

COUNCIL PRESENT: Dunagan, Hamrick, Figueras  
COUNCIL ABSENT: Bruner, Wangemann  
STAFF PRESENT: Padgett, Sheppard, Palmour, Felts, Ligon, Jordan, Grayson

Mayor Dunagan called the meeting to order.

**INVOCATION:**

Reverend Calvin Haney, Saint Paul United Methodist Church, delivered the invocation after which the Pledge of Allegiance was recited in unison.

**CONSENT AGENDA:**

**Alcoholic Beverage License Applications:**

- A. Citgo Food Mart, 2127 Athens Highway  
New application for package sale of beer and wine.

**Motion to approve the application as presented.**

Motion made by Council Member Figueras  
Motion seconded by Council Member Hamrick  
**Votes favoring the motion: Dunagan, Hamrick, Figueras**  
**Absent: Bruner, Wangemann**

- B. Texaco Food Mart, 1860 Atlanta Highway  
New application for packaged sales of beer and wine.

**Motion to approve the application as presented.**

Motion made by Council Member Hamrick  
Motion seconded by Council Member Figueras  
**Votes favoring the motion: Dunagan, Hamrick, Figueras**  
**Absent: Bruner, Wangemann**

**Resolutions:**

- A. PR-2013-26 Acceptance of 2013 Community Development Block Grant (CDBG)  
Program Grant Number B-13-MC-13-0012  
B. PR-2013-27 FY2014 Water Main Extensions and Improvements Design and Bidding  
Services

**Motion to adopt the resolutions as presented.**

Motion made by Council Member Hamrick  
Motion seconded by Council Member Figueras  
**Votes favoring the motion: Dunagan, Hamrick, Figueras**  
**Absent: Bruner, Wangemann**

**Minutes:**

- A. June 18, 2013 Council Meeting
- B. July 2, 2013 Council Meeting
- C. July 16, 2013 Council Meeting

**Motion to approve the minutes accepting the edits as presented.**

Motion made by Council Member Figueras

Motion seconded by Council Member Hamrick

**Votes favoring the motion: Dunagan, Hamrick, Figueras**

**Absent: Bruner, Wangemann**

**PUBLIC HEARING:**

City Attorney Palmour reviewed the public hearing process and confirmed the applications had been advertised.

**Annexation/Zoning Items**

***Request from Robert Dimo to annex a 0.246± acre tract located northeast of the intersection of Browns Bridge Road and West End Avenue (a/k/a 489 and 507 West End Avenue, NW) and to establish zoning as General Business (G-B). Ward Number: Five. Tax Parcel Number(s): 00-124-002-001(part) and 002(part). Request: Retail jewelry store.***

Planning Manager Matt Tate stated the applicant wished to withdraw the application request.

**Ed Meyers**, Meyers and Company, 752 Chattahoochee Place, asked to withdraw the request because the property had already been annexed. They have already moved forward with the development.

**Motion to accept the request to withdraw the application.**

Motion made by Council Member Figueras

Motion seconded by Council Member Hamrick

**Votes favoring the motion: Dunagan, Hamrick, Figueras**

**Absent: Bruner, Wangemann**

***Request from OK Lake Lanier, LLLP to annex a 76.05± acres tract located on the southwest and southeast corner of the intersection of Browns Bridge Road and Montgomery Drive (a/k/a 3121 Browns Bridge Road and 3110 Montgomery Drive) and to establish zoning as Planned Unit Development (P-U-D). Ward Number: Four. Tax Parcel Number(s): 08-021-002-007 and 008. Request: Single-family residential subdivision.***

Planning Manager Matt Tate reviewed the application noting the request would expand the Cresswinds Subdivision to allow for an additional 151 lots. He used a PowerPoint to display the subject area. He shared details about the property then indicated the Planning and Appeals Board and staff recommended approval with twelve conditions. Mr. Tate reviewed the changes that were made to conditions 4, 6 and 8 at the staff level. He also indicated the applicant had requested a minor change to condition 4 to add language, i.e., "for other than clearing and

grading”, noting this would not allow them to build any infrastructure but would be for grading only.

**Conditions:**

1. The applicant's revised narrative, revised concept plan, revised survey, revised Architectural/Sign renderings, trail plan, landscape plan, and traffic impact study listing the detailed design standards and infrastructure improvements, subject to Georgia Department of Transportation (GDOT) approval or alternative requirements, shall be made a part of the zoning ordinance and listed as Exhibits "A" through "G".
2. An emergency access plan shall be prepared by the owner/developer for the proposed development addressing the location and accessibility of limited access points along Browns Bridge Road for public safety vehicles. The plan must be approved by the Georgia Department of Transportation (GDOT), Gainesville Public Works Department, and the City of Gainesville Fire and Police Departments.
3. The developer shall have the option of providing access to the property located on the south side of State Route 369 with either a bridge or tunnel connecting the north side of the highway, or as an at-grade intersection with the highway. The developer selected option shall be subject to the final approval of location and design by joint agreement of the Georgia Department of Transportation (GDOT) and the City of Gainesville Public Works Director. If an at-grade intersection is proposed, the owner/developer shall perform a new Traffic Impact Study and install a traffic signal if warranted by GDOT.
4. Prior to a development permit being issued for the subject property, the applicant/developer shall be required to perform an updated Traffic Impact Study for the project. The applicant shall coordinate with the Gainesville Traffic Engineer to determine the scope of the intersections that need to be studied. Any road or signalization improvements required by either the Georgia Department of Transportation (GDOT) and/or the City of Gainesville Public Works Department shall be the financial responsibility of the owner/developer.
5. The owner/developer shall work with the Planning Department to ensure that the aesthetics of the proposed overpass bridges, tunnel or at-grade intersection with State Route 369 are architecturally compatible with the proposed development.
6. The subject property shall have a minimum perimeter buffer area of 35 feet on its overall boundary lines to include those residential lots along Montgomery Drive. The minimum perimeter buffer area may be reduced administratively to 25-feet if the property boundary is bermed and replanted or an opaque fence or wall is erected, subject to Planning Department approval. Along Browns Bridge Road, a wall or berm shall be erected/planted between any houses/lots which adjoin Browns Bridge Road and its right-of-way. Internal to the property, a minimum 25-foot buffer is required along Ivy and Mill Roads. In addition, a 50-foot perimeter buffer shall be maintained along the boundaries of the subject property abutting and adjacent to Lake Lanier and Élan Holdings, Inc., located on the east side of the property, north of Browns Bridge Road and where pod F adjoins properties on Mill Lane, except where adjacent to the community amenity. This area is non-single family in nature and does not warrant single family type buffering. To the extent the buffer is disturbed by construction, these areas shall be replanted to the buffer standards as illustrated by the applicant's schematic Landscape Plan, (Exhibit "E") subject to Planning Department approval. The revised Concept Plan, (Exhibit "B") shall supersede the Landscape Plan, (Exhibit "E") in determining the buffer areas. The Landscape Plan shall only represent the typical landscaping/buffer materials used within the development.
7. The owner/developer shall disclose the existence of industrial activities from Elan Holdings, Inc. as part of the purchase/sale agreement with potential buyers. Said

disclosure shall state: "Owners, occupants, and users of property shown are hereby informed of the impacts associated with industrial practices by Elan Holdings, Inc. which may take place on nearby property. Therefore, owner, occupants and users of the property should be prepared to expect the effects of such practices."

8. A reduced house size of 1,250 square feet of heated floor space may be constructed on 237 lots within the development. These 237 lots may be located on any lot with the development with the exception of the lots fronting directly on Ivey Road. All remaining lots shall have a minimum heated floor space of 1,500 square feet.
9. The clubhouse may be built in phases and shall consist of a minimum of 25,000 square feet of heated interior space at build-out.
10. The 25,000 square foot clubhouse must be completed prior to the issuance of a land development permit for Phase III, the southern component of the development.
11. The existing partially completed bridge on Ivey Road must be completed prior to the issuance of a land development permit for Phase III, the southern component of the development. Specifically, the developer shall have 60 days from the zoning approval date to begin landscaping on both sides of the existing partially completed bridge.
12. The landscaping and buffers shall be maintained to the satisfaction of staff. Specifically, the grassed areas located along both sides of Ivey Road and Mill Road to the road edge and adjacent to the development shall be consistent with the buffer schematic plan approved with the original development. The buffer areas for the phase in which the buffer is located must be completed prior to the issuance of a Certificate of Occupancy for a single-family structure.

City Attorney Palmour opened the floor for comments.

FAVOR:

**Brian Rochester**, Rochester and Associates, 425 Oak Street, represented the applicant. He commented on Cresswinds being the number one selling community in all of Georgia and commented on recognitions received by the subdivision. He stated the proposal was an extension of what was already planned for this area. He also commented on future developments within the subdivision. They were asking for a change to condition 4 as reported by staff noting the reason was to stay ahead of the demand. It also protected what staff was trying to accomplish. Mr. Rochester reserved time to address concerns.

**Bob Rademacher**, 6835 Bucks Road, Cumming, stated he was excited about the expansion possibilities. He commented on the request to change condition 4 noting they would run out of lots at the current pace. They're planning ahead and have less than one year's supply of lots available at this time. He stated this was great for the residents because it will add another egress point which is good for evacuation situations. The income will generate over \$380,000 annually for the community. He asked for Council's consideration and thanked the City for its partnership.

OPPOSE

**Ken Stanford**, 3223 Montgomery Drive, stated the property in question was directly across the street from his home. He expressed a desire for an undisturbed buffer along Montgomery. He also expressed concerns about the traffic indicating Montgomery Drive was a high traffic shortcut. Mr. Stanford also commented on a couple of cuts into the woods that occurred recently.

REBUTTAL

Brian Rochester felt he understood the concerns. He commented on the undisturbed buffer concern noting they had double the required buffer. The goal was to leave natural buffers in place when possible and improve other areas where needed.

In regards to traffic, Mr. Rochester stated the entrance on Montgomery was not the main entrance. He felt the traffic study, the demographics of the buyers, and the expenditures for additional traffic improvements will yield a better post-development situation.

There being no other comments, the hearing was closed and the matter was returned to Council for a decision.

**Motion to hold first reading on Ordinance 2013-13**, AN ORDINANCE ANNEXING A 76.05± ACRES TRACT LOCATED ON THE SOUTHWEST AND SOUTHEAST CORNER OF THE INTERSECTION OF BROWNS BRIDGE ROAD AND MONTGOMERY DRIVE (A/K/A 3121 BROWNS BRIDGE ROAD AND 3110 MONTGOMERY DRIVE); 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. (Amendment to City Limit Boundary)

Motion made by Council Member Figueras

Motion seconded by Council Member Hamrick

**Votes favoring the motion: Dunagan, Hamrick, Figueras**

**Absent: Bruner, Wangemann**

**Motion to hold first reading on Ordinance 2013-14**, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 76.05± ACRES TRACT LOCATED ON THE SOUTHWEST AND SOUTHEAST CORNER OF THE INTERSECTION OF BROWNS BRIDGE ROAD AND MONTGOMERY DRIVE (A/K/A 3121 BROWNS BRIDGE ROAD AND 3110 MONTGOMERY DRIVE) AT THE TIME OF ANNEXATION AS PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (Amendment to Zoning Map), amending condition 4 to add "for other than clearing and grading".

Note

After the amendment, condition 4 would read as follows: Prior to a development permit being issued for the subject property, for other than clearing and grading, the applicant/developer shall be required to perform an updated Traffic Impact Study for the project. The applicant shall coordinate with the Gainesville Traffic Engineer to determine the scope of the intersections that need to be studied. Any road or signalization improvements required by either the Georgia Department of Transportation (GDOT) and/or the City of Gainesville Public Works Department shall be the financial responsibility of the owner/developer.

Motion made by Council Member Hamrick

Motion seconded by Council Member Figueras

**Votes favoring the motion: Dunagan, Hamrick, Figueras**  
**Absent: Bruner, Wangemann**

***Request from Curtis McGill to amend the existing Planned Unit Development (P-U-D) zoning on a 3.422± acres tract located south of the intersection of Enota Avenue and Yonah Avenue, and across from the intersection of Enota Avenue and Walker Street (a/k/a 1006 and 1012 Enota Avenue NE and 1271, 1285 and 1299 Yonah Avenue NE). Ward Number: Two. Tax Parcel Number(s): 01-075-001-021, 021A, 022, 023 and 024. Request: Assisted living facility.***

Planning Manager Matt Tate reviewed the application. Staff and the Planning and Appeals Board recommended approval with the following six conditions:

1. The proposed development shall meet the development standards as stated within the applicant's narrative with the exception that the exterior building materials shall include a mixture of brick, rock, stone or other cementitious siding materials subject to Community Development Department approval.
2. All vegetative and structural buffers as proposed along the perimeter of the subject property for the proposed development are subject to Community Development Department approval.
3. A minimum 4-foot wide sidewalk shall be provided along the south side of the right-of-way of Enota Avenue and Yonah Avenue in order to provide pedestrian access from the property to the nearby Riverside Park.
4. Access point design and sidewalk location and design along Enota Avenue and Yonah Avenue must be reviewed and approved by the Gainesville Public Works Department. All road and sidewalk improvements associated with access to the subject property shall be at the full expense of the developer.
5. The two proposed monument signs shall be limited to a height of six (6) feet in height and thirty-two (32) square feet in size with indirect lighting.
6. An updated as-built boundary survey/plat of the subject property shall be recorded for the proposed use prior to obtaining a Certificate of Occupancy.

City Attorney Palmour opened the floor for comments.

FAVOR

**Curtis McGill**, Snellville, introduced his sons, Curt and Max. He shared information about the proposal noting it was a facility for people who leave the active community. He felt it would have low impact on the community. He commented on the change in laws pertaining to elderly care facilities noting they are studying how to handle this issue because people are living longer.

**Curt McGill**, Atlanta, indicated this was a family business. They will be on site. They have a good record with the State of Georgia and the Veterans community. He felt it would be a good fit for the area.

**Max McGill**, Gainesville, stated he had spoken with several people in the hospital and they have expressed a need for this type of facility. They currently house eight people from Hall County at their Lawrenceville facility.

**Jean Cornett**, 1011 Enota, stated she was in favor of the project but was concerned about the traffic. She was unsure how delivery trucks would access the area and asked if anything could be done to help manipulate the turns.

Mr. McGill stated the entrance will be constructed wide enough to allow safe entrance/exit by trucks. Also, he indicated they will only have two deliveries per week.

There being no other comments, the hearing was closed and the matter was returned to Council for a decision.

**Motion to hold first reading on Ordinance 2013-15**, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY AMENDING THE EXISTING PLANNED UNIT DEVELOPMENT ZONING ON A 3.422± ACRES TRACT LOCATED SOUTH OF THE INTERSECTION OF ENOTA AVENUE AND YONAH AVENUE, AND ACROSS FROM THE INTERSECTION OF ENOTA AVENUE AND WALKER STREET (A/K/A 1006 AND 1012 ENOTA AVENUE NE AND 1271, 1285 AND 1299 YONAH AVENUE NE); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (Amendment to the Zoning Map) **with conditions**.

Motion made by Council Member Figueras

Motion seconded by Council Member Hamrick

**Votes favoring the motion: Dunagan, Hamrick, Figueras**

**Absent: Bruner, Wangemann**

***Request from the City of Gainesville to rename a 1.3174± acres right-of-way known as Kids Way to Gabriel Drive. Ward Number: Two. Request: Road name change.***

Planning Manager Matt Tate stated the City received a petition to rename Kids Way to Gabriel Drive. The road was renamed to Kids Way from Winn Dixie Drive by request of a daycare business that has since closed. There was no opposition. Staff and the Planning and Appeals Board recommended approval.

City Attorney Palmour opened the floor for comments. There being none, the hearing was closed and the matter was returned to Council for a decision.

**Motion to hold first reading on Ordinance 2013-16**, AN ORDINANCE TO RENAME THE 1.3174± ACRES (798± LINEAR FEET) OF RIGHT-OF-WAY KNOWN AS KIDS WAY, WHICH INTERSECTS THE SOUTH SIDE OF CLARKS BRIDGE ROAD, JUST EAST OF LIMESTONE PARKWAY, TO GABRIEL DRIVE.

Motion made by Council Member Hamrick

Motion seconded by Council Member Figueras

**Votes favoring the motion: Dunagan, Hamrick, Figueras**

**Absent: Bruner, Wangemann**

**OTHER BUSINESS:**

**Second Saturday Meeting**

Council Member Figueras announced the Second Saturday Meeting scheduled for August 10<sup>th</sup> and briefly reviewed the agenda items.

**Posting of Signs**

Council Member Figueras commented on signs throughout the City. City Manager Kip Padgett stated Code Enforcement would be asked to review this.

**Building Inspection Report**

Council Member Hamrick commented on the Building Inspection Services Report and the increased number of single family residential permits that were issued noting this indicated the economy was improving.

**Falcon's Night Under the Lights**

Mayor Dunagan stated Friday night with the Falcon's was exciting.

**ADJOURNMENT: 6:20 PM**

**DJ/ag**

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C. Danny Dunagan, Mayor

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Denise O. Jordan, City Clerk