



**City of Flowery Branch
City Council Meeting
Thursday, August 04, 2022, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ADOPTION OF AGENDA:

PUBLIC HEARING:

- A Public Hearing to consider a request from Sparrow Acquisitions, LLC. to rezone three properties totaling 14.55 +/- acres from Highway Business (HB) to Residential Multi-Family (R-3).

[Sparrow Zoning and Variance application LOI and Exhibits.pdf](#)

[Sparrow Flowery Branch Rezone and Variance Application \(Fully Executed\).pdf](#)

UNFINISHED BUSINESS - WORK SESSION:

- Work Session Discussion regarding Ordinances 665 and 666 - Requests from Chattahoochee Construction Managers, LLC/MQ Development, LLC to Rezone two tracts of land from Residential, Detached Single-Family, Moderate-Density District (R-2) to Residential Multi-Family District (R-3). Tract one is a 3.52+/- acre tract of land identified as 5674 Mulberry Street, tax parcel number 08116 000023, tract two is a 4.7+/- acre tract of land identified as 5740 Mulberry Street, tax parcel number 08116 000022.

[Mulberry Townhomes Parcel 1.pdf](#)

[Mulberry Townhomes Parcel 2.pdf](#)

[Staff Report Mulberry Townhomes.pdf](#)

[Ordinances 665 and 666.pdf](#)

NEW BUSINESS -WORK SESSION:

- Consideration of Flowery Branch Police Department K9 Program
[Executive Summary - 2022 K9 Program.pdf](#)
[2022 K9 Program Cost sheet.pdf](#)
- Consider approving Resolution 22-013 to purchase real property and wells at 4755 Atlanta Highway (Lots 1-4), Flowery Branch, Georgia.
[Executive Summary - purchase of real property 4755 \(Lots 1-4\) Atlanta Hwy with wells ERB Rev TP ERB Final.pdf](#)
[Resolution 22-013 Intent to Purchase Real Property and wells Atlanta Highway.pdf](#)

VOTING SESSION AGENDA**DEPARTMENT REPORTS:** - a. City Manager Report

- b. City Clerk Report
- c. Downtown/Events Report
- d. Finance Director Report
- e. Planning Department Report
- f. Police Report
- g. Attorney Report
- h. Council Report

ADJOURNMENT WORK SESSION:**CALL VOTING SESSION TO ORDER:****PUBLIC COMMENTS:** - Please limit to two minutes**CONSENT AGENDA:**

- Consider July 21, 2022 City Council Meeting Minutes
[Unofficial July 21, 2022 Council Meeting Minutes.pdf](#)
- Consider Mayor Asbridge Per Diem for June 2022 and July 2022
[Mayor Per Diem June & July 2022.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:**NEW BUSINESS - VOTING SESSION:**

- Consideration of Flowery Branch Police Department K9 Program
[Executive Summary - 2022 K9 Program.pdf](#)
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- Consider approving Resolution 22-013 to purchase real property and wells at 4755 Atlanta Highway (Lots 1-4), Flowery Branch, Georgia.
[Executive Summary - purchase of real property 4755 \(Lots 1-4\) Atlanta Hwy with wells ERB Rev TP ERB Final.pdf](#)
[Resolution 22-013 Intent to Purchase Real Property and wells Atlanta Highway.pdf](#)

EXECUTIVE SESSION:**ADJOURNMENT:**

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: A Public Hearing to consider a request from Sparrow Acquisitions, LLC. to rezone three properties totaling 14.55 +/- acres from Highway Business (HB) to Residential Multi-Family (R-3).

COUNCIL MEETING DATE: August 4, 2022

HISTORY:

FACTS AND ISSUES:

Sparrow Acquisitions, LLC, requests the R-3 zoning classification (including concurrent variances) with the intention of developing a 220 unit age restricted community.

The following three parcels are being considered for rezoning:

5977 Spout Springs Road; Tax ID # 15046 000151

4685 Hog Mountain Road; Tax ID # 15046 000071

4717 Hog Mountain Road; Tax ID # 15046 000009B

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing Only - No vote at this time.

SAMPLE MOTION:

No vote at this time

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- Sparrow Zoning and Variance application LOI and Exhibits.pdf
- Sparrow Flowery Branch Rezone and Variance Application (Fully Executed).pdf

Steven L. Jones | Counsel
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Cell Phone: 404.218.2756
E-mail: sjones@taylorenghish.com

June 17, 2022

VIA EMAIL AND HAND DELIVERY

Rich Atkinson, Director of Planning and Community Development
5410 Pine Street
Flowery Branch, GA 30542

**Re: Letter of Intent;
Flowery Branch Tax Parcel Identification Numbers 15046 000151, 15046
000009B, and 15046 000071;
Rezoning – Zoning Ordinance Article 34
Variance – Zoning Ordinance Article 37**

Dear Mr. Atkinson,

This letter serves as the letter of intent of Sparrow Acquisitions, LLC, a Texas limited liability company (“**Sparrow**”) regarding its applications (collectively the “**Applications**”) for:

- (1) a Rezoning (“**Rezoning Application**”) under Article 34, *Et Seq.* of the Zoning Ordinance to rezone the Property from HB Highway Business District to R-3 Residential Multi-Family District, and
- (2) a Variance (“**Variance Application**”), under Article 37, *Et Seq.* of the zoning Ordinance, to (1) increase the max dwelling units to 15.1 units per acre; (2) decrease the landscaped open space area to 9.2%; (3) decrease in the minimum natural buffer of 10 ft; (4) decrease the minimum Steep Slope of less than 25%; (5) decrease the minimum heated floor area of 557 sq ft, 669 sq ft, 734 sq ft, 965 sq ft, 967 sq ft, and 986 sq ft for seven (7) dwelling unit types; and (6) decrease the required parking consistent with the Site Plan.

The Property consist of 14.55 +/- acres, identified as TPNs 15046 000151, 15046 000009B, and 15046 000071 and by postal addresses 5977 Spout Springs Road, 4685 Hog Mountain Road, and 4717 Hog Mountain Road, respectively. As shown in **Exhibit B**, the Property fronts Hog Mountain Road. TPN 1506 000151 is undeveloped. Historically, both TPNs 1506 000009B and 1506 000071 have a single family mobile home on the properties.

Sparrow is in the business of operating a real estate and management company which focuses on developing and managing 55+ age restricted retirement communities. On May 16, 2022, Sparrow entered into a Purchase and Sale Agreement (“**Sparrow PSA**”) with Capstone Gateway 1, LLC and FB Senior Holdings 1, LLC (collectively the “**Owner**”) to purchase the Property. Sparrows proposed use of the property is to develop a 55+ age restricted retirement communities which services the Flowery Branch community.

Under the Zoning Ordinance, the Property is zoned HB Highway Business District (“**HB**”). In the HB zoning district, Dwelling, Multi-Family is prohibited as the principal use. See Table 9.1 of the Zoning Ordinance. In order to accomplish the goal of developing the Property into a 55+ age restricted retirement community, the property will need to be rezoned to R-3 Residential Multi-Family zoning district (“**R-3**”) under the Zoning Ordinance. Additionally, the property will need a variance for the items listed in (2) above, as may be amended and supplemented from time to time.

Development Statistics

- (a) Maximum and proposed height of any structure:

45 Feet

- (b) Maximum and proposed gross square footage of the building area (nonresidential only):

Not Applicable

- (c) Color renderings of any proposed structures:

Black and White. See Site Plan as Exhibit C.

- (d) Material list (with percentages) of any proposed structures;

Because of global supply chain issues for raw materials, we are still ascertaining the availability of certain materials for the proposed structures. As such, we are not able to provide a material list at this point in time. We will provide a material list in advance of the first public hearing.

- (e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only):

Max dwelling units = 12 units/acre = 175 units

Proposed dwelling units = ~15.1 units/acre = 220 units

Minimum Heated Floor Area per dwelling unit = 1,000 SF

Proposed Min. heated floor area = 557

- (f) Maximum and proposed lot coverage of building area (square feet and percent):

Max lot coverage of building area = 40% = 254,390 SF

Proposed lot coverage of building area = 90,912 SF = ~14.3%

- (g) Minimum and proposed square footage of landscaped area (square feet and percent):

Min required landscaped open space area = 15% = 95,396 SF

Proposed open space area = 58,200 SF = 9.2%*

- (h) Minimum, maximum and proposed number of parking spaces; and

Minimum = 1.6 per unit (352 total spaces)

Maximum = 2.2 per unit (484 total spaces)
Proposed = 1.82 per unit (401 total spaces)

Rezoning Factors

Section 34.7 of the Zoning Ordinance requires the following factors to be met to amend the official zoning map and for conditional uses.

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
- (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.
- (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
- (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.
- (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
- (g) Existing use(s) and zoning of the subject property and nearby properties.
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification.
- (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
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
- (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 letter, below, restates each Variance Factor and shows why each is met.

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

The adjacent properties are commercial buildings, undeveloped land, residential neighborhoods, and apartment complexes. As such, the proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property.

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

The proposal will have no adverse effects on the use or usability of the adjacent or nearby properties. Additionally, the Flowery Branch Apartments directly north of the property is similar in use as the proposal.

(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.

While the property may be used in accordance with the existing regulations, the current zoning unreasonably limits the use of the property and creates a substantial burden to the applicant. The Zoning Ordinance as applied to the property creates a practical and unnecessary difficulty. Specifically, it would prevent the applicant from developing the Property, and the applicant would be forced to locate the Business elsewhere, at a significant cost.

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

The proposal will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

(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 comprehensive plan indicates that the future growth pace of the Flowery Branch is expected to rise in the next few decades at an accelerated pace, with a population expected to reach over sixteen thousand residents by 2035. This population growth well exceeds the previously contemplated growth of the community by three thousand.

(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

As indicated above, the population growth projections far exceed the previous expectations of the community. Additionally, as the housing market rises, the proposal of a 55+ community will help alleviate the expected housing needs of Flowery Branch by providing a place for its older residents to live, thereby freeing residential housing needs for growing families and providing a safe and thriving community for the communities aging residents.

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

The subject property is currently undeveloped and zoned as HB.

The existing use and zoning of the nearby properties are as follows:

- The land north of the property is undeveloped and an apartment complex, currently zoned as R-II R-III, and AR-III.
- The land east of the property is undeveloped and a residential neighborhood, currently zoned PRD and R-1.
- The land south of the property is an office building and a Walgreens, currently zoned as HB.
- The land west of the property is a bank and shopping center, currently zoned HB.

(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.

As currently zoned, the Property is without a reasonable economic value. The Property has been vacant or under utilized for the known past and, upon information and belief, has not been marketable as currently zoned.

(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 map amendment would increase the value of the adjacent commercial properties, as well as drive more business by virtue of having a residential community in close proximity to local shopping centers and other business establishments.

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

The proposal would not create an isolated zoning district to unrelated adjacent and nearby districts.

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

The current area in which the Property is located is mixed use, with properties being zoned in a way that creates an environment where compatible land is located in close proximity of each other and thereby contributes to the economic base of the city. The proposal would only further this environment, by creating more compatibility between uses.

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

The proposal is not expected to have any substantial environmental impacts.

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

The proposal is intended to enhance the overall character of the area allowing the residents ease of access to local pedestrian friendly establishments.

Variance Criteria

Section 37.5 of the Zoning Ordinance sets forth the following criteria for evaluation of variance applications.

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

(a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

The properties' unique shape, size, and topography are different that other properties in the same district. Without the requested variances, the proposed use will not be viable.

(b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

A literal interpretation of the provision of the ordinance would deprive the applicant of a development that is commonly enjoyed by other properties in the same district. Specifically, due to the unique characteristics of the property, if the variances are not granted, the property will be unable to be developed, consistent with the site plan submitted with the Applications.

(c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

Granting the variances will not confer upon the property any special privileges that are denied to other properties in the same district. Specifically, other properties in the same district are able to seek similar variances, if those properties were subject to the same burdens as the subject properties.

(d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;

The requested variances will be in harmony with the purpose and intent of the ordinance and will not be injurious to the neighborhood or the general welfare. The area surrounding the property is a regional node with a variety and mixture of uses. If the requested variances are granted, the development of the subject properties will be consistent with the overall development theme of the surrounding area. Therefore, the variances, if granted, will be in harmony with the purpose and intent of the ordinance. Additionally, given that the proposed development will have a lower burden on infrastructure than surrounding developments, granting the requested variances will not be injurious to the neighborhood or to the general welfare.

(e) The special circumstances are not the result of the actions of the applicant;

The special circumstances giving rise to the requested variance are a result of the unique topography, size, and shape of the subject properties and are not the result of the actions of the applicant.

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

The requested variances are the minimum variance necessary to make the proposed use of the land in the district proposed. Without the requested variances, the applicant will not be able to develop the community proposed by the Application.

(g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

The requested variances do not seek a use variance.

Enclosed hereto are the following additional documents:

- (a) Application form furnished by the Zoning Administrator, including signed and notarized signature of property owner.
- (b) Legal description of the Property. See **Exhibit A.**
- (c) Survey plat of the Property. See **Exhibit B.**
- (d) Site and concept plan of the Property. See **Exhibit C.**

Sincerely,

A handwritten signature in black ink, appearing to read "Steven L. Jones", with a stylized, cursive script.

Steven L. Jones

EXHIBIT A

HISTORICAL DESCRIPTION OF LAND

TRACT I:

All that tract or parcel of land lying and being located in GMO 1270, city of Flowery Branch, Hall County, Georgia and being more particularly described as follows.

Beginning at a point located at the centerline of intersection of Spout Springs Road and Hog Mountain Road commence South 78 Degrees 58 Minutes 55 Seconds East for a distance of 333.06 feet to a 1/2" rebar found on the northern right-of-way of Spout Springs Road; Thence leaving said right-of-way North 35 Degrees 09 Minutes 44 Seconds East for a distance of 89.81 feet to a 1/2" rebar found; Thence North 45 Degrees 08 Minutes 32 Seconds East for a distance of 322.39 feet to a 1/2" rebar found; Thence North 41 Degrees 46 Minutes 13 Seconds East for a distance of 74.41 feet to a 1/2" rebar set, which is the TRUE POINT OF BEGINNING.

Thence from the TRUE POINT OF BEGINNING commence North 41 Degrees 46 Minutes 13 Seconds East for a distance of 39.58 feet to a 1/2" rebar found; Thence North 50 Degrees 26 Minutes 35 Seconds West for a distance of 71.51 feet to a 1/4" rebar found; Thence North 50 Degrees 31 Minutes 10 Seconds East for a distance of 211.73 feet to a 5/8" rebar found; Thence North 24 Degrees 25 Minutes 45 Seconds East for a distance of 174.99 feet to a 3/8" rebar found; Thence North 47 Degrees 07 Minutes 06 Seconds West for a distance of 198.34 feet to a 1/2" open top pin found on the southerly right-of-way of Hog Mountain Road (80' right-of-way); Thence along said right-of-way North 47 Degrees 23 Minutes 53 Seconds East for a distance of 155.71 feet to a PK nail found; Thence leaving said right-of-way South 47 Degrees 50 Minutes 19 Seconds East for a distance of 253.84 feet to a 1-1/2" open top pin found; Thence North 51 Degrees 57 Minutes 48 Seconds East for a distance of 143.34 feet to a 2" open top pin found; Thence South 47 Degrees 47 Minutes 03 Seconds East for a distance of 634.13 feet to a 1" open top pin found; Thence South 46 Degrees 27 Minutes 42 Seconds West for a distance of 766.60 feet to an axle found; Thence North 44 Degrees 42 Minutes 58 Seconds West for a distance of 221.69 feet to an axle found; Thence North 43 Degrees 44 Minutes 13 Seconds East for a distance of 32.03 feet to a 1/2" rebar set; Thence North 46 Degrees 17 Minutes 09 Seconds West for a distance of 356.20 feet to a 1/2" rebar set, which is the TRUE POINT OF BEGINNING.

Said property contains 513,600 Square Feet, 11.79 Acres more or less.

This being the same property described and conveyed in a Limited Warranty Deed from LRG-5977 Spout Springs Road, LLC to Capstone Acquisitions, LLC dated February 6, 2019, recorded in Deed Book 8220, page(s) 557 of the Hall County Deed Records, and being known and designated under the present system of numbering as Tax Parcel # 15046 000151.

[legal description continues on following pages]

EXHIBIT "A"

[continued]

TRACT II:

All that tract or parcel of land, including all improvements, thereon, lying and being in the Flowery Branch (1270) District of Hall County, Georgia, more particularly described as follows:

BEGINNING at an iron pin on the right-of-way of Hog Mountain Road 383.13 feet from the northwesterly corner of property belonging to Cantrell; thence South 45 degrees 25 minutes East 198.31 feet to an iron pin; thence South 25 degrees 58 minutes West 175 feet to an iron pin; thence South 52 degrees 07 minutes West 25.82 feet to property of Cantrell; thence along property of Cantrell North 45 degrees 25 minutes West 249.08 feet to a point on the right-of-way of Hog Mountain Road; thence along the right-of-way of Hog Mountain Road North 43 degrees 02 minutes East 38.20 feet to a point and North 44 degrees 18 minutes East 153.36 feet to the beginning corner. Said tract containing 1.005 acres and being bounded on the Northwest by Hog Mountain Road, on the Northeast and Southeast by other property of Grantor, on the Southwest by property of Cantrell, and its more fully shown on a plat of property of Linda Sue Cantrell prepared by Farley-Collins Associates on May 4, 1977, revised May 12, 1977.

This being the same property described and conveyed in a Limited Warranty Deed from Louise Bales to Capstone Acquisitions, LLC dated July 30, 2019, recorded in Deed Book 8312, page(s) 273-276 of the Hall County Deed Records, and being known and designated under the present system of numbering streets as 4685 Hog Mountain Road, Flowery Branch, Georgia, bearing Tax Parcel # 15046 000071.

TRACT III:

All that tract or parcel of land lying and being in the Flowery Branch (1270) District of Hall County, Georgia, and more particularly described as follows:

Beginning at an iron pin on the South right-of-way of Hog Mountain Road 559.40 feet from the right-of-way of Spout Springs Road; thence along said right-of-way N 43 degrees 53 minutes 18 seconds E 115.36 feet to an iron pin; thence leaving said right-of-way and running S 45 degrees 36 minutes 11 seconds E 287.91 feet to an iron pin; thence S 46 degrees 48 minutes 14 seconds W 114.02 feet to an iron pin; thence N 45 degrees 53 minutes 39 seconds W 282.10 feet to the beginning point.

The above tract contains 0.750 acres and is more fully shown on a plat made for Linda S. Cantrell by Mike T. Hosch, Georgia Registered Land Surveyor, which plat is recorded in Slide 347, Page 66B, of the Hall County Deed Records and is incorporated herein by reference.

[legal description continues on following pages]

EXHIBIT "A"
[continued]

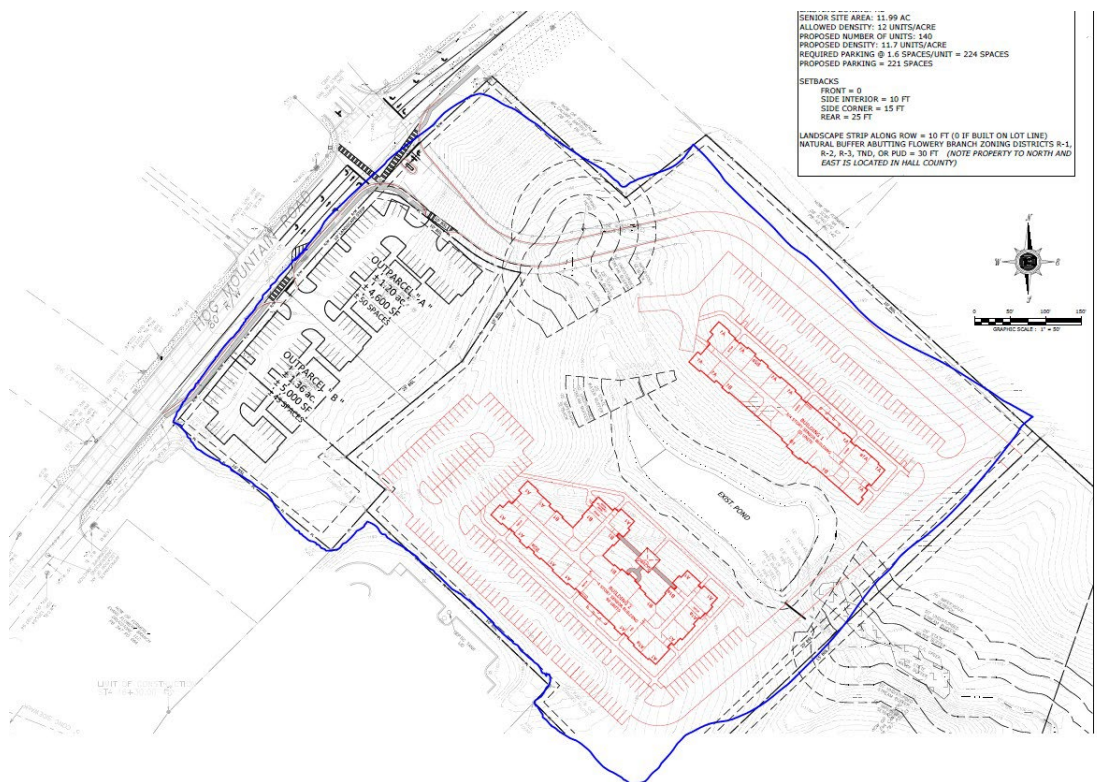
TOGETHER WITH:

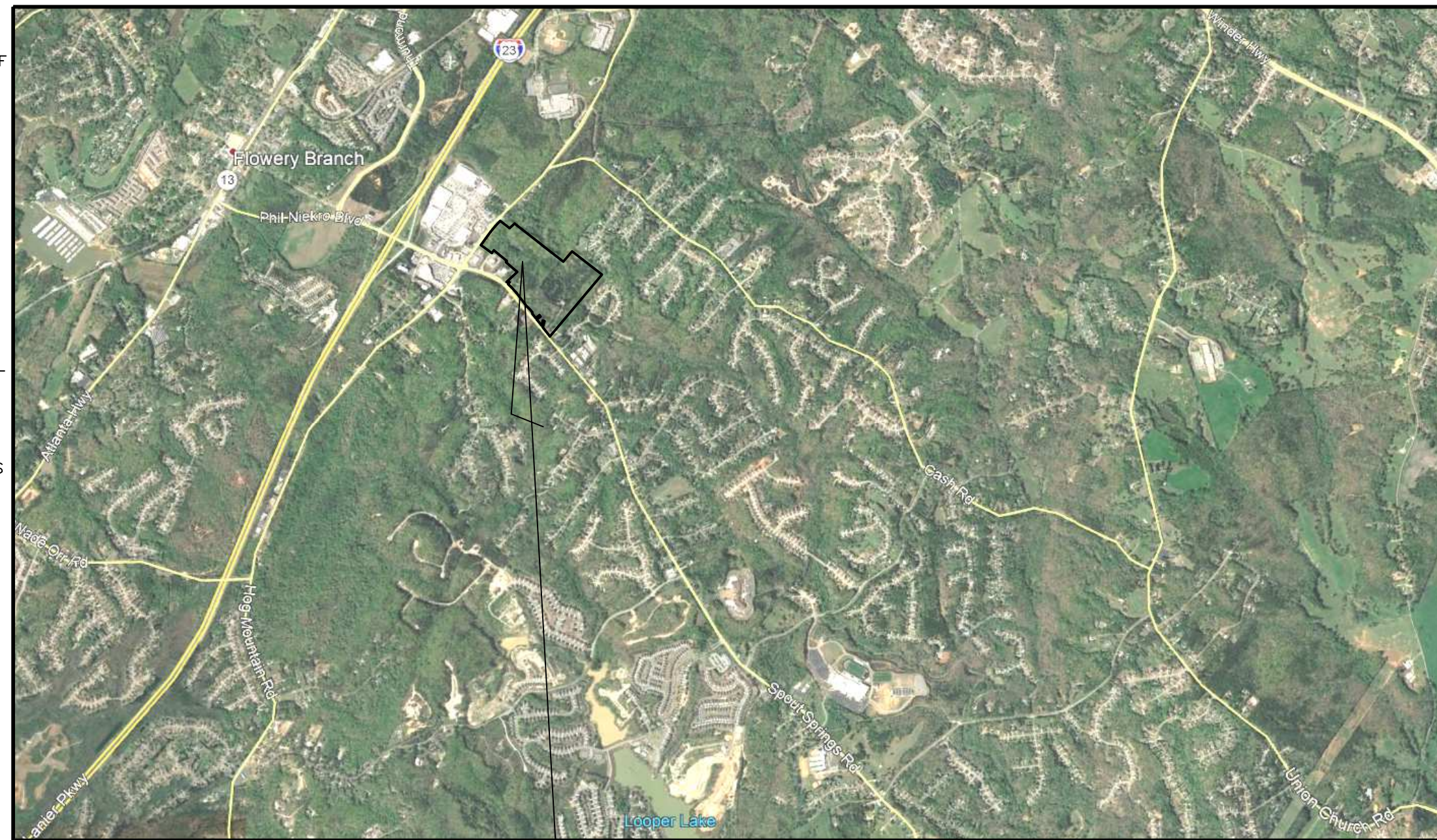
All that tract or parcel of land lying and being in the Flowery Branch (1270) District of Hall County, Georgia, containing 1.005 acres as shown as the Cantrell Tract on a plat prepared by Farley-Collins Associates, Georgia Registered Surveyors, revised May 12, 1977, and recorded in Plat Book 66, Page 178 Hall County Deed Records, and more fully described as follows:

BEGINNING at an iron pin located on the Southeasterly right-of-way of Hog Mountain Road, said pin being 722 feet from the center line of Spout Springs Road; thence North 41° 22' East a distance of 118.40 feet; thence North 43° 02' East a distance of 73.17 feet; thence South 45° 25' East a distance of 249.08 feet; thence South 52° 07' West a distance of 186 feet to an iron pin; thence North 47 degrees 16 minutes West a distance of 216.18 feet to the point of beginning.

Said Tract III being the same property described and conveyed in a Limited Warranty Deed from Eva Cantrell a/k/a Eva M. Cantrell to Capstone Acquisitions, LLC dated July 30, 2019, recorded in Deed Book 8312, page(s) 269-272 of the Hall County Deed Records, and being known and designated under the present system of numbering streets as 4685 Hog Mountain Road, Flowery Branch, Georgia, bearing Tax Parcel # 15046 000009B.

The combination of all three tracts above are further depicted in the following preliminary site plan:



SUBDIVIDE SURVEY FOR:
CAPSTONE AT BLOSSOM CREEKVICINITY MAP
(NOT TO SCALE)

PROJECT LOCATION

REFERENCES:

1. DEED BOOK 7352, PAGES 79-82
2. DEED BOOK 8168, PAGES 185-187
3. DEED BOOK 8106, PAGES 70 & 71
4. DEED BOOK 8096, PAGE 348
5. DEED BOOK 7816, PAGES 667-670
6. DEED BOOK 2418, PAGES 74 & 75
7. DEED BOOK 319, PAGE 67
8. DEED BOOK 7096, PAGES 307-310
9. DEED BOOK 7874, PAGE 645
10. DEED BOOK 1633, PAGE 303
11. DEED BOOK 4144, PAGES 436 & 436
12. DEED BOOK 7950, PAGE 404
13. DEED BOOK 4391, PAGE 444
14. DEED BOOK 5437, PAGE 415
15. DEED BOOK 7518, PAGES 377 & 766
16. DEED BOOK 7982, PAGES 765 & 776
17. DEED BOOK 1865, PAGE 308
18. DEED BOOK 7521, PAGE 778 & 779
19. DEED BOOK 7521, PAGES 778 & 779
20. DEED BOOK 7701, PAGES 774-777
21. DEED BOOK 7674, PAGE 95-98
22. DEED BOOK 8220, PAGES 557-559
23. PLAT BOOK 91, PAGE 76
24. PLAT BOOK 66, PAGE 178
25. PLAT BOOK 854, PAGES 134 & 135
26. PLAT SLIDE 532, PAGE 151A
27. PLAT SLIDE 347, PAGE 66A
28. PLAT BOOK 347, PAGE 66B
29. PLAT SLIDE 437, PAGE 207A
30. PLAT BOOK 12, PAGES 142 & 143
31. PLAT BOOK 109, PAGE 25
32. PLAT BOOK 870, PAGE 94
33. PLAT SLIDE 271, PAGE 600
34. SURVEY PREPARED FOR KHTW BY GEORGIA PREMIER LAND SERVICES, INC., PROJECT NUMBER 14055, DATED MARCH 2ND, 2014.
35. ALTA/NSPS LAND TITLE SURVEY FOR, LRG-5977 SPROUT SPRINGS ROAD, LLC AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY BY FLOYD & ASSOCIATES, INC. JOB FILE #2016-81, DATED NOVEMBER 29TH, 2016.
36. THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SPOUT SPRINGS ROAD, PROJECT NUMBER 9679, LAST REVISED OCTOBER 3RD, 2018
37. GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY DEED PER DEED BOOK 8221, PAGES 192-200
- SHEET INDEX**
- SHEET 1 - COVER SHEET
SHEET 2 - LEGAL DESCRIPTIONS
SHEET 3 - BOUNDARY MAP SHEET
SHEET 4 - BOUNDARY MAP SHEET
SHEET 5 - BOUNDARY MAP SHEET
SHEET 6 - BOUNDARY MAP SHEET
- STATE WATERS BUFFER:**
- AN UNDISTURBED VEGETATIVE BUFFER MEETING CITY OR COUNTY AND STATE REGULATIONS WILL BE PRESERVED ADJACENT TO ALL STREAMS AND LAKES. THERE SHALL BE A 50-FOOT UNDISTURBED BUFFER AS MEASURED HORIZONTALLY FROM POINT WHERE VEGETATION HAS BEEN WRESTED BY NORMAL STREAM FLOW OR WAVE ACTION. THERE SHALL BE A 75-FOOT IMPERVIOUS SET-BACK AS MEASURED HORIZONTALLY FROM POINT WHERE VEGETATION HAS BEEN WRESTED BY NORMAL STREAM FLOW OR WAVE ACTION. (HALL COUNTY CODE § 8.170.070)
- AREAS: 61.05 ACRES**
OUTPARCEL "A": 1.20 ACRES
OUTPARCEL "B": 1.38 ACRES
OUTPARCEL "C": 2.03 ACRES
OUTPARCEL "D": 3.29 ACRES
MULTI-FAMILY PHASE 1: 11.99 ACRES
MULTI-FAMILY PHASE 2: 41.17 ACRES
- WATER SERVICE BY:**
CITY OF GAINESVILLE

LEGEND:

- △ A.I.F. - ANGLE IRON FOUND
⊗ A.F. - AXLE FOUND
■ C.M.F. - CONCRETE MONUMENT FOUND
□ A.M.F. - ALUMINUM MONUMENT FOUND
⊗ C.T.F. - CRIMP TOP PIN FOUND
● R.B.F. - REBAR FOUND (SEE DRAWING FOR SIZE)
● O.T.F. - OPEN TOP FOUND (SEE DRAWING FOR SIZE)
⊗ I.P.F. - IRON PIN FOUND
⊗ P.K.N.F. - PARKER KALON NAIL FOUND
× F.X. - X-CUT FOUND
◆ N.F. - NAIL FOUND
⊗ R.F. - ROCK FOUND
⊗ R.R.F. - RAILROAD SPIKE FOUND
⊗ T.F. - TACK FOUND
⊗ P.K.N.S. - PARKER KALON NAIL SET
⊗ R.B.S. - 1/2" REBAR SET WITH CAP
□ C.M.S. - CONCRETE MONUMENT SET
⊗ N.S. - NAIL SET
⊗ C.P. - CALCULATED POINT
⊗ D.I. - DROP INLET
⊗ J.B. - JUNCTION BOX
⊗ W.I. - WIER INLET
⊗ Y.I. - YARD INLET
⊗ C.V. - CABLE TV VAULT
⊗ C.R. - CABLE RISER
⊗ T.R. - TELEPHONE RISER
⊗ T.V. - TELEPHONE VAULT
⊗ T.P. - TELEPHONE POLE
⊗ T.M.H. - TELEPHONE MANHOLE
⊗ U.T.B. - UNDERGROUND TELEPHONE BOX
⊗ A.C. - AIR CONDITIONER
⊗ P.B. - POWER TRANSFORMER BOX
⊗ E.P.B. - ELECTRIC PULL BOX
⊗ P.M. - POWER METER
⊗ P.W. - POWER POLE
⊗ F.L. - FLOOD LIGHT
⊗ S.P. - SERVICE POLE
⊗ L.P. - LIGHT POLE
⊗ G.W. - GUY WIRE
⊗ G.P. - GUY ANCHOR POLE
⊗ E.S. - ELECTRIC SERVICE
⊗ W.M. - WATER METER
⊗ W.V. - WATER VALVE
⊗ F.H. - FIRE HYDRANT
⊗ F.D.C. - FIRE DEPARTMENT CONNECTION
⊗ I.C.V. - IRRIGATION CONTROL VALVE
⊗ W.P. - WELL POINT
⊗ S.P.G. - WATER SPIGOT
⊗ B.O. - WATER BLOW OFF
⊗ B.F.P. - WATER BACKFLOW PREVENTER
⊗ C.O. - SANITARY CLEANOUT
⊗ S.S.M.H. - SANITARY SEWER MANHOLE
⊗ G.V. - SANITARY GATE VALVE
⊗ G.T. - GREASE TRAP
⊗ OAK - OAK TREE
⊗ PINE - PINE TREE
⊗ POP. - POPULAR TREE
⊗ SG. - SWEETGUM TREE
⊗ W.O. - WHITE OAK TREE
⊗ R.O. - RED OAK
⊗ HIC. - HICKORY TREE
⊗ M.T. - MAPLE TREE
⊗ W.O. - WATER OAK TREE
⊗ ELM - ELM TREE
⊗ M. - MISCELLANEOUS TYPE TREE
⊗ B.E. - BEECH TREE
⊗ S.T. - SYCAMORE TREE
⊗ U.M. - UNKNOWN TYPE MANHOLE
⊗ G.V. - GAS VALVE
⊗ G.M. - GAS METER
⊗ P.R. - PROPANE TANK
⊗ F.P. - FLAG POLE
⊗ T.S.P. - TRAFFIC SIGNAL POLE
⊗ T.S.B. - TRAFFIC SIGNAL BOX
⊗ M.W. - MONITORING WELL
⊗ S.H. - SPRING HEAD
⊗ B.P. - BOLLARD POST
⊗ S.N.L. - TRAFFIC SIGN
⊗ H.C.P. - HANDICAP PARKING
⊗ B.M. - BENCHMARK
⊗ H.C.R. - HANDICAP RAMP
⊗ A.H. - ACCESS HATCH
⊗ R.L. - ROOF LINE
⊗ E. - EDGE OF PAVEMENT
⊗ B.C. - BACK OF CURB
⊗ S.W.C.B. - SINGLE WING CATCH BASIN
⊗ D.W.C.B. - DOUBLE WING CATCH BASIN
⊗ I.E. - INVERT ELEVATION
⊗ E. - ELEVATION
⊗ C.M.P. - CORRUGATED METAL PIPE
⊗ R.C.P. - REINFORCED CONCRETE PIPE
⊗ B.C.C.M.P. - BITUMINOUS COATED CORRUGATED PIPE
⊗ H.D.P.E. - HIGH DENSITY POLYETHYLENE PIPE
⊗ P.V.C. - POLYVINYL CHLORIDE PIPE
⊗ D.I.P. - DUCTILE IRON PIPE
⊗ R.W. - RETAINING WALL
⊗ T. - BURIED TELEPHONE LINE
⊗ V. - OVERHEAD TELEPHONE LINE
⊗ W. - BURIED WATER MAIN
⊗ S. - BURIED SEWER LINE
⊗ G. - BURIED GAS LINE
⊗ E. - BURIED ELECTRIC LINE
⊗ T.V. - BURIED CABLE TV
⊗ C. - CHAIN LINK FENCE
⊗ D. - WOOD FENCE
⊗ X. - WIRE FENCE
⊗ W. - WROUGHT IRON FENCE
⊗ OHP. - OVERHEAD POWER LINES
⊗ T.S. - TRAFFIC SIGNAL LINE
⊗ F. - FENCE GATE
⊗ P/L. - PROPERTY LINE
⊗ R/W. - RIGHT-OF-WAY
⊗ N/F. - NOW OR FORMERLY
⊗ I. - INTERSECTION
⊗ R. - CURVE RADIUS
⊗ L. - CURVE ARC LENGTH
⊗ Δ. - CURVE CENTRAL ANGLE
⊗ C.BRG. - CHORD BEARING
⊗ C.DIST. - CHORD DISTANCE
⊗ L.L. - LAND LOT
⊗ N. - NORTHING COORDINATE
⊗ E. - EASTING COORDINATE
⊗ S/B. - SETBACK
⊗ P.O.B. - POINT OF BEGINNING
⊗ P.O.C. - POINT OF COMMENCEMENT
⊗ SQ. FT. - SQUARE FEET
⊗ CONTINUOUS OWNERSHIP
⊗ B. - BUILDING HEIGHT LOCATION
⊗ G.D.O.T. - GEORGIA DEPARTMENT OF TRANSPORTATION
⊗ ZIT. - G.D.O.T. PARCEL NUMBER (SEE REFERENCES)
⊗ P.C.N. - PARCEL CONTROL NUMBER
- ⊗ 25.50' - SPOT ELEVATION
■ - CONCRETE
■ - WOOD DECKING
■ - GRAVEL
■ - ASPHALT
■ - PAVEMENT

SURVEYOR'S NOTES:

1. THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA AS PER FIRM FLOOD INSURANCE RATE MAP OF HALL COUNTY, GA. COMMUNITY PANEL NO. 130333 0291 G, EFFECTIVE DATE: APRIL 4TH, 2018, & PANEL NO. 130333 0291 F, EFFECTIVE DATE: SEPTEMBER 20TH, 2006. THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OR ELEVATIONS OF THE FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE REFERENCED MAP OR PUBLIC DATA.
2. THIS PROPERTY IS AFFECTED BY THE HALL COUNTY FUTURE FLOOD AREA AS SHOWN ON HALL COUNTY GIS WEB SITE LOCATED AT: <http://gis.hallcounty.org/Public/WebPages/Map/FundyViewer.aspx>
3. IF THIS PROPERTY CONTAINS FEMA AND/OR LOCAL FLOOD HAZARD AREAS, BOTH FEDERAL AND LOCAL RESTRICTIONS MAY APPLY.
4. THIS SURVEY WAS PREPARED ON THE GEORGIA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, WEST ZONE, NORTH AMERICAN DATUM OF 1983/2007 ADJUSTMENT. THE SCALE FACTOR FOR THIS SITE IS: 0.999906914. (GRID DISTANCE/SCALE FACTOR=GROUND DISTANCE). ALL COORDINATES SHOWN HEREON ARE GRID COORDINATES UNLESS OTHERWISE STATED.
5. THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGULATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (OCGA) 15-6-67 AS AMENDED BY HB76 (2017).
6. CONVENTIONAL EQUIPMENT USED FOR MEASUREMENT WAS A TOPCON PS 103. GPS EQUIPMENT USED FOR MEASUREMENT WAS A CHAMPION TKO GNSS RECEIVING USING REAL TIME KINEMATIC OBSERVATIONS PROCESSED THROUGH THE EPGS NETWORK.
7. THE ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).

8. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 24,181 FEET AND AN ANGULAR CLOSURE OF 00'00"04" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES RULE. FIELD PARTY J.J. & H.R.
9. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE AS FOLLOWS:
OUTPARCEL "A" - WITHIN ONE FOOT IN 198,191 FEET.
OUTPARCEL "B" - WITHIN ONE FOOT IN 128,946 FEET.
OUTPARCEL "C" - WITHIN ONE FOOT IN 248,245 FEET.
OUTPARCEL "D" - WITHIN ONE FOOT IN 188,053 FEET.
MULTI-FAMILY PHASE 1 - WITHIN ONE FOOT IN 512,866 FEET.
MULTI-FAMILY PHASE 2 - WITHIN ONE FOOT IN 810,484 FEET.
10. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF TITLE REVIEW AND IS SUBJECT TO ANY RESERVATIONS, RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.
11. THIS PLAT OF SURVEY IS FOR THE EXCLUSIVE USE OF THE PARTIES LISTED UNDER THE CAPTION "SURVEY FOR" ANY THIRD PARTY USE TO BE AT THEIR OWN RISK.
12. THIS PROPERTY DOES CONTAIN STATE WATERS REQUIRING AN UNDISTURBED NATURAL BUFFER. LOCAL ORDINANCES MAY ALSO REQUIRE ADDITIONAL BUFFERS FOR THESE AREAS.
13. IF THE PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 17.225.040).
14. THE FIELD SURVEY WAS CONDUCTED ON JANUARY 2ND, 22ND-25TH AND FEBRUARY 13TH & 14TH, 25TH & 26TH, MARCH 5TH & 6TH 2019.
15. STREAM AND WETLAND DELINEATION WAS PROVIDED BY TALLMAN ENVIRONMENTAL IN A REPORT AND CAD FILE, DATED JUNE 15TH, 2018.
16. THE UNDERGROUND UTILITIES SHOWN HEREON WERE LOCATED BASED ON SUBSURFACE MARKINGS PROVIDED BY UTILITY MARKING, LLC, 3042 GALA TRAIL SNELLVILLE, GA 30039 678-357-1946 AND SURFACE EVIDENCE AND INFORMATION TAKEN FROM G.I.S./UTILITY WEB SITES. THERE MAY BE OTHER SUBSURFACE UTILITIES THAT SERVICE THE PROPERTY THAT ARE NOT SHOWN ON THIS SURVEY.

- Prior to receiving a building permit, the developer shall submit an amenity plan for passive recreation and common space for the pleasure and benefit of the residents in the proposed development.
 - Sidewalks and/or walking trails shall connect residential and non-residential uses with green spaces to ensure the highest level of pedestrian safety, accessibility, and circulation.
 - All conditions of zoning shall be made a part of any plat created for the subdivision.
 - The apartment density shall not exceed 10 per acre.
 - There shall be no government rental assistance apartments.
 - Each apartment shall be individually metered for water consumption. The meters are privately installed and the meter reads will be provided to Hall County for use of charge on a monthly basis to ensure proper sewer billing.
 - The zoning will not go into effect until a sewer service agreement has been proposed and fees have been paid in accordance to the Hall County Government's Sewer Use Ordinance at the time of processing.
- 2) A traffic signal warrant study shall be conducted at the developers expense after completion of the development.
 - 3) The applicant shall coordinate with Hall County Engineering and Traffic Engineering regarding the Spout Springs Road widening project.
 - 4) The access driveway shall be aligned with the proposed median cut on the Spout Springs Road widening project.

Please contact me if you have questions or if you require any additional information concerning this action of the Board.

Lisa A. Ritchie
Hall County Commission ClerkCC: Eva Cantrell
6001 Spout Springs Road
Flowery Branch, GA 30542Joan & Tommy Wingo
6005 Spout Springs Road
Flowery Branch, GA 30542Spout Springs Capital, LLC
4549 Montclair Circle
Gainesville, GA 30506

Srikanth Yamsa, Planning Director

ZONING & SETBACKS (S/B):

INFORMATION PROVIDED BY HALL COUNTY G.I.S.
WEB SITE LOCATED AT:
<http://gis.hallcounty.org/Public/WebPages/Map/FundyViewer.aspx>CURRENT HALL COUNTY ZONING:
P.R.D. - PLANNED RESIDENTIAL DEVELOPMENT
H-B - HIGHWAY BUSINESS
AR-III - AGRICULTURAL RESIDENTIAL IIIBUILDING SETBACKS FOR P.R.D.:
PER CONDITIONS ATTACHED - NO APARTMENT BUILDINGS
SHALL BE CONSTRUCTED AT A DISTANCE LESS THAN 40' FROM
ANY ADJOINING PROPERTY LINESBUILDING SETBACKS FOR H-B:
FRONT: 30' FROM RIGHT-OF-WAY LINE OR 55' FROM
CENTERLINE ROAD (WHICHEVER IS GREATER)
SIDE: 20' FROM PROPERTY LINE
REAR: 10' FROM PROPERTY LINEBUILDING SETBACKS FOR AR-III:
FRONT: 40' FROM RIGHT-OF-WAY LINE OR 65' FROM
CENTERLINE ROAD (WHICHEVER IS GREATER)
SIDE: 15' FROM PROPERTY LINE
REAR: 25' FROM PROPERTY LINE

SURVEYOR'S CERTIFICATION:

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR. THIS PLAT HAS BEEN APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS THAT REQUIRE PRIOR APPROVAL FOR RECORDING THIS TYPE OF PLAT OR ONE OR MORE OF THE APPLICABLE LOCAL JURISDICTIONS DO NOT REQUIRE APPROVAL OF THIS TYPE OF PLAT. FOR ANY APPLICABLE LOCAL JURISDICTION THAT REQUIRES APPROVAL OF THIS TYPE OF PLAT, THE NAMES OF THE INDIVIDUALS SIGNING OR APPROVING THIS PLAT, THE AGENCY OR OFFICE OF THAT INDIVIDUAL, AND THE DATE OF APPROVAL ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON. FOR ANY APPLICABLE LOCAL JURISDICTION THAT DOES NOT REQUIRE APPROVAL OF THIS TYPE OF PLAT, THE NAME OF SUCH LOCAL JURISDICTION AND THE NUMBER OF THE APPLICABLE ORDINANCE OR RESOLUTION PROVIDING THAT NO SUCH APPROVAL IS REQUIRED ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON.

THE FOLLOWING GOVERNMENTAL BODIES HAVE APPROVED THIS MAP, PLAT OR PLAN FOR FILING:

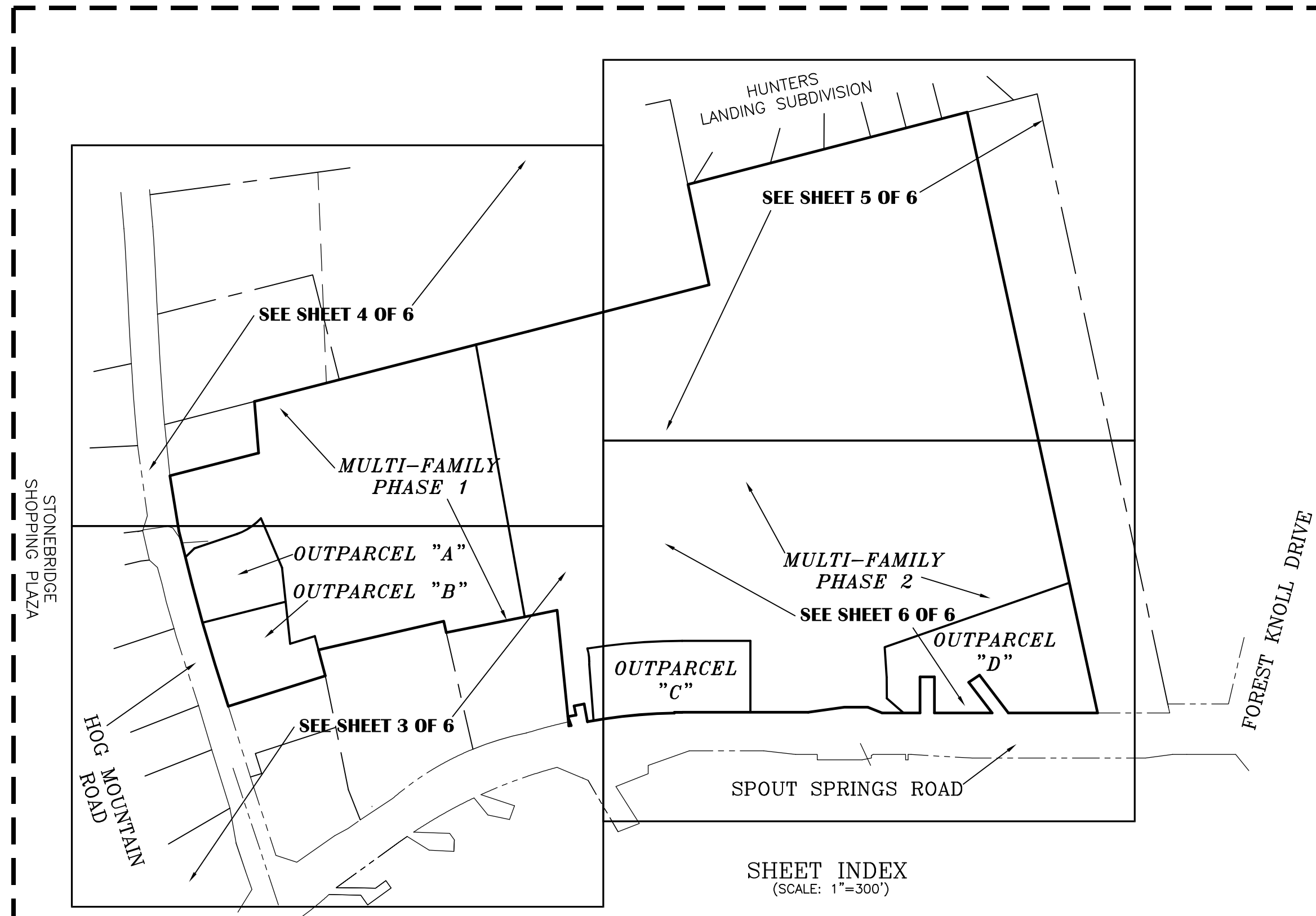
HALL COUNTY DEPARTMENT OF PUBLIC HEALTH	DATE:
HALL COUNTY PLANNING COMMISSION	DATE:
HALL COUNTY ENGINEERING	DATE:

SUCH APPROVALS, AFFIRMATIONS, OR ORDINANCE OR RESOLUTION NUMBERS 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 STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

CHRIS M. PATTON
CHRIS M. PATTON, GA. R.L.S. #2647
02/26/2018
DATE:



HALL COUNTY SURVEYOR

REGISTERED PROFESSIONAL
LAND SURVEYORSP.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com

COMPUTATIONS BY: C.H.K.

SURVEYED BY: J.J. & W.H.

DRAFTED BY: C.H.K.

CHECKED BY: C.M.P.

CAPSTONE AT BLOSSOM CREEK

SUBDIVIDE SURVEY FOR:

- LOCATED IN -

G.M.D. 1270
CITY OF FLOWERY BRANCH &
HALL COUNTY, GEORGIA

REVISIONS

DATE	DESCRIPTION	REVISED BOUNDARY LINE BETWEEN MULTI-FAMILY PHASE 1 & 2.	REVISED LEGAL DESCRIPTIONS.
03/12/2021	No. 1		

SHEET NUMBER:

1 of 6

SCALE: N/A

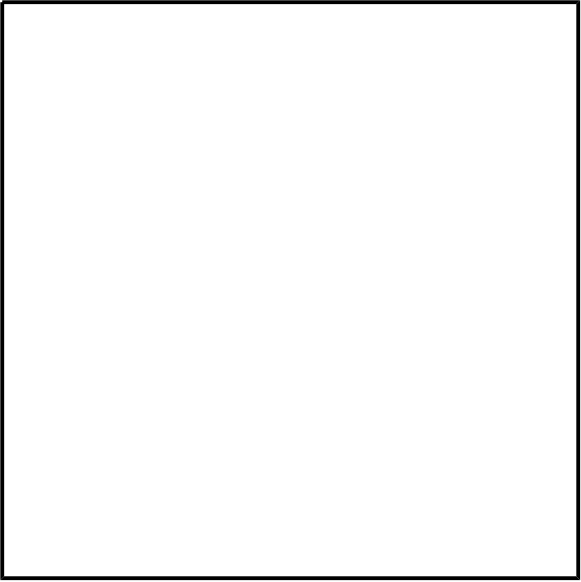
SURVEY DATE: 03/06/2019

PLAT DATE: 03/12/2019

18-069.02.dwg

JN. 18-069

5



THIS BLOCK IS RESERVED FOR THE CLERK
OF THE SUPERIOR COURT

4

Legal Description: OUTPARCEL "A"

All that tract or parcel of land lying and being in G.M.D. 1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Commencing at the centerline intersection of Spout Springs Road (Station 498+30.66) and Hog Mountain Road (Station 15+13.62), per the Mainline Plan prepared for Hall County for the Spout Springs Road project prepared by STV Incorporated, Drawing 13-012, located at Georgia State Plane Coordinate Northing 1519391.4851, Easting 2374296.9328, Georgia West Zone, North American Datum of 1983/2007 adjustment, THENCE North 41 degrees 31 minutes 54 seconds East for a distance of 810.53 feet to a point on the Easterly right-of-way line of Hog Mountain Road (having a varying width right-of-way), and said point being the TRUE POINT OF BEGINNING.

Thence following said Hog Mountain Road the following courses:

Thence North 41 degrees 29 minutes 45 seconds East for a distance of 109.28 feet to a point; Thence North 42 degrees 45 minutes 15 seconds East for a distance of 78.38 feet to a point;

Thence leaving said Hog Mountain Road the following courses:

Thence South 78 degrees 22 minutes 23 seconds East for a distance of 34.91 feet to a point; Thence South 52 degrees 00 minutes 19 seconds East for a distance of 123.56 feet to a point; Thence along a curve to the left having a radius of 160.50 feet and an arc length of 81.51 feet, being subtended by a chord of South 66 degrees 33 minutes 17 seconds East for a distance of 80.64 feet to a point; Thence South 33 degrees 29 minutes 20 seconds West for a distance of 149.22 feet to a 1/2" rebar pin found; Thence South 50 degrees 31 minutes 23 seconds West for a distance of 94.86 feet to a point; Thence North 47 degrees 33 minutes 58 seconds West for a distance of 237.93 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 1.20 acres more or less.

Legal Description: OUTPARCEL "B"

All that tract or parcel of land lying and being in G.M.D. 1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Commencing at the centerline intersection of Spout Springs Road (Station 498+30.66) and Hog Mountain Road (Station 15+13.62), per the Mainline Plan prepared for Hall County for the Spout Springs Road project prepared by STV Incorporated, Drawing 13-012, located at Georgia State Plane Coordinate Northing 1519391.4851, Easting 2374296.9328, Georgia West Zone, North American Datum of 1983/2007 adjustment, THENCE North 42 degrees 25 minutes 01 seconds East for a distance of 568.15 feet to a 1/2" rebar pin set on the Easterly right-of-way line of Hog Mountain Road (having a varying width right-of-way), and said point being the TRUE POINT OF BEGINNING.

Thence following said Hog Mountain Road the following courses:

Thence North 39 degrees 03 minutes 48 seconds East for a distance of 122.13 feet to a point; Thence North 39 degrees 49 minutes 45 seconds East for a distance of 119.40 feet to a point; Thence North 41 degrees 29 minutes 45 seconds East for a distance of 2.09 feet to a point;

Thence leaving said Hog Mountain Road the following courses:

Thence South 47 degrees 33 minutes 58 seconds East for a distance of 237.93 feet to a point; Thence South 50 degrees 31 minutes 23 seconds West for a distance of 116.94 feet to a 3/8" rebar pin found; Thence South 50 degrees 25 minutes 11 seconds East for a distance of 71.53 feet to a 1/2" rebar pin found; Thence South 41 degrees 42 minutes 42 seconds West for a distance of 39.54 feet to a 1/2" rebar pin & cap found stamped "Floyd"; Thence South 41 degrees 48 minutes 22 seconds West for a distance of 74.42 feet to a 1/2" rebar pin found; Thence North 50 degrees 50 minutes 35 seconds West for a distance of 282.10 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 1.38 acres more or less.

Legal Description: OUTPARCEL "C"

All that tract or parcel of land lying and being in G.M.D. 1270, Hall County, Georgia and being more particularly described as follows:

Commencing at the centerline intersection of Spout Springs Road (Station 498+30.66) and Hog Mountain Road (Station 15+13.62), per the Mainline Plan prepared for Hall County for the Spout Springs Road project prepared by STV Incorporated, Drawing 13-012, located at Georgia State Plane Coordinate Northing 1519391.4851, Easting 2374296.9328, Georgia West Zone, North American Datum of 1983/2007 adjustment, THENCE South 63 degrees 43 minutes 53 seconds East for a distance of 1012.45 feet to a point on the Northeastery right-of-way line of said Spout Springs Road (having a varying width right-of-way), and said point being the TRUE POINT OF BEGINNING.

Thence leaving said Spout Springs Road the following courses:

Thence North 52 degrees 16 minutes 48 seconds East for a distance of 157.30 feet to a point; Thence along a curve to the right having a radius of 89.50 feet and an arc length of 7.35 feet, being subtended by a chord of North 54 degrees 37 minutes 58 seconds East for a distance of 7.35 feet to a point; Thence along a curve to the left having a radius of 117.93 feet and an arc length of 36.20 feet, being subtended by a chord of North 48 degrees 11 minutes 31 seconds East for a distance of 36.06 feet to a point; Thence along a curve to the right having a radius of 1650.00 feet and an arc length of 264.52 feet, being subtended by a chord of South 37 degrees 59 minutes 50 seconds East for a distance of 264.23 feet to a point; Thence South 33 degrees 24 minutes 17 seconds East for a distance of 188.64 feet to a point; Thence South 56 degrees 35 minutes 43 seconds West for a distance of 198.00 feet to a point on the Northeastery right-of-way line of said Spout Springs Road;

Thence following said Spout Springs Road the following courses:

Thence North 33 degrees 24 minutes 17 seconds West for a distance of 188.64 feet to a point; Thence along a curve to the left having a radius of 1452.00 feet and an arc length of 22.05 feet, being subtended by a chord of North 33 degrees 50 minutes 23 seconds West for a distance of 22.05 feet to a point; Thence South 54 degrees 08 minutes 03 seconds West for a distance of 2.00 feet to a point; Thence along a curve to the left having a radius of 1450.00 feet and an arc length of 225.26 feet, being subtended by a chord of North 38 degrees 43 minutes 22 seconds West for a distance of 225.03 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 2.03 acres more or less.

Legal Description: OUTPARCEL "D"

All that tract or parcel of land lying and being in G.M.D. 1270, Hall County, Georgia and being more particularly described as follows:

Commencing at the centerline intersection of Spout Springs Road (Station 498+30.66) and Hog Mountain Road (Station 15+13.62), per the Mainline Plan prepared for Hall County for the Spout Springs Road project prepared by STV Incorporated, Drawing 13-012, located at Georgia State Plane Coordinate Northing 1519391.4851, Easting 2374296.9328, Georgia West Zone, North American Datum of 1983/2007 adjustment, THENCE South 50 degrees 28 minutes 09 seconds East for a distance of 1813.75 feet to a point on the Northeastery right-of-way line of said Spout Springs Road (having a varying width right-of-way), and said point being the TRUE POINT OF BEGINNING.

Thence leaving said Spout Springs Road the following courses:

Thence North 07 degrees 36 minutes 59 seconds East for a distance of 62.21 feet to a point; Thence North 56 degrees 19 minutes 44 seconds East for a distance of 58.44 feet to a point; Thence North 52 degrees 53 minutes 54 seconds East for a distance of 83.35 feet to a point; Thence South 52 degrees 39 minutes 59 seconds East for a distance of 542.12 feet to a point; Thence South 44 degrees 22 minutes 24 seconds West for a distance of 369.67 feet to a point on the Northeastery right-of-way line of said Spout Springs Road;

Thence following said Spout Springs Road the following courses:

Thence North 33 degrees 24 minutes 17 seconds West for a distance of 247.00 feet to a point; Thence North 19 degrees 17 minutes 29 seconds East for a distance of 132.00 feet to a point; Thence North 67 degrees 05 minutes 41 seconds West for a distance of 36.06 feet to a point; Thence South 19 degrees 11 minutes 24 seconds West for a distance of 107.00 feet to a point; Thence North 33 degrees 24 minutes 17 seconds West for a distance of 160.00 feet to a point; Thence North 56 degrees 35 minutes 43 seconds East for a distance of 100.00 feet to a point; Thence North 33 degrees 24 minutes 17 seconds West for a distance of 40.00 feet to a point; Thence South 56 degrees 35 minutes 43 seconds West for a distance of 100.00 feet to a point; Thence North 33 degrees 24 minutes 17 seconds West for a distance of 45.45 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 3.29 acres more or less.

Legal Description: Multi Family - Phase 1

All that tract or parcel of land lying and being in G.M.D. 1270, a portion lying in the City of Flowery Branch and a portion lying in Hall County, Hall County, Georgia and being more particularly described as follows:

Commencing at the centerline intersection of Spout Springs Road (Station 498+30.66) and Hog Mountain Road (Station 15+13.62), per the Mainline Plan prepared for Hall County for the Spout Springs Road project prepared by STV Incorporated, Drawing 13-012, located at Georgia State Plane Coordinate Northing 1519391.4851, Easting 2374296.9328, Georgia West Zone, North American Datum of 1983/2007 adjustment, THENCE North 41 degrees 37 minutes 26 seconds East for a distance of 998.18 feet to a point on the Easterly right-of-way line of Hog Mountain Road (having a varying width right-of-way), and said point being the TRUE POINT OF BEGINNING.

Thence following said Hog Mountain Road the following courses:

Thence North 42 degrees 45 minutes 15 seconds East for a distance of 74.70 feet to a point to 1/2" open top pin found; Thence North 47 degrees 16 minutes 44 seconds East for a distance of 155.67 feet to a PK Nail found;

Thence leaving said Hog Mountain Road the following courses:

Thence South 47 degrees 43 minutes 47 seconds East for a distance of 253.90 feet to a 2" open top pin found; Thence North 51 degrees 59 minutes 26 seconds East for a distance of 143.34 feet to a 2" open top pin found; Thence South 47 degrees 47 minutes 24 seconds East for a distance of 634.06 feet to a point to a 1/2" open top pin found; Thence South 46 degrees 26 minutes 55 seconds West for a distance of 766.54 feet to a 2" open top pin found; Thence North 44 degrees 44 minutes 06 seconds West for a distance of 221.72 feet to an axle found; Thence North 43 degrees 35 minutes 57 seconds East for a distance of 31.99 feet to a 1/2" rebar pin and cap found stamped "Floyd"; Thence North 46 degrees 17 minutes 04 seconds West for a distance of 356.17 feet to a 1/2" rebar pin and cap found stamped "Floyd"; Thence North 41 degrees 42 minutes 42 seconds East for a distance of 39.54 feet to a 1/2" rebar pin found; Thence North 50 degrees 25 minutes 11 seconds West for a distance of 71.53 feet to a 3/8" rebar pin found; Thence North 50 degrees 31 minutes 23 seconds East for a distance of 211.80 feet to a 1/2" rebar pin found; Thence North 33 degrees 29 minutes 20 seconds East for a distance of 149.22 feet to a point; Thence along a curve to the right, having a radius of 160.50 feet and an arc length of 81.51 feet, being subtended by a chord of North 66 degrees 33 minutes 17 seconds West for a distance of 80.64 feet to a point; Thence North 52 degrees 00 minutes 19 seconds West for a distance of 123.56 feet to a point; Thence North 78 degrees 02 minutes 23 seconds West for a distance of 34.91 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 11.99 acres more or less.

Legal Description: Multi Family - Phase 2

All that tract or parcel of land lying and being in G.M.D. 1270, Hall County, Georgia and being more particularly described as follows:

Commencing at the centerline intersection of Spout Springs Road (Station 498+30.66) and Hog Mountain Road (Station 15+13.62), per the Mainline Plan prepared for Hall County for the Spout Springs Road project prepared by STV Incorporated, Drawing 13-012, located at Georgia State Plane Coordinate Northing 1519391.4851, Easting 2374296.9328, Georgia West Zone, North American Datum of 1983/2007 adjustment, THENCE North 41 degrees 37 minutes 26 seconds East for a distance of 998.18 feet to a point on the Easterly right-of-way line of Hog Mountain Road (having a varying width right-of-way);

Thence following said Hog Mountain Road the following courses:

Thence North 42 degrees 45 minutes 15 seconds East for a distance of 74.70 feet to a point to 1/2" open top pin found; Thence North 47 degrees 16 minutes 44 seconds East for a distance of 155.67 feet to a PK Nail found;

Thence leaving said Hog Mountain Road the following courses:

Thence South 47 degrees 43 minutes 47 seconds East for a distance of 253.90 feet to a 2" open top pin found; Thence North 51 degrees 59 minutes 26 seconds East for a distance of 143.34 feet to a 2" open top pin found; Thence South 47 degrees 47 minutes 24 seconds East for a distance of 634.06 feet to a 1/2" open top pin found and said point being the TRUE POINT OF BEGINNING;

Thence South 47 degrees 44 minutes 13 seconds East for a distance of 150.14 feet a 1/2" open top pin found; Thence South 47 degrees 49 minutes 43 seconds East for a distance of 517.53 feet to a concrete monument found; Thence North 44 degrees 38 minutes 51 seconds East for a distance of 284.42 feet to a 1/2" rebar pin found; Thence South 47 degrees 56 minutes 02 seconds East for a distance of 800.41 feet to a 1/2" crimp top pin found; Thence South 44 degrees 22 minutes 24 seconds West for a distance of 1335.54 feet to a 1/2" rebar pin set; Thence North 52 degrees 39 minutes 59 seconds West for a distance of 542.12 feet to a 1/2" rebar pin set; Thence South 52 degrees 53 minutes 54 seconds West for a distance of 83.35 feet to a 1/2" rebar pin set; Thence South 56 degrees 19 minutes 44 seconds West for a distance of 58.44 feet to a 1/2" rebar pin set; Thence South 07 degrees 36 minutes 59 seconds West for a distance of 62.21 feet to a 1/2" rebar pin set on the Northeastery right-of-way line of said Spout Springs Road;

Thence following said Spout Spring Road the following courses:

Thence North 33 degrees 24 minutes 17 seconds West for a distance of 59.55 feet to a 1/2" rebar pin set; Thence North 11 degrees 36 minutes 12 seconds West for a distance of 43.08 feet to a 1/2" rebar pin set; Thence North 33 degrees 24 minutes 17 seconds West for a distance of 65.00 feet to a 1/2" rebar pin set; Thence North 41 degrees 22 minutes 27 seconds West for a distance of 100.98 feet to a 1/2" rebar pin set; Thence North 33 degrees 24 minutes 17 seconds West for a distance of 160.78 feet to a 1/2" rebar pin set;

Thence leaving said Spout Springs Road the following courses:

Thence North 56 degrees 35 minutes 43 seconds East for a distance of 198.00 feet to a 1/2" rebar pin set; Thence North 33 degrees 24 minutes 17 seconds West for a distance of 188.64 feet to a 1/2" rebar pin set; Thence along a curve to the left having a radius of 1650.00 feet and an arc length of 264.51 feet, being subtended by a chord of North 37 degrees 59 minutes 50 seconds West for a distance of 264.23 feet to a 1/2" rebar pin set; Thence along a curve to the right having a radius of 117.93 feet and an arc length of 36.20 feet, being subtended by a chord of South 48 degrees 11 minutes 31 seconds West for a distance of 36.06 feet to a 1/2" rebar pin set; Thence along a curve to the left having a radius of 89.50 feet and an arc length of 7.35 feet, being subtended by a chord of South 54 degrees 37 minutes 58 seconds West for a distance of 7.35 feet to a 1/2" rebar pin set; Thence South 52 degrees 16 minutes 48 seconds West for a distance of 157.30 feet to a 1/2" rebar pin set on the Northeastery right-of-way line of said Spout Springs Road;

Thence following said Spout Springs Road the following courses:

Thence along a curve to the left having a radius of 1450.00 feet and an arc length of 17.49 feet, being subtended by a chord of North 43 degrees 31 minutes 08 seconds West for a distance of 17.49 feet to a 1/2" rebar pin set; Thence North 46 degrees 08 minutes 08 seconds East for a distance of 50.01 feet to a 1/2" rebar pin set; Thence North 44 degrees 25 minutes 17 seconds West for a distance of 28.04 feet to a 1/2" rebar pin set; Thence South 45 degrees 03 minutes 52 seconds West for a distance of 25.98 feet to a point; Thence North 43 degrees 25 minutes 29 seconds West for a distance of 22.63 feet to a concrete monument found; Thence South 37 degrees 36 minutes 50 seconds West for a distance of 26.45 feet to a point; Thence along a curve to the left having a radius of 1040.00 feet and an arc length of 6.32 feet, being subtended by a chord of North 43 degrees 05 minutes 28 seconds West for a distance of 6.32 feet to a 1/2" rebar pin set;

Thence leaving said Spout Springs Road the following courses:

Thence North 50 degrees 46 minutes 20 seconds East for a distance of 322.30 feet to a 3/8" rebar pin found; Thence North 44 degrees 44 minutes 35 seconds West for a distance of 91.67 feet to a 2" open top pin found; Thence North 46 degrees 26 minutes 55 seconds East for a distance of 766.54 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 41.17 acres more or less.

3

2

1

A

B

C

D

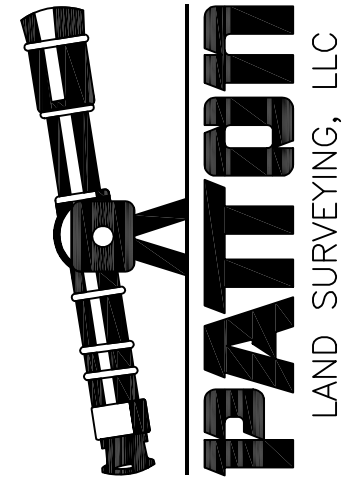
E

F

G

REGISTERED PROFESSIONAL
LAND SURVEYORS

P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com



COMPUTATIONS BY: C.H.K.

SURVEYED BY: J.J. & W.H.

DRAFTED BY: C.H.K.

CHECKED BY: C.M.P.

CAPSTONE AT BLOSSOM CREEK

SUBDIVIDE SURVEY FOR:

- LOCATED IN -

G.M.D. 1270
CITY OF FLOWERY BRANCH &
HALL COUNTY, GEORGIA

REVISIONS

No.	DATE	DESCRIPTION
1	03/12/2021	REVISED BOUNDARY LINE BETWEEN MULTI-FAMILY PHASE 1 & 2. REVISED LEGAL DESCRIPTIONS.

SHEET NUMBER:

2 of 6

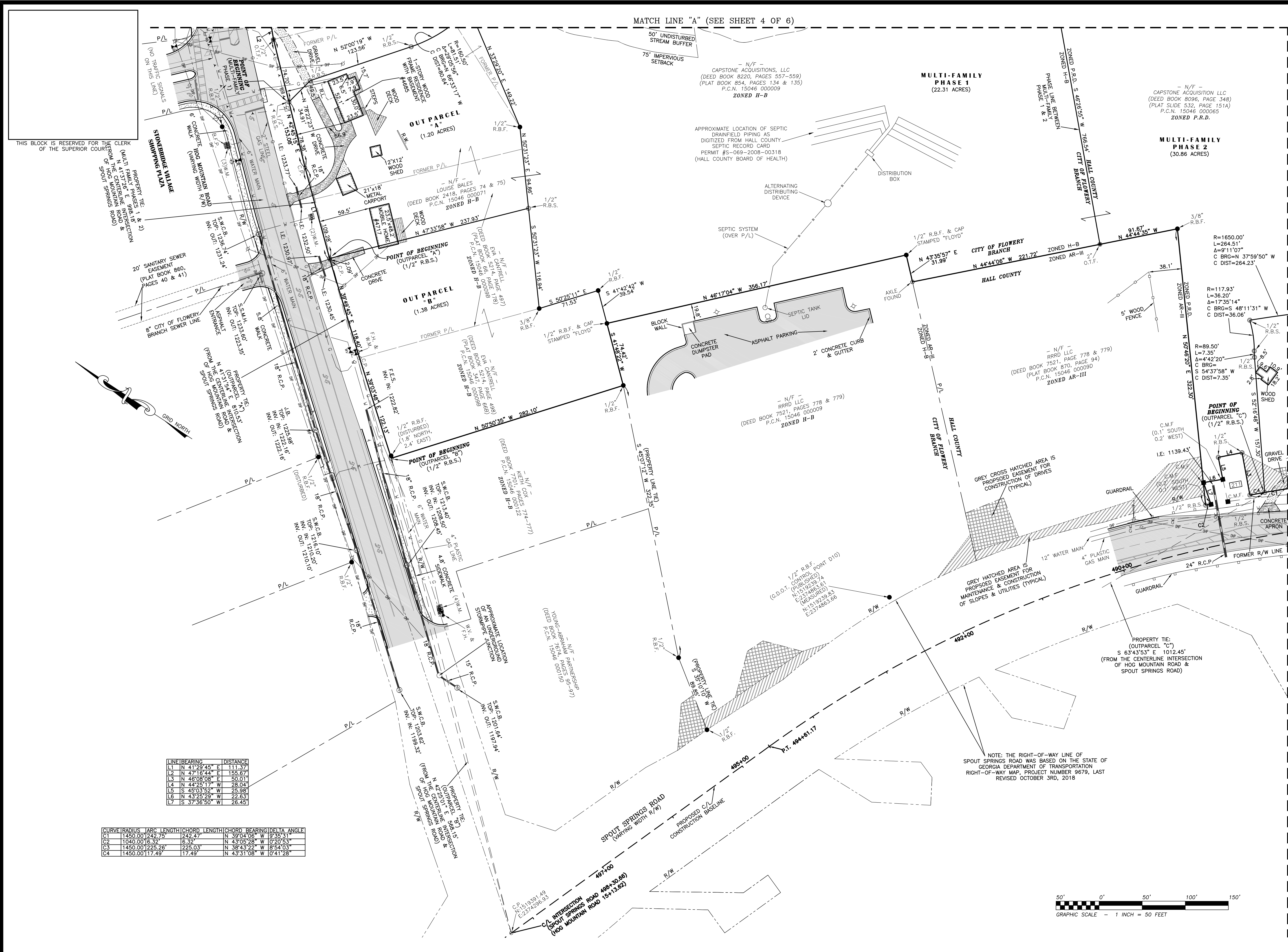
SCALE: N/A

SURVEY DATE: 03/06/2019

PLAT DATE: 03/12/2019

18-069.02.dwg

JN. 18-069



LINE	BEARING	DISTANCE
L1	N 47°18'44\"	E 111.37
L2	N 47°18'44\"	E 155.87
L3	N 46°08'08\"	E 50.01
L4	N 44°25'17\"	W 28.04
L5	S 45°03'52\"	W 25.98
L6	N 43°26'29\"	W 22.63
L7	S 37°36'50\"	W 26.45

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1450.00	242.75	242.47	N 39°04'06\" W 9°35'31\"	
C2	1040.00	16.32	6.32	N 43°05'28\" W 0°20'53\"	
C3	1450.00	1225.26	225.03	N 38°43'22\" W 8°54'03\"	
C4	1450.00	117.49	17.49	N 43°31'08\" W 0°41'28\"	

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LAND SURVEYING, LLC

COMPUTATIONS BY: C.H.K.
SURVEYED BY: J.J. & W.H.
DRAFTED BY: C.H.K.
CHECKED BY: C.M.P.

CAPSTONE AT BLOSSOM CREEK

SUBDIVIDE SURVEY FOR:

REVISIONS

No.	DATE	DESCRIPTION
1	03/12/2021	REVISED BOUNDARY LINE BETWEEN MULTI-FAMILY PHASE 1 & 2. REVISED LEGAL DESCRIPTIONS.

SHEET NUMBER:

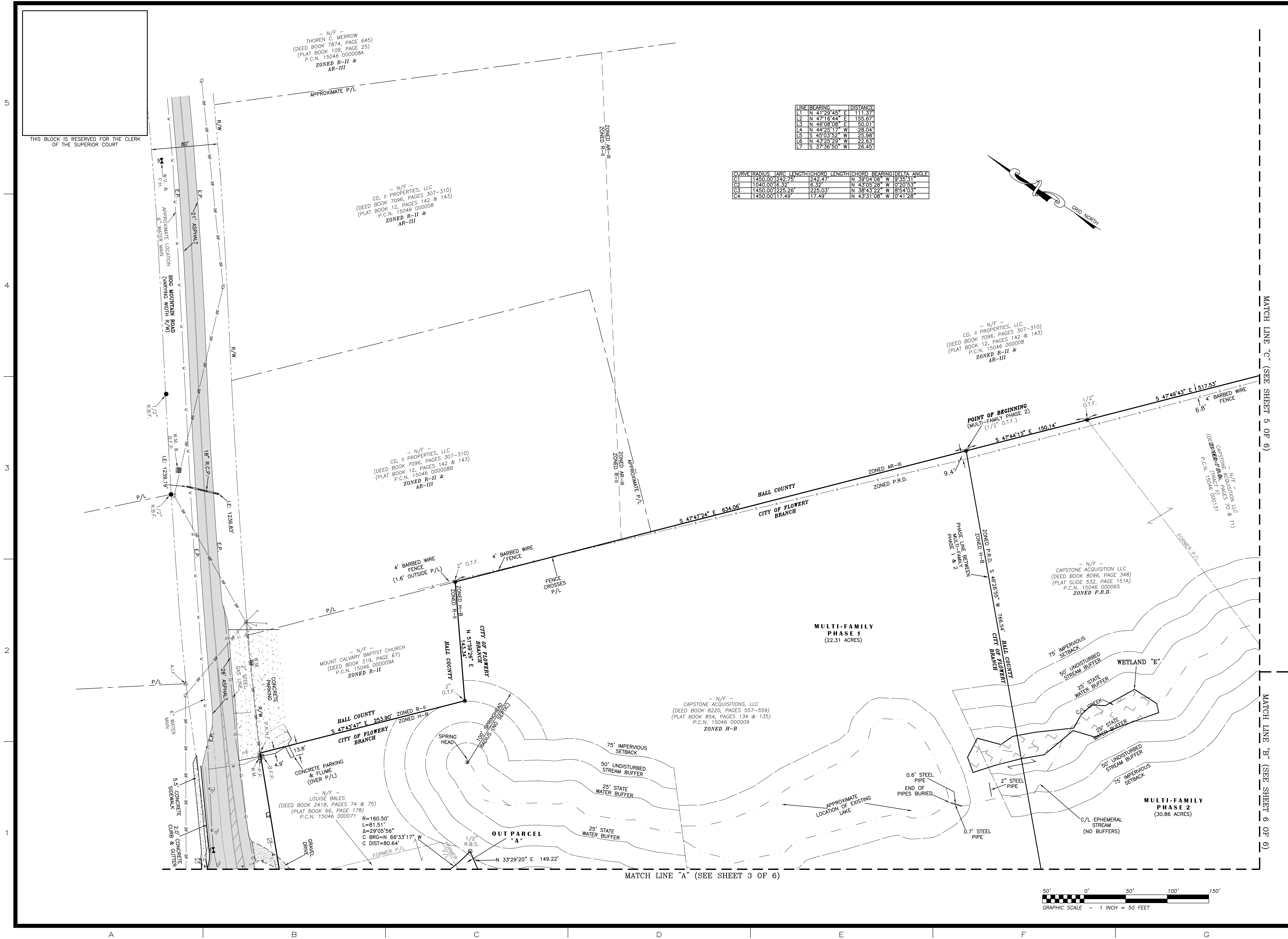
3 of 6

SCALE: 1" = 50'

SURVEY DATE: 03/06/2019

PLAT DATE: 03/12/2019

18-069.02.dwg
JN. 18-069



THIS BLOCK IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT

- N/F -
THOREN C. MERROW
(DEED BOOK 7874, PAGE 645)
(PLAT BOOK 109, PAGE 25)
P.C.N. 15046 00008A
ZONED R-II &
AR-III

- N/F -
CD, II PROPERTIES, LLC
(DEED BOOK 7096, PAGES 307-310)
(DEED BOOK 12, PAGES 142 & 143)
(PLAT BOOK 12, PAGES 142 & 143)
P.C.N. 15046 000008
ZONED R-II &
AR-III

- N/F -
CD, II PROPERTIES, LLC
(DEED BOOK 7096, PAGES 307-310)
(DEED BOOK 12, PAGES 142 & 143)
(PLAT BOOK 12, PAGES 142 & 143)
P.C.N. 15046 000008B
ZONED R-II &
AR-III

- N/F -
MOUNT CALVARY BAPTIST CHURCH
(DEED BOOK 319, PAGE 67)
(DEED BOOK 15046 000008A)
ZONED R-II

- N/F -
LOUISE BALES
(DEED BOOK 2418, PAGES 74 & 75)
(PLAT BOOK 66, PAGE 178)
P.C.N. 15046 000071

- N/F -
CAPSTONE ACQUISITIONS, LLC
(DEED BOOK 8220, PAGES 557-559)
(PLAT BOOK 854, PAGES 134 & 135)
P.C.N. 15046 000009
ZONED H-B

- N/F -
CD, II PROPERTIES, LLC
(DEED BOOK 7096, PAGES 307-310)
(DEED BOOK 12, PAGES 142 & 143)
(PLAT BOOK 12, PAGES 142 & 143)
P.C.N. 15046 000008
ZONED R-II &
AR-III

- N/F -
CAPSTONE ACQUISITION LLC
(DEED BOOK 8096, PAGE 348)
(PLAT SLIDE 532, PAGE 151A)
P.C.N. 15046 000065
ZONED P.R.D.

- N/F -
CAPSTONE ACQUISITION LLC
(DEED BOOK 8096, PAGES 307-310)
(DEED BOOK 12, PAGES 142 & 143)
(PLAT BOOK 12, PAGES 142 & 143)
P.C.N. 15046 000131

LINE	BEARING	DISTANCE
L1	N 41°29'45" E	111.37'
L2	N 47°16'44" E	155.67'
L3	N 48°08'08" E	50.01'
L4	N 44°25'17" W	28.04'
L5	S 45°03'52" W	26.98'
L6	N 43°25'29" W	22.83'
L7	S 37°36'50" W	28.48'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1450.00'	242.75'	242.47'	N 39°04'06" W 9°35'51"	
C2	1040.00'	16.32'	6.32'	N 43°05'28" W 0°20'53"	
C3	1450.00'	225.26'	225.03'	N 38°43'22" W 8°54'03"	
C4	1450.00'	17.49'	17.49'	N 43°31'08" W 0°41'28"	

REGISTERED PROFESSIONAL
LAND SURVEYORS

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PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com

PATTON
LAND SURVEYING, LLC

COMPUTATIONS BY: CH.K.

SURVEYED BY: J.J. & W.H.

DRAFTED BY: CH.K.

CHECKED BY: C.M.P.

SUBDIVIDE SURVEY FOR:

CAPSTONE AT BLOSSOM CREEK

- LOCATED IN -

G.M.D. 1270

**CITY OF FLOWERY BRANCH &
HALL COUNTY, GEORGIA**

REVISIONS

No.	DATE	DESCRIPTION
1	03/12/2021	REVISED BOUNDARY LINE BETWEEN MULTI-FAMILY PHASE 1 & 2. REVISED LEGAL DESCRIPTIONS.

SHEET NUMBER:

4 of 6

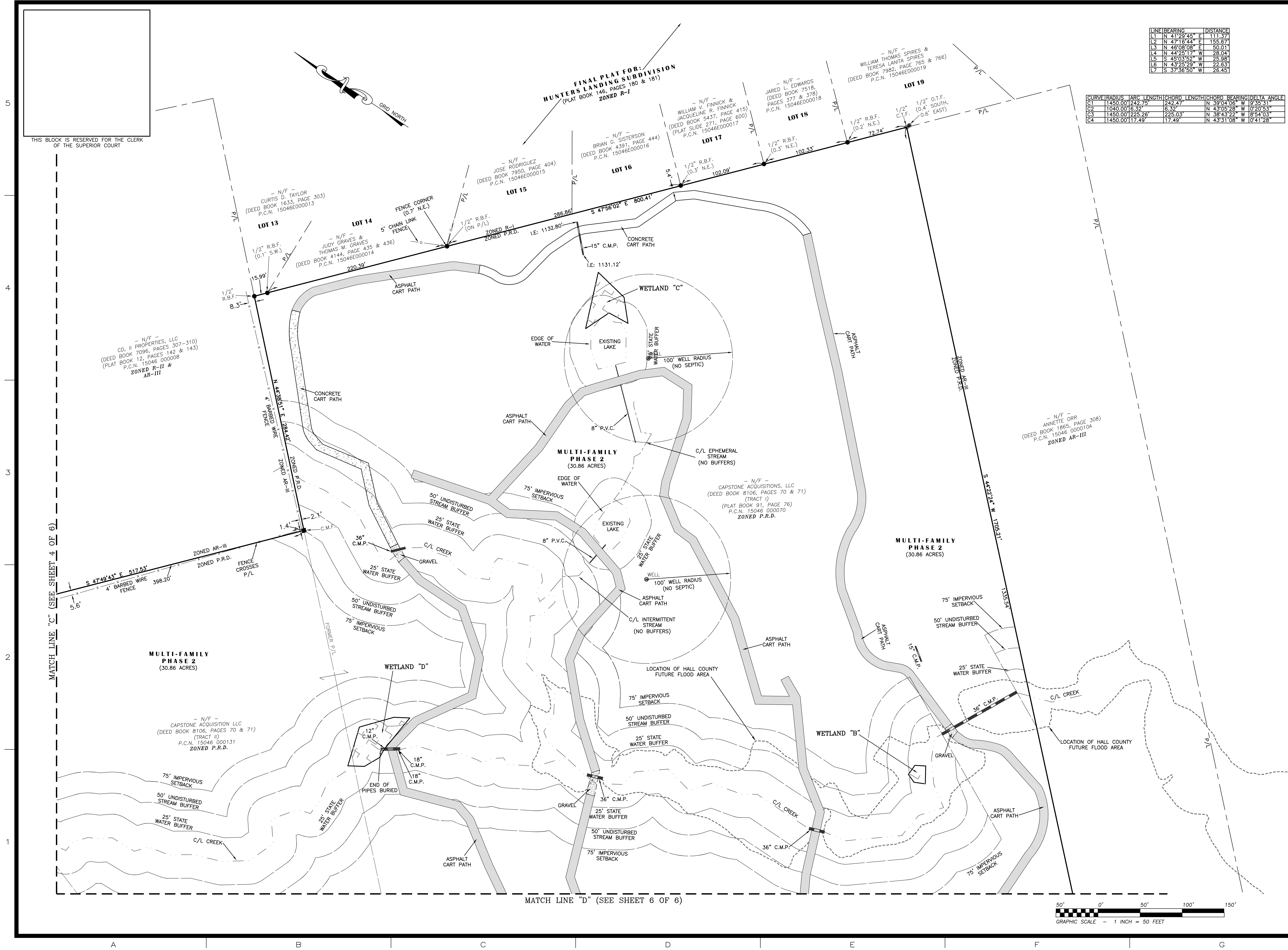
SCALE: 1" = 50'

SURVEY DATE: 03/06/2019

PLAT DATE: 03/12/2019

18-069.02.dwg

JN. 18-069



LINE	BEARING	DISTANCE
L1	N 41°29'45" E	111.37'
L2	N 47°16'44" E	155.67'
L3	N 46°08'08" E	50.01'
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L6	N 43°25'29" W	22.63'
L7	S 37°36'50" W	26.45'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1450.00'	242.75'	242.47'	N 39°04'06" W	9°35'31"
C2	1040.00'	6.32'	6.32'	N 43°03'28" W	9°20'53"
C3	1450.00'	225.26'	225.03'	N 38°43'22" W	8°54'03"
C4	1450.00'	117.49'	117.49'	N 43°31'08" W	0°41'28"

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www.pattonsurveying.com

COMPUTATIONS BY: C.H.K.
SURVEYED BY: J.J. & W.H.
DRAFTED BY: C.H.K.
CHECKED BY: C.M.P.

SUBDIVIDE SURVEY FOR:

CAPSTONE AT BLOSSOM CREEK

- LOCATED IN -

G.M.D. 1270
CITY OF FLOWERY BRANCH &
HALL COUNTY, GEORGIA

REVISIONS			
No.	DATE	DESCRIPTION	REVISED BOUNDARY LINE BETWEEN MULTI-FAMILY PHASE 1 & 2. REVISED LOCAL DESCRIPTIONS.
1	03/12/2021		

SHEET NUMBER:

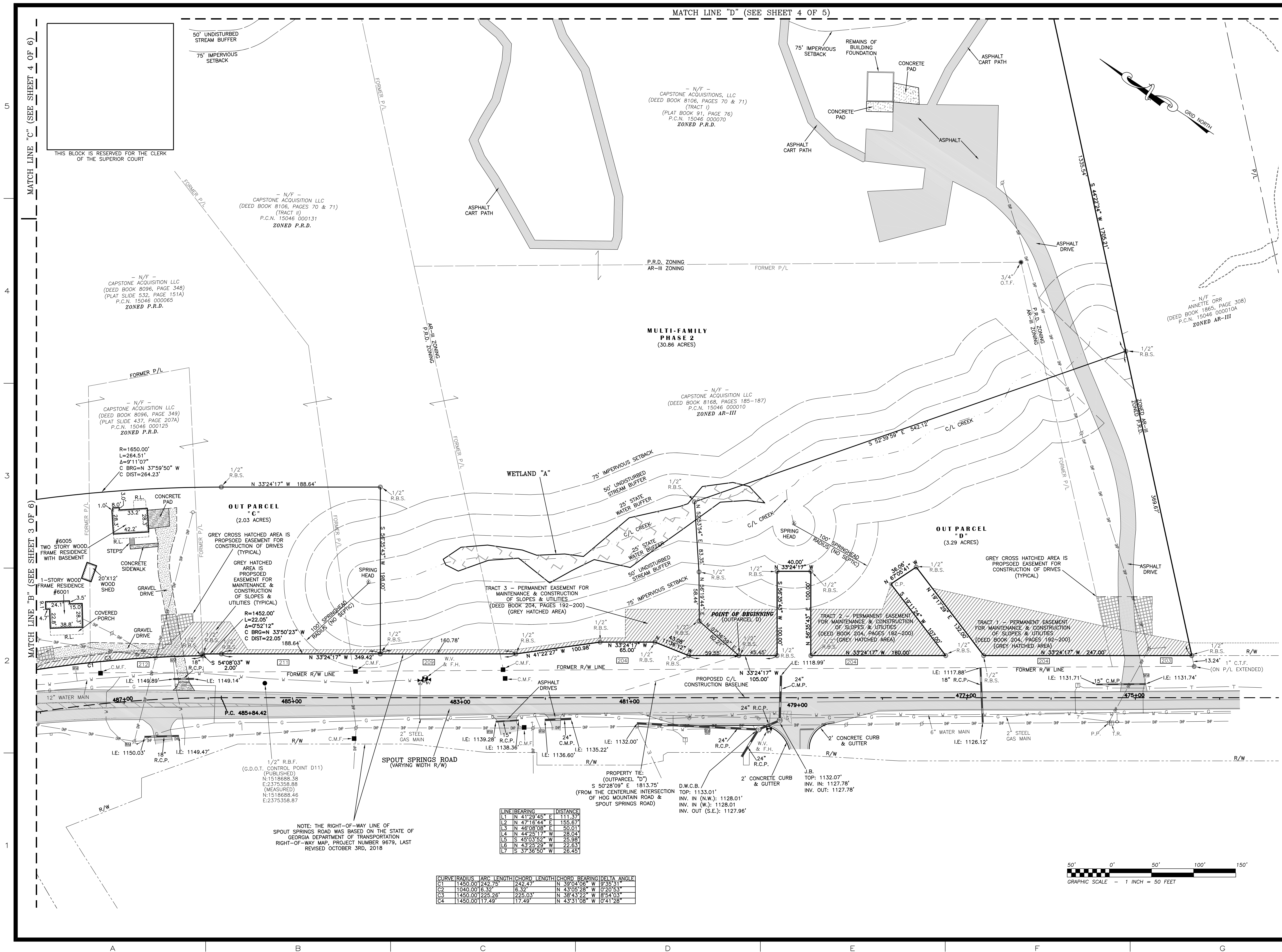
5 of 6

SCALE: 1" = 50'

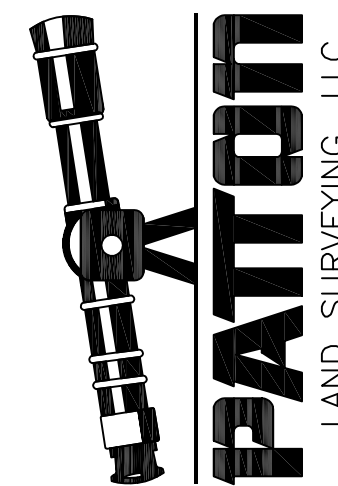
SURVEY DATE: 03/06/2019

PLAT DATE: 03/12/2019

18-069.02.dwg
JN. 18-069



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COMPUTATIONS BY: C.H.K.
SURVEYED BY: J.J. & W.H.
DRAFTED BY: C.H.K.
CHECKED BY: C.M.P.

CAPSTONE AT BLOSSOM CREEK

SUBDIVIDE SURVEY FOR:

- LOCATED IN -

G.M.D. 1270
CITY OF FLOWERY BRANCH &
HALL COUNTY, GEORGIA

REVISIONS

No.	DATE	DESCRIPTION
1	03/12/2021	REVISED BOUNDARY LINE BETWEEN MULTI FAMILY PHASE 1 & 2. REVISED LEGAL DESCRIPTIONS.

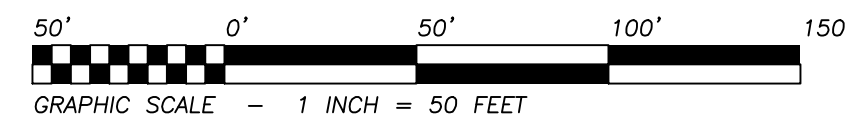
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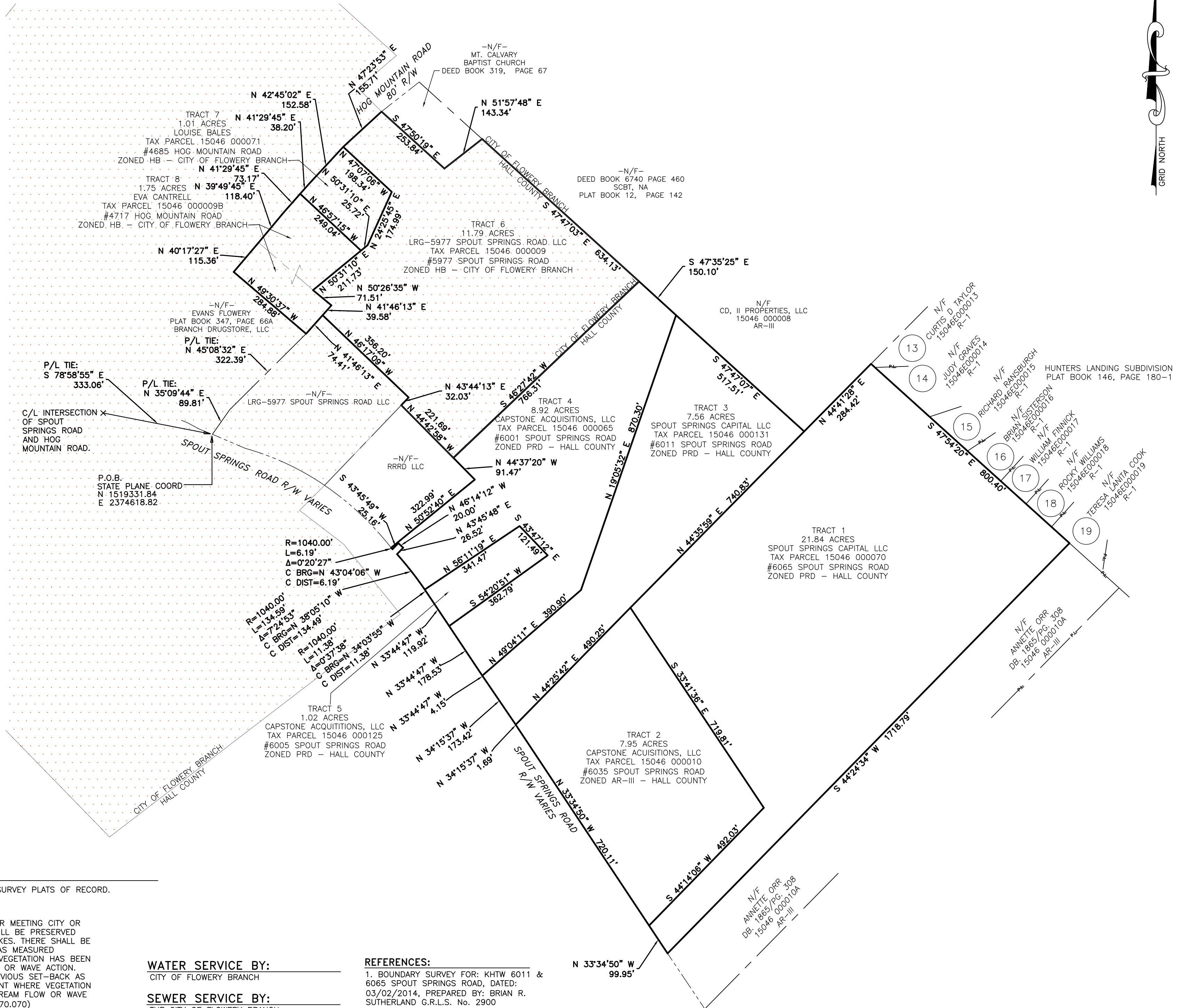
6 of 6

SURVEY DATE: 03/06/2019

PLAT DATE: 03/12/2019

18-069.02.dwg





SURVEYOR'S NOTES:

1. THIS PLAT WAS COMPILED FROM SURVEY PLATS OF RECORD.

STATE WATERS BUFFER:

AN UNDISTURBED VEGETATIVE BUFFER MEETING CITY OR COUNTY AND STATE REGULATIONS WILL BE PRESERVED ADJACENT TO ALL STREAMS AND LAKES. THERE SHALL BE A 50-FOOT UNDISTURBED BUFFER AS MEASURED HORIZONTALLY FROM POINT WHERE VEGETATION HAS BEEN WRESTED BY NORMAL STREAM FLOW OR WAVE ACTION. THERE SHALL BE A 75-FOOT IMPERVIOUS SET-BACK AS MEASURED HORIZONTALLY FROM POINT WHERE VEGETATION HAS BEEN WRESTED BY NORMAL STREAM FLOW OR WAVE ACTION. (HALL COUNTY CODE § 8.170.070)

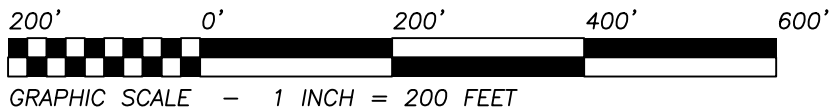
WATER SERVICE BY:
CITY OF FLOWERY BRANCH

SEWER SERVICE BY:
THE CITY OF FLOWERY BRANCH

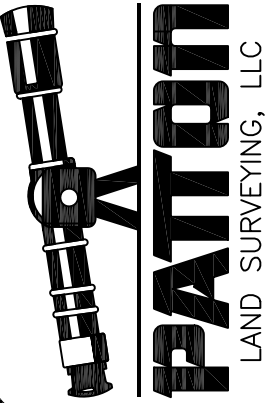
REFERENCES:

- BOUNDARY SURVEY FOR: KHTW 6011 & 6065 SPOUT SPRINGS ROAD, DATED: 03/02/2014, PREPARED BY: BRIAN R. SUTHERLAND G.R.L.S. No. 2900
- ALTA/NSPS LAND TITLE SURVEY FOR: LRG-5977 SPOUT SPRINGS ROAD, LLC, DATED: 11/29/2016, PREPARED BY: W. SHANE FLOYD G.R.L.S. No. 2801.

AREA: 61.83 ACRES TOTAL



REGISTERED PROFESSIONAL
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P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com



COMPUTATIONS BY: CMP
SURVEYED BY: N/A

DRAFTED BY: CMP
CHECKED BY: C.M.P.

BOUNDARY EXHIBIT PLAT FOR:
CAPSTONE AT BLOSSOM CREEK

- LOCATED IN -
G.M.D. 1270
CITY OF FLOWERY BRANCH &
HALL COUNTY, GEORGIA

REVISIONS:

DATE:

SHEET NUMBER:

1 of 1

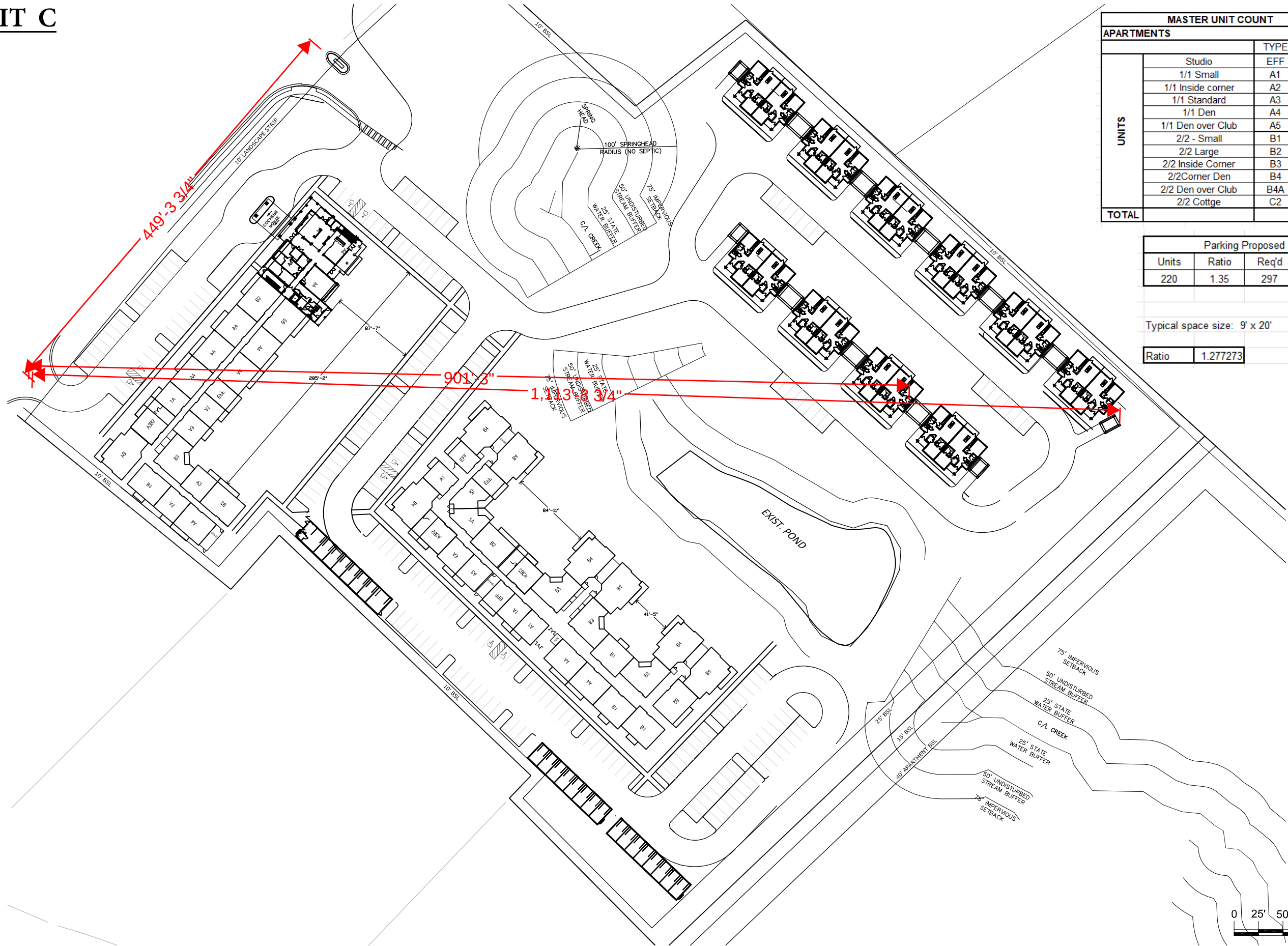
SCALE: 1" = 200'

PLAT DATE: 09/05/2018

18-069.dwg

JN. 18-069

EXHIBIT C



MASTER UNIT COUNT					
APARTMENTS					
		TYPE	No.	Mix	Target
UNITS	Studio	EFF	16	47.3%	55.0%
	1/1 Small	A1	20		
	1/1 Inside corner	A2	8		
	1/1 Standard	A3	24		
	1/1 Den	A4	32		
	1/1 Den over Club	A5	4	52.7%	45.0%
	2/2 - Small	B1	16		
	2/2 Large	B2	28		
	2/2 Inside Corner	B3	16		
	2/2Corner Den	B4	32		
	2/2 Den over Club	B4A	4		
2/2 Cottge	C2	20			
TOTAL			220		

Parking Proposed				
Units	Ratio	Req'd	Provided	
220	1.35	297	0	0
			220	Surface
			21	Garage
Typical space size: 9' x 20'			20	Cottage Carport
			20	Cottage Driveway
Ratio	1.277273		281	TOTAL

SPARROW FLOWERY BRANCH
GEORGIA

SPARROW

SCALE: 1" = 100'
2022-05-02



SPARROW PARTNERS

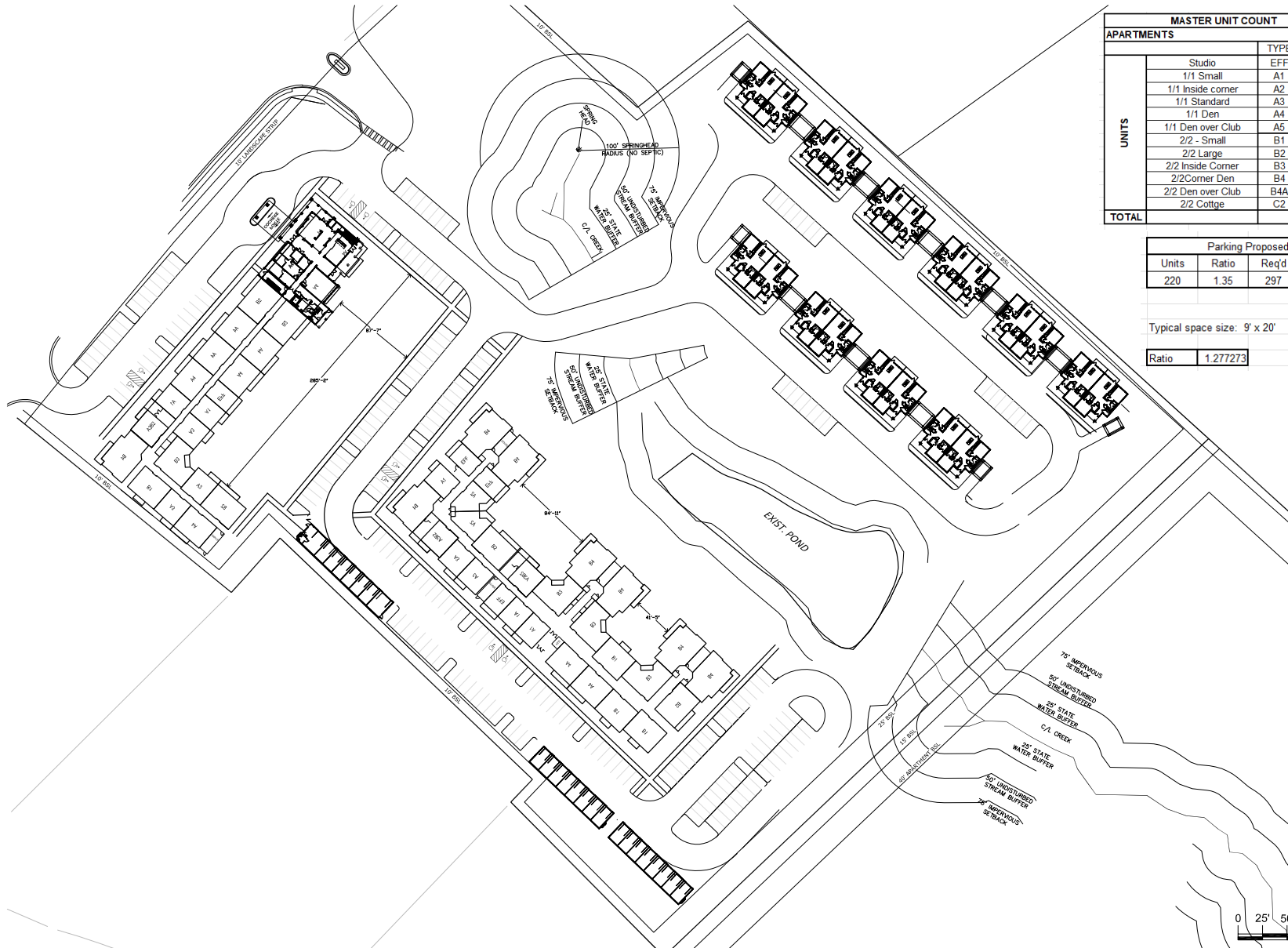
Flowery Branch, GA - Site Plan





SPARROW PARTNERS

Flowery Branch, GA - Site Plan



MASTER UNIT COUNT					
APARTMENTS					
UNITS	TYPE	No.	Mix	Target	
	Studio	EFF	16		
	1/1 Small	A1	20		
	1/1 Inside corner	A2	8		
	1/1 Standard	A3	24		
	1/1 Den	A4	32		
	1/1 Den over Club	A5	4	47.3%	55.0%
	2/2 - Small	B1	16		
	2/2 Large	B2	28		
	2/2 Inside Corner	B3	16		
	2/2 Corner Den	B4	32		
TOTAL	2/2 Den over Club	B4A	4		
	2/2 Cottage	C2	20	52.7%	45.0%
			220		

Parking Proposed				
Units	Ratio	Req'd	Provided	
220	1.35	297	0	0
			220	Surface
			21	Garage
Typical space size: 9' x 20'			20	Cottage Carport
			20	Cottage Driveway
Ratio	1.277273		281	TOTAL

SPARROW FLOWERY BRANCH
GEORGIA

SPARROW

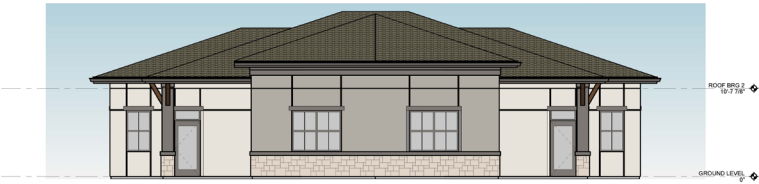
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2022-05-02



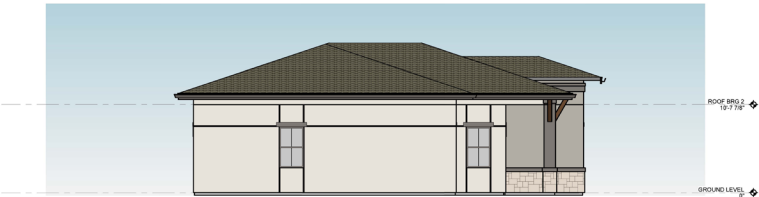




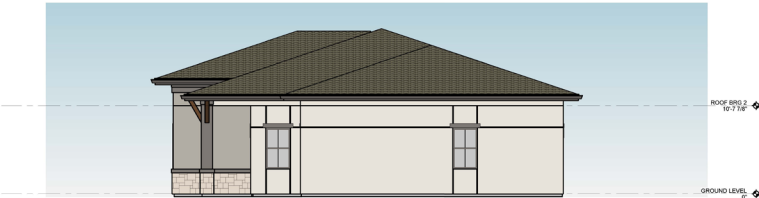
Cottage Elevations: C1



UNIT C1 FRONT ELEVATION2
3/16" = 1'-0"



UNIT C1 LEFT ELEVATION2
3/16" = 1'-0"



UNIT C1 RIGHT ELEVATION2
3/16" = 1'-0"

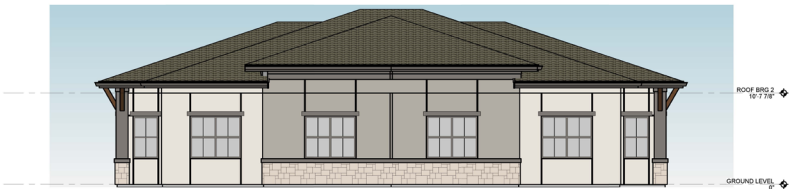


UNIT C1 REAR ELEVATION2
3/16" = 1'-0"



COTTAGE C1 PERSPECTIVE

Cottage Elevations: C2



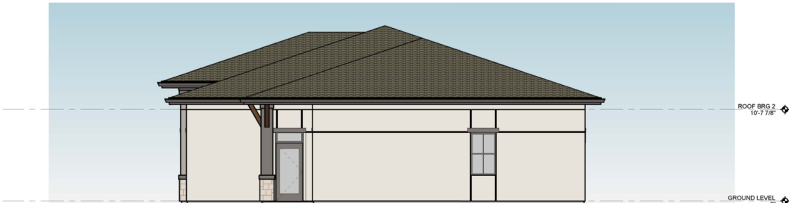
UNIT C2 FRONT ELEVATION1

3/16" = 1'-0"



UNIT C2 LEFT ELEVATION1

3/16" = 1'-0"



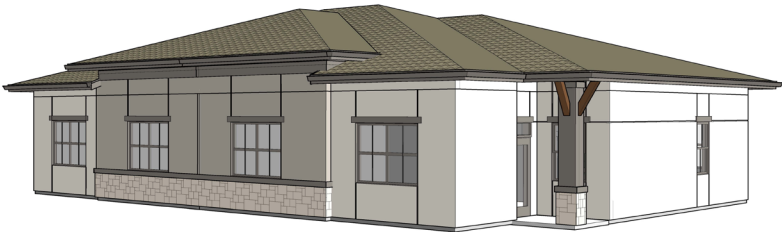
UNIT C2 RIGHT ELEVATION1

3/16" = 1'-0"



UNIT C2 REAR ELEVATION1

3/16" = 1'-0"

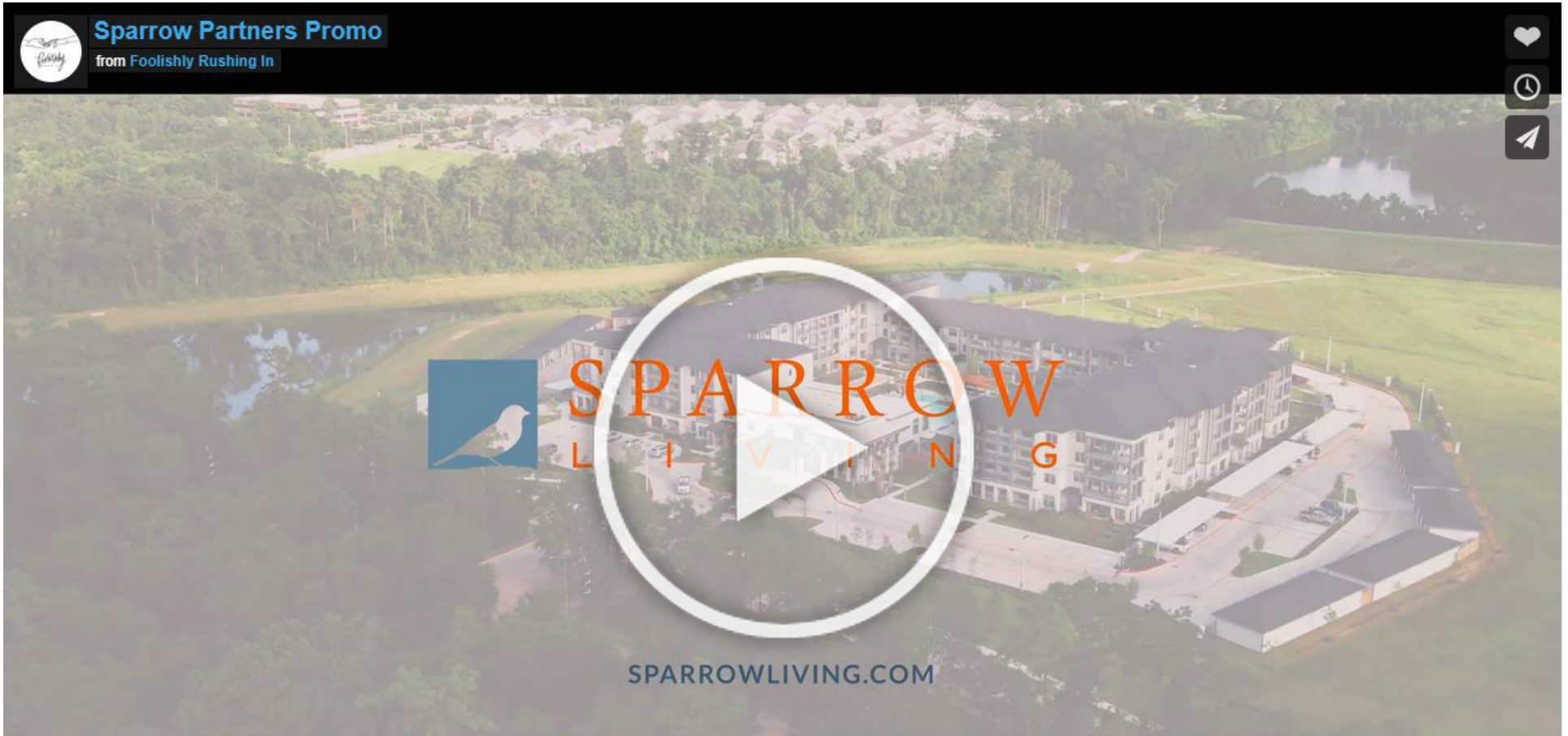


COTTAGE C2 PERSPECTIVE



SPARROW
PARTNERS

Sparrow Living Communities
Introduction Video:





REZONING APPLICATION

Date: 6/16/22

Address of Request:

5977 Spout Springs Road, Flowery Branch, GA 30542,

Tax Map # 15046 000151 Current Zoning: HB

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

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? See attached Letter of Intent

Applicant Information

Name: Sparrow Acquisitions, LLC C/O Taylor English Duma, LLP Attn: Steven Jones

Address: 2500 Bee Caves Road, Building 1, Suite 380, Austin, Texas 78746
C/O1600 Parkwood Circle, Suite 200, Atlanta, Georgia 30339

E-mail address: sjones@taylorenghish.com

Phone number: 678.426.4628

Signature: [Signature]

Notary: Terr LAGRISOLA 133253931
6/16/2022

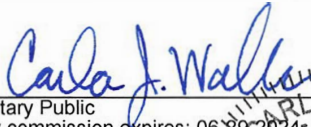




Property owner information (if different than the applicant)

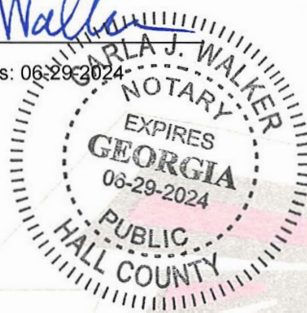
Property owner (please print): Capstone Gateway 1, LLC

Signature of property owner: 
Jonathan Collins, Manager

Notary: 

Notary Public

My commission expires: 06-29-2024



Property Information

Tax Map Number: 15046 000151

Current Zoning: HB Total Acres: 11.79

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

Proposed City of Flowery Branch Zoning: R3

Current Use: Undeveloped

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

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

- Legal description
- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

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

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

None

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

None

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

None



Disclosure of Campaign Contributions

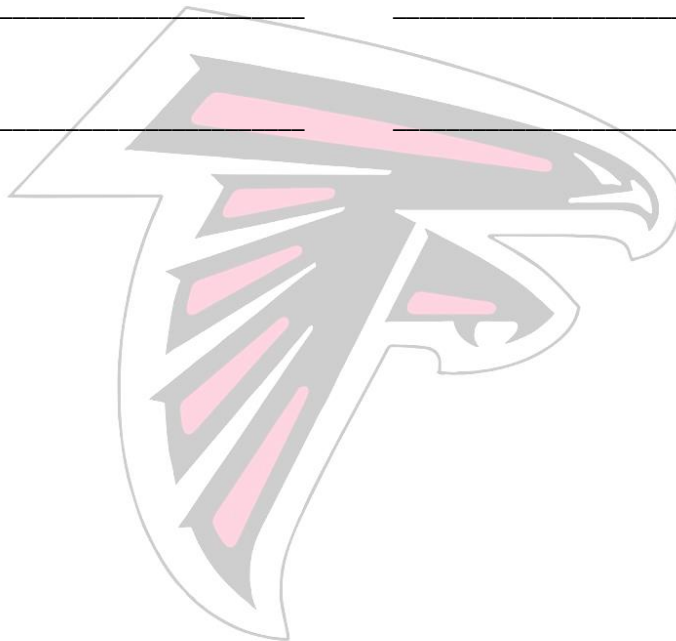
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Elected Officials Name

Amount of Description of Gift

None

None



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



VARIANCE APPLICATION

Address of Request:

5977 Spout Springs Road, Flowery Branch, GA 30542

Tax Map Parcel #s 15046 000151

Type of Variance Requested

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

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

Explain below:

In accordance with section 37.5, which states that one or more of the conditions must be exist, we verify that Sections 37.5 (c), (d), (e), and (f) exist.

Applicant: Sparrow Acquisitions, LLC C/O Taylor English Duma Attn: Steven Jones

Address: 2500 Bee Caves Road, Building 1, Suite 380, Austin, Texas 78746

C/O 1600 Parkwood Circle, Suite 200, Atlanta, Georgia 30339

E-mail address: sjones@taylorenghish.com

Phone number: 678.426.4628

Signature: [Signature]

Notary Seal:





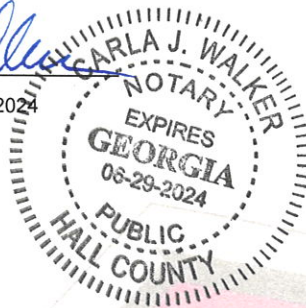
Property owner information (if different than the applicant)

Property owner (please print): Capstone Gateway 1, LLC

Signature of property owner: _____
Jonathan Collins, Manager

Notary Seal:

Carla J. Walker
Notary Public
My commission expires: 06-29-2024



Please provide the following at time of submittal:

- Payment of \$325.00
- Legal description – one hard copy and on a flash drive
- Current survey of property – one hard copy and on a flash drive
- Site plan – one hard copy and on a flash drive
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Conflict of Interest Disclosure

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Not Applicable

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Elected Officials Name

Amount of Description of Gift

Not Applicable

Not Applicable



REZONING APPLICATION

Date: 6/16/22

Address of Request:

4685 Hog Mountain Road, Flowery Branch, Georgia 30542

Tax Map # 15046 000071 Current Zoning: HB

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

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? See Letter of Intent

Applicant Information

Name: Sparrow Acquisitions, LLC C/O Taylor English Duma, LLP Attn: Steven Jones

Address: 2500 Bee Caves Road, Building 1, Suite 380, Austin, Texas 78746
C/O 1600 Parkwood Circle, Suite 200, Atlanta, Georgia 30039

E-mail address: sjones@taylorenghish.com

Phone number: 678.426.4628

Signature: [Signature]

Notary: Terri Lagrisola 133253931
6/16/2022





Property owner information (if different than the applicant)

Property owner (please print): FB Senior Holdings 1, LLC

Signature of property owner: _____

Jonathan Collins, Manager

Notary: _____

Notary Public

My commission expires: 06-29-2024



Property Information

Tax Map Number: 15046 000071

Current Zoning: HB

Total Acres: 1.01

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

Proposed City of Flowery Branch Zoning: R3

Current Use: Mobile Home

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



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

None



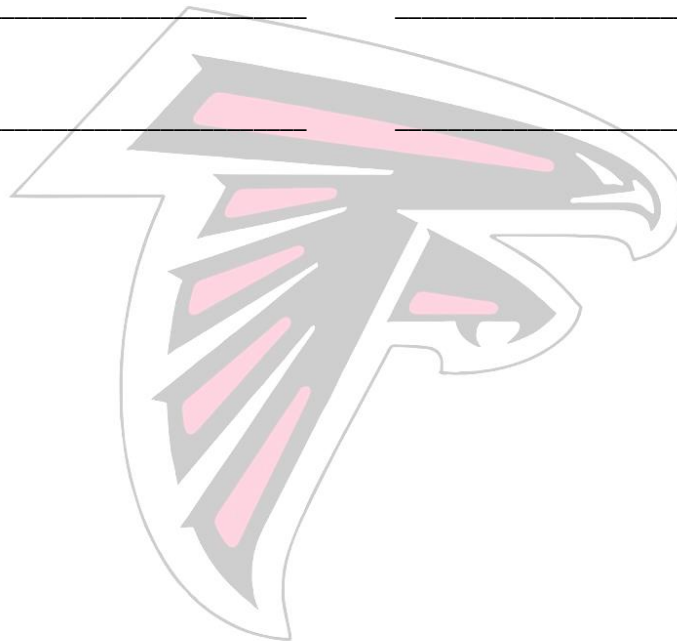
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Elected Officials Name

Amount of Description of Gift

None



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



VARIANCE APPLICATION

Address of Request:

4685 Hog Mountain Road, Flowery Branch, GA 30542

Tax Map Parcel #s 15046 000071

Type of Variance Requested

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

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

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Applicant: Sparrow Acquisitions, LLC C/O Taylor English Duma Attn: Steven Jones

Address: 2500 Bee Caves Road, Building 1, Suite 380, Austin, Texas 78746
C/O1600 Parkwood Circle, Suite 200, Atlanta, Georgia 30339

E-mail address: sjones@taylorenghish.com

Phone number: 678.426.4628

Signature: [Signature]

Notary Seal: [Signature]



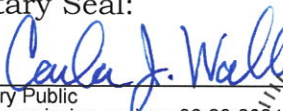


Property owner information (if different than the applicant)

Property owner (please print): FB Senior Holdings 1, LLC

Signature of property owner: 
Jonathan Collins, Manager

Notary Seal:


Notary Public
My commission expires: 06-29-2024



Please provide the following at time of submittal:

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- Legal description – one hard copy and on a flash drive
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Elected Officials Name

Amount of Description of Gift

Not Applicable

Not Applicable



REZONING APPLICATION

Date: 6/16/22

Address of Request:

4717 Hog Mountain Road, Flowery Branch, Georgia 30542

Tax Map # 15046 000009B Current Zoning: HB

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

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? See Letter of Intent

Applicant Information

Name: Sparrow Acquisitions, LLC C/O Taylor English Duma, LLP Attn: Steven Jones

Address: 2500 Bee Caves Road, Building 1, Suite 380, Austin, Texas 78746
C/O 1600 Parkwood Circle, Suite 200, Atlanta, Georgia 30039

E-mail address: sjones@taylorenghish.com

Phone number: 678.426.4628

Signature: [Signature]

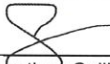
Notary: [Signature] 133253931
6/16/2022



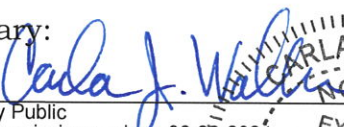


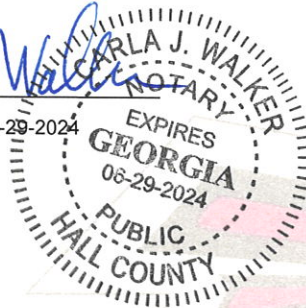
Property owner information (if different than the applicant)

Property owner (please print): FB Senior Holdings 1, LLC

Signature of property owner: 
Johathan Collins, Manager

Notary:


Notary Public
My commission expires: 06-29-2024



Property Information

Tax Map Number: 15046 000009B

Current Zoning: HB Total Acres: 1.75

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

Proposed City of Flowery Branch Zoning: R3

Current Use: Mobile Home

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

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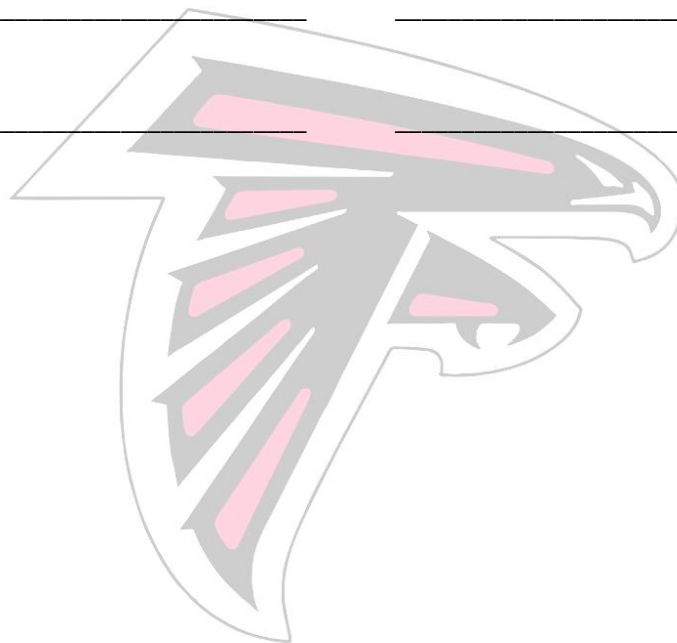
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Amount of Description of Gift

None



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



VARIANCE APPLICATION

Address of Request:

4717 Hog Mountain Road, Flowery Branch, GA 30542

Tax Map Parcel #s 15046 000009B

Type of Variance Requested

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

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Applicant: Sparrow Acquisitions, LLC C/O Taylor English Duma Attn: Steven Jones

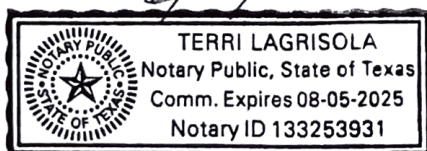
Address: 2500 Bee Caves Road, Building 1, Suite 380, Austin, Texas 78746
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E-mail address: sjones@taylorenghish.com

Phone number: 678.426.4628

Signature: [Signature]

Notary Seal: [Signature]





Property owner information (if different than the applicant)

Property owner (please print): FB Senior Holdings 1, LLC

Signature of property owner: 
Jonathan Collins, Manager

Notary Seal:



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Elected Officials Name

Amount of Description of Gift

Not Applicable

Not Applicable



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Work Session Discussion regarding Ordinances 665 and 666 - Requests from Chattahoochee Construction Managers, LLC/MQ Development, LLC to Rezone two tracts of land from Residential, Detached Single-Family, Moderate-Density District (R-2) to Residential Multi-Family District (R-3). Tract one is a 3.52+/- acre tract of land identified as 5674 Mulberry Street, tax parcel number 08116 000023, tract two is a 4.7+/- acre tract of land identified as 5740 Mulberry Street, tax parcel number 08116 000022.

COUNCIL MEETING DATE: August 4, 2022

HISTORY:

Schedule:

June 2 Public Hearing

July 21 First Vote

August 4 Work Session (if requested)

August 18 Second Vote

FACTS AND ISSUES:

A request from Chattahoochee Construction Managers, LLC/MQ Development, LLC to rezone two tracts of land from Residential, Detached Single-Family, Moderate-Density District (R-2) to Residential Multi-Family District (R-3). Tract one is a 3.52+/- acre tract of land identified as 5674 Mulberry Street, tax parcel number 08116 000023, tract two is a 4.7+/- acre tract of land identified as 5740 Mulberry Street, tax parcel number 08116 000022, and construct fifty-five (55) townhomes.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No action - discussion only.

SAMPLE MOTION:

No vote at this time.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [Mulberry Townhomes Parcel 1.pdf](#)
- [Mulberry Townhomes Parcel 2.pdf](#)
- [Staff Report Mulberry Townhomes.pdf](#)
- [Ordinances 665 and 666.pdf](#)



Mulberry Street Townhomes

Parcel 08116 000023

Chattahoochee Construction Managers

Table of Contents

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34.6 Development Statistical Requirements	9
34.7 Analysis Requirements	11
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Additional Information Requirement	18
Inspection Form	19

Letter of Intent

4/11/2022

City of Flowery Branch
Community Development
PO Box 757
Flowery Branch, Georgia 30542

Rich Atkinson
Director of Planning and Community Development:

Mulberry Street Tract (Parcel Numbers 08116 000022, 08116 000023)

Dear Mr. Atkinson:

Please let this letter serve as our letter of intent to accompany our Rezoning Application for the project located at 5674 & 5740 Mulberry Street. The proposed use for the property is for an 8-acre attached townhome development. We are proposing 55 attached townhomes, yielding a density of 6.875 units per acre. We are requesting the subject property to be rezoned from the existing R2- Residential to R3 Residential Multi-Family District.

Architecture	• Brick, stone, and/or concrete siding will be used on all facades. • A minimum of 2 feet of brick or stone above the ground line is required • Architectural Shingles • Two Car Garage Minimum
Driveways	• Driveway width minimum 16 feet
Landscape Strip	• 10-foot landscape strip alongside Mulberry Street w/ shrubs and trees every 50 feet
Landscaping	• A mandatory HOA provides all grass and common area upkeep. • Front, Rear, and Side yards shall be sodded • Landscape Entrance
Proposed Amenities	• Common Areas • Park Area
Proposed Buffer	• 20 Foot Natural Undisturbed Buffer adjacent to residentially zoned properties as shown on the Zoning Exhibit

Setbacks Minimum Lot & Square Footage	Townhome- As shown on concept plan, 1800 SF
Sidewalks	Internal streets will be five feet wide.
Townhome Square Footage	1,800 Square Feet Minimum

We feel that our project supports the recommendations laid out in the Comprehensive Plan by providing an affordable 55-unit townhome community that incorporates design elements that embrace the historical foundation of the City of Flowery Branch.

We appreciate your time and thought in considering this rezoning proposal, and please do not hesitate to contact us with any concerns.

Sincerely,

Chris Fowler



Rezoning Application: City of Flowery Branch Mulberry Street



REZONING APPLICATION

Date: 4/11/2022

Address of Request:

Mulberry Street Tract (Parcel Numbers 08116 000023)

Tax Map # See Above **Current Zoning:** R2

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

Currently a conforming use? Yes

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

Applicant Information

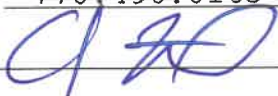
Name: Chattahoochee Construction Managers, LLC / MQ Development, LLC

Address: 4111 Commerce St. Suite 400 Flowery Branch, Ga 30542

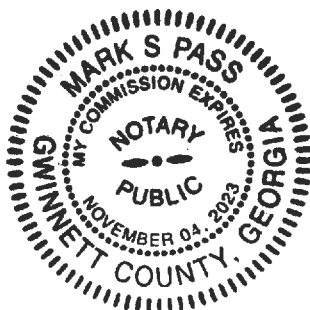
4111 Commerce St. Suite 400 Flowery Branch, Ga 30542

E-mail address: cfowler316@aol.com mqdev86@gmail.com

Phone number: 770.490.0163 678.617.5844

Signature:  

Notary:



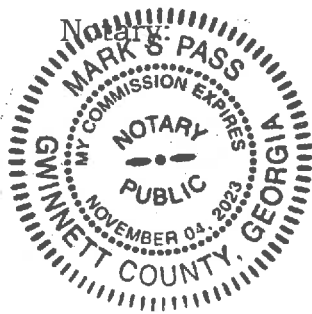
Mark S. Pass
4-11-22



Property owner information (if different than the applicant)

Property owner (please print): Charles D & Shirley L Titshaw Family, LP

Signature of property owner: Shirley L. Titshaw General Partner



Mark S. Pass
4-14-22

Property Information

Tax Map Number: Parcels (08116 000023)

Current Zoning: R2- Residential Total Acres: 3.314

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

Proposed City of Flowery Branch Zoning: R3- Residential

Current Use: Vacant

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

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None

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

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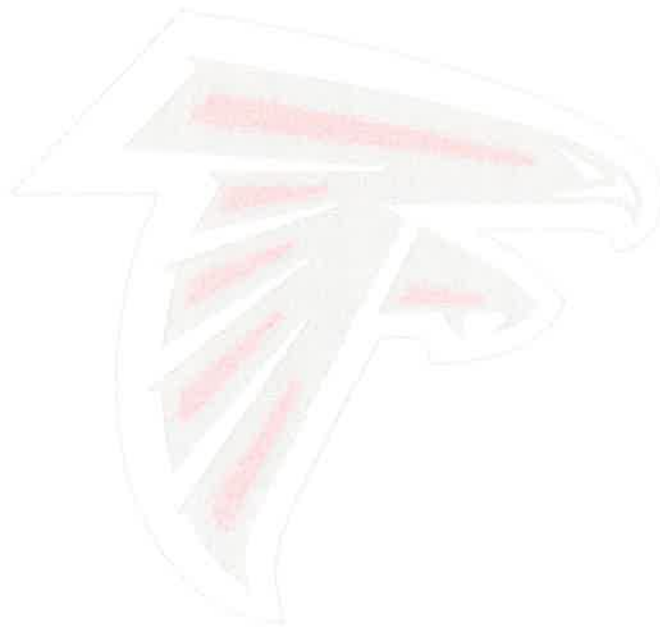
CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Flowerly Branch



Legal Description

Legal Description 08116 000023

All that tract or parcel of land lying and being located in Tax Parcel No. 08116 000023 of the City of Flowery Branch, Hall County, Georgia containing 4.686 acres according to a survey for C.S Titshaw Estate, prepared by Venable & Associates, Inc, by Allen L. Venable, LS (Georgia Registered Land Surveyor No. 1761) dated December 27th, 2000, and being more particularly described according to said survey as follows.

Beginning at the Marker Found inside the R/W at the corner of the property; Thence North 24° 26' 50" West a distance of 11.1 feet; Thence North 24° 26' 50" West a distance of 389.15 feet; Thence North 53° 17' 37" East a distance of 406.64 feet; Thence a curve to the right, having a LC of 120.06 feet and a bearing of 46° 37' 35"; Thence South 44° 45' 57" East a distance of 126.05 feet; Thence South 38° 43' 02" West a distance of 545.17 feet, to the point of beginning; Containing 3.314 acres.

Survey

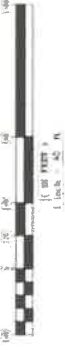
68

Site Plan

GENERAL NOTES:

1. TOTAL ALLOTMENT - 8.0 ACRES
2. PROPOSED LOTS - 55
3. DENSITY - 47.5 UNITS/ACRE
4. PROPOSED COMMON AREAS - 1.0 ACRES
5. PROPOSED ZONING - R3 TOWNHOMES

GRAPHIC SCALE



BLDG	UNIT	AREA
A	1	10.0
B	1	10.0
C	1	10.0
D	1	10.0
E	1	10.0
F	1	10.0
G	1	10.0
H	1	10.0
I	1	10.0
J	1	10.0
K	1	10.0
TOTAL		55



34.6 Development Statistical Requirements

Development Statistical Requirements

- a) Maximum and proposed height of any structure

30'/28'

- b) Maximum and proposed gross square footage of the building area (nonresidential only)

N/A

- c) Color renderings of any proposed structures

Renderings attached

- d) Material list (with percentages) of any proposed structures

Masonry: 10%, Hardy Plank: 66%, Glass: 24%

- e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)

55 Units/ 1800 SF

- f) Maximum and proposed lot coverage of building area (square feet and percent)

1200 SF, 19% per lot. 1200 SF x 55 Lots = 66,000 SF

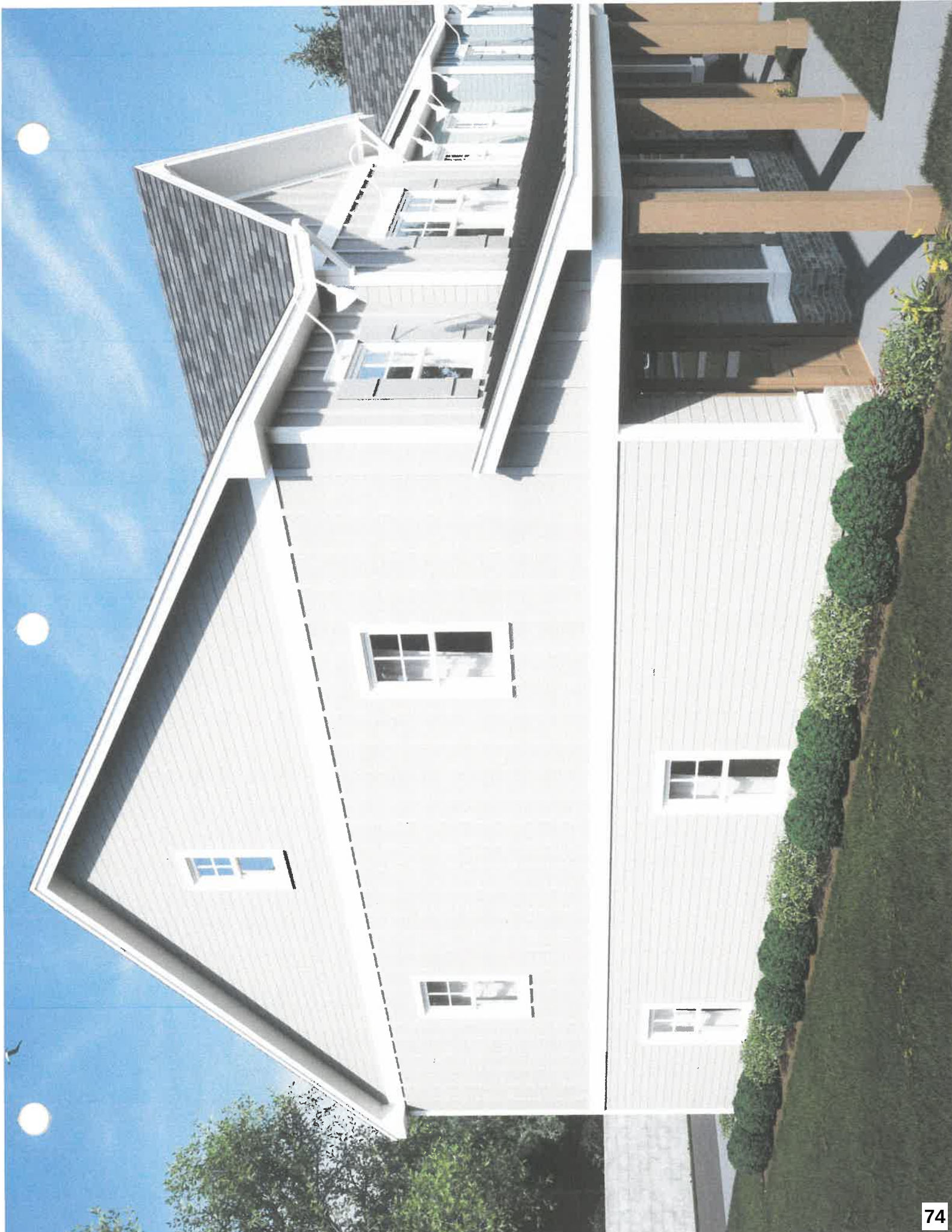
- g) Minimum and proposed square footage of landscaped area (square feet and percent)

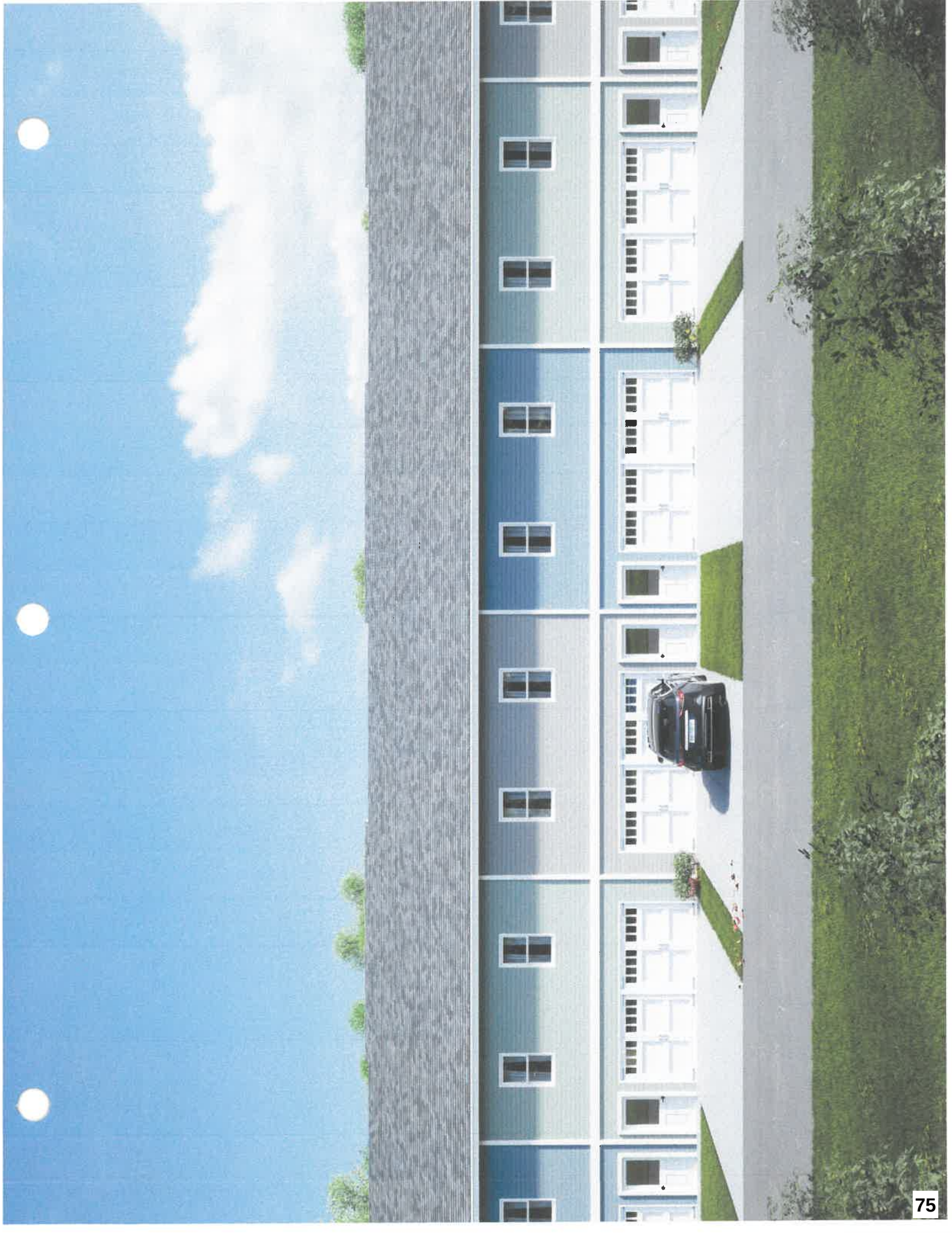
153,182 SF out of 348,480 SF, 44%

- h) Minimum, maximum, and proposed number of parking spaces.

31 Proposed parking spaces









34.7 Analysis Requirements

Analysis Requirements

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

The adjacent property is R3 and the proposed R3 is suitable of nearby property.

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

The planned R3 zoning will have no negative impact on the neighboring property's current use.

- 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.

No, the land is currently designated R2 and does not have a reasonable economic purpose.

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

The proposed zoning of R3, for a planned 55 townhomes development, would not result in an excessive or burdensome use of roadways, infrastructure, utilities, or schools.

- 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 City's Comprehensive Plan shows the area being mixed use and would be consistent with the overall plan.

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

This development will help grow the community and give Flowery Branch visibility from the Interstate.

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

Within the Immediate Area, there are both commercial and residential uses.

- 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 has been vacant, due to the topography, lot size, and layout.

- 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.

This development would not prevent neighboring properties from being improved. It will expand Flowery Branch's housing possibilities.

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

This would not create an isolated zoning district. This development will be zoned the same as its adjoining properties.

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

There would be no negative effects in change to zoning map or use.

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

The development will be designed in accordance with the Georgia Soil and Water Conservation Commission and would have minimal effects.

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.

This region is designated as mixed-use on the Comprehensive Map. The suggested plan will fulfill the zoning ordinance's objectives.

Adjacent Property Owners

Adjacent Property Owners

Mulberry Street Rezoning

R2-R3

08117 002001

ADVENTURES REAL ESTATE LLC

6000 WELLSRING TRAIL

GAINESVILLE, GA 30506

Additional Information Requirement



REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: 4/11/2022

Address of Request:

5674 & 5740 Mulberry Street

Tax Map # 08116 000022 & 08116 000023 Current Zoning: R2- Residential

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out.
Approximately \$13,750,000
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased).
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased).

Approximately 24 months

4. Anticipated total square footage (heated) to be built in the requested number of units.

Approximately 99,000 sf for 55 units

5. Total acreage developed with units.

8.00 Acres

6. Total acreage for right of way and roads.

1610 LF x 50 foot ROW= 80,500 SF = 1.8480257 acres in ROW This ROW is already owned by City of Flowery Branch



7. Total acreage of open space/common area (include plan for maintenance of open space/common area).

4.97 acres

8. Acreage required for buffer and watershed protection.
- Does the buffer comply with the current City ordinance? Yes
 - Do individual property lines for lots extend into the buffer? - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose?

No

9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail)

None

10. Please identify all amenities and total number of acres they incorporate by complete description.

Park, natural areas, open space 4.97 acres

11. Number of streetlights and separation table as proposed on your site plan.
- Approximately 17

12. Will Technology Development be included in this development?

Internet/Fiber/TV

13. List the total linear feet and cubic yards for sidewalks.

1610 LF x 2 LF= 3220 LF x 5 LF =16,100 SF X .33 FT = 197 CY

14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans?

Yes, conceptual ponds only, remaining to be finalized after rezoning.



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?

No

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?

No

17. What is the total capacity for daily Wastewater Management?

300 GPD/unit

18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development?

300 GPD/unit

19. Has a slope and grade study been done on this development? Does the study reflect density placement?

Preliminary site plan with topo

20. Please identify what public safety needs are being considered for the project?

N/A

21. Has the Hall County School System been notified of the proposed density for this project?

No

22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development.

Included in letter of intent.



23. Information as required under Ordinance No. 349 for preliminary plat approval if rezoning involves subdivision. Ordinance No. 349 can be found at www.flowerlybranchga.org

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____

Inspection Form

I, Shirley L Titshaw, General Partner for Charles D & Shirley L Titshaw Family, L
owner of parcels 08116 000022 & 08116 000023, hereby grant the City of Flowery Branch Staff
and/or City Council to inspect the above Subject Property as necessary for rezoning application
process.

Shirley L Titshaw

Printed Name:

Shirley L Titshaw

4-14-22

Signature, Date:



Mark S. Pass
4-14-22



Mulberry Street Townhomes

Parcel 08116 000022

Chattahoochee Construction Managers

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Inspection Form	19

Letter of Intent

4/11/2022

City of Flowery Branch
Community Development
PO Box 757
Flowery Branch, Georgia 30542

Rich Atkinson
Director of Planning and Community Development:

Mulberry Street Tract (Parcel Numbers 08116 000022, 08116 000023)

Dear Mr. Atkinson:

Please let this letter serve as our letter of intent to accompany our Rezoning Application for the project located at 5674 & 5740 Mulberry Street. The proposed use for the property is for an 8-acre attached townhome development. We are proposing 55 attached townhomes, yielding a density of 6.875 units per acre. We are requesting the subject property to be rezoned from the existing R2- Residential to R3 Residential Multi-Family District.

Architecture	• Brick, stone, and/or concrete siding will be used on all facades. • A minimum of 2 feet of brick or stone above the ground line is required • Architectural Shingles • Two Car Garage Minimum
Driveways	• Driveway width minimum 16 feet
Landscape Strip	• 10-foot landscape strip alongside Mulberry Street w/ shrubs and trees every 50 feet
Landscaping	• A mandatory HOA provides all grass and common area upkeep. • Front, Rear, and Side yards shall be sodded • Landscape Entrance
Proposed Amenities	• Common Areas • Park Area
Proposed Buffer	• 20 Foot Natural Undisturbed Buffer adjacent to residentially zoned properties as shown on the Zoning Exhibit

Setbacks Minimum Lot & Square Footage	• Townhome- As shown on concept plan, 1800 SF
Sidewalks	• Internal streets will be five feet wide.
Townhome Square Footage	• 1,800 Square Feet Minimum

We feel that our project supports the recommendations laid out in the Comprehensive Plan by providing an affordable 55-unit townhome community that incorporates design elements that embrace the historical foundation of the City of Flowery Branch.

We appreciate your time and thought in considering this rezoning proposal, and please do not hesitate to contact us with any concerns.

Sincerely,

Chris Fowler



Rezoning Application: City of Flowery Branch Mulberry Street



REZONING APPLICATION

Date: 4/11/2022

Address of Request:

Mulberry Street Tract (Parcel Numbers 08116 000022)

Tax Map # See Above **Current Zoning:** R2

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

Currently a conforming use? Yes

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

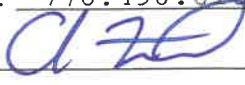
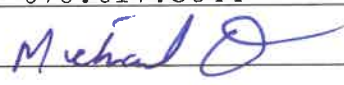
Applicant Information

Name: Chattahoochee Construction Managers, LLC / MQ Development, LLC

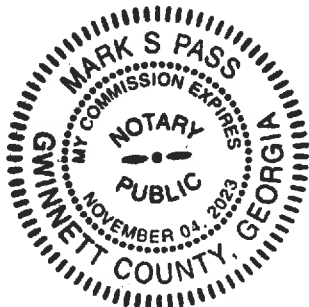
Address: 4111 Commerce St. Suite 400 Flowery Branch, Ga 30542
4111 Commerce St. Suite 400 Flowery Branch, Ga 30542

E-mail address: cfowler316@aol.com mqdev86@gmail.com

Phone number: 770.490.0163 678.617.5844

Signature:  

Notary:



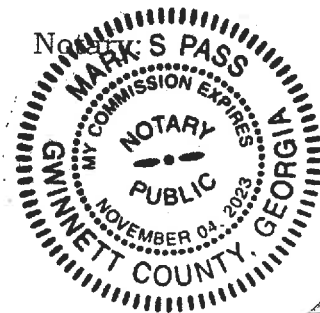
Mark S. Pass
4-11-22



Property owner information (if different than the applicant)

Property owner (please print): Charles D & Shirley L Titshaw Family, L P

Signature of property owner: Shirley L. Titshaw General Partner



Mark S. Pass
4-14-22

Property Information

Tax Map Number: Parcels (08116 000022)

Current Zoning: R2- Residential Total Acres: 4.686

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

Proposed City of Flowery Branch Zoning: R3- Residential

Current Use: Vacant

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

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

- Legal description
- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

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

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

None

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

None

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

None



Disclosure of Campaign Contributions

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

Elected Officials Name

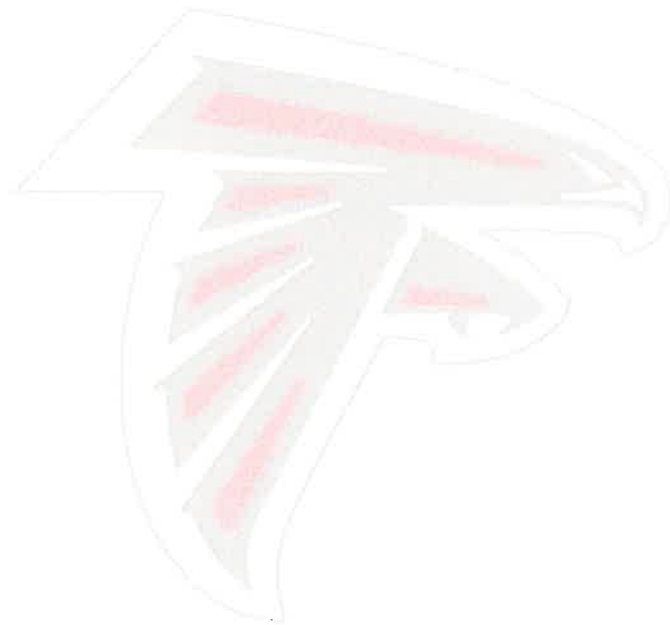
Amount of Description of Gift

None

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Legal Description

Legal Description Parcel 08116 000022

All that tract or parcel of land lying and being located in Tax Parcel No. 08116 000022 of the City of Flowery Branch, Hall County, Georgia containing 4.686 acres according to a survey for C.S Titshaw Estate, prepared by Venable & Associates, Inc, by Allen L. Venable, LS (Georgia Registered Land Surveyor No. 1761) dated December 27th, 2000, and being more particularly described according to said survey as follows.

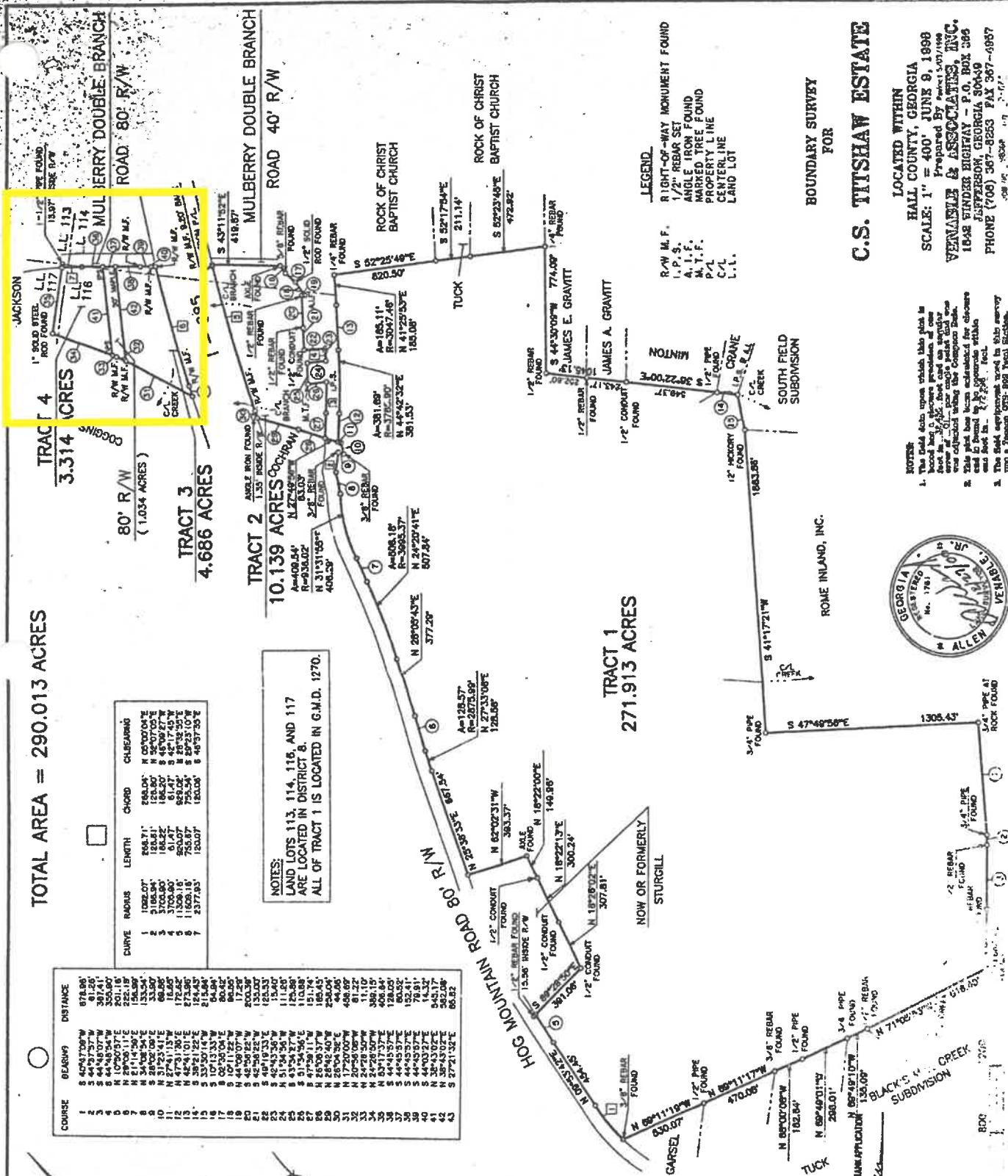
Beginning at the Marker Found inside the DOT R/W of I- 985 at the corner of the property Thence a curve to the left, having a LC of 755.67 feet and a bearing of 29° 23' 10"; Thence South 27° 21' 32" West a distance of 65.82 feet; Thence North 17° 20' West a distance of 456.69 feet; Thence North 38° 43' 02" East a distance of 582.08 feet; Thence South 44° 45' 57" East a distance of 152.41 feet; Thence South 44° 45' 57" East a distance of 79.91 feet; Thence South 44° 03' 27" East a distance of 14.32 feet, to the point of beginning; Containing 4.686 acres.

Survey

TOTAL AREA = 290.013 ACRES

COURSE	BEARING	DISTANCE
1	S 40°37'09"W	878.96'
2	S 81°41'18"W	381.41'
3	S 44°40'07"W	355.00'
4	S 44°40'07"W	355.00'
5	N 10°00'07"E	101.16'
6	N 21°11'30"E	154.89'
7	N 34°08'54"E	33.54'
8	N 34°08'54"E	33.54'
9	N 34°08'54"E	33.54'
10	N 34°08'54"E	33.54'
11	N 34°08'54"E	33.54'
12	N 34°08'54"E	33.54'
13	N 34°08'54"E	33.54'
14	N 34°08'54"E	33.54'
15	N 34°08'54"E	33.54'
16	N 34°08'54"E	33.54'
17	N 34°08'54"E	33.54'
18	N 34°08'54"E	33.54'
19	N 34°08'54"E	33.54'
20	N 34°08'54"E	33.54'
21	N 34°08'54"E	33.54'
22	N 34°08'54"E	33.54'
23	N 34°08'54"E	33.54'
24	N 34°08'54"E	33.54'
25	N 34°08'54"E	33.54'
26	N 34°08'54"E	33.54'
27	N 34°08'54"E	33.54'
28	N 34°08'54"E	33.54'
29	N 34°08'54"E	33.54'
30	N 34°08'54"E	33.54'
31	N 34°08'54"E	33.54'
32	N 34°08'54"E	33.54'
33	N 34°08'54"E	33.54'
34	N 34°08'54"E	33.54'
35	N 34°08'54"E	33.54'
36	N 34°08'54"E	33.54'
37	N 34°08'54"E	33.54'
38	N 34°08'54"E	33.54'
39	N 34°08'54"E	33.54'
40	N 34°08'54"E	33.54'
41	N 34°08'54"E	33.54'
42	N 34°08'54"E	33.54'
43	N 34°08'54"E	33.54'

NOTES:
LAND LOTS 113, 114, 116, AND 117
ARE LOCATED IN DISTRICT 8.
ALL OF TRACT 1 IS LOCATED IN G.M.D. 1270.



LEGEND
RIGHT-OF-WAY MONUMENT FOUND
1/2" REBAR SET
ANGLE IRON FOUND
MARKED TREE FOUND
PROPERTY LINE
CENTERLINE
LAND LOT

BOUNDARY SURVEY
FOR

C.S. TITSHAW ESTATE

LOCATED WITHIN
HALL COUNTY, GEORGIA
SCALE: 1" = 400' JUNE 9, 1998
Prepared by Survey 107/108
VENABLE & ASSOCIATES, INC.
1048 VINDER HIGHTWAY - P.O. BOX 386
JACKSON, GEORGIA 30439
PHONE (706) 367-8253 FAX 367-6957



NOTES:
1. The field data upon which this plan is based has been obtained from a survey conducted by the surveyor and is subject to the usual conditions of a survey.
2. This plan has been calculated for closure and is based on the assumption that the survey was run in accordance with the rules and regulations of the State of Georgia.
3. The field representation of this survey is the original field notes and the original survey instrument.

Georgia, Hall County, Clerk's Office
Filed in office this 11th day of December, 1998
Dwight S. Wood, Clerk
Page 49 of 50



SEE INFORMATION ATTACHED AT THE SURVEY MAP APPLICATION
SIGNATURE: [Signature]
DATE: 6/9/98
GRAPHIC SCALE: 1" = 400'

Site Plan

PLUG	UNITS
A	6
B	3
C	8
D	12
E	6
F	8
G	6
H	4
I	4
J	6
K	6
TOTAL	55

GENERAL NOTES:

- | | |
|---|----------------------------|
| 1 | TOTAL ACRES - 50 ACRES |
| 2 | PROPOSED LOTS - 53 |
| 3 | DENSITY - 0.875 LOTS/ACRE |
| 4 | EXISTING ZONING - R-2 |
| 5 | PROPOSED ZONING - R-3 TOWN |



34.6 Development Statistical Requirements

Development Statistical Requirements

- a) Maximum and proposed height of any structure

30'/28'

- b) Maximum and proposed gross square footage of the building area (nonresidential only)

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- c) Color renderings of any proposed structures

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153,182 SF out of 348,480 SF, 44%

- h) Minimum, maximum, and proposed number of parking spaces.

31 Proposed parking spaces









34.7 Analysis Requirements

Analysis Requirements

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

The adjacent property is R3 and the proposed R3 is suitable of nearby property.

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

The planned R3 zoning will have no negative impact on the neighboring property's current use.

- 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.

No, the land is currently designated R2 and does not have a reasonable economic purpose.

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

The proposed zoning of R3, for a planned 55 townhomes development, would not result in an excessive or burdensome use of roadways, infrastructure, utilities, or schools.

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This development would not prevent neighboring properties from being improved. It will expand Flowery Branch's housing possibilities.

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This would not create an isolated zoning district. This development will be zoned the same as its adjoining properties.

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This region is designated as mixed-use on the Comprehensive Map. The suggested plan will fulfill the zoning ordinance's objectives.

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Mulberry Street Rezoning

R2-R3

08117 002001

ADVENTURES REAL ESTATE LLC

6000 WELLSRING TRAIL

GAINESVILLE, GA 30506

Additional Information Requirement



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3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased).
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4. Anticipated total square footage (heated) to be built in the requested number of units.
Approximately 99,000 sf for 55 units
5. Total acreage developed with units.
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6. Total acreage for right of way and roads.
1610 LF x 50 foot ROW= 80,500 SF = 1.8480257 acres in ROW This ROW is already owned by City of Flowery Branch



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 - Do individual property lines for lots extend into the buffer? - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose?

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10. Please identify all amenities and total number of acres they incorporate by complete description.

Park, natural areas, open space 4.97 acres

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Internet/Fiber/TV

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300 GPD/unit

18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development?

300 GPD/unit

19. Has a slope and grade study been done on this development? Does the study reflect density placement?

Preliminary site plan with topo

20. Please identify what public safety needs are being considered for the project?

N/A

21. Has the Hall County School System been notified of the proposed density for this project?

No

22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development.

Included in letter of intent.



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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____

Inspection Form

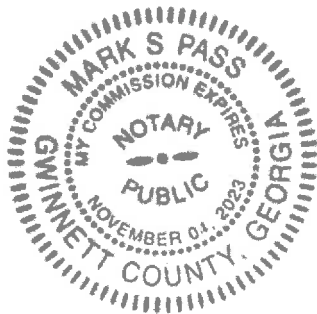
Shirley L. Titshaw, General Partner for Charles D. & Shirley L. Titshaw Family, L
owner of parcels 08116 000022 & 08116 000023, hereby grant the City of Flowery Branch Staff
and/or City Council to Inspect the above Subject Property as necessary for rezoning application
process.

Shirley L. Titshaw

Printed Name:

Shirley L. Titshaw 4-14-22

Signature, Date:



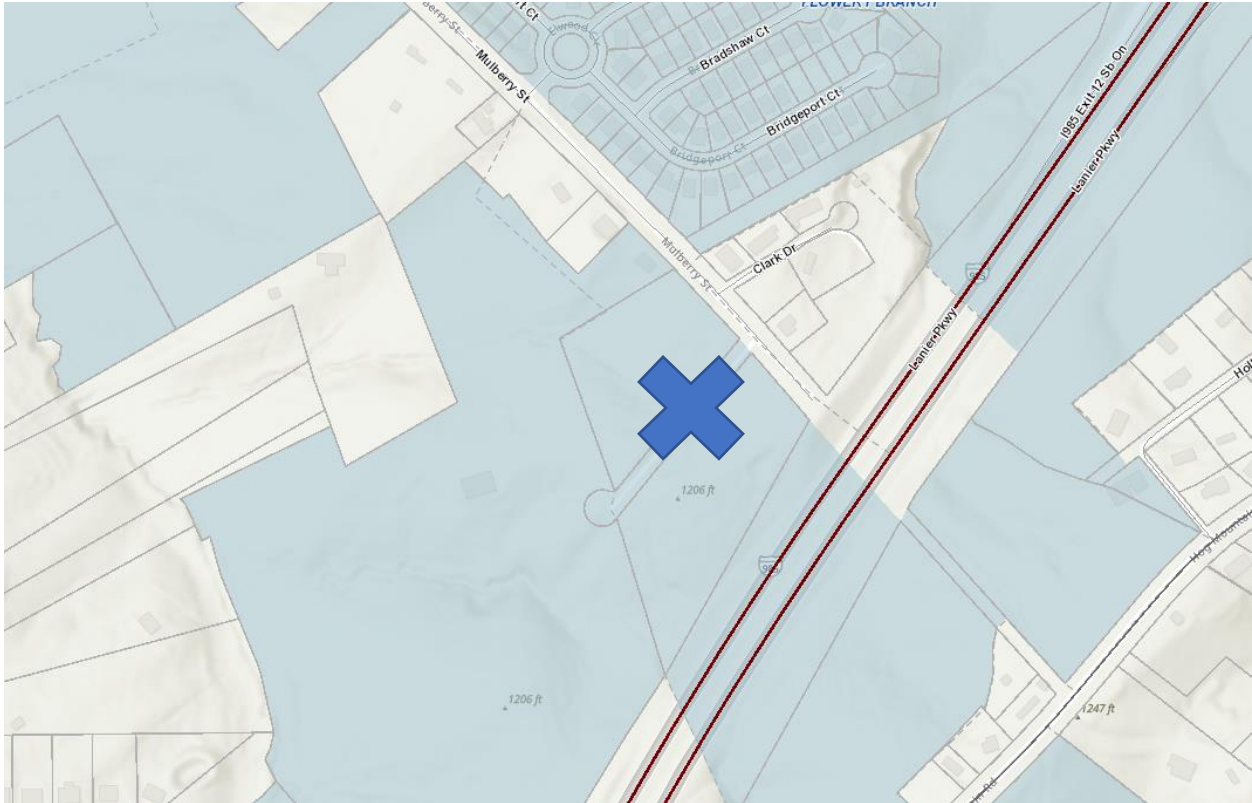
Mark S. Pass
4-14-22



Staff Report
Chattahoochee Construction Mangers, LLC/MQ Development, LLC
Rezoning Request
Ordinances 665 & 666

Request

A request from Chattahoochee Construction Managers, LLC/MQ Development, LLC to rezone two tracts of land from Residential, Detached Single-Family, Moderate-Density District (R-2) to Residential Multi-Family District (R-3). Tract one is a 3.52+/- acre tract of land identified as 5674 Mulberry Street, tax parcel number 08116 000023, tract two is a 4.7+/- acre tract of land identified as 5740 Mulberry Street, tax parcel number 08116 000022, and construct fifty-five (55) townhomes.











Proposed Schedule

June 2, 2022 – Public Hearing
July 21, 2022 – First Read and Vote
August 4, 2022 - Work Session (if requested)
August 18, 2022 – Second Read and Final Vote



Comprehensive Plan





Purpose of the Comprehensive Plan

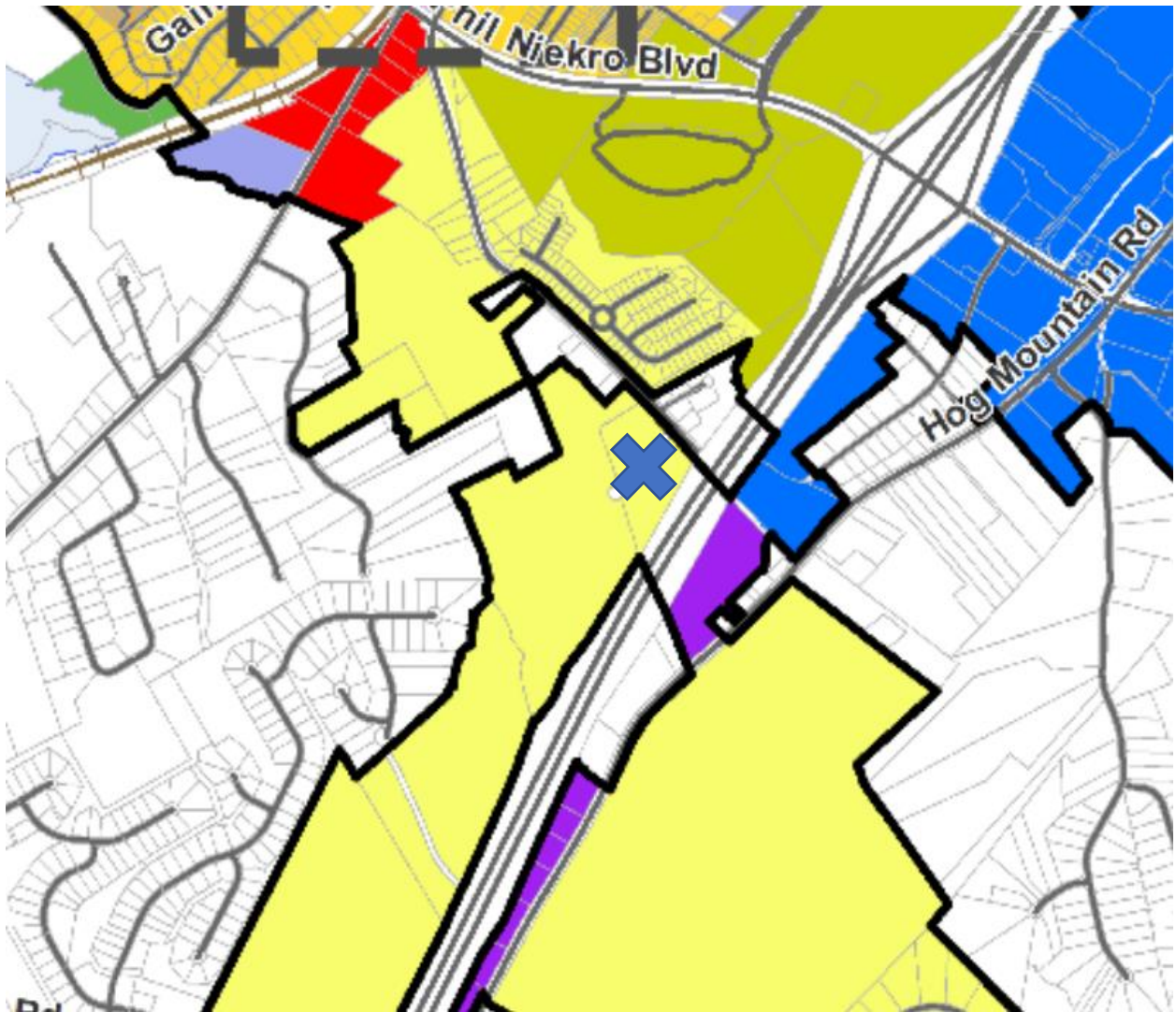
The *Flowery Branch Comprehensive Plan* is the City's policy guide for growth and development, as expressed by a vision statement, Future Development Map, character area policies, and supporting implementation strategies. The plan is most commonly used in the review and decision-making process by staff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

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

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



Suburban Residential Area





Suburban Residential

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

Vision

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

Design Principles

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

Land Uses

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

Zoning

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

Implementation Strategies

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

Illustrative Photos



The proposed development does not meet the intent of the Comprehensive Plan. However, the size and scope of the proposed project would blend in with the recently approved neighboring development



(phase 1- 49 detached, 140 townhomes; phase 2-138 detached) and will not cause the desired housing mix to rise above the 15% considered by the Comprehensive Plan (single family 70%, apartments 15%, and townhomes 15%).

Analysis

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, a residential use is appropriate for this site and the surrounding area. It will help serve the downtown commercial/retail area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of R-2 is economically feasible.**
- (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. **It is staff's opinion that the use will not create any unnecessary burdens.**
- (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. **No**
- (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. **Not to staff's knowledge, no.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant, the proposed use will fit in with the surrounding residential uses.**



- (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. *Staff does not have a specific number regarding property value but please review applicant's response as part of attached "Exhibit C".*
- (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. *Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area and a positive impact for downtown.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district and surrounding area in staff's opinion.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*



Recommendation

Approve the request as submitted with the following conditions:

1. The project shall generally adhere to the site plan as shown below



2. Elevations shall be submitted and approved by the City of Flowery Branch prior to the issuance of a land disturbance permit. Said elevations shall meet all requirements of the City of Flowery Branch zoning ordinance.
3. Water and sewer shall be served by the City of Flowery Branch.
4. A homeowner's association is required.
5. A 10% rental cap shall be instituted and enforced by the HOA.
6. Project shall not exceed fifty-five (55) townhome units.



ORDINANCE 665

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A TRACT OF LAND OWNED BY THE CHARLES AND SHIRLEY TITSHAW FAMILY, LP. TOTALING 3.32 +/- ACRES COMMONLY KNOWN AS 5674 MULBERRY STREET, IDENTIFIED AS TAX PARCEL 08116 000023 AND AS SHOWN ON ATTACHED EXHIBIT “A”, DESCRIBED ON ATTACHED EXHIBIT “B”, TO BE REZONED FROM R-2 (DETACHED SINGLE-FAMILY, MODERATE DENSIT) TO R-3 (MULTI-FAMILY RESIDENTIAL) 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, Chattahoochee Construction Managers/MQ Development, LLC. desires to develop the 3.52 +/- acre tract of land identified as tax parcel 08116 000023; as shown on Exhibit “A”; and legally described on Exhibit “B”; and

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

WHEREAS, the City Council of the City of Flowery Branch has considered the rezoning application of Chattahoochee Construction Managers/MQ Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, Chattahoochee Construction Managers/MQ Development, 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 June 2, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Flowery Branch R-2 (Detached Single-Family, Moderate Density) to Flowery Branch R-3 (Residential Multi-Family) 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.

Public Hearing Published 05/04/2022
Public Hearing 06/02/2022

First Reading 07/21/2022
Adopted 08/18/2022

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current R-2 as opposed to the proposed R-3.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the changes to the R-3 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 CONDITIONS.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

Public Hearing Published 05/04/2022
Public Hearing 06/02/2022

First Reading 07/21/2022
Adopted 08/18/2022

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 18th day of August 2022.

Edward R. Asbridge, Mayor

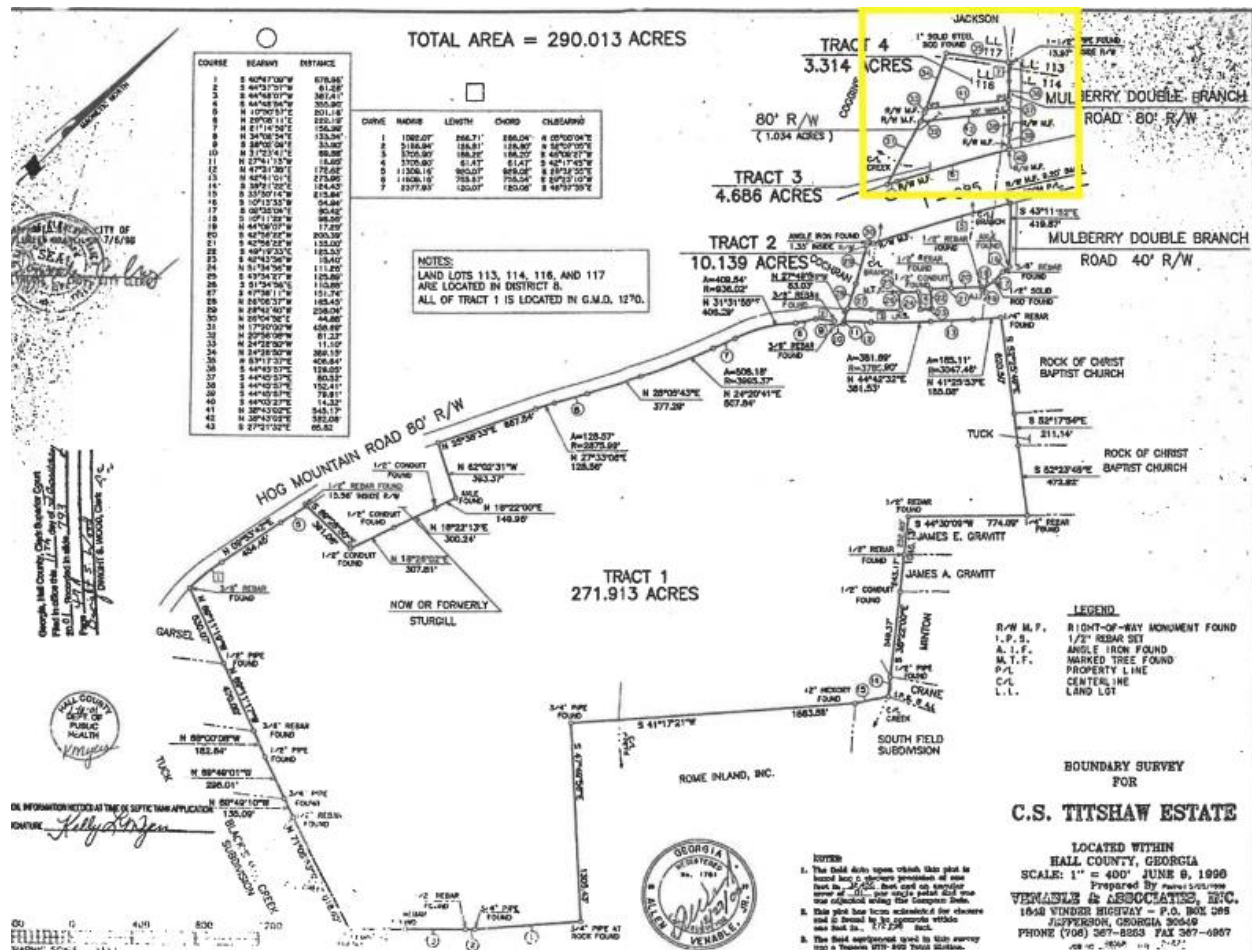
ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



Public Hearing Published	05/04/2022	First Reading	07/21/2022
Public Hearing	06/02/2022	Adopted	08/18/2022

Exhibit "B"

Legal Description 08116 000023

All that tract or parcel of land lying and being located in Tax Parcel No. 08116 000023 of the City of Flowery Branch, Hall County, Georgia containing 4.686 acres according to a survey for C.S Titshaw Estate, prepared by Venable & Associates, Inc, by Allen L. Venable, LS (Georgia Registered Land Surveyor No. 1761) dated December 27th, 2000, and being more particularly described according to said survey as follows.

Beginning at the Marker Found inside the R/W at the corner of the property; Thence North 24° 26' 50" West a distance of 11.1 feet; Thence North 24° 26' 50" West a distance of 389.15 feet; Thence North 53° 17' 37" East a distance of 406.64 feet; Thence a curve to the right, having a LC of 120.06 feet and a bearing of 46° 37' 35"; Thence South 44° 45' 57" East a distance of 126.05 feet; Thence South 38° 43' 02" West a distance of 545.17 feet, to the point of beginning; Containing 3.314 acres.

Exhibit "C"

1. The project shall generally adhere to the site plan as shown below



2. Elevations shall be submitted and approved by the City of Flowery Branch prior to the issuance of a land disturbance permit. Said elevations shall meet all requirements of the City of Flowery Branch zoning ordinance.
3. Water and sewer shall be served by the City of Flowery Branch.
4. A homeowner's association is required.
5. A 10% rental cap shall be instituted and enforced by the HOA.
6. Project shall not exceed fifty-five (55) townhome units.

Public Hearing Published	05/04/2022
Public Hearing	06/02/2022

First Reading	07/21/2022
Adopted	08/18/2022

ORDINANCE 666

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A TRACT OF LAND OWNED BY THE CHARLES AND SHIRLEY TITSHAW FAMILY, LP. TOTALING 4.67+/- ACRES AND COMMONLY KNOWN AS 5740 MULBERRY STREET, IDENTIFIED AS TAX PARCEL 08116 000022 AND AS SHOWN ON ATTACHED EXHIBIT “A”, DESCRIBED ON ATTACHED EXHIBIT “B”, TO BE REZONED FROM R-2 (DETACHED SINGLE-FAMILY, MODERATE DENSIT) TO R-3 (MULTI-FAMILY RESIDENTIAL) 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, Chattahoochee Construction Managers/MQ Development, LLC. desires to develop the 4.67 +/- acre tract of land identified as tax parcel 08116 000022; as shown on Exhibit “A”; and legally described on Exhibit “B”; and

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

WHEREAS, the City Council of the City of Flowery Branch has considered the rezoning application of Chattahoochee Construction Managers/MQ Development, LLC. in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, Chattahoochee Construction Managers/MQ Development, 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 June 2, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Flowery Branch R-2 (Detached Single-Family, Moderate Density) to Flowery Branch R-3 (Residential Multi-Family) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current R-2 as opposed to the proposed R-3.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the changes to the R-3 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 CONDITIONS.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

Public Hearing Published 05/04/2022
Public Hearing 06/02/2022

First Reading 07/21/2022
Adopted 08/18/2022

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 18th day of August 2022.

Edward R. Asbridge, Mayor

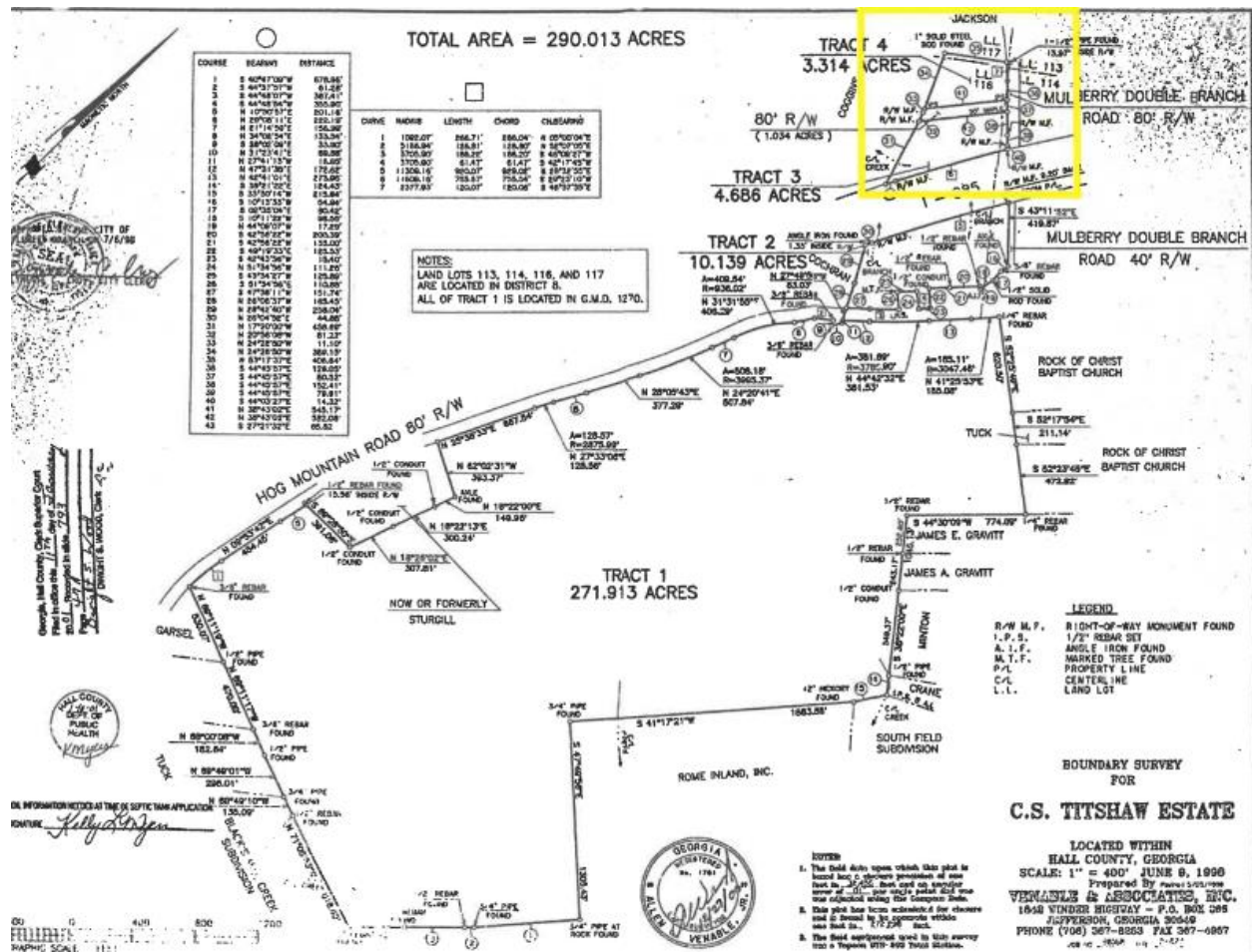
ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



Public Hearing Published 05/04/2022
Public Hearing 06/02/2022

First Reading 07/21/2022
Adopted 08/18/2022

Exhibit "B"

Legal Description Parcel 08116 000022

All that tract or parcel of land lying and being located in Tax Parcel No. 08116 000022 of the City of Flowery Branch, Hall County, Georgia containing 4.686 acres according to a survey for C.S Titshaw Estate, prepared by Venable & Associates, Inc, by Allen L. Venable, LS (Georgia Registered Land Surveyor No. 1761) dated December 27th, 2000, and being more particularly described according to said survey as follows.

Beginning at the Marker Found inside the DOT R/W of I- 985 at the corner of the property Thence a curve to the left, having a LC of 755.67 feet and a bearing of 29° 23' 10"; Thence South 27° 21' 32" West a distance of 65.82 feet; Thence North 17° 20' West a distance of 456.69 feet; Thence North 38° 43' 02" East a distance of 582.08 feet; Thence South 44° 45' 57" East a distance of 152.41 feet; Thence South 44° 45' 57" East a distance of 79.91 feet; Thence South 44° 03' 27" East a distance of 14.32 feet, to the point of beginning; Containing 4.686 acres.

Exhibit "C"

1. The project shall generally adhere to the site plan as shown below



2. Elevations shall be submitted and approved by the City of Flowery Branch prior to the issuance of a land disturbance permit. Said elevations shall meet all requirements of the City of Flowery Branch zoning ordinance.
3. Water and sewer shall be served by the City of Flowery Branch.
4. A homeowner's association is required.
5. A 10% rental cap shall be instituted and enforced by the HOA.
6. Project shall not exceed fifty-five (55) townhome units.



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consideration of Flowery Branch Police Department K9 Program

COUNCIL MEETING DATE: August 4, 2022

HISTORY:

Flowery Branch Police Department adopted a K9 Program in 2008. This K9 Program stayed active for about 4 years and before going dormant due to not having a K9 handler.

FACTS AND ISSUES:

A police K9 has the ability to significantly and uniquely impact the community. Police K9s can contribute to numerous operations, from drug enforcement to search and rescue to apprehending fleeing subjects. These animals are also ambassadors of the department, and can appear at public gatherings and special events to provide protection while also positively influencing community relations.

The unique and keen sense of smell that a K9 possesses allows for detection of drug odors that the human senses could never readily recognize. Dogs have up to 300 million olfactory receptors in their noses as compared to about 6 million in the human nose. The part of a dog's brain that is dedicated to analyzing odors is about forty times greater than a humans. These factors make it easy for a K9 to readily detect specific drugs and positively alert their handlers to that drug's location. A K9s ability to recognize drug odors is so scientifically respected that the United States Supreme Court recognizes a positive K9 alert on a vehicle as probable cause to search that vehicle.

A K9s sense of smell is multifunctional and serves a myriad of missions. The ability of a dog to locate and follow human scent is a prime example of that. K9s are regularly utilized to locate dangerous subjects who have fled from police presence. K9s also significantly increase the chances of locating a critically missing person. Critically missing persons are typically small children and at-risk adults. A dog's ability to quickly obtain a scent trail and follow that trail substantially lowers the amount of time, effort, and resources needed to locate a critically missing subject. This time saved is sometimes the difference between an at-risk person being recovered successfully or being recovered after sustaining serious or life-threatening injury.

K9s are often revered and adored by the public and create a feeling of comfort and a sense of security. Children and adults alike appreciate K9 companions and love to interact with them. Police K9s, although highly trained and skilled work companions, are also playful and comfortable around the community. Not only do they enjoy being petted and played with, their success in drug detection and rescue and recovery creates "feel good" stories that positively affect the community.

OPTIONS:

Through the partnership with various K9 organizations and foundations it has been established that the initial start up cost will be approximately \$20,000.00. By making this initial investment we will solidify the relationship with these entities, which will in turn likely fund the future operational cost of this program.

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

No

AMOUNT AND SOURCE OF FUNDS:

\$20,000 - requesting approval from the General Fund

RECOMMENDATION:

Consider approving \$20,000.00 to start up the existing K9 Program that has been dormant for over 10 years.

SAMPLE MOTION:

I make a motion to allocate \$20,000.00 from the General Fund to the K9 Program.

COLLABORATING DEPARTMENT:

DEPARTMENT: Police

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - 2022 K9 Program.pdf](#)
- [2022 K9 Program Cost sheet.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: FLOWERY BRANCH POLICE DEPARTMENT K9 PROGRAM

DATE:	JULY 21, 2022	(x) RECOMMENDATION
		() POLICY DISCUSSION
BUDGET INFORMATION:		() STATUS REPORT
ANNUAL- \$0		() OTHER
CAPITAL- NOT TO EXCEED \$20,000		

COUNCIL ACTION REQUESTED ON: JULY 21, 2022

PURPOSE: Consider approving \$ 20,000.00 to start up the existing K9 Program that has been dormant for over 10 years.

HISTORY: Flowery Branch Police Department adopted a K9 Program in 2008. This K9 Program stayed active for about 4 years and before going dormant due to not having a K9 handler.

FACTS AND ISSUES: A police K-9 has the ability to significantly and uniquely impact the community. Police K-9s can contribute to numerous operations, from drug enforcement to search and rescue to apprehending fleeing subjects. These animals are also ambassadors of the department, and can appear at public gatherings and special events to provide protection while also positively influencing community relations.

The unique and keen sense of smell that a K-9 possesses allows for detection of drug odors that the human senses could never readily recognize. Dogs have up to 300 million olfactory receptors in their noses as compared to about 6 million in the human nose. The part of a dog's brain that is dedicated to analyzing odors is about forty times greater than a humans. These factors make it easy for a K-9 to readily detect specific drugs and positively alert their handlers to that drug's location. A K-9's ability to recognize drug odors is so scientifically respected that the United States Supreme Court recognizes a positive K-9 alert on a vehicle as probable cause to search that vehicle.

A K-9's sense of smell is multifunctional and serves a myriad of missions. The ability of a dog to locate and follow human scent is a prime example of that. K-9s are regularly utilized to locate dangerous subjects who have fled from police presence. K-9s also significantly increase the chances of locating a critically missing person. Critically missing persons are typically small children and at-risk adults. A dog's ability to quickly obtain a scent trail and follow that trail substantially lowers the amount of time, effort, and resources needed to locate a critically

missing subject. This time saved is sometimes the difference between an at-risk person being recovered successfully or being recovered after sustaining serious or life-threatening injury. K-9s are often revered and adored by the public and create a feeling of comfort and a sense of security. Children and adults alike appreciate K-9 companions and love to interact with them. Police K-9s, although highly trained and skilled work companions, are also playful and comfortable around the community. Not only do they enjoy being petted and played with, their success in drug detection and rescue and recovery creates “feel good” stories that positively affect the community.

OPTION(S): Through the partnership with various K9 organizations and foundations it has been established that the initial start up cost will be approximately \$20,000.00. By making this initial investment we will solidify the relationship with these entities, which will in turn likely fund the future operational cost of this program.

RECOMMENDED SAMPLE MOTION: I make a motion to allocate \$20,000.00 from the General Fund to the K9 Program.

ATTACHMENTS: Cost Sheet

DEPARTMENT: Flowery Branch Police Department

Prepared by: Chief Christopher Hulsey

FLOWERY BRANCH POLICE DEPARTMENT K-9 UNIT BUDGET

<u>ITEM DESCRIPTION</u>	<u>COST</u>	<u>TOTAL</u>
K9 UNIT VEHICLE EQUIPMENT AND MODIFICATIONS		
K9 UNIT CAGE (2/3 KENNEL, 1/3 TRANSPORT)	2,895	
NON-SPILL ALUMINIUM WATER BOWL	121	
ACE K9 HEAT ALARM	899	
ACE K9 FAN SYSTEM	248	
ACE K9 FAN GUARD	108	
VEHICLE GRAPHICS (CAUTION K9)	65	
ACE K9 VEHICLE / K9 MONITORING SYSTEM	899	
INSTALLATION COSTS	1200	
FREIGHT COSTS	150	
SHOP SUPPLIES	125	
		6,710
K9 HANDLERS HOME KENNEL (PURCHASE AT TRACTOR SUPPLY)		
10 X 10 HEAVY DUTY KENNEL	999	
10 X 10 HEAVY DUTY KENNEL COVER	189	
XL HEAVY DUTY DOG HOUSE	199	
STAINLESS STEEL FOOD AND WATER BOWLS	30	
HEAVY DUTY WATER BUCKET (3.5 GALLON)	18	
ELEVATED DOG BED	50	
DOG HOUSE CEDAR SHAVINGS	10	
10. 2 X 10. 2 CONCRETE PAD SUPPLIES		
CONCRETE (80 LB BAGS X 58)	269.7	
2 X 4'S FOR FRAMING	39.92	
		1,804.62
K9 HANDLERS P.D. KENNEL (PURCHASE AT TRACTOR SUPPLY)		
10 X 10 HEAVY DUTY KENNEL	999	
10 X 10 HEAVY DUTY KENNEL COVER	189	
XL HEAVY DUTY DOG HOUSE	199	
STAINLESS STEEL FOOD AND WATER BOWLS	30	

HEAVY DUTY WATER BUCKET (3.5 GALLON)	18	
ELEVATED DOG BED	50	
DOG HOUSE CEDAR SHAVINGS	10	
10. 2 X 10. 2 CONCRETE PAD SUPPLIES		
CONCRETE (80 LB BAGS X 58)	269.7	
2 X 4'S FOR FRAMING	39.92	
		1,804.62
K9 VETERINARIAN EXAMS / MEDICATIONS (MURRAYVILLE VET)		
ANNUAL EXAM / LABS	250	
MICROCHIP (HALL COUNTY ANIMAL SHELTER)	25	
RABIES VACCINATION (HALL COUNTY ANIMAL SHELTER)	10	
FLEA AND TICK MEDICATION (ONLINE @ CHEWEY OR LOCAL PETSMART)(6 MONTHS)	75	
HEARTWORMS MEDICATION (ONLINE @ CHEWEY OR LOCAL PETSMART)(6 MONTHS)	68	
	YEARLY	571
HANDLER / K9 EQUIPMENT		
DOG FOOD - PURINA PRO PLAN (33LBS)(3-5 WEEKS)	66	
FIGPS COLLAR + APP SUBSCRIPTION (YEARLY APP \$100)	250	
PACKTRACK RMS APP (YEARLY SUBSCRIPTION)	140	
TACTIPUP COLLAR AND LEASH	123	
TEAM K9 TRACKING HARNESS	60	
30FT TRACKING LEASH	45	
CHOKE CHAIN	25	
GROOMING BRUSH	15	
GROOMING COMB	15	
SHEDDING BLADE	35	
KENNEL LOCKS	33	
KONG TOY	20	
TENNIS BALLS	20	
WIRE CRATE	100	
ABOVE LIST MAY CHANGE OR BE ALTERED AT ANYTIME OR AS NEEDED		881

K9 VENDOR			
SOUTHERN COAST K9 (FLORIDA)			
TRACKING, NARCOTICS, EVIDENCE AND ARTICLE RECOVERY			
FLOPPY EARED K9 (LAB, RETRIEVER, GSP)	10,500		
POINTED EARED K9 (GERMAN SHEPPARD, DUTCH SHEPPARD, MALINOIS)	10,000		
		10,500	
	TOTAL COSTS		22,271.24

* 4 WEEK K9 / HANDLER SCHOOL TO BE WITHDRAWN FROM TRAINING BUDGET (\$3200) *

* LODGING, MEALS AND FUEL TO BE WITHDRAWN FROM APPROPRIATE BUDGETS *



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider approving Resolution 22-013 to purchase real property and wells at 4755 Atlanta Highway (Lots 1-4), Flowery Branch, Georgia.

COUNCIL MEETING DATE: August 4, 2022

HISTORY:

HISTORY: Sixteen to seventeen years ago, the owner of the wellsite property, Kent Henderson, granted a right of entry to the city to conduct tests in an effort to locate water. Mr. Henderson and a previous city manager verbally agreed that (1) if the city found no water, it would pay Mr. Henderson \$15,000 and return the property back to its original condition; and (2) if the city found a suitable water source, the city would purchase the property for \$150,000.

Based on the right of entry and verbal agreement and per direction from the then city manager, city staff and its consultant began testing and soon found water. The resulting test well, produced 250-300 gallons per minute. As staff were running a 72-hour test of the potential wellsite, Mr. Henderson came onto the property and told them to leave his property. They explained that there was a right of entry and option contract, and he explained that there was no option contract and that he had only given consent to do a test well.

Mr. Henderson then offered to sell the wellsite to the city for \$1 million and a percentage of each gallon of water pumped from that well paid to him and then into perpetuity to his heirs. The city attempted to negotiate with Mr. Henderson to acquire the property to no avail, and was not inclined to exercise the power of eminent domain to acquire the property involuntarily.

When it became clear Mr. Henderson could not successfully sell the wellsite property to the city, he unsuccessfully approached several jurisdictions and businesses in an effort to sell the property. The property with the test well then sat untouched for several years until the owner of Lake Lanier Islands (“LLI”) showed interest to acquiring the property to use as a water supply to the resort – as an alternate to water supplied by Gainesville. LLI eventually would buy the property funded by a State grant of \$4 million created to expand water service to underserved areas of Georgia.

Although LLI dug another successful test well, the constraint of conveying the water from Atlanta Highway to the resort proved impractical. And in a subsequent transaction, the wellsite with the test wells were conveyed back to the State.

FACTS AND ISSUES:

FACTS AND ISSUES: The State issued a request for interest from potential purchasers of the wellsite property. The city responded to the State’s request and then was granted permission by the State to perform due diligence to determine whether the wellsite’s are suitable as a municipal water source. City staff and consultants have performed such testing and have confirmed that the wellsite’s remain so suitable. Moreover, the city has obtained approval from the EPD to use these wells for use as a municipal water supply.

The city currently operates three wells. One well inadequately produces water at a rate of 16,000 gallons per day (gpd). The other two wells produce approximately 131,000 and 175,000 gpd. In the near future, the city will need

450,000 - 500,000 gpd to serve its expected water utility customers. When purchased, these two wells will accomplish that future need. By using four to five of these wells regularly, a maximum of 500,000 gpd could easily be available for the citizens to use without compromising the source or having to buy additional water from another entity. The City of Flowery Branch is currently permitted to draw 750,000 gpd of water from the aquifer.

OPTIONS:

- 1) Authorize the resolution expressing the city's intent to purchase the real property, wells and water rights for \$445,000.
- 2) Authorize the resolution and offer a different price for the purchase of real property, wells and water rights.
- 3) Do not authorize the resolution deciding not to pursue the purchase the property, wells and water rights.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$445,000 - GEFA loan

RECOMMENDATION:

Resolution 22-013 offering to purchase real property at 4755 Atlanta Highway (Lots 1-4), wells, and water rights for \$445,000 with funding to be provided by a GEFA loan.

SAMPLE MOTION:

I move to approve Resolution 22-013 offering to purchase real property at 4755 Atlanta Highway (Lots 1-4), wells, and water rights for \$445,000 with funding to be provided by a GEFA loan.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - purchase of real property 4755 \(Lots 1-4\) Atlanta Hwy with wells ERB Rev TP ERB Final.pdf](#)
- [Resolution 22-013 Intent to Purchase Real Property and wells Atlanta Highway.pdf](#)

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider approving Resolution 22-013 to purchase real property and wells at 4755 Atlanta Highway (Lots 1-4), Flowery Branch, Georgia.

DATE: August 4, 2022

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL-

☐ **OTHER**

CAPITAL-\$445,000 (GEFA loan)

COUNCIL ACTION REQUESTED ON: August 4, 2022

PURPOSE: The purpose of this agenda item is to request approval of Resolution 22-013 to purchase real property and wells at 4755 Atlanta Highway (Lots 1-4), Flowery Branch, Georgia, to supply water for the city's water system.

HISTORY: Sixteen to seventeen years ago, the owner of the wellsite property, Kent Henderson, granted a right of entry to the city to conduct tests in an effort to locate water. Mr. Henderson and a previous city manager verbally agreed that (1) if the city found no water, it would pay Mr. Henderson \$15,000 and return the property back to its original condition; and (2) if the city found a suitable water source, the city would purchase the property for \$150,000.

Based on the right of entry and verbal agreement and per direction from the then city manager, city staff and its consultant began testing and soon found water. The resulting test well, produced 250-300 gallons per minute. As staff were running a 72-hour test of the potential wellsite, Mr. Henderson came onto the property and told them to leave his property. They explained that there was a right of entry and option contract, and he explained that there was no option contract and that he had only given consent to do a test well.

Mr. Henderson then offered to sell the wellsite to the city for \$1 million and a percentage of each gallon of water pumped from that well paid to him and then into perpetuity to his heirs. The city attempted to negotiate with Mr. Henderson to acquire the property to no avail, and was not inclined to exercise the power of eminent domain to acquire the property involuntarily.

When it became clear Mr. Henderson could not successfully sell the wellsite property to the city, he unsuccessfully approached several jurisdictions and businesses in an effort to sell the property. The property with the test well then sat untouched for several years until the owner of Lake Lanier Islands ("LLI") showed interest to acquiring the property to use as a water supply to the resort – as an alternate to water supplied by Gainesville. LLI eventually would buy the property funded by a State grant of \$4 million created to expand water service to underserved

areas of Georgia.

Although LLI dug another successful test well, the constraint of conveying the water from Atlanta Highway to the resort proved impractical. And in a subsequent transaction, the wellsite with the test wells were conveyed back to the State.

FACTS AND ISSUES: The State issued a request for interest from potential purchasers of the wellsite property. The city responded to the State's request and then was granted permission by the State to perform due diligence to determine whether the wellsites are suitable as a municipal water source. City staff and consultants have performed such testing and have confirmed that the wellsites remain so suitable. Moreover, the city has obtained approval from the EPD to use these wells for use as a municipal water supply.

The city currently operates three wells. One well inadequately produces water at a rate of 16,000 gallons per day (gpd). The other two wells produce approximately 131,000 and 175,000 gpd. In the near future, the city will need 450,000 - 500,000 gpd to serve its expected water utility customers. When purchased, these two wells will accomplish that future need. By using four to five of these wells regularly, a maximum of 500,000 gpd could easily be available for the citizens to use without compromising the source or having to buy additional water from another entity. The City of Flowery Branch is currently permitted to draw 750,000 gpd of water from the aquifer.

FUNDING: The funding for this item is from the GEFA loan the City of Flowery Branch currently has for water projects.

OPTIONS: 1) Authorize the resolution expressing the city's intent to to purchase the real property, wells and water rights for \$445,000.
2) Authorize the resolution and offer a different price for the purchase of real property, wells and water rights.
3) Do not authorize the resolution deciding not to pursue the purchase the property, wells and water rights.

RECOMMENDED SAMPLE MOTION: I move to approve Resolution 22-013 offering to purchase real property at 4755 Atlanta Highway (Lots 1-4), wells, and water rights for \$445,000 with funding to be provided by a GEFA loan.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

RESOLUTION NO. 22-013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH, GEORGIA
TO EXPRESS ITS INTENT TO ACQUIRE CERTAIN PROPERTY FROM THE STATE OF GEORGIA FOR
CONSIDERATION OF \$445,000 FOR THE PURPOSE OF SECURING A WATER SUPPLY
FOR THE CITY'S MUNICIPAL WATER SYSTEM.**

WHEREAS, the State of Georgia (the "State") is the record owner of properties located in Flowery Branch, Hall County, Georgia: 0.67 ± acres known as 4755 Atlanta Highway (Parcel ID 08098 001001), 0.39 ± acres known as 4745 Atlanta Highway (Parcel ID 08098 001002), 0.39 ± acres known as 4741 Atlanta Highway (Parcel ID 08098 001003), and 0.39 ± acres known as 4735 Atlanta Highway (Parcel ID 08098 001004) (collectively referred to herein as the "Property"); and

WHEREAS, several test well sites have been developed on the Property; and

WHEREAS, the City of Flowery Branch (the "City") operates a utility which provides municipal water service to its customers; and

WHEREAS, the City has determined that it requires additional water supply to adequately provide said water service to its customers; and

WHEREAS, the State of Georgia (the "State") issued a request for interest from potential buyers of the Property; and

WHEREAS, the City expressed its interest in purchasing the Property to the State to utilize the well sites to secure additional water supply via groundwater captured in underground aquifers accessed below the surface of the Property; and

WHEREAS, with permission from the State, the City has exercised sufficient due diligence by testing the well sites to determine whether the Property and its well sites are suitable as a water source; and

WHEREAS, the City has determined that the Property and the groundwater contained thereunder is suitable as a water supply for the City's municipal water system; and

WHEREAS, the City desires to acquire the Property from the State to develop it in order to make use of it as a source of water supply for the City's municipal water system.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Flowery Branch, Georgia that it intends to acquire any and all rights of ownership of the Property in fee simple including but not limited to all improvements and equipment thereon, and any and all rights to access, withdraw, and utilize the water found thereon or thereunder as may be necessary to supply water to the City's municipal water service system for consideration in the amount of Four Hundred Forty-Five Thousand and No/100 Dollars (\$445,000).

SO RESOLVED, this _____ day of August, 2022.

Edward R. Asbridge, Mayor

ATTEST:

Shelia Cooper, City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney

SECTION A – SELLER'S INFORMATION (Do not use agent's information)				SECTION C – TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME LLI Management Company, LLC				Exempt Code If no exempt code enter NONE	Govt/NonProfit Public Corp
MAILING ADDRESS (STREET & NUMBER) 7000 Lanier Islands Parkway				1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY buford, GA 30518 USA		DATE OF SALE 8/30/2018		1A. Estimated fair market value of Real and Personal property	\$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only	\$0.00
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME State of Georgia				3. Amount of liens and encumbrances not removed by transfer	\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 60 Executive Park South, NE				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Atlanta, GA 30329 USA		Check Buyers Intended Use () Residential () Commercial () Agricultural () Industrial		5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	\$0.00
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A)		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION			SUITE NUMBER
COUNTY HALL		CITY (IF APPLICABLE) Flowery Branch		MAP & PARCEL NUMBER 08098 001 001-004	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT	ACRES 2.144	LAND LOT	SUB LOT & BLOCK
SECTION E – RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK 8145	DEED PAGE 334	PLAT BOOK	PLAT PAGE	

ADDITIONAL BUYERS

None

FILED & RECORDED
DATE: 9/4/2018
TIME: 12:45PM
DEED BOOK: 8145
PAGES: 334-337
FILING FEES: \$16.00
PT61: 0692018006556
TRANSFER TAX: \$.00
Recorded By: MT
Charles Baker, C.S.C.
Hall County, GA

After recording return to:

→ Kip Shepherd
Attorney at Law
3651 Mars Hill Road
Suite 350B
Watkinsville, GA 30677

In Re: Law Department File No.: 1168434; 8300-MB-02RCA
2.144 Acres Governor's Water Supply Program

STATE OF GEORGIA

COUNTY OF HALL

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED, hereinafter referred to as "Deed", is made this 30th day of August, 2018, by and between, LLI Management Company, LLC, whose address is 7000 Lanier Islands Parkway, Buford, GA 30518, Party of the First Part, hereinafter referred to as "Grantor" and STATE OF GEORGIA, whose address for the purposes of this Deed is 60 Executive Park South, NE, Atlanta, GA 30329, Party of the Second Part, hereinafter referred to as "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

Grantor, for and in consideration of the sum of **SIX HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$617,500.00)**, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has bargained, sold, granted, aliened, conveyed and confirmed, and by the presents does hereby bargain, sell, grant, alien, convey and confirm unto Grantee, all that tract or parcel of land hereinafter referred to as the "Property", containing 2.144 acres of land, situate, lying and being in Land Lots 98 and 112, 8th District, City of Flowery Branch, Hall County, Georgia, and being more particularly described in the legal description marked **EXHIBIT "A"** which is attached hereto, incorporated herein and by this reference made a part hereof,

TO HAVE AND TO HOLD the Property, with all 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**.

AND Grantor will warrant and forever defend the right and title to the Property unto Grantee against the claims of all persons whomsoever.

Grantor hereby transfers all water rights and permits to the State of Georgia.

Grantor hereby transfers all mineral rights in and to said property to the Grantee.

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed, on the day, month and year first above written

[Signature on Following Page]

LLI MANAGEMENT COMPANY, LLC

By:

Virginia Williams

Title: Chief Executive Officer

See Resolution of LLI Management
Company, LLC recorded in Deed
Book 7228, page 215.

Signed, sealed and delivered as to Grantor,
in our presence:

B. L. Telf
Unofficial Witness

K. Shepherd
Official Witness, Notary Public

My Commission Expires

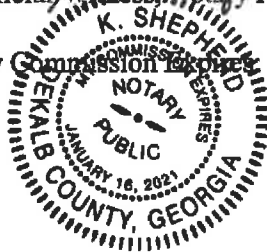


EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND BEING LOTS 1, 2, 3, & 4 OF MR. & MRS. T. STANLEY PERRY SUBDIVISION, LYING IN LAND LOTS 98, & 112, 8TH DISTRICT, CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" OPEN TOP PIPE) ON THE SOUTH RIGHT OF WAY OF RAILROAD AVENUE (APPARENT 40' RIGHT OF WAY) LOCATED SOUTH 25°45'39" EAST 93.54 FEET FROM THE CENTERLINE INTERSECTION OF RAILROAD AVENUE WITH STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY; THENCE ALONG THE SOUTH RIGHT OF WAY OF RAILROAD AVENUE NORTH 34°56'43" EAST, 203.25 FEET TO THE SOUTH RIGHT OF WAY OF STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY (APPARENT 100' RIGHT OF WAY); THENCE ALONG THE SOUTH RIGHT OF WAY OF STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY 300.53 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF NORTH 40°11'18" EAST 300.33 FEET AND A RADIUS OF 2342.95 FEET TO AN IRON PIN SET (1/2" REBAR WITH A YELLOW CAP STAMPED "ROCHESTER, LSF#000484"); THENCE LEAVING THE SOUTH RIGHT OF WAY OF STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY, AND ALONG THE PROPERTY NOW OR FORMERLY OF WATER STONE CROSSING COMMUNITY ASSOCIATION, INC. THE FOLLOWING COURSES AND DISTANCES SOUTH 41°54'55" EAST, 157.24 FEET TO AN IRON PIN SET (1/2" REBAR WITH A YELLOW CAP STAMPED "ROCHESTER, LSF#000484"); THENCE SOUTH 28°39'59" WEST, 456.57 FEET TO AN IRON PIN SET (1/2" REBAR WITH A YELLOW CAP STAMPED "ROCHESTER, LSF#000484"); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF SHERYLL CROW NORTH 58°13'12" WEST, 230.85 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.144 ACRES.

BEING MORE PARTICULARLY SHOWN ON PLAT OF SURVEY ENTITLED "SURVEY FOR STATE OF GEORGIA-GEORGIA ENVIRONMENTAL FINANCE AUTHORITY & LLI MANAGEMENT COMPANY, LLC" DATED MAY 14, 2018, UPDATED AND REVISED MAY 21, 2018, RECORDED IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF HALL COUNTY, GEORGIA, IN PLAT BOOK 00876, PAGE 00001, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR MORE PARTICULARITY.

eFiled & eRecorded
DATE: 7/3/2018
TIME: 2:55 PM
PLAT BOOK: 00876
PAGE: 00001
RECORDING FEE: 8.00
PARTICIPANT ID: 8105354572
CLERK: Charles Baker
Hall County, GA
NOTE: By JP

SURVEYOR'S CERTIFICATE

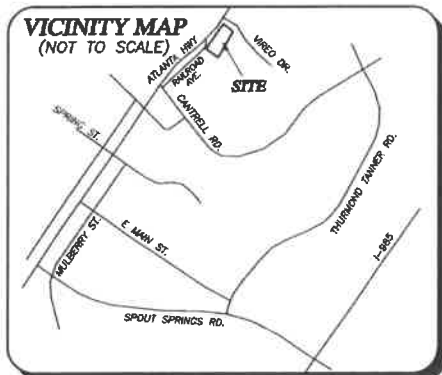
This survey is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. 15-6-67.

Robert S. Cleveland
Robert S. Cleveland,
rscleveland@rochester-assoc.com,
770-718-0600
Georgia Registered Land Surveyor No. 2894

5/14/18

THIS BLOCK RESERVED FOR THE
CLERK OF THE SUPERIOR COURT

VICINITY MAP (NOT TO SCALE)



N40°11'18"E
CHD = 300.33'
ARC = 300.53'
RAD = 2342.95'

AREA 2.144 ACRES

N/F
LI MANAGEMENT COMPANY, LLC
DB 7228, PG 213
REFERENCE:
1. DB 5855, PG 425-491
2. PB 25, PG 10

LEGEND:

- CRG - CURB AND GUTTER
- CB - CATCH BASIN
- CL - CLEAN OUT
- CONC. - CONCRETE
- CLF - CENTERLINE
- CL - CHAIN LINK FENCE
- DB, PG - DEED BOOK, PAGE
- DP - DUMESTER PAD
- EA - EDGE OF PAVEMENT
- FH - FIRE HYDRANT
- GW - GROUND WATER
- HM - HEADMALL
- IPF - IRON PIN FOUND
- IPS - IRON PIN SET 1/2" RB WITH YELLOW CAP STAMPED ROCHESTER, LSF000484
- INT - INTERFERENCE
- JB - JUNCTION BOX
- LP - LIGHT POLE
- LL - LAND LOT LINE
- LL - LAND LOT
- MS - MANHOLE
- NS - NAIL SET
- N/F - NOW OR FORMERLY
- OPEN TOP PIPE
- O/P - OVERHEAD POWER, TELEPHONE
- P/B - POINT OF BEGINNING
- PTP - POWER, TELEPHONE, LIGHT POLE
- PB, PG - PLAT BOOK, PAGE
- PS, PG - PLAT SLIDE, PAGE
- REBAR
- R/W - RIGHT OF WAY
- SEW - SEWER
- SD - STORM DRAIN
- TP - TRANSFORMER PAD
- TPB - TRUE POINT OF BEGINNING
- TBX - TELEPHONE BOX
- WF - WOOD FENCE
- WM - WATER METER

CERTIFICATE OF SURVEYOR

I hereby certify to all parties interested in the title to the tract(s) of land (unless otherwise stated, hereinafter collectively referred to in the certificate and hereon as "the Land") surveyed and plotted hereon, that this plat (A) is the result of a field survey and is an accurate, current and complete representation of the land surveyed and plotted hereon; (B) Was prepared in conformity with, pursuant to, and is in compliance with (1) the minimum standards and requirements of law; (2) OCGA §§ 15-6-67 - 68 amended through the date of this certificate; and (3) all applicable local, county, and municipal ordinances, statutes and specifications; (C) Shows that the Land is tied (in compliance with OCGA §§ 44-4-20 - 31 as amended through the date of this certificate) to the Georgia Coordinate System of 1985, West Zone, and shows the state plane coordinates of at least two permanent monuments on the survey, expressed in American Survey Feet, and also shows when a National Geographic Survey monument is within 500 feet of any point on the property mapped or plotted, or any point of reference shown thereon; (D) Shows that all bearings are referenced to Grid North, Georgia Coordinate System of 1985, West Zone; (E) Shows that all corners have been established and marked by either iron pins or concrete monuments which have been found, verified, labeled as to type and left in place; (F) Labels hereon a point of beginning which is located on the perimeter boundary; (G) Shows hereon in a legend the meanings of all abbreviations and symbols used; (H) Shows hereon the number, date and nature of all revisions of this plat; (I) Is eligible for recording in the Public Records in the office of the Clerk of Superior Court of any county or counties in which the Land totally or partially lies, and clearly indicates acres, land lots, sections, district, county(ies), and (J) incorporates each specifically required item as set out in that certain services agreement(s) regarding this plat between the undersigned and Lake Lanier Islands Development Authority; and (K) on an area map indicating the location of the property.

Robert S. Cleveland
Robert S. Cleveland, rscleveland@rochester-assoc.com, 770-718-0600
Georgia Registered Land Surveyor No. 2894

NOTES:

- THE FIELD DATA DATED 10/14/2012, AND 5/10/2018 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 26,906 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPOUND RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 213,215 FEET. THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS A TRIMBLE S75-315.
- THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS WHICH MAY EXIST AND NOT SHOWN HEREON. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.
- THIS PLAT IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
- ALL DISTANCES AS SHOWN ARE HORIZONTAL. GROUND DISTANCES IN U.S. SURVEY FEET (DB 57) INCHES = 1 METERS.
- THE BEARINGS SHOWN HEREON WERE CALCULATED FROM ANGLES TURNED.
- THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD PER FLOOD INSURANCE RATE MAP # 13139C02836, HALL COUNTY, GEORGIA DATED APRIL 4, 2018.

SHEET 1 OF 1
DATE: 10/11/2012
SCALE: 1" = 40'
FILE#607071.W16
JOB#607071.W16
DRAWN BY SHANE

THIS PLAT IS NOT VALID UNLESS
IT BEARS THE ORIGINAL
SIGNATURE, IN INK, OF THE
REGISTRANT ACCORDING TO THE
REGISTRANT'S SEAL.

GRAPHIC SCALE
0' 20' 40' 80'

NO.	DATE	DESCRIPTION
1.	5/21/2018	UPDATED SURVEY, REVISED BOY
REVISIONS		

SURVEY FOR:
STATE OF GEORGIA - GEORGIA
ENVIRONMENTAL FINANCE AUTHORITY &
LI MANAGEMENT COMPANY, LLC
BEING LOTS 1, 2, 3 & 4
SUBDIVISION OF MR. & MRS. T. STANLEY PERRY
LAND LOTS 98 & 112, 8TH DISTRICT,
CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA

Rochester & Associates, Inc.
425 Oak Street N.W. # Gainesville, Georgia 30501
(770) 718-0600 (770) 718-0600 Fax #
www.rochester-assoc.com



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider July 21, 2022 City Council Meeting Minutes

COUNCIL MEETING DATE: August 4, 2022

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 July 21, 2022 Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting Minutes
Thursday, July 21, 2022, 6:00 P.M.
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

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

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

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Downtown Director Renee Carden, Planning Director Rich Atkinson, Police Chief Chris Hulsey, Public Works Director Bill Whidden and City Attorney Ron Bennett.

Absent: Finance Director Matthew Hamby

INVOCATION:

Reverend Moore, Flowery Branch First Baptist Church, prayed the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

There was a motion made to approve the adoption of the agenda.

MOTION: Joe Anglin

SECOND: William McDaniel

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

NAYS: None

Motion carried

PUBLIC HEARING:

A public hearing to consider a request submitted by Shadow Stone Partners, LLC to annex and rezone a 14.27 +/- acre tract of land known as tax parcel 08100 001003A from Hall County Agricultural Residential (AR III) to Flowery Branch Planned Unit Development (PUD).

Planning Director Atkinson presented a request submitted by Shadow Stone Partners, LLC to annex and rezone a 14.27+/- acre tract of land known as tax parcel 08100 001003A from Hall County Agricultural Residential (ARIII) to Flowery Branch Planned Unit Development (PUD) with the intent to develop and construct a 49-unit age restricted townhome community located at 5692 GC Crow Road. The density is 3.43 homes per acre and forty percent designated open space. The design will be modern farmhouse.

Council Member Joseph Mezzanotte asked if the amenities area is in or out of a flood plain and Planning Director Atkinson stated that it is designed to be outside of the seventy-five-foot required buffer.

Council Member Anglin asked the length of the driveway and Planning Director Atkinson stated he would let the applicant answer this question.

Jane Range, Attorney, 200 EE Butler Parkway, Gainesville, GA 30503

Attorney Range spoke on behalf of the applicant and reiterated the presentation that Planning Director Atkinson gave. She answered Council Member Anglin's question regarding the length of the driveway which is approximately 300 feet before the first home back off the road. There is a small strip along the front of the adjacent property that was acquired so a right turn lane could be constructed if necessary. The applicant did obtain a review of traffic but not a traffic study to address traffic concerns.

In Favor: None

Opposed:

Ed Lazaj, 5612 Newberry Point Drive, Flowery Branch, GA 30542

Mayor Asbridge closed the public hearing at 6:21 p.m.

A public hearing to consider a request submitted by Edge City Properties, Inc. to rezone a 60.79 +/- acre tract of land known as 5183 Gainesville Street, tax parcel identification number 08098 001019 from Agricultural (A) to Residential Multi-Family (R3).

Planning Director Atkinson presented a request submitted by Edge City Properties, Inc. to rezone a 60.79+/- acre tract of land known as 5183 Gainesville Street, tax parcel 08098 001019 from Agricultural (A) to Residential Multi-Family (R3) with the intent to develop and construct 186 single-family detached homes and 149 townhomes.

In Favor: None

Opposed:

Jan King, 5590 Southwinds Way, Oakwood, GA 30566

Kathleen Hudgins Marizel, 5806 Lights Ferry Road, Flowery Branch, GA 30542

Mark Weber, 6114 Stella Light Drive, Flowery Branch, GA 30542

Charles King, 5590 Southwinds Way, Oakwood, GA 30566

Rebecca Tracy, 5339 Cobblestone Street, Gainesville, GA 30504

Mike Dye, Edge City Properties reiterated the presentation that Planning Director Atkinson gave. He explained this project meets the new comprehensive plan set by the City of Flowery Branch. Townhome prices start in the \$300,000 and single family detached homes starting around \$420,000.

Mayor Asbridge closed the public hearing at 6:46 p.m.

NEW BUSINESS -WORK SESSION:

Award of Contract to NFP for Benefits Consulting and Brokerage Services

City Manager Parrish presented a proposal for awarding a contract to NFP for benefits consulting and brokerage services. She explained that we issued a request for proposal and received several responses. There was an evaluation team made up of employees that graded each proposal that was turned in. The top three proposals were then asked to give our evaluation team a presentation of their services. The evaluation team recommends NFP for benefits consulting and brokerage services. NFP has a lot of experience working with public entities, and with providing benefits consulting to public entities, and have a hands-on approach. NFP is located in Marietta, Georgia.

Council Member Anglin asked how NFP is compensated, and City Manager Parrish stated that all brokerage service companies are compensated from the insurance companies.

Consideration of Approval of Change Order #3 for Mitchell Street Improvements Project

Rich Edinger of Clark Patterson Lee presented a consideration of approval of change order number three for Mitchell Street Improvements Project. He explained that his project has been delayed due to the unavailability of the Tremron block. An alternate block was found, and the contractor has moved forward even without having this change order signed. The alternative block is an additional cost of \$14,602. There are fourteen flexible PVC downspout pipes that must be extended through the proposed wall and cost an additional \$850 each, for a total of \$11,900. The total change order is \$26,502.

Council Member Mezzanotte asked if we were going to be getting any late fees from the contractor and Mr. Edinger stated that there liquidated damages at \$100 per day that started in April.

Council Member Anglin asked why the downspouts are needed now and Mr. Edinger stated that there were some wet wells installed for water quality purposes for each house. Those wet wells were installed by the builder in the sewer easement that the City obtained and when the contractor went to install the sewer, he encountered all those wet wells. In Phase II of the project, we did a water quality solution in a manhole for the entire development so the wet wells do not have to be put back, but the downspouts are going to have to be extended through the wall.

Council Member Anglin asked when water comes out from the wall, where will the water flush to and Mr. Edinger stated it will across the sidewalk and into the gutter, then into a catch basin. Where we don't have a wall, there will be a pop-up emitter.

Council Member Mundy asked about an anticipated completion schedule and Mr. Edinger stated hopefully six weeks.

Consideration of Approval of Change Order #4 for the Farmers Market Project

Rich Edinger of Clark Patterson Lee presented a consideration of approval of change order number four for the Farmers Market Project. This change order covers several issues namely, the finishes and furniture for the Farmers Market Alley, changes to the streetscape adjacent to Antebellum, and additional time request due to utility relocation.

The alley concept was not originally part of the Farmers Market Project. The former City Manager, Bill Andrew, requested that Kurt Alexander with The Residential Group, add some pizzaz to the building that TRG was designing for the City. To illustrate Mr. Andrews thinking, he had CPL design some concept sketches. Kurt Alexander had his firm build the cinder block wall but declined to implement the finishes. CPL created construction documents from the concept and Triscapes priced the work. The additional work includes archway construction, string lighting and wall light fixtures, brick finish to the cinder block wall, wood trellis, fence screening to hide underside of Depot deck, wood shutter accents for the wall, additional brick pavers, landscaping, and site furnishings.

Due to the inability to obtain an easement from the owners of Antebellum, CPL redesigned the Main Street streetscape adjacent to the restaurant. The main change is that parallel parking will remain rather than building angled parking. Triscapes priced the changes and there is a credit due the City.

The contractor found a stormwater pipe running through the proposed Farmers Market detention pond. CPL designed a junction box to connect it to an existing storm pipe and route it around the detention pond.

In addition to these items, we authorized four stop blocks for Antebellum's parking lot in a previous change order as part of the easement acquisition. Since, Antebellum did not agree to the easement, we are taking a credit for the stop blocks of \$1,000. There is also a contingency remaining in the project of \$129,142.39.

In summary, if approved, this change order will change the contract as follows:

Subtract four curb stops	(\$1,000)
Add Farmers Market Alley changes	\$414,732
Add an allowance for speakers and security cameras	\$12,000
Take credit for changes adjacent to Antebellum	(\$67,710.53)
Add changes to address 15" RCP Pipe	\$7,650
Take remaining Contingency Credit	(\$129,142.39)
 Total for Change Order Four	 \$236,529.08

Council Member McClellan asked if the below slide was an accurate rendering of the width of the arch and Mr. Edinger stated that it is an accurate rendering, and the width is accurate.



Council Member Mezzanotte asked about the breakdown of the \$414,732 for the change order, the tables and chairs cost \$156,000 for fifty chairs and fourteen tables. Mr. Edinger stated this is commercial grade teak furniture and is a current quote.

Council Member Anglin stated he would like to see the cost come closer to budget and his thought is the furniture will have to wait and be cut from the change order.

Council Member Mezzanotte thinks we take the tables and chairs from the change order and table the furniture for a later date.

Council Member Mundy agrees with Council Member Anglin and Council Member Mezzanotte with removing the furniture from the change order.

Council Member Anglin asked about the SPLOST VII budget and City Manager Parrish stated she would get an answer for Council Member Anglin.

Consider a Development Agreement with Makita USA, Inc. for Improvements to the City's Sewer System

City Manager Parrish presented a consideration of development agreement with Makita, USA, Inc. for improvements to the City's sewer system. Makita is requesting permission to connect their new private force main into the City's force main on Falcon Parkway. This is the least desirable option due to potential City liability should check valves fail on the new private force main. Should the City procure easements or permits to provide for connection to City gravity sewer, Makita will construct the gravity line connection at their costs, capped at \$410,575, and abandon the private force main connection.

Council Member Anglin asked if the \$410,575 has a sunset on it and City Manager Parrish stated she did not believe it did and the compromise was to cap the amount of the contribution.

Mayor Asbridge stated he is worried about the \$410,575 cap because in five years it could cost substantially more, and City Manager Parrish replied that our hope is to find the gravity line so that future maintenance on the line down from where one force main joins the other force main, it will not be an issue.

There was a detailed discussion regarding the negatives of force main to force main versus getting an easement and going straight down. City Attorney stated that Makita holds the City harmless for damages resulting from failure to their check valves. Makita USA pursued options for connecting new sewer service to the City's system but could not get easements from the School Board and the County. City Manager Parrish stated she feels that Makita has exhausted all their other options.

Consider Master Services Agreement with ESG Engineering, Inc.

City Manager Parrish presented a master services agreement with ESG Engineering, Inc. This contract with ESG Engineering, Inc. is for water, sewer, stormwater, and other engineering services. The master services agreement sets the parameters of the contract with ESG Engineering.

Consider Approval of Task Order for Professional Services for ESG Engineering, Inc.

City Manager Parrish presented a task order for professional services for ESG Engineering, Inc. which sets a funding amount for professional services to be used as the City needs. The funding amount requested is fifty-thousand dollars and is already included in the operating budget.

Council Member McClellan clarified that the master service agreement outlines the hourly rate, and the task order caps the cost at fifty thousand dollars and City Manager Parrish stated that is correct.

Approval of Change Order for Martin Elementary School Wastewater Line Rehabilitation Project to the Dickerson Group, Inc

Public Works Director Bill Whidden presented a change order for Martin Elementary School wastewater line rehabilitation project to the Dickerson Group, Inc. The construction is almost done with just a small amount of grading remaining. The contractor, The Dickerson Group, Inc. sent the change order and it is for \$143,163. This is higher than the original “not to exceed” amounts because there were two manholes planned at 10ft deep and they are actually 19-20ft deep. This change order is \$6,140.50 more than previously authorized by Council on June 16, 2022. Funding for the project is available in SPLOST VII.

First Amendment to the Development Agreement with Flowery Branch Apartments Owner, LLC for Improvements to the City's Sewer System.

City Manager Parrish presented a first amendment to the development agreement with Flowery Branch Apartments Owner, LLC for improvements to the City’s sewer system, allowing them to access the sewer system, and provide for future improvements to the sewer system. Flowery Branch Apartments Owner, LLC (Woodfield) entered into a development agreement in March 2022 authorizing its conditional connection of its apartment complex development on Hog Mountain Road to the City’s sewer system via C.W. Davis pump station. After capacity concerns arose over the C.W. Davis pump station and its ability to handle new flows, the City’s consulting engineer completed a sewer evaluation concerning Woodfield’s proposed connection and determined that raising two manholes adjacent to the existing lift station would provide the necessary hydraulic capacity needed to accommodate flows from the new apartments. An amendment to the development agreement memorializes that the manholes will be raised by Woodfield under the direction of the City engineer and other City staff to provide improvement and the needed capacity.

Mayor Asbridge asked if this work will be done before school starts and Mr. Kassin stated that they have ordered the material, but it is a few weeks out.

Consider Approving the Folksong Escrow Agreement

City Attorney Bennett presented a discussion approving the escrow agreement for Folksong (previously Woodfield) governing the \$150,000 escrowed funds for future improvements to the wastewater system. Woodfield has completed all of its obligatory processes required by the City of Flowery Branch concerning the apartment complex. Part of that process was to deposit \$150,000 into an escrow account. Woodfield’s buyer, Folksong’s title company requires this executed document as a part of the sale and escrowed funds.

Consider Approving an Estoppel Agreement in connection with the sale of the Woodfield Apartment Complex Development

City Attorney Bennett presented an estoppel agreement in connection with the sale of the Woodfield apartment complex development. Woodfield has notified the City that it intends to sell its apartment complex development to Starlight Investments Acquisition, LLC (“Folksong”).

As part of its due diligence, Folksong is requesting the City agree that Woodfield has to date complied with conservation and trail easement rezoning condition and certain terms of the sewer development agreement by approving and signing the attached Estoppel Agreement. An estoppel agreement such as this is common in real estate transactions. Its purpose is for a third party (City) to confirm to the buyer (Folksong) that the seller's representations (Woodfield) are true. The rezoning condition has been met as shown by the attached recorded Uniform Deed of Conservation and Trail Easement.

Lease Commission Agreement with Century 21 Connect Realty

El Sabor Costeno used Century 21 Connect Realty as their broker to find a spot for their restaurant. The listing agreement with Oakhurst Realty noted that the City of Flowery Branch would be responsible for paying the broker's tenant a commission in the amount of \$5,193.36. Half of that amount is payable now and the remaining half is due upon the rent commencement or the tenant opening for business.

Award Construction of 250,000 Gallon Elevated Water Tank to Phoenix Fabricators & Erectors

City Manager Parrish presented a discussion to award construction of a 250,000-gallon elevated water tank to Phoenix Fabricators and Erectors. The City issued a solicitation for the bid and received two bids on the tank and the lowest quote was for \$2,479,571 and the other bid for approximately \$500 higher.

Mayor Asbridge asked how long it would take to build the water tank and Mr. Bob Troxler replied about one year with the biggest issue being the steel delivery.

DEPARTMENT REPORTS:

Downtown/Events Report:

Downtown Director Carden advised that the Farmers Market will be on the City Hall lawn until the Farmers Market Pavilion is completed. She reminded the citizens of the Back-to-School Block Party.

ADJOURNMENT WORK SESSION:

Mayor Asbridge closed the work session at 7:34 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 7:34 p.m.

PUBLIC COMMENTS:

Charles Mull, 5918 Mitchell Street, Flowery Branch, GA 30542

Mr. Mull wanted to discuss the explosive growth in the City and the Flowery Branch Comprehensive Plan.

Mark Weber, 6114 Stella Light Drive, Flowery Branch, GA 30542

Mr. Weber wanted to discuss density in the City and effects on infrastructure.

Rebecca Tracy, 5234 Gainesville Drive, Flowery Branch, GA 30542

Ms. Tracy is concerned about the land in the City and would like to see houses instead of townhomes.

CONSENT AGENDA:

- Consider June 16, 2022 Special Called Meeting Minutes
- Consider June 16, 2022 City Council Meeting Minutes
- Consider June 23, 2022 Special Called City Council Meeting Minutes

There was a motion made to approve the consent agenda.

MOTION: Chris Mundy

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Consider First Read of Ordinance 667 - A request submitted by Milstead Homes, LLC. to Rezone a .36 +/- tract of land known as 5224 Chattahoochee Street from R-1 (Detached Single-Family, Low Density) to Flowery Branch R-3 (Residential Multi-Family)

City Attorney Bennett read the caption to Ordinance 667.

There was a motion made to approve the first reading of Ordinance 667.

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

Council Member Anglin stated that this property is a good example of reducing the density. This project started as 4 attached units but has been changed to two detached units. The applicant has submitted some good house plans that fit the code. This is a great example of controlling the density. Council Member Mundy agreed with Council Member Anglin.

Consider First Read of Ordinances 665 and 666 - Requests from Chattahoochee Construction Managers, LLC/MQ Development, LLC to Rezone two tracts of land from Residential, Detached Single-Family, Moderate-Density District (R-2) to Residential Multi-Family District (R-3). Tract one is a 3.52+/- acre tract of land identified as 5674 Mulberry Street, tax parcel number 08116 000023, tract two is a 4.7+/- acre tract of land identified as 5740 Mulberry Street, tax parcel number 08116 000022.

City Attorney Bennett read the caption for Ordinance 665 for address 5674 Mulberry Street.

There was a motion made to approve the first reading of Ordinance 665.

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

Council Member Anglin asked the applicant if they were still on board for a contribution from the developer to help with traffic from Mulberry Street getting onto Phil Niekro Boulevard and the representative of the applicant stated he was unsure as he was not involved in the beginning discussions of this project.

Council Member Mezzanotte stated that we need to keep our townhome ratio up to date and that we need to keep in line with that ratio.

Council Member Anglin asked for Ordinance 665 be on the next meeting Work Session.

City Attorney Bennett read the caption for Ordinance 666 for address 5740 Mulberry Street.

There was a motion made to approve the first reading of Ordinance 666.

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

Award of Contract to NFP for Benefits Consulting and Brokerage Services

There was a motion made to execute the annual contract for benefits consulting and brokerage services with four 1-year extension options to NFP.

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

Consideration of Approval of Change Order #3 for Mitchell Street Improvements Project

There was a motion made to approve Change Order Number 3 not to exceed \$26,502 for Mitchell Street Improvements Project.

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

Consideration of Approval of Change Order #4 for the Farmers Market Project

There was a motion made to approve Change Order Number 4 removing the two items for tables and chair for the Farmers Market Project.

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

Consider a Development Agreement with Makita USA, Inc. for Improvements to the City's Sewer System

There was a motion made to approve the development agreement with Makita, USA, Inc. for improvements to the City's sewer system.

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

Council Member Mezzanotte asked if at some point the gravity feed is available and the price has gone up to \$800,000 instead of \$400,000, are we forced to make that change and City Manager stated we are not forced to make the change.

Consider Master Services Agreement with ESG Engineering, Inc.

There was a motion made to approve the master services agreement with ESG Engineering, Inc.

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

Consider Approval of Task Order for Professional Services for ESG Engineering, Inc.

There was a motion made to approve the task order with ESG Engineering, Inc. for an amount not to exceed \$50,000.

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

Approval of Change Order for Martin Elementary School Wastewater Line Rehabilitation Project to the Dickerson Group, Inc.

There was a motion made to approve the change order for the Dickerson Group, Inc. for the Martin Elementary School wastewater line rehabilitation in the amount of \$143,163 to be provided by SPLOST VII.

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

First Amendment to the Development Agreement with Flowery Branch Apartments Owner, LLC for Improvements to the City's Sewer System.

There was a motion made to approve the amendment to the development agreement with Flowery Branch Apartments, LLC. for improvements to the City's sewer system.

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

Consider Approving the Folksong Escrow Agreement

There was a motion made to approve the Folksong Escrow Agreement.

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

Consider Approving an Estoppel Agreement in connection with the sale of the Woodfield Apartment Complex Development.

There was a motion made to approve the Estoppel Agreement regarding Woodfield Apartment complex sale as presented.

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

Council Member Mezzanotte asked if this means Folksong will have all the Woodfield commitments with the sewer. City Attorney asked Mr. Kassin to clarify, and Mr. Kassin stated

that he is selling the property to Folksong and when he went through the zoning process, he made it clear that he builds, leases, and sells his communities. He was approached early in the process to sell to Folksong earlier than usual, but he will continue to oversee that the work is completed. Flowery Branch Apartment Owners, LLC is still the project manager for this property and there are guarantees under this document to complete the work.

Lease Commission Agreement with Century 21 Connect Realty

There was a motion made that the City execute the lease commission agreement with Century 21 Connect Realty.

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

Award Construction of 250,000 Gallon Elevated Water Tank to Phoenix Fabricators & Erectors

There was a motion made that the City award and approve the contract to Phoenix Fabricators and Erectors for the construction of the 250,000-gallon elevated water tank project for an amount not to exceed \$2,479,571; and authorize the Mayor to sign the contract subject to the City Attorney's approval.

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

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to the acquisition/disposition of real estate at 8:11 p.m.

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

There was a motion made to exit executive session at 8:36 p.m.

MOTION: Joe Anglin

SECOND: William McDaniel

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

NAYS: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 8:36 p.m.

MOTION: Joe Anglin

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

Ed Asbridge, Mayor

Date

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Mayor Asbridge Per Diem for June 2022 and July 2022

COUNCIL MEETING DATE: August 4, 2022

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

- [Mayor Per Diem June & July 2022.pdf](#)



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

Name: Ed Asbridge Month/Year: June/July 2022

Meeting Date	Description of Meeting
June 23, 2022	Chamber of Commerce Meeting at the Civic Center
July 27, 2022	Chamber of Commerce Issues Committee

My signature certifies that I am eligible to be paid for 2 meeting dates, maximum of 5 per month, in accordance with the Per Diem Pay as described in Ordinance Number 477. Total of **\$100.00** (\$50.00 per meeting).

Signature



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consideration of Flowery Branch Police Department K9 Program

COUNCIL MEETING DATE: August 4, 2022

HISTORY:

Flowery Branch Police Department adopted a K9 Program in 2008. This K9 Program stayed active for about 4 years and before going dormant due to not having a K9 handler.

FACTS AND ISSUES:

A police K9 has the ability to significantly and uniquely impact the community. Police K9s can contribute to numerous operations, from drug enforcement to search and rescue to apprehending fleeing subjects. These animals are also ambassadors of the department, and can appear at public gatherings and special events to provide protection while also positively influencing community relations.

The unique and keen sense of smell that a K9 possesses allows for detection of drug odors that the human senses could never readily recognize. Dogs have up to 300 million olfactory receptors in their noses as compared to about 6 million in the human nose. The part of a dog's brain that is dedicated to analyzing odors is about forty times greater than a humans. These factors make it easy for a K9 to readily detect specific drugs and positively alert their handlers to that drug's location. A K9s ability to recognize drug odors is so scientifically respected that the United States Supreme Court recognizes a positive K9 alert on a vehicle as probable cause to search that vehicle.

A K9s sense of smell is multifunctional and serves a myriad of missions. The ability of a dog to locate and follow human scent is a prime example of that. K9s are regularly utilized to locate dangerous subjects who have fled from police presence. K9s also significantly increase the chances of locating a critically missing person. Critically missing persons are typically small children and at-risk adults. A dog's ability to quickly obtain a scent trail and follow that trail substantially lowers the amount of time, effort, and resources needed to locate a critically missing subject. This time saved is sometimes the difference between an at-risk person being recovered successfully or being recovered after sustaining serious or life-threatening injury.

K9s are often revered and adored by the public and create a feeling of comfort and a sense of security. Children and adults alike appreciate K9 companions and love to interact with them. Police K9s, although highly trained and skilled work companions, are also playful and comfortable around the community. Not only do they enjoy being petted and played with, their success in drug detection and rescue and recovery creates "feel good" stories that positively affect the community.

OPTIONS:

Through the partnership with various K9 organizations and foundations it has been established that the initial start up cost will be approximately \$20,000.00. By making this initial investment we will solidify the relationship with these entities, which will in turn likely fund the future operational cost of this program.

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

No

AMOUNT AND SOURCE OF FUNDS:

\$20,000 - requesting approval from the General Fund

RECOMMENDATION:

Consider approving \$20,000.00 to start up the existing K9 Program that has been dormant for over 10 years.

SAMPLE MOTION:

I make a motion to allocate \$20,000.00 from the General Fund to the K9 Program.

COLLABORATING DEPARTMENT:

DEPARTMENT: Police

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - 2022 K9 Program.pdf](#)
- [2022 K9 Program Cost sheet.pdf](#)

**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: FLOWERY BRANCH POLICE DEPARTMENT K9 PROGRAM

DATE:	JULY 21, 2022	(x) RECOMMENDATION
		() POLICY DISCUSSION
BUDGET INFORMATION:		() STATUS REPORT
ANNUAL- \$0		() OTHER
CAPITAL- NOT TO EXCEED \$20,000		

COUNCIL ACTION REQUESTED ON: JULY 21, 2022

PURPOSE: Consider approving \$ 20,000.00 to start up the existing K9 Program that has been dormant for over 10 years.

HISTORY: Flowery Branch Police Department adopted a K9 Program in 2008. This K9 Program stayed active for about 4 years and before going dormant due to not having a K9 handler.

FACTS AND ISSUES: A police K-9 has the ability to significantly and uniquely impact the community. Police K-9s can contribute to numerous operations, from drug enforcement to search and rescue to apprehending fleeing subjects. These animals are also ambassadors of the department, and can appear at public gatherings and special events to provide protection while also positively influencing community relations.

The unique and keen sense of smell that a K-9 possesses allows for detection of drug odors that the human senses could never readily recognize. Dogs have up to 300 million olfactory receptors in their noses as compared to about 6 million in the human nose. The part of a dog's brain that is dedicated to analyzing odors is about forty times greater than a humans. These factors make it easy for a K-9 to readily detect specific drugs and positively alert their handlers to that drug's location. A K-9's ability to recognize drug odors is so scientifically respected that the United States Supreme Court recognizes a positive K-9 alert on a vehicle as probable cause to search that vehicle.

A K-9's sense of smell is multifunctional and serves a myriad of missions. The ability of a dog to locate and follow human scent is a prime example of that. K-9s are regularly utilized to locate dangerous subjects who have fled from police presence. K-9s also significantly increase the chances of locating a critically missing person. Critically missing persons are typically small children and at-risk adults. A dog's ability to quickly obtain a scent trail and follow that trail substantially lowers the amount of time, effort, and resources needed to locate a critically

missing subject. This time saved is sometimes the difference between an at-risk person being recovered successfully or being recovered after sustaining serious or life-threatening injury. K-9s are often revered and adored by the public and create a feeling of comfort and a sense of security. Children and adults alike appreciate K-9 companions and love to interact with them. Police K-9s, although highly trained and skilled work companions, are also playful and comfortable around the community. Not only do they enjoy being petted and played with, their success in drug detection and rescue and recovery creates “feel good” stories that positively affect the community.

OPTION(S): Through the partnership with various K9 organizations and foundations it has been established that the initial start up cost will be approximately \$20,000.00. By making this initial investment we will solidify the relationship with these entities, which will in turn likely fund the future operational cost of this program.

RECOMMENDED SAMPLE MOTION: I make a motion to allocate \$20,000.00 from the General Fund to the K9 Program.

ATTACHMENTS: Cost Sheet

DEPARTMENT: Flowery Branch Police Department

Prepared by: Chief Christopher Hulsey

FLOWERY BRANCH POLICE DEPARTMENT K-9 UNIT BUDGET

<u>ITEM DESCRIPTION</u>	<u>COST</u>	<u>TOTAL</u>
K9 UNIT VEHICLE EQUIPMENT AND MODIFICATIONS		
K9 UNIT CAGE (2/3 KENNEL, 1/3 TRANSPORT)	2,895	
NON-SPILL ALUMINIUM WATER BOWL	121	
ACE K9 HEAT ALARM	899	
ACE K9 FAN SYSTEM	248	
ACE K9 FAN GUARD	108	
VEHICLE GRAPHICS (CAUTION K9)	65	
ACE K9 VEHICLE / K9 MONITORING SYSTEM	899	
INSTALLATION COSTS	1200	
FREIGHT COSTS	150	
SHOP SUPPLIES	125	
		6,710
K9 HANDLERS HOME KENNEL (PURCHASE AT TRACTOR SUPPLY)		
10 X 10 HEAVY DUTY KENNEL	999	
10 X 10 HEAVY DUTY KENNEL COVER	189	
XL HEAVY DUTY DOG HOUSE	199	
STAINLESS STEEL FOOD AND WATER BOWLS	30	
HEAVY DUTY WATER BUCKET (3.5 GALLON)	18	
ELEVATED DOG BED	50	
DOG HOUSE CEDAR SHAVINGS	10	
10. 2 X 10. 2 CONCRETE PAD SUPPLIES		
CONCRETE (80 LB BAGS X 58)	269.7	
2 X 4'S FOR FRAMING	39.92	
		1,804.62
K9 HANDLERS P.D. KENNEL (PURCHASE AT TRACTOR SUPPLY)		
10 X 10 HEAVY DUTY KENNEL	999	
10 X 10 HEAVY DUTY KENNEL COVER	189	
XL HEAVY DUTY DOG HOUSE	199	
STAINLESS STEEL FOOD AND WATER BOWLS	30	

HEAVY DUTY WATER BUCKET (3.5 GALLON)	18	
ELEVATED DOG BED	50	
DOG HOUSE CEDAR SHAVINGS	10	
10. 2 X 10. 2 CONCRETE PAD SUPPLIES		
CONCRETE (80 LB BAGS X 58)	269.7	
2 X 4'S FOR FRAMING	39.92	
		1,804.62
K9 VETERINARIAN EXAMS / MEDICATIONS (MURRAYVILLE VET)		
ANNUAL EXAM / LABS	250	
MICROCHIP (HALL COUNTY ANIMAL SHELTER)	25	
RABIES VACCINATION (HALL COUNTY ANIMAL SHELTER)	10	
FLEA AND TICK MEDICATION (ONLINE @ CHEWEY OR LOCAL PETSMART)(6 MONTHS)	75	
HEARTWORMS MEDICATION (ONLINE @ CHEWEY OR LOCAL PETSMART)(6 MONTHS)	68	
	YEARLY	571
HANDLER / K9 EQUIPMENT		
DOG FOOD - PURINA PRO PLAN (33LBS)(3-5 WEEKS)	66	
FIGPS COLLAR + APP SUBSCRIPTION (YEARLY APP \$100)	250	
PACKTRACK RMS APP (YEARLY SUBSCRIPTION)	140	
TACTIPUP COLLAR AND LEASH	123	
TEAM K9 TRACKING HARNESS	60	
30FT TRACKING LEASH	45	
CHOKE CHAIN	25	
GROOMING BRUSH	15	
GROOMING COMB	15	
SHEDDING BLADE	35	
KENNEL LOCKS	33	
KONG TOY	20	
TENNIS BALLS	20	
WIRE CRATE	100	
ABOVE LIST MAY CHANGE OR BE ALTERED AT ANYTIME OR AS NEEDED		881

K9 VENDOR			
SOUTHERN COAST K9 (FLORIDA)			
TRACKING, NARCOTICS, EVIDENCE AND ARTICLE RECOVERY			
FLOPPY EARED K9 (LAB, RETRIEVER, GSP)	10,500		
POINTED EARED K9 (GERMAN SHEPPARD, DUTCH SHEPPARD, MALINOIS)	10,000		
		10,500	
	TOTAL COSTS		22,271.24

* 4 WEEK K9 / HANDLER SCHOOL TO BE WITHDRAWN FROM TRAINING BUDGET (\$3200) *

* LODGING, MEALS AND FUEL TO BE WITHDRAWN FROM APPROPRIATE BUDGETS *



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider approving Resolution 22-013 to purchase real property and wells at 4755 Atlanta Highway (Lots 1-4), Flowery Branch, Georgia.

COUNCIL MEETING DATE: August 4, 2022

HISTORY:

HISTORY: Sixteen to seventeen years ago, the owner of the wellsite property, Kent Henderson, granted a right of entry to the city to conduct tests in an effort to locate water. Mr. Henderson and a previous city manager verbally agreed that (1) if the city found no water, it would pay Mr. Henderson \$15,000 and return the property back to its original condition; and (2) if the city found a suitable water source, the city would purchase the property for \$150,000.

Based on the right of entry and verbal agreement and per direction from the then city manager, city staff and its consultant began testing and soon found water. The resulting test well, produced 250-300 gallons per minute. As staff were running a 72-hour test of the potential wellsite, Mr. Henderson came onto the property and told them to leave his property. They explained that there was a right of entry and option contract, and he explained that there was no option contract and that he had only given consent to do a test well.

Mr. Henderson then offered to sell the wellsite to the city for \$1 million and a percentage of each gallon of water pumped from that well paid to him and then into perpetuity to his heirs. The city attempted to negotiate with Mr. Henderson to acquire the property to no avail, and was not inclined to exercise the power of eminent domain to acquire the property involuntarily.

When it became clear Mr. Henderson could not successfully sell the wellsite property to the city, he unsuccessfully approached several jurisdictions and businesses in an effort to sell the property. The property with the test well then sat untouched for several years until the owner of Lake Lanier Islands (“LLI”) showed interest to acquiring the property to use as a water supply to the resort – as an alternate to water supplied by Gainesville. LLI eventually would buy the property funded by a State grant of \$4 million created to expand water service to underserved areas of Georgia.

Although LLI dug another successful test well, the constraint of conveying the water from Atlanta Highway to the resort proved impractical. And in a subsequent transaction, the wellsite with the test wells were conveyed back to the State.

FACTS AND ISSUES:

FACTS AND ISSUES: The State issued a request for interest from potential purchasers of the wellsite property. The city responded to the State’s request and then was granted permission by the State to perform due diligence to determine whether the wellsite’s are suitable as a municipal water source. City staff and consultants have performed such testing and have confirmed that the wellsite’s remain so suitable. Moreover, the city has obtained approval from the EPD to use these wells for use as a municipal water supply.

The city currently operates three wells. One well inadequately produces water at a rate of 16,000 gallons per day (gpd). The other two wells produce approximately 131,000 and 175,000 gpd. In the near future, the city will need

450,000 - 500,000 gpd to serve its expected water utility customers. When purchased, these two wells will accomplish that future need. By using four to five of these wells regularly, a maximum of 500,000 gpd could easily be available for the citizens to use without compromising the source or having to buy additional water from another entity. The City of Flowery Branch is currently permitted to draw 750,000 gpd of water from the aquifer.

OPTIONS:

- 1) Authorize the resolution expressing the city's intent to to purchase the real property, wells and water rights for \$445,000.
- 2) Authorize the resolution and offer a different price for the purchase of real property, wells and water rights.
- 3) Do not authorize the resolution deciding not to pursue the purchase the property, wells and water rights.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$445,000 - GEFA loan

RECOMMENDATION:

Resolution 22-013 offering to purchase real property at 4755 Atlanta Highway (Lots 1-4), wells, and water rights for \$445,000 with funding to be provided by a GEFA loan.

SAMPLE MOTION:

I move to approve Resolution 22-013 offering to purchase real property at 4755 Atlanta Highway (Lots 1-4), wells, and water rights for \$445,000 with funding to be provided by a GEFA loan.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - purchase of real property 4755 \(Lots 1-4\) Atlanta Hwy with wells ERB Rev TP ERB Final.pdf](#)
- [Resolution 22-013 Intent to Purchase Real Property and wells Atlanta Highway.pdf](#)

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider approving Resolution 22-013 to purchase real property and wells at 4755 Atlanta Highway (Lots 1-4), Flowery Branch, Georgia.

DATE: August 4, 2022

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL-

☐ **OTHER**

CAPITAL-\$445,000 (GEFA loan)

COUNCIL ACTION REQUESTED ON: August 4, 2022

PURPOSE: The purpose of this agenda item is to request approval of Resolution 22-013 to purchase real property and wells at 4755 Atlanta Highway (Lots 1-4), Flowery Branch, Georgia, to supply water for the city's water system.

HISTORY: Sixteen to seventeen years ago, the owner of the wellsite property, Kent Henderson, granted a right of entry to the city to conduct tests in an effort to locate water. Mr. Henderson and a previous city manager verbally agreed that (1) if the city found no water, it would pay Mr. Henderson \$15,000 and return the property back to its original condition; and (2) if the city found a suitable water source, the city would purchase the property for \$150,000.

Based on the right of entry and verbal agreement and per direction from the then city manager, city staff and its consultant began testing and soon found water. The resulting test well, produced 250-300 gallons per minute. As staff were running a 72-hour test of the potential wellsite, Mr. Henderson came onto the property and told them to leave his property. They explained that there was a right of entry and option contract, and he explained that there was no option contract and that he had only given consent to do a test well.

Mr. Henderson then offered to sell the wellsite to the city for \$1 million and a percentage of each gallon of water pumped from that well paid to him and then into perpetuity to his heirs. The city attempted to negotiate with Mr. Henderson to acquire the property to no avail, and was not inclined to exercise the power of eminent domain to acquire the property involuntarily.

When it became clear Mr. Henderson could not successfully sell the wellsite property to the city, he unsuccessfully approached several jurisdictions and businesses in an effort to sell the property. The property with the test well then sat untouched for several years until the owner of Lake Lanier Islands ("LLI") showed interest to acquiring the property to use as a water supply to the resort – as an alternate to water supplied by Gainesville. LLI eventually would buy the property funded by a State grant of \$4 million created to expand water service to underserved

areas of Georgia.

Although LLI dug another successful test well, the constraint of conveying the water from Atlanta Highway to the resort proved impractical. And in a subsequent transaction, the wellsite with the test wells were conveyed back to the State.

FACTS AND ISSUES: The State issued a request for interest from potential purchasers of the wellsite property. The city responded to the State's request and then was granted permission by the State to perform due diligence to determine whether the wellsites are suitable as a municipal water source. City staff and consultants have performed such testing and have confirmed that the wellsites remain so suitable. Moreover, the city has obtained approval from the EPD to use these wells for use as a municipal water supply.

The city currently operates three wells. One well inadequately produces water at a rate of 16,000 gallons per day (gpd). The other two wells produce approximately 131,000 and 175,000 gpd. In the near future, the city will need 450,000 - 500,000 gpd to serve its expected water utility customers. When purchased, these two wells will accomplish that future need. By using four to five of these wells regularly, a maximum of 500,000 gpd could easily be available for the citizens to use without compromising the source or having to buy additional water from another entity. The City of Flowery Branch is currently permitted to draw 750,000 gpd of water from the aquifer.

FUNDING: The funding for this item is from the GEFA loan the City of Flowery Branch currently has for water projects.

OPTIONS: 1) Authorize the resolution expressing the city's intent to to purchase the real property, wells and water rights for \$445,000.
2) Authorize the resolution and offer a different price for the purchase of real property, wells and water rights.
3) Do not authorize the resolution deciding not to pursue the purchase the property, wells and water rights.

RECOMMENDED SAMPLE MOTION: I move to approve Resolution 22-013 offering to purchase real property at 4755 Atlanta Highway (Lots 1-4), wells, and water rights for \$445,000 with funding to be provided by a GEFA loan.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

RESOLUTION NO. 22-013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH, GEORGIA
TO EXPRESS ITS INTENT TO ACQUIRE CERTAIN PROPERTY FROM THE STATE OF GEORGIA FOR
CONSIDERATION OF \$445,000 FOR THE PURPOSE OF SECURING A WATER SUPPLY
FOR THE CITY'S MUNICIPAL WATER SYSTEM.**

WHEREAS, the State of Georgia (the "State") is the record owner of properties located in Flowery Branch, Hall County, Georgia: 0.67 ± acres known as 4755 Atlanta Highway (Parcel ID 08098 001001), 0.39 ± acres known as 4745 Atlanta Highway (Parcel ID 08098 001002), 0.39 ± acres known as 4741 Atlanta Highway (Parcel ID 08098 001003), and 0.39 ± acres known as 4735 Atlanta Highway (Parcel ID 08098 001004) (collectively referred to herein as the "Property"); and

WHEREAS, several test well sites have been developed on the Property; and

WHEREAS, the City of Flowery Branch (the "City") operates a utility which provides municipal water service to its customers; and

WHEREAS, the City has determined that it requires additional water supply to adequately provide said water service to its customers; and

WHEREAS, the State of Georgia (the "State") issued a request for interest from potential buyers of the Property; and

WHEREAS, the City expressed its interest in purchasing the Property to the State to utilize the well sites to secure additional water supply via groundwater captured in underground aquifers accessed below the surface of the Property; and

WHEREAS, with permission from the State, the City has exercised sufficient due diligence by testing the well sites to determine whether the Property and its well sites are suitable as a water source; and

WHEREAS, the City has determined that the Property and the groundwater contained thereunder is suitable as a water supply for the City's municipal water system; and

WHEREAS, the City desires to acquire the Property from the State to develop it in order to make use of it as a source of water supply for the City's municipal water system.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Flowery Branch, Georgia that it intends to acquire any and all rights of ownership of the Property in fee simple including but not limited to all improvements and equipment thereon, and any and all rights to access, withdraw, and utilize the water found thereon or thereunder as may be necessary to supply water to the City's municipal water service system for consideration in the amount of Four Hundred Forty-Five Thousand and No/100 Dollars (\$445,000).

SO RESOLVED, this _____ day of August, 2022.

Edward R. Asbridge, Mayor

ATTEST:

Shelia Cooper, City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney

SECTION A – SELLER'S INFORMATION (Do not use agent's information)				SECTION C – TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME LLI Management Company, LLC				Exempt Code If no exempt code enter NONE	Govt/NonProfit Public Corp
MAILING ADDRESS (STREET & NUMBER) 7000 Lanier Islands Parkway				1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY buford, GA 30518 USA		DATE OF SALE 8/30/2018		1A. Estimated fair market value of Real and Personal property	\$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only	\$0.00
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME State of Georgia				3. Amount of liens and encumbrances not removed by transfer	\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 60 Executive Park South, NE				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Atlanta, GA 30329 USA		Check Buyers Intended Use () Residential () Commercial () Agricultural () Industrial		5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	\$0.00
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A)		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION			SUITE NUMBER
COUNTY HALL		CITY (IF APPLICABLE) Flowery Branch		MAP & PARCEL NUMBER 08098 001 001-004	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT	ACRES 2.144	LAND LOT	SUB LOT & BLOCK
SECTION E – RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK 8145	DEED PAGE 334	PLAT BOOK	PLAT PAGE	

ADDITIONAL BUYERS

None

FILED & RECORDED
DATE: 9/4/2018
TIME: 12:45PM
DEED BOOK: 8145
PAGES: 334-337
FILING FEES: \$16.00
PT61: 0692018006556
TRANSFER TAX: \$.00
Recorded By: MT
Charles Baker, C.S.C.
Hall County, GA

After recording return to:

→ Kip Shepherd
Attorney at Law
3651 Mars Hill Road
Suite 350B
Watkinsville, GA 30677

In Re: Law Department File No.: 1168434; 8300-MB-02RCA
2.144 Acres Governor's Water Supply Program

STATE OF GEORGIA

COUNTY OF HALL

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED, hereinafter referred to as "Deed", is made this 30th day of August, 2018, by and between, LLI Management Company, LLC, whose address is 7000 Lanier Islands Parkway, Buford, GA 30518, Party of the First Part, hereinafter referred to as "Grantor" and STATE OF GEORGIA, whose address for the purposes of this Deed is 60 Executive Park South, NE, Atlanta, GA 30329, Party of the Second Part, hereinafter referred to as "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

Grantor, for and in consideration of the sum of **SIX HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$617,500.00)**, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has bargained, sold, granted, aliened, conveyed and confirmed, and by the presents does hereby bargain, sell, grant, alien, convey and confirm unto Grantee, all that tract or parcel of land hereinafter referred to as the "Property", containing 2.144 acres of land, situate, lying and being in Land Lots 98 and 112, 8th District, City of Flowery Branch, Hall County, Georgia, and being more particularly described in the legal description marked **EXHIBIT "A"** which is attached hereto, incorporated herein and by this reference made a part hereof,

TO HAVE AND TO HOLD the Property, with all 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**.

AND Grantor will warrant and forever defend the right and title to the Property unto Grantee against the claims of all persons whomsoever.

Grantor hereby transfers all water rights and permits to the State of Georgia.

Grantor hereby transfers all mineral rights in and to said property to the Grantee.

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed, on the day, month and year first above written

[Signature on Following Page]

LLI MANAGEMENT COMPANY, LLC

By:

Virginia Williams

Title: Chief Executive Officer

See Resolution of LLI Management
Company, LLC recorded in Deed
Book 7228, page 215.

Signed, sealed and delivered as to Grantor,
in our presence:

B. L. Telf
Unofficial Witness

K. Shepherd
Official Witness, Notary Public

My Commission Expires

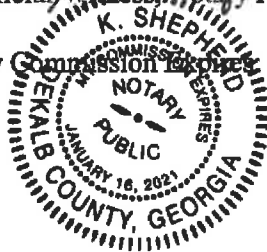


EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND BEING LOTS 1, 2, 3, & 4 OF MR. & MRS. T. STANLEY PERRY SUBDIVISION, LYING IN LAND LOTS 98, & 112, 8TH DISTRICT, CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" OPEN TOP PIPE) ON THE SOUTH RIGHT OF WAY OF RAILROAD AVENUE (APPARENT 40' RIGHT OF WAY) LOCATED SOUTH 25°45'39" EAST 93.54 FEET FROM THE CENTERLINE INTERSECTION OF RAILROAD AVENUE WITH STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY; THENCE ALONG THE SOUTH RIGHT OF WAY OF RAILROAD AVENUE NORTH 34°56'43" EAST, 203.25 FEET TO THE SOUTH RIGHT OF WAY OF STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY (APPARENT 100' RIGHT OF WAY); THENCE ALONG THE SOUTH RIGHT OF WAY OF STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY 300.53 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CHORD OF NORTH 40°11'18" EAST 300.33 FEET AND A RADIUS OF 2342.95 FEET TO AN IRON PIN SET (1/2" REBAR WITH A YELLOW CAP STAMPED "ROCHESTER, LSF#000484"); THENCE LEAVING THE SOUTH RIGHT OF WAY OF STATE ROUTE #13, ALSO KNOWN AS ATLANTA HIGHWAY, AND ALONG THE PROPERTY NOW OR FORMERLY OF WATER STONE CROSSING COMMUNITY ASSOCIATION, INC. THE FOLLOWING COURSES AND DISTANCES SOUTH 41°54'55" EAST, 157.24 FEET TO AN IRON PIN SET (1/2" REBAR WITH A YELLOW CAP STAMPED "ROCHESTER, LSF#000484"); THENCE SOUTH 28°39'59" WEST, 456.57 FEET TO AN IRON PIN SET (1/2" REBAR WITH A YELLOW CAP STAMPED "ROCHESTER, LSF#000484"); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF SHERYLL CROW NORTH 58°13'12" WEST, 230.85 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.144 ACRES.

BEING MORE PARTICULARLY SHOWN ON PLAT OF SURVEY ENTITLED "SURVEY FOR STATE OF GEORGIA-GEORGIA ENVIRONMENTAL FINANCE AUTHORITY & LLI MANAGEMENT COMPANY, LLC" DATED MAY 14, 2018, UPDATED AND REVISED MAY 21, 2018, RECORDED IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF HALL COUNTY, GEORGIA, IN PLAT BOOK 00876, PAGE 00001, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR MORE PARTICULARITY.

eFiled & eRecorded
DATE: 7/3/2018
TIME: 2:55 PM
PLAT BOOK: 00876
PAGE: 00001
RECORDING FEE: 8.00
PARTICIPANT ID: 8105354572
CLERK: Charles Baker
Hall County, GA
NOTE: By JP

SURVEYOR'S CERTIFICATE

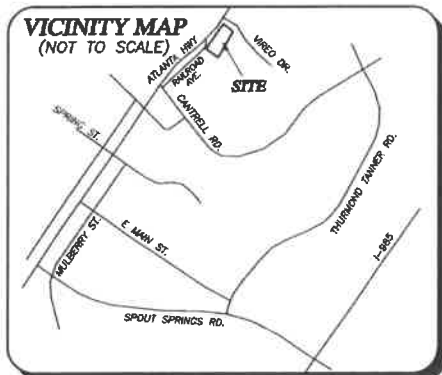
This survey is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. 15-6-67.

Robert S. Cleveland
Robert S. Cleveland,
rscleveland@rochester-assoc.com,
770-718-0600
Georgia Registered Land Surveyor No. 2894

5/14/18

THIS BLOCK RESERVED FOR THE
CLERK OF THE SUPERIOR COURT

VICINITY MAP (NOT TO SCALE)



N40°11'18"E
CHD = 300.33'
ARC = 300.53'
RAD = 2342.95'

AREA 2.144 ACRES

N/F
LI MANAGEMENT COMPANY, LLC
DB 7228, PG 213
REFERENCE:
1. DB 5855, PG 425-491
2. PB 25, PG 10

LEGEND:

- CBG - CURB AND GUTTER
- CB - CATCH BASIN
- CL - CLEAN OUT
- CONC. - CONCRETE
- CLF - CENTERLINE
- CL - CHAIN LINK FENCE
- DB, PG - DEED BOOK, PAGE
- DP - DUMESTER PAD
- EA - EDGE OF PAVEMENT
- FH - FIRE HYDRANT
- GN - GROUND NAIL
- HM - HEADMALL
- IPF - IRON PIN FOUND
- IPS - IRON PIN SET 1/2" RB WITH YELLOW CAP STAMPED ROCHESTER, LSF000484
- INT - INTERFERENCE
- JB - JUNCTION BOX
- LP - LIGHT POLE
- LL - LAND LOT LINE
- LL - LAND LOT
- MS - MANHOLE
- NS - NAIL SET
- N/F - NOW OR FORMERLY
- OPEN TOP PIPE
- O/P - OVERHEAD POWER, TELEPHONE
- P/B - POINT OF BEGINNING
- PTP - POWER, TELEPHONE, LIGHT POLE
- PB, PG - PLAT BOOK, PAGE
- PS, PG - PLAT SLIDE, PAGE
- REBAR
- R/W - RIGHT OF WAY
- SEW - SEWER
- SD - STORM DRAIN
- TP - TRANSFORMER PAD
- TPB - TRUE POINT OF BEGINNING
- TBX - TELEPHONE BOX
- WF - WOOD FENCE
- WM - WATER METER

CERTIFICATE OF SURVEYOR

I hereby certify to all parties interested in the title to the tract(s) of land (unless otherwise stated, hereinafter collectively referred to in the certificate and hereon as "the Land") surveyed and plotted hereon, that this plat (A) is the result of a field survey and is an accurate, current and complete representation of the land surveyed and plotted hereon; (B) Was prepared in conformity with, pursuant to, and is in compliance with (1) the minimum standards and requirements of law; (2) OCGA §§ 15-6-67 - 68 amended through the date of this certificate; and (3) all applicable local, county, and municipal ordinances, statutes and specifications; (C) Shows that the Land is tied (in compliance with OCGA §§ 44-4-20 - 31 as amended through the date of this certificate) to the Georgia Coordinate System of 1985, West Zone, and shows the state plane coordinates of at least two permanent monuments on the survey, expressed in American Survey Feet, and also shows when a National Geographic Survey monument is within 500 feet of any point on the property mapped or plotted, or any point of reference shown thereon; (D) Shows that all bearings are referenced to Grid North, Georgia Coordinate System of 1985, West Zone; (E) Shows that all corners have been established and marked by either iron pins or concrete monuments which have been found, verified, labeled as to type and left in place; (F) Labels hereon a point of beginning which is located on the perimeter boundary; (G) Shows hereon in a legend the meanings of all abbreviations and symbols used; (H) Shows hereon the number, date and nature of all revisions of this plat; (I) Is eligible for recording in the Public Records in the office of the Clerk of Superior Court of any county or counties in which the Land totally or partially lies, and clearly indicates acres, land lots, sections, district, county(ies), and (J) incorporates each specifically required item as set out in that certain services agreement(s) regarding this plat between the undersigned and Lake Lanier Islands Development Authority; and (K) on an area map indicating the location of the property.

Robert S. Cleveland
Robert S. Cleveland, rscleveland@rochester-assoc.com, 770-718-0600
Georgia Registered Land Surveyor No. 2894

NOTES:

1. THE FIELD DATA DATED 10/14/2012, AND 5/10/2018 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 26,906 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPOUND RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 213,219 FEET. THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS A TRIMBLE S750-315.
2. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS WHICH MAY EXIST AND NOT SHOWN HEREON. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.
3. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
4. ALL DISTANCES AS SHOWN ARE HORIZONTAL. GROUND DISTANCES IN U.S. SURVEY FEET (DB 57) INCHES = 1 METERS.
5. THE BEARINGS SHOWN HEREON WERE CALCULATED FROM ANGLES TURNED.
6. THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD PER FLOOD INSURANCE RATE MAP # 13139C02836, HALL COUNTY, GEORGIA DATED APRIL 4, 2018.

SHEET 1 OF 1
DATE: 10/11/2012
SCALE: 1" = 40'
FILE#607071.1.W16
JOB#607071.1.W16
DRAWN BY SHANE

THIS PLAT IS NOT VALID UNLESS
IT BEARS THE ORIGINAL
SIGNATURE, IN INK, OF THE
REGISTRANT ACCORDING TO THE
REGISTRANT'S SEAL.

GRAPHIC SCALE
0' 20' 40' 80'

NO.	DATE	DESCRIPTION
1.	5/21/2018	UPDATED SURVEY, REVISED BOY
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

SURVEY FOR:
STATE OF GEORGIA - GEORGIA
ENVIRONMENTAL FINANCE AUTHORITY &
LI MANAGEMENT COMPANY, LLC
BEING LOTS 1, 2, 3 & 4
SUBDIVISION OF MR. & MRS. T. STANLEY PERRY
LAND LOTS 98 & 112, 8TH DISTRICT
CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA

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