

OFFICIALS PRESENT: Sam Couvillon, Zack Thompson, Barbara Brooks, Juli Clay, Danny Dunagan, George Wangemann
STAFF PRESENT: Bryan Lackey, Angela Sheppard, Abb Hayes, Denise Jordan, Alisa Grayson

Mayor Couvillon called the meeting to order at 5:30 PM and served as the presiding officer.

Pastor Ruth Denby, First Baptist Church, delivered the invocation after which the Pledge of Allegiance was recited in unison.

PUBLIC COMMENTS:

Jacob Hill, 2833 Sawyer Mill Drive, continued the conversation regarding the Old Joe statue located in downtown Gainesville noting he wanted better for the City of Gainesville and its representation. He commented on the 1) history of the Daughters of the Confederacy, and 2) the intergovernmental agreement for maintenance of the square enabling the Daughters of the Confederacy to preserve their rights to hold the lease for the next 10 years. He felt the statue misrepresents Gainesville and the confederate cause.

Mayor Couvillon stated the lease is between Hall County and the Daughters of the Confederacy noting the City has no authority over it. The City's only concern was the maintenance of the square noting these are two separate issues that are being conflated.

CONSENT AGENDA:

Appointments: Main Street Advisory Committee - Reappoint Andrew Elliott, Claude Tatro, Jr., and Leslie White

Motion to reappoint Andrew Elliott, Claude Tatro, Jr. and Leslie White to the Main Street Advisory Committee as presented.

Motion made by Council Member Dunagan

Motion seconded by Council Member Thompson

Votes favoring the motion: Thompson, Brooks, Clay, Dunagan, Wangemann

Minutes: July 13, 2023 Work Session

Minutes: July 18, 2023 Mayor/Council Meeting

Motion to approve the minutes accepting edits as presented.

Motion made by Council Member Thompson

Motion seconded by Council Member Wangemann

Votes favoring the motion: Thompson, Brooks, Clay, Dunagan, Wangemann

Resolution

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

City Manager Bryan Lackey provided a brief overview of the resolution.

Motion to adopt the resolution as presented.

Motion made by Council Member Dunagan
Motion seconded by Council Member Brooks

Votes favoring the motion: Thompson, Brooks, Clay, Dunagan, Wangemann

PUBLIC HEARING:

(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.

City Attorney Abb Hayes stated the Planning and Appeals Board tabled the request to the September 12, 2023 Planning and Appeals Board Meeting.

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***

City Attorney Abb Hayes opened the public hearing, confirmed the public notice was properly advertised and outlined the public hearing process.

Community and Economic Development Deputy Director Matt Tate summarized the request. The Planning and Appeals Board and staff recommended approval with the following four (4) 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.

Attorney Hayes opened the floor for public comments.

Attorney Emily Bagwell, 447 E.E. Butler Parkway, introduced Kevin Matson, North Georgia Health Systems representative, and noted they were comfortable with the conditions.

Mr. Matson briefly commented on the project noting the purpose was to expand the rehabilitation services and reduce the wait time for patients.

Upon inquiry, Ms. Bagwell stated this is a joint venture between North Georgia Health Systems and Life Point. She confirmed the property will remain taxable.

There being no further comments, the hearing was closed and returned to the governing body for consideration.

Motion to adopt the resolution ZR-2023-01 with conditions as presented.

Motion made by Council Member Dunagan

Motion seconded by Council Member Clay

Votes favoring the motion: Thompson, Brooks, Clay, Dunagan, Wangemann

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***

City Attorney Abb Hayes opened the public hearing and confirmed the public notice was properly advertised.

Community and Economic Development Deputy Director Matt Tate summarized the request. The Planning and Appeals Board and staff recommended approval with the following seven (7) 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.
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.

Attorney Hayes opened the floor for public comments.

Myles Montgomery, CivilScapes, Inc., represented Dunkin Donuts and was available to answer questions.

There being no further comments, the hearing was closed and returned to the governing body for consideration.

Motion to approve Ordinance 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 **with conditions as presented**.

Motion made by Council Member Wangemann

Motion seconded by Council Member Thompson

Votes favoring the motion: Thompson, Brooks, Clay, Dunagan, Wangemann

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***

City Attorney Abb Hayes opened the public hearing and confirmed the public notice was properly advertised.

Community and Economic Development Deputy Director Matt Tate reviewed the request. The Planning and Appeals Board and staff recommended approval with the following 10 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 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.

Attorney Hayes opened the floor for public comments.

FAVOR:

Attorney Tyler Smith, 340 Jesse Jewell Parkway, represented the QuikTrip Corporation. He introduced the project manager and project engineers in attendance and briefly shared information about the project development noting the existing access to the site will be used with no changes. The QuikTrip Corporation is agreeable to all the conditions. He reserved time for rebuttal.

Louis McClure, 3917 Bloomfield Way (Cresswind subdivision), spoke in opposition of the project at the Planning meeting citing concerns with increased traffic congestion in the area. He commented on a meeting with the applicant and shared information surrounding the discussion. He noted future project plans by GDOT and the applicant's commitment to assist in conducting a traffic study in the area. With this, they were in support of the project.

OPPOSITION:

Jennifer Knight, Waters Edge subdivision, expressed concern with gasoline tanker trucks safely entering the site and the impact on traffic. She asked Council to consider the current traffic congestion in addition to upcoming project developments which could double traffic in the area. She requested a cautious approach and copies of any traffic and environmental studies done in the area.

Attorney Tyler Smith stated they understood the traffic issues.

Clay Smith, Project Engineer and Duluth resident, addressed traffic concerns and provided a brief overview of the current conditions, the traffic study and planned improvements.

Mr. Smith reiterated the commitment by QuikTrip Corporation to do a traffic study in an effort to assist with traffic flow improvements.

Upon inquiry from Council Member Thompson, Mr. Clay Smith stated there were no issues with the pathway for trucks.

Erik Bikas with QuikTrip Corporation stated truck fueling will occur overnight.

There being no further comments, the hearing was closed and returned to the governing body for consideration.

Motion to approve Ordinance 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 with conditions as presented.

Motion made by Council Member Dunagan

Motion seconded by Council Member Brooks

Votes favoring the motion: Thompson, Brooks, Clay, Dunagan, Wangemann

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 Attorney Abb Hayes opened the public hearing and confirmed the public notice was properly advertised.

Community and Economic Development Deputy Director Matt Tate reviewed the request. The Planning and Appeals Board and staff recommended approval with the following seven (7) 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.

Attorney Hayes opened the floor for public comments.

Bradley Dunckel, 3703 Timber Walk Drive, stated he represented Cobb Investments and they agree with the conditions presented by staff. He noted the number of units was reduced from two to one. He displayed slides referencing the following information:

1. Density of surrounding developments
2. Riverside Terrace view of project entrance at the dead end
3. Riverside Terrace Townhouses
4. House immediate right of project entrance
5. Entrance to the Cobb project
6. Original approved site plan
7. Proposed zoning site plan
8. Distances to surrounding single family homes
9. Paved parking pad example
10. Rendering of existing home and two proposed homes

Upon inquiry from Council Member Thompson, Mr. Dunckel stated they proposed to place the garbage cans in the rear of the homes with no garages.

Mayor Couvillon inquired about the price-point for the homes at which time Mr. Dunckel stated they would begin as rental homes and guesstimated the price range.

FAVOR:

Anna Claire Dover, 1189 Riverside Drive, stated she lived adjacent to the project property. She stated she was in support of the project but wanted to propose a request to 1) relocate the parking pads to the other side of the homes to minimize headlights shining into her home and 2) increase the height of the trees along the barrier from 7 feet to 10 feet for proper privacy.

OPPOSITION:

Anne Begnaud, 1173 Riverside Drive, shared some history about the property. She asked Council to reconsider the request noting she didn't feel it protected the homeowners as much as the current zoning. She also asked that the shrubbery and privacy area be addressed more aggressively when considering the proposed projects. She commented on a discrepancy with the property boundary as it relates to her lot and expressed concerns with the traffic for walkers in the area.

REBUTTAL:

Mr. Dunckel addressed the headlights issue noting the lower elevation of the property site, an existing 8-foot fence and additional trees would mitigate any impact of headlights shining in that direction. He commented on the tree height and shared information about the proposed tree type. They were unaware of any issues concerning the property line. He also commented on the effective transition of the property from the varying densities.

Council Member Thompson felt the green giant trees will be a nice buffer.

Upon inquiry, Mr. Dunckel stated the height of the fencing met the original requirement.

There being no further comments, the hearing was closed and returned to the governing body for consideration.

Motion to approve Ordinance 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 with conditions as presented and adding a condition 8 with the following language: *"Garbage containers shall be stored at the rear of each home or screened in a manner so as not to be visible from the road or adjacent residential properties."*

Motion made by Council Member Dunagan

Motion seconded by Council Member Thompson

Votes favoring the motion: Thompson, Brooks, Clay, Dunagan, Wangemann

CITY ATTORNEY ISSUES:

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 Attorney Abb Hayes presented the proposed resolution to authorize the site development and business park intergovernmental agreements regarding lot 8.

Motion to adopt the resolution BR-2023-30 as presented.

Motion made by Council Member Clay

Motion seconded by Council Member Brooks

Votes favoring the motion: Thompson, Brooks, Clay, Dunagan, Wangemann

Introduction

Attorney Hayes introduced Emma Courtney as a new member of their law firm.

ADJOURNMENT: 6:27 PM

/ag

W. Samuel Couvillon, Mayor

Denise O. Jordan, City Clerk