

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

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

Council Member Wangemann, delivered the invocation after which the Pledge of Allegiance was recited in unison.

COUNCIL ANNOUNCEMENTS:

Council Member Clay

Offered condolences to the family, friends and community of the six lives lost in the Foundation Food Group accident.

Council Member Brooks

Provided information about the City turning 200 years old on November 20, 2021, "Flashback Friday" and noted how historical information could be shared with the Public Relations Manager.

Council Member Thompson

Reminded everyone the Gainesville Civic Center is closed until mid-March for renovations. He provided a brief recap of the plans for this SPLOST 8 project.

Council Member Wangemann

Shared information about public art attractions in the City available to residents and visitors.

Council Member Couvillon

Shared information about the WeGo transportation service then encouraged everyone to download the app and utilize the service.

Mayor Dunagan

1. Was happy to announce relief was on the way for individuals and families impacted by the pandemic. With the help of the North Georgia Community Foundation and partner organizations, funding through food and utility assistance would be dispersed soon.
2. Expressed appreciation to the North Georgia Health System (NGHS) staff and volunteers for their help with the COVID-19 vaccinations.

CONSENT AGENDA:

Minutes: January 14, 2021 Work Session

Minutes: January 19, 2021 Mayor/Council Meeting

Motion to approve the minutes accepting edits as presented.

Motion made by Council Member Clay

Motion seconded by Council Member Thompson

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

Resolutions:

- A. AR-2021-08 First Quarter Budget Adjustment for Fiscal Year 2021
- B. AR-2021-09 Second Quarter Budget Adjustment for Fiscal Year 2021

City Manager Bryan Lackey provided a brief overview of each item.

Motion to adopt the resolutions as presented.

Motion made by Council Member Wangemann
Motion seconded by Council Member Clay

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

GENERAL LEGISLATION:

Ordinance 2021-06

Amend Chapter 6-4 as it Pertains to Alcoholic Beverages

City Manager Bryan Lackey stated the proposed amendments were to (1) reflect the changes in state law, and (2) modify some local regulations pertaining to local restaurants to aid in adjustments due to the COVID-19 pandemic.

Motion to approve the Ordinance 2021-06 as presented.

Motion made by Council Member Brooks
Motion seconded by Council Member Thompson

Votes favoring the motion: Thompson, Couvillon, Brooks, Clay

Votes opposing the motion: Wangemann

RESOLUTION:

Business Resolution 2021-07

Gainesville 85 Business Park Covenants

Director of Water Resources Linda MacGregor stated the proposed resolution sets development standards and a method for management of the park.

Motion to adopt the resolution BR-2021-07 as presented.

Motion made by Council Member Clay
Motion seconded by Council Member Wangemann

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

PUBLIC HEARING(S):

Request from Damon Santimauro to annex a 7.01± acres tract located on the southwest side of Mabry Road, between Old Flowery Branch Road and Centennial Drive (a/k/a 3521 Mabry Road) and to establish zoning as Light Industrial (L-I). Ward Number: Four. Tax Parcel Number(s): 08-024-002-047. Request: Office/Metal fabrication plant.

- ***Proposed Annexation Ordinance 2021-07***
- ***Proposed Zoning Ordinance 2021-08***

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

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

1. The approved uses for the property shall be limited to light industrial uses to include the proposed use, office, warehouse, storage, distribution, further processing, assembly and fabrication.
2. The proposed development shall be generally consistent with the standards depicted on the architectural elevation provided with the annexation application. Any zoning conditions adopted as part of this zoning ordinance that conflict with the applicant's narrative, concept plan and architectural renderings shall take precedence over the applicant's development standards.
3. The development shall require a minimum 50-foot wide evergreen planted buffer adjacent to all single-family properties located to the south and west. The trees shall be a minimum installation height of 8 feet and shall consist of a mixture of Arborvitae Green Giant, Japanese Cryptomeria, Eastern Red Cedar, and Holly. The location, number, spacing, size and type of trees planted shall be subject to Community and Economic Development Department Director approval in order to effectively screen the adjacent residential properties.
4. All access point design for the subject property shall require approval by the Gainesville Public Works Director and Hall County Public Works Department. All required access / traffic / sidewalk and improvements to Mabry Road associated with the proposed development shall be at the full expense of the developer/property owner.
5. An electronic message board sign shall not be permitted for the subject property.
6. An updated as-built boundary survey / plat of the subject property, indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy.

City Attorney Hayes opened the floor for comments. There being none, the hearing was closed and the matter was returned to the governing body for consideration.

Motion to approve the Ordinance 2021-07, AN ORDINANCE ANNEXING A 7.01± ACRES TRACT LOCATED ON THE SOUTHWEST SIDE OF MABRY ROAD, BETWEEN OLD FLOWERY BRANCH ROAD AND CENTENNIAL DRIVE (A/K/A 3521 MABRY ROAD); ADJACENT TO BUT NOT NOW WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE, GEORGIA; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES as presented.

Motion made by Council Member Wangemann

Motion seconded by Council Member Thompson

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

Motion to approve the Ordinance 2021-08, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 7.01± ACRES TRACT LOCATED ON THE SOUTHWEST SIDE OF MABRY ROAD, BETWEEN OLD FLOWERY BRANCH ROAD AND CENTENNIAL DRIVE (A/K/A 3521 MABRY ROAD) AT THE TIME OF ANNEXATION AS LIGHT INDUSTRIAL, WITH CONDITIONS (L-I-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES with conditions as presented.

Motion made by Council Member Clay

Motion seconded by Council Member Brooks

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

Request from Scott Stringer to amend a portion of an existing Planned Unit Development (P-U-D) zoning totaling 57.29± acres located on the southwest side of the intersection of Mundy Mill Road and Millside Parkway and west of the intersection of Mountain View Road and Old Oakwood Road (a/k/a 0 Mundy Mill Road, SW and 0 Old Oakwood Road, SW). Ward Number: Four. Tax Parcel Number(s): 08-043-000-078 and 08-024-005-363. Request: Multi-family apartments and industrial / office / warehouse uses.

- ***Proposed Zoning Amendment Ordinance 2021-09***

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

Community and Economic Development Deputy Director Matt Tate reviewed the request noting the purpose of the request is to relocate and revise some of the planned uses. No additional square footage or units were being added to the plan. The Planning and Appeals Board and staff recommended approval with the following 32 conditions:

Transportation/Traffic

1. All road improvements associated within the scope of the proposed development shall be at the full expense of the developer(s). The scope of the development shall be defined as those roads/intersections directly within, adjacent to, and within 1,500 feet of the subject property as studied within the Traffic Impact Study (TIS) submitted with this application. These road improvements are to include additional signalization, turn lanes, widening of roads, striping, and signage as stated in the TIS. This may include all or portions of Mundy Mill Road, Meeks Road, Fairbanks Drive, Old Oakwood Road, Old Flowery Branch Road, and Mountain View Road. The cost of the required road improvements shall be prorated based on developed property values of the residential, commercial, retail, office and industrial properties.
2. The developer(s) shall work with the Georgia Department of Transportation, Hall County Traffic Engineering, the City of Oakwood, and the City of Gainesville Public Works Department to ensure that these improvements are performed in a timely manner so as to not conflict with any of the existing or planned road projects that are scheduled to take place outside the scope of the proposed development.
3. All sign locations, access point (new and existing) designations for *new* roads, sight distances, and sight triangles shall be reviewed and clarified, in the beginning stages of plans and submittals with GDOT and the Public Works Director so as to limit the number of access points in that area.
4. A signal warrant study will be required for the major intersections of internal streets within the development. If a signal light is warranted at a specific intersection, such installation shall be completed at the expense of the developer(s) and shall meet all specifications as determined by the Public Works Department. A signal light shall not be installed until traffic volumes actually meet the levels as determined by the warrant study.
5. The developer(s) shall meet with Public Works prior to initiating the final civil design to discuss a traffic calming plan. A traffic calming plan consisting of tools such as landscaped traffic circles at intersections, raised crosswalks, landscaped center medians, chicanes, or other measures that aid in keeping the average speed on residential streets approximately 25 mph or below shall be prepared and approved by

Public Works. Specific measures in the approved plan shall be constructed at the same time the streets are constructed.

6. All roads dedicated to the City of Gainesville shall meet City specifications, and all private roads shall be constructed with materials that meet City specifications.
7. All interpretations relating to transportation and/or traffic improvement conditions shall be subject to approval of the Gainesville Public Works Director.
8. The new four lane parkway as reflected on the site plan shall be constructed and designed so as to allow a connection to the Tumbling Creek Connector across Old Oakwood Road.

Development Standards

9. Sidewalks shall be required along both sides of the streets within the development and shall be a minimum of four feet (4') wide along streets classified as residential streets and six feet (6') wide along collector streets and streets in the commercial zones. Alternatively, sidewalks shall be permitted along one side of the street in parkway areas at a minimum width of eight feet (8') and a minimum of five feet (5') along roads classified as residential streets.
10. All proposed single-family lots within the development shall only be allowed to access new interior roads within the subdivision. Direct access shall not be allowed onto roads that existed prior to this development.
11. Access to all service areas adjacent to single-family detached homes, including dumpster pads, shall be limited to the hours of between 9:00 a.m. and 6:00 p.m., unless an emergency situation warrants access to these areas.
12. Upon completion of the development, no outside storage of any materials shall be allowed. No storage of hazardous chemicals, as listed in the Standard Fire Code, shall be permitted.
13. Outdoor lighting used in this development; be it for recreational, security or general purposes, shall be of non-spill design and placed in a manner so as to minimize direct visibility by adjoining or adjacent properties.
14. The proposed residential, office, commercial, and accessory structures shall be similar in scale and architecture to the elevation drawings and pictures as submitted with the application.
15. The subject property shall be developed substantially in accordance with the site plan with minor engineering deviations excepted. All site plan, architectural renderings, pedestrian/trail access plan, and traffic impact studies shall become a part of the annexation, zoning and rezoning ordinances.
16. The number of *single-family detached homes* shall not exceed 1208 units and shall contain a minimum of 1,500 square feet of heated space. Front facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The remaining three facades shall consist of these materials or cementeous siding such as hardiplank. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line and minimum lot width at right-of-way line of 20 feet, with the exception of Pod M of the concept plan which shall have a minimum lot width at the building setback line reduced to 50-feet.

Pod L of the concept plan dated 10/06/04 shall be the highest-end product proposed by the developer and shall contain a minimum of 1,800 square feet of heated space. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line, and minimum lot width at right-of-way line of 20 feet. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementeous siding such as hardiplank.

Each home within all single-family residential detached pods will have an attached garage for at least two cars. The front yard of each lot shall be sodded and planted with

at least one hardwood tree. Monument signage shall be used for the entrance to any detached single-family residential pod as per the attached site plan, and each entrance shall have plantings or other architectural accents.

17. The number of attached *single-family condominiums*, fee simple townhomes or apartments shall not exceed 1,235 total units to include a total of 775 units for Pod's C and I and 460 units for Pod's J and K. The minimum unit/lot width for each condominium or fee simple townhome unit shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. No fewer than three or more than ten condominium or fee simple townhome units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.
18. The height of an apartment building shall not exceed three stories, although $\frac{3}{4}$ splits will be allowed. Each apartment unit will contain a minimum of 650 square feet for Pod's C, I, J and K. Each unit shall have at least 1.75 parking spaces. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.
19. The subject property may be developed for up to 806,000 square feet of traditional office, mid-rise office, and office warehouse space. Within the 806,000 square foot maximum, commercial and retail uses may be allowed within Pods B and N. At no such time shall the maximum allowed square footage within those pods exceed what is specified on the approved concept plan. This space may be developed for these uses but sold in a condominium format. Height of such structures shall be limited to 3 stories from average finished grade. Parking spaces will be provided at a minimum ratio of 3.5 spaces per 1000 square feet of useable office space. Monument signage shall be required in any office pod as per Exhibit B, and lights shall be shielded and angled so as to minimize glare onto adjacent properties. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required.
20. The subject property may be developed for up to 170,000 square feet of industrial/office/warehouse space within Pod E and 580,000 square feet of commercial space within Pod I. The maximum height of any structure, excluding architectural accents; such as clocks, cupolas and bell towers; shall be 50 feet. Use of pitched roofs shall be encouraged. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required. Parking shall be provided at a minimum of four spaces per 1,000 square feet of space. Lights shall be shielded and angled so as to minimize glare onto adjacent properties, and dumpsters shall be screened. Under no circumstances shall the following uses be allowed: Pawn shops, adult entertainment, adult bookstores, extended-stay hotel, rooming house, or boarding house. Signage shall be as per the attached sign plan.
21. Architectural treatment shall be of consistent design throughout the community and as per the renderings.
22. A minimum of 100 acres shall be maintained as green space, with passive recreation and trails as per the plan. Sidewalks shall connect the residential and non-residential components of this community.
23. A Mandatory Property Owners Association will be created for the single-family detached community to insure that these conditions are observed during development and in terms of architectural consistency thereafter. Separate mandatory associations will be

set up for the single-family detached and single-family attached products to own and manage open space, common areas, and architectural controls. Open space elsewhere in the project shall be maintained as common area by the overall Property Owner's Association, or by a separate Association within whose boundaries the common area is located. Maintenance of the amenities package set forth on the site plan shall be the responsibility of the owners of single-family detached homes. However, at the option of those residents, memberships may be extended to other Mundy Mill residents for a fee to cover maintenance. Amenities packages also may be established in the individual townhome or apartment pods, but shall be the responsibility of the owners of land therein.

Buffers

24. A 100 foot wide buffer shall be provided against Balus Creek and all other blue-line streams. The first 50 feet of the buffer shall be measured from the top of the creek bank and shall be undisturbed. The remaining 50 feet of the buffer, if disturbed, shall be stabilized and replanted with vegetation subject to Planning Department approval.
25. A 25 foot minimum perimeter buffer will be created and infilled as necessary with plant material. However, this buffer will not be required along any Mundy Mill Road frontages. Landscaped buffers of at least 25 feet are also required along any road frontages.
26. Landscaped buffers of at least 25 feet also shall separate any non-residential pod or existing non-residential use from a residential pod. The buffer shall be subject to Planning Department approval.
27. All proposed detention ponds shall be sufficiently fenced and buffered from view from all roads and adjacent properties. All buffer materials shall be approved by the Planning Department.

Gainesville City Board of Education

28. As agreed to by the owner/developer, the 17.0 acre tract of land identified on the plat/site plan attached as Exhibit A shall be reserved for use as an elementary school site. At that time (or earlier at the owner/developer's discretion), and presupposing the School Board still wants the property for an elementary school, the owner/developer shall promptly convey to it, without charge. In the event the School Board does not secure a building permit and begin construction of an elementary school before December 31, 2012, then the developer shall retain all rights to development of the entire 17.0 acres tract as per the original terms of zoning approval except for this condition, and the School Board shall promptly convey marketable title to the property back to the owner/developer at no charge. Additionally, if no elementary school is actually constructed on this site by December 31, 2013, then the School Board shall return marketable title to the property to the developer without charge. The conveyance documents executed by the owner/developer to the School Board will contain these terms and requirements. This agreement to reserve the 17.0 acres tract shall not prohibit the owner/developer from including it in any plat it may prepare for its development of a single-family residential pod and also will allow the owner/developer to put on it any necessary utility or other storm water easements which may be required for the development as a whole, provided such improvements do not materially affect the Board's ability to use the site for a school. This agreement also shall not prohibit the owner/developer from earlier transferring the 17.0 acres site to the City to be held for the School Board, subject to the requirements of this paragraph. Finally, but for utility/drainage easements or right-of-way dedicated as part of the road system in or along the frontages of the Mundy Mill development, the owner/developer shall not be required to dedicate or give to the City of Gainesville any additional property incidental to this development. However, if the School Board fails to acquire this property, then the owner/developer shall convey three acres of land to the City for a public safety use.

Notwithstanding any of the foregoing, if at such time as the School Board has acquired the 17.0 acres site and is ready to begin feasibility assessments, and if the State Board of Education should determine that the site is not then suitable for use as a school under the applicable state standards, then the Board of Education may sell the 17.0 acres tract and retain the proceeds for use in purchasing an alternative site. Provided, however, that once an arms length transaction for a fair market value purchase of the site has been secured by the School Board, the owner/developer shall have a right of first refusal to repurchase the tract at the exact same purchase price. Provided further, that the proceeds from such sale must be expended on a new school site within 60 days of closing, otherwise it shall be remitted instantly to the owner/developer.

The City notes that this condition may be imposed only because the owner/developer has agreed to it.

Quality Enhancement

29. In order to further enhance and assure the quality of development, the City expects the developer shall perform/provide the following:
- Detailed landscape plan for parkway, subject to approval by the Department of Planning and Development.
 - Reconstruction of Mundy Mill as focal point for community, subject to approval of the Georgia Department of Transportation.
 - A minimum of two amenity locations shall be provided for the entire development of the detached single-family residential pods. At minimum the amenity sites shall include a pool house, swimming pool and playground.
 - Sidewalks and streetlights throughout community.
 - All products within the development shall contain exterior construction materials limitation; must use brick, masonry stucco, stacked stone, cedar shake, or hardiplank.
 - Open space - 18%.
 - Pedestrian trail plan (3.5± miles) connecting entire community.
 - Parkway plan sidewalk width sufficient to create a bicycle lane.
 - Every single-family home built on the subject property shall contain ceramic tiled bathroom floors.
 - Every single-family home shall be built to accommodate at least one fireplace.
 - No vinyl siding on any product within development excluding soffit areas.
 - Each pod of townhouses and apartments will have its own amenities package.
 - All underground utilities.
 - Uniform mailboxes will be provided for each detached single-family residential pod.
 - Uniform street signs will be provided throughout the development.
30. Along Balus Creek, the developer shall reserve for the City, by way of easement, a ten-foot strip of land for use as a bicycle path. At such time as the City or County constructs an element of its bike path system to which this easement might connect, the City and/or County, at its/their expense, may pave this strip. No development shall occur on the property which would interfere with the eventual construction of this path by the appropriate governmental entity, except for the boulevard which will cross the creek.
31. Prior to a land development permit application being submitted for the proposed Industrial/office/warehouse uses within Pod "E", the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.
32. A Traffic Impact Study shall be required with the submittal of the site plan review application for Pod "E" if determined necessary by the Gainesville Public Works Department Director. All access point design for the subject property shall require review and approval by Hall County and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal or any

additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.

City Attorney Hayes opened the floor for comments.

FAVOR

Billy Powell, 329 Oak Street, stated he represented the applicant and property owner noting he was available to answer any questions.

Upon inquiry from Council Member Wangemann, Mr. Powell stated this was a win-win for the community and the Developer.

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

Motion to approve the Ordinance 2021-09, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY AMENDING THE EXISTING PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c) ZONING ON A 57.29± ACRES PORTION OF THE 605± ACRES MUNDY MILL DEVELOPMENT CONSISTING OF POD E AND I LOCATED ON THE SOUTHWEST SIDE OF THE INTERSECTION OF MUNDY MILL ROAD AND MILLSIDE PARKWAY AND WEST OF THE INTERSECTION OF MOUNTAIN VIEW ROAD AND OLD OAKWOOD ROAD (A/K/A 0 MUNDY MILL ROAD, SW AND 0 OLD OAKWOOD ROAD, SW); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES with conditions as presented.

Motion made by Council Member Thompson

Motion seconded by Council Member Brooks

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

ADJOURNMENT: 5:55 PM

/ag

C. Danny Dunagan, Jr., Mayor

Denise O. Jordan, City Clerk