



Mayor/Council Meeting Agenda
Tuesday, August 1, 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. Main Street Advisory Board
- Reappoint Andrew Elliott, Claude Tatro, Jr. and Leslie White

Minutes

- A. July 13, 2023 Work Session
- B. July 18, 2023 Mayor/Council Meeting

Resolutions

- A. BR-2023-29 Florence Drive Tract Sanitary Sewer Annexation Waiver Request

PUBLIC HEARING(S):

Annexation/Zoning Items

- A. Request from **Northeast Georgia Health System, Inc.** for a special use on a 7.95± acres tract located on the east side of Limestone Parkway, between Clarks Bridge Road and Flintridge Road, having road frontage at the terminus of Gabriel Drive (a/k/a **2500 Limestone Parkway**), having a zoning of Regional Business (R-B). **Ward Number: Two.** Tax Parcel Number: 09-125-000-062. **Request: Inpatient Rehabilitation Hospital.**
- Proposed Zoning Resolution ZR-2023-01
- B. **(Tabled at the July 11, 2023 Planning and Appeals Board Meeting)**
Request from **Simpatico Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). **Ward Number: Three.** Tax Parcel Number(s): 01-029-001-005 and 007. **Request: Mixed-use building.**
- C. 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: 08-015-005-028. **Request: Dunkin Donuts restaurant.**
- Proposed Rezoning Ordinance 2023-18

- D. 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: 08-016-001-004. **Request: QuikTrip convenience store/ gas station.**

- Proposed Zoning Amendment Ordinance 2023-19

- E. 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: 01-075-001-016. **Request: 7 Single-family condominium homes.**

- Proposed Zoning Amendment Ordinance 2023-20

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

- A. BR-2023-30 Authorization to Execute Site Development Intergovernmental Agreement and Business Park Intergovernmental Agreement By and Between City of Gainesville Georgia and Gainesville and Hall County Development Authority Regarding Marketing and Sale of Real Property Known as Lot 8 in Business Park

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Friday, July 28, 2023, 8:55 AM



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: July 27, 2023

Date Submitted: July 27, 2023

Final Approval Date: July 27, 2023

Presenter: Sam Couvillon

Item of Business: Main Street Advisory Board

- Reappoint Andrew Elliott, Claude Tatro, Jr. and Leslie White

Meeting Date: August 1, 2023

Purpose of Request:

The purpose of this request is to address the expired term positions.

Facts & Issues / History & Background:

The Main Street Board follows the guidelines as set forth in the City Charter and Code of Ordinances as well as Business Resolution 2010-02. Members serve two-year terms. Andrew Elliott, Claude Tatro, Jr. and Leslie White confirmed a willingness to serve another term. The outstanding debt verification process was completed.

Department Recommendation:

To consider the nominations to reappoint Andrew Elliott, Claude Tatro, Jr. and Leslie White as submitted by the Mayor during the July 27, 2023 Work Session.

Department Director:

Sam Couvillon

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

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Main Street Advisory Board Members
2. Main St Board Attendance Report May 2021 - May 2023

MAIN STREET GAINESVILLE ADVISORY BOARD

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Post 1	Elliott The Inked Pig	Andrew	11/5/2019	6/15/2021	6/30/2023
Post 2 Vice Chairman	Tatro, Jr. Tatro Properties, LLP Pharmacon Nuclear	Claude	6/18/2019	6/15/2021	6/30/2023
Post 3	White Resource Property Mgmt	Leslie	6/16/2020 UE	6/15/2021	6/30/2023
Post 4	Puckett Carroll Daniel Construction	Edward	8/16/2022		6/30/2024
Post 5	Barnard NoFo Brew Co.	Eliana	2/21/2023 UE		6/30/2024
Post 6	Williams-Lime Represents The Arts Council	Pamela	8/16/2022		6/30/2024
Post 7	Rock Purchase Effect	Connie	8/16/2022		6/30/2024
Ex-Officio	Dunagan	Danny	1/4/2022	1/17/2023	1/16/2024

TERM: 2 year terms

CONTACT: Nicole Parham, Main St Manager
Robyn Lynch, Communications and Tourism Director

NOTES: Appointments made by the Governing Body
All Directors shall assume their office/duties in July of each year (except for the initial Board).

UPDATED: 2/22/2023 ag

MAIN STREET ADVISORY BOARD ATTENDANCE REPORT

MEETING			BOARD MEMBER								
	DATE	TYPE	Elliott	Tatro	White	Pucket	Borders	Barnard	Lime	Rock	Dunagan
1	8/16/2022	R	1	1	0	1	1	n/a	1	0	1
2	9/20/2022	R	1	1	1	1	1	n/a	1	0	1
3	10/18/2022	R	0	0	0	0	0	n/a	0	1	1
4	11/15/2022	R	0	1	1	0	1	n/a	1	1	1
5	1/17/2023	R	1	0	1	0	0	n/a	1	1	1
6	2/21/2023	R	1	1	1	1	n/a	1	1	1	0
7	4/18/2023	R	0	1	1	1	n/a	1	1	1	1
8	5/15/2023	R	1	1	1	1	n/a	1	1	1	1
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22											
23											
24											
25											
26											
TOTAL			5	6	6	5	3	3	7	6	7
ATTENDANCE %			63%	75%	75%	63%	60%	100%	88%	75%	88%

TYPE MEETING: R = Regular Scheduled Meeting C = Called Meeting
ATTENDANCE: 0 = Absent 1 = Attended

Submitted By: Nicole Parham Date: 6/9/2023
 Recording Secretary



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: April 14, 2023
Date Submitted: July 27, 2023
Final Approval Date: July 27, 2023
Presenter: Denise Jordan, City Clerk
Item of Business: July 13, 2023 Work Session
Meeting Date: August 1, 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 27, 2023
Final Approval Date: July 27, 2023
Presenter: Denise Jordan, City Clerk
Item of Business: July 18, 2023 Mayor/Council Meeting
Meeting Date: August 1, 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 27, 2023
Date Submitted: July 27, 2023
Final Approval Date: July 27, 2023
Presenter: Bryan Lackey, City Manager
Item of Business: BR-2023-29 Florence Drive Tract Sanitary Sewer Annexation Waiver Request
Meeting Date: August 1, 2023

Purpose of Request:

Kent Henderson has formally requested the annexation requirement for sanitary sewer service be waived for a proposed auto repair development located at 2815 Florence Drive, which is currently contiguous with the existing City limits.

Facts & Issues / History & Background:

Per resolution BR-2018-44, the governing body of the City may waive the annexation requirement for sanitary sewer service if the proposed use of the property is non-conforming to the City's Unified Land Development Code (ULDC) or if the use is inconsistent with the City's Comprehensive Future Land use Plan. Community and Economic Development Department staff have identified the proposed use as non-conforming and, as such, supports the developer's desire to remain in unincorporated Hall County while still allowing the development to connect to the City's sanitary sewer system.

Department Recommendation:

Approve the proposed resolution for a request by the developer to remain in unincorporated Hall County and connect to the City's public sanitary sewer system, while waiving the requirement to annex the property into the City limits of Gainesville.

Department Director:

Linda MacGregor

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

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. BR-2023-29 Florence Drive Tract Sanitary Sewer Annexation Waiver Request
2. Location Map
3. Annexation Waiver Request Letter

RESOLUTION BR-2023-29

FLORENCE DRIVE TRACT ANNEXATION WAIVER

WHEREAS, the City of Gainesville owns and operates a sanitary sewer collection system serving the City of Gainesville and surrounding areas; and

WHEREAS, the City of Gainesville requires property owners who desire to connect to the sanitary sewer collection system to annex into the corporate limits of the City of Gainesville prior to connection when contiguous to the City Limits; and

WHEREAS, in some instances, the City may desire to provide sanitary sewer service to property which is contiguous to the municipal boundaries of the City for protection of the public health and welfare of the community, despite the proposed use of said property not conforming to the City Unified Land Development Code and/or despite the proposed use of said property being inconsistent with the City Comprehensive Future Land Use Plan; and

WHEREAS, in these instances, the City of Gainesville will allow connection to the City's sanitary sewer collection system without requiring annexation into the City Limits but will require execution of a sanitary sewer service agreement and power of attorney for future annexation of said property; and

WHEREAS, the developer, Kent Henderson, proposes an auto repair facility encompassing the property located at 2815 Florence Drive and has formally requested, in writing, the annexation requirement for connection to the City's sanitary sewer system be waived; and

WHEREAS, Community and Economic Development Department staff have identified the nature of the residential development to be non-conforming with the City's Comprehensive Future Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves this request to allow connection of the proposed development to the City's sanitary sewer system without annexing.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to sign any and all documents that may be necessary to effectuate the connection of the Property to the City's sanitary sewer system.

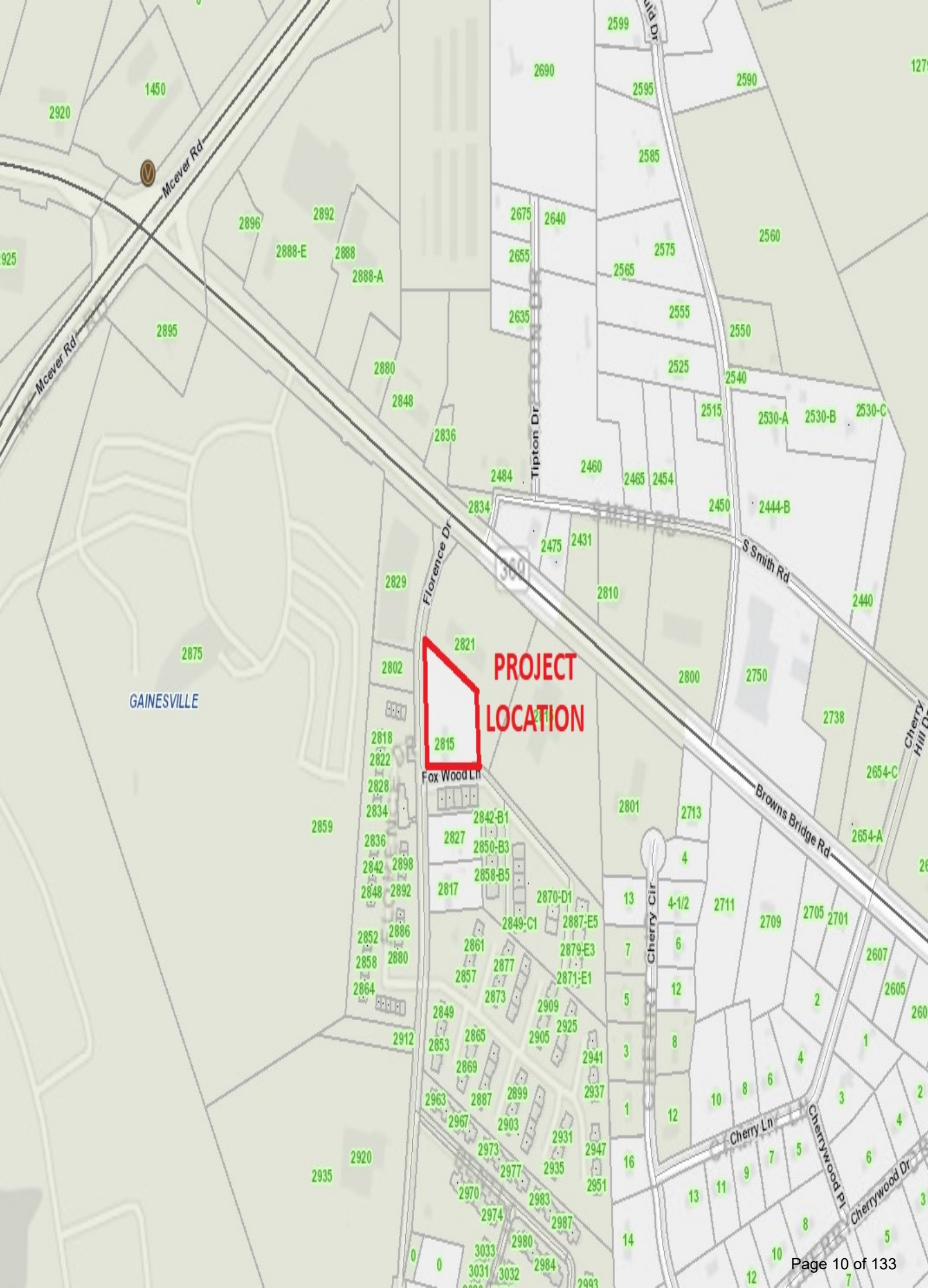
Adopted this _____ day of _____, 2023.

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



July 12, 2023

Kent Henderson
6071 Mount Vernon Road
Murrayville, GA 30564

Re: 2815 Florence Drive
Gainesville, GA 30501
Tax Parcel 08015 005028D

To Whom It May Concern:

I would like to formally request an annexation waiver for a project at the address above.

If you have any questions, please contact me at 770-861-8880.

Sincerely,



Kent Henderson





CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: July 27, 2023
Date Submitted: July 27, 2023
Final Approval Date: July 27, 2023
Presenter: Abb Hayes, City Attorney
Item of Business: Request from **Northeast Georgia Health System, Inc.** for a special use on a 7.95± acres tract located on the east side of Limestone Parkway, between Clarks Bridge Road and Flintridge Road, having road frontage at the terminus of Gabriel Drive (a/k/a **2500 Limestone Parkway**), having a zoning of Regional Business (R-B). **Ward Number: Two.** Tax Parcel Number: 09-125-000-062. **Request: Inpatient Rehabilitation Hospital.**

- Proposed Zoning Resolution ZR-2023-01

Meeting Date: August 1, 2023

Purpose of Request:

To conduct a public hearing regarding the following zoning special use request as presented at the July 11, 2023 Planning and Appeals Board Meeting.

Facts & Issues / History & Background:

This item was tabled at the May 9th and June 13th Planning and Appeals Board meetings.

The applicant is seeking special use approval for an inpatient rehabilitation hospital at the site of the previous J&J Foods grocery which will be demolished. The rehabilitation hospital will be operated in conjunction with Lifepoint Rehabilitation based out of Brentwood, Tennessee, and is for patients recovering from neurological conditions, brain injuries, spinal cord, orthopedic, amputations, trauma, and such. The proposed facility will be 2-story in height, 63,000 square feet in size and will provide a total of 50 inpatient beds. The first phase will include only 40 beds and construction is anticipated to start during the 2nd quarter of 2024. Access to the site will remain from Limestone Parkway and Gabriel Drive. The property is located within the Limestone Parkway Overlay Zone and the adjacent uses include the Windcliff Apartments, NGPG Allergy and Asthma Clinic, US Post Office, Dollar General and the Limestone Place multi-tenant health center.

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 ZR-2023-01:

I move to approve the resolution to allow an Inpatient Rehabilitation Hospital within Regional Business (R-B) zoning district 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 Zoning Resolution Request ZR-2023-01
4. Location Maps
5. Narrative
6. Site Plan
7. Exterior Rendering
8. Exterior Elevations

Xiomary Velasquez, by Christopher J. Carlan, GRLS No. 3003, and recorded in Plat Book 882, Page 459, Hall County, Georgia records, which plat is incorporated hereby by reference and made a part of this description. The above-styled action to quiet title to the above-described property was filed in the Superior Court of Hall County, Georgia, on December 14, 2022. By Order dated June 12, 2023, the Court has ordered that service of process upon you be had by publication, as provided by law. You are hereby commanded to be and appear at said court within 30 days of the date of the order for service by publication to answer said petition and file pleadings before the court. Witness, Kathlene F. Gosselin, Judge, Superior Court of Hall County. This 13th day of June, 2023. /s/ Charles Baker Clerk of Superior Court Hall County, Georgia **122880 6/21, 28, 7/5, 12**



NEW SEX OFFENDER TO HALL COUNTY
NAME: Ronaldo David Pablo - Lopez aka Reynaldo David Pablo - Lopez
ADDRESS: 33 Mill Street, Gainesville, GA 30501
DATE OF OFFENSE: 11-26 - 2020
OFFENSE: Sexual Exploitation of Children
COURT OF
CONVICTION: Hall County Superior Court, Gainesville, GA
WEBSITE: https://gbi.georgia.gov/georgia-sex-offender-registry **123014 6/21**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA GAINESVILLE DIVISION NOTICE OF SERVICE BY PUBLICATION: G&G Closed Circuit Events, LLC, Plaintiff, v. Azucena Romero Olivares d/b/a La Estacion Mexican Grill, Defendant Civil Action File No. 2:22-cv-63-SCJ
To: Azucena Romero Olivares d/b/a La Estacion Mexican Grill
Notice: By Order for Service by Publication dated May 12, 2023, you are hereby notified that on March 30, 2022, G&G Closed Circuit Events, LLC filed an action against you alleging that you violated certain federal piracy statutes, including 47 U.S.C. § 553 and 47 U.S.C. § 605. You are required to file with the Clerk of the Court and to serve on Plaintiff's attorney (Paul J. Morochnik, Morochnik Law, LLC, 1080 Peachtree St NE, Suite 1210, Atlanta, Georgia 30309) an ANSWER in writing within sixty (60) days of May 12, 2023, the date on which the Court issued the Order for Service by Publication. By Order of the Honorable Steve C. Jones U.S. District Judge for the Northern District of Georgia This 31st day of May, 2023 Kevin P. Weimer, Clerk for the U.S. District Court for the Northern District of Georgia **121992 6/7, 14, 21, 28**

Name Changes

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA Civil Action File Number 2023CV 000876CGB NOTICE OF PETITION OT CHANGE NAME OF ADULT LEON DARGHOSIAN filed a petition in the Hall County Superior Court on 5/23/ 2023 to change the name from : LEON DARGHOSIAN to CHARLES VANDERBILT. Any interested party

has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 5-23-2023 LEON DARGHOSIAN Petitioner, Pro se Name: LEON DARGHOSIAN. Address: 5432 Falling Branch Ct. Phone (day): 6 1 5 - 4 8 4 - 6 2 4 5 **122043 5/31, 6/7, 14, 21**

HALL COUNTY SUPERIOR COURT STATE OF GEORGIA In re the Name Change of Child(ren) Noel Rey Espinoza Jasmin Gaudlock, Petitioner, vs. Eduardo Espinoza, Respondent. Civil Case Number: 2023CV000951KFG NOTICE OF PETITION TO CHANGE NAME(S) OF MINOR CHILD(REN) Jasmin Gaudlock filed a petition in the Hall County Superior Court on 30th May, 2023, to change the name(s) of the following minor child(ren) From: Noel Rey Espinoza To: Noel Schaefer Gaudlock. Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA §819-12-1(0)(2) and (3). Dated: 5/30/23 Jasmin Gaudlock, Petitio, Pro se Name: Jasmin Gaudlock Address: 392 Linwood Drive, Apt. 2-8 Gainesville, GA 30501 Phone (day): 470-213-3352 **122433 6/7,14,21,28**

Hall COUNTY SUPERIOR COURT STATE OF GEORGIA IN RE THE NAME CHANGES OF CHILD(REN): Mavis Lee Baker, Myze Matthew Baker Micaeala Lee England, Petitioner, vs. Kody Martin Baker, Respondent. Civil Case Number 2023CV000827JJD NOTICE OF PETITION TO CHANGE NAME(S) OD MINOR CHILD(REN) Micaeala Lee England filed a petition in the Hall County Superior Court on , 20 to change the name(s) of the followinf minor child(ren) from: Mavis Lee Baker to: Mavis Lee England from: Myze Matthew Baker to: Matthew Linkin England Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA §§19-12-l(f)(2) and (3). Dated: May 10, 2023 Micaeala Lee England Petitioner, Pro se Name: Micaeala Lee England Address: 3900 Maberry Rd Gainesville, Ga 30507 Phone (day): 678-622-93 **122459 6/7, 14, 21, 28**

IN THE SUPERIOR COURT OF HALL COUN TY STATE OF GEORGIA In re the Nam e Change of: AUDREY DUNGEY, A minor child. CIVIL ACTION FILE 2023CV000895 NOTICE OF NAME CHANGE PLEASE take notice that on the 18th day of May, 2023, Tyler Hall, Petitioner and Equitable Caregiver in the above-styled matter, filed a Petition in the Superior Court of Hall County, Georgia seeking a name change for a minor child from Audrey Lee Dungey to Audrey Lee Hall. Any interested or affected party has the right to appear and file objections. At the expiration of thirty (30) days from the filing of the Petition, upon proof of publication, and if no objection is filed, the Court shall proceed to hear and determine all matters raised by said Petition. Respectfully submitted, this 19th day of May, 2023. Charles P. Efstration, III Attorney for Equitable Caregiver Georgia Bar No. 805511 THE EFSTRATION LAW

FIRM, PC 3605 Braselton Hwy, Suite 104 Dacula, Georgia 30019 Phone: 678-835-4886 Fax: 678-926-3269 Email: chuck@attorneychuck.com **1 2 2 1 5 9 5/31,6/7,14,21**
IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of Deborah M. Miller, Petitioner. Civil Case Number 2023CV947LHB NOTICE OF PETITION TO CHANGE NAME OF ADULT Deborah Meacheall Miller filed a petition in the Hall County Superior Court on May 26, 2023, to change the name from: Deborah Meacheall Miller to Deborah Meacheall Waddell. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 5-26-2023 Deborah Meacheall Miller Petitioner, Pro se Name: Deborah Meacheall Miller Address: 2920 Allison Road Gainesville Ga. 30506 **122403 6/7, 14, 21, 28**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of: FOLASHADE POWERS, Petitioner. Civil Action File No: 2023CV0010012HB NOTICE OF PETITON TO CHANGE NAME OF ADULT FOLASHADE POWERS filed a petition in the Superior Court of Hall County on 5th day of June, 2023, to change his/her name from: FOLASHADE POWERS to SANDY FOLASHADE MILLER. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Signed this 5th day of June, 2023. FOLASHADE POWERS Petitioner, Pro se Petitioner's name: FOLASHADE POWERS Petitioner's address: 1475 BUFORD DR, 403-149 LAWERENCEVILLE, GA 30043 Petitioner's Telephone Number: 770-688-6103 **122759 6/21, 28, 7/5, 12**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of: Manuel Misael Mojica Petitioner. Civil Action File Number 2023CV970CGB NOTICE OF PETITION TO CHANGE NAME OF ADULT Manuel Misael Mojica file a petition in the Hall County Superior Court on 1st June, 2023, to change the name from: Manuel Misael Mojica to Santiago Misael Mojica . Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 06-01-20 Manuel Misael Mojica Petitioner, Pro se Name: Manuel Misael Mojica Address: 4598 Summerset Dr, Gainesville, GA 30507 **122649 6/14, 21, 28, 7/5**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA Lauren K. Carlisle, Petitioner, Civil Action File No. 23-CV-000823-BCO In Re: C A D E N C E CARLISLE RUFFOLO, a minor child. NOTICE OF PETITION TO CHANGE NAME GEORGIA, Hall County Notice is hereby given that this petition to change name was filed in the Superior Court of Hall County, Georgia on the 8th day of May, 2023, praying for a change in the name of a minor child from Cadence Carlisle Ruffolo to Cadence Smith Carlisle. Notice is hereby given pursuant to law to any interested or affected party to appear in said Court

and to file objections to such name change. Any interested party has the right to file written objections to the petition with the Hall County Clerk of Superior Court. This 23rd day of May, William R. Carlisle Attorney for Petitioner 122229 5/31,6/7,14,21

IN THE SUPERIOR COURT OF HALL COUNTY, STATE OF GEORGIA In re the name change of: Marcela Galloway, Petitioner. CIVIL ACTION FILE#: 2023CV001062LHB **NOTICE OF PETITION TO CHANGE NAME OF ADULT** You are hereby notified that on the 15th day of June 2023, Marcela Galloway, filed a Petition to Change Name in the Superior Court of Hall County. Marcela Galloway desires to change his/ her from Marcela M Galloway to Marcela M Tomlinson. Any interested party has the right to appear in this case and file objections within 30 days after the Petition to Change Name was filed. Dated: 6-15-23 Marcela Galloway, Petitioner, Pro Se Address: 724 Park Creek Court, Apt 724 Gainesville, GA 30504 Phone: 704-816-9779 **122997 6/21, 28, 7/5, 12**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of Karen Lynn Diesner, Petitioner Civil Action File No: 2023CV000982BCO NOTICE OF PETITIOIN TO CHANGE NAME OF ADULT An action was filed in the Superior court of Hall County on 6/2/2023 to change the Petitioner's name as follows: Petitioner's name: Karen Lynn Diesner Desired new name: Karen Lynn Kelly Any interested party has the right to appear in this case and file objection before the final judgment is ordered in this case. Dated: 6/2/23 Karen Lynn Diesner Petitioner Pro se Name: Karen Diesner Address: 6603 Elmhurst Way Hoschton, GA 30548 Phone: 678-617-3604 Email: kittyathome@att.net **122602 6/14, 21, 28, 7/5**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re: MOSES GIDEON BEN-YISRAEL Petitioner. Civil Action File Number 2023CV000981 NOTICE OF PETITION TO CHANGE NAME OF ADULT Petitioner herein filed a petition in the Superior Court of Hall County on 31st, day of May, 2023, for a legal name change from MOSES GIDEON BEN-YISRAEL to VERONICA DEVORAH SHAY YISRAEL. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. This 31st day of May, 2023. /s/ Precious Johnson Precious Johnson Georgia Bar No.: 146189 johnsonpr@gtlaw.com GREENBERG TRAUIG, LLP Terminus 200, Suite 2500 3333 Piedmont Road NE Atlanta, GA 30305 PH: 678- 553-2392 FX: 678- 553-2393 Counselfor Petitioner **122600 6/14, 21, 28, 7/5**

Public Hearings

NOTICE is hereby given that the **Hall County Planning Commission** shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 5:15 p.m. on **Monday, July 24, 2023**, to consider the following: **1.8511 & 8515 Belton Bridge Road | Variance** | from 17.240.010 to reduce the road frontage requirement

from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | **Proposed Use: 2-lot subdivision** | * Commission District 3 | **Robin Cole, applicant.** **2.(A) 3463 Leisure Lane | Variance** | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | **Proposed use: bring existing accessory building into compliance** | * Commission District 3 | **Carolann Justus, applicant.** **(B) 3463 Leisure Lane | Variance** | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | **Proposed use: bring existing accessory building into compliance** | * Commission District 3 | **Carolann Justus, applicant.** **3. (A) 6178 Lake Lanier Heights Road | Variance** | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | **Proposed Use: residential addition and bring the existing residence into compliance** | * Commission District 2 | **Nave Edelstein, applicant.** **(B) 6178 Lake Lanier Heights Road | Variance** | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | **Proposed Use: residential addition and bring the existing residence into compliance** | * Commission District 2 | **Nave Edelstein, applicant.** **4.5961 Pocahontas Drive | Use Subject to County Commission Approval** | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | **Proposed use: 5-lot subdivision** | ** Commission District 2 | **Kimberly Zax, applicant.** **5.(A) 3555 North Bogan Road | Use Subject to County Commission Approval** | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant.** **(B) 3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant.** **(C) 3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-

entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant.** **6.2196 Centennial Drive | Use Subject to County Commission Approval** | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | **Proposed Use: food processing plant involving the further processing of animal or animal product** | ** Commission District 4 | Brian Jones, applicant. **7.5351 Lanier Islands Parkway | Use Subject to County Commission Approval** | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 (pt.) | Proposed use: agri-entertainment | ** Commission District 1 | **Keith D. & Chad Bell, applicant.** NOTE: This application was tabled at the May 15th Planning Commission meeting. NOTE: In accordance with Georgia law, anyone who (a) wishes to express opposition to the proposed rezoning and (b) has made, within two years immediately preceding the filing of the proposed rezoning, campaign c o n t r i b u t i o n s aggregating \$250 or more to a member of the County Commission shall file a disclosure of contributions with the Planning Department at least five (5) days prior to the first hearing of the proposed rezoning by the County Commission. (OCGA § 36-67A-3[C]). *The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within 30 days of the Planning Commission's decision. The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, August 24, 2023 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia. **The Planning C o m m i s s i o n ' s recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, August 24, 2023. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia. **122939 6/21**

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, July 11, 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 **Northeast Georgia Health System, Inc.** for a special use on a 7.95± acres tract located on the east side of Limestone Parkway, between Clarks Bridge Road and Flintridge Road, having road frontage at the terminus of Gabriel Drive (a/k/a **2500 Limestone Parkway**), having a zoning of Regional Business (R-B). Ward Number: Two Tax Parcel Number(s): 09-125-000-062 Request: I n p a t i e n t Rehabilitation Hospital 2) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel Number(s): 01-111-001-083 Request: Single-family home 3) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel Number(s): 01-111-001-083 Request: Mixed-use building 4) 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 McEever 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: D u n k i n Donuts restaurant 5) 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 McEever Road (a/k/a **2925 Browns Bridge Road, SW**). Ward Number: Four Tax Parcel Number(s): 08-016-001-004 Request: Q u i k T r i p convenience store/gas station 6) 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 **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, August 1, 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 **Northeast Georgia Health System, Inc.** for a special use on a 7.95± acres tract located on the east side of Limestone Parkway, between Clarks Bridge Road and Flintridge Road, having road frontage at the terminus of Gabriel Drive (a/k/a **2500 Limestone Parkway**), having a zoning of Regional Business (R-B). Ward Number: Two Tax Parcel Number(s): 09-125-000-062 Request: I n p a t i e n t Rehabilitation Hospital 2) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel Number(s): 09-125-000-062 Request: I n p a t i e n t Rehabilitation Hospital

GAINESVILLE PLANNING and APPEALS BOARD RECOMMENDATION

Applicant and Property OwnerNortheast Georgia Health System, Inc.
Location2500 Limestone Parkway
RequestSpecial Use within R-B zoning
Size7.95± acres
WardTwo
Proposed UseInpatient rehabilitation hospital
Planning Division Staff Recommendation**Approval, with conditions**
Planning & Appeals Board Recommendation**Approval, with conditions**
DateJuly 11, 2023

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

The applicant is seeking special use approval for an inpatient rehabilitation hospital at the site of the previous J&J Foods grocery store. The existing building is 58,000± square foot in size and will be demolished. The rehabilitation hospital will be operated in conjunction with Lifepoint Rehabilitation based out of Brentwood, Tennessee, and is for patients recovering from neurological conditions including strokes, brain injuries, spinal cord injuries, neurological conditions, orthopedic injuries, amputations and trauma.

The rehabilitation hospital will provide a total of 50 inpatient beds and will be 2-stories and 63,000 square feet in size. The first phase of construction will include 40 beds and is anticipated to start during the 2nd quarter of 2024. The remaining beds will be determined by market growth as needed. Building materials will consist of a mixture of natural stone, exterior insulation finishing systems (EIFS), glass and louvered screen wall materials in keeping with the architectural design and brand standards of other NGHS structures.

Primary access will be from Limestone Parkway and secondary access will be from Gabriel Drive which currently exist. A total of 146 parking spaces are proposed. There are currently 285 parking spaces on site. A uniform sign plan and all stormwater requirements will be submitted for City approval. The applicant requests that the special use approval also include the square footage of the building and associated parking to be increased by an additional 20% if determined needed in the future to accommodate minor additions and modifications that may be required.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	NGPG Allergy and Asthma Clinic, Magic Years of Learning Daycare, Gainesville Gymnastics	Regional Business (R-B) and Neighborhood Business (N-B)
South	Limestone Place Health Center, US Post Office, Dollar General	Agricultural Residential-III (AR-III)- County
East	Windcliff Apartments (57 units)	Residential-II (R-II)
West	Undeveloped property	Residential-I-A (R-I-A) and General Business (G-B)

▪ **Other Departmental Comments**

The Georgia Department of Transportation (GDOT) has asked that the turning radius from the parking lot onto Limestone Parkway be modified to a smaller radius so that a right turn will occur after a full stop more perpendicular to Limestone Parkway, rather than the current right turn yield configuration where drivers face away from oncoming traffic. The applicant will continue to coordinate with GDOT on access points.

There were no other departmental comments regarding this request.

▪ **Zoning History**

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

2022 - A request by the City of Gainesville to annex all of Victory Street consisting of a 0.66± acre with Planned Unit Development (P-U-D) zoning for road improvements was approved with conditions.

2022 – A request by Brand Properties to rezone a 69.18± acres tract from Planned Unit Development (P-U-D) and Residential-II (R-II) to Planned Unit Development (P-U-D) located at 515 Lakeview Drive, NE; 2065 Limestone Parkway and 1881 Jesse Jewell Parkway, NE was conditionally approved for a master mixed-use development.

2021 - A request by Atlanta Botanical Garden, Inc. to annex a 17.032± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0, 100, 101, 102, 103, 104, 105, 106, 107, 109 and 111 Randall Street; 0 Riverbend Circle; 103 Gary Street; 1662 Roper Hill Road and rezone a 20.695± acres tract from Residential-II (R-II) and General Business (G-B) to Planned Unit Development (P-U-D) located at 115 Barrett Street, 102, 104 and 106 Gary Street; 213, 301, 303 and 305 Lake Hill Drive to expand the facilities was approved with conditions.

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

2021 - A request by Optum Development to annex a 7.77± acres tract located at 1744 Cleveland Highway with Planned Unit Development (P-U-D) zoning for 36 residential townhomes was approved with conditions.

2021 – A request by Jim Chapman Communities to rezone 36.7± acres located at 0 Beverly Road from General Business (G-B) to Planned Unit Development (P-U-D) for a 220-unit rental cottage community was given a recommendation of denial by the Planning and Appeals Board and withdrawn prior to the City Council meeting.

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 and to amend a 14.43± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 Lakeview Drive NE; 52, 54 and 56 Quarry Street NE was conditionally approved for 49 residential cottage 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.

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

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

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.

▪ **Staff Analysis**

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

Limestone Parkway consists of numerous medical uses which either support or are associated with Northeast Georgia Health System network. The proposed inpatient rehabilitation hospital appears suitable given the surrounding multi-family, office and commercial uses and is consistent with the Limestone Parkway Overlay Zone requirements.

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

The subject property has been utilized for commercial purposes since 1995 which was prior to the adjacent residential and commercial uses were established. The proposed inpatient rehabilitation hospital is limited to only 50 beds which should have less impacts on the adjacent properties compared to the previous grocery store/supermarket.

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

The Gainesville Future Development Map places the property within the *Commercial* land use category which includes areas with focused retail, office, or other commercial service activities such as grocery stores, banks, restaurants, theaters, hotels and automotive-related businesses. Commercial uses may also as a single use in one building or grouped together in a shopping center.

The subject property is also located within the *Limestone Medical Corridor* Character Area. This area is made up of medical facilities, clinics and professional offices and is envisioned to remain an employment corridor along Limestone Parkway. Infill developed and continuing to promote Northeast Georgia Medical Center as a regional employment center are encouraged. Commercial, office, public, institutional, mixed-use, limited single-family residential, multi-family residential and parks & recreation are considered appropriate land uses.

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

The subject property is zoned Regional Business (R-B). The applicant is not proposing to rezone the property but is asking for a special use within R-B zoning. The Unified Land Development Code allows medical uses by right but requires a special use for a hospital. If the request were to be denied, the property would still reserve its right to be occupied for office, medical or commercial purposes. The proposal appears reasonable given the surrounding uses.

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

The proposal should not cause an excessive or burdensome use of public facilities or services. The property currently utilizes City water and sewer services and capacity is sufficient. Existing public safety services already respond to the property. Gainesville Fire Station #2 is located 0.5±

mile from the property off of Cleveland Highway. The proposed inpatient rehabilitation hospital is for nonresidential purposes and will not impact the City or County school systems.

According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (11th Edition), the proposed rehabilitation hospital will generate approximately 1,116± new trips per weekday (50% entering / 50% exiting). A total of 90± A.M. peak hour trips (72% entering / 28% exiting) and a total of 85± P.M. peak hour trips (28% entering / 72% exiting). Of comparison, the previous grocery store was projected to produce 75% more total daily trips, 32% more A.M. peak hour trips and 80% more P.M. peak hour trips.

(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 subject property is expected to remain nonresidential due given the existing infrastructure and adjacent office/commercial uses. As the main campus of Northeast Georgia Medical Center main campus continues to expand, supportive medical uses are anticipated to span along Jesse Jewell Parkway, Limestone Parkway, Cleveland Highway, west of Cornelia Highway/Exit 24.

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

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

Additional Criteria

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

Primary access to the inpatient rehabilitation hospital is from Limestone Parkway which is considered an arterial road. Secondary access is proposed from Gabriel Drive which is a local road. The existing roads are adequate to serve the proposed use.

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

The proposed use should have minimal impact on the existing roads. The existing roads are adequate for emergency vehicles. There is currently a full median break on Limestone Parkway as well as a rear access driveway off of Gabriel Drive. The applicant will make minor safety improvements to the right exiting turn lane on Limestone Parkway per GDOT requirements. There are no sidewalks along the property frontage.

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

Water and sewer are accessible and capacity is sufficient to serve the use. Police and Fire facilities currently serve the property. Gainesville Fire Station #2 is located 0.5± mile of the property. The use will have no impact on the City School System.

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

According to the applicants preliminary site plan, additional greenspace will be added to the site that will enlarge the existing 25 foot wide greenspace/buffer to approximately 150 feet wide adjacent to the Windcliff Apartments multi-family property. All proposed service areas will be a considerable distance from the adjacent apartments and will be buffered by new trees and existing mature vegetation.

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

The proposed use is for an inpatient rehabilitation hospital and will be in operation 24 hours a day / 7 days a week. Visitation hours have not been determined at this time but are 8:00 A.M. to 9:00 P.M. The proposal should not create adverse effects on the other properties in the area given the nature of the use and the anticipated reduction of vehicle traffic compared to the previous grocery store/supermarket.

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

The proposed facility is 63,000 square feet in size and will provide a total of 50 inpatient beds. The building is smaller in mass than the existing grocery building but will be slightly taller varying from 31 to 41 feet in height. The existing grocery building is 24 feet in height. The proposed building is consistent with the Limestone Parkway Overlay Zone building coverage, impervious area, open space and height requirements.

▪ **Staff Recommendation**

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

Conditions

1. **The development standards shall be consistent with the concept plan, architectural renderings and narrative provided with this special use application.**
2. **All service areas, including dumpster pads, shall be screened from view from adjoining properties, public streets, parking areas, and other areas open to the public. Such screening, which may be vegetative or structural with vegetation, is subject to the Community and Economic Development Director approval. Any structural buffer shall be made of weather resistant composite materials and shall conform to the architectural style of the building.**
3. **The proposed number, location, type and size of all signage for the development shall be subject to the Community & Economic Development Director approval.**
4. **All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. All required access/traffic/sidewalk improvements associated with the proposed shall be at the full expense of the developer/property owner.**

Applicant Presentation: **Emily Bagwell**, 9018 Bill Savage Road, Lula, introduced Kevin Matson as the VP for Regional Hospitals for Northeast Georgia Health System and stated he will talk about the project, its use and need.

Kevin Matson, 5667 Britt Whitmire Road, stated he and his family was born at Northeast Georgia Hospital and has spent 23 years of his career at the location. He spoke about the excitement of the Ronnie Green Heart Center opening in 2002 along with countless lives saved due to it and stated this project will be the same for patients with stroke and neurological conditions needing intensive rehab. Mr. Matson spoke about the number of patients needing continued care to recover before going back home on their own and not all families have the resources to care for a person who needs the transition. He said with the new 40 bed facility it will free up 24 beds for medical patients along with a state-of-the-art facility, beautiful gym and rehab kitchen. Mr. Matson stated part of the hospital will have what is called “Activities of Daily Living Apartment” allowing patients to spend a few nights alone without any care before going home. He said due to a rehab facility being very complex due with the rules and regulations always changing have decided to partner with Lifepoint which is a nationwide leader for inpatient rehab care, applied for a Certificate of Need through the Georgia Department of Community Health and has been granted the award. Mr. Matson stated it will impact lives with patients from the Carolinas, Tennessee and Alabama for traumatic care with the need of transition of care and will be given the chance of a full recovery with this hospital.

Emily Bagwell stated construction should start in the second quarter of 2024, met with DOT, will continue to work with the DOT and city staff for signage and stormwater as more detailed plans are available. She stated there will be an additional sewer easement at back side of the property to help serve the rowing venue and growth in the area. Mrs. Bagwell stated they agree with all the conditions and have included an allowance for a twenty percent increase in terms of parking spaces and square footage if additional beds are needed. She complimented Mr. Tate and the staff for attention to detail and always a pleasure to work with.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval of the special use request for an Inpatient Rehabilitation Hospital having a zoning of Regional Business (R-B) with the following conditions:

Conditions

- 1. The development standards shall be consistent with the concept plan, architectural renderings and narrative provided with this special use application.**
- 2. All service areas, including dumpster pads, shall be screened from view from adjoining properties, public streets, parking areas, and other areas open to the public. Such screening, which may be vegetative or structural with vegetation, is subject to the Community and Economic Development Director approval. Any structural buffer shall be made of weather resistant composite materials and shall conform to the architectural style of the building.**
- 3. The proposed number, location, type and size of all signage for the development shall be subject to the Community & Economic Development Director approval.**
- 4. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of**

Transportation. All required access/traffic/sidewalk improvements associated with the proposed shall be at the full expense of the developer/property owner.

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 7 favor

RESOLUTION ZR-2023-01

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

WHEREAS, under **Chapter 9-6-4 Regional Business (R-B)** zoning district of the Unified Land Development Code of the City of Gainesville, Georgia; **Section 9-6-4-2 Permitted and Special Uses** allows for a *hospital* subject to City Council approval after review and recommendation by the Gainesville Planning and Appeals Board; and

WHEREAS, an application has been received from **Northeast Georgia Health System, Inc.** to allow an *Inpatient Rehabilitation Hospital* within a Regional Business (R-B) zoning district identified as follows:

09-125-000-062
2500 Limestone Parkway
Ward Two

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

WHEREAS, the **Gainesville Planning and Appeals Board**, held a public hearing regarding this matter on **May 9, 2023**.

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

Conditions

1. The development standards shall be consistent with the concept plan, architectural renderings and narrative provided with this special use application.
2. All service areas, including dumpster pads, shall be screened from view from adjoining properties, public streets, parking areas, and other areas open to the public. Such screening, which may be vegetative or structural with vegetation, is subject to the Community & Economic Development Director approval. Any structural buffer shall be made of weather resistant composite materials and shall conform to the architectural style of the building.
3. The proposed number, location, type and size of all signage for the development shall be subject to the Community & Economic Development Director approval.
4. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. All required access/traffic/sidewalk improvements associated with the proposed shall be at the full expense of the developer/property owner.

RESOLUTION ZR-2023-01

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

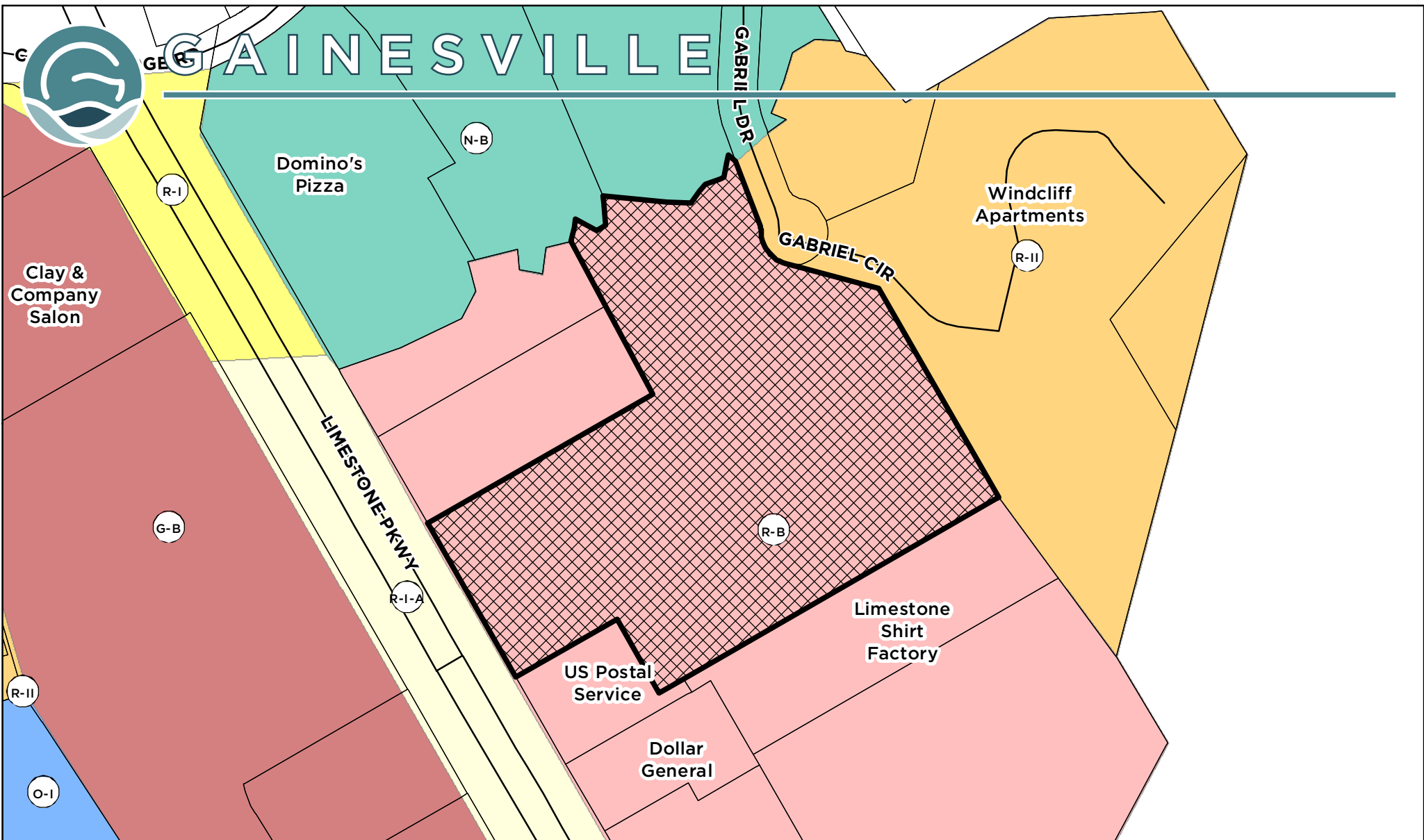
Adopted this ____ day of _____, 2023.

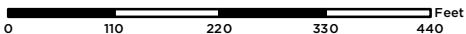
W. Samuel Couvillon, Mayor

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



Applicant: NORTH GEORGIA HEALTH SYSTEM, INC.		Request: Special use on a +/- 7.95 AC tract within Regional Business (R-B) zoning district for an in-patient rehabilitation hospital	
SPECIAL USE REQUEST			
Subject Property Address: 2500 Limestone Parkway	Tax Parcel: 09-125-000-062	 Subject Property	
Meeting Date: 07/11/2023	Map Prepared: 05/02/2023		

SCALE: 1" = 200'



Applicant: **NORTH GEORGIA HEALTH SYSTEM, INC.**

Request:

Special use on a +/- 7.95 AC tract within Regional Business (R-B) zoning district for an in-patient rehabilitation hospital

SPECIAL USE REQUEST

Subject Property Address:
2500 Limestone Parkway

Tax Parcel:
09-125-000-062



Subject Property

Aerial from 2021



Meeting Date: 07/11/2023

Map Prepared: 05/02/2023

0 110 220 330 440 Feet

SCALE: 1" = 200'

CITY OF GAINESVILLE

NARRATIVE REPORT

REGARDING

SPECIAL USE APPLICATION FOR ± 7.949 ACRES

LOCATED AT 2500 LIMESTONE PARKWAY

IN CITY OF GAINESVILLE

HALL COUNTY, GEORGIA

PROPERTY OWNER:

DARRELL W. WILEY, AS TRUSTEE OF THE BYPASS TRUST UNDER THE LAST WILL
AND TESTAMENT OF JOHNNIE C. WILEY

APPLICANT: NORTHEAST GEORGIA HEALTH SYSTEM, INC.

CURRENT ZONING: Regional-Business (R-B)

INTRODUCTION

This special use application seeks approval from the Planning and Appeals Board and the Gainesville City Council to locate an inpatient rehabilitation hospital on a 7.949 acre tract located at 2500 Limestone Parkway. This parcel is currently zoned Regional Business and has most recently been the location of a retail grocery store. The subject property is located within the Limestone Corridor Overlay District and is served by a full movement intersection off Limestone Parkway and a secondary access on Gabriel Drive.

DESCRIPTION OF APPLICANT

For more than 70 years, Northeast Georgia Health System (NGHS) has been on a mission of improving the health of our community in all we do. The system cares for more than one million people across more than 19 counties – an area larger than 5,000 square miles - through four hospitals and dozens of outpatient locations. NGHS is anchored by the flagship Northeast Georgia Medical Center (NGMC) campus in Gainesville, a nationally verified Level I Trauma Center, with additional NGMC hospitals in Braselton, Dahlonega and Winder. Together, the four hospitals provide a total of almost 800 beds and 1,400 medical staff members representing more than 60 specialties. All NGHS facilities combined see more than 1.6 million visits.

Led by volunteer boards made up of community leaders, NGHS is a not-for-profit health system – so all revenue beyond operating costs is returned to the community through improved services and innovative programs. The Georgia Hospital Association reported that in 2020, NGMC generated more than \$3.5 billion in revenue for the local and state economy and sustained nearly 22,500 full-time jobs throughout the region and state – in addition to more than 10,000 employees directly employed by the health system.

NGMC accepts all patients regardless of their ability to pay, including Medicare, Medicaid, PeachCare, and financially and medically indigent patients. NGMC is committed to providing needed services to all members of the community, and does not discriminate by virtue of race, age, sex, handicap, color, creed, ethnic affiliation, or ability to pay.

NGHS does not rely on funding from any regional county or municipality to assist or subsidize the cost of providing care to the indigent patients treated at NGHS facilities. In calendar year 2021, 46,050 charity patients were served by NGHS hospitals in all service areas combined. The estimated cost to provide this charity care was over \$101 million. That same year, exclusive of charity care, NGHS hospitals provided an additional \$102.4 million in unreimbursed care at all its campuses.

In addition to providing uncompensated care to the service area, the Health System and its affiliates provided over \$15 million dollars in value to Northeast Georgia communities in FY21 to support health education, health screenings and community sponsored projects.

NGHS is interested in serving the community in the best manner possible. Construction of an inpatient rehabilitation facility on the Subject Property will enable the hospital system to fulfill the medical needs of the Gainesville community and our region while also providing a quality, long-term, committed development.

The rehabilitation hospital will be operated in conjunction with Lifepoint Rehabilitation. With more than 30 freestanding inpatient rehabilitation facilities (IRFs) across 18 states, Lifepoint Rehabilitation is a partner of choice for many major hospital systems in the creation of joint venture operations that are industry-leading in clinical and financial outcomes. Through its IRFs and more than 100 acute rehabilitation units (ARUs), Lifepoint Rehabilitation brings proven rehabilitation management and services expertise to help our patients recover and return home quickly from a number of conditions, including strokes, brain injuries, spinal cord injuries, orthopedic injuries, neurological conditions, amputations and trauma. Lifepoint Rehabilitation is a business unit of Brentwood, Tennessee-based Lifepoint Health.

PROJECT DESCRIPTION

NGMC is currently licensed for 24 inpatient rehabilitation beds, all of which are housed in the South Patient tower on the main campus of NGMC-Gainesville. Patients enter the inpatient facility with a wide variety of underlying needs, including stroke, head injury, amputations, multi trauma, hip and other bone fractures, complex medical issues and post covid complications.

Through extensive study, NGMC determined that the needs of its service area could be better served with expanded inpatient rehabilitation services. The new facility will provide more modern, spacious facilities and allow service to a broader range of patients. Current projections suggest that the number of served individuals will almost double by the year that the new facility is in operation.

The applicant has received a Certificate of Need for a 40-bed facility. The initial construction will be 63,000 square feet and will include patient rooms, indoor and outdoor recreational facilities, extensive rehabilitation equipment and related areas, gardens, visiting and dining areas, as well as support facilities such as laundry, administration and nutrition. The core areas are designed to support up to a total of 50 beds. The applicant requests that the approvals for the special use permit also include approval for square footage of the proposed building and associated parking to be increased by an additional 20%, to accommodate minor additions and modifications that may be required.

The proposed use is consistent with the nearby property uses, including medical buildings and other uses that draw customers from a larger region. It is anticipated that the new facility will draw additional customers to use the nearby retail establishments. While hospitals are contemplated as a possible use in areas zoned for regional business, this specialty hospital will not have an emergency department and is not anticipated to attract the same level of visits that an acute care hospital would.

Project Phasing

Construction on the above project is expected to be completed in at least two phases. The first phase will include the core facilities and 40 patient rooms. Construction on the first phase is planned to start as soon as 2nd quarter of 2024. Later phases will occur as dictated by market growth and will include additional space as needed to support additional patient beds.

Traffic and Roadways

The project fronts on Limestone Parkway (US Hwy 129/GA Hwy 11) and also has access to Clarks Bridge Road (GA Hwy 284) via Gabriel Drive. The Applicant has met with the Georgia Department of Transportation, and GDOT has provided initial approval for Applicant to maintain the full median break on Limestone Parkway that is currently in place. GDOT has asked that the turning radius from the parking lot onto Limestone Parkway be modified to a smaller radius so that a right turn will occur after a full stop more perpendicular to Limestone Parkway, rather than the current right turn yield configuration where drivers face away from oncoming traffic. The Applicant will continue to coordinate with the Georgia Department of Transportation on access points.

SITE PLAN

The Applicant has submitted a conceptual site plan as part of the special use application. The plan reflects both the proposed new facility and parking. The Applicant respectfully requests that the site plan be considered conceptual and that any changes be subject to the approval by the Community Development Department.

DESIGN STANDARDS AND DIMENSIONAL REQUIREMENTS

The Applicant will comply with the Limestone Parkway Overlay Zone requirements in most respects. However, the applicant respectfully requests any variances needed to

accommodate the standards and specifications outlined below and elsewhere in this narrative and the special use application package.

1. Maximum Building Height of two (2) stories.

Although the Limestone Parkway Overlay typically limits buildings to one story, two story structures are allowed under certain circumstances.

“Buildings of greater height are also permitted subject to additional setback from arterial roads and from property zoned for residential use. One additional story shall be permitted for each additional 15 feet front building setback provided beyond the minimum front setback requirement or one additional story for each additional 15 feet of side or rear building setback beyond the minimum required setback abutting property zoned for residential use. As a condition to any such height increase based on the provision of greater setbacks than required, one large-species tree (over 40 feet in height at maturity) for each 30 feet of building perimeter shall be planted or retained between such buildings of greater height and adjoining property lines, in addition to any other trees required under this Ordinance. Alternate height limits may be allowed through conditions of approval of the Limestone Parkway Overlay Zone for a specific development.

As reflect on the attached site plan, the proposed development meets or exceeds the setback requirements necessary to construct a two-story building. Additionally, the applicant will comply with the tree requirements as outlined in the section quoted above. Granting a variance to allow a two-story building will allow for construction of an aesthetically pleasing building and site, including restoration of green space beyond that currently found on the property.

2. Exterior Building Materials and Finishes

The Architectural Design Guidelines in the City Land Development code limit the use of Exterior Insulating and Finish System (EIFS). The Limestone Parkway Overlay Zone allows the following exterior wall materials: brick masonry, stone masonry, or split-face block masonry; or wood clapboards or weather boarding.

As reflected on the architectural renderings, the applicant proposes to utilize a design in keeping with the architectural design and brand standards of other Northeast Georgia Health System (NGHS) structures. The NGHS brand standard for structures of similar size includes the use of EIFS and Natural Stone as the primary exterior materials, with EIFS used in less visible areas.

To comply with the Design Guidelines and consistent with the NGHS brand standard, the proposed building utilizes natural stone, glass and louvered screen wall as primary materials in

the most visible areas of the structure and uses EIFS as a secondary material, with EIFS use being concentrated in less visible areas of the proposed structure such as the side facing trees and the rear. The proposed design meets the spirit of the Design Guidelines and the Limestone Parkway Overlay district guidelines. As a result, the Applicant respectfully request a variance to allow for the use of EIFS and other materials as depicted in the proposed elevations and renderings.

3. Variance to allow for an increase in code required parking.

The Land Development code lists parking requirements in Table 9-17-5-2. Based on the parking ratios, with a 40 bed hospital, the development would be allowed a maximum of 80 parking spaces.

The applicant proposes a variance that allows parking at a minimum ratio of 1.5 spaces/bed, plus retaining existing parking along the property lines as shown on the conceptual site plan.

4. Variance for Building Mounted signage.

Please see below.

SIGNAGE

Applicant will install signage consistent with signage used at other NGHS facilities. Prior to permitting, the Applicant will submit a Uniform Sign Plan to include the type, number, size and area of signs permitted, subject to the approval of the Community Development Department.

STORMWATER MANAGEMENT

The Applicant shall construct adequate stormwater facilities on the subject property to collect stormwater runoff from the project. The stormwater detention plan shall be subject to the approval of the Community Development Department.

ARCHITECTURAL RENDERINGS

The Applicant has submitted architectural renderings and elevations for proposed new construction. The Applicant respectfully requests that the renderings and elevations be considered conceptual and that any changes be allowed, provided such changes will be subject

to the architectural design review process and approval of Community Development Department.

LANDSCAPING AND GRADING

The Applicant shall submit landscaping and grading plans as required by the Community Development Department, and such plans will be subject to the approval of the Department.

SPECIAL USE APPLICATION CONSIDERATIONS

As noted above, the Applicant proposes to construct a 63,000 square foot, with the possibility of up to a 20% increase of square footage with associated parking. The two state highways, Limestone Parkway (US 129) and Clarks Bridge Rd (GA 284), provide adequate access to the subject property. As reflected on the site plan, refuse, service and loading areas are located away from and shielded from the streets and, to the extent possible, neighboring properties. It is not anticipated that the proposed development will result in any noise, light, glare or odor that would be incompatible with or have a negative impact on neighbors. Although the proposed two-story building will be higher than neighboring structures, the landscaping and location of the building on the site will help balance the height and provide a finished product that is compatible with nearby buildings.

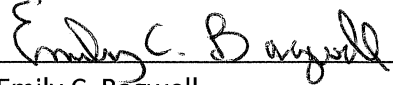
STAFF APPROVALS

The Applicant is currently in the design development phase of the project. As such, changes and modification to the project may be needed. The Applicant requests that the Community Development Department and staff be authorized to approve such changes as may be necessary to implement and develop the project consistent with this application, narrative, conceptual renderings and conceptual site plan, including but not limited to the signage plan, stormwater management plan, and other areas of staff review and approval contemplated by this narrative and the applicable City ordinances.

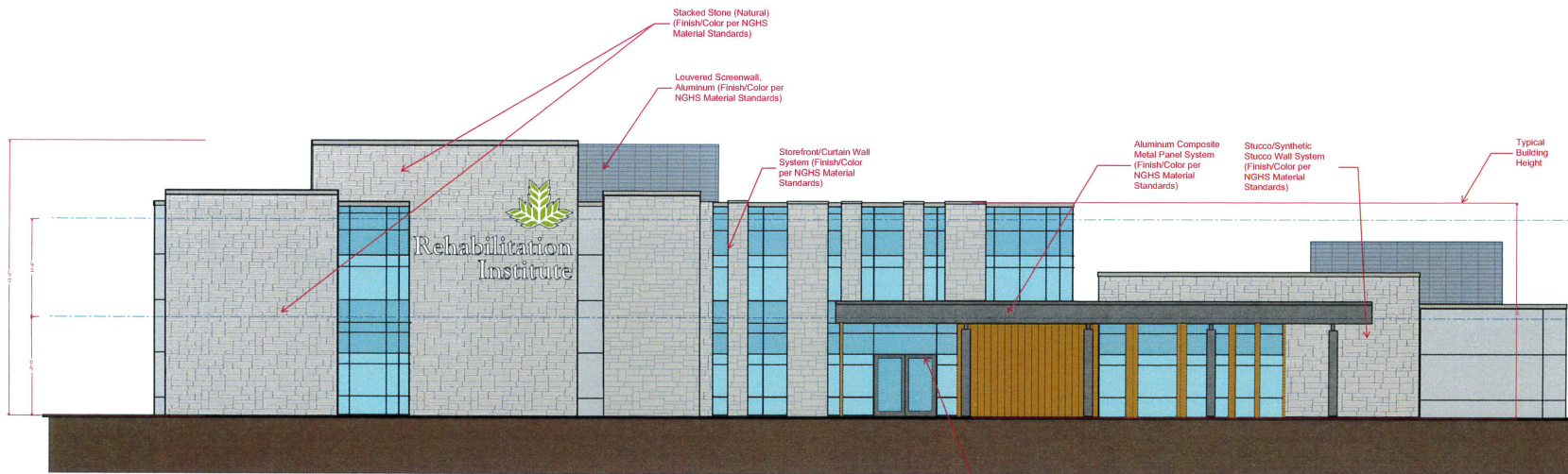
CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the special use application be approved, including any variances needed to implement the specifications in the application package. The Applicant also invites and welcomes any comments from staff or other officials of City of Gainesville so that such recommendations and input might be incorporated in this Application.

Respectfully submitted,

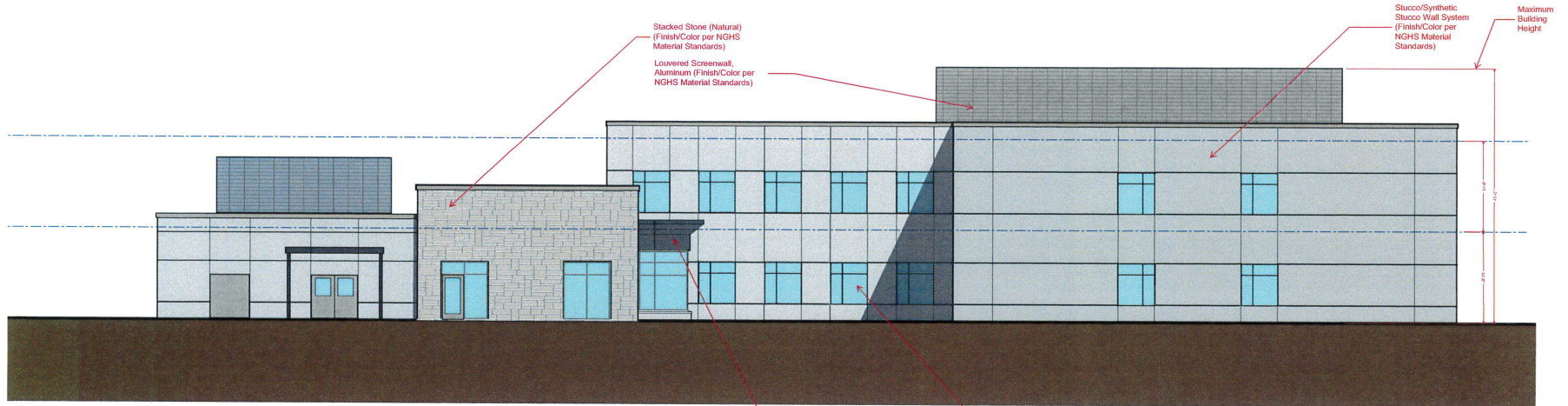

Emily C. Bagwell





SOUTH ELEVATION

Parklex Proforma
Rainscreen Cladding
(Finish/Color per
NGHHS Material
Standards)

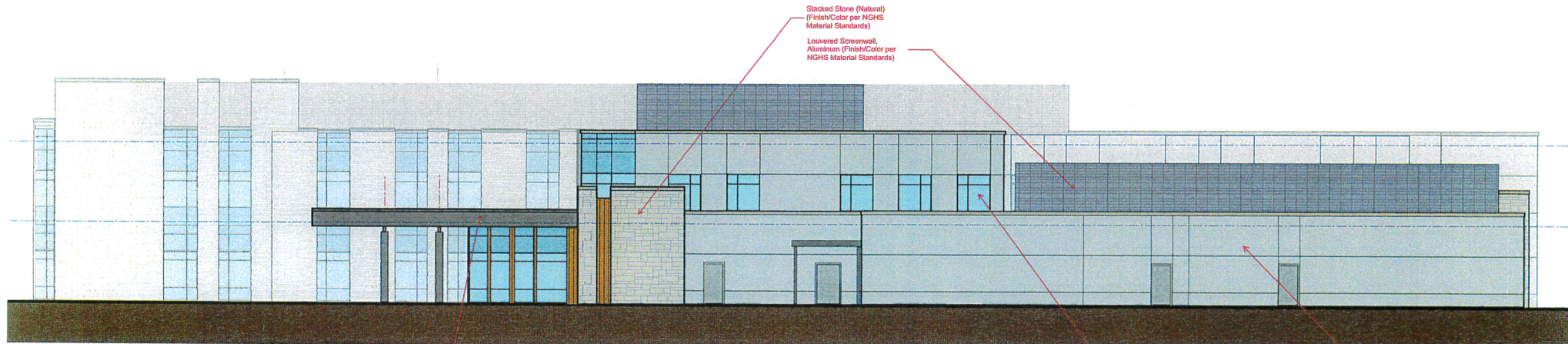


NORTH ELEVATION



NORTHEAST GEORGIA HEALTH SYSTEM REHABILITATION INSTITUTE
GAINESVILLE, GA - 22201.00 - 03/28/2023

Exterior Elevations



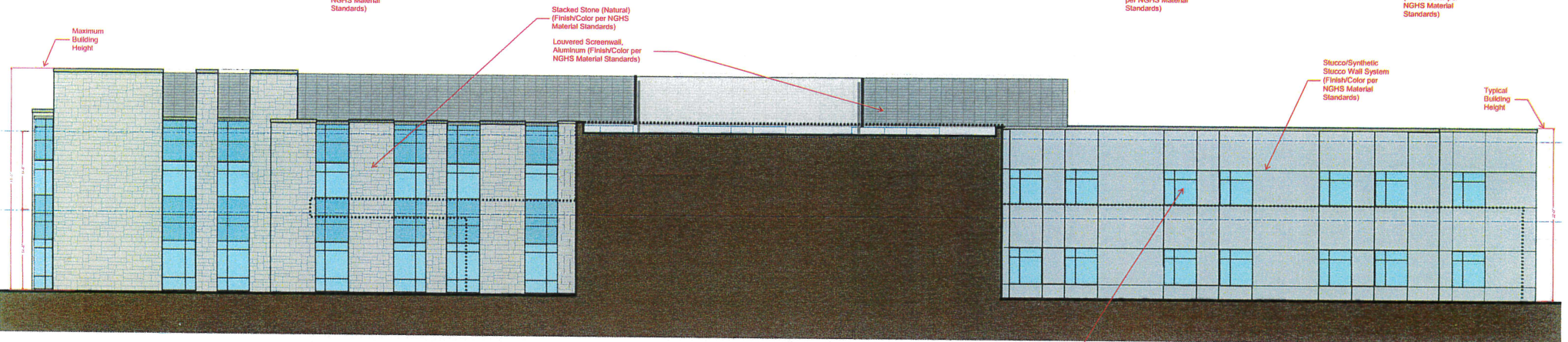
EAST ELEVATION

Aluminum Composite
Metal Panel System
(Finish/Color per
NGHS Material
Standards)

Stacked Stone (Natural)
(Finish/Color per NGHS
Material Standards)
Lowered Screenwall,
Aluminum (Finish/Color per
NGHS Material Standards)

Storefront/Curtain Wall
System (Finish/Color
per NGHS Material
Standards)

Stucco/Synthetic
Stucco Wall System
(Finish/Color per
NGHS Material
Standards)



EAST ELEVATION (@ INTERIOR COURTYARD)

Stacked Stone (Natural)
(Finish/Color per NGHS
Material Standards)
Lowered Screenwall,
Aluminum (Finish/Color per
NGHS Material Standards)

Stucco/Synthetic
Stucco Wall System
(Finish/Color per
NGHS Material
Standards)

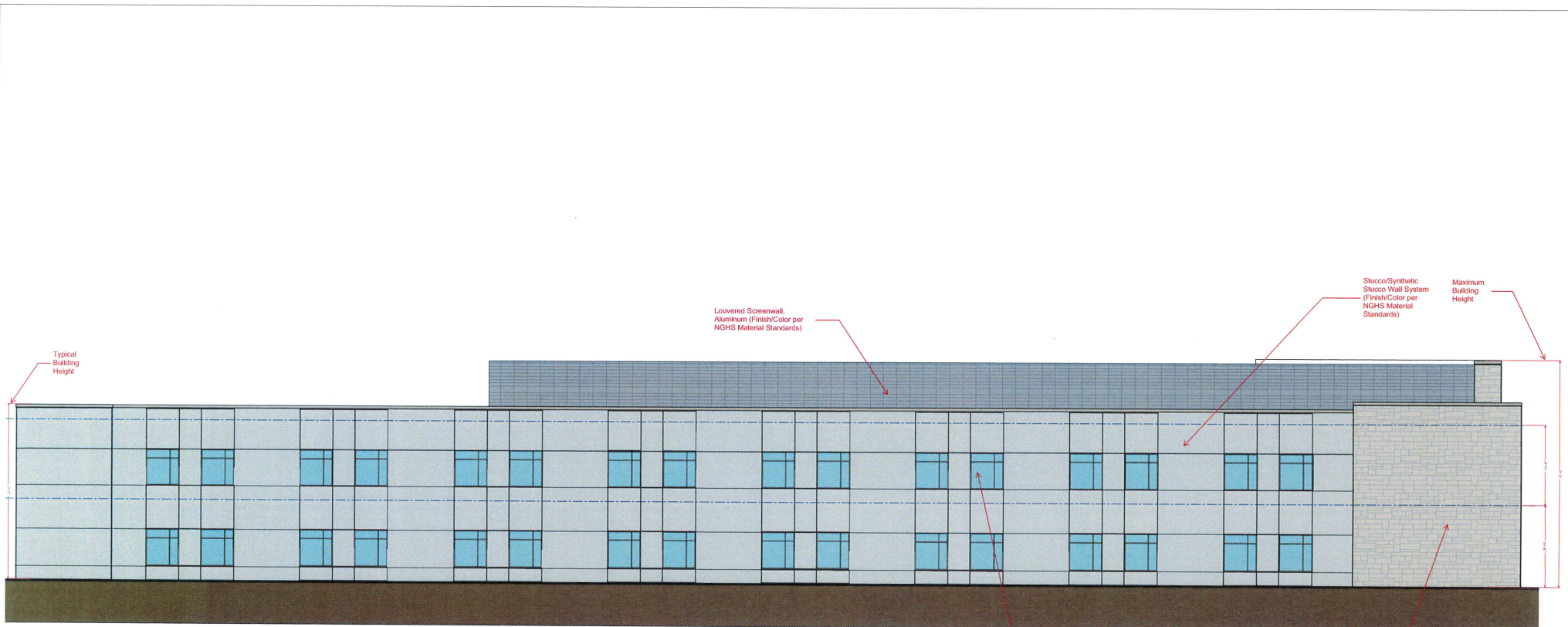
Typical
Building
Height

Storefront/Curtain Wall
System (Finish/Color
per NGHS Material
Standards)



NORTHEAST GEORGIA HEALTH SYSTEM REHABILITATION INSTITUTE
GAINESVILLE, GA - 22201.00 - 03/28/2023

Exterior Elevations



WEST ELEVATION



NORTHEAST GEORGIA HEALTH SYSTEM REHABILITATION INSTITUTE
GAINESVILLE, GA - 22201.00 - 03/28/2023

Exterior Elevations



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: July 27, 2023

Date Submitted: July 27, 2023

Final Approval Date: July 27, 2023

Presenter: Abb Hayes, City Attorney

Item of Business: **(Tabled at the July 11, 2023 Planning and Appeals Board Meeting)**
Request from **Simpatico Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). **Ward Number: Three.** Tax Parcel Number(s): 01-029-001-005 and 007. **Request: Mixed-use building.**

Meeting Date: August 1, 2023

Purpose of Request:

This request was tabled at the July 11, 2023 Planning and Appeals Board Meeting.

Facts & Issues / History & Background:

Department Recommendation:

No action required.

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

Xiomary Velasquez, by Christopher J. Carlan, GRLS No. 3003, and recorded in Plat Book 882, Page 459, Hall County, Georgia records, which plat is incorporated hereby by reference and made a part of this description. The above-styled action to quiet title to the above-described property was filed in the Superior Court of Hall County, Georgia, on December 14, 2022. By Order dated June 12, 2023, the Court has ordered that service of process upon you be had by publication, as provided by law. You are hereby commanded to be and appear at said court within 30 days of the date of the order for service by publication to answer said petition and file pleadings before the court. Witness, Kathlene F. Gosselin, Judge, Superior Court of Hall County. This 13th day of June, 2023. /s/ Charles Baker Clerk of Superior Court Hall County, Georgia **122880 6/21, 28, 7/5, 12**



NEW SEX OFFENDER TO HALL COUNTY
NAME: Ronaldo David Pablo - Lopez aka Reynaldo David Pablo - Lopez
ADDRESS: 33 Mill Street, Gainesville, GA 30501
DATE OF OFFENSE: 11-26 - 2020
OFFENSE: Sexual Exploitation of Children
COURT OF
CONVICTION: Hall County Superior Court, Gainesville, GA
WEBSITE: https://gbi.georgia.gov/georgia-sex-offender-registry
123014 6/21

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA GAINESVILLE DIVISION NOTICE OF SERVICE BY PUBLICATION: G&G Closed Circuit Events, LLC, Plaintiff, v. Azucena Romero Olivares d/b/a La Estacion Mexican Grill, Defendant Civil Action File No. 2:22-cv-63-SCJ
To: Azucena Romero Olivares d/b/a La Estacion Mexican Grill
Notice: By Order for Service by Publication dated May 12, 2023, you are hereby notified that on March 30, 2022, G&G Closed Circuit Events, LLC filed an action against you alleging that you violated certain federal piracy statutes, including 47 U.S.C. § 553 and 47 U.S.C. § 605. You are required to file with the Clerk of the Court and to serve on Plaintiff's attorney (Paul J. Morochnik, Morochnik Law, LLC, 1080 Peachtree St NE, Suite 1210, Atlanta, Georgia 30309) an ANSWER in writing within sixty (60) days of May 12, 2023, the date on which the Court issued the Order for Service by Publication. By Order of the Honorable Steve C. Jones U.S. District Judge for the Northern District of Georgia This 31st day of May, 2023 Kevin P. Weimer, Clerk for the U.S. District Court for the Northern District of Georgia **121992 6/7, 14, 21, 28**

Name Changes

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA Civil Action File Number 2023CV 000876CGB NOTICE OF PETITION OT CHANGE NAME OF ADULT LEON DARGHOSIAN filed a petition in the Hall County Superior Court on 5/23/ 2023 to change the name from : LEON DARGHOSIAN to CHARLES VANDERBILT. Any interested party

has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 5-23-2023 LEON DARGHOSIAN Petitioner, Pro se Name: LEON DARGHOSIAN. Address: 5432 Falling Branch Ct. Phone (day): 6 1 5 - 4 8 4 - 6 2 4 5 **122043 5/31 ,6/7, 14,21**

HALL COUNTY SUPERIOR COURT STATE OF GEORGIA In re the Name Change of Child(ren) Noel Rey Espinoza Jasmin Gaudlock, Petitioner, vs. Eduardo Espinoza, Respondent. Civil Case Number: 2023CV000951KFG NOTICE OF PETITION TO CHANGE NAME(S) OF MINOR CHILD(REN) Jasmin Gaudlock filed a petition in the Hall County Superior Court on 30th May, 2023, to change the name(s) of the following minor child(ren) From: Noel Rey Espinoza To: Noel Schaefer Gaudlock. Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA §819-12-1(0)(2) and (3). Dated: 5/30/23 Jasmin Gaudlock, Petitio, Pro se Name: Jasmin Gaudlock Address: 392 Linwood Drive, Apt. 2-8 Gainesville, GA 30501 Phone (day): 470-213-3352 **122433 6/7,14,21,28**

Hall COUNTY SUPERIOR COURT STATE OF GEORGIA IN RE THE NAME CHANGES OF CHILD(REN): Mavis Lee Baker, Myze Matthew Baker Micaeala Lee England, Petitioner, vs. Kody Martin Baker, Respondent. Civil Case Number 2023CV000827JJD NOTICE OF PETITION TO CHANGE NAME(S) OD MINOR CHILD(REN) Micaeala Lee England filed a petition in the Hall County Superior Court on , 20 to change the name(s) of the followinf minor child(ren) from: Mavis Lee Baker to: Mavis Lee England from: Myze Matthew Baker to: Matthew Linkin England Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA §§19-12-l(f)(2) and (3). Dated: May 10, 2023 Micaeala Lee England Petitioner, Pro se Name: Micaeala Lee England Address: 3900 Maberry Rd Gainesville, Ga 30507 Phone (day): 678-622-93 **122459 6/7, 14, 21, 28**

IN THE SUPERIOR COURT OF HALL COUN TY STATE OF GEORGIA In re the Nam e Change of: AUDREY DUNGEY, A minor child. CIVIL ACTION FILE 2023CV000895 NOTICE OF NAME CHANGE PLEASE take notice that on the 18th day of May, 2023, Tyler Hall, Petitioner and Equitable Caregiver in the above-styled matter, filed a Petition in the Superior Court of Hall County, Georgia seeking a name change for a minor child from Audrey Lee Dungey to Audrey Lee Hall. Any interested or affected party has the right to appear and file objections. At the expiration of thirty (30) days from the filing of the Petition, upon proof of publication, and if no objection is filed, the Court shall proceed to hear and determine all matters raised by said Petition. Respectfully submitted, this 19th day of May, 2023. Charles P. Efstration, III Attorney for Equitable Caregiver Georgia Bar No. 805511 THE EFSTRATION LAW

FIRM, PC 3605 Braselton Hwy, Suite 104 Dacula, Georgia 30019 Phone: 678-835-4886 Fax: 678-926-3269 Email: chuck@attorneychuck.com **1 2 2 1 5 9 5/31,6/7,14,21**
IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of Deborah M. Miller, Petitioner. Civil Case Number 2023CV947LHB NOTICE OF PETITION TO CHANGE NAME OF ADULT Deborah Meacheall Miller filed a petition in the Hall County Superior Court on May 26, 2023, to change the name from: Deborah Meacheall Miller to Deborah Meacheall Waddell. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 5-26-2023 Deborah Meacheall Miller Petitioner, Pro se Name: Deborah Meacheall Miller Address: 2920 Allison Road Gainesville Ga. 30506 **122403 6/7, 14, 21, 28**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of: FOLASHADE POWERS, Petitioner. Civil Action File No: 2023CV0010012HB NOTICE OF PETITON TO CHANGE NAME OF ADULT FOLASHADE POWERS filed a petition in the Superior Court of Hall County on 5th day of June, 2023, to change his/her name from: FOLASHADE POWERS to SANDY FOLASHADE MILLER. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Signed this 5th day of June, 2023. FOLASHADE POWERS Petitioner, Pro se Petitioner's name: FOLASHADE POWERS Petitioner's address: 1475 BUFORD DR, 403-149 LAWERENCEVILLE, GA 30043 Petitioner's Telephone Number: 770-688-6103 **122759 6/21, 28, 7/5, 12**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of: Manuel Misael Mojica Petitioner. Civil Action File Number 2023CV970CGB NOTICE OF PETITION TO CHANGE NAME OF ADULT Manuel Misael Mojica file a petition in the Hall County Superior Court on 1st June, 2023, to change the name from: Manuel Misael Mojica to Santiago Misael Mojica . Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 06-01-20 Manuel Misael Mojica Petitioner, Pro se Name: Manuel Misael Mojica Address: 4598 Summerset Dr, Gainesville, GA 30507 **122649 6/14, 21, 28, 7/5**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA Lauren K. Carlisle, Petitioner, Civil Action File No. 23-CV-000823-BCO In Re: C A D E N C E CARLISLE RUFFOLO, a minor child. NOTICE OF PETITION TO CHANGE NAME GEORGIA, Hall County Notice is hereby given that this petition to change name was filed in the Superior Court of Hall County, Georgia on the 8th day of May, 2023, praying for a change in the name of a minor child from Cadence Carlisle Ruffolo to Cadence Smith Carlisle. Notice is hereby given pursuant to law to any interested or affected party to appear in said Court

and to file objections to such name change. Any interested party has the right to file written objections to the petition with the Hall County Clerk of Superior Court. This 23rd day of May, William R. Carlisle Attorney for Petitioner 122229 5/31,6/7,14,21

IN THE SUPERIOR COURT OF HALL COUNTY, STATE OF GEORGIA In re the name change of: Marcela Galloway, Petitioner. CIVIL ACTION FILE#: 2023CV001062LHB **NOTICE OF PETITION TO CHANGE NAME OF ADULT** You are hereby notified that on the 15th day of June 2023, Marcela Galloway, filed a Petition to Change Name in the Superior Court of Hall County. Marcela Galloway desires to change his/ her from Marcela M Galloway to Marcela M Tomlinson. Any interested party has the right to appear in this case and file objections within 30 days after the Petition to Change Name was filed. Dated: 6-15-23 Marcela Galloway, Petitioner, Pro Se Address: 724 Park Creek Court, Apt 724 Gainesville, GA 30504 Phone: 704-816-9779 **122997 6/21, 28, 7/5, 12**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of Karen Lynn Diesner, Petitioner Civil Action File No: 2023CV000982BCO NOTICE OF PETITIOIN TO CHANGE NAME OF ADULT An action was filed in the Superior court of Hall County on 6/2/2023 to change the Petitioner's name as follows: Petitioner's name: Karen Lynn Diesner Desired new name: Karen Lynn Kelly Any interested party has the right to appear in this case and file objection before the final judgment is ordered in this case. Dated: 6/2/23 Karen Lynn Diesner Petitioner Pro se Name: Karen Diesner Address: 6603 Elmhurst Way Hoschton, GA 30548 Phone: 678-617-3604 Email: kittyathome@att.net **122602 6/14, 21, 28, 7/5**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re: MOSES GIDEON BEN-YISRAEL Petitioner. Civil Action File Number 2023CV000981 NOTICE OF PETITION TO CHANGE NAME OF ADULT Petitioner herein filed a petition in the Superior Court of Hall County on 31st, day of May, 2023, for a legal name change from MOSES GIDEON BEN-YISRAEL to VERONICA DEVORAH SHAY YISRAEL. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. This 31st day of May, 2023. /s/ Precious Johnson Precious Johnson Georgia Bar No.: 146189 johnsonpr@gtlaw.com GREENBERG TRAUIG, LLP Terminus 200, Suite 2500 3333 Piedmont Road NE Atlanta, GA 30305 PH: 678- 553-2392 FX: 678- 553-2393 Counselfor Petitioner **122600 6/14, 21, 28, 7/5**

Public Hearings

NOTICE is hereby given that the **Hall County Planning Commission** shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 5:15 p.m. on **Monday, July 24, 2023**, to consider the following: **1.8511 & 8515 Belton Bridge Road | Variance** | from 17.240.010 to reduce the road frontage requirement

from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | **Proposed Use: 2-lot subdivision** | * Commission District 3 | **Robin Cole, applicant. 2.(A) 3463 Leisure Lane | Variance** | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | **Proposed use: bring existing accessory building into compliance** | * Commission District 3 | **Carolann Justus, applicant. (B) 3463 Leisure Lane | Variance** | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | **Proposed use: bring existing accessory building into compliance** | * Commission District 3 | **Carolann Justus, applicant. 3.(A) 6178 Lake Lanier Heights Road | Variance** | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | **Proposed Use: residential addition and bring the existing residence into compliance** | * Commission District 2 | **Nave Edelstein, applicant. (B) 6178 Lake Lanier Heights Road | Variance** | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | **Proposed Use: residential addition and bring the existing residence into compliance** | * Commission District 2 | **Nave Edelstein, applicant. 4.5961 Pocahontas Drive | Use Subject to County Commission Approval** | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | **Proposed use: 5-lot subdivision** | ** Commission District 2 | **Kimberly Zax, applicant. 5.(A) 3555 North Bogan Road | Use Subject to County Commission Approval** | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant. (B) 3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant. (C) 3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-

entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant. 6.2196 Centennial Drive | Use Subject to County Commission Approval** | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | **Proposed Use: food processing plant involving the further processing of animal or animal product** | ** Commission District 4 | Brian Jones, applicant. **7.5351 Lanier Islands Parkway | Use Subject to County Commission Approval** | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 (pt.) | Proposed use: agri-entertainment | ** Commission District 1 | **Keith D. & Chad Bell, applicant.** NOTE: This application was tabled at the May 15th Planning Commission meeting. NOTE: In accordance with Georgia law, anyone who (a) wishes to express opposition to the proposed rezoning and (b) has made, within two years immediately preceding the filing of the proposed rezoning, campaign c o n t r i b u t i o n s aggregating \$250 or more to a member of the County Commission shall file a disclosure of contributions with the Planning Department at least five (5) days prior to the first hearing of the proposed rezoning by the County Commission. (OCGA § 36-67A-3[C]). *The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within 30 days of the Planning Commission's decision. The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, August 24, 2023 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia. **The Planning C o m m i s s i o n ' s recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, August 24, 2023. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia. **122939 6/21**

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, July 11, 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 **Northeast Georgia Health System, Inc.** for a special use on a 7.95± acres tract located on the east side of Limestone Parkway, between Clarks Bridge Road and Flintridge Road, having road frontage at the terminus of Gabriel Drive (a/k/a **2500 Limestone Parkway**), having a zoning of Regional Business (R-B). Ward Number: Two Tax Parcel Number(s): 09-125-000-062 Request: I n p a t i e n t Rehabilitation Hospital 2) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel

Rehabilitation Hospital 2) Request from **Doug Sherrill (Land Development Professionals)** to vary the front yard setback requirement on a 0.69± acre tract located at the cul-de-sac terminus of Patten Drive (a/k/a **1550 Patten Drive**), having a zoning of Residential-I (R-I). Ward Number: One Tax Parcel Number(s): 01-111-001-083 Request: Single-family home 3) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel Number(s): 01-029-001-005 and 007 Request: Mixed-use building 4) 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: D u n k i n Donuts restaurant 5) 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: Q u i k T r i p convenience store/gas station 6) 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 **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, August 1, 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 **Northeast Georgia Health System, Inc.** for a special use on a 7.95± acres tract located on the east side of Limestone Parkway, between Clarks Bridge Road and Flintridge Road, having road frontage at the terminus of Gabriel Drive (a/k/a **2500 Limestone Parkway**), having a zoning of Regional Business (R-B). Ward Number: Two Tax Parcel Number(s): 09-125-000-062 Request: I n p a t i e n t Rehabilitation Hospital 2) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: July 27, 2023
Date Submitted: July 27, 2023
Final Approval Date: July 27, 2023
Presenter: Abb Hayes, City Attorney
Item of Business: 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: 08-015-005-028. **Request: Dunkin Donuts restaurant.**

- Proposed Rezoning Ordinance 2023-18

Meeting Date: August 1, 2023

Purpose of Request:

To conduct a public hearing regarding the following rezoning request as presented at the July 11, 2023 Planning and Appeals Board Meeting.

Facts & Issues / History & Background:

The applicant is proposing to rezone the subject property from O-I to N-B for a Dunkin Donuts restaurant. The property contains a 1,912 square foot BB&T bank building that is closed and will be demolished. The proposed Dunkin Donuts store is 1,828 square feet in size with the exterior facade consisting of mostly brick. The existing right in/ right out driveways located off of Browns Bridge Road and McEver Road will be improved per GDOT standards. The property is located within the Gateway Corridor Overlay Zone. The adjacent uses the Hall County Administration Building, Free Chapel Worship Center, Brown Package Store, Walmart Neighborhood Market, RaceTrac gas station and a closed Walgreens store.

Department Recommendation:

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

SAMPLE MOTIONS:

Approval of Ordinance 2023-18:

I move to approve the ordinance to rezone the subject property from Office and Institutional (O-I) to Neighborhood Business (N-B) with seven 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 Rezoning Ordinance 2023-18
4. Location Maps
5. Narrative
6. Site plan
7. Survey
8. Elevations

Xiomary Velasquez, by Christopher J. Carlan, GRLS No. 3003, and recorded in Plat Book 882, Page 459, Hall County, Georgia records, which plat is incorporated hereby by reference and made a part of this description. The above-styled action to quiet title to the above-described property was filed in the Superior Court of Hall County, Georgia, on December 14, 2022. By Order dated June 12, 2023, the Court has ordered that service of process upon you be had by publication, as provided by law. You are hereby commanded to be and appear at said court within 30 days of the date of the order for service by publication to answer said petition and file pleadings before the court. Witness, Kathlene F. Gosselin, Judge, Superior Court of Hall County. This 13th day of June, 2023. /s/ Charles Baker Clerk of Superior Court Hall County, Georgia **122880 6/21, 28, 7/5, 12**



NEW SEX OFFENDER TO HALL COUNTY
NAME: Ronaldo David Pablo - Lopez aka Reynaldo David Pablo - Lopez
ADDRESS: 33 Mill Street, Gainesville, GA 30501
DATE OF OFFENSE: 11-26 - 2020
OFFENSE: Sexual Exploitation of Children
COURT OF
CONVICTION: Hall County Superior Court, Gainesville, GA
WEBSITE: https://gbi.georgia.gov/georgia-sex-offender-registry
123014 6/21

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA GAINESVILLE DIVISION NOTICE OF SERVICE BY PUBLICATION: G&G Closed Circuit Events, LLC, Plaintiff, v. Azucena Romero Olivares d/b/a La Estacion Mexican Grill, Defendant Civil Action File No. 2:22-cv-63-SCJ
To: Azucena Romero Olivares d/b/a La Estacion Mexican Grill
Notice: By Order for Service by Publication dated May 12, 2023, you are hereby notified that on March 30, 2022, G&G Closed Circuit Events, LLC filed an action against you alleging that you violated certain federal piracy statutes, including 47 U.S.C. § 553 and 47 U.S.C. § 605. You are required to file with the Clerk of the Court and to serve on Plaintiff's attorney (Paul J. Morochnik, Morochnik Law, LLC, 1080 Peachtree St NE, Suite 1210, Atlanta, Georgia 30309) an ANSWER in writing within sixty (60) days of May 12, 2023, the date on which the Court issued the Order for Service by Publication. By Order of the Honorable Steve C. Jones U.S. District Judge for the Northern District of Georgia This 31st day of May, 2023 Kevin P. Weimer, Clerk for the U.S. District Court for the Northern District of Georgia **121992 6/7, 14, 21, 28**

Name Changes
SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
Civil Action File Number 2023CV 000876CGB
NOTICE OF PETITION OT CHANGE NAME OF ADULT
LEON DARGHOSIAN filed a petition in the Hall County Superior Court on 5/23/ 2023 to change the name from : LEON DARGHOSIAN to CHARLES VANDERBILT. Any interested party

has the right to appear in this case and file objections within 30 days after the Petition was filed.
Dated: 5-23-2023
LEON DARGHOSIAN
Petitioner, Pro se
Name: LEON DARGHOSIAN.
Address: 5432 Falling Branch Ct.
Phone (day): 6 1 5 - 4 8 4 - 6 2 4 5
122043 5/31, 6/7, 14, 21

HALL COUNTY SUPERIOR COURT
STATE OF GEORGIA
In re the Name Change of Child(ren)
Noel Rey Espinoza
Jasmin Gaudlock, Petitioner,
vs.
Eduardo Espinoza, Respondent.
Civil Case Number: 2023CV000951KFG
NOTICE OF PETITION TO CHANGE NAME(S) OF MINOR CHILD(REN)
Jasmin Gaudlock filed a petition in the Hall County Superior Court on 30th May, 2023, to change the name(s) of the following minor child(ren)
From: Noel Rey Espinoza To: Noel Schaefer Gaudlock.
Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA §819-12-1(0)(2) and (3).
Dated: 5/30/23
Jasmin Gaudlock, Petitio, Pro se
Name: Jasmin Gaudlock
Address: 392 Linwood Drive, Apt. 2-8 Gainesville, GA 30501
Phone (day): 470-213-3352
122433 6/7,14,21,28

Hall COUNTY SUPERIOR COURT
STATE OF GEORGIA
IN RE THE NAME CHANGES OF CHILD(REN): Mavis Lee Baker, Myze Matthew Baker
Micaeala Lee England, Petitioner,
vs.
Kody Martin Baker, Respondent.
Civil Case Number 2023CV000827JJD
NOTICE OF PETITION TO CHANGE NAME(S) OD MINOR CHILD(REN)
Micaeala Lee England filed a petition in the Hall County Superior Court on , 20 to change the name(s) of the followinf minor child(ren)
from: Mavis Lee Baker to: Mavis Lee England
from: Myze Matthew Baker to: Matthew Linkin England
Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA §§19-12-l(f)(2) and (3).
Dated: May 10, 2023
Micaeala Lee England
Petitioner, Pro se
Name: Micaeala Lee England
Address: 3900 Maberry Rd Gainesville, Ga 30507
Phone (day): 678-622-93
122459 6/7, 14, 21, 28

IN THE SUPERIOR COURT OF HALL COUN TY STATE OF GEORGIA
In re the Nam e Change of:
AUDREY DUNGEY, A minor child.
CIVIL ACTION FILE 2023CV000895
NOTICE OF NAME CHANGE
PLEASE take notice that on the 18th day of May, 2023, Tyler Hall, Petitioner and Equitable Caregiver in the above-styled matter, filed a Petition in the Superior Court of Hall County, Georgia seeking a name change for a minor child from Audrey Lee Dungey to Audrey Lee Hall. Any interested or affected party has the right to appear and file objections. At the expiration of thirty (30) days from the filing of the Petition, upon proof of publication, and if no objection is filed, the Court shall proceed to hear and determine all matters raised by said Petition. Respectfully submitted, this 19th day of May, 2023.
Charles P. Efstration, III
Attorney for Equitable Caregiver
Georgia Bar No. 805511
THE EFSTRATION LAW

FIRM, PC
3605 Braselton Hwy., Suite 104
Dacula, Georgia 30019
Phone: 678-835-4886
Fax: 678-926-3269
Email: chuck@attorneychuck.com
1 2 2 1 5 9 5/31,6/7,14,21
IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of Deborah M. Miller, Petitioner.
Civil Case Number 2023CV947LHB
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Deborah Meacheall Miller filed a petition in the Hall County Superior Court on May 26, 2023, to change the name from: Deborah Meacheall Miller to Deborah Meacheall Waddell. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
Dated: 5-26-2023
Deborah Meacheall Miller Petitioner, Pro se
Name: Deborah Meacheall Miller
Address: 2920 Allison Road Gainesville Ga. 30506
122403 6/7, 14, 21, 28

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of: FOLASHADE POWERS, Petitioner.
Civil Action File No: 2023CV0010012HB
NOTICE OF PETITON TO CHANGE NAME OF ADULT
FOLASHADE POWERS filed a petition in the Superior Court of Hall County on 5th day of June, 2023, to change his/her name from: FOLASHADE POWERS to SANDY FOLASHADE MILLER. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
Signed this 5th day of June, 2023.
FOLASHADE POWERS
Petitioner, Pro se
Petitioner's name: FOLASHADE POWERS
Petitioner's address: 1475 BUFORD DR, 403-149 LAWERENCEVILLE, GA 30043
Petitioner's Telephone Number: 770-688-6103
122759 6/21, 28, 7/5, 12

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of: Manuel Misael Mojica Petitioner.
Civil Action File Number 2023CV970CGB
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Manuel Misael Mojica file a petition in the Hall County Superior Court on 1st June, 2023, to change the name from: Manuel Misael Mojica to Santiago Misael Mojica .
Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
Dated: 06-01-20
Manuel Misael Mojica
Petitioner, Pro se
Name: Manuel Misael Mojica
Address: 4598 Summerset Dr, Gainesville, GA 30507
122649 6/14, 21, 28, 7/5

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
Lauren K. Carlisle, Petitioner,
Civil Action File No. 23-CV-000823-BCO
In Re: C A D E N C E CARLISLE RUFFOLO, a minor child.
NOTICE OF PETITION TO CHANGE NAME
GEORGIA, Hall County
Notice is hereby given that this petition to change name was filed in the Superior Court of Hall County, Georgia on the 8th day of May, 2023, praying for a change in the name of a minor child from Cadence Carlisle Ruffolo to Cadence Smith Carlisle. Notice is hereby given pursuant to law to any interested or affected party to appear in said Court

and to file objections to such name change. Any interested party has the right to file written objections to the petition with the Hall County Clerk of Superior Court. This 23rd day of May, William R. Carlisle Attorney for Petitioner 122229 5/31,6/7,14,21

IN THE SUPERIOR COURT OF HALL COUNTY, STATE OF GEORGIA
In re the name change of: Marcela Galloway, Petitioner.
CIVIL ACTION FILE#: 2023CV001062LHB
NOTICE OF PETITION TO CHANGE NAME OF ADULT
You are hereby notified that on the 15th day of June 2023, Marcela Galloway, filed a Petition to Change Name in the Superior Court of Hall County. Marcela Galloway desires to change his/ her from Marcela M Galloway to Marcela M Tomlinson. Any interested party has the right to appear in this case and file objections within 30 days after the Petition to Change Name was filed.
Dated: 6-15-23
Marcela Galloway, Petitioner, Pro Se
Address: 724 Park Creek Court, Apt 724 Gainesville, GA 30504
Phone: 704-816-9779
122997 6/21, 28, 7/5, 12

SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA
In re the Name Change of Karen Lynn Diesner, Petitioner
Civil Action File No: 2023CV000982BCO
NOTICE OF PETITIOIN TO CHANGE NAME OF ADULT
An action was filed in the Superior court of Hall County on 6/2/2023 to change the Petitioner's name as follows:
Petitioner's name: Karen Lynn Diesner
Desired new name: Karen Lynn Kelly
Any interested party has the right to appear in this case and file objection before the final judgment is ordered in this case.
Dated: 6/2/23
Karen Lynn Diesner
Petitioner Pro se
Name: Karen Diesner
Address: 6603 Elmhurst Way Hoschton, GA 30548
Phone: 678-617-3604
Email: kittyathome@att.net
122602 6/14, 21, 28, 7/5

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA
In re: MOSES GIDEON BEN-YISRAEL
Petitioner.
Civil Action File Number 2023CV000981
NOTICE OF PETITION TO CHANGE NAME OF ADULT
Petitioner herein filed a petition in the Superior Court of Hall County on 31st, day of May, 2023, for a legal name change from MOSES GIDEON BEN-YISRAEL to VERONICA DEVORAH SHAY YISRAEL. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed.
This 31st day of May, 2023.
/s/ Precious Johnson
Precious Johnson
Georgia Bar No.: 146189
johnsonpr@gtlaw.com
GREENBERG TRAUIG, LLP
Terminus 200, Suite 2500
3333 Piedmont Road NE Atlanta, GA 30305
PE: 678- 553-2392
FX: 678- 553-2393
Counselfor Petitioner **122600 6/14, 21, 28, 7/5**

Public Hearings
NOTICE is hereby given that the **Hall County Planning Commission** shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 5:15 p.m. on **Monday, July 24, 2023**, to consider the following: **1.8511 & 8515 Belton Bridge Road | Variance** | from 17.240.010 to reduce the road frontage requirement

from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | **Proposed Use: 2-lot subdivision** | * Commission District 3 | **Robin Cole, applicant.**
2.(A) 3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | **Proposed use: bring existing accessory building into compliance** | * Commission District 3 | **Carolann Justus, applicant.**
(B) 3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | **Proposed use: bring existing accessory building into compliance** | * Commission District 3 | **Carolann Justus, applicant.**
3. (A) 6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | **Proposed Use: residential addition and bring the existing residence into compliance** | * Commission District 2 | **Nave Edelstein, applicant.**
(B) 6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | **Proposed Use: residential addition and bring the existing residence into compliance** | * Commission District 2 | **Nave Edelstein, applicant.**
4.5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | **Proposed use: 5-lot subdivision** | ** Commission District 2 | **Kimberly Zax, applicant.**
5.(A) 3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant.**
(B) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant.**
(C) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-

entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant.**
6.2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | **Proposed Use: food processing plant involving the further processing of animal or animal product** | ** Commission District 4 | Brian Jones, applicant.
7.5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 (pt.) | Proposed use: agri-entertainment | ** Commission District 1 | **Keith D. & Chad Bell, applicant.** NOTE: This application was tabled at the May 15th Planning Commission meeting.
NOTE: In accordance with Georgia law, anyone who (a) wishes to express opposition to the proposed rezoning and (b) has made, within two years immediately preceding the filing of the proposed rezoning, campaign c o n t r i b u t i o n s aggregating \$250 or more to a member of the County Commission shall file a disclosure of contributions with the Planning Department at least five (5) days prior to the first hearing of the proposed rezoning by the County Commission. (OCGA § 36-67A-3[C]).
*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within 30 days of the Planning Commission's decision. The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, August 24, 2023 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.
**The Planning C o m m i s s i o n ' s recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, August 24, 2023. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.
122939 6/21

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING
Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, July 11, 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 **Northeast Georgia Health System, Inc.** for a special use on a 7.95± acres tract located on the east side of Limestone Parkway, between Clarks Bridge Road and Flintridge Road, having road frontage at the terminus of Gabriel Drive (a/k/a **2500 Limestone Parkway**), having a zoning of Regional Business (R-B).
Ward Number: Two
Tax Parcel Number(s): 09-125-000-062
Request: I n p a t i e n t
2) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel

Rehabilitation Hospital
2) Request from **Doug Sherrill (Land Development Professionals)** to vary the front yard setback requirement on a 0.69± acre tract located at the cul-de-sac terminus of Patten Drive (a/k/a **1550 Patten Drive**), having a zoning of Residential-I (R-I).
Ward Number: One
Tax Parcel Number(s): 01-111-001-083
Request: Single-family home
3) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel Number(s): 01-029-001-005 and 007
Request: Mixed-use building
4) 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 McEever 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: D u n k i n Donuts restaurant
5) 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 McEever Road (a/k/a **2925 Browns Bridge Road, SW**).
Ward Number: Four
Tax Parcel Number(s): 08-016-001-004
Request: Q u i k T r i p convenience store/gas station
6) 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
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, August 1, 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 **Northeast Georgia Health System, Inc.** for a special use on a 7.95± acres tract located on the east side of Limestone Parkway, between Clarks Bridge Road and Flintridge Road, having road frontage at the terminus of Gabriel Drive (a/k/a **2500 Limestone Parkway**), having a zoning of Regional Business (R-B).
Ward Number: Two
Tax Parcel Number(s): 09-125-000-062
Request: I n p a t i e n t Rehabilitation Hospital
2) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel

GAINESVILLE PLANNING and APPEALS BOARD RECOMMENDATION

Applicant.....Loan Donuts Holdings, LLC
Property Owner.....Lemonade MM Browns Bridge, LLC
Location.....2895 Browns Bridge Road, SW
Request.....Rezone from O-I to N-B
Total Acres1.063± acres
Ward.....Four
Proposed Use.....Dunkin Donuts restaurant
Planning Division Staff Recommendation.....**Approval, with conditions**
Planning & Appeals Board Recommendation.....**Approval, with conditions**
DateJuly 11, 2023

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

The applicant is proposing to rezone the subject property from O-I to N-B for a Dunkin Donuts restaurant. The property contains a 1,912 square foot BB&T bank building that is closed and will be demolished. The proposed Dunkin Donuts store is 1,828 square feet in size with the exterior facade consisting of mostly brick. The existing right in/ right out driveways located off of Browns Bridge Road and McEver Road will be improved per GDOT standards. The property is located within the Gateway Corridor Overlay Zone.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	RaceTrac gas station/convenience store	Planned Unit Development (P-U-D)
South	Hall County Administration Building; Free Chapel Worship Center	Office Institutional (O-I) Neighborhood Business (N-B)
East	Brown Package Store; Walmart Neighborhood Market	Regional Business(R-B)
West	Closed Walgreens store	Planned Unit Development (P-U-D)

▪ **Other Departmental Comments**

The request will require coordination with the Georgia Department of Transportation (GDOT). There were no other departmental comments.

▪ **Zoning History**

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

2022 – A request by Jeff Arkema for a special use on a 1.77± acres tract located at 2888 Browns Bridge Road, SW was approved with conditional Office and Institutional (O-I) zoning for an automotive styling center.

2022 – A request by McKinley Homes US, LLC, for a special use on a 7.74± acres tract located at 2920 Florence Drive was approved with conditional Office and Institutional (O-I) zoning for 70 residential townhomes.

2021 – A request by Tidal Wave Auto Spa to amend a 7.76± acres tract located at 1440 McEver Road zoned Planned Unit Development (P-U-D) was conditionally approved for an express car wash facility.

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

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

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

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

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

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

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

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

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

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

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

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

▪ **Staff Analysis**

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

The surrounding uses include a mixture of nonresidential developments such as shopping centers, offices and churches. The purpose of the request is to redevelop the property from a bank to a restaurant use. The proposed change in use appears suitable given the property fronts a commercial corridor.

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

The proposed Dunkin Donuts restaurant should not adversely affect the adjacent or nearby property given the property has been occupied for commercial purposes. The normal hours of operation for a Dunkin Donuts is 5 A.M. and 9 P.M. which is longer than typical bank hours which will increase the number of right turns that occur on McEver Road and Browns Bridge Road.

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

It is staff's opinion that the proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property within the *Commercial* use category which includes areas with focused retail, office, or other commercial service activities such as grocery stores, banks, restaurants, theaters, hotels and automotive-related businesses. Commercial uses may also as a single use in one building or grouped together in a shopping center.

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

Land uses allowed in the *Suburban Neighborhood Character Area* include single-family residential, limited multi-family residential, limited general mixed-use, limited commercial (retail and office), public, institutional, parks and recreation.

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

The property could remain zoned O-I and developed for office and institutional purposes. The proposed restaurant is not allowed by right. Rezoning the property would allow for the proposed use.

(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?

The change from O-I zoning to N-B zoning should not substantially affect public facilities or services.

There is sufficient existing water and sewer capacity that can serve the property.

Existing public safety services already respond to the subject property. Gainesville Fire Station #4 off of Memorial Park Drive is located approximately 2.0± miles from the subject property. Hall County Fire Station #4 is 0.4 mile south of the property off of McEver Road.

Traffic generated from the proposed use will be more than the previous pharmacy use. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the proposed fast food restaurant with a drive-thru would generate approximately 907 trips per week day, including 98 A.M. and 86 P.M. peak hour trips. The proposal will improve existing driveway locations on Browns Bridge Road and McEver Road which is a signalized intersection.

The proposed use will have no impact on the Gainesville City School System given the proposal is for commercial purposes.

(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?

It is staff's opinion the commercial use appears to be consistent with existing and expected uses of the Future Land Use Map. Some of the surrounding use consist of older commercial properties and offices.

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

Based on the subject property's proximity to city limits and other commercial properties, the proposal with the recommended zoning conditions appears to promote 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 rezoning request with **Neighborhood Business (N-B) zoning**, based on the Comprehensive Land Use Plan and the adjacent commercial land uses.

Conditions

1. The proposal shall be generally consistent with the concept plan and architectural renderings provided with this application per the review and approval of the Community and Economic Development Director.
2. The frontage landscape areas and right-of-way areas fronting McEver Road and Browns Bridge Road shall be maintained and sodded with grass. Minimum 3-inch caliper size hardwood trees shall be required within all frontage landscape areas subject to the approval of the Community & Economic Development Director.
3. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT). All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.
4. The proposed dumpster shall require a dumpster enclosure per the Unified Land Development Code standards and shall be architecturally compatible to the building.
5. All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.

6. 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.
7. The proposed monument sign shall not exceed 8-feet in height and 80 square feet in size. No more than one monument sign shall be permitted.

Excerpts from the July 11, 2023 PAB Meeting Minutes

Applicant Presentation: Myles Montgomery, 7105 Shady Grove Road, Cumming, CivilScapes, Inc. stated he represents their client Dunkin Donuts. Mr. Montgomery said they have met with GDOT to work out any issues at the site and agree with all the conditions by the planning staff.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval to rezone the subject property from Office and Institutional (O-I) to Neighborhood Business (N-B) for a Dunkin Donuts restaurant with the following conditions:

Conditions

1. The proposal shall be generally consistent with the concept plan and architectural renderings provided with this application per the review and approval of the Community and Economic Development Director.
2. The frontage landscape areas and right-of-way areas fronting McEver Road and Browns Bridge Road shall be maintained and sodded with grass. Minimum 3-inch caliper size hardwood trees shall be required within all frontage landscape areas subject to the approval of the Community & Economic Development Director.
3. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT). All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.
4. The proposed dumpster shall require a dumpster enclosure per the Unified Land Development Code standards and shall be architecturally compatible to the building.
5. All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.
6. 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.
7. The proposed monument sign shall not exceed 8-feet in height and 80 square feet in size. No more than one monument sign shall be permitted.

Motion made by Board Member Martin
Motion seconded by Board Member White

Vote – 7 favor

Passed: _____

AN ORDINANCE

No. 2023-18

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON 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, WITH CONDITIONS (N-B-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 **Neighborhood Business, with conditions (N-B-c)**.

Conditions

1. The proposal shall be generally consistent with the concept plan and architectural renderings provided with this application per the review and approval of the Community & Economic Development Director.
2. The frontage landscape areas and right-of-way areas fronting McEver Road and Browns Bridge Road shall be maintained and sodded with grass. Minimum 3-inch caliper size hardwood trees shall be required within all frontage landscape areas subject to the approval of the Community & Economic Development Director.
3. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT). All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.
4. The proposed dumpster shall require a dumpster enclosure per the Unified Land Development Code standards and shall be architecturally compatible to the building.
5. All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.
6. 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.

ORDINANCE NO. 2023-____

7. The proposed monument sign shall not exceed 8-feet in height and 80 square feet in size. No more than one monument sign shall be permitted.

Legal Description

All that lot, tract or parcel of land, with all improvements thereon, lying and being in the City of Gainesville, land lot 15, 8th land district, Hall County, Georgia, containing 1.098 acres being more particularly shown and delineated according to a plat prepared by Henry Bailey, Georgia registered surveyor no. 1586, dated February 28, 1991, entitled "Survey for Georgia First Bank", a copy of said plat being recorded in plat book 147, pages 176-177 of the Hall County, Georgia plat records, which plat is incorporated herein by reference for a more complete description and all legal purposes. According to said plat, the property is more particularly described as follows:

Beginning at the right-of-way monument located at the intersection of the southerly right-of-way of Browns Bridge Road with the Southeasterly right-of-way line of McEver Road (State Route 53); thence from said point of beginning South 63 degrees 53 minutes 42 seconds East 27.30 feet to a right-of-way monument located on the southerly right-of-way line of Browns Bridge Road; thence continuing along said Browns Bridge Road South 63 degrees 33 minutes 17 seconds East 163.66 feet to an iron pin set at corner; thence South 29 degrees 47 minutes 37 seconds West 191.64 feet to a concrete monument at corner; thence North 60 degrees 09 minutes 44 seconds West 306.60 feet to an iron pin found at corner located on the southeasterly right-of-way of McEver Road; thence along said McEver Road right-of-way North 56 degrees 22 minutes 43 seconds East 168.34 feet to a right-of-way monument; thence continuing along said McEver Road right-of-way North 83 degrees 46 minutes 43 seconds East 50.25 feet to the point of beginning.

Less and except the land conveyed by right-of-way deed from Georgia First Bank to State of Georgia Department of Transportation, undated, file for record September 22, 1993, recorded in Deed Book 2036, Page 88, Records of Hall County, Georgia.

Said tract contained 46,283 square feet or 1.063 acres.

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

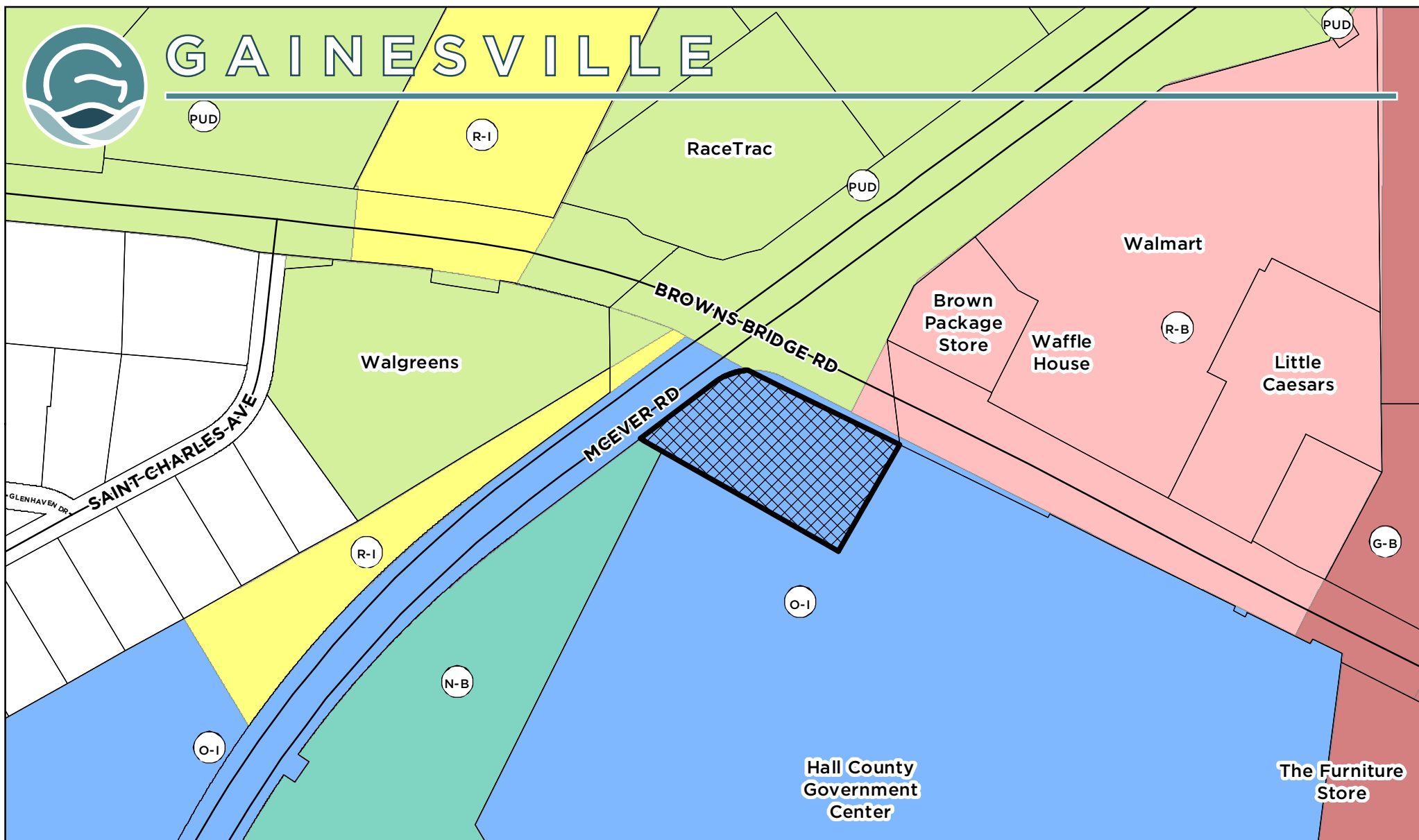
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



GAINESVILLE



Applicant: **LOAN DONUTS HOLDINGS, LLC**

REZONING REQUEST

Subject Property Address:
2895 Browns Bridge Road

Tax Parcel:
08-015-005-028

Request:

Rezone a +/- 1.063 AC tract currently zoned Office & Institutional (O-I) to Neighborhood Business (N-B) for a Dunkin Donuts



Subject Property



Meeting Date: **07/11/2023**

Map Prepared: **06/12/2023**

0 100 200 300 400 Feet

SCALE: 1" = 200'



GAINESVILLE



Applicant: **LOAN DONUTS HOLDINGS, LLC**

REZONING REQUEST

Subject Property Address:
2895 Browns Bridge Road

Tax Parcel:
08-015-005-028

Request:

Rezone a +/- 1.063 AC tract currently zoned Office & Institutional (O-I) to Neighborhood Business (N-B) for a Dunkin Donuts



Subject Property

Aerial from 2021



Meeting Date: 07/11/2023

Map Prepared: 06/12/2023

0 100 200 300 400 Feet

SCALE: 1" = 200'

REQUEST FOR
REZONING ACTION
FROM CITY OF GAINESVILLE ZONING BOARD

FOR

**DUNKIN DONUTS
2895 BROWNS BRIDGE ROAD**

NATURE OF REQUEST

To obtain a rezoning request from O-I to N-B.

PURPOSE OF REQUEST

To allow for development of an Dunkin Donuts restaurant

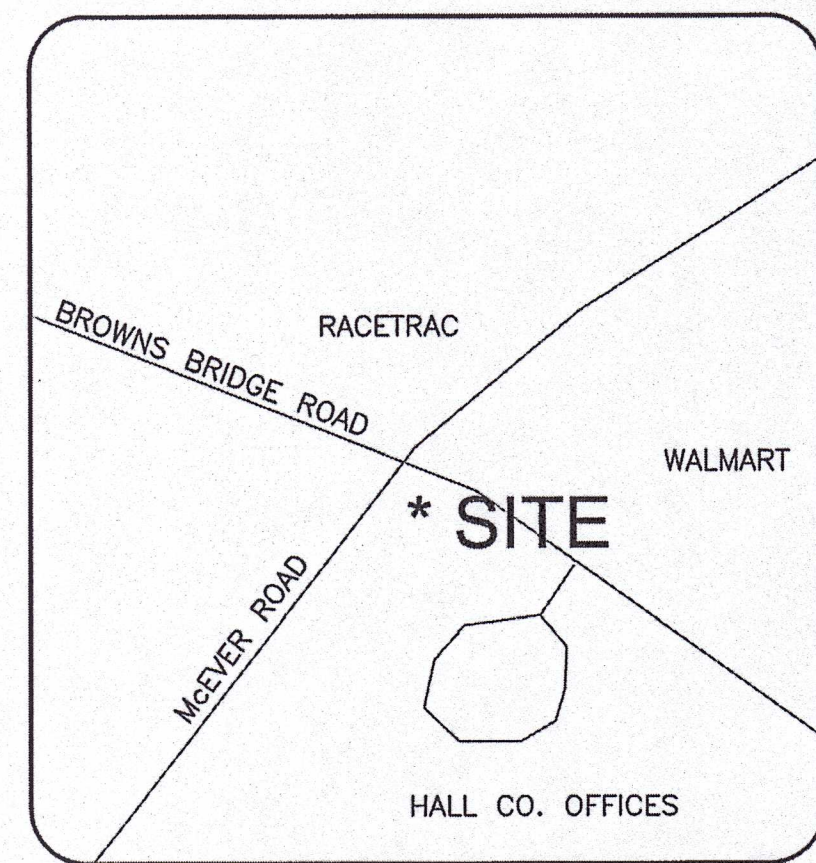
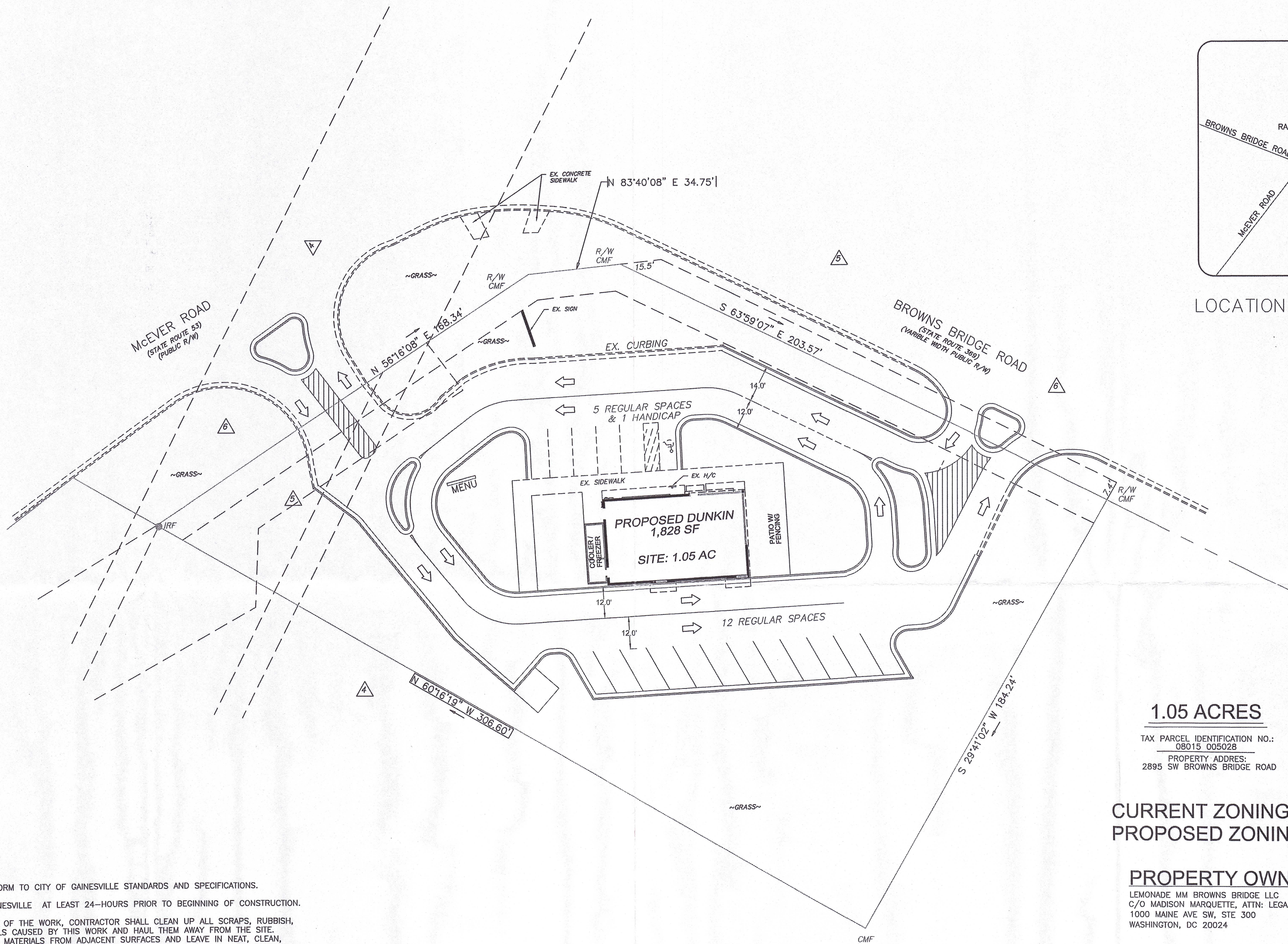
NARRATIVE

The scope of this project is to provide a proposed Dunkin Donuts located at 2895 Browns Bridge Road. Currently at this intersection there is a vacant building that was currently a bank. We have met on site with GDOT and we will be allowed to utilize the existing entrances to serve the proposed use.

This property is a 1.063 ac. tract of land. The property is currently zoned O-I, which a restaurant is not allowed. We are requesting a rezoning to N-B, which allows for restaurant use. It has frontage on McEver Road and Browns Bridge Road. We would like to propose utilizing as much of the existing asphalt and per the proposed conceptual site layout we should be able to reduce the amount of impervious surface area. This property is adjacent to the Hall County Administration Building property.

Both potable water and proposed sanitary sewer are available to this tract. During the design phase of development we will show how we are tying into sanitary sewer and meeting Stormwater runoff requirements.

We feel that the requested rezoning to allow for a proposed Dunkin Donuts would be an appropriate type of use for this area. Based on the location and that there are other restaurants located down the street; it is unlikely this proposed development will pose any problems for any of the adjacent neighbors. We do not believe that allowing this use of this property would in any way devalue or pose hardships on any of the surrounding properties.



LOCATION MAP (NTS)

1.05 ACRES

TAX PARCEL IDENTIFICATION NO.:
08015 005028
PROPERTY ADDRESS:
2895 SW BROWNS BRIDGE ROAD

CURRENT ZONING: O-I
PROPOSED ZONING: N-B

PROPERTY OWNER:

LEMONADE MM BROWNS BRIDGE LLC
C/O MADISON MARQUETTE, ATTN: LEGA & RI
1000 MAINE AVE SW, STE 300
WASHINGTON, DC 20024

APPLICANT:

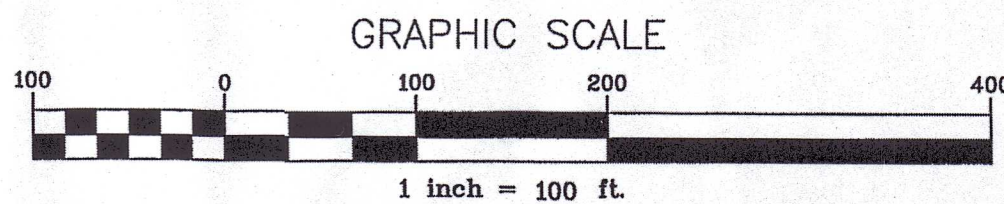
LOAN DONUT HOLDINGS, LLC
MR. JAMES LASKARIS
1050 CAMBRIDGE SQUARE, STE A
ALPHARETTA, GA 30009
PHONE: 772-260-7055
EMAIL: LASKARIS9@AOL.COM

GENERAL NOTES:

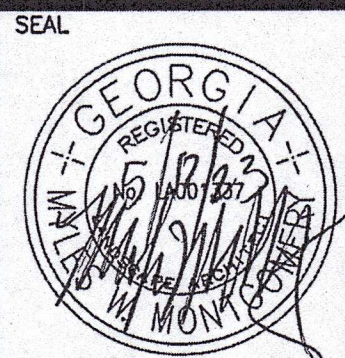
1. ALL WORK TO CONFORM TO CITY OF GAINESVILLE STANDARDS AND SPECIFICATIONS.
2. NOTIFY CITY OF GAINESVILLE AT LEAST 24-HOURS PRIOR TO BEGINNING OF CONSTRUCTION.
3. AT THE COMPLETION OF THE WORK, CONTRACTOR SHALL CLEAN UP ALL SCRAPS, RUBBISH, AND SURPLUS MATERIALS CAUSED BY THIS WORK AND HAUL THEM AWAY FROM THE SITE. REMOVE ALL ASPHALTIC MATERIALS FROM ADJACENT SURFACES AND LEAVE IN NEAT, CLEAN, AND ORDERLY CONDITION. HOSE AND WASH DOWN ALL ASPHALT AND RELATED CONCRETE PAVING TO REMOVE ALL MUD, DEBRIS, AND OTHER EXTRANEOUS MATERIALS, JUST PRIOR TO FINAL INSPECTION.
4. GRADE ALL HANDICAP RAMPS WITH A 12:1 MAX SLOPE.
5. PARKING REQUIREMENTS:
RESTAURANT: 1 PARKING SPACE / 125 SF
1856 SF / 125 = 14.8 PARKING SPACES REQUIRED
PARKING PROPOSED: 18 SPACES (INCLUDING 1 H/C SPACES)

ZONING AND BUILDING SETBACKS (S/B):

PROPOSED CITY OF GAINESVILLE ZONING:
N-B (NEIGHBORHOOD BUSINESS)
BUILDING SETBACKS:
FRONT: 40' FROM RIGHT-OF-WAY LINE
10' LANDSCAPE STRIP REQUIRED



REVISIONS	
NO.	REMARKS



THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF THE ENGINEER AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF THE ENGINEER.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF THE WORK.

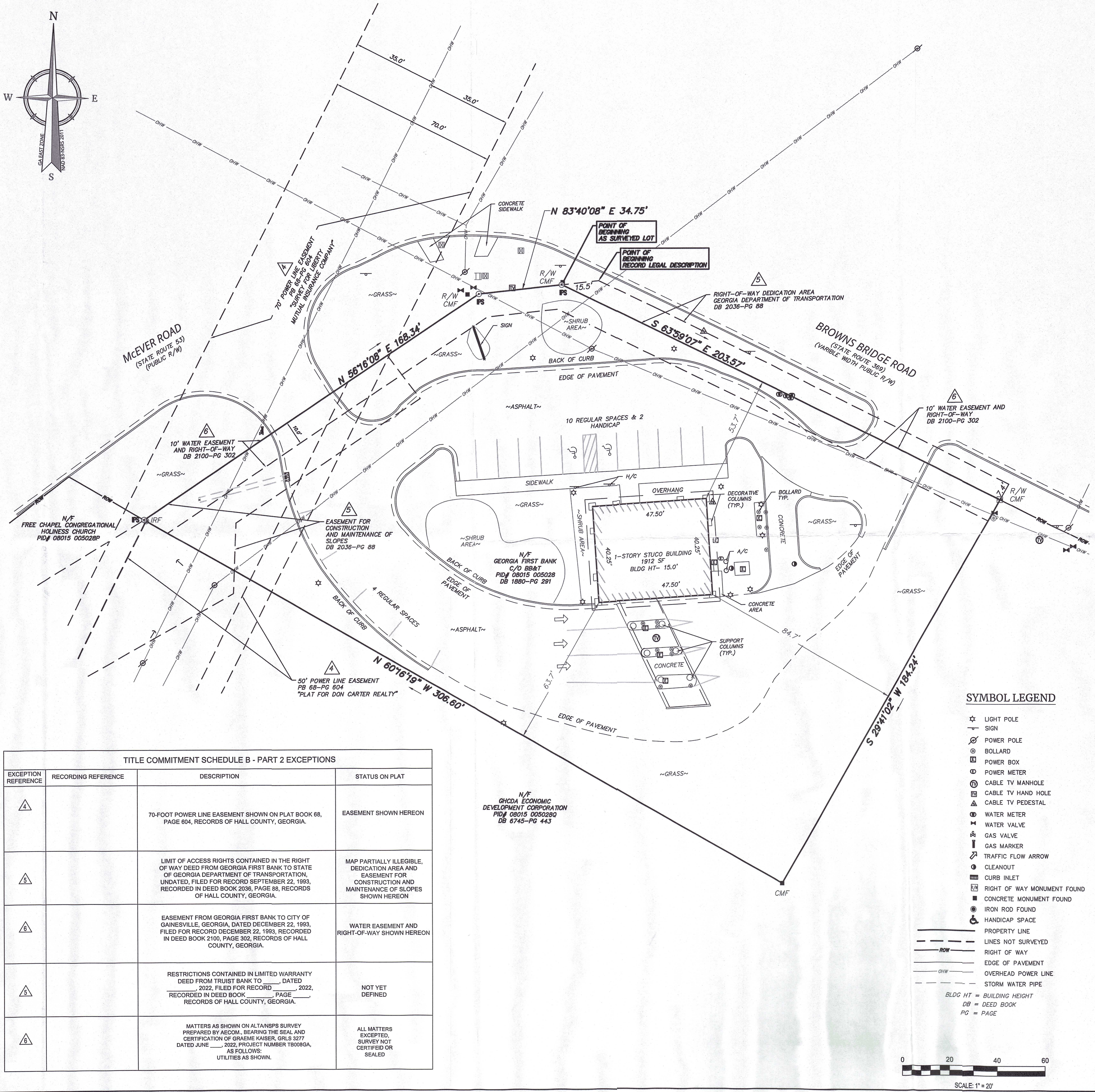
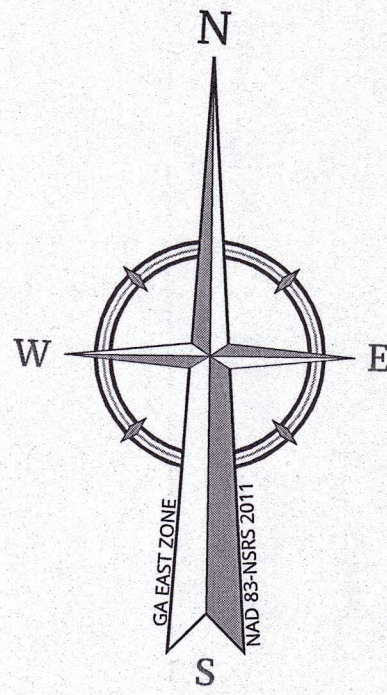
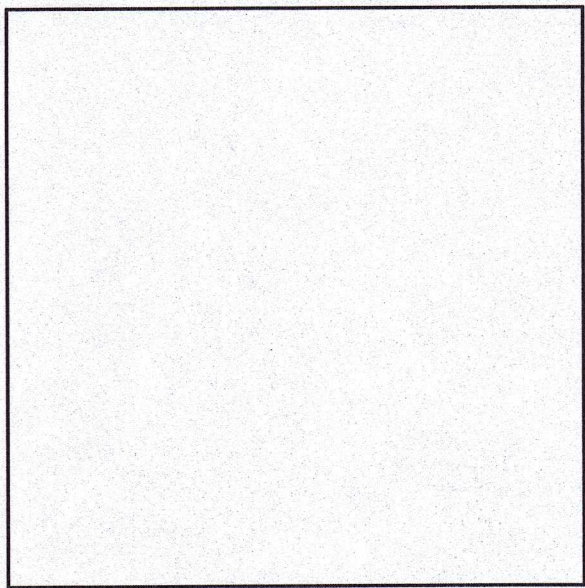
Civilscapes, Inc.
CIVIL DESIGN & LANDSCAPE ARCHITECTURE
P.O. BOX 2115 CUMMING, GEORGIA 30028
OFFICE: 678-513-8836

REZONING PLAN
FOR
DUNKIN' DONUTS
INTERSECTION OF McEever Road & HWY 369
CITY OF GAINESVILLE * HALL COUNTY, GEORGIA

SHEET
NUMBER

1

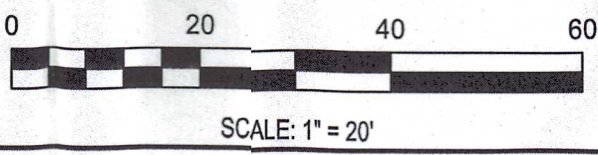
SCALE
1" = 100'
DATE
4/6/04
PROJECT NO.
04-003



TITLE COMMITMENT SCHEDULE B - PART 2 EXCEPTIONS			
EXCEPTION REFERENCE	RECORDING REFERENCE	DESCRIPTION	STATUS ON PLAT
4		70-FOOT POWER LINE EASEMENT SHOWN ON PLAT BOOK 68, PAGE 604, RECORDS OF HALL COUNTY, GEORGIA.	EASEMENT SHOWN HEREON
5		LIMIT OF ACCESS RIGHTS CONTAINED IN THE RIGHT OF WAY DEED FROM GEORGIA FIRST BANK TO STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION, UNDATED, FILED FOR RECORD SEPTEMBER 22, 1993, RECORDED IN DEED BOOK 2036, PAGE 88, RECORDS OF HALL COUNTY, GEORGIA.	MAP PARTIALLY ILLEGIBLE, DEDICATION AREA AND EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF SLOPES SHOWN HEREON
6		EASEMENT FROM GEORGIA FIRST BANK TO CITY OF GAINESVILLE, GEORGIA, DATED DECEMBER 22, 1993, FILED FOR RECORD DECEMBER 22, 1993, RECORDED IN DEED BOOK 2100, PAGE 302, RECORDS OF HALL COUNTY, GEORGIA.	WATER EASEMENT AND RIGHT-OF-WAY SHOWN HEREON
3		RESTRICTIONS CONTAINED IN LIMITED WARRANTY DEED FROM TRUIST BANK TO _____, DATED _____, 2022, FILED FOR RECORD _____, 2022, RECORDED IN DEED BOOK _____, PAGE _____, RECORDS OF HALL COUNTY, GEORGIA.	NOT YET DEFINED
1		MATTERS AS SHOWN ON ALTA/NSPS SURVEY PREPARED BY AECOM, BEARING THE SEAL AND CERTIFICATION OF GRAEME KAISER, GRLS 3277, DATED JUNE _____, 2022, PROJECT NUMBER TB008GA, AS FOLLOWS: UTILITIES AS SHOWN.	ALL MATTERS EXCEPTED, SURVEY NOT CERTIFIED OR SEALED

SYMBOL LEGEND

- ☆ LIGHT POLE
- SIGN
- ⊗ POWER POLE
- ⊞ BOLLARD
- ⊞ POWER BOX
- ⊞ POWER METER
- ⊞ CABLE TV MANHOLE
- ⊞ CABLE TV HAND HOLE
- ⊞ CABLE TV PEDESTAL
- ⊞ WATER METER
- ⊞ WATER VALVE
- ⊞ GAS VALVE
- ⊞ GAS MARKER
- ⊞ TRAFFIC FLOW ARROW
- ⊞ CLEANOUT
- ⊞ CURB INLET
- ⊞ RIGHT OF WAY MONUMENT FOUND
- ⊞ CONCRETE MONUMENT FOUND
- ⊞ IRON ROD FOUND
- ⊞ HANDICAP SPACE
- PROPERTY LINE
- LINES NOT SURVEYED
- RIGHT OF WAY
- EDGE OF PAVEMENT
- OVERHEAD POWER LINE
- STORM WATER PIPE
- BLDG HT = BUILDING HEIGHT
- DB = DEED BOOK
- PG = PAGE

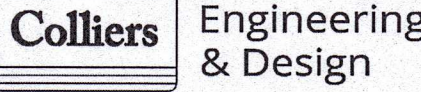


PROJECT
ALTA/NSPS LAND
TITLE SURVEY

2895 BROWNS BRIDGE ROAD
GAINESVILLE, GA

LAND LOT 15, 8TH LAND DISTRICT
HALL COUNTY, GA

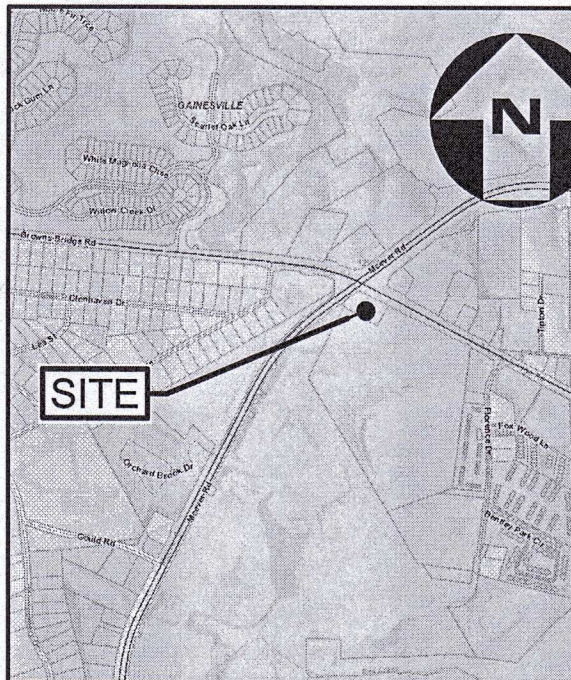
CONSULTANT



Doing Business as **MASER CONSULTING**
RED BANK (Headquarters)
331 Newman Springs Road,
Suite 203
Red Bank, NJ 07701
Phone: 732.383.1950
COLLIERS ENGINEERING & DESIGN, INC.
DOING BUSINESS AS MASER CONSULTING



VICINITY MAP



REVISION

NO.	DATE	DESCRIPTION

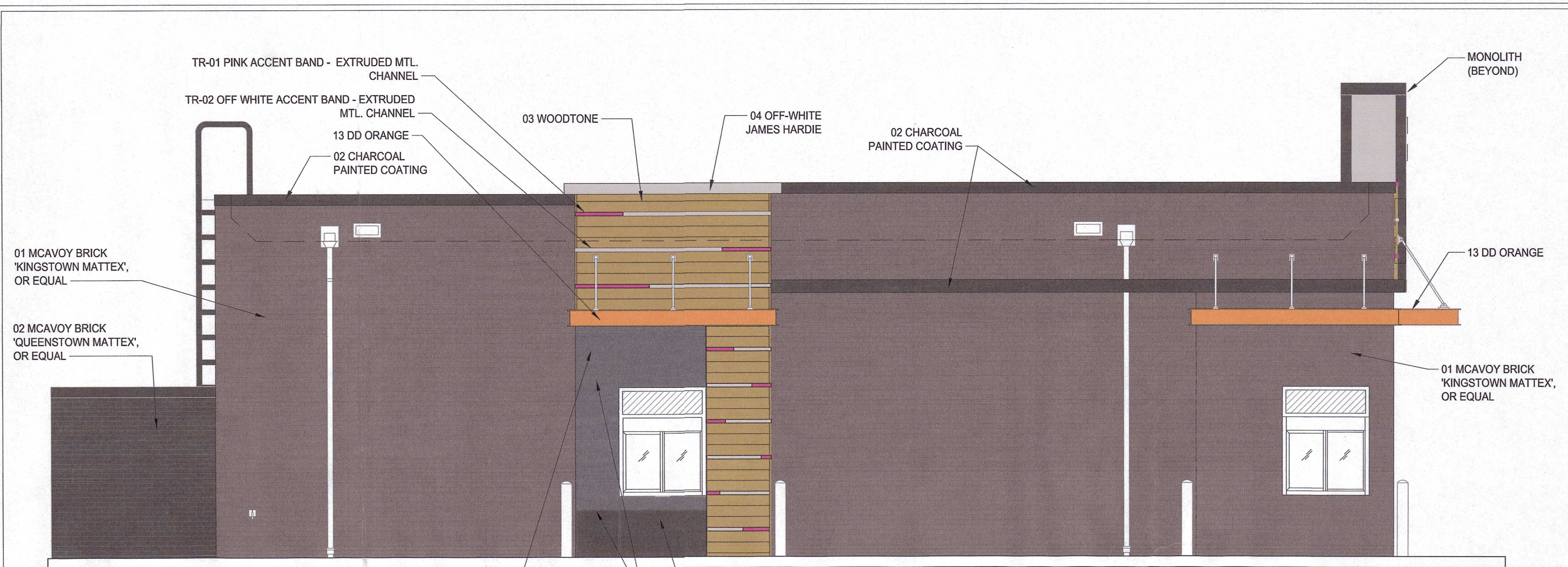
ISSUE BLOCK

SCALE:	1" = 20'
DATE:	AUGUST 2, 2022
FIELDWORK BY:	LS
DRAWN BY:	DEC
CHECKED BY:	GN
APPROVED BY:	GN
COPYRIGHT:	CE
PROJECT NUMBER	60682046

SHEET TITLE

ALTA/NSPS
LAND TITLE SURVEY

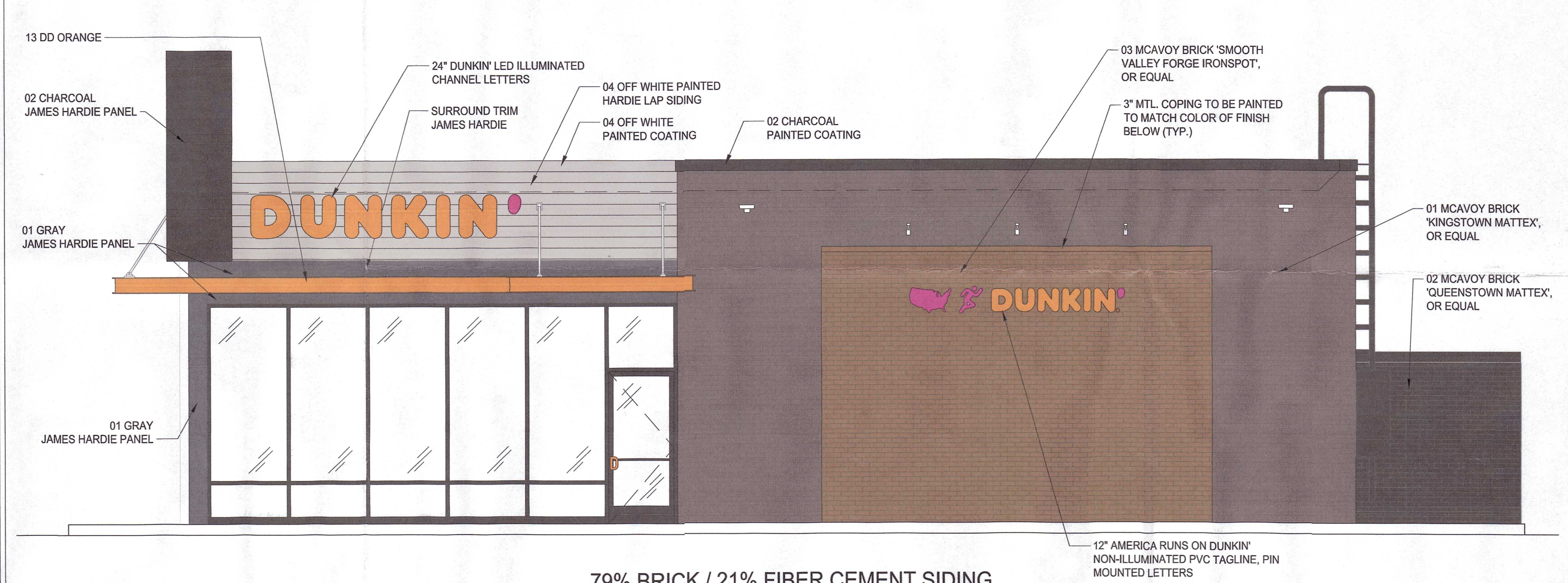
SHEET NUMBER
02 OF 02



86% BRICK / 14% FIBER CEMENT SIDING

2	DRIVE THRU ELEVATION
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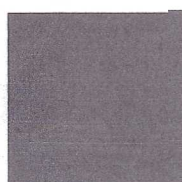
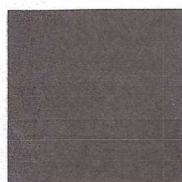
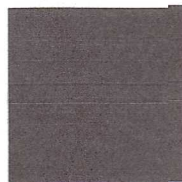
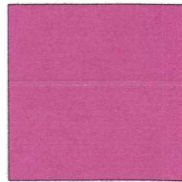
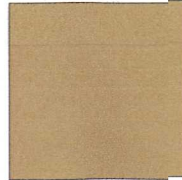
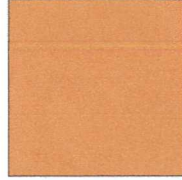
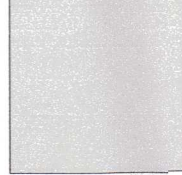
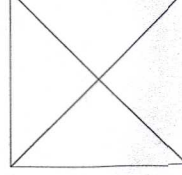
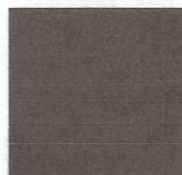
1/4" = 1'-0"	NOTE:
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79% BRICK / 21% FIBER CEMENT SIDING

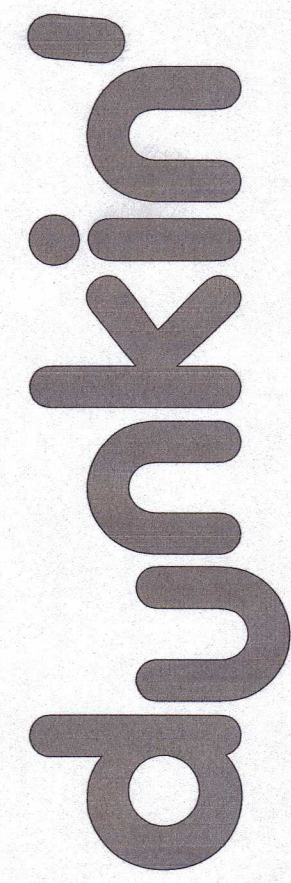
4	SIDE ELEVATION
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1/4" = 1'-0"	NOTE
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	01 GRAY		09 CHARCOAL
	02 CHARCOAL		12 DD PINK
	03 WOODTONE PATTERN		13 DD ORANGE
	04 OFF WHITE FINISH		01 MCAVOY BRICK 'KINGSTOWN MATTEX' OR EQUAL
	05 MID-TONE FINISH (NOT USED)		02 MCAVOY BRICK 'QUEENSTOWN MATTEX' OR EQUAL
			03 MCAVOY BRICK 'SMOOTH VALLEY FORGE IRONSPOT' OR EQUAL

PRELIMINARY

THESE PLANS ARE CONFIDENTIAL PROPERTY OF INSPIRE BRANDS, INC., UNDER RESTRICTED ACCESS.



H

6370 CORN DRIVE
CUMMING GEORGIA 30028
770-887-9124

SET REVISIONS		DATE	5/23/23
NO	DESCRIPTION	DATE	
		SCALE	
		DRAWN	
SHEET REVISIONS			
		CKD	
		APPD	

EXTERIOR ELEVATIONS - CONCEPTUAL DESIGN

PC ##### - ARCHITECT #####

A-5



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: July 27, 2023

Date Submitted: July 27, 2023

Final Approval Date: July 27, 2023

Presenter: Abb Hayes, City Attorney

Item of Business: 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: 08-016-001-004. **Request: QuikTrip convenience store/ gas station.**

- Proposed Zoning Amendment Ordinance 2023-19

Meeting Date: August 1, 2023

Purpose of Request:

To conduct a public hearing regarding the following zoning request as presented at the July 11, 2023 Planning and Appeals Board Meeting.

Facts & Issues / History & Background:

The applicant is proposing to amend an existing Planned Unit Development for a QuikTrip convenience store/ gas station. The existing Walgreens pharmacy building is 13,880 square feet in size and will be demolished. The proposed QuikTrip store is 5,312 square feet in size and will consist of brick and stone façade materials. The proposed fuel canopy will include a total of 16 fuel pumps. The subject property was conditionally approved in 2002 for a pharmacy which is now closed. The existing right in/ right out driveways located off of Browns Bridge Road and McEver Road will be improved per GDOT standards. The property is located within the Gateway Corridor Overlay Zone. The adjacent uses include single-family homes in the county, Manor Lake Assisted Living facility, Open Haven Church, RacTrac gas station, Brown Package Store, Walmart Neighborhood Market, BB&T (closed), Hall County Administration Building and Free Chapel Worship Center.

Department Recommendation:

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

SAMPLE MOTIONS:

Approval of Ordinance 2023-19:

I move to approve the ordinance to amend the existing Planned Unit Development (P-U-D) for the subject property for a QuikTrip convenience store/ gas station 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. 2023-19 Proposed Zoning Amendment Ordinance 2023-19
4. Location Maps
5. Narrative
6. Site plan
7. Survey
8. Elevations

Xiomary Velasquez, by Christopher J. Carlan, GRLS No. 3003, and recorded in Plat Book 882, Page 459, Hall County, Georgia records, which plat is incorporated hereby by reference and made a part of this description. The above-styled action to quiet title to the above-described property was filed in the Superior Court of Hall County, Georgia, on December 14, 2022. By Order dated June 12, 2023, the Court has ordered that service of process upon you be had by publication, as provided by law. You are hereby commanded to be and appear at said court within 30 days of the date of the order for service by publication to answer said petition and file pleadings before the court. Witness, Kathlene F. Gosselin, Judge, Superior Court of Hall County. This 13th day of June, 2023. /s/ Charles Baker Clerk of Superior Court Hall County, Georgia **122880 6/21, 28, 7/5, 12**



NEW SEX OFFENDER TO HALL COUNTY
NAME: Ronaldo David Pablo - Lopez aka Reynaldo David Pablo - Lopez
ADDRESS: 33 Mill Street, Gainesville, GA 30501
DATE OF OFFENSE: 11-26 - 2020
OFFENSE: Sexual Exploitation of Children
COURT OF
CONVICTION: Hall County Superior Court, Gainesville, GA
WEBSITE: https://gbi.georgia.gov/georgia-sex-offender-registry **123014 6/21**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA GAINESVILLE DIVISION NOTICE OF SERVICE BY PUBLICATION: G&G Closed Circuit Events, LLC, Plaintiff, v. Azucena Romero Olivares d/b/a La Estacion Mexican Grill, Defendant Civil Action File No. 2:22-cv-63-SCJ
To: Azucena Romero Olivares d/b/a La Estacion Mexican Grill
Notice: By Order for Service by Publication dated May 12, 2023, you are hereby notified that on March 30, 2022, G&G Closed Circuit Events, LLC filed an action against you alleging that you violated certain federal piracy statutes, including 47 U.S.C. § 553 and 47 U.S.C. § 605. You are required to file with the Clerk of the Court and to serve on Plaintiff's attorney (Paul J. Morochnik, Morochnik Law, LLC, 1080 Peachtree St NE, Suite 1210, Atlanta, Georgia 30309) an ANSWER in writing within sixty (60) days of May 12, 2023, the date on which the Court issued the Order for Service by Publication. By Order of the Honorable Steve C. Jones U.S. District Judge for the Northern District of Georgia This 31st day of May, 2023 Kevin P. Weimer, Clerk for the U.S. District Court for the Northern District of Georgia **121992 6/7, 14, 21, 28**

Name Changes

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA Civil Action File Number 2023CV 000876CGB NOTICE OF PETITION OT CHANGE NAME OF ADULT LEON DARGHOSIAN filed a petition in the Hall County Superior Court on 5/23/ 2023 to change the name from : LEON DARGHOSIAN to CHARLES VANDERBILT. Any interested party

has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 5-23-2023 LEON DARGHOSIAN Petitioner, Pro se Name: LEON DARGHOSIAN. Address: 5432 Falling Branch Ct. Phone (day): 6 1 5 - 4 8 4 - 6 2 4 5 **122043 5/31, 6/7, 14, 21**

HALL COUNTY SUPERIOR COURT STATE OF GEORGIA In re the Name Change of Child(ren) Noel Rey Espinoza Jasmin Gaudlock, Petitioner, vs. Eduardo Espinoza, Respondent. Civil Case Number: 2023CV000951KFG NOTICE OF PETITION TO CHANGE NAME(S) OF MINOR CHILD(REN) Jasmin Gaudlock filed a petition in the Hall County Superior Court on 30th May, 2023, to change the name(s) of the following minor child(ren) From: Noel Rey Espinoza To: Noel Schaefer Gaudlock. Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA §819-12-1(0)(2) and (3). Dated: 5/30/23 Jasmin Gaudlock, Petitio, Pro se Name: Jasmin Gaudlock Address: 392 Linwood Drive, Apt. 2-8 Gainesville, GA 30501 Phone (day): 470-213-3352 **122433 6/7,14,21,28**

Hall COUNTY SUPERIOR COURT STATE OF GEORGIA IN RE THE NAME CHANGES OF CHILD(REN): Mavis Lee Baker, Myze Matthew Baker Micaeala Lee England, Petitioner, vs. Kody Martin Baker, Respondent. Civil Case Number 2023CV000827JJD NOTICE OF PETITION TO CHANGE NAME(S) OD MINOR CHILD(REN) Micaeala Lee England filed a petition in the Hall County Superior Court on , 20 to change the name(s) of the followinf minor child(ren) from: Mavis Lee Baker to: Mavis Lee England from: Myze Matthew Baker to: Matthew Linkin England Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA §§19-12-l(f)(2) and (3). Dated: May 10, 2023 Micaeala Lee England Petitioner, Pro se Name: Micaeala Lee England Address: 3900 Maberry Rd Gainesville, Ga 30507 Phone (day): 678-622-93 **122459 6/7, 14, 21, 28**

IN THE SUPERIOR COURT OF HALL COUN TY STATE OF GEORGIA In re the Nam e Change of: AUDREY DUNGEY, A minor child. CIVIL ACTION FILE 2023CV000895 NOTICE OF NAME CHANGE PLEASE take notice that on the 18th day of May, 2023, Tyler Hall, Petitioner and Equitable Caregiver in the above-styled matter, filed a Petition in the Superior Court of Hall County, Georgia seeking a name change for a minor child from Audrey Lee Dungey to Audrey Lee Hall. Any interested or affected party has the right to appear and file objections. At the expiration of thirty (30) days from the filing of the Petition, upon proof of publication, and if no objection is filed, the Court shall proceed to hear and determine all matters raised by said Petition. Respectfully submitted, this 19th day of May, 2023. Charles P. Efstration, III Attorney for Equitable Caregiver Georgia Bar No. 805511 THE EFSTRATION LAW

FIRM, PC 3605 Braselton Hwy, Suite 104 Dacula, Georgia 30019 Phone: 678-835-4886 Fax: 678-926-3269 Email: chuck@attorneychuck.com **1 2 2 1 5 9 5/31,6/7,14,21**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of Deborah M. Miller, Petitioner. Civil Case Number 2023CV947LHB NOTICE OF PETITION TO CHANGE NAME OF ADULT Deborah Meacheall Miller filed a petition in the Hall County Superior Court on May 26, 2023, to change the name from: Deborah Meacheall Miller to Deborah Meacheall Waddell. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 5-26-2023 Deborah Meacheall Miller Petitioner, Pro se Name: Deborah Meacheall Miller Address: 2920 Allison Road Gainesville Ga. 30506 **122403 6/7, 14, 21, 28**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of: FOLASHADE POWERS, Petitioner. Civil Action File No: 2023CV0010012HB NOTICE OF PETITON TO CHANGE NAME OF ADULT FOLASHADE POWERS filed a petition in the Superior Court of Hall County on 5th day of June, 2023, to change his/her name from: FOLASHADE POWERS to SANDY FOLASHADE MILLER. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Signed this 5th day of June, 2023. FOLASHADE POWERS Petitioner, Pro se Petitioner's name: FOLASHADE POWERS Petitioner's address: 1475 BUFORD DR, 403-149 LAWERENCEVILLE, GA 30043 Petitioner's Telephone Number: 770-688-6103 **122759 6/21, 28, 7/5, 12**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of: Manuel Misael Mojica Petitioner. Civil Action File Number 2023CV970CGB NOTICE OF PETITION TO CHANGE NAME OF ADULT Manuel Misael Mojica file a petition in the Hall County Superior Court on 1st June, 2023, to change the name from: Manuel Misael Mojica to Santiago Misael Mojica . Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 06-01-20 Manuel Misael Mojica Petitioner, Pro se Name: Manuel Misael Mojica Address: 4598 Summerset Dr, Gainesville, GA 30507 **122649 6/14, 21, 28, 7/5**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA Lauren K. Carlisle, Petitioner, Civil Action File No. 23-CV-000823-BCO In Re: C A D E N C E CARLISLE RUFFOLO, a minor child. NOTICE OF PETITION TO CHANGE NAME GEORGIA, Hall County Notice is hereby given that this petition to change name was filed in the Superior Court of Hall County, Georgia on the 8th day of May, 2023, praying for a change in the name of a minor child from Cadence Carlisle Ruffolo to Cadence Smith Carlisle. Notice is hereby given pursuant to law to any interested or affected party to appear in said Court

and to file objections to such name change. Any interested party has the right to file written objections to the petition with the Hall County Clerk of Superior Court. This 23rd day of May, William R. Carlisle Attorney for Petitioner 122229 5/31,6/7,14,21

IN THE SUPERIOR COURT OF HALL COUNTY, STATE OF GEORGIA In re the name change of: Marcela Galloway, Petitioner. CIVIL ACTION FILE#: 2023CV001062LHB NOTICE OF PETITION TO CHANGE NAME OF ADULT You are hereby notified that on the 15th day of June 2023, Marcela Galloway, filed a Petition to Change Name in the Superior Court of Hall County. Marcela Galloway desires to change his/ her from Marcela M Galloway to Marcela M Tomlinson. Any interested party has the right to appear in this case and file objections within 30 days after the Petition to Change Name was filed. Dated: 6-15-23 Marcela Galloway, Petitioner, Pro Se Address: 724 Park Creek Court, Apt 724 Gainesville, GA 30504 Phone: 704-816-9779 **122997 6/21, 28, 7/5, 12**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of Karen Lynn Diesner, Petitioner Civil Action File No: 2023CV000982BCO NOTICE OF PETITIOIN TO CHANGE NAME OF ADULT An action was filed in the Superior court of Hall County on 6/2/2023 to change the Petitioner's name as follows: Petitioner's name: Karen Lynn Diesner Desired new name: Karen Lynn Kelly Any interested party has the right to appear in this case and file objection before the final judgment is ordered in this case. Dated: 6/2/23 Karen Lynn Diesner Petitioner Pro se Name: Karen Diesner Address: 6603 Elmhurst Way Hoschton, GA 30548 Phone: 678-617-3604 Email: kittyathome@att.net **122602 6/14, 21, 28, 7/5**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re: MOSES GIDEON BEN-YISRAEL Petitioner. Civil Action File Number 2023CV000981 NOTICE OF PETITION TO CHANGE NAME OF ADULT Petitioner herein filed a petition in the Superior Court of Hall County on 31st, day of May, 2023, for a legal name change from MOSES GIDEON BEN-YISRAEL to VERONICA DEVORAH SHAY YISRAEL. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. This 31st day of May, 2023. /s/ Precious Johnson Precious Johnson Georgia Bar No.: 146189 johnsonpr@gtlaw.com GREENBERG TRAUIG, LLP Terminus 200, Suite 2500 3333 Piedmont Road NE Atlanta, GA 30305 PE: 678- 553-2392 FX: 678- 553-2393 Counselfor Petitioner **122600 6/14, 21, 28, 7/5**

Public Hearings

NOTICE is hereby given that the **Hall County Planning Commission** shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 5:15 p.m. on **Monday, July 24, 2023**, to consider the following: **1.8511 & 8515 Belton Bridge Road | Variance** | from 17.240.010 to reduce the road frontage requirement

from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | **Proposed Use: 2-lot subdivision** | * Commission District 3 | **Robin Cole, applicant. 2.(A) 3463 Leisure Lane | Variance** | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | **Proposed use: bring existing accessory building into compliance** | * Commission District 3 | **Carolann Justus, applicant. (B) 3463 Leisure Lane | Variance** | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | **Proposed use: bring existing accessory building into compliance** | * Commission District 3 | **Carolann Justus, applicant. 3.(A) 6178 Lake Lanier Heights Road | Variance** | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | **Proposed Use: residential addition and bring the existing residence into compliance** | * Commission District 2 | **Nave Edelstein, applicant. (B) 6178 Lake Lanier Heights Road | Variance** | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | **Proposed Use: residential addition and bring the existing residence into compliance** | * Commission District 2 | **Nave Edelstein, applicant. 4.5961 Pocahontas Drive | Use Subject to County Commission Approval** | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | **Proposed use: 5-lot subdivision** | ** Commission District 2 | **Kimberly Zax, applicant. 5.(A) 3555 North Bogan Road | Use Subject to County Commission Approval** | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant. (B) 3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant. (C) 3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-

entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant. 6.2196 Centennial Drive | Use Subject to County Commission Approval** | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | **Proposed Use: food processing plant involving the further processing of animal or animal product** | ** Commission District 4 | Brian Jones, applicant. **7.5351 Lanier Islands Parkway | Use Subject to County Commission Approval** | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 (pt.) | Proposed use: agri-entertainment | ** Commission District 1 | **Keith D. & Chad Bell, applicant.** NOTE: This application was tabled at the May 15th Planning Commission meeting. NOTE: In accordance with Georgia law, anyone who (a) wishes to express opposition to the proposed rezoning and (b) has made, within two years immediately preceding the filing of the proposed rezoning, campaign c o n t r i b u t i o n s aggregating \$250 or more to a member of the County Commission shall file a disclosure of contributions with the Planning Department at least five (5) days prior to the first hearing of the proposed rezoning by the County Commission. (OCGA § 36-67A-3[C]). *The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within 30 days of the Planning Commission's decision. The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, August 24, 2023 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia. **The Planning C o m m i s s i o n ' s recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, August 24, 2023. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia. **122939 6/21**

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, July 11, 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 **Northeast Georgia Health System, Inc.** for a special use on a 7.95± acres tract located on the east side of Limestone Parkway, between Clarks Bridge Road and Flintridge Road, having road frontage at the terminus of Gabriel Drive (a/k/a **2500 Limestone Parkway**), having a zoning of Regional Business (R-B). Ward Number: Two Tax Parcel Number(s): 09-125-000-062 Request: I n p a t i e n t Rehabilitation Hospital 2) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel Number(s): 09-125-000-062 Request: I n p a t i e n t

Rehabilitation Hospital 2) Request from **Doug Sherrill (Land Development Professionals)** to vary the front yard setback requirement on a 0.69± acre tract located at the cul-de-sac terminus of Patten Drive (a/k/a **1550 Patten Drive**), having a zoning of Residential-I (R-I). Ward Number: One Tax Parcel Number(s): 01-111-001-083 Request: Single-family home 3) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel Number(s): 01-111-001-083 Request: Single-family home 4) 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 McEever 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: D u n k i n Donuts restaurant 5) 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 McEever Road (a/k/a **2925 Browns Bridge Road, SW**). Ward Number: Four Tax Parcel Number(s): 08-016-001-004 Request: Q u i k T r i p convenience store/gas station 6) 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 **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, August 1, 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 **Northeast Georgia Health System, Inc.** for a special use on a 7.95± acres tract located on the east side of Limestone Parkway, between Clarks Bridge Road and Flintridge Road, having road frontage at the terminus of Gabriel Drive (a/k/a **2500 Limestone Parkway**), having a zoning of Regional Business (R-B). Ward Number: Two Tax Parcel Number(s): 09-125-000-062 Request: I n p a t i e n t Rehabilitation Hospital 2) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel Number(s): 09-125-000-062 Request: I n p a t i e n t

GAINESVILLE PLANNING and APPEALS BOARD RECOMMENDATION

Applicant.....QuikTrip Corporation C/O Eric Bikas
Property Owner.....WTB/Gainesville, LLC
Location.....2925 Browns Bridge Road, SW
Request.....Amend P-U-D zoning
Size.....2.86± acres
Ward.....Four
Proposed Use.....QuikTrip convenience store/ gas station
Planning Division Staff Recommendation.....**Approval, with conditions**
Planning & Appeals Board Recommendation.....**Approval, with conditions**
DateJuly 11, 2023

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

The applicant proposes to amend an existing Planned Unit Development (P-U-D) zoning for a QuikTrip convenience store/ gas station. The property is located at the southwest side of the intersection of Browns Bridge Road (SR 369) and McEver Road (SR 53) and has road frontage on Saint Charles Avenue which is a County maintained road. The property is also located within the Gateway Corridor Overlay Zone. In 2002 the existing P-U-D zoning was approved for a 13,880 square foot Eckerd pharmacy. The pharmacy building was later occupied by Rite Aid, and Walgreens which is no longer in operation and will be demolished.

The proposed QuikTrip store is 5,312 square feet in size, sixteen feet in height and will consist of brick and stone façade materials. The proposed building will be located similarly as the existing pharmacy building but will be smaller and not as tall. The proposed building is 20 feet in height and the canopy is a maximum of 25.5 feet in height. The existing pharmacy building is 35 feet in height. The proposed fuel canopy will include 16 fuel fueling positions located between the proposed building and Browns Bridge Road and the canopy support beams will be faced with brick. The building and canopy will be setback a minimum 25' from the property line adjacent to all right-of-way areas. The existing 50-foot vegetated buffer adjacent to the residential neighborhood will remain. Two monument signs are proposed up to 10 feet in height, 86.7 square feet of total sign area, each with LED price changer boards.

The existing right in/ right out driveways located off of Browns Bridge Road and McEver Road will be reused and improved per Georgia Department of Transportation.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	RaceTrac gas station; Cresswind neighborhood Open Haven Church,	Planned Unit Development (P-U-D) Residential-I (R-I)
South	Hall County Administration Building; Free Chapel Worship Center	Office and Institutional (O-I) Neighborhood Business (N-B)
East	Brown Package Store; Walmart Neighborhood Market; BB&T (closed)	Regional Business (R-B) Office and Institutional (O-I)

West	Pine Valley subdivision	Residential-I (R-I) - County
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▪ **Other Departmental Comments**

The request will require coordination with the Georgia Department of Transportation (GDOT). There were no other departmental comments for the request.

▪ **Zoning History**

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

2022 – A request by Jeff Arkema for a special use on a 1.77± acres tract located at 2888 Browns Bridge Road, SW was approved with conditional Office and Institutional (O-I) zoning for an automotive styling center.

2022 – A request by McKinley Homes US, LLC, for a special use on a 7.74± acres tract located at 2920 Florence Drive was approved with conditional Office and Institutional (O-I) zoning for 70 residential townhomes.

2021 – A request by Tidal Wave Auto Spa to amend a 7.76± acres tract located at 1440 McEver Road zoned Planned Unit Development (P-U-D) was conditionally approved for an express car was facility.

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

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

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

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

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

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

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

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

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

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

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

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

▪ **Staff Analysis**

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

Over the past 20 years the subject property has been occupied by Eckerd, Rite Aid and Walgreens Pharmacy. During that time the neighboring RaceTrac and Walmart Neighborhood Market fueling stations were established. The adjacent and nearby properties consist of a mixture of commercial, office, institutional and residential uses. The adjacent zoning districts are Residential-I (R-I), Office and Institutional (O-I), Neighborhood Business (N-B), Regional Business (N-B) and Planned Unit Development (P-U-D). It appears the proposed use is suitable.

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

The proposed change in use from a pharmacy to a convenience store with gas sales will be open 24 hours a day and it is anticipated there will be additional traffic and turning movements generated with the change in use. The restricted right in/ right out access driveways will remain which is sufficient to accommodate the change in use according to GDOT. The existing buffer zone adjacent to the single-family home located at 3005 Saint Charles Avenue in the county will need to be improved address the hours of operation and the additional traffic. It is also recommended the proposed dumpster location be relocated away from the residential property and screened from the Gateway Corridor.

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

It is staff's opinion that the proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the property within the *Commercial* land use category which includes areas with focused retail, office, or other commercial service activities such as grocery stores, banks, restaurants, theaters, hotels and automotive-related businesses. Commercial uses may also as a single use in one building or grouped together in a shopping center.

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

Land uses allowed in the *Suburban Neighborhood Character Area* include single-family residential, limited multi-family residential, limited general mixed-use, limited commercial (retail and office), public, institutional, parks and recreation.

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

The subject property is currently zoned P-U-D and is restricted to a pharmacy use. The existing building has been occupied by three different pharmacies over the past 20 years and has remained vacant for approximately two years. A different use requires the P-U-D zoning to be amended or the property to be rezoned to a different zoning classification. The proposed P-U-D amendment is a site-specific zoning that assures the developer will adhere to the proposed development quality and standards as presented by the applicant and any associated 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?

The proposal should not cause an excessive or burdensome use of public facilities or services. The development will continue to utilize City water and sewer services of which capacity is sufficient.

Existing public safety services already respond to the subject property. Gainesville Fire Station #4 off of Memorial Park Drive is located approximately 2.0± miles from the subject property. Hall County Fire Station #4 is 0.6 mile south of the property off of McEver Road.

Traffic generated from the proposed use will be more than the previous pharmacy use. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the previous 13,880 square foot pharmacy with a drive-thru would generate approximately 1,345 trips per week day, including 116 A.M. and 135 P.M. peak hour trips. A convenience store with gas sales generates 8,672± new trips per weekday (50% entering, 50% exiting), including 272 A.M. and 320 P.M. peak hour trips. A traffic impact study was not required for the proposal based on GDOT's assessment of the existing restricted right in/ right out driveways. Other accessible routes to Browns Bridge Road from the Pine Valley subdivision are located further west on Esther Drive and Montgomery Drive. In addition, access to McEver Road is available further south at its signalized intersection with Gould Road.

It is staff's opinion the existing U-turns occurring at the intersection of Browns Bridge Road and Saint Charles Avenue will increase due to the change in use. The applicant should coordinate with GDOT and Gainesville Public Works to explore what additional signage or modifications can be made so as not to further compound this issue.

The proposed use will have no impact on the Gainesville City School System given the proposal is for commercial purposes.

(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 subject property is located along a heavy commercial corridor at the southwest corner intersection of Browns Bridge Road (SR 369) and McEver Road (SR 53). The proposed use appears appropriate based on the Comprehensive Plan and the adjacent and nearby commercial development along both roads.

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

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

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this Planned Unit Development (P-U-D) zoning amendment request, based on the Comprehensive Land Use Plan and the adjacent and nearby commercial uses.

Conditions

1. The proposal shall be generally consistent with the concept plan and architectural renderings provided with this application per the review and approval of the Community and Economic Development Director.
2. The owner/developer shall replace the existing fence with a new opaque fence. The new fence shall be located along the westerly-southwesterly side of the parking lot and rear access drive behind the proposed building. The fence shall be 8-feet in height, brown in color and made of weather resistant composite materials. The location and type of fence shall be subject to the approval of the Community & Economic Development Department Director.
3. The existing 50-foot wide vegetated buffer shall be maintained along the westerly-southwesterly property line. In addition, a mixture of evergreen trees shall be planted between the detention pond area and the adjacent single-family home located at 3005 Saint Charles Avenue. The minimum height of the trees shall be 10 feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
4. The frontage landscape areas and right-of-way areas fronting McEver Road, Browns Bridge Road and Saint Charles Avenue shall be maintained and sodded with grass. Minimum 3-inch caliper size hardwood trees shall be required within all frontage landscape areas subject to the approval of the Community & Economic Development Director.
5. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT). All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.
6. The owner/developer shall coordinate with GDOT and the Gainesville Public Works Department to explore signage and other modifications made to the left turn lane on Browns Bridge Road to Saint Charles Avenue to discourage U-turns at the intersection.
7. The proposed dumpster shall be located at the northern or eastern side of the property away from the adjacent residential property and shall require a dumpster enclosure per the Unified Land Development Code standards and shall be architecturally compatible to the building.
8. All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.
9. 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.
10. The two proposed monument signs shall be placed in a similar location as the existing monument signs on the property and no closer than 125 feet of the Saint Charles Avenue road frontage. The signs shall not exceed 8-feet in height and 80

square feet in size. The LED price changers shall adhere to the Unified Land Development Code standards for changeable copy signs and limited to amber and/or white in color lighting.

Excerpts from the July 11, 2023 PAB Meeting Minutes

Applicant Presentation: Tyler Smith, 340 Jesse Jewell Parkway, stated he represents the applicant, QuikTrip Corporation and introduced Shanell Robinson and Alex Simmons with Keck and Wood Engineering. Mr. Smith stated in 2002 the property was rezoned for a freestanding pharmacy and has been vacant for a while. He stated QuikTrip would like to amend the PUD zoning for a gas station/convenience store with 16 fueling stations, and 5,312 square feet convenience store operating 24 hours a day. He said QuikTrip agrees with all conditions recommended by the staff.

Shanell Robinson, 1450 Haynescrest Court, Grayson, stated all conditions have been accepted by QuikTrip including fencing made of composite materials, relocating the dumpster away from the residential subdivision, enhancing the buffer along the rear side and residential property to ensure screening and provide lighting to improve security.

FAVOR: None

OPPOSE: **Louis McClure**, 3917 Bloomfield Way, Cresswind subdivision, stated he wasn't against the QuikTrip development but is concerned with increased congestion in the area. He spoke of the traffic on Browns Bridge Road along with a fatality that occurred and is concerned with the safety of people entering Cresswind subdivision. Mr. McClure asked the conditions be modified or added regarding the effect of the entrance where the waterfall is located. He asked the applicant to meet with the Cresswind HOA Board and GDOT to discuss ways to make it safer for the residents.

Board Member Young asked if any other members of the HOA Board were present. Mr. McClure stated he serves as vice-president, and also present were two of the seven member board the president David Shaffer and secretary Linda Ferguson who fully support the project.

Chairman Carter asked Mr. Smith to address the request for QuikTrip to meet with the Cresswind HOA Board regarding the concerns.

Mr. Smith stated QuikTrip and/or the engineers would meet with the board but requested no conditions be amended or added regarding the outcome of the meeting. Mr. Smith stated there was a meeting with some residents of the adjacent neighborhood to discuss the traffic patterns. QuikTrip has contacted GDOT regarding safety concerns, but asked no condition be imposed as to the outcome of the HOA board meeting.

Chairman Carter clarified it was agreed to hold a public meeting with the neighborhood for open communication.

Deputy Director Tate mentioned the Gainesville/Hall County Metropolitan Planning Organization (MPO) which provides transportation planning for the district said there are two projects scheduled. The short-range project is scheduled for 2024 to 2027 and includes adding an additional left turn lane to the northbound lane and southbound lane on McEver Road. The long-range project involved operational and safety improvements and possibly the widening of Browns Bridge Road from McEver Road to the Forsyth County line.

There was a motion to recommend conditional approval of the zoning amendment request for a QuikTrip convenience store / gas station with Planned Unit Development (P-U-D) zoning with the following conditions:

Conditions

1. The proposal shall be generally consistent with the concept plan and architectural renderings provided with this application per the review and approval of the Community and Economic Development Director.
2. The owner/developer shall replace the existing fence with a new opaque fence. The new fence shall be located along the westerly-southwesterly side of the parking lot and rear access drive behind the proposed building. The fence shall be 8-feet in height, brown in color and made of weather resistant composite materials. The location and type of fence shall be subject to the approval of the Community & Economic Development Department Director.
3. The existing 50-foot wide vegetated buffer shall be maintained along the westerly-southwesterly property line. In addition, a mixture of evergreen trees shall be planted between the detention pond area and the adjacent single-family home located at 3005 Saint Charles Avenue. The minimum height of the trees shall be 10 feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
4. The frontage landscape areas and right-of-way areas fronting McEver Road, Browns Bridge Road and Saint Charles Avenue shall be maintained and sodded with grass. Minimum 3-inch caliper size hardwood trees shall be required within all frontage landscape areas subject to the approval of the Community & Economic Development Director.
5. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT). All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.
6. The owner/developer shall coordinate with GDOT and the Gainesville Public Works Department to explore signage and other modifications made to the left turn lane on Browns Bridge Road to Saint Charles Avenue to discourage U-turns at the intersection.
7. The proposed dumpster shall be located at the northern or eastern side of the property away from the adjacent residential property and shall require a dumpster enclosure per the Unified Land Development Code standards and shall be architecturally compatible to the building.
8. All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.
9. 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.
10. The two proposed monument signs shall be placed in a similar location as the existing monument signs on the property and no closer than 125 feet of the Saint Charles Avenue road frontage. The signs shall not exceed 8-feet in height and 80 square feet in size. The LED price changers shall adhere to the Unified Land

Development Code standards for changeable copy signs and limited to amber and/or white in color lighting.

Motion made by Board Member Thompson

Motion seconded by Board Member Young

Vote – 7 favor

Passed: _____

AN ORDINANCE

No. 2023-19

AN ORDINANCE AMENDING THE EXISTING PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c) 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); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

That from and after the passage of this Ordinance the following described lands shall be zoned and so designated on the Zoning Map of the City of Gainesville as **Planned United Development, with conditions (P-U-D-c)**.

Conditions

- 1. The proposal shall be generally consistent with the concept plan and architectural renderings provided with this application per the review and approval of the Community & Economic Development Director.**
- 2. The owner/developer shall replace the existing fence with a new opaque fence. The new fence shall be located along the westerly-southwesterly side of the parking lot and rear access drive behind the proposed building. The fence shall be 8-feet in height, brown in color and made of weather resistant composite materials. The location and type of fence shall be subject to the approval of the Community & Economic Development Department Director.**
- 3. The existing 50-foot wide vegetated buffer shall be maintained along the westerly-southwesterly property line. In addition, a mixture of evergreen trees shall be planted between the detention pond area and the adjacent single-family home located at 3005 Saint Charles Avenue. The minimum height of the trees shall be 10 feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**
- 4. The frontage landscape areas and right-of-way areas fronting McEver Road, Browns Bridge Road and Saint Charles Avenue shall be maintained and sodded with grass. Minimum 3-inch caliper size hardwood trees shall be required within all frontage landscape areas subject to the approval of the Community & Economic Development Director.**
- 5. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and the Georgia Department of**

ORDINANCE NO. 2023-19

Transportation (GDOT). All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.

6. The owner/developer shall coordinate with GDOT and the Gainesville Public Works Department to explore signage and other modifications made to the left turn lane on Browns Bridge Road to Saint Charles Avenue to discourage U-turns at the intersection.
7. The proposed dumpster shall be located at the northern or eastern side of the property away from the adjacent residential property and shall require a dumpster enclosure per the Unified Land Development Code standards and shall be architecturally compatible to the building.
8. All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.
9. 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.
10. The two proposed monument signs shall be placed in a similar location as the existing monument signs on the property and no closer than 125 feet of the Saint Charles Avenue road frontage. The signs shall not exceed 8-feet in height and 80 square feet in size. The LED price changers shall adhere to the Unified Land Development Code standards for changeable copy signs and limited to amber and/or white in color lighting.

Legal Description

All that tract or parcel of land lying and being located Land Lot 21 of the 8th District of Hall County, being partially in the City of Gainesville, Georgia and being more particularly described as follows:

BEGINNING at a concrete monument found at the North end of a miter at the intersection of the South Right of Way line of State Route 369 - Brown's Bridge Road (Right of Way width varies) and the Northwest Right of Way line of State Route 53 – McEver Road (Right of Way width varies); thence, from said POINT OF BEGINNING, proceed along said miter South 14°38'30" East, a distance of 71.01 feet to a 1 inch crimp top pipe found at the South end of said miter; thence following along said Right of Way line of State Route 53 – McEver Road South 53°39'21" West, A distance of 184.00 feet to a point; thence 15.25 feet along a curve to the left, said curve having a chord of South 53°25'31" West 15.25 feet and a radius of 1,896.39 feet to a concrete nail set at the intersection of said Right of Way line and the Land Lot Line common to Land Lots 21 and 22 of the 8th District; thence leaving said Right of Way line and following along said Land Lot Line South 60°40'42" West, a distance of 255.67 feet to a ¾ inch rebar found on said Land Lot Line; thence leaving said Land Lot Line and proceeding North 35°15'22" West, a distance of 232.75 feet to a ½ inch rebar set on the West Right of Way line of St. Charles Avenue (40 foot Right of Way width); thence following said Right of Way line 42.61 feet along a curve to the left, said curve having a chord of North 13°30'48" East 42.50 feet and a radius of 173.11 feet to a nail found on said Right of Way line; thence continuing along said Right of Way line North 06°27'42" East, a distance of 134.18 feet to ½ inch rebar set at the Southwest end of miter at the intersection of said Right of Way line and the aforementioned South Right of Way line of State Route 369 - Browns Bridge Road; thence proceed along said miter North 67°01'22" East, a distance of 71.57 feet to a concrete nail set on the Northeast end of said miter; thence

ORDINANCE NO. 2023-19

following along said Right of Way line of State Route 369 – Browns Bridge Road South 83°30'55" East, A distance of 150.98 feet to a ½ rebar set; thence South 04°47'47" West, a distance of 17.05 feet to a ½ inch rebar set; thence South 76°22'37" East, a distance of 102.37 feet to a ½ inch rebar set; thence North 07°50'39" East, a distance of 15.01 feet to a ½ inch rebar set; thence 163.15 feet along a curve to the left, said curve have a chord of South 76°46'12" East 163.05 feet and a radius of 1,382.39 feet to a concrete monument found, said concrete monument being the POINT OF BEGINNING.

Said tract contains 2.865 acres.

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

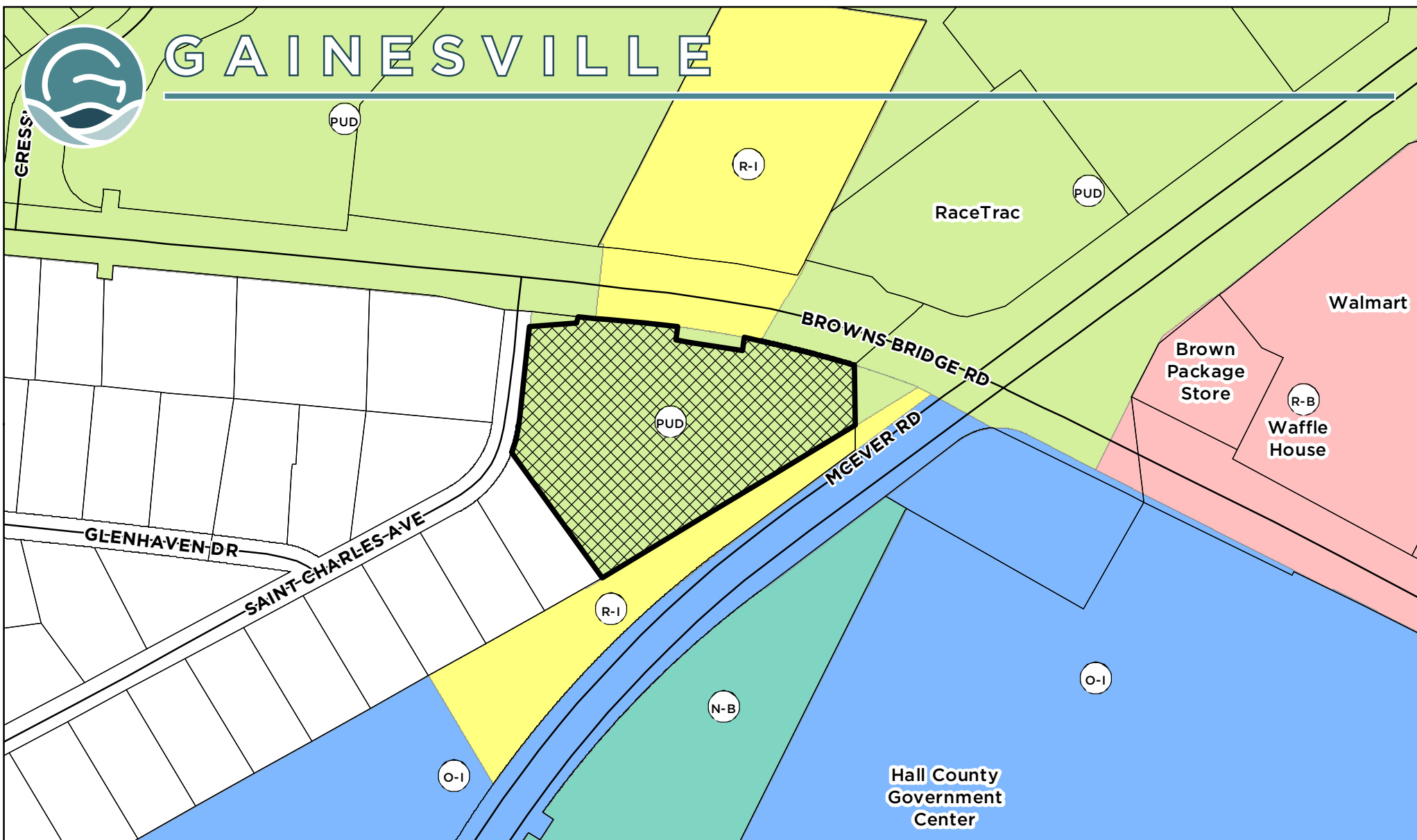
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



GAINESVILLE



Applicant: **QUIKTRIP CORPORATION C/O ERIC BIKAS**

Request:

ZONING AMENDMENT REQUEST

Amend an existing Planned Unit Development (P-U-D) zoning on +/- 2.86 AC tract for a gas station/convenience store

Subject Property Address:
2925 Browns Bridge Road

Tax Parcel:
08-016-001-004



Subject Property



Meeting Date: 07/11/2023

Map Prepared: 06/12/2023

0 100 200 300 400 Feet

SCALE: 1" = 200'



GAINESVILLE



Applicant: **QUIKTRIP CORPORATION C/O ERIC BIKAS**

ZONING AMENDMENT REQUEST

Subject Property Address:
2925 Browns Bridge Road

Tax Parcel:
08-016-001-004

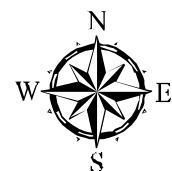
Request:

Amend an existing Planned Unit Development (P-U-D) zoning on +/- 2.86 AC tract for a gas station/convenience store



Subject Property

Aerial from 2021



Meeting Date: **07/11/2023**

Map Prepared: **06/12/2023**

0 100 200 300 400 Feet

SCALE: 1" = 200'

NARRATIVE

Application of Quiktrip Corporation to Amend Planned Commercial Development
Tax Parcel 08016 001004
2925 Browns Bridge Road, SW

Quiktrip Corporation ("QT") applies to amend the Planned Commercial Development ("PCD") zoning of the subject property. The property includes 2.874 acres, located at the intersection of State Routes 53 and 369 (public right of way varies) in the Gateway Corridor Overlay Zone. Abutting the property to the west is Saint Charles Avenue (40' public right of way). The current PCD provides for utilization of the property as a freestanding pharmacy. The building on the property is currently vacant. QT wishes to utilize the property for a QuikTrip convenience store with 24-hour operation and gasoline sales.

QT intends to construct a 5,312 square-foot convenience store. The convenience store will be approximately 10 feet in height at the top of the cornices and 16 feet in height at the top of masonry consistent with the attached elevations. The property will include eight Multiple Produce Dispensers (MPDs) approximately 8 feet 3" in height and fifty parking spaces. The site plan calls for two dumpsters with brick enclosures and no roof.

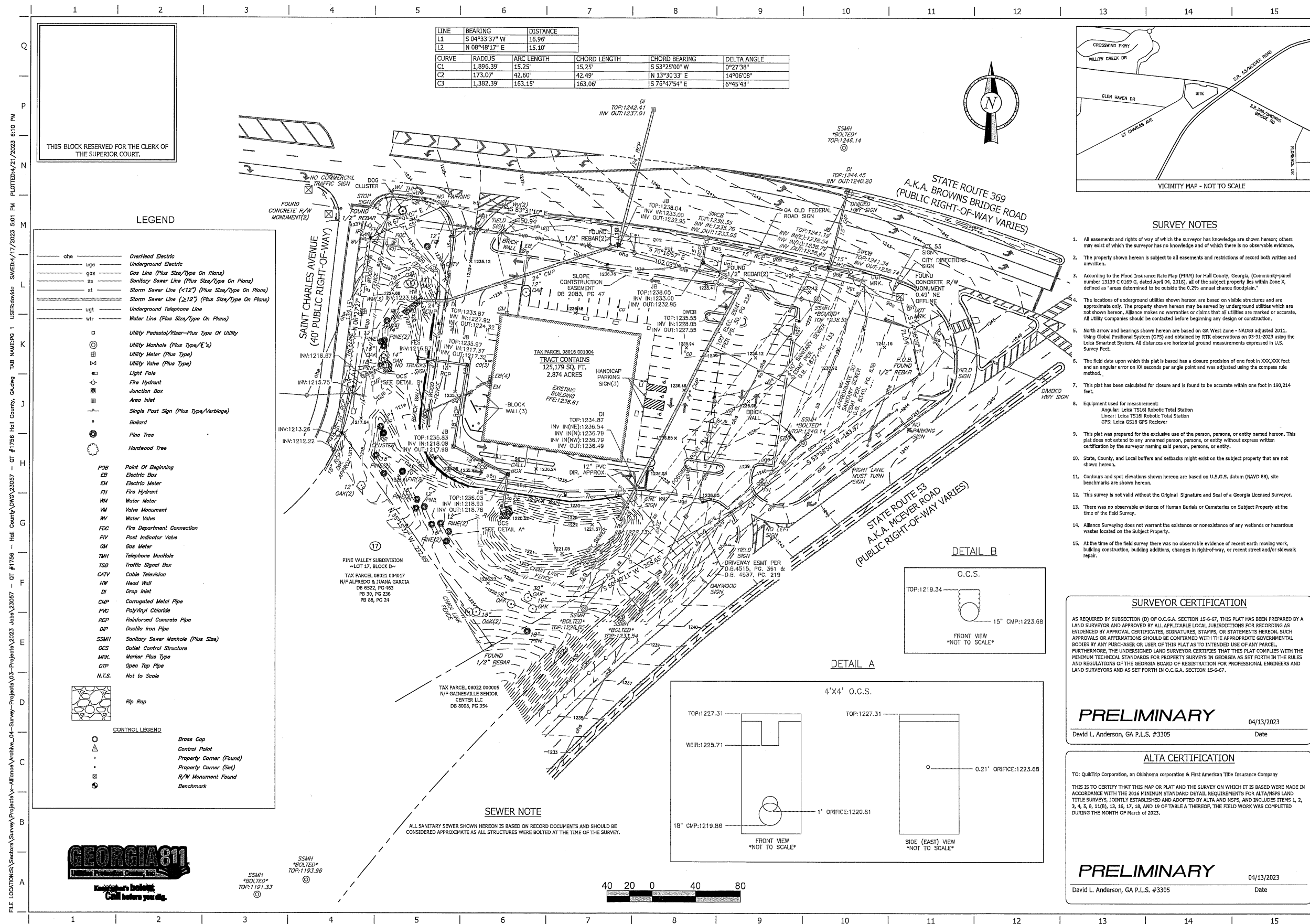
QT requests Two Horizontal Monument Signs, including LED gas price signage for cash and credit, depicting the QT logo, QT Kitchens, and Guaranteed Gasoline. QT proposes that each sign be up to 10 feet in height (including a 3' high black brick base) and include approximately 86.7 feet of sign area each.

QT will maintain the existing buffers under the current PCD, including a 50-foot vegetative buffer along the westerly property line. All buildings and canopies will be set back a minimum of 25 feet from the property line.

Outdoor lighting will be of non-spill design, consistent with the lighting of the QT store 1720 located at 551 Jesse Jewell Parkway in Gainesville.

Perimeter landscaping will be provided adjacent to street frontages. However, the existing right of way contains an abnormal extension into the site along Brown's Bridge Road as depicted on the enclosed site plan. The proposed perimeter planting width in this location will be a minimum of five feet from the right of way.

QT proposes to reuse and maintain the existing driveway access aprons. The Georgia Department of Transportation has given written confirmation that it will issue a permit upon plan submittal.



ALS ALLIANCE
LAND SURVEYING

L.S.F. 1322
4525 SOUTH LEE STREET
BUFORD, GA. 30518
770.226.4730 WWW.AEPATL.COM

PROJECT NO.: 23057

ALTA/NSPS LAND TITLE SURVEY
QuikTrip No. #1756

2825 BROWNS BRIDGE ROAD
GAINESVILLE, GEORGIA
LAND LOT 21 ~ 8TH DISTRICT
CITY OF GAINESVILLE, GEORGIA



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ANY UNAUTHORIZED USE, REPRODUCTION,
PUBLICATION, DISTRIBUTION, OR SALE
WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

PROTOTYPE:
DIVISION:
VERSION: 001
DESIGNED BY:
DRAWN BY:RG
REVIEWED BY:DLA

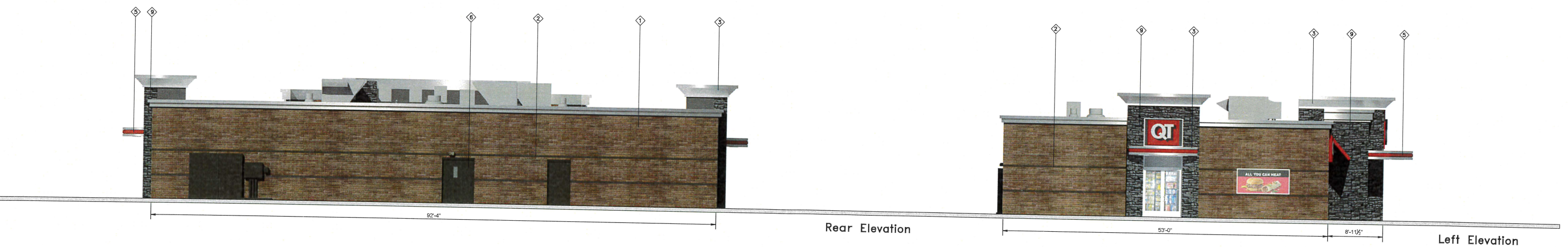
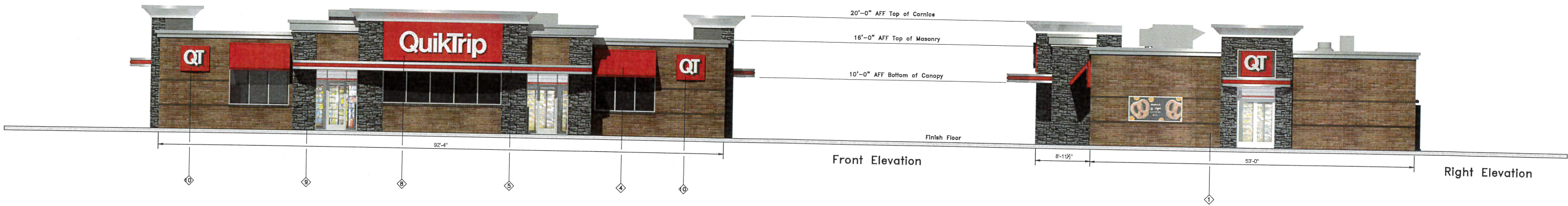
[illegible]

SHEET TITLE:

SURVEY PLAN

SHEET NUMBER:

C010



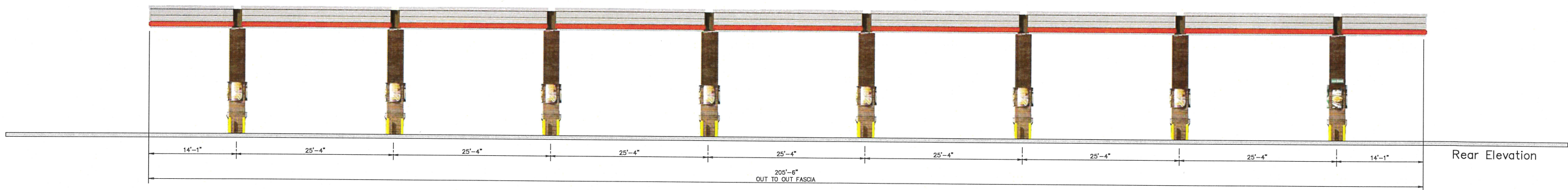
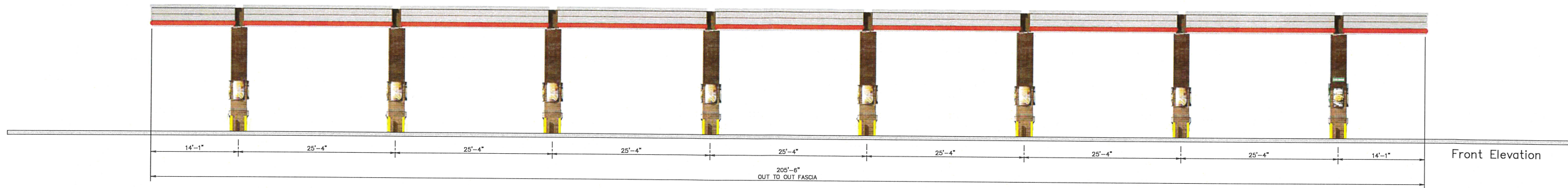


QuikTrip
4705 South 129th East Ave.
Tulsa, OK 74134-7008
P.O. Box 3475
Tulsa, OK 74101-3475
(918) 615-7700

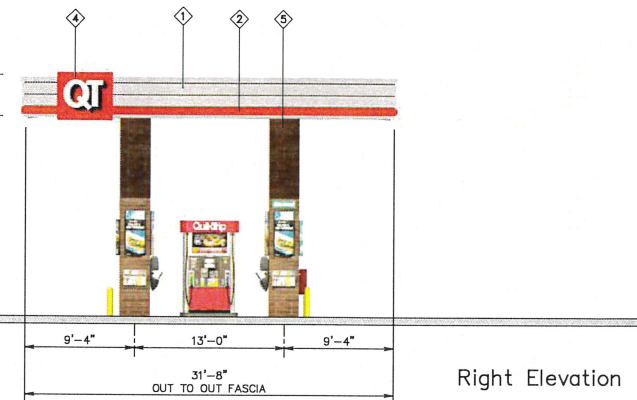
Store # 1756	Non-Standard G3SE Black Stone	Address: 2825 Browns Bridge Rd	City, State: Gainesville, GA
Serial # 07-1756-G3SE	Scale: 1/16"=1'-0"	Issue Date: 05.17.23	Drawn By: JK
		Rev/Notes:	
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APPROVED
Joe K 05/17/2023

FINISH	MANUFACTURER	SPECIFICATION
1 BRONZESTONE	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK
2 MIDNIGHT	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK
3 BRUSHED ALUMINUM	REYNOLDS	PASCHIA
4 QT RED	SHERWIN-WILLIAMS	STANDING SEAM AWNING
5 RED POLYCARBONATE	ALLEN INDUSTRIES	ILLUMINATED BAND
6 QT BROWN	SHERWIN-WILLIAMS	METAL PAINT
7 BLACK	ALL COURT FABRICS	POLYPRO 99 MESH
8 GL-60R	ALLEN INDUSTRIES	SIGNAGE
9 BLACK	ALLEN GERY	STACKED STONE
10 IDB-20	ALLEN INDUSTRIES	ILLUMINATED SIGNAGE



18'-6" Min. / 25'-6" Max.
 AFF Top of Canopy
 15'-0" Min. Store Side Canopies / 20'-0" Max.
 17'-0" Min. Store Front Canopies / 22'-0" Max.
 AFF Bottom of Canopy



QuikTrip

4705 South 129th East Ave.
 Tulsa, OK 74134-7008
 P.O. Box 3475
 Tulsa, OK 74101-3475
 (918) 615-7700

Store # 1756 Vertical 8 Canopy Elevations

Serial # 07-1756-GV08 Scale: 1/16"=1'-0" Issue Date: 05.17.23

Address: 2825 Browns Bridge Rd

City, State: Gainesville, GA

Drawn By: JK

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①	FINISH	MANUFACTURER	SPECIFICATION
1	BRUSHED ALUMINUM	REYNOLDBOND	CANOPY
2	RED POLYCARBONATE	ALLEN INDUSTRIES	ILLUMINATED BAND
3	QT BROWN	LANE	METAL PAINT
4	IDC-20	ALLEN INDUSTRIES	ILLUMINATED SIGNAGE
5	BRONZESTONE	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK
6	BLACK	ALL COURT FABRICS	POLYPRO 95 MESH

MH15-E3PGQ-CC-87
Horizontal Monument Sign

- QT Logo
- Three (3) Product LED Gas Price Sign with Cash & Credit
- QT Kitchens
- Guaranteed Gasoline
- 86.7 Square Feet Sign Area

Notes:
1.) Engineering provided by QT.
2.) Steel supports provided by sign installer.



Item #QT-MH15-E3PGQ-CC-87

Project Information

Client
QuikTrip
Location

Sales House Design CT Project Manager James Gentry

Date / Description	
01/26/22	Issue Date
02/01/22	Rev. 1

Notes

Store #

1756

Declaration

Copyright © 2022 Allen Industries, Inc.
This is an original, unpublished drawing, created by Allen Industries, Inc. This drawing is submitted to you in confidence for your use solely in connection with the project being planned for you by Allen Industries, Inc. and is not to be shown to anyone outside your organization, nor used, reproduced, copied or exhibited in any fashion whatsoever. The designs shown on the drawing (except for any registered trademarks that may belong to a client of Allen Industries, Inc.) remain the property of Allen Industries, Inc.

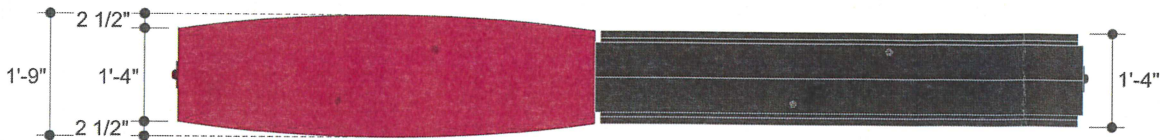
Allen Industries
YOUR BRAND AT ITS BEST™
1-800-967-2553
www.allenindustries.com

- Regarding Fabrication Fit & Finish of All QT Signs:
- Visible fabrication seams and welded joints are to be sanded smooth, filled and finished to QT specifications.
 - Any visible fasteners are to be countersunk and have painted heads.
 - Face retainers must fit flush and have even, minimal seams.
 - Any variation from this directive must be brought to the attention of the QT Quality Control Manager without delay.

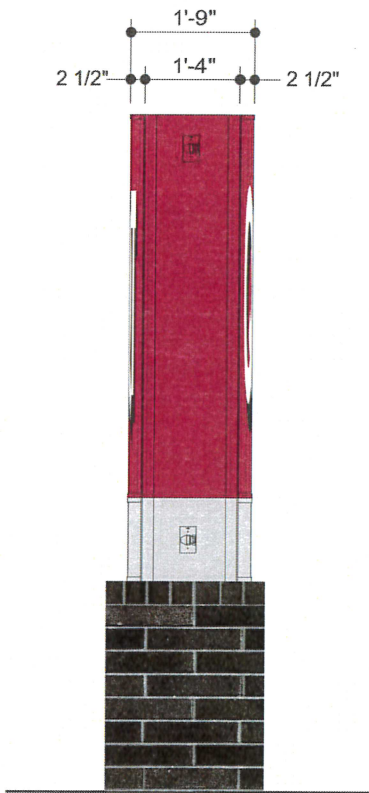
Allen Industries
E212503
Listed Electric Sign Complies with UL48 CSA C22.2 No.207
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.
GROUNDED ELECTRICAL CONNECTIONS

Color Specifications

- All Paint Finishes to be Akzo Nobel
- Opaque Silver
 - Translucent White
 - Black - Low Gloss
 - Matte White (Interior of Sign)
 - Match 3M Cardinal Red #3632-53
 - Match PMS 349C



Top View



Side Elevation



Front Elevation
Scale: 3/8" = 1'-0"



Side Elevation



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: July 27, 2023

Date Submitted: July 27, 2023

Final Approval Date: July 27, 2023

Presenter: Abb Hayes, City Attorney

Item of Business: Request from **Bradley Duncel** 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: 01-075-001-016. **Request: 7 Single-family condominium homes.**

- Proposed Zoning Amendment Ordinance 2023-20

Meeting Date: August 1, 2023

Purpose of Request:

To conduct a public hearing regarding the zoning request as presented at the July 11, 2023 Planning and Appeals Board Meeting.

Facts & Issues / History & Background:

The applicant is proposing to amend the zoning conditions to allow one additional home for a total of 7 condominium homes at a density of 5.8 dwelling units per acre. In 2006, the property was conditionally approved for a total of 6 homes, of which four have been built. All of the homes are leased out by the owner.

The proposal includes amending zoning conditions 1, 2 and 3 to increase the number of condominium homes from 6 to 7, to decrease the minimum heated floor space per unit from 2,000 square feet to 1,800 square feet, and to allow uncovered parking and visitor parking instead of garages. The proposed two-story homes will have 3 bedrooms and 2.5 bathrooms and will be architecturally similar to the two newer homes built on the same side of the private street except without garages. Access is from an existing gated entrance off of Riverside Terrace. The adjacent and nearby uses include single-family, owner-occupied homes and rental homes, Riverside Condominiums and the Enota Gardens Apartments.

Department Recommendation:

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

SAMPLE MOTIONS:

Approval of Ordinance 2023-20:

I move to approve the ordinance to amend the zoning conditions for a property zoned Residential-II (R-II) with seven 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 Zoning Amendment Ordinance 2023-20
4. Location Maps
5. Narrative
6. Revised Site Plan
7. Plat
8. Plans
9. Architectural Rendering

Xiomary Velasquez, by Christopher J. Carlan, GRLS No. 3003, and recorded in Plat Book 882, Page 459, Hall County, Georgia records, which plat is incorporated hereby by reference and made a part of this description. The above-styled action to quiet title to the above-described property was filed in the Superior Court of Hall County, Georgia, on December 14, 2022. By Order dated June 12, 2023, the Court has ordered that service of process upon you be had by publication, as provided by law. You are hereby commanded to be and appear at said court within 30 days of the date of the order for service by publication to answer said petition and file pleadings before the court. Witness, Kathlene F. Gosselin, Judge, Superior Court of Hall County. This 13th day of June, 2023. /s/ Charles Baker Clerk of Superior Court Hall County, Georgia **122880 6/21, 28, 7/5, 12**



NEW SEX OFFENDER TO HALL COUNTY
NAME: Ronaldo David Pablo - Lopez aka Reynaldo David Pablo - Lopez
ADDRESS: 33 Mill Street, Gainesville, GA 30501
DATE OF OFFENSE: 11-26 - 2020
OFFENSE: Sexual Exploitation of Children
COURT OF
CONVICTION: Hall County Superior Court, Gainesville, GA
WEBSITE: https://gbi.georgia.gov/georgia-sex-offender-registry
123014 6/21

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA GAINESVILLE DIVISION NOTICE OF SERVICE BY PUBLICATION: G&G Closed Circuit Events, LLC, Plaintiff, v. Azucena Romero Olivares d/b/a La Estacion Mexican Grill, Defendant Civil Action File No. 2:22-cv-63-SCJ
To: Azucena Romero Olivares d/b/a La Estacion Mexican Grill
Notice: By Order for Service by Publication dated May 12, 2023, you are hereby notified that on March 30, 2022, G&G Closed Circuit Events, LLC filed an action against you alleging that you violated certain federal piracy statutes, including 47 U.S.C. § 553 and 47 U.S.C. § 605. You are required to file with the Clerk of the Court and to serve on Plaintiff's attorney (Paul J. Morochnik, Morochnik Law, LLC, 1080 Peachtree St NE, Suite 1210, Atlanta, Georgia 30309) an ANSWER in writing within sixty (60) days of May 12, 2023, the date on which the Court issued the Order for Service by Publication. By Order of the Honorable Steve C. Jones U.S. District Judge for the Northern District of Georgia This 31st day of May, 2023 Kevin P. Weimer, Clerk for the U.S. District Court for the Northern District of Georgia **121992 6/7, 14, 21, 28**

Name Changes

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA Civil Action File Number 2023CV 000876CGB NOTICE OF PETITION OT CHANGE NAME OF ADULT LEON DARGHOSIAN filed a petition in the Hall County Superior Court on 5/23/ 2023 to change the name from : LEON DARGHOSIAN to CHARLES VANDERBILT. Any interested party

has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 5-23-2023 LEON DARGHOSIAN Petitioner, Pro se Name: LEON DARGHOSIAN. Address: 5432 Falling Branch Ct. Phone (day): 6 1 5 - 4 8 4 - 6 2 4 5 **122043 5/31, 6/7, 14, 21**

HALL COUNTY SUPERIOR COURT STATE OF GEORGIA In re the Name Change of Child(ren) Noel Rey Espinoza Jasmin Gaudlock, Petitioner, vs. Eduardo Espinoza, Respondent. Civil Case Number: 2023CV000951KFG NOTICE OF PETITION TO CHANGE NAME(S) OF MINOR CHILD(REN) Jasmin Gaudlock filed a petition in the Hall County Superior Court on 30th May, 2023, to change the name(s) of the following minor child(ren) From: Noel Rey Espinoza To: Noel Schaefer Gaudlock. Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA §819-12-1(0)(2) and (3). Dated: 5/30/23 Jasmin Gaudlock, Petitio, Pro se Name: Jasmin Gaudlock Address: 392 Linwood Drive, Apt. 2-8 Gainesville, GA 30501 Phone (day): 470-213-3352 **122433 6/7,14,21,28**

Hall COUNTY SUPERIOR COURT STATE OF GEORGIA IN RE THE NAME CHANGES OF CHILD(REN): Mavis Lee Baker, Myze Matthew Baker Micaeala Lee England, Petitioner, vs. Kody Martin Baker, Respondent. Civil Case Number 2023CV000827JJD NOTICE OF PETITION TO CHANGE NAME(S) OD MINOR CHILD(REN) Micaeala Lee England filed a petition in the Hall County Superior Court on , 20 to change the name(s) of the followinf minor child(ren) from: Mavis Lee Baker to: Mavis Lee England from: Myze Matthew Baker to: Matthew Linkin England Any interested party has the right to appear in this case and file objections within the time prescribed in OCGA §§19-12-l(f)(2) and (3). Dated: May 10, 2023 Micaeala Lee England Petitioner, Pro se Name: Micaeala Lee England Address: 3900 Maberry Rd Gainesville, Ga 30507 Phone (day): 678-622-93 **122459 6/7, 14, 21, 28**

IN THE SUPERIOR COURT OF HALL COUN TY STATE OF GEORGIA In re the Nam e Change of: AUDREY DUNGEY, A minor child. CIVIL ACTION FILE 2023CV000895 NOTICE OF NAME CHANGE PLEASE take notice that on the 18th day of May, 2023, Tyler Hall, Petitioner and Equitable Caregiver in the above-styled matter, filed a Petition in the Superior Court of Hall County, Georgia seeking a name change for a minor child from Audrey Lee Dungey to Audrey Lee Hall. Any interested or affected party has the right to appear and file objections. At the expiration of thirty (30) days from the filing of the Petition, upon proof of publication, and if no objection is filed, the Court shall proceed to hear and determine all matters raised by said Petition. Respectfully submitted, this 19th day of May, 2023. Charles P. Efstration, III Attorney for Equitable Caregiver Georgia Bar No. 805511 THE EFSTRATION LAW

FIRM, PC 3605 Braselton Hwy, Suite 104 Dacula, Georgia 30019 Phone: 678-835-4886 Fax: 678-926-3269 Email: chuck@attorneychuck.com **1 2 2 1 5 9 5/31,6/7,14,21**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of Deborah M. Miller, Petitioner. Civil Case Number 2023CV947LHB NOTICE OF PETITION TO CHANGE NAME OF ADULT Deborah Meacheall Miller filed a petition in the Hall County Superior Court on May 26, 2023, to change the name from: Deborah Meacheall Miller to Deborah Meacheall Waddell. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 5-26-2023 Deborah Meacheall Miller Petitioner, Pro se Name: Deborah Meacheall Miller Address: 2920 Allison Road Gainesville Ga. 30506 **122403 6/7, 14, 21, 28**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of: FOLASHADE POWERS, Petitioner. Civil Action File No: 2023CV0010012HB NOTICE OF PETITON TO CHANGE NAME OF ADULT FOLASHADE POWERS filed a petition in the Superior Court of Hall County on 5th day of June, 2023, to change his/her name from: FOLASHADE POWERS to SANDY FOLASHADE MILLER. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Signed this 5th day of June, 2023. FOLASHADE POWERS Petitioner, Pro se Petitioner's name: FOLASHADE POWERS Petitioner's address: 1475 BUFORD DR, 403-149 LAWERENCEVILLE, GA 30043 Petitioner's Telephone Number: 770-688-6103 **122759 6/21, 28, 7/5, 12**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of: Manuel Misael Mojica Petitioner. Civil Action File Number 2023CV970CGB NOTICE OF PETITION TO CHANGE NAME OF ADULT Manuel Misael Mojica file a petition in the Hall County Superior Court on 1st June, 2023, to change the name from: Manuel Misael Mojica to Santiago Misael Mojica . Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. Dated: 06-01-20 Manuel Misael Mojica Petitioner, Pro se Name: Manuel Misael Mojica Address: 4598 Summerset Dr, Gainesville, GA 30507 **122649 6/14, 21, 28, 7/5**

IN THE SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA Lauren K. Carlisle, Petitioner, Civil Action File No. 23-CV-000823-BCO In Re: C A D E N C E CARLISLE RUFFOLO, a minor child. NOTICE OF PETITION TO CHANGE NAME GEORGIA, Hall County Notice is hereby given that this petition to change name was filed in the Superior Court of Hall County, Georgia on the 8th day of May, 2023, praying for a change in the name of a minor child from Cadence Carlisle Ruffolo to Cadence Smith Carlisle. Notice is hereby given pursuant to law to any interested or affected party to appear in said Court

and to file objections to such name change. Any interested party has the right to file written objections to the petition with the Hall County Clerk of Superior Court. This 23rd day of May, William R. Carlisle Attorney for Petitioner 122229 5/31,6/7,14,21

IN THE SUPERIOR COURT OF HALL COUNTY, STATE OF GEORGIA In re the name change of: Marcela Galloway, Petitioner. CIVIL ACTION FILE#: 2023CV001062LHB NOTICE OF PETITION TO CHANGE NAME OF ADULT You are hereby notified that on the 15th day of June 2023, Marcela Galloway, filed a Petition to Change Name in the Superior Court of Hall County. Marcela Galloway desires to change his/ her from Marcela M Galloway to Marcela M Tomlinson. Any interested party has the right to appear in this case and file objections within 30 days after the Petition to Change Name was filed. Dated: 6-15-23 Marcela Galloway, Petitioner, Pro Se Address: 724 Park Creek Court, Apt 724 Gainesville, GA 30504 Phone: 704-816-9779 **122997 6/21, 28, 7/5, 12**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re the Name Change of Karen Lynn Diesner, Petitioner Civil Action File No: 2023CV000982BCO NOTICE OF PETITIOIN TO CHANGE NAME OF ADULT An action was filed in the Superior court of Hall County on 6/2/2023 to change the Petitioner's name as follows: Petitioner's name: Karen Lynn Diesner Desired new name: Karen Lynn Kelly Any interested party has the right to appear in this case and file objection before the final judgment is ordered in this case. Dated: 6/2/23 Karen Lynn Diesner Petitioner Pro se Name: Karen Diesner Address: 6603 Elmhurst Way Hoschton, GA 30548 Phone: 678-617-3604 Email: kittyathome@att.net **122602 6/14, 21, 28, 7/5**

SUPERIOR COURT OF HALL COUNTY STATE OF GEORGIA In re: MOSES GIDEON BEN-YISRAEL Petitioner. Civil Action File Number 2023CV000981 NOTICE OF PETITION TO CHANGE NAME OF ADULT Petitioner herein filed a petition in the Superior Court of Hall County on 31st, day of May, 2023, for a legal name change from MOSES GIDEON BEN-YISRAEL to VERONICA DEVORAH SHAY YISRAEL. Any interested party has the right to appear in this case and file objections within 30 days after the Petition was filed. This 31st day of May, 2023. /s/ Precious Johnson Precious Johnson Georgia Bar No.: 146189 johnsonpr@gtlaw.com GREENBERG TRAUIG, LLP Terminus 200, Suite 2500 3333 Piedmont Road NE Atlanta, GA 30305 PE: 678- 553-2392 FX: 678- 553-2393 Counselfor Petitioner **122600 6/14, 21, 28, 7/5**

Public Hearings

NOTICE is hereby given that the **Hall County Planning Commission** shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 5:15 p.m. on **Monday, July 24, 2023**, to consider the following: **1.8511 & 8515 Belton Bridge Road | Variance** | from 17.240.010 to reduce the road frontage requirement

from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | **Proposed Use: 2-lot subdivision** | * Commission District 3 | **Robin Cole, applicant. 2.(A) 3463 Leisure Lane | Variance** | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | **Proposed use: bring existing accessory building into compliance** | * Commission District 3 | **Carolann Justus, applicant. (B) 3463 Leisure Lane | Variance** | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | **Proposed use: bring existing accessory building into compliance** | * Commission District 3 | **Carolann Justus, applicant. 3.(A) 6178 Lake Lanier Heights Road | Variance** | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | **Proposed Use: residential addition and bring the existing residence into compliance** | * Commission District 2 | **Nave Edelstein, applicant. (B) 6178 Lake Lanier Heights Road | Variance** | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | **Proposed Use: residential addition and bring the existing residence into compliance** | * Commission District 2 | **Nave Edelstein, applicant. 4.5961 Pocahontas Drive | Use Subject to County Commission Approval** | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | **Proposed use: 5-lot subdivision** | ** Commission District 2 | **Kimberly Zax, applicant. 5.(A) 3555 North Bogan Road | Use Subject to County Commission Approval** | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant. (B) 3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant. (C) 3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-

entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | ** Commission District 1 | **John A. Moore, Sr., applicant. 6.2196 Centennial Drive | Use Subject to County Commission Approval** | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | **Proposed Use: food processing plant involving the further processing of animal or animal product** | ** Commission District 4 | Brian Jones, applicant. **7.5351 Lanier Islands Parkway | Use Subject to County Commission Approval** | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 (pt.) | Proposed use: agri-entertainment | ** Commission District 1 | **Keith D. & Chad Bell, applicant. NOTE:** This application was tabled at the May 15th Planning Commission meeting. NOTE: In accordance with Georgia law, anyone who (a) wishes to express opposition to the proposed rezoning and (b) has made, within two years immediately preceding the filing of the proposed rezoning, campaign c o n t r i b u t i o n s aggregating \$250 or more to a member of the County Commission shall file a disclosure of contributions with the Planning Department at least five (5) days prior to the first hearing of the proposed rezoning by the County Commission. (OCGA § 36-67A-3[C]). *The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within 30 days of the Planning Commission's decision. The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, August 24, 2023 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia. **The Planning C o m m i s s i o n ' s recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, August 24, 2023. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia. **122939 6/21**

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, July 11, 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 **Northeast Georgia Health System, Inc.** for a special use on a 7.95± acres tract located on the east side of Limestone Parkway, between Clarks Bridge Road and Flintridge Road, having road frontage at the terminus of Gabriel Drive (a/k/a **2500 Limestone Parkway**), having a zoning of Regional Business (R-B). Ward Number: Two Tax Parcel Number(s): 09-125-000-062 Request: I n p a t i e n t Rehabilitation Hospital 2) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel Number(s): 01-111-001-083 Request: Single-family home 3) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel Number(s): 01-111-001-083 Request: Mixed-use building 4) 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 McEever 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: D u n k i n Donuts restaurant 5) 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 McEever Road (a/k/a **2925 Browns Bridge Road, SW**). Ward Number: Four Tax Parcel Number(s): 08-016-001-004 Request: Q u i k T r i p convenience store/gas station 6) 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 **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, August 1, 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 **Northeast Georgia Health System, Inc.** for a special use on a 7.95± acres tract located on the east side of Limestone Parkway, between Clarks Bridge Road and Flintridge Road, having road frontage at the terminus of Gabriel Drive (a/k/a **2500 Limestone Parkway**), having a zoning of Regional Business (R-B). Ward Number: Two Tax Parcel Number(s): 09-125-000-062 Request: I n p a t i e n t Rehabilitation Hospital 2) Request from **S i m p a t i c o Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D). Ward Number: Three Tax Parcel Number(s): 09-125-000-062 Request: I n p a t i e n t Rehabilitation Hospital

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant.....Bradley Dunckel
Property OwnerCobb Investments, L.P.
Location1180 Riverside Terrace, NE
Request.....Amend R-II zoning conditions
Size.....1.38± acres
WardTwo
Proposed Use.....7 Single-family condominium homes
Planning Division Staff Recommendation.....**Approval, with conditions**
Planning & Appeals Board Recommendation.....**Approval, with conditions**
DateJuly 11, 2023

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

The applicant is proposing to amend the zoning conditions for a total of 7 condominium homes. The original request was for 8 homes but was recently changed. In 2006, the property was conditionally approved for 6 homes of which 4 homes are built and leased out by the owner. The remaining residential home sites are padded/grassed and will be leased as well. The subject property is located east of the terminus of Riverside Terrace between Riverside Drive and Thompson Bridge Road.

The proposal includes amending zoning conditions 1, 2 and 3 to increase the number of condominium homes from 6 to 7, to decrease the minimum heated floor space per unit from 2,000 square feet to 1,800 square feet, and to allow uncovered parking and visitor parking instead of garages. The proposed two-story homes will have 3 bedrooms and 2.5 bathrooms and will be architecturally similar to the two newer homes built on the same side of the private street. Access is from an existing gated entrance off of Riverside Terrace. Stormwater detention is currently provided and located at the northwesterly corner of the property.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Condominiums on Riverside	Planned Unit Development (P-U-D)
South	Single-family rental homes	Residential-I (R-I)
East	Single-family homes	Residential-I (R-I)
West	Enota Gardens Apartments; Riverside Village Townhomes	Residential-II (R-II)

▪ **Other Departmental Comments**

There were no other departmental comments for the request.

▪ **Zoning History**

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

2023 - A request by Bradley Dunckel to rezone a 0.48± acre tract located at 1113 and 1117 Green Street Circle from Residential-I (R-I) to Office and Institutional (O-I) was approved with conditions for office uses.

2020 - A request by Clipper Petroleum, Inc to rezone a 0.41± acre tract with a special use located at 150 Christopher Drive; 1261 and 1265 Thompson Bridge Road from Residential-I (R-I) to Neighborhood Business (N-B) was approved with conditions for a convenience store with fuel pumps.

2020 - A request by Walker-Lanier, LLC to rezone a 0.50± acre tract located at 989 Lanier Avenue and 1437 Walker Street from Residential-I (R-I) to Residential-II (R-II) was approved with conditions for duplex homes.

2017 - A request by The 5 MCS, LLC to rezone a 5.24± acres tract located at 1012 Enota Avenue from Residential-I (R-I) and Planned Unit Development (P-U-D) to Planned Unit Development (P-U-D) was approved with conditions for an assisted living facility, townhome cottages and a single-family home.

2017 - A request by Montecito Development for a special use for a convenience store with fuel pumps within the Neighborhood Business (N-B) zoning district located at 1281 Thompson Bridge Road was denied.

2017 - A request by Montecito Development to rezone a 0.48± acres tract located at 149 Enota Avenue from Office and Institutional (O-I) to Neighborhood Business (N-B) zoning district with a special use was denied.

2016 - A request by Teresa Vickers for a special use for a hair salon within the Office and Institutional (O-I) zoning district located at 977 and 983 Enota Avenue was approved with conditions.

2015 - A request by JHME Properties, L.P. for a special use for a Dunkin Donuts restaurant within the Neighborhood Business (N-B) zoning district located at 1191 Thompson Bridge Road was approved with conditions.

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

2013 - A request by Michael Slate to rezone a 0.67± acre tract located at 971 Lanier Avenue NE from Residential-I (R-I) to Residential and Office (R-O) for a professional office was approved with conditions.

▪ **Staff Analysis**

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

The adjacent properties are zoned Residential-I (R-I), Residential-II (R-II) and Planned Unit Development (P-U-D) and include single-family homes, residential condominiums, townhomes and apartments. Surrounding development within the past 10 years has consisted of detached housing, attached housing office and institutional uses (Ashton Senior Living).

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

The subject property is a gated community surrounded by a mixture of residential uses with no distinct architectural style. The proposed homes appear to be of similar scale and character with the surrounding area. The average square footage of the adjacent homes is approximately

1,270 square feet ranging from 441 sf to 2,554 square feet in size. Staff recommends the proposal be reduced to a maximum of 7 home sites in order to provide parking adjacent to each home and to reduce the number of visitor parking spaces. This will also reduce the amount of impervious area and provide sufficient space to provide for a buffer adjacent to the neighboring properties zoned Residential-I (R-I).

(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 *Single-family Residential* land use category which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from 4 to 6 dwelling units per acre. The proposed residential density for this project is 5.8 dwelling units per acre.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Traditional Neighborhoods Character Area*. Land uses allowed include Parks and recreation, single-family residential, multi-family residential, limited general mixed-use, commercial (retail and office), and public and institutional uses. Although the area is mostly built-out, opportunities for infill development should be promoted as they arise. Housing should be provided that is walkable, diverse, human-scaled and close to goods and services. A range of housing is encouraged to meet the needs of different household types, sizes, lifestyles, and incomes.

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

The property is conditionally zoned R-II which restricts the property to more than 6 homes with garages and each home with a minimum heated floor space of 2,000 square feet. The applicant is proposing a total of 7 homes. There are currently 4 homes built on the property. The remaining 3 homes would be a maximum of 1,800 square feet of heated floor space with no garages. It appears the request is somewhat reasonable given the proposal is within density range and most of the surrounding attached and detached housing does not provide garage parking. However, staff would recommend limiting the development to a maximum of 7 condominium homes for aforementioned reasons.

(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?

The proposal should not cause an excessive or burdensome use of public facilities or services. The development proposes to utilize City water and sewer services which are available and have capacity. Existing public safety services already respond to the adjacent and nearby properties. Gainesville Fire Station #2 is located approximately 2.0± miles off of Cleveland Highway.

Riverside Terrace is a two lane road approximately 20 feet width with no curb and gutter. Traffic generated from the proposal will be minimal given the small scale of the development. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), a total of 7 homes would generate 41± new trips per weekday (50% entering, 50% exiting), including 6 A.M. and 7 P.M. peak hour trips. A traffic impact study was not required for the proposal.

The proposed use will have minimal impact to the Gainesville City School System given the small scale of the project.

(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 subject property is expected to remain residential in nature. Riverside Terrace is mostly built-out with older homes built in the 1950's and 1960's with the exception of the condominium homes within the subject property, Riverside Village Townhomes and nearby Longstreet Cafeteria. The proposed proposal is consistent with the Comprehensive Plan.

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

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

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this zoning condition amendment request, based on the Comprehensive Plan and the mixture of adjacent residential uses.

Conditions

1. The use of the property shall be limited to seven (7) detached single-family residential condominiums or any use permitted in Residential-I (R-I) zoning. Single-family attached townhomes, two-family dwellings, and multi-family housing are not approved uses for the subject property. A gated entrance, subject to the requirements of the City of Gainesville's Unified Land Development Code, shall be allowed.
2. Each condominium unit shall contain a minimum heated floor space area of 1,800 square feet.
3. The architecture and overall design of the proposed single-family residential condominiums shall be consistent with the attached narrative, site plan, home elevations and floor plans, and shall be subject to the approval of the Community & Economic Development Director. Garages shall not be required for the three remaining condominium units as depicted on the revised site plan submitted with this application. As well, the exterior walls of the condominiums and any accessory buildings shall be constructed with Hardiplank siding and/or brick masonry, stone masonry, rock masonry, or a combination thereof.
4. Any existing healthy significant trees located on the subject property shall be retained and incorporated into the design of site improvements where possible, and shall be protected throughout construction of any required and/or proposed improvements as per the approval of the Community & Economic Development Director.
5. The existing 6-foot tall, double sided wooden fence located along the perimeter of the property shall be repaired and maintained. In addition, a mixture of evergreen trees shall be planted where needed between the fence and the proposed parking areas so as to be screened from the adjacent properties zoned Residential-I (R-I). The minimum install height of the trees shall be 7-feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community & Economic Development Director.
6. Access points, interior driveways, sidewalks, decorative streetlights, storm sewers, garbage pick-up, and all landscaping for the development shall be provided and maintained by the Homeowners' (or Condominium) Association.

7. An updated as-built survey/plat showing all improvements to the property shall be required upon an occupancy permit being issued for the last home built within the condominium development.

Excerpts from the July 11, 2023 PAB Meeting Minutes

Applicant Presentation: **Bradley Dunckel**, 3703 Timber Walk Drive, representing Cobb Investments requested to amend the zoning conditions. Mr. Dunckel stated in an effort to provide good value for potential renters who could later on purchase the homes one additional unit is requested to spread cost out when the HOA takes over, and allowing for additional density and reasonable price range of the homes needed in the city limits. He stated the two original homes constructed were approximately 2,400 square feet with the two newer homes constructed in 2022 were approximately 2,000 square feet, and two additional new homes at 1,800 square feet. He said the parking area adjacent to new units would be similar to Oak Street with parking pads.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: **Vice-Chair Fleming** asked if the new units would have a parking pad in front of the homes and Mr. Dunckel said it would be located to the side of the homes. Vice-Chair Fleming also asked if the units would be one level or two and Mr. Dunckel answered the units would be two-story homes or a story and a half, three bedroom and two bath, similar to the others but no garage.

Board Member Young asked about condition five regarding the six foot tall fence being around the entire perimeter of the homes. Deputy Director Tate answered stating the current perimeter fence needs repair and improvements with additional landscaping to provide for a better buffer.

There was a motion to recommend conditional approval of the zoning amendment request for 7 single-family condominium homes with Residential-II (R-II) zoning with the following conditions:

Conditions

1. The use of the property shall be limited to seven (7) detached single-family residential condominiums or any use permitted in Residential-I (R-I) zoning. Single-family attached townhomes, two-family dwellings, and multi-family housing are not approved uses for the subject property. A gated entrance, subject to the requirements of the City of Gainesville's Unified Land Development Code, shall be allowed.
2. Each condominium unit shall contain a minimum heated floor space area of 1,800 square feet.
3. The architecture and overall design of the proposed single-family residential condominiums shall be consistent with the attached narrative, site plan, home elevations and floor plans, and shall be subject to the approval of the Community & Economic Development Director. Garages shall not be required for the three remaining condominium units as depicted on the revised site plan submitted with this application. As well, the exterior walls of the condominiums and any accessory buildings shall be constructed with Hardiplank siding and/or brick masonry, stone masonry, rock masonry, or a combination thereof.

4. Any existing healthy significant trees located on the subject property shall be retained and incorporated into the design of site improvements where possible, and shall be protected throughout construction of any required and/or proposed improvements as per the approval of the Community & Economic Development Director.
5. The existing 6-foot tall, double sided wooden fence located along the perimeter of the property shall be repaired and maintained. In addition, a mixture of evergreen trees shall be planted where needed between the fence and the proposed parking areas so as to be screened from the adjacent properties zoned Residential-I (R-I). The minimum install height of the trees shall be 7-feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community & Economic Development Director.
6. Access points, interior driveways, sidewalks, decorative streetlights, storm sewers, garbage pick-up, and all landscaping for the development shall be provided and maintained by the Homeowners' (or Condominium) Association.
7. An updated as-built survey/plat showing all improvements to the property shall be required upon an occupancy permit being issued for the last home built within the condominium development.

Motion made by Board Member Martin

Motion seconded by Board Member Young

Vote – 7 favor

Passed: _____

AN ORDINANCE

No. 2023-20

AN ORDINANCE AMENDING THE EXISTING ZONING CONDITIONS ON A 1.38± ACRES TRACT ZONED RESIDENTIAL-II (R-II) LOCATED EAST OF THE TERMINUS OF RIVERSIDE TERRACE (A/K/A 1180 RIVERSIDE TERRACE, 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 **Residential-II, with conditions (R-II-c)**.

Conditions

- 1. The use of the property shall be limited to seven (7) detached single-family residential condominiums or any use permitted in Residential-I (R-I) zoning. Single-family attached townhomes, two-family dwellings, and multi-family housing are not approved uses for the subject property. A gated entrance, subject to the requirements of the City of Gainesville's Unified Land Development Code, shall be allowed.**
- 2. Each condominium unit shall contain a minimum heated floor space area of 1,800 square feet.**
- 3. The architecture and overall design of the proposed single-family residential condominiums shall be consistent with the attached narrative, site plan, home elevations and floor plans, and shall be subject to the approval of the Community & Economic Development Director. Garages shall not be required for the three remaining condominium units as depicted on the revised site plan submitted with this application. As well, the exterior walls of the condominiums and any accessory buildings shall be constructed with Hardiplank siding and/or brick masonry, stone masonry, rock masonry; or a combination thereof.**
- 4. Any existing healthy significant trees located on the subject property shall be retained and incorporated into the design of site improvements where possible, and shall be protected throughout construction of any required and/or proposed improvements as per the approval of the Community & Economic Development Director.**
- 5. The existing 6-foot tall, double sided wooden fence located along the perimeter of the property shall be repaired and maintained. In addition, a mixture of evergreen trees shall be planted where needed between the fence and the proposed parking areas so as to be screened from the adjacent properties zoned Residential-I (R-I). The**

ORDINANCE NO. 2023-20

minimum install height of the trees shall be 7-feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community & Economic Development Director.

6. Access points, interior driveways, sidewalks, decorative streetlights, storm sewers, garbage pick-up, and all landscaping for the development shall be provided and maintained by the Homeowners' (or Condominium) Association.
7. An updated as-built survey/plat showing all improvements to the property shall be required upon an occupancy permit being issued for the last home built within the condominium development.

Legal Description

All that tract or parcel of land being in the City of Gainesville in Land Lot 139 of the 9th Land District of Hall County, Georgia.

BEGINNING at the centerline intersection of Riverside Drive and Yonah Drive;

Thence South 33 degrees 57 minutes 39 seconds West a distance of 444.29 feet to a ¾ inch crimp top pin and the **TRUE POINT OF BEGINNING**;

Thence South 23 degrees 40 minutes 24 seconds East a distance of 102.84 feet to a ¾ inch crimp top pin;

Thence South 66 degrees 19 minutes 36 seconds west a distance 160.22 feet to a ⅜ inch rebar;

Thence South 25 degrees 48 minutes 40 seconds East a distance of 98.24 feet to a nail at the corner of a wall;

Thence South 66 degrees 15 minutes 19 seconds West a distance of 150.17 feet to a ¾ inch crimp top pin;

Thence along a fence and wall North 25 degrees 19 minutes 12 seconds West a distance of 99.29 feet to a ¾ inch crimp top pin;

Thence South 66 degrees 40 minutes 00 seconds West a distance of 118.69 feet to a ¾ inch crimp top pin on the right-of-way of Riverside Terrace;

Thence along the right-of-way North 24 degrees 55 minutes 26 seconds West a distance of 35.74 feet to a ¾ inch crimp top pin;

Thence South 64 degrees 29 minutes 32 seconds West a distance of 19.94 feet to a P.K. nail;

Thence leaving the right-of-way north 24 degrees 58 minutes 57 seconds West a distance of 64.11 feet to a crimp top pin;

Thence North 66 degrees 03 minutes 52 seconds East a distance of 450.44 feet to a ¾ inch crimp top pin and the **POINT OF BEGINNING**.

Said parcel containing 1.38 acres

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

ORDINANCE NO. 2023-20

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

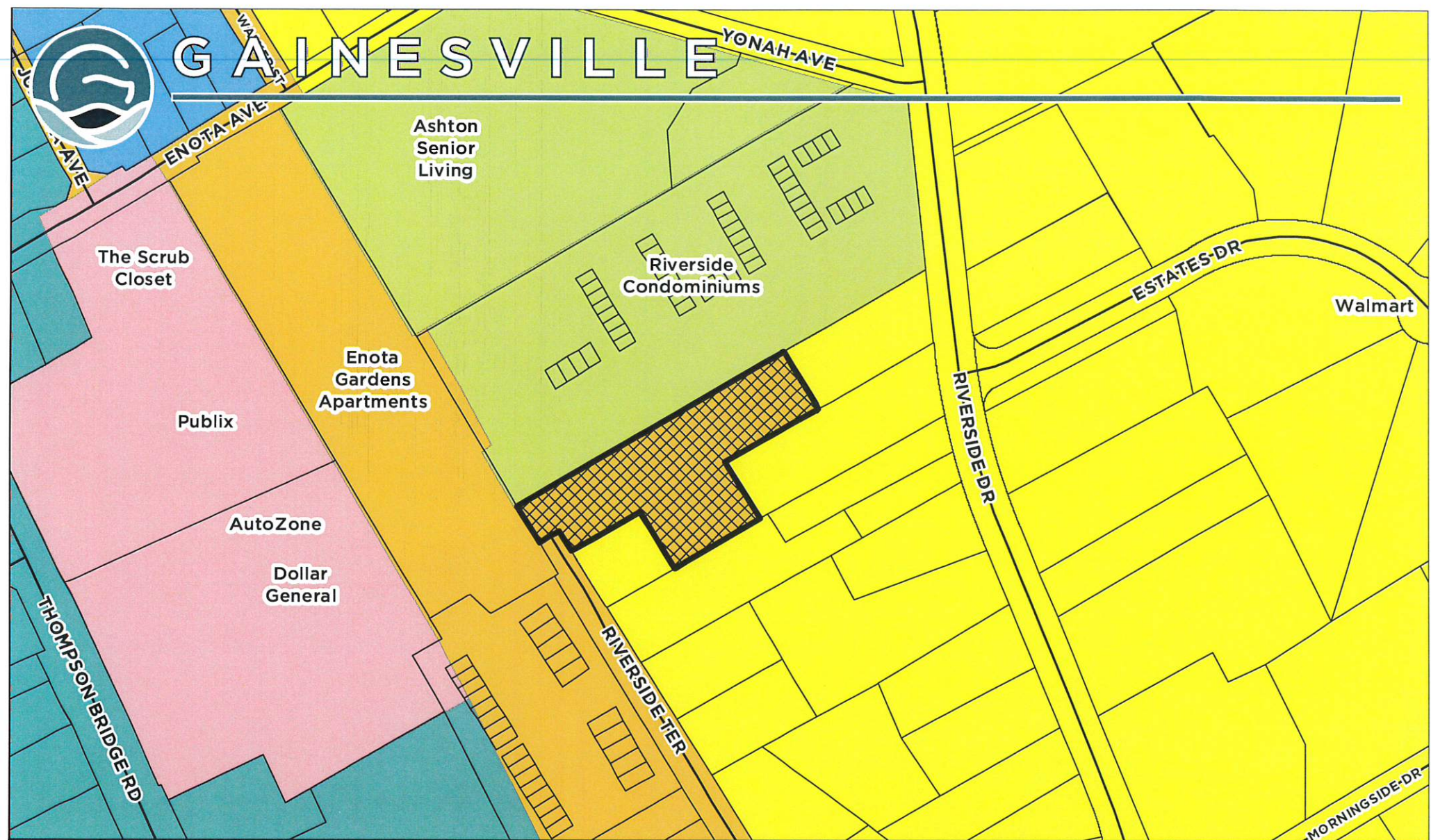
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



GAINESVILLE



Applicant: **BRADLEY DUNCKEL**

ZONING AMENDMENT REQUEST

Subject Property Address:
1180 Riverside Terrace

Tax Parcel:
01-075-001-016

Request:
Amend Residential-II (R-II) zoning conditions on +/- 1.38 AC tract for 7 single-family condominium homes.



Subject Property

Meeting Date: 07/11/2023

Map Prepared: 06/12/2023

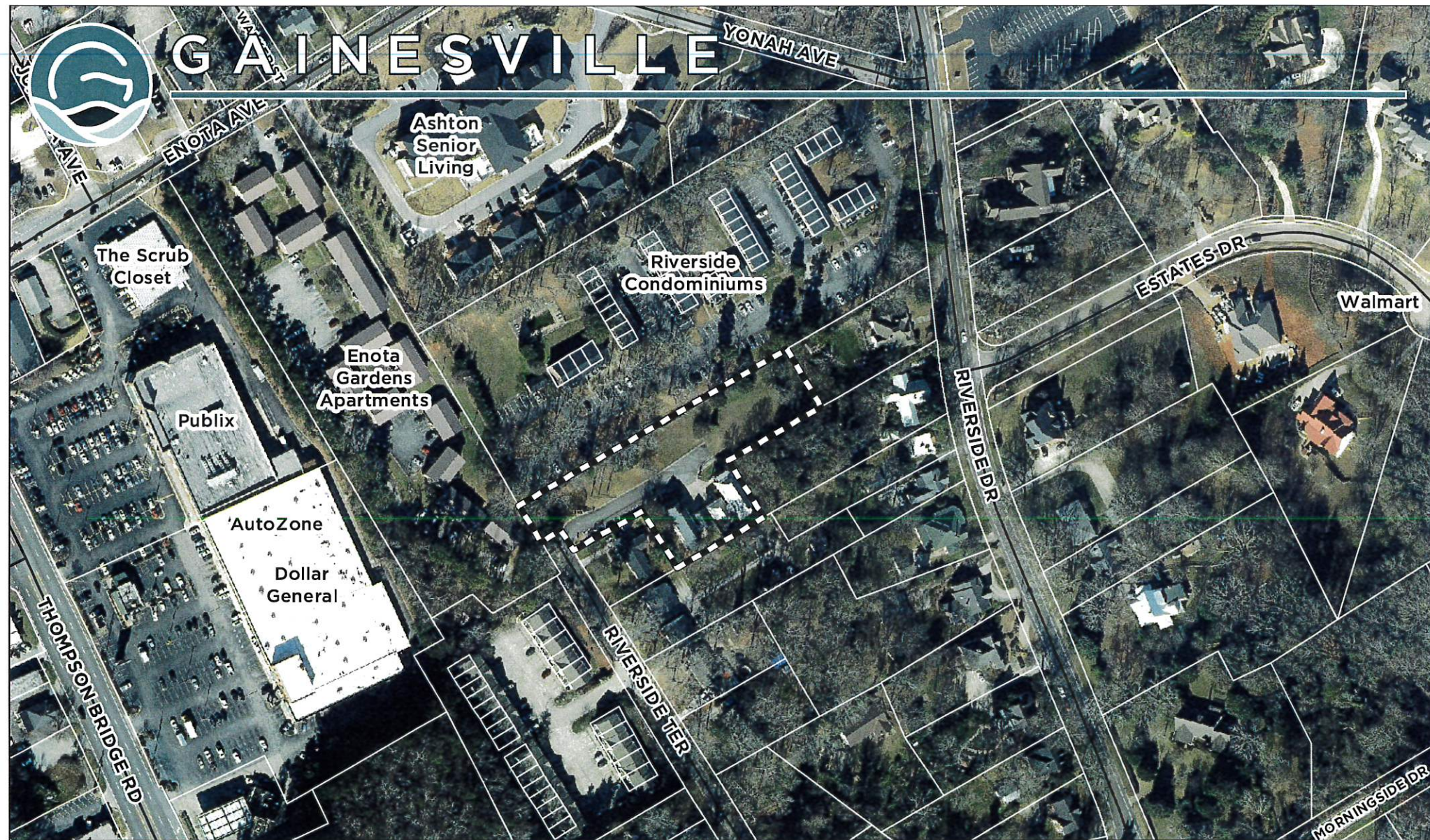


SCALE: 1" = 200'





GAINESVILLE



Applicant: **BRADLEY DUNCKEL**

Request:

ZONING AMENDMENT REQUEST

Amend Residential-II (R-II) zoning conditions on +/- 1.38 AC tract for 7 single-family condominium homes.

Subject Property Address:
1180 Riverside Terrace

Tax Parcel:
01-075-001-016



Subject Property

Aerial from 2021



Meeting Date: 07/11/2023

Map Prepared: 06/12/2023

0 100 200 300 400 Feet

SCALE: 1" = 200'

Project Narrative – Zoning Amendment

LOCATION – 1180 Riverside Terrace

ACREAGE – 1.38 acres +/-

APPLICANT – Bradley Dunckel

Summary

The accompanying application seeks a zoning amendment to Ordinance 2006-73, approved on 12/19/2006. The ordinance was approved as R-II with seven conditions. The site is approved for a total of six units and currently four – single family homes have been constructed on the property. The intent of this application is to amend three of the conditions in order to allow for two additional units (8 in total) on the site. The resulting density would be 5.9 units per acre with all detached units. The proposed use is consistent with the City's 2040 Comprehensive Plan for this area, which is described as "Single Family Residential" and includes "densities ranging from four to six dwelling units per acre".

Site Description

The site is rectangular in shape and located at 1180 Riverside Terrace, approximately 1,000 LF north of its intersection with Oak Tree Drive.



Adjacencies

Property to the south and east are primarily single-family homes zoned as R-1. Property to the north and west are primarily multi-family units zoned R-II.

Future Construction

If approved, the plan includes the construction of four additional single-family detached homes. These homes would be similar in architecture to the most recently constructed homes (2022) with a mix of siding styles and color schemes. The homes would contain approximately 1,800 SF of heated area with masters on the main

and 3 bedrooms and 2.5 bathrooms in total. All homes would include front porches and second level dormers. These homes would not have garages but would utilize a common parking area with two spaces provided per home.

At present, Cobb Investments, LP owns all the existing homes and they are currently being leased. The development operates under Condominium Association Covenants and By-Laws with Cobb Investments, LP as the Declarant.

Condition Amendments

As housing costs and demographics have changed since the initial approval of the PUD, Cobb Investments, LP is requesting amendment to three conditions in order to remain competitive in the every changing single-family housing market. Housing options within the City have become scarcer with the increase in population and rising demand. These amendments will allow for additional, moderately priced inventory in a desirable City location. Specifically, the request are:

Condition #1 – Increase the allowable number of units from six to eight.

Condition #2 – Decrease the minimum heated floor space from 2,000 to 1,800.

Condition #3 – The architecture of any additional units will be consistent with 1180 & 1182 Riverside Terrace and the elevations submitted with this application. Garages shall not be required for the additional units but the Developer shall provide two parking spaces per unit.

ZONING CONDITIONS

Conditions

1. The use of the property shall be limited to the proposed six-unit site-built, detached single-family residential condominiums or any use permitted in Residential (R-I) zoning. Single-family attached townhomes, two-family dwellings, and multi-family housing are not approved uses for the subject property. A gated entrance, subject to the requirements of the City of Gainesville's Unified Land Development Code, shall be allowed.
2. Each condominium unit shall contain a minimum heated floor space area of 2,000 square feet.
3. The architecture and overall design of the proposed single-family residential condominiums shall be consistent with the attached photographs and written narrative, and shall be subject to Planning Department approval. As well, all exterior walls of the single-family residential condominiums and accessory buildings shall be constructed with hardiplank siding and/or brick masonry, stone masonry, rock masonry, or a combination thereof.
4. Any existing, healthy significant trees located on the subject property shall be retained and incorporated into the design of site improvements where possible, and shall be protected throughout construction of any required and/or proposed improvements as per Planning Department approval.
5. Access points, interior roadways, sidewalks, decorative streetlights, storm sewers, garbage pick-up, and all landscaping for the development shall be provided and maintained by the homeowners' (or Condominium) Association.
6. Access point and design along Riverside Terrace shall be reviewed and approved by the Gainesville Public Works Department. All road improvements associated with access to the subject property and found to be within the scope of the proposed development shall be at the full expense of the developer.
7. An updated as-built boundary survey/plat of the subject property, combining all tracts and portions thereof and indicating all improvements required for the proposed six-unit detached single-family residential condominium development, shall be recorded prior to obtaining a Certificate of Occupancy for the residential use.

The condominium declaration for Riverside Terrace Unit Owners' Association, Inc. is recorded in Deed Book _____ Page _____ of the Superior Court Hall County, Georgia records.

Hall County, Georgia, Clerk Superior Court
Filed in office, this 12th day of August,
2012, at 12:40 PM. Recorded in Plat
Book 265, Page 136.
Charles Baker, By _____
Charles Baker, Superior Court Clerk

Site Information
Zoning - R-II
Size - 1.36 acres
Proposed Units - 7
Proposed Density - 5.1

30 0 30 60 90
GRAPHIC SCALE - FEET

REVISIONS

**Riverside Terrace,
a Condominium**
LOCATED IN THE "CITY OF GAINESVILLE"
LAND LOT 139 - 9TH DISTRICT
HALL COUNTY, GEORGIA
SCALE: 1"=30' - AUGUST 25, 2008

**Zoning
Amendment
Plan**

PROJECT
Riverside Terrace

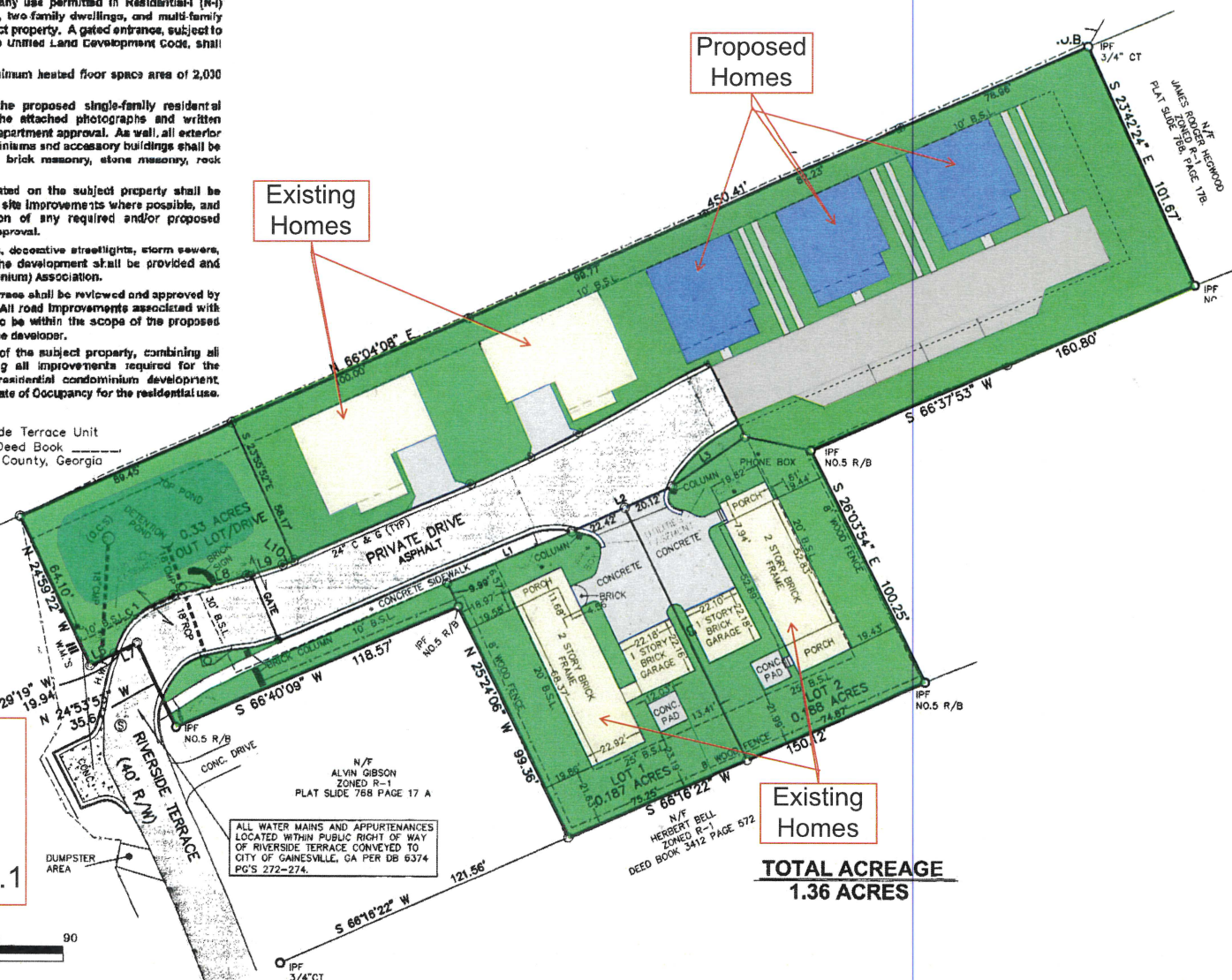
CLIENT NAME
Cobb Investments
Gainesville, Ga. 30506

Applicant

Bradley Dunckel
3703 Timber Walk Dr.
Gainesville, GA 30506
bdunck@gmail.com
770-363-1997

SHEET

1
OF
1



NOTES:

THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA AS PER FIRM FLOOD INSURANCE RATE MAP OF CITY OF GAINESVILLE, COMMUNITY PANEL NO. 130263 0005 C EFFECTIVE DATE: JULY 5, 1983

EQUIPMENT USED FOR MEASUREMENT: TOPCON G.T.S. 303.

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

AREA: **1.37 Acres**
59,574 Square Feet

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 211,362 FEET.

THIS SURVEY WAS NOT PREPARED FROM THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY RESTRICTIONS OR EASEMENTS THAT MIGHT BE RECORDED.

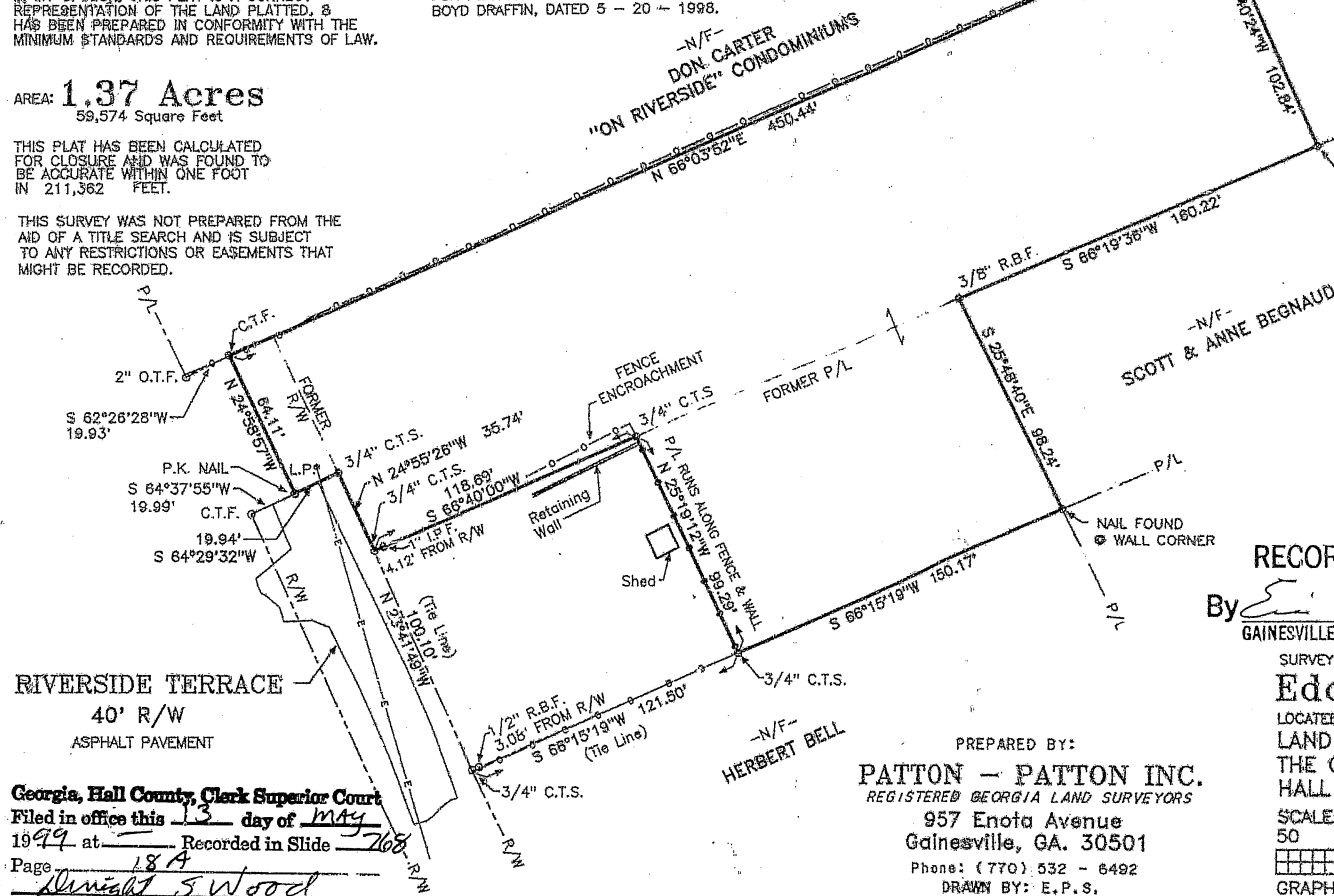
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 18,932 FEET AND AN ANGULAR ERROR OF 00°00'05" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES RULE. PARTY: C.P. & F.S. F.B. L.L.

NOTE: MAGNETIC MERIDIAN IS BASED ON A PLAT PREPARED BY FARLEY - COLLINS ASSOCIATES FOR REBECCA BOYD HOLLINGSWORTH & NANCY BOYD DRAFFIN, DATED 5 - 20 - 1998.

P/L TIE:
S 33°57'38"W 444.29'
FROM THE C/L INTER. OF
RIVERSIDE DRIVE &
YONAH DRIVE.

LEGEND:

- I.P.F. - IRON PIN FOUND
- C.T.F. - CRIMPED TOP PIN FOUND
- R.B.F. - REBAR FOUND
- O.T.F. - OPEN TOP FOUND
- A.I.F. - ANGLE IRON FOUND
- C.M.F. - CONCRETE MONUMENT FOUND
- C.T.S. - CRIMPED TOP PIN SET
- P/L - PROPERTY LINE
- R/W - RIGHT OF WAY
- N/F - NOW OR FORMERLY
- C/L - CENTER LINE
- S/B - SETBACK
- L.L.L. - LAND LOT LINE
- C.M.P. - CORRUGATED METAL PIPE
- R.C.P. - REINFORCED CONCRETE PIPE
- C.R. - CABLE RISER
- T.R. - TELEPHONE RISER
- C.B. - CATCH BASIN
- P.B. - POWER BOX
- W.M. - WATER METER
- P.P. - POWER POLE
- S.P. - SERVICE POLE
- W.V. - WATER VALVE
- X- - FENCE
- O- - CHAIN LINK FENCE
- E- - ELECTRICAL LINE
- W- - WATER LINE
- S.S.E. - SANITARY SEWER EASEMENT
- M.H. - MANHOLE
- SS- - SANITARY SEWER LINE



RIVERSIDE TERRACE
40' R/W
ASPHALT PAVEMENT

Georgia, Hall County, Clerk Superior Court
Filed in office this 13 day of May
1999 at Recorded in Slide 768
Page 184
Dwight S. Wood
Dwight S. Wood, Clerk

PREPARED BY:
PATTON - PATTON INC.
REGISTERED GEORGIA LAND SURVEYORS
957 Enota Avenue
Gainesville, GA. 30501
Phone: (770) 532 - 6492
DRAWN BY: E.P.S.

RECORDING PERMIT

By E. R. 5/12/99
GAINESVILLE PLANNING COMMISSION

SURVEY FOR

Eddie Martin

LOCATED IN:

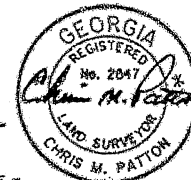
LAND LOT - 139 ~ 9th LAND DISTRICT
THE CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

SCALE: 1" = 50' DATE: 4 - 12 - 1998

50 0 50 100 150

GRAPHIC SCALE - FEET

JN. 98 - 180-1 (Draft - 1)



1184 RIVERSIDE TERRACE

1184 RIVERSIDE TERRACE
GAINESVILLE, GA 30501

PROJECT INFORMATION

BEDROOMS: 3
BATHROOMS: 2.5

MAIN FLOOR HEATED 1,155 SF
SECOND FLOOR HEATED 713 SF
TOTAL HEATED 1,868 SF

DRAFT PLAN SET
4/24/23

DRAWING SCHEDULE

COVER	1
MAIN FLOOR	2
SECOND FLOOR	3
ELEVATIONS	4

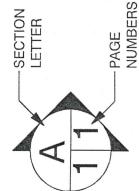


RIVERSIDE EXT

PHONE:
FAX:
MOBILE:

PAGE: 1/4
COVER

DRAWN BY:
SCALE: 3/16" = 1'-0"
DATE: Monday, April 24, 2023

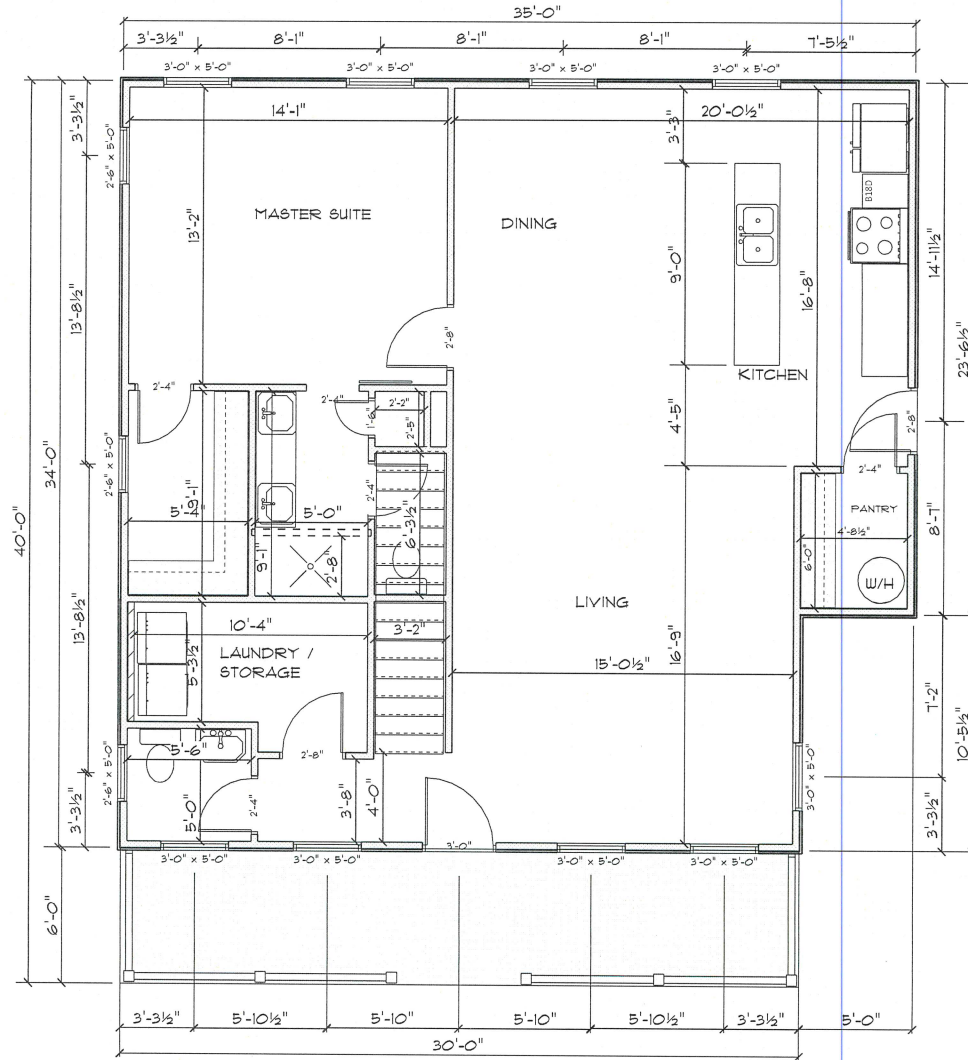


Raven Residential Group

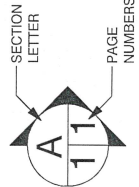
22 Brentwood Dr
Greenville
South Carolina 29609
PHONE: 770-605-6670
EMAIL: EMiller@ravenresidential.com

MAIN FLOOR

SCALE: 3/16" = 1'-0"



Raven Residential Group
 22 Brentwood Dr
 Greenville
 South Carolina
 29609
 PHONE: 770-605-6670
 EMAIL: info@ravenresidential.com



RIVERSIDE EXT

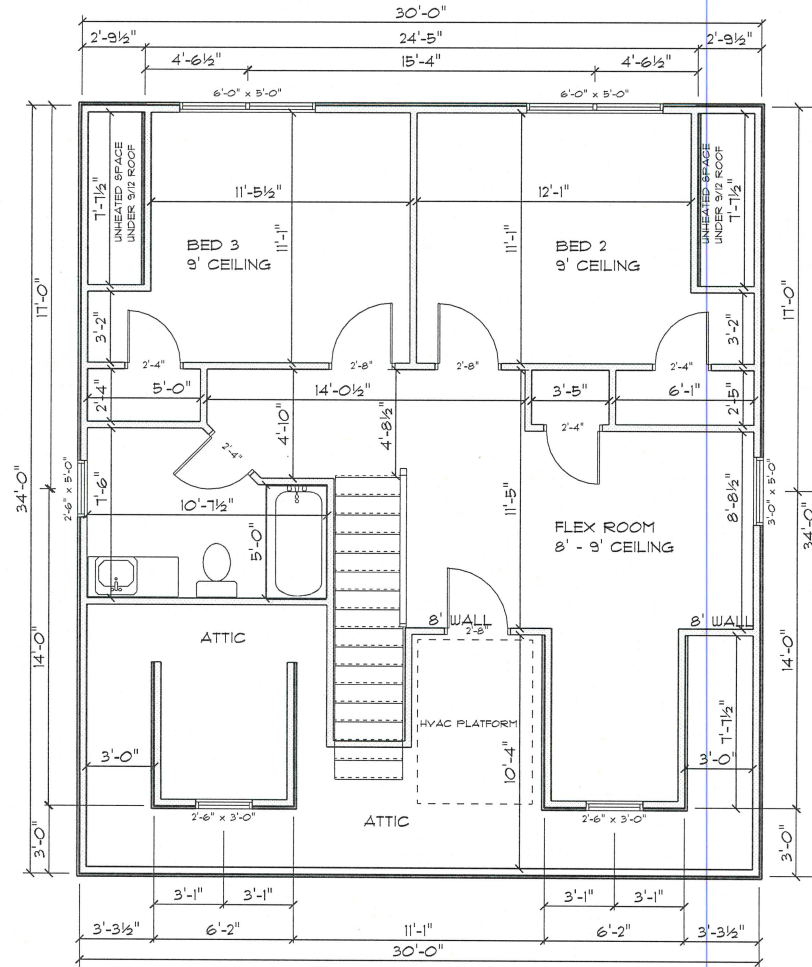
PHONE:
 FAX:
 MOBILE:

DRAWN BY:
 SCALE: 3/16" = 1'-0"
 DATE: Monday, April 24, 2023

PAGE:
2/4
 MAIN FLOOR

SECOND FLOOR

SCALE: 3/16" = 1'-0"

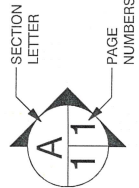


Raven Residential Group

22 Brentwood Dr
Greenville
South Carolina
29609

PHONE: 770-605-6670

EMAIL: EM@ravenresidential.com



SECTION
LETTER

PAGE
NUMBERS

RIVERSIDE EXT

PHONE:
FAX:
MOBILE:

DRAWN BY:

SCALE: 3/16" = 1'-0"

DATE: Monday, April 24, 2023

PAGE:

3/4

SECOND FLOOR



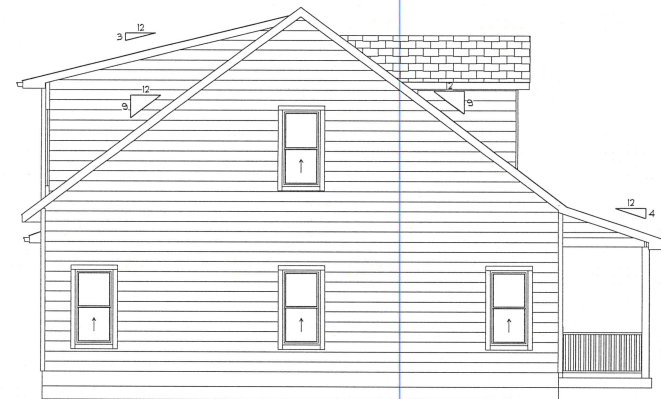
SOUTH ELEVATION

SCALE: 3/16" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT ELEVATION

SCALE: 1/8" = 1'-0"



RIGHT ELEVATION

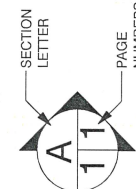
SCALE: 1/8" = 1'-0"

RIVERSIDE EXT

PHONE:
FAX:
MOBILE:

PAGE: **4/4**
ELEVATIONS

DRAWN BY:
SCALE: As Noted
DATE: Monday, April 24, 2023



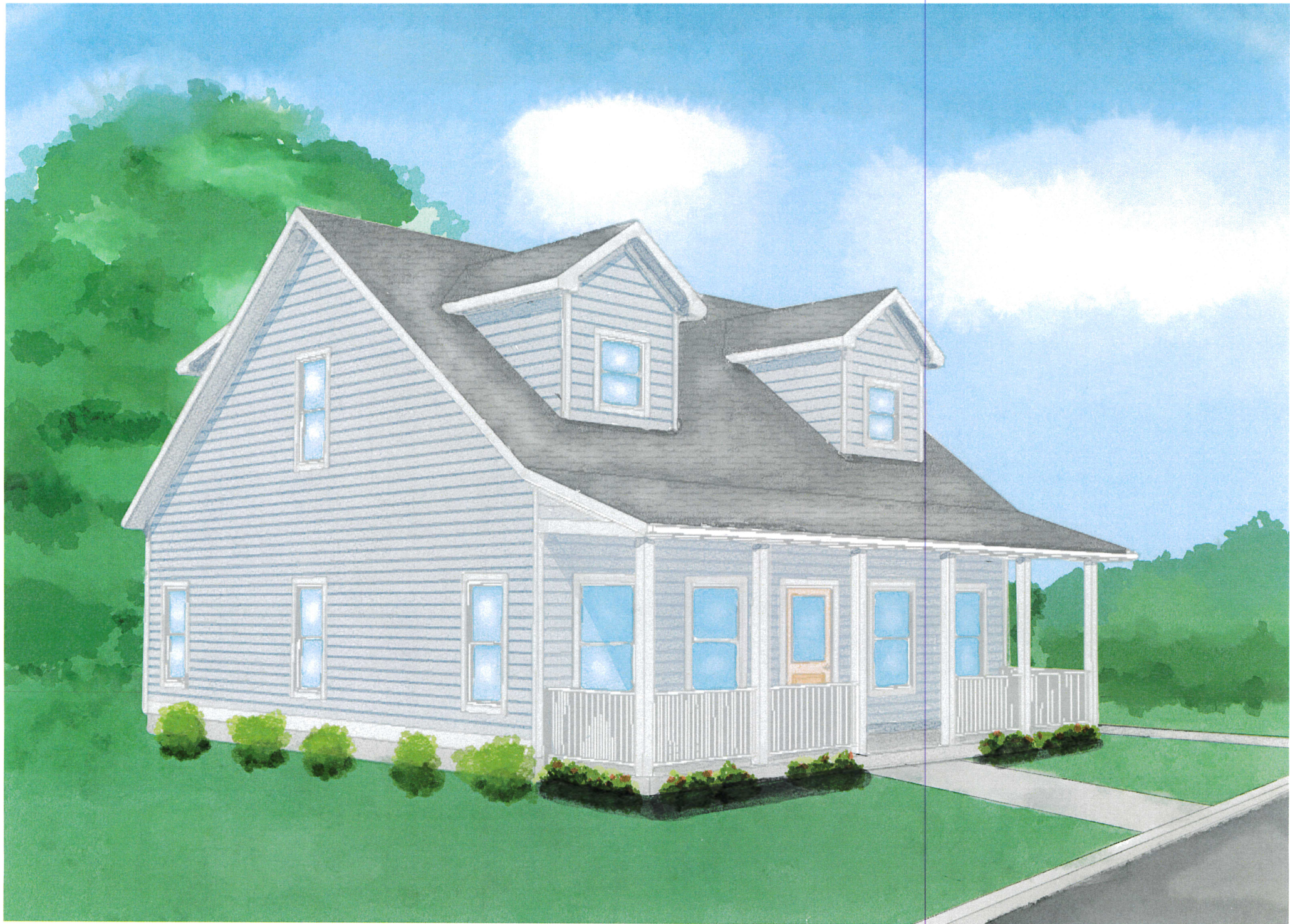
Raven Residential Group

22 Brentwood Dr
Greenville
South Carolina
29609

PHONE: 770-605-6670
EMAIL: Ellen@ravenresidential.com

SECTION
LETTER

PAGE
NUMBERS





CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: July 27, 2023
Date Submitted: July 27, 2023
Final Approval Date: August 1, 2023
Presenter: Abb Hayes, City Attorney
Item of Business: BR-2023-30 Authorization to Execute Site Development Intergovernmental Agreement and Business Park Intergovernmental Agreement By and Between City of Gainesville Georgia and Gainesville and Hall County Development Authority Regarding Marketing and Sale of Real Property Known as Lot 8 in Business Park
Meeting Date: August 1, 2023

Purpose of Request:

The purpose of this request is to authorize execution of the Site Development Intergovernmental Agreement and Business Park Intergovernmental Agreement along with any other related documents regarding Lot 8 property sale.

Facts & Issues / History & Background:

Department Recommendation:

Adopt the resolution.

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. BR-2023-30 Authorization to Execute Site Development IGA and Business Park IGA with G-HC Development Authority Regarding Business Park Lot 8
2. Attachment: Lot 8 Site Development IGA
3. Attachment: Lot 8 Business Park IGA

RESOLUTION BR-2023-30

AUTHORIZATION TO EXECUTE SITE DEVELOPMENT INTERGOVERNMENTAL AGREEMENT AND BUSINESS PARK INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN CITY OF GAINESVILLE, GEORGIA AND GAINESVILLE AND HALL COUNTY DEVELOPMENT AUTHORITY REGARDING MARKETING AND SALE OF REAL PROPERTY KNOWN AS LOT 8 IN BUSINESS PARK

WHEREAS, the City of Gainesville ("the City") and the Gainesville and Hall County Development Authority ("the Authority") wish to provide economic opportunities for the citizens of Gainesville and Hall County through the development of a business park and to provide for the marketing and sale of real property by the Authority; and

WHEREAS, the City and the Authority desire to enter into the Site Development Intergovernmental Agreement and the Business Park Intergovernmental Agreement attached hereto to set forth the duties and responsibilities of the City and the Authority as to real property available for sale for business development, including the development of a business park and including the transfer of real property to the Authority for subsequent sale as set forth within the attached two Intergovernmental Agreements.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body of the City of Gainesville hereby authorizes the Mayor, City Manager and/or the City Attorney to execute the Site Development Intergovernmental Agreement and the Business Park Intergovernmental Agreement attached hereto by and between the City and the Authority, and any other documents necessary to effectuate the provisions of the two attached Intergovernmental Agreements.

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

**SITE DEVELOPMENT INTERGOVERNMENTAL AGREEMENT
(Lot 8)**

THIS AGREEMENT is made as of the ____ day of _____, 2023 (hereinafter this “Agreement”), by and between the **CITY OF GAINESVILLE, GEORGIA** (the “City”) and the **GAINESVILLE AND HALL COUNTY DEVELOPMENT AUTHORITY** (the “Authority”).

WHEREAS, the Authority has agreed to convey that certain property, more particularly described on Exhibit “A” hereto (the “Property”), to a certain corporation (“Lot 8 Purchaser”) pursuant to that certain Agreement for the Purchase and Sale of Real Property (the “Purchase and Sale Agreement”), between the Authority and Lot 8 Purchaser, relating to the Property;

WHEREAS, the Authority and Lot 8 Purchaser provided in the Purchase and Sale Agreement that the Authority shall sell and Lot 8 Purchaser shall purchase the Property for the purposes of constructing an industrial facility to be located on the Property (the “Facility”);

WHEREAS, Lot 8 Purchaser requires certain roadway access and utility access to ensure the proper functioning of the Facility;

WHEREAS, the City of Gainesville, Georgia (the “City”) has agreed to build a public road to the Facility at its cost and to cause the installation of utilities, including but not limited to water and sewer service, all of which are necessary for operation of the Facility;

WHEREAS, Lot 8 Purchaser and the Authority plan to enter into an agreement (the “Roadway and Utility Agreement”) to more definitively set forth the City’s and Lot 8 Purchaser’s rights and obligations regarding the future extension of a roadway to the Facility and installation of utilities, including but not limited to water and sewer service, all for the operation of the Facility;

WHEREAS, contemporaneously with the execution of the Roadway and Utility Agreement, the City and the Authority intend to enter into this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto hereby agree as follows:

ARTICLE I.

ROAD AND UTILITIES

Section 1.1 Road. The City agrees that it shall improve, develop, construct, and maintain a public roadway to include Fulenwider Road and connecting it to Allen Creek Road (as further described in the Phase 1 and Phase 2 Roadway Plan attached hereto as Exhibit "B" and incorporated herein). Said road shall be constructed to commercial/industrial standards and to accommodate heavy truck traffic between Allen Creek Road and the Property in substantial compliance with plans prepared by Rochester and Associates for the City of Gainesville dated January 25, 2021. The City agrees to bear the sole responsibility for all construction and maintenance costs associated with the roadway and connecting it to Allen Creek Road. The City agrees that it shall complete construction of the road on or before October 31, 2023.

Section 1.2 Utilities. The City agrees to install or cause to be installed adequate water lines, electrical lines (not less than 3.6 MW), natural gas lines (not less than 20.9 MMBTU) and fiber (communication) lines to the property line to serve the Property on or before October 31, 2023. In addition, the City agrees to install and maintain sanitary sewer lines and a sanitary sewer pump station and force main which shall serve the Property on or before October 31, 2023.

ARTICLE II.

REPRESENTATIONS AND WARRANTIES

Section 2.1 Representation and Warranties by the City. The City makes the following representations and warranties:

(a) Organization and Authority. The City is a public body corporate and politic, created and validly existing pursuant to the Constitution and laws of the State of Georgia. The City has the power to execute and deliver this Agreement, to enter into the transactions contemplated hereby and to perform and observe its obligations contained herein in accordance with the terms thereof. The City is not in default under the laws of the State of Georgia or under

the provisions of any agreement to which it is a party or by which it may be bound. By proper action, the City has duly authorized the execution and delivery of this Agreement.

(b) Agreements are Legal and Authorized. The City is not subject to any statutory or contractual limitation or provisions of any nature whatsoever which in any way limits, restricts or prevents the City from entering into or performing any of its obligations thereunder, except to the extent that such performance may be limited by bankruptcy, insolvency, reorganization or other laws affecting creditors' rights.

(c) No Defaults. No event has occurred and no condition exists with respect to the City which would constitute an event of default hereunder, under any other collateral documents of which, with the lapse of time or with the giving of notice or both, would become an event of default hereunder or under any collateral documents.

(d) Enforceability. This Agreement is a legal, valid and binding obligation of the City enforceable in accordance with its terms, except to the extent the enforceability hereof may be subject to (i) the exercise of judicial discretion in accordance with general principles of equity, and (ii) bankruptcy, insolvency, reorganization, moratorium, or other similar laws affecting creditors' rights heretofore or hereinafter enacted to the extent constitutionally applicable.

Section 2.2 Representation and Warranties by the Authority. The Authority makes the following representations and warranties:

(a) Corporate Organization and Power. The Authority is a public body corporate and politic, created and validly existing under the laws of the State of Georgia, has the power to enter into this Agreement and to perform and observe its obligations contained herein in accordance with the terms hereof, and has, by proper corporate action, been duly authorized to execute, deliver and perform this Agreement in accordance with the terms hereof.

(b) Pending Litigation. There are no actions, suits, proceedings, inquiries or investigations pending, or to the knowledge of the Authority threatened, against or affecting the Authority in any court or before any governmental authority or arbitration board of tribunal

which is reasonably anticipated to materially and adversely affect the transactions contemplated by this Agreement.

(c) Agreements Are Valid and Authorized. The execution and delivery by the Authority of this Agreement and the compliance by the Authority with all of the provisions hereof and thereof and the consummation of the transactions contemplated hereby and thereby (A)(i) are within the corporate power of the Authority, (ii) will not conflict with or result in any breach of any of the terms, conditions or provisions of, or constitute a default under its creation legislation, or any commitment or agreement to which the Authority is a party or by which it may be bound, or to which any of its properties may be subject, or any license, judgment, decree, law, statute, order, rule or regulation of any court or governmental agency or body having jurisdiction over the Authority or any of its activities or properties, and (iii) will not result in the creation or imposition of any prohibited lien, charge or encumbrance of any nature (other than Permitted Exceptions) whatsoever upon any of the property or assets of the Authority under the terms of any instrument or agreement; and (B) have been duly authorized by all necessary action on the part of the Authority.

(d) No Default. No event has occurred and no conditions exists with respect to the Authority that would constitute an event of default, as defined herein, under this Agreement, or which, with the lapse of time or with the giving of notice or both, would become an event of default under this Agreement.

(e) Enforceability. This Agreement is a legal, valid and binding obligation of the Authority enforceable in accordance with its terms, except to the extent the enforceability hereof may be subject to (i) the exercise of judicial discretion in accordance with general principals of equity, and (ii) bankruptcy, insolvency, reorganization, moratorium, or other similar laws affecting creditors' rights heretofore or hereinafter enacted to the extent constitutionally applicable.

ARTICLE III.

LIMITATION OF LIABILITY OF THE AUTHORITY

Section 3.1 Limitation of Liability. Notwithstanding anything to the contrary contained herein, the obligations of the Authority hereunder shall be limited obligations which shall be enforceable against the Authority solely through enforcement of performance of those obligations of Lot 8 Purchaser under the Roadway and Utility Agreement. The Roadway and Utility Agreement shall set forth the covenants and obligations of the Authority and Lot 8 Purchaser thereunder, and reference is hereby made to the Roadway and Utility Agreement for a detailed statement of said covenants and obligations of Lot 8 Purchaser thereunder; and the Authority agrees that the City in the name of the Authority may enforce all rights of the Authority and all obligations of Lot 8 Purchaser under and pursuant to the Roadway and Utility Agreement, whether or not the City is in default hereunder. In addition, the obligations of the Authority under the Roadway and Utility Agreement are intended to and shall be limited obligations of the Authority enforceable solely through enforcement of performance of those obligations of the City under this Agreement, but the Authority shall have no obligation to enforce any of its rights or any of the obligations of the City hereunder or any of the obligations of Lot 8 Purchaser under the Roadway and Utility Agreement. In the Roadway and Utility Agreement, the Authority shall agree that Lot 8 Purchaser in the name of the Authority may enforce all rights of the Authority and all obligations of the City under this Agreement, whether or not Lot 8 Purchaser is in default thereunder, and the City hereby consents to such grant of enforcement rights to Lot 8 Purchaser by the Authority and the right of Lot 8 Purchaser to perform the Authority's obligations to the City.

Section 3.2. The City shall indemnify, defend and hold the Authority harmless from and against all obligations of the City and of the Authority to Lot 8 Purchaser hereunder and under the Roadway and Utility Agreement.

ARTICLE IV.

DEFAULT

Section 4.1. If a party fails to fully perform any of the material terms or provisions of this Agreement, such failure shall constitute an event of default by such party under this Agreement.

Section 4.2. A defaulting party shall have thirty (30) days grace within which to cure or commence good faith cure of the above events of default from the date of notice from the other party that it intends to regard such violations as a default pursuant to this Agreement.

Section 4.3. In the event of any litigation regarding this Agreement arising between the City and the Authority, both parties do hereby mutually consent to the jurisdiction of the Superior Court of Hall County, Georgia and each party shall have the right to pursue any remedies available at law or in equity.

Section 4.4. The failure to enforce any breach of this Agreement by either party shall not constitute a waiver as to the right to require the performance of such defaulted obligation or duty required of either party pursuant to this Agreement. It is acknowledged that every obligation or duty required of either party pursuant to this Agreement shall be considered a condition of performance both as to time and substance.

ARTICLE V.

MISCELLANEOUS

Section 5.1. Notices. Any notice permitted to be given pursuant to this Agreement shall be in writing and delivered by United States mail, certified, postage prepaid, return receipt requested, or telecopier with receipt confirmed, or when sent by overnight express carrier (i.e. Federal Express, Express Mail) with a request that the addressee sign a receipt evidencing delivery, to the following persons at the indicated address:

To the Authority: Gainesville and Hall County Development Authority
c/o T. Treadwell Syfan, Secretary
Stewart, Melvin & Frost, LLP
P. O. Box 3280
Gainesville, Georgia 30503

with copy to: _____

To City: The City of Gainesville
Attention: City Manager
300 Henry Ward Way
Gainesville, Georgia 30501

Either party may, at any time, designate by written notice to the other party a change in the above address, but such change shall be binding upon the person to whom it is sent only from and after the date of receipt by such person.

Section 5.2. Waiver. No waiver of any default by either party hereunder will be implied from any omission by either party to take action on account of such default if such default persists or is repeated, and any express waiver will be operative only for the time and to the extent therein stated. A waiver by either party of any provision hereof will not be construed as a waiver of any subsequent breach of the same provision, nor will the consent or approval by either party to or of any act by the other be deemed to waive or render unnecessary their consent or approval to or of any subsequent similar acts.

Section 5.3. Estoppel Statements. Each party will at any time and from time to time within fifteen (15) days after written request by the other, execute, acknowledge and delivery to the other, a written statement certifying that this Agreement is unmodified and in full force and effect if such is the fact (or, if there has been any modification thereof, stating the modification). Any such statement may be relied upon by any mortgagee or assignee of the Property.

Section 5.4. Time. Time is of the essence in this Agreement.

Section 5.5. Governing Law. This Agreement shall be subject to and governed according to the laws of the State of Georgia.

Section 5.6. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their respective successors, assigns or other legal representatives. Such successor in interest or assignee shall have all rights, powers and privileges conferred by this Agreement and shall be entitled to enforce the same according to the terms of this Agreement and law.

Section 5.7. Severability. If any portion or portions of this Agreement shall be for any reason invalid or unenforceable, the remaining portion(s) shall be valid and enforceable and carried into effect unless to do so would clearly violate the present legal and valid intention of the parties hereto.

Section 5.8 Entire Agreement. This Agreement (together with the Exhibits referred herein which are hereby incorporated herein by reference) contains the entire agreement between the City and the Authority relative to the roadway and utility needs of Lot 8 Purchaser, and supersedes all prior and contemporaneous negotiations, understandings and agreements, written or oral, between the parties. This Agreement shall not be amended or modified, and no waiver of any provision hereof shall be effective, unless and until set forth in a written instrument authorized and executed with the same formality as this Agreement.

Section 5.9. Title. The titles contained in this Agreement are inserted only for convenience and are not to be construed as a part of this Agreement or as a limitation upon the scope of the particular provisions to which they refer.

Section 5.10. Consent. Except as otherwise specifically set forth herein, (i) whenever in this Agreement the City or the Authority is required to give its consent or approval, such consent or approval shall not be unreasonably withheld, conditioned or delayed, and (ii) if no written response to a request for consent or approval is provided within ten (10) business days from the receipt of the request, then the consent shall be presumed to have been given.

Section 5.11. Scrivener of Agreement. Should any provision of this Agreement require judicial interpretation, it is agreed that the Court or arbitral tribunal interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be

construed more strictly against the party who itself or through its agent prepared the same. It being agreed that the agents of all parties have participated in the preparation hereof.

Section 5.12. Execution in Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 5.13. Captions. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions of this Agreement.

Section 5.14. Right to Information. The City, the Authority and Lot 8 Purchaser and their duly authorized agents and representatives will have the right of access to pertinent information relative to the roadway, utility, and storm water detention pond needs of Lot 8 Purchaser. Specifically, all such parties will have access to information regarding the costs, design, schedule, construction, maintenance and operation of all facilities constructed pursuant hereto or pursuant to the Roadway and Utility Agreement.

(Signatures Appear on Following Page)

IN WITNESS WHEREOF, City and Authority have executed this Agreement the day
and year first above written.

CITY OF GAINESVILLE, GEORGIA

By: _____
Mayor

Attest: _____
City Clerk

Approved as to form:

Abbott S. Hayes, Jr., City Attorney

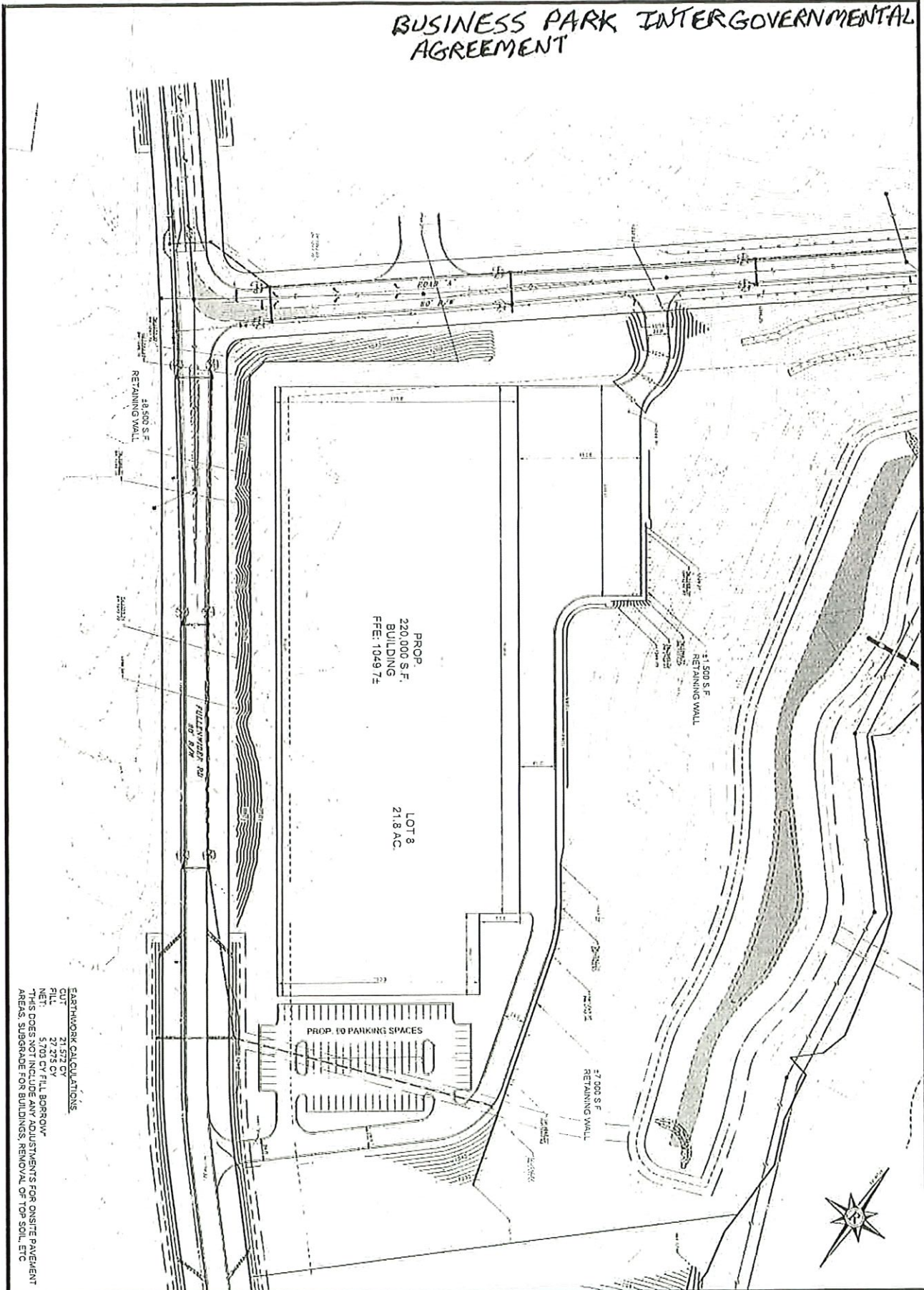
**GAINESVILLE AND HALL COUNTY
DEVELOPMENT AUTHORITY**

By: _____
Chairman

Attest: _____
Secretary

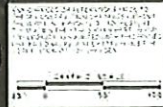
EXHIBIT "A" TO

BUSINESS PARK INTERGOVERNMENTAL AGREEMENT



EARTHWORK CALCULATIONS:
 CUT 27,252 CY
 NET 5,703 CY FILL BORROW
 THIS DOES NOT INCLUDE ANY ADJUSTMENTS FOR ON-SITE PAVEMENT AREAS, SUBGRADE FOR BUILDINGS, REMOVAL OF TOP SOIL, ETC.

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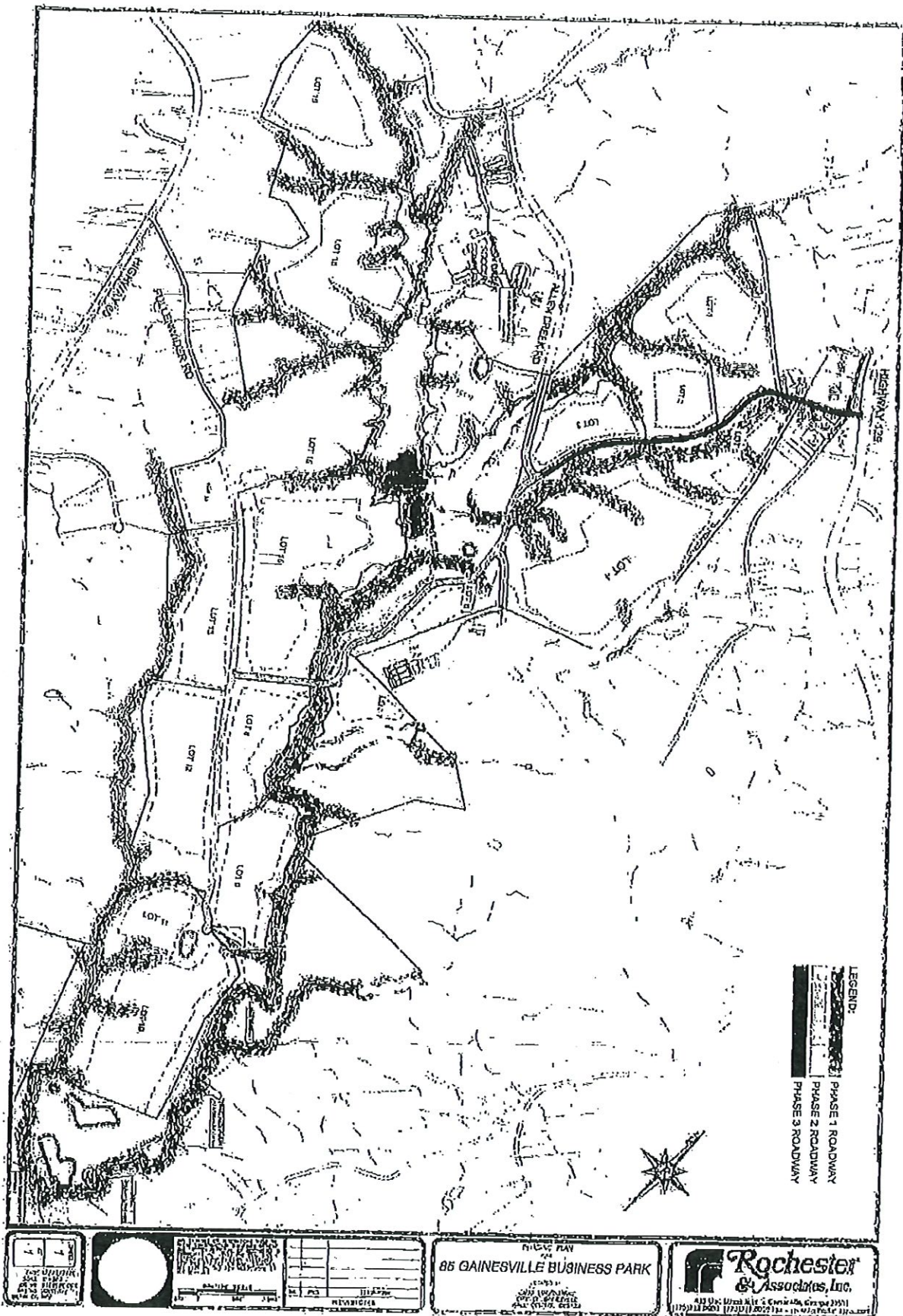


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ED 5 10/21/17 4 10/21/17
 G 85 BP
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Rochester **DECM**
 Rochester & Associates LLC
 475 Oak Street, Greenville, GA 30501
 710.315.0520 p | www.rochester-associates.com

EXHIBIT "B"



**BUSINESS PARK INTERGOVERNMENTAL AGREEMENT
(Lot 8)**

THIS AGREEMENT is made as of the ____ day of _____, 2023, by and between the **CITY OF GAINESVILLE, GEORGIA** ("City") and the **GAINESVILLE AND HALL COUNTY DEVELOPMENT AUTHORITY** ("Authority").

WHEREAS, City is developing that certain property described on **Exhibit "A"** hereto (the "Park Property") into a business park, which includes that certain property and easements described on **Exhibit "B"** hereto (the "City Property") which the City has agreed to convey to Authority.

WHEREAS, City and Authority wish to provide for the marketing and sale of the City Property as set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto hereby agree as follows:

1. City agrees to transfer the City Property to Authority, in conjunction with the closing of the sale of the City Property pursuant to a purchase and sale agreement, executed between the Authority and a certain corporate buyer relating to the City Property. City agrees to transfer the City Property to Authority on or before October 10, 2023 such that the closing of the sale of the City Property is not delayed. City agrees to develop the Park Property into a business park.

2. Authority shall use its reasonable, best efforts to market and sell the City Property to the business identified in the purchase and sale agreement relating to the City Property. The business to which the City Property shall be sold shall be compatible with the FY 2022 Marketing Plan established by the Economic Development Council, attached hereto as Exhibit "C," and must also be permitted uses under Article VI of the Declaration of Covenants, Restrictions, and Easements for Gainesville 85 Business Park, dated February 2, 2021, and recorded at Deed Book 8720, Pages 651-687, Hall County, Georgia Deed Records.

3. The purchase price at which the City Property will be offered for sale shall be at an average of at least \$155,103.00 per acre.

4. Upon receipt, the Authority shall pay the proceeds of sale to the City, net of any real estate commission and other customary and reasonable closing expenses.

5. City warrants and represents to Authority:

- (a) City has the right, power and authority to enter into this Agreement and to convey the City Property in accordance with the terms and conditions hereof.
- (b) City has good, marketable and insurable fee simple record title to the Park Property, less and except that portion of the Park Property previously conveyed to

the Authority (said Park Property hereinafter referred to as "the Remaining Park Property"), subject only to any utility easements of record. No portion of the Remaining Park Property encroaches onto the property of any other person or entity. There are no encroachments onto the Remaining Park Property by any adjoining land owner.

- (c) No person, firm or entity has any rights in or rights to acquire all or any portion of the City Property or any part thereof, and there is no outstanding agreement to sell all or any part of the City Property to any other person, firm, or entity.
- (d) City is not now a party to any litigation affecting City's right to convey the City Property.
- (e) City has no knowledge of any pending, threatened or contemplated condemnation proceedings affecting the City Property.
- (f) There are no existing assessments that are unpaid and City has no knowledge of any pending assessments against the City Property.
- (g) To the best of City's knowledge, no portion of the City Property has ever been used as a landfill or as a dump to receive garbage, refuse, waste, or fill material whether or not hazardous, and there are and have been no Hazardous Substances (as hereinafter defined) stored, handled, installed or disposed in, on or about the City Property or any other location within the vicinity of the City Property. As used in this Agreement, the term "Hazardous Substances" means such materials, waste, contaminants or other substances defined as toxic, dangerous to health or otherwise hazardous by reference to the following sources as amended from time to time: (i) the Resource Conservation and Recovery Act of 1976, 42 USC §6901 et. seq. ("RCLA"); (ii) the Hazardous Materials Transportation Act, 49 USC 1801, et. seq.; (iii) the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 USC §9601 et. seq. ("CERCLA"); (iv) applicable laws of the jurisdiction where the City Property is located, and (v) any federal, state or local statutes, regulations, ordinances, rules or orders issued or promulgated under or pursuant to any of those laws or otherwise by any department, agency or other administrative, regulatory or judicial body.
- (h) The City Property is located in the City of Gainesville, Georgia, and there is no zoning law, regulation, or ordinance affecting the City Property which would restrict or impair the operation of a business facility on the City Property, except the restrictions applicable to the City Property under the City's Unified Land Development Code.
- (i) City has no notice of and is not aware of any violations of any laws, ordinances, orders, restrictive covenants or other requirements affecting the City Property, and there are no violations of record of any of the foregoing.

6. Authority shall cause the buyer of the City Property to diligently construct, equip and operate an industrial facility.

7. Authority shall carry out the marketing and sale of the City Property with reasonable due diligence.

8. Authority shall periodically, and also upon request, provide City with reports regarding its marketing efforts relating to the City Property.

9. City hereby grants permission to Authority, its representatives and agents to enter upon the City Property and conduct engineering, soils, environmental and other tests and studies of the City Property as Authority deems necessary or advisable; provided, that Authority shall repair any damage, and shall indemnify and hold City harmless from and against any and all claims and liabilities, resulting from such investigations. Authority shall have the right to grant the same permission of access to the City Property to any potential buyer of the City Property and its agents and representatives under the same requirement of repair and indemnity. Authority expressly agrees to cause the results of any environmental investigation, review, sampling or analyses obtained by Authority and/or any potential buyer of the City Property in the course of or in connection with the inspections conducted hereunder shall remain confidential to Authority, any potential buyer, and/or any of their agents and/or representatives through the date of closing of the City Property and shall not be disclosed to City, the Georgia Environmental Protection Division, any other governmental entity or to any other third parties (other than the potential buyer) prior to closing, except as otherwise required by applicable law. These confidentiality obligations shall survive the termination of this Agreement. Authority shall indemnify, hold harmless from and defend City, and its agents, affiliates, successors and assigns, from and against any and all liabilities, claims, causes of action, damages, losses, penalties, forfeitures, suits, costs and expenses (including without limitation, investigation costs, costs of defense, settlement and reasonable attorneys' fees) incurred or arising in connection with Authority's and/or any of its agents' and/or representatives' breach of the confidentiality and other obligations set forth in this Agreement, entry onto the City Property or enforcement of this indemnity. All indemnification obligations contained herein shall survive the closing of any sale of the City Property and any termination of this Agreement. Authority shall cause any potential buyer of the City Property to provide the same indemnity to the City and Authority.

10. This agreement shall be enforceable against and inure to the benefit of the successors and assigns of the parties.

[Signatures on Next Page]

IN WITNESS WHEREOF, City and Authority have executed this Agreement as of the day and year first above written.

CITY OF GAINESVILLE

By: _____
W. Samuel Couvillon, Mayor

Attest: _____
Denise O. Jordan, City Clerk

(SEAL)

Approved as to form:

Abbott S. Hayes, Jr., City Attorney

**GAINESVILLE AND HALL COUNTY
DEVELOPMENT AUTHORITY**

By: _____
Chairman

Attest: _____
Secretary

(AUTHORITY SEAL)

EXHIBIT "A"

Description of Park Property

EXHIBIT "A"

SITE PLAN



EXHIBIT "B"

Description of City Property

EXHIBIT "B"

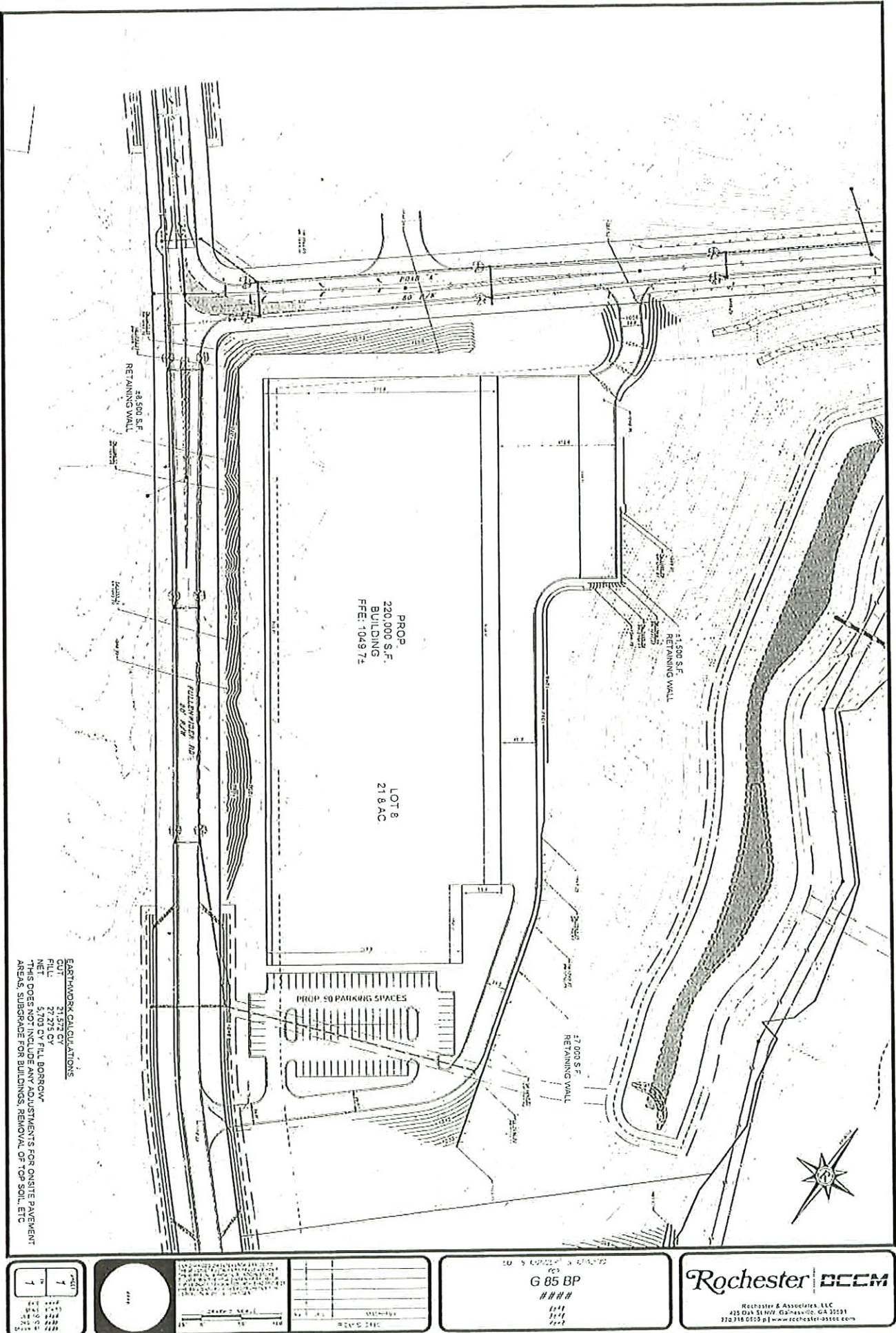


EXHIBIT “C”

FY 2022 Marketing Plan

4876-8983-6374, v. 1

EXHIBIT "C"

Gainesville-Hall County Economic Development Council FY 2022 Marketing Plan

Mission Statement: The Gainesville-Hall County Economic Development Council facilitates quality job creation and new investment in the Gainesville-Hall County MSA through business recruitment efforts, encouraging existing business expansion and retention, supporting small businesses and attracting new retail development.

COVID-19 presented challenges to businesses and organizations, large and small. We hope that FY 22 will include an end to the pandemic and a return to in-person meetings. The EDC will coordinate programs, resources and support to help small businesses, our partners and existing industries to address shared issues. For FY 22, much of our mission and priorities remain unchanged, but the manner in which we achieve our goals and objectives will combine traditional meetings and events with a new set of virtual tools.

EDC Targets:

Targeted Business Recruitment Sectors (Diversification): Headquarters, Life Sciences, Medical Devices, Technology Companies, International Subsidiaries.

Targeted Business Recruitment Sectors (Core Growth): Automotive, Financial Services, Fabricated Metals, Plastics, Select Food Products.

Business Recruitment Partners: Commercial Brokers, Site Location Consultants, Statewide Developers, Existing Industries, EDC Partners.

Existing Industry Program Targets: Existing industry clusters and all Gainesville-Hall County manufacturers, processors, logistics and regional/national service companies.

Workforce Development: Collaborate with area employers, educators, housing developers and leaders to develop the next generation of talent needed to sustain the community's economic development efforts.

Destination Retail: Regional retail services and quality retail development that will generate new sales tax income for public education and local governments.

Small Business Targets: Coordinate efforts with key partners to provide professional assistance and services to entrepreneurs, small businesses and start-ups.

Downtown Development Targets: The EDC has a focused effort with downtown hotel, residential and mixed-use developers to support downtown development activity in Gainesville, Flowery Branch and Oakwood.

Redevelopment and reuse of historic buildings: Adaptive reuse of historic buildings can preserve our past, add needed supply in a tightening market and address the blight that can surround vacant buildings.

EDC Goals: To generate new investment, encourage new job creation, increase sales tax revenue in Gainesville-Hall County and develop future economic development product.

EDC Objectives: \$150,000,000 Investment (stretch goal: \$175,000,000 Investment); 500 jobs and 100 acres of new commercial/industrial development for FY 2022.

Sales and Marketing Efforts:

For FY 2022, supporting existing businesses will be a high priority. The pipeline of business expansion and recruitment of new capital investment is robust and projected to remain strong for Gainesville-Hall County through 2022. Workforce development remains a high priority for the EDC's marketing and sales efforts. As always, the EDC will service business recruitment and expansion prospects; encourage apprenticeships, skills-focused boot camps and Work Based Learning; address existing industry needs; support small business and entrepreneurship programs and encourage retail development.

Economic Development results are the product of sales and marketing efforts. Sales efforts by the EDC staff are the result of addressing defined project needs of the EDC's targeted customer groups (e.g. new and existing businesses, retail developers). Marketing efforts for the EDC are the proactive efforts to brand the community, network, target desired results and generate measurable sales activity and results. EDC efforts in sales and marketing for FY 2022 will reflect the current economic environment:

- o The EDC will continue to host online webinars for guidance on small business.
- o The EDC aspires to conduct 80 one-on-one existing Industry Interviews to confidentially meet and address individual needs. The EDC has developed a number of resources specific to COVID-19 for our existing industries, and we will continue to identify shared issues and solutions to support our plant managers and owners, human resources and safety managers.
- o The EDC will continue to support the long-term Workforce Development Initiative to collaborate with area employers, educators and leaders for talent development. Efforts will focus on Apprenticeships, skills-focused boot camps and Work Based Learning.
- o The EDC has a full-time effort to support small business and entrepreneurship. The highly successful Small Business Success seminar series is growing, in part, due to good programming and the Certified Small Business recognition for participants.
- o The EDC has a partnership with the state's economic development marketing effort with regard to life sciences recruitment and international business recruitment. These sectors fit well with Gainesville-Hall County's strengths and strategic vision.
- o Development plans are underway for new business/industrial parks for delivery in 2022-23.
- o CA Ventures is developing 600,000 sf in Flowery Branch; Radial Property Group is developing 120,000 sf of industrial space in Tanners Creek Business Park in Oakwood. Crow Holdings has developed 1,200,000 sf in Buford, Hall County. Logistics Property Company is developing two new buildings in Oakwood, and Pattillo Industrial Real Estate has plans for an 18-acre site in Flowery Branch.
- o The EDC will be implementing a new GIS based resource for demographics, sites and building data in FY 2022 to allow online visitors an easy-to-use resource for that information.
- o The EDC coordinates business missions of Hall County business leaders to meet with the home offices for our international subsidiaries with a Hall County presence. We anticipate those efforts to resume in 2022-23 as business travel returns.
- o The Gateway Industrial Centre is 65% occupied by Kubota, GPLN, Tatsumi, Auto Metal Direct and the new Northeast Georgia Inland Port, which will be operational in 2024. The EDC staff will continue to work closely with the Gainesville and Hall County Development Authority to coordinate marketing and development efforts for the remaining business park and all other remaining sites.
- o Recent economic development successes in office and industrial business expansion and recruitment have consumed a number of the available lots in the remaining business parks that have all utilities, zoning and access.
- o The EDC will encourage the momentum of steady retail growth on retail corridors throughout Hall County. The additional SPLOST dollars generated from new retail development provides an excellent return to citizens and supports education and infrastructure.
- o The EDC has a coordinating role in the external marketing of Gainesville-Hall County (e.g. Project Managers' briefings, Georgia Trend, Atlanta Business Chronicle).