

First Reading: 06/06/2017
Passed: 06/20/2017

AN ORDINANCE

No. 2017-11

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA BY ESTABLISHING THE ZONING ON A 26.16± ACRES TRACT LOCATED EAST OF DAWSONVILLE HIGHWAY AND ON THE NORTH SIDE OF THE INTERSECTION OF STRICKLAND DRIVE AND SPORTSMAN CLUB ROAD, WITH ROAD FRONTAGE ON KAREN LANE (A/K/A 0 AND 2209 KAREN LANE; 2106, 2234 AND 2242 SPORTSMAN CLUB ROAD; AND 2049 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)

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

Development Standards

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. The approved use for the property shall be limited to an active adult community for seniors not to exceed 90 terrace homes / townhome units as stated within the applicant's revised concept plan and narrative.
3. The development shall comply with applicable U. S. Department of Housing and Urban Development (HUD) rules for age-restricted communities. The organization established for the management of the development shall comply with HUD rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.

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4. A minimum 50-foot perimeter buffer shall be required against all adjacent roads and the adjacent private properties. The exterior 25 feet of this perimeter buffer will be undisturbed, except where disturbance is required for erosion control, storm water management, or the installation of utilities; the interior 25 feet of this buffer may be graded and replanted. Any additional plantings required will be in accordance with City of Gainesville's Buffer Standards. The Community Development Director shall have the final determination on the number, location and type of trees to be planted, as required by Article 9-16 of the Unified Land Development Code.
5. The minimum heated floor space for the terrace homes / townhomes shall be 1,100 square feet.
6. Covenants shall be put in place by the developer restricting against the parking of boats, trailers, and campers within driveways.
7. The proposed amenity clubhouse shall include a minimum 3:12 roof pitch and exterior facade materials shall be similar in architecture to the proposed terrace homes / townhomes.
8. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Gainesville Community Development Director. All signs associated with residential uses shall be limited to indirect lighting. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.
9. The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. Storm water management for the development must provide water quality treatment for no less than 110% of the State required treatment volume. The City of Gainesville shall approve the final design of all water quality measures.

Transportation / Traffic

10. Prior to the issuance of a land disturbance permit, the developer shall provide a signal warrant analysis be performed per Georgia Department of Transportation (GDOT) standards for the following intersection:
 - a. Dawsonville Highway (SR 53) at Sportsman Club Road

All costs associated with the signal warrant analysis study and, if warranted by such study, any costs associated with the installation of a traffic signal and intersection improvements shall be at the full expense of the developer.

11. The developer shall perform the following traffic improvements identified within the Summary of Study Findings and Recommendations as stated within the revised Traffic Impact Study, dated April 7, 2017, for the proposed development:
 - a. Dawsonville Highway (SR 53) at Sportsman Club Road; add a northbound exclusive right turn lane on Dawsonville Highway (SR 53).

The developer shall coordinate these improvements with GDOT and the Gainesville Public Works Director prior to permitting. The Gainesville Public Works Director and GDOT shall have the final determination of the time line of these improvements based on the developer's proposed construction schedule. All costs associated with the improvements shall be at the full expense of the developer.

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- 12. Prior to the issuance of a land disturbance permit, the developer shall evaluate, design and construct the left turn lane on Dawsonville Highway (SR 53) and Sportsman Club Road to meet GDOT storage and design requirements. If the existing left turn lane at this location meets these requirements, this condition will be deemed satisfied.**
- 13. Prior to the issuance of a land disturbance permit, the intersection of Strickland Drive, Karen Lane and the new access road to the proposed development shall be redesigned to include realignment for better traffic circulation, and to meet current roadway design criteria. The improvements shall be completed prior to permitting direct access from the development onto Karen Lane and Strickland Drive and prior to the construction of the most northern Pod of terrace and cottage homes. All costs associated with the improvements shall be at the full expense of the developer.**
- 14. All new streets shall meet the standards within the current Gainesville Unified Land Development Code. All proposed residential uses and amenities shall provide for pedestrian connectivity throughout the development. All costs associated with the improvements shall be at the full expense of the developer.**
- 15. Prior to the issuance of a land disturbance permit, the developer shall seek documentation from Hall County to verify that no improvements will be required to the intersection of Sportsman Club Road and Strickland Drive.**
- 16. Access to the development shall be from either Strickland Drive or Karen Lane; provided that if the application to annex and rezone the adjacent 188.78± acres tract zoned Planned Unit Development (P-U-D) submitted concurrently with this application is not approved, access to this development shall be from Strickland Drive. In either case, there shall be no driveways from individual homes allowed onto Sportsman Club Road, Strickland Drive or Karen Lane.**

Legal Description

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lots 161 and 174, of the 9th District Hall County, Georgia, being more particularly described as follows:

Commencing at a Point of Beginning formed by the intersection of the Northern right of way of Strickland Drive and the Eastern right of way of Sportsman Club Road; proceed thence along the northern right of way of Sportsman Club Road North 01 Degrees 52 Minutes 49 Seconds West a distance of 104.27 feet to a Point; Thence North 40 Degrees 41 Minutes 42 Seconds East a distance of 63.56 feet to a Point; Thence leaving the northern right of way of Sportsman Club Road North 38 Degrees 33 Minutes 40 Seconds East a distance of 67.92 feet to a Point; Thence North 19 Degrees 50 Minutes 03 Seconds East a distance of 55.17 feet to a Point; Thence North 05 Degrees 05 Minutes 36 Seconds East a distance of 146.71 feet to a Point; Thence North 40 Degrees 01 Minutes 34 Seconds West a distance of 134.21 feet to a Point; Thence North 16 Degrees 22 Minutes 12 Seconds East a distance of 88.48 feet to a Point; Thence North 05 Degrees 38 Minutes 20 Seconds East a distance of 49.24 feet to a Point; Thence North 04 Degrees 58 Minutes 06 Seconds West a distance of 37.69 feet to a Point; Thence North 07 Degrees 26 Minutes 03 Seconds West a distance of 169.49 feet to a Point; Thence South 75 Degrees 58 Minutes 36 Seconds West a distance of 19.54 feet to a Point located on the eastern right of way of Sportsman Club Road; Thence along a curve to the left having a radius of 190.02 feet and a chord direction of North 11 Degrees 59 Minutes 21 Seconds East and a chord length of 41.57 feet and an arc length of 41.65 feet along said curve;

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Thence along a curve to the left having a radius of 237.42 feet and a chord direction of North 08 Degrees 00 Minutes 52 Seconds West and a chord length of 89.73 feet and an arc length of 90.27 feet along said curve; Thence leaving the eastern right of way of Sportsman Club Road North 59 Degrees 56 Minutes 16 Seconds East a distance of 68.82 feet to a Point located on the Land Lot Line common to land Lots 161 and 174; Thence along said land Lot Line North 30 Degrees 49 Minutes 32 Seconds West a distance of 60.01 feet to a Point; Thence leaving said Land Lot Line North 60 Degrees 18 Minutes 36 Seconds East a distance of 91.64 feet to a Point; Thence North 60 Degrees 18 Minutes 36 Seconds East a distance of 99.33 feet to a Point; Thence North 60 Degrees 26 Minutes 47 Seconds East a distance of 100.23 feet to a Point; Thence North 60 Degrees 22 Minutes 29 Seconds East a distance of 194.57 feet to a Point; Thence North 60 Degrees 24 Minutes 20 Seconds East a distance of 337.51 feet to a Point; Thence South 60 Degrees 37 Minutes 15 Seconds East a distance of 338.29 feet to a Point; Thence South 30 Degrees 25 Minutes 32 Seconds East a distance of 194.70 feet to a Point; Thence South 59 Degrees 37 Minutes 29 Seconds West a distance of 400.01 feet to a Point; Thence South 29 Degrees 59 Minutes 40 Seconds East a distance of 154.91 feet to a Point; Thence South 59 Degrees 15 Minutes 19 Seconds West a distance of 161.84 feet to a Point; Thence South 31 Degrees 14 Minutes 22 Seconds West a distance of 162.21 feet to a Point; Thence South 28 Degrees 52 Minutes 26 Seconds East a distance of 580.51 feet to a Point located on the western right of way of Karen Lane; Thence South 07 Degrees 01 Minutes 32 Seconds East a distance of 21.97 feet to a Point; Thence along a curve to the left having a radius of 381.37 feet and a chord direction of South 11 Degrees 55 Minutes 32 Seconds East and a chord length of 44.99 feet and an arc length of 45.02 feet along said curve; Thence along a curve to the left having a radius of 164.51 feet and a chord direction of South 20 Degrees 57 Minutes 18 Seconds East and a chord length of 35.42 feet and an arc length of 35.49 feet along said curve; Thence South 29 Degrees 09 Minutes 24 Seconds East a distance of 65.68 feet to a Point; Thence South 28 Degrees 51 Minutes 27 Seconds East a distance of 56.99 feet to a Point; Thence South 27 Degrees 53 Minutes 34 Seconds East a distance of 14.69 feet to a Point; Thence along a curve to the right having a radius of 75.59 feet and a chord direction of South 19 Degrees 30 Minutes 52 Seconds East and a chord length of 32.32 feet and an arc length of 32.57 feet along said curve; Thence along a curve to the right having a radius of 19.90 feet and a chord direction of South 19 Degrees 04 Minutes 43 Seconds West and a chord length of 12.58 feet and an arc length of 12.79 feet along said curve; Thence along a curve to the right having a radius of 72.45 feet and a chord direction of South 47 Degrees 14 Minutes 18 Seconds West and a chord length of 17.78 feet and an arc length of 17.83 feet along said curve; Thence South 52 Degrees 46 Minutes 58 Seconds West a distance of 1.61 feet to a Point; Thence leaving the western right of way of Karen Lane North 28 Degrees 35 Minutes 50 Seconds West a distance of 107.48 feet to a Point; Thence South 58 Degrees 45 Minutes 57 Seconds West a distance of 179.19 feet to a Point located on the northern right of way of Strickland Drive; Thence along a curve to the left having a radius of 262.32 feet and a chord direction of North 87 Degrees 06 Minutes 53 Seconds West and a chord length of 25.48 feet and an arc length of 25.49 feet along said curve; Thence South 88 Degrees 25 Minutes 25 Seconds West a distance of 10.62 feet to a Point; Thence North 29 Degrees 29 Minutes 45 Seconds West a distance of 10.85 feet to a Point; Thence South 89 Degrees 38 Minutes 52 Seconds West a distance of 19.25 feet to a Point; Thence South 85 Degrees 55 Minutes 28 Seconds West a distance of 24.20 feet to a Point; Thence along a curve to the right having a radius of 191.64 feet and a chord direction of North 84 Degrees 13 Minutes 43 Seconds West and a chord length of 47.28 feet and an arc length of 47.40 feet along said curve; Thence North 77 Degrees 07 Minutes 41 Seconds West a distance of 90.43 feet to a Point; Thence along a curve to the right having a radius of 153.21 feet and a chord direction of North 67 Degrees 02 Minutes 01 Seconds West and a chord length of 65.04 feet and an arc length of 65.54 feet along said curve; Thence South 35 Degrees 13 Minutes 15 Seconds West a distance of 10.00 feet to a Point; Thence North 53 Degrees 44 Minutes 51

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Seconds West a distance of 5.88 feet to a Point; Thence North 44 Degrees 25 Minutes 57 Seconds West a distance of 22.63 feet to a Point; Thence North 43 Degrees 04 Minutes 51 Seconds West a distance of 57.72 feet to a Point; Thence along a curve to the left having a radius of 532.11 feet and a chord direction of North 46 Degrees 19 Minutes 06 Seconds West and a chord length of 60.10 feet and an arc length of 60.14 feet along said curve; Thence North 51 Degrees 13 Minutes 53 Seconds West a distance of 60.13 feet to a Point; Thence along a curve to the left having a radius of 985.27 feet and a chord direction of North 53 Degrees 01 Minutes 08 Seconds West and a chord length of 61.47 feet and an arc length of 61.48 feet along said curve; Thence North 56 Degrees 18 Minutes 03 Seconds West a distance of 33.11 feet to a Point; Thence along a curve to the left having a radius of 151.77 feet and a chord direction of North 62 Degrees 21 Minutes 01 Seconds West and a chord length of 31.99 feet and an arc length of 32.05 feet along said curve; Thence along a curve to the left having a radius of 181.63 feet and a chord direction of North 86 Degrees 14 Minutes 10 Seconds West and a chord length of 111.27 feet and an arc length of 113.08 feet along said curve; Thence South 69 Degrees 46 Minutes 36 Seconds West a distance of 172.17 feet to a Point being the Point of Beginning.

Tract contains 26.16 acres more or less.

The annexation is to include all that portion of right-of-way known as Karen Lane located between the subject property and the existing city limits of Gainesville.

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.

SECTION V.

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

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C. Danny Dunagan, Jr., 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:


Denise O. Jordan, City Clerk

