

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

Mayor Dunagan called the meeting to order and served as the presiding officer.

Reverend Evelyn Johnson, Bethel AME Church, delivered the invocation after which the Pledge of Allegiance was recited in unison.

**PRESENTATION(S):**

**Proclamation: National Family Month**

Council Member Wangemann read the proclamation declaring November 2014 to be *National Family Month*. Bishop Robert Weaver and several members of the Church of Jesus Christ of Latter Day Saints were in attendance to accept the proclamation. Gifts were presented to the Mayor/Council Members. A brief overview on the history of family was provided.

**Presentation: Meritorious Service Award for Kelly Olson**

Interim Police Chief Carol Martin read the Meritorious Service Award certificate recognizing Corporal Kelly Olson for his life saving actions on August 15, 2014. She presented Corporal Olson with the certificate and a plaque. Chief Martin indicated this was Corporal Olson's second meritorious award. The Mayor and Council extended words of appreciation.

**CONSENT AGENDA:**

**Resolutions**

- A. BR-2014-40 Water Distribution System Interconnection Support Agreement between the City of Gainesville and White County Water & Sewerage Authority
- B. PR-2014-52 FY 15-16 Bureau of Justice Assistance Bulletproof Vest Partnership Grant Acceptance

City Manager Kip Padgett provided a brief overview of each resolution.

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

Motion made by Council Member Wangemann

Motion seconded by Council Member Figueras

**Votes favoring the motion: Hamrick, Figueras, Bruner, Wangemann, Couvillon**

**Minutes: September 2, 2014 Mayor/Council Meeting**

**Minutes: September 16, 2014 Mayor/Council Meeting**

**Minutes: October 7, 2014 Mayor/Council Meeting**

**Minutes: October 21, 2014 Mayor/Council Meeting**

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

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

**Votes favoring the motion: Hamrick, Figueras, Bruner, Wangemann, Couvillon**

**RESOLUTIONS:**

**BR-2014-41 Authorization to Execute Addendum to Corporate Golf Fee Agreement**

City Manager Kip Padgett stated the proposed resolution allowed the City to amend the corporate golf agreement with the Chattahoochee Country Club regarding operation of The Grill at the Golf Course. The State confirmed the current operator received the required licensing.

**Motion to adopt the resolution BR-2014-41 as presented.**

Motion made by Council Member Figueras

Motion seconded by Council Member Hamrick

**Votes favoring the motion: Hamrick, Figueras, Bruner, Wangemann, Couvillon**

**PUBLIC HEARING(S):**

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

**Annexation/Zoning Items**

***Request from Medical Arts Properties, LP to abandon a 0.58± acre (561± linear feet) portion of right-of-way known as Broad Street, intersecting Prior Street and Spring Street, and having a zoning classification of Planned Unit Development (P-U-D) and General Business (G-B). Ward Number: Three. Request: Abandonment of right-of-way.***

***The Planning and Appeals Board tabled this request until their February 10, 2015 meeting. No action required by Council.***

***Request from West Ahaluna, LLC to rezone a 31.93± acres tract located on the south side of Ahaluna Drive, having road frontage on the north side of West Lake Drive at its terminus (a/k/a 0 Ahaluna Drive NW and 1489 West Lake Drive NW) from Residential-I (R-I) to Planned Unit Development (P-U-D). Ward Number: One. Tax Parcel Number(s): 00-110-000-006 (Part); 01-110-001-006 (Part); 01-114-001-001 and 145. Request: Single-family subdivision.***

***Request from West Ahaluna, LLC to annex a 70.23± acres tract located on the north and south side of Ahaluna Drive, southeast of the intersection of Strickland Drive and Karen Lane (a/k/a 0 and 1817 Ahaluna Drive; 1982 Dawsonville Highway; 2208 Karen Lane; 2008, 2016 and 2029 Strickland Drive) and to establish zoning as Planned Unit Development (P-U-D). Ward Number: One. Tax Parcel Number(s): 00-109B-000-003A; 00-110-000-001, 005 (Part), 028(Part), 030, 031 and 032 (Part); 00-110A-004-001 (Part). Request: Single-family subdivision.***

Planning Manager Matt Tate reviewed the applications noting the proposed request consisted of an annexation with Planned Unit Development (PUD) zoning and rezoning property already within the City limits. The proposed development consisted of 219 single-family lots. Development of the subdivision would be completed in three phases over a 15-year period. Mr. Tate stated a traffic impact study was completed. Water/sewer/garbage service would be provided by the City of Gainesville. The Planning staff as well as the Planning and Appeals Board recommended conditional approval. The recommended conditions were noted as follows:

1. The development standards within the applicant's narrative, concept plan and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval. 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.
2. In order to allow for a minimum lot size of 10,000 square feet, the proposed residential homes shall meet the standards of an Infill Residential Development Project as defined within Chapter 9-10-12 of the Gainesville Unified Land Development Code.
3. The proposed single-family lots with road frontage on Ahaluna Drive shall have a minimum front yard setback of 25-feet.
4. The minimum heated floor space for the proposed homes shall be no less than 2,100 square feet.
5. The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. The owner / developer shall also construct additional bioretention facilities within the development to help further remove contaminants and sedimentation from Lake Lanier.
6. A temporary eyebrow cul-de-sac shall be constructed off of Ahaluna Drive across from Phase I of the development in order to provide for an adequate turn around for construction vehicles and other vehicular traffic. The cul-de-sac shall meet City of Gainesville standards and shall be at the expense of the developer. This cul-de-sac may be removed at the time the roads are completed for Phase II.
7. The owner / developer shall seek approval from the City of Gainesville, Hall County and the Corps of Engineers to improve the existing Ahaluna Drive cul-de-sac to provide for better turn around for emergency and utility vehicles. If approved, curb and gutter and sidewalks shall be extended to the Ahaluna Drive cul-de-sac. All road and traffic improvements to Ahaluna Drive shall be at the expense of the developer and shall meet the minimum standards of the City of Gainesville prior to acceptance.
8. The owner / developer shall seek approval at the start of Phase III from the Georgia Department of Transportation (GDOT), Hall County and the City of Gainesville to have a new Traffic Study to determine the need for an access road from the development to a determined location off of Dawsonville Highway (S.R. 53) to help alleviate additional traffic delays at the intersection of Ahaluna Drive and Dawsonville Highway. If determined necessary, the new road and all traffic improvements shall be constructed prior to Certificate of Occupancy being issued for homes within Phase III of the development. All road and traffic improvements shall be at the expense of the developer.
9. There shall be no access allowed onto West Lake Drive, within the Lakeshore Heights neighborhood.
10. There shall be no driveways allowed onto Ahaluna Drive for lots that have road frontage on any new proposed interior street. There shall be no driveways allowed onto Karen Lane or Strickland Drive.

11. The proposed 10,000 square foot amenity clubhouse shall be of residential scale to include a minimum 3:12 roof pitch and exterior facade materials similar in architecture to the proposed single-family homes.
12. All proposed signs shall meet the minimum standards of a Project Entrance Sign as identified within Section 9-18-7-9 of the Gainesville Unified Land Development Code. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.

He specifically mentioned conditions 2, 3, 4, 5, 6, 7, 8, 9, 10. Mr. Tate stated changes to the proposed PUD zoning and/or the zoning conditions would require the applicant to restart the entire public hearing process.

Council Member Hamrick expressed concern regarding the impact on traffic after the completion of Phase 1. He asked the Council to consider moving the construction of the second roadway (for access to Dawsonville Highway) so as to allow it to start at the beginning of Phase 2. Mr. Hamrick indicated this was the main concern of the residents in the area.

City Attorney Palmour opened the floor for comments.

FAVOR:

**Jim Walters, 311 Green Street**, represented the applicant, West Ahaluna, LLC. He presented and distributed handouts of the proposed amended conditions noting they were accepted by the applicant and Attorney for the homeowners. They were noted as follows (proposed changes in italics):

3. The proposed single-family lots with road frontage on Ahaluna Drive shall have a minimum front yard setback of 25 feet *and a minimum distance of 15 feet between houses. The lots in Phase 1 that back up to existing Lakeshore heights residences will have 20-foot rear setbacks. Covenants shall be put in place by the developer restricting the parking of boats, trailers and campers.*
5. The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. The owner / developer shall also construct additional bioretention facilities within the development *strategically designed and located to minimize sedimentation and to filter runoff from yards, pavement, and buildings, with the goal of minimizing the amount of unfiltered runoff, fertilizer, and other contaminants entering Lake Lanier from the development.*
6. A temporary eyebrow cul-de-sac shall be constructed off of Ahaluna Drive across from Phase I of the development in order to provide for an adequate turn around for construction vehicles and other vehicular traffic. The cul-de-sac shall meet City of Gainesville standards and shall be at the expense of the developer. This cul-de-sac may be removed at the time the roads are completed for Phase II. *All cul-de-sacs constructed or modified as part of the development shall meet City of Gainesville standards and the cul-de-sac at the end of Ahaluna Drive will be positioned (subject to Corps, county, and city approval, as needed) on the west side of the road, in approximately the current location of the existing cul-de-sac but positioned in a way that would minimize the impact to the lots of residents on the east side of the road.*
13. *The number of lots in the development shall not exceed 199.*

Mr. Walters stated the proposal was for a total of 199 lots indicating the applicant agreed to reduce the number of lots at the request of the homeowners in the area. He provided a brief overview of the proposed development noting it would occur in three phases. The price of the developed lots was currently estimated to range from \$400,000 to \$1.5 million. He also stated there would be no individual docks in the subdivision noting there would only be two community docks. Mr. Walters commented on having several meetings with the homeowners which included answering questions and providing explanations regarding the development. Concerns related to the conditions were addressed and have since been modified by the developer. Mr. Walters stated they have agreed to all requests except for the timing of the additional access route. Upon inquiry, he commented on the proposed timing of the second access route noting it was contingent upon the results of a traffic study. He compared the proposed development to the Cresswinds and Mundy Mill subdivisions noting it was much smaller than the other PUD subdivisions in the city and had less density than the Comprehensive Plan required. The development will meet all PUD requirements. There were no issues with storm water or septic systems, and there were no negative comments from the School Board. Mr. Walters commented on concerns with the developer getting "boxed in". He also commented on the magnitude of the expense involved with this development.

Council Member Hamrick commented on the cul-de-sac mentioned in condition #6 being in the County.

Upon inquiry, Jeff Ward, Traffic Engineer, addressed concerns surrounding accessibility of larger vehicles on the streets and the timing of the building of the access points.

Upon inquiry, Mr. Tate commented on and referenced the different phases of the development.

**OPPOSE:**

**Clyde Morris, 2375 Whipoorwill Lane**, stated he represented a group of constituents that live in the City and County. Upon his request, approximately 30 people stood as representatives. Mr. Morris stated his clients were not in opposition of the development. They opposed certain features and facets of the development. He expressed appreciation for the concessions made by the developer thus far. However, all issues had not been resolved. Density was the key issue. The reduction to 199 lots was appreciated; however they still felt there were too many lots. There were major concerns regarding traffic. He commented on the current zoning classification indicating the proposed development would change the character of the neighborhood dramatically. There were safety concerns related to ingress/egress for emergency vehicles. Mr. Morris stated another new fire station would have been helpful but it was taken off the table. He commented on environmental issues and the impact to the school system. Mr. Morris reviewed some of the traffic study and stated the results of the study did not make sense. He asked that the developer or city anticipate the traffic problems that would occur without improvements. He commented on the proposed road and bridge over Lake Lanier indicating he was not sure if they would occur. Mr. Morris expressed legal concerns and specifically referenced Georgia Code prohibiting the creation of unincorporated islands.

**REBUTTAL:**

Mr. Walters stated Phase 1 will have a cul-de-sac on Ahaluna Drive for construction traffic to turn around. Only Phase 1 can be constructed until the cul-de-sac at the end of the street is installed. The new street for Phase 1 will have a cul-de-sac. The traffic study was examined and approved by the City and the Georgia Department of Transportation. The Engineers have studied and deemed the intersection to be adequate for the development. Mr. Walters stated the

developer doesn't own property at the intersection of Dawsonville Highway and Ahaluna Drive. The developer could not donate or require anyone to do anything about the intersection. The developer has been a good neighbor through this process by making concessions. Mr. Walters felt this was a good proposal and asked that it be approved.

Mr. Morris stated the big issue was the traffic that had not been addressed. He commented on the cul-de-sac being in the county. Upon inquiry from Mr. Couvillon, Mr. Morris commented on the current maneuvering of the emergency vehicles in the neighborhood. He stated there were serious concerns surrounding the traffic and they were considering the possibility of doing their own traffic study. There were too many unanswered questions related to traffic. Mr. Morris stated his clients did not want to file a lawsuit. They want relief in regards to the traffic.

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

Upon inquiry from Council Member Hamrick, Mr. Tate stated the development would not create an island. There had been extensive research including discussion with a land law attorney.

Mr. Hamrick asked about the condition to donate one of the lots for a fire station. Mr. Tate confirmed this condition was deleted. It could not be a condition of zoning without the applicant's agreement because impact fees would be collected for the fire stations.

Mr. Tate also commented on how staff would address the proposed amendments if approved.

Mayor Dunagan confirmed the eyebrow cul-de-sac to be constructed off of Ahaluna Drive across from Phase 1 will be at the developer's expense.

Mr. Hamrick asked if the reduction in the number of lots would have a significant impact on the traffic.

**Motion to hold first reading on Ordinance 2014-26, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 31.93± ACRES TRACT LOCATED ON THE SOUTH SIDE OF AHALUNA DRIVE, HAVING ROAD FRONTAGE ON THE NORTH SIDE OF WEST LAKE DRIVE AT ITS TERMINUS (A/K/A 0 AHALUNA DRIVE NW AND 1489 WEST LAKE DRIVE NW) FROM RESIDENTIAL-I (R-I) TO 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) with amended conditions as presented.**

Motion made by Council Member Bruner

Motion seconded by Council Member Figueras

**Votes favoring the motion: Hamrick, Figueras, Bruner, Wangemann, Couvillon**

**Motion to hold first reading on Ordinance 2014-27**, AN ORDINANCE ANNEXING A 70.23± ACRES TRACT LOCATED ON THE NORTH AND SOUTH SIDE OF AHALUNA DRIVE, SOUTHEAST OF THE INTERSECTION OF STRICKLAND DRIVE AND KAREN LANE (A/K/A 0 AND 1817 AHALUNA DRIVE; 1982 DAWSONVILLE HIGHWAY; 2208 KAREN LANE; 2008, 2016 AND 2029 STRICKLAND 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 Wangemann

Motion seconded by Council Member Bruner

**Votes favoring the motion: Hamrick, Figueras, Bruner, Wangemann, Couvillon**

**Motion to hold first reading on Ordinance 2014-28**, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 70.23± ACRES TRACT LOCATED ON THE NORTH AND SOUTH SIDE OF AHALUNA DRIVE, SOUTHEAST OF THE INTERSECTION OF STRICKLAND DRIVE AND KAREN LANE (A/K/A 0 AND 1817 AHALUNA DRIVE; 1982 DAWSONVILLE HIGHWAY; 2208 KAREN LANE; 2008, 2016 AND 2029 STRICKLAND 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) **with amended conditions as presented.**

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

#### DISCUSSION:

Council Member Couvillon stated there had been several meetings regarding this request and a number of concessions were made by the developer. He understood there were two points of contention. He felt the Council had no recourse with a traffic study indicating the traffic was acceptable coupled with not receiving a response from the school board.

Council Member Wangemann indicated it was unusual to have opposition to residential developments. He commented on the city having high standards and felt the developer would comply with these standards to produce quality homes. Mr. Wangemann also felt great progress had been made between the developer and the residents of the community. This development would bring more jobs and more taxes. He was hopeful and optimistic that unanswered questions would be addressed at the appropriate time and in a satisfactory manner.

Council Member Hamrick agreed that traffic would be a problem. He suggested construction of a second entryway begin after Phase 1 was completed but before the start of Phase 2. He felt Phase 1 would increase traffic with no traffic improvements planned. He requested to amend the motion to include a condition providing a date certain for construction of the second entryway and specifically asked that the date be when the second phase is started.

Mr. Tate provided additional information in that Phase 1 consisted of the development of 60 lots.

**Motion to amend the condition to require construction of a second entryway off of Dawsonville Highway before Phase 3 begins.**

Motion made by Council Member Bruner

**The motion died due to lack of second.**

The Mayor called for a vote on the original motion.

**Votes favoring the motion: Hamrick, Figueras, Bruner, Wangemann, Couvillon**

**MANAGER ISSUES:**

City Manager Kip Padgett reported the executive session for litigation was rescheduled.

**ADJOURNMENT: 7:17 PM**

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C. Danny Dunagan, Jr., Mayor

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Denise O. Jordan, City Clerk