OFFICIALS PRESENT: Sam Couvillon, Juli Hayes, Barbara Brooks, Danny Dunagan, Zack Thompson
VACANT POSITION: Ward 4
STAFF PRESENT: Bryan Lackey, Angela Sheppard, Abb Hayes, Denise Jordan, Alisa Grayson

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

Mayor Couvillon provided the invocation after which the Pledge of Allegiance was recited in unison.

PRESENTATIONS / RECOGNITIONS:

Lakeview Academy Clay Target Team - GIAA Clay Target State Championship
Council Member Thompson shared details about the team's accomplishments. He recognized the team/faculty members and congratulated them on their fourth-place finish at the state championship in 2023 noting it was the team's highest finish in the program's history.

Mayor Couvillon congratulated the team.

CONSENT AGENDA:

Appointment: Chicopee Woods Area Park Commission Ex-Officio Member

Later in the meeting the Mayor called for the motion and vote.

Motion to appoint Council Member Hayes to serve as ex-officio on the Chicopee Woods Area Park Commission as presented.

Motion made by Council Member Thompson
Motion seconded by Council Member Dunagan
Votes favoring the motion: Hayes, Brooks, Dunagan, Thompson
Vacant: Ward 4

Minutes: January 11, 2024 Work Session
Minutes: January 16, 2024 Mayor/Council Meeting

Motion to approve the minutes accepting edits as presented.

Motion made by Council Member Dunagan
Motion seconded by Council Member Brooks
Votes favoring the motion: Hayes, Brooks, Dunagan, Thompson
Vacant: Ward 4

PUBLIC HEARING:

Request from Simpatico Communities to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a 839 and 853 Jesse Jewell Parkway, SW) from General Business (G-B) to Planned Unit Development (P-U-D). Ward

Number: Three. Tax Parcel Number(s): 01-029-001-005 and 007. Request: Mixed-use building.

- ***Proposed Rezoning Ordinance 2024-03***

City Attorney Abb Hayes stated the applicant wished to table the item to a future Council Meeting and recommended tabling it to the April 16, 2024 Council Meeting.

Motion to table the request to the April 16, 2024 Council Meeting.

Motion made by Council Member Dunagan
Motion seconded by Council Member Hayes
Votes favoring the motion: Hayes, Brooks, Dunagan, Thompson
Vacant: Ward 4

Request from Weekley Homes, LLC to amend an existing Planned Unit Development (P-U-D) zoning on a 120.98± acres tract located on the northwest side of McEver Road, west of the intersection of McEver Road and Gould Drive (a/k/a 0 and 1300 Gould Drive, SW). Ward Number: Four. Tax Parcel Number(s): 08-016-002-001A; 08-017-000-001. Request: Single-family subdivision for active adults.

- ***Proposed Zoning Amendment Ordinance 2024-04***

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

Community and Economic Development Deputy Director Matt Tate summarized the request. The Planning and Appeals Board and staff recommended approval with the following 18 conditions. Mr. Tate highlighted condition #3 noting it restricts the types of commercial uses allowed and requires the applicant to reappear before the Planning and Appeals Board and City Council for site plan approval.

1. The development standards within the applicant's narrative, concept plans, project detail booklet and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community and Economic Development Director approval. Any zoning conditions adopted as part of this zoning ordinance that conflict with these documents shall take precedence over the applicant's development standards.
2. The proposal shall not exceed 229 age-restricted, single-family units (1.89 du/ac).
3. Site plan review and approval shall be required by the Planning and Appeals Board and City Council prior to the development of the proposed commercial space. A revised traffic impact study for the commercial space shall be required if determined necessary by the Gainesville Public Works Director and the Georgia Department of Transportation prior to a permit being issued. In this regard, commercial uses within the commercial space are limited to office, self-storage, and/or RV/Boat storage.
4. The development shall comply with applicable U. S. Department of Housing and Urban Development (HUD) rules for age-restricted communities. The organization established for the management of the development shall comply with HUD rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of

each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.

5. A mandatory Homeowners Association (HOA) or multiple associations shall be required for the proposed development providing for the financial management, architectural controls, enforcement of community standards and management of all common areas. Any modifications or new construction within the community must be approved by the Architectural Review Board. The Board will be established and operated by the developer until such time the powers are transferred to the HOA(s). A covenant shall be required to be recorded for the proposed development stating that no more than 20% of the total residential units may be rented.

   The homeowners' association (HOA) shall include in its covenants:

   - A provision requiring that each and every occupied residence shall be occupied by at least one (1) adult who is fifty five (55) years of age or older
   - A provision requiring that no person under the age of eighteen (18) is allowed to occupy a residence in the Community for a total of more than ninety (90) days, consecutive or non-consecutive, in any calendar year
   - Control of the HOA must be transferred to the residents no later than the sale of ninety percent (90%) of the dwellings within the development
   - Outdoor residential amenity areas must be closed between the hours of 10 pm and 6 am

6. The proposed 50-foot wide perimeter buffer adjacent to the Waters Edge subdivision shall be remain undisturbed. In addition, a staggered row of buffer trees shall be planted adjacent to the undisturbed perimeter buffer. The trees shall consist of a mixture of Cryptomeria, Arborvitae and Eastern Red Cedar trees at a minimum height of 10 feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director. Along the portion of the common boundary with Waters Edge Subdivision depicted as being adjacent to Lots 201-210 on the site plan, there shall be installed an additional row of evergreen plantings consisting of at least three (3) species, with plantings being at least 6-feet tall at the time of planting, spaced 10-12 feet apart on center. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.

7. The right-of-way fronting McEver Road shall be landscaped and maintained subject to the approval of the Community and Economic Development Director.

8. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT). All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.

9. All proposed roads shall meet City standards. Sidewalks shall be provided on both sides of all roads and drive aisles/parking areas at a minimum width of 5-feet. The sidewalks shall extend and connect to the existing sidewalk network on McEver Road.

10. All service areas, loading areas, ground or roof top HVAC equipment for the commercial uses shall be screened from view from all adjacent uses, roads and Lake Lanier.
11. Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.
12. A uniform sign plan shall be required for the proposed development subject to the approval of the Community and Economic Development Department Director.
13. Prior to land disturbance, orange tree-save fencing shall be installed around trees to be left undisturbed as indicated on the LDP.
14. Homes must be a minimum of 1,500 sf. In addition, homes may only be of single-story or story-and-a-half design, and either style home may be on a basement or slab foundation.
15. All homes shall have a garage which accommodates no less than two (2) cars. Double car garage doors shall be a minimum of 16 feet wide.
16. If any fencing is required for these ponds, such shall be constructed equestrian-style fence with wire mesh backing. If fencing is present, such fencing shall be screened with appropriate evergreen landscaping to be approved by the Community and Economic Development Department Director.
17. Only residents of the development may utilize RV/Boat Storage or docks within the residential amenity areas.
18. Any blasting will occur between the hours of 11 am and 4 pm, Monday - Friday. Blasting is prohibited on weekends. In addition, the developer will maintain a citizen notice list for blasting notification and provide email, texting, or web portal notice prior to blasting. Any citizen and resident shall have the right to be placed on the notification list.

Attorney Hayes opened the floor for public comments.

FAVOR:

Attorney Joshua Scoggins, Miles Hansford Law Firm, stated he represented the client and acknowledged Bradley Dunkel with Rochester & Associates and Jason Durham with Weekley Homes were also in attendance. He felt Mr. Tate did a great job summarizing the project. They worked with the neighboring property owners, stakeholders and various city officials to significantly reduce down the size of the development to all single-family detached units with an age restricted product. He compared the project to similar and nearby projects noting the others had higher density. He commented on the agreement to additional conditions, specifically mentioning changes related to the residential and commercial zoning elements. He complimented Rochester & Associates for past success in minimizing environmental impacts. Mr. Scoggins felt this project would be a long-term asset to the City. He respectfully requested approval.

Bill Marianes, 2773 Waters Edge Drive, stated he was part of a volunteer group representing the surrounding neighborhoods (i.e., Cresswinds, Waters Edge and Pemmican Run) affected by the proposed development and shared a few details about the volunteers. He commented on the conversations/negotiations that continued through noon the day of the Planning and Appeals Board meeting which were difficult at times but congenial. He complimented Community and Economic Development Deputy Director Matt Tate for his good work and for being an instrumental through the process. He thanked Weekley Homes for their cooperation.

At the end, there was a consensus from the surrounding communities that this was something they could accept.

OPPOSTION:

Attorney Jim Walters, spoke on behalf of Barry and Bridgett Connor, noting they did not object to the plan. They were concerned about their lake lots on Waters Edge. The access to the subdivision is Gould Drive. The concern is the commercial property. He commented on (1) boat storage not being attractive, (2) the three-story high building not being in character with the area and (3) no screening on Gould Drive. They would like to see access to the commercial property from McEver Road. Overall, they think it would be bad for the value of his lots. This was an observation and not an objection. They requested additional conditions to protect the entrance to the subdivision.

Council Member Thompson felt condition 3 addressed these concerns. Mr. Walters stated they would like the conditions to state (1) there would be no access from the subdivision street, (provide access from McEver Road) and (2) there would be no three-story structures.

Jennifer Knight Boyd, 2719 Waterview Circle, stated she and others that live on the line of the proposed subdivision are in opposition to the proposal as it stands. She used a power point presentation to supplement her comments. She referenced the mix of residents and the different professions of the individuals that live on Waterview Circle noting she retired from the Homeowner Association board to work on this project. She provided some background about the developer. There was a petition to support three proposed amendments. Noise pollution is the issue. She proposed the following solutions: 1) a 100foot buffer, 2) a tall noise abatement fence, and 3) a 24-hour blast notification. Suggestions were offered on how to achieve the 100-foot buffer. An alternative to purchase buffer land was refused. She briefly commented on the streams and no setbacks, tree buffer benefits, land slopes, and recognition of endangered plant species.

REBUTTAL:

Attorney Scoggins clarified that they are not accessing the property from Gould Road. It will be directly off of McEver Road. He commented on the boat storage noting they are subject to higher architectural standards in the gateway corridor. He indicated condition 6 speaks to the majority of Ms. Knight’s concerns. The extent of the blasting zone is unknown at this time. He felt the installation of a large opaque wall would be unsightly.

Council Member Thompson inquired about the buffer in condition 6, at which time Mr. Tate confirmed the size of the buffer would exceed 50 feet.

Council Member Hayes expressed appreciation for everyone that worked on the project and felt it was a better product due to the conversations/negotiations. She referenced condition 18 (blasting hours and notification) and inquired if an advance notification of 24 hours can be added. Mr. Scoggins expressed concerns about limiting the blasting because of the possibility of unintentional violations by subcontractors. He clarified how notification is generally given.

Bradley Dunkel, Rochester & Associates, shared general information about blasting. He estimated the number of blasting days during the initial development stage of this project.

Council Member Dunagan asked if there would be a concern with giving a 24 hour notice to the homeowners association for distribution to the neighbors. Mr. Dunkel indicated the development process is somewhat fluid causing scheduling issues.

Mayor Couvillon stated he was comfortable with the conditions as written.

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

Motion to approve Ordinance 2024-04, AN ORDINANCE AMENDING THE EXISTING PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c) ZONING ON A 120.98± ACRES TRACT LOCATED ON THE NORTHWEST SIDE OF MCEVER ROAD, WEST OF THE INTERSECTION OF MCEVER ROAD AND GOULD DRIVE (A/K/A 0 AND 1300 GOULD DRIVE, SW); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES **with conditions as presented.**

Motion made by Council Member Dunagan
Motion seconded by Council Member Brooks
Votes favoring the motion: Hayes, Brooks, Dunagan, Thompson
Vacant: Ward 4

Request from Booker Property Holdings, LLC and Paul Wilmont to rezone a 0.47± acre tract located on the north side of Summit Street between E. E. Butler Parkway and Chestnut Street (a/k/a 235 Summit Street, SE), from Neighborhood Business (N-B) to Residential-II (R-II). Ward Number: Three. Tax Parcel Number(s): 01-020-004-004A. Request: Four townhomes.

- ***Proposed Rezoning Ordinance 2024-05***

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

Community and Economic Development Deputy Director Matt Tate summarized the request. The Planning and Appeals Board and staff recommended approval with the following six conditions:

1. The use of the property shall be limited to a maximum of four (4) residential townhome or condominium units. Each unit shall contain a minimum heated floor space area of 1,400 square feet.
2. The proposed development shall adhere to the Midtown Overlay Zone site and architectural design standards, and is subject to the approval of the Community and Economic Development Director.
3. The front yards along Summit Street shall be sodded with grass. In addition, a minimum of one, 3-inch caliper size hardwood tree shall be required to be planted within the front yard of each townhome lot.
4. A mixture of evergreen trees shall be planted along part of the easterly property line between the adjacent residential home and the proposed townhome units / parking areas. The minimum install height of the trees shall be 10 feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.

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 townhome unit.

Attorney Hayes opened the floor for public comments.

Paul Wilmont, 4757 Martin Crossing West Drive, spoke on behalf of the applicants. He commented on the project noting it would serve as a facelift and improve the appearance in the neighborhood.

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

Motion to approve Ordinance 2024-05, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 0.47± ACRE TRACT LOCATED ON THE NORTH SIDE OF SUMMIT STREET BETWEEN E. E. BUTLER PARKWAY AND CHESTNUT STREET (A/K/A 235 SUMMIT STREET, SE), FROM NEIGHBORHOOD BUSINESS (N-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 **with conditions as presented.**

Motion made by Council Member Hayes
Motion seconded by Council Member Thompson
Votes favoring the motion: Hayes, Brooks, Dunagan, Thompson
Vacant: Ward 4

Request from Moez Hasni for a special use on a 4.11± acres tract located on the east side of Crescent Drive, north of the intersection of Jesse Jewell Parkway and Crescent Drive (a/k/a 400 Crescent Drive, NE), having a zoning of General Business (G-B). Ward Number: Two. Tax Parcel Number(s): 15-033C-000-077. Request: Staybridge Suites extended stay hotel.

- ***Proposed Zoning Resolution ZR-2024-02***

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

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

1. The special use approval shall be limited to the operation of a Staybridge Suites by IHG extended stay hotel. No other use on the subject property for “Extended Stay Lodging Services,” as that term is defined in Section 9-10-6-16 of the Gainesville Unified Land Development Code, shall be permitted.
2. The proposed development shall be generally consistent with the concept plan and architectural renderings provided with this application. The exterior wall materials shall

include a mixture of brick or stone and EFIS per the approval of the Community & Economic Development Director.

3. Prohibited uses for the subject property shall include adult novelty stores, group homes, crisis centers, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, hookah lounge, tobacco or vaping stores, gas station/convenience stores, tire stores, auto parts stores, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.
4. The frontage landscape areas and right-of-way areas along Crescent Drive shall be sodded with grass. The frontage landscape areas and landscape islands within the parking lot shall contain minimum 3-inch caliper size trees subject to the Community & Economic Development Director approval.
5. All service areas, dumpster enclosures, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.
6. The subject property shall be limited to one (1) monument sign not to exceed 10-feet in height, 80 square feet of sign face area, 120 square feet of total sign structure area with internal or external lighting. Building signage shall be permitted as regulated within the Gainesville Unified Land Development Code. An electronic message board sign or electronic changeable copy sign shall not be permitted for the subject property.
7. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director, Hall County Public Works and Utilities Director and the Georgia Department of Transportation if determined necessary. The approval of said design shall be required prior to issuance of a building permit. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the owner/developer.

Attorney Hayes opened the floor for public comments.

Moez Hasni, Project Developer, felt this was a great product for this market. He commented on the rooms cost of approximately $170 - $190 per night which attracts and caters to high-end clientele. He also felt 98 rooms was the right amount for this project. They were open to accommodate any design and/or recommendations of the city.

Upon inquiry from Council Member Thompson, Mr. Tate confirmed condition #1 restricted any changes to the hotel name/brand.

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

Motion to adopt the resolution ZR-2024-02 with conditions as presented.

Motion made by Council Member Thompson
Motion seconded by Council Member Hayes
Votes favoring the motion: Hayes, Brooks, Dunagan, Thompson
Vacant: Ward 4

<u>CITY ATTORNEY ISSUES:</u>

BR-2024-03 Special Election in Conjunction with the May 21, 2024 Hall County General Primary/Nonpartisan Election

City Attorney Abb Hayes presented the resolution as referenced at the Work Session to authorize a special election to fill the seat vacated by Council Member George Wangemann. The proposed resolution included detailed information related to the election to provide public notice. He expressed appreciation for City Clerk Denise Jordan, the Hall County Elections Director Lori Wurtz and County Attorney Bill Linkous for their team effort in managing the process through the short time-line.

Motion to adopt the resolution BR-2024-03 as presented.

Motion made by Council Member Dunagan
Motion seconded by Council Member Brooks
Votes favoring the motion: Hayes, Brooks, Dunagan, Thompson
Vacant: Ward 4

ADJOURNMENT: **6:34 PM**

/ag

W. Samuel Couvillon, Mayor

Denise O. Jordan, City Clerk