



**City of Flowery Branch
City Council Meeting
Thursday, March 07, 2024, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

ADOPTION OF AGENDA:

AWARDS & RECOGNITIONS:

PUBLIC HEARING:

- A Public Hearing to Consider Adoption of the City of Flowery Branch Zoning Map.
[FlBr_OfficialZoningMap_Feb2024.pdf](#)
- A Public Hearing to Consider an Annexation and Rezoning Request submitted by H. Carson Smith, IV
[Annexation Application.pdf](#)
[Rezoning Application.pdf](#)
[Variance Application.pdf](#)
[letter to county.pdf](#)
[letter to schools.pdf](#)
[Site Map of Property to Annexed and Rezoned.pdf](#)
[Staff Report 6300 Jones Rd.pdf](#)

NEW BUSINESS -WORK SESSION:

- Consider Beer & Wine License for Vasudev 5, LLC
[Vasudev 5, LLC Beer & Wine License.pdf](#)

DEPARTMENT REPORTS: -

- a. City Manager Report
- b. City Clerk Report
- c. Department of Fun Report
- d. Finance Department Report
- e. Human Resources Report
- f. Planning Department Report
- g. Police Department Report
- h. Public Works & Utilities Report
- i. Attorney Report
- j. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA**CALL VOTING SESSION TO ORDER:**

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider February 1, 2024 City Council Meeting Minutes
[Unofficial February 1, 2024 City Council Meeting Minutes.pdf](#)
- Consider February 1, 2024 Executive Session Minutes
- Consider February 15, 2024 City Council Meeting Minutes
[Unofficial February 15, 2024 City Council Meeting Minutes.pdf](#)
- Consider February 15, 2024 Executive Session Minutes
- Consider February 2024 Per Diem for Mayor Asbridge
[Consider Mayor Per Diem - February 2024.pdf](#)
- Consider Beer & Wine License for Vasudev 5, LLC
[Vasudev 5, LLC Beer & Wine License.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

- Consider Second Reading of Ordinance 706 for a Annexation Request submitted by PR Land Investment.
[01 Piedmont Residential Annexation App - 5170 Church St.pdf](#)
[03 5170 Church st GIS map.pdf](#)
[05 Letter to Hall County.pdf](#)
[Church Street - Renderings 02-29-2024.pdf](#)
[Ordinance 706 – Annexation to Piedmont Residential at 5170 Church Street.pdf](#)
[2024.02.29-Concept-220442.pdf](#)
- Consider Second Reading of Ordinance 707 for a Rezoning Request submitted by PR Land Investment.
[02 Piedmont Residential Rezoning App - 5170 Church st..pdf](#)
[03 5170 Church st GIS map.pdf](#)
[05 Letter to Hall County.pdf](#)
[Ordinance 707 – Rezoning to Piedmont Residential at 5170 Church Street.pdf](#)
[2024.02.29-Concept-220442.pdf](#)
[Church Street - Renderings 02-29-2024.pdf](#)

NEW BUSINESS - VOTING SESSION:

- Consider First Reading of Ordinance 708 for a Conditional Use Permit for a Crematory Addition request submitted by Mr. Kevin Wetzel.
[Memorial Park South \(Crematory\) 1-29-23-1.pdf](#)
[4121 Falcon Pkwy-Crematory Addition-Memorial Park App Package.pdf](#)
[Crematorium Timeline.pdf](#)
[Ordinance 708_CUP 4121 Falcon Parkway Crematory.pdf](#)

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: A Public Hearing to Consider Adoption of the City of Flowery Branch Zoning Map.

COUNCIL MEETING DATE: March 7, 2024

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No Action at this time

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

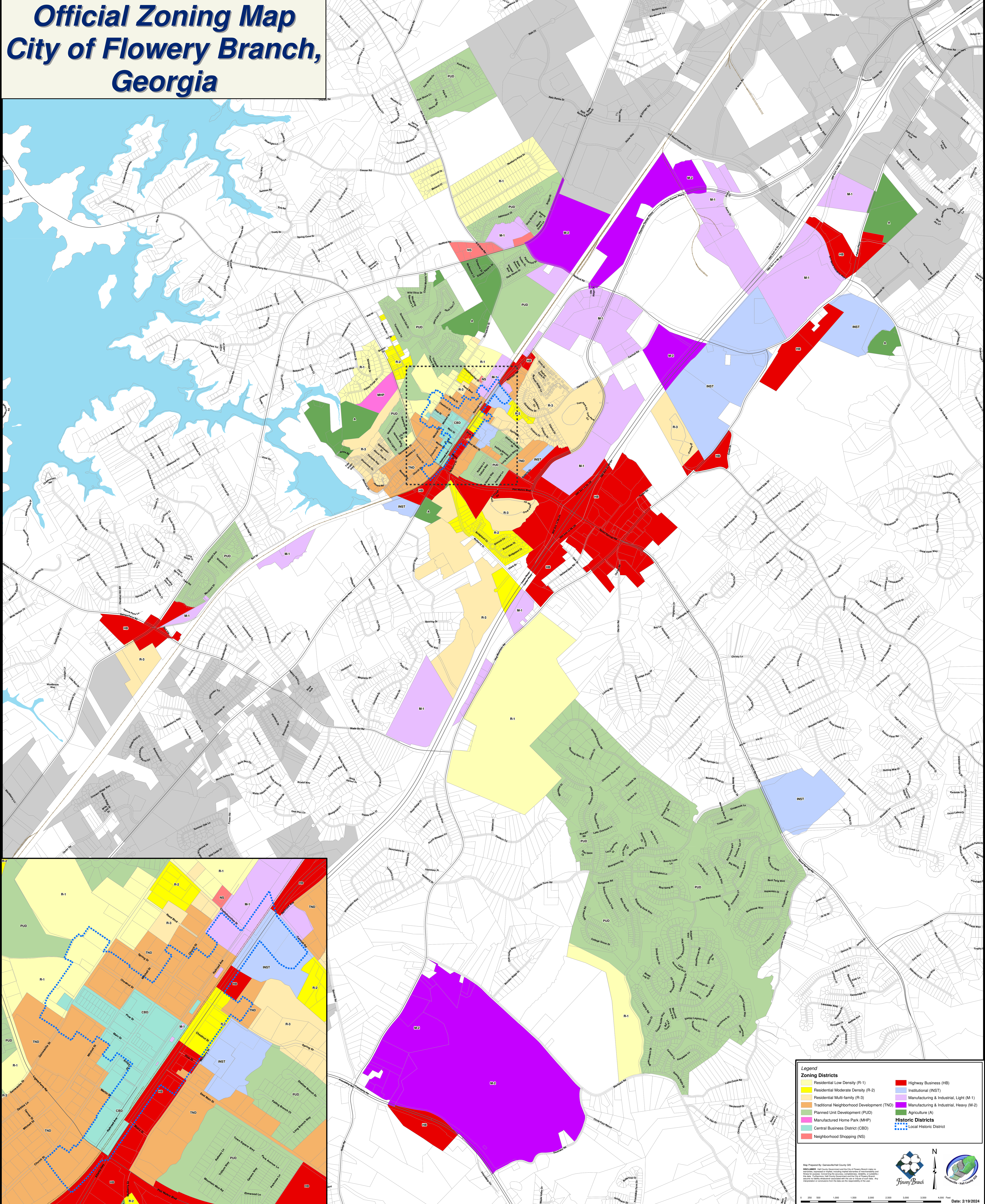
Prepared by: Shelia Cooper

ATTACHMENTS

- [FLBr_OfficialZoningMap_Feb2024.pdf](#)

Official Zoning Map

City of Flowery Branch, Georgia





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: A Public Hearing to Consider an Annexation and Rezoning Request submitted by H. Carson Smith, IV

COUNCIL MEETING DATE: March 7, 2024

HISTORY:

FACTS AND ISSUES:

Request to annex and rezone a 0.854 +/- acre tract of land known as 6300 Jones Road and described as tax parcel identification number 08118 001015, from Hall County Vacation Cottage to Flowery Branch Traditional Neighborhood District

If annexed, it is requested to rezone the 21.446 +/- acres of the incorporated portion of land known as 6300 Jones Road, 6294 Jones Road, 6290 Jones Road, 6258 Jones Road, 6246 Jones Road, 6249 Jones Road and described as tax parcel identification number 08118 001015, 08118 001009, 08118 001002D, 08118 001002E, 08118 001012, 08118 001020, 08118 001002F from Agricultural District (A) and Residential Multi-Family District (R-3) to Traditional Neighborhood Development (TND).

It is staff's opinion that the proposal should not be approved considering the overwhelming traffic on Mitchell St will be caused by the proposed development.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing, no vote at this time

SAMPLE MOTION:

No motion at this time.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [Annexation Application.pdf](#)
- [Rezoning Application.pdf](#)
- [Variance Application.pdf](#)
- [letter to county.pdf](#)
- [letter to schools.pdf](#)
- [Site Map of Property to Annexed and Rezoned.pdf](#)
- [Staff Report 6300 Jones Rd.pdf](#)



ANNEXATION APPLICATION

Date: November 22, 2023

Address of Request:

6300 Jones Road, Flowery Branch, GA 30542

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature

Shirley Cooper

Applicant Information

Name: H Carson Smith IV

Address: 4474 Commerce Drive, Buford, GA 30518

E-mail address: carson@hcarsonsmithpc.com

Phone number: 678-207-7958

Signature: _____

H Carson Smith IV

Property owner information (if different than the applicant)

Property owner (please print): Elizabeth Ann Jones and the Estate of Mary S. Jones

Signature of property owner: _____

Elizabeth Ann Jones

OVERALL ACREAGE OF PROPERTY

All that tract or parcel of land lying and being in Land Lot 118, 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as followed:

To find the True Point of Beginning, begin at a point at the intersection along the South Westerly Right-of-Way of Shoreview Circle (apparent 44' Right-of-Way) and the South Easterly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way); THENCE from said point and following along the North Westerly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way), North 48 degrees 51 minutes 14 seconds West for a distance of 161.27 feet to a ½" Rebar Found, said 1-2" Rebar Found being the TRUE POINT OF BEGINNING;

THENCE from said ½" Rebar Found and continuing along said Right-of-Way for the next nine (9) calls, North 48 degrees 58 minutes 34 seconds West for a distance of 48.30 feet to an Army Corp of Engineers Brass Monument #118-G6;

THENCE from said Army Corp of Engineers Brass Monument #118-G6, North 67 degrees 51 minutes 39 seconds West for a distance of 35.86 feet to an Army Corp of Engineers Aluminum Monument #118-G6-1;

THENCE from said Army Corp of Engineers Aluminum Monument #118-G6-1, North 77 degrees 54 minutes 30 seconds West for a distance of 91.59 feet to a Point;

THENCE from said Point, North 53 degrees 04 minutes 18 seconds West for a distance of 116.38 feet to a Point;

THENCE from said Point, North 54 degrees 58 minutes 10 seconds West for a distance of 11.26 feet to a P.K. Nail with a Washer (LSF #000484);

THENCE from said P.K. Nail with a Washer (LSF #000484), North 29 degrees 49 minutes 36 seconds West for a distance of 211.54 feet to an Army Corp of Engineers Aluminum Monument #118-G;

THENCE from said Army Corp of Engineers Aluminum Monument #118-G, North 47 degrees 23 minutes 18 seconds West for a distance of 223.11 feet to a ½" Rebar Found with a Cap (LSF #000484);

THENCE from said ½" Rebar Found with a Cap (LSF #000484) N 74°57'41" W for a distance of 147.72 feet to a Nail with a Washer in a 6-inch Fence Post Top (LSF #000484);

THENCE from said Nail with a Washer in a 6-inch Fence Post Top (LSF #000484), North 30 degrees 30 minutes 42 seconds West for a distance of 1162.45 foot to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118D;

THENCE from said Angle Iron Found at Army Corp of Engineers Guard Post 119/118D and leaving said Right-of-Way, North 60 degrees 01 minutes 30 seconds East for a distance of 400.02 feet to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118C;

THENCE from said Angle Iron Found at Army Corp of Engineers Guard Post 119/118C, South 75 degrees 20 minutes 39 seconds East for a distance of 497.77 feet to a ½" Open Top Pipe at an Army Corp of Engineers Guard Post;

THENCE from said ½" Open Top Pipe at an Army Corp of Engineers Guard Post, South 02 degrees 02 minutes 54 seconds East for a distance of 737.55 feet to an Angle Iron Found at an Army Corp. of Engineers Guard Post;

THENCE from said Angle Iron Found at an Army Corp. of Engineers Guard Post, South 30 degrees 16 minutes 56 seconds East for a distance of 100.39 feet to a 2" Open Top Pipe at an Army Corp. of Engineers Guard Post;

THENCE from said 2" Open Top Pipe at an Army Corp. of Engineers Guard Post, North 59 degrees 59 minutes 48 seconds East for a distance of 325.17 feet to a 2" Open Top Pipe;

THENCE from said 2" Open Top Pipe, South 01 degrees 25 minutes 48 seconds West for a distance of 369.24 feet to a 2½" Open Top Pipe;

THENCE from said 2½" Open Top Pipe, North 83 degrees 24 minutes 48 seconds East for a distance of 44.06 feet to a Point;

THENCE from said Point, South 04 degrees 04 minutes 53 seconds East for a distance of 85.24 feet to a Point;

THENCE from said Point, South 03 degrees 45 minutes 46 seconds East for a distance of 39.40 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 08 seconds East for a distance of 3.10 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 50 seconds East for a distance of 23.47 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 08 seconds East for a distance of 22.64 feet to a Point;

THENCE from said Point, South 43 degrees 41 minutes 34 seconds East for a distance of 12.90 feet to a Point;

THENCE from said Point, South 85 degrees 37 minutes 02 seconds East for a distance of 23.81 feet to a Point;

THENCE from said Point, South 86 degrees 23 minutes 51 seconds East for a distance of 21.71 feet to a Point;

THENCE from said Point, South 57 degrees 01 minutes 14 seconds East for a distance of 62.86 feet to a Point;

THENCE from said Point, North 86 degrees 19 minutes 09 seconds East for a distance of 44.74 feet to a Point;

THENCE from said Point, South 37 degrees 41 minutes 36 seconds East for a distance of 25.50 feet to a Point;

THENCE from said Point, South 27 degrees 24 minutes 47 seconds East for a distance of 13.82 feet to a Point;

THENCE from said Point, South 00 degrees 48 minutes 41 seconds West for a distance of 29.45 feet to a Point;

THENCE from said Point, South 36 degrees 18 minutes 54 seconds East for a distance of 9.11 feet to a Point;

THENCE from said Point, South 71 degrees 44 minutes 23 seconds East for a distance of 18.05 feet to a Point;

THENCE from said Point, North 75 degrees 58 minutes 26 seconds East for a distance of 34.19 feet to a Point;

THENCE from said Point, North 67 degrees 58 minutes 02 seconds East for a distance of 18.77 feet to a Point;

THENCE from said Point, North 82 degrees 01 minutes 08 seconds East for a distance of 33.29 feet to a Point;

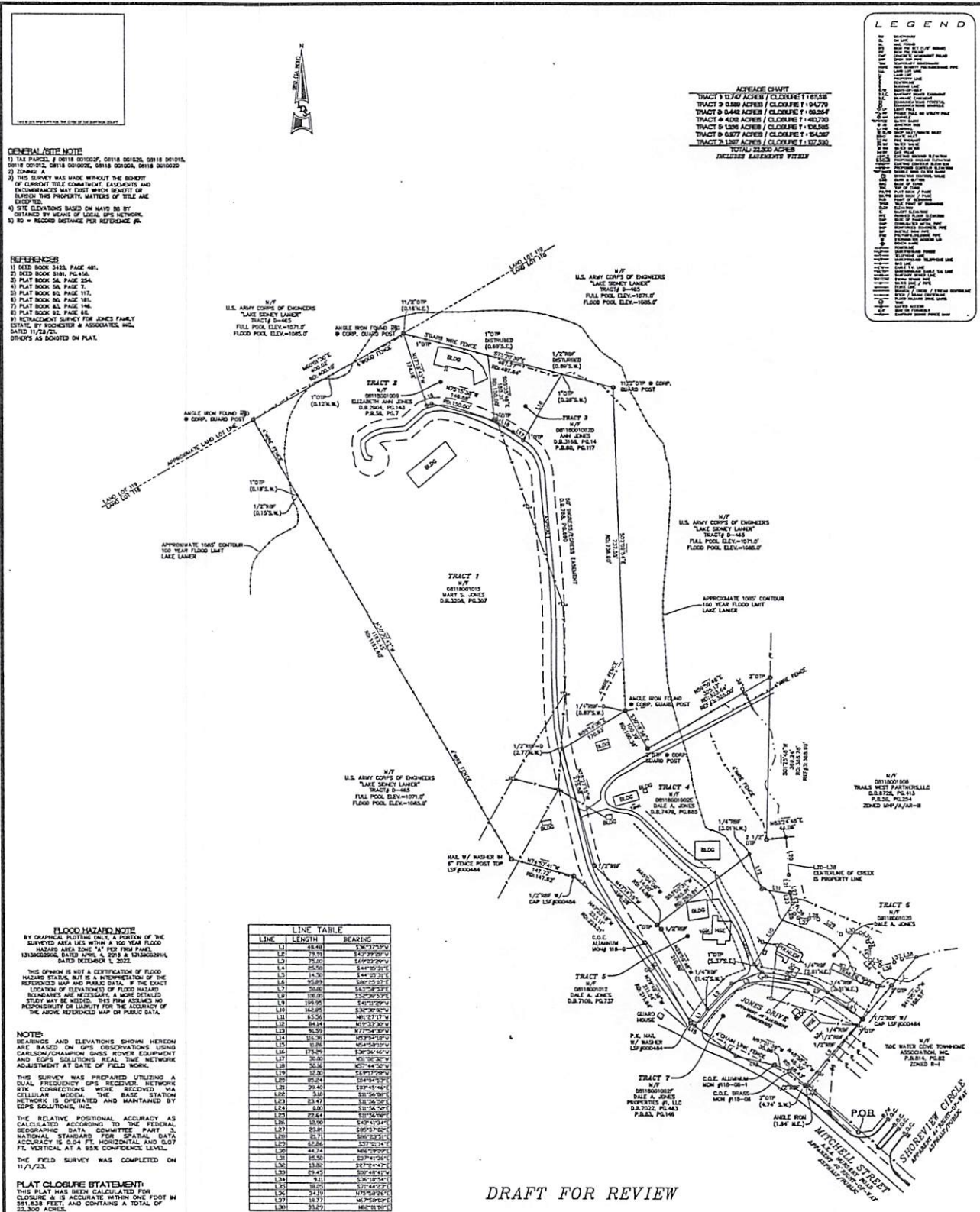
THENCE from said Point, South 41 degrees 05 minutes 43 seconds West for a distance of 188.57 feet to a ½" Rebar Found with a Cap (LSF #000484);

THENCE from said ½" Rebar Found with a Cap (LSF #000484) ½" Rebar Found, South 41 degrees 11 minutes 29 seconds West for a distance of 199.95 to a ½" Rebar Found along the North Easterly Right-of-Way of Mitch Street (apparent 40' right-of-Way), said ½" Rebar Found being the TRUE POINT OF BEGINNING.

Said property contains 22.300 acres.

Including Easements within.

SURVEY MAP

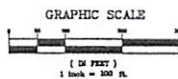


LINE	LENGTH	BEARING
L1	48.40	S 86° 32' 30" E
L2	12.70	S 72° 30' 00" E
L3	75.00	S 69° 00' 00" E
L4	10.00	S 60° 00' 00" E
L5	14.50	S 44° 30' 00" E
L6	18.70	S 30° 00' 00" E
L7	26.00	S 20° 00' 00" E
L8	30.00	S 10° 00' 00" E
L9	44.00	S 0° 00' 00" E
L10	182.85	S 33° 00' 00" E
L11	10.00	S 56° 00' 00" E
L12	80.14	N 0° 32' 30" E
L13	91.50	N 7° 30' 00" E
L14	138.00	N 22° 30' 00" E
L15	10.86	N 34° 30' 00" E
L16	28.70	N 45° 00' 00" E
L17	30.30	N 55° 30' 00" E
L18	20.00	N 64° 44' 30" E
L19	13.70	N 72° 30' 00" E
L20	14.40	N 78° 00' 00" E
L21	3.10	N 81° 30' 00" E
L22	5.17	N 83° 00' 00" E
L23	8.30	N 83° 50' 00" E
L24	22.64	N 83° 30' 00" E
L25	10.00	N 83° 00' 00" E
L26	25.81	N 82° 30' 00" E
L27	11.71	N 81° 30' 00" E
L28	62.86	N 80° 20' 00" E
L29	44.74	N 78° 00' 00" E
L30	26.50	N 74° 30' 00" E
L31	13.50	N 71° 30' 00" E
L32	14.70	N 68° 00' 00" E
L33	9.31	N 63° 44' 30" E
L34	10.00	N 58° 44' 30" E
L35	11.10	N 53° 00' 00" E
L36	17.72	N 46° 00' 00" E
L37	10.00	N 38° 00' 00" E
L38	10.00	N 30° 00' 00" E
L39	10.00	N 22° 30' 00" E
L40	10.00	N 15° 00' 00" E
L41	10.00	N 07° 30' 00" E
L42	10.00	N 00° 00' 00" E

DRAFT FOR REVIEW

SURVEYORS CERTIFICATION

THE PLAT IS A RETRACTION OF AN EXISTING PAPER OR PARCELS OF LAND AND DOES NOT SUBTRACT OR CREATE NEW PARCELS OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE PLAT IS THE MAP. MAPS ARE NOT SUBJECTS TO THE CREATED THE PARCELS OF PARCELS AND STATED HEREON. REGISTRATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF THE PLAT BY THE BOARD OF REGISTRATION. THE PLAT IS IN COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS OF SUFFICIENCY FOR ANY USE OR PURPOSE OF THE LAND. THE PLAT IS NOT A GUARANTEE OF THE ACCURACY OF THE PLAT THAT THIS PLAT COMPLETS WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RECORDS OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.G.S.A. SECTION

[illegible]

RETRACEMENT SURVEY FOR SHEET TITLE		
FIELD	DRAWN	CHECKED
T.K.R.	M.E.	L.H.

H.CARSON SMITH

LOCATED IN LAND LOT 118, OF THE 8TH LAND DISTRICT,
CITY OF FLOWERY BRANCH, HALL COUNTY, GA

**Land Development
Surveyors, Inc.**
P.O. BOX 2050
Dacula, GA 30019
(770) 682-8208
LDSURVEY@BELL.SOUTH.NET
CDA LSF40006132



PORTION OF PROPERTY TO BE ANNEXED

All that tract or parcel of land lying and being in Land Lot 118, 8th District, Hall County, Georgia and being more particularly described as followed:

To find the True Point of Beginning, begin at a point at the intersection along the South Westerly Right-of-Way of Shoreview Circle (apparent 44' Right-of-Way) and the South Easterly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way); THENCE from said point and following along the North Westerly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way) for the next nine (9) calls and distances, North 48 degrees 51 minutes 14 seconds West for a distance of 161.27 feet to a ½" Rebar Found; THENCE North 48 degrees 58 minutes 34 seconds West for a distance of 48.30 feet to an Army Corp of Engineers Brass Monument #118-G6; THENCE North 67 degrees 51 minutes 39 seconds West for a distance of 35.86 feet to an Army Corp of Engineers Aluminum Monument #118-G6-1; THENCE North 77 degrees 54 minutes 30 seconds West for a distance of 91.59 feet to a Point; THENCE North 53 degrees 04 minutes 18 seconds West for a distance of 116.38 feet to a Point; THENCE North 54 degrees 58 minutes 10 seconds West for a distance of 11.26 feet to a P.K. Nail with a Washer (LSF #000484); THENCE North 29 degrees 49 minutes 36 seconds West for a distance of 211.54 feet to an Army Corp of Engineers Aluminum Monument #118-G; THENCE North 47 degrees 23 minutes 18 seconds West for a distance of 223.11 feet to a ½" Rebar Found with a Cap (LSF #000484); THENCE North 74 degrees 57 minutes 41 seconds West for a distance of 147.72 feet to a Nail with a Washer in a 6-inch Fence Post Top (LSF #000484); THENCE leaving said Right-of-Way, North 30 degrees 30 minutes 42 seconds West for a distance of 962.99 feet to a Point, said Point being the TRUE POINT OF BEGINNING;

THENCE from said point thus established, North 30 degrees 30 minutes 42 seconds West for a distance of 199.46 foot to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118D; THENCE North 60 degrees 01 minutes 30 seconds East for a distance of 200.39 feet to a Point; THENCE South 39 degrees 59 minutes 58 seconds East for a distance of 149.69 feet to a 1" Open Top Pipe; THENCE South 46 degrees 58 minutes 31 seconds West for a distance of 230.53 feet to a Point, said Point being the TRUE POINT OF BEGINNING.

Said property contains 0.854 acres.

Including Easements within.

LEGEND

- IPF = IRON PIN FOUND
- IPS = 1/2" REBAR PIN SET
- LL = LAND LOT
- LLL = LAND LOT LINE
- P = PROPERTY LINE
- C = CENTERLINE
- B = BUILDING LINE
- R/W = RIGHT-OF-WAY
- SSE = SANITARY SEWER EASEMENT
- DE = DRAINAGE EASEMENT
- MH = MANHOLE
- CB = CATCH BASIN
- JB = JUNCTION BOX
- HW = HEADWALL
- DI = DROP INLET
- PP = POWER/UTILITY POLE
- FH = FIRE HYDRANT
- IE = INVERT ELEVATION
- FFE = FINISHED FLOOR ELEVATION
- BOC = BACK OF CURB
- EP = EDGE OF PAVEMENT
- S = SANITARY SEWER LINE/PIPE
- SS = STORM SEWER LINE/PIPE
- X-X-X- = FENCE LINE
- = FLOOD HAZARD ZONE LINE
- N/F = NOW OR FORMERLY
- POC = POINT OF COMMENCEMENT
- POB = POINT OF BEGINNING

GENERAL/SITE NOTE

- 1) TAX PARCEL # 08118 001015
- 2) ZONING: A
- 3) THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED.
- 4) SITE ELEVATIONS BASED ON NAVD 88 BY OBTAINED BY MEANS OF LOCAL GPS NETWORK.
- 5) RD = RECORD DISTANCE PER REFERENCE #9.



REFERENCES

- 1) DEED BOOK 3428, PAGE 481.
 - 2) DEED BOOK 5181, PG.456.
 - 3) PLAT BOOK 56, PAGE 254.
 - 4) PLAT BOOK 58, PAGE 7.
 - 5) PLAT BOOK 60, PAGE 117.
 - 6) PLAT BOOK 80, PAGE 181.
 - 7) PLAT BOOK 83, PAGE 148.
 - 8) PLAT BOOK 92, PAGE 68.
 - 9) RETRACEMENT SURVEY FOR JONES FAMILY ESTATE, BY ROCHESTER & ASSOCIATES, INC., DATED 11/28/21.
- OTHER'S AS DENOTED ON PLAT.

FLOOD HAZARD NOTE

BY GRAPHICAL PLOTTING ONLY, A PORTION OF THE SURVEYED AREA LIES WITHIN A 100 YEAR FLOOD HAZARD AREA ZONE "A" PER FIRM PANEL 13139C0290G, DATED APRIL 4, 2018 & 13139C0291H, DATED DECEMBER 1, 2022.

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.

NOTE:

BEARINGS AND ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS USING CARLSON/CHAMPION GNSS ROVER EQUIPMENT AND EGPS SOLUTIONS REAL TIME NETWORK ADJUSTMENT AT DATE OF FIELD WORK.

THIS SURVEY WAS PREPARED UTILIZING A DUAL FREQUENCY GPS RECEIVER, NETWORK RTK CORRECTIONS WERE RECEIVED VIA CELLULAR MODEM. THE BASE STATION NETWORK IS OPERATED AND MAINTAINED BY EGPS SOLUTIONS, INC.

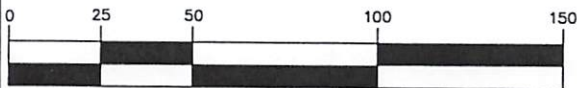
THE RELATIVE POSITIONAL ACCURACY AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3, NATIONAL STANDARD FOR SPATIAL DATA ACCURACY IS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT A 95% CONFIDENCE LEVEL.

THE FIELD SURVEY WAS COMPLETED ON 11/1/23.

PLAT CLOSURE STATEMENT:

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE & IS ACCURATE WITHIN ONE FOOT IN 118,192 FEET, AND CONTAINS A TOTAL OF 0.854 ACRES.

GRAPHIC SCALE



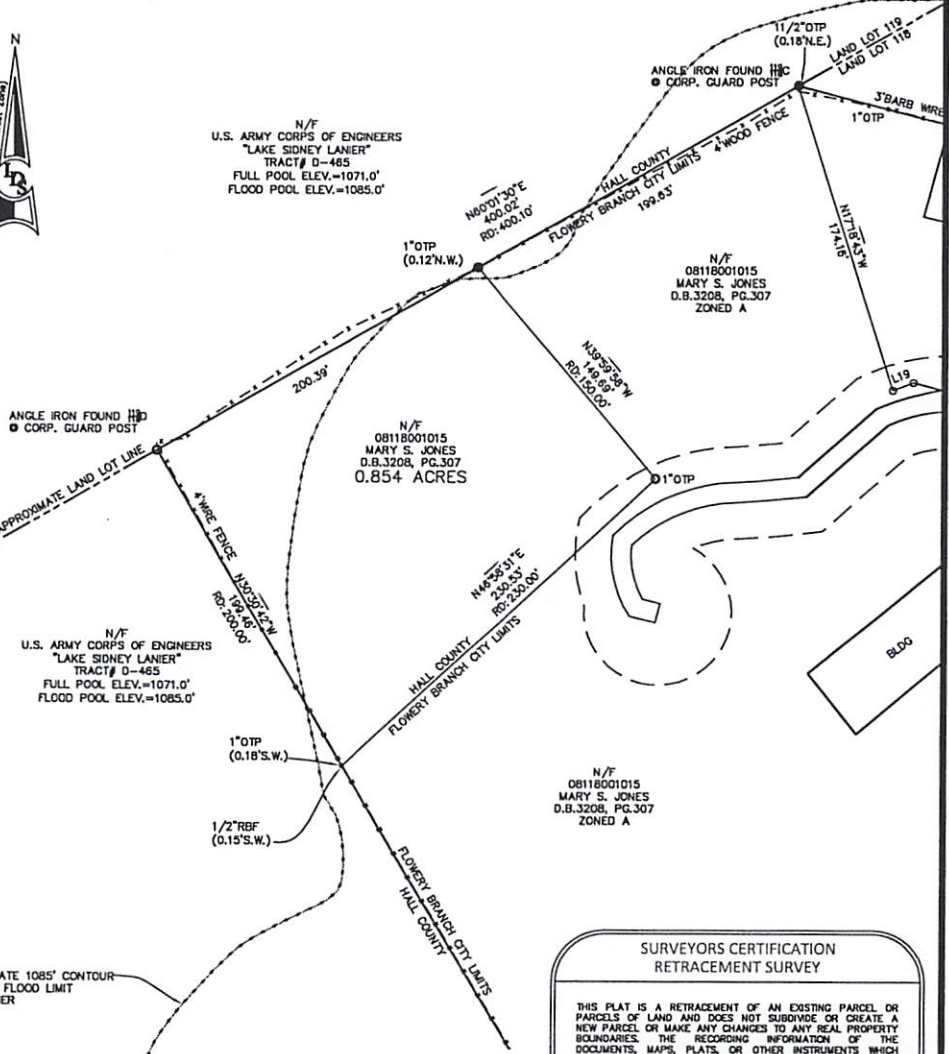
(IN FEET)

1 inch = 50 ft.

THE TERM "CERTIFICATION" OR TO "CERTIFY" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RETRIFICATION BY THE SURVEYOR NAMING SAID PERSON.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE DISCOVERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINGUISHLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.



SURVEYORS CERTIFICATION RETRACEMENT SURVEY

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-8-67.

RETRACEMENT SURVEY FOR:

H. CARSON SMITH



**LAND DEVELOPMENT
SURVEYS, INC.**

P.O. BOX 2050
Dacula, GA 30019
(770) 682-8206
LDSURVEY@BELLSOUTH.NET
COA LSF#000832

Date: 12/4/23 Land Lot: 118 District: 8th

County: HALL COUNTY, GA Scale: "1"=50'

Proj. Manager: Drawn By: MSF Checked By: LJJ

Job Number: 23180 File Number:

Sheet No.

1 of 1

Property Owner List

Name/Address	Parcel Number
MARY S. JONES 4850 GOLDEN PKWY STE B BUFORD, GA 30518	08118 001015
ELIZABETH ANN JONES 4850 GOLDEN PKWY STE B BUFORD, GA 30518	08118 001009
ANN JONES 4850 GOLDEN PKWY STE B BUFORD, GA 30518	08118 001002D
DALE A JONES 6258 JONES ROAD FLOWERY BRANCH, GA 30542	08118 001002E
DALE A JONES 6258 JONES ROAD FLOWERY BRANCH, GA 30542	08118 001012
DALE A JONES 6258 JONES ROAD FLOWERY BRANCH, GA 30542	08118 001020
DALE A. JONES PROPERTIES #1 LLC 6258 JONES ROAD FLOWERY BRANCH, GA 30542	08118 001002F



Property Information

Tax Map Number: 08118 001015

Current Zoning: V-C (Hall County) Total Acres:

Is this property contiguous to the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: TND

Proposed City of Flowery Branch Character Area: Suburban Residential

Current Use: Vacant

Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a **DRI** (Development of Regional Impact) study? No

Voting Rights Act Information

Resident Population: 0 Housing Units: 0 Other Buildings: 0

Race Population %: White 0 Black 0 Hispanic 0 Other 0

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application
- Annexation $\geq$ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- Reasons for requesting annexation
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property



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

None

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

None

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

None

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

N/A

Adjacent Property Owner List

Name/Address	Parcel Number
TRAILS WEST PARTNERS, LLC P.O. BOX 401 BUFORD, GA 30515	08118 001006
TIDE WATER COVE TOWNHOME ASSOCIATION INC c/o HOMESIDE PROPERTIES 2555 WESTSIDE PKWY. SUITE 600 ALPHARETTA, GA 30004	08118B000180
STARBOARD MARINA 6334 MITCHELL STREET FLOWERY BRANCH, GA 30542	08118 001002A
TIDE WATER COVE TOWNHOME ASSOCIATION INC c/o HOMESIDE PROPERTIES 2555 WESTSIDE PKWY. SUITE 600 ALPHARETTA, GA 30004	08118B000182
CHARLES DERRICK THOMPSON 6222 SHOREVIEW CIRCLE FLOWERY BRANCH, GA 30542	08118B000007
SHERLY A RUIZ HARVEY CHRISTOFER E 6224 SHOREVIEW CIRCLE FLOWERY BRANCH, GA 30542	08118B000006
CHARLES W WILSON, JR WILSON PATRICIA R 6226 SHOREVIEW CIRCLE FLOWERY BRANCH, GA 30542	08118B000005

COMBINED LETTER OF INTENT FOR
REZONING APPLICATION

H. Carson Smith, IV submits this Letter of Intent and attached Rezoning Application requesting the rezoning of an approximately 22.30-acre tract of land (the "Property") situated along Mitchell Street/Jones Road on behalf of the Property owners (the "Applicant"). The Property is currently zoned A (Agricultural District) and is located in the Suburban Residential Character according to the City of Flowery Branch Comprehensive Plan 2041 (the Comp Plan) Future Development Map. According to the City of Flowery Branch Zoning Map and the Hall County GIS Map, a small portion of the overall Property (the "Unincorporated Portion") lies within unincorporated Hall County. Accordingly, the Applicant submits the attached Rezoning application relative to the property which is currently located within the City of Flowery Branch and the attached Rezoning Applications related to the Unincorporated Portion (the "Applications").

The surrounding area is characterized by a diverse mixture of land uses including commercial, residential, and recreational uses. Specifically, the Property is adjacent to the Tide Water Cove townhome community, the Trails West Mobile Home Park, and the Hideaway Bay Marina with related commercial uses including boat and RV storage, automotive related uses, and the Fish Tales Lakeside Grille. The proposed development is compatible with the character of the surrounding area and would provide a high-quality residential development that would complement the mixed-use nature of the area.

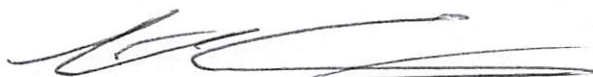
The Applicant proposes to develop the Property as a residential townhome community consisting of 144 attached residential townhomes. The proposed homes would include attractive building materials and architectural elements which are compatible with the character of the surrounding area. The facades of the homes would be constructed of brick, stone, cedar shake, fiber-cement siding, and/or board and batten as depicted in the building renderings submitted with the Applications. The proposed homes are all front-entry style units with two-car garages and would be accessed by internal streets and driveways. The proposed development would also include two main green space amenity areas for the use and enjoyment of residents including a larger centrally located

space or green and a smaller green space with a gazebo overlooking a small cove of Flowery Branch Bay. Additionally, the Flowery Branch Bay Park is located within convenient walking distance of the Property which would provide additional recreational opportunities for residents.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Flowery Branch of Community Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of the Applications.

Furthermore, the applicant will dedicate all proceeds needed to upgrade Mitchell Street in compliance and compatible with the first portion of the road that has been recently upgraded from the roundabout to the first stop sign.

Respectfully submitted this 17th day of November 2023.

A handwritten signature in black ink, appearing to read 'H. Carson Smith IV', with a stylized, flowing script.

H. Carson Smith IV

September 10, 2022

Rich Atkinson
City of Flowery Branch
5410 W. Pine Street
Flowery Branch, GA 30542

Re: Authorization to Inspect Subject Property of Rezoning and Annexation Application

Dear Mr. Atkinson:

In accordance with the City's requirements for processing rezoning applications, the undersigned authorizes the City of Flowery Branch staff and City Council to inspect the subject property.

Sincerely yours,

By: Elizabeth Ann Jones
Name: Elizabeth Ann Jones
Title: Property Owner

K. Bowmar
EXP: 8-13-23



CONSTITUTIONAL OBJECTION

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.



REZONING APPLICATION

Date: November 17, 2023

Address of Request:
6300 Jones Road

Tax Map # Multiple -- see attached. Current Zoning: A

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

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? Not to the applicant's knowledge

Applicant Information

Name: H. Carson Smith IV

Address: 4474 Commerce Suite B Drive Buford GA 30518

E-mail address: Carson@hcarsonsmithpc.com

Phone number: 770-945-9755

Signature:

Notary:

Property Owner List

Name/Address	Parcel Number
MARY S. JONES 4850 GOLDEN PKWY STE B BUFORD, GA 30518	08118 001015
ELIZABETH ANN JONES 4850 GOLDEN PKWY STE B BUFORD, GA 30518	08118 001009
ANN JONES 4850 GOLDEN PKWY STE B BUFORD, GA 30518	08118 001002D
DALE A JONES 6258 JONES ROAD FLOWERY BRANCH, GA 30542	08118 001002E
DALE A JONES 6258 JONES ROAD FLOWERY BRANCH, GA 30542	08118 001012
DALE A JONES 6258 JONES ROAD FLOWERY BRANCH, GA 30542	08118 001020
DALE A. JONES PROPERTIES #1 LLC 6258 JONES ROAD FLOWERY BRANCH, GA 30542	08118 001002F

OVERALL ACREAGE OF PROPERTY

All that tract or parcel of land lying and being in Land Lot 118, 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as followed:

To find the True Point of Beginning, begin at a point at the intersection along the South Westerly Right-of-Way of Shoreview Circle (apparent 44' Right-of-Way) and the South Easterly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way); THENCE from said point and following along the North Westerly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way), North 48 degrees 51 minutes 14 seconds West for a distance of 161.27 feet to a ½" Rebar Found, said 1-2" Rebar Found being the TRUE POINT OF BEGINNING;

THENCE from said ½" Rebar Found and continuing along said Right-of-Way for the next nine (9) calls, North 48 degrees 58 minutes 34 seconds West for a distance of 48.30 feet to an Army Corp of Engineers Brass Monument #118-G6;

THENCE from said Army Corp of Engineers Brass Monument #118-G6, North 67 degrees 51 minutes 39 seconds West for a distance of 35.86 feet to an Army Corp of Engineers Aluminum Monument #118-G6-1;

THENCE from said Army Corp of Engineers Aluminum Monument #118-G6-1, North 77 degrees 54 minutes 30 seconds West for a distance of 91.59 feet to a Point;

THENCE from said Point, North 53 degrees 04 minutes 18 seconds West for a distance of 116.38 feet to a Point;

THENCE from said Point, North 54 degrees 58 minutes 10 seconds West for a distance of 11.26 feet to a P.K. Nail with a Washer (LSF #000484);

THENCE from said P.K. Nail with a Washer (LSF #000484), North 29 degrees 49 minutes 36 seconds West for a distance of 211.54 feet to an Army Corp of Engineers Aluminum Monument #118-G;

THENCE from said Army Corp of Engineers Aluminum Monument #118-G, North 47 degrees 23 minutes 18 seconds West for a distance of 223.11 feet to a ½" Rebar Found with a Cap (LSF #000484);

THENCE from said ½" Rebar Found with a Cap (LSF #000484) N 74°57'41" W for a distance of 147.72 feet to a Nail with a Washer in a 6-inch Fence Post Top (LSF #000484);

THENCE from said Nail with a Washer in a 6-inch Fence Post Top (LSF #000484), North 30 degrees 30 minutes 42 seconds West for a distance of 1162.45 foot to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118D;

THENCE from said Angle Iron Found at Army Corp of Engineers Guard Post 119/118D and leaving said Right-of-Way, North 60 degrees 01 minutes 30 seconds East for a distance of 400.02 feet to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118C;

THENCE from said Angle Iron Found at Army Corp of Engineers Guard Post 119/118C, South 75 degrees 20 minutes 39 seconds East for a distance of 497.77 feet to a ½" Open Top Pipe at an Army Corp of Engineers Guard Post;

THENCE from said ½" Open Top Pipe at an Army Corp of Engineers Guard Post, South 02 degrees 02 minutes 54 seconds East for a distance of 737.55 feet to an Angle Iron Found at an Army Corp. of Engineers Guard Post;

THENCE from said Angle Iron Found at an Army Corp. of Engineers Guard Post, South 30 degrees 16 minutes 56 seconds East for a distance of 100.39 feet to a 2" Open Top Pipe at an Army Corp. of Engineers Guard Post;

THENCE from said 2" Open Top Pipe at an Army Corp. of Engineers Guard Post, North 59 degrees 59 minutes 48 seconds East for a distance of 325.17 feet to a 2" Open Top Pipe;

THENCE from said 2" Open Top Pipe, South 01 degrees 25 minutes 48 seconds West for a distance of 369.24 feet to a 2½" Open Top Pipe;

THENCE from said 2½" Open Top Pipe, North 83 degrees 24 minutes 48 seconds East for a distance of 44.06 feet to a Point;

THENCE from said Point, South 04 degrees 04 minutes 53 seconds East for a distance of 85.24 feet to a Point;

THENCE from said Point, South 03 degrees 45 minutes 46 seconds East for a distance of 39.40 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 08 seconds East for a distance of 3.10 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 50 seconds East for a distance of 23.47 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 08 seconds East for a distance of 22.64 feet to a Point;

THENCE from said Point, South 43 degrees 41 minutes 34 seconds East for a distance of 12.90 feet to a Point;

THENCE from said Point, South 85 degrees 37 minutes 02 seconds East for a distance of 23.81 feet to a Point;

THENCE from said Point, South 86 degrees 23 minutes 51 seconds East for a distance of 21.71 feet to a Point;

THENCE from said Point, South 57 degrees 01 minutes 14 seconds East for a distance of 62.86 feet to a Point;

THENCE from said Point, North 86 degrees 19 minutes 09 seconds East for a distance of 44.74 feet to a Point;

THENCE from said Point, South 37 degrees 41 minutes 36 seconds East for a distance of 25.50 feet to a Point;

THENCE from said Point, South 27 degrees 24 minutes 47 seconds East for a distance of 13.82 feet to a Point;

THENCE from said Point, South 00 degrees 48 minutes 41 seconds West for a distance of 29.45 feet to a Point;

THENCE from said Point, South 36 degrees 18 minutes 54 seconds East for a distance of 9.11 feet to a Point;

THENCE from said Point, South 71 degrees 44 minutes 23 seconds East for a distance of 18.05 feet to a Point;

THENCE from said Point, North 75 degrees 58 minutes 26 seconds East for a distance of 34.19 feet to a Point;

THENCE from said Point, North 67 degrees 58 minutes 02 seconds East for a distance of 18.77 feet to a Point;

THENCE from said Point, North 82 degrees 01 minutes 08 seconds East for a distance of 33.29 feet to a Point;

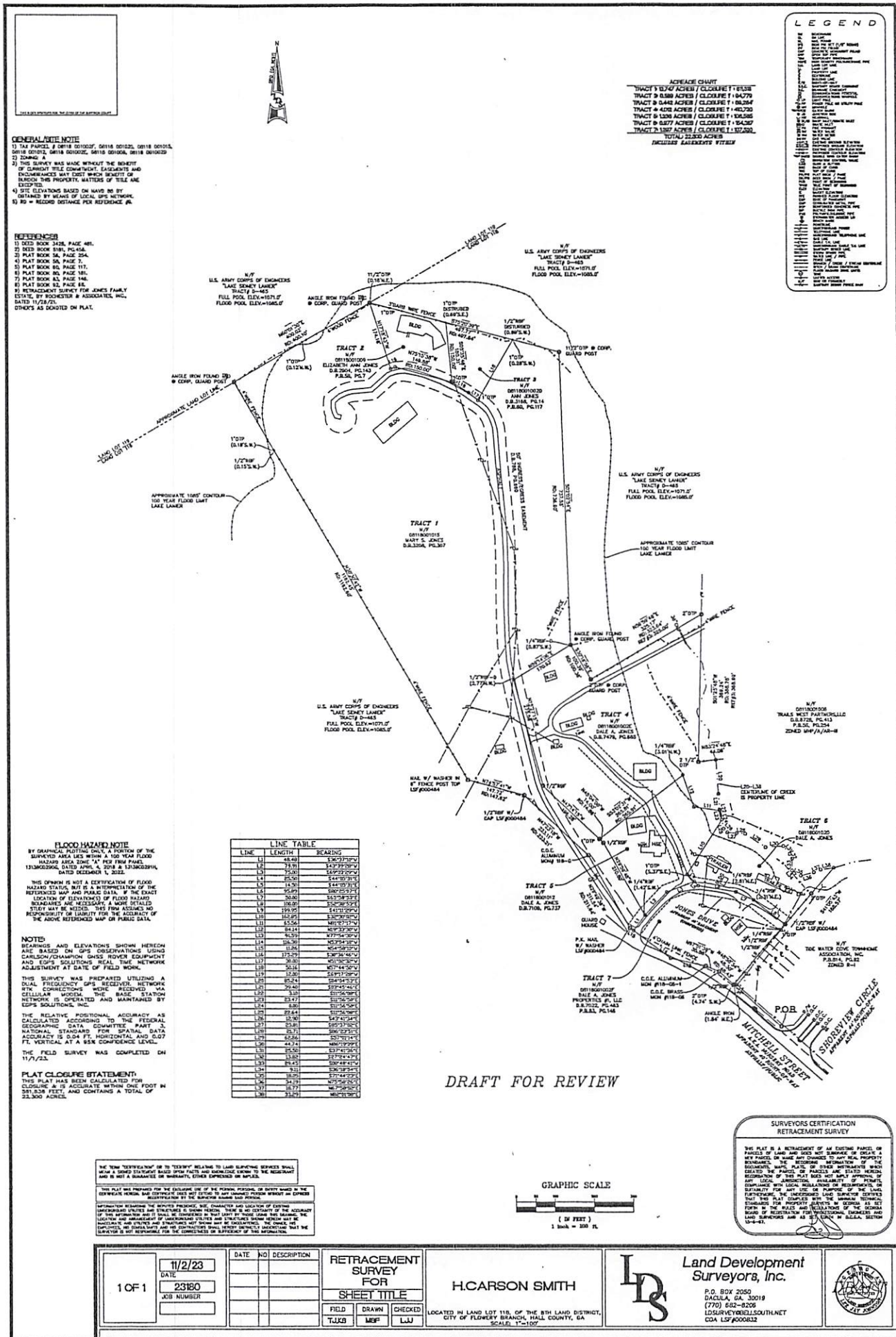
THENCE from said Point, South 41 degrees 05 minutes 43 seconds West for a distance of 188.57 feet to a ½" Rebar Found with a Cap (LSF #000484);

THENCE from said ½" Rebar Found with a Cap (LSF #000484) ½" Rebar Found, South 41 degrees 11 minutes 29 seconds West for a distance of 199.95 to a ½" Rebar Found along the North Easterly Right-of-Way of Mitch Street (apparent 40' right-of-Way), said ½" Rebar Found being the TRUE POINT OF BEGINNING.

Said property contains 22.300 acres.

Including Easements within.

SURVEY MAP



PORTION OF PROPERTY TO BE ANNEXED

All that tract or parcel of land lying and being in Land Lot 118, 8th District, Hall County, Georgia and being more particularly described as followed:

To find the True Point of Beginning, begin at a point at the intersection along the South Westerly Right-of-Way of Shoreview Circle (apparent 44' Right-of-Way) and the South Easterly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way); THENCE from said point and following along the North Westerly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way) for the next nine (9) calls and distances, North 48 degrees 51 minutes 14 seconds West for a distance of 161.27 feet to a ½" Rebar Found; THENCE North 48 degrees 58 minutes 34 seconds West for a distance of 48.30 feet to an Army Corp of Engineers Brass Monument #118-G6; THENCE North 67 degrees 51 minutes 39 seconds West for a distance of 35.86 feet to an Army Corp of Engineers Aluminum Monument #118-G6-1; THENCE North 77 degrees 54 minutes 30 seconds West for a distance of 91.59 feet to a Point; THENCE North 53 degrees 04 minutes 18 seconds West for a distance of 116.38 feet to a Point; THENCE North 54 degrees 58 minutes 10 seconds West for a distance of 11.26 feet to a P.K. Nail with a Washer (LSF #000484); THENCE North 29 degrees 49 minutes 36 seconds West for a distance of 211.54 feet to an Army Corp of Engineers Aluminum Monument #118-G; THENCE North 47 degrees 23 minutes 18 seconds West for a distance of 223.11 feet to a ½" Rebar Found with a Cap (LSF #000484); THENCE North 74 degrees 57 minutes 41 seconds West for a distance of 147.72 feet to a Nail with a Washer in a 6-inch Fence Post Top (LSF #000484); THENCE leaving said Right-of-Way, North 30 degrees 30 minutes 42 seconds West for a distance of 962.99 feet to a Point, said Point being the TRUE POINT OF BEGINNING;

THENCE from said point thus established, North 30 degrees 30 minutes 42 seconds West for a distance of 199.46 foot to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118D; THENCE North 60 degrees 01 minutes 30 seconds East for a distance of 200.39 feet to a Point; THENCE South 39 degrees 59 minutes 58 seconds East for a distance of 149.69 feet to a 1" Open Top Pipe; THENCE South 46 degrees 58 minutes 31 seconds West for a distance of 230.53 feet to a Point, said Point being the TRUE POINT OF BEGINNING.

Said property contains 0.854 acres.

Including Easements within.

- IPF = IRON PIN FOUND
- IPS = 1/2" REBAR PIN SET
- LL = LAND LOT
- LL = LAND LOT LINE
- P = PROPERTY LINE
- C = CENTERLINE
- B = BUILDING LINE
- R/W = RIGHT-OF-WAY
- SSE = SANITARY SEWER EASEMENT
- DE = DRAINAGE EASEMENT
- MH = MANHOLE
- CB = CATCH BASIN
- JB = JUNCTION BOX
- HW = HEADWALL
- DI = DROP INLET
- PP = POWER/UTILITY POLE
- FH = FIRE HYDRANT
- IE = INVERT ELEVATION
- FFE = FINISHED FLOOR ELEVATION
- BOC = BACK OF CURB
- EP = EDGE OF PAVEMENT
- s- = SANITARY SEWER LINE/PIPE
- == = STORM SEWER LINE/PIPE
- x-x- = FENCE LINE
- = FLOOD HAZARD ZONE LINE
- N/F = NOW OR FORMERLY
- POC = POINT OF COMMENCEMENT
- POB = POINT OF BEGINNING

- 1) TAX PARCEL # 08118 001015
- 2) ZONING: A
- 3) THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED.
- 4) SITE ELEVATIONS BASED ON NAVD 88 BY OBTAINED BY MEANS OF LOCAL GPS NETWORK.
- 5) RD = RECORD DISTANCE PER REFERENCE #9.

- 1) DEED BOOK 3428, PAGE 481.
- 2) DEED BOOK 5181, PG.456.
- 3) PLAT BOOK 58, PAGE 254.
- 4) PLAT BOOK 58, PAGE 7.
- 5) PLAT BOOK 60, PAGE 117.
- 6) PLAT BOOK 80, PAGE 181.
- 7) PLAT BOOK 83, PAGE 146.
- 8) PLAT BOOK 92, PAGE 68.
- 9) RETRACEMENT SURVEY FOR JONES FAMILY ESTATE, BY ROCHESTER & ASSOCIATES, INC., DATED 11/28/21.

OTHER'S AS DENOTED ON PLAT.

BY GRAPHICAL PLOTTING ONLY, A PORTION OF THE
SURVEYED AREA LIES WITHIN A 100 YEAR FLOOD
HAZARD AREA ZONE "A" PER FIRM PANEL
13139C0290G, DATED APRIL 4, 2018 & 13139C0291H,
DATED DECEMBER 1, 2022.

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.

BEARINGS AND ELEVATIONS SHOWN HEREON
ARE BASED ON GPS OBSERVATIONS USING
CARLSON/CHAMPION GNSS ROVER EQUIPMENT
AND EGPS SOLUTIONS REAL TIME NETWORK
ADJUSTMENT AT DATE OF FIELD WORK.

THIS SURVEY WAS PREPARED UTILIZING A DUAL FREQUENCY GPS RECEIVER. NETWORK RTK CORRECTIONS WERE RECEIVED VIA CELLULAR MODEM. THE BASE STATION NETWORK IS OPERATED AND MAINTAINED BY EGPS SOLUTIONS, INC.

THE RELATIVE POSITIONAL ACCURACY AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3, NATIONAL STANDARD FOR SPATIAL DATA ACCURACY IS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT A 95% CONFIDENCE LEVEL.

THE FIELD SURVEY WAS COMPLETED ON
11/1/23.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE & IS ACCURATE WITHIN ONE FOOT IN 118,192 FEET, AND CONTAINS A TOTAL OF 0.854 ACRES.

$$1 \text{ inch} = 50 \text{ ft.}$$

THE TERM "CERTIFICATION" OR TO "CERTIFY" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.



N/F
U.S. ARMY CORPS OF ENGINEERS
"LAKE SIDNEY LANIER"
TRACT# D-485
FULL POOL ELEV.=1071.0'
FLOOD POOL ELEV.=1085.0'

N/F
08118001015
MARY S. JONES
D.B.3208, PG.307
0.854 ACRES

N/F
U.S. ARMY CORPS OF ENGINEERS
"LAKE SIDNEY LANIER"
TRACT# D-465
FULL POOL ELEV.=1071.0'
FLOOD POOL ELEV.=1085.0'

N/F
08118001015
MARY S. JONES
D.B.3208, PG.307
ZONED A

SURVEYORS CERTIFICATION
RETRACEMENT SURVEY

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDS OF THE LAND RECORDS OFFICE OF THE COUNTY OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND, FURTHERING THE UNDERSTANDING OF THE SAID SURVEYOR THAT THIS PLAT COMPLY WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN G.O.G.A. SECTION 15-6-67.



H. CARSON SMITH

LDS

LAND DEVELOPMENT
SURVEYORS, INC.

P.O. BOX 2050
DACULA, GA. 30019
(770) 682-8206
LDSURVEY @ BELL SOUTH.NET
COA LSF#000832

District: 8th

Sheet No.

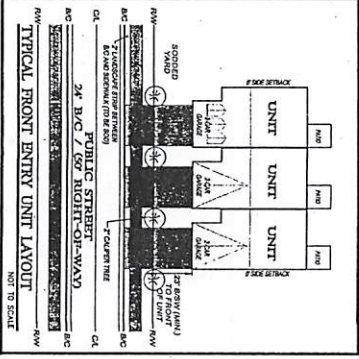
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1 of 1

LINE	DESCRIPTION	DATE
1	EXISTING EROSION ALONG 122.17 ACRES	
2	NEW PARCELS 00111, 00112, 00113, 00114, 00115, 00116, 00117, 00118, AND 00119.	
3	EXISTING ZONING R1, M2 AND M3	
4	PROPOSED ZONING: TIO - 6.5 UNITS/ACRE	
5	TOTAL NO. PROPOSED UNITS: 144	
6	OPEN SPACE PROVIDED - 42.04 ACRES (OPEN SPACE INCLUDING 27.00 ACRES WATER WARDENPORT FACILITY & LAKEVIEW)	
7	PROPOSED STREETS (SEE TYPICAL LOT LAYOUT)	
8	MAXIMUM BUILDING HEIGHT: 35 FT. (1ST BUILDING SPRAWLING)	
9	TOTAL LENGTH OF STREETS: 4,100 FT.	
10	ROADWAY IMPROVEMENT BASED ON HILL COUNTY DES. (DRAINAGE & LEAKS)	
11	WATER AND SEWER SERVICE TO BE PROVIDED BY THE CITY OF FLOREY BRANCH.	
12	ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF FLOREY BRANCH'S STANDARDS AND SPECIFICATIONS.	
13	ALL PROPOSED UNITS SHALL BE INTERCONNECTED.	
14	SEE PLAN IS CONSTRUCTION IN WHITE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.	

DEVELOPMENT SUMMARY

- EXISTING EROSION ALONG 122.17 ACRES
- NEW PARCELS 00111, 00112, 00113, 00114, 00115, 00116, 00117, 00118, AND 00119.
- EXISTING ZONING R1, M2 AND M3
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- TOTAL LENGTH OF STREETS: 4,100 FT.
- ROADWAY IMPROVEMENT BASED ON HILL COUNTY DES. (DRAINAGE & LEAKS)
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- ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF FLOREY BRANCH'S STANDARDS AND SPECIFICATIONS.
- ALL PROPOSED UNITS SHALL BE INTERCONNECTED.
- SEE PLAN IS CONSTRUCTION IN WHITE AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.



PROJECT NAME: JONES TRACTS		PREPARED FOR: H. CARSON SMITH, IV 4474 COMMERCE DR. BUFORD, GA 30518
PROJECT INFORMATION: JONES TRACTS PROJECT NUMBER: _____ PREPARED BY: _____ DATE: _____		1 of 1
CONCEPTUAL SITE PLAN		

Development Statistics:

- (a) Maximum and proposed height of any structure;
 - 35 feet
- (b) Maximum and proposed gross square footage of the building area (nonresidential only);
 - NA
- (c) Color renderings of any proposed structures;
- (d) Material list (with percentages) of any proposed structures;
 - Proposed homes would include a mixture of building materials including brick, stone, and/or fiber cement siding or shake.
- (e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only);
 - 144 total residential units (144 single-family attached townhomes)
 - Minimum heated floor area: 1,600 square feet
- (f) Maximum and proposed lot coverage of building area (square feet and percent);
 - +/-80 percent
- (g) Minimum and proposed square footage of landscaped area (square feet and percent);
 - +/-4.9 acres of open space including stormwater management facilities and easements
- (h) Minimum, maximum and proposed number of parking spaces; and
 - 4 parking spaces per unit (two-car garage plus two-car driveway)
- (i) Other dimensional information as may be required by the Zoning Administrator.

ANALYSIS REQUIREMENTS

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- Yes. The subject property is surrounded by a diverse mixture of land uses including commercial, residential, and recreational uses. The property is adjacent to an existing townhome community, a mobile home park, as well as relatively-intense commercial uses in the Hideaway Bay Marina. The proposed development would provide an appropriate transition of land uses from the adjacent marina and townhome community to less-intense single-family detached residential uses located to the north across the cove.
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
- No. Rather, the proposed development will complement the use and usability of adjacent and nearby property. The proposed residential use is compatible with adjacent residential uses and would complement the existing commercial uses located at the marina.
- (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 Applicant respectfully submits that the proposed development does not have reasonable economic use as currently zoned.
- (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.
- (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.
- Yes. The proposed development is compatible with the policy of the comprehensive plan which encourages single-family residential development for the property.
- (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.
- Yes. The subject property is located in a relatively intense mixed-use area with a variety of housing types and commercial uses. The property is adjacent to an existing mobile home park and a townhome community. A small-lot single-family detached community is also located nearby to the east. The subject property is also adjacent to the Hideaway Bay Marina which includes a restaurant and relatively intense commercial uses including boat sales, service, and storage.
- (g) Existing use(s) and zoning of the subject property and nearby properties.

- The Property is currently zoned A (Agricultural) and is adjacent to land zoned R-3 (Residential Multi-family), A, and MHP (Manufactured Home Park) in the City of Flowery Branch. The Hideway Bay Marina is adjacent to the property and is zoned V-C in unincorporated Hall County.
- (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 Applicant respectfully submits that the property has no reasonable economic use as currently zoned. Approval of the requested zoning would allow a reasonable economic use.
- (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.
- No, rather approval of the requested rezoning will permit a use that is compatible with the mixed-use nature of the surrounding area. The existing residential uses in the surrounding area include townhomes and single-family detached homes, which is exactly what the proposed development would provide. The proposed development would encourage improvement of surrounding residential property.
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
- No, rather approval of the requested rezoning will permit a use that is compatible with the mixed-use nature of the surrounding area. The existing residential uses in the surrounding area include townhomes and single-family detached homes, which is exactly what the proposed development would provide.
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
- The Applicant submits that no such negative impacts would result from the approval of the proposed development. The proposed development fits squarely within the identified purpose and intent of the PUD zoning classification in the zoning ordinance.
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
- Any such negative impacts would be mitigated by utilization of identified best management practices and as required by local, state, and federal governmental authorities.

(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 proposed development fits squarely within the purpose and intent of the zoning ordinance and would provide a residential use that is consistent and compatible with the scope, scale, size, and density of surrounding residential uses.

COMBINED LETTER OF INTENT FOR REZONING APPLICATION

H. Carson Smith, IV submits this Letter of Intent and attached Rezoning Application requesting the rezoning of an approximately 22.30-acre tract of land (the "Property") situated along Mitchell Street/Jones Road on behalf of the Property owners (the "Applicant"). The Property is currently zoned A (Agricultural District) and is located in the Suburban Residential Character according to the City of Flowery Branch Comprehensive Plan 2041 (the Comp Plan) Future Development Map. According to the City of Flowery Branch Zoning Map and the Hall County GIS Map, a small portion of the overall Property (the "Unincorporated Portion") lies within unincorporated Hall County. Accordingly, the Applicant submits the attached Rezoning application relative to the property which is currently located within the City of Flowery Branch and the attached Rezoning Applications related to the Unincorporated Portion (the "Applications").

The surrounding area is characterized by a diverse mixture of land uses including commercial, residential, and recreational uses. Specifically, the Property is adjacent to the Tide Water Cove townhome community, the Trails West Mobile Home Park, and the Hideaway Bay Marina with related commercial uses including boat and RV storage, automotive related uses, and the Fish Tales Lakeside Grille. The proposed development is compatible with the character of the surrounding area and would provide a high-quality residential development that would complement the mixed-use nature of the area.

The Applicant proposes to develop the Property as a residential townhome community consisting of 144 attached residential townhomes. The proposed homes would include attractive building materials and architectural elements which are compatible with the character of the surrounding area. The facades of the homes would be constructed of brick, stone, cedar shake, fiber-cement siding, and/or board and batten as depicted in the building renderings submitted with the Applications. The proposed homes are all front-entry style units with two-car garages and would be accessed by internal streets and driveways. The proposed development would also include two main green space amenity areas for the use and enjoyment of residents including a larger centrally located

space or green and a smaller green space with a gazebo overlooking a small cove of Flowery Branch Bay. Additionally, the Flowery Branch Bay Park is located within convenient walking distance of the Property which would provide additional recreational opportunities for residents.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Flowery Branch of Community Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of the Applications.

Furthermore, the applicant will dedicate all proceeds needed to upgrade Mitchell Street in compliance and compatible with the first portion of the road that has been recently upgraded from the roundabout to the first stop sign.

Respectfully submitted this 17th day of November 2023.



H. Carson Smith IV



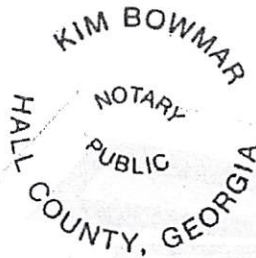
Property owner information (if different than the applicant)

Property owner (please print): Mary S. Jones (Elizabeth Ann Jones as executrix of the
Mary Sharpe Jones a.k.a. Mary S. Jones)

Signature of property owner: Elizabeth Ann Jones

Notary:

K. Bowmar
EXP: 8-7-27



Property Information

Tax Map Number: 08118 001015, 001009, 001002D, 001002E, 001012, 001030, + 001002F

Current Zoning: A Total Acres: +/- 22.17

Is this property located within the city-limits of Flowery Branch? Yes (partially)

Proposed City of Flowery Branch Zoning: TND

Current Use: Undeveloped; miscellaneous single-family + Agricultural uses

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

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- 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
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

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

None

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

None

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

None



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

No Campaign Contributions were made by Elizabeth S. Jones

Elizabeth S. Jones

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Property owner information (if different than the applicant)

Property owner (please print): Dale A. Jones

Signature of property owner: Dale A. Jones

Notary:

Cindy E. Ballard

my license expires March 16, 2025



Property Information

Tax Map Number: _____

Current Zoning: _____ Total Acres: _____

Is this property located within the city limits of Flowery Branch? _____

Proposed City of Flowery Branch Zoning: _____

Current Use: _____

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

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- 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
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
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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

None

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

None

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

None



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

None Ag

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Property owner information (if different than the applicant)

Property owner (please print): Dale A. Jones Properties #1, LLC

Signature of property owner: Dale A. Jones

Notary: Cindy E. Ballard
Expires March 16, 2025



Property Information

Tax Map Number: 0818 001002F

Current Zoning: _____ Total Acres: _____

Is this property located within the city limits of Flowery Branch? _____

Proposed City of Flowery Branch Zoning: TND

Current Use: _____

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

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



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

None

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

None

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

None

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



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

None Due

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Adjacent Property Owner List

Name/Address	Parcel Number
TRAILS WEST PARTNERS, LLC P.O. BOX 401 BUFORD, GA 30515	08118 001006
TIDE WATER COVE TOWNHOME ASSOCIATION INC c/o HOMESIDE PROPERTIES 2555 WESTSIDE PKWY. SUITE 600 ALPHARETTA, GA 30004	08118B000180
STARBOARD MARINA 6334 MITCHELL STREET FLOWERY BRANCH, GA 30542	08118 001002A
TIDE WATER COVE TOWNHOME ASSOCIATION INC c/o HOMESIDE PROPERTIES 2555 WESTSIDE PKWY. SUITE 600 ALPHARETTA, GA 30004	08118B000182
CHARLES DERRICK THOMPSON 6222 SHOREVIEW CIRCLE FLOWERY BRANCH, GA 30542	08118B000007
SHERLY A RUIZ HARVEY CHRISTOFER E 6224 SHOREVIEW CIRCLE FLOWERY BRANCH, GA 30542	08118B000006
CHARLES W WILSON, JR WILSON PATRICIA R 6226 SHOREVIEW CIRCLE FLOWERY BRANCH, GA 30542	08118B000005

September 10, 2022

Rich Atkinson
City of Flowery Branch
5410 W. Pine Street
Flowery Branch, GA 30542

Re: Authorization to Inspect Subject Property of Rezoning and Annexation Application

Dear Mr. Atkinson:

In accordance with the City's requirements for processing rezoning applications, the undersigned authorizes the City of Flowery Branch staff and City Council to inspect the subject property.

Sincerely yours,

By: Elizabeth Ann Jones
Name: Elizabeth Ann Jones
Title: Property Owner

K. Bowmar
EXP: 8-13-23





REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: 11/17/2023

Address of Request:

6300 Jones Rd

Tax Map # See attached property list Current Zoning: R1, AR3, VC

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out.
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased).
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased).
4. Anticipated total square footage (heated) to be built in the requested number of units.
5. Total acreage developed with units.
6. Total acreage for right of way and roads.
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
8. Acreage required for buffer and watershed protection.
 - Does the buffer comply with the current City ordinance?
 - Do individual property lines for lots extend into the buffer?
 - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose?



9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail)
10. Please identify all amenities and total number of acres they incorporate by complete description.
11. Number of street lights and separation table as proposed on your site plan.
12. Will Technology Development be included in this development?
13. List the total linear feet and cubic yards for sidewalks.
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans?
15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues?
16. Does the proposal provide for utilization of "reuse" water? Is this depicted on the plans? Do the plans provide for storage of "reuse" water?
17. What is the total capacity for daily Wastewater Management?
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development?
19. Has a slope and grade study been done on this development? Does the study reflect density placement?
20. Please identify what public safety needs are being considered for the project?
21. Has the Hall County School System been notified of the proposed density for this project?
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development.

REZONING ADDITIONAL INFORMATION REQUIREMENT

- 1) Applicant is w/out sufficient information to make a accurate valuation because of market and inflation conditions at the time of completion.
- 2) Same as above
- 3) Applicant expects total buildout to be within 18 months and 3 weeks.
- 4) The total number of units times 2000 as plated 288,000 sq ft, estimated.
- 5) 13.13 Acres
- 6) 3100L.F
- 7) 9.04 Acres
- 8) The 9.04 Acres buffer includes watershed protection. This shall comply with the City's standards and specifications. Dedication of any site area to be determined.
- 9) Any multi transportation alternatives will be resolved to those.

Existing options are currently provided by all private and government entities.

- 10) The initial site plan provides for a pavilion and firepit. But may include swim and tennis areas upon further planning. Application is without sufficient information to provide accurate acreage amount. These amenities will be located within the buffer zone as shown on the concept plan.
- 11) Applicant is without sufficient information to provide this information. The streetlights would be compliant with City Regulations on construction plans after the final zoning determination is given.
- 12) All technology development will aspire to be the highest and best available considering the cost and feasibility.
- 13) Sidewalks are projected to coincide with the total linear footage of the streets.
- 14) Stormwater controls will be accurately reflected in the construction plans. They will be complaint with all State, County, and City regulations.
- 15) Applicant has not conducted a traffic study at this time as it would be subject to zoning and density provided at rezoning.
- 16) Reuse water will be addressed and comply with all regulations in the construction plans.
- 17) Watershed and sewer service capacity should be determined by the city based on final zoning and capacity. The applicant is w/out sufficient information to provide that request.
- 18) Applicant is w/out sufficient information to provide these amounts. All water fixtures will be compliant with all City requirements and regulations.
- 19) Slope and grade study will be done with the preparation of construction plans. That information is not available at this time. Furthermore, those studies could only lower the density potentially and not increase.
- 20) Applicable safety needs will be compliant with all State, County, and City requirements.
- 21) The Hall County School Board has not been notified by the applicant at the time of filing.
- 22) Covenant and/or architectural guidelines have not been prepared as they're subject to a final zoning decision. Applicant as noted certain materials requested to be used in the zoning application.

CONSTITUTIONAL OBJECTION

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.



VARIANCE APPLICATION

Address of Request:

6300 Jones Rd

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:

Applicant: H Carson Smith IV

Address: 4474 Commerce Dr
Buford GA 30518

E-mail address: carson@hcarsonsmithpc.com

Phone number: 678-207-7958

Signature: 

Notary Seal:

Property Owner List

Name/Address	Parcel Number
MARY S. JONES 4850 GOLDEN PKWY STE B BUFORD, GA 30518	08118 001015
ELIZABETH ANN JONES 4850 GOLDEN PKWY STE B BUFORD, GA 30518	08118 001009
ANN JONES 4850 GOLDEN PKWY STE B BUFORD, GA 30518	08118 001002D
DALE A JONES 6258 JONES ROAD FLOWERY BRANCH, GA 30542	08118 001002E
DALE A JONES 6258 JONES ROAD FLOWERY BRANCH, GA 30542	08118 001012
DALE A JONES 6258 JONES ROAD FLOWERY BRANCH, GA 30542	08118 001020
DALE A. JONES PROPERTIES #1 LLC 6258 JONES ROAD FLOWERY BRANCH, GA 30542	08118 001002F

OVERALL ACREAGE OF PROPERTY

All that tract or parcel of land lying and being in Land Lot 118, 8th District, City of Flowery Branch, Hall County, Georgia and being more particularly described as followed:

To find the True Point of Beginning, begin at a point at the intersection along the South Westerly Right-of-Way of Shoreview Circle (apparent 44' Right-of-Way) and the South Easterly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way); THENCE from said point and following along the North Westerly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way), North 48 degrees 51 minutes 14 seconds West for a distance of 161.27 feet to a ½" Rebar Found, said 1-2" Rebar Found being the TRUE POINT OF BEGINNING;

THENCE from said ½" Rebar Found and continuing along said Right-of-Way for the next nine (9) calls, North 48 degrees 58 minutes 34 seconds West for a distance of 48.30 feet to an Army Corp of Engineers Brass Monument #118-G6;

THENCE from said Army Corp of Engineers Brass Monument #118-G6, North 67 degrees 51 minutes 39 seconds West for a distance of 35.86 feet to an Army Corp of Engineers Aluminum Monument #118-G6-1;

THENCE from said Army Corp of Engineers Aluminum Monument #118-G6-1, North 77 degrees 54 minutes 30 seconds West for a distance of 91.59 feet to a Point;

THENCE from said Point, North 53 degrees 04 minutes 18 seconds West for a distance of 116.38 feet to a Point;

THENCE from said Point, North 54 degrees 58 minutes 10 seconds West for a distance of 11.26 feet to a P.K. Nail with a Washer (LSF #000484);

THENCE from said P.K. Nail with a Washer (LSF #000484), North 29 degrees 49 minutes 36 seconds West for a distance of 211.54 feet to an Army Corp of Engineers Aluminum Monument #118-G;

THENCE from said Army Corp of Engineers Aluminum Monument #118-G, North 47 degrees 23 minutes 18 seconds West for a distance of 223.11 feet to a ½" Rebar Found with a Cap (LSF #000484);

THENCE from said ½" Rebar Found with a Cap (LSF #000484) N 74°57'41" W for a distance of 147.72 feet to a Nail with a Washer in a 6-inch Fence Post Top (LSF #000484);

THENCE from said Nail with a Washer in a 6-inch Fence Post Top (LSF #000484), North 30 degrees 30 minutes 42 seconds West for a distance of 1162.45 foot to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118D;

THENCE from said Angle Iron Found at Army Corp of Engineers Guard Post 119/118D and leaving said Right-of-Way, North 60 degrees 01 minutes 30 seconds East for a distance of 400.02 feet to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118C;

THENCE from said Angle Iron Found at Army Corp of Engineers Guard Post 119/118C, South 75 degrees 20 minutes 39 seconds East for a distance of 497.77 feet to a ½" Open Top Pipe at an Army Corp of Engineers Guard Post;

THENCE from said ½" Open Top Pipe at an Army Corp of Engineers Guard Post, South 02 degrees 02 minutes 54 seconds East for a distance of 737.55 feet to an Angle Iron Found at an Army Corp. of Engineers Guard Post;

THENCE from said Angle Iron Found at an Army Corp. of Engineers Guard Post, South 30 degrees 16 minutes 56 seconds East for a distance of 100.39 feet to a 2" Open Top Pipe at an Army Corp. of Engineers Guard Post;

THENCE from said 2" Open Top Pipe at an Army Corp. of Engineers Guard Post, North 59 degrees 59 minutes 48 seconds East for a distance of 325.17 feet to a 2" Open Top Pipe;

THENCE from said 2" Open Top Pipe, South 01 degrees 25 minutes 48 seconds West for a distance of 369.24 feet to a 2½" Open Top Pipe;

THENCE from said 2½" Open Top Pipe, North 83 degrees 24 minutes 48 seconds East for a distance of 44.06 feet to a Point;

THENCE from said Point, South 04 degrees 04 minutes 53 seconds East for a distance of 85.24 feet to a Point;

THENCE from said Point, South 03 degrees 45 minutes 46 seconds East for a distance of 39.40 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 08 seconds East for a distance of 3.10 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 50 seconds East for a distance of 23.47 feet to a Point;

THENCE from said Point, South 11 degrees 56 minutes 08 seconds East for a distance of 22.64 feet to a Point;

THENCE from said Point, South 43 degrees 41 minutes 34 seconds East for a distance of 12.90 feet to a Point;

THENCE from said Point, South 85 degrees 37 minutes 02 seconds East for a distance of 23.81 feet to a Point;

THENCE from said Point, South 86 degrees 23 minutes 51 seconds East for a distance of 21.71 feet to a Point;

THENCE from said Point, South 57 degrees 01 minutes 14 seconds East for a distance of 62.86 feet to a Point;

THENCE from said Point, North 86 degrees 19 minutes 09 seconds East for a distance of 44.74 feet to a Point;

THENCE from said Point, South 37 degrees 41 minutes 36 seconds East for a distance of 25.50 feet to a Point;

THENCE from said Point, South 27 degrees 24 minutes 47 seconds East for a distance of 13.82 feet to a Point;

THENCE from said Point, South 00 degrees 48 minutes 41 seconds West for a distance of 29.45 feet to a Point;

THENCE from said Point, South 36 degrees 18 minutes 54 seconds East for a distance of 9.11 feet to a Point;

THENCE from said Point, South 71 degrees 44 minutes 23 seconds East for a distance of 18.05 feet to a Point;

THENCE from said Point, North 75 degrees 58 minutes 26 seconds East for a distance of 34.19 feet to a Point;

THENCE from said Point, North 67 degrees 58 minutes 02 seconds East for a distance of 18.77 feet to a Point;

THENCE from said Point, North 82 degrees 01 minutes 08 seconds East for a distance of 33.29 feet to a Point;

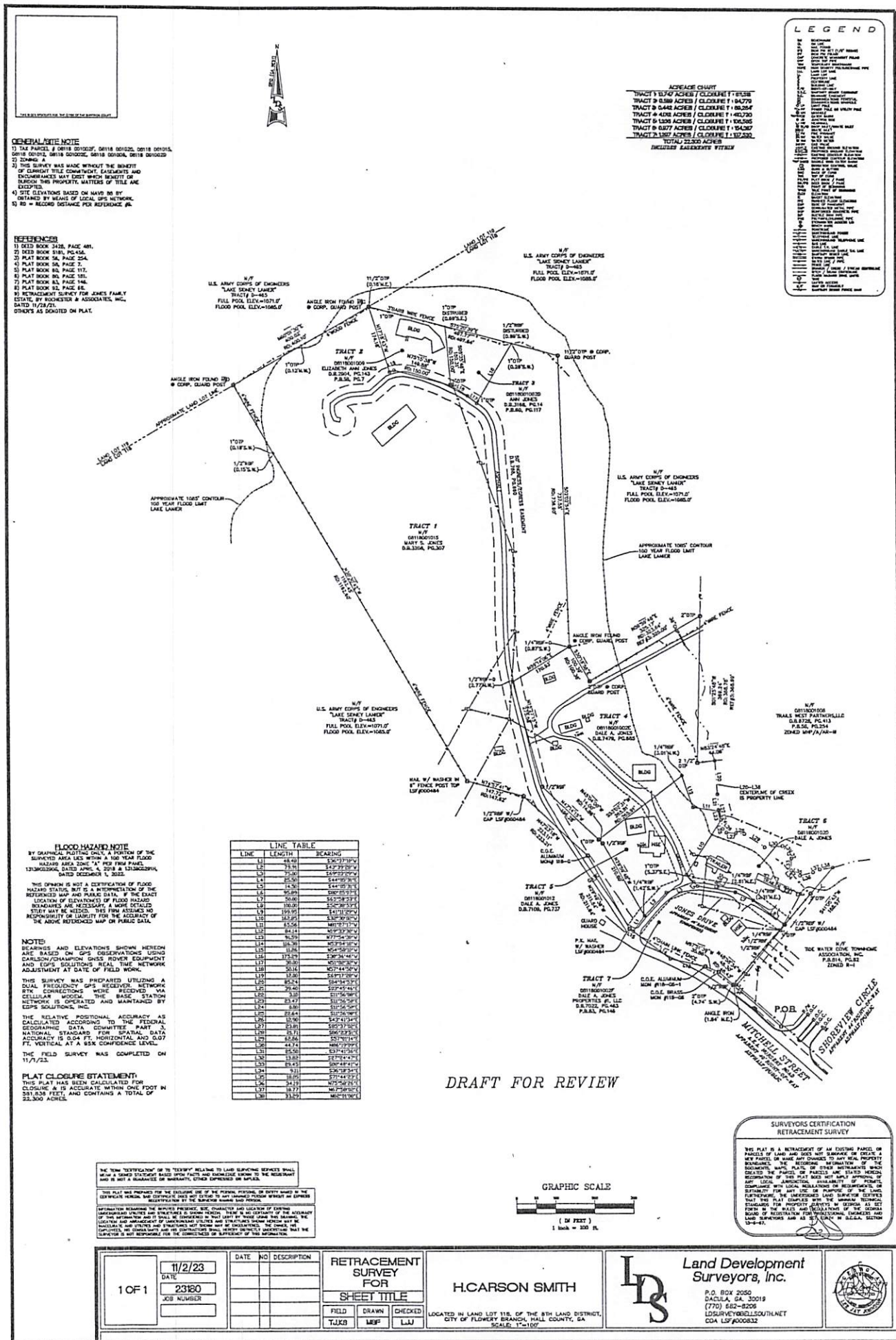
THENCE from said Point, South 41 degrees 05 minutes 43 seconds West for a distance of 188.57 feet to a ½" Rebar Found with a Cap (LSF #000484);

THENCE from said ½" Rebar Found with a Cap (LSF #000484) ½" Rebar Found, South 41 degrees 11 minutes 29 seconds West for a distance of 199.95 to a ½" Rebar Found along the North Easterly Right-of-Way of Mitch Street (apparent 40' right-of-Way), said ½" Rebar Found being the TRUE POINT OF BEGINNING.

Said property contains 22.300 acres.

Including Easements within.

SURVEY MAP



PORTION OF PROPERTY TO BE ANNEXED

All that tract or parcel of land lying and being in Land Lot 118, 8th District, Hall County, Georgia and being more particularly described as followed:

To find the True Point of Beginning, begin at a point at the intersection along the South Westerly Right-of-Way of Shoreview Circle (apparent 44' Right-of-Way) and the South Easterly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way); THENCE from said point and following along the North Westerly Right-of-Way of Mitchell Street (apparent 40' Right-of-Way) for the next nine (9) calls and distances, North 48 degrees 51 minutes 14 seconds West for a distance of 161.27 feet to a ½" Rebar Found; THENCE North 48 degrees 58 minutes 34 seconds West for a distance of 48.30 feet to an Army Corp of Engineers Brass Monument #118-G6; THENCE North 67 degrees 51 minutes 39 seconds West for a distance of 35.86 feet to an Army Corp of Engineers Aluminum Monument #118-G6-1; THENCE North 77 degrees 54 minutes 30 seconds West for a distance of 91.59 feet to a Point; THENCE North 53 degrees 04 minutes 18 seconds West for a distance of 116.38 feet to a Point; THENCE North 54 degrees 58 minutes 10 seconds West for a distance of 11.26 feet to a P.K. Nail with a Washer (LSF #000484); THENCE North 29 degrees 49 minutes 36 seconds West for a distance of 211.54 feet to an Army Corp of Engineers Aluminum Monument #118-G; THENCE North 47 degrees 23 minutes 18 seconds West for a distance of 223.11 feet to a ½" Rebar Found with a Cap (LSF #000484); THENCE North 74 degrees 57 minutes 41 seconds West for a distance of 147.72 feet to a Nail with a Washer in a 6-inch Fence Post Top (LSF #000484); THENCE leaving said Right-of-Way, North 30 degrees 30 minutes 42 seconds West for a distance of 962.99 feet to a Point, said Point being the TRUE POINT OF BEGINNING;

THENCE from said point thus established, North 30 degrees 30 minutes 42 seconds West for a distance of 199.46 foot to an Angle Iron Found at Army Corp of Engineers Guard Post 119/118D; THENCE North 60 degrees 01 minutes 30 seconds East for a distance of 200.39 feet to a Point; THENCE South 39 degrees 59 minutes 58 seconds East for a distance of 149.69 feet to a 1" Open Top Pipe; THENCE South 46 degrees 58 minutes 31 seconds West for a distance of 230.53 feet to a Point, said Point being the TRUE POINT OF BEGINNING.

Said property contains 0.854 acres.

Including Easements within.

LEGEND

IPF = IRON PIN FOUND
 IPS = 1/2" REBAR PIN SET
 LL = LAND LOT
 LLL = LAND LOT LINE
 P = PROPERTY LINE
 CL = CENTERLINE
 BL = BUILDING LINE
 R/W = RIGHT-OF-WAY
 SSE = SANITARY SEWER EASEMENT
 DE = DRAINAGE EASEMENT
 MH = MANHOLE
 CB = CATCH BASIN
 JB = JUNCTION BOX
 HW = HEADWALL
 DI = DROP INLET
 PP = POWER/UTILITY POLE
 FH = FIRE HYDRANT
 IE = INVERT ELEVATION
 FFE = FINISHED FLOOR ELEVATION
 BOC = BACK OF CURB
 EP = EDGE OF PAVEMENT
 S = SANITARY SEWER LINE/PIPE
 SS = STORM SEWER LINE/PIPE
 X-X-X = FENCE LINE
 Dotted Line = FLOOD HAZARD ZONE LINE
 N/F = NOW OR FORMERLY
 POC = POINT OF COMMENCEMENT
 POB = POINT OF BEGINNING

GENERAL/SITE NOTE

- 1) TAX PARCEL # 08118 001015
- 2) ZONING: A
- 3) THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED.
- 4) SITE ELEVATIONS BASED ON NAVD 88 BY OBTAINED BY MEANS OF LOCAL GPS NETWORK.
- 5) RD = RECORD DISTANCE PER REFERENCE #.



REFERENCES

- 1) DEED BOOK 3428, PAGE 481.
- 2) DEED BOOK 5181, PG.456.
- 3) PLAT BOOK 56, PAGE 254.
- 4) PLAT BOOK 58, PAGE 7.
- 5) PLAT BOOK 60, PAGE 117.
- 6) PLAT BOOK 80, PAGE 181.
- 7) PLAT BOOK 83, PAGE 148.
- 8) PLAT BOOK 92, PAGE 88.
- 9) RETRACEMENT SURVEY FOR JONES FAMILY ESTATE, BY ROCHESTER & ASSOCIATES, INC., DATED 11/28/21.

OTHER'S AS DENOTED ON PLAT.

FLOOD HAZARD NOTE

BY GRAPHICAL PLOTTING ONLY, A PORTION OF THE SURVEYED AREA LIES WITHIN A 100 YEAR FLOOD HAZARD AREA ZONE "A" PER FIRM PANEL 13139C02906, DATED APRIL 4, 2018 & 13139C0291H, DATED DECEMBER 1, 2022.

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS A INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.

NOTE:

BEARINGS AND ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS USING CARLSON/CHAMPION GNSS ROVER EQUIPMENT AND EGPS SOLUTIONS REAL TIME NETWORK ADJUSTMENT AT DATE OF FIELD WORK.

THIS SURVEY WAS PREPARED UTILIZING A DUAL FREQUENCY GPS RECEIVER, NETWORK RTK CORRECTIONS WERE RECEIVED VIA CELLULAR MODEM. THE BASE STATION NETWORK IS OPERATED AND MAINTAINED BY EGPS SOLUTIONS, INC.

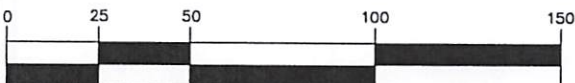
THE RELATIVE POSITIONAL ACCURACY AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3, NATIONAL STANDARD FOR SPATIAL DATA ACCURACY IS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT A 95% CONFIDENCE LEVEL.

THE FIELD SURVEY WAS COMPLETED ON 11/1/23.

PLAT CLOSURE STATEMENT:

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE & IS ACCURATE WITHIN ONE FOOT IN 118,192 FEET, AND CONTAINS A TOTAL OF 0.854 ACRES.

GRAPHIC SCALE



(IN FEET)

1 inch = 50 ft.

THE TERM "CERTIFICATION" OR TO "CERTIFY" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RETRIFICATION BY THE SURVEYOR NAMING SAID PERSON.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINGUISHLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

N/F
 U.S. ARMY CORPS OF ENGINEERS
 "LAKE SIDNEY LANIER"
 TRACT# D-465
 FULL POOL ELEV.=1071.0'
 FLOOD POOL ELEV.=1085.0'

N/F
 08118001015
 MARY S. JONES
 D.B.3208, PG.307
 0.854 ACRES

N/F
 U.S. ARMY CORPS OF ENGINEERS
 "LAKE SIDNEY LANIER"
 TRACT# D-465
 FULL POOL ELEV.=1071.0'
 FLOOD POOL ELEV.=1085.0'

N/F
 08118001015
 MARY S. JONES
 D.B.3208, PG.307
 ZONED A

SURVEYORS CERTIFICATION RETRACEMENT SURVEY

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-87.

RETRACEMENT SURVEY FOR:

H. CARSON SMITH



**LAND DEVELOPMENT
SURVEYORS, INC.**

P.O. BOX 2050
 Dacula, GA 30019
 (770) 682-8206
 LDSURVEY@BELLSOUTH.NET
 GSA LSF000832

Date: 12/4/23 Land Lot: 118 District: 8th

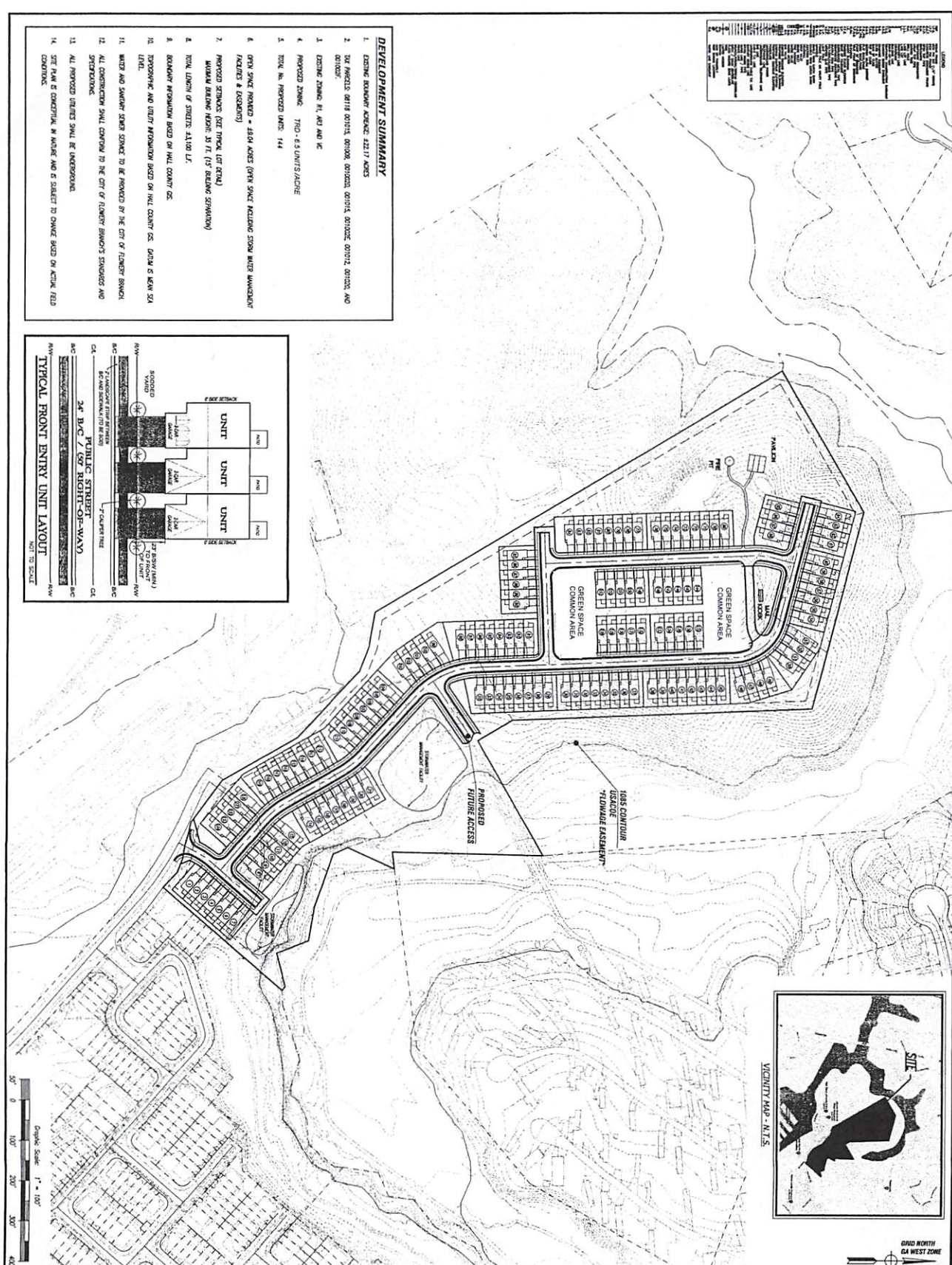
County: HALL COUNTY, GA Scale: 1"=50'

Sheet No.

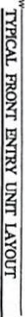
Proj. Manager: Drawn By: MSF Checked By: LJJ

1 of 1

Job Number: 23180 File Number:



1. DESTINE BOUNDARY CHANGE: 22.17 ACRES
2. 12X PARCELS: 01.111 01.015, 01.008, 01.020, 01.014, 01.012, 01.013, AND 01.025.
3. DESTINE ZONING: R1, AND AO IC
4. PROPOSED ZONING: TPO - 0.5 UNITS/ACRE
5. TOTAL AC. PROPOSED UNITS: 144
6. OPEN SPACE PROVIDED = 14.04 ACRES (OPEN SPACE INCLUDING STORM WATER WATERSHED FACILITIES & EROSION)
7. PROPOSED STORMS: 107 IMPACT (1ST FLOOD)
8. MAXIMUM EXCESS FLOODING: 35 FT. (1ST EXCESS STORMWATER)
9. TOTAL LENGTH OF STREETS: 5,140 FT.
10. BOUNDARY PROVISION BASED ON HALL COUNTY CS.
11. TOPOGRAPHIC AND UTILTY INFORMATION BASED ON HALL COUNTY CS. DATA IS KNOWN SEA LEVEL.
12. WATER AND SANITARY SEWER SERVICE TO BE PROVIDED BY THE CITY OF ALABAMA BROWNS. ALL DEVELOPMENT SHALL COMPLY TO THE CITY OF ALABAMA BROWNS STANDARDS AND SPECIFICATIONS.
13. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
14. THE PLAN IS CONSIDERED A MAJOR AND IS SUBJECT TO CHANGE BASED ON ACTUAL FIELD CONDITIONS.



PREPARED FOR: H. CARSON SMITH, IV 4474 COMMENCE DR. BUFORD, GA 30518	
PROJECT NAME: JONES TRACTS	
TABLE: CONCEPTUAL SITE PLAN	
PROJECT INFORMATION: SHEET NUMBER: PROJECT NAME: PROJECT ADDRESS: DATE LAST REV. DRAWN BY: CHECKED BY:	
DATE:	REVISION:
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100	AS BROWN ROAD
DRAWN:	1 of 1
CHECKED:	B-RT

VARIANCE APPLICATION

The purpose of the requested variance is to remove the requirement of a rear entry as required by the City's TND zoning classification. These are extraordinary and exceptional conditions pertaining to the property. The property has lake frontage and Corp of Engineers property lines make a rear entry virtually impossible and economically unfeasible.

This is not the results of any actions by the property owners.

The variance is needed to make possible the proposed TND zoning classification.

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 Governing Body 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;
- (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.



Property owner information (if different than the applicant)

Property owner (please print): Dale A. Jones Properties #1, LLC

Signature of property owner: Dale A. Jones

Notary: Cindy E. Ballard
Expires March 16, 2025



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)



Property owner information (if different than the applicant)

Property owner (please print): Dale A. Jones

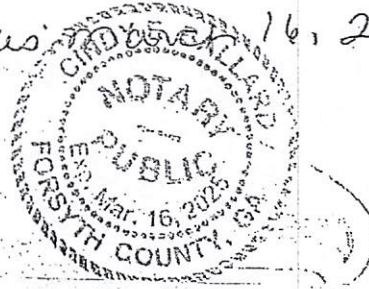
Signature of property owner: Dale A. Jones

Notary:

Cindy E. Ballard

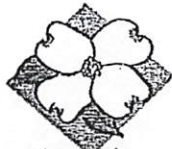
my license expires

16, 2025



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)



Flowery Branch

Property owner information (if different than the applicant)

Property owner (please print): Ann Jones

Signature of property owner: Ann Jones

Notary: K. Bowmar
EXP: 8-13-23



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)



Property owner information (if different than the applicant)

Elizabeth Ann Jones

Property owner (please print):

Signature of property owner:

Elizabeth Ann Jones

Notary: *K. Bowmar*

EXP: 8-13-23



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

NO

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

NO

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

NO

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

CONSTITUTIONAL OBJECTION

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

January 9, 2024

Hall County Board of Commissioners
2875 Browns Bridge Road
Gainesville, Georgia 30504
c/o Jennifer Rivera, Commission Clerk

Re: Notification of Intent to Consider Annexation and Rezoning of Land Located in Hall County

Honorable Members of the Hall County Board of Commissioners:

Please be advised that the City of Flowery Branch, Georgia, by the authority vested in the Mayor and City Council of Flowery Branch, Georgia by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to consider the annexation of the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council.

This letter has been sent to you by certified mail, return receipt requested, within thirty (30) days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be considered for annexation and rezoning is shown on the enclosed map and is described as follows:

6300 JONES ROAD, tax parcel identification number 08118 001015.

Pursuant to O.C.G.A. § 36-36-111, a complete copy of the annexation and rezoning application is also enclosed.

Pursuant to O.C.G.A § 36-36-7 and O.C.G.A § 36-36-9, you must notify the Mayor and City Council of the City of Flowery Branch, in writing and by certified mail, return receipt requested, or statutory overnight delivery, return receipt requested, of any county facilities or property located within the properties to be annexed, within five (5) business days of receipt of this letter.

Hall County Board of Commissioners
Consideration of Annexation and Rezoning
January 9, 2024
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be considered for annexation as Flowery Branch TND (Traditional Neighborhood Development) will be held on Thursday, March 7, 2024, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has a valid objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify the city governing authority within forty-five (45) calendar days of the receipt of this notice. Such notice of objection must be made by verifiable delivery and include documentation of the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection.

Sincerely,

Richard JE Atkinson

Director of Planning and Community Development

City of Flowery Branch

Rich@flowerybranchga.org

RA/

Enclosures: Site Map of Property to be considered for Annexation and Rezoning
Annexation and Rezoning Application

cc: William J. Linkous III, County Attorney

Randi Doveton, Director of Planning and Development

January 9, 2024
Hall County Schools
711 Green Street
Gainesville, GA 30501

**Re: Notification of Intent to Consider Annexation and Rezoning Application of Land
Located in Hall County**

Dear Ladies and Gentlemen:

Please be advised that the City of Flowery Branch, Georgia, by the authority vested in the Mayor and City Council of Flowery Branch, Georgia by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to consider annexation of the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council. Pursuant to O.C.G.A. § 36-66-4 a public hearing on zoning of the property to be considered for annexation as Flowery Branch TND (Traditional Neighborhood Development) will be held on Thursday, March 7, 2024, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. The property to be considered for annexation and rezoning is shown on the enclosed map and is described as follows: 6300 JONES ROAD, tax parcel identification number 08118 001015. Pursuant to O.C.G.A. § 36-36-111, a complete copy of the annexation and rezoning application is also enclosed.

This letter has been sent to you by certified mail, return receipt requested, within thirty (30) days of acceptance of a complete application for annexation by the City of Flowery Branch, after receipt of the application for zoning in accordance with O.C.G.A. § 36-36-111.

Sincerely,

Richard JE Atkinson

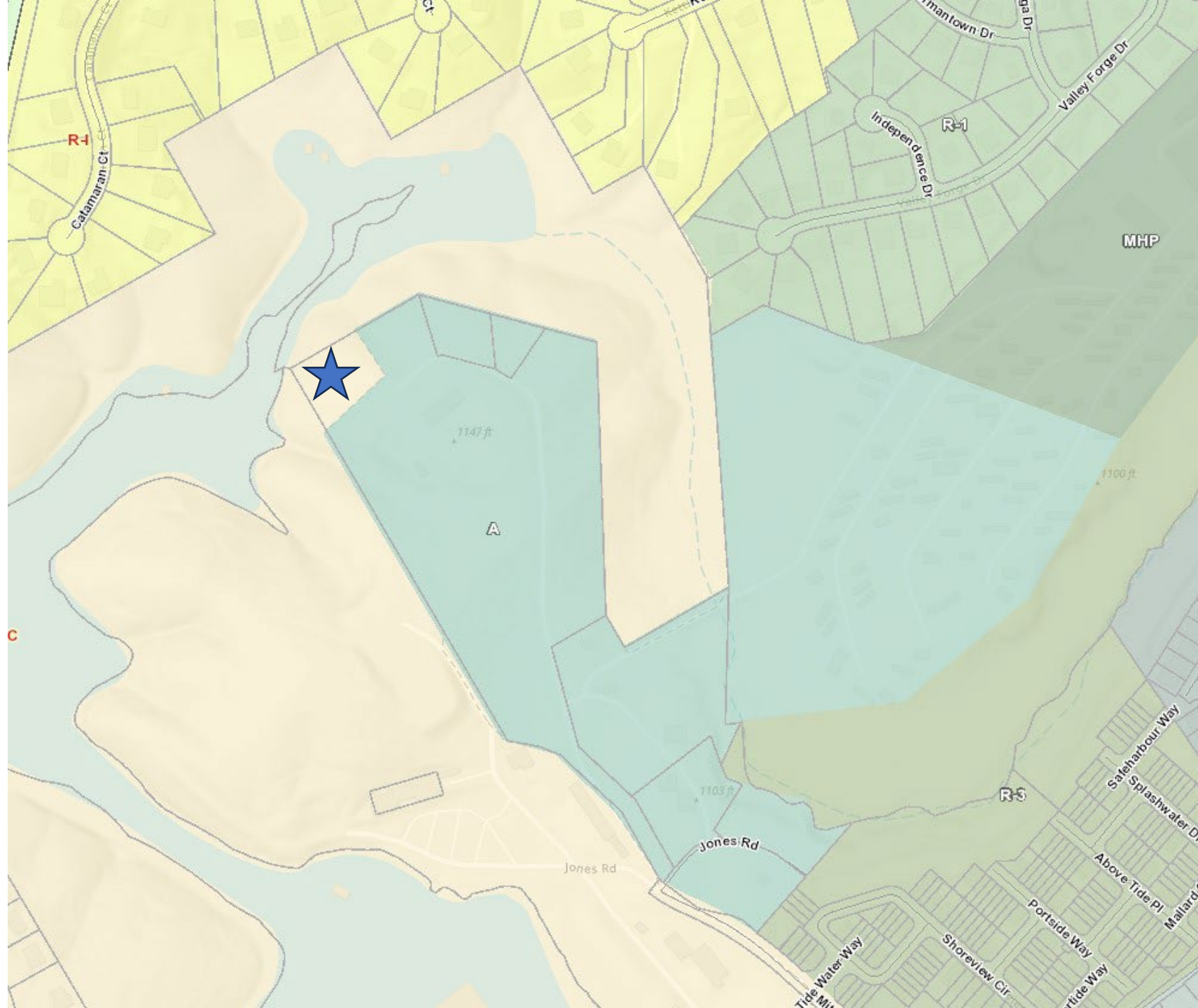
Director of Planning and Community Development

City of Flowery Branch

Rich@flowerybranchga.org

RA/

Enclosures: Site Map of Property to be considered for Annexation and Rezoning
Annexation and Rezoning Application





**Staff Report
6300 Jones Rd
Annexation & Rezoning Request 2024
Ordinances XXX & XXX**

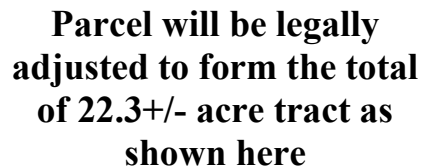
Request

Request to annex and rezone a 0.854 +/- acre tract of land known as 6300 Jones Road and described as tax parcel identification number 08118 001015, from Hall County Vacation Cottage to Flowery Branch Traditional Neighborhood District

If annexed, it is requested to rezone the 21.446 +/- acres of the incorporated portion of land known as 6300 Jones Road, 6294 Jones Road, 6290 Jones Road, 6258 Jones Road, 6246 Jones Road, 6249 Jones Road and described as tax parcel identification number 08118 001015, 08118 001009, 08118 001002D, 08118 001002E, 08118 001012, 08118 001020, 08118 001002F from Agricultural District (A) and Residential Multi-Family District (R-3) to Traditional Neighborhood Development (TND).

GIS Map:

75





Development Statistics:

- (a) Maximum and proposed height of any structure;
 - 35 feet
- (b) Maximum and proposed gross square footage of the building area (nonresidential only);
 - NA
- (c) Color renderings of any proposed structures;
- (d) Material list (with percentages) of any proposed structures;
 - Proposed homes would include a mixture of building materials including brick, stone, and/or fiber cement siding or shake.
- (e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only);
 - 144 total residential units (144 single-family attached townhomes)
 - Minimum heated floor area: 1,600 square feet
- (f) Maximum and proposed lot coverage of building area (square feet and percent);
 - +/-80 percent
- (g) Minimum and proposed square footage of landscaped area (square feet and percent);
 - +/-4.9 acres of open space including stormwater management facilities and easements
- (h) Minimum, maximum and proposed number of parking spaces; and
 - 4 parking spaces per unit (two-car garage plus two-car driveway)
- (i) Other dimensional information as may be required by the Zoning Administrator.



Proposed Schedule

March 7, 2024 – Public Hearing
March 21, 2024 – Work section (if required)
April 4, 2024 – First Read and First Vote
April 18, 2024 – Work section (if required)
May 2, 2024- Second and Final Vote

Comprehensive Plan





Purpose of the Comprehensive Plan

The *Flowery Branch Comprehensive Plan* is the City's policy guide for growth and development, as expressed by a vision statement, Future Development Map, character area policies, and supporting implementation strategies. The plan is most commonly used in the review and decision-making process by staff and City Council for rezoning requests, when proposals are evaluated for consistency with the Future Development Map and supporting text in this document.

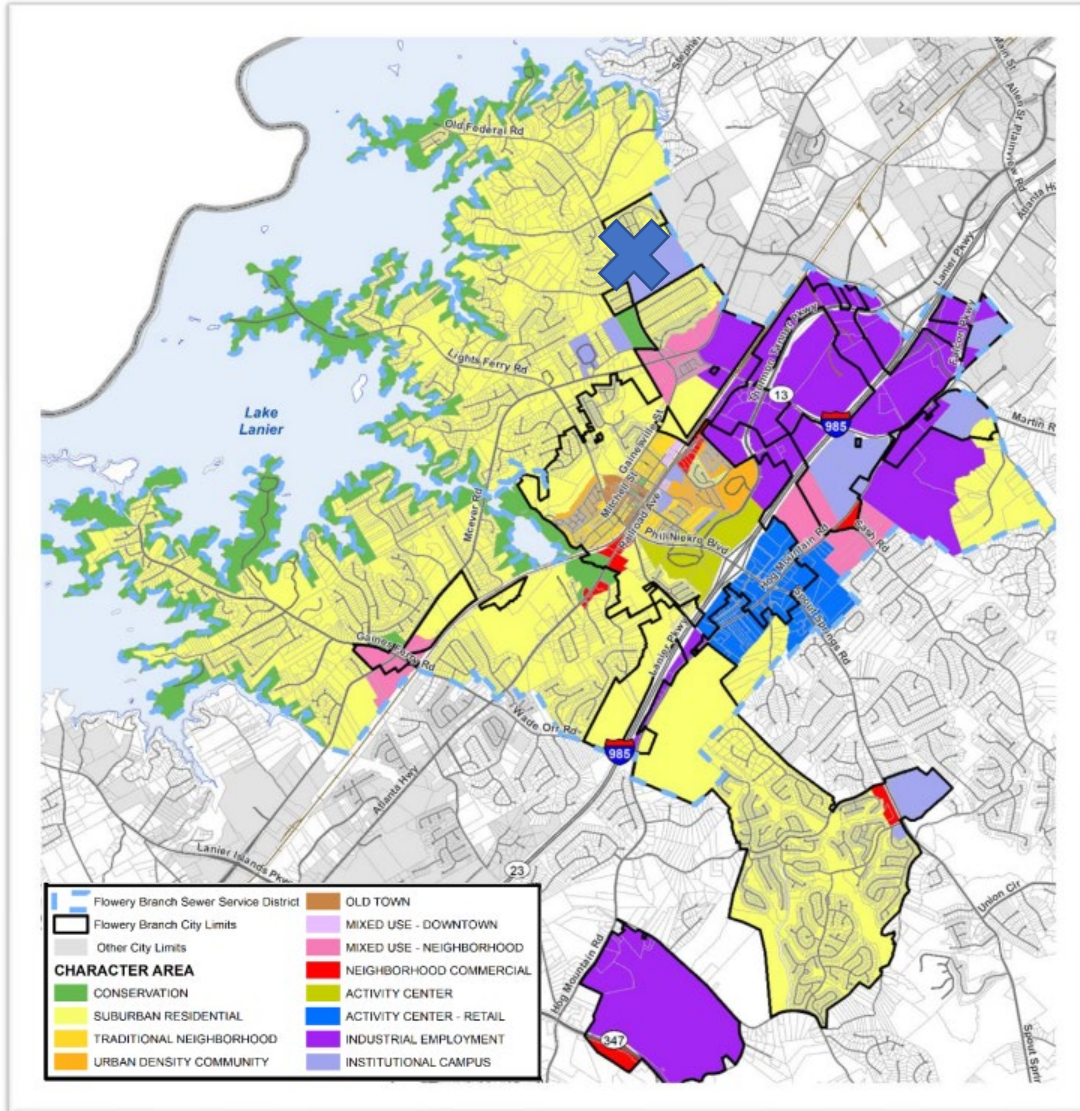
The Comprehensive Plan also outlines the overall strategy for achieving the City's vision for future development by identifying a 5-year Community Work Program (CWP) with a prioritized 'to-do' list. The CWP should be consulted by staff and City Council on an annual basis when developing annual department-level work programs and the City budget.

In addition, this plan serves the purpose of meeting the intent and requirements of the Georgia Department of Community Affairs' (DCA) "Standards and Procedures for Local Comprehensive Planning," as amended on October 1, 2018. Preparation of a comprehensive plan in accordance with these standards is an essential requirement for maintaining status as a Qualified Local Government (QLG). QLG status allows Georgia cities and counties to be eligible for financial incentives from DCA, the Department of Natural Resources (DNR), the Georgia Environmental Finance Authority (GEFA), and the OneGeorgia Authority. This plan update allows the City of Flowery Branch to retain its QLG status.

Suburban Residential Area



The following map was prepared to assist with the review of annexation requests. It depicts the citywide Future Development Map boundaries (bound in **black**) as well as an expanded area that reflects the portions of unincorporated Hall County that are in the Flowery Branch Sewer Service Area. The character area policies described in Chapter 4 apply to the expanded area.





Suburban Residential

Suburban Residential areas are located throughout the city and include locations where low- to- moderate density single-family development exists or is likely to based on a property's zoning and surrounding uses.

Vision

Protect established single-family neighborhoods and create quality new residential construction at suburban densities.

Design Principles

- Larger lots (1/3 to 1 acre) with houses set back from the road
- Cul-de-sacs and curvilinear streets (that are relatively wide when compared to traditional neighborhoods) with sidewalks
- Use of high quality exterior cladding materials (that are consistent on each level of the home)
- Diverse architectural styles are allowed, but there should be compatibility in overall neighborhood design such as roof pitch, building width, and level of ornamentation
- De-emphasized garage (recessed, side or rear entry)
- Opportunities for meaningful open space, including shared areas for the benefit of residents
- In Planned Unit Developments (PUDs), deviations in lot size, building setbacks and street width may be appropriate to maximize open space and improve neighborhood design

Land Uses

- Single-family detached dwellings
- Recreational uses integrated into a neighborhood

Zoning

- R-1 Detached Single-Family, Low-Density District
- R-2 Detached Single-Family, Moderate-Density District
- PUD - Planned Unit Development District

Implementation Strategies

- Amend City's Architectural Design Standards to address residential buildings
- Update PUD requirements to enhance open space and site design requirements
- Expand code enforcement ability by increasing full-time personnel

Illustrative Photos



The proposed development does not meet the strict requirements of the Comprehensive Plan. However, the size and scope of the proposed project would blend in with the surrounding area as it is residential in nature. This development, if approved, will not cause the desired housing mix to rise above



the 15% considered by the Comprehensive Plan (single family 70%, apartments 15%, and townhomes 15%).

Analysis

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

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 Governing Body in the decision-making process.

Applicant Response:

Staff Response:

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

Yes. The subject property is surrounded by a diverse mixture of land uses including commercial, residential, and recreational uses. The property is adjacent to an existing townhome community, a mobile home park, as well as relatively-intense commercial uses in the Hideaway Bay Marina. The proposed development would provide an appropriate transition of land uses from the adjacent marina and townhome community to less-intense single-family detached residential uses located to the north across the cove.

Yes, a residential use is appropriate for this site and the surrounding area.

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

No. Rather, the proposed development will complement the use and usability of adjacent and nearby property. The proposed residential use is compatible with adjacent residential uses and would complement the existing commercial uses located at the marina.

The development will not adversely affect the area.

- (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 Applicant respectfully submits that the proposed development does not have reasonable economic use as currently zoned.

The current zoning may not be feasible for the growing economy need.



- (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.
It is staff's opinion that the use may create any unnecessary traffic burden on Mitchell St. Another access to Lights Ferry Rd should be provided.
- (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.
Yes. The proposed development is compatible with the policy of the comprehensive plan which encourages single-family residential development for the property.
The future land use map calls for the "Suburban Residential" character area to be implemented. This project is residential in nature but does not include single-family detached homes. However, it does meet the general intent of the comprehensive plan which contemplates a residential use.
- (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.
Yes. The subject property is located in a relatively intense mixed-use area with a variety of housing types and commercial uses. The property is adjacent to an existing mobile home park and a townhome community. A small-lot single-family detached community is also located nearby to the east. The subject property is also adjacent to the Hideaway Bay Marina which includes a restaurant and relatively intense commercial uses including boat sales, service, and storage.
It is staff's opinion that the development will add traffic burden to the existing traffic load. The proposal should not be approved without another access to Lights Ferry Road.
- (g) Existing use(s) and zoning of the subject property and nearby properties.
The Property is currently zoned A (Agricultural) and is adjacent to land zoned R-3 (Residential Multi-family), A, and MHP (Manufactured Home Park) in the City of Flowery Branch. The Hideaway Bay Marina is adjacent to the property and is zoned V-C in unincorporated Hall County.
As stated by applicant.
- (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 Applicant respectfully submits that the property has no reasonable economic use as currently zoned. Approval of the requested zoning would allow a reasonable economic use.
Staff does not have a specific number regarding property value.
- (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.
No, rather approval of the requested rezoning will permit a use that is compatible with the mixed-use nature of the surrounding area. The existing residential uses in the surrounding area include townhomes and single-family detached homes, which is exactly what the proposed development would provide. The proposed development would encourage improvement of surrounding residential property.



In staff's opinion, the proposed project will increase the land value and meet the increasing housing needs in this area. However, it will also raise traffic load on Mitchell St.

- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. The proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

N/A

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

The Applicant submits that no such negative impacts would result from the approval of the proposed development. The proposed development fits squarely within the identified purpose and intent of the PUD zoning classification in the zoning ordinance.

The proposed use does not comply with the character area of future development map.

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

Any such negative impacts would be mitigated by utilization of identified best management practices and as required by local, state, and federal governmental authorities.

The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.

- (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 proposed development fits squarely within the purpose and intent of the zoning ordinance and would provide a residential use that is consistent and compatible with the scope, scale, size, and density of surrounding residential uses.

The proposed development will enhance the surrounding area but does not meet the intent of the Zoning Ordinance.



Recommendation

1. It is staff's opinion that the proposal should not be approved considering the overwhelming traffic on Mitchell St will be caused by the proposed development.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Beer & Wine License for Vasudev 5, LLC

COUNCIL MEETING DATE: March 7, 2024

HISTORY:

The ownership of Grocery Express has changed from Saikrishna 1227 INC to Vasudev 5 LLC. The new owner, Karan Desai, has applied for a new package store license.

FACTS AND ISSUES:

The ownership of Grocery Express has changed from Saikrishna 1227 INC to Vasudev 5 LLC. The new owner, Karan Desai, has applied for a new package store license.

OPTIONS:

Approve or Deny

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to grant Karan Desai a package store license for Vasudev 5 LLC.

COLLABORATING DEPARTMENT:

DEPARTMENT: Police

Prepared by: Shelia Cooper

ATTACHMENTS

- [Vasudev 5, LLC Beer & Wine License.pdf](#)

**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Consider New Beer and Wine License for Vasudev 5 LLC

DATE: March 7, 2024

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: March 7, 2024

PURPOSE: To allow Vasudev 5 LLC. DBA: Grocery Express to sell packaged beer and wine at 6168 Gaines Ferry Road.

HISTORY: The ownership of Grocery Express has changed from Saikrishna 1227 INC to Vasudev 5 LLC. The new owner, Karan Desai, has applied for a new package store license.

FACTS AND ISSUES: The ownership of Grocery Express has changed from Saikrishna 1227 INC to Vasudev 5 LLC. The new owner, Karan Desai, has applied for a new package store license.

OPTIONS: Approve or Deny

RECOMMENDED SAMPLE MOTION: I make a motion to grant Karan Desai a package store license for Vasudev 5 LLC.

DEPARTMENT: Police Department

Prepared by: Kelsey Cash



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider February 1, 2024 City Council Meeting Minutes

COUNCIL MEETING DATE: March 7, 2024

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: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Unofficial February 1, 2024 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, February 1, 2024, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Asbridge called the council meeting to order at 6:01 p.m.

Present: Mayor Asbridge and Council Members Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, and Chris Mundy.

Also present were City Manager Tonya Parrish, Assistant City Clerk Nancy Rodriguez, Planning & Community Development Director Rich Atkinson, Finance Director Matt Hamby, Human Resources Director Krystle Hightower, Director of Fun Renee Carden, Public Works & Utilities Director Bill Whidden, Police Chief Chris Hulsey and City Attorney Ted Baggett.

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

There was a motion made to approve the agenda as presented.

MOTION: Chris Mundy

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

PUBLIC HEARING:

Public Hearing for a request for a Conditional Use Permit for a Crematory Addition submitted by Mr. Kevin Wetzel.

Director Atkinson presented a request for a conditional use permit for a crematory addition submitted by Mr. Kevin Wetzel. The crematory has already been built but the City needs to have proof that the facility was properly built. The owners of the crematory will need to have approval from the city, county, and state to operate the facility. The crematory has not been in service to date.

PUBLIC COMMENTS:

In Favor:

Mr. Scott Wiley and Mr. Sparks Bowers of Memorial Park Funeral Home.

Against:

None

Mayor Asbridge closed the public hearing at 6:08 p.m.

UNFINISHED BUSINESS - WORK SESSION:

Consider the Second Reading of Ordinance 702 for a Rezoning Request submitted by Edge City Properties.

Mr. Mike Dye of Edge City Properties, 4280 Dove Point, Duluth, Georgia, updated the rezoning request and clarified two of the conditions of the request. The minimum square footage has been increased to 2,200 as requested.

The development shall be fee-simple homes for sale. The homeowner's association must have in their bylaws that no more than ten percent (10%) of the total homes will be rental units and a rule of no more than two houses owned by one owner in the development and the owner must occupy one of the two. Homeowners can apply to the HOA for a "hardship" exception rental to exceed this amount in the event market conditions require a homeowner to vacate a home and rent due to extenuating circumstances.

Developer agrees to incorporate additional architectural elements on the side elevations of the homes located on Lots 1 and 3. These homes shall be three story, the first story shall have a minimum water table, the remaining levels shall have architectural elements to include the addition of side shutters, two cementitious siding material variations (either horizontal, shake and/or board and batten). In addition, Developer shall also wrap the porch around the south side (Lot 1) and/or north side (Lot 3) of the side elevation to enhance the architectural look.

Council held a discussion with Mr. Dye on the request.

NEW BUSINESS -WORK SESSION:

Consider Accepting an Agreement Between the State of Georgia and the City of Flowery Branch.

Police Chief Hulsey presented an agreement between the State of Georgia and the City of Flowery Branch. This agreement provides the framework to support mutual assistance if an emergency or disaster occurs. Another purpose of this agreement is to identify the Authorized Representative of the City of Flowery Branch. This is a yearly agreement with the State of Georgia.

Consider the First Reading of Ordinance 704 Amending the Charter of the City of Flowery Branch giving the Mayor authority to administer oaths.

City Attorney Bagget presented Ordinance 704 amending the Charter of the City of Flowery Branch giving the Mayor authority to administer oaths. Those performing official duties on behalf of the City may be required by law to swear or affirm to an oath; and the City Council wishes to clarify that the Mayor may administer the oath to those required to swear or affirm oaths of office in order to perform official duties on behalf of the City.

Consider the First Reading of Ordinance 706 for a Annexation Request submitted by PR Land Investment.

Director Atkinson presented Ordinance 706 for an annexation request submitted by PR Land Investment. The request is to annex and rezone 10.73+/- acre tract land from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development District (TND). If annexed, it is requested to rezone the 12.57+/- acres of the incorporated portion of land from Residential, Detached Single Family, Low-Density District (R1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development (TND) and construct 117 detached single -family homes. Michael Miller of Piedmont Residential Land Investment, 285 Parkway 575, Woodstock, Georgia answered various questions regarding the lot and home sizes.

Consider the First Reading of Ordinance 707 for a Rezoning Request submitted by PR Land Investment.

There was no presentation for Ordinance 707.

DEPARTMENT REPORTS:

Department of Fun Report:

Director Carden noted upcoming events.

Finance Department Report:

Director Hamby gave an update on the community room presentation monitors and streaming service.

Police Department Report:

Police Chief Hulsey advised Mount Zion Church has invited our police department to an event on February 24, 2024, from 10 a.m. until 2 p.m. He further advised that the police department will be honoring Autism Awareness by wearing blue colored badges in April.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 6:47 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 6:47 p.m.

PUBLIC COMMENTS:

Mark Weber, 6114 Stella Light Drive, Flowery Branch, Georgia.

Mr. Weber is concerned about some structures located inside the City and would like to see stricter code enforcement.

CONSENT AGENDA:

- *Consider January 6, 2024 City Council Retreat Minutes*
- *Consider January 18, 2024 City Council Meeting Minutes*
- *Consider January 18, 2024 Executive Session Minutes*

There was a motion made to approve the consent agenda as presented.

MOTION: Chris Mundy

SECOND: Joe Anglin

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider the Second Reading of Ordinance 702 for a Rezoning Request submitted by Edge City Properties.

Assistant City Clerk Rodriguez read the caption to Ordinance 702 for a rezoning request submitted by Edge City Properties.

There was a motion made to approve the second reading of Ordinance 702.

MOTION: Joe Anglin

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Consider the Second Reading of Ordinance 703 for a Conditional Use Permit Request submitted by Park Mini-Storage, LLC.

Assistant City Clerk Rodriguez read the caption to Ordinance 703 for a Conditional Use Permit submitted by Park Mini-Storage, LLC.

There was a motion made to approve the second reading of Ordinance 703 for a Conditional Use Permit to allow for a car wash at 4728 & 4734 Hog Mountain Road.

MOTION: Oliver McClellan

SECOND: Joseph Mezzanotte

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Consider Accepting an Agreement Between the State of Georgia and the City of Flowery Branch.

There was a motion made to accept an agreement between the City of Flowery Branch and the State of Georgia.

MOTION: Chris Mundy

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Consider the First Reading of Ordinance 704 Amending the Charter of the City of Flowery Branch giving the Mayor authority to administer oaths.

Assistant City Clerk Rodriguez read the caption to Ordinance 704 amending the charter of the City of Flowery Branch giving the Mayor authority to administer oaths.

There was a motion made to approve the first reading of Ordinance 704 amending the charter of the City of Flowery Branch giving the Mayor authority to administer oaths.

MOTION: Oliver McClellan
SECOND: Chris Mundy
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consider the First Reading of Ordinance 706 for a Annexation Request submitted by PR Land Investment.

Assistant City Clerk Rodriguez read the caption to Ordinance 706 for an annexation request submitted by PR Land Investment, LLC.

There was a motion made to approve the first reading of Ordinance 706 to annex 5170 Church Street into the City.

MOTION: Oliver McClellan
SECOND: Chris Mundy
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consider the First Reading of Ordinance 707 for a Rezoning Request submitted by PR Land Investment.

Assistant City Clerk Rodriguez read the caption to Ordinance 707 for a rezoning request submitted by PR Land Investment, LLC.

There was a motion made to approve the first reading of Ordinance 707 to rezone 5170 Church Street for the purpose of reviewing the changes the developer has agreed upon.

Council held a discussion with advisement regarding the conditions of the property.

MOTION: Oliver McClellan
SECOND: Joe Anglin
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to pending or potential litigation, matters related to the acquisition/disposition of real estate and for matters related to certain personnel issues at 6:58 p.m.

MOTION: Chris Mundy

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

There was a motion made to exit executive session at 7:18 p.m.

MOTION: Oliver McClellan

SECOND: Chris Mundy

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn the meeting at 7:18 p.m.

MOTION: Oliver McClellan

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Edward R. Asbridge, Mayor

Date

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider February 1, 2024 Executive Session Minutes

COUNCIL MEETING DATE: March 7, 2024

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: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider February 15, 2024 City Council Meeting Minutes

COUNCIL MEETING DATE: March 7, 2024

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: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Unofficial February 15, 2024 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, February 15, 2024, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Asbridge called the council meeting to order at 6:00 p.m.

Present: Mayor Asbridge and Council Members Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, and Chris Mundy.

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Planning & Community Development Director Rich Atkinson, Finance Director Matt Hamby, Human Resources Director Krystle Hightower, Director of Fun Renee Carden, Public Works & Utilities Director, and City Attorney Frank Hartley.

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

There was a motion made to approve the agenda as presented.

MOTION: Chris Mundy

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

AWARDS & RECOGNITIONS: There were no awards or recognitions.

UNFINISHED BUSINESS - WORK SESSION:

Consider Second Reading of Ordinance 706 for a Annexation Request submitted by PR Land Investment.

City Attorney Frank Hartley announced city staff is waiting on information from the applicant and it has been requested that this item be tabled until the March 7, 2024 City Council Meeting.

Consider Second Reading of Ordinance 707 for a Rezoning Request submitted by PR Land Investment.

There was no presentation on this item.

NEW BUSINESS -WORK SESSION:

Wastewater Reclamation Facility Update

City Manager Parrish introduced Chris Carr from ESG Engineering. Mr. Carr presented a project overview of the wastewater reclamation facility update. The design is currently proceeding from 60% to 80% Guaranteed Maximum Price (GMP) design level and using a 30% baseline cost estimate for guidance. Early work packages went to RFP and proposals received for the dewatering equipment replacement and EQ tank aeration and mixing equipment. To meet the budget, increase operational flexibility and facilitate ease of future expandability the main biological process changed from oxidation ditch to traditional bioreactor.

The next steps:

- Complete 80% Design for GMP development
- Early Release Equipment Proposals received will complete design in 2 weeks for Early Package GMP Development
- Remaining Schedule:
 - 80% Design – March 18, 2024 (Shifted 6 weeks due to the process changes made to reduce cost)
 - CMAR GMP provided to Flowery Branch- May 24, 2024
 - With GMP Approval by FB Construction NTP June 2024
 - Substantial completion of June 2026
 - Final completion of July 2026, including commissioning, startup, and testing.

Pavel Mayfield from Archer Western and represents Construction Manager at Risk (CMAR) presented a detailed explanation on the procurement plan.

Procurement Plan:

- Competitive Procurement - over 60 Bid Packages
- Best Value Open Book Selection
 - ✓ Cost
 - ✓ Compliance with Technical Specifications
 - ✓ Ability to Meet Schedule
 - ✓ Ability to Provide Insurance/ Bond
 - ✓ Past Performance / Qualifications
- Compliance with GEFA Loan Requirements
 - ✓ Good Faith Effort
 - ✓ MBE/ WBE Participation Goals
 - ✓ Davis Bacon
 - ✓ American Iron & Steel (AIS)
- Intended to Minimize Project Risk
- Cost and Schedule Certainty
- ZERO Change Orders During Construction Phase

Procurement Schedule

Early Work

(Dewatering & EQ Mixing/ Aeration)

PROCUREMENT SCHEDULE

FLOWERY BRANCH WRF EXPANSION CMAR

Last Updated:

Tue, 2/13/2024

EARLY WORK PROCUREMENT

Activity	Activity Name	Start	Finish
Early Work - Dewatering & EQ Tank Aeration and Mixing Equipment	Issue RFPS	1/12/2024	
	RECEIVE PROPOSALS		2/6/2024
	PROPOSAL EVALUATIONS BY AW & ESG (AW - Scope/ Commercial, ESG - Technical)	2/7/2024	2/12/2024
	MEETING W/ FLOWERY TO REVIEW PROPOSALS EVALUATIONS & SUMMARY	2/12/2024	
	UPDATE DESIGN DOCUMENTS TO INCORPORATE SELECTED EQUIPMENT	2/12/2024	2/26/2024
	RECEIVE DESIGN DOCUMENTS FROM ESG		2/26/2024
	PREPARE EARLY WORK GMP	2/26/2024	3/7/2024
	SUBMIT DRAFT GMP TO CITY/ESG		3/8/2024
	MEETING TO REVIEW DRAFT GMP	3/12/2024	
	UPDATE GMP, IF REQUIRED	3/13/2024	3/14/2024
	FINAL GMP SUBMISSION TO TO CITY/ESG		3/15/2024
	COUNCIL APPROVAL OF GMP		3/21/2024
	ISSUE CMAR CONTRACT CHANGE ORDER FOR EARLY WORK	3/22/2024	
	EARLY WORK NTP	4/8/2024	
	EARLY WORK SUBSTANTIAL COMPLETION - EQ AERATION (8MO)		12/31/2024
	EARLY WORK SUBSTANTIAL COMPLETION - DEWATERING (10MO)		2/8/2025

 Procurement Schedule Main Facility Expansion	PROCUREMENT SCHEDULE FLOWERY BRANCH WRF EXPANSION CMAR  Last Updated: Tue, 2/13/2024																																																																																																																																				
	FACILITY EXPANSION PROCUREMENT <table> <tr> <th>Activity</th><th>Requirement</th><th>Activity Name</th><th>Start</th><th>Finish</th></tr> <tr> <td>0</td><td></td><td>PROCUREMENT PLAN REVIEW MEETING WITH ESG & FLOWERY</td><td>2/19/2024</td><td></td></tr> <tr> <td>1</td><td>GEFA - GFA</td><td>PREMARKET PROJECT (30 DAYS PRIOR TO RFP ISSUANCE)</td><td>2/21/2024</td><td>3/22/2024</td></tr> <tr> <td>1.1</td><td>GEFA - GFA</td><td>PUBLISH ADVERTISEMENT IN AIC</td><td>2/22/2024</td><td>3/7/2024</td></tr> <tr> <td>1.2</td><td>GEFA - GFA</td><td>PUBLISH ADVERTISEMENT IN LOCAL NEWSPAPER</td><td>2/22/2024</td><td>3/7/2024</td></tr> <tr> <td>1.3</td><td>GEFA - GFA</td><td>DISTRIBUTE OUTREACH ADVERTISEMENT</td><td>3/13/2024</td><td></td></tr> <tr> <td>2</td><td>GEFA - GFA</td><td>COMMUNITY OUTREACH EVENT</td><td>3/20/2024</td><td>3/20/2024</td></tr> <tr> <td>3</td><td></td><td>DEVELOP RFPS</td><td>3/1/2024</td><td>3/22/2024</td></tr> <tr> <td>80% Design</td><td></td><td>RECEIVE 80% DESIGN DOCUMENTS FROM ESG</td><td>3/18/2024</td><td>3/18/2024</td></tr> <tr> <td>4</td><td></td><td>ISSUE RFPS</td><td>3/22/2024</td><td>3/22/2024</td></tr> <tr> <td>5</td><td></td><td>SUBMIT AW SELF-PROPOSALS TO CITY</td><td>4/25/2024</td><td>4/25/2024</td></tr> <tr> <td>6</td><td></td><td>RECEIVE PROPOSALS</td><td>4/26/2024</td><td>4/26/2024</td></tr> <tr> <td>7</td><td></td><td>PROPOSAL EVALUATIONS BY AW & ESG (AW - Scope/ Commercial, ESG - Technical)</td><td>4/29/2024</td><td>5/7/2024</td></tr> <tr> <td>8</td><td></td><td>MEETING W/ FLOWERY TO REVIEW PROPOSALS EVALUATIONS & SUMMARY</td><td>5/8/2024</td><td>5/8/2024</td></tr> <tr> <td>9</td><td></td><td>DRAFT GMP REVIEW TO PLUG SELECTED PROPOSALS</td><td>5/9/2024</td><td>5/9/2024</td></tr> <tr> <td>9.1</td><td>GEFA</td><td>COMPILE MBE/WBE PARTICIPATION DOCS</td><td>5/9/2024</td><td>5/9/2024</td></tr> <tr> <td>9.2</td><td>GEFA</td><td>COMPILE GEFA GFE PACKAGE</td><td>5/9/2024</td><td>5/9/2024</td></tr> <tr> <td>9.3</td><td></td><td>COMPILE DRAFT GMP</td><td>5/9/2024</td><td>5/9/2024</td></tr> <tr> <td>10</td><td></td><td>SUBMIT DRAFT GMP W/ FINAL EVAL. TO CITY/ESG</td><td>5/13/2024</td><td>5/13/2024</td></tr> <tr> <td>11</td><td></td><td>MEETING TO REVIEW DRAFT GMP</td><td>5/17/2024</td><td>5/17/2024</td></tr> <tr> <td>12</td><td></td><td>UPDATE GMP PER FLOWERY/ESG SELECTIONS</td><td>5/20/2024</td><td>5/23/2024</td></tr> <tr> <td>13</td><td></td><td>FINAL GMP SUBMISSION TO TO CITY/ESG</td><td>5/24/2024</td><td>5/24/2024</td></tr> <tr> <td>14</td><td></td><td>COUNCIL APPROVAL OF GMP</td><td></td><td>6/6/2024</td></tr> <tr> <td>15</td><td></td><td>ISSUE CMAR CONTRACT CHANGE ORDER</td><td>6/7/2024</td><td></td></tr> <tr> <td>16</td><td></td><td>CONSTRUCTION NTP</td><td>6/24/2024</td><td></td></tr> <tr> <td>17</td><td></td><td>PROJECT SUBSTANTIAL COMPLETION (24Mo)</td><td></td><td>6/24/2026</td></tr> </table>				Activity	Requirement	Activity Name	Start	Finish	0		PROCUREMENT PLAN REVIEW MEETING WITH ESG & FLOWERY	2/19/2024		1	GEFA - GFA	PREMARKET PROJECT (30 DAYS PRIOR TO RFP ISSUANCE)	2/21/2024	3/22/2024	1.1	GEFA - GFA	PUBLISH ADVERTISEMENT IN AIC	2/22/2024	3/7/2024	1.2	GEFA - GFA	PUBLISH ADVERTISEMENT IN LOCAL NEWSPAPER	2/22/2024	3/7/2024	1.3	GEFA - GFA	DISTRIBUTE OUTREACH ADVERTISEMENT	3/13/2024		2	GEFA - GFA	COMMUNITY OUTREACH EVENT	3/20/2024	3/20/2024	3		DEVELOP RFPS	3/1/2024	3/22/2024	80% Design		RECEIVE 80% DESIGN DOCUMENTS FROM ESG	3/18/2024	3/18/2024	4		ISSUE RFPS	3/22/2024	3/22/2024	5		SUBMIT AW SELF-PROPOSALS TO CITY	4/25/2024	4/25/2024	6		RECEIVE PROPOSALS	4/26/2024	4/26/2024	7		PROPOSAL EVALUATIONS BY AW & ESG (AW - Scope/ Commercial, ESG - Technical)	4/29/2024	5/7/2024	8		MEETING W/ FLOWERY TO REVIEW PROPOSALS EVALUATIONS & SUMMARY	5/8/2024	5/8/2024	9		DRAFT GMP REVIEW TO PLUG SELECTED PROPOSALS	5/9/2024	5/9/2024	9.1	GEFA	COMPILE MBE/WBE PARTICIPATION DOCS	5/9/2024	5/9/2024	9.2	GEFA	COMPILE GEFA GFE PACKAGE	5/9/2024	5/9/2024	9.3		COMPILE DRAFT GMP	5/9/2024	5/9/2024	10		SUBMIT DRAFT GMP W/ FINAL EVAL. TO CITY/ESG	5/13/2024	5/13/2024	11		MEETING TO REVIEW DRAFT GMP	5/17/2024	5/17/2024	12		UPDATE GMP PER FLOWERY/ESG SELECTIONS	5/20/2024	5/23/2024	13		FINAL GMP SUBMISSION TO TO CITY/ESG	5/24/2024	5/24/2024	14		COUNCIL APPROVAL OF GMP		6/6/2024	15		ISSUE CMAR CONTRACT CHANGE ORDER	6/7/2024		16		CONSTRUCTION NTP	6/24/2024		17		PROJECT SUBSTANTIAL COMPLETION (24Mo)	
Activity	Requirement	Activity Name	Start	Finish																																																																																																																																	
0		PROCUREMENT PLAN REVIEW MEETING WITH ESG & FLOWERY	2/19/2024																																																																																																																																		
1	GEFA - GFA	PREMARKET PROJECT (30 DAYS PRIOR TO RFP ISSUANCE)	2/21/2024	3/22/2024																																																																																																																																	
1.1	GEFA - GFA	PUBLISH ADVERTISEMENT IN AIC	2/22/2024	3/7/2024																																																																																																																																	
1.2	GEFA - GFA	PUBLISH ADVERTISEMENT IN LOCAL NEWSPAPER	2/22/2024	3/7/2024																																																																																																																																	
1.3	GEFA - GFA	DISTRIBUTE OUTREACH ADVERTISEMENT	3/13/2024																																																																																																																																		
2	GEFA - GFA	COMMUNITY OUTREACH EVENT	3/20/2024	3/20/2024																																																																																																																																	
3		DEVELOP RFPS	3/1/2024	3/22/2024																																																																																																																																	
80% Design		RECEIVE 80% DESIGN DOCUMENTS FROM ESG	3/18/2024	3/18/2024																																																																																																																																	
4		ISSUE RFPS	3/22/2024	3/22/2024																																																																																																																																	
5		SUBMIT AW SELF-PROPOSALS TO CITY	4/25/2024	4/25/2024																																																																																																																																	
6		RECEIVE PROPOSALS	4/26/2024	4/26/2024																																																																																																																																	
7		PROPOSAL EVALUATIONS BY AW & ESG (AW - Scope/ Commercial, ESG - Technical)	4/29/2024	5/7/2024																																																																																																																																	
8		MEETING W/ FLOWERY TO REVIEW PROPOSALS EVALUATIONS & SUMMARY	5/8/2024	5/8/2024																																																																																																																																	
9		DRAFT GMP REVIEW TO PLUG SELECTED PROPOSALS	5/9/2024	5/9/2024																																																																																																																																	
9.1	GEFA	COMPILE MBE/WBE PARTICIPATION DOCS	5/9/2024	5/9/2024																																																																																																																																	
9.2	GEFA	COMPILE GEFA GFE PACKAGE	5/9/2024	5/9/2024																																																																																																																																	
9.3		COMPILE DRAFT GMP	5/9/2024	5/9/2024																																																																																																																																	
10		SUBMIT DRAFT GMP W/ FINAL EVAL. TO CITY/ESG	5/13/2024	5/13/2024																																																																																																																																	
11		MEETING TO REVIEW DRAFT GMP	5/17/2024	5/17/2024																																																																																																																																	
12		UPDATE GMP PER FLOWERY/ESG SELECTIONS	5/20/2024	5/23/2024																																																																																																																																	
13		FINAL GMP SUBMISSION TO TO CITY/ESG	5/24/2024	5/24/2024																																																																																																																																	
14		COUNCIL APPROVAL OF GMP		6/6/2024																																																																																																																																	
15		ISSUE CMAR CONTRACT CHANGE ORDER	6/7/2024																																																																																																																																		
16		CONSTRUCTION NTP	6/24/2024																																																																																																																																		
17		PROJECT SUBSTANTIAL COMPLETION (24Mo)		6/24/2026																																																																																																																																	

Council held a discussion with Mr. Mayfieldl regarding the wastewater reclamation facility update.

Consider an Agreement With Vector Solutions for Guardian Tracking Software

Captain Matthew Mahathey presented a proposal for a three-year agreement with Vector Solutions for Guardian Tracking Software. In 2022, the Flowery Branch Police Department committed to the process of achieving State Certification from the Georgia Association of Chiefs of Police. State Certification requires certain detailed records to be maintained and analyzed to identify early warning indicators of potential problematic employee issues. Vector Solutions offers a software titled “Guardian Tracking” which electronically compiles departmental data and analyzes it for potential patterns of problematic activity. The software then transmits early warning alerts to the appropriate supervision team members, thereby allowing an issue to be addressed in its earliest stages.

Council held a discussion with Captain Mahathey regarding this software.

DEPARTMENT REPORTS:

Department of Fun Report:

Director Carden noted upcoming events.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 6:48 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 6:48 p.m.

PUBLIC COMMENTS:

Rosa Probst, 7038 Boathouse Way, Flowery Branch, Georgia.

Mrs. Probst and fifty percent of her neighbors are opposed to the proposed gas station at Sterling on the Lake Subdivision.

Mark Weber, 6114 Stella Light Drive, Flowery Branch, Georgia.

Mr. Weber would like to see increased code enforcement in the City and he is concerned with the density of the City.

Charles Mull, 5918 Mitchell Street, Flowery Branch, Georgia.

Mr. Mull wanted to give his appreciation of the open communication that is allowed with Council. He was also appreciative of the no parking signs at Phil Niekro that have been placed to stop large vehicle parking.

CONSENT AGENDA:

- *Consider January 2024 Per Diem for Mayor Asbridge*

There was a motion made to approve the consent agenda as presented.

MOTION: Chris Mundy

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider the Second Reading of Ordinance 704 Amending the Charter of the City of Flowery Branch Giving the Mayor Authority to Administer Oaths.

There was a motion made to approve Ordinance 704 amending the charter of the City of Flowery Branch giving the mayor authority to administer oaths.

MOTION: Oliver McClellan

SECOND: Joe Anglin

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Consider Second Reading of Ordinance 706 for a Annexation Request submitted by PR Land Investment.

There was a motion made to table the second reading of Ordinance 706 until the March 7, 2024 City Council Meeting.

MOTION: Oliver McClellan

SECOND: William McDaniel

Council held a discussion regarding Ordinance 706. City Attorney stated the primary reason to table this item is the city is waiting on elevations from the developers.

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Consider Second Reading of Ordinance 707 for a Rezoning Request submitted by PR Land Investment.

There was a motion made to table the second reading of Ordinance 707 until the March 7, 2024 City Council Meeting.

MOTION: Chris Mundy

SECOND: Joe Anglin

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Consider an Agreement with Vector Solutions for Guardian Tracking Software

There was a motion made to approve an agreement with Vector Solutions for Guardian Tracking Software.

MOTION: William McDaniel

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to pending or potential litigation, matters related to the acquisition/disposition of real estate and for matters related to certain personnel issues at 7:08 p.m.

MOTION: Joe Anglin

SECOND: Chris Mundy

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

There was a motion made to exit executive session at 7:37 p.m.

MOTION: Joe Anglin

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn the meeting at 7:37 p.m.

MOTION: Oliver McClellan

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Edward R. Asbridge, Mayor

Date

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider February 15, 2024 Executive Session Minutes

COUNCIL MEETING DATE: March 7, 2024

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: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

-



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider February 2024 Per Diem for Mayor Asbridge

COUNCIL MEETING DATE: March 7, 2024

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$250.00 Mayor Per Diem

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Consider Mayor Per Diem - February 2024.pdf](#)



City of Flowery Branch
Mayor & Council Attendance Sheet Per Diem Pay

Name: Mayor Edward Asbridge Month/Year: February 2024

Meeting Date	Description of Meeting
February 9, 2024	Chamber – EDC Meeting
February 13, 2024	GHMPO Meeting
February 19, 2024	Mayors/City Managers Meeting
February 21, 2024	Chamber Issues Committee
February 27, 2024	Chamber Small Business Coalition

My signature certifies that I am eligible to be paid for 5 meeting dates, a maximum of 5 per month, in accordance with the Per Diem Pay as described in Ordinance 477 and at a rate of \$50.00 per meeting.

Total of \$250.00

Signature



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Beer & Wine License for Vasudev 5, LLC

COUNCIL MEETING DATE: March 7, 2024

HISTORY:

The ownership of Grocery Express has changed from Saikrishna 1227 INC to Vasudev 5 LLC. The new owner, Karan Desai, has applied for a new package store license.

FACTS AND ISSUES:

The ownership of Grocery Express has changed from Saikrishna 1227 INC to Vasudev 5 LLC. The new owner, Karan Desai, has applied for a new package store license.

OPTIONS:

Approve or Deny

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to grant Karan Desai a package store license for Vasudev 5 LLC.

COLLABORATING DEPARTMENT:

DEPARTMENT: Police

Prepared by: Shelia Cooper

ATTACHMENTS

- [Vasudev 5, LLC Beer & Wine License.pdf](#)

**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Consider New Beer and Wine License for Vasudev 5 LLC

DATE: March 7, 2024

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: March 7, 2024

PURPOSE: To allow Vasudev 5 LLC. DBA: Grocery Express to sell packaged beer and wine at 6168 Gaines Ferry Road.

HISTORY: The ownership of Grocery Express has changed from Saikrishna 1227 INC to Vasudev 5 LLC. The new owner, Karan Desai, has applied for a new package store license.

FACTS AND ISSUES: The ownership of Grocery Express has changed from Saikrishna 1227 INC to Vasudev 5 LLC. The new owner, Karan Desai, has applied for a new package store license.

OPTIONS: Approve or Deny

RECOMMENDED SAMPLE MOTION: I make a motion to grant Karan Desai a package store license for Vasudev 5 LLC.

DEPARTMENT: Police Department

Prepared by: Kelsey Cash



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Second Reading of Ordinance 706 for a Annexation Request submitted by PR Land Investment.

COUNCIL MEETING DATE: March 7, 2024

HISTORY:

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FACTS AND ISSUES:

annexation and rezoning of 10.73 +/- acres of the remaining unincorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001, from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development (TND). If annexed, it is requested to rezone the 12.57 +/- acres of the incorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001 from Residential, Detached Single Family, Low-Density District (R-1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development (TND) and construct 117 detached single -family homes.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Second Read and Vote

SAMPLE MOTION:

second Read and Vote

COLLABORATING DEPARTMENT:

Planning

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- 01 Piedmont Residential Annexation App - 5170 Church St.pdf
- 03 5170 Church st GIS map.pdf
- 05 Letter to Hall County.pdf
- Church Street - Renderings 02-29-2024.pdf
- Ordinance 706 – Annexation to Piedmont Residential at 5170 Church Street.pdf
- 2024.02.29-Concept-220442.pdf



ANNEXATION APPLICATION

Date: 10.20.2023

Address of Request:

5170 Church Street, Flowery Branch, GA 30542

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:

1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature:

Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP

Property owner information (if different than the applicant)

Property owner (please print): See attached Owner signature page

Signature of property owner: See attached Owner signature page



ANNEXATION APPLICATION

Date: _____

Address of Request:

5170 Church St.
Flowery Branch, GA 30542

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature _____

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:
1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: See attached Applicant signature page
(Authorized Agent for PR Land Investments, LLC)

Property owner information (if different than the applicant)

Property owner (please print): Kathy S. Taylor

Signature of property owner: Kathy S. Taylor



ANNEXATION APPLICATION

Date: _____

Address of Request:

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature _____

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address: _____
1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: _____
(Authorized Agent for PR Land Investments, LLC)

Property owner information (if different than the applicant)

Property owner (please print): See attached Owner signature page

Signature of property owner: See attached Owner signature page



Property Information

Tax Map Number: 08112 012001

Current Zoning: AR-III, R-1 and M-1 Total site area: 23.3 acres,
Total Acres: Area being annexed: 10.73 acres

Is this property contiguous to the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: TND

Proposed City of Flowery Branch Character Area: Traditional Neighborhood

Current Use: Single-Family detached dwelling and accessory structures

Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a **DRI** (Development of Regional Impact) study? No DRI required

Voting Rights Act Information

Resident Population: _____ Housing Units: _____ Other Buildings: _____

Race Population %: White _____ Black _____ Hispanic _____ Other _____

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application
- Annexation $\geq$ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- Reasons for requesting annexation
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Disclosures



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



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

No

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

No

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

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Elected Officials Name

Amount of Description of Gift

N/A

N/A



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

No

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

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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

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Amount of Description of Gift

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N/A



Conflict of Interest Disclosure

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Amount of Description of Gift

N/A

N/A



Conflict of Interest Disclosure

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

No

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

No

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

No

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Elected Officials Name

Amount of Description of Gift

N/A

N/A



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

No

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

No

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

No

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

N/A

Legal Description

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;

thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;

thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;

thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;

thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;

thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;

thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;

thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);

thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);

thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;

thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.

Survey

Hall County, GA



Site Plan

Letter of Intent

STATEMENT OF INTENT
IMPACT ANALYSIS

and

Other Material Required by
The City of Flowery Branch, Georgia Zoning Code
for the Annexation and Rezoning Application

of

PIEDMONT RESIDENTIAL, LLC

Application

Total area to be Rezoned to Traditional Neighborhood Design (TND): ± 23.3 Acres

Consisting of

Flowery Branch portion: 9.93 Acres zoned R-1 and 2.64 Acres zoned M-1

Hall County portion: 10.73 Acres zoned AR-3 and proposed for annexation

Parcel ID 08112 012001

Located along Gainesville Street

Submitted for Applicant by:

Kirk Fjelstul
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This application seeks to rezone ±23.3 acres of land (“Property”) to a Traditional Neighborhood Development (TND) classification. The Property is “split zoned” into three zoning classifications and a portion of the Property is in unincorporated Hall County. 12.57 acres of the are in the City of Flowery Branch, of which 9.93 acres to the northwest are zoned R-1 and 2.64 acres to the southwest are zoned M-1.

The portion of the Property that is in unincorporated Hall County is the subject of the annexation application. It consists of 10.73 acres, is zoned AR-3 under the County’s ordinance and generally is the east side of the Property. It is virtually an unincorporated island, entirely surrounded by the City to the north (fronting Gainesville St.), west, and east. A small segment of the southern boundary connects to the rest of the unincorporated County through a thin sliver along the railroad.

The proposed development as shown on the site plan (“Development”) consists of up to 117 single family homes at an overall density of 5 units/acre, with amenities such as a pickleball court, dog park, and passive park. Consistent with the proposed TND zoning, the Development incorporates smaller lots with the homes located close to the street, and rear entry garages that are accessed through the use of alleys. The 5 units/acre density is well below the 6.5 units/acre maximum.

It should be noted that while the Development is consistent with both the zoning and the Character Area classification in the Comprehensive Plan, there are differences from the TND that are the result of feedback from the City, rather than the original design of the site plan. Those differences largely stem from a desire for curvilinear streets instead of block faces. The curvilinear streets result in differences from some of TND design standards and also require variances. Staff

is aware and advised the Applicant to identify variances with a chart on the site plan.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent zone along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to in-town residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with TN.

The design principals for the TN Character Area emphasize little, if any, building setbacks and the principles call for porches, rear-entry garages, and smaller lots with higher density. Land uses in the TN Character Area include single-family detached dwellings and the only compatible zoning is TND. As a result, the Development and the proposed zoning are both consistent with the Comprehensive Plan.

This document is submitted as an analysis of the standards in the City's ordinance for rezonings. It also includes the statements required to preserve constitutional rights.

II. ANALYSIS OF ZONING STANDARDS

A.

WHETHER THE PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

Piedmont ("Applicant") seeks to develop the Property for 117 detached single family

homes (approx. 5 units/acre). The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD.

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

B.

WHETHER THE PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well

below the maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown.

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 Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

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.

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on 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 Property is in a TN Character Area designation in the Comprehensive Plan and the

TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

**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.**

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

G.
EXISTING USE(S) AND ZONING OF THE SUBJECT PROPERTY AND NEARBY PROPERTIES.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to intown residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

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 cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds

and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

**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 proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

**J.
THE POSSIBLE CREATION OF AN ISOLATED ZONING DISTRICT UNRELATED
TO ADJACENT AND NEARBY DISTRICTS.**

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

K.
**POSSIBLE EFFECTS OF THE CHANGE IN ZONING DISTRICT MAP, OR CHANGE
IN USE, ON THE CHARACTER OF A ZONING DISTRICT.**

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

L.
**THE POSSIBLE IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT
LIMITED TO, DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING,
AIR QUALITY AND WATER QUALITY.**

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

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 proposed rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near

the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

III. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the City of Flowery Branch County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that not approving the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of

Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning and annexation be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City.

This 20th day of October, 2023.

Respectfully submitted,



Kirk Fjelstul
Attorney for Applicant

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

Adjoining Property Owners

Search Results

19 Results

☐ Show Property Photos

Parcel ID	Owner		Property Address	Map
08098 001019	NEDRA ANN JONES	1	5183 GAINESVILLE ST	Map
08112 012001	MILDRED BLACK BUTLER	Subject	5170 CHURCH ST	Map
08112 012001A	LINDA D MILLWOOD BAUGH D. LINDA		5285 GAINESVILLE ST	Map
08112 012002	ZACHARY DOUGLAS SWANSEY	2	5259 GAINESVILLE ST	Map
08112 012003	VARCHI INNOVATIONS LLC	3	5210 CHATTAHOOCHEE ST	Map
08112 012004	FB EVER READY, LLC	4	5204 CHATTAHOOCHEE ST	Map
08112 012005	DOWNTOWN HOMES 2, LLC	5	5185 CHURCH ST	Map
08112 012006	FLOWERY BRANCH MINI STORAGE SVCS, LLC	6	5175 CHURCH ST	Map
08112 012007	MICHAEL PRENTISS PRENTISS AMANDA MARIE	7	5216 CHATTAHOOCHEE ST	Map
08112 012008	CHATAHOOCHEE HOMES LLC	8	5224 CHATTAHOOCHEE ST	Map
08112 027030	BRENDA K STOUGH HANNA JEFFERY L	9	5280 GAINESVILLE ST	Map
08112 027031	ARNOLD WRIGHT	10	5270 GAINESVILLE ST	Map
08112 027032	JOSEPH D ROARK	11	5260 GAINESVILLE ST	Map
08112 027033	JOE DAVIDSON ROARK	12	5254 GAINESVILLE ST	Map
08112 027034	RUSSEL MORGAN HUDGENS HUDGENS HEATHER ANN	13	5248 GAINESVILLE ST	Map
08112 027035	REBECCA TRACY BAGWELL	14	5234 GAINESVILLE ST	Map
08112 027036	REBECCA TRACY BAGWELL	15	5220 GAINESVILLE ST	Map
08112 027036A	W J COFER COFER MONTEZ B	16	5206 GAINESVILLE ST	Map
		17		



Developed by
 Schneider
GEOSPATIAL

Property Owner Inspection Authorization

Inspection Authorization

Mildred Black Butler
106 Robertson Ct., NW
Dawsonville, GA 30534

08112 012001 (5170 Church Street)

I, Kathy Taylor, administrator of the estate of Mildred Black Butler, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning and annexation requests filed by PR Land Investments, LLC (c/o Kirk R. Fjelstul) related to the referenced property and consent to same. Please allow this document to serve as my authorization of the City of Flowery Branch staff and/or City Council to inspect the subject property.

Kathy S. Taylor

Kathy S. Taylor

Date: Oct. 14-2023

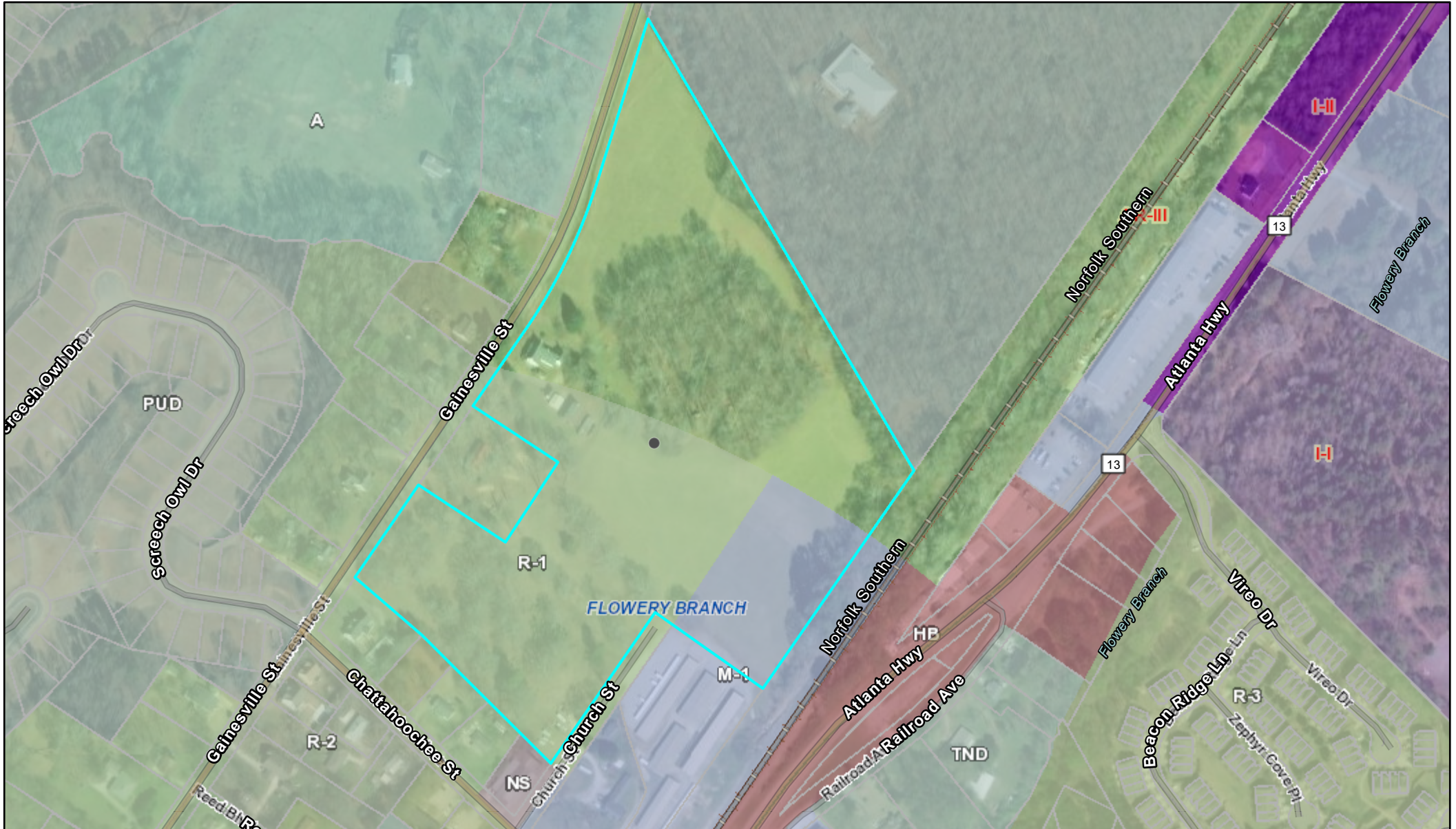
Sworn to and subscribed before me
this 14 day of October, 2023

Vipul Gupta
NOTARY PUBLIC

Commission Exp 02-02-2027

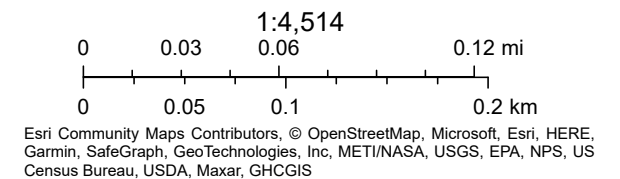


ArcGIS Web Map



10/26/2023, 11:53:13 AM

Oakwood Zoning	PID	Flowery Branch Zoning	NS	AR-IV	PCFD	R-MF	L-I	R-I-A	FLOWERY BRANCH	Arterial-Collector
A-1	POD	A	PUD	H-B	PID	R-TF	N-B	R-II	GAINESVILLE	Interstate
C-1	PRD	CBD	R-1	I-I	POD	S-S	N-C	R-O	GILLSVILLE	Railway
C-2	R-1	HB	R-2	I-II	PRD	V-C	O-I		LULA	Parcel Boundary
M-1	R-2	INST	R-3	MHP	R-I	Gainesville Zoning	PUD		OAKWOOD	
M-2	R-3	M-1	TND	O-I	R-I-L	C-B	R-B	BRASELTON	RESTHAVEN	
O-P	R-4	M-2	PCD	R-II	H-I	G-B	R-I	BUFORD	CLERMONT	Roads
PCD		MHP	AR-III							Local





October 27, 2023

Hall County Board of Commissioners
2875 Browns Bridge Road
Gainesville, Georgia 30504
c/o Jennifer Rivera, Commission Clerk

Re: Notification of Intent to Annex and Rezone Land Located in Hall County

Dear Ladies and Gentlemen:

Please be advised that the City of Flowery Branch, Georgia, by the authority vested in the Mayor and City Council of Flowery Branch, Georgia by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council.

This letter has been sent to you by certified mail, return receipt requested, within thirty (30) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows:
5170 Church Street, tax parcel identification number 08112 012001.

Pursuant to O.C.G.A. § 36-36-111, a complete copy of the annexation and rezoning application is also enclosed.

Pursuant to O.C.G.A § 36-36-7 and O.C.G.A § 36-36-9, you must notify the Mayor and City Council of the City of Flowery Branch, in writing and by certified mail, return receipt requested, or statutory overnight delivery, return receipt requested, of any county facilities or property located within the properties to be annexed, within five (5) business days of receipt of this letter.

Hall County Board of Commissioners
Annexation and Rezoning of 5704 Jim Crow Road
October 27, 2023
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch TND (Traditional Neighborhood Development) will be held on Thursday, December 7, 2023, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has a valid objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify the city governing authority within forty-five (45) calendar days of the receipt of this notice. Such notice of objection must be made by verifiable delivery and include documentation of the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection.

Sincerely,

Richard JE Atkinson

Director of Planning and Community Development
City of Flowery Branch
Rich@flowerybranchga.org

RA/

Enclosures: Site Map of Property to Annexed and Rezoned
Annexation and Rezoning Application

cc: William J. Linkous III, County Attorney
Randi Doveton, Director of Planning and Development



FRONT ELEVATION

SEDONA - ELEVATION A
COLOR SCHEME #18



REAR ELEVATION



SIDE ELEVATION

SEDONA - ELEVATION A
COLOR SCHEME #18



FRONT ELEVATION

SEDONA - ELEVATION B
COLOR SCHEME #27



REAR ELEVATION



SIDE ELEVATION

SEDONA - ELEVATION B
COLOR SCHEME #27



FRONT ELEVATION

ADDISON - ELEVATION A
COLOR SCHEME #30



REAR ELEVATION



SIDE ELEVATION

ADDISON - ELEVATION A
COLOR SCHEME #30



Church Street - Flowery Branch, GA
February 29, 2024





FRONT ELEVATION

ADDISON - ELEVATION B
COLOR SCHEME #34



REAR ELEVATION



SIDE ELEVATION

ADDISON - ELEVATION B
COLOR SCHEME #34



FRONT ELEVATION

BROOKFIELD - ELEVATION A
COLOR SCHEME #23



REAR ELEVATION



SIDE ELEVATION

BROOKFIELD - ELEVATION A
COLOR SCHEME #23

Church Street - Flowery Branch, GA
February 29, 2024



FRONT ELEVATION

BROOKFIELD - ELEVATION B
COLOR SCHEME #32



REAR ELEVATION



SIDE ELEVATION

BROOKFIELD - ELEVATION B
COLOR SCHEME #32

Church Street - Flowery Branch, GA
February 29, 2024

Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 03/07/2024

ORDINANCE NO. 706

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, REAL PROPERTY TOTALING 10.73 +/- ACRES OF LAND, OWNED BY KATHY S. TAYLOR, IDENTIFIED AS 5170 CHURCH ST, TAX PARCEL 08100 001003A AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Kathy S. Taylor owns the subject parcel of land identified as Parcel Tax Identification No. 08112 0120001 as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application of Kathy S. Taylor and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City’s corporate limits; and

WHEREAS, said parcels of land identified as Parcel Tax Identification No. 08112 0120001 is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Kathy S. Taylor has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the subject parcels being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 7, 2023, 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 HEREBY ORDAINS AS FOLLOWS:

SECTION 1. RECITALS.

All of the foregoing recitals of this Ordinance are incorporated by reference as if fully set forth herein and are made part of this annexation ordinance.

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia real parcels of land known as Parcel Tax Identification No. 08112 0120001 as shown on Exhibit “A”, and as described on Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

The City Council of Flowery Branch, Georgia, authorizes and directs the City Clerk of Flowery Branch, Georgia to certify this Ordinance and attached Exhibits and have a certified copy of this Ordinance and its Exhibits filed with the Department of Community Affairs and any other public official or agencies as required by law.

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 March 1, 2024

SECTION 6. REPEALER.

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

Approved this 15th day of February, 2024.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

3



Exhibit "B"

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;
thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;
thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;
thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;
thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);
thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;
thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Second Reading of Ordinance 707 for a Rezoning Request submitted by PR Land Investment.

COUNCIL MEETING DATE: March 7, 2024

HISTORY:

.

FACTS AND ISSUES:

annexation and rezoning of 10.73 +/- acres of the remaining unincorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001, from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development (TND). If annexed, it is requested to rezone the 12.57 +/- acres of the incorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001 from Residential, Detached Single Family, Low-Density District (R-1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development (TND) and construct 117 detached single -family homes.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Work Session and Second Read and Vote

SAMPLE MOTION:

Second Read and Vote

COLLABORATING DEPARTMENT:

Planning

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- 02 Piedmont Residential Rezoning App - 5170 Church st..pdf
- 03 5170 Church st GIS map.pdf
- 05 Letter to Hall County.pdf
- Ordinance 707 – Rezoning to Piedmont Residential at 5170 Church Street.pdf
- 2024.02.29-Concept-220442.pdf
- Church Street - Renderings 02-29-2024.pdf



REZONING APPLICATION

Date: 10.4.2023

Address of Request:

5170 Church Street, Flowery Branch, GA 30542

Tax Map # 08112 012001 Current Zoning: AR-III, R-1 and M-1

Is this site located within the boundaries of the historic district? No.

Currently a conforming use? Yes.

Any conditions of zoning, CUP's, etc.? None.

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address: 1105 W. Peachtree Street, NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: 

Notary: Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP







Property owner information (if different than the applicant)

Property owner (please print): Kathy S. Taylor

Signature of property owner: Kathy S. Taylor

Notary:



Wendy Giglia
exp 10/09/2027

Property Information

Tax Map Number: 08112 012001

Current Zoning: AR-III, R-1 and M-1 Total Acres: 23.30

Is this property located within the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: TND (Traditional Neighborhood Development)

Current Use: Single-Family detached residential

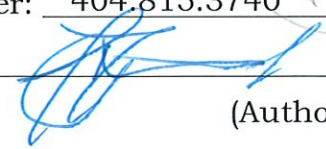
Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property

**REZONING APPLICATION****Date:** 10.4.2023**Address of Request:**5170 Church Street, Flowery Branch, GA 30542Tax Map # 08112 012001 Current Zoning: AR-III, R-1 and M-1Is this site located within the boundaries of the historic district? No.Currently a conforming use? Yes.Any conditions of zoning, CUP's, etc.? None.**Applicant Information**Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:

1105 W. Peachtree Street, NE, Suite 1000, Atlanta, GA 30309E-mail address: kfjelstul@sgrlaw.comPhone number: 404.815.3740Signature: 

Notary:

(Authorized Agent for PR Land Investments, LLC)



Legal Description

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;

thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;

thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;

thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;

thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;

thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;

thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;

thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);

thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);

thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;

thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

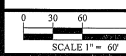
Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

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thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
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Survey



Site Plan

Letter of Intent

STATEMENT OF INTENT
IMPACT ANALYSIS

and

Other Material Required by
The City of Flowery Branch, Georgia Zoning Code
for the Annexation and Rezoning Application

of

PIEDMONT RESIDENTIAL, LLC

Application

Total area to be Rezoned to Traditional Neighborhood Design (TND): ± 23.3 Acres

Consisting of

Flowery Branch portion: 9.93 Acres zoned R-1 and 2.64 Acres zoned M-1

Hall County portion: 10.73 Acres zoned AR-3 and proposed for annexation

Parcel ID 08112 012001

Located along Gainesville Street

Submitted for Applicant by:

Kirk Fjelstul
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This application seeks to rezone ±23.3 acres of land (“Property”) to a Traditional Neighborhood Development (TND) classification. The Property is “split zoned” into three zoning classifications and a portion of the Property is in unincorporated Hall County. 12.57 acres of the are in the City of Flowery Branch, of which 9.93 acres to the northwest are zoned R-1 and 2.64 acres to the southwest are zoned M-1.

The portion of the Property that is in unincorporated Hall County is the subject of the annexation application. It consists of 10.73 acres, is zoned AR-3 under the County’s ordinance and generally is the east side of the Property. It is virtually an unincorporated island, entirely surrounded by the City to the north (fronting Gainesville St.), west, and east. A small segment of the southern boundary connects to the rest of the unincorporated County through a thin sliver along the railroad.

The proposed development as shown on the site plan (“Development”) consists of up to 117 single family homes at an overall density of 5 units/acre, with amenities such as a pickleball court, dog park, and passive park. Consistent with the proposed TND zoning, the Development incorporates smaller lots with the homes located close to the street, and rear entry garages that are accessed through the use of alleys. The 5 units/acre density is well below the 6.5 units/acre maximum.

It should be noted that while the Development is consistent with both the zoning and the Character Area classification in the Comprehensive Plan, there are differences from the TND that are the result of feedback from the City, rather than the original design of the site plan. Those differences largely stem from a desire for curvilinear streets instead of block faces. The curvilinear streets result in differences from some of TND design standards and also require variances. Staff

is aware and advised the Applicant to identify variances with a chart on the site plan.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent zone along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to in-town residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with TN.

The design principals for the TN Character Area emphasize little, if any, building setbacks and the principles call for porches, rear-entry garages, and smaller lots with higher density. Land uses in the TN Character Area include single-family detached dwellings and the only compatible zoning is TND. As a result, the Development and the proposed zoning are both consistent with the Comprehensive Plan.

This document is submitted as an analysis of the standards in the City's ordinance for rezonings. It also includes the statements required to preserve constitutional rights.

II. ANALYSIS OF ZONING STANDARDS

A.

WHETHER THE PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

Piedmont ("Applicant") seeks to develop the Property for 117 detached single family

homes (approx. 5 units/acre). The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD.

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

B.

WHETHER THE PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well

below the maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown.

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 Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

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.

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on 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 Property is in a TN Character Area designation in the Comprehensive Plan and the

TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

**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.**

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

G.
EXISTING USE(S) AND ZONING OF THE SUBJECT PROPERTY AND NEARBY PROPERTIES.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to intown residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

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 cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds

and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

**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 proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

**J.
THE POSSIBLE CREATION OF AN ISOLATED ZONING DISTRICT UNRELATED
TO ADJACENT AND NEARBY DISTRICTS.**

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

K.
**POSSIBLE EFFECTS OF THE CHANGE IN ZONING DISTRICT MAP, OR CHANGE
IN USE, ON THE CHARACTER OF A ZONING DISTRICT.**

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

L.
**THE POSSIBLE IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT
LIMITED TO, DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING,
AIR QUALITY AND WATER QUALITY.**

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

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 proposed rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near

the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

III. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the City of Flowery Branch County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that not approving the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of

Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning and annexation be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City.

This 20th day of October, 2023.

Respectfully submitted,



Kirk Fjelstul
Attorney for Applicant

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

Disclosures



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
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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

No

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

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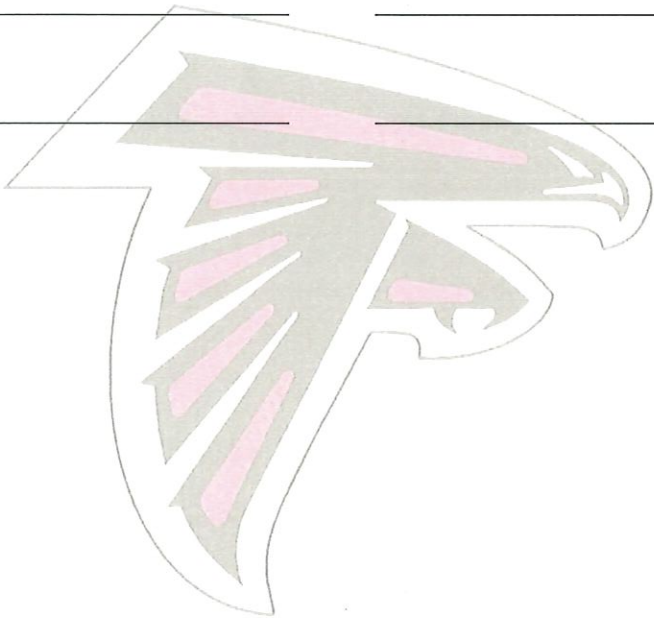
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Elected Officials Name	Amount of Description of Gift
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CITY STAFF ONLY

Application Received By: _____
Date: _____ Total Fee: _____



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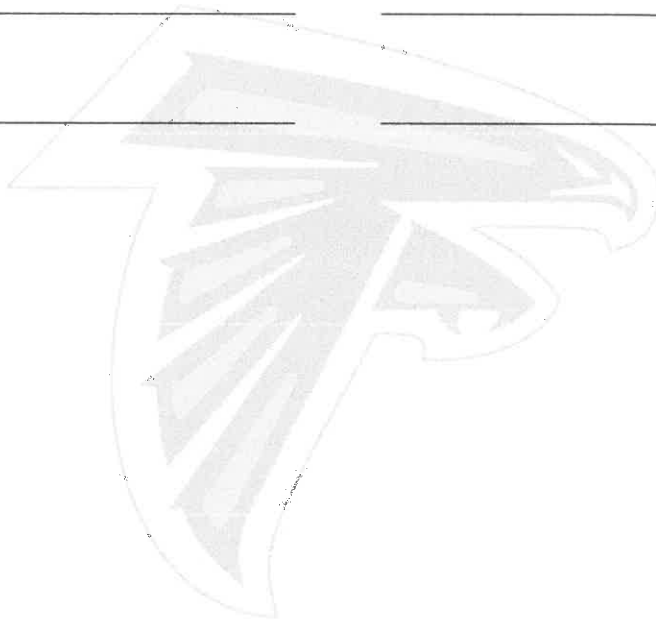
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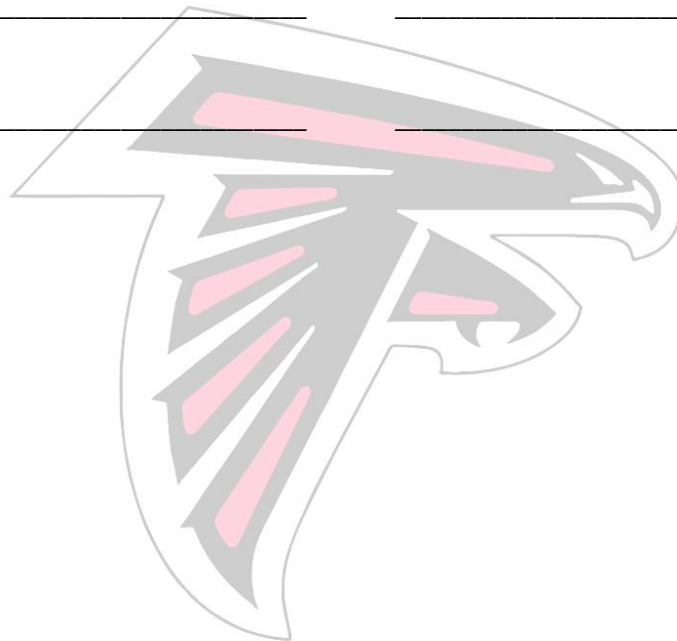
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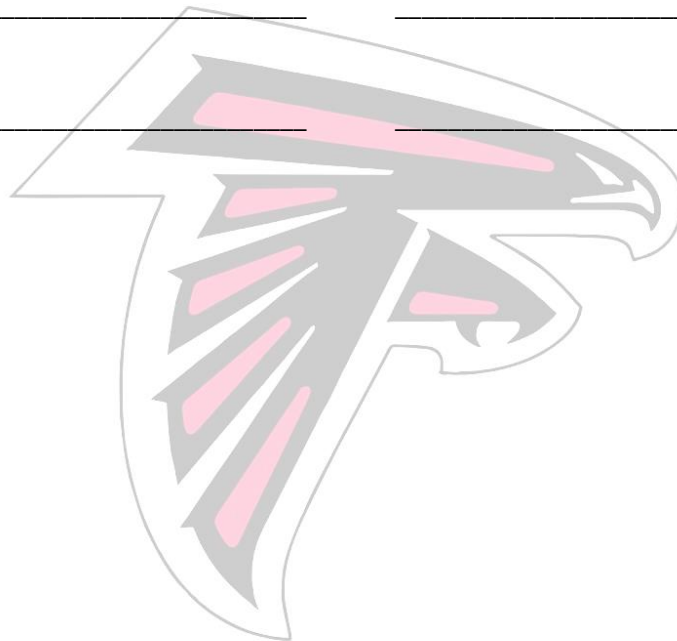
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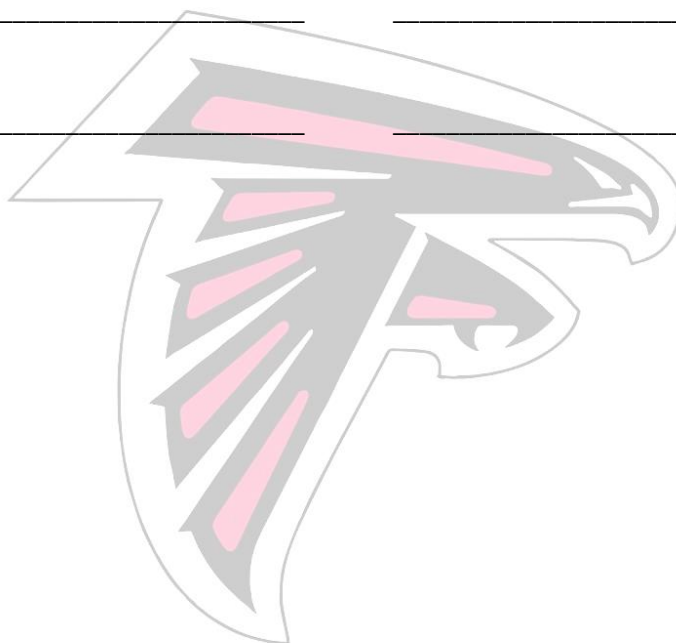
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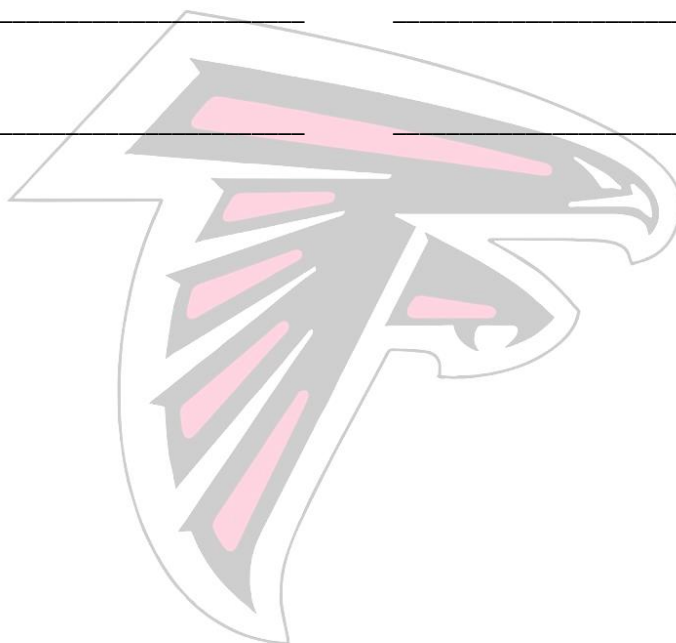
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CITY STAFF ONLY

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Adjoining Property Owners

Search Results

19 Results

☐ Show Property Photos

Parcel ID	Owner		Property Address	Map
08098 001019	NEDRA ANN JONES	1	5183 GAINESVILLE ST	Map
08112 012001	MILDRED BLACK BUTLER	Subject	5170 CHURCH ST	Map
08112 012001A	LINDA D MILLWOOD BAUGH D. LINDA		5285 GAINESVILLE ST	Map
08112 012002	ZACHARY DOUGLAS SWANSEY	2	5259 GAINESVILLE ST	Map
08112 012003	VARCHI INNOVATIONS LLC	3	5210 CHATTAHOOCHEE ST	Map
08112 012004	FB EVER READY, LLC	4	5204 CHATTAHOOCHEE ST	Map
08112 012005	DOWNTOWN HOMES 2, LLC	5	5185 CHURCH ST	Map
08112 012006	FLOWERY BRANCH MINI STORAGE SVCS, LLC	6	5175 CHURCH ST	Map
08112 012007	MICHAEL PRENTISS PRENTISS AMANDA MARIE	7	5216 CHATTAHOOCHEE ST	Map
08112 012008	CHATAHOOCHEE HOMES LLC	8	5224 CHATTAHOOCHEE ST	Map
08112 027030	BRENDA K STOUGH HANNA JEFFERY L	9	5280 GAINESVILLE ST	Map
08112 027031	ARNOLD WRIGHT	10	5270 GAINESVILLE ST	Map
08112 027032	JOSEPH D ROARK	11	5260 GAINESVILLE ST	Map
08112 027033	JOE DAVIDSON ROARK	12	5254 GAINESVILLE ST	Map
08112 027034	RUSSEL MORGAN HUDGENS HUDGENS HEATHER ANN	13	5248 GAINESVILLE ST	Map
08112 027035	REBECCA TRACY BAGWELL	14	5234 GAINESVILLE ST	Map
08112 027036	REBECCA TRACY BAGWELL	15	5220 GAINESVILLE ST	Map
08112 027036A	W J COFER COFER MONTEZ B	16	5206 GAINESVILLE ST	Map
		17		



Developed by
 Schneider
GEOSPATIAL

Property Owner Inspection Authorization

Inspection Authorization

Mildred Black Butler
106 Robertson Ct., NW
Dawsonville, GA 30534

08112 012001 (5170 Church Street)

I, Kathy Taylor, administrator of the estate of Mildred Black Butler, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning and annexation requests filed by PR Land Investments, LLC (c/o Kirk R. Fjelstul) related to the referenced property and consent to same. Please allow this document to serve as my authorization of the City of Flowery Branch staff and/or City Council to inspect the subject property.

Kathy S. Taylor

Kathy S. Taylor

Date: Oct. 14-2023

Sworn to and subscribed before me
this 14 day of October, 2023

Vipul Gupta
NOTARY PUBLIC

Commission Exp 02-02-2027



Rezoning Additional Information

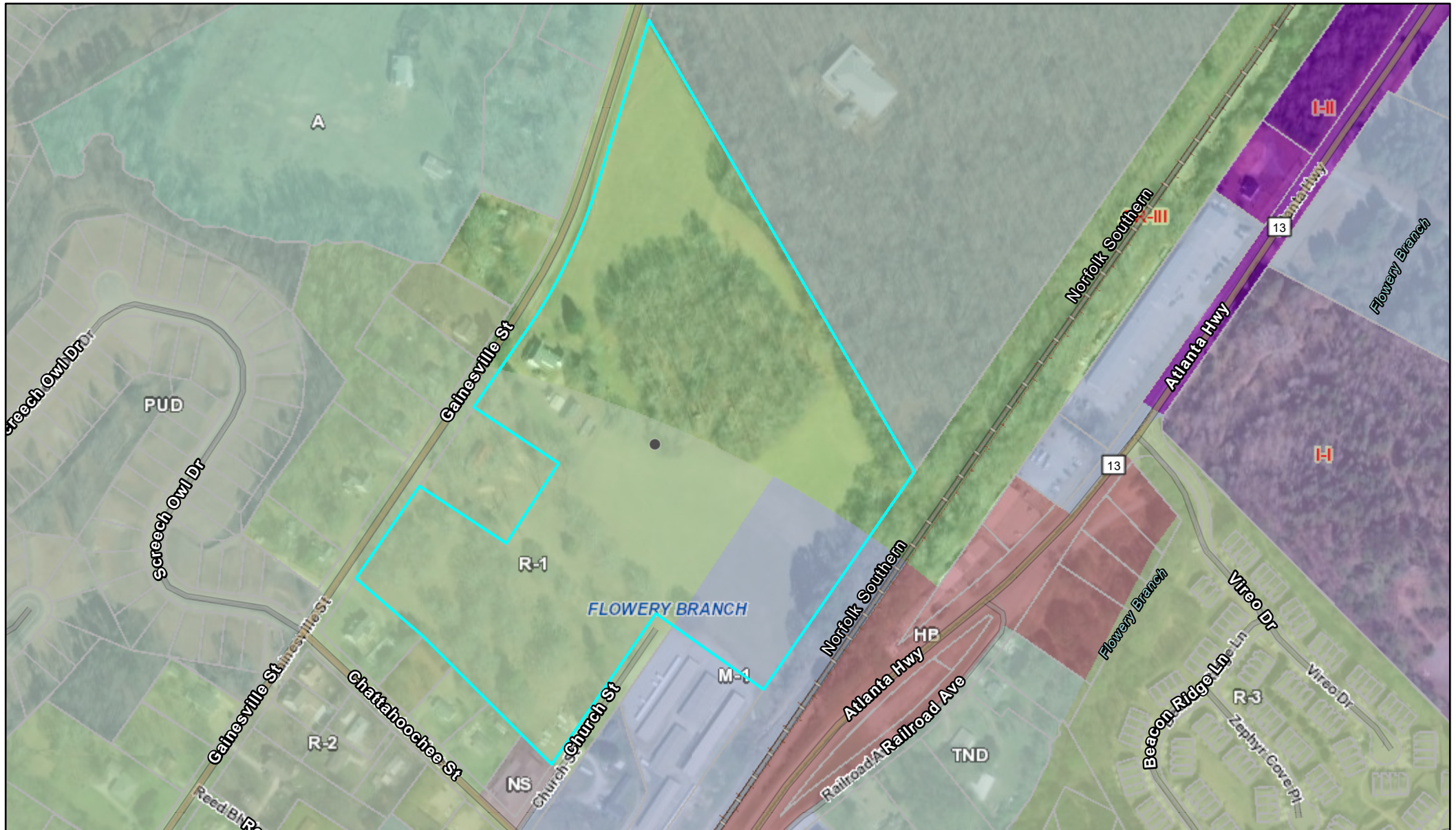
Rezoning Additional Information Requirement

1. Value of improvements upon complete build out.
 - To be determined upon completion of full set of construction plans.
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased).
 - To be determined upon completion of full set of construction plans.
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased).
 - To be determined within full set of construction plans.
4. Anticipated total square footage (heated) to be built in the requested number of units.
 - The minimum heated floor area requirement of 1,200 sq.ft. will be met. The exact amount of heated square footage to be built within the requested units will be determined during the engineering phase of the project.
5. Total acreage developed with units.
 - It is anticipated that approximately 17.8 acres of the property will be developed with units.
6. Total acreage for right of way and roads.
 - It is anticipated that approximately 3.95 acres of the property will be developed with right-of-way and roads.
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
 - It is anticipated that there will be approximately 56,800 sq.ft. of open space throughout the proposed development.
8. Acreage required for buffer and watershed protection.
 - It is not anticipated that any acreage will be necessary for buffer and watershed protection as there are not streams on or adjacent to the property.
 - a. Does the buffer comply with the current City ordinance? **N/A**
 - b. Do individual property lines for lots extend into the buffer? **N/A**
 - c. Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? **N/A**
9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail)
 - Multi-transportation alternatives have not been included in this request.
10. Please identify all amenities and total number of acres they incorporate by complete description.

- Proposed amenities for the project include an approximate 1,196 sq.ft., covered pavilion, three pickle ball courts, a dog park, and a passive recreation area. Exact square footages will be determined during the engineering phase of the project.
11. Number of street lights and separation table as proposed on your site plan.
- We are proposing 12 streetlights throughout the proposed development.
12. Will Technology Development be included in this development?
- As currently proposed, it is not anticipated that technology development will be included with this project.
13. List the total linear feet and cubic yards for sidewalks.
- There are approximately 44,654 sq.ft. and 546 cubic yards of sidewalks proposed. An exact amount of sidewalk square footage, linear feet, and cubic yardage will be included with the construction plans.
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans?
- Storm water controls will be included with the engineering phase of this project. The submitted plans do show where we anticipate detention to be located on the property.
15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues?
- A traffic study has not been done to date, but we are happy to execute a traffic memo and/or study per the City's ordinance in conjunction with this application.
16. Does the proposal provide for utilization of "reuse" water? Is this depicted on the plans? Do the plans provide for storage of "reuse" water?
- It is expected that this will be determined during the engineering phase of the project.
17. What is the total capacity for daily Wastewater Management?
- It is expected that this will be determined during the engineering phase of the project.
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development?
- It is expected that this will be determined during the engineering phase of the project.
19. Has a slope and grade study been done on this development? Does the study reflect density placement?
- It is not anticipated that the proposed lot density will be adversely affected by site grading.
20. Please identify what public safety needs are being considered for the project?
- We will comply with safety measures as required by the City. Currently, we are providing pedestrian friendly sidewalks; pedestrian street lights; and traffic calming devices and practices.

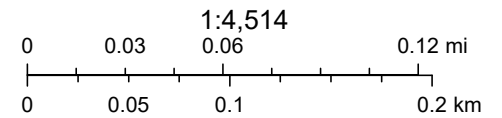
21. Has the Hall County School System been notified of the proposed density for this project?
- The Hall County School System will be notified of the proposed density for this project in conjunction with the submittal of this application.
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development.
- A Homeowners Association (HOA) will be formed and filed during the development phase of the project, we will provide covenants, if any, to the City at the time of incorporation.
23. Information as required under Ordinance No. 349 for preliminary plat approval if rezoning involves subdivision. Ordinance No. 349 can be found at www.flowerybranchga.org
- We will comply with Ordinance 349 regarding the preliminary plat process during the development phase of this project.

ArcGIS Web Map



10/26/2023, 11:53:13 AM

Oakwood Zoning			Flowery Branch Zoning			Hall County Zoning			Gainesville Zoning			Other Zoning			Infrastructure		
A-1	PID	A	NS	AR-IV	PCFD	R-MF	L-I	R-I-A	FLOWERY BRANCH	Arterial-Collector							
C-1	POD	CBD	PUD	H-B	PID	R-TF	N-B	R-II	GAINESVILLE	Interstate							
C-2	PRD	HB	R-1	I-I	POD	S-S	N-C	R-O	GILLSVILLE	Railway							
M-1	R-1	INST	R-2	I-II	PRD	V-C	O-I	Counties	LULA	Parcel Boundary							
M-2	R-2	M-1	R-3	MHP	R-I	C-B	R-B	OAKWOOD									
O-P	R-3	M-2	TND	O-I	R-I-L	R-I	R-I	BRASELTON	BUFORD	ROADS							
PCD	R-4	MHP	AR-III	PCD	R-II	H-I		CLERMONT	LOCAL								



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October 27, 2023

Hall County Board of Commissioners
2875 Browns Bridge Road
Gainesville, Georgia 30504
c/o Jennifer Rivera, Commission Clerk

Re: Notification of Intent to Annex and Rezone Land Located in Hall County

Dear Ladies and Gentlemen:

Please be advised that the City of Flowery Branch, Georgia, by the authority vested in the Mayor and City Council of Flowery Branch, Georgia by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council.

This letter has been sent to you by certified mail, return receipt requested, within thirty (30) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows:
5170 Church Street, tax parcel identification number 08112 012001.

Pursuant to O.C.G.A. § 36-36-111, a complete copy of the annexation and rezoning application is also enclosed.

Pursuant to O.C.G.A § 36-36-7 and O.C.G.A § 36-36-9, you must notify the Mayor and City Council of the City of Flowery Branch, in writing and by certified mail, return receipt requested, or statutory overnight delivery, return receipt requested, of any county facilities or property located within the properties to be annexed, within five (5) business days of receipt of this letter.

Hall County Board of Commissioners
Annexation and Rezoning of 5704 Jim Crow Road
October 27, 2023
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch TND (Traditional Neighborhood Development) will be held on Thursday, December 7, 2023, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has a valid objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify the city governing authority within forty-five (45) calendar days of the receipt of this notice. Such notice of objection must be made by verifiable delivery and include documentation of the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection.

Sincerely,

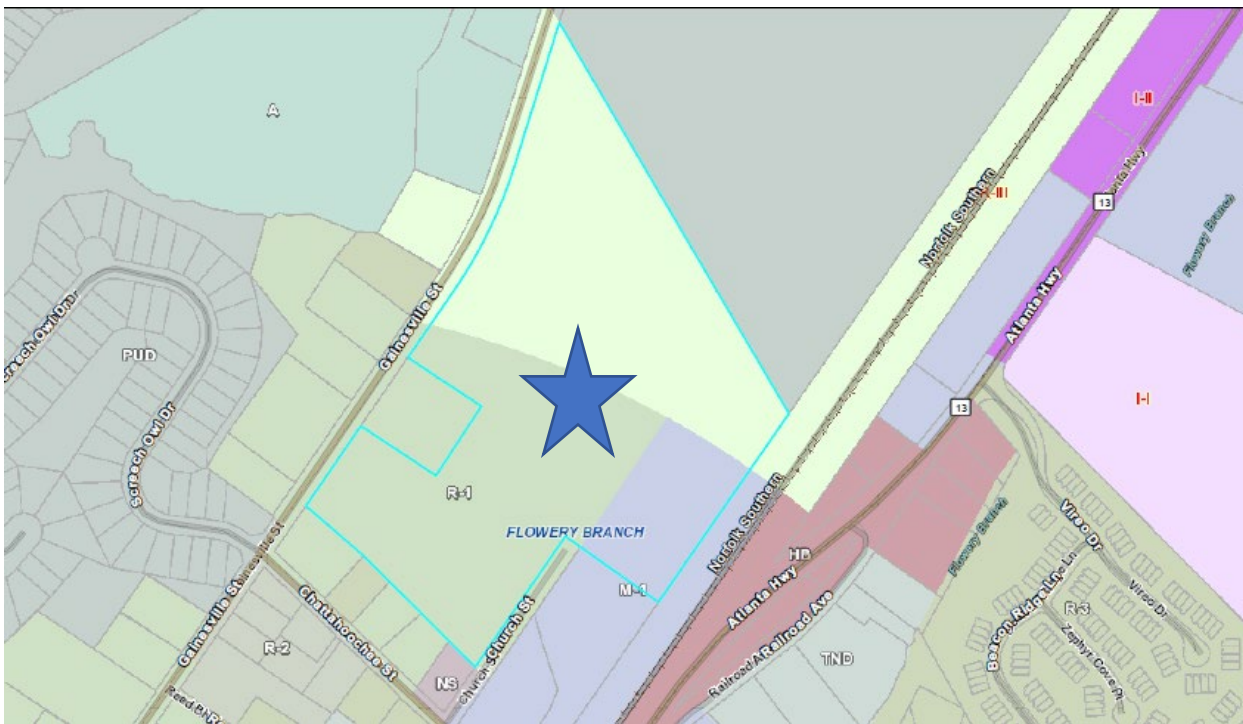
Richard JE Atkinson

Director of Planning and Community Development
City of Flowery Branch
Rich@flowerybranchga.org

RA/

Enclosures: Site Map of Property to Annexed and Rezoned
Annexation and Rezoning Application

cc: William J. Linkous III, County Attorney
Randi Doveton, Director of Planning and Development



ORDINANCE NO. 707

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING REAL PROPERTY TOTALING 10.73+/- ACRES OF LAND, OWNED BY KATHY S. TAYLOR IDENTIFIED AS 5170 CHURCH ST, TAX PARCEL 08100 001003A AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; TO BE REZONED FROM HALL COUNTY AGRICULTURAL RESIDENTIAL (AR III), FLOWERY BRANCH DETACHED SINGLE FAMILY, LOW-DENSITY DISTRICT (R-1) AND FLOWERY BRANCH LIGHT MANUFACTURING AND INDUSTRIAL DISTRICT (M-1) TO FLOWERY BRANCH TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND), AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Kathy S. Taylor owns the subject parcel of land identified as Parcel Tax Identification No. 08112 0120001 as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS Kathy S. Taylor, LLC has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being 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 December 7th, 2024 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 HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County Agricultural Residential (AR III), Flowery Branch Detached Single Family, Low-Density District (R-1) and Flowery Branch Light Manufacturing and Industrial District (M-1) to Flowery Branch Traditional Neighborhood Development District (TND) 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 could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.
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 generally in conformity with the policy and intent of the comprehensive plan including 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 zoning as opposed to AR III
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 change in zoning district map, or change in use, on the character of a zoning district.
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. REZONING.

The subject parcels, as shown on Exhibit “A” and as legally described in Exhibit “B”, are hereby rezoned from Hall County Agricultural Residential (AR III) to Flowery Branch Planned Unit Development (PUD) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

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.

Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 03/07/2024

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 February 15th, 2024.

SECTION 6. REPEALER.

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

Approved this 15th day of February, 2024.

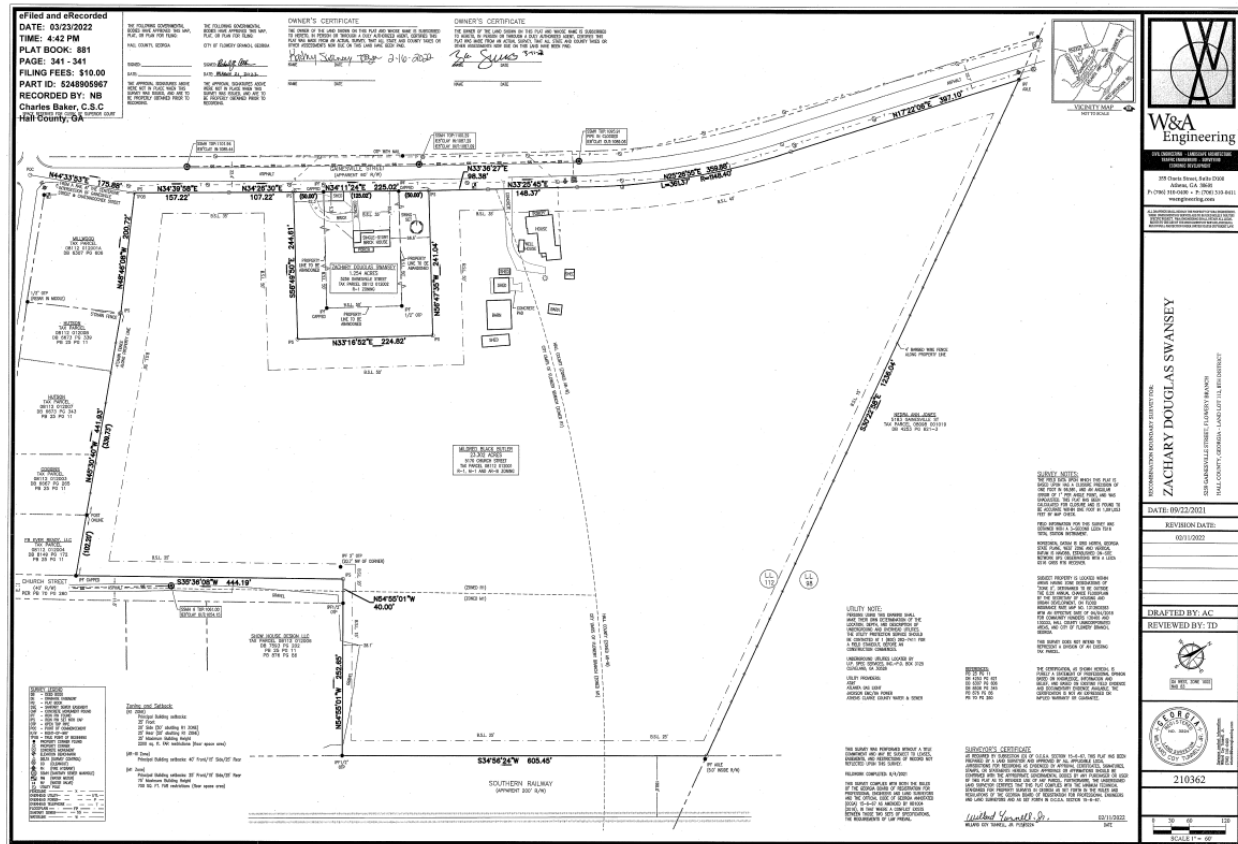
Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit “A”



Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 03/07/2024

Exhibit “B”

Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 03/07/2024

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;
thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;
thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;
thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;
thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);
thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;
thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 03/07/2024

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Public Hearing Published 11/01/2023
Public Hearing 12/07/2023

First Reading 02/01/2024
Adopted 03/07/2024

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.

Exhibit "C"

Approve the request as submitted with the following conditions:

1. Development shall significantly adhere to the site plan as shown below:



2. Project shall not exceed 117 single-family homes.
3. Variances are permitted and limited to the site plan requested. The development shall adhere to the following requirements as designated by the site plan:
 1. Request is for the rezoning of the subject parcel from AR III (Hall County), M-1 and R-1 to TND
 2. Annexation of 10.73 acres into the City of Flowery Branch from Hall County.
 3. Variances are approved for:
 - The reduction of a portion of sidewalk widths from 8 feet to 5 feet.
 - The increase of impervious allowances as indicated on the accompanying chart
 - The decrease of lot areas as indicated on the accompanying chart
 - Variation from the requirement that streets "be designed in a grid-like pattern of blocks and interconnecting streets"
 - Minimum landscaped open space

4. Total acreage = 23.3 acres
 5. Total area request to be rezoned to TND
 - M-1 = 2.64 acres
 - R-1 = 9.93 acres
 - AR-3 = 10.73 acres (annexed portion)
 6. Total area request for annexation and rezoning to TND = 10.73 acres
 7. Maximum allowed units = $(6.5 \text{ units/ac} \times 23.3) = 151 \text{ units}$
 8. Total units proposed = 117
 9. Parking provided:
 - Mail kiosk 12
 - Pavilion/Pickle ball 14
 10. Total area developed with units = 17.8 acres
 11. Total area for right of way and roads = 4.19 acres
 12. No area of this site is located in stream buffer areas
 13. Multi transportation alternatives are not included in this request.
 14. There is a total of 34,341 sq. ft. of public sidewalk proposed
 15. Amenities include an approximately 1,200 sq. ft. Covered pavilion, 3 pickleball courts and a passive recreation area.
 16. 12 streetlights are proposed, subject to regulations and approval of Georgia Power.
 17. Any major changes to the development will require City Council approval.

Recognizing that the precise lot configuration and lot numbering may change during the design and permitting process due to engineering constraints, for this ordinance, the following shall be classified as major changes:

 - (a) More than 60 lots have impervious surface greater than 45% *[currently 42 on the attached chart and site plan]*
 - (b) The reduction of any lot size below 5,000 square feet
4. A mandatory homeowner's association shall be established.
- A. Alleys shall be privately owned and maintained by the homeowner's association.
 - B. Roads shall be public.
 - C. The development shall be fee-simple homes for sale and the homeowner's association covenants must contain the following provisions:
 - i. No more than ten percent (10%) of the total homes may be leased; and
 - ii. No more than two houses may be owned by one owner in the development and the owner or the owner's immediate family member must reside at one of the two homes; and
 - iii. A homeowner may apply to the board of directors of the HOA for a "hardship" exception to exceed the 10% lease limit in the event the homeowner can demonstrate the need to lease their home due to extenuating circumstances. A lease permitted under the "hardship" exception shall not exceed one year, after which the owner must reapply for an exception. The granting of hardship exceptions shall be at the discretion of the HOA board of directors.

Amenities include but are not limited to 3 pickleball courts, a mail kiosk and a passive recreation area all of which shall be owned and maintained by the homeowner's association.

5. Landscaping

- A. A landscape plan shall be submitted and approved by staff prior to the issuance of a land disturbance permit and shall include:
 - i. A full landscape plan for all common areas;
 - ii. A full plan for all entrance monuments and landscaping
 - iii. A typical lot landscaping design which identifies the type and size of trees and bushes
- B. Landscaping must meet all currently adopted codes and standards.

6. Homes shall meet all TND and current design and architectural requirements with the following conditions and allowed variances.

- A. All homes shall be a minimum of 1,900 square feet.
 - B. 70% of the homes shall have a minimum width of 28 feet. The minimum width of the remaining 30% of the homes shall be 24 feet to improve aesthetics by allowing greater variety in floor plans and elevations
 - C. The rear façade of rear-entry homes shall have architectural elements to include the addition of an overhang above the garage, a minimum of two cementitious siding material variations (either horizontal, shake and/or board and batten), or other such elements approved by staff, and a covered patio
 - D. Front elevations of the homes shall be substantially consistent with those attached to this ordinance. For homes with a side yard adjacent to a street or alley, such side elevation shall include a minimum of two cementitious siding material variations (either horizontal, shake and/or board and batten) and additional architectural elements such as shutters, window surrounds, crosshead pediments or other such elements approved by staff
7. 8' sidewalk is required along Gainesville Street.
8. A fence around the exterior of the property to separate it from the neighbors shall be required. The location and style of said fence shall be approved by staff.
9. Property elevation should be substantially adhere to the rendering picture submitted by applicant on 08/01/2023 and as below:



FRONT ELEVATION

SEDONA - ELEVATION A
COLOR SCHEME #18



REAR ELEVATION



SIDE ELEVATION

SEDONA - ELEVATION A
COLOR SCHEME #18



FRONT ELEVATION

SEDONA - ELEVATION B
COLOR SCHEME #27



REAR ELEVATION



SIDE ELEVATION

SEDONA - ELEVATION B
COLOR SCHEME #27



FRONT ELEVATION

ADDISON - ELEVATION A
COLOR SCHEME #30



REAR ELEVATION



SIDE ELEVATION

ADDISON - ELEVATION A
COLOR SCHEME #30



FRONT ELEVATION

ADDISON - ELEVATION B
COLOR SCHEME #34



REAR ELEVATION



SIDE ELEVATION

ADDISON - ELEVATION B
COLOR SCHEME #34



FRONT ELEVATION

BROOKFIELD - ELEVATION A
COLOR SCHEME #23



REAR ELEVATION



SIDE ELEVATION

BROOKFIELD - ELEVATION A
COLOR SCHEME #23



FRONT ELEVATION

BROOKFIELD - ELEVATION B
COLOR SCHEME #32



REAR ELEVATION



SIDE ELEVATION

BROOKFIELD - ELEVATION B
COLOR SCHEME #32





FRONT ELEVATION

SEDONA - ELEVATION A
COLOR SCHEME #18



REAR ELEVATION



SIDE ELEVATION

SEDONA - ELEVATION A
COLOR SCHEME #18



FRONT ELEVATION

SEDONA - ELEVATION B
COLOR SCHEME #27



REAR ELEVATION



SIDE ELEVATION

SEDONA - ELEVATION B
COLOR SCHEME #27



Church Street - Flowery Branch, GA
February 29, 2024





FRONT ELEVATION

ADDISON - ELEVATION A
COLOR SCHEME #30



REAR ELEVATION



SIDE ELEVATION

ADDISON - ELEVATION A
COLOR SCHEME #30



FRONT ELEVATION

ADDISON - ELEVATION B
COLOR SCHEME #34



REAR ELEVATION



SIDE ELEVATION

ADDISON - ELEVATION B
COLOR SCHEME #34



FRONT ELEVATION

BROOKFIELD - ELEVATION A
COLOR SCHEME #23



REAR ELEVATION



SIDE ELEVATION

BROOKFIELD - ELEVATION A
COLOR SCHEME #23

Church Street - Flowery Branch, GA
February 29, 2024



FRONT ELEVATION

BROOKFIELD - ELEVATION B
COLOR SCHEME #32



REAR ELEVATION



SIDE ELEVATION

BROOKFIELD - ELEVATION B
COLOR SCHEME #32

Church Street - Flowery Branch, GA
February 29, 2024





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider First Reading of Ordinance 708 for a Conditional Use Permit for a Crematory Addition request submitted by Mr. Kevin Wetzel.

COUNCIL MEETING DATE: March 7, 2024

HISTORY:

The business owner/operator was notified by city staff a conditional use permit is required for crematory addition use in 2021. The crematory was built and operated without conditional use permit being granted.

FACTS AND ISSUES:

The Conditional Use Permit request submitted by Mr. Kevin Wetzel, is to operate a Crematory Addition in a Highway Business zoned property. The property is known as 4121 Falcon Pkwy, Flowery Branch, Ga. 30542 and is also identified as tax parcel 15044A002023.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

First Read and Vote

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

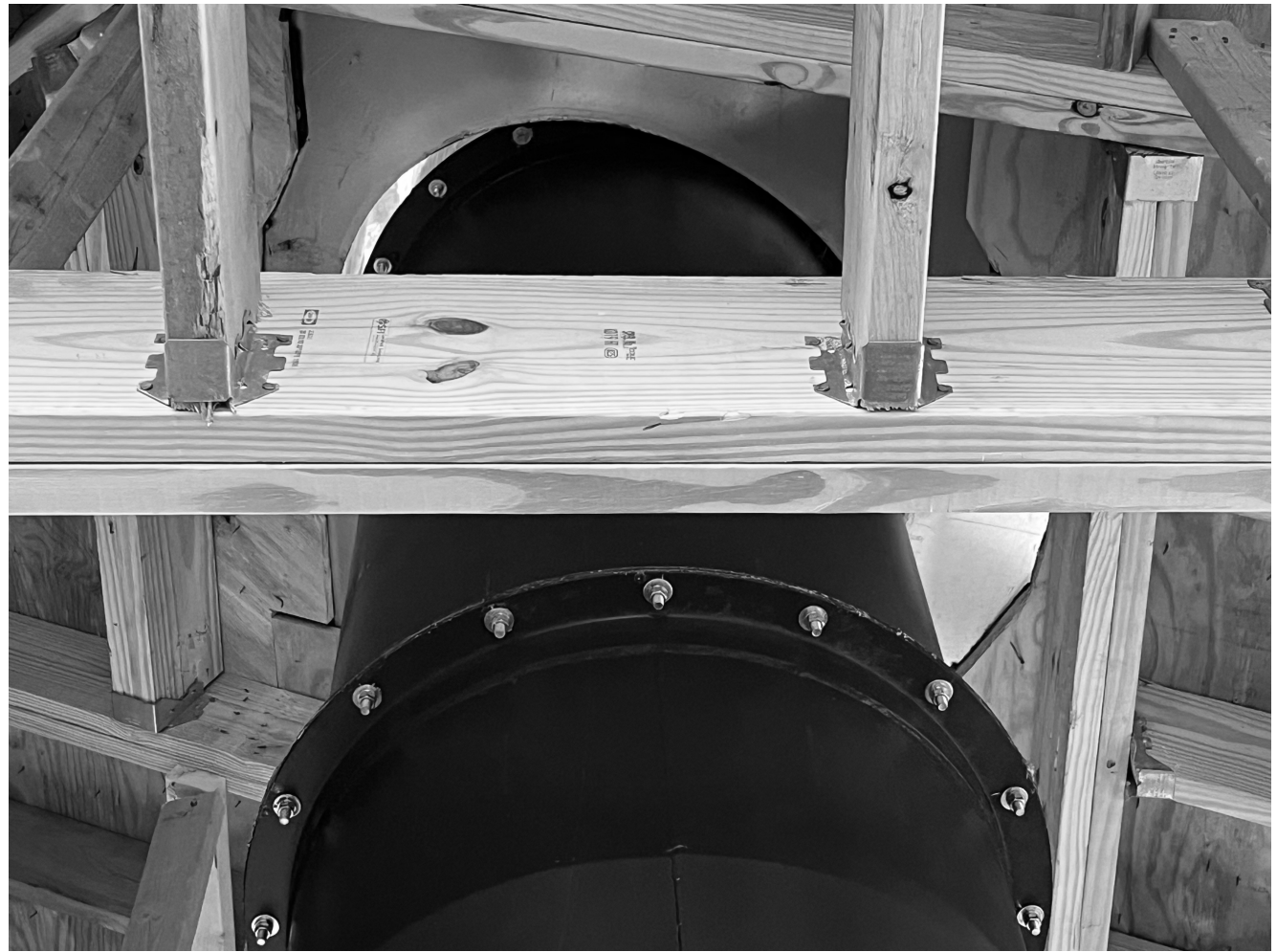
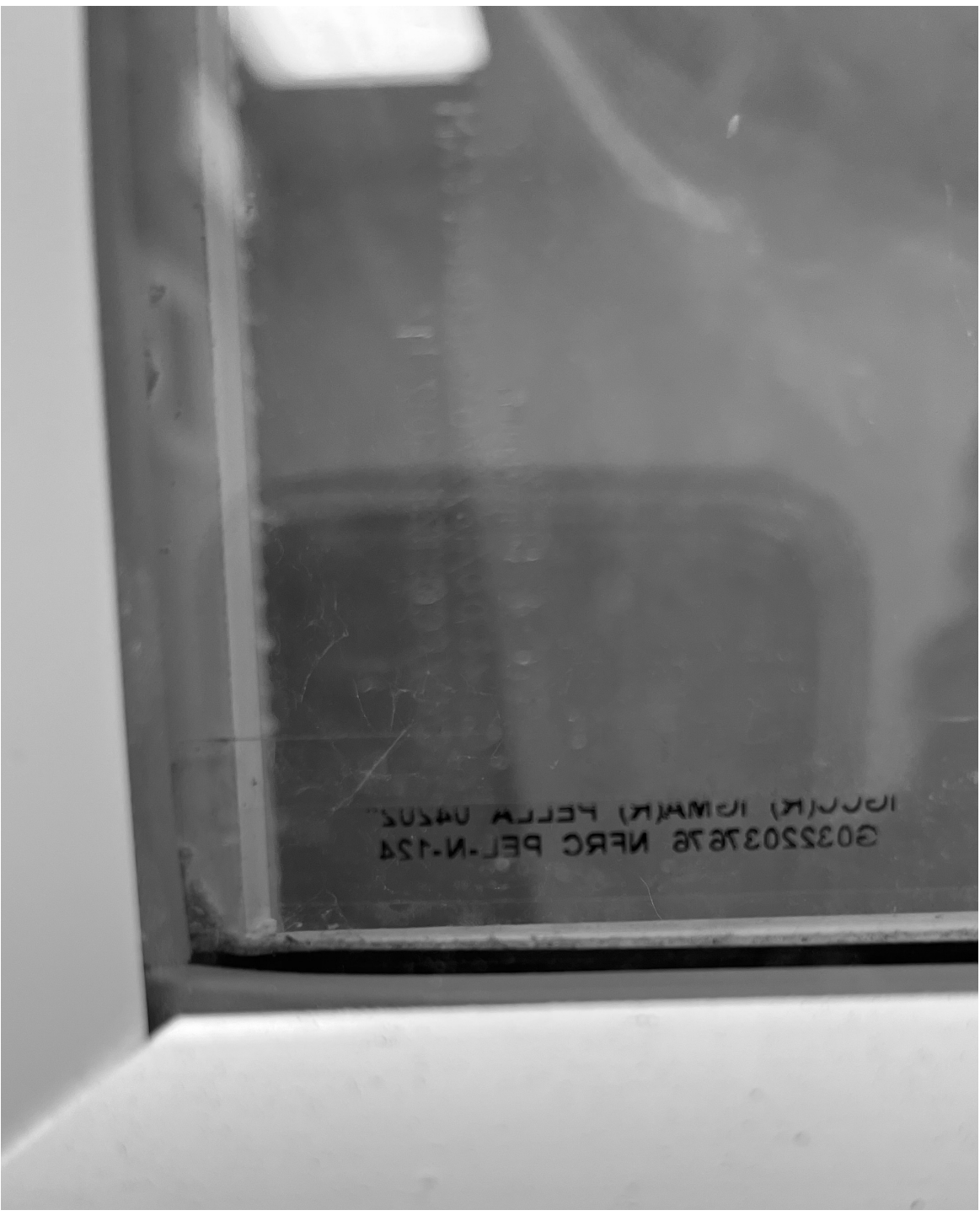
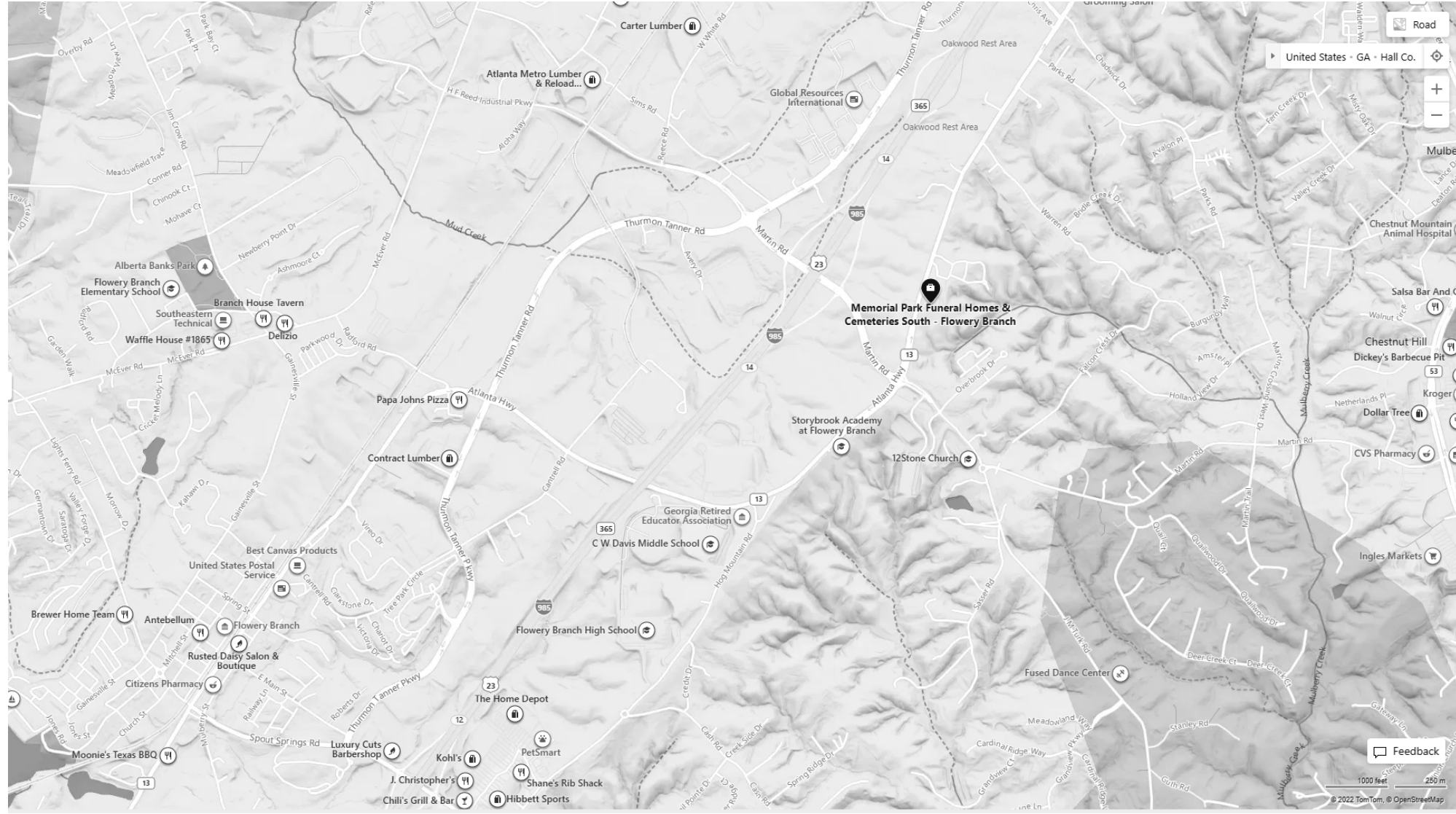
- [Memorial Park South \(Crematory\) 1-29-23-1.pdf](#)
- [4121 Falcon Pkwy-Crematory Addition-Memorial Park App Package.pdf](#)

- [Crematorium Timeline.pdf](#)
- [Ordinance 708_CUP 4121 Falcon Parkway Crematory.pdf](#)

1) ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL APPLICABLE CODES 2) IT IS THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER/ OWNER TO CHECK FOR ANY ERROR OR OMISSIONS TO THE PLANS. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. 3) VERIFY LOCATION OF ALL ELECTRICAL FIXTURES AND OUTLETS. 4) VERIFY ALL BEAM SIZES AND LOCATIONS. 5) VERIFY GIRDER TRUSS LOCATION AND POINT LOADS. 6) VERIFY ALL FOOTING PAD LOCATIONS AND SIZES.

SQUARE FOOTAGE OF NEW CREMATORY ADDITION

504 Sq. Ft. of HTD space
413 Sq. Ft. of new patio



RELEASED FOR CONSTRUCTION 1-26-2023

Revision Table		Description	
Number	Date	Revised By	Add
1	6/16/2022	Darren Smith	Final

Project: Memorial Park South
Crematory Addition
4121 Falcon Parkway
Flowery Branch, Ga. 30542
Drawn for : Sparks Bowers

Cover Sheet

DRAWINGS PROVIDED BY:
DARREN SMITH
VISUAL BUILDING PLANS
GAINESVILLE, GA. 30506
878-467-0734
darren@visualbuildingplans.com

DATE:

2/2/2023

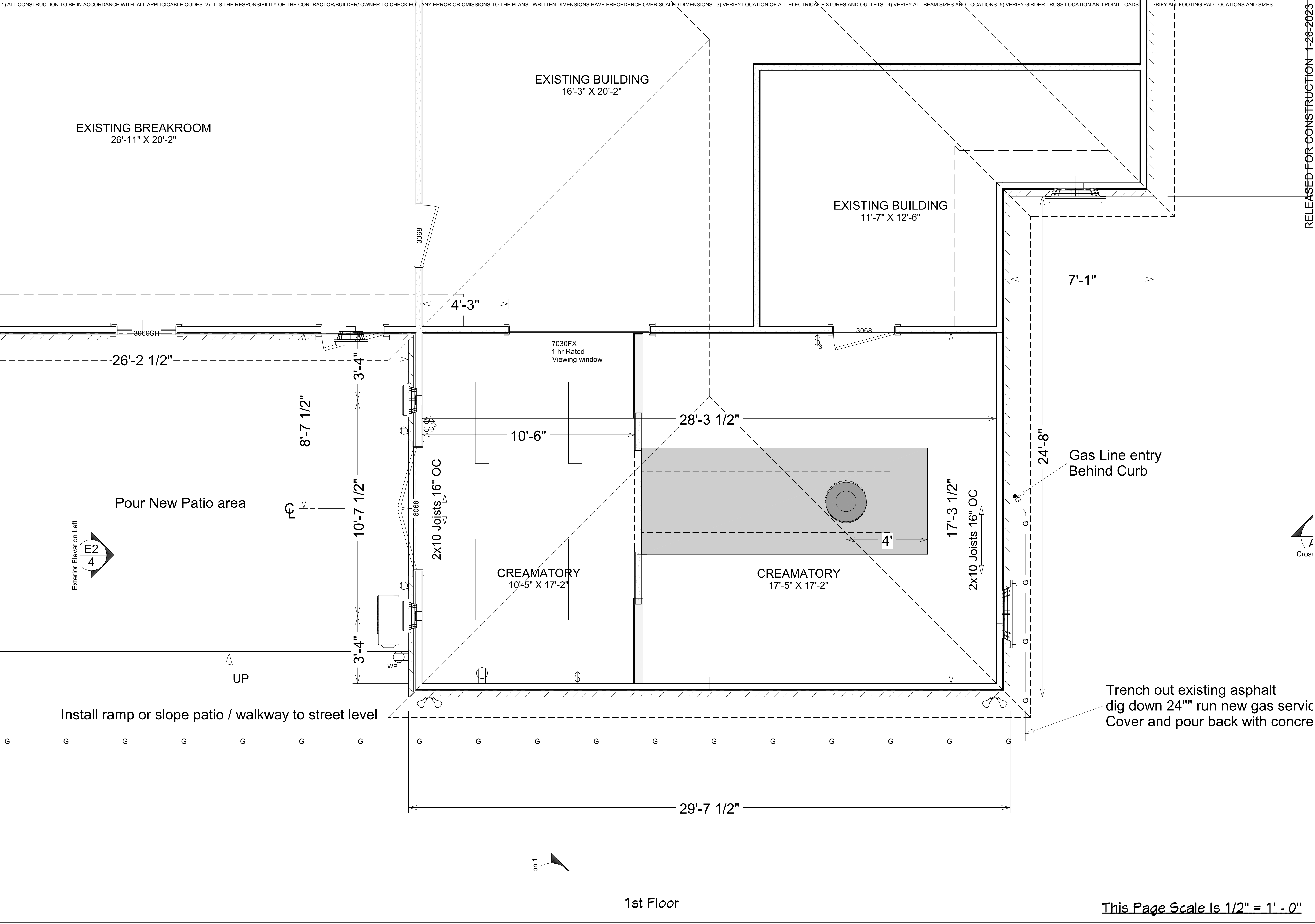
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1/4" = 1' - 0"
Unless Noted
Otherwise

SHEET:

A-1

1) ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL APPLICABLE CODES 2) IT IS THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER/ OWNER TO CHECK FOR ANY ERROR OR OMISSIONS TO THE PLANS. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. 3) VERIFY LOCATION OF ALL ELECTRICAL FIXTURES AND OUTLETS. 4) VERIFY ALL BEAM SIZES AND LOCATIONS. 5) VERIFY GIRDER TRUSS LOCATION AND POINT LOADS. 6) VERIFY ALL FOOTING PAD LOCATIONS AND SIZES.



RELEASED FOR CONSTRUCTION 1-26-2023

Number	Date	Revised By	Description
1	6/16/2022	Darren Smith	Add MEP's / Final

Project: Memorial Park South
Crematory Addition
4121 Falcon Parkway
Flowery Branch, Ga. 30542
Drawn for: Sparks Bowers

Floor Plan
Dimensioned

DRAWINGS PROVIDED BY:
DARREN SMITH
VISUAL BUILDING PLANS
GAINESVILLE, GA. 30506
678-467-0734
darren@visualbuildingplans.com

DATE:

2/2/2023

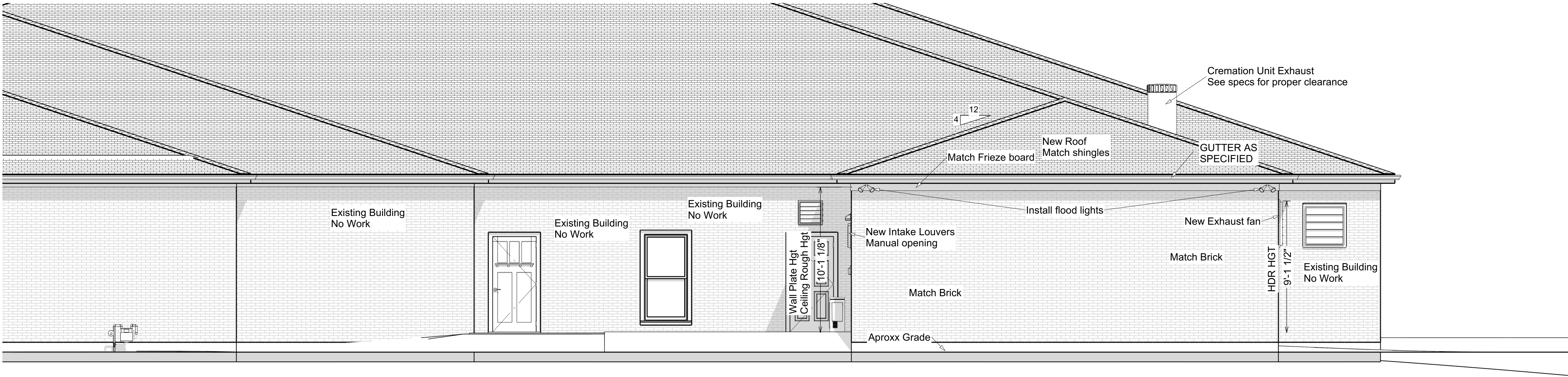
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Unless Noted
Otherwise

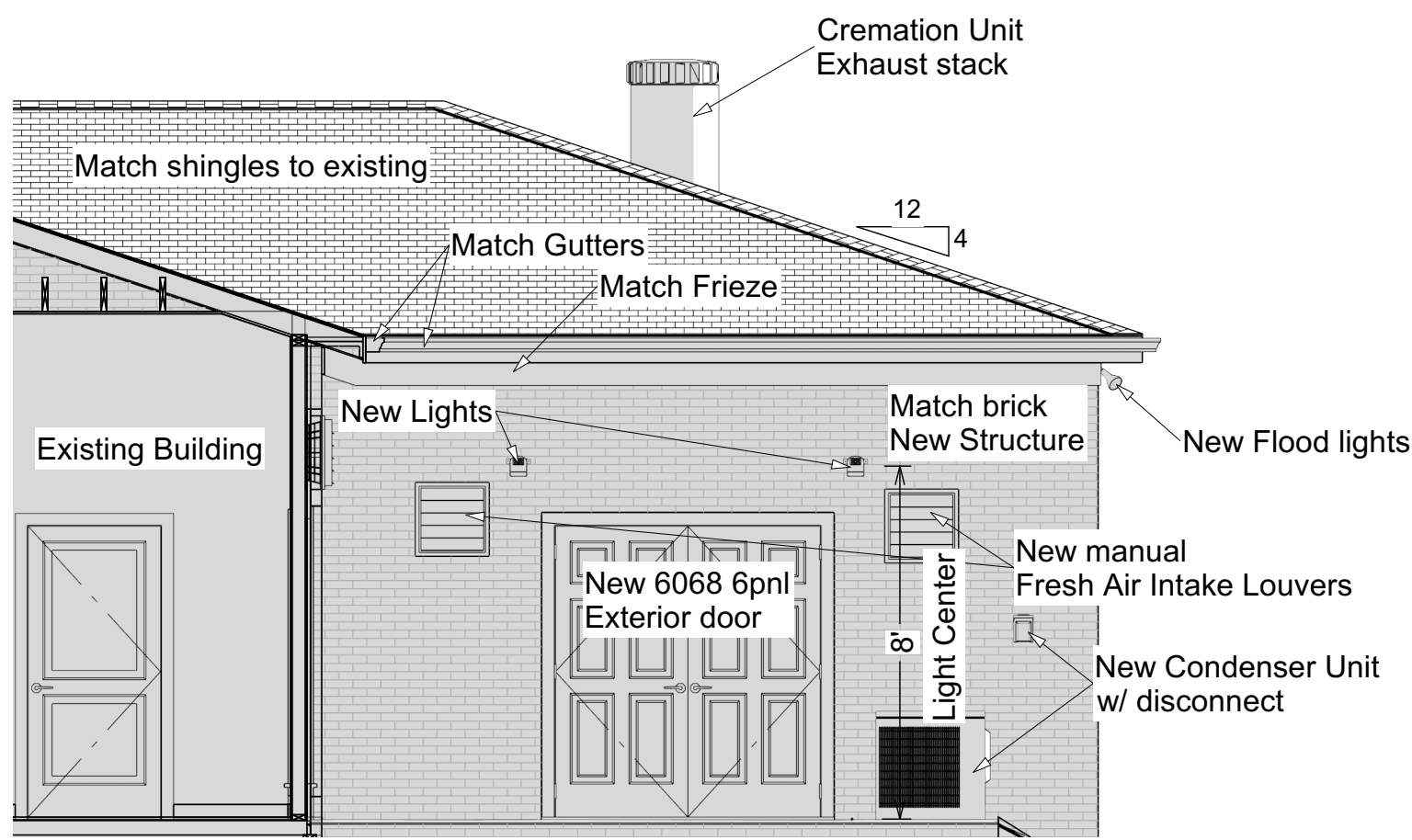
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A-3

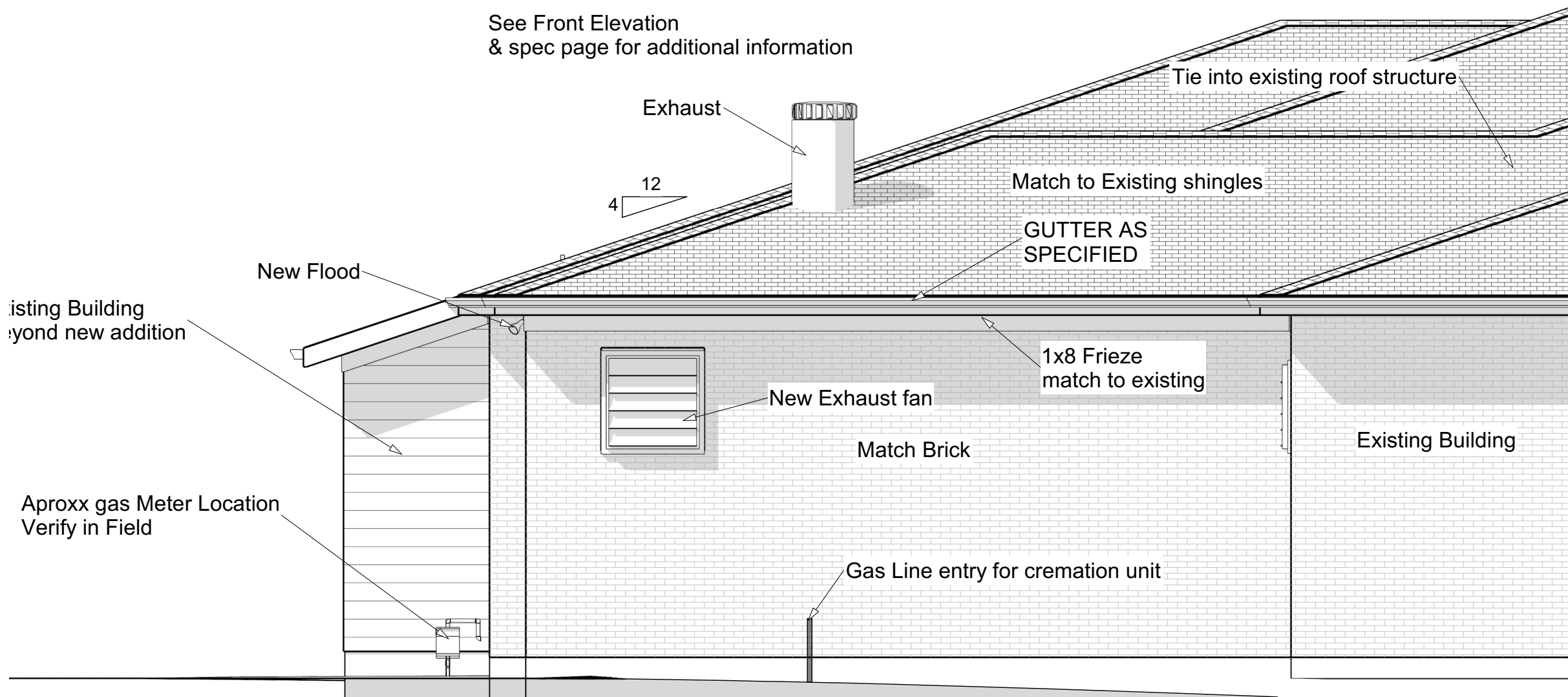
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Exterior Elevation Front



Exterior Elevation Left



Exterior Elevation Right

RELEASED FOR CONSTRUCTION 1-26-2023

Revision Table		Revised By		Description	
Number	Date				

Project: Memorial Park South
Crematory Addition
4121 Falcon Parkway
Flowery Branch, Ga. 30542
Drawn for : Sparks Bowers

Elevations

DRAWINGS PROVIDED BY:
DARREN SMITH
VISUAL BUILDING PLANS
GAINESVILLE, GA. 30506
678-467-0734
darren@visualbuildingplans.com

DATE:

2/2/2023

SCALE:

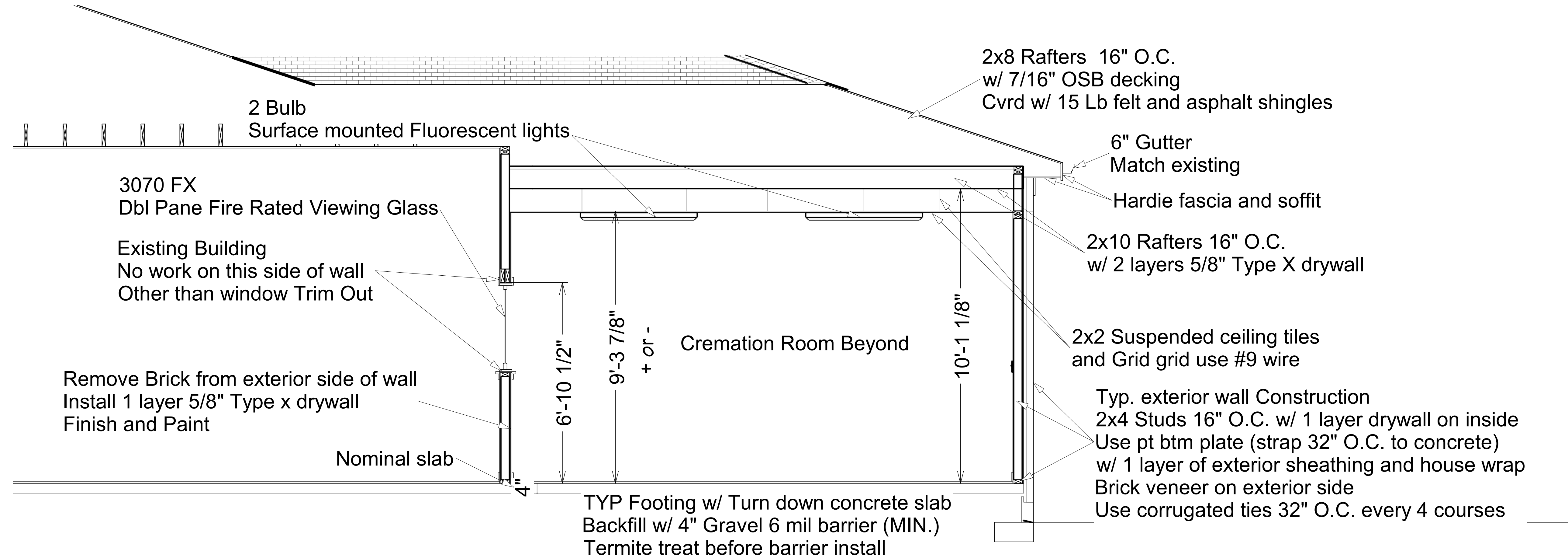
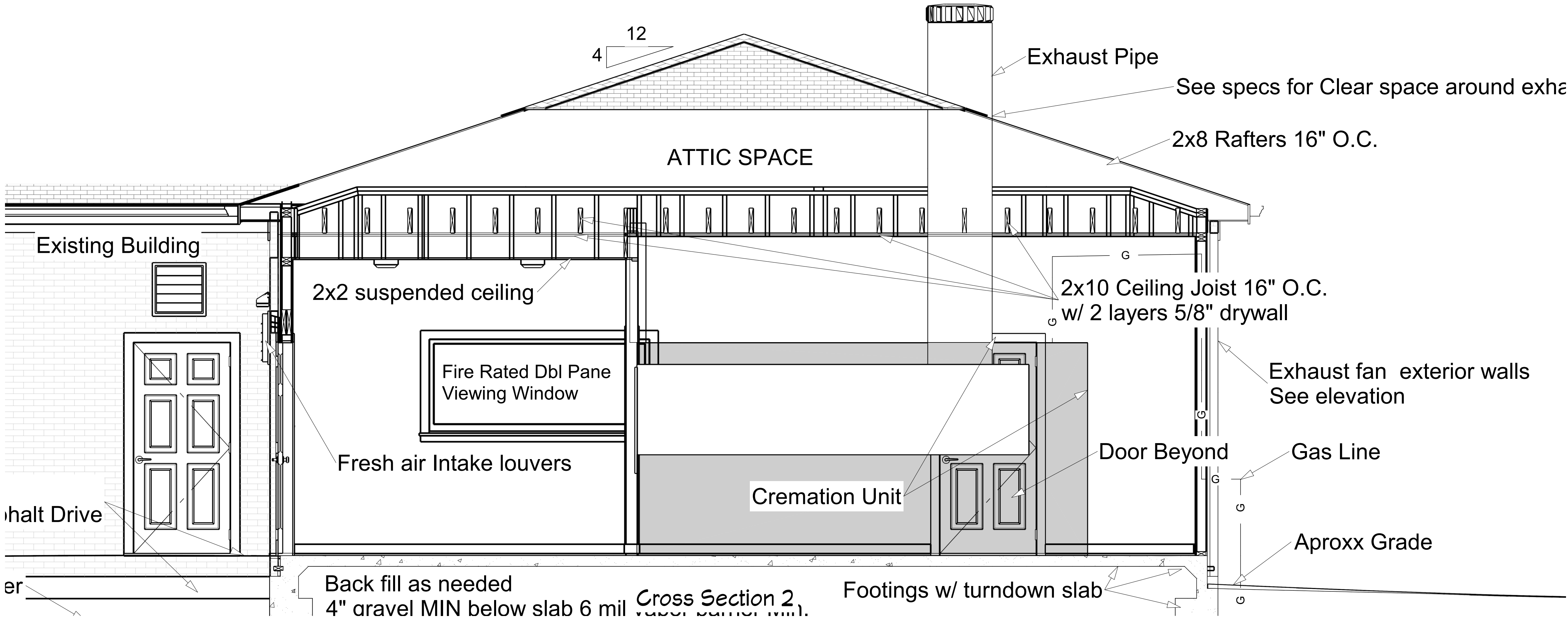
1/4" = 1' - 0"
Unless Noted
Otherwise

SHEET:

A-4

1) ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL APPLICABLE CODES 2) IT IS THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER/ OWNER TO CHECK FOR ANY ERROR OR OMISSIONS TO THE PLANS. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. 3) VERIFY LOCATION OF ALL ELECTRICAL FIXTURES AND OUTLETS. 4) VERIFY ALL BEAM SIZES AND LOCATIONS. 5) VERIFY GIRDER TRUSS LOCATION AND POINT LOADS. 6) VERIFY ALL FOOTING PAD LOCATIONS AND SIZES.

See specs for all information and guidelines for cremation unit
See section 1 for additional information



RELEASED FOR CONSTRUCTION 1-26-2023

Number	Date	Revised By	Description
1	6/16/2022	Darren Smith	Add MEP's / Final

Project: Memorial Park South
Crematory Addition
4121 Falcon Parkway
Flowery Branch, Ga. 30542
Drawn for : Sparks Bowers

Sections /
Details

DRAWINGS PROVIDED BY:
DARREN SMITH
VISUAL BUILDING PLANS
GAINESVILLE, GA. 30506
678-467-0734
darren@visualbuildingplans.com

DATE:

2/2/2023

SCALE:

1/4" = 1' - 0"
Unless Noted
Otherwise

SHEET:

A-5

This Page Scale Is 1/2" = 1' - 0"



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: 12-6-2023

Address of Request:

4121 Falcon Parkway
Flower Branch, Georgia 30542

Tax Map # 15044A002023 Current Zoning: H-B

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

Currently a conforming use? N/A

Any conditions of zoning, CUP's, etc.? N/A

Applicant Information

Applicant: Kevin Wetzel - owner

Address: 4121 Falcon Parkway
Flower Branch, Georgia 30542

E-mail address: mparksouth@gmail.com

Phone number: 770-967-5555

Signature: [Signature]

Notary Seal:



**Property owner Information**

Property owner (please print): Memorial Estate planners

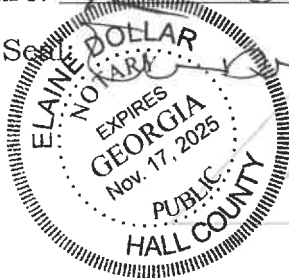
Address: PO Box 3400
Gainesville, GA 30503

E-mail address: mparksouth@gmail.com

Phone number: 770-967-5555

Signature: [Handwritten Signature]

Notary Seal: [Handwritten Signature]

**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

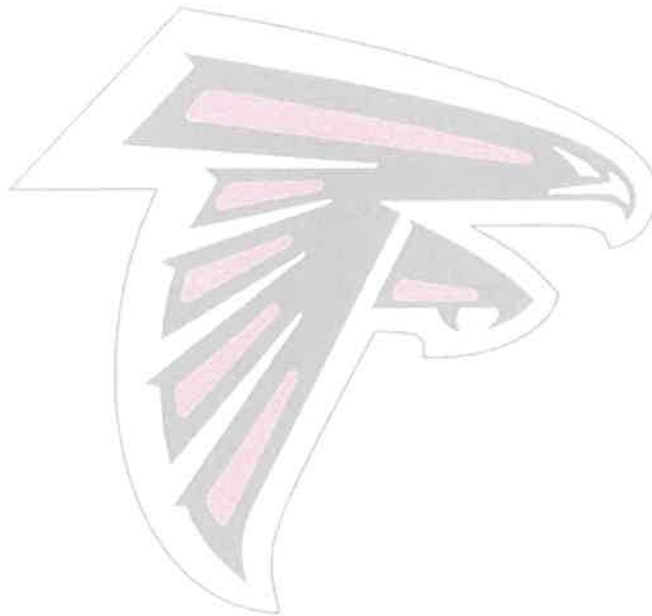
n/A



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____



000555

Georgia, Hall County, Clerk Superior Court
 Filed in office, this 1 day of Oct
 19 99 at 4:30 P m. Recorded in
 Book 3565 Page(s) 555-556
 this 21 day of Oct, 19 99
 DWIGHT S. WOOD, CLERK, by: SK
15773, 1578 + .20 Cash

HALL COUNTY, Georgia
 Real Estate Transfer Tax

Paid \$ 128.40
 Date 10-1-99
 DWIGHT S. WOOD
 Clerk Superior Court
 By SK

AFTER RECORDING PLEASE RETURN TO:

Hulsey, Oliver & Mahar
 P. O. Box 1457
 Gainesville, GA 30503
 ATTENTION: Jane A. Range

031670

TRUSTEE'S DEED

STATE OF GEORGIA COUNTY OF HALL.

THIS INDENTURE is made as of the 30th day of September, 1999, between Jane Wood Banks and Regions Bank, successor by merger to the First National Bank of Gainesville, as Co-Trustees of the Testamentary Trust of Rafe Banks, Jr. (hereinafter referred to as "Grantor") and Memorial Estate Planners, Inc. (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives, and assigns where the context requires or permits).

WITNESSETH

GRANTOR, acting under and by virtue of the power and authority contained in Item IV of The Will of Rafe Banks, Jr., for and in consideration of the sum of Ten Dollars and /100 (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee,

A one-third interest in and to all that tract or parcel of land lying and being in the Flowery Branch G.M.D. 1270 and the Morgan G.M.D. 385, Hall County, Georgia and being 27.80 acres as shown as two tracts on a plat of survey dated June 28, 1999 and prepared for Memorial Park Funeral Home by Henry Bailey, Georgia Professional Registered Land Surveyor No. 1586. Being more particularly described as follows:

Tract 1 (25.000 acres):

BEGINNING at a 1/2" rebar set on the easterly right of way of U.S. Highway 23 (60' ROW), which rebar is South 22°16'31" West 1704.00' from the centerline intersection of U.S. Highway

000556

23 and Pauline Drive; thence North 77°13'21" East 1048.76' to a ½" rebar set; thence South 40°12'59" East 544.86' to a concrete monument and a ¾" crimped top pin found; thence South 50°00'08" West 1240.00' to a ½" rebar set; thence North 75°34'58" West 136.20' to a ½" rebar set; thence North 17°03'44" East 199.98' to a ½" rebar set; thence North 75°34'58" West 609.73' to a ½" rebar set on the easterly right of way of U.S. Highway 23; thence along the easterly right of way of U.S. Highway 23 the following courses and distances: a curve with a radius of 4054.91'; an arc length of 611.07' and a chord bearing North 19°57'59" East 610.49'; North 21°56'58" East 238.93' to the point of beginning.

Tract 2 (2.800 acres):

To find the true point of beginning, begin at a ½" rebar set on the easterly right of way of U.S. Highway 23 (60' ROW), which rebar is South 22°16'31" West 1704.00' from the centerline intersection of U.S. Highway 23 and Pauline Drive, thence South 21°56'58" West 238.93'; thence a curve with a radius of 4054.91', an arc length of 611.07' and a chord bearing South 19°57'59" West 610.49' to a ½" rebar set on the easterly right of way of U.S. Highway 23, which is THE TRUE POINT OF BEGINNING; thence South 75°34'58" East 609.73' to a ½" rebar set; thence South 17°03'44" West 199.98' to a ½" rebar set; thence North 75°34'58" West 609.73' to a ½" rebar set on the easterly right of way of U.S. Highway 23, thence along said right of way a curve with a radius of 4054.91', an arc length of 200.00' and a chord bearing North 17°03'44" East 199.98' to THE TRUE POINT OF BEGINNING.

A copy of said plat is recorded in Plat Slide 775, page 130 A, Hall County, Georgia Plat Records and is incorporated herein by reference for a more complete description of said property.

TO HAVE AND TO HOLD, the land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever, **IN FEE SIMPLE**.

EXECUTED under seal of as of the date above.

Signed and subscribed before me this
30th day of September, 1999.

Jarvis C. Bryant
Witness

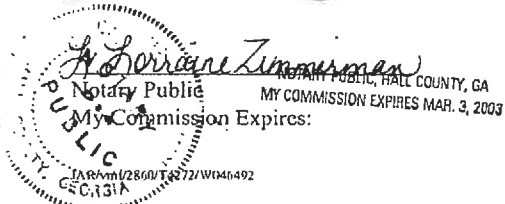
Jane Wood Banks (SEAL)
Jane Wood Banks, as Co-Trustee of the
Testamentary Trust of Rafe Banks, Jr.

Regions Bank, successor by merger to the
First National Bank of Gainesville, as Co-
Trustee of the Testamentary Trust of Rafe
Banks, Jr.

By: Ben H. Carter, Jr.
Name: BEN H. CARTER, JR.
Title: VICE PRESIDENT

AFFIX CORPORATE SEAL

ATTEST Richard A. Lullwood
V. V.



000557

Georgia, Hall County, Clerk Superior Court
 Filed in office, this 1 day of Oct
 19 99 at 4:30P m. Recorded in
 Book 3565 Page(s) 557-558
 this 4 day of Oct, 19 99
 DWIGHT S. WOOD, CLERK, by: DD

HALL COUNTY, Georgia
 Real Estate Transfer Tax

Paid \$ 128.40
 Date 10-1-99
 DWIGHT S. WOOD
 Clerk Superior Court
 By DD

AFTER RECORDING PLEASE RETURN TO:
 Hulsey, Oliver & Mahar
 P. O. Box 1457
 Gainesville, GA 30503
 ATTENTION: Jane A. Range

031671

WARRANTY DEED

GEORGIA, HALL COUNTY:

This deed made by and between The McCrary Family Partnership, L.P., a Georgia Limited Partnership, Grantor, and Memorial Estate Planners, Inc., Grantee,

WITNESSETH, that the said Grantor, for and in consideration of Ten (\$10.00) Dollars and other valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the Grantee,

A one third interest in and to all that tract or parcel of land lying and being in the Flowery Branch G.M.D. 1270 and the Morgan G.M.D. 385, Hall County, Georgia and being 27.80 acres as shown as two tracts on a plat of survey dated June 28, 1999 and prepared for Memorial Park Funeral Home by Henry Bailey, Georgia Professional Registered Land Surveyor No. 1586. Being more particularly described as follows:

Tract 1 (25.000 acres):

BEGINNING at a ½" rebar set on the easterly right of way of U.S. Highway 23 (60' ROW), which rebar is South 22° 16' 31" West 1704.00' from the centerline intersection of U.S. Highway 23 and Pauline Drive; thence North 77° 13' 21" East 1048.76' to a ½" rebar set; thence South 40° 12' 59" East 544.86' to a concrete monument and a ¾" crimped top pin found; thence South 50° 00' 08" West 1240.00' to a ½" rebar set; thence North 75° 34' 58" West 136.20' to a ½" rebar set; thence North 17° 03' 44" East 199.98' to a ½" rebar set; thence North 75° 34' 58" West 609.73' to a ½" rebar set on the easterly right of way of U.S. Highway 23; thence along the easterly right of way of U.S. Highway 23 the following courses and distances: a curve with a radius of 4054.91'; an arc length of 611.07' and a chord bearing North 19° 57' 59" East 610.49'; North 21° 56' 58" East 238.93' to the

000558

point of beginning.

Tract 2 (2.800 acres):

To find the true point of beginning, begin at a ½" rebar set on the easterly right of way of U.S. Highway 23 (60' ROW), which rebar is South 22° 16' 31" West 1704.00' from the centerline intersection of U.S. Highway 23 and Pauline Drive, thence South 21° 56' 58" West 238.93'; thence a curve with a radius of 4054.91', an arc length of 611.07' and a chord bearing South 19° 57' 59" West 610.49' to a ½" rebar set on the easterly right of way of U.S. Highway 23, which is THE TRUE POINT OF BEGINNING; thence South 75° 34' 58" East 609.73' to a ½" rebar set; thence South 17° 03' 44" West 199.98' to a ½" rebar set; thence North 75° 34' 58" West 609.73' to a ½" rebar set on the easterly right of way of U.S. Highway 23, thence along said right of way a curve with a radius of 4054.91', an arc length of 200.00' and a chord bearing North 17° 03' 44" East 199.98' to THE TRUE POINT OF BEGINNING.

A copy of said plat is recorded in Plat Slide 775, page 130A, Hall County, Georgia Plat Records and is incorporated herein by reference for a more complete description of said property.

TO HAVE AND TO HOLD the said premises, together with all rights and appurtenances unto the said Grantee, forever in **FEE SIMPLE**, and the Grantor **WARRANTS** the title to the same against the lawful claims of all persons whomever.

Whenever there is a reference herein to the Grantor or the Grantee, the singular includes the plural and the masculine includes the feminine and the neuter, and said terms include and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

In witness whereof, the Grantor has hereunto set his hand and affixed his seal this 27 day of September, 1999.

Signed, sealed and delivered this
27 day of September, 1999.

W. B. McCrary
Witness

Jessie H. H. H.
Notary Public

My Commission Expires: 1-9-2003.

The McCrary Family Partnership, L.P., a
Georgia Limited Partnership

By: Rex B. McCrary
Rex B. McCrary, General Partner

000559

Georgia, Hall County, Clerk Superior Court
 Filed in office, this 1 day of Oct
 19 99 at 4:30 P m. Recorded in
 Book 3565 Page(s) 559-560
 this 4 day of Oct, 19 99
 DWIGHT S. WOOD, CLERK, by: DA
20

HALL COUNTY, Georgia
 Real Estate Transfer Tax

Paid \$ 128.40
 Date 10-1-99
 DWIGHT S. WOOD
 Clerk Superior Court
 By DA

AFTER RECORDING PLEASE RETURN TO:

Hulsey, Oliver & Mahar
 P. O. Box 1457
 Gainesville, GA 30503
 ATTENTION: Jane A. Range

031672

WARRANTY DEED

GEORGIA, HALL COUNTY:

This deed made by and between Burwell Investments, Ltd., an Alabama limited partnership, Grantor, and Memorial Estate Planners, Inc., Grantee,

WITNESSETH, that the said Grantor, for and in consideration of Ten (\$10.00) Dollars and other valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the Grantee,

A one-third interest in and to all that tract or parcel of land lying and being in the Flowery Branch G.M.D. 1270 and the Morgan G.M.D. 385, Hall County, Georgia and being 27.80 acres as shown as two tracts on a plat of survey dated June 28, 1999 and prepared for Memorial Park Funeral Home by Henry Bailey, Georgia Professional Registered Land Surveyor No. 1586. Being more particularly described as follows:

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27.800 ACRES

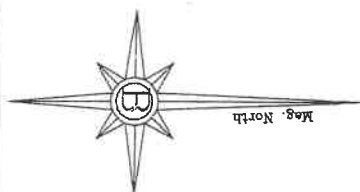
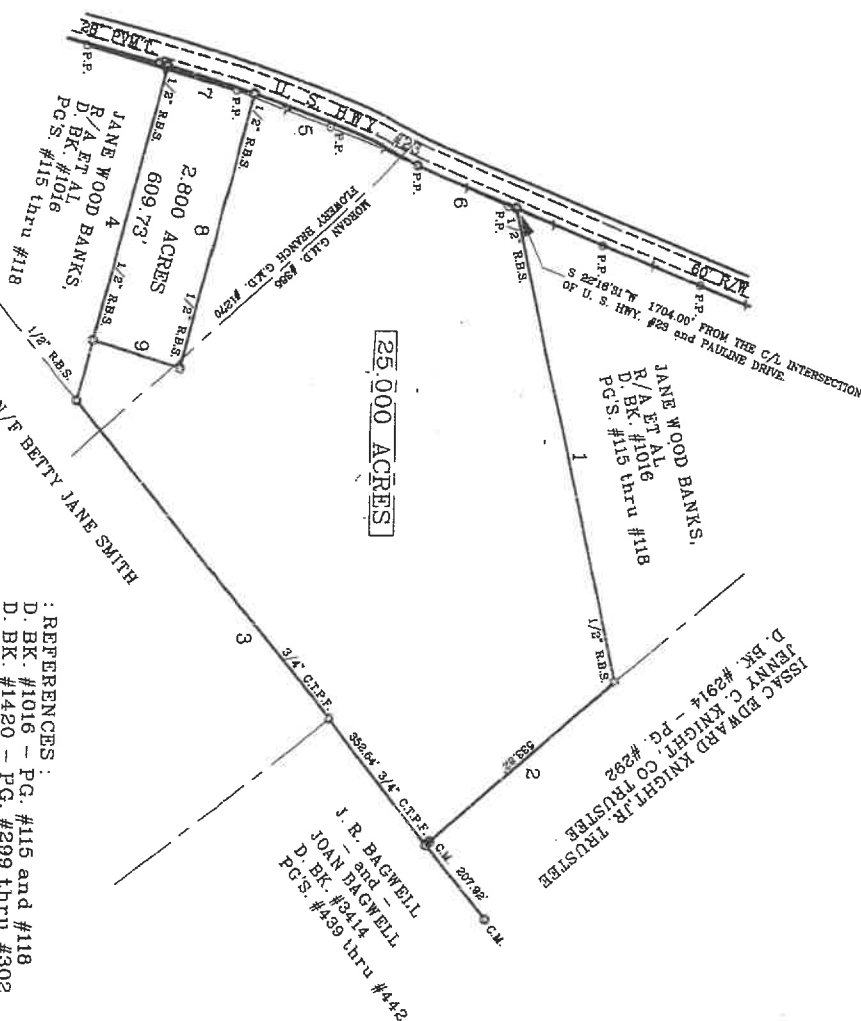
RECORDING PERMIT

GRAPHIC SCALE - FEET

MEMORIAL PARK FUNERAL HOME
FLOWERY BRANCH G.M.D. #1270
10001 W. 13th Ave. #1270
Denver, CO 80202

JUNE 28, 1999 - SCALE 1" = 200'

: REFERENCES:
D. BK. #1016 - PG. #115 and #118
D. BK. #1420 - PG. #299 thru #302
P. BK. #114 - PG. #12

[illegible]

Summary

Parcel Number 15044A002023
 Location Address 4121 FALCON PKWY
 Legal Description ATLANTA HWY
 (Note: Not to be used on legal documents)
 Class C3-Commercial
 (Note: This is for tax purposes only. Not to be used for zoning.)
 Zoning H-B
 (Note: Refer to map zoning layer for official zoning.)
 Tax District FLOWERY BRANCH (District 03)
 Millage Rate 31.952
 Acres 2.78
 Neighborhood Commercial - Hotels, Clubs, Dormitories (40011)
 Homestead Exemption No (50-)
 Landlot/District N/A

[View Map](#)



Owner

[MEMORIAL ESTATE PLANNERS INC](#)
 2030 MEMORIAL PARK ROAD
 GAINESVILLE, GA 30501

Linked Personal Property

[158957](#)

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Commercial	Comm-Falcon Pkwy	Acres	121,191	199	609	2.78	1

Commercial Improvement Information

Description Mortuaries-4
 Value \$1,026,500
 Actual Year Built 2001
 Effective Year Built 2006
 Square Feet 14416
 Wall Height 10
 Wall Frames
 Exterior Wall
 Roof Cover
 Interior Walls
 Floor Construction
 Floor Finish
 Ceiling Finish
 Lighting
 Heating
 Number of Buildings 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Commercial Site Value LC	2002	1x0 / 1	1	\$8,000
Paving - Concrete	2002	2055x1 / 0	1	\$2,600
Paving - Asphalt	2002	20115x1 / 0	1	\$20,900
Light Fixtures Parking Lot	2001	0x0 / 0	6	\$2,800
Light Poles Parking Lot	2001	0x0 / 0	6	\$2,800

[What are Homesteads?](#)

Permits

Permit Date	Permit Number	Type	Description
11/06/2019	000422	MISC	CONSTRUCTION OF BRICK SIGN FRAME WITH DIGITAL INSERT
11/06/2019	000422	MISC	CONSTRUCTION OF BRICK SIGN FRAME WITH DIGITAL INSERT
10/30/2013	2013-00138	OUTBUILDING	CITY OF FLOWERY BRANCH - PAVILLION (12 X 22) ACTUAL SIZE IS 16 X 20 (320 S.F.)
09/21/2001	00678	NEW CONSTRUCT	

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
9/30/1999	3565 555		\$0	VALID IMPROVED PROPERTY	FIRST NATIONAL BANK OF GAINESVILLE	MEMORIAL ESTATE PLANNERS INC

	2021	2020	2019
Previous Value	\$1,550,100	\$1,438,900	\$1,438,90C
Land Value	\$486,500	\$486,500	\$375,30C
+ Improvement Value	\$1,026,500	\$1,026,500	\$1,026,50C
+ Accessory Value	\$37,100	\$37,100	\$37,10C
= Current Value	\$1,550,100	\$1,550,100	\$1,438,90C

Assessment Notice

Photos



Sketches



GEORGIA STATE BOARD OF FUNERAL SERVICE
237 COLISEUM DRIVE
MACON, GA 31217
404-424-9966
www.sos.ga.gov

ZONING CERTIFICATION

(required for initial licensure, reinstatement, name change, and location change)

THIS IS TO CERTIFY THAT

Memorial Park South crematory

Crematory Establishment Name

4121 Falcon Parkway, Flowery Branch, GA 30542

Street Address, City, State, Zip

Kevin Wetzel

Owner(s)

has met all zoning standards that are required to operate the proposed crematory establishment in

Flowery Branch

City

Hall

County

SIGNATURE OF ZONING COMMISSIONER

PRINT NAME OF ZONING COMMISSIONER

SWORN TO AND SUBSCRIBED BEFORE ME THIS

____ DAY OF _____, _____

NOTARY PUBLIC

My Commission Expires _____

NOTARY SEAL



FIELD EVALUATION REPORT

2660 White Sulphur Road ♦ Gainesville, Georgia 30501 ♦ 770.536.5220 phone ♦ office@southerngeotech.com
14476 Duval Place West ♦ Suite 803 ♦ Jacksonville, Florida 32218 ♦ 904.374.2252

PROJECT NAME:	Memorial Park South Crematorium Addition	DATE OF EVALUATION:	August 1, 2023
EVALUATED BY:	Rodney Clark	PROJECT NO:	13884G
WEATHER CONDITIONS:	Sunny	REPORT NO:	112013
CLIENT:	Memorial Park		Page 1 of 2

WE NOTE THE FOLLOWING:

A representative of our firm visited the site on August 1, 2023 to perform evaluations on the structure addition. The City of Flowery Branch Inspection Department requested information on the building components utilized during construction for the structure and evaluations included framing and foundations. The structure consists of a integrated slab on grade and turn-down footings and wood framed walls and roof.

With regards to the framing of the structure, the framing members were spaced on 16-inch centers for the walls and roof supports.

The existing foundation is constructed utilizing a turn-down monolithic slab and footings. The building was constructed on foundations for the support of the building loads.

The strength of the concrete used in the foundation and construction was tested by using a Schmidt Hammer. The hammer measures the rebound of a spring-loaded mass impacting against the surface of the sample. The test hammer will hit the concrete at a defined energy. Its rebound is dependent on the hardness of the concrete and is measured by the test equipment. The measured strength of the footings, walls and slab exceeded 3,000 psi.

As evaluated, the existing foundation is satisfactory for support of the structure and the structure framing is in compliance with International Building Code (IBC) with Georgia 2020 Amendments.



This report has been prepared for the exclusive use of our client and their designees for specific application to this project. Furthermore, we note that the results presented relate only to the items evaluated and/or tested, and variations can be present outside areas that were tested and/or evaluated. As such, no other warranty is expressed or implied. Last, this report shall not be reproduced, except in full, without the written approval of SGC, LLC.

Rodney Clark

Note that by electronic signature above, the SGC personnel confirms that the findings of this report are free from any commercial, financial, or other pressures including trade organizations rules that might adversely affect the independence, judgment, and/or integrity of the results provided.



FIELD EVALUATION REPORT

2660 White Sulphur Road ♦ Gainesville, Georgia 30501 ♦ 770.536.5220 phone ♦ office@southerngeotech.com
14476 Duval Place West ♦ Suite 803 ♦ Jacksonville, Florida 32218 ♦ 904.374.2252

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Page 2 of 2

CONTINUED:



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Rodney Clark

Note that by electronic signature above, the SGC personnel confirms that the findings of this report are free from any commercial, financial, or other pressures including trade organizations rules that might adversely affect the independence, judgment, and/or integrity of the results provided.

Memorial Park South Crematorium

12/15/2021 Received an e-mail from Mr. Sparks Bowers requesting a meeting to discuss adding a crematorium to the funeral home.

12/16/2021 Staff met with Mr. Bowers informing him that by our zoning ordinance a conditional use permit (CUP) would be required if he wishes to pursue building and operating a crematorium.

12/26/2021 Mr. Bowers formally requests a CUP application.

12/28/2021 Application and City Council schedule are sent to Mr. Bowers.

Application is never completed or formally submitted.

XX/XX/2023 Ms. Parish and staff tour the completed crematorium.

02/10/2023 Building plans are submitted to City of Flowery Branch and Hall County Fire Marshall

02/13/2023 Fire Marshall issues the following statement via e-mail:

To follow up with the email sent from Fire Marshal Vieira the Hall County Fire Marshal's office will require the following documents before any plan review and final inspection for occupancy can be completed.

- 1) Crematory zoning approval letter from the City of Flowery, required for review.
- 2) Passing Inspection report from the Georgia State Board of Crematory Licensure or confirmation that an application to the board for licensure has been completed and sent in for review approval.
- 3) 3 sets of architectural drawings for the crematory addition that have been stamped for approval by flowery branch. No digital copies, paper sets required.
- 4) Copy of the building permit issued from the City of Flowery Branch.
- 5) Complete attached plan review submittal form with review fee, make check payable to Hall County Fire Rescue.
- 6) Submit package to the Hall County Fire Marshal's Office at 470 Crescent Dr. Gainesville, Ga. 30501

03/XX/2023 Staff sends e-mail reiterating that a CUP must be acquired, and the building must somehow acquire a certificate of completion/occupancy from Hall County Fire Marshall and the City of Flowery

Branch. Staff is unable to see a clear path on how to satisfy the inspection requirements on a building that was already completed without any inspections.

11/14/2023 Mr. Bowers e-mails City Manager Ms. Parrish and asks what he needs to do to be able to move forward with the crematorium.

Staff send the following e-mail the same day:

...we are talking about two different issues at play here from Flowery Branch's point of view. First off, is the actual physical structure that was never permitted. That needs to be addressed. I'm not sure precisely how this will be handled since the project is completed but a set of plans to begin looking at is definitely a good place to start. Secondly, the use itself requires a conditional use permit through Flowery Branch. I was hopeful that this was not the case, but the code is pretty clear on this. Please let us know if there are any additional questions.

12/08/2023 Conditional Use Permit application is submitted.

Public Hearing Published 12/16/2023
Public Hearing 02/01/2024

First Reading 03/07/2024
Adopted 03/21/2024

ORDINANCE NO. 708

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT (CUP) TO OPERATE A CREMATORY ADDITION ON A PARCEL OF REAL PROPERTY OWNED BY MEMORIAL ESTATE PLANNERS INC, IDENTIFIED AS 4121 FALCON PARKWAY, TAX PARCEL 15044A002023, TOTALING 2.80 +/- ACRES AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, MEMORIAL ESTATE PLANNERS INC owns a parcel of land totaling 2.80 +/- acres identified as Parcel Tax Identification No. 15044A002023, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. Kevin Wetzel, has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting a conditional use permit (CUP); and

WHEREAS, the City Council held a public hearing at the meeting of February 1, 2024 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 HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed conditional use permit request 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 could be used in accordance with the existing regulations and has a reasonable economic use as without the issuance of a conditional use permit however, an alternative use is appropriately considered.

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 generally in conformity with the policy and intent of the comprehensive plan including 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 a development with or without a conditional use permit.
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 issuance of a conditional use permit on the character of a zoning district.
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. APPROVAL OF CUP AND LEGAL DESCRIPTIONS.

A conditional use permit to operate a self-storage facility is hereby granted for the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, subject to the conditions 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 March 21st, 2024.

SECTION 6. REPEALER.

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

Approved this March 21st, 2024.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

Ted C. Baggett, City Attorney

Exhibit "A"

point of beginning.

Tract 2 (2.800 acres):

To find the true point of beginning, begin at a ½" rebar set on the easterly right of way of U.S. Highway 23 (60' ROW), which rebar is South 22° 16' 31" West 1704.00' from the centerline intersection of U.S. Highway 23 and Pauline Drive, thence South 21° 56' 58" West 238.93'; thence a curve with a radius of 4054.91', an arc length of 611.07' and a chord bearing South 19° 57' 59" West 610.49' to a ½" rebar set on the easterly right of way of U.S. Highway 23, which is THE TRUE POINT OF BEGINNING; thence South 75° 34' 58" East 609.73' to a ½" rebar set; thence South 17° 03' 44" West 199.98' to a ½" rebar set; thence North 75° 34' 58" West 609.73' to a ½" rebar set on the easterly right of way of U.S. Highway 23, thence along said right of way a curve with a radius of 4054.91', an arc length of 200.00' and a chord bearing North 17° 03' 44" East 199.98' to THE TRUE POINT OF BEGINNING.

Exhibit "C"

1. Acquire a building permit with all required approvals.
2. Acquire a certificate of occupancy from both the City of Flowery Branch and the Hall County Fire Marshall's office.