



**Mayor/Council Meeting Agenda**  
**Tuesday, February 17, 2026, 5:30 PM**  
**Public Safety Complex, Municipal Court Room**  
**701 Queen City Parkway, Gainesville, GA 30501**  
**Mayor or Mayor Pro Tem Presides**

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**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**PRESENTATIONS / RECOGNITIONS:**

- A. Fire Department Employee Recognition

**COUNCIL ANNOUNCEMENTS:**

**PUBLIC COMMENTS: (20 minutes maximum)**

**CONSENT AGENDA:**

**Appointments**

- A. Metropolitan Planning Organization - Citizens Advisory Committee
- Appoint Oliver Ladd
- B. Parks & Recreation Foundation Board
- Appoint Kelley Clark
- C. Parks & Recreation Board
- Appoint Courtney Mize-Smith

**Minutes**

- A. January 29, 2026 Work Session
- B. February 3, 2026 Mayor/Council Meeting

**Resolutions**

- A. BR-2026-06 Appointment of Development Review Committee Members Relating to the Gainesville 85 Business Park
- B. BR-2026-07 Business Park Intergovernmental Agreement By and Between City of Gainesville and Gainesville-Hall County Development Authority Regarding Marketing and Sale of Lot 7 in Business Park
- C. BR-2026-08 Business Park Intergovernmental Agreement By and Between City of Gainesville and Gainesville-Hall County Development Authority Regarding Marketing and Sale of Lots 18, 19, and 20 in Business Park
- D. GR-2026-01 Georgia Transit Trust Fund Program 2026

**GENERAL LEGISLATION:**

A. **Ordinance 2026-05**

**Amend Chapter 3-7 Entitled Smoke-Free Air**

AN ORDINANCE TO AMEND CHAPTER 3-4 OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA BY AMENDING SECTIONS 3-4-2, 3-4-6(a), 3-4-12(b), 3-4-76, 3-4-77, 3-4-78(b)(2), 3-4-79, 3-4-80, 3-4-82 THROUGH 3-4-85, 3-4-87, 3-4-88, 3-4-90 THROUGH 3-4-100, AND 3-4-203(a) AND BY DELETING ARTICLE X; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**PUBLIC HEARING(S):**

**Annexation/Zoning Items**

A. Request from **Gainesville Housing Authority** to rezone a 4.547± acres tract located on the northwest side of the intersection of Myrtle Street and Osborne Street and the northeast side of the intersection of Myrtle Street and Wall Street, south of Jesse Jewell Parkway (a/k/a **1197 and 1235 Myrtle Street, SE; 452, 474, 484, 492, 510 and 512 Osborne Street, SE; 465, 471 and 481 Wall Street, SE**) from Planned Unit Development (P-U-D) and Residential-II (R-II) to Planned Unit Development (P-U-D). **Ward Number: Three**. Tax Parcel Number(s): 01-035-001-005, 007, 008, 013, 013A, 015, 017, 019 and 020. **Request: Mixed-income housing.**

- Proposed Rezoning Ordinance 2026-06

B. Request from **Gainesville Construction LLC** to amend an existing Planned Unit Development (P-U-D) zoning on a 0.14± acre tract located on the southwest side of the intersection of Lanier Avenue and Juanita Avenue (a/k/a **946 Lanier Avenue, NE and 1387 Juanita Avenue, NE**). **Ward Number: One**. Tax Parcel Number (s): 01-087-003-008. **Request: Duplex apartment.**

- Proposed Zoning Amendment Ordinance 2026-07

**CITY MANAGER ISSUES:**

**CITY ATTORNEY ISSUES:**

**CITY CLERK ISSUES:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

Final: Friday, February 13, 2026 4:45 PM



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

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**Item Created:** January 13, 2026  
**Date Submitted:** February 12, 2026  
**Final Approval Date:** February 17, 2026  
**Presenter:** Brandon Ellis, Fire Chief  
**Item of Business:** Fire Department Employee Recognition  
**Meeting Date:** February 17, 2026

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**Purpose of Request:**

The purpose of this request is to recognize the recipients of the following 2025 Department Awards:  
2025 Fire Officer of the year  
2025 Firefighter of the Year  
2025 Life Saving Awards  
Dan & Henry Award

**Facts & Issues / History & Background:**

Each individual was selected by their peers for outstanding dedication and commitment. Each award signifies the traditional symbol of bravery, commitment and professionalism within the fire service. The Gainesville Fire Department recognizes individuals that set an example of true commitment every year as a show of appreciation and respect.

**Department Recommendation:**

N/A

**Department Director:**

Brandon Ellis

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

**Amount Requested:**

**Sources of Funds:**

**Finance Comments:**

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**Administrative Comments:**

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**Attachments:**

None



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

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**Item Created:** February 12, 2026  
**Date Submitted:** February 13, 2026  
**Final Approval Date:** February 13, 2026  
**Presenter:** Zack Thompson  
**Item of Business:** Metropolitan Planning Organization - Citizens Advisory Committee

- Appoint Oliver Ladd

**Meeting Date:** February 17, 2026

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**Purpose of Request:**

The purpose of this request is to address the vacant seat previously held by Berlinda Lipscomb with a term to expire June 30, 2028.

**Facts & Issues / History & Background:**

The MPO-CAC follows the guidelines of the City Charter and the Code of Ordinances as well as the bylaws of the committee. Members of the committee serve three-year terms. Oliver Ladd has confirmed a willingness to serve. The outstanding debt verification process was completed with no concerns.

**Department Recommendation:**

Accept the nomination to appoint Oliver Ladd as submitted by the Mayor during the February 12, 2026.

**Department Director:**

Zack Thompson

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

**Amount Requested:**

**Sources of Funds:**

**Finance Comments:**

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**Administrative Comments:**

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**Attachments:**

1. MPO-CAC Members - Local Appointments List\_02062026044037rev.2.9.2026

## Metropolitan Planning Organization - Citizen Advisory Committee (MPO-CAC)

Serves as part of the Gainesville-Hall MPO (GHMPO). The committee consists of 19 appointees from the member jurisdictions as follows:

- Braselton - 1
- Flowery Branch - 2
- Gainesville - 5
- Hall County - 8
- Jackson County - 1
- Oakwood - 2

The purpose of this committee is to advise the MPO Policy Committee on matters of public opinion from individual citizens and citizen groups regarding the community’s transportation plan. Council appoints five of the 19 members as part of the Gainesville-Hall MPO which meets four times per year. The term of office is three years. The primary contacts for this Committee are Gainesville’s Public Works Director and the Hall County Transportation Planning Manager.

**Term of Office:** 3 years

	Name:	Date Appointed:	Current Term Expiration Date:	
<b>Post - Ward 1</b>	Vacant Seat	12/06/2024	06/30/2026	<b>VACANT</b>
<b>Post - Ward 2</b>	Beverly Nordholz	07/01/2023	06/30/2026	<b>FILLED</b>
<b>Post - Ward 3</b>	Sammy Smith	07/01/2023	06/30/2026	<b>FILLED</b>
<b>Post - Ward 4</b>	Vacant Seat	07/01/2025	06/30/2028	<b>VACANT</b>
<b>Post - Ward 5</b>	Jason Cox	07/18/2023	06/30/2026	<b>FILLED</b>



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

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**Item Created:** February 12, 2026  
**Date Submitted:** February 13, 2026  
**Final Approval Date:** February 13, 2026  
**Presenter:** Zack Thompson  
**Item of Business:** Parks & Recreation Foundation Board

- Appoint Kelley Clark

**Meeting Date:** February 17, 2026

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**Purpose of Request:**

The purpose of this request is to address an expired term on the board.

**Facts & Issues / History & Background:**

The Parks & Recreation Foundation, Inc. follows the guidelines as set forth in the Charter and Code of Ordinances. Members serve three-year terms. P&R Staff submitted a recommendation for Kelley Clark to be considered as a potential candidate to serve on the board. The outstanding debt verification process was completed with no concerns.

**Department Recommendation:**

Accept the nomination to appoint Kelley Clark as submitted by the Mayor during the February 12, 2026 Work Session.

**Department Director:**

Zack Thompson

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

**Amount Requested:**

**Sources of Funds:**

**Finance Comments:**

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**Administrative Comments:**

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**Attachments:**

1. Parks & Recreation Foundation Inc. - Members Local Appointments List\_02092026103609

## Parks & Recreation Foundation, Inc.

Formerly known as The Friends of Gainesville Parks and Greenway's, Inc., is a partnership with the City of Gainesville and Gainesville Parks and Recreation whose mission is "To serve as a cultural, educational and recreational resource to develop, beautify, maintain, restore and preserve passive and active leisure pursuits in Gainesville, Hall County. Initial appointments were made in December 1996. The term of office is three years and limited to two consecutive terms excluding the initial term. The City appoints 1/3 of the members and the remaining appointments are made by the Board. The primary contact for the City's appointments is the Director of Parks and Recreation.

**Term of Office:** 3 years

	<b>Name:</b>	<b>Date Appointed:</b>	<b>Current Term Expiration Date:</b>	
<b>Post 1</b>	Peter Dcosta	05/16/2023	12/31/2025	<b>EXPIRED</b>
<b>Post 2</b>	Timothy Avers	02/21/2023	12/31/2025	<b>EXPIRED</b>
<b>Post 3</b>	Staci Tunkel	02/21/2023	12/31/2025	<b>EXPIRED</b>
<b>Post 4</b>	Vacant Seat	01/01/2025	12/31/2027	<b>VACANT</b>
<b>Post 5</b>	Vacant Seat	01/01/2025	12/31/2027	<b>VACANT</b>
<b>Post 6</b>	Tina Roberts	05/07/2024	12/31/2026	<b>FILLED</b>
<b>Post 7</b>	Vacant Seat	01/01/2025	12/31/2027	<b>VACANT</b>
<b>Ex-Officio</b>	Abigail Guzman	01/06/2026	01/05/2027	<b>FILLED</b>
<b>Standing Board Member</b>	Kate Mattison	01/01/2020	12/31/2030	<b>FILLED</b>



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

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**Item Created:** February 12, 2026  
**Date Submitted:** February 13, 2026  
**Final Approval Date:** February 13, 2026  
**Presenter:** Zack Thompson  
**Item of Business:** Parks & Recreation Board

- Appoint Courtney Mize-Smith

**Meeting Date:** February 17, 2026

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**Purpose of Request:**

To address the expired vacant seat previously held by Alex Murray.

**Facts & Issues / History & Background:**

The Parks & Recreation board follows the guidelines as set forth in the City Charter, Code of Ordinances and Bylaws of the Gainesville Parks & Recreation Board. Members serve five-year terms or until a successor is appointed. Alex Murray did not wish to seek reappointment. P&R Staff submitted a recommendation for Courtney Mize-Smith to be considered as a potential candidate to serve on the board. The outstanding debt verification process was completed with no concerns.

**Department Recommendation:**

Accept the nomination to appoint Courtney Mize-Smith as submitted by the Mayor during the February 12, 2026 Work Session.

**Department Director:**

Zack Thompson

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

**Amount Requested:**

**Sources of Funds:**

**Finance Comments:**

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**Administrative Comments:**

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**Attachments:**

1. Parks & Recreation Board - Local Appointments List\_02062026045826rev.2.9.26

## Parks & Recreation Board

### Overview

The Gainesville Parks & Recreation Board was established as a legally separate entity through a special election in 1924, held pursuant to the Georgia Code of 1922, 69-6 et seq., now codified as O.C.G.A. 36-64-1. The board operates pursuant to this code. The board consists of nine members appointed by the Mayor subject to approval by the Gainesville City Council. The term of office is five years. The primary contact is the Director of the Parks and Recreation Agency.

**Term of Office:** 5 years

	<b>Name:</b>	<b>Date Appointed:</b>	<b>Current Term Expiration Date:</b>	
<b>Director</b>	Kate Mattison	01/01/2000	12/31/2030	<b>FILLED</b>
<b>Ward 1 Secretary/Treasurer</b>	Anna Hester	05/07/2024	12/31/2028	<b>FILLED</b>
<b>Ward 1</b>	Kingsley Peeples	01/01/2025	12/31/2029	<b>FILLED</b>
<b>Ward 2</b>	Blythe Hammons	01/01/2025	12/31/2029	<b>FILLED</b>
<b>Ward 2</b>	Alex Murray	01/19/2021	12/31/2025	<b>EXPIRED</b>
<b>Ward 3</b>	Robert Washington	01/01/2024	12/31/2028	<b>FILLED</b>
<b>Ward 3</b>	Jerry Castleberry	01/01/2025	12/31/2029	<b>FILLED</b>
<b>Ward 4 Chair</b>	Brent Loggins	01/01/2022	12/31/2026	<b>FILLED</b>
<b>Ward 4 Vice Chair</b>	Chris Morgan	01/01/2022	12/31/2026	<b>FILLED</b>
<b>Ward 5</b>	Carolyn Kearns	09/17/2025	12/31/2028	<b>FILLED</b>
<b>Ex-Officio</b>	Juli Hayes	01/06/2026	01/05/2027	<b>FILLED</b>



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

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**Item Created:** December 22, 2025  
**Date Submitted:** February 17, 2026  
**Final Approval Date:** February 17, 2026  
**Presenter:** Alisa Grayson, City Clerk  
**Item of Business:** January 29, 2026 Work Session  
**Meeting Date:** February 17, 2026

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**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

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

**Amount Requested:**

**Sources of Funds:**

**Finance Comments:**

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**Administrative Comments:**

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**Attachments:**

None



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

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**Item Created:** December 22, 2025  
**Date Submitted:** February 17, 2026  
**Final Approval Date:** February 17, 2026  
**Presenter:** Alisa Grayson, City Clerk  
**Item of Business:** February 3, 2026 Mayor/Council Meeting  
**Meeting Date:** February 17, 2026

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**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

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

**Amount Requested:**

**Sources of Funds:**

**Finance Comments:**

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**Administrative Comments:**

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**Attachments:**

None



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

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**Item Created:** February 12, 2026  
**Date Submitted:** February 13, 2026  
**Final Approval Date:** February 13, 2026  
**Presenter:** Bryan Lackey, City Manager  
**Item of Business:** BR-2026-06 Appointment of Development Review Committee Members Relating to the Gainesville 85 Business Park  
**Meeting Date:** February 17, 2026

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**Purpose of Request:**

To request the appointment of Bryan Lackey, Tim Evans, Rusty Ligon, Linda MacGregor, and Jeremy Perry to serve on the Development Review Committee for the Business Park.

**Facts & Issues / History & Background:**

**Department Recommendation:**

Adopt the resolution.

**Department Director:**

Bryan Lackey

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

**Amount Requested:**

**Sources of Funds:**

**Finance Comments:**

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**Administrative Comments:**

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**Attachments:**

1. BR-2026-06 Appointment of Development Review Committee Members to Gainesville 85 Business Park

**RESOLUTION BR-2026-06**

**APPOINTMENT OF DEVELOPMENT REVIEW COMMITTEE MEMBERS  
RELATING TO THE GAINESVILLE 85 BUSINESS PARK**

**WHEREAS**, the City of Gainesville (“the City”) provides economic opportunities for the citizens of Gainesville and Hall County through the development of the Gainesville 85 Business Park (“the Business Park”); and

**WHEREAS**, the City recorded a Declaration of Covenants, Restrictions, and Easements for Gainesville 85 Business Park, dated February 2, 2021, in Deed Book 8720, Pages 651-687 (said Covenants hereinafter referred to as “the Covenants”) to provide mutually beneficial restrictions for the benefit of all owners of property within the Business Park; and

**WHEREAS**, Article III, Section 1 of the Covenants provides that the City shall appoint five (5) persons to serve on the Development Review Committee for the Business Park.

**NOW, THEREFORE, BE IT RESOLVED THAT** the governing body of the City of Gainesville hereby appoints Bryan Lackey, Tim Evans, Rusty Ligon, Linda MacGregor, and Jeremy Perry to serve on the Development Review Committee for the Business Park and authorizes the Mayor, City Manager and/or the City Attorney to execute any such documents necessary to effectuate the provisions of this Resolution.

**Adopted this \_\_\_\_\_ day of February, 2026.**

\_\_\_\_\_  
**Zack Thompson, 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:**

\_\_\_\_\_  
**Alisa Grayson, City Clerk**



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

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**Item Created:** February 12, 2026  
**Date Submitted:** February 13, 2026  
**Final Approval Date:** February 13, 2026  
**Presenter:** Bryan Lackey, City Manager  
**Item of Business:** BR-2026-07 Business Park Intergovernmental Agreement By and Between City of Gainesville and Gainesville-Hall County Development Authority Regarding Marketing and Sale of Lot 7 in Business Park  
**Meeting Date:** February 17, 2026

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**Purpose of Request:**

To request authorization for the execution of an IGA with the Gainesville-Hall County Development Authority for the marketing and sale of Business Park Lot 7.

**Facts & Issues / History & Background:**

**Department Recommendation:**

Adopt the resolution.

**Department Director:**

Bryan Lackey

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

**Amount Requested:**

**Sources of Funds:**

**Finance Comments:**

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**Administrative Comments:**

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**Attachments:**

1. BR-2026-07 IGA with Development Authority for Marketing and Sale of Business Park Lot 7
2. Attachment Agreement: Business Park IGA for Lot 7

**RESOLUTION BR-2026-07**

**AUTHORIZATION TO EXECUTE BUSINESS PARK INTERGOVERNMENTAL AGREEMENT  
BY AND BETWEEN CITY OF GAINESVILLE, GEORGIA AND GAINESVILLE AND HALL  
COUNTY DEVELOPMENT AUTHORITY REGARDING MARKETING AND SALE OF REAL  
PROPERTY KNOWN AS LOT 7 IN BUSINESS PARK**

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

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

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

**Adopted this \_\_\_\_\_ day of February, 2026.**

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**Zack Thompson, 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:**

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**Alisa Grayson, City Clerk**

4935-2426-3051

**BUSINESS PARK INTERGOVERNMENTAL AGREEMENT  
(Lot 7)**

**THIS AGREEMENT** is made as of the \_\_\_\_ day of \_\_\_\_\_, 2026, by and between the **CITY OF GAINESVILLE, GEORGIA** (“City”) and the **GAINESVILLE AND HALL COUNTY DEVELOPMENT AUTHORITY** (“Authority”).

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

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

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

1. City agrees to transfer the City Property to Authority, in conjunction with the closing of the sale of the City Property pursuant to a purchase and sale agreement, executed between the Authority and a certain corporate buyer relating to the City Property. City agrees to transfer the City Property to Authority on or before April 24, 2026 such that the closing of the sale of the City Property is not delayed. City agrees to develop the Park Property into a business park.

2. Authority shall use its reasonable, best efforts to market and sell the City Property to the purchaser (the “City Property Purchaser”) identified in the purchase and sale agreement relating to the City Property. The business to which the City Property shall be sold shall be compatible with the FY 2022 Marketing Plan established by the Economic Development Council, attached hereto as Exhibit “C;” provided, however, City agrees to recommend that the Development Review Committee for the Gainesville 85 Business Park grant a variance to the City Property Purchaser to permit it to use the City Property for the operation of a building supply facility for the sale of structural building products and construction tools to the professional market for new residential construction and repair and remodeling, in accordance with the City Property Purchaser’s development plans. Said variance shall be sought pursuant to Article III of the Covenants for the Gainesville 85 Business Park.

3. The purchase price at which the City Property will be offered for sale shall be at least \$2,000,000.

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

5. City warrants and represents to Authority:

- (a) City has the right, power and authority to enter into this Agreement and to convey the City Property in accordance with the terms and conditions hereof.
- (b) City has good, marketable and insurable fee simple record title to the Park Property, less and except that portion of the Park Property previously conveyed to the Authority (said Park Property hereinafter referred to as “the Remaining Park Property”), subject only to any utility easements of record. No portion of the Remaining Park Property encroaches onto the property of any other person or entity. There are no encroachments onto the Remaining Park Property by any adjoining land owner.
- (c) No person, firm or entity has any rights in or rights to acquire all or any portion of the City Property or any part thereof, and there is no outstanding agreement to sell all or any part of the City Property to any other person, firm, or entity.
- (d) City is not now a party to any litigation affecting City's right to convey the City Property.
- (e) City has no knowledge of any pending, threatened or contemplated condemnation proceedings affecting the City Property.
- (f) There are no existing assessments that are unpaid and City has no knowledge of any pending assessments against the City Property.
- (g) To the best of City’s knowledge, no portion of the City Property has ever been used as a landfill or as a dump to receive garbage, refuse, waste, or fill material whether or not hazardous, and there are and have been no Hazardous Substances (as hereinafter defined) stored, handled, installed or disposed in, on or about the City Property or any other location within the vicinity of the City Property. As used in this Agreement, the term "Hazardous Substances" means such materials, waste, contaminates or other substances defined as toxic, dangerous to health or otherwise hazardous by reference to the following sources as amended from time to time: (i) the Resource Conservation and Recovery Act of 1976, 42 USC §6901 et. seq. ("RCLA"); (ii) the Hazardous Materials Transportation Act, 49 §USC 1801, et. seq.; (iii) the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 USC §9601 et. seq. ("CERCLA"); (iv) applicable laws of the jurisdiction where the City Property is located, and (v) any federal, state or local statutes, regulations, ordinances, rules or orders issued or promulgated under or pursuant to any of those laws or otherwise by any department, agency or other administrative, regulatory or judicial body.
- (h) The City Property is located in the City of Gainesville, Georgia, and there is no zoning law, regulation, or ordinance affecting the City Property which would restrict or impair the operation of a business facility on the City Property, except the restrictions applicable to the City Property under the City’s Unified Land Development Code.

- (i) City has no notice of and is not aware of any violations of any laws, ordinances, orders, restrictive covenants or other requirements affecting the City Property, and there are no violations of record of any of the foregoing.

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

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

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

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

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

[Signatures on Next Page]

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

**CITY OF GAINESVILLE**

By: \_\_\_\_\_  
Zack Thompson, Mayor

Attest: \_\_\_\_\_  
Alisa Grayson, City Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Abbott S. Hayes, Jr., City Attorney

**GAINESVILLE AND HALL COUNTY  
DEVELOPMENT AUTHORITY**

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Secretary

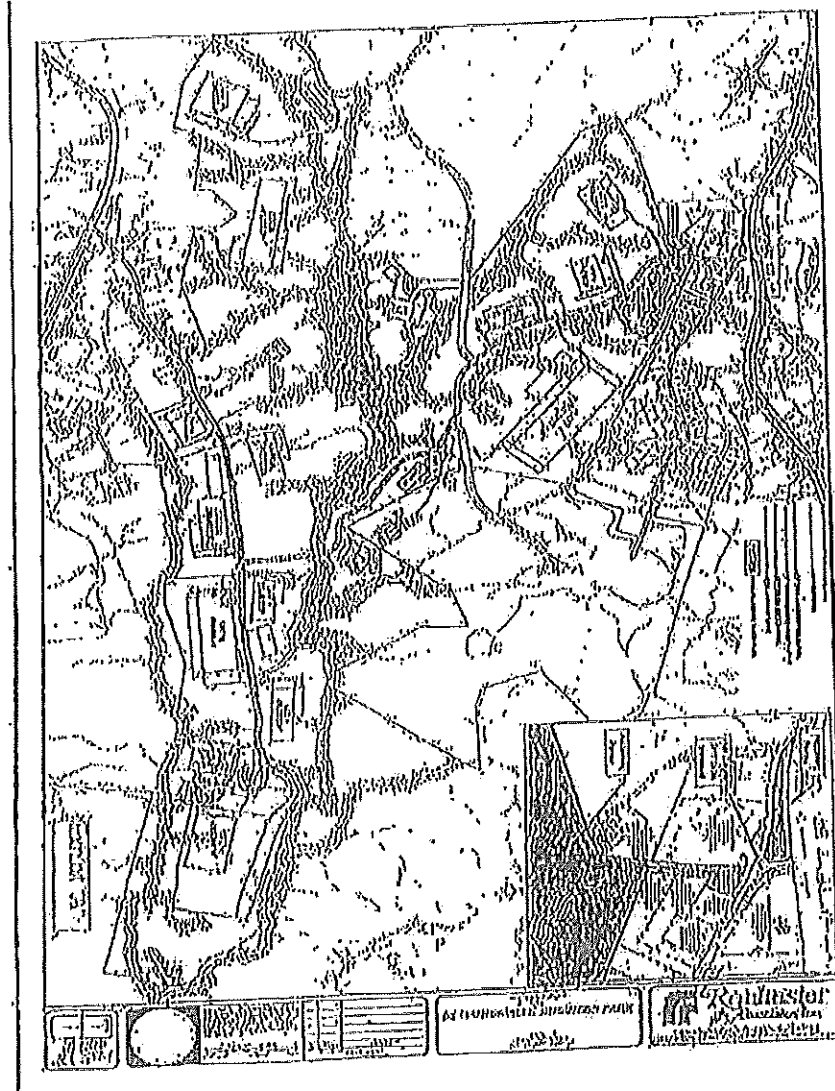
(AUTHORITY SEAL)

**EXHIBIT "A"**

**Description of Park Property**

EXHIBIT "A"

SITE PLAN



Attachment: BR-2021-07

**EXHIBIT "B"**

**Description of City Property**

EXHIBIT "B"

**Legal Description**

All that tract or parcel of land fronting on James Simpson Boulevard, City of Gainesville, Hall County, Georgia, and being Lot 7, Gainesville 85 Business Park, containing 17.613 acres, and being more particularly described on that certain plat dated April 5, 2024, prepared by Rochester and Associates, LLC, recorded in Plat Book 886, page 477, Hall County, Georgia Plat Records. Reference to said plat is hereby made for a more complete description of the Property

**EXHIBIT “C”**

**FY 2022 Marketing Plan**

4914-2389-9787, v. 1

## EXHIBIT "C"

### Gainesville-Hall County Economic Development Council FY 2022 Marketing Plan

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

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

#### **EDC Targets:**

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

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

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

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

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

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

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

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

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

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

**EDC Objective:** \$160,000,000 investment (stretch goal: \$175,000,000 investment); 600 jobs and 100 acres of new commercial/industrial development for FY 2022.

### Sales and Marketing Efforts:

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

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

- o The EDC will continue to host online webinars for guidance on small business.
- o The EDC aspires to conduct 60 one-on-one existing industry interviews to confidentially meet and address individual needs. The EDC has developed a number of resources specific to COVID-19 for our existing industries, and we will continue to identify shared issues and solutions to support our plant managers and owners, human resources and safety managers.
- o The EDC will continue to support the long-term Workforce Development Initiative to collaborate with area employers, educators and teachers for talent development. Efforts will focus on Apprenticeships, skills-focused boot camps and Work Based Learning.
- o The EDC has a full-time effort to support small business and entrepreneurship. The highly successful Small Business Success seminar series is growing, in part, due to good programming and the Certified Small Business recognition for participants.
- o The EDC has a partnership with the state's economic development marketing effort with regard to life sciences recruitment and international business recruitment. These efforts fit well with Gainesville-Hall County's strengths and strategic vision.
- o Development plans are underway for new business/industrial parks for delivery in 2022-23.
- o CA Ventures is developing 800,000 sq ft in Flowery Branch; Retail Property Group is developing 120,000 sq ft of industrial space in Turners Creek Business Park in Oakwood. Crow Holdings has developed 1,200,000 sq ft in Buford, Hall County. Legation Property Company is developing two new buildings in Oakwood, and Paltille Industrial Real Estate has plans for an 18-acre site in Flowery Branch.
- o The EDC will be implementing a new GIS based resource for demographics, site and building data in FY 2022 to allow online visitors an easy-to-use resource for that information.
- o The EDC coordinates business missions of Hall County business leaders to meet with the home offices for our international subsidiaries with a Hall County presence. We anticipate these efforts to resume in 2022-23 as business travel returns.
- o The Gateway Industrial Center is 85% occupied by Kubota, GFLM, Tularum, Auto Metal Direct and the new Northeast Georgia Inland Port, which will be operational in 2024. The EDC staff will continue to work closely with the Gainesville and Hall County Development Authority to coordinate marketing and development efforts for the remaining business park and all other remaining sites.
- o Recent economic development successes in office and industrial business expansion and recruitment have consumed a number of the available lots in the remaining business parks that have all utilities, zoning and access.
- o The EDC will encourage the momentum of steady retail growth on retail corridors throughout Hall County. The additional SPOST dollars generated from new retail development provides an excellent return to citizens and supports education and infrastructure.
- o The EDC has a coordinating role in the external marketing of Gainesville-Hall County (e.g. Project Managers' briefings, Georgia Trend, Atlanta Business Chronicle).



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

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**Item Created:** February 12, 2026  
**Date Submitted:** February 13, 2026  
**Final Approval Date:** February 13, 2026  
**Presenter:** Bryan Lackey, City Manager  
**Item of Business:** BR-2026-08 Business Park Intergovernmental Agreement By and Between City of Gainesville and Gainesville-Hall County Development Authority Regarding Marketing and Sale of Lots 18, 19, and 20 in Business Park  
**Meeting Date:** February 17, 2026

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**Purpose of Request:**

To request authorization for the execution of an IGA with the Gainesville-Hall County Development Authority for the marketing and sale of business park lots 18, 19 and 20.

**Facts & Issues / History & Background:**

**Department Recommendation:**

Adopt the resolution.

**Department Director:**

Bryan Lackey

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

**Amount Requested:**

**Sources of Funds:**

**Finance Comments:**

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**Administrative Comments:**

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**Attachments:**

1. BR-2026-08 Business Park IGA with Development Authority Regarding Marketing and Sale of Lots 18, 19 and 20
2. Attachment Agreement: Business Park IGA for Lots 18 19 and 20

**RESOLUTION BR-2026-08**

**AUTHORIZATION TO EXECUTE BUSINESS PARK INTERGOVERNMENTAL AGREEMENT  
BY AND BETWEEN CITY OF GAINESVILLE, GEORGIA AND GAINESVILLE AND HALL  
COUNTY DEVELOPMENT AUTHORITY REGARDING MARKETING AND SALE OF REAL  
PROPERTY KNOWN AS LOTS 18, 19, AND 20 IN BUSINESS PARK**

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

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

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

**Adopted this \_\_\_\_\_ day of February, 2026.**

---

**Zack Thompson, 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:**

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**Alisa Grayson, City Clerk**

**BUSINESS PARK INTERGOVERNMENTAL AGREEMENT**  
**(Lots 18, 19 and 20)**

**THIS AGREEMENT** is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2026, by and between the **CITY OF GAINESVILLE, GEORGIA** (“City”) and the **GAINESVILLE AND HALL COUNTY DEVELOPMENT AUTHORITY** (“Authority”).

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

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

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

1. City agrees to transfer the City Property to Authority, in conjunction with the closing of the sale of the City Property pursuant to a purchase and sale agreement, executed between the Authority and a certain corporate buyer relating to the City Property. City agrees to transfer the City Property to Authority on or before September 11, 2026 such that the closing of the sale of the City Property is not delayed. City agrees to develop the Park Property into a business park.

2. Authority shall use its reasonable, best efforts to market and sell the City Property to the business identified in the purchase and sale agreement, dated January 14, 2026, relating to the City Property. The business to which the City Property shall be sold shall be compatible with the FY 2022 Marketing Plan established by the Economic Development Council, attached hereto as Exhibit “C,” and must also be permitted uses under Article VI of the Declaration of Covenants, Restrictions, and Easements for Gainesville 85 Business Park, dated February 2, 2021, and recorded at Deed Book 8720, Pages 651-687, Hall County, Georgia Deed Records.

3. The purchase price at which the City Property will be offered for sale shall be at least \$150,000 per acre.

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

5. City warrants and represents to Authority:

(a) City has the right, power and authority to enter into this Agreement and to convey the City Property in accordance with the terms and conditions hereof.

(b) City has good, marketable and insurable fee simple record title to the Park Property, less and except that portion of the Park Property previously conveyed to

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

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

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

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

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

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

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

[Signatures on Next Page]

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

**CITY OF GAINESVILLE**

By: \_\_\_\_\_  
Zack Thompson, Mayor

Attest: \_\_\_\_\_  
Alisa Grayson, City Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Abbott S. Hayes, Jr., City Attorney

**GAINESVILLE AND HALL COUNTY  
DEVELOPMENT AUTHORITY**

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Secretary

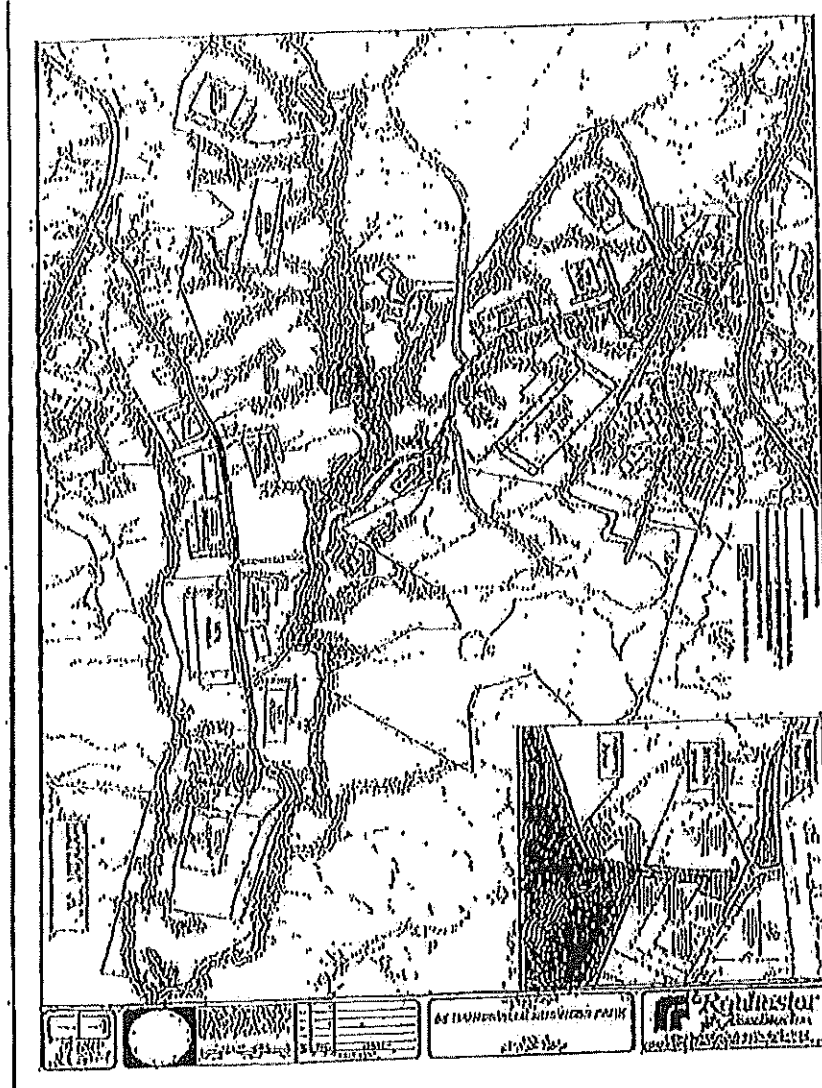
(AUTHORITY SEAL)

**EXHIBIT "A"**

**Description of Park Property**

EXHIBIT "A"

SITE PLAN



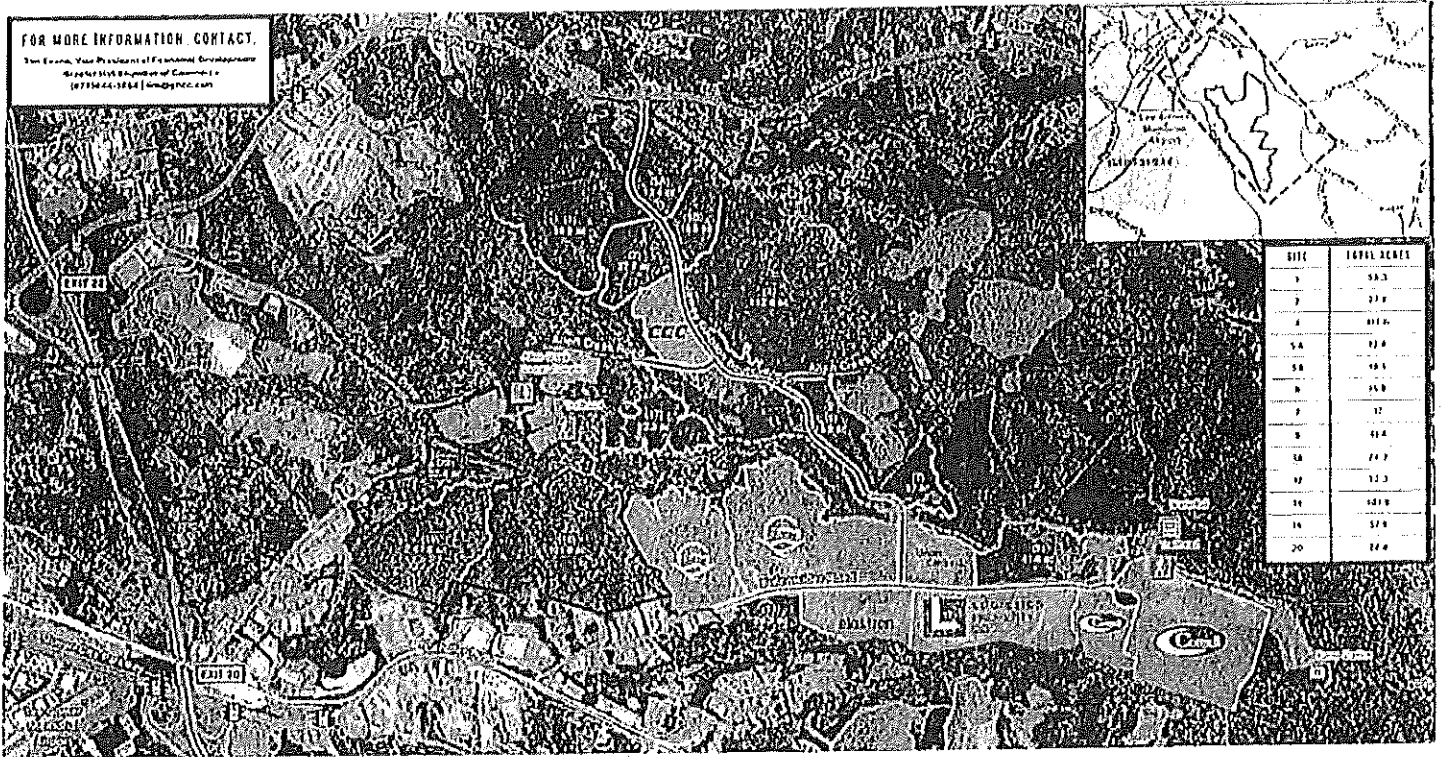
Attachment: BR-2021-07

**EXHIBIT "B"**

**Description of City Property**

EXHIBIT "B"

Portion of Hall County Parcel ID  
 # 15023 000167 (Sites 18,  
 19, & 20 – Outlined in  
 Black)



**EXHIBIT "C"**  
**FY 2022 Marketing Plan**

4905-3771-9947, v. 1

## EXHIBIT "C"

### Gainesville-Hall County Economic Development Council FY 2022 Marketing Plan

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

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

#### EDC Targets:

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

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

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

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

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

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

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

**EDC Objectives:** \$160,000,000 investment (stretch goal: \$175,000,000 investment); 600 jobs and 100 acres of new commercial/industrial development for FY 2022.

### Sales and Marketing Efforts:

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

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- o The EDC hopes to conduct 80 one-on-one existing industry interviews to confidentially meet and address individual needs. The EDC has developed a number of resources specific to COVID-19 for our existing industries, and we will continue to identify shared issues and solutions to support our plant managers and owners, human resources and safety managers.
- o The EDC will continue to support the long-term Workforce Development Initiative to collaborate with area employers, educators and leaders for talent development. Efforts will focus on Apprenticeships, skills-focused boot camps and Work Based Learning.
- o The EDC has a full-time effort to support small business and entrepreneurship. The highly successful Small Business Success seminar series is growing, in part, due to good programming and the Certified Small Business recognition for participants.
- o The EDC has a partnership with the state's economic development marketing effort with regard to its solicitors recruitment and international business recruitment. These solicitors fit well with Gainsville-Hall County's strengths and strategic vision.
- o Development plans are underway for new business/industrial parks for delivery in 2022-23.
- o CA Ventures is developing 800,000 sf in Flowery Branch; Radial Property Group is developing 120,000 sf of industrial space in Tamara Creek Business Park in Oakwood. Crow Holdings has developed 1,200,000 sf in Buford, Hall County. Loghlea Property Company is developing two new buildings in Oakwood, and Pallida Industrial Real Estate has plans for an 18-acre site in Flowery Branch.
- o The EDC will be implementing a new GIS based resource for demographics, sites and building data in FY 2022 to allow online visitors an easy-to-use resource for that information.
- o The EDC coordinates business missions of Hall County business leaders to meet with the home office for our international subsidiaries with a Hall County presence. We anticipate those efforts to resume in 2022-23 as business travel returns.
- o The Gateway Industrial Center is 85% occupied by Kubota, GPLN, Tutsumi, Auto Metal Direct and the new Northeast Georgia Inland Port, which will be operational in 2024. The EDC staff will continue to work closely with the Gainsville and Hall County Development Authority to coordinate marketing and development efforts for the remaining business park and all other remaining sites.
- o Recent economic development successes in office and industrial business expansion and recruitment have consumed a number of the available lots in the remaining business parks that have all utilities, zoning and access.
- o The EDC will encourage the momentum of steady retail growth on retail corridors throughout Hall County. The additional SPLOST dollars generated from new retail development provides an excellent return to citizens and supports education and infrastructure.
- o The EDC has a coordinating role in the external marketing of Gainsville-Hall County (e.g. Project Managers' briefings, Georgia Trend, Atlanta Business Chronicle).



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

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**Item Created:** February 12, 2026  
**Date Submitted:** February 13, 2026  
**Final Approval Date:** February 13, 2026  
**Presenter:** Bryan Lackey, City Manager  
**Item of Business:** GR-2026-01 Georgia Transit Trust Fund Program 2026  
**Meeting Date:** February 17, 2026

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**Purpose of Request:**

Staff is requesting council approval of a resolution to apply for the 2026 Transit Trust Fund Program. The 2026 funds will be used to assist in the purchase of two prototype electric/hybrid vehicles and the remaining amount will be used for property improvements.

**Facts & Issues / History & Background:**

This program is funded through a fee imposed on ride sharing companies such as Uber and Lyft. Funding from this program does not require a local match. Additionally, the funds are disseminated to the transit division for use in advance of making the expenditure.

**Department Recommendation:**

Adopt the resolution

**Department Director:**

Phillippa Moss

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

**Amount Requested:** \$263,573      **Sources of Funds:** 100% Transit Trust Fund

\$263,573

**Finance Comments:**

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**Administrative Comments:**

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**Attachments:**

1. GR-2026-01 Georgia Transit Trust Fund Program 2026

**RESOLUTION GR-2026-01**

**GEORGIA TRANSIT TRUST FUND PROGRAM (TTFP) 2026**

**WHEREAS**, the Georgia General Assembly passed HB511 in 2001 establishing the Georgia Transit Trust Fund Program (TTFP) establishing fees on for-hire ground transportation services; and

**WHEREAS**, these fees have produced several million dollars for distribution to transit agencies throughout Georgia; and

**WHEREAS**, Hall Area Transit received GDOT approval for \$263,573 in TTFP to provide the local match required to purchase two prototype electric/hybrid vehicles and to make improvements to transit facilities/properties.

**NOW, THEREFORE, BE IT RESOLVED THAT** the governing body for the City of Gainesville hereby approves of the Resolution between the City of Gainesville (Hall Area Transit) and the Georgia Department of Transportation, subsequent contract and addendums and authorizes the City Manager and/or Mayor to sign all associated documents.

**Adopted this \_\_\_\_ day of February, 2026.**

---

**Zack Thompson, 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:**

---

**Alisa Grayson, City Clerk**



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

---

**Item Created:** February 12, 2026  
**Date Submitted:** February 13, 2026  
**Final Approval Date:** February 13, 2026  
**Presenter:** Bryan Lackey, City Manager

**Item of Business:** **Ordinance 2026-05**  
**Amend Chapter 3-7 Entitled Smoke-Free Air**  
AN ORDINANCE TO AMEND CHAPTER 3-4 OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA BY AMENDING SECTIONS 3-4-2, 3-4-6(a), 3-4-12(b), 3-4-76, 3-4-77, 3-4-78(b)(2), 3-4-79, 3-4-80, 3-4-82 THROUGH 3-4-85, 3-4-87, 3-4-88, 3-4-90 THROUGH 3-4-100, AND 3-4-203(a) AND BY DELETING ARTICLE X; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Meeting Date:** February 17, 2026

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**Purpose of Request:**  
To consider an amendment to Chapter 3-7 of the Code of Ordinances as it pertains to smoking.

**Facts & Issues / History & Background:**

**Department Recommendation:**  
Approve the ordinance.

**Department Director:**  
Bryan Lackey

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

**Amount Requested:** \_\_\_\_\_ **Sources of Funds:** \_\_\_\_\_

**Finance Comments:**

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**Administrative Comments:**

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- Attachments:**
1. Ordinance 2026-05 Amend Chapter 3-7 Entitled Smoke-Free Air
  2. Gainesville Smokefree Ordinance - February 2026

Passed: \_\_\_\_\_

**AN ORDINANCE**

**No. 2026-05**

**AN ORDINANCE TO AMEND CHAPTER 3-7 OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA BY AMENDING SECTIONS 3-7-3(a), 3-7-4, 3-7-5(b), 3-7-6, 3-7-8, 3-7-9(a), AND 3-7-9(b); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; 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.**

Section 3-7-3 of the Code of Ordinances of the City of Gainesville, Georgia is hereby amended as follows:

The definitions of “Infiltrate,” “Retail tobacco store,” and “Smoking area,” are hereby deleted.

The following definition is hereby added: *Electronic Smoking Device* means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, dab rig or vape pen, or under any other product name or descriptor.

The definition of “Place of employment” is hereby amended by eliminating the last sentence contained in the definition.

The following definition is hereby added: *Private Club* means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation.

The definition of “Public place” is hereby amended by eliminating it in its entirety and amending it to read as follows: *Public place* means an enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks, bars, educational facilities, healthcare facilities, hotels and motels, laundromats, parking structures, public transportation facilities, public transportation vehicles, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theatres, and waiting rooms. A private residence is not a public place unless it is used as a licensed childcare, adult day care, or healthcare facility.

The following definition is hereby added: *Public Event* means an event hosted by or sponsored by the city which is open to and may be attended by the general public, including but not limited

## ORDINANCE NO. 2026-05

to, such events as concerts, fairs, farmers' markets, festivals, parades, performances, and other exhibitions, regardless of any fee or age requirement.

The following definition is hereby added: *Recreational Area* means any public area open to the public for recreational purposes, whether or not any fee for admission is charged, including but not limited to, athletic fields, playgrounds, beaches, fairgrounds, gardens, parks, plazas, skate parks, swimming pools, and trails. This definition does not include golf courses.

The definition of "Smoking" is hereby amended by eliminating it in its entirety and amending it to read as follows: *Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

The following definition is hereby added: *Tobacco/cigar bar* means a bar, as defined in this section, legally in operation that generated fifty (50%) percent or more of its total annual gross income from the on-site sale of cigars and the rental of humidors, not including sales from vending machines, for the calendar year ending December 2025 and every year thereafter. If the Tobacco/cigar bar is not in operation on December 31, 2025, it will have six (6) months from the date it opens to establish that at least fifty percent (50%) of its total annual gross income is from the on-site retail sales of tobacco/cigars. Tobacco/cigar bar must not allow patrons or employees who are under age 21.

### SECTION II.

Section 3-7-4 of the Code of Ordinances of the City of Gainesville, Georgia is hereby Amended by eliminating it in its entirety and amending it to read as follows:

#### **Sec. 3-7-4. Smoking prohibited in all public places.**

Except as otherwise specifically authorized in section 3-7-6, smoking shall be prohibited in all public places, private clubs, and recreational areas, as well as at all public events in the city.

### SECTION III.

Section 3-7-5(b) of the Code of Ordinances of the City of Gainesville, Georgia is hereby Amended by eliminating it in its entirety and amending it to read as follows:

Such prohibition on smoking shall be communicated to all current employees within ninety (90) days of the effective date of this section, and to each prospective employee upon their application for employment.

### SECTION IV.

Section 3-7-6 of the Code of Ordinances of the City of Gainesville, Georgia is hereby amended by eliminating it in its entirety and amending it to read as follows:

Notwithstanding any other provision of this chapter, the following areas shall be exempt from the provisions of sections 3-7-4 and 3-7-5:

**ORDINANCE NO. 2026-05**

- (a) Private residences, except when used as a licensed childcare, adult day care, or healthcare facility; and
- (b) Tobacco/cigar bars.

**SECTION V.**

Section 3-7-8(a) of the Code of Ordinances of the City of Gainesville, Georgia is hereby amended by deleting the second sentence of said section.

**SECTION VI.**

Section 3-7-9(a) of the Code of Ordinances of the City of Gainesville, Georgia is hereby amended by substituting the words "code enforcement" for the words "marshal's office."

**SECTION VII.**

Section 3-7-9(b) of the Code of Ordinances of the City of Gainesville, Georgia is hereby amended by substituting the words "city code enforcement, or the designee of any such entity or individual" for the words "the city marshal or his designee."

**SECTION VIII.**

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

**SECTION IX.**

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 X.**

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

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**Zack Thompson, 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:**

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**Alisa Grayson, City Clerk**

**CHAPTER 3-7. SMOKE-FREE AIR<sup>1</sup>**

**Sec. 3-7-1. Title.**

This chapter shall be known, cited and referred to as the city "Smoke-free Air Ordinance."  
(Code 1991, § 3-7-1; Ord. No. 2005-23, § I, 6-21-2005)

**Sec. 3-7-2. Findings and purpose.**

- (a) The city does hereby find that:
- (1) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy non-smokers, including heart disease, stroke, respiratory disease, and lung cancer.
  - (2) Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer.
- (b) Accordingly, the governing body finds and declares that the purpose of this chapter is:
- (1) To protect the public health and welfare by prohibiting smoking in public places and public and private places of employment;
  - (2) To guarantee the right of non-smokers to breathe smoke-free air; and
  - (3) To recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

(Code 1991, § 3-7-2; Ord. No. 2005-23, § I, 6-21-2005)

**Sec. 3-7-3. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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<sup>1</sup>State law reference(s)—Georgia Smoke-free Air Act of 2005, O.C.G.A. § 31-12A-1 et seq.; local smoking ordinances, O.C.G.A. § 31-12A-12.

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*Bar* means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

*Business* means any corporation, sole proprietorship, partnership, limited partnership, limited liability corporation, limited liability partnership, professional corporation, enterprise, franchise, association, trust joint venture, or other entity, whether for profit or nonprofit.

*City* means the City of Gainesville, Georgia.

*Electronic Smoking Device* means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, dab rig or vape pen, or under any other product name or descriptor.

*Employee* means an individual who is employed by a business in consideration for direct or indirect monetary wages or profit.

*Employer* means an individual or a business that employs one or more individuals.

*Enclosed area* means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.

*Healthcare facility* means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, homes for the chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. The definition of the term "healthcare facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms and wards within healthcare facilities. The definition of the term "healthcare facility" shall not include long-term care facilities as defined in O.C.G.A. § 31-8-81(3), as amended.

*Person in charge* means the person who ultimately controls, governs, or directs activities upon a public transportation vehicle or within any other place regulated by this chapter, regardless of the person's status as owner, lessee, or governmental official.

*Place of employment* means an enclosed area under the control of a public or private employer that employees utilize during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, and hallways. A private residence is not a place of employment unless it is used as a licensed childcare, adult day care, or healthcare facility.

*Private Club* means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political,

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benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation.

*Public place* means an area to which the public is invited or in which the public is permitted, including, but not limited to, banks, bars, educational facilities, healthcare facilities, hotels and motels, laundromats, parking structures, public transportation facilities, public transportation vehicles, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theatres, and waiting rooms. A private residence is not a public place unless it is used as a licensed childcare, adult day care, or healthcare facility.

*Public Event* means an event hosted by or sponsored by the city which is open to and may be attended by the general public, including but not limited to, such events as concerts, fairs, farmers' markets, festivals, parades, performances, and other exhibitions, regardless of any fee or age requirement.

*Recreational Area* means any public area open to the public for recreational purposes, whether or not any fee for admission is charged, including but not limited to, athletic fields, playgrounds, beaches, fairgrounds, gardens, parks, plazas, skate parks, swimming pools, and trails. This definition does not include golf courses.

*Restaurant* means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" includes a bar area within any restaurant.

*Secondhand smoke* means smoke emitted from lighted, smoldering, or burning tobacco when the person smoking is not inhaling, smoke emitted at the mouthpiece during puff drawing, and smoke exhaled by the person smoking.

*Service line* means an indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

*Shopping mall* means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

*Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

*Sports arena* means enclosed stadiums and enclosed sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar

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places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

*Tobacco/cigar bar* means a bar, as defined in this section, legally in operation that generated fifty (50%) percent or more of its total annual gross income from the on-site sale of cigars and the rental of humidors, not including sales from vending machines, for the calendar year ending December 2025 and every year thereafter. If the Tobacco/cigar bar is not in operation on December 31, 2025, it will have six (6) months from the date it opens to establish that at least fifty percent (50%) of its total annual gross income is from the on-site retail sales of tobacco/cigars. Tobacco/cigar bar must not allow patrons or employees who are under age 21. (Code 1991, § 3-7-3; Ord. No. 2005-23, § I, 6-21-2005; Ord. No. 2005-45, §§ I, II, 10-4-2005)

**Sec. 3-7-4. Smoking prohibited in all public places.**

- (a) Except as otherwise specifically authorized in section 3-7-6, smoking shall be prohibited in all public places, private clubs, recreational areas, as well as at all public events in the city.

(Code 1991, § 3-7-4; Ord. No. 2005-23, § I, 6-21-2005)

**Sec. 3-7-5. Smoking prohibited in all enclosed areas within places of employment.**

- (a) Except as otherwise specifically provided in section 3-7-6, smoking shall be prohibited in all enclosed areas within places of employment, including, but not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other enclosed facilities.
- (b) Such prohibition on smoking shall be communicated to all current employees within ninety (90) days of the effective date of this section, and to each prospective employee upon their application for employment.

(Code 1991, § 3-7-5; Ord. No. 2005-23, § I, 6-21-2005)

**Sec. 3-7-6. Exemptions.**

- (a) Notwithstanding any other provision of this chapter, the following areas shall be exempt from the provisions of sections 3-7-4 and 3-7-5:
  - (1) Private residences, except when used as a licensed childcare, adult day care, or healthcare facility.
  - (2) Tobacco/Cigar Bars as defined in this chapter.

(Code 1991, § 3-7-6; Ord. No. 2005-23, § I, 6-21-2005)

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**Sec. 3-7-7. Right to declare entire establishment, facility, or outdoor area as nonsmoking place.**

Notwithstanding any other provision of this chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of section 3-7-8(a) is posted.

(Code 1991, § 3-7-7; Ord. No. 2005-23, § I, 6-21-2005)

**Sec. 3-7-8. Posting of signs and removal of ashtrays.**

- (a) "No Smoking" signs shall be clearly, sufficiently, and conspicuously posted in every public place where smoking is regulated by this chapter by the person in charge of such public place.
- (b) All ashtrays shall be removed from any area where smoking is prohibited by this chapter by the owner, operator, manager, or other person in control of the area, unless such ashtray is permanently affixed to an existing structure.

(Code 1991, § 3-7-8; Ord. No. 2005-23, § I, 6-21-2005; Ord. No. 2005-45, § III, 10-4-2005)

**Sec. 3-7-9. Enforcement.**

- (a) The city code enforcement and/or the city police department shall be responsible for enforcement of this chapter.
- (b) Any citizen who desires to register a complaint under this chapter may initiate enforcement with the health department, the chief of police, or city code enforcement, or the designee of any such entity or individual.
- (c) Any person who smokes in violation of this chapter and any owner, operator, manager, or person in charge of any establishment regulated by this chapter who allows, condones, or ignores smoking in violation of this chapter shall be punished as provided in section 1-1-8.

(Code 1991, § 3-7-9; Ord. No. 2005-23, § I, 6-21-2005; Ord. No. 2005-45, § IV, 10-4-2005)

**Sec. 3-7-10. Violations and penalties.**

Any person who violates any provision of this chapter shall be subject to the following penalties:

- (1) A fine not less than \$100.00 for a first violation;
- (2) A fine not less than \$100.00 but not to exceed \$250.00 for a second violation of this chapter within one year; and

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- (3) A fine not less than \$250.00 but not to exceed \$500.00 for each additional violation of this chapter within one year.

(Code 1991, § 3-7-10; Ord. No. 2005-23, § I, 6-21-2005)

**Sec. 3-7-11. Other applicable laws and disclaimer.**

This chapter shall not be interpreted or construed to allow smoking where it is otherwise restricted by other applicable laws. By regulating smoking, the city is assuming an undertaking only to promote the general health and welfare of its citizens. By this enactment, neither the city, its officers nor its employees are liable in money damages to any person who claims that any breach of this chapter caused injury.

(Code 1991, § 3-7-11; Ord. No. 2005-23, § I, 6-21-2005)



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

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**Item Created:** February 12, 2026  
**Date Submitted:** February 16, 2026  
**Final Approval Date:** February 16, 2026  
**Presenter:** Abb Hayes, City Attorney  
**Item of Business:** Request from **Gainesville Housing Authority** to rezone a 4.547± acres tract located on the northwest side of the intersection of Myrtle Street and Osborne Street and the northeast side of the intersection of Myrtle Street and Wall Street, south of Jesse Jewell Parkway (a/k/a **1197 and 1235 Myrtle Street, SE; 452, 474, 484, 492, 510 and 512 Osborne Street, SE; 465, 471 and 481 Wall Street, SE**) from Planned Unit Development (P-U-D) and Residential-II (R-II) to Planned Unit Development (P-U-D). **Ward Number: Three.** Tax Parcel Number(s): 01-035-001-005, 007, 008, 013, 013A, 015, 017, 019 and 020. **Request: Mixed-income housing.**

- Proposed Rezoning Ordinance 2026-06

**Meeting Date:** February 17, 2026

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### **Purpose of Request:**

To conduct a public hearing regarding the following zoning request as presented at the January 13, 2026, Planning and Appeals Board meeting.

### **Facts & Issues / History & Background:**

The applicant is proposing to rezone the subject property from Planned Unit Development (P-U-D) and Residential-II (R-II) to Planned Unit Development (P-U-D) for a total of 129 residential units. Phase 1 was previously approved in 2025 for 64 multi-family housing units consisting of market rate housing and affordable housing units for families. Phase 2 proposes an additional 65 units reserved for seniors (55+). The planned community will serve a variety of income levels, but primarily those with an income of around 60% of the area median income. The project will use public and private financing, relying heavily on the Low Income Housing Tax Credit (LIHTC) program through the Department of Community Affairs.

The proposed development will consist of two, 3/4-story apartment buildings with 1, 2 and 3 bedroom units. The entire development will be fenced/gated and a single access driveway is proposed from Wall Street with 161 onsite parking spaces. It is anticipated the community will include a 4,000± square foot leasing office, community center, fitness center, wellness center and on-site laundry, outdoor gathering space consisting of a covered porch with green space attached.

The subject property consists of nine parcels and contains no structures. The adjacent and nearby properties include the Guilford Medical Clinic, Pleasant Union Church, Lanier Wee Willy's retail/gas station, triplex and single-family homes.

### **Department Recommendation:**

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

SAMPLE MOTIONS

Approval of Ordinance 2026-06:

I move to approve the ordinance to rezone the subject property from Planned Unit Development (P-U-D) and Residential-II (R-II) to Planned Unit Development (P-U-D) with seven conditions as presented.

Denial of the Request:

I move to deny the request.

**Department Director:**

Rusty Ligon

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

**Amount Requested:**

**Sources of Funds:**

**Finance Comments:**

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**Administrative Comments:**

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**Attachments:**

1. Legal Ad
2. PAB Recommendation Report
3. Proposed Rezoning Ordinance 2026-06
4. Location maps
5. Narrative
6. Site plan
7. Architectural renderings



**GAINESVILLE PLANNING and APPEALS BOARD  
RECOMMENDATION**

**Applicant** ..... Gainesville Housing Authority  
**Property Owners** ..... Northeast Georgia Health System, Inc.;  
 LJN Associates, LP, Nixon Family LTD  
 Partnership  
**Location** ..... 1197 and 1235 Myrtle Street, SE; 452, 474,  
 484, 492, 510 and 512 Osborne Street, SE;  
 465, 471 and 481 Wall Street, SE  
**Request** ..... Rezone from P-U-D and R-II to P-U-D  
**Total Acres** ..... 4.54± acres  
**Ward** ..... Three  
**Proposed Use** ..... Mixed income housing (129 units)  
**Planning Division Staff Recommendation** ..... **Approval, with conditions**  
**Planning & Appeals Board Recommendation** ..... **Approval, with conditions**  
**Date** ..... January 13, 2026

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

The applicant is proposing to rezone the subject property from Planned Unit Development (P-U-D) and Residential-II (R-II) to Planned Unit Development (P-U-D) for a total of 129 residential units. Phase 1 was previously approved in 2025 for 64 multi-family housing units consisting of market rate housing and affordable housing units for families. Phase 2 proposes an additional 65 units reserved for seniors (55+). The master planned community will serve a variety of income levels, but primarily those with an income of around 60% of the area median income. The project will use public and private financing, relying heavily on the Low-Income Housing Tax Credit (LIHTC) program through the Department of Community Affairs.

The proposed development will consist of two, 3/4-story apartment buildings with 1-, 2- and 3-bedroom units. The entire development will be fenced/gated and a single access driveway is proposed from Wall Street with 161 on-site parking spaces. It is anticipated the community will include a 4,000± square foot leasing office, community center, fitness center, wellness center and on-site laundry, outdoor gathering space consisting of a covered porch with green space attached.

<b>Phase 1</b>	<b>Bedrooms</b>	<b>Number of Units (64)</b>
	1 Bedroom	32
	2 Bedroom	24
	3 Bedroom	8
<b>Phase 2</b>	<b>Bedrooms</b>	<b>Number of Units (65)</b>
	1 Bedroom	39
	2 Bedroom	26

The subject property consists of nine parcels and contains no structures with road frontage on Osborne Street, Wall Street and Myrtle Street. The adjacent and nearby properties include the Guilford Medical Clinic, Pleasant Union Church, Lanier Wee Willy’s retail/gas station, triplex and single-family homes.

- **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Vacant Land (Northeast Georgia Health System Inc.)	Residential-II (R-II)
South	Single-Family Home; Duplex; Myrtle Place Townhomes (Apartments); Georgia Power Sub Station	Residential-II (R-II)
East	Guilford Medical Clinic	Light Industrial (L-I)
West	Single-Family Homes; Triplex; Pleasant Union Baptist Church	Residential-II (R-II)

- **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:*

**2025** – A request by Gainesville Housing Authority to rezone 4.13± acres located at 1197 and 1235 Myrtle Street, SE; 452, 474 and 492 Osborne Street, SE; 465, 471 and 481 Wall Street, from Residential-II (R-II) to Planned Unit Development (P-U-D) for a Multi-Family development was approved with conditions.

**2024**- A request by the City of Gainesville to annex a 2.81± acres tract located at 3 and 4 Carolina Street; 0 Spring Street; 10 Myrtle Drive; 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19 and 20 Victory Street with a zoning of Residential and Office (R-O) for existing uses was approved.

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

**2021**- A request by Northeast Georgia Medical Center to rezone 48.997± acres tract located at 743 Spring Street, NE; 1227 Sherwood Park Drive, NE; 200 Wisteria Drive, NE and 1075 Jesse Jewell Parkway, SW from Planned Unit Development (P-U-D) and Office and Institutional (O-I) to Planned Unit Development (P-U-D) to expand the hospital campus was approved with conditions.

**2020**- A request by Jennifer Walter to rezone 0.48± acre tract located at 522 South Enota Drive from Office and Institutional (O-I) to Neighborhood Business (N-B) for a retail store was approved with conditions.

**2018** – A request by Atlas Development, LLC to rezone a 1.13± acres tract located at 1351 Park Hill Drive from Residential-II (R-II) to Office and Institutional (O-I) for a medical office was approved with conditions.

**2017** – A request by JH Homes, Inc. to rezone a 21.87± acres tract located at 1024, 1030 and 1037 Pearce Way NE; and 0 South Enota Drive NE from Office and Institutional (O-I) to Residential-II (R-II) for 65 residential townhomes was approved with conditions.

**2017** – A request by Hanh My Thi Doan for a special use within Office and Institutional (O-I) on a 0.52± acre tract located at 502 South Enota Drive for a nail salon was denied.

**2017** – A request by the City of Gainesville to rezone a 53.177± acres tract located at 1514, 1515, 1545, 1560 and 1581 Community Way, NE from Residential-II (R-II) to Office and Institutional (O-I) for existing uses was approved.

### **Staff Analysis**

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

The subject property is undeveloped but previously contained single-family homes that were demolished over the past 10+ years. The adjacent properties consist of a mixture of single-family, multi-family, Gilford Clinic and Pleasant Union Baptist Church zoned R-II and L-I. Nonresidential uses are located nearby along Jesse Jewell Parkway including various medical offices and the Wee Willy's Retail/Gas Station. The proposed multi-family use could be considered somewhat of a transitional use even though nearby multi-family development is currently present along Myrtle Street such as the Myrtle Place Apartments and the Myrtle Terrace apartments.

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

The adjacent and nearby property will function similarly to the nearby Myrtle Terrace Apartments located east of the property. Additional vehicular traffic is expected given the previous residential homes have been removed. The property is currently zoned R-II which allows for multi-family housing at a slightly lower density.

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

The Future Development Map for the City of Gainesville places the property within the *Single-Family Residential* land use category which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from two to four dwelling units per acre. The proposed residential density is 28.4 du/ac.

According to the Character Area map for the City of Gainesville, most of the subject property is located within the *Traditional Neighborhoods* Character Area which includes Parks and recreation, single-family residential, multi-family residential, limited general mixed-use, commercial (retail and office), and public and institutional uses. Although the area is mostly built-out, opportunities for infill development should be promoted as they arise, and neighborhood-serving businesses are encouraged.

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

The property is currently zoned R-II which allows for a residential density of up to 12 dwelling units per acre (54 units). The applicant desires to rezone the property to a Planned Unit Development (P-U-D) to allow for a mixture of housing for market rate and affordable housing units for families and seniors at a residential density of 28.4 du/ac. Of comparison, the adjacent 24-unit Myrtle Terrace Apartments have a residential density of 15.4 du/ac. Also, the nearby 160-unit Myrtle Terrace Senior Living community has a residential density of 15.0 du/ac.

**(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 Queen City Parkway is approximately 1.8 miles away. Gainesville Fire Station #2 is located off Cleveland Highway and is approximately 3.1 miles away. Gainesville Police currently patrol the Athens Street area.

According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the proposed 129-unit apartment development could generate 650± new trips per weekday and 60± A.M. and 66± P.M. peak hour trips during the weekday. The existing road network appears sufficient to accommodate the proposal, and it is anticipated that most of the turning movements will occur at Osborne Street and Jesse Jewell Parkway which is unsignalized and right in/right out only. Left turn or U-turn movements are required at the signalized intersection of Jesse Jewell Parkway and Barn Street.

It is unknown at this time how many children will be living within the development to know what the impact will be on the school system. Of the proposed 129 units, there are 65 that are restricted to 55+.

**(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?**

The subject property is zoned for multi-family purposes but was historically developed as single-family. The Comprehensive Plan anticipates the subject properties to be developed for single-family purposes but is located within a Traditional Neighborhood Character Area that supports a mixture of housing types including multi-family attached and detached housing. Given the subject property is zoned R-II and is vacant of structures, it is anticipated the property will be developed for multi-family purposes.

**(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 Traditional Neighborhoods Character Area 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 rezoning request with **P-U-D zoning**, based on the Comprehensive Plan and the adjacent and nearby mixture of residential uses.

**Conditions**

- 1. The development standards within the narrative, site plan and architectural rendering submitted with the applicant's rezoning application shall be made part of the zoning ordinance and shall be subject to the approval of the Director of the Community and Economic Development Department.**
- 2. The owner/developer shall plant a minimum 10-foot-wide evergreen buffer adjacent to the single-family home and church property that front Wall Street. The location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.**

3. The owner/developer shall construct a minimum 5-foot-wide sidewalk on the western side of Osborne Street and the northern side of Myrtle Street, to connect to the existing sidewalk network.
  4. Any proposed dumpster shall be enclosed and screened from view from the adjoining properties, roads and parking areas.
  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. The vehicular access shall be limited to Wall Street and Myrtle Street.
  6. An updated as-built survey/plat of the subject property, indicating all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the use.
  7. The entire property shall be fenced and gated.
- 

### Excerpts from the January 13, 2026 PAB Meeting Minutes

**Applicant Presentation: Beth Brown**, 128 Lake Ridge Trail, Baldwin, spoke on behalf of the Gainesville Housing Authority and advised the rezoning was necessary for Phase 2 which will be submitted to the Department of Community Affairs in May. Mrs. Brown advised the conditions have been reviewed but requested condition 3 be amended regarding the width of the sidewalk to continue at the same width and would gladly answer any questions.

**FAVOR:** None

**OPPOSE: Yisa Controras**, 498 Wall Street, advised she was not against the request but asked for speed bumps be installed on Wall Street due to incidents with pets and children being hit in the area.

**Board Comments: Vice Chair Thompson** was curious about the current width of the sidewalks with foot traffic in the area. Deputy Director Tate advised the sidewalks are approximately four feet and vary in size. He stated Public Works is in agreement that the new sidewalks need to match the current sidewalks which will improve the area.

**There was a motion to recommend conditional approval to rezone the subject property for mixed-income housing from Planned Unit Development (P-U-D) and Residential-II (R-II) to Planned Unit Development (P-U-D) with the following conditions amending condition 3:**

#### Conditions

1. The development standards within the narrative, site plan and architectural rendering submitted with the applicant's rezoning application shall be made part of the zoning ordinance and shall be subject to the approval of the Director of the Community and Economic Development Department.
2. The owner/developer shall plant a minimum 10-foot-wide evergreen buffer adjacent to the single-family home and church property that front Wall Street. The location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.
3. The owner/developer shall construct a ~~minimum 5-foot-wide~~ sidewalk on the western side of Osborne Street and the northern side of Myrtle Street **of the same**

**width**, to connect to the existing sidewalk network.

4. Any proposed dumpster shall be enclosed and screened from view from the adjoining properties, roads and parking areas.
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. The vehicular access shall be limited to Wall Street and Myrtle Street.
6. An updated as-built survey/plat of the subject property, indicating all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the use.
7. The entire property shall be fenced and gated.

Motion made by Board Member Martin

Motion seconded by Board Member DeFoor

**Vote – 6 favor, 1 absent (Young)**

Passed: \_\_\_\_\_

**AN ORDINANCE**

**No. 2026-06**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 4.547± ACRES TRACT LOCATED ON THE NORTHWEST SIDE OF THE INTERSECTION OF MYRTLE STREET AND OSBORNE STREET AND THE NORTHEAST SIDE OF THE INTERSECTION OF MYRTLE STREET AND WALL STREET, SOUTH OF JESSE JEWELL PARKWAY (A/K/A 1197 AND 1235 MYRTLE STREET, SE; 452, 474, 484, 492, 510 AND 512 OSBORNE STREET, SE; 465, 471 AND 481 WALL STREET, SE) FROM PLANNED UNIT DEVELOPMENT (P-U-D) AND RESIDENTIAL-II (R-II) TO PLANNED UNIT DEVELOPMENT WITH CONDITIONS (P-U-D-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 **Planned Unit Development, with conditions (P-U-D-c)**.

**Conditions**

- 1. The development standards within the narrative, site plan and architectural rendering submitted with the applicant's rezoning application shall be made part of the zoning ordinance and shall be subject to the approval of the Director of the Community and Economic Development Department.**
- 2. The owner/developer shall plant a minimum 10-foot-wide evergreen buffer adjacent to the single-family home and church property that front Wall Street. The location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.**
- 3. The owner/developer shall construct a sidewalk on the western side of Osborne Street and the northern side of Myrtle Street of the same width, to connect to the existing sidewalk network.**
- 4. Any proposed dumpster shall be enclosed and screened from view from the adjoining properties, roads and parking areas.**
- 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. The vehicular access shall be limited to Wall Street and Myrtle Street.**

**ORDINANCE NO. 2026-06**

- 6. An updated as-built survey/plat of the subject property, indicating all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the use.**
- 7. The entire property shall be fenced and gated.**

**Legal Description**

Combined Tracts 1 and 2

All that tract or parcel of land lying and being in Land Lot 136 of the 9th District, City of Gainesville, Hall County, Georgia and being more particularly described as follows: Beginning at a nail found at the intersection of the northwestern right of way line of Myrtle Street (40 feet right of way width) and the northeastern right of way line of Wall Street (40 feet right of way width); thence proceeding along said right of way line of Wall Street North 30 degrees 05 minutes 53 seconds West a distance of 206.23 feet to a nail found; thence leaving said right of way line of Wall Street and proceeding North 57 degrees 47 minutes 05 seconds East a distance of 99.96 feet to a 1/2 inch rebar found; thence North 57 degrees 33 minutes 34 seconds East a distance of 80.81 feet to a 1/2 inch rebar set; thence North 28 degrees 49 minutes 15 seconds West a distance of 53.00 feet to a 1/2 inch rebar set; thence North 58 degrees 53 minutes 35 seconds East a distance of 169.11 feet to a 1/2 inch rebar found on the southwestern right of way line of Osborne Street (40 feet right of way width); thence proceeding along said right of way line of Osborne Street South 29 degrees 18 minutes 26 seconds East a distance of 235.37 feet to a 1/2 inch rebar set on the northwestern right of way line of Myrtle Street (40 feet right of way width); thence proceeding along said right of way line of Myrtle Street the following courses and distances: South 54 degrees 38 minutes 15 seconds West a distance of 104.37 feet to a 1/2 inch rebar set, thence South 55 degrees 55 minutes 29 seconds West a distance of 40.27 feet to a nail set, thence South 53 degrees 53 minutes 42 seconds West a distance of 104.01 feet to a nail found, thence South 53 degrees 51 minutes 43 seconds West a distance of 100.66 feet to a nail found, said nail being the Point of Beginning.

Said tract contains 76,799 square feet or 1.763 acres.

Combined Tracts 4, 5, 6, 7, 8 and 9

All that tract or parcel of land lying and being in Land Lots 136 and 137 of the 9th District, City of Gainesville, Hall County, Georgia and being more particularly described as follows:

To find the Point of Beginning commence at a nail found at the intersection of the northwestern right of way line of Myrtle Street (40 feet right of way width) and the northeastern right of way line of Wall Street (40 feet right of way width); thence proceeding along said right of way line of Wall Street the following courses and distances: North 30 degrees 05 minutes 53 seconds West a distance of 206.23 feet to a nail found, thence North 30 degrees 05 minutes 52 seconds West a distance of 53.07 feet to a point, thence North 30 degrees 05 minutes 52 seconds West a distance of 159.21 feet to a 1/2 inch rebar found, thence North 29 degrees 45 minutes 55 seconds West a distance of 90.67 feet to a 1/2 inch rebar set, said point being the Point of Beginning.

From the Point of Beginning, as thus established, continuing along said right of way line of Wall Street the following courses and distances: North 29 degrees 28 minutes 26

## **ORDINANCE NO. 2026-06**

seconds West a distance of 62.84 feet to a 1/2 inch rebar set, thence North 30 degrees 05 minutes 00 seconds West a distance of 57.01 feet to a 1/2 inch rebar found, thence South 57 degrees 20 minutes 55 seconds West a distance of 2.90 feet to a 1/2 inch rebar set, thence North 29 degrees 58 minutes 14 seconds West a distance of 6.43 feet to a 1/2 inch rebar set, thence along a curve to the right with a radius of 312.80 feet and an arc length of 83.75 feet (said curve having a chord bearing of North 21 degrees 28 minutes 20 seconds West and a chord distance of 83.50 feet) to a 1/2 inch rebar set, thence North 11 degrees 44 minutes 56 seconds West a distance of 18.97 feet to a 1/2 inch rebar found; thence\_ leaving said right of way line of Wall Street and proceeding North 57 degrees 26 minutes 00 seconds East a distance of 162.78 feet to a 1/2 inch rebar set; thence North 58 degrees 02 minutes 17 seconds East a distance of 170.05 feet to a 1/2 inch rebar set on the southwestern right of way line of Osborne Street (40 feet right of way width); thence proceeding along said right of way line of Osborne Street the following courses and distances: South 31 degrees 18 minutes 01 seconds East a distance of 159.00 feet to a 1/2 inch rebar set, thence South 31 degrees 04 minutes 28 seconds East a distance of 105.83 feet to a 1/2 inch rebar found, thence South 30 degrees 08 minutes 28 seconds East a distance of 53.00 feet to a 1/2 inch rebar set, thence South 29 degrees 05 minutes 49 seconds East a distance of 53.10 feet to a 1/2 inch rebar found; thence leaving said right of way line of Osborne Street and proceeding South 58 degrees 07 minutes 34 seconds West a distance of 166.55 feet to a 1/2 inch rebar found; thence North 31 degrees 57 minutes 30 seconds West a distance of 52.96 feet to a 1/2 inch rebar set; thence North 29 degrees 03 minutes 10 seconds West a distance of 52.88 feet to a 3/4 open top pipe found; thence North 31 degrees 37 minutes 21 seconds West a distance of 39.08 feet to a 1/2 inch rebar set; thence South 57 degrees 23 minutes 40 seconds West a distance of 185.05 feet to the Point of Beginning.

Said tract contains 103,283 square feet or 2.371 acres.

### **SECTION II**

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

### **SECTION III**

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

### **SECTION IV**

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

**ORDINANCE NO. 2026-06**

**SECTION V**

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

---

**Zack Thompson, 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.

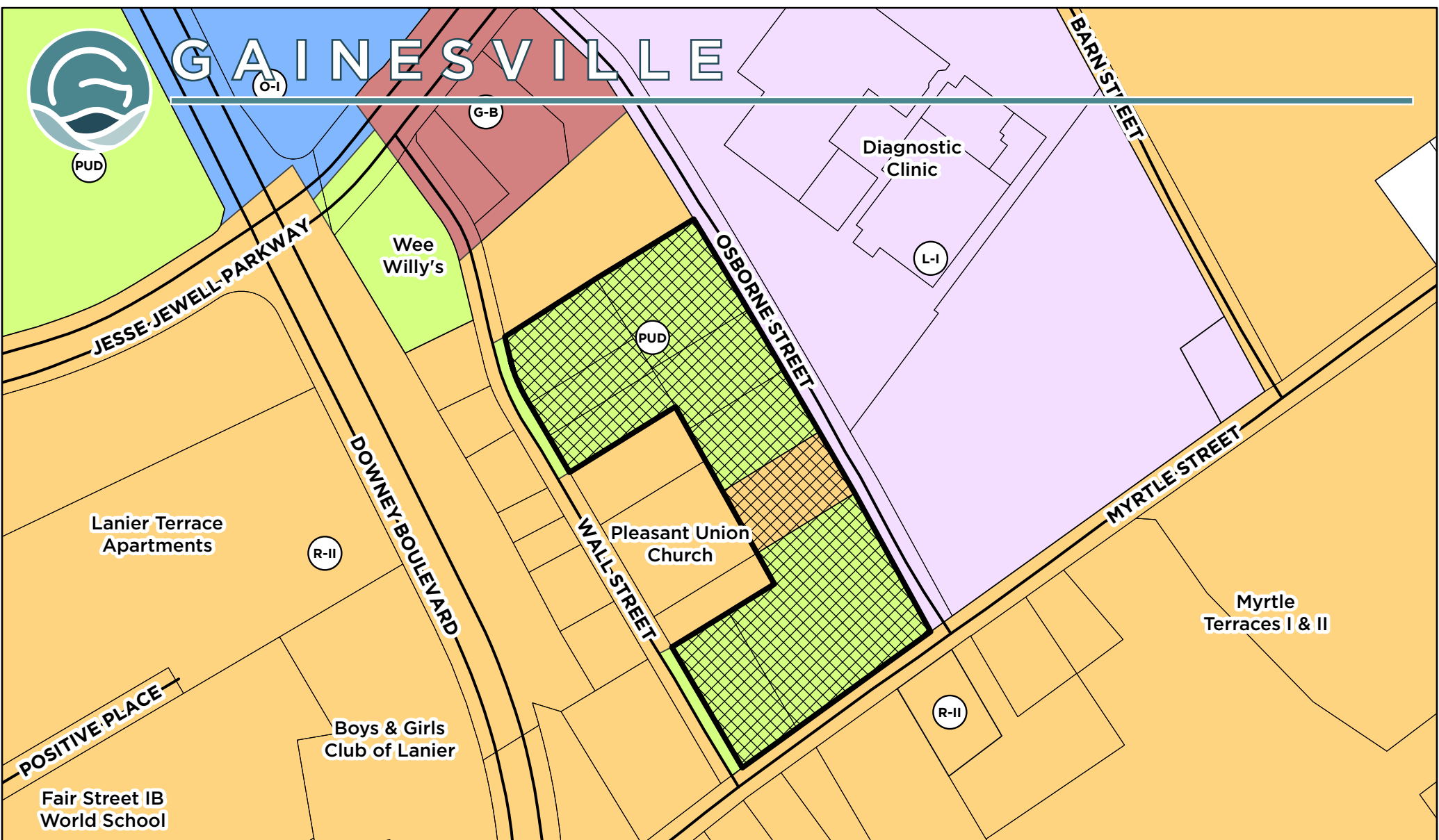
**ATTEST:**

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**Alisa Grayson, City Clerk**



# GAINESVILLE



**Applicant:**  
**GAINESVILLE HOUSING AUTHORITY**

**REZONING REQUEST**

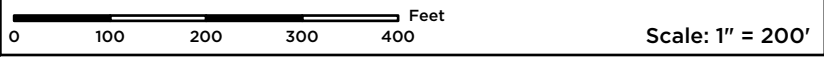
**Request:**  
 Rezone +/- 4.547 AC from Planned Unit Development (P-U-D) and Residential-II (R-II) to Planned Unit Development (P-U-D) for mixed income housing.

**Subject Property Address:**  
 1197 & 1235 Myrtle Street, SE  
 452, 474, 484, 492, 510 &  
 512 Osborne Street, SE  
 465, 471 & 481 Wall Street, SE

**Tax Parcel:**  
 01-035-001-005, 007, 008, 013, 013A,  
 015, 017, 019 and 020

 **Subject Property**

Meeting Date: 01/13/2026  
 Map Prepared: 12/15/2025



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# GAINESVILLE



**Applicant:**  
**GAINESVILLE HOUSING AUTHORITY**

**REZONING REQUEST**

**Request:**  
 Rezone +/- 4.547 AC from Planned Unit Development (P-U-D) and Residential-II (R-II) to Planned Unit Development (P-U-D) for mixed income housing.

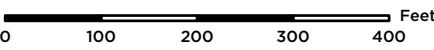
**Subject Property Address:**  
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 452, 474, 484, 492, 510 &  
 512 Osborne Street, SE  
 465, 471 & 481 Wall Street, SE

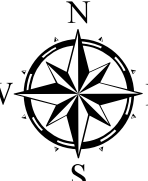
**Tax Parcel:**  
 01-035-001-005, 007, 008, 013, 013A,  
 015, 017, 019 and 020


**Subject Property**

Aerial from 2025

**Meeting Date:** 01/13/2026  
**Map Prepared:** 12/15/2025


**Scale: 1" = 200'**



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# Wall Street Apartments

## A Planned Unit Development

### Terms of Zoning

**Applicant:**

Gainesville Housing Authority  
Contact: Beth Brown  
750 Pearl Nix Parkway  
Gainesville, GA 30501  
770-536-1294

**Property Owner #1:**

Northeast Georgia Health System, Inc.  
Contact: NGHS Real Estate  
743 Spring Street NE  
Gainesville, GA 30501  
770-219-8404

**Property Owner #2:**

LJN Associates, LP  
Nixon Family LTD Partnership  
Contact:  
P.O. Box 2917  
Gainesville, GA 30503

**Submitted:**

November 28, 2025

I. **Existing Site Description:**

The subject property consists of 9 parcels across 4.547 acres between SE Wall Street, SE Osborne Street and SE Myrtle Street. The address of each parcel is as follows:

<u>Parcel</u>	<u>Acreage</u>	<u>Address</u>	<u>Current Zoning</u>	<u>Current Owner</u>
01035 001005	0.265	465 SE Wall St	PUD	Northeast Georgia Health System, Inc.
01035 001007	0.237	471 SE Wall St	PUD	Northeast Georgia Health System, Inc.
01035 001008	0.43	481 SE Wall St	PUD	Northeast Georgia Health System, Inc.
01035 001020	0.62	452 SE Osborne St	PUD	Northeast Georgia Health System, Inc.
01035 001019	0.41	474 SE Osborne St	PUD	Northeast Georgia Health System, Inc.
01035 001017	0.409	492 SE Osborne St	PUD	Northeast Georgia Health System, Inc.
01035 001015	0.413	510 SE Osborne St	R-II	LJM Associates, LP
01035 001013A	1.298	1197 SE Myrtle St.	PUD	Northeast Georgia Health System, Inc.
01035 001013	0.465	1235 SE Myrtle St.	PUD	Northeast Georgia Health System, Inc.
4.547				

Currently, the subject property consists of vacant land. Each parcel is currently zoned Residential-II District or is a PUD.

II. **Community Benefit:**

The proposed development will:

- Construct a new, mixed-income multifamily community consisting of market rate housing, workforce housing and affordable housing rental units.
- Provide a mixture of family and senior apartments across two phases.
- Assist the growing need for quality workforce and affordable housing in the Gainesville community.

The goal of the community is to increase the number and quality of affordable housing units within Gainesville which has been identified as a need by the Comprehensive Plan. Residents living within the community will be able to take advantage of the proximity of one of Gainesville’s largest employers, the Northeast Georgia Medical Center.

The new development will not displace any existing residents or structures as the land is currently unoccupied today.

III. **Plan Revisions:**

The staff of the Gainesville Community Development Department has the authority to grant administrative variances and permits necessary to allow Applicant to develop the property and to interpret the intent and implementation of this Agreement.

**IV. Proposed Development:**

The applicant is proposing a zoning change from R-II and PUD to PUD. The Applicant plans to develop these parcels through the use of public and private financing relying heavily on the Low-Income Tax Credit (LIHTC) program as the primary financial vehicle for the residential development. The community will be built across 2 phases (2 different allocations of tax credits). The first phase will be a maximum of 64 units, and the second phase will be a maximum of 65 units. There will be 129 units total, and 161 parking spaces in total across both phases.

The anticipated timing for each phase is as follows:

- May 2026 – Phase I Financial Closing and Sitework Commencement (Phase I and Phase II site area), Phase I Construction Commencement
- May 2026 - Phase II Tax Credit Application Submission
- October 2026 – Phase II 9% Tax Credit Award Received
- May 2027 – Phase II Financial Closing and Construction Commencement
- September 2027 – Phase I Construction Completion
- December 2027 – Phase I Stabilization
- September 2028 – Phase II Construction Completion
- December 2028 – Phase II Stabilization

The proposed community will consist of two, three/four-story residential buildings with amenities. The community will consist of two phases with approximately 64 units consisting of 1-, 2-, and 3-bedroom apartment homes in Phase 1 (non-age restricted) and 65 units with 1- and 2-bedroom homes in Phase 2 reserved for seniors (55+). This master-planned community will serve a variety of income levels, but primarily those with an income of around 60% of the area's median income.

Anticipated amenities for the first phase of the community will be tailored for families. It is anticipated that the community will include a leasing office, community center, fitness center, wellness center and on-site laundry for interior amenities. For exterior amenities, it is anticipated that the community will enjoy an outdoor gathering space consisting of a covered porch with green

space attached. The community will be designed in an “urban” look with pitched roofs and a variety of architectural features. The primary entrance to the community will be off Wall Street. The anticipated amenities for the second phase will be tailored to seniors, and will likely include dedicated community space, on-site laundry, an arts and crafts room and a covered porch with adjacent, shared green space with Phase 1. The collective, interior amenity space is anticipated to be around ~4,000 square feet.

The exterior elevations will include attractive materials such as brick, Hardie plank siding, decorative metal railing, standing seam roofs over breezeway entries, and storefront windows at amenity areas along Osborne Street. Interior features will include spacious kitchens with large islands, walk-in closets, decorative lighting and a mix of hard surface and carpet flooring.

Along Wall Street, Osborne Street and Myrtle Street, there will be a 30-foot setback. The setbacks will improve the overall streetscape of the neighborhood and provide privacy and enhanced walkability for our residents.

V. **Architectural Rendering:**

The attached elevation is a close representation and may be modified upon the approval of the Gainesville Community and Economic Development Director.

VI. **Boundary Survey and Plat:**

The attached survey and plat of the Property was prepared by Travis Pruitt & Associates, Inc., Georgia Registered land surveyor on 03/31/2025 and contains 4.547 acres.

VII. **Signage:**

Primary signage will be located on Wall Street and will include attractive landscaping. All signage will adhere to the Residential-II (R-II) zoning standards as stated within the Gainesville Unified Land Development Code.

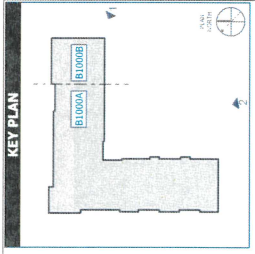


NO.	DATE	DESCRIPTION
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PROJECT NO.	25021
DATE	10/15/17
DESIGNER	JLB
CHECKER	JLB
DATE	10/15/17

**BLDG 1000A/B -  
 PERSPECTIVE**

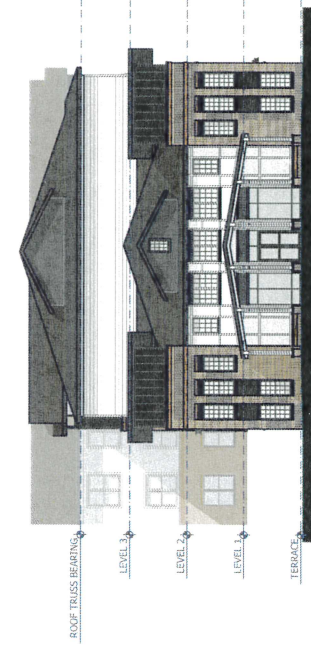
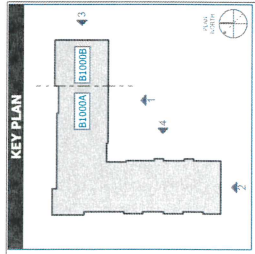
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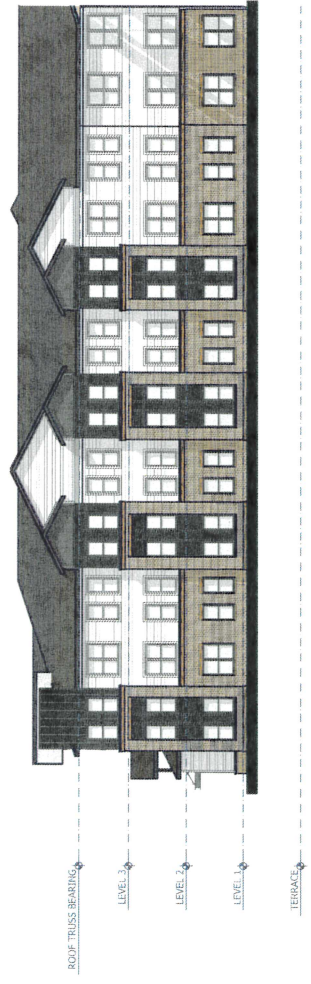
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 11.22.18



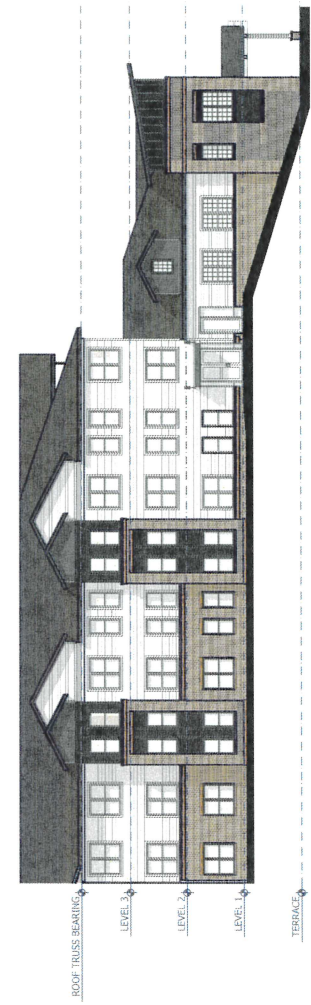
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 11.22.18



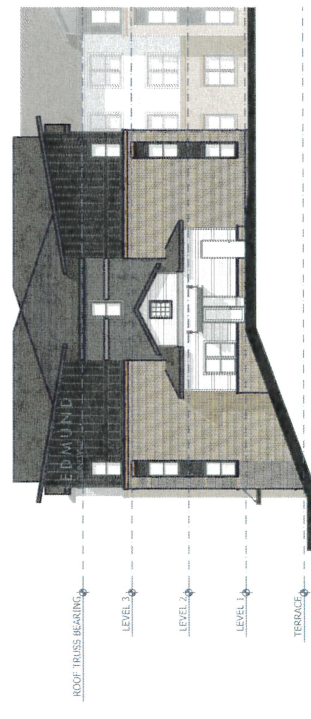
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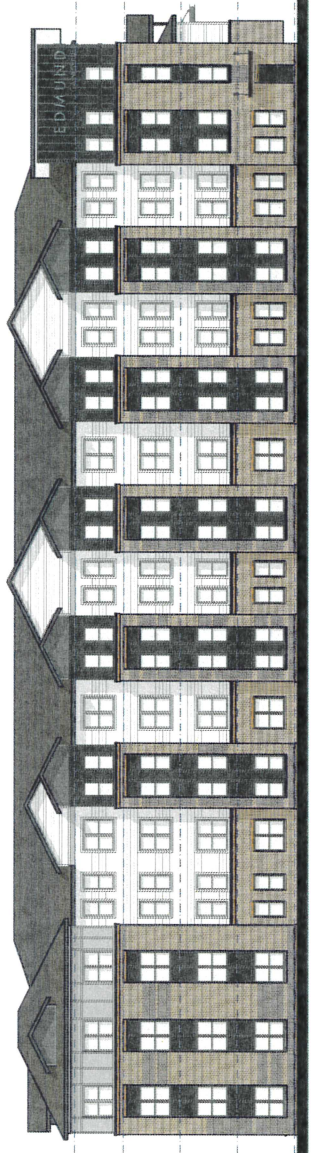
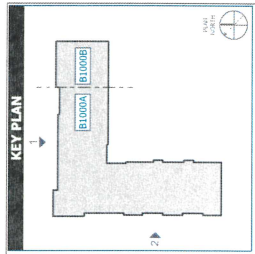
**4 EAST ELEVATION 02**  
 3/8" = 1'-0"



**1 SOUTH ELEVATION 01**  
 3/8" = 1'-0"



**2 SOUTH ELEVATION 02**  
 3/8" = 1'-0"



ROOF TRUSS BEARING  
 LEVEL 3  
 LEVEL 2  
 LEVEL 1  
 TERRACE  
**4 WEST ELEVATION**  
 A6-01.3 3/24/14 1/4" = 1'-0"



ROOF TRUSS BEARING  
 LEVEL 3  
 LEVEL 2  
 LEVEL 1  
 TERRACE  
**3 NORTH ELEVATION**  
 A6-01.3 3/24/14 1/4" = 1'-0"

**3 NORTH ELEVATION**  
 A6-01.3 3/24/14 1/4" = 1'-0"



# CITY OF GAINESVILLE

## Mayor/Council Agenda Request

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**Item Created:** February 12, 2026  
**Date Submitted:** February 13, 2026  
**Final Approval Date:** February 16, 2026  
**Presenter:** Abb Hayes, City Attorney  
**Item of Business:** Request from **Gainesville Construction LLC** to amend an existing Planned Unit Development (P-U-D) zoning on a 0.14± acre tract located on the southwest side of the intersection of Lanier Avenue and Juanita Avenue (a/k/a **946 Lanier Avenue, NE and 1387 Juanita Avenue, NE**). **Ward Number: One**. Tax Parcel Number (s): 01-087-003-008. **Request: Duplex apartment.**

- Proposed Zoning Amendment Ordinance 2026-07

**Meeting Date:** February 17, 2026

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### **Purpose of Request:**

To conduct a public hearing regarding the following zoning request as presented at the January 13, 2026, Planning and Appeals Board meeting.

### **Facts & Issues / History & Background:**

The applicant is proposing to amend an existing property zoned Planned Unit Development (P-U-D) to convert an existing office into a residential duplex for rent. The property contains a 2,019± square foot office building that was originally constructed in the late 60's and was later enlarged for office space in 2004. The exterior of the existing structure has the appearance of a residential duplex with one entrance facing Lanier Avenue and one entrance facing Juanita Avenue. Vehicular access will remain from Juanita Avenue and there are a minimum of 4 onsite parking spaces provided. Minimal interior renovations will be required to convert the space into two - 2 bedroom / 2 bathroom units. The building footprint will not encroach any closer to the existing property boundary. Individual trash receptacles will be stored behind an enclosed fence so as not to be visible from the road.

The adjacent uses include Puzzle Piece Pastries, Coleman, Chambers & Rogers, LLP, Lanier Federal Credit Union, Right at Home health care office, single-family homes and a residential duplex.

### **Department Recommendation:**

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

### **SAMPLE MOTIONS:**

#### **Approval of Ordinance 2026-07:**

I move to approve the ordinance to amend the existing Planned Unit Development (P-U-D) for the subject property for a duplex apartment with two conditions as presented.

#### **Denial of the Request:**

I move to deny the request.

**Department Director:**

Rusty Ligon

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

**Amount Requested:**

**Sources of Funds:**

**Finance Comments:**

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**Administrative Comments:**

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**Attachments:**

1. Legal Ad
2. PAB Recommendation Report
3. Proposed Zoning Amendment Ordinance 2026-07
4. Location maps
5. Narrative
6. Site plan
7. Floor plan
8. Photo - existing office



**GAINESVILLE PLANNING and APPEALS BOARD  
RECOMMENDATION**

**Applicant** ..... Gainesville Construction, LLC  
**Property Owner** ..... 1706 MLK Jr. Blvd. LLC  
**Location** ..... 946 Lanier Avenue, NE and 1387 Juanita Avenue, NE  
**Request** ..... Amend P-U-D zoning  
**Total Acres** ..... 0.14± acre  
**Ward** ..... One  
**Proposed Use** ..... Duplex apartment  
**Planning Division Staff Recommendation** ..... **Approval, with conditions**  
**Planning & Appeals Board Recommendation** ..... **Approval, with conditions**  
**Date** ..... January 13, 2026

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

The applicant is proposing to amend an existing property zoned Planned Unit Development (P-U-D) to convert an existing office into a residential duplex for rent. The property contains a 2,019± square foot office building that was originally constructed in the late 60’s and was later enlarged for office space in 2004. The exterior of the existing structure has the appearance of a residential duplex including one entrance facing Lanier Avenue and one entrance facing Juanita Avenue. Vehicular access will remain from Juanita Avenue with a minimum of 4 onsite parking spaces provided. Minimal interior renovations will be required to convert the space into two - 2 bedroom / 2 bathroom units. The building footprint will not encroach any closer to the existing property boundary. Individual trash receptacles will be stored behind an enclosed fence so as not to be visible from the road. These units will both be for rent.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Lanier Federal Credit Union Single-Family homes	Neighborhood Business (N-B) Residential and Office (R-O) Residential II (R-II)
South	Law Offices	Neighborhood Business (N-B)
East	Single-family homes	Residential-II (R-II)
West	Right at Home health care service	Plan Unit Development (PUD)

▪ **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:*

**2021** - A request by Mark Thebaut DDS to rezone a 0.67± acre tract located at 1398 Thompson Bridge to amend existing PUD for a medical/dental office/ restaurant with drive-thru was approved.

**2020** - A request by Walker-Lanier, LLC to rezone a 0.5± acre tract located at 989 Lanier Avenue, NE and 1437 Walker Street, NE from Residential-I (R-I) to Residential II (R-II) was approved with conditions for two duplexes.

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

**2017** - A request by Adams & Copeland, LLC for a special use for a hair salon and office within the Office and Institutional (O-I) zoning district located at 1665 Thompson Bridge Road was approved with conditions.

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

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

**2016** - A request by Jack Bailey to rezone a 0.61± acre tract located at 1665 Thompson Bridge Road, NW from Residential-I (R-I) to Office and Institutional (O-I) was approved with conditions for an insurance office.

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

### **Analysis**

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

The surrounding properties contain a mixture of land uses which include single-family homes, duplex homes, offices, bank and restaurant uses. These properties are zoned Residential and Office (R-O), Residential-II (R-II), Planned Unit Development (P-U-D), and Neighborhood Business (N-B). It appears that the proposed duplex homes are suitable in view of the zoning and development of adjacent and nearby properties as it would serve as a transition between the adjacent nonresidential property.

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

Given the small scale of the proposal, the use would not appear to adversely affect the existing use or usability of the adjacent or nearby property. The property would function in a similar manner to the homes in the surrounding area.

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

The Future Development Map for the City of Gainesville places the property within the commercial land use category, which includes areas with focused retail, office, or other commercial service activities such as grocery stores, banks, restaurants, theaters, hotels, and automotive-related businesses.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Traditional Neighborhoods* Character Area specifically within the *Northern Neighborhoods subarea*. The vision for this area anticipates minimal change guarding against incompatible infill development and the threat of encroaching urban sprawl. Commercial encroachment should be minimized and should respect and mirror the small scale of the surrounding neighborhoods, while preserving the purity of the landscape and quality of housing. The area is not a primary destination for business; however, neighborhood serving business development is encouraged. Land uses allowed in the *Northern Neighborhoods subarea* include low-density/medium-density residential, and mixed-use / commercial.

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

The property is zoned Planned Unit Development (P-U-D) which allows for an office. The applicant intends to renovate the existing office building to construct two duplex units. Using the existing building keeps the design consistent with what is already in this area and minimizes disruption to the neighborhood.

**(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 proposed use will have minimal impacts to public facilities. Water and sewer capacity is adequate to serve the proposed use. The Gainesville Fire and Police Departments currently respond to the property and nearest City of Gainesville Fire Station #2 is approximately 2.2 miles from the subject property off Cleveland Highway. Impacts to the City school system are expected to be minimal depending on the number of school aged children living within the duplexes. There are currently no school aged children living within the property; however, the duplex will be marketed for all demographics.

**(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 proposal appears suitable in light of the mixture of uses located along Lanier Avenue and Juanita Avenue. In addition, the existing structure can accommodate the proposed duplex and will remain in conformity with the nearby neighborhood.

**(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 surrounding mixture of uses, 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.

▪ **Staff Recommendation**

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

**Conditions**

1. The property owner or a property manager shall be responsible for the regular maintenance of the entire property.
2. The individual garbage containers shall be stored behind each residential unit and screened by a privacy fence in a manner so as not to be visible from the proposed residential units, adjoining properties, roads and parking areas subject to the approval of the Community and Economic Development Director.

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**Excerpts from the January 13, 2026 PAB Meeting Minutes**

**Applicant Presentation: Eddie Martin, Jr.**, 700 Lindsey Baker Court, representing Gainesville Construction, LLC advised he will answer any questions regarding the request.

**FAVOR:** None

**OPPOSE:** None

**Board Comments: Board Member Fleming** asked about maintenance of the property and Mr. Martin advised the property owner will maintain the property as stated in the conditions. **Vice Chair Thompson** asked about the number of parking spaces for tenants and Mr. Martin advised there are currently four spaces.

**There was a motion to recommend conditional approval of the zoning amendment request for a duplex apartment having a zoning of Planned Unit Development (P-U-D) with the following conditions:**

**Conditions**

1. The property owner or a property manager shall be responsible for the regular maintenance of the entire property.
2. The individual garbage containers shall be stored behind each residential unit and screened by a privacy fence in a manner so as not to be visible from the proposed residential units, adjoining properties, roads and parking areas subject to the approval of the Community and Economic Development Director.

Motion made by Vice Chair Thompson

Motion seconded by Board Member Simmons

**Vote – 6 favor, 1 recusal (Martin), 1 absent (Young)**

Passed: \_\_\_\_\_

**AN ORDINANCE**

**No. 2026-07**

**AN ORDINANCE AMENDING THE EXISTING PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-C) ZONING ON A 0.14± ACRE TRACT LOCATED ON THE SOUTHWEST SIDE OF THE INTERSECTION OF LANIER AVENUE AND JUANITA AVENUE (A/K/A 946 LANIER AVENUE, NE AND 1387 JUANITA AVENUE, NE); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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

**SECTION I**

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

**Conditions**

- 1. The property owner or a property manager shall be responsible for the regular maintenance of the entire property.**
- 2. The individual garbage containers shall be stored behind each residential unit and screened by a privacy fence in a manner so as not to be visible from the proposed residential units, adjoining properties, roads and parking areas subject to the approval of the Community and Economic Development Director.**

**Legal Description**

All that tract or parcel of land lying or being in Land Lot 146 of the 9<sup>th</sup> Land District of the City of Gainesville, Hall County, Georgia and being more fully described as follows:

BEGINNING at an iron pin at the southwest corner of Juanita Avenue and Lanier Avenue; Thence along Juanita Avenue South 27 degrees 57 minutes 18 seconds East a distance of 115.00 feet to an iron pin; Thence South 61 degrees 27 minutes 56 seconds West a distance of 58 feet to an iron pin; Thence North 26 degrees 52 minutes 28 seconds West a distance of 112.00 feet to an iron pin on the south right-of-way of Lanier Avenue; Thence along said right-of-way North 58 degrees 21 minutes 01 seconds East a distance of 56.00 feet to the POINT OF BEGINNING.

Said parcel contains 0.14± acre, more or less.

**ORDINANCE NO. 2026-07**

**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**

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

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**Zack Thompson, 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.

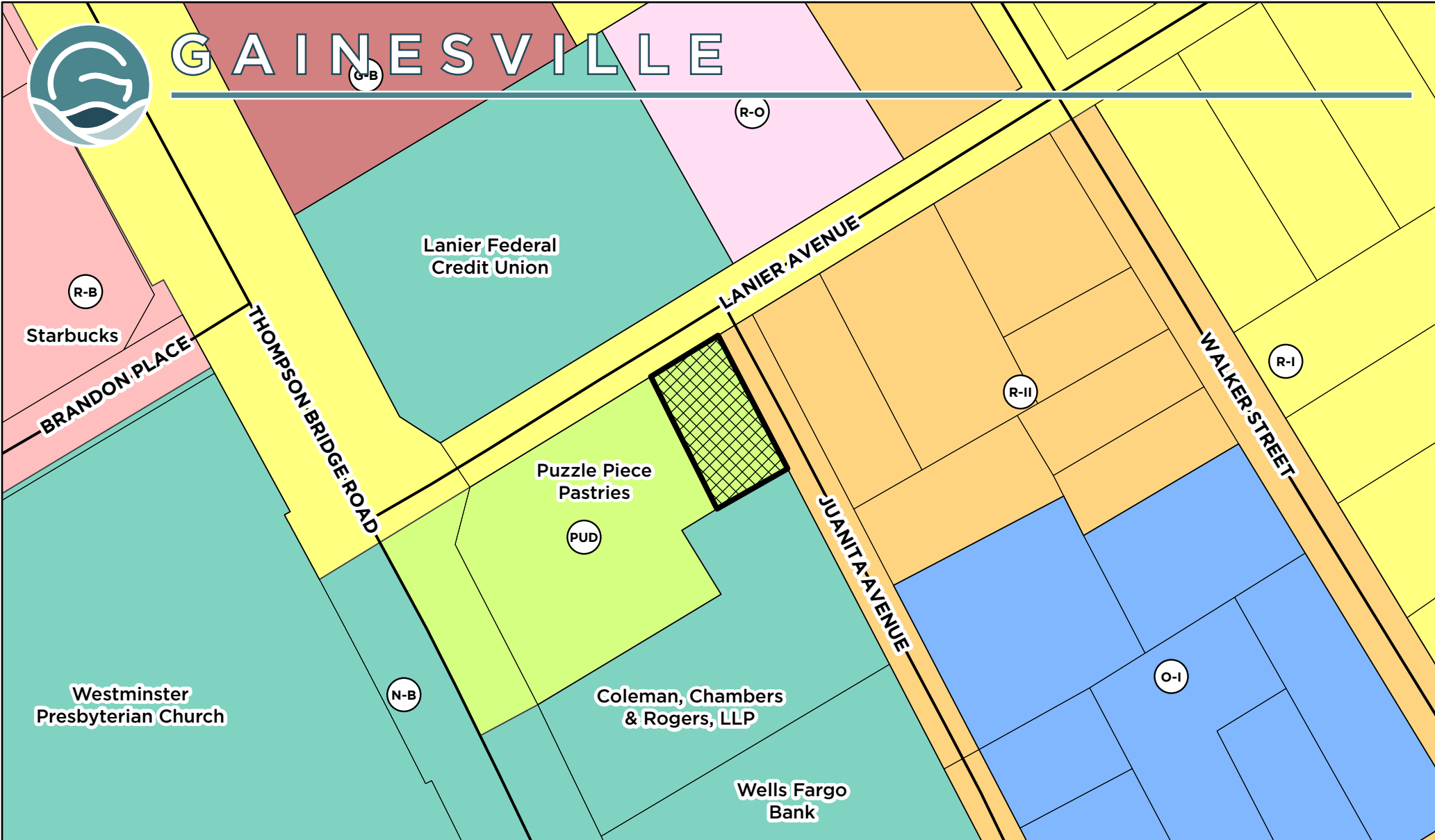
**ATTEST:**

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**Alisa Grayson, City Clerk**



# GAINESVILLE



**Applicant:** **GAINESVILLE CONSTRUCTION, LLC**

**Request:** Amend existing Planned Unit Development (P-U-D) on +/- 0.14 AC for a duplex apartment.

## ZONING AMENDMENT REQUEST

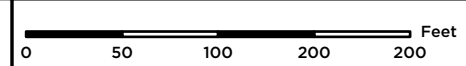
**Subject Property Address:**  
946 Lanier Avenue, NE and  
1387 Juanita Avenue, NE

**Tax Parcel:**  
01-087-003-008

 **Subject Property**



**Meeting Date:** 01/13/2026  
**Map Prepared:** 12/15/2025



**Scale:** 1" = 100'



# GAINESVILLE

WALKER STREET

Lanier Federal Credit Union

LANIER AVENUE

Puzzle Piece Pastries

JUANITA AVENUE

THOMPSON BRIDGE ROAD

**Applicant:** **GAINESVILLE CONSTRUCTION, LLC**

**Request:**  
Amend existing Planned Unit Development (P-U-D) on +/- 0.14 AC for a duplex apartment.

## ZONING AMENDMENT REQUEST

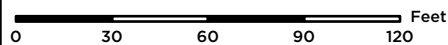
**Subject Property Address:**  
946 Lanier Avenue, NE and  
1387 Juanita Avenue, NE

**Tax Parcel:**  
01-087-003-008

 **Subject Property**

Aerial from 2025

**Meeting Date:** 01/13/2026  
**Map Prepared:** 12/15/2025



Scale: 1" = 60'



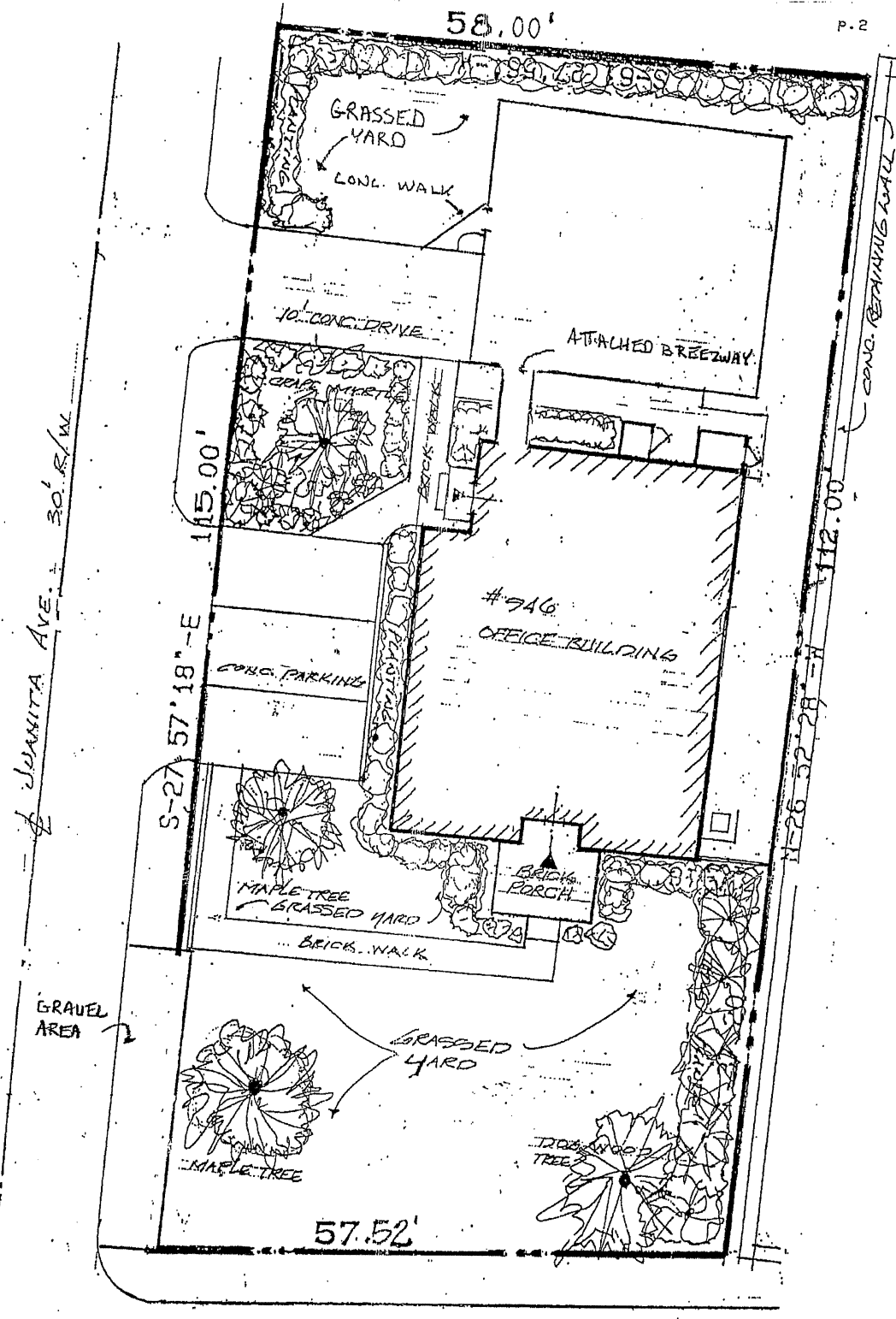
Mike Martin – owner  
946+ Lanier Avenue  
Gainesville, Ga 30501

This narrative concerns a property, 946 Lanier Avenue, which is located at the corner of Lanier Avenue and Juanita Avenue. The single family home was built in the late 60's and has since been zoned for office space. In 2004 additional office space was added. The existing structure is currently 2,019± square feet in size. The zoning assigned at that time was PUD.

It is our desire to amend the PUD to convert the existing office use to a duplex dwelling. The exterior of the existing structure has the appearance of a residential duplex including one entrance facing Lanier Avenue and one entrance facing Juanita Avenue and a minimum of 4 onsite parking spaces provided. The building footprint will not encroach any closer to the existing property boundary. Minimal interior renovations will be required to convert the space into two - 2 bedroom / 2 bathroom units. Individual trash receptacles will be stored behind an enclosed fence so as not to be visible from the road.

The neighborhood is currently residential in nature excluding properties that face Thompson Bridge Road which are zoned for commercial use. The proposed duplex will better match current neighborhood zoning and preserve existing usage.

Thank you,  
Mike Martin

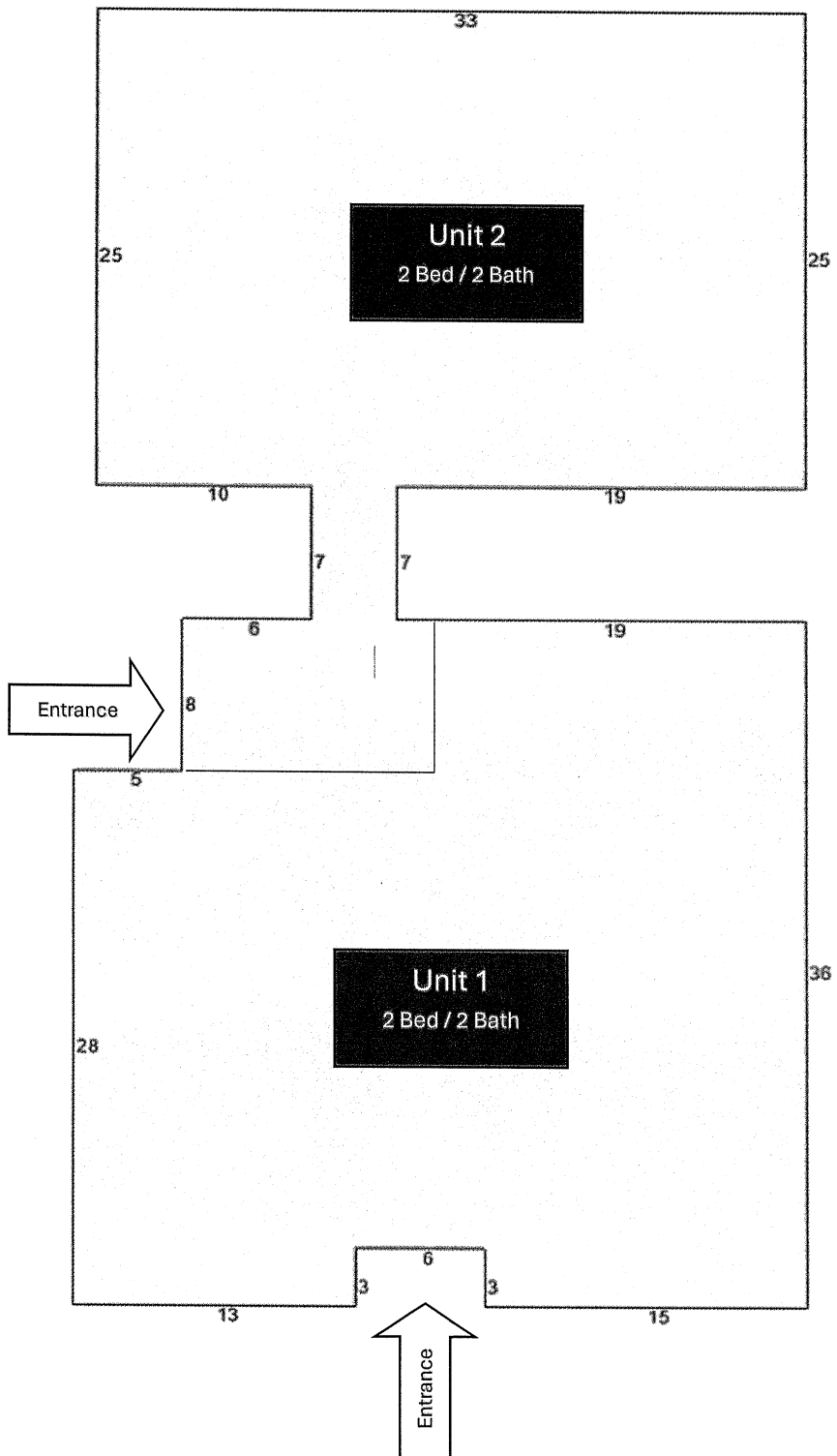


Summit Ave. 30' R/W

Lanier Ave. 30' R/W

GATE PLAN  
SCALE 1" = 10'

946 LANIER AVE  
GAINESVILLE GA



Floor Plan



Existing Office