

OFFICIALS PRESENT: Sam Couvillon, Juli Hayes, Barbara Brooks, Danny Dunagan, Zack Thompson, Abigail Guzman
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.

Police Chief Jay Parrish provided the invocation after which the Pledge of Allegiance was recited in unison.

OATH OF OFFICE:

Mayor Couvillon presented the certified election results stemming from the election held in conjunction with the Hall County General Primary/Nonpartisan Election on May 21, 2024 to fill the City of Gainesville's Ward 4 vacancy. The results were noted as follows:

- Two candidates qualified for the seat.
- There were 24,150 registered voters.
- The summary results were as follows:
 - Abigail Guzman – 2,459 (70.3%)
 - Devin Pandy – 1,038 (29.7%)
 - Total Voters – 3,497 (14.5%)

Mayor Couvillon noted Council Member Guzman was sworn in on March 30, 2024 to begin in her official capacity. The oath is being administered today affording family and friends opportunity to witness the occasion.

Mayor and Council extended congratulatory remarks to Council Member Guzman on her win and expressed appreciation for her willingness to serve noting this is a momentous occasion.

Council Member Abigail Guzman, Ward 4

City Clerk Denise Jordan administered and presented the Oath of Office to Council Member Guzman. The oath read as follows:

"I do hereby solemnly swear that I will faithfully perform the duties of Council Member for the City of Gainesville and that I will support and defend the Charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America; that I am not the holder of any unaccounted for public money due this State or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding; that I am otherwise qualified to hold said office according to the Constitution and laws of Georgia; that I have been a resident of Ward 4 and the City of Gainesville for the time required by the Constitution and laws of this State and by the Municipal Charter; and that I will perform the duties of my office in the best interest of the City of Gainesville to the best of my ability without fear, favor, affection, reward, or expectation thereof."

COUNCIL ANNOUNCEMENTS:

Council Member Guzman

Thanked the community and her family for their support and for this great opportunity. She is honored and proud to have the legacy of being the first Hispanic on the Gainesville City Council.

Council Member Thompson

Commented on attendance at the Georgia Mountains Regional Commission meeting last week.

Mayor Couvillon

Commented on the water system issues in Atlanta noting Gainesville is fortunate to not have experienced any major water incidents due to previous and current Council Members choosing to invest in infrastructure.

CONSENT AGENDA:

Appointment: Housing Authority Ex-Officio Member

Appointment: Keep Hall Beautiful/Hall County Green Alliance Ex-Officio Member

Appointment: Parks & Recreation Foundation Ex-Officio Member

Appointment: Ethics Committee – Reappoint Johnny Nivens, Darrell Rochester and Linda Hutchens

Appointment: Housing Authority – Appoint Michael Thurmond

Appointment: Loan Review Committee – Appoint Joy Griffin

Motion to appoint Council Member Abigail Guzman to serve as Ex-Officio Member on the Housing Authority, Keep Hall Beautiful/Hall County Green Alliance and Parks & Recreation Foundation; reappoint Johnny Nivens, Darrell Rochester and Linda Hutchens to the Ethics Committee; appoint Michael Thurmond to the Housing Authority; and appoint Joy Griffin to the Loan Review Committee as presented.

Motion made by Council Member Hayes

Motion seconded by Council Member Thompson

Votes favoring the motion: Hayes, Brooks, Dunagan, Thompson, Guzman

Minutes: May 16, 2024 Work Session

Minutes: May 21, 2024 Mayor/Council Meeting

Motion to approve the minutes accepting edits as presented.

Motion made by Council Member Dunagan

Motion seconded by Council Member Hayes

Votes favoring the motion: Hayes, Brooks, Dunagan, Thompson, Guzman

Resolution

A. BR-2024-24 Adoption of Revised Gainesville/Hall Area Transit Drug and Alcohol Policy

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

Motion to adopt the resolution as presented.

Motion made by Council Member Dunagan

Motion seconded by Council Member Brooks

Votes favoring the motion: Hayes, Brooks, Dunagan, Thompson, Guzman

PUBLIC HEARINGS:

Request from Holly Owens / Gainesville Life Group to rezone a 0.53± acre tract located on the east side of Bradford Street, between West Academy Street and Forrest Avenue (a/k/a 416 Bradford Street, NW) from Office and Institutional (O-I) to Residential and Office (R-O). Ward Number: Five. Tax Parcel Number(s):01-024-004-015. Request: Mixed-use building.

• ***Proposed Rezoning Ordinance 2024-14***

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 eight (8) conditions:

1. The proposed mixed-use building shall be limited to professional office uses and a maximum of six (6) residential units.
2. The proposed development shall closely reflect the applicant's site plan and architectural renderings submitted with this rezoning request. The final design and architecture of the building shall be subject to the approval of the Community & Economic Development Director.
3. An 8-foot tall opaque fence shall be required along the north side of the rear yard parking area.
4. A mixture of evergreen and deciduous buffer trees shall be planted between the required 8-foot tall opaque fence and the State 25-foot undisturbed stream buffer. The minimum installation height of the trees shall be 7-feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community & Economic Development Director.
5. All trash receptacles shall be screened from view from the road and adjacent properties. Service access to any proposed dumpster shall be restricted to one day a week, and limited to the hours of 7:00 a.m. and 9:00 p.m.
6. Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.
7. The rear yard parking area shall consist of gravel or other pervious material approved by the Community & Economic Development Director.
8. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director, and approval of said design shall be required prior to issuance of a development permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.

Attorney Hayes opened the floor for public comments.

FAVOR:

Pat Burke, 1760 Fairview Drive, spoke on behalf of the applicants who were out of town. He read a prepared statement in response to questions from the Planning and Appeals Board regarding the proposed residency, rental rates, interior design and plans, parking, and site beautification plans. They would have a substantial investment in the finished building with no plans for a mis-managed or sub-par property. Their offices would be directly adjacent to the

residences to decrease potential issues. Mr. Burke commented on being associated with the applicants on other projects noting their work is impressive.

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

Motion to approve the Ordinance 2024-14, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 0.53 ACRE TRACT LOCATED ON THE EAST SIDE OF BRADFORD STREET, BETWEEN WEST ACADEMY STREET AND FORREST AVENUE (A/K/A 416 BRADFORD STREET, NW) FROM OFFICE AND INSTITUTIONAL (O-I) TO RESIDENTIAL AND OFFICE, WITH CONDITIONS (R-O-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES with conditions as presented.

Council Member Thompson commented on this being an example of the type of infill for development of blighted properties and a model for moving the City forward.

Motion made by Council Member Dunagan

Motion seconded by Council Member Thompson

Votes favoring the motion: Hayes, Brooks, Dunagan, Thompson, Guzman

Request from Clayton Properties Group, Inc – Matt Stokes to amend a portion of an existing Planned Unit Development (P-U-D) zoning totaling 29.77± acres located on the southeast side of the intersection of Millside Parkway and Continental Drive and west of the intersection of Old Oakwood Road and Mountain View Road (a/k/a 2930 Old Oakwood Road, SW and 4102 Mundy Mill Road, SW). Ward Number: Four. Tax Parcel Number(s): 08-024-005-363 and 08-030-000-009 (Part). Request: Residential townhomes.

- ***Proposed Zoning Amendment Ordinance 2024-15***

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 32 conditions originally. Staff recommended amendments to conditions 17, 19, 20 and the deletion of condition 32 in its entirety to match the actual uses of the proposal. The following 31 conditions were recommended as set forth by staff:

Transportation/Traffic

1. All road improvements associated within the scope of the proposed development shall be at the full expense of the developer(s). The scope of the development shall be defined as those roads/intersections directly within, adjacent to, and within 1,500 feet of the subject property as studied within the Traffic Impact Study (TIS) submitted with this application. These road improvements are to include additional signalization, turn lanes, widening of roads, striping, and signage as stated in the TIS. This may include all or portions of Mundy Mill Road, Meeks Road, Fairbanks Drive, Old Oakwood Road, Old Flowery Branch Road, and Mountain View Road. The cost of the required road improvements shall be prorated based on developed property values of the residential, commercial, retail, office and industrial properties.

2. The developer(s) shall work with the Georgia Department of Transportation, Hall County Traffic Engineering, the City of Oakwood, and the City of Gainesville Public Works Department to ensure that these improvements are performed in a timely manner so as to not conflict with any of the existing or planned road projects that are scheduled to take place outside the scope of the proposed development.
3. All sign locations, access point (new and existing) designations for *new* roads, sight distances, and sight triangles shall be reviewed and clarified, in the beginning stages of plans and submittals with GDOT and the Public Works Director so as to limit the number of access points in that area.
4. A signal warrant study will be required for the major intersections of internal streets within the development. If a signal light is warranted at a specific intersection, such installation shall be completed at the expense of the developer(s) and shall meet all specifications as determined by the Public Works Department. A signal light shall not be installed until traffic volumes actually meet the levels as determined by the warrant study.
5. The developer(s) shall meet with Public Works prior to initiating the final civil design to discuss a traffic calming plan. A traffic calming plan consisting of tools such as landscaped traffic circles at intersections, raised crosswalks, landscaped center medians, chicanes, or other measures that aid in keeping the average speed on residential streets approximately 25 mph or below shall be prepared and approved by Public Works. Specific measures in the approved plan shall be constructed at the same time the streets are constructed.
6. All roads dedicated to the City of Gainesville shall meet City specifications, and all private roads shall be constructed with materials that meet City specifications.
7. All interpretations relating to transportation and/or traffic improvement conditions shall be subject to approval of the Gainesville Public Works Director.
8. The new four lane parkway as reflected on the site plan shall be constructed and designed so as to allow a connection to the Tumbling Creek Connector across Old Oakwood Road.

Development Standards

9. Sidewalks shall be required along both sides of the streets within the development and shall be a minimum of four feet (4') wide along streets classified as residential streets and six feet (6') wide along collector streets and streets in the commercial zones. Alternatively, sidewalks shall be permitted along one side of the street in parkway areas at a minimum width of eight feet (8') and a minimum of five feet (5') along roads classified as residential streets.
10. All proposed single-family lots within the development shall only be allowed to access new interior roads within the subdivision. Direct access shall not be allowed onto roads that existed prior to this development.
11. Access to all service areas adjacent to single-family detached homes, including dumpster pads, shall be limited to the hours of between 9:00 a.m. and 6:00 p.m., unless an emergency situation warrants access to these areas.
12. Upon completion of the development, no outside storage of any materials shall be allowed. No storage of hazardous chemicals, as listed in the Standard Fire Code, shall be permitted.
13. Outdoor lighting used in this development; be it for recreational, security or general purposes, shall be of non-spill design and placed in a manner so as to minimize direct visibility by adjoining or adjacent properties.
14. The proposed residential, office, commercial, and accessory structures shall be similar in scale and architecture to the elevation drawings and pictures as submitted with the application.

15. The subject property shall be developed substantially in accordance with the site plan with minor engineering deviations excepted. All site plan, architectural renderings, pedestrian/trail access plan, and traffic impact studies shall become a part of the annexation, zoning and rezoning ordinances.
16. The number of single-family detached homes shall not exceed 1208 units and shall contain a minimum of 1,500 square feet of heated space. Front facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The remaining three facades shall consist of these materials or cementeous siding such as hardiplank. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line and minimum lot width at right-of-way line of 20 feet, with the exception of Pod M of the concept plan which shall have a minimum lot width at the building setback line reduced to 50-feet.
Pod L of the concept plan dated 10/06/04 shall be the highest-end product proposed by the developer and shall contain a minimum of 1,800 square feet of heated space. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line, and minimum lot width at right-of-way line of 20 feet. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementeous siding such as hardiplank.
Each home within all single-family residential detached pods will have an attached garage for at least two cars. The front yard of each lot shall be sodded and planted with at least one hardwood tree. Monument signage shall be used for the entrance to any detached single-family residential pod as per the attached site plan, and each entrance shall have plantings or other architectural accents.
17. The number of attached single-family condominiums, fee simple townhomes or apartments shall not exceed 1,235 total units to include a total of 775 units for Pod's C, E, F and I and 460 units for Pod's J and K. The minimum unit/lot width for each condominium or fee simple townhome unit shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. No fewer than three or more than ten condominium or fee simple townhome units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.
18. The height of an apartment building shall not exceed three stories, although $\frac{3}{4}$ splits will be allowed. Each apartment unit will contain a minimum of 650 square feet for Pod's C, I, J and K. Each unit shall have at least 1.75 parking spaces. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.
19. The subject property may be developed for up to 87,200 square feet of traditional office, mid-rise office, and office warehouse space within Pod B, which may also include commercial and retail uses. At no such time shall the maximum allowed square footage within those pods exceed what is specified on the approved concept plan. This space may be developed for these uses but sold in a condominium format. Height of such structures shall be limited to 3 stories from average finished grade. Parking spaces will be provided at a minimum ratio of 3.5 spaces per 1000 square feet of useable office space. Monument signage shall be required in any office pod as per Exhibit B, and

lights shall be shielded and angled so as to minimize glare onto adjacent properties. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required.

20. The subject property may be developed for up to 802,000 square feet of commercial and retail space. Within the 802,000 square feet, up to 87,200 square feet shall be permitted within Pod B, up to 41,000 square feet within Pod F, up to 84,000 square feet within Pod G, up to 10,000 square feet within Pod H, and up to 580,000 square feet of commercial space within Pod I. The maximum height of any structure, excluding architectural accents; such as clocks, cupolas and bell towers; shall be 50 feet. Use of pitched roofs shall be encouraged. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required. Parking shall be provided at a minimum of four spaces per 1,000 square feet of space. Lights shall be shielded and angled so as to minimize glare onto adjacent properties, and dumpsters shall be screened. Under no circumstances shall the following uses be allowed: Pawn shops, adult entertainment, adult bookstores, extended-stay hotel, rooming house, or boarding house. Signage shall be as per the attached sign plan.
21. Architectural treatment shall be of consistent design throughout the community and as per the renderings.
22. A minimum of 100 acres shall be maintained as green space, with passive recreation and trails as per the plan. Sidewalks shall connect the residential and non-residential components of this community.
23. A Mandatory Property Owners Association will be created for the single-family detached community to insure that these conditions are observed during development and in terms of architectural consistency thereafter. Separate mandatory associations will be set up for the single-family detached and single-family attached products to own and manage open space, common areas, and architectural controls. Open space elsewhere in the project shall be maintained as common area by the overall Property Owner's Association, or by a separate Association within whose boundaries the common area is located. Maintenance of the amenities package set forth on the site plan shall be the responsibility of the owners of single-family detached homes. However, at the option of those residents, memberships may be extended to other Mundy Mill residents for a fee to cover maintenance. Amenities packages also may be established in the individual townhome or apartment pods, but shall be the responsibility of the owners of land therein.

Buffers

24. A 100 foot wide buffer shall be provided against Balus Creek and all other blue-line streams. The first 50 feet of the buffer shall be measured from the top of the creek bank and shall be undisturbed. The remaining 50 feet of the buffer, if disturbed, shall be stabilized and replanted with vegetation subject to Planning Department approval.
25. A 25 foot minimum perimeter buffer will be created and infilled as necessary with plant material. However, this buffer will not be required along any Mundy Mill Road frontages. Landscaped buffers of at least 25 feet are also required along any road frontages. A staggered row of evergreen trees consisting of a mixture of Cryptomeria, Thuja Green Giant Arborvitae, Eastern Red Cedar and/or Holly trees shall be required adjacent to the entire perimeter buffer of Pod E excluding the westerly boundary adjacent to the city limits of Oakwood. The location, size and type of buffer trees shall be subject to the approval of the Community and Economic Development Department Director.
26. Landscaped buffers of at least 25 feet also shall separate any non-residential pod or existing non-residential use from a residential pod. The buffer shall be subject to Planning Department approval.

27. All proposed detention ponds shall be sufficiently fenced and buffered from view from all roads and adjacent properties. All buffer materials shall be approved by the Planning Department.

Gainesville City Board of Education

28. As agreed to by the owner/developer, the 17.0 acre tract of land identified on the plat/site plan attached as Exhibit A shall be reserved for use as an elementary school site. At that time (or earlier at the owner/developer's discretion), and presupposing the School Board still wants the property for an elementary school, the owner/developer shall promptly convey to it, without charge. In the event the School Board does not secure a building permit and begin construction of an elementary school before December 31, 2012, then the developer shall retain all rights to development of the entire 17.0 acres tract as per the original terms of zoning approval except for this condition, and the School Board shall promptly convey marketable title to the property back to the owner/developer at no charge. Additionally, if no elementary school is actually constructed on this site by December 31, 2013, then the School Board shall return marketable title to the property to the developer without charge. The conveyance documents executed by the owner/developer to the School Board will contain these terms and requirements. This agreement to reserve the 17.0 acres tract shall not prohibit the owner/developer from including it in any plat it may prepare for its development of a single-family residential pod and also will allow the owner/developer to put on it any necessary utility or other storm water easements which may be required for the development as a whole, provided such improvements do not materially affect the Board's ability to use the site for a school. This agreement also shall not prohibit the owner/developer from earlier transferring the 17.0 acres site to the City to be held for the School Board, subject to the requirements of this paragraph. Finally, but for utility/drainage easements or right-of-way dedicated as part of the road system in or along the frontages of the Mundy Mill development, the owner/developer shall not be required to dedicate or give to the City of Gainesville any additional property incidental to this development. However, if the School Board fails to acquire this property, then the owner/developer shall convey three acres of land to the City for a public safety use. Notwithstanding any of the foregoing, if at such time as the School Board has acquired the 17.0 acres site and is ready to begin feasibility assessments, and if the State Board of Education should determine that the site is not then suitable for use as a school under the applicable state standards, then the Board of Education may sell the 17.0 acres tract and retain the proceeds for use in purchasing an alternative site. Provided, however, that once an arms length transaction for a fair market value purchase of the site has been secured by the School Board, the owner/developer shall have a right of first refusal to repurchase the tract at the exact same purchase price. Provided further, that the proceeds from such sale must be expended on a new school site within 60 days of closing, otherwise it shall be remitted instantly to the owner/developer. The City notes that this condition may be imposed only because the owner/developer has agreed to it.

Quality Enhancement

29. In order to further enhance and assure the quality of development, the City expects the developer shall perform/provide the following:
- Detailed landscape plan for parkway, subject to approval by the Department of Planning and Development.
 - Reconstruction of Mundy Mill as focal point for community, subject to approval of the Georgia Department of Transportation.

- A minimum of two amenity locations shall be provided for the entire development of the detached single-family residential pods. At minimum the amenity sites shall include a pool house, swimming pool and playground.
 - Sidewalks and streetlights throughout community.
 - All products within the development shall contain exterior construction materials limitation; must use brick, masonry stucco, stacked stone, cedar shake, or hardiplank.
 - Open space - 18%.
 - Pedestrian trail plan (3.5± miles) connecting entire community.
 - Parkway plan sidewalk width sufficient to create a bicycle lane.
 - Every single-family home built on the subject property shall contain ceramic tiled bathroom floors.
 - Every single-family home shall be built to accommodate at least one fireplace.
 - No vinyl siding on any product within development excluding soffit areas.
 - Each pod of townhouses and apartments will have its own amenities package.
 - All underground utilities.
 - Uniform mailboxes will be provided for each detached single-family residential pod.
 - Uniform street signs will be provided throughout the development.
30. Along Balus Creek, the developer shall reserve for the City, by way of easement, a ten-foot strip of land for use as a bicycle path. At such time as the City or County constructs an element of its bike path system to which this easement might connect, the City and/or County, at its/their expense, may pave this strip. No development shall occur on the property which would interfere with the eventual construction of this path by the appropriate governmental entity, except for the boulevard which will cross the creek.
31. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and Hall County Traffic Engineering. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.

Attorney Hayes opened the floor for public comments.

FAVOR:

Clint Dixon, Clayton Property Groups, Buford, stated they have developed/built most of the single-family and all of the townhomes within the Mundy Mill development. He commented on the project development and their intent noting this was a new product-type and color scape for the Mundy Mill area. There was no price point at this time due to the developing market. He was happy to answer any questions.

Council Member Hayes commented on conditions related to traffic disruption and existing congestion in the area. She asked about the anticipated completion of the traffic and signal warrant study. Mr. Dixon stated they were agreeable to all the conditions and changes and will provide the information shortly after approval is given.

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

Motion to approve Ordinance 2024-15, AN ORDINANCE AMENDING A PORTION OF AN EXISTING PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c) ZONING TOTALING 29.77± ACRES LOCATED ON THE SOUTHEAST SIDE OF THE INTERSECTION OF MILLSIDE PARKWAY AND CONTINENTAL DRIVE AND WEST OF THE INTERSECTION OF OLD OAKWOOD ROAD AND MOUNTAIN VIEW ROAD (A/K/A 2930 OLD OAKWOOD ROAD, SW AND 4102 MUNDY MILL ROAD, SW); TO REPEAL

CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES **with conditions as presented.**

Motion made by Council Member Thompson

Motion seconded by Council Member Dunagan

Votes favoring the motion: Hayes, Brooks, Dunagan, Thompson, Guzman

ADJOURNMENT: 6:00 PM

/ag

W. Samuel Couvillon, Mayor

Denise O. Jordan, City Clerk