



**City of Flowery Branch
City Council Meeting
Thursday, March 21, 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:

NEW BUSINESS -WORK SESSION:

- Discussion Concerning Micro Brewery and Distillery Uses in the Central Business District (CBD).
[Brewery_ Permissible Use Request.pptx](#)
- Consideration of a Contract for Early Works Package Amendment to the CMAR Contract with Archer Western Construction.
[Executive Summary - Archer Western Early Works Packages.pdf](#)
[Flowery Branch WRF Early Works GMP Rev.1 - 3-14-24.pdf](#)
- Consideration of Awarding the Road Resurfacing Improvements Project Contract to the Low Bidder, Baldwin Paving Company, Inc., in the Amount of \$1,645,269.
[Executive Summary - Recommendation of Award Road Paving.pdf](#)
[Bid Tabulation - Road Resurfacing Improvements - 11x17.pdf](#)
[00621 - NOTICE OF AWARD - Road Resurfacing Improvements.pdf](#)
[2024.02.09 - Flowery Branch Paving Map.pdf](#)
- Consideration of Awarding a Contract for Construction of a 12" Water Transmission Main to Civil Construction & Utilities, LLC.
[Executive Summary - Award 12 Water Main to Civil.pdf](#)
[00621 - NOTICE OF AWARD water transmission.pdf](#)
[Bid Tabulation FB water transmission.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 March 7, 2024 City Council Meeting Minutes
[Unofficial March 7, 2024 City Council Meeting Minutes.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](#)
[2024.02.29-Concept-220442.pdf](#)
[Ordinance 706 – Annexation to Piedmont Residential at 5170 Church Street.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](#)
[2024.02.29-Concept-220442.pdf](#)
[Church Street - Renderings 02-29-2024.pdf](#)
[Ordinance 707 – Rezoning to Piedmont Residential at 5170 Church Street.pdf](#)
- Consider Second 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](#)

NEW BUSINESS - VOTING SESSION:

- Consider Ordinance 709 - Adoption of the City of Flowery Branch Zoning Map.
[FlBr_OfficialZoningMap_Mar2024.pdf](#)
[Replacement of Official Zoning Map 1 18 24.pdf](#)
- Consideration of a Contract for Early Works Package Amendment to the CMAR Contract with Archer Western Construction.
[Executive Summary - Archer Western Early Works Packages.pdf](#)
[Flowery Branch WRF Early Works GMP Rev.1 - 3-14-24.pdf](#)
- Consideration of Awarding the Road Resurfacing Improvements Project Contract to the Low

Bidder, Baldwin Paving Company, Inc., in the Amount of \$1,645,269.

[Executive Summary - Recommendation of Award Road Paving.pdf](#)

[Bid Tabulation - Road Resurfacing Improvements - 11x17.pdf](#)

[00621 - NOTICE OF AWARD - Road Resurfacing Improvements.pdf](#)

[2024.02.09 - Flowery Branch Paving Map.pdf](#)

- Consideration of Awarding a Contract for Construction of a 12” Water Transmission Main to Civil Construction & Utilities, LLC.

[Executive Summary - Award 12 Water Main to Civil.pdf](#)

[00621 - NOTICE OF AWARD water transmission.pdf](#)

[Bid Tabulation FB water transmission.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: Discussion Concerning Micro Brewery and Distillery Uses in the Central Business District (CBD).

COUNCIL MEETING DATE: March 21, 2024

HISTORY:

FACTS AND ISSUES:

Presentation from "Time & Place Brewing". Time & Place is interested in the old cabinet shop owned by Mr. Hobgood. The parcel was rezoned from M-1 (Light Industrial) to Central Business District (CBD) in October of 2021. They would like to discuss the proposed use of a micro brewery and distillery at this location. Micro brewery is an allowed use in CBD but distillery is not. Currently, "micro brewery" is not defined in the zoning ordinance but the zoning ordinance states the following:

Sec. 2.7. - Use of Words and Phrases.

For the purpose of this Ordinance, the following shall apply to the use of words and phrases:

(a) If a term is not defined in this ordinance the Zoning Administrator shall use the common definition of said term as presented in the New Oxford American Dictionary, 3rd Edition or later.

Oxford definition:

a small brewery that often sells its beer there or only locally

a microbrewery with a capacity of about 12,000 barrels a year

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Discussion only

SAMPLE MOTION:

No Motion - presentation only.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [Brewery_ Permissible Use Request.pptx](#)

TIME & PLACE BREWING

IF THERE'S A TIME AND PLACE FOR
EVERYTHING, LET THIS BE IT.



Founders & Our Philosophy



We are Josh Roberts and Adam Fiddler.

Josh is a 4th generation Flowery Branch native who thrives creating and helping businesses grow; Adam makes award winning beer.

Together, we want to build a family friendly and welcoming brewery for our growing community to enjoy.

Our Philosophy revolves around craftsmanship and community. We believe in the artistry of brewing exceptional craft beverages while fostering a welcoming environment that cultivates community and creates lasting memories.

Our Mission Statement + Goal

Our Mission:

At Time and Place Brewing, our mission is to create an unparalleled taproom experience that fosters community, entertainment and memorable moments.

We achieve this by crafting high-quality beverages, offering a welcoming space for all, and cultivating a vibrant culture for our employees.

Our Goal:

Our commitment to affordability, expense management, and strategic marketing ensures our goal of geographic expansion by Year 5, while aiming for profitability in Year 1.

Presentation overview

1. Context, Problem, our Ask
2. What is a modern brewery?
3. Our vision for Flowery Branch
4. Legal obstacles we need help with
5. Our detailed request

Context, Problem, and Ask

Over the past year, we consulted with >10 Metro Atlanta brewery owners and industry lawyers to develop our business plan

Selling cocktails alongside beer is crucial for success, necessitating both a brewery and distillery license.

Unfortunately, the municipal zone (CBD) within which our desired building resides does not permit this as an allowed use at this time.

*** 30% of Flowery Branch citizens surveyed said *non-beer alcohol* is preferred beverage at a “brewery”.

What is a Modern 'Brewery'?

Consumers expect the following from breweries today:

- Beer variety: Various styles and types
- Non-beer alcoholic beverages: Pre-mixed cocktails, Seltzers, and Ciders
- Entertainment: TV broadcasting sporting events, Live music, Games, and kid-friendly games and play areas
- Hot, quality food

Google review praising NoFo's cocktails



Neil Natic

Local Guide · 1,003 reviews · 1,227 photos

★★★★★ a month ago

Great brewery with a nice little outside space. Beers are solid and a style for anyone. They also distill / serve cocktails for those that don't prefer beers.

The inside space is really nice and the outdoor space has plenty of covered and uncovered seating.

Google review outlining Stillfire amenities



Susanna Wildermuth

Local Guide · 90 reviews · 62 photos

★★★★★ a year ago

This is Suwanee's old fire station. The mother's day beer was really nice! It was a strawberry flavor. My husband wasn't impressed but he's super picky. They have a great family friendly, pet friendly set up. Includes a **play area**, indoor /outdoors seating, live music on occasion, and they have food trucks come out.

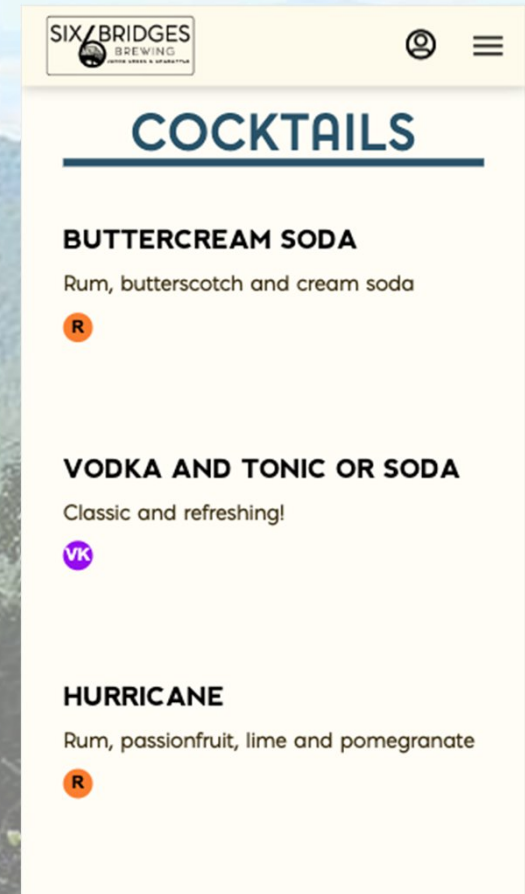
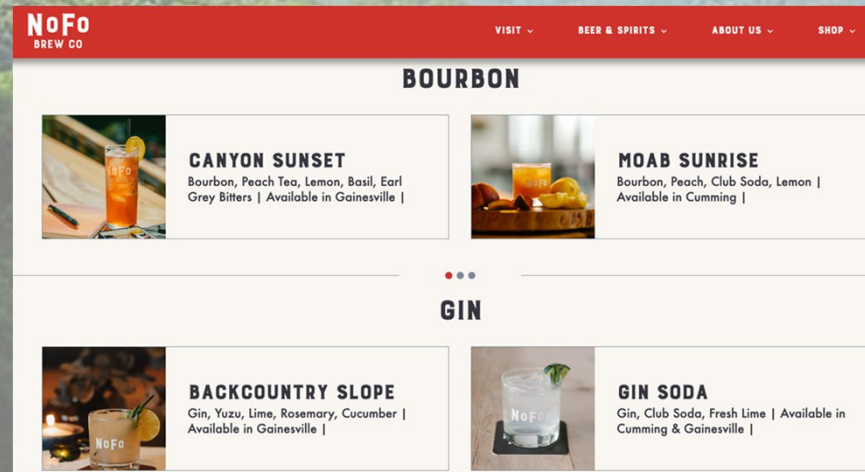
Example cocktail from Stillfire:



Liked by firemakerbeer and 95 others
stillfirebrewing Introducing our new, deliciously crafted Old Fashioned Cocktail! Made with our finest aged whiskey, this blend offers a symphony of vanilla, caramel, and oak character. Sweetened with sugar, infused with orange bitters, poured over ice, and crowned with a cherry

What nearby breweries sell cocktails?

StillFire, Jekyll, NoFo, and Six Bridges all serve cocktails this way, and are all within ~20 miles of Flowery Branch.



Other GA breweries utilizing a distillery license to produce and sell cocktails



ELSEWHERE
BREWING



*** Our attorney, and board member of the Craft Brewers Guild of Georgia, helped compile this list that is growing weekly.

Our Vision for Flowery Branch

- **Family friendly** is number one
- High **quality** beer and cocktails
- Cultivate a **vibrant downtown experience**
- Collaborate with local **food vendors** (Nick St. Clair of Antebellum)



Large playground



Lights for nighttime gatherings



Blow Up screen and projector for gameday



Corn hole and other outdoor games

License Requirements

In order to sell cocktails as a brewery in GA, you have **two options**:



OPTION 1:

Leverage a **Distillery** License

OPTION 2:

Leverage a **Brewpub** License

Brewpub limitations:

1. **Half** of revenue must come from food
 - a. We have no prior experience in restaurants
 - b. We want to support local restaurants and our community
 - c. We have an agreement with Nick St. Clair (Antebellum) to provide food for our patrons
2. **Cap on beer production**
 - a. Direct limit on our revenue potential, and chances of startup success

Why a Combo is Best For Flowery Branch

1. Drive more consumer traffic, and economic impact downtown

- a. By offering more beverage options, we can attract more of our target audience (young families) to our brewery, and the downtown area
- b. 30% of survey respondents said non-beer alcohol is their preferred beverage

2. Support local restaurants

- a. By not creating our own restaurant (i.e brewpub) we will support new and existing local kitchens

3. Establish a sought after destination for families

"I feel like a lot of places here in flowery branch stick to what they know and don't step out of their comfort zones. I always swore I wouldn't be the parent to take their kids to a brewery but if you had a place where kids could come and have fun and parents could also enjoy themselves, that'd be really cool."

"Atmosphere of a local neighborhood gathering place. Comfortable and relaxed. Recognition for those of us that live here and will support you all year round. All week round."

"The ability to bring the family would make it more likely we would visit. I.e. games or things for the kids to play with"

"Please open a brewery that has a closed in playground or kids area! It's so nice to have adult time while the kids play! Stillfire, Tequila Mama, etc are our favorite places because of that option."

Our Ask

1. **Update municipal codes to:**
 - a. Define what a “micro brewery” is (current term used in codes), and the parameters within which a “micro brewery” must operate
2. **Allow distillery as permitted use for breweries in this zone with this property**
 - a. We are happy to negotiate any additional requirements such as must also be a brewery similar to Suwanee, GA. [See section 6.2 \(b\) \(3\) \(a.\)](#)

Artist rendering of remodel



Building today



Thank you!

We sincerely appreciate you taking the time to listen, and help us fulfill our dreams to build our business and serve our community.

Josh (678) 313-0257 josh.roberts38@gmail.com

&

Adam (678) 313-8372 AdamKFiddler@gmail.com



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consideration of a Contract for Early Works Package Amendment to the CMAR Contract with Archer Western Construction.

COUNCIL MEETING DATE: March 21, 2024

HISTORY:

The City of Flowery Branch engaged Archer Western as the CMAR for the Flowery Branch water reclamation facility (WRF) expansion to expand the WRF. During the design of the WRF expansion additional facility needs were identified as urgent repair/replacement/modification needs. These items related to the dewatering system and equalization tank were moved into an early works construction package as they were not part of the original expansion scope and have a more urgent implementation need.

FACTS AND ISSUES:

The construction manager at risk role was originally advertised via a request for proposal (RFP) process and included an interview phase for all proposers. A total of four reputable and experienced firms proposed for the CMAR role. Using the provided proposals, interviews, and contractor provided cost markup sheet the best value CMAR was identified to be Archer Western Construction (AW). AW has worked with the engineering design firm, ESG Engineering, Inc., to get to the 80% Design and GMP milestone which was achieved on March 18th. The current CMAR contract with AW included early phase support with an understanding that amendments would be needed to be made for the construction support portion of the project. For the early works package the scope of work includes a new dewatering belt filter press, solids conveyors, canopy, concrete paving, and associated electrical work. In addition to the dewatering components, it also includes new aeration and mixing equipment in the Equalization Tank and the associated electrical work. AW has provided a Lump Sum guaranteed maximum price (LS GMP) to complete the early works package. All equipment included in this effort went through a proposal process to selection the best value for the City of Flowery Branch. This work will begin immediately upon contract execution and is scheduled to be finished by the middle of February 2025 due to equipment lead times.

OPTIONS:

The funding for this project is approximately \$900,000 from American Rescue Plan Act (ARPA) funds and \$1,565,430 from the Water and Wastewater Enterprise Fund's system development charges.

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

No

AMOUNT AND SOURCE OF FUNDS:

\$2,656,430 - ARPA & SDC

RECOMMENDATION:

Consider authorizing a contract modification with Archer Western Construction as the construction manager at risk services for the construction of the Flowery Branch Wastewater Treatment Plant Expansion (WWTP) for the early works Dewatering and Equalization Tank modifications.

SAMPLE MOTION:

I make a motion to approve the early works package Guaranteed Maximum Price (GMP) of \$2,656,430.00 and approve entering into a contract amendment to the existing CMAR contract with Archer Western.

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Archer Western Early Works Packages.pdf](#)
- [Flowery Branch WRF Early Works GMP Rev.1 - 3-14-24.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Early Works Package Amendment to the CMAR contract with Archer Western Construction.

DATE: March 14, 2024

BUDGET INFORMATION:

ANNUAL-

CAPITAL- \$2,656,430

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

☐ **STATUS REPORT**

☐ **OTHER**

COUNCIL ACTION REQUESTED ON: March 21, 2024

PURPOSE: Consider authorizing a contract modification with Archer Western Construction as the construction manager at risk services for the construction of the Flowery Branch Wastewater Treatment Plant Expansion (WWTP) for the early works Dewatering and Equalization Tank modifications.

HISTORY: The City of Flowery Branch engaged Archer Western as the CMAR for the Flowery Branch water reclamation facility (WRF) expansion to expand the WRF. During the design of the WRF expansion additional facility needs were identified as urgent repair/replacement/modification needs. These items related to the dewatering system and equalization tank were moved into an early works construction package as they were not part of the original expansion scope and have a more urgent implementation need.

FACTS AND ISSUES: The construction manager at risk role was originally advertised via a request for proposal (RFP) process and included an interview phase for all proposers. A total of four reputable and experienced firms proposed for the CMAR role. Using the provided proposals, interviews, and contractor provided cost markup sheet the best value CMAR was identified to be Archer Western Construction (AW). AW has worked with the engineering design firm, ESG Engineering, Inc., to get to the 80% Design and GMP milestone which was achieved on March 18th. The current CMAR contract with AW included early phase support with an understanding that amendments would be needed to be made for the construction support portion of the project. For the early works package the scope of work includes a new dewatering belt filter press, solids conveyors, canopy, concrete paving, and associated electrical work. In addition to the dewatering components, it also includes new aeration and mixing equipment in the Equalization Tank and the associated electrical work. AW has provided a Lump Sum guaranteed maximum price (LS GMP) to complete the early works package. All equipment included in this effort went through a proposal process to selection the best value for the City of Flowery Branch. This work will begin immediately upon contract execution and is scheduled to be finished by the middle of February 2025 due to equipment lead times.

The funding for this project is approximately \$900,000 from American Rescue Plan Act (ARPA) funds and \$1,565,430 from the Water and Wastewater Enterprise Fund's system development charges.

OPTIONS: Approve or Deny

RECOMMENDED SAMPLE MOTION: I make a motion to approve the early works package Guaranteed Maximum Price (GMP) of \$2,656,430.00 and approve entering into a contract amendment to the existing CMAR contract with Archer Western.

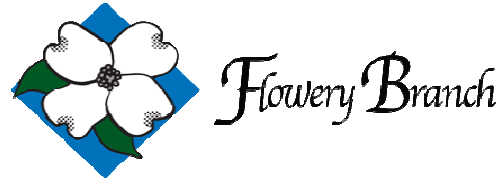
DEPARTMENT: Administration

Prepared by: Tonya D. Parrish



DATE: 3/14/2024

** Early Works GMP Rev.1 **			
DESCRIPTION	QTY	UN	TOTAL COST
MOBILIZATION	1	LS	\$15,000
FACILITY 700 - EXISTING SOLIDS DEWATERING	1	LS	\$1,193,100
FACILITY 310 - EXISTING EQ TANK	1	LS	\$586,932
ALLOWANCES AND UNIT PRICE WORK	1	LS	\$199,190
Total Direct Construction Cost (A)			\$1,994,222
Contingency - CMAR			\$99,711
Contingency - Owner			\$99,711
Subtotal Contingencies (B)			\$199,422
Taxes			included
Liability Insurance			\$24,631
Builder's Risk Insurance			\$13,684
Bond			\$19,615
Subtotal Construction Support Costs (C)			\$57,930
Subtotal A+B+C			\$2,251,574
CMAR Fee (8%)			\$180,126
Subtotal CMAR Fee (D)			\$180,126
General Conditions (9.5%)			\$224,730
Subtotal General Conditions (E)			\$224,730
TOTAL ESTIMATED CONSTRUCTION COST (A+B+C+D+E)			\$2,656,430



DATE: 03/14/2024
Early Works GMP Rev.1



BID ITEM	DESCRIPTION	QTY	UN	LABOR COST	MATERIAL COST	DIRECT SUB COST	EQUIPMENT COST	TOTAL COST	TOTAL PROJECT COST
0.0 MOBILIZATION		1	LS	\$ -	\$ -	\$ -	\$ 15,000	\$ 15,000	15,000
		1	LS				\$15,000	\$15,000	\$15,000
FACILITY 700 - EXISTING SOLIDS DEWATERING									
1.1 - DEMOLITION									
	Demo Existing Press & Conveyor	1	LS	\$ 9,800			\$ 3,580	\$ 13,380	13,380
	Demo Existing Dewatering Canopy	1	LS	\$ 1,423		\$ 642	\$ 448	\$ 2,513	2,513
	Demo Existing 8" Sludge Line	1	LS	\$ 4,282	\$ 313	\$ 1,161	\$ 428	\$ 6,184	6,184
	Misc. Demo and Cleaning In Filter Building	1	LS	\$ 795				\$ 795	795
1.2 - CONCRETE									
	Site Concrete in front of Filter Press Building	175	CY	\$ 90,293	\$ 83,815	\$ 34,300	\$ 15,139	\$ 223,547	223,547
	Concrete Dumpster Pads	35	CY	\$ 18,059	\$ 16,763	\$ 6,860	\$ 3,028	\$ 44,710	44,710
1.3 - METALS									
	Preengineered Metal Canopy for Dumpster	1	LS			\$ 105,401	\$ 2,400	\$ 107,801	107,801
	Dumpster Skid Plates	4	EA	\$ 1,762	\$ 17,499		\$ 605	\$ 19,865	19,865
	New Belt Filter Press Access Platform (MATERIALS W PRESS)	1	EA	\$ 3,523			\$ 1,209	\$ 4,732	4,732
1.4 - FINISHES									
	Coating of Preengineered Canopy	1	LS			\$ 15,000		\$ 15,000	15,000
1.5 - EQUIPMENT									
	Purchase & Install New Belt Filter Press W PLATFORM	1	LS	\$ 12,801	\$ 637,780	\$ 2,343	\$ 5,888	\$ 658,812	658,812
	Purchase & Install New Transitional Belt Press	1	LS	\$ 8,330	\$ 3,579		\$ 3,627	\$ 15,536	15,536
	Purchase & Install Loading Conveyor (Horizontal)	1	LS	\$ 7,350	\$ 4,114		\$ 3,627	\$ 15,091	15,091
1.6 - ELECTRICAL									
		1	LS	\$ -	\$ -	\$ 28,258	\$ -	\$ 28,258	28,258
1.7 - COMMUNICATIONS									
		1	LS	\$ -	\$ -	\$ -	\$ -	\$ -	-
1.8 - PROCESS PIPING									
		1	LS				\$ -	\$ -	-
	Purchase & Install Sludge Feed Piping			\$ 4,179	\$ 5,350		\$ 2,418	\$ 11,947	11,947
	Purchase & Install Drain Piping			\$ 1,600	\$ 2,140		\$ 1,100	\$ 4,840	4,840
1.9 - AW SET-UP OF TEMP. BELT PRESS(PIPING)									
		1	LS	\$ 5,880	\$ 6,206	\$ 8,004	\$ -	\$ 20,091	20,091
FACILITY 700 - EXISTING SOLIDS DEWATERING TOTAL		1	LS	\$170,077	\$777,559	\$201,969	\$43,496	\$1,193,100	\$1,193,100
FACILITY 310 - EXISTING EQ TANK									
2.1 - DEMOLITION									
	Demo Existing Aerators & Mixer	1	LS				\$ -	\$ -	-
	Misc. Demo & Cleaning	1	LS	\$ 10,614	\$ 1,000		\$ 8,848	\$ 20,462	20,462
		1	LS	\$ 795	\$ 500			\$ 1,295	1,295
2.2 - CONCRETE									
	Concrete Pads for Aerators & Mixer	25	CY	\$ 25,767	\$ 25,223	\$ 6,413	\$ 4,352	\$ 61,754	61,754
2.5 - EQUIPMENT									
	Purchase & Install Aeration & Mixing Equipment (incl.misc anchors, concrete,etc)	1	LS	\$ 31,843	\$ 232,835	\$ 1,050	\$ 37,534	\$ 303,262	303,262
2.6 - ELECTRICAL									
		1	LS	\$ -	\$ -	\$ 200,158	\$ -	\$ 200,158	200,158
FACILITY 310 - EXISTING EQ TANK TOTAL		1	LS	\$69,020	\$259,558	\$207,621	\$50,734	\$586,932	\$586,932

ALLOWANCES AND UNIT PRICE WORK													
3.3 - MOBILIZE TEMP BELT FILTER PRESS	1 LS	\$	-	\$	12,840	\$	-	\$	-	\$	12,840	\$	12,840
3.4 - MONTHLY RENTAL TEMP FILTER PRESS	3 MO	\$	-	\$	80,250	\$	-	\$	-	\$	80,250	\$	80,250
3.5 - BELT PRESS OPERATOR	300 HR	\$	-	\$	-	\$	56,100	\$	-	\$	56,100	\$	56,100
4.0 - EQ CLEANING & MATERIAL REMOVAL ALLOWANCE	1 LS	\$	-	\$	-	\$	50,000	\$	-	\$	50,000	\$	50,000
ALLOWANCES AND UNIT PRICE WORK TOTAL		1 LS		\$93,090		\$106,100				\$199,190		\$199,190	

Subtotal Cost of the Work: Direct Costs (A)	\$239,097	\$1,130,207	\$515,689	\$109,230	\$1,994,222	\$1,994,222
Contingencies (B)						
Contingency A (CMAR) -5%	\$	99,711				
Contingency B (Owner) -5%	\$	99,711				
Subtotal Contingencies (B)	\$	199,422		\$	199,422	\$ 199,422
Subtotal Direct Costs + Contingencies (A+B)				\$	2,193,644	\$ 2,193,644
Construction Support Costs (C)						
Taxes		included				
Liability Insurance	\$	24,631				
Builder's Risk Insurance	\$	13,684				
Bond	\$	19,615				
Subtotal Support Costs (C)	\$	57,930		\$	57,930	\$ 57,930
Subtotal A+B+C					\$	2,251,574
CMAR Fee (D)						
CMAR Fee (8% of A+B+C)	\$	180,126				
Subtotal CMAR Fee (D)	\$	180,126		\$	180,126	\$ 180,126
General Conditions (E)						
General Conditions (9.5% of A+B+C)	\$	224,730				
Subtotal General Conditions (E)	\$	224,730		\$	224,730	\$ 224,730
Total Estimated Construction Cost (A+B+C+D+E)						\$2,656,430



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consideration of Awarding the Road Resurfacing Improvements Project Contract to the Low Bidder, Baldwin Paving Company, Inc., in the Amount of \$1,645,269.

COUNCIL MEETING DATE: March 21, 2024

HISTORY:

The City obtained \$193,419 in funding via the Local Maintenance & Improvement Grant (LMIG) grant funding program, which is administered by the Georgia Department of Transportation and provides funding to local governments for the purposes of constructing roadway improvements. To facilitate the selection of roads for paving, the City engaged ESG Engineering to perform a City-wide roadway/pavement assessment through the use third-party proprietary artificial intelligence technology. After reviewing the results of the assessment, the City identified roads in need of resurfacing based on physical pavement deterioration and criticality/traffic usage.

The City then engaged ESG Engineering to design a road paving/resurfacing improvements project for the selected local streets. After obtaining geotechnical surface and sub-surface data, ESG Engineering specified the resurfacing improvements and provided a contract to procure a qualified contractor for constructing the project. Bids were publicly advertised in accordance with State law, and bids were opened at City Hall on March 7th. Baldwin Paving Company, Inc., was the low bidder with a total bid amount of \$1,645,269.00.

FACTS AND ISSUES:

ESG Engineering recommends awarding the project to the low bidder, Baldwin Paving Company, Inc., at the low bid price of \$1,645,269.00. However, given the City's \$2.5M budget and the low bidder's pricing, the City may choose to identify additional roads to be included in the project. Should the City choose to do so, those roads may be added to the project via contract change order, though contract time will likely need to be increased to account for the additional work.

The contract Notice of Award is provided for approval by Council. Should Council approve and award the project to Baldwin Paving Company, Inc., ESG Engineering will engage the contractor to sign contract documents and secure necessary items such as bonds.

OPTIONS:

1) Award the Contract or 2) Do Not Award the Contract

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$1,645,269 Local Resources Fund

RECOMMENDATION:

Award a paving contract to Baldwin Paving Company, Inc. in the Amount of \$1,645,269.

SAMPLE MOTION:

I make a motion to award the Road Resurfacing Improvements Project contract to the low bidder, Baldwin Paving Company, Inc., in the amount of \$1,645,269.

COLLABORATING DEPARTMENT:

Public Works

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Recommendation of Award Road Paving.pdf](#)
- [Bid Tabulation - Road Resurfacing Improvements - 11x17.pdf](#)
- [00621 - NOTICE OF AWARD - Road Resurfacing Improvements.pdf](#)
- [2024.02.09 - Flowery Branch Paving Map.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Recommendation of Award for Road Resurfacing Improvements Contract

DATE: March 21, 2024

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL-

☐ **OTHER**

CAPITAL- \$1,645,269.00

COUNCIL ACTION REQUESTED ON: March 21, 2024

PURPOSE: To award the City's Road Resurfacing Improvements construction contract to a responsible, responsive bidder.

HISTORY: The City obtained \$193,419 in funding via the Local Maintenance & Improvement Grant (LMIG) grant funding program, which is administered by the Georgia Department of Transportation and provides funding to local governments for the purposes of constructing roadway improvements. To facilitate the selection of roads for paving, the City engaged ESG Engineering to perform a City-wide roadway/pavement assessment through the use third-party proprietary artificial intelligence technology. After reviewing the results of the assessment, the City identified roads in need of resurfacing based on physical pavement deterioration and criticality/traffic usage.

The City then engaged ESG Engineering to design a road paving/resurfacing improvements project for the selected local streets. After obtaining geotechnical surface and sub-surface data, ESG Engineering specified the resurfacing improvements and provided a contract to procure a qualified contractor for constructing the project. Bids were publicly advertised in accordance with State law, and bids were opened at City Hall on March 7th. Baldwin Paving Company, Inc., was the low bidder with a total bid amount of \$1,645,269.00.

FACTS AND ISSUES: ESG Engineering recommends awarding the project to the low bidder, Baldwin Paving Company, Inc., at the low bid price of \$1,645,269.00. However, given the City's \$2.5M budget and the low bidder's pricing, the City may choose to identify additional roads to be included in the project. Should the City choose to do so, those roads may be added to the project via contract change order, though contract time will likely need to be increased to account for the additional work.

The contract Notice of Award is provided for approval by Council. Should Council approve and award the project to Baldwin Paving Company, Inc., ESG Engineering will engage the contractor to sign contract documents and secure necessary items such as bonds.

OPTIONS: 1) Award the Contract or 2) Do Not Award the Contract

RECOMMENDED SAMPLE MOTION: I make a motion to award the Road Resurfacing Improvements Project contract to the low bidder, Baldwin Paving Company, Inc., in the amount of \$1,645,269.00.

DEPARTMENT: Administration

Prepared by: Tonya D. Parrish

BID TABULATION FOR ALL BIDS
RECEIVED AT THE CITY OF FLOWERY BRANCH
ON THURSDAY, MARCH 7, 2024 AT 2:00 PM

ESG Engineering
6400 Peake Road
Macon, Georgia 31210

PROJECT:
ROAD RESURFACING IMPROVEMENTS
Project #F0002.013

BIDDERS:

Baldwin Paving Co. Inc 1014 Kenmill Dr. N.W. Marietta, GA 30060	Sunbelt Asphalt 1410 Sunbelt Way Auburn, GA 30011	Stewart Brothers 2480 Pleasantdale Road Doraville, GA 30340	Allied Paving PO Box 509 Pendergrass, GA 30567	Vertical Earth 6025 Matt Highway Cumming, GA 30028	East Coast Grading 1111 Commerce Drive Madison, GA 30650	ER Snell Construction 1785 Oak Road Snellville, GA 30078	Summit Construction & Development I 2108 Bentley Drive Stone Mountain, GA 30087	Garrett Paving Company, INC 1195 Winterville Road Athens, GA 30605
---	---	---	--	--	--	--	---	--

A. BASE BID

ITEM NO.	QTY.	UNIT	DESCRIPTION	PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
SECTION 100 - PAVING IMPROVEMENTS																					
100	85,000	SY	Variable Depth Milling of Asphaltic Concrete Pavement	\$ 2.49	\$ 208,250.00	\$ 2.80	\$ 238,000.00	\$ 2.46	\$ 209,100.00	\$ 3.25	\$276,250.00	\$ 3.03	\$ 257,905.80	\$ 5.00	\$ 425,000.00	\$ 2.55	\$ 216,750.00	\$ 5.00	\$ 425,000.00	\$ 6.00	\$ 510,000.00
101	200	TN	Recycled Asphalt Leveling Course	\$ 155.00	\$ 31,000.00	\$ 150.00	\$ 30,000.00	\$ 146.85	\$ 29,370.00	\$ 175.00	\$35,000.00	\$ 169.17	\$ 33,833.54	\$ 133.00	\$ 26,600.00	\$ 240.85	\$ 48,170.00	\$ 165.00	\$ 33,000.00	\$ 129.00	\$ 25,800.00
102	1,300	TN	Asphaltic Concrete Open-Graded Interlayer (OGI)	\$ 164.00	\$ 213,200.00	\$ 144.00	\$ 187,200.00	\$ 162.73	\$ 211,549.00	\$ 160.00	\$208,000.00	\$ 203.50	\$ 264,550.00	\$ 145.00	\$ 188,500.00	\$ 172.00	\$ 223,600.00	\$ 140.00	\$ 182,000.00	\$ 133.00	\$ 172,900.00
103	3,600	TN	9.5 mm "Type II" Asphalt Overlay	\$ 84.00	\$ 302,400.00	\$ 141.00	\$ 507,600.00	\$ 149.21	\$ 537,156.00	\$ 140.00	\$ 504,000.00	\$ 159.47	\$ 574,094.89	\$ 131.00	\$ 471,600.00	\$ 141.00	\$ 507,600.00	\$ 132.00	\$ 475,200.00	\$ 136.00	\$ 489,600.00
104	3,500	TN	12.5 mm Asphalt Overlay	\$ 127.50	\$ 446,250.00	\$ 132.00	\$ 462,000.00	\$ 132.61	\$ 464,135.00	\$ 135.00	\$ 472,500.00	\$ 111.58	\$ 390,516.88	\$ 130.00	\$ 455,000.00	\$ 124.80	\$ 436,800.00	\$ 129.00	\$ 451,500.00	\$ 137.00	\$ 479,500.00
105	440	SY	Full-Depth Pavement Repair (incl. demo & removal of ex. pavement & subgrade, compaction, 8" GAB, 2.5" asphalt binder course, and 1.5" asphalt surface course	\$ 209.75	\$ 92,290.00	\$ 102.00	\$ 44,880.00	\$ 203.50	\$ 89,540.00	\$ 125.00	\$ 55,000.00	\$ 135.19	\$ 59,485.52	\$ 150.00	\$ 66,000.00	\$ 111.50	\$ 49,060.00	\$ 120.00	\$ 52,800.00	\$ 300.00	\$ 132,000.00
106	6	EA	Remove & Replace Existing 6x40 Signal Loop	\$ 2,000.00	\$ 12,000.00	\$ 3,195.00	\$ 19,170.00	\$ 2,266.00	\$ 13,608.00	\$ 3,250.00	\$ 19,500.00	\$ 3,465.00	\$ 20,790.00	\$ 2,940.00	\$ 17,640.00	\$ 2,330.00	\$ 13,980.00	\$ 4,500.00	\$ 27,000.00	\$ 12,500.00	\$ 75,000.00
107	5	EA	Remove & Replace Existing 6x6 Signal Setback Loop	\$ 1,000.00	\$ 5,000.00	\$ 1,515.00	\$ 7,575.00	\$ 1,404.00	\$ 7,020.00	\$ 3,250.00	\$ 16,250.00	\$ 2,062.50	\$ 10,312.50	\$ 1,920.00	\$ 9,600.00	\$ 1,110.00	\$ 5,550.00	\$ 1,500.00	\$ 22,500.00	\$ 8,900.00	\$ 42,500.00
108	23	EA	Adjust Existing Valve Box to Final Grade	\$ 1,350.00	\$ 31,061.50	\$ 300.00	\$ 6,900.00	\$ 250.00	\$ 5,750.00	\$ 3,805.00	\$ 87,515.00	\$ 2,500.00	\$ 57,500.00	\$ 2,510.00	\$ 57,730.00	\$ 5,140.00	\$ 118,220.00	\$ 1,250.00	\$ 28,750.00	\$ 8,500.00	\$ 195,500.00
109	5	EA	Adjust Existing Manhole/Structure Top to Final Grade	\$ 4,919.00	\$ 24,595.00	\$ 750.00	\$ 3,750.00	\$ 350.00	\$ 1,750.00	\$ 4,355.00	\$ 21,775.00	\$ 2,500.00	\$ 12,500.00	\$ 6,195.00	\$ 30,975.00	\$ 7,240.00	\$ 36,200.00	\$ 1,800.00	\$ 9,000.00	\$ 8,500.00	\$ 42,500.00
110	22,000	LF	Solid Traffic Stripe, 5" - Yellow High-Build Paint	\$ 0.50	\$ 11,000.00	\$ 1.00	\$ 22,000.00	\$ 0.54	\$ 11,880.00	\$ 0.65	\$ 14,300.00	\$ 0.29	\$ 6,292.00	\$ 0.60	\$ 13,200.00	\$ 0.56	\$ 12,320.00	\$ 0.50	\$ 11,000.00	\$ 1.00	\$ 22,000.00
111	23,000	LF	Solid Traffic Stripe, 5" - White High-Build Paint	\$ 0.50	\$ 11,000.00	\$ 1.00	\$ 23,000.00	\$ 0.54	\$ 12,420.00	\$ 0.65	\$ 14,950.00	\$ 0.29	\$ 6,578.00	\$ 0.60	\$ 13,800.00	\$ 0.56	\$ 12,880.00	\$ 0.50	\$ 11,500.00	\$ 1.00	\$ 23,000.00
112	400	LF	Skip Traffic Stripe, 5" - Yellow High-Build Paint	\$ 0.35	\$ 140.00	\$ 1.00	\$ 400.00	\$ 0.38	\$ 151.20	\$ 0.45	\$ 180.00	\$ 0.50	\$ 198.00	\$ 0.60	\$ 240.00	\$ 0.39	\$ 156.00	\$ 0.35	\$ 140.00	\$ 1.00	\$ 400.00
113	10,500	LF	Skip Traffic Stripe, 5" - White High-Build Paint	\$ 0.35	\$ 3,675.00	\$ 1.00	\$ 10,500.00	\$ 0.80	\$ 3,969.00	\$ 0.45	\$ 4,725.00	\$ 0.22	\$ 2,310.00	\$ 0.60	\$ 6,300.00	\$ 0.39	\$ 4,095.00	\$ 0.35	\$ 3,675.00	\$ 1.00	\$ 10,500.00
114	600	LF	Stop Bar, 24" - White High-Build Paint	\$ 3.50	\$ 2,100.00	\$ 4.00	\$ 2,400.00	\$ 3.78	\$ 2,268.00	\$ 4.55	\$ 2,730.00	\$ 4.29	\$ 2,574.00	\$ 1.50	\$ 900.00	\$ 3.90	\$ 2,340.00	\$ 3.50	\$ 2,100.00	\$ 4.00	\$ 2,400.00
115	2,000	SY	Median Hatching - Yellow High-Build Paint	\$ 3.50	\$ 7,000.00	\$ 4.00	\$ 8,000.00	\$ 3.78	\$ 7,560.00	\$ 4.55	\$ 9,100.00	\$ 4.99	\$ 9,988.00	\$ 4.90	\$ 9,800.00	\$ 3.90	\$ 7,800.00	\$ 3.50	\$ 7,000.00	\$ 4.00	\$ 8,000.00
116	500	SY	Median Hatching - White High-Build Paint	\$ 3.50	\$ 1,750.00	\$ 4.00	\$ 2,000.00	\$ 3.78	\$ 1,890.00	\$ 4.55	\$ 2,275.00	\$ 4.51	\$ 2,255.00	\$ 4.90	\$ 2,450.00	\$ 3.90	\$ 1,950.00	\$ 3.50	\$ 1,750.00	\$ 4.00	\$ 2,000.00
117	360	SY	Pedestrian Crosswalk, 8" - White High-Build Paint	\$ 5.00	\$ 1,800.00	\$ 5.00	\$ 1,800.00	\$ 5.40	\$ 1,944.00	\$ 6.50	\$ 2,340.00	\$ 4.51	\$ 1,623.60	\$ 2.75	\$ 990.00	\$ 5.60	\$ 2,016.00	\$ 5.00	\$ 1,800.00	\$ 10.00	\$ 3,600.00
118	6	EA	Pavement Marking Arrow, Type 1 - White High-Build Paint	\$ 40.00	\$ 240.00	\$ 45.00	\$ 270.00	\$ 43.20	\$ 259.20	\$ 52.00	\$ 312.00	\$ 41.25	\$ 247.50	\$ 26.00	\$ 156.00	\$ 44.75	\$ 268.50	\$ 40.00	\$ 240.00	\$ 50.00	\$ 300.00
119	62	EA	Pavement Marking Arrow, Type 2 - White High-Build Paint	\$ 40.00	\$ 2,480.00	\$ 45.00	\$ 2,790.00	\$ 43.20	\$ 2,678.40	\$ 52.00	\$ 3,224.00	\$ 53.41	\$ 3,311.11	\$ 26.00	\$ 1,612.00	\$ 44.75	\$ 2,774.50	\$ 40.00	\$ 2,480.00	\$ 50.00	\$ 3,100.00
120	5	EA	Pavement Marking Arrow, Type 3 - White High-Build Paint	\$ 50.00	\$ 250.00	\$ 50.00	\$ 250.00	\$ 54.00	\$ 270.00	\$ 65.00	\$ 325.00	\$ 84.37	\$ 421.85	\$ 26.00	\$ 130.00	\$ 56.00	\$ 280.00	\$ 50.00	\$ 250.00	\$ 60.00	\$ 300.00
121	10	EA	Pavement Marking Arrow, Type 7 - White High-Build Paint	\$ 50.00	\$ 500.00	\$ 50.00	\$ 500.00	\$ 54.00	\$ 540.00	\$ 65.00	\$ 650.00	\$ 108.90	\$ 1,089.00	\$ 26.00	\$ 260.00	\$ 56.00	\$ 560.00	\$ 50.00	\$ 500.00	\$ 60.00	\$ 600.00
122	8	EA	Pavement "ONLY" Marking - White High-Build Paint	\$ 50.00	\$ 400.00	\$ 50.00	\$ 400.00	\$ 54.00	\$ 432.00	\$ 65.00	\$ 520.00	\$ 67.10	\$ 536.80	\$ 102.00	\$ 816.00	\$ 56.00	\$ 448.00	\$ 50.00	\$ 400.00	\$ 60.00	\$ 480.00
123	1	LS	Shoulder Grading & Grassing	\$ 27,330.00	\$ 27,330.00	\$ 10,000.00	\$ 10,000.00	\$ 4,180.00	\$ 4,180.00	\$ 26,500.00	\$ 26,500.00	\$ 13,021.25	\$ 13,021.25	\$ 25,000.00	\$ 25,000.00	\$ 86,700.00	\$ 86,700.00	\$ 65,000.00	\$ 65,000.00	\$ 12,200.00	\$ 12,200.00
SECTION 100 - PAVING IMPROVEMENTS SUBTOTAL:				\$ 1,436,211.50		\$ 1,591,385.00		\$ 1,619,419.80		\$1,777,921.00		\$ 1,731,935.24		\$ 1,824,299.00		\$ 1,790,518.00		\$ 1,814,585.00	\$ 2,254,180.00		
SECTION 200 - GENERAL ITEMS																					
200	1	LS	Traffic Control	\$ 159,057.50	\$ 159,057.50	\$ 22,575.00	\$ 22,575.00	\$ 64,890.14	\$ 64,890.14	\$ 95,000.00	\$ 95,000.00	\$ 152,931.00	\$ 152,931.00	\$ 180,000.00	\$ 180,000.00	\$ 229,400.00	\$ 229,400.00	\$ 318,400.00	\$ 318,400.00	\$ 150,000.00	\$ 150,000.00
201	1	LS	Supplemental Work Allowance (SWA)	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
SECTION 200 - GENERAL ITEMS SUBTOTAL:				\$ 209,057.50		\$ 72,575.00		\$ 114,890.14		\$ 145,000.00		\$ 202,931.00		\$ 230,000.00		\$ 279,400.00		\$ 368,400.00	\$ 200,000.00		
TOTAL BASE BID AMOUNT (SECTION 100 + SECTION 200):				\$ 1,645,269.00		\$ 1,663,960.00		\$ 1,734,309.94		\$ 1,922,921.00		\$ 1,934,866.24		\$ 2,054,299.00		\$ 2,069,918.00		\$ 2,182,985.00	\$ 2,454,180.00		

I hereby certify that this is a true and accurate Bid Tabulation of all bids received on March 7, 2024.

Andrew Swicegood, PE

**SECTION 00621
NOTICE OF AWARD**

PROJECT DESCRIPTION:

Road Resurfacing Improvements

The OWNER has considered the BID submitted by you for the above-described WORK in response to its Advertisement for Bids dated March 7, 2024 and Instruction to Bidders.

You are hereby notified that your BID has been accepted for items in the amount of One-million six-hundred forty-five thousand two-hundred sixty-nine Dollars (1,645,269.00).

You are required by the Instructions to Bidders to execute the Agreement and furnish the required CONTRACTOR's Performance Bond, Payment Bond, and Certificates of Insurance with fifteen (15) calendar days from the date of the Notice to you.

If you fail to execute said Agreement and to furnish said Bonds within fifteen (15) days from the date of this notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE of AWARD to the OWNER.

Dated this ____ day of _____, 20__.

City of Flowery Branch
OWNER

By: _____

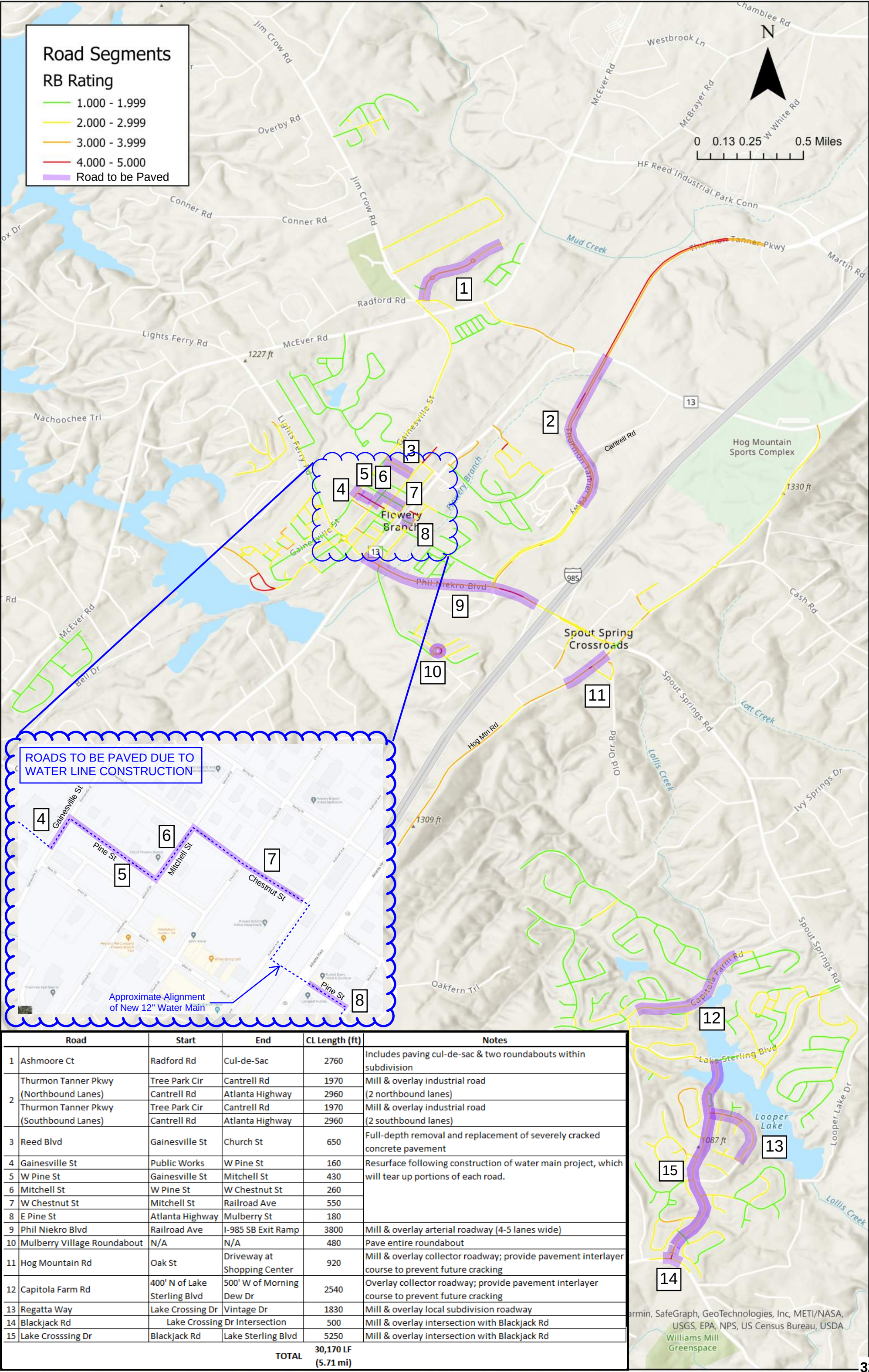
Title: _____

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by _____
Baldwin Paving Company, Inc. this ____ day of _____, 20__.
(Contractor)

By: _____

Title: _____





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consideration of Awarding a Contract for Construction of a 12" Water Transmission Main to Civil Construction & Utilities, LLC.

COUNCIL MEETING DATE: March 21, 2024

HISTORY:

Currently there is a network of smaller diameter distribution water mains between the Roberts Drive and Gainesville Street tanks. Installation of a larger transmission main will allow water to move more freely and efficiently between the tanks making them easier to fill and improving water and pressure and flow within the downtown Flowery Branch area.

FACTS AND ISSUES:

The City issued a solicitation for the bid and received four bids on the water main. The lowest bidder, Ranger Environmental, was not able to provide documentation of an active Georgia Utility Contractors license. Therefore, award is recommended for the second low bidder. Construction is anticipated to be completed approximately six (6) months from the time of award. The City of Flowery Branch has a loan from GEFA for several water projects including this one, and the estimated amount was approximately \$1.2 million (for this specific project). This is due, in large part, to having to include a longer railroad bore than originally anticipated to comply with the requirements of Norfolk Southern. There are items included in the contract that may be able to be removed by change order such as Supplemental Work Allowance (\$40,000) and Rock Removal (\$25,000.) At this time, there are enough funds remaining in the GEFA loan to complete the project as recommended.

OPTIONS:

- 1) Award the contract to Civil Construction & Utilities, LLC.
- 2) Do not award the contract.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$1,489,500 GEFA loan

RECOMMENDATION:

Award a contract for the construction of a 12" water transmission main.

SAMPLE MOTION:

I move that the city award and approve the contract to Civil Construction & Utilities, LLC for the construction of the 12" water transmission main project for an amount not to exceed \$1,489,500.00; and, authorize the Mayor to sign the contract subject to the City Attorney's approval.

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Award 12 Water Main to Civil.pdf](#)
- [00621 - NOTICE OF AWARD water transmission.pdf](#)
- [Bid Tabulation FB water transmission.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Award construction of a 12” water transmission main to Civil Construction & Utilities, LLC.

DATE: **March 18, 2024**

(x) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-\$1,489,500.00

COUNCIL ACTION REQUESTED ON: March 18, 2022

PURPOSE: The purpose of this agenda item is to request an award to the lowest responsible, responsive bidder to our invitation to bid for the 12” water transmission main.

HISTORY: Currently there is a network of smaller diameter distribution water mains between the Roberts Drive and Gainesville Street tanks. Installation of a larger transmission main will allow water to move more freely and efficiently between the tanks making them easier to fill and improving water and pressure and flow within the downtown Flowery Branch area.

FACTS AND ISSUES: The City issued a solicitation for the bid and received four bids on the water main. The lowest bidder, Ranger Environmental, was not able to provide documentation of an active Georgia Utility Contractors license. Therefore, award is recommended for the second low bidder. Construction is anticipated to be completed approximately six (6) months from the time of award. The City of Flowery Branch has a loan from GEFA for several water projects including this one, and the estimated amount was approximately \$1.2 million (for this specific project). This is due, in large part, to having to include a longer railroad bore than originally anticipated to comply with the requirements of Norfolk Southern. There are items included in the contract that may be able to be removed by change order such as Supplemental Work Allowance (\$40,000) and Rock Removal (\$25,000.) At this time, there are enough funds remaining in the GEFA loan to complete the project as recommended.

OPTIONS: 1) Award the contract to Civil Construction & Utilities, LLC.
2) Do not award the contract.

RECOMMENDED SAMPLE MOTION: I move that the city award and approve the contract to Civil Construction & Utilities, LLC for the construction of the 12” water transmission main project for an amount not to exceed \$1,489,500.00; and, authorize the Mayor to sign the contract subject to the City Attorney’s approval.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

**SECTION 00621
NOTICE OF AWARD**

PROJECT DESCRIPTION:

Water Distribution Improvements

The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for Bids dated _____, and Instruction to Bidders.

You are hereby notified that your BID has been accepted for items in the amount of
One Million, Four Hundred Eighty Nine Thousand, Five Hundred Dollars
(\$1,489,500.00).

You are required by the Instructions to Bidders to execute the Agreement and furnish the required CONTRACTOR's Performance BOND, Payment BOND and Certificates of Insurance with fifteen (15) calendar days from the date of the Notice to you.

If you fail to execute said Agreement and to furnish said BONDS within fifteen (15) days from the date of this notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE of AWARD to the OWNER.

Dated this ____ day of _____, 20__.

City of Flowery Branch

OWNER

By: _____

Title: _____

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by
_____ this ____ day of _____, 20__.
(Contractor)

By: _____

Title: _____

BID TABULATION FOR ALL BIDS
RECEIVED AT THE CITY OF FLOWERY BRANCH
ON THURSDAY, MARCH 7, 2024 AT 3:00 PM

ESG Engineering
6400 Peake Road
Macon, Georgia 31210

PROJECT:
Water Distribution Improvements
Project #F0002.013

BIDDERS:			
Ranger Environmental 10601 HWY 43 Creola, AL 36525	Civil Construction & Utilities 3620 Jackson Trail Road Jefferson, GA 30549	GS Construction, INC 526 Lyle Circle Lawrenceville, GA 30046	Dirt Work Grading & Constr 1351 Indian Woods Dr Greensboro, GA 30642

A. BASE BID

ITEM NO.	QTY.	UNIT	DESCRIPTION	PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
SECTION 100 - WATER MAIN IMPROVEMENTS											
101	60	LF	6" C900 PVC Water Main (Open-Cut)	\$ 1,000.00	\$ 6,000.00	\$ 50.00	\$ 3,000.00	\$ 100.00	\$ 6,000.00	\$ 137.00	\$ 8,220.00
102	4,470	LF	12" C900 PVC Water Main (Open-Cut)	\$ 140.00	\$ 625,800.00	\$ 150.00	\$ 670,500.00	\$ 130.00	\$ 581,100.00	\$ 187.00	\$ 835,890.00
103	200	LF	20" Jack and Bore (Includes Bore/Receiving Pits, 20" Steel Casing, Casing Spacers, End Seals, 12" C900 PVC Water Main Carrier Pipe)	\$ 800.00	\$ 160,000.00	\$ 530.00	\$ 106,000.00	\$ 1,000.00	\$ 200,000.00	\$ 1,150.00	\$ 230,000.00
104	225	LF	14" HDPE DR-11 Water Main (Horizontal Directional Drill)	\$ 280.00	\$ 63,000.00	\$ 290.00	\$ 65,250.00	\$ 400.00	\$ 90,000.00	\$ 750.00	\$ 168,750.00
105	3	EA	6" Tapping Sleeve and Valve	\$ 7,000.00	\$ 21,000.00	\$ 8,000.00	\$ 24,000.00	\$ 7,500.00	\$ 22,500.00	\$ 6,500.00	\$ 19,500.00
106	5	EA	12" Gate Valve w/Box	\$ 8,000.00	\$ 40,000.00	\$ 6,500.00	\$ 32,500.00	\$ 6,000.00	\$ 30,000.00	\$ 5,000.00	\$ 25,000.00
107	2800	LB	C-153 Compact Ductile Iron Fittings, MJ	\$ 10.00	\$ 28,000.00	\$ 15.00	\$ 42,000.00	\$ 60.00	\$ 168,000.00	\$ 19.00	\$ 53,200.00
108	460	SY	Saw Cut Remove/Replace Class "A" Pavement	\$ 84.00	\$ 38,640.00	\$ 220.00	\$ 101,200.00	\$ 150.00	\$ 69,000.00	\$ 178.00	\$ 81,880.00
109	860	SY	Saw Cut Remove/Replace Concrete Utility Patch	\$ 85.00	\$ 73,100.00	\$ 165.00	\$ 141,900.00	\$ 150.00	\$ 129,000.00	\$ 125.00	\$ 107,500.00
110	1	LS	Remove and Replace Landscaping	\$ 35,000.00	\$ 35,000.00	\$ 20,000.00	\$ 20,000.00	\$ 15,000.00	\$ 15,000.00	\$ 23,500.00	\$ 23,500.00
111	2	EA	3-way Fire Hydrant Assembly	\$ 15,000.00	\$ 30,000.00	\$ 8,000.00	\$ 16,000.00	\$ 7,500.00	\$ 15,000.00	\$ 8,900.00	\$ 17,800.00
112	2	EA	Driveway Replacement (Asphalt/Concrete)	\$ 2,500.00	\$ 5,000.00	\$ 7,500.00	\$ 15,000.00	\$ 10,000.00	\$ 20,000.00	\$ 2,500.00	\$ 5,000.00
113	250	CY	Rock Allowance (Base)	\$ 60.00	\$ 15,000.00	\$ 60.00	\$ 15,000.00	\$ 60.00	\$ 15,000.00	\$ 60.00	\$ 15,000.00
114	250	CY	Rock Allowance (Premium)	\$ 145.00	\$ 36,250.00	\$ 40.00	\$ 10,000.00	\$ 250.00	\$ 62,500.00	\$ 50.00	\$ 12,500.00
115	1	EA	8" Tapping Sleeve and Valve	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 8,500.00	\$ 8,500.00	\$ 7,000.00	\$ 7,000.00
116	1	EA	10" Tapping Sleeve and Valve	\$ 14,000.00	\$ 14,000.00	\$ 13,250.00	\$ 13,250.00	\$ 10,000.00	\$ 10,000.00	\$ 12,500.00	\$ 12,500.00
117	220	LF	12" C900 PVC RJ Water Main Pipe (as directed by engineer)	\$ 125.00	\$ 27,500.00	\$ 310.00	\$ 68,200.00	\$ 130.00	\$ 28,600.00	\$ 180.00	\$ 39,600.00
118	110	SY	GAB for Driveway at Existing Tank STA 00+10 to 02+00	\$ 40.00	\$ 4,400.00	\$ 60.00	\$ 6,600.00	\$ 55.00	\$ 6,050.00	\$ 30.00	\$ 3,300.00
119	110	SY	Crusher-Run STA 00+100 to 02+00	\$ 45.00	\$ 4,950.00	\$ 60.00	\$ 6,600.00	\$ 55.00	\$ 6,050.00	\$ 30.00	\$ 3,300.00
120	1	LS	Remove and Reinstall Existing Fence (20 LF)	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,300.00	\$ 2,300.00
121	100	LF	Remove and Reinstall Existing Storm Culvert	\$ 150.00	\$ 15,000.00	\$ 150.00	\$ 15,000.00	\$ 150.00	\$ 15,000.00	\$ 135.00	\$ 13,500.00
SECTION 100 - WATER MAIN IMPROVEMENTS SUBTOTAL:				\$	1,255,140.00	\$	1,384,000.00	\$	1,498,300.00	\$	1,685,240.00
SECTION 200 - GENERAL ITEMS											
201	1	LS	Erosion Control	\$ 30,000.00	\$ 30,000.00	\$ 12,500.00	\$ 12,500.00	\$ 20,000.00	\$ 20,000.00	\$ 35,000.00	\$ 35,000.00
202	1	LS	Traffic Control	\$ 50,000.00	\$ 50,000.00	\$ 15,000.00	\$ 15,000.00	\$ 40,000.00	\$ 40,000.00	\$ 45,000.00	\$ 45,000.00
203	1	LS	Supplemental Work Allowance	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00
204	1	LS	Testing Services	\$ 20,000.00	\$ 20,000.00	\$ 38,000.00	\$ 38,000.00	\$ 10,000.00	\$ 10,000.00	\$ 35,600.00	\$ 35,600.00
SECTION 200 SUBTOTAL				\$	140,000.00	\$	105,500.00			\$	155,600.00
TOTAL BASE BID AMOUNT (SECTION 100 + SECTION 200):				\$	1,395,140.00	\$	1,489,500.00			\$	1,840,840.00



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider March 7, 2024 City Council Meeting Minutes

COUNCIL MEETING DATE: March 21, 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 March 7, 2024 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, March 7, 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 Member Oliver McClellan, William McDaniel, and Joseph Mezzanotte.

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, Public Works & Utilities Director Bill Whidden, Police Chief Hulsey, and City Attorney Ted Baggett.

Absent: Council Members Joe Anglin and Chris Mundy.

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: Joseph Mezzanotte
SECOND: Oliver McClellan
AYES: Joseph Mezzanotte, Oliver McClellan, William McDaniel
NAYS: None
Motion carried

AWARDS & RECOGNITIONS:

Mayor Asbridge presented Life Saving Awards to Investigator Henry Jones and Investigator Mark Newberry.

PUBLIC HEARING:

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

Director Atkinson presented a consideration of the City of Flowery Branch zoning map.

There being none who wished to speak in favor of the request, Mayor Asbridge called for those wishing to speak against the request.

There being none who wished to speak against the request, Mayor Asbridge closed the public hearing at 6:06 p.m.

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

Director Atkinson presented a consideration for an annexation and rezoning request submitted by H. Carson Smith IV. The request is 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). The request is for 144 townhomes which are 1,600 square ft, 6.5 units per acre and for the variance to allow all homes to be front entry. Staff recommends denial based on the following:

- The character area is suburban residential which does not contemplate townhomes.
- If approved, it will cause the desired housing mix of townhomes to rise above the 15% recommended by the comprehensive plan.
- The proposed development would only have one point of ingress/egress - overburdening Mitchell Street.

In Favor:

Mr. Carson Smith, IV, 5611 Pine Street, Flowery Branch, Georgia.

Mr. Michael Phelps of Southern Heritage Home Builders

Against:

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

Jerry Smith, 6268 Shoreview Circle, Flowery Branch, Georgia.

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

Mayor Asbridge closed the public hearing at 6:25 p.m.

NEW BUSINESS -WORK SESSION:

Consider Beer & Wine License for Vasudev 5, LLC

Court Administrator Kelsey Cash presented a consideration of a beer and wine license for Vasudev 5, LLC. 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.

Council held a discussion with Administrator Cash regarding the license.

DEPARTMENT REPORTS:

Department of Fun Report:

City Clerk Cooper noted upcoming events for Director Carden.

Council Report:

Council Member McClellan commended the police department for doing a great job. Council Member McClellan reported he has had several citizens come to him to report on the compassion of our police department. He furthered thanked them for their superior service to the community.

Mayor Asbridge advised when the Main Street stores will be open.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 6:31 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 6:31 p.m.

PUBLIC COMMENTS:

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

Mr. Weber is concerned with the density of the City of Flowery Branch.

CONSENT AGENDA:

- Consider February 1, 2024 City Council Meeting Minutes
- Consider February 1, 2024 Executive Session Minutes
- Consider February 15, 2024 City Council Meeting Minutes
- Consider February 15, 2024 Executive Session Minutes
- Consider February 2024 Per Diem for Mayor Asbridge
- Consider Beer & Wine License for Vasudev 5, LLC

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

MOTION: Oliver McClellan

SECOND: William McDaniel

AYES: Joseph Mezzanotte, Oliver McClellan, William McDaniel

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

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

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

There was a motion made to table Ordinance 706 and Ordinance 707 until the March 21, 2024 City Council Meeting.

MOTION: Oliver McClellan

SECOND: William McDaniel

AYES: Joseph Mezzanotte, Oliver McClellan, William McDaniel

NAYS: None

Motion carried

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.

City Clerk Cooper read the caption for Ordinance 708 for a Conditional Use Permit for a crematory addition request submitted by Mr. Kevin Wetzel.

There was a motion made to approve the first reading of Ordinance 708.

MOTION: Joseph Mezzanotte
SECOND: Oliver McClellan
AYES: Joseph Mezzanotte, Oliver McClellan, William McDaniel
NAYS: None
Motion carried

EXECUTIVE SESSION: There was not executive session held.

ADJOURNMENT:

There was a motion made to adjourn the meeting at 6:36 p.m.

MOTION: Oliver McClellan
SECOND: William McDaniel
AYES: Joseph Mezzanotte, Oliver McClellan, William McDaniel
NAYS: None
Motion carried

Edward R. Asbridge, Mayor

Date

Shelia Cooper, City Clerk



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 21, 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:

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
- 2024.02.29-Concept-220442.pdf
- Ordinance 706 – Annexation to Piedmont Residential at 5170 Church Street.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

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



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



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



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



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

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

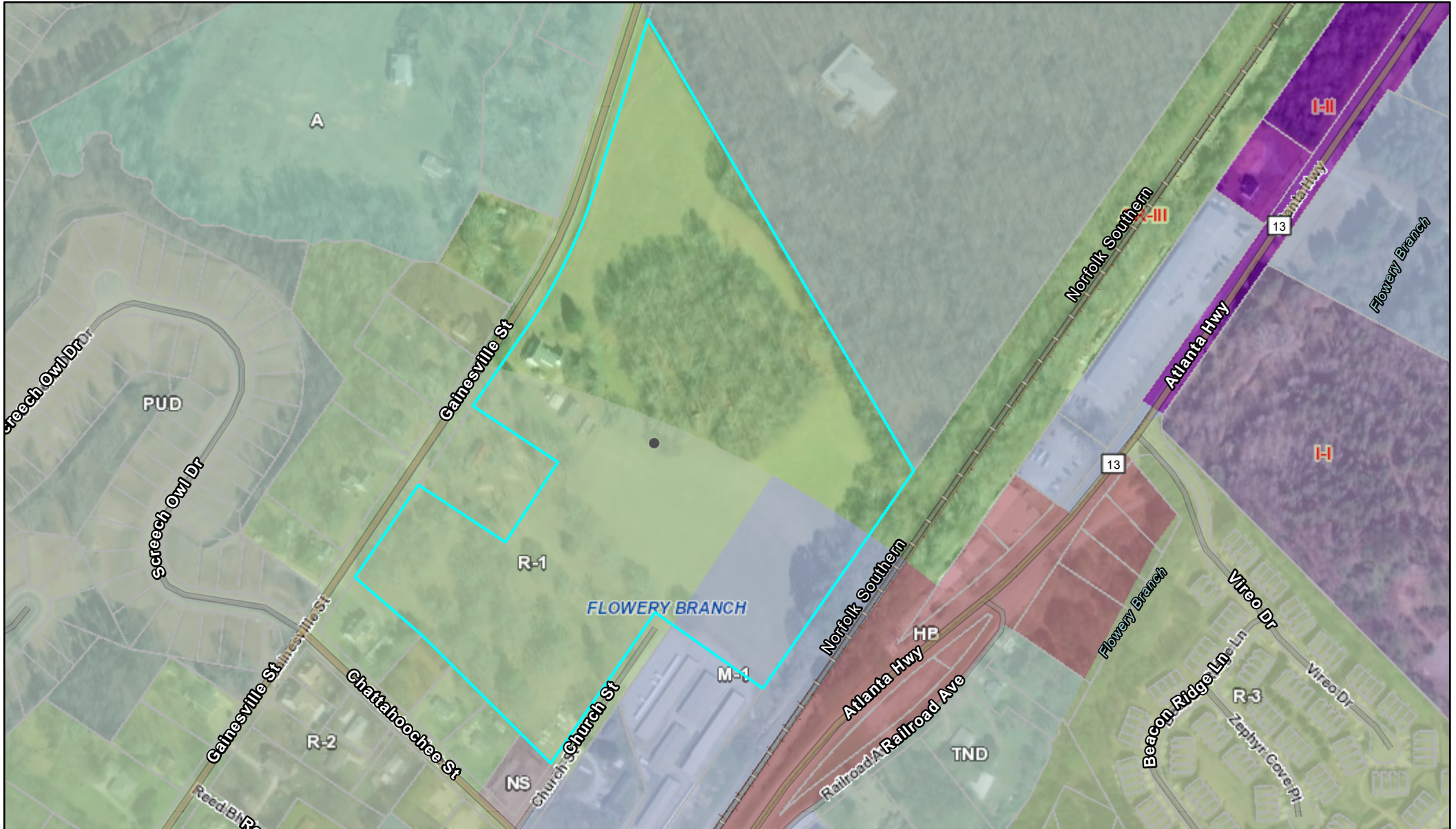
Sworn to and subscribed before me
this 14 day of October, 2023

Vipul Gupta
NOTARY PUBLIC

Commission Exp 02-02-2027

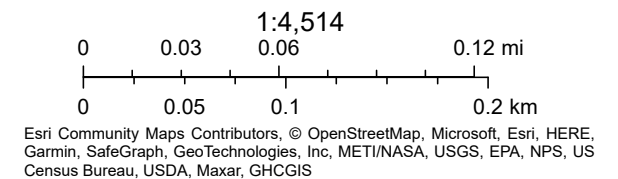


ArcGIS Web Map



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,

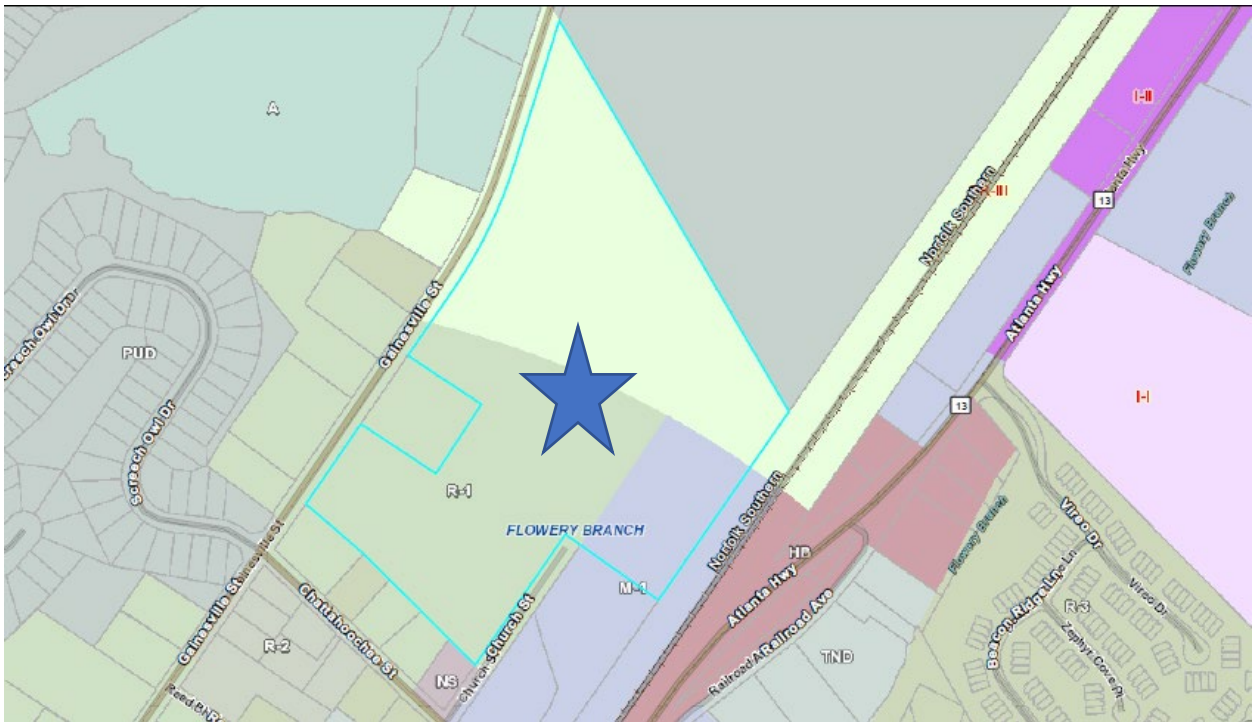
Richard JE Atkinson

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



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 03/21/2024

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 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 21st day of March 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 21, 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
- 2024.02.29-Concept-220442.pdf
- Church Street - Renderings 02-29-2024.pdf
- Ordinance 707 – Rezoning to Piedmont Residential at 5170 Church Street.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 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

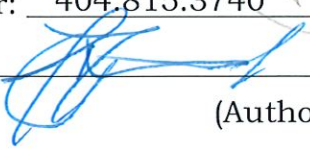
Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:

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

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: 

Notary:

(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.

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

eFiled and eRecorded
DATE: 03/23/2022
TIME: 4:42 PM
PLAT BOOK: 881
PAGE: 341 - 341
FILING FEES: \$10.00
PART ID: 5248905967
RECORDED BY: NB
Charles Baker, C.S.C
Halt County, GA

THE FOLLOWING GOVERNMENT
BODIES HAVE APPROVED THIS MAP,
PLAT, OR PLAN FOR FILING:
HALL COUNTY, GEORGIA
CITY OF FLOWERY BRANCH, GEORGIA
SIGNED: *Shelly Lee*
DATE: *March 13, 2022*
THE APPROVAL SIGNATURES ABOVE
WERE NOT IN PLACE WHEN THIS
SURVEY WAS ISSUED, AND ARE TO
BE PROPERLY OBTAINED PRIOR TO
RECORDING.

THE FOLLOWING GOVERNMENT
BODIES HAVE APPROVED THIS MAP,
PLAT, OR PLAN FOR FILING:
HALL COUNTY, GEORGIA
CITY OF FLOWERY BRANCH, GEORGIA
SIGNED: *Shelly Lee*
DATE: *March 13, 2022*
THE APPROVAL SIGNATURES ABOVE
WERE NOT IN PLACE WHEN THIS
SURVEY WAS ISSUED, AND ARE TO
BE PROPERLY OBTAINED PRIOR TO
RECORDING.

OWNER'S CERTIFICATE

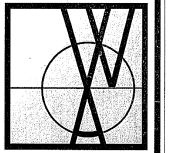
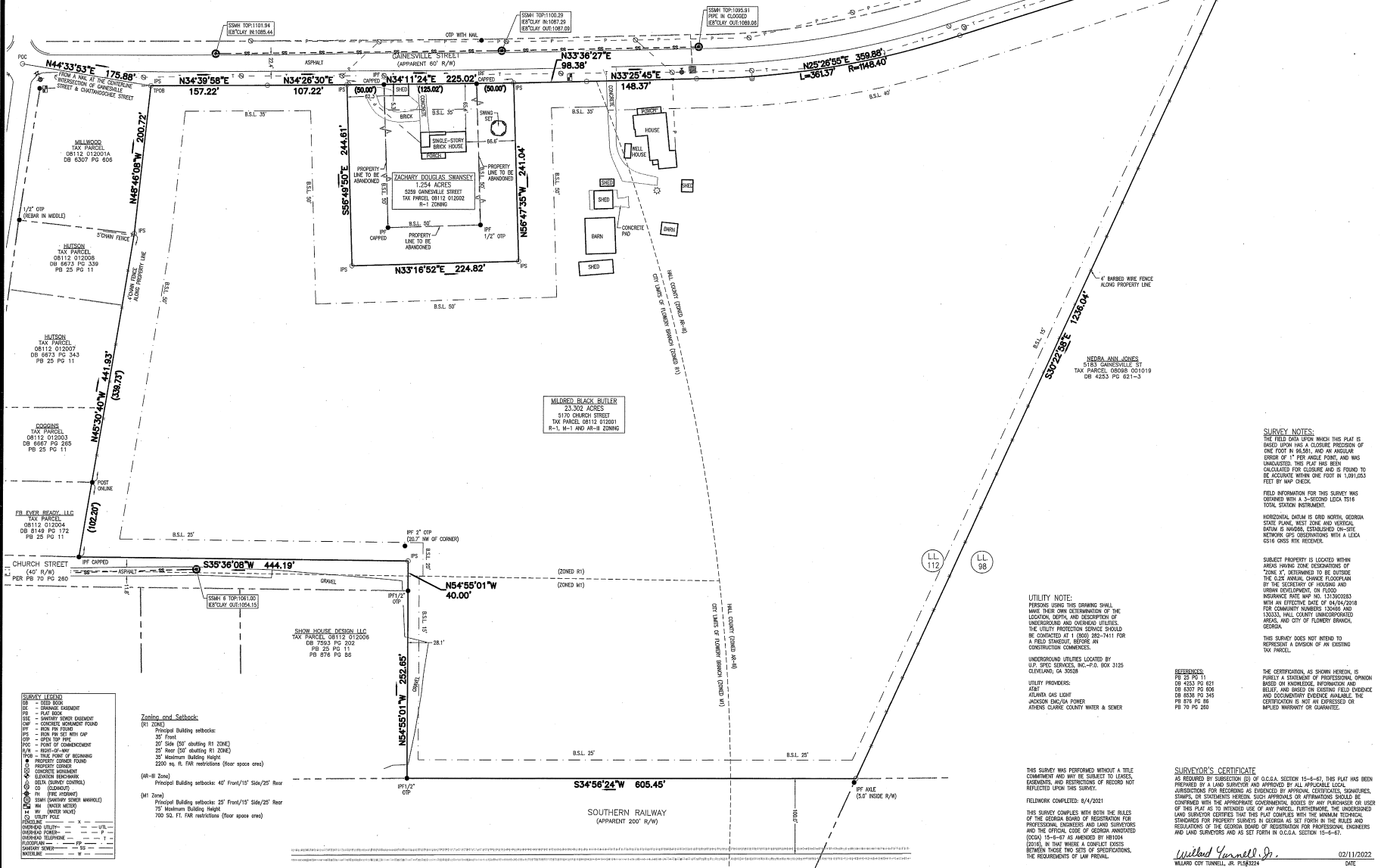
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED
TO HEREIN, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THIS
PLAT WAS MADE FROM AN ACTIVE SURVEY, THAT ALL STATES AND COUNTY TAXES ON
OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID.

SIGNED: *Zachary Douglas Swansey* DATE: *2-10-2022*
NAME: DATE:

OWNER'S CERTIFICATE

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED
TO HEREIN, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THIS
PLAT WAS MADE FROM AN ACTIVE SURVEY, THAT ALL STATES AND COUNTY TAXES ON
OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID.

SIGNED: *Shelly Lee* DATE: *2-10-2022*
NAME: DATE:



W&A
Engineering

CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE
TRAFFIC ENGINEERING • SITEWORK
ECONOMIC DEVELOPMENT
355 Oneta Street, Suite D100
Athens, GA 30606
P: (706) 310-6000 • F: (706) 310-0411
waeengineering.com

ALL DRAWINGS SHALL BE THE PROPERTY OF W&A ENGINEERING.
THESE DRAWINGS ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF W&A ENGINEERING. ANY REPRODUCTION OR COPIING OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF W&A ENGINEERING IS A VIOLATION OF THE COPYRIGHT LAWS OF THE UNITED STATES OF AMERICA.

RECONSTRUCTION BOUNDARY SURVEY FOR:
ZACHARY DOUGLAS SWANSEY
2539 GANESVILLE STREET, FLOWERY BRANCH
HALL COUNTY, GEORGIA - LAND LOT 112, 8TH DISTRICT

DATE: 09/22/2021

REVISION DATE:
02/11/2022

DRAFTED BY: AC
REVIEWED BY: TD



210362

0 30 60 120
SCALE 1" = 60'

SURVEY NOTES:
THE FIELD DATA UPON WHICH THIS PLAT IS
BASED UPON HAS A CLOSURE PRECISION OF
ONE FOOT IN 10,000, AND AN ANGULAR
ERROR OF 1" PER ANGLE POINT, AND WAS
UNADJUSTED. THIS PLAT HAS BEEN
CALCULATED FOR CLOSURE AND IS FOUND TO
BE ACCURATE WITHIN ONE FOOT IN 1,000,000
FEET BY ANY CHECK.

FIELD INFORMATION FOR THIS SURVEY WAS
OBTAINED WITH A 5-SECOND LEICA TS16
TOTAL STATION INSTRUMENT.

HORIZONTAL DATUM IS GRID NORTH, GEORGIA
STATE PLANE, WEST ZONE AND VERTICAL
DATUM IS NAVD83, ESTABLISHED ON-SET
NETWORK GPS OBSERVATIONS WITH A LEICA
CE100 GPS RECEIVER.

SUBJECT PROPERTY IS LOCATED WITHIN
AREAS HAVING ZONE COORDINATES OF
"ZONE X", DETERMINED TO BE OUTSIDE
THE 0.25 ANNUAL CHANCE FLOODPLAIN
BY THE SECRETARY OF HOUSING AND
URBAN DEVELOPMENT, ON FLOOD
INSURANCE RATE MAP NO. 13136C0203B
WITH AN EFFECTIVE DATE OF 04/04/2018
FOR COMMUNITY NUMBERS 120404 AND
130333, HALL COUNTY UNINCORPORATED
AREAS, AND CITY OF FLOWERY BRANCH,
GEORGIA.

THIS SURVEY DOES NOT INTEND TO
REPRESENT A DIVISION OF AN EXISTING
TAX PARCEL.

THE CERTIFICATION, AS SHOWN HEREIN, IS
PURELY A STATEMENT OF PROFESSIONAL OPINION
BASED ON KNOWLEDGE, INFORMATION AND
BELIEF, AND BASED ON EXISTING FIELD EVIDENCE
AND DOCUMENTARY EVIDENCE AVAILABLE. THE
CERTIFICATION IS NOT AN EXPRESSED OR
IMPLIED WARRANTY OR GUARANTEE.

SURVEYOR'S CERTIFICATE
AS REQUIRED BY SUBSECTION (3) OF O.C.G.A. SECTION 15-6-47, THIS PLAT HAS BEEN
PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL
JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES,
STAMPS, OR SIGNATURES HEREON. SUCH APPROVALS OR APPROVING SHOULD BE
CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER
OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED
LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL
REQUIREMENTS FOR PROFESSIONAL SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND
REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS AND IS SET FORTH IN O.C.G.A. SECTION 15-6-47.

William Yarnall, Jr.
WILLARD COY TUNNELL, JR., PLS3224
02/11/2022
DATE

THIS SURVEY WAS PERFORMED WITHOUT A TITLE
COMMITMENT AND MAY BE SUBJECT TO LIENS,
EASEMENTS, AND RESTRICTIONS OF RECORD NOT
REFLECTED UPON THIS SURVEY.
FIELDWORK COMPLETED: 8/4/2021
THIS SURVEY COMPLIED WITH THE RULES
OF THE GEORGIA BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
AND THE OFFICIAL CODE OF GEORGIA ANNOTATED
O.C.G.A. 15-6-47 AS AMENDED BY SECTION
20211, IN THAT THERE IS A CONFLICT EXISTING
BETWEEN THOSE TWO SETS OF SPECIFICATIONS.
THE REQUIREMENTS OF LAW PREVAIL.

Site Plan



W&A
Engineering

CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE
TRAFFIC ENGINEERING · SURVEYING
ECONOMIC DEVELOPMENT

355 Oneta Street, Suite D100
Athens, GA 30601
P: (706) 310-0400 • F: (706) 310-4011

ALL DRAWINGS SHALL REMAIN THE PROPERTY OF WAA ENGINEERING. THESE INSTRUMENTS OF SERVICE ARE TO BE USED SOLELY FOR THE SPECIFIC PROJECT. WAA ENGINEERING SHALL RETAIN ALL LEGAL RIGHTS TO THE USE OF THE INSTRUMENTS OF SERVICE AND SHALL RETAIN FULL PROTECTION UNDER UNITED STATES COPYRIGHT LAW.



ZONING & ANNEXATION PLAN

CITY OF FLOWERY BRANCH, GEORGIA

GAINESVILLE STREET - 23.30 ACRES

Know what's below. Call before you dig.

REVISIONS

[illegible]

INITIAL SUB. DATE: _____

ISSUANCE DATE: 9/20/2023



W&A PROJECT #: 220442

CONCEPT B

CP01

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
- 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

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

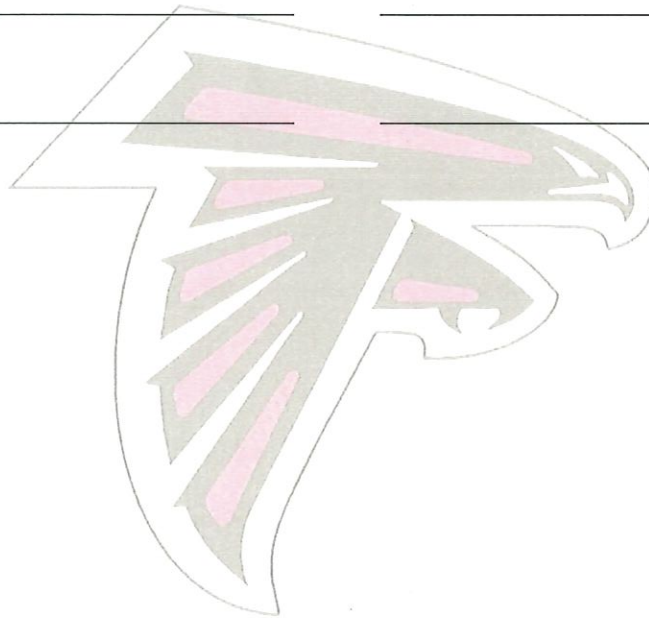
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of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

Elected Officials Name

Amount of Description of Gift

N/A

N/A



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



- 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

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



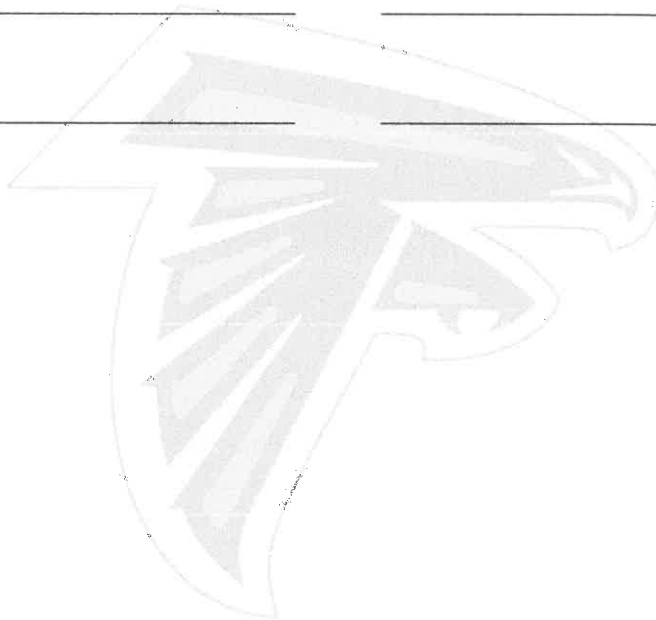
Disclosure of Campaign Contributions

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



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



- 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

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

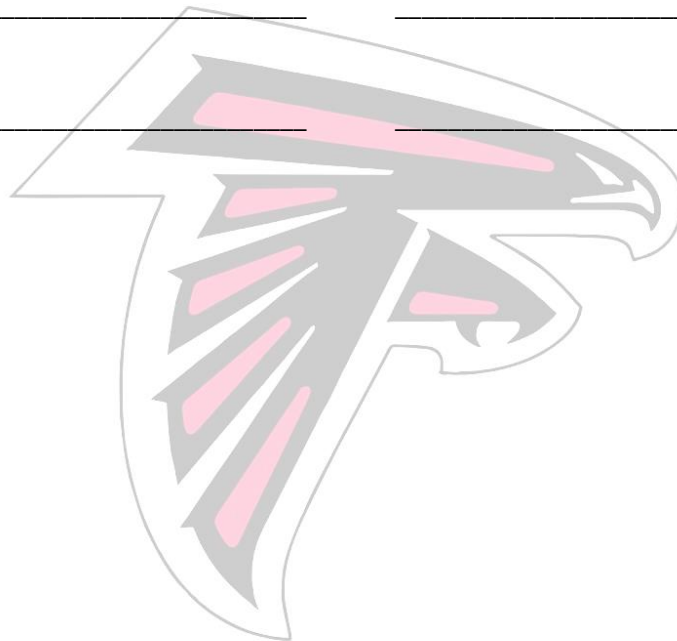
No



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	



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



- 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

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

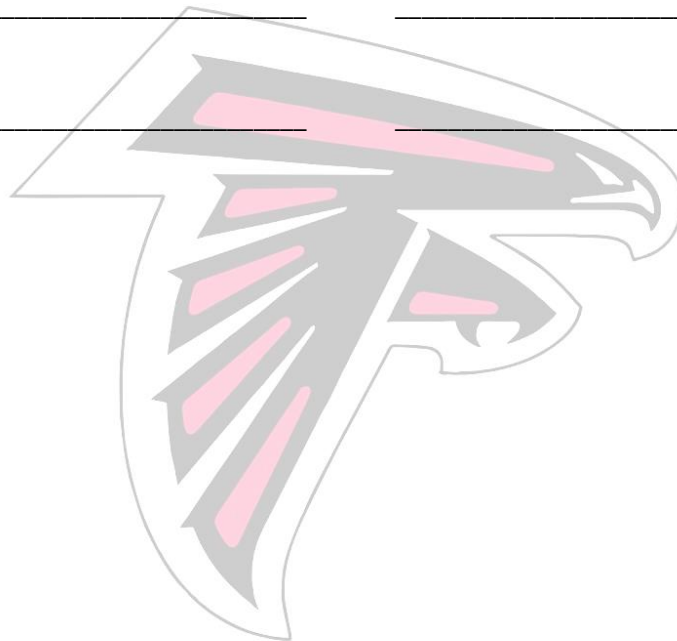
No



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	



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



- 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

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

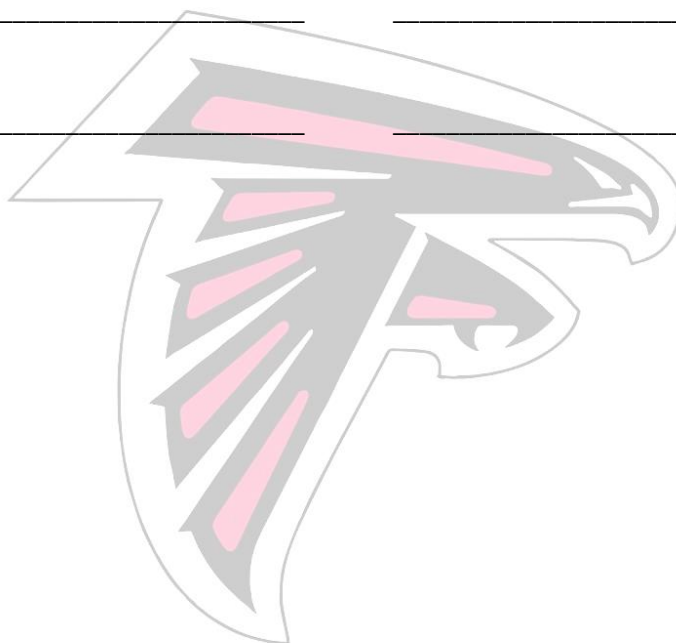
No



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	



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



- 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

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

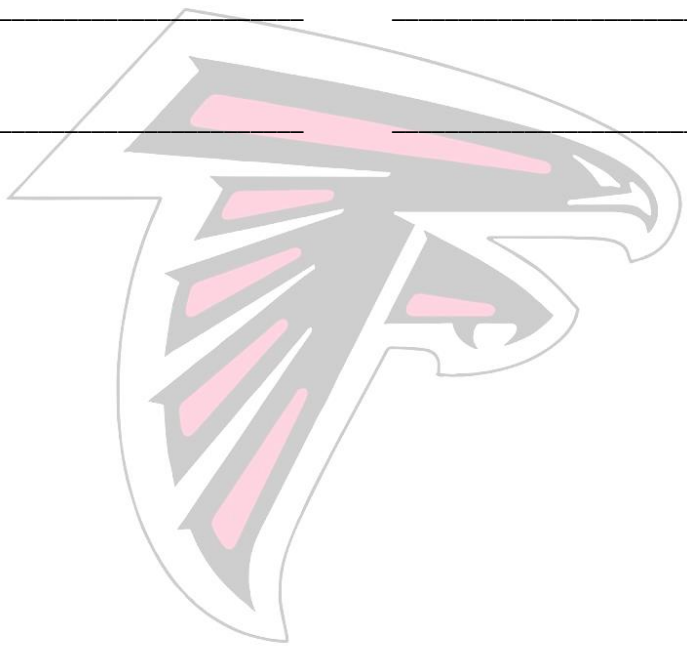
No



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	



CITY STAFF ONLY

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

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

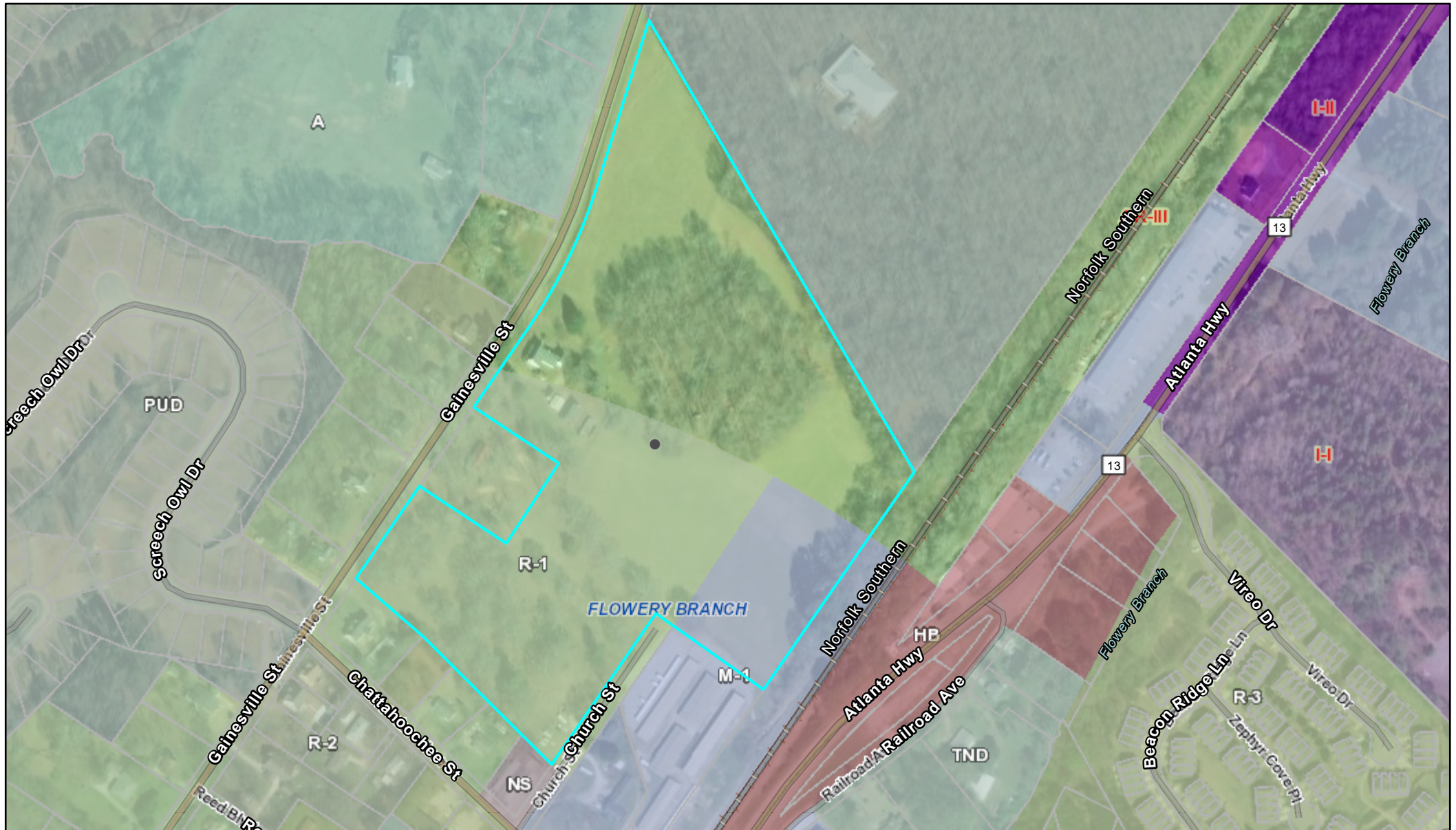
Rezoning Additional Information Requirement

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.

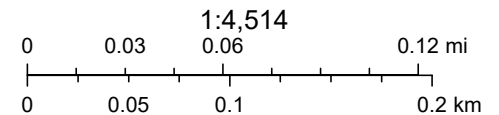
21. Has the Hall County School System been notified of the proposed density for this project?
- The Hall County School System will be notified of the proposed density for this project in conjunction with the submittal of this application.
22. Please provide a copy of all private covenants and/or architectural 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	PUD	Citylimits	OAKWOOD								
O-P	R-3	M-2	TND	O-I	R-I-L	G-B	R-B	BRASELTON	RESTHAVEN								
PCD	R-4	MHP	AR-III	PCD	R-II	H-I	R-I	BUFORD	Local								
								CLERMONT									



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Maxar, GHCGIS



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,

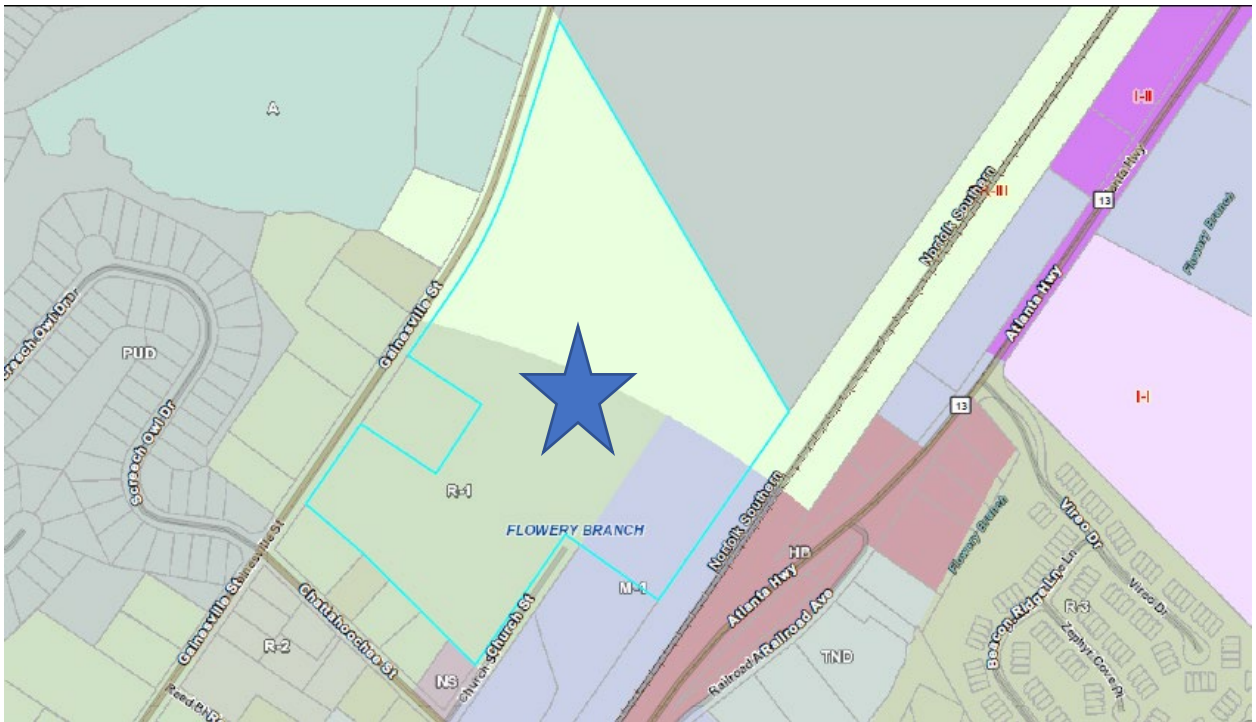
Richard JE Atkinson

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



FRONT ELEVATION

ADDISON - ELEVATION B
COLOR SCHEME #34



REAR ELEVATION



SIDE ELEVATION

ADDISON - ELEVATION B
COLOR SCHEME #34



Church Street - Flowery Branch, GA
February 29, 2024





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



Church Street - Flowery Branch, GA
February 29, 2024



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.

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

First Reading 02/01/2024
Adopted 03/21/2024

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 03/21/2024

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 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 21st day of March 2024.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

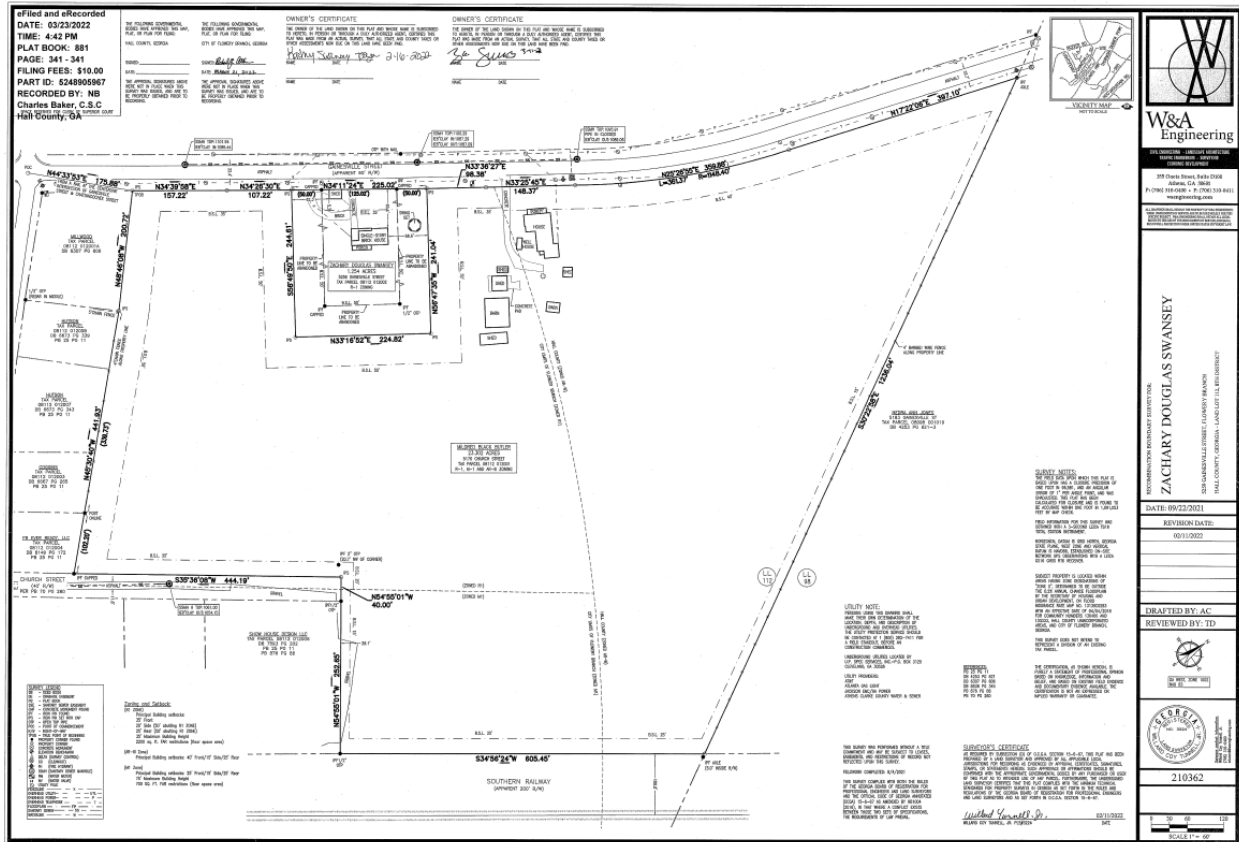
Ted C. Baggett, City Attorney

Public Hearing Published
Public Hearing

11/01/2023
12/07/2023

First Reading 02/01/2024
Adopted 03/21/2024

Exhibit "A"



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

First Reading 02/01/2024
Adopted 03/21/2024

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;

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

First Reading 02/01/2024
Adopted 03/21/2024

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 03/21/2024

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.
 - iv. The only fencing allowed on a lot shall be four feet tall, black, aluminum decorative style fences.

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. 8' sidewalk is required along Gainesville Street.

7. 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.

8. The use of alternate street standards as provided in Section 1017 of the Subdivision and Land Development Ordinance is hereby approved, including, specifically, the use of one-way alleys where feasible.

9. 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. 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

E. The exterior facades of the homes shall consist of brick, stone, stacked stone, cementitious shake type and/or Hardi-plank and combinations thereof. No vinyl siding shall be permitted. The elevations should substantially adhere to the rendering pictures submitted by applicant and shown 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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: March 21, 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:

Second Read and Vote

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

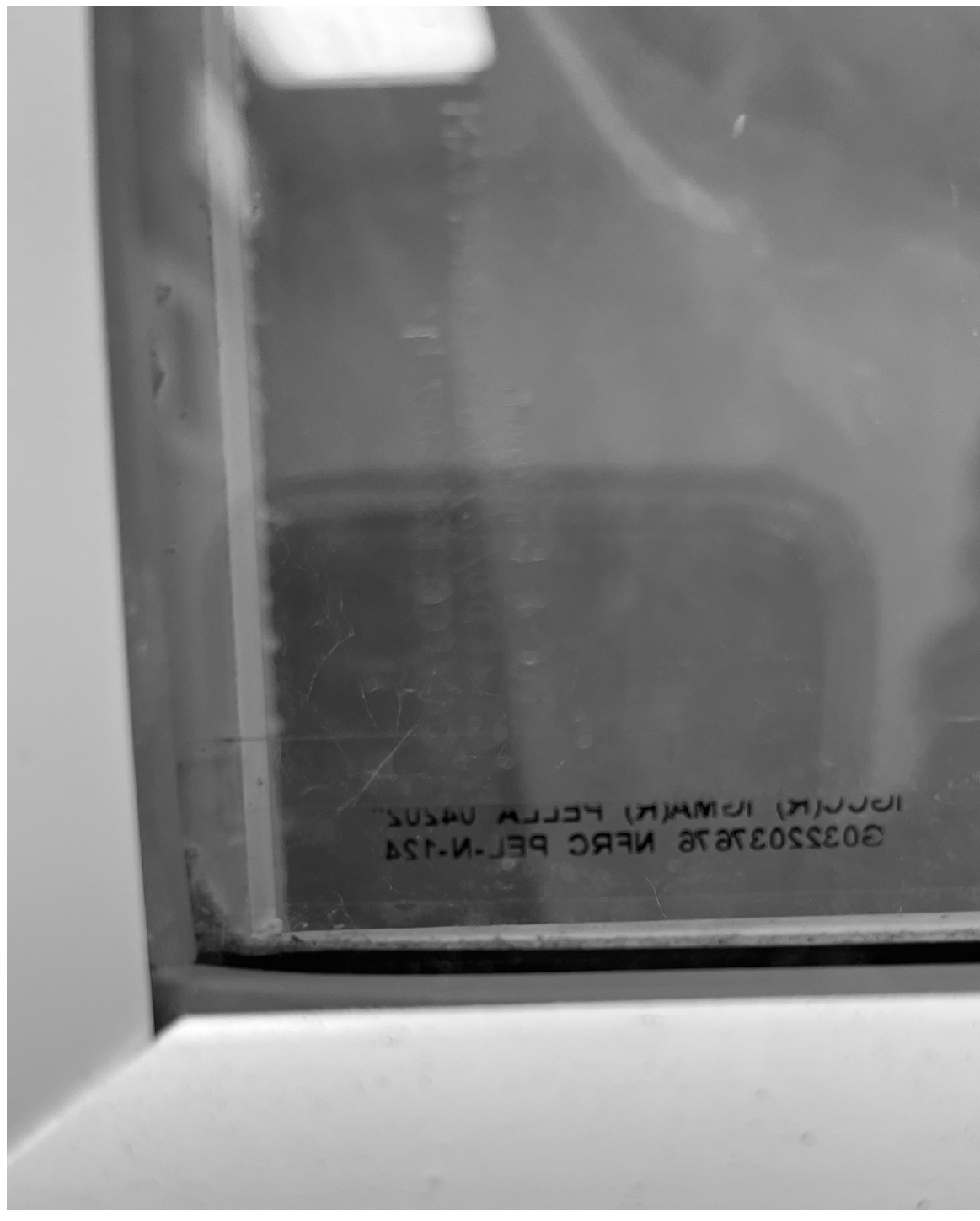
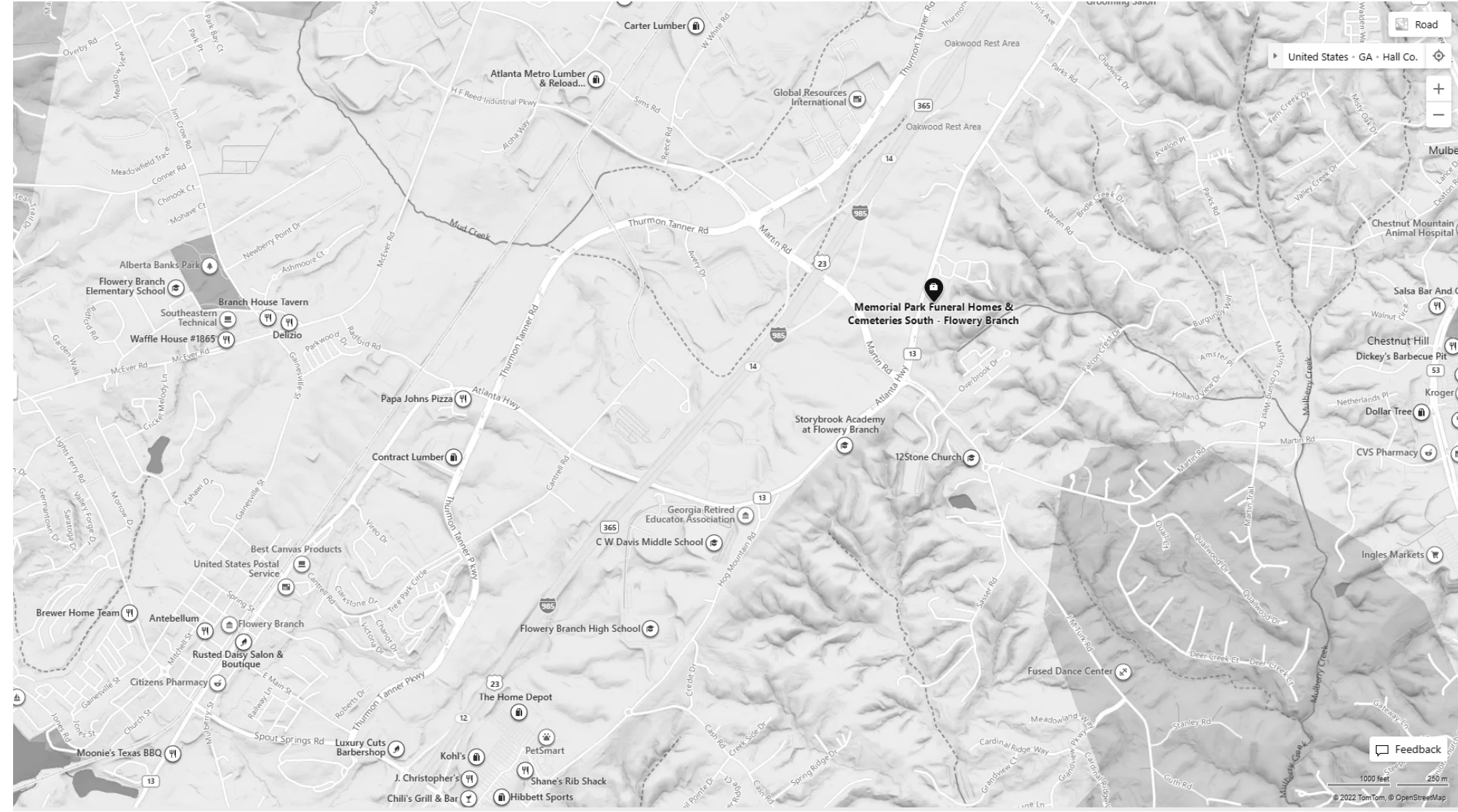
- [Memorial Park South \(Crematory\) 1-29-23-1.pdf](#)
- [4121 Falcon Pkwy-Crematory Addition-Memorial Park App Package.pdf](#)

- [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		Revised By	Description
Number	Date		
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

Cover Sheet

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

DATE:

2/2/2023

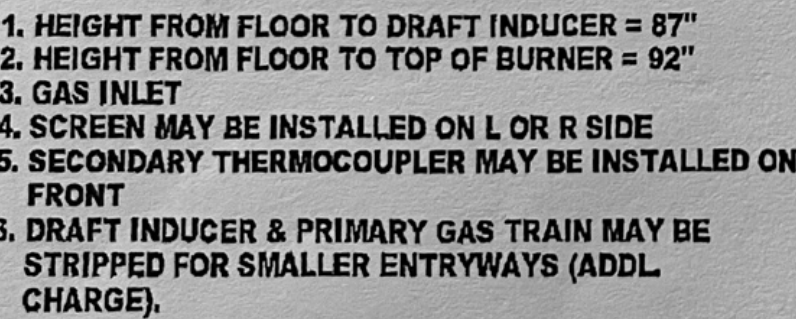
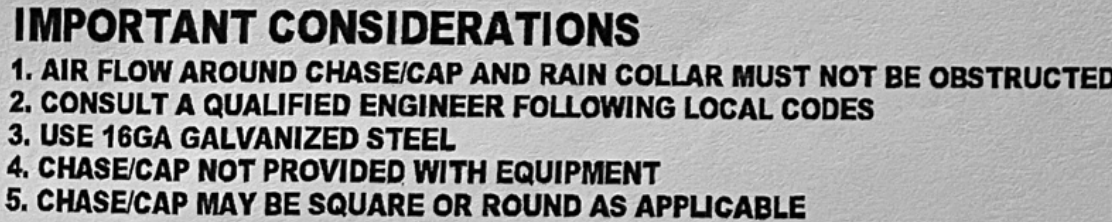
SCALE:

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

SHEET:

A-1

Spec Sheets are on File @ Memorial Park South

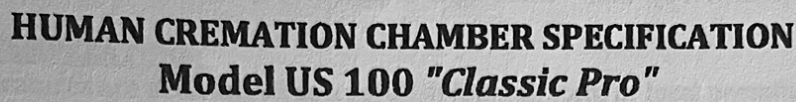


Project: Memorial Park South
Crematory Addition
4121 Falcon Parkway
Flowery Branch, Ga. 30542
Drawn for : Sparks Bowers

Cremation Unit
Spec Page

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

A-2



U.S. Cremation Equipment, a division of American Incinerators Corporation - Multiple Chambered Human Cremator; Natural Gas, Propane (LP) or Oil fired.

U.S. Cremation Equipment a division of American Incinerators Corporation

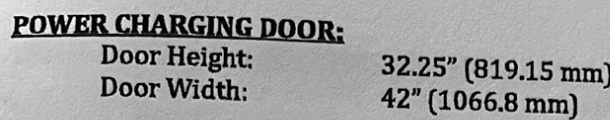
The cremator shall be constructed of U.L. /CSA listed components and will meet or exceed nationally accepted incinerator construction standards as originally established per the Incinerator Institute of America (IIA) publication guidelines; i.e.:

- A. Primary chamber will not exceed 60% of total furnace volumes. Flue connection shall not be considered part of furnace volume.
- B. Flame supervision through continuous ultraviolet scanning flame detectors on all burners.
- C. High temperature refractory construction with air-cooled walls to prevent excessive heat radiation.
- D. Exhaust gas temperature reduction.

Underwriters Laboratories (UL) listed appliance File number MH47704.

Chamber volumes: Primary – 65.3 CF (1.85 CM)
 Secondary – 74.1 CF (2.1 CM)
Primary Chamber: 94" L x 40" W x 31" H (2388 mm x 1016 mm x 787.4 mm)
Structural footprint: 169" L x 65" W (4293 mm x 1651 mm)
 178" L x 75" W (w/ touch screen & electrical panel)
 (4521.2 mm x 1905 mm)

Height: Stripped: 80" H (2032 mm)
To Inducer: 87" H (2209.8 mm)
To Burner: 92" H (2336.8 mm)
To Hood: 101" H (2565.4 mm)



PRIMARY CHAMBER OPENING:
Width: 40" (1016 mm)
Roof Arch Height: 31" (787.4 mm) @ High Point - 25.5" (647.7 mm) @ Low point

Temperatures are determined as a result of federal, state or local permitting authority operating standards.

In excess of 1 second.

Single load capacity of 800 lbs. (363 kg) per cremation cycle. Burn Rate of 200 lbs./hr. (91kg)

Induced via refractory lined draft inducer

27,000 lbs. (12,247kg)

The U. S. Cremation Equipment cremator shall meet or exceed federal, state/province and local environmental regulations.

Secondary chamber equipped with one, 1,500,000 BTU/HR burner. Also equipped with an electronic exhaust gas scanner system which temporarily suspends operation of the primary chamber burner if the opacity of the exhaust gases reaches the maximum locally authorized level.

A. The structure to be heavy 3" steel angle, square tube; 3/8" steel plate, seal welded construction.

- B. Subfloor to be 3/16" steel plate, seal welded construction.
- C. The exterior shell to be 14-gauge steel removable panels.
- D. Interior shell to be 12-gauge steel, seal welded construction.

A. Hot Hearth: 3000°F (1650°C) abrasion resistant cast refractory monolithic cast 7" - 13" thick, 1-1/2" recessed top and rounded, stressed arched bottom.

- B. Chamber Floors: 3000°F (1650°C) abrasion resistant cast refractory, 5" thick on top of 2" 2400°F (1316°C) light weight insulating castable.

- C. Chamber Ceilings: 3000°F(1650°C) cast refractory, monolithic cast, rounded, stressed arched, 5"-9" thick, topped by 2", 2400°F (1360°C) light weight insulating castable.

- D. Interior Walls:** 2800°F (1538°C) alumina-silicate firebrick, 2 1/2" x 4 1/2" x 9", all chambers are backed by 4" of 1900°F (1038°C) ceramic fiber insulation.

- E. Stack: Lined with 2-3" of 2200°F (1205°C) insulating refractory.

Integral dual casing, completely air-cooled design to prevent excessive heat radiation.

A. Combustion Air - One (1) Single or 3 phase, 208-230/460V, 17-15.5/7.6 amp, 7.5 hp air blower motor (1,700 CFM (158 CMM) or 5 hp Eclipse Blower.

- B. Primary Chamber - One 500,000 BTU/hr nozzle mix, gas-fired burner; Eclipse, North American, or equal.
- C. Secondary Chamber - One, 1,500,000 BTU/HR modulating, nozzle mix, gas-fired Burner; Eclipse, North American, or equal.
- D. Burner Flame Safeguard - Control supervision on each burner via a flame safeguard relay and ultra-violet light detector.
- E. Low Air Pressure Safety Switch - Interlocked to all burners.

Exhaust duct operating exit temperature: 900°F (482°C)

10-gauge carbon steel, high temperature 3" refractory lining including ¼ inch insulating paper (51 -76 mm), pre-drilled Outside Diameter, 26" (711 mm) (29" at flanges, 12 bolt patter).

A. GAS:

1. Pressure:
a) Natural Gas: 7-9" W.C. (178-228 mm)
b) Propane: 11-14" W.C. (288-355 mm)

2. Flow Rate: 2,000,000 BTU/hr

Voltage: 220 Volts
Phase: Single or 3 Phase
Frequency: 50/60Hz
Amperage: 70Amp for Single Phase - 40Amp for 3 Phase

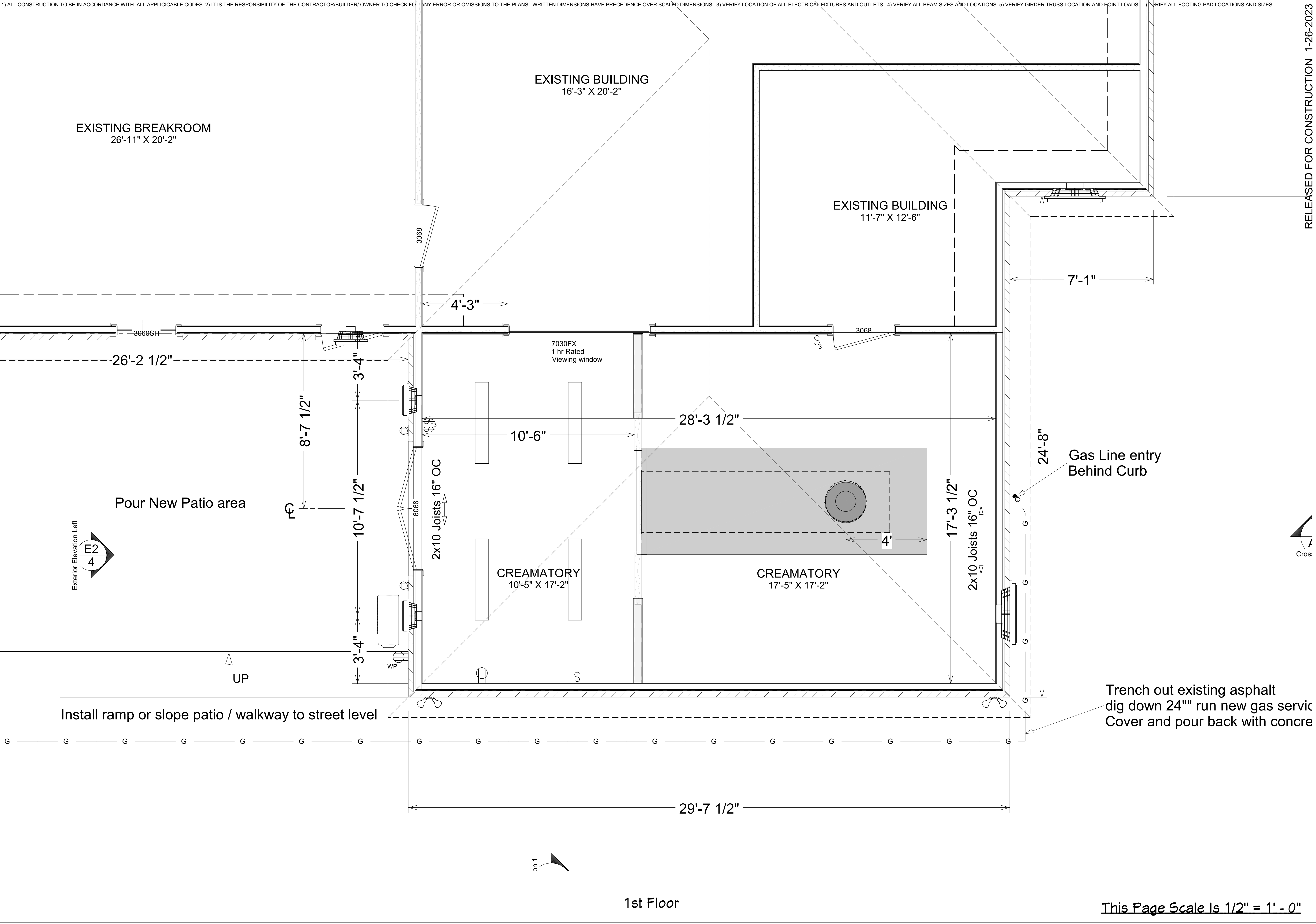
Hydraulically operated, refractory lined, upward movement guillotine style door with view port. It is a front loading-front cleanout design with cremated remains collection cooling hopper and removal system. The hydraulic system pump is a 1.5 HP with a capacity of 15 liters per minute or equivalent system.

The cremation cycle is controlled by a programmable logic control (PLC) system. Visual confirmation of the system status is provided through a Color Touch Screen Panel, which displays temperatures, elapsed time, burner operation and other functions. Continuous fuel and air modulation are automatically controlled by a time/temperature actuated system. Operator interface performed through the Color Touch Screen. The Temperature Chart Recorder (if applicable) is a single or dual pen.

The top and rear compartments are finished with two coats of high-temperature, textured, black polyurethane. The front and side panels are powder coated in a dark grey color. The cremator is trimmed in stainless steel.

The tools consist of a steel wire brush and rake with long handles, and a short handle rake. A trigger Hand Magnet for removal of metal is also included.

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

SCALE:

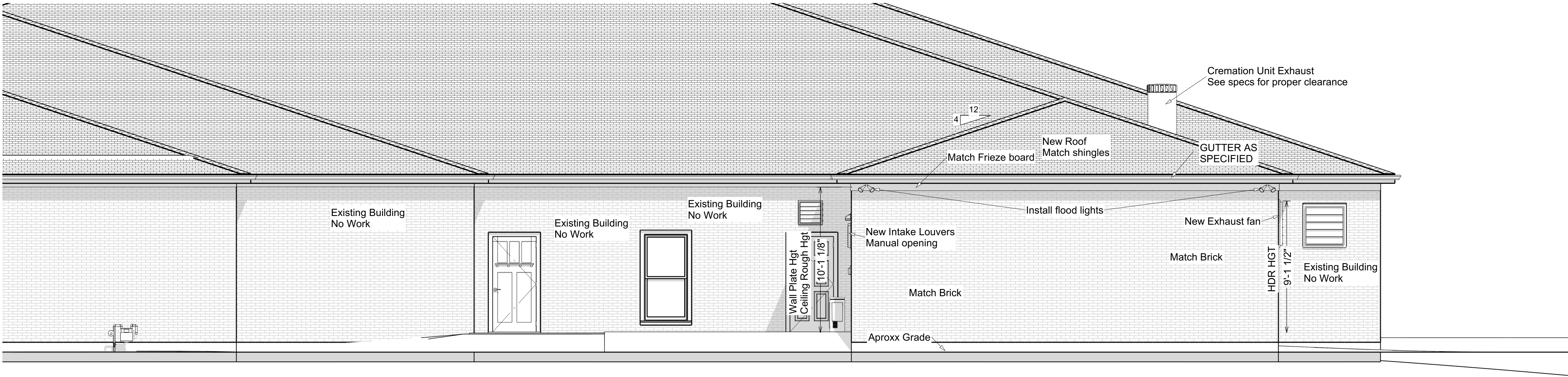
1/4" = 1' - 0"
Unless Noted
Otherwise

SHEET:

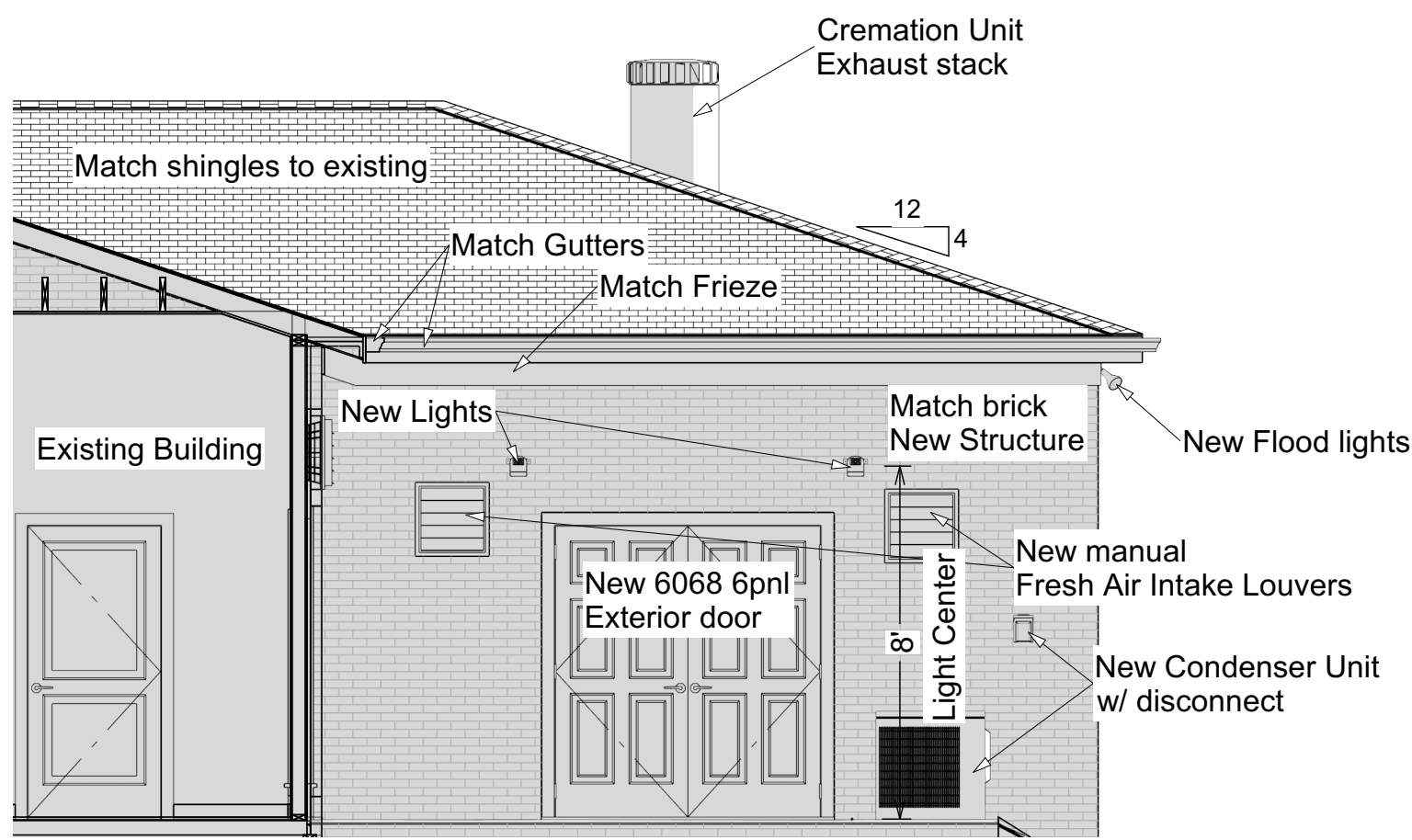
A-3

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

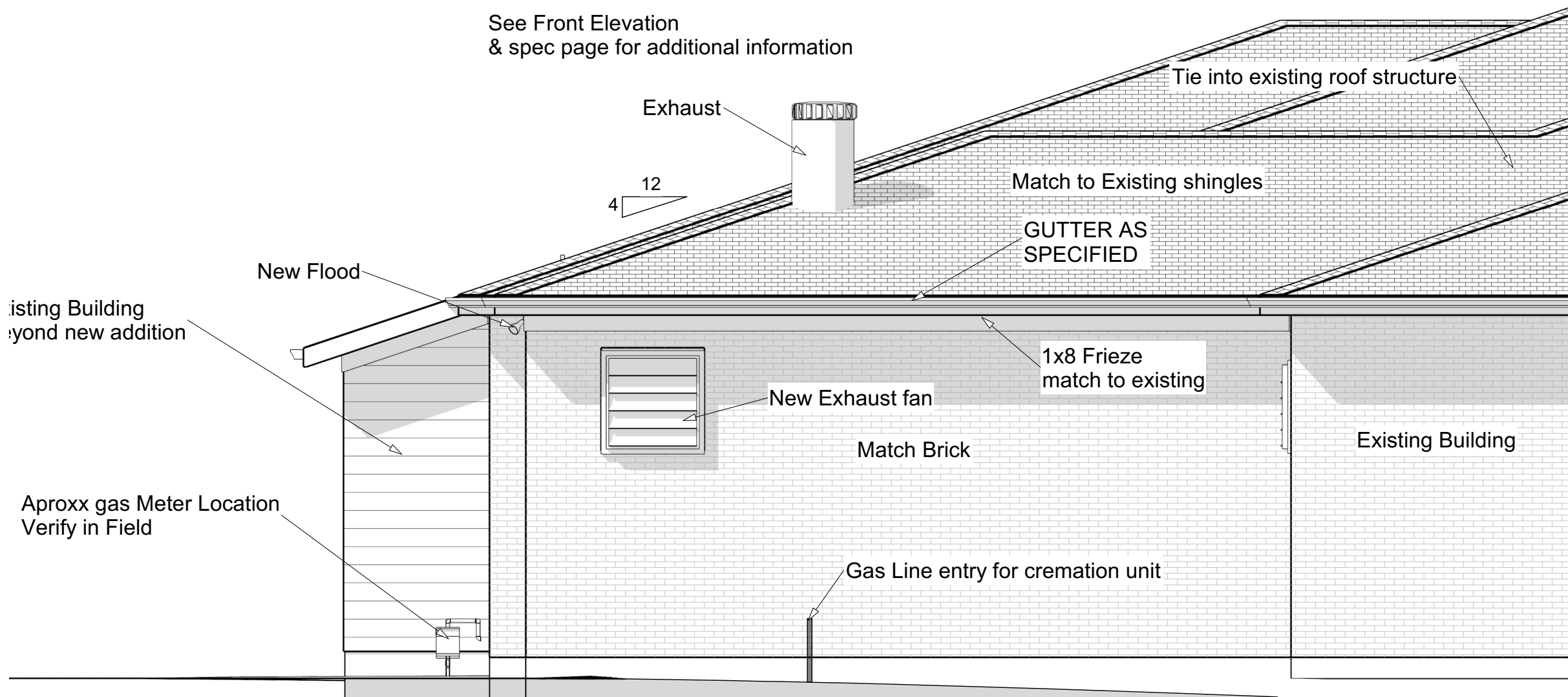
1) ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL APPLICABLE CODES 2) IT IS THE RESPONSIBILITY OF THE CONTRACTOR/BUILDER/ OWNER TO CHECK FOR ANY ERROR OR OMISSIONS TO THE PLANS. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. 3) VERIFY LOCATION OF ALL ELECTRICAL FIXTURES AND OUTLETS. 4) VERIFY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



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:

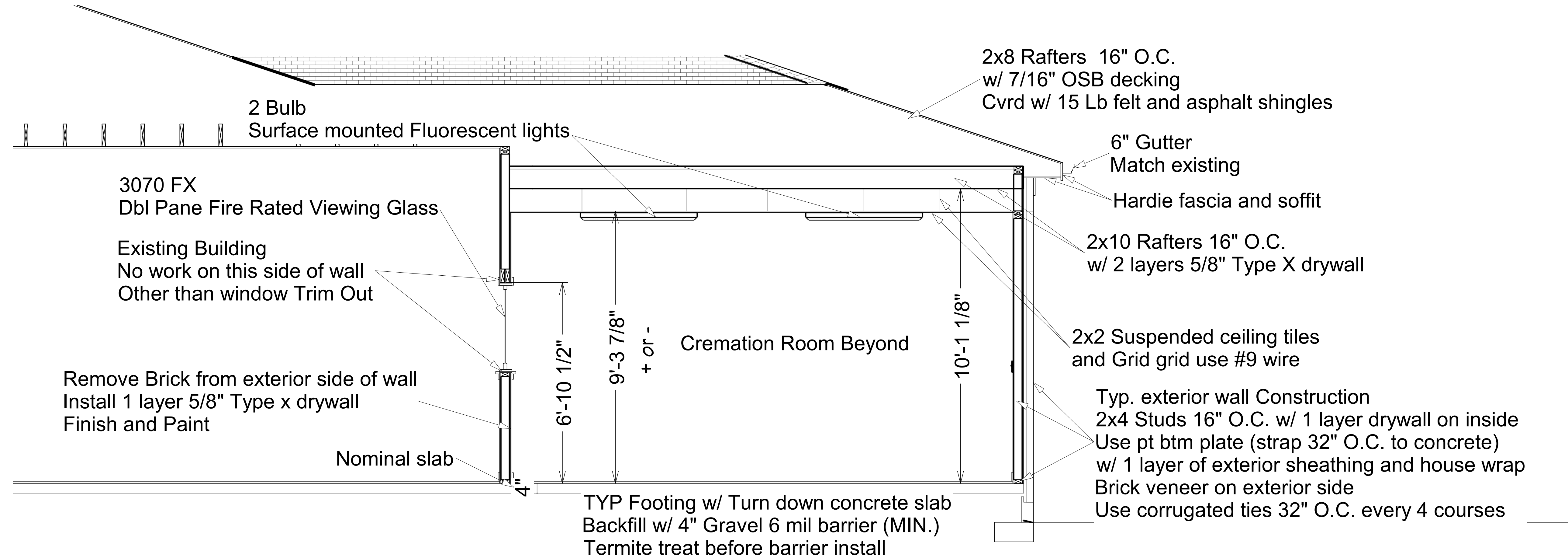
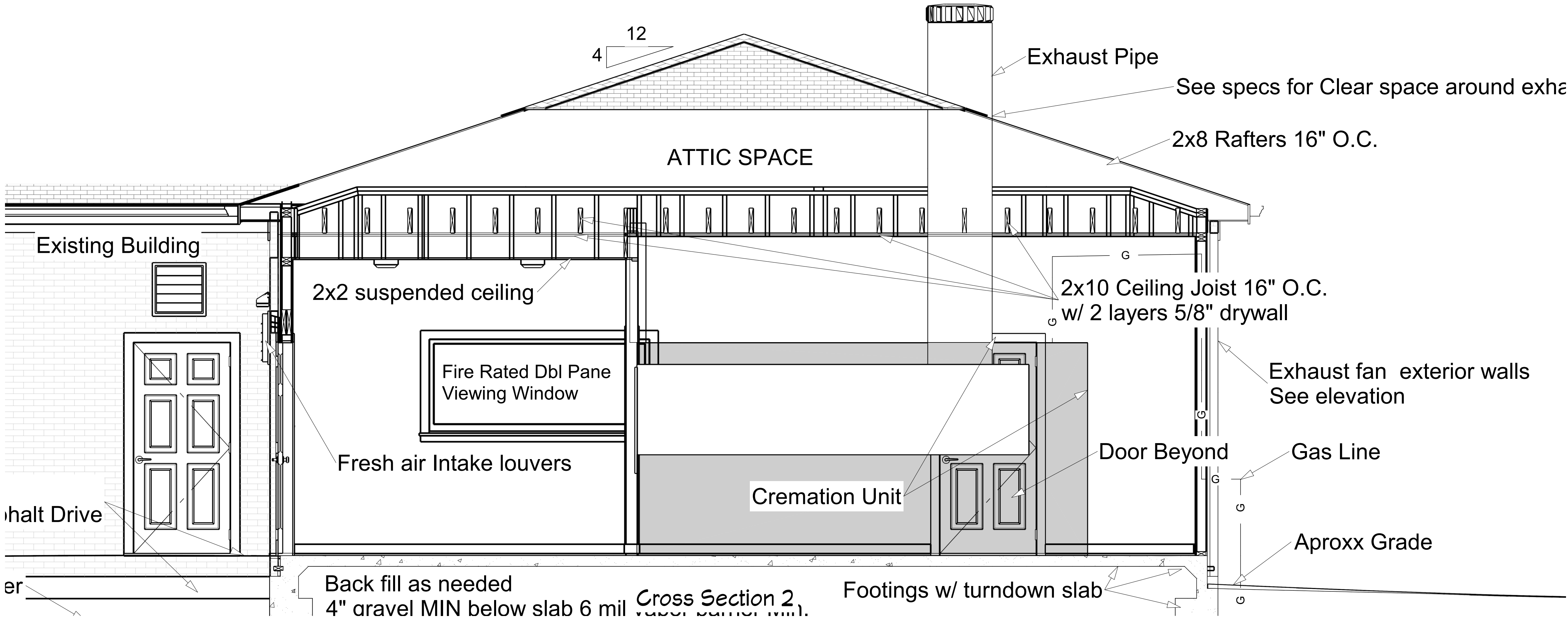
1/4" = 1' - 0"
Unless Noted
Otherwise

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



Cross Section 1

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

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



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:

Kevin Wetzel

Notary Seal:



**Property owner Information**

Property owner (please print): Memorial Estate planners

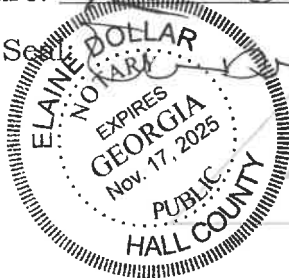
Address: PO Box 3400
Gainesville, GA 30503

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

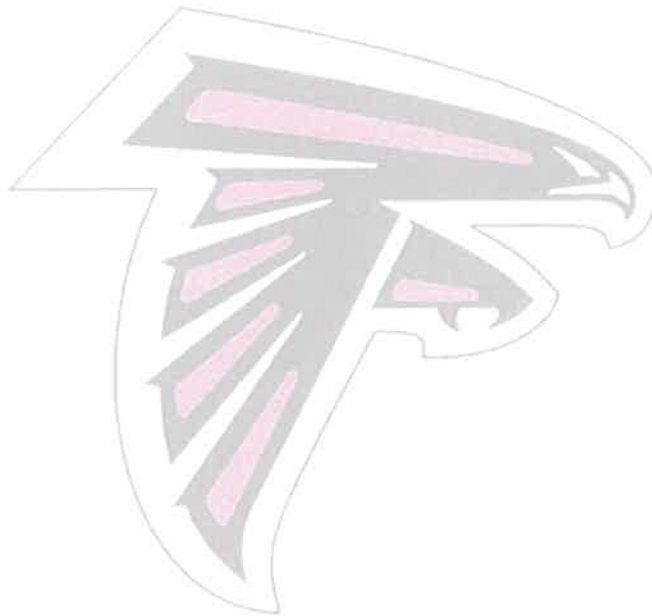
n/A



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.

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

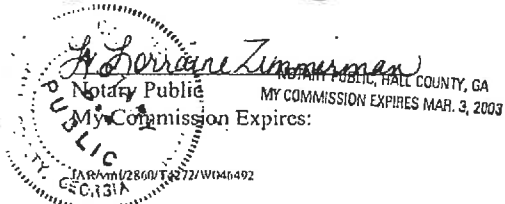
Regions Bank, successor by merger to the
First National Bank of Gainesville, as Co-
Trustee of the Testamentary Trust of Rafe
Banks, Jr.

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

AFFIX CORPORATE SEAL

ATTEST Richard A. Lullwood
V. V.

Jarvis C. Ziegler
Witness



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:

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

27.800 ACRES

RECORDING PERMIT

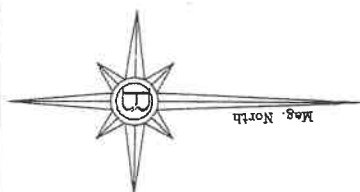
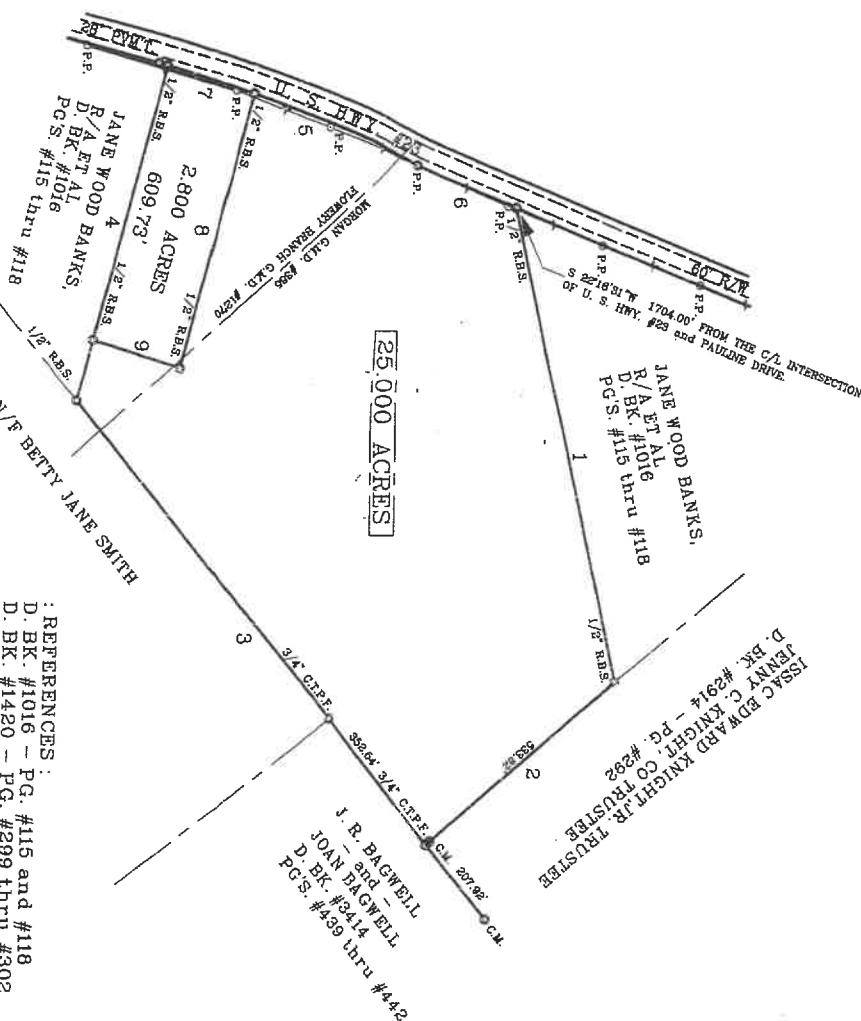
200 0 200 400 600

GRAPHIC SCALE - FEET

MEMORIAL PARK FUNERAL HOME
FLOWERY BRANCH G.M.D. #1270
10001 W. 13th Ave. Suite 100
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

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 2 of 2

CONTINUED:



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.

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.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance 709 - Adoption of the City of Flowery Branch Zoning Map.

COUNCIL MEETING DATE: March 21, 2024

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve first read

SAMPLE MOTION:

I make a motion to adopt the first reading of ordinance 709.

COLLABORATING DEPARTMENT:

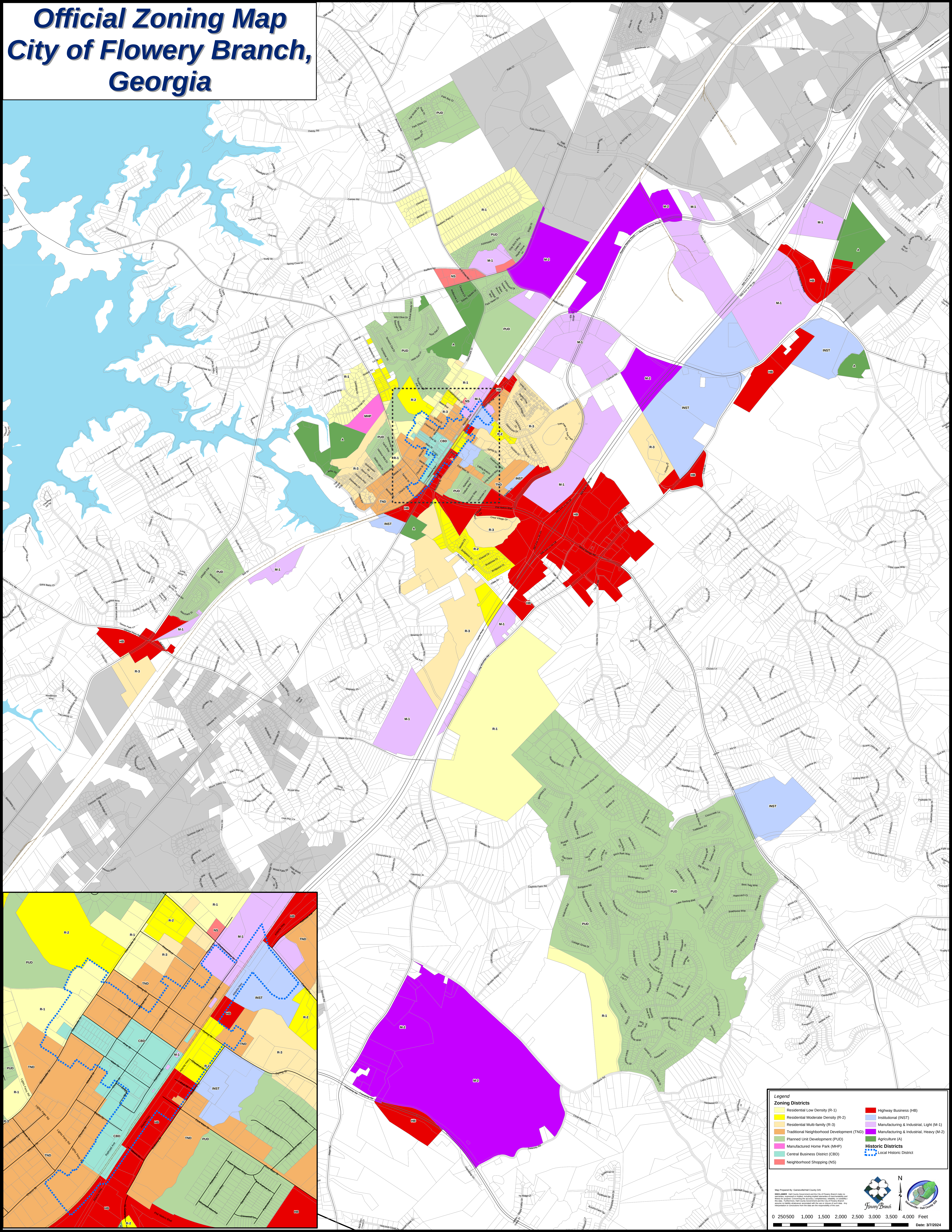
DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [FLBr_OfficialZoningMap_Mar2024.pdf](#)
- [Replacement of Official Zoning Map 1 18 24.pdf](#)

Official Zoning Map City of Flowery Branch, Georgia



Ordinance No. 709

AN ORDINANCE PURSUANT TO SECTION 3.4 OF THE CITY OF FLOWERY BRANCH ZONING ORDINANCE TO PROVIDE FOR THE ADOPTION AND REPLACEMENT OF AN OFFICIAL ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA

The Council of the City of Flowery Branch hereby ordains that the City of Flowery Branch Zoning Ordinance is amended pursuant to Section 3.4 by adopting a new official zoning map. The map is attached hereto as Exhibit A and incorporated herein by reference. The map bears the legend Official Zoning Map of the City of Flowery Branch, Georgia, April, 2024.

The new official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City under the following words: “This is to certify that this official zoning map supersedes and replaces the previous official zoning map, as amended, as part of the Flowery Branch Zoning Ordinance.” The new official zoning map shall be an attachment to the Flowery Branch zoning ordinance.

The previous official zoning map shall be preserved and maintained in the offices of the Planning Department of the City of Flowery Branch.

Any property that is located within the municipal boundaries of the City of Flowery Branch, Georgia, that is not shown on the official zoning map of the City of Flowery Branch, Georgia, which is adopted pursuant to this ordinance, or that is not shown within a specific zoning classification on the zoning map attached hereto shall be classified as R-1 Residential, Detached, Single-Family Low-Density District. All conditions of zoning that were placed on any land in the City of Flowery Branch, Georgia at the time of any prior zoning of that property, and any conditional use permits and conditions related thereto shall remain in full force and effect.

IT IS SO ORDAINED, this ____ day of April, 2024

Ed Asbridge, Mayor

Attest: _____
Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consideration of a Contract for Early Works Package Amendment to the CMAR Contract with Archer Western Construction.

COUNCIL MEETING DATE: March 21, 2024

HISTORY:

The City of Flowery Branch engaged Archer Western as the CMAR for the Flowery Branch water reclamation facility (WRF) expansion to expand the WRF. During the design of the WRF expansion additional facility needs were identified as urgent repair/replacement/modification needs. These items related to the dewatering system and equalization tank were moved into an early works construction package as they were not part of the original expansion scope and have a more urgent implementation need.

FACTS AND ISSUES:

The construction manager at risk role was originally advertised via a request for proposal (RFP) process and included an interview phase for all proposers. A total of four reputable and experienced firms proposed for the CMAR role. Using the provided proposals, interviews, and contractor provided cost markup sheet the best value CMAR was identified to be Archer Western Construction (AW). AW has worked with the engineering design firm, ESG Engineering, Inc., to get to the 80% Design and GMP milestone which was achieved on March 18th. The current CMAR contract with AW included early phase support with an understanding that amendments would be needed to be made for the construction support portion of the project. For the early works package the scope of work includes a new dewatering belt filter press, solids conveyors, canopy, concrete paving, and associated electrical work. In addition to the dewatering components, it also includes new aeration and mixing equipment in the Equalization Tank and the associated electrical work. AW has provided a Lump Sum guaranteed maximum price (LS GMP) to complete the early works package. All equipment included in this effort went through a proposal process to selection the best value for the City of Flowery Branch. This work will begin immediately upon contract execution and is scheduled to be finished by the middle of February 2025 due to equipment lead times.

OPTIONS:

The funding for this project is approximately \$900,000 from American Rescue Plan Act (ARPA) funds and \$1,565,430 from the Water and Wastewater Enterprise Fund's system development charges.

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

No

AMOUNT AND SOURCE OF FUNDS:

\$2,656,430 - ARPA & SDC

RECOMMENDATION:

Consider authorizing a contract modification with Archer Western Construction as the construction manager at risk services for the construction of the Flowery Branch Wastewater Treatment Plant Expansion (WWTP) for the early works Dewatering and Equalization Tank modifications.

SAMPLE MOTION:

I make a motion to approve the early works package Guaranteed Maximum Price (GMP) of \$2,656,430.00 and approve entering into a contract amendment to the existing CMAR contract with Archer Western.

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Archer Western Early Works Packages.pdf](#)
- [Flowery Branch WRF Early Works GMP Rev.1 - 3-14-24.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Early Works Package Amendment to the CMAR contract with Archer Western Construction.

DATE: March 14, 2024

BUDGET INFORMATION:

ANNUAL-

CAPITAL- \$2,656,430

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

☐ **STATUS REPORT**

☐ **OTHER**

COUNCIL ACTION REQUESTED ON: March 21, 2024

PURPOSE: Consider authorizing a contract modification with Archer Western Construction as the construction manager at risk services for the construction of the Flowery Branch Wastewater Treatment Plant Expansion (WWTP) for the early works Dewatering and Equalization Tank modifications.

HISTORY: The City of Flowery Branch engaged Archer Western as the CMAR for the Flowery Branch water reclamation facility (WRF) expansion to expand the WRF. During the design of the WRF expansion additional facility needs were identified as urgent repair/replacement/modification needs. These items related to the dewatering system and equalization tank were moved into an early works construction package as they were not part of the original expansion scope and have a more urgent implementation need.

FACTS AND ISSUES: The construction manager at risk role was originally advertised via a request for proposal (RFP) process and included an interview phase for all proposers. A total of four reputable and experienced firms proposed for the CMAR role. Using the provided proposals, interviews, and contractor provided cost markup sheet the best value CMAR was identified to be Archer Western Construction (AW). AW has worked with the engineering design firm, ESG Engineering, Inc., to get to the 80% Design and GMP milestone which was achieved on March 18th. The current CMAR contract with AW included early phase support with an understanding that amendments would be needed to be made for the construction support portion of the project. For the early works package the scope of work includes a new dewatering belt filter press, solids conveyors, canopy, concrete paving, and associated electrical work. In addition to the dewatering components, it also includes new aeration and mixing equipment in the Equalization Tank and the associated electrical work. AW has provided a Lump Sum guaranteed maximum price (LS GMP) to complete the early works package. All equipment included in this effort went through a proposal process to selection the best value for the City of Flowery Branch. This work will begin immediately upon contract execution and is scheduled to be finished by the middle of February 2025 due to equipment lead times.

The funding for this project is approximately \$900,000 from American Rescue Plan Act (ARPA) funds and \$1,565,430 from the Water and Wastewater Enterprise Fund's system development charges.

OPTIONS: Approve or Deny

RECOMMENDED SAMPLE MOTION: I make a motion to approve the early works package Guaranteed Maximum Price (GMP) of \$2,656,430.00 and approve entering into a contract amendment to the existing CMAR contract with Archer Western.

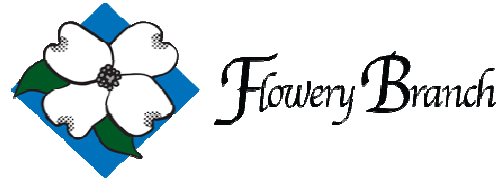
DEPARTMENT: Administration

Prepared by: Tonya D. Parrish



DATE: 3/14/2024

** Early Works GMP Rev.1 **			
DESCRIPTION	QTY	UN	TOTAL COST
MOBILIZATION	1	LS	\$15,000
FACILITY 700 - EXISTING SOLIDS DEWATERING	1	LS	\$1,193,100
FACILITY 310 - EXISTING EQ TANK	1	LS	\$586,932
ALLOWANCES AND UNIT PRICE WORK	1	LS	\$199,190
Total Direct Construction Cost (A)			\$1,994,222
Contingency - CMAR			\$99,711
Contingency - Owner			\$99,711
Subtotal Contingencies (B)			\$199,422
Taxes			included
Liability Insurance			\$24,631
Builder's Risk Insurance			\$13,684
Bond			\$19,615
Subtotal Construction Support Costs (C)			\$57,930
Subtotal A+B+C			\$2,251,574
CMAR Fee (8%)			\$180,126
Subtotal CMAR Fee (D)			\$180,126
General Conditions (9.5%)			\$224,730
Subtotal General Conditions (E)			\$224,730
TOTAL ESTIMATED CONSTRUCTION COST (A+B+C+D+E)			\$2,656,430



DATE: 03/14/2024
Early Works GMP Rev.1



		QTY	UN	LABOR COST	MATERIAL COST	DIRECT SUB COST	EQUIPMENT COST	TOTAL COST	TOTAL PROJECT COST					
BID ITEM	DESCRIPTION													
0.0 MOBILIZATION		1 LS	\$	-	\$	-	\$	15,000	\$	15,000	\$	15,000		
		1 LS						\$15,000		\$15,000		\$15,000		
FACILITY 700 - EXISTING SOLIDS DEWATERING														
1.1 - DEMOLITION														
	Demo Existing Press & Conveyor	1 LS	\$	9,800			\$	3,580	\$	13,380	\$	13,380		
	Demo Existing Dewatering Canopy	1 LS	\$	1,423		\$	642	\$	448	\$	2,513	\$	2,513	
	Demo Existing 8" Sludge Line	1 LS	\$	4,282	\$	313	\$	1,161	\$	428	\$	6,184	\$	6,184
	Misc. Demo and Cleaning In Filter Building	1 LS	\$	795					\$	795	\$	795		795
1.2 - CONCRETE														
	Site Concrete in front of Filter Press Building	175 CY	\$	90,293	\$	83,815	\$	34,300	\$	15,139	\$	223,547	\$	223,547
	Concrete Dumpster Pads	35 CY	\$	18,059	\$	16,763	\$	6,860	\$	3,028	\$	44,710	\$	44,710
1.3 - METALS														
	Preengineered Metal Canopy for Dumpster	1 LS				\$	105,401	\$	2,400	\$	107,801	\$	107,801	
	Dumpster Skid Plates	4 EA	\$	1,762	\$	17,499		\$	605	\$	19,865	\$	19,865	
	New Belt Filter Press Access Platform (MATERIALS W PRESS)	1 EA	\$	3,523				\$	1,209	\$	4,732	\$	4,732	
1.4 - FINISHES														
	Coating of Preengineered Canopy	1 LS				\$	15,000		\$		15,000	\$	15,000	
1.5 - EQUIPMENT														
	Purchase & Install New Belt Filter Press W PLATFORM	1 LS	\$	12,801	\$	637,780	\$	2,343	\$	5,888	\$	658,812	\$	658,812
	Purchase & Install New Transitional Belt Press	1 LS	\$	8,330	\$	3,579		\$	3,627	\$	15,536	\$	15,536	
	Purchase & Install Loading Conveyor (Horizontal)	1 LS	\$	7,350	\$	4,114		\$	3,627	\$	15,091	\$	15,091	
1.6 - ELECTRICAL														
		1 LS	\$	-	\$	-	\$	28,258	\$	-	\$	28,258	\$	28,258
1.7 - COMMUNICATIONS														
		1 LS	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
1.8 - PROCESS PIPING														
		1 LS							\$		-	\$	-	
	Purchase & Install Sludge Feed Piping		\$	4,179	\$	5,350		\$	2,418	\$	11,947	\$	11,947	
	Purchase & Install Drain Piping		\$	1,600	\$	2,140		\$	1,100	\$	4,840	\$	4,840	
1.9 - AW SET-UP OF TEMP. BELT PRESS(PIPING)														
		1 LS	\$	5,880	\$	6,206	\$	8,004	\$	-	\$	20,091	\$	20,091
FACILITY 700 - EXISTING SOLIDS DEWATERING TOTAL		1 LS		\$170,077		\$777,559		\$201,969		\$43,496		\$1,193,100		\$1,193,100
FACILITY 310 - EXISTING EQ TANK														
2.1 - DEMOLITION														
	Demo Existing Aerators & Mixer	1 LS						\$		-	\$	-		-
	Misc. Demo & Cleaning	1 LS	\$	10,614	\$	1,000		\$	8,848	\$	20,462	\$	20,462	
		1 LS	\$	795	\$	500				\$	1,295	\$	1,295	
2.2 - CONCRETE														
	Concrete Pads for Aerators & Mixer	25 CY						\$		-	\$	-		-
		25 CY	\$	25,767	\$	25,223	\$	6,413	\$	4,352	\$	61,754	\$	61,754
2.5 - EQUIPMENT														
	Purchase & Install Aeration & Mixing Equipment (incl.misc anchors, concrete,etc)	1 LS						\$		-	\$	-		-
			\$	31,843	\$	232,835	\$	1,050	\$	37,534	\$	303,262	\$	303,262
2.6 - ELECTRICAL														
		1 LS	\$	-	\$	-	\$	200,158	\$	-	\$	200,158	\$	200,158
FACILITY 310 - EXISTING EQ TANK TOTAL		1 LS		\$69,020		\$259,558		\$207,621		\$50,734		\$586,932		\$586,932

ALLOWANCES AND UNIT PRICE WORK													
3.3 - MOBILIZE TEMP BELT FILTER PRESS	1 LS	\$	-	\$	12,840	\$	-	\$	-	\$	12,840	\$	12,840
3.4 - MONTHLY RENTAL TEMP FILTER PRESS	3 MO	\$	-	\$	80,250	\$	-	\$	-	\$	80,250	\$	80,250
3.5 - BELT PRESS OPERATOR	300 HR	\$	-	\$	-	\$	56,100	\$	-	\$	56,100	\$	56,100
4.0 - EQ CLEANING & MATERIAL REMOVAL ALLOWANCE	1 LS	\$	-	\$	-	\$	50,000	\$	-	\$	50,000	\$	50,000
ALLOWANCES AND UNIT PRICE WORK TOTAL		1 LS		\$93,090		\$106,100				\$199,190		\$199,190	

Subtotal Cost of the Work: Direct Costs (A)	\$239,097	\$1,130,207	\$515,689	\$109,230	\$1,994,222	\$1,994,222
Contingencies (B)						
Contingency A (CMAR) -5%	\$	99,711				
Contingency B (Owner) -5%	\$	99,711				
Subtotal Contingencies (B)	\$	199,422		\$	199,422	\$ 199,422
Subtotal Direct Costs + Contingencies (A+B)				\$	2,193,644	\$ 2,193,644
Construction Support Costs (C)						
Taxes		included				
Liability Insurance	\$	24,631				
Builder's Risk Insurance	\$	13,684				
Bond	\$	19,615				
Subtotal Support Costs (C)	\$	57,930		\$	57,930	\$ 57,930
Subtotal A+B+C					\$	2,251,574
CMAR Fee (D)						
CMAR Fee (8% of A+B+C)	\$	180,126				
Subtotal CMAR Fee (D)	\$	180,126		\$	180,126	\$ 180,126
General Conditions (E)						
General Conditions (9.5% of A+B+C)	\$	224,730				
Subtotal General Conditions (E)	\$	224,730		\$	224,730	\$ 224,730
Total Estimated Construction Cost (A+B+C+D+E)						\$2,656,430



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consideration of Awarding the Road Resurfacing Improvements Project Contract to the Low Bidder, Baldwin Paving Company, Inc., in the Amount of \$1,645,269.

COUNCIL MEETING DATE: March 21, 2024

HISTORY:

The City obtained \$193,419 in funding via the Local Maintenance & Improvement Grant (LMIG) grant funding program, which is administered by the Georgia Department of Transportation and provides funding to local governments for the purposes of constructing roadway improvements. To facilitate the selection of roads for paving, the City engaged ESG Engineering to perform a City-wide roadway/pavement assessment through the use third-party proprietary artificial intelligence technology. After reviewing the results of the assessment, the City identified roads in need of resurfacing based on physical pavement deterioration and criticality/traffic usage.

The City then engaged ESG Engineering to design a road paving/resurfacing improvements project for the selected local streets. After obtaining geotechnical surface and sub-surface data, ESG Engineering specified the resurfacing improvements and provided a contract to procure a qualified contractor for constructing the project. Bids were publicly advertised in accordance with State law, and bids were opened at City Hall on March 7th. Baldwin Paving Company, Inc., was the low bidder with a total bid amount of \$1,645,269.00.

FACTS AND ISSUES:

ESG Engineering recommends awarding the project to the low bidder, Baldwin Paving Company, Inc., at the low bid price of \$1,645,269.00. However, given the City's \$2.5M budget and the low bidder's pricing, the City may choose to identify additional roads to be included in the project. Should the City choose to do so, those roads may be added to the project via contract change order, though contract time will likely need to be increased to account for the additional work.

The contract Notice of Award is provided for approval by Council. Should Council approve and award the project to Baldwin Paving Company, Inc., ESG Engineering will engage the contractor to sign contract documents and secure necessary items such as bonds.

OPTIONS:

1) Award the Contract or 2) Do Not Award the Contract

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$1,645,269 Local Resources Fund

RECOMMENDATION:

Award a paving contract to Baldwin Paving Company, Inc. in the Amount of \$1,645,269.

SAMPLE MOTION:

I make a motion to award the Road Resurfacing Improvements Project contract to the low bidder, Baldwin Paving Company, Inc., in the amount of \$1,645,269.

COLLABORATING DEPARTMENT:

Public Works

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Recommendation of Award Road Paving.pdf](#)
- [Bid Tabulation - Road Resurfacing Improvements - 11x17.pdf](#)
- [00621 - NOTICE OF AWARD - Road Resurfacing Improvements.pdf](#)
- [2024.02.09 - Flowery Branch Paving Map.pdf](#)

**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Recommendation of Award for Road Resurfacing Improvements Contract

DATE: March 21, 2024

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL-

☐ **OTHER**

CAPITAL- \$1,645,269.00

COUNCIL ACTION REQUESTED ON: March 21, 2024

PURPOSE: To award the City's Road Resurfacing Improvements construction contract to a responsible, responsive bidder.

HISTORY: The City obtained \$193,419 in funding via the Local Maintenance & Improvement Grant (LMIG) grant funding program, which is administered by the Georgia Department of Transportation and provides funding to local governments for the purposes of constructing roadway improvements. To facilitate the selection of roads for paving, the City engaged ESG Engineering to perform a City-wide roadway/pavement assessment through the use third-party proprietary artificial intelligence technology. After reviewing the results of the assessment, the City identified roads in need of resurfacing based on physical pavement deterioration and criticality/traffic usage.

The City then engaged ESG Engineering to design a road paving/resurfacing improvements project for the selected local streets. After obtaining geotechnical surface and sub-surface data, ESG Engineering specified the resurfacing improvements and provided a contract to procure a qualified contractor for constructing the project. Bids were publicly advertised in accordance with State law, and bids were opened at City Hall on March 7th. Baldwin Paving Company, Inc., was the low bidder with a total bid amount of \$1,645,269.00.

FACTS AND ISSUES: ESG Engineering recommends awarding the project to the low bidder, Baldwin Paving Company, Inc., at the low bid price of \$1,645,269.00. However, given the City's \$2.5M budget and the low bidder's pricing, the City may choose to identify additional roads to be included in the project. Should the City choose to do so, those roads may be added to the project via contract change order, though contract time will likely need to be increased to account for the additional work.

The contract Notice of Award is provided for approval by Council. Should Council approve and award the project to Baldwin Paving Company, Inc., ESG Engineering will engage the contractor to sign contract documents and secure necessary items such as bonds.

OPTIONS: 1) Award the Contract or 2) Do Not Award the Contract

RECOMMENDED SAMPLE MOTION: I make a motion to award the Road Resurfacing Improvements Project contract to the low bidder, Baldwin Paving Company, Inc., in the amount of \$1,645,269.00.

DEPARTMENT: Administration

Prepared by: Tonya D. Parrish

BID TABULATION FOR ALL BIDS
RECEIVED AT THE CITY OF FLOWERY BRANCH
ON THURSDAY, MARCH 7, 2024 AT 2:00 PM

ESG Engineering
6400 Peake Road
Macon, Georgia 31210

PROJECT:
ROAD RESURFACING IMPROVEMENTS
Project #F0002.013

BIDDERS:

Baldwin Paving Co. Inc 1014 Kenmill Dr. N.W. Marietta, GA 30060	Sunbelt Asphalt 1410 Sunbelt Way Auburn, GA 30011	Stewart Brothers 2480 Pleasantdale Road Doraville, GA 30340	Allied Paving PO Box 509 Pendergrass, GA 30567	Vertical Earth 6025 Matt Highway Cumming, GA 30028	East Coast Grading 1111 Commerce Drive Madison, GA 30650	ER Snell Construction 1785 Oak Road Snellville, GA 30078	Summit Construction & Development I 2108 Bentley Drive Stone Mountain, GA 30087	Garrett Paving Company, INC 1195 Winterville Road Athens, GA 30605
---	---	---	--	--	--	--	---	--

A. BASE BID

ITEM NO.	QTY.	UNIT	DESCRIPTION	PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
SECTION 100 - PAVING IMPROVEMENTS																					
100	85,000	SY	Variable Depth Milling of Asphaltic Concrete Pavement	\$ 2.49	\$ 208,250.00	\$ 2.80	\$ 238,000.00	\$ 2.46	\$ 209,100.00	\$ 3.25	\$276,250.00	\$ 3.03	\$ 257,905.80	\$ 5.00	\$ 425,000.00	\$ 2.55	\$ 216,750.00	\$ 5.00	\$ 425,000.00	\$ 6.00	\$ 510,000.00
101	200	TN	Recycled Asphalt Leveling Course	\$ 155.00	\$ 31,000.00	\$ 150.00	\$ 30,000.00	\$ 146.85	\$ 29,370.00	\$ 175.00	\$35,000.00	\$ 169.17	\$ 33,833.54	\$ 133.00	\$ 26,600.00	\$ 240.85	\$ 48,170.00	\$ 165.00	\$ 33,000.00	\$ 129.00	\$ 25,800.00
102	1,300	TN	Asphaltic Concrete Open-Graded Interlayer (OGI)	\$ 164.00	\$ 213,200.00	\$ 144.00	\$ 187,200.00	\$ 162.73	\$ 211,549.00	\$ 160.00	\$208,000.00	\$ 203.50	\$ 264,550.00	\$ 145.00	\$ 188,500.00	\$ 172.00	\$ 223,600.00	\$ 140.00	\$ 182,000.00	\$ 133.00	\$ 172,900.00
103	3,600	TN	9.5 mm "Type II" Asphalt Overlay	\$ 84.00	\$ 302,400.00	\$ 141.00	\$ 507,600.00	\$ 149.21	\$ 537,156.00	\$ 140.00	\$ 504,000.00	\$ 159.47	\$ 574,094.89	\$ 131.00	\$ 471,600.00	\$ 141.00	\$ 507,600.00	\$ 132.00	\$ 475,200.00	\$ 136.00	\$ 489,600.00
104	3,500	TN	12.5 mm Asphalt Overlay	\$ 127.50	\$ 446,250.00	\$ 132.00	\$ 462,000.00	\$ 132.61	\$ 464,135.00	\$ 135.00	\$ 472,500.00	\$ 111.58	\$ 390,516.88	\$ 130.00	\$ 455,000.00	\$ 124.80	\$ 436,800.00	\$ 129.00	\$ 451,500.00	\$ 137.00	\$ 479,500.00
105	440	SY	Full-Depth Pavement Repair (incl. demo & removal of ex. pavement & subgrade, compaction, 8" GAB, 2.5" asphalt binder course, and 1.5" asphalt surface course	\$ 209.75	\$ 92,290.00	\$ 102.00	\$ 44,880.00	\$ 203.50	\$ 89,540.00	\$ 125.00	\$ 55,000.00	\$ 135.19	\$ 59,485.52	\$ 150.00	\$ 66,000.00	\$ 111.50	\$ 49,060.00	\$ 120.00	\$ 52,800.00	\$ 300.00	\$ 132,000.00
106	6	EA	Remove & Replace Existing 6x40 Signal Loop	\$ 2,000.00	\$ 12,000.00	\$ 3,195.00	\$ 19,170.00	\$ 2,266.00	\$ 13,608.00	\$ 3,250.00	\$ 19,500.00	\$ 3,465.00	\$ 20,790.00	\$ 2,940.00	\$ 17,640.00	\$ 2,330.00	\$ 13,980.00	\$ 4,500.00	\$ 27,000.00	\$ 12,500.00	\$ 75,000.00
107	5	EA	Remove & Replace Existing 6x6 Signal Setback Loop	\$ 1,000.00	\$ 5,000.00	\$ 1,515.00	\$ 7,575.00	\$ 1,404.00	\$ 7,020.00	\$ 3,250.00	\$ 16,250.00	\$ 2,062.50	\$ 10,312.50	\$ 1,920.00	\$ 9,600.00	\$ 1,110.00	\$ 5,550.00	\$ 1,500.00	\$ 22,500.00	\$ 8,900.00	\$ 42,500.00
108	23	EA	Adjust Existing Valve Box to Final Grade	\$ 1,350.00	\$ 31,061.50	\$ 300.00	\$ 6,900.00	\$ 250.00	\$ 5,750.00	\$ 3,805.00	\$ 87,515.00	\$ 2,500.00	\$ 57,500.00	\$ 2,510.00	\$ 57,730.00	\$ 5,140.00	\$ 118,220.00	\$ 1,250.00	\$ 28,750.00	\$ 8,500.00	\$ 195,500.00
109	5	EA	Adjust Existing Manhole/Structure Top to Final Grade	\$ 4,919.00	\$ 24,595.00	\$ 750.00	\$ 3,750.00	\$ 350.00	\$ 1,750.00	\$ 4,355.00	\$ 21,775.00	\$ 2,500.00	\$ 12,500.00	\$ 6,195.00	\$ 30,975.00	\$ 7,240.00	\$ 36,200.00	\$ 1,800.00	\$ 9,000.00	\$ 8,500.00	\$ 42,500.00
110	22,000	LF	Solid Traffic Stripe, 5" - Yellow High-Build Paint	\$ 0.50	\$ 11,000.00	\$ 1.00	\$ 22,000.00	\$ 0.54	\$ 11,880.00	\$ 0.65	\$ 14,300.00	\$ 0.29	\$ 6,292.00	\$ 0.60	\$ 13,200.00	\$ 0.56	\$ 12,320.00	\$ 0.50	\$ 11,000.00	\$ 1.00	\$ 22,000.00
111	23,000	LF	Solid Traffic Stripe, 5" - White High-Build Paint	\$ 0.50	\$ 11,000.00	\$ 1.00	\$ 23,000.00	\$ 0.54	\$ 12,420.00	\$ 0.65	\$ 14,950.00	\$ 0.29	\$ 6,578.00	\$ 0.60	\$ 13,800.00	\$ 0.56	\$ 12,880.00	\$ 0.50	\$ 11,500.00	\$ 1.00	\$ 23,000.00
112	400	LF	Skip Traffic Stripe, 5" - Yellow High-Build Paint	\$ 0.35	\$ 140.00	\$ 1.00	\$ 400.00	\$ 0.38	\$ 151.20	\$ 0.45	\$ 180.00	\$ 0.50	\$ 198.00	\$ 0.60	\$ 240.00	\$ 0.39	\$ 156.00	\$ 0.35	\$ 140.00	\$ 1.00	\$ 400.00
113	10,500	LF	Skip Traffic Stripe, 5" - White High-Build Paint	\$ 0.35	\$ 3,675.00	\$ 1.00	\$ 10,500.00	\$ 0.80	\$ 3,969.00	\$ 0.45	\$ 4,725.00	\$ 0.22	\$ 2,310.00	\$ 0.60	\$ 6,300.00	\$ 0.39	\$ 4,095.00	\$ 0.35	\$ 3,675.00	\$ 1.00	\$ 10,500.00
114	600	LF	Stop Bar, 24" - White High-Build Paint	\$ 3.50	\$ 2,100.00	\$ 4.00	\$ 2,400.00	\$ 3.78	\$ 2,268.00	\$ 4.55	\$ 2,730.00	\$ 4.29	\$ 2,574.00	\$ 1.50	\$ 900.00	\$ 3.90	\$ 2,340.00	\$ 3.50	\$ 2,100.00	\$ 4.00	\$ 2,400.00
115	2,000	SY	Median Hatching - Yellow High-Build Paint	\$ 3.50	\$ 7,000.00	\$ 4.00	\$ 8,000.00	\$ 3.78	\$ 7,560.00	\$ 4.55	\$ 9,100.00	\$ 4.99	\$ 9,988.00	\$ 4.90	\$ 9,800.00	\$ 3.90	\$ 7,800.00	\$ 3.50	\$ 7,000.00	\$ 4.00	\$ 8,000.00
116	500	SY	Median Hatching - White High-Build Paint	\$ 3.50	\$ 1,750.00	\$ 4.00	\$ 2,000.00	\$ 3.78	\$ 1,890.00	\$ 4.55	\$ 2,275.00	\$ 4.51	\$ 2,255.00	\$ 4.90	\$ 2,450.00	\$ 3.90	\$ 1,950.00	\$ 3.50	\$ 1,750.00	\$ 4.00	\$ 2,000.00
117	360	SY	Pedestrian Crosswalk, 8" - White High-Build Paint	\$ 5.00	\$ 1,800.00	\$ 5.00	\$ 1,800.00	\$ 5.40	\$ 1,944.00	\$ 6.50	\$ 2,340.00	\$ 4.51	\$ 1,623.60	\$ 2.75	\$ 990.00	\$ 5.60	\$ 2,016.00	\$ 5.00	\$ 1,800.00	\$ 10.00	\$ 3,600.00
118	6	EA	Pavement Marking Arrow, Type 1 - White High-Build Paint	\$ 40.00	\$ 240.00	\$ 45.00	\$ 270.00	\$ 43.20	\$ 259.20	\$ 52.00	\$ 312.00	\$ 41.25	\$ 247.50	\$ 26.00	\$ 156.00	\$ 44.75	\$ 268.50	\$ 40.00	\$ 240.00	\$ 50.00	\$ 300.00
119	62	EA	Pavement Marking Arrow, Type 2 - White High-Build Paint	\$ 40.00	\$ 2,480.00	\$ 45.00	\$ 2,790.00	\$ 43.20	\$ 2,678.40	\$ 52.00	\$ 3,224.00	\$ 53.41	\$ 3,311.11	\$ 26.00	\$ 1,612.00	\$ 44.75	\$ 2,774.50	\$ 40.00	\$ 2,480.00	\$ 50.00	\$ 3,100.00
120	5	EA	Pavement Marking Arrow, Type 3 - White High-Build Paint	\$ 50.00	\$ 250.00	\$ 50.00	\$ 250.00	\$ 54.00	\$ 270.00	\$ 65.00	\$ 325.00	\$ 84.37	\$ 421.85	\$ 26.00	\$ 130.00	\$ 56.00	\$ 280.00	\$ 50.00	\$ 250.00	\$ 60.00	\$ 300.00
121	10	EA	Pavement Marking Arrow, Type 7 - White High-Build Paint	\$ 50.00	\$ 500.00	\$ 50.00	\$ 500.00	\$ 54.00	\$ 540.00	\$ 65.00	\$ 650.00	\$ 108.90	\$ 1,089.00	\$ 26.00	\$ 260.00	\$ 56.00	\$ 560.00	\$ 50.00	\$ 500.00	\$ 60.00	\$ 600.00
122	8	EA	Pavement "ONLY" Marking - White High-Build Paint	\$ 50.00	\$ 400.00	\$ 50.00	\$ 400.00	\$ 54.00	\$ 432.00	\$ 65.00	\$ 520.00	\$ 67.10	\$ 536.80	\$ 102.00	\$ 816.00	\$ 56.00	\$ 448.00	\$ 50.00	\$ 400.00	\$ 60.00	\$ 480.00
123	1	LS	Shoulder Grading & Grassing	\$ 27,330.00	\$ 27,330.00	\$ 10,000.00	\$ 10,000.00	\$ 4,180.00	\$ 4,180.00	\$ 26,500.00	\$ 26,500.00	\$ 13,021.25	\$ 13,021.25	\$ 25,000.00	\$ 25,000.00	\$ 86,700.00	\$ 86,700.00	\$ 65,000.00	\$ 65,000.00	\$ 12,200.00	\$ 12,200.00
SECTION 100 - PAVING IMPROVEMENTS SUBTOTAL:				\$ 1,436,211.50		\$ 1,591,385.00		\$ 1,619,419.80		\$1,777,921.00		\$ 1,731,935.24		\$ 1,824,299.00		\$ 1,790,518.00		\$ 1,814,585.00	\$ 2,254,180.00		
SECTION 200 - GENERAL ITEMS																					
200	1	LS	Traffic Control	\$ 159,057.50	\$ 159,057.50	\$ 22,575.00	\$ 22,575.00	\$ 64,890.14	\$ 64,890.14	\$ 95,000.00	\$ 95,000.00	\$ 152,931.00	\$ 152,931.00	\$ 180,000.00	\$ 180,000.00	\$ 229,400.00	\$ 229,400.00	\$ 318,400.00	\$ 318,400.00	\$ 150,000.00	\$ 150,000.00
201	1	LS	Supplemental Work Allowance (SWA)	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
SECTION 200 - GENERAL ITEMS SUBTOTAL:				\$ 209,057.50		\$ 72,575.00		\$ 114,890.14		\$ 145,000.00		\$ 202,931.00		\$ 230,000.00		\$ 279,400.00		\$ 368,400.00	\$ 200,000.00		
TOTAL BASE BID AMOUNT (SECTION 100 + SECTION 200):				\$ 1,645,269.00		\$ 1,663,960.00		\$ 1,734,309.94		\$ 1,922,921.00		\$ 1,934,866.24		\$ 2,054,299.00		\$ 2,069,918.00		\$ 2,182,985.00	\$ 2,454,180.00		

I hereby certify that this is a true and accurate Bid Tabulation of all bids received on March 7, 2024.

Andrew Swicegood, PE

**SECTION 00621
NOTICE OF AWARD**

PROJECT DESCRIPTION:

Road Resurfacing Improvements

The OWNER has considered the BID submitted by you for the above-described WORK in response to its Advertisement for Bids dated March 7, 2024 and Instruction to Bidders.

You are hereby notified that your BID has been accepted for items in the amount of One-million six-hundred forty-five thousand two-hundred sixty-nine Dollars (1,645,269.00).

You are required by the Instructions to Bidders to execute the Agreement and furnish the required CONTRACTOR's Performance Bond, Payment Bond, and Certificates of Insurance with fifteen (15) calendar days from the date of the Notice to you.

If you fail to execute said Agreement and to furnish said Bonds within fifteen (15) days from the date of this notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE of AWARD to the OWNER.

Dated this ____ day of _____, 20__.

City of Flowery Branch
OWNER

By: _____

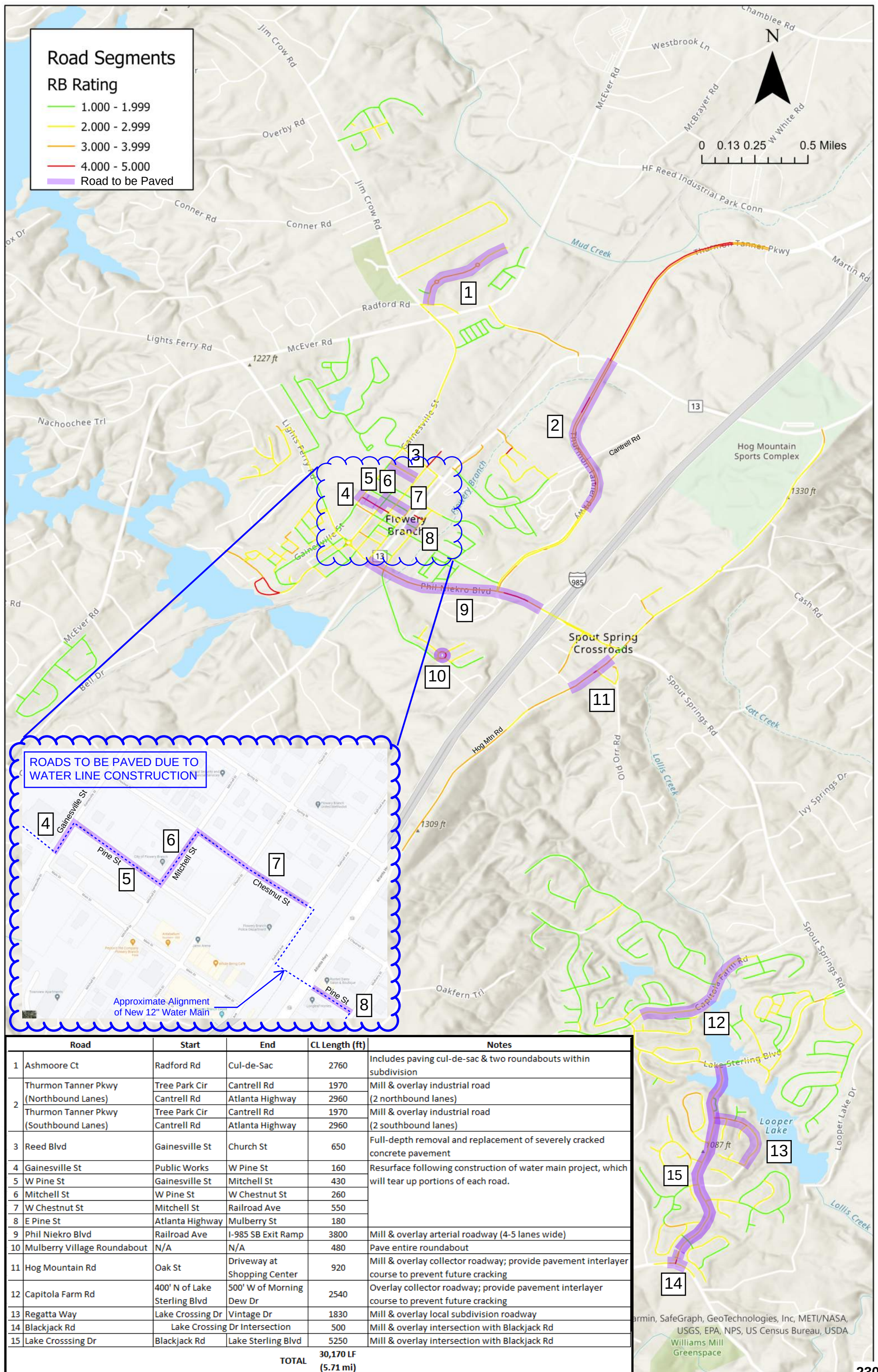
Title: _____

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by _____
Baldwin Paving Company, Inc. this ____ day of _____, 20__.
(Contractor)

By: _____

Title: _____





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consideration of Awarding a Contract for Construction of a 12" Water Transmission Main to Civil Construction & Utilities, LLC.

COUNCIL MEETING DATE: March 21, 2024

HISTORY:

Currently there is a network of smaller diameter distribution water mains between the Roberts Drive and Gainesville Street tanks. Installation of a larger transmission main will allow water to move more freely and efficiently between the tanks making them easier to fill and improving water and pressure and flow within the downtown Flowery Branch area.

FACTS AND ISSUES:

The City issued a solicitation for the bid and received four bids on the water main. The lowest bidder, Ranger Environmental, was not able to provide documentation of an active Georgia Utility Contractors license. Therefore, award is recommended for the second low bidder. Construction is anticipated to be completed approximately six (6) months from the time of award. The City of Flowery Branch has a loan from GEFA for several water projects including this one, and the estimated amount was approximately \$1.2 million (for this specific project). This is due, in large part, to having to include a longer railroad bore than originally anticipated to comply with the requirements of Norfolk Southern. There are items included in the contract that may be able to be removed by change order such as Supplemental Work Allowance (\$40,000) and Rock Removal (\$25,000.) At this time, there are enough funds remaining in the GEFA loan to complete the project as recommended.

OPTIONS:

- 1) Award the contract to Civil Construction & Utilities, LLC.
- 2) Do not award the contract.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$1,489,500 GEFA loan

RECOMMENDATION:

Award a contract for the construction of a 12" water transmission main.

SAMPLE MOTION:

I move that the city award and approve the contract to Civil Construction & Utilities, LLC for the construction of the 12" water transmission main project for an amount not to exceed \$1,489,500.00; and, authorize the Mayor to sign the contract subject to the City Attorney's approval.

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Award 12 Water Main to Civil.pdf](#)
- [00621 - NOTICE OF AWARD water transmission.pdf](#)
- [Bid Tabulation FB water transmission.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Award construction of a 12” water transmission main to Civil Construction & Utilities, LLC.

DATE: **March 18, 2024**

(x) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-\$1,489,500.00

COUNCIL ACTION REQUESTED ON: March 18, 2022

PURPOSE: The purpose of this agenda item is to request an award to the lowest responsible, responsive bidder to our invitation to bid for the 12” water transmission main.

HISTORY: Currently there is a network of smaller diameter distribution water mains between the Roberts Drive and Gainesville Street tanks. Installation of a larger transmission main will allow water to move more freely and efficiently between the tanks making them easier to fill and improving water and pressure and flow within the downtown Flowery Branch area.

FACTS AND ISSUES: The City issued a solicitation for the bid and received four bids on the water main. The lowest bidder, Ranger Environmental, was not able to provide documentation of an active Georgia Utility Contractors license. Therefore, award is recommended for the second low bidder. Construction is anticipated to be completed approximately six (6) months from the time of award. The City of Flowery Branch has a loan from GEFA for several water projects including this one, and the estimated amount was approximately \$1.2 million (for this specific project). This is due, in large part, to having to include a longer railroad bore than originally anticipated to comply with the requirements of Norfolk Southern. There are items included in the contract that may be able to be removed by change order such as Supplemental Work Allowance (\$40,000) and Rock Removal (\$25,000.) At this time, there are enough funds remaining in the GEFA loan to complete the project as recommended.

OPTIONS: 1) Award the contract to Civil Construction & Utilities, LLC.
2) Do not award the contract.

RECOMMENDED SAMPLE MOTION: I move that the city award and approve the contract to Civil Construction & Utilities, LLC for the construction of the 12” water transmission main project for an amount not to exceed \$1,489,500.00; and, authorize the Mayor to sign the contract subject to the City Attorney’s approval.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

**SECTION 00621
NOTICE OF AWARD**

PROJECT DESCRIPTION:

Water Distribution Improvements

The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for Bids dated _____, and Instruction to Bidders.

You are hereby notified that your BID has been accepted for items in the amount of
One Million, Four Hundred Eighty Nine Thousand, Five Hundred Dollars
(\$1,489,500.00).

You are required by the Instructions to Bidders to execute the Agreement and furnish the required CONTRACTOR's Performance BOND, Payment BOND and Certificates of Insurance with fifteen (15) calendar days from the date of the Notice to you.

If you fail to execute said Agreement and to furnish said BONDS within fifteen (15) days from the date of this notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE of AWARD to the OWNER.

Dated this ____ day of _____, 20____.

City of Flowery Branch

OWNER

By: _____

Title: _____

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by
_____ this ____ day of _____, 20____.
(Contractor)

By: _____

Title: _____

BID TABULATION FOR ALL BIDS
RECEIVED AT THE CITY OF FLOWERY BRANCH
ON THURSDAY, MARCH 7, 2024 AT 3:00 PM

ESG Engineering
6400 Peake Road
Macon, Georgia 31210

PROJECT:
Water Distribution Improvements
Project #F0002.013

BIDDERS:			
Ranger Environmental 10601 HWY 43 Creola, AL 36525	Civil Construction & Utilities 3620 Jackson Trail Road Jefferson, GA 30549	GS Construction, INC 526 Lyle Circle Lawrenceville, GA 30046	Dirt Work Grading & Constr 1351 Indian Woods Dr Greensboro, GA 30642

A. BASE BID

ITEM NO.	QTY.	UNIT	DESCRIPTION	PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
SECTION 100 - WATER MAIN IMPROVEMENTS											
101	60	LF	6" C900 PVC Water Main (Open-Cut)	\$ 1,000.00	\$ 6,000.00	\$ 50.00	\$ 3,000.00	\$ 100.00	\$ 6,000.00	\$ 137.00	\$ 8,220.00
102	4,470	LF	12" C900 PVC Water Main (Open-Cut)	\$ 140.00	\$ 625,800.00	\$ 150.00	\$ 670,500.00	\$ 130.00	\$ 581,100.00	\$ 187.00	\$ 835,890.00
103	200	LF	20" Jack and Bore (Includes Bore/Receiving Pits, 20" Steel Casing, Casing Spacers, End Seals, 12" C900 PVC Water Main Carrier Pipe)	\$ 800.00	\$ 160,000.00	\$ 530.00	\$ 106,000.00	\$ 1,000.00	\$ 200,000.00	\$ 1,150.00	\$ 230,000.00
104	225	LF	14" HDPE DR-11 Water Main (Horizontal Directional Drill)	\$ 280.00	\$ 63,000.00	\$ 290.00	\$ 65,250.00	\$ 400.00	\$ 90,000.00	\$ 750.00	\$ 168,750.00
105	3	EA	6" Tapping Sleeve and Valve	\$ 7,000.00	\$ 21,000.00	\$ 8,000.00	\$ 24,000.00	\$ 7,500.00	\$ 22,500.00	\$ 6,500.00	\$ 19,500.00
106	5	EA	12" Gate Valve w/Box	\$ 8,000.00	\$ 40,000.00	\$ 6,500.00	\$ 32,500.00	\$ 6,000.00	\$ 30,000.00	\$ 5,000.00	\$ 25,000.00
107	2800	LB	C-153 Compact Ductile Iron Fittings, MJ	\$ 10.00	\$ 28,000.00	\$ 15.00	\$ 42,000.00	\$ 60.00	\$ 168,000.00	\$ 19.00	\$ 53,200.00
108	460	SY	Saw Cut Remove/Replace Class "A" Pavement	\$ 84.00	\$ 38,640.00	\$ 220.00	\$ 101,200.00	\$ 150.00	\$ 69,000.00	\$ 178.00	\$ 81,880.00
109	860	SY	Saw Cut Remove/Replace Concrete Utility Patch	\$ 85.00	\$ 73,100.00	\$ 165.00	\$ 141,900.00	\$ 150.00	\$ 129,000.00	\$ 125.00	\$ 107,500.00
110	1	LS	Remove and Replace Landscaping	\$ 35,000.00	\$ 35,000.00	\$ 20,000.00	\$ 20,000.00	\$ 15,000.00	\$ 15,000.00	\$ 23,500.00	\$ 23,500.00
111	2	EA	3-way Fire Hydrant Assembly	\$ 15,000.00	\$ 30,000.00	\$ 8,000.00	\$ 16,000.00	\$ 7,500.00	\$ 15,000.00	\$ 8,900.00	\$ 17,800.00
112	2	EA	Driveway Replacement (Asphalt/Concrete)	\$ 2,500.00	\$ 5,000.00	\$ 7,500.00	\$ 15,000.00	\$ 10,000.00	\$ 20,000.00	\$ 2,500.00	\$ 5,000.00
113	250	CY	Rock Allowance (Base)	\$ 60.00	\$ 15,000.00	\$ 60.00	\$ 15,000.00	\$ 60.00	\$ 15,000.00	\$ 60.00	\$ 15,000.00
114	250	CY	Rock Allowance (Premium)	\$ 145.00	\$ 36,250.00	\$ 40.00	\$ 10,000.00	\$ 250.00	\$ 62,500.00	\$ 50.00	\$ 12,500.00
115	1	EA	8" Tapping Sleeve and Valve	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 8,500.00	\$ 8,500.00	\$ 7,000.00	\$ 7,000.00
116	1	EA	10" Tapping Sleeve and Valve	\$ 14,000.00	\$ 14,000.00	\$ 13,250.00	\$ 13,250.00	\$ 10,000.00	\$ 10,000.00	\$ 12,500.00	\$ 12,500.00
117	220	LF	12" C900 PVC RJ Water Main Pipe (as directed by engineer)	\$ 125.00	\$ 27,500.00	\$ 310.00	\$ 68,200.00	\$ 130.00	\$ 28,600.00	\$ 180.00	\$ 39,600.00
118	110	SY	GAB for Driveway at Existing Tank STA 00+10 to 02+00	\$ 40.00	\$ 4,400.00	\$ 60.00	\$ 6,600.00	\$ 55.00	\$ 6,050.00	\$ 30.00	\$ 3,300.00
119	110	SY	Crusher-Run STA 00+100 to 02+00	\$ 45.00	\$ 4,950.00	\$ 60.00	\$ 6,600.00	\$ 55.00	\$ 6,050.00	\$ 30.00	\$ 3,300.00
120	1	LS	Remove and Reinstall Existing Fence (20 LF)	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,300.00	\$ 2,300.00
121	100	LF	Remove and Reinstall Existing Storm Culvert	\$ 150.00	\$ 15,000.00	\$ 150.00	\$ 15,000.00	\$ 150.00	\$ 15,000.00	\$ 135.00	\$ 13,500.00
SECTION 100 - WATER MAIN IMPROVEMENTS SUBTOTAL:				\$	1,255,140.00	\$	1,384,000.00	\$	1,498,300.00	\$	1,685,240.00
SECTION 200 - GENERAL ITEMS											
201	1	LS	Erosion Control	\$ 30,000.00	\$ 30,000.00	\$ 12,500.00	\$ 12,500.00	\$ 20,000.00	\$ 20,000.00	\$ 35,000.00	\$ 35,000.00
202	1	LS	Traffic Control	\$ 50,000.00	\$ 50,000.00	\$ 15,000.00	\$ 15,000.00	\$ 40,000.00	\$ 40,000.00	\$ 45,000.00	\$ 45,000.00
203	1	LS	Supplemental Work Allowance	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00
204	1	LS	Testing Services	\$ 20,000.00	\$ 20,000.00	\$ 38,000.00	\$ 38,000.00	\$ 10,000.00	\$ 10,000.00	\$ 35,600.00	\$ 35,600.00
SECTION 200 SUBTOTAL				\$	140,000.00	\$	105,500.00			\$	155,600.00
TOTAL BASE BID AMOUNT (SECTION 100 + SECTION 200):				\$	1,395,140.00	\$	1,489,500.00			\$	1,840,840.00