



**City of Flowery Branch
City Council Meeting
Thursday, April 02, 2020, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch GA, 30542**



CALL WORK SESSION TO ORDER:

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UNFINISHED BUSINESS - WORK SESSION:

- Consider 1st Reading of Ordinance 591 -Rezoning of 6490 McEver Road - All Awesome properties
[Rezoning_All_Awesome_Properties_UPDATED\(1\).docx](#)
- Consider the 1st Reading of Ordinance 592 - Rezoning of 6509 McEver Road - Whitehorse, LLC.
[Rezoning_Ordinance_Whitehorse_1_UPDATED.docx](#)
- Consider the 1st Reading of Ordinance 593 - Rezoning of 6533 McEver Road - Whitehorse, LLC.
[Rezoning_Ordinance_Whitehorse_2_UPDATED.docx](#)

NEW BUSINESS -WORK SESSION:

DEPARTMENT REPORTS: -

- a. City Manager Report
- b. City Clerk Report
- c. Finance Director Report
- d. Planning Department Report
- e. Police Report
- f. Attorney Report
- g. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

UNFINISHED BUSINESS - VOTING SESSION:

- Consider 1st Reading of Ordinance 591 -Rezoning of 6490 McEver Road - All Awesome properties
[Rezoning_All_Awesome_Properties_UPDATED \(1\).docx](#)
- Consider the 1st Reading of Ordinance 592 - Rezoning of 6509 McEver Road - Whitehorse, LLC.
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- Consider the 1st Reading of Ordinance 593 - Rezoning of 6533 McEver Road - Whitehorse, LLC.
[Rezoning_Ordinance_Whitehorse_2_UPDATED.docx](#)

NEW BUSINESS - VOTING SESSION:

EXECUTIVE SESSION:

ADJOURNMENT:

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider 1st Reading of Ordinance 591 -Rezoning of 6490 McEver Road - All Awesome properties

COUNCIL MEETING DATE: April 2, 2020

HISTORY:

This is the first read for the rezoning of the properties annexed by Council on March 24, 2020. The second read for the rezoning and annexation will be held on April 16, 2020.

FACTS AND ISSUES:

Each individual ordinance will be numbered and have updated conditions prior to the April 16, 2020 City Council meeting.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

I make a motion to approve the first reading of ordinance 591, rezoning of 6490 McEver Road.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Rezoning_All_Awesome_Properties_UPDATED \(1\).docx](#)

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Read 04/02/2020
Approved 04/16/2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING .96+/- ACRES OF LAND OWNED BY ALL AWESOME PROPERTIES LLC. COMMONLY KNOWN AS 6490 MCEVER ROAD, AND ALSO IDENTIFIED AS TAX PARCEL 08149 000005, AS SHOWN ON ATTACHED EXHIBIT "A", AS DESCRIBED ON EXHIBIT "B", BY REZONING SAID TRACT FROM HALL COUNTY AR III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, All Awesome Properties LLC., owns all tract or parcel of land being considered for rezoning totaling .96+/- acres identified as Parcel Tax Identification No. 08149 000005, 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 as submitted by All Awesome Properties LLC., and in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

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

WHEREAS, the City Council held a public hearing at the meeting of February 6, 2020, 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 of the parcel from Hall County A III (Agricultural Residential) to Flowery Branch PUD (Planned Unit Development) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan 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 zonings as opposed to proposed.
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. LEGAL DESCRIPTION AND REZONING.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, and subject to conditions set forth on Exhibit “C”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch PUD (Planned Unit Development). 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 May 1, 2020.

SECTION 6. REPEALER.

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

Approved this 16^h day of April 2020.

ATTEST

James M. Miller, Mayor

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

DEVELOPMENT SUMMARY

1. TOTAL PROPERTY ACRES = 144.67 AC.
2. TOTAL NUMBER OF UNITS = 102
3. CURRENT ZONING = AHS & H-8
4. PROPOSED PLANNING PHASES: 1. DEDICATED INDUSTRIAL, 2. DEDICATED RESIDENTIAL, 3. DEDICATED COMMERCIAL, 4. DEDICATED INDUSTRIAL, 5. DEDICATED RESIDENTIAL, 6. DEDICATED COMMERCIAL, 7. DEDICATED INDUSTRIAL, 8. DEDICATED RESIDENTIAL, 9. DEDICATED COMMERCIAL, 10. DEDICATED INDUSTRIAL, 11. DEDICATED RESIDENTIAL, 12. DEDICATED COMMERCIAL, 13. DEDICATED INDUSTRIAL, 14. DEDICATED RESIDENTIAL, 15. DEDICATED COMMERCIAL, 16. DEDICATED INDUSTRIAL, 17. DEDICATED RESIDENTIAL, 18. DEDICATED COMMERCIAL, 19. DEDICATED INDUSTRIAL, 20. DEDICATED RESIDENTIAL, 21. DEDICATED COMMERCIAL, 22. DEDICATED INDUSTRIAL, 23. DEDICATED RESIDENTIAL, 24. DEDICATED COMMERCIAL, 25. DEDICATED INDUSTRIAL, 26. DEDICATED RESIDENTIAL, 27. DEDICATED COMMERCIAL, 28. DEDICATED INDUSTRIAL, 29. DEDICATED RESIDENTIAL, 30. DEDICATED COMMERCIAL, 31. DEDICATED INDUSTRIAL, 32. DEDICATED RESIDENTIAL, 33. DEDICATED COMMERCIAL, 34. DEDICATED INDUSTRIAL, 35. DEDICATED RESIDENTIAL, 36. DEDICATED COMMERCIAL, 37. DEDICATED INDUSTRIAL, 38. DEDICATED RESIDENTIAL, 39. DEDICATED COMMERCIAL, 40. DEDICATED INDUSTRIAL, 41. DEDICATED RESIDENTIAL, 42. DEDICATED COMMERCIAL, 43. DEDICATED INDUSTRIAL, 44. DEDICATED RESIDENTIAL, 45. DEDICATED COMMERCIAL, 46. DEDICATED INDUSTRIAL, 47. DEDICATED RESIDENTIAL, 48. DEDICATED COMMERCIAL, 49. DEDICATED INDUSTRIAL, 50. DEDICATED RESIDENTIAL, 51. DEDICATED COMMERCIAL, 52. DEDICATED INDUSTRIAL, 53. DEDICATED RESIDENTIAL, 54. DEDICATED COMMERCIAL, 55. DEDICATED INDUSTRIAL, 56. DEDICATED RESIDENTIAL, 57. DEDICATED COMMERCIAL, 58. DEDICATED INDUSTRIAL, 59. DEDICATED RESIDENTIAL, 60. DEDICATED COMMERCIAL, 61. DEDICATED INDUSTRIAL, 62. DEDICATED RESIDENTIAL, 63. DEDICATED COMMERCIAL, 64. DEDICATED INDUSTRIAL, 65. DEDICATED RESIDENTIAL, 66. DEDICATED COMMERCIAL, 67. DEDICATED INDUSTRIAL, 68. DEDICATED RESIDENTIAL, 69. DEDICATED COMMERCIAL, 70. DEDICATED INDUSTRIAL, 71. DEDICATED RESIDENTIAL, 72. DEDICATED COMMERCIAL, 73. DEDICATED INDUSTRIAL, 74. DEDICATED RESIDENTIAL, 75. DEDICATED COMMERCIAL, 76. DEDICATED INDUSTRIAL, 77. DEDICATED RESIDENTIAL, 78. DEDICATED COMMERCIAL, 79. DEDICATED INDUSTRIAL, 80. DEDICATED RESIDENTIAL, 81. DEDICATED COMMERCIAL, 82. DEDICATED INDUSTRIAL, 83. DEDICATED RESIDENTIAL, 84. DEDICATED COMMERCIAL, 85. DEDICATED INDUSTRIAL, 86. DEDICATED RESIDENTIAL, 87. DEDICATED COMMERCIAL, 88. DEDICATED INDUSTRIAL, 89. DEDICATED RESIDENTIAL, 90. DEDICATED COMMERCIAL, 91. DEDICATED INDUSTRIAL, 92. DEDICATED RESIDENTIAL, 93. DEDICATED COMMERCIAL, 94. DEDICATED INDUSTRIAL, 95. DEDICATED RESIDENTIAL, 96. DEDICATED COMMERCIAL, 97. DEDICATED INDUSTRIAL, 98. DEDICATED RESIDENTIAL, 99. DEDICATED COMMERCIAL, 100. DEDICATED INDUSTRIAL, 101. DEDICATED RESIDENTIAL, 102. DEDICATED COMMERCIAL
5. PROPOSED ZONING: PLD. PROPOSED USE: SINGLE-FAMILY DETACHED RESIDENTIAL.
6. CROSS DENSITY FOR PROPERTY = 2.38 (AVERAGE DENSITY PER ACRE) = 43.4 AC. DENSITY PER ACRE EXCLUDING STREAM WATER MANAGEMENT FACILITY & EASEMENTS
7. MINIMUM LOT SIZE: 0.40 AC. TO 1.00 AC.
8. FRONT YARD SETBACKS: 25' SIDE YARD SETBACKS: 5' REAR YARD SETBACKS: 5'
9. ALL LOTS TO BE SERVED BY SANITARY SEWER.
10. SEWER SERVICE PROVIDED BY THE CITY OF GAINESVILLE. SEWER SERVICE PROVIDED BY THE CITY OF GAINESVILLE.
11. A 50' FOOT UNDEVELOPED VEGETATIVE BUFFER ADJACENT TO ALL RUNNING STREAMS AND CREEKS SHALL BE LEFT FOR WATERSHED.
12. NO PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA AS PER THE COUNTY FLOOD HAZARD MAP, NO. 13136C0002, DATED APRIL 1, 2011. FLOOD ZONING IS THE COUNTY FLOOD ZONING MAP.
13. EASEMENT INFORMATION FROM HALL COUNTY GIS AND DEED RECORDS.
14. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON HALL COUNTY GIS.
15. SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON FINAL DESIGN CONDITIONS.

VICINITY MAP - N.T.S.

PROPOSED PUMP STATION LOCATION

PROPOSED 17' LOT LAYOUT

PROPOSED 18' LOT LAYOUT

PROPOSED 19' LOT LAYOUT

PROPOSED 20' LOT LAYOUT

PROPOSED 21' LOT LAYOUT

PROPOSED 22' LOT LAYOUT

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PROPOSED 121' LOT LAYOUT

PROPOSED 122' LOT LAYOUT

PROPOSED 123' LOT LAYOUT</

Exhibit “B”

6490 MCEVER ROAD, FLOWERY BRANCH GA 30542 (Parcel Number: 08149 000005)

All that tract or parcel of land lying and being in Land Lot 149 of the 8th District, Hall County, Georgia, containing 0.97 acre as shown on a plat of survey for Larry R. Bailey and Lex Cates by Thomas Wood, Registered Land Surveyor, dated January 6, 1987, and being more particularly described as follows:

Beginning at an iron pin on the northwestern right of way of McEver Road, said point being 918 feet southwesterly from the intersection of the right of way of McEver Road and the right of way of Gaines Ferry Road as measured along the right of way of McEver Road; thence proceeding along the northwestern right of way of McEver Road, south 57 degrees 39 minutes west a distance of 217.33 feet to an axle; thence north 42 degrees 15 minutes west a distance of 196.53 feet to an axle; thence north 52 degrees 00 minutes east a distance of 194.00 feet to an iron pin; thence south 47 degrees 37 minutes east a distance of 220.48 feet to an iron pin on the northwestern right of way of McEver Road the place or point of beginning

Exhibit “C”

Conditions of Zoning (these apply to the overall development and may not pertain directly to the property owned by All Awesome Properties as identified above)

1. Site

- A. Layout of project shall generally adhere to the submitted plan as approved on April 16, 2020 and as attached as exhibit "A":
- B. Maximum 102 single family units
- C. Homes shall generally adhere to the plan book submitted to staff electronically on March 13, 2020
- D. Lot size and setbacks per approved plan
- E. Landscape plan shall be submitted at time of LDP
- F. Street trees shall be planted with root barriers
- G. Roads and alleys shall be public
- H. Roads will be turned over to the City through an official resolution approved by City Council and not at the time of final plat
- I. A maintenance bond totaling 20% of all public improvements is required at time of final plat
- J. Sewer shall be provided by the City of Flowery Branch
- K. 5' sidewalk shall be provided on at least one side of the road throughout the development
- L. Detailed entrance plans shall be submitted and approved by the City
- M. Streetlights must be dedicated to the homeowner's association or to the City of Flowery Branch at the time of final plat. If dedicated to the HOA it shall clearly state that it is in perpetuity
- N. Buffer along southern boundary must be enhanced to limit disturbance to the existing business located at 6593 McEver Road and identified as tax parcel identification no. 08150 002024. Said plan must be submitted and approved by City staff prior to the issuance of an LDP.
- O. Sewer pump station location and design shall be reviewed by City staff prior to installation. Applicant agrees to negotiate with the City to potentially upscale this station to serve the surrounding areas. This will be memorialized in a development agreement approved by both parties prior to the completion of the land disturbance phase.
- P. Potential pedestrian connection to the adjoining commercial property shall be finalized at time of LDP

2. Home/Lot Design

- A. Driveways of non-alley fed homes shall be a minimum of 23' as measured from the back of sidewalk to the front façade of the home
- B. Individual lots shall show landscaping at time of permit and shall have a mixture of shrubs and a minimum of two trees
- C. All lots must be sodded prior to certificate of occupancy
- D. A residential drainage plan (RDP) may be required for any lots that have potential drainage issues as determined by the City
- E. A house location plan (HLP) is required for each home at the time of permitting

3. Major and Minor PUD Changes

- A. Major shall include
 - 1) Change in unit number of 4 or more
 - 2) Reduction in setback greater than 5 feet (homes must always be 10' apart from one another regardless of setback)

- 3) Any change deemed major by staff
- B. Minor shall include
 - 1) Change in unit number of 3 or less
 - 2) Reduction in setback less than 5 feet
 - 3) Approval of lot width variations not to fall below the approved minimum
 - 4) All other changes deemed non-major by staff



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the 1st Reading of Ordinance 592 - Rezoning of 6509 McEver Road - Whitehorse, LLC.

COUNCIL MEETING DATE: April 2, 2020

HISTORY:

This is the first read for the rezoning of the properties annexed by Council on March 24, 2020. The second read for the rezoning and annexation will be held on April 16, 2020.

FACTS AND ISSUES:

Each individual ordinance will be numbered and have updated conditions prior to the April 16, 2020 City Council meeting.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

I make a motion to approve the first reading of ordinance 592, the rezoning of 6509 McEver Rd.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Rezoning_Ordinance_Whitehorse_1_UPDATED.docx](#)

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Read 04/02/2020
Approved 04/16/2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING 8.84+/- ACRES OF LAND OWNED BY WHITE HORSE LLC., COMMONLY KNOWN AS 6509 MCEVER ROAD, AND ALSO IDENTIFIED AS TAX PARCEL 08150 002002, AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, BY REZONING SAID TRACT FROM HALL COUNTY HB (HIGHWAY BUSINESS) TO FLOWERY BRANCH PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, White Horse LLC., owns all tract or parcel of land being considered for rezoning totaling 8.84+/- acres identified as Parcel Tax Identification No. 08150 002002, 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 as submitted by White Horse LLC., and in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

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

WHEREAS, the City Council held a public hearing at the meeting of February 6, 2020, 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 of the parcel from Hall County HB (Highway Business) to Flowery Branch PUD (Planned Unit Development) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan 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 zonings as opposed to proposed.
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. LEGAL DESCRIPTION AND REZONING.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, and subject to conditions set forth on Exhibit “C”, is hereby rezoned from Hall County HB (Highway Business) to Flowery Branch PUD (Planned Unit Development). 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 May 1, 2020.

SECTION 6. REPEALER.

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

Approved this 16^h day of April 2020.

ATTEST

James M. Miller, Mayor

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit “B”



6509 MCEVER RD, FLOWERY BRANCH, GA 30542 (Parcel Number: 08150 002002)

All that tract or parcel of land lying and being in Land Lot 150 of the 8th Land District, Hall County, Georgia, as shown and delineated as 8.843 acres, more or less, on plat of survey for Anthony Sherman & Victor Felix Espinosa by Jarrard Surveying dated May 26, 2005, last revised September 9, 2005, and being more particularly described as follows:

Beginning at an iron pin at a point on the southeastern right of way of McEver Road (80 foot right of way), said point being South 63 degrees 25 minutes 07 seconds East, a distance of 50.84 feet, from the intersection of the centerlines of McEver Road and Vista Glen; thence running North 64 degrees 26 minutes 11 seconds East along the southeastern right of way of McEver Road, a distance of 247.50 feet, to an iron pin; thence leaving said right of way and running South 24 degrees 39 minutes 37 seconds East, a distance of 1160.82 feet, to an iron pin on the northwestern right of way of southern railroad (400 foot right of way); thence running South 41 degrees 46 minutes 15 seconds West along said right of way, a distance of 484.73 feet, to an iron pin; thence leaving said right of way and running North 24 degrees 47 minutes 04 seconds West, a distance of 477.85 feet, to an iron pin;

Exhibit "C"

Conditions of Zoning

1. Site

- A. Layout of project shall generally adhere to the submitted plan as approved on April 16, 2020 and as attached as exhibit "A":
- B. Maximum 102 single family units
- C. Homes shall generally adhere to the plan book submitted to staff electronically on March 13, 2020
- D. Lot size and setbacks per approved plan
- E. Landscape plan shall be submitted at time of LDP
- F. Street trees shall be planted with root barriers
- G. Roads and alleys shall be public
- H. Roads will be turned over to the City through an official resolution approved by City Council and not at the time of final plat
- I. A maintenance bond totaling 20% of all public improvements is required at time of final plat
- J. Sewer shall be provided by the City of Flowery Branch
- K. 5' sidewalk shall be provided on at least one side of the road throughout the development
- L. Detailed entrance plans shall be submitted and approved by the City
- M. Streetlights must be dedicated to the homeowner's association or to the City of Flowery Branch at the time of final plat. If dedicated to the HOA it shall clearly state that it is in perpetuity
- N. Buffer along southern boundary must be enhanced to limit disturbance to the existing business located at 6593 McEver Road and identified as tax parcel identification no. 08150 002024. Said plan must be submitted and approved by City staff prior to the issuance of an LDP.
- O. Sewer pump station location and design shall be reviewed by City staff prior to installation. Applicant agrees to negotiate with the City to potentially upscale this station to serve the surrounding areas. This will be memorialized in a development agreement approved by both parties prior to the completion of the land disturbance phase.
- P. Potential pedestrian connection to the adjoining commercial property shall be finalized at time of LDP

2. Home/Lot Design

- A. Driveways of non-alley fed homes shall be a minimum of 23' as measured from the back of sidewalk to the front façade of the home
- B. Individual lots shall show landscaping at time of permit and shall have a mixture of shrubs and a minimum of two trees
- C. All lots must be sodded prior to certificate of occupancy
- D. A residential drainage plan (RDP) may be required for any lots that have potential drainage issues as determined by the City
- E. A house location plan (HLP) is required for each home at the time of permitting

3. Major and Minor PUD Changes

- A. Major shall include
 - 1) Change in unit number of 4 or more

- 2) Reduction in setback greater than 5 feet (homes must always be 10' apart from one another regardless of setback)
 - 3) Any change deemed major by staff
- B. Minor shall include
- 1) Change in unit number of 3 or less
 - 2) Reduction in setback less than 5 feet
 - 3) Approval of lot width variations not to fall below the approved minimum
 - 4) All other changes deemed non-major by staff



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the 1st Reading of Ordinance 593 - Rezoning of 6533 McEver Road - Whitehorse, LLC.

COUNCIL MEETING DATE: April 2, 2020

HISTORY:

This is the first read for the rezoning of the properties annexed by Council on March 24, 2020. The second read for the rezoning and annexation will be held on April 16, 2020.

FACTS AND ISSUES:

Each individual ordinance will be numbered and have updated conditions prior to the April 16, 2020 City Council meeting.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve.

SAMPLE MOTION:

I make a motion to approve the first reading of ordinance 593, the rezoning of 6533 McEver Road.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Rezoning_Ordinance_Whitehorse_2_UPDATED.docx](#)

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Read 04/02/2020
Approved 04/16/2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING 34.5+/- ACRES OF LAND OWNED BY WHITE HORSE LLC., COMMONLY KNOWN AS 6533 MCEVER ROAD, AND ALSO IDENTIFIED AS TAX PARCEL 08150 002018, AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, BY REZONING SAID TRACT FROM HALL COUNTY A III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, White Horse LLC., owns all tract or parcel of land being considered for rezoning totaling 34.5+/- acres identified as Parcel Tax Identification No. 08150 002018, 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 as submitted by White Horse LLC., and in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

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

WHEREAS, the City Council held a public hearing at the meeting of February 6, 2020, 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 of the parcel from Hall County A III (Agricultural Residential) to Flowery Branch PUD (Planned Unit Development) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan 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 zonings as opposed to proposed.
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. LEGAL DESCRIPTION AND REZONING.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, and subject to conditions set forth on Exhibit “C”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch PUD (Planned Unit Development). 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 May 1, 2020.

SECTION 6. REPEALER.

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

Approved this 16^h day of April 2020.

ATTEST

James M. Miller, Mayor

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit “B”



6533 MCEVER ROAD, FLOWERY BRANCH, GA 30542 (Parcel Number: 08150 002018)

Tract One:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being all of Tracts 1, 2, 3, 4, and 5 of that property shown on a survey for "Lee Waldrip Auction Company," dated February 4, 1985, prepared by Henry Bailey, Georgia Registered Land Surveyor, recorded in Plat Book 101, page 82, Hall County, Georgia Plat Records, said plat and the record thereof being incorporated herein for a more full and complete description.

Tract Two:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being shown to contain 4.971 acres according to a survey for "Lee Waldrip Auction Co.," dated February 4, 1985, prepared by Henry Bailey, Georgia Registered Land Surveyor, recorded in Plat Book 101, page 96, Hall County, Georgia Plat Records, said plat and the record thereof being incorporated herein for a more full and complete description.

Tracts One and Two as described herein being all of that property described in a Corrective Warranty Deed from Lee Waldrip Auction Company to Harvey R. Crenshaw, Lawrence D. Crenshaw, and Robert C. Payne, dated July 11, 1985, recorded in Deed Book 897, page 13, Hall County, Georgia Deed Records.

Tract Three:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being all of that property shown on a survey for "Roy A. Scott," prepared by Jimmy Bullock, Georgia Registered Land Surveyor, dated December 1, 1988, being shown to contain 4.00 acres according to said survey and being more fully described as follows:

BEGINNING at an iron stake located on the eastern right of way of Holiday McEver Road, which iron pin is located south 55 degrees 31 minutes west 1367 feet from the nail and cap set centerline of McEver Road and Gaines Ferry Road; thence from said beginning iron pin running south 30 degrees 24 minutes east 871.21 feet to an iron pin; thence running south 69 degrees 11 minutes west 200 feet to an iron pin; thence running north 30 degrees 24 minutes west 871.21 feet to an iron pin located on the eastern right of way of Holiday McEver Road; thence running along said right of way of Holiday McEver road north 59 degrees 17 minutes east 200 feet to the beginning iron pin.

This being the same property described in a Warranty Deed from Roy Scott to Lawrence D. Crenshaw, Harvey R. Crenshaw, and Robert C. Payne dated February 16, 1990, recorded in Deed Book 1441, page 177, Hall County, Georgia Deed Records.

Exhibit "C"

Conditions of Zoning

1. Site

- A. Layout of project shall generally adhere to the submitted plan as approved on April 16, 2020 and as attached as exhibit "A":
- B. Maximum 102 single family units
- C. Homes shall generally adhere to the plan book submitted to staff electronically on March 13, 2020
- D. Lot size and setbacks per approved plan
- E. Landscape plan shall be submitted at time of LDP
- F. Street trees shall be planted with root barriers
- G. Roads and alleys shall be public
- H. Roads will be turned over to the City through an official resolution approved by City Council and not at the time of final plat
- I. A maintenance bond totaling 20% of all public improvements is required at time of final plat
- J. Sewer shall be provided by the City of Flowery Branch
- K. 5' sidewalk shall be provided on at least one side of the road throughout the development
- L. Detailed entrance plans shall be submitted and approved by the City
- M. Streetlights must be dedicated to the homeowner's association or to the City of Flowery Branch at the time of final plat. If dedicated to the HOA it shall clearly state that it is in perpetuity
- N. Buffer along southern boundary must be enhanced to limit disturbance to the existing business located at 6593 McEver Road and identified as tax parcel identification no. 08150 002024. Said plan must be submitted and approved by City staff prior to the issuance of an LDP.
- O. Sewer pump station location and design shall be reviewed by City staff prior to installation. Applicant agrees to negotiate with the City to potentially upscale this station to serve the surrounding areas. This will be memorialized in a development agreement approved by both parties prior to the completion of the land disturbance phase.
- P. Potential pedestrian connection to the adjoining commercial property shall be finalized at time of LDP

2. Home/Lot Design

- A. Driveways of non-alley fed homes shall be a minimum of 23' as measured from the back of sidewalk to the front façade of the home
- B. Individual lots shall show landscaping at time of permit and shall have a mixture of shrubs and a minimum of two trees
- C. All lots must be sodded prior to certificate of occupancy
- D. A residential drainage plan (RDP) may be required for any lots that have potential drainage issues as determined by the City
- E. A house location plan (HLP) is required for each home at the time of permitting

3. Major and Minor PUD Changes

- A. Major shall include
 - 1) Change in unit number of 4 or more

- 2) Reduction in setback greater than 5 feet (homes must always be 10' apart from one another regardless of setback)
 - 3) Any change deemed major by staff
- B. Minor shall include
- 1) Change in unit number of 3 or less
 - 2) Reduction in setback less than 5 feet
 - 3) Approval of lot width variations not to fall below the approved minimum
 - 4) All other changes deemed non-major by staff



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider 1st Reading of Ordinance 591 -Rezoning of 6490 McEver Road - All Awesome properties

COUNCIL MEETING DATE: April 2, 2020

HISTORY:

This is the first read for the rezoning of the properties annexed by Council on March 24, 2020. The second read for the rezoning and annexation will be held on April 16, 2020.

FACTS AND ISSUES:

Each individual ordinance will be numbered and have updated conditions prior tp the April 16, 2020 City Council meeting.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

I make a motion to approve the first reading of ordinance 591, rezoning of 6490 McEver Road.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Rezoning_All_Awesome_Properties_UPDATED \(1\).docx](#)

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Read 04/02/2020
Approved 04/16/2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING .96+/- ACRES OF LAND OWNED BY ALL AWESOME PROPERTIES LLC. COMMONLY KNOWN AS 6490 MCEVER ROAD, AND ALSO IDENTIFIED AS TAX PARCEL 08149 000005, AS SHOWN ON ATTACHED EXHIBIT "A", AS DESCRIBED ON EXHIBIT "B", BY REZONING SAID TRACT FROM HALL COUNTY AR III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, All Awesome Properties LLC., owns all tract or parcel of land being considered for rezoning totaling .96+/- acres identified as Parcel Tax Identification No. 08149 000005, 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 as submitted by All Awesome Properties LLC., and in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

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

WHEREAS, the City Council held a public hearing at the meeting of February 6, 2020, 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 of the parcel from Hall County A III (Agricultural Residential) to Flowery Branch PUD (Planned Unit Development) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan 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 zonings as opposed to proposed.
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. LEGAL DESCRIPTION AND REZONING.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, and subject to conditions set forth on Exhibit “C”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch PUD (Planned Unit Development). 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 May 1, 2020.

SECTION 6. REPEALER.

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

Approved this 16^h day of April 2020.

ATTEST

James M. Miller, Mayor

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"

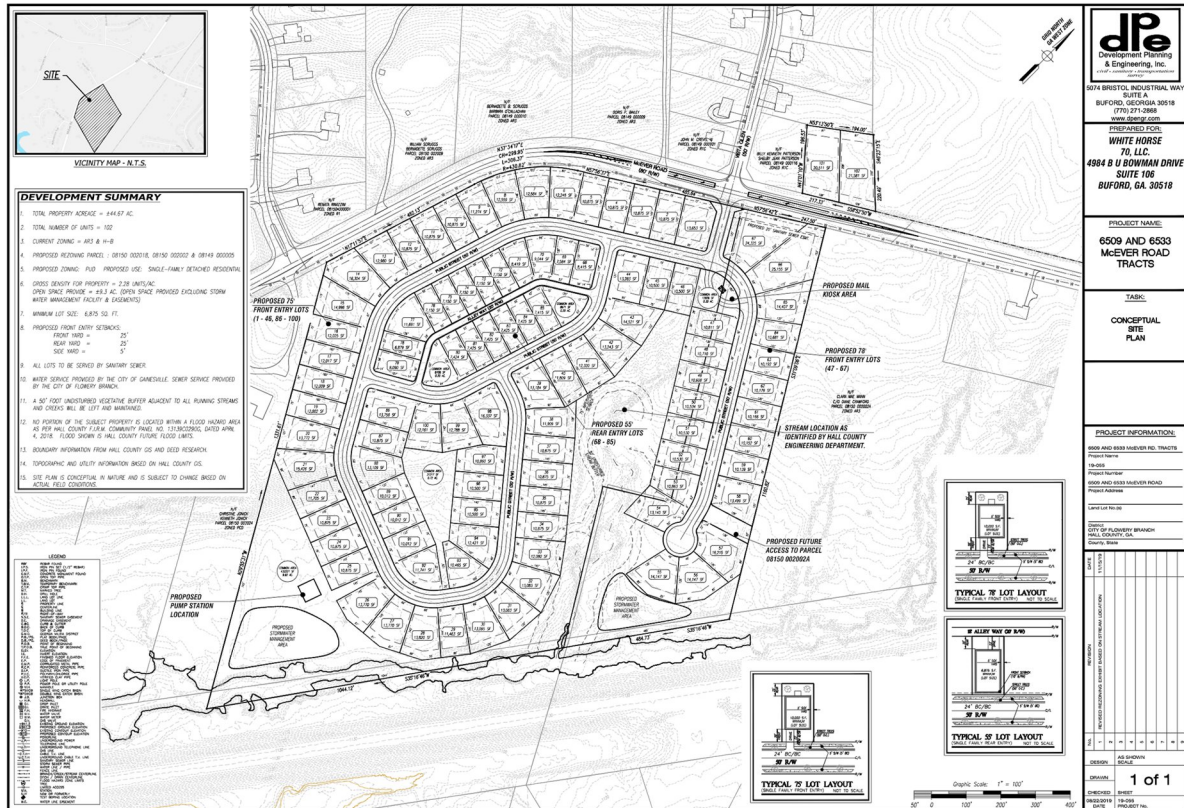


Exhibit “B”

6490 MCEVER ROAD, FLOWERY BRANCH GA 30542 (Parcel Number: 08149 000005)

All that tract or parcel of land lying and being in Land Lot 149 of the 8th District, Hall County, Georgia, containing 0.97 acre as shown on a plat of survey for Larry R. Bailey and Lex Cates by Thomas Wood, Registered Land Surveyor, dated January 6, 1987, and being more particularly described as follows:

Beginning at an iron pin on the northwestern right of way of McEver Road, said point being 918 feet southwesterly from the intersection of the right of way of McEver Road and the right of way of Gaines Ferry Road as measured along the right of way of McEver Road; thence proceeding along the northwestern right of way of McEver Road, south 57 degrees 39 minutes west a distance of 217.33 feet to an axle; thence north 42 degrees 15 minutes west a distance of 196.53 feet to an axle; thence north 52 degrees 00 minutes east a distance of 194.00 feet to an iron pin; thence south 47 degrees 37 minutes east a distance of 220.48 feet to an iron pin on the northwestern right of way of McEver Road the place or point of beginning

Exhibit “C”

Conditions of Zoning (these apply to the overall development and may not pertain directly to the property owned by All Awesome Properties as identified above)

1. Site

- A. Layout of project shall generally adhere to the submitted plan as approved on April 16, 2020 and as attached as exhibit "A":
- B. Maximum 102 single family units
- C. Homes shall generally adhere to the plan book submitted to staff electronically on March 13, 2020
- D. Lot size and setbacks per approved plan
- E. Landscape plan shall be submitted at time of LDP
- F. Street trees shall be planted with root barriers
- G. Roads and alleys shall be public
- H. Roads will be turned over to the City through an official resolution approved by City Council and not at the time of final plat
- I. A maintenance bond totaling 20% of all public improvements is required at time of final plat
- J. Sewer shall be provided by the City of Flowery Branch
- K. 5' sidewalk shall be provided on at least one side of the road throughout the development
- L. Detailed entrance plans shall be submitted and approved by the City
- M. Streetlights must be dedicated to the homeowner's association or to the City of Flowery Branch at the time of final plat. If dedicated to the HOA it shall clearly state that it is in perpetuity
- N. Buffer along southern boundary must be enhanced to limit disturbance to the existing business located at 6593 McEver Road and identified as tax parcel identification no. 08150 002024. Said plan must be submitted and approved by City staff prior to the issuance of an LDP.
- O. Sewer pump station location and design shall be reviewed by City staff prior to installation. Applicant agrees to negotiate with the City to potentially upscale this station to serve the surrounding areas. This will be memorialized in a development agreement approved by both parties prior to the completion of the land disturbance phase.
- P. Potential pedestrian connection to the adjoining commercial property shall be finalized at time of LDP

2. Home/Lot Design

- A. Driveways of non-alley fed homes shall be a minimum of 23' as measured from the back of sidewalk to the front façade of the home
- B. Individual lots shall show landscaping at time of permit and shall have a mixture of shrubs and a minimum of two trees
- C. All lots must be sodded prior to certificate of occupancy
- D. A residential drainage plan (RDP) may be required for any lots that have potential drainage issues as determined by the City
- E. A house location plan (HLP) is required for each home at the time of permitting

3. Major and Minor PUD Changes

- A. Major shall include
 - 1) Change in unit number of 4 or more
 - 2) Reduction in setback greater than 5 feet (homes must always be 10' apart from one another regardless of setback)

- 3) Any change deemed major by staff
- B. Minor shall include
 - 1) Change in unit number of 3 or less
 - 2) Reduction in setback less than 5 feet
 - 3) Approval of lot width variations not to fall below the approved minimum
 - 4) All other changes deemed non-major by staff



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the 1st Reading of Ordinance 592 - Rezoning of 6509 McEver Road - Whitehorse, LLC.

COUNCIL MEETING DATE: April 2, 2020

HISTORY:

This is the first read for the rezoning of the properties annexed by Council on March 24, 2020. The second read for the rezoning and annexation will be held on April 16, 2020.

FACTS AND ISSUES:

Each individual ordinance will be numbered and have updated conditions prior to the April 16, 2020 City Council meeting.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

I make a motion to approve the first reading of ordinance 592, the rezoning of 6509 McEver Rd.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Rezoning_Ordinance_Whitehorse_1_UPDATED.docx](#)

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Read 04/02/2020
Approved 04/16/2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING 8.84+/- ACRES OF LAND OWNED BY WHITE HORSE LLC., COMMONLY KNOWN AS 6509 MCEVER ROAD, AND ALSO IDENTIFIED AS TAX PARCEL 08150 002002, AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, BY REZONING SAID TRACT FROM HALL COUNTY HB (HIGHWAY BUSINESS) TO FLOWERY BRANCH PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, White Horse LLC., owns all tract or parcel of land being considered for rezoning totaling 8.84+/- acres identified as Parcel Tax Identification No. 08150 002002, 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 as submitted by White Horse LLC., and in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

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

WHEREAS, the City Council held a public hearing at the meeting of February 6, 2020, 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 of the parcel from Hall County HB (Highway Business) to Flowery Branch PUD (Planned Unit Development) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan 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 zonings as opposed to proposed.
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. LEGAL DESCRIPTION AND REZONING.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, and subject to conditions set forth on Exhibit “C”, is hereby rezoned from Hall County HB (Highway Business) to Flowery Branch PUD (Planned Unit Development). 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 May 1, 2020.

SECTION 6. REPEALER.

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

Approved this 16^h day of April 2020.

ATTEST

James M. Miller, Mayor

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit “A”

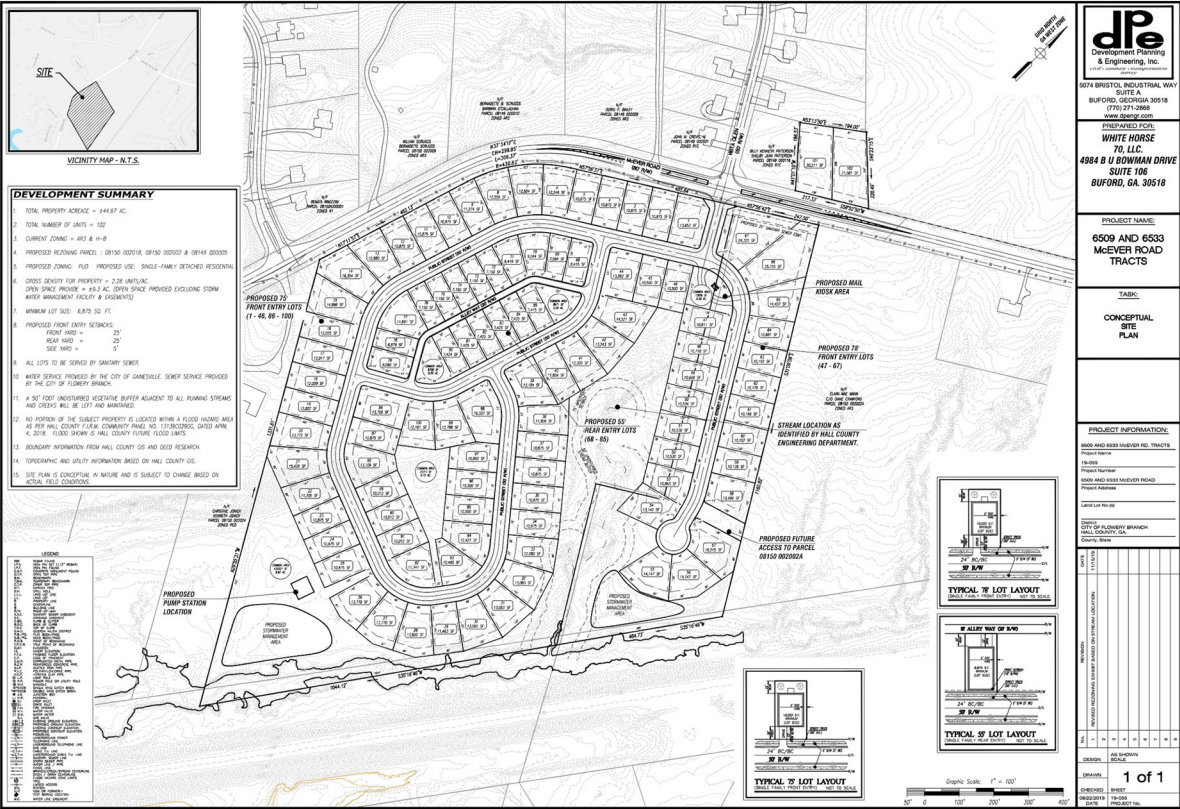


Exhibit “B”

6509 MCEVER RD, FLOWERY BRANCH, GA 30542 (Parcel Number: 08150 002002)

All that tract or parcel of land lying and being in Land Lot 150 of the 8th Land District, Hall County, Georgia, as shown and delineated as 8.843 acres, more or less, on plat of survey for Anthony Sherman & Victor Felix Espinosa by Jarrard Surveying dated May 26, 2005, last revised September 9, 2005, and being more particularly described as follows:

Beginning at an iron pin at a point on the southeastern right of way of McEver Road (80 foot right of way), said point being South 63 degrees 25 minutes 07 seconds East, a distance of 50.84 feet, from the intersection of the centerlines of McEver Road and Vista Glen; thence running North 64 degrees 26 minutes 11 seconds East along the southeastern right of way of McEver Road, a distance of 247.50 feet, to an iron pin; thence leaving said right of way and running South 24 degrees 39 minutes 37 seconds East, a distance of 1160.82 feet, to an iron pin on the northwestern right of way of southern railroad (400 foot right of way); thence running South 41 degrees 46 minutes 15 seconds West along said right of way, a distance of 484.73 feet, to an iron pin; thence leaving said right of way and running North 24 degrees 47 minutes 04 seconds West, a distance of 477.85 feet, to an iron pin;

Exhibit "C"

Conditions of Zoning

1. Site

- A. Layout of project shall generally adhere to the submitted plan as approved on April 16, 2020 and as attached as exhibit "A":
- B. Maximum 102 single family units
- C. Homes shall generally adhere to the plan book submitted to staff electronically on March 13, 2020
- D. Lot size and setbacks per approved plan
- E. Landscape plan shall be submitted at time of LDP
- F. Street trees shall be planted with root barriers
- G. Roads and alleys shall be public
- H. Roads will be turned over to the City through an official resolution approved by City Council and not at the time of final plat
- I. A maintenance bond totaling 20% of all public improvements is required at time of final plat
- J. Sewer shall be provided by the City of Flowery Branch
- K. 5' sidewalk shall be provided on at least one side of the road throughout the development
- L. Detailed entrance plans shall be submitted and approved by the City
- M. Streetlights must be dedicated to the homeowner's association or to the City of Flowery Branch at the time of final plat. If dedicated to the HOA it shall clearly state that it is in perpetuity
- N. Buffer along southern boundary must be enhanced to limit disturbance to the existing business located at 6593 McEver Road and identified as tax parcel identification no. 08150 002024. Said plan must be submitted and approved by City staff prior to the issuance of an LDP.
- O. Sewer pump station location and design shall be reviewed by City staff prior to installation. Applicant agrees to negotiate with the City to potentially upscale this station to serve the surrounding areas. This will be memorialized in a development agreement approved by both parties prior to the completion of the land disturbance phase.
- P. Potential pedestrian connection to the adjoining commercial property shall be finalized at time of LDP

2. Home/Lot Design

- A. Driveways of non-alley fed homes shall be a minimum of 23' as measured from the back of sidewalk to the front façade of the home
- B. Individual lots shall show landscaping at time of permit and shall have a mixture of shrubs and a minimum of two trees
- C. All lots must be sodded prior to certificate of occupancy
- D. A residential drainage plan (RDP) may be required for any lots that have potential drainage issues as determined by the City
- E. A house location plan (HLP) is required for each home at the time of permitting

3. Major and Minor PUD Changes

- A. Major shall include
 - 1) Change in unit number of 4 or more

- 2) Reduction in setback greater than 5 feet (homes must always be 10' apart from one another regardless of setback)
 - 3) Any change deemed major by staff
- B. Minor shall include
- 1) Change in unit number of 3 or less
 - 2) Reduction in setback less than 5 feet
 - 3) Approval of lot width variations not to fall below the approved minimum
 - 4) All other changes deemed non-major by staff



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider the 1st Reading of Ordinance 593 - Rezoning of 6533 McEver Road - Whitehorse, LLC.

COUNCIL MEETING DATE: April 2, 2020

HISTORY:

This is the first read for the rezoning of the properties annexed by Council on March 24, 2020. The second read for the rezoning and annexation will be held on April 16, 2020.

FACTS AND ISSUES:

Each individual ordinance will be numbered and have updated conditions prior to the April 16, 2020 City Council meeting.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve.

SAMPLE MOTION:

I make a motion to approve the first reading of ordinance 593, the rezoning of 6533 McEver Road.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Rezoning_Ordinance_Whitehorse_2_UPDATED.docx](#)

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Read 04/02/2020
Approved 04/16/2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING 34.5+/- ACRES OF LAND OWNED BY WHITE HORSE LLC., COMMONLY KNOWN AS 6533 MCEVER ROAD, AND ALSO IDENTIFIED AS TAX PARCEL 08150 002018, AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON EXHIBIT “B”, BY REZONING SAID TRACT FROM HALL COUNTY A III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, White Horse LLC., owns all tract or parcel of land being considered for rezoning totaling 34.5+/- acres identified as Parcel Tax Identification No. 08150 002018, 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 as submitted by White Horse LLC., and in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

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

WHEREAS, the City Council held a public hearing at the meeting of February 6, 2020, 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 of the parcel from Hall County A III (Agricultural Residential) to Flowery Branch PUD (Planned Unit Development) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan 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 zonings as opposed to proposed.
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. LEGAL DESCRIPTION AND REZONING.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, and subject to conditions set forth on Exhibit “C”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch PUD (Planned Unit Development). 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 May 1, 2020.

SECTION 6. REPEALER.

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

Approved this 16^h day of April 2020.

ATTEST

James M. Miller, Mayor

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit “A”

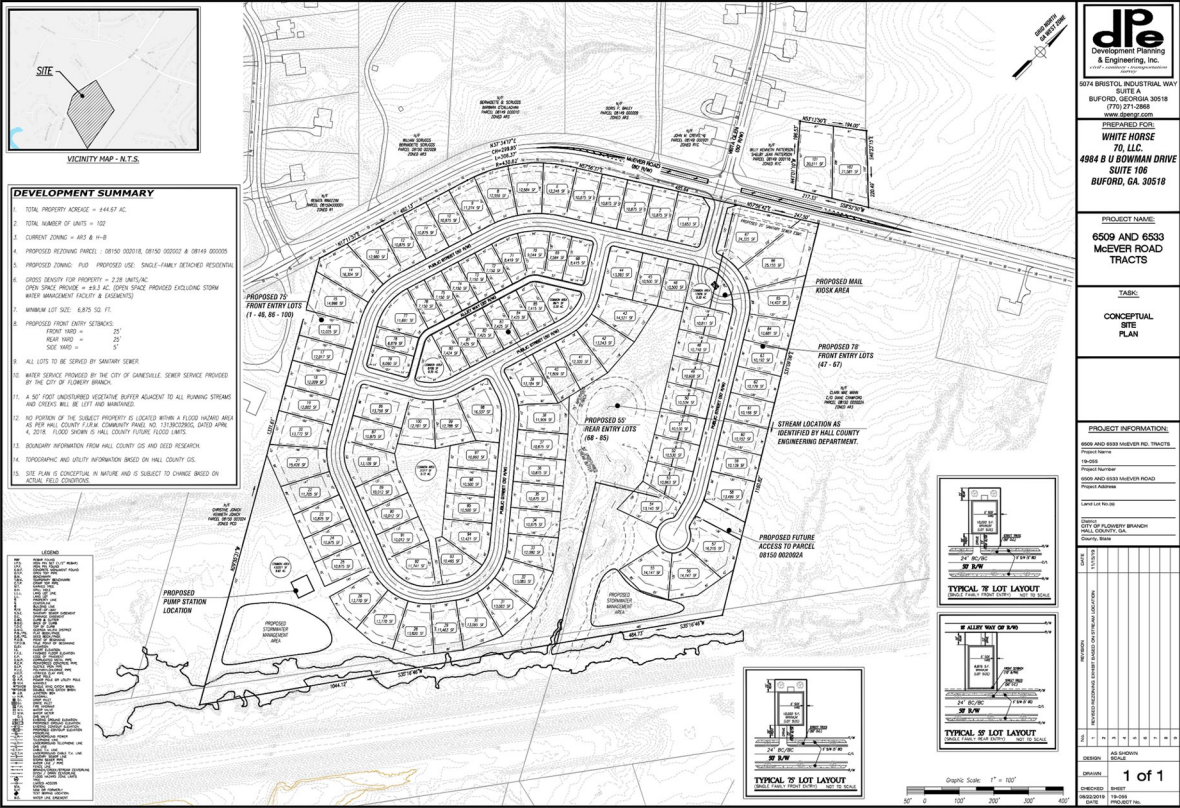


Exhibit “B”

6533 MCEVER ROAD, FLOWERY BRANCH, GA 30542 (Parcel Number: 08150 002018)

Tract One:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being all of Tracts 1, 2, 3, 4, and 5 of that property shown on a survey for "Lee Waldrip Auction Company," dated February 4, 1985, prepared by Henry Bailey, Georgia Registered Land Surveyor, recorded in Plat Book 101, page 82, Hall County, Georgia Plat Records, said plat and the record thereof being incorporated herein for a more full and complete description.

Tract Two:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being shown to contain 4.971 acres according to a survey for "Lee Waldrip Auction Co.," dated February 4, 1985, prepared by Henry Bailey, Georgia Registered Land Surveyor, recorded in Plat Book 101, page 96, Hall County, Georgia Plat Records, said plat and the record thereof being incorporated herein for a more full and complete description.

Tracts One and Two as described herein being all of that property described in a Corrective Warranty Deed from Lee Waldrip Auction Company to Harvey R. Crenshaw, Lawrence D. Crenshaw, and Robert C. Payne, dated July 11, 1985, recorded in Deed Book 897, page 13, Hall County, Georgia Deed Records.

Tract Three:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being all of that property shown on a survey for "Roy A. Scott," prepared by Jimmy Bullock, Georgia Registered Land Surveyor, dated December 1, 1988, being shown to contain 4.00 acres according to said survey and being more fully described as follows:

BEGINNING at an iron stake located on the eastern right of way of Holiday McEver Road, which iron pin is located south 55 degrees 31 minutes west 1367 feet from the nail and cap set centerline of McEver Road and Gaines Ferry Road; thence from said beginning iron pin running south 30 degrees 24 minutes east 871.21 feet to an iron pin; thence running south 69 degrees 11 minutes west 200 feet to an iron pin; thence running north 30 degrees 24 minutes west 871.21 feet to an iron pin located on the eastern right of way of Holiday McEver Road; thence running along said right of way of Holiday McEver road north 59 degrees 17 minutes east 200 feet to the beginning iron pin.

This being the same property described in a Warranty Deed from Roy Scott to Lawrence D. Crenshaw, Harvey R. Crenshaw, and Robert C. Payne dated February 16, 1990, recorded in Deed Book 1441, page 177, Hall County, Georgia Deed Records.

Exhibit "C"

Conditions of Zoning

1. Site

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