



**City of Flowery Branch
City Council Meeting
Thursday, August 05, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch, GA 30542**



CALL PUBLIC HEARING TO ORDER:

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING:

- Consider a request, submitted by Mr. Calvin Tanner, to operate an auto repair shop out of a residentially zoned property. The property is known as 5505 Gainesville Street.
[Staff report.pdf](#)
- Consider annexation requests submitted by Fall Leaf, LLC.
[Combined Fall Leaf Ordinances for First Read August 5.pdf](#)
[Staff Report.pdf](#)
[FINAL Letter to Hall County.pdf](#)
[Tommy Barnes August 5 applications.pdf](#)
- Consider a request submitted by Mr. Kevin Hobgood to rezone 5205 Railroad Avenue from M1 (Light Industrial) to CBD (Central Business District).
[Hobgood Rezoning.pdf](#)
[Exterior Hobgood 1.jpg](#)
[Exterior Hobgood 2.jpg](#)
[9 Nonresidential Zoning Districts 2019.pdf](#)
- A variance request submitted by Blessing Trader, Inc. to allow fuel pumps to be located in front of the proposed principal structure located at 6477 McEver Road.
[Application Scanned.pdf](#)
[Legal Description - McEver Road Food Mart.docx](#)
[Pages from 20110 - McEver SHEETS VIC 5-21-2021.pdf](#)
- Consider a request submitted by Hines Acquisitions, LLC. to rezone a portion of 0 Thurmon Tanner Parkway (FKA The "Forbes" Property) from Highway Business (HB) to Light Industrial (M1).
[Thurmon Tanner Hines Signed Application.pdf](#)
[Hines - owner signature page - from Tred .pdf](#)
- Consider a request from Vulcan Lands, Inc. for the annexation and rezoning of nine (9) parcels of land from Hall County AR III to Flowery Branch M-2 with a conditional use permit to operate a quarry.
[FINAL letter to Hall County .pdf](#)
[2021 Rezoning Additional Information Requirement - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Rezoning Application - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Sec. 34.7 Analysis Requirements - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Annexation Application - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Conditional Use Permit - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Permission to Inspect - Vulcan Lands, Inc.06242021.pdf](#)

[Zoning Project Base Map BW r5.pdf](#)

UNFINISHED BUSINESS - WORK SESSION:

- Consider 2nd Reading of Ordinance #646 Salary Increase for Mayor and Council
[Ordinance 646 Mayor and Council Salary Increase.docx](#)
[Mayor-Council Salaries Analysis- Jan 2020.xlsx](#)

NEW BUSINESS -WORK SESSION:

- Consider a request, submitted by Mr. Calvin Tanner, to operate an auto repair shop out of a residentially zoned property. The property is known as 5505 Gainesville Street.
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[2021 Permission to Inspect - Vulcan Lands, Inc.06242021.pdf](#)
[Zoning Project Base Map BW r5.pdf](#)
- Consider Resolution 21-011: Award of contract for FY2021 Road Paving Program to Sunbelt Asphalt
[EXECUTIVE SUMMARY - AWARD TO SUNBELT 8-5-2021.pdf](#)
[LMIG_Project_List_2021.pdf](#)

[Resolution 21-011 Award of Contract to Sunbelt Asphalt.pdf](#)

- Consider Resolution 21-012: finding Charter Communications LLC in violation of the State Law for failure to recognize the correct service area

[Resolution 21-012 finding Charter in violation - Flowery Branch GA 2.pdf](#)

- Request authorization to apply for the Fiscal Year 2022 Local Maintenance Improvement Grant (LMIG) Program

[LMIG 2022 EXECUTIVE SUMMARY.pdf](#)[FB COVER LETTER FY2022.pdf](#)[LMIG_APPLICATION_SIG_PAGE \(1\).pdf](#)[FY2022 Paving List.pdf](#)

- Request to research and apply for potential grant opportunities with the assistance of the Georgia Mountains Regional Commission

[Grants-At-A-Glance .pdf](#)**DEPARTMENT REPORTS: -**

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

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

- Consider July 15, 2021 Meeting Minutes
[July 15, 2021 Meeting Minutes.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

- Consider 2nd Reading of Ordinance #646 Salary Increase for Mayor and Council
[Ordinance 646 Mayor and Council Salary Increase.docx](#)
[Mayor-Council Salaries Analysis- Jan 2020.xlsx](#)

NEW BUSINESS - VOTING SESSION:

- Consider a request, submitted by Mr. Calvin Tanner, to operate an auto repair shop out of a residentially zoned property. The property is known as 5505 Gainesville Street.
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EXECUTIVE SESSION:

ADJOURNMENT:

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a request, submitted by Mr. Calvin Tanner, to operate an auto repair shop out of a residentially zoned property. The property is known as 5505 Gainesville Street.

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

A conditional use permit (CUP) was issued to Mr. Calvin Tanner to operate his auto and RV repair shop at 5505 Gainesville Street. This CUP expired on July 1, 2021. Mayor and Council allowed Mr. Tanner to operate at his home so he could take care of his ill father while searching for a permanent home for his business in a properly zoned district. Mr. Tanner has not found a proper location and has filed a new CUP application.

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Deny request

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff report.pdf](#)



Applicant: Mr. Calvin Tanner DBA Tanner's Auto and RV Service

Property Owner: Mr. Calvin Tanner

Subject Property: 5505 Gainesville Street; Parcel # 08112 019005

Request: Conditional Use Permit (CUP) to operate an auto repair shop in a residentially zoned property

Current Use: Residential

Character Area: Urban Residential

Code:

Per the City of Flowery Branch Zoning Ordinance home occupations are strictly limited to office use only. However, if an applicant wishes to operate a home occupation that is not an office, he/she has the ability to submit a request to operate under a conditional use permit.

Sec. 11.8. Home Occupation.

Home occupations may be established in a portion of a dwelling as provided in permitted uses requirements for the zoning districts established by this Zoning Ordinance. In districts where permitted, the following regulations shall apply to home occupations, and failure to meet one or more of these regulations at any time shall be unlawful and grounds for immediate revocation of business registration:

- (a) Use. The only allowed use for home occupation is office.
- (i) Modification by Conditional Use. Where an application for home occupation does not meet the strict terms of this Section, the provisions of this Section may be modified or varied by application filed by the property owner and approved by the City Council for a conditional use, according to procedures specified in Article 34 of this Zoning Ordinance. The Zoning Administrator may provide a recommendation whether or not the City Council should approve the application, and what if any conditions of approval are recommended.

Property:

The subject property is located at 5505 Gainesville Street; tax parcel identification number 08112 019005. The property is currently zoned Traditional Neighborhood District (TND).













CUP Requirements:

Sec. 34.7. Analysis Requirements.

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

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. *The subject property lies within a residentially zoned area. The use (auto repair) is not suitable for the area.*
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. *The subject property lies within the midst of a residential property. A commercial use at this location is not suitable and may adversely affect nearby properties.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Currently zoned TND (traditional Neighborhood District) the current use (a single-family home) is suitable and serves the purpose of the zoning district.*
- (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. *Car repair at this location could potentially cause excessive or burdensome use of the streets because of tow truck use and more traffic due to customers coming in and out.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *The current character area for this site is "Urban Residential". Car repair, in this instance, is not in conformity with the comprehensive plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *As the downtown area is developed in accordance with the "Old Town" plan, more residential and retail uses will be implemented making auto repair even less desirable.*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *The subject property is surrounded by residential zoned properties (CBD, TND, R1, and PUD). The Masonic Lodge is across the street from the subject property. Currently the Masonic Lodge is considered a legal non-conforming use. Basically, this means it was once an allowed use in*



the zoning district but currently is not inherently allowed (a CUP would be required if the Lodge were to try and locate within this zoning district ((R-1))).

- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *N/A*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations *The use could potentially distract from current home values and could also potentially hamper new residential development in the "Old Town" area.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts *A CUP does not create a new zoning designation, but the conditional approval of this use could potentially give the appearance of having a commercially zoned parcel in the midst of residentially zoned districts.*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *Allowing a commercial use to infiltrate a heavy residential area could potentially alter the character of the area as more non-residential uses could petition to locate there.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *Auto use can have environmental impacts. As a home-based business staff has not determined if there are impacts associated with this use at this location.*
- (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 *Allowing an auto repair business in a heavy residential area does not comply with the overall purpose of the zoning ordinance. This location, being so close to the downtown, is particularly troubling.*



Staff Recommendation:

It is staff's recommendation that the CUP request to operate an auto repair shop as a home occupation submitted by Mr. Calvin Tanner should be denied.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider annexation requests submitted by Fall Leaf, LLC.

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

The proposed development was previously considered by City Council earlier this year with the first read being held as part of the June 10th, 2021 meeting. Hall County objected to the annexation via resolution on April 7, 2021. The applicant formally withdrew the application on June 14th, 2021. Applicant formally re-applied for annexation and rezoning for the project on June 28th, 2021.

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Combined Fall Leaf Ordinances for First Read August 5.pdf](#)
- [Staff Report.pdf](#)
- [FINAL Letter to Hall County.pdf](#)

- Tommy Barnes August 5 applications.pdf

Public Hearing Published 07/07/21
Public Hearing 08/05/21

First Reading 08/05/21
Adopted 08/19/21

ORDINANCE 647

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A 16.62 +/- ACRE PARCEL OF LAND OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL 08150 002002A AND, AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Estate of Clara Mae Mann owns the 16.62 +/- acre parcel of land known as 6495 McEver Road, identified as Parcel Tax Identification No.08150 002002A, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, said property known as 6495 McEver Road is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Fall Leaf Residential, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the parcel of land, which is being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 5, 2021 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a real parcel of land described as 6495 McEver Road, identified as Parcel Tax Identification No. 08150 002002A, as shown on Exhibit “A”, and as described on Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be September 1st, 2021.

SECTION 6. REPEALER.

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

Approved this 19th day of August 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

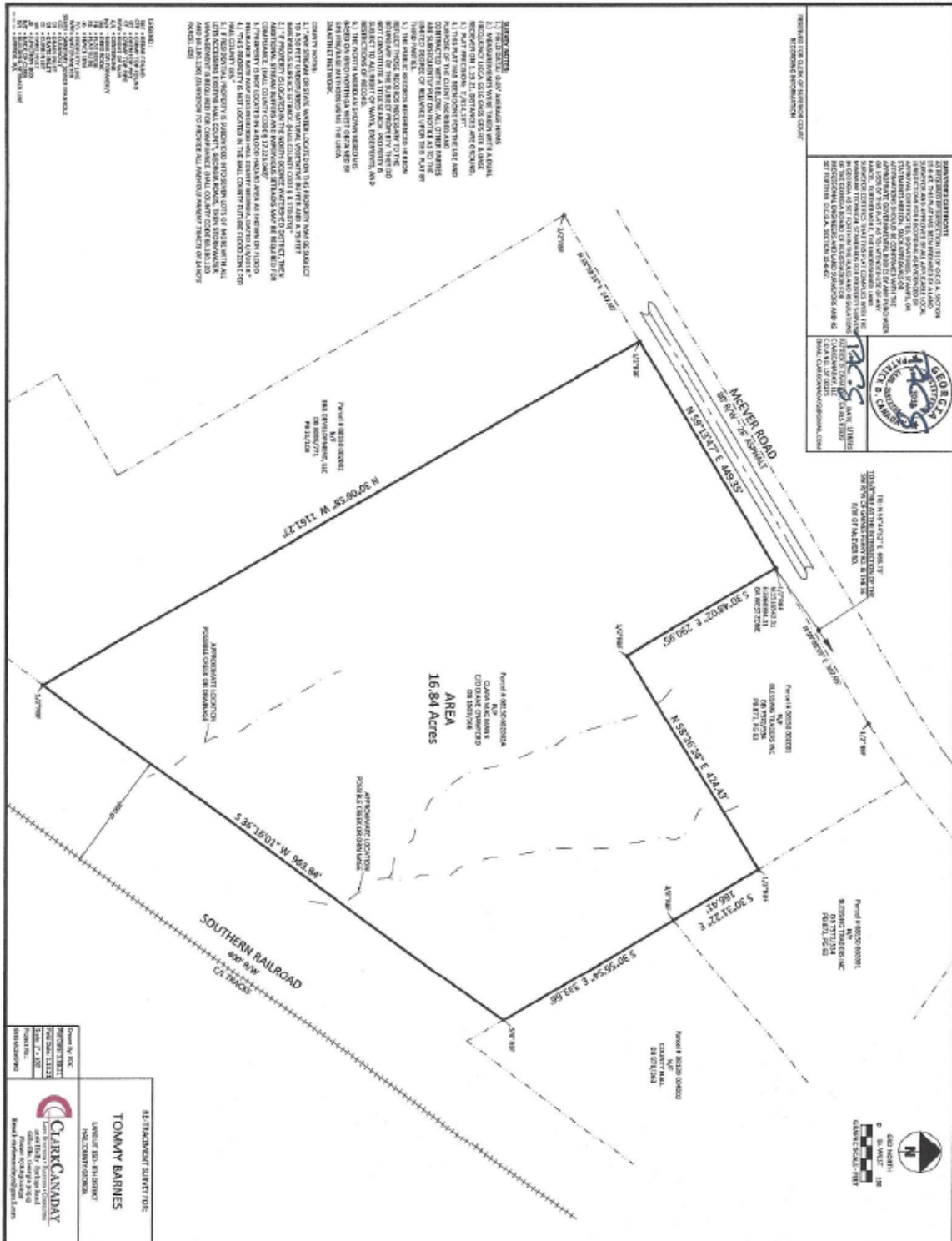


Exhibit "B"

Legal Description 16.84 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 666.79 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way; Thence running South 30°48'02" East 290.95 feet to a point; Thence running North 58°26' 24" East 424.43 feet to a point; Thence running South 30°31'22" East 166.41 feet to a point; Thence running South 30°56'54" East 333.66 feet to a point on the northwesterly right of way line of Southern Railroad (400 foot right of way); thence running South 36°16'01" West along said Southern Railway right of way 963.84 feet to a point; thence running North 30°06' 58" West 1161.27 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North 59°13'47" East along the southeasterly Right of Way line of McEver Road 449.35 feet to a point and being the Point of Beginning, said property consisting of 16.84 acres.

Public Hearing Published 07/07/21
Public Hearing 08/05/21

First Reading 08/05/21
Adopted 08/19/21

ORDINANCE 648

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY TOTALING 16.62 +/- ACRES, OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL NO. 08150 002002A AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Estate of Clara Mae Mann owns 6495 McEver Road identified as Parcel Tax Identification No.08150 002002A, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Diane Mann Crawford has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 5, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County AIII (Agricultural Residential) to Flowery Branch R III (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 could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

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

SECTION 2. REZONING.

A real piece of property known as 6495 McEver Road, as shown on Exhibit “A” which is legally described in Exhibit “B”, and conditioned on attached Exhibit “C”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch R III (Residential Multi-Family). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be September 1st, 2021.

SECTION 6. REPEALER.

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

Approved this 19th day of August 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "B"

Legal Description 16.62 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 666.79 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South 30°48'02" East 290.95 feet to a point; Thence running North 58°26' 24" East 424.43 feet to a point; Thence running South 30°31'22" East 166.41 feet to a point; Thence running South 30°56'54" East 322.81 feet to a point; thence running South 36°16'01" West 963.67 feet to a point; thence running North 30°06' 58" West 1150.36 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North 59°13'47" East along the southeasterly Right of Way line of McEver Road 449.35 feet to a point and being the Point of Beginning, said property consisting of 16.62 acres. .

Exhibit "C"

Conditions of Zoning

1. Development shall be limited to no more than 167 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:



3. A homeowner's association is required.
4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. A landscape plan shall be submitted at the time of land disturbance permit.
6. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
7. Sidewalks are not required along McEver Road.
8. Townhomes shall be constructed of a combination of brick, stacked stone, and cementitious fiber board.

9. Townhomes shall generally adhere to the elevations as shown below:



Public Hearing Published 07/07/21
Public Hearing 08/05/21

First Reading 08/05/21
Adopted 08/19/21

ORDINANCE 649

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, AN 8.84 +/- ACRE PARCEL OF LAND OWNED BY E&S DEVELOPMENT, LLC. IDENTIFIED AS 6509 MCEVER ROAD, TAX PARCEL 08150 002002, AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, E&S Development, LLC. owns the parcel of land known as 6509 McEver Road, identified as Parcel Tax Identification No.08150 002002, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, said property known as 6509 McEver Road is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Fall Leaf Residential, LLC. have submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the parcel of land known as 6509 McEver Road which is being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 5, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia parcel known as 6509 McEver Road and identified as Parcel Tax Identification 08150 002002, as shown on Exhibit “A”, and as described on Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be September 1st, 2021.

SECTION 6. REPEALER.

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

Approved this 19th day of August 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "B"

Legal Description 8.843 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 1116.14 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South 24°39'37" East 1160.82 feet to a point on the northwesterly right of way line of Southern Railroad (400 foot right of way); thence running South 41°46'15" West along said Southern Railway right of way 484.73 feet to a point; thence running North 24°47' 04" West 477.85 feet to a point; Thence running North 64°50'23" East 200.05 feet to a point; Thence running North 24°48'14" West 871.14 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North 64°26'11" East along the southeasterly Right of Way line of McEver Road 247.50 feet to a point and being the Point of Beginning, said property consisting of 8.843 acres. .

Public Hearing Published 07/07/21
Public Hearing 08/05/21

First Reading 08/05/21
Adopted 08/19/21

ORDINANCE 650

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING AN 8.84 +/- ACRE PARCEL OF LAND OWNED BY E&S DEVELOPMENT, LLC. IDENTIFIED AS 6509 MCEVER ROAD, AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, TO BE REZONED FROM HALL COUNTY HIGHWAY BUSINESS (HB) TO FLOWERY BRANCH HIGHWAY BUSINESS (HB); PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, E&S Development, LLC. owns the subject property identified as Parcel Tax Identification No.08150 002002as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, E&S Development, LLC. has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 5, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County HB (Highway Business) to Flowery Branch R III (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 could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

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

SECTION 2. REZONING.

An 8.84 +/- acre parcel of land known as 6509 McEver Road identified as Parcel Tax Identification 08150 002002, as shown on Exhibit “A,” and as legally described in Exhibit “B”, and conditioned on attached Exhibit “C”, is hereby rezoned from Hall County HB (Highway Business) to Flowery Branch R III (Residential Multi Family). Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 September 1st, 2021.

SECTION 6. REPEALER.

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

Approved this 19th day of August 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

218



Exhibit "B"

Legal Description 8.843 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

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Exhibit "C"

Conditions of Zoning

1. Development shall be limited to no more than 167 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:



3. A homeowner's association is required.
4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. A landscape plan shall be submitted at the time of land disturbance permit.
6. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
7. Sidewalks are not required along McEver Road.
8. Townhomes shall be constructed of a combination of brick, stacked stone, and cementitious fiber board.

9. Townhomes shall generally adhere to the elevations as shown below:





Staff Report

Applications to annex and rezone two parcels of land from unincorporated Hall County into the City of Flowery Branch were submitted by Fall Leaf Residential, LLC. The following properties are being considered:

1. **6495 McEver Road; Tax Parcel 08150 002002A; Parcel totals 16.62 +/- acres; Annex and rezone from Hall County AR-III to Flowery Branch R3 (Residential Multi-Family)**
2. **6509 McEver Road; Tax Parcel 08150 002002; Parcel totals 8.84 +/- acres; Annex and rezone from Hall County HB to Flowery Branch R3 (Residential Multi-Family)**



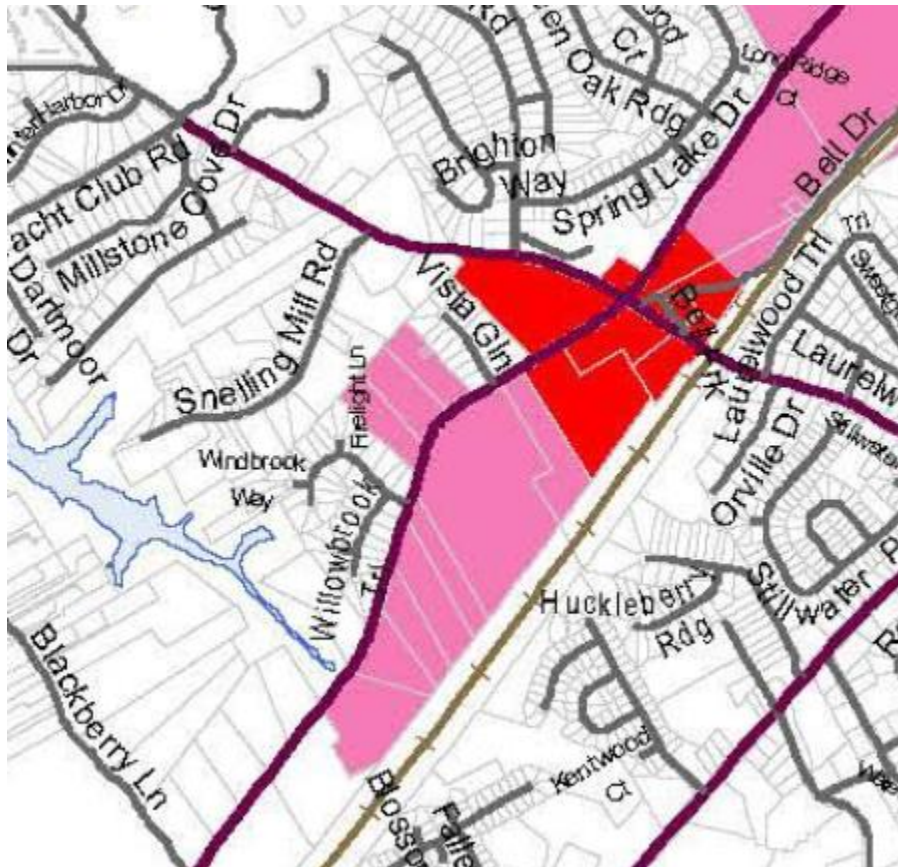
Applicant proposes to construct a residential subdivision consisting of 167 townhomes. The current parcels are considered eligible for annexation as they are contiguous with the current city-limits.



Comprehensive Plan

Designated as a “Mixed Use” character area.

Flowery Branch character area map:



The mixed-use character area inherently allows residential, but the overall intent is to have an integrated residential and commercial center. As commercial development has slowed, the City has tried to take a more holistic approach to the mixed-use concept. This approach contemplates nearby existing or potential commercial that, although not part of the project in question, could be considered symbiotic with one another. With the potential commercial opportunities to the north and south of this proposed project (as well as the already under development true mixed-use “Farm” project across the street) staff feels this is a project that can be considered under the holistic approach employed in the past and that it meets the intent of this character area if viewed through that specific lens.



Mixed Use

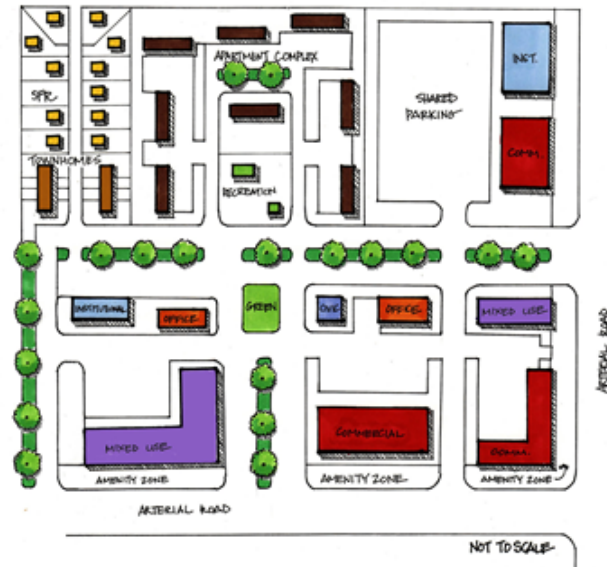
VISION: Areas that will be developed with a combination of different land uses intended to create an environment where compatible land uses can be located in close proximity to each other. Diverse places with unique architecture contributing to the economic base of the city.

USES AND INTENSITIES: Acceptable uses include business/office parks, light industrial, smaller scale retail, neighborhood commercial and residential uses.

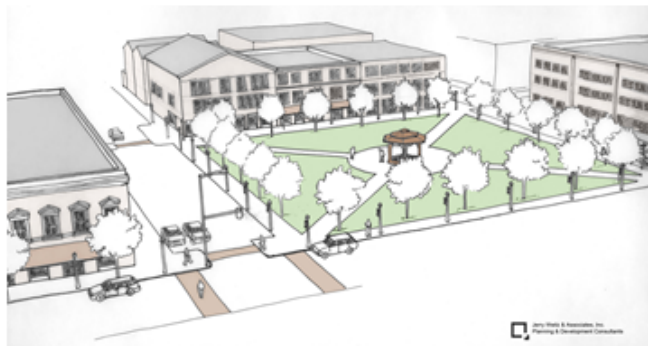
MAJOR FEATURES: Connectivity is important between uses and developments. Automobile traffic is frequent but pedestrian accessibility is still a necessity.

REGULATIONS: This character area will be primarily implemented with the planned unit development or commercial zoning districts. Developments will be required to complete design review and comply with all aesthetic requirements.

QUALITY COMMUNITY OBJECTIVES IMPLEMENTED: Appropriate business, residential, and employment options, transition between more intense uses and compatibility between uses.



Jerry Weitz & Associates, Inc.
Planning & Development Consultants



Illustrative Example of Mixed Use with Focus on Commercial/Residential Design



Proposal

Submitted by applicant:



Analysis

Flowery 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:

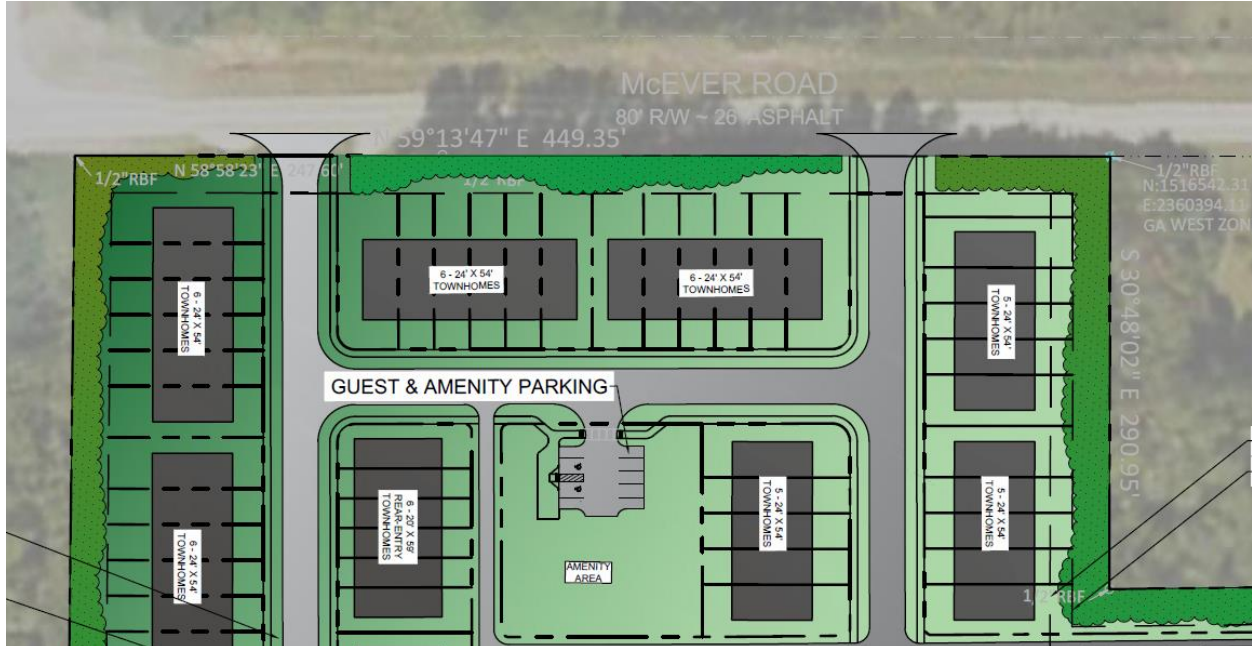
- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, a residential subdivision is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **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 zonings of Agricultural Residential and Highway Business could be used for other developments.**
- (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. **Currently, the Comprehensive Plan denotes this area as part of the "Mixed-Use" character area. The proposed use meets the intent of the Comprehensive Plan (see previous comments regarding the Comprehensive Plan as part of this staff report).**
- (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. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed residential use will fit in well with the corridor.**
- (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 the current zoning classifications of Agricultural-Residential and Highway Business do not allow the proposed residential subdivision.**
- (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.**



- (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 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.**

Site Plan

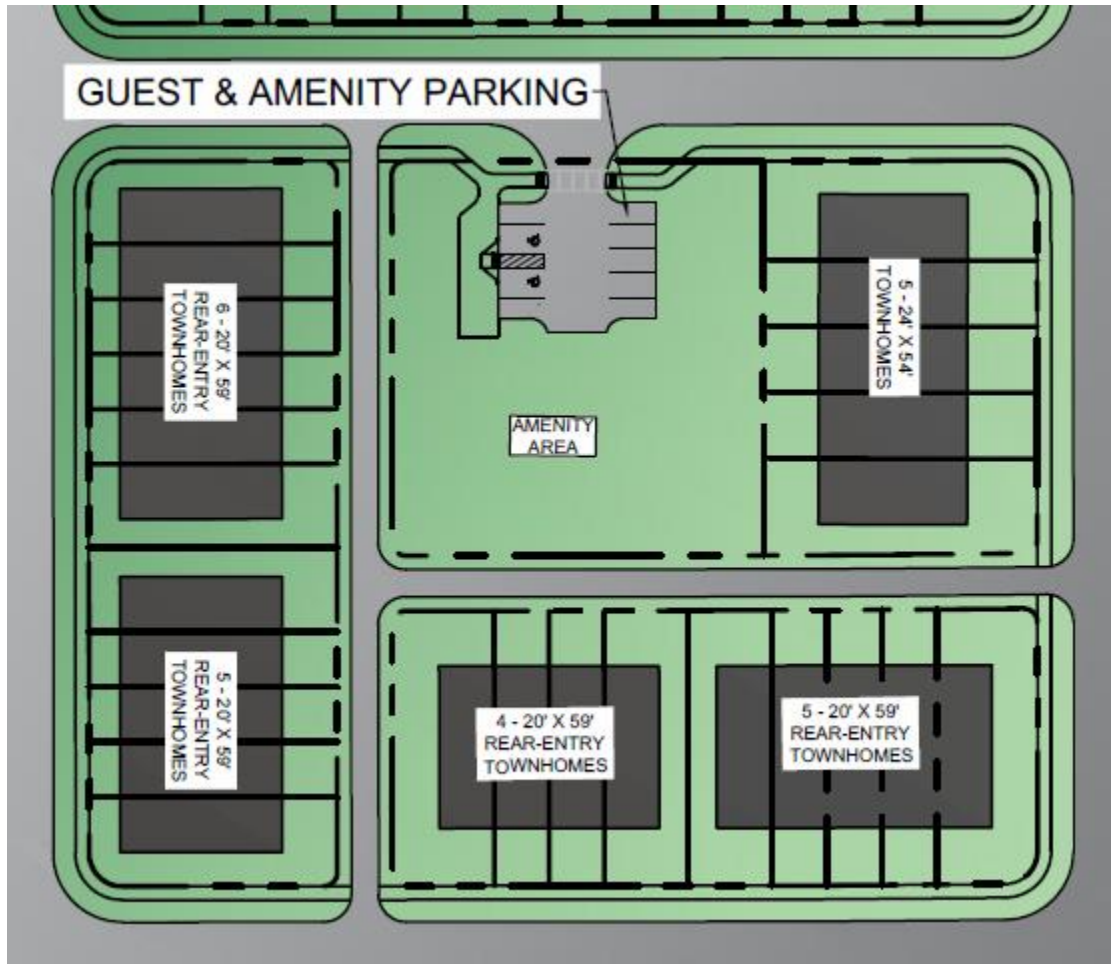
McEver Road has two points of ingress/egress and has a proposed landscape buffer. Mayor and Council have the ability to request a further detailed landscape plan along McEver is so desired.



Rear accessed townhome product is provided by applicant and has previously been identified as desirable by Mayor, Council, and staff as it promotes a more scenic, less garage dominant, streetscape.



Additionally, the rear accessed townhome helps to promote a less auto intense feel to the subdivision and also promotes a more “neighborhood” aesthetic.



Overall, the site plan has been improved significantly from the original submittal and promotes easier vehicular and pedestrian flow and connectivity.



R-3 Zoning

Townhomes are inherently allowed per the code and the proposed development meets the intent of the R-3 zoning district. One possible exception would be the lot size as the applicant lists the projected lot size as 2,100 square feet with R-3 requiring 10,000 square feet. The 10,000 square foot requirement is not feasible for a townhome unless the lot is defined as encompassing the entire run of townhomes. Staff wishes to denote the potential discrepancy in R-3 requirements and the proposed development. However, staff feels this is a matter of interpretation and does not negatively impact the proposal.

Requirement (measurement unit)	A	R-1	R-2	R-3
Maximum height (feet)	75	35	35	45
Maximum height (number of stories)	3	3	3	3
Maximum density (units per acre)	0.333	2.18	3	12
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	10,000
Minimum lot size for two-family dwelling (square feet) (1)	N/A	N/A	N/A	20,000
Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000	10,000
Minimum lot width (feet)	200	90	75	50
Minimum heated floor area per dwelling unit (square feet)	1,500	2,200	1,800	1,000
Minimum heated floor area per dwelling unit, ground floor of a dwelling (square feet)	750	1,100	900	750
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	20	10	10
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25	25
Minimum rear setback, all principal buildings (feet)	35	25	20	20
Minimum setback, all principal or accessory buildings and structures abutting an R-1, R-2, or R-3 district (feet)	Side and rear setbacks shall apply	50	50	
Minimum width of natural buffer abutting R-1, R-2, or R-3 district (feet)	None	None	None	40
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	15	15	10	20
Minimum landscape strip required along rights-of-way for any apartment or condominium (multi-family residential) use (width in feet)	N/A	N/A	N/A	20
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	5	5	5	5
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35	40
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15	15



Staff Recommendation

Staff recommends approval with the following conditions:

1. Development shall be limited to no more than 167 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:



3. A homeowner's association is required.
4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. A landscape plan shall be submitted at the time of land disturbance permit.



6. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
7. Sidewalks are not required along McEver Road.
8. Townhomes shall be constructed of a combination of brick, stacked stone, and cementitious fiber board.
9. Townhomes shall generally adhere to the elevations as shown below:







June 29, 2021

Via Certified Mail, Return Receipt Requested
7019 1640 0000 1827 1658

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

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

Dear Ladies and Gentlemen:

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

This letter has been sent to you by certified mail, return receipt requested, within five (5) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows:

1. 6495 McEver Road; Tax Parcel 08150 002002A; Parcel totals 16.62 +/- acres; Annex and rezone from Hall County AR III (Agricultural Residential III District) to Flowery Branch R3 (Residential Multi-Family District); and
2. 6509 McEver Road; Tax Parcel 08150 002002; Parcel totals 8.84 +/- acres; Annex and rezone from Hall County HB (Highway Business District) to Flowery Branch R3 (Residential Multi-Family District).

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

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



Hall County Board of Commissioners
Annexation and Rezoning of 6495 and 6509 McEver Road
June 29, 2021
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch R-3 (Residential Multi-Family) will be held on Thursday, August 5, 2021, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has an objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify me within thirty (30) calendar days of the receipt of this notice.

Sincerely,

Richard JE Atkinson

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

RA/

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

cc: Van Stephens, County Attorney
Sarah McQuade, Director of Planning and Development





ANNEXATION APPLICATION

Date: 6.28.21

Address of Request:

6495 McEVER Road

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

City Clerk Signature

Dicie Short

Applicant Information

Name: FALL LEAF RESIDENTIAL LLC

Address: 3280 Pointe PKWY SUITE 2300
NORCROSS GA 30092

E-mail address: nwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature:

Don White

Property owner information (if different than the applicant)

Property owner (please print): Estate of Clara Mae Mann

Signature of property owner:

Diane M. Crawford

Diane M. Crawford Independent Executrix
of the Estate of Clara Mae Mann



Property Information

Tax Map Number: 08150 002 002 A

Current Zoning: AR III Total Acres: 16.62

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

Proposed City of Flowery Branch Zoning: B3

Proposed City of Flowery Branch Character Area: COMMERCIAL

Current Use: VACANT

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

Voting Rights Act Information

Resident Population: 8,325 Housing Units: 3,296 Other Buildings:

Race Population %: White 83% Black 8% Hispanic 8.7% Other 3%

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

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

I authorize the City of Flowery Branch to inspect the property

Alan White



Conflict of Interest Disclosure

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

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

NONE

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

NONE

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

NONE

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A



Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A	

CITY STAFF ONLY

Application Received By: MPA

Date: 6.28.21 Total Fee: 500



REZONING APPLICATION

Date: 6.28.21

Address of Request:

6495 McEVER ROAD

Tax Map # 08150 002 002A Current Zoning: AR111

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

Currently a conforming use? YES

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

Applicant Information

Name: FALL LEAF RESIDENTIAL LLC

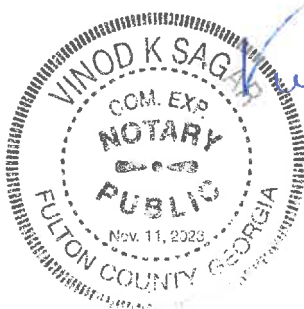
Address: 3280 Pointe Pkwy SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404-~~286-1110~~ 502-3305

Signature: Ann White

Notary:





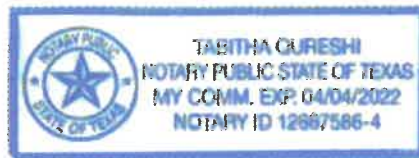
Property owner information (if different than the applicant)

Property owner (please print): ESTATE OF CLARA MAE MANN

Signature of property owner: Diane Mann Crawford
Diane Mann Crawford Independent
EXECUTRIX OF THE ESTATE OF
CLARA MAE MANN

Notary:

STATE OF TEXAS
COUNTY OF TRAVIS
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 15 DAY OF JUNE, 2021,
BY Diane Crawford
Tabitha Qureshi
NOTARY PUBLIC



Property Information

Tax Map Number: 0815 002 002A

Current Zoning: AR III Total Acres: 16.82

Is this property located within the city-limits of Flower Branch? NO

Proposed City of Flower Branch Zoning: B-3

Current Use: VACANT

Please review the Flower 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

I authorize the City of
Flowery Branch to inspect
the Property

Don White

Conflict of Interest Disclosure

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

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

NONE

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

NONE

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

NONE



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: dfca
Date: 6.28.21 Total Fee: 50



Flowery Branch

..



REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: 6.28.21

Address of Request:

6495 McEver Road

Tax Map # 08150-002 002 A Current Zoning: AR111

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. \$46,760,000.00
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). $46,760,000 \times 40\% = \$18,704,000$
 $\times 3.264 \text{ MR} = \$61,049,411 \text{ City Tax}$
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Begin Construction 6-22
24 month build out complete 6-24
4. Anticipated total square footage (heated) to be built in the requested number of units. 277,400 sq-ft.
5. Total acreage developed with units. 19.47
6. Total acreage for right of way and roads. 4.30 A. ROW 2.10 Roads
7. Total acreage of open space/common area (include plan for maintenance of open space/common area). 9.86 A HOA will be responsible for maintenance and upkeep
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? No
 - 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) *No*
10. Please identify all amenities and total number of acres they incorporate by complete description. *Passive Recreation 5.7 Acres*
11. Number of street lights and separation table as proposed on your site plan. *10*
12. Will Technology Development be included in this development? *No*
13. List the total linear feet and cubic yards for sidewalks. *5816 L.F. 9693 CY*
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? *Yes*
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? *50,100*
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? *50,100*
19. Has a slope and grade study been done on this development? Does the study reflect density placement? *Yes*
20. Please identify what public safety needs are being considered for the project? *None Anticipated*
21. Has the Hall County School System been notified of the proposed density for this project? *Not Yet*
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. *Architectural Renderings have been submitted. Exterior building materials will consist of cement based siding such as Hardiplank with brick and stone accents*

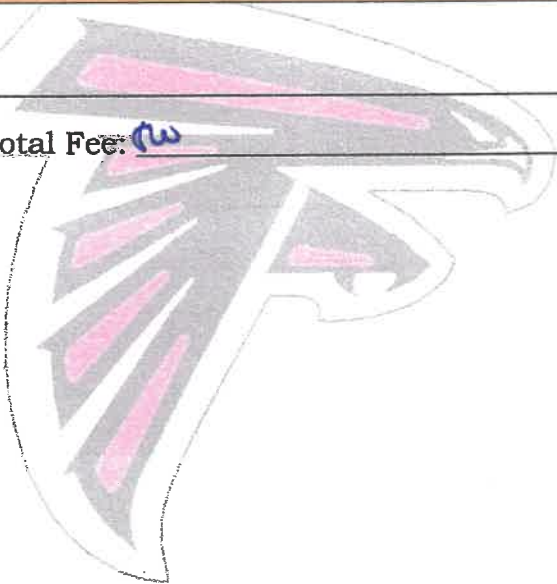


23. Information as required under Ordinance No. 349 for preliminary plat approval if rezoning involves subdivision. Ordinance No. 349 can be found at www.flowerybranchga.org

CITY STAFF ONLY

Permit Issued By: MP

Date: 6.28.21 Total Fee: rw



MCEVER ROAD TOWNHOUSE DEVELOPMENT

Sec. 34.6. - Development Statistics Required.

Applications described in this Article shall submit development statistics and specifications shall at minimum include on the site plan or in written form the information specified in this Section.

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

The maximum proposed height is 3 stories or 35 feet

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

- (c) Color renderings of any proposed structures;

Color renderings of the proposed architectural style have been submitted

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

Exteriors of the homes will be primarily 95% cement based siding such as Hardiplank with brick and stone accents

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

The maximum number of dwelling units allowed is 12 units per acre or 305 units, applicant is proposing 167 units or 6.56 units per acre. Minimum heated floor area allowed is 1,000 square feet, applicant is proposing minimum heated floor area of 1,600 square feet

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

Proposed lot coverage is 54% for front entry units or 1296 square feet, lot coverage for rear entry units is 56% or 1180 square feet

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

Minimum landscaped area is 15% or 167,793 square feet, proposed landscaped area is 19.9% or 220,175 square feet

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

Minimum parking spaces is 334, applicant is proposing 343 parking spaces, 334 garage spaces and 9 guest/mail kiosk spaces

- (i) Other dimensional information as may be required by the Zoning Administrator.

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.

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

The proposed townhouse use is compatible with use and development of nearby property, the adjoining property to the northeast is zoned for commercial uses and the property across McEver Road is zoned for a combination of commercial and townhouse uses

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

The proposal will not affect the use or useability of nearby properties.

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

No, 16 acres of the property is zoned Agriculture and there is no reasonable economic use under said zoning. 8.8 acres of the property is zoned commercial and may have a reasonable use however due to the shape and topo this property has a much more reasonable economic use as a townhouse development.

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

No, the townhouse use will not be burdensome on 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.

This property is shown as commercial on the land use plan, a townhouse use will be less intense than a commercial use therefore the townhouse use would be consistent with the intent of the land use 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.

There is a great demand for new residential homes in this area which supports the grounds for approving this application

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

North vacant commercial and fire station

East Railroad tracts and mixture of commercial and residential

South vacant agriculture

West single family residential and commercial and townhouse at corner of McEver and Gaines Ferry

- (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.

16 acres of this property has been owned by the Mann family for over 50 years, the property is zoned agriculture and has very little value with the current zoning. The 8.8 acres is zoned commercial but due to the shape and topo despite years of effort no commercial user could be found and in fact the only offers have been for a residential use

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

The zoning proposed is less intense than commercial use indicated on the land use plan therefore should have no deterrent to the value or development of adjacent property

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

No, this will not create an isolated zoning district, as mentioned previously there is a mixed commercial and townhouse now under development across McEver Road, this development along with the adjacent 6 acre commercially zoned tract at the corner of Mcever and Gaines Ferry will also provide a mixed commercial and townhouse development.

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

This rezoning will not affect the character of this 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

This development will comply with all Flowery Branch ordinances related to drainage, soil erosion, sedimentation, flooding air and water quality therefore it should have no adverse environmental impact

- (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

As mentioned before the land use plan shows commercial uses for this property, a townhouse use is less intense therefore applicant believes the zoning proposed is consistent with the overall scheme and purpose of the Zoning Ordinance



0 GA-WEST 100
GRAPHIC SCALE - FEET

Parcel # 08150 002001
N/F
BLESSING TRADERS INC
DB 7572/534
PB 872, PG 93

Parcel # 08139 004002
N/F
COUNTY HALL
DB 970/263

Parcel # 08150 002002A
N/F
CLARA MAE MANN
C/O DIANE CRAWFORD
DB 1503/166

TRACT 1
16.62 Acres

TRACT 2
0.22 Acres
(10' STRIP TO REMAIN
IN COUNTY)

E-TRACEMENT SURVEY FOR:

TOMMY BARNES

LAND LOT 150 - 8TH DISTRICT
NORTH COUNTY, COLORADO



4066 Holly Springs Road
Gallaville, Georgia 30543
Phone: 678.630.2039
Email: clarkcaredayo@gmail.com

6495MCEVERRD

REVISED 6/17/21: ADD 10' STRIP ALONG RR R/W

SURVEYOR'S CERTIFICATE
AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-5-67, THIS PLAT WAS PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENT BODIES BY ANY PURCHASER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED DESIGNS WITH THIS PLAT THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYING IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND IS SET FORTH IN O.C.G.A. SECTION 15-5-67.

DATE 1/18/21
PATRICK D. CANADAY, GA RLS #3039
CLARKCANADAY, LLC
C.O.A NO. LSF 00175
EMAIL: CLARKCANADAY2@GMAIL.COM

RESERVED FOR CLERK OF SUPERIOR COURT
RECORDING INFORMATION

SURVEY NOTES:

1. FIELD DATA: 0.00' AVERAGE HIRMS
2. MEASUREMENTS WERE TAKEN WITH A DUAL
FREQUENCY LEICA 615 GPS RTK & BASE
RECEIVER ON 11.921 DISTANCES ARE Ground
3. PLAT PRECISION: 1/6141.37"
4. THIS PLAT HAS BEEN DONE FOR THE USE AND
BENEFIT OF THE PARTIES TO THIS INSTRUMENT
AND IS CONTRACTED WITH BELOW ALL OTHER PARTIES
ARE SUBSEQUENTLY PUT ON NOTICE AS TO THE
LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY
THIRD PARTIES.
5. THE PUBLIC RECORDS REFERENCED HEREON
DO NOT REFLECT THOSE RECORDS NECESSARY TO THE
DEED AND THEREFORE THIS INSTRUMENT DOES NOT
CONSTITUTE A TITLE SEARCH. PROPERTY IS
SUBJECT TO ALL RIGHT OF WAYS, EASEMENTS, AND
RESTRICTIONS OF RECORD.
6. THE NORTH MERIDIAN SHOWN HEREON IS
BASED ON GRID NORTH & WAS OBTAINED BY
GPS RTK/PAVE METHOD USING THE LEICA
7. CONTIGUOUS SHOWN HEREON WERE COMPILED
FROM THE USGS NATIONAL MAP

COUNTY NOTES:

1. ANY STRAIGHT ON STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 30 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FEET IMPERVIOUS SURFACE SETBACK. (HALL COUNTY CODE § 6.170.090)
2. ADDITIONAL SURFACE BUFFERS, AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 17.225.040)
3. PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP #133803039G OF HALL COUNTY GEORGIA, DATED 3/4/2018.
4. THE PROPERTY IS NOT LOCATED IN THE HALL COUNTY FUTURE ZONE PER "HALL COUNTY ORDINANCE NO. 2018-001".
5. IF ANY RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OR MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 6.180.120)
6. EVIDENCE HAS BEEN SUBMITTED TO PROVIDE ALL PREVIOUS PARCELS TWO (2) OF LAND PARCEL ID# 15340

LEGEND:

RFE = REBAR FOUND
 CTF = CRIMP TOP FOUND
 OT = OPEN TOP PIPE
 CT = CRIMP TOP PIPE
 R/W = RIGHT OF WAY
 C/L = CENTERLINE
 N/F = NOW OR FORMERLY
 DB = DEED BOOK
 P/B = PLAT BOOK
 P/S = PLAT SLIDE
 -X- = FENCE LINE
 P/L = PROPERTY LINE
 WM = WATER METER
 SM = SANITARY SEWER MANHOLE
 CO = CLEANOUT
 DI = DRAIN INLET
 GI = GRATE INLET
 VI = VENT INLET
 CI = CURB INLET
 J = JUNCTION BOX
 B/C = BACK OF CURB
 S/L = BUILDING SETBACK LINE

Legal Description 16.62 acres McEver Road

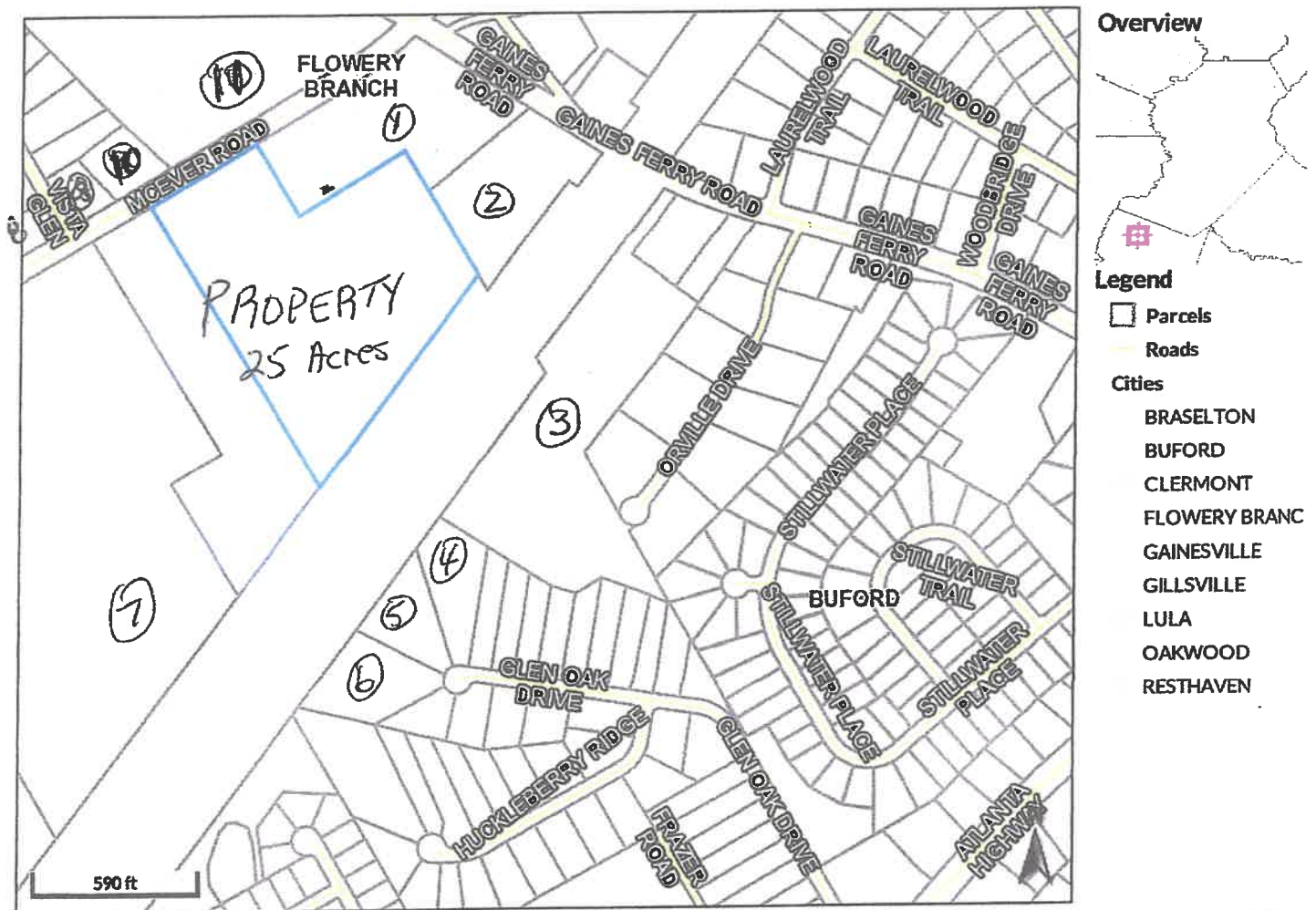
All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 666.79 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South 30°48'02" East 290.95 feet to a point; Thence running North 58°26' 24" East 424.43 feet to a point; Thence running South 30°31'22" East 166.41 feet to a point; Thence running South 30°56'54" East 322.81 feet to a point; thence running South 36°16'01" West 963.67 feet to a point; thence running North 30°06' 58" West 1150.36 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North 59°13'47" East along the southeasterly Right of Way line of McEver Road 449.35 feet to a point and being the Point of Beginning, said property consisting of 16.62 acres. .









Adjacent Property Owners Mcever Road

1. Blessing Traders Inc., 1837 Dover Hill Drive, Lawrenceville, Ga. 30043
2. Hall County, P. O. Box 1435, Gainesville Ga. 30503
3. Clarence Westfall, 4850 Golden Parkway, Suite B, Buford. Ga. 30518
4. 4. Mack and donna Simmons, 6204 Glen Oak Drive, Flowery Branch, Ga. 30542
5. Deborah Roberts Rev Trust, 6208 Glen Oaks Drive, Flowery Branch, Ga. 30542
6. George Gillian, 6207 Glen Oaks Drive, Flowery Branch, Ga. 30542
7. Daryll Crow Holdings LLC, 6172 Jim Crow Road, Flowery Branch, Ga. 30542
8. John M. Crevis 111, 6505 Vista Glen, Flowery Branch, Ga. 30542
9. Billy and Shelby Patterson, 6502 Vista Glen, Flowery Branch, Ga. 30542
10. All Awesome Properties LLC, 4411 Suwanee Dam Road, Suite 415, Suwanee, Ga. 30024
11. Sarkar Development Group LLC, C/O Henderson Legal, 1350 Spring Street, Suite 485, Atlanta, Ga. 30309



FALL LEAF RESIDENTIAL, LLC
1192 Longcourte Drive
Atlanta, GA 30327

Mayor and City Council
Flowery Branch, Ga. 30534

Re: Annexation/Rezoning Application 25.46 Acres, McEver Road

Please accept this letter outlining the plans for two tracts of land totaling 25.46 acres fronting on the east side of McEver Road, just south of Gaines Ferry Road. We previously submitted two annexation and rezoning applications on these properties which were objected to by Hall County. We believe Hall County's objection is without merit, but due a technicality in the arbitration process we had to withdraw and are now submitting new applications. This application is for slightly less land than our previous applications. We have left a 10 foot strip along the easterly property line of the 16 acre tract that is not being annexed but will remain in Hall County. We did this to avoid creating a situation where property across the railroad tracts would become an island of County land, one of the objections Hall County raised in the objection they filed. This land will be owned by the HOA and part of the community, it will just remain in Hall County.

These properties are currently in Hall County and are zoned HB and AR111 in the County. We are requesting annexation and rezoning to the R3 zoning classification to allow the development of a fee simple townhouse development. The site plan we have submitted shows 167 townhouse lots on the 25.46 acre tract for a density of 6.56 units per acre. We have 19.9% of the site in buffers and open space, we believe this open space will provide an excellent area for passive recreational uses such as walking trails and a community picnic area. The community will be subject to a Declaration of Covenants and Conditions and each home will be required to be a member. The Homeowners Association will be responsible for the future maintenance and upkeep of all entrance features, open spaces and any amenities.

As mentioned above 8.8 acres of this property is presently zoned for HB in Hall County and the Flowery Branch Land Use Plan shows the 16 acre portion of the property designated for future commercial uses and the 8.8 acres designated for mixed use. We believe that our requested townhouse use is a less intense use than what is proposed by the Land Use Plan and therefore appropriate. There is also a mixed use commercial and townhouse development now under development at the southwest corner of McEver Road and Gaines Ferry Road directly across McEver from our site. There is a 6 acre tract adjoining this property to the north, at the southeast corner of McEver and Gaines Ferry, that is also currently zoned commercial so with this rezoning there will also be a mixed use development at this corner of the intersection. We originally thought the townhouse use proposed would provide a natural transition between this future commercial area and what we anticipated would be less dense residential uses to the south which would still be the case if the adjoining property were residential. However, as you probably know the 34 acres to the south is now being considered for a large industrial development. If this industrial development is approved we feel it makes our rezoning request even more reasonable as this property will then be located between commercial property to the north and west and industrial property to the south..

We have submitted elevations showing the architectural style of the townhomes we are proposing, they will have a farm house look with exterior building materials that will be primarily cement based siding such as Hardiplank with brick and stone accents. We believe this will be a very attractive development providing much needed housing for the City of Flowery Branch and hope the City Council will approve our two annexation and rezonings.

Sincerely,



Fall Leaf Residential, LLC
Norman White, Manager



ANNEXATION APPLICATION

Date: 6.28.21

Address of Request:

6509 McEwen Road

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

City Clerk Signature

Oliver Short

Applicant Information

Name: FALL LEAF RESIDENTIAL

Address: 3280 POINT PARKWAY SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: David White

Property owner information (if different than the applicant)

Property owner (please print): E&S DEVELOPMENT LLC

Signature of property owner:

Tony Sherman (NEXT PAGE)



ANNEXATION APPLICATION

Date: 6/15/21

Address of Request: 6509 McEwen Road

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

City Clerk Signature _____

Applicant Information

Name: FALL LEAF RESIDENTIAL

Address: 3280 POINT PARKWAY SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: Tony White

Property owner information (if different than the applicant)

Property owner (please print): ECS DEVELOPMENT LLC

Signature of property owner: Tony Sherman



Property Information

Tax Map Number: 0815 000 002

Current Zoning: H B Total Acres: 8.84

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

Proposed City of Flowery Branch Zoning: R3

Proposed City of Flowery Branch Character Area: COMMERCIAL

Current Use: VACANT

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

Voting Rights Act Information

Resident Population: 8,325 Housing Units: 3296 Other Buildings:

Race Population %: White 83% Black 8% Hispanic 8.7% Other 3%

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

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

I authorize the City of
FLOWERY BRANCH to inspect
the Property

Har White



Conflict of Interest Disclosure

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

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

None

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

None

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

None

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: Mpe
Date: 6.28.21 Total Fee: 50



REZONING APPLICATION

Date: 6.28.21

Address of Request:

6509 McEVER ROAD

Tax Map # 0815 002 002 Current Zoning: HB

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

Currently a conforming use? YES

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

Applicant Information

Name: FALL LEAF RESIDENTIAL LLC

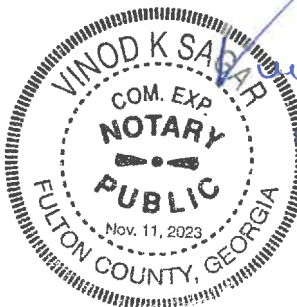
Address: 3280 Pointe PKWY SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: *Nann White*

Notary:





Property owner information (if different than the applicant)

Property owner (please print): ECS DEVELOPMENT LLC

Signature of property owner: Tony Sherman

Notary: Patty Hurt

PATTY HURT
Notary Public
HALL COUNTY, STATE of GEORGIA
My Commission Expires July 30, 2022

Property Information

Tax Map Number: 0815 002 002

Current Zoning: HB Total Acres: 8.84

Is this property located within the city-limits of Flowery Branch? NO

Proposed City of Flowery Branch Zoning: R3

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

I authorize the City
of Flowery Branch to
inspect the property

Don White

Conflict of Interest Disclosure

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

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

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Elected Officials Name	Amount of Description of Gift
<u>N/A</u>	<u></u>
<u></u>	<u></u>

CITY STAFF ONLY

Application Received By: nye
Date: 6.28.21 Total Fee: 500



Flowery Branch



REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: 6.28.21

Address of Request:

6509 McEver Road

Tax Map # 0815 000 002 Current Zoning: HB

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. \$46,760,000.00
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). $46,760,000 \times 40\% = \$18,704,000$
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8. Acreage required for buffer and watershed protection.
 - Does the buffer comply with the current City ordinance? Yes
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18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? *50,100*
19. Has a slope and grade study been done on this development? Does the study reflect density placement? *Yes*
20. Please identify what public safety needs are being considered for the project? *None Anticipated*
21. Has the Hall County School System been notified of the proposed density for this project? *Not Yet*
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. *Architectural Renderings have been submitted. Exterior building materials will consist of cement based siding such as Hardiplank with accents of brick and stone*



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: rye

Date: 6.28.21 Total Fee: 500

MCEVER ROAD TOWNHOUSE DEVELOPMENT

Sec. 34.6. - Development Statistics Required.

Applications described in this Article shall submit development statistics and specifications shall at minimum include on the site plan or in written form the information specified in this Section.

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

The maximum proposed height is 3 stories or 35 feet

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

- (c) Color renderings of any proposed structures;

Color renderings of the proposed architectural style have been submitted

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

Exteriors of the homes will be primarily 95% cement based siding such as Hardiplank with brick and stone accents

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

The maximum number of dwelling units allowed is 12 units per acre or 305 units, applicant is proposing 167 units or 6.56 units per acre. Minimum heated floor area allowed is 1,000 square feet, applicant is proposing minimum heated floor area of 1,600 square feet

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

Proposed lot coverage is 54% for front entry units or 1296 square feet, lot coverage for rear entry units is 56% or 1180 square feet

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

Minimum landscaped area is 15% or 167,793 square feet, proposed landscaped area is 19.9% or 220,175 square feet

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

Minimum parking spaces is 334, applicant is proposing 343 parking spaces, 334 garage spaces and 9 guest/mail kiosk spaces

- (i) Other dimensional information as may be required by the Zoning Administrator.

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.

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

The proposed townhouse use is compatible with use and development of nearby property, the adjoining property to the northeast is zoned for commercial uses and the property across McEver Road is zoned for a combination of commercial and townhouse uses

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

The proposal will not affect the use or useability of nearby properties.

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

No, 16 acres of the property is zoned Agriculture and there is no reasonable economic use under said zoning. 8.8 acres of the property is zoned commercial and may have a reasonable use however due to the shape and topo this property has a much more reasonable economic use as a townhouse development.

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

No, the townhouse use will not be burdensome on 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.

This property is shown as commercial on the land use plan, a townhouse use will be less intense than a commercial use therefore the townhouse use would be consistent with the intent of the land use 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.

There is a great demand for new residential homes in this area which supports the grounds for approving this application

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

North vacant commercial and fire station

East Railroad tracts and mixture of commercial and residential

South vacant agriculture

West single family residential and commercial and townhouse at corner of McEver and Gaines Ferry

- (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.

16 acres of this property has been owned by the Mann family for over 50 years, the property is zoned agriculture and has very little value with the current zoning. The 8.8 acres is zoned commercial but due to the shape and topo despite years of effort no commercial user could be found and in fact the only offers have been for a residential use

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

The zoning proposed is less intense than commercial use indicated on the land use plan therefore should have no deterrent to the value or development of adjacent property

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

No, this will not create an isolated zoning district, as mentioned previously there is a mixed commercial and townhouse now under development across McEver Road, this development along with the adjacent 6 acre commercially zoned tract at the corner of Mcever and Gaines Ferry will also provide a mixed commercial and townhouse development.

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

This rezoning will not affect the character of this 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

This development will comply with all Flowery Branch ordinances related to drainage, soil erosion, sedimentation, flooding air and water quality therefore it should have no adverse environmental impact

- (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

As mentioned before the land use plan shows commercial uses for this property, a townhouse use is less intense therefore applicant believes the zoning proposed is consistent with the overall scheme and purpose of the Zoning Ordinance

Legal Description 8.843 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

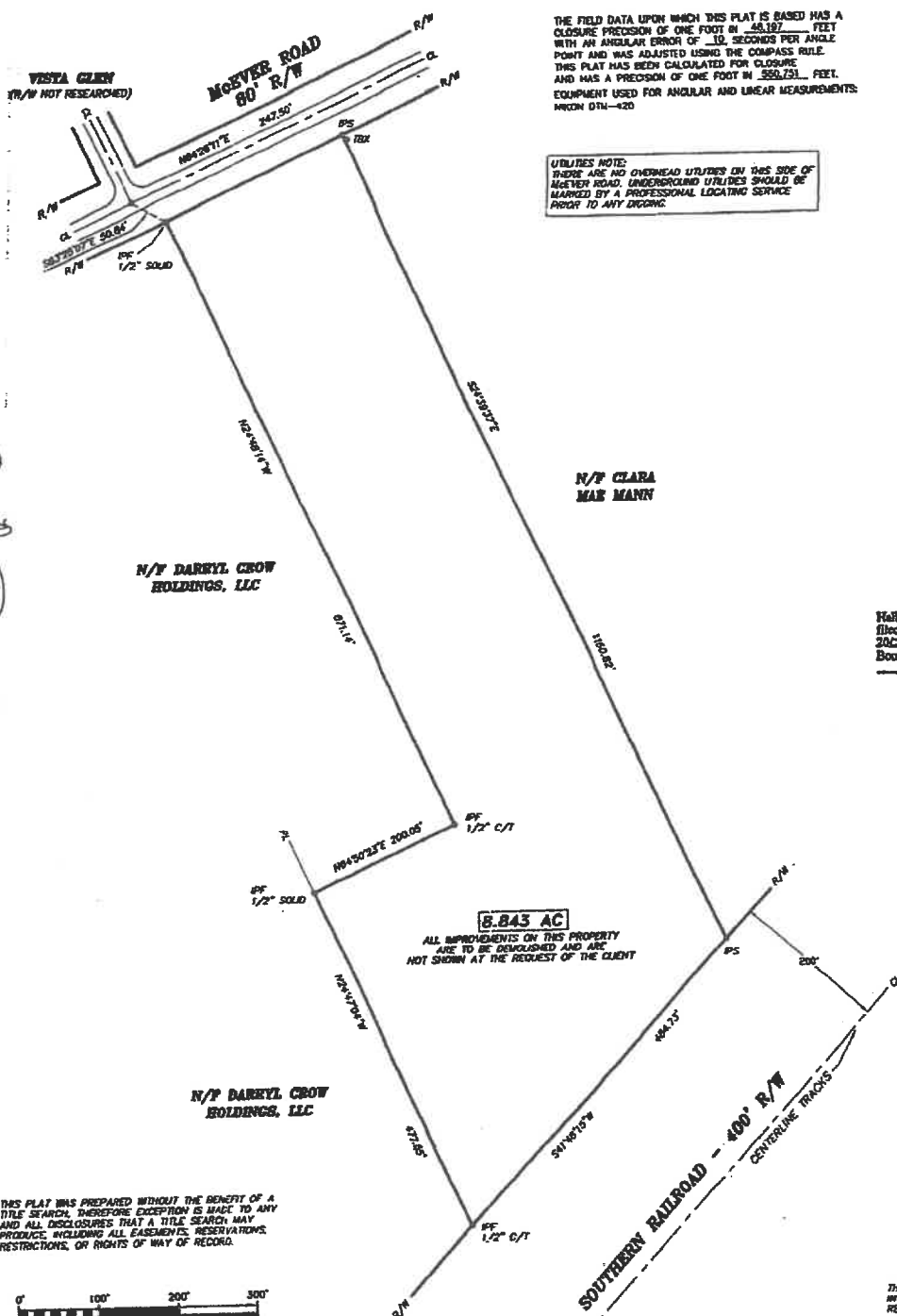
Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 1116.14 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South $24^{\circ}39'37''$ East 1160.82 feet to a point on the northwesterly right of way line of Southern Railroad (400 foot right of way); thence running South $41^{\circ}46'15''$ West along said Southern Railway right of way 484.73 feet to a point; thence running North $24^{\circ}47'04''$ West 477.85 feet to a point; Thence running North $64^{\circ}50'23''$ East 200.05 feet to a point; Thence running North $24^{\circ}48'14''$ West 871.14 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North $64^{\circ}26'11''$ East along the southeasterly Right of Way line of McEver Road 247.50 feet to a point and being the Point of Beginning, said property consisting of 8.843 acres. .

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 45,187 FEET WITH AN ANGULAR ERROR OF 19 SECONDS PER ANGLE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS A PRECISION OF ONE FOOT IN 550,731 FEET. EQUIPMENT USED FOR ANGULAR AND LINEAR MEASUREMENTS: MINOM DTM-420

UTILITIES NOTE:
THERE ARE NO OVERHEAD UTILITIES ON THIS SIDE OF AGEEVER ROAD. UNDERGROUND UTILITIES SHOULD BE MARKED BY A PROFESSIONAL LOCATING SERVICE PRIOR TO ANY DIGGING.

LEGEND

- AC - ACRES
- ALF - ANGLE IRON FILING
- BL - BUILDING SETBACK LINE
- BLDG - BUILDING
- BVF - BARBED WIRE FENCE
- CB - CATCH BASIN
- CL - CENTERLINE
- CLF - CHAIN LINK FENCE
- CMF - CORRUGATED METAL PIPE
- CONC - CONCRETE
- C/T - CRIMPED TOP PIPE
- DB, PG - DEED BOOK, PAGE
- DI - DRAIN INLET
- FH - FIRE HYDRANT
- GV - GAS VALVE
- HWF - HOOD WIRE FENCE
- IPF - IRON PIN FILING
- IPS - IRON PIN SET 1/2" REBAR
- N/F - NEW OR FORMERLY
- O/T - OPEN TOP PIPE
- PBX - POWER BOX
- PL, PG - PLAT BOOK, PAGE
- PL - PROPERTY LINE
- PP - OVERHEAD POWER LINE
- PS, PG - PLAT, SLIDE, PAGE
- PT - POWER & TELEPHONE LINES
- PPF - POWER & TELEPHONE POLE
- R/B - REINFORCING IRON BAR
- R/W - RIGHT OF WAY
- RCF - RECONSTRUCTED CONCRETE FENCE
- T - OVERHEAD TELEPHONE LINE
- TRK - TELEPHONE BOX
- TP - TELEPHONE POLE
- WM - WATER METER



Hall County, Georgia, Clerk Superior Court
Filed in office this 30 day of December
2005 at 2:09 PM. Recorded in Plat
Book 5471 Page 118
Dwight S. Wood, Clerk

RECORDING PERMIT
By *[Signature]*
HALL COUNTY PLANNING COMMISSION



THIS PLAT IS NOT VALID UNLESS IT BEARS
IN BOLD THE ORIGINAL SIGNATURE OF THE
REDACTANT ACROSS THE REDACTANT'S SEAL.

FILE NO. S-914

PREPARED BY:
JARRARD SURVEYING
858 OAK STREET
GAINESVILLE, GEORGIA 30501
PH: 770.534.3421 FAX: 770.534.4101

SURVEY FOR
**ANTHONY SHERMAN &
VICTOR FELIX ESPINOSA**

LOCATED IN
LAND LOT: 150 DISTRICT: 8
HALL COUNTY, GEORGIA

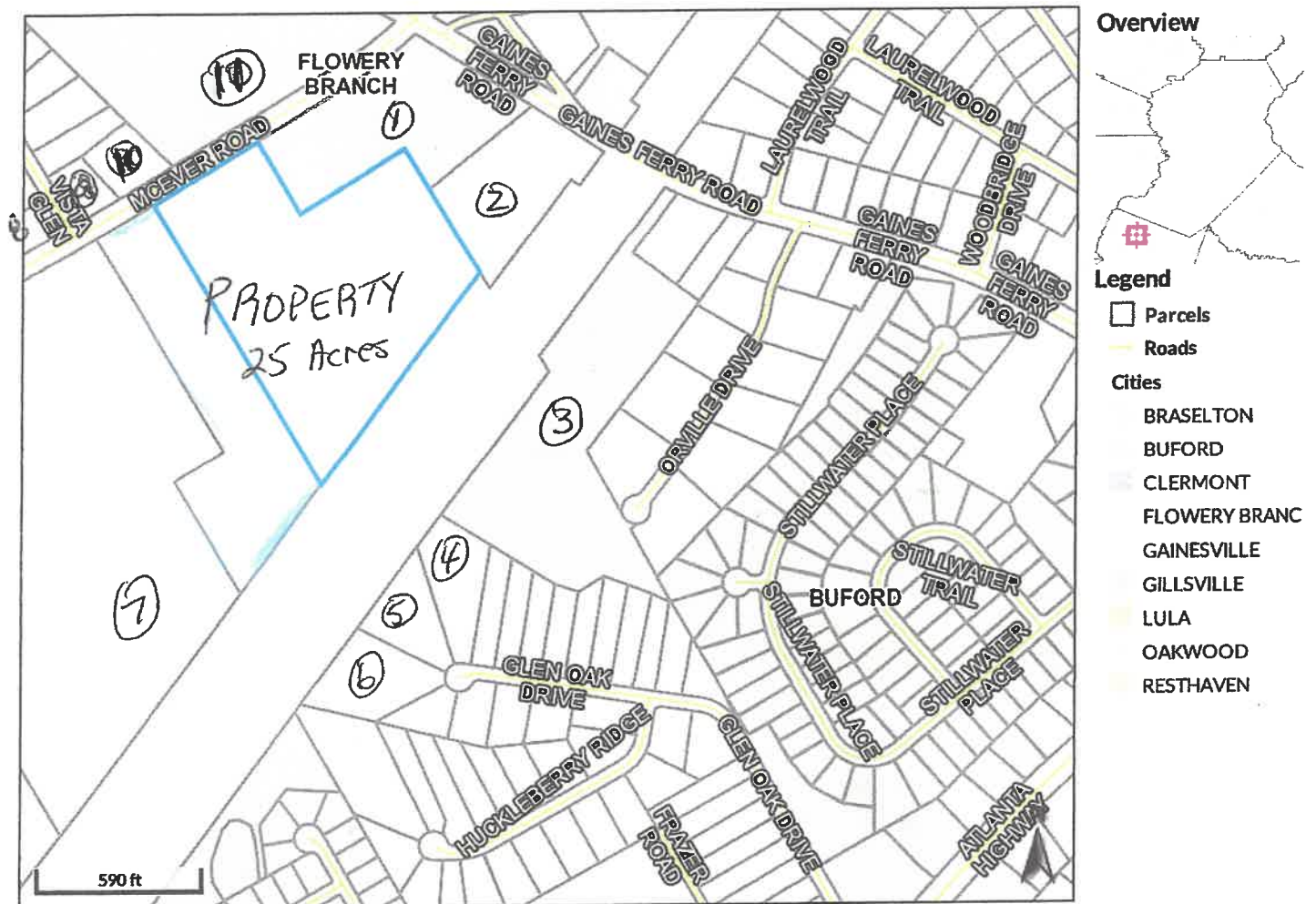
FIELD DATE: 5/26/05 PLAT DATE: 6/4/05
REVISED 9/09/05: NAME CHANGE ONLY. NO FIELD WORK.

JOB NO. 05-081



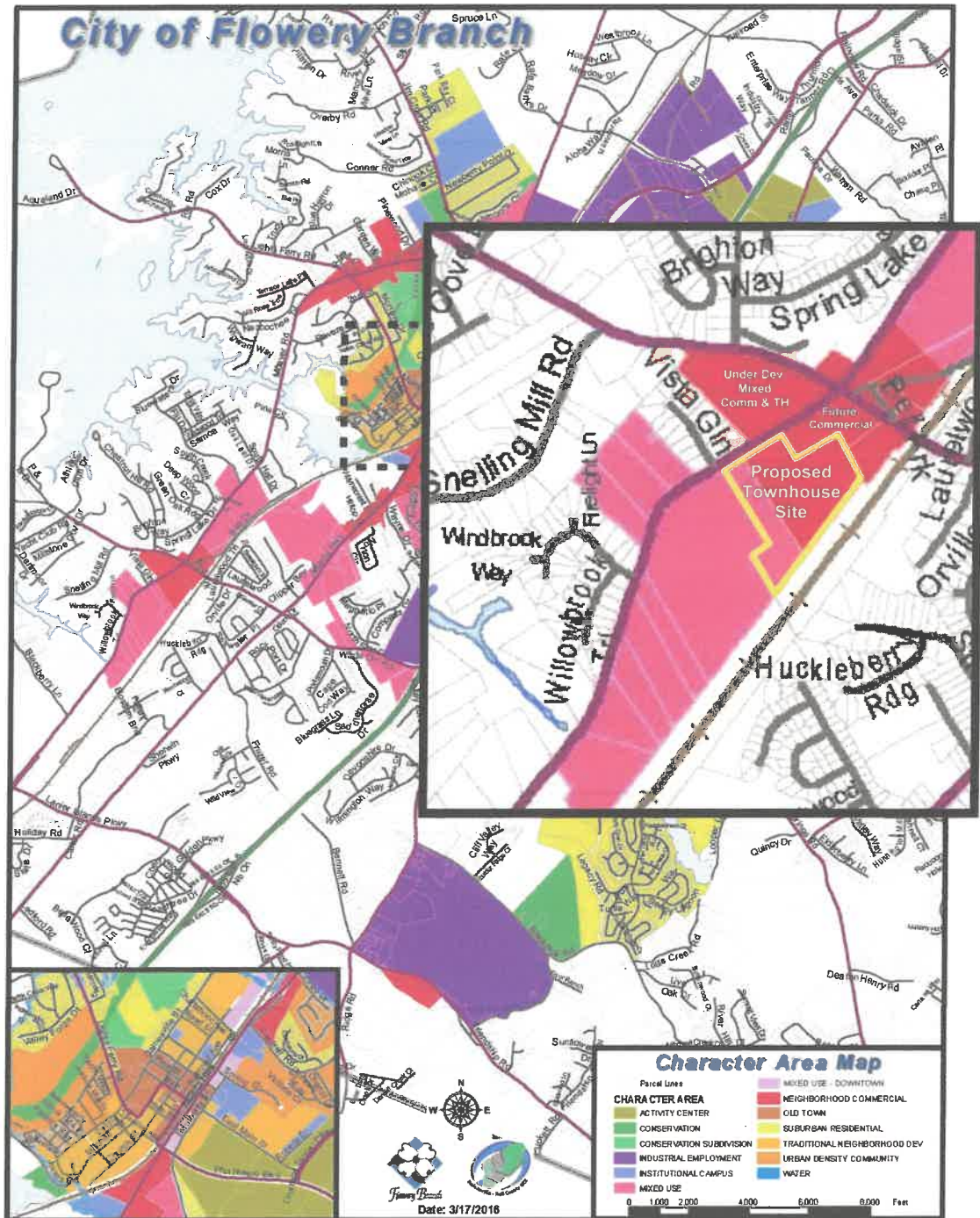






Adjacent Property Owners Mcever Road

1. Blessing Traders Inc., 1837 Dover Hill Drive, Lawrenceville, Ga. 30043
2. Hall County, P. O. Box 1435, Gainesville Ga. 30503
3. Clarence Westfall, 4850 Golden Parkway, Suite B, Buford. Ga. 30518
4. 4. Mack and donna Simmons, 6204 Glen Oak Drive, Flowery Branch, Ga. 30542
5. Deborah Roberts Rev Trust, 6208 Glen Oaks Drive, Flowery Branch, Ga. 30542
6. George Gillian, 6207 Glen Oaks Drive, Flowery Branch, Ga. 30542
7. Daryll Crow Holdings LLC, 6172 Jim Crow Road, Flowery Branch, Ga. 30542
8. John M. Crevis 111, 6505 Vista Glen, Flowery Branch, Ga. 30542
9. Billy and Shelby Patterson, 6502 Vista Glen, Flowery Branch, Ga. 30542
10. All Awesome Properties LLC, 4411 Suwanee Dam Road, Suite 415, Suwanee, Ga. 30024
11. Sarkar Development Group LLC, C/O Henderson Legal, 1350 Spring Street, Suite 485, Atlanta, Ga. 30309





FALL LEAF RESIDENTIAL, LLC
1192 Longcourte Drive
Atlanta, GA 30327

Mayor and City Council
Flowery Branch, Ga. 30534

Re: Annexation/Rezoning Application 25.46 Acres, McEver Road

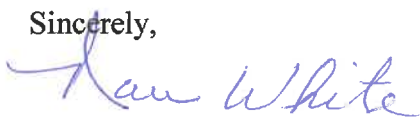
Please accept this letter outlining the plans for two tracts of land totaling 25.46 acres fronting on the east side of McEver Road, just south of Gaines Ferry Road. We previously submitted two annexation and rezoning applications on these properties which were objected to by Hall County. We believe Hall County's objection is without merit, but due a technicality in the arbitration process we had to withdraw and are now submitting new applications. This application is for slightly less land than our previous applications. We have left a 10 foot strip along the easterly property line of the 16 acre tract that is not being annexed but will remain in Hall County. We did this to avoid creating a situation where property across the railroad tracts would become an island of County land, one of the objections Hall County raised in the objection they filed. This land will be owned by the HOA and part of the community, it will just remain in Hall County.

These properties are currently in Hall County and are zoned HB and AR111 in the County. We are requesting annexation and rezoning to the R3 zoning classification to allow the development of a fee simple townhouse development. The site plan we have submitted shows 167 townhouse lots on the 25.46 acre tract for a density of 6.56 units per acre. We have 19.9% of the site in buffers and open space, we believe this open space will provide an excellent area for passive recreational uses such as walking trails and a community picnic area. The community will be subject to a Declaration of Covenants and Conditions and each home will be required to be a member. The Homeowners Association will be responsible for the future maintenance and upkeep of all entrance features, open spaces and any amenities.

As mentioned above 8.8 acres of this property is presently zoned for HB in Hall County and the Flowery Branch Land Use Plan shows the 16 acre portion of the property designated for future commercial uses and the 8.8 acres designated for mixed use. We believe that our requested townhouse use is a less intense use than what is proposed by the Land Use Plan and therefore appropriate. There is also a mixed use commercial and townhouse development now under development at the southwest corner of McEver Road and Gaines Ferry Road directly across McEver from our site. There is a 6 acre tract adjoining this property to the north, at the southeast corner of McEver and Gaines Ferry, that is also currently zoned commercial so with this rezoning there will also be a mixed use development at this corner of the intersection. We originally thought the townhouse use proposed would provide a natural transition between this future commercial area and what we anticipated would be less dense residential uses to the south which would still be the case if the adjoining property were residential. However, as you probably know the 34 acres to the south is now being considered for a large industrial development. If this industrial development is approved we feel it makes our rezoning request even more reasonable as this property will then be located between commercial property to the north and west and industrial property to the south..

We have submitted elevations showing the architectural style of the townhomes we are proposing, they will have a farm house look with exterior building materials that will be primarily cement based siding such as Hardiplank with brick and stone accents. We believe this will be a very attractive development providing much needed housing for the City of Flowery Branch and hope the City Council will approve our two annexation and rezonings.

Sincerely,



Fall Leaf Residential, LLC
Norman White, Manager



ANNEXATION APPLICATION

Date: 6/15/21

Address of Request: 6509 McEwen Road

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

City Clerk Signature _____

Applicant Information

Name: FALL LEAF RESIDENTIAL

Address: 3280 POINT PARKWAY SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: _____

Property owner information (if different than the applicant)

Property owner (please print): ECS DEVELOPMENT LLC

Signature of property owner: Tony Sherman



Property owner information (if different than the applicant)

Property owner (please print): E.C.B. DEVELOPMENT LLC

Signature of property owner: TONY SHERMAN

Notary: Patty Hurt

PATTY HURT
Notary Public
HALL COUNTY, STATE of GEORGIA
My Commission Expires July 30, 2022

Property Information

Tax Map Number: 0815 002 002

Current Zoning: HB Total Acres: 8.84

Is this property located within the city-limits of Flowery Branch? NO

Proposed City of Flowery Branch Zoning: R3

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



ANNEXATION APPLICATION

Date: _____

Address of Request:

6495 McEver Road

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

City Clerk Signature _____

Applicant Information

Name: FALL LEAF RESIDENTIAL LLC

Address: 3280 Pointe Pkwy SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: *Don White*

Property owner information (if different than the applicant)

Property owner (please print): Estate of Clara Mae Mann

Signature of property owner: *Diane M Crawford*

Diane M Crawford Independent Executrix
of the Estate of Clara Mae Mann



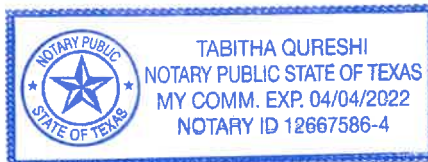
Property owner information (if different than the applicant)

Property owner (please print): ESTATE OF CLARA MAE MANN

Signature of property owner: Diane Mann Crawford
Diane Mann Crawford Independent
EXECUTRIX OF THE ESTATE OF
CLARA MAE MANN

Notary:

STATE OF TEXAS
COUNTY OF TRAVIS
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 15 DAY OF JUNE, 2021
BY Diane Crawford
Tabitha Qureshi
NOTARY PUBLIC



Property Information

Tax Map Number: 0815 002 002A

Current Zoning: AR III Total Acres: 16.84

Is this property located within the city-limits of Flowery Branch? NO

Proposed City of Flowery Branch Zoning: B-3

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a request submitted by Mr. Kevin Hobgood to rezone 5205 Railroad Avenue from M1 (Light Industrial) to CBD (Central Business District).

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

The .14 acre tract is the site of the old cabinet shop.

FACTS AND ISSUES:

Mr. Hobgood requests rezoning to CBD to better market the site. Therefore, there is no site plan nor any renderings. Section 9.5.e of the zoning ordinance requires all projects come before City Council for approval in the CBD. Mr. Hobgood provided some conceptual renderings of what the site may eventually look like (please see attached).

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing only for August 5, 2021.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Hobgood Rezoning.pdf](#)
- [Exterior Hobgood 1.jpg](#)
- [Exterior Hobgood 2.jpg](#)

- [9 Nonresidential Zoning Districts 2019.pdf](#)



REZONING APPLICATION

Date: June 7, 2021

Address of Request: 5205 Railroad Ave. Flower Branch, GA 30542

Tax Map # 08112 016001 Current Zoning: M-1

Is this site located within the boundaries of the historic district? yes

Currently a conforming use? _____

Any conditions of zoning, CUP's, etc.? _____

Applicant Information

Name: Kevin Hobgood

Address: 7233 Sherwood Mill Drive
Flower Branch, GA 30542

E-mail address: Kevin@hobgoodgroup.com

Phone number: 678-898-2251

Signature: [Signature]

Notary:

[Signature]
exp. May 8, 22





Property owner information (if different than the applicant)

Property owner (please print): _____

Signature of property owner: _____

Notary: _____

Property Information

Tax Map Number: 08112 01600

Current Zoning: M-1 Total Acres: _____

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

Proposed City of Flowery Branch Zoning: CBD

Current Use: STORAGE / MILLWORK SHOP

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

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

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



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

_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Flowerly Branch

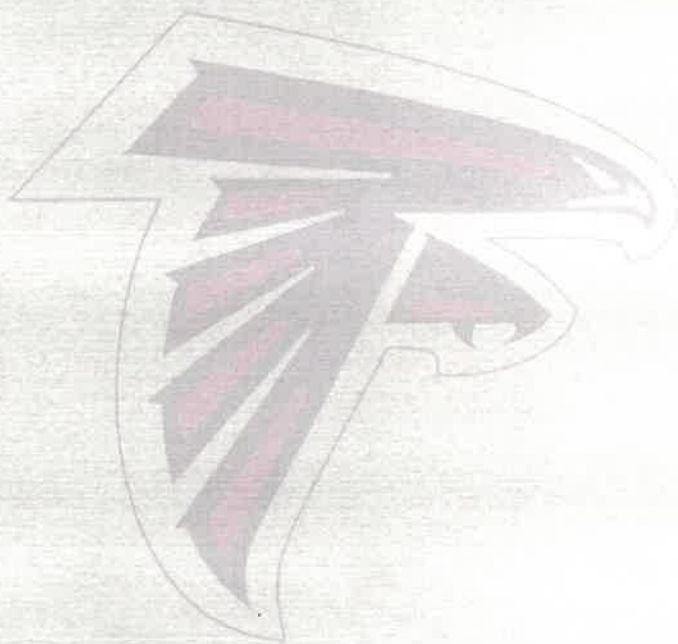


Exhibit A







ARTICLE 9
NONRESIDENTIAL ZONING DISTRICTS

- Sec. 9.1. O-P, Office-Professional District.
- Sec. 9.2. INST, Institutional District.
- Sec. 9.3. NS, Neighborhood Shopping District.
- Sec. 9.4. HB, Highway Business District.
- Sec. 9.5. CBD, Central Business District.
- Sec. 9.6. M-1, Light Manufacturing and Industrial District.
- Sec. 9.7. M-2, Heavy Manufacturing and Industrial District.

Sec. 9.1. O-P, Office-Professional District.

- (a) Purpose and Description. This zoning district is intended to implement the “Office-Professional” designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Institutional Campus” character area established in the comprehensive plan and may be appropriate within neighborhood commercial and activity center classifications shown on the character area map. The Office-Professional district is intended to encourage and provide suitable areas for professional, medical, research and scientific functions, general offices, and certain related activities. This district is intended to apply to single-function office buildings and to planned office parks and planned office complexes. In some cases, the OP district may be appropriate as a transition between a commercial zoning district and a single-family or multi-family residential zoning district.
- (b) Character. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.”
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”

Sec. 9.2. INST, Institutional District.

- (a) Purpose and Description. This zoning district is intended to implement the “Public Institutional” and “transportation, communications and utilities” designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Institutional Campus” character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for institutional campuses including the Atlanta Falcons Training Facility, Hall County public schools, and large churches.
- (b) Character. These are mostly single-function land use districts where public access is controlled or limited. Areas are sometimes designed for trucks and individual establishments

are not connected with one another. In the case of schools, pedestrian accessibility is provided, but other institutions are largely reliant on the automobile for access. Campus-style site planning and generous landscaping are required.

- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

Sec. 9.3. NS, Neighborhood Shopping District.

- (a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "neighborhood commercial" character area established in the comprehensive plan.
- (b) Character. Neighborhood commercial districts are intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods. Uses within neighborhood commercial character areas generally occur within enclosed buildings with no outside storage and limited outdoor display of goods and merchandise. Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Auto-related, highway-oriented commercial uses are not permitted. With the exception of convenience stores with gasoline pumps, neighborhood commercial districts are not intended to permit or accommodate automotive uses or other types of more intensive highway business activities, or those uses that generate excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use.
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts." Business establishments do not exceed 2,500 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods. Open space is limited to suburban plazas or small open spaces. A three-story height limit is imposed.

Sec. 9.4. HB, Highway Business District.

- (a) Purpose and Description. This zoning district is intended to implement the “commercial” designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “activity center” and “mixed use” character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.
- (b) Character. This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.” The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”

Sec. 9.5. CBD, Central Business District.

- (a) Purpose and Description. This zoning district is intended to implement the redevelopment element of the Flowery Branch Comprehensive Plan, as amended. This zoning district is also intended to implement the “Central Business” designation of the Future Land Use Map contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Old Town” character area established in the comprehensive plan, as amended. All construction projects require approval by the City Council of Flowery Branch. For lots zoned CBD which are within the city’s local historic district, compliance with the city’s historic preservation ordinance is also required.
- (b) Character. This district is a compact area corresponding with the city’s downtown core. It is characterized by a grid block pattern with skinny streets, sidewalks composed of distinctive materials (e.g., stamped concrete) and lined with street trees. Developments are built to a pedestrian-friendly scale (i.e., “Main Street Commercial”) and include plazas and small urban pocket parks. Buildings and structures which are considered “historic” are retained to maintain the overall historic character of the area.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.”

- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”
- (e) Construction Approval. Any proposed construction project must be approved by the City Council prior to issuance of any permit.
- (f) Construction Approval Requirements. All construction proposals shall submit at a minimum the following:
 - 1. Legal description of the property;
 - 2. Survey of the property;
 - 3. Existing conditions analysis of the site to be redeveloped, including any existing buildings, structures, and/or uses on the subject site, and the existing land uses and description of buildings, structures, and uses on all adjacent lots;
 - 4. Letter of intent describing the proposed use(s) of the property or other action requested (redevelopment project approval). The applicant must be comprehensive in terms of describing all principal uses that will be included – these will become limiting and binding on the developer – refer to the permitted uses listing in Table 9.1 of Article 9 of the Flowery Branch Zoning Ordinance. For complex projects, the applicant should describe the intended phasing of the project, if applicable. The letter of intent shall address the following:
 - a. How the proposed action compares (and is consistent with) the goals, policies, and development requirements of the Old Town Redevelopment Plan;
 - b. How the project will be consistent with any adopted design guidelines for the type of development and/or the proposed use; and
 - c. How the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of buildings in the proposed redevelopment project will be appropriate in its surroundings;
 - 5. Two copies and one electronic copy of a site plan of the property, at an appropriate engineering scale, showing the proposed use and relevant information (buildings, parking, open spaces, etc.) regarding proposed improvements;
 - 6. Statistics regarding the proposed development (this may be incorporated into the letter of intent, or shown on the site plan, or both). At minimum, such statistics shall include the total square footage of the redevelopment project, including any existing buildings to be retained, the total gross square footages of building(s) devoted to each use, and proposed building heights for all buildings and structures proposed in the redevelopment project;
 - 7. Two copies and one electronic copy of all exterior elevation drawings of all building faces that will front on a public or private street, and rear and side elevations of same

if requested by Zoning Administrator, drawn to an architectural scale and signed by an architect. If structured parking is proposed, elevations of the parking structure must also be submitted. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed principal buildings. Each application shall also indicate proposed materials, textures and colors and provide samples of materials and colors. In cases where an applicant has already made application for approval of a certificate of appropriateness (COA), the applicant can submit the complete application for certificate of appropriateness as submitted to the Historic Preservation Commission. Where an applicant has already received a certificate of appropriateness from the Historic Preservation Commission, resubmission of the approved application for certificate of appropriateness shall constitute compliance with this application requirement unless the Zoning Administrator notifies the applicant that additional information is needed for aspects not covered in the approved COA application;

8. Facility impact analyses, including the following:
 - a. Proof of water and sewer availability from the Public Works Director and Wastewater Treatment Plant Superintendent.
 - b. Analysis of the adequacy of drainage for the site (description and assessment of adequacy of stormwater facilities on-site and off-site).
9. A written development agreement, if the developer requests city participation in the provision of on-site or off-site facilities, such as the sharing of costs for facilities, shared parking, etc. which may or may not be available from the city. If accepted by the city, the development agreement may become a condition of project approval or it may be considered and approved separately from redevelopment project approval;
10. If any variances or administrative variances are required, the applicant will file a separate application following submission requirements and processes for the type of variance sought. These may be heard concurrently.

Sec. 9.6. M-1, Light Manufacturing and Industrial District.

- (a) Purpose and Description. This zoning district is intended to implement the “light_industrial” and “transportation, communication and utilities” designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “industrial/employment” character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city. (Ord. 348-13)
- (b) Character. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.” Light industries are the primary permitted uses. (Ord. 348-13)
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”
- (e) Design Requirements. Please see Article 14 sec.14.13 of this ordinance.

Sec. 9.7. M-2, Heavy Manufacturing and Industrial District. (Ord. 348-13)

- (a) Purpose and Description. This zoning district is intended to implement the “heavy industrial” designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “industrial/employment” character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city.
- (b) Character. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.” Light and heavy industries are the primary permitted uses.
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”
- (e) Design Requirements. Please see Article 14 sec.14.13 of this ordinance.

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

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

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

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	P	P	X	P	P
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary (Ord. 348-13)	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P	P	X	X	P	X	X
Dwelling, single-family detached, condominium	P	P	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	P	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, two-family (duplex)	C	C	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X
Food processing plant	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler	X	P	P	P	P	P	P
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P
Gym or exercise facility open 24 hours a day	P	P	X	P	P	P	P
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	X	C
Health spa	X	X	X	P	P	P	P
Hospital	C	P	X	P	C	C	C
Incinerator	X	X	X	X	X	X	C
Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X	X
Institutional residential living and care facility, serving 18 persons or more	C	P	X	P	X	X	X
Junk/salvage yard	X	X	X	X	X	X	C
Kennel	X	X	X	P	X	P	P
Laboratory	P	P	C	P	X	P	P
Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro brewery	X	X	X	X	P	P	P
Mixed use building or development	C	X	P	P	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
Package Store	X	X	P	P	X	P	P
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P
Power plant, private	X	X	X	X	X	X	C
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts (Ord. 348-10; Ord. 348-11)	P	P	C	P	C	C	C
School, private, elementary, middle, or high (Ord. 348-11)	P	P	C	P	X	C	C
School, public	P	P	X	X	X	X	X
School, professional (Ord. 348-11)	P	P	C	P	X	C	C
School, special (Ord. 348-11)	P	P	X	X	X	C	C

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	O-P	INST	NS	HB	CBD	M-1	M-2
School, trade (Ord. 348-11)	C	C	X	X	X	C	C
Self-service storage facility (mini-warehouse)	X	X	X	P	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility (Ord. 348-11)	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	C	X	C	C
Tattoo Parlor	X	X	X	P	x	C	C
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P
Warehouse or storage building	X	X	X	C	X	P	P
Water plant or wastewater treatment facility	X	X	X	X	X	X	X
Wholesale trade establishment	X	X	X	C	C	P	P
Wireless telecommunications equipment	X	C	X	C	X	C	C
Wireless telecommunications facility	X	C	X	C	X	C	C
Wrecked motor vehicle compound	X	X	X	C	X	X	P
Yoga Studio	P	P	P	P	P	P	P

(Ord. 348-18)

Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

Dimensional Requirement (measurement unit)	O-P	INST	NS	HB	CBD	M-1	M-2
Maximum height (feet)	35	45	35	60	Note 1	75	75
Maximum height (number of stories)	3	3	3	5	Note 1	4	5
Maximum density (units per acre)	3	3	3	12	N/A	N/A	N/A
Minimum lot size for detached single family dwelling (square feet)	10,000	10,000	10,000	10,000	7,000	N/A	N/A
Minimum lot size for other uses (square feet)	10,000	None	None	None	None	None	None
Minimum lot width (feet)	75	75	90	None	None	100	100
Minimum heated floor area per dwelling unit (square feet)	1,200	1,200	1,200	700	700	700	700
Minimum front yard setback (feet)	25	40	25	None	None	25	25
Minimum side setback, interior lot line (feet)	10	40	10	10	None	15	15
Minimum side setback, corner lot (feet)	15	40	15	15	None	25	25
Minimum side setback, interior lot line (width in feet) for institutional zones abutting other institutional zones	N/A	10	N/A	N/A	N/A	N/A	N/A
Minimum landscape strip required along side property lines for institutional zones abutting other institutional zones (width in feet)	N/A	5	N/A	N/A	N/A	N/A	N/A
Minimum rear setback (feet)	20	40	20	25	None	25	25
Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district (feet)	25	50	40	30	None	60	60
Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district (feet)	15	40	30	30	None	50	50
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (None If built to front lot line)	None	30	30
Minimum landscape strip required along side property lines for any nonresidential or multi-family use (width in feet)	5	15	5	None	None	None	None
Maximum lot coverage (percent)	35	40	45	50	None	None	None
Minimum landscaped open space (percent)	25	20	15	15	N/A	10	10

(Ord. 348-13)

Note 1. Building Height and Number of Stories. The maximum height of any building, including those on lots subsequently zoned CBD after the effective date of this zoning ordinance amendment, shall be three stories and 45 feet, except as follows:

The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: A variance request submitted by Blessing Trader, Inc. to allow fuel pumps to be located in front of the proposed principal structure located at 6477 McEver Road.

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

FACTS AND ISSUES:

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:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Application Scanned.pdf](#)
- [Legal Description - McEver Road Food Mart.docx](#)
- [Pages from 20110 - McEver SHEETS VIC 5-21-2021.pdf](#)



VARIANCE APPLICATION

Address of Request: 6477 MCEVER ROAD, FLOWERY BRANCH, GA 30233 (PID 08150-002001)

Type of Variance Requested: Allow fuel canopy to be located in front of the principal structure.

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:

Please see letter of intent.

Applicant: Blessing Trader Inc. c/o Alliance Engineering and Planning, LLC

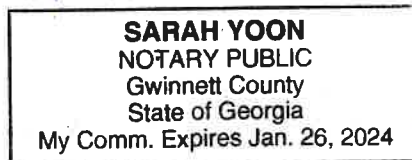
Address: 6095 Atlanta Hwy., Suite 100, Flowery Branch, GA 30542

E-mail address: Tylerl@allianceco.com

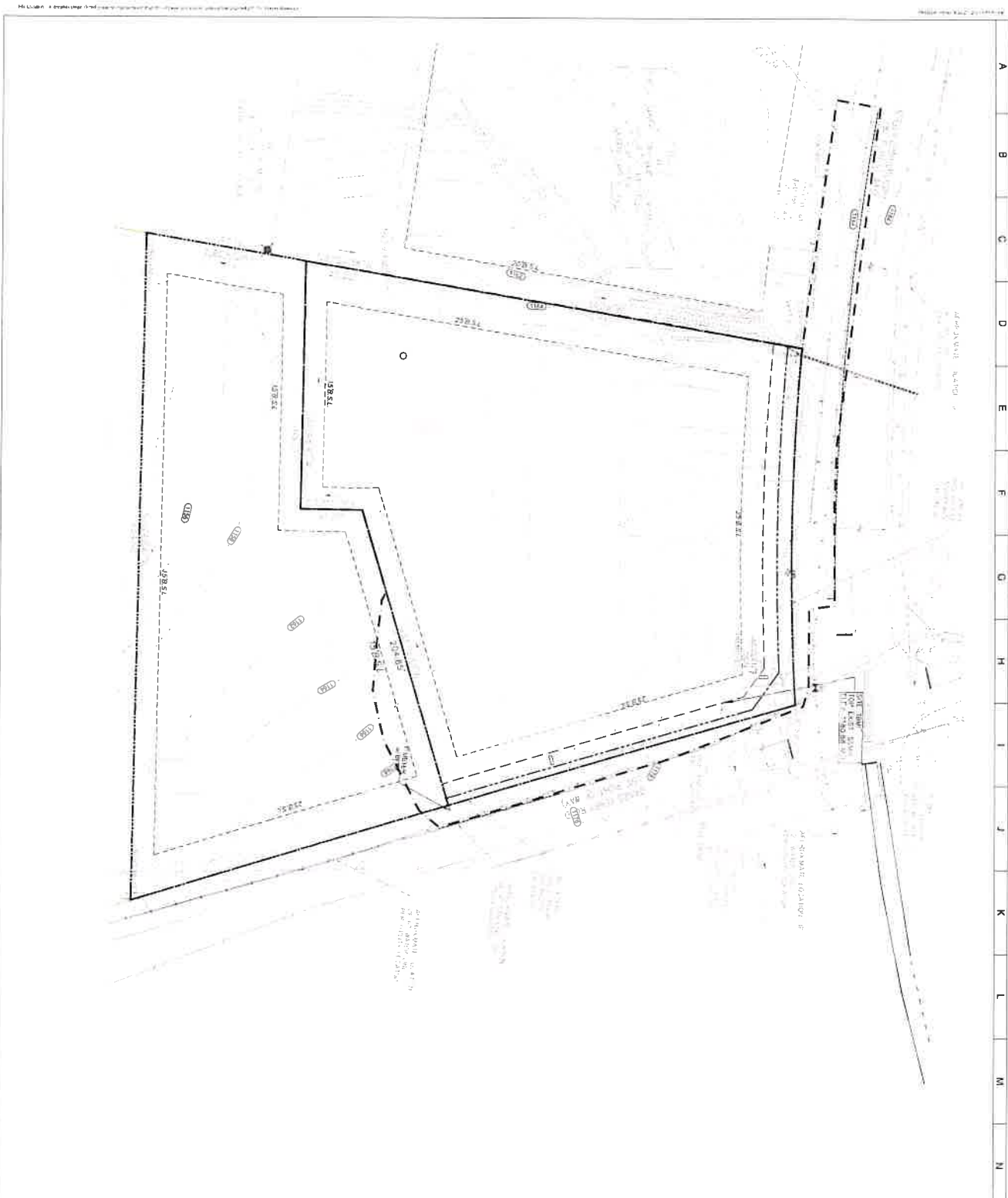
Phone number: (248)342-2558

Signature: _____

Notary Seal:



June 15th 2021



GENERAL DEMOLITION NOTES:

1. DEMOLITION SHALL BE IN ACCORDANCE WITH THE CITY OF FLOWERY BRANCH, GEORGIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING, STANDARD SPECIFICATIONS FOR CONSTRUCTION, LATEST EDITION.
2. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED THROUGHOUT THE DEMOLITION PROCESS.
3. DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. ALL DEMOLITION DEBRIS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF AT AN APPROVED LOCATION.
5. THE SITE SHALL BE LEFT IN A CONDITION READY FOR RECONSTRUCTION.

NOTES:

ALLIANCE ENGINEERING CARRIES NO LIABILITIES FOR ANY UTILITY CONFLICT OR DAMAGES. CONTRACTOR IS RESPONSIBLE TO CONDUCT ALL ABOVE AND UNDERGROUND UTILITIES INVESTIGATION PRIOR TO CONSTRUCTION ACTIVITIES BEGIN.



ALLIANCE ENGINEERING & PLANNING LANDSCAPE ARCHITECTURE LAND SURVEYING ONE ENGINEERING • LAND PLANNING • LANDSCAPE ARCHITECTURE • LAND SURVEYING 201 W. 10th Street, Suite 100 • Flowery Branch, GA 30804 (770) 201-1111 • www.allianceeng.com	City of Flowery Branch Department of Public Works Division of Engineering 201 W. 10th Street, Suite 100 Flowery Branch, GA 30804 (770) 201-1111	SINDAR ENTERPRISES, INC. 1837 DOVERHILL ROAD DUNWOODY, GA 30043 24 HR CONTACT: KARRI ALY (678) 458-1193 KARRIALY20016@YAHOO.COM	Site Construction Plans for McEVER ROAD FOOD MART MCEVER ROAD & GAINES FERRY ROAD CITY OF FLOWERY BRANCH HALL COUNTY, GEORGIA L.L. 139 - DISTRICT 8TH PARCEL # 08 150 002001 TRACT 1A	Drawn by: [blank] Checked by: [blank] Project #: 201118 Date: 2/1/18	Scale: [blank] North Arrow: [blank] EXISTING CONDITION PLAN C-201
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- NOTE:**
1. ALL ARE

1. ALL AREAS OF THE ROAD THAT ARE WIDENED FOR CONSTRUCTION SHALL BE RESURFACED PRIOR TO LETTING.

MUNICIPAL NOTES

- TRAFFIC CONTROL NOTES

TRAFFIC CONTROL NOTES

- ## GENERAL NOTES

PROJECT SITE DATA

- CONFERENCE
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Letter of Intent

The applicant and owner Blessing Trader Inc. requests a variance on a 2.13-acre lot at the southeast corner of Mcever Road and Gaines Ferry Road for the purpose of constructing a 6,006 square foot convenience store with retail, and fuel pumps. The principal structure would include a 4,158 square foot convenience store and 1,848 square foot retail space.

To develop the site as proposed, the applicant requests a variance from section 10.9 (g) to allow the fuel pumps and canopy to be in front of the principal structure. In accordance with the submitted site plan, the development would also include a large stormwater management pond at the rear of the property. If the site were arranged in a manner that oriented the principal structure in front of the fuel canopy, the driveway around the canopy would encroach into the space required for the pond. Further, the development's layout as proposed is more consistent with the other convenience store in Flowery Branch and the surrounding communities.

As a screening alternative, the applicant is willing to provide additional landscaping along the property's multiple road frontages, including shrubs and trees.

The applicant looks forward to meeting with staff as well as the community to answer all questions or concerns and is excited to provide a quality and useful service to the community.

Criteria for Granting Variances

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 site gradually slopes downward from the site's multiple road frontages toward the southeast corner of the lot, where the proposed stormwater detention area is proposed. Pursuant to the City's stormwater management requirements, the size and location of the detention pond, as shown on the provided site plan, is effective for the size of the lot and subsequent development on this site. Locating the fuel canopy behind the principal structure would require the interior driveway around the canopy to be pushed back in the site to maintain efficient vehicular circulation. This alternate driveway location would virtually eliminate the essential stormwater detention area. Allowing the fuel canopy in front of the principal structure would allow for sufficient stormwater management.

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;

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

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;

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

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 variance will not be injurious to the neighborhood or to the general welfare. The proposed development will provide a great and convenient service to the community.

The special circumstances are not the result of the actions of the applicant;

The City Zoning Ordinance, last updated on December 22, 2020, states the following:

"Convenience stores should locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street. However, if fuel pumps are not located in the rear of the building, then additional landscaping should be required..."

According to the ordinance, the proposed canopy location would not require a variance, only additional screening. However, the applicant has the intention of providing additional screening along the frontages of the property if the proposed location is permitted.

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

Due to the size of the property and the choice location for the stormwater pond, the variance requested is the minimum variance that will make the use possible.

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 proposed use, convenience store with fuel pumps and retail, is a permitted use in the HB zoning district.

Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

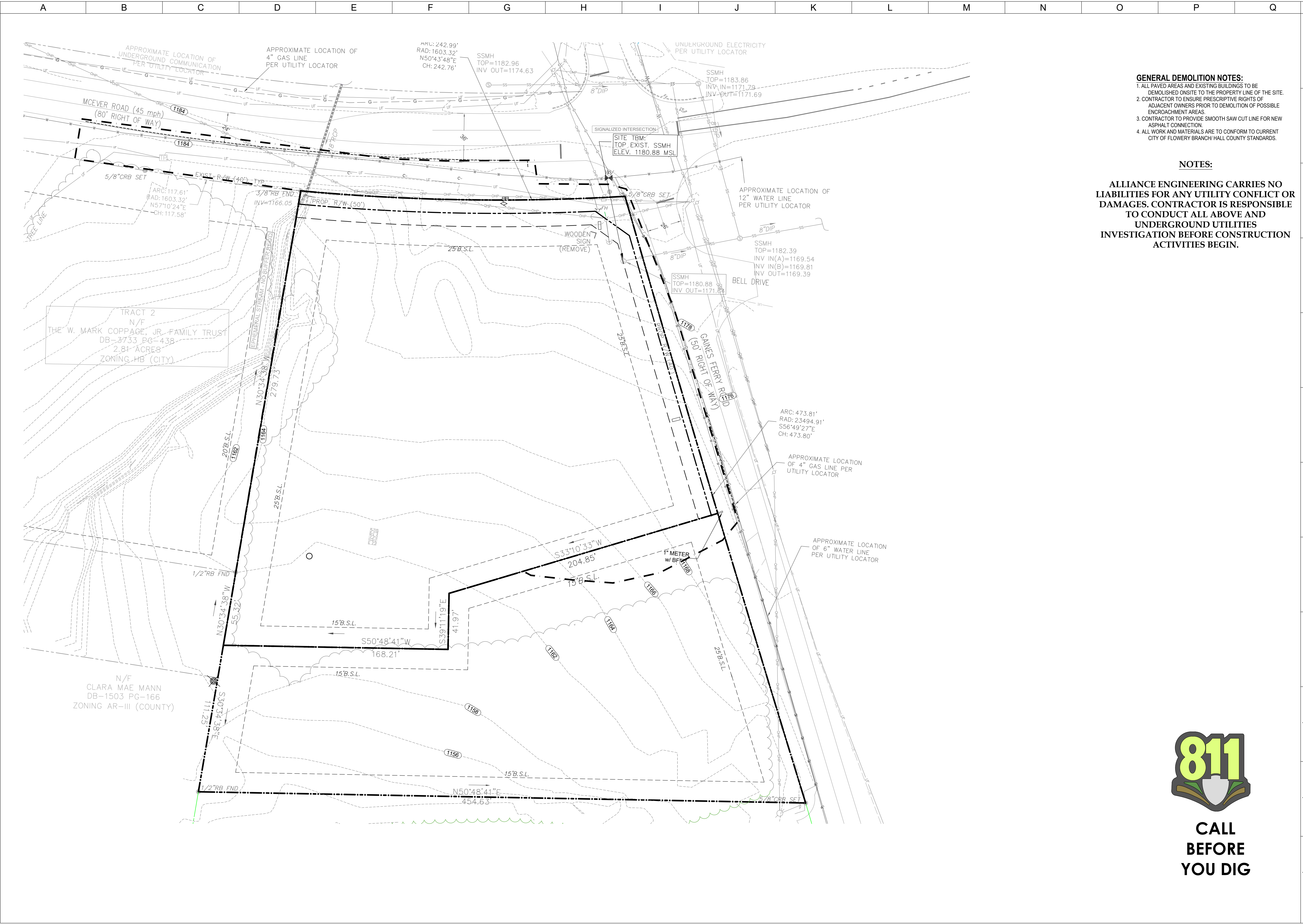
Elected Officials Name

Amount of Description of Gift

Legal Description – McEver Road Food Mart

Begin at a set 5/8" capped rebar lying at the intersection between the southerly right-of-way of McEver Road (80' right-of-way) and the westerly right-of-way of Gaines Ferry Road (50' right-of-way), said point lying on a non-tangent curve to the left, having a radius of 23,494.91 feet, a chord bearing of South 56 Degrees 24 Minutes 05 Seconds East and a chord length of 238.26 feet, said point being the POINT OF BEGINNING of the parcel herein described; thence run along the arc of said curve and said right-of-way of Gaines Ferry Road for a distance of 238.26 feet to a point; thence leaving said right-of-way, run South 33 Degrees 10 Minutes 33 Seconds West for a distance of 204.85 feet to a point; thence run South 39 Degrees 11 Minutes 19 Seconds East for a distance of 41.97 feet to a point; thence run South 50 Degrees 48 Minutes 41 Seconds West for a distance of 168.21 feet to a point; thence run North 30 Degrees 34 Minutes 38 Seconds West for a distance of 55.32 feet to a found 1/2" rebar; thence run North 30 Degrees 34 Minutes 38 Seconds West for a distance of 279.73 feet to a found 3/8" rebar lying on the southerly right-of-way of the aforementioned McEver Road, said point lying on a non-tangent curve to the left, having a radius of 1,603.32 feet, a chord bearing of North 50 Degrees 43 Minutes 48 Seconds East, and a chord length of 242.76 feet; thence run along the arc of said curve and said right-of-way for a distance of 242.99 feet to the POINT OF BEGINNING

Said parcel being 89,085 square feet, or 2.045 acres.



GENERAL DEMOLITION NOTES:

1. ALL PAVED AREAS AND EXISTING BUILDINGS TO BE DEMOLISHED ONSITE TO THE PROPERTY LINE OF THE SITE.
2. CONTRACTOR TO ENSURE PRESCRIPTIVE RIGHTS OF ADJACENT OWNERS PRIOR TO DEMOLITION OF POSSIBLE ENCROACHMENT AREAS.
3. CONTRACTOR TO PROVIDE SMOOTH SAW CUT LINE FOR NEW ASPHALT CONNECTION.
4. ALL WORK AND MATERIALS ARE TO CONFORM TO CURRENT CITY OF FLOWERY BRANCH/ HALL COUNTY STANDARDS.

NOTES:

ALLIANCE ENGINEERING CARRIES NO LIABILITIES FOR ANY UTILITY CONFLICT OR DAMAGES. CONTRACTOR IS RESPONSIBLE TO CONDUCT ALL ABOVE AND UNDERGROUND UTILITIES INVESTIGATION BEFORE CONSTRUCTION ACTIVITIES BEGIN.



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Civil Engineering By AEP:
Artur Babenko, GA PE#04669
Phone: 770-225-4730 x806
arturb@aepatl.com



GASWCC LEVEL II
CERTIFICATION #73351
EXPIRATION DATE: 03/07/2024

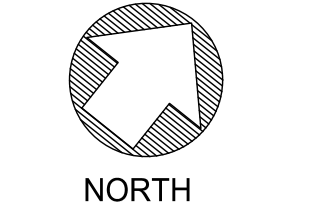
SURVEYING BY:
ALLIANCE SURVEYING
PHONE: (334) 360-4197
CONTACT: DAVID ANDERSON

DEVELOPER

SINDAR ENTERPRISES, INC.
1837 DOVERHILL ROAD
LAWRENCEVILLE, GA 30046
24-HR CONTACT: KARIM ALY
KARIMALY2001@YAHOO.COM

Site Construction Plans for
McEVER ROAD FOOD MART
McEVER ROAD & GAINES FERRY ROAD,
LAWRENCEVILLE, GA 30046
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
LL 139 - DISTRICT 8TH
PARCEL # 08 150 002001, TRACT 1A

Orig. Issue 05.18.2021
Designed by GL
Checked by AB
Project # 20110

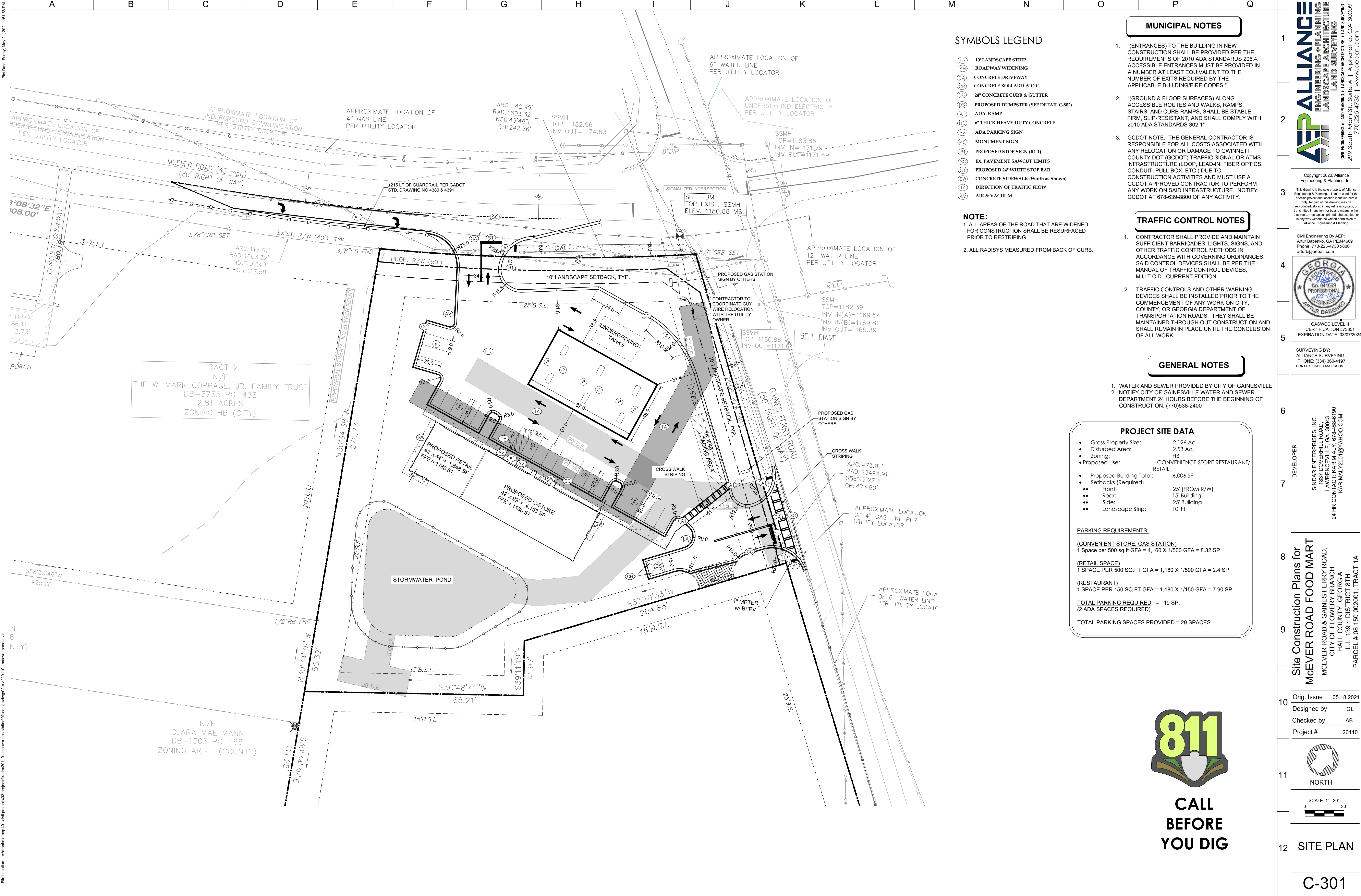


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**EXISTING
CONDITION
PLAN**

C-201

Plot Date: Friday, May 21, 2021 1:51:38 PM
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SYMBOLS LEGEND

- 10' LANDSCAPE STRIP
- ROADWAY WIDENING
- CONCRETE DRIVEWAY
- CONCRETE BOLLARD 6' O.C.
- 24" CONCRETE CURB & GUTTER
- PROPOSED DUMPSTER (SEE DETAIL C-802)
- ADA RAMP
- 6" THICK HEAVY DUTY CONCRETE
- ADA PARKING SIGN
- MONUMENT SIGN
- PROPOSED STOP SIGN (R1-1)
- EX. PAVEMENT SAWCUT LIMITS
- PROPOSED 24" WHITE STOP BAR
- CONCRETE SIDEWALK (Width as Shown)
- DIRECTION OF TRAFFIC FLOW
- AIR & VACUUM

NOTE:

- ALL AREAS OF THE ROAD THAT ARE WIDENED FOR CONSTRUCTION SHALL BE RESURFACED PRIOR TO RESTRIPIING.
- ALL RADISYS MEASURED FROM BACK OF CURB.

MUNICIPAL NOTES

- "(ENTRANCES) TO THE BUILDING IN NEW CONSTRUCTION SHALL BE PROVIDED PER THE REQUIREMENTS OF 2010 ADA STANDARDS 206.4. ACCESSIBLE ENTRANCES MUST BE PROVIDED IN A NUMBER AT LEAST EQUIVALENT TO THE NUMBER OF EXITS REQUIRED BY THE APPLICABLE BUILDING/FIRE CODES."
- "(GROUND & FLOOR SURFACES) ALONG ACCESSIBLE ROUTES AND WALKS, RAMPS, STAIRS, AND CURB RAMPS, SHALL BE STABLE, FIRM, SLIP-RESISTANT, AND SHALL COMPLY WITH 2010 ADA STANDARDS 302.1"
- GCDOT NOTE: THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH ANY RELOCATION OR DAMAGE TO GWINNETT COUNTY DOT (GCDOT) TRAFFIC SIGNAL OR ATMS INFRASTRUCTURE (LOOP, LEAD-IN, FIBER OPTICS, CONDUIT, PULL BOX, ETC.) DUE TO CONSTRUCTION ACTIVITIES AND MUST USE A GCDOT APPROVED CONTRACTOR TO PERFORM ANY WORK ON SAID INFRASTRUCTURE. NOTIFY GCDOT AT 678-639-8800 OF ANY ACTIVITY.

TRAFFIC CONTROL NOTES

- CONTRACTOR SHALL PROVIDE AND MAINTAIN SUFFICIENT BARRICADES, LIGHTS, SIGNS, AND OTHER TRAFFIC CONTROL METHODS IN ACCORDANCE WITH GOVERNING ORDINANCES. SAID CONTROL DEVICES SHALL BE PER THE MANUAL OF TRAFFIC CONTROL DEVICES, M.U.T.C.D., CURRENT EDITION.
- TRAFFIC CONTROLS AND OTHER WARNING DEVICES SHALL BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY WORK ON CITY, COUNTY, OR GEORGIA DEPARTMENT OF TRANSPORTATION ROADS. THEY SHALL BE MAINTAINED THROUGH OUT CONSTRUCTION AND SHALL REMAIN IN PLACE UNTIL THE CONCLUSION OF ALL WORK.

GENERAL NOTES

- WATER AND SEWER PROVIDED BY CITY OF GAINESVILLE.
- NOTIFY CITY OF GAINESVILLE WATER AND SEWER DEPARTMENT 24 HOURS BEFORE THE BEGINNING OF CONSTRUCTION. (770)638-2400

PROJECT SITE DATA

- Gross Property Size: 2.126 Ac.
- Disturbed Area: 2.53 Ac.
- Zoning: HB
- Proposed Use: CONVENIENCE STORE RESTAURANT/ RETAIL
- Proposed Building Total: 6,006 SF
- Setbacks (Required):
 - Front: 25' (FROM R/W)
 - Rear: 15' Building
 - Side: 25' Building
 - Landscape Strip: 10' FT

PARKING REQUIREMENTS:

(CONVENIENT STORE, GAS STATION)

1 SPACE PER 500 sq.ft GFA = 4,160 X 1/500 GFA = 8.32 SP

(RETAIL SPACE)

1 SPACE PER 500 SQ.FT GFA = 1,180 X 1/500 GFA = 2.4 SP

(RESTAURANT)

1 SPACE PER 150 SQ.FT GFA = 1,180 X 1/150 GFA = 7.90 SP

TOTAL PARKING REQUIRED = 19 SP.
(2 ADA SPACES REQUIRED)

TOTAL PARKING SPACES PROVIDED = 29 SPACES



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Civil Engineering By AEP:
Artur Babenko, GA PE#04669
Phone: 770-225-4730 x806
arturb@aepall.com

GEORGIA
REGISTERED
No. 04669
PROFESSIONAL
ENGINEER
ARTUR BABENKO

GASWCC LEVEL II
CERTIFICATION #73351
EXPIRATION DATE: 03/07/2024

SURVEYING BY:
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24-HR CONTACT: KARIM ALY 678-498-5190
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Site Construction Plans for
McEVER ROAD FOOD MART
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CITY OF FLORENCE, GEORGIA
HALL COUNTY, GEORGIA
LL 139 - DISTRICT 8TH
PARCEL # 08 150 002001, TRACT 1A

Orig. Issue 05.18.2021

Designed by GL

Checked by AB

Project # 20110

NORTH

SCALE: 1"= 30'

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12 SITE PLAN

C-301



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a request submitted by Hines Acquisitions, LLC. to rezone a portion of 0 Thurmon Tanner Parkway (FKA The "Forbes" Property) from Highway Business (HB) to Light Industrial (M1).

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

FACTS AND ISSUES:

Applicant wishes to develop a 38 +/- acre portion of the parcel for industrial warehouse/office use.

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:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Thurmon Tanner Hines Signed Application.pdf](#)
- [Hines - owner signature page - from Tred .pdf](#)



REZONING APPLICATION

Date: June 30, 2021

Address of Request:

Thurmon Tanner Parkway (Parcel 08097 000008)

Tax Map # Parcel # 08097 000008 Current Zoning: HB (Highway Business)

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

Currently a conforming use? N/A

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

Applicant Information

Name: Hines Acquisitions, LLC

Address: C/O Ryan Wood
5 Ravinia Drive NE, Atlanta, GA 30346

E-mail address: ryan.wood@hines.com

Phone number: 770-804-4654

Signature: [Signature], Managing Director

Notary: [Signature]

NOTARY PUBLIC





Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: _____

Notary: _____

*Rich,
We are getting the
owner's signature and
will deliver a signed
substitute page next
week.*

*Thanks,
—Fred*

Property Information

Tax Map Number: 08097 000008

Current Zoning: HB (Highway Business) Total Acres: 37.8 acres of 84.79 parcel.

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

Proposed City of Flowery Branch Zoning: (M1) Manufacturing & Industrial, Light

Current Use: Vacant Land

**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	

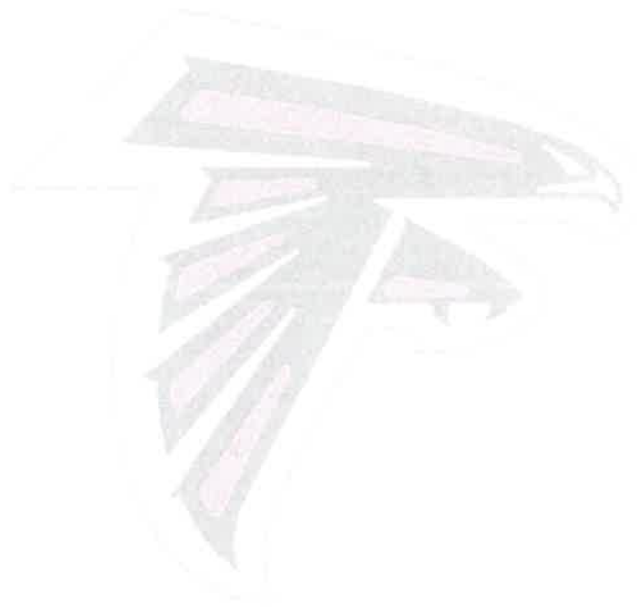
CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Flowery Branch





REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 30, 2021

Address of Request:

Thurmon Tanner Parkway (Parcel 08097 000008)

Tax Map # Parcel 08097 000008 Current Zoning: HB (Highway Business)

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. Approximately \$30,000,000
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). Assessed Value: Approximately \$12,000,000
Estimated Taxes: \$39,168
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Approximately between 12-24 months
4. Anticipated total square footage (heated) to be built in the requested number of units. 336,960 SF of Light Industrial
5. Total acreage developed with units. 37.8 acres
6. Total acreage for right of way and roads. N/A
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
8. Acreage required for buffer and watershed protection.
 - Does the buffer comply with the current City ordinance? Yes
 - Do individual property lines for lots extend into the buffer? N/A
 - 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) No
10. Please identify all amenities and total number of acres they incorporate by complete description. Approximately 5 acres will be preserved as natural areas.
11. Number of street lights and separation table as proposed on your site plan. N/A
12. Will Technology Development be included in this development? Fiber for businesses
13. List the total linear feet and cubic yards for sidewalks. Approximately 1,940 LF of sidewalk
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? Yes
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? Please reference exhibit
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? Approx. 3,750 gal/day
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? Approx. 4,500 gal/day
19. Has a slope and grade study been done on this development? Does the study reflect density placement? Not at this time
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? N/A
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. N/A



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 N/A

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____



June 30, 2021

City of Flowery Branch
Community Development
Rich Atkinson, Vickie Short
PO Box 757
Flowery Branch, GA 30542

RE: Thurmon Tanner Parkway (Parcel 08097 000008)

Dear Mr. Atkinson and Ms. Short:

Please let this letter serve as our letter of intent and written analysis comparing the proposed action with the criteria contained in the Flowery Branch Code of Ordinances regarding the Rezoning Application for the proposed project located off Thurmon Tanner Parkway in the City of Flowery Branch, Hall County, Georgia. The current use is vacant land on the Highway Business (HB) zoned parcel that we are proposing a roughly 38 acre industrial development containing a total of approximately 340,000 SF across two buildings. Hines Acquisitions LLC, has the property under contract with the owner Atlanta One LTD Partnership, and is requesting the subject property be rezoned from the existing Highway Business (HB) zoning to Manufacturing & Industrial, Light (M1).

1. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
 - a. We believe the requested proposal will permit a use that is suitable for this parcel given the close proximity to I-985 and adjacent zoning that is already M1.
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
 - a. We suggest the proposal would positively impact the adjacent property by generating the employment centers to support the proposed and existing retail/commercial development along Phil Niekro Blvd.
3. Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
 - a. The property has been marketed as a retail development for many years and has not seen any development take place as currently zoned suggesting there is not a reasonable economic use as currently zoned. With global e-commerce sales up over 140% in the last 5 years, logistics and industrial real estate has become the new retail in many respects.

4. 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.
 - a. The current site plan of the proposed project will utilize the existing road infrastructure along Thurmon Tanner Parkway with only minor modifications to turn lanes expected. We believe the existing road and utility infrastructure is well designed for our project. Industrial projects do not place any additional burden on the school system, but will provide additional funding from property tax payments. The requested rezoning from Highway Business (HB) to Manufacturing & Industrial, Light (M1) will not create additional traffic. The previous planned use as a retail center would have produced daily traffic counts of approximately 3,000 daily trips. The proposed project will produce daily traffic counts of approximately 950 daily trips.
5. 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.
 - a. While the future land use shows the site as Highway Business, we believe extending the M1 zoning from the adjacent parcel conforms with the character of the area.
6. 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.
 - a. Online sales as a percentage of overall retail sales have dramatically increased over the last 15 years from only 5% in 2005 to 20% in 2021. This creates the need for more industrial space and less traditional retail space as consumer buying habits have changed, particularly in light of the pandemic. We believe these changing conditions support the request to approve the proposal to allow for industrial development to occur to support the growth of online shopping.
7. Existing use(s) and zoning of the subject property and nearby properties.
 - a. The adjacent parcel immediately to the north, also being developed by Hines, is industrial. We are proposing to subdivide the property so that the frontage acreage along Phil Niekro Blvd remains HB to support retail development that is enabled by the proposed industrial development.

8. 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.
 - a. The property has been actively marketed by Radial Property Group since 2003 for Retail use. Due to its size and the diminishing demand for large retail centers it is not viable with the existing zoning at virtually any price. While difficult to ascertain, the value of the land with the proposed M1 zoning would be several multiples higher compared to the existing HB zoning.
9. 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.
 - a. The adjacent property is currently vacant land and the proposed M1 zoning would create meaningful job creation to support and enable the vacant HB land to be developed and be an increase to the value of adjacent property.
10. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts
 - a. The immediately adjacent property to the north is zoned M1 and would not create an isolated zoning district.
11. Possible effects of the change in zoning district map, or change in use, on the character of a zoning district
 - a. The proposed zoning amendment would be consistent with the character of the adjacent M1 zoning development.
12. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
 - a. The project is being designed with Eberly & Associates to ensure the highest level of quality. While we are developing two buildings on the site, we have left the stream and associated buffers in place along with a natural buffer between the project and I-985 with approximately 7 acres of land to be left undeveloped as currently planned.

13. 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.

a. The proposed rezoning complies with the purpose of the overall zoning scheme and the purposes of the zoning ordinance in that the change to M1 zoning will promote responsible growth compatible with the adjoining property zoned M1 and without impacting other developed properties in the surrounding area that are zoned for other uses. In addition, the existing infrastructure (Thurmon Tanner Parkway, water, and sewer utilities) are suitable and adequate for the proposed use of the property without creating any burden on the existing infrastructure.

City of Flowery Branch staff and/or City Council are permitted and authorized to inspect the subject property as needed for the rezoning process.

We sincerely appreciate the consideration and review of the rezoning application by City of Flowery Branch staff and City Council and we are looking forward to working together on this exciting new project in Flowery Branch. Please do not hesitate to reach out to us to discuss the application and attachments in further detail if you have any questions or comments.

Sincerely,



Ryan D. Wood

Managing Director

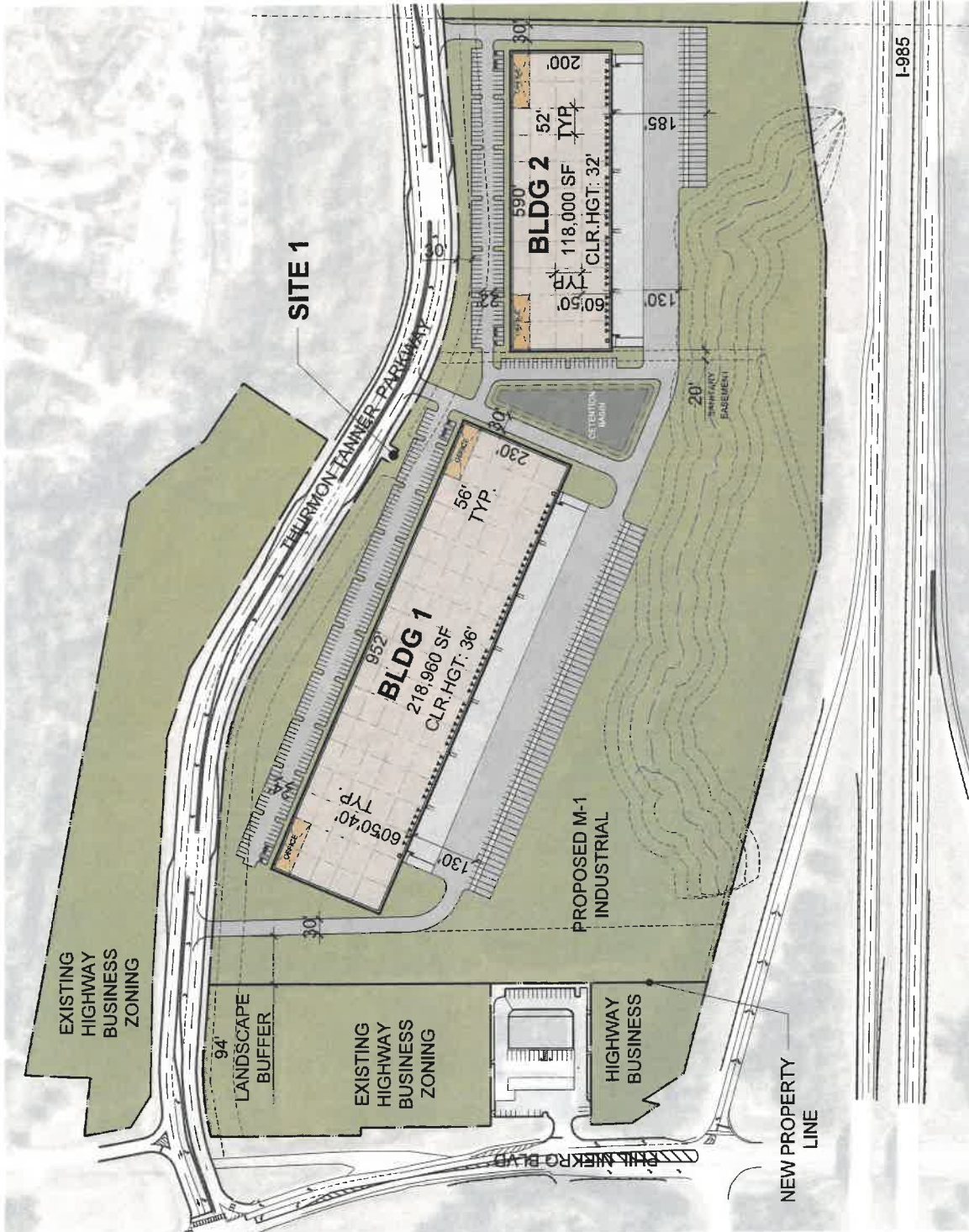
Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management



PROJECT DATA: SITE 1

SITE AREAS:			
GROSS:			37.83 AC
DEFENTION:	60.2%		1,647,971 SF
NET:			2,653,942 SF
			37.83 AC
			1,620,308 SF
BUILDING AREAS: OFFICE FOOTPRINT:			
BUILDING 1	8,948 SF		218,960 SF
BUILDING 2	4,720 SF		118,000 SF
TOTAL:	13,668 SF		336,960 SF
BUILDING USE:			
WAREHOUSE			323,292 SF
OFFICE	4%		13,668 SF
COVERAGE:			
20%			
BUILDING 1			
DOCK-HIGH DOORS		46	
GRADE-LEVEL DOORS		2	
PARKING REQUIRED:	12000 SF		109 STALLS
WAREHOUSE	12000 SF		30 STALLS
OFFICE			139 STALLS
TOTAL			
PARKING PROVIDED:			
188 STALLS			
@0.86/1000 SF			
6 STALLS			
65 STALLS			
TRAILER:			
REQ. ACCESSIBLE			
DOCK-HIGH DOORS			
GRADE-LEVEL DOORS			
PARKING REQUIRED:			
WAREHOUSE	12000 SF		59 STALLS
OFFICE	12000 SF		16 STALLS
TOTAL			75 STALLS
PARKING PROVIDED:			
140 STALLS			
@1.19/1000 SF			
5 STALLS			
26 STALLS			
TRAILER:			
REQ. ACCESSIBLE			

This conceptual design is based upon a site visit, review of aerial photography, and site analysis. It is not intended to be a final design. The design is subject to change based on the results of the engineering and construction process. The design is not intended to be a final design. The design is not intended to be a final design.



WARE MALCOMB

11-00000000
06.06.2021

Hines

Conceptual Site Plan
Thurmon Tanner Pkwy
Flowerly Branch, GA 30542, USA

scheme 13



This conceptual design is based upon a preliminary review of entitlement requirements and is not intended and possibly incomplete site specific information, and is provided merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All other elements for representative purposes only. Refer to municipal samples for actual color replication.

CONCEPTUAL DESIGN

HINES • THURMON TANNER
FLOWERY BRANCH, GEORGIA ATL20-0015-00

Hines

WARE MALCOMB

LEGAL DESCRIPTION – TRACT 2

All that tract or parcel of land lying and being in Land Lots 97 and 113, 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 2 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-048; Drawing/File #20-048), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

To find the POINT OF BEGINNING, COMMENCE at a concrete right-of-way monument found on the southeastern corner of the mitered intersection of the northeasterly right-of-way line of Phil Niekro Boulevard (variable width public R/W) and the northwesterly right-of-way line of Interstate Highway I-985 / Georgia State Route #365 (variable width, limited access, public R/W)

THENCE proceeding along said northwesterly right-of-way line of Interstate Highway I-985, North 48 degrees 51 minutes 19 seconds East a distance of 219.20 feet to a 1/2" iron pin set, said 1/2" iron pin set being the POINT OF BEGINNING.

THENCE departing said northwesterly right-of-way line of Interstate Highway I-985, North 55 degrees 48 minutes 55 seconds West a distance of 971.81 feet to a 1/2" iron pin set on the southeasterly right-of-way line of Thurmon Tanner Parkway, also known as South Hall Industrial Parkway (variable width public R/W per G.D.O.T. project number PR-1963-1(139));

THENCE proceeding along said southeasterly right-of-way line of Thurmon Tanner Parkway the following courses and distances, North 38 degrees 15 minutes 04 seconds East a distance of 405.01 feet to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 553.11 feet for an arc length of 264.19 feet, being subtended by a chord of North 51 degrees 56 minutes 05 seconds East for a distance of 261.69 feet to a 1/2" iron pin set;

THENCE North 65 degrees 37 minutes 06 seconds East a distance of 437.85 feet to a 1/2" iron pin set;

THENCE South 24 degrees 22 minutes 54 seconds East a distance of 20.00 feet to a 1/2" iron pin set;

THENCE North 65 degrees 37 minutes 06 seconds East a distance of 30.00 feet to a 1/2" iron pin set;

THENCE North 24 degrees 22 minutes 54 seconds West a distance of 20.00 feet to a 1/2" iron pin set;

THENCE North 65 degrees 37 minutes 06 seconds East a distance of 72.35 feet to a 1/2" iron pin set;

THENCE along a curve to the left having a radius of 653.11 feet for an arc length of 407.70 feet, being subtended by a chord of North 47 degrees 44 minutes 07 seconds East for a distance of 401.11 feet to a 1/2" iron pin set;

THENCE North 29 degrees 51 minutes 07 seconds East a distance of 380.52 feet to a 1/2" iron pin set;

THENCE departing said southeasterly right-of-way line of Thurmon Tanner Parkway, South 54 degrees 42 minutes 08 seconds East a distance of 699.80 feet to a 1/2" iron pin set on said northwesterly right-of-way line of Interstate Highway I-985;

THENCE proceeding along said northwesterly right-of-way line of Interstate Highway I-985 the following courses and distances, South 45 degrees 44 minutes 24 seconds West a distance of 33.70 feet to a concrete right-of-way monument found;

THENCE South 26 degrees 51 minutes 13 seconds West a distance of 406.64 feet to a concrete right-of-way monument found;

THENCE South 35 degrees 01 minutes 37 seconds West a distance of 301.26 feet to a concrete right-of-way monument found;

THENCE South 35 degrees 20 minutes 11 seconds West a distance of 298.92 feet to a concrete right-of-way monument found;

THENCE South 48 degrees 49 minutes 16 seconds West a distance of 309.36 feet to a concrete right-of-way monument found;

THENCE South 48 degrees 51 minutes 19 seconds West a distance of 552.20 feet to a 1/2" iron pin set, said 1/2" iron pin set being the POINT OF BEGINNING.

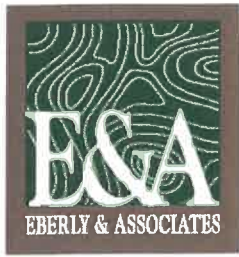
Said tract or parcel of land contains 37.832 acres or 1,647,971 square feet, and is intended to be a portion of the tracts of land that were previously conveyed in Deed Book 1686, Page 326, Hall County Georgia Records.

Thurmon Tanner – Hines Rezoning Application

Names and addresses of adjoining property owners

1. 4615 CANTRELL RD - JAMES R LINGERFELT, LINGERFELT LINDA L
2. 4595 CANTRELL RD - 4595 CANTRELL ROAD, LLC
3. 4539 CANTRELL RD - PIEDMONT OUTDOOR WORLD, LLC
4. 5775 PHIL NIEKRO BLVD - GEORGIA-ALABAMA COMMERCIAL INVESTMENTS
5. 5734 PHIL NIEKRO BLVD - WILLIE INGRAM CROW SLOAN
6. 5490 EAST MAIN ST - JERRY CROW, CROW GILLELAND LINDA
7. THURMON TANNER PKWY - ATLANTA ONE LTD PARTNERSHIP
8. 151 TREE PARK CIR - VR TREE PARK LIMITED PARTNERSHIP





LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

June 30, 2021

Sean Manson
Hines
11512 Lake Mead Avenue, Suite 603
Jacksonville, FL 32256

RE: Traffic projections for Flowery Branch Site
E&A Project No.: 20-093

Dear Mr. Manson

We performed a comparison with the anticipated traffic counts from a property that you are looking to have re-zoned for industrial along Thurmond Tanner Parkway. We compared the traffic counts to a previous site plan that showed a mix of hotel, retail and restaurants on the same property.

Our findings were as follows:

337,000 s.f. of industrial space would generate 950 daily trips when the two buildings were built.

The previous site plan showed 295,000 s.f. of retail space, 16,200 s.f. of restaurant space, and approximately 50,000 s.f. of hotel space. This development would produce 3,000 daily trips.

All traffic calculations were taken from the ITE Trip Generation Manual.

If you have any questions, please contact us at 770-452-7849.

Sincerely,
EBERLY & ASSOCIATES, INC.

Brian Brumfield, P.E.

PRINCIPALS

DANIEL L. EBERLY
SCOTT L. GARDNER
KEVIN S. EDWARDS
BRIAN K. BRUMFIELD

ASSOCIATES

MICHAEL A. WRIGHT
JEREMIAH C. PHILLIPS
WESLEY S. REED
ARLENE Z. MOHAMMED

WWW.EBERLY.NET

TEL: 770.452.7849
FAX: 770.452.0086

2951 FLOWERS ROAD SOUTH, SUITE 119
ATLANTA, GEORGIA 30341



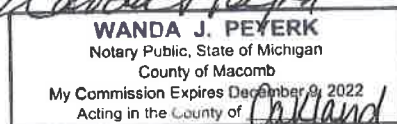
Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: [Signature]

Subscribed & sworn before me this 1st
day of July, 2021.

Notary:



Property Information

Tax Map Number: 08097 000008

Current Zoning: HB (Highway Business) Total Acres: 37.8 acres of 84.79 parcel

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

Proposed City of Flowery Branch Zoning: (M1) Manufacturing & Industrial, Light

Current Use: Vacant Land

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a request from Vulcan Lands, Inc. for the annexation and rezoning of nine (9) parcels of land from Hall County AR III to Flowery Branch M-2 with a conditional use permit to operate a quarry.

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time - public hearing only.

SAMPLE MOTION:

.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [FINAL letter to Hall County .pdf](#)
- [2021 Rezoning Additional Information Requirement - Vulcan Lands, Inc.06242021.pdf](#)
- [2021 Rezoning Application - Vulcan Lands, Inc.06242021.pdf](#)
- [2021 Sec. 34.7 Analysis Requirements - Vulcan Lands, Inc.06242021.pdf](#)
- [2021 Annexation Application - Vulcan Lands, Inc.06242021.pdf](#)

- 2021 Conditional Use Permit - Vulcan Lands, Inc.06242021.pdf
- 2021 Permission to Inspect - Vulcan Lands, Inc.06242021.pdf
- Zoning Project Base Map BW r5.pdf



June 29, 2021

Via Certified Mail, Return Receipt Requested
7019 1640 0000 1827 1665

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

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

Dear Ladies and Gentlemen:

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

This letter has been sent to you by certified mail, return receipt requested, within five (5) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows:

1. 4623 Friendship Road, tax parcel ID 15048 000018
2. 4285 Friendship Road, tax parcel ID 15048 000018A
3. 5743 Hog Mountain Road, tax parcel ID 15046 000049
4. 5783 Hog Mountain Road, tax parcel ID 15046 000002A
5. 4293 Friendship Road, tax parcel ID 08154 000008
6. 0 Friendship Road, tax parcel ID 08154 000013
7. 5765 Hog Mountain Road, tax parcel ID 15046 000050A
8. 5769 Hog Mountain Road, tax parcel ID 15046 000052
9. 5777 Hog Mountain Road, tax parcel ID 15046 000051

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

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



Hall County Board of Commissioners
Annexation and Rezoning
June 29, 2021
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch M-2 (Heavy Industrial) with a CUP (Conditional Use Permit) to operate a quarry will be held on Thursday, August 5, 2021, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has an objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify me within thirty (30) calendar days of the receipt of this notice.

Sincerely,

Richard JE Atkinson

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

RA/

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

cc: Van Stephens, County Attorney
Sarah McQuade, Director of Planning and Development





REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 24, 2021_____

Address of Request:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
- 4285 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018A)
- 5743 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000049)
- 5783 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 08154 000002A)
- 4293 Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000008)
- Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000013)
- 5765 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000050A)
- 5769 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000052)
- 5777 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000051)

Tax Map # 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008, 08154 000013, 15048 000050A, 15048 000052, 15048 000051

Current Zoning: AR 3 (Hall County)

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. **The improvements will extend the quarry's operational life and create a sustainable buffer between the operations and community.**
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). **Increased quarry life and access to additional reserves will enhance economic development in the City and nearby areas, as well as cost savings for local infrastructure and development projects.**
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). **No building construction is planned.**
4. Anticipated total square footage (heated) to be built in the requested number of units.
N/A
5. Total acreage developed with units. N/A



6. Total acreage for right of way and roads. **N/A**
7. Total acreage of open space/common area (include plan for maintenance of open space/common area). **N/A**
8. Acreage required for buffer and watershed protection.
 - Does the buffer comply with the current City ordinance? **The buffer exceeds state and local requirements.**
 - Do individual property lines for lots extend into the buffer? **Yes**
 - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? **N/A**
9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail) **N/A**
10. Please identify all amenities and total number of acres they incorporate by complete description. **N/A**
11. Number of street lights and separation table as proposed on your site plan. **N/A**
12. Will Technology Development be included in this development? **N/A**
13. List the total linear feet and cubic yards for sidewalks. **N/A**
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? **Yes, the quarry will continue to be subject to federal, state and local regulations.**
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? **There will be no increase in traffic resulting from the proposal.**
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? **The operation will collect and resue water on site in the course of its ongoing activities.**
17. What is the total capacity for daily Wastewater Management? **N/A**
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? **N/A**



19. Has a slope and grade study been done on this development? Does the study reflect density placement? **N/A**
20. Please identify what public safety needs are being considered for this project? **Applicant will continue to work with local and state officials to ensure all regulations are met.**
21. Has the Hall County School System been notified of the proposed density for this project? **N/A**
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. **N/A**
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 – **N/A**

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____



REZONING APPLICATION

Date: June 24, 2021 _____

Address of Request:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
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Tax Map # 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008, 08154 000013, 15048 000050A, 15048 000052, 15048 000051

Current Zoning: AR 3 (Hall County) _____

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

Currently a conforming use? Yes _____

Any conditions of zoning, CUP's, etc.? Yes, CUP permit is included _____

Applicant Information

Name: Vulcan Lands, Inc. ("Vulcan") _____

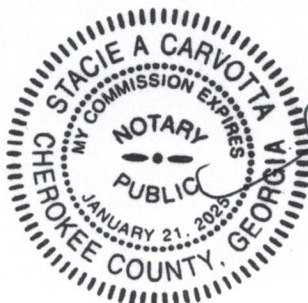
Address: 800 Mt. Vernon Highway, NE, Suite 200, Atlanta, GA 30328 _____

E -mail address: landrumc@vmcmail.com _____

Phone number: 770-454-4244 _____

Signature:  Richard Cannon, Vice President

Notary: _____





Property owner information (if different than the applicant)

Property owner (please print): _____ N/A _____

Signature of property owner: _____ N/A _____

Notary:

Property Information

- Tax Map Number: 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008, 08154 000013, 15048 000050A, 15048 000052, 15048 000051

Current Zoning: AR3 (Hall County) _____ Total Acres: 29.671 _____

Is this property located within the city-limits of Flowery Branch? Adjacent to other VMC property annexed in City

Proposed City of Flowery Branch Zoning: M-2 with conditional use permit _____

Current Use: Two parcels will remain occupied (4263 & 4285 Friendship Road). Residents are leasing the homes from Vulcan Lands, Inc. Remaining parcels are vacant. Proposed use is for aggregate mining and associated production of asphalt and concrete, more specifically, storage of overburden. _____



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

N/A _____

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

N/A _____



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

N/A

Disclosure of Campaign Contributions

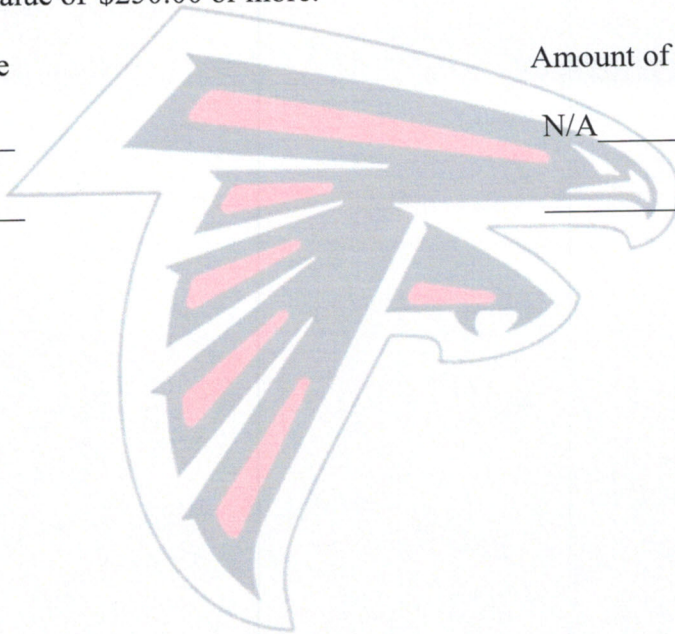
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of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

Elected Officials Name

Amount of Description of Gift

N/A _____

N/A _____



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

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.

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, the subject properties are adjacent to the existing 447+/- acre quarry operation.**

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **No, the current proposal will provide landscape berms that meet or exceed federal, state and local requirements.**

(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.**

(d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **No.**

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Yes, the proposal is consistent with the land use plan and policy of the City to support economic development.**

(f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **The proposal will further the use of the adjacent quarry, which furthers economic development.**

(g) Existing use(s) and zoning of the subject property and nearby properties. **The subject properties are adjacent to the existing 447+/- acre quarry operation. Said quarry has operated in harmony with nearby residential and commercial areas for decades due to mitigation measures taken by the Applicant.**

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

(i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **No. As a result of reduced shipping costs of aggregate materials used in the surrounding area's construction and building industry, the proposal will contribute to the economic development and provide significant savings for the City, County and local residents.**

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

No, the adjacent 447+/- acre quarry operation, already zoned M-2 with a CUP, has the same buffers proposed in this Application.

(k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed use is consistent with the requested rezoning classification.**

(l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. **All quarry operations are regulated by multiple state and federal regulatory agencies. There will be no significant adverse impacts to the environment.**

(m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed rezoning and CUP is consistent with existing land use for this area.**



ANNEXATION APPLICATION

Date: June 24, 2021

Address of Request:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
- 4285 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018A)
- 5743 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000049)
- 5783 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 08154 000002A)
- 4293 Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000008)
- Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000013)
- 5765 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000050A)
- 5769 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000052)
- 5777 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000051)

Submitted to the City Clerk per The Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on June 24, 2021

City Clerk Signature _____

Applicant Information

Name: Vulcan Lands, Inc. _____

Address: 800 Mount Vernon Highway, NE, Suite 200, Atlanta, GA
30328 _____

E-mail address: landrumc@vmcmail.com

Phone number: 770-454-4244

Signature:  Richard Cannon, Vice President

Property owner information (if different than the applicant)

Property owner (please print): N/A

Signature of property owner: N/A



Property Information

- Tax Map Number: 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008, 08154 000013, 15048 000050A, 15048 000052, 15048 000051

Current Zoning: _AR 3 Hall County_ Total Acres: _29.671_

Is this property contiguous to the city-limits of Flowery Branch? Adjacent to other Vulcan property annexed in the City

Proposed City of Flowery Branch Zoning: M-2 with Conditional Use Permit

Proposed City of Flowery Branch Character Area: Industrial Employment__ Current Use: Vacant residences with exception of 4263 & 4285 Friendship Road where the residents are leasing the property from Vulcan; Proposed use is for aggregate mining and associated production of asphalt and concrete and more specifically, storage of overburden.

Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a **DRI** (Development of Regional Impact) study? _No_

Voting Rights Act Information

Resident Population: _N/A_ Housing Units: _N/A_ Other Buildings: _N/A_ Race Population %: White _N/A_ Black _N/A_ Hispanic _N/A_ Other _N/A_

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

- Legal description
- Current survey of property
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application



- Annexation $\geq$ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- Reasons for requesting annexation
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who Have a property interest in the real property affected by this request

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A

N/A



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: June 24, 2021

Address of Request:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
- 4285 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018A)
- 5743 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000049)
- 5783 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 08154 000002A)
- 4293 Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000008)
- Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000013)
- 5765 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000050A)
- 5769 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000052)
- 5777 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000051)

Tax Map # 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008,
08154 000013, 15048 000050A, 15048 000052, 15048 000051

Current Zoning: AR 3 (Hall County)

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

Currently a conforming use? Yes _____

Any conditions of zoning, CUP's, etc.? Yes, CUP for aggregate mining and associated
production of asphalt and concrete, more specifically, storage of overburden.

Applicant Information

Applicant: Vulcan Lands, Inc. _____

Address: 800 Mt. Vernon Highway, NE, Suite 200, Atlanta, GA 30328 _____

E-mail address:

landrumc@vmcmail.com _____



Phone number: 770-454-4244

Signature:  Richard Cannon, Vice President

Notary Seal:



Property owner Information

Property owner (please print): Same as Applicant

Address: Same

E-mail address: Same Phone number: Same

Signature: Signature above

Notary Seal:

Applicant Information Required at Time of Submittal

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

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



Conflict of Interest Disclosure

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

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

___ N/A _____

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

___ N/A _____

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

___ N/A _____

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

___ N/A _____

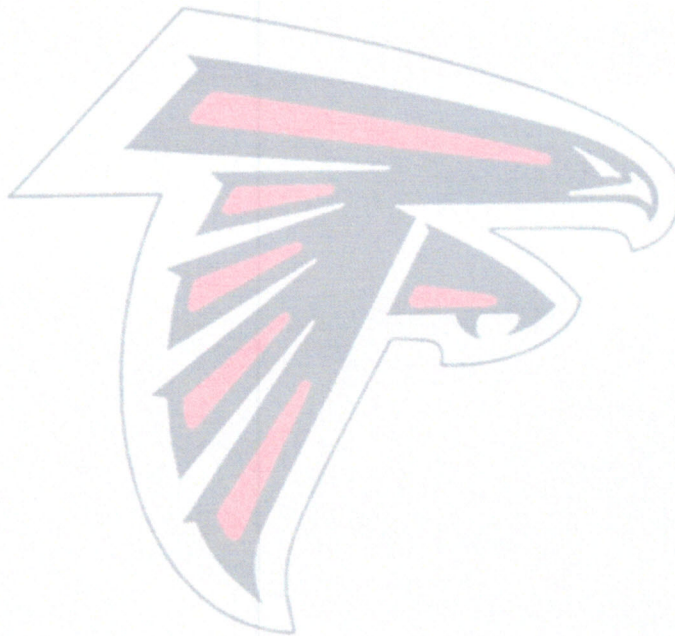
___ N/A _____



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____



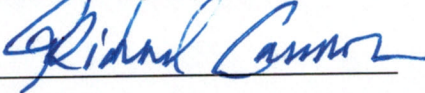
Permission to Inspect Property

Vulcan Lands, Inc. grants authorization for the City of Flowery Branch Staff and/or City Council to inspect the property located at the following addresses:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
- 4285 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018A)
- 5743 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000049)
- 5783 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 08154 000002A)
- 4293 Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000008)
- Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000013)
- 5765 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000050A)
- 5769 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000052)
- 5777 Hog Mountain Road, Flowery Branch, GA 30542, (Tax Parcel ID 15048 000051)

Signature of Property Owner

By: _____

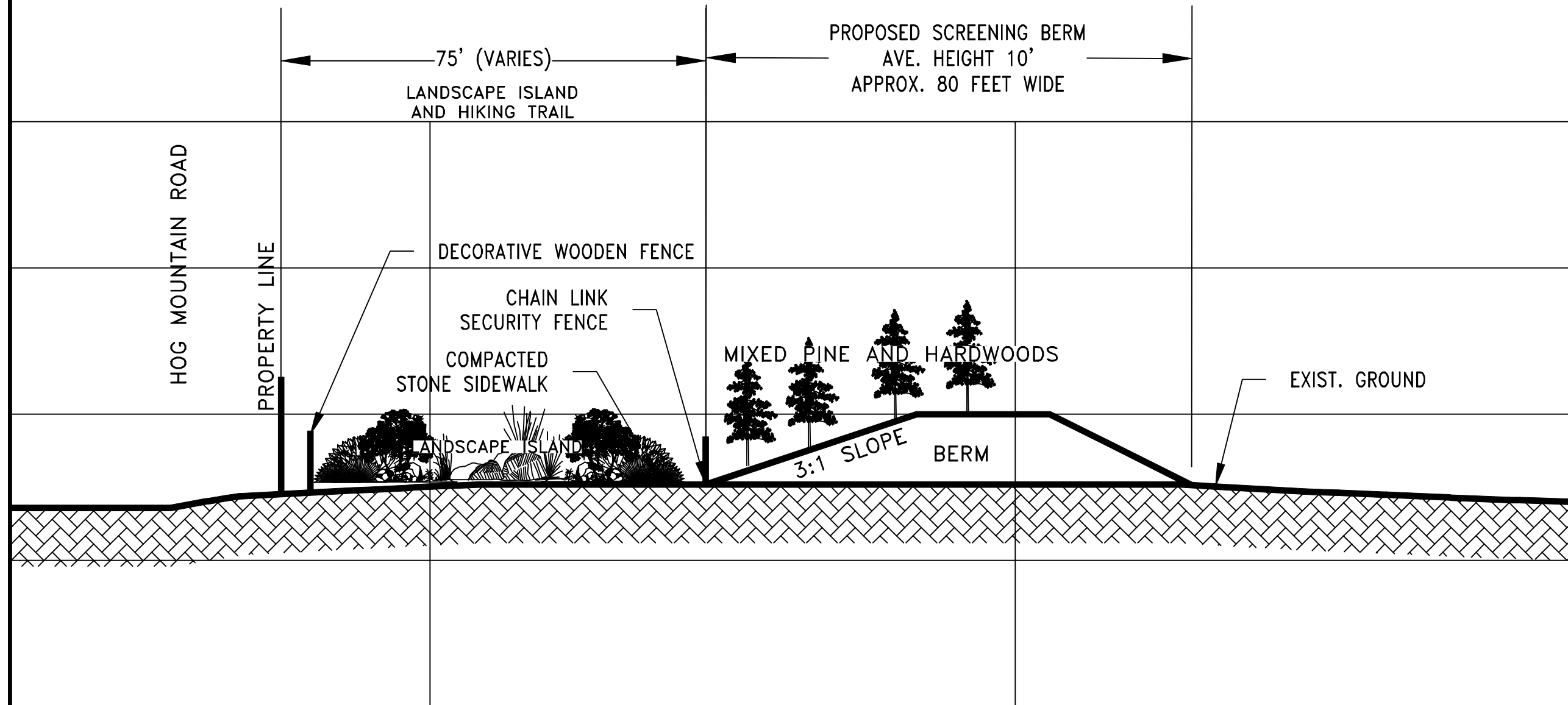


Richard Cannon for
Vulcan Lands, Inc.

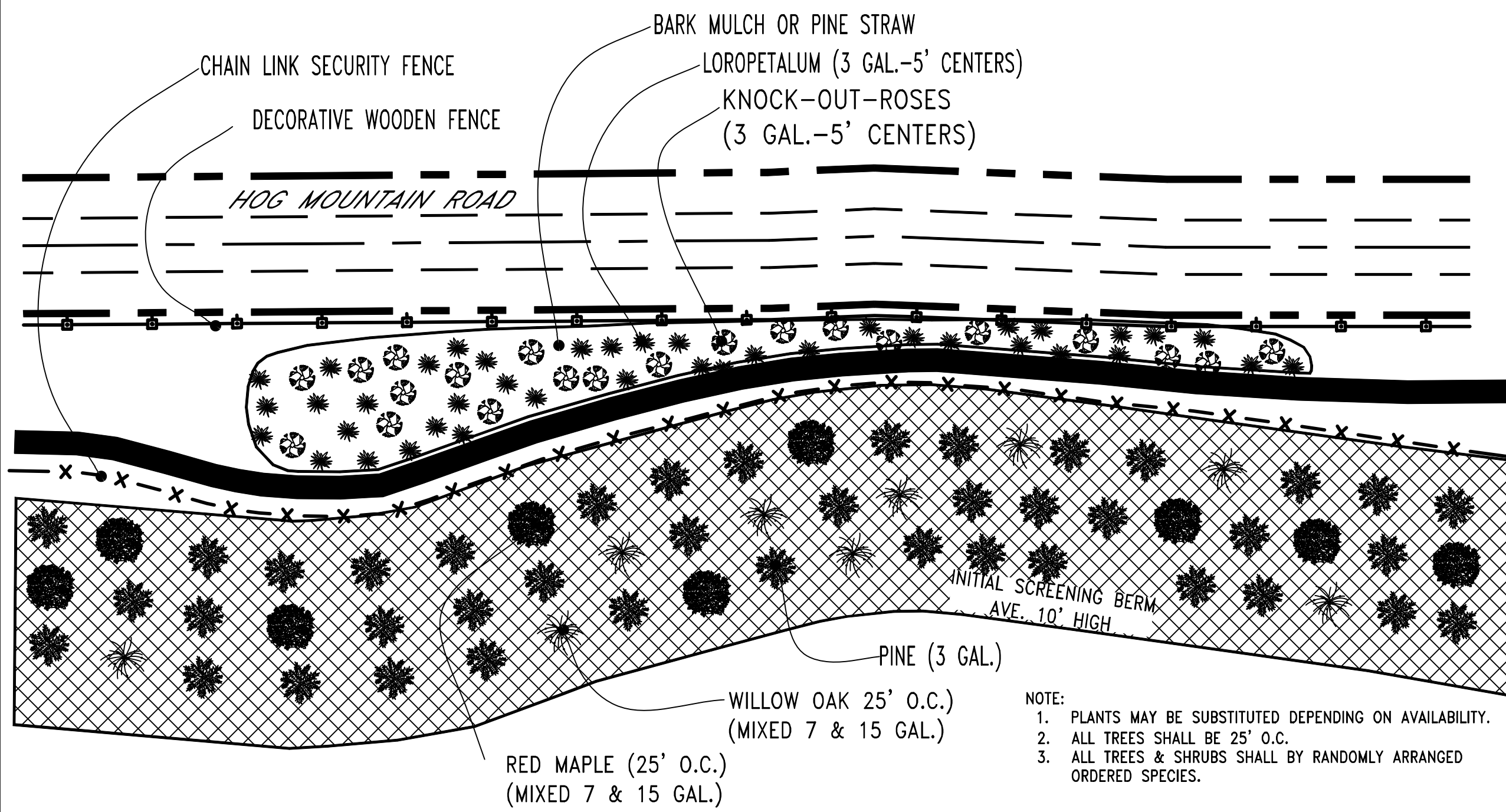
Date: _____

6/24/2021

CAD FILE: C:\Users\Bairman\AppData\Local\Temp\Carlsen\Software\Carlsen\2021\CA03_X64\USER\ LAYOUT: Layout1
ATTACHED XREFS: S:\KRES\SY7
LIBRARY

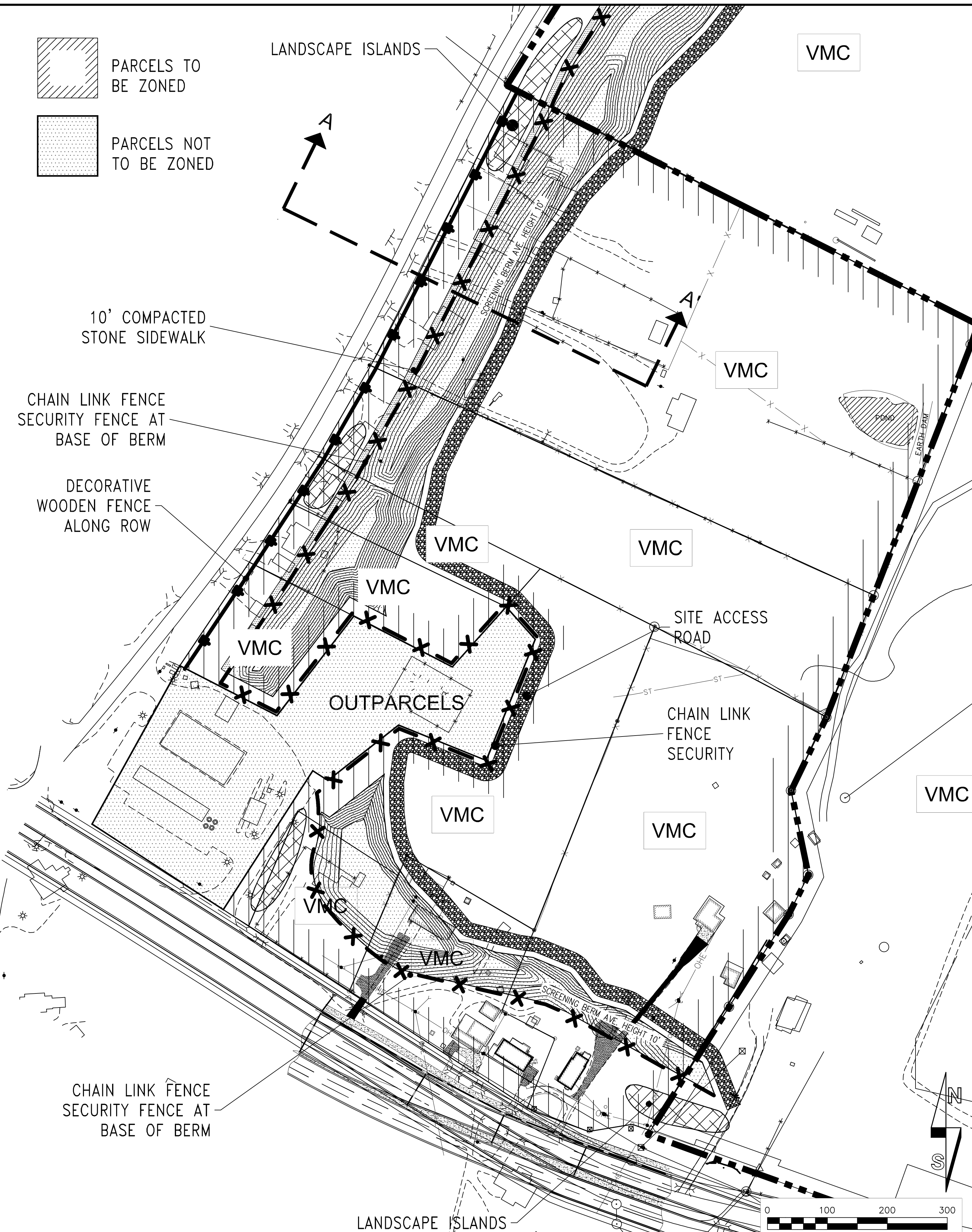


CROSS SECTION A-A'
SCALE: 1" = 20'



LANDSCAPED ISLAND DETAIL
SCALE: 1" = 50'

- NOTE:
1. PLANTS MAY BE SUBSTITUTED DEPENDING ON AVAILABILITY.
 2. ALL TREES SHALL BE 25' O.C.
 3. ALL TREES & SHRUBS SHALL BY RANDOMLY ARRANGED ORDERED SPECIES.



FRIENDSHIP QUARRY G.M.C. 1419 DISTRICTS 166,167,179,180 FLOWERY BRANCH, GEORGIA		CONCEPTUAL LANDSCAPE PLAN		ROYAL CAD DESIGN SERVICE, INC. CONTACT: B. WAYNE KING, P.E. GA PE#030550 423 INDIAN SPRINGS RD. MCMINNVILLE, TN 37110 (615) 594-2802 BWAYNE_KING@RCADD.COM				NO.		REVISION		BY	DATE
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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider 2nd Reading of Ordinance #646 Salary Increase for Mayor and Council

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [Ordinance 646 Mayor and Council Salary Increase.docx](#)
- [Mayor-Council Salaries Analysis- Jan 2020.xlsx](#)

ORDINANCE NO. 646

AN ORDINANCE TO FIX THE SALARY, COMPENSATION, AND EXPENSES OF THE MAYOR AND COUNCIL MEMBERS; TO ESTABLISH AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the City Council of the City of Flowery Branch, Georgia is authorized by O.C.G.A. § 36-35-4 to fix the salary, compensation and expenses of the members of the City's governing authority; and

WHEREAS, Section 2.7(c) of the Charter of the City of Flowery Branch, Georgia authorizes the City Council to fix the salary, compensation and expenses of the mayor and each member of the council in accordance with O.C.G.A. § 36-35-3.

THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS, by the authority of O.C.G.A. § 36-35-3, O.C.G.A. § 36-35-4 and Charter Sec. 2.7(c) as follows:

Section 1. Salary/Compensation of the Mayor and Council Members.

Section 2.7(a)(1) of the Charter is hereby deleted in its entirety and replaced with the following:

"The salary of the Mayor of the City of Flowery Branch, Georgia shall be set at \$750.00 per month for each month of the calendar year that the Mayor serves. The salary for each Councilmember of the City of Flowery Branch, Georgia shall be set at \$600.00 per month for each month that the Councilmember serves."

Section 2. Effective Date.

The effective date of this Ordinance shall be January 1, 2022.

Section 3. Severability.

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance should be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance is applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not be construed to effect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for

any reason.

Section 4. Repealer.

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

Adopted this 5th day of August, 2021.

James M. Miller, Mayor

ATTEST:

Shelia Cooper, Assistant City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney

MAYOR - COUNCIL SALARIES ANALYSIS

City	Population	Area	Mayor Wage	Council Size
Flowery Branch	7,073	6.32	500/month	6
Garden City	8,900	14.3	500/month	6
Holly Springs	11,281	6.7	1,000/month	5
Commerce	6,788	11.8	225/month	5
Auburn	7,603	6.5	1,500/month	4
Loganville	11,674	7.4	1,000/month	6
Jesup	10,170	16.6	100/year	6
Oakwood	4,166	5.05	1,200/month	5
Lula	2,882	4.3	300/month	5
Gainesville	40,000	33.9	500/month	5
Averages	11,054	11.287	673/month	5.3
% Change from Flowery Branch	56%	79%	35%	-12%

**Last approved increase in 1995.

***Information updated as of Jan 2020.

Council Wage	Participate in Retirement?
400/month	
300/month	
500/month	
225/month	
400/month	
500/month	
100/year	
900/month	
100/month	
400/month	
373/month	
-25%	



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a request, submitted by Mr. Calvin Tanner, to operate an auto repair shop out of a residentially zoned property. The property is known as 5505 Gainesville Street.

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

A conditional use permit (CUP) was issued to Mr. Calvin Tanner to operate his auto and RV repair shop at 5505 Gainesville Street. This CUP expired on July 1, 2021. Mayor and Council allowed Mr. Tanner to operate at his home so he could take care of his ill father while searching for a permanent home for his business in a properly zoned district. Mr. Tanner has not found a proper location and has filed a new CUP application.

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Deny request

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff report.pdf](#)



Applicant: Mr. Calvin Tanner DBA Tanner's Auto and RV Service

Property Owner: Mr. Calvin Tanner

Subject Property: 5505 Gainesville Street; Parcel # 08112 019005

Request: Conditional Use Permit (CUP) to operate an auto repair shop in a residentially zoned property

Current Use: Residential

Character Area: Urban Residential

Code:

Per the City of Flowery Branch Zoning Ordinance home occupations are strictly limited to office use only. However, if an applicant wishes to operate a home occupation that is not an office, he/she has the ability to submit a request to operate under a conditional use permit.

Sec. 11.8. Home Occupation.

Home occupations may be established in a portion of a dwelling as provided in permitted uses requirements for the zoning districts established by this Zoning Ordinance. In districts where permitted, the following regulations shall apply to home occupations, and failure to meet one or more of these regulations at any time shall be unlawful and grounds for immediate revocation of business registration:

- (a) Use. The only allowed use for home occupation is office.
- (i) Modification by Conditional Use. Where an application for home occupation does not meet the strict terms of this Section, the provisions of this Section may be modified or varied by application filed by the property owner and approved by the City Council for a conditional use, according to procedures specified in Article 34 of this Zoning Ordinance. The Zoning Administrator may provide a recommendation whether or not the City Council should approve the application, and what if any conditions of approval are recommended.

Property:

The subject property is located at 5505 Gainesville Street; tax parcel identification number 08112 019005. The property is currently zoned Traditional Neighborhood District (TND).













CUP Requirements:

Sec. 34.7. Analysis Requirements.

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

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. *The subject property lies within a residentially zoned area. The use (auto repair) is not suitable for the area.*
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. *The subject property lies within the midst of a residential property. A commercial use at this location is not suitable and may adversely affect nearby properties.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Currently zoned TND (traditional Neighborhood District) the current use (a single-family home) is suitable and serves the purpose of the zoning district.*
- (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. *Car repair at this location could potentially cause excessive or burdensome use of the streets because of tow truck use and more traffic due to customers coming in and out.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *The current character area for this site is "Urban Residential". Car repair, in this instance, is not in conformity with the comprehensive plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *As the downtown area is developed in accordance with the "Old Town" plan, more residential and retail uses will be implemented making auto repair even less desirable.*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *The subject property is surrounded by residential zoned properties (CBD, TND, R1, and PUD). The Masonic Lodge is across the street from the subject property. Currently the Masonic Lodge is considered a legal non-conforming use. Basically, this means it was once an allowed use in*



the zoning district but currently is not inherently allowed (a CUP would be required if the Lodge were to try and locate within this zoning district ((R-1))).

- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *N/A*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations *The use could potentially distract from current home values and could also potentially hamper new residential development in the "Old Town" area.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts *A CUP does not create a new zoning designation, but the conditional approval of this use could potentially give the appearance of having a commercially zoned parcel in the midst of residentially zoned districts.*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *Allowing a commercial use to infiltrate a heavy residential area could potentially alter the character of the area as more non-residential uses could petition to locate there.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *Auto use can have environmental impacts. As a home-based business staff has not determined if there are impacts associated with this use at this location.*
- (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 *Allowing an auto repair business in a heavy residential area does not comply with the overall purpose of the zoning ordinance. This location, being so close to the downtown, is particularly troubling.*



Staff Recommendation:

It is staff's recommendation that the CUP request to operate an auto repair shop as a home occupation submitted by Mr. Calvin Tanner should be denied.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider annexation requests submitted by Fall Leaf, LLC.

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

The proposed development was previously considered by City Council earlier this year with the first read being held as part of the June 10th, 2021 meeting. Hall County objected to the annexation via resolution on April 7, 2021. The applicant formally withdrew the application on June 14th, 2021. Applicant formally re-applied for annexation and rezoning for the project on June 28th, 2021.

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Combined Fall Leaf Ordinances for First Read August 5.pdf](#)
- [Staff Report.pdf](#)
- [FINAL Letter to Hall County.pdf](#)

- [Tommy Barnes August 5 applications.pdf](#)

Public Hearing Published 07/07/21
Public Hearing 08/05/21

First Reading 08/05/21
Adopted 08/19/21

ORDINANCE 647

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A 16.62 +/- ACRE PARCEL OF LAND OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL 08150 002002A AND, AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Estate of Clara Mae Mann owns the 16.62 +/- acre parcel of land known as 6495 McEver Road, identified as Parcel Tax Identification No.08150 002002A, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, said property known as 6495 McEver Road is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Fall Leaf Residential, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the parcel of land, which is being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 5, 2021 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a real parcel of land described as 6495 McEver Road, identified as Parcel Tax Identification No. 08150 002002A, as shown on Exhibit “A”, and as described on Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be September 1st, 2021.

SECTION 6. REPEALER.

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

Approved this 19th day of August 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

204

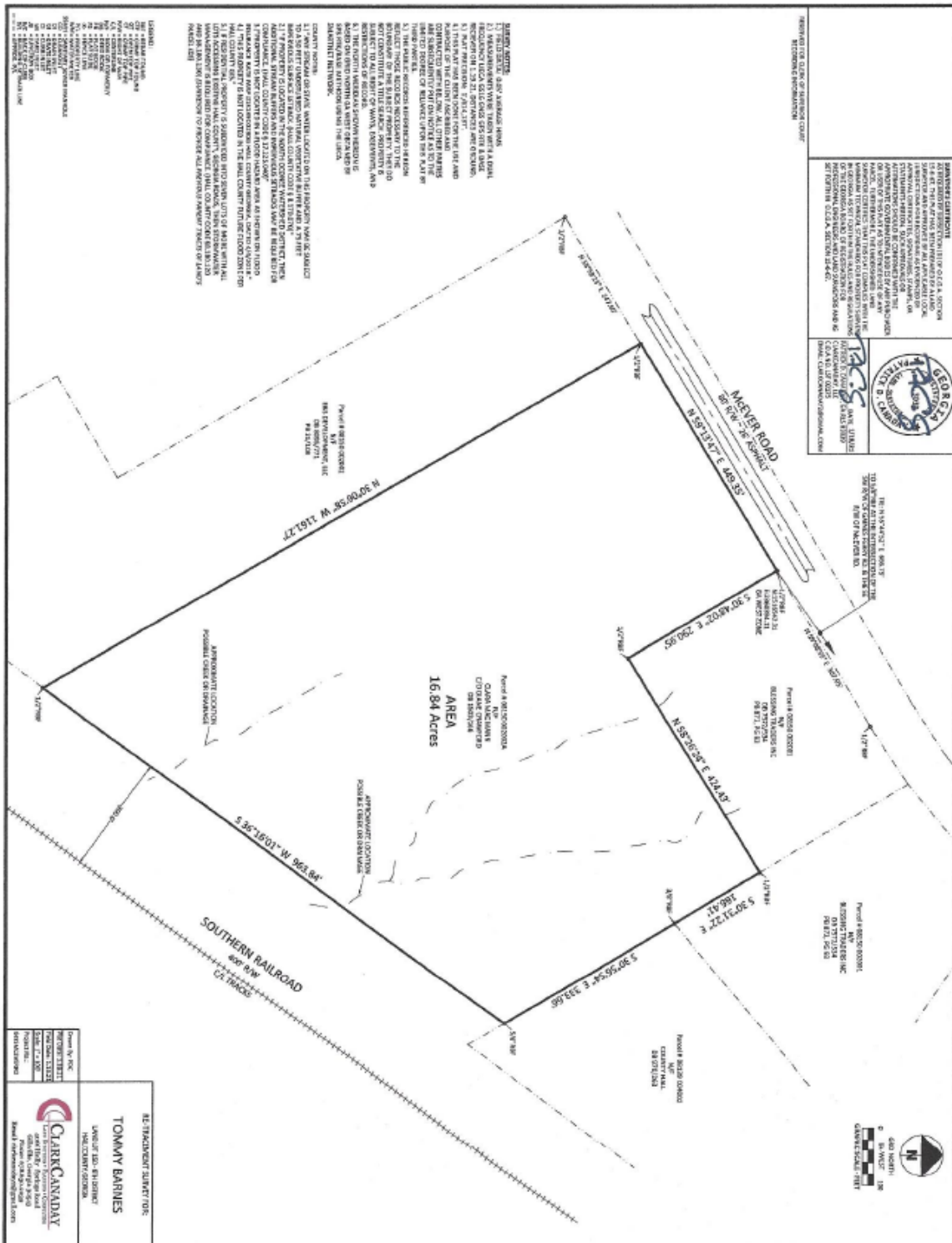


Exhibit "B"

Legal Description 16.84 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 666.79 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way; Thence running South $30^{\circ}48'02''$ East 290.95 feet to a point; Thence running North $58^{\circ}26'24''$ East 424.43 feet to a point; Thence running South $30^{\circ}31'22''$ East 166.41 feet to a point; Thence running South $30^{\circ}56'54''$ East 333.66 feet to a point on the northwesterly right of way line of Southern Railroad (400 foot right of way); thence running South $36^{\circ}16'01''$ West along said Southern Railway right of way 963.84 feet to a point; thence running North $30^{\circ}06'58''$ West 1161.27 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North $59^{\circ}13'47''$ East along the southeasterly Right of Way line of McEver Road 449.35 feet to a point and being the Point of Beginning, said property consisting of 16.84 acres.

Public Hearing Published 07/07/21
Public Hearing 08/05/21

First Reading 08/05/21
Adopted 08/19/21

ORDINANCE 648

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY TOTALING 16.62 +/- ACRES, OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL NO. 08150 002002A AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Estate of Clara Mae Mann owns 6495 McEver Road identified as Parcel Tax Identification No. 08150 002002A, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Diane Mann Crawford has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 5, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County AIII (Agricultural Residential) to Flowery Branch R III (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 could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

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

SECTION 2. REZONING.

A real piece of property known as 6495 McEver Road, as shown on Exhibit “A” which is legally described in Exhibit “B”, and conditioned on attached Exhibit “C”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch R III (Residential Multi-Family). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be September 1st, 2021.

SECTION 6. REPEALER.

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

Approved this 19th day of August 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "B"

Legal Description 16.62 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 666.79 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South 30°48'02" East 290.95 feet to a point; Thence running North 58°26' 24" East 424.43 feet to a point; Thence running South 30°31'22" East 166.41 feet to a point; Thence running South 30°56'54" East 322.81 feet to a point; thence running South 36°16'01" West 963.67 feet to a point; thence running North 30°06' 58" West 1150.36 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North 59°13'47" East along the southeasterly Right of Way line of McEver Road 449.35 feet to a point and being the Point of Beginning, said property consisting of 16.62 acres. .

Exhibit "C"

Conditions of Zoning

1. Development shall be limited to no more than 167 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:



3. A homeowner's association is required.
4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. A landscape plan shall be submitted at the time of land disturbance permit.
6. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
7. Sidewalks are not required along McEver Road.
8. Townhomes shall be constructed of a combination of brick, stacked stone, and cementitious fiber board.

9. Townhomes shall generally adhere to the elevations as shown below:



Public Hearing Published 07/07/21
Public Hearing 08/05/21

First Reading 08/05/21
Adopted 08/19/21

ORDINANCE 649

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, AN 8.84 +/- ACRE PARCEL OF LAND OWNED BY E&S DEVELOPMENT, LLC. IDENTIFIED AS 6509 MCEVER ROAD, TAX PARCEL 08150 002002, AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, E&S Development, LLC. owns the parcel of land known as 6509 McEver Road, identified as Parcel Tax Identification No.08150 002002, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, said property known as 6509 McEver Road is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Fall Leaf Residential, LLC. have submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the parcel of land known as 6509 McEver Road which is being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 5, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia parcel known as 6509 McEver Road and identified as Parcel Tax Identification 08150 002002, as shown on Exhibit “A”, and as described on Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be September 1st, 2021.

SECTION 6. REPEALER.

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

Approved this 19th day of August 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

118



Exhibit "B"

Legal Description 8.843 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 1116.14 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South $24^{\circ}39'37''$ East 1160.82 feet to a point on the northwesterly right of way line of Southern Railroad (400 foot right of way); thence running South $41^{\circ}46'15''$ West along said Southern Railway right of way 484.73 feet to a point; thence running North $24^{\circ}47'04''$ West 477.85 feet to a point; Thence running North $64^{\circ}50'23''$ East 200.05 feet to a point; Thence running North $24^{\circ}48'14''$ West 871.14 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North $64^{\circ}26'11''$ East along the southeasterly Right of Way line of McEver Road 247.50 feet to a point and being the Point of Beginning, said property consisting of 8.843 acres. .

Public Hearing Published 07/07/21
Public Hearing 08/05/21

First Reading 08/05/21
Adopted 08/19/21

ORDINANCE 650

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING AN 8.84 +/- ACRE PARCEL OF LAND OWNED BY E&S DEVELOPMENT, LLC. IDENTIFIED AS 6509 MCEVER ROAD, AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, TO BE REZONED FROM HALL COUNTY HIGHWAY BUSINESS (HB) TO FLOWERY BRANCH HIGHWAY BUSINESS (HB); PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, E&S Development, LLC. owns the subject property identified as Parcel Tax Identification No.08150 002002as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, E&S Development, LLC. has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 5, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County HB (Highway Business) to Flowery Branch R III (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 could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

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

SECTION 2. REZONING.

An 8.84 +/- acre parcel of land known as 6509 McEver Road identified as Parcel Tax Identification 08150 002002, as shown on Exhibit “A,” and as legally described in Exhibit “B”, and conditioned on attached Exhibit “C”, is hereby rezoned from Hall County HB (Highway Business) to Flowery Branch R III (Residential Multi Family). Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 September 1st, 2021.

SECTION 6. REPEALER.

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

Approved this 19th day of August 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

218



Exhibit "B"

Legal Description 8.843 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 1116.14 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South 24°39'37" East 1160.82 feet to a point on the northwesterly right of way line of Southern Railroad (400 foot right of way); thence running South 41°46'15" West along said Southern Railway right of way 484.73 feet to a point; thence running North 24°47' 04" West 477.85 feet to a point; Thence running North 64°50'23" East 200.05 feet to a point; Thence running North 24°48'14" West 871.14 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North 64°26'11" East along the southeasterly Right of Way line of McEver Road 247.50 feet to a point and being the Point of Beginning, said property consisting of 8.843 acres.

Exhibit "C"

Conditions of Zoning

1. Development shall be limited to no more than 167 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:



3. A homeowner's association is required.
4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. A landscape plan shall be submitted at the time of land disturbance permit.
6. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
7. Sidewalks are not required along McEver Road.
8. Townhomes shall be constructed of a combination of brick, stacked stone, and cementitious fiber board.

9. Townhomes shall generally adhere to the elevations as shown below:





Staff Report

Applications to annex and rezone two parcels of land from unincorporated Hall County into the City of Flowery Branch were submitted by Fall Leaf Residential, LLC. The following properties are being considered:

1. **6495 McEver Road; Tax Parcel 08150 002002A; Parcel totals 16.62 +/- acres; Annex and rezone from Hall County AR-III to Flowery Branch R3 (Residential Multi-Family)**
2. **6509 McEver Road; Tax Parcel 08150 002002; Parcel totals 8.84 +/- acres; Annex and rezone from Hall County HB to Flowery Branch R3 (Residential Multi-Family)**



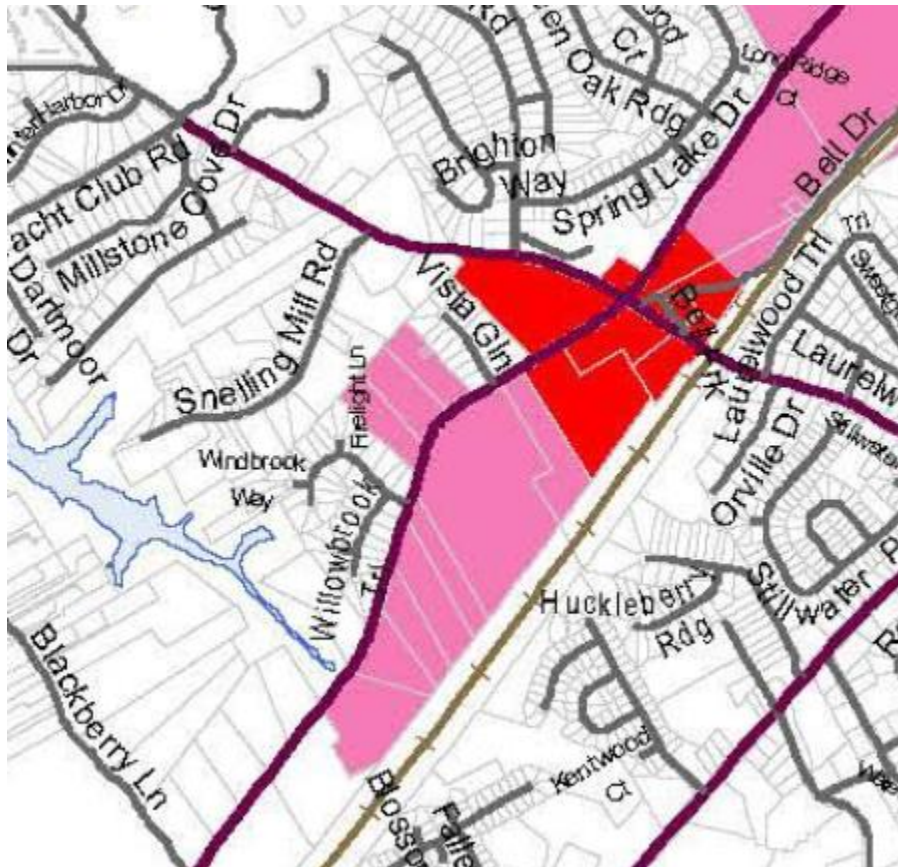
Applicant proposes to construct a residential subdivision consisting of 167 townhomes. The current parcels are considered eligible for annexation as they are contiguous with the current city-limits.



Comprehensive Plan

Designated as a “Mixed Use” character area.

Flowery Branch character area map:



The mixed-use character area inherently allows residential, but the overall intent is to have an integrated residential and commercial center. As commercial development has slowed, the City has tried to take a more holistic approach to the mixed-use concept. This approach contemplates nearby existing or potential commercial that, although not part of the project in question, could be considered symbiotic with one another. With the potential commercial opportunities to the north and south of this proposed project (as well as the already under development true mixed-use “Farm” project across the street) staff feels this is a project that can be considered under the holistic approach employed in the past and that it meets the intent of this character area if viewed through that specific lens.



Mixed Use

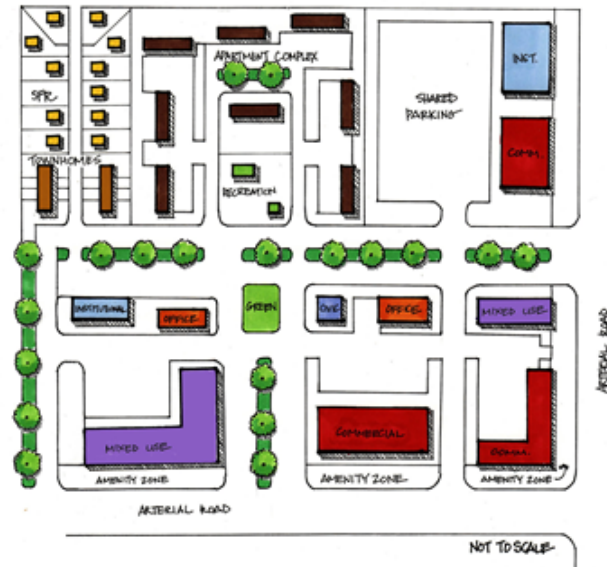
VISION: Areas that will be developed with a combination of different land uses intended to create an environment where compatible land uses can be located in close proximity to each other. Diverse places with unique architecture contributing to the economic base of the city.

USES AND INTENSITIES: Acceptable uses include business/office parks, light industrial, smaller scale retail, neighborhood commercial and residential uses.

MAJOR FEATURES: Connectivity is important between uses and developments. Automobile traffic is frequent but pedestrian accessibility is still a necessity.

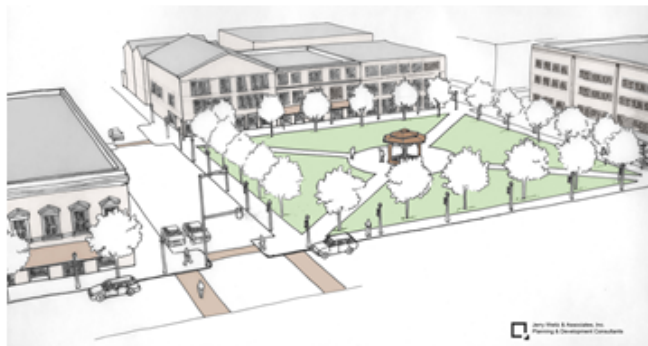
REGULATIONS: This character area will be primarily implemented with the planned unit development or commercial zoning districts. Developments will be required to complete design review and comply with all aesthetic requirements.

QUALITY COMMUNITY OBJECTIVES IMPLEMENTED: Appropriate business, residential, and employment options, transition between more intense uses and compatibility between uses.



ILLUSTRATIVE MIXED-USE ACTIVITY CENTER

Jerry Weitz & Associates, Inc.
Planning & Development Consultants



Illustrative Example of Mixed Use with Focus on Commercial/Residential Design



Proposal

Submitted by applicant:



Analysis

Flowery 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:

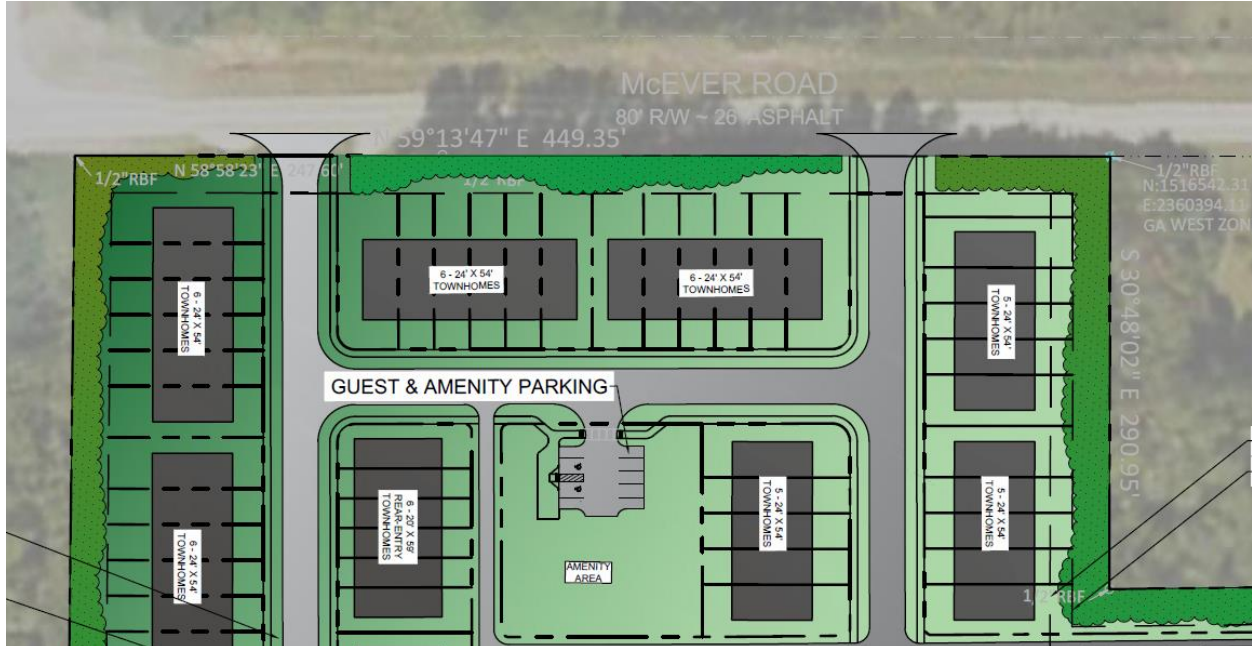
- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, a residential subdivision is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **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 zonings of Agricultural Residential and Highway Business could be used for other developments.**
- (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. **Currently, the Comprehensive Plan denotes this area as part of the "Mixed-Use" character area. The proposed use meets the intent of the Comprehensive Plan (see previous comments regarding the Comprehensive Plan as part of this staff report).**
- (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. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed residential use will fit in well with the corridor.**
- (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 the current zoning classifications of Agricultural-Residential and Highway Business do not allow the proposed residential subdivision.**
- (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.**



- (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 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.**

Site Plan

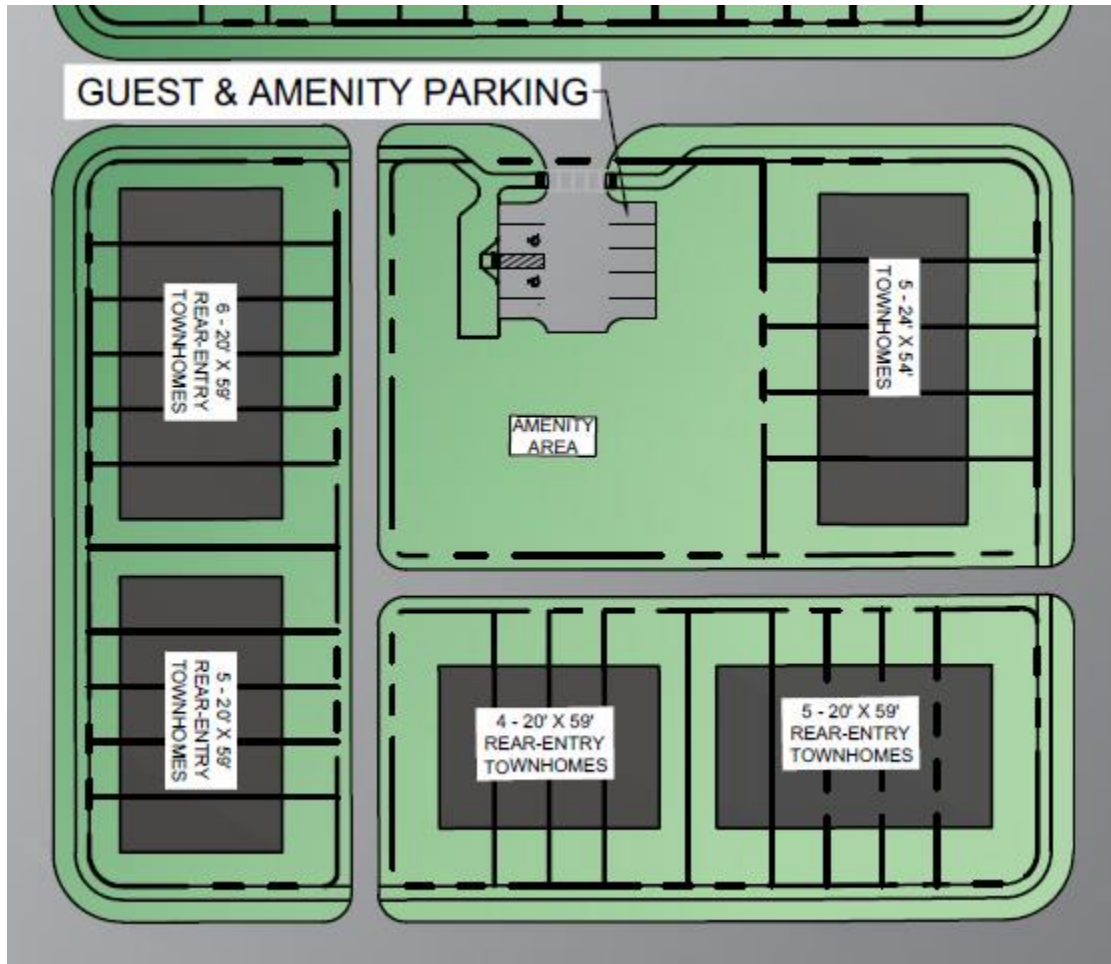
McEver Road has two points of ingress/egress and has a proposed landscape buffer. Mayor and Council have the ability to request a further detailed landscape plan along McEver is so desired.



Rear accessed townhome product is provided by applicant and has previously been identified as desirable by Mayor, Council, and staff as it promotes a more scenic, less garage dominant, streetscape.



Additionally, the rear accessed townhome helps to promote a less auto intense feel to the subdivision and also promotes a more “neighborhood” aesthetic.



Overall, the site plan has been improved significantly from the original submittal and promotes easier vehicular and pedestrian flow and connectivity.



R-3 Zoning

Townhomes are inherently allowed per the code and the proposed development meets the intent of the R-3 zoning district. One possible exception would be the lot size as the applicant lists the projected lot size as 2,100 square feet with R-3 requiring 10,000 square feet. The 10,000 square foot requirement is not feasible for a townhome unless the lot is defined as encompassing the entire run of townhomes. Staff wishes to denote the potential discrepancy in R-3 requirements and the proposed development. However, staff feels this is a matter of interpretation and does not negatively impact the proposal.

Requirement (measurement unit)	A	R-1	R-2	R-3
Maximum height (feet)	75	35	35	45
Maximum height (number of stories)	3	3	3	3
Maximum density (units per acre)	0.333	2.18	3	12
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	10,000
Minimum lot size for two-family dwelling (square feet) (1)	N/A	N/A	N/A	20,000
Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000	10,000
Minimum lot width (feet)	200	90	75	50
Minimum heated floor area per dwelling unit (square feet)	1,500	2,200	1,800	1,000
Minimum heated floor area per dwelling unit, ground floor of a dwelling (square feet)	750	1,100	900	750
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	20	10	10
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25	25
Minimum rear setback, all principal buildings (feet)	35	25	20	20
Minimum setback, all principal or accessory buildings and structures abutting an R-1, R-2, or R-3 district (feet)	Side and rear setbacks shall apply	50	50	
Minimum width of natural buffer abutting R-1, R-2, or R-3 district (feet)	None	None	None	40
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	15	15	10	20
Minimum landscape strip required along rights-of-way for any apartment or condominium (multi-family residential) use (width in feet)	N/A	N/A	N/A	20
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	5	5	5	5
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35	40
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15	15



Staff Recommendation

Staff recommends approval with the following conditions:

1. Development shall be limited to no more than 167 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:



3. A homeowner's association is required.
4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. A landscape plan shall be submitted at the time of land disturbance permit.



6. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
7. Sidewalks are not required along McEver Road.
8. Townhomes shall be constructed of a combination of brick, stacked stone, and cementitious fiber board.
9. Townhomes shall generally adhere to the elevations as shown below:







June 29, 2021

Via Certified Mail, Return Receipt Requested
7019 1640 0000 1827 1658

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

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

Dear Ladies and Gentlemen:

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

This letter has been sent to you by certified mail, return receipt requested, within five (5) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows:

1. 6495 McEver Road; Tax Parcel 08150 002002A; Parcel totals 16.62 +/- acres; Annex and rezone from Hall County AR III (Agricultural Residential III District) to Flowery Branch R3 (Residential Multi-Family District); and
2. 6509 McEver Road; Tax Parcel 08150 002002; Parcel totals 8.84 +/- acres; Annex and rezone from Hall County HB (Highway Business District) to Flowery Branch R3 (Residential Multi-Family District).

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

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



Hall County Board of Commissioners
Annexation and Rezoning of 6495 and 6509 McEver Road
June 29, 2021
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch R-3 (Residential Multi-Family) will be held on Thursday, August 5, 2021, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has an objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify me within thirty (30) calendar days of the receipt of this notice.

Sincerely,

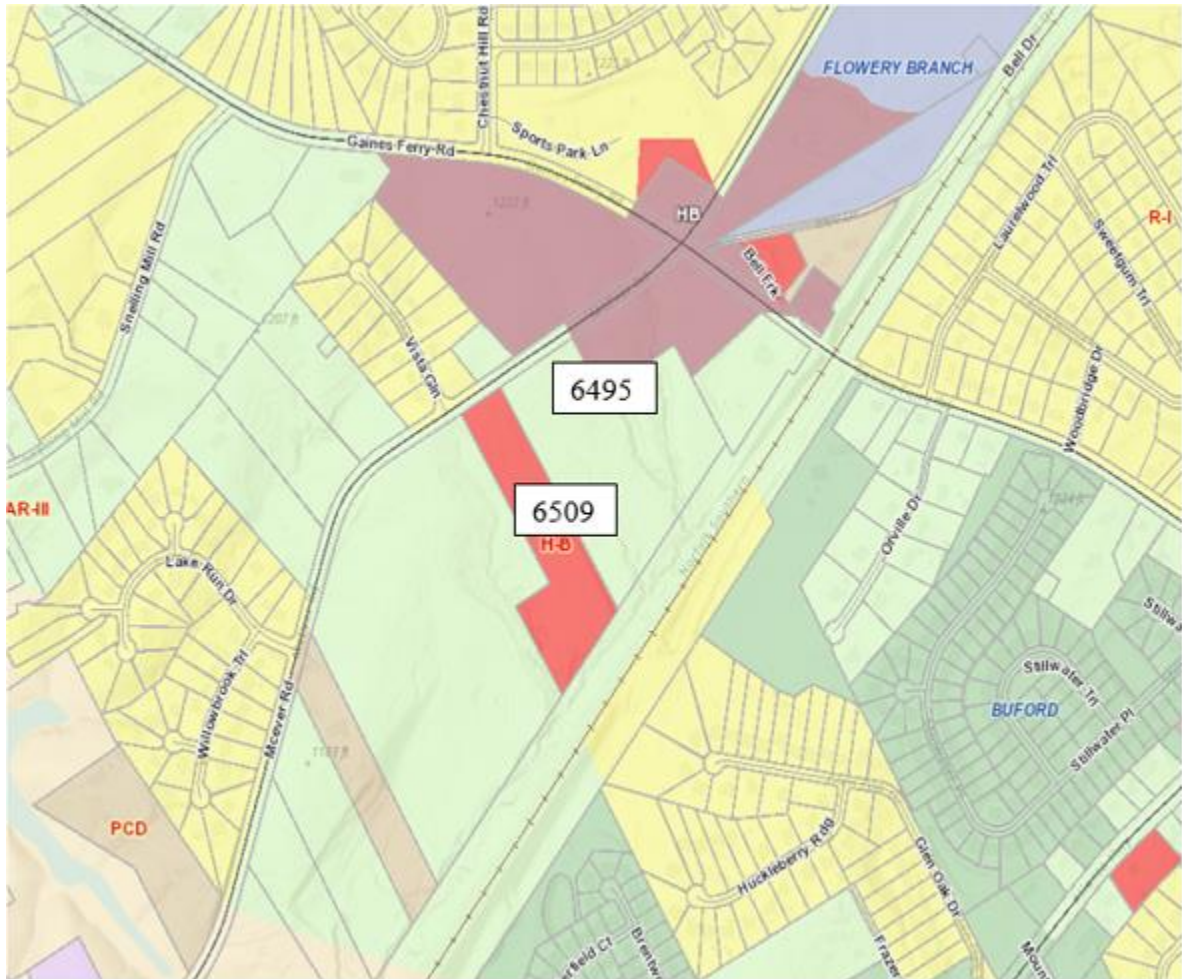
Richard JE Atkinson

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

RA/

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

cc: Van Stephens, County Attorney
Sarah McQuade, Director of Planning and Development





ANNEXATION APPLICATION

Date: 6.28.21

Address of Request:

6495 McEver Road

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

City Clerk Signature

Dicie Short

Applicant Information

Name: FALL LEAF RESIDENTIAL LLC

Address: 3280 Pointe Pkwy SUITE 2300
NORCROSS GA 30092

E-mail address: nwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature:

Don White

Property owner information (if different than the applicant)

Property owner (please print): Estate of Clara Mae Mann

Signature of property owner:

Diane M. Crawford

Diane M. Crawford Independent Executrix
of the Estate of Clara Mae Mann



Property Information

Tax Map Number: 08150 002 002 A

Current Zoning: AR III Total Acres: 16.62

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

Proposed City of Flowery Branch Zoning: B3

Proposed City of Flowery Branch Character Area: COMMERCIAL

Current Use: VACANT

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

Voting Rights Act Information

Resident Population: 8,325 Housing Units: 3,296 Other Buildings:

Race Population %: White 83% Black 8% Hispanic 8.7% Other 3%

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

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

I authorize the City of Flowery Branch to inspect the property

Alan White



Conflict of Interest Disclosure

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

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

NONE

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

NONE

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

NONE

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A



Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A	

CITY STAFF ONLY

Application Received By: MPA

Date: 6.28.21 Total Fee: 500



REZONING APPLICATION

Date: 6.28.21

Address of Request:

6495 McEVER ROAD

Tax Map # 08150 002 002A Current Zoning: AR111

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

Currently a conforming use? YES

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

Applicant Information

Name: FALL LEAF RESIDENTIAL LLC

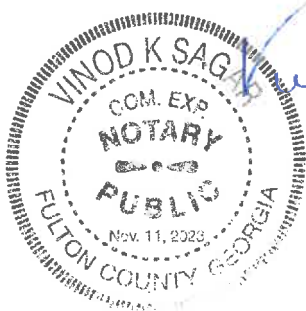
Address: 3280 Pointe Pkwy SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404-~~286-1110~~ 502-3305

Signature: Ann White

Notary:



Vinod K. Sagar
06/15/2021



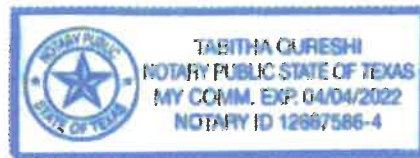
Property owner information (if different than the applicant)

Property owner (please print): ESTATE OF CLARA MAE MANN

Signature of property owner: Diane Mann Crawford
Diane Mann Crawford Independent
EXECUTRIX OF THE ESTATE OF
CLARA MAE MANN

Notary:

STATE OF TEXAS
COUNTY OF TRAVIS
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 15 DAY OF JUNE, 2021,
BY Diane Crawford
Tabitha Qureshi
NOTARY PUBLIC



Property Information

Tax Map Number: 0815 002 002A

Current Zoning: AR III Total Acres: 16.82

Is this property located within the city-limits of Flower Branch? NO

Proposed City of Flower Branch Zoning: B-3

Current Use: VACANT

Please review the Flower 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

I authorize the City of
Flowery Branch to inspect
the Property

Don White

Conflict of Interest Disclosure

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

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

NONE

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

NONE

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

NONE



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: dfca
Date: 6.28.21 Total Fee: tw



Flowery Branch

..



REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: 6.28.21

Address of Request:

6495 McEver Road

Tax Map # 08150-002 002 A Current Zoning: AR111

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. \$46,760,000.00
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). $46,760,000 \times 40\% = \$18,704,000$
 $\times 3.264 \text{ MR} = \$61,049,411 \text{ City Tax}$
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Begin Construction 6-22
24 month build out complete 6-24
4. Anticipated total square footage (heated) to be built in the requested number of units. 277,400 sq-ft.
5. Total acreage developed with units. 19.47
6. Total acreage for right of way and roads. 4.30 A. ROW 2.10 Roads
7. Total acreage of open space/common area (include plan for maintenance of open space/common area). 9.86 A HOA will be responsible for maintenance and upkeep
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? No
 - 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) *No*
10. Please identify all amenities and total number of acres they incorporate by complete description. *Passive Recreation 5.7 Acres*
11. Number of street lights and separation table as proposed on your site plan. *10*
12. Will Technology Development be included in this development? *No*
13. List the total linear feet and cubic yards for sidewalks. *5816 L.F. 9693 CY*
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? *Yes*
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? *50,100*
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? *50,100*
19. Has a slope and grade study been done on this development? Does the study reflect density placement? *Yes*
20. Please identify what public safety needs are being considered for the project? *None Anticipated*
21. Has the Hall County School System been notified of the proposed density for this project? *Not Yet*
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. *Architectural Renderings have been submitted. Exterior building materials will consist of cement based siding such as Hardiplank with brick and stone accents*



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: MP

Date: 6.28.21 Total Fee: rw

MCEVER ROAD TOWNHOUSE DEVELOPMENT

Sec. 34.6. - Development Statistics Required.

Applications described in this Article shall submit development statistics and specifications shall at minimum include on the site plan or in written form the information specified in this Section.

- (a) Maximum and proposed height of any structure;
The maximum proposed height is 3 stories or 35 feet
- (b) Maximum and proposed gross square footage of the building area (nonresidential only);
- (c) Color renderings of any proposed structures;
Color renderings of the proposed architectural style have been submitted
- (d) Material list (with percentages) of any proposed structures;
Exteriors of the homes will be primarily 95% cement based siding such as Hardiplank with brick and stone accents
- (e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only);
The maximum number of dwelling units allowed is 12 units per acre or 305 units, applicant is proposing 167 units or 6.56 units per acre. Minimum heated floor area allowed is 1,000 square feet, applicant is proposing minimum heated floor area of 1,600 square feet
- (f) Maximum and proposed lot coverage of building area (square feet and percent);
Proposed lot coverage is 54% for front entry units or 1296 square feet, lot coverage for rear entry units is 56% or 1180 square feet
- (g) Minimum and proposed square footage of landscaped area (square feet and percent);
Minimum landscaped area is 15% or 167,793 square feet, proposed landscaped area is 19.9% or 220,175 square feet
- (h) Minimum, maximum and proposed number of parking spaces; and
Minimum parking spaces is 334, applicant is proposing 343 parking spaces, 334 garage spaces and 9 guest/mail kiosk spaces
- (i) Other dimensional information as may be required by the Zoning Administrator.

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.

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

The proposed townhouse use is compatible with use and development of nearby property, the adjoining property to the northeast is zoned for commercial uses and the property across McEver Road is zoned for a combination of commercial and townhouse uses

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

The proposal will not affect the use or useability of nearby properties.

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

No, 16 acres of the property is zoned Agriculture and there is no reasonable economic use under said zoning. 8.8 acres of the property is zoned commercial and may have a reasonable use however due to the shape and topo this property has a much more reasonable economic use as a townhouse development.

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

No, the townhouse use will not be burdensome on 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.

This property is shown as commercial on the land use plan, a townhouse use will be less intense than a commercial use therefore the townhouse use would be consistent with the intent of the land use 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.

There is a great demand for new residential homes in this area which supports the grounds for approving this application

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

North vacant commercial and fire station

East Railroad tracts and mixture of commercial and residential

South vacant agriculture

West single family residential and commercial and townhouse at corner of McEver and Gaines Ferry

- (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.

16 acres of this property has been owned by the Mann family for over 50 years, the property is zoned agriculture and has very little value with the current zoning. The 8.8 acres is zoned commercial but due to the shape and topo despite years of effort no commercial user could be found and in fact the only offers have been for a residential use

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

The zoning proposed is less intense than commercial use indicated on the land use plan therefore should have no deterrent to the value or development of adjacent property

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

No, this will not create an isolated zoning district, as mentioned previously there is a mixed commercial and townhouse now under development across McEver Road, this development along with the adjacent 6 acre commercially zoned tract at the corner of Mcever and Gaines Ferry will also provide a mixed commercial and townhouse development.

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

This rezoning will not affect the character of this 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

This development will comply with all Flowery Branch ordinances related to drainage, soil erosion, sedimentation, flooding air and water quality therefore it should have no adverse environmental impact

- (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

As mentioned before the land use plan shows commercial uses for this property, a townhouse use is less intense therefore applicant believes the zoning proposed is consistent with the overall scheme and purpose of the Zoning Ordinance

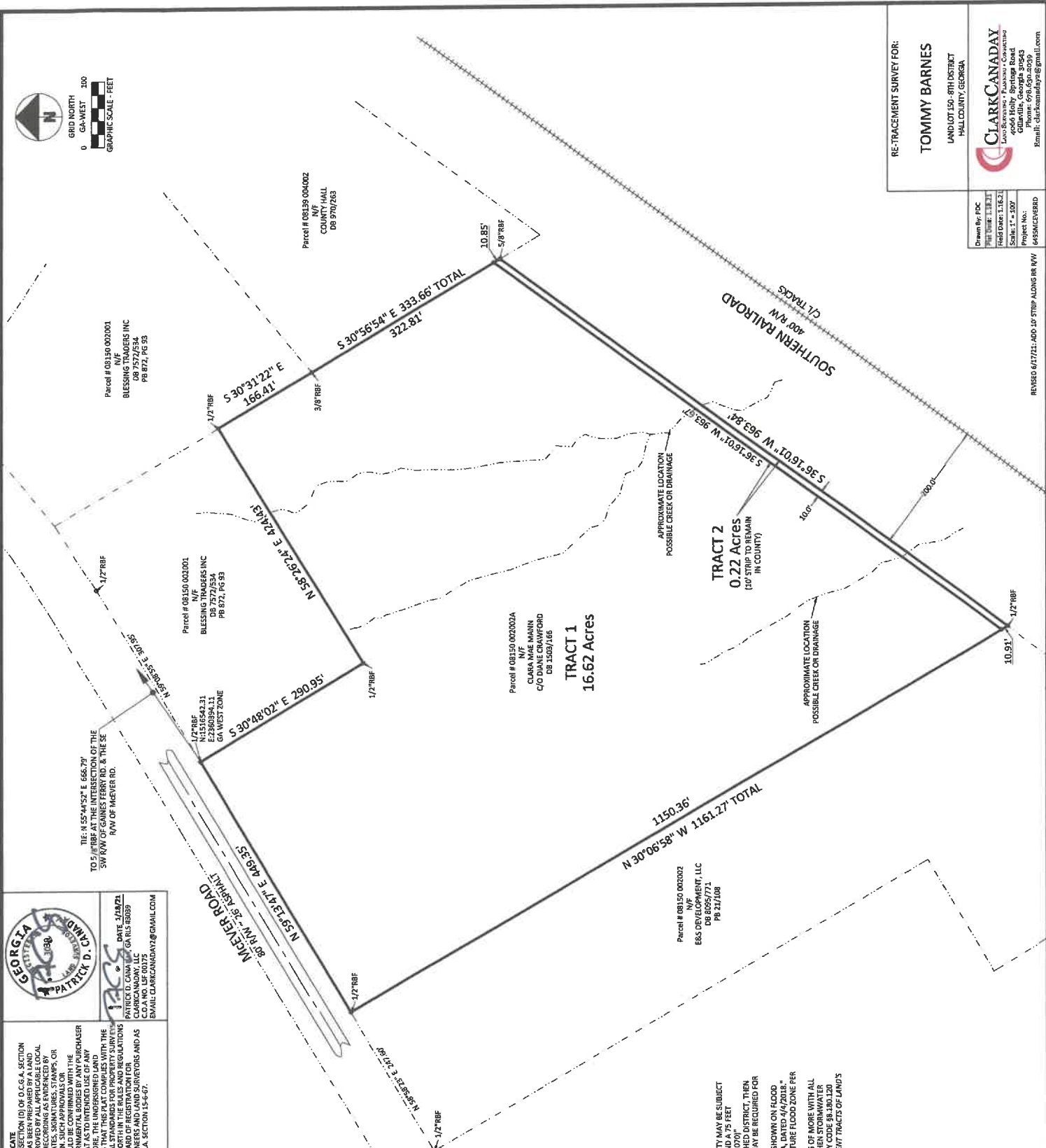


SURVEYOR'S CERTIFICATE
IS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 44-5-101. THE SURVEYOR MUST BE LICENSED BY THE SURVEYOR BOARD AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING, AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR ATTACHMENTS HEREON. SUCH APPROVALS OR ATTACHMENTS MUST BE CONFORMED WITH THE REQUIREMENTS OF THE APPLICABLE LOCAL JURISDICTION. IF THIS PLAT IS TO BE INTERESTED AND/OR USED IN THIS PLAT, AN INTERESTED LAND OWNER, FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THE PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

RESERVED FOR CLERK OF SUPERIOR COURT

INTERVIEW NOTES.

FIELD DATA: 0.05" AVERAGE HRMS
MEASUREMENTS WERE TAKEN WITH A DUAL
FREQUENCY LEICA GS16 GNSS GPS RTK & BASE
RECEIVER ON 1.19.21 DISTANCES ARE GROUND.
THIS PLAY PRECISION: 1/64,137".
THIS PLAY HAS BEEN DONE FOR THE USE AND
PURPOSE OF THE CLIENT ASSIGNED AND
CONTRACTED WITH BELOW. ALL OTHER PARTIES
HAVE NO INTEREST OR DEGREE OF RELIANCE UPON THIS PLAY BY
THIRD PARTIES.
THE PUBLIC RECORDS REFERENCED HEREON
DO NOT REFLECT THOSE RECORDS NECESSARY TO THE
BOUNDARY OF THE SUBJECT PROPERTY. THEY DO
NOT CONSTITUTE A TITLE SEARCH. PROPERTY IS
TRANSFERRED BY DEED, WILLS, EASEMENTS, AND
RESTRICTIONS OF RECORD.
THE NORTH MERIDIAN SURVEY HEREON IS
BASED ON GRID NORTH G4 WEST OBTAINED BY
RTK GPS BY WEST METHODS USING THE LEICA
SMARTNET NETWORK.
1) CONTOURS SURVEY HEREON WERE COMPILED

[illegible][illegible]

RE-TRACEMENT SURVEY FOR:

TOMMY BARNES

LAND LOT 150 - 8TH DISTRICT
HALL COUNTY, GEORGIA

 **CLARK COUNTY**
LAND SURVEYING • PLANNING • CONSTRUCTION
4060 Holly Springs Road
Gainesville, Georgia 30604
Phone: 770.536.2039
Email: ClarkCountyGA@gmail.com

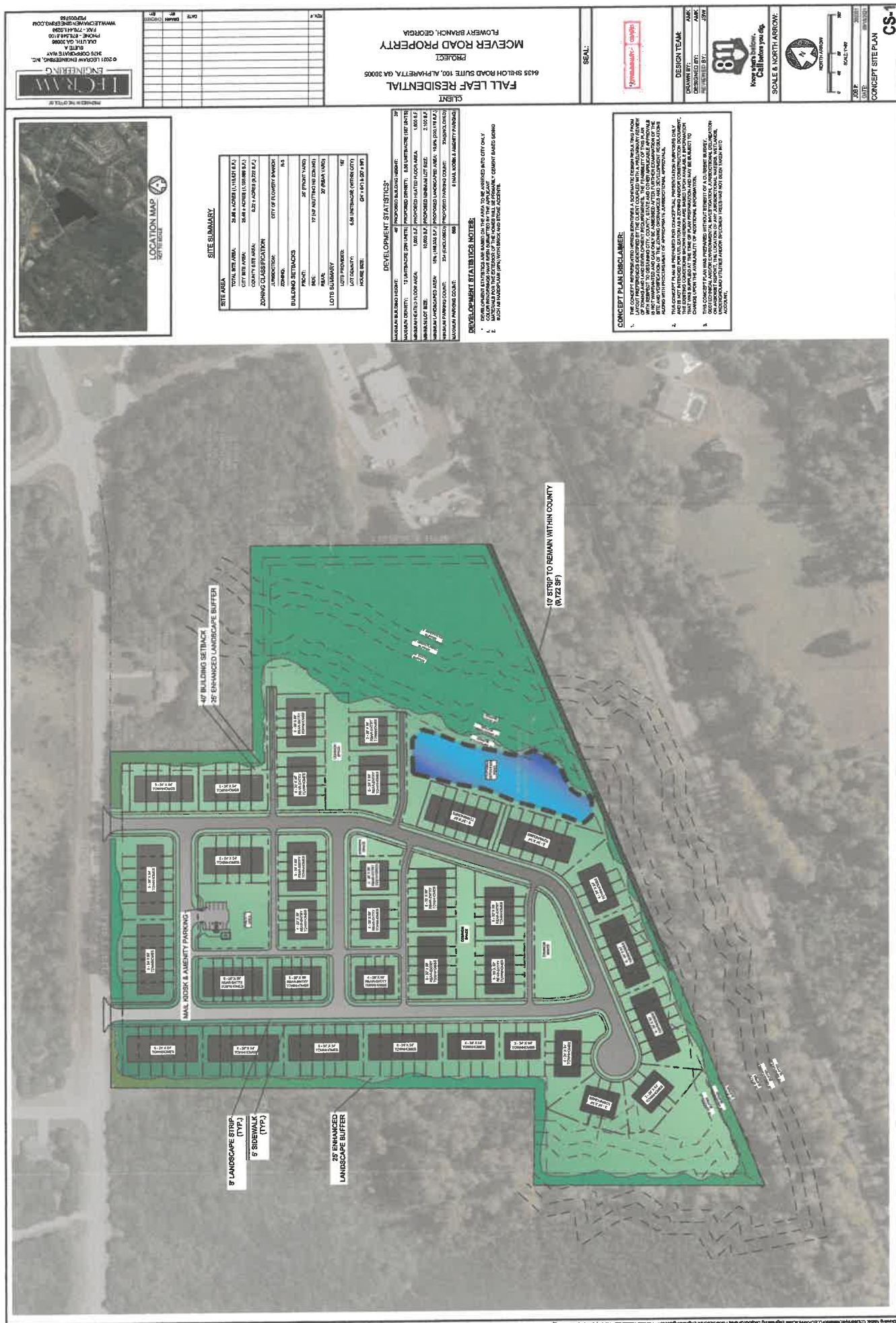
Drawn By: PDC
Plot Date: 1.18.21
Hold Date: 1.16.21
Scale: 1" = 100'
Project No.: 6495MCEVERRD

EVENSEN 6/17/71 - ADD 10 STOPS AT ONE OF ROW

Legal Description 16.62 acres McEver Road

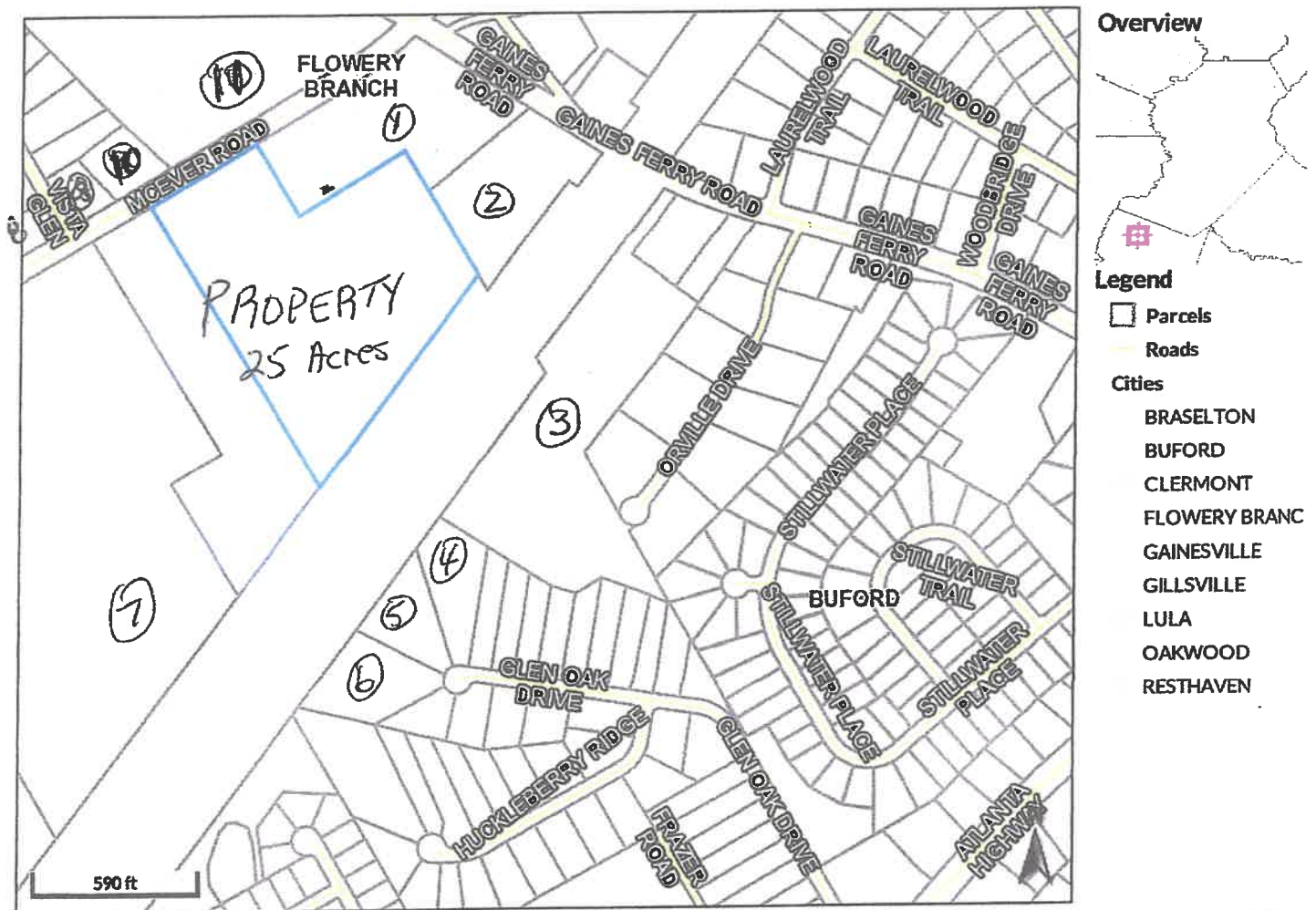
All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 666.79 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South 30°48'02" East 290.95 feet to a point; Thence running North 58°26' 24" East 424.43 feet to a point; Thence running South 30°31'22" East 166.41 feet to a point; Thence running South 30°56'54" East 322.81 feet to a point; thence running South 36°16'01" West 963.67 feet to a point; thence running North 30°06' 58" West 1150.36 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North 59°13'47" East along the southeasterly Right of Way line of McEver Road 449.35 feet to a point and being the Point of Beginning, said property consisting of 16.62 acres. .









Adjacent Property Owners Mcever Road

1. Blessing Traders Inc., 1837 Dover Hill Drive, Lawrenceville, Ga. 30043
2. Hall County, P. O. Box 1435, Gainesville Ga. 30503
3. Clarence Westfall, 4850 Golden Parkway, Suite B, Buford. Ga. 30518
4. 4. Mack and donna Simmons, 6204 Glen Oak Drive, Flowery Branch, Ga. 30542
5. Deborah Roberts Rev Trust, 6208 Glen Oaks Drive, Flowery Branch, Ga. 30542
6. George Gillian, 6207 Glen Oaks Drive, Flowery Branch, Ga. 30542
7. Daryll Crow Holdings LLC, 6172 Jim Crow Road, Flowery Branch, Ga. 30542
8. John M. Crevis 111, 6505 Vista Glen, Flowery Branch, Ga. 30542
9. Billy and Shelby Patterson, 6502 Vista Glen, Flowery Branch, Ga. 30542
10. All Awesome Properties LLC, 4411 Suwanee Dam Road, Suite 415, Suwanee, Ga. 30024
11. Sarkar Development Group LLC, C/O Henderson Legal, 1350 Spring Street, Suite 485, Atlanta, Ga. 30309



FALL LEAF RESIDENTIAL, LLC
1192 Longcourte Drive
Atlanta, GA 30327

Mayor and City Council
Flowery Branch, Ga. 30534

Re: Annexation/Rezoning Application 25.46 Acres, McEver Road

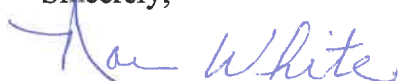
Please accept this letter outlining the plans for two tracts of land totaling 25.46 acres fronting on the east side of McEver Road, just south of Gaines Ferry Road. We previously submitted two annexation and rezoning applications on these properties which were objected to by Hall County. We believe Hall County's objection is without merit, but due a technicality in the arbitration process we had to withdraw and are now submitting new applications. This application is for slightly less land than our previous applications. We have left a 10 foot strip along the easterly property line of the 16 acre tract that is not being annexed but will remain in Hall County. We did this to avoid creating a situation where property across the railroad tracts would become an island of County land, one of the objections Hall County raised in the objection they filed. This land will be owned by the HOA and part of the community, it will just remain in Hall County.

These properties are currently in Hall County and are zoned HB and AR111 in the County. We are requesting annexation and rezoning to the R3 zoning classification to allow the development of a fee simple townhouse development. The site plan we have submitted shows 167 townhouse lots on the 25.46 acre tract for a density of 6.56 units per acre. We have 19.9% of the site in buffers and open space, we believe this open space will provide an excellent area for passive recreational uses such as walking trails and a community picnic area. The community will be subject to a Declaration of Covenants and Conditions and each home will be required to be a member. The Homeowners Association will be responsible for the future maintenance and upkeep of all entrance features, open spaces and any amenities.

As mentioned above 8.8 acres of this property is presently zoned for HB in Hall County and the Flowery Branch Land Use Plan shows the 16 acre portion of the property designated for future commercial uses and the 8.8 acres designated for mixed use. We believe that our requested townhouse use is a less intense use than what is proposed by the Land Use Plan and therefore appropriate. There is also a mixed use commercial and townhouse development now under development at the southwest corner of McEver Road and Gaines Ferry Road directly across McEver from our site. There is a 6 acre tract adjoining this property to the north, at the southeast corner of McEver and Gaines Ferry, that is also currently zoned commercial so with this rezoning there will also be a mixed use development at this corner of the intersection. We originally thought the townhouse use proposed would provide a natural transition between this future commercial area and what we anticipated would be less dense residential uses to the south which would still be the case if the adjoining property were residential. However, as you probably know the 34 acres to the south is now being considered for a large industrial development. If this industrial development is approved we feel it makes our rezoning request even more reasonable as this property will then be located between commercial property to the north and west and industrial property to the south..

We have submitted elevations showing the architectural style of the townhomes we are proposing, they will have a farm house look with exterior building materials that will be primarily cement based siding such as Hardiplank with brick and stone accents. We believe this will be a very attractive development providing much needed housing for the City of Flowery Branch and hope the City Council will approve our two annexation and rezonings.

Sincerely,



Fall Leaf Residential, LLC
Norman White, Manager



ANNEXATION APPLICATION

Date: 6.28.21

Address of Request:

6509 McEwen Road

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

City Clerk Signature

Oliver Short

Applicant Information

Name: FALL LEAF RESIDENTIAL

Address: 3280 POINT PARKWAY SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: David White

Property owner information (if different than the applicant)

Property owner (please print): E&S DEVELOPMENT LLC

Signature of property owner:

Tony Sherman (NEXT PAGE)



ANNEXATION APPLICATION

Date: 6/15/21

Address of Request: 6509 McEwen Road

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

City Clerk Signature _____

Applicant Information

Name: FALL LEAF RESIDENTIAL

Address: 3280 POINT PARKWAY SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: Tony White

Property owner information (if different than the applicant)

Property owner (please print): E&S DEVELOPMENT LLC

Signature of property owner: Tony Sherman



Property Information

Tax Map Number: 0815 000 002

Current Zoning: H B Total Acres: 8.84

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

Proposed City of Flowery Branch Zoning: R3

Proposed City of Flowery Branch Character Area: COMMERCIAL

Current Use: VACANT

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

Voting Rights Act Information

Resident Population: 8,325 Housing Units: 3296 Other Buildings:

Race Population %: White 83% Black 8% Hispanic 8.7% Other 3%

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

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

I authorize the City of
FLOWERY BRANCH to inspect
the Property

Handwritten signature: Lane White



Conflict of Interest Disclosure

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

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

None

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

None

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

None

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: Mpe
Date: 6.28.21 Total Fee: 50



REZONING APPLICATION

Date: 6.28.21

Address of Request:

6509 McEVER ROAD

Tax Map # 0815 002 002 Current Zoning: HB

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

Currently a conforming use? YES

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

Applicant Information

Name: FALL LEAF RESIDENTIAL LLC

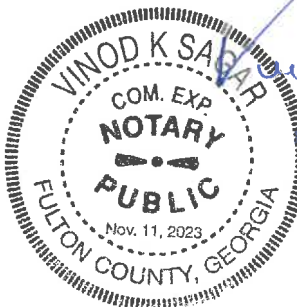
Address: 3280 Pointe PKWY SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: [Handwritten Signature]

Notary:





Property owner information (if different than the applicant)

Property owner (please print): ECS DEVELOPMENT LLC

Signature of property owner: TONY SHERMAN

Notary: Patty Hurt

PATTY HURT
Notary Public
HALL COUNTY, STATE of GEORGIA
My Commission Expires July 30, 2022

Property Information

Tax Map Number: 0815 002 002

Current Zoning: HB Total Acres: 8.84

Is this property located within the city-limits of Flowery Branch? NO

Proposed City of Flowery Branch Zoning: R3

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

I authorize the City
of Flowery Branch to
inspect the property

Don White

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
<u>N/A</u>	<u></u>
<u></u>	<u></u>

CITY STAFF ONLY

Application Received By: nye
Date: 6.28.21 Total Fee: 500



Flowery Branch



REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: 6.28.21

Address of Request:

6509 McEver Road

Tax Map # 0815 000 002 Current Zoning: HB

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. \$46,760,000.00
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). $46,760,000 \times 40\% = \$18,704,000$
 $\times 3.264 \text{ mA} = \$61,049,411 \text{ City Taxes}$
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Begin Construction 6-22
24 months build out complete 6-24
4. Anticipated total square footage (heated) to be built in the requested number of units. 277,400 sq. ft.
5. Total acreage developed with units. 19.47
6. Total acreage for right of way and roads. 4.30 A. ROW 2.10 Roads
7. Total acreage of open space/common area (include plan for maintenance of open space/common area). 9.86 A HOA will be responsible for maintenance and upkeep
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? No
 - 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) *No*
10. Please identify all amenities and total number of acres they incorporate by complete description. *Passive Recreation 5.7 Acres*
11. Number of street lights and separation table as proposed on your site plan. *10*
12. Will Technology Development be included in this development? *No*
13. List the total linear feet and cubic yards for sidewalks. *5816 L.F. 9693 CY*
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? *Yes*
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? *50,100*
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? *50,100*
19. Has a slope and grade study been done on this development? Does the study reflect density placement? *Yes*
20. Please identify what public safety needs are being considered for the project? *None Anticipated*
21. Has the Hall County School System been notified of the proposed density for this project? *Not Yet*
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. *Architectural Renderings have been submitted. Exterior building materials will consist of cement based siding such as Hardiplank with accents of brick and stone*



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: rye

Date: 6.28.21 Total Fee: 500

MCEVER ROAD TOWNHOUSE DEVELOPMENT

Sec. 34.6. - Development Statistics Required.

Applications described in this Article shall submit development statistics and specifications shall at minimum include on the site plan or in written form the information specified in this Section.

- (a) Maximum and proposed height of any structure;
The maximum proposed height is 3 stories or 35 feet
- (b) Maximum and proposed gross square footage of the building area (nonresidential only);
- (c) Color renderings of any proposed structures;
Color renderings of the proposed architectural style have been submitted
- (d) Material list (with percentages) of any proposed structures;
Exteriors of the homes will be primarily 95% cement based siding such as Hardiplank with brick and stone accents
- (e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only);
The maximum number of dwelling units allowed is 12 units per acre or 305 units, applicant is proposing 167 units or 6.56 units per acre. Minimum heated floor area allowed is 1,000 square feet, applicant is proposing minimum heated floor area of 1,600 square feet
- (f) Maximum and proposed lot coverage of building area (square feet and percent);
Proposed lot coverage is 54% for front entry units or 1296 square feet, lot coverage for rear entry units is 56% or 1180 square feet
- (g) Minimum and proposed square footage of landscaped area (square feet and percent);
Minimum landscaped area is 15% or 167,793 square feet, proposed landscaped area is 19.9% or 220,175 square feet
- (h) Minimum, maximum and proposed number of parking spaces; and
Minimum parking spaces is 334, applicant is proposing 343 parking spaces, 334 garage spaces and 9 guest/mail kiosk spaces
- (i) Other dimensional information as may be required by the Zoning Administrator.

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.

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

The proposed townhouse use is compatible with use and development of nearby property, the adjoining property to the northeast is zoned for commercial uses and the property across McEver Road is zoned for a combination of commercial and townhouse uses

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

The proposal will not affect the use or useability of nearby properties.

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

No, 16 acres of the property is zoned Agriculture and there is no reasonable economic use under said zoning. 8.8 acres of the property is zoned commercial and may have a reasonable use however due to the shape and topo this property has a much more reasonable economic use as a townhouse development.

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

No, the townhouse use will not be burdensome on 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.

This property is shown as commercial on the land use plan, a townhouse use will be less intense than a commercial use therefore the townhouse use would be consistent with the intent of the land use 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.

There is a great demand for new residential homes in this area which supports the grounds for approving this application

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

North vacant commercial and fire station

East Railroad tracts and mixture of commercial and residential

South vacant agriculture

West single family residential and commercial and townhouse at corner of McEver and Gaines Ferry

- (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.

16 acres of this property has been owned by the Mann family for over 50 years, the property is zoned agriculture and has very little value with the current zoning. The 8.8 acres is zoned commercial but due to the shape and topo despite years of effort no commercial user could be found and in fact the only offers have been for a residential use

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

The zoning proposed is less intense than commercial use indicated on the land use plan therefore should have no deterrent to the value or development of adjacent property

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

No, this will not create an isolated zoning district, as mentioned previously there is a mixed commercial and townhouse now under development across McEver Road, this development along with the adjacent 6 acre commercially zoned tract at the corner of McEver and Gaines Ferry will also provide a mixed commercial and townhouse development.

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

This rezoning will not affect the character of this 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

This development will comply with all Flowery Branch ordinances related to drainage, soil erosion, sedimentation, flooding air and water quality therefore it should have no adverse environmental impact

- (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

As mentioned before the land use plan shows commercial uses for this property, a townhouse use is less intense therefore applicant believes the zoning proposed is consistent with the overall scheme and purpose of the Zoning Ordinance

Legal Description 8.843 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

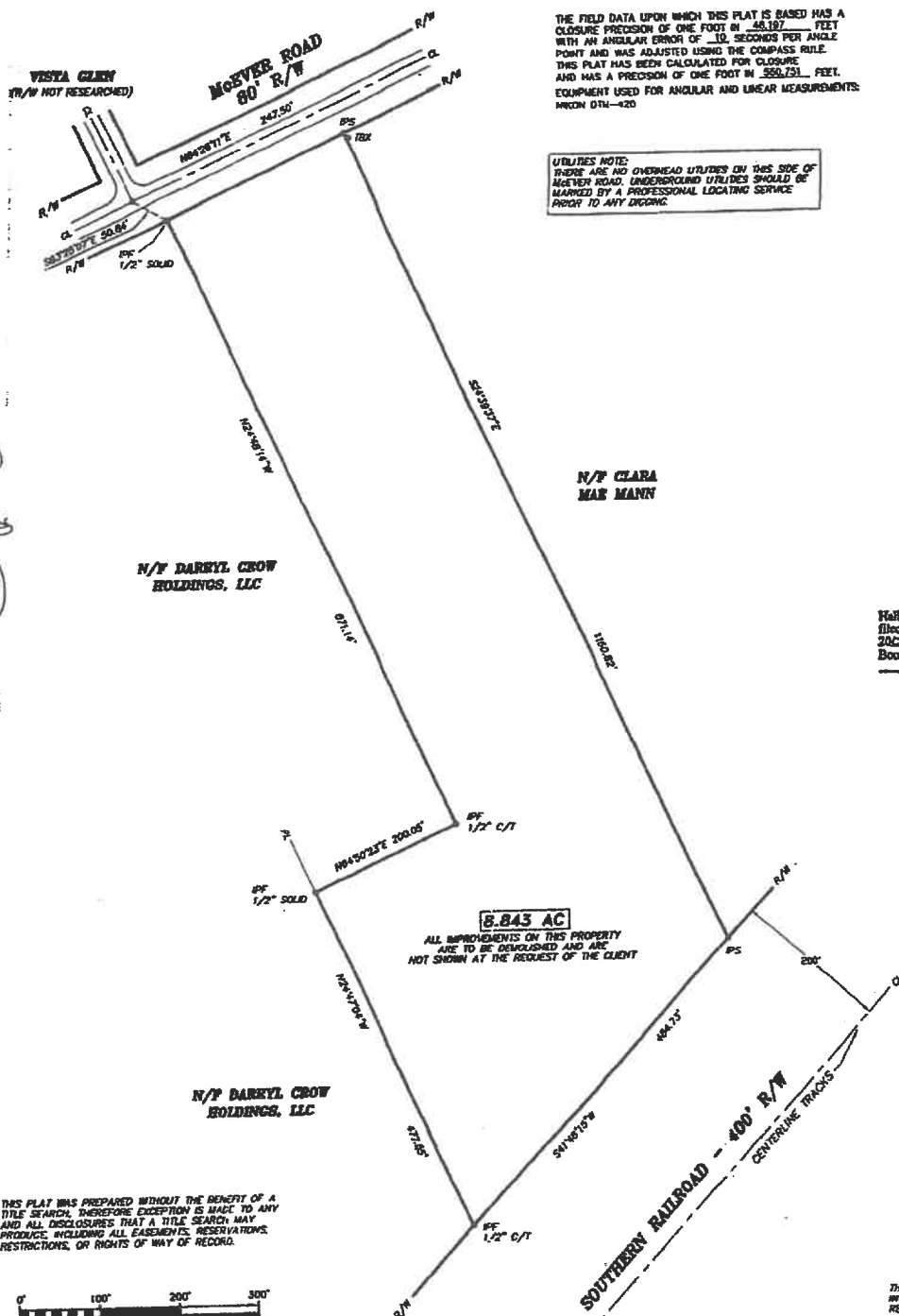
Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 1116.14 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South $24^{\circ}39'37''$ East 1160.82 feet to a point on the northwesterly right of way line of Southern Railroad (400 foot right of way); thence running South $41^{\circ}46'15''$ West along said Southern Railway right of way 484.73 feet to a point; thence running North $24^{\circ}47'04''$ West 477.85 feet to a point; Thence running North $64^{\circ}50'23''$ East 200.05 feet to a point; Thence running North $24^{\circ}48'14''$ West 871.14 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North $64^{\circ}26'11''$ East along the southeasterly Right of Way line of McEver Road 247.50 feet to a point and being the Point of Beginning, said property consisting of 8.843 acres. .

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 45,187 FEET WITH AN ANGULAR ERROR OF 19 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS A PRECISION OF ONE FOOT IN 550,731 FEET. EQUIPMENT USED FOR ANGULAR AND LINEAR MEASUREMENTS: MINOM DTM-420

UTILITIES NOTE:
THERE ARE NO OVERHEAD UTILITIES ON THIS SIDE OF AGEEVER ROAD. UNDERGROUND UTILITIES SHOULD BE MARKED BY A PROFESSIONAL LOCATING SERVICE PRIOR TO ANY DIGGING.

LEGEND

- AC - ACRES
- ALF - ANGLE IRON FOLDS
- BL - BUILDING SETBACK LINE
- BLDG - BUILDING
- BVF - BARBED WIRE FENCE
- CB - CATCH BASIN
- CL - CENTERLINE
- CLF - CHAIN LINK FENCE
- CMF - CORRUGATED METAL PIPE
- CONC - CONCRETE
- C/T - CRIMPED TOP PIPE
- DB, PG - DEED BOOK, PAGE
- DI - DRAIN INLET
- FI - FIRE HYDRANT
- GV - GAS VALVE
- HWF - HOOD WIRE FENCE
- IPF - IRON PIN FOLDS
- IPS - IRON PIN SET (1/2" REBAR)
- N/F - NEW OR FORMERLY
- OT - OPEN TOP PIPE
- PBX - POWER BOX
- PL, PG - PLAT BOOK, PAGE
- PL - PROPERTY LINE
- PP - OVERHEAD POWER LINE
- PS, PG - PLAT, SLIDE, PAGE
- PT - POWER & TELEPHONE LINES
- PPF - POWER & TELEPHONE POLE
- R/B - REINFORCING IRON BAR
- R/W - RIGHT OF WAY
- RCF - RECONSTRUCTED-CONCRETE PIPE
- T - OVERHEAD TELEPHONE LINE
- TBX - TELEPHONE BOX
- TP - TELEPHONE POLE
- WM - WATER METER



Hall County, Georgia, Clerk Superior Court
Filed in office this 30 day of December
2005 at 2:09 PM. Recorded in Plat
Book 5471 Page 118
Dwight S. Wood, Clerk

RECORDING PERMIT
By *[Signature]*
HALL COUNTY PLANNING COMMISSION



THIS PLAT IS NOT VALID UNLESS IT BEARS IN BAC, THE ORIGINAL SIGNATURE OF THE REDISTRANT ACROSS THE REDISTRANT'S SEAL.

FILE NO. S-914

PREPARED BY:
JARRARD SURVEYING
858 OAK STREET
GAINESVILLE, GEORGIA 30501
PH: 770.534.3421 FAX: 770.534.4101

SURVEY FOR
**ANTHONY SHERMAN &
VICTOR FELIX ESPINOSA**

LOCATED IN
LAND LOT: 150 DISTRICT: 8
HALL COUNTY, GEORGIA

FIELD DATE: 5/26/05 PLAT DATE: 6/4/05
REVISED 9/09/05: NAME CHANGE ONLY. NO FIELD WORK. JOB NO. 05-081

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CS-1
CONCEPT SITE PLAN

DATE: 07/20/2017
SCALE: 1" = 40' (SEE NOTE)
NORTH ARROW
SCALE: 1" = 40' (SEE NOTE)

DESIGN TEAM
PROJECT: FALL LEAF RESIDENTIAL
CLIENT: MCEVER ROAD PROPERTY
6435 SHILOH ROAD SUITE 100, ALPHARETTA, GA 30005
FLOWERY BRANCH, GEORGIA

DESIGNED BY: ANK
CHECKED BY: ANK
DATE: 07/20/2017

SEAL:

DATE	07/20/2017
BY	ANK
CHECKED BY	ANK
DATE	07/20/2017

LUCOR ENGINEERING, INC.
2475 CORPORATE WAY
SUITE 100
ALPHARETTA, GA 30005
PHONE: 770-441-1000
FAX: 770-441-1001
WWW.LUCORENGINEERING.COM

CONCEPT PLAN ORGANIZER

1. THE CONCEPT PLAN ORGANIZER IS A TOOL TO HELP THE DESIGNER ORGANIZE THE CONCEPT PLAN. IT IS NOT A REQUIREMENT FOR THE CONCEPT PLAN. THE CONCEPT PLAN ORGANIZER IS A TOOL TO HELP THE DESIGNER ORGANIZE THE CONCEPT PLAN. IT IS NOT A REQUIREMENT FOR THE CONCEPT PLAN.

2. THE CONCEPT PLAN ORGANIZER IS A TOOL TO HELP THE DESIGNER ORGANIZE THE CONCEPT PLAN. IT IS NOT A REQUIREMENT FOR THE CONCEPT PLAN. THE CONCEPT PLAN ORGANIZER IS A TOOL TO HELP THE DESIGNER ORGANIZE THE CONCEPT PLAN. IT IS NOT A REQUIREMENT FOR THE CONCEPT PLAN.

DEVELOPMENT STATISTICS

1. TOTAL SITE AREA: 1.00 AC (108,900 SQ. FT.)

2. TOTAL IMPROVED AREA: 1.00 AC (108,900 SQ. FT.)

3. TOTAL IMPROVED AREA: 1.00 AC (108,900 SQ. FT.)

4. TOTAL IMPROVED AREA: 1.00 AC (108,900 SQ. FT.)

5. TOTAL IMPROVED AREA: 1.00 AC (108,900 SQ. FT.)

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DEVELOPMENT STATISTICS

1. TOTAL SITE AREA: 1.00 AC (108,900 SQ. FT.)

2. TOTAL IMPROVED AREA: 1.00 AC (108,900 SQ. FT.)

3. TOTAL IMPROVED AREA: 1.00 AC (108,900 SQ. FT.)

4. TOTAL IMPROVED AREA: 1.00 AC (108,900 SQ. FT.)

5. TOTAL IMPROVED AREA: 1.00 AC (108,900 SQ. FT.)

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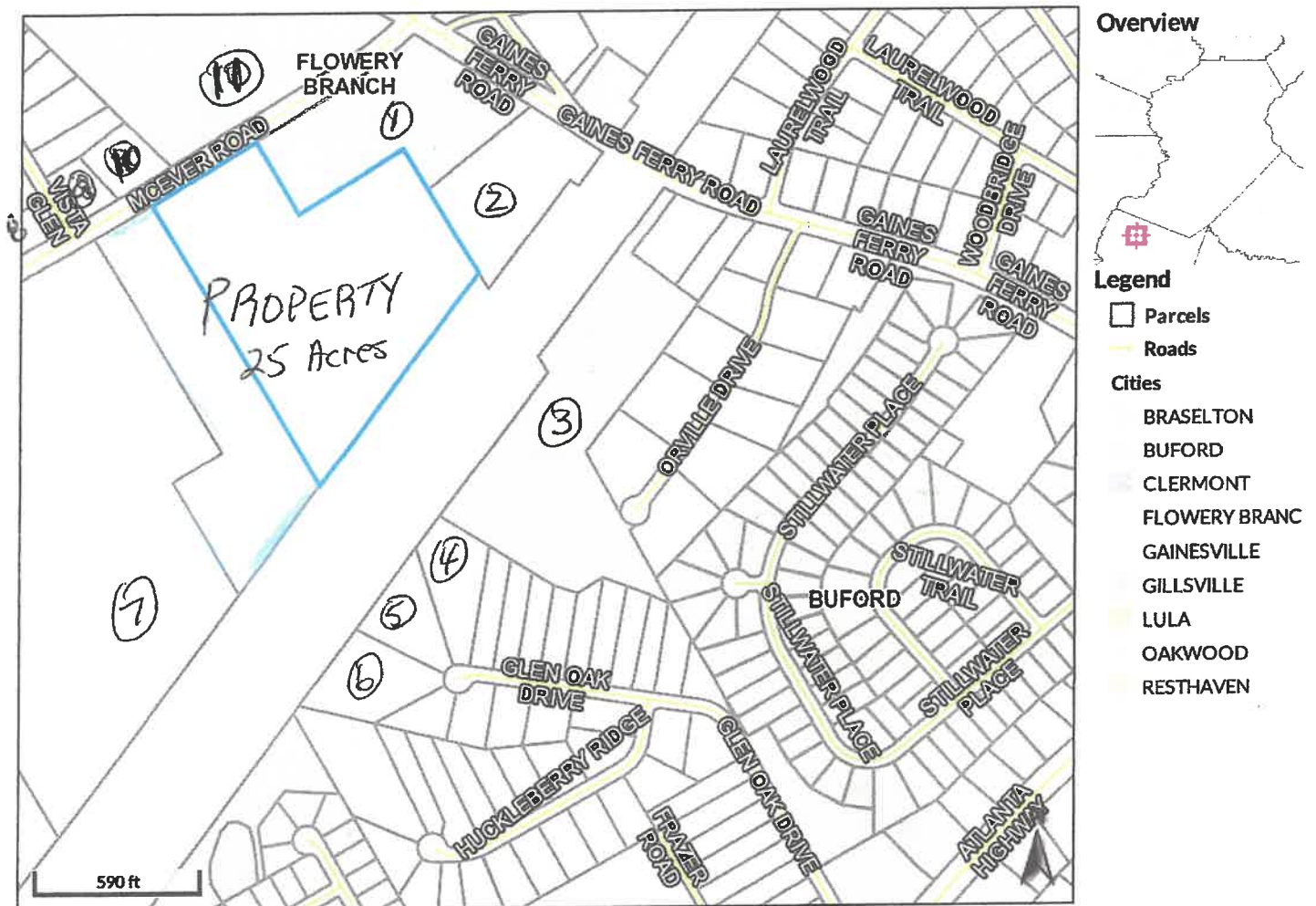
4. TOTAL IMPROVED AREA: 1.00 AC (108,900 SQ. FT.)

5. TOTAL IMPROVED AREA: 1.00 AC (108,900 SQ. FT.)



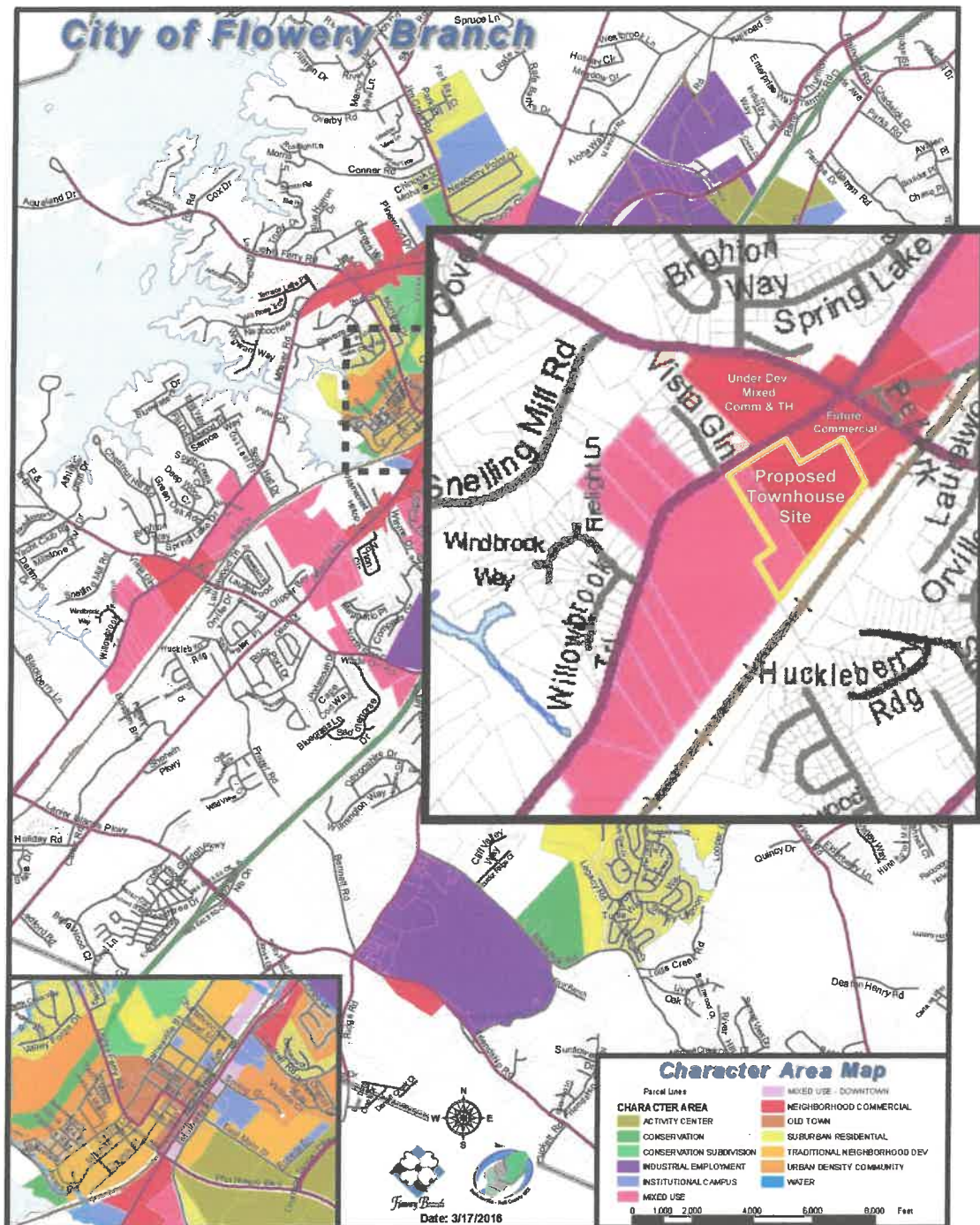






Adjacent Property Owners Mcever Road

1. Blessing Traders Inc., 1837 Dover Hill Drive, Lawrenceville, Ga. 30043
2. Hall County, P. O. Box 1435, Gainesville Ga. 30503
3. Clarence Westfall, 4850 Golden Parkway, Suite B, Buford. Ga. 30518
4. 4. Mack and donna Simmons, 6204 Glen Oak Drive, Flowery Branch, Ga. 30542
5. Deborah Roberts Rev Trust, 6208 Glen Oaks Drive, Flowery Branch, Ga. 30542
6. George Gillian, 6207 Glen Oaks Drive, Flowery Branch, Ga. 30542
7. Daryll Crow Holdings LLC, 6172 Jim Crow Road, Flowery Branch, Ga. 30542
8. John M. Crevis 111, 6505 Vista Glen, Flowery Branch, Ga. 30542
9. Billy and Shelby Patterson, 6502 Vista Glen, Flowery Branch, Ga. 30542
10. All Awesome Properties LLC, 4411 Suwanee Dam Road, Suite 415, Suwanee, Ga. 30024
11. Sarkar Development Group LLC, C/O Henderson Legal, 1350 Spring Street, Suite 485, Atlanta, Ga. 30309





FALL LEAF RESIDENTIAL, LLC
1192 Longcourte Drive
Atlanta, GA 30327

Mayor and City Council
Flowery Branch, Ga. 30534

Re: Annexation/Rezoning Application 25.46 Acres, McEver Road

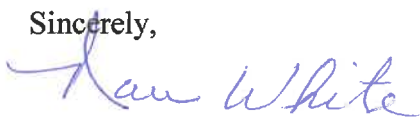
Please accept this letter outlining the plans for two tracts of land totaling 25.46 acres fronting on the east side of McEver Road, just south of Gaines Ferry Road. We previously submitted two annexation and rezoning applications on these properties which were objected to by Hall County. We believe Hall County's objection is without merit, but due a technicality in the arbitration process we had to withdraw and are now submitting new applications. This application is for slightly less land than our previous applications. We have left a 10 foot strip along the easterly property line of the 16 acre tract that is not being annexed but will remain in Hall County. We did this to avoid creating a situation where property across the railroad tracts would become an island of County land, one of the objections Hall County raised in the objection they filed. This land will be owned by the HOA and part of the community, it will just remain in Hall County.

These properties are currently in Hall County and are zoned HB and AR111 in the County. We are requesting annexation and rezoning to the R3 zoning classification to allow the development of a fee simple townhouse development. The site plan we have submitted shows 167 townhouse lots on the 25.46 acre tract for a density of 6.56 units per acre. We have 19.9% of the site in buffers and open space, we believe this open space will provide an excellent area for passive recreational uses such as walking trails and a community picnic area. The community will be subject to a Declaration of Covenants and Conditions and each home will be required to be a member. The Homeowners Association will be responsible for the future maintenance and upkeep of all entrance features, open spaces and any amenities.

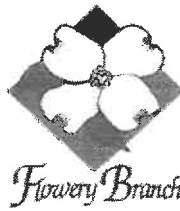
As mentioned above 8.8 acres of this property is presently zoned for HB in Hall County and the Flowery Branch Land Use Plan shows the 16 acre portion of the property designated for future commercial uses and the 8.8 acres designated for mixed use. We believe that our requested townhouse use is a less intense use than what is proposed by the Land Use Plan and therefore appropriate. There is also a mixed use commercial and townhouse development now under development at the southwest corner of McEver Road and Gaines Ferry Road directly across McEver from our site. There is a 6 acre tract adjoining this property to the north, at the southeast corner of McEver and Gaines Ferry, that is also currently zoned commercial so with this rezoning there will also be a mixed use development at this corner of the intersection. We originally thought the townhouse use proposed would provide a natural transition between this future commercial area and what we anticipated would be less dense residential uses to the south which would still be the case if the adjoining property were residential. However, as you probably know the 34 acres to the south is now being considered for a large industrial development. If this industrial development is approved we feel it makes our rezoning request even more reasonable as this property will then be located between commercial property to the north and west and industrial property to the south..

We have submitted elevations showing the architectural style of the townhomes we are proposing, they will have a farm house look with exterior building materials that will be primarily cement based siding such as Hardiplank with brick and stone accents. We believe this will be a very attractive development providing much needed housing for the City of Flowery Branch and hope the City Council will approve our two annexation and rezonings.

Sincerely,



Fall Leaf Residential, LLC
Norman White, Manager



ANNEXATION APPLICATION

Date: 6/15/21

Address of Request: 6509 McEwen Road

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

City Clerk Signature _____

Applicant Information

Name: FALL LEAF RESIDENTIAL

Address: 3280 POINT PARKWAY SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: _____

Property owner information (if different than the applicant)

Property owner (please print): ECS DEVELOPMENT LLC

Signature of property owner: Tony Sherman



Property owner information (if different than the applicant)

Property owner (please print): E.C.B. DEVELOPMENT LLC

Signature of property owner: TONY SHERMAN

Notary: Patty Hurt

PATTY HURT
Notary Public
HALL COUNTY, STATE of GEORGIA
My Commission Expires July 30, 2022

Property Information

Tax Map Number: 0815 002 002

Current Zoning: HB Total Acres: 8.84

Is this property located within the city-limits of Flowery Branch? NO

Proposed City of Flowery Branch Zoning: R3

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



ANNEXATION APPLICATION

Date: _____

Address of Request:

6495 McEver Road

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

City Clerk Signature _____

Applicant Information

Name: FALL LEAF RESIDENTIAL LLC

Address: 3280 Pointe Pkwy Suite 2300
Norcross GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: *Don White*

Property owner information (if different than the applicant)

Property owner (please print): Estate of Clara Mae Mann

Signature of property owner: *Diane M Crawford*

Diane M Crawford Independent Executrix
of the Estate of Clara Mae Mann



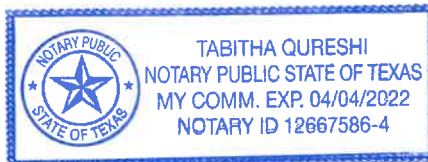
Property owner information (if different than the applicant)

Property owner (please print): ESTATE OF CLARA MAE MANN

Signature of property owner: Diane Mann Crawford
Diane Mann Crawford Independent
EXECUTRIX OF THE ESTATE OF
CLARA MAE MANN

Notary:

STATE OF TEXAS
COUNTY OF TRAVIS
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 15 DAY OF JUNE, 2021
BY Diane Crawford
Tabitha Qureshi
NOTARY PUBLIC



Property Information

Tax Map Number: 0815 002 002A

Current Zoning: AR III Total Acres: 16.84

Is this property located within the city-limits of Flowery Branch? NO

Proposed City of Flowery Branch Zoning: B-3

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a request submitted by Mr. Kevin Hobgood to rezone 5205 Railroad Avenue from M1 (Light Industrial) to CBD (Central Business District).

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

The .14 acre tract is the site of the old cabinet shop.

FACTS AND ISSUES:

Mr. Hobgood requests rezoning to CBD to better market the site. Therefore, there is no site plan nor any renderings. Section 9.5.e of the zoning ordinance requires all projects come before City Council for approval in the CBD. Mr. Hobgood provided some conceptual renderings of what the site may eventually look like (please see attached).

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing only for August 5, 2021.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Hobgood Rezoning.pdf](#)
- [Exterior Hobgood 1.jpg](#)
- [Exterior Hobgood 2.jpg](#)

- [9 Nonresidential Zoning Districts 2019.pdf](#)



REZONING APPLICATION

Date: June 7, 2021

Address of Request: 5205 Railroad Ave. Flower Branch, GA 30542

Tax Map # 08112 016001 Current Zoning: M-1

Is this site located within the boundaries of the historic district? yes

Currently a conforming use? _____

Any conditions of zoning, CUP's, etc.? _____

Applicant Information

Name: Kevin Hobgood

Address: 7233 Sherwood Mill Drive
Flower Branch, GA 30542

E-mail address: Kevin@hobgoodgroup.com

Phone number: 678-898-2251

Signature: [Signature]

Notary:

[Signature]
exp. May 8, 22





Property owner information (if different than the applicant)

Property owner (please print): _____

Signature of property owner: _____

Notary: _____

Property Information

Tax Map Number: 08112 01600

Current Zoning: M-1 Total Acres: _____

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

Proposed City of Flowery Branch Zoning: CBD

Current Use: STORAGE / MILLWORK SHOP

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

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

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



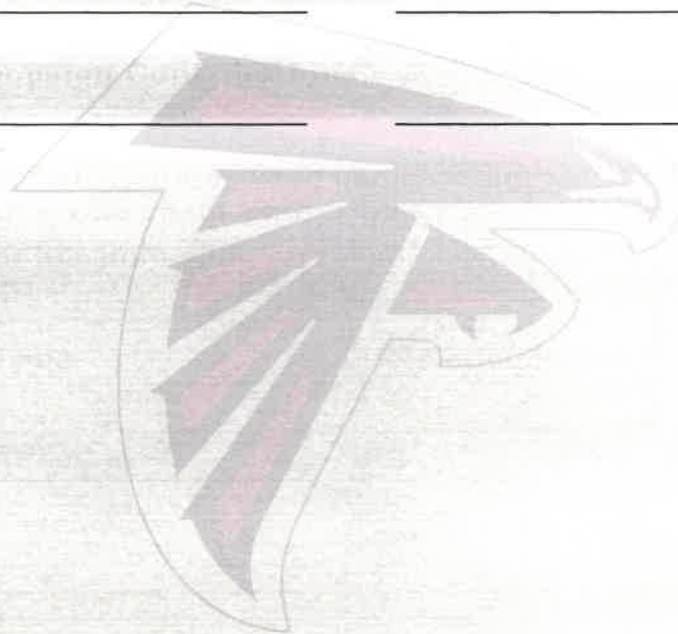
Disclosure of Campaign Contributions

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

_____	_____
_____	_____



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Flowery Branch

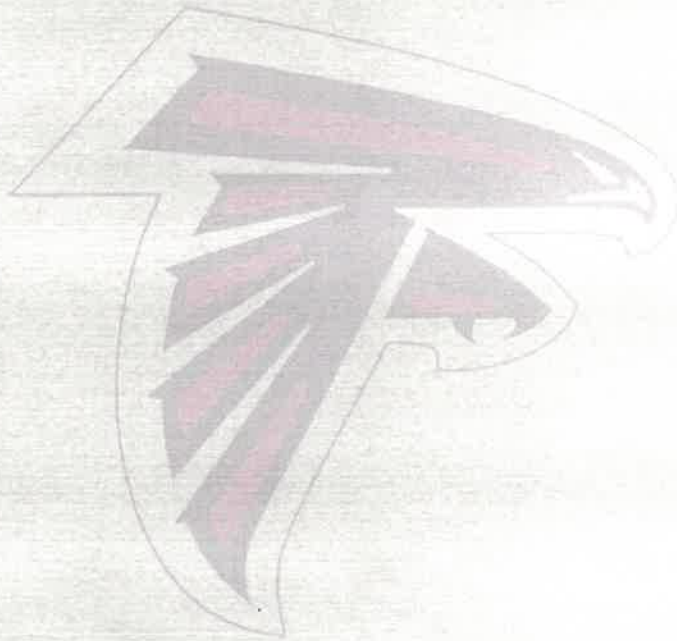


Exhibit A







HOBGOOD DEVELOPMENT GROUP
CONCEPTUAL RENDERINGS
5205 RAILROAD AVE
FLOWERY, GA 30542

ARTICLE 9
NONRESIDENTIAL ZONING DISTRICTS

- Sec. 9.1. O-P, Office-Professional District.
- Sec. 9.2. INST, Institutional District.
- Sec. 9.3. NS, Neighborhood Shopping District.
- Sec. 9.4. HB, Highway Business District.
- Sec. 9.5. CBD, Central Business District.
- Sec. 9.6. M-1, Light Manufacturing and Industrial District.
- Sec. 9.7. M-2, Heavy Manufacturing and Industrial District.

Sec. 9.1. O-P, Office-Professional District.

- (a) Purpose and Description. This zoning district is intended to implement the “Office-Professional” designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Institutional Campus” character area established in the comprehensive plan and may be appropriate within neighborhood commercial and activity center classifications shown on the character area map. The Office-Professional district is intended to encourage and provide suitable areas for professional, medical, research and scientific functions, general offices, and certain related activities. This district is intended to apply to single-function office buildings and to planned office parks and planned office complexes. In some cases, the OP district may be appropriate as a transition between a commercial zoning district and a single-family or multi-family residential zoning district.
- (b) Character. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.”
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”

Sec. 9.2. INST, Institutional District.

- (a) Purpose and Description. This zoning district is intended to implement the “Public Institutional” and “transportation, communications and utilities” designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Institutional Campus” character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for institutional campuses including the Atlanta Falcons Training Facility, Hall County public schools, and large churches.
- (b) Character. These are mostly single-function land use districts where public access is controlled or limited. Areas are sometimes designed for trucks and individual establishments

are not connected with one another. In the case of schools, pedestrian accessibility is provided, but other institutions are largely reliant on the automobile for access. Campus-style site planning and generous landscaping are required.

- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

Sec. 9.3. NS, Neighborhood Shopping District.

- (a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "neighborhood commercial" character area established in the comprehensive plan.
- (b) Character. Neighborhood commercial districts are intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods. Uses within neighborhood commercial character areas generally occur within enclosed buildings with no outside storage and limited outdoor display of goods and merchandise. Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Auto-related, highway-oriented commercial uses are not permitted. With the exception of convenience stores with gasoline pumps, neighborhood commercial districts are not intended to permit or accommodate automotive uses or other types of more intensive highway business activities, or those uses that generate excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use.
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts." Business establishments do not exceed 2,500 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods. Open space is limited to suburban plazas or small open spaces. A three-story height limit is imposed.

Sec. 9.4. HB, Highway Business District.

- (a) Purpose and Description. This zoning district is intended to implement the “commercial” designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “activity center” and “mixed use” character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.
- (b) Character. This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.” The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”

Sec. 9.5. CBD, Central Business District.

- (a) Purpose and Description. This zoning district is intended to implement the redevelopment element of the Flowery Branch Comprehensive Plan, as amended. This zoning district is also intended to implement the “Central Business” designation of the Future Land Use Map contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Old Town” character area established in the comprehensive plan, as amended. All construction projects require approval by the City Council of Flowery Branch. For lots zoned CBD which are within the city’s local historic district, compliance with the city’s historic preservation ordinance is also required.
- (b) Character. This district is a compact area corresponding with the city’s downtown core. It is characterized by a grid block pattern with skinny streets, sidewalks composed of distinctive materials (e.g., stamped concrete) and lined with street trees. Developments are built to a pedestrian-friendly scale (i.e., “Main Street Commercial”) and include plazas and small urban pocket parks. Buildings and structures which are considered “historic” are retained to maintain the overall historic character of the area.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.”

- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”
- (e) Construction Approval. Any proposed construction project must be approved by the City Council prior to issuance of any permit.
- (f) Construction Approval Requirements. All construction proposals shall submit at a minimum the following:
 - 1. Legal description of the property;
 - 2. Survey of the property;
 - 3. Existing conditions analysis of the site to be redeveloped, including any existing buildings, structures, and/or uses on the subject site, and the existing land uses and description of buildings, structures, and uses on all adjacent lots;
 - 4. Letter of intent describing the proposed use(s) of the property or other action requested (redevelopment project approval). The applicant must be comprehensive in terms of describing all principal uses that will be included – these will become limiting and binding on the developer – refer to the permitted uses listing in Table 9.1 of Article 9 of the Flowery Branch Zoning Ordinance. For complex projects, the applicant should describe the intended phasing of the project, if applicable. The letter of intent shall address the following:
 - a. How the proposed action compares (and is consistent with) the goals, policies, and development requirements of the Old Town Redevelopment Plan;
 - b. How the project will be consistent with any adopted design guidelines for the type of development and/or the proposed use; and
 - c. How the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of buildings in the proposed redevelopment project will be appropriate in its surroundings;
 - 5. Two copies and one electronic copy of a site plan of the property, at an appropriate engineering scale, showing the proposed use and relevant information (buildings, parking, open spaces, etc.) regarding proposed improvements;
 - 6. Statistics regarding the proposed development (this may be incorporated into the letter of intent, or shown on the site plan, or both). At minimum, such statistics shall include the total square footage of the redevelopment project, including any existing buildings to be retained, the total gross square footages of building(s) devoted to each use, and proposed building heights for all buildings and structures proposed in the redevelopment project;
 - 7. Two copies and one electronic copy of all exterior elevation drawings of all building faces that will front on a public or private street, and rear and side elevations of same

if requested by Zoning Administrator, drawn to an architectural scale and signed by an architect. If structured parking is proposed, elevations of the parking structure must also be submitted. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed principal buildings. Each application shall also indicate proposed materials, textures and colors and provide samples of materials and colors. In cases where an applicant has already made application for approval of a certificate of appropriateness (COA), the applicant can submit the complete application for certificate of appropriateness as submitted to the Historic Preservation Commission. Where an applicant has already received a certificate of appropriateness from the Historic Preservation Commission, resubmission of the approved application for certificate of appropriateness shall constitute compliance with this application requirement unless the Zoning Administrator notifies the applicant that additional information is needed for aspects not covered in the approved COA application;

8. Facility impact analyses, including the following:
 - a. Proof of water and sewer availability from the Public Works Director and Wastewater Treatment Plant Superintendent.
 - b. Analysis of the adequacy of drainage for the site (description and assessment of adequacy of stormwater facilities on-site and off-site).
9. A written development agreement, if the developer requests city participation in the provision of on-site or off-site facilities, such as the sharing of costs for facilities, shared parking, etc. which may or may not be available from the city. If accepted by the city, the development agreement may become a condition of project approval or it may be considered and approved separately from redevelopment project approval;
10. If any variances or administrative variances are required, the applicant will file a separate application following submission requirements and processes for the type of variance sought. These may be heard concurrently.

Sec. 9.6. M-1, Light Manufacturing and Industrial District.

- (a) Purpose and Description. This zoning district is intended to implement the “light_industrial” and “transportation, communication and utilities” designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “industrial/employment” character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city. (Ord. 348-13)
- (b) Character. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light industries are the primary permitted uses. (Ord. 348-13)
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (e) Design Requirements. Please see Article 14 sec.14.13 of this ordinance.

Sec. 9.7. M-2, Heavy Manufacturing and Industrial District. (Ord. 348-13)

- (a) Purpose and Description. This zoning district is intended to implement the "heavy industrial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "industrial/employment" character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city.
- (b) Character. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (e) Design Requirements. Please see Article 14 sec.14.13 of this ordinance.

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

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

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

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	P	P	X	P	P
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary (Ord. 348-13)	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P	P	X	X	P	X	X
Dwelling, single-family detached, condominium	P	P	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	P	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, two-family (duplex)	C	C	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X
Food processing plant	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler	X	P	P	P	P	P	P
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P
Gym or exercise facility open 24 hours a day	P	P	X	P	P	P	P
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	X	C
Health spa	X	X	X	P	P	P	P
Hospital	C	P	X	P	C	C	C
Incinerator	X	X	X	X	X	X	C
Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X	X
Institutional residential living and care facility, serving 18 persons or more	C	P	X	P	X	X	X
Junk/salvage yard	X	X	X	X	X	X	C
Kenel	X	X	X	P	X	P	P
Laboratory	P	P	C	P	X	P	P
Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro brewery	X	X	X	X	P	P	P
Mixed use building or development	C	X	P	P	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
Package Store	X	X	P	P	X	P	P
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P
Power plant, private	X	X	X	X	X	X	C
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts (Ord. 348-10; Ord. 348-11)	P	P	C	P	C	C	C
School, private, elementary, middle, or high (Ord. 348-11)	P	P	C	P	X	C	C
School, public	P	P	X	X	X	X	X
School, professional (Ord. 348-11)	P	P	C	P	X	C	C
School, special (Ord. 348-11)	P	P	X	X	X	C	C

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	O-P	INST	NS	HB	CBD	M-1	M-2
School, trade (Ord. 348-11)	C	C	X	X	X	C	C
Self-service storage facility (mini-warehouse)	X	X	X	P	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility (Ord. 348-11)	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	C	X	C	C
Tattoo Parlor	X	X	X	P	x	C	C
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P
Warehouse or storage building	X	X	X	C	X	P	P
Water plant or wastewater treatment facility	X	X	X	X	X	X	X
Wholesale trade establishment	X	X	X	C	C	P	P
Wireless telecommunications equipment	X	C	X	C	X	C	C
Wireless telecommunications facility	X	C	X	C	X	C	C
Wrecked motor vehicle compound	X	X	X	C	X	X	P
Yoga Studio	P	P	P	P	P	P	P

(Ord. 348-18)

Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

Dimensional Requirement (measurement unit)	O-P	INST	NS	HB	CBD	M-1	M-2
Maximum height (feet)	35	45	35	60	Note 1	75	75
Maximum height (number of stories)	3	3	3	5	Note 1	4	5
Maximum density (units per acre)	3	3	3	12	N/A	N/A	N/A
Minimum lot size for detached single family dwelling (square feet)	10,000	10,000	10,000	10,000	7,000	N/A	N/A
Minimum lot size for other uses (square feet)	10,000	None	None	None	None	None	None
Minimum lot width (feet)	75	75	90	None	None	100	100
Minimum heated floor area per dwelling unit (square feet)	1,200	1,200	1,200	700	700	700	700
Minimum front yard setback (feet)	25	40	25	None	None	25	25
Minimum side setback, interior lot line (feet)	10	40	10	10	None	15	15
Minimum side setback, corner lot (feet)	15	40	15	15	None	25	25
Minimum side setback, interior lot line (width in feet) for institutional zones abutting other institutional zones	N/A	10	N/A	N/A	N/A	N/A	N/A
Minimum landscape strip required along side property lines for institutional zones abutting other institutional zones (width in feet)	N/A	5	N/A	N/A	N/A	N/A	N/A
Minimum rear setback (feet)	20	40	20	25	None	25	25
Minimum setback abutting an R-1, R-2, R-3, TND, or PUD district (feet)	25	50	40	30	None	60	60
Minimum width of natural buffer abutting an R-1, R-2, R-3, TND, or PUD district (feet)	15	40	30	30	None	50	50
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (None If built to front lot line)	None	30	30
Minimum landscape strip required along side property lines for any nonresidential or multi-family use (width in feet)	5	15	5	None	None	None	None
Maximum lot coverage (percent)	35	40	45	50	None	None	None
Minimum landscaped open space (percent)	25	20	15	15	N/A	10	10

(Ord. 348-13)

Note 1. Building Height and Number of Stories. The maximum height of any building, including those on lots subsequently zoned CBD after the effective date of this zoning ordinance amendment, shall be three stories and 45 feet, except as follows:

The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: A variance request submitted by Blessing Trader, Inc. to allow fuel pumps to be located in front of the proposed principal structure located at 6477 McEver Road.

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

FACTS AND ISSUES:

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:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Application Scanned.pdf](#)
- [Legal Description - McEver Road Food Mart.docx](#)
- [Pages from 20110 - McEver SHEETS VIC 5-21-2021.pdf](#)



VARIANCE APPLICATION

Address of Request: 6477 MCEVER ROAD, FLOWERY BRANCH, GA 30233 (PID 08150-002001)

Type of Variance Requested: Allow fuel canopy to be located in front of the principal structure.

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:

Please see letter of intent.

Applicant: Blessing Trader Inc. c/o Alliance Engineering and Planning, LLC

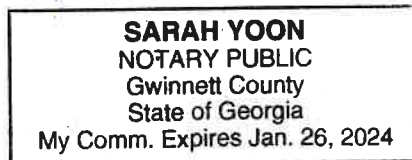
Address: 6095 Atlanta Hwy., Suite 100, Flowery Branch, GA 30542

E-mail address: Tylerl@allianceco.com

Phone number: (248)342-2558

Signature: _____

Notary Seal:



June 15th 2021



SURVEYOR'S CERTIFICATION

TRACI 2 LEGAL DESCRIPTION

[illegible][illegible]

EROTIC IS COMMONLY CLASSIFIED AS
SEXUAL STIMULUS AND
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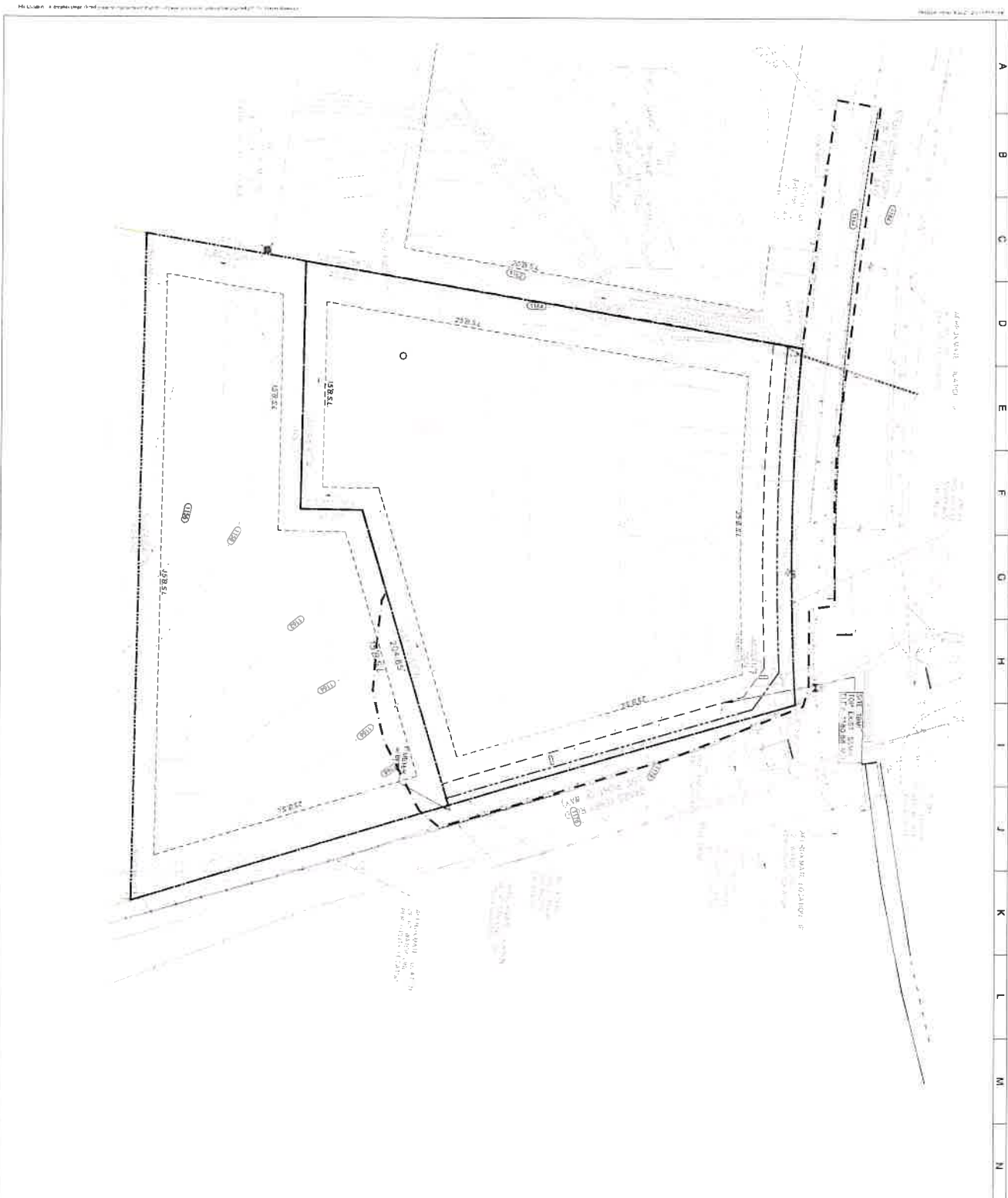
L Lowery & Associates
LAND SURVEYING, LLC

BOUNDARY & TOPOGRAPHIC SURVEY OF:
6477 MCEVER ROAD

PREPARED FOR
BLESSING TRADERS, LLC

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
1575 HIGHWAY 411, SUITE 104
CARTERSVILLE, GA 30121
770-334-8786
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSP-001102

316



- GENERAL DEMOLITION NOTES:**
1. ALL EXISTING STRUCTURES TO BE DEMOLISHED.
 2. ALL EXISTING UTILITIES TO BE REMOVED OR RELOCATED.
 3. ALL EXISTING EASEMENTS TO BE REMOVED OR RELOCATED.
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NOTES:

ALLIANCE ENGINEERING CARRIES NO
LIABILITIES FOR ANY UTILITY CONFLICT OR
DAMAGES. CONTRACTOR IS RESPONSIBLE
TO CONDUCT ALL ABOVE AND
UNDERGROUND UTILITIES
INVESTIGATION PRIOR TO CONSTRUCTION
ACTIVITIES BEGIN.



ALLIANCE ENGINEERING & PLANNING LANDSCAPE ARCHITECTURE LAND SURVEYING ONE ENGINEERING + LAND PLANNING + LANDSCAPE ARCHITECTURE + LAND SURVEYING 201 W. 10th St. Suite 100 Tulsa, OK 74103 918.492.1111 www.allianceok.com	State of Oklahoma Professional Engineer Name: [Name] No. [Number] Exp. [Date]	SINDAR ENTERPRISES, INC. 1837 DOVERHILL ROAD DANVERS, MA 01923 24 HR CONTACT: KARRI ALY 617-658-1193 KARRIALY2016@YAHOO.COM	Site Construction Plans for McEVER ROAD FOOD MART MC EVER ROAD & GAINES FERRY ROAD CITY OF FLOWERY BRANCH HALL COUNTY, GEORGIA L.L. 139 - DISTRICT 8TH PARCEL # 08 150 002001 TRACT 1A	Drawn by: [Name] Checked by: [Name] Project #: 2017-10 Date: 10/1/17	EXISTING CONDITION PLAN C-201
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- NOTE:**
1. ALL ARE

1. ALL AREAS OF THE ROAD THAT ARE WHOLENEDED FOR CONSTRUCTION SHALL BE RESURFACED PRIOR TO REENTRY.

MUNICIPAL NOTES

- TRAFFIC CONTROL NOTES

TRAFFIC CONTROL NOTES

- ## GENERAL NOTES

PROJECT SITE DATA

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**CALL
BEFORE
YOU DIG**

Letter of Intent

The applicant and owner Blessing Trader Inc. requests a variance on a 2.13-acre lot at the southeast corner of Mcever Road and Gaines Ferry Road for the purpose of constructing a 6,006 square foot convenience store with retail, and fuel pumps. The principal structure would include a 4,158 square foot convenience store and 1,848 square foot retail space.

To develop the site as proposed, the applicant requests a variance from section 10.9 (g) to allow the fuel pumps and canopy to be in front of the principal structure. In accordance with the submitted site plan, the development would also include a large stormwater management pond at the rear of the property. If the site were arranged in a manner that oriented the principal structure in front of the fuel canopy, the driveway around the canopy would encroach into the space required for the pond. Further, the development's layout as proposed is more consistent with the other convenience store in Flowery Branch and the surrounding communities.

As a screening alternative, the applicant is willing to provide additional landscaping along the property's multiple road frontages, including shrubs and trees.

The applicant looks forward to meeting with staff as well as the community to answer all questions or concerns and is excited to provide a quality and useful service to the community.

Criteria for Granting Variances

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 site gradually slopes downward from the site's multiple road frontages toward the southeast corner of the lot, where the proposed stormwater detention area is proposed. Pursuant to the City's stormwater management requirements, the size and location of the detention pond, as shown on the provided site plan, is effective for the size of the lot and subsequent development on this site. Locating the fuel canopy behind the principal structure would require the interior driveway around the canopy to be pushed back in the site to maintain efficient vehicular circulation. This alternate driveway location would virtually eliminate the essential stormwater detention area. Allowing the fuel canopy in front of the principal structure would allow for sufficient stormwater management.

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;

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

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;

Correct, most convenience stores in the area have a canopy located in front of the principal structure.

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 variance will not be injurious to the neighborhood or to the general welfare. The proposed development will provide a great and convenient service to the community.

The special circumstances are not the result of the actions of the applicant;

The City Zoning Ordinance, last updated on December 22, 2020, states the following:

"Convenience stores should locate gas pumps behind the principal structure in order to effectively screen the pumps from view of the street. However, if fuel pumps are not located in the rear of the building, then additional landscaping should be required..."

According to the ordinance, the proposed canopy location would not require a variance, only additional screening. However, the applicant has the intention of providing additional screening along the frontages of the property if the proposed location is permitted.

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

Due to the size of the property and the choice location for the stormwater pond, the variance requested is the minimum variance that will make the use possible.

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 proposed use, convenience store with fuel pumps and retail, is a permitted use in the HB zoning district.

Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

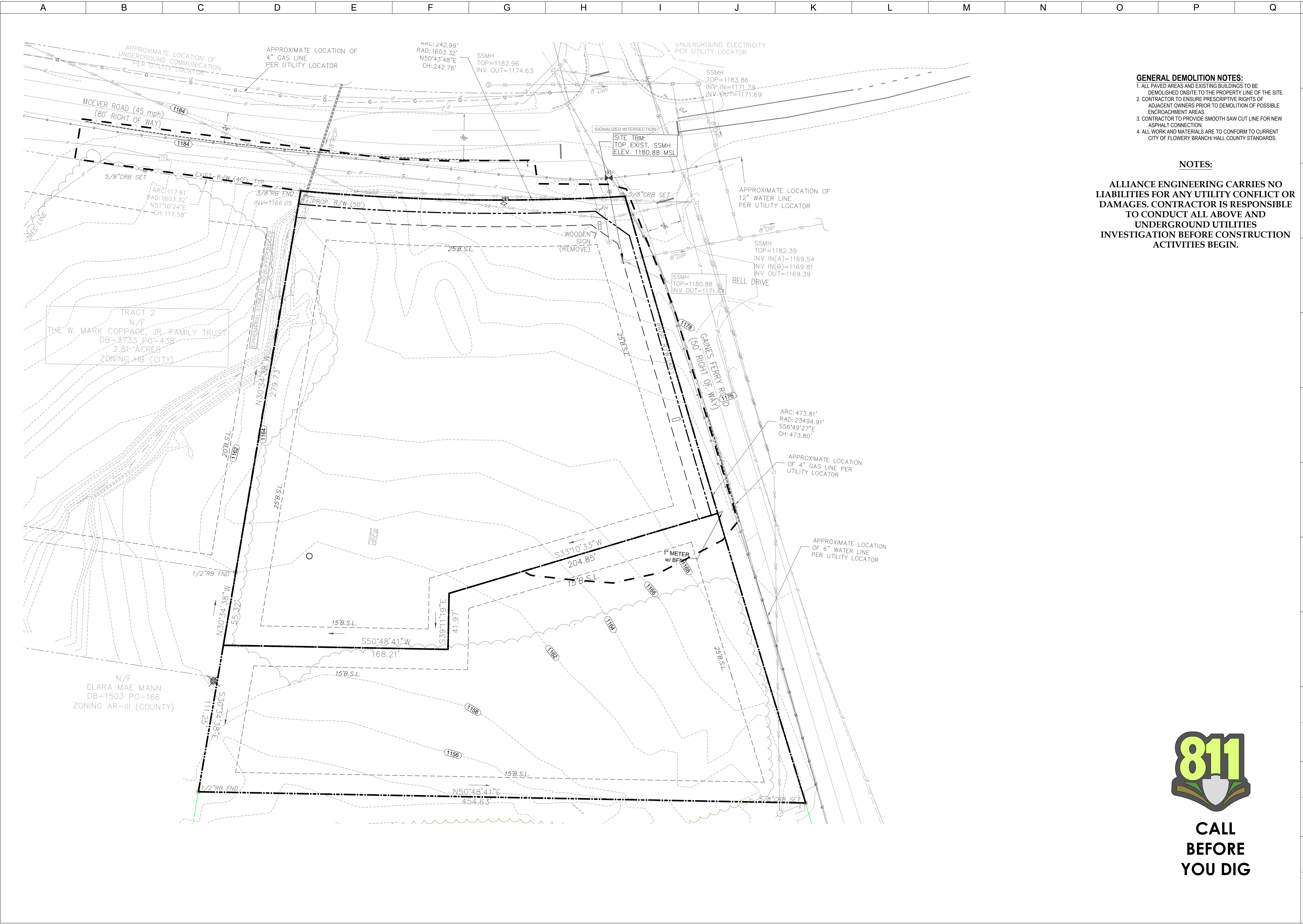
Elected Officials Name

Amount of Description of Gift

Legal Description – McEver Road Food Mart

Begin at a set 5/8" capped rebar lying at the intersection between the southerly right-of-way of McEver Road (80' right-of-way) and the westerly right-of-way of Gaines Ferry Road (50' right-of-way), said point lying on a non-tangent curve to the left, having a radius of 23,494.91 feet, a chord bearing of South 56 Degrees 24 Minutes 05 Seconds East and a chord length of 238.26 feet, said point being the POINT OF BEGINNING of the parcel herein described; thence run along the arc of said curve and said right-of-way of Gaines Ferry Road for a distance of 238.26 feet to a point; thence leaving said right-of-way, run South 33 Degrees 10 Minutes 33 Seconds West for a distance of 204.85 feet to a point; thence run South 39 Degrees 11 Minutes 19 Seconds East for a distance of 41.97 feet to a point; thence run South 50 Degrees 48 Minutes 41 Seconds West for a distance of 168.21 feet to a point; thence run North 30 Degrees 34 Minutes 38 Seconds West for a distance of 55.32 feet to a found 1/2" rebar; thence run North 30 Degrees 34 Minutes 38 Seconds West for a distance of 279.73 feet to a found 3/8" rebar lying on the southerly right-of-way of the aforementioned McEver Road, said point lying on a non-tangent curve to the left, having a radius of 1,603.32 feet, a chord bearing of North 50 Degrees 43 Minutes 48 Seconds East, and a chord length of 242.76 feet; thence run along the arc of said curve and said right-of-way for a distance of 242.99 feet to the POINT OF BEGINNING

Said parcel being 89,085 square feet, or 2.045 acres.



GENERAL DEMOLITION NOTES:

1. ALL PAVED AREAS AND EXISTING BUILDINGS TO BE DEMOLISHED ONSITE TO THE PROPERTY LINE OF THE SITE.
2. CONTRACTOR TO ENSURE PRESCRIPTIVE RIGHTS OF ADJACENT OWNERS PRIOR TO DEMOLITION OF POSSIBLE ENCROACHMENT AREAS.
3. CONTRACTOR TO PROVIDE SMOOTH SAW CUT LINE FOR NEW ASPHALT CONNECTION.
4. ALL WORK AND MATERIALS ARE TO CONFORM TO CURRENT CITY OF FLOWERY BRANCH/ HALL COUNTY STANDARDS.

NOTES:

ALLIANCE ENGINEERING CARRIES NO LIABILITIES FOR ANY UTILITY CONFLICT OR DAMAGES. CONTRACTOR IS RESPONSIBLE TO CONDUCT ALL ABOVE AND UNDERGROUND UTILITIES INVESTIGATION BEFORE CONSTRUCTION ACTIVITIES BEGIN.



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Civil Engineering By AEP:
Artur Babenko, GA PE#04669
Phone: 770-225-4730 x806
arturb@aepatl.com



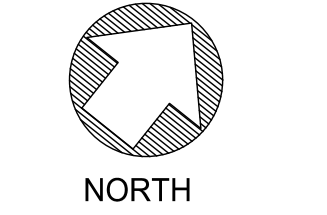
GASWCC LEVEL II
CERTIFICATION #73351
EXPIRATION DATE: 03/07/2024

SURVEYING BY:
ALLIANCE SURVEYING
PHONE: (334) 360-4197
CONTACT: DAVID ANDERSON

DEVELOPER
SINDAR ENTERPRISES, INC.
1837 DOVERHILL ROAD
LAWRENCEVILLE, GA 30046
24-HR CONTACT: KARIM ALY @ 678-468-5190
KARIMALY2001@YAHOO.COM

Site Construction Plans for
McEVER ROAD FOOD MART
McEVER ROAD & GAINES FERRY ROAD,
TRACT 2, LOT 10
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
LL 139 - DISTRICT 8TH
PARCEL # 08 150 002001, TRACT 1A

Orig. Issue 05.18.2021
Designed by GL
Checked by AB
Project # 20110

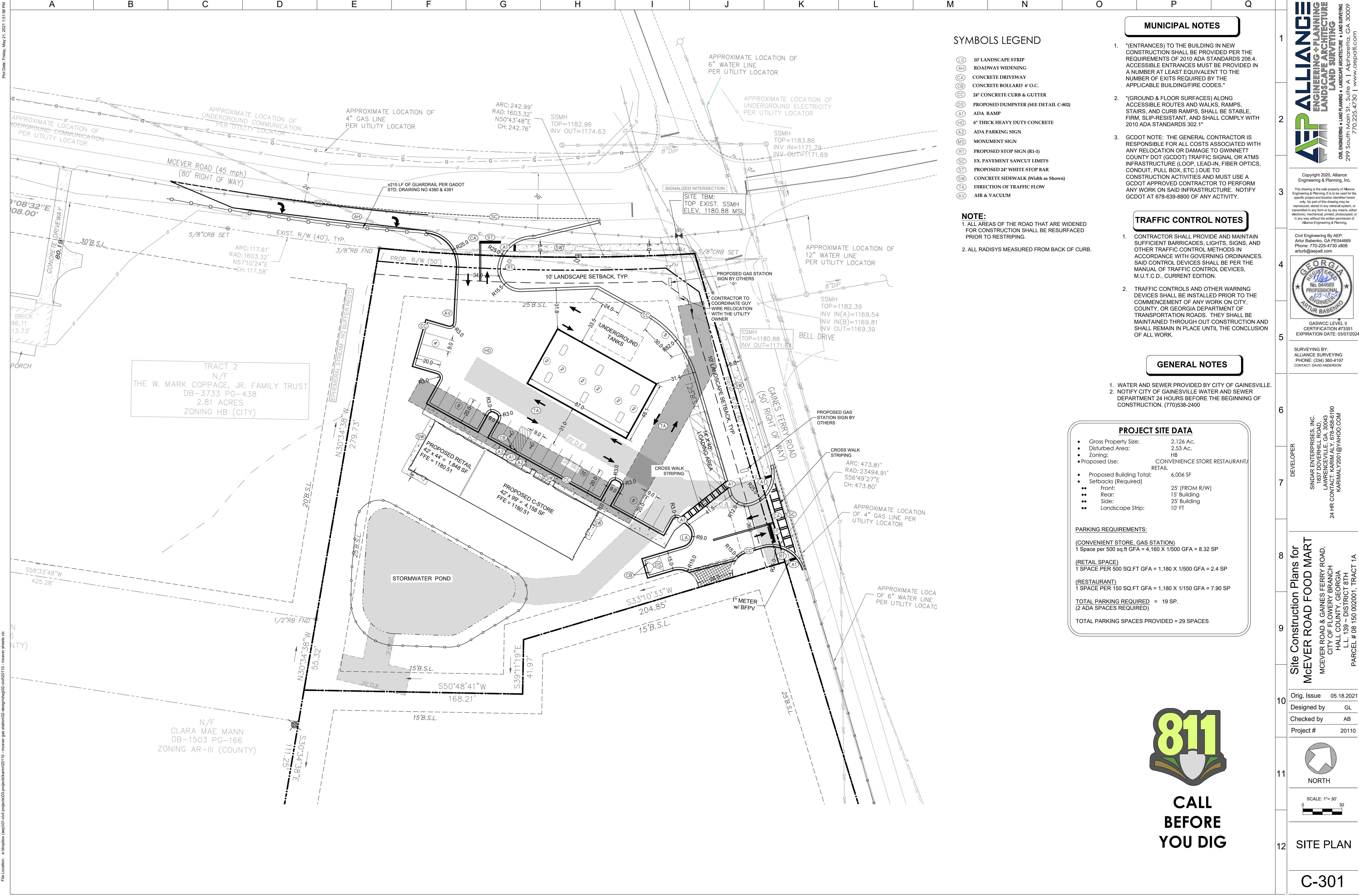


SCALE: 1"= 30'
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**EXISTING
CONDITION
PLAN**

C-201

Plot Date: Friday, May 21, 2021 1:51:38 PM
File Location: c:\dnpbox\pdp\01-civil\projects\03-projects\karm\20110 - mcever gas station\02-design\dwg\02-civil\20110 - mcever sheets.dwg
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Civil Engineering By AEP:
Artur Babenko, GA PE#04669
Phone: 770-225-4730 x806
arturb@aepall.com

REGISTERED PROFESSIONAL ENGINEER
No. 04669
05-18-22
ARTUR BABENKO

GASWCC LEVEL II
CERTIFICATION #73351
EXPIRATION DATE: 03/07/2024

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Site Construction Plans for
McEVER ROAD FOOD MART
McEVER ROAD & GAINES FERRY ROAD,
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
LL 139 - DISTRICT 8TH
PARCEL # 08 150 002001, TRACT 1A

Orig. Issue 05.18.2021
Designed by GL
Checked by AB
Project # 20110

NORTH

SCALE: 1"= 30'
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SITE PLAN

C-301



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a request submitted by Hines Acquisitions, LLC. to rezone a portion of 0 Thurmon Tanner Parkway (FKA The "Forbes" Property) from Highway Business (HB) to Light Industrial (M1).

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

FACTS AND ISSUES:

Applicant wishes to develop a 38 +/- acre portion of the parcel for industrial warehouse/office use.

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:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Thurmon Tanner Hines Signed Application.pdf](#)
- [Hines - owner signature page - from Tred .pdf](#)



REZONING APPLICATION

Date: June 30, 2021

Address of Request:

Thurmon Tanner Parkway (Parcel 08097 000008)

Tax Map # Parcel # 08097 000008 Current Zoning: HB (Highway Business)

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

Currently a conforming use? N/A

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

Applicant Information

Name: Hines Acquisitions, LLC

Address: C/O Ryan Wood
5 Ravinia Drive NE, Atlanta, GA 30346

E-mail address: ryan.wood@hines.com

Phone number: 770-804-4654

Signature: [Signature], Managing Director

Notary: [Signature]

NOTARY PUBLIC





Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: _____

Notary: _____

*Rich,
We are getting the
owner's signature and
will deliver a signed
substitute page next
week.*

*Thanks,
—Fred*

Property Information

Tax Map Number: 08097 000008

Current Zoning: HB (Highway Business) Total Acres: 37.8 acres of 84.79 parcel.

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

Proposed City of Flowery Branch Zoning: (M1) Manufacturing & Industrial, Light

Current Use: Vacant Land

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	

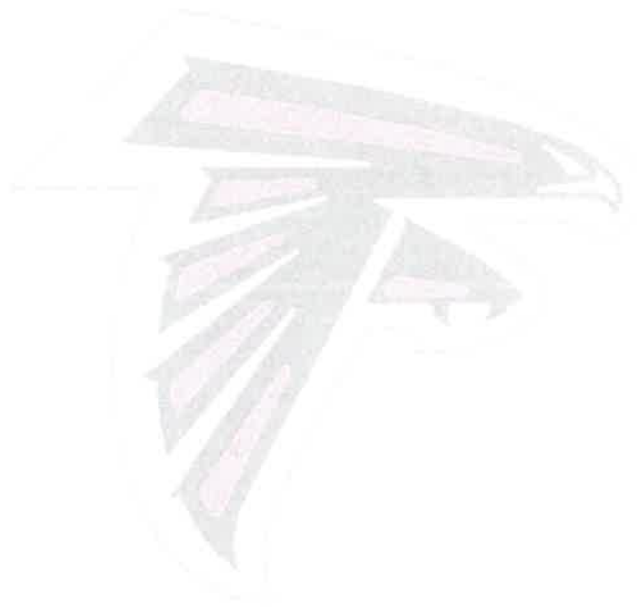
CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Flowery Branch





REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 30, 2021

Address of Request:

Thurmon Tanner Parkway (Parcel 08097 000008)

Tax Map # Parcel 08097 000008 Current Zoning: HB (Highway Business)

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. Approximately \$30,000,000
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). Assessed Value: Approximately \$12,000,000
Estimated Taxes: \$39,168
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Approximately between 12-24 months
4. Anticipated total square footage (heated) to be built in the requested number of units. 336,960 SF of Light Industrial
5. Total acreage developed with units. 37.8 acres
6. Total acreage for right of way and roads. N/A
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
8. Acreage required for buffer and watershed protection.
 - Does the buffer comply with the current City ordinance? Yes
 - Do individual property lines for lots extend into the buffer? N/A
 - 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) No
10. Please identify all amenities and total number of acres they incorporate by complete description. Approximately 5 acres will be preserved as natural areas.
11. Number of street lights and separation table as proposed on your site plan. N/A
12. Will Technology Development be included in this development? Fiber for businesses
13. List the total linear feet and cubic yards for sidewalks. Approximately 1,940 LF of sidewalk
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? Yes
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? Please reference exhibit
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? Approx. 3,750 gal/day
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? Approx. 4,500 gal/day
19. Has a slope and grade study been done on this development? Does the study reflect density placement? Not at this time
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? N/A
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. N/A



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 N/A

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____



June 30, 2021

City of Flowery Branch
Community Development
Rich Atkinson, Vickie Short
PO Box 757
Flowery Branch, GA 30542

RE: Thurmon Tanner Parkway (Parcel 08097 000008)

Dear Mr. Atkinson and Ms. Short:

Please let this letter serve as our letter of intent and written analysis comparing the proposed action with the criteria contained in the Flowery Branch Code of Ordinances regarding the Rezoning Application for the proposed project located off Thurmon Tanner Parkway in the City of Flowery Branch, Hall County, Georgia. The current use is vacant land on the Highway Business (HB) zoned parcel that we are proposing a roughly 38 acre industrial development containing a total of approximately 340,000 SF across two buildings. Hines Acquisitions LLC, has the property under contract with the owner Atlanta One LTD Partnership, and is requesting the subject property be rezoned from the existing Highway Business (HB) zoning to Manufacturing & Industrial, Light (M1).

1. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
 - a. We believe the requested proposal will permit a use that is suitable for this parcel given the close proximity to I-985 and adjacent zoning that is already M1.
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
 - a. We suggest the proposal would positively impact the adjacent property by generating the employment centers to support the proposed and existing retail/commercial development along Phil Niekro Blvd.
3. Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
 - a. The property has been marketed as a retail development for many years and has not seen any development take place as currently zoned suggesting there is not a reasonable economic use as currently zoned. With global e-commerce sales up over 140% in the last 5 years, logistics and industrial real estate has become the new retail in many respects.

4. 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.
 - a. The current site plan of the proposed project will utilize the existing road infrastructure along Thurmon Tanner Parkway with only minor modifications to turn lanes expected. We believe the existing road and utility infrastructure is well designed for our project. Industrial projects do not place any additional burden on the school system, but will provide additional funding from property tax payments. The requested rezoning from Highway Business (HB) to Manufacturing & Industrial, Light (M1) will not create additional traffic. The previous planned use as a retail center would have produced daily traffic counts of approximately 3,000 daily trips. The proposed project will produce daily traffic counts of approximately 950 daily trips.
5. 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.
 - a. While the future land use shows the site as Highway Business, we believe extending the M1 zoning from the adjacent parcel conforms with the character of the area.
6. 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.
 - a. Online sales as a percentage of overall retail sales have dramatically increased over the last 15 years from only 5% in 2005 to 20% in 2021. This creates the need for more industrial space and less traditional retail space as consumer buying habits have changed, particularly in light of the pandemic. We believe these changing conditions support the request to approve the proposal to allow for industrial development to occur to support the growth of online shopping.
7. Existing use(s) and zoning of the subject property and nearby properties.
 - a. The adjacent parcel immediately to the north, also being developed by Hines, is industrial. We are proposing to subdivide the property so that the frontage acreage along Phil Niekro Blvd remains HB to support retail development that is enabled by the proposed industrial development.

8. 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.

a. The property has been actively marketed by Radial Property Group since 2003 for Retail use. Due to its size and the diminishing demand for large retail centers it is not viable with the existing zoning at virtually any price. While difficult to ascertain, the value of the land with the proposed M1 zoning would be several multiples higher compared to the existing HB zoning.

9. 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.

a. The adjacent property is currently vacant land and the proposed M1 zoning would create meaningful job creation to support and enable the vacant HB land to be developed and be an increase to the value of adjacent property.

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

a. The immediately adjacent property to the north is zoned M1 and would not create an isolated zoning district.

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

a. The proposed zoning amendment would be consistent with the character of the adjacent M1 zoning development.

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

a. The project is being designed with Eberly & Associates to ensure the highest level of quality. While we are developing two buildings on the site, we have left the stream and associated buffers in place along with a natural buffer between the project and I-985 with approximately 7 acres of land to be left undeveloped as currently planned.

13. 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.

a. The proposed rezoning complies with the purpose of the overall zoning scheme and the purposes of the zoning ordinance in that the change to M1 zoning will promote responsible growth compatible with the adjoining property zoned M1 and without impacting other developed properties in the surrounding area that are zoned for other uses. In addition, the existing infrastructure (Thurmon Tanner Parkway, water, and sewer utilities) are suitable and adequate for the proposed use of the property without creating any burden on the existing infrastructure.

City of Flowery Branch staff and/or City Council are permitted and authorized to inspect the subject property as needed for the rezoning process.

We sincerely appreciate the consideration and review of the rezoning application by City of Flowery Branch staff and City Council and we are looking forward to working together on this exciting new project in Flowery Branch. Please do not hesitate to reach out to us to discuss the application and attachments in further detail if you have any questions or comments.

Sincerely,



Ryan D. Wood

Managing Director

Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management



This conceptual design is based upon a preliminary review of entitlement requirements and is not intended and possibly incomplete site specific building information, and is provided merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All other elements are for representative purposes only. Refer to municipal samples for actual color application.

CONCEPTUAL DESIGN

HINES • THURMON TANNER
FLOWERY BRANCH, GEORGIA ATL20-0015-00

WARE MALCOMB

Hines

LEGAL DESCRIPTION – TRACT 2

All that tract or parcel of land lying and being in Land Lots 97 and 113, 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 2 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-048; Drawing/File #20-048), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

To find the POINT OF BEGINNING, COMMENCE at a concrete right-of-way monument found on the southeastern corner of the mitered intersection of the northeasterly right-of-way line of Phil Niekro Boulevard (variable width public R/W) and the northwesterly right-of-way line of Interstate Highway I-985 / Georgia State Route #365 (variable width, limited access, public R/W)

THENCE proceeding along said northwesterly right-of-way line of Interstate Highway I-985, North 48 degrees 51 minutes 19 seconds East a distance of 219.20 feet to a 1/2" iron pin set, said 1/2" iron pin set being the POINT OF BEGINNING.

THENCE departing said northwesterly right-of-way line of Interstate Highway I-985, North 55 degrees 48 minutes 55 seconds West a distance of 971.81 feet to a 1/2" iron pin set on the southeasterly right-of-way line of Thurmon Tanner Parkway, also known as South Hall Industrial Parkway (variable width public R/W per G.D.O.T. project number PR-1963-1(139));

THENCE proceeding along said southeasterly right-of-way line of Thurmon Tanner Parkway the following courses and distances, North 38 degrees 15 minutes 04 seconds East a distance of 405.01 feet to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 553.11 feet for an arc length of 264.19 feet, being subtended by a chord of North 51 degrees 56 minutes 05 seconds East for a distance of 261.69 feet to a 1/2" iron pin set;

THENCE North 65 degrees 37 minutes 06 seconds East a distance of 437.85 feet to a 1/2" iron pin set;

THENCE South 24 degrees 22 minutes 54 seconds East a distance of 20.00 feet to a 1/2" iron pin set;

THENCE North 65 degrees 37 minutes 06 seconds East a distance of 30.00 feet to a 1/2" iron pin set;

THENCE North 24 degrees 22 minutes 54 seconds West a distance of 20.00 feet to a 1/2" iron pin set;

THENCE North 65 degrees 37 minutes 06 seconds East a distance of 72.35 feet to a 1/2" iron pin set;

THENCE along a curve to the left having a radius of 653.11 feet for an arc length of 407.70 feet, being subtended by a chord of North 47 degrees 44 minutes 07 seconds East for a distance of 401.11 feet to a 1/2" iron pin set;

THENCE North 29 degrees 51 minutes 07 seconds East a distance of 380.52 feet to a 1/2" iron pin set;

THENCE departing said southeasterly right-of-way line of Thurmon Tanner Parkway, South 54 degrees 42 minutes 08 seconds East a distance of 699.80 feet to a 1/2" iron pin set on said northwesterly right-of-way line of Interstate Highway I-985;

THENCE proceeding along said northwesterly right-of-way line of Interstate Highway I-985 the following courses and distances, South 45 degrees 44 minutes 24 seconds West a distance of 33.70 feet to a concrete right-of-way monument found;

THENCE South 26 degrees 51 minutes 13 seconds West a distance of 406.64 feet to a concrete right-of-way monument found;

THENCE South 35 degrees 01 minutes 37 seconds West a distance of 301.26 feet to a concrete right-of-way monument found;

THENCE South 35 degrees 20 minutes 11 seconds West a distance of 298.92 feet to a concrete right-of-way monument found;

THENCE South 48 degrees 49 minutes 16 seconds West a distance of 309.36 feet to a concrete right-of-way monument found;

THENCE South 48 degrees 51 minutes 19 seconds West a distance of 552.20 feet to a 1/2" iron pin set, said 1/2" iron pin set being the POINT OF BEGINNING.

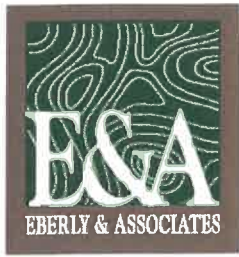
Said tract or parcel of land contains 37.832 acres or 1,647,971 square feet, and is intended to be a portion of the tracts of land that were previously conveyed in Deed Book 1686, Page 326, Hall County Georgia Records.

Thurmon Tanner – Hines Rezoning Application

Names and addresses of adjoining property owners

1. 4615 CANTRELL RD - JAMES R LINGERFELT, LINGERFELT LINDA L
2. 4595 CANTRELL RD - 4595 CANTRELL ROAD, LLC
3. 4539 CANTRELL RD - PIEDMONT OUTDOOR WORLD, LLC
4. 5775 PHIL NIEKRO BLVD - GEORGIA-ALABAMA COMMERCIAL INVESTMENTS
5. 5734 PHIL NIEKRO BLVD - WILLIE INGRAM CROW SLOAN
6. 5490 EAST MAIN ST - JERRY CROW, CROW GILLELAND LINDA
7. THURMON TANNER PKWY - ATLANTA ONE LTD PARTNERSHIP
8. 151 TREE PARK CIR - VR TREE PARK LIMITED PARTNERSHIP





LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

June 30, 2021

Sean Manson
Hines
11512 Lake Mead Avenue, Suite 603
Jacksonville, FL 32256

RE: Traffic projections for Flowery Branch Site
E&A Project No.: 20-093

Dear Mr. Manson

We performed a comparison with the anticipated traffic counts from a property that you are looking to have re-zoned for industrial along Thurmond Tanner Parkway. We compared the traffic counts to a previous site plan that showed a mix of hotel, retail and restaurants on the same property.

Our findings were as follows:

337,000 s.f. of industrial space would generate 950 daily trips when the two buildings were built.

The previous site plan showed 295,000 s.f. of retail space, 16,200 s.f. of restaurant space, and approximately 50,000 s.f. of hotel space. This development would produce 3,000 daily trips.

All traffic calculations were taken from the ITE Trip Generation Manual.

If you have any questions, please contact us at 770-452-7849.

Sincerely,
EBERLY & ASSOCIATES, INC.

Brian Brumfield, P.E.

PRINCIPALS

DANIEL L. EBERLY
SCOTT L. GARDNER
KEVIN S. EDWARDS
BRIAN K. BRUMFIELD

ASSOCIATES

MICHAEL A. WRIGHT
JEREMIAH C. PHILLIPS
WESLEY S. REED
ARLENE Z. MOHAMMED

WWW.EBERLY.NET

TEL: 770.452.7849
FAX: 770.452.0086

2951 FLOWERS ROAD SOUTH, SUITE 119
ATLANTA, GEORGIA 30341



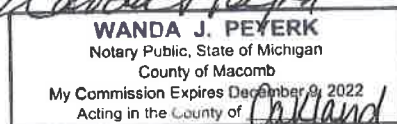
Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: [Signature]

Subscribed & sworn before me this 1st
day of July, 2021.

Notary:



Property Information

Tax Map Number: 08097 000008

Current Zoning: HB (Highway Business) Total Acres: 37.8 acres of 84.79 parcel

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

Proposed City of Flowery Branch Zoning: (M1) Manufacturing & Industrial, Light

Current Use: Vacant Land

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a request from Vulcan Lands, Inc. for the annexation and rezoning of nine (9) parcels of land from Hall County AR III to Flowery Branch M-2 with a conditional use permit to operate a quarry.

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time - public hearing only.

SAMPLE MOTION:

.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [FINAL letter to Hall County .pdf](#)
- [2021 Rezoning Additional Information Requirement - Vulcan Lands, Inc.06242021.pdf](#)
- [2021 Rezoning Application - Vulcan Lands, Inc.06242021.pdf](#)
- [2021 Sec. 34.7 Analysis Requirements - Vulcan Lands, Inc.06242021.pdf](#)
- [2021 Annexation Application - Vulcan Lands, Inc.06242021.pdf](#)

- 2021 Conditional Use Permit - Vulcan Lands, Inc.06242021.pdf
- 2021 Permission to Inspect - Vulcan Lands, Inc.06242021.pdf
- Zoning Project Base Map BW r5.pdf



June 29, 2021

Via Certified Mail, Return Receipt Requested
7019 1640 0000 1827 1665

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

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

Dear Ladies and Gentlemen:

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

This letter has been sent to you by certified mail, return receipt requested, within five (5) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows:

1. 4623 Friendship Road, tax parcel ID 15048 000018
2. 4285 Friendship Road, tax parcel ID 15048 000018A
3. 5743 Hog Mountain Road, tax parcel ID 15046 000049
4. 5783 Hog Mountain Road, tax parcel ID 15046 000002A
5. 4293 Friendship Road, tax parcel ID 08154 000008
6. 0 Friendship Road, tax parcel ID 08154 000013
7. 5765 Hog Mountain Road, tax parcel ID 15046 000050A
8. 5769 Hog Mountain Road, tax parcel ID 15046 000052
9. 5777 Hog Mountain Road, tax parcel ID 15046 000051

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

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



Hall County Board of Commissioners
Annexation and Rezoning
June 29, 2021
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch M-2 (Heavy Industrial) with a CUP (Conditional Use Permit) to operate a quarry will be held on Thursday, August 5, 2021, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has an objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify me within thirty (30) calendar days of the receipt of this notice.

Sincerely,

Richard JE Atkinson

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

RA/

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

cc: Van Stephens, County Attorney
Sarah McQuade, Director of Planning and Development





REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 24, 2021_____

Address of Request:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
- 4285 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018A)
- 5743 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000049)
- 5783 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 08154 000002A)
- 4293 Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000008)
- Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000013)
- 5765 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000050A)
- 5769 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000052)
- 5777 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000051)

Tax Map # 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008, 08154 000013, 15048 000050A, 15048 000052, 15048 000051

Current Zoning: AR 3 (Hall County)

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. **The improvements will extend the quarry's operational life and create a sustainable buffer between the operations and community.**
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). **Increased quarry life and access to additional reserves will enhance economic development in the City and nearby areas, as well as cost savings for local infrastructure and development projects.**
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). **No building construction is planned.**
4. Anticipated total square footage (heated) to be built in the requested number of units.
N/A
5. Total acreage developed with units. N/A



6. Total acreage for right of way and roads. **N/A**
7. Total acreage of open space/common area (include plan for maintenance of open space/common area). **N/A**
8. Acreage required for buffer and watershed protection.
 - Does the buffer comply with the current City ordinance? **The buffer exceeds state and local requirements.**
 - Do individual property lines for lots extend into the buffer? **Yes**
 - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? **N/A**
9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail) **N/A**
10. Please identify all amenities and total number of acres they incorporate by complete description. **N/A**
11. Number of street lights and separation table as proposed on your site plan. **N/A**
12. Will Technology Development be included in this development? **N/A**
13. List the total linear feet and cubic yards for sidewalks. **N/A**
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? **Yes, the quarry will continue to be subject to federal, state and local regulations.**
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? **There will be no increase in traffic resulting from the proposal.**
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? **The operation will collect and resue water on site in the course of its ongoing activities.**
17. What is the total capacity for daily Wastewater Management? **N/A**
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? **N/A**



19. Has a slope and grade study been done on this development? Does the study reflect density placement? **N/A**
20. Please identify what public safety needs are being considered for this project? **Applicant will continue to work with local and state officials to ensure all regulations are met.**
21. Has the Hall County School System been notified of the proposed density for this project? **N/A**
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. **N/A**
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 – **N/A**

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____



REZONING APPLICATION

Date: June 24, 2021

Address of Request:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
- 4285 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018A)
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- 5777 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000051)

Tax Map # 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008, 08154 000013, 15048 000050A, 15048 000052, 15048 000051

Current Zoning: AR 3 (Hall County)

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

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? Yes, CUP permit is included

Applicant Information

Name: Vulcan Lands, Inc. ("Vulcan")

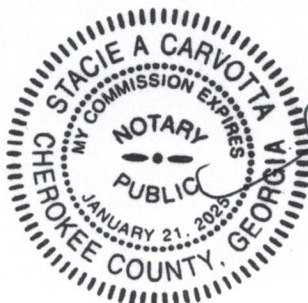
Address: 800 Mt. Vernon Highway, NE, Suite 200, Atlanta, GA 30328

E -mail address: landrumc@vmcmail.com

Phone number: 770-454-4244

Signature:  Richard Cannon, Vice President

Notary:





Property owner information (if different than the applicant)

Property owner (please print): _____ N/A _____

Signature of property owner: _____ N/A _____

Notary:

Property Information

- Tax Map Number: 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008, 08154 000013, 15048 000050A, 15048 000052, 15048 000051

Current Zoning: AR3 (Hall County) _____ Total Acres: 29.671 _____

Is this property located within the city-limits of Flowery Branch? Adjacent to other VMC property annexed in City

Proposed City of Flowery Branch Zoning: M-2 with conditional use permit _____

Current Use: Two parcels will remain occupied (4263 & 4285 Friendship Road). Residents are leasing the homes from Vulcan Lands, Inc. Remaining parcels are vacant. Proposed use is for aggregate mining and associated production of asphalt and concrete, more specifically, storage of overburden. _____



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

N/A _____

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

N/A _____



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

N/A

Disclosure of Campaign Contributions

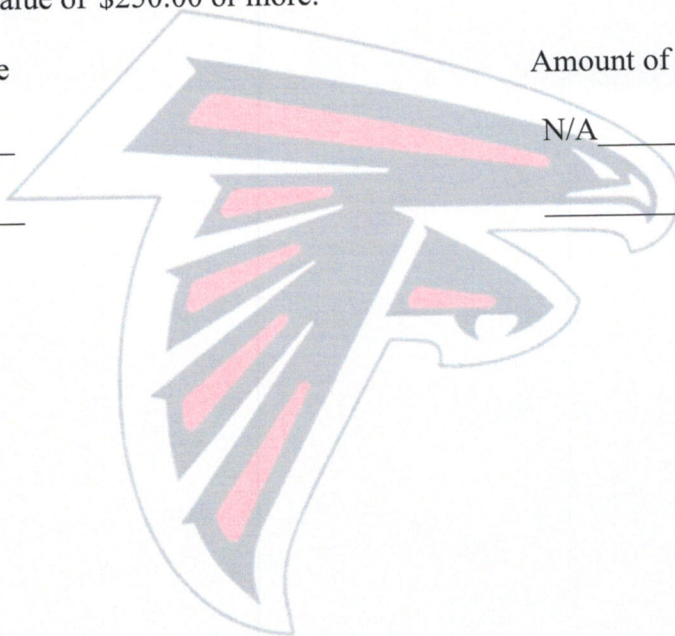
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of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

Elected Officials Name

Amount of Description of Gift

N/A _____

N/A _____



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

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.

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, the subject properties are adjacent to the existing 447+/- acre quarry operation.**

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **No, the current proposal will provide landscape berms that meet or exceed federal, state and local requirements.**

(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.**

(d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **No.**

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Yes, the proposal is consistent with the land use plan and policy of the City to support economic development.**

(f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **The proposal will further the use of the adjacent quarry, which furthers economic development.**

(g) Existing use(s) and zoning of the subject property and nearby properties. **The subject properties are adjacent to the existing 447+/- acre quarry operation. Said quarry has operated in harmony with nearby residential and commercial areas for decades due to mitigation measures taken by the Applicant.**

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

(i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **No. As a result of reduced shipping costs of aggregate materials used in the surrounding area's construction and building industry, the proposal will contribute to the economic development and provide significant savings for the City, County and local residents.**

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

No, the adjacent 447+/- acre quarry operation, already zoned M-2 with a CUP, has the same buffers proposed in this Application.

(k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed use is consistent with the requested rezoning classification.**

(l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. **All quarry operations are regulated by multiple state and federal regulatory agencies. There will be no significant adverse impacts to the environment.**

(m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed rezoning and CUP is consistent with existing land use for this area.**



ANNEXATION APPLICATION

Date: June 24, 2021

Address of Request:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
- 4285 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018A)
- 5743 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000049)
- 5783 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 08154 000002A)
- 4293 Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000008)
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- 5769 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000052)
- 5777 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000051)

Submitted to the City Clerk per The Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on June 24, 2021

City Clerk Signature _____

Applicant Information

Name: Vulcan Lands, Inc. _____

Address: 800 Mount Vernon Highway, NE, Suite 200, Atlanta, GA
30328 _____

E-mail address: landrumc@vmcmail.com

Phone number: 770-454-4244

Signature:  Richard Cannon, Vice President

Property owner information (if different than the applicant)

Property owner (please print): N/A

Signature of property owner: N/A



Property Information

- Tax Map Number: 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008, 08154 000013, 15048 000050A, 15048 000052, 15048 000051

Current Zoning: _AR 3 Hall County_ Total Acres: _29.671_

Is this property contiguous to the city-limits of Flowery Branch? Adjacent to other Vulcan property annexed in the City

Proposed City of Flowery Branch Zoning: M-2 with Conditional Use Permit

Proposed City of Flowery Branch Character Area: Industrial Employment__ Current Use: Vacant residences with exception of 4263 & 4285 Friendship Road where the residents are leasing the property from Vulcan; Proposed use is for aggregate mining and associated production of asphalt and concrete and more specifically, storage of overburden.

Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a **DRI** (Development of Regional Impact) study? _No_

Voting Rights Act Information

Resident Population: _N/A_ Housing Units: _N/A_ Other Buildings: _N/A_ Race Population %: White _N/A_ Black _N/A_ Hispanic _N/A_ Other _N/A_

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

- Legal description
- Current survey of property
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application



- Annexation $\geq$ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- Reasons for requesting annexation
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who Have a property interest in the real property affected by this request

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A

N/A



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: June 24, 2021

Address of Request:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
- 4285 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018A)
- 5743 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000049)
- 5783 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 08154 000002A)
- 4293 Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000008)
- Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000013)
- 5765 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000050A)
- 5769 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000052)
- 5777 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000051)

Tax Map # 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008,
08154 000013, 15048 000050A, 15048 000052, 15048 000051

Current Zoning: AR 3 (Hall County)

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

Currently a conforming use? Yes _____

Any conditions of zoning, CUP's, etc.? Yes, CUP for aggregate mining and associated
production of asphalt and concrete, more specifically, storage of overburden.

Applicant Information

Applicant: Vulcan Lands, Inc. _____

Address: 800 Mt. Vernon Highway, NE, Suite 200, Atlanta, GA 30328 _____

E-mail address:

landrumc@vmcmail.com _____



Phone number: 770-454-4244

Signature:  Richard Cannon, Vice President

Notary Seal:



Property owner Information

Property owner (please print): Same as Applicant

Address: Same

E-mail address: Same Phone number: Same

Signature: Signature above

Notary Seal:

Applicant Information Required at Time of Submittal

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

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



Conflict of Interest Disclosure

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

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

___ N/A _____

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

___ N/A _____

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

___ N/A _____

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

___ N/A _____

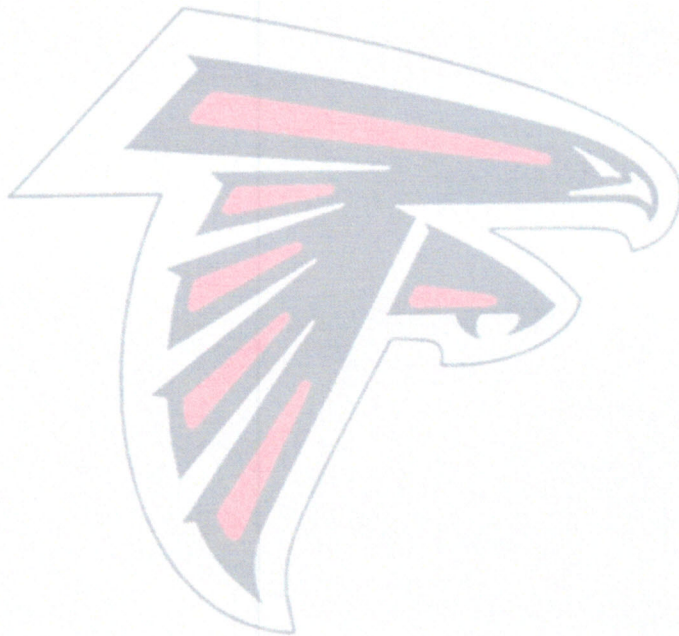
___ N/A _____



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____



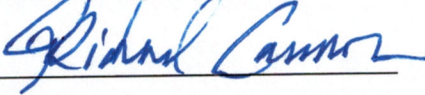
Permission to Inspect Property

Vulcan Lands, Inc. grants authorization for the City of Flowery Branch Staff and/or City Council to inspect the property located at the following addresses:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
- 4285 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018A)
- 5743 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000049)
- 5783 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 08154 000002A)
- 4293 Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000008)
- Friendship Road, Buford, GA 30519 (Tax Parcel ID 08154 000013)
- 5765 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000050A)
- 5769 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000052)
- 5777 Hog Mountain Road, Flowery Branch, GA 30542, (Tax Parcel ID 15048 000051)

Signature of Property Owner

By: _____

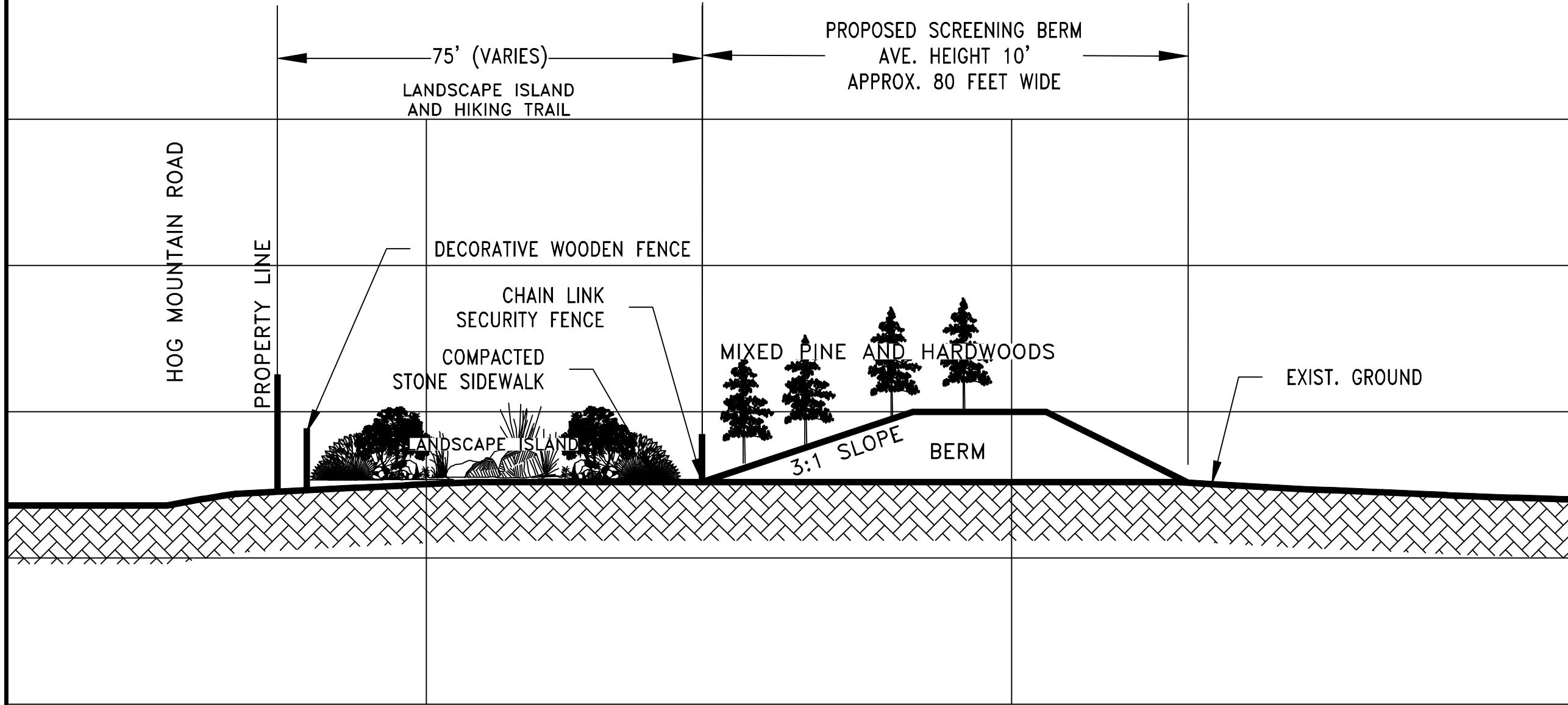


Richard Cannon for
Vulcan Lands, Inc.

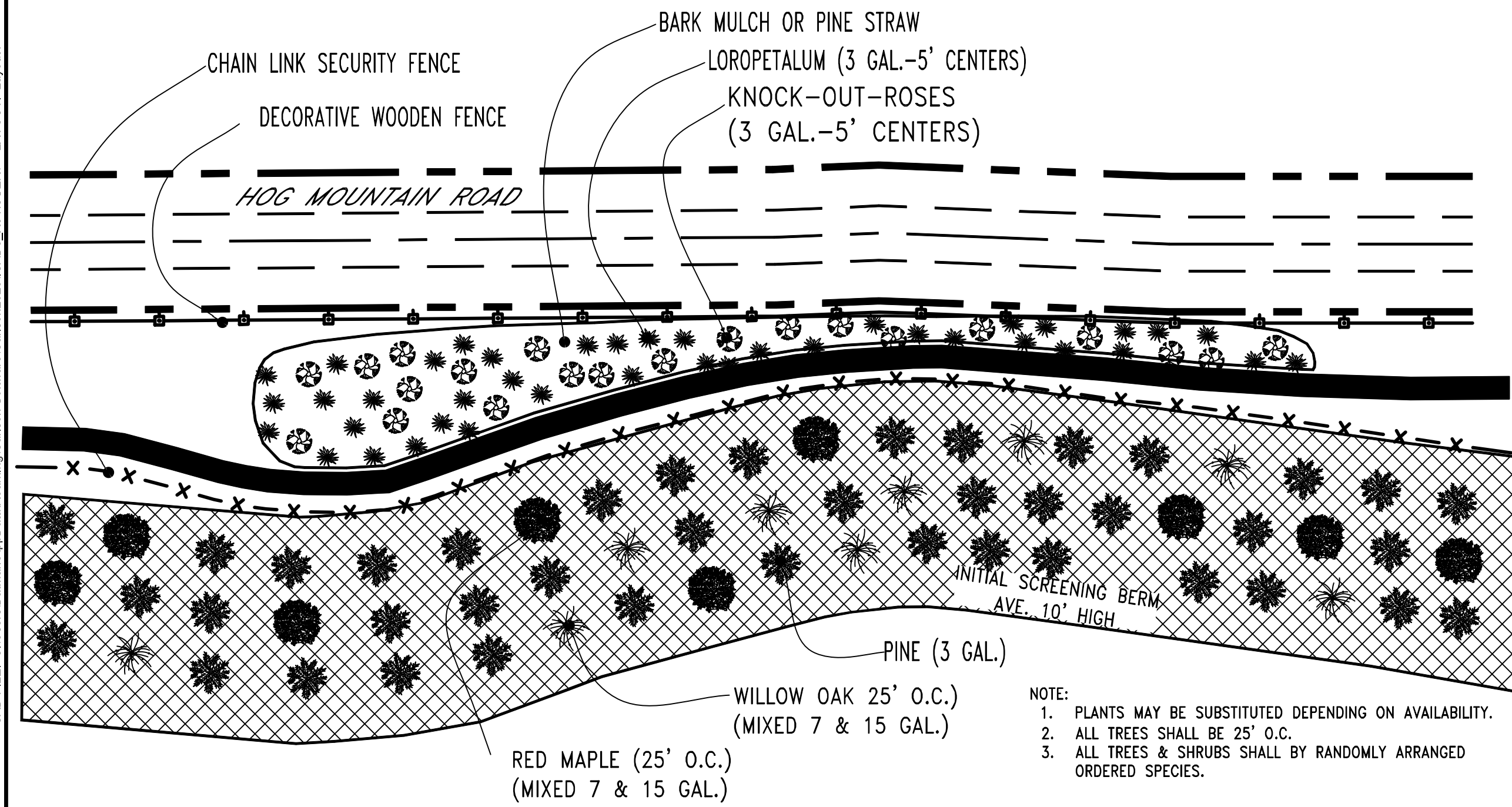
Date: _____

6/24/2021

CAD FILE: C:\Users\Bairman\AppData\Local\Temp\Carlsen\Software\Carlsen\2021\CA03_X64\USER\ LAYOUT: Layout1
ATTACHED XREFS: S:\KRES\SY7
LIBRARY

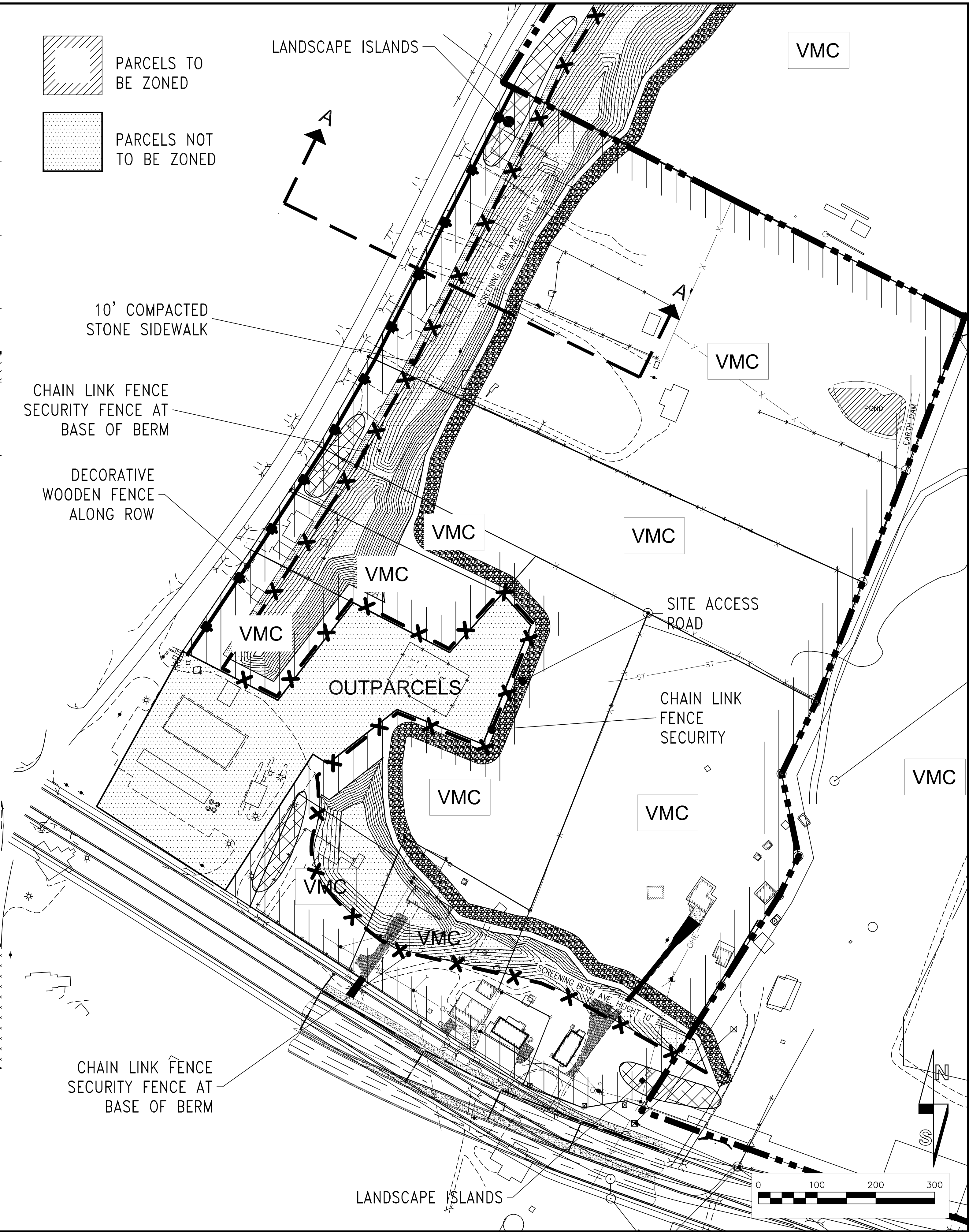


CROSS SECTION A-A'
SCALE: 1" = 20'



LANDSCAPED ISLAND DETAIL
SCALE: 1" = 50'

- NOTE:
1. PLANTS MAY BE SUBSTITUTED DEPENDING ON AVAILABILITY.
 2. ALL TREES SHALL BE 25' O.C.
 3. ALL TREES & SHRUBS SHALL BY RANDOMLY ARRANGED ORDERED SPECIES.



ROYAL CAD DESIGN SERVICE, INC. CONTACT: B. WAYNE KING, P.E. GA PE#030550 423 INDIAN SPRINGS RD. MCMINNVILLE, TN 37110 (615) 594-2802 BWAYNE_KING@RCADD.COM PROJ. NO. 2021-023 ACAD FILE: pdf_lmp.dwg				NO.	REVISION	BY	DATE
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FRIENDSHIP QUARRY G.M.C. 1419 DISTRICTS 166,167,179,180 FLOWERY BRANCH, GEORGIA		CONCEPTUAL LANDSCAPE PLAN	
DESIGNED BY: BWK		DRAWN BY: BWK	
CHECKED BY: BWK		DATE: 06/04/21	
SCALE: 1"=100'		ORIGINAL SCALE IN INCHES FOR REDUCED PLANS	
0 0.5 1.0 1.5 2.0			
SHEET		1	
1 of 1 sheets			



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider Resolution 21-011: Award of contract for FY2021 Road Paving Program to Sunbelt Asphalt

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

On January 21, 2021, Council approved the application for Fiscal Year 2021 Local Maintenance Improvement Grant Program (LMIG). Below is the results for FY2021 and prior years history of the program:

FY 2021 - \$76,142 (LMIG funds) + \$1,137,815 (Local Match) = \$1,213,957 TOTAL

FY 2020 - \$235,483 (Total LMIG 2018-2020) and \$146,968 (Local Match) The 2020 LMIG is an additional \$84,375.96 in grant funds.

FY 2019 – \$81,318 LMIG funds + \$146,968 (Local Match) for Cantrell Rd, Clarkstone Cir. & Clarkstone Dr., E. Pine St., Holland Dam Rd., Debbie Ln, Chinook Ct., and Mohave Ct.

FY 2018 - \$69,790 LMIG funds + \$0 funds held for following year.

FY 2017 - \$62,611 LMIG funds + \$149,388 (Local Match) for portions of Pine St., Gainesville St., Lights Ferry Rd., Mitchel St., Church St., and Mulberry St

FY 2016 - \$51,120 LMIG funds + \$39,883 (Local Match) for McEver Rd. FY 2015 - \$45,193 LMIG funds + \$284,408 (Local Match) for Gainesville St.

FY 2014 - \$39,920 LMIG funds + \$106,692 (Local Match) for portions of Mulberry St., Railroad Ave., Church St., Tanner St., and Gainesville St.

FACTS AND ISSUES:

The bid opening occurred on Thursday, July 1, 2021 with the following results:

- | | | |
|----|---------------------|--------------------------------|
| 1. | Stewart Brothers | \$1,667,797.24 |
| 2. | Garrett Paving Co. | \$1,575,224.44 |
| 3. | Blount Construction | \$1,318,292.87 |
| 4. | Allied Paving | \$1,246,888.75 |
| 5. | Sunbelt Asphalt | \$1,036,090.15 (lowest bidder) |

OPTIONS:

Approve or no approve Resolution 21-011

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$76,142 (LMIG funds) + \$1,137,815 (Local Match, made up Local Resource Funds: \$885,713 and SPLOST funds: \$252,102) = \$1,213,957 TOTAL (lowest bidder = \$1,036,090.15; results in savings of \$177,866.85)

RECOMMENDATION:

Approval of Resolution 21-011 to award FY2021 road paving contract to Sunbelt Asphalt for \$1,036,090.15 and authorize for the Mayor, City Manager, and Attorney to sign all necessary documents.

SAMPLE MOTION:

I motion for the City Council to approve Resolution 21-011 to award FY2021 road paving contract to Sunbelt Asphalt for \$1,036,090.15 and authorize for the Mayor, City Manager, and Attorney to sign all necessary documents.

COLLABORATING DEPARTMENT:

Public Works

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [EXECUTIVE SUMMARY - AWARD TO SUNBELT 8-5-2021.pdf](#)
- [LMIG_Project_List_2021.pdf](#)
- [Resolution 21-011 Award of Contract to Sunbelt Asphalt.pdf](#)



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Resolution 21-011: Award of contract for FY2021 Road Paving Program to Sunbelt Asphalt

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

On January 21, 2021, Council approved the application for Fiscal Year 2021 Local Maintenance Improvement Grant Program (LMIG). Below is the results for FY2021 and prior years history of the program:

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|------------------------|--------------------------------|
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| 2. Garrett Paving Co. | \$1,575,224.44 |
| 3. Blount Construction | \$1,318,292.87 |
| 4. Allied Paving | \$1,246,888.75 |
| 5. Sunbelt Asphalt | \$1,036,090.15 (lowest bidder) |

Please see attached list for the roads which will be paved.

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$76,142 (LMIG funds) + \$1,137,815 (Local Match, made up Local Resource Funds: \$885,713 and SPLOST funds: \$252,102) = \$1,213,957 TOTAL (*lowest bidder = \$1,036,090.15; results in savings of \$177,866.85*)

RECOMMENDATION:

Approval of Resolution 21-011 to award FY2021 road paving contract to Sunbelt Asphalt for \$1,036,090.15 and authorize for the Mayor, City Manager, and Attorney to sign all necessary documents.

SAMPLE MOTION:

I motion for the City Council to approve Resolution 21-011 to award FY2021 road paving contract to Sunbelt Asphalt for \$1,036,090.15 and authorize for the Mayor, City Manager, and Attorney to sign all necessary documents.

COLLABORATING DEPARTMENT:

Finance

DEPARTMENT: Administration

Prepared by: Alisha Gamble

ATTACHMENTS

STREETNAME	STREETTYPE	Shape_Leng	Width	Good/Ex (grey)	Patching (LF)	Patching (SF)	Crack Sealing (Centerline mile)	Edge Milling (LF)	Overlay (SF)	
ARTISANS	WAY	421.8	22	170.0	252	5,538.81	0.08	844	9279	1
ASHMOORE	LANE	245.8	22	120.0	126	2,767.00	0.05	492	5407	2
BELL	FORK	54.7	22	0.0	55	1,203.40	0.01	109	1203	3
BOSTON	TRAIL	149.8	22	149.8	0	-	0.03	300	3296	4
BRIDGEPORT	COURT	176.8	22	30.0	147	3,229.07	0.03	354	3889	5
BROOKSTONE	WAY	261.0	22	20.0	241	5,302.03	0.05	522	5742	6
CANOPY	LANE	191.2	22	90.0	101	2,227.22	0.04	382	4207	7
CHARIOT	DRIVE	795.2	22	340.0	455	10,014.22	0.15	1590	17494	8
CHARIOT	DRIVE	111.1	22	40.0	71	1,563.27	0.02	222	2443	9
CHESTNUT	STREET	221.0	22	40.0	181	3,982.25	0.04	442	4862	10
CHURCH	STREET	296.6	22	0.0	297	6,524.72	0.06	593	6525	11
CHURCH	STREET	356.8	22	80.0	277	6,089.03	0.07	714	7849	12
CHURCH	STREET	459.1	22	110.0	349	7,680.82	0.09	918	10101	13
CHURCH	STREET	303.0	22	20.0	283	6,225.59	0.06	606	6666	14
CHURCH	STREET	252.4	22	0.0	252	5,552.13	0.05	505	5552	15
CHURCH	STREET	221.3	22	10.0	211	4,647.99	0.04	443	4868	16
EAST MAIN	STREET	219.8	22	60.0	160	3,515.17	0.04	440	4835	17
EAST MAIN	STREET	1822.6	22	0.0	1823	40,096.20	0.35	3645	40096	18
ELWOOD	CIRCLE	118.7	22	10.0	109	2,391.31	0.02	237	2611	19
ELWOOD	CIRCLE	116.8	22	40.0	77	1,689.57	0.02	234	2570	20
ELWOOD	CIRCLE	118.7	22	60.0	59	1,292.18	0.02	237	2612	21
GAINES FERRY	ROAD	108.4	22	40.0	68	1,505.61	0.02	217	2386	22
GAINES FERRY	ROAD	472.8	22	230.0	243	5,341.60	0.09	946	10402	23
GAINES FERRY	ROAD	296.1	22	10.0	286	6,294.20	0.06	592	6514	24
GAINESVILLE	STREET	218.8	22	30.0	189	4,153.94	0.04	438	4814	25
GRANITE	COURT	388.7	22	190.0	199	4,371.73	0.07	777	8552	26
KNIGHT	DRIVE	322.9	22	80.0	243	5,344.35	0.06	646	7104	27
LAKE CROSSING	DRIVE	170.6	22	50.0	121	2,652.26	0.03	341	3752	28
LIGHTS FERRY	ROAD	144.2	22	60.0	84	1,852.61	0.03	288	3173	29
MAIN	STREET	14.6	22	0.0	15	321.20	0.00	29	321	30
MARTIN	STREET	327.5	22	100.0	227	5,004.04	0.06	655	7204	31

MARTIN	STREET	232.8	22	100.0	133	2,921.67	0.04	466	5122	32
MITCHELL	STREET	219.5	22	130.0	90	1,969.22	0.04	439	4829	33
MOSSY LOG	COURT	222.1	22	100.0	122	2,686.55	0.04	444	4887	34
MYERS	STREET	216.6	22	20.0	197	4,324.95	0.04	433	4765	35
PADDLEWHEEL	COURT	186.3	22	40.0	146	3,217.93	0.04	373	4098	36
REED	STREET	674.3	22	40.0	634	13,954.22	0.13	1349	14834	37
REGATTA	WAY	160.5	22	30.0	130	2,870.45	0.03	321	3530	38
SPRING	STREET	158.4	22	110.0	48	1,065.50	0.03	317	3486	39
SPRING	STREET	304.1	22	80.0	224	4,930.69	0.06	608	6691	40
THURMON TANNER	PARKWAY	2605.2	48	360.0	2245	107,770.72	0.49	10421	125051	41
UNNAMED	STREET	193.2	22	20.0	173	3,810.39	0.04	386	4250	42
VICTORIA	COURT	662.4	22	60.0	602	13,253.81	0.13	1325	14574	43
VICTORIA	DRIVE	561.0	22	240.0	321	7,061.36	0.11	1122	12341	44
VICTORIA	DRIVE	434.6	22	0.0	435	9,561.16	0.08	869	9561	45
WHITEWATER	DRIVE	219.1	22	0.0	219	4,821.05	0.04	438	4821	46
WHITEWATER	DRIVE	140.9	22	10.0	131	2,878.75	0.03	282	3099	47
						345,471.91				
3.1							3.14	38350	432268	

Item	Units	Quantity	Unit Cost	Product
Patching (19mm SuperPave, 4" depth)	TON	2812	\$ 131.25	\$ 369,093.55
Crack Sealing	CLMILE	3.1	\$ 9,450.00	\$ 29,655.86
Edge Milling (not including TT)	SY	18,619	\$ 7.14	\$ 132,941.08
Overlay (4.25 mm SuperPave, 1" depth)	TON	1,895	\$ 119.70	\$ 226,772.07
Overlay (12.5mm SuperPave for TT, 1.5" depth)	TON	1,157	\$ 117.60	\$ 136,030.18
Other costs (mobilization, traffic contrl, striping, utility adjustment, etc.)	LUMP	1	\$ 50,000.00	\$ 50,000.00
				\$ 944,492.73

Red italics indicate that we adjusted the length of the road segment to account for the city limit boundary

RESOLUTION NO.: 21-011

**AWARD OF CONTRACT FOR FY2021 ROAD PAVING PROGRAM
TO SUNBELT ASPHALT**

WHEREAS, City Council approved the budget for fiscal year 2022 for the City of Flowery Branch on June 17, 2021; and

WHEREAS, the City of Flowery Branch has established a road paving program in the fiscal year 2022 budget including funding from the Local Maintenance Improvement Program (LMIG); and

WHEREAS, the City of Flowery Branch received 5 qualified bids for said project, ranging in price from \$1,036,090.15 to \$1,667,797.24; and

WHEREAS, the City of Flowery Branch is requesting acceptance of the lowest bid with Sunbelt Asphalt in the amount of \$1,036,090.15; and

WHEREAS, funding for said project was approved with the fiscal year 2022 budget; and

NOW, THEREFORE, BE IT RESOLVED that the governing body for the City of Flowery Branch hereby authorizes the award of contract to Sunbelt Asphalt for \$1,036,090.15; and

BE IT FURTHER RESOLVED that the Mayor, City Manager, and City Attorney are authorized to sign documents that may be necessary to complete the fiscal year 2022 Road Paving Program.

RESOLVED this 5th day of August 2021.

James M. Miller, Mayor

ATTEST:

Shelia Cooper, Assistant City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Resolution 21-012: finding Charter Communications LLC in violation of the State Law for failure to recognize the correct service area

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

1. Charter Communications LLC or Spectrum Southeast LLC, operating as Charter Communications or Spectrum, (“Charter”), has been providing cable television video service in the City of Flowery Branch (“City”) and remitting the franchise fee in accordance with the Certificate of Video Franchise Authority dated February 19, 2009 as per O.C.G.A. 36-76-4.
2. The City contracted with the Georgia Municipal Association, Inc. (“GMA”) to provide Telecommunication and Right-of-Way Management services via a subcontractor Local Government Services LLC (“LGS”), and to assist the City in conducting a Franchise Fee Payment Compliance Review (“Audit”) to ensure proper franchise fee payment calculation and compliance per O.C.G.A. 36-76-4(c).
3. The Audit commenced on June 29, 2020 by an Audit Authorization Letter sent from the City to Charter. Charter responded and acknowledged the audit that same day.
4. On July 2, 2020 LGS sent Charter a Request for Financial Information and an inquiry regarding the Nondisclosure process. Charter delivered the Nondisclosure Agreement on July 22, 2020, and it was executed and returned on August 13, 2020.
5. On December 18, 2020 partial data for the City was delivered to LGS allowing for a financial review; address data was missing. It was determined that this data was incorrect and Charter was notified of the error on December 28, 2020.
6. On February 8, 2021 Charter delivered the financial data and on February 17, 2021 Charter delivered the address data allowing for a complete review.
7. On March 22, 2021, LGS completed the financial and jurisdictional analyses and the Findings were delivered to Charter. There were no financial Findings but numerous jurisdictional errors concluding that Charter did not recognize the correct Service Area of the City of Flowery Branch.
8. On April 30, 2021, the jurisdictional analysis submitted to Charter was supplemented to include exact addresses (not ranges), a format Charter requested.
9. On June 18, 2021, the City sent a letter to Charter requesting compliance and an answer to the jurisdictional errors, giving a requested reply date of July 23, 2021.

10. In addition to the above, numerous communications, both email and telephone, have occurred between the City, LGS, and Charter on the above matters.

FACTS AND ISSUES:

As of this date, Charter has not provided a substantive answer regarding the jurisdictional errors affecting the Service Area.
The City does not relieve Charter of its obligation to comply with the terms of O.C.G.A. 36-76-6(a)(1), specifically “service area” as defined in O.C.G.A. 36-76-2(13).

OPTIONS:

Approve or not approve Resolution 21-012 as presented.

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

No

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

Approve Resolution 21-012: finding Charter Communications LLC in violation of the State Law for failure to recognize the correct service area

SAMPLE MOTION:

I make a motion to approve Resolution 21-012: finding Charter Communications LLC in violation of the State Law for failure to recognize the correct service area.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [Resolution 21-012 finding Charter in violation - Flowery Branch GA 2.pdf](#)

CITY OF FLOWERY BRANCH, GEORGIA

RESOLUTION NO. 21-012

A RESOLUTION OF THE CITY OF FLOWERY BRANCH FINDING CHARTER COMMUNICATIONS LLC IN VIOLATION OF STATE LAW FOR FAILURE TO RECOGNIZE THE CORRECT SERVICE AREA

RECITALS:

1. Charter Communications LLC or Spectrum Southeast LLC, operating as Charter Communications or Spectrum, (“Charter”), has been providing cable television video service in the City of Flowery Branch (“City”) and remitting the franchise fee in accordance with the Certificate of Video Franchise Authority dated February 19, 2009 as per O.C.G.A. 36-76-4.
2. The City contracted with the Georgia Municipal Association, Inc. (“GMA”) to provide Telecommunication and Right-of-Way Management services via a subcontractor Local Government Services LLC (“LGS”), and to assist the City in conducting a Franchise Fee Payment Compliance Review (“Audit”) to ensure proper franchise fee payment calculation and compliance per O.C.G.A. 36-76-4(c).
3. The Audit commenced on June 29, 2020 by an Audit Authorization Letter sent from the City to Charter. Charter responded and acknowledged the audit that same day.
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8. On April 30, 2021, the jurisdictional analysis submitted to Charter was supplemented to include exact addresses (not ranges), a format Charter requested.

9. On June 18, 2021, the City sent a letter to Charter requesting compliance and an answer to the jurisdictional errors, giving a requested reply date of July 23, 2021.
10. In addition to the above, numerous communications, both email and telephone, have occurred between the City, LGS, and Charter on the above matters.
11. As of this date, Charter has not provided a substantive answer regarding the jurisdictional errors affecting the Service Area.
12. The City does not relieve Charter of its obligation to comply with the terms of O.C.G.A. 36-76-6(a)(1), specifically “service area” as defined in O.C.G.A. 36-76-2(13).

NOW, THEREFORE, the City of Flowery Branch, Georgia hereby resolves as follows:

1. Charter is obligated to comply with the Franchise Agreement.
2. Charter is in violation of the Franchise Agreement for failure to properly recognize the Service Area of the incorporated City Limits.
3. City hereby reserves any and all rights it may have under the Franchise Agreement and other applicable law to seek monetary damages and/or penalties against Charter for said violation.

This Resolution shall take effect and continue and remain in effect from and after the date of its passage, approval, and adoption.

A motion to approve the foregoing Resolution No. 21-012 was made by City Councilmember _____ and duly seconded by City Councilmember _____.

The following City Councilmembers voted in the affirmative:

The following City Councilmembers voted in the negative:

Passed and adopted by the City of Flowery Branch, Georgia this 5th day of August 2021.

ATTEST:

CITY OF FLOWERY BRANCH, GEORGIA

By: _____
Shelia Cooper, Assistant City Clerk

By: _____
James M. Miller, Mayor

Its: _____
E. Ronald Bennet, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Request authorization to apply for the Fiscal Year 2022 Local Maintenance Improvement Grant (LMIG) Program

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

FY2022 - \$83,905.29 (LMIG Funds) + (\$301,001 SPLOST) + \$752,908.71 (Local Match) = \$1,137,815 TOTAL
FY 2021 - \$76,142 (LMIG funds) + \$707,846.15 (Local Match) + \$252,102 (SPLOST) = \$1,036,090.15 TOTAL
FY 2020 - \$235,483 (Total LMIG 2018-2020) and \$146,968 (Local Match) The 2020 LMIG is an additional \$84,375.96 in grant funds.

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FY 2014 - \$39,920 LMIG funds + \$106,692 (Local Match) for portions of Mulberry St., Railroad Ave., Church St., Tanner St., and Gainesville St.

FACTS AND ISSUES:

The LMIG application to GDOT is due by February 2, 2022. The City is planning to have this project out to bid in February and we will be coming back to the Council in late March or early May to award the bid. The goal is to have the work underway before the end of the fiscal year at June, 30, 2022.

Please see attached list for the roads which will be paved.

OPTIONS:

Approve or not approve the grant application.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$83,905.29 (LMIG funds) + \$1053,909.71 (Local Match, made up Local Resource Funds: \$752,908.71 and SPLOST funds \$301,001) = \$1,137,815 TOTAL

RECOMMENDATION:

Approval by City Council to authorize the Mayor to apply for and accept the FY2022 LMIG funds for road paving with a 30% match requirement.

SAMPLE MOTION:

I motion for the City Council to authorize the Mayor to apply for and accept the FY 2022 LMIG funds for road paving.

COLLABORATING DEPARTMENT:

Public Works

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [LMIG 2022 EXECUTIVE SUMMARY.pdf](#)
- [FB COVER LETTER FY2022.pdf](#)
- [LMIG_APPLICATION_SIG_PAGE \(1\).pdf](#)
- [FY2022 Paving List.pdf](#)



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Fiscal Year 2022 Local Maintenance Improvement Grant (LMIG) Program

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

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FY 2021 - \$76,142 (LMIG funds) + \$707,846.15 (Local Match) + \$252,102 (SPLOST) = \$1,036,090.15 TOTAL
FY 2020 - \$235,483 (Total LMIG 2018-2020) and \$146,968 (Local Match) The 2020 LMIG is an additional \$84,375.96 in grant funds.

FY 2019 – \$81,318 LMIG funds + \$146,968 (Local Match) for Cantrell Rd, Clarkstone Cir. & Clarkstone Dr., E. Pine St., Holland Dam Rd., Debbie Ln, Chinook Ct., and Mohave Ct.

FY 2018 - \$69,790 LMIG funds + \$0 funds held for following year.

FY 2017 - \$62,611 LMIG funds + \$149,388 (Local Match) for portions of Pine St., Gainesville St., Lights Ferry Rd., Mitchel St., Church St., and Mulberry St

FY 2016 - \$51,120 LMIG funds + \$39,883 (Local Match) for McEver Rd.

FY 2015 - \$45,193 LMIG funds + \$284,408 (Local Match) for Gainesville St.

FY 2014 - \$39,920 LMIG funds + \$106,692 (Local Match) for portions of Mulberry St., Railroad Ave., Church St., Tanner St., and Gainesville St.

FACTS AND ISSUES:

The LMIG application to GDOT is due by February 2, 2022. The City is planning to have this project out to bid in February and we will be coming back to the Council in late March or early May to award the bid. The goal is to have the work underway before the end of the fiscal year at June, 30, 2022.

Please see attached list for the roads which will be paved.

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$83,905.29 (LMIG funds) + \$1053,909.71 (Local Match, made up Local Resource Funds: \$752,908.71 and SPLOST funds \$301,001) = \$1,137,815 TOTAL

RECOMMENDATION:

Approval to authorize the Mayor to apply for and accept the FY 2022 LMIG funds for road paving.

SAMPLE MOTION:

I motion for the City Council to authorize the Mayor to apply for and accept the FY 2022 LMIG funds for road paving.

COLLABORATING DEPARTMENT:

Public Works

DEPARTMENT: Finance

Prepared by: Alisha Gamble

ATTACHMENTS



August 5, 2021

Jeramy Durrence, District One State Aid Coordinator Georgia
Department of Transportation
1475 Jesse Jewell Pkwy., NE, Suite 100 Gainesville,
GA 30501

RE: FY 2022 LMIG Application Cover Letter

Dear Mr. Durrence:

With the FY 2022 LMIG funds, the City of Flowery Branch will be paving 4.69 miles of road by cutting out load distressed pavement, then patching with 19mm Superpave. We will also edge-mill the gutter area where needed and will overlay with 1-inch of 9.5mm Type-I Superpave. There is a total match funding available of \$1,053,909.71 (\$301,001 in SPLOST VIII funding and \$752,908.71 local match), exceeding the 30% requirement.

With the FY 2021 LMIG funds, the City of Flowery Branch will be paving 4.75 miles of road by cutting out load distressed pavement, then patching with 19mm Superpave. We will also edge-mill the gutter area where needed and will overlay with 1-inch of 9.5mm Type-I Superpave. The contract was awarded to Sunbelt Asphalt and the paving program is underway. It should be completed by December 31, 2021. The FY2021 LMIG funds was matched with \$252,102 SPLOST VIII funding and \$707,846.15 local match funding which exceeds the 30% match requirement.

The City of Flowery Branch bundled a total of \$235,483.24 in LMIG funds from FY 2018, FY 2019, and FY 2020, which had a required minimum match of \$70,644.97. This project is 100% complete and was matched with \$194,660.16 in local funds for a total expenditure of \$430.143.40.

If you have any questions or need additional information, please contact our City Manager, Bill Andrew, at 770-967-6371 or email at bill@flowerybranchga.org.

Sincerely,

Mike Miller, Mayor

City of Flowery Branch
P.O. Box 757
5410 W. Pine Street
Flowery Branch, GA 30542
770-967-6371 (Main Office)
770-967-6481 (FAX)

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE & IMPROVEMENT
GRANT (LMIG) APPLICATION FOR FISCAL YEAR 2022
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.**

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

I, James M. Miller (Name), the Mayor (Title), on behalf of The City of Flowery Branch (Local Government), who being duly sworn do swear that the information given herein is true to the best of his/her knowledge and belief. Local Government swears and certifies that it has read and understands the LMIG General Guidelines and Rules and that it has complied with and will comply with the same.

Local government further swears and certifies that it has read and understands the regulations for the Georgia Planning Act of 1989 (O.C.G.A. § 45-12-200, et seq.), Service Delivery Strategy Act (O.C.G.A. § 36-70-20, et seq.), and the Local Government Budgets and Audits Act (O.C.G.A. 36-81-7 et seq.) and will comply in full with said provisions. Local government further swears and certifies that the roads or sections of roads described and shown on the local government's Project List are dedicated public roads and are part of the Public Road System in said county/city. Local government further swears and certifies that it complied with federal and/or state environmental protection laws and at the completion of the project(s), it met the match requirements as stated in the Transportation Investment ACT (TIA).

Further, the local government shall be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or omissions related to the designs, drawings, specifications, work and other services furnished by or on behalf of the local government pursuant to this Application ("Loss"). To the extent provided by law, the local government further agrees to hold harmless and indemnify the DEPARTMENT and the State of Georgia from all suits or claims that may arise from said Loss.

If the local government fails to comply with these General Guidelines and Rules, or fails to comply with its Application and Certification, or fails to cooperate with the auditor(s) or fails to maintain and retain sufficient records, the DEPARTMENT may, at its discretion, prohibit the local government from participating in the LMIG program in the future and may pursue any available legal remedy to obtain reimbursement of the LMIG funds. Furthermore, if in the estimation of the DEPARTMENT, a roadway or bridge shows evidence of failure(s) due to poor workmanship, the use of substandard materials, or the failure to follow the required design and construction guidelines as set forth herein, the Department may pursue any available legal remedy to obtain reimbursement of the allocated LMIG funds or prohibit local government from participating in the LMIG program until such time as corrections are made to address the deficiencies or reimbursement is made. All projects identified on the Project list shall be constructed in accordance with the Department's Standard Specifications of Transportation Systems (Current Edition), Supplemental Specifications (Current Edition), and Special Provisions.

Local Government: 99775
E-Verify Number

____ (Signature)

Sworn to and subscribed before me,

____ (Print)

Mayor / Commission Chairperson

This 5th day of August, 2021. In
the presence of:

____ (Date)

NOTARY PUBLIC

LOCAL GOVERNMENT SEAL:

My Commission Expires:

NOTARY PUBLIC SEAL:

STREETNAME	STREETTYPE	Shape_Leng	Width			Patching (SF)	Crack Sealing (Centerline mile)	Edge Milling (LF)	Overlay (SF)	
PHIL NIEKRO	BOULEVARD	2422.0	22	540.0	1882	41,405	0.46	4844	53285	
PHIL NIEKRO	BOULEVARD	956.8	22	120.0	837	18,409	0.18	1914	21049	
PHIL NIEKRO	BOULEVARD	49.5	22	0.0	50	1,089	0.01	99	1089	
PHIL NIEKRO	BOULEVARD	20.9	22	10.0	11	241	0.00	42	461	
PHIL NIEKRO	BOULEVARD	246.5	22	70.0	177	3,883	0.05	493	5423	
PHIL NIEKRO	BOULEVARD	419.5	22			923	0.08	839	9229	2.04
THURMON TANNER	PARKWAY	1329.1	48	370.0	959	46,037	0.25	5316	63797	
HOG MOUNTAIN	ROAD	676.5	48			3,247	0.13	1353	32472	
RAILROAD	AVENUE	889.3	22	80.0	809	17,805	0.17	1779	19565	
PINE	STREET	249.3	22	0.0	249	5,484	0.05	499	5484	
PINE	STREET	422.0	22	10.0	412	9,065	0.08	844	9285	
HOLLAND DAM	ROAD	726.3	22	110.0	616	13,559	0.14	1453	15979	
OLD ORR	ROAD	333.7	22			734	0.06	667	7342	2.04
BROOKSTONE	CIRCLE	369.7	22			813	0.07	739	8132	2.06
BROOKSTONE	CIRCLE	436.8	22			961	0.08	874	9609	2.07
BRIDGEPORT	COURT	564.8	22			1,243	0.11	1130	12425	2.07
MITCHELL	STREET	1536.3	22			3,380	0.29	3073	33800	2.09
MULBERRY	STREET	234.7	22			516	0.04	469	5163	2.09
CHURCH	STREET	635.8	22			1,399	0.12	1272	13988	2.09
BENCHMARK	DRIVE	968.5	22			2,131	0.18	1937	21308	2.09
BRADSHAW	COURT	572.5	22			1,260	0.11	1145	12595	2.10
BRASS LANTERN	DRIVE	1576.9	22			3,469	0.30	3154	34691	2.10
CHATTAHOOCHEE	STREET	687.2	22			1,512	0.13	1374	15118	2.11
HOG MOUNTAIN	ROAD	2600.9	22			5,722	0.49	5202	57220	2.11
SLEEPY LAGOON	WAY	440.6	22			969	0.08	881	9693	2.11
BENCHMARK	DRIVE	413.9	22			911	0.08	828	9105	2.12
CHESTNUT	STREET	430.6	22			947	0.08	861	9473	2.12
WEATHERVANE	ROAD	541.9	22			1,192	0.10	1084	11922	2.13
CHURCH	STREET	154.2	22			339	0.03	308	3392	2.13
LAKE STERLING	BOULEVARD	187.2	22			412	0.04	374	4118	2.13
FELLOWSHIP	LANE	548.4	22			1,206	0.10	1097	12064	2.04
BRIDGEPORT	COURT	778.0	22			1,712	0.15	1556	17117	2.04
GAINESVILLE	STREET	273.2	22			601	0.05	546	6010	2.04
LAKE STERLING	BOULEVARD	482.5	22			1,062	0.09	965	10615	2.04
LAKE STERLING	BOULEVARD	216.2	22			476	0.04	432	4756	2.04
PHIL NIEKRO	BOULEVARD	291.6	22			641	0.06	583	6415	2.04
PHIL NIEKRO	BOULEVARD	291.1	22			640	0.06	582	6405	2.04
PHIL NIEKRO	BOULEVARD	87.4	22			192	0.02	175	1922	2.04
GAINESVILLE	STREET	447.7	22			985	0.08	895	9849	2.04
GAINESVILLE	STREET	245.1	22			539	0.05	490	5391	2.04
		4.69				197,111.20	4.69	52168	596758	

Item	Units	Quantity	Unit Cost	Product
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Patching (19mm SuperPave, 4" depth)	TON	1604	\$	131.25	\$	210,588.68
Crack Sealing	CLMILE	4.7	\$	9,450.00	\$	44,306.03
Edge Milling (not including TT & PN)	SY	46,681	\$	7.14	\$	333,305.19
Overlay (4.25 mm SuperPave, 1" depth)	TON	2,637	\$	119.70	\$	315,694.58
Overlay (12.5mm SuperPave for TT & PN, 1.5" depth)	TON	1,564	\$	117.60	\$	183,919.57
Other costs (mobilization, traffic contrl, striping, utility adjustment, etc.)	LUMP	1	\$	50,000.00	\$	50,000.00

\$ 1,137,814.04 Estimated cost from CPL

Red italics indicate that we adjusted the length of the road segment to account for the city limit boundary



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Request to research and apply for potential grant opportunities with the assistance of the Georgia Mountains Regional Commission

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

The City of Flowery Branch pays quarterly dues to the Georgia Mountains Regional Commission.

The Georgia Mountains Regional Commission (GMRC) is a public sector, non-profit planning and development agency that serves a 12-county region in the Georgia Mountains and includes the following Counties: Banks, Dawson, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union, and White.

The GMRC provides technical assistance to our member governments in the areas of Economic Development, GIS, Human Resources, Planning, Revolving Loan Fund administration, and Workforce Development.

FACTS AND ISSUES:

The City of Flowery Branch is currently experiencing significant growth in our community. Staff reached out to GMRC to see if there are potential grant opportunities to help our community and offset some of the debt related to our growth. Some of these opportunities may require a match. The list of opportunities are:

Recreational Trails Program (RTP)

Land and Water Conservation Fund (LWCF)

Georgia State Fiscal Recovery Fund <https://opb.georgia.gov/state-fiscal-recovery-fund>

Economic Development Administration through the American Rescue Plan Program <https://www.eda.gov/ARPA/>

Attached is full list of grants administered through GMRC.

If awarded, the grants will come before Council for final approval and acceptance. The GMRC will assist with research, application and administration of the grants.

OPTIONS:

Approve for staff to proceed with research and applications of grant opportunities through the GMRC. or do not approve to proceed.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

debt resources could be used as potential match funds (if required)

RECOMMENDATION:

Approval to apply for potential grant opportunities with the assistance of the Georgia Mountains Regional Commission

SAMPLE MOTION:

I make a motion to approved for staff to research and apply for potential grant opportunities with the guidance of the GMRC, noting that if awarded, final acceptance of the grants must be approved by Council.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [Grants-At-A-Glance .pdf](#)

GRANTS-AT-A-GLANCE

AGENCY	ASSISTANCE AMOUNT	ELIGIBLE APPLICANTS	ELIGIBLE ACTIVITIES	DEADLINE	WEBSITE
Appalachian Regional Commission (ARC)	Maximum grant amount is \$600,000	Federally-designated counties and cities within 12-county GMRC area	Must follow in accordance with one of four ARC strategic goals. Projects include infrastructure, tourism, health care, education, access roads, etc.	Quarterly	www.arc.gov
Economic Development Administration (EDA)	Maximum of 70 percent of total project cost	Public and private non-profit organizations	Must be essential to industrial and commercial growth. Must have a high level of job creation. Examples: Industrial Parks, Roads, Water and sewer infrastructure improvements	Anytime	www.eda.gov
Community Development Block Grant-Employment Incentive Program (CDBG-EIP)	Maximum amount of \$750,000	All general-purpose local governments in the Georgia Mountains Region	Examples: Public water and sewer systems, distribution and/or collection lines, wastewater treatment projects, broadband, and rail spurs. Fixed assets, including land, new facilities, rehabilitation of existing facilities, machinery, equipment, etc. <u>Projects must create and/or retain jobs.</u>	Anytime	www.dca.ga.gov
Community Development Block Grant (CDBG)	Maximum of \$750,000 for a single activity and \$1,000,000 for multi-activity	All general-purpose local governments in the Georgia Mountains Region	Acquisition of real property; as well as, improvements, construction/rehabilitation of public facilities. Examples: housing rehabilitation & reconstruction, water and sewer facilities, mental health centers, adult learning centers, senior centers	April of each year	www.dca.ga.gov
Regional Economic Business Assistance (REBA)	Amount generally approved for project need as recommended from State (Ex: GDEcD)	Local governments, Development Authorities, Joint Development Authorities (<i>Non-Rural Communities</i>)	Public land acquisition & site development, public infrastructure improvements, publicly owned machinery and equipment, and publicly owned/private leased fixed assets	Anytime	www.dca.ga.gov
OneGeorgia Authority EDGE FUND	Amount generally approved for project need as recommended from State (Ex: GDEcD)	Local governments, Development Authorities, Joint Development Authorities (<i>Rural Communities</i>)	Public land acquisition & site development, public infrastructure, publicly owned machinery and equipment, and publicly owned/private leased fixed assets	Anytime	www.onegeorgia.org
OneGeorgia Authority EQUITY FUND	Maximum of \$500,000	Local governments, Development Authorities, Joint Development Authorities	Public land acquisition & site development, public infrastructure, publicly owned machinery and equipment, Industrial Park development, workforce development, and tourism development	Anytime	www.onegeorgia.org

GRANTS-AT-A-GLANCE

Georgia Environmental Finance Authority Loan (GEFA)	Loan amount contingent upon scope of project.	All local governments in the Georgia Mountain Region	Wastewater treatment and water quality projects: Construction/expansion of treatment plants, sewer and water line construction/rehabilitation, storm sewer rehabilitation, acquisition of buffer zones, stream bank restoration, and establishment of recycling, solid waste facilities. Renewable Energy Projects and “green” projects are also considered.	Anytime	www.gefa.org
Immediate Threat & Danger (DCA)	Maximum of \$50,000. 50 % match required.	All local governments in the Georgia Mountains Region	Applications must address an event or situation having a particular urgency and uniqueness that adversely affects a community and its citizens and where other financial resources are not available to meet such needs.	Anytime	www.dca.ga.gov
USDA-Rural Development Loans/Grants	Maximum of 75% of project cost	Public bodies, non-profit corporations, and rural communities less than 20,000 in population	Construction, land acquisition, equipment, establishment of revolving loan funds	Anytime	www.rurdev.usda.gov
Recreational Trails Grants (RTP)	Maximum grant award of \$200,000	All local governments within the Georgia Mountain Region	Construction of new trails, maintenance and restoration of existing trails, rehabilitation of trailhead facilities, acquisition, and assessments for handicap accessibility.	2-Year Cycle	www.gadnr.org
Redevelopment Fund (DCA)	Maximum of \$750,000	All general-purpose local governments in the Georgia Mountains Region	Funds are targeted toward eliminating slum and blight areas. Investments typically made for commercial downtown, and industrial development	Anytime	www.dca.ga.gov
Downtown Development Revolving Loan Fund (DCA)	Maximum of \$250,000	Municipalities with a population of 100,000 or less, counties with a population of 100,000 or less	Real estate acquisition, development, redevelopment, and new construction. Rehabilitation of public and private infrastructure and facilities, purchase of equipment and other assets (on a limited basis)	Anytime	www.dca.ga.gov
Assistance to Firefighters Grant (AFG)	Population of 500,000 or less may not receive in excess of \$1 million	All local governments, fire departments within the Georgia Mountains Region	Training, equipment, personal protective equipment, wellness & fitness programs, modifications to stations, vehicle acquisition	Annual (December)	www.fema.gov
Land and Water Conservation Fund	Grant minimum is \$25,000; Maximum is \$100,000 – 50% match required	All local governments within the Georgia Mountain Region	This grant program helps communities acquire recreation lands, and develop/rehabilitate outdoor recreation facilities.	2-Year Cycle	www.gastateparks.org/LWC F



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider July 15, 2021 Meeting Minutes

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [July 15, 2021 Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, July 15, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542**



CALL PUBLIC HEARING TO ORDER:

Mayor Mike Miller called the council meeting to order at 6:10 pm.

Present Mayor Miller and Council Members Joe Anglin, Ed Asbridge, Amy Farah, Leslie Jarchow and Chris Mundy

Also present were Vickie Short, City Manager, Shelia Cooper, Assistant City Clerk, Angela Couch, City Attorney, Alisha Gamble, Finance Director, Rich Atkinson, City Planner, Bill Whidden, Public Works Director and Chris Hulsey, Police Chief.

PLEDGE OF ALLEGIANCE:

Boy Scout Troup #534 led the Pledge of Allegiance.

PUBLIC HEARING:

A rezoning request from JPC Design and Construction, LLC. to rezone a 2.08 +/- acre tract of land identified as 5512 McEver Road, tax parcel number 08099 000009, from NS (Neighborhood Shopping) to HB (Highway Business).

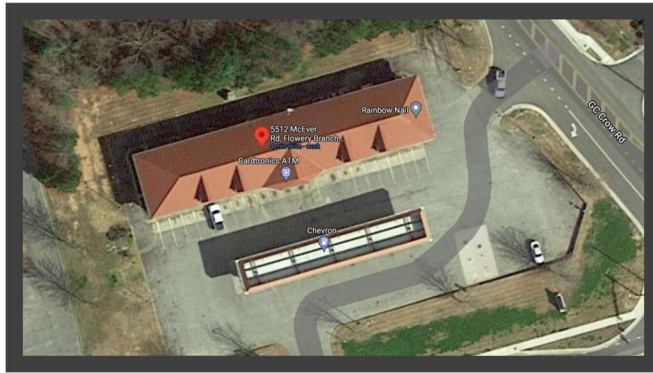
Rich Atkinson presented the request by JPC Design and Construction, LLC. The proposal consists of rezoning 2.08 +/- acres from NS (Neighborhood Shopping) to HB (Highway Business). Applicant wishes to rezone 5512 McEver Road, parcel #08099 0000009. The intent is to construct a fast-food restaurant with a drive thru. The zoning ordinance allows this type of establishment in HB but not in NS.



**Concept
Plan**

The pumps will remain as well the primary structure.
The end unit will be demolished, and the restaurant built.
The remaining suites will be renovated inside and out.
Landscaping will be enhanced, and new signage will be installed





Schedule for this proposal is as follows:

- July 15 – Work Session, Public Hearing
- August 5 – Work Session, if requested
- August 19 – First Vote
- September 2 – Work Session, if requested
- September 16 – Final Vote

Council person Anglin inquired about the septic tank for the service station and the car wash. He also wanted to know if it was possible to have two entrances instead of the current one entrance. Mr. Atkinson replied that two entrances are being considered.

Council person Jarchow questioned if it would be specifically Hardee's that has been displayed on the rendering or if it would be another fast-food chain. Mr. Atkinson replied that it is intended to be a Hardee's Restaurant. Mr. Anglin questioned if the entire building would get a face lift and have professional landscaping. Mr. Atkinson confirmed the redesign and landscaping. Council person Asbridge questioned if a turn lane would be needed for the entrance on G.C. Crow Road and McEver.

A representative from Jones Petroleum gave a brief history of the site and information on the sewer easement. Mr. Anglin wanted to reiterate that a turn lane might be warranted and would like to have a traffic study done regarding a turn lane at the intersection. The representative from Jones Petroleum stated they would consider a traffic study.

PUBLIC COMMENTS:

There were no public comments.

NEW BUSINESS -WORK SESSION:

Consider Clark, Patterson, and Lee proposal for the management services of the construction of the City's wastewater treatment plant.

Ms. Short presented this proposal and explained that the Wastewater Treatment Plant expansion will be the largest and most complex project in the City's history. Due to the size and complexity of the project, staff requests that Clark, Patterson, and Lee represent the city during periodic Owner, Architect, Contractor meetings. CPL will manage the project schedule and budget and will be updating staff as well as Mayor and Council throughout the completion of the project, which could last approximately 26 months.

Consider Black and Veatch Proposal for Capacity Study of Wastewater Treatment Facility

Ms. Short presented the proposal and explained that the Wastewater Treatment Plant needs interim improvements to increase capacity prior to the construction of the planned plant expansion. Black and Veatch will provide written preliminary reports and sketches that will allow the procurement of construction services for the improvements.

Consider Resolution 21-009 - Mercer Group Professional Services Contract and Budget Amendment

Mr. Anglin presented this resolution and explained the Mercer Group is a research firm that recruits administrators, police chiefs and financial directors. They have many years of experience with municipalities and have a deep understanding for hiring the city manager positions. Mr. Anglin explained that this process will take several months to search applicant and to be qualified for this open city manager position. This cost will be \$17,500.00 with an additional cost of up to \$4,200.00 for expenses. This contract will have a one-year warranty.

Woodfield Conservation Easement

Ms. Short presented and explained that a condition of the Woodfield zoning required the Developer to execute and provide the City with a Uniform Deed of Conservation and Trail Easement. The acquisition of this easement will allow for interconnectivity of Flowery Branch Middle School to the north and the Hickman and Stonebridge Village properties to the south and facilitate the overall development of the South Hall portion of the Highlands to Islands Trail System. Staff recommends authorizing the mayor to sign the Uniform Deed of Conservation and Trail Easement.

Consider Resolution 21-010: Local Recovery Assistance Funds Under the American Rescue Plan Act of 2021.

Alisha presented this resolution and explained that on March 11, 2021, the American Rescue Plan Act of 2021 was signed into law by President Biden. Three hundred fifty billion dollars (\$350,000,000,000) is now available to assist state, local, territorial, and tribal governments to address the negative impacts of COVID-19. Flowery Branch is considered a "Non-Entitlement Unit" meaning we have a current population of less than 50,000 and we will receive our funding directly through the state. The City of Flowery Branch has been awarded a total of \$3,108,858. The 50% was deposited on July 12, 2021 (FY2022) in the amount of \$1,554,429. The remaining 50% will be deposited in one year (FY2023). Staff is currently reviewing the plan requirements in comparison with our FY2022 budget and 5-year capital improvement plan for eligible

projects. Staff plans to present a list of proposed projects to Council for consideration and approval during one of the scheduled August work sessions.

A rezoning request from JPC Design and Construction, LLC. to rezone a 2.08 +/- acre tract of land identified as 5512 McEver Road, tax parcel number 08099 000009, from NS (Neighborhood Shopping) to HB (Highway Business).

No additional comments on the rezoning request.

Consider Ordinance #646 Salary Increase for Mayor and Council

Mr. Anglin presented this ordinance and explained that the last increase was in the year 1995. The proposal would increase the mayor's salary from \$500 to \$750 and council members salary would increase from \$400 to \$600. He stated that their workload has increased over the years.

Mayor Miller advised that this ordinance must be passed before qualifying for the election that will take place in November of this year and it will not go into effect until January 1, 2022. Mayor Miller stated that he was not running for reelection for mayor and that this salary increase will not be in his favor but that this position needs to have an increase in salary.

DEPARTMENT REPORTS:

Retirement Plan Valuation Update as of January 1, 2021

Mrs. Gamble presented this plan valuation and explained the main purpose of valuation report is:

- Provide the City recommended rates of contribution.
- Provide summary of participant data as of snapshot valuation date.
- List all Assumptions and Methods that went into developing contributions and liabilities.

Retirement Valuation Update as of 1/1/2021:



- Where is the City with funding?
 - As of 1/1/2021, we have 83.20% funded market value of assets. This funded percentage is low because we started the plan in 2014 (which created the unfunded liability).
 - Funded percentage increased 6.21% from 2020-2021 (62.83% to 69.04%)

Valuation Date:	Administrative Expenses	Annual Minimum Contribution Amount	Percent of Expense/ Contribution Amount	Annual Contribution Percentage	Funded Ratio to Market Value
1/1/2021	\$ 6,744	\$ 175,172	3.85%	10.57%	69.04%
1/1/2020	\$ 6,963	\$ 188,657	3.69%	9.18%	62.83%
1/1/2019	\$ 6,323	\$ 169,444	3.73%	10.19%	64.91%
1/1/2018	\$ 5,954	\$ 146,847	4.05%	9.52%	56.57%
1/1/2017	\$ 5,934	\$ 157,500	3.77%	9.58%	39.60%
1/1/2016	\$ 5,843	\$ 147,319	3.97%	9.26%	10.07%

Retirement Valuation Update as of 1/1/2021:



- Why did administrative fees decrease and the contribution percentage and funded percentage increase?
 - From 1/1/2020 to 1/1/2021, our demographics for our plan changed significantly.
 - Retired participants, vested former employees increased and number of active employees in the plan decreased (paying out more)
 - Valuation of payroll increased due to COLA increases and STEP adjustments increased payroll for all employees city-wide

Demographic data as of valuation date:	2021	2020	2019
Number of retired participants & beneficiaries:	4	2	1
Number of vested former participants:	9	6	4
Number of active employees:	30	43	35
Total valuation payroll:	\$ 1,638,190	\$ 2,031,478	\$ 1,639,971
Average valuation payroll:	\$ 54,606	\$ 47,244	\$ 46,856

- When will the City be fully funded?
 - Full funding is set for a 30-year amortization from the start of the fund. Funding target levels are between 125% - 150% for ongoing mature plans. Our goal is to be fully funded by 2044. We are trending closer to this goal each year.
- How will hiring new employees affect the funding?
 - Valuation of the minimum annual contribution is updated annually with the Retirement Census Report. Any new employees hired in the future will not be a part of the valuation of the year they are hired. The recommended annual contribution will increase by the valuation percentage per new employee added in year two of employment. Right now, our percentage is 10.57% annual contribution of payroll (\$175,172).
- How is our plan different from all the other plans outside of Georgia that are having trouble with funding?
 - State Funding Standards (Georgia Code Section 47-20-10)
 - Each year, all participants are required to make at least the minimum contribution, which is \$160,700, to ensure the plan is well funded.
 - Other plans outside of Georgia failed because of reallocation of resources or failed economies
 - GA state minimum assures funding and GMA has stricter funding guidelines than the state to be able to help cities during an economic downturn such as in 2008 and the current pandemic with COVID-19.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 7:05 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:05 pm.

PUBLIC COMMENTS:

John Watson, 5234 Church Street, 5238 Church Street, 5308 Spring Street, 5509 Gainesville Street, Flowery Branch, GA 30542

Mr. Watson is concerned with the lack of sidewalks at his properties, he would like to see more speed control, and safety improvements throughout the City. He would like to see clean up of some properties in the City.

Ray Stanjevich, 5627 Church Street, Flowery Branch, GA 30542

Mr. Stanjevich is opposed to the rezoning for the townhome development that is proposed for Church Street.

Suzanne Stanjevich, 5627 Church Street, Flowery Branch, GA 30542

Mrs. Stanjevich is opposed to the rezoning for the townhome development that is proposed for Church Street.

Darcy Douglas, 4715 Deer Crossing Court, Flowery Branch, GA 30542

Ms. Douglas is opposed to the rezoning on Church Street.

Janet Upchurch, Sample Pleasures, 5504 Main Street, Flowery Branch, GA 30542

Mrs. Upchurch owns the property at 5605 Church Street. She is concerned about the sidewalk drainage and flooding issues.

Gail Russell, 5633 Church Street, Flowery Branch, GA 30542

Ms. Russell is opposed to the rezoning on Church Street. She has safety concerns and would like cleanup in the City.

Megan & Kelly McLincha, 5628 Church Street, Flowery Branch, GA 30542

Mr. and Mrs. McLincha are concerned about the rezoning on Church Street. Mrs. McLincha is in favor of Mayor and Council salary increases. Mrs. McLincha would like to see speed bumps installed.

Scot & Donna Chalmers, 5926 Mitchell Street, Flowery Branch, GA 30542

Mr. Chalmers opposes the townhomes proposed on Church Street.

Kathy Forte, 6363 Green Oak Ridge, Flowery Branch, GA 30542

Ms. Forte is opposed to the rezoning on Church Street. Ms. Forte supports Mayor and Council salary increase.

Faith Hays, 6905 Hopscotch Court, Flowery Branch, GA 30542

Mrs. Hays is in favor of the Mayor and Council salary increases and she does not feel that a 50% increase is not enough of an increase.

CONSENT AGENDA:

- Consider June 3, 2021, Meeting Minutes
- Consider June 10, 2021, Meeting Minutes 9 am
- Consider June 10, 2021, Meeting Minutes 6 pm
- Consider June 17, 2021, Meeting Minutes

There was a motion made to approve Consent Agenda:

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

NEW BUSINESS - VOTING SESSION:

Consider Clark, Patterson, and Lee proposal for the management services of the construction of the City's wastewater treatment plant.

There was a motion made to Clark, Patterson, and Lee proposal for the management services of the construction of the City's wastewater treatment plant.

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

Consider Black and Veatch Proposal for Capacity Study of Wastewater Treatment Facility

There was a motion made to approve Black and Veatch Proposal for Capacity Study of Wastewater Treatment Facility.

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

Consider Resolution 21-009 - Mercer Group Professional Services Contract and Budget Amendment

City Attorney, Angela Couch, read the caption.

There was a motion made to approve Resolution 21-009 - Mercer Group Professional Services Contract and Budget Amendment.

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

Woodfield Conservation Easement

There was a motion made to approve Woodfield Conservation Easement.

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

Consider Resolution 21-010: Local Recovery Assistance Funds Under the American Rescue Plan Act of 2021.

City Attorney, Angela Couch, read the caption.

There was a motion made to approve Resolution 21-010 approving and authorizing the Finance Director, Interim City Manager and Mayor to execute certain documents required to apply for and accept local recovery assistance funds under the American Rescue Plan Act of 2021; providing an effective date; and for other purposes.

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

Consider Ordinance #646 Salary Increase for Mayor and Council

City Attorney, Angela Couch, read the caption.

There was a motion made to approve Consider Ordinance #646 Salary Increase for Mayor and Council.

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

EXECUTIVE SESSION:

There was a motion made to enter executive session at 8:00 pm.

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

There was a motion made to reconvene open session at 9:51 pm.

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

ADJOURNMENT:

There was a motion made to adjourn at 9:51 pm.

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

Mayor – Mike Miller

Date

Assistant City Clerk – Shelia Cooper



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider 2nd Reading of Ordinance #646 Salary Increase for Mayor and Council

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [Ordinance 646 Mayor and Council Salary Increase.docx](#)
- [Mayor-Council Salaries Analysis- Jan 2020.xlsx](#)

ORDINANCE NO. 646

AN ORDINANCE TO FIX THE SALARY, COMPENSATION, AND EXPENSES OF THE MAYOR AND COUNCIL MEMBERS; TO ESTABLISH AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the City Council of the City of Flowery Branch, Georgia is authorized by O.C.G.A. § 36-35-4 to fix the salary, compensation and expenses of the members of the City's governing authority; and

WHEREAS, Section 2.7(c) of the Charter of the City of Flowery Branch, Georgia authorizes the City Council to fix the salary, compensation and expenses of the mayor and each member of the council in accordance with O.C.G.A. § 36-35-3.

THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS, by the authority of O.C.G.A. § 36-35-3, O.C.G.A. § 36-35-4 and Charter Sec. 2.7(c) as follows:

Section 1. Salary/Compensation of the Mayor and Council Members.

Section 2.7(a)(1) of the Charter is hereby deleted in its entirety and replaced with the following:

"The salary of the Mayor of the City of Flowery Branch, Georgia shall be set at \$750.00 per month for each month of the calendar year that the Mayor serves. The salary for each Councilmember of the City of Flowery Branch, Georgia shall be set at \$600.00 per month for each month that the Councilmember serves."

Section 2. Effective Date.

The effective date of this Ordinance shall be January 1, 2022.

Section 3. Severability.

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance should be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance is applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not be construed to effect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for

any reason.

Section 4. Repealer.

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

Adopted this 5th day of August, 2021.

James M. Miller, Mayor

ATTEST:

Shelia Cooper, Assistant City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney

MAYOR - COUNCIL SALARIES ANALYSIS

City	Population	Area	Mayor Wage	Council Size
Flowery Branch	7,073	6.32	500/month	6
Garden City	8,900	14.3	500/month	6
Holly Springs	11,281	6.7	1,000/month	5
Commerce	6,788	11.8	225/month	5
Auburn	7,603	6.5	1,500/month	4
Loganville	11,674	7.4	1,000/month	6
Jesup	10,170	16.6	100/year	6
Oakwood	4,166	5.05	1,200/month	5
Lula	2,882	4.3	300/month	5
Gainesville	40,000	33.9	500/month	5
Averages	11,054	11.287	673/month	5.3
% Change from Flowery Branch	56%	79%	35%	-12%

**Last approved increase in 1995.

***Information updated as of Jan 2020.

Council Wage	Participate in Retirement?
400/month	
300/month	
500/month	
225/month	
400/month	
500/month	
100/year	
900/month	
100/month	
400/month	
373/month	
-25%	



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a request, submitted by Mr. Calvin Tanner, to operate an auto repair shop out of a residentially zoned property. The property is known as 5505 Gainesville Street.

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

A conditional use permit (CUP) was issued to Mr. Calvin Tanner to operate his auto and RV repair shop at 5505 Gainesville Street. This CUP expired on July 1, 2021. Mayor and Council allowed Mr. Tanner to operate at his home so he could take care of his ill father while searching for a permanent home for his business in a properly zoned district. Mr. Tanner has not found a proper location and has filed a new CUP application.

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Deny request

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff report.pdf](#)



Applicant: Mr. Calvin Tanner DBA Tanner's Auto and RV Service

Property Owner: Mr. Calvin Tanner

Subject Property: 5505 Gainesville Street; Parcel # 08112 019005

Request: Conditional Use Permit (CUP) to operate an auto repair shop in a residentially zoned property

Current Use: Residential

Character Area: Urban Residential

Code:

Per the City of Flowery Branch Zoning Ordinance home occupations are strictly limited to office use only. However, if an applicant wishes to operate a home occupation that is not an office, he/she has the ability to submit a request to operate under a conditional use permit.

Sec. 11.8. Home Occupation.

Home occupations may be established in a portion of a dwelling as provided in permitted uses requirements for the zoning districts established by this Zoning Ordinance. In districts where permitted, the following regulations shall apply to home occupations, and failure to meet one or more of these regulations at any time shall be unlawful and grounds for immediate revocation of business registration:

- (a) Use. The only allowed use for home occupation is office.
- (i) Modification by Conditional Use. Where an application for home occupation does not meet the strict terms of this Section, the provisions of this Section may be modified or varied by application filed by the property owner and approved by the City Council for a conditional use, according to procedures specified in Article 34 of this Zoning Ordinance. The Zoning Administrator may provide a recommendation whether or not the City Council should approve the application, and what if any conditions of approval are recommended.

Property:

The subject property is located at 5505 Gainesville Street; tax parcel identification number 08112 019005. The property is currently zoned Traditional Neighborhood District (TND).













CUP Requirements:

Sec. 34.7. Analysis Requirements.

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

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. *The subject property lies within a residentially zoned area. The use (auto repair) is not suitable for the area.*
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. *The subject property lies within the midst of a residential property. A commercial use at this location is not suitable and may adversely affect nearby properties.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Currently zoned TND (traditional Neighborhood District) the current use (a single-family home) is suitable and serves the purpose of the zoning district.*
- (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. *Car repair at this location could potentially cause excessive or burdensome use of the streets because of tow truck use and more traffic due to customers coming in and out.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *The current character area for this site is "Urban Residential". Car repair, in this instance, is not in conformity with the comprehensive plan.*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *As the downtown area is developed in accordance with the "Old Town" plan, more residential and retail uses will be implemented making auto repair even less desirable.*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *The subject property is surrounded by residential zoned properties (CBD, TND, R1, and PUD). The Masonic Lodge is across the street from the subject property. Currently the Masonic Lodge is considered a legal non-conforming use. Basically, this means it was once an allowed use in*



the zoning district but currently is not inherently allowed (a CUP would be required if the Lodge were to try and locate within this zoning district ((R-1))).

- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *N/A*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations *The use could potentially distract from current home values and could also potentially hamper new residential development in the "Old Town" area.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts *A CUP does not create a new zoning designation, but the conditional approval of this use could potentially give the appearance of having a commercially zoned parcel in the midst of residentially zoned districts.*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *Allowing a commercial use to infiltrate a heavy residential area could potentially alter the character of the area as more non-residential uses could petition to locate there.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *Auto use can have environmental impacts. As a home-based business staff has not determined if there are impacts associated with this use at this location.*
- (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 *Allowing an auto repair business in a heavy residential area does not comply with the overall purpose of the zoning ordinance. This location, being so close to the downtown, is particularly troubling.*



Staff Recommendation:

It is staff's recommendation that the CUP request to operate an auto repair shop as a home occupation submitted by Mr. Calvin Tanner should be denied.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider annexation requests submitted by Fall Leaf, LLC.

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

The proposed development was previously considered by City Council earlier this year with the first read being held as part of the June 10th, 2021 meeting. Hall County objected to the annexation via resolution on April 7, 2021. The applicant formally withdrew the application on June 14th, 2021. Applicant formally re-applied for annexation and rezoning for the project on June 28th, 2021.

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Combined Fall Leaf Ordinances for First Read August 5.pdf](#)
- [Staff Report.pdf](#)
- [FINAL Letter to Hall County.pdf](#)

- Tommy Barnes August 5 applications.pdf

Public Hearing Published 07/07/21
Public Hearing 08/05/21

First Reading 08/05/21
Adopted 08/19/21

ORDINANCE 647

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A 16.62 +/- ACRE PARCEL OF LAND OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL 08150 002002A AND, AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Estate of Clara Mae Mann owns the 16.62 +/- acre parcel of land known as 6495 McEver Road, identified as Parcel Tax Identification No.08150 002002A, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, said property known as 6495 McEver Road is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Fall Leaf Residential, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the parcel of land, which is being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 5, 2021 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a real parcel of land described as 6495 McEver Road, identified as Parcel Tax Identification No. 08150 002002A, as shown on Exhibit “A”, and as described on Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be September 1st, 2021.

SECTION 6. REPEALER.

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

Approved this 19th day of August 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

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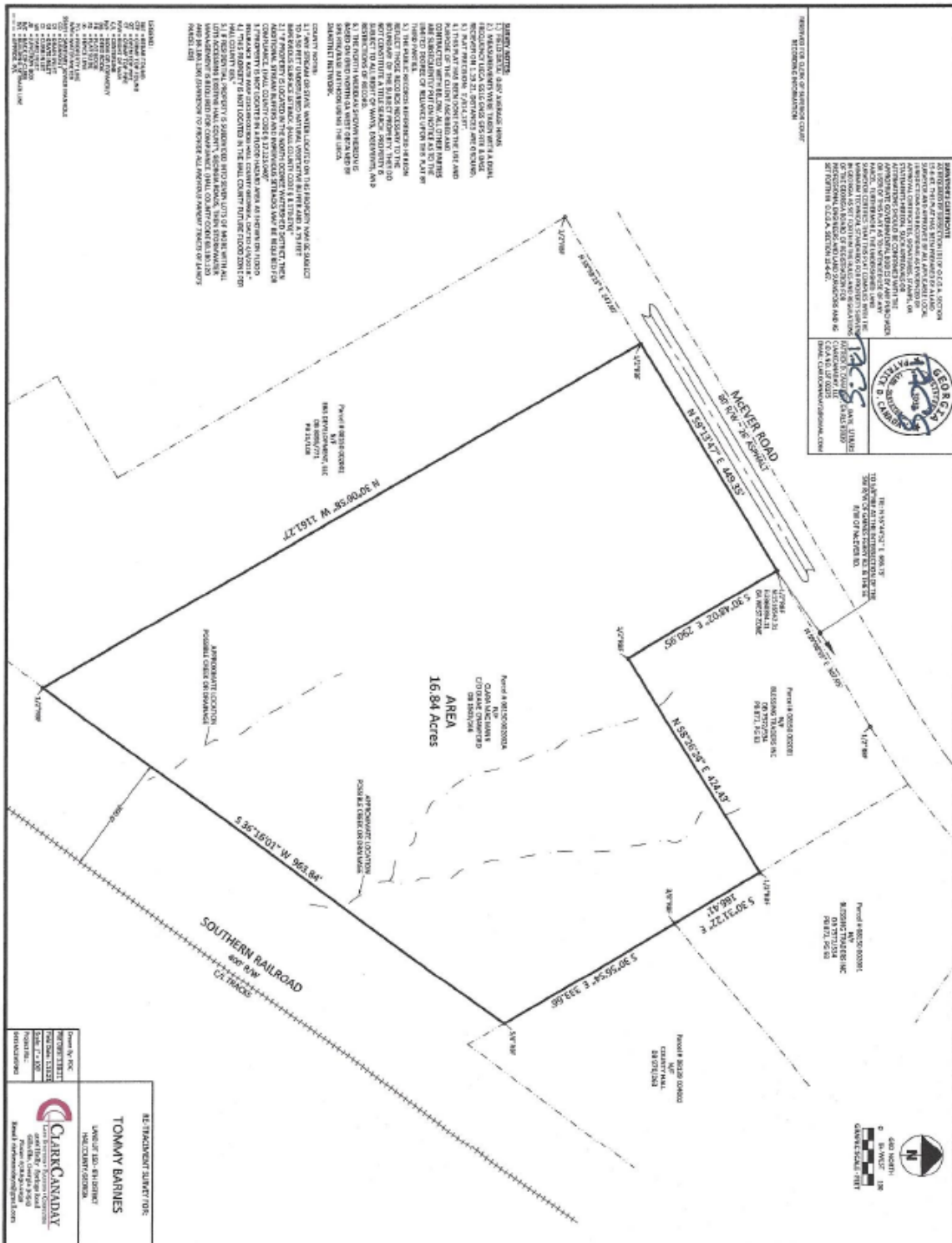


Exhibit "B"

Legal Description 16.84 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 666.79 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way; Thence running South $30^{\circ}48'02''$ East 290.95 feet to a point; Thence running North $58^{\circ}26'24''$ East 424.43 feet to a point; Thence running South $30^{\circ}31'22''$ East 166.41 feet to a point; Thence running South $30^{\circ}56'54''$ East 333.66 feet to a point on the northwesterly right of way line of Southern Railroad (400 foot right of way); thence running South $36^{\circ}16'01''$ West along said Southern Railway right of way 963.84 feet to a point; thence running North $30^{\circ}06'58''$ West 1161.27 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North $59^{\circ}13'47''$ East along the southeasterly Right of Way line of McEver Road 449.35 feet to a point and being the Point of Beginning, said property consisting of 16.84 acres.

Public Hearing Published 07/07/21
Public Hearing 08/05/21

First Reading 08/05/21
Adopted 08/19/21

ORDINANCE 648

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY TOTALING 16.62 +/- ACRES, OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL NO. 08150 002002A AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Estate of Clara Mae Mann owns 6495 McEver Road identified as Parcel Tax Identification No.08150 002002A, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Diane Mann Crawford has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 5, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County AIII (Agricultural Residential) to Flowery Branch R III (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 could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

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

SECTION 2. REZONING.

A real piece of property known as 6495 McEver Road, as shown on Exhibit “A” which is legally described in Exhibit “B”, and conditioned on attached Exhibit “C”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch R III (Residential Multi-Family). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be September 1st, 2021.

SECTION 6. REPEALER.

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

Approved this 19th day of August 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "B"

Legal Description 16.62 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 666.79 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South 30°48'02" East 290.95 feet to a point; Thence running North 58°26' 24" East 424.43 feet to a point; Thence running South 30°31'22" East 166.41 feet to a point; Thence running South 30°56'54" East 322.81 feet to a point; thence running South 36°16'01" West 963.67 feet to a point; thence running North 30°06' 58" West 1150.36 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North 59°13'47" East along the southeasterly Right of Way line of McEver Road 449.35 feet to a point and being the Point of Beginning, said property consisting of 16.62 acres. .

Exhibit "C"

Conditions of Zoning

1. Development shall be limited to no more than 167 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:



3. A homeowner's association is required.
4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. A landscape plan shall be submitted at the time of land disturbance permit.
6. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
7. Sidewalks are not required along McEver Road.
8. Townhomes shall be constructed of a combination of brick, stacked stone, and cementitious fiber board.

9. Townhomes shall generally adhere to the elevations as shown below:



Public Hearing Published 07/07/21
Public Hearing 08/05/21

First Reading 08/05/21
Adopted 08/19/21

ORDINANCE 649

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, AN 8.84 +/- ACRE PARCEL OF LAND OWNED BY E&S DEVELOPMENT, LLC. IDENTIFIED AS 6509 MCEVER ROAD, TAX PARCEL 08150 002002, AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, E&S Development, LLC. owns the parcel of land known as 6509 McEver Road, identified as Parcel Tax Identification No.08150 002002, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, said property known as 6509 McEver Road is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Fall Leaf Residential, LLC. have submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the parcel of land known as 6509 McEver Road which is being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 5, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia parcel known as 6509 McEver Road and identified as Parcel Tax Identification 08150 002002, as shown on Exhibit “A”, and as described on Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be September 1st, 2021.

SECTION 6. REPEALER.

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

Approved this 19th day of August 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "B"

Legal Description 8.843 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 1116.14 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South $24^{\circ}39'37''$ East 1160.82 feet to a point on the northwesterly right of way line of Southern Railroad (400 foot right of way); thence running South $41^{\circ}46'15''$ West along said Southern Railway right of way 484.73 feet to a point; thence running North $24^{\circ}47'04''$ West 477.85 feet to a point; Thence running North $64^{\circ}50'23''$ East 200.05 feet to a point; Thence running North $24^{\circ}48'14''$ West 871.14 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North $64^{\circ}26'11''$ East along the southeasterly Right of Way line of McEver Road 247.50 feet to a point and being the Point of Beginning, said property consisting of 8.843 acres. .

Public Hearing Published 07/07/21
Public Hearing 08/05/21

First Reading 08/05/21
Adopted 08/19/21

ORDINANCE 650

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING AN 8.84 +/- ACRE PARCEL OF LAND OWNED BY E&S DEVELOPMENT, LLC. IDENTIFIED AS 6509 MCEVER ROAD, AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, TO BE REZONED FROM HALL COUNTY HIGHWAY BUSINESS (HB) TO FLOWERY BRANCH HIGHWAY BUSINESS (HB); PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, E&S Development, LLC. owns the subject property identified as Parcel Tax Identification No.08150 002002as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, E&S Development, LLC. has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 5, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County HB (Highway Business) to Flowery Branch R III (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 could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

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

SECTION 2. REZONING.

An 8.84 +/- acre parcel of land known as 6509 McEver Road identified as Parcel Tax Identification 08150 002002, as shown on Exhibit “A,” and as legally described in Exhibit “B”, and conditioned on attached Exhibit “C”, is hereby rezoned from Hall County HB (Highway Business) to Flowery Branch R III (Residential Multi Family). Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 September 1st, 2021.

SECTION 6. REPEALER.

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

Approved this 19th day of August 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

218



Exhibit "B"

Legal Description 8.843 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 1116.14 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South 24⁰39'37" East 1160.82 feet to a point on the northwesterly right of way line of Southern Railroad (400 foot right of way); thence running South 41⁰46'15" West along said Southern Railway right of way 484.73 feet to a point; thence running North 24⁰47' 04" West 477.85 feet to a point; Thence running North 64⁰50'23" East 200.05 feet to a point; Thence running North 24⁰48'14" West 871.14 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North 64⁰26'11" East along the southeasterly Right of Way line of McEver Road 247.50 feet to a point and being the Point of Beginning, said property consisting of 8.843 acres.

Exhibit "C"

Conditions of Zoning

1. Development shall be limited to no more than 167 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:



3. A homeowner's association is required.
4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. A landscape plan shall be submitted at the time of land disturbance permit.
6. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
7. Sidewalks are not required along McEver Road.
8. Townhomes shall be constructed of a combination of brick, stacked stone, and cementitious fiber board.

9. Townhomes shall generally adhere to the elevations as shown below:





Staff Report

Applications to annex and rezone two parcels of land from unincorporated Hall County into the City of Flowery Branch were submitted by Fall Leaf Residential, LLC. The following properties are being considered:

1. **6495 McEver Road; Tax Parcel 08150 002002A; Parcel totals 16.62 +/- acres; Annex and rezone from Hall County AR-III to Flowery Branch R3 (Residential Multi-Family)**
2. **6509 McEver Road; Tax Parcel 08150 002002; Parcel totals 8.84 +/- acres; Annex and rezone from Hall County HB to Flowery Branch R3 (Residential Multi-Family)**



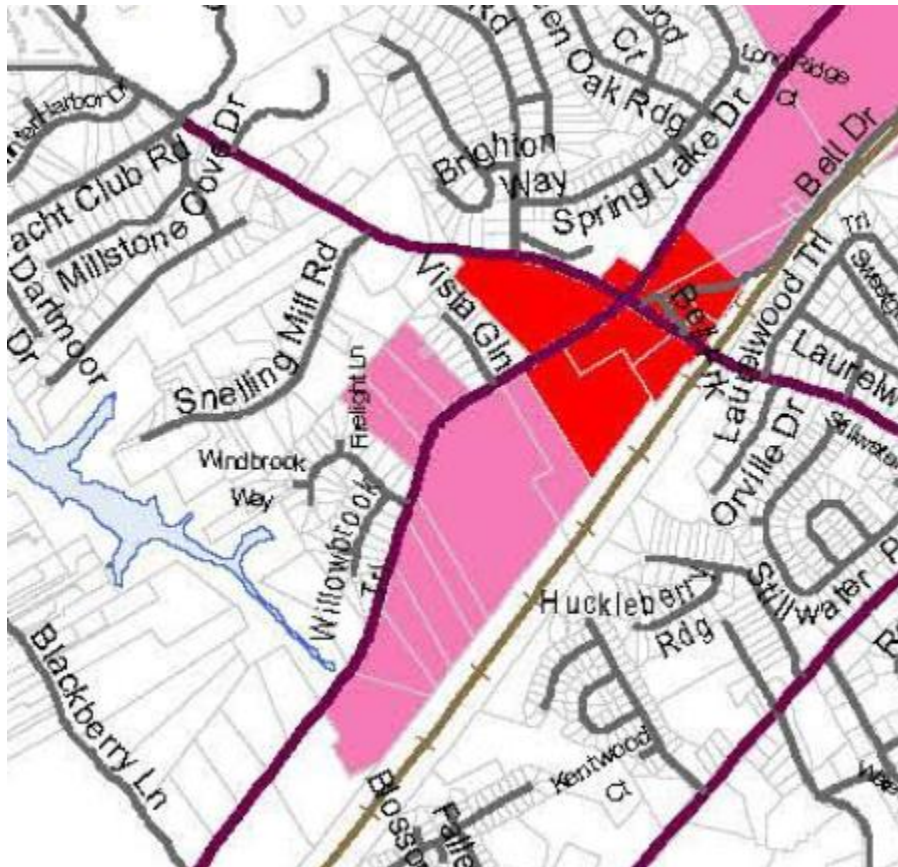
Applicant proposes to construct a residential subdivision consisting of 167 townhomes. The current parcels are considered eligible for annexation as they are contiguous with the current city-limits.



Comprehensive Plan

Designated as a “Mixed Use” character area.

Flowery Branch character area map:



The mixed-use character area inherently allows residential, but the overall intent is to have an integrated residential and commercial center. As commercial development has slowed, the City has tried to take a more holistic approach to the mixed-use concept. This approach contemplates nearby existing or potential commercial that, although not part of the project in question, could be considered symbiotic with one another. With the potential commercial opportunities to the north and south of this proposed project (as well as the already under development true mixed-use “Farm” project across the street) staff feels this is a project that can be considered under the holistic approach employed in the past and that it meets the intent of this character area if viewed through that specific lens.



Mixed Use

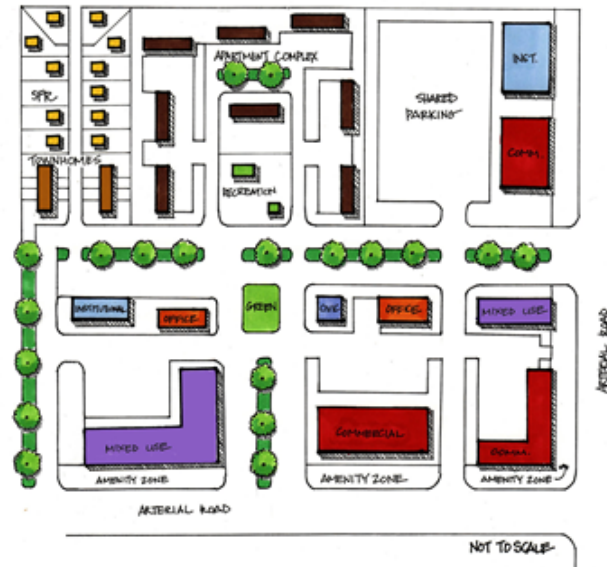
VISION: Areas that will be developed with a combination of different land uses intended to create an environment where compatible land uses can be located in close proximity to each other. Diverse places with unique architecture contributing to the economic base of the city.

USES AND INTENSITIES: Acceptable uses include business/office parks, light industrial, smaller scale retail, neighborhood commercial and residential uses.

MAJOR FEATURES: Connectivity is important between uses and developments. Automobile traffic is frequent but pedestrian accessibility is still a necessity.

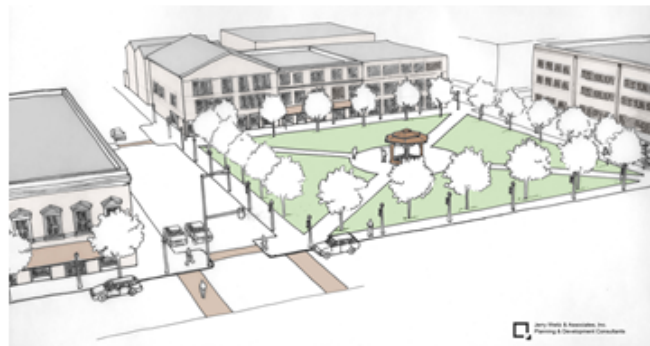
REGULATIONS: This character area will be primarily implemented with the planned unit development or commercial zoning districts. Developments will be required to complete design review and comply with all aesthetic requirements.

QUALITY COMMUNITY OBJECTIVES IMPLEMENTED: Appropriate business, residential, and employment options, transition between more intense uses and compatibility between uses.



ILLUSTRATIVE MIXED-USE ACTIVITY CENTER

Jerry Weitz & Associates, Inc.
Planning & Development Consultants



Illustrative Example of Mixed Use with Focus on Commercial/Residential Design



Proposal

Submitted by applicant:



Analysis

Flowery 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:

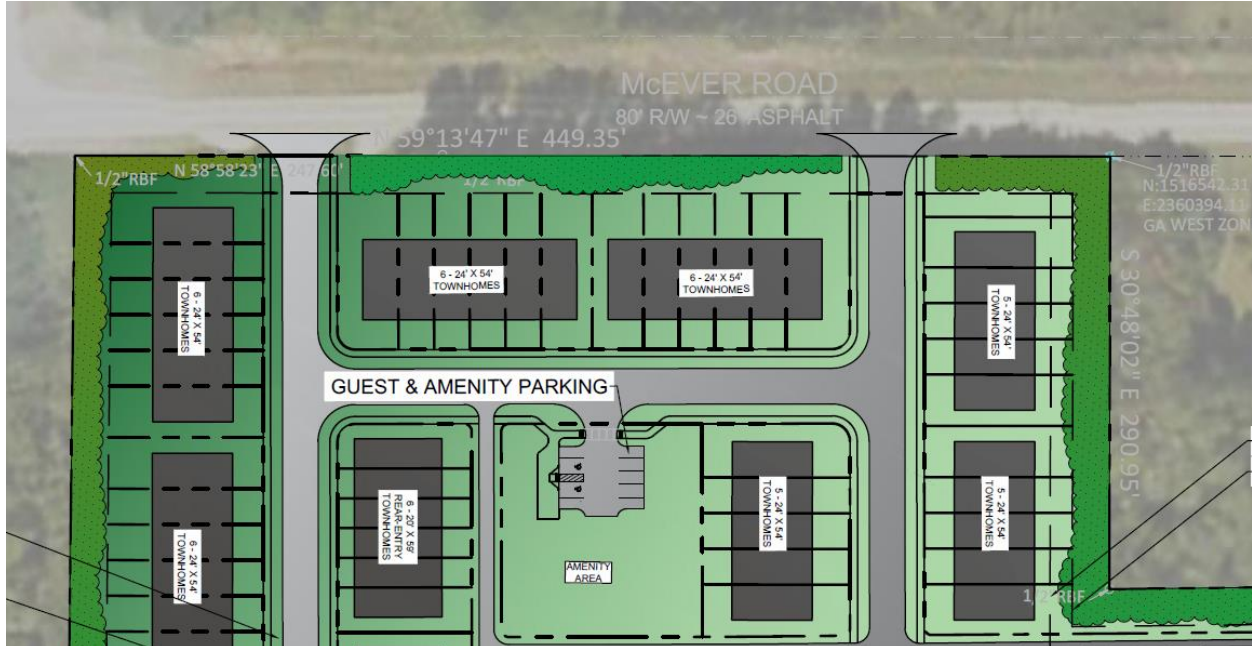
- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, a residential subdivision is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **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 zonings of Agricultural Residential and Highway Business could be used for other developments.**
- (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. **Currently, the Comprehensive Plan denotes this area as part of the "Mixed-Use" character area. The proposed use meets the intent of the Comprehensive Plan (see previous comments regarding the Comprehensive Plan as part of this staff report).**
- (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. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed residential use will fit in well with the corridor.**
- (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 the current zoning classifications of Agricultural-Residential and Highway Business do not allow the proposed residential subdivision.**
- (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.**



- (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 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.**

Site Plan

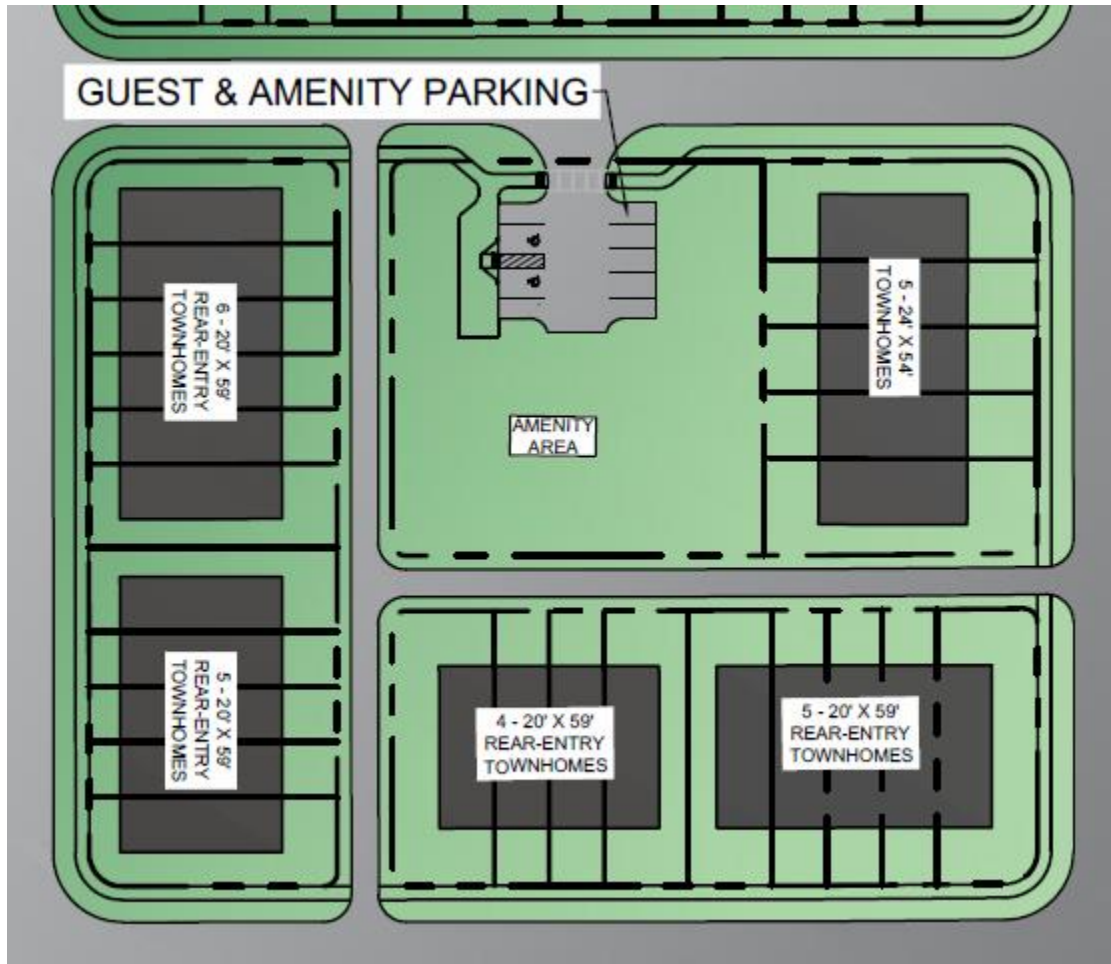
McEver Road has two points of ingress/egress and has a proposed landscape buffer. Mayor and Council have the ability to request a further detailed landscape plan along McEver is so desired.



Rear accessed townhome product is provided by applicant and has previously been identified as desirable by Mayor, Council, and staff as it promotes a more scenic, less garage dominant, streetscape.



Additionally, the rear accessed townhome helps to promote a less auto intense feel to the subdivision and also promotes a more “neighborhood” aesthetic.



Overall, the site plan has been improved significantly from the original submittal and promotes easier vehicular and pedestrian flow and connectivity.



R-3 Zoning

Townhomes are inherently allowed per the code and the proposed development meets the intent of the R-3 zoning district. One possible exception would be the lot size as the applicant lists the projected lot size as 2,100 square feet with R-3 requiring 10,000 square feet. The 10,000 square foot requirement is not feasible for a townhome unless the lot is defined as encompassing the entire run of townhomes. Staff wishes to denote the potential discrepancy in R-3 requirements and the proposed development. However, staff feels this is a matter of interpretation and does not negatively impact the proposal.

Requirement (measurement unit)	A	R-1	R-2	R-3
Maximum height (feet)	75	35	35	45
Maximum height (number of stories)	3	3	3	3
Maximum density (units per acre)	0.333	2.18	3	12
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	10,000
Minimum lot size for two-family dwelling (square feet) (1)	N/A	N/A	N/A	20,000
Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000	10,000
Minimum lot width (feet)	200	90	75	50
Minimum heated floor area per dwelling unit (square feet)	1,500	2,200	1,800	1,000
Minimum heated floor area per dwelling unit, ground floor of a dwelling (square feet)	750	1,100	900	750
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	20	10	10
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25	25
Minimum rear setback, all principal buildings (feet)	35	25	20	20
Minimum setback, all principal or accessory buildings and structures abutting an R-1, R-2, or R-3 district (feet)	Side and rear setbacks shall apply	50	50	
Minimum width of natural buffer abutting R-1, R-2, or R-3 district (feet)	None	None	None	40
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	15	15	10	20
Minimum landscape strip required along rights-of-way for any apartment or condominium (multi-family residential) use (width in feet)	N/A	N/A	N/A	20
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	5	5	5	5
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35	40
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15	15



Staff Recommendation

Staff recommends approval with the following conditions:

1. Development shall be limited to no more than 167 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:



3. A homeowner's association is required.
4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. A landscape plan shall be submitted at the time of land disturbance permit.



6. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
7. Sidewalks are not required along McEver Road.
8. Townhomes shall be constructed of a combination of brick, stacked stone, and cementitious fiber board.
9. Townhomes shall generally adhere to the elevations as shown below:







June 29, 2021

Via Certified Mail, Return Receipt Requested
7019 1640 0000 1827 1658

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

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

Dear Ladies and Gentlemen:

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

This letter has been sent to you by certified mail, return receipt requested, within five (5) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows:

1. 6495 McEver Road; Tax Parcel 08150 002002A; Parcel totals 16.62 +/- acres; Annex and rezone from Hall County AR III (Agricultural Residential III District) to Flowery Branch R3 (Residential Multi-Family District); and
2. 6509 McEver Road; Tax Parcel 08150 002002; Parcel totals 8.84 +/- acres; Annex and rezone from Hall County HB (Highway Business District) to Flowery Branch R3 (Residential Multi-Family District).

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

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



Hall County Board of Commissioners
Annexation and Rezoning of 6495 and 6509 McEver Road
June 29, 2021
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch R-3 (Residential Multi-Family) will be held on Thursday, August 5, 2021, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has an objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify me within thirty (30) calendar days of the receipt of this notice.

Sincerely,

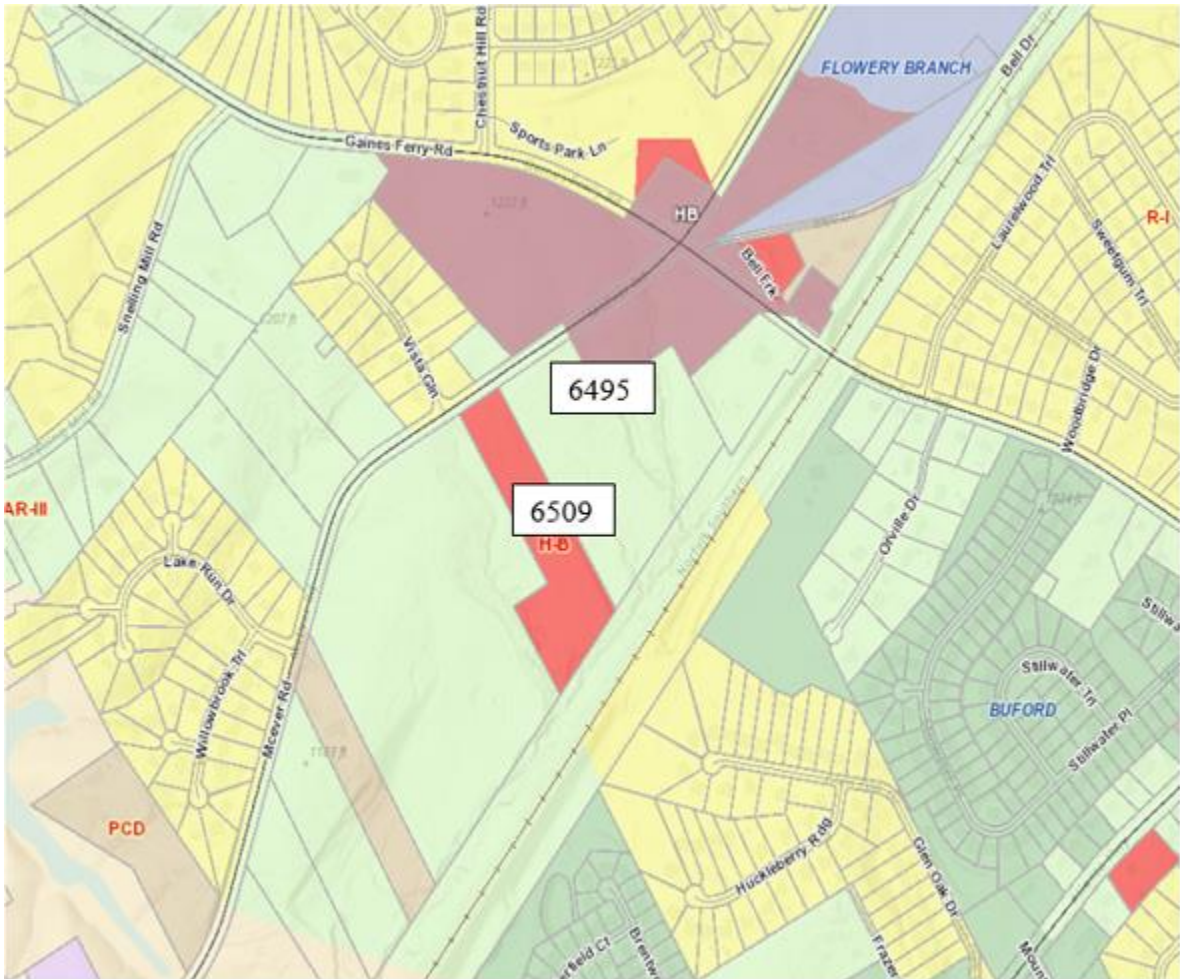
Richard JE Atkinson

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

RA/

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

cc: Van Stephens, County Attorney
Sarah McQuade, Director of Planning and Development





ANNEXATION APPLICATION

Date: 6.28.21

Address of Request:

6495 McEVER Road

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

City Clerk Signature

Dicie Short

Applicant Information

Name: FALL LEAF RESIDENTIAL LLC

Address: 3280 Pointe PKWY SUITE 2300
NORCROSS GA 30092

E-mail address: nwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature:

Don White

Property owner information (if different than the applicant)

Property owner (please print): Estate of Clara Mae Mann

Signature of property owner:

Diane M. Crawford

Diane M. Crawford Independent Executrix
of the Estate of Clara Mae Mann



Property Information

Tax Map Number: 08150 002 002 A

Current Zoning: AR III Total Acres: 16.62

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

Proposed City of Flowery Branch Zoning: B3

Proposed City of Flowery Branch Character Area: COMMERCIAL

Current Use: VACANT

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

Voting Rights Act Information

Resident Population: 8,325 Housing Units: 3,296 Other Buildings:

Race Population %: White 83% Black 8% Hispanic 8.7% Other 3%

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

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

I authorize the City of Flowery Branch to inspect the property

Alan White



Conflict of Interest Disclosure

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

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

NONE

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

NONE

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

NONE

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A



Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A	

CITY STAFF ONLY

Application Received By: MPA

Date: 6.28.21 Total Fee: 500



REZONING APPLICATION

Date: 6.28.21

Address of Request:

6495 McEVER ROAD

Tax Map # 08150 002 002A Current Zoning: AR111

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

Currently a conforming use? YES

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

Applicant Information

Name: FALL LEAF RESIDENTIAL LLC

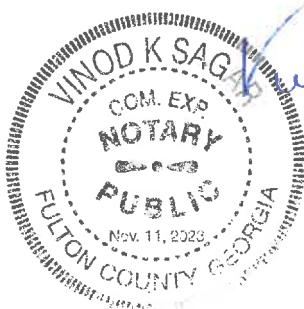
Address: 3280 Pointe Pkwy SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404-~~286-1110~~ 502-3305

Signature: Ann White

Notary:





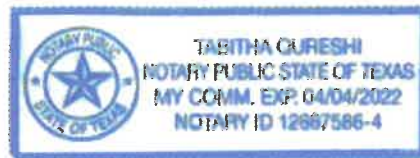
Property owner information (if different than the applicant)

Property owner (please print): ESTATE OF CLARA MAE MANN

Signature of property owner: Diane Mann Crawford
Diane Mann Crawford Independent
EXECUTRIX OF THE ESTATE OF
CLARA MAE MANN

Notary:

STATE OF TEXAS
COUNTY OF TRAVIS
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 15 DAY OF JUNE, 2021,
BY Diane Crawford
Tabitha Qureshi
NOTARY PUBLIC



Property Information

Tax Map Number: 0815 002 002A

Current Zoning: AR III Total Acres: 16.82

Is this property located within the city-limits of Flower Branch? NO

Proposed City of Flower Branch Zoning: B-3

Current Use: VACANT

Please review the Flower 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

I authorize the City of
Flowery Branch to inspect
the Property

Don White

Conflict of Interest Disclosure

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

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

NONE

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

NONE

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

NONE



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: Daga
Date: 6.28.21 Total Fee: 50



Flowery Branch

..



REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: 6.28.21

Address of Request:

6495 McEver Road

Tax Map # 08150-002 002 A Current Zoning: AR111

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. \$46,760,000.00
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). $46,760,000 \times 40\% = \$18,704,000$
 $\times 3.264 \text{ MR} = \$61,049,411 \text{ City Tax}$
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Begin Construction 6-22
24 month build out complete 6-24
4. Anticipated total square footage (heated) to be built in the requested number of units. 277,400 sq-ft.
5. Total acreage developed with units. 19.47
6. Total acreage for right of way and roads. 4.30 A. ROW 2.10 Roads
7. Total acreage of open space/common area (include plan for maintenance of open space/common area). 9.86 A HOA will be responsible for maintenance and upkeep
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? No
 - 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) *No*
10. Please identify all amenities and total number of acres they incorporate by complete description. *Passive Recreation 5.7 Acres*
11. Number of street lights and separation table as proposed on your site plan. *10*
12. Will Technology Development be included in this development? *No*
13. List the total linear feet and cubic yards for sidewalks. *5816 L.F. 9693 CY*
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? *Yes*
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? *50,100*
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? *50,100*
19. Has a slope and grade study been done on this development? Does the study reflect density placement? *Yes*
20. Please identify what public safety needs are being considered for the project? *None Anticipated*
21. Has the Hall County School System been notified of the proposed density for this project? *Not Yet*
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. *Architectural Renderings have been submitted. Exterior building materials will consist of cement based siding such as Hardiplank with brick and stone accents*



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: MP

Date: 6.28.21 Total Fee: rw

MCEVER ROAD TOWNHOUSE DEVELOPMENT

Sec. 34.6. - Development Statistics Required.

Applications described in this Article shall submit development statistics and specifications shall at minimum include on the site plan or in written form the information specified in this Section.

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

The maximum proposed height is 3 stories or 35 feet

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

- (c) Color renderings of any proposed structures;

Color renderings of the proposed architectural style have been submitted

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

Exteriors of the homes will be primarily 95% cement based siding such as Hardiplank with brick and stone accents

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

The maximum number of dwelling units allowed is 12 units per acre or 305 units, applicant is proposing 167 units or 6.56 units per acre. Minimum heated floor area allowed is 1,000 square feet, applicant is proposing minimum heated floor area of 1,600 square feet

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

Proposed lot coverage is 54% for front entry units or 1296 square feet, lot coverage for rear entry units is 56% or 1180 square feet

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

Minimum landscaped area is 15% or 167,793 square feet, proposed landscaped area is 19.9% or 220,175 square feet

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

Minimum parking spaces is 334, applicant is proposing 343 parking spaces, 334 garage spaces and 9 guest/mail kiosk spaces

- (i) Other dimensional information as may be required by the Zoning Administrator.

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.

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

The proposed townhouse use is compatible with use and development of nearby property, the adjoining property to the northeast is zoned for commercial uses and the property across McEver Road is zoned for a combination of commercial and townhouse uses

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

The proposal will not affect the use or useability of nearby properties.

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

No, 16 acres of the property is zoned Agriculture and there is no reasonable economic use under said zoning. 8.8 acres of the property is zoned commercial and may have a reasonable use however due to the shape and topo this property has a much more reasonable economic use as a townhouse development.

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

No, the townhouse use will not be burdensome on 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.

This property is shown as commercial on the land use plan, a townhouse use will be less intense than a commercial use therefore the townhouse use would be consistent with the intent of the land use 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.

There is a great demand for new residential homes in this area which supports the grounds for approving this application

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

North vacant commercial and fire station

East Railroad tracts and mixture of commercial and residential

South vacant agriculture

West single family residential and commercial and townhouse at corner of McEver and Gaines Ferry

- (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.

16 acres of this property has been owned by the Mann family for over 50 years, the property is zoned agriculture and has very little value with the current zoning. The 8.8 acres is zoned commercial but due to the shape and topo despite years of effort no commercial user could be found and in fact the only offers have been for a residential use

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

The zoning proposed is less intense than commercial use indicated on the land use plan therefore should have no deterrent to the value or development of adjacent property

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

No, this will not create an isolated zoning district, as mentioned previously there is a mixed commercial and townhouse now under development across McEver Road, this development along with the adjacent 6 acre commercially zoned tract at the corner of Mcever and Gaines Ferry will also provide a mixed commercial and townhouse development.

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

This rezoning will not affect the character of this 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

This development will comply with all Flowery Branch ordinances related to drainage, soil erosion, sedimentation, flooding air and water quality therefore it should have no adverse environmental impact

- (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

As mentioned before the land use plan shows commercial uses for this property, a townhouse use is less intense therefore applicant believes the zoning proposed is consistent with the overall scheme and purpose of the Zoning Ordinance



0 GA-WEST 100

GRAPHIC SCALE - FEET

Parcel # 08150 002001
N/F
BLESSING TRADERS INC
08 7572/534
PB 872, PG 93

Parcel # 08139 004002
N/F
COUNTY HALL
DB 970/263

Parcel # 08150 002001
N/F
BLESSING TRADERS INC
DB 7572/534

Parcel # 08150 002002A
N/F
CLARA MAE MANN
C/O DIANE CRAWFORD
DB 1503/166

TRACT 1
16.62 Acres

Parcel # 08150 002002
N/F
E&S DEVELOPMENT, LLC
DB 8095/771
PR 21/108

TRACT 2
0.22 Acres
(10' STRIP TO REMAIN
IN COUNTY)

SOUTHERN
400
C/L TRAC

PRE-TRACEMENT SURVEY FOR:

TOMMY BARNES

LAND LOT 150 - 8TH DISTRICT



4066 Holly Springs Road
Gillsville, Georgia 30543
Phone: 678.630.2039
Email: clarkcansday2@gmail.com

Drawn By: PDC
Plot Date: 1.18.21
Field Date: 1.16.21
Scale: 1" = 100'
Project No.: 6495MCEVERRD

REVISED 6/17/21: ADD 10' STRIP ALONG RR R/W



DATE 1/18/21
PATRICK D. CANADAY, GA RLS #3039
CLARKCANADAY, LLC
C.O.A NO. LSF 00175
EMAIL: CLARKCANADAY2@GMAIL.COM

SURVEYOR'S CERTIFICATE
AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION
15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND
SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL
JURISDICTIONS FOR RECORDING AS EVIDENCED BY
THE SIGNATURES OF THE SURVEYOR, COUNTY CLERKS,
STATEMENT PERSON, SUCH APPROVALS OR
AFFIRMATIONS SHOULD BE CONFIRMED WITH THE
APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER
OR USER OF THIS PLAT AS INTENDED USE OF ANY
PART. FURTHERMORE, THE UNDERSIGNED LAND
SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE
REQUIREMENTS OF 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.

RESERVED FOR CLERK OF SUPERIOR COURT
RECORDING INFORMATION

SURVEY NOTES:

- 2.1. FIELD DATA: 0.05' AVERAGE HRMS
- 2.2. MEASUREMENTS WERE TAKEN WITH A DUAL FREQUENCY LIECA G516 GNSS GPS RTK & BASE RECEIVER ON 1.19 21 DISTANCES ARE GROUND
- 3.1. PRECISION: 1.7614, 137"
- 3.2. THIS PLAT WAS DONE FOR THE USE AND CONTRACTED WITH BELOW. ALL OTHER PARTIES ARE SUBSEQUENTLY PUT ON NOTICE AS TO THE LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY THIRD PARTIES.
- 5.1. THE PUBLIC RECORDS REFERENCED HEREON ARE THE PUBLIC RECORDS OF THE COUNTY OF GRAD, NORTH DAKOTA, AND THE BOUNDARY OF THE SUBJECT PROPERTY, THEY DO NOT CONSTITUTE A TITLE SEARCH. PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.
- 6.1. THE NORTH MERIDIAN SHOWN HEREON IS BASED ON GRID NORTH 68 WAS OBTAINED BY THE LIECA G516 GNSS GPS RTK & BASE RECEIVER ON 1.19 21 DISTANCES ARE GROUND
- 7.1. CONTOURS SHOWN HEREON WERE COMPILED FROM THE USGS NATIONAL MAP.

COUNTY NOTES:

1.) ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 7.5 FEET TO 50 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 7.5 FEET TO 50 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER DISTRICT. THEN THE PROPERTY LOCATED IN THE INDIAN CREEK WATERSHED DISTRICT. THEN ADDITIONAL STREAM BUFFERS AND INFERVISED WATERWAYS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 17.225.040)

3.) PROPERTY IS NOT LOCATED IN A FLOOD-HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP #1312023686 IN THE COUNTY OF GEORGIA AND 7206.0. ANY RESIDENTIAL PROPERTY IS NOT LOCATED IN THE HALL COUNTY FLOOD ZONE PER HALL COUNTY GIS.

5.) IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OF MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT SHALL BE PROVIDED FOR EACH LOT. THE SUBDIVISION SHALL BE REQUIRED TO PROVIDE ALL PREVIOUSLY GRANTED TRACTS OF LAND'S (PARCELS 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759

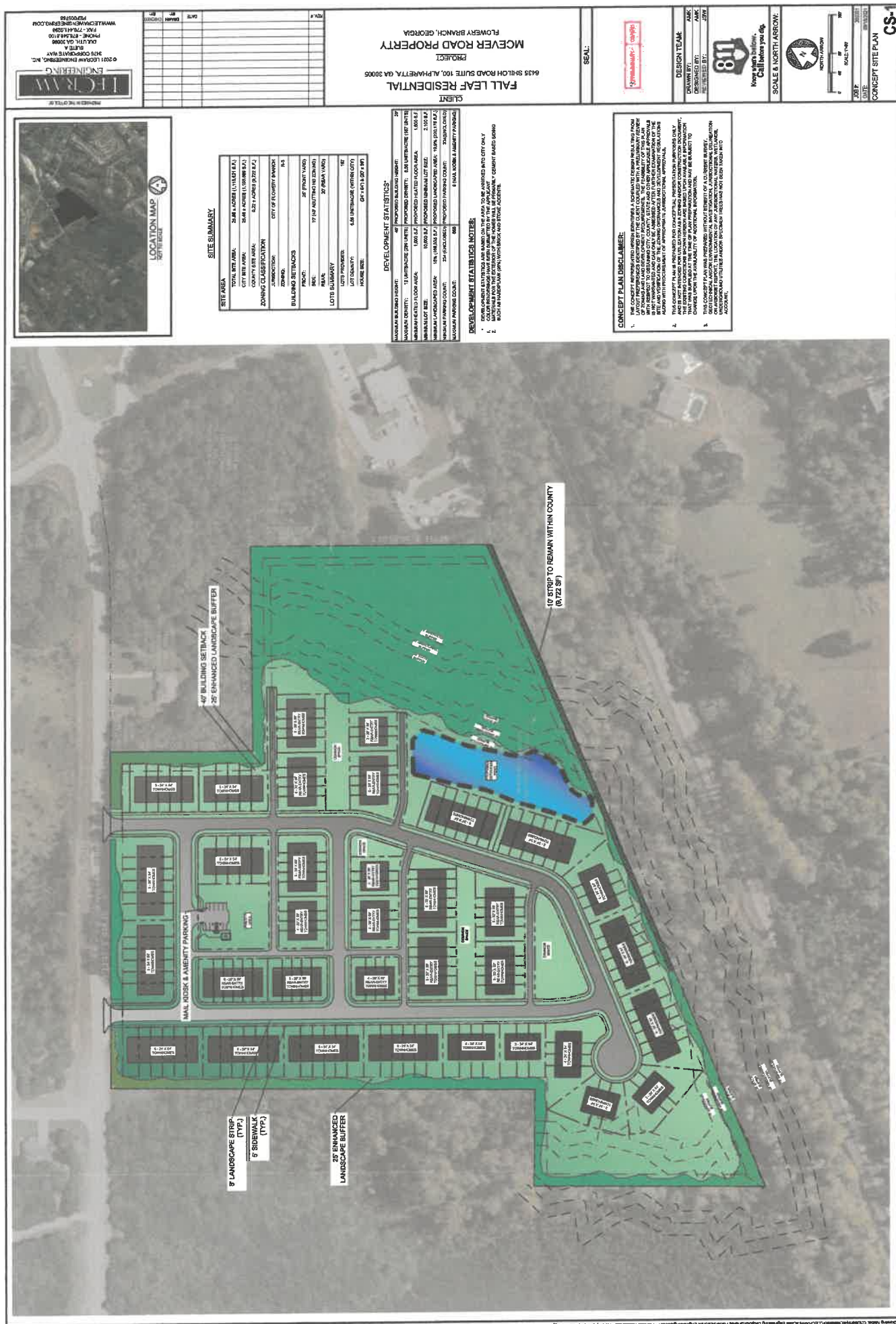
LEGEND:

RRF = REBAR FOUND
CTF = CRIMP TOP FOUND
OT = OPEN TOP PIPE
CT = CRIMP TOP PIPE
RW = RIGHT OF WAY
C/L = CENTERLINE
N/O = NOT USED FORMERLY
N/D = NOT DETERMINED
PB = PLAT BOOK
PS = PLAT SLIDE
-X- = FENCE LINE
P/L = PROPERTY LINE
WM = WATER METER
SSM = SANITARY SEWER MAINHOLE
C = CLEANOUT
B = BRICK INLET
G = GRATE INLET
C = CURB INLET
W = YARD INLET
J = JUNCTION BOX
B/C = BACK OF CURB
B/L = BUILDING SETBACK LINE

Legal Description 16.62 acres McEver Road

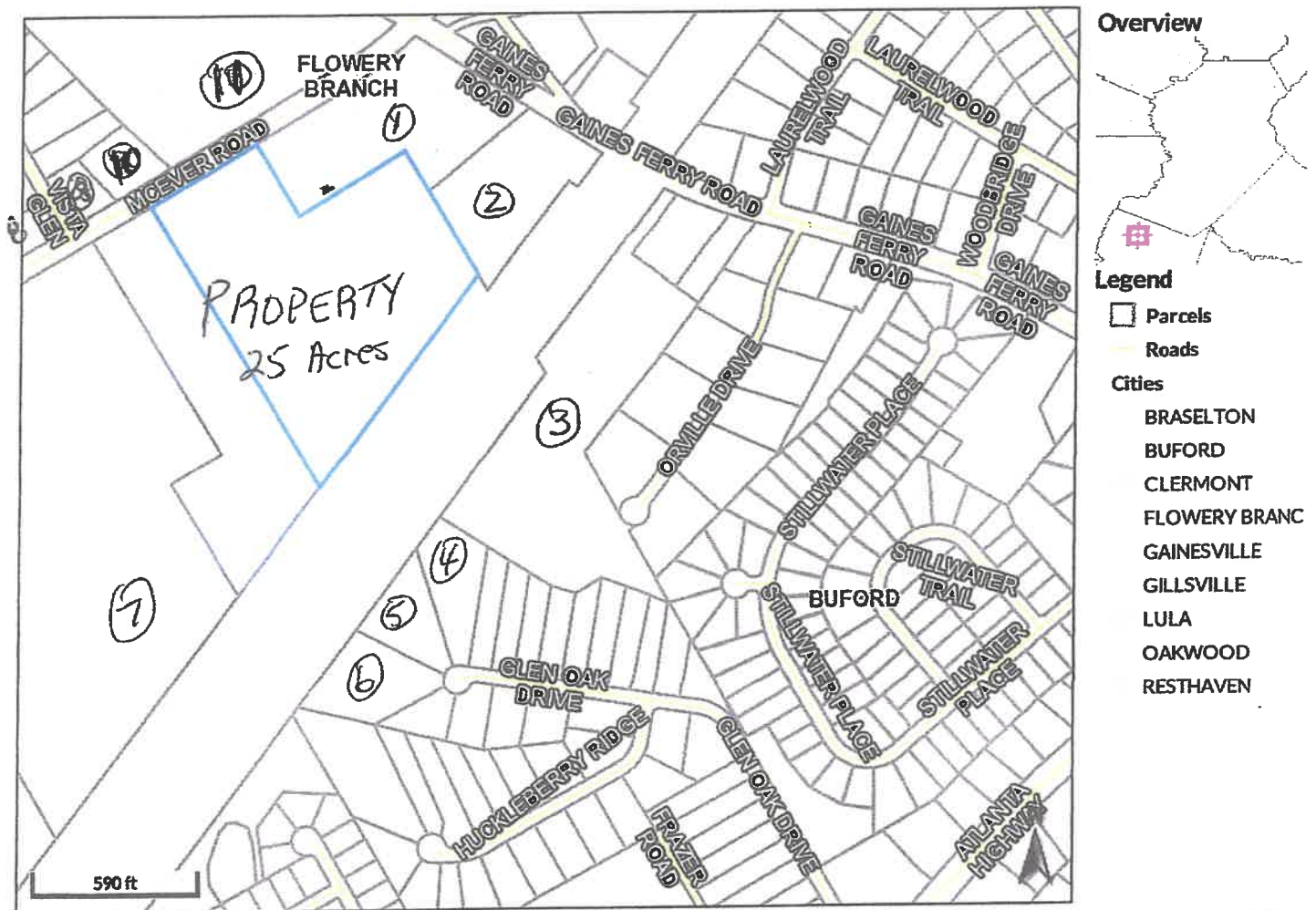
All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 666.79 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South 30°48'02" East 290.95 feet to a point; Thence running North 58°26' 24" East 424.43 feet to a point; Thence running South 30°31'22" East 166.41 feet to a point; Thence running South 30°56'54" East 322.81 feet to a point; thence running South 36°16'01" West 963.67 feet to a point; thence running North 30°06' 58" West 1150.36 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North 59°13'47" East along the southeasterly Right of Way line of McEver Road 449.35 feet to a point and being the Point of Beginning, said property consisting of 16.62 acres. .









Adjacent Property Owners Mcever Road

1. Blessing Traders Inc., 1837 Dover Hill Drive, Lawrenceville, Ga. 30043
2. Hall County, P. O. Box 1435, Gainesville Ga. 30503
3. Clarence Westfall, 4850 Golden Parkway, Suite B, Buford. Ga. 30518
4. 4. Mack and donna Simmons, 6204 Glen Oak Drive, Flowery Branch, Ga. 30542
5. Deborah Roberts Rev Trust, 6208 Glen Oaks Drive, Flowery Branch, Ga. 30542
6. George Gillian, 6207 Glen Oaks Drive, Flowery Branch, Ga. 30542
7. Daryll Crow Holdings LLC, 6172 Jim Crow Road, Flowery Branch, Ga. 30542
8. John M. Crevis 111, 6505 Vista Glen, Flowery Branch, Ga. 30542
9. Billy and Shelby Patterson, 6502 Vista Glen, Flowery Branch, Ga. 30542
10. All Awesome Properties LLC, 4411 Suwanee Dam Road, Suite 415, Suwanee, Ga. 30024
11. Sarkar Development Group LLC, C/O Henderson Legal, 1350 Spring Street, Suite 485, Atlanta, Ga. 30309



FALL LEAF RESIDENTIAL, LLC
1192 Longcourte Drive
Atlanta, GA 30327

Mayor and City Council
Flowery Branch, Ga. 30534

Re: Annexation/Rezoning Application 25.46 Acres, McEver Road

Please accept this letter outlining the plans for two tracts of land totaling 25.46 acres fronting on the east side of McEver Road, just south of Gaines Ferry Road. We previously submitted two annexation and rezoning applications on these properties which were objected to by Hall County. We believe Hall County's objection is without merit, but due a technicality in the arbitration process we had to withdraw and are now submitting new applications. This application is for slightly less land than our previous applications. We have left a 10 foot strip along the easterly property line of the 16 acre tract that is not being annexed but will remain in Hall County. We did this to avoid creating a situation where property across the railroad tracts would become an island of County land, one of the objections Hall County raised in the objection they filed. This land will be owned by the HOA and part of the community, it will just remain in Hall County.

These properties are currently in Hall County and are zoned HB and AR111 in the County. We are requesting annexation and rezoning to the R3 zoning classification to allow the development of a fee simple townhouse development. The site plan we have submitted shows 167 townhouse lots on the 25.46 acre tract for a density of 6.56 units per acre. We have 19.9% of the site in buffers and open space, we believe this open space will provide an excellent area for passive recreational uses such as walking trails and a community picnic area. The community will be subject to a Declaration of Covenants and Conditions and each home will be required to be a member. The Homeowners Association will be responsible for the future maintenance and upkeep of all entrance features, open spaces and any amenities.

As mentioned above 8.8 acres of this property is presently zoned for HB in Hall County and the Flowery Branch Land Use Plan shows the 16 acre portion of the property designated for future commercial uses and the 8.8 acres designated for mixed use. We believe that our requested townhouse use is a less intense use than what is proposed by the Land Use Plan and therefore appropriate. There is also a mixed use commercial and townhouse development now under development at the southwest corner of McEver Road and Gaines Ferry Road directly across McEver from our site. There is a 6 acre tract adjoining this property to the north, at the southeast corner of McEver and Gaines Ferry, that is also currently zoned commercial so with this rezoning there will also be a mixed use development at this corner of the intersection. We originally thought the townhouse use proposed would provide a natural transition between this future commercial area and what we anticipated would be less dense residential uses to the south which would still be the case if the adjoining property were residential. However, as you probably know the 34 acres to the south is now being considered for a large industrial development. If this industrial development is approved we feel it makes our rezoning request even more reasonable as this property will then be located between commercial property to the north and west and industrial property to the south..

We have submitted elevations showing the architectural style of the townhomes we are proposing, they will have a farm house look with exterior building materials that will be primarily cement based siding such as Hardiplank with brick and stone accents. We believe this will be a very attractive development providing much needed housing for the City of Flowery Branch and hope the City Council will approve our two annexation and rezonings.

Sincerely,



Fall Leaf Residential, LLC
Norman White, Manager



ANNEXATION APPLICATION

Date: 6.28.21

Address of Request:

6509 McEwen Road

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

City Clerk Signature

Oliver Short

Applicant Information

Name: FALL LEAF RESIDENTIAL

Address: 3280 POINT PARKWAY SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: David White

Property owner information (if different than the applicant)

Property owner (please print): E&S DEVELOPMENT LLC

Signature of property owner:

Tony Sherman (NEXT PAGE)



ANNEXATION APPLICATION

Date: 6/15/21

Address of Request: 6509 McEwen Road

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

City Clerk Signature _____

Applicant Information

Name: FALL LEAF RESIDENTIAL

Address: 3280 POINT PARKWAY SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: Tony White

Property owner information (if different than the applicant)

Property owner (please print): ECS DEVELOPMENT LLC

Signature of property owner: Tony Sherman



Property Information

Tax Map Number: 0815 000 002

Current Zoning: H B Total Acres: 8.84

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

Proposed City of Flowery Branch Zoning: R3

Proposed City of Flowery Branch Character Area: COMMERCIAL

Current Use: VACANT

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

Voting Rights Act Information

Resident Population: 8,325 Housing Units: 3296 Other Buildings:

Race Population %: White 83% Black 8% Hispanic 8.7% Other 3%

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

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

I authorize the City of
FLOWERY BRANCH to inspect
the Property

Handwritten signature: Lane White



Conflict of Interest Disclosure

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

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

None

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

None

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

None

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: Mpe
Date: 6.28.21 Total Fee: \$20



REZONING APPLICATION

Date: 6.28.21

Address of Request:

6509 McEVER ROAD

Tax Map # 0815 002 002 Current Zoning: HB

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

Currently a conforming use? YES

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

Applicant Information

Name: FALL LEAF RESIDENTIAL LLC

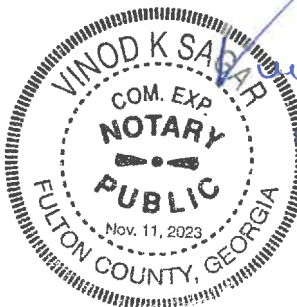
Address: 3280 Pointe PKWY SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: [Signature]

Notary:



[Signature]
06/15/2021



Property owner information (if different than the applicant)

Property owner (please print): ECS DEVELOPMENT LLC

Signature of property owner: TONY SHERMAN

Notary: Patty Hurt

PATTY HURT
Notary Public
HALL COUNTY, STATE of GEORGIA
My Commission Expires July 30, 2022

Property Information

Tax Map Number: 0815 002 002

Current Zoning: HB Total Acres: 8.84

Is this property located within the city-limits of Flowery Branch? NO

Proposed City of Flowery Branch Zoning: R3

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

I authorize the City
of Flowery Branch to
inspect the property

Don White

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
<u>N/A</u>	<u></u>
<u></u>	<u></u>

CITY STAFF ONLY

Application Received By: nye
Date: 6.28.21 Total Fee: 500





REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: 6.28.21

Address of Request:

6509 McEver Road

Tax Map # 0815 000 002 Current Zoning: HB

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. \$46,760,000.00
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). $46,760,000 \times 40\% = \$18,704,000$
 $\times 3.264 \text{ mA} = \$61,049,411 \text{ City Taxes}$
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Begin Construction 6-22
24 months build out complete 6-24
4. Anticipated total square footage (heated) to be built in the requested number of units. 277,400 sq. ft.
5. Total acreage developed with units. 19.47
6. Total acreage for right of way and roads. 4.30 A. ROW 2.10 Roads
7. Total acreage of open space/common area (include plan for maintenance of open space/common area). 9.86 A HOA will be responsible for maintenance and upkeep
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? No
 - 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) *No*
10. Please identify all amenities and total number of acres they incorporate by complete description. *Passive Recreation 5.7 Acres*
11. Number of street lights and separation table as proposed on your site plan. *10*
12. Will Technology Development be included in this development? *No*
13. List the total linear feet and cubic yards for sidewalks. *5816 L.F. 9693 CY*
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? *Yes*
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? *50,100*
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? *50,100*
19. Has a slope and grade study been done on this development? Does the study reflect density placement? *Yes*
20. Please identify what public safety needs are being considered for the project? *None Anticipated*
21. Has the Hall County School System been notified of the proposed density for this project? *Not Yet*
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. *Architectural Renderings have been submitted. Exterior building materials will consist of cement based siding such as Hardiplank with accents of brick and stone*



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: rye

Date: 6.28.21 Total Fee: 500

MCEVER ROAD TOWNHOUSE DEVELOPMENT

Sec. 34.6. - Development Statistics Required.

Applications described in this Article shall submit development statistics and specifications shall at minimum include on the site plan or in written form the information specified in this Section.

- (a) Maximum and proposed height of any structure;
The maximum proposed height is 3 stories or 35 feet
- (b) Maximum and proposed gross square footage of the building area (nonresidential only);
- (c) Color renderings of any proposed structures;
Color renderings of the proposed architectural style have been submitted
- (d) Material list (with percentages) of any proposed structures;
Exteriors of the homes will be primarily 95% cement based siding such as Hardiplank with brick and stone accents
- (e) Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only);
The maximum number of dwelling units allowed is 12 units per acre or 305 units, applicant is proposing 167 units or 6.56 units per acre. Minimum heated floor area allowed is 1,000 square feet, applicant is proposing minimum heated floor area of 1,600 square feet
- (f) Maximum and proposed lot coverage of building area (square feet and percent);
Proposed lot coverage is 54% for front entry units or 1296 square feet, lot coverage for rear entry units is 56% or 1180 square feet
- (g) Minimum and proposed square footage of landscaped area (square feet and percent);
Minimum landscaped area is 15% or 167,793 square feet, proposed landscaped area is 19.9% or 220,175 square feet
- (h) Minimum, maximum and proposed number of parking spaces; and
Minimum parking spaces is 334, applicant is proposing 343 parking spaces, 334 garage spaces and 9 guest/mail kiosk spaces
- (i) Other dimensional information as may be required by the Zoning Administrator.

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.

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

The proposed townhouse use is compatible with use and development of nearby property, the adjoining property to the northeast is zoned for commercial uses and the property across McEver Road is zoned for a combination of commercial and townhouse uses

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

The proposal will not affect the use or useability of nearby properties.

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

No, 16 acres of the property is zoned Agriculture and there is no reasonable economic use under said zoning. 8.8 acres of the property is zoned commercial and may have a reasonable use however due to the shape and topo this property has a much more reasonable economic use as a townhouse development.

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

No, the townhouse use will not be burdensome on 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.

This property is shown as commercial on the land use plan, a townhouse use will be less intense than a commercial use therefore the townhouse use would be consistent with the intent of the land use 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.

There is a great demand for new residential homes in this area which supports the grounds for approving this application

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

North vacant commercial and fire station

East Railroad tracts and mixture of commercial and residential

South vacant agriculture

West single family residential and commercial and townhouse at corner of McEver and Gaines Ferry

- (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.

16 acres of this property has been owned by the Mann family for over 50 years, the property is zoned agriculture and has very little value with the current zoning. The 8.8 acres is zoned commercial but due to the shape and topo despite years of effort no commercial user could be found and in fact the only offers have been for a residential use

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

The zoning proposed is less intense than commercial use indicated on the land use plan therefore should have no deterrent to the value or development of adjacent property

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

No, this will not create an isolated zoning district, as mentioned previously there is a mixed commercial and townhouse now under development across McEver Road, this development along with the adjacent 6 acre commercially zoned tract at the corner of Mcever and Gaines Ferry will also provide a mixed commercial and townhouse development.

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

This rezoning will not affect the character of this 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

This development will comply with all Flowery Branch ordinances related to drainage, soil erosion, sedimentation, flooding air and water quality therefore it should have no adverse environmental impact

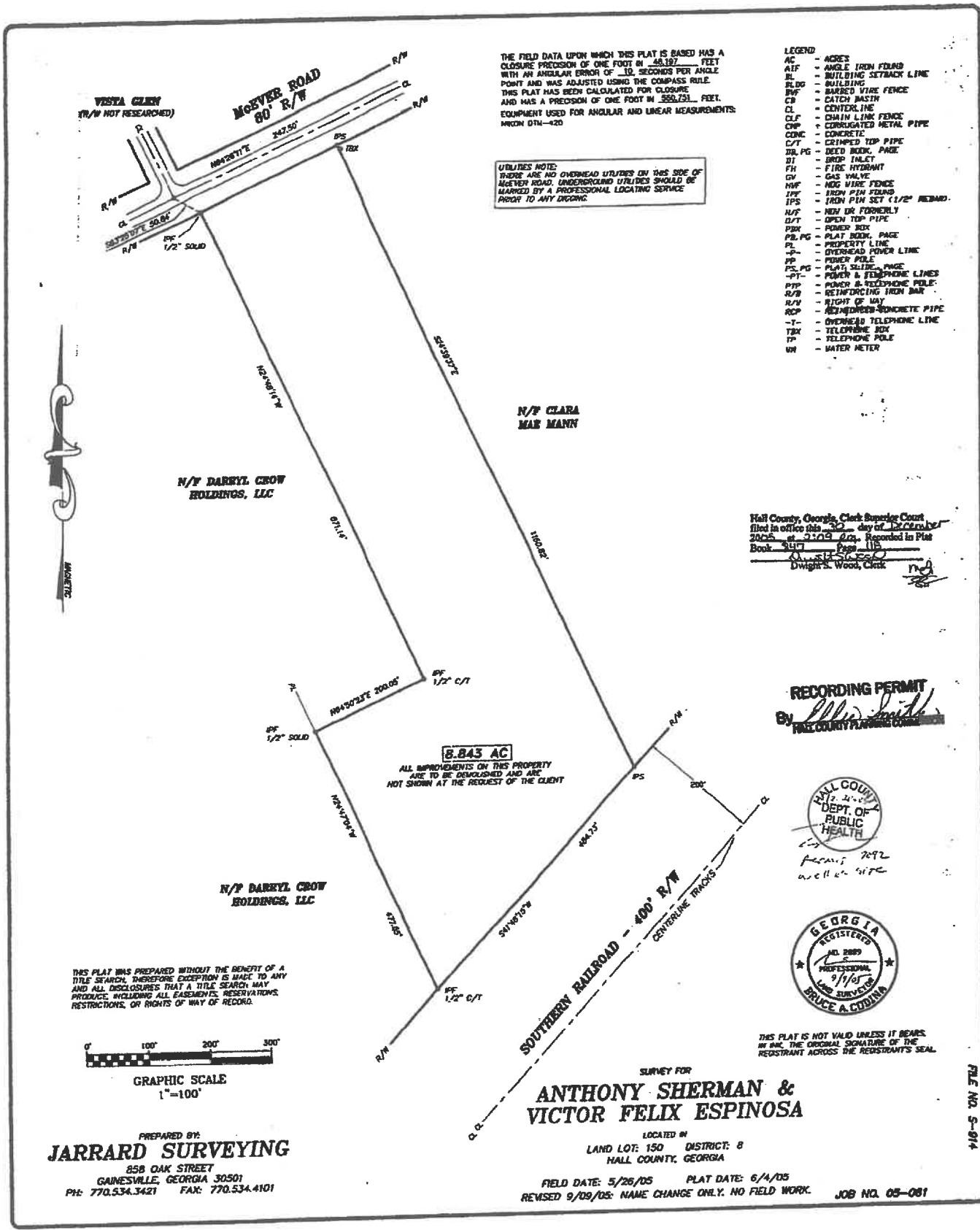
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance

As mentioned before the land use plan shows commercial uses for this property, a townhouse use is less intense therefore applicant believes the zoning proposed is consistent with the overall scheme and purpose of the Zoning Ordinance

Legal Description 8.843 acres McEver Road

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as Follows:

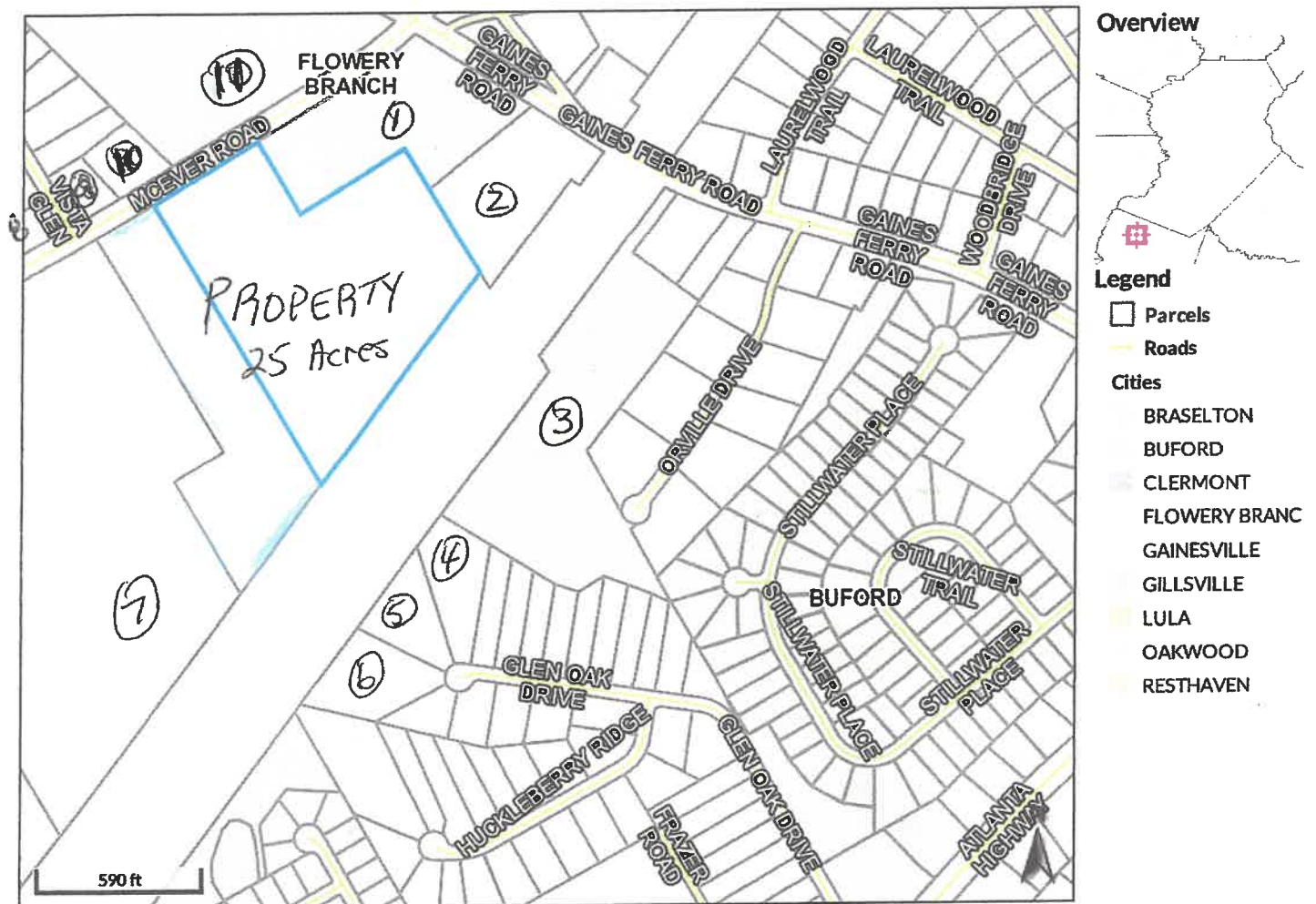
Beginning at a point on the southeasterly Right of Way Line of McEver Road (80 foot Right of Way) said point being located 1116.14 feet southwesterly as measured along the southeasterly Right of Way line of McEver Road from the point marked by the intersection of the southeasterly right of way line of McEver Road with the southwesterly Right of Way line of Gaines Ferry Road (50 foot Right of Way); Thence running South $24^{\circ}39'37''$ East 1160.82 feet to a point on the northwesterly right of way line of Southern Railroad (400 foot right of way); thence running South $41^{\circ}46'15''$ West along said Southern Railway right of way 484.73 feet to a point; thence running North $24^{\circ}47'04''$ West 477.85 feet to a point; Thence running North $64^{\circ}50'23''$ East 200.05 feet to a point; Thence running North $24^{\circ}48'14''$ West 871.14 feet to a point on the southeasterly Right of Way line of McEver Road; Thence running North $64^{\circ}26'11''$ East along the southeasterly Right of Way line of McEver Road 247.50 feet to a point and being the Point of Beginning, said property consisting of 8.843 acres. .





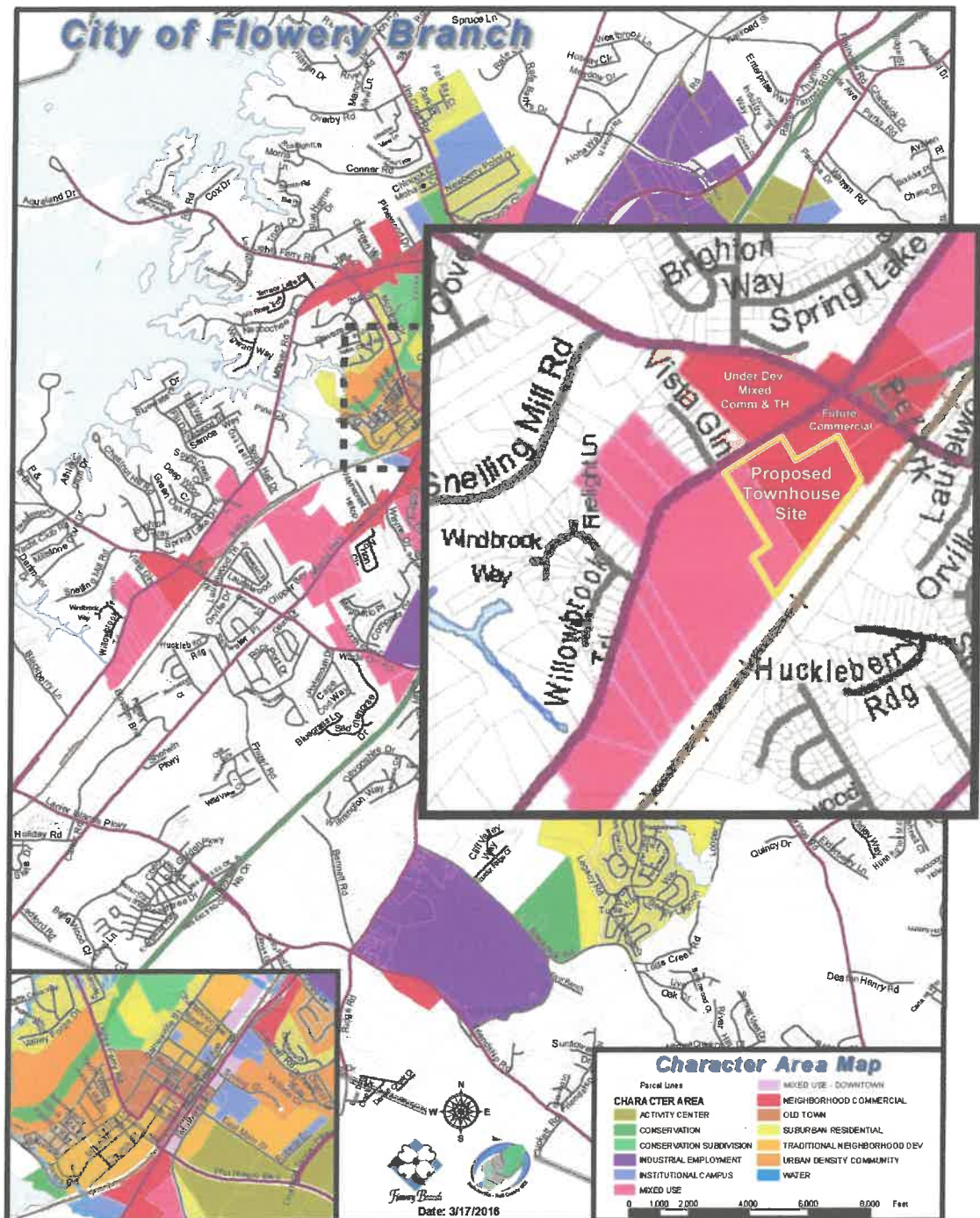






Adjacent Property Owners Mcever Road

1. Blessing Traders Inc., 1837 Dover Hill Drive, Lawrenceville, Ga. 30043
2. Hall County, P. O. Box 1435, Gainesville Ga. 30503
3. Clarence Westfall, 4850 Golden Parkway, Suite B, Buford. Ga. 30518
4. 4. Mack and donna Simmons, 6204 Glen Oak Drive, Flowery Branch, Ga. 30542
5. Deborah Roberts Rev Trust, 6208 Glen Oaks Drive, Flowery Branch, Ga. 30542
6. George Gillian, 6207 Glen Oaks Drive, Flowery Branch, Ga. 30542
7. Daryll Crow Holdings LLC, 6172 Jim Crow Road, Flowery Branch, Ga. 30542
8. John M. Crevis 111, 6505 Vista Glen, Flowery Branch, Ga. 30542
9. Billy and Shelby Patterson, 6502 Vista Glen, Flowery Branch, Ga. 30542
10. All Awesome Properties LLC, 4411 Suwanee Dam Road, Suite 415, Suwanee, Ga. 30024
11. Sarkar Development Group LLC, C/O Henderson Legal, 1350 Spring Street, Suite 485, Atlanta, Ga. 30309





FALL LEAF RESIDENTIAL, LLC
1192 Longcourte Drive
Atlanta, GA 30327

Mayor and City Council
Flowery Branch, Ga. 30534

Re: Annexation/Rezoning Application 25.46 Acres, McEver Road

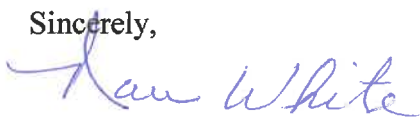
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As mentioned above 8.8 acres of this property is presently zoned for HB in Hall County and the Flowery Branch Land Use Plan shows the 16 acre portion of the property designated for future commercial uses and the 8.8 acres designated for mixed use. We believe that our requested townhouse use is a less intense use than what is proposed by the Land Use Plan and therefore appropriate. There is also a mixed use commercial and townhouse development now under development at the southwest corner of McEver Road and Gaines Ferry Road directly across McEver from our site. There is a 6 acre tract adjoining this property to the north, at the southeast corner of McEver and Gaines Ferry, that is also currently zoned commercial so with this rezoning there will also be a mixed use development at this corner of the intersection. We originally thought the townhouse use proposed would provide a natural transition between this future commercial area and what we anticipated would be less dense residential uses to the south which would still be the case if the adjoining property were residential. However, as you probably know the 34 acres to the south is now being considered for a large industrial development. If this industrial development is approved we feel it makes our rezoning request even more reasonable as this property will then be located between commercial property to the north and west and industrial property to the south..

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Sincerely,



Fall Leaf Residential, LLC
Norman White, Manager



ANNEXATION APPLICATION

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Address of Request:

6509 McEwen Road

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

City Clerk Signature _____

Applicant Information

Name: FALL LEAF RESIDENTIAL

Address: 3280 POINT PARKWAY SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: _____

Property owner information (if different than the applicant)

Property owner (please print): ECS DEVELOPMENT LLC

Signature of property owner: Tony Sherman



Property owner information (if different than the applicant)

Property owner (please print): E.C.B. DEVELOPMENT LLC

Signature of property owner: TONY SHERMAN

Notary: Patty Hurt

PATTY HURT
Notary Public
HALL COUNTY, STATE of GEORGIA
My Commission Expires July 30, 2022

Property Information

Tax Map Number: 0815 002 002

Current Zoning: HB Total Acres: 8.84

Is this property located within the city-limits of Flowery Branch? NO

Proposed City of Flowery Branch Zoning: R3

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



ANNEXATION APPLICATION

Date: _____

Address of Request:

6495 McEever Road

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

City Clerk Signature _____

Applicant Information

Name: FALL LEAF RESIDENTIAL LLC

Address: 3280 Pointe Pkwy SUITE 2300
NORCROSS GA 30092

E-mail address: nbwhitenbw8@gmail.com

Phone number: 404 502 3305

Signature: *Don White*

Property owner information (if different than the applicant)

Property owner (please print): Estate of Clara Mae Mann

Signature of property owner: *Diane M Crawford*

Diane M Crawford Independent Executrix
of the Estate of Clara Mae Mann



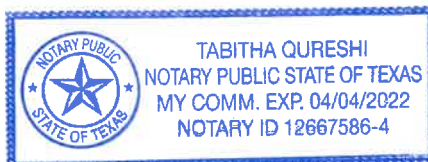
Property owner information (if different than the applicant)

Property owner (please print): ESTATE OF CLARA MAE MANN

Signature of property owner: Diane Mann Crawford
Diane Mann Crawford Independent
EXECUTRIX OF THE ESTATE OF
CLARA MAE MANN

Notary:

STATE OF TEXAS
COUNTY OF TRAVIS
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 15 DAY OF JUNE, 2021
BY Diane Crawford
Tabitha Qureshi
NOTARY PUBLIC



Property Information

Tax Map Number: 0815 002 002A

Current Zoning: AR III Total Acres: 16.84

Is this property located within the city-limits of Flowery Branch? NO

Proposed City of Flowery Branch Zoning: B-3

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



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider Resolution 21-011: Award of contract for FY2021 Road Paving Program to Sunbelt Asphalt

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

On January 21, 2021, Council approved the application for Fiscal Year 2021 Local Maintenance Improvement Grant Program (LMIG). Below is the results for FY2021 and prior years history of the program:

FY 2021 - \$76,142 (LMIG funds) + \$1,137,815 (Local Match) = \$1,213,957 TOTAL

FY 2020 - \$235,483 (Total LMIG 2018-2020) and \$146,968 (Local Match) The 2020 LMIG is an additional \$84,375.96 in grant funds.

FY 2019 – \$81,318 LMIG funds + \$146,968 (Local Match) for Cantrell Rd, Clarkstone Cir. & Clarkstone Dr., E. Pine St., Holland Dam Rd., Debbie Ln, Chinook Ct., and Mohave Ct.

FY 2018 - \$69,790 LMIG funds + \$0 funds held for following year.

FY 2017 - \$62,611 LMIG funds + \$149,388 (Local Match) for portions of Pine St., Gainesville St., Lights Ferry Rd., Mitchel St., Church St., and Mulberry St

FY 2016 - \$51,120 LMIG funds + \$39,883 (Local Match) for McEver Rd. FY 2015 - \$45,193 LMIG funds + \$284,408 (Local Match) for Gainesville St.

FY 2014 - \$39,920 LMIG funds + \$106,692 (Local Match) for portions of Mulberry St., Railroad Ave., Church St., Tanner St., and Gainesville St.

FACTS AND ISSUES:

The bid opening occurred on Thursday, July 1, 2021 with the following results:

- | | | |
|----|---------------------|--------------------------------|
| 1. | Stewart Brothers | \$1,667,797.24 |
| 2. | Garrett Paving Co. | \$1,575,224.44 |
| 3. | Blount Construction | \$1,318,292.87 |
| 4. | Allied Paving | \$1,246,888.75 |
| 5. | Sunbelt Asphalt | \$1,036,090.15 (lowest bidder) |

OPTIONS:

Approve or no approve Resolution 21-011

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$76,142 (LMIG funds) + \$1,137,815 (Local Match, made up Local Resource Funds: \$885,713 and SPLOST funds: \$252,102) = \$1,213,957 TOTAL (lowest bidder = \$1,036,090.15; results in savings of \$177,866.85)

RECOMMENDATION:

Approval of Resolution 21-011 to award FY2021 road paving contract to Sunbelt Asphalt for \$1,036,090.15 and authorize for the Mayor, City Manager, and Attorney to sign all necessary documents.

SAMPLE MOTION:

I motion for the City Council to approve Resolution 21-011 to award FY2021 road paving contract to Sunbelt Asphalt for \$1,036,090.15 and authorize for the Mayor, City Manager, and Attorney to sign all necessary documents.

COLLABORATING DEPARTMENT:

Public Works

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [EXECUTIVE SUMMARY - AWARD TO SUNBELT 8-5-2021.pdf](#)
- [LMIG_Project_List_2021.pdf](#)
- [Resolution 21-011 Award of Contract to Sunbelt Asphalt.pdf](#)



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Resolution 21-011: Award of contract for FY2021 Road Paving Program to Sunbelt Asphalt

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

On January 21, 2021, Council approved the application for Fiscal Year 2021 Local Maintenance Improvement Grant Program (LMIG). Below is the results for FY2021 and prior years history of the program:

FY 2021 - \$76,142 (LMIG funds) + \$1,137,815 (Local Match) = \$1,213,957 TOTAL

FY 2020 - \$235,483 (Total LMIG 2018-2020) and \$146,968 (Local Match) The 2020 LMIG is an additional \$84,375.96 in grant funds.

FY 2019 – \$81,318 LMIG funds + \$146,968 (Local Match) for Cantrell Rd, Clarkstone Cir. & Clarkstone Dr., E. Pine St., Holland Dam Rd., Debbie Ln, Chinook Ct., and Mohave Ct.

FY 2018 - \$69,790 LMIG funds + \$0 funds held for following year.

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FY 2016 - \$51,120 LMIG funds + \$39,883 (Local Match) for McEver Rd.

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FY 2014 - \$39,920 LMIG funds + \$106,692 (Local Match) for portions of Mulberry St., Railroad Ave., Church St., Tanner St., and Gainesville St.

FACTS AND ISSUES:

The bid opening occurred on Thursday, July 1, 2021 with the following results:

- | | |
|------------------------|--------------------------------|
| 1. Stewart Brothers | \$1,667,797.24 |
| 2. Garrett Paving Co. | \$1,575,224.44 |
| 3. Blount Construction | \$1,318,292.87 |
| 4. Allied Paving | \$1,246,888.75 |
| 5. Sunbelt Asphalt | \$1,036,090.15 (lowest bidder) |

Please see attached list for the roads which will be paved.

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$76,142 (LMIG funds) + \$1,137,815 (Local Match, made up Local Resource Funds: \$885,713 and SPLOST funds: \$252,102) = \$1,213,957 TOTAL (*lowest bidder = \$1,036,090.15; results in savings of \$177,866.85*)

RECOMMENDATION:

Approval of Resolution 21-011 to award FY2021 road paving contract to Sunbelt Asphalt for \$1,036,090.15 and authorize for the Mayor, City Manager, and Attorney to sign all necessary documents.

SAMPLE MOTION:

I motion for the City Council to approve Resolution 21-011 to award FY2021 road paving contract to Sunbelt Asphalt for \$1,036,090.15 and authorize for the Mayor, City Manager, and Attorney to sign all necessary documents.

COLLABORATING DEPARTMENT:

Finance

DEPARTMENT: Administration

Prepared by: Alisha Gamble

ATTACHMENTS

STREETNAME	STREETTYPE	Shape_Leng	Width	Good/Ex (grey)	Patching (LF)	Patching (SF)	Crack Sealing (Centerline mile)	Edge Milling (LF)	Overlay (SF)	
ARTISANS	WAY	421.8	22	170.0	252	5,538.81	0.08	844	9279	1
ASHMOORE	LANE	245.8	22	120.0	126	2,767.00	0.05	492	5407	2
BELL	FORK	54.7	22	0.0	55	1,203.40	0.01	109	1203	3
BOSTON	TRAIL	149.8	22	149.8	0	-	0.03	300	3296	4
BRIDGEPORT	COURT	176.8	22	30.0	147	3,229.07	0.03	354	3889	5
BROOKSTONE	WAY	261.0	22	20.0	241	5,302.03	0.05	522	5742	6
CANOPY	LANE	191.2	22	90.0	101	2,227.22	0.04	382	4207	7
CHARIOT	DRIVE	795.2	22	340.0	455	10,014.22	0.15	1590	17494	8
CHARIOT	DRIVE	111.1	22	40.0	71	1,563.27	0.02	222	2443	9
CHESTNUT	STREET	221.0	22	40.0	181	3,982.25	0.04	442	4862	10
CHURCH	STREET	296.6	22	0.0	297	6,524.72	0.06	593	6525	11
CHURCH	STREET	356.8	22	80.0	277	6,089.03	0.07	714	7849	12
CHURCH	STREET	459.1	22	110.0	349	7,680.82	0.09	918	10101	13
CHURCH	STREET	303.0	22	20.0	283	6,225.59	0.06	606	6666	14
CHURCH	STREET	252.4	22	0.0	252	5,552.13	0.05	505	5552	15
CHURCH	STREET	221.3	22	10.0	211	4,647.99	0.04	443	4868	16
EAST MAIN	STREET	219.8	22	60.0	160	3,515.17	0.04	440	4835	17
EAST MAIN	STREET	1822.6	22	0.0	1823	40,096.20	0.35	3645	40096	18
ELWOOD	CIRCLE	118.7	22	10.0	109	2,391.31	0.02	237	2611	19
ELWOOD	CIRCLE	116.8	22	40.0	77	1,689.57	0.02	234	2570	20
ELWOOD	CIRCLE	118.7	22	60.0	59	1,292.18	0.02	237	2612	21
GAINES FERRY	ROAD	108.4	22	40.0	68	1,505.61	0.02	217	2386	22
GAINES FERRY	ROAD	472.8	22	230.0	243	5,341.60	0.09	946	10402	23
GAINES FERRY	ROAD	296.1	22	10.0	286	6,294.20	0.06	592	6514	24
GAINESVILLE	STREET	218.8	22	30.0	189	4,153.94	0.04	438	4814	25
GRANITE	COURT	388.7	22	190.0	199	4,371.73	0.07	777	8552	26
KNIGHT	DRIVE	322.9	22	80.0	243	5,344.35	0.06	646	7104	27
LAKE CROSSING	DRIVE	170.6	22	50.0	121	2,652.26	0.03	341	3752	28
LIGHTS FERRY	ROAD	144.2	22	60.0	84	1,852.61	0.03	288	3173	29
MAIN	STREET	14.6	22	0.0	15	321.20	0.00	29	321	30
MARTIN	STREET	327.5	22	100.0	227	5,004.04	0.06	655	7204	31

MARTIN	STREET	232.8	22	100.0	133	2,921.67	0.04	466	5122	32
MITCHELL	STREET	219.5	22	130.0	90	1,969.22	0.04	439	4829	33
MOSSY LOG	COURT	222.1	22	100.0	122	2,686.55	0.04	444	4887	34
MYERS	STREET	216.6	22	20.0	197	4,324.95	0.04	433	4765	35
PADDLEWHEEL	COURT	186.3	22	40.0	146	3,217.93	0.04	373	4098	36
REED	STREET	674.3	22	40.0	634	13,954.22	0.13	1349	14834	37
REGATTA	WAY	160.5	22	30.0	130	2,870.45	0.03	321	3530	38
SPRING	STREET	158.4	22	110.0	48	1,065.50	0.03	317	3486	39
SPRING	STREET	304.1	22	80.0	224	4,930.69	0.06	608	6691	40
THURMON TANNER PARKWAY		2605.2	48	360.0	2245	107,770.72	0.49	10421	125051	41
UNNAMED	STREET	193.2	22	20.0	173	3,810.39	0.04	386	4250	42
VICTORIA	COURT	662.4	22	60.0	602	13,253.81	0.13	1325	14574	43
VICTORIA	DRIVE	561.0	22	240.0	321	7,061.36	0.11	1122	12341	44
VICTORIA	DRIVE	434.6	22	0.0	435	9,561.16	0.08	869	9561	45
WHITEWATER	DRIVE	219.1	22	0.0	219	4,821.05	0.04	438	4821	46
WHITEWATER	DRIVE	140.9	22	10.0	131	2,878.75	0.03	282	3099	47
						345,471.91				
3.1							3.14	38350	432268	

Item	Units	Quantity	Unit Cost	Product
Patching (19mm SuperPave, 4" depth)	TON	2812	\$ 131.25	\$ 369,093.55
Crack Sealing	CLMILE	3.1	\$ 9,450.00	\$ 29,655.86
Edge Milling (not including TT)	SY	18,619	\$ 7.14	\$ 132,941.08
Overlay (4.25 mm SuperPave, 1" depth)	TON	1,895	\$ 119.70	\$ 226,772.07
Overlay (12.5mm SuperPave for TT, 1.5" depth)	TON	1,157	\$ 117.60	\$ 136,030.18
Other costs (mobilization, traffic contrl, striping, utility adjustment, etc.)	LUMP	1	\$ 50,000.00	\$ 50,000.00
				\$ 944,492.73

Red italics indicate that we adjusted the length of the road segment to account for the city limit boundary

RESOLUTION NO.: 21-011

**AWARD OF CONTRACT FOR FY2021 ROAD PAVING PROGRAM
TO SUNBELT ASPHALT**

WHEREAS, City Council approved the budget for fiscal year 2022 for the City of Flowery Branch on June 17, 2021; and

WHEREAS, the City of Flowery Branch has established a road paving program in the fiscal year 2022 budget including funding from the Local Maintenance Improvement Program (LMIG); and

WHEREAS, the City of Flowery Branch received 5 qualified bids for said project, ranging in price from \$1,036,090.15 to \$1,667,797.24; and

WHEREAS, the City of Flowery Branch is requesting acceptance of the lowest bid with Sunbelt Asphalt in the amount of \$1,036,090.15; and

WHEREAS, funding for said project was approved with the fiscal year 2022 budget; and

NOW, THEREFORE, BE IT RESOLVED that the governing body for the City of Flowery Branch hereby authorizes the award of contract to Sunbelt Asphalt for \$1,036,090.15; and

BE IT FURTHER RESOLVED that the Mayor, City Manager, and City Attorney are authorized to sign documents that may be necessary to complete the fiscal year 2022 Road Paving Program.

RESOLVED this 5th day of August 2021.

James M. Miller, Mayor

ATTEST:

Shelia Cooper, Assistant City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Resolution 21-012: finding Charter Communications LLC in violation of the State Law for failure to recognize the correct service area

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

1. Charter Communications LLC or Spectrum Southeast LLC, operating as Charter Communications or Spectrum, (“Charter”), has been providing cable television video service in the City of Flowery Branch (“City”) and remitting the franchise fee in accordance with the Certificate of Video Franchise Authority dated February 19, 2009 as per O.C.G.A. 36-76-4.
2. The City contracted with the Georgia Municipal Association, Inc. (“GMA”) to provide Telecommunication and Right-of-Way Management services via a subcontractor Local Government Services LLC (“LGS”), and to assist the City in conducting a Franchise Fee Payment Compliance Review (“Audit”) to ensure proper franchise fee payment calculation and compliance per O.C.G.A. 36-76-4(c).
3. The Audit commenced on June 29, 2020 by an Audit Authorization Letter sent from the City to Charter. Charter responded and acknowledged the audit that same day.
4. On July 2, 2020 LGS sent Charter a Request for Financial Information and an inquiry regarding the Nondisclosure process. Charter delivered the Nondisclosure Agreement on July 22, 2020, and it was executed and returned on August 13, 2020.
5. On December 18, 2020 partial data for the City was delivered to LGS allowing for a financial review; address data was missing. It was determined that this data was incorrect and Charter was notified of the error on December 28, 2020.
6. On February 8, 2021 Charter delivered the financial data and on February 17, 2021 Charter delivered the address data allowing for a complete review.
7. On March 22, 2021, LGS completed the financial and jurisdictional analyses and the Findings were delivered to Charter. There were no financial Findings but numerous jurisdictional errors concluding that Charter did not recognize the correct Service Area of the City of Flowery Branch.
8. On April 30, 2021, the jurisdictional analysis submitted to Charter was supplemented to include exact addresses (not ranges), a format Charter requested.
9. On June 18, 2021, the City sent a letter to Charter requesting compliance and an answer to the jurisdictional errors, giving a requested reply date of July 23, 2021.

10. In addition to the above, numerous communications, both email and telephone, have occurred between the City, LGS, and Charter on the above matters.

FACTS AND ISSUES:

As of this date, Charter has not provided a substantive answer regarding the jurisdictional errors affecting the Service Area.

The City does not relieve Charter of its obligation to comply with the terms of O.C.G.A. 36-76-6(a)(1), specifically “service area” as defined in O.C.G.A. 36-76-2(13).

OPTIONS:

Approve or not approve Resolution 21-012 as presented.

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

No

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

Approve Resolution 21-012: finding Charter Communications LLC in violation of the State Law for failure to recognize the correct service area

SAMPLE MOTION:

I make a motion to approve Resolution 21-012: finding Charter Communications LLC in violation of the State Law for failure to recognize the correct service area.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [Resolution 21-012 finding Charter in violation - Flowery Branch GA 2.pdf](#)

CITY OF FLOWERY BRANCH, GEORGIA

RESOLUTION NO. 21-012

A RESOLUTION OF THE CITY OF FLOWERY BRANCH FINDING CHARTER COMMUNICATIONS LLC IN VIOLATION OF STATE LAW FOR FAILURE TO RECOGNIZE THE CORRECT SERVICE AREA

RECITALS:

1. Charter Communications LLC or Spectrum Southeast LLC, operating as Charter Communications or Spectrum, (“Charter”), has been providing cable television video service in the City of Flowery Branch (“City”) and remitting the franchise fee in accordance with the Certificate of Video Franchise Authority dated February 19, 2009 as per O.C.G.A. 36-76-4.
2. The City contracted with the Georgia Municipal Association, Inc. (“GMA”) to provide Telecommunication and Right-of-Way Management services via a subcontractor Local Government Services LLC (“LGS”), and to assist the City in conducting a Franchise Fee Payment Compliance Review (“Audit”) to ensure proper franchise fee payment calculation and compliance per O.C.G.A. 36-76-4(c).
3. The Audit commenced on June 29, 2020 by an Audit Authorization Letter sent from the City to Charter. Charter responded and acknowledged the audit that same day.
4. On July 2, 2020 LGS sent Charter a Request for Financial Information and an inquiry regarding the Nondisclosure process. Charter delivered the Nondisclosure Agreement on July 22, 2020, and it was executed and returned on August 13, 2020.
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8. On April 30, 2021, the jurisdictional analysis submitted to Charter was supplemented to include exact addresses (not ranges), a format Charter requested.

9. On June 18, 2021, the City sent a letter to Charter requesting compliance and an answer to the jurisdictional errors, giving a requested reply date of July 23, 2021.
10. In addition to the above, numerous communications, both email and telephone, have occurred between the City, LGS, and Charter on the above matters.
11. As of this date, Charter has not provided a substantive answer regarding the jurisdictional errors affecting the Service Area.
12. The City does not relieve Charter of its obligation to comply with the terms of O.C.G.A. 36-76-6(a)(1), specifically “service area” as defined in O.C.G.A. 36-76-2(13).

NOW, THEREFORE, the City of Flowery Branch, Georgia hereby resolves as follows:

1. Charter is obligated to comply with the Franchise Agreement.
2. Charter is in violation of the Franchise Agreement for failure to properly recognize the Service Area of the incorporated City Limits.
3. City hereby reserves any and all rights it may have under the Franchise Agreement and other applicable law to seek monetary damages and/or penalties against Charter for said violation.

This Resolution shall take effect and continue and remain in effect from and after the date of its passage, approval, and adoption.

A motion to approve the foregoing Resolution No. 21-012 was made by City Councilmember _____ and duly seconded by City Councilmember _____.

The following City Councilmembers voted in the affirmative:

The following City Councilmembers voted in the negative:

Passed and adopted by the City of Flowery Branch, Georgia this 5th day of August 2021.

ATTEST:

CITY OF FLOWERY BRANCH, GEORGIA

By: _____
Shelia Cooper, Assistant City Clerk

By: _____
James M. Miller, Mayor

Its: _____
E. Ronald Bennet, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Request authorization to apply for the Fiscal Year 2022 Local Maintenance Improvement Grant (LMIG) Program

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

FY2022 - \$83,905.29 (LMIG Funds) + (\$301,001 SPLOST) + \$752,908.71 (Local Match) = \$1,137,815 TOTAL
FY 2021 - \$76,142 (LMIG funds) + \$707,846.15 (Local Match) + \$252,102 (SPLOST) = \$1,036,090.15 TOTAL
FY 2020 - \$235,483 (Total LMIG 2018-2020) and \$146,968 (Local Match) The 2020 LMIG is an additional \$84,375.96 in grant funds.

FY 2019 – \$81,318 LMIG funds + \$146,968 (Local Match) for Cantrell Rd, Clarkstone Cir. & Clarkstone Dr., E. Pine St., Holland Dam Rd., Debbie Ln, Chinook Ct., and Mohave Ct.

FY 2018 - \$69,790 LMIG funds + \$0 funds held for following year.

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FY 2014 - \$39,920 LMIG funds + \$106,692 (Local Match) for portions of Mulberry St., Railroad Ave., Church St., Tanner St., and Gainesville St.

FACTS AND ISSUES:

The LMIG application to GDOT is due by February 2, 2022. The City is planning to have this project out to bid in February and we will be coming back to the Council in late March or early May to award the bid. The goal is to have the work underway before the end of the fiscal year at June, 30, 2022.

Please see attached list for the roads which will be paved.

OPTIONS:

Approve or not approve the grant application.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$83,905.29 (LMIG funds) + \$1053,909.71 (Local Match, made up Local Resource Funds: \$752,908.71 and SPLOST funds \$301,001) = \$1,137,815 TOTAL

RECOMMENDATION:

Approval by City Council to authorize the Mayor to apply for and accept the FY2022 LMIG funds for road paving with a 30% match requirement.

SAMPLE MOTION:

I motion for the City Council to authorize the Mayor to apply for and accept the FY 2022 LMIG funds for road paving.

COLLABORATING DEPARTMENT:

Public Works

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [LMIG 2022 EXECUTIVE SUMMARY.pdf](#)
- [FB COVER LETTER FY2022.pdf](#)
- [LMIG_APPLICATION_SIG_PAGE \(1\).pdf](#)
- [FY2022 Paving List.pdf](#)



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Fiscal Year 2022 Local Maintenance Improvement Grant (LMIG) Program

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

FY2022 - \$83,905.29 (LMIG Funds) + (\$301,001 SPLOST) + \$752,908.71 (Local Match) = \$1,137,815 TOTAL
FY 2021 - \$76,142 (LMIG funds) + \$707,846.15 (Local Match) + \$252,102 (SPLOST) = \$1,036,090.15 TOTAL
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FACTS AND ISSUES:

The LMIG application to GDOT is due by February 2, 2022. The City is planning to have this project out to bid in February and we will be coming back to the Council in late March or early May to award the bid. The goal is to have the work underway before the end of the fiscal year at June, 30, 2022.

Please see attached list for the roads which will be paved.

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$83,905.29 (LMIG funds) + \$1053,909.71 (Local Match, made up Local Resource Funds: \$752,908.71 and SPLOST funds \$301,001) = \$1,137,815 TOTAL

RECOMMENDATION:

Approval to authorize the Mayor to apply for and accept the FY 2022 LMIG funds for road paving.

SAMPLE MOTION:

I motion for the City Council to authorize the Mayor to apply for and accept the FY 2022 LMIG funds for road paving.

COLLABORATING DEPARTMENT:

Public Works

DEPARTMENT: Finance

Prepared by: Alisha Gamble

ATTACHMENTS



August 5, 2021

Jeramy Durrence, District One State Aid Coordinator Georgia
Department of Transportation
1475 Jesse Jewell Pkwy., NE, Suite 100 Gainesville,
GA 30501

RE: FY 2022 LMIG Application Cover Letter

Dear Mr. Durrence:

With the FY 2022 LMIG funds, the City of Flowery Branch will be paving 4.69 miles of road by cutting out load distressed pavement, then patching with 19mm Superpave. We will also edge-mill the gutter area where needed and will overlay with 1-inch of 9.5mm Type-I Superpave. There is a total match funding available of \$1,053,909.71 (\$301,001 in SPLOST VIII funding and \$752,908.71 local match), exceeding the 30% requirement.

With the FY 2021 LMIG funds, the City of Flowery Branch will be paving 4.75 miles of road by cutting out load distressed pavement, then patching with 19mm Superpave. We will also edge-mill the gutter area where needed and will overlay with 1-inch of 9.5mm Type-I Superpave. The contract was awarded to Sunbelt Asphalt and the paving program is underway. It should be completed by December 31, 2021. The FY2021 LMIG funds was matched with \$252,102 SPLOST VIII funding and \$707,846.15 local match funding which exceeds the 30% match requirement.

The City of Flowery Branch bundled a total of \$235,483.24 in LMIG funds from FY 2018, FY 2019, and FY 2020, which had a required minimum match of \$70,644.97. This project is 100% complete and was matched with \$194,660.16 in local funds for a total expenditure of \$430.143.40.

If you have any questions or need additional information, please contact our City Manager, Bill Andrew, at 770-967-6371 or email at bill@flowerybranchga.org.

Sincerely,

Mike Miller, Mayor

City of Flowery Branch
P.O. Box 757
5410 W. Pine Street
Flowery Branch, GA 30542
770-967-6371 (Main Office)
770-967-6481 (FAX)

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE & IMPROVEMENT
GRANT (LMIG) APPLICATION FOR FISCAL YEAR 2022
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.**

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

I, James M. Miller (Name), the Mayor (Title), on behalf of The City of Flowery Branch (Local Government), who being duly sworn do swear that the information given herein is true to the best of his/her knowledge and belief. Local Government swears and certifies that it has read and understands the LMIG General Guidelines and Rules and that it has complied with and will comply with the same.

Local government further swears and certifies that it has read and understands the regulations for the Georgia Planning Act of 1989 (O.C.G.A. § 45-12-200, et seq.), Service Delivery Strategy Act (O.C.G.A. § 36-70-20, et seq.), and the Local Government Budgets and Audits Act (O.C.G.A. 36-81-7 et seq.) and will comply in full with said provisions. Local government further swears and certifies that the roads or sections of roads described and shown on the local government's Project List are dedicated public roads and are part of the Public Road System in said county/city. Local government further swears and certifies that it complied with federal and/or state environmental protection laws and at the completion of the project(s), it met the match requirements as stated in the Transportation Investment ACT (TIA).

Further, the local government shall be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or omissions related to the designs, drawings, specifications, work and other services furnished by or on behalf of the local government pursuant to this Application ("Loss"). To the extent provided by law, the local government further agrees to hold harmless and indemnify the DEPARTMENT and the State of Georgia from all suits or claims that may arise from said Loss.

If the local government fails to comply with these General Guidelines and Rules, or fails to comply with its Application and Certification, or fails to cooperate with the auditor(s) or fails to maintain and retain sufficient records, the DEPARTMENT may, at its discretion, prohibit the local government from participating in the LMIG program in the future and may pursue any available legal remedy to obtain reimbursement of the LMIG funds. Furthermore, if in the estimation of the DEPARTMENT, a roadway or bridge shows evidence of failure(s) due to poor workmanship, the use of substandard materials, or the failure to follow the required design and construction guidelines as set forth herein, the Department may pursue any available legal remedy to obtain reimbursement of the allocated LMIG funds or prohibit local government from participating in the LMIG program until such time as corrections are made to address the deficiencies or reimbursement is made. All projects identified on the Project list shall be constructed in accordance with the Department's Standard Specifications of Transportation Systems (Current Edition), Supplemental Specifications (Current Edition), and Special Provisions.

Local Government: 99775
E-Verify Number

____ (Signature)

Sworn to and subscribed before me,

____ (Print)

Mayor / Commission Chairperson

This 5th day of August, 2021. In
the presence of:

____ (Date)

NOTARY PUBLIC

LOCAL GOVERNMENT SEAL:

My Commission Expires:

NOTARY PUBLIC SEAL:

STREETNAME	STREETTYPE	Shape_Leng	Width			Patching (SF)	Crack Sealing (Centerline mile)	Edge Milling (LF)	Overlay (SF)	
PHIL NIEKRO	BOULEVARD	2422.0	22	540.0	1882	41,405	0.46	4844	53285	
PHIL NIEKRO	BOULEVARD	956.8	22	120.0	837	18,409	0.18	1914	21049	
PHIL NIEKRO	BOULEVARD	49.5	22	0.0	50	1,089	0.01	99	1089	
PHIL NIEKRO	BOULEVARD	20.9	22	10.0	11	241	0.00	42	461	
PHIL NIEKRO	BOULEVARD	246.5	22	70.0	177	3,883	0.05	493	5423	
PHIL NIEKRO	BOULEVARD	419.5	22			923	0.08	839	9229	2.04
THURMON TANNER	PARKWAY	1329.1	48	370.0	959	46,037	0.25	5316	63797	
HOG MOUNTAIN	ROAD	676.5	48			3,247	0.13	1353	32472	
RAILROAD	AVENUE	889.3	22	80.0	809	17,805	0.17	1779	19565	
PINE	STREET	249.3	22	0.0	249	5,484	0.05	499	5484	
PINE	STREET	422.0	22	10.0	412	9,065	0.08	844	9285	
HOLLAND DAM	ROAD	726.3	22	110.0	616	13,559	0.14	1453	15979	
OLD ORR	ROAD	333.7	22			734	0.06	667	7342	2.04
BROOKSTONE	CIRCLE	369.7	22			813	0.07	739	8132	2.06
BROOKSTONE	CIRCLE	436.8	22			961	0.08	874	9609	2.07
BRIDGEPORT	COURT	564.8	22			1,243	0.11	1130	12425	2.07
MITCHELL	STREET	1536.3	22			3,380	0.29	3073	33800	2.09
MULBERRY	STREET	234.7	22			516	0.04	469	5163	2.09
CHURCH	STREET	635.8	22			1,399	0.12	1272	13988	2.09
BENCHMARK	DRIVE	968.5	22			2,131	0.18	1937	21308	2.09
BRADSHAW	COURT	572.5	22			1,260	0.11	1145	12595	2.10
BRASS LANTERN	DRIVE	1576.9	22			3,469	0.30	3154	34691	2.10
CHATTAHOOCHEE	STREET	687.2	22			1,512	0.13	1374	15118	2.11
HOG MOUNTAIN	ROAD	2600.9	22			5,722	0.49	5202	57220	2.11
SLEEPY LAGOON	WAY	440.6	22			969	0.08	881	9693	2.11
BENCHMARK	DRIVE	413.9	22			911	0.08	828	9105	2.12
CHESTNUT	STREET	430.6	22			947	0.08	861	9473	2.12
WEATHERVANE	ROAD	541.9	22			1,192	0.10	1084	11922	2.13
CHURCH	STREET	154.2	22			339	0.03	308	3392	2.13
LAKE STERLING	BOULEVARD	187.2	22			412	0.04	374	4118	2.13
FELLOWSHIP	LANE	548.4	22			1,206	0.10	1097	12064	2.04
BRIDGEPORT	COURT	778.0	22			1,712	0.15	1556	17117	2.04
GAINESVILLE	STREET	273.2	22			601	0.05	546	6010	2.04
LAKE STERLING	BOULEVARD	482.5	22			1,062	0.09	965	10615	2.04
LAKE STERLING	BOULEVARD	216.2	22			476	0.04	432	4756	2.04
PHIL NIEKRO	BOULEVARD	291.6	22			641	0.06	583	6415	2.04
PHIL NIEKRO	BOULEVARD	291.1	22			640	0.06	582	6405	2.04
PHIL NIEKRO	BOULEVARD	87.4	22			192	0.02	175	1922	2.04
GAINESVILLE	STREET	447.7	22			985	0.08	895	9849	2.04
GAINESVILLE	STREET	245.1	22			539	0.05	490	5391	2.04
		4.69				197,111.20	4.69	52168	596758	

Item	Units	Quantity	Unit Cost	Product
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Patching (19mm SuperPave, 4" depth)	TON	1604	\$	131.25	\$	210,588.68
Crack Sealing	CLMILE	4.7	\$	9,450.00	\$	44,306.03
Edge Milling (not including TT & PN)	SY	46,681	\$	7.14	\$	333,305.19
Overlay (4.25 mm SuperPave, 1" depth)	TON	2,637	\$	119.70	\$	315,694.58
Overlay (12.5mm SuperPave for TT & PN, 1.5" depth)	TON	1,564	\$	117.60	\$	183,919.57
Other costs (mobilization, traffic contrl, striping, utility adjustment, etc.)	LUMP	1	\$	50,000.00	\$	50,000.00

\$ 1,137,814.04 Estimated cost from CPL

Red italics indicate that we adjusted the length of the road segment to account for the city limit boundary



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Request to research and apply for potential grant opportunities with the assistance of the Georgia Mountains Regional Commission

COUNCIL MEETING DATE: August 5, 2021

HISTORY:

The City of Flowery Branch pays quarterly dues to the Georgia Mountains Regional Commission.

The Georgia Mountains Regional Commission (GMRC) is a public sector, non-profit planning and development agency that serves a 12-county region in the Georgia Mountains and includes the following Counties: Banks, Dawson, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union, and White.

The GMRC provides technical assistance to our member governments in the areas of Economic Development, GIS, Human Resources, Planning, Revolving Loan Fund administration, and Workforce Development.

FACTS AND ISSUES:

The City of Flowery Branch is currently experiencing significant growth in our community. Staff reached out to GMRC to see if there are potential grant opportunities to help our community and offset some of the debt related to our growth. Some of these opportunities may require a match. The list of opportunities are:

Recreational Trails Program (RTP)

Land and Water Conservation Fund (LWCF)

Georgia State Fiscal Recovery Fund <https://opb.georgia.gov/state-fiscal-recovery-fund>

Economic Development Administration through the American Rescue Plan Program <https://www.eda.gov/ARPA/>

Attached is full list of grants administered through GMRC.

If awarded, the grants will come before Council for final approval and acceptance. The GMRC will assist with research, application and administration of the grants.

OPTIONS:

Approve for staff to proceed with research and applications of grant opportunities through the GMRC. or do not approve to proceed.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

debt resources could be used as potential match funds (if required)

RECOMMENDATION:

Approval to apply for potential grant opportunities with the assistance of the Georgia Mountains Regional Commission

SAMPLE MOTION:

I make a motion to approved for staff to research and apply for potential grant opportunities with the guidance of the GMRC, noting that if awarded, final acceptance of the grants must be approved by Council.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [Grants-At-A-Glance .pdf](#)

GRANTS-AT-A-GLANCE

AGENCY	ASSISTANCE AMOUNT	ELIGIBLE APPLICANTS	ELIGIBLE ACTIVITIES	DEADLINE	WEBSITE
Appalachian Regional Commission (ARC)	Maximum grant amount is \$600,000	Federally-designated counties and cities within 12-county GMRC area	Must follow in accordance with one of four ARC strategic goals. Projects include infrastructure, tourism, health care, education, access roads, etc.	Quarterly	www.arc.gov
Economic Development Administration (EDA)	Maximum of 70 percent of total project cost	Public and private non-profit organizations	Must be essential to industrial and commercial growth. Must have a high level of job creation. Examples: Industrial Parks, Roads, Water and sewer infrastructure improvements	Anytime	www.eda.gov
Community Development Block Grant-Employment Incentive Program (CDBG-EIP)	Maximum amount of \$750,000	All general-purpose local governments in the Georgia Mountains Region	Examples: Public water and sewer systems, distribution and/or collection lines, wastewater treatment projects, broadband, and rail spurs. Fixed assets, including land, new facilities, rehabilitation of existing facilities, machinery, equipment, etc. <u>Projects must create and/or retain jobs.</u>	Anytime	www.dca.ga.gov
Community Development Block Grant (CDBG)	Maximum of \$750,000 for a single activity and \$1,000,000 for multi-activity	All general-purpose local governments in the Georgia Mountains Region	Acquisition of real property; as well as, improvements, construction/rehabilitation of public facilities. Examples: housing rehabilitation & reconstruction, water and sewer facilities, mental health centers, adult learning centers, senior centers	April of each year	www.dca.ga.gov
Regional Economic Business Assistance (REBA)	Amount generally approved for project need as recommended from State (Ex: GDEcD)	Local governments, Development Authorities, Joint Development Authorities (<i>Non-Rural Communities</i>)	Public land acquisition & site development, public infrastructure improvements, publicly owned machinery and equipment, and publicly owned/private leased fixed assets	Anytime	www.dca.ga.gov
OneGeorgia Authority EDGE FUND	Amount generally approved for project need as recommended from State (Ex: GDEcD)	Local governments, Development Authorities, Joint Development Authorities (<i>Rural Communities</i>)	Public land acquisition & site development, public infrastructure, publicly owned machinery and equipment, and publicly owned/private leased fixed assets	Anytime	www.onegeorgia.org
OneGeorgia Authority EQUITY FUND	Maximum of \$500,000	Local governments, Development Authorities, Joint Development Authorities	Public land acquisition & site development, public infrastructure, publicly owned machinery and equipment, Industrial Park development, workforce development, and tourism development	Anytime	www.onegeorgia.org

GRANTS-AT-A-GLANCE

Georgia Environmental Finance Authority Loan (GEFA)	Loan amount contingent upon scope of project.	All local governments in the Georgia Mountain Region	Wastewater treatment and water quality projects: Construction/expansion of treatment plants, sewer and water line construction/rehabilitation, storm sewer rehabilitation, acquisition of buffer zones, stream bank restoration, and establishment of recycling, solid waste facilities. Renewable Energy Projects and “green” projects are also considered.	Anytime	www.gefa.org
Immediate Threat & Danger (DCA)	Maximum of \$50,000. 50 % match required.	All local governments in the Georgia Mountains Region	Applications must address an event or situation having a particular urgency and uniqueness that adversely affects a community and its citizens and where other financial resources are not available to meet such needs.	Anytime	www.dca.ga.gov
USDA-Rural Development Loans/Grants	Maximum of 75% of project cost	Public bodies, non-profit corporations, and rural communities less than 20,000 in population	Construction, land acquisition, equipment, establishment of revolving loan funds	Anytime	www.rurdev.usda.gov
Recreational Trails Grants (RTP)	Maximum grant award of \$200,000	All local governments within the Georgia Mountain Region	Construction of new trails, maintenance and restoration of existing trails, rehabilitation of trailhead facilities, acquisition, and assessments for handicap accessibility.	2-Year Cycle	www.gadnr.org
Redevelopment Fund (DCA)	Maximum of \$750,000	All general-purpose local governments in the Georgia Mountains Region	Funds are targeted toward eliminating slum and blight areas. Investments typically made for commercial downtown, and industrial development	Anytime	www.dca.ga.gov
Downtown Development Revolving Loan Fund (DCA)	Maximum of \$250,000	Municipalities with a population of 100,000 or less, counties with a population of 100,000 or less	Real estate acquisition, development, redevelopment, and new construction. Rehabilitation of public and private infrastructure and facilities, purchase of equipment and other assets (on a limited basis)	Anytime	www.dca.ga.gov
Assistance to Firefighters Grant (AFG)	Population of 500,000 or less may not receive in excess of \$1 million	All local governments, fire departments within the Georgia Mountains Region	Training, equipment, personal protective equipment, wellness & fitness programs, modifications to stations, vehicle acquisition	Annual (December)	www.fema.gov
Land and Water Conservation Fund	Grant minimum is \$25,000; Maximum is \$100,000 – 50% match required	All local governments within the Georgia Mountain Region	This grant program helps communities acquire recreation lands, and develop/rehabilitate outdoor recreation facilities.	2-Year Cycle	www.gastateparks.org/LWC F