



Mayor/Council Meeting Agenda
Tuesday, November 7, 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. Cemetery Advisory Committee
 - Reappoint Nancy Kelemen and Margaret Howington
- B. Parks and Recreation Foundation Board
 - Appoint Sergio Morales

Minutes

- A. October 12, 2023 Work Session
- B. October 17, 2023 Mayor/Council Meeting

Resolutions

- A. BR-2023-39 Greenleaf Townhomes Development Floyd Drive Tract Annexation Waiver
- B. BR-2023-40 Tax Allocation District (TAD) Funding for G-4 Development Group, Phase II at 721 and 733 Main Street

PUBLIC HEARING(S):

Annexation/Zoning Items

- A. Request from **BDC Gainesville, LLC** to annex a 50.711± acres tract located southeast of the intersection of Athens Highway and Monroe Drive, having road frontage on Athens Highway and Monroe Drive (a/k/a **2544 Monroe Drive and 1570 Athens Highway**) and to establish a zoning of Heavy Industrial (H-I), with a special use. **Ward Number: Three**. Tax Parcel Number(s):15-032-000-013. **Request: Enclosed anaerobic digestion facility (Bioenergy Center)**.
 - Proposed Annexation Ordinance 2023-23
 - Proposed Zoning Ordinance 2023-24
 - Proposed Zoning Resolution ZR-2023-03
- B. Request from the **Gainesville Housing Authority** to annex a 2.031± acres tract located on the west side of Harrison Drive, east of Lanier Parkway (I-985) (a/k/a **1368 Harrison Drive**) and to establish a zoning of Residential-II (R-II). **Ward Number: Three**. Tax Parcel Number(s): 01-142-001-002 (Part). **Request: Low-income multi-family housing**.
 - Proposed Annexation Ordinance 2023-25
 - Proposed Zoning Ordinance 2023-26

- C. Request from **Greg Loyd** to rezone a 0.397± acre tract located at the southwest side of the intersection of High Street and Dixie Street (a/k/a **812 Dixie Street**) from General Business (G-B) to Residential-II (R-II). **Ward Number: Three**. Tax Parcel Number(s): 01-033-002-001. **Request: Four condominium units.**

- Proposed Rezoning Ordinance 2023-27

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Friday, November 3, 2023, 9:30 AM



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: November 2, 2023
Date Submitted: November 3, 2023
Final Approval Date: November 3, 2023
Presenter: Sam Couvillon
Item of Business: Cemetery Advisory Committee

- Reappoint Nancy Kelemen and Margaret Howington

Meeting Date: November 7, 2023

Purpose of Request:

The purpose of this request is to address the upcoming expiring terms.

Facts & Issues / History & Background:

The Committee follows the guidelines of the City Charter, the Code of Ordinances and Business Resolution 2013-48. Cemetery Committee members serve three-year terms. Nancy Kelemen and Margaret Howington have expressed a willingness to serve another term. An outstanding debt verification process was completed with no concerns.

Department Recommendation:

To approve the nominations to reappoint Nancy Kelemen and Margaret Howington as submitted by the Mayor during the November 2, 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. Cemetery Advisory Committee Members
2. Cemetery Advisory Committee Attendance Report

CEMETERY ADVISORY COMMITTEE

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Ward 1	Kelemen	Nancy	11/19/2013	5/5/2015 12/19/2017 11/3/2020	11/19/2023
Ward 2	Coates	Bill	11/19/2013	6/7/2016 11/6/2018 11/16/2021	11/19/2024
Ward 3	Pierce	Glenda	6/7/2016 UE	11/15/2016 11/5/2019 12/6/2022	11/19/2025
Ward 4	Howington	Margaret	11/19/2013	5/5/2015 12/19/2017 11/3/2020	11/19/2023
Ward 5	Mason	Ben	11/19/2013	6/7/2016 11/6/2018 11/16/2021	11/19/2024
Ex-Officio	Casper	Tommy	N/A		By Virtue of Position

TERM: Three-year Terms

CONTACT: Chris Rotalsky, Public Works Director
Tommy Casper, Cemetery Manager

NOTES: Re-established: November 19, 2013.
Initial appointees serve staggered term as shown. All successors serve 3 year terms.

UPDATED: 12/7/2022 ag

CEMETERY ADVISORY COMMITTEE ATTENDANCE REPORT

MEETING			BOARD MEMBER				
	DATE	TYPE	KELEMEN	COATES	PIERCE	HOWINGTON	MASON
1	10/26/2021	R	1	1	1	1	1
2	3/24/2022	R	1	1	1	1	1
3	9/13/2022	R	0	1	1	0	1
4	1/31/2023	R	0	1	1	1	1
5	9/21/2023	R	1	1	0	0	1
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
	TOTAL	5	3	5	4	3	5
	ATTENDANCE %		60%	100%	80%	60%	100%

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

NOTES:

Submitted By: Tammi Johnson
Recording Secretary

10/24/2023
Date



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: November 2, 2023
Date Submitted: November 3, 2023
Final Approval Date: November 3, 2023
Presenter: Sam Couvillon
Item of Business: Parks and Recreation Foundation Board

- Appoint Sergio Morales

Meeting Date: November 7, 2023

Purpose of Request:

The purpose of this request is to address the unexpired term vacant position.

Facts & Issues / History & Background:

The Parks & Recreation Foundation, Inc. (previously known as Friends of the Parks Board) follows the guidelines as set forth in the Charter and Code of Ordinances. Members serve three-year terms. Sergio Morales has expressed a willingness to serve. The outstanding debt verification process was completed with no concerns.

Department Recommendation:

To approve the nomination to appoint Sergio Morales as submitted by the Mayor during the November 2, 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. P&R Foundation Members
2. Sloyer Resignation Correspondence

Gainesville Parks Recreation Foundation (Formerly Friends of the Parks) CITY APPOINTMENTS

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Post 1	Dcosta	Peter	5/16/2023 UE		12/31/2025
	Mattison	Kate			Standing Term
Post 2	Avers	Timothy	2/21/2023		12/31/2025
Post 3	Tunkel	Staci	3/19/19 UE	12/17/2019 2/21/2023	12/31/2025
Post 4	Sloyer Vacant - Resigned 7/20/23	Linda	2/15/2022		12/31/2024
Post 5	Thompson	Alisa	1/22/2019	2/1/2022	12/31/2024
Post 6	Warthen	Rebina	5/4/2021		12/31/2023
Post 7	Moore	Nancy	6/15/2021 UE	2/1/2022	12/31/2024
Ex-Officio	Clay	Juli	1/7/2020	1/4/2022 1/17/2023	1/16/2024

TERM: Three year terms - Appointees limited to two consecutive terms excluding initial term.

Formerly known as Friends of the Gainesville Parks and Greenways
Name change by P&R staff in April 2023

CONTACT: Kate Mattison, Director of Parks & Recreation

UPDATED: 7/28/2023 ag

From: [Kate Mattison](#)
To: [Alisa Grayson](#)
Cc: [Eric Larsen](#)
Subject: FW: [EXTERNAL] Resignation from the Park and Recreation Foundation Board
Date: Friday, July 21, 2023 10:21:48 AM

Alisa,

Ms. Sloyer has decided to resign for health reasons. She was Council appointed, so we now have an opening.

Thank you.

Kate Mattison

From: linda sloyer [REDACTED]
Sent: Thursday, July 20, 2023 2:24 PM
To: Kate Mattison <KMattison@gainesvillega.gov>
Subject: [EXTERNAL] Resignation from the Park and Recreation Foundation Board

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

Thank you so much, Kate, for letting me slide into the Civic Center and speak to you Ladies about my current health situation and resignation from the board. I have certainly enjoyed my time being on the Board and continue to be amazed at all the wonderful things that this Board of people plan and provide for the citizens of Gainesville/ Hall County and the City of Gainesville itself! My heart situation continues to be unpredictable and I am working to get used to several new medicines and treatments ...and it just takes a toll on me physically. I do believe it is in my best interest to resign my position at this time. i am just not able to be counted on consistently. All the Board Members are just the best and I would like to stay connected to the Board by being a Donor for events and projects. It would be an Honor to help support the Board in a small financial way! Thank you again for your understanding , and I look forward to hearing about all the great things you all continue to accomplish for the Citizens and Families of Gainesville/ Hall County!

Linda Sloyer



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: April 14, 2023
Date Submitted: November 7, 2023
Final Approval Date: November 7, 2023
Presenter: Denise Jordan, City Clerk
Item of Business: October 12, 2023 Work Session
Meeting Date: November 7, 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: November 7, 2023
Final Approval Date: November 7, 2023
Presenter: Denise Jordan, City Clerk
Item of Business: October 17, 2023 Mayor/Council Meeting
Meeting Date: November 7, 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: November 2, 2023
Date Submitted: November 3, 2023
Final Approval Date: November 3, 2023
Presenter: Bryan Lackey, City Manager
Item of Business: BR-2023-39 Greenleaf Townhomes Development Floyd Drive Tract Annexation Waiver
Meeting Date: November 7, 2023

Purpose of Request:

Greenleaf Investment Partners L051, LLC, has formally requested the annexation requirement for sanitary sewer service be waived for a proposed residential townhome development located at 2455 Floyd Road, 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-2023-39 Greenleaf Townhomes Development Floyd Road Tract Annexation
2. Location Map
3. Annexation Waiver Request

RESOLUTION BR-2023-39

**GREENLEAF TOWNHOMES DEVELOPMENT FLOYD 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, Greenleaf Investment Partners L051, LLC, proposes a residential development encompassing the property located at 2455 Floyd Rd 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



Dear Nick Swafford,

As the owner(s) representative of the below-referenced property, I (we) would like the City of Gainesville and/or Department of Water Resources to consider my (our) request for annexation.

The property in question is located at 2455 Floyd Rd, Gainesville, GA 30507. The property is currently developed as a mobile home community, known as Barnes Mobile Home Park. The size of the tract is 6.93 acres. Tax Parcel: 15055000037. The site is currently being treated for wastewater via on site treatment pond/lagoon.

The reason for this annexation request: Connection to City Sewer and Water.

Per our conversation with Matt Tate (Deputy Director, Community and Economic Development) The proposed townhome development is inconsistent with the Gainesville Future Land Use Map which designates the property as Single-Family Residential for detached or semi-detached housing not to exceed 6 du/ac.

Owner as listed on Deed: Greenleaf Investment Partners L051, LLC

Any additional information may be obtained by contacting Jason Dye (Program Manager - W&A Engineering) at (615) 545-5049 or jdye@waengineering.com

Sincerely,

Jason Dye



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: November 2, 2023
Date Submitted: November 3, 2023
Final Approval Date: November 3, 2023
Presenter: Bryan Lackey, City Manager
Item of Business: BR-2023-40 Tax Allocation District (TAD) Funding for G-4 Development Group, Phase II at 721 and 733 Main Street
Meeting Date: November 7, 2023

Purpose of Request:

To consider a resolution for TAD Funding for G-4 Development Group, Phase II.

Facts & Issues / History & Background:

The TAD Advisory Committee met on October 10, 2023 to hear from the applicant. Their recommendation is provided with this presentation.

Department Recommendation:

Adopt the resolution.

Department Director:

Bryan Lackey

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

Amount Requested: \$350,000

Sources of Funds: TAD Funding

Finance Comments:

Administrative Comments:

Attachments:

1. BR-2023-40 Tax Allocation District (TAD) Funding for G-4 Development Group Phase II
2. Presentation: TAD Funding for G4 Development, Phase II

RESOLUTION BR-2023-40

TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “G-4 DEVELOPMENT GROUP, PHASE II” AT 721 AND 733 MAIN STREET

WHEREAS, the governing body of the City of Gainesville is committed to the success of the redevelopment of Midtown Gainesville into a live, work and play area; and

WHEREAS, on October 17, 2006 the governing body of the City of Gainesville adopted the Midtown Redevelopment Plan and created Tax Allocation District (TAD) Number One - Midtown pursuant to the Georgia Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) as the next steps in the City's redevelopment effort to reinvigorate Midtown; and

WHEREAS, the City of Gainesville will only consider applications for TAD financing for purposes or uses that are consistent with the definition of "redevelopment" as defined in the Georgia Redevelopment Powers Law [O.C.G.A. § 36-44-3(5)], with said eligible purposes or uses including public works and utilities, telecommunications infrastructure, street/streetscape improvements, parks and open space amenities, transit facilities and public parking structures, pedestrian amenities and safety improvements, and site preparation; and

WHEREAS, upon approval of a request for TAD funding, a TAD Development Agreement between the applicant/developer and the City shall be executed, and shall specify the eligible expenses, what method of funding will be utilized (i.e. pay-as-you-go, bank financing, bond financing or other method), and any special conditions and performance standards of the developer; and

WHEREAS, an application involving the construction of an office building, recreation deck and retention pond at 721 and 733 Main Street was reviewed by the TAD Advisory Committee and determined to achieve the TAD criteria; and

WHEREAS, the TAD Advisory Committee unanimously recommended approval of the TAD funding request of up to \$350,000 for the following uses with the following conditions and payment schedule:

Use:

- **Demolition & Grading**
- **Paving & Sidewalks**
- **Masonry Columns, Decorative Fencing & Gates**
- **Retention Pond Concrete and Site Work**
- **Landscaping**

Conditions:

- **The completed and permitted project must be in substantial conformance with the architectural renderings and budget submitted with the TAD application.**
- **Applicant agrees to pursue and/or consent to the rezoning of the property to O-I.**

RESOLUTION BR-2023-40

TAX ALLOCATION DISTRICT (TAD) FUNDING FOR "G-4 DEVELOPMENT GROUP, PHASE II" AT 721 AND 733 MAIN STREET

Payment Schedule:

- Up to \$350,000 in TAD funds shall be made payable upon submittal of paid invoices for the purchase of and/or labor to complete or install the items specified under "Use" above, based upon the schedule listed below:
 - Reimbursement will not begin until the calendar year after the calendar year in which a Certificate of Occupancy is obtained for the building.
 - Reimbursement of the first \$50,000 of the total of up to \$350,000 allowed by this Resolution shall be paid as a lump-sum upon submittal of paid invoices for expenses specified under "Use" above.
 - Reimbursement of up to the remaining \$300,000 allowed by this Resolution shall be distributed on an annual basis based on the TAD increment generated by the G-4 Development Group, Phase II project for that calendar year, which reimbursement shall not exceed a period of 15 calendar years or \$300,000, whichever occurs first. The reimbursement set forth in the preceding sentence shall not begin until after the total sum of \$50,000 has been replenished into the TAD Special Fund by the annual TAD increment generated by the G-4 Development Group, Phase II project.
 - The total period for reimbursement of up to the maximum of \$350,000 shall not exceed 15 calendar years, which period shall commence upon the first calendar year in which any reimbursement is paid to the applicant.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the TAD application of up to \$350,000 for "G-4 Development Group, Phase II" at 721 and 733 Main Street SW.

BE IT FURTHER RESOLVED THAT that the governing body for the City of Gainesville hereby approves funding for the redevelopment improvement from the fund balance of the Tax Allocation District Fund, as well as from the increment generated by the G-4 Development Group, Phase II project that is deposited into the Tax Allocation District Fund, as further detailed above.

BE IT FURTHER RESOLVED THAT the governing body authorizes the City Manager and City Attorney to prepare and execute a TAD Development Agreement to effectuate the terms and conditions of the funding, use and payment schedule.

RESOLUTION BR-2023-40

**TAX ALLOCATION DISTRICT (TAD) FUNDING FOR “G-4 DEVELOPMENT GROUP, PHASE II”
AT 721 AND 733 MAIN STREET**

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

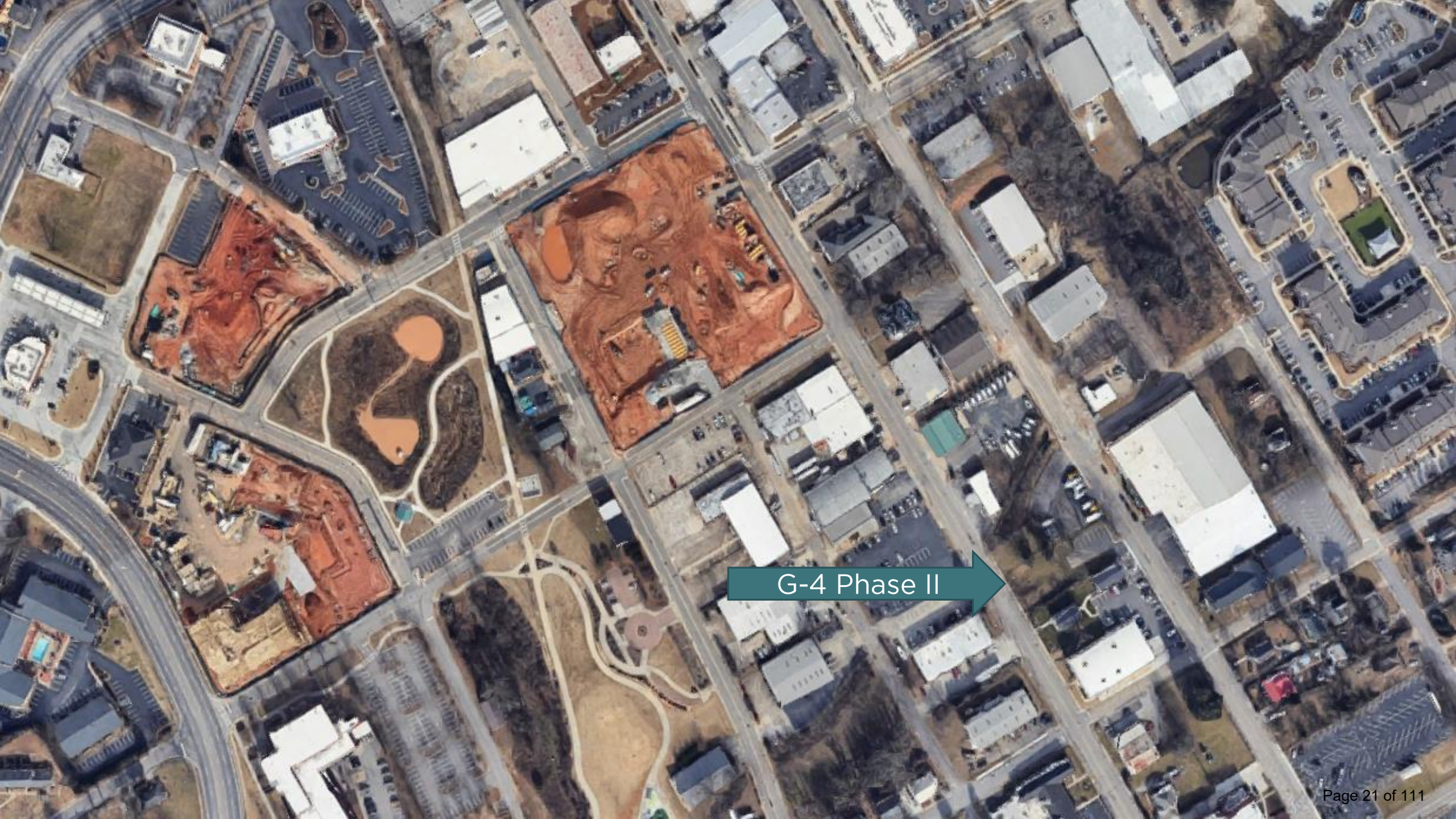


TAD Advisory Committee Recommendation

From October 10, 2023

G-4 Development Group LLC Phase II

721 & 733 Main Street SW



G-4 Phase II

G-4 DEVELOPMENT GROUP LLC PHASE I

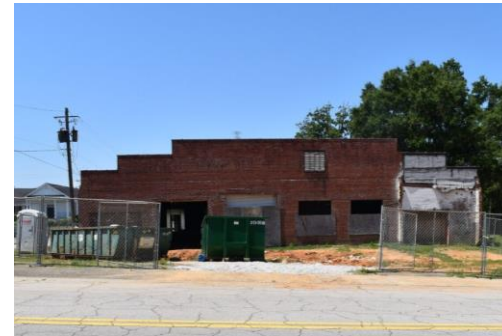
- Revitalization of vacant 11,044 sf building into modern professional office space
- July 2020 TAD Approval for \$284,786 over 15 years with \$75,000 up front
- Demolition, Façade Improvements, Doors & Windows, Underground Power





G-4 Phase I

743 Main Street





G-4 Phase I

743 Main Street





G-4 DEVELOPMENT GROUP

G-4 Phase I

743 Main Street





G-4 DEVELOPMENT GROUP

G-4 Phase I

743 Main Street



G-4 Phase II

721 & 733 Main Street

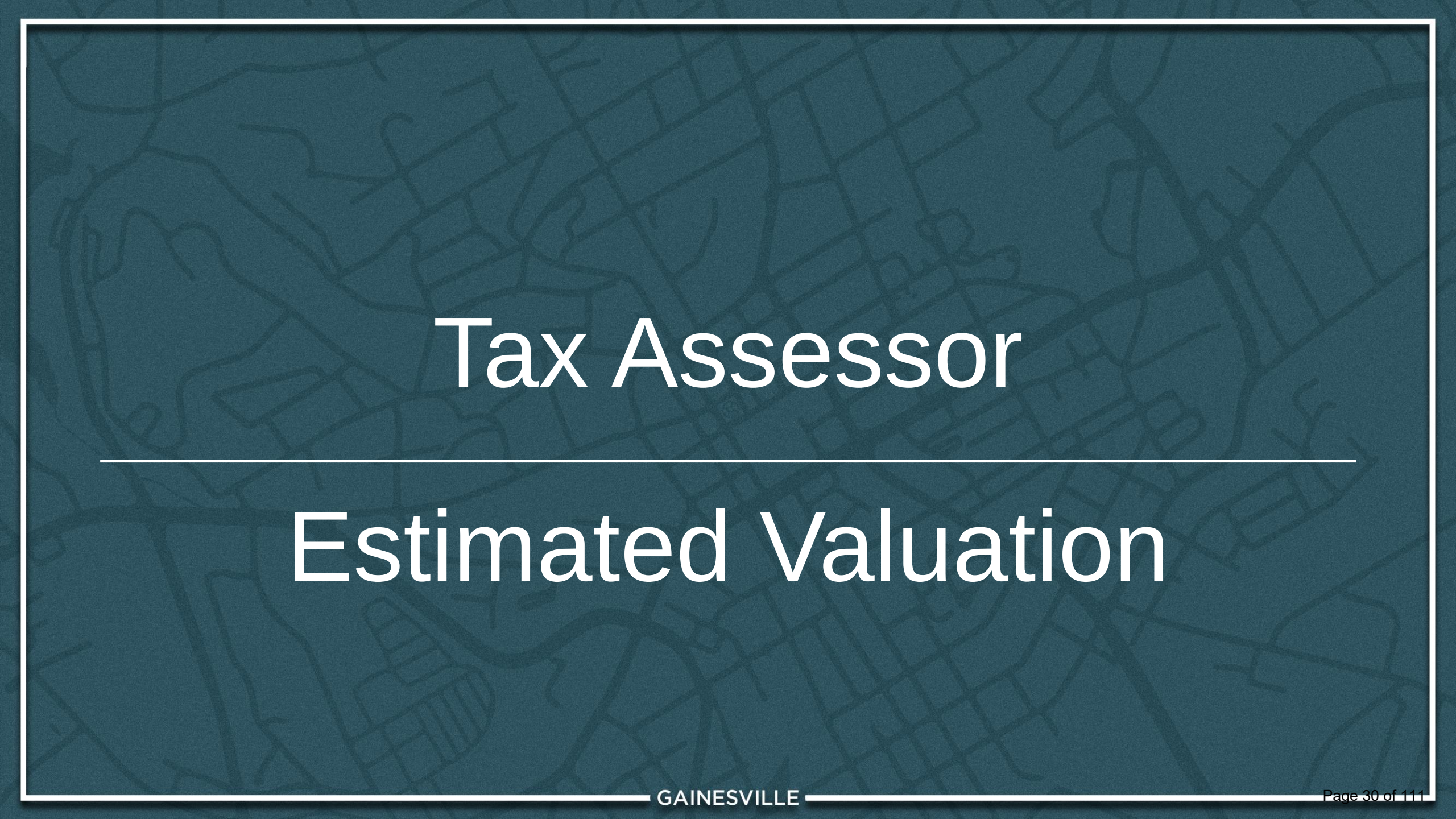


G4 Phase II – Exterior Improvements:

- Limewashed Brick Exterior
- Masonry Columns
- Decorative Fencing & Gates
- New Sidewalks
- Area Security & Accent Lighting
- Professional Landscaping
- Decorative Roofing & Entrance Awnings
- Patio & Recreation Deck with Railings





The background of the slide is a dark teal color with a faint, light-colored map of Gainesville, Florida, overlaid. The map shows a grid of streets and some irregular shapes representing parks or water bodies.

Tax Assessor

Estimated Valuation

G4 - Photography and Videography Studio

Project is a Photography and Videography Studio located at 721/733 Main Street located in the Midtown TAD District.

Property Owner is G-4 Development Group, LLC

2023 FMV

01015 001010: \$60,700

01015 001009: \$42,000

\$102,700

"We Appraise Property & We Value People"

G4 - Photography and Videography Studio

- Finished in coordinating style to existing building at 743 Main Street. Core post and beam construction with exposed wood work on interior.
- **Construction Budget: \$1,850,000**
- **Applicant's Est. Completion Value: \$2,575,000**
- **TY2025 Tax Assessor Estimate: \$2,200,000**

** Source: TAD Allocation Application*

"We Appraise Property & We Value People"

Estimated TAD Increment

	G-4 Phase II
<i>Valuation</i>	
2006 Base Fair Market Value	\$161,951
<i>TAD Potential</i>	
Based on Tax Assessor's Cost Value of:	\$2,200,000
15 Year Estimated TAD (100% Assessed Value)	\$350,000

TAD REQUEST

Item Description	TAD Request	TAD Funding Recommended
Demo & Grading	\$ 115,000	\$ 115,000
Paving & Sidewalks	\$ 35,000	\$ 35,000
Masonry Columns, Decorative Fencing & Gates	\$ 50,000	\$ 50,000
Retention Pond Concrete & Site Work	\$ 128,000	\$ 128,000
Site Foundation Walls & Slab	\$230,000	
Masonry, RB&B Siding, Standing Seam Roof & Gutters	\$ 168,086	
Front Entrance Handrails	\$ 5,000	
New Overhead Door	\$ 4,500	
Storefront Entry & Windows	\$ 13,759	
Lime/White Wash Exterior	\$ 7,870	
Entrance Canopies	\$ 18,156	
Patio & Recreation Decks Railings	\$ 25,000	
Site Lighting	\$ 1,910	
Landscaping	\$ 32,576	\$ 22,000
TOTAL TAD REQUEST	\$ 834,857	\$ 350,000

TAD ADVISORY COMMITTEE RECOMMENDATION

Payment Schedule:

- Up to \$350,000 in TAD funds shall be made payable upon submittal of paid invoices based upon the schedule and conditions listed below:
 - Reimbursement of \$50,000 to occur in lump-sum upon submittal of paid invoices.
 - Reimbursement of \$300,000 will be distributed on an annual basis based on the TAD increment generated by the project for that calendar year, which reimbursement shall not begin until after the total sum of \$50,000 has been replenished into the TAD Special Fund by the annual TAD increment generated.
 - Reimbursement will begin after a Certificate of Occupancy is obtained.
 - Reimbursement shall not exceed a period of 15 calendar years or \$350,000, whichever occurs first.

Conditions:

- Completed project is in substantial conformance with the architectural renderings and budget submitted with the application.
- Applicant agrees to a City initiated rezoning of the property from L-I to O-I.

Discussion



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: November 2, 2023

Date Submitted: November 3, 2023

Final Approval Date: November 3, 2023

Presenter: Abb Hayes, City Attorney

Item of Business: Request from **BDC Gainesville, LLC** to annex a 50.711± acres tract located southeast of the intersection of Athens Highway and Monroe Drive, having road frontage on Athens Highway and Monroe Drive (a/k/a **2544 Monroe Drive and 1570 Athens Highway**) and to establish a zoning of Heavy Industrial (H-I), with a special use. **Ward Number: Three.** Tax Parcel Number(s):15-032-000-013. **Request: Enclosed anaerobic digestion facility (Bioenergy Center).**

- Proposed Annexation Ordinance 2023-23
- Proposed Zoning Ordinance 2023-24
- Proposed Zoning Resolution ZR-2023-03

Meeting Date: November 7, 2023

Purpose of Request:

To conduct a public hearing regarding the following zoning request as presented at the October 10, 2023 Planning and Appeals Board Meeting.

Facts & Issues / History & Background:

The applicant is proposing to annex a 50.711± acres property with a zoning of Heavy Industrial (H-I) zoning and a special use. The property is currently zoned Planned Industrial Development (P-I-D) in Hall County and was approved in 2012 as a construction and demolition solid waste inert landfill. The city limits are contiguous to the property along portions of its westerly and southerly boundary lines and the property is located within the Gateway Corridor Overlay Zone. The property is heavily wooded with sloping topography and contains two tributaries from Allen Creek. Adjacent uses include the U.S. Post Office, Waffle House restaurant, Copart-Atlanta North, WM-RTS Landfill, GWAR Landfill and Steel Tech Industries.

The proposed bioenergy facility will operate 365 days a year and 24 hours a day with 17 employees working across 2 shifts. The anaerobic digestion process is designed to produce renewable natural gas as well as an organic odorless soil amendment which can be land applied or mixed to create nutrient-rich topsoils. Truck traffic for process loads per day will be between 27 to 31 trucks bringing feedstock and 2 to 3 outbound trucks taking solid soil amendments. Access is proposed from a single driveway off of Monroe Drive.

The facility will include solids and liquids truck bay/building, odor control building, wastewater treatment building, 4 smaller pre-treatment tanks, 4 large digester tanks, gas filtration skid, soil amendment building, dry detention pond, maintenance and office building.

Department Recommendation:

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

SAMPLE MOTIONS

Approval of Ordinance 2023-23:

I move to approve the ordinance to annex the subject property for an enclosed anaerobic digestion facility (Bioenergy Center).

Approval of Ordinance 2023-24 :

I move to approve the ordinance to establish zoning as Heavy Industrial (H-I) with a special use.

Approval of Resolution ZR-2023-03:

I move to approve the resolution to allow an enclosed anaerobic digestion facility (Bioenergy Center) within Heavy Industrial (H-I) zoning district with eleven 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. CC Legal Ad
2. PAB Recommendation Report
3. Proposed Annexation Ordinance 2023-23
4. Proposed Zoning Ordinance 2023-24
5. Proposed Zoning Resolution ZR-2023-03
6. Location Maps
7. Narrative
8. Site Plan
9. Survey
10. The Anaerobic Digestion Process
11. Water & Sewer confirmation letter
12. Department of Agriculture Letter of Support

1.6538 County Line Road | Variance | 16.50.040 | to reduce the road frontage requirement from 90 feet to 50 feet | on a 1.97± acre parcel located on the northwest side of County Line Road, across from its intersection with Booker Farm Drive | Zoned AR-IV, Tax Parcel 15006D000005 (pt.) | **Proposed Use: 3-lot subdivision |** * Commission District 3 | **Meden Montano, applicant.**

2.(A) 5013 Pleasant View Circle | Variance | 17.240.010 | to reduce the right side yard setback from 10 feet to 5 feet | on a 0.46± acre parcel located on the west side of Pleasant View Circle, approximately 206 feet north of its intersection with Stephens Road | Zoned R-I, Tax Parcel 08065 000003HH | **Proposed Use: detached garage |** * Commission District 2 | **Keith E. Hix, applicant.**

(B) 5013 Pleasant View Circle | Variance | 17.240.010 | to reduce the rear yard setback from 20 feet to 5 feet | on a 0.46± acre parcel located on the west side of Pleasant View Circle, approximately 206 feet north of its intersection with Stephens Road | Zoned R-I, Tax Parcel 08065 000003HH | **Proposed Use: detached garage |** * Commission District 2 | **Keith E. Hix, applicant.**

3.3998 Sundown Drive | Variance | 17.240.010 | to reduce the rear yard setback requirement from 20 feet to 1 foot | on a 0.43± acre tract, located on the north side of Sundown Drive, approximately 760 feet east of its intersection with Hardy Road | Zoned R-I, Tax Parcel 10121 000025 | **Proposed Use: residential addition |** * Commission District 2 | **Cedric & Lynne Randolph, applicant.**

4.4549, 4555, 4561, 4567, 4571, 4601, 4607, and 4611 Candlestick Lane | Amend Conditions of PRD | 9-unit townhome development | on a combined 3.89± acres located on the north side of Candlestick Lane, across from its intersection with Shawnee Drive | Zoned PRD, Tax Parcels: 08067 000045, 000044, 000043, 000042, 000041, 000039, 000038, and 000037 | **Proposed Use: 9-unit townhome development |** ** Commission District 2 | **RyRoMa Properties, LLC, applicant.**

5.3955 & 4035 Leach Road | Rezone | from Agricultural Residential III (AR-III) and Residential I (R-I) to Planned Residential Development (PRD) | on a combined 174.44± acres located on both the east and west sides of Leach Road, north of the intersection of Leach Road and Red Bird Circle | Zoned AR-III and R-I; Tax Parcels 10033 000001 & 10050 000008 | **Proposed use: 307-lot detached single-family development |** ** Commission District 2 | **Shadow Stone Partners, LLC, applicant.**

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 contributions 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, January 11, 2024 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, January 11, 2024. 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.

127123 10/18

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, November 7, 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 **BDC Gainesville, LLC** to annex a 50.711± acres tract located southeast of the intersection of Athens Highway and Monroe Drive, having road frontage on Athens Highway and Monroe Drive (a/k/a **2544 Monroe Drive and 1570 Athens Highway**) and to establish a zoning of Heavy Industrial (H-I), with a special use. Ward Number: Three Tax Parcel Number(s): 15-032-000-013 Request: **Enclosed anaerobic digestion facility (Bioenergy Center)**

2) Request from the **Gainesville Housing Authority** to annex a 2.031± acres tract located on the west side of Harrison Drive, east of Lanier Parkway (I-985) (a/k/a **1368 Harrison Drive**) and to establish a zoning of Residential-II (R-II). Ward Number: Three Tax Parcel Number(s): 01-142-001-002 (Part) Request: **Low-income multi-family housing**

3) Request from **Greg Loyd** to rezone a 0.397± acre tract located at the southwest side of the intersection of High Street and Dixie Street (a/k/a **812 Dixie Street**) from General Business (G-B) to Residential-II (R-II). Ward Number: Three Tax Parcel Number(s): 01-033-002-001 Request: **Four condominium units**

Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3(c))

127161 10/18

PUBLIC NOTICE CITY OF OAKWOOD, GEORGIA

Be advised a public hearing has been scheduled before the Oakwood City Council on the 13th day of November 2023 at 7:00 p.m., at the Oakwood City Hall, 4035 Walnut Circle, Oakwood, Georgia for:

- Ordinance to amend City of Oakwood Code Section 12-19 "Adopting Codes", Subsection (4) Georgia State Minimum Standard Plumbing Code (International Plumbing Code with Georgia State Amendments) of the Oakwood City Code of Ordinances to adopt local amendments of the Metro Water District - Water Efficiency Code Requirements to include and amend definitions for Landscape Irrigation requirements and Shower Head; to amend Chapter 6 section 604.04 Maximum Flow and Water Consumption; Exception to said section; to amend table 604.4; to add Section 604.4.1 Clothes Washers; to add 604.4.2 et seq. Cooling Tower Water Efficiency; to add 604.4.3 Landscape Irrigation System Efficiency Requirements; to add Section 604.4.3.1 Avoiding Water Waste Through Design, to amend Section 4.4.3.2 Landscape Irrigation System Required Components; to amend Chapter 13, Section 1304 Reclaimed Water Systems, subsection 1304.3.2 Connections to Water Supply; to amend appendix E, Section E101.1.2.

At said public hearing all persons having an interest may be heard on the question of Ordinance Amendments by the City of Oakwood. A copy of the proposed amendments will be available for review at The City Hall of Oakwood during normal business hours 8:00 AM to 4:00 PM, Monday through Friday. City of Oakwood, 4035 Walnut Circle, Oakwood, Georgia.

127166 10/18

Public Sales/Auctions

NOTICE OF PUBLIC SALE: The following self-storage Cube contents containing household and other goods will be sold for cash by CubeSmart LP 2221 Dawsonville Highway Gainesville, Georgia, 30506 to satisfy a lien on November 9, 2023 at approx. 1:30 PM at [www.storage treasures.com]: Cube #213 James Ensley; Cube #301 Rachel O McKinney; Cube #316 Qwaterika Hayes; Cube #413 Brittany Kay Fain; Cube #528 Calley Greer; Cube # 530 Katicia Cavazos.

126810 10/18, 10/25

Notice of Sale.

Notice is Hereby given that Northeast Georgia Storage Center LLC, intends to sell the personal property described below to enforce a lien imposed on said property pursuant to the Georgia Self-Storage Facility Act, Georgia Code Section 10-4-210 to 10-4-215. The undersigned will sell at public sale by competitive bidding on Friday, October 27th, 2023 at 9:00 am on the premises where said property is being stored and which is located at, Northeast Georgia Storage Center, 1980 Delta Drive, Gainesville Georgia 30501, County of Hall, State of Georgia. 770-536-5173. The personal property found in units: B046 David Shuman - Tool Chests, furniture, refrigerators, clothing; C026 Tykeshia Young - Furniture, cloths, washer, dryer,

message table, kids toys; C018 Lori Torres - Cloths, furniture, TV, Electric Scooter; D031 Beverly Emmons - Cloths, furniture, TV, Totes, Skateboard; D026 Kaleb Loggins - Vacuum, Cloths, Chair, Household items; M007 Bryant Armstrong - Cloths, clock, lamp; M002 Thomas Woody - Shoes, Cloths, Cookware. Purchases must be made with cash. All items are sold as is. Sale is subject to cancellation and Tenant has the right to redeem prior to sale.

126826 10/11, 10/18

Online auction of general household items www.storageauctions.com. Notice is hereby given that on October 20, 2023 at 12 pm Savage Mini Storage, 5149 Cleveland Hwy Gainesville, GA 30506 will sell under the contractual landlords lien process by online auction the following storage units. Unit P -Scott Atkinson Unit 46 -Gary Caldwell

126773 10/11, 10/18

WILL BE Sold Online at **Storageauctions.com** Notice is hereby given that on **Auction Date: October 23, 2023** U-Haul Company of Northeast Georgia will Sell under the contractual landlords lien process by Online auction the following storage units. The goods to be sold are generally described as household goods. Gainesville: **U-Haul Of Oakwood:** 2045 Genevieve McClain O30 Robert Hairston 2007 Kayla Vickery

126547 10/11, 10/18

Probate Notices

IN THE PROBATE COURT OF HALL COUNTY ST ATE OF GEORGIA

IN RE: ESTATE OF SANDRA JEAN DAVIS, DECEASED ESTATE NO .. E-23-424

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: whom it may concern: **Thomas Elwood Davis, III** has petitioned for (Letters of Administration) to be appointed administrator of the estate of **SANDRA JEAN DAVIS** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 a.m. November 6th, 2023.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: S. Carley Clerk of the Probate Court 116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-531-6923

Telephone Number **126330 10/4, 11, 18, 25**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF EDDIE MICHAEL FORTNER, DECEASED EST A TE NO. E-23-148

NOTICE

[For discharge from office and all liability] IN RE: Petition for Discharge of Personal Representative TO: whom it may concern: This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. November 6th 2023.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: S. Carley Clerk of the Probate Court 116 Spring Street First Floor Gainesville, Georgia 30501 Address 770 - 5 3 3 - 7 8 2 8 Telephone Number **127142 10/18**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF GREGORY EARL BRYANT, DECEASED ESTATE NO .. E-23-518

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: whom it may concern: **Dana Hope Bryant** has petitioned for (Letters of Administration) to be appointed administrator of the estate of **GREGORY EARL BRYANT** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 a.m. November 6th, 2023.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: S. Carley Clerk of the Probate Court 116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-531-6923

First Floor Gainesville, Georgia 30501 Address 770-531-6923 Telephone Number **126327 10/4, 11, 18, 25**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF JOYCE JOHNSON BONNER, DECEASED ESTATE NO.. E-23-407

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: whom it may concern: **Julie Bonner Wettlaufer** has petitioned for (Letters of Administration) to be appointed administrator of the estate of **JOYCE JOHNSON BONNER** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 a.m. November 6th, 2023.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: S. Carley Clerk of the Probate Court 116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-531-6923 Telephone Number **126096 10/4, 11, 18, 25**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF RUSSELL ARLEN FOSTER, DECEASED ESTATE NO. E-22-772

NOTICE

[For discharge from office and all liability] IN RE: Petition for Discharge of Personal Representative TO: whom it may concern: This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. November 6, 2023.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine

Judge of the Probate Court By: S. Carley Clerk of the Probate Court 116 Spring Street First Floor Gainesville, Georgia 30501 Address 770 - 5 3 1 - 6 9 2 3 Telephone Number **126633 10/18**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF CLAUDIA LANG P U R G A S O N , DECEASED ESTATE NO. E-19-114

NOTICE

[For discharge from office] IN RE: Petition for Discharge of Personal Representative TO: WHOM IT MAY CONCERN: This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 am, November 6, 2023

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: Riley Norris Clerk of the Probate Court 16 Spring Street, SE Gainesville, GA 30501 Address 770 - 5 3 3 - 7 8 2 8 Telephone Number **127140 10/18**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF SHERRY ANN HEWELL DECEASED ESTATE NO. E-23-553

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: WHOM IT MAY CONCERN, **Raymond Larry Hewell** has petitioned for **Letters of Administration** to be appointed administrator of the estate of **Sherry Ann Hewell** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before November 6, 2023 by 10:00 A.M.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be (scheduled at a later date). If no objections are filed, the petition may be granted

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant and Property OwnerBDC Gainesville, LLC
Location2544 Monroe Drive; 1570 Athens Highway
Request.....Annex with H-I zoning, with a special use
Total Acres50.711± acres
WardThree
Proposed Use.....Enclosed anaerobic digestion facility
(Bioenergy Center)
Planning Division Staff Recommendation.....**Approval, with conditions**
Planning & Appeals Board Recommendation.....**Approval, with conditions**
DateOctober 10, 2023

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

The applicant is proposing to annex a 50.711± acres property with a zoning of Heavy Industrial (H-I) zoning and a special use for an enclosed anaerobic digestion facility (Bioenergy Center). The special use part of this request is required within H-I zoning as the proposed use is similar to a Co-generation facility that uses waste produces to create an energy source.

The property is currently zoned Planned Industrial Development (P-I-D) in Hall County and was approved in 2012 as an open construction and demolition (C&D) solid waste inert landfill, but was never developed as such. The city limits are contiguous to the property along portions of its westerly and southerly boundary lines and the property is located within the Gateway Corridor Overlay Zone. The property is heavily wooded with sloping topography and contains two tributaries from Allen Creek which will limit the developable area to approximately 20% of the site.

The proposed bioenergy center envisions a transformative enclosed anaerobic digestion operation where soil amendments and other organics (organic feedstock) produced by the region's food manufacturers are transformed into renewable energy (biogas) and fertile soil amendments. The feedstock consists of approved soil amendment material coming from various food production sources, predominantly area poultry and agricultural industries including biosolids, sludges, etc. Biogas is further treated on-site to remove all elements which are not methane to produce renewable natural gas which is injected into the gas distribution system. Organics are diverted from landfills, incinerators, and land application and transformed into sustainable products via this cost-effective solution. The process will also recycle this wastewater (recycle water) for internal use throughout the facility processes which limits the amount discharged to the sewer. Any odor is treated, sealed and contained within a negative air pressure building.

The proposed facility will operate 365 days a year and 24 hours a day with 17 employees working across 2 shifts. The anaerobic digestion process includes:

- 1) Approximately 27 to 31 trucks arrive carrying organic feedstock consisting of mostly liquid tankers as well as 6 to 7 solid loads which are weighed. Most of the feedstock deliveries will be distributed from 5 a.m. until 4 p.m. Liquid feedstock is hauled in tanker trucks and solid feedstocks in dump trucks. Dump trucks are tarped as a minimal overhead protection

when not fully enclosed. The type of truck used depends on the what each feedstock producer uses to haul their byproducts.

- 2) Materials are sorted and separated within an enclosed building,
- 3) Materials are sent to pre-tanks to mix with microbes,
- 4) Natural bio-gas is created and is further treated with renewable natural gas which is injected to the natural gas main via pipeline,
- 5) A secondary digestate-compost like product is also created and placed within an enclosed building. There will be 2 to 3 truck-loads remove the digest-compost material each day.
- 6) The digestate-compost is delivered two to three times a day to final users or for further treatment (composting, solid blending and palletizing) to sustainable agriculture & renewable energy sources.

Access is proposed from a single driveway off of Monroe Drive. The facility will include solids and liquids truck bay/building, odor control building, wastewater treatment building, 4 smaller pre-treatment tanks, 4 large digester tanks, gas filtration skid, soil amendment building, dry detention pond, maintenance and an administrative building with a control room, offices, bathrooms and storage. The digester silos are a maximum of 56-feet in height when the roof bladders are fully expanded with biogas which is about 10-feet above the road elevation of Athens Highway but below the tree line. A full description of the overall process and development standards are described within the narrative provided by the applicant.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	U.S. Post Office; Waffle House; Single-family homes across Athens Highway (SC Moon Subdivision)	General Business (G-B) - City Residential-I (R-I) and Residential-II (R-II) - County
South	Undeveloped land owned by the City of Gainesville	Residential-I-A (R-I-A) - City
East	Copart-Atlanta North (auto auction); GVAR (waste mgt. & recycling); Tech Gas Solutions	Planned Industrial Development (P-I-D) Light Industrial (I-I) - County
West	Steel Tech Industries; WM-RTS landfill	Light Industrial (L-I), Planned Unit Development (P-U-D) - City

▪ **Other Departmental Comments**

There were no departmental comments for this request.

According to the Department of Water Resources, there is adequate water and sanitary sewer capacity for the proposed use. The anticipated demand is 35,000 GPD of water and discharge approximately 80,000 GPD to the sanitary sewer system. Serving the development is contingent upon conforming with the City's industrial discharge permit requirements, as well as, submittal and approval of a detailed odor control plan.

▪ **Zoning History**

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

2020- A request by City of Gainesville to annex 4.4± acres located at 0 and 2221 Smallwood Road; 2306 and 2312 Athens Highway with a zoning of Planned Unit Development (P-U-D) was approved with conditions for the 85 Business Park.

2020- A request by City of Gainesville to rezone 1,320± acres located at 1701 Fulenwider Road, SW from Residential-I-A (R-I-A) to Planned Unit Development (P-U-D) was approved with conditions for the 85 Business Park.

2019- A request by City of Gainesville to rezone 395.69± acres located at 1701 Fulenwider Road, SW from Residential-I-A (R-I-A) to Heavy Industrial (H-I) was approved with conditions for future industrial uses.

Analysis

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

The subject property is located within a nonresidential area primarily consisting of established heavy industrial, light industrial and commercial uses. There are residential uses located within unincorporated Hall County across Athens Highway 570± feet from the proposed facility.

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

According to the applicant the proposed facility will operate 365 days a year and 24 hours a day. It is anticipated there will be 17 employees working across 2 shifts and 27 to 31 truck deliveries per day. In addition, any odor from the process is treated, sealed and contained within a negative air pressure building. The minimal number of employees and truck trips per day and the process for mitigating odors would appear not to adversely affect the adjacent or nearby properties. Given the number recycling and food related industrial uses located off of Highway 129 (E. E. Butler Pkwy and Athens Hwy), it is paramount that any odors are properly mitigated so as to not impact the nearby businesses and residential uses.

(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 *Industrial* land use category. This industrial land use category includes a wide range of office, business, light industrial, manufacturing, research and development uses; and commercial uses that directly support or are otherwise linked to the dominant business use.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Economic Development Gateways* character area. This character area represents the industrial, warehousing and other commercial enterprises that parallel the I-985 and Norfolk-Southern railroad corridor. The primary vision for the area is to continue to support economic development while preserving and strengthening important natural and cultural resources. Appropriate land uses and development types include commercial, general mixed-use, industrial, limited multi-family residential, parks and recreation, public and institutional uses.

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

The property is currently zoned Planned Industrial Development (P-I-D) in Hall County and was specifically approved in 2012 as a construction and demolition solid waste inert landfill. The proposed use intends to utilize City water and sewer services and is contiguous to the city limits. Therefore, the applicant has petitioned to annex into the City for water and sewer.

(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?

According to Gainesville Water Resources there is sufficient water and sewer capacity for the proposed use. A traffic Impact Study was not required for the proposed use as traffic generated from the proposed use is considered minimal given that there will be only 17 employees and between 27 to 31 truck trips per day. The Gainesville Fire and Police Departments currently respond to the adjacent property. Gainesville Fire Station #1 is located off of Queen City Parkway and is 2.7± miles from the proposed access at Monroe Drive. There will be no impacts to the City school system as the proposed use is nonresidential 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 proposed use is consistent with the Comprehensive Plan. The subject property and much of the surrounding area have been planned for public and industrial uses for many years. As well, the surrounding area has experienced mostly industrial growth due to nearby Exit 22 /I-985 and the availability of water and sewer. Most recently, the City of Gainesville is currently developing the Gainesville 85 Business Park which is located just south and east of the subject property off of Fulenwider Road, Allen Creek Road, Monroe Drive and Athens Highway.

(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 subject property's close proximity to other industrial properties, the proposal with the zoning conditions recommended by staff 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.

▪ **Additional Special Use Criteria**

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

Monroe Drive is a 24 foot wide, two lane road with no curb and gutter. Monroe Drive is located partially within the City and County and serves as a connector road between Athens Highway to Candler Highway with heavy passenger and truck traffic. While the existing street appears adequate to serve the proposed development, future improvements may be necessary to accommodate increased industrial truck traffic.

(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 applicant's concept plan appears to provide for sufficient access for the anticipated traffic flow and for emergency vehicles. However, a bridge will be required to be constructed over an existing stream in order to access the site. Monroe Drive is not considered a pedestrian corridor and there are no sidewalks along either side of the right-of-way.

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

The existing public facilities are adequate to serve the proposed use.

(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.

There appears to be sufficient refuse, service, parking and loading areas based on the proposed concept plan. Natural buffers will also be required to reduce any visual or noise impacts on adjacent properties. According to the applicant, any odor from the process will be treated, sealed and contained within a negative air pressure building. There is ventilation near all unloading areas ensuring there are no fugitive odors. Nevertheless, it appears there could be some level of odor from the trucks delivering the feedstock to the site.

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

The proposed facility will operate 365 days a year and 24 hours a day with 17 employees working across 2 shifts. Operational impacts will be minimized due to the natural buffers, minimal truck traffic with access being limited to Monroe Drive. The adjacent uses are all non-residential except for established housing located to the north across Athens Highway.

(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 height of the digester silos will be 56-feet which is nearly 10-feet about the road elevation of Athens Highway but below the existing mature tree line. A natural perimeter buffer with mature trees will be required to help screen the facility. In addition, the staff is requiring the buildings to be forest green in color which will better blend with the natural environment.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this annexation request with Heavy Industrial (H-I) zoning with a special use based on the Comprehensive Plan and the adjacent mixture of uses.

Conditions

- 1. The development standards within the narrative, site plan and photographs submitted with the applicant's annexation application shall be made part of the zoning ordinance, and shall be subject to the approval of the Community and Economic Development Director.**

2. The use of the subject property shall be restricted to the proposed enclosed Anaerobic Digestion Facility (Bioenergy Center). Any different use shall require a public hearing before the Gainesville Planning and Appeals Board and Gainesville City Council.
3. The size of the proposed Anaerobic Digestion Facility (Bioenergy Center) shall be strict conformance to what is shown on the site plan submitted with this annexation application.
4. All offloading of solid or liquid feedstock and storage of soil amendments shall be indoors. Any odors emitted from the subject property shall be sealed, treated and contained within a negative air pressure building.
5. The proposed use shall conform with the City's industrial discharge permit requirements, as well as, submittal and approval of a detailed odor control plan per the approval of the Gainesville Department of Water Resources.
6. The exterior walls of all buildings, accessory buildings, silos and tanks shall be forest green in color. This shall not include roofs or membranes.
7. The subject property shall be limited to one (1) monument sign fronting Monroe Drive, not to exceed 10-feet in height, 64 square feet in size, with internal or indirect lighting. Building signs shall be permitted as regulated within the Gainesville Unified Land Development Code. An electronic message board / changeable copy sign shall not be permitted for the subject property.
8. The existing, healthy trees located on the subject property shall be retained and incorporated into the design of the site improvements where possible, and shall be protected throughout construction of any required and/or proposed improvements.
9. A minimum 100-foot wide undisturbed buffer shall be required within the boundary of the subject property with the exception of the proposed driveway on Monroe Drive. A reduction of undisturbed buffer may also apply to a portion of the northwesterly boundary line fronting the heavily wooded, expanded right-of-way area of Athens Highway as shown on the site plan. The reduction of the undisturbed buffer area shall be subject to the approval of the Community and Economic Development Director.
10. The proposed entrance on Monroe Drive shall be professionally landscaped and maintained. The design of the landscaped entrance shall require review and approval from the Community and Economic Development Director.
11. All access shall be limited to Monroe Drive shall be submitted for review by the Gainesville Public Works Director and Hall County Community Development & Infrastructure Department, and approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.

Excerpts from the October 10, 2023 PAB Meeting Minutes

Applicant Presentation: Bradley Dunkel, Rochester & Associates, 425 Oak Street, stated he represents BDC and the parent company Bioenergy Devco. He said the facility takes food

processing waste, converts into renewable energy into soil amendments to be used in a variety of uses. He mentioned there have been concerns of odor generated from the facility but there will be no outside storage of any raw materials and will be delivered in a tank or covered truck, the liquid form will be piped directly into the digesters. Mr. Dunkel stated the solid product enters an enclosed building with negative air pressure with no air escaping and odor would be minimal if any. He said feed stock is a treated byproduct of primarily the food processing energy and explained that a poultry plant or other facility processes their waste then that product would go to a land application disposal but being land applied the liquid or solid byproduct could affect the lake by runoff due to the amount of nutrients but this would eliminate that concern and is considered a green alternative. Mr. Dunkel said eighty percent is liquid form and therefore pumped directly into the facility. He said all feed stock ingredients are registered with the State as materials suitable for land application disposal. Mr. Dunkel stated the other concern was the number of trucks on the road but they are already on road and going to longer distances to dispose of the materials. He stated the environmental result of the process is a digestate that becomes a soil amendment product and a biogas that becomes a renewable natural gas source that is put back into the gas line system. He stated there is a letter from the Georgia Department of Agriculture in support of the facility. Mr. Dunkel then explained using overhead maps showing limits of disturbance along with the site being screened and remote from surrounding uses and explained a 3D rendering of site. He said in attendance were two representatives from Bioenergy Devco along with local environmental consultant Warren Howell and Chris Riley helping on the state level regulatory process if there were any additional questions.

FAVOR: None

OPPOSE: **Jennifer Knight**, 2719 Water View Circle, was not really opposed but stated it sounds like good facility but was concerned about gases exploding or tanks catching fire and the radius of it. She also asked about the creeks being protected including the water system along with questions about the product being dispersed on site. Ms. Knight also expressed concern regarding the hazards of the gases and if the process doesn't work as it should.

Chris Riley, 1660 Palmour Drive, stated he would answer the questions from Ms. Knight. He said it is a non-pressured gas/non-pressured system with no risk. Mr. Riley said there is a requirement by the State that the applicant must receive the Clean Air Permit in addition to a Waste Water Treatment Permit. He stated the flume will be mandated and required which falls under the State's Clean Air Permit. He stated should the applicant receive local zoning and approval it would then flow to the State EPD for a Clean Air Permit for the air scrubbers that would control any odors that might escape in addition to the flume and gas. Mr. Riley said any disturbance to the creek is required by the State to go through a Permit of Disturbance in addition to Army Corp of Engineers for a 404 Permit from the Savannah district office in order to cross the tributaries. He explained once this is done it must be proved to the federal government and state that there are cautions in place not to disturb the tributaries and any what-if situation moving forward. He stated there are required tests ongoing by the Corp of Engineers along with onsite monitoring. Mr. Riley then explained how the product is dispersed stating inside the tank are living organisms (bugs) which breaks down the product into three byproducts which are natural gas, water and solid waste which an additive is added to it for mulch. He said there should be no odors at all.

Board Member Young asked Mr. Riley if the gas would be injected on site at a Liberty controlled natural gas pipe and he answered yes and it would not be tanked out and the gas must be compressed in order for Liberty to accept it at the expense of the applicant.

Board Member Thompson asked Mr. Riley if there had ever been explosion or leak with this type of facility and he answered not to his knowledge. He stated it originated in Europe

operating there for years and then opened one in Maryland with Tyson Foods. Mr. Riley stated there are two anaerobic digesters in Georgia operating by the city of Columbus and Gwinnett County both sewage treatment facilities but the one in Gainesville will be the first private feed stock site in Georgia.

Board Member Young asked Mr. Riley about the truck traffic capacity at the facilities and the process for it now. He stated it is being built and permitted to be maxed out. Mr. Riley said it will be a solution to ongoing problem of being able to disperse the byproduct from food processing. The process currently goes to east and southeast Georgia approximately 100 miles one way with a single truck to disperse the product.

Vice-Chair Fleming asked if this would be good for Georgia and economic development, to handle our own waste and the agency that would oversee this process. Mr. Riley explained that with the blessing of the poultry industry with more people moving into the area it is a way to sustain and maintain the poultry industry and allow it to continue to grow being good neighbors of something that is now land applied and placed into a controlled environment and be used for betterment of renewable resources. Mr. Riley stated there are two state agencies, (Department of Agriculture and the Environmental Protection Division) that have joint regulation authority over the soil amendment product.

Will Crumley, 2577 Monroe Drive, M&R Rental, stated he is not opposed but concerned about the number of trucks, the recourse for it and with the condition of the roads being able to handle a large number of truck traffic.

Deputy Director Tate stated the facility is being built to be maxed out and there is a proposed zoning condition that limits to what is being proposed. He said if the applicant wanted to increase the size of the facility, then it would require a public hearing process first. Mr. Tate stated that 27 to 31 truck trips per day did not meet the threshold of a traffic study requirement but will still require coordination with Public Works for access and some level of coordination with GDOT.

Mr. Riley added that it is built to capacity and can't expand any more. He said the topography makes it cost prohibited to expand outward and will be the first one in state that will be a proven scientific model that works and would have to expand elsewhere with Gainesville being the model.

Chairman Carter stated Mr. Riley had communicated with Mr. Tate regarding the conditions being tweaked and the language being changed and wanted to acknowledge the Board received them in writing and would consider the amendments to the conditions. Chairman Carter asked Mr. Tate to share his thoughts concerning the changes to the conditions.

Deputy Director Tate stated there are currently eleven proposed conditions by staff and five of them have been amended for clarification purposes. He said conditions 3, 4, 6, 8 and 9 have proposed changes and staff is in agreement.

There was a motion to recommend conditional approval of the annexation request for an enclosed anaerobic digestion facility (Bioenergy Center) and establish zoning as Heavy Industrial (H-I) with a special use with the following amended (3, 4, 6, 8 and 9) conditions:

Conditions

- 1. The development standards within the narrative, site plan and photographs submitted with the applicant's annexation application shall be made part of the**

zoning ordinance, and shall be subject to the approval of the Community and Economic Development Director.

2. The use of the subject property shall be restricted to the proposed enclosed Anaerobic Digestion Facility (Bioenergy Center). Any different use shall require a public hearing before the Gainesville Planning and Appeals Board and Gainesville City Council.
3. The size of the proposed Anaerobic Digestion Facility (Bioenergy Center) shall be in general conformance to what is shown on the site plan submitted with this annexation application. Any deviations shall be subject to the approval of the Community and Economic Development Director.
4. All offloading of solid feedstock shall be indoors. Any odors emitted from the offloading shall be sealed, treated and contained within a negative air pressure building. Liquid feedstock and soil amendment loadout shall be covered with minimal, if any expected odors, mitigated by best management practices, consistent with industry standards.
5. The proposed use shall conform with the City's industrial discharge permit requirements, as well as, submittal and approval of a detailed odor control plan per the approval of the Gainesville Department of Water Resources.
6. The exterior walls of all buildings, accessory buildings, silos and tanks shall be forest green in color. This shall not include roofs or membranes. Any deviations shall be subject to the approval of the Community and Economic Development Director.
7. The subject property shall be limited to one (1) monument sign fronting Monroe Drive, not to exceed 10-feet in height, 64 square feet in size, with internal or indirect lighting. Building signs shall be permitted as regulated within the Gainesville Unified Land Development Code. An electronic message board / changeable copy sign shall not be permitted for the subject property.
8. The existing, healthy trees located on the subject property, and not within the proposed limits of construction, shall be retained and incorporated into the design of the site improvements where possible, and shall be protected throughout construction of any required and/or proposed improvements.
9. A minimum 100-foot wide undisturbed buffer shall be required within the boundary of the subject property with the exception of the proposed driveway on Monroe Drive. A reduction of undisturbed buffer shall be permitted along the US 129 Right-of-Way where shown on the attached site plan. Any further reduction of the undisturbed buffer area shall be subject to the approval of the Community and Economic Development Director.
10. The proposed entrance on Monroe Drive shall be professionally landscaped and maintained. The design of the landscaped entrance shall require review and approval from the Community and Economic Development Director.
11. All access shall be limited to Monroe Drive shall be submitted for review by the Gainesville Public Works Director and Hall County Community Development & Infrastructure Department, and approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.

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

Passed: _____

AN ORDINANCE

No. 2023-23

AN ORDINANCE ANNEXING A 50.711± ACRES TRACT LOCATED SOUTHEAST OF THE INTERSECTION OF ATHENS HIGHWAY AND MONROE DRIVE, HAVING ROAD FRONTAGE ON ATHENS HIGHWAY AND MONROE DRIVE (A/K/A 2544 MONROE DRIVE AND 1570 ATHENS HIGHWAY) AND TO ESTABLISH A ZONING OF HEAVY INDUSTRIAL (H-I), WITH A SPECIAL USE ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

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

Legal Description

All that tract or parcel of land lying and being in Tadmore G.M.D. 368, Hall County, Georgia, and being more particularly described as follows:

BEGINNING at the centerline intersection of U.S. Highway 129 (a/k/a Athens Highway, a/k/a State Route 11, R/W varies); thence South 40°49'23" East, a distance of 882.91 feet to an iron pin found (3/8" rebar) on the southern right-of-way of said U.S. Highway 129 and the TRUE POINT OF BEGINNING; thence along said right-of-way the following courses and distances: South 56° 30' 26" East, a distance of 61.39 feet to a point; thence South 02° 45' 01" East, a distance of 168.31 feet to a point; Thence South 88° 04' 15" East, a distance of 364.06 feet to a concrete monument found (4"x4" R/W with rebar at base); thence South 71° 00' 58" East, a distance of 75.82 feet to a concrete monument found (4"x4" R/W); thence North 75° 14' 37" East, a distance of 473.82 feet to a concrete monument found (4"x4" R/W); thence South 60° 38' 30" East, a distance of 160.99 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence north 86° 42' 33" East, a distance of 99.98 feet to a concrete monument found (4"x4" R/W); thence North 44° 21' 02" East, a distance of 153.62 feet to a concrete monument found (4" x 4" R/W); thence North 73° 07' 24" East, a distance of 89.58 feet to an iron pin found (1/2" rebar); thence leaving said right-of-way and along the property now or formerly belonging to Integra Consolidated Assets, Inc., the property now or formerly belonging to H. Kenneth Cronan, South 16° 09' 49" West, a distance of 307.22 feet to a point; thence along the property now or formerly belonging to J. Nathan Deal and H. Ken Cronan the following courses and distances: South 43° 13' 04" West, a distance of 194.72 feet to a point;

ORDINANCE NO. 2023-23

thence South 17° 14' 04" West, a distance of 895.85 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped Rochester-LSF000484"); thence along the property now or formerly belonging to H. Kenneth Cronan, South 18° 08' 27" West, a distance of 637.17 feet to a point; thence North 61° 17' 54" West, a distance of 1169.62 feet to a point on the Eastern right-of-way of Monroe Drive (R/W varies); thence along said right-of-way the following courses and distances: North 16° 53' 35" West, a distance of 581.31 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 73° 05' 18" East, a distance of 25.00 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped Rochester-LSF000484"); thence North 16° 54' 28" West, a distance of 199.97 feet to an iron pin found (3/8" rebar) on the line common with City of Gainesville/Hall County; thence leaving said right-of-way and along said City of Gainesville/Hall County line and the property now or formerly of United States Postal Service the following courses and distances: thence North 65° 26' 21" East, a distance of 81.12 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 16° 54' 35" West, a distance of 62.91 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 10° 58' 03" West, a distance of 63.03 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 10° 59' 23" East, a distance of 80.76 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 29° 04' 36" East, a distance of 62.94 feet to an iron pin found (3/8" rebar); thence North 45° 24' 21" East, a distance of 86.80 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 50° 30' 09" East, a distance of 71.29 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 53° 56' 03" East, a distance of 76.18 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 59° 13' 26" East, a distance of 94.13 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 80° 28' 17" East, a distance of 42.12 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 49° 22' 17" East, a distance of 67.96 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 53° 53' 33" East, a distance of 56.86 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 30° 52' 13" East, a distance of 73.45 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 50.711 acres.

The annexation is to include all that portion of right-of-way known as Monroe Drive located between the subject property and the existing city limits shown on the location map.

SECTION II

The Community and Economic Development Department of the City of Gainesville is directed to make and file with the Department of Community Affairs of the State of Georgia a certified copy of this Ordinance together with a plat describing lands annexed to the City of Gainesville by this Ordinance.

SECTION III

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

SECTION IV

ORDINANCE NO. 2023-23

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

SECTION V

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

W. Samuel Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

Passed: _____

AN ORDINANCE

No. 2023-24

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 50.711± ACRES TRACT LOCATED SOUTHEAST OF THE INTERSECTION OF ATHENS HIGHWAY AND MONROE DRIVE, HAVING ROAD FRONTAGE ON ATHENS HIGHWAY AND MONROE DRIVE (A/K/A 2544 MONROE DRIVE AND 1570 ATHENS HIGHWAY) AT THE TIME OF ANNEXATION AS HEAVY INDUSTRIAL, WITH CONDITIONS (H-I-c) WITH A SPECIAL USE; 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 **Heavy Industrial, with conditions (H-I-c)**.

Conditions

- 1. The development standards within the narrative, site plan and photographs submitted with the applicant's annexation application shall be made part of the zoning ordinance, and shall be subject to the approval of the Community and Economic Development Director.**
- 2. The use of the subject property shall be restricted to the proposed enclosed Anaerobic Digestion Facility (Bioenergy Center). Any different use shall require a public hearing before the Gainesville Planning and Appeals Board and Gainesville City Council.**
- 3. The size of the proposed Anaerobic Digestion Facility (Bioenergy Center) shall be in general conformance to what is shown on the site plan submitted with this annexation application. Any deviations shall be subject to the approval of the Community and Economic Development Director.**
- 4. All offloading of solid feedstock shall be indoors. Any odors emitted from the offloading shall be sealed, treated and contained within a negative air pressure building. Liquid feedstock and soil amendment loadout shall be covered with minimal, if any expected odors, mitigated by best management practices, consistent with industry standards.**
- 5. The proposed use shall conform with the City's industrial discharge permit requirements, as well as, submittal and approval of a detailed odor control plan per the approval of the Gainesville Department of Water Resources.**

ORDINANCE NO. 2023-24

- 6. The exterior walls of all buildings, accessory buildings, silos and tanks shall be forest green in color. This shall not include roofs or membranes. Any deviations shall be subject to the approval of the Community and Economic Development Director.**
- 7. The subject property shall be limited to one (1) monument sign fronting Monroe Drive, not to exceed 10-feet in height, 64 square feet in size, with internal or indirect lighting. Building signs shall be permitted as regulated within the Gainesville Unified Land Development Code. An electronic message board / changeable copy sign shall not be permitted for the subject property.**
- 8. The existing, healthy trees located on the subject property, and not within the proposed limits of construction, shall be retained and incorporated into the design of the site improvements where possible, and shall be protected throughout construction of any required and/or proposed improvements.**
- 9. A minimum 100-foot wide undisturbed buffer shall be required within the boundary of the subject property with the exception of the proposed driveway on Monroe Drive. A reduction of undisturbed buffer shall be permitted along the US 129 Right-of-Way where shown on the attached site plan. Any further reduction of the undisturbed buffer area shall be subject to the approval of the Community and Economic Development Director.**
- 10. The proposed entrance on Monroe Drive shall be professionally landscaped and maintained. The design of the landscaped entrance shall require review and approval from the Community and Economic Development Director.**
- 11. All access shall be limited to Monroe Drive shall be submitted for review by the Gainesville Public Works Director and Hall County Community Development & Infrastructure Department, and approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.**

Legal Description

All that tract or parcel of land lying and being in Tadmire G.M.D. 368, Hall County, Georgia, and being more particularly described as follows:

BEGINNING at the centerline intersection of U.S. Highway 129 (a/k/a Athens Highway, a/k/a State Route 11, R/W varies); thence South 40°49'23" East, a distance of 882.91 feet to an iron pin found (3/8" rebar) on the southern right-of-way of said U.S. Highway 129 and the TRUE POINT OF BEGINNING; thence along said right-of-way the following courses and distances: South 56° 30' 26" East, a distance of 61.39 feet to a point; thence South 02° 45' 01" East, a distance of 168.31 feet to a point; Thence South 88° 04' 15" East, a distance of 364.06 feet to a concrete monument found (4"x4" R/W with rebar at base); thence South 71° 00' 58" East, a distance of 75.82 feet to a concrete monument found (4"x4" R/W); thence North 75° 14' 37" East, a distance of 473.82 feet to a concrete monument found (4"x4" R/W); thence South 60° 38' 30" East, a distance of 160.99 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence north 86° 42' 33" East, a distance of 99.98 feet to a concrete monument found (4"x4" R/W); thence North 44° 21' 02" East, a distance of 153.62 feet to a concrete monument found (4" x 4" R/W); thence North 73° 07' 24" East, a distance of 89.58 feet to an iron pin found (1/2" rebar); thence leaving said right-of-way and along the property now or formerly belonging to Integra Consolidated Assets, Inc., the property now or formerly belonging to H. Kenneth Cronan, South 16° 09' 49" West, a distance of 307.22 feet to a point;

ORDINANCE NO. 2023-24

thence along the property now or formerly belonging to J. Nathan Deal and H. Ken Cronan the following courses and distances: South 43° 13' 04" West, a distance of 194.72 feet to a point; thence South 17° 14' 04" West, a distance of 895.85 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped Rochester-LSF000484"); thence along the property now or formerly belonging to H. Kenneth Cronan, South 18° 08' 27" West, a distance of 637.17 feet to a point; thence North 61° 17' 54" West, a distance of 1169.62 feet to a point on the Eastern right-of-way of Monroe Drive (R/W varies); thence along said right-of-way the following courses and distances: North 16° 53' 35" West, a distance of 581.31 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 73° 05' 18" East, a distance of 25.00 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped Rochester-LSF000484"); thence North 16° 54' 28" West, a distance of 199.97 feet to an iron pin found (3/8" rebar) on the line common with City of Gainesville/Hall County; thence leaving said right-of-way and along said City of Gainesville/Hall County line and the property now or formerly of United States Postal Service the following courses and distances: thence North 65° 26' 21" East, a distance of 81.12 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 16° 54' 35" West, a distance of 62.91 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 10° 58' 03" West, a distance of 63.03 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 10° 59' 23" East, a distance of 80.76 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 29° 04' 36" East, a distance of 62.94 feet to an iron pin found (3/8" rebar); thence North 45° 24' 21" East, a distance of 86.80 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 50° 30' 09" East, a distance of 71.29 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 53° 56' 03" East, a distance of 76.18 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 59° 13' 26" East, a distance of 94.13 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 80° 28' 17" East, a distance of 42.12 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 49° 22' 17" East, a distance of 67.96 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 53° 53' 33" East, a distance of 56.86 feet to an iron pin set (1/2" rebar with yellow plastic cap stamped "Rochester-LSF000484"); thence North 30° 52' 13" East, a distance of 73.45 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 50.711 acres.

The annexation is to include all that portion of right-of-way known as Monroe Drive located between the subject property and the existing city limits shown on the location map.

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.

ORDINANCE NO. 2023-24

SECTION IV

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

W. Samuel Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

RESOLUTION ZR-2023-03

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

WHEREAS, under **Chapter 9-6-7 Heavy Industrial (H-I)** zoning district of the Unified Land Development Code of the City of Gainesville, Georgia; **Section 9-6-7-2 Permitted and Special Uses** allows for an *Enclosed anaerobic digestion facility (Bioenergy Center)* subject to City Council approval after review and recommendation by the Gainesville Planning and Appeals Board; and

WHEREAS, an application has been received from **BDC Gainesville, LLC** to allow an *enclosed anaerobic digestion facility (Bioenergy Center)* within a Heavy Industrial (H-I) zoning district identified as follows:

15-032-000-013
2544 Monroe Drive & 1570 Athens Highway
Ward Three

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 **October 10, 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 within the narrative, site plan and photographs submitted with the applicant's annexation application shall be made part of the zoning ordinance, and shall be subject to the approval of the Community and Economic Development Director.
2. The use of the subject property shall be restricted to the proposed enclosed Anaerobic Digestion Facility (Bioenergy Center). Any different use shall require a public hearing before the Gainesville Planning and Appeals Board and Gainesville City Council.
3. The size of the proposed Anaerobic Digestion Facility (Bioenergy Center) shall be in general conformance to what is shown on the site plan submitted with this annexation application. Any deviations shall be subject to the approval of the Community and Economic Development Director.
4. All offloading of solid feedstock shall be indoors. Any odors emitted from the offloading shall be sealed, treated and contained within a negative air pressure

RESOLUTION ZR-2023-03

building. Liquid feedstock and soil amendment loadout shall be covered with minimal, if any expected odors, mitigated by best management practices, consistent with industry standards.

5. The proposed use shall conform with the City's industrial discharge permit requirements, as well as, submittal and approval of a detailed odor control plan per the approval of the Gainesville Department of Water Resources.
6. The exterior walls of all buildings, accessory buildings, silos and tanks shall be forest green in color. This shall not include roofs or membranes. Any deviations shall be subject to the approval of the Community and Economic Development Director.
7. The subject property shall be limited to one (1) monument sign fronting Monroe Drive, not to exceed 10-feet in height, 64 square feet in size, with internal or indirect lighting. Building signs shall be permitted as regulated within the Gainesville Unified Land Development Code. An electronic message board / changeable copy sign shall not be permitted for the subject property.
8. The existing, healthy trees located on the subject property, and not within the proposed limits of construction, shall be retained and incorporated into the design of the site improvements where possible, and shall be protected throughout construction of any required and/or proposed improvements.
9. A minimum 100-foot wide undisturbed buffer shall be required within the boundary of the subject property with the exception of the proposed driveway on Monroe Drive. A reduction of undisturbed buffer shall be permitted along the US 129 Right-of-Way where shown on the attached site plan. Any further reduction of the undisturbed buffer area shall be subject to the approval of the Community and Economic Development Director.
10. The proposed entrance on Monroe Drive shall be professionally landscaped and maintained. The design of the landscaped entrance shall require review and approval from the Community and Economic Development Director.
11. All access shall be limited to Monroe Drive shall be submitted for review by the Gainesville Public Works Director and Hall County Community Development & Infrastructure Department, and approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.

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.

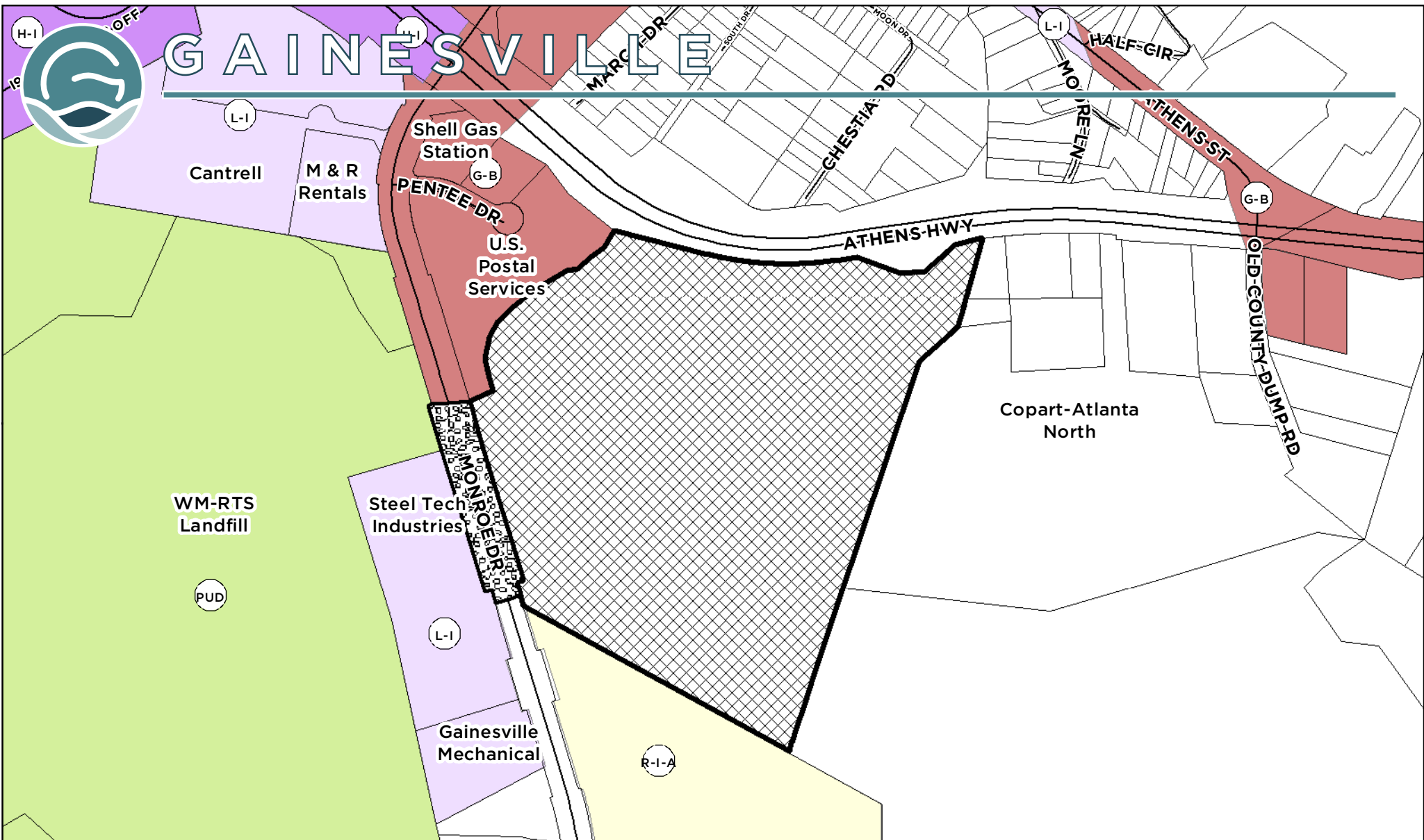
RESOLUTION ZR-2023-03

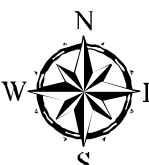
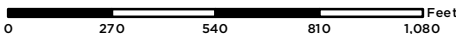
W. Samuel Couvillon, Mayor

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: BDC GAINESVILLE, LLC		Request: Annex +/- 50.711 AC and establish zoning as Heavy Industrial (H-I) for an Enclosed Anaerobic Digestion Facility (Bioenergy Center).	
ANNEXATION REQUEST			
Subject Property Address: 2544 Monroe Drive 1570 Athens Highway	Tax Parcel: 15-032-000-013	 Subject Property  Right-of-way to be annexed	
Meeting Date: 10/10/2023	Map Prepared: 08/29/2023		SCALE: 1" = 500'



GAINESVILLE



Applicant: **BDC GAINESVILLE, LLC**

ANNEXATION REQUEST

Subject Property Address:
2544 Monroe Drive
1570 Athens Highway

Tax Parcel:
15-032-000-013

Meeting Date: 10/10/2023

Map Prepared: 08/29/2023

Request:

Annex +/- 50.711 AC and establish zoning as Heavy Industrial (H-I) for an Enclosed Anaerobic Digestion Facility (Bioenergy Center).

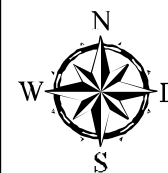


Subject Property and Right of Way to be annexed

Aerial from 2021

0 270 540 810 1,080 Feet

SCALE: 1" = 500'





PROJECT NARRATIVE

GAINESVILLE BIOENERGY CENTER GAINESVILLE

2544 Monroe Drive
Gainesville, Georgia 30507



The purpose of this narrative is to describe the proposed use of the property (Property) for the Gainesville Bioenergy Center (GBC) facility. The Property is currently zoned PID (Hall County) and situated on a 50.711-acre tract at 2544 Monroe Drive, Gainesville, Georgia, 30507. GBC is strategically located on the south side of US Highway 129 (US 129) and the east side of Monroe Drive. The Applicant is requesting annexation and rezoning to H-I (Heavy Industrial) with a special use approval (if required) for the specific uses mentioned below.

The property was rezoned from AR-III to PID in Hall County on November 8, 2012 for use as a Construction/Demolition (C&D) Solid Waste Landfill or an Inert Solid Waste Landfill. Additionally, a DRI was completed in 2002 with the GMRDC finding that “The proposed action is in the best interest of the State”. It is our opinion that the proposed use is less intense, and any potential impacts (if any) are reduced from the property’s former proposed use. This property is shown on the Hall County 2022 Comprehensive Plan Update as being in a “Mixed Use Corridor” with “Industrial Uses” listed as a primary land use. The City’s 2040 Comprehensive Plan shows all surrounding properties as suitable for industrial uses.

The neighboring landscape and adjoining properties encompass a diverse array of industrial activities. To the west, across Monroe Dr, includes an existing landfill and a steel and metals fabrication facility. To the east, it includes an existing automotive salvage yard and a composting operation. To the northwest, there is a United States postal service facility. To the north is US Highway 129 (US 129).

Presently, the property is characterized by its wooded, undeveloped nature. The proposed GBC facility, however, envisions a transformative enclosed anaerobic digestion operation where soil amendments and other organics (organic feedstock) produced by the region’s food manufacturers are transformed into renewable energy and fertile soil amendments. The process used to achieve this is Anaerobic Biodigestion (AD). AD is a biological process where microorganisms break down organic matter— such as soil amendments and organics —in the absence of oxygen. This process takes place in sealed tanks (digesters) that contain complex microbial communities that break down (digest) the feedstock and produce resultant biogas and digestate (the liquid material end-product of the AD process), which is discharged from the digester. The AD’s primary beneficial end product, biogas, is further treated on-site to remove all constituents which are not methane and produce renewable natural gas (RNG). RNG is injected into the gas distribution system and contains the same characteristics as natural gas with the only difference that it was produced via renewable and sustainable sources. The AD’s secondary end product, digestate, is dewatered on-site to produce a solid fraction (soil amendment), and a liquid fraction treated on-site before discharge. The solid fraction, soil amendment, serves as a great fertilizer or major component in soil blending and composting to improve the end product of those activities. The liquid fraction will be treated on-site in the internal wastewater treatment plant to meet discharge regulations before being sent to the City of Gainesville publicly owned treatment works (POTW) for final treatment. The AD process will also recycle this wastewater (recycle water) for internal use throughout the facility processes, and therefore limit the amount discharged to the sewer. Besides internal recycled water, the facility can also use tap water as needed.

This remarkable transformation decarbonizes Georgia’s waste and energy sectors, enabling our businesses and communities to prepare for a healthy and sustainable future. Organics are diverted

from landfills, incinerators, and land application and transformed into sustainable products via this cost-effective solution.

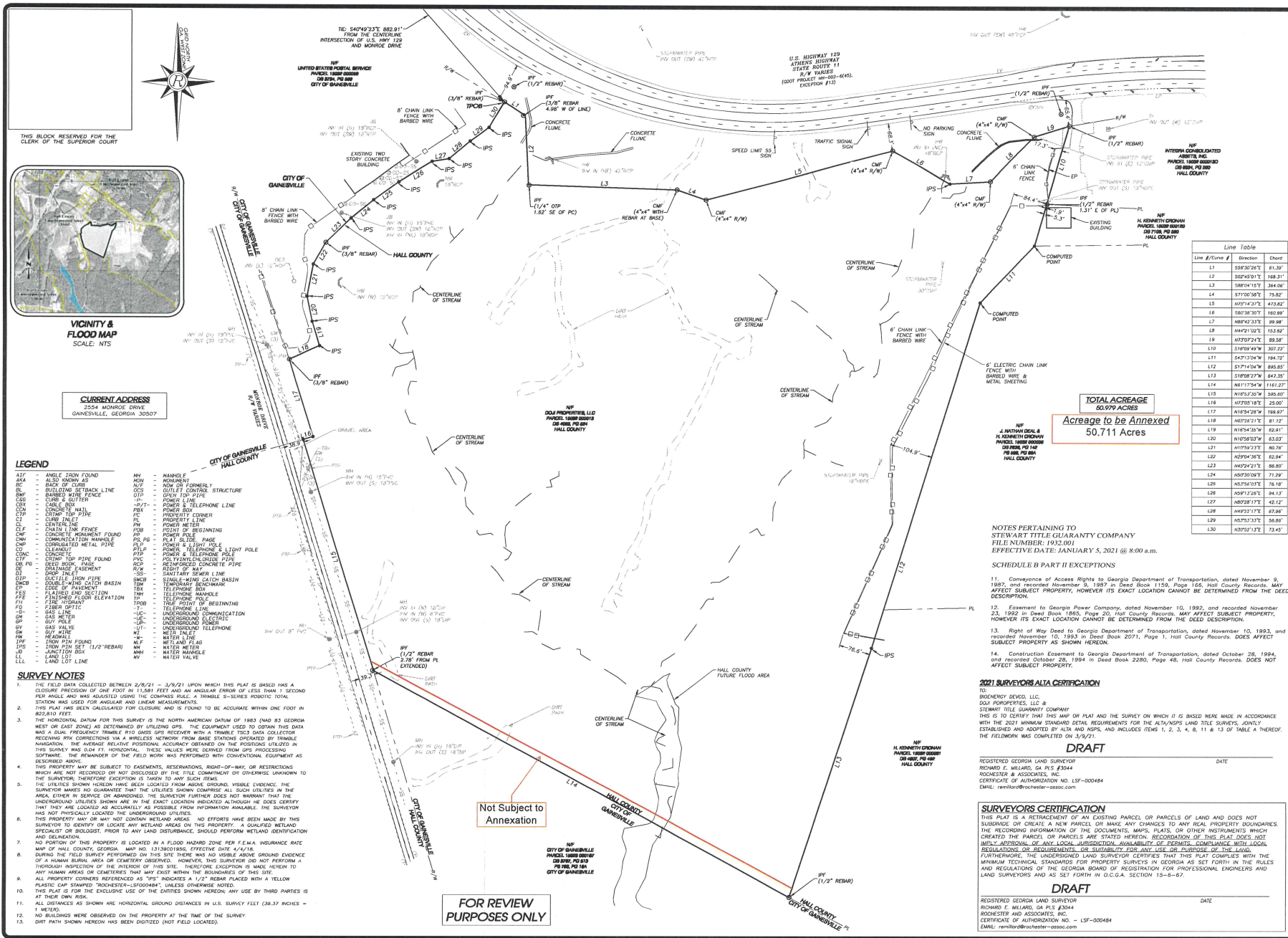
The GBC facility will be developed, designed, engineered, constructed, owned, operated, and maintained by BTS Bioenergy (BDC), a global leader in the finance, design, build, and operation of Anaerobic Digesters. BTS Biogas Srl/GmbH (BTS), an affiliate of BDC, will supply the Anaerobic Digestion process technology, equipment, and assist in training BDC employees in the operation of the AD Facility. In their 25-year history, BTS and BDC have built more than 250 modular AD plants throughout the world, with continued maintenance and service for 140 of these facilities. Seasoned by their history, BTS and BDC have created tried and tested technologies to be used in the GBC AD Facility to process organic feedstock from the area.

The GBC facility will be operational 365 days a year, and the process will be in production 24 hours, 7 days a week. Organic feedstock will be received 12 hours a day for processing. It is important to note that no significant odors are expected since the feedstock receiving building will include odor control and will be maintained under negative air pressure to avoid any odors from leaving the building. Also, organic feedstock will be immediately incorporated into the sealed process tanks to begin the AD process and therefore not release odors outside of the tank headspace.

The GBC facility foresees 17 employees across 2 shifts who will arrive at the facility on personal vehicles. Besides this, Truck traffic for process loads per day will be between 27-31 incoming trucks bringing feedstock (approx. 6-7 solid loads and remaining are liquid tankers). Also 2-3 outbound trucks taking the solid fraction of digestate (soil amendment) to final users or further treatment (composting, soil blending, palletizing, etc). Experience in other facilities shows most of these organic feedstock deliveries will be distributed from 5 am until around 4 pm, but the facility will be able to accommodate deliveries at different hours when requested. Access to the property is proposed from a private driveway located on Monroe Drive and approximately one-third mile south of its intersection with US 129 (Athens Hwy).

Based on the company's experience, GBC will be developed following all the required regulations and standards. The only setback requirements defined for the property development are the buffer zones associated with the wetlands from the two unnamed tributaries of Allen Creek, which flow alongside the west and east edges of the Property and converge on the south side of the Property. There is also a setback requirement along US 129. It is integral for the facility design to meet regulations and obtain required permits with respect to the wetlands. The GBC facility will be thoughtfully situated at higher elevation than the wetlands and include integrated stormwater detention ponds.

The development of the facility shall be controlled by the Conceptual Site Plan attached as exhibit "A". The plan is considered conceptual in nature, and as such may require minor modifications during the engineering and development process. Modifications to the locations and arrangement of buildings, roads, structures and other improvements that do not conflict with specific standards and requirements of these conditions may be made by the Applicant, so long as such modifications do not change the land use, increase the overall density of the project or reduce any exterior buffers or setbacks.



Line Table		
Line #/Curve #	Bearing	Chord
L1	S89°30'28"E	81.30'
L2	S02°43'01"E	168.31'
L3	S88°04'15"E	364.06'
L4	S77°00'36"E	75.62'
L5	N07°14'27"E	422.82'
L6	S60°38'30"E	160.99'
L7	N02°42'33"E	99.98'
L8	N44°21'32"E	153.62'
L9	N77°02'21"E	89.58'
L10	S45°08'40"W	302.22'
L11	S47°13'04"W	184.72'
L12	S17°14'04"W	895.85'
L13	S18°08'27"W	647.35'
L14	N07°17'04"W	114.22'
L15	N10°54'04"W	52.81'
L16	N10°54'04"W	52.81'
L17	N10°54'04"W	52.81'
L18	N10°54'04"W	52.81'
L19	N10°54'04"W	52.81'
L20	N10°54'04"W	52.81'
L21	N10°54'04"W	52.81'
L22	N10°54'04"W	52.81'
L23	N10°54'04"W	52.81'
L24	N10°54'04"W	52.81'
L25	N10°54'04"W	52.81'
L26	N10°54'04"W	52.81'
L27	N10°54'04"W	52.81'
L28	N10°54'04"W	52.81'
L29	N10°54'04"W	52.81'
L30	N10°54'04"W	52.81'

NOTES PERTAINING TO STEWART TITLE GUARANTY COMPANY
FILE NUMBER: 1932.001
EFFECTIVE DATE: JANUARY 5, 2021 @ 8:00 a.m.

SCHEDULE B PART II EXCEPTIONS

11. Conveyance of Access Rights to Georgia Department of Transportation, dated November 9, 1987, and recorded November 9, 1987 in Deed Book 1159, Page 186, Hall County Records. MAY AFFECT SUBJECT PROPERTY, HOWEVER ITS EXACT LOCATION CANNOT BE DETERMINED FROM THE DEED DESCRIPTION.

12. Easement to Georgia Power Company, dated November 10, 1982, and recorded November 23, 1992 in Deed Book 1865, Page 20, Hall County Records. MAY AFFECT SUBJECT PROPERTY, HOWEVER ITS EXACT LOCATION CANNOT BE DETERMINED FROM THE DEED DESCRIPTION.

13. Right of Way Deed to Georgia Department of Transportation, dated November 10, 1983, and recorded November 10, 1983 in Deed Book 2071, Page 1, Hall County Records. DOES AFFECT SUBJECT PROPERTY AS SHOWN HEREON.

14. Construction Easement to Georgia Department of Transportation, dated October 28, 1994, and recorded October 28, 1994 in Deed Book 2280, Page 45, Hall County Records. DOES NOT AFFECT SUBJECT PROPERTY.

2021 SURVEYOR'S ALTA CERTIFICATION
BIOENERGY DEVCO, LLC
STEWART TITLE GUARANTY COMPANY
THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 ANNUAL STANDARD DETAIL REQUIREMENTS FOR THE ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 11 & 13 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 3/9/21.

DRAFT

REGISTERED GEORGIA LAND SURVEYOR
RICHARD E. MILLARD, GA PLS #3044
ROCHESTER & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NO. - LSF-00084
EMAIL: remillard@rochester-associates.com

SURVEYOR'S CERTIFICATION
THIS PLAN IS A RETRACTION OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBSIDIZE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAN DOES NOT HAVE ANY EFFECT ON THE LEGAL-ADVISABILITY, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAN COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 18-6-67.

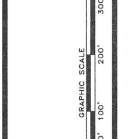
DRAFT

REGISTERED GEORGIA LAND SURVEYOR
RICHARD E. MILLARD, GA PLS #3044
ROCHESTER & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NO. - LSF-00084
EMAIL: remillard@rochester-associates.com



ALTA/NSPS LAND TITLE SURVEY FOR
BIOENERGY DEVCO, LLC
DOU PROPERTIES, LLC
& **STEWART TITLE GUARANTY COMPANY**

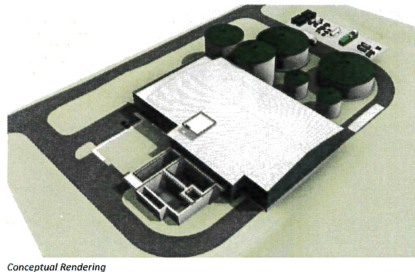
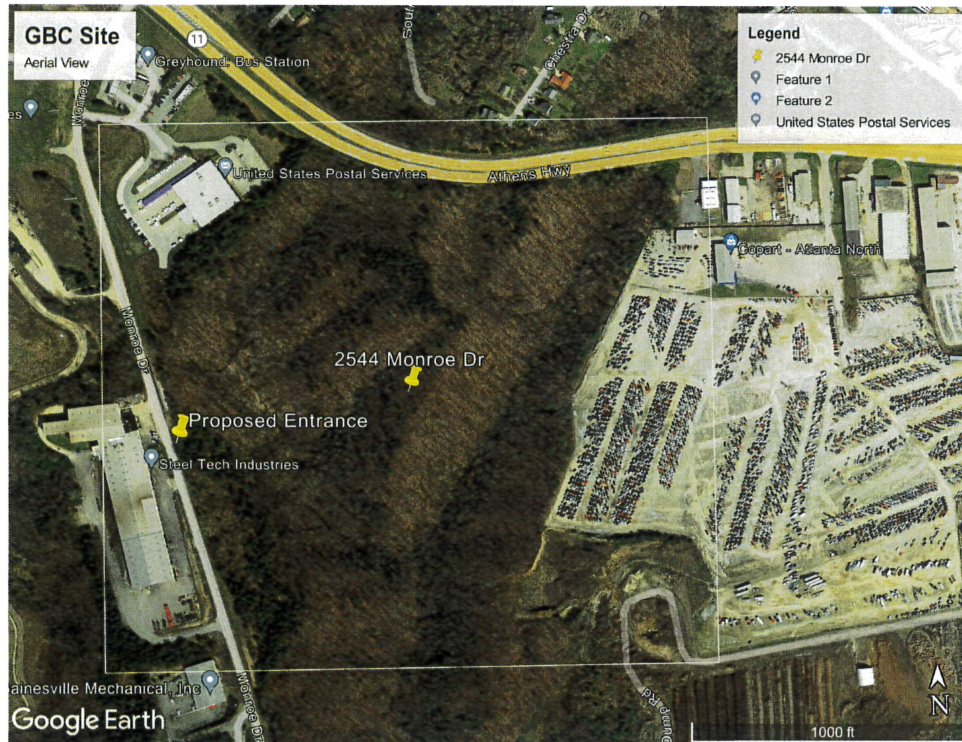
REVISIONS		
NO.	DATE	DESCRIPTION



SHEET		
1	3/10/21	OF 1
DATE	3/10/21	
BY	JOB NO. 0221004	
CHKD.	DATE	

Georgia Bioenergy Center

Gainesville, GA | Hall County



FACILITY INFORMATION

- » **Location:** 2544 Monroe Drive, Gainesville, GA
- » **Feedstocks:** 225,000 tons/year of solid and liquid soil amendments
- » **Energy Production:** 569,000 mmBTU/year (RNG)
- » **Digestate Production:** 15,000 tons/year of solid digestate
- » **Odor Control:** Odor control and negative air pressure in building to keep odors contained and treated



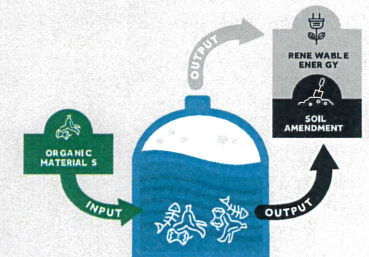
The Anaerobic Digestion Process



CASE STUDY

Maryland Bioenergy Center

Maryland Bioenergy Center is Maryland's premier organics recycling facility. Centrally located in the Maryland Food Center in Jessup the facility is less than 30 miles from all of Baltimore and Washington, DC. Within this facility, excess organics produced by the region's food manufacturers and retailers are transformed into renewable energy and fertile soil amendments. This remarkable transformation both decarbonizes Maryland's waste and energy sectors, enabling our businesses and communities to prepare for a healthy and sustainable future.



BIOENERGYDEVCO.COM

CITY OF
GAINESVILLE

WATER RESOURCES

August 24, 2023

Rochester | DCCM
Attn: Bradley Dunckel, P.E.
425 Oak Street, NW
Gainesville, GA 30501

Re: Water and Sanitary Sewer Availability
Georgia Bioenergy Center
2544 Monroe Drive
PIN: 15032 000013

Mr. Dunckel,

The purpose of this letter is to confirm the availability of water and sanitary sewer service to the above referenced property.

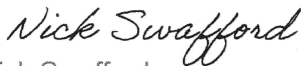
The City of Gainesville owns and operates an existing 12-inch DIP water main in the right-of-way of Athens Highway (SR 129 South) along the subject property frontage. The City also owns and operates an existing 18-inch gravity sanitary sewer in the right-of-way of Monroe Drive along the frontage of the subject property.

Currently, the City has adequate water and sanitary sewer capacity for your proposed bioenergy development, which we understand will demand approximately 35,000 GPD of water and discharge approximately 80,000 GPD to the sanitary sewer system. Serving your proposed development is contingent upon conforming with the City's industrial discharge permit requirements, as well as submittal and approval of a detailed odor control plan.

This confirmation of water availability is good for one year from the date of this letter at which time, it will become null and void unless engineered plans have been submitted for issuance of a development permit.

Please call me at (770) 538-2452 should you have any questions.

Sincerely,



Nick Swafford
Permitting Services Manager

cc: Linda MacGregor, P.E., Director of Water Resources
Myron Bennett, P.E., Deputy Director of Water Resources
Tracy Robar, P.E., Engineering and Construction Division Manager



STATE OF GEORGIA
DEPARTMENT OF AGRICULTURE

Tyler J Harper
COMMISSIONER

October 10th, 2023

The Honorable Sam Couvillion
Mayor
City of Gainesville
P.O. Box 2496
Gainesville, Georgia 30503

Dear Mayor Couvillion,

I am writing to you regarding the enclosed Anaerobic Digestate and its impact on the current Georgia Soil Amendment implementation across Georgia. I have been informed the City of Gainesville currently is reviewing an application for local approval, and I would like to share why I support the concept.

As you know, the Soil Amendment process is implemented and regulated jointly between the Georgia Department of Agriculture (GDA) and the Georgia Environmental Protection Division (EPD). It is a registered organic product that is applied on fields to assist in the natural fertilization process. Each Soil Amendment product must demonstrate its biodegradable and organic composition to qualify to be a registered product, and GDA requires each step within the process to be monitored and certified. For example, the producer, hauler, and farmer are required to provide reporting requirements of contents, acreage applied and frequency for each load of soil amendments. Farmers are allowed to use soil amendments to augment and defray the cost of commercial fertilizer.

However, this is a process that is not without challenges. As a farmer, I know firsthand the volatile impacts mother nature can have on crop production—including the use of fertilizer and soil amendments. When fields where soil amendments have been applied receive more rainfall than expected, it can create unintended consequences for everyone involved.

In a perfect environment, land application of soil amendments would be a win-win for farmers, users, and consumers alike. However, we do not live in a perfect environment. Our rainfall can fluctuate between bountiful and nonexistent for weeks on end during the summer and fall months. That's why I believe any solution that attempts to level the land application of soil amendments in Georgia while providing GDA a more accountable controlled solution is a step in the right direction.



STATE OF GEORGIA
DEPARTMENT OF AGRICULTURE

Tyler J Harper
COMMISSIONER

Georgia currently has two permitted anerobic digesters, which are both are owned and operated by the local governments (The city of Columbus and Gwinnett County). These two digesters are mainly used to receive bio solids from their water and sewage treatment facilities. The proposed digestate facility in Gainesville would be the first private facility in the state to only receive registered soil amendments only.

I appreciate the vision and leadership from the City of Gainesville. As the "Poultry Capital of the World" we must continue to find solutions to challenges within the Agricultural Industry. I am confident an enclosed, controlled, and regulated anerobic digester is the step toward a better future for the soil amendment process in our state.

Sincerely,



Tyler Harper



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: November 2, 2023
Date Submitted: November 3, 2023
Final Approval Date: November 3, 2023
Presenter: Abb Hayes, City Attorney
Item of Business: Request from the **Gainesville Housing Authority** to annex a 2.031± acres tract located on the west side of Harrison Drive, east of Lanier Parkway (I-985) (a/k/a **1368 Harrison Drive**) and to establish a zoning of Residential-II (R-II). **Ward Number: Three**. Tax Parcel Number(s): 01-142-001-002 (Part). **Request: Low-income multi-family housing.**

- Proposed Annexation Ordinance 2023-25
- Proposed Zoning Ordinance 2023-26

Meeting Date: November 7, 2023

Purpose of Request:

To conduct a public hearing regarding the following zoning request as presented at the October 10, 2023 Planning and Appeals Board Meeting.

Facts & Issues / History & Background:

The applicant is proposing to annex a remnant 2.031± acres tract as part of a low income housing apartment development that was previously approved in 2004. Specifically, the annexation will clean up a portion of the city boundary in order to locate all of the proposed apartment buildings within the city limits. The property will be developed by The Paces Foundation who is seeking low income housing tax credits through the Georgia Department of Community Affairs (DCA). The Paces Foundation is partnering with the Gainesville Housing Authority (GHA) to accommodate 75 public housing units from the adjacent Harrison Square Apartments and 25 public housing units located at the corner of Jesse Jewell Parkway and Downey Boulevard as part of the as part of the GHA - Rental Assistance Demonstration (RAD) conversion. The proposed apartments will consist of 120 low-income multi-family housing units within five, 3-story buildings. Some of the amenities will include a club house with meeting space, computer room, workout and yoga studio, covered pavilion with BBQ area, picnic area and a playground. Access will be from Harrison Drive.

The adjacent uses include New Life Missionary Church, Harrison Square Apartments an Abandoned American Legion #328 building and single-family homes in the county.

Department Recommendation:

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

SAMPLE MOTIONS

Approval of Ordinance 2023-25:

I move to approve the ordinance to annex the subject property for low-income multi-family housing as presented.

Approval of Ordinance 2023-26:

I move to approve the ordinance to establish zoning as Residential-II (R-II) with nineteen 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. CC Legal Ad
2. PAB Recommendation Report
3. Proposed Annexation Ordinance 2023-25
4. Proposed Zoning Ordinance 2023-26
5. Location Maps
6. Narrative - Summary
7. Site Plan
8. Annexation Exhibit Survey
9. Boundary Survey
10. Elevations

1.6538 County Line Road | Variance | 16.50.040 | to reduce the road frontage requirement from 90 feet to 50 feet | on a 1.97± acre parcel located on the northwest side of County Line Road, across from its intersection with Booker Farm Drive | Zoned AR-IV, Tax Parcel 15006D000005 (pt.) | **Proposed Use: 3-lot subdivision |** * Commission District 3 | **Meden Montano, applicant.**

2.(A) 5013 Pleasant View Circle | Variance | 17.240.010 | to reduce the right side yard setback from 10 feet to 5 feet | on a 0.46± acre parcel located on the west side of Pleasant View Circle, approximately 206 feet north of its intersection with Stephens Road | Zoned R-I, Tax Parcel 08065 000003HH | **Proposed Use: detached garage |** * Commission District 2 | **Keith E. Hix, applicant.**

(B) 5013 Pleasant View Circle | Variance | 17.240.010 | to reduce the rear yard setback from 20 feet to 5 feet | on a 0.46± acre parcel located on the west side of Pleasant View Circle, approximately 206 feet north of its intersection with Stephens Road | Zoned R-I, Tax Parcel 08065 000003HH | **Proposed Use: detached garage |** * Commission District 2 | **Keith E. Hix, applicant.**

3.3998 Sundown Drive | Variance | 17.240.010 | to reduce the rear yard setback requirement from 20 feet to 1 foot | on a 0.43± acre tract, located on the north side of Sundown Drive, approximately 760 feet east of its intersection with Hardy Road | Zoned R-I, Tax Parcel 10121 000025 | **Proposed Use: residential addition |** * Commission District 2 | **Cedric & Lynne Randolph, applicant.**

4.4549, 4555, 4561, 4567, 4571, 4601, 4607, and 4611 Candlestick Lane | Amend Conditions of PRD | 9-unit townhome development | on a combined 3.89± acres located on the north side of Candlestick Lane, across from its intersection with Shawnee Drive | Zoned PRD, Tax Parcels: 08067 000045, 000044, 000043, 000042, 000041, 000039, 000038, and 000037 | **Proposed Use: 9-unit townhome development |** ** Commission District 2 | **RyRoMa Properties, LLC, applicant.**

5.3955 & 4035 Leach Road | Rezone | from Agricultural Residential III (AR-III) and Residential I (R-I) to Planned Residential Development (PRD) | on a combined 174.44± acres located on both the east and west sides of Leach Road, north of the intersection of Leach Road and Red Bird Circle | Zoned AR-III and R-I; Tax Parcels 10033 000001 & 10050 000008 | **Proposed use: 307-lot detached single-family development |** ** Commission District 2 | **Shadow Stone Partners, LLC, applicant.**

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 contributions 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, January 11, 2024 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, January 11, 2024. 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.

127123 10/18

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, November 7, 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 **BDC Gainesville, LLC** to annex a 50.711± acres tract located southeast of the intersection of Athens Highway and Monroe Drive, having road frontage on Athens Highway and Monroe Drive (a/k/a **2544 Monroe Drive and 1570 Athens Highway**) and to establish a zoning of Heavy Industrial (H-I), with a special use. Ward Number: Three Tax Parcel Number(s): 15-032-000-013 Request: **Enclosed anaerobic digestion facility (Bioenergy Center)**

2) Request from the **Gainesville Housing Authority** to annex a 2.031± acres tract located on the west side of Harrison Drive, east of Lanier Parkway (I-985) (a/k/a **1368 Harrison Drive**) and to establish a zoning of Residential-II (R-II). Ward Number: Three Tax Parcel Number(s): 01-142-001-002 (Part) Request: **Low-income multi-family housing**

3) Request from **Greg Loyd** to rezone a 0.397± acre tract located at the southwest side of the intersection of High Street and Dixie Street (a/k/a **812 Dixie Street**) from General Business (G-B) to Residential-II (R-II). Ward Number: Three Tax Parcel Number(s): 01-033-002-001 Request: **Four condominium units**

Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3(c))

127161 10/18

PUBLIC NOTICE CITY OF OAKWOOD, GEORGIA

Be advised a public hearing has been scheduled before the Oakwood City Council on the 13th day of November 2023 at 7:00 p.m., at the Oakwood City Hall, 4035 Walnut Circle, Oakwood, Georgia for:

- Ordinance to amend City of Oakwood Code Section 12-19 "Adopting Codes", Subsection (4) Georgia State Minimum Standard Plumbing Code (International Plumbing Code with Georgia State Amendments) of the Oakwood City Code of Ordinances to adopt local amendments of the Metro Water District - Water Efficiency Code Requirements to include and amend definitions for Landscape Irrigation requirements and Shower Head; to amend Chapter 6 section 604.04 Maximum Flow and Water Consumption; Exception to said section; to amend table 604.4; to add Section 604.4.1 Clothes Washers; to add 604.4.2 et seq. Cooling Tower Water Efficiency; to add 604.4.3 Landscape Irrigation System Efficiency Requirements; to add Section 604.4.3.1 Avoiding Water Waste Through Design, to amend Section 4.4.3.2 Landscape Irrigation System Required Components; to amend Chapter 13, Section 1304 Reclaimed Water Systems, subsection 1304.3.2 Connections to Water Supply; to amend appendix E, Section E101.1.2.

At said public hearing all persons having an interest may be heard on the question of Ordinance Amendments by the City of Oakwood. A copy of the proposed amendments will be available for review at The City Hall of Oakwood during normal business hours 8:00 AM to 4:00 PM, Monday through Friday. City of Oakwood, 4035 Walnut Circle, Oakwood, Georgia.

127166 10/18

Public Sales/Auctions

NOTICE OF PUBLIC SALE: The following self-storage Cube contents containing household and other goods will be sold for cash by CubeSmart LP 2221 Dawsonville Highway Gainesville, Georgia, 30506 to satisfy a lien on November 9, 2023 at approx. 1:30 PM at [www.storage treasures.com]: Cube #213 James Ensley; Cube #301 Rachel O McKinney; Cube #316 Qwaterika Hayes; Cube #413 Brittany Kay Fain; Cube #528 Calley Greer; Cube # 530 Katicia Cavazos.

126810 10/18, 10/25

Notice of Sale.

Notice is Hereby given that Northeast Georgia Storage Center LLC, intends to sell the personal property described below to enforce a lien imposed on said property pursuant to the Georgia Self-Storage Facility Act, Georgia Code Section 10-4-210 to 10-4-215. The undersigned will sell at public sale by competitive bidding on Friday, October 27th, 2023 at 9:00 am on the premises where said property is being stored and which is located at, Northeast Georgia Storage Center, 1980 Delta Drive, Gainesville Georgia 30501, County of Hall, State of Georgia. 770-536-5173. The personal property found in units: B046 David Shuman - Tool Chests, furniture, refrigerators, clothing; C026 Tykeshia Young - Furniture, cloths, washer, dryer,

message table, kids toys; C018 Lori Torres - Cloths, furniture, TV, Electric Scooter; D031 Beverly Emmons - Cloths, furniture, TV, Totes, Skateboard; D026 Kaleb Loggins - Vacuum, Cloths, Chair, Household items; M007 Bryant Armstrong - Cloths, clock, lamp; M002 Thomas Woody - Shoes, Cloths, Cookware. Purchases must be made with cash. All items are sold as is. Sale is subject to cancellation and Tenant has the right to redeem prior to sale.

126826 10/11, 10/18

Online auction of general household items www.storageauctions.com. Notice is hereby given that on October 20, 2023 at 12 pm Savage Mini Storage, 5149 Cleveland Hwy Gainesville, GA 30506 will sell under the contractual landlords lien process by online auction the following storage units. Unit P -Scott Atkinson Unit 46 -Gary Caldwell

126773 10/11, 10/18

WILL BE Sold Online at **Storageauctions.com** Notice is hereby given that on **Auction Date: October 23, 2023** U-Haul Company of Northeast Georgia will Sell under the contractual landlords lien process by Online auction the following storage units. The goods to be sold are generally described as household goods. Gainesville: **U-Haul Of Oakwood:** 2045 Genevieve McClain O30 Robert Hairston 2007 Kayla Vickery

126547 10/11, 10/18

Probate Notices

IN THE PROBATE COURT OF HALL COUNTY ST ATE OF GEORGIA

IN RE: ESTATE OF SANDRA JEAN DAVIS, DECEASED ESTATE NO .. E-23-424

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: whom it may concern: **Thomas Elwood Davis, III** has petitioned for (Letters of Administration) to be appointed administrator of the estate of **SANDRA JEAN DAVIS** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 a.m. November 6th, 2023.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court

By: S. Carley Clerk of the Probate Court

116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-533-7828 Telephone Number **127142 10/18**

Telephone Number **126330 10/4, 11, 18, 25**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF EDDIE MICHAEL FORTNER, DECEASED EST A TE NO. E-23-148

NOTICE

[For discharge from office and all liability] IN RE: Petition for Discharge of Personal Representative TO: whom it may concern: This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. November 6th 2023.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court

By: S. Carley Clerk of the Probate Court

116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-533-7828 Telephone Number **127142 10/18**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF GREGORY EARL BRYANT, DECEASED ESTATE NO .. E-23-518

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: whom it may concern: **Dana Hope Bryant** has petitioned for (Letters of Administration) to be appointed administrator of the estate of **GREGORY EARL BRYANT** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 a.m. November 6th, 2023.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court

By: S. Carley Clerk of the Probate Court

116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-531-6923 Telephone Number **126096 10/4, 11, 18, 25**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF RUSSELL ARLEN FOSTER, DECEASED ESTATE NO. E-22-772

NOTICE

[For discharge from office and all liability] IN RE: Petition for Discharge of Personal Representative TO: whom it may concern: This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. November 6, 2023.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court

By: S. Carley Clerk of the Probate Court

116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-531-6923

First Floor Gainesville, Georgia 30501 Address 770-531-6923 Telephone Number **126327 10/4, 11, 18, 25**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF JOYCE JOHNSON BONNER, DECEASED ESTATE NO.. E-23-407

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: whom it may concern: **Julie Bonner Wettlaufer** has petitioned for (Letters of Administration) to be appointed administrator of the estate of **JOYCE JOHNSON BONNER** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 a.m. November 6th, 2023.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court

By: Riley Norris Clerk of the Probate Court

16 Spring Street, SE Gainesville, GA 30501 Address 770-533-7828 Telephone Number **127140 10/18**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF SHERRY ANN HEWELL DECEASED ESTATE NO. E-23-553

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: **WHOM IT MAY CONCERN, Raymond Larry Hewell** has petitioned for **Letters of Administration** to be appointed administrator of the estate of **Sherry Ann Hewell** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before November 6, 2023 by 10:00 A.M.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court

By: S. Carley Clerk of the Probate Court

116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-531-6923 Telephone Number **126096 10/4, 11, 18, 25**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF RUSSELL ARLEN FOSTER, DECEASED ESTATE NO. E-22-772

NOTICE

[For discharge from office and all liability] IN RE: Petition for Discharge of Personal Representative TO: whom it may concern: This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. November 6, 2023.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court

By: S. Carley Clerk of the Probate Court

116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-531-6923

Judge of the Probate Court

By: S. Carley Clerk of the Probate Court

116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-531-6923 Telephone Number **126633 10/18**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF CLAUDIA LANG PURGASON, DECEASED ESTATE NO. E-19-114

NOTICE

[For discharge from office] IN RE: Petition for Discharge of Personal Representative TO: **WHOM IT MAY CONCERN:** This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 am, November 6, 2023

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court

By: Riley Norris Clerk of the Probate Court

16 Spring Street, SE Gainesville, GA 30501 Address 770-533-7828 Telephone Number **127140 10/18**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF SHERRY ANN HEWELL DECEASED ESTATE NO. E-23-553

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: **WHOM IT MAY CONCERN, Raymond Larry Hewell** has petitioned for **Letters of Administration** to be appointed administrator of the estate of **Sherry Ann Hewell** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before November 6, 2023 by 10:00 A.M.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court

By: S. Carley Clerk of the Probate Court

116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-531-6923

GAINESVILLE PLANNING and APPEALS BOARD

RECOMMENDATION

Applicant and Property OwnerGainesville Housing Authority
Location1368 Harrison Drive
RequestAnnex, with R-II zoning
Total Acres2.031± acres
WardThree
Proposed UseLow-income multi-family housing
Planning Division Staff Recommendation.....**Approval, with conditions**
Planning & Appeals Board Recommendation.....**Approval, with conditions**
DateOctober 10, 2023

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

The applicant is proposing to annex a 2.031± acres tract with Residential-II (R-II) zoning. The property is part of a larger 17.54± acres assemblage of properties that were conditionally approved in 2003 and 2004 for a maximum of up to 160 low income housing apartment units. Specifically, the annexation will clean up a portion of the city boundary allowing all of the proposed apartment buildings to be located within the city limits.

The subject property is currently zoned R-II within unincorporated Hall County and contiguous to the city limits to the north, south and east and is located within the North Oconee Water Supply Watershed Protection Overlay Zone.

In partnership with the Gainesville Housing Authority (GHA), the property will be developed by The Paces Foundation who is seeking low income housing tax credits through the Georgia Department of Community Affairs (DCA) to develop 120 low-income multi-family apartments to be known as the Harrison Village Apartments. As part of the GHA - Rental Assistance Demonstration (RAD) conversion, the development will help relocate 75 public housing units within the adjacent Harrison Square Apartments and 25 public housing units located at the corner of Jesse Jewell Parkway and Downey Boulevard.

The proposed Harrison Village Apartments will consist of five, 3-story apartment buildings and a club house constructed with a mixture of brick and cementitious exterior materials. Amenities will include a club house with meeting space, computer room, Wi-Fi hotspot, workout and yoga studio, picnic area, covered pavilion with BBQ area and playground. Access will be from Harrison Drive and approximately 220 parking spaces will be provided. Below is a breakdown of the unit mix.

Number of Units	Unit Mix		Bed/Baths
	RAD* / Section 8	LIHTC**	
15	12	3	1 Bed / 1 Bath
39	32	7	2 Bed / 2 Bath
45	40	5	3 Bed / 2 Bath
21	16	5	4 Bed / 2 Bath
120	100	20	

*Rental Assistance Demonstration (RAD)

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Undeveloped property; Abandoned American Legion #328 building	Residential-II (R-II) - City Office and Institutional (O-I) - City
South	Undeveloped property; New Life Missionary Baptist Church	Residential-II (R-II) - City Residential-II (R-II) - County
East	Harrison Square Apartments	Residential-II (R-II) - City
West	Undeveloped property; Lanier Parkway (I-985 / SR 365)	Residential-I (R-I) - County

▪ **Other Departmental Comments**

There were no departmental comments at this time.

▪ **Zoning History**

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

2019 – A request by Karl Chambers and David Reddicks to annex a 0.49± acre tract with a zoning of Residential-II (R-II) located at 1026 Athens Street was conditionally approved for a residential duplex.

2018 – A request by KRM 2016 LLC to rezone a 0.855 ± acre tract located at 827, 831 and 851 Athens Street SE from Residential-II (R-II) and Heavy Industrial (H-I) to Residential-II (R-II) was conditionally approved for five residential duplexes.

Staff Analysis

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

The proposed annexation with R-II zoning appears suitable given that most of the adjacent properties are zoned R-II in the City and County as well.

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

The proposed request should not adversely affect the adjacent or nearby property. The proposed multi-family development was originally approved in 2004 on the adjacent properties. The annexation of the subject property will allow apartment buildings 4 and 5 to be located entirely within the city limits thus eliminating any jurisdictional boundary issues for the proposed multi-family development.

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

It appears the proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the property within the *Multi-family* land use category which

includes areas containing or planned for single-family attached or multi-family housing at minimum densities of four dwelling units per acre.

The subject property is located within the *Economic Development Gateways* Character Area. This character area represents the industrial, warehousing and other commercial enterprises that parallel the I-985 and Norfolk-Southern railroad corridor. The primary vision for the area is to continue to support economic development while preserving and strengthening important natural and cultural resources. Appropriate land uses and development types include commercial, general mixed-use, industrial, limited multi-family residential, parks and recreation, public and institutional uses.

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

The property is currently zoned R-II within unincorporated Hall County. The applicant desires to annex with R-II zoning. The proposed multi-family apartments could be developed regardless of the annexation as the parent parcels are already zoned for the proposed use. However, annexing the property will help locate all of the proposed structures within the city limits. The proposed plan would appear to greatly improve the property in both function and aesthetics while providing for quality, affordable mixed income housing.

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

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

Existing public safety services respond to the adjacent and nearby properties. Gainesville Fire Station #1 located off of Queen City Parkway is approximately 2.4 miles away. Gainesville Police currently patrol the Athens Street area.

While the subject 2.031± acres property does not encompass the entire 120-unit multi-family development, according to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the proposed 120-unit multi family development could generate 798± new trips per weekday and 66± A.M. and 80± P.M. peak hour trips during the weekday. The existing road network appears sufficient to accommodate the proposal but additional turning movements will occur at Athens Street and Harrison Drive.

It is unknown at this time how many children will be living within the development to know what the impact will be to the school system. Of the proposed 120 units, 100 of the total units will be relocated from existing public housing units that are located next door and at the corner of Jesse Jewell Parkway/Downey Boulevard. There will be 15- one bedroom, 39- two bedroom, 45- three bedroom and 21- four bedroom units.

(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 has remained undeveloped and unimproved. The Comprehensive Plan anticipates the subject properties to be developed for multi-family purposes which is consistent with the proposed use.

(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?

The proposal is consistent with the Comprehensive Plan and will bring needed quality, and affordable residential development to Gainesville-Hall County. The proposed use 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 annexation request with **Residential-II (R-II) zoning** based on the Comprehensive Plan and the adjacent and nearby residential uses.

For consistency, the following zoning conditions are the same as placed on the adjacent properties during 2003 and 2004.

Conditions

1. **A 75 foot undisturbed buffer shall be maintained between the development and the existing Biscayne Subdivision.**
2. **No unit shall be less than 900 square feet.**
3. **The entire development shall be limited to 9 du/ac.**
4. **At a minimum, 40% of the exterior siding must be masonry or stone on all four sides of each structure. The remaining exterior surfaces shall be cement type siding such as Hardie board.**
5. **Roof type shall be 25 year, architectural-type asphalt shingles.**
6. **Entry landscape shall include lighted signage in conformance with R-II standards and contain annual planting beds.**
7. **The site will have continuous perimeter fencing.**
8. **Parking shall be porous type asphalt paving.**
9. **All units shall be sprinklered for fire suppression, units to include visual and audio fire alarms.**
10. **Ten percent of the units are to be fully disabled accessible; including hearing, sight and mobility impaired accessibility.**
11. **The property shall have a minimum 2,500 square foot community center/office building to include a technology/computer center, fitness center, community meeting room, support service office, management office, maintenance office, shop and storage areas.**
12. **Development shall contain a swimming pool with bath house/changing room and outdoor gathering/party area.**
13. **Development shall contain a playground for children, tot lot for toddlers, sport court for teenagers/adults, walking trail and picnic area with covered tables.**
14. **Landscaping shall be natural and drought tolerant.**
15. **HVAC system will exceed Georgia Energy Code requirements.**
16. **Windows shall be thermal pane, low UV penetration windows.**
17. **Onsite laundry, washer-dryer hook-ups shall be provided for each unit.**

18. Trash compacter for tenant garbage shall be provided.
19. Development shall comply with all other conditions of the Georgia Department of Community Affairs Office of Affordable Housing's manual governing development.

Excerpts from the October 10, 2023 PAB Meeting Minutes

Applicant Presentation: **Beth Brown**, 750 Pearl Nix Parkway, Gainesville Housing Authority, stated the Gainesville Housing Authority owns all land and will become the sole owner of property five years after construction once through stabilization. Mrs. Brown stated she will be glad to answer any questions.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval of the annexation request for low-income multi-family housing and establish zoning as Residential-II (R-II) with the following conditions:

Conditions

1. A 75-foot undisturbed buffer shall be maintained between the development and the existing Biscayne Subdivision.
2. No unit shall be less than 900 square feet.
3. The entire development shall be limited to 9 du/ac.
4. At a minimum, 40% of the exterior siding must be masonry or stone on all four sides of each structure. The remaining exterior surfaces shall be cement type siding such as Hardie board.
5. Roof type shall be 25 year, architectural-type asphalt shingles.
6. Entry landscape shall include lighted signage in conformance with R-II standards and contain annual planting beds.
7. The site will have continuous perimeter fencing.
8. Parking shall be porous type asphalt paving.
9. All units shall be sprinklered for fire suppression, units to include visual and audio fire alarms.
10. Ten percent of the units are to be fully disabled accessible; including hearing, sight and mobility impaired accessibility.
11. The property shall have a minimum 2,500 square foot community center/office building to include a technology/computer center, fitness center, community meeting room, support service office, management office, maintenance office, shop and storage areas.
12. Development shall contain a swimming pool with bath house/changing room and outdoor gathering/party area.

- 13. Development shall contain a playground for children, tot lot for toddlers, sport court for teenagers/adults, walking trail and picnic area with covered tables.**
- 14. Landscaping shall be natural and drought tolerant.**
- 15. HVAC system will exceed Georgia Energy Code requirements.**
- 16. Windows shall be thermal pane, low UV penetration windows.**
- 17. Onsite laundry, washer-dryer hook-ups shall be provided for each unit.**
- 18. Trash compacter for tenant garbage shall be provided.**
- 19. Development shall comply with all other conditions of the Georgia Department of Community Affairs Office of Affordable Housing's manual governing development.**

Motion made by Vice-Chair Fleming

Motion seconded by Board Member Martin

Vote – 6 favor, 1 absent (Simmons)

Passed: _____

AN ORDINANCE

No. 2023-25

AN ORDINANCE ANNEXING A 2.031± ACRES TRACT LOCATED ON THE WEST SIDE OF HARRISON DRIVE, EAST OF LANIER PARKWAY (I-985) (A/K/A 1368 HARRISON DRIVE) AND TO ESTABLISH A ZONING OF RESIDENTIAL-II (R-II) ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

SECTION I

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

Legal Description

THENCE North 56 degrees 00 minutes 31 seconds West for a distance of 512.77 feet to a point; THENCE North 46 degrees 32 minutes 30 seconds West for a distance of 137.29 feet to a point; THENCE along a curve to the left having a radius of 2647.98 feet and an arc length of 543.62 feet, being subtended by a chord of North 25 degrees 54 minutes 55 seconds East for a distance of 542.66 feet to a point; THENCE North 32 degrees 34 minutes 44 seconds East for a distance of 140.71 feet to a point; THENCE North 45 degrees 21 minutes 59 seconds East for a distance of 154.86 feet to a point; THENCE North 13 degrees 39 minutes 29 seconds East for a distance of 23.99 feet to a point; THENCE North 50 degrees 30 minutes 57 seconds West for a distance of 91.95 feet to a point; THENCE South 31 degrees 05 minutes 41 seconds West for a distance of 184.83 feet to a point; THENCE South 32 degrees 34 minutes 44 seconds West for a distance of 140.71 feet to a point; THENCE South 65 degrees 02 minutes 44 seconds East for a distance of 10.09 feet to a point; THENCE along a curve to the right having a radius of 2096.92 feet and an arc length of 595.26 feet, being subtended by a chord of South 25 degrees 28 minutes 51 seconds West for a distance of 593.26 feet to a point; THENCE South 46 degrees 32 minutes 30 seconds East for a distance of 171.66 feet to a point; THENCE South 56 degrees 00 minutes 31 seconds East for a distance of 9.17 feet to a point; THENCE South 33 degrees 59 minutes 29 seconds West for a distance of 10.00 feet to a point; THENCE South 56 degrees 00 minutes 31 seconds East for a distance of 507.45 feet to a point; THENCE North 34 degrees 36 minutes 32 seconds East for a distance of 65.00 feet to a point; Together with and subject to covenants, easements, and restrictions of record.

Said property contains 2.031 acres more or less.

ORDINANCE NO. 2023-25

SECTION II

The Community and Economic Development Department of the City of Gainesville is directed to make and file with the Department of Community Affairs of the State of Georgia a certified copy of this Ordinance together with a plat describing lands annexed to the City of Gainesville by this Ordinance.

SECTION III

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

SECTION IV

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

SECTION V

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

W. Samuel Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

Passed: _____

AN ORDINANCE

No. 2023-26

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 2.031± ACRES TRACT LOCATED ON THE WEST SIDE OF HARRISON DRIVE, EAST OF LANIER PARKWAY (I-985) (A/K/A 1368 HARRISON DRIVE) AT THE TIME OF ANNEXATION AS RESIDENTIAL-II, WITH CONDITIONS (R-II-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 **Residential-II, with conditions (R-II-c)**.

Conditions

- 1. A 75-foot undisturbed buffer shall be maintained between the development and the existing Biscayne Subdivision.**
- 2. No unit shall be less than 900 square feet.**
- 3. The entire development shall be limited to 9 du/ac.**
- 4. At a minimum, 40% of the exterior siding must be masonry or stone on all four sides of each structure. The remaining exterior surfaces shall be cement type siding such as Hardie board.**
- 5. Roof type shall be 25 year, architectural-type asphalt shingles.**
- 6. Entry landscape shall include lighted signage in conformance with R-II standards and contain annual planting beds.**
- 7. The site will have continuous perimeter fencing.**
- 8. Parking shall be porous type asphalt paving.**
- 9. All units shall be sprinklered for fire suppression, units to include visual and audio fire alarms.**
- 10. Ten percent of the units are to be fully disabled accessible; including hearing, sight and mobility impaired accessibility.**
- 11. The property shall have a minimum 2,500 square foot community center/office building to include a technology/computer center, fitness center, community meeting room, support service office, management office, maintenance office, shop and storage areas.**
- 12. Development shall contain a swimming pool with bath house/changing room and outdoor gathering/party area.**

ORDINANCE NO. 2023-26

- 13. Development shall contain a playground for children, tot lot for toddlers, sport court for teenagers/adults, walking trail and picnic area with covered tables.**
- 14. Landscaping shall be natural and drought tolerant.**
- 15. HVAC system will exceed Georgia Energy Code requirements.**
- 16. Windows shall be thermal pane, low UV penetration windows.**
- 17. Onsite laundry, washer-dryer hook-ups shall be provided for each unit.**
- 18. Trash compacter for tenant garbage shall be provided.**
- 19. Development shall comply with all other conditions of the Georgia Department of Community Affairs Office of Affordable Housing's manual governing development.**

Legal Description

THENCE North 56 degrees 00 minutes 31 seconds West for a distance of 512.77 feet to a point; THENCE North 46 degrees 32 minutes 30 seconds West for a distance of 137.29 feet to a point; THENCE along a curve to the left having a radius of 2647.98 feet and an arc length of 543.62 feet, being subtended by a chord of North 25 degrees 54 minutes 55 seconds East for a distance of 542.66 feet to a point; THENCE North 32 degrees 34 minutes 44 seconds East for a distance of 140.71 feet to a point; THENCE North 45 degrees 21 minutes 59 seconds East for a distance of 154.86 feet to a point; THENCE North 13 degrees 39 minutes 29 seconds East for a distance of 23.99 feet to a point; THENCE North 50 degrees 30 minutes 57 seconds West for a distance of 91.95 feet to a point; THENCE South 31 degrees 05 minutes 41 seconds West for a distance of 184.83 feet to a point; THENCE South 32 degrees 34 minutes 44 seconds West for a distance of 140.71 feet to a point; THENCE South 65 degrees 02 minutes 44 seconds East for a distance of 10.09 feet to a point; THENCE along a curve to the right having a radius of 2096.92 feet and an arc length of 595.26 feet, being subtended by a chord of South 25 degrees 28 minutes 51 seconds West for a distance of 593.26 feet to a point; THENCE South 46 degrees 32 minutes 30 seconds East for a distance of 171.66 feet to a point; THENCE South 56 degrees 00 minutes 31 seconds East for a distance of 9.17 feet to a point; THENCE South 33 degrees 59 minutes 29 seconds West for a distance of 10.00 feet to a point; THENCE South 56 degrees 00 minutes 31 seconds East for a distance of 507.45 feet to a point; THENCE North 34 degrees 36 minutes 32 seconds East for a distance of 65.00 feet to a point; Together with and subject to covenants, easements, and restrictions of record.

Said property contains 2.031 acres more or less.

SECTION II

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

SECTION III

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

SECTION IV

ORDINANCE NO. 2023-26

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

W. Samuel Couvillon, Mayor

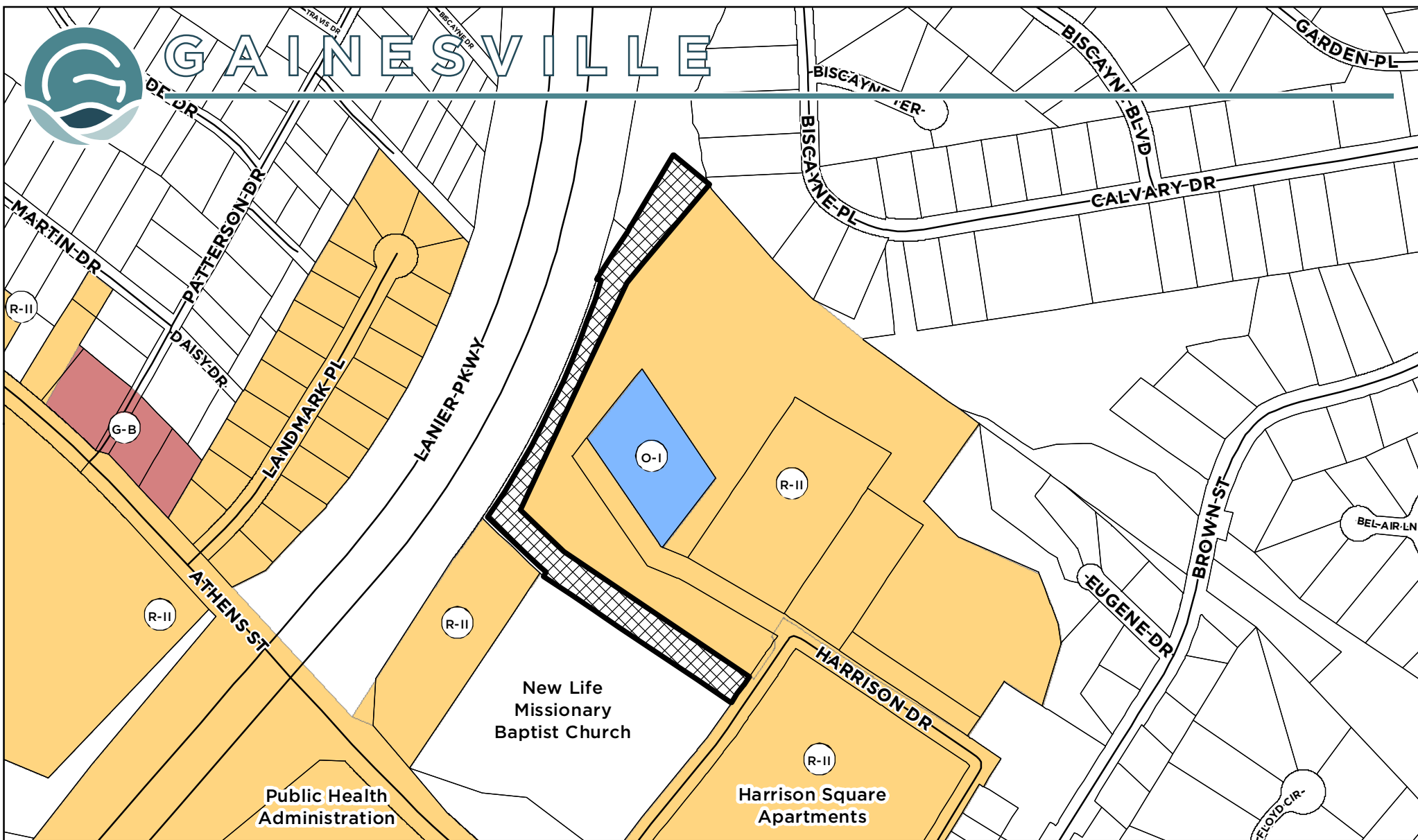
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



GAINESVILLE



Applicant: **GAINESVILLE HOUSING AUTHORITY**

ANNEXATION REQUEST

Subject Property Address:
1368 Harrison Drive

Tax Parcel:
01-142-001-002 (part)

Request:

Annex +/- 2.031 AC and establish zoning as Residential-II (R-II) for low income multi-family housing.



Subject Property



Meeting Date: 10/10/2023

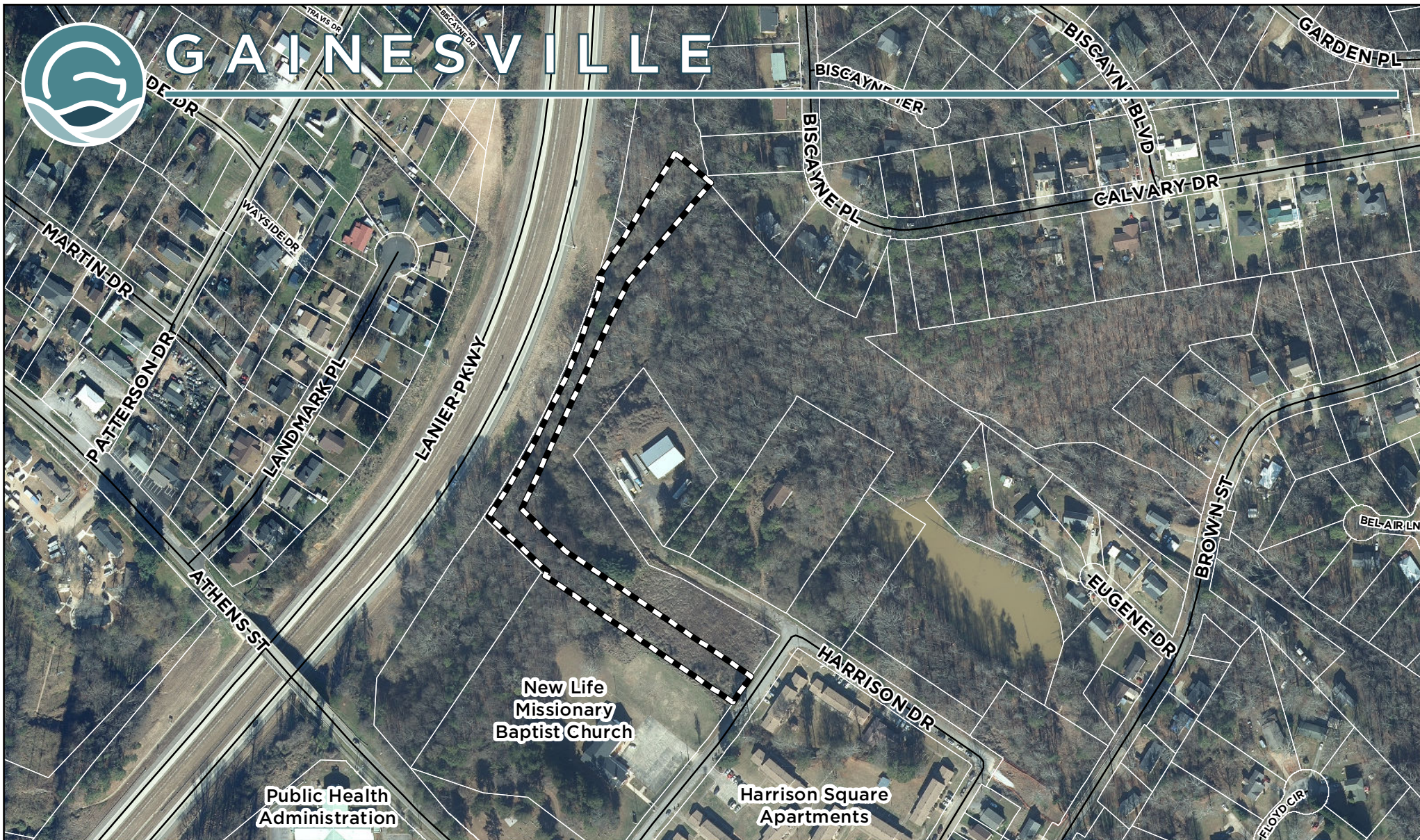
Map Prepared: 08/30/2023

0 160 320 480 640 Feet

SCALE: 1" = 300'



GAINESVILLE



Applicant: **GAINESVILLE HOUSING AUTHORITY**

ANNEXATION REQUEST

Subject Property Address:
1368 Harrison Drive

Tax Parcel:
01-142-001-002 (part)

Request:

Annex +/- 2.031 AC and establish zoning as Residential-II (R-II) for low income multi-family housing.



Subject Property

Aerial from 2021



Meeting Date: 10/10/2023

Map Prepared: 08/30/2023

0 160 320 480 640 Feet

SCALE: 1" = 300'



THE PACES FOUNDATION

Sustainable Affordable Housing Developers

Project: Harrison Village Apartments
Subject: Annex 2.031± acres with Residential-II (R-II) zoning
Date: October 10, 2023

Executive Summary

Paces Preservation Partners is proud to present to Gainesville Housing Authority ("GHA") a request to annex the subject 2.031± acres property with R-II zoning. The annexation of the remnant property will help facilitate the new construction of low-income multi-family housing currently approved for the adjacent property. This first part of the project will be named **Harrison Village Apartments ("Project")** which will be a new construction of 120-units within two and three-story buildings which will provide households with individual access points to their housing. The buildings will have split level and easily accessible for families located in Gainesville, Hall County, Georgia, and will consist of 100 GHA Annual Contributions Contract ("ACC") tenants coming from Harrison Square and Jesse Jewell Parkway Apartments through the Rental Assistance Demonstration ("RAD") conversion and will provide for a project-based Section 8 Contract on 100 of the 120 units. The property is approximately 14.54-acres at the end of Harrison Drive, and adjacent to Gainesville Housing Authority's Harrison Square Apartments, and near the intersection of the fork of Old Athens Road and Athens Street and Harrison Drive, approximately 3 miles due east of downtown Gainesville, Georgia. The vision of Paces Preservation Partners, LLC is to use the tracts now owned by GHA adjacent to Harrison Square Apartments, the Gainesville Housing Authority's ("GHA") public housing project on the Northeastern border to build the Project. The project will require up to **Twenty-Seven Million Five Hundred Thousand Dollars (\$27,500,000)** in tax-exempt bonds to be induced, and PPP will finalize a DCA pre-application for submission for approval to advance in the fall the closing of the tax-exempt bond execution with 4% LIHTC.

Upon the vacation of Harrison Square Apartments, the plan is to then use that site to build a multi-story senior apartment complex with a community center, and public facility on the premises, and a possible third phase family. Paces Preservation Partners has partnered with several Housing Authorities throughout the Southeast developing multi-phased, mixed-income, and mixed-use properties. The extensive experience Paces possesses in the Gainesville marketplace, and our new multifamily tax-exempt bond property Waterside Oaks Apartments is preparing to break ground in August 2022, has kept us very focused on the Gainesville marketplace, which is how we discovered the properties at Harrison Drive, and why we are excited about this partnership with GHA.



THE PACES FOUNDATION

Sustainable Affordable Housing Developers

Background Summary

The Paces Foundation (“Paces”) is a 501(c)(3) non-profit affordable housing developer founded in 1991. Our core team is in our home office in Smyrna, Georgia which is a short drive to Gainesville, GA. Paces has partnered with Soho Housing Partners to combine our strengths and development capabilities with Paces Preservation Partners, LLC (“PPP”). We have collectively created an industry leading affordable housing development and preservation services platform coupling Paces extensive quality development history, and Soho’s exceptional capabilities structuring complex financial solutions to make quality investments in workforce housing communities possible. PPP is working with several leading Housing Authorities across the Southeast in four states, to include Northwest Georgia Housing Authority, and the Buford Housing Authority among PHA’s in the Gainesville region.

Paces is an experienced developer and owner of Low-Income Housing Tax Credit communities having developed over 55 properties in the Southeast, Southwest, and Mid-Atlantic regions, and established many top-quality award-winning transactions since our inception. Paces strives to receive the highest energy certifications on all their properties, and often wins awards, and has achieved LEED Platinum on several previous properties. Paces owns, or has owned over 20 properties in Georgia, and particularly several in North Georgia within miles of Gainesville. Paces has never defaulted on a commitment, failed to deliver a credit to our investors, and always receives strong endorsements from investors, public partnerships, and lenders. Paces has an acknowledged reputation as a leader in the affordable housing industry as was demonstrated in the post Hurricane Michael renovation of Panama Commons, 1001 Sherman Avenue, Panama City, Florida, a LEED platinum community.

Paces has a long history in Gainesville, Georgia, once owning two workforce LIHTC transactions in Gainesville, 140-unit Paces Landing Apartments, and 88-unit Oconee Springs Apartments. Both Paces Landing and Oconee are adjacent properties to the Project site which they plan to break ground on in the spring of 2022. Paces sold Oconee and Paces Landing in December 2018, and they were high quality properties constructed, owned, operated, and maintained by Paces for nearly 20 years. The two properties over the last ten years operated at physical occupancies between 95-98% continuously. The success of those properties, and Paces’ knowledge of the marketplace, and comfort level with Gainesville, GA brought Paces back to develop another top-quality property once again within the city limits. Paces acknowledged the tremendous need, and heightened barrier of entry into the Gainesville, Georgia affordable housing marketplace, as well as the strong growth corridor that exists and the need for affordable workforce housing.

Given the tremendous need in Gainesville, Paces has decided to once again bring its expertise to help provide high quality workforce housing development to the area with Soho. While in search of top-quality real estate in the Gainesville Area, PPP came across the sites located at Harrison Drive, adjacent to GHA’s Harrison Square Apartments. PPP went ahead and put the sites under contract and decided to approach GHA about partnering on the sites at Harrison Drive. GHA agreed to a



THE PACES FOUNDATION

Sustainable Affordable Housing Developers

partnership, and PPP, and GHA signed a Memorandum of Understanding to work together on a multi-phased housing development that will facilitate the RAD conversion at Harrison Square Apartments, Jesse Jewell Parkway Apartments. Additionally, the MOU stipulates a subsequent phase will be a senior community to be built on the Harrison Square site. PPP in March 2022 purchased the project sites, and GHA in turn purchased them from PPP in April 2022. Our vision is to create a multi-phased, mixed-income, mixed-tenancy master plan with some community space added into the plan.

Family Project Summary

The first phase family Project will provide significant interior amenities while the exterior will be designed commensurately with the neighborhood and corridor requirements and similarly styled PPP family apartment communities. Paces' designs often incorporate exterior brick, and hardi-plank, with significant fenestrations, and building designs to provide aesthetically pleasing communities for the residents, neighborhood, and community at large. PPP provides larger unit sizes for residents and provides a beautiful indoor, and outdoor living environment. Panama Commons, picture below is one of the many examples of The Paces Foundation's recent family housing designs.



Attached Renderings will provide samples of what the expected building elevations and construction materials of the project PPP is Planning to provide at Harrison Village Apartments.



THE PACES FOUNDATION

Sustainable Affordable Housing Developers

Amenity Summary

Paces will strive to bring a high-quality product like previous developments in the area, that will possess all the amenities necessary and required by DCA, and desired by potential renters in the area. The Family phase of the Project will have one, two, three, and four-bedroom apartments for families and will be designed and built to accommodate Gainesville Housing Authority's ACC relocation from Harrison Square Apartments, and Jesse Jewell Parkway Apartments. Paces is planning to provide unit amenities such as washer and dryer hook-ups, all energy star appliances, ceiling fans, storage, and patios. The Project amenities will include, but not be limited to, a covered pavilion with BBQ area, an office/clubhouse that will include a workout and yoga studio, meeting space, computer room, Wi-Fi hotspot, as well as another exterior gathering area, and playground. These amenities, along with the GHA relocation tenants, and the high population growth that continues in Gainesville, is expected to insure a successful transaction.

The Project will have entrances off Harrison Drive at multiple spots, and we will try to vacate the north end of Harrison Drive and dedicate it to the property. This will provide security by limiting the pedestrian, and vehicular traffic onto the property for both phases. In addition, Paces on all their properties includes security cameras, enhanced property lighting, and quality design features. Additionally, GHA will provide on-site maintenance and management that provides significant on-site daily monitoring of the property. Paces typically contracts with local law enforcement, or security firms to conduct nightly drive throughs, and monitoring of the property when management is not on site. GHA as the management company is expected to do significant credit and background checks on all residents, and work hard to maintain a safe, and secure living environment for all our residents.



THE PACES FOUNDATION

Sustainable Affordable Housing Developers

Number and type units, bedrooms, parking space and income levels

The first phase of the project will contain 120 units of family apartments with a blend of 1BD, 2BD, 3BD and 4BD units, sufficient to facilitate GHA's relocation of residents from Harrison Square Apartments, and Jesse Jewell Parkway ACC units. The Projects is applying for 4% LIHTC credits, and GHA is ground leasing the land to the partnership. The Projects may consider using some additional soft funds such as DCA HOME, local funds, or GHA funds, to lower the permanent leverage. The project will incorporate some tax-credit units without rental subsidy.

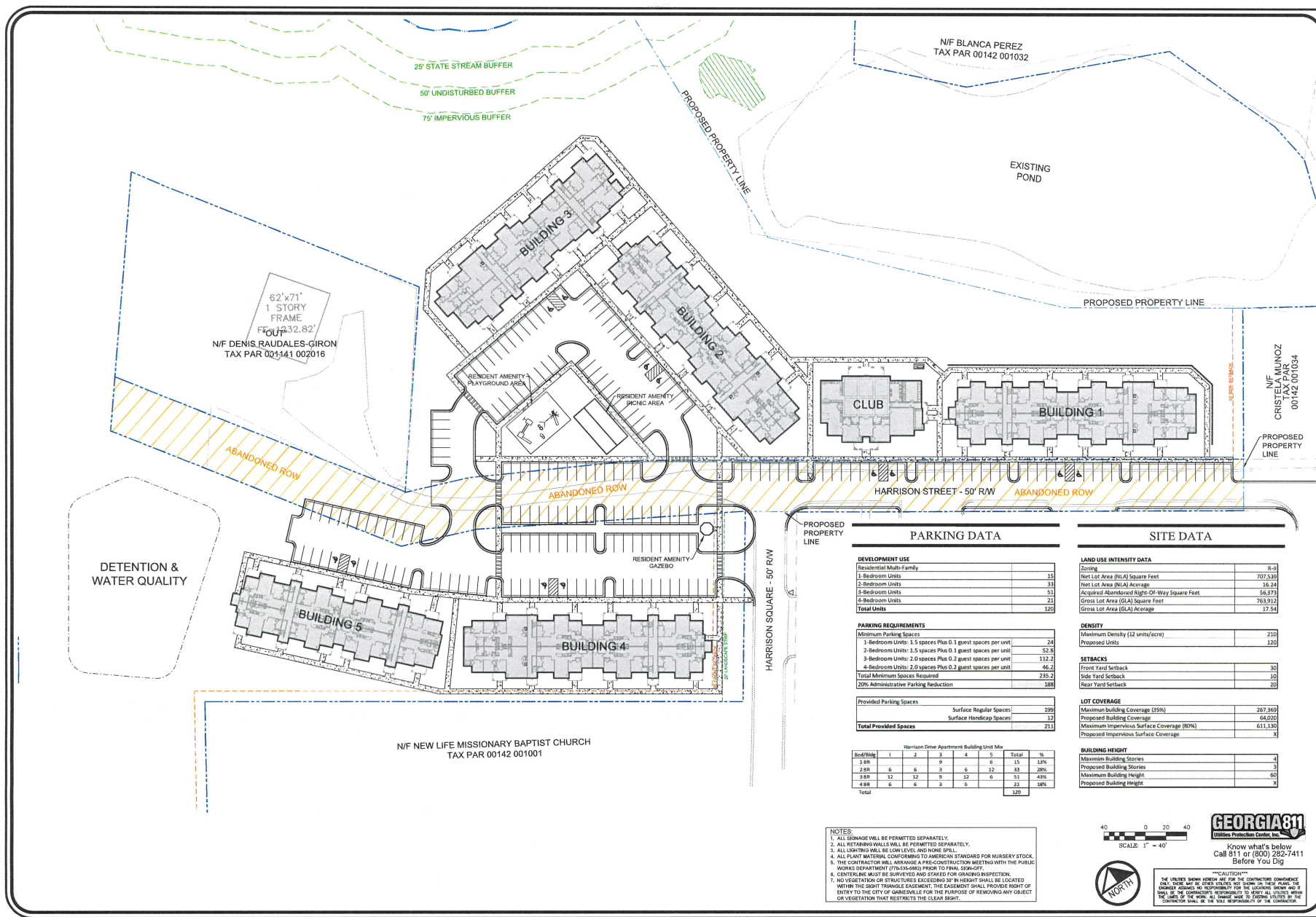
The below tables show the projected income targeting, rents for the Project and bedroom mix. The unit mix will meet the objectives of DCA, and Gainesville Housing Authority as the issuer, co-owner, and developer.

UNIT MIX:		
Unit Type:	# of Units:	Percent:
1/1	15	12.50%
2/2	39	32.50%
3/2	45	37.50%
5/2	0	0.00%
4/2	21	17.50%
	120	100.00%

HOUSING MIX:			
RAD UNITS:		100	83.33%
SECTION 8 PBRA:		0	0.00%
LIHTC:		20	16.67%
		0	0.00%
		0	0.00%
Market Rate		0	0.00%
		120	100.00%

SECTION 8 UNIT MIX:		
Unit Type:	# of Units:	Percent:
1/1	12	10.00%
2/2	32	26.67%
3/2	40	33.33%
4/2	16	13.33%
5/2	0	0.00%
	100	83.33%

We will have a minimum of 220 parking spaces in the proposed development. Paces plans to meet or exceed local code, and DCA requirements for parking.

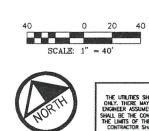


PARKING DATA	
DEVELOPMENT USE	
Residential Multi-Family	
1-Bedroom Units	135
2-Bedroom Units	33
3-Bedroom Units	51
4-Bedroom Units	21
Total Units	120
PARKING REQUIREMENTS	
Minimum Parking Spaces	
1-Bedroom Units: 1.5 spaces Plus 0.1 guest spaces per unit	24
2-Bedroom Units: 2.0 spaces Plus 0.1 guest spaces per unit	52.8
3-Bedroom Units: 2.0 spaces Plus 0.2 guest spaces per unit	112.2
4-Bedroom Units: 2.0 spaces Plus 0.2 guest spaces per unit	46.2
Total Minimum Spaces Required	235.2
20% Administrative Parking Reduction	188
Provided Parking Spaces	
Surface Regular Spaces	199
Surface Handicap Spaces	17
Total Provided Spaces	216

SITE DATA	
LAND USE INTENSITY DATA	
Zoning	R-11
Net Lot Area (NLA) Square Feet	707,539
Net Lot Area (NLA) Acreage	16.34
Acquired Abandoned Right-Of-Way Square Feet	56,373
Gross Lot Area (GLA) Square Feet	763,912
Gross Lot Area (GLA) Acreage	17.54
DENSITY	
Maximum Density (12 units/acre)	210
Proposed Units	120
SETBACKS	
Front Yard Setback	30
Side Yard Setback	10
Rear Yard Setback	20
LOT COVERAGE	
Maximum Building Coverage (15%)	267,869
Proposed Building Coverage	64,020
Maximum Impervious Surface Coverage (80%)	611,130
Proposed Impervious Surface Coverage	31

Harrison Drive Apartment Building Unit Mix						
Bed/Bkg	1	2	3	4	5	Total
1 BR			9		4	13
2 BR	6	6	3	6	12	33
3 BR	12	12	9	12	6	51
4 BR	6	6	3	6		21
Total						120

- NOTES:
1. ALL SIGNAGE WILL BE PERMITTED SEPARATELY.
 2. ALL RETAINING WALLS WILL BE PERMITTED SEPARATELY.
 3. ALL LIGHTING WILL BE LOW LEVEL AND NON-SPILL.
 4. ALL PLANT MATERIAL CONFORMS TO AMERICAN STANDARD FOR NURSERY STOCK.
 5. THE CONTRACTOR WILL ARRANGE A PRE-CONSTRUCTION MEETING WITH THE PUBLIC WORKS DEPARTMENT (PW) PRIOR TO FINAL SHOR-OF.
 6. CONTINGENT MUST BE SUBMITTED AND STAYED FOR OAKING INSPECTION.
 7. NO VEGETATION OR STRUCTURES EXCEEDING 10' IN HEIGHT SHALL BE LOCATED WITHIN THE SHORT TRIANGLE EASEMENT. THE EASEMENT SHALL PROVIDE RIGHT OF ENTRY TO THE CITY OF GAINESVILLE FOR THE PURPOSE OF REMOVING ANY OBJECT OR VEGETATION THAT RESTRICTS THE CLEAR SHORT.



GEORGIA811
Utilities Protection Center, Inc.
Know what's below
Call 811 or (800) 282-7411
Before You Dig

REVISIONS:

NO.	DATE	DESCRIPTION

Landtec
115 SANDHURST DRIVE, SUITE 111
ROSELAND, GA 30080
Paragon Engineering Services, Inc.
1700 UNIVERSITY AVENUE, SUITE 115
DUNWOODY, GA 30329
PHONE: (770) 955-2299

40 SCALE SITE PLAN
HARRISON DRIVE APARTMENTS
C.D. M.D. 1285
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

SEAL: **GEORGIA**
No. 24522
PROFESSIONAL
JULIAN B. DANIEL

CC WED 5/3/23	DRAWN LIF
CHECKED WED	

SCALE:
1" = 40'

PROJECT NUMBER:
P-270

SHEET NUMBER:
C1.1

GRID - GA WEST

All of that tract or parcel of land lying and being in Georgia Militia District 1385, Hall County, Georgia, City of Gainesville, being more particularly described as follows:

Beginning at the point where the Northwestern Right Of Way of Harrison Square intersects with the Southern Right Of Way of Harrison Drive; THENCE South 34 degrees 36 minutes 32 seconds West For A distance of 119.85 feet to a point being The Point Of Beginning;

THENCE North 56 degrees 00 minutes 31 seconds West for a distance of 912.77 feet to a point;

THENCE South 33 degrees 34 minutes 44 seconds East for a distance of 137.20 feet to a point;

THENCE along a curve to the left having a radius of 2547.08 feet, an angle of 10.09 feet to a point;

THENCE South 25 degrees 54 minutes 55 seconds East for a distance of 562.00 feet to a point;

THENCE North 32 degrees 34 minutes 44 seconds East for a distance of 140.71 feet to a point;

THENCE North 45 degrees 00 minutes 51 seconds 69 seconds East for a distance of 164.88 feet to a point;

THENCE North 32 degrees 34 minutes 44 seconds East for a distance of 20.99 feet to a point;

THENCE North 50 degrees 30 minutes 57 seconds West for a distance of 81.95 feet to a point;

THENCE South 31 degrees 05 minutes 41 seconds West for a distance of 81.95 feet to a point;

THENCE South 32 degrees 34 minutes 44 seconds West for a distance of 140.71 feet to a point;

THENCE North 45 degrees 00 minutes 51 seconds 69 seconds East for a distance of 10.09 feet to a point;

THENCE along a curve to the right having a radius of 2098.92 feet and an arc length of 588.05 feet, being subtended by a chord of 25.00 feet 25 seconds 51 minutes 51 seconds West for a distance of 300.00 feet to a point;

THENCE South 48 degrees 32 minutes 30 seconds East for a distance of 65.00 feet to a point;

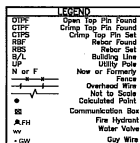
THENCE South 56 degrees 00 minutes 31 seconds East for a distance of 8.17 feet to a point;

THENCE North 32 degrees 34 minutes 44 seconds West for a distance of 10.00 feet to a point;

THENCE North 32 degrees 34 minutes 44 seconds West for a distance of 50.45 feet to a point;

THENCE North 34 degrees 36 minutes 32 seconds East for a distance of 65.00 feet to a point;

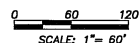
Sold property contains 2.03 acres more or less.



LandTec
Surveying
205 WILLIAMS BRIDGE ROAD,
TOCCOA, GEORGIA 30577
PHONE: (678)780-8832
JGILBERT@LANDTECCO.COM

ANNEXATION
EXHIBIT SURVEY FOR:
**THE PACES
FOUNDATION, INC**
LOCATED IN:
G.M.D. 1385
HALL COUNTY, GEORGIA
CITY OF GAINESVILLE

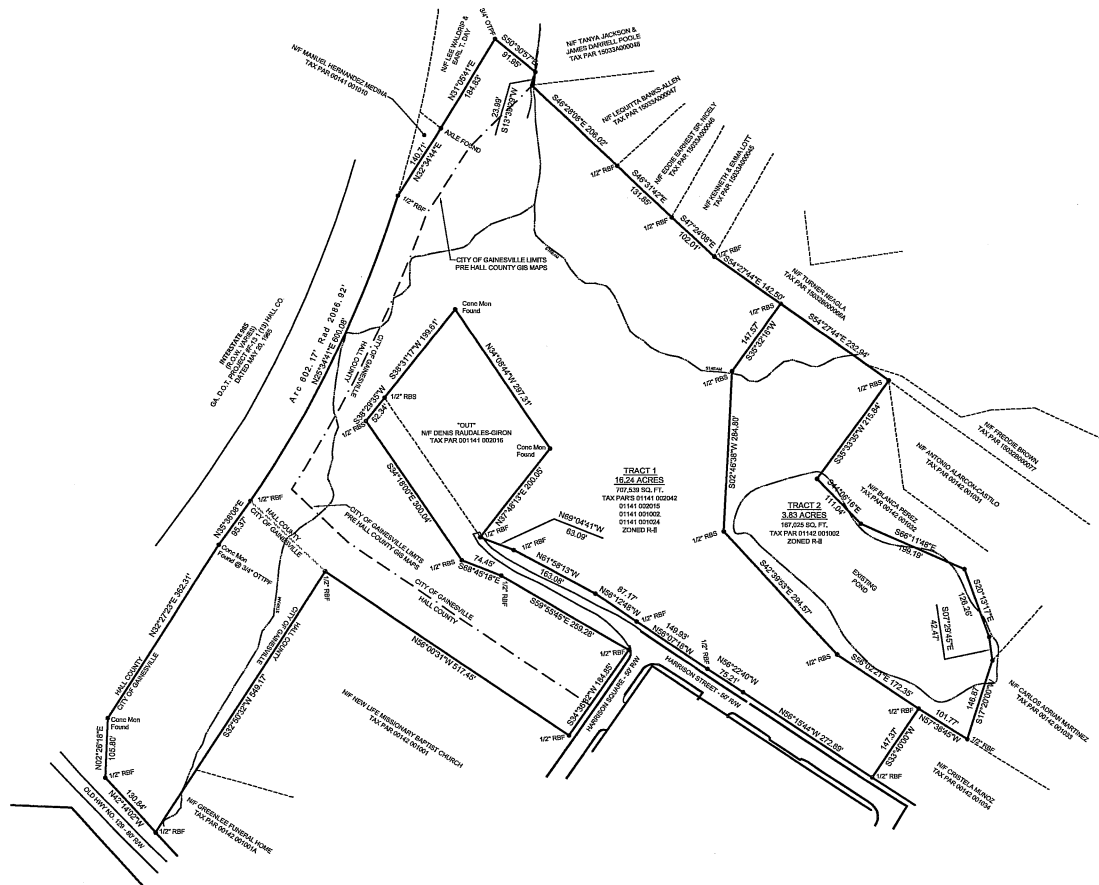
CREW CHIEF: JBG
DRAWN: WJG
DATE: 08/25/2023
SCALE: 1"=60'
JOB #: 22-121



NOTES

- 1.) Field Data: Closure Precision-17103.558. Angular Error = $\pm 3157A$.
- 2.) Measurements were taken with a Carlson SPECT on 08-02-2006 and were balanced using the CompuLink.
- 3.) Bearings are based on Grid North - Ge West Line.
- 4.) Plat Preclosure: 17100.000'.
- 5.) The public records referenced herein reflect only those records necessary to establish the boundaries hereon, and reference to the same does not and is not intended to constitute a title search or the opinion.
- 6.) No portion of this property is located in a Special records necessary to establish the boundaries hereon, and

PROPERTY ZONING (ALL TRACTS ACCORDING TO HALL COUNTY GIS) - R-II
FRONT YARD SETBACK - 55' FROM ROAD CENTERLINE OR 30' FROM PROPERTY LINE (WHICHEVER IS GREATER)
SIDE YARD SETBACK - 10'
REAR YARD SETBACK - 20'
MINIMUM LOT AREA - 35,000 SQ. FT.
MINIMUM LOT FRONTAGE - 50'



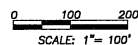
LEGEND

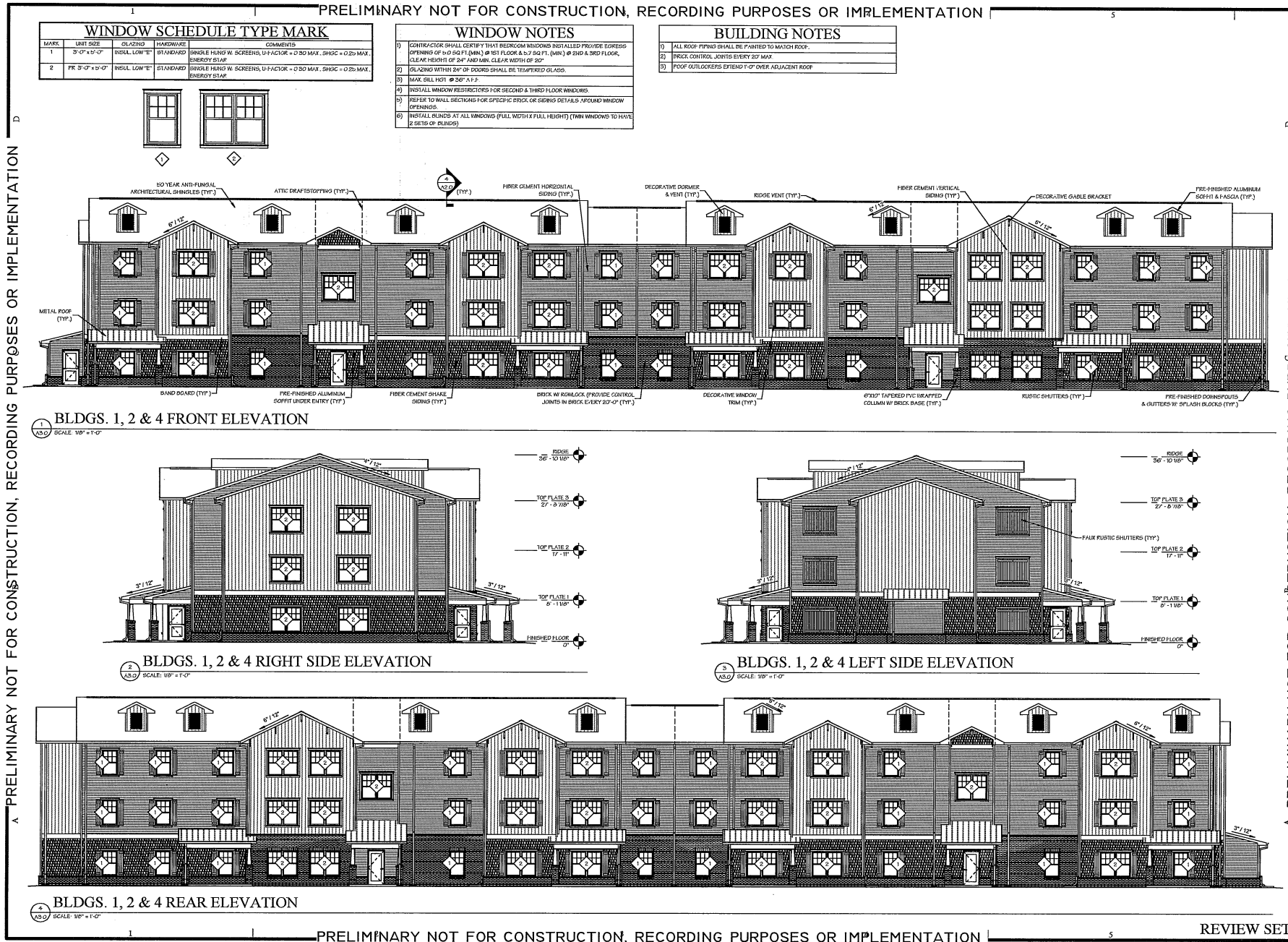
OTPF	Open Top Pin Found
CTPF	Crimp Top Pin Found
CTPS	Crimp Top Pin Set
RBF	Rebar Found
RBS	Rebar Set
B/L	Building Line
U/L	Utility Pole
N or F	Now or Formerly
	Fence
	Overhead Wire
	Not to Scale
	Calculated Point
	Communication Box
	Fire Hydrant
	Water Valve
	Guy Wire

LandTec
Surveying
205 WILLIAMS BRIDGE ROAD,
TOCCOA, GEORGIA 30577
PHONE: (678)780-8832
JGILBERT@LANDTECCO.COM

BOUNDARY
SURVEY FOR:
THE PACES
FOUNDATION, INC
LOCATED IN:
G.M.D. 1385
HALL COUNTY, GEORGIA
CITY OF GAINESVILLE

CREW CHIEF: JBG
DRAWN: WJG
DATE: 06/09/2023
SCALE: 1"=100'
JOB #: 22-121





HARRISON VILLAGE APARTMENTS
 GAINESVILLE, HALL COUNTY, GEORGIA



COPYRIGHT © 2023
 1ST ISSUE
 21 APR 2023
 ISSUE/REVISIONS
 REVIEW SET
 A3.0
 JOB NO.
 4558
 4/14/2023 2:12:02 PM



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: November 2, 2023
Date Submitted: November 3, 2023
Final Approval Date: November 3, 2023
Presenter: Abb Hayes, City Attorney
Item of Business: Request from **Greg Loyd** to rezone a 0.397± acre tract located at the southwest side of the intersection of High Street and Dixie Street (a/k/a **812 Dixie Street**) from General Business (G-B) to Residential-II (R-II). **Ward Number: Three**. Tax Parcel Number(s): 01-033-002-001. **Request: Four condominium units.**

- Proposed Rezoning Ordinance 2023-27

Meeting Date: November 7, 2023

Purpose of Request:

To conduct a public hearing regarding the following zoning request as presented at the October 10, 2023 Planning and Appeals Board Meeting.

Facts & Issues / History & Background:

The applicant is proposing to rezone the subject property from General Business (G-B) to Residential-II (R-II). The property is located within the Midtown Overlay Zone which allows residential condominiums by right regardless of the underlying zoning district. However, the applicant is proposing to downzone the property to R-II to better conform with the surrounding zonings and to allow for a better design under the R-II zoning design standards.

The intent is to subdivide the property in order to construct two, duplex condominium homes for a total of 4 units. Each condominium duplex will be 2-story in height and will contain 3 bedrooms, 2 ½ baths, large open living area, kitchen and dining area. Each unit is proposed to have a minimum of 1,300 square feet of heated floor space. The exterior of the building will consist of a mixture of hardy board and stone accents and architectural shingles. Surface level parking will be provided for each condominium unit with access from Dixie Street. The anticipated construction time is 6 months upon approval.

The adjacent uses include single-family homes, duplex homes, apartments, mini-warehouse storage units, office and a church.

Department Recommendation:

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

SAMPLE MOTIONS:

Approval of Ordinance 2023-27:

I move to approve the ordinance to rezone the subject property from General Business (G-B) to Residential-II (R-II) with six 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. CC Legal Ad
2. PAB Recommendation Report
3. Proposed Rezoning Ordinance 2023-27
4. Location Maps
5. Narrative
6. Survey
7. Architectural Rendering

1.6538 County Line Road | Variance | 16.50.040 | to reduce the road frontage requirement from 90 feet to 50 feet | on a 1.97± acre parcel located on the northwest side of County Line Road, across from its intersection with Booker Farm Drive | Zoned AR-IV, Tax Parcel 15006D000005 (pt.) | **Proposed Use: 3-lot subdivision |** * Commission District 3 | **Meden Montano, applicant.**

2.(A) 5013 Pleasant View Circle | Variance | 17.240.010 | to reduce the right side yard setback from 10 feet to 5 feet | on a 0.46± acre parcel located on the west side of Pleasant View Circle, approximately 206 feet north of its intersection with Stephens Road | Zoned R-I, Tax Parcel 08065 000003HH | **Proposed Use: detached garage |** * Commission District 2 | **Keith E. Hix, applicant.**

(B) 5013 Pleasant View Circle | Variance | 17.240.010 | to reduce the rear yard setback from 20 feet to 5 feet | on a 0.46± acre parcel located on the west side of Pleasant View Circle, approximately 206 feet north of its intersection with Stephens Road | Zoned R-I, Tax Parcel 08065 000003HH | **Proposed Use: detached garage |** * Commission District 2 | **Keith E. Hix, applicant.**

3.3998 Sundown Drive | Variance | 17.240.010 | to reduce the rear yard setback requirement from 20 feet to 1 foot | on a 0.43± acre tract, located on the north side of Sundown Drive, approximately 760 feet east of its intersection with Hardy Road | Zoned R-I, Tax Parcel 10121 000025 | **Proposed Use: residential addition |** * Commission District 2 | **Cedric & Lynne Randolph, applicant.**

4.4549, 4555, 4561, 4567, 4571, 4601, 4607, and 4611 Candlestick Lane | Amend Conditions of PRD | 9-unit townhome development | on a combined 3.89± acres located on the north side of Candlestick Lane, across from its intersection with Shawnee Drive | Zoned PRD, Tax Parcels: 08067 000045, 000044, 000043, 000042, 000041, 000039, 000038, and 000037 | **Proposed Use: 9-unit townhome development |** ** Commission District 2 | **RyRoMa Properties, LLC, applicant.**

5.3955 & 4035 Leach Road | Rezone | from Agricultural Residential III (AR-III) and Residential I (R-I) to Planned Residential Development (PRD) | on a combined 174.44± acres located on both the east and west sides of Leach Road, north of the intersection of Leach Road and Red Bird Circle | Zoned AR-III and R-I; Tax Parcels 10033 000001 & 10050 000008 | **Proposed use: 307-lot detached single-family development |** ** Commission District 2 | **Shadow Stone Partners, LLC, applicant.**

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 contributions 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, January 11, 2024 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, January 11, 2024. 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.

127123 10/18

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, November 7, 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 **BDC Gainesville, LLC** to annex a 50.711± acres tract located southeast of the intersection of Athens Highway and Monroe Drive, having road frontage on Athens Highway and Monroe Drive (a/k/a **2544 Monroe Drive and 1570 Athens Highway**) and to establish a zoning of Heavy Industrial (H-I), with a special use. Ward Number: Three Tax Parcel Number(s): 15-032-000-013 Request: **Enclosed anaerobic digestion facility (Bioenergy Center)**

2) Request from the **Gainesville Housing Authority** to annex a 2.031± acres tract located on the west side of Harrison Drive, east of Lanier Parkway (I-985) (a/k/a **1368 Harrison Drive**) and to establish a zoning of Residential-II (R-II). Ward Number: Three Tax Parcel Number(s): 01-142-001-002 (Part) Request: **Low-income multi-family housing**

3) Request from **Greg Loyd** to rezone a 0.397± acre tract located at the southwest side of the intersection of High Street and Dixie Street (a/k/a **812 Dixie Street**) from General Business (G-B) to Residential-II (R-II). Ward Number: Three Tax Parcel Number(s): 01-033-002-001 Request: **Four condominium units**

Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3(c))

127161 10/18

PUBLIC NOTICE CITY OF OAKWOOD, GEORGIA

Be advised a public hearing has been scheduled before the Oakwood City Council on the 13th day of November 2023 at 7:00 p.m., at the Oakwood City Hall, 4035 Walnut Circle, Oakwood, Georgia for:

- Ordinance to amend City of Oakwood Code Section 12-19 "Adopting Codes", Subsection (4) Georgia State Minimum Standard Plumbing Code (International Plumbing Code with Georgia State Amendments) of the Oakwood City Code of Ordinances to adopt local amendments of the Metro Water District - Water Efficiency Code Requirements to include and amend definitions for Landscape Irrigation requirements and Shower Head; to amend Chapter 6 section 604.04 Maximum Flow and Water Consumption; Exception to said section; to amend table 604.4; to add Section 604.4.1 Clothes Washers; to add 604.4.2 et seq. Cooling Tower Water Efficiency; to add 604.4.3 Landscape Irrigation System Efficiency Requirements; to add Section 604.4.3.1 Avoiding Water Waste Through Design, to amend Section 4.4.3.2 Landscape Irrigation System Required Components; to amend Chapter 13, Section 1304 Reclaimed Water Systems, subsection 1304.3.2 Connections to Water Supply; to amend appendix E, Section E101.1.2.

At said public hearing all persons having an interest may be heard on the question of Ordinance Amendments by the City of Oakwood. A copy of the proposed amendments will be available for review at The City Hall of Oakwood during normal business hours 8:00 AM to 4:00 PM, Monday through Friday. City of Oakwood, 4035 Walnut Circle, Oakwood, Georgia.

127166 10/18

Public Sales/Auctions

NOTICE OF PUBLIC SALE: The following self-storage Cube contents containing household and other goods will be sold for cash by CubeSmart LP 2221 Dawsonville Highway Gainesville, Georgia, 30506 to satisfy a lien on November 9, 2023 at approx. 1:30 PM at [www.storage treasures.com]: Cube #213 James Ensley; Cube #301 Rachel O McKinney; Cube #316 Qwaterika Hayes; Cube #413 Brittany Kay Fain; Cube #528 Calley Greer; Cube # 530 Katicia Cavazos.

126810 10/18, 10/25

Notice of Sale.

Notice is Hereby given that Northeast Georgia Storage Center LLC, intends to sell the personal property described below to enforce a lien imposed on said property pursuant to the Georgia Self-Storage Facility Act, Georgia Code Section 10-4-210 to 10-4-215. The undersigned will sell at public sale by competitive bidding on Friday, October 27th, 2023 at 9:00 am on the premises where said property is being stored and which is located at, Northeast Georgia Storage Center, 1980 Delta Drive, Gainesville Georgia 30501, County of Hall, State of Georgia. 770-536-5173. The personal property found in units: B046 David Shuman - Tool Chests, furniture, refrigerators, clothing; C026 Tykeshia Young - Furniture, cloths, washer, dryer,

message table, kids toys; C018 Lori Torres - Cloths, furniture, TV, Electric Scooter; D031 Beverly Emmons - Cloths, furniture, TV, Totes, Skateboard; D026 Kaleb Loggins - Vacuum, Cloths, Chair, Household items; M007 Bryant Armstrong - Cloths, clock, lamp; M002 Thomas Woody - Shoes, Cloths, Cookware. Purchases must be made with cash. All items are sold as is. Sale is subject to cancellation and Tenant has the right to redeem prior to sale.

126826 10/11, 10/18

Online auction of general household items www.storageauctions.com. Notice is hereby given that on October 20, 2023 at 12 pm Savage Mini Storage, 5149 Cleveland Hwy Gainesville, GA 30506 will sell under the contractual landlords lien process by online auction the following storage units. Unit P -Scott Atkinson Unit 46 -Gary Caldwell

126773 10/11, 10/18

WILL BE Sold Online at **Storageauctions.com** Notice is hereby given that on **Auction Date: October 23, 2023** U-Haul Company of Northeast Georgia will Sell under the contractual landlords lien process by Online auction the following storage units. The goods to be sold are generally described as household goods. Gainesville: **U-Haul Of Oakwood:** 2045 Genevieve McClain O30 Robert Hairston 2007 Kayla Vickery

126547 10/11, 10/18

Probate Notices

IN THE PROBATE COURT OF HALL COUNTY ST ATE OF GEORGIA

IN RE: ESTATE OF SANDRA JEAN DAVIS, DECEASED ESTATE NO .. E-23-424

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: whom it may concern: **Thomas Elwood Davis, III** has petitioned for (Letters of Administration) to be appointed administrator of the estate of **SANDRA JEAN DAVIS** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 a.m. November 6th, 2023.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: S. Carley Clerk of the Probate Court 116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-531-6923

Telephone Number **126330 10/4, 11, 18, 25**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF EDDIE MICHAEL FORTNER, DECEASED EST A TE NO. E-23-148

NOTICE

[For discharge from office and all liability] IN RE: Petition for Discharge of Personal Representative TO: whom it may concern: This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. November 6th 2023.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: S. Carley Clerk of the Probate Court 116 Spring Street First Floor Gainesville, Georgia 30501 Address 770 - 533 - 7828 Telephone Number **127142 10/18**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF GREGORY EARL BRYANT, DECEASED ESTATE NO .. E-23-518

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: whom it may concern: **Dana Hope Bryant** has petitioned for (Letters of Administration) to be appointed administrator of the estate of **GREGORY EARL BRYANT** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 a.m. November 6th, 2023.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: S. Carley Clerk of the Probate Court 116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-531-6923

First Floor Gainesville, Georgia 30501 Address 770-531-6923 Telephone Number **126327 10/4, 11, 18, 25**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF JOYCE JOHNSON BONNER, DECEASED ESTATE NO.. E-23-407

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: whom it may concern: **Julie Bonner Wettlaufer** has petitioned for (Letters of Administration) to be appointed administrator of the estate of **JOYCE JOHNSON BONNER** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before 10:00 a.m. November 6th, 2023.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: S. Carley Clerk of the Probate Court 116 Spring Street First Floor Gainesville, Georgia 30501 Address 770-531-6923 Telephone Number **126096 10/4, 11, 18, 25**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF RUSSELL ARLEN FOSTER, DECEASED ESTATE NO. E-22-772

NOTICE

[For discharge from office and all liability] IN RE: Petition for Discharge of Personal Representative TO: whom it may concern: This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 a.m. November 6, 2023.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections arc filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine

Judge of the Probate Court By: S. Carley Clerk of the Probate Court 116 Spring Street First Floor Gainesville, Georgia 30501 Address 770 - 531 - 6923 Telephone Number **126633 10/18**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF CLAUDIA LANG P U R G A S O N , DECEASED ESTATE NO. E-19-114

NOTICE

[For discharge from office] IN RE: Petition for Discharge of Personal Representative TO: WHOM IT MAY CONCERN: This is to notify you to file an objection, if there is any, to the petition for discharge of personal representative, in this Court on or before 10:00 am, November 6, 2023

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing. Patty Walters Laine Judge of the Probate Court By: Riley Norris Clerk of the Probate Court 16 Spring Street, SE Gainesville, GA 30501 Address 770 - 533 - 7828 Telephone Number **127140 10/18**

IN THE PROBATE COURT OF HALL COUNTY STATE OF GEORGIA

IN RE: ESTATE OF SHERRY ANN HEWELL DECEASED ESTATE NO. E-23-553

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: WHOM IT MAY CONCERN, **Raymond Larry Hewell** has petitioned for **Letters of Administration** to be appointed administrator of the estate of **Sherry Ann Hewell** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before November 6, 2023 by 10:00 A.M.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be (scheduled at a later date). If no objections are filed, the petition may be granted

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant.....Greg Loyd
Property Owner.....Carrillo Properties (Oscar Carrillo)
Location.....812 Dixie Street
Request.....Rezone to from G-B to R-II
Total Acres0.397± acre
Ward.....Three
Proposed Use.....Four condominium units
Planning Division Staff Recommendation.....**Approval, with conditions**
Planning & Appeals Board Recommendation.....**Approval, with conditions**
DateOctober 10, 2023

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

The proposal is to rezone the 0.397± acre property from General Business (G-B) to Residential-II (R-II). The property is located within the Midtown Overlay Zone which allows residential condominiums by right regardless of the underlying zoning district. However, rezoning the property from G-B to R-II will better conform with the surrounding zonings, and will allow for a better design under the R-II zoning design standards.

The intent is to subdivide the property in order to construct two, duplex condominium homes for a total of 4 units at a gross density of 10.08 du/ac. Each condominium duplex will be 2-story in height and will contain 3 bedrooms, 2 ½ baths, large open living area, kitchen and dining area. Each unit will have 1,300± square feet of heated floor space. The exterior of the building will consist of a mixture of Hardie board and stone accents and architectural shingles. The architectural rendering provided with this rezoning application is intended to reflect the quality and scale of the proposed residential condominium development. Surface level parking will be provided for each condominium unit with access from Dixie Street. The property will be landscaped with trees, sod and landscape beds. The anticipated construction time is 6 months upon approval.

Adjacent Land Use and Zoning

Location	Use	Zoning
North	Single Family homes	Residential - II (R-II)
South	Vacant industrial zoned lot	Heavy Industrial (H-I)
East	Gateway House	Residential - II (R-II)
West	Vacant residential lot	Residential - II (R-II)

Other nearby uses include duplex homes, multi-family apartments, mini-warehouse storage facility, office, church and various light industrial uses.

▪ **Other Departmental Comments**

There were no departmental comments for this request.

▪ **Zoning History**

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

2023 – A request by the City of Gainesville to annex a 1.866± acres tract with a zoning of Heavy Industrial (H-I) located at 1200 and 1204 Marler Street was approved for Water Resources water/sewer services.

2021 – A request by Koch Foods of Gainesville, LLC to rezone 0.55± acre tract from Residential-II (R-II) to Heavy Industrial (H-I) located at 911, 913 and 919 Davis Street, SW was conditionally approved to expand the existing poultry processing plant.

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

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

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

▪ **Staff Analysis**

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

The surrounding properties include a mixture of uses such as single family, multifamily, and industry. The purpose of the request to rezone is to provide for housing options and to allow for better design standards.

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

The proposed duplex condominiums conform with the adjacent residential properties. The proposed four residential condominium units appear to be of good quality and will provide for another housing option within Midland Gainesville.

(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 *Downtown Mixed-Use category* which similar to General Mixed-Use, but at a higher intensity. This includes areas containing predominately retail uses and other higher density residential uses featuring a mix of traditional and contemporary architectural styles. Residential above ground-floor retail or offices uses are also encouraged.

According to the Character Area map for the City of Gainesville, the subject property is located within the Midland subarea of the *Central Core* Character Area which is the historic heart of Gainesville, centered on the square and extending to the east, west and south. The vision for this area is to continue to evolve as the symbolic heart of the city and should strive for a more

sustainable mixture of uses. Recent and ongoing public improvements Downtown and Midland have begun a long-term transition to more diverse land uses and redevelopment opportunities. Land uses supported in this Character Area include Parks and recreation, Higher density single-family residential, Multi-family residential, General mixed-use, Downtown mixed-use, Commercial, Public and institutional.

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

The property could remain zoned G-B and be developed for the proposed duplex residential condominiums or as a commercial use which are both allowed by right in the Midtown Overlay Zone. Rezoning the property to R-II would allow for better design standards and bring the use into better conformity with most of the adjacent properties.

(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 G-B zoning to R-II zoning should not substantially affect public facilities or services.

There is sufficient existing water and sewer capacity that can serve the proposed development. The Gainesville Fire and Police Departments currently respond to adjacent and nearby properties and Gainesville Fire Station #1 is approximately 0.6 mile from the subject property. The impact to the City School System should be minimal given school bus route currently serves the area and the development is small in scale.

(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 residential use appears to be consistent with existing and expected uses of the Future Land Use and Character Area Map. The surrounding uses consist of older single-family, duplex, multi-family, commercial and light industrial properties.

(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 residential properties, the proposed rezoning request 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 **Residential-II (R-II)** zoning, based on the Comprehensive Plan and the adjacent residential land uses.

Conditions

1. The use of the property shall be limited to four (4) detached single-family residential condominiums.
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, condominium renderings and floor plans, and shall be subject to the approval of the Community and Economic Development Director.
4. The front yards along Dixie Street and High Street and shall be sodded with grass. In addition, there shall be a minimum of one, 3-inch caliper size hardwood tree per condominium unit.
5. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
6. An updated as-built survey/plat showing all improvements to the property shall be required upon an occupancy permit being issued for the last condominium unit.

Excerpts from the October 10, 2023 PAB Meeting Minutes

Applicant Presentation: Priscilla Loyd Freeman, 3733 Cherokee Ford, stated she will be speaking for father, Greg Loyd. She stated they are in agreement with Mr. Tate and are glad to answer any questions.

FAVOR: Daniell Carrillo, 4610 Whiporwill Road, stated he is representing Oscar Carrillo, owner of Carrillo Properties, believes the zoning would be best zoned Residential due to surrounding areas and is in agreement with the staff.

Vice-Chair Fleming asked if the units will be rented sold fee simple. Mr. Carrillo stated the plans are to sell the condominiums.

OPPOSE: None

There was a motion to recommend conditional approval to rezone the subject property for four condominium units from General Business (G-B) to Residential-II (R-II) with the following conditions:

Conditions

1. The use of the property shall be limited to four (4) detached single-family residential condominiums.
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, condominium renderings and floor plans, and shall be subject to the approval of the Community and Economic Development Director.
4. The front yards along Dixie Street and High Street and shall be sodded with grass. In addition, there shall be a minimum of one, 3-inch caliper size hardwood tree per condominium unit.
5. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required

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

- 6. An updated as-built survey/plat showing all improvements to the property shall be required upon an occupancy permit being issued for the last condominium unit.**

Motion made by Board Member Thompson

Motion seconded by Board Member Young

Vote – 6 favor, 1 absent (Simmons)

Passed: _____

AN ORDINANCE

No. 2023-27

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 0.397± ACRE TRACT LOCATED AT THE SOUTHWEST SIDE OF THE INTERSECTION OF HIGH STREET AND DIXIE STREET (A/K/A 812 DIXIE STREET) FROM GENERAL BUSINESS (G-B) TO RESIDENTIAL-II, WITH CONDITIONS (R-II-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 **Residential-II, with conditions (R-II-c)**.

Conditions

- 1. The use of the property shall be limited to four (4) detached single-family residential condominiums.**
- 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, condominium renderings and floor plans, and shall be subject to the approval of the Community and Economic Development Director.**
- 4. The front yards along Dixie Street and High Street and shall be sodded with grass. In addition, there shall be a minimum of one, 3-inch caliper size hardwood tree per condominium unit.**
- 5. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.**
- 6. An updated as-built survey/plat showing all improvements to the property shall be required upon an occupancy permit being issued for the last condominium unit.**

Legal Description

All that tract or parcel of land lying in or being in L.L. 149 9th District, Hall County, City of Gainesville, Georgia, and being more particularly described as follows:

ORDINANCE NO. 2023-27

BEGINNING AT A POINT S14°29'38" W 25.26' from the centerline intersection of High Street and Dixie Street; THENCE South 24 degrees 50 minutes 22 seconds East for a distance of 173.66' feet TO A POINT; THENCE South 68 degrees 23 minutes 32 seconds West for a distance of 100.71' feet TO A POINT; THENCE North 24 degrees 27 minutes 25 seconds West for a distance of 171.96' feet TO A POINT; THENCE North 67 degrees 27 minutes 04 seconds East for a distance of 99.48' feet TO THE POINT OF BEGINNING. Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.397 acres more or less.

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

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

W. Samuel Couvillon, Mayor

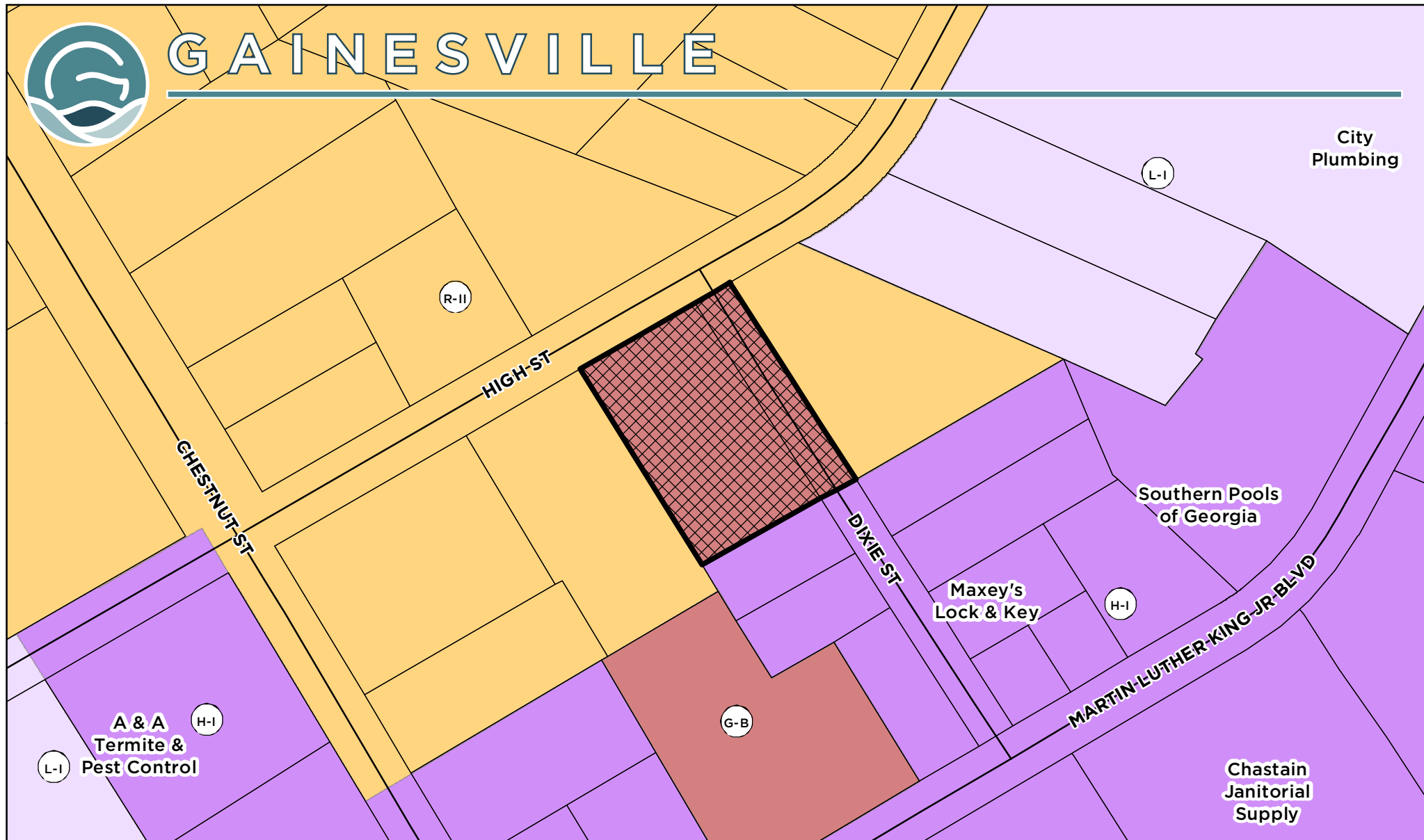
This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



GAINESVILLE



Applicant:

GREG LOYD

REZONING REQUEST

Subject Property Address:

812 Dixie Street

Tax Parcel:

01-033-002-001

Request:

Rezone a +/- 0.397 AC tract currently zoned General Business (G-B) to Residential-II (R-II) for four condominium units.



Subject Property



Meeting Date: 10/10/2023

Map Prepared: 09/06/2023

0 50 100 150 200 Feet

SCALE: 1" = 100'



GAINESVILLE



Applicant:

GREG LOYD

Request:

Rezone a +/- 0.397 AC tract currently zoned General Business (G-B) to Residential-II (R-II) for four condominium units.

REZONING REQUEST

Subject Property Address:

812 Dixie Street

Tax Parcel:

01-033-002-001



Subject Property

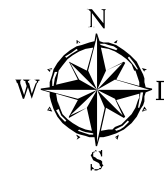
Aerial from 2021

Meeting Date: 10/10/2023

Map Prepared: 09/06/2023

0 100 200 300 400 Feet

SCALE: 1" = 200'



812 Dixie Street Narrative

The proposal is to rezone the 0.397± acre property from General Business (G-B) to Residential-II (R-II). The property is located within the Midtown Overlay Zone which allows residential condominiums by right regardless of the underlying zoning district. However, rezoning the property from G-B to R-II will better conform with the surrounding zonings, and will allow for a better design under the R-II zoning design standards.

The intent is to subdivide the property in order to construct two, duplex condominium homes for a total of 4 units. Each condominium duplex will be 2-story in height and will contain 3 bedrooms, 2 ½ baths, large open living area, kitchen and dining area. Each unit will have 1,300± square feet of heated floor space. The exterior of the building will consist of a mixture of hardy board and stone accents and architectural shingles. The architectural rendering provided with this rezoning application is intended to reflect the quality and scale of the proposed residential condominium development. Surface level parking will be provided for each condominium unit with access from Dixie Street. The property will be landscaped with trees, sod and landscape beds. The anticipated construction time is 6 months upon approval.

eFiled and eRecorded
 DATE: 08/22/2023
 TIME: 4:50 PM
 PLAT BOOK: 883
 PAGE: 446 - 445
 FILING FEES: \$10.00
 PART ID: 8668410216
 RECORDED BY: EAR
 Charles Baker, C.S.C
 Hall County, GA

LEGEND

IPF = IRON PIN FOUND
 IPS = IRON PIN SET
 CMF = CONCRETE MONUMENT FOUND
 R/W = RIGHT OF WAY
 BL = BUILDING LINE
 LLL = LAND LOT LINE
 LL = LAND LOT
 N/F = NOW OR FORMERLY
 NTS = NOT TO SCALE
 CL = CENTER LINE
 BM = BENCH MARK
 TBM = TEMPORARY BENCH MARK
 PC = POINT OF CURVATURE
 PI = POINT OF INTERSECTION
 PT = POINT OF TANGENCY
 R = RADIUS
 CH = CHORD
 IE = INVERT ELEVATION
 -T = TELEPHONE LINE
 -W = WATER LINE
 -G = GAS LINE
 -S = SEWER LINE
 -P = POWER LINE
 MH = MAN HOLE
 SSE = SANITARY SEWER EASEMENT
 DE = DRAINAGE EASEMENT
 CE = CONSTRUCTION EASEMENT
 CB = CATCH BASIN
 JB = JUNCTION BOX
 DI = DROP INLET
 HW = HEAD WALL
 FH = FIRE HYDRANT
 RCP = REINFORCED CONCRETE PIPE

This plat is a retracement of an existing parcel or parcels of land and does not
 subdivide or create a new parcel or make changes to any real property boundaries.
 The recording information of the documents, maps, plats, or other instruments which
 created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT
 IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH
 LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.
 Furthermore, the undersigned land surveyor certifies that this plat complies
 with the minimum technical standards for property surveys in Georgia as set forth
 in the rules and regulations of the Georgia Board of Registration for Professional
 Engineers and Land Surveyors and as set forth in O.G.S.A. Section 15-8-67.

BARRY D. LORD GA RLS#2641
 DATE



8-22-2023



GENERAL NOTES

- 1) The field data upon which this plat is based has a precision of one foot in 30,425 feet and an angular error of 0.3" per angle point and was adjusted using least squares.
- 2) This plat has been calculated for closure and has an accuracy of one foot in 197,897 feet.
- 3) Field equipment used for this survey was a Topcon OPT2005.
- 4) All easements, restrictions, or exceptions to title are shown based on information supplied to INGRAM, LORD AND ASSOCIATES. No Certification as to the completeness or accuracy of any matters of title is made by INGRAM, LORD AND ASSOCIATES.
- 5) Underground utilities shown on this plat were taken from field observation and from plots by others; the exact location of all utilities should be verified by the respective utility company. INGRAM, LORD AND ASSOCIATES assumes no liability as to the exact location of any underground utility. For verification contact the utilities Protection Center Inc. 1-800-282-7411.
- 6) This survey is a correct representation of the land plotted and has been plotted in conformity with the minimum standards of Georgia Law. It does not intend to indicate ownership of any parcel or easement; this information should be verified by an attorney licensed by the state of Georgia.

RETRACEMENT SURVEY FOR:
CARRILLOS PROPERTIES, INC.

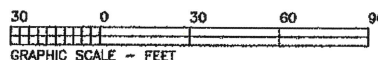
L.L. 149 9TH DISTRICT
 HALL COUNTY, GEORGIA
 CITY OF GAINESVILLE

SCALE: 1"=30'

DATE: FIELD AND DRAWING 8-22-2023

INGRAM, LORD & ASSOCIATES
 LAND SURVEYING AND PLANNING

437 SAM BROWN BLVD.
 COMMERCE, GEORGIA 30529
 706-335-9069



IL4667

