



**City of Flowery Branch
City Council Meeting
Thursday, February 18, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch GA, 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

UNFINISHED BUSINESS - WORK SESSION:

- Consider a Conditional Use Permit (CUP) submitted by Jeremy Crosby, JPC design and Construction, LLC. to build and operate a car wash in the Highway Business District zoning district.
[Application January 7 CC.pdf](#)
[Staff report.pdf](#)
[Resolution 200-027.pdf](#)
[Staff Report - VARIANCE.pdf](#)
[Powerpoint for Car Wash CUP.pptx](#)
- First Reading of Ordinance 2020-623 a rezoning application submitted by Mr. Bret Clark.
[FB McEver Concept & Elevations Compressed.pdf](#)
[Combined Files Bret Clark.pdf](#)
[Staff Report Bret Clark McEver Mixed-Use.pdf](#)
[UPDATED site plan for Feb 4](#)
[Council Questions for Feb 4.pdf](#)
[Ordinance 20-623 Bret Clark McEver-Gainesville.docx](#)
- Consider variance requests for 6026 Lights Ferry Road, 6040, 6041, and 6043 Morrow Drive submitted by Mr. Chris Hill of Hillgrove Homes
[Variance Application.pdf](#)
[Variance Staff Report .pdf](#)
[Combined Ordinances First Draft.pdf](#)

NEW BUSINESS -WORK SESSION:

DEPARTMENT REPORTS:

- City Manager Report
- City Clerk Report
- Finance Monthly Department Report
[FINANCE Feb 2021.pdf](#)
- Planning and Development Monthly Department Report
[PCD Feb 21.pdf](#)
- Police Monthly Department Report

[PD Feb 2021.pdf](#)

- Public Works Monthly Department Report
[PUBLIC WORKS - Feb 2021.pdf](#)
- Water/Wastewater Monthly Department Report
[WWW Feb 2021.pdf](#)
- Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider January 21, 2021 Meeting Minutes
[January 21, 2021 Council Meeting Minutes.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

- Consider a Conditional Use Permit (CUP) submitted by Jeremy Crosby, JPC design and Construction, LLC. to build and operate a car wash in the Highway Business District zoning district.
[Application January 7 CC.pdf](#)
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NEW BUSINESS - VOTING SESSION:

EXECUTIVE SESSION:

ADJOURNMENT:

If you have a disability or impairment and need special assistance please contact the City Clerk prior to the meeting at 770-967-6371 - Meeting agenda is subject to change



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a Conditional Use Permit (CUP) submitted by Jeremy Crosby, JPC design and Construction, LLC. to build and operate a car wash in the Highway Business District zoning district.

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

A variance (see attached "staff report - VARIANCE") was applied for and granted by Council in October of 2018. This was a request to allow the gas pumps to be located in the front of the primary structure. During the variance process Council was shown a site plan detailing the proposed development. The development included a convenience store, gas pumps, a Burger King, and a car wash. The car wash requires a conditional use permit (CUP) in Highway Business (HB) zoning. This is the CUP request for the car wash portion of the project. The project is currently in the land development phase and has submitted and received approval for the convenience store/Burger King building.

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

It is staff's recommendation the CUP request to construct and operate a car wash submitted by Mr. Jeremy Crosby should be approved.

SAMPLE MOTION:

I make a motion to approve the first reading of resolution 20-027 as presented and conditioned by staff.

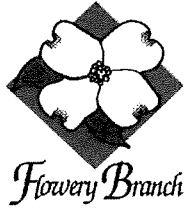
COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Application January 7 CC.pdf](#)
- [Staff report.pdf](#)
- [Resolution 200-027.pdf](#)
- [Staff Report - VARIANCE.pdf](#)
- [Powerpoint for Car Wash CUP.pptx](#)



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: 11-11-2020

Address of Request:

#5846 Phil Niekro Blvd., Flowery Branch,
GA 30542

Tax Map # 08114 002025 and 002030 Current Zoning: HB

Is this site located within the boundaries of the historic district? NO

Currently a conforming use? yes

Any conditions of zoning, CUP's, etc.? NO, Variance - yes

Applicant Information

Applicant: Jeremy Crosby, JPC Design and Construction, LLC

Address: P.O. Box 710, Jackson, GA 30233

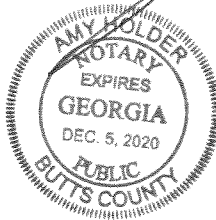
E-mail address: jcrosby@jonespetroleum.com

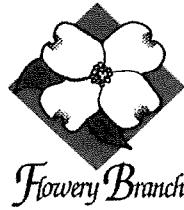
Phone number: 770-775-2386 office, 770-560-3527 cell

Signature: _____

Notary Seal:

Amy Holder





Property owner Information

Property owner (please print): William B. Jones

Address: 264 Alabama Blvd., Jackson GA 30233

E-mail address: bjones@jonespetroleum.com

Phone number: 770 - 775 - 2386

Signature: [Handwritten Signature]

Notary Seal:

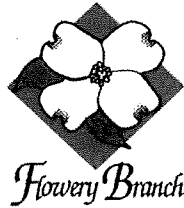
Dana Knight



Applicant Information Required at Time of Submittal

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

- Payment of \$350.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Detailed description of request
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

N/A

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

N/A

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

N/A

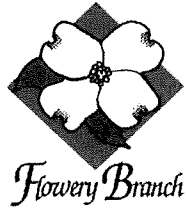
Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

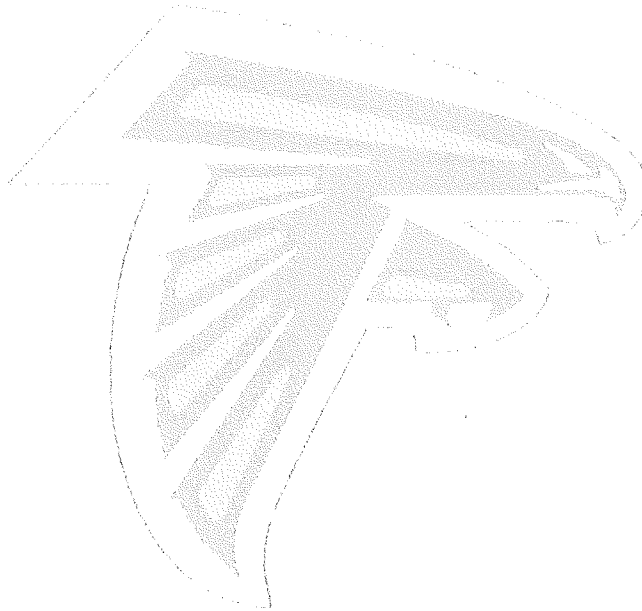
N/A



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____



JPC Design and Construction, LLC
264 Alabama Blvd.
P.O. 710
Jackson, Georgia 30233

11/11/20

Mr. Rich Atkinson, Director
City of Flowery Branch Planning and Community Development
PO Box 757
5410 Pine St.
Flowery Branch, Georgia 30542

RE: Conditional Use Written Analysis and Detailed Description, Car Wash, 5840 Phil Niekro Blvd., Flowery Branch, Georgia.

Mr. Atkinson,

In consideration of Conditional Use for a Car Wash located at 5840 Phil Niekro Blvd., we ask that you consider these factors as they bear a reasonable relationship to the public health, safety, morality, and general welfare to the City of Flowery Branch.

We are proposing a Car Wash adjacent to the Jones Petroleum Convenience Store and Burger King. The Car Wash will have a proposed 3,400 SF building with 17 parking spaces with vacuum and detail stations. There will be access to enter the car wash from the front of the property, and the exit of the car wash will be in the rear of the property. We will adhere to all City Ordinances and Regulations, and all buildings will be architecturally compatible with the other buildings on our property.

Attached are criteria for consideration for the Zoning Administrator to make recommendations for the Governing Body.

- A. Whether the conditional use proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The existing uses of the adjacent and nearby properties are mixed highway commercial in general. The current zoning of our property is HB with a proposed convenience store and gas station with a Burger King attached and an out parcel for a future Car Wash. We are located directly at the intersection of I-985, which is a major commercial intersection. This Conditional Use should be suitable in view of the use and development of adjacent properties. The proposed building will be architecturally compatible with the convenience store and Burger King currently under construction.

- B. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposal will not adversely affect the existing use or usability of adjacent or nearby property. The proposal has adequate setback and inter parcel access and vehicular circulation into and out of the site, both in the front and rear of the property. There will be vacuum and detail stations on site as well. Vehicles will be able to enter the car wash in the front access and exit in the rear and there is a travel lane that circles behind the convenience store and Burger King where vehicles can exit onto Holland Dam Rd.

- C. Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.

A Conditional Use permit is required by the City of Flowery Branch in order to have a car wash use on the site. The site lends itself very well for the layout of the car wash. It is a small site, so commercial uses are limited for the parcel.

- D. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed use will not cause excessive or burdensome use of streets, as there is adequate interior circulation on site to handle traffic flow. There are three access points into and out of the property already, as well as an existing red light at the intersection of Phil Niekro Blvd. and Holland Dam Rd. All utilities are available to the site as well. And there should be no impact on schools, as the request is commercial in nature.

- E. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

The proposal is in conformity with the policy and intent of the comprehensive plan. The Character area map shows this site as an Activity Center with retail business, services, and complimentary uses being allowed. A car wash would meet this requirement and a service and complimentary use. Also we will adhere to all regulations and City Design Standards.

- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

There are no other existing or changing conditions affecting the use and development of the property.

- G. Existing use(s) and zoning of the subject property and nearby properties.

Existing zoning of the property and nearby properties are all HB (highway business). Existing uses of the subject property are a convenience store and Burger King and an undeveloped commercial parcel. There is a hotel to the south, and commercial shopping centers with retail business and restaurant uses to the north and east of the property.

- H. Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district, if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification.

The property is currently zoned HB and had an existing Marathon Station with Subway on it. The property has been redeveloped to include a new Jones Petroleum convenience store with Burger King and now a proposed car wash. This has all been done to enhance the property and bring it to current development standards with adjoining property.

- I. Whether the proposed zoning map amendment of conditional use approval will be a deterrent to the value of improvement of development of adjacent property in accordance with existing regulations.

We do not feel that the conditional use approval will place a negative impact on adjacent property. It should have a positive impact.

- J. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

This does not apply.

- K. Possible effects of the change in zoning district map, or change in use, on the character for a zoning district.

There is no change in zoning requested.

- L. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

The current convenience store and Burger King has been designed to handle all storm water drainage for the entire property, including the proposed car wash. There will be minimal impact on the environment, as we will adhere to all of the City's sediment and erosion control ordinances during and after construction in complete.

- M. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.

We feel that the request is compatible with the overall zoning scheme and purpose of the Zoning Ordinance.

Your consideration in this proposal is greatly appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike Horne", followed by a long horizontal line extending to the right.

Mike Horne, Project Manager
JPC Design and Construction, LLC

03854
0243

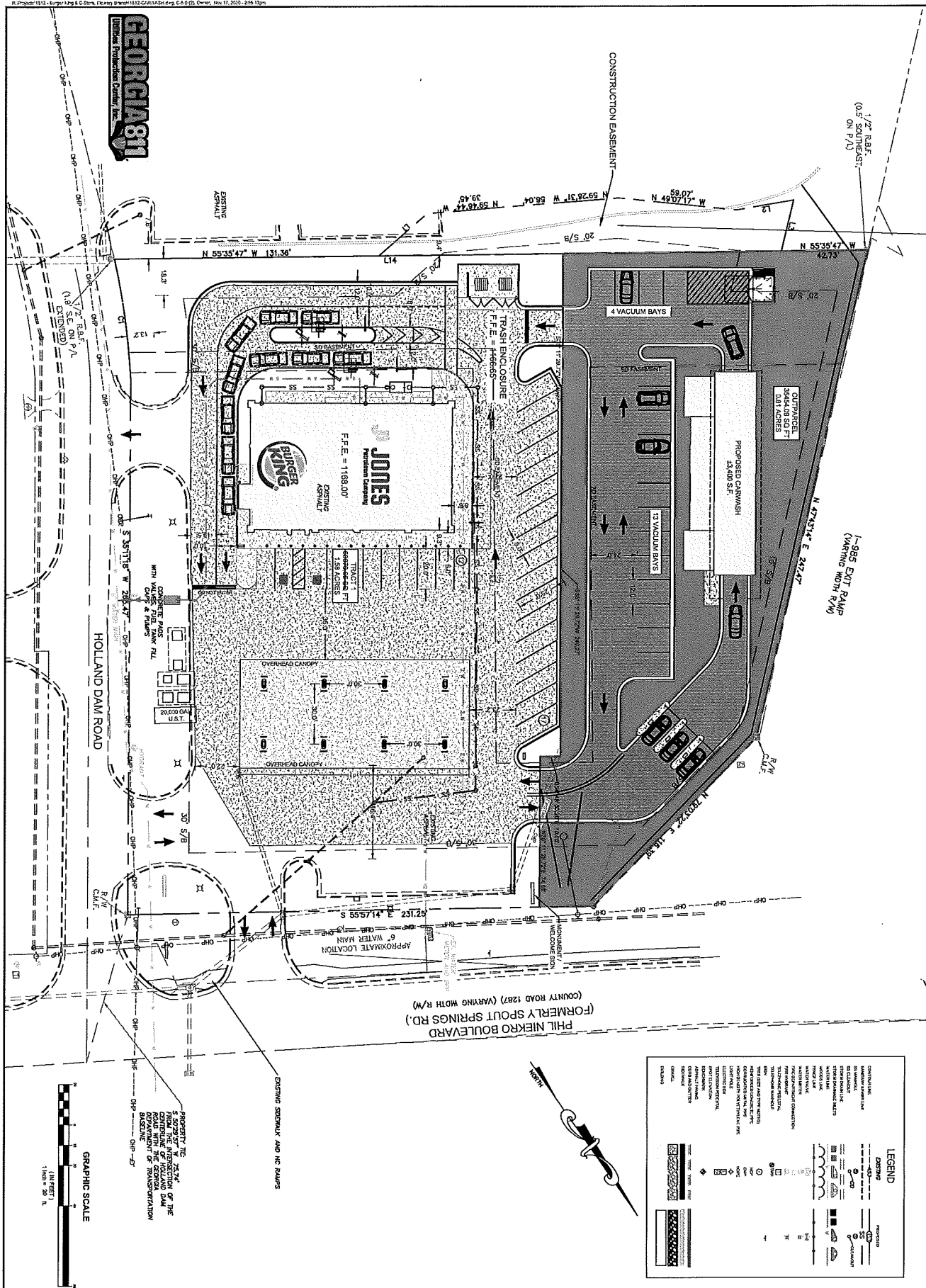
000243

TRACT D

BEGINNING at an iron pin running in a direction South 26 degrees 08' 11" West a distance 0.86 feet, thence North 52 degrees 13' 35" West a distance 130.91 feet, thence North 57 degrees 36' 27" East a distance 21.26 feet, thence South 52 degrees 13' 35' East a distance 120.08 feet rounding a curvature of 368.49' in Radius, 19.46' in Length, Chord of 19.46', and a CH. Bearing of South 27 degrees 34' 21" West to said point of beginning. Said tract containing 0.058 acres.

This property is made subject to all easements, right-of-ways, set backs, ordinances, and restrictions of record.

docno.12073





Applicant: Jeremy Crosby, JPC Design and Construction, LLC.

Property Owner: William B. Jones

Subject Property: 5840 Phil Niekro Blvd.; Parcel # 08114 002025 & #08114 002030

Request: Conditional Use Permit (CUP) to construct and operate a car wash in HB zoning

Current Use: Vacant with an approved LDP and building permit for a Burger King/gas station

Character Area: Activity Center

Code:

Per the City of Flowery Branch Zoning Ordinance an HB zoned property who wishes to operate a car wash is required to obtain a conditional use permit.

Sec. 9.4. - HB, Highway Business District.

Purpose and Description . This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.

Character . This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.

Permitted and Conditional Uses . Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

Dimensional Requirements . Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."



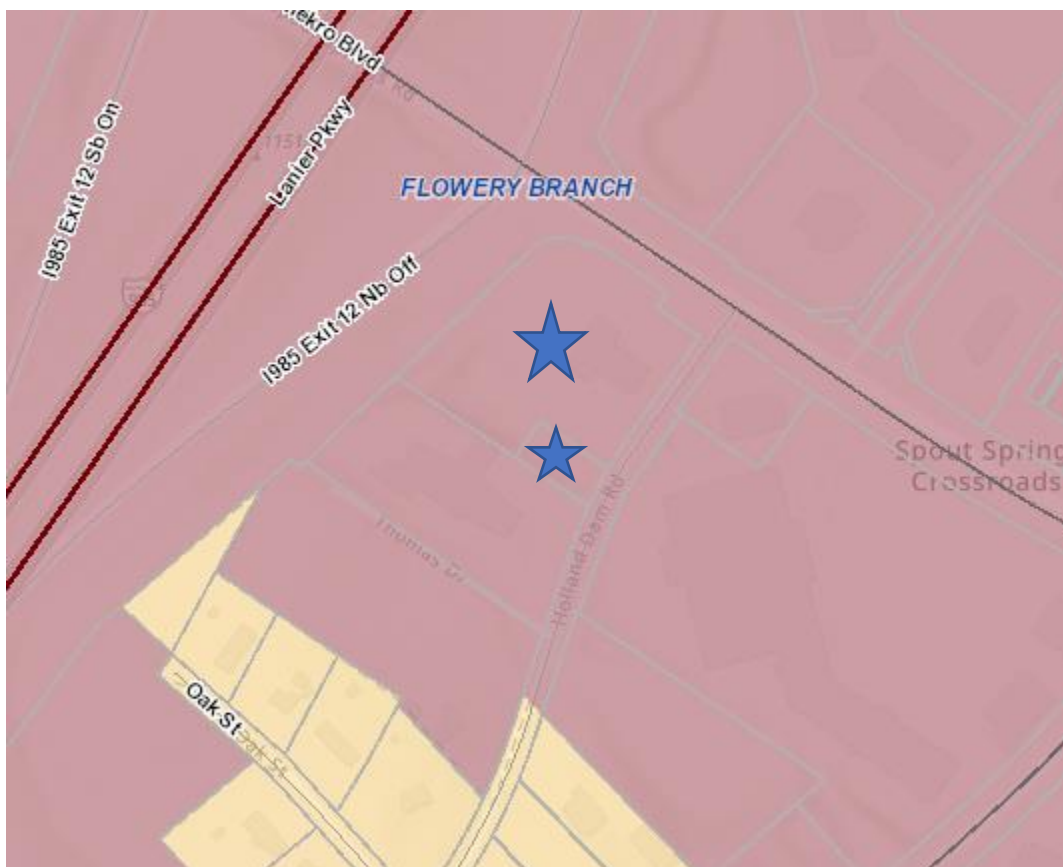
Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C
Auction house or auction yard (excluding livestock)	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	X	X	P	P	P	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sect. 14.3) (Ord. 348-11)	P	P	C	P	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	C	P	X	C	C
Club, private (Ord. 348-11)	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P



Property:

The subject property is located at 5840 Phil Niekro Blvd; tax parcel identification numbers 08114 002025 & 08114 002030. The property is currently zoned Highway Business (HB).





Previous case for this site approved on October 4, 2018.

VARIANCE STAFF REPORT

Applicant is JPC Design and Construction/Steven Rowland of Rowland Engineering.

Variance from the requirements set forth in the City of Flowery Branch Zoning Ordinance; Article 10, Development Requirements and Guidelines section 10.9 (f):
Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.

Applicant believes they meet the criteria for granting a variance per Article 37, section 37.5 of the Flowery Branch Zoning Ordinance (see attached application).

Staff believes if Mayor and Council decides to grant the request allowing the gas pumps to be located in front of the principal structure the following conditions should be applied:

1. Landscaping plan shall be submitted to staff for review. A heavy buffer shall be provided along Phil Niekro Boulevard.
2. Lighting plan shall be submitted to staff for review.
3. Comprehensive sign plan for the entire site. Staff and applicant shall agree upon specific monument sign design that will include space for, or include, a "Welcome to Flowery Branch" message.
4. Stormwater shall be provided and shall be underground as submitted and approved via the Flowery Branch land disturbance requirements.
5. Principal structure shall be predominately brick.
6. Dumpster screening shall be consistent with the principal structure.
7. Gas canopies shall be designed to match the principal structure.
8. Secondary business (car wash) shall be designed to match the principal structure.
9. Plans shall include all conditions as set forth by City Council clearly printed on the front page with the date of Council approval.



CUP Requirements:

Sec. 34.7. Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the City Council in the decision-making process.

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. *The subject property lies within a commercially zoned area. The use (car wash) is suitable for the area.*
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. *A commercial use at this location is suitable and will not adversely affect nearby properties.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Currently zoned HB (Highway Business) many commercial uses are suitable. The property has a reasonable economic use with or without the issuance of this CUP.*
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *No, the use would not be burdensome on infrastructure or the school system.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *The current character area for this site is "Activity Center". A car wash, in this instance, is in conformity with the comprehensive plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *The site is approved for a Burger King/Gas Station and the addition of a car wash would be acceptable for the site and may be a welcomed addition to the area.*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *The subject property is surrounded by commercially zoned properties.*



- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **N/A**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **The use should not be a deterrent in any manner to the adjacent properties.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts **A CUP does not create a new zoning designation.**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **None.**
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. **None. It will be designed and built to current standards.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance **The use meets the intent of the zoning ordinance.**

Staff Recommendation:

It is staff's recommendation that the CUP request to construct and operate a car wash submitted by Mr. Jeremy Crosby should be approved.

RESOLUTION NO.20-027

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT TO OPERATE A CAR WASH AT 5840 PHIL NIEKRO PARKWAY; ALSO KNOWN AS TAX PARCELS 08114 002025 AND 08114 002030. A CUP IS REQUIRED TO OPERATE A CAR WASH IN HIGHWAY BUSINESS (HB) ZONING DISTRICTS.

WHEREAS, the City of Flowery Branch Code of Ordinances, specifically Article 9, Section 9.4 of the Zoning Ordinance, requires a conditional use permit to be approved by City Council for specific uses in the Highway Business (HB) District; and

WHEREAS, the City of Flowery Branch code requires said conditional use permit for the use (car wash) requested by the applicant; and

WHEREAS, the City of Flowery Branch desires to adhere to the requirements of all City codes; and

WHEREAS, Mr. Jeremy Crosby, JPC Design and Construction, LLC. has submitted a complete and accurate conditional use permit to the City; and

WHEREAS, City staff and City Council have reviewed the application and the accompanying documentation associated with said application; and

NOW THEREFORE BE IT RESOLVED, that the governing authority of the City of Flowery Branch, Georgia, hereby grants the applicant a conditional use permit to operate a car wash at 5840 Phil Niekro Boulevard as shown on Exhibit "A" which is attached hereto and incorporated by reference herein. All resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of the conflict. This resolution shall become effective on the date approved by the city council.

RESOLUTION NO. 20-027

Page 2

RESOLVED this _ day of ____ 2020.

James M. Miller, Mayor

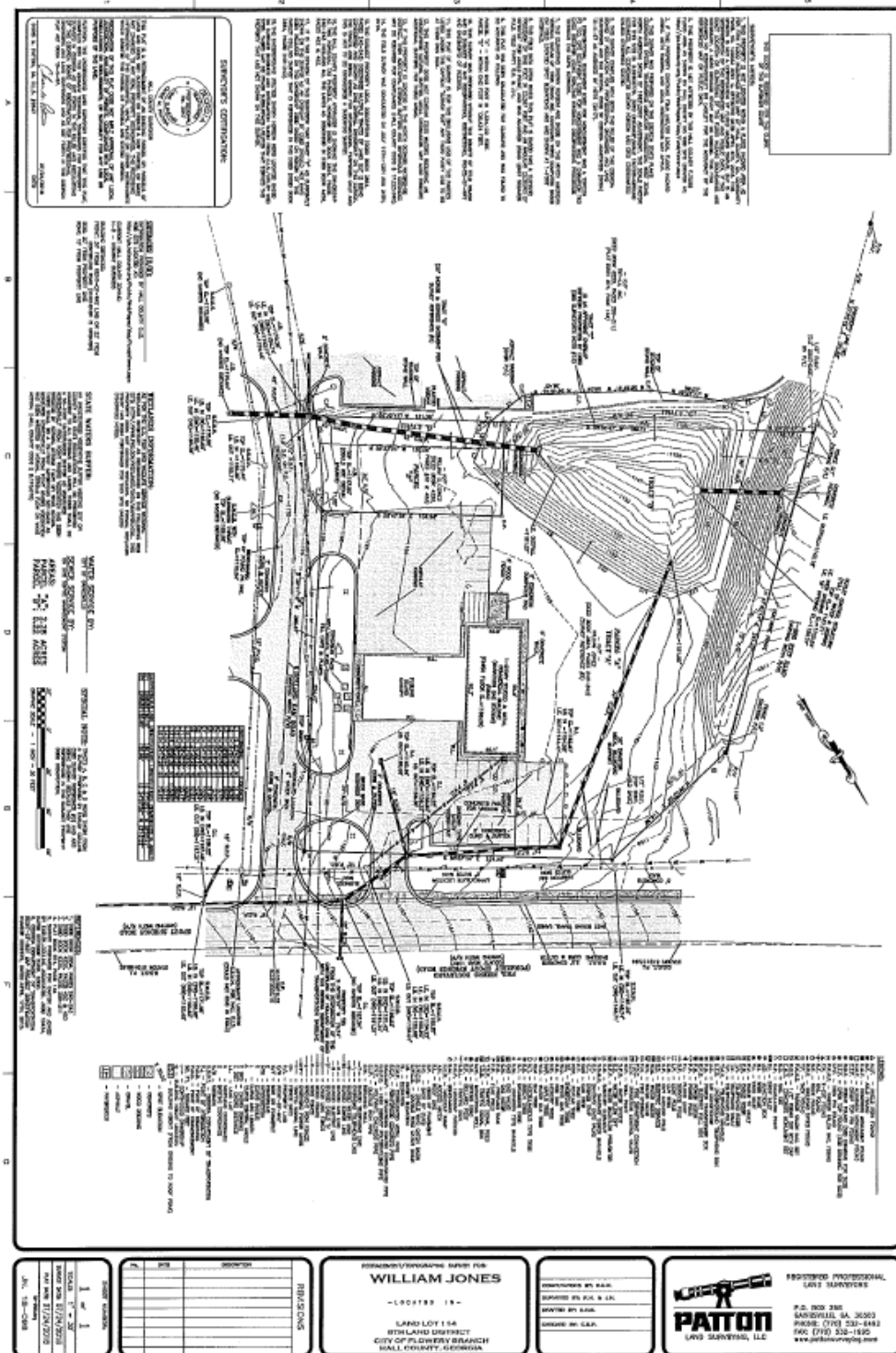
ATTEST

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"





VARIANCE
5840 Phil Niekro Boulevard

Applicant is JPC Design and Construction/Steven Rowland of Rowland Engineering.

Variance from the requirements set forth in the City of Flowery Branch Zoning Ordinance; Article 10, Development Requirements and Guidelines section 10.9 (f):

Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.

Applicant believes they meet the criteria for granting a variance per Article 37, section 37.5 of the Flowery Branch Zoning Ordinance (see attached application).

Staff believes if Mayor and Council decides to grant the request allowing the gas pumps to be located in front of the principal structure the following conditions should be applied:

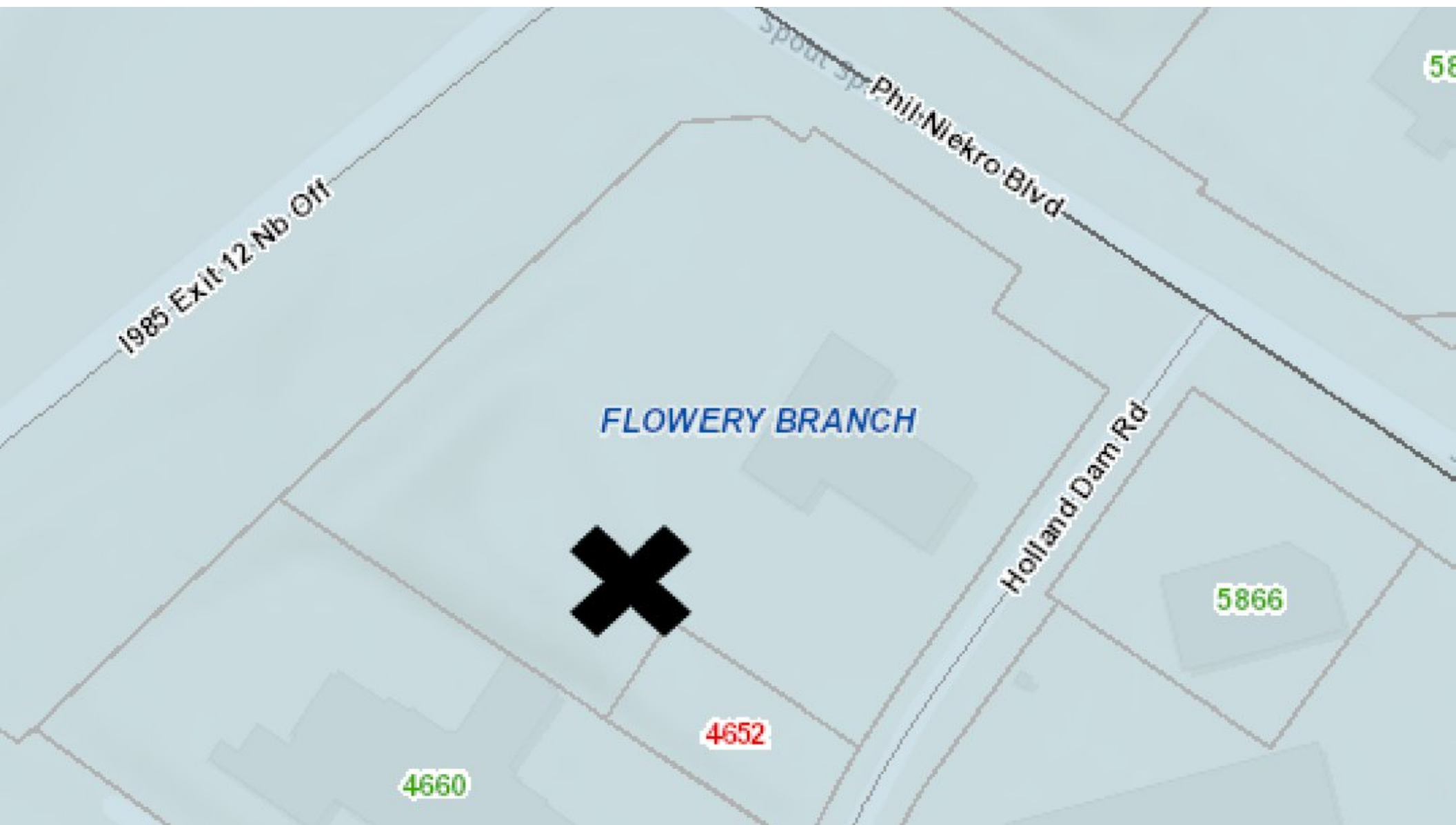
1. Landscaping plan shall be submitted to staff for review. A heavy buffer shall be provided along Phil Niekro Boulevard.
2. Lighting plan shall be submitted to staff for review.
3. Comprehensive sign plan for the entire site. Staff and applicant shall agree upon specific monument sign design that will include space for, or include, a "Welcome to Flowery Branch" message.
4. Stormwater shall be provided and shall be underground as submitted and approved via the Flowery Branch land disturbance requirements.
5. Principal structure shall be predominately brick.
6. Dumpster screening shall be consistent with the principal structure.
7. Gas canopies shall be designed to match the principal structure.
8. Secondary business (car wash) shall be designed to match the principal structure.
9. Plans shall include all conditions as set forth by City Council clearly printed on the front page with the date of Council approval.

CONDITIONAL USE PERMIT

Car Wash

*JPC Design and
Construction, LLC.*





Proposed
Car Wash



Approved
Variance to
allow
pumps in
front of
primary
structure

SCHEDULE

- January 7 – Public Hearing; Work Session
- February 4 – Work Session (if needed)
- February 18 – Vote
- March 4 – Work Session (if needed)
- March 18 – Vote

STAFF RECOMMENDATION

- Approve as submitted
- No additional conditions requested
- Per conditions of previously approved variance:
Secondary business (car wash) shall be
designed to match the principal structure



ELEVATIONS FOR BK/ CONVENIENCE STORE





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: First Reading of Ordinance 2020-623 a rezoning application submitted by Mr. Bret Clark.

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

Mr. Bret Clark (who was approved and is currently working on the McEver self-storage project) has submitted an application to rezone 5519 McEver Road from A (Agriculture) to HB (Highway Business) and R-3 (Multi-family) with the intent to construct a townhome/commercial mixed-use project. The parcel is approximately 11.34 acres and is currently vacant.

FACTS AND ISSUES:

Mr. Clark and staff are working through the proposed design and layout. Attached please see Mr. Clark's original proposal (Combined Bret Clark Files) and a proposed alternate design that Mr. Adam Williams of TSW did for the City (FB McEver Concept and Elevations). Mr. Clark was pleased with the TSW proposal and is working with his engineer to see if it will work with the topography.

Staff is in full support of the project and is confident a final design will be agreed upon prior to the final read and vote of this ordinance. If approved at the first read, conditions of zoning (including a binding landscape plan) will be finalized and submitted for review prior to the second vote.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve first reading of Ordinance #2020-623

SAMPLE MOTION:

I make a motion to approve the first read of Ordinance #2020-623.

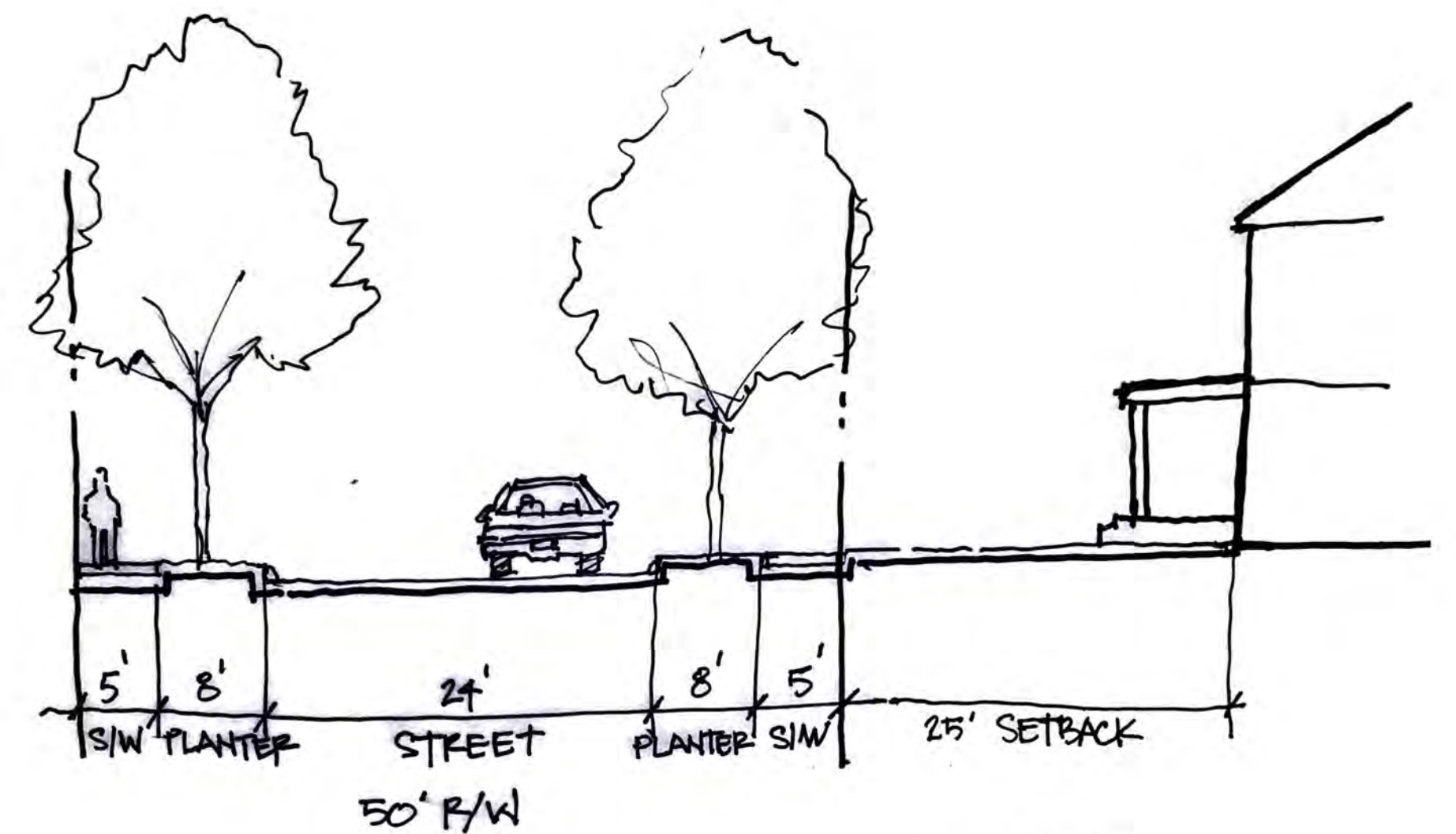
COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

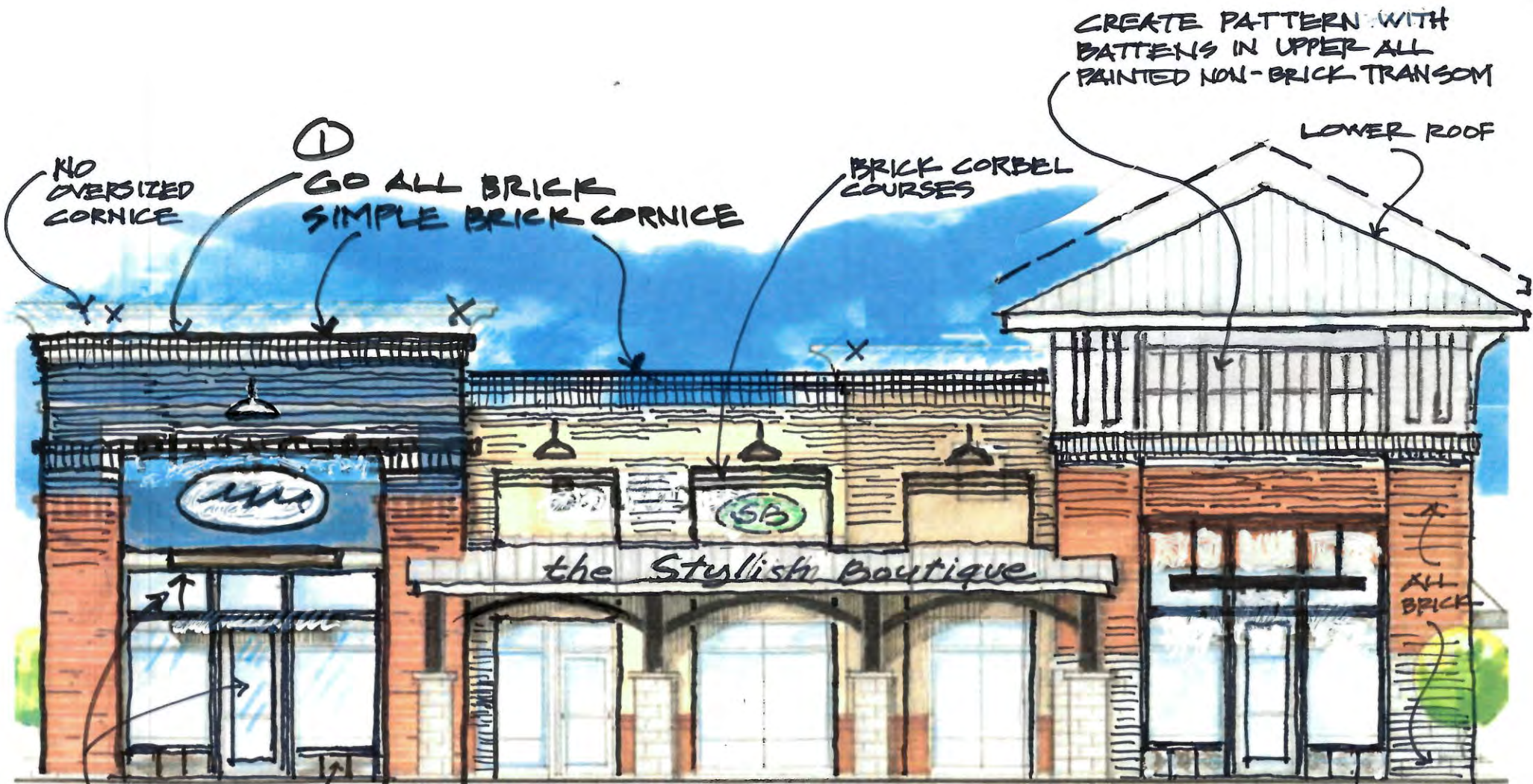
- [FB McEver Concept & Elevations Compressed.pdf](#)
- [Combined Files Bret Clark.pdf](#)
- [Staff Report Bret Clark McEver Mixed-Use.pdf](#)
- [UPDATED site plan for Feb 4](#)
- [Council Questions for Feb 4.pdf](#)
- [Ordinance 20-623 Bret Clark McEver-Gainesville.docx](#)



0' 30' 60' 180'



retail C front elevatic⁽³⁵⁾



②
RAISE CANOPY;
USE 8' DOOR

18-20" HIGH
WINDOW "BASE"

TSW SUGGESTIONS

retail C front elevation

J. SPANGLER AIA
TSW

GENERAL COMMENTS: 12/17/2020

1. TOO BUSY - GO WITH 3 VOLUMES INSTEAD OF 4
2. GO MOSTLY BRICK FOR NON-GLASS AREAS
3. TRY FOR TALLER DOORS & WINDOWS AS SHOWN
4. USE GOOSE NECK INDUSTRIAL LIGHTS AS SHOWN





TH #1

1. GO WITH 100% WALL SHAKES INSTEAD OF MIXING SHAKES & HORIZ. SIDING
2. FIND WAY TO RAISE MAIN ROOF RIDGE

TH #2

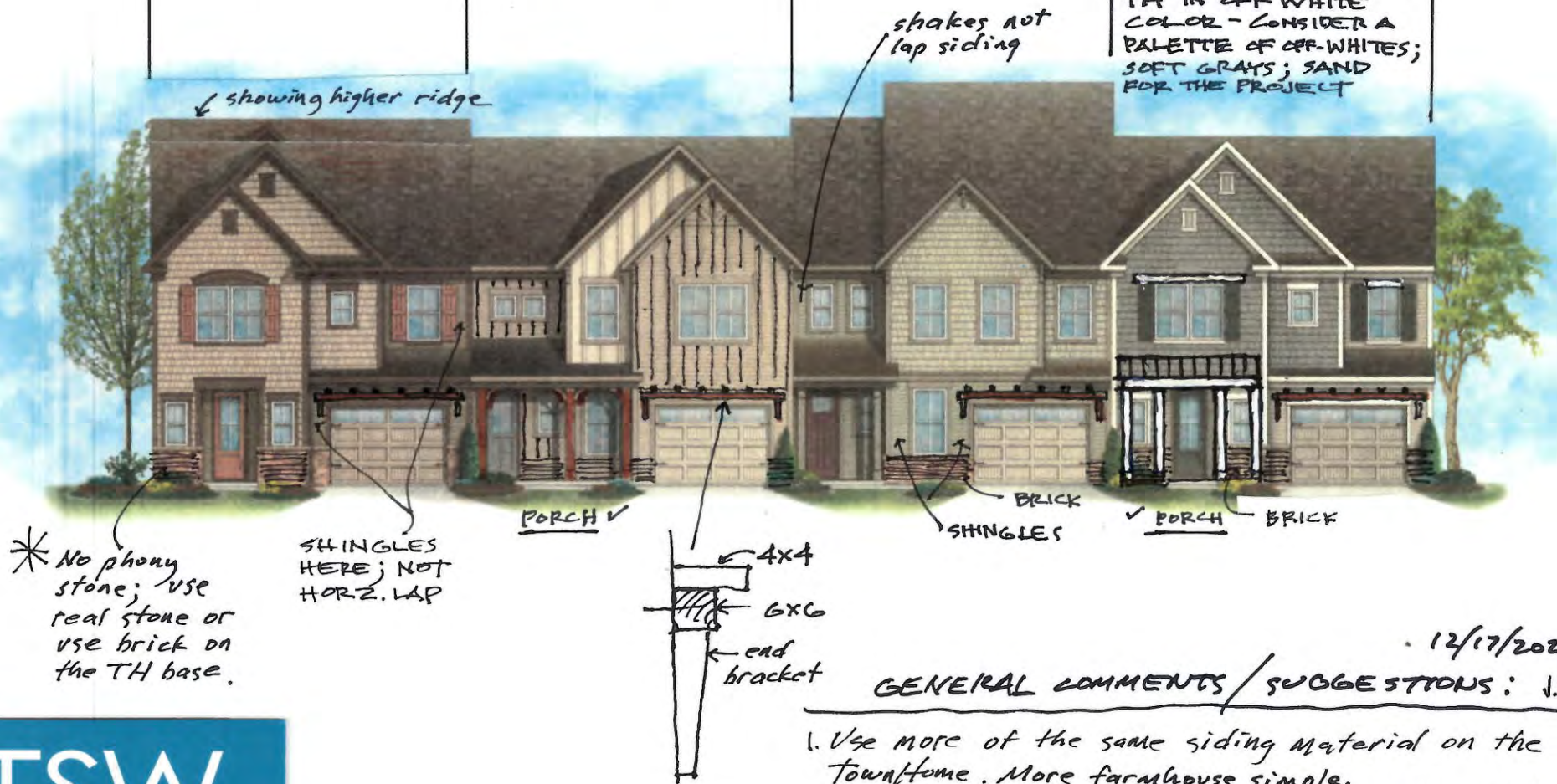
1. GO 100% BOARD & BATTEN
2. ADD BRICK OR REAL STONE "BASE".
3. COLOR CHANGES ON THE DIFFERENT VOLUMES OK.

TH #3

1. GO WITH MOSTLY WALL SHAKES
2. CREATE EYEBROW DETAIL OVER GARAGE DOOR

TH #4

1. STICK WITH FLAT WDW HEAD TRIM ON ALL WINDOWS.
2. CONSIDER SMALL 3-BAY PORCH TO ADD VARIETY
3. SEE TSW PHOTO OF OUR TRADITIONAL TH IN OFF WHITE COLOR - CONSIDER A PALETTE OF OFF-WHITES; SOFT GRAYS; SAND FOR THE PROJECT



12/17/2020
GENERAL COMMENTS / SUGGESTIONS: J. Spangler

1. Use more of the same siding material on the Townhome. More farmhouse simple.
2. Your woodland colors look good & work well together. But maybe consider a palette of off whites; grays; ^{as a} fresh look.
3. Consider use of the garage eyebrow detail on all 4 THs as an element of continuity.





City of Flowery Branch Planning and Community Development
5410 Pine Street
Flowery Branch, GA 30542

October 29, 2020

RE: Rezoning request of 5519 McEver Road (TP 08099 000007)

To Whom It May Concern:

Ridgeline Land Planning, Inc. is requesting to rezone 11.338 acres located at 5519 McEver Road from A (Agriculture) to HB and R-3 as shown on the included site plan. The proposed rezoning is to allow development of a mixed-use community consisting of 68 single-family attached townhomes and 35,100 square feet of Neighborhood Commercial space. Site densities are 7.69 units per acre for the residential portion and 0.32 FAR for the commercial area. Residential exterior materials will consist of brick, stone, and cementitious siding. The Commercial materials will match or compliment the residential materials to create a cohesive community design. Residential building height will be a maximum of 35 feet. Commercial building heights will not exceed 40 feet in height.

The subject property lies within the Neighborhood Commercial character area designated in the Comprehensive Plan. Major features of the Neighborhood Commercial character area are "Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods". By providing single family attached townhomes to the rear of the subject a walkable mixed-use neighborhood will be created that is consistent with the intent of the comprehensive plan.

Constitutional Objections

Facially and as applied to the Property, the specific portions of the City of Flowery Branch Comprehensive Plan and zoning ordinance which restrict the Property to any zoning classification, conditions, uses, or to any development other than those proposed by the Applicant are unconstitutional because they would abolish or damage the Applicant's property rights without paying adequate, fair, and just compensation for such rights, in violation of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Facially and as applied to the Property, the application of the City of Flowery Branch ordinances or Comprehensive Plan which restrict the Property to any zoning classification, conditions, uses, or to any development other than the proposed by the Applicant is unconstitutional, illegal, null, and void, constituting a taking and/or damaging of Applicant's Property by denying Applicant all

economically viable use of its land while not substantially advancing legitimate state interests in violation of the United States Constitution's Just Compensation Clause of the Fifth Amendment and the Equal Protection and Due Process Clauses of the Fourteenth Amendment and the Constitution of the State of Georgia of 1983.

The denial of this application would be an arbitrary and capricious act by the City of Flowery Branch without any rational basis, thus constituting an abuse of discretion in violation of the Constitution of the State of Georgia of 1983 and Due Process Clauses of the Fourteenth Amendment to the United States Constitution.

A refusal by the City of Flowery Branch to approve this application for the Property would be unconstitutional and discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated property in violation of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

The applicant and stakeholders respectfully request approval of this application and welcome the opportunity to meet with The City of Flowery Branch Planning and Community Development staff, Planning Commission, and Mayor and Council to discuss any questions or concerns regarding the application.

Respectfully,

Ridgeline Land Planning, Inc.

A handwritten signature in black ink, appearing to read 'Holt Persinger', with a stylized flourish at the end.

Holt Persinger, RLA



Zoning Analysis – 5519 McEver road

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed use is compatible with the surrounding development

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposed community will be compatible with the adjacent commercial and residential uses.

(c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.

The current agricultural use is not economically viable in relation to the surrounding development.

(d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed development would not create an excessive burden on existing infrastructure.

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

The proposal is in conformance with the comprehensive plan and proposed character area.

(f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

The development of the surrounding area supports the proposal as growth continues along the McEver Road corridor.

(g) Existing use(s) and zoning of the subject property and nearby properties.

Properties North of the subject across McEver Road are zoned NS and are currently under commercial uses. The property to the East across Gainesville street is developed as a residential community.

(h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification.

The existing agriculture zoning is not economically viable considering the existing surrounding development.

(i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

Adjacent properties are mostly developed with compatible uses.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

The proposal will not create an isolated or unrelated district. The proposed commercial and residential uses blend with the existing commercial and residential at the intersection of McEver Road and Gainesville Street.

(k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.

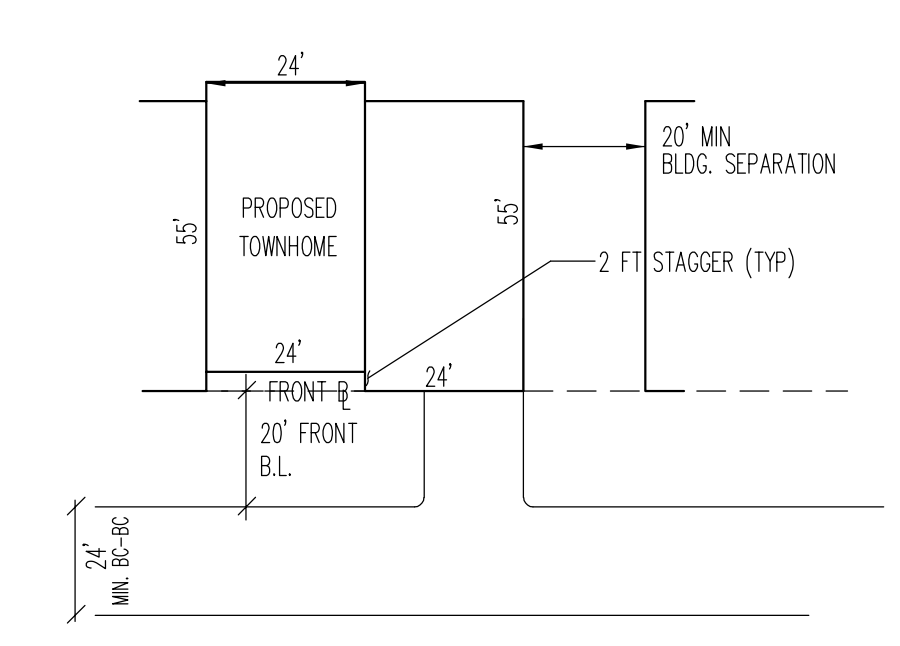
The proposal is in keeping with the current uses and character of the area.

(l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

All NPDES guidelines will be implemented during and after development to minimize environmental impacts.

(m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.

The proposal conforms to the character area designated in the Comprehensive plan.



GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

PARCEL #2
1.5 ACRE
22,200 SQFT 0.34 FAR
51 PARKING SPACES PROVIDED

SHEET TITLE

[illegible]



Applicant: Bret Clark

Property Owner: McEver Road, LLC.

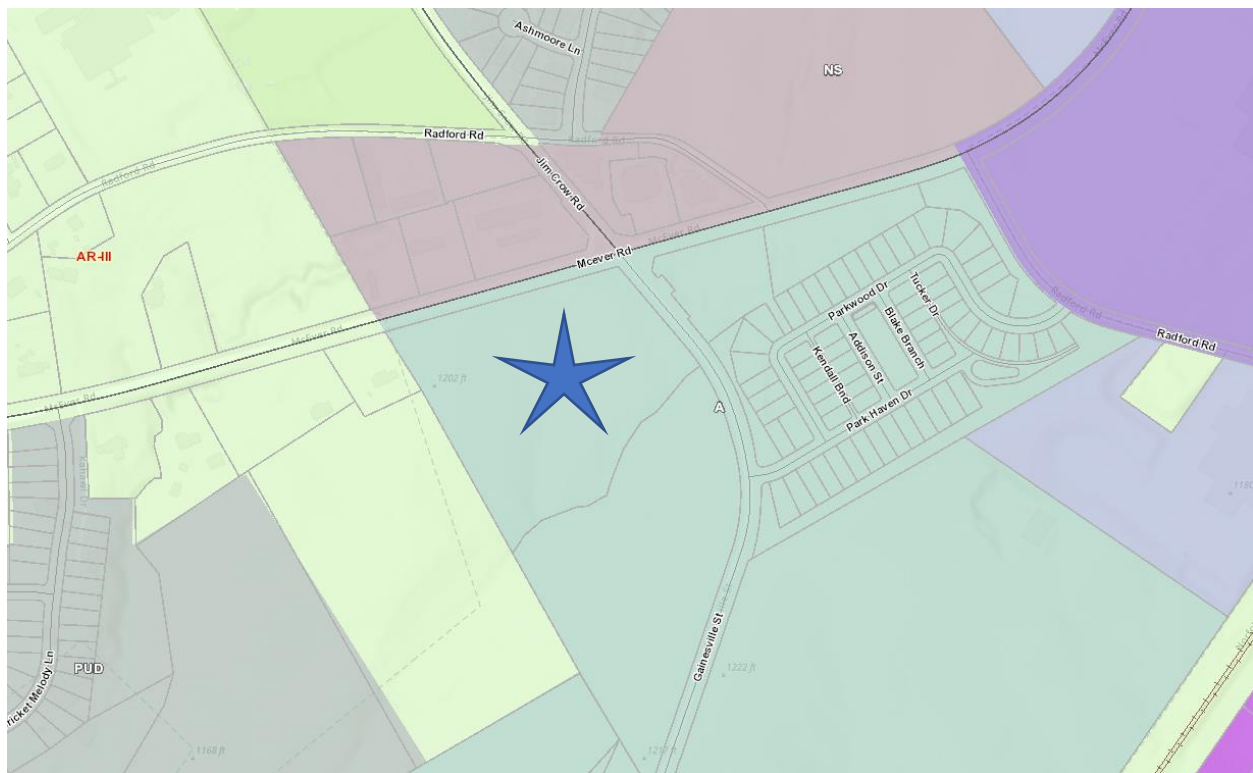
Subject Property: 5519 McEver Road; 08099 000007; 11.34+/- acres

Request: Rezone from A (Agriculture) to HB (Highway Business) and R-3 (Multi-family) proposal is to construct a mixed-use development of townhomes and commercial outparcels

Current Use: Vacant

Character Area: Neighborhood Commercial

5519 McEver Road; currently zoned A (Agriculture):





Neighborhood Commercial

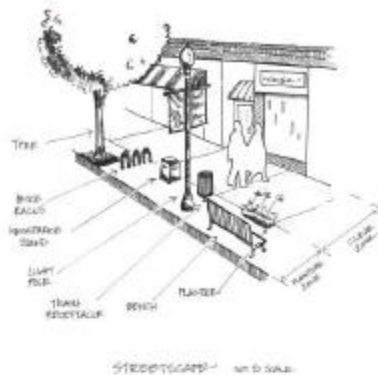
VISION: Attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods.

USES AND INTENSITIES: Neighborhood-serving commercial intensities are within a range of approximately 10,000 to 15,000 square feet of building space per acre. Business establishments do not generally exceed 25,000 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods.

MAJOR FEATURES: Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods, but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Open space is limited to suburban plazas or small open spaces. Three-story height limit. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

REGULATIONS: This character area will be implemented with a neighborhood commercial zoning district. Design guidelines will be provided, and neighborhood commercial projects will be required to complete design review. Minimum 15 percent of the lot is open space or landscaped.

QUALITY COMMUNITY OBJECTIVES IMPLEMENTED: Appropriate business, employment options, transportation alternatives, sense of place.



Jeffery Wertz & Associates, Inc.
Planning & Development Consultants

Illustrative Pedestrian Features



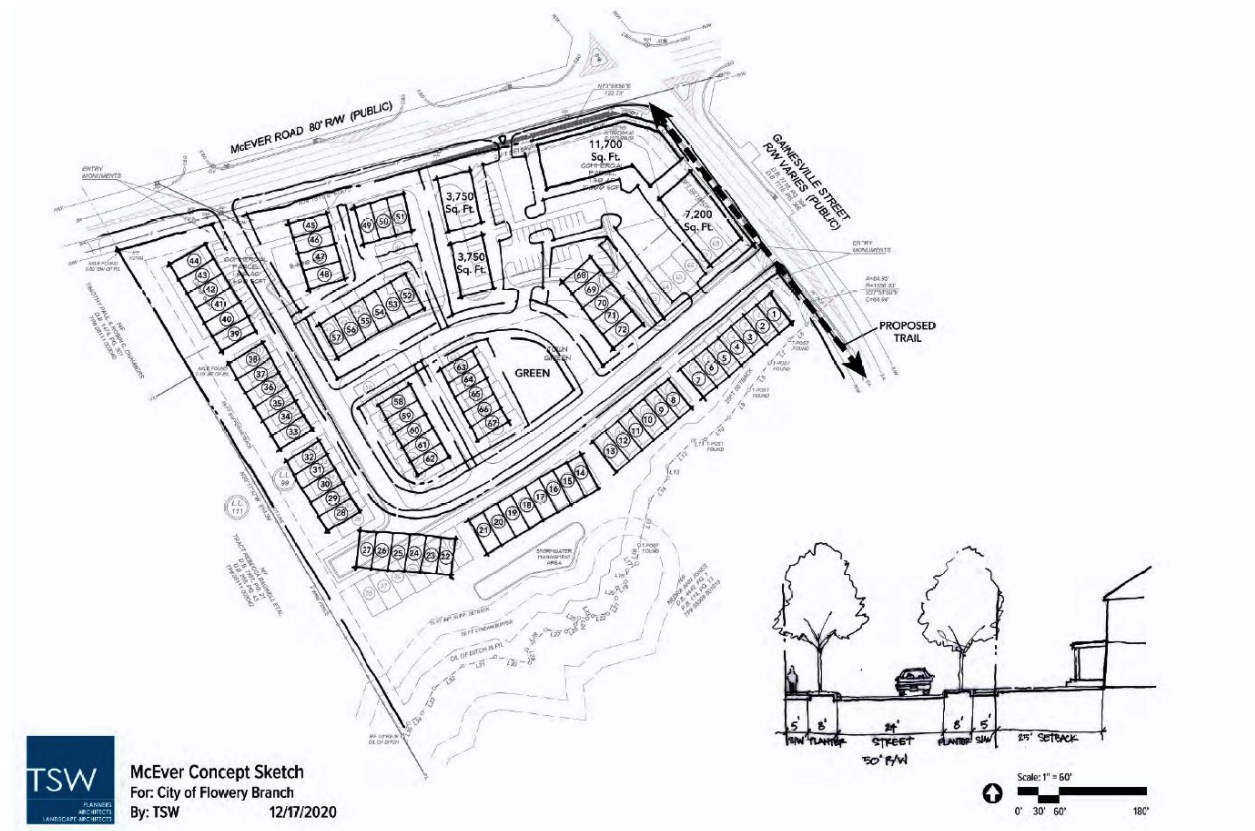
Outdoor Seating and Attractive Lighting



Quality, Compatible Architectural Design Including Signage



TSW:



Staff Recommendation

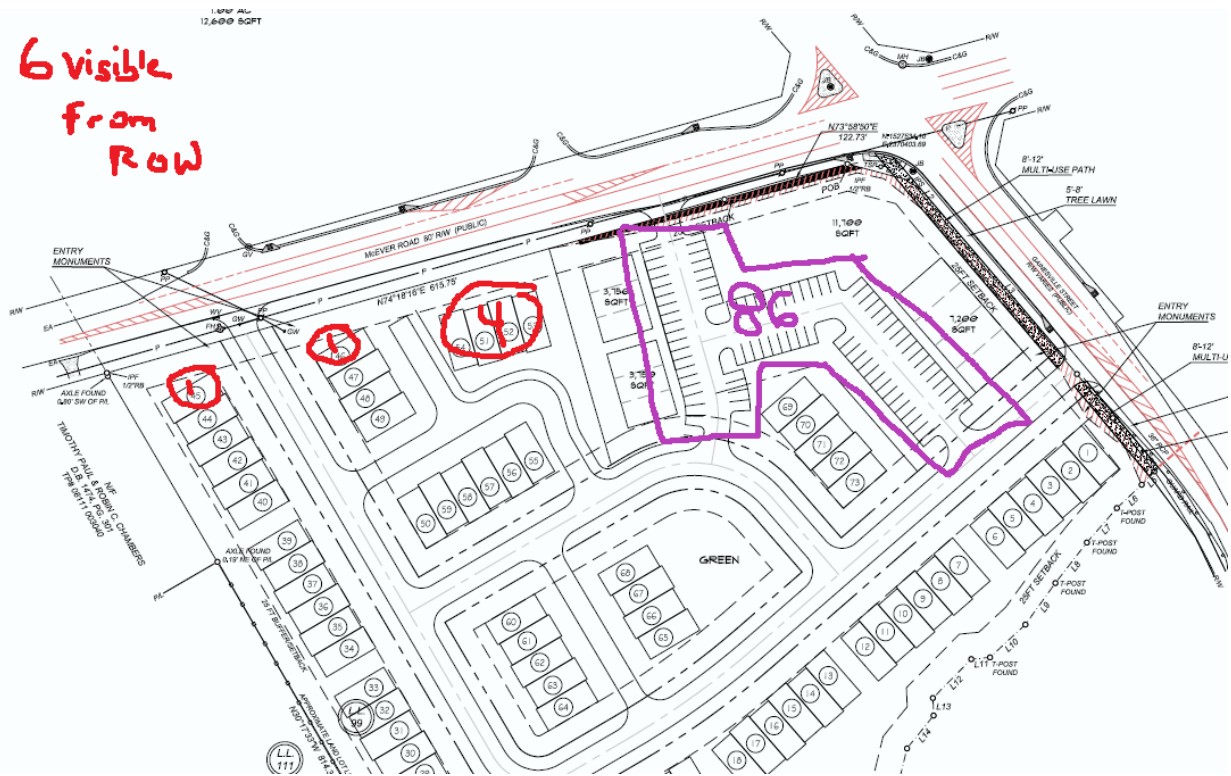
The concept of a mixed-use works for this parcel as it provides an attractive gateway project. The ordinance and conditions of zoning will be worked on as we move forward in the process. There is no vote at the January 7th City Council meeting. Staff is confident that a complete plan will be solidified prior to the upcoming vote.

Council Questions – Mr. Clark's responses – Staff Input

- 1) Buffering/Screening plan on all four sides of the property. We're showing a 25' buffer around the property already and the site is heavily wooded. I was going to do landscaping along McEver and Gainesville Street comparable to what I submitted for the self storage. In regards to landscaping, the self-storage and townhome project across the street are attempting to make that side of McEver consistent in its appearance.
- 2) What degree of right away enhancements: sidewalks? curbing? stormwater? landscape? Sidewalks, curb & gutter and street trees and shrubs along the ROW. Final landscape plan would need to be approved at LDP.
- 3) How many acres will be devoted to the commercial property including parking? 1.5+- acres
- 4) How many parking spaces? It will meet code requirements but its currently at 232 spaces. Approximately 26,100 square feet of retail served by 86 spaces and two car garages with long driveways for the townhomes (which meets code). The retail depends on the uses but should average around 1 space per 275 square feet (per code) which means around 96 required spaces. This is around 10 spaces short for the current layout but would vary upon the use. A condition of zoning could be put in place to ensure whatever is constructed will meet the parking requirements for the intended use.
- 5) Screening between commercial and residential? Low growing shrubs, bushes and ornamental trees but not overwhelming as I'm trying to integrate the commercial into the residential. The two uses should interact and compliment each other.
- 6) Acreage/square footage of green space Holt is working on a revised plan to replace the two 7 unit buildings with 6 units and the one 8 unit building down to six as well and as soon as I get the plan we can calculate the overall green space. Appears to be at 20% on the updated plan.
- 7) Amenities? Outdoor fire place, park benches for seating, sidewalks and a small trail internal trail along the creek and we have the 12' sidewalk along Gainesville Street to take the residents down town.
- 8) Driveway length? 23' from back of curb This meets code.

I do not like the idea of a long row of blocked hardy plank (back of the townhomes) going down Gainesville St and McEver, especially so close to an intersection. Thought should be given to rear loading the townhomes that are situated along the perimeter of McEver and Gainesville St. allowing the front of the townhomes to face both streets. I'm only showing 6 units that are visible from McEver or Gainesville Street.

6 visible
from
ROW



Public Hearing Published 12/09/2020
Public Hearing 01/07/2021

First Reading 02/18/2021
Adopted 03/18/2021

ORDINANCE NO. 20-623

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING AN 11.34 +/- ACRE TRACT OF LAND OWNED BY 5519 MCEVER ROAD, LLC. COMMONLY KNOWN AS 5519 MCEVER ROAD, IDENTIFIED AS TAX PARCEL 08099 000007 AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM A (AGRICULTURAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) AND HB (HIGHWAY BUSINESS) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, 5519 McEver Road, LLC. desires to develop an 11.34+/- acre tract of land identified as tax parcel 08099 000007; shown on Exhibit “A”; and legally described on Exhibit “B”; and

WHEREAS, specific conditions shall be placed on subject properties are shown on attached exhibit “C”; and

WHEREAS, the City Council of the City of Flowery Branch has considered the rezoning application of 5519 McEver, Road, LLC in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, 5519 McEver, Road, LLC. has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of January 7, 2021 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Flowery Branch A (Agricultural) to Flowery Branch R-3 (Residential Multi-Family) and HB (Highway Business) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current A (Agricultural) as opposed to the proposed R-3 (Residential Multi-Family) and HB (Highway Business).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the changes to the R-3 and HB zoning districts.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The properties as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned R-3 (Residential Multi-Family) and HB (Highway Business). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 6. REPEALER.

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

Adopted this 18th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

4



Exhibit “B”

Exhibit “C”

Conditions of Zoning (Rough Draft)

1. A landscape/buffer plan shall be approved by City Council prior to the issuance of a land disturbance permit (or preferably prior to second read and adoption)
2. Townhomes shall be limited to runs of no more than six
3. Development shall generally adhere to the site plan as submitted as Exhibit “A” of this ordinance
 - A. Major changes shall constitute a City Council review
 - 1). Change in number of units of 2 or more
 - 2). Significant deviation from the approved landscape/buffer plan
 - 3.) Any changes staff deems major
 - B. Minor Changes shall be approved by staff
 - 1). Reduction of the number of units
 - 2). Reduction in setbacks of 5’ or less
 - 3.) Any changes that do not significantly impact the overall site
4. A 10’-12’ pedestrian/bike path or easement shall be provided along Gainesville Street
5. Sewer and water shall be provided by the City of Flowery Branch
6. Elevations for the townhomes and commercial parcels shall be submitted and approved prior to the second read (they are still working on the TSW comments)
7. Driveways shall be 23’ as measured from the back of curb



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider variance requests for 6026 Lights Ferry Road, 6040, 6041, and 6043 Morrow Drive submitted by Mr. Chris Hill of Hillgrove Homes

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

Subject Properties: 6026 Lights Ferry Road, 6040 Morrow Drive, 6041 Morrow Drive, and 6043 Morrow Drive
Applicant reviewed options on how to best develop these parcels (and possibly more in the area) while meeting the intent of the Flowery Branch Zoning Ordinance. There is an original plat that appears to still be valid that designates the lots as legal non-conforming. This means they are legal but do not meet the current zoning designation (R-2 in this case) thus rendering them unbuildable under current zoning. In other words, the lots are legally platted but they cannot be altered - making new home construction impossible.

Rezoning is problematic as the options are limited. The Central Business District is intended for the downtown area. The subject properties are close to downtown, but staff feels they are too far away to be considered for CBD. Traditional Neighborhood District is too restrictive for the properties as it requires parking in the rear or side yards. The other option is to create larger lots to meet the standard R-2 zoning requirements.

Ultimately, the applicant decided to pursue building on the legal lots as recorded. In order to meet the R-2 designation, and the original plat, applicant must request three variances. The variances are from the requirements set forth in Article 6, Table 6.2, of the City's zoning ordinance.

FACTS AND ISSUES:

Subject Properties: 6026 Lights Ferry Road, 6040 Morrow Drive, 6041 Morrow Drive, and 6043 Morrow Drive
Variances form the Flowery Branch Zoning Ordinance Article 6. Table 6.2

Variance requests are for each parcel. The requests are as follows:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

OPTIONS:

The following schedule has been approved by Mayor Miller:

February 18 work session

March 4 first vote

March 18 final vote

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Work session for discussion only. Staff is currently working on the ordinances. They will be published when updated.

SAMPLE MOTION:

No vote at this time.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Variance Application.pdf](#)
- [Variance Staff Report .pdf](#)
- [Combined Ordinances First Draft.pdf](#)



VARIANCE APPLICATION

Address of Request:

6043, 6041, 6040 Morrow Drive + 6026 Lights Ferry Road

Type of Variance Requested

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met.
Explain below:

Morrow Subdivision Plat Book 10 Page 154

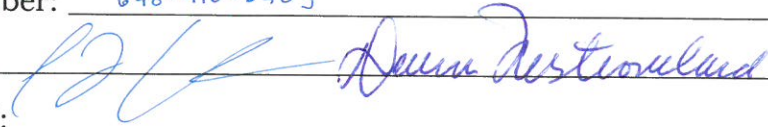
- ① Reduction in Minimum Required Lot size from 15,000 S.F. to 7,000 S.F.
- ② Reduction in Minimum Required Lot width from 75' + 50'
- ③ Reduction in Required side setback from 10' to 5'

Applicant: Hillgrove Homes LLC

Address: 5512 Main Street, Flowery Branch GA 30542

E-mail address: Chris@hillgrovehomes.com

Phone number: 678-410-2705

Signature: 

Notary Seal:



Dawn Westmoreland
NOTARY PUBLIC
Gwinnett County, Georgia
My Commission Expires
December 19, 2024



Property owner information (if different than the applicant)

Property owner (please print): _____

Signature of property owner: _____

Notary Seal:

Please provide the following at time of submittal:

- Payment of \$325.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

Y/A

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

Y/A

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

Y/A

Disclosure of Campaign Contributions

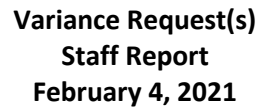
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

Y/A





Subject Properties: 6026 Lights Ferry Road, 6040 Morrow Drive, 6041 Morrow Drive, and 6043 Morrow Drive



The four subject properties are all zoned R-2 (Residential Detached Single Family):

Sec. 6.3. - R-2, Residential, Detached Single Family, Moderate-Density District.

(a)*Purpose and Description.* This zoning district is intended to implement the "Single-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "suburban residential" character area established in the comprehensive plan.

(b)*Character.* The designs of subdivisions in this district include cul-de-sacs and curvilinear streets. Houses are set back a significant distance from the street. Streets are built to relatively wide standard when compared with traditional neighborhoods. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.

(c)*Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts." Land use in this district consists predominantly of detached, single-family dwellings on their own lots at a moderate density (no more than approximately three dwelling units per acre). Site-built dwellings only are permitted (no manufactured homes). Other uses that are compatible with a low-density, residential environment such as recreational, educational, and religious facilities, are permitted or conditional uses.

(d)*Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." Dimensional requirements such as minimum building setbacks and maximum building coverage are intended to provide for yards surrounding each dwelling.

Applicant reviewed options on how to best develop these parcels (and possibly more in the area) while meeting the intent of the Flowery Branch Zoning Ordinance. There is an original plat that appears to still be valid (shown below) that designates the lots as legal non-conforming. This means they are legal but do not meet the current zoning designation (R-2 in this case) thus rendering them unbuildable under current zoning. In other words, the lots are legally platted but they cannot be altered - making new home construction impossible.

Rezoning is problematic as the options are limited. The Central Business District is intended for the downtown area. The subject properties are close to downtown, but staff feels they are too far away to be considered for CBD. Traditional Neighborhood District is too restrictive for the properties as it requires parking in the rear or side yards. The other option is to create larger lots to meet the standard R-2 zoning requirements.



Ultimately, the applicant decided to pursue building on the legal lots as recorded. In order to meet the R-2 designation, and the original plat, applicant must request three variances. The variances are from the requirements set forth in Article 6, Table 6.2, of the City's zoning ordinance.

Table 6.2

Requirement (measurement unit)	A	R-1	R-2
Maximum height (feet)	75	35	35
Maximum height (number of stories)	3	3	3
Maximum density (units per acre)	0.333	2.18	3
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000
Minimum lot size for two-family dwelling (square feet) (1)	N/A	N/A	N/A
Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000
Minimum lot width (feet)	200	90	75
Minimum heated floor area per dwelling unit (square feet)	1,500	2,200	1,800
Minimum heated floor area per dwelling unit, ground floor of a dwelling (square feet)	750	1,100	900
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	20	10
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25
Minimum rear setback, all principal buildings (feet)	35	25	20
Minimum setback, all principal or accessory buildings and structures abutting an R-1, R-2, or R-3 district (feet)	Side and rear setbacks shall apply	50	50
Minimum width of natural buffer abutting R-1, R-2, or R-3 district (feet)	None	None	None
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	15	15	10
Minimum landscape strip required along rights-of-way for any apartment or condominium (multi-family residential) use (width in feet)	N/A	N/A	N/A
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	5	5	5
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15

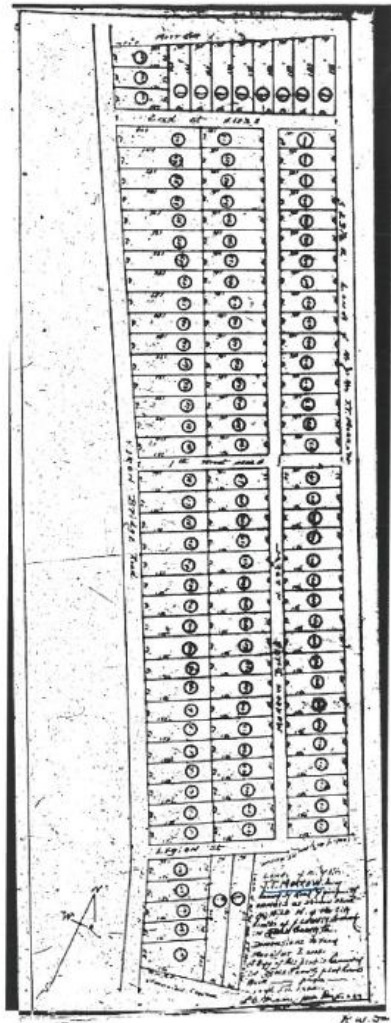
Variance requests are for each parcel. The requests are as follows:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.



This is in line with the original recorded plat:

Morrow Subdivision
Plat Book 10 page 154



put on Schedule



Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district; **Legal non-conforming lots that cannot be built upon as currently required by Flowery Branch Zoning Ordinance.**
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located; **The lots cannot be built upon and meet the requirements of R-2 zoning.**
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Staff recommends approval with the following conditions:

1. Applicant shall ensure all stormwater requirements are met and approved by the City.
2. Applicant shall record a new final plat.
3. Applicant shall leave sufficient right-of-way for the future installation of sidewalks on each property not fronting Lights Ferry Road.
4. Applicant shall construct new homes in accordance with the elevations submitted and attached as Exhibit "A".





Exhibit "A"



Heritage
GROUP HOMES

MAPLE RIDGE

4 Bedrooms/2.5 Baths
2007 sq. ft.



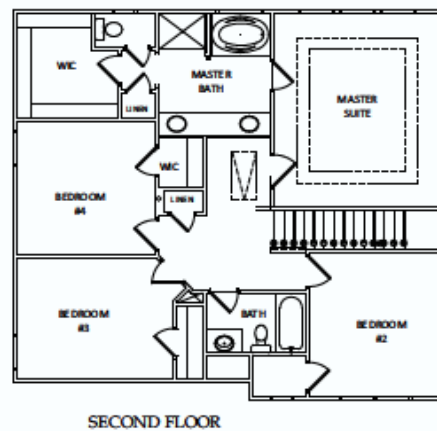
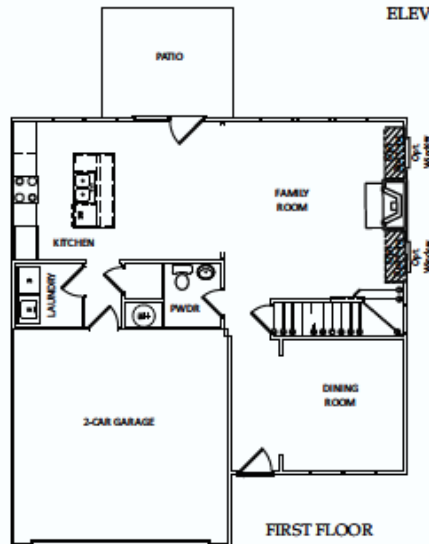
ELEVATION A



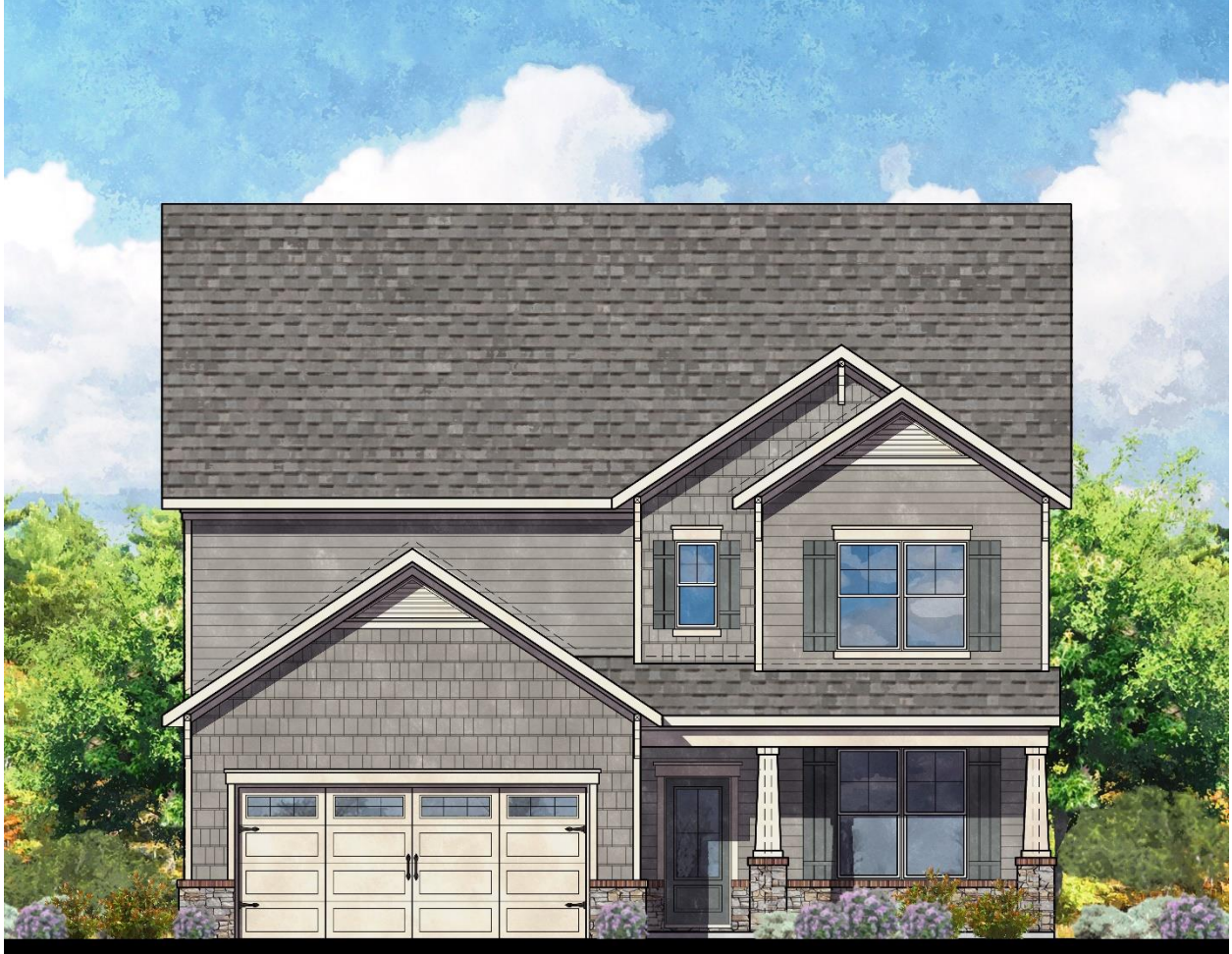
ELEVATION B



ELEVATION C



*All information is believed to be accurate but is not guaranteed and subject to change without notice.







Cottages @
Lights Ferry



Front Elevation A



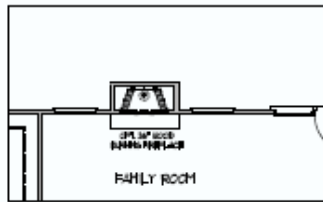
Front Elevation B



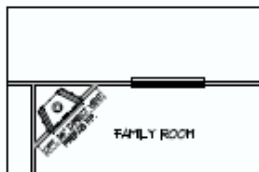
Front Elevation C



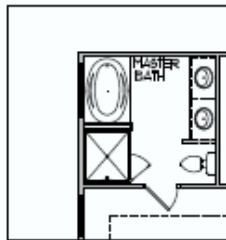
THE SAXTON @ Candler Park



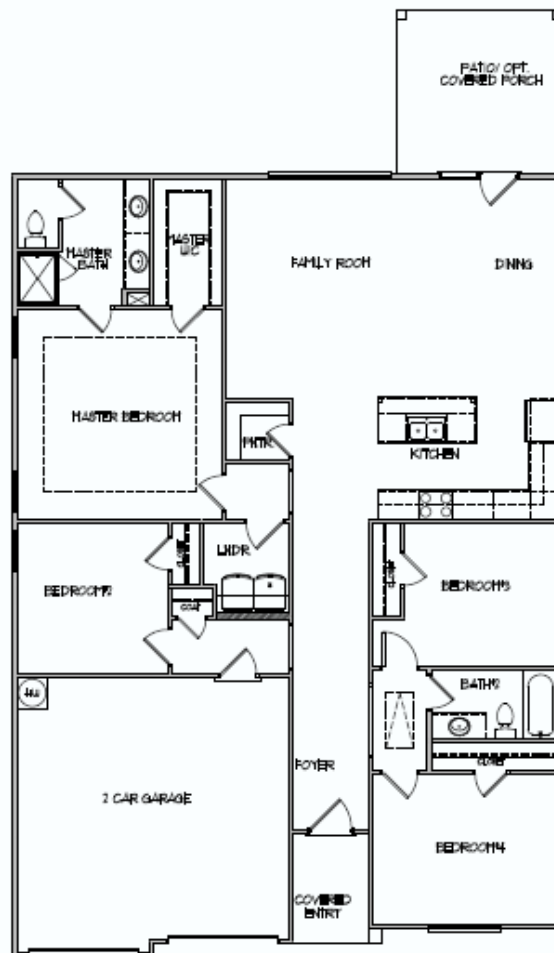
Opt. Wood Burning
Fireplace



Opt. Corner Fireplace



Master Bath Opt.



Main Level





Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 02/18/21
Adopted 03/04/21

ORDINANCE NO. 20-625

AN ORDINANCE GRANTING VARIANCES FROM THE R-2 (RESIDENTIAL, DETACHED SINGLE FAMILY, LOW DENSITY DISTRICT) REQUIREMENTS OF ARTICLE 6, TABLE 6.2, OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6026 LIGHTS FERRY ROAD, OWNED BY HILLGROVE HOMES, LLC. AS SHOWN ON ATTACHED EXHIBIT "A", AS DESCRIBED ON EXHIBIT "B", SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY REDUCING THE MINIMUM REQUIRED LOT SIZE FROM 15,000 SQUARE FEET TO 7,000 SQUARE FEET, REDUCING THE MINIMUM REQUIRED LOT WIDTH FROM 75 FEET TO 50 FEET, AND BY REDUCING THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hillgrove Homes, LLC. desires to develop 6026 Lights Ferry Road; as shown on Exhibit "A"; and legally described on Exhibit "B"; and

WHEREAS, specific conditions shall be placed on subject properties are shown on attached exhibit "C"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the variance application of Hillgrove Homes, LLC. in conjunction with the standards set forth in Article 37, Section 37.5 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, Hillgrove Homes, LLC. has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting specific variances and whereas a survey and complete description of the land to be varied is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of February 4, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed variances from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 02/18/21
Adopted 03/04/21

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variances from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

Conditions are set forth in Exhibit "C". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 02/18/21
Adopted 03/04/21

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

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

Adopted this 4th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 02/18/21
Adopted 03/04/21

ORDINANCE NO. 21-626

AN ORDINANCE GRANTING VARIANCES FROM THE R-2 (RESIDENTIAL, DETACHED SINGLE FAMILY, LOW DENSITY DISTRICT) REQUIREMENTS OF ARTICLE 6, TABLE 6.2, OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6040 MORROW DRIVE, OWNED BY HILLGROVE HOMES, LLC, SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY REDUCING THE MINIMUM REQUIRED LOT SIZE FROM 15,000 SQUARE FEET TO 7,000 SQUARE FEET, REDUCING THE MINIMUM REQUIRED LOT WIDTH FROM 75 FEET TO 50 FEET, AND BY REDUCING THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hillgrove Homes, LLC desires to develop 6040 Morrow Drive; as shown on Exhibit "A"; and legally described on Exhibit "B"; and

WHEREAS, specific conditions shall be placed on subject properties are shown on attached exhibit "C"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the variance application of Hillgrove Homes, LLC in conjunction with the standards set forth in Article 37, Section 37.5 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, Hillgrove Homes, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting specific variances and whereas a survey and complete description of the land to be varied is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of February 4, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed variances from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 02/18/21
Adopted 03/04/21

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variances from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

Conditions set forth in Exhibit "C" are imposed on said properties. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 02/18/21
Adopted 03/04/21

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

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

Adopted this 4th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 02/18/21
Adopted 03/04/21

ORDINANCE NO. 21-627

AN ORDINANCE GRANTING VARIANCES FROM THE R-2 (RESIDENTIAL, DETACHED SINGLE FAMILY, LOW DENSITY DISTRICT) REQUIREMENTS OF ARTICLE 6, TABLE 6.2, OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6041 MORROW DRIVE, OWNED BY HILLGROVE HOMES, LLC, SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY REDUCING THE MINIMUM REQUIRED LOT SIZE FROM 15,000 SQUARE FEET TO 7,000 SQUARE FEET, REDUCING THE MINIMUM REQUIRED LOT WIDTH FROM 75 FEET TO 50 FEET, AND BY REDUCING THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hillgrove Homes, LLC desires to develop 6041 Morrow Drive; as shown on Exhibit "A"; and legally described on Exhibit "B"; and

WHEREAS, specific conditions shall be placed on subject properties are shown on attached exhibit "C"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the variance application of Hillgrove Homes, LLC in conjunction with the standards set forth in Article 37, Section 37.5 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, Hillgrove Homes, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting specific variances and whereas a survey and complete description of the land to be varied is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of February 4, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed variances from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 02/18/21
Adopted 03/04/21

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variances from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

Conditions set forth in Exhibit "C" are imposed on said properties. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 02/18/21
Adopted 03/04/21

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

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

Adopted this 4th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 02/18/21
Adopted 03/04/21

ORDINANCE NO. 21-628

AN ORDINANCE GRANTING VARIANCES FROM THE R-2 (RESIDENTIAL, DETACHED SINGLE FAMILY, LOW DENSITY DISTRICT) REQUIREMENTS OF ARTICLE 6, TABLE 6.2, OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6043 MORROW DRIVE, OWNED BY HILLGROVE HOMES, LLC, SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY REDUCING THE MINIMUM REQUIRED LOT SIZE FROM 15,000 SQUARE FEET TO 7,000 SQUARE FEET, REDUCING THE MINIMUM REQUIRED LOT WIDTH FROM 75 FEET TO 50 FEET, AND BY REDUCING THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hillgrove Homes, LLC desires to develop 6043 Morrow Drive; as shown on Exhibit "A"; and legally described on Exhibit "B"; and

WHEREAS, specific conditions shall be placed on subject properties are shown on attached exhibit "C"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the variance application of Hillgrove Homes, LLC in conjunction with the standards set forth in Article 37, Section 37.5 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, Hillgrove Homes, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting specific variances and whereas a survey and complete description of the land to be varied is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of February 4, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed variances from the City of Flowery Branch Zoning Ordinance Article 6, Table 6.2 is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 02/18/21
Adopted 03/04/21

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and
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SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variances from the requirements set forth in the Flowery Branch Zoning Ordinance Article 6, Table 6.2:

1. Reduction in minimum required lot size from 15,000 square feet to 7,000 square feet.
2. Reduction in minimum required lot width from 75 feet to 50 feet.
3. Reduction in required side setback from 10 feet to 5 feet.

Conditions set forth in Exhibit "C" are imposed on said properties. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Public Hearing Published 01/13/21
Public Hearing 02/04/21

First Reading 02/18/21
Adopted 03/04/21

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

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

Adopted this 4th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: City Manager Report

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: City Clerk Report

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Finance Monthly Department Report

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [FINANCE Feb 2021.pdf](#)

FINANCE DEPARTMENT REPORT

Prepared By: Alisha Gamble
Date: 2/8/2021



DEPARTMENT MISSION:

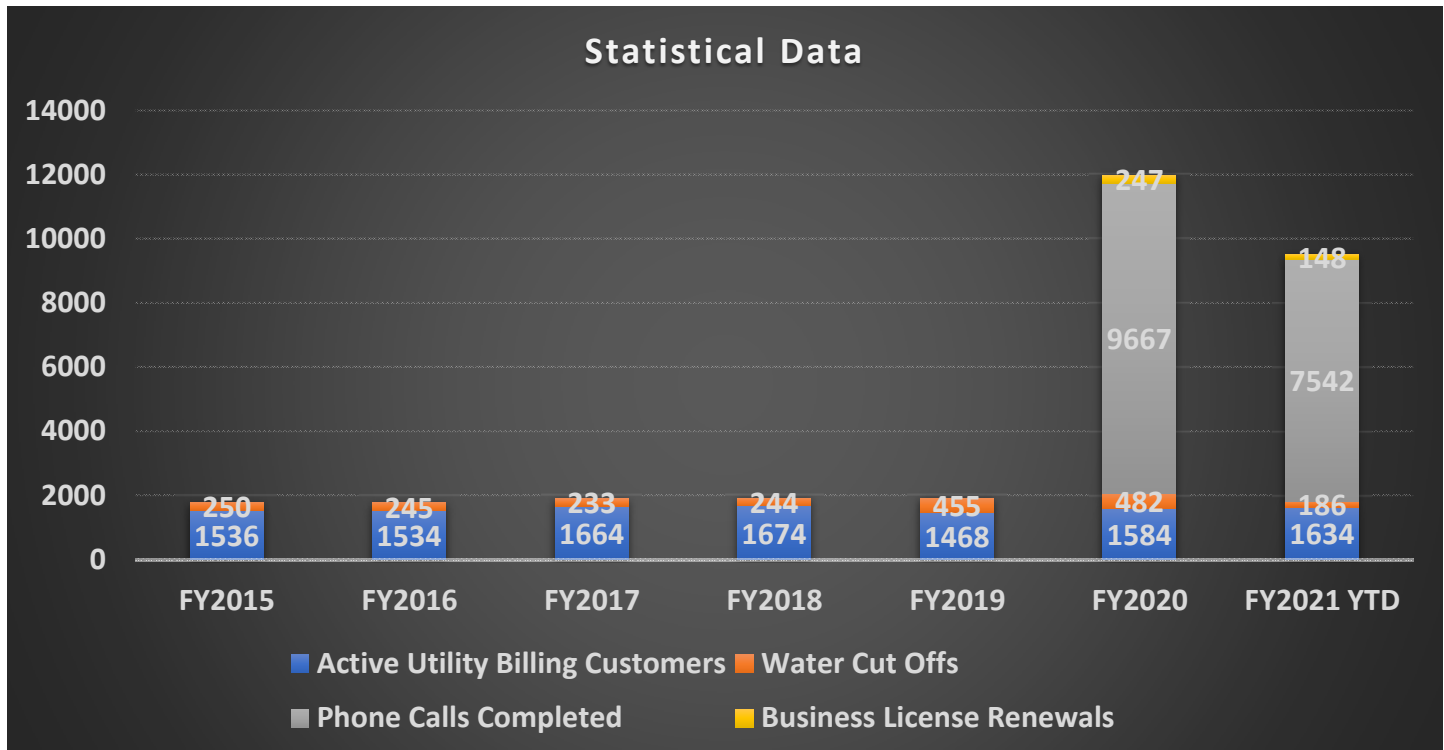
To provide timely, accurate and clear financial information to other City departments, the governing body, and the Flowery Branch community while maintaining compliance with applicable laws and procedures.

GOALS:

1. Enhance citizen transparency of financial data and timely reporting.
2. Provide excellent service to our citizens.
3. Keep citizens informed of announcements and billing/services updates in a timely manner.

STATS:

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021 YTD
Active Utility Billing Customers	1536	1534	1664	1674	1468	1584	1634
Water Cut Offs	250	245	233	244	455	482	186
Phone Calls Completed						9667	7542
Business License Renewals						247	148



FINANCE DEPARTMENT REPORT



REPORT:

Current projects for the Finance Department are:

1. Budget planning for department operating budgets and capital budgets.
2. Streamlining the capital budget reporting process using an online platform to flow into the budget document.
3. Finalizing citizen transparency module for the website (a demo will be presented to Council in March).
4. Working with the Wastewater department to complete the annual Water Loss audit.
5. Preparing discussion items for the Council Retreat.

We are also working on wrapping up reconciliation items through the last quarter (12/31/2020) and plan to present a quarterly financial update along with a COVID financial impact update in March.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Planning and Development Monthly Department Report

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [PCD Feb 21.pdf](#)

PLANNING & COMMUNITY DEVELOPMENT DEPT REPORT

Prepared By:

Rich Atkinson

Date:

2/8/2021



DEPARTMENT MISSION:

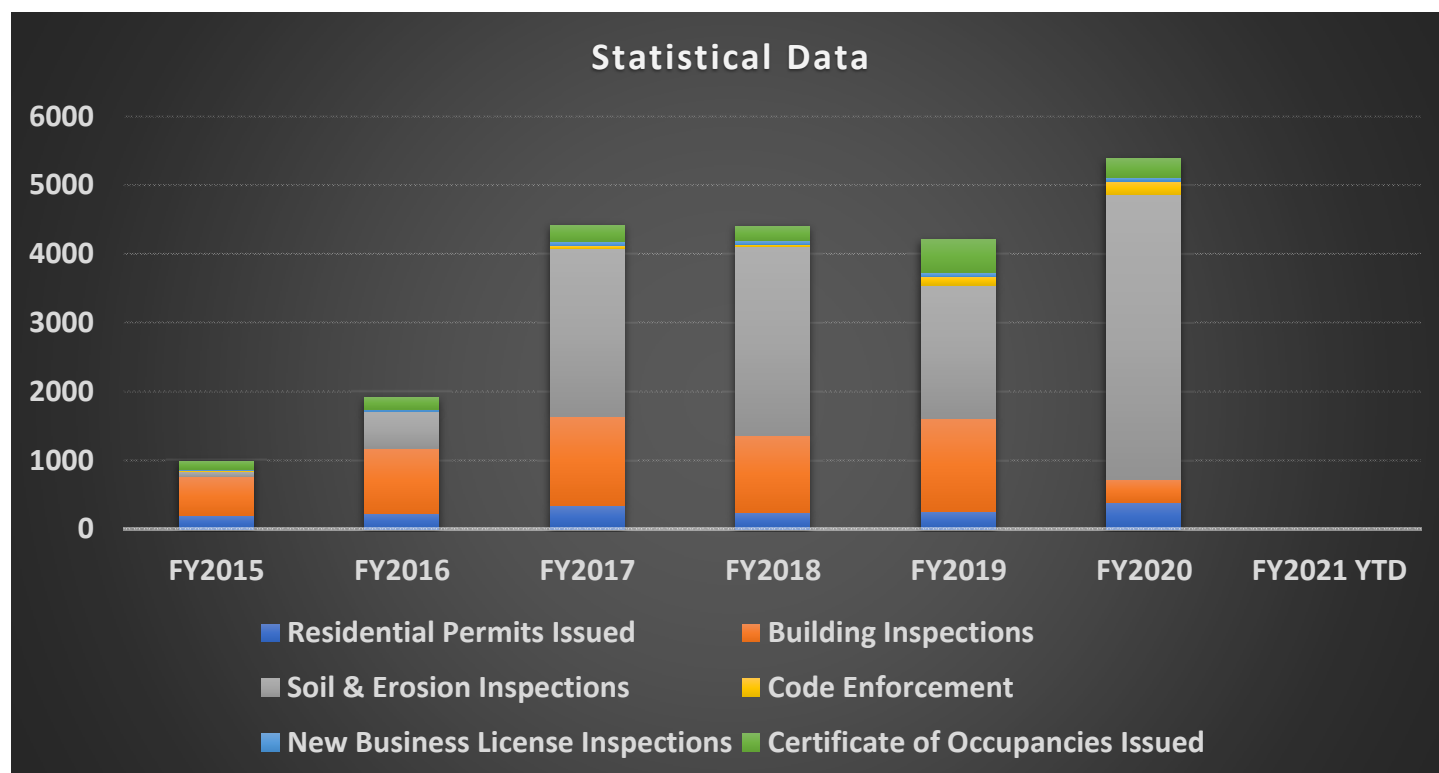
We are responsible for current and future planning, zoning, building permits, site development, plan review, building and site inspections, sign permitting and review, occupational tax licensing, soil and erosion inspections, as well as code enforcement. We strive to provide all of our services in a timely and professional manner.

GOALS:

Help Flowery Branch reach its full potential as a city.

STATS:

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021 YTD
Residential Permits Issued	201	228	347	245	259	391	
Building Inspections	559	941	1293	1113	1345	329	
Soil & Erosion Inspections	78	535	2434	2744	1939	4146	
Code Enforcement	6	13	42	35	132	195	
New Business License Inspections	23	28	61	51	49	46	
Certificate of Occupancies Issued	118	168	240	216	484	278	



PLANNING & COMMUNITY DEVELOPMENT DEPT REPORT



REPORT:

Current Project Status Update:

1. Bell Drive – 199 single family homes
 - A. Now known as, “The Beacon”, a for-rent complex owned and operated by Rangewater.
 - B. Active LDP
 - C. Staff is working on issues concerning buffer and sidewalk along McEver Road
2. The Farm – mixed-use on McEver and Gaines Ferry Road
 - A. Active LDP
 - B. Spoke with owner/developer Robi Sarkar and the project is progressing.
3. Summit Lake – 324 single family homes
 - A. Currently under construction in all phases
4. McEver Self Storage
 - A. Currently under review for LDP
5. The Enclave – townhome project next to McEver self-storage
 - A. Approved for LDP
6. Park Haven – 67 single family homes 50 are complete or under construction
7. Summit Ridge – 129 single family homes off Jim Crow Road; phase two in progress
8. TRG Downtown – Brick work underway
9. Downtown work (Farmers Market, Pocket Park, Streetscape, etc.) being finalized with Tri-Scapes to begin work ASAP
10. Hillgrove Homes downtown townhomes/land swap – elevations approved by Council, landswap is being finalized
11. The Branches on East Main – 55 single family homes completed
12. The Villages on East Main – Currently under construction with only 3 single family lots available; townhomes are completed
13. TRG – Apartments – Under construction; pre-leasing apartments
14. Patillo Project – Warehouse on Thurmon Tanner; Approved for LDP but has not started
15. Project Falcon – Warehouse/Office on Falcon Parkway; Approved LDP
16. CA Ventures – Warehouse on Falcon parkway; Under review for LDP
17. Woodfield Apartments – Active LDP
18. Dunkin’ Donuts – Active building permit
19. Burger King/Convenience store – active building permit
20. SOTL Gated – Actively building
21. SOTL – Honecutt and Knutson and LM Z
22. Mitchell Street Homes – 3 active, 2 complete
23. Emory Health Care – facility at the falcon Complex



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Police Monthly Department Report

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Police

Prepared by: Vickie Short

ATTACHMENTS

- [PD Feb 2021.pdf](#)

POLICE DEPARTMENT REPORT

Prepared by:

David Spillers

Date:

2/8/2021



DEPARTMENT MISSION:

We vow to protect and serve the City of Flowery Branch through dedication, professionalism, and community-oriented policing by using active cooperation as well as effective, proven standards of excellence with a positive, progressive attitude.

GOALS:

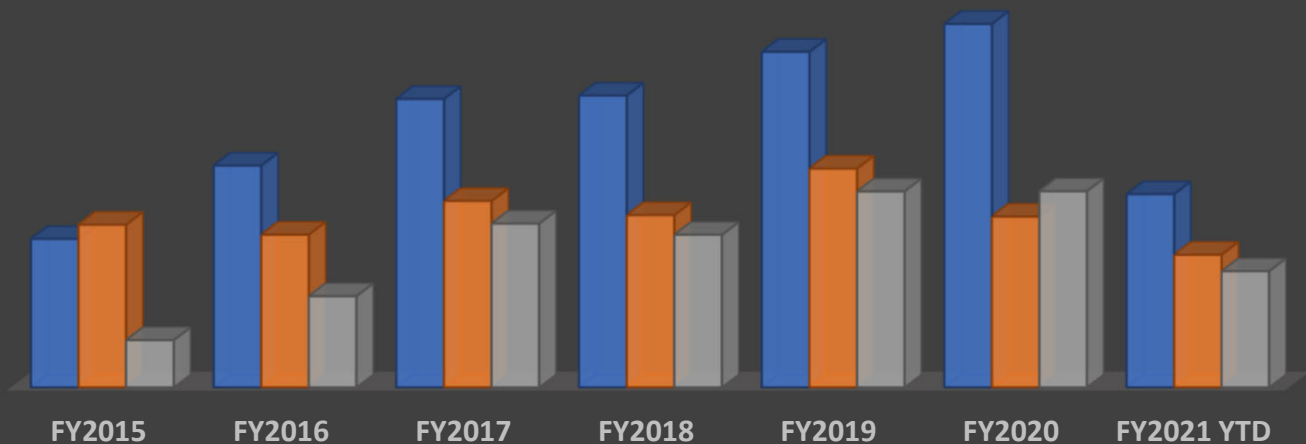
1. Maintain and Improve service delivery in terms of public safety with a continuing focus on prevention.
2. Ensure city residents are treated fairly, ethically, and respectfully.
3. Continue to train on deescalation techniques and continue training with regard to mental health issues.
4. Continue training Ms. Dominguez for enhancing victim/witness services.

STATS:

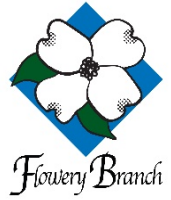
	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021 YTD
Calls for Service	2691	4022	5231	5292	6086	6591	3503
Officer Initiated Traffic Calls	2950	2769	3380	3123	3967	3098	2404
Arrests, Accidents, and Incidents (including field reports)	855	1653	2970	2766	3553	3556	2105
Vehicle Miles	149699	163147	187258	176473	186851	194189	99,701

STATISTICAL DATA

- Calls for Service
- Officer Initiated Traffic Calls
- Arrests, Accidents, and Incidents (including field reports)



POLICE DEPARTMENT REPORT



REPORT:

Ms. Anael Dominguez is the Assistant Municipal Court Clerk. The department is working on getting her certified as a police officer and training to assist with domestic violence and rape cases. Ms. Dominguez has met with and is shadowing City of Gainesville's, Anjana Freeman LCSW and mental health clinician, as well as Kristen Frame of the Hall County District Attorney's office to provide more effective victim and witness services to our clients.

Officers continue to utilize a "bait" car in high crime areas on a constant rotation to give the appearance of extra officers.

Investigating various night vision and infrared technology to enhance patrol officers ability to detect crime during the cover of darkness.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Public Works Monthly Department Report

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Public Works

Prepared by: Vickie Short

ATTACHMENTS

- [PUBLIC WORKS - Feb 2021.pdf](#)

PUBLIC WORKS DEPARTMENT REPORT

Prepared By: Bill Whidden
Date: 2/8/2021



DEPARTMENT MISSION:

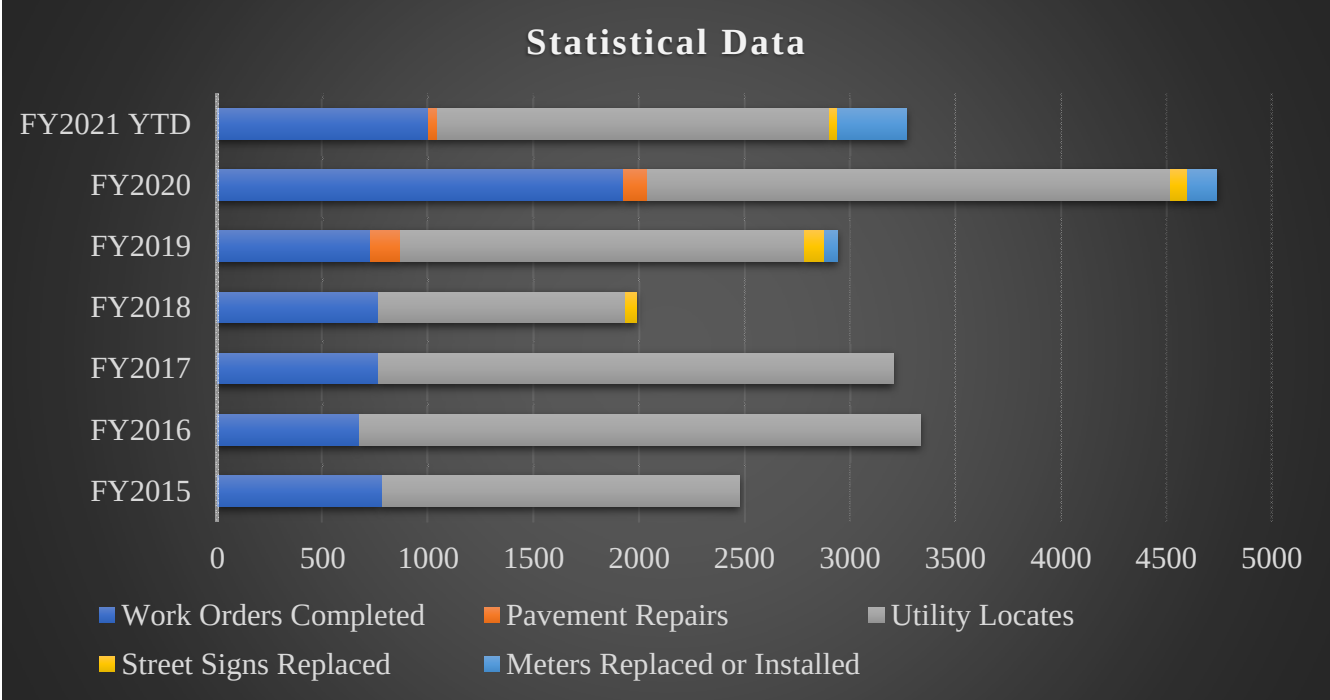
The Public Works Department is responsible for the care, maintenance and operation of the city water distribution system, the collection of wastewater by distribution of drinking water, collection of sanitary sewer and collection of storm sewer, the street lighting system, all city streets and sidewalks, parks, and municipal buildings.

GOALS:

The Department of Public Works for the City of Flowery Branch strives to enhance the quality of life for its residents by ensuring clean safe drinking water, efficient sanitary sewer service, well-maintained city streets and all other city-related issues that our citizens rely on daily. We at Public Works are striving to become a more proactive unit with preventive maintenance on all the utilities, roadways, etc.. which in the long run will keep the city running in a more efficient and be less expensive for its citizens.

STATS:

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021 YTD
Work Orders Completed	781	673	764	765	725	1928	1000
Pavement Repairs					145	110	42
Utility Locates	1694	2662	2442	1173	1916	2483	1861
Street Signs Replaced				50	95	80	39
Meters Replaced or Installed					59	139	325
New Water Lines Installed (linear ft)					9786	4457	6412



PUBLIC WORKS DEPARTMENT REPORT



REPORT:

City of Flowery Branch Public Works department is currently working on 170+ 3/4" water meters with updated electronic sending units. We are also working on a project quantifying and replacing or downsizing multiple larger water meters with updated electronic sending units as well. These updates will enhance the city's ability for monitoring and billing services.

We at Public Works are also continuing on with our standard duties as well and are proud to call the City of Flowery Branch our home.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Water/Wastewater Monthly Department Report

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

n/a

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Water/Wastewater

Prepared by: Vickie Short

ATTACHMENTS

- [WWW Feb 2021.pdf](#)

WATER/WASTEWATER DEPARTMENT REPORT

Prepared By: Virgil Welch
Date: 2/21/2021



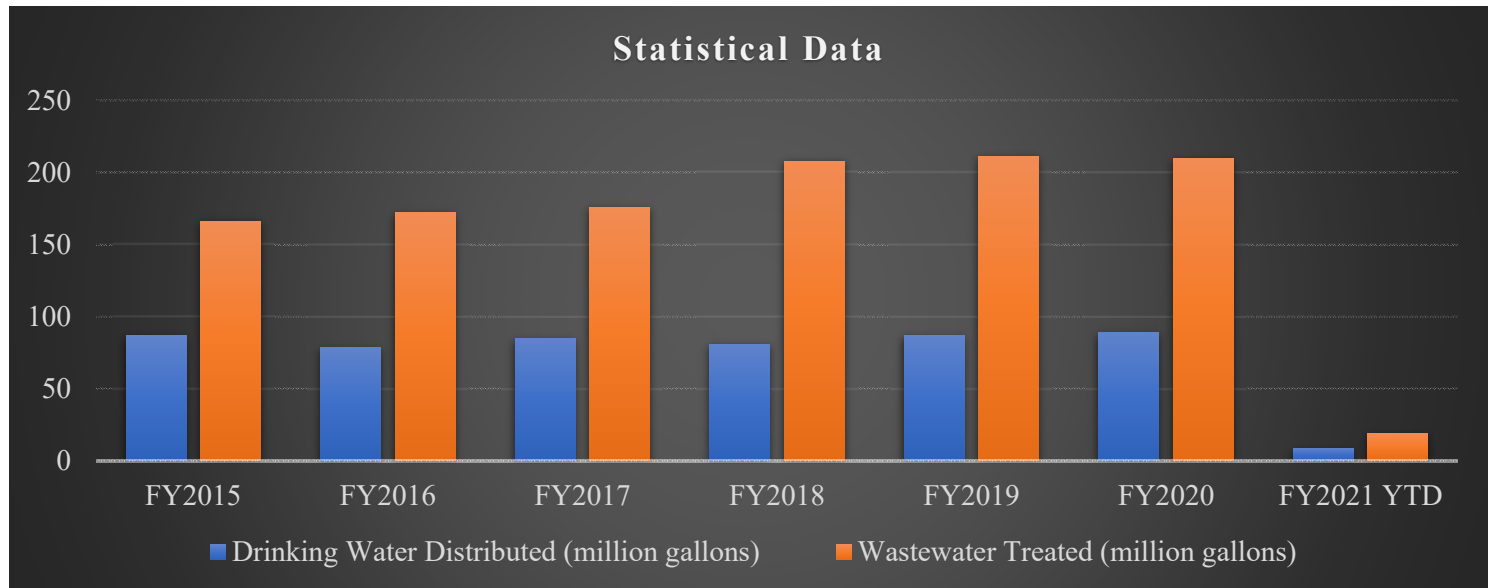
DEPARTMENT MISSION:

The safe and reliable production of drinking water, free of harmful bacteria and other pollutants, is one of our top priorities. Strict drinking water standards control all aspects of treatment for our public water supplies (treatment, storage, and distribution) to ensure the delivery of safe water to consumers. Wastewater treatment following strict requirements and monitoring to ensure the safety of our community is another top priority. Our goal is to meet or exceed all standards.

GOALS: Prepare for the plant and water sytem expansion, hire and train two new employees, complete implementation of the maintenance software program, and install security system at the plant.

STATS:

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021 YTD
Drinking Water Distributed (million gallons)	87	79	85	81	87	89	9
Wastewater Treated (million gallons)	166	172	176	208	211	210	19



WATER/WASTEWATER DEPARTMENT REPORT



REPORT:



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Council Report

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider January 21, 2021 Meeting Minutes

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [January 21, 2021 Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
January 21, 2021, 6:00pm
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



TELECONFERENCE MEETING

CONNECTION TO MEETING:

Please note this meeting will be virtual. The meeting will begin at 6:00 pm. The 5:30 pm time below is to allow for the meeting setup.

Council Meeting January 21, 2021
Thu, Jan 21, 2021 5:30 PM - 9:30 PM (EST)

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/991627085>

You can also dial in using your phone.
United States: +1 (312) 757-3121

Access Code: 991-627-085

CALL WORK SESSION TO ORDER:

Mayor Miller called the work session to order at 6:07 pm.

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

RESOLUTION 21-001-DECLARATION OF LOCAL STATE EMERGENCY RENEWAL

Mr. Bennett read the caption for Resolution 21-001.

Resolution 21-001 Declaration of Local Emergency

There was a motion made to approve Resolution 21-001 Declaration of Local Emergency with amended dates.

MOTION: Leslie Jarchow

SECOND: Amy Farah

AYES: Ed Asbridge, Joe Anglin, Amy Farah, Chris Mundy, Leslie Jarchow

NAYS: None

Motion carried

FY2021 BUDGET AWARD PRESENTATION-LAURIE PUCKETT, PRESIDENT OF GGFOA

GGFOA FY2021 Budget Award

Ms. Laurie Puckett, President of the GGFOA, presented the FY2021 Distinguished Budget Presentation Award to the City of Flowery Branch. This award is the highest form of recognition in governmental budgeting. Its attainment represents a significant achievement by Ms. Gamble and her staff. Several attendees congratulated Ms. Gamble and her staff.

UNFINISHED BUSINESS - WORK SESSION:

Consider-2nd Reading of Ordinance 21-624 - Publishing of 2021 General Election Qualifying Fees

Ms. Short explained the First Reading of Ordinance 624 which is to provide for the 2021 municipal election for the City of Flowery Branch for the following posts-Mayor, Post 3, Post 4 and Post 5-to set qualifying dates and to set the fee for said qualifying.

O.C.G.A. 21-2-131 (a)(1)(A) requires fixing and publishing of the qualifying fees prior to February 1 of an election year.

Seats up for election and qualifying fee for each:

- Mayor \$180.00
- Post #3 \$144.00
- Post #4 \$144.00
- Post #5 \$144.00

Qualifying is proposed to begin the 3rd Monday in August per O.C.G.A. 21-2-132 (3)(A).

Qualifying dates are proposed for Monday, August 16, 2021 at 8:30 am through Wednesday August 21, 2019 at 4:30 pm.

2021 Regulatory Event Dates

This Unfinished Work Session item was tabled at the January 7, 2021 meeting. Ms. Short asked if there were any questions. Council proposed that the Car Show and Chili Cook-off be added on the list of events. Ms. Short responded that this event will be added. There were no additional questions.

Consider approval of New Operations Development Charge

Ms. Gamble and Mr. Andrew shared that there have been some additional questions/concerns from Council regarding the proposed charges. It was suggested this be tabled until the February 4, 2021 meeting to allow for further research of the questions/concerns.

NEW BUSINESS -WORK SESSION:

Fiscal Year 2021 Local Maintenance Improvement Grant (LMIG) Program

Mr. Andrew presented the information on the FY21 LMIG Grant Program.

Highlights included:

HISTORY:

FY 2021 - \$76,142 (LMIG funds) + \$893,750 (Local Match) = \$969,892 TOTAL
FY 2020 - \$235,483 (Total LMIG 2018-2020) and \$146,968 (Local Match) The 2020 LMIG is an additional \$84,375.96 in grant funds.
FY 2019 - \$81,318 LMIG funds + \$146,968 (Local Match) for Cantrell Rd, Clarkstone Cir. & Clarkstone Dr., E. Pine St., Holland Dam Rd., Debbie Ln, Chinook Ct., and Mohave Ct.
FY 2018 - \$69,790 LMIG funds + \$0 funds held for following year.
FY 2017 - \$62,611 LMIG funds + \$149,388 (Local Match) for portions of Pine St., Gainesville St., Lights Ferry Rd., Mitchell St., Church St., and Mulberry St
FY 2016 - \$51,120 LMIG funds + \$39,883 (Local Match) for McEver Rd.
FY 2015 - \$45,193 LMIG funds + \$284,408 (Local Match) for Gainesville St.
FY 2014 - \$39,920 LMIG funds + \$106,692 (Local Match) for portions of Mulberry St., Railroad Ave., Church St., Tanner St., and Gainesville St.

1. Approximately 34.62 miles of roads, up from 34 miles in 2020
2. LMIG funds peaked in FY19, state is now sending more funds to T-SPLOST communities
3. FY20 had an average of \$78,500 in state funds which were pooled together to create economy of scale for a better bid. The local match average was \$49,000
4. With the funding we are looking at now for 2021, we are on-track to meet the requirements of the paving/maintenance plan we had prepared by Clark Patterson Lee
5. We plan to bid out these roads before the end of this Fiscal Year

Staff is requesting authorization for the City Manager to submit the on-line LMIG application and accept the funds on behalf of the City as well as and authorizing the bid to be released. The Council would then vote to award the bid later in FY21.

There was a brief discussion about an “unnamed” street listed on the list of roads. Mr. Anglin asked for clarification of the Lake Crossing Drive location.

DEPARTMENT REPORTS:

City Manager Report:

Mr. Andrew suggested the Mayor and Council consider a date for an on-line Council Retreat. The yearly retreat allows for a key part in Strategic Budget Planning which is a requirement for the Budget Book.

Planning Department Report:

Impact Fees vs. Stormwater Fees Discussion

Mr. Bill Ross with Bill Ross and Associates was unable to connect to the meeting due to technical problems. Mr. Edinger with Clark, Patterson, and Lee went over the information provided. It was decided that this will be tabled until the February 4, 2021 meeting.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 7:11 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:11 pm.

PUBLIC COMMENTS: There were no public comments.

CONSENT AGENDA:

- *Consider December 17, 2020 Meeting Minutes*
- *2021 Regulatory Event Dates*

There was a motion made to approve the Consent Agenda.

MOTION: Leslie Jarchow

SECOND: Chris Mundy

AYES: Ed Asbridge, Joe Anglin, Amy Farah, Chris Mundy, Leslie Jarchow

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider-2nd Reading of Ordinance 21-624 - Publishing of 2021 General Election Qualifying Fees

Mr. Bennett read the caption.

There was a motion made to approve 2nd Reading of Ordinance 21-624 Publishing of 2021 General Election Qualifying Fees.

MOTION: Leslie Jarchow

SECOND: Ed Asbridge

AYES: Ed Asbridge, Joe Anglin, Amy Farah, Chris Mundy, Leslie Jarchow

NAYS: None

Motion carried

Consider approval of New Operations Development Charge

There was a motion made to table the approval of the New Operations Development Charge until the February 4, 2021 meeting.

MOTION: Chris Mundy

SECOND: Leslie Jarchow

AYES: Ed Asbridge, Joe Anglin, Amy Farah, Chris Mundy, Leslie Jarchow

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Fiscal Year 2021 Local Maintenance Improvement Grant (LMIG) Program

There was a motion made to apply for and accept the FY 2021 LMIG funds for road paving.

MOTION: Joe Anglin

SECOND: Amy Farah

AYES: Ed Asbridge, Joe Anglin, Amy Farah, Chris Mundy, Leslie Jarchow

NAYS: None

Motion carried

There was a motion made to amend the above motion to apply for and accept the FY 2021 LMIG funds for road paving and for City Staff to prepare bid package.

MOTION: Joe Anglin
SECOND: Ed Asbridge
AYES: Ed Asbridge, Joe Anglin, Amy Farah, Chris Mundy, Leslie Jarchow
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session at 7:48 pm for the purpose of acquisition/disposition of real estate, pending litigation, and personnel issues.

MOTION: Joe Anglin
SECOND: Amy Farah
AYES: Ed Asbridge, Joe Anglin, Amy Farah, Chris Mundy, Leslie Jarchow
NAYS: None
Motion carried

There was a motion made to reconvene open session at 9:04 pm.

MOTION: Leslie Jarchow
SECOND: Amy Farah
AYES: Ed Asbridge, Joe Anglin, Amy Farah, Chris Mundy, Leslie Jarchow
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 9:04 pm.

MOTION: Leslie Jarchow
SECOND: Amy Farah
AYES: Ed Asbridge, Joe Anglin, Amy Farah, Chris Mundy, Leslie Jarchow
NAYS: None
Motion carried

Mayor – Mike Miller

Date

City Clerk – Vickie Short



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a Conditional Use Permit (CUP) submitted by Jeremy Crosby, JPC design and Construction, LLC. to build and operate a car wash in the Highway Business District zoning district.

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

A variance (see attached "staff report - VARIANCE") was applied for and granted by Council in October of 2018. This was a request to allow the gas pumps to be located in the front of the primary structure. During the variance process Council was shown a site plan detailing the proposed development. The development included a convenience store, gas pumps, a Burger King, and a car wash. The car wash requires a conditional use permit (CUP) in Highway Business (HB) zoning. This is the CUP request for the car wash portion of the project. The project is currently in the land development phase and has submitted and received approval for the convenience store/Burger King building.

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

It is staff's recommendation the CUP request to construct and operate a car wash submitted by Mr. Jeremy Crosby should be approved.

SAMPLE MOTION:

I make a motion to approve the first reading of resolution 20-027 as presented and conditioned by staff.

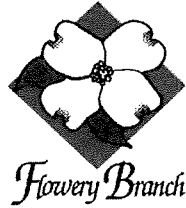
COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Application January 7 CC.pdf](#)
- [Staff report.pdf](#)
- [Resolution 200-027.pdf](#)
- [Staff Report - VARIANCE.pdf](#)
- [Powerpoint for Car Wash CUP.pptx](#)



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: 11-11-2020

Address of Request:

#5846 Phil Niekro Blvd., Flowery Branch,
GA 30542

Tax Map # 08114 002025 and 002030 Current Zoning: HB

Is this site located within the boundaries of the historic district? NO

Currently a conforming use? yes

Any conditions of zoning, CUP's, etc.? NO, Variance - yes

Applicant Information

Applicant: Jeremy Crosby, JPC Design and Construction, LLC

Address: P.O. Box 710, Jackson, GA 30233

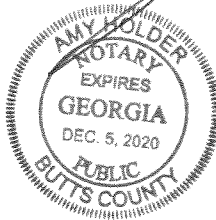
E-mail address: jcrosby@jonespetroleum.com

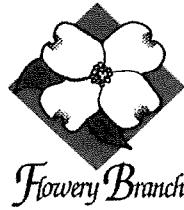
Phone number: 770-775-2386 office, 770-560-3527 cell

Signature: _____

Notary Seal:

Amy Holder





Property owner Information

Property owner (please print): William B. Jones

Address: 264 Alabama Blvd., Jackson GA 30233

E-mail address: bjones@jonespetroleum.com

Phone number: 770 - 775 - 2386

Signature: [Handwritten Signature]

Notary Seal:

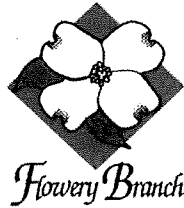
Dana Knight



Applicant Information Required at Time of Submittal

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

- Payment of \$350.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Detailed description of request
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

N/A

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

N/A

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

N/A

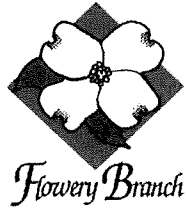
Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

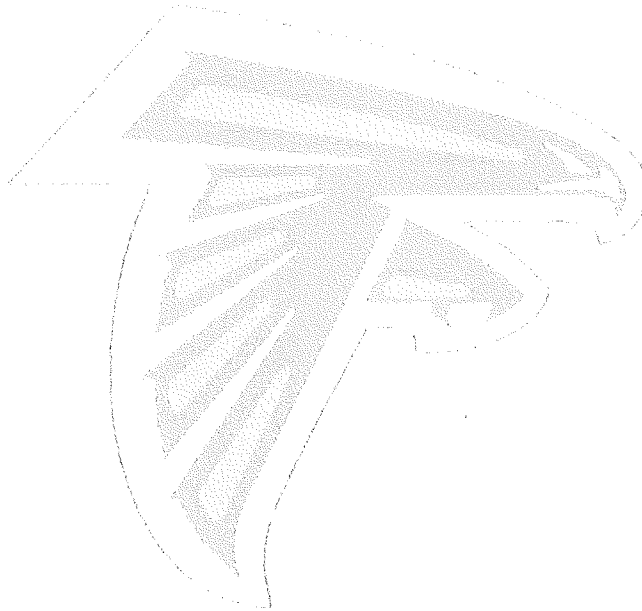
N/A



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____



JPC Design and Construction, LLC
264 Alabama Blvd.
P.O. 710
Jackson, Georgia 30233

11/11/20

Mr. Rich Atkinson, Director
City of Flowery Branch Planning and Community Development
PO Box 757
5410 Pine St.
Flowery Branch, Georgia 30542

RE: Conditional Use Written Analysis and Detailed Description, Car Wash, 5840 Phil Niekro Blvd., Flowery Branch, Georgia.

Mr. Atkinson,

In consideration of Conditional Use for a Car Wash located at 5840 Phil Niekro Blvd., we ask that you consider these factors as they bear a reasonable relationship to the public health, safety, morality, and general welfare to the City of Flowery Branch.

We are proposing a Car Wash adjacent to the Jones Petroleum Convenience Store and Burger King. The Car Wash will have a proposed 3,400 SF building with 17 parking spaces with vacuum and detail stations. There will be access to enter the car wash from the front of the property, and the exit of the car wash will be in the rear of the property. We will adhere to all City Ordinances and Regulations, and all buildings will be architecturally compatible with the other buildings on our property.

Attached are criteria for consideration for the Zoning Administrator to make recommendations for the Governing Body.

- A. Whether the conditional use proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The existing uses of the adjacent and nearby properties are mixed highway commercial in general. The current zoning of our property is HB with a proposed convenience store and gas station with a Burger King attached and an out parcel for a future Car Wash. We are located directly at the intersection of I-985, which is a major commercial intersection. This Conditional Use should be suitable in view of the use and development of adjacent properties. The proposed building will be architecturally compatible with the convenience store and Burger King currently under construction.

- B. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposal will not adversely affect the existing use or usability of adjacent or nearby property. The proposal has adequate setback and inter parcel access and vehicular circulation into and out of the site, both in the front and rear of the property. There will be vacuum and detail stations on site as well. Vehicles will be able to enter the car wash in the front access and exit in the rear and there is a travel lane that circles behind the convenience store and Burger King where vehicles can exit onto Holland Dam Rd.

- C. Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.

A Conditional Use permit is required by the City of Flowery Branch in order to have a car wash use on the site. The site lends itself very well for the layout of the car wash. It is a small site, so commercial uses are limited for the parcel.

- D. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed use will not cause excessive or burdensome use of streets, as there is adequate interior circulation on site to handle traffic flow. There are three access points into and out of the property already, as well as an existing red light at the intersection of Phil Niekro Blvd. and Holland Dam Rd. All utilities are available to the site as well. And there should be no impact on schools, as the request is commercial in nature.

- E. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

The proposal is in conformity with the policy and intent of the comprehensive plan. The Character area map shows this site as an Activity Center with retail business, services, and complimentary uses being allowed. A car wash would meet this requirement and a service and complimentary use. Also we will adhere to all regulations and City Design Standards.

- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

There are no other existing or changing conditions affecting the use and development of the property.

- G. Existing use(s) and zoning of the subject property and nearby properties.

Existing zoning of the property and nearby properties are all HB (highway business). Existing uses of the subject property are a convenience store and Burger King and an undeveloped commercial parcel. There is a hotel to the south, and commercial shopping centers with retail business and restaurant uses to the north and east of the property.

- H. Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district, if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification.

The property is currently zoned HB and had an existing Marathon Station with Subway on it. The property has been redeveloped to include a new Jones Petroleum convenience store with Burger King and now a proposed car wash. This has all been done to enhance the property and bring it to current development standards with adjoining property.

- I. Whether the proposed zoning map amendment of conditional use approval will be a deterrent to the value of improvement of development of adjacent property in accordance with existing regulations.

We do not feel that the conditional use approval will place a negative impact on adjacent property. It should have a positive impact.

- J. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

This does not apply.

- K. Possible effects of the change in zoning district map, or change in use, on the character for a zoning district.

There is no change in zoning requested.

- L. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

The current convenience store and Burger King has been designed to handle all storm water drainage for the entire property, including the proposed car wash. There will be minimal impact on the environment, as we will adhere to all of the City's sediment and erosion control ordinances during and after construction in complete.

- M. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.

We feel that the request is compatible with the overall zoning scheme and purpose of the Zoning Ordinance.

Your consideration in this proposal is greatly appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike Horne", followed by a long horizontal line extending to the right.

Mike Horne, Project Manager
JPC Design and Construction, LLC

03854
0243

000243

TRACT D

BEGINNING at an iron pin running in a direction South 26 degrees 08' 11" West a distance 0.86 feet, thence North 52 degrees 13' 35" West a distance 130.91 feet, thence North 57 degrees 36' 27" East a distance 21.26 feet, thence South 52 degrees 13' 35' East a distance 120.08 feet rounding a curvature of 368.49' in Radius, 19.46' in Length, Chord of 19.46', and a CH. Bearing of South 27 degrees 34' 21" West to said point of beginning. Said tract containing 0.058 acres.

This property is made subject to all easements, right-of-ways, set backs, ordinances, and restrictions of record.

docno.12073



Applicant: Jeremy Crosby, JPC Design and Construction, LLC.

Property Owner: William B. Jones

Subject Property: 5840 Phil Niekro Blvd.; Parcel # 08114 002025 & #08114 002030

Request: Conditional Use Permit (CUP) to construct and operate a car wash in HB zoning

Current Use: Vacant with an approved LDP and building permit for a Burger King/gas station

Character Area: Activity Center

Code:

Per the City of Flowery Branch Zoning Ordinance an HB zoned property who wishes to operate a car wash is required to obtain a conditional use permit.

Sec. 9.4. - HB, Highway Business District.

Purpose and Description . This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.

Character . This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building facades are softened with landscaping and low-lying identification signs.

Permitted and Conditional Uses . Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

Dimensional Requirements . Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."



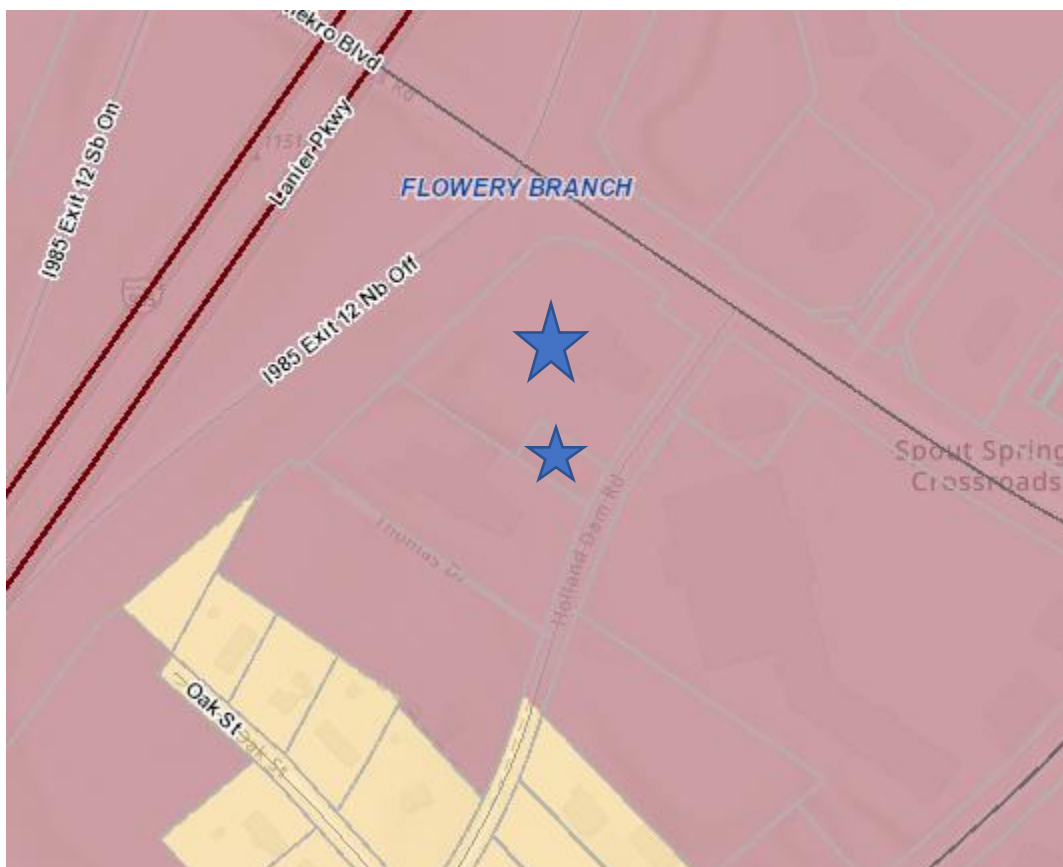
Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C
Auction house or auction yard (excluding livestock)	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	X	X	P	P	P	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sect. 14.3) (Ord. 348-11)	P	P	C	P	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	C	P	X	C	C
Club, private (Ord. 348-11)	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P



Property:

The subject property is located at 5840 Phil Niekro Blvd; tax parcel identification numbers 08114 002025 & 08114 002030. The property is currently zoned Highway Business (HB).





Previous case for this site approved on October 4, 2018.

VARIANCE STAFF REPORT

Applicant is JPC Design and Construction/Steven Rowland of Rowland Engineering.

Variance from the requirements set forth in the City of Flowery Branch Zoning Ordinance; Article 10, Development Requirements and Guidelines section 10.9 (f):
Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.

Applicant believes they meet the criteria for granting a variance per Article 37, section 37.5 of the Flowery Branch Zoning Ordinance (see attached application).

Staff believes if Mayor and Council decides to grant the request allowing the gas pumps to be located in front of the principal structure the following conditions should be applied:

1. Landscaping plan shall be submitted to staff for review. A heavy buffer shall be provided along Phil Niekro Boulevard.
2. Lighting plan shall be submitted to staff for review.
3. Comprehensive sign plan for the entire site. Staff and applicant shall agree upon specific monument sign design that will include space for, or include, a "Welcome to Flowery Branch" message.
4. Stormwater shall be provided and shall be underground as submitted and approved via the Flowery Branch land disturbance requirements.
5. Principal structure shall be predominately brick.
6. Dumpster screening shall be consistent with the principal structure.
7. Gas canopies shall be designed to match the principal structure.
8. Secondary business (car wash) shall be designed to match the principal structure.
9. Plans shall include all conditions as set forth by City Council clearly printed on the front page with the date of Council approval.



Car wash proposed location and layout:





CUP Requirements:

Sec. 34.7. Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the City Council in the decision-making process.

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. *The subject property lies within a commercially zoned area. The use (car wash) is suitable for the area.*
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. *A commercial use at this location is suitable and will not adversely affect nearby properties.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Currently zoned HB (Highway Business) many commercial uses are suitable. The property has a reasonable economic use with or without the issuance of this CUP.*
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *No, the use would not be burdensome on infrastructure or the school system.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *The current character area for this site is "Activity Center". A car wash, in this instance, is in conformity with the comprehensive plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *The site is approved for a Burger King/Gas Station and the addition of a car wash would be acceptable for the site and may be a welcomed addition to the area.*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *The subject property is surrounded by commercially zoned properties.*



- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **N/A**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **The use should not be a deterrent in any manner to the adjacent properties.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts **A CUP does not create a new zoning designation.**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **None.**
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. **None. It will be designed and built to current standards.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance **The use meets the intent of the zoning ordinance.**

Staff Recommendation:

It is staff's recommendation that the CUP request to construct and operate a car wash submitted by Mr. Jeremy Crosby should be approved.

RESOLUTION NO.20-027

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT TO OPERATE A CAR WASH AT 5840 PHIL NIEKRO PARKWAY; ALSO KNOWN AS TAX PARCELS 08114 002025 AND 08114 002030. A CUP IS REQUIRED TO OPERATE A CAR WASH IN HIGHWAY BUSINESS (HB) ZONING DISTRICTS.

WHEREAS, the City of Flowery Branch Code of Ordinances, specifically Article 9, Section 9.4 of the Zoning Ordinance, requires a conditional use permit to be approved by City Council for specific uses in the Highway Business (HB) District; and

WHEREAS, the City of Flowery Branch code requires said conditional use permit for the use (car wash) requested by the applicant; and

WHEREAS, the City of Flowery Branch desires to adhere to the requirements of all City codes; and

WHEREAS, Mr. Jeremy Crosby, JPC Design and Construction, LLC. has submitted a complete and accurate conditional use permit to the City; and

WHEREAS, City staff and City Council have reviewed the application and the accompanying documentation associated with said application; and

NOW THEREFORE BE IT RESOLVED, that the governing authority of the City of Flowery Branch, Georgia, hereby grants the applicant a conditional use permit to operate a car wash at 5840 Phil Niekro Boulevard as shown on Exhibit "A" which is attached hereto and incorporated by reference herein. All resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of the conflict. This resolution shall become effective on the date approved by the city council.

RESOLUTION NO. 20-027

Page 2

RESOLVED this _ day of ____ 2020.

James M. Miller, Mayor

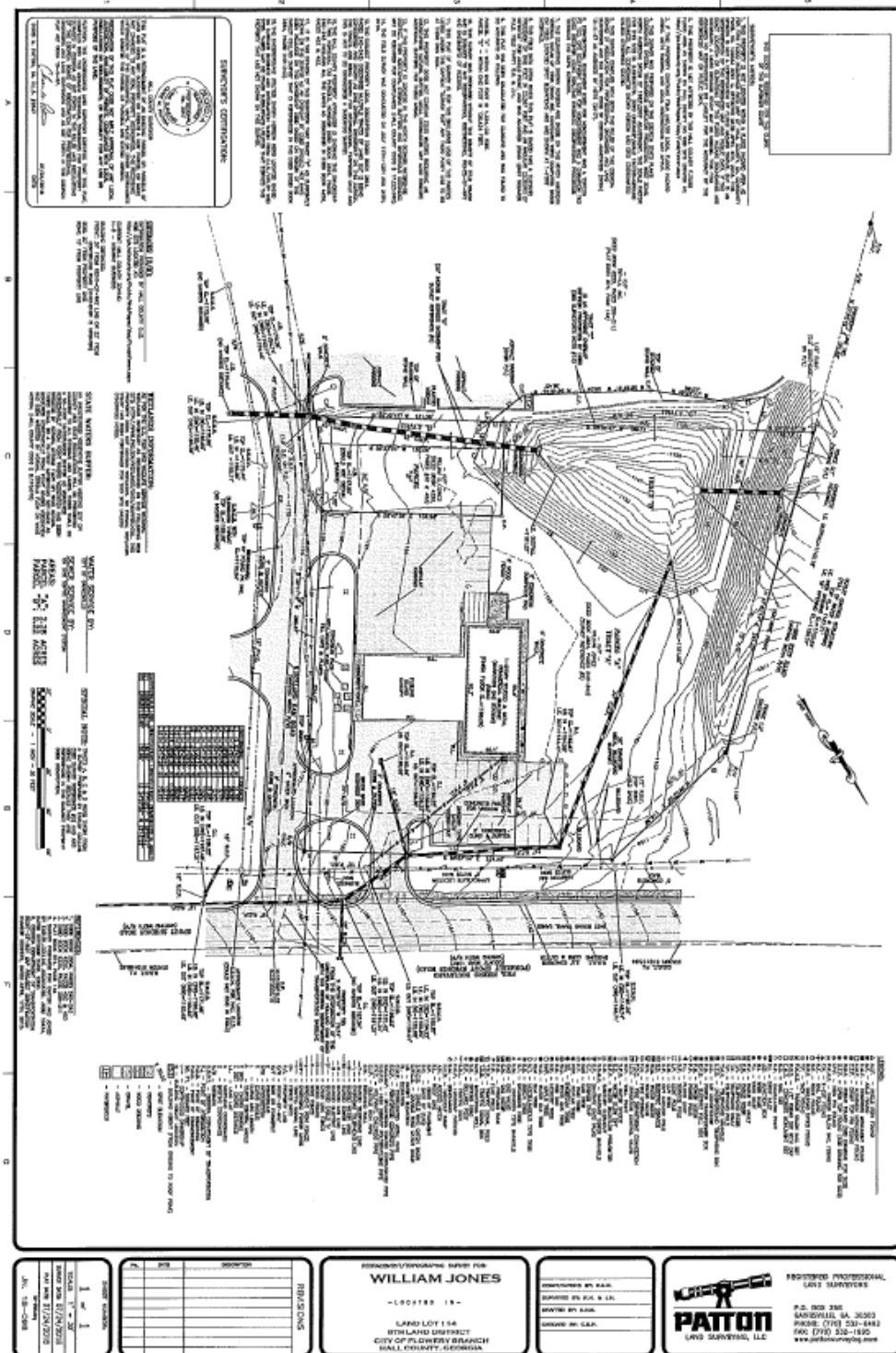
ATTEST

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"





VARIANCE
5840 Phil Niekro Boulevard

Applicant is JPC Design and Construction/Steven Rowland of Rowland Engineering.

Variance from the requirements set forth in the City of Flowery Branch Zoning Ordinance; Article 10, Development Requirements and Guidelines section 10.9 (f):

Convenience stores shall locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street.

Applicant believes they meet the criteria for granting a variance per Article 37, section 37.5 of the Flowery Branch Zoning Ordinance (see attached application).

Staff believes if Mayor and Council decides to grant the request allowing the gas pumps to be located in front of the principal structure the following conditions should be applied:

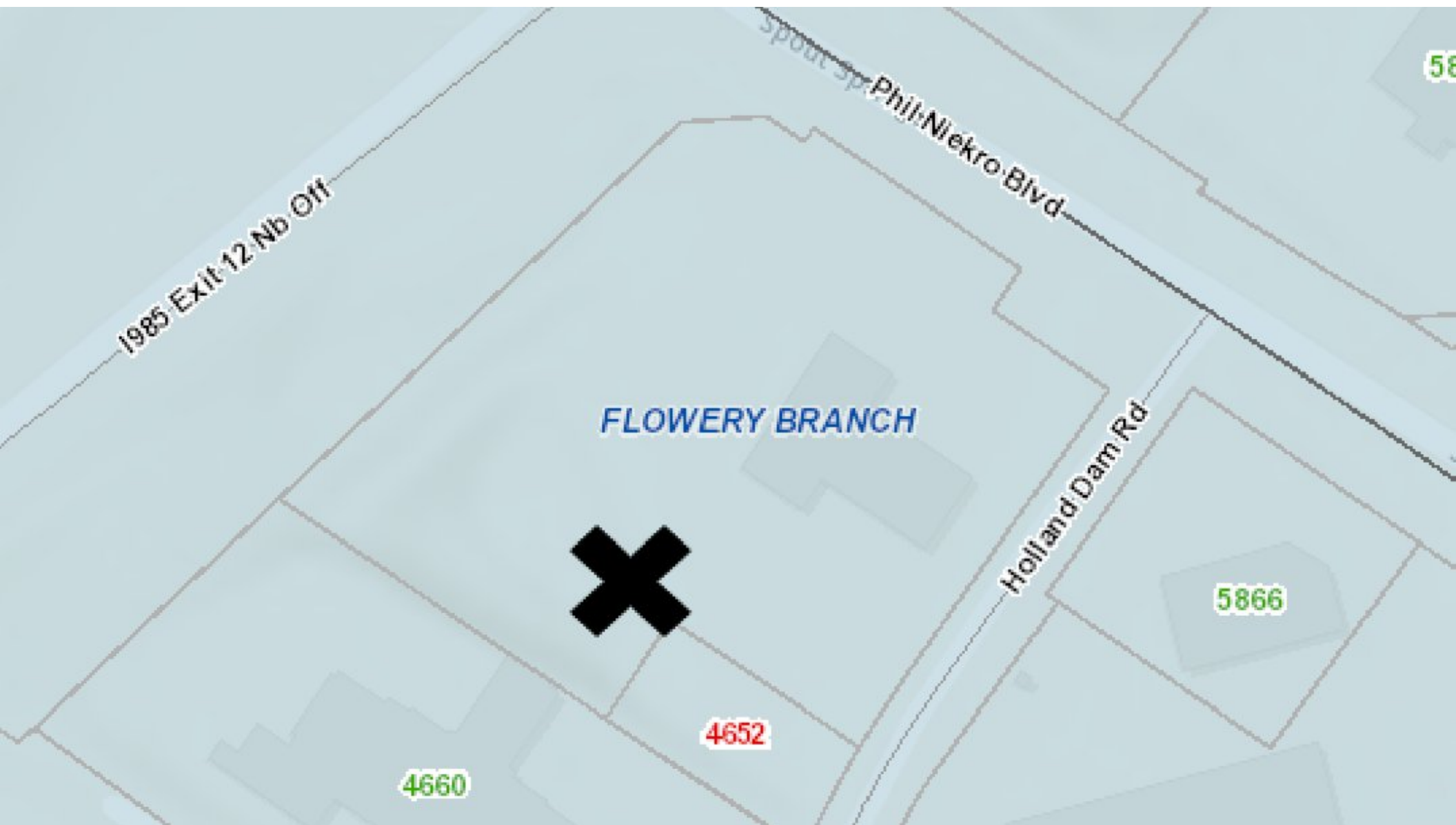
1. Landscaping plan shall be submitted to staff for review. A heavy buffer shall be provided along Phil Niekro Boulevard.
2. Lighting plan shall be submitted to staff for review.
3. Comprehensive sign plan for the entire site. Staff and applicant shall agree upon specific monument sign design that will include space for, or include, a "Welcome to Flowery Branch" message.
4. Stormwater shall be provided and shall be underground as submitted and approved via the Flowery Branch land disturbance requirements.
5. Principal structure shall be predominately brick.
6. Dumpster screening shall be consistent with the principal structure.
7. Gas canopies shall be designed to match the principal structure.
8. Secondary business (car wash) shall be designed to match the principal structure.
9. Plans shall include all conditions as set forth by City Council clearly printed on the front page with the date of Council approval.

CONDITIONAL USE PERMIT

Car Wash

*JPC Design and
Construction, LLC.*







SCHEDULE

- January 7 – Public Hearing; Work Session
- February 4 – Work Session (if needed)
- February 18 – Vote
- March 4 – Work Session (if needed)
- March 18 – Vote

STAFF RECOMMENDATION

- Approve as submitted
- No additional conditions requested
- Per conditions of previously approved variance:
Secondary business (car wash) shall be
designed to match the principal structure



ELEVATIONS FOR BK/ CONVENIENCE STORE





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: First Reading of Ordinance 2020-623 a rezoning application submitted by Mr. Bret Clark.

COUNCIL MEETING DATE: February 18, 2021

HISTORY:

Mr. Bret Clark (who was approved and is currently working on the McEver self-storage project) has submitted an application to rezone 5519 McEver Road from A (Agriculture) to HB (Highway Business) and R-3 (Multi-family) with the intent to construct a townhome/commercial mixed-use project. The parcel is approximately 11.34 acres and is currently vacant.

FACTS AND ISSUES:

Mr. Clark and staff are working through the proposed design and layout. Attached please see Mr. Clark's original proposal (Combined Bret Clark Files) and a proposed alternate design that Mr. Adam Williams of TSW did for the City (FB McEver Concept and Elevations). Mr. Clark was pleased with the TSW proposal and is working with his engineer to see if it will work with the topography.

Staff is in full support of the project and is confident a final design will be agreed upon prior to the final read and vote of this ordinance. If approved at the first read, conditions of zoning (including a binding landscape plan) will be finalized and submitted for review prior to the second vote.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve first reading of Ordinance #2020-623

SAMPLE MOTION:

I make a motion to approve the first read of Ordinance #2020-623.

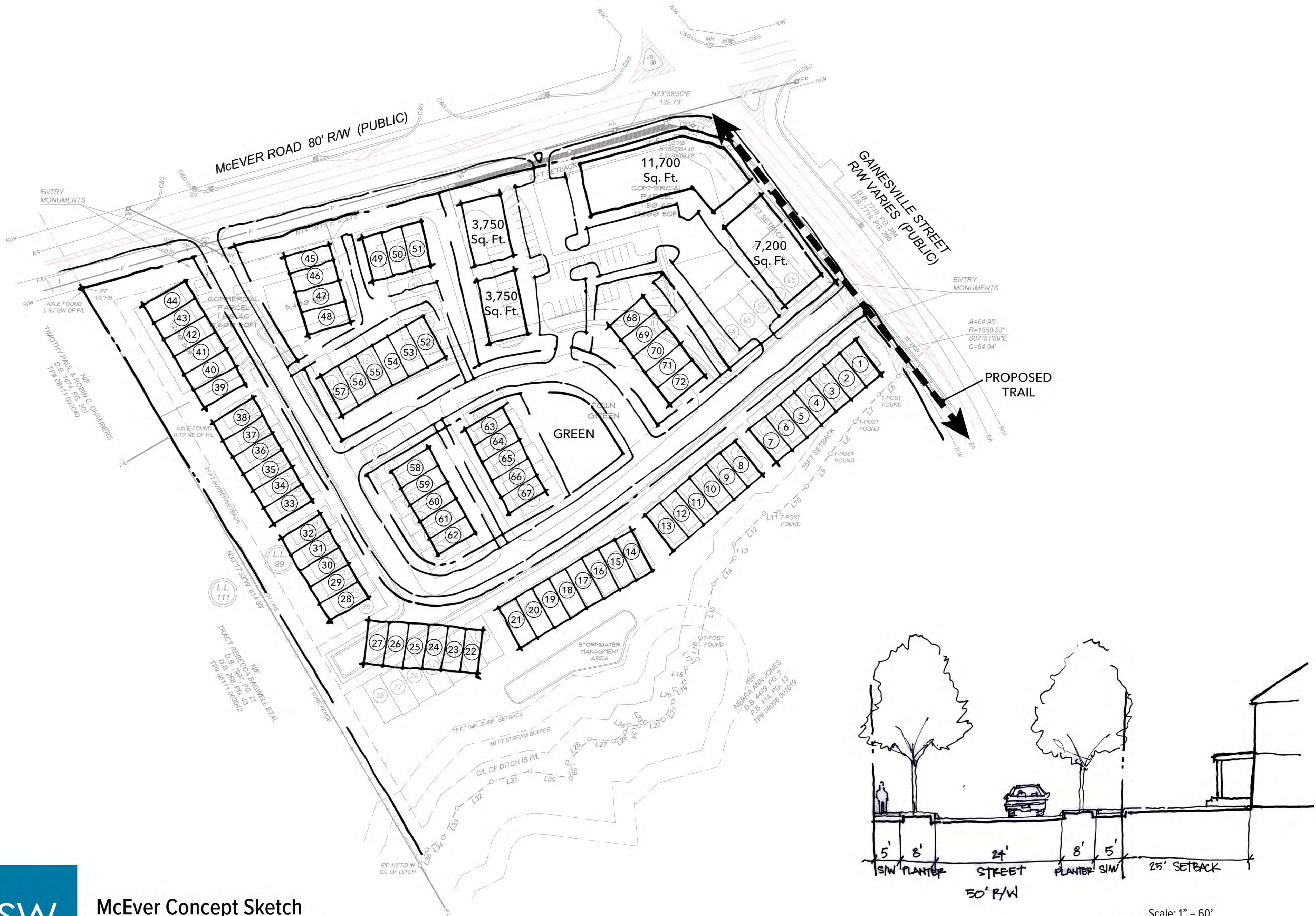
COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

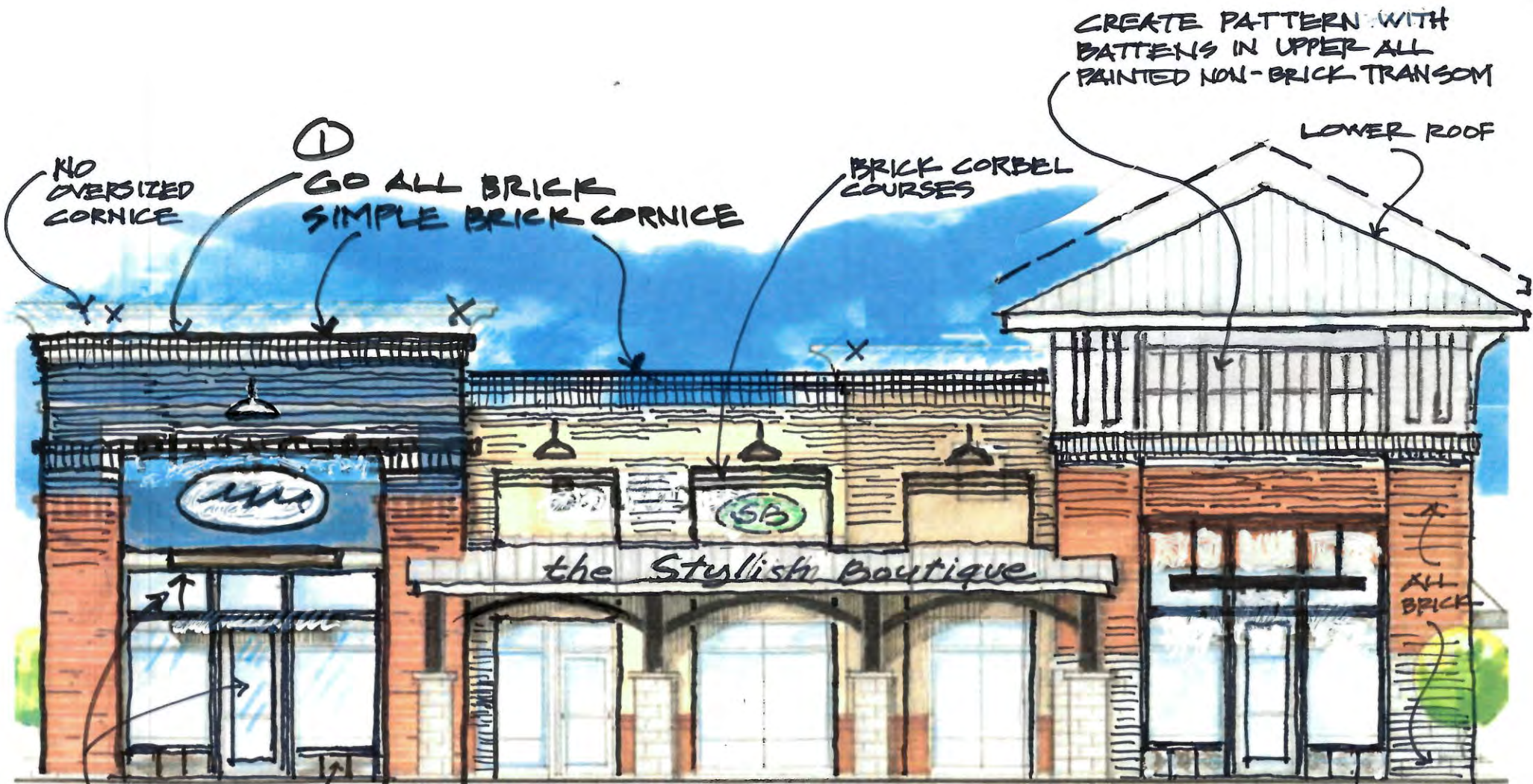
ATTACHMENTS

- [FB McEver Concept & Elevations Compressed.pdf](#)
- [Combined Files Bret Clark.pdf](#)
- [Staff Report Bret Clark McEver Mixed-Use.pdf](#)
- [UPDATED site plan for Feb 4](#)
- [Council Questions for Feb 4.pdf](#)
- [Ordinance 20-623 Bret Clark McEver-Gainesville.docx](#)





retail C front elevati 1451



②
RAISE CANOPY;
USE 8' DOOR

18-20" HIGH
WINDOW "BASE"

TSW SUGGESTIONS retail C front elevation

J. SPANGLER AIA
TSW

GENERAL COMMENTS: 12/17/2020

1. TOO BUSY - GO WITH 3 VOLUMES INSTEAD OF 4
2. GO MOSTLY BRICK FOR NON-GLASS AREAS
3. TRY FOR TALLER DOORS & WINDOWS AS SHOWN
4. USE GOOSE NECK INDUSTRIAL LIGHTS AS SHOWN





TH #1

1. GO WITH 100% WALL SHAKES INSTEAD OF MIXING SHAKES & HORIZ. SIDING
2. FIND WAY TO RAISE MAIN ROOF RIDGE

TH #2

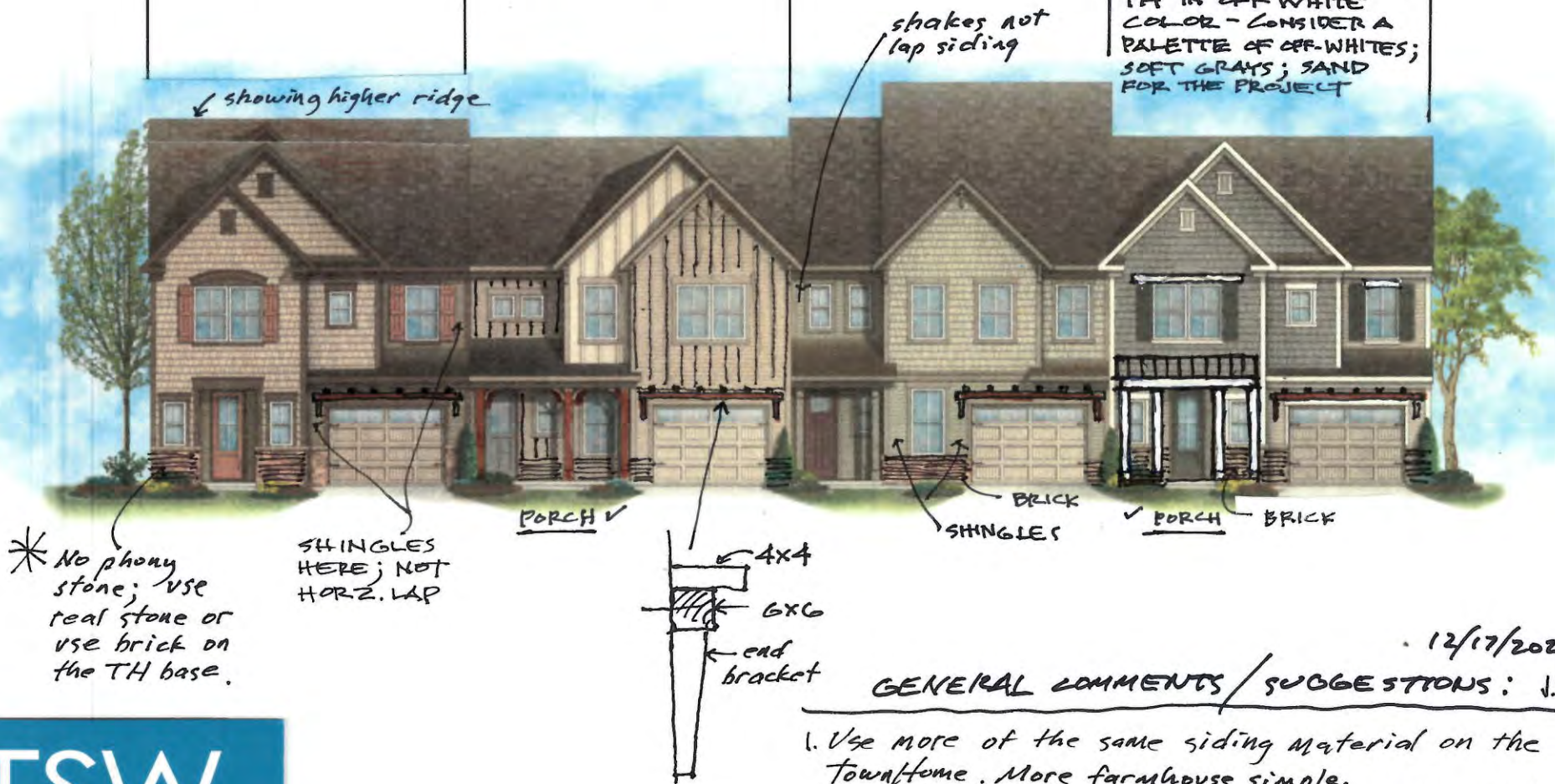
1. GO 100% BOARD & BATTEN
2. ADD BRICK OR REAL STONE "BASE".
3. COLOR CHANGES ON THE DIFFERENT VOLUMES OK.

TH #3

1. GO WITH MOSTLY WALL SHAKES
2. CREATE EYEBROW DETAIL OVER GARAGE DOOR

TH #4

1. STICK WITH FLAT WDW HEAD TRIM ON ALL WINDOWS.
2. CONSIDER SMALL 3-BAY PORCH TO ADD VARIETY
3. SEE TSW PHOTO OF OUR TRADITIONAL TH IN OFF WHITE COLOR - CONSIDER A PALETTE OF OFF-WHITES; SOFT GRAYS; SAND FOR THE PROJECT



- 12/17/2020
1. Use more of the same siding material on the Townhome. More farmhouse simple.
2. Your woodland colors look good & work well together. But maybe consider a palette of off whites; grays; ^{as a} fresh look.
3. Consider use of the garage eyebrow detail on all 4 THs as an element of continuity.



City of Flowery Branch Planning and Community Development
5410 Pine Street
Flowery Branch, GA 30542

October 29, 2020

RE: Rezoning request of 5519 McEver Road (TP 08099 000007)

To Whom It May Concern:

Ridgeline Land Planning, Inc. is requesting to rezone 11.338 acres located at 5519 McEver Road from A (Agriculture) to HB and R-3 as shown on the included site plan. The proposed rezoning is to allow development of a mixed-use community consisting of 68 single-family attached townhomes and 35,100 square feet of Neighborhood Commercial space. Site densities are 7.69 units per acre for the residential portion and 0.32 FAR for the commercial area. Residential exterior materials will consist of brick, stone, and cementitious siding. The Commercial materials will match or compliment the residential materials to create a cohesive community design. Residential building height will be a maximum of 35 feet. Commercial building heights will not exceed 40 feet in height.

The subject property lies within the Neighborhood Commercial character area designated in the Comprehensive Plan. Major features of the Neighborhood Commercial character area are "Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods". By providing single family attached townhomes to the rear of the subject a walkable mixed-use neighborhood will be created that is consistent with the intent of the comprehensive plan.

Constitutional Objections

Facially and as applied to the Property, the specific portions of the City of Flowery Branch Comprehensive Plan and zoning ordinance which restrict the Property to any zoning classification, conditions, uses, or to any development other than those proposed by the Applicant are unconstitutional because they would abolish or damage the Applicant's property rights without paying adequate, fair, and just compensation for such rights, in violation of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Facially and as applied to the Property, the application of the City of Flowery Branch ordinances or Comprehensive Plan which restrict the Property to any zoning classification, conditions, uses, or to any development other than the proposed by the Applicant is unconstitutional, illegal, null, and void, constituting a taking and/or damaging of Applicant's Property by denying Applicant all

economically viable use of its land while not substantially advancing legitimate state interests in violation of the United States Constitution's Just Compensation Clause of the Fifth Amendment and the Equal Protection and Due Process Clauses of the Fourteenth Amendment and the Constitution of the State of Georgia of 1983.

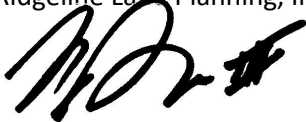
The denial of this application would be an arbitrary and capricious act by the City of Flowery Branch without any rational basis, thus constituting an abuse of discretion in violation of the Constitution of the State of Georgia of 1983 and Due Process Clauses of the Fourteenth Amendment to the United States Constitution.

A refusal by the City of Flowery Branch to approve this application for the Property would be unconstitutional and discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated property in violation of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

The applicant and stakeholders respectfully request approval of this application and welcome the opportunity to meet with The City of Flowery Branch Planning and Community Development staff, Planning Commission, and Mayor and Council to discuss any questions or concerns regarding the application.

Respectfully,

Ridgeline Land Planning, Inc.

A handwritten signature in black ink, appearing to read 'Holt Persinger', with a stylized flourish at the end.

Holt Persinger, RLA



Zoning Analysis – 5519 McEver road

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed use is compatible with the surrounding development

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposed community will be compatible with the adjacent commercial and residential uses.

(c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.

The current agricultural use is not economically viable in relation to the surrounding development.

(d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed development would not create an excessive burden on existing infrastructure.

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

The proposal is in conformance with the comprehensive plan and proposed character area.

(f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

The development of the surrounding area supports the proposal as growth continues along the McEver Road corridor.

(g) Existing use(s) and zoning of the subject property and nearby properties.

Properties North of the subject across McEver Road are zoned NS and are currently under commercial uses. The property to the East across Gainesville street is developed as a residential community.

(h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification.

The existing agriculture zoning is not economically viable considering the existing surrounding development.

(i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

Adjacent properties are mostly developed with compatible uses.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

The proposal will not create an isolated or unrelated district. The proposed commercial and residential uses blend with the existing commercial and residential at the intersection of McEver Road and Gainesville Street.

(k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.

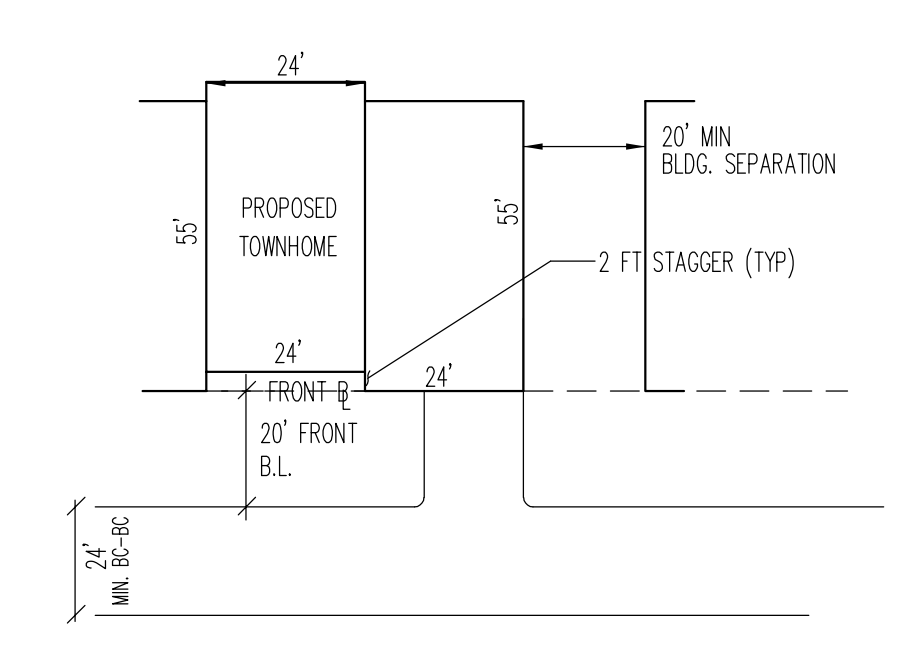
The proposal is in keeping with the current uses and character of the area.

(l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

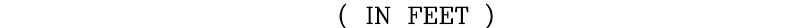
All NPDES guidelines will be implemented during and after development to minimize environmental impacts.

(m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.

The proposal conforms to the character area designated in the Comprehensive plan.



GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

PARCEL #2
1.5 ACRE2
22,200 SQFT 0.34 FAR
51 PARKING SPACES PROVIDED

DESIGNED BY: HHP	SCALE 1"=60"
DRAWN BY: HHP	Z-2
CHECKED BY: HHP	
DATE: 1/28/2020	SHEET JOB NO.:



Applicant: Bret Clark

Property Owner: McEver Road, LLC.

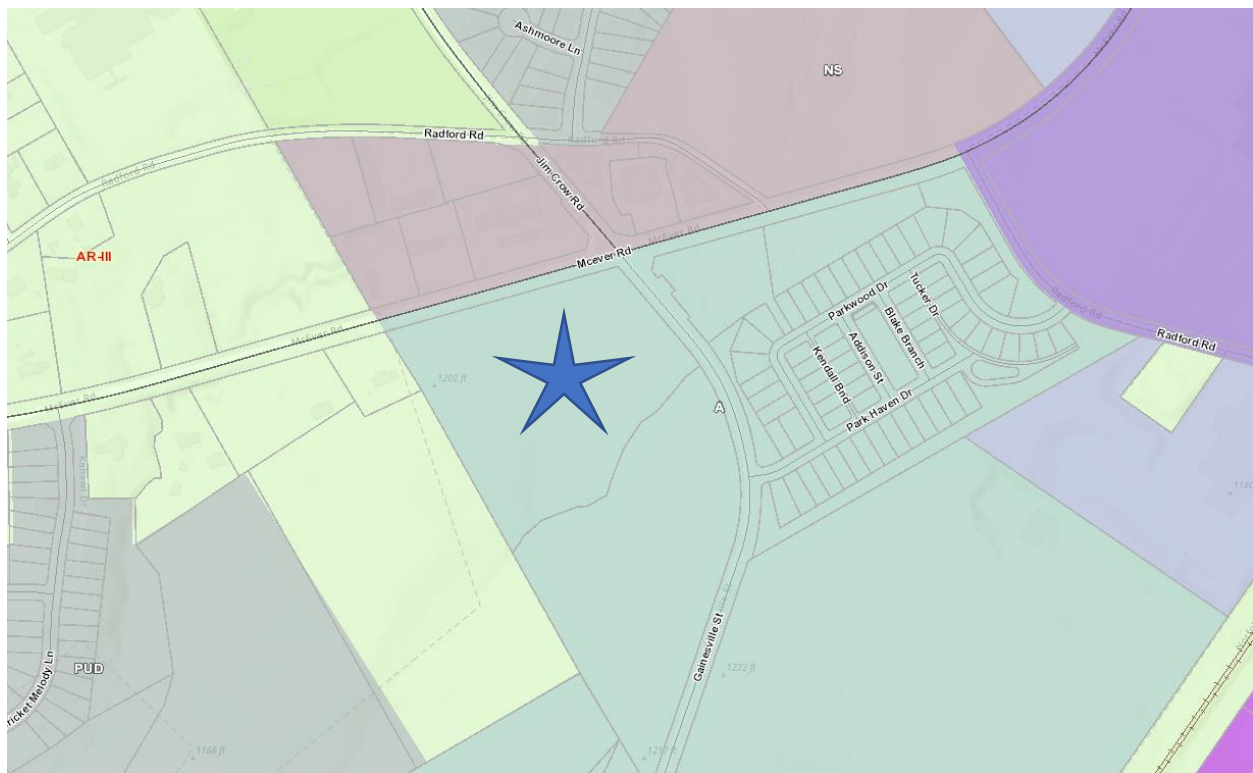
Subject Property: 5519 McEver Road; 08099 000007; 11.34+/- acres

Request: Rezone from A (Agriculture) to HB (Highway Business) and R-3 (Multi-family) proposal is to construct a mixed-use development of townhomes and commercial outparcels

Current Use: Vacant

Character Area: Neighborhood Commercial

5519 McEver Road; currently zoned A (Agriculture):





Neighborhood Commercial

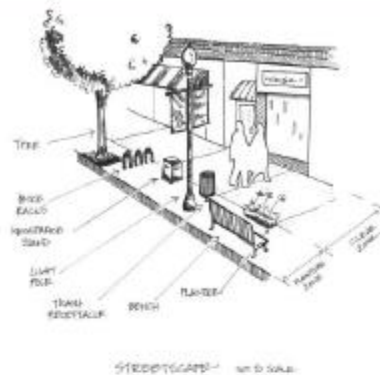
VISION: Attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods.

USES AND INTENSITIES: Neighborhood-serving commercial intensities are within a range of approximately 10,000 to 15,000 square feet of building space per acre. Business establishments do not generally exceed 25,000 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods.

MAJOR FEATURES: Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods, but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Open space is limited to suburban plazas or small open spaces. Three-story height limit. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

REGULATIONS: This character area will be implemented with a neighborhood commercial zoning district. Design guidelines will be provided, and neighborhood commercial projects will be required to complete design review. Minimum 15 percent of the lot is open space or landscaped.

QUALITY COMMUNITY OBJECTIVES IMPLEMENTED: Appropriate business, employment options, transportation alternatives, sense of place.



Jeffery Wertz & Associates, Inc.
Planning & Development Consultants

Illustrative Pedestrian Features



Outdoor Seating and Attractive Lighting



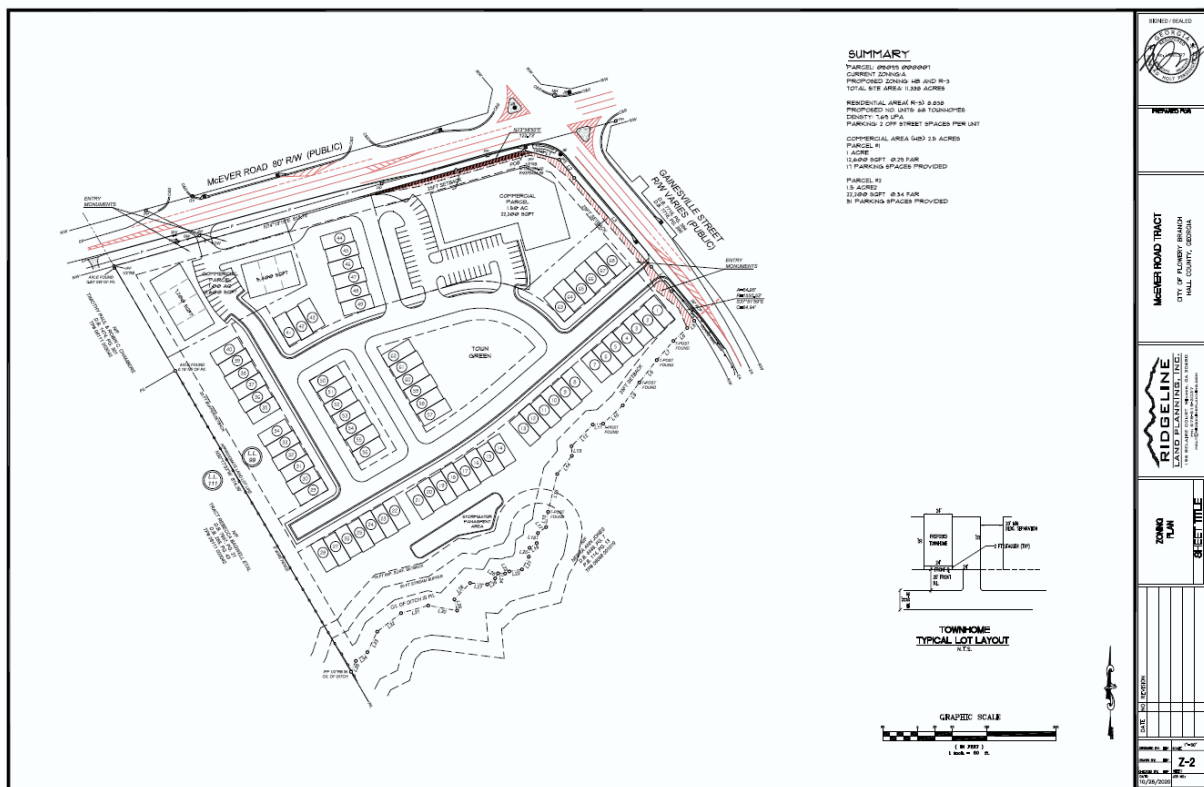
Quality, Compatible Architectural Design Including Signage



The Comprehensive Plan designates this parcel as a Neighborhood Commercial character area. The project includes a commercial component that meets the intent of this character area but adds a townhome component. Staff feels under the current economic climate and the state of retail/commercial building it is unrealistic to envision an 11-acre small scale commercial project on this site. This property is a gateway to our downtown and adding a mixed-use project to this corner will help the continued development of downtown while providing services to the McEver Road corridor.

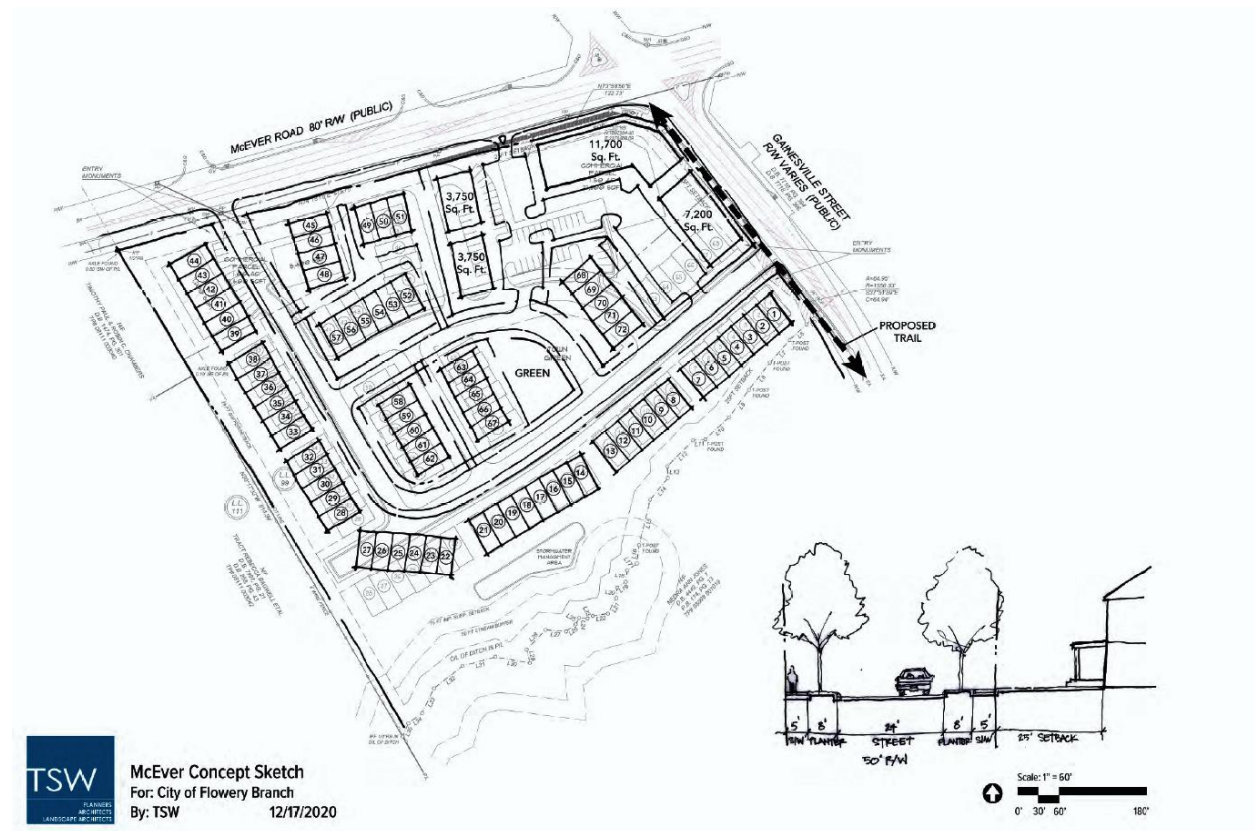
Plan (s)

Bret Clark:





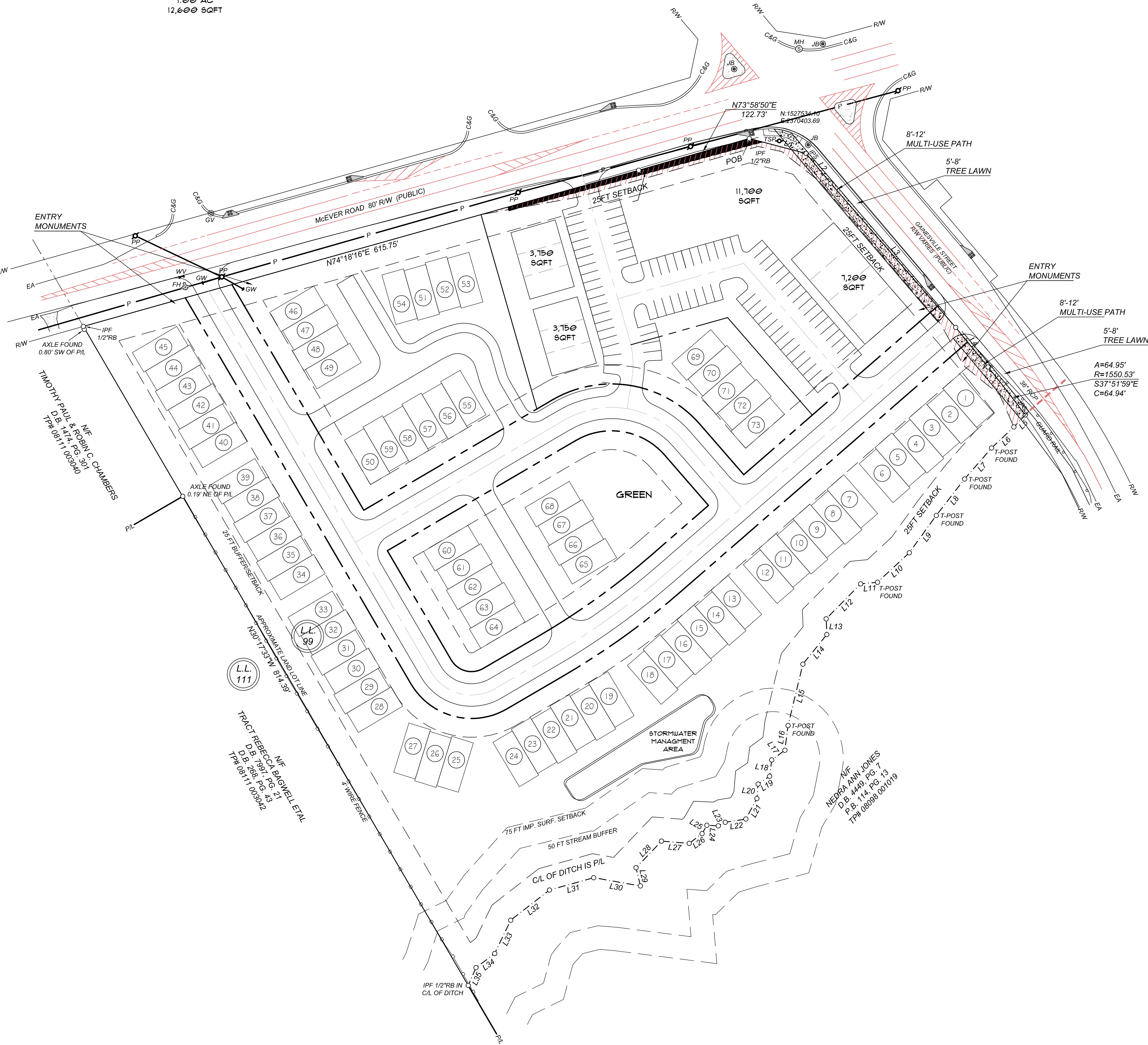
TSW:



Staff Recommendation

The concept of a mixed-use works for this parcel as it provides an attractive gateway project. The ordinance and conditions of zoning will be worked on as we move forward in the process. There is no vote at the January 7th City Council meeting. Staff is confident that a complete plan will be solidified prior to the upcoming vote.

PARCEL
1.00 AC
12,600 SQFT



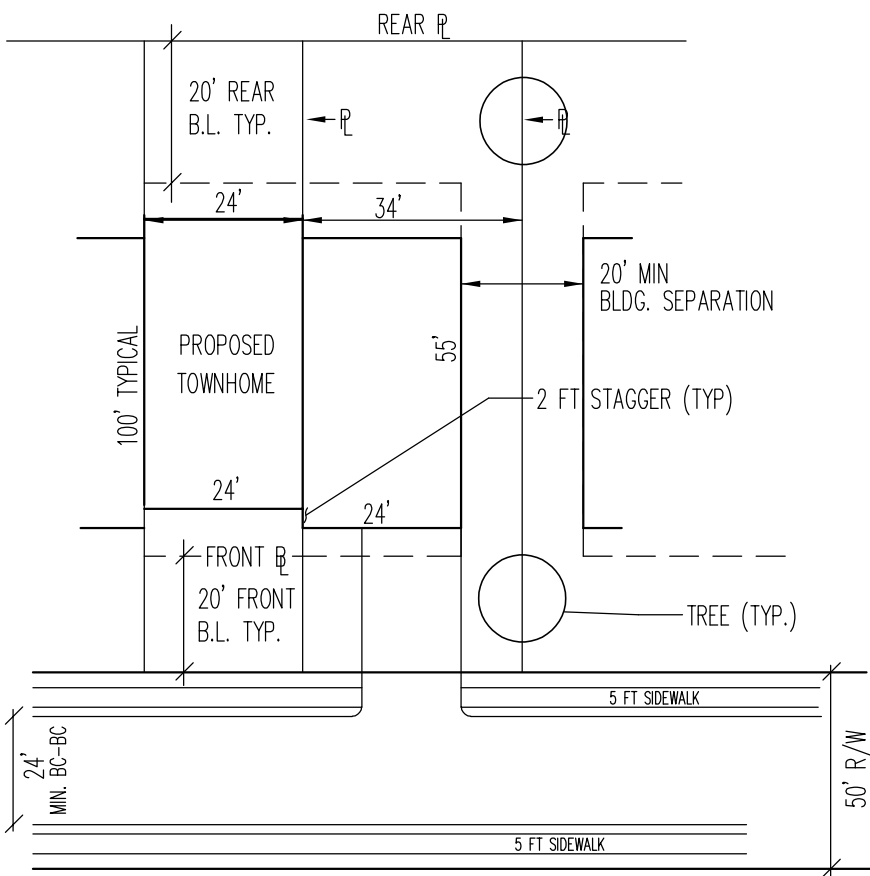
SUMMARY

PARCEL: 08093 000001
CURRENT ZONING: A
PROPOSED ZONING: FUD
TOTAL SITE AREA: 11.338 ACRES

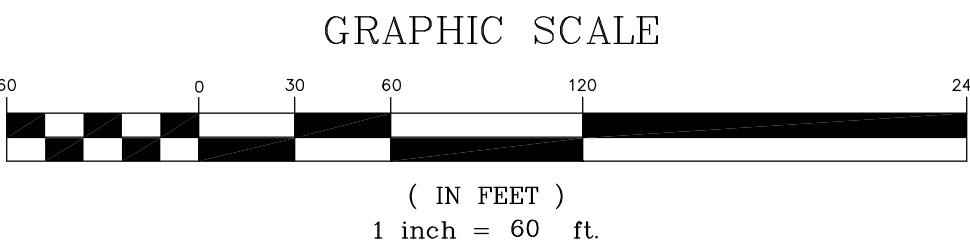
RESIDENTIAL AREA: 9.838
PROPOSED NO. UNITS: 13 TOWNHOMES
DENSITY: 1.38 UPA
PARKING: 2 OFF STREET SPACES PER UNIT

COMMERCIAL AREA - 1.44 ACRES
26,400 SQFT @ .42 FAR
86 PARKING SPACES PROVIDED

OPENSPACE PROVIDED: 20% (2.26 ACRES)



TOWNHOME
TYPICAL LOT LAYOUT
N.T.S.



SIGNED / SEALED

NO. 101377
R. D. HOLT
P.E.

PREPARED FOR

McEVER ROAD TRACT

CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA

RIDGELINE
LAND PLANNING, INC.
196 BELLAIRE COURT WINDER, GA 30080
PH: 770-938-5200
FAX: 770-938-5201
HOLT@RIDGELINEPLANNING.COM

ZONING
PLAN

SHEET TITLE

DATE	NO	REVISION

DESIGNED BY: HHP

DRAWN BY: HHP

CHECKED BY: HHP

DATE: 1/21/2021

SCALE

1"=60'

SHEET

Z-2

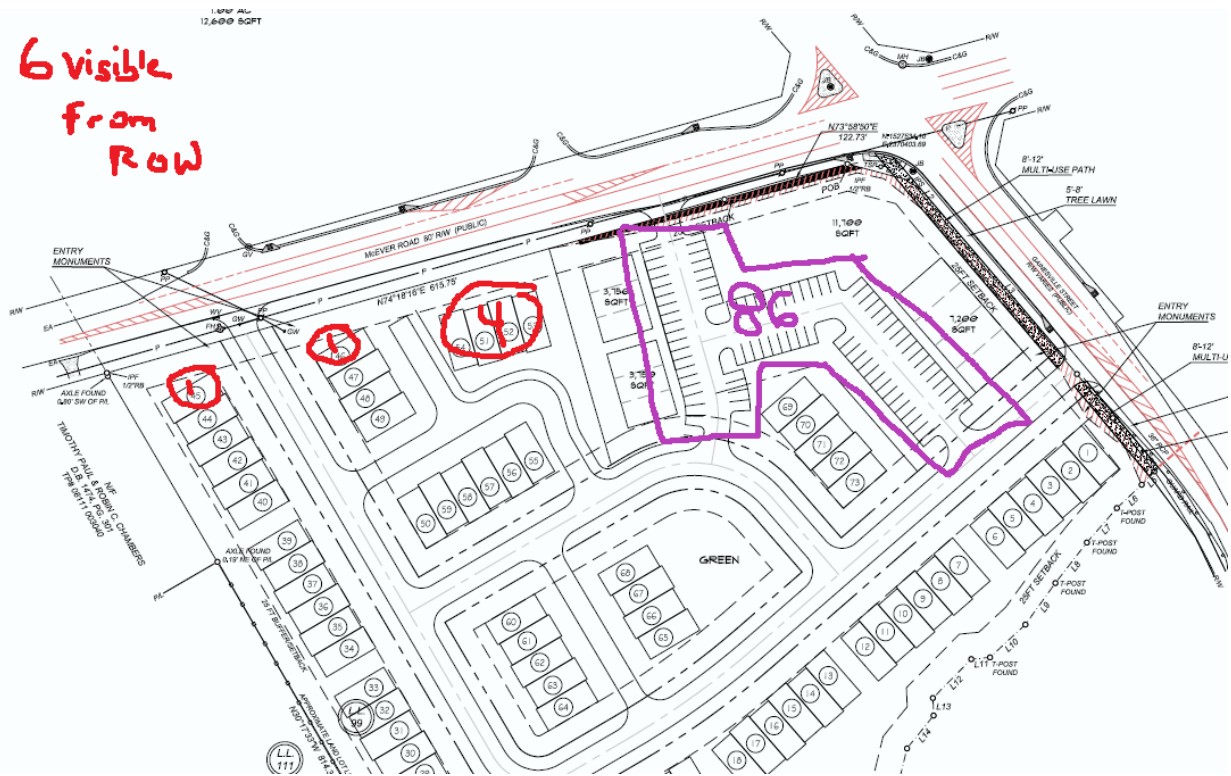
JOB NO.:

Council Questions – Mr. Clark's responses – Staff Input

- 1) Buffering/Screening plan on all four sides of the property. We're showing a 25' buffer around the property already and the site is heavily wooded. I was going to do landscaping along McEver and Gainesville Street comparable to what I submitted for the self storage. In regards to landscaping, the self-storage and townhome project across the street are attempting to make that side of McEver consistent in its appearance.
- 2) What degree of right away enhancements: sidewalks? curbing? stormwater? landscape? Sidewalks, curb & gutter and street trees and shrubs along the ROW. Final landscape plan would need to be approved at LDP.
- 3) How many acres will be devoted to the commercial property including parking? 1.5+- acres
- 4) How many parking spaces? It will meet code requirements but its currently at 232 spaces. Approximately 26,100 square feet of retail served by 86 spaces and two car garages with long driveways for the townhomes (which meets code). The retail depends on the uses but should average around 1 space per 275 square feet (per code) which means around 96 required spaces. This is around 10 spaces short for the current layout but would vary upon the use. A condition of zoning could be put in place to ensure whatever is constructed will meet the parking requirements for the intended use.
- 5) Screening between commercial and residential? Low growing shrubs, bushes and ornamental trees but not overwhelming as I'm trying to integrate the commercial into the residential. The two uses should interact and compliment each other.
- 6) Acreage/square footage of green space Holt is working on a revised plan to replace the two 7 unit buildings with 6 units and the one 8 unit building down to six as well and as soon as I get the plan we can calculate the overall green space. Appears to be at 20% on the updated plan.
- 7) Amenities? Outdoor fire place, park benches for seating, sidewalks and a small trail internal trail along the creek and we have the 12' sidewalk along Gainesville Street to take the residents down town.
- 8) Driveway length? 23' from back of curb This meets code.

I do not like the idea of a long row of blocked hardy plank (back of the townhomes) going down Gainesville St and McEver, especially so close to an intersection. Thought should be given to rear loading the townhomes that are situated along the perimeter of McEver and Gainesville St. allowing the front of the townhomes to face both streets. I'm only showing 6 units that are visible from McEver or Gainesville Street.

6 visible
from
ROW



Public Hearing Published 12/09/2020
Public Hearing 01/07/2021

First Reading 02/18/2021
Adopted 03/18/2021

ORDINANCE NO. 20-623

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING AN 11.34 +/- ACRE TRACT OF LAND OWNED BY 5519 MCEVER ROAD, LLC. COMMONLY KNOWN AS 5519 MCEVER ROAD, IDENTIFIED AS TAX PARCEL 08099 000007 AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, FROM A (AGRICULTURAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) AND HB (HIGHWAY BUSINESS) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, 5519 McEver Road, LLC. desires to develop an 11.34+/- acre tract of land identified as tax parcel 08099 000007; shown on Exhibit “A”; and legally described on Exhibit “B”; and

WHEREAS, specific conditions shall be placed on subject properties are shown on attached exhibit “C”; and

WHEREAS, the City Council of the City of Flowery Branch has considered the rezoning application of 5519 McEver, Road, LLC in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, 5519 McEver, Road, LLC. has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of January 7, 2021 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Flowery Branch A (Agricultural) to Flowery Branch R-3 (Residential Multi-Family) and HB (Highway Business) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current A (Agricultural) as opposed to the proposed R-3 (Residential Multi-Family) and HB (Highway Business).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the changes to the R-3 and HB zoning districts.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The properties as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned R-3 (Residential Multi-Family) and HB (Highway Business). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 6. REPEALER.

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

Adopted this 18th day of March 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



Exhibit “B”

Exhibit “C”

Conditions of Zoning (Rough Draft)

1. A landscape/buffer plan shall be approved by City Council prior to the issuance of a land disturbance permit (or preferably prior to second read and adoption)
2. Townhomes shall be limited to runs of no more than six
3. Development shall generally adhere to the site plan as submitted as Exhibit “A” of this ordinance
 - A. Major changes shall constitute a City Council review
 - 1). Change in number of units of 2 or more
 - 2). Significant deviation from the approved landscape/buffer plan
 - 3.) Any changes staff deems major
 - B. Minor Changes shall be approved by staff
 - 1). Reduction of the number of units
 - 2). Reduction in setbacks of 5’ or less
 - 3.) Any changes that do not significantly impact the overall site
4. A 10’-12’ pedestrian/bike path or easement shall be provided along Gainesville Street
5. Sewer and water shall be provided by the City of Flowery Branch
6. Elevations for the townhomes and commercial parcels shall be submitted and approved prior to the second read (they are still working on the TSW comments)
7. Driveways shall be 23’ as measured from the back of curb