason Cox have confirmed a willingness to serve. The outstanding debt verification process was completed with no concerns.

Department Recommendation:
To consider the nominations for appointments and reappointments as submitted by the Mayor during the July 13, 2023 Work Session.

Department Director:
Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested: **Sources of Funds:**

Finance Comments:

Administrative Comments:

Attachments:
1. MPO-CAC Members
2. Connie Propes Resignation 2023
3. MPO-CAC Attendance Report

Gainesville - Hall County
Metropolitan Planning Organization
Citizen Advisory Committee
(GHMPO-CAC)

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Ward 1	Propes Vacant - Resigned	Connie	7/5/2011	3/19/2013 8/18/2015 6/6/2017 6/16/2020	6/30/2023
Ward 2	Nordholz	Beverly	8/7/2018	6/16/2020	6/30/2023
Ward 3	Smith	Sammy	8/15/17 UE	6/16/2020	6/30/2023
Ward 4	Lipscomb	Berlinda	12/2/2003	4/3/2007 7/5/2011 3/19/2013 7/19/2016 6/18/2019 8/16/2022	6/30/2025
Ward 5	Bush	William "Bill"	7/21/2020		6/30/2023

TERMS: Three year terms as of 6/6/17
Two year terms *Wards 2, 4, and 5 are 3 year terms

CONTACT: *Primary: Joseph Boyd, Transportation Planning Director, jboyd@hallcounty.org
Randi Doveton, Director, rdoveton@hallcounty.org
Michael Haire, Transportation Planner, mhaire@hallcounty.org
Rusty Ligon, Community Development Director

UPDATED: 8/17/2022 ag

From: Joseph Boyd (GHMPO)
To: Alisa Grayson
Cc: Michael Haire (GHMPO)
Subject: CAC Appointment - Connie Propes
Date: Thursday, February 16, 2023 1:11:09 PM
Attachments: image001.png

CAUTION:***This email originated from outside the City of Gainesville networks. Be aware of phishing, and remember CoG DoIT will never ask for your password or other personal information in email. Do not open up attachments or click on links unless you are absolutely sure it is legit and safe.. When in doubt, click the Phish Alert button or contact the CoG DoIT Help Desk*****

Hey Alisa –

One of Gainesville's Citizens Advisory Committee (CAC) members for the MPO, Connie Propes (Ward 1), let me know today that she will be resigning her post effective today from this committee due to ongoing personal and family circumstances. I let her know that we appreciated her 12 years of service on the CAC.

Please reach out when Gainesville has a replacement member to fill this post – her current term was scheduled to end on June 30, 2023. Thank you!

Joseph Boyd, AICP
Transportation Planning Director
Gainesville-Hall Metropolitan Planning Organization
2875 Browns Bridge Road, Gainesville, GA 30504
(770) 297-5541 | www.ghmpo.org

Gainesville-Hall County Metropolitan Planning Organization – CAC
Attendance Report

		2018				2019				2020				2021				2022				2023			
NAME		1/25	4/26	7/26	10/25	1/31	4/25	7/18	9/12	2/27	4/23	7/30	11/5	2/25	4/29	7/29	10/28	2/24	4/28	7/28	11/3	2/16	4/27	7/27	10/26
Bush, William	GV													P	P	A	A	A	A	A	EA	A			
Nordholtz, Beverly	GV				P	P	A	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P			
Smith, Sammy	GV	P	P	EA	P	P	EA	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P			

The new terms would begin on July 1, 2023 and end on June 30, 2026. Please let us know if you have any questions or need any additional info. Thank you!

Joseph Boyd, AICP
Transportation Planning Director
Gainesville-Hall Metropolitan Planning Organization
2875 Browns Bridge Road, Gainesville, GA 30504
(770) 297-5541 | www.ghmpo.org

GAINESVILLE-HALL
Metropolitan Planning Organization

CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: April 14, 2023

Date Submitted: July 12, 2023

Final Approval Date: July 13, 2023

Presenter: Denise Jordan, City Clerk

Item of Business: June 15, 2023 Work Session

Meeting Date: July 18, 2023

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

Facts & Issues / History & Background:
Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:
Approve the minutes accepting edits as presented.

Department Director:
Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested: **Sources of Funds:**

Finance Comments:

Administrative Comments:

Attachments:
None

CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: April 14, 2023

Date Submitted: July 17, 2023

Final Approval Date: July 17, 2023

Presenter: Denise Jordan, City Clerk

Item of Business: June 20, 2023 Mayor/Council Meeting

Meeting Date: July 18, 2023

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

Facts & Issues / History & Background:
Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:
Approve the minutes accepting edits as presented.

Department Director:
Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:
None

CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created:	July 13, 2023
Date Submitted:	July 14, 2023
Final Approval Date:	July 14, 2023
Presenter:	Bryan Lackey, City Manager
Item of Business:	BR-2023-27 Declaration of Surplus Property
Meeting Date:	July 18, 2023

Purpose of Request:
Requesting Council declare the property on the attached listings as surplus for public sale or disposal.

Facts & Issues / History & Background:
The City's Capital Asset policy dictates the procedure for transferring assets that have outlived their useful life to surplus. This policy has been followed with the assets listed on Attachment A and B. Finance periodically requests that property be declared surplus in order to sell or dispose of property in a timely and orderly manner. Surplus property that was purchased by the City is offered to other City departments before a sale takes place. Property seized or confiscated by the Police department is not offered to City departments.

Department Recommendation:
Approve the resolution for property listed on Attachments A and B be declared as surplus.

Department Director:
Jeremy Perry

If funding is involved, are funds approved within the current budget? No

Amount Requested:
N/A

Sources of Funds:
N/A

Finance Comments:
N/A

Administrative Comments:
N/A

Attachments:
1. BR-2023-27 Declaration of Surplus Property
2. Attachment A: Tagged- Final
3. Attachment B: Non-Tagged-Final

RESOLUTION BR-2023-27

Declaration of Surplus Property

WHEREAS, the City Finance staff recommends that the attached list (Attachment A and B) of property be declared surplus and made available for the sale or donation in accordance with Resolution BR-90-81 adopting the City's Purchasing Policies and Procedures; and

WHEREAS, it has been determined that the attached list of property has served beyond its useful life and the City Finance staff believes that the method of disposal shall be by sale at auction to the highest bidder in accordance with the policies and procedure, or dispensation in a manner approved by the City Manager; and

WHEREAS, the City Finance staff shall set a date, place and time for the appropriate sale; and

WHEREAS, the method of disposal of surplus property shall be an auction, utilizing GovDeals, an online auction company recommended by the Georgia Municipal Association, with concurrence of the City Attorney, City Clerk, and City Manager in accordance with the policies and procedures, or dispensation in a manner approved by the City Manager; and

WHEREAS, funds derived from the sale of surplus property shall be deposited to the appropriate fund and account as determined by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby declare this property surplus and available for public sale or disposal as approved by the City Manager, and that any item not sold at the sale shall be disposed of in an appropriate manner with concurrence of the City Manager.

Adopted this _____ day of _____, 2023.

W. Samuel Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

Tagged Assets

Attachment A

Asset #	Asset Description	Dept #	Purchase Date	Purchase Cost
Inspections				
12568	2002 Ford Ranger Ext Cab 4x4	7220	1/30/2007	$ 20,000.00
Planning & Zonning				
11372	2004 Chevy 1500 4X4	7410	9/11/2003	$ 17,588.00
Stormwater				
12410	2006 Volvo BL-60 4x4 Backhoe	4250	10/30/2006	$ 49,254.00
PW. Streets				
11399	2004 Ford F150 Long Bed	4200	9/3/2003	$ 20,618.00
11723	2005 Ford F250 4x4	4200	9/2/2004	$ 25,053.00
11982	2006 Ford F250 4x4	4200	9/14/2005	$ 20,457.00
13103	2010 Ford F350 Cab and Chassis only duallyFord	4200	8/18/2009	$ 31,237.00
14198	Hustler X-One Mower	4200	2/27/2013	$ 6,874.99
14599	Hustler X-One Mower	4200	4/18/2014	$ 7,458.80
Fire				
14169	2013 Ford F150 Ext Cab 4x4	3500	10/30/2012	$ 22,517.00
Police				
13824	2011 Chevy Caprice	3200	6/30/2012	$ 34,326.68
13826	2011 Chevy Caprice	3200	6/30/2012	$ 34,341.18
13828	2012 Chevy Caprice	3200	6/30/2013	$ 34,253.28
14260	2013 Chevy Caprice	3200	9/13/2013	$ 36,470.66
Department of Water Resources				
12682	2007 New Holland B95 Backhoe Loader	4440	8/8/2007	$ 47,666.00
15489	Hardee LR40142 Cutter Attachment	4330	5/24/2016	$ 14,450.00

Non-Tagged Assets

Attachment B

Asset #	Asset Description	Dept #	Comments
	Police		
NO TAG	Cadillac Escalade	3200	SEIZED
NO TAG	Chevy SS Camaro	3200	SEIZED
NO TAG	BMW 535 4dr.	3200	SEIZED
NO TAG	Toyota Camry 4 dr.	3200	SEIZED
NO TAG	Misc. PD Electronics	3200	BELOW THRESHOLD
	Human Resources		
NO TAG	2- Detento Stand Up Scales	1540	BELOW THRESHOLD
NO TAG	Exam Table	1540	BELOW THRESHOLD
NO TAG	Kitchen Countertop with Sink	1540	BELOW THRESHOLD
	Community Service Center		
NO TAG	Miscellaneous Equipment from Transit Buses	7561	BELOW THRESHOLD
	Vehicle Services		
NO TAG	Miscellaneous Vehicle Parts	4990	BELOW THRESHOLD
	Department of Water Resources		
NO TAG	Sandstorm Sandblaster	4900	BELOW THRESHOLD
NO TAG	Misc. Locator Equip/ Leak Detector	4440	BELOW THRESHOLD

CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created:	July 13, 2023
Date Submitted:	July 14, 2023
Final Approval Date:	July 14, 2023
Presenter:	Bryan Lackey, City Manager
Item of Business:	BR-2023-28 Waltkoch, Ltd. Airport Lease Extension Agreement
Meeting Date:	July 18, 2023

Purpose of Request:
To authorize a lease extension agreement with Waltkoch, Ltd.

Facts & Issues / History & Background:
The City of Gainesville entered into a Lease Agreement on August 9th, 1978, for Tract A-19 of the Airport Industrial Park with Waltkoch, Ltd. and Waltkoch, Ltd. desires to extend the Lease through August 31, 2033.

Department Recommendation:
Adopt the resolution.

Department Director:
Chris Rotalsky

If funding is involved, are funds approved within the current budget? No

Amount Requested: **Sources of Funds:**

Finance Comments:

Administrative Comments:

Attachments:

1. BR-2023-28 Waltkoch Airport Lease Extension Agreement
2. Attachment Letter: WaltKoch, LTD Lease Extension Request
3. Attachment: WaltKoch Memorandum Airport Lease Extension Agreement

RESOLUTION BR-2023-28

Waltkoch, Ltd. Airport Lease Extension Agreement

WHEREAS, the City of Gainesville entered into a Lease Agreement on August 9, 1978, for Tract A-17 of the Airport Industrial Park (said Lease Agreement hereinafter referred to as "the Lease") with WaltKoch, Ltd. as the Lessee; and

WHEREAS, by the attached letter from Sam Stanford, General Manager of WaltKoch, Ltd. to the City's Airport Manager, Lisa Poole, dated February 27, 2023 (said letter hereinafter referred to as "the Letter"), Lessee notified the City of Lessee's desire to extend the Lease through August 31, 2033; and

WHEREAS, the City hereby approves Lessee's request to extend the Lease through August 31, 2033, with the terms of said extension to be the same as those set forth in the attached Lease Extension Agreement, with the exception that the monthly rent shall be increased to $2,254.16.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the attached Lease Extension Agreement as set forth above.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Mayor, City Manager, and City Attorney to sign such documents as necessary to effectuate the extension of the Lease.

Adopted this _____ day of _____ 2023.

_____
W. Samuel Couvillon, Mayor

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

ATTEST:

_____
Denise O. Jordan, City Clerk

770 536-0224
Telephone
770 535-7809
Facsimile

Ms. Lisa Poole
Airport Manager
City of Gainesville
Public Works Department

02/27/2023

Frozen Food Distributors Worldwide

Re: Lease Agreement between City of Gainesville and WaltKoch, LTD. – Airport Industrial Park; AIP Lot A-17.

Dear Ms. Poole,

Whereas our latest ten-year extension of our land lease is set to expire on August 31, 2023, WaltKoch LTD. would like to extend the lease term an additional ten years (expiring on August 31, 2033).

Please acknowledge receipt of, and agreement with this proposed extension.

Sincerely,

Sam Stanford
General Manager-WaltKoch, LTD
1025 Airport Parkway
Gainesville, GA 30501

MEMORANDUM OF LEASE EXTENSION

THIS MEMORANDUM OF LEASE EXTENSION (this "Memorandum"), is made and entered into effective as of the 1st day of September, 2023, by and between **CITY OF GAINESVILLE, GEORGIA**, a municipal corporation of the State of Georgia, as Party of the first part (hereinafter referred to as "City"), and **WALTKOCH, LTD.**, a Georgia corporation, as Party of the second part (hereinafter referred to as "WaltKoch"); the words "City" and "WaltKoch" include their respective heirs, successors, and assigns where the context requires or permits.

W I T N E S S E T H:

WHEREAS, WaltKoch is the lessee of certain real property located in the City of Gainesville, Hall County, Georgia under the terms of that certain Lease Agreement between the City and WaltKoch, Ltd. dated August 9, 1978 (the "Lease");

WHEREAS, WaltKoch has requested to extend the Lease through August 31, 2033 (the "Lease Extension");

WHEREAS, the City and WaltKoch wish to give notice of the Lease Extension by executing this Memorandum.

NOW, THEREFORE, in consideration of the sum of Ten Dollars ($10) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties do hereby agree as follows:

1. All provisions of the Lease, in addition to the recitals set forth hereinabove, are incorporated herein by this reference as fully as if set forth herein verbatim, with the sole exception that the monthly rent due under the Lease shall be increased to $2,254.16.

2. City and WaltKoch hereby agree that the term of the Lease shall be extended through the 31st day of August, 2033.

3. This Memorandum is executed, delivered and recorded for the purpose of giving notice of the Lease Extension and is not intended to supersede or vary any provisions of the Lease, other than as set forth herein.

4. This Agreement may be executed in two or more identical counterparts. Each fully or partially executed counterpart shall be deemed an original, but all of such counterparts taken together shall constitute one and the same instrument.

[*SIGNATURES ON SUCCEEDING PAGES*]

IN WITNESS WHEREOF, City has caused this Memorandum to be duly executed under seal and delivered by its authorized representative on the day and year first above written.

CITY:

Signed, sealed and delivered
in the presence of:

CITY OF GAINESVILLE, GEORGIA

_____
Unofficial Witness

By:_____ (SEAL)
Bryan Lackey, City Manager

_____
Notary Public

Attest:_____
Denise O. Jordan, City Clerk

My Commission Expires:_____

[NOTARY SEAL]

APPROVED AS TO FORM

_____
Abbott S. Hayes, Jr., City Attorney

IN WITNESS WHEREOF, WaltKoch has caused this Memorandum to be duly executed under seal and delivered by its authorized representative on the day and year first above written.

WALTKOCH:

Signed, sealed and delivered
in the presence of:

WALTKOCH, LTD.

_____
Unofficial Witness

By:_____ (SEAL)
S. Keith Steinberg, CEO

_____
Notary Public

Attest:_____
Cynthia Groover, Secretary

My Commission Expires:_____

[NOTARY SEAL]

CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created:	July 13, 2023
Date Submitted:	July 14, 2023
Final Approval Date:	July 14, 2023
Presenter:	Abb Hayes, City Attorney
Item of Business:	Request from **Dutton Properties, LLC** to annex a 1.44± acres tract located on the north side of Beverly Road, east of the intersection of Limestone Parkway and Beverly Road (a/k/a **2041 Beverly Road**) and to establish a zoning of Office and Institutional (O-I). **Ward Number: Two**. Tax Parcel Number: 09-124-000-007. **Request: Medical office**. • Proposed Annexation Ordinance 2023-15 • Proposed Zoning Ordinance 2023-16
Meeting Date:	July 18, 2023

Purpose of Request:
To provide an overview of the following zoning request as presented at the June 13, 2023 Planning and Appeals Board Meeting.

Facts & Issues / History & Background:
The applicant is proposing to annex the subject property with a zoning of Office and Institutional (O-I) in order to connect to sewer for a medical office. The property is wooded and is zoned Agricultural Residential-III (AR-III) within unincorporated Hall County. The property is contiguous to the city limits on all sides. The intent is to combine the subject property with the adjacent property to the west, which is described in the following zoning amendment request. The proposed two-story medical office is approximately 27,200 square feet in size (80' x 170') and will be designed set into the hillside so that access for each level will be at grade with upper and lower level parking. Access is proposed from Beverly Road and from an existing curb cut on Limestone Parkway which will require an access easement. The proposed medical office will adhere to the Limestone Parkway Overlay Zone requirements and will include brick facade materials and a pitched roof. The adjacent properties include medical offices, New Horizons Limestone nursing home, The Landings of Gainesville assisted living facility, single-family rental home and undeveloped land.

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

SAMPLE MOTIONS:

Approval of Ordinance 2023-15:
I move to approve the ordinance to annex the subject property for a medical office as presented.

Approval of Ordinance 2023-16:
I move to approve the ordinance to establish zoning as Office and Institutional (O-I) with four conditions as presented.

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

Department Director:
Rusty Ligon

If funding is involved, are funds approved within the current budget? No

Amount Requested: **Sources of Funds:**

Finance Comments:

Administrative Comments:

Attachments:

1. Legal Ad
2. PAB Recommendation Report
3. Proposed Annexation Ordinance 2023-15
4. Proposed Zoning Ordinance 2023-16
5. Location Maps
6. Narrative
7. Site plan
8. Survey
9. Photos

Number(s): 01-029-001-005 and 007
Request: Mixed-use building
3) Request from **Loan Donuts Holdings, LLC** to rezone a 1.063± acres tract located at the southeast side of the intersection of Browns Bridge Road and McEver Road (a/k/a **2895 Browns Bridge Road, SW**) from Office and Institutional (O-I) to Neighborhood Business (N-B).
Ward Number: Four
Tax Parcel Number(s): 08-015-005-028
Request: Dunkin Donuts restaurant
4) Request from **QuikTrip Corporation C/O Eric Bikas** to amend an existing Planned Unit Development (P-U-D) zoning on a 2.86± acres tract located at the southwest side of the intersection of Browns Bridge Road and McEver Road (a/k/a **2925 Browns Bridge Road, SW**).
Ward Number: Four
Tax Parcel Number(s): 08-016-001-004
Request: QuikTrip convenience store/gas station
5) Request from **Bradley Dunckel** to amend the zoning conditions for a property zoned Residential-II (R-II) on a 1.38± acres tract located east of the terminus of Riverside Terrace (a/k/a **1180 Riverside Terrace NE**).
Ward Number: Two
Tax Parcel Number(s): 01-075-001-016
Request: 8 Single-family condominium homes
Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.
NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating $250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})
122929 6/21

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE GAINESVILLE ZONING MAP
Notice is hereby given that the Gainesville City Council will conduct a public hearing on **Tuesday, July 18, 2023 at 5:30 p.m.** in the Gainesville Justice Center (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in Gainesville on the following requests:
1) Request from **Dutton Properties, LLC** to annex a 1.44± acres tract located on the north side of Beverly Road, east of the intersection of Limestone Parkway and Beverly Road (a/k/a **2041 Beverly Road**) and to establish a zoning of Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 09-124-000-007
Request: Medical office
2) Request from **Dutton Properties, LLC** to amend the existing zoning conditions for a 2.01± acres tract zoned Office and Institutional (O-I) located on the northeast side of the intersection of Limestone Parkway and Beverly Road (a/k/a **0 Beverly Road, NE**).
Ward Number: Two
Tax Parcel Number(s): 09-124-000-202
Request: Medical office
Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.
NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating $250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})
122924 6/21

The City of Buford Zoning Board of Appeals will meet on Monday, June 26, 2023 at 7:00 p.m. at Buford City Hall, 2300 Buford Highway, Buford, Georgia 30518 to consider a variance request at 3180 Lee Drive, out of parcel 07-329-002001H, containing 1.148 acres for Benjamin Corey McDonald. The variance request is for the requirement of four-sided brick house changed to board and batten with stone accents and to reduce the driveway width requirement from 18 feet to 12 – 15 feet.
122183 6/7,14,21

Public Sales/Auctions

NOTICE OF PUBLIC SALE: The following self-storage Cube contents containing household and other goods will be sold for cash by CubeSmart LP 2221 Dawsonville Highway Gainesville, Georgia, 30506 to satisfy a lien on July 13, 2023 at approx. 12:00 PM at [www.storagetreasures.com]
Cube #110 Victoria L Boughner
Cube #517 Daniel Floyd
Cube #220 Erin Hatfield
Cube #528 Calley Greer
122702 6/21, 6/28

Notice of Self Storage Sale
Please take notice USA Storage Centers - Flowery Branch at 6113 Atlanta Hwy Flowery Branch, GA 30542 intends to hold a public sale to sell the property stored in the following units stored at the Facility. The public sale to the highest bidder will occur at an online auction via **www.storageauctions.com** on 7/6/2023 at 10:00AM. Unless stated otherwise the description of the contents are household goods and furnishings. William Forbes unit #235. All property is being stored at the above self-storage facility. This sale may be withdrawn at any time without notice. Certain terms and conditions apply. See manager for details.
122701 6/21, 28

NOTICE SALE
These units will be sold at public auction to the highest bidder for cash, at Double Eagle Self Storage 3558 Atlanta Hwy., Flowery Branch, Ga. 30542 on Thursday June 29th, 2023 at 1:00pm. To foreclose and satisfy warehouseman's lien covering storage, as indicated on the personal and household goods of the following:
#601 Blake Owen
#618 Gavin Graham
#217 Gracelia Larrea
122821 6/21, 28

Pursuant to the Georgia Self-Service Storage Facility Act, notice is hereby given that SS Flowery Branch, LLC d/b/a Simply Self Storage at 6121 Spout Springs Road, Flowery Branch GA 30542 will sell at public auction the personal property in the below-listed occupants' leased unit(s) to satisfy the owner's lien. The personal property stored therein by the following occupants may include but is not limited to general household, office and personal items, furniture, boxes, clothes, and appliances. The unit(s) will be sold at public auction through online auction services of www.storagetreasures.com with bids opening at
7/13/23 at 12:00pm and closing on 07/20/23 at 12:00pm. Celeste Price Unit 135 – Refrigerator, Mattress, Furniture – Nicole Parker Unit 048 – Boxes, washer, dryer, TVs, Bikes, totes, boxes – Cheryl Valentino Unit 123 – Furniture, Boxes – Taylor Fidler Unit 541-seed spreader, Boxes, Car Parts, tires – David Addison Unit 030 – Furniture, Totes, Boxes, Picture Frames – David Addison Unit 033 – Furniture, Boxes, Golf Clubs.
122713 6/21, 28

WILL BE Sold Online at Storageauctions.com
Notice is hereby given that on Auction Date: June 26, 2023 U-Haul Company of Northeast Georgia will Sell under the contractual landlords lien process by Online auction the following storage units. The goods to be sold are generally described as household goods.
Gainesville:
U-Haul Of Oakwood:
127 Tajh Bowens
O40 Elijah Huddleston
2148 Cheryl Sckupakus
O42 Elijah Huddleston
2170 Cheryl Sckupakus
122290 6/14,21

Probate Notices

CITATION
PROBATE COURT OF HALL COUNTY RE: ESTATE OF Sabrina Tatum , FORMER WARD.
Date of Publication, if any: June 21, 2023
TO WHOM IT MAY CONCERN:
The conservator of the above estate, has applied for Discharge from said trust. This is to notify the above interested party(ies) to show cause, if any they can, why said conservator should not be discharged from office and liability. All objections must be in writing, setting forth the grounds of any such objections, and filed with the above Probate Court, 116 Spring Street, Gainesville, GA 30501 on or before 10:00 a.m, August 7 , 2023, said date being more than 30 days from the date of publication, or if personally served, then 10 days from the date of such service. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/ telephone number for the required amount of filing fees.
If any objections are filed, a hearing will be scheduled for a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Laine
PROBATE JUDGE
By: Pamela M. Elliott
PROBATE CLERK/ DEPUTY CLERK
116 Spring Street SE
Gainesville, GA 30501
Address
770-531-6924
Telephone Number
122966 6/21

CITATION
PROBATE COURT OF HALL COUNTY
RE: ESTATE OF **EMMA JANE GREEN** WARD.
Date of Publication, if any: **JUNE 21, 2023**
TO WHOM IT MAY CONCERN AND Rebecca Davies
The conservator of the above estate, has applied for Discharge from said trust. This is to notify the above interested party (ies) to show cause, if any they can, why said conservator should not be discharged from office and liability. All objections must be in writing, setting forth the grounds of any such objections, and filed with the above Probate Court, 116 Spring Street, Gainesville, GA 30501 on or before 10:00 a.m. August 7, 2023 , said date being more than 30 days from the date of publication, or if personally served, then 10 days from the date of such service. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/ telephone number for the required amount of filing fees.
If any objections are filed, a hearing will be scheduled for a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
PROBATE JUDGE
By: Robin Jones
PROBATE CLERK/ DEPUTY CLERK
116 Spring Street SE
Gainesville, GA 30501
Address
770-531-6925
Telephone Number
122960 6/21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE : ESTATE OF TIMOTHY CLINE THOMAS, DECEASED
ESTATE NO. E-23-263
PETITION FOR LETTERS OF ADMINISTRATION NOTICE
[Strike the sentence in parenthesis below ifnot applicable.]
TO: WHOM IT MAY CONCERN
John Lowell Thomas has petitioned to be appointed administrator of the estate of TIMOTHY CLINE THOMAS deceased, of said county.
All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 am_July 3, 2023.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be
(scheduled at a later date). If no objections are filed, the petition may be granted without
a hearing.
Mark Loggins
Judge of the Probate Court
By: Riley Norris
Clerk of the Prebate Court
116 Spring Street, SE
Gainesville, GA 3050 l
Address
770-531-6921
Telephone Number
1 2 1 8 0 4
5/31,6/7,14,21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF BARBARA ANNE MCINTOSH, DECEASED
ESTATE NO. E-23-272
PETITION FOR LETTERS OF ADMINISTRATION NOTICE
[Strike the sentence in parenthesis below ifnot applicable.]
TO: WHOM IT MAY CONCERN
Charlie McIntosh has petitioned for Letters of Administration to be appointed administrator of the estate of Barbara Anne McIntosh deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in 0.C.G.A. $ 53-12-261.)
All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing,
setting forth the grounds of any such objections, and must be filed with the Court on or before July
3, 2023 by 10:00 A.M.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: S. Carley
Clerk of the Probate Court
116 Spring Street First Floor
Gainesville, Georgia 30501
Address
770-531-6923
Telephone Number
122352 6/21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF MAXINE CLARK, DECEASED
ESTATE NO. E-21-259
NOTICE
[For discharge from office and all liability}
IN RE: Petition for Discharge of Personal Representative
TO: whom it may conern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. July 3, 2023.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should he sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: S. Carley
Clerk of the Probate Court
116 Spring Street First Floor
Gainesville, Georgia 30501
Address
770-531-6923
Telephone Number
122350 6/21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF David LEE BARRY, DECEASED
ESTATE NO. E-22-449
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. July3", 2023.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street First Floor
Gainesville, Georgia 30501
Address
770-531-6923
Telephone Number
122957 6/21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF LINDA SUE WILLIAMS, DECEASED
ESTATE NO. E-23-314
PETITION FOR LETTERS OF ADMINISTRATION NOTICE
TO: whom it may concern:
Jamie Lyn Williams has petitioned for Letters of Administration to be appointed administrator of the estate of Linda Sue Williams, deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.)
All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 am July 3, 2023.
HE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.
Mark Loggins
Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street. SE
Gainesville, GA 30501
Address
770-531-6921
Telephone Number
122328
5/31,6/7,14,21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGI
IN RE: EST A TE OF LEE ALLEN SMITH, DECEASED
ESTATE NO. E-23-187
PETITION FOR LETTERS OF ADMINISTRATION NOTICE
[Strike the sentence in parenthesis below ifnot applicable.]
TO: WHOM IT MAY CONCERN
Jerry L. Smith has petitioned to be appointed administrator of the estate of LEE ALLEN SMITH
deceased, of said county.
All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 am July 3, 2023.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be
(scheduled at a later date). If no objections are filed, the petition may be granted without
a hearing.
Patty Walters Laine
Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street, SE
Gainesville, GA 30501
Address
770-531-6921
Telephone Number
1 2 1 8 0 2
5/31,6/7,14,21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF CARLTON ROBERT SAFFORD, DECEASED
ESTATE NO. E-21-070
NOTICE
[For discharge from office and all liability]

GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION

Applicant and Property Owner .....Dutton Properties, LLC

Location .....2041 Beverly Road; 0 Beverly Road, NE

Request.....Annex with O-I zoning
Amend existing O-I zoning conditions

Total Acres .....3.45± acres
Annexation: 1.44± acres
Amendment: 2.01± acres

Ward.....Two

Proposed Use.....Medical office

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

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

Date .....June 13, 2023

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

The applicant is proposing to annex a 1.44± acres tract with Office and Institutional (O-I) zoning and to amend the zoning conditions on an adjacent 2.01± acres tract zoned currently O-I. The properties total 3.45± acres in size and are located within the Limestone Parkway Overlay Zone.

The proposed annexation includes property zoned Agricultural Residential-III (AR-III) within unincorporated Hall County and is contiguous to the city limits on all sides. The proposed zoning conditions amendment includes property originally part of a larger tract that received special use approval in 2007 for an assisted living facility. The parent property has since been developed but the remnant subject property has remained undeveloped.

The intent is to combine both properties and develop a two story, 27,200 square foot medical office building. The building is designed to set into the hillside so that access for each level will be at grade with upper and lower level parking. Access is proposed from Beverly Road and from an existing curb cut on Limestone Parkway which will require an access easement. The proposed medical office will adhere to the Limestone Parkway Overlay Zone requirements and will include brick facade materials and a pitched roof.

- ***Adjacent Land Use and Zoning***

Location	Use	Zoning
North	The Landings of Gainesville Assisted Living Single-Family Home	Neighborhood Business (N-B) Agricultural Residential-III (AR-III)
South	New Horizons Limestone Nursing Home Medical Office	General Business (G-B)
East	Medical Office	Neighborhood Business (N-B)
West	Southern Craft Dental Lab	Residential-I-A (R-I-A) Office and Institutional (O-I)

- ***Other Departmental Comments***

Coordination will be required with the City of Gainesville Public Works Department and the Georgia Department of Transportation (GDOT) regarding all access point design.

- ***Zoning History***

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

2022 – A request by Brand Properties to rezone 53.177± acres located at 515 Lakeview Drive, NE; 2065 Limestone Parkway; 1881 Jesse Jewell Parkway, NE from Planned Unit Development (P-U-D) and Residential-II (R-II) to Planned Unit Development (P-U-D) zoning was approved with conditions for a mixed-use development.

2022 – A request by Caballero Holdings, LLC to annex a 140.77± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 Eberhart Cemetery Road; 2465 Floyd Road, SE; 2166, 2170 and 2210 Old Cornelia Highway was conditionally approved for a master planned mixed-use development.

2022 – A request by Caballero Holdings, LLC to amend a 14.43± acres tract zoned Planned Unit Development (P-U-D) located at 0, 2490 and 2544 Floyd Road, SE; 0 Lenox Drive, SE; 0 Old Cornelia Highway, SE was conditionally approved for a master planned mixed-use development.

2021 – A request by Optum Development to annex a 7.77± acres tract with a zoning of Planned Unit Development (P-U-D) located at 1744 Cleveland Highway was conditionally approved for residential townhomes.

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

2020 – A request by Frank Norton, Jr. to amend a 14.75± acres tract zoned Planned Unit Development (P-U-D) located at 0 Lakeview Drive NE; 52, 54 and 56 Quarry Street NE was conditionally approved for residential cottages and townhomes.

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

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

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

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

Staff Analysis

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

The subject properties appear appropriate for office development given that most of the surrounding properties are zoned for office, institutional and commercial purposes. The proposed medical office appears logical given its proximity to other medical uses and Northeast Georgia Medical Center.

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

The proposed request will function similarly as other medical uses along Beverly Road and the Limestone Parkway Corridor. Proposed access appears sufficient and a traffic signal is currently in place at the intersection of Limestone Parkway and Beverly Road.

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

The Future Development Map for the City of Gainesville places the property within the *General Mixed-Use* land use category which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, detached residential and attached residential.

The subject property is located within the *Limestone Medical Corridor* Character Area which 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.

It appears the proposal is consistent with the Comprehensive Plan.

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

The property consists of two parcels zoned Office and Institutional (O-I) and Agricultural Residential (AR-III). The intent is to combine the properties for a medical office use. The AR-III zoned property does not allow for a medical office use. Thus, the property is required to be annexed with O-I zoning to complement the adjacent subject property already zoned O-I in the city. If approved, both properties will have the same zoning designation and zoning conditions.

(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?

Surrounding developments currently utilize City water and sewer services and there is sufficient capacity to serve the development.

Existing public safety services respond to the adjacent and nearby properties. Gainesville Fire Station #2 located off of Cleveland Highway is approximately 1.3 miles away. Gainesville Police currently patrol Limestone Parkway and Beverly Road.

According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the proposed 27,200 square foot medical office could generate 983± new trips per weekday and 97± A.M. and 95± P.M. peak hour trips during the weekday. The existing road

network is sufficient to accommodate the proposed use. The Limestone Parkway (four lane) and Beverly Road (two lane) intersection is signalized with full signalized access.

The proposal is for a medical office use and will have no impact on the Gainesville City School System.

(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 Comprehensive Plan anticipates the subject properties to be developed for a mixture of uses which is consistent with the adjacent residential, office, institutional and commercial uses. Nearby office, commercial and service uses will continue to develop along nearby Limestone Parkway and nearby Jesse Jewell Parkway. Much of this is due to the proximity of Exit 24/I-985 and Northeast Georgia Medical Center.

(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?

Given the subject property's proximity to/within the city limits and the adjacent mixture of uses, the proposal, with the zoning conditions recommended by staff, appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare, and the right to unrestricted use of property.

- ***Staff Recommendation***

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

The following zoning conditions shall replace the current zoning conditions stated within Zoning Resolution ZR 2007-04.

Conditions

1. **The proposed building shall be generally consistent with the standards depicted on the concept plan and photographs provided with this application and shall adhere to the Limestone Parkway Overlay Zone standards.**
2. **Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**
3. **All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.**
4. **The frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees subject to the approval of the Community & Economic Development Director.**

Excerpts from the June 13, 2023 PAB Meeting Minutes

Applicant Presentation: Ed Myers, 752 Chattahoochee Place, engineer with Myers and Company stated he is working on the project for the owner. Mr. Myers stated the original property was challenging but by annexing the second property it can be utilized more

efficiently by building into the hillside and the design will have similar characteristics as others along the corridor.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval of the annexation request for a medical office and establish zoning as Office and Institutional (O-I) with the following conditions:

Conditions

1. **The proposed building shall be generally consistent with the standards depicted on the concept plan and photographs provided with this application and shall adhere to the Limestone Parkway Overlay Zone standards.**
2. **Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**
3. **All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.**
4. **The frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees subject to the approval of the Community & Economic Development Director.**

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

There was a motion to recommend conditional approval of the zoning amendment request for a medical office with Office and Institutional (O-I) zoning with the following conditions:

Conditions

1. **The proposed building shall be generally consistent with the standards depicted on the concept plan and photographs provided with this application and shall adhere to the Limestone Parkway Overlay Zone standards.**
2. **Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**
3. **All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.**
4. **The frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees subject to the approval of the Community & Economic Development Director.**

Motion made by Board Member Martin
Motion seconded by Vice Chair Fleming
Vote – 7 favor

Passed: _____

AN ORDINANCE

No. 2023-15

AN ORDINANCE ANNEXING A 1.44± ACRES TRACT LOCATED ON THE NORTH SIDE OF BEVERLY ROAD, EAST OF THE INTERSECTION OF LIMESTONE PARKWAY AND BEVERLY ROAD (A/K/A 2041 BEVERLY ROAD) AND TO ESTABLISH A ZONING OF OFFICE AND INSTITUTIONAL (O-I) ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

That from and after the passage of this Ordinance the following described lands are and shall be annexed into the existing corporate limits of the City of Gainesville, Georgia, so that said lands shall constitute a part of the land within the corporate limits of the City of Gainesville, Georgia, as fully and completely as if the limits had been so defined by the General Assembly of Georgia.

Legal Description

All that tract or parcel of land lying and being in Land Lot 124, 9th Land District, Hall County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northeastern right of way of Beverly Road and Limestone Parkway at a concrete monument as shown on the survey by Floyd and Associates, Inc. dated 7/8/2022 for Gary F. Anderson; Thence South 81 degrees 20 minutes 14 seconds East for a distance of 202.59 feet to a concrete monument found at the TRUE POINT OF BEGINNING on the southwestern corner; Thence North 29 degrees 19 minutes 40 seconds West for a distance of 338.73 feet to a concrete monument; Thence North 44 degrees 47 minutes 15 seconds East for a distance of 179.42 feet to a point; Thence South 26 degrees 33 minutes 45 seconds East for a distance of 438.18 feet to a point; Thence South 78 degrees 53 minutes 20 seconds West for a distance of 159.42 feet to the TRUE POINT OF BEGINNING;

Said property contains 1.444 acres more or less.

SECTION II

The Community and Economic Development Department of the City of Gainesville is directed to make and file with the Department of Community Affairs of the State of Georgia a certified copy

of this Ordinance together with a plat describing lands annexed to the City of Gainesville by this Ordinance.

SECTION III

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

SECTION IV

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

SECTION V

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

_____

W. Samuel Couvillon, Mayor

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

ATTEST:

_____

Denise O. Jordan, City Clerk

Passed: _____

AN ORDINANCE

No. 2023-16

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 1.44± ACRES TRACT LOCATED ON THE NORTH SIDE OF BEVERLY ROAD, EAST OF THE INTERSECTION OF LIMESTONE PARKWAY AND BEVERLY ROAD (A/K/A 2041 BEVERLY ROAD) AT THE TIME OF ANNEXATION AS OFFICE AND INSTITUTIONAL, WITH CONDITIONS (O-I-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

That from and after the passage of this Ordinance the following described lands shall be zoned and so designated on the Zoning Map of the City of Gainesville as **Office and Institutional, with conditions (O-I-c)**.

Conditions

1. **The proposed building shall be generally consistent with the standards depicted on the concept plan and photographs provided with this application and shall adhere to the Limestone Parkway Overlay Zone standards.**
2. **Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**
3. **All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.**
4. **The frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees subject to the approval of the Community & Economic Development Director.**

Legal Description

All that tract or parcel of land lying and being in Land Lot 124, 9th Land District, Hall County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northeastern right of way of Beverly Road and Limestone Parkway at a concrete monument as shown on the survey by Floyd and Associates, Inc. dated 7/8/2022 for Gary F. Anderson; Thence South 81 degrees 20 minutes 14 seconds East for a distance of 202.59 feet to a concrete monument found at the TRUE POINT OF BEGINNING on the southwestern corner; Thence North 29 degrees 19 minutes 40 seconds West for a distance of 338.73 feet to a concrete monument; Thence North 44 degrees 47 minutes 15 seconds East

for a distance of 179.42 feet to a point; Thence South 26 degrees 33 minutes 45 seconds East for a distance of 438.18 feet to a point; Thence South 78 degrees 53 minutes 20 seconds West for a distance of 159.42 feet to the TRUE POINT OF BEGINNING;

Said property contains 1.444 acres more or less.

SECTION II

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

SECTION III

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

SECTION IV

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

_____

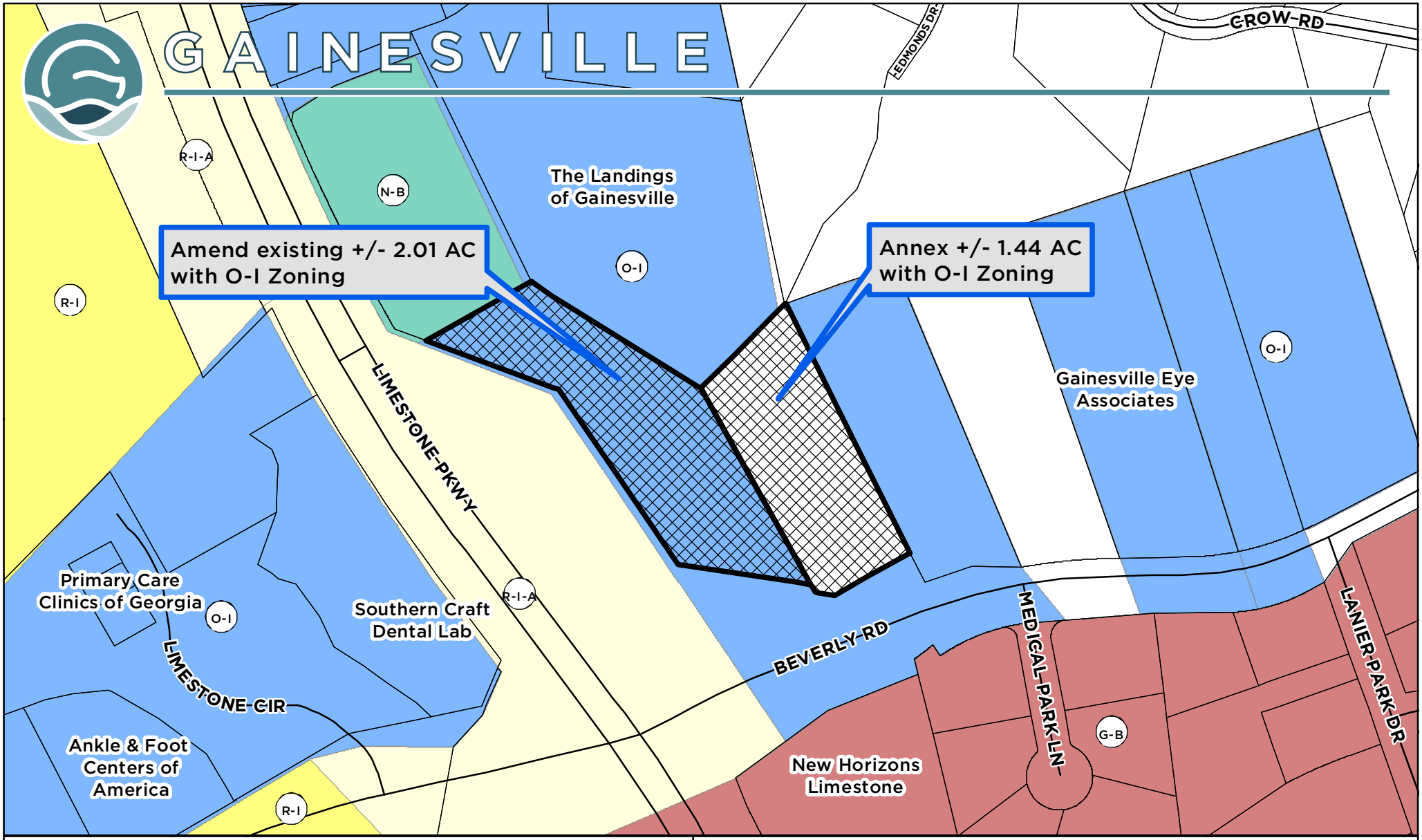
W. Samuel Couvillon, Mayor

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

ATTEST:

_____

Denise O. Jordan, City Clerk



Applicant: DUTTON PROPERTIES, LLC

ANNEXATION & ZONING AMENDMENT REQUEST

Request:
Annex +/- 1.44 AC and establish zoning of Office and Institutional (O-I); and amend existing Office and Institutional (O-I) zoning on a +/- 2.01 AC tract for a medical office

Subject Property Address:
2041 Beverly Road
0 Beverly Road

Tax Parcel:
09-124-000-007
09-124-000-202

Subject Property

Meeting Date: 06/13/2023

Map Prepared: 05/02/2023

0 100 200 300 400 Feet

SCALE: 1 " = 200 '

N W E S

GAINESVILLE

Applicant: DUTTON PROPERTIES, LLC

ANNEXATION & ZONING AMENDMENT REQUEST

Request:
Annex +/- 1.44 AC and establish zoning of Office and Institutional (O-I); and amend existing Office and Institutional (O-I) zoning on a +/- 2.01 AC tract for a medical office

Subject Property Address:
2041 Beverly Road
0 Beverly Road

Tax Parcel:
09-124-000-007
09-124-000-202

Subject Property

Aerial from 2021

Meeting Date: 06/13/2023

Map Prepared: 05/02/2023

0 160 320 480 640 Feet

SCALE: 1 " = 300 '

N W E S

Narrative
Beverly Medical Office Center
O-I Annexation & Zoning

Summary

This application seeks and annexation and zoning change from AR-III (Residential-Agriculture) in Hall County to O-I (Office & Institutional) for one of two parcels. The second parcel has an existing zoning of O-I with conditions. These two parcels will be combined and developed as a single medical office project.

Existing Site Description

The proposed development involves two existing parcels. One parcel is 2 acres at the corner of Beverly Road and Limestone Parkway. It is currently in the city and zoned O-I with existing conditions from a previous rezoning. The second parcel is 1.4 acres zoned AR-III in Hall County and is requested to be annexed into the city and rezoned to O-I. These properties are undeveloped and surrounded by O-I and N-B zoned properties in the city.

Proposed Development

These parcels will be combined and developed as a single medical office project. Access for the project will be through a driveway on Beverly Road and an access easement to connect to an existing curb and median cut on Limestone Parkway.

The medical office building will be a two-story building that will be set into the hillside so that access for each level with be at grade. This will reduce the size of any retaining walls needed to construct the project and let it blend into the existing topography.

The project is located in the Limestone Parkway Overlay Zone. All outdoor lighting will be low spill fixtures.

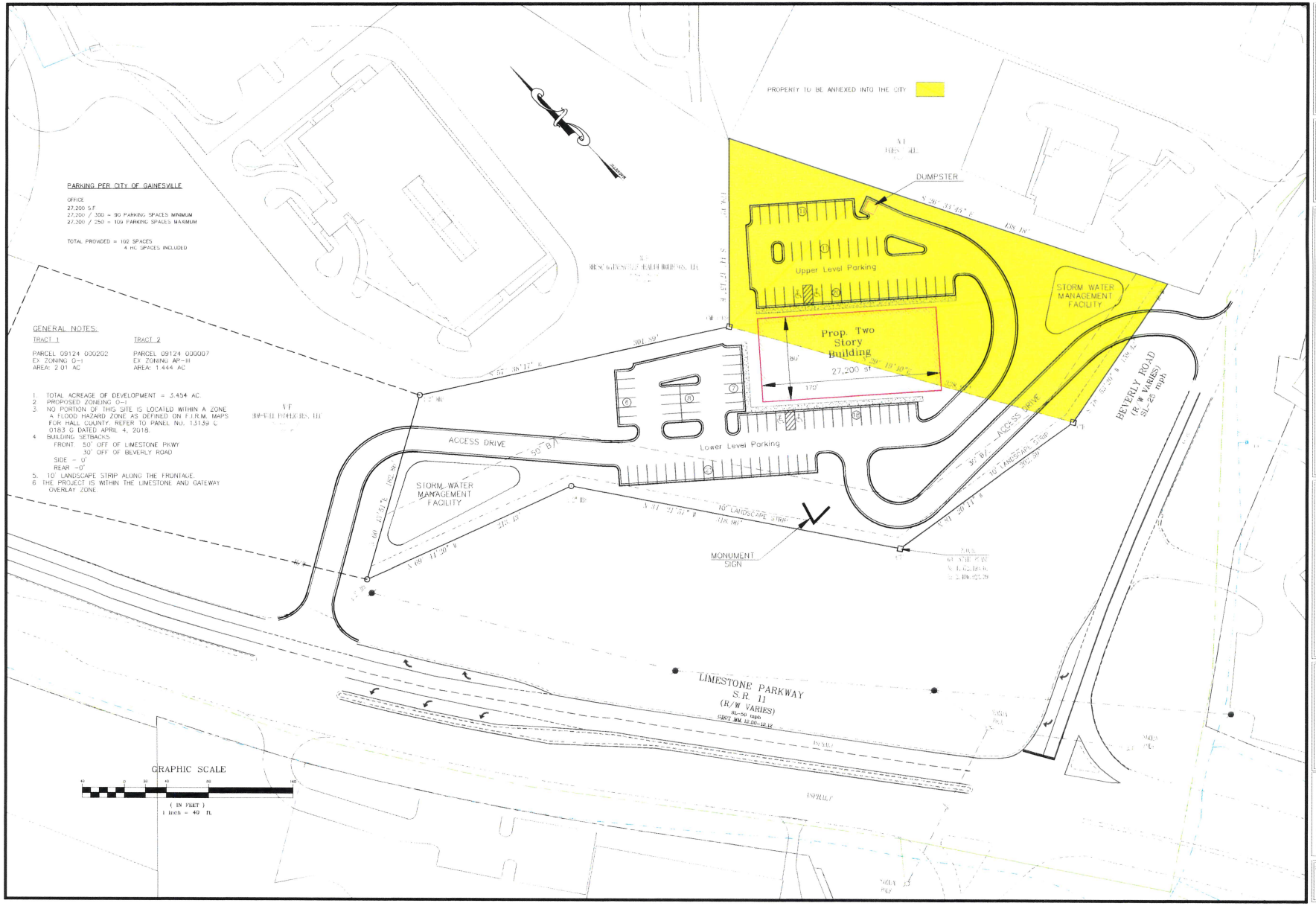
One monument sign will be placed at the corner of Limestone Parkway and Beverly Road. A smaller entrance sign will be constructed at each entrance. All signs will comply with the current county sign requirements.

Building Setbacks and Buffers

Front: 50' along the right-of-way of Limestone Parkway
30' along the right of way of Beverly Road
Side & Rear: 0'

Storm Water Detention

Storm water will be detained in a combination of a proposed pond and infiltration trenches. The storm water will discharge into an existing ditch which eventually flows into Limestone Creek across Limestone Parkway. The facilities will comply with all current storm water regulations for the City of Gainesville.



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2023
MYERS & COMPANY, INC.
ALL RIGHTS RESERVED

Seal

GEORGE FRANKLIN MYERS
REGISTERED
PROFESSIONAL ENGINEER
4-28-23

MYERS & CO.
civil engineers
P.O. BOX 654
GAINESVILLE GA 30503
770-654-9172
eric@myers-co.com

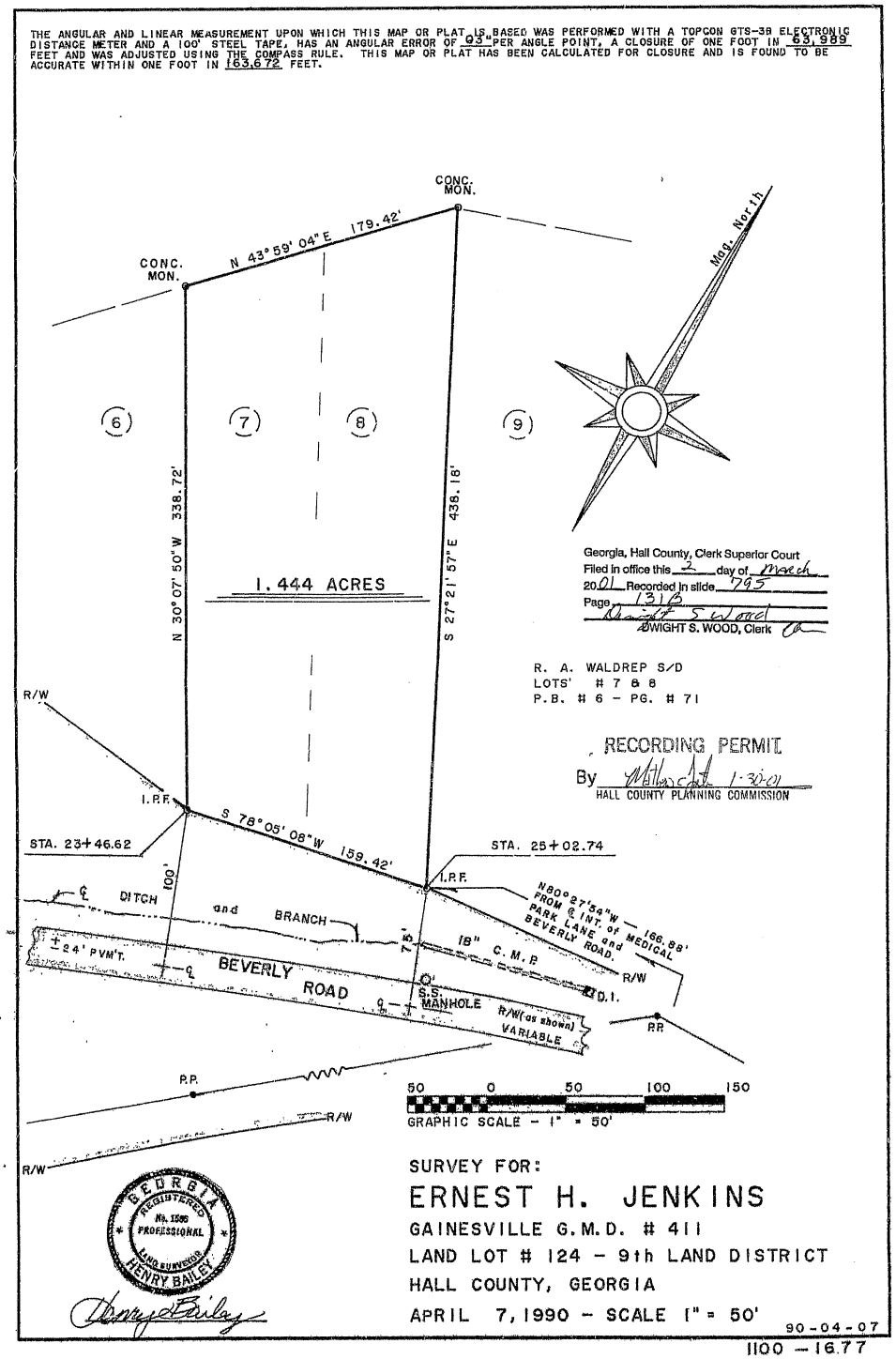
Project Description
BEVERLY MEDICAL
OFFICE CENTER
PARCELS 09124 000007 & 09124 000202
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

DATE 4-28-23
JOB NO. 22-18

Sheet Title
REZONING-
ANNEXATION PLAN

Revisions

SHEET
1


THE ANGULAR AND LINEAR MEASUREMENT UPON WHICH THIS MAP OR PLAT IS BASED WAS PERFORMED WITH A TOPCON GTS-3B ELECTRONIC DISTANCE METER AND A 100' STEEL TAPE, HAS AN ANGULAR ERROR OF 03" PER ANGLE POINT, A CLOSURE OF ONE FOOT IN 63,989 FEET AND WAS ADJUSTED USING THE COMPASS RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 165,672 FEET.
CONC. MON.
N 43° 59' 04" E 179.42'
CONC. MON.
Mag. North
6
7
8
9
N 30° 07' 50" W 338.72'
S 27° 21' 57" E 436.18'
1.444 ACRES
Georgia, Hall County, Clerk Superior Court
Filed in office this 2 day of March
2001 Recorded in slide 795
Page 131B
DWIGHT S. WOOD, Clerk
R. A. WALDREP S/D
LOTS' # 7 & 8
P.B. # 6 - PG. # 71
RECORDING PERMIT
By 1-30-01
HALL COUNTY PLANNING COMMISSION
R/W
I.P.F.
S 78° 05' 08" W 159.42'
STA. 23+46.62
STA. 25+02.74
I.P.F.
100'
DITCH and BRANCH
±24' PVM'T.
BEVERLY ROAD
18" C.M.P.
N80° 27' 54"W — 166.88' FROM ℄ INT. of MEDICAL PARK LANE and BEVERLY ROAD.
R/W
O.I.
S.S. MANHOLE
R/W(as shown) VARIABLE
RR
P.P.
R/W
R/W
50 0 50 100 150
GRAPHIC SCALE - 1" = 50'
GEORGIA REGISTERED No. 1595 PROFESSIONAL LAND SURVEYOR HENRY BAILEY
SURVEY FOR:
ERNEST H. JENKINS
GAINESVILLE G.M.D. # 411
LAND LOT # 124 - 9th LAND DISTRICT
HALL COUNTY, GEORGIA
APRIL 7, 1990 - SCALE 1" = 50'
90-04-07
1100 — 16.77

The building will have a brick facade with a pitched roof, similar to the examples shown here.

CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created:	July 13, 2023
Date Submitted:	July 14, 2023
Final Approval Date:	July 14, 2023
Presenter:	Abb Hayes, City Attorney
Item of Business:	Request from **Dutton Properties, LLC** to amend the existing zoning conditions for a 2.01± acres tract zoned Office and Institutional (O-I) located on the northeast side of the intersection of Limestone Parkway and Beverly Road (a/k/a **0 Beverly Road, NE**). **Ward Number: Two.** Tax Parcel Number: 09-124-000-202. **Request: Medical Office**. • Proposed Rezoning Ordinance 2023-17
Meeting Date:	July 18, 2023

Purpose of Request:
To conduct a public hearing regarding the zoning request as presented at the June 13, 2023 Planning and Appeals Board Meeting.

Facts & Issues / History & Background:
The applicant is proposing to amend existing zoning conditions that are part of Zoning Resolution ZR 2007-04 approved in 2007 for an assisted living facility. The subject property is zoned Office and Institutional (O-I) and was originally part of a larger tract which is now the location of The Landings of Gainesville assisted living facility. The remnant subject property was never developed and is heavily wooded. The intent is to combine the subject property with the adjacent property to the east which is described in the aforementioned annexation request. The proposed two-story medical office is approximately 27,200 square feet in size (80' x 170') and will be designed set into the hillside so that access for each level will be at grade with upper and lower level parking. Access is proposed from Beverly Road and from an existing curb cut on Limestone Parkway which will require an access easement. The proposed medical office will adhere to the Limestone Parkway Overlay Zone requirements and will include brick facade materials and a pitched roof. The adjacent properties include medical offices, New Horizons Limestone nursing home, The Landings of Gainesville assisted living facility, Lakeshore Tubal Reversal Center and Southern Craft dental lab.

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

SAMPLE MOTIONS:

Approval of Ordinance 2023-17:
I move to approve the ordinance to amend the existing zoning conditions with Office and Institutional (O-I) zoning for a medical office.

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

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget? No

Amount Requested: **Sources of Funds:**

Finance Comments:

Administrative Comments:

Attachments:

1. Legal Ad
2. PAB Recommendation Report
3. Proposed Zoning Amendment Ordinance 2023-17
4. Location Maps
5. Narrative
6. Site plan
7. Survey
8. Photos

Number(s): 01-029-001-005 and 007
Request: Mixed-use building
3) Request from **Loan Donuts Holdings, LLC** to rezone a 1.063± acres tract located at the southeast side of the intersection of Browns Bridge Road and McEver Road (a/k/a **2895 Browns Bridge Road, SW**) from Office and Institutional (O-I) to Neighborhood Business (N-B).
Ward Number: Four
Tax Parcel Number(s): 08-015-005-028
Request: Dunkin Donuts restaurant
4) Request from **QuikTrip Corporation C/O Eric Bikas** to amend an existing Planned Unit Development (P-U-D) zoning on a 2.86± acres tract located at the southwest side of the intersection of Browns Bridge Road and McEver Road (a/k/a **2925 Browns Bridge Road, SW**).
Ward Number: Four
Tax Parcel Number(s): 08-016-001-004
Request: QuikTrip convenience store/gas station
5) Request from **Bradley Dunckel** to amend the zoning conditions for a property zoned Residential-II (R-II) on a 1.38± acres tract located east of the terminus of Riverside Terrace (a/k/a **1180 Riverside Terrace NE**).
Ward Number: Two
Tax Parcel Number(s): 01-075-001-016
Request: 8 Single-family condominium homes
Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.
NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating $250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})
122929 6/21

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE GAINESVILLE ZONING MAP
Notice is hereby given that the Gainesville City Council will conduct a public hearing on **Tuesday, July 18, 2023 at 5:30 p.m.** in the Gainesville Justice Center (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in Gainesville on the following requests:
1) Request from **Dutton Properties, LLC** to annex a 1.44± acres tract located on the north side of Beverly Road, east of the intersection of Limestone Parkway and Beverly Road (a/k/a **2041 Beverly Road**) and to establish a zoning of Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 09-124-000-007
Request: Medical office
2) Request from **Dutton Properties, LLC** to amend the existing zoning conditions for a 2.01± acres tract zoned Office and Institutional (O-I) located on the northeast side of the intersection of Limestone Parkway and Beverly Road (a/k/a **0 Beverly Road, NE**).
Ward Number: Two
Tax Parcel Number(s): 09-124-000-202
Request: Medical office
Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.
NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating $250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})
122924 6/21

The City of Buford Zoning Board of Appeals will meet on Monday, June 26, 2023 at 7:00 p.m. at Buford City Hall, 2300 Buford Highway, Buford, Georgia 30518 to consider a variance request at 3180 Lee Drive, out of parcel 07-329-002001H, containing 1.148 acres for Benjamin Corey McDonald. The variance request is for the requirement of four-sided brick house changed to board and batten with stone accents and to reduce the driveway width requirement from 18 feet to 12 – 15 feet.
122183 6/7,14,21

Public Sales/Auctions

NOTICE OF PUBLIC SALE: The following self-storage Cube contents containing household and other goods will be sold for cash by CubeSmart LP 2221 Dawsonville Highway Gainesville, Georgia, 30506 to satisfy a lien on July 13, 2023 at approx. 12:00 PM at [www.storagetreasures.com]
Cube #110 Victoria L Boughner
Cube #517 Daniel Floyd
Cube #220 Erin Hatfield
Cube #528 Calley Greer
122702 6/21, 6/28

Notice of Self Storage Sale
Please take notice USA Storage Centers - Flowery Branch at 6113 Atlanta Hwy Flowery Branch, GA 30542 intends to hold a public sale to sell the property stored in the following units stored at the Facility. The public sale to the highest bidder will occur at an online auction via **www.storageauctions.com** on 7/6/2023 at 10:00AM. Unless stated otherwise the description of the contents are household goods and furnishings. William Forbes unit #235. All property is being stored at the above self-storage facility. This sale may be withdrawn at any time without notice. Certain terms and conditions apply. See manager for details.
122701 6/21, 28

NOTICE SALE
These units will be sold at public auction to the highest bidder for cash, at Double Eagle Self Storage 3558 Atlanta Hwy., Flowery Branch, Ga. 30542 on Thursday June 29th, 2023 at 1:00pm. To foreclose and satisfy warehouseman's lien covering storage, as indicated on the personal and household goods of the following:
#601 Blake Owen
#618 Gavin Graham
#217 Gracelia Larrea
122821 6/21, 28

Pursuant to the Georgia Self-Service Storage Facility Act, notice is hereby given that SS Flowery Branch, LLC d/b/a Simply Self Storage at 6121 Spout Springs Road, Flowery Branch GA 30542 will sell at public auction the personal property in the below-listed occupants' leased unit(s) to satisfy the owner's lien. The personal property stored therein by the following occupants may include but is not limited to general household, office and personal items, furniture, boxes, clothes, and appliances. The unit(s) will be sold at public auction through online auction services of www.storagetreasures.com with bids opening at
7/13/23 at 12:00pm and closing on 07/20/23 at 12:00pm. Celeste Price Unit 135 – Refrigerator, Mattress, Furniture – Nicole Parker Unit 048 – Boxes, washer, dryer, TVs, Bikes, totes, boxes – Cheryl Valentino Unit 123 – Furniture, Boxes – Taylor Fidler Unit 541-seed spreader, Boxes, Car Parts, tires – David Addison Unit 030 – Furniture, Totes, Boxes, Picture Frames – David Addison Unit 033 – Furniture, Boxes, Golf Clubs.
122713 6/21, 28

WILL BE Sold Online at Storageauctions.com
Notice is hereby given that on Auction Date: June 26, 2023 U-Haul Company of Northeast Georgia will Sell under the contractual landlords lien process by Online auction the following storage units. The goods to be sold are generally described as household goods.
Gainesville:
U-Haul Of Oakwood:
127 Tajh Bowens
O40 Elijah Huddleston
2148 Cheryl Sckupakus
O42 Elijah Huddleston
2170 Cheryl Sckupakus
122290 6/14,21

Probate Notices

CITATION
PROBATE COURT OF HALL COUNTY RE: ESTATE OF Sabrina Tatum , FORMER WARD.
Date of Publication, if any: June 21, 2023
TO WHOM IT MAY CONCERN:
The conservator of the above estate, has applied for Discharge from said trust. This is to notify the above interested party(ies) to show cause, if any they can, why said conservator should not be discharged from office and liability. All objections must be in writing, setting forth the grounds of any such objections, and filed with the above Probate Court, 116 Spring Street, Gainesville, GA 30501 on or before 10:00 a.m, August 7 , 2023, said date being more than 30 days from the date of publication, or if personally served, then 10 days from the date of such service. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/ telephone number for the required amount of filing fees.
If any objections are filed, a hearing will be scheduled for a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Laine
PROBATE JUDGE
By: Pamela M. Elliott
PROBATE CLERK/ DEPUTY CLERK
116 Spring Street SE
Gainesville, GA 30501
Address
770-531-6924
Telephone Number
122966 6/21

CITATION
PROBATE COURT OF HALL COUNTY
RE: ESTATE OF **EMMA JANE GREEN** WARD.
Date of Publication, if any: **JUNE 21, 2023**
TO WHOM IT MAY CONCERN AND Rebecca Davies
The conservator of the above estate, has applied for Discharge from said trust. This is to notify the above interested party (ies) to show cause, if any they can, why said conservator should not be discharged from office and liability. All objections must be in writing, setting forth the grounds of any such objections, and filed with the above Probate Court, 116 Spring Street, Gainesville, GA 30501 on or before 10:00 a.m. August 7, 2023 , said date being more than 30 days from the date of publication, or if personally served, then 10 days from the date of such service. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/ telephone number for the required amount of filing fees.
If any objections are filed, a hearing will be scheduled for a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
PROBATE JUDGE
By: Robin Jones
PROBATE CLERK/ DEPUTY CLERK
116 Spring Street SE
Gainesville, GA 30501
Address
770-531-6925
Telephone Number
122960 6/21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE : ESTATE OF TIMOTHY CLINE THOMAS, DECEASED
ESTATE NO. E-23-263
PETITION FOR LETTERS OF ADMINISTRATION NOTICE
[Strike the sentence in parenthesis below ifnot applicable.]
TO: WHOM IT MAY CONCERN
John Lowell Thomas has petitioned to be appointed administrator of the estate of TIMOTHY CLINE THOMAS deceased, of said county.
All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 am_July 3, 2023.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be
(scheduled at a later date). If no objections are filed, the petition may be granted without
a hearing.
Mark Loggins
Judge of the Probate Court
By: Riley Norris
Clerk of the Prebate Court
116 Spring Street, SE
Gainesville, GA 3050 l
Address
770-531-6921
Telephone Number
1 2 1 8 0 4
5/31,6/7,14,21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF BARBARA ANNE MCINTOSH, DECEASED
ESTATE NO. E-23-272
PETITION FOR LETTERS OF ADMINISTRATION NOTICE
[Strike the sentence in parenthesis below ifnot applicable.]
TO: WHOM IT MAY CONCERN
Charlie McIntosh has petitioned for Letters of Administration to be appointed administrator of the estate of Barbara Anne McIntosh deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in 0.C.G.A. $ 53-12-261.)
All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing,
setting forth the grounds of any such objections, and must be filed with the Court on or before July
3, 2023 by 10:00 A.M.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: S. Carley
Clerk of the Probate Court
116 Spring Street First Floor
Gainesville, Georgia 30501
Address
770-531-6923
Telephone Number
122352 6/21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF MAXINE CLARK, DECEASED
ESTATE NO. E-21-259
NOTICE
[For discharge from office and all liability}
IN RE: Petition for Discharge of Personal Representative
TO: whom it may conern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. July 3, 2023.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should he sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: S. Carley
Clerk of the Probate Court
116 Spring Street First Floor
Gainesville, Georgia 30501
Address
770-531-6923
Telephone Number
122350 6/21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF
David LEE BARRY, DECEASED
ESTATE NO. E-22-449
NOTICE
[For discharge from office and all liability]
IN RE: Petition for Discharge of Personal Representative
TO: whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. July 3", 2023.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: Cohrren Williams
Clerk of the Probate Court
116 Spring Street SE, First Floor
Gainesville, GA 30501
Address
770-535-9710 Ext 7011
Telephone Number
1 2 1 8 0 8
5/31,6/7,14,21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF
LINDA SUE WILLIAMS, DECEASED
ESTATE NO. E-23-314
PETITION FOR LETTERS OF ADMINISTRATION NOTICE
TO: whom it may concern:
Jamie Lyn Williams has petitioned for Letters of Administration to be appointed administrator of the estate of Linda Sue Williams, deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.)
All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 a.m. July3", 2023.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Patty Walters Laine
Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street First Floor
Gainesville, Georgia 30501
Address
770-531-6923
Telephone Number
122343 5/31,6/7,14,21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF
SYLVIA JOAN VICKERS, DECEASED
ESTATE NO. E-21-365
NOTICE
[For discharge from office and all liability}
IN RE: Petition for Discharge of Personal Representative
TO: whom it may concern:
This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. July 3rd, 2023.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.
Mark Loggins
Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street First Floor
Gainesville, Georgia 30501
Address
770-531-6923
Telephone Number
122350 6/21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF
Thomas Eugene Shields, .Jr, a/k/a Thomas E. Shields,Jr., DECEASED
ESTATE NO. E-23-303
NOTICE
Christian Shields has petitioned for waiver of bond, waiver of reports, waiver of statements, and/or for the grant of certain powers contained in O.C.G.A. § 53-12-261 in regard to the above estate. All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 am July 3, 2023.
HE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.
Mark Loggins
Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street. SE
Gainesville, GA 30501
Address
770-531-6921
Telephone Number
122328
5/31,6/7,14,21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGI
IN RE: EST A TE OF
LEE ALLEN SMITH, DECEASED
ESTATE NO. E-23-187
PETITION FOR LETTERS OF ADMINISTRATION NOTICE
[Strike the sentence in parenthesis below ifnot applicable.]
TO: WHOM IT MAY CONCERN
Jerry L. Smith has petitioned to be appointed administrator of the estate of LEE ALLEN SMITH
deceased, of said county.
All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 am July 3, 2023.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be
(scheduled at a later date). If no objections are filed, the petition may be granted without
a hearing.
Patty Walters Laine
Judge of the Probate Court
By: Riley Norris
Clerk of the Probate Court
116 Spring Street, SE
Gainesville, GA 30501
Address
770-531-6921
Telephone Number
1 2 1 8 0 2
5/31,6/7,14,21

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA
IN RE: ESTATE OF
CARLTON ROBERT SAFFORD, DECEASED
ESTATE NO. E-21-070
NOTICE
[For discharge from office and all liability]

GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION

Applicant and Property Owner .....Dutton Properties, LLC

Location .....2041 Beverly Road; 0 Beverly Road, NE

Request.....Annex with O-I zoning
Amend existing O-I zoning conditions

Total Acres .....3.45± acres
Annexation: 1.44± acres
Amendment: 2.01± acres

Ward.....Two

Proposed Use.....Medical office

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

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

Date .....June 13, 2023

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

The applicant is proposing to annex a 1.44± acres tract with Office and Institutional (O-I) zoning and to amend the zoning conditions on an adjacent 2.01± acres tract zoned currently O-I. The properties total 3.45± acres in size and are located within the Limestone Parkway Overlay Zone.

The proposed annexation includes property zoned Agricultural Residential-III (AR-III) within unincorporated Hall County and is contiguous to the city limits on all sides. The proposed zoning conditions amendment includes property originally part of a larger tract that received special use approval in 2007 for an assisted living facility. The parent property has since been developed but the remnant subject property has remained undeveloped.

The intent is to combine both properties and develop a two story, 27,200 square foot medical office building. The building is designed to set into the hillside so that access for each level will be at grade with upper and lower level parking. Access is proposed from Beverly Road and from an existing curb cut on Limestone Parkway which will require an access easement. The proposed medical office will adhere to the Limestone Parkway Overlay Zone requirements and will include brick facade materials and a pitched roof.

- ***Adjacent Land Use and Zoning***

Location	Use	Zoning
North	The Landings of Gainesville Assisted Living Single-Family Home	Neighborhood Business (N-B) Agricultural Residential-III (AR-III)
South	New Horizons Limestone Nursing Home Medical Office	General Business (G-B)
East	Medical Office	Neighborhood Business (N-B)
West	Southern Craft Dental Lab	Residential-I-A (R-I-A) Office and Institutional (O-I)

- ***Other Departmental Comments***

Coordination will be required with the City of Gainesville Public Works Department and the Georgia Department of Transportation (GDOT) regarding all access point design.

- ***Zoning History***

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

2022 – A request by Brand Properties to rezone 53.177± acres located at 515 Lakeview Drive, NE; 2065 Limestone Parkway; 1881 Jesse Jewell Parkway, NE from Planned Unit Development (P-U-D) and Residential-II (R-II) to Planned Unit Development (P-U-D) zoning was approved with conditions for a mixed-use development.

2022 – A request by Caballero Holdings, LLC to annex a 140.77± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 Eberhart Cemetery Road; 2465 Floyd Road, SE; 2166, 2170 and 2210 Old Cornelia Highway was conditionally approved for a master planned mixed-use development.

2022 – A request by Caballero Holdings, LLC to amend a 14.43± acres tract zoned Planned Unit Development (P-U-D) located at 0, 2490 and 2544 Floyd Road, SE; 0 Lenox Drive, SE; 0 Old Cornelia Highway, SE was conditionally approved for a master planned mixed-use development.

2021 – A request by Optum Development to annex a 7.77± acres tract with a zoning of Planned Unit Development (P-U-D) located at 1744 Cleveland Highway was conditionally approved for residential townhomes.

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

2020 – A request by Frank Norton, Jr. to amend a 14.75± acres tract zoned Planned Unit Development (P-U-D) located at 0 Lakeview Drive NE; 52, 54 and 56 Quarry Street NE was conditionally approved for residential cottages and townhomes.

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

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

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

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

Staff Analysis

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

The subject properties appear appropriate for office development given that most of the surrounding properties are zoned for office, institutional and commercial purposes. The proposed medical office appears logical given its proximity to other medical uses and Northeast Georgia Medical Center.

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

The proposed request will function similarly as other medical uses along Beverly Road and the Limestone Parkway Corridor. Proposed access appears sufficient and a traffic signal is currently in place at the intersection of Limestone Parkway and Beverly Road.

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

The Future Development Map for the City of Gainesville places the property within the *General Mixed-Use* land use category which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, detached residential and attached residential.

The subject property is located within the *Limestone Medical Corridor* Character Area which 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.

It appears the proposal is consistent with the Comprehensive Plan.

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

The property consists of two parcels zoned Office and Institutional (O-I) and Agricultural Residential (AR-III). The intent is to combine the properties for a medical office use. The AR-III zoned property does not allow for a medical office use. Thus, the property is required to be annexed with O-I zoning to complement the adjacent subject property already zoned O-I in the city. If approved, both properties will have the same zoning designation and zoning conditions.

(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?

Surrounding developments currently utilize City water and sewer services and there is sufficient capacity to serve the development.

Existing public safety services respond to the adjacent and nearby properties. Gainesville Fire Station #2 located off of Cleveland Highway is approximately 1.3 miles away. Gainesville Police currently patrol Limestone Parkway and Beverly Road.

According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the proposed 27,200 square foot medical office could generate 983± new trips per weekday and 97± A.M. and 95± P.M. peak hour trips during the weekday. The existing road

network is sufficient to accommodate the proposed use. The Limestone Parkway (four lane) and Beverly Road (two lane) intersection is signalized with full signalized access.

The proposal is for a medical office use and will have no impact on the Gainesville City School System.

(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 Comprehensive Plan anticipates the subject properties to be developed for a mixture of uses which is consistent with the adjacent residential, office, institutional and commercial uses. Nearby office, commercial and service uses will continue to develop along nearby Limestone Parkway and nearby Jesse Jewell Parkway. Much of this is due to the proximity of Exit 24/I-985 and Northeast Georgia Medical Center.

(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?

Given the subject property's proximity to/within the city limits and the adjacent mixture of uses, the proposal, with the zoning conditions recommended by staff, appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare, and the right to unrestricted use of property.

- ***Staff Recommendation***

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

The following zoning conditions shall replace the current zoning conditions stated within Zoning Resolution ZR 2007-04.

Conditions

1. **The proposed building shall be generally consistent with the standards depicted on the concept plan and photographs provided with this application and shall adhere to the Limestone Parkway Overlay Zone standards.**
2. **Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**
3. **All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.**
4. **The frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees subject to the approval of the Community & Economic Development Director.**

Excerpts from the June 13, 2023 PAB Meeting Minutes

Applicant Presentation: Ed Myers, 752 Chattahoochee Place, engineer with Myers and Company stated he is working on the project for the owner. Mr. Myers stated the original property was challenging but by annexing the second property it can be utilized more

efficiently by building into the hillside and the design will have similar characteristics as others along the corridor.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval of the annexation request for a medical office and establish zoning as Office and Institutional (O-I) with the following conditions:

Conditions

1. **The proposed building shall be generally consistent with the standards depicted on the concept plan and photographs provided with this application and shall adhere to the Limestone Parkway Overlay Zone standards.**
2. **Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**
3. **All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.**
4. **The frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees subject to the approval of the Community & Economic Development Director.**

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

There was a motion to recommend conditional approval of the zoning amendment request for a medical office with Office and Institutional (O-I) zoning with the following conditions:

Conditions

1. **The proposed building shall be generally consistent with the standards depicted on the concept plan and photographs provided with this application and shall adhere to the Limestone Parkway Overlay Zone standards.**
2. **Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**
3. **All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.**
4. **The frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees subject to the approval of the Community & Economic Development Director.**

Motion made by Board Member Martin
Motion seconded by Vice Chair Fleming
Vote – 7 favor

Passed: _____

AN ORDINANCE

No. 2023-17

AN ORDINANCE AMENDING THE EXISTING ZONING CONDITIONS ON A 2.01± ACRES TRACT ZONED OFFICE AND INSTITUTIONAL (O-I) LOCATED ON THE NORTHEAST SIDE OF THE INTERSECTION OF LIMESTONE PARKWAY AND BEVERLY ROAD (A/K/A 0 BEVERLY ROAD, NE); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

That from and after the passage of this Ordinance the following described lands shall be zoned and so designated on the Zoning Map of the City of Gainesville as **Office and Institutional, with conditions (O-I-c).**

Conditions

1. **The proposed building shall be generally consistent with the standards depicted on the concept plan and photographs provided with this application and shall adhere to the Limestone Parkway Overlay Zone standards.**
2. **Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**
3. **All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.**
4. **The frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees subject to the approval of the Community & Economic Development Director.**

Legal Description

All that tract or parcel of land lying and being in Land Lot 124, 9th Land District, Hall County, Georgia and being more particularly described as follows:

POINT OF BEGINNING at the intersection of the northeastern right of way of Beverly Road and Limestone Parkway at a concrete monument as shown on the survey by Floyd and Associates, Inc. dated 7/8/2022 for Gary F. Anderson; Thence North 34 degrees 21 minutes 57 seconds West for a distance of 318.96 feet to a point; Thence North 69 degrees 44 minutes 20 seconds West for a distance of 213.43 feet to a point; Thence North 60 degrees 43 minutes 51 seconds East for a distance of 182.86 feet to a point; Thence South 57 degrees 38 minutes 17 seconds East for a distance of 301.89 feet to a concrete monument found; Thence South 29 degrees 19 minutes 40 seconds East for a distance of 338.97 feet to a concrete monument found on the

right of way for Beverly Road; Thence North 81 degrees 20 minutes 14 seconds West for a distance of 202.59 feet to the **POINT OF BEGINNING**.

Said property contains 2.02 acres more or less.

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

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

_____

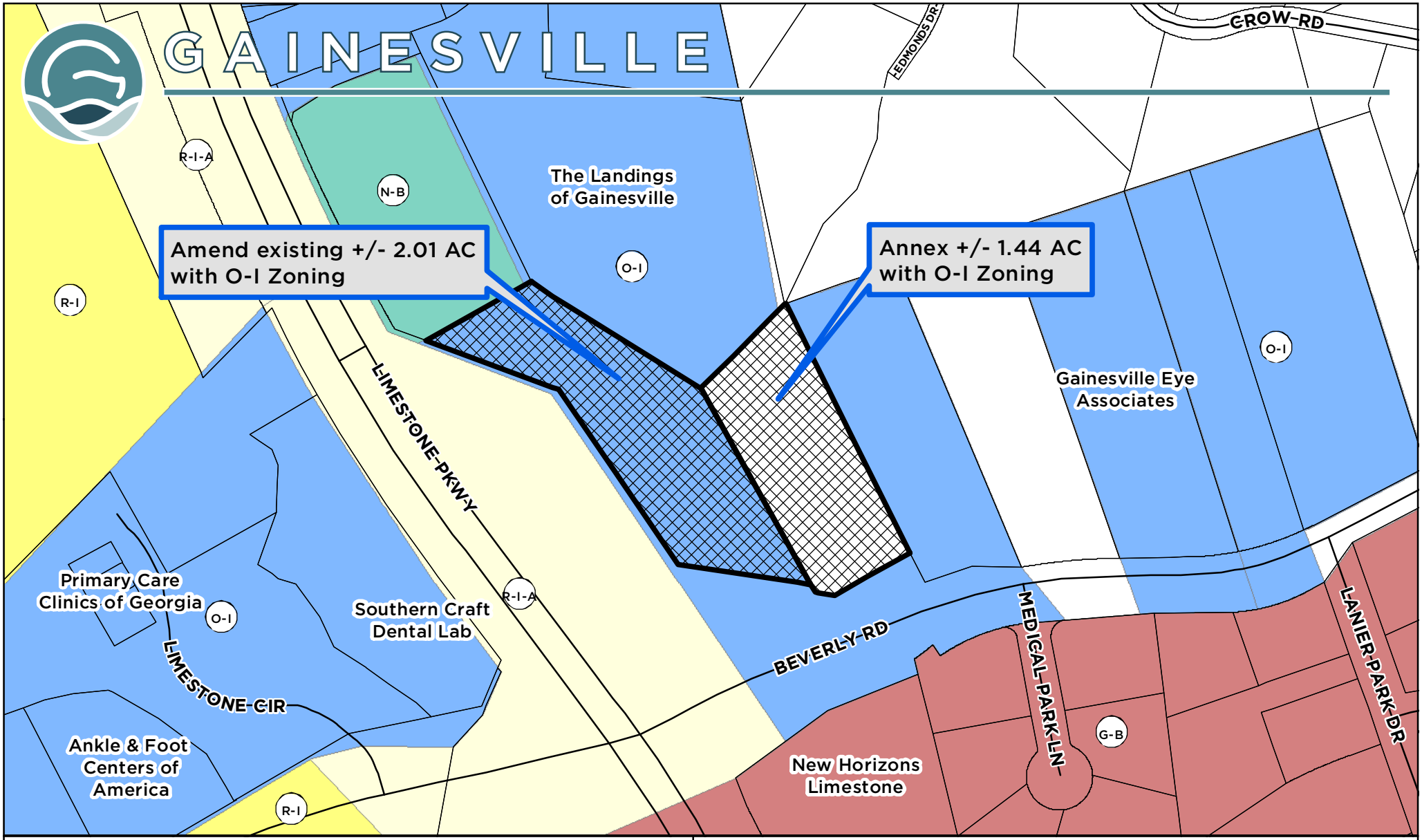
W. Samuel Couvillon, Mayor

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

ATTEST:

_____

Denise O. Jordan, City Clerk



Applicant: **DUTTON PROPERTIES, LLC**

ANNEXATION & ZONING AMENDMENT REQUEST

Request:

Annex +/- 1.44 AC and establish zoning of Office and Institutional (O-I); and amend existing Office and Institutional (O-I) zoning on a +/- 2.01 AC tract for a medical office

Subject Property Address:
2041 Beverly Road
0 Beverly Road

Tax Parcel:
09-124-000-007
09-124-000-202

Subject Property

Meeting Date: 06/13/2023

Map Prepared: 05/02/2023

0 100 200 300 400 Feet

SCALE: 1 " = 200 '

N W E S

GAINESVILLE

Applicant: DUTTON PROPERTIES, LLC

ANNEXATION & ZONING AMENDMENT REQUEST

Request:

Annex +/- 1.44 AC and establish zoning of Office and Institutional (O-I); and amend existing Office and Institutional (O-I) zoning on a +/- 2.01 AC tract for a medical office

Subject Property Address:
2041 Beverly Road
0 Beverly Road

Tax Parcel:
09-124-000-007
09-124-000-202

Subject Property

Aerial from 2021

Meeting Date: 06/13/2023

Map Prepared: 05/02/2023

0 160 320 480 640 Feet

SCALE: 1 " = 300 '

N W E S

Narrative
Beverly Medical Office Center
O-I Annexation & Zoning

Summary

This application seeks and annexation and zoning change from AR-III (Residential-Agriculture) in Hall County to O-I (Office & Institutional) for one of two parcels. The second parcel has an existing zoning of O-I with conditions. These two parcels will be combined and developed as a single medical office project.

Existing Site Description

The proposed development involves two existing parcels. One parcel is 2 acres at the corner of Beverly Road and Limestone Parkway. It is currently in the city and zoned O-I with existing conditions from a previous rezoning. The second parcel is 1.4 acres zoned AR-III in Hall County and is requested to be annexed into the city and rezoned to O-I. These properties are undeveloped and surrounded by O-I and N-B zoned properties in the city.

Proposed Development

These parcels will be combined and developed as a single medical office project. Access for the project will be through a driveway on Beverly Road and an access easement to connect to an existing curb and median cut on Limestone Parkway.

The medical office building will be a two-story building that will be set into the hillside so that access for each level with be at grade. This will reduce the size of any retaining walls needed to construct the project and let it blend into the existing topography.

The project is located in the Limestone Parkway Overlay Zone. All outdoor lighting will be low spill fixtures.

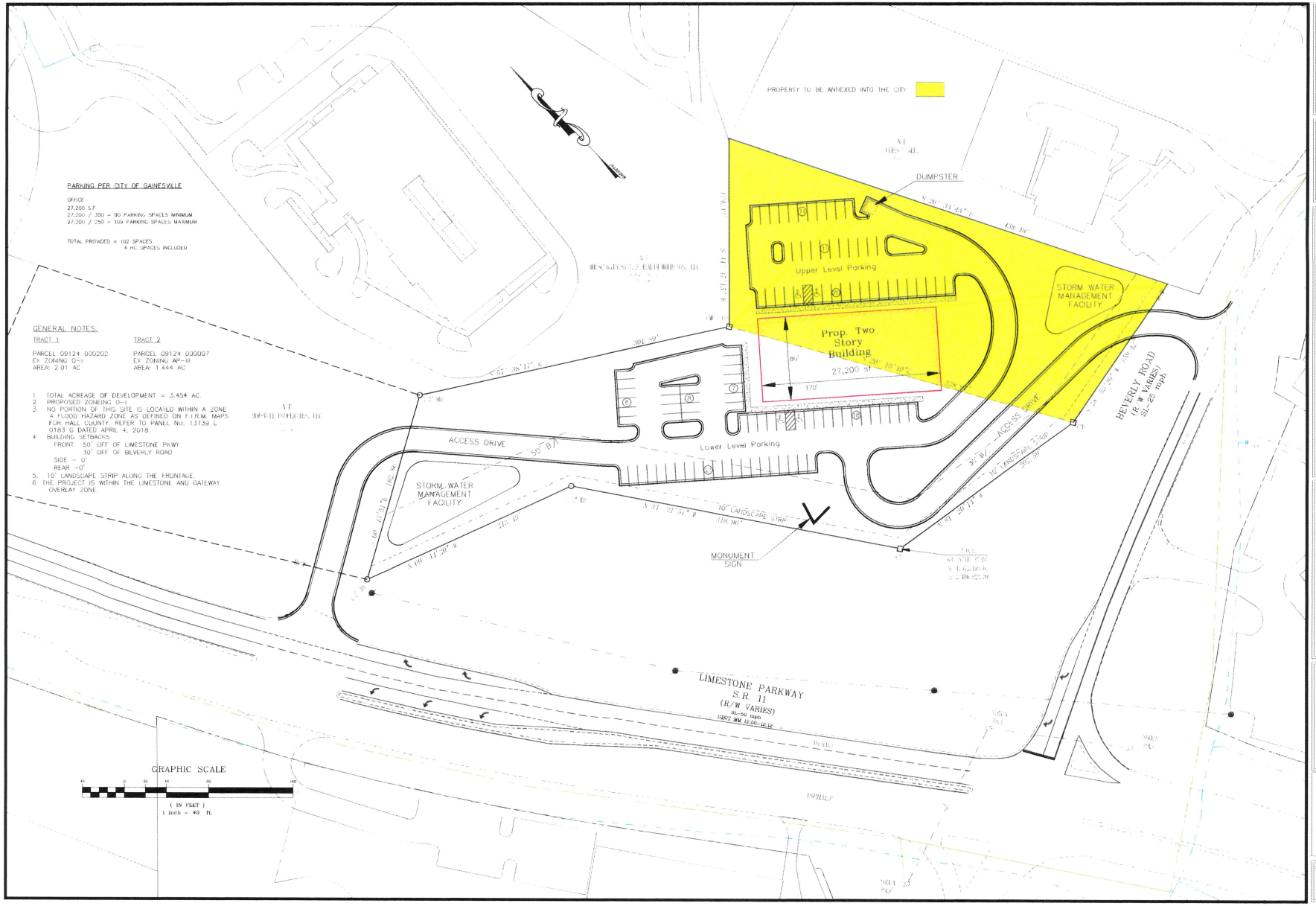
One monument sign will be placed at the corner of Limestone Parkway and Beverly Road. A smaller entrance sign will be constructed at each entrance. All signs will comply with the current county sign requirements.

Building Setbacks and Buffers

Front: 50' along the right-of-way of Limestone Parkway
30' along the right of way of Beverly Road
Side & Rear: 0'

Storm Water Detention

Storm water will be detained in a combination of a proposed pond and infiltration trenches. The storm water will discharge into an existing ditch which eventually flows into Limestone Creek across Limestone Parkway. The facilities will comply with all current storm water regulations for the City of Gainesville.



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MYERS & COMPANY, INC.
ALL RIGHTS RESERVED

Seal

MYERS & CO.
civil engineers
P.O. BOX 654
GAINESVILLE GA 30503
770-654-9172

Project Description
BEVERLY MEDICAL OFFICE CENTER
PARCELS 09124 000007 & 09124 000202
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

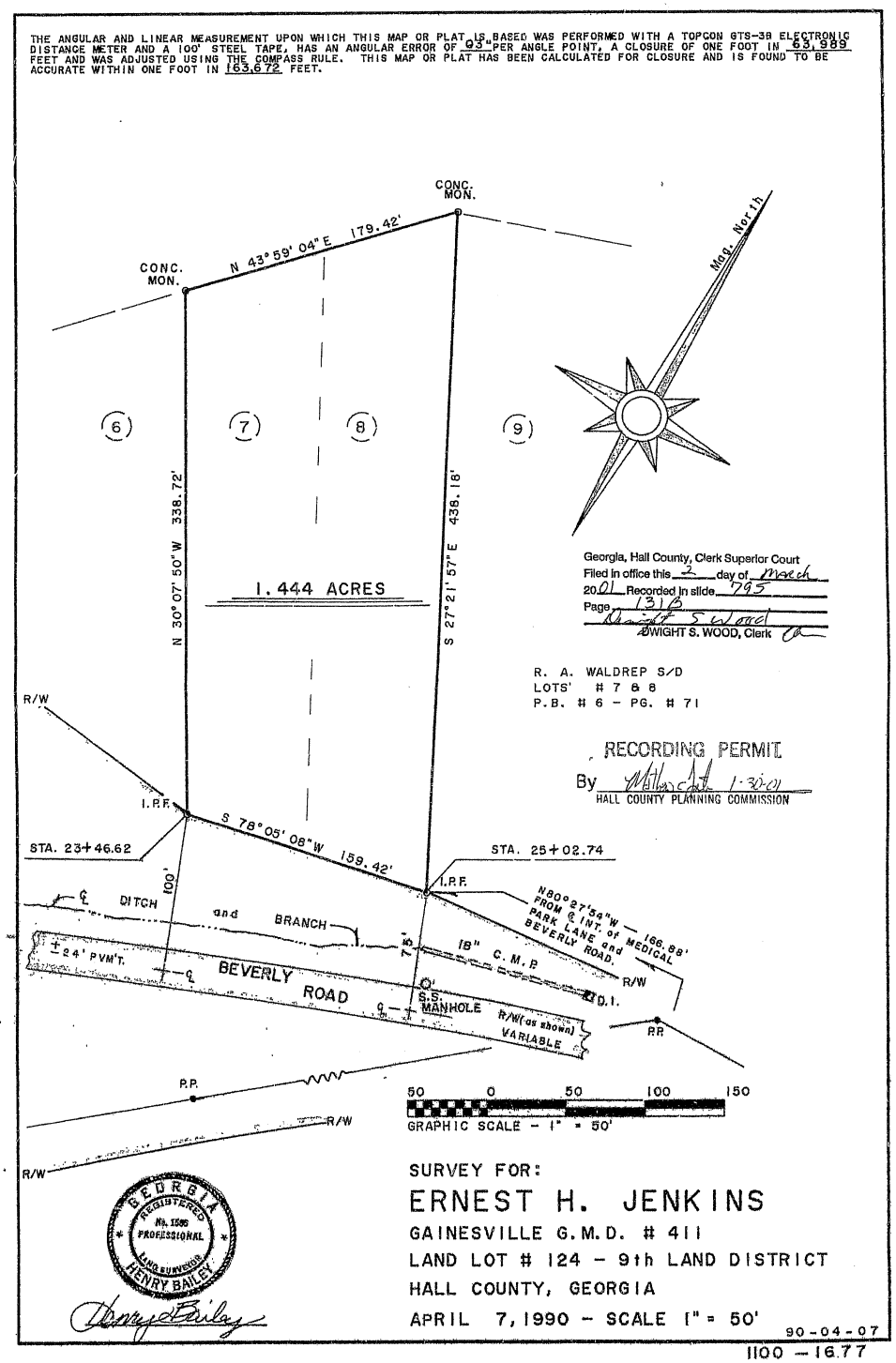
DATE 4-28-23
JOB NO. 22-18

Sheet Title
REZONING-ANNEXATION PLAN

Revisions

SHEET 1

THE ANGULAR AND LINEAR MEASUREMENT UPON WHICH THIS MAP OR PLAT IS BASED WAS PERFORMED WITH A TOPCON GTS-3B ELECTRONIC DISTANCE METER AND A 100' STEEL TAPE, HAS AN ANGULAR ERROR OF 03" PER ANGLE POINT, A CLOSURE OF ONE FOOT IN 63,989 FEET AND WAS ADJUSTED USING THE COMPASS RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 165,672 FEET.



GEORGIA REGISTERED No. 1595 PROFESSIONAL LAND SURVEYOR HENRY BAILEY

SURVEY FOR:

ERNEST H. JENKINS

GAINESVILLE G.M.D. # 411

LAND LOT # 124 - 9th LAND DISTRICT

HALL COUNTY, GEORGIA

APRIL 7, 1990 - SCALE 1" = 50'

90-04-07

1100 - 16.77

The building will have a brick facade with a pitched roof, similar to the examples shown here.