



**City of Flowery Branch
City Council Meeting
Thursday, August 06, 2020, 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:

- Ordinance 20-597 a request by the Goddard School to annex into the City.
[Staff Report - Entire Project.pdf](#)
[Goddard School Annexation.pdf](#)
- Ordinance 20-598 an annexation request for 6001 Spout Springs Road submitted by Capstone Acquisitions
[6001 Spout Springs Annexation.pdf](#)
[Staff Report - Entire Project.pdf](#)
- Ordinance 20-599 - An annexation request for 6005 Spout Springs Rd. submitted by Capstone Acquisitions, LLC.
[6005 Spout Springs Annexation.docx](#)
[Staff Report - Entire Project.docx](#)
- Ordinance 20-600 an annexation request for 6011 Spout Springs Road submitted by Capstone Acquisitions, LLC
[Staff Report - Entire Project.pdf](#)
[6011 Spout Springs Annexation .pdf](#)
- Ordinance 20-601 an annexation request for 6065 Spout Springs Rd. submitted by Capstone Acquisitions, LLC
[6065 Spout Springs Annexation.pdf](#)
[Staff Report - Entire Project.pdf](#)
- Ordinance 20-602 an annexation request for 6035 Spout Springs Rd. submitted by Capstone Acquisitions, LLC.
[6035 Spout Springs Annexation.pdf](#)
[Staff Report - Entire Project.pdf](#)
- Ordinance 20-603 a rezoning request submitted by the Goddard School
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- Ordinance 20-605 for the rezoning of 6005 Spout Springs Road by Capstone, LLC
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[Staff Report - Entire Project.pdf](#)

- Ordinance 20-606 a rezoning request for 6011 Spout Springs Rd. submitted by Capstone Acquisitions, LLC
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[6011 Spout Springs Rezoning.pdf](#)
- 20-607 a rezoning request for 6065 Spout Springs Road from Hall County PRD to Flowery Branch R3
[6065 Spout Springs Rezoning.pdf](#)
[Staff Report - Entire Project.pdf](#)
- Ordinance 20-608 a rezoning request for 6035 Spout Springs Rd. submitted by Capstone Acquisitions, LLC
[6035 Spout Springs Rezoning.pdf](#)
[Staff Report - Entire Project.pdf](#)
- Ordinance 609 a rezoning request by Mr. Shawn Gleason for 4153 Falcon Pkwy from Agricultural (A) to Highway Business (HB)
[Rezoning Application.pdf](#)
[Site Analysis Document.pdf](#)
[Rezoning Narrative.pdf](#)
[Overbrook Drive Apartments Addressing.pdf](#)
[Staff report Falcon Parkway.pdf](#)
[Falcon Pkwy Rezoning Ordinance 609.pdf](#)
- Ordinance 239-K & 240-K submitted by NNP-Looper Lake, LLC to rezone 85 +/- acres of land in Sterling on the Lake known as the Honeycutt Tract from PUD to modified PUD - changing the conditions of zoning to allow a gate and private roads.
[Honeycutt Rezoning Application.pdf](#)
[Staff report.pdf](#)
[Ordinance.pdf](#)

PUBLIC COMMENTS: - Please limit to two minutes.

UNFINISHED BUSINESS - WORK SESSION:

- Second Read of Ordinance 447-B: The City of Flowery Branch Speed Zone Ordinance
[Updated Ordinance 447B \(Speed Zone\).pdf](#)
[Speed Zone Ord. Update 2020 GDOT.pdf](#)

NEW BUSINESS -WORK SESSION:

- Consider - Resolution 20-020: Water Sewer Rate Changes effective August 20, 2020 (September billing)
[19-014 - Water Sewer Rates - Approved 10-17-2019.pdf](#)
[Executive Summary - Res 20-020 Water Sewer Rate Changes effective 8-20-2020.pdf](#)
[20-020 WS Final Ordinance .pdf](#)
[Technical Memorandum July 28 2020.pdf](#)
[Flowery Branch Council Presentation July 29 2020.pdf](#)
- Ordinance 20-597 a request by the Goddard School to annex into the City.
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- Ordinance 20-598 an annexation request for 6001 Spout Springs Road submitted by Capstone

Acquisitions

[6001 Spout Springs Annexation.pdf](#)[Staff Report - Entire Project.pdf](#)

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[Honeycutt Rezoning Application.pdf](#)

[Staff report.pdf](#)

[Ordinance.pdf](#)

- Consider Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

[EXECUTIVE SUMMARY - GEORGIA CARES \(CRF\) GRANT TERMS AND CONDITIONS.pdf](#)

[20-021 Grant Agreement Terms and Conditions for CARES Funding.pdf](#)

[GeorgiaCares Terms and Conditions.pdf](#)

- Consider Resolution 20-022: Re-appropriation of Fiscal Year 2021 funds for Mitchell Street Stormwater Infrastructure Improvements and award contract to Summit Construction and Development, LLC.

[EXECUTIVE SUMMARY - Mitchell Street Infrastructure Project.pdf](#)

[CPL2020-001 Mitchell St Infrastructure Bid Tabulation Sheet 7-30-2020.pdf](#)

[Cost Estimate 2020 and Funding Proposal.pdf](#)

[Bid Invitation - 6-24-2020 - Newspaper Copy.pdf](#)

[Mitchell Street Infrastructure Project for Council Packet Binder 8-6-2020.pdf](#)

[Resolution 20-021 - Mitchell Street Infrastructure Project.pdf](#)

[Basset Dev. Agreement and PPSlides.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 June 4, 2020 Meeting Minutes
[June 4, 2020 Council Meeting Minutes.pdf](#)
- Consider June 18, 2020 9 am Special Called Meeting Minutes
[June 18, 2020 9am Special Called Meeting Minutes.pdf](#)

- Consider June 18, 2020 Meeting Minutes
[June 18, 2020 Meeting Minutes.pdf](#)
- Consider June 25, 2020 Special Called Meeting Minutes
[June 25, 2020 Special Called Meeting Minutes.pdf](#)
- Consider Mayor Mike Miller Per Diem
[Mike Miller July 2020 Per Diem.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

NEW BUSINESS - VOTING SESSION:

- Consider Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)
[EXECUTIVE SUMMARY - GEORGIA CARES \(CRF\) GRANT TERMS AND CONDITIONS.pdf](#)
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[GeorgiaCares Terms and Conditions.pdf](#)

EXECUTIVE SESSION:

ADJOURNMENT:

PUBLIC COMMENTS: - Please limit to two minutes.

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: Ordinance 20-597 a request by the Goddard School to annex into the City.

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

The Goddard School must be annexed in order for the City to consider the Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing and work session discussion only.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff Report - Entire Project.pdf](#)
- [Goddard School Annexation.pdf](#)

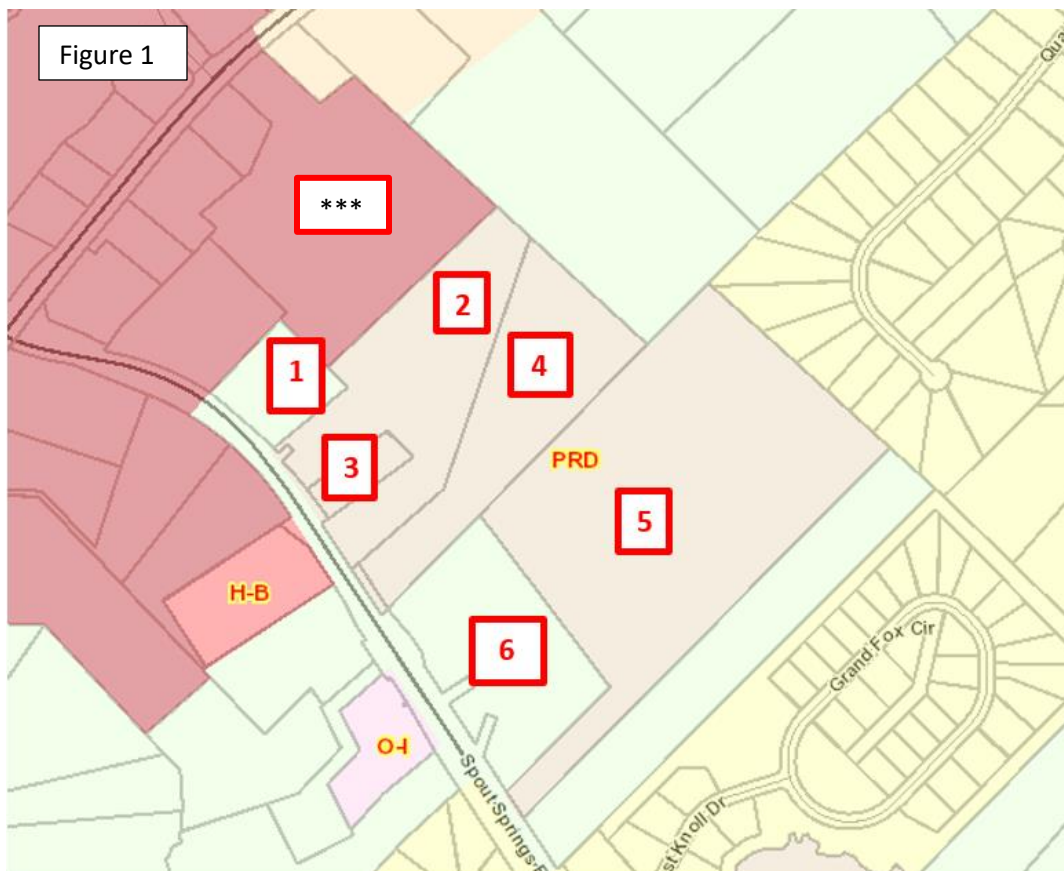


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

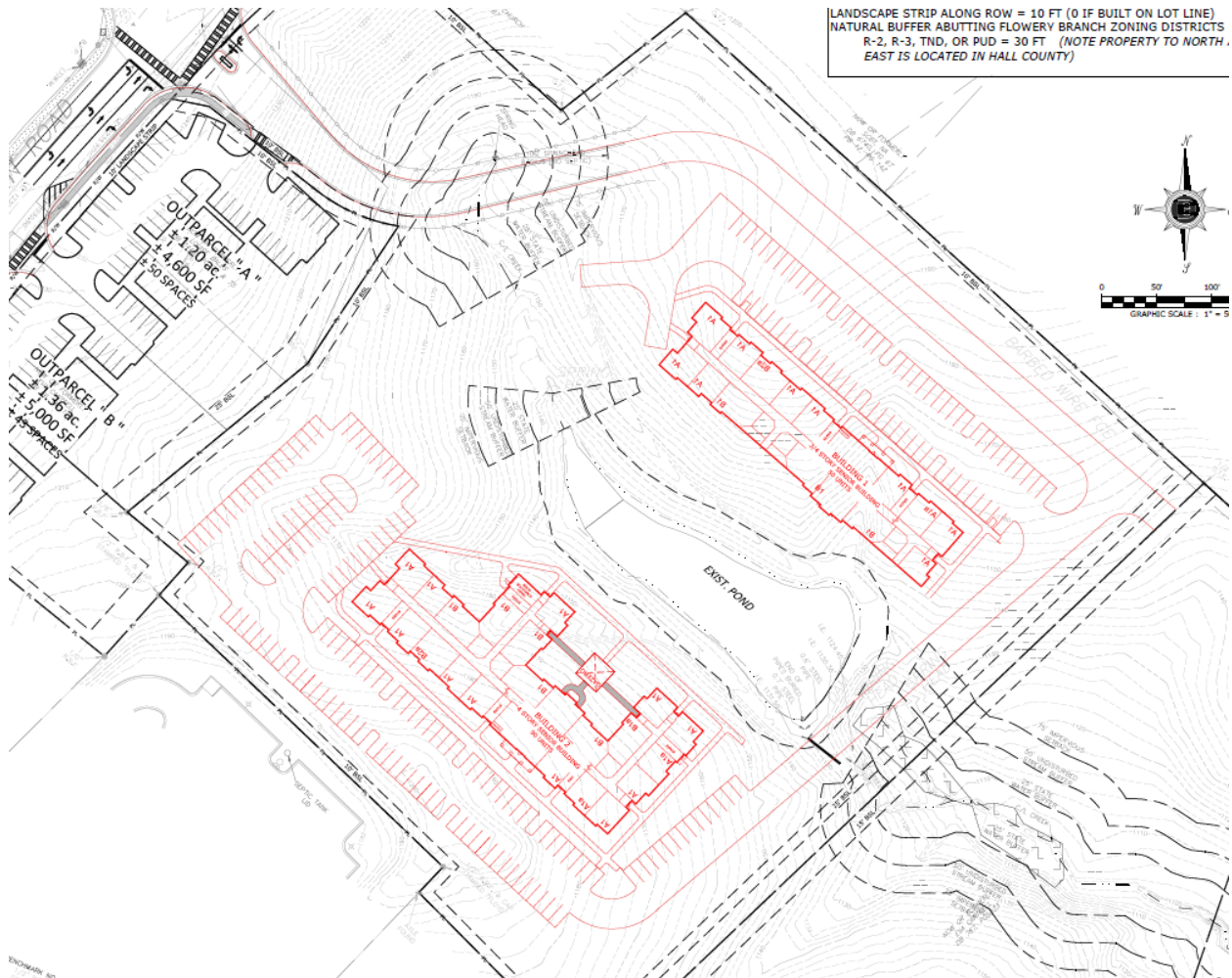
1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).



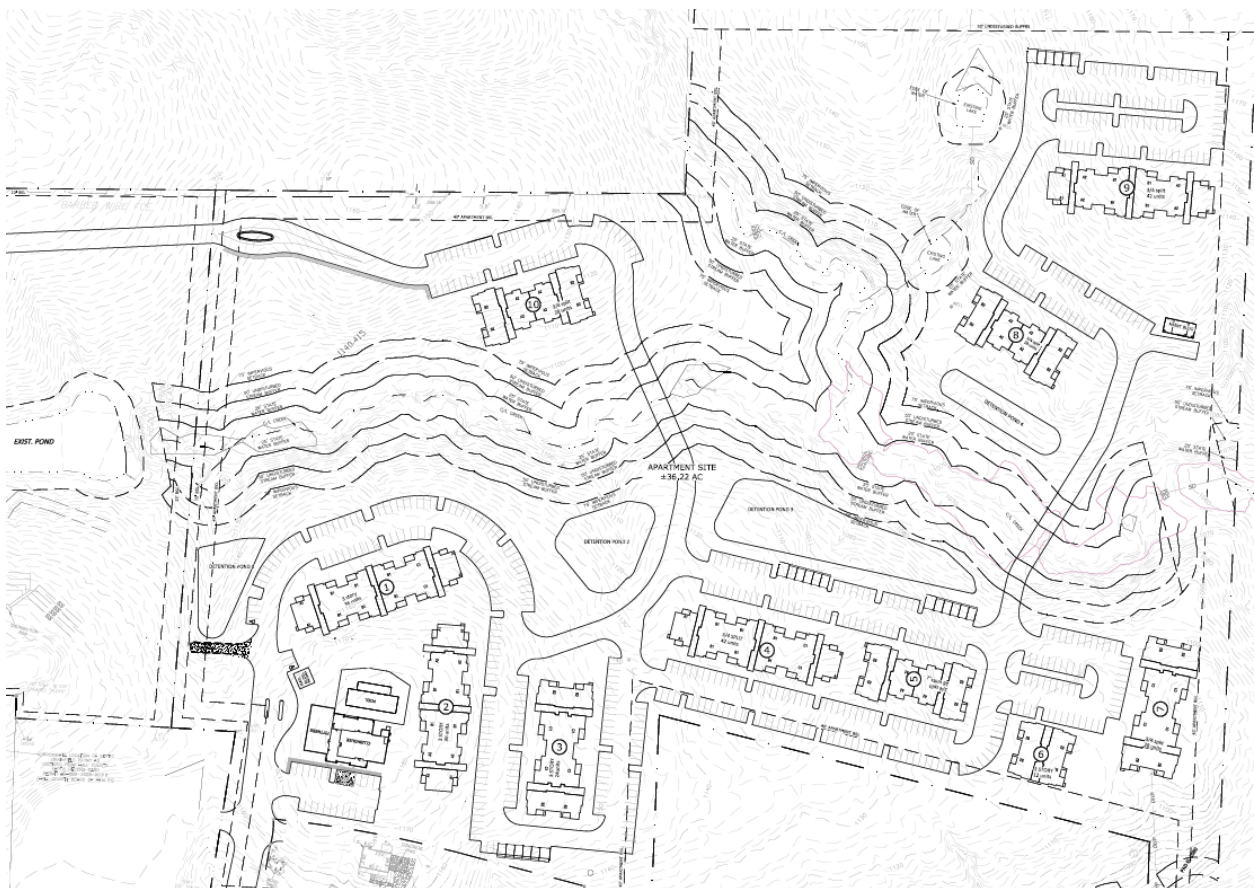


Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



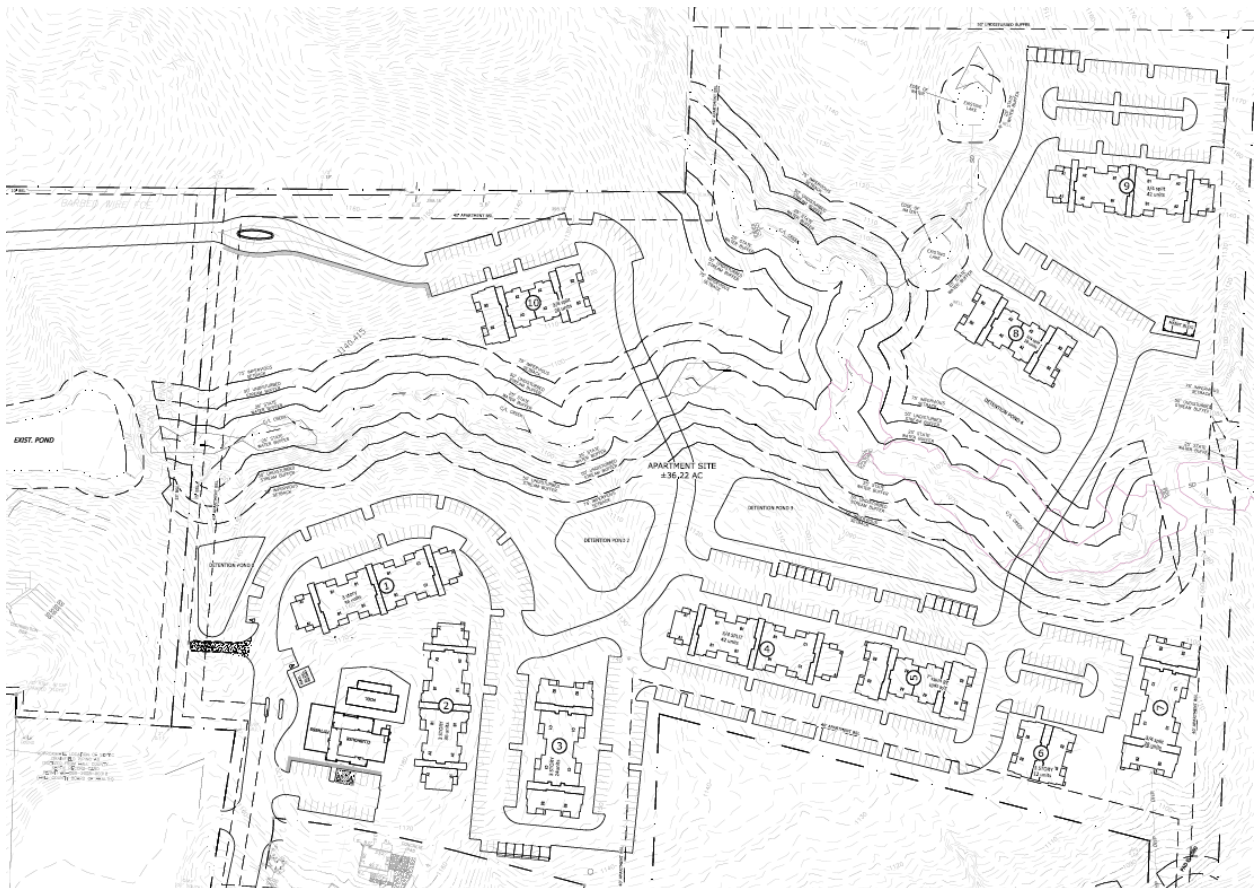
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

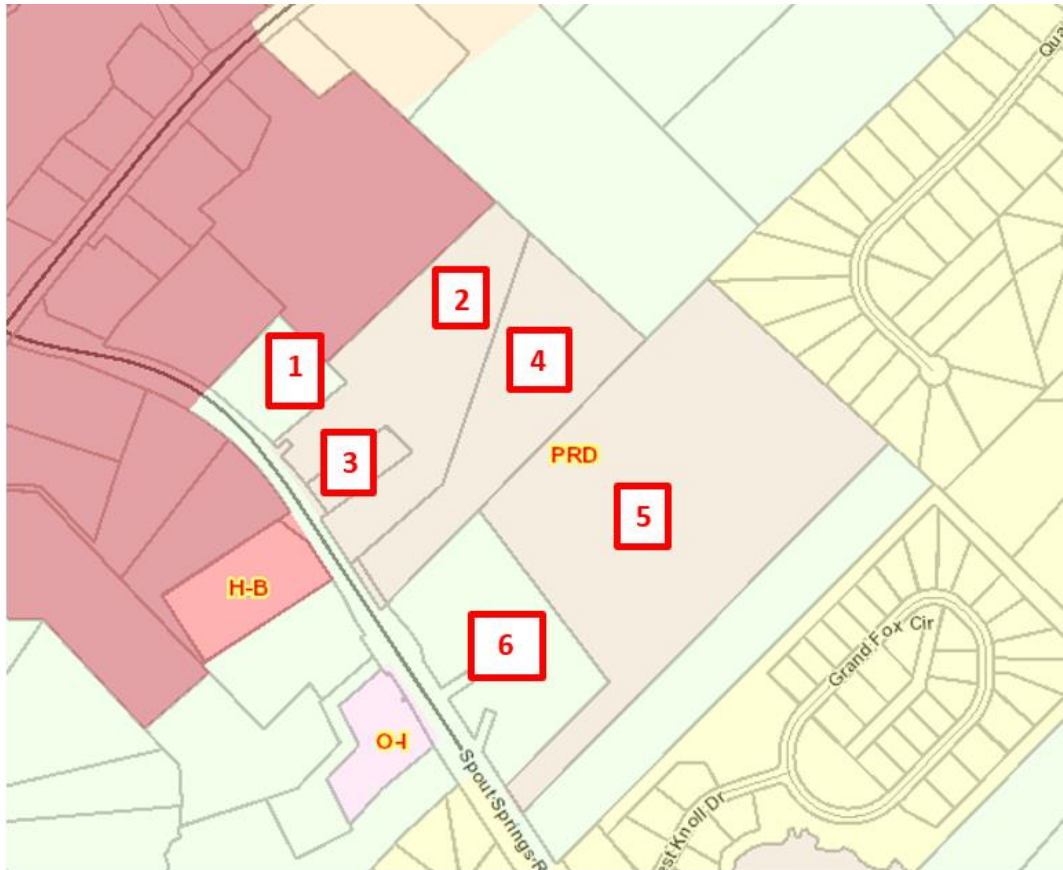


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-597

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A PARCEL OF REAL PROPERTY TOTALING 2.17 +/- ACRES OF LAND OWNED BY RRRD, LLC. IDENTIFIED AS 5989 SPOUT SPRINGS ROAD 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, RRRD, LLC, owns all tracts or parcel of land totaling 2.17 +/- acres identified as Parcel Tax Identification No. 15046 000009D, 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 RRRD, 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 parcel of land 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, RRRD, 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. 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 tract or parcel of land totaling 2.17 +/- acres

identified as Parcel Tax Identification Nos. 15046 000009D, 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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

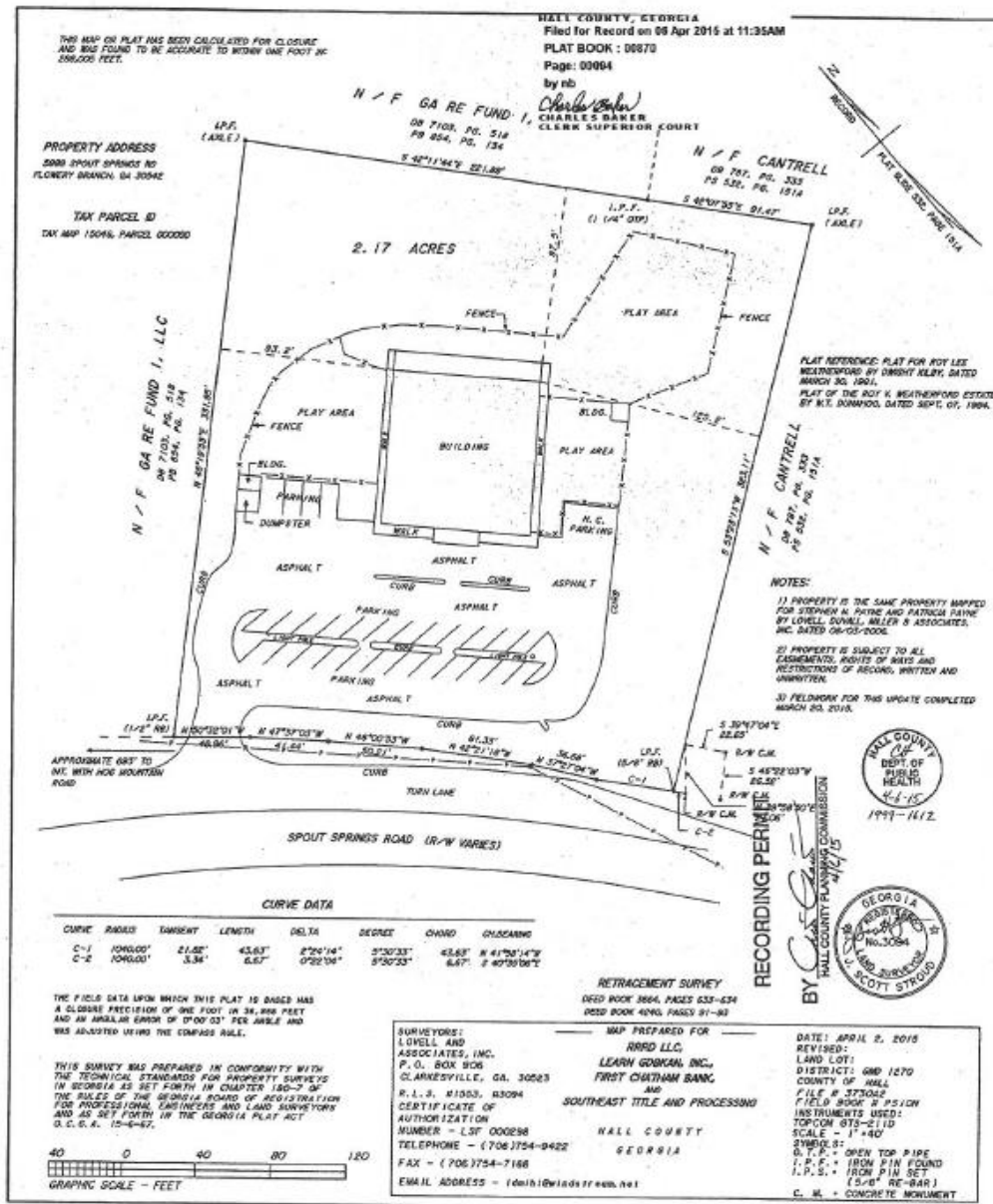


Exhibit "B"

ALL THAT LOT, tract or parcel of land lying, situate and being in the 1270 GMD, Hall County, Georgia, being all that property shown on a survey for "RRRD, LLC, Learn GDBKAN, LLC, First Chatham Bank, and Southeast Title and Processing," dated April 2, 2015, prepared by J. Scott Stroud, Georgia Registered Land Surveyor, being shown to contain 2.17 acres according to said survey, which survey is recorded at Deed Book 870, Page 94, Hall County, Georgia plat records.

Subject to all easements, covenants, and restrictions of record, if any.

Map# 15046 000009D



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-598 an annexation request for 6001 Spout Springs Road submitted by Capstone Acquisitions

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the overall Capstone project. there are five (5) parcels that are to be considered for annexation and rezoning. The attached staff report details the requests and the overall project scope.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6001 Spout Springs Annexation.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-598

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 7.63 +/- ACRES, OWNED BY CAPSTONE ACQUISITIONS, LLC. IDENTIFIED AS 6001 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000065 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 7.63 +/- acres identified as Parcel Tax Identification Nos. 15046 000065, 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 Capstone Acquisitions, 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 parcel of land 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, Capstone Acquisitions, 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. 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 tract or parcel of land totaling 7.63 +/- acres identified as Parcel Tax Identification No. 15046 000065, 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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

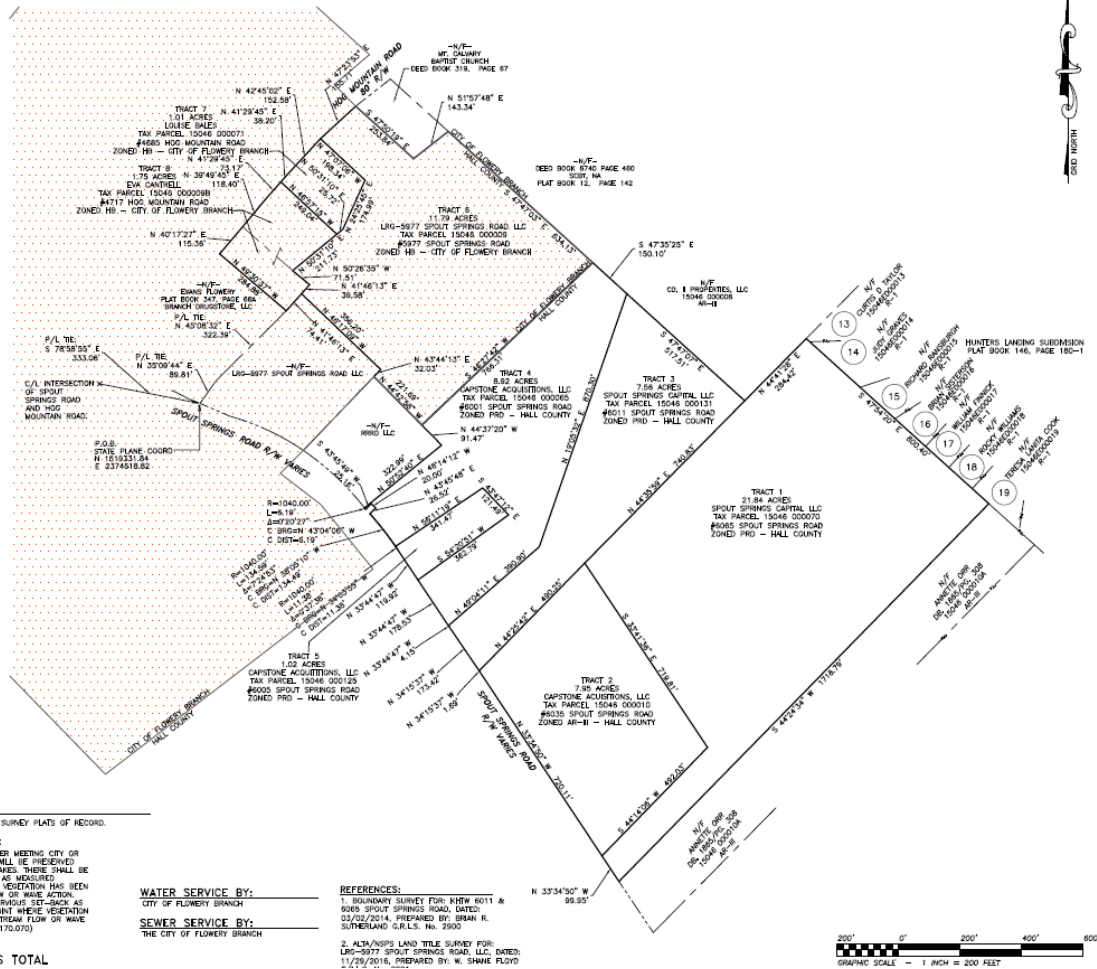


Exhibit “B”

6001 Spout Springs Road Tax I.D. # 15046 000065

All that tract or parcel of land lying and being in the 1270th GMD of Hall County Georgia, containing 7.632 acres, more particular described as follows: Beginning and an iron pin on the East right of way of Spout Springs Road thence North 51 degrees 34 minutes 19 seconds East 401.85 feet to an iron pin; thence North 21 degrees 35 minutes 40 seconds East 869.87 feet to an iron pin at property of Greenway; thence along the line of Greenway North 45 degrees 09 minutes 28 seconds West 150 feet to an iron pin; thence South 48 degrees 59 minutes 13 seconds West 766.04 feet to an iron pin at property now or formerly of Dillard Fitzgerald; thence South 41 degrees 20 minutes 47 seconds East 91.65 feet to an iron pin; thence South 41 degrees 20 minutes 17 seconds East 314.25 feet to an iron pin; thence South 56 degrees 44 minutes 58 seconds West 373.36 feet to an iron pin on the right of way of Spout Springs Road; thence along the right-of-way of South 31 degrees 08 minutes 36 seconds East 178.90 feet to the beginning iron pin. The above property is more fully described as “Tract No. 1C” in a plat prepared by W.T. Denny and Associates for the Roy V. Weatherford Estate dated September 4, 1994, revised March 20, 1996, and is a part of the same property described in a survey for Roy V. Weatherford Estate prepared by W.T. Donahue and Associates, Inc., dated September 7, 1994 recorded on Plat Slide 532, Page 151-A, Hall County, Georgia Deed Records, which plats are incorporated herein by reference.

LESS AND EXCEPT that property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 4239, Page 94, Hall County, Georgia Deed Records.

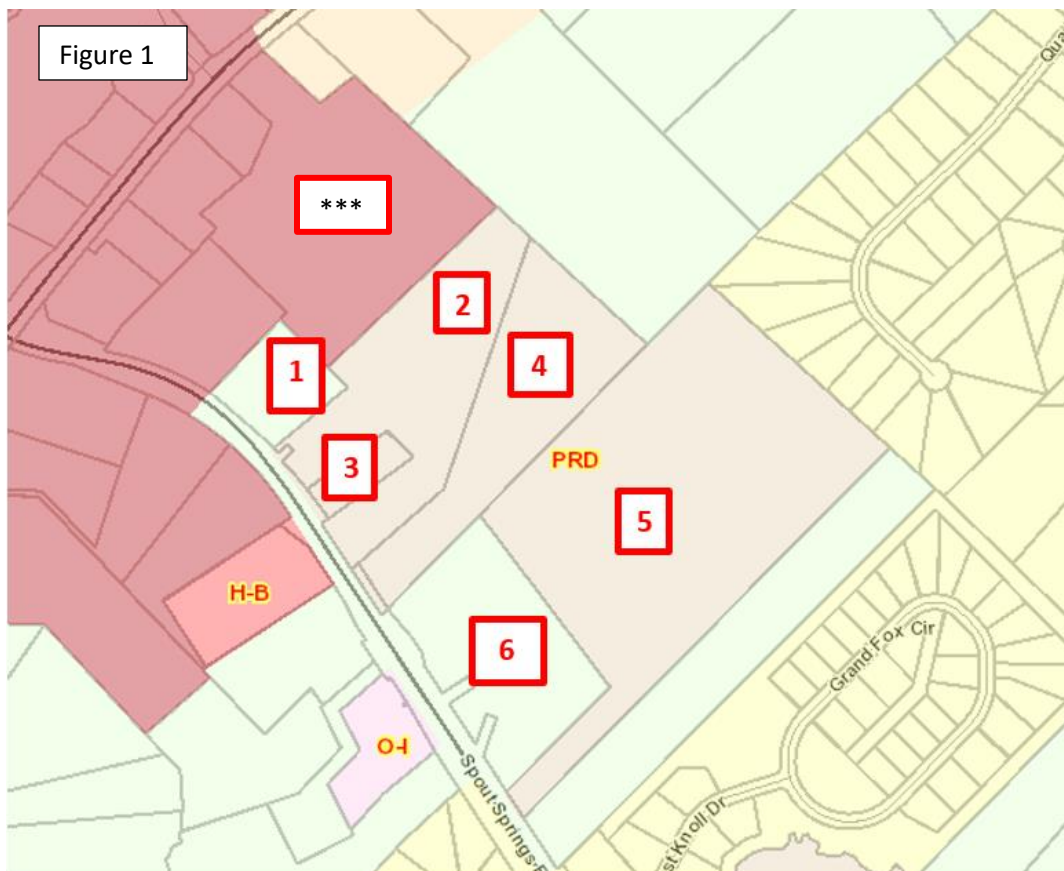


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





If approved, parcels 2, 3, 4, 5, & 6 (Figure 1) will be altered and will generally appear as shown below in Figure 2. The project will generally consist of four major components (also shown in Figure 2):

1. Senior Housing (CUP per FB Resolution 16-002)
2. The Goddard School
3. The Exchange at Flowery Branch
4. Two Highway Business out parcels.

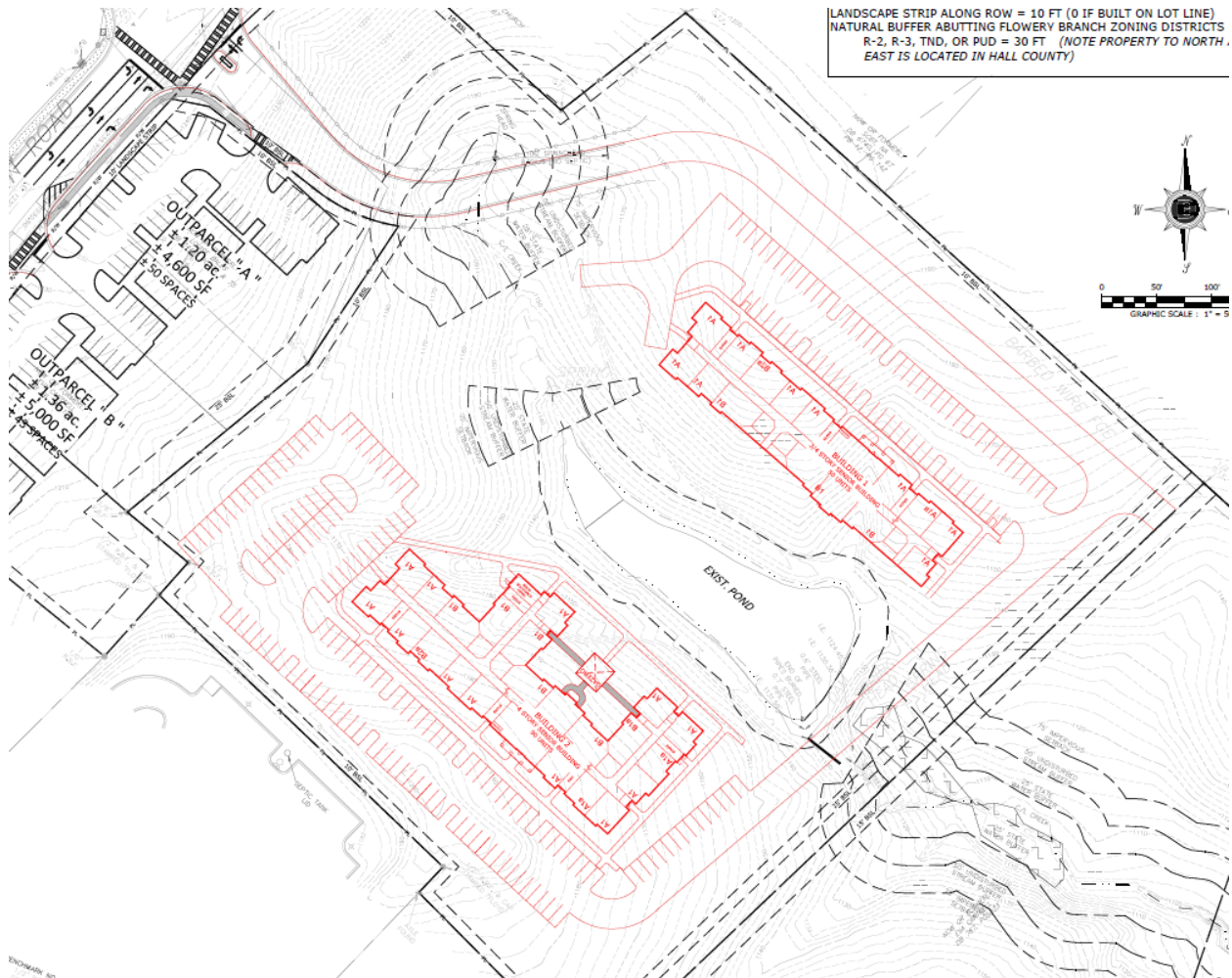


Component 1 Senior Housing Information

No City Council action is required for land use/zoning on this component. A Conditional Use Permit (CUP) was approved for this site on April 21, 2016 via resolution # 16-002 (see attachment #1) allowing a senior multi-family development. The CUP does not set limitations on size or number of units nor does it have any guidelines or recommendations for materials or design. This development will only be subjected to the requirements for Highway Business (HB) set forth in Table 9.2 of the zoning ordinance (see attachment #2). Currently, the applicant has submitted a preliminary non-binding site plan that shows 140 units (see below). Although no action is to be taken at this time if the project is relevant as it



allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).



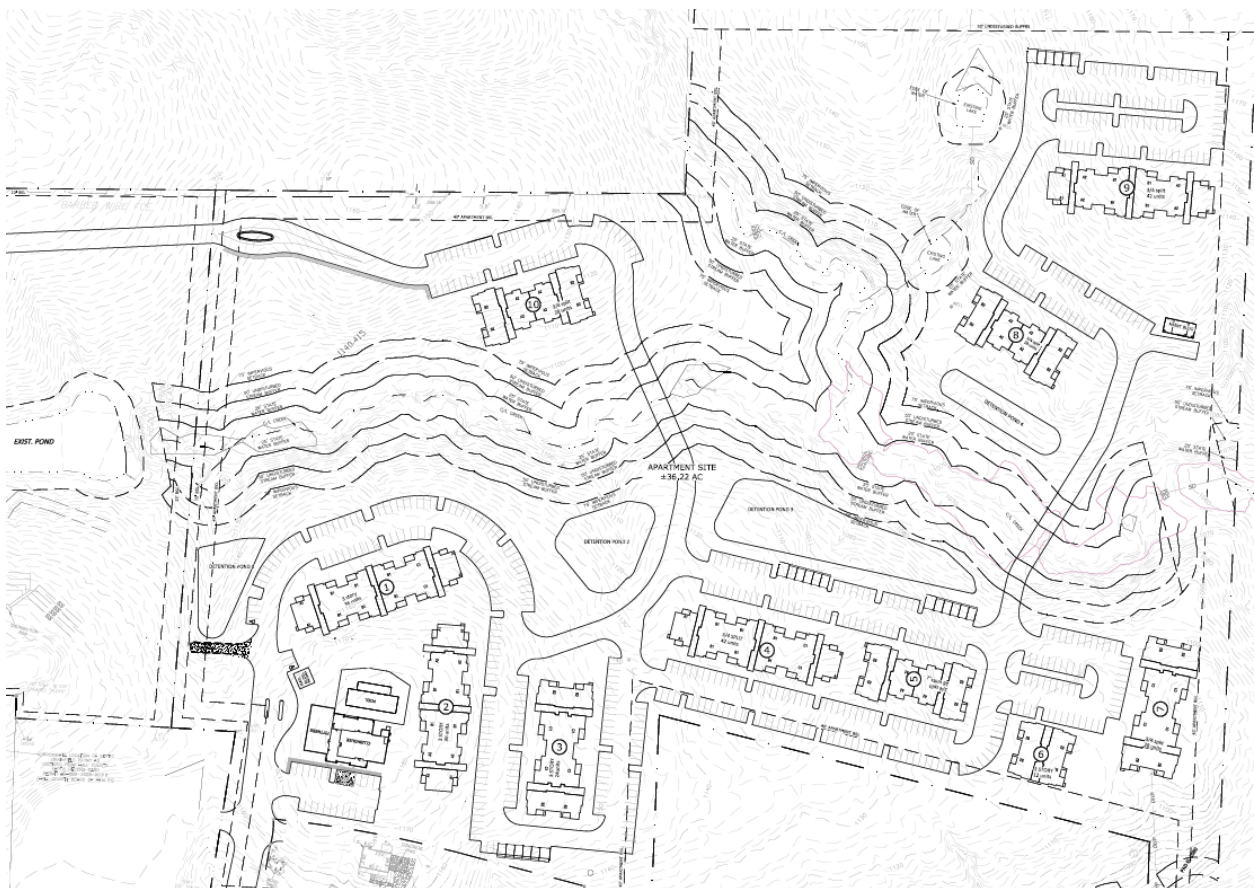


Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



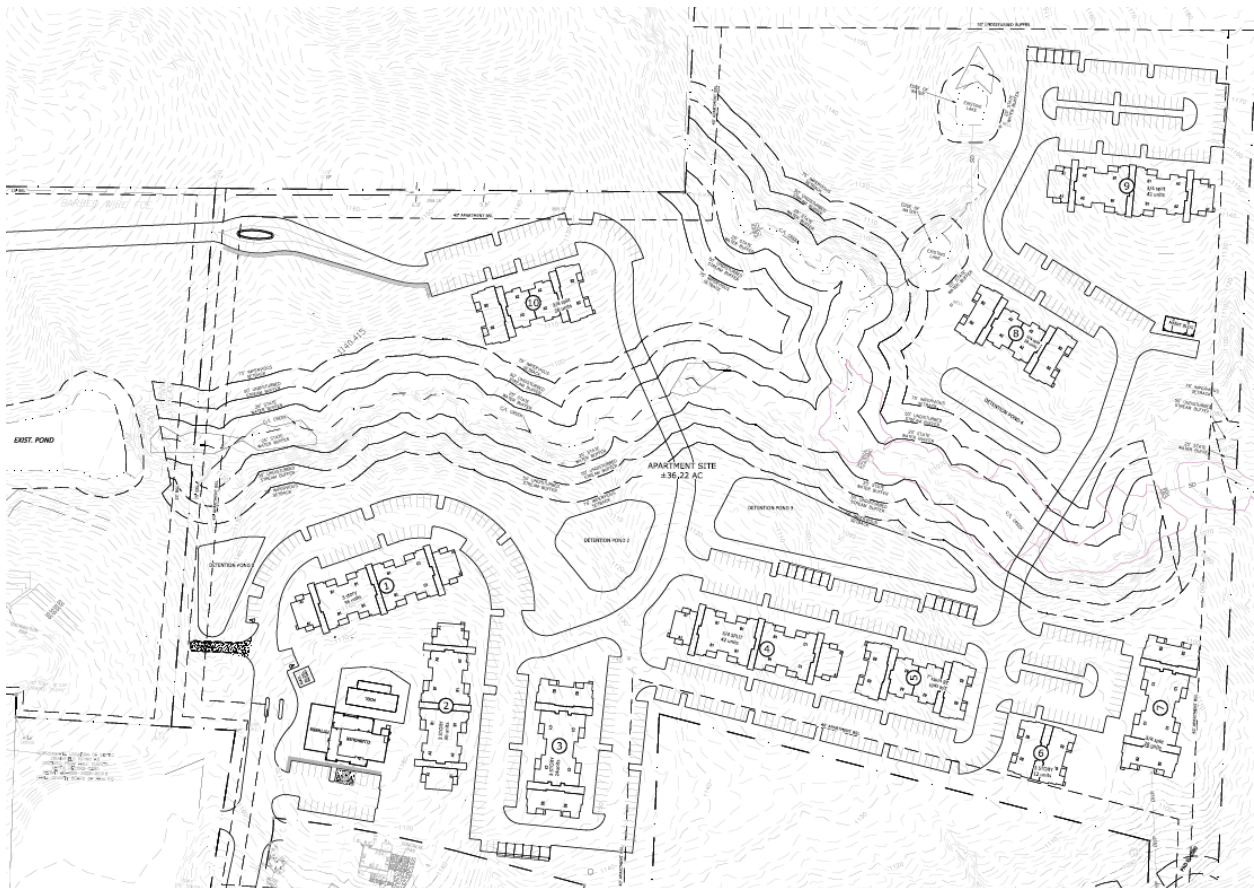
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002
Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

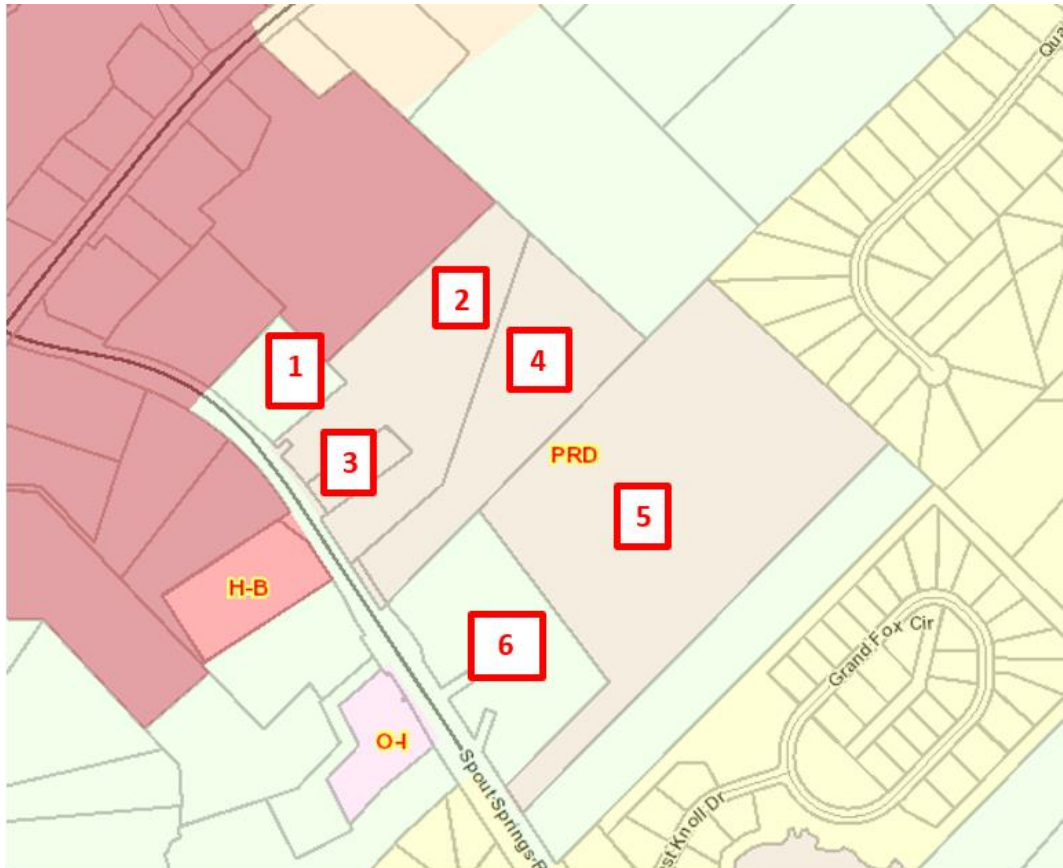


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-599 - An annexation request for 6005 Spout Springs Rd. submitted by Capstone Acquisitions, LLC.

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6005 Spout Springs Annexation.docx](#)
- [Staff Report - Entire Project.docx](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-599

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 1.00 +/- ACRES, OWNED BY CAPSTONE ACQUISITIONS, LLC. IDENTIFIED AS 6005 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000125 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 1.00 +/- acres identified as Parcel Tax Identification Nos. 15046 000125, 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 Capstone Acquisitions, 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 parcels of land are 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, Capstone Acquisitions, 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. 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 tract or parcel of land totaling 1.00 +/- acres identified as Parcel Tax Identification No. 15046 000125, 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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

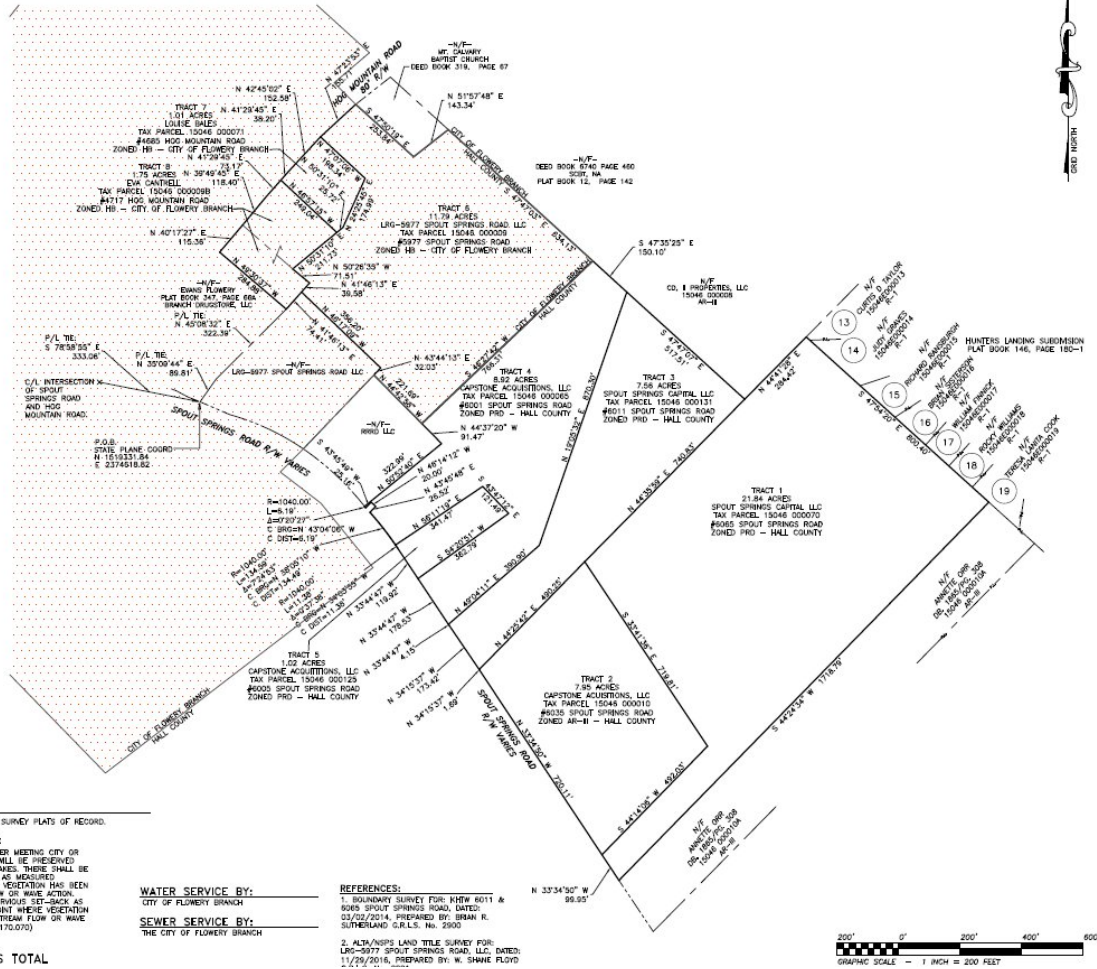


Exhibit “B”

6005 Spout Springs Road Tax I.D. # 15046 000125

All that tract or parcel of land, together with improvements thereon, lying and being in GMD 1270, Hall County, Georgia, containing 1.000 acre as shown on a plat prepared for Joan M. Cody Wingo and Tommy Wingo dated April 29, 1995, by Mike T. Hosch, Georgia Registered Land Surveyor, recorded in Plat Slide 437, Page 207-A, Hall County, Georgia Deed Records.

LESS AND EXCEPT from the above property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 4206, Page 218, Hall County, Georgia Deed Records.

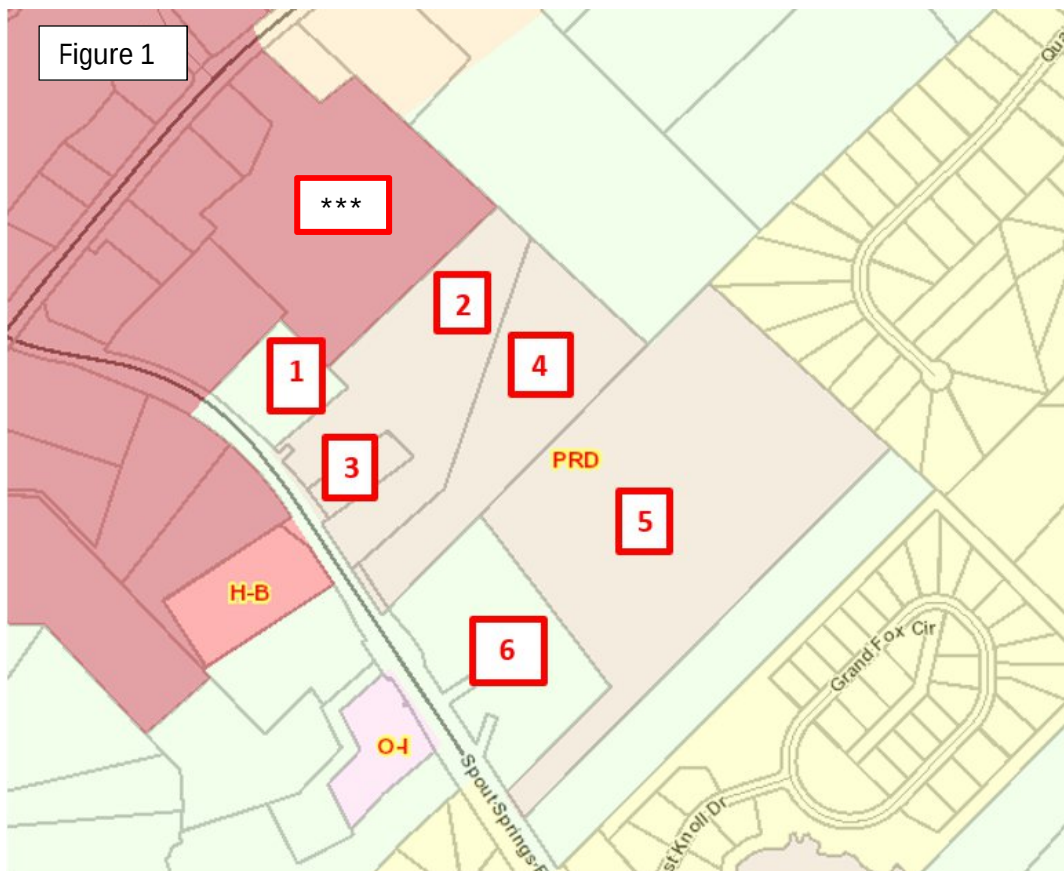


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

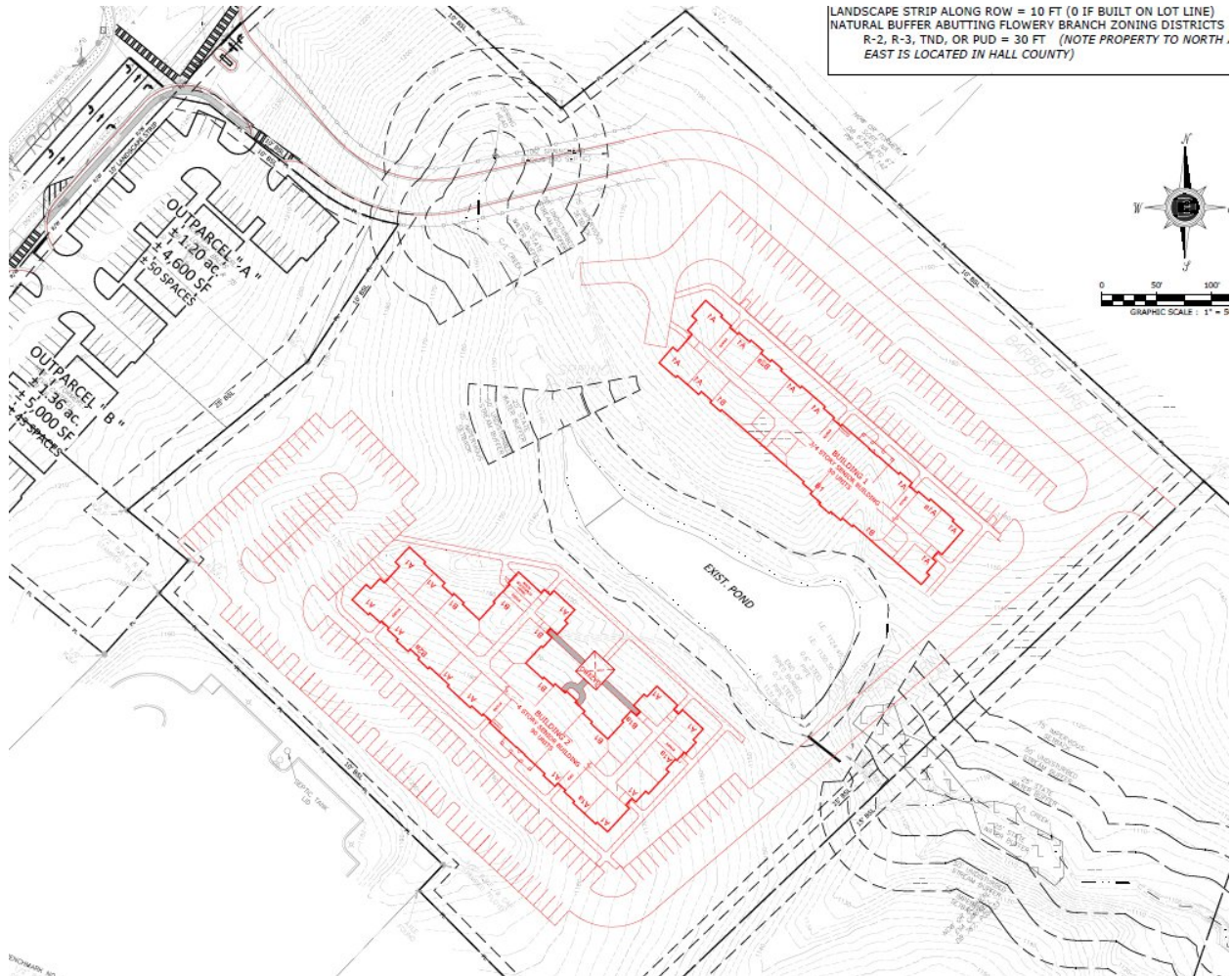
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*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).



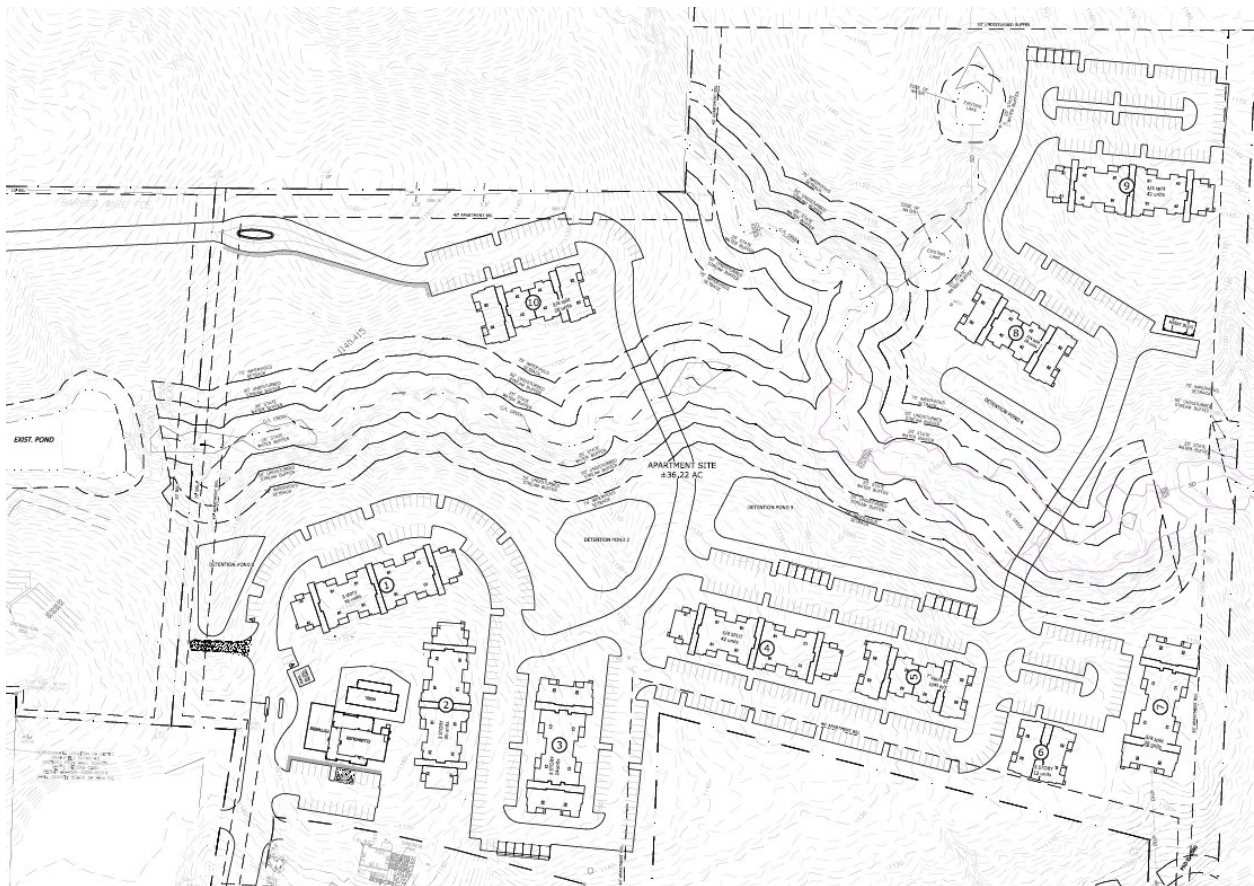


Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intend of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



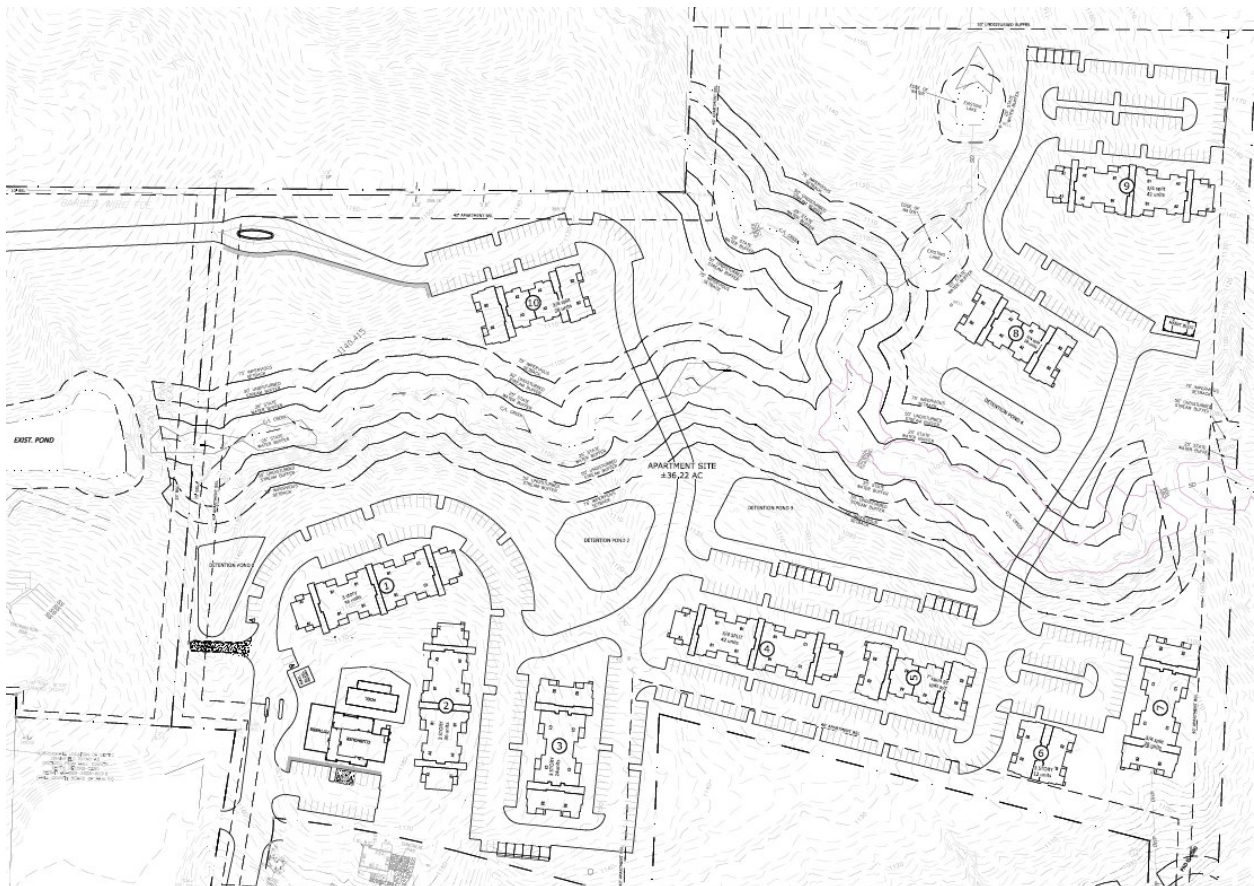
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C.** The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D.** The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E.** The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F.** The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G.** There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H.** A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I.** The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J.** The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K.** The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002
Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

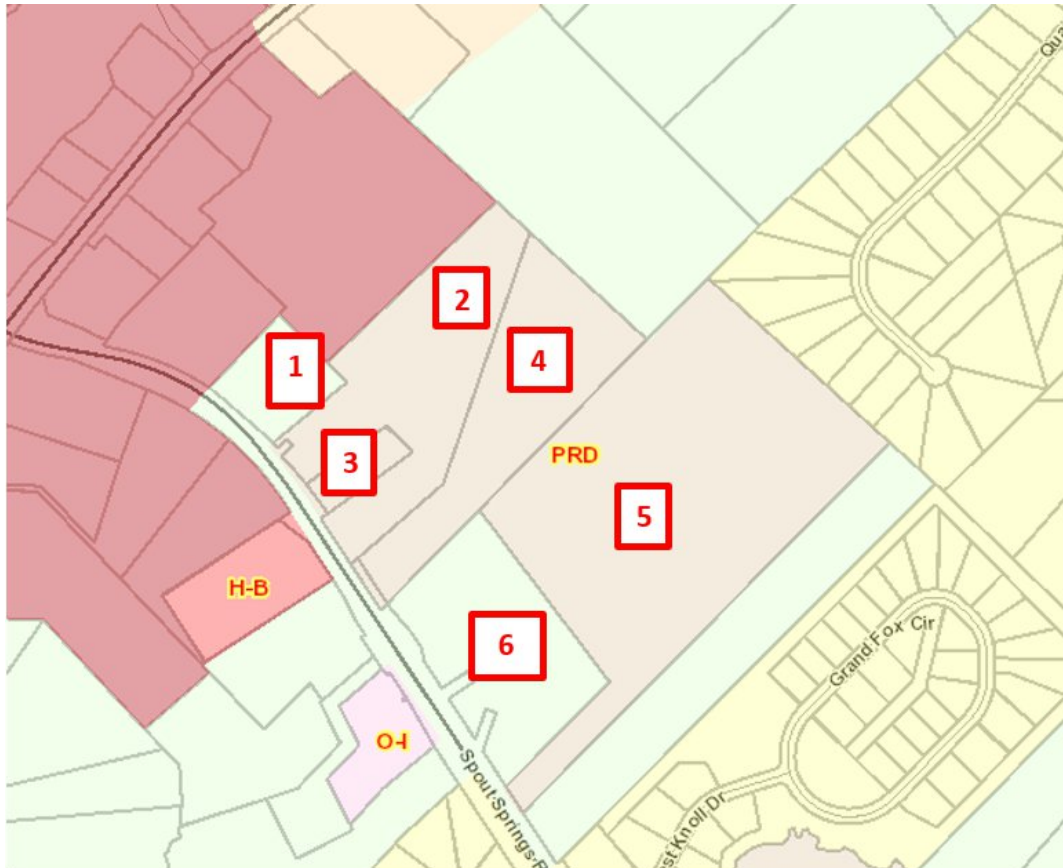


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



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6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-600 an annexation request for 6011 Spout Springs Road submitted by Capstone Acquisitions, LLC

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff Report - Entire Project.pdf](#)
- [6011 Spout Springs Annexation .pdf](#)

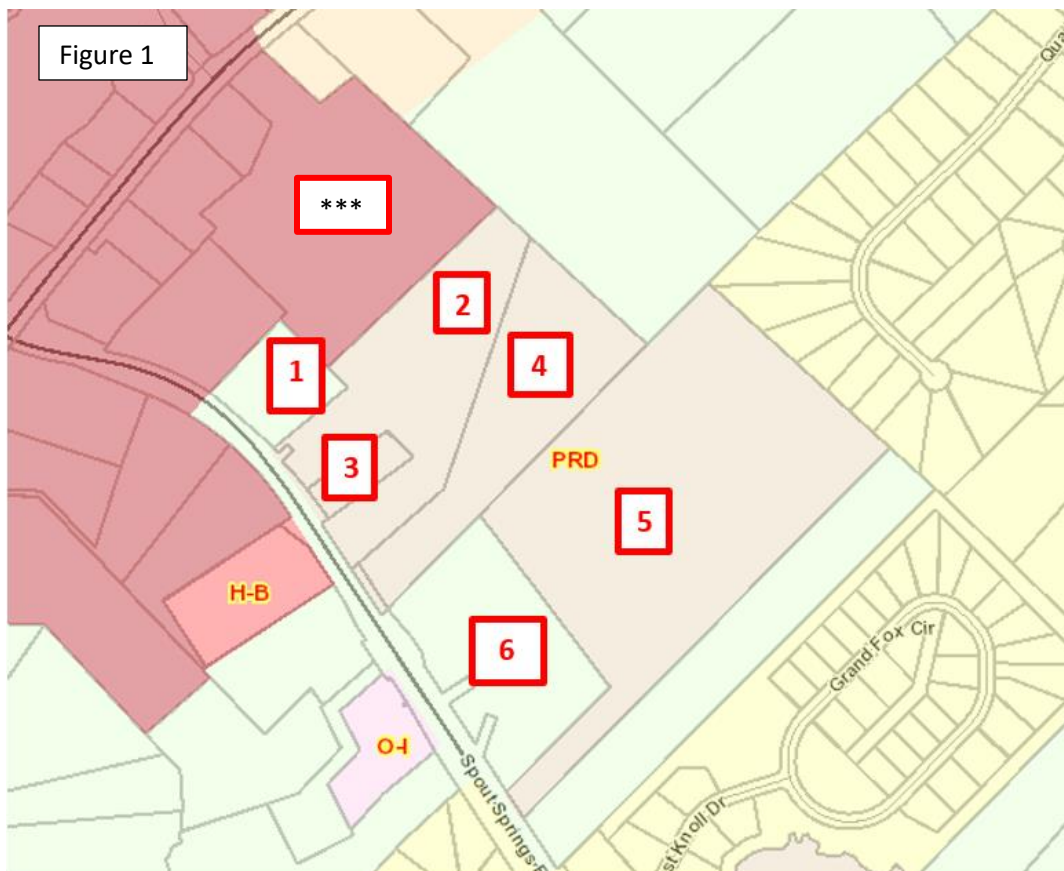


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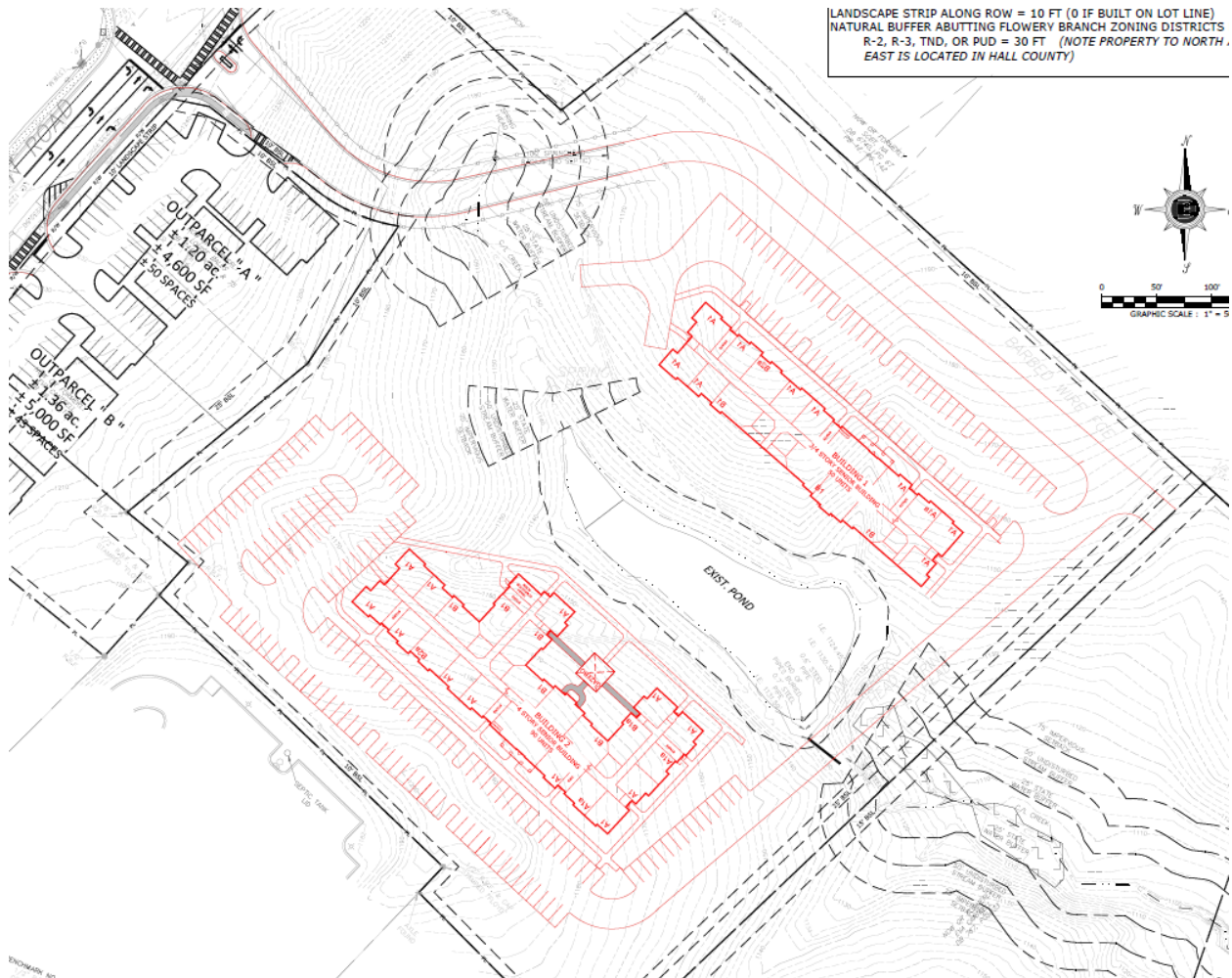
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allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).





Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intend of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



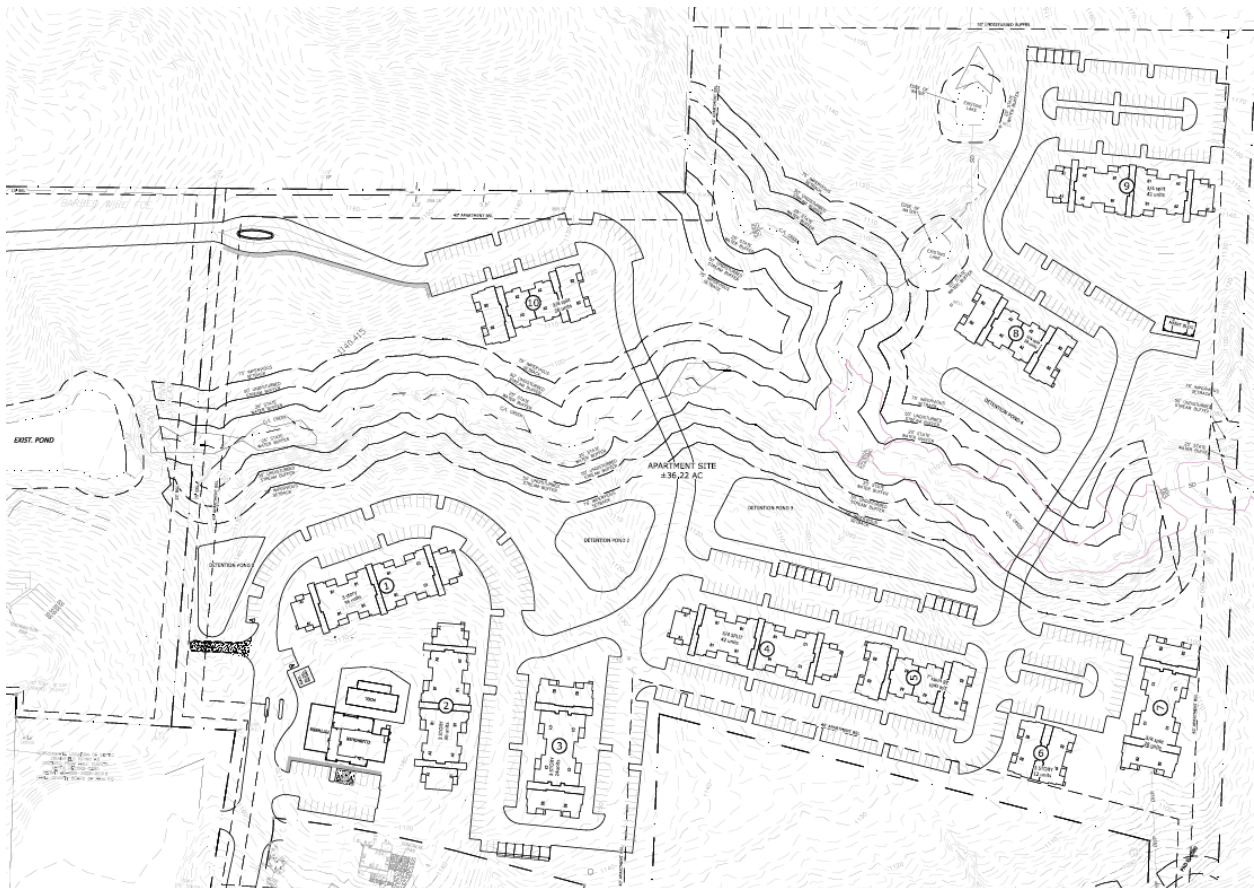
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

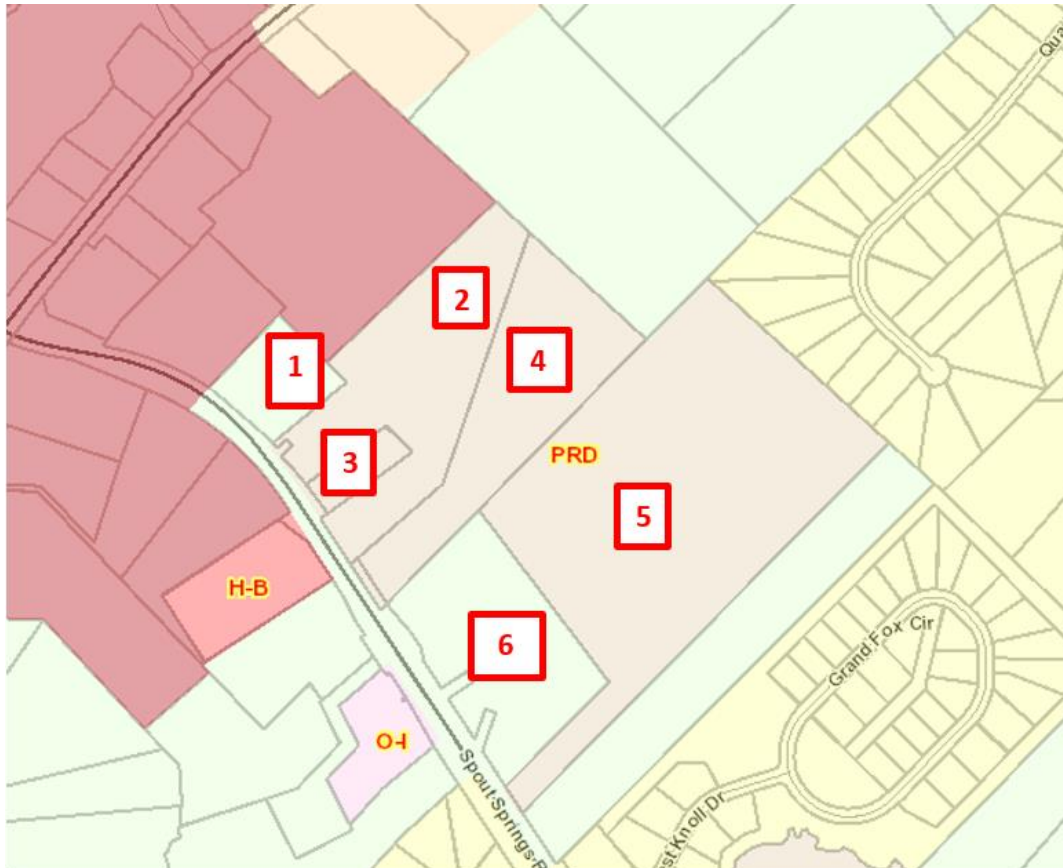


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-600

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 7.55 +/- ACRES, OWNED BY CAPSTONE ACQUISITIONS, LLC. IDENTIFIED AS 6011 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000131 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 7.55 +/- acres identified as Parcel Tax Identification Nos. 15046 000131, 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 Capstone Acquisitions, 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 parcel of land 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, Capstone Acquisitions, 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. 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 tract or parcel of land totaling 7.55 +/- acres identified as Parcel Tax Identification No. 15046 000131, 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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

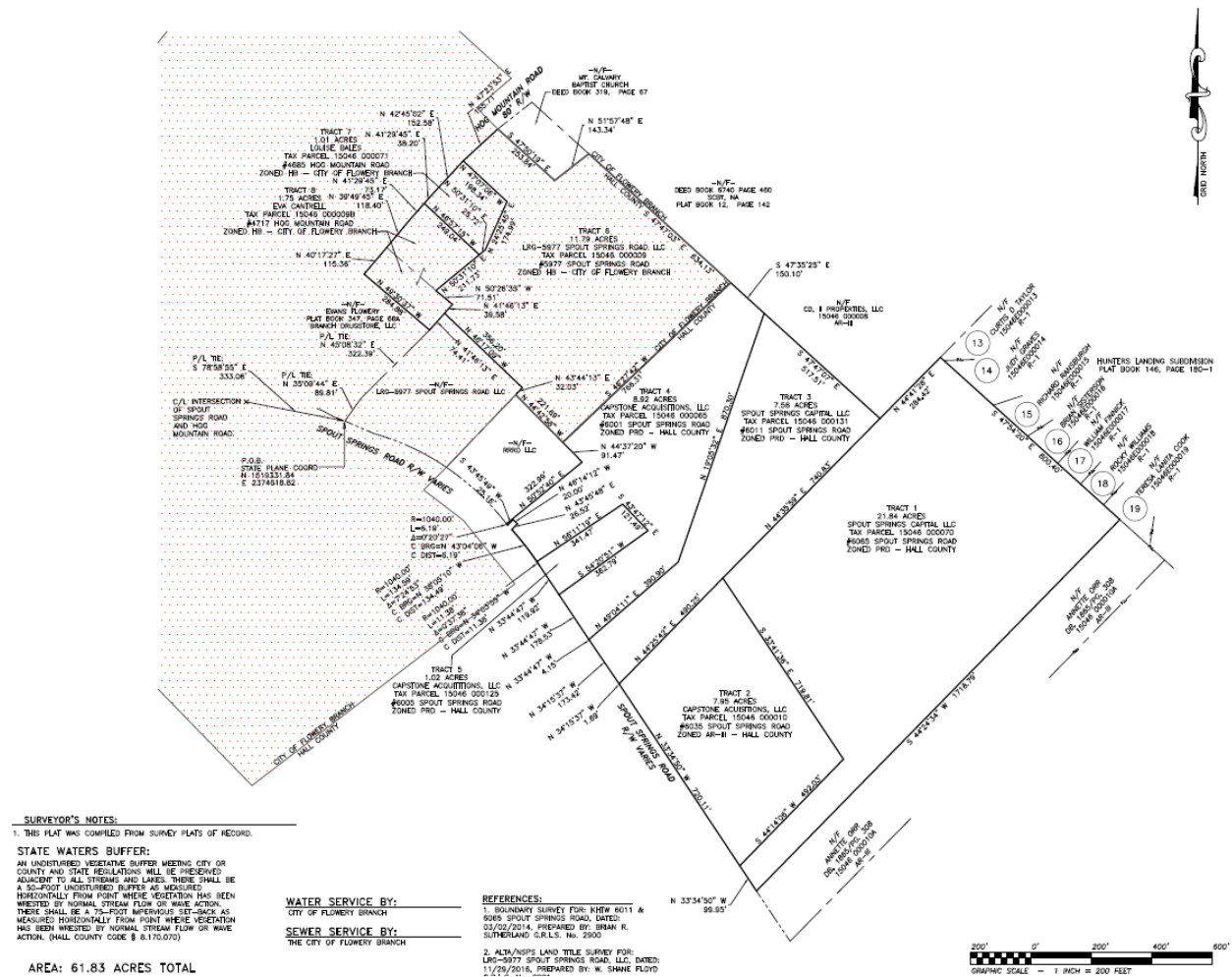


Exhibit "B"

6011 Spout Springs Road Tax I.D. # 15046 000131

All that tract or parcel of land lying and being in GMD 1270, Hall County, Georgia, consisting 7.558 acres, more or less, shown as Tract 2 on that Boundary Survey dated March 2, 2014, prepared by Brian R. Sutherland, RLS No. 2900, Georgia Premier Land Services, Inc., Project No. 14055 and being more particularly described according to said survey as follows: To find the true point of beginning, commence at the intersection of the southeasterly right of way of Hog Mountain Road with the northeasterly right of way of Spout Springs Road (right of way varies) and from thence proceed 1400.46 feet southeasterly along the northeasterly right of way of Spout Springs Road to an iron pin set, the same being the true point of beginning. From the true point of beginning, leave said right and proceed North 49 degrees 01 minutes 04 seconds East 390.90 feet to an $\frac{3}{4}$ inch open top pipe; thence North 19 degrees 02 minutes 25 seconds East 870.30 feet to an $\frac{3}{4}$ inch open top pipe; hence South 47 degrees 50 minutes 15 seconds East 517.51 feet to a concrete monument found; thence South 44 degrees 32 minutes 52 seconds West 740.83 feet to a $\frac{3}{4}$ inch open top pipe; thence South 44 degrees 22 minutes 34 seconds West 490.25 feet to a point located along the northeasterly right of way of Spout Springs Road; thence proceed along said right of way the following courses and distances: North 34 degrees 18 minutes 44 seconds west 173.42 feet to a concrete monument found; and North 33 degrees 47 minutes 55 seconds West 4.15 feet to an iron pin set, the same being the true point of beginning.

LESS AND EXCEPT from the above property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 8072, Page 767 and Deed Book 8072, page 773, Hall County, Georgia Deed Records.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-601 an annexation request for 6065 Spout Springs Rd. submitted by Capstone Acquisitions, LLC

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

.

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6065 Spout Springs Annexation.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-601

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 21.84 +/- ACRES, OWNED BY CAPSTONE ACQUISITIONS, LLC. IDENTIFIED AS 6065 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000070 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 21.84 +/- acres identified as Parcel Tax Identification Nos. 15046 000070, 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 Capstone Acquisitions, 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 parcels of land are 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, Capstone Acquisitions, 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. 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 tract or parcel of land totaling 21.84 +/- acres identified as Parcel Tax Identification No. 15046 000070, 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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

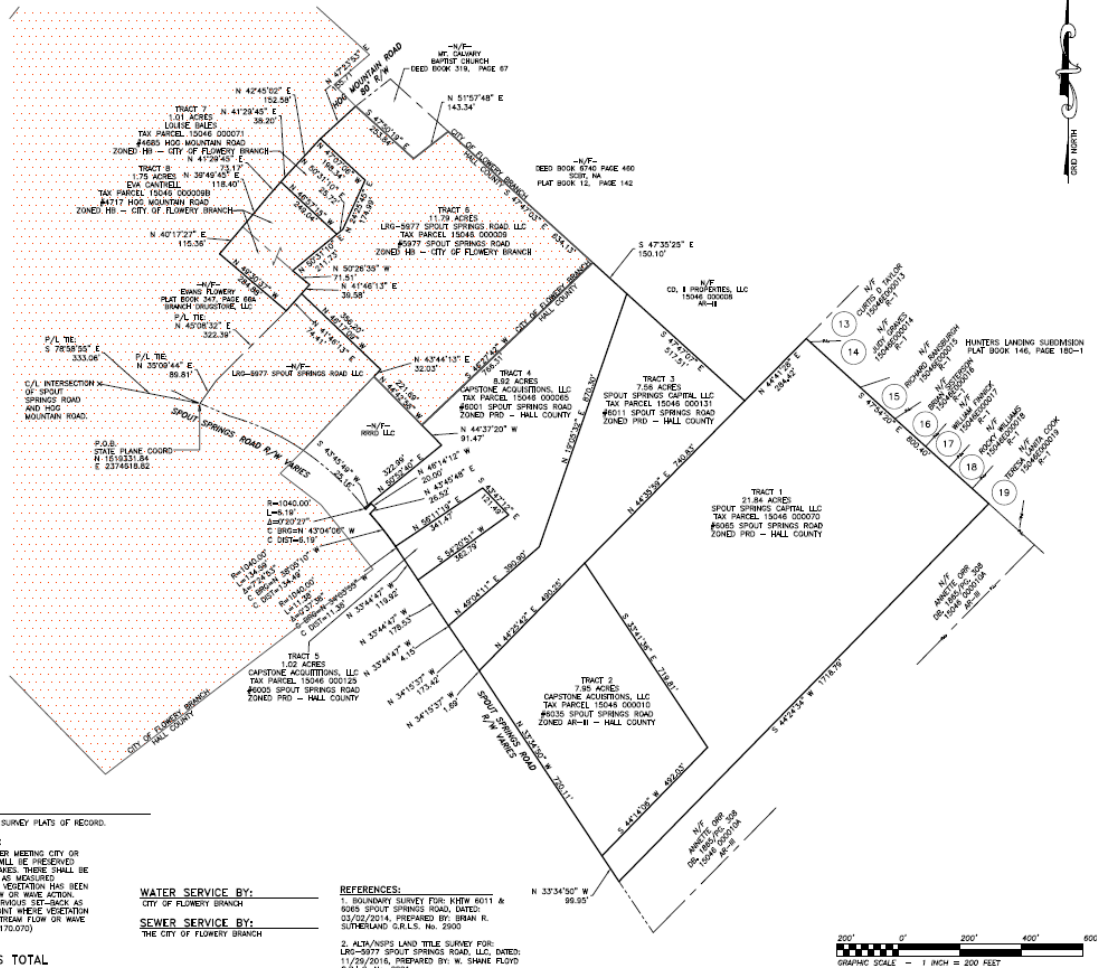


Exhibit “B”

6065 Spout Springs Road Tax I.D. # 15046 000070

All that tract or parcel of land lying and being in GMD 1270, Hall County, Georgia, consisting 21.843 acres, more or less, shown as Tract 1 on that Boundary Survey dated March 2, 2014, prepared by Brian R. Sutherland, RLS No. 2900, Georgia Premier Land Services, Inc., Project No. 14055 and being more particularly described according to said survey as follows: To find the true point of beginning, commence at the intersection of the southeasterly right of way of Hog Mountain Road with the northeasterly right of way of Spout Springs Road (right of way varies) and from thence proceed 1400.46 feet southeasterly along the northeasterly right of way of Spout Springs Road to an iron pin set, thence continuing along said right of way South 33 degrees 47 minutes 55 seconds East 4.15 feet to a concrete monument found, thence continuing along said right of way South 34 degrees 18 minutes 44 seconds East 173.42 feet to an iron pin set; thence leaving said right of way by proceeding North 44 degrees 22 minutes 34 seconds East 490.25 feet to an $\frac{3}{4}$ inch open top pipe, the same being the true point of beginning. From the true point of beginning, proceed North 44 degrees 32 minutes 52 seconds East 740.83 feet to a concrete monument found; thence North 44 degrees 38 minutes 21 seconds East 284.42 feet to a $\frac{1}{2}$ inch rebar found at a corner, thence proceed South 47 degrees 57 minutes 27 seconds East 800.40 feet to a point; thence proceed South 44 degrees 21 minutes 26 seconds West 1718.79 feet to a $\frac{1}{2}$ inch crimp top pipe located along the northeasterly right of way of Spout Springs Road; thence proceed along said right of way North 33 degrees 37 minutes 58 seconds West 99.95 feet to an iron pin set; thence leaving said right of way and proceeding North 44 degrees 10 minutes 58 seconds East 492.03 feet to a $\frac{3}{4}$ inch open top pipe; thence North 33 degrees 44 minutes 43 seconds west 719.81 feet to an $\frac{3}{4}$ inch open top pipe, the same being the true point of beginning.

LESS AND EXCEPT from the above property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 8072, Page 767 and Deed Book 8072, page 773, Hall County, Georgia Deed Records.

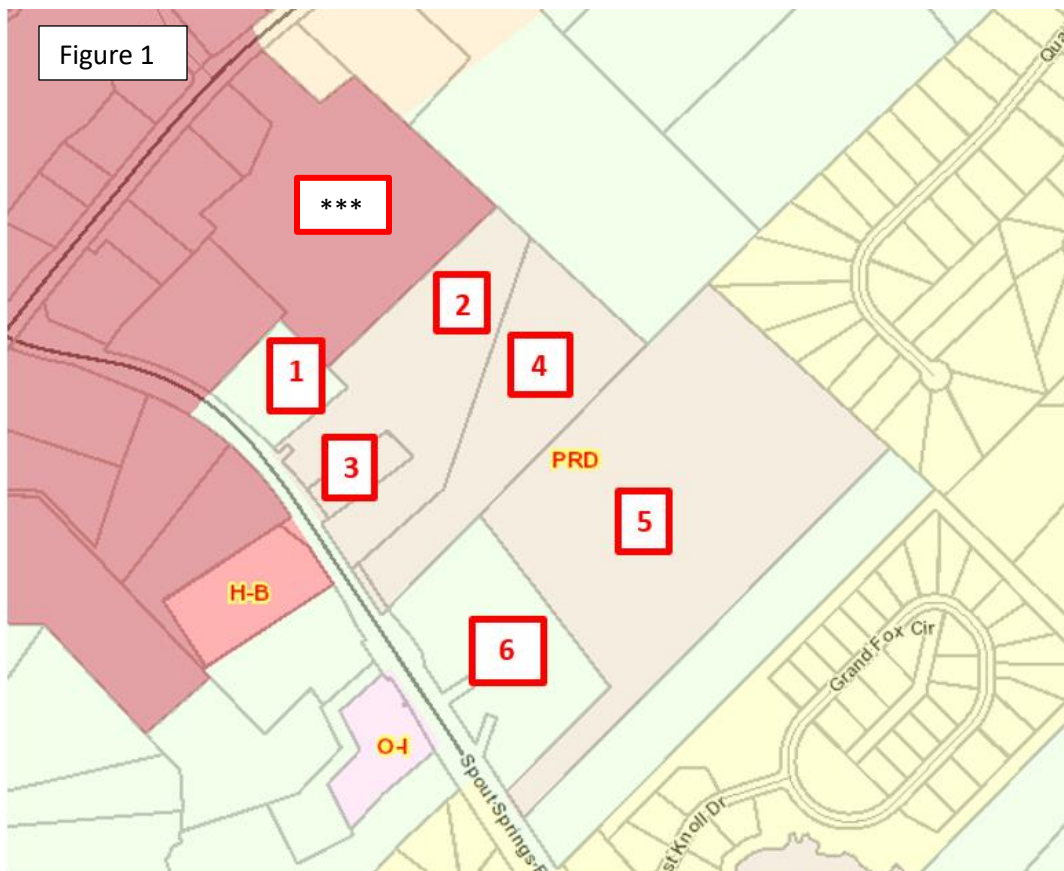


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The current layout of the subject properties and the proposed actions:

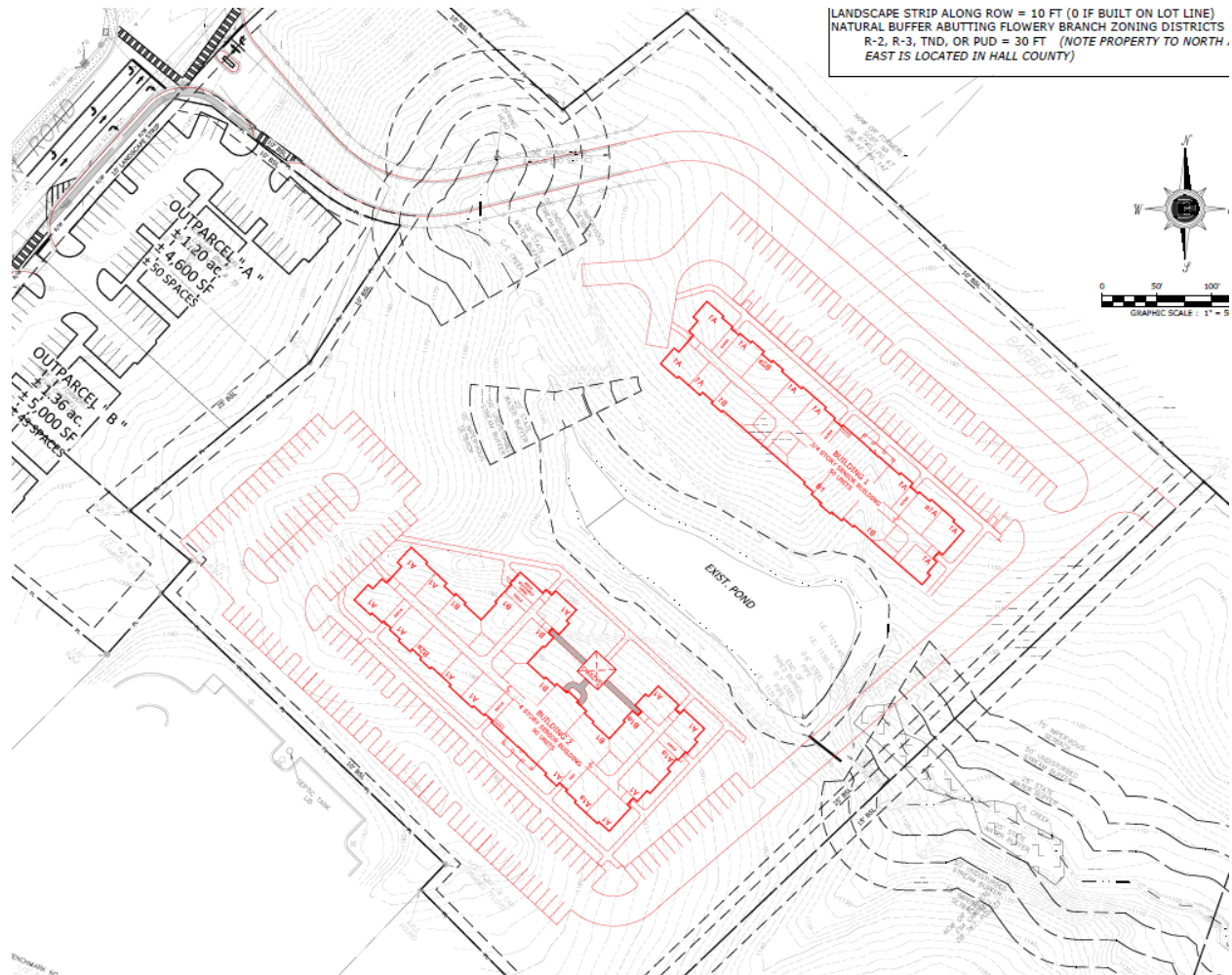
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2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
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The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



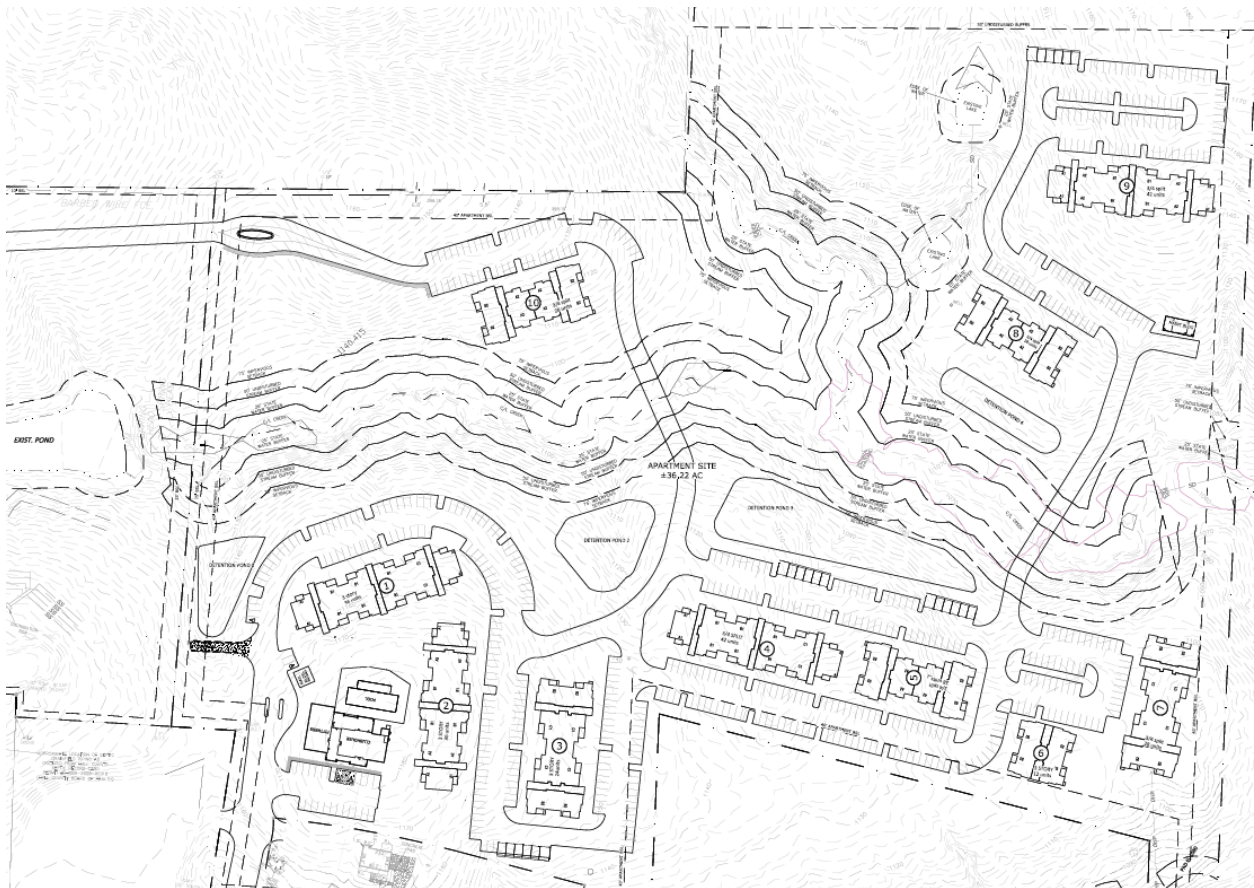
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002
Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

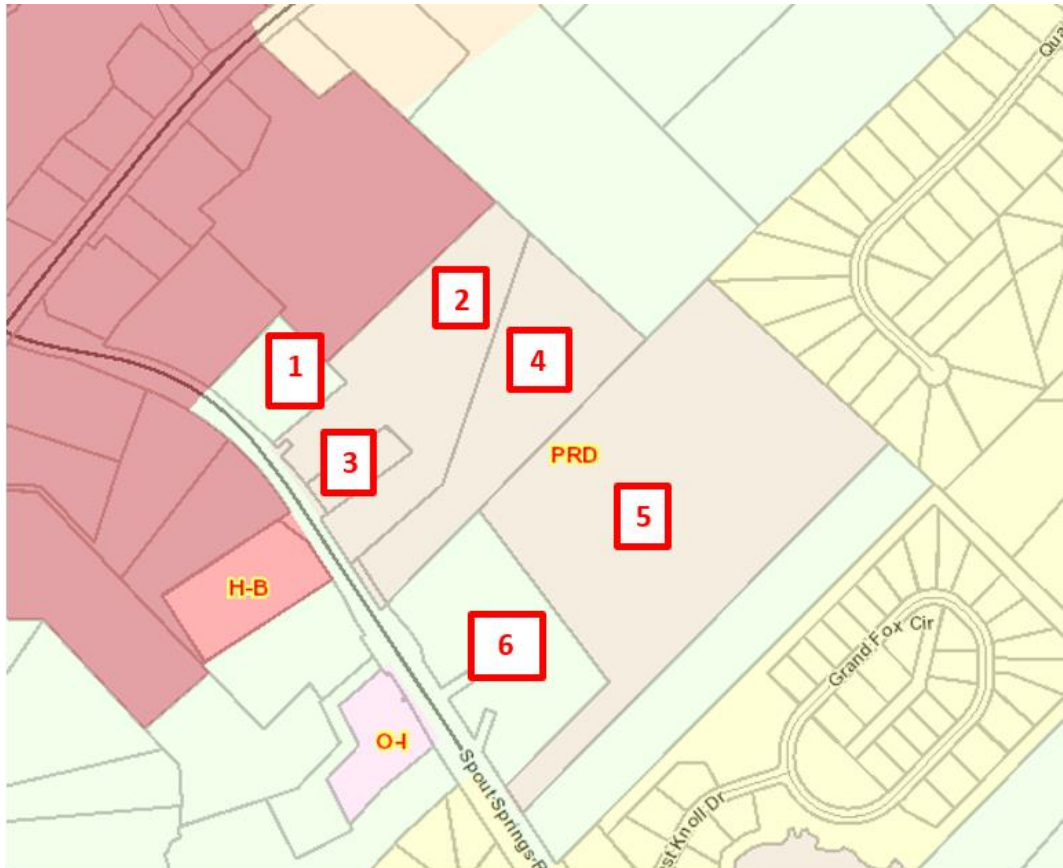


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-602 an annexation request for 6035 Spout Springs Rd. submitted by Capstone Acquisitions, LLC.

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6035 Spout Springs Annexation.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-602

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 7.98 +/- ACRES, OWNED BY CAPSTONE ACQUISITIONS, LLC. IDENTIFIED AS 6035 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000010 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 7.98 +/- acres identified as Parcel Tax Identification Nos. 15046 000010, 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 Capstone Acquisitions, 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 parcel of land 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, Capstone Acquisitions, 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. 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 tract or parcel of land totaling 7.98 +/- acres identified as Parcel Tax Identification No. 15046 000010, 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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

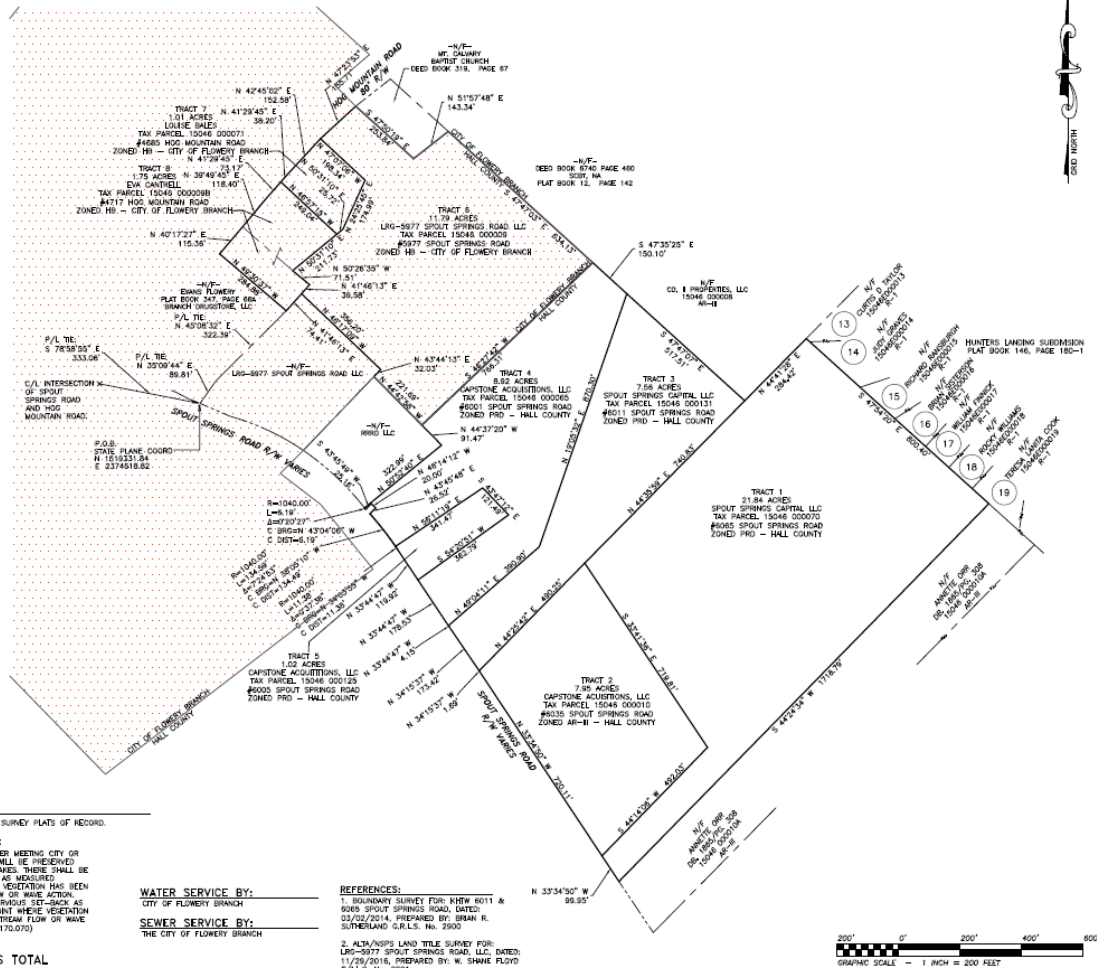


Exhibit “B”

6035 Spout Springs Road Tax I.D. # 15046 000010

All that tract or parcel of land lying and being in GMD 1270, Hall Co GA and being shown and delineated as Tract 1 on Plat of Survey prepared for Carl Titshaw Estate by W.T. Dunahoo and Associates, Inc. Dated June 9, 1983 and being recorded in the Clerk's Office of the Superior Court of Hall County GA in Plat Book 91 page 76. Said Plat and the record thereof are herein incorporated for a full and complete legal description.

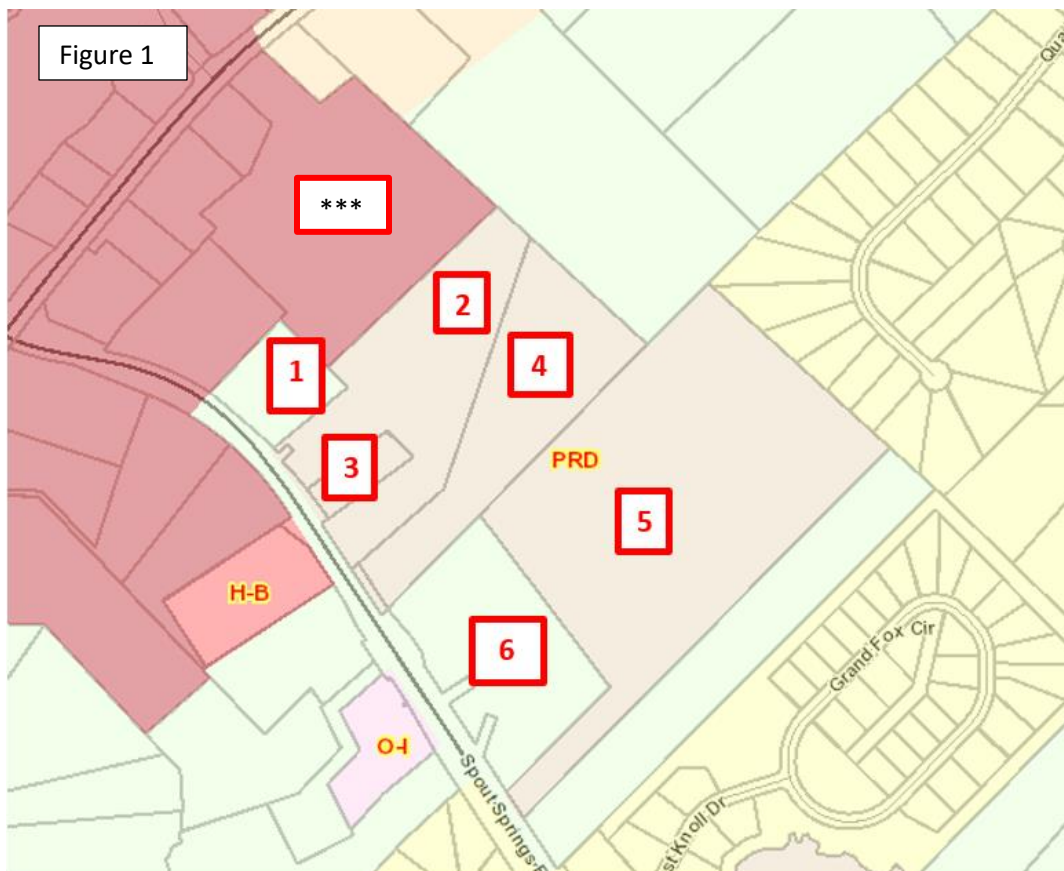


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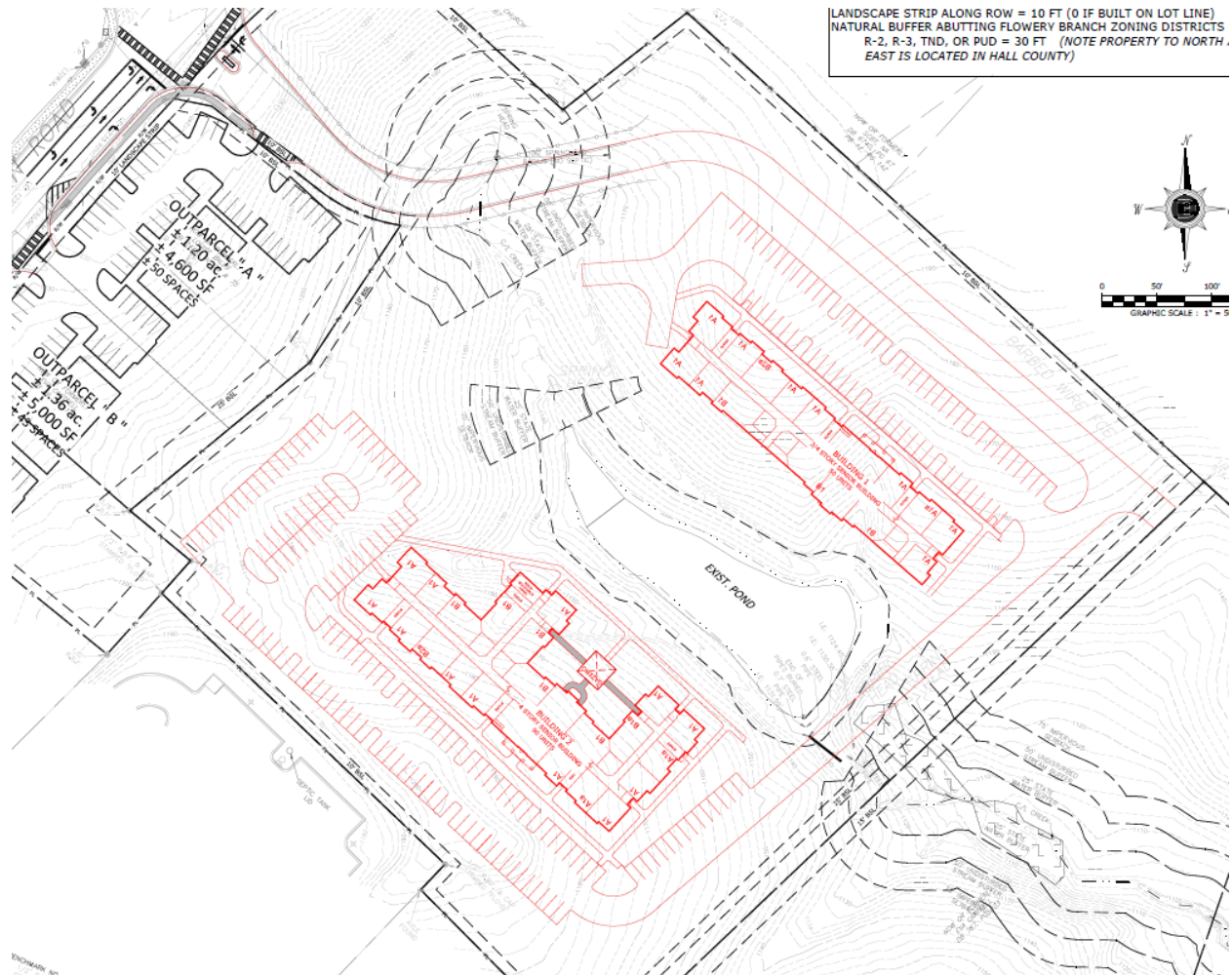
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Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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.**
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- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed uses will enhance the character of the existing district in staff's opinion.**
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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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
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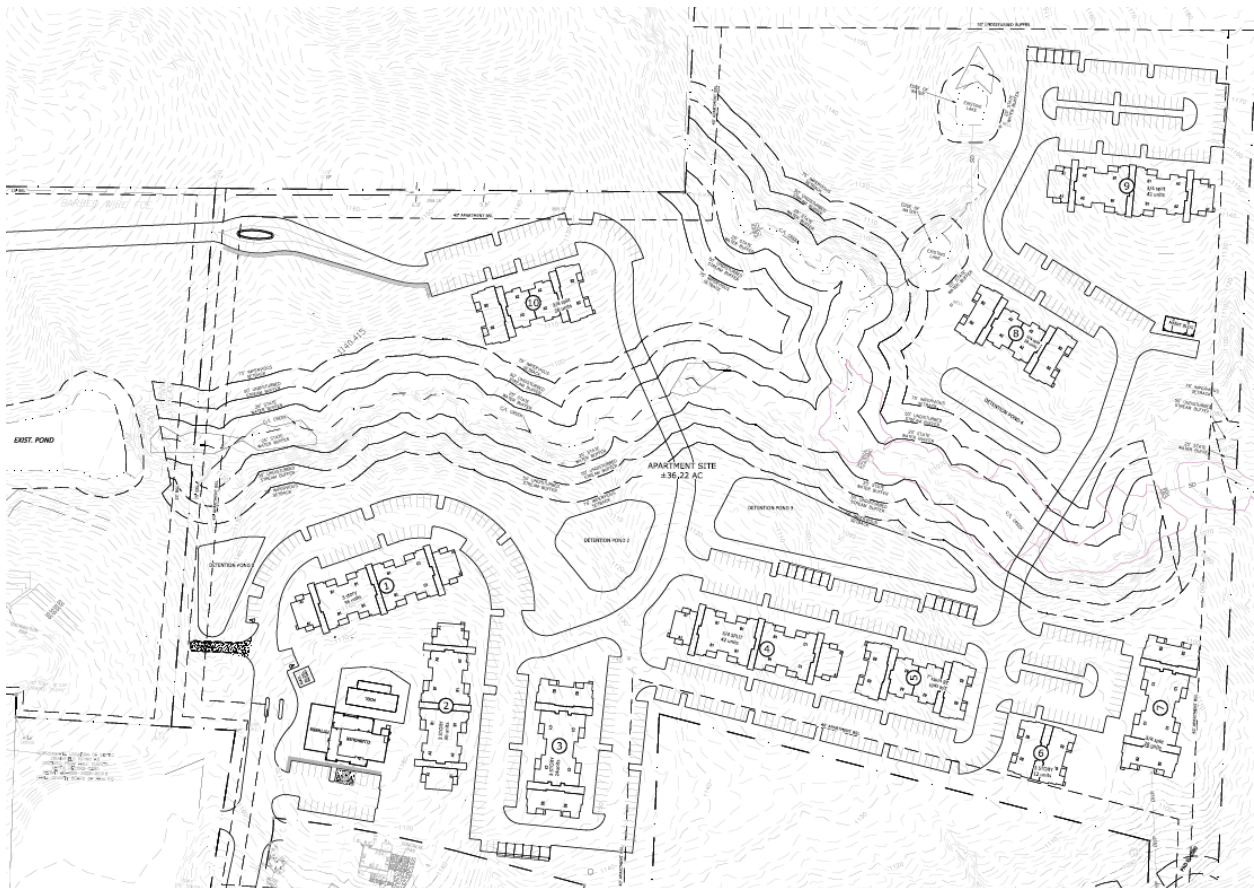
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002
Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

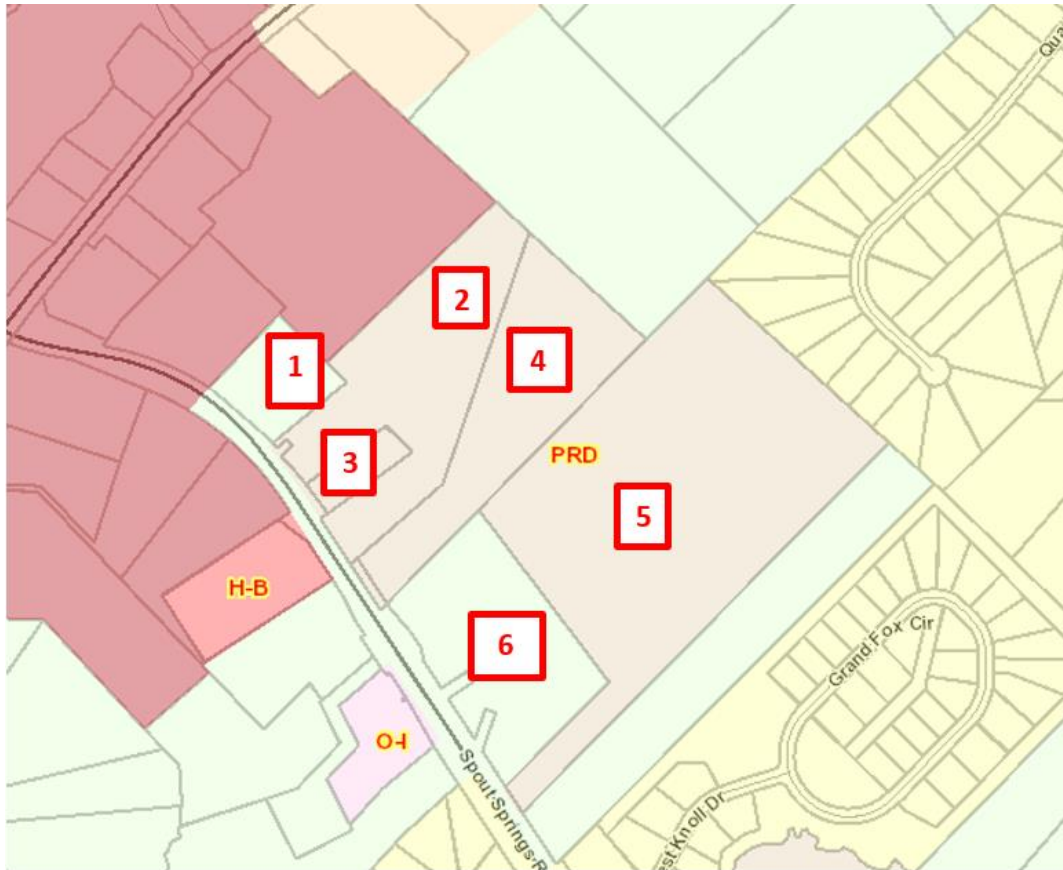


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-603 a rezoning request submitted by the Goddard School

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

Ordinance #20-603 is a request to rezone the Goddard School (if annexed) from Hall County AR III to Flowery Branch HB. The Highway Business zoning designation allows the use inherently.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing and work session only - no vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff Report - Entire Project.pdf](#)
- [Goddard School Rezoning.pdf](#)

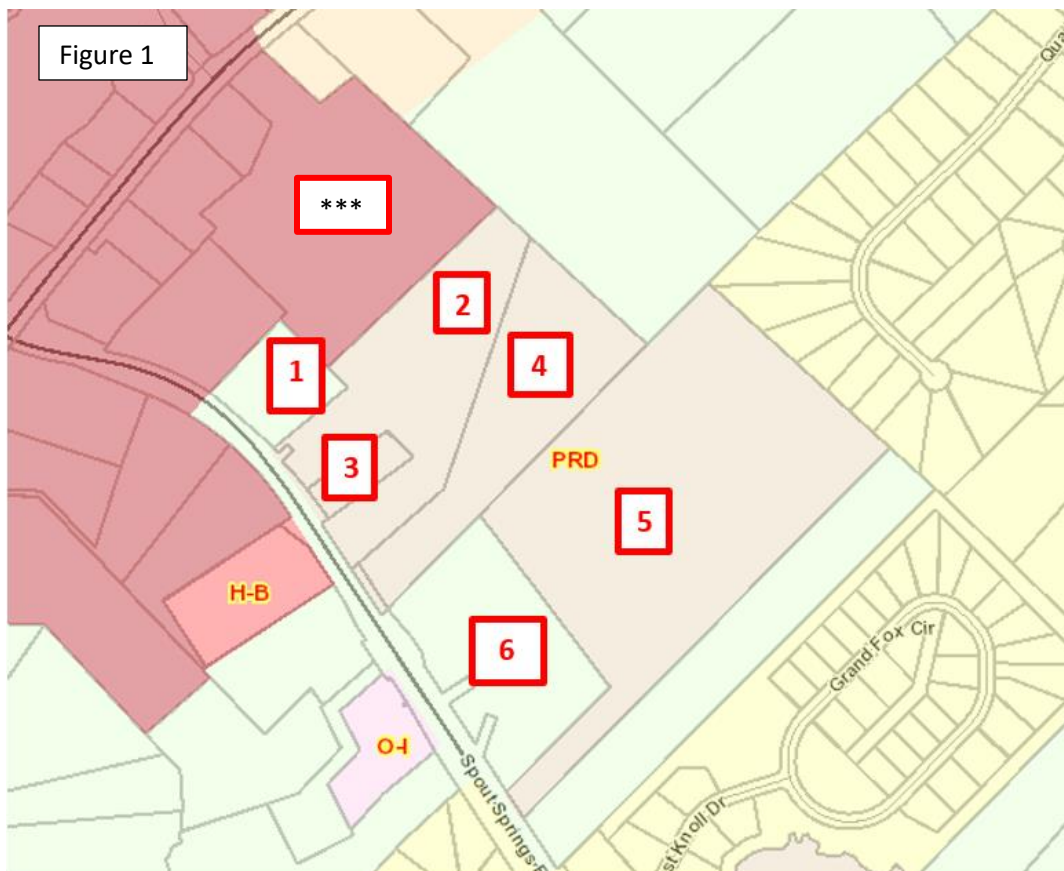


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

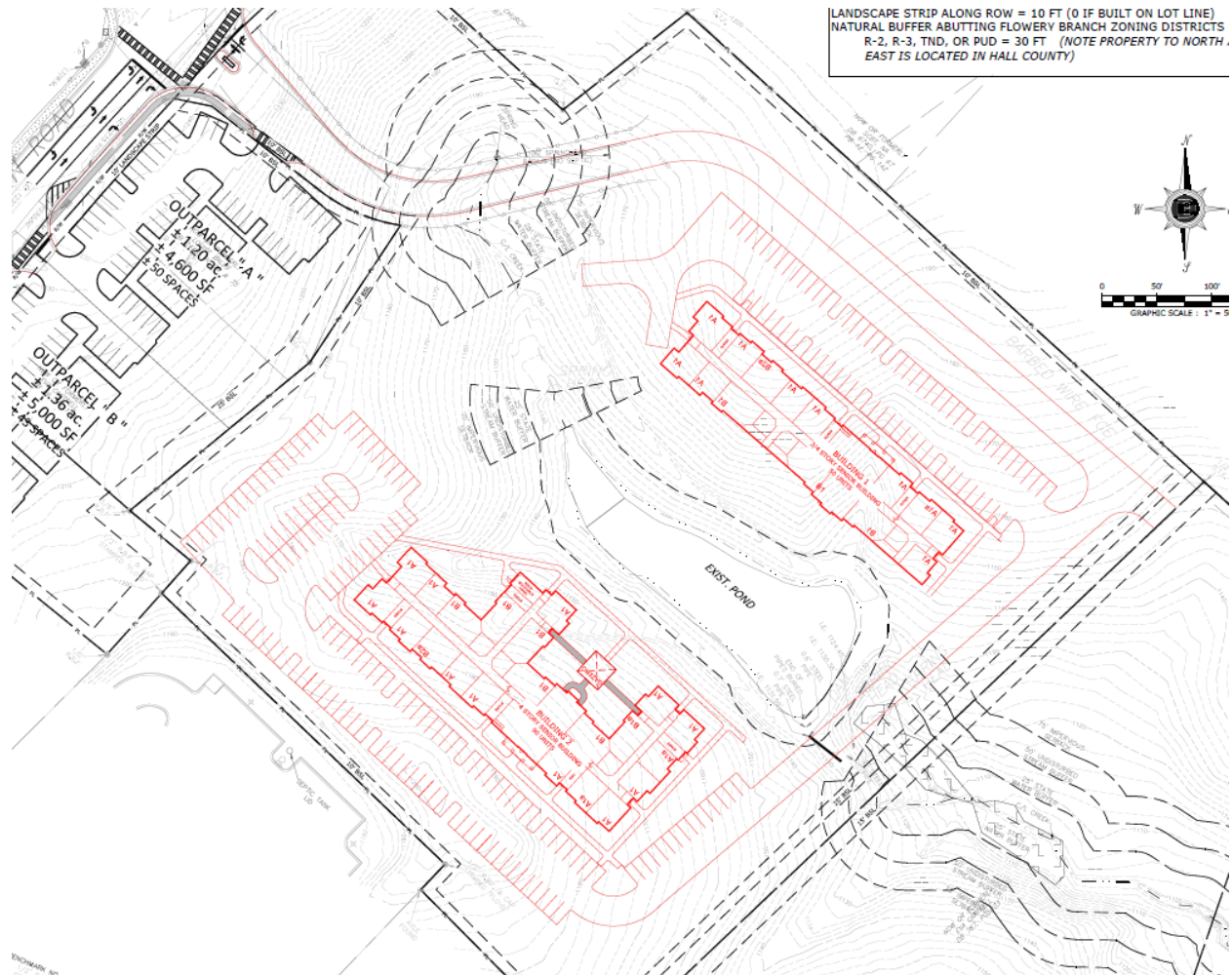
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*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).





Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
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- (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.**

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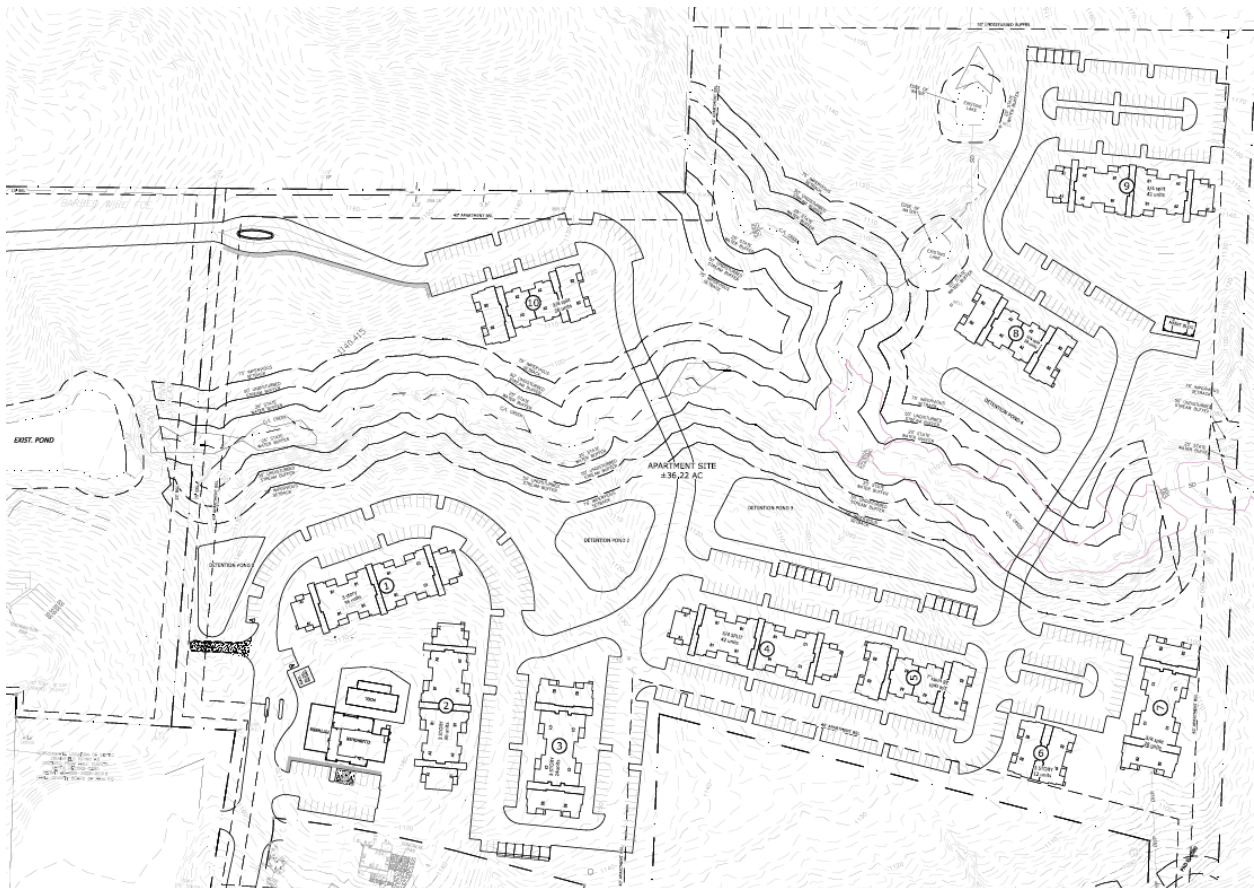
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RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002
Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

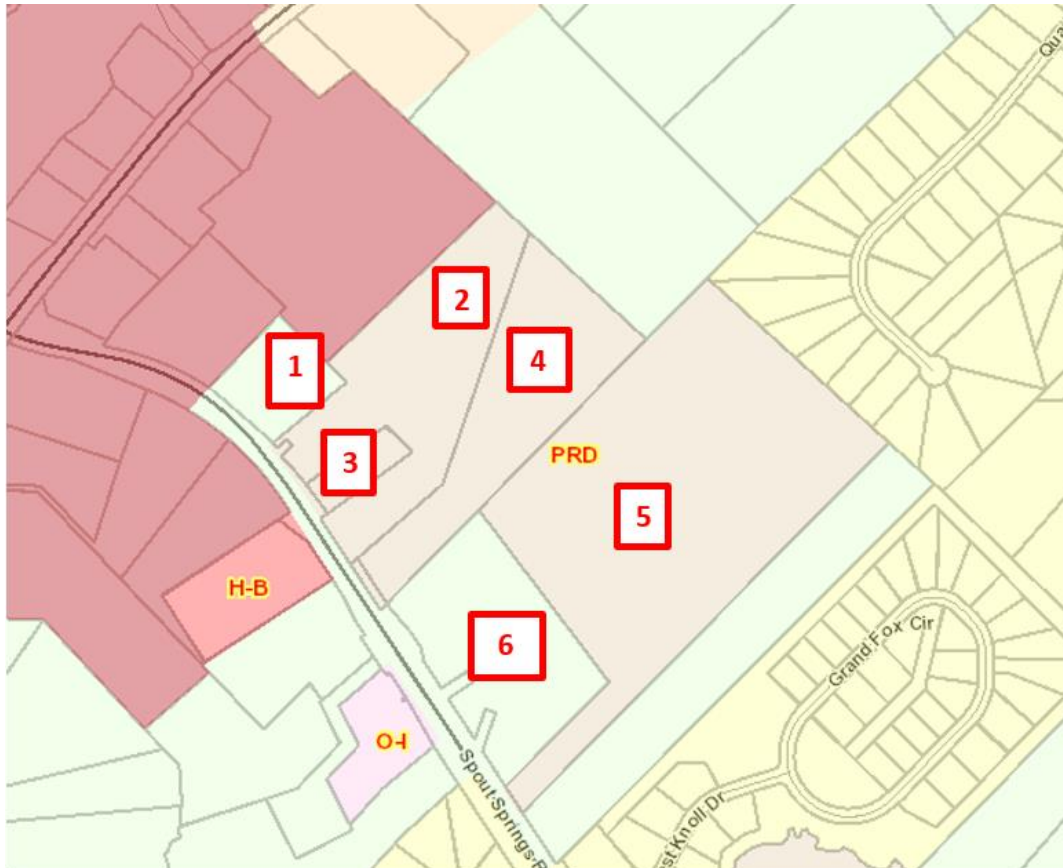


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-603

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY ZONING A 2.17+/- TRACT OF LAND OWNED BY RRRD, LLC. IDENTIFIED AS 5989 SPOUT SPRINGS ROAD AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; REQUEST IS TO REZONE FROM HALL COUNTY AGRICULTURAL RESIDENTIAL (A III) TO FLOWERY BRANCH HIGHWAY BUSINESS (HB). PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, RRRD, LLC, owns all tracts or parcel of land totaling 2.17 +/- acres identified as Parcel Tax Identification No. 15046 000009D, 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 RRRD, LLC, and in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

SECTION 2. LEGAL DESCRIPTION.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Hall County A III (Agricultural Residential) to Flowery Branch HB (Highway Business) and as conditioned on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

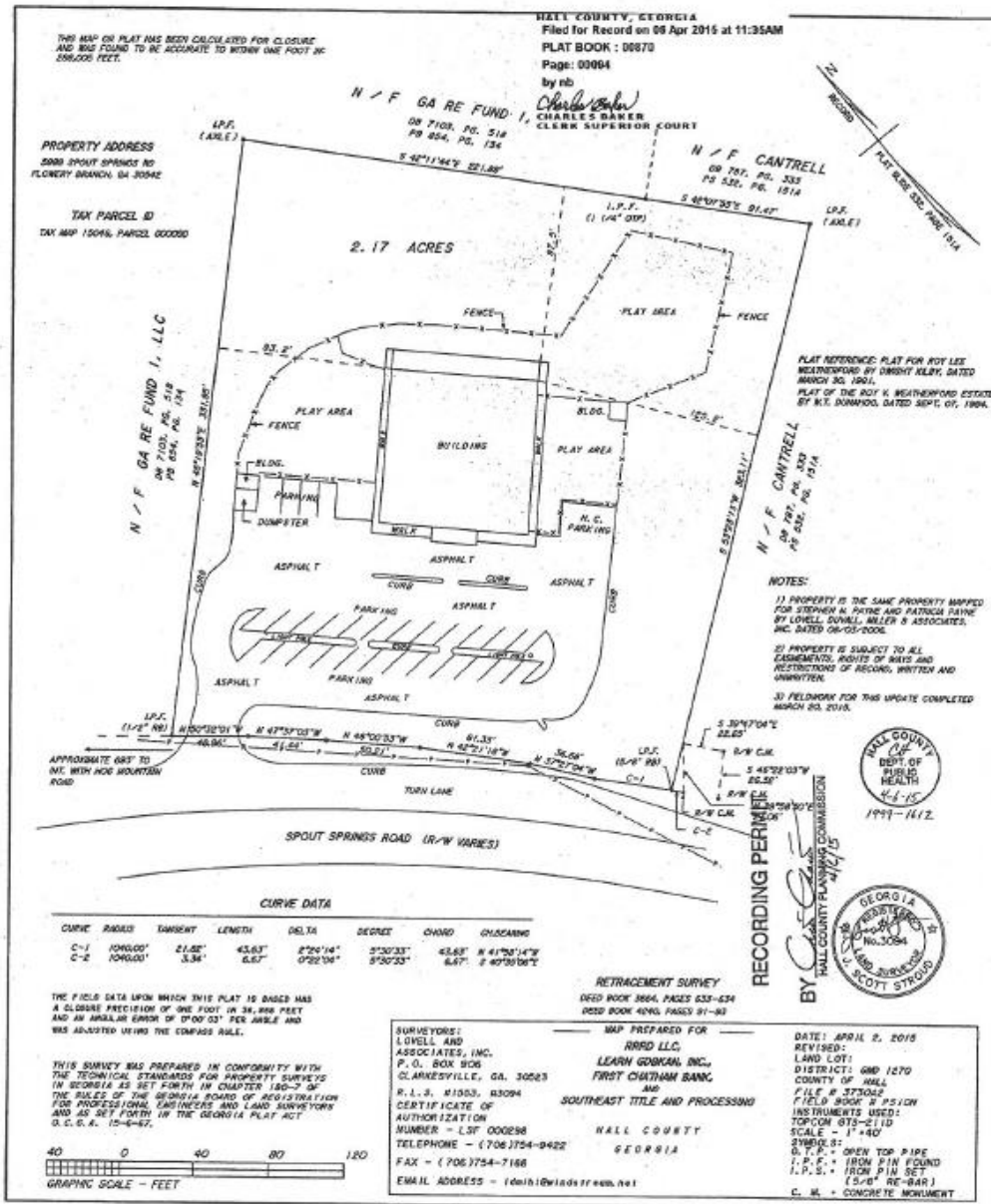
APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

2/4/2019

GSCCCA.org - Image Index



http://search.gsccca.org/imaging/HTML5Viewer.aspx?id=2361795&key1=870&key2=94&county=69&countyname=HALL&userid=18181&appid=28

1/2

Exhibit "B"

ALL THAT LOT, tract or parcel of land lying, situate and being in the 1270 GMD, Hall County, Georgia, being all that property shown on a survey for "RRRD, LLC, Learn GDBKAN, LLC, First Chatham Bank, and Southeast Title and Processing," dated April 2, 2015, prepared by J. Scott Stroud, Georgia Registered Land Surveyor, being shown to contain 2.17 acres according to said survey, which survey is recorded at Deed Book 870, Page 94, Hall County, Georgia plat records.

Subject to all easements, covenants, and restrictions of record, if any.

Map# 15046 000009D



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-604 a rezoning request for 6001 Spout Springs Rd. submitted by Capstone, LLC

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6001 Spout Springs Rezoning.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-604

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY CAPSTONE ACQUISITIONS, LLC IDENTIFIED AS 6001 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000065 TOTALING 7.63 +/- ACRES TO BE REZONED FROM HALL COUNTY PRD (PLANNED RESIDENTIAL DEVELOPMENT) TO FLOWERY BRANCH MULTI-FAMILY RESIDENTIAL (R3), 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 7.63 +/- acres identified as Parcel Tax Identification No. 15046 000065, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County PRD (Highway Business) to Flowery Branch R3 (Multi-Family Residential) 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 PRD; 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 PRD.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Hall County PRD (Planned Residential Development) to Flowery Branch M3 (Multi-Family Residential) and as conditioned on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

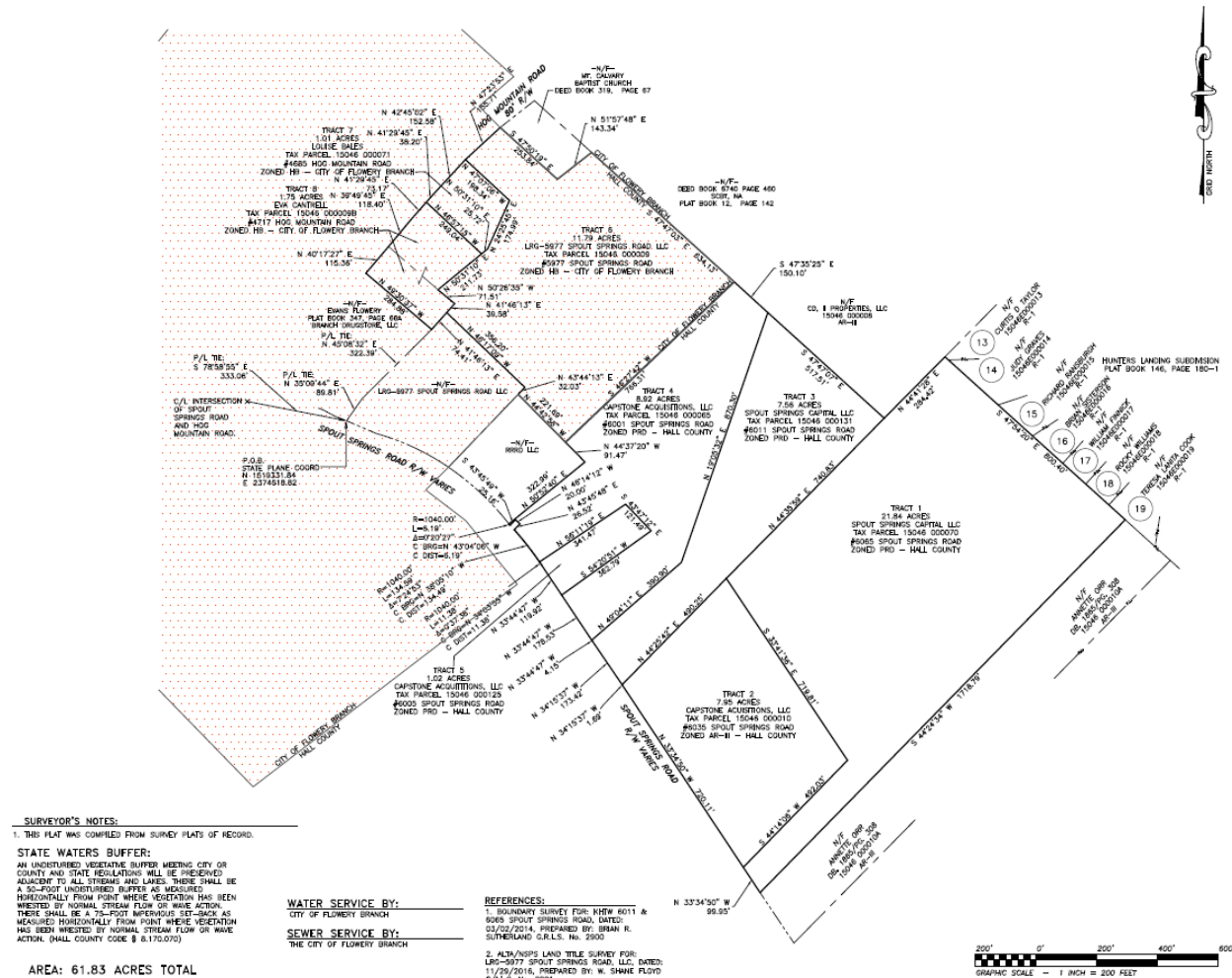


Exhibit “B”

6001 Spout Springs Road Tax I.D. # 15046 000065

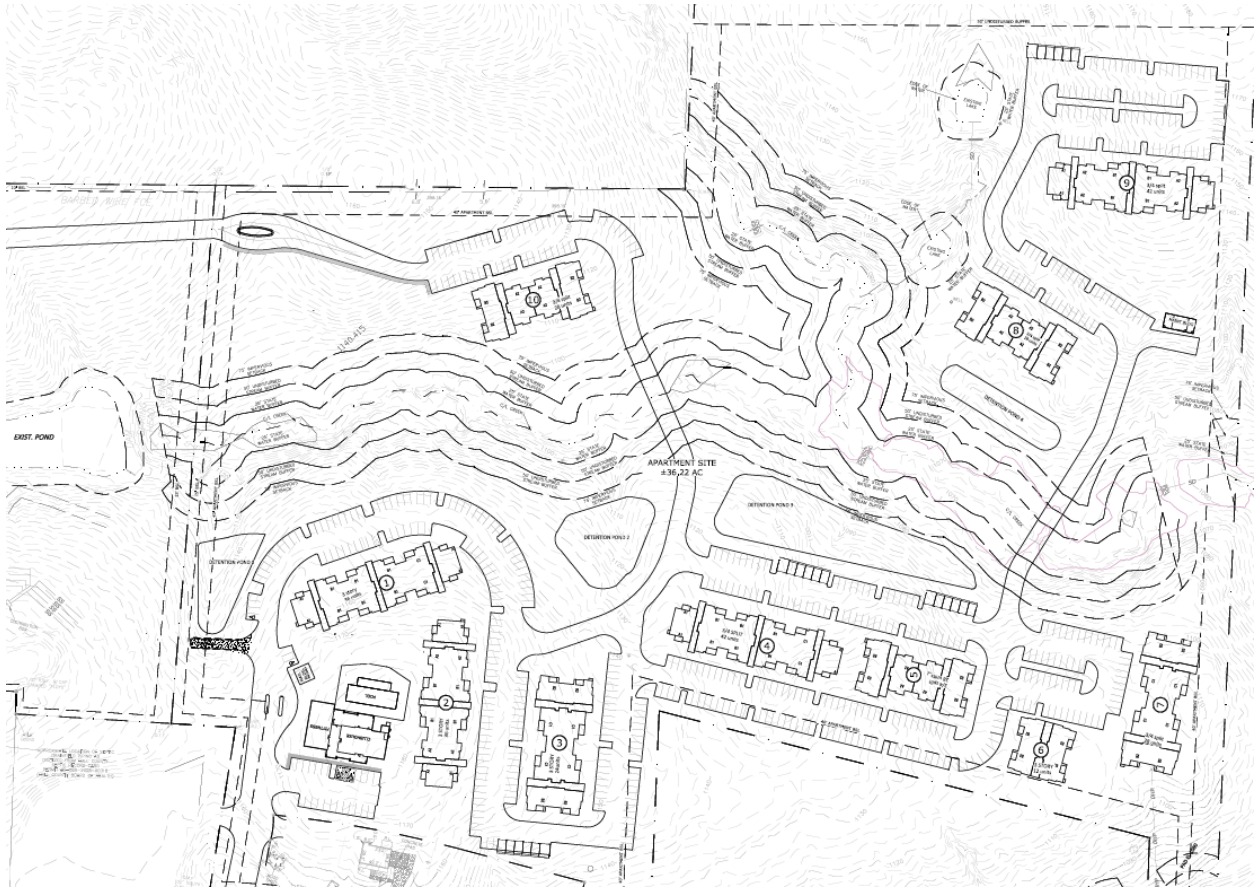
All that tract or parcel of land lying and being in the 1270th GMD of Hall County Georgia, containing 7.632 acres, more particular described as follows: Beginning and an iron pin on the East right of way of Spout Springs Road thence North 51 degrees 34 minutes 19 seconds East 401.85 feet to an iron pin; thence North 21 degrees 35 minutes 40 seconds East 869.87 feet to an iron pin at property of Greenway; thence along the line of Greenway North 45 degrees 09 minutes 28 seconds West 150 feet to an iron pin; thence South 48 degrees 59 minutes 13 seconds West 766.04 feet to an iron pin at property now or formerly of Dillard Fitzgerald; thence South 41 degrees 20 minutes 47 seconds East 91.65 feet to an iron pin; thence South 41 degrees 20 minutes 17 seconds East 314.25 feet to an iron pin; thence South 56 degrees 44 minutes 58 seconds West 373.36 feet to an iron pin on the right of way of Spout Springs Road; thence along the right-of-way of South 31 degrees 08 minutes 36 seconds East 178.90 feet to the beginning iron pin. The above property is more fully described as “Tract No. 1C” in a plat prepared by W.T. Denny and Associates for the Roy V. Weatherford Estate dated September 4, 1994, revised March 20, 1996, and is a part of the same property described in a survey for Roy V. Weatherford Estate prepared by W.T. Donahue and Associates, Inc., dated September 7, 1994 recorded on Plat Slide 532, Page 151-A, Hall County, Georgia Deed Records, which plats are incorporated herein by reference.

LESS AND EXCEPT that property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 4239, Page 94, Hall County, Georgia Deed Records.

Exhibit “C”

Conditions of Zoning

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.
4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.

13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

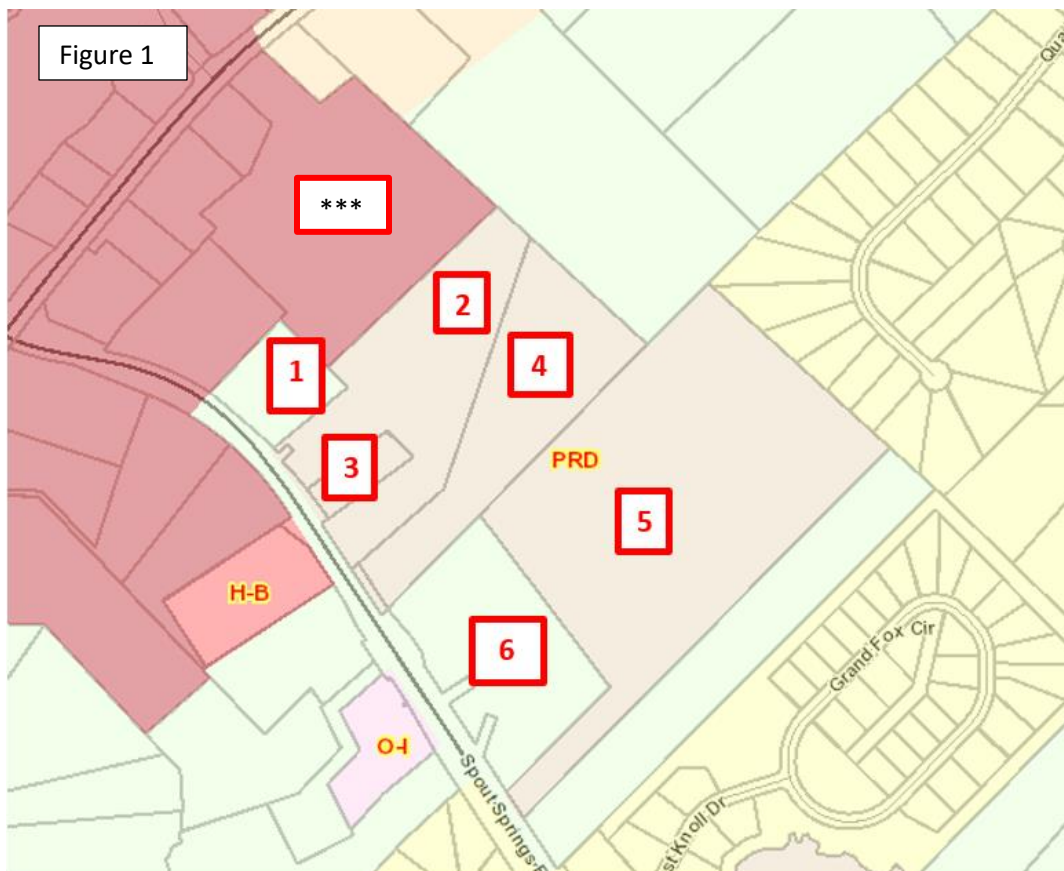


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

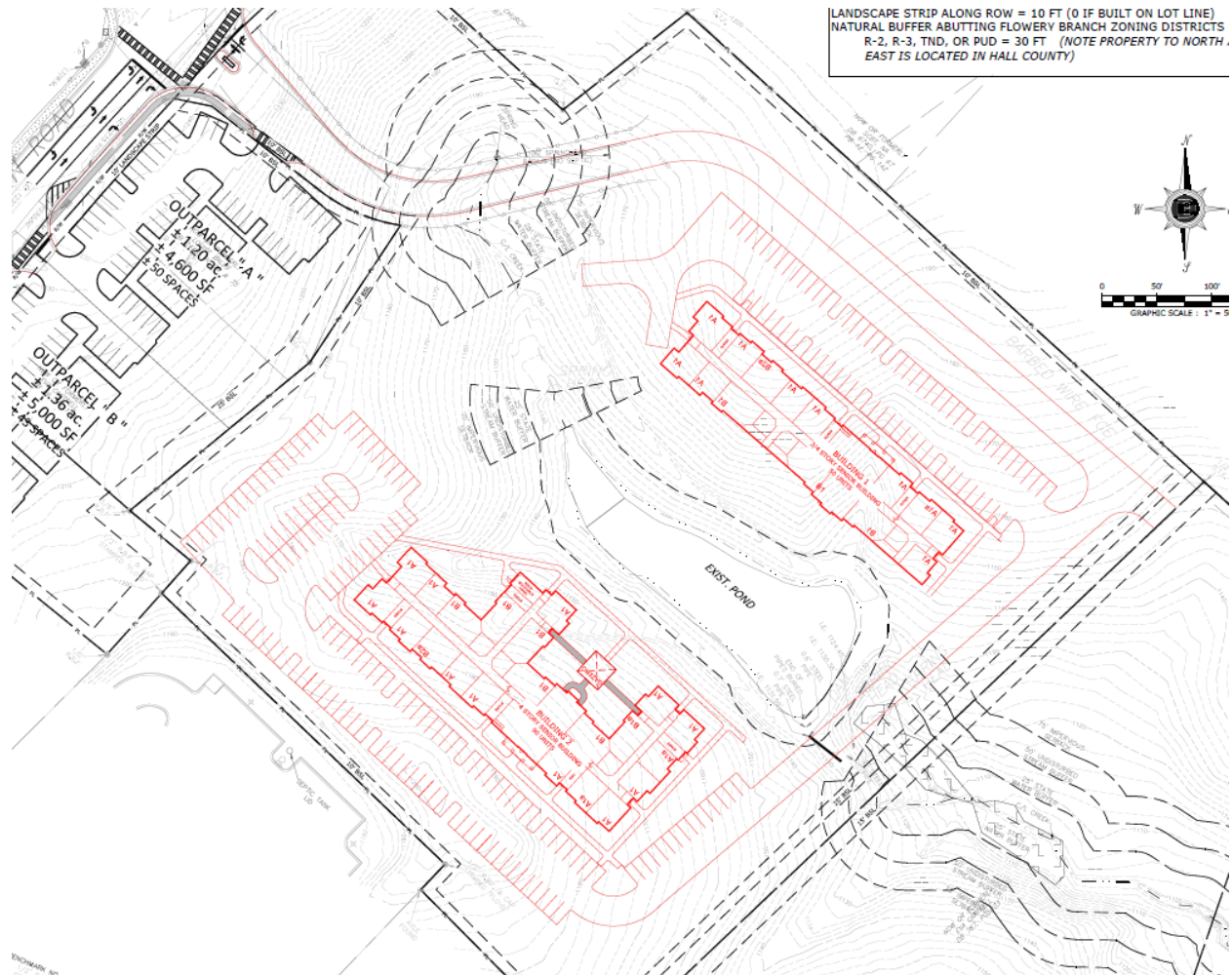
1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).





Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



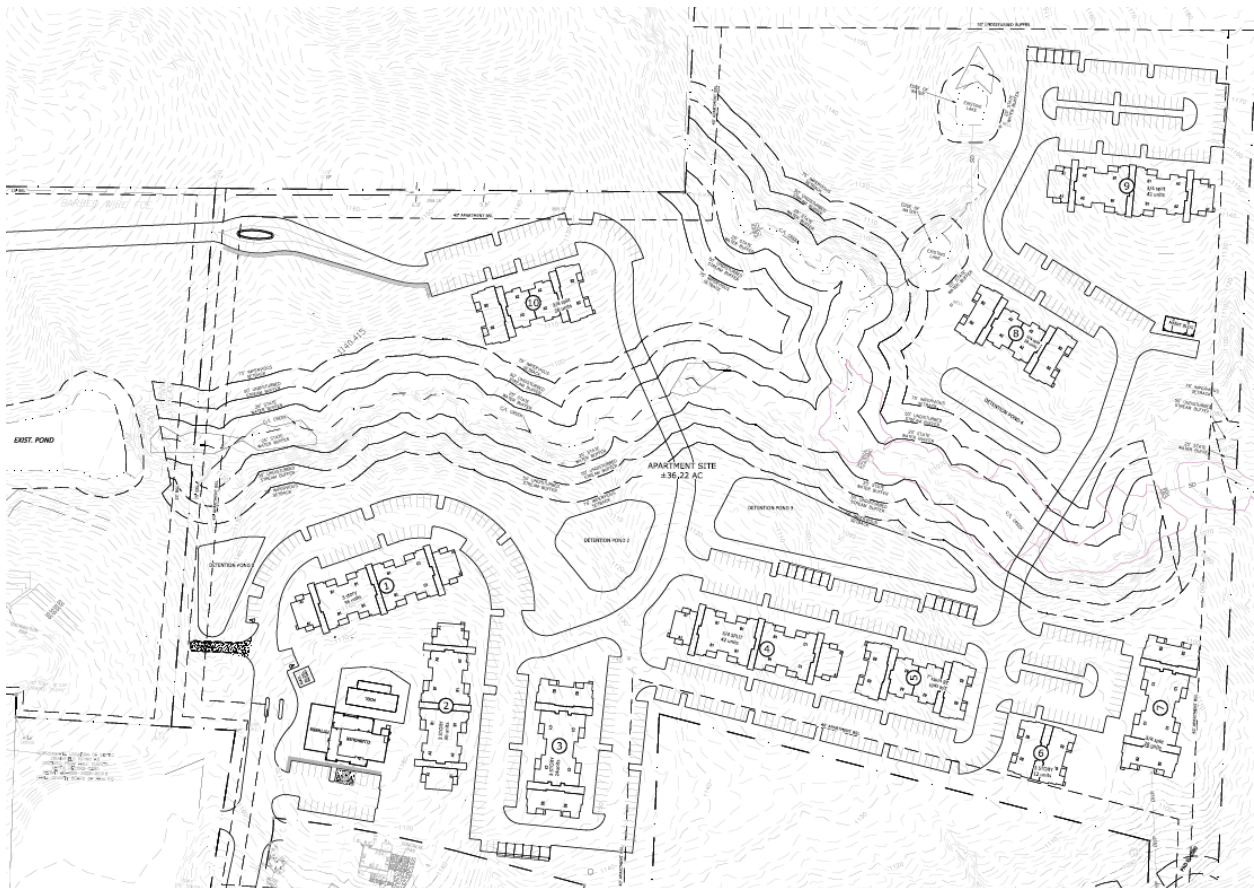
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002
Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

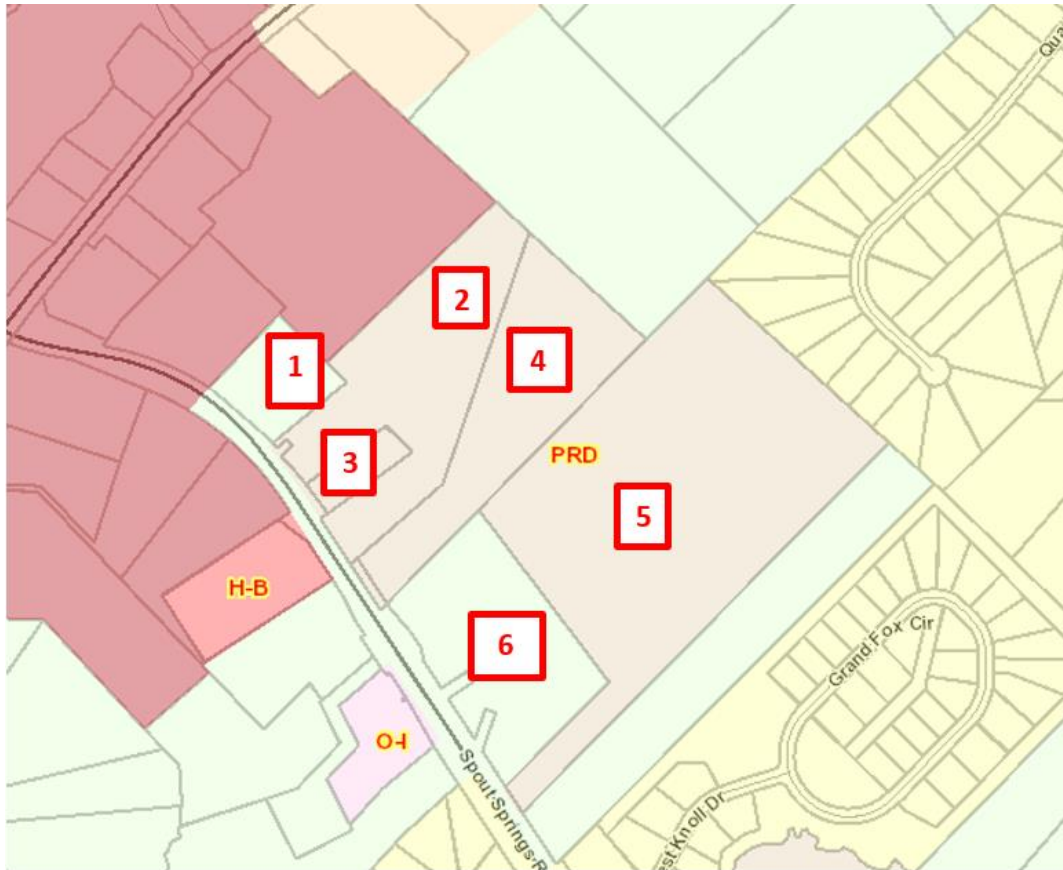


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-605 for the rezoning of 6005 Spout Springs Road by Capstone, LLC

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6005 Spout Springs Rezoning.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-605

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY CAPSTONE ACQUISITIONS, LLC IDENTIFIED AS 6005 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000125 TOTALING 1.00 +/- ACRES TO BE REZONED FROM HALL COUNTY PRD (PLANNED RESIDENTIAL DEVELOPMENT) TO FLOWERY BRANCH HIGHWAY BUSINESS (HB), 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 1.00 +/- acres identified as Parcel Tax Identification No. 15046 000125, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch HB (Highway Business) 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 PRD; 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 PRD.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Hall County PRD (Planned Residential Development) to Flowery Branch HB (Highway Business) and as conditioned on attached Exhibit “C” . Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

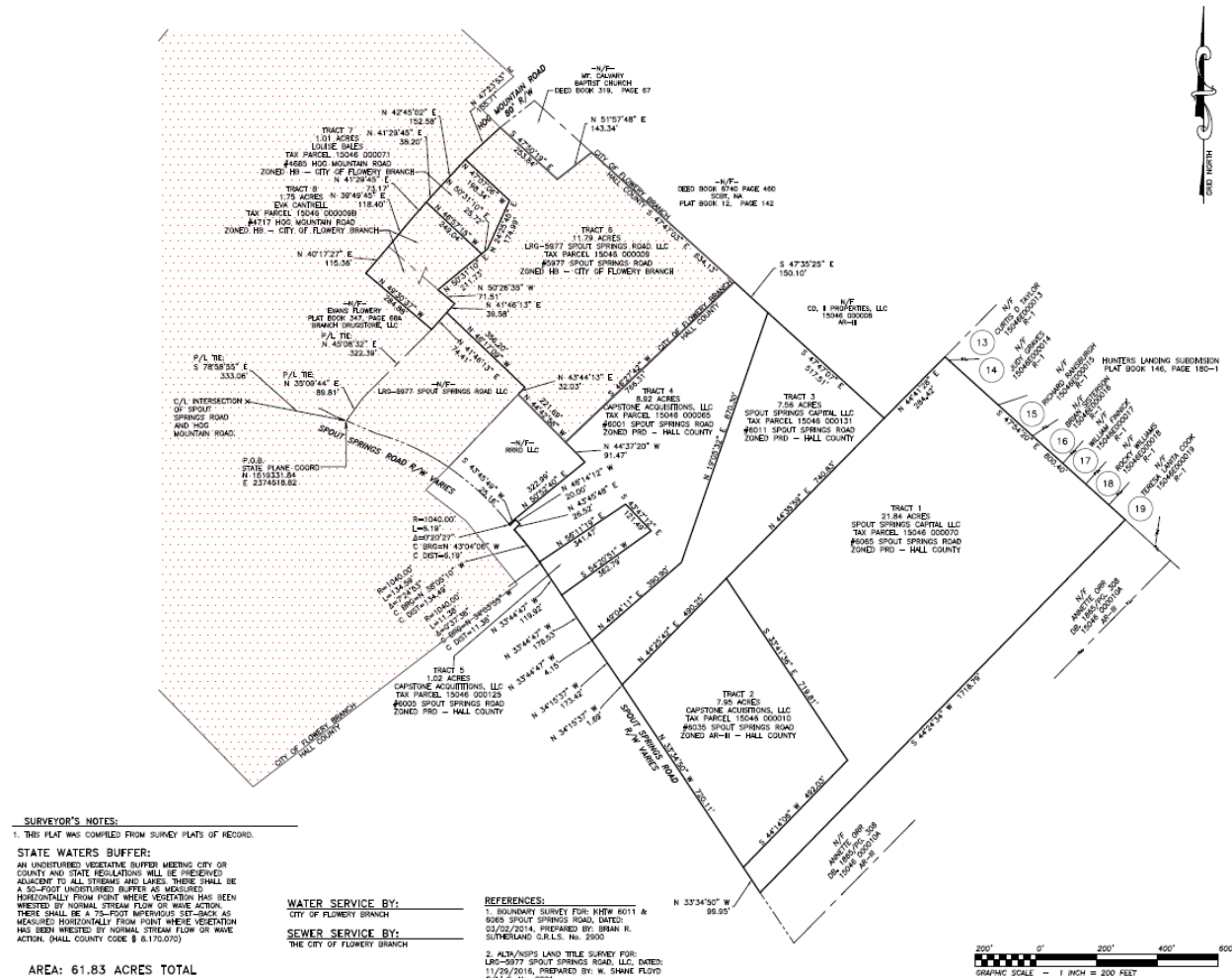


Exhibit “B”

6005 Spout Springs Road Tax I.D. # 15046 000125

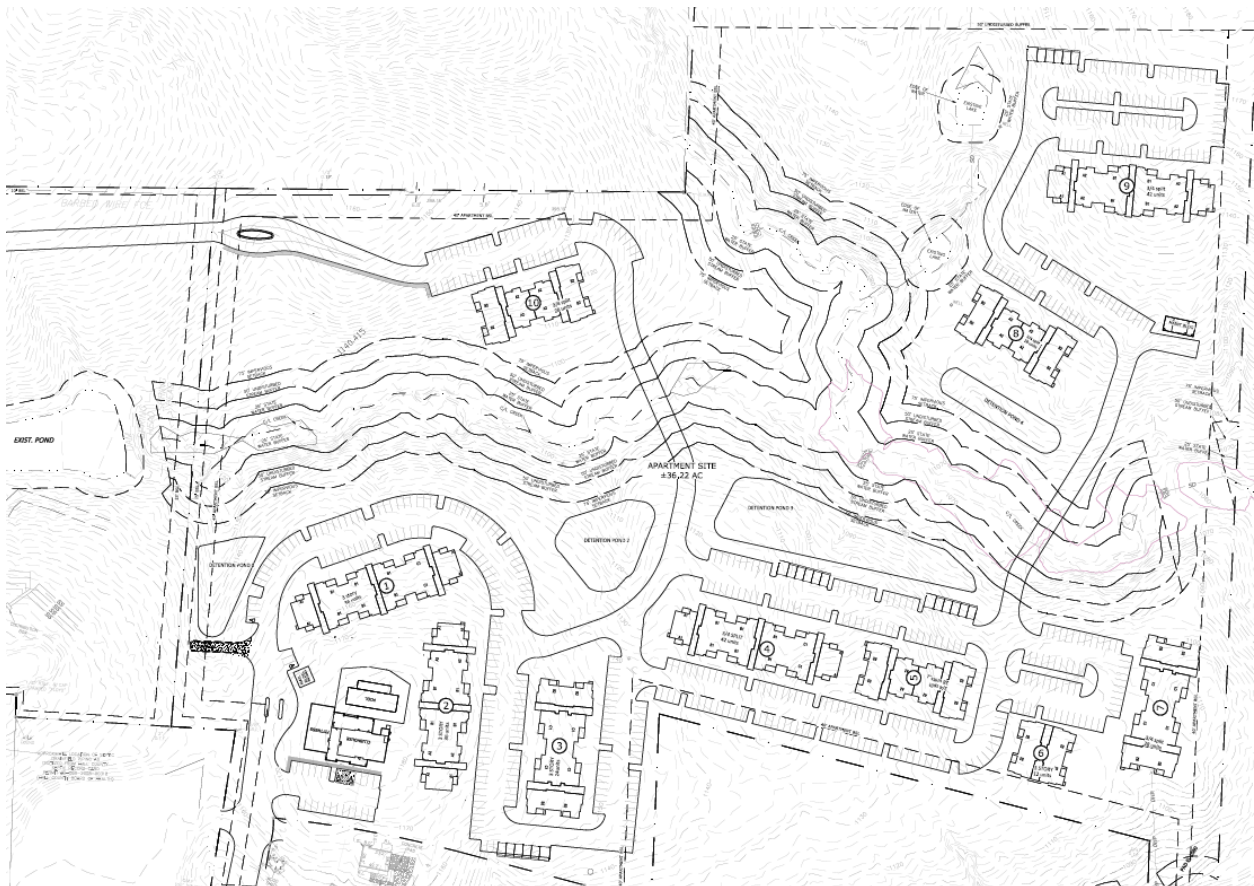
All that tract or parcel of land, together with improvements thereon, lying and being in GMD 1270, Hall County, Georgia, containing 1.000 acre as shown on a plat prepared for Joan M. Cody Wingo and Tommy Wingo dated April 29, 1995, by Mike T. Hosch, Georgia Registered Land Surveyor, recorded in Plat Slide 437, Page 207-A, Hall County, Georgia Deed Records.

LESS AND EXCEPT from the above property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 4206, Page 218, Hall County, Georgia Deed Records.

Exhibit “C”

Conditions of Zoning

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

3. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
4. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
5. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
6. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
7. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.

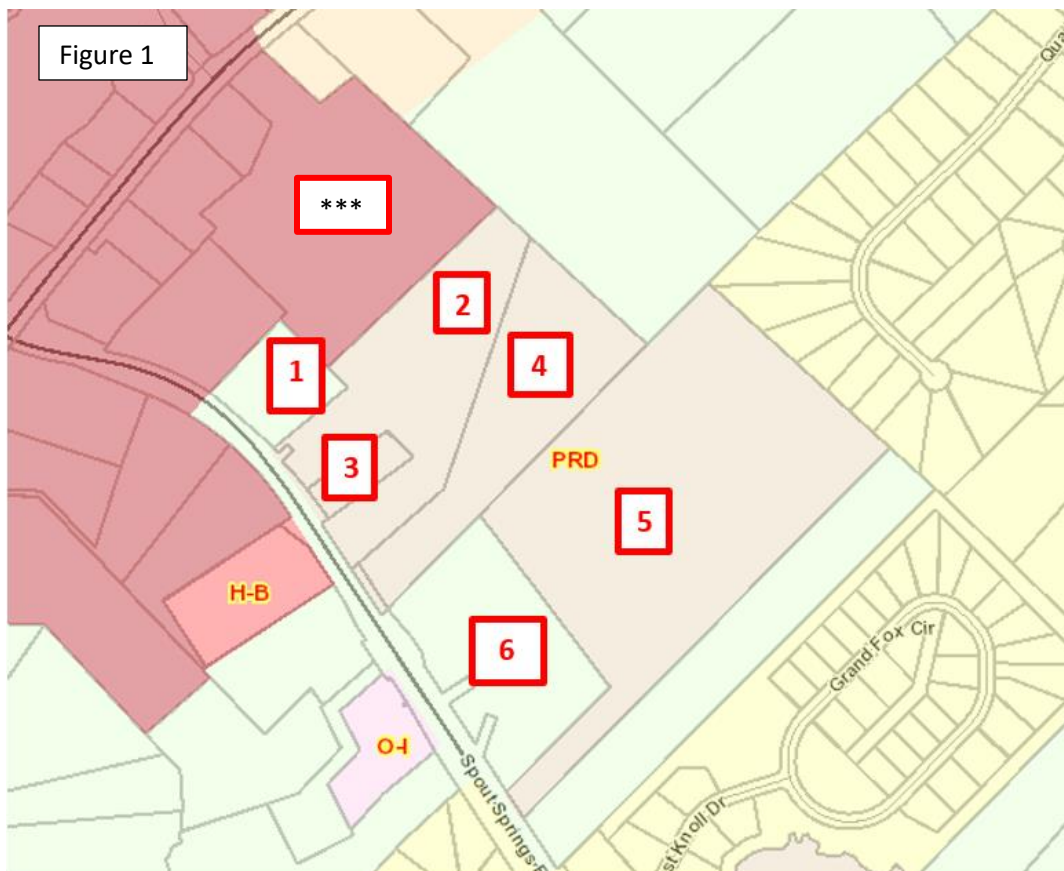


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

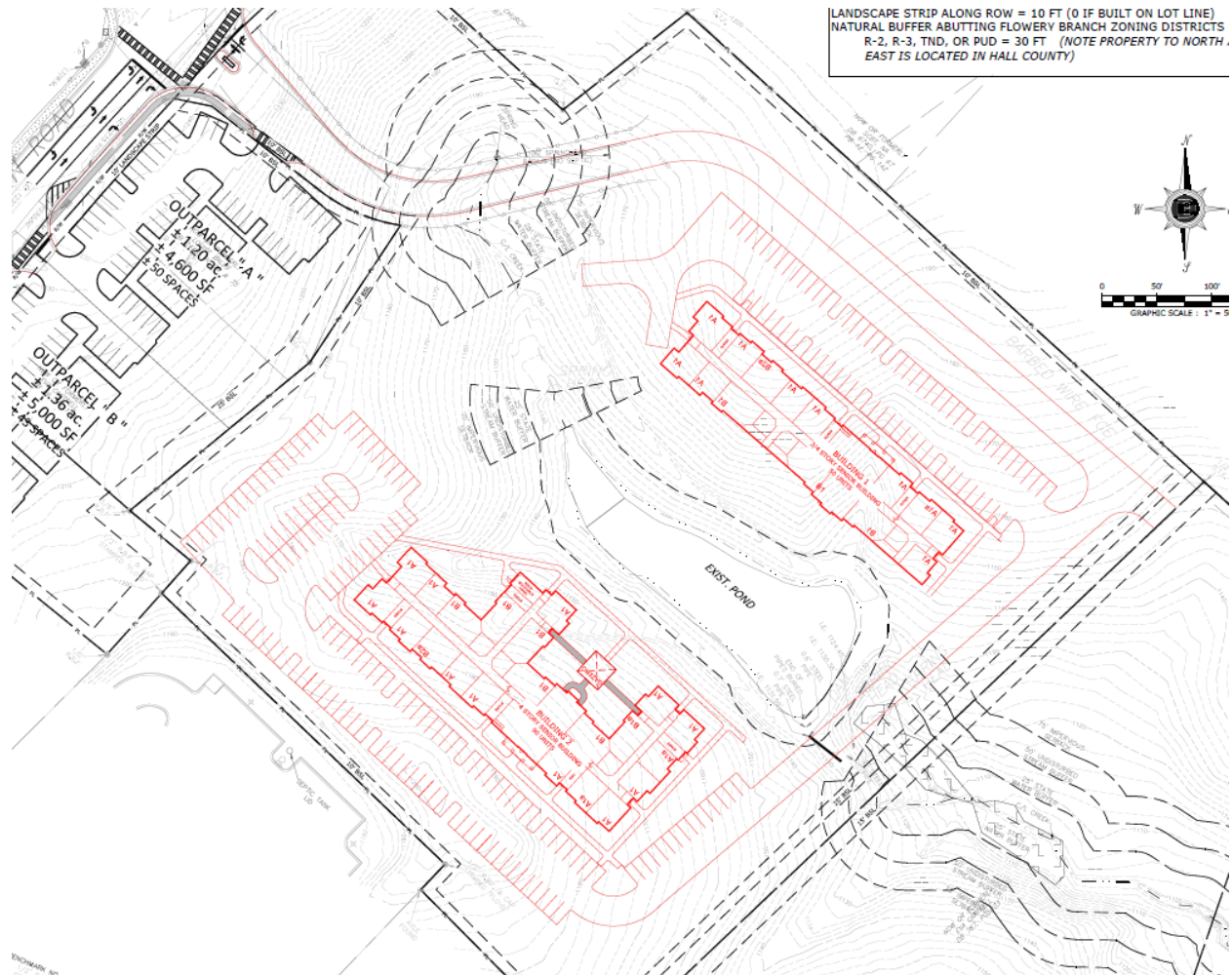
1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
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6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).





Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



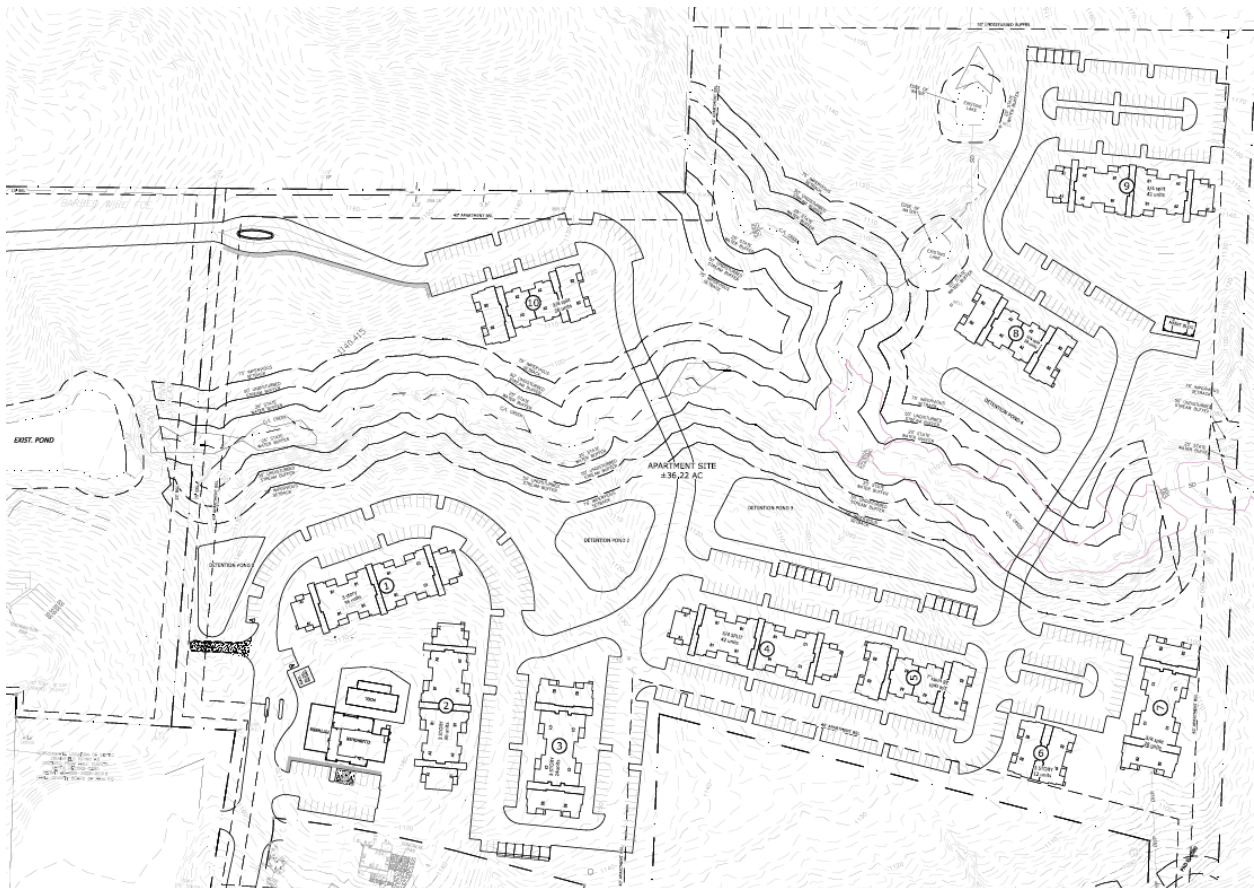
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

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Attachment #1

RESOLUTION NO. 16-002

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WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

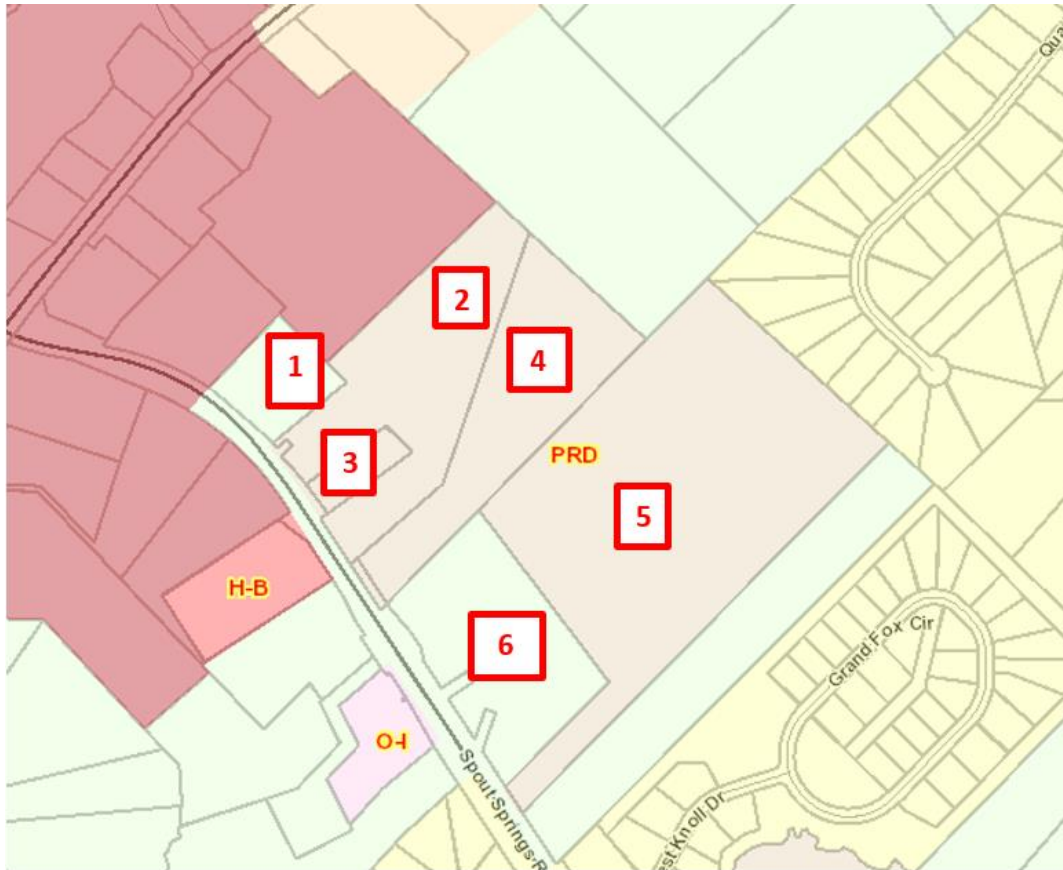


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-606 a rezoning request for 6011 Spout Springs Rd. submitted by Capstone Acquisitions, LLC

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

.

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff Report - Entire Project.pdf](#)
- [6011 Spout Springs Rezoning.pdf](#)

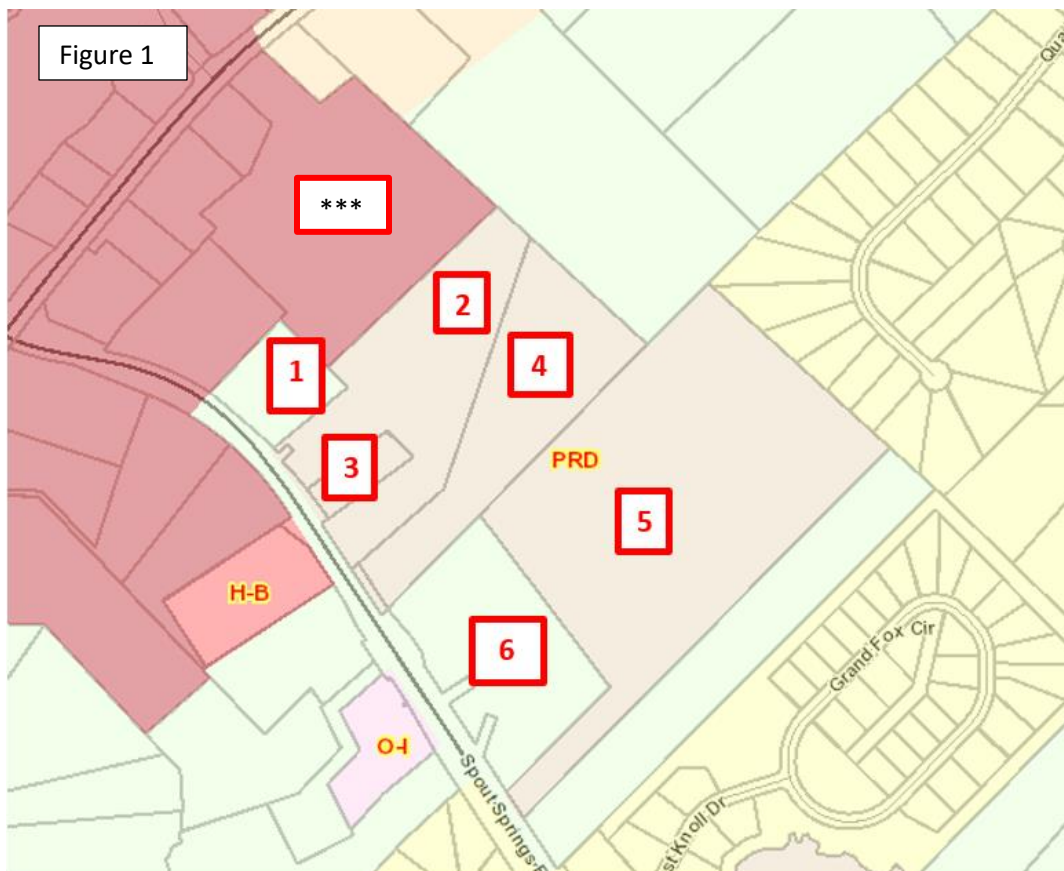


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

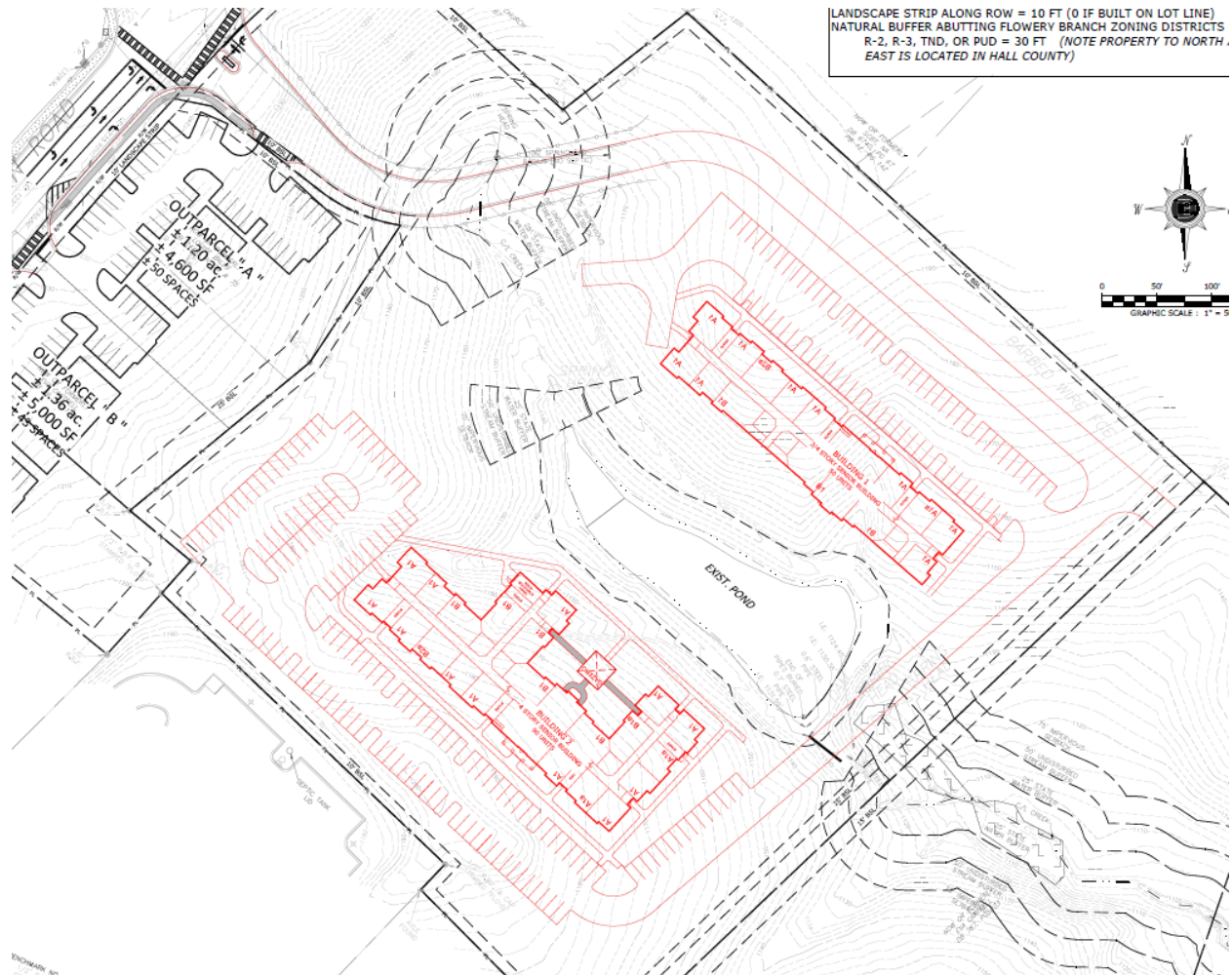
1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
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*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).





Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



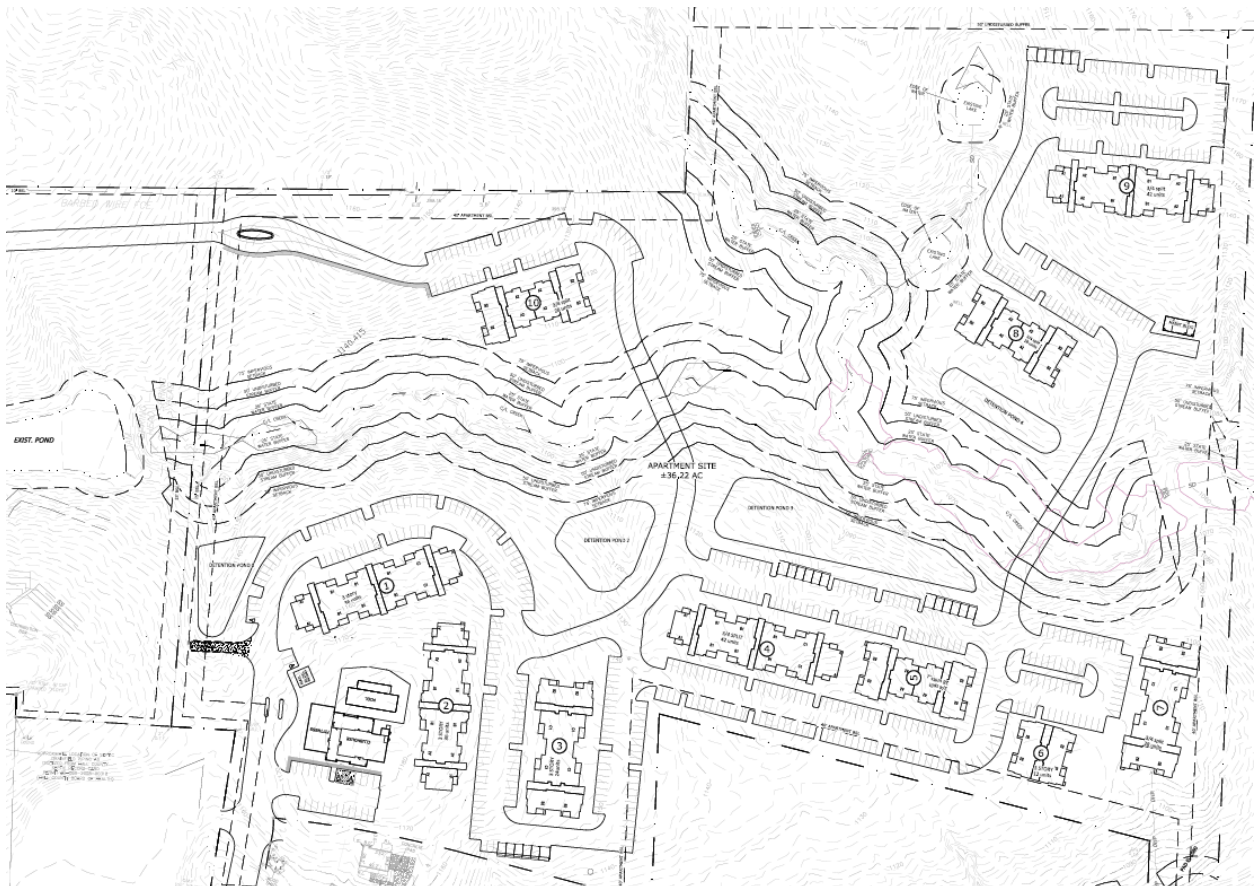
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

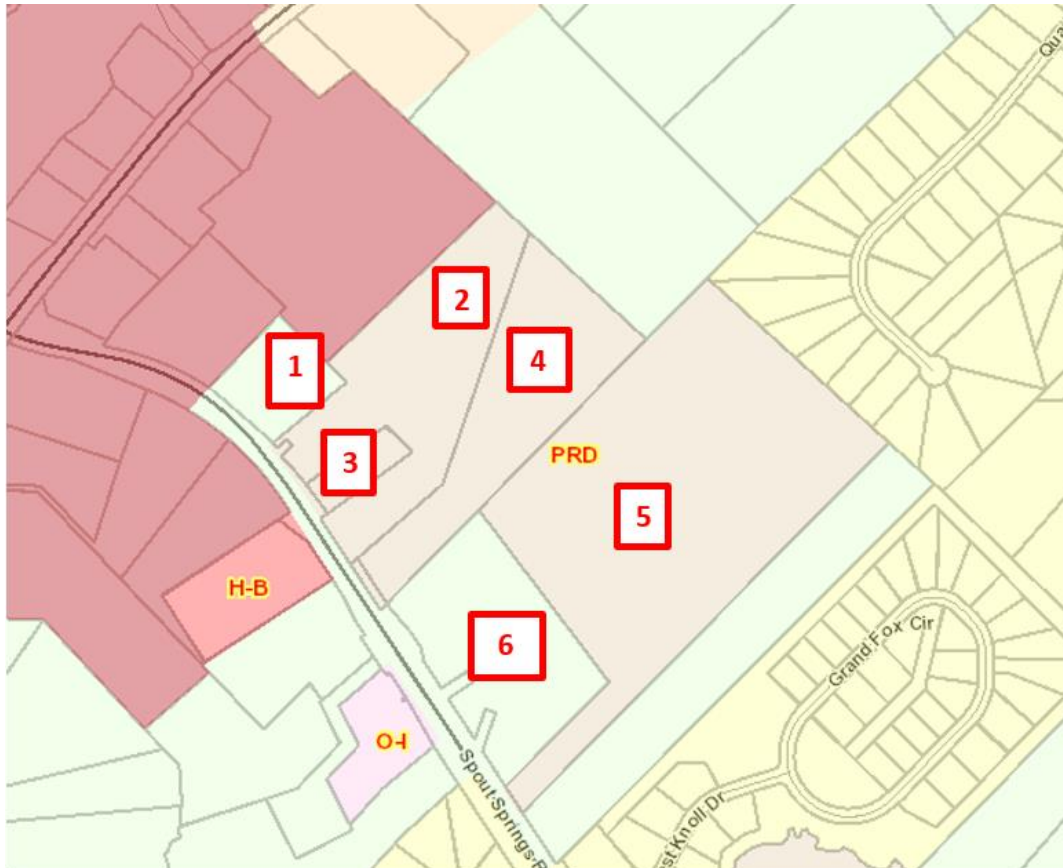


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
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6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-606

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY CAPSTONE ACQUISITIONS, LLC IDENTIFIED AS 6011 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000065 TOTALING 7.55 +/- ACRES TO BE REZONED FROM HALL COUNTY PRD (PLANNED RESIDENTIAL DEVELOPMENT) TO FLOWERY BRANCH MULTI-FAMILY RESIDENTIAL (R3), 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 7.55 +/- acres identified as Parcel Tax Identification No. 15046 000131, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch R3 (Multi-Family residential) and HB (Highway Business) 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 PRD; 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 PRD.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Hall County PRD (Planned Residential Development) to Flowery Branch M3 (Multi-Family Residential) and as conditioned on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

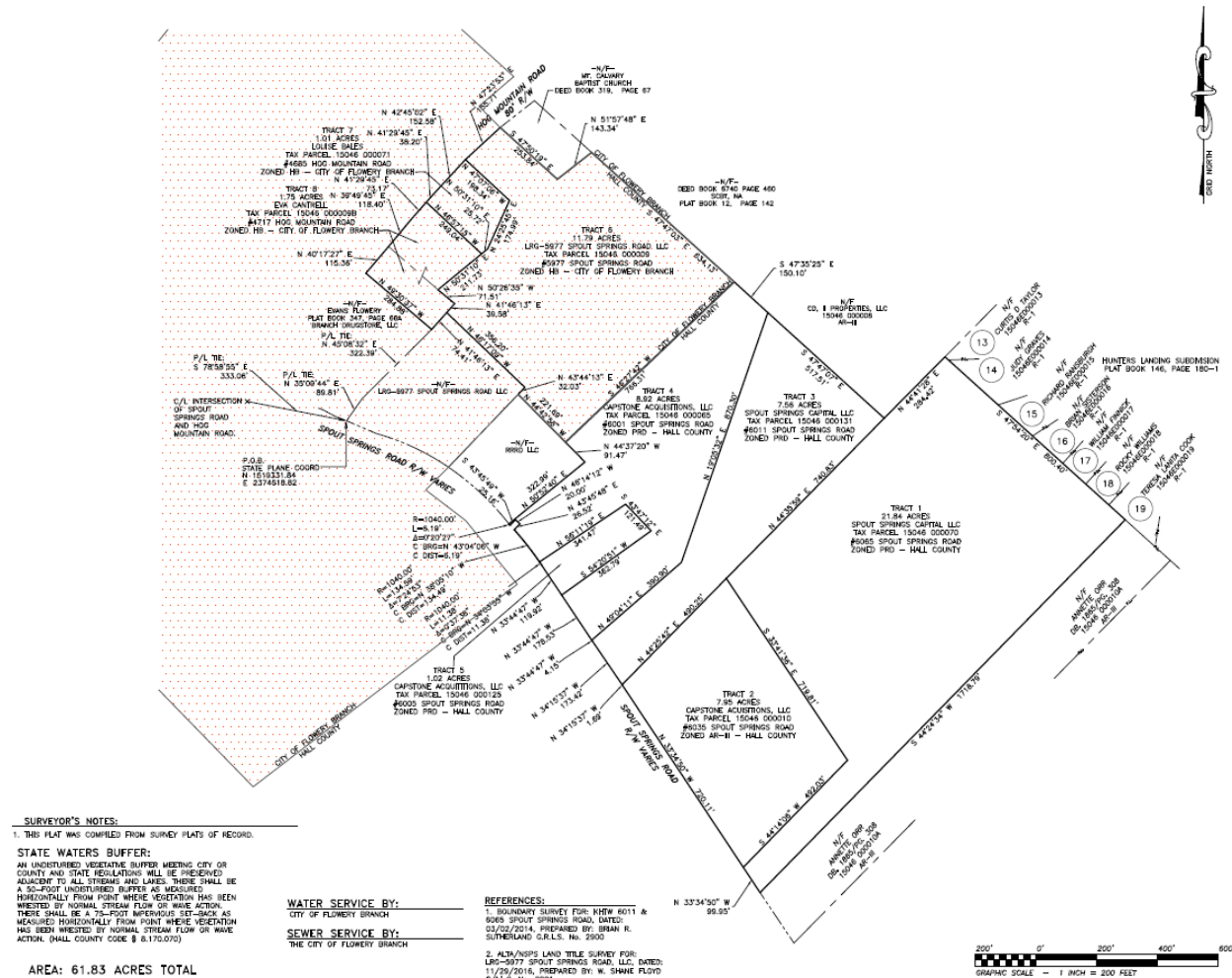


Exhibit “B”

6011 Spout Springs Road Tax I.D. # 15046 000131

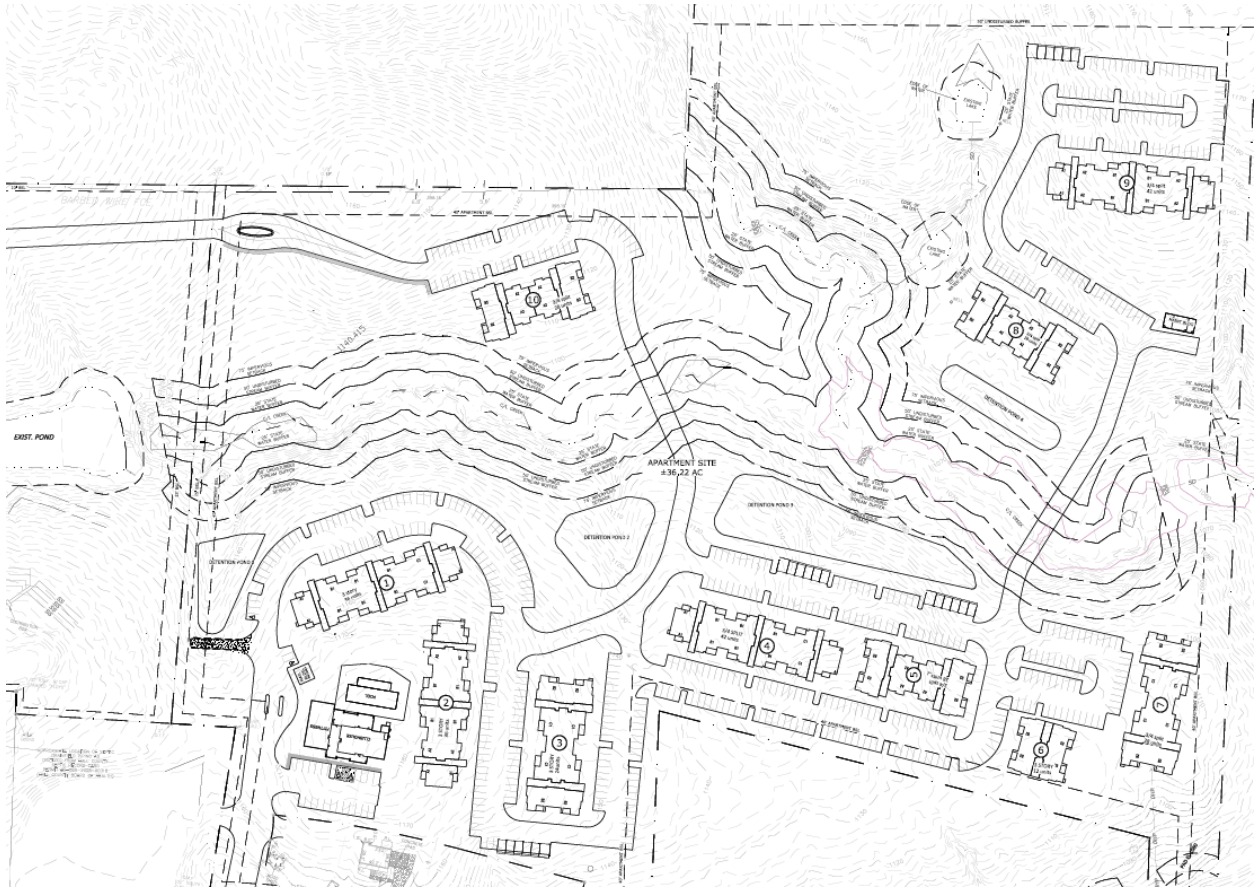
All that tract or parcel of land lying and being in GMD 1270, Hall County, Georgia, consisting 7.558 acres, more or less, shown as Tract 2 on that Boundary Survey dated March 2, 2014, prepared by Brian R. Sutherland, RLS No. 2900, Georgia Premier Land Services, Inc., Project No. 14055 and being more particularly described according to said survey as follows: To find the true point of beginning, commence at the intersection of the southeasterly right of way of Hog Mountain Road with the northeasterly right of way of Spout Springs Road (right of way varies) and from thence proceed 1400.46 feet southeasterly along the northeasterly right of way of Spout Springs Road to an iron pin set, the same being the true point of beginning. From the true point of beginning, leave said right and proceed North 49 degrees 01 minutes 04 seconds East 390.90 feet to an ¼ inch open top pipe; thence North 19 degrees 02 minutes 25 seconds East 870.30 feet to an ¼ inch open top pipe; hence South 47 degrees 50 minutes 15 seconds East 517.51 feet to a concrete monument found; thence South 44 degrees 32 minutes 52 seconds West 740.83 feet to a ¼ inch open top pipe; thence South 44 degrees 22 minutes 34 seconds West 490.25 feet to a point located along the northeasterly right of way of Spout Springs Road; thence proceed along said right of way the following courses and distances: North 34 degrees 18 minutes 44 seconds west 173.42 feet to a concrete monument found; and North 33 degrees 47 minutes 55 seconds West 4.15 feet to an iron pin set, the same being the true point of beginning.

LESS AND EXCEPT from the above property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 8072, Page 767 and Deed Book 8072, page 773, Hall County, Georgia Deed Records.

Exhibit “C”

Conditions of Zoning

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.
4. Apartments shall be constructed of brick, stacked stone, board and batton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.

13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: 20-607 a rezoning request for 6065 Spout Springs Road from Hall County PRD to Flowery Branch R3

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the Capstone project

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

No vote at this time

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6065 Spout Springs Rezoning.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-607

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY CAPSTONE ACQUISITIONS, LLC IDENTIFIED AS 6065 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000070 TOTALING 21.84 +/- ACRES TO BE REZONED FROM HALL COUNTY PRD (PLANNED RESIDENTIAL DEVELOPMENT) TO FLOWERY BRANCH MULTI-FAMILY RESIDENTIAL (R3), 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 21.84 +/- acres identified as Parcel Tax Identification No. 15046 000070, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County PRD (Highway Business) to Flowery Branch R3 (Multi-Family residential) 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 PRD; 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 PRD.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Hall County PRD (Planned Residential Development) to Flowery Branch M3 (Multi-Family Residential) and as conditioned on attached Exhibit “C” . Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

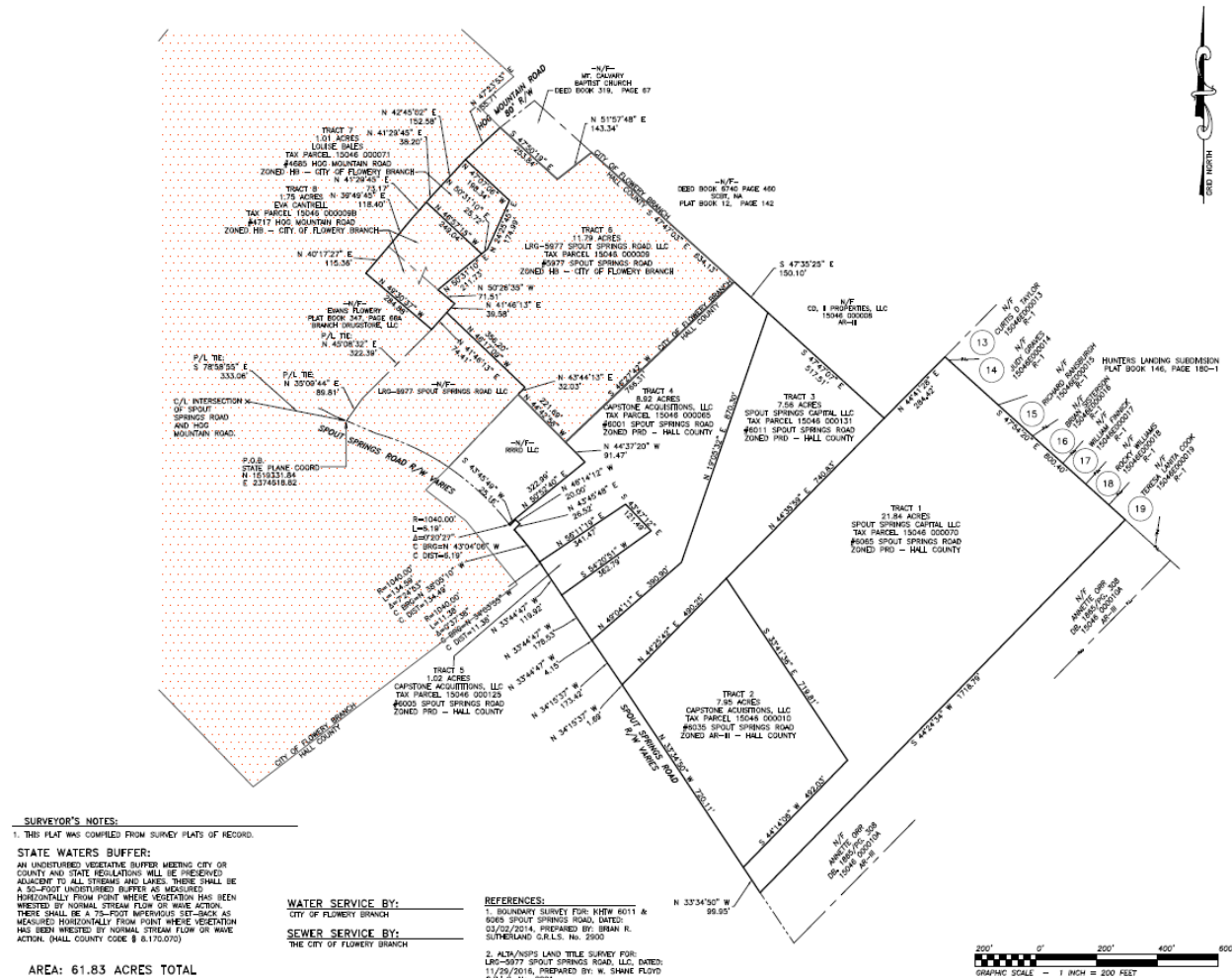


Exhibit “B”

6065 Spout Springs Road Tax I.D. # 15046 000070

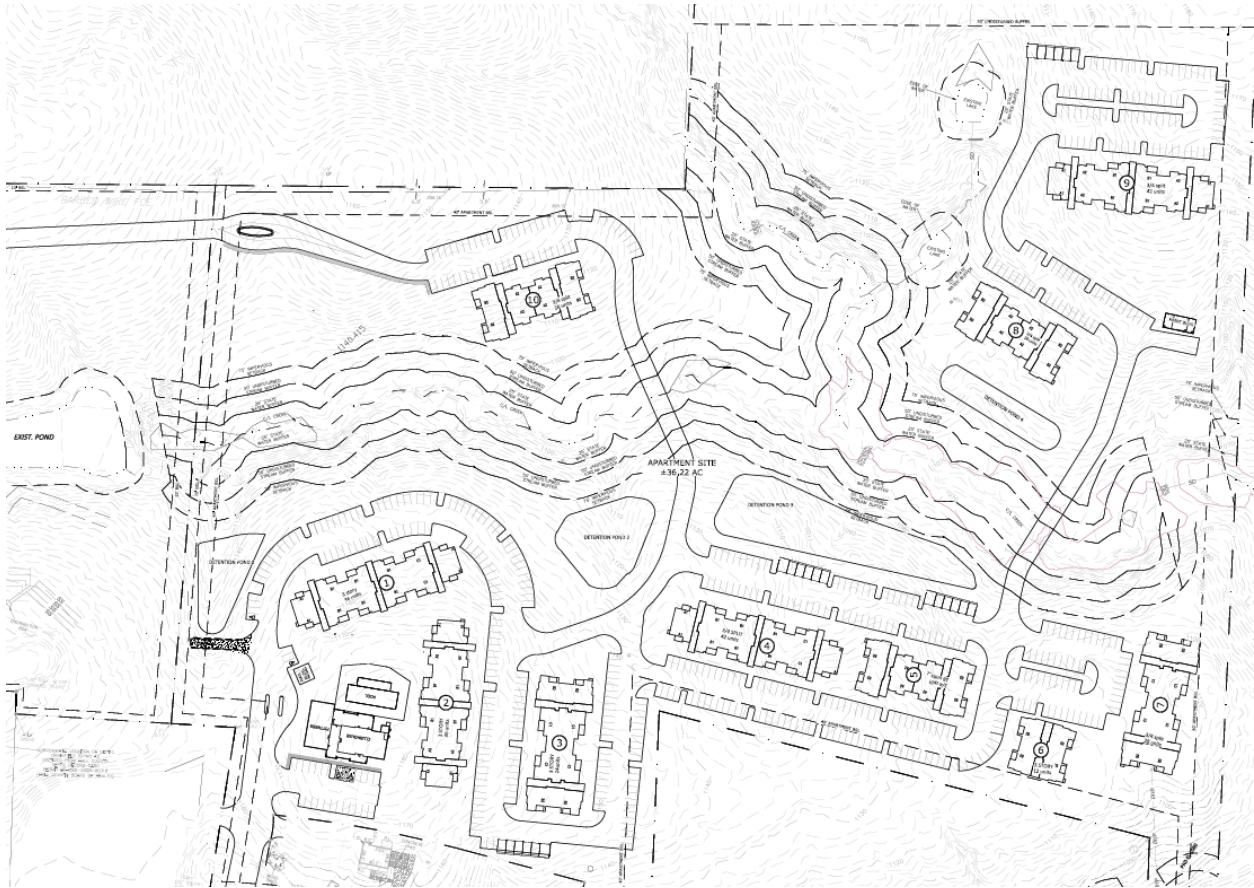
All that tract or parcel of land lying and being in GMD 1270, Hall County, Georgia, consisting 21.843 acres, more or less, shown as Tract 1 on that Boundary Survey dated March 2, 2014, prepared by Brian R. Sutherland, RLS No. 2900, Georgia Premier Land Services, Inc., Project No. 14055 and being more particularly described according to said survey as follows: To find the true point of beginning, commence at the intersection of the southeasterly right of way of Hog Mountain Road with the northeasterly right of way of Spout Springs Road (right of way varies) and from thence proceed 1400.46 feet southeasterly along the northeasterly right of way of Spout Springs Road to an iron pin set, thence continuing along said right of way South 33 degrees 47 minutes 55 seconds East 4.15 feet to a concrete monument found, thence continuing along said right of way South 34 degrees 18 minutes 44 seconds East 173.42 feet to an iron pin set; thence leaving said right of way by proceeding North 44 degrees 22 minutes 34 seconds East 490.25 feet to an $\frac{3}{4}$ inch open top pipe, the same being the true point of beginning. From the true point of beginning, proceed North 44 degrees 32 minutes 52 seconds East 740.83 feet to a concrete monument found; thence North 44 degrees 38 minutes 21 seconds East 284.42 feet to a $\frac{1}{2}$ inch rebar found at a corner, thence proceed South 47 degrees 57 minutes 27 seconds East 800.40 feet to a point; thence proceed South 44 degrees 21 minutes 26 seconds West 1718.79 feet to a $\frac{1}{2}$ inch crimp top pipe located along the northeasterly right of way of Spout Springs Road; thence proceed along said right of way North 33 degrees 37 minutes 58 seconds West 99.95 feet to an iron pin set; thence leaving said right of way and proceeding North 44 degrees 10 minutes 58 seconds East 492.03 feet to a $\frac{3}{4}$ inch open top pipe; thence North 33 degrees 44 minutes 43 seconds west 719.81 feet to an $\frac{3}{4}$ inch open top pipe, the same being the true point of beginning.

LESS AND EXCEPT from the above property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 8072, Page 767 and Deed Book 8072, page 773, Hall County, Georgia Deed Records.

Exhibit “C”

Conditions of Zoning

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.
4. Apartments shall be constructed of brick, stacked stone, board and batton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.

13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

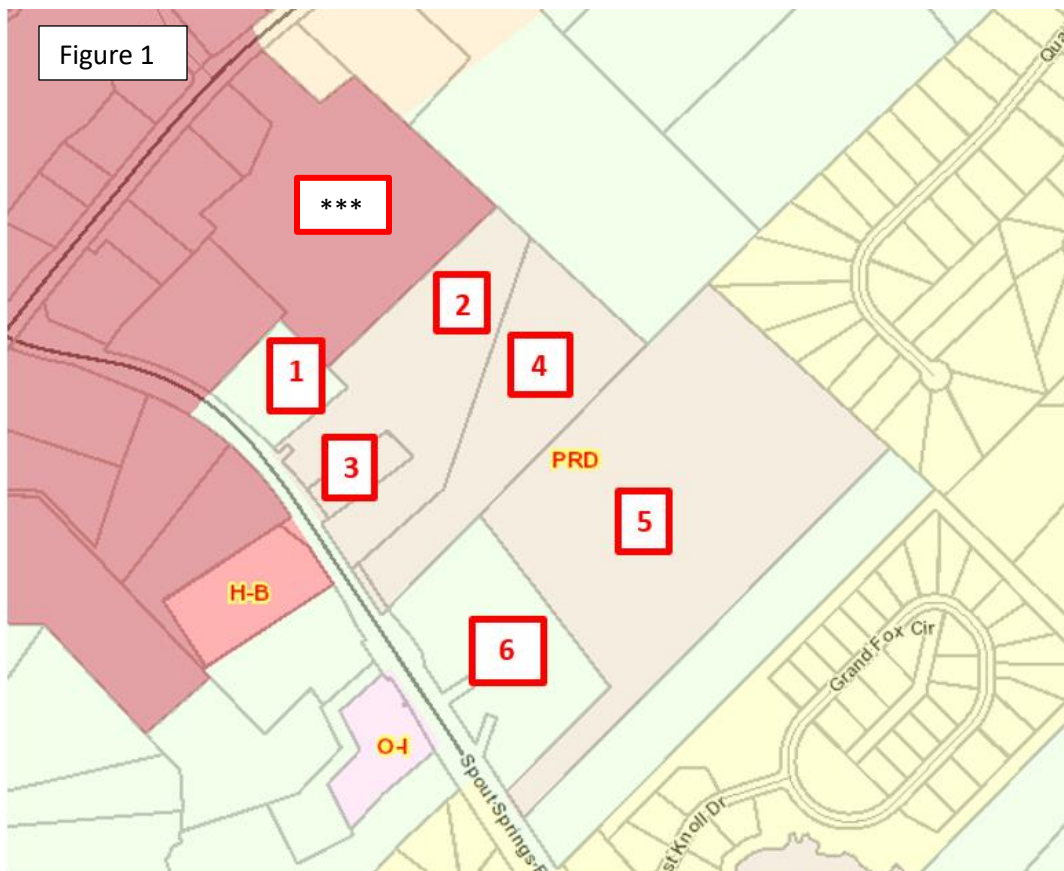


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

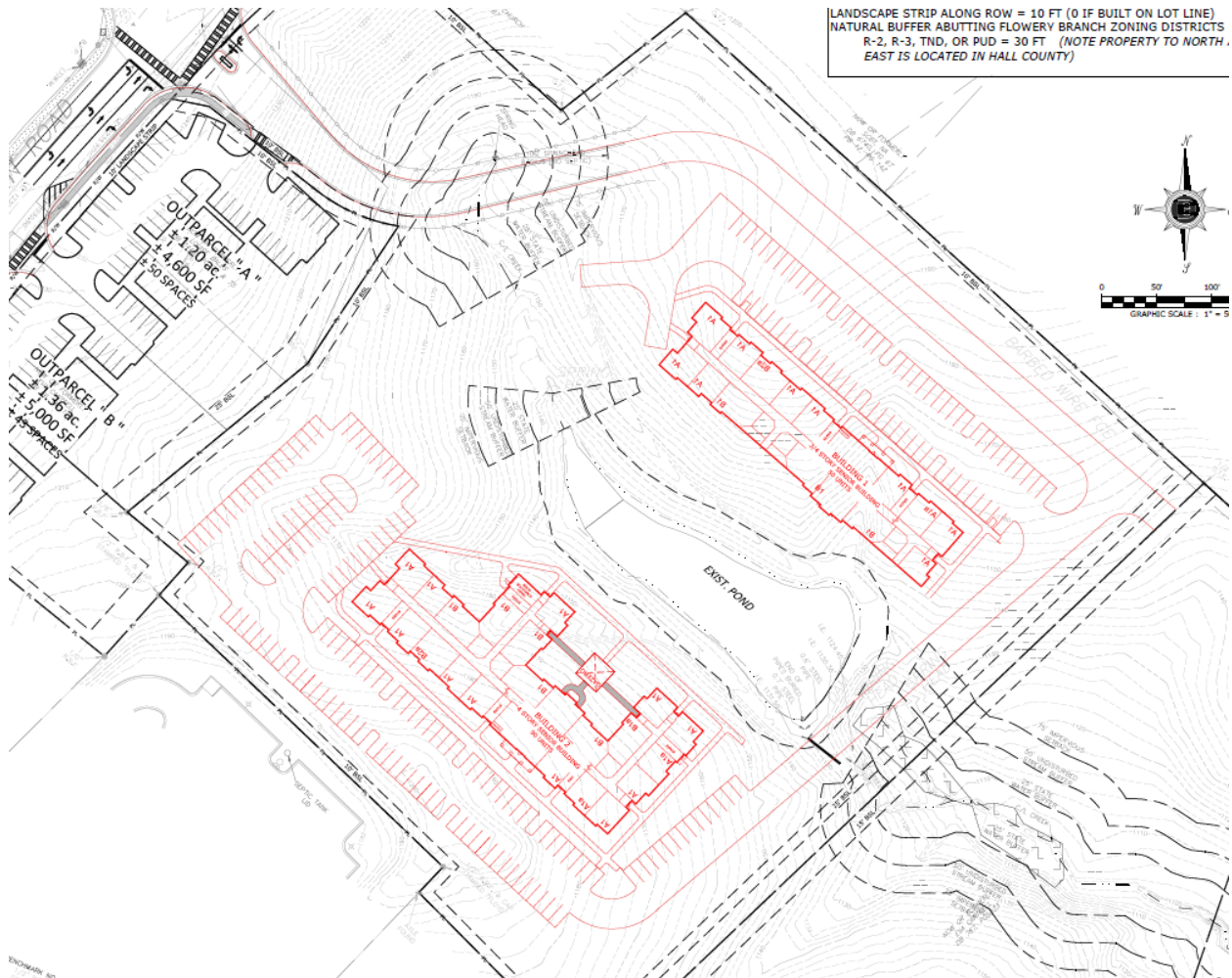
1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).





Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



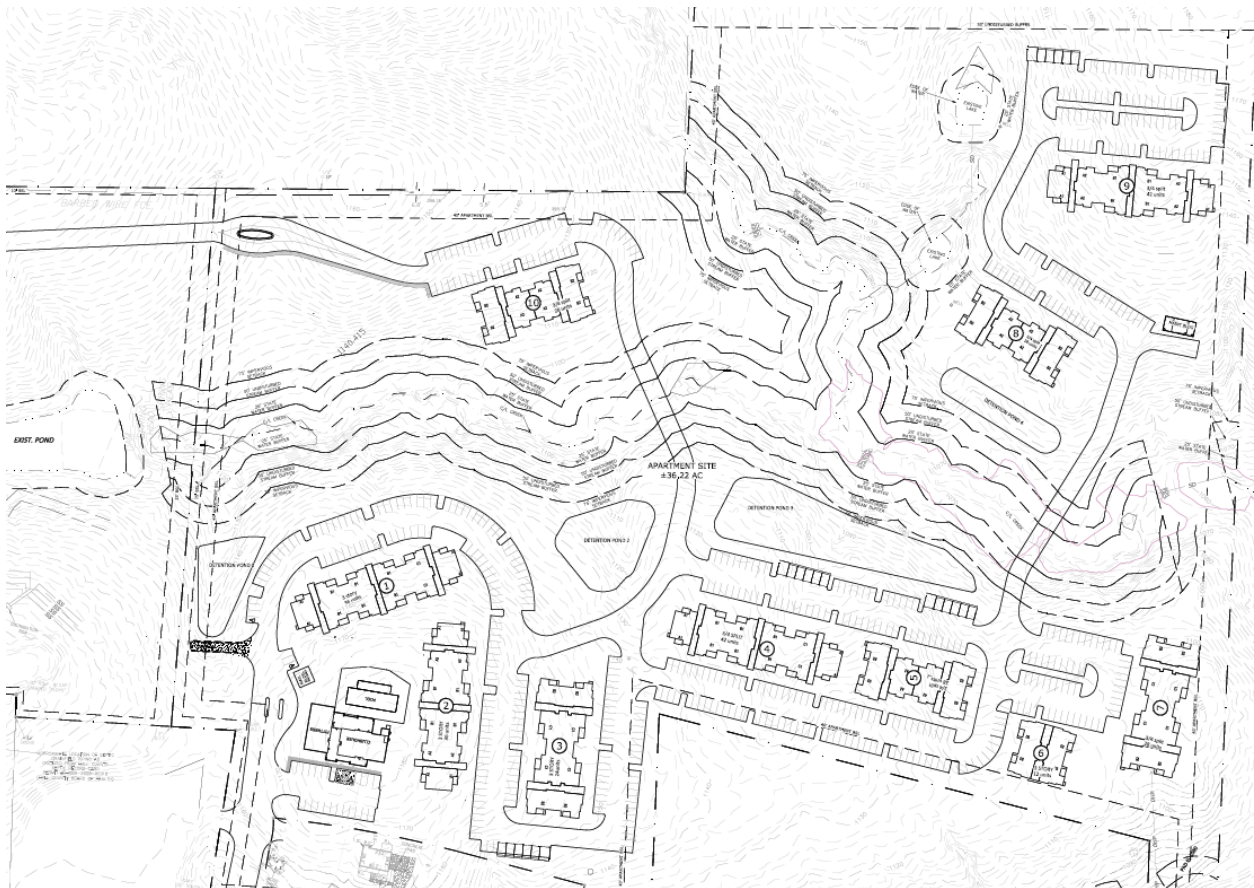
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

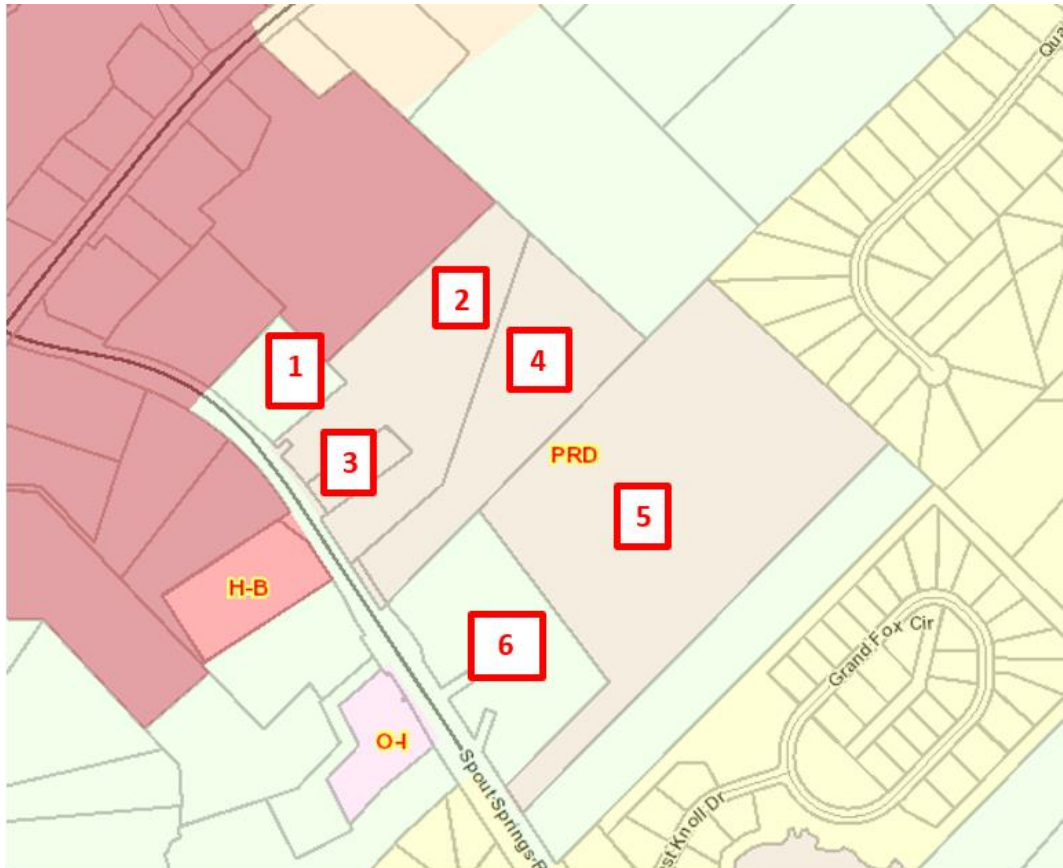


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-608 a rezoning request for 6035 Spout Springs Rd. submitted by Capstone Acquisitions, LLC

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6035 Spout Springs Rezoning.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-608

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY CAPSTONE ACQUISITIONS, LLC IDENTIFIED AS 6035 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000010 TOTALING 7.98 +/- ACRES TO BE REZONED FROM HALL COUNTY AR III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH HIGHWAY BUSINESS (HB), 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 7.98+/- acres identified as Parcel Tax Identification No. 15046 000010, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County AR III (Agricultural Residential) to Flowery Branch HB (Highway Business) 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 AR III; 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 AR III.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Hall County AR III (Agricultural Residential) to Flowery Branch HB (Highway Business) and as conditioned on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

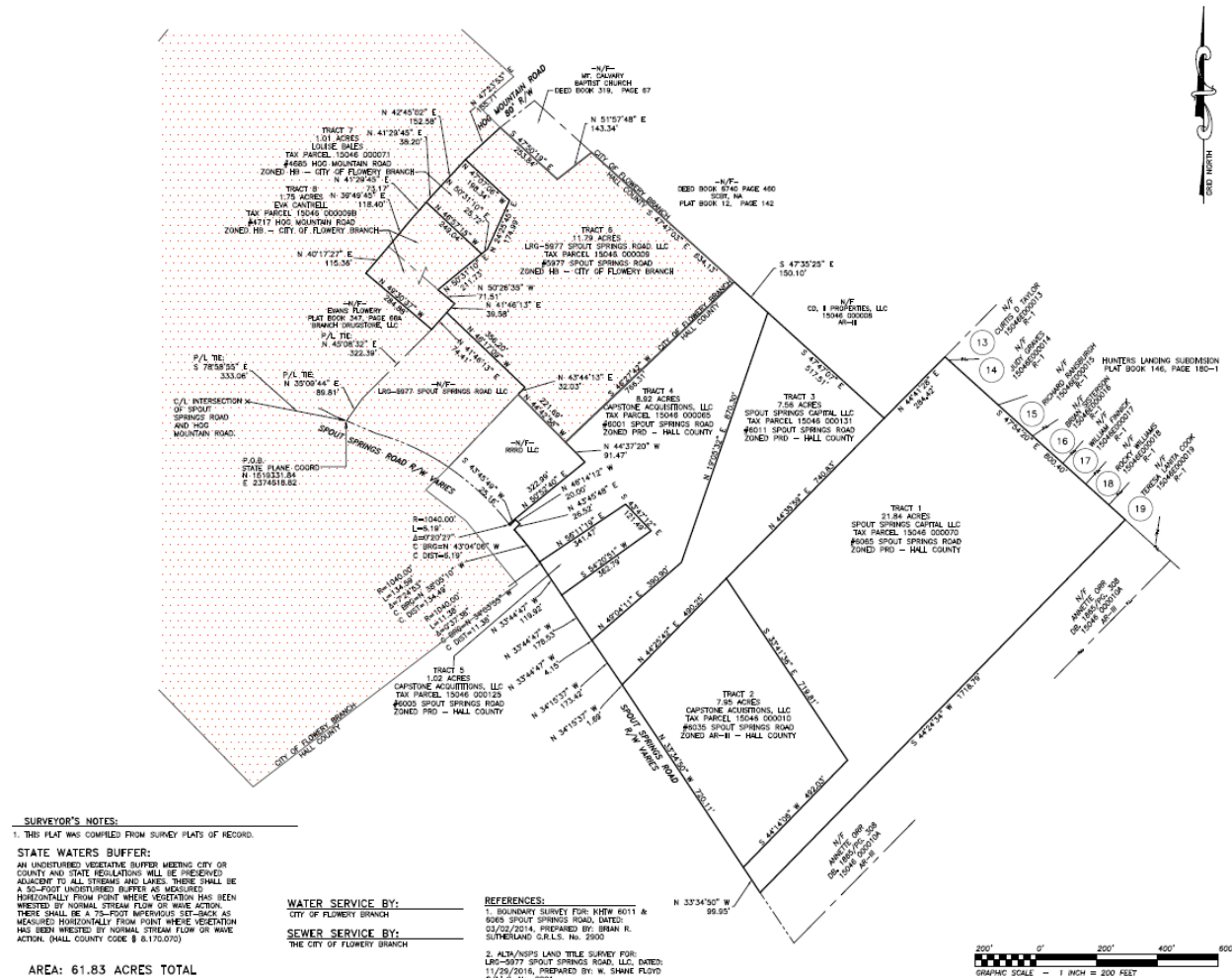


Exhibit “B”

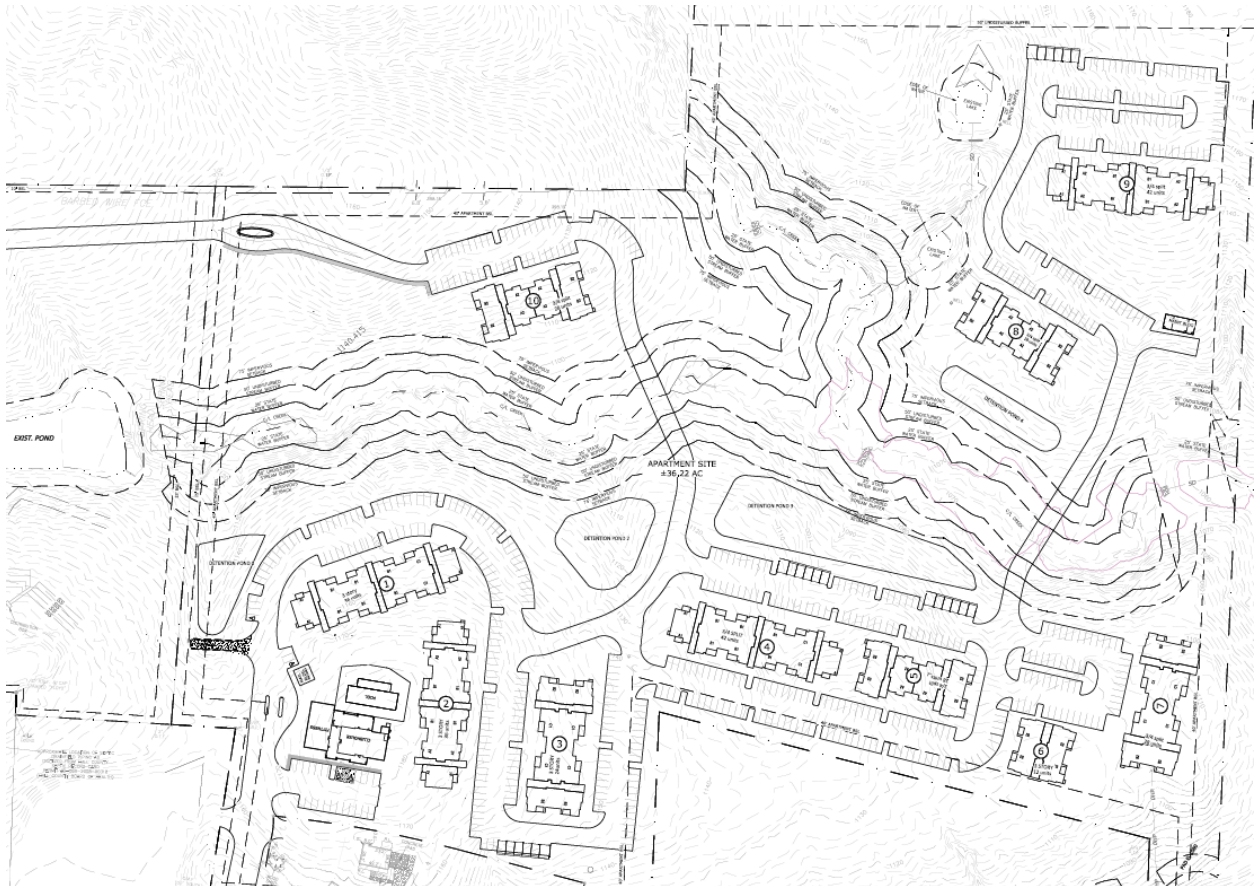
6035 Spout Springs Road Tax I.D. # 15046 000010

All that tract or parcel of land lying and being in GMD 1270, Hall Co GA and being shown and delineated as Tract 1 on Plat of Survey prepared for Carl Titshaw Estate by W.T. Dunahoo and Associates, Inc. Dated June 9, 1983 and being recorded in the Clerk’s Office of the Superior Court of Hall County GA in Plat Book 91 page 76. Said Plat and the record thereof are herein incorporated for a full and complete legal description.

Exhibit “C”

Conditions of Zoning

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

3. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
4. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
5. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
6. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
7. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.

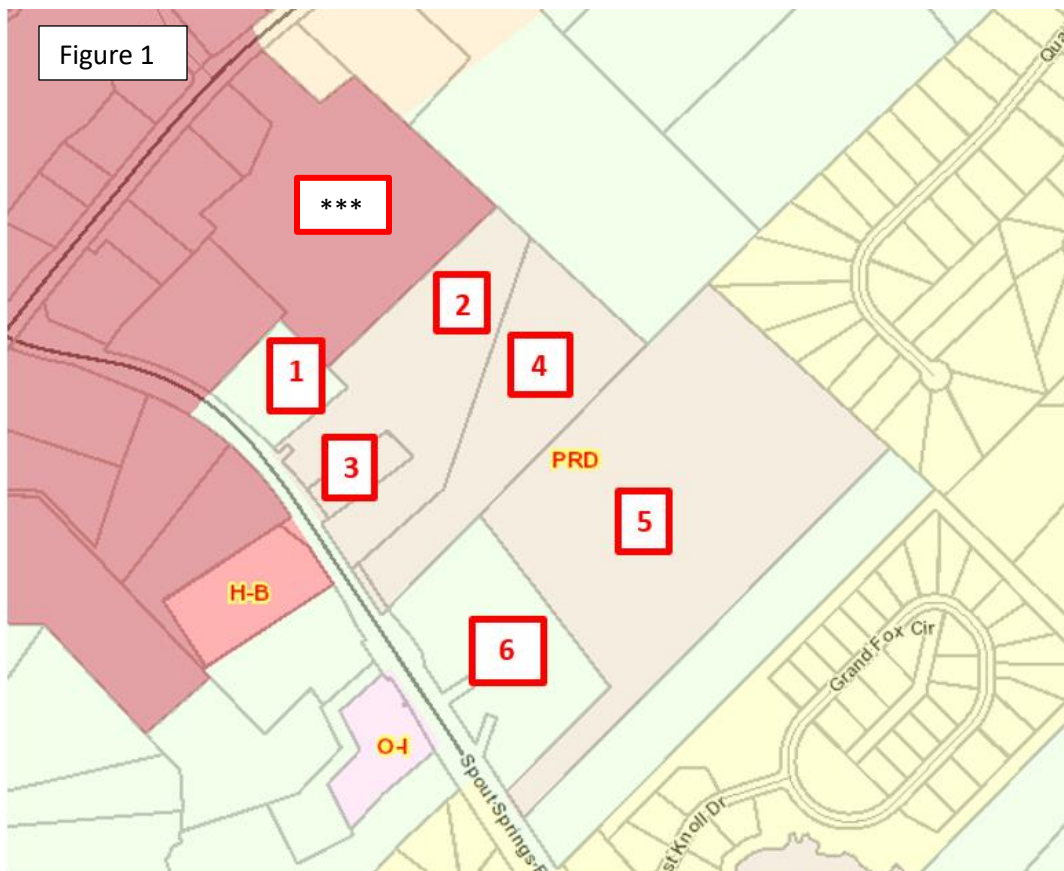


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

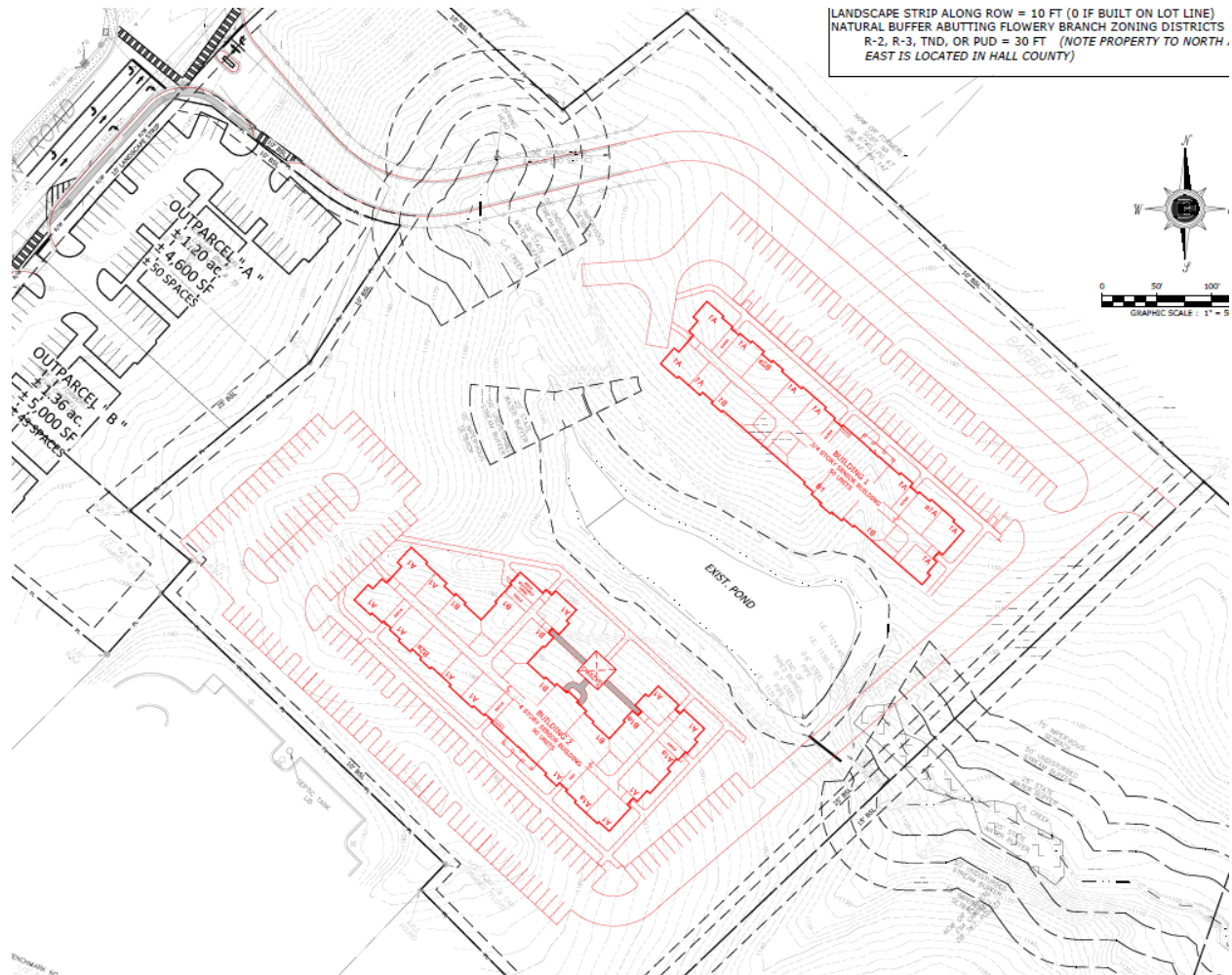
1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
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6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).





Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



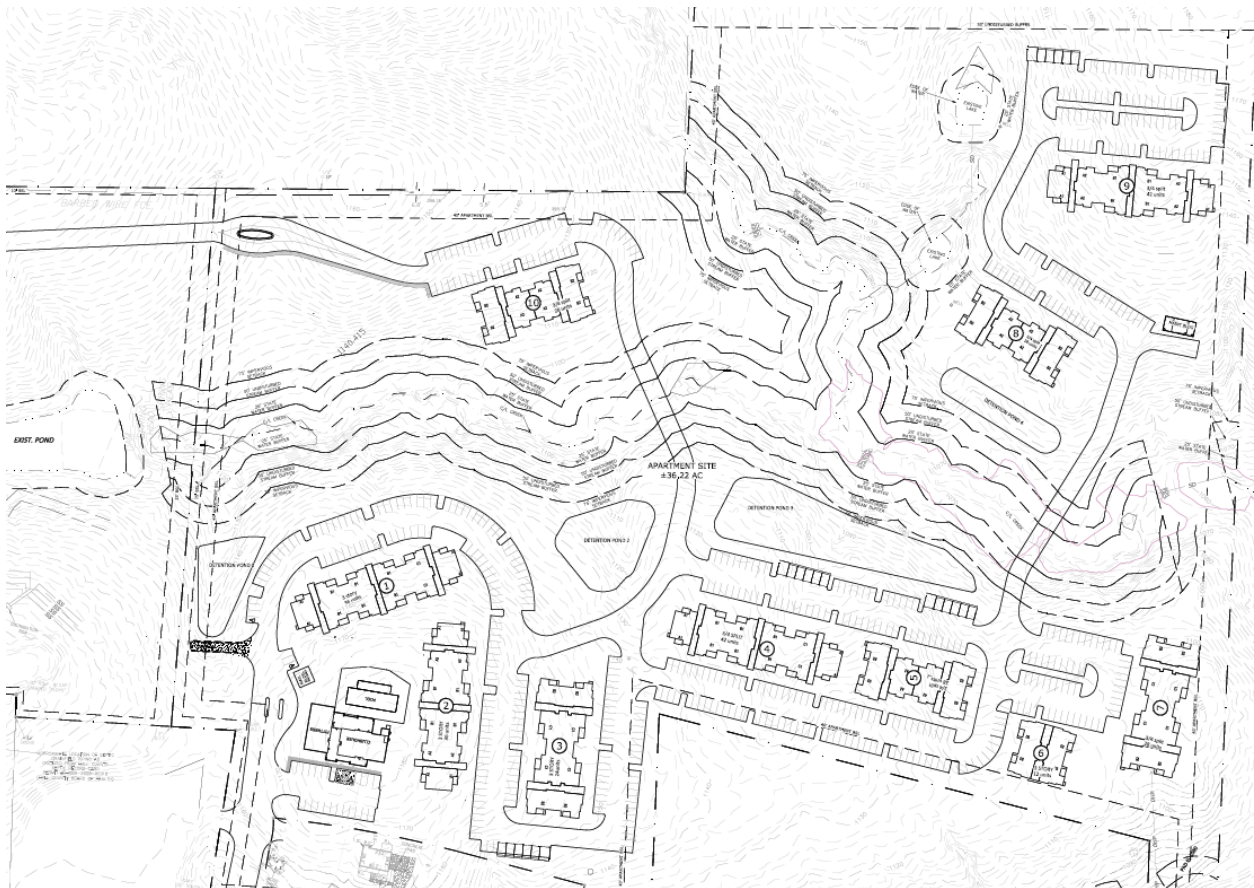
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002
Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

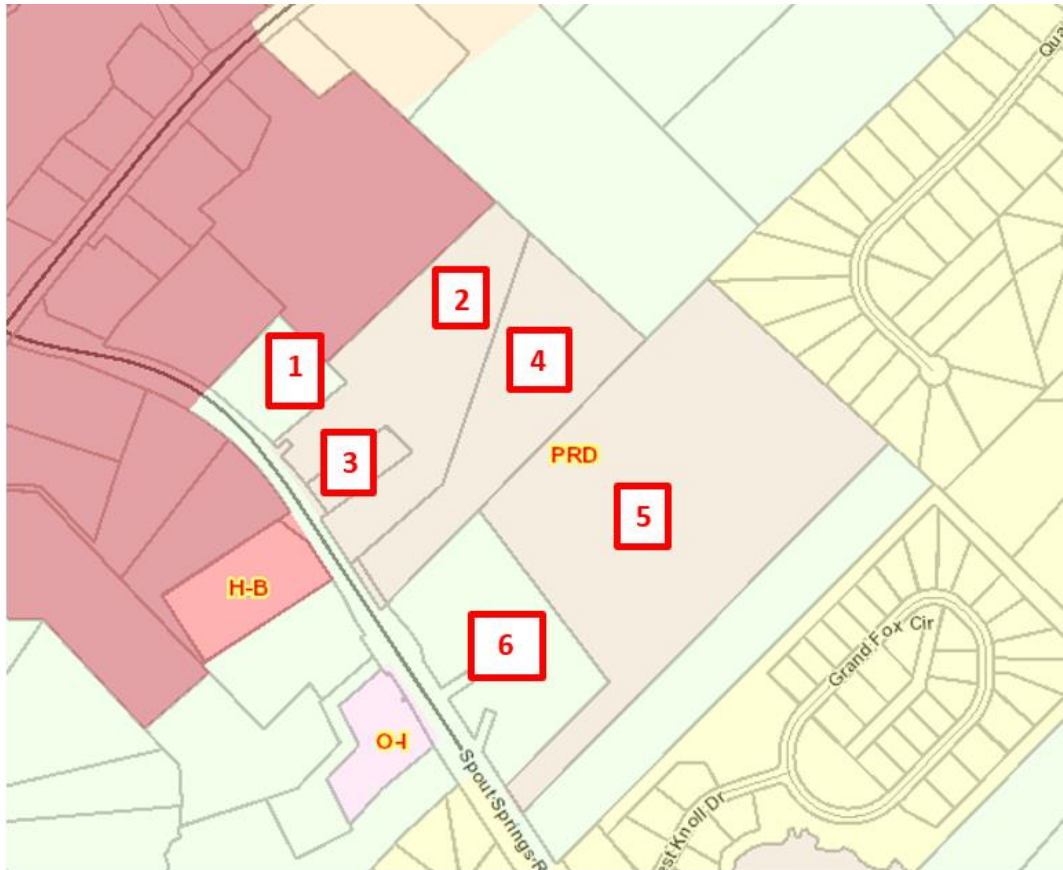


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 609 a rezoning request by Mr. Shawn Gleason for 4153 Falcon Pkwy from Agricultural (A) to Highway Business (HB)

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

The proposed project is an out parcel to a larger development that lies within the city-limits of Oakwood. The Flowery Branch parcel would help the overall development by adding Falcon Parkway frontage and connectivity.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing and work session only - no vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Rezoning Application.pdf](#)
- [Site Analysis Document.pdf](#)
- [Rezoning Narrative.pdf](#)
- [Overbrook Drive Apartments Addressing.pdf](#)

- [Staff reprt Falcon Parkway.pdf](#)
- [Falcon Pkwy Rezoning Ordinance 609.pdf](#)



REZONING APPLICATION

Date: 06/10/2020

Address of Request:

4153 FALCON PARKWAY FLOWERY BRANCH GA 30542

EAST SIDE OF FALCON PARKWAY NORTH OF MARTIN ROAD

Tax Map # 15044A002024 Current Zoning: A - AGRICULTURE

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: SHAWN GLEASON

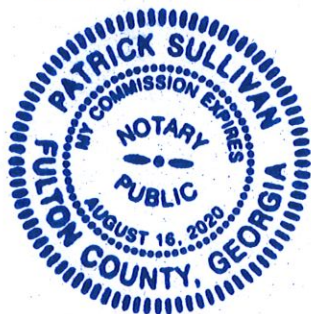
Address: 3715 NORTHSIDE PARKWAY; SUITE 4-450
ATLANTA, GA 30327

E-mail address: SGLEASON@BLANCHARDRE.COM

Phone number: 678-469-9795

Signature: _____

Notary: Patrick Sullivan





Property owner information (if different than the applicant)

Property owner (please print): JANE WOOD R/A BANKS ET AL

Signature of property owner:

By W. Cary, GENERAL PARTNER
THE MISCRAV FAMILY
PARTNERSHIP, L.P.

Notary:

Deborah L. Hood



Property Information

Tax Map Number: 15044A002024

Current Zoning: A (AGRICULTURE) Total Acres: 7.338

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

Proposed City of Flowery Branch Zoning: HB - HIGHWAY BUSINESS

Current Use: UNDEVELOPED, WOODED

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

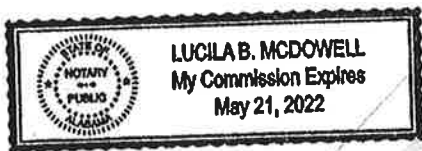


Property owner information (if different than the applicant)

Property owner (please print): JANE WOOD R/A BANKS ET AL

Signature of property owner: [Signature]
BURWELL INVESTMENTS, L.P.

Notary: Lucila B. McDowell



Property Information

Tax Map Number: 15044A002024

Current Zoning: A (AGRICULTURE) Total Acres: 7.338

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

Proposed City of Flowery Branch Zoning: HB - HIGHWAY BUSINESS

Current Use: UNDEVELOPED, WOODED

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



Property owner information (if different than the applicant)

Property owner (please print): JANE WOOD R/A BANKS ET AL

Signature of property owner: BY: E-SIGNED by Carol E. Smart
on 2020-06-15 15:19:14 CDT AVP
Regions Bank as co-trustee under the will of Rafe Banks, Jr.

Notary:

Property Information

Tax Map Number: 15044A002024

Current Zoning: A (AGRICULTURE) Total Acres: 7.338

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

Proposed City of Flowery Branch Zoning: HB - HIGHWAY BUSINESS

Current Use: UNDEVELOPED, WOODED

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



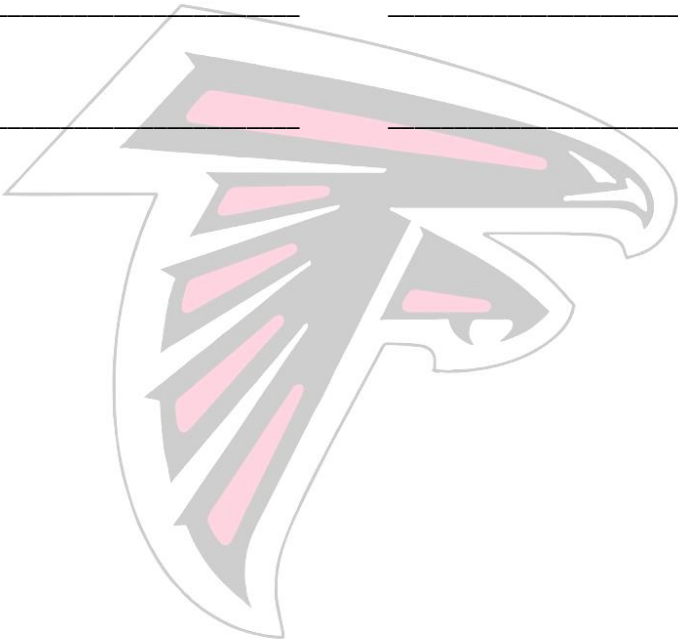
Disclosure of Campaign Contributions

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

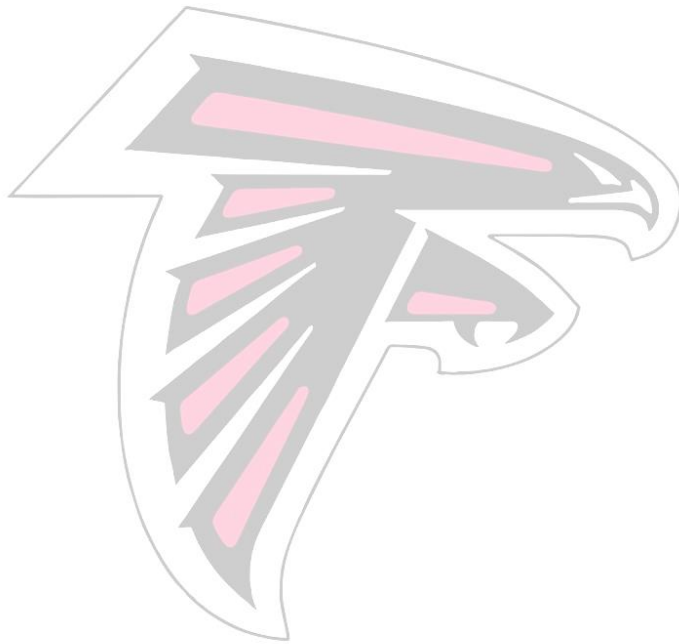
_____	_____
_____	_____



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____





June 25, 2020

Mr. Rich Atkinson
Flower Branch Community Development
5410 Pine Street
Flowery Branch, GA 30542

RE: Rezoning application
Tax Map: 15044A002024
4153 Falcon Parkway

Mr. Atkinson:

In accordance with Flowery Branch Code of Ordinances; Appendix C – Zoning Ordinance, Article 34, section 34.7, please accept this site analysis as part of the aforementioned rezoning application.

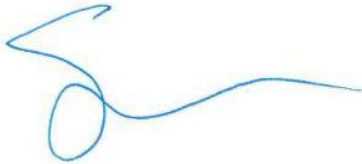
1. Will the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?
 - a. The property immediately to the north of the subject parcel is commercially zoned. The parcel immediately to the east, the first parcel in the City of Oakwood, is also commercially zoned and in the planning stages to be commercially developed. Rezoning the subject parcel to the Highway Business designation will allow this parcel to be developed to uses that are harmonious to those immediately adjacent to it.
2. Will the proposal adversely affect the existing use or usability of adjacent or nearby property?
 - a. No, the proposal would allow the subject parcel to be developed in harmony with the parcel immediately to the east which is the planning stages to be commercially developed. The parcel to the north is already commercially zoned.
3. Can the subject parcel be used in accordance with the existing regulations and have a reasonable economic use as currently zoned?
 - a. No, the parcel is currently zoned Agricultural and is steeply sloped across the entire parcel. The costs associated with preparing the site for use as one of those permitted in the existing zoning are such that it would not be economically viable. This is supported by the fact that it has remained undeveloped since 1944.
4. Will the proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

- a. No, the proposed zoning map amendment would allow for commercial development which would not impact schools. The parcel fronts on State Route 13 which has adequate capacity for commercial development. Further, the site is being developed to support future interparcel connection to the retail development to the east along Martin Road.
5. Is the proposal 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. The Comprehensive Plan for the City of Flowery Branch identifies this parcel as part of the Activity Center character area which is noted as being suitable for commercial development of all types.
6. Are there 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. The adjacent parcel to the east is in the planning stages of being commercially developed. A zoning map amendment would allow this parcel to be developed in kind with that development.
7. What are the existing uses and zoning of the subject property and nearby properties?
 - a. Subject property
 - i. Zoned – Agricultural
 - ii. Use - Undeveloped
 - b. Property to the north
 - i. Zoned - Highway Business (HB)
 - ii. Use – Memorial Park South Funeral Home
 - c. Property to the east (lies within the City of Oakwood)
 - i. Zoned – Planned commercial development (PCD)
 - ii. Use – Being developed for retail use. A portion of this parcel is also being developed for multifamily.
 - d. Property to the west (opposite Falcon Parkway)
 - i. Zone – Agricultural
 - ii. Use - Undeveloped
8. What is the current 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.
 - a. To the best of our knowledge, the parcel appears to have been wooded and undeveloped since 1944. The proposed improvement would enhance the actual value and tax base by adding infrastructure and a commercial strip center with multiple tenants.
9. Will a proposed zoning map amendment be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations?
 - a. No, a zoning map amendment will allow the parcel to be developed in harmony with those immediately adjacent to it.
10. Does the zoning map amendment create an isolated zoning district unrelated to adjacent and nearby districts?
 - a. No, the property adjacent to the north is currently zoned Highway Business and operates as a commercial enterprise. The property adjacent to the east, while outside the City limits, is being planned for retail development. A zoning map amendment to allow a change to Highway Business for the subject parcel would allow this to develop in harmony with those uses immediately adjacent to it.
11. Will the change in zoning district map impact the character of a zoning district?

- a. No, the parcel is on a commercial corridor with no active agricultural uses. The development, in accordance with the Highway Business designation, would be in keeping with the character of the area. Further, the parcel is near to a new interchange to I-985 which will support more commercial development, not agricultural uses as the market matures.
12. What would the possible impact to the environment be including, but not limited to, drainage, soils erosion and sedimentation, flooding, air quality and water quality?
- a. The parcel contains significant topography and will have to be developed with either slope stabilization or retaining walls. Any new development would be done in accordance with local, regional and state regulations to address stormwater management, erosion and sediment control and any other impacts to waters of the state.
13. What relation does the proposed zoning map amendment have on the purpose of the overall zoning scheme and Flowery Branch zoning ordinance?
- a. The proposed zoning map amendment abides by the comprehensive plan by establishing a commercial district along this segment of SR 13. It would allow the subject parcel to be developed in a way that is harmonious with the surrounding uses without burdening overtaxed infrastructure or adversely impacting established communities. The proposal would allow a parcel that has been undeveloped for 80 years and attract new business and employment areas while still protecting and preserving natural areas adjacent to the new development.

Thank you.

Respectfully,



Shawn Gleason, PE
Development Partner



June 25, 2020

Mr. Rich Atkinson
Flower Branch Community Development
5410 Pine Street
Flowery Branch, GA 30542

RE: Rezoning application
Tax Map: 15044A002024
4153 Flacon Parkway

Mr. Atkinson:

In accordance with Flowery Branch Code of Ordinances; Appendix C – Zoning Ordinance, Article 34, section 4(e), please accept this letter of intent as part of the aforementioned rezoning application.

It is our intent to rezone the subject parcel from its current zoning of Agriculture (A) to Highway Business (HB). This request would allow for a small retail development on the parcel. A full movement driveway on State Route 13 would be included as part of this new development.

This site is being developed concurrently with a multifamily and retail development along Martin Road both of which are within the Oakwood City limits. At the current time, we believe that the market can only support the small retail space identified on the site plan. Further, there are several natural features on the parcel that limit the developable area, however the site is being designed in such a way to allow for future connectivity to the adjacent project(s), should that become a necessity.

Thank you.

Respectfully,

Shawn Gleason, PE
Development Partner



Hall County Government

PLANNING DEPARTMENT
GIS / ADDRESSING

May 14, 2020

To Whom It May Concern;

Please see attached the addressing plan for **APARTMENTS** located in the jurisdiction of **OAKWOOD**. The street name for this development is:

OVERBROOK DRIVE

The postal area is **FLOWERY BRANCH (30542)**. The street addresses are listed on each building for your information and records.

Please feel free to reach out with any questions.

Sincerely,

Rebecca Evans
GIS Analyst – Addressing Coordinator
(770) 531-6781
revans@hallcounty.org

Overbrook Drive Apartments
Flowery Branch, GA 30542
Jurisdiction: City of Oakwood
Parcel Occupied: 15044 000065

St No.	St Name	St Type	City	ZIP	Comments
Clubhouse:					
1000	Overbrook	Drive	Flowery Branch	30542	
Mail Kiosk:					
1004	Overbrook	Drive	Flowery Branch	30542	
Lift Station:					
1290	Overbrook	Drive	Flowery Branch	30542	
Building 200:					
2000	Overbrook	Drive	Flowery Branch	30542	Building Address
2101	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2103	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2105	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2107-2108	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Units
2110	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2112	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2114	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2116	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2201-2216	Overbrook	Drive	Flowery Branch	30542	First Floor Units
2301-2316	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
2401-2416	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 300:					
3000	Overbrook	Drive	Flowery Branch	30542	Building Address
3101-3108	Overbrook	Drive	Flowery Branch	30542	First Floor Units
3201-3208	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
3301-3308	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 400:					
4000	Overbrook	Drive	Flowery Branch	30542	Building Address
4101	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
4103	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
4105	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
4107	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
4201-4208	Overbrook	Drive	Flowery Branch	30542	First Floor Units
4301-4308	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
4401-4408	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 500:					
5000	Overbrook	Drive	Flowery Branch	30542	Building Address
5101-5108	Overbrook	Drive	Flowery Branch	30542	First Floor Units
5201-5208	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
5301-5308	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 600:					
6000	Overbrook	Drive	Flowery Branch	30542	Building Address
6101-6108	Overbrook	Drive	Flowery Branch	30542	First Floor Units
6201-6208	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
6301-6308	Overbrook	Drive	Flowery Branch	30542	Third Floor Units

St No.	St Name	St Type	City	ZIP	Comments
Building 700:					
7000	Overbrook	Drive	Flowery Branch	30542	Building Address
7101-7108	Overbrook	Drive	Flowery Branch	30542	First Floor Units
7201-7208	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
7301-7308	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 800:					
8000	Overbrook	Drive	Flowery Branch	30542	Building Address
8101-8108	Overbrook	Drive	Flowery Branch	30542	First Floor Units
8201-8208	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
8301-8308	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 900:					
9000	Overbrook	Drive	Flowery Branch	30542	Building Address
9101-9108	Overbrook	Drive	Flowery Branch	30542	First Floor Units
9201-9208	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
9301-9308	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 1000:					
1010	Overbrook	Drive	Flowery Branch	30542	Building Address
1012	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1014	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1016	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1018	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1021-1028	Overbrook	Drive	Flowery Branch	30542	First Floor Units
1031-1038	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
1041-1048	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 1100:					
1100	Overbrook	Drive	Flowery Branch	30542	Building Address
1112	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1114	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1116	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1118	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1121-1128	Overbrook	Drive	Flowery Branch	30542	First Floor Units
1131-1138	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
1141-1148	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 1200:					
1200	Overbrook	Drive	Flowery Branch	30542	Building Address
1211	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1213	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1215	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1217	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1221-1228	Overbrook	Drive	Flowery Branch	30542	First Floor Units
1231-1238	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
1241-1248	Overbrook	Drive	Flowery Branch	30542	Third Floor Units



Hall County Government

PLANNING DEPARTMENT
GIS / ADDRESSING

2875 BROWNS BRIDGE ROAD
t: 770-531-6809 | f: 770-531-3902

Overbrook Drive Apartments

Flowery Branch, 30542
Jurisdiction: Oakwood

Lift Station
1290 Overbrook Drive

Building 1200:
1200, 1211,1213,1215,1217
1221-1228, 1231-1238, 1241-1248

Building 1100:
1100,1112,1114,1116,
1118, 1121-1128, 1131-1138,
1141-1148

Mail Kiosk
1000 Overbrook Drive

Clubhouse
1000 Overbrook Drive

Building 300:
3000, 3101-3108,
3201-3208, 3301-3308

Building 500:
5000, 5101-5108,
5201-5208, 5301-5308

Building 700:
7000, 7101-7108,
7201-7208, 7301-7308

Building 900:
9000, 9101-9108,
9201-9208, 9301-9308

Overbrook Drive

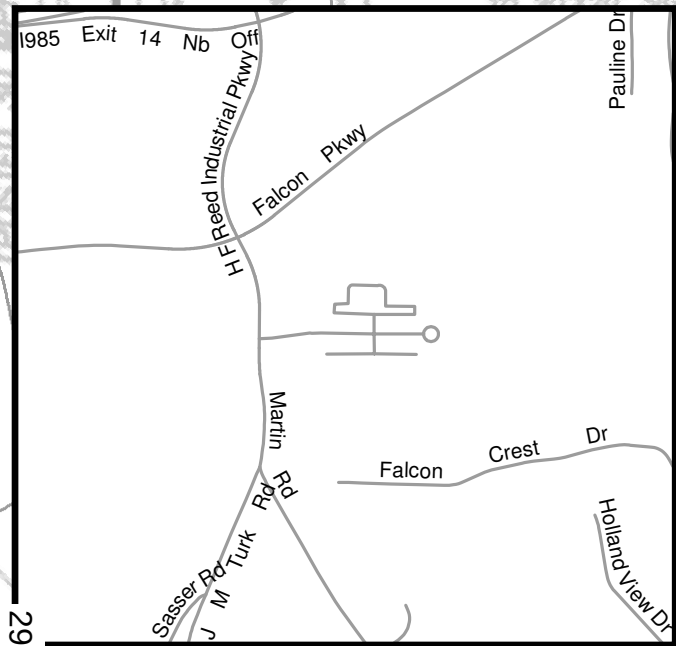
Building 200:
2000,2101,2103,2105,2107-2108,
2110,2112,2114,2116,2201-2216,
2301-2316,2401-2416

Building 400:
4000,4101,4103,4105,4107,
4201-4208,4301-4308,4401-4408

Building 600:
6000,6101-6108,
6201-6208,6301-6308

Building 800:
8000,8101-8108,
8201-8208,8301-8308

Building 1000:
1010,1012,1014,1016,
1018, 1021-1028, 1031-1038,
1041-1048



N/F
OAKWOOD BAPTIST CHURCH
TAX PARCEL ID: 15-44A-2-26
DB 4383 PG 630

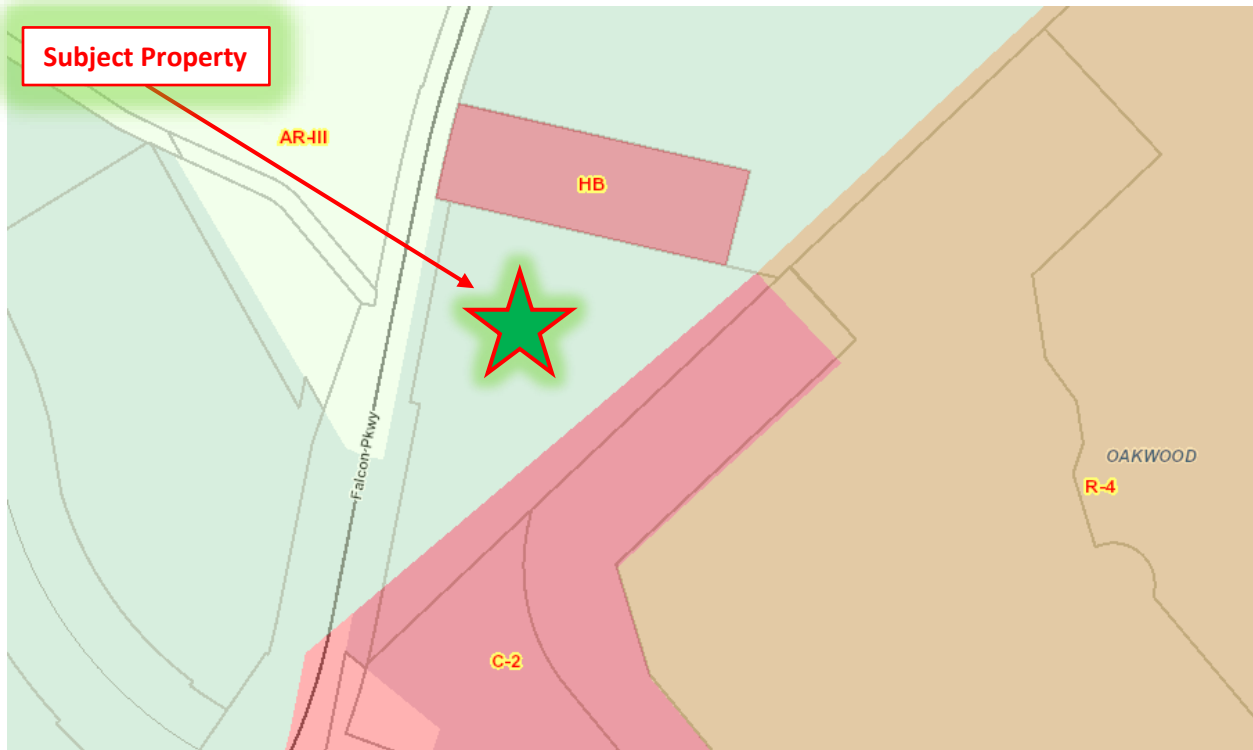
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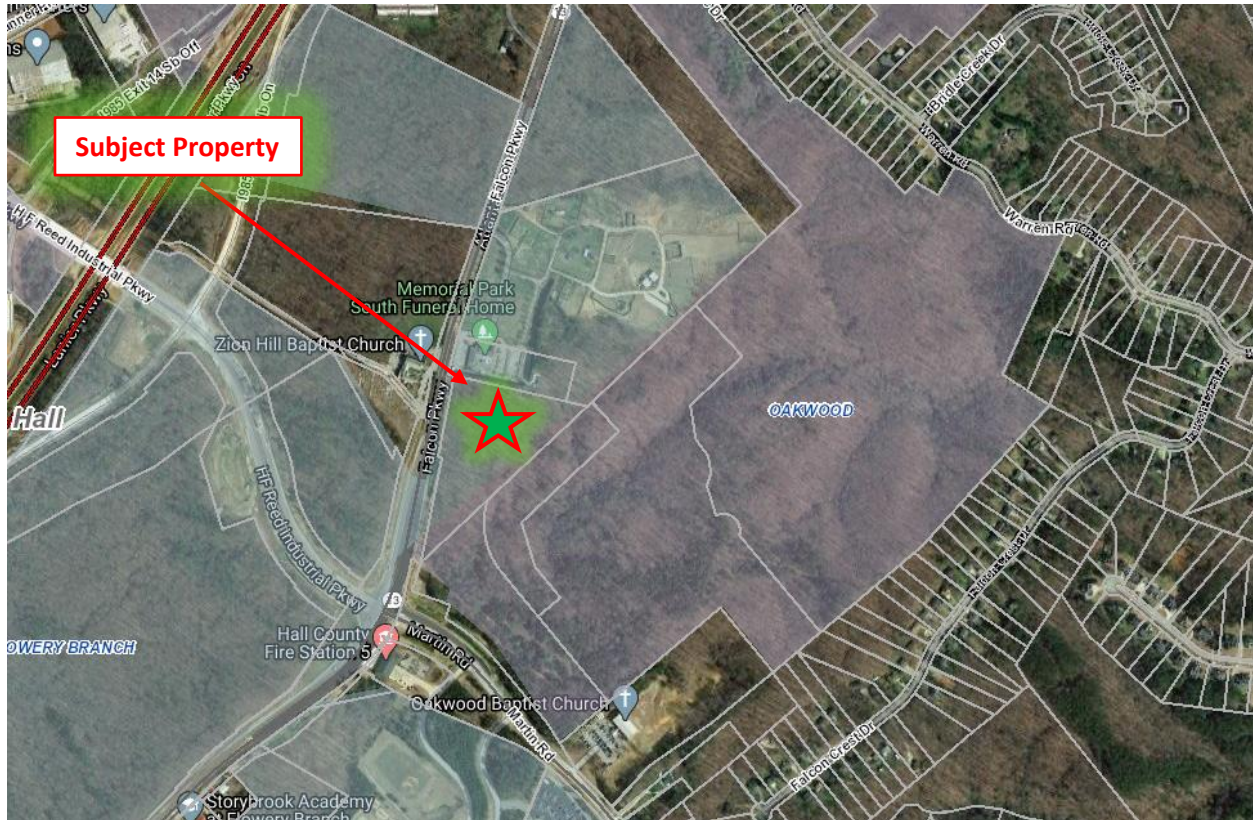


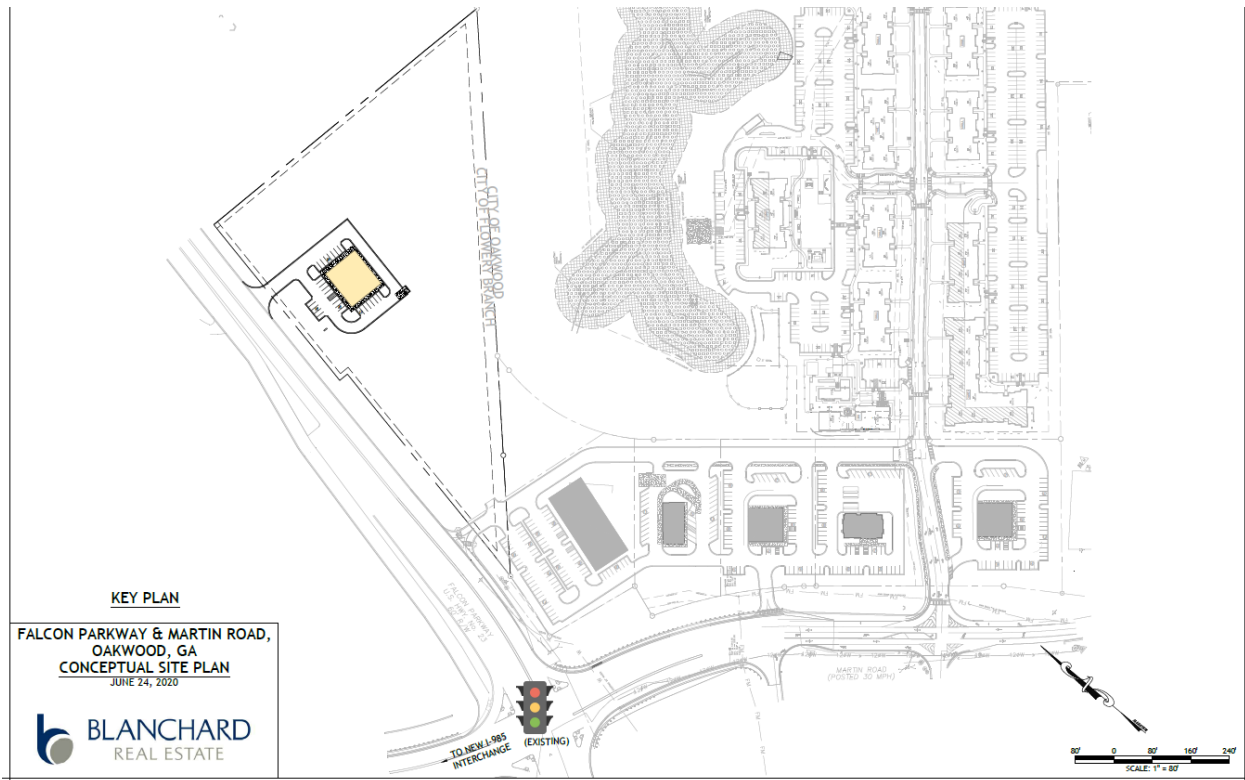
Date: 5/14/2020

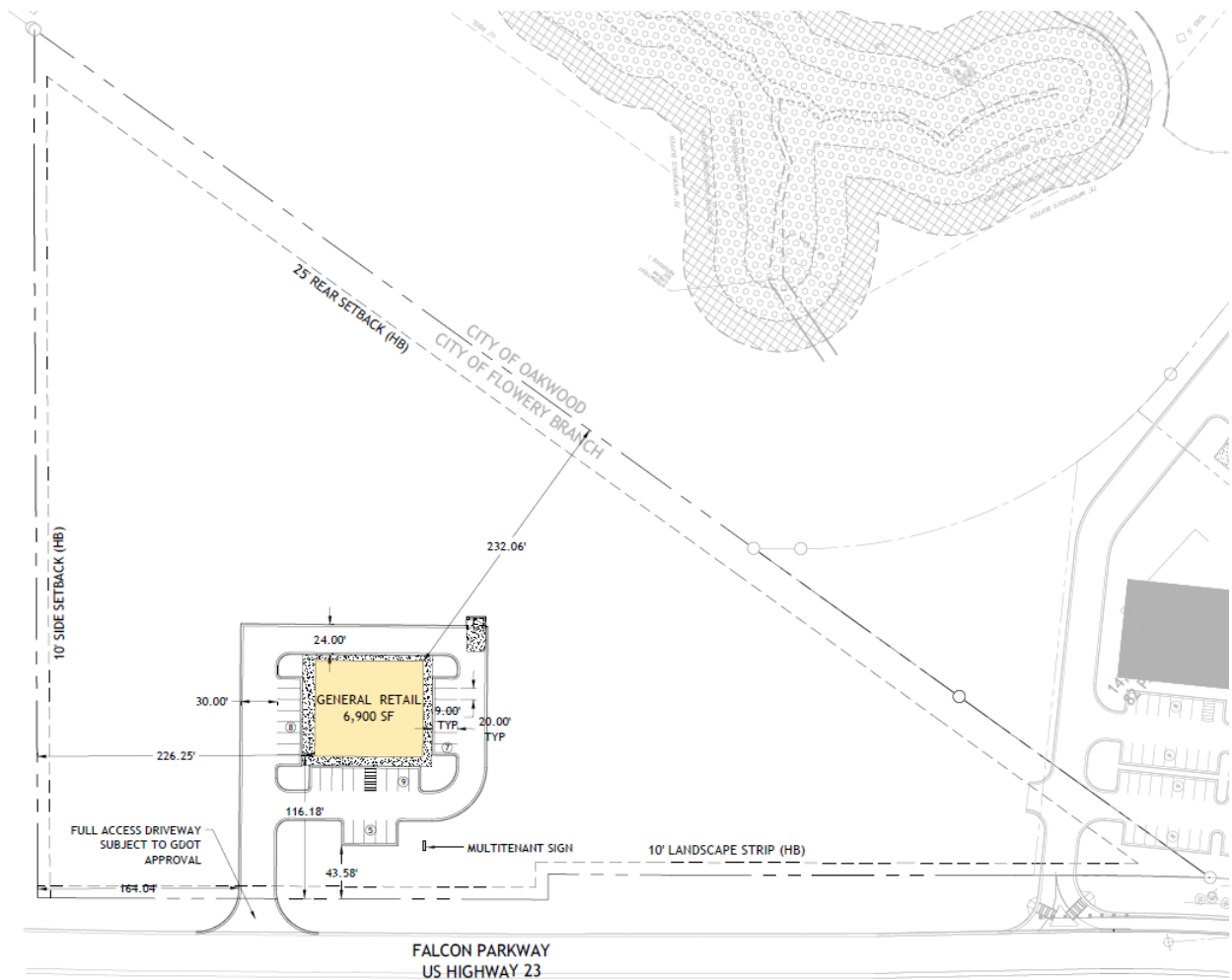


Request is to rezone a 7.34 +/- piece of property from Agriculture (A) to Highway Business (HB) with the intent to construct a commercial outparcel subservient to a much larger project located within the City-limits of Oakwood.



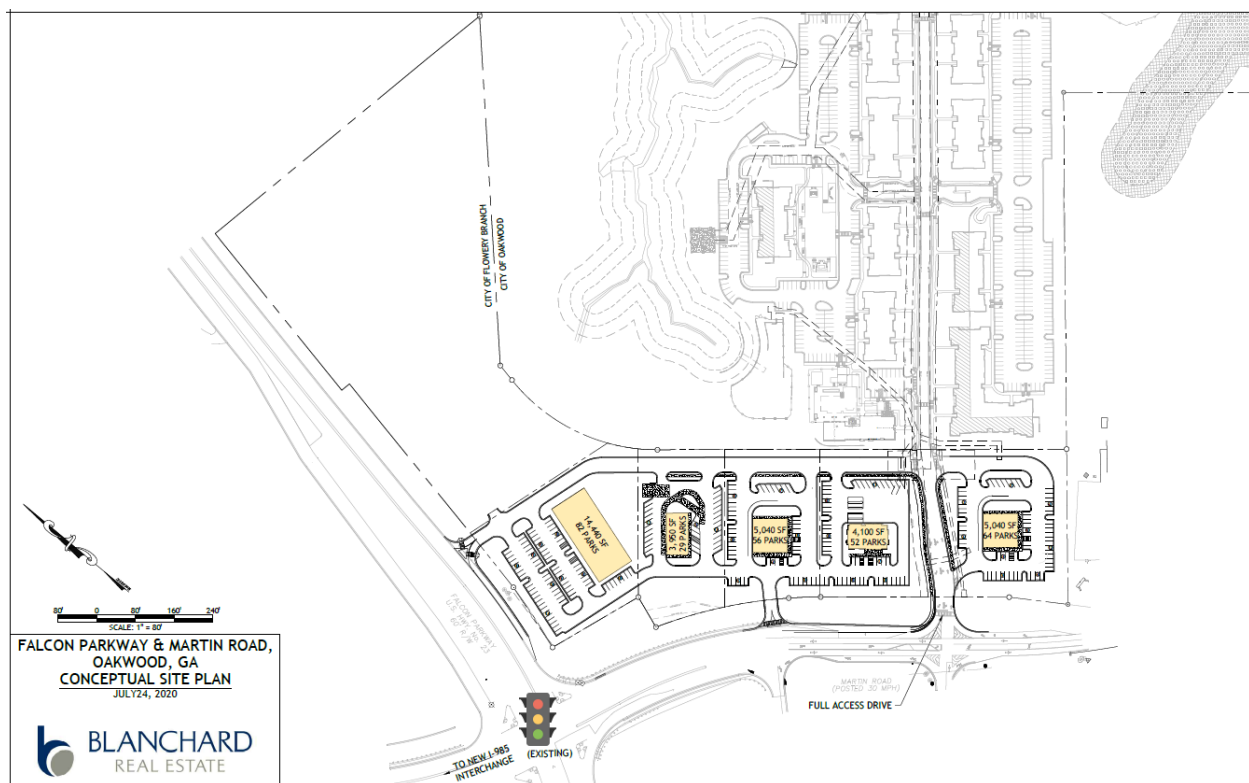


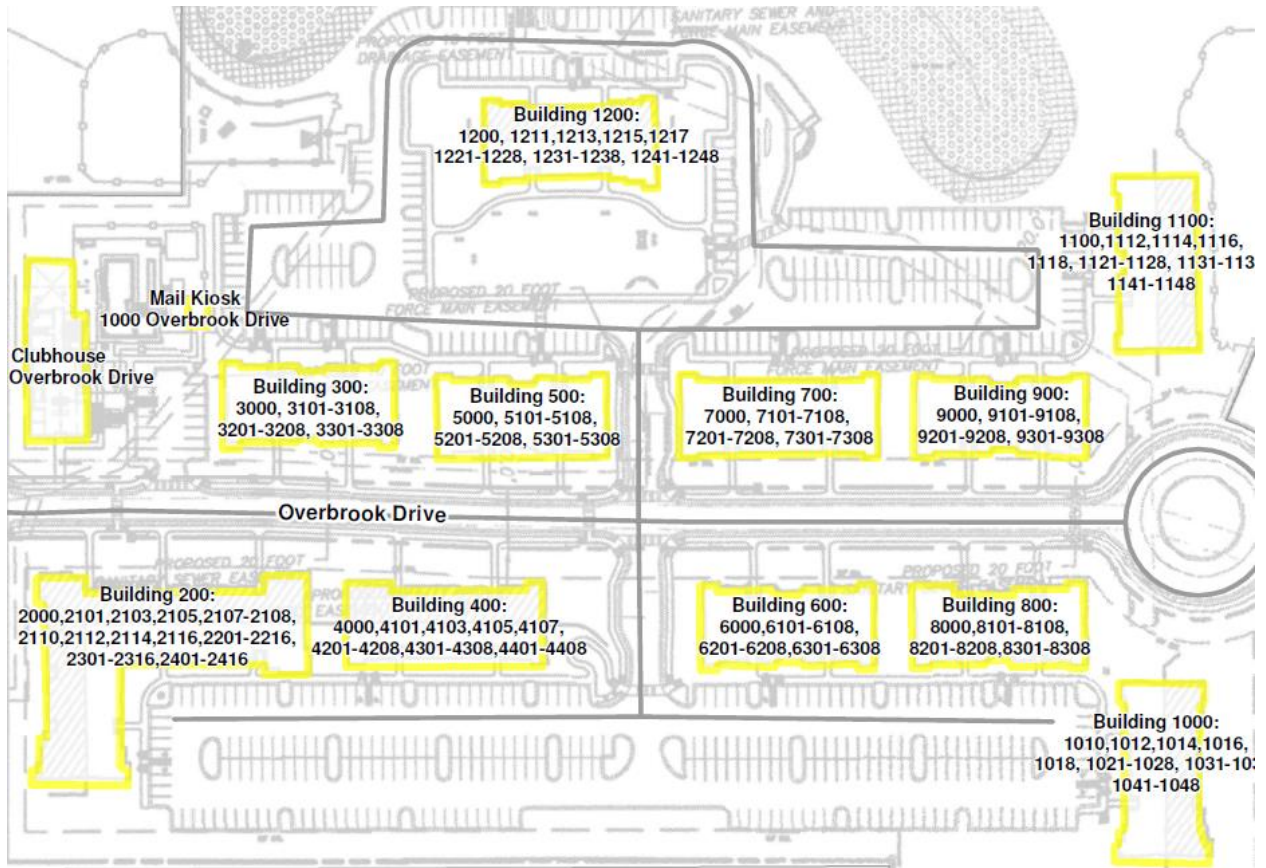






Applicant is building the retail/restaurant portion of the Oakwood project as shown below. The apartment portion is being built by others.







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, retail would be suitable to this area as it is near the new exit 14 and has supporting residential uses in proximity.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The project should not adversely impact the adjacent or surrounding 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. **The property could be used but is limited by its agricultural zoning designation.**
- (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. **Staff does not view this project as causing any excessive or burdensome use on streets, schools, etc.**
- (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. **Activity Center character area is consistent with the proposed.**
- (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 proposed site will blend in with the larger Oakwood development and may be an asset to the surrounding area.**



- (g) Existing use(s) and zoning of the subject property and nearby properties. **Consistent if rezoned to HB with the surrounding area.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff did not assess the financial implications of this rezoning but a commercial site (HB) would, on the surface, appear to be valuable than an Agricultural designation.**
- (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, staff does not view this rezoning as a deterrent of any kind to the adjacent properties.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **It is in the City and will remain so.**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **No negative impact to this rezoning 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 proposed development will be developed to the standards set forth in the Flower Branch Code of Ordinances and should cause no egregious environmental issues.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **This proposed rezoning is supported by the Comprehensive Plan and is in line with the Zoning Ordinance.**

*Advertisement was run in the Gainesville Times on July 8, 2020.

*Sign was place on site 7/21/20

It is staff's recommendation to approve this rezoning with conditions as presented as part of Ordinance #20-609.

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-609

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY JANE WOOD R/A BANKS ET AL IDENTIFIED AS 4153 FALCON PARKWAY, TAX PARCEL 150044 A002024 TOTALING 7.34 +/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO HIGHWAY BUSINESS (HB) 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, Jane Wood R/A Banks Et Al owns all tracts or parcel of land totaling 7.34 +/- acres identified as Parcel Tax Identification No. 15044 A002024, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Agricultural (A) to Highway Business (HB) 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 A; 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 A.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Agricultural (A) to Highway Business (HB) and as conditioned in Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 October 16th, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

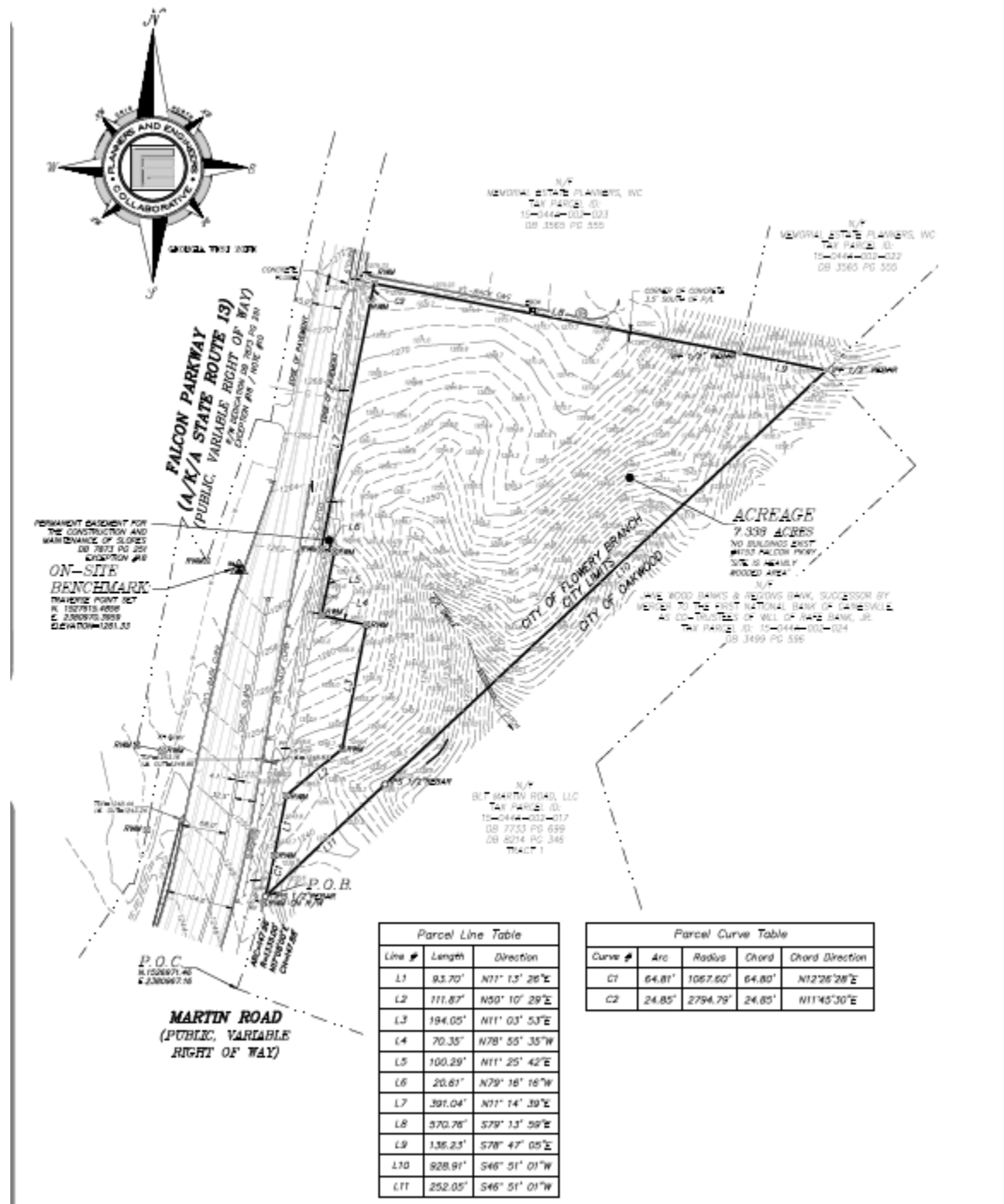
James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Flowery Branch GMD #1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

COMMENCING at the point located at the intersection of the Northerly Right of Way of Martin Road (Public, Variable R/W) and the Southeasterly Right of Way of Falcon Parkway (A/K/A State Route 13, Public, Variable Right of Way) having Georgia State Plain coordinates (NAD83, Georgia West Zone) of N.1526971.46 & E.2380967.16; thence leaving said intersection and following along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) along a curve turning to the left with an arc length of 147.96 feet, having a radius of 1335.00 feet, being subtended by a chord bearing of North 17 degrees 08 minutes 00 seconds East, and a chord length of 147.88 feet to a 1/2" iron pin set, which is the TRUE POINT OF BEGINNING.

Thence continuing along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) the following courses and distances: with a curve turning to the left with an arc length of 64.81 feet, with a radius of 1067.60 feet, with a chord bearing of North 12 degrees 26 minutes 28 seconds East, with a chord length of 64.80 feet to a right of way monument found; thence North 11 degrees 13 minutes 26 seconds East a distance of 93.70 feet to a right of way monument found; thence North 50 degrees 10 minutes 29 seconds East a distance of 111.87 feet to a right of way monument found; thence North 11 degrees 03 minutes 53 seconds East a distance of 194.05 feet to a right of way monument found; thence North 78 degrees 55 minutes 35 seconds West a distance of 70.35 feet to a right of way monument found; thence North 11 degrees 25 minutes 42 seconds East a distance of 100.29 feet to a right of way monument found; thence North 79 degrees 16 minutes 16 seconds West a distance of 20.61 feet to a right of way monument found; thence North 11 degrees 14 minutes 39 seconds East a distance of 391.04 feet to a right of way monument found; thence with a curve turning to the right with an arc length of 24.85 feet, with a radius of 2794.79 feet, with a chord bearing of North 11 degrees 45 minutes 30 seconds East, with a chord length of 24.85 feet to a right of way monument found; thence leaving said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) South 79 degrees 13 minutes 59 seconds East a distance of 570.76 feet to a 1/2" rebar found; thence South 78 degrees 47 minutes 05 seconds East a distance of 136.23 feet to a 1/2" rebar found on the City Limits of Flowery Branch; thence following along said City Limits of Flowery Branch the following courses and distances: South 46 degrees 51 minutes 01 seconds West a distance of 928.91 feet to a 1/2" rebar set; thence South 46 degrees 51 minutes 01 seconds West a distance of 252.05 feet to a 1/2" rebar set on said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13, which is the TRUE POINT OF BEGINNING.

Said parcel having an area of 7.338 acres more or less.

Exhibit “C”

Conditions of Zoning

1. Building materials must be a combination of brick, stacked stone, and cementitious fiber board.
2. Landscape plan is required at time of land disturbance permit.
3. Lighting plan must be submitted and approved prior to the issuance of a building permit.
4. Sewer shall be served by the City of Flowery Branch.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 239-K & 240-K submitted by NNP-Looper Lake, LLC to rezone 85 +/- acres of land in Sterling on the Lake known as the Honeycutt Tract from PUD to modified PUD - changing the conditions of zoning to allow a gate and private roads.

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

.

FACTS AND ISSUES:

The request is to gate the Honeycutt Tract and privatize the roads.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

0

RECOMMENDATION:

Public hearing and work session only - no vote at this time.

SAMPLE MOTION:

.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Honeycutt Rezoning Application.pdf](#)
- [Staff report.pdf](#)
- [Ordinance.pdf](#)



REZONING APPLICATION

Date: June 24th, 2020

Address of Request:

6702 Welcome Road, Flowery Branch, Georgia 30542

Tax Map # 15047 000006 & 15047 000885 Current Zoning: PUD

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: NNP - Looper Lake, LLC (Leigh Anne Beaver / Alex McLeod)

Address: 7004 Lake Sterling Blvd. Flowery Branch, Georgia 30542

E-mail address: lbeaver@newlandco.com / amcleod@newlandco.com

Phone number: (678) 960-0234

Signature:  Alex McLeod, Regional President

Notary:  L.A. Beaver





Property owner information (if different than the applicant)

Property owner (please print): N/A

Signature of property owner: _____

Notary:

Property Information

Tax Map Number: 15047 000006 & 15047 000885

Current Zoning: PUD (City of Flowery Branch) Total Acres: 85.568

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

Proposed City of Flowery Branch Zoning: PUD

Current Use: Residential Subdivision

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
<u>none 4M</u>	<u>N/A</u>
<u>none 4M</u>	<u>N/A</u>

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



**Honeycutt
Legal Description**

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

Beginning at the centerline intersection of Capitola Farm Road (60' R/W) and Scarlet Oak Way (50' R/W); thence South 87°57'20" West, a distance of 102.62 feet to an iron pin found (5/8" rebar on the northern Right-of-Way of said Capitola Farm Road, being the **True Point of Beginning**; thence along said Right-of-Way 148.67 feet along an arc of a curve to the right having a radius of 692.78 feet and a chord bearing and distance of South 73°52'52" East, 148.38 feet to a point; thence 131.82 feet along an arc of a curve to the left having a radius of 1304.22 feet and a chord bearing and distance of South 70°37'45" East, 131.77 feet to a point; thence 198.00 feet along an arc of a curve to the left having a radius of 366.67 feet and a chord bearing and distance of South 88°59'41" East, 195.61 feet to a point; thence 233.76 feet along an arc of a curve to the left having a radius of 2221.89 feet and chord bearing and distance of North 72°31'16" East, 233.65 feet to a point; thence 225.76 feet along an arc of a curve to the right having a radius of 4143.74 feet and a chord bearing and distance of North 71°04'04" East, 225.73 to a point on the northwestern Right-of-Way of a 20 foot Path; thence along the property now or formerly of the City of Flowery Branch (20' Path) the following courses and distances: South 35°50'46" East, a distance of 120.47 feet to a point; thence 31.78 feet along an arc of a curve to the right having a radius of 75.00 feet and a chord bearing and distance of South 23°42'26" East, 31.54 feet to a point; thence South 11°34'05" East, a distance of 36.01 feet to a point; thence 107.98 feet along an arc of a curve to the right having a radius of 1100.00 feet and a chord bearing and distance of South 08°45'21" East, 107.94 feet to a point; thence South 05°56'37" East, a distance of 69.67 feet to a point; thence 55.13 feet along an arc of a curve to the left having a radius of 225.00 feet and a chord bearing and distance of South 12°57'48" East, 54.99 feet to a point; thence South 19°58'58" East, a distance of 75.50 feet to a point; thence 19.93 feet along an arc of a curve to the left having a radius of 300.00 feet and a chord bearing and distance of South 21°53'10" East, 19.93 feet to a point; thence South 23°47'21" East, a distance of 123.61 feet to a point; thence 71.19 feet along an arc of a curve to the right having a radius of 190.00 feet and a chord bearing and distance of South 13°03'19" East, 70.77 feet to a point; thence South 02°19'18" East, a distance of 101.72 feet to a point; thence 154.16 feet along an arc of a curve to the left having a radius of 310.00 feet and a chord bearing and distance of South 16°34'05" East, 152.58 feet to a point; thence South 30°48'53" East, a distance of 68.95 feet to a point; thence 102.12 feet along an arc of a curve to the left having a radius of 310.00 feet and a chord bearing and distance of South 40°15'06" East, 101.66 feet to a point; thence South 49°41'19" East, a distance of 74.48 feet to a point; thence 136.61 feet along an arc of a curve to the right having a radius of 190.00 feet and a chord bearing and distance of South 29°05'29" East, 133.68 feet to a point; thence South 08°29'40" East, a distance of 45.64 feet to a point; thence 16.93 feet along an arc of a curve to the right having a radius of 190.00 feet and a chord bearing and distance of South 05°56'30" East, 16.93 feet to a point; thence South 03°23'20" East, a distance of 40.36 feet to a point; thence 42.54 feet along an arc of a curve to the right having a radius of 900.00 feet and a chord bearing and distance of South 02°02'05" East, 42.54 feet to a point; thence South 00°40'50" East, a distance of 50.97 feet to a point; thence 106.36 feet along an arc of a curve to the left having a radius of 460.00 feet and a chord bearing and distance of South 07°18'19" East, 106.12 feet to a point; thence South 13°55'45" East, a distance of 61.77 feet to a point; thence 122.71 feet along an arc of a curve to the right having a radius of 1500.00

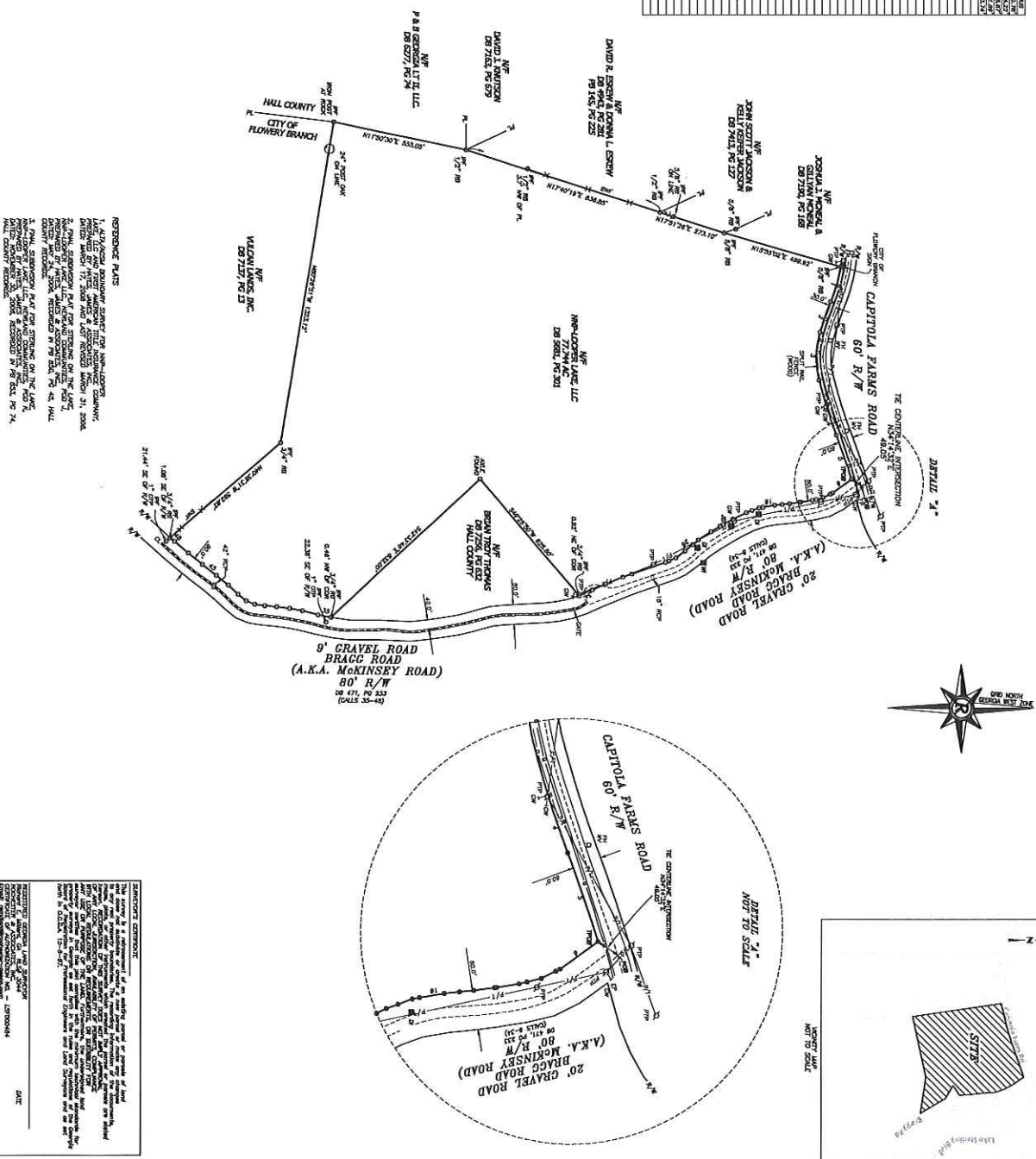
feet and a chord bearing and distance of South 11°35'09" East, 122.67 feet to a point; thence South 09°14'32" East, a distance of 68.08 feet to a point; thence 108.53 feet along an arc of a curve to the right having a radius of 375.00 feet and a chord bearing and distance of South 00°57'04" East, 108.15 feet to a point; thence South 07°20'24" West, a distance of 23.94 feet to a point; thence 52.86 feet along an arc of a curve to the left having a radius of 325.00 feet and chord bearing and distance of South 02°40'48" West, 52.81 feet to a point; thence South 01°58'47" East, a distance of 79.68 feet to a point; thence 166.41 feet along an arc of a curve to the right having a radius of 575.00 feet and a chord bearing and distance of South 06°18'40" West, 165.83 feet to a point; thence South 14°36'08" West, a distance of 31.66 feet to a point; thence 166.63 feet along an arc of a curve to the left having a radius of 1100.00 feet and a chord bearing and distance of South 10°15'45" West, 166.47 feet to a point; thence South 05°55'23" West, a distance of 68.71 feet to a point; thence 103.04 feet along an arc of a curve to the right having a radius of 150.00 feet and a chord bearing and distance of South 25°36'08" West, 101.03 feet to a point; thence South 45°16'53" West, a distance of 40.77 feet to a point; thence 105.04 feet along an arc of a curve to the left having a radius of 600.00 feet and a chord bearing and distance of South 40°15'58" West, 104.91 feet to a point; thence South 35°15'02" West, a distance of 31.20 feet to a point; thence 114.02 feet along an arc of a curve to the right having a radius of 1000.00 feet and a chord bearing and distance of South 38°31'02" West, 113.96 feet to a point; thence South 41°47'01" West, a distance of 83.67 feet to a point; thence leaving said Right-of-Way and along the property now or formerly of Vulcan Lands, Inc North 40°38'31" West, a distance of 624.27 feet to an iron pin found (3/4" rebar); thence North 80°26'51" West, a distance of 1323.12 feet to an iron pin found (iron post at rock) on the Hall County/City of Flowery Branch Line; thence along said County/City Line and along the property now or formerly P & B Georgia LT II, LLC North 11°50'30" East, a distance of 555.05 feet to an iron pin found (1/2" rebar); thence along the property now or formerly of David R, Eskew & Donna L. Eskew North 17°40'19" East, a distance of 836.85 feet to an iron pin found (1/2" rebar); thence along the property now or formerly of John Scott Jackson & Kelly Keifer Jackson North 17°51'26" East, a distance of 273.10 feet to an iron pin found (5/8" rebar); thence along the property now or formerly of Joshua J. McNeal & Gillyan McNeal North 15°55'02" East, a distance of 499.92 feet to the ***True Point of Beginning***.

Said tract contains 85.568 Acres.

CALL TABLE									
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80	16:35	1635	1635	1635	1635	1635	1635	1635	1635
81	16:40	1640	1640	1640	1640	1640	1640	1640	1640
82	16:45	1645	1645	1645	1645	1645	1645	1645	1645
83	16:50	1650	1650	1650	1650	1650	1650	1650	1650
84	16:55	1655	1655	1655	1655	1655	1655	1655	1655
85	17:00	1700	1700	1700	1700	1700	1700	1700	1700
86	17:05	1705	1705	1705	1705	1705	1705	1705	1705
87	17:10	1710	1710	1710	1710	1710	1710	1710	1710
88	17:15	1715	1715	1715	1715	1715	1715	1715	1715
89	17:20	1720	1720	1720	1720	1720	1720	1720	1720
90	17:25	1725	1725	1725	1725	1725	1725	1725	1725
91	17:30	1730	1730	1730	1730	1730	1730	1730	1730
92	17:35	1735	1735	1735	1735	1735	1735	1735	1735
93	17:40	1740	1740	1740	1740	1740	1740	1740	1740
94	17:45	1745	1745	1745	1745	1745	1745	1745	1745
95	17:50	1750	1750	1750	1750	1750	1750	1750	1750
96	17:55	1755	1755	1755	1755	1755	1755	1755	1755
97	18:00	1800	1800	1800	1800	1800	1800	1800	1800
98	18:05	1805	1805	1805	1805	1805	1805	1805	1805
99	18:10	1810	1810	1810	1810	1810	1810	1810	1810
100	18:15	1815	1815	1815	1815	1815	1815	1815	1815

[illegible]

NOTES

[illegible][illegible]

SHEET 1		DATE: 4/31/18 SCALE: 1" = 200' JOB NO: 1804000000 (E.L. NO. 80000) DRAWN BY: HSC	GRAPHIC SCALE 100' 0' 200' 300' 400'	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>																					<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">NO.</th> <th style="width: 15%;">DATE</th> <th style="width: 70%;">DESCRIPTION</th> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION																														
NO.	DATE	DESCRIPTION																																																								

RETRACEMENT SURVEY
FOR :

NNP-LOOPER LAKE, LLC

LOCATED IN
G.W.D. 1270
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA



425 Oak Street N.W. • Gainesville, Georgia 30501
(770)718.0600 (770)718.9090 Fax • www.rochester-assoc.com

THIS BOX RESERVED FOR
THE CLERK OF THE SUPERIOR COURT

LEGEND

AC - ACRES
CL - CENTERLINE
DB - DEED BOOK, PAGE
JPF - IRON PIN FOUND
N/F - NOW OR FORMERLY
PL - PROPERTY LINE
POB - POINT OF BEGINNING
PB, PB - PLAT BOOK, PAGE
-P/T- - OVERHEAD POWER & TELEPHONE
RB - REBAR
R/W - RIGHT OF WAY
S.F. - SQUARE FEET
TPOB - TRUE POINT OF BEGINNING

REFERENCE PLATS

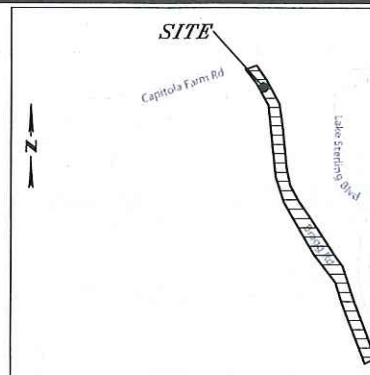
1. ALTA/NSPS LAND TITLE SURVEY FOR NNP-LOOPER LAKE, LLC. & FIRST AMERICAN TITLE INSURANCE COMPANY, PREPARED BY ROCHESTER & ASSOCIATES, INC., DATED 5/13/19
2. FINAL PLAT FOR STERLING ON THE LAKE POD K, PREPARED BY HAYES, JAMES & ASSOCIATES, RECORDED IN PB 363, PG 34, DATED 11/30/06.
3. FINAL PLAT FOR STERLING ON THE LAKE POD J, PREPARED BY HAYES, JAMES & ASSOCIATES, RECORDED IN PB 850, PG 45, DATED 5/24/06

SEE SHEETS #2 & #3 FOR CALLS AND DIMENSIONS

NOTES

1. THE FIELD DATA DATED 05/15/18 & 05/21/18 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 47,485 FEET AND AN ANGULAR ERROR OF 01 SECONDS PER ANGLE AND WAS ADJUSTED USING LEAST SQUARES. TRIMBLE S6 WAS USED FOR ANGULAR AND LINEAR MEASUREMENTS.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 313,760 FEET.
3. THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS PER F.E.M.A. FLOOD INSURANCE RATE MAPS OF HALL COUNTY, GEORGIA. PANEL NO. 1304660293 G DATED: APRIL 4, 2018.
4. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON, ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
5. ALL PROPERTY CORNERS REFERENCED AS IPS INDICATES A 1/2" REBAR PLACED WITH A YELLOW PLASTIC CAP STAMPED "ROCHESTER LSF000484," UNLESS OTHERWISE NOTED.
6. DURING THE FIELD SURVEY PERFORMED ON THIS SITE THERE WAS NO VISIBLE ABOVE GROUND EVIDENCE OF A HUMAN BURIAL AREA OR CEMETERY OBSERVED. HOWEVER A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE WAS NOT PERFORMED BY THIS SURVEYOR. THEREFORE EXCEPTION IS MADE HEREIN TO ANY HUMAN BURIAL AREAS OR CEMETERIES THAT MAY EXIST WITHIN THE BOUNDARIES OF THIS SITE.
7. THIS PROPERTY MAY OR MAY NOT CONTAIN WETLAND AREAS. NO EFFORTS HAVE BEEN MADE BY THE SURVEYOR TO IDENTIFY OR LOCATE ANY WETLAND AREAS ON THIS PROPERTY. A QUALIFIED WETLAND SPECIALIST PRIOR TO ANY LAND DISTURBANCE SHOULD PERFORM WETLAND IDENTIFICATION AND DELINEATION.
8. ALL DISTANCES AS SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET. (39.37 INCHES = 1 METER)
9. THE HORIZONTAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN DATUM OF 1983 (NAD 83) GEORGIA WEST AS DETERMINED BY UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A DUAL FREQUENCY TRIMBLE R8 GNSS GPS RECEIVER WITH A TRIMBLE TSC3 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A WIRELESS NETWORK FROM BASE STATIONS OPERATED BY EGPS. THE AVERAGE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WAS 0.04 FT. HORIZONTAL. THESE VALUES WERE DERIVED FROM GPS PROCESSING SOFTWARE. THE REMAINDER OF THE FIELD WORK WAS PERFORMED WITH CONVENTIONAL EQUIPMENT AS DESCRIBED ABOVE.
10. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT; THEREFORE EXCEPTION IS TAKEN HEREON TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD WHICH MAY EXIST. FURTHERMORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY, OR RESTRICTIONS WHICH ARE NOT RECORDED OR NOT DISCLOSED BY THE TITLE COMMITMENT OR OTHERWISE UNKNOWN TO THE SURVEYOR; THEREFORE EXCEPTION IS TAKEN TO ANY SUCH ITEMS.

CAPITOLA FARM ROAD
60' R/W



VICINITY MAP
NOT TO SCALE

TIE
N72°48'56"E
CHD = 22.20'
ARC = 22.20'
RAD = 4143.74'

PATH AREA #1
0.348 AC OR
15,146 S.F.

TRACT 1
0.609 AC OR
26,541 S.F.

N/F
NNP-LOOPER LAKE, LLC
DB 5681, PG 301
PARCEL #15047 000885

N/F
STERLING ON THE LAKE
POD K
PB 363, PG 34

PATH AREA #1 = 0.348 AC
PATH AREA #2 = 0.849 AC
TRACT AREA #1 = 0.609 AC
TRACT AREA #2 = 0.303 AC
TRACT AREA #3 = 1.318 AC
TRACT AREA #4 = 2.526 AC
TRACT AREA #5 = 0.223 AC

TRACT 5
0.223 AC OR
9,705 S.F.

TRACT 2
0.303 AC OR
13,186 S.F.

N/F
NNP-LOOPER LAKE, LLC
PARCEL #10547 000006

TRACT 3
1.318 AC

N/F
NNP-LOOPER LAKE, LLC
DB 5681, PG 301
PARCEL #15047 000885

N/F
STERLING ON THE LAKE
POD J
PB 850, PG 45

BRACC ROAD (A.K.A. MCKINSEY ROAD)
80' R/W

PATH AREA #2
0.849 AC OR
36,985 S.F.

N/F
NNP-LOOPER LAKE, LLC
DB 5681, PG 301
PARCEL #15047 000885

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 approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

REGISTERED GEORGIA LAND SURVEYOR
Richard E. Millard, CA. RLS# 3044
ROCHESTER & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NO. - LSF000484
Email: remillard@rochester-assoc.com

7/19/19

DATE

SHEET 1 OF 3

DATE: 7/12/19
SCALE: 1" = 200'
FILE: *RW01
JOB: G208033.HON
DRAWN BY: WDC

GRAPHIC SCALE
0' 100' 200' 400'

NO. DATE DESCRIPTION
REVISIONS

RIGHT-OF-WAY SURVEY
FOR:
NNP-LOOPER LAKE, LLC.

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

Rochester & Associates, Inc.

425 Oak Street N.W. • Gainesville, Georgia 30501
(770) 718.0600 (770) 718.9090 Fax • www.rochester-assoc.com

TRACT 1 CALL TABLE
(CALLS 1-34)

LINE	CHORD BEARING	CHORD	ARC	RADIUS
1	N72°23'22"E	34.60'	34.60'	4143.74'
2	S35°50'46"E		121.66'	
3	S24°18'22"E	26.01'	26.18'	65.00'
4	S12°45'57"E		10.75'	
5	S09°20'09"E	142.39'	142.47'	1190.00'
6	S05°54'22"E		63.49'	
7	S12°56'58"E	57.63'	57.78'	235.00'
8	S19°59'35"E		74.56'	
9	S23°17'10"E	35.61'	35.63'	310.00'
10	S31°12'15"E	114.50'	114.63'	710.00'
11	S35°49'45"E		24.81'	
12	S15°03'34"E	35.46'	36.25'	50.00'
13	S04°10'06"W	31.22'	31.22'	580.00'
14	N39°12'29"W		22.12'	
15	N39°12'29"W		29.82'	
16	N34°10'41"W		60.67'	
17	N30°45'10"W		42.01'	
18	N30°45'10"W		14.14'	
19	N28°33'58"W		44.98'	
20	N25°47'37"W		62.22'	
21	N20°05'35"W		25.48'	
22	N20°05'35"W		31.25'	
23	N09°45'18"W		15.38'	
24	N09°45'18"W		50.54'	
25	N05°41'15"W		31.10'	
26	N05°41'15"W		30.12'	
27	N07°47'38"W		42.61'	
28	N07°47'38"W		4.51'	
29	N08°47'40"W		47.30'	
30	N13°38'48"W		16.38'	
31	N13°38'48"W		30.32'	
32	N26°18'54"W		32.66'	
33	N26°18'54"W		9.89'	
34	N35°33'22"W		95.92'	

THIS BOX RESERVED FOR
THE CLERK OF THE SUPERIOR COURTTRACT 3 CALL TABLE
(CALLS 44-91)

LINE	CHORD BEARING	CHORD	ARC	RADIUS
44	S51°07'26"E		27.82'	580.00'
45	S52°29'54"E		1.36'	
46	S30°53'06"E		36.83'	37.72'
47	S09°18'19"E		12.12'	50.00'
48	S04°58'34"E		148.31'	148.45'
49	S00°40'50"E		50.62'	990.00'
50	S07°18'24"E		106.16'	106.40'
51	S13°55'59"E		62.02'	460.00'
52	S11°35'16"E		121.95'	121.99'
53	S09°14'32"E		69.97'	1490.00'
54	S00°57'04"E		105.27'	105.64'
55	S07°20'24"W		26.62'	365.00'
56	S02°40'48"W		50.37'	50.42'
57	S01°58'47"E		82.36'	310.00'
58	S06°18'40"W		162.95'	163.52'
59	S14°36'08"W		32.36'	565.00'
60	S10°15'45"W		167.98'	168.14'
61	S05°55'23"W		67.95'	1110.00'
62	S25°36'08"W		101.03'	103.04'
63	S45°16'53"W		39.89'	150.00'
64	S40°15'58"W		106.66'	106.79'
65	S35°15'02"W		30.90'	610.00'
66	S38°31'02"W		112.82'	112.88'
67	S41°47'01"W		79.97'	990.00'
68	N48°26'47"W		31.18'	
69	N40°59'39"E		23.84'	
70	N40°09'22"E		73.89'	
71	N38°36'53"E		73.78'	
72	N37°48'26"E		72.31'	
73	N39°29'20"E		82.05'	
74	N43°40'23"E		54.21'	
75	N39°26'41"E		42.51'	
76	N21°27'56"E		37.62'	
77	N08°46'26"E		41.56'	
78	N05°00'15"E		49.49'	
79	N06°57'13"E		53.58'	
80	N10°45'30"E		53.24'	
81	N14°12'38"E		66.98'	
82	N11°13'53"E		53.73'	
83	N02°25'48"E		181.17'	181.82'
84	N00°42'11"E		66.86'	67.01'
85	N03°08'48"W		241.65'	243.02'
86	N13°41'23"W		37.34'	660.34'
87	N13°41'23"W		89.27'	
88	N07°03'18"W		124.84'	125.12'
89	N00°25'16"W		47.42'	540.28'
90	N03°48'11"W		108.11'	108.17'
91	N09°37'29"W		100.39'	100.42'

TRACT 4 CALL TABLE
(CALLS 92-199)

LINE	CHORD BEARING	CHORD	ARC	RADIUS
92	N73°07'35"E		27.60'	4143.74'
93	S35°27'04"E		75.83'	
94	S26°18'54"E		16.36'	
95	S26°18'54"E		41.54'	
96	S13°38'48"E		39.20'	
97	S13°38'48"E		19.77'	
98	S08°47'40"E		51.39'	
99	S07°47'38"E		5.21'	
100	S07°47'38"E		44.08'	
101	S05°41'15"E		31.59'	
102	S05°41'15"E		28.26'	
103	S09°45'18"E		47.70'	
104	S09°45'18"E		8.14'	
105	S20°05'35"E		24.01'	
106	S20°05'35"E		21.49'	
107	S25°47'37"E		56.30'	
108	S28°33'58"E		41.52'	
109	S30°45'10"E		12.62'	
110	S30°45'10"E		39.81'	
111	S34°10'41"E		54.77'	
112	S39°12'29"E		26.30'	
113	S39°12'29"E		42.98'	
114	S36°32'08"E		57.86'	
115	S23°28'56"E		39.65'	
116	S23°28'56"E		18.32'	
117	S18°50'04"E		149.63'	
118	S18°50'04"E		37.65'	
119	S21°36'15"E		72.13'	
120	S23°18'33"E		58.88'	
121	S24°02'37"E		45.27'	
122	S24°02'37"E		19.08'	
123	S17°34'27"E		59.19'	
124	S10°54'12"E		22.55'	
125	S10°54'12"E		31.93'	
126	S05°47'19"E		62.58'	
127	S03°06'43"E		50.62'	
128	S03°06'43"E		116.60'	
129	S06°39'53"E		46.80'	
130	S13°13'12"E		35.55'	
131	S15°59'45"E		54.41'	
132	S12°41'08"E		35.65'	
133	S12°41'08"E		24.65'	
134	S09°15'30"E		59.43'	
135	S07°48'25"E		58.48'	
136	S05°53'54"E		75.57'	
137	S02°46'31"E		147.61'	
138	S00°09'31"E		109.70'	
139	S08°15'54"W		62.58'	
140	S11°14'07"W		26.15'	
141	S11°13'47"W		56.34'	
142	S14°12'38"W		66.65'	
143	S10°45'30"W		48.17'	
144	S06°57'13"W		49.56'	
145	S05°00'15"W		50.76'	
146	S08°46'26"W		53.09'	
147	S21°27'56"W		59.17'	
148	S39°26'41"W		58.11'	
149	S43°40'23"W		54.24'	
150	S39°29'20"W		57.96'	
151	S37°48'26"W		71.70'	
152	S39°36'53"W		75.42'	
153	S40°09'22"W		75.56'	
154	S41°10'35"W		25.21'	
155	N48°26'47"W		28.70'	
156	N41°45'01"E		79.89'	
157	N38°31'02"E		115.10'	115.16'
158	N35°15'02"E		30.90'	1010.00'
159	N40°15'58"E		103.16'	103.29'
160	N45°16'53"E		39.89'	590.00'
161	N25°36'08"E		114.50'	116.78'
162	N05°55'23"E		67.95'	170.00'
163	N10°15'45"E		164.85'	165.11'
164	N14°36'08"E		32.36'	1090.00'
165	N06°18'40"E		168.71'	169.30'
166	N01°58'47"E		82.36'	585.00'
167	N02°40'48"E		47.12'	290.00'
168	N07°20'24"E		26.62'	
169	N00°57'04"E		111.04'	111.42'
170	N09°14'32"E		69.97'	385.00'
171	N11°35'16"E		123.59'	123.62'
172	N13°55'59"E		62.02'	1510.00'
173	N07°18'24"E		101.55'	101.77'
174	N00°40'50"E		50.62'	440.00'
175	N04°58'34"E		151.31'	151.45'
176	N09°16'19"E		12.12'	1010.00'
177	N30°53'06"E		51.57'	52.81'
178	N52°29'54"E		1.36'	70.00'
179	N48°31'45"E		77.53'	
180	N24°02'37"E		25.91'	77.59'
181	N23°18'33"E		60.58'	560.00'
182	N21°36'15"E		75.25'	
183	N18°50'04"E		39.58'	
184	N18°50'04"E		146.39'	
185	N23°28'56"E		15.08'	
186	N23°28'56"E		30.50'	
187	N36°32'08"E		34.53'	
188	N02°57'07"E		53.90'	53.92'
189	N15°03'34"E		49.65'	50.75'
190	N35°49'45"E		24.81'	560.00'
191	N31°12'15"E		111.28'	111.40'
192	N23°17'10"E		33.32'	33.34'
193	N19°59'35"E		74.56'	290.00'
194	N12°56'58"E		52.73'	52.68'
195	N05°54'22"E		63.49'	215.00'
196	N09°20'09"E		144.78'	144.87'
197	N12°45'57"E		10.75'	
198	N24°18'22"E		34.01'	34.24'
199	N35°19'31"E		114.57'	85.00'

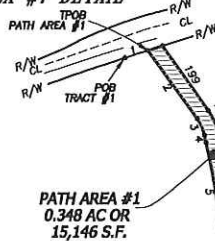
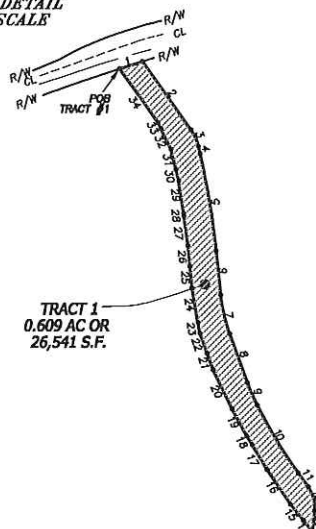
TRACT 2 CALL TABLE
(CALLS 35-43)

LINE	CHORD BEARING	CHORD	ARC	RADIUS
35	S36°32'08"E	34.53'		
36	S23°28'56"E	30.50'		
37	S23°28'56"E	15.08'		
38	S18°50'04"E	146.39'		
39	S18°50'04"E	39.58'		
40	S21°36'15"E	75.25'		
41	S23°18'33"E	60.58'		
42	S24°02'37"E	25.91'		
43	N22°11'00"W	426.38'	437.41'	560.00'

TRACT 5 CALL TABLE
(CALLS 191-196)

LINE	CHORD BEARING	CHORD	ARC	RADIUS
191	S24°02'37"E	32.98'		
192	S31°57'01"E	19.02'	19.41'	28.20'
193	S12°03'04"E	3.57'	3.57'	1179.13'
194	N23°33'41"W	511.93'	530.20'	580.00'
195	S39°12'29"E	18.89'		
196	S36°32'08"E	12.41'		

PATH AREA #1 DETAIL

PATH AREA #1
0.348 AC OR
15,146 S.F.TRACT #1 DETAIL
NOT TO SCALETRACT #1
0.609 AC OR
26,541 S.F.

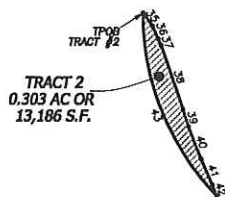
SHEET 2 OF 3

DATE: 7/12/19
SCALE: N/A
FILE: *RVD1
JOB: G208033.HON
DRAWN BY: WDCNO. DATE DESCRIPTION
REVISIONSRIGHT-OF-WAY SURVEY
FOR:
NNP-LOOPER LAKE, LLC.LOCATED IN
G.M.D. 1270
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA

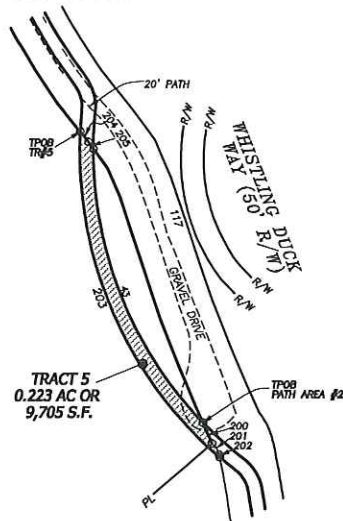
425 Oak Street N.W. • Gainesville, Georgia 30501
(770)718.0600 (770)718.9090 Fax • www.rochester-assoc.com

THIS BOX RESERVED FOR
THE CLERK OF THE SUPERIOR COURT

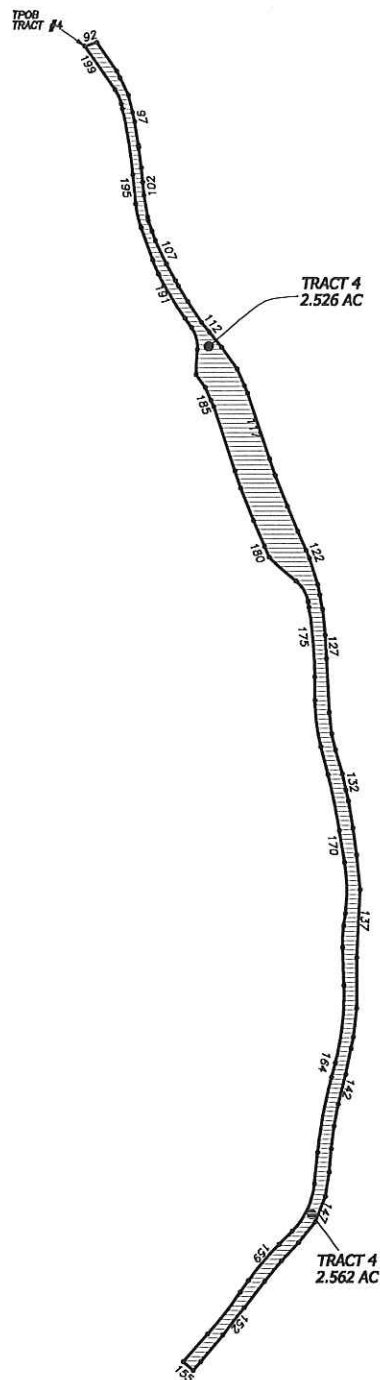
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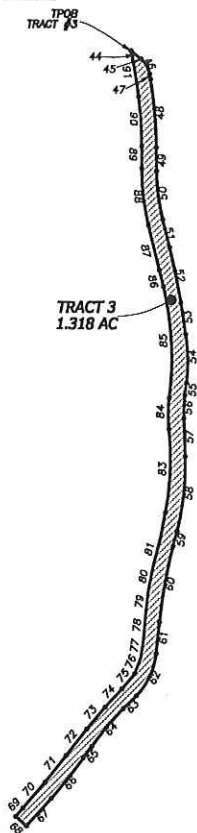
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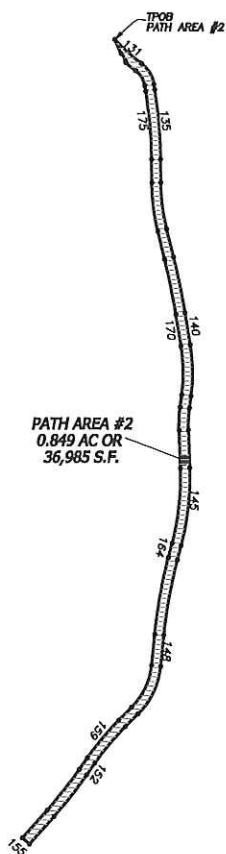
TRACT #4 DETAIL
NOT TO SCALE



TRACT #3 DETAIL
NOT TO SCALE



PATH AREA #2 DETAIL
NOT TO SCALE



RIGHT-OF-WAY SURVEY
FOR :
NNP-LOOPER LAKE, LLC.

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

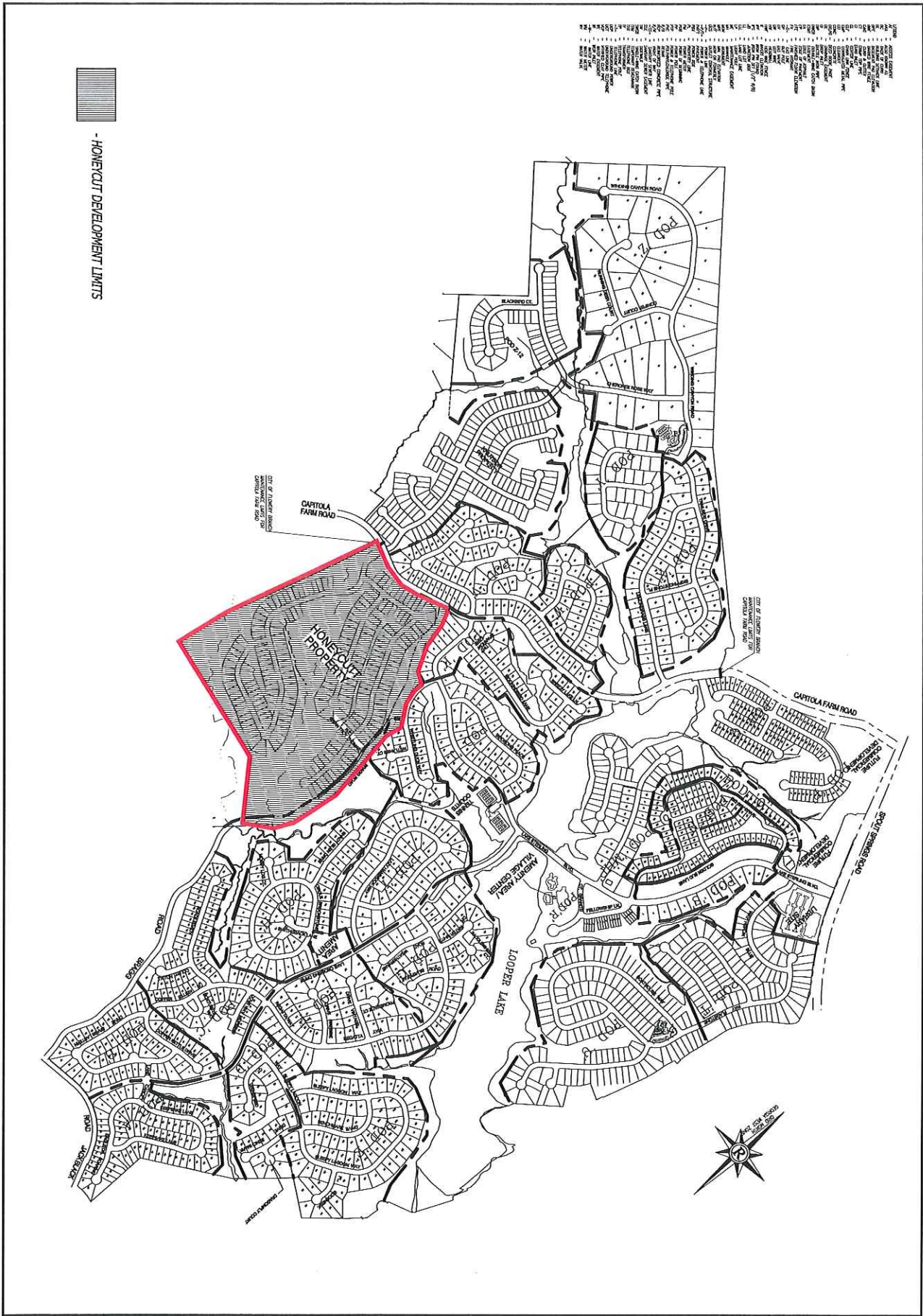
Rochester
& Associates, Inc.

425 Oak Street N.W. • Gainesville, Georgia 30501
(770)718.0600 (770)718.9090 Fax • www.rochester-assoc.com

SHEET 3 OF 3

DATE: 7/12/19
SCALE: N/A
FILE # R001
JOB # G208033.HON
DRAWN BY WDC

NO.	DATE	DESCRIPTION
REVISIONS		



- HONEYCUTT DEVELOPMENT LIMITS

NOTES:
1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
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SHEET 5
DATE: 04/17/2020
SCALE: 1" = 400'
JOB NO: 2004033.HON.03
FILE NO: 10057.FIN
DRAWN BY: MCH

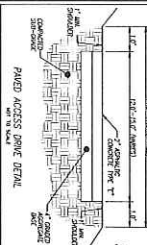


ANY CHANGES OR ALTERATIONS MADE TO THESE CONSTRUCTION DOCUMENTS WITHOUT THE WRITTEN APPROVAL OF ROCHESTER & ASSOCIATES, INC. VOID. THE USER ASSUMES ALL LIABILITY ASSOCIATED WITH THIS PROJECT. THE USER ASSUMES ALL LIABILITY ASSOCIATED WITH THIS PROJECT. THE USER ASSUMES ALL LIABILITY ASSOCIATED WITH THIS PROJECT.

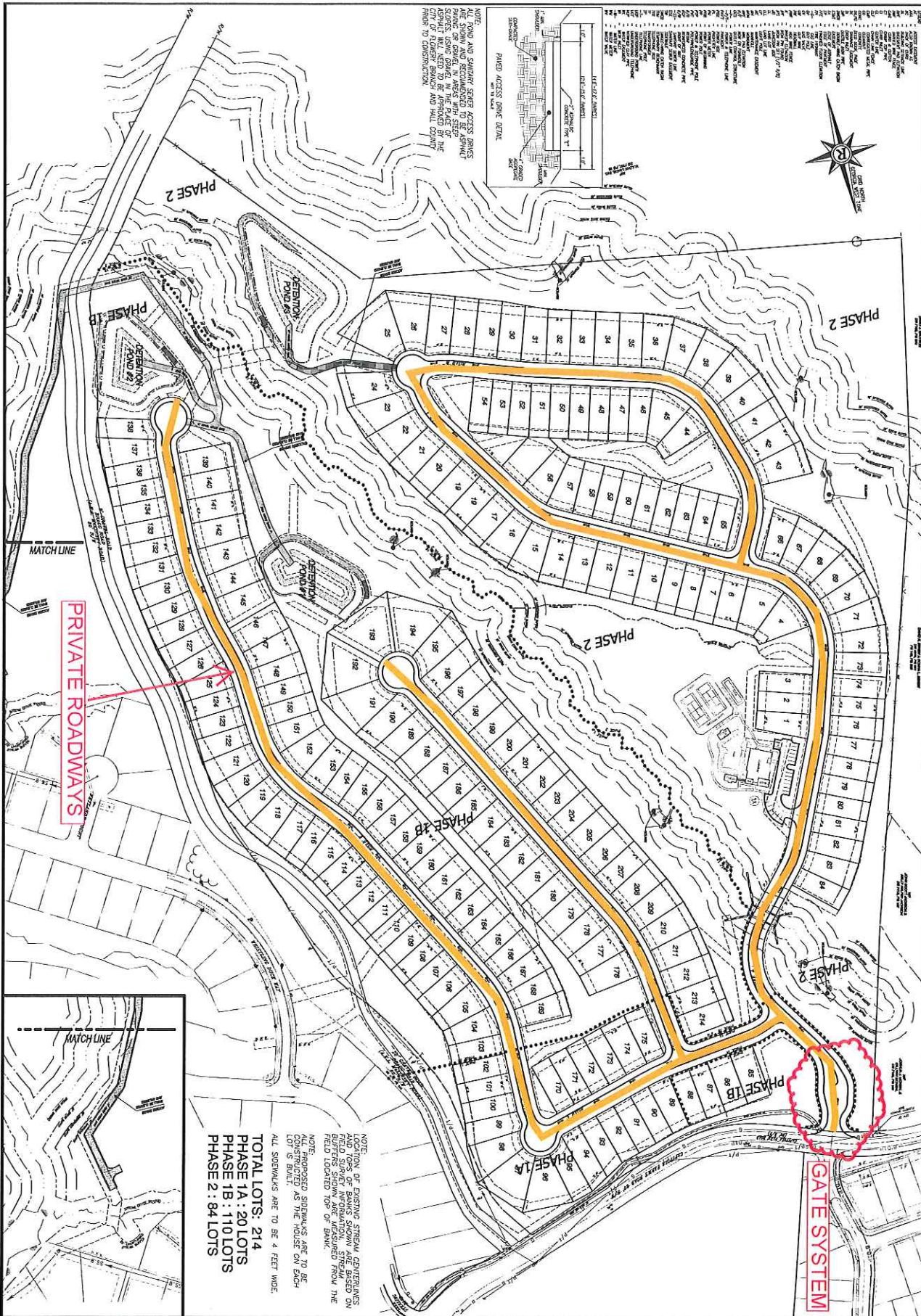
NO.	DATE	DESCRIPTION
1	04/17/20	SEE SHEET #1 FOR REGION ZONES
2	04/17/20	REVIEW APPROVED BY THE CITY OF FLORENCE BRANCH
3	04/17/20	REVISIONS

MASTER PLAN
FOR:
**STERLING ON THE LAKE
HONEYCUTT TRACT**
LOCATED IN
G.M.D. 1270
CITY OF FLORENCE BRANCH
HALL COUNTY, GEORGIA

Rochester & Associates, Inc.
425 Oak Street N.W. • Gainesville, Georgia 30501
(770) 718.0600 (770) 718.9090 Fax • www.rochester-assoc.com



ALL POND AND SANITARY SEWER ACCESS DRIVES ARE SHOWN AND RECOMMENDED TO BE ASPHALT PAVING OR GRAVEL IN AREAS WITH STEEP SLOPES. USING GRAVEL IN THE PLACE OF ASPHALT WILL NEED TO BE APPROVED BY THE CITY OF FLORENT BRANCH AND HALL COUNTY PRIOR TO CONSTRUCTION.



NOTE: OF EXISTING STORM DRAINAGES, LOCATIONS OF BAYVIEW STORM DRAINAGE BASED ON FIELD SURVEY INFORMATION. STRAYAL BUFFERS SHOWN ARE MEASURED FROM THE FIELD LOCATED TOP OF BANK.

NOTE:
ALL PROPOSED SIDEWALKS ARE TO BE CONSTRUCTED AS THE HOUSE ON EACH LOT IS BUILT.

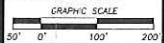
ALL SIDEWALKS ARE TO BE 4 FEET WIDE.

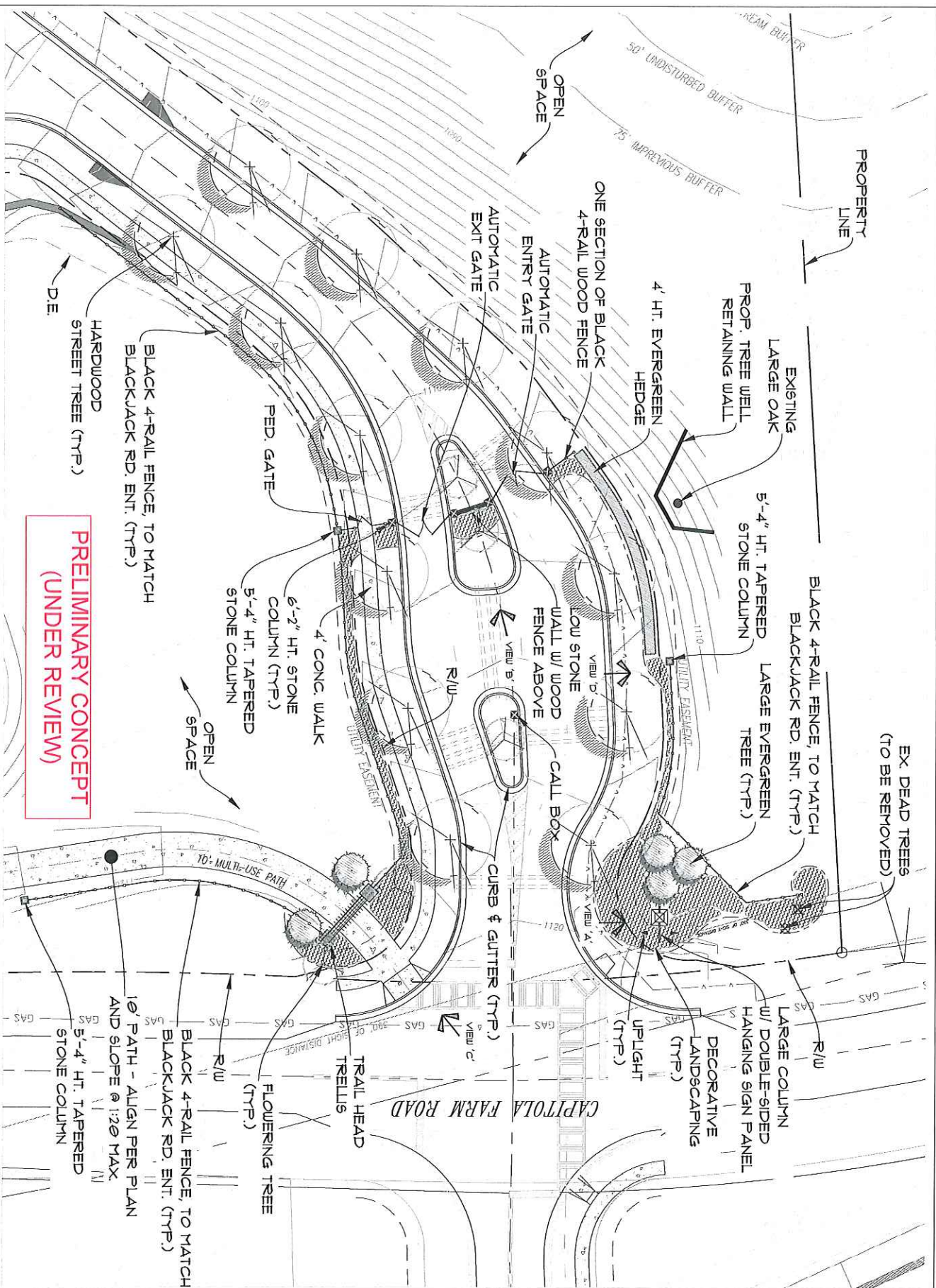
TOTAL LOTS: 214
PHASE 1A: 20 LOTS
PHASE 1B: 110 LOTS
PHASE 2: 84 LOTS

1	04/11/20	SEE SHEET #1 FOR REVISION DETAILS
	02/16/20	PERMIT APPROVED BY THE CITY OF FLEMING BRANCH
NO.	DATE	DESCRIPTION
REVISIONS		

OVERALL SITE AND PHASING PLAN
FOR :
**STERLING ON THE LAKE
HONEYCUTT TRACT**
LOCATED IN
G.M.D. 1270
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA

Rochester
& Associates, Inc.
425 Oak Street N.W. • Gainesville, Georgia 30501
(770)718.0600 (770)718.9090 Fax • www.rochester-assoc.com





BLD

**BAKER LAND
DESIGN**

LANDSCAPE ARCHITECTURE
CERTIFIED ARBORIST

3471 DONAVILLE ST.
DULUTH, GA 30098
PH: 404.251.1111
WWW.BAKERLANDDESIGN.COM

ENTRANCE
CONCEPT
FOR
THE
RETREAT
AT
STERLING
ON THE
LAKE

REVISIONS

6-8-20

6-11-20

DRAWN BY: BH

CHECKED BY: TB

SCALE: 1"=10'-0"

DATE: 6-5-20

JOB NO.

SHEET 1 OF 2

PRELIMINARY CONCEPT
(UNDER REVIEW)

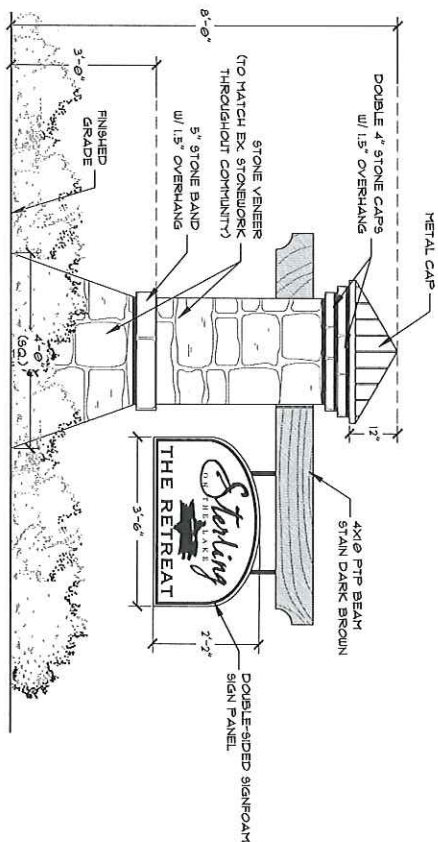


BAKER LAND
DESIGN

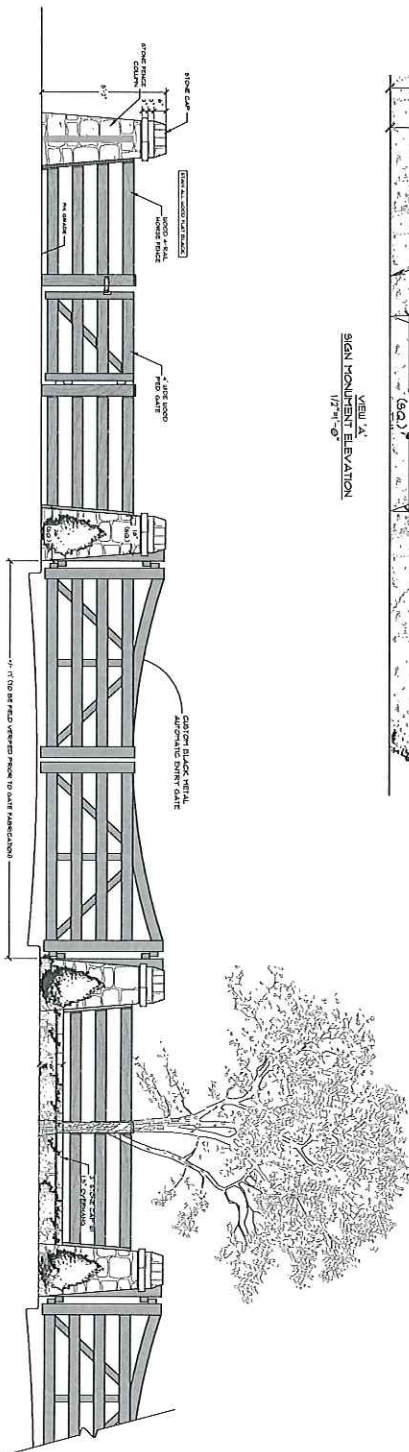
LANDSCAPE ARCHITECTURE
CERTIFIED ARBORIST

3471 DONAVILLE ST.
DULUTH, GA 30096
PHONE: 404.251.1111
WWW.BAKERLANDDESIGN.COM

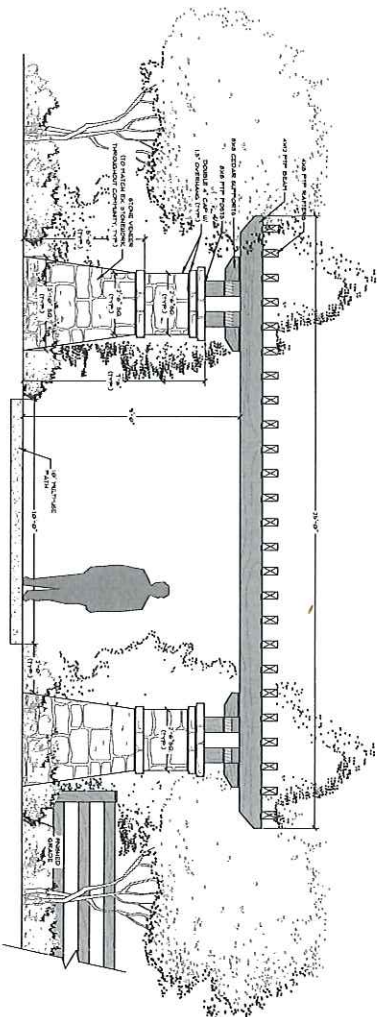
ENTRANCE
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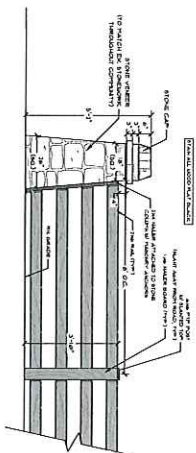
VIEW A
SIGN MONUMENT ELEVATION
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VIEW B
GATE ELEVATION
1/2\"/>



VIEW C
TRAIL HEAD TRAILERS ELEVATION
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VIEW D
FENCE/COIN ELEVATION
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REVISIONS

6-8-10	
6-11-20	
DRAWN BY: BH	
CHECKED BY: TB	
SCALE: AS SHOWN	
DATE: 6-5-20	
JOB NO.	
SHEET 2 OF 2	

Sterling on the Lake (Honeycutt) Letter of Intent / Project Narrative

Applicant seeks to amend the conceptual site plan and conditions of approval relating to ordinance no. 239J & 240J, for the master planned community on 1007± acres generally known as “Sterling on the Lake” located in the PUD (Planned Unit Development) zoned district. The development is located adjacent to the intersection of Capitola Farm Road and Spout Springs Road. The amended property is described as: **(Honeycutt Tract)** - a 85.568 acres parcel of real property owned by NNP Looper Lake LLC, being known as the “Honeycutt Tract” identified as tax identification number 15047 000006 & 15047 000885 located in GMD 1270 Flowery Branch District, Hall County, Georgia.

- The Sterling on the Lake Master Planned Development was originally approved (annexed and rezoned) by the Flowery Branch City Council on November 16, 2001, per Ordinances 239 and 240.
- On February 1, 2006, City Council approved a modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-A and 240-A.
- On September 9, 2006, City Council approved a second modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-B and 240-B.
- On August 15, 2007, City Council approved a third modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-C and 240-C.
- On November 25, 2008, City Council approved a fourth modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-D and 240-D.
- On March 26, 2011, City Council approved a fifth modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-E and 240-E.
- On March 15, 2012, City Council approved a sixth modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-F and 240-F.
- On February 18, 2016, City Council approved a seventh modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-G and 240-G.
- On May 4, 2017, City Council approved a eight modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-H and 240-H.
- On March 15, 2018, City Council approved a ninth modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-I and 240-I.

- On June 6, 2019, City Council approved a tenth modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-J and 240-J.
- Per Article 8, Section 8.4 and Section 8.10 of the Flowery Branch Zoning Ordinance, the original PUD approval must be amended by the Governing Body in order to incorporate changes to the master plan approval and PUD conditional zoning.

APPLICANT'S REQUEST

Honeycutt Tract – The Applicant is requesting that the Honeycutt Tract (85.568 acres) consisting of 214 Lots and 1 Amenity Area be allowed to install a gate system at the entrance drive of Welcome Road, at its intersection with Capitola Farm Road and make all streets within the development private. The Honeycutt Tract is located within the Sterling on The Lake Master Planned Development. The Homeowners Association for Honeycutt shall own and maintain the gate system and the private roadways within the development.

- The development shall be substantially in accordance with the "Master Plan for Sterling on the Lake," submitted as a part of the application.
- Any roadways, previously dedicated to the City of Flowery Branch, is subject to abandonment per the orange highlighted plan submitted as part of the application.
- All requirements imposed under this Ordinance shall be the standards of the development regardless of any change in ownership.
- The residential development within the overall PUD shall be limited to a maximum of 2,000 housing units for the entire 1,007 ± acre PUD, within the City of Flowery Branch at the time of this approval, as approved under this ordinance. If additional land is approved for inclusion as residential development within the PUD, the number of housing units to be permitted and the gross density of residential development portions of the site (excluding commercial, institutional, recreational, and open space uses) shall be established in the subsequent approval as an amendment to the Sterling on the Lake Conceptual Master Plan.
- The PUD shall designate and maintain at least 302 acres of permanent open space, or thirty percent (30%) of the total land area contained within the PUD, whichever is greater. For purposes of this zoning condition, permanent open space shall include lakes,

buffers, and passive or active parks and recreation of the property, including those lands administered by a homeowners association; provided, however, that any buffer area counted as open space shall not be used for active recreational facilities. The open space shall be substantially in accordance with the areas colored green on the "Master Plan for Sterling on the Lake" (i.e., binding site plan) as determined by the Zoning Administrator.

STATEMENTS OF FACT

Pursuant to Article 34 of the Flowery Branch Zoning Ordinance this amendment to the conceptual master site plan and conditions of approval relating to Ordinance No. 239 and 240 (as amended most recently dated June 6, 2019), to gate the entrance and declare that all roadways within the development shall be deemed private, submit the following Statements of Fact:

- A. The addition of gates at the entrance of Honeycutt and the declaration that all roadways within the development shall be deemed private will not change the overall character of the community and the overall density will remain within the previously approved limits.
- B. The proposed zoning amendment will not adversely affect adjacent property or the overall community as the Honeycutt Tract will be developed with access directly from Capitola Road. The Honeycutt Tract does not have a access to any roadways within the Sterling on the Lake development.
- C. The property is currently zoned PUD (City of Flowery Branch, Hall County) is being developed consistent with the existing areas of Sterling on The Lake. There are no adverse impacts anticipated.
- D. The proposed zoning amendment will not impact the overall density of the approved master site plan. No additional lots are proposed with this zoning amendment. There are no anticipated negative impacts on existing streets, utilities, or schools.
- E. The request to gate the entrance and declare that all roadways within the development shall be deemed private conforms to the 2016 Flowery Branch Comprehensive Plan for a “single family residential” use.
- F. The request to gate the entrance and declare that all roadways within the Honeycutt Tract be deemed private will not have an adverse effect on the Sterling on the Lake Development.
- G. The property is currently zoned PUD (City of Flowery Branch, Hall County) the development is consistent with the existing areas of Sterling on the Lake.
- H. The proposed zoning amendment is consistent with the spirit and intent of the Community Agenda (Comprehensive Plan), Character Area Map and Future Land Use Map as these documents identify the subject property as “Suburban Residential” and “Planned Unit Development” (PUD). The proposed zoning is consistent with these designations.

- I. The proposed zoning amendment will not significantly impact the value of the property. It is the owners desire to convert the Honeycutt Tract into a gated community with private roadways.
- J. The proposed amendment to convert the Honeycutt Tract into a gated community with private roadways will not confer upon the property owner any special privileges that are denied to other properties within the surrounding district. The proposed amendment will not impact adjoining properties as they are all part of the existing PUD.
- K. The proposed rezoning amendment will not create an isolated zoning district as the Honeycutt Tract is already a part of the existing Sterling on the Lake PUD. Further, the granting of the requested zoning amendment will be in harmony with the purpose and intent of the City's regulations and will not be injurious to the neighborhood and general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. To assure that the proposed modifications do not negatively impact the surrounding neighborhood or general public, specific implementation language will be required. The applicant agrees to comply with all previous conditions of approval unless modified by this grant.
- L. The proposed zoning amendment is consistent with the zoning of the surrounding property.
- M. The proposed rezoning amendment will not create an appreciable impact on the environment as it relates to soil and erosion, flooding, drainage or water quality. The Applicant will comply with all local and state requirements pertaining to soil and erosion as well as water quality when developing this tract.
- N. The granting of the proposed zoning amendment is consistent with the overall zoning scheme and the purpose of the Zoning Ordinance. Specifically, the Applicant is asking to be retain ownership of the roadways within the Honeycutt Tract which removes the burden of maintenance from the City of Flowery Branch. The Homeowners Association for Honeycutt shall own and maintain the gate system and the private roadways with the development.

LEGAL DESCRIPTION

The modification of Ordinance No. 239 & 240 for 85.568 ± acres portion (Honeycutt Tract) of the master planned development generally known as “Sterling on the Lake”, described on Exhibit A attached hereto.

Legal Description: (See Exhibit A)

The overall development is approximately 1007 +/- acres located adjacent to the intersection of Capitola Farm Road and Spout Springs Road. The property is described as: **(Honeycutt Tract)**, approximately 85.568 ± acres known as the “Honeycutt” tract, identified as tax identification number 15047-000006 & 15047-000885, located in GMD 1270 Flowery Branch District, Hall County, Georgia.

NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS:

Owner Joshua J. Mcneal & Gillyan Mcneal

Parcel Number 15047 000009B

Location Address 6707 CAPITOLA FARM RD

Legal Description CAPITOLA FARM ROAD

Owner John Scott Jackson, Kelly Keifer Jackson

Parcel Number 15047 000026

Location Address 6721 CAPITOLA FARM RD

Legal Description CAPITOLA FARM ROAD

Owner David R. Eskew, Donna L. Eskew

Parcel Number 15047 000039

Location Address 6727 CAPITOLA FARM RD

Legal Description CAPITOLA FARM ROAD

Owner Jeffrey's Trust For The Benefit Of Larry

Parcel Number 15047 000009

Location Address 6791 CAPITOLA FARM RD

Legal Description CAPITOLA FARM ROAD

Owner P & B Group Ventures, LLC

Parcel Number 15047 000012

Location Address 5725 BLACKJACK RD

Legal Description BLACK JACK ROAD

Owner Vulcan Lands, Inc.

Parcel Number 15047 000005

Location Address 5977 BLACKJACK RD

Legal Description 5877 BLACK JACK ROAD

REASONS FOR REQUESTING THE ZONING AMENDMENT

The Applicant is requesting that the Honeycutt Tract (85.568 acres) consisting of 214 Lots and 1 Amenity Area be allowed to install a gate system at the entrance drive of Welcome Road, at its intersection with Capitola Farm Road and make all streets within the development private. The Honeycutt development and the Building Group constructing homes plans to market / sale this community as a gated active adult community. Market studies show that the active adult community desires privacy and the security provided by a community with a security gate. Any roadways that have been previously dedicated to the City of Flowery Branch through the approval and recording of a final plat will have to be abandoned and ownership transferred to the homeowners associations for Honeycutt.

RIGHT TO INSPECT THE SUBJECT PROPERTY

With the execution of this zoning amendment application the Applicant (NNP – Looper Lake, LLC) authorizes the City of Flowery Branch staff and / or City Council the right to inspect the subject property for the purpose of seeking information pertaining to the zoning amendment request.

**City of Flowery Branch Rezoning Application
REQUEST FOR STATISTICAL INFORMATION
Sterling on the Lake – Honeycutt Tract**

1. Value of improvements at buildout:

- Development cost - \$ 55,000 per lot
- Vertical construction cost - \$ 120 per sf

2. Property tax revenue at buildout:

- Hall County - \$ 1,466,093.00
- City of Flowery Branch - \$ 186,700.00

3. Schedule of construction;

- See below:

Item	Start	Finish
Design & Permitting	4/1/2019	7/15/2019
Land Development	8/15/2019	5/15/2020
Final Plat	5/15/2020	6/1/2020
Lot Sales	6/1/2020	6/15/2020
Residential CO's	10/15/2020	2/15/2021

4. Anticipated total square footage per unit:

- 1400 sf minimum

5. Total acreage to be developed:

- 84.25 acres in total

6. Honeycutt Tract will contain approximately 9.13 acres in private rights-of-way.

7. Honeycutt Tract will contain approximately 33.7 acres of open space/common area to be maintained by the existing HOA.

8. Honeycutt Tract will contain approximately 7.9 acres of buffer and watershed protection.

- A) The impervious buffer is applicable to the Honeycutt Tract.
- B) A limited number of property lines may extend into the stream buffer.
- C) The developer intends to dedicate street rights-of-way and storm sewer easements to the City of Flowery Branch.

9. Transportation alternatives:

- Honeycutt Tract will have a pedestrian link through the Honeycutt Tract to the remainder of the community.

10. Amenities for Sterling on the Lake total more than 15 acres and (at buildout) will include the following:
 - Lakes and Trails
 - 2 Clubhouses
 - 4 Pools
 - 3 Children's Playgrounds
 - Multiple pocket parks
 - Children's Treehouse
 - 12 Tennis Courts
 - 2 Fire pits
 - Lakeside pavilion with grill
 - Boat dock and launch
 - $\frac{3}{4}$ Basketball Court
 - Picnic Island
 - The above items are inclusive of the Honeycutt/Bragg Tract which will contain 2 tennis courts/pickle ball courts, fire pit and bathrooms.
11. A minimum of 52 street lights are planned for Honeycutt Tract with a maximum spacing of 150 feet.
12. Honeycutt Tract will include approximately 7,940 linear feet of sidewalk containing approximately 485 cubic yards of concrete.
13. Homes in the Honeycutt Tract will have access to high speed internet to the extent available from the service provider.
14. The Honeycutt Tract will contain areas for providing detention, water quality and stream protection. These requirements will be incorporated in the adjacent Honeycutt tract or other developable land with Sterling on The Lake.
15. An updated traffic study has not been completed for the Honeycutt Tract as the overall density will remain within previously studied and approved maximums.
16. There are no provisions for utilization and storage of reuse water in this plan.
17. Honeycutt Tract, as proposed, will generate approximately 85,600 gallons per day of wastewater flow.
18. The maximum daily water consumption is approximately 85,600 gallons per day. Low flow fixtures are required by the development.
19. A complete set of construction drawings has been completed in order to evaluate the proposed density.
20. Public safety requirements related to life safety codes have been considered in the concept design.

21. The Hall County school system has been provided density and build out projections for the entirety of the community.
22. Copies of master covenants and guidelines have been previously filed and recorded.
23. Ordinance No. 349 has been used to develop the preliminary plat for Honeycutt Tract.

NOTE:
CONCEPTUAL PURPOSES ONLY. SUBJECT
TO CHANGE.



by
Newland Communities

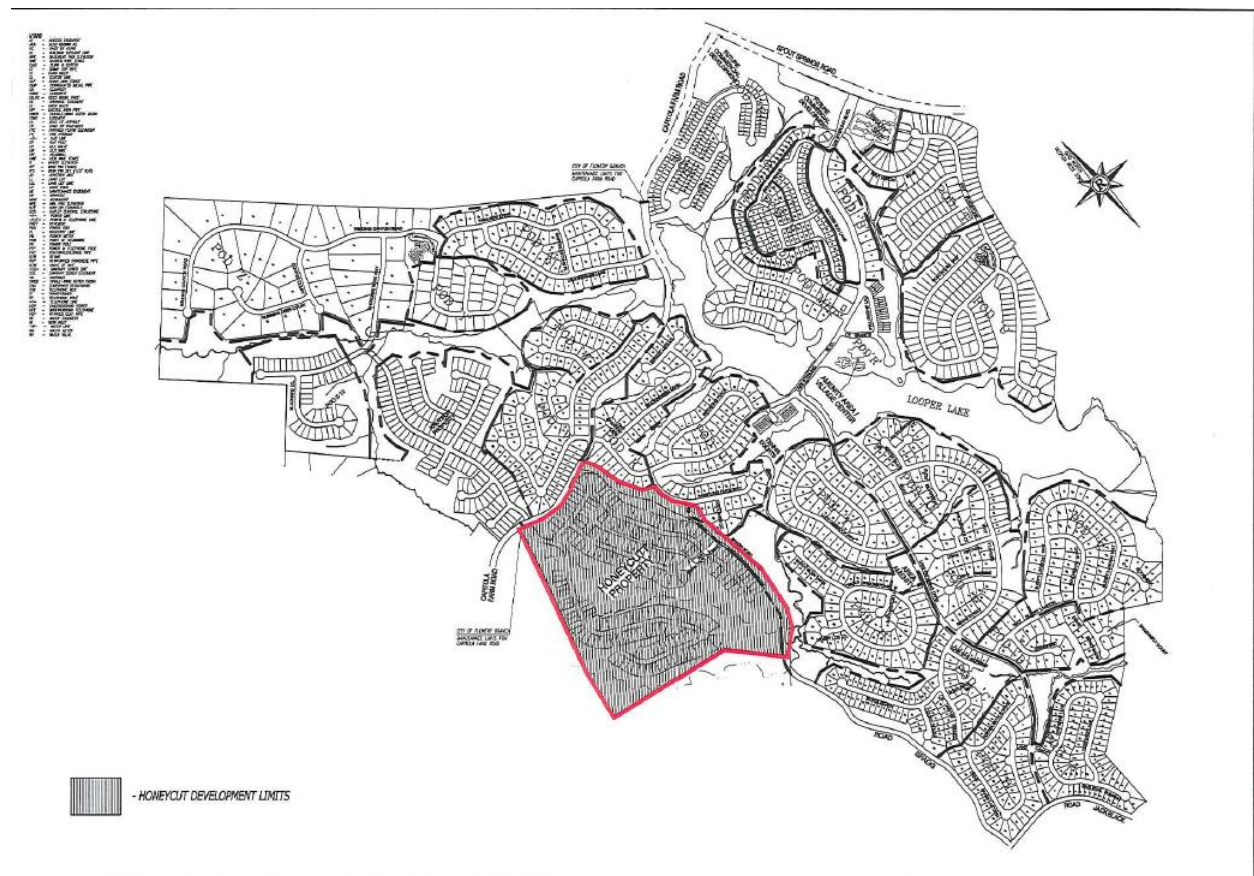


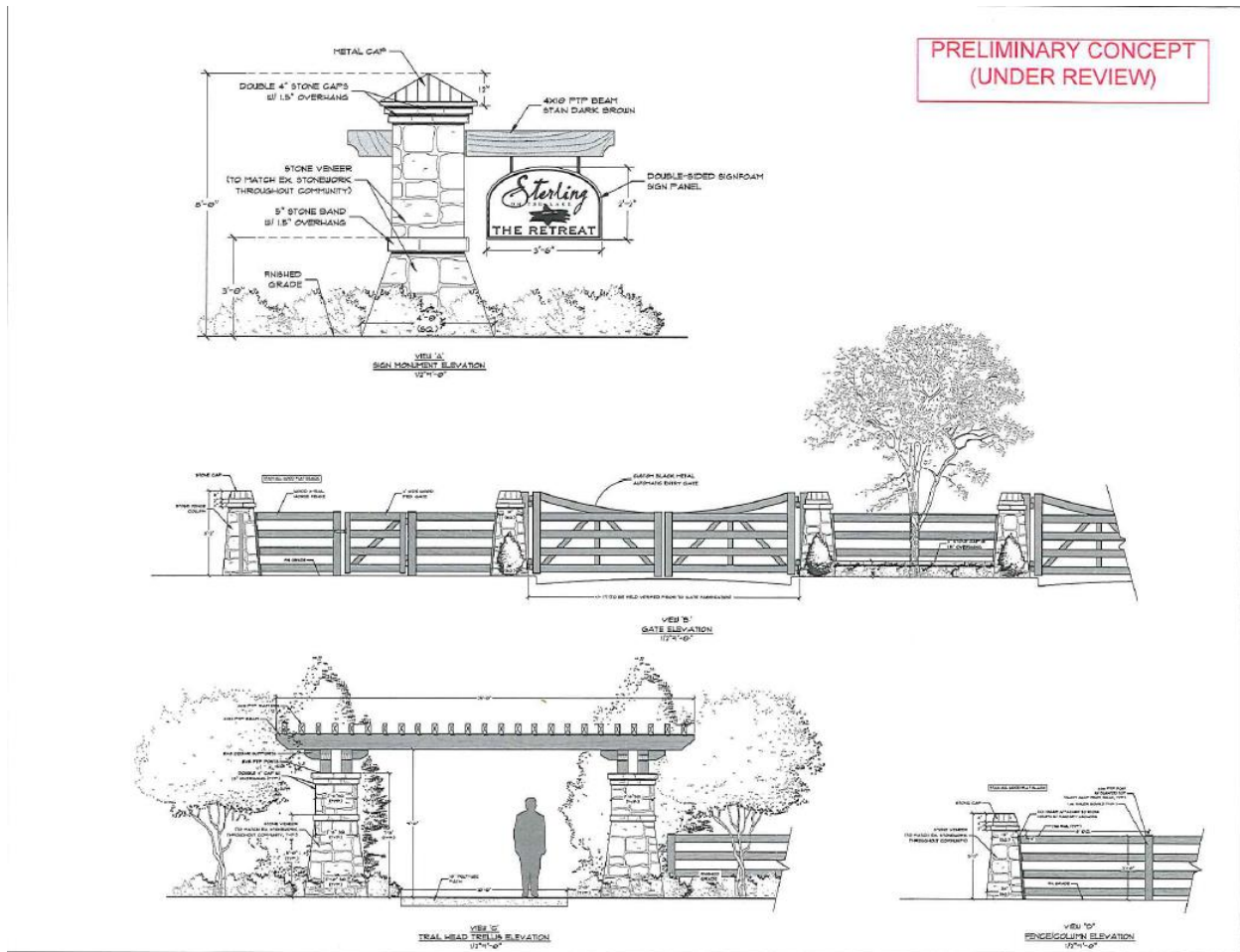
NEWLAND PROPOSED MASTER PLAN

LAST REVISED FEBRUARY 4, 2015



Ordinance 239-K & 240-K is a rezoning request submitted by NNP – Looper Lake, LLC to rezone a portion of the Sterling on the Lake residential subdivision from Planned Unit Development (PUD) to Planned Unit Development (PUD) with modified conditions. The proposed change to the conditions calls for a gate to be installed making the 85 +/- acre area known as the “Honeycutt Tract” private. This would mean all roads inside this 214 lot section of Sterling on the Lake would have private roads.





Below is the applicant response to Article 34 of the Zoning Ordinance.



STATEMENTS OF FACT

Pursuant to Article 34 of the Flowery Branch Zoning Ordinance this amendment to the conceptual master site plan and conditions of approval relating to Ordinance No. 239 and 240 (as amended most recently dated June 6, 2019), to gate the entrance and declare that all roadways within the development shall be deemed private, submit the following Statements of Fact:

- A. The addition of gates at the entrance of Honeycutt and the declaration that all roadways within the development shall be deemed private will not change the overall character of the community and the overall density will remain within the previously approved limits.
- B. The proposed zoning amendment will not adversely affect adjacent property or the overall community as the Honeycutt Tract will be developed with access directly from Capitola Road. The Honeycutt Tract does not have a access to any roadways within the Sterling on the Lake development.
- C. The property is currently zoned PUD (City of Flowery Branch, Hall County) is being developed consistent with the existing areas of Sterling on The Lake. There are no adverse impacts anticipated.
- D. The proposed zoning amendment will not impact the overall density of the approved master site plan. No additional lots are proposed with this zoning amendment. There are no anticipated negative impacts on existing streets, utilities, or schools.
- E. The request to gate the entrance and declare that all roadways within the development shall be deemed private conforms to the 2016 Flowery Branch Comprehensive Plan for a “single family residential” use.
- F. The request to gate the entrance and declare that all roadways within the Honeycutt Tract be deemed private will not have an adverse effect on the Sterling on the Lake Development.
- G. The property is currently zoned PUD (City of Flowery Branch, Hall County) the development is consistent with the existing areas of Sterling on the Lake.
- H. The proposed zoning amendment is consistent with the spirit and intent of the Community Agenda (Comprehensive Plan), Character Area Map and Future Land Use Map as these documents identify the subject property as “Suburban Residential” and “Planned Unit Development” (PUD). The proposed zoning is consistent with these designations.



- I. The proposed zoning amendment will not significantly impact the value of the property. It is the owners desire to convert the Honeycutt Tract into a gated community with private roadways.
- J. The proposed amendment to convert the Honeycutt Tract into a gated community with private roadways will not confer upon the property owner any special privileges that are denied to other properties within the surrounding district. The proposed amendment will not impact adjoining properties as they are all part of the existing PUD.
- K. The proposed rezoning amendment will not create an isolated zoning district as the Honeycutt Tract is already a part of the existing Sterling on the Lake PUD. Further, the granting of the requested zoning amendment will be in harmony with the purpose and intent of the City's regulations and will not be injurious to the neighborhood and general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. To assure that the proposed modifications do not negatively impact the surrounding neighborhood or general public, specific implementation language will be required. The applicant agrees to comply with all previous conditions of approval unless modified by this grant.
- L. The proposed zoning amendment is consistent with the zoning of the surrounding property.
- M. The proposed rezoning amendment will not create an appreciable impact on the environment as it relates to soil and erosion, flooding, drainage or water quality. The Applicant will comply with all local and state requirements pertaining to soil and erosion as well as water quality when developing this tract.
- N. The granting of the proposed zoning amendment is consistent with the overall zoning scheme and the purpose of the Zoning Ordinance. Specifically, the Applicant is asking to be retain ownership of the roadways within the Honeycutt Tract which removes the burden of maintenance from the City of Flowery Branch. The Homeowners Association for Honeycutt shall own and maintain the gate system and the private roadways with the development.



Staff recommends approval with conditions as stated in Ordinance #239K and 240K.

- Ad was run in the Gainesville Times on 7/11/2020
- Signs posted on 7/21/2020

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 239-K & 240-K

AN ORDINANCE AMENDING THE CONCEPTUAL SITE PLAN AND CONDITIONS OF APPROVAL RELATING TO ORDINANCE NUMBERS 239H AND 240H, FOR THE MASTER PLANNED COMMUNITY KNOWN AS “STERLING ON THE LAKE”. THE REQUEST IS TO AMMEND THE PUD ZONING OF THE PORTION OF THE COMMUNITY KNOWN AS THE HONEYCUTT TRACT 85.57 +/- ACRE PROPERTY IDENTIFIED AS TAX PARCELS 15047 000006 AND 115047 000885. THE REQUEST IS TO ALTER THE APPROVED CONDITIONS BY ADDING A GATE AND PRIVITIZING THE SUBJECT PROPERTY. SUBJECT PROPERTY IS SHOWN ON ATTACHED EXHIBIT “A” AND LEGALLY DESCRBED ON ATTACHED EXHIBIT “B” AND SHALL BE SUBJECT TO ALL CONDITIONS SET FORTH AND SHOWN ON ATTACHED EXHIBIT “C”; PROVIDING FOR FINDINGS, SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, NNP-Looper Lake, LLC owns all that tracts or parcels of land totaling 85.57+/- acres identified as Parcel Tax Identification Nos. 15047 000006 and 15047 000085. Parcels are shown on Exhibit “A”, and as legally described on Exhibit “B”; and

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

WHEREAS, the City Council of the City of Flowery Branch has considered the application of NNP-Looper Lake, LLC in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed modified rezoning of the current PUD (Planned Unit Development) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

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

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, to a modified PUD (Planned Unit Development). Conditions as set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 15th day of October 2020.

James M. Miller, Mayor

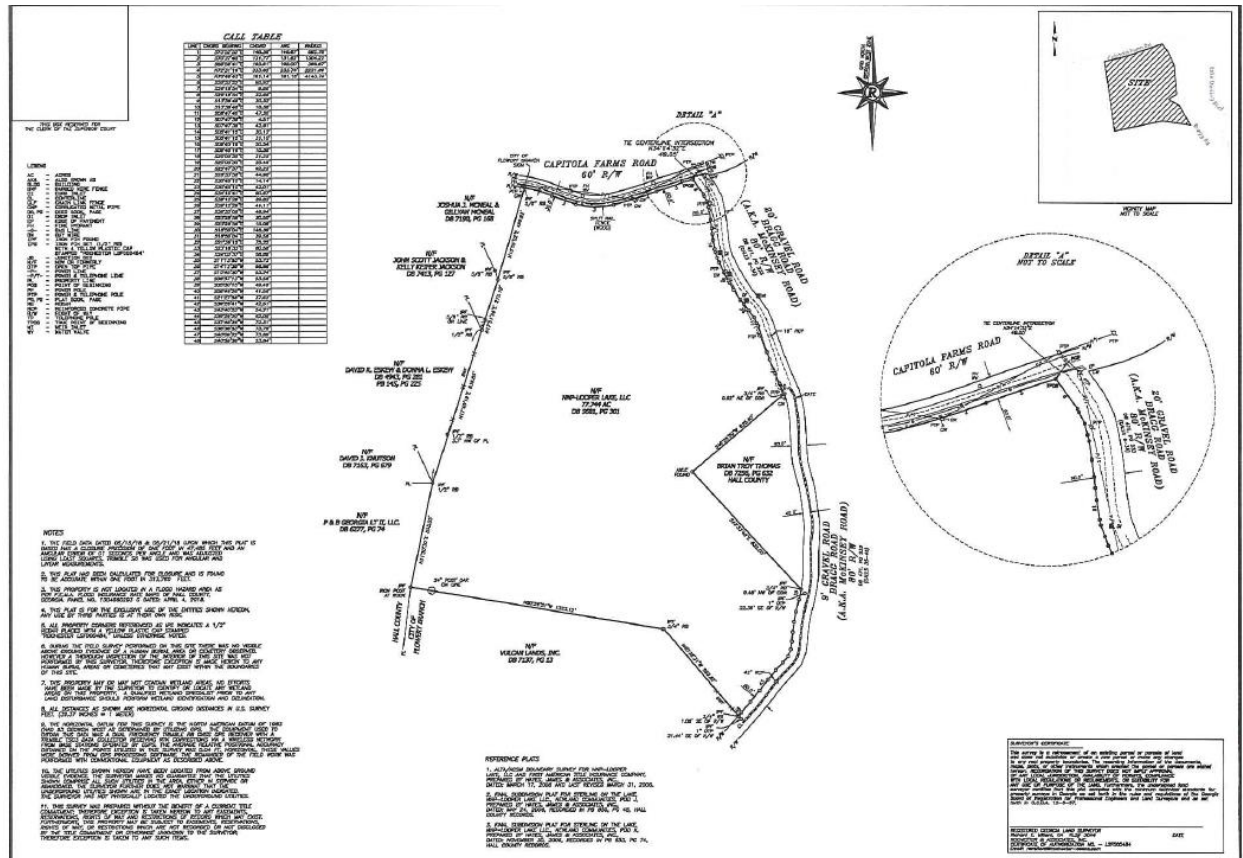
ATTEST

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Attachment "A"



**Honeycutt
Legal Description**

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

Beginning at the centerline intersection of Capitola Farm Road (60' R/W) and Scarlet Oak Way (50' R/W); thence South 87°57'20" West, a distance of 102.62 feet to an iron pin found (5/8" rebar on the northern Right-of-Way of said Capitola Farm Road, being the **True Point of Beginning**; thence along said Right-of-Way 148.67 feet along an arc of a curve to the right having a radius of 692.78 feet and a chord bearing and distance of South 73°52'52" East, 148.38 feet to a point; thence 131.82 feet along an arc of a curve to the left having a radius of 1304.22 feet and a chord bearing and distance of South 70°37'45" East, 131.77 feet to a point; thence 198.00 feet along an arc of a curve to the left having a radius of 366.67 feet and a chord bearing and distance of South 88°59'41" East, 195.61 feet to a point; thence 233.76 feet along an arc of a curve to the left having a radius of 2221.89 feet and chord bearing and distance of North 72°31'16" East, 233.65 feet to a point; thence 225.76 feet along an arc of a curve to the right having a radius of 4143.74 feet and a chord bearing and distance of North 71°04'04" East, 225.73 to a point on the northwestern Right-of-Way of a 20 foot Path; thence along the property now or formerly of the City of Flowery Branch (20' Path) the following courses and distances: South 35°50'46" East, a distance of 120.47 feet to a point; thence 31.78 feet along an arc of a curve to the right having a radius of 75.00 feet and a chord bearing and distance of South 23°42'26" East, 31.54 feet to a point; thence South 11°34'05" East, a distance of 36.01 feet to a point; thence 107.98 feet along an arc of a curve to the right having a radius of 1100.00 feet and a chord bearing and distance of South 08°45'21" East, 107.94 feet to a point; thence South 05°56'37" East, a distance of 69.67 feet to a point; thence 55.13 feet along an arc of a curve to the left having a radius of 225.00 feet and a chord bearing and distance of South 12°57'48" East, 54.99 feet to a point; thence South 19°58'58" East, a distance of 75.50 feet to a point; thence 19.93 feet along an arc of a curve to the left having a radius of 300.00 feet and a chord bearing and distance of South 21°53'10" East, 19.93 feet to a point; thence South 23°47'21" East, a distance of 123.61 feet to a point; thence 71.19 feet along an arc of a curve to the right having a radius of 190.00 feet and a chord bearing and distance of South 13°03'19" East, 70.77 feet to a point; thence South 02°19'18" East, a distance of 101.72 feet to a point; thence 154.16 feet along an arc of a curve to the left having a radius of 310.00 feet and a chord bearing and distance of South 16°34'05" East, 152.58 feet to a point; thence South 30°48'53" East, a distance of 68.95 feet to a point; thence 102.12 feet along an arc of a curve to the left having a radius of 310.00 feet and a chord bearing and distance of South 40°15'06" East, 101.66 feet to a point; thence South 49°41'19" East, a distance of 74.48 feet to a point; thence 136.61 feet along an arc of a curve to the right having a radius of 190.00 feet and a chord bearing and distance of South 29°05'29" East, 133.68 feet to a point; thence South 08°29'40" East, a distance of 45.64 feet to a point; thence 16.93 feet along an arc of a curve to the right having a radius of 190.00 feet and a chord bearing and distance of South 05°56'30" East, 16.93 feet to a point; thence South 03°23'20" East, a distance of 40.36 feet to a point; thence 42.54 feet along an arc of a curve to the right having a radius of 900.00 feet and a chord bearing and distance of South 02°02'05" East, 42.54 feet to a point; thence South 00°40'50" East, a distance of 50.97 feet to a point; thence 106.36 feet along an arc of a curve to the left having a radius of 460.00 feet and a chord bearing and distance of South 07°18'19" East, 106.12 feet to a point; thence South 13°55'45" East, a distance of 61.77 feet to a point; thence 122.71 feet along an arc of a curve to the right having a radius of 1500.00

feet and a chord bearing and distance of South 11°35'09" East, 122.67 feet to a point; thence South 09°14'32" East, a distance of 68.08 feet to a point; thence 108.53 feet along an arc of a curve to the right having a radius of 375.00 feet and a chord bearing and distance of South 00°57'04" East, 108.15 feet to a point; thence South 07°20'24" West, a distance of 23.94 feet to a point; thence 52.86 feet along an arc of a curve to the left having a radius of 325.00 feet and a chord bearing and distance of South 02°40'48" West, 52.81 feet to a point; thence South 01°58'47" East, a distance of 79.68 feet to a point; thence 166.41 feet along an arc of a curve to the right having a radius of 575.00 feet and a chord bearing and distance of South 06°18'40" West, 165.83 feet to a point; thence South 14°36'08" West, a distance of 31.66 feet to a point; thence 166.63 feet along an arc of a curve to the left having a radius of 1100.00 feet and a chord bearing and distance of South 10°15'45" West, 166.47 feet to a point; thence South 05°55'23" West, a distance of 68.71 feet to a point; thence 103.04 feet along an arc of a curve to the right having a radius of 150.00 feet and a chord bearing and distance of South 25°36'08" West, 101.03 feet to a point; thence South 45°16'53" West, a distance of 40.77 feet to a point; thence 105.04 feet along an arc of a curve to the left having a radius of 600.00 feet and a chord bearing and distance of South 40°15'58" West, 104.91 feet to a point; thence South 35°15'02" West, a distance of 31.20 feet to a point; thence 114.02 feet along an arc of a curve to the right having a radius of 1000.00 feet and a chord bearing and distance of South 38°31'02" West, 113.96 feet to a point; thence South 41°47'01" West, a distance of 83.67 feet to a point; thence leaving said Right-of-Way and along the property now or formerly of Vulcan Lands, Inc North 40°38'31" West, a distance of 624.27 feet to an iron pin found (3/4" rebar); thence North 80°26'51" West, a distance of 1323.12 feet to an iron pin found (iron post at rock) on the Hall County/City of Flowery Branch Line; thence along said County/City Line and along the property now or formerly P & B Georgia LT II, LLC North 11°50'30" East, a distance of 555.05 feet to an iron pin found (1/2" rebar); thence along the property now or formerly of David R, Eskew & Donna L. Eskew North 17°40'19" East, a distance of 836.85 feet to an iron pin found (1/2" rebar); thence along the property now or formerly of John Scott Jackson & Kelly Keifer Jackson North 17°51'26" East, a distance of 273.10 feet to an iron pin found (5/8" rebar); thence along the property now or formerly of Joshua J. McNeal & Gillyan McNeal North 15°55'02" East, a distance of 499.92 feet to the **True Point of Beginning**.

Said tract contains 85.568 Acres.

Attachment “C”

Conditions of Zoning

1. All conditions of zoning as set forth in Ordinances 239 and 240 and all subsequent and relevant modifications shall apply to the Honeycutt Tract except for the following changes:
 - A. The Developer shall install a privacy gate at the entrance to said tract.
Gate shall be subject to Flowery Branch Community development approval prior to installation.
 - B. All roads shall be constructed to Flowery Branch standards.
 - C. All roads shall be private.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Second Read of Ordinance 447-B: The City of Flowery Branch Speed Zone Ordinance

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

GDOT requires re-certification of all of our radar enforced speed zones at least every 7 years. This listing of roads has not been modified from our 2013 list.

FACTS AND ISSUES:

The City may only use radar on the road sections listed within this Ordinance. Radar use is limited to where we have the proper sight distance and where a road is relatively level.

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

Not applicable

RECOMMENDATION:

Table until the August 20 Council Meeting. GDOT is looking into an error on Highway 347/Friendship Road.

SAMPLE MOTION:

Motion to table the second reading of Ordinance No. 447-B August 20, 2020.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [Updated Ordinance 447B \(Speed Zone\).pdf](#)
- [Speed Zone Ord. Update 2020 GDOT.pdf](#)

First Reading: 7/16/20
Passed:

ORDINANCE NO: 447-B

AN ORDINANCE TO ESTABLISH SPEED ZONES WITHIN THE CITY OF FLOWERY BRANCH; TO INCORPORATE THE MODEL ORDINANCE AS SET FORTH BY THE GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT); TO ALLOW USE OF SPEED DETECTION DEVICES; TO LIMIT THE USE OF SPEED DETECTION DEVICES; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, pursuant to Section 40-6-183 of the Official Code of Georgia Annotated (O.C.G.A.) concerning local authorities' power to alter lawful speed limits, and to establish the areas in which speed detection devices may be properly used, the following ordinance regulating the speed limits and designating the sections of certain roads and streets within the City of Flowery Branch, Hall County, Georgia wherein speed detection devices may be used is hereby adopted as set forth herein; and.

WHEREAS, on October 17, 2013, the City Council had previously adopted a Speed Zone and Speed Detection Device Ordinance (Ordinance No. 447-A); and

WHEREAS, the Georgia Department of Transportation (GDOT) has completed a review of the City's Speed Zone and Speed Detection Device Ordinance and requested that it be updated.

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

SECTION 1. DESIGNATION OF ON SYSTEM SPEED LIMIT.

The following roadways shall be classified as on systems roadways:

State Route 13	From 1,461' south of Phil Niekro Blvd. (Mile Point 3.88 - South Flowery Branch City Limits) to 913' north of Hog Mountain Road (Mile Point 6.60 – North Flowery Branch City Limits) a distance of 2.72 miles, to be zoned 45 miles per hour.
----------------	--

State Route 13	From 1690' south of Hog Mountain Road (Mile Point 6.17 – South Flowery Branch City Limits) to 783' north of Martin Road (Mile Point 7.24 – North Flowery Branch City Limits) a distance of 1.07 miles, to be zoned 45 miles per hour. This section is also considered a SCHOOL ZONE and for SCHOOL DAYS ONLY.
----------------	---

State Route 347	From 1,238' north of Ridge Road (Mile Point 5.19 – South Flowery Branch City Limits) to 3,340' north of Ridge Road (Mile Point 5.59 – North Flowery Branch City Limits) a distance of .40 miles, to be zoned 45 miles per hour.
State Route 419/I-985	From 3,456' south of Spout Springs Road (Mile Point 11.02 – South Flowery Branch City Limits) to 2,664' north of Spout Springs Road (Mile Point 12.17 – North Flowery Branch City Limits) a distance of 1.15 miles, to be zoned 70 miles per hour.

SECTION 2. DESIGNATION OF OFF SYSTEM SPEED LIMIT

The following roadways shall be classified as off systems roadways:

Gainesville Street	From the City Limits to Main Street, a distance of 0.60 miles, to be zoned for 35 miles per hour.
Lights Ferry Road	From the City Limits to Mitchell Street, a distance of 0.66 miles, to be zoned for 45 miles per hour.
Spout Springs Road	From City Limits to State Route 13, a distance of 0.94 miles, to be zoned for 45 miles per hour.
Thurmon Tanner Parkway	From 2,460' north of Spout Springs Road to 2,270' north of State Route 13, a distance of 1.23 miles, to be zoned 45 miles per hour.

SECTION 3. DESIGNATION OF SCHOOL ZONE HOURS

The following hours shall be identified as “School Zone Hours”:

A.M. from 45 minutes prior to commencement time to 15 minutes after commencement time – SCHOOL DAYS ONLY.

P.M. from 15 minutes prior to dismissal time to 45 minutes after dismissal time – SCHOOL DAYS ONLY.

SECTION 4. USE OF RADAR

It shall be unlawful to use speed detection devices on any State Route, county road, or city street which is not listed in this Ordinance.

SECTION 5. CONSTRUCTION/WORK ZONES

The provisions of this Ordinance shall also apply to any construction or work zone on any State Route to the extent allowable by law.

SECTION 6. ENFORCEMENT AND PUNISHMENT

Any person convicted of a violation of this ordinance shall be punished as provided by Georgia Law as presently exists or as may hereafter be amended.

SECTION 7. REPEAL OF CONFLICTING ORDINANCES

Ordinance No. 307 and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 8. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the City Council of the City of Flowery Branch, Georgia, and upon erection of appropriate signs to effectuate this ordinance in compliance with State law.

Approved this _____ day of July 2020.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney



Russell R. McMurtry, P.E., Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

June 22, 2020

Mike Miller, Mayor
City of Flowery Branch
P. O. Box 757
Flowery Branch, Georgia 30542

SUBJECT: Speed Zone Ordinance
City of Flowery Branch

Dear Mr. Miller,

The Georgia Department of Transportation has completed the update for the City of Flowery Branch Speed Zone Ordinance.

Two copies of the updated ordinance are enclosed for your review and approval. Once approved, please forward one signed notarized copy of the ordinance to the Gainesville office listed below for further processing. This copy will be maintained by our office and will be forwarded to the Department of Public Safety for their review and approval.

Georgia Department of Transportation
Jason Dykes, District Traffic Engineer
1475 Jesse Jewell Pkwy., Suite 100
Gainesville, Georgia 30501

It is the responsibility of the County to sign all off-system roadways. Speed limit signs and speed checked by detection device signs must be in place for thirty (30) days prior to radar use. The attached ordinance will go into effect upon approval from the Department of Public Safety. However, the County **cannot** use any speed detection device until the signing requirements are met. Should you have questions or require assistance, please contact Jonathan Peavy at (770) 533-8276.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Dykes", is written over a light blue horizontal line.

Jason Dykes, P.E.
District Traffic Engineer

JD/bn

Enclosures

c: Bill Andrew, City Manager
Rich Atkinson, City Planner

The Mayor of Flowery Branch is hereby requesting that the following roadways be approved for the use of speed detection devices:

LIST OF ROADWAYS
for
CITY OF FLOWERY BRANCH
ON-SYSTEM

STATE ROUTE	WITHIN THE CITY/TOWN LIMITS OF <i>and/or</i> <i>School Name</i>	FROM	MILE POINT	TO	MILE POINT	LENGTH IN MILES	SPEED LIMIT
SR 13	Flowery Branch	1461' south of Phil Niekro Blvd (South Flowery Branch City Limits)	03.88	913' north of Hog Mountain Road (North Flowery Branch City Limits)	06.60	02.72	45
SR 13 *** SCHOOL ZONE ***	Flowery Branch South Hall Middle School SCHOOL DAYS ONLY	1690' south of Hog Mountain Road	06.17	783' north of Martin Road	07.24	01.07	45
SR 347	Flowery Branch	1238' north of Ridge Road (South Flowery Branch City Limits)	05.19	3340' north of Ridge Road (North Flowery Branch City Limits)	05.59	00.40	45
SR 419 /I-985	Flowery Branch	3456' south of Spout Springs Road (South Flowery Branch City Limits)	11.02	2664' north of Spout Springs Road (North Flowery Branch City Limits)	12.17	01.15	70

ROAD NAME	WITHIN THE CITY/TOWN LIMITS OF and/or <i>School Name</i>	FROM	TO	LENGTH IN MILES	SPEED LIMIT
Gainesville Street	Flowery Branch	City Limits	Main Street	00.60	35
Lights Ferry Road	Flowery Branch	City Limits	Mitchell Street	00.66	45
Spout Springs Road	Flowery Branch	City Limits	State Route 13	00.94	45
Thurmond Tanner Parkway	Flowery Branch	2640' north of Spout Springs Road	2270' north of State Route 13	01.23	45

*****SCHOOL ZONE HOURS ARE EFFECTIVE*****

A.M. from 45 minutes prior to commencement time to 15 minutes after commencement time –
SCHOOL DAYS ONLY

P.M. from 15 minutes prior to dismissal time to 45 minutes after dismissal time –
SCHOOL DAYS ONLY

ALL LISTS AND PARTS OF LISTS IN CONFLICT WITH THIS LIST ARE HEREBY REPEALED.

Signature of Governing Authority:

Mayor

City Council Members

Sworn and Subscribed before me

This _____ day of _____, _____.

NOTARY PUBLIC



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider - Resolution 20-020: Water Sewer Rate Changes effective August 20, 2020 (September billing)

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

Nelsnick Enterprises, Inc has been working with the City over the past couple of years analyzing our water sewer capital improvement plan (CIP) and water sewer rates in relation to the CIP plan. On November 2, 2017, Nelsnick presented the CIP plan and recommended water sewer rate increases over the next 5 years based on infrastructure improvements needed in our system. The last rate change took effect with Resolution 19-014, approved October 18, 2019. Prior years increases were approved on December 7, 2018, and November 2, 2017. Before 2017, there were no increases to the rates since 2014. However, in the spring of 2018 it became apparent we needed to reevaluate the CIP plan due to various new developments coming to the area and more stress on the current system. This year, the rate changes also include a new format for charges; lowering the cost to the low usage customers and reallocating the costs to the appropriate levels of service used. The new plan information is attached.

FACTS AND ISSUES:

FACTS AND ISSUES:

The current water sewer capital infrastructure needs are increasing as our City continues to grow. The City needed to develop a CIP plan for water sewer infrastructure to remain compliant with EPD regulations and to meet the demands of our growing City. The need for these rate changes is an important contribution to this plan. For this year, a rate structure change is being recommended to address zero volume customers due to COVID-19 impact. The prior resolution 19-014 is attached for reference to compare to the proposed resolution 20-020.

OPTIONS:

Approve, modify or do not approve Resolution 20-020.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

To adopt resolution 20-020 for implementation of Water Sewer Rate Changes effective August 20, 2020 (September billing).

SAMPLE MOTION:

I make a motion adopt resolution 20-020 for implementation of Water Sewer Rate Changes effective August 20, 2020 (September billing).

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [19-014 - Water Sewer Rates - Approved 10-17-2019.pdf](#)
- [Executive Summary - Res 20-020 Water Sewer Rate Changes effective 8-20-2020.pdf](#)
- [20-020 WS Final Ordinance .pdf](#)
- [Technical Memorandum July 28 2020.pdf](#)
- [Flowery Branch Council Presentation July 29 2020.pdf](#)

RESOLUTION NO. 19-014

A RESOLUTION ESTABLISHING THE AMOUNT OF USE RATES FOR WATER AND SEWER SERVICE, THE AMOUNT OF CONNECTION FEES FOR WATER SERVICE AND THE AMOUNT OF CONNECTION/CAPACITY FEES FOR SEWER SERVICE

WHEREAS, the City of Flowery Branch is authorized by Art. IX, §II, ¶ III of the Constitution of the State of Georgia, O.C.G.A. § 36-35-3 and Art. VI, § 6.6 of the Charter of the City of Flowery Branch to assess and collect fees, charges and tolls for sewer, sanitary, health services or any other services within and without the corporate limits of the city for the total cost to the city of providing such services; and

WHEREAS, Ordinance No. 100-F authorizes the City Council of the City of Flowery Branch to set the amounts of rates for water and sewer service use, connection fees for water service and connection/capacity fees for sewer service by resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Flowery Branch that the rates for water and sewer service use, the connection fees for water service and the connection/capacity fees for sewer service shall be as follows:

Section 1. Water and Sewer Use Rates

WATER USE RATES

I. Within the Corporate Limits

A. Residential Water Users

1. Single Family Residential Water Users

0-1,000 gallons	\$7.11 minimum charge
1,001-2,500 gallons	\$17.79 minimum charge
2,501 -4,500 gallons	\$32.01 minimum charge
Tier 2-4,501 to 7,500 gallons	\$8.89 per 1,000 gallons
Tier 3- 7,501 gallons and over	\$10.67 per 1,000 gallons

2. Multi-Family Residential Water Users (Per Unit Rates) *

0 - 3,355 gallons	\$23.86 minimum charge
Tier 2 - 3,356 to 7,500 gallons	\$8.89 per 1,000 gallons
Tier 3 - 7,501 gallons and over	\$10.67 per 1,000 gallons

B. Non-Residential Water Users

0 - 7,000 gallons	\$32.01 minimum charge
Tier 2 - 7,001 to 60,000 gallons	\$5.72 per 1,000 gallons
Tier 3 - 60,001 gallons and over	\$6.88 per 1,000 gallons

II. Outside the Corporate Limits

A. Residential Water Users

1. Single Family Residential Water Users

0 - 1,000 gallons	\$9.47 minimum charge
1,001 - 2,500 gallons	\$23.69 minimum charge
2,501 - 4,500 gallons	\$42.63 minimum charge
Tier 2 - 4,501 to 7,500 gallons	\$11.84 per 1,000 gallons
Tier 3 - 7,501 gallons and over	\$14.23 per 1,000 gallons

2. Multi-Family Residential Water Users (Per Unit Rates)

0 - 3,355 gallons	\$31.78 minimum charge
Tier 2 - 3,356 to 7,500 gallons	\$11.84 per 1,000 gallons
Tier 3 - 7,501 gallons and over	\$14.23 per 1,000 gallons

B. Non-Residential Water Users

0 - 7,000 gallons	\$42.55 minimum charge
Tier 2 - 7,001 to 60,000 gallons	\$7.61 per 1,000 gallons
Tier 3 - 60,001 gallons and over	\$9.11 per 1,000 gallons

• For multi-family residential water users utilizing a master meter, the above per unit rate shall be based on a quarterly tally of occupancy for the first of each month on January, April, July and October. This information should be in the possession of the City of Flowery Branch by the 15th of each month's so the bill may properly reflect occupancy.

SEWER USE RATES

I. Within the Corporate Limits

A. Residential Sewer Users

1. Single Family Residential Sewer Users

Base Charge	\$5.51 per Month
All Volume	\$8.30 per 1,000 gallons

2. Multi-Family Residential Sewer Users (Per Unit)

0–3,355 gallons	\$29.22 minimum charge
3,356 gallons and over	\$5.63 per 1,000 gallons

B. Non-Residential Sewer Users

0–7,000 gallons	\$39.27 minimum charge
7,001 gallons and over	\$5.63 per 1,000 gallons

II. Outside the Corporate Limits

A. Residential Sewer Users

1. Single Family Residential Sewer Users

Base Charge	\$7.28 per Month
All Volume	\$11.14 per 1,000 gallons

2. Multi-Family Residential Sewer Users (Per Unit)

0–3,355 gallons	\$38.89 minimum charge
3,356 gallons and over	\$11.59 per 1,000 gallons

B. Non-Residential Sewer Users

0–7,000 gallons	\$52.15 minimum charge
7,001 gallons and over	\$7.49 per 1,000 gallons

Section 2. Account Service Fees

Customers receiving Account Statements for Water and Sewer will be charged \$2.90 per month, while customers receiving Account Statements for only water or only sewer will be charged \$1.75 per month.

Section 3. Hardship Rates

SENIOR CITIZENS: Upon making written application on such forms as provided by the City Manager, a discount of \$10.00 monthly will be applied to any water bill exceeding 2,500 gallons per month in usage and in which the head of the household is 65 years of age or older. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau.

DISABLED: Upon making written application on such forms as provided by the City Manager, a discount of \$10.00 monthly will be applied to any water bill exceeding 2,500 gallons per month and in which the head of the household has been declared disabled by the US Social Security Administration or the US Department of Veterans Affairs. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau.

Section 4. One-Time Water Leak Adjustment

Upon repairing a leak, a customer may receive an adjustment to the water bill or bills (two consecutive months) that covered the time of the leak. The customer remains responsible for their regular bills reduced by the leak amount. The leak amount will be calculated by subtracting the average month usage of the last 3 months (or less if 3-month data unavailable) from the impacted bills (2 months maximum). It is important that the customer understands that the onetime leak adjustment is available for an account holder only one time. The customer must provide either a copy of the plumber bill or copies of receipts for the repair to be given the one-time water leak adjustment.

Only Single-Family Residential customers are eligible for the One Time Leak Adjustment Policy. It does not apply to Commercial accounts.

It is important to note that this adjustment **does not** apply to sewer billings for a leak that did **not go into the sewer**. If the water leaked prior to entering the sewer line, you can give the customer an adjustment for the sewer portion of the bill. You may adjust the bill back to the customer's normal sewer billing. A sewer credit can be issued once a year for a maximum of three consecutive months (this is to encourage the customer to make the necessary repairs). The type of customer (residential or commercial) is not relevant to determine if the customer is eligible for the sewer adjustment. All classes of customers are eligible for the sewer credit.

Section 5. Tampering and Disconnection Fees

Service that has been scheduled for disconnection or has been disconnected for non-payment of a utility bill will be restored only after the past month and current month bill is paid in full and a \$30.00 service charge paid.

Evidence of removing or damaging a lock that has been placed on a meter for non-payment of service will require the City of Flowery Branch to remove the meter from the service address. Service will be restored only after the past month and current month bill is paid in full, a \$50.00 tampering fee is paid in full, a \$20.00 lock replacement fee is paid in full and a \$ 30.00 service charge paid in full.

Evidence of tampering with a meter after service has been disconnected for non-payment of a utility bill will require the City of Flowery Branch to remove the meter from the service address. Service will be restored only after the past month and current month bill is paid in full, a \$50.00 tampering fee is paid in full and a \$ 30.00 service charge paid in full.

Section 6. Water Connection Fees.

WATER CONNECTION FEES **(Fees Are Per Connection)**

The Water Connection Fee includes the meter installation cost plus a System Development Charge (SDC) plus an administrative fee.

Meter installation cost will vary depending on water main location and size of meter as well as if installed by a developer or by Flowery Branch. Developers installing meters shall purchase meter from Flowery Branch and install on the water system to Flowery Branch specifications. The following schedule is for meters installed by Flowery Branch staff only.

Descriptions	Tap
3/4" Short	\$1,116
3/4" Long	\$1,429
1" Short	\$1,186
1" Long	\$1,500
2" Short	\$3,909
2" Long	\$4,217
3"	\$11,210
4"	\$12,338
6"	\$15,537

The System Development Charge for water service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The typical peak gallons shall be provided by a Professional Engineer or Architect registered in Georgia and approved by Flowery Branch. The cost for capacity (SDC) is \$4.78 per gallon.

Alternatively, the following schedule can be used for the Water SDC. A 92% Occupancy Factor is applied to multi-unit residential developments.

Meter Size (in inches)	Meter Equivalency Ratios	Water SDC	Admin	Total
Multiunit Master Meter with Sub-Meters	0.7	\$773	\$23	\$796
¾"	1	\$1,104	\$33	\$1,137
1"	2.5	\$2,760	\$50	\$2,810
1 1/2"	5	\$5,520	\$50	\$5,570
2"	8	\$8,832	\$50	\$8,882
3"	16	\$17,664	\$50	\$17,714
4"	25	\$27,600	\$50	\$27,650
6"	50	\$55,200	\$50	\$55,250
8"	80	\$88,320	\$50	\$88,370

Section 7. Sewer Connection/Capacity Fees.

SEWER CONNECTION/CAPACITY FEES **(Fees Are Per Connection)**

The Wastewater Connection Fee includes the System Development Charge (SDC) plus an administrative fee. The cost of installation of sewer connection is the responsibility of the developer/owner.

The System Development Charge for wastewater service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The typical peak gallons shall be provided by a Professional Engineer or Architect registered in Georgia and approved by Flowery Branch. The cost for capacity (SDC) is \$15.53 per gallon.

Alternatively, the following schedule can be used for the Wastewater SDC. A 92% Occupancy Factor is applied to multi-unit residential developments.

Water Meter Size (in inches)	Meter Equivalency Ratios	Wastewater SDC*	Admin**	Total
Multiunit Master Meter with Sub-Meters	0.7	\$1,932	\$36	\$1,968
¾"	1	\$2,760	\$50	\$2,810
1"	2.5	\$6,900	\$50	\$6,950
1 1/2"	5	\$13,800	\$50	\$13,850
2"	8	\$22,080	\$50	\$22,130
3"	16	\$44,160	\$50	\$44,210
4"	25	\$69,000	\$50	\$69,050
6"	50	\$138,000	\$50	\$138,050
8"	80	\$220,800	\$50	\$220,850

Non-Residential Temporary Sewer Users. The sewer connection/capacity fee for the temporary use of sewer service for up to 24 months shall be equal to 15% of the sewer SDC.

Section 8. Moratoriums. If new development is estimated to exceed the capacity of water supply or distribution system capacity or wastewater collection or treatment, the City of Flowery Branch may place a temporary moratorium on new development until such capacity is added. Such moratorium may be system-wide or to specific geographic locations of the service area depending on the situation. A separate ordinance will be voted on by City Council at the recommendation of the City Manager as to the time and scope of the moratorium.

Section 10. Landlord Agreement. Landlords may request continuous water service for newly unoccupied rental units by using the latest landlord agreement form provided by the Water/Wastewater Department. A deposit fee of \$120 will be charged each time when the account is re-established in the Landlord's name at the time that a tenant requests service disconnection OR tenant account is closed for non-payment and service is transferred to the landlord. The landlord will be responsible for all billed water volume and monthly fees of the unoccupied rental unit during this time.

Each time a new tenant applies for service for any of the service addresses listed on the landlord agreement form said account will be final billed. However, should the landlord for any reason, request that the water service be disconnected once the agreement is established and no tenant has applied for water/sewer service, the appropriate charges will be billed, and this agreement will be null and void.

Landlord's requesting to participate in this agreement must have a good payment history. The Landlord's deposit will remain on the account until the Landlord requests the

account be taken off of Landlord status and the account is closed. If any accounts on this agreement fall into delinquent status, this agreement will be considered null and void.

Section 11. Flowery Branch Sewer Customers on Gainesville Water System.

Customers utilizing the Flowery Branch sewer but receive water service from the City of Gainesville shall be billed directly by the City of Gainesville using the following schedule. Please note, all units of sewage are billed based on the water meter reading and are in 100 cubic feet (CCF). There are approximately 748 gallons in 1 CCF.

Gainesville-Flowery Branch Sewer			
	Inside City		
	Base	Unit (CCF)	Note
Residential	\$7.51	\$6.18	no volume in base
Multi-Family	\$7.51	\$4.19	no volume in base
Commercial	\$7.51	\$4.19	no volume in base
Industrial	\$7.51	\$4.19	no volume in base
	Outside City		
	Base	Unit (CCF)	
Residential	\$9.28	\$8.30	no volume in base
Multi-Family	\$9.28	\$8.64	no volume in base
Commercial	\$9.28	\$5.58	no volume in base
Industrial	\$9.28	\$5.58	no volume in base

Section 12. Miscellaneous Fees. The following are additional fees for specific services provided by Flowery Branch.

\$120 for Water and Sewer Deposit Fee – This is charged for new application for water and sewer service. The deposit will be used for the final bill and balance refunded to a customer.

\$65 for Sewer Only Deposit Fee – This is charged for new application for sewer only service. The deposit will be used for the final bill and balance refunded to a customer.

\$60 admin fee for new service applications – The administrative cost of establishing an account and turning on the water meter.

\$60 cut off fee – The administrative cost of closing an account and turning off the water meter. This applies to all accounts 30 days past due.

\$30.00 Return Check Fee – A fee will be charged on checks or bank drafts returned for any reason, and water service may be subject to disconnect.

Section 12. Debt Collections. Accounts that are not fully paid after 90 days shall be turned over to a collection agency for processing. An additional service fee of may be applied to cover the cost of collection agency.

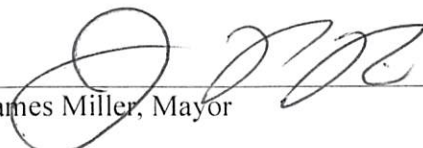
Section 13. Repeal of Conflicting Resolutions. Any part of any prior resolutions in conflict with the terms of this Resolution, are hereby repealed to the extent of the conflict; but it is hereby provided, that any resolution, ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Resolution on behalf of the City of Flowery Branch.

Section 14. Severability. If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court or

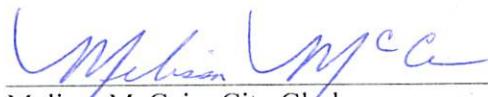
competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstance shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances no so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt all parts hereof as may not be held invalid for any reason.

Section 15. Effective Date. This Resolution shall become effective the date of October 18, 2019 once it is adopted by the Council of the City of Flowery Branch.

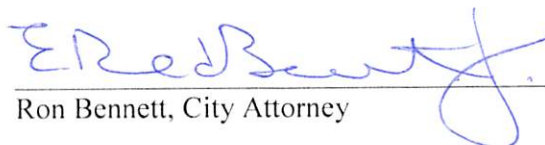
SO, RESOLVED this 17th day of October 2019.


James Miller, Mayor

ATTEST:


Melissa McCain, City Clerk

APPROVED AS TO FORM:


Ron Bennett, City Attorney



FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Resolution 20-020 for Water Sewer Rate Changes effective August 20, 2020
(September billing)

DATE: July 28, 2020

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

(X)RECOMMENDATION
() POLICY DISCUSSION
() STATUS REPORT
() OTHER

COUNCIL ACTION REQUESTED ON: August 20, 2020

PURPOSE:

To change water sewer rates and connection fee rates to meet the current needs for the City.

HISTORY:

Nelsnick Enterprises, Inc has been working with the City over the past couple of years analyzing our water sewer capital improvement plan (CIP) and water sewer rates in relation to the CIP plan. On November 2, 2017, Nelsnick presented the CIP plan and recommended water sewer rate increases over the next 5 years based on infrastructure improvements needed in our system. The last rate change took effect with Resolution 19-014, approved October 18, 2019. Prior years increases were approved on December 7, 2018, and November 2, 2017. Before 2017, there were no increases to the rates since 2014. However, in the spring of 2018 it became apparent we needed to reevaluate the CIP plan due to various new developments coming to the area and more stress on the current system. This year, the rate changes also include a new format for charges; lowering the cost to the low usage customers and reallocating the costs to the appropriate levels of service used. The new plan information is attached.

FACTS AND ISSUES:

The current water sewer capital infrastructure needs are increasing as our City continues to grow. The City needed to develop a CIP plan for water sewer infrastructure to remain compliant with EPD regulations and to meet the demands of our growing City. The need for these rate changes is an important contribution to this plan. For this year, a rate structure change is being recommended to address zero volume customers due to COVID-19 impact. The prior resolution 19-014 is attached for reference to compare to the proposed resolution 20-020.

Water				Wastewater			
Inside City							
Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-1000	7.11	Base Charge	7.00	Base Charge	5.51	Base Charge	7.00
1001-2500	17.79	0-2500	5.60	All	8.30	All	8.93
2501-4500	32.01	2501-4500	7.00				
4501 - 7500	8.89	4501 and above	11.20				
7501 and above	10.67						
Multifamily							
Volume	FY20	Range * Units	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-3355	23.86	Base Charge	7.00	0-3355	29.22	Base Charge	7.00
		0-2500	5.60	3356 and above	5.63	All	7.25
3356-7500	8.89	2501-4500	7.00				
7501 and above	10.67	4501 and above	11.20				

Non-Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-7000	32.01	Base Charge	14.00	0-7000	39.27	Base Charge	14.00
		0-4500	4.95	7001 and above	5.63	All	6.10
7000-60,000	5.72	4501-60,000	6.19				
60,001 and above	6.88	60,001 and above	7.43				

OPTIONS:

Approve the resolution to change water sewer rates or table for further discussion.

RECOMMENDED SAMPLE MOTION:

I make a motion adopt resolution 20-020 for implementation of Water Sewer Rate Changes effective August 20, 2020 (September billing).

DEPARTMENT: Administration

Prepared by: Alisha Gamble

RESOLUTION NO. 20-020

A RESOLUTION ESTABLISHING THE USE RATES FOR WATER AND SEWER SERVICE'S, THE CONNECTION FEES FOR WATER SERVICE AND THE CONNECTION/CAPACITY FEES FOR SEWER SERVICE

WHEREAS, the City of Flowery Branch is authorized by Art. IX, §II, ¶ III of the Constitution of the State of Georgia, O.C.G.A. § 36-35-3 and Art. VI, § 6.6 of the Charter of the City of Flowery Branch to assess and collect fees, charges and tolls for sewer, sanitary, health services or any other services within and without the corporate limits of the city for the total cost to the city of providing such services; and

WHEREAS, Ordinance No. 100-F authorizes the City Council of the City of Flowery Branch to set the rates for water and sewer services, connection fees for water service and connection/capacity fees for sewer service by resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Flowery Branch that the rates for water and sewer services, the connection/capacity fees for water service and the connection/capacity fees for sewer service shall be as follows:

Section 1 - Water and Sewer Services Rates

Section 1.1 Within the Corporate Limits – Customers whose service address is within the city limits of Flowery Branch will be charged the inside city rates, fees, and charges.

Section 1.2 Water System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the water system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Inside City Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$7.00	\$1.75	\$8.75
1"	\$17.50	\$1.75	\$19.25
1 1/2"	\$35.00	\$1.75	\$36.75
2"	\$56.00	\$1.75	\$57.75
3"	\$112.00	\$1.75	\$113.75
4"	\$175.00	\$1.75	\$176.75
6"	\$350.00	\$1.75	\$351.75
8"	\$560.00	\$1.75	\$561.75

Inside City Non-Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$14.00	\$1.75	\$15.75
1"	\$35.00	\$1.75	\$36.75
1 1/2"	\$70.00	\$1.75	\$71.75
2"	\$112.00	\$1.75	\$113.75
3"	\$224.00	\$1.75	\$225.75
4"	\$350.00	\$1.75	\$351.75
6"	\$700.00	\$1.75	\$701.75
8"	\$1,120.00	\$1.75	\$1,121.75

Section 1.3 Multi-unit development monthly charges - Water customers in multi-unit developments shall pay the above base charge and account servicing fee for each meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.4 Water System Commodity Charges – Customers shall pay for all water metered using an increasing block rate structure (conservation-based rate structure) based on the following customer classes:

Section 1.4.1 Single-Family Residential (SFR) Water Users – Customers that primary water use for a single-family detached home.

SFR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$5.60
Tier 2	2,501 - 4,500	\$7.56
Tier 3	Above 4,500	\$11.20

Section 1.4.2 Multi-Family Residential (MFR) Water Users – Customers that primary water use is for a single unit of a multi-unit residential complex and is read directly by Flowery Branch staff.

MFR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$5.60
Tier 2	2,501 - 4,500	\$7.56
Tier 3	Above 4,500	\$11.20

Section 1.4.3 Multi-Family Residential Water Users (master-metered) –

Customers that primary water use is for a multi-unit residential complex served by a master meter. Flowery Branch shall bill the master meter only with the invoice allocated to the individual units by the property management per State law requirements. The Tier volume range will be the SFR Tier ranges multiplied by the number of units served by the master meter.

MFR Inside City Water Volume Charges (Master-metered)

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500 x number of units	\$5.60
Tier 2	2,501 - 4,500 x number of units	\$7.56
Tier 3	Above 4,500 x number of units	\$11.20

Section 1.4.4 Non-Residential (NR) Water Users – All other uses not provided above and typically includes industrial, commercial, office, hotels and motels and other uses not dedicated for long-term residential domicile.

NR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 4,500	\$4.95
Tier 2	4,501 - 60,000	\$6.19
Tier 3	Above 60,000	\$7.43

Section 1.5 Wastewater System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the wastewater system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on water meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Inside City Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$7.00	\$1.75	\$8.75
1"	\$17.50	\$1.75	\$19.25
1 1/2"	\$35.00	\$1.75	\$36.75
2"	\$56.00	\$1.75	\$57.75
3"	\$112.00	\$1.75	\$113.75
4"	\$175.00	\$1.75	\$176.75
6"	\$350.00	\$1.75	\$351.75
8"	\$560.00	\$1.75	\$561.75

Inside City Non-Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$14.00	\$1.75	\$15.75
1"	\$35.00	\$1.75	\$36.75
1 1/2"	\$70.00	\$1.75	\$71.75
2"	\$112.00	\$1.75	\$113.75
3"	\$224.00	\$1.75	\$225.75
4"	\$350.00	\$1.75	\$351.75
6"	\$700.00	\$1.75	\$701.75
8"	\$1,120.00	\$1.75	\$1,121.75

Section 1.6 Multi-unit development monthly charges - Wastewater customers in multi-unit developments shall pay the above base charge and account servicing fee for each water meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.7 Wastewater System Commodity Charges – Customers shall pay for all wastewater based on water metered using a uniform rate structure for all customer.

Inside City Single-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$8.93

Inside City Multi-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$7.25

Inside City Non-Residential Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$6.10

Section 1.8 Outside the Corporate Limits – Customers whose service address is outside the city limits of Flowery Branch will be charged the outside city rates, fees, and charges. The outside city rates reflect the additional cost in serving outside customer including additional pumping cost, travel, and risks associated with serving outside jurisdictional customer.

Section 1.9 Water System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the water system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Outside City Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$8.75	\$1.75	\$10.50
1"	\$21.88	\$1.75	\$23.63
1 1/2"	\$43.75	\$1.75	\$45.50
2"	\$70.00	\$1.75	\$71.75
3"	\$140.00	\$1.75	\$141.75
4"	\$218.75	\$1.75	\$220.50
6"	\$437.50	\$1.75	\$439.25
8"	\$700.00	\$1.75	\$701.75

Outside City Non-Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$17.50	\$1.75	\$19.25
1"	\$43.75	\$1.75	\$45.50
1 1/2"	\$87.50	\$1.75	\$89.25
2"	\$140.00	\$1.75	\$141.75
3"	\$280.00	\$1.75	\$281.75
4"	\$437.50	\$1.75	\$439.25
6"	\$875.00	\$1.75	\$876.75
8"	\$1,400.00	\$1.75	\$1,401.75

Section 1.10 Multi-unit development monthly charges - Water customers in multi-unit developments shall pay the above base charge and account servicing fee for each meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per

State law requirements.

Section 1.11 Water System Commodity Charges – Customers shall pay for all water metered using an increasing block rate structure (conservation-based rate structure) based on the following customer classes.

Section 1.11.1 Single- Family Residential (SFR) Water Users – Customers that primary water use for a single-family detached home.

SFR Outside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$7.00
Tier 2	2,501 - 4,500	\$8.75
Tier 3	Above 4,500	\$14.00

Section 1.11.2 Multi-Family Residential (MFR) Water Users – Customers that primary water use is for a single unit of a multi-unit residential complex and is read directly by Flowery Branch staff.

MFR Outside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$7.00
Tier 2	2,501 - 4,500	\$8.75
Tier 3	Above 4,500	\$14.00

Section 1.11.3 Multi-Family Residential Water Users – Customers that primary water use is for a multi-unit residential complex served by a master meter. Flowery Branch shall bill the master meter only with the invoice allocated to the individual units by the property management per State law requirements. The Tier volume range will be the SFR Tier ranges multiplied by the number of units served by the master meter.

MFR Outside City Water Volume Charges (Master-metered)

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500 x number of units	\$7.00
Tier 2	2,501 - 4,500 x number of units	\$8.75
Tier 3	Above 4,500 x number of units	\$14.00

Section 1.11.4 Non-Residential (NR) Water Users – All other uses not provided above and typically includes industrial, commercial, office, hotels and motels and other uses not dedicated for long-term residential domicile.

NR Outside City Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 4,500	\$6.19
Tier 2	4,501 - 60,000	\$7.74
Tier 3	Above 60,000	\$9.29

Section 1.12 Wastewater System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the wastewater system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on water meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Outside City Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$8.75	\$1.75	\$10.50
1"	\$21.88	\$1.75	\$23.63
1 1/2"	\$43.75	\$1.75	\$45.50
2"	\$70.00	\$1.75	\$71.75
3"	\$140.00	\$1.75	\$141.75
4"	\$218.75	\$1.75	\$220.50
6"	\$437.50	\$1.75	\$439.25
8"	\$700.00	\$1.75	\$701.75

Outside City Non-Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$17.50	\$1.75	\$19.25
1"	\$54.69	\$1.75	\$56.44
1 1/2"	\$109.38	\$1.75	\$111.13
2"	\$175.00	\$1.75	\$176.75
3"	\$350.00	\$1.75	\$351.75
4"	\$546.88	\$1.75	\$548.63
6"	\$1,093.75	\$1.75	\$1,095.50
8"	\$1,400.00	\$1.75	\$1,401.75

Section 1.13 Multi-unit development monthly charges - Wastewater customers in multi-unit developments shall pay the above base charge and account servicing fee for each water meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.14 Wastewater System Commodity Charges – Customers shall pay wastewater volume based on water metered using a uniform rate structure for all customers.

Outside City Single-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$11.16

Outside City Multi-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$9.06

Outside City Non-Residential Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$7.62

Section 1.15 Irrigation Meters Unit Charges – Inside City Customers shall pay the Inside City SFR Tier 3 volume rate for all water metered through an irrigation meter. Outside City Customers shall pay the Outside City SFR Tier 3 volume rate for all water metered through an irrigation meter.

Section 2 Gainesville Water System Customers Wastewater Charges

Customers utilizing the Flower Branch sewer system but receiving water service from the City of Gainesville shall be billed directly by the City of Gainesville using the following schedule. Please note, all units of sewage are billed based on the water meter reading and are in 100 cubic feet (CCF). There are approximately 748 gallons in 1 CCF.

Gainesville-Flowery Branch Sewer			
Inside City			
Description	Base	Unit (CCF)	Note
Residential	\$8.00	\$6.75	no volume in base
Multi-Family	\$8.00	\$6.75	no volume in base
Commercial	\$8.00	\$6.75	no volume in base
Industrial	\$8.00	\$6.75	no volume in base
Outside City			
Description	Base	Unit (CCF)	Note
Residential	\$9.00	\$8.30	no volume in base
Multi-Family	\$9.00	\$8.30	no volume in base
Commercial	\$9.00	\$8.30	no volume in base
Industrial	\$9.00	\$8.30	no volume in base

Section 3 Hardship Rates

SENIOR CITIZENS: Upon making written application on such forms as provided by the City Manager, customers billed directly by Flowery Branch may receive a discount of \$5.00 for water service and \$5.00 for wastewater service provided by Flowery Branch applied monthly to residential accounts in which the head of the household is 65 years of age or older. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau. The discount will be applied for up to two years for accounts that remain in good standing. Prior to expiration an account holder may apply for a two-year extension.

This discount may be provided to multi-family properties billed by Flowery Branch on a per unit basis provided each eligible owner/renter submits and maintains an application and that the discount is provided directly to eligible participants by the property management.

DISABLED: Upon making written application on such forms as provided by the City Manager, customers billed directly by Flowery Branch may receive a discount of \$5.00 for water service and \$5.00 for wastewater service provided by Flowery Branch applied monthly to residential accounts in which the head of the household has been declared disabled by the US Social Security Administration or the US Department of Veterans Affairs. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau. The discount will be applied for up to two years for accounts that remain in good standing. Prior to expiration an account holder may apply for a two-year extension.

This discount may be provided to multi-family properties billed by Flowery Branch on a per unit basis provided each eligible owner/renter submits and maintains an application and that the discount is provided directly to eligible participants by the property management.

Section 4 One-Time Water Leak Adjustment

Upon repairing a leak, a customer may receive an adjustment to the water bill or bills (two consecutive months) that covered the time of the leak. The customer remains responsible for their regular bills reduced by the leak amount. The leak amount will be calculated by subtracting the average month usage of the last 3 months (or less if 3-month data unavailable) from the impacted bills (2 months maximum). It is important that the customer understands that the onetime leak adjustment is available for an account holder only one time. The customer must provide either a copy of the plumber bill or copies of receipts for the repair to be given the one-time water leak adjustment.

Only Single-Family Residential customers are eligible for the One Time Leak Adjustment Policy. It does not apply to Commercial accounts.

It is important to note that the one-time water leak adjustment limit **does not** apply to sewer billings for a leak that did **not go into the sewer**. If the water leaked prior to entering the sewer line, you can give the customer an adjustment for the sewer portion of the bill. You may adjust the bill back to the customer's normal sewer billing. A sewer credit can be issued once a year for a maximum of three consecutive months (this is to encourage the customer to make the necessary repairs). The type of customer (residential or commercial) is not relevant to determine if the customer is eligible for the sewer adjustment. All classes of customers are eligible for the sewer credit.

Section 5 Tampering and Disconnection Fees

Service that has been scheduled for disconnection or has been disconnected for non-payment of a utility bill or evidence of meter tampering will be restored only after the past month and current month bill is paid in full and a \$30.00 (disconnection fee) service charge paid. A lock will be placed on the meter until the account is paid in full. Additionally, if the meter is damaged due to tampering, the cost of installing a new meter will be charged (See meter set fee later in ordinance).

Evidence of removing or damaging a lock that has been placed on a meter for non-payment of service will require the City of Flowery Branch to remove the meter from the service address. Service will be restored only after the past month and current month bill is paid in full, a \$50.00 tampering fee is paid in full, a \$20.00 lock replacement fee is paid in full and a \$30.00 (disconnection fee) service charge paid in full. Additionally, if the meter is damaged due to tampering, the cost of installing a new meter will be charged (See meter set fee later in ordinance).

Section 6 Water Connection Fees.

The Water Connection Fee includes four components as follow:

- 1) Tap Fee - the cost of tapping into the water main and providing a service main and meter box,
- 2) Meter Set Fee - the meter installation cost including backflow protection and data transmitter,
- 3) System Development Charge (SDC) – the fair share cost of infrastructure including system pipe size, elevated storage, water supply/treatment and pumping to provide peak day water capacity based on requested water capacity or by meter size, and
- 4) Administrative fee – to recover cost for customer service and tracking information related to the service connection.

Section 6.1 Tapping and Meter Set Fees - The water connection installation fee recovers the cost of labor, materials, and equipment for providing a connection from the water main to the property boundary including the cost of the meter box/vault. **This differs from the SDC in the next section which recovers the fair share cost of the distribution and treatment facilities based on requested capacity.** The meter set fee recovers the cost of labor, materials, and equipment for providing the meter, backflow, and data transmitter. Tapping Fees and Meter Set Fees apply to all connections performed by Flowery Branch staff including the installation of master meters, direct service to individual units, and irrigation meters. Developers that install the tap and meter box to Flowery Branch specifications shall only pay the meter set fee. Developers that purchase meters/backflow and transmitter from Flowery Branch and install meter shall only pay the cost of materials.

Water Connection Installation Fee

Descriptions	Tap Fee	Meter Set Fee	Total
3/4" Short	\$693	\$580	\$1,273
1" Short	\$593	\$750	\$1,343
2" and larger	At Cost	At Cost	At Cost

Section 6.2 System Development Charge and Admin Fee - The System Development Charge for water service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The following schedule can be used for the Water SDC and Administration Fee. Attached multi-unit developments typically use less water than detached units. A 70% factor is applied to the SDC to account for this reduced water use and vacancy rates. This is already included in the chart below under the capacity ratios column. The capacity ratio is a factor applied to a typical ¾" meter based on the American Water Works Association (AWWA) flow capacity. Based on the latest connection fee study, a single-family home using a ¾" meter will use **231.2** gallons for a typical peak day. Therefore, an equivalent dwelling unit (EDU) is considered to require 231.2 gallons of capacity from the water distribution and treatment plant.

An administrative fee to recover the cost of application/plan review, customer service, data collection/tracking and SDC calculation is added per dwelling unit or business unit. The admin fee is **\$23** for multi-family attached developments for each unit, **\$33** for ¾" detached developments and multi-unit commercial developments and **\$50** for developments (detached or attached) requiring a meter 1" or larger. The SDC and admin fee is charged for each unit in the

development.

Water Connection System Development Charge and Admin Fee

Meter Size (in inches)	Capacity Ratios	Water SDC	Admin	Total
3/4" Meters used in Multiunit Attached Developments	0.7	\$773	\$23	\$796
¾" Detached Single Family and individual businesses	1	\$1,104	\$33	\$1,137
1"	2.5	\$2,760	\$50	\$2,810
1 1/2"	5	\$5,520	\$50	\$5,570
2"	8	\$8,832	\$50	\$8,882
3"	16	\$17,664	\$50	\$17,714
4"	25	\$27,600	\$50	\$27,650
6"	50	\$55,200	\$50	\$55,250
8"	80	\$88,320	\$50	\$88,370

Section 6.3 Irrigation Meters - A ¾" irrigation meter will use approximately 600 gallons per application assuming 30 minutes and 20 gallons per minute (¾" meter) or over twice the single-family home domestic meter, as such, an irrigation meter shall be charged an SDC two times the SDC rate of a non-irrigation meter of equivalent size. i.e. the SDC for a 1" irrigation meter would be $2 \times \$2,760 = \$5,520$ plus any installation costs (labor, equipment and materials). No administrative fee would be applied to an irrigation meter for existing or new non-irrigation customer connections. To encourage water conservation, residential units are prohibited to have an irrigation meter with all water metered being charged the appropriate water Tiered rate plus if applicable sewer unit charges.

Water Irrigation Meter System Development Charge

Irrigation Meter Size (in inches)	Capacity Ratio	Water SDC	Total
3/4"	2	\$1,104 x 2	\$2,208
1"	5	\$2,760 x 2	\$5,520
1 1/2"	10	\$5,520 x 2	\$11,040
2"	16	\$8,832 x 2	\$17,664
3"	32	\$17,664 x 2	\$35,328
4"	50	\$27,600 x 2	\$55,200
6"	100	\$55,200 x 2	\$110,400
8"	160	\$88,320 x 2	\$176,640

Section 6.4 Multi-unit Development served by a master-meter - Multi-unit developments that install sub-metering¹ to individual units shall provide connection to the Flowery Branch water system and meter boxes per Flowery Branch specification for each master meter required to serve the development. Developer shall only pay the meter set fees for the master meters, and SDC and admin fees for each sub-metered unit. The meter set fee will be based on meter size of the master meters installed by Flowery Branch and include labor, materials and equipment associated with the meter, backflow protection and data transmitter as applicable (see Section 6.1). The SDC and Admin fee will be based on the sub-meter size based on the following table.

Water System Development Charge and Admin Fee (Master-metered)

Sub-meter Size	Meter Equivalency Ratios	SDC	Admin	Total
3/4" or smaller Attached Units	0.7	\$773	\$23	\$796 x # of units
3/4" Single Family/Business Detached	1	\$1,104	\$33	\$1,137 x # of units
1"	2.5	\$2,760	\$50	\$2,810 x # of units
1 1/2"	5	\$5,520	\$50	\$5,570 x # of units
2"	8	\$8,832	\$50	\$8,882 x # of units
3"	16	\$17,664	\$50	\$17,714 x # of units
4"	25	\$27,600	\$50	\$27,650 x # of units
6"	50	\$55,200	\$50	\$55,250 x # of units
8"	80	\$88,320	\$50	\$88,370 x # of units

Section 6.5 Mixed Use/Special Developments - Each use in a development that has a mixture of attached and detached units and/or residential and non-residential uses and/or use of master-metering shall identify the number of units by type and apply the appropriate schedules. In the event that the developer requires a different capacity other than provided in the SDC tables, the typical peak day gallons shall be provided by a Professional Engineer or Architect registered in Georgia. This capacity needs calculation and methodology shall be approved by Flowery Branch engineering staff or consultant for reasonableness. The cost for capacity (SDC) is **\$4.78** per peak day gallon plus the appropriate admin fees by meter size for each unit. **The service main and/or meter size capacity to the Flowery Branch water system shall not exceed the requested capacity.**

Section 6.6 Connections for Fire Suppression – Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios and multiplying by the ¾" water system development charge. Developers that provide public access fire hydrants within their development and dedicate to the City of Flowery Branch shall be exempt from the Fire Suppression System Development Charge.

¹ Georgia state law now requires all new multi-unit developments to individually meter each unit within the development. Water charges based on the master meter are to be fairly allocated to the individual units based on usage. Flowery Branch shall only be responsible for billing at the master meter level.

Section 6.7 Example Situation

Section 6.7.1 Single Family ¾" water meter installed by Flowery Branch staff

The owner/developer will pay \$1,273 for the Tap and Meter Set fees and \$1,137 for the SDC and admin fee or a total of \$2,410.

Section 6.7.2 Single Family detached Subdivision with ¾" water meter installed by Flowery Branch staff and developer providing water tap and meter box for 25 homes. Also, a 1" irrigation meter is requested to be installed by Flowery Branch for a common area to be the responsibility of a homeowners association.

The owner/developer will pay \$580 in Meter Set fees and \$1,137 in SDC and admin fees for each home or 25 x 1,717 a total of \$42,925. The irrigation meter would be \$5,520 plus any installation costs performed by Flowery Branch. Please note; irrigation meters are prohibited to single family dwellings to promote water conservation but are available for non-residential entities that would be responsible for billing.

Section 6.7.3 Multiunit development served by two 2" master meters for two 5-unit condo buildings with each unit sub-metered. Also, an addition 1" meter is installed by the developer for a clubhouse to be the responsibility of a homeowner's association.

The owner/developer will pay Meter Set fees for each master meter at cost. The owner/developer will also pay \$796 in SDC and admin fees for each unit or 10 x \$796 or a total of \$7,960. The 1" clubhouse meter installed by the developer purchased at-cost from Flowery Branch will add \$2,810 to the total fee.

Section 7 Sewer Connection/Capacity Fees

The Wastewater Connection Fee includes two components as follows:

- 1) System Development Charge (SDC) – the fair share cost of infrastructure including system pipe size, lift stations and treatment to provide peak day sewer capacity based on requested flow capacity or water meter size, and
- 2) Administrative fee – to recover cost for customer service and tracking information related to the service connection.

The cost of installation of the sewer connection is the responsibility of the developer/owner.

Section 7.1 System Development Charge and Admin Fee - The System Development Charge for wastewater service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The following schedule can be used for the Wastewater SDC and Administration Fee. Attached multiunit developments typically use less water than detached units. A 90% factor is applied to the SDC to account for this reduced water use and vacancy rates. This is already included in the chart below under the capacity ratios column. The capacity ratio is a factor applied to a typical ¾” meter based on the American Water Works Association (AWWA) flow capacity. Based on the latest connection fee study, a single-family home using a ¾” meter will return **180.3** gallons of wastewater to Flowery Branch for a typical peak day. Therefore, an equivalent dwelling unit (EDU) is considered to require 180.3 gallons of capacity from the wastewater collection and treatment plant.

An administrative fee to recover the cost of application/plan review, customer service, data collection/tracking and SDC calculation is added per dwelling unit or business unit. The admin fee is **\$36** for multi-family attached developments for each unit, **\$50** for ¾” detached developments and multi-unit non-residential developments and **\$50** for developments (detached or attached) requiring a meter 1” or larger. The SDC and admin fee is charged for each unit in the development

Wastewater Connection System Development Charge and Admin Fee

Water Meter Size* (in inches)	Meter Equivalency Ratios	Wastewater SDC	Admin	Total
¾” Meters used in Multiunit Attached Developments	0.7	\$1,932	\$36	\$1,968
¾” Detached Single Family and individual businesses	1	\$2,760	\$50	\$2,810
1”	2.5	\$6,900	\$50	\$6,950
1 1/2”	5	\$13,800	\$50	\$13,850
2”	8	\$22,080	\$50	\$22,130
3”	16	\$44,160	\$50	\$44,210
4”	25	\$69,000	\$50	\$69,050
6”	50	\$138,000	\$50	\$138,050
8”	80	\$220,800	\$50	\$220,850

*Irrigation meters should be excluded from capacity requests and system development charges.

Section 7.2 Mixed Use/Special Developments - Each use in a development that has a mixture of attached and detached units and/or residential and non-residential uses and/or use of master-metering shall identify the number of units by type and apply the appropriate SDC schedule. In the event that the developer requires a different capacity other than provided in the SDC schedules, the typical peak day gallons shall be provided by a Professional Engineer or Architect registered in Georgia. This capacity needs calculation and methodology shall be approved by Flowery Branch engineering staff and/or consultant for reasonableness. The cost for wastewater capacity (SDC) is **\$15.53** per peak day gallon plus the appropriate admin fees by meter size for each unit.

Section 8. Oakwood Sewer. Gainesville water customers with City of Oakwood sewer service with treatment provided by Flowery Branch shall be billed for wastewater at 100% of water metered. The billed volume is provided by the Gainesville Department of Water Resources at \$1.00 per month per account. The billed amount is collected by Flowery Branch and a share is provided to the City of Oakwood for sewer service. Customers seeking Oakwood sewer service will pay any connection related fees directly to the City of Oakwood. Customers should contact the City of Oakwood for latest rates, fees and charges related to this sewer service.

Section 9. Moratoriums. If new development is estimated to exceed the capacity of water supply or distribution system capacity or wastewater collection or treatment, the City of Flowery Branch may place a temporary moratorium on new development until such capacity is added. Such moratorium may be system-wide or to specific geographic locations of the service area depending on the situation. A separate ordinance will be voted on by City Council at the recommendation of the City Manager as to the time and scope of the moratorium.

Section 10. Landlord Agreement. Landlords may request continuous water service for newly unoccupied rental units by using the latest landlord agreement form provided by the Water/Wastewater Department. A turn-on fee of **\$30** will be charged each time when the account is re-established in the Landlord's name at the time that a tenant requests service disconnection OR tenant account is closed for non-payment and service is transferred to the landlord. The landlord will be responsible for all billed water volume and monthly fees of the unoccupied rental unit during this time. A **\$60** administration fee and refundable deposit of **\$120** per rental unit shall be required for the duration of the landlord agreement. The maximum deposit shall not exceed **\$1,080**.

Each time a new tenant applies for service for any of the service addresses listed on the landlord agreement form said account will be final billed. However, should the landlord for any reason, request that the water service be disconnected once the agreement is established and no tenant has applied for water/sewer service, the appropriate charges will be billed, and this agreement will be null and void.

Landlord's requesting to participate in this agreement must have a good payment history. The Landlord's deposit will remain on the account until the Landlord requests the account be taken off of Landlord status and the account is closed. If any accounts on this agreement fall into delinquent status, this agreement will be considered null and void.

Section 12. Miscellaneous Fees. The following are additional fees for specific services provided by Flowery Branch.

- **\$120 for Water and Sewer Deposit Fee** – This is charged for new application for water and sewer service. The deposit will be used for the final bill and any

- potential balance refunded to a customer.
- \$65 for Sewer Only Deposit Fee – This is charged for new application for sewer only service. The deposit will be used for the final bill and any potential balance refunded to a customer.
- \$60 admin fee for new service applications – The administrative cost of establishing an account and turning on the water meter.
- \$60 cut off fee – The administrative cost of closing an account and turning off the water meter. This applies to all accounts 30 days past due.
- \$30.00 Return Check Fee – A fee will be charged on checks or bank drafts returned for any reason, and water service may be subject to disconnect.
- \$30 turn-on fee – This fee is charged to turn the water service on for existing connections.
- Sewer Inspection Fee – TBD
- Water Inspection Fee – TBD

Section 13. Debt Collections. Accounts that are not fully paid after 90 days shall be turned over to a collection agency for processing. An additional service fee of may be applied to cover the cost of collection agency.

Section 13. Repeal of Conflicting Resolutions. Any part of any prior resolutions in conflict with the terms of this Resolution, are hereby repealed to the extent of the conflict; but it is hereby provided, that any resolution, ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Resolution on behalf of the City of Flowery Branch.

Section 14. Severability. If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstance shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances no so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt all parts hereof as may not be held invalid for any reason.

Section 15. Brochure and Other Guides Conflicts. The City of Flowery Branch provides brochures and guides to assist customers on the rates, fees and charges of the Flowery Branch water and wastewater systems. If any information from these documents conflict with the latest Council approved ordinance, the ordinance shall prevail.

Section 15. Effective Date. This Resolution shall become effective the date of August 20, 2020 once it is adopted by the Council of the City of Flowery Branch.

SO, RESOLVED this 20th day of August 2020.

James Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

Ron Bennett, City Attorney



Technical Memorandum

DATE: *July 28, 2020*

PREPARED FOR: *Ms. Alisha Gamble*

COPIES TO: *Mr. Bill Andrew*
Mr. Bob Troxler

PREPARED BY: *Mr. Bobby Sills, AICP*

SUBJECT: *Rate Structure and Increase Plan Re-evaluation*

PROJECT: *Flowery Branch General Services – FY21*

Purpose

The purpose of this technical memorandum (TM) is to provide documentation on the modification of the Flowery Branch Water and Wastewater systems' proposed rate structure and rate increase implementation plan.

Background Information

In November 2017, a CIP and Rate Increase plan was presented to the Flowery Branch City Council by Nelsnick Enterprises. The CIP had been subsequently updated in the Summer of 2018 and the changes were summarized in a technical memo dated November 11, 2018 by Nelsnick Enterprises Inc. In the summer of 2019, the CIP was updated as part of annual Flowery Branch budget preparation process. The recommended changes are summarized in a technical memo dated September 27, 2019. This year, the utility has experienced customer consumption changes due to the Covid-19 virus. Residential volumes have increased, and non-residential volumes have decreased.

The consumption pattern change merits an adjustment in the rate structure to address zero volume bills. In the past, a minimum bill provided a set amount of water or wastewater and was appropriate for generating sufficient revenues for the utility. However, the minimum bill does not work well for those customers using limited water or wastewater services during the shutdowns and/or minimal operations. Additionally, rate revenue increases are still needed to fund the capital program. The recommendations are detailed as follows.

Rate Structure Modification

Tables 1 and 2 on the following pages provided the recommended rate structure changes to address low/zero volume customers. The minimum bill is replaced with a base charge that recovers the cost of minimal service. This cost is sometimes referred to as a "readiness-to-serve" charge and includes fixed cost that occur regardless of the amount of water purchased. Since much of this cost is a function of the

capacity of the water and wastewater system, customers with larger meters are charged more based on the capacity of those meters. Fixed charges may include debt used for water tanks, wells, water distribution, wastewater treatment, lift stations and other infrastructure needed to supply sufficient capacity for the systems customers. Other fixed charges include operating staff, fire protection and depreciation (asset renewal cost). The Account Servicing Fee is collected only once for each account to cover the cost of meter reading and billing. The base charge will collect a portion of fixed costs related to capacity with the remaining costs recovered by an increasing block¹ rate structure.

Table 1
Inside City Rate Structure Changes

Water				Wastewater			
Inside City							
Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-1000	7.11	Base Charge	7.00	Base Charge	5.51	Base Charge	7.00
1001-2500	17.79	0-2500	5.60	All	8.30	All	8.93
2501-4500	32.01	2501-4500	7.00				
4501 - 7500	8.89	4501 and above	11.20				
7501 and above	10.67						
Multifamily							
Volume	FY20	Range * Units	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-3355	23.86	Base Charge	7.00	0-3355	29.22	Base Charge	7.00
		0-2500	5.60	3356 and above	5.63	All	7.25
3356-7500	8.89	2501-4500	7.00				
7501 and above	10.67	4501 and above	11.20				
Non-Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-7000	32.01	Base Charge	14.00	0-7000	39.27	Base Charge	14.00
		0-4500	4.95	7001 and above	5.63	All	6.10
7000-60,000	5.72	4501-60,000	6.19				
60,001 and above	6.88	60,001 and above	7.43				

¹ The increasing block rate structure promotes conservation by raising the price of water as an account uses higher volumes. This will encourage efficient use of the limited resource.

Table 2
Outside City Rate Structure Changes

Water				Wastewater			
Outside City							
Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-1000	9.47	Base Charge	8.75	Base Charge	7.28	Base Charge	8.75
1001-2500	23.69	0-2500	7.00	All	11.14	All	11.16
2501-4500	42.63	2501-4500	8.75				
4501 - 7500	11.84	4501 and above	14.00				
7501 and above	14.23						
Multifamily							
Volume	FY20	Range * Units	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-3355	31.78	Base Charge	8.75				
		0-2500	7.00	0-3355	38.89	Base Charge	8.75
3356-7500	11.84	2501-4500	8.75	3356 and above	11.59	All	9.06
7501 and above	14.23	2501 and above	14.00				
Non-Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
		Base Charge	17.50				
0-7000	42.55	0-4500	6.19	0-7000	52.15	Base Charge	17.50
7000-60,000	7.61	4501-60,000	7.74	7001 and above	7.49	All	7.62
60,001 and above	9.11	60,001 and above	9.29				

A balance of recovering cost from base charges and usage charges allows a community to achieve certain objectives with their utility rates. One objective may be revenue stability in which at the extreme a high base charge could guarantee sufficient revenues to cover all fixed cost. Leaving all variable cost to the unit charge would result in a very low unit charge as it would cover mostly electric and chemical costs. Another objective related to water conservation puts all or most cost in the unit charge. This drives the unit charge up and incentivizes lower consumption.

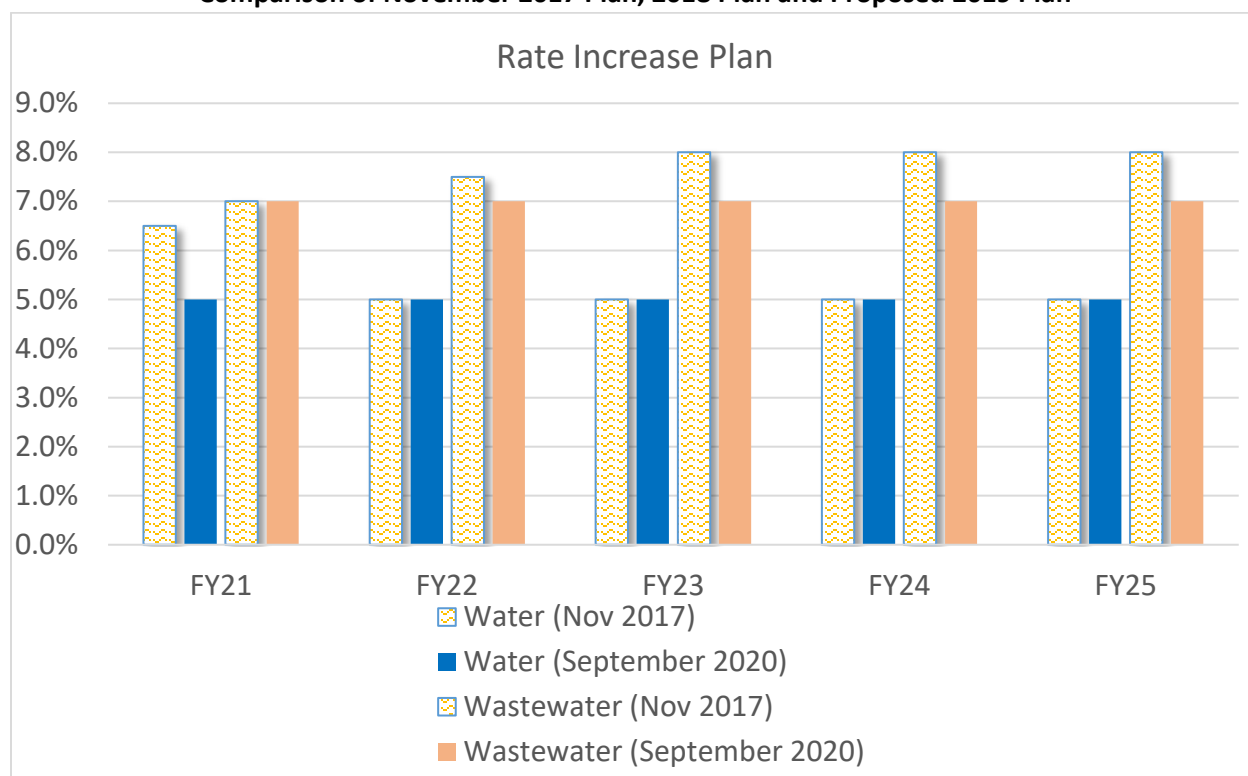
According to an American Water Works Association (AWWA) Insight Survey, on average a public water utility will recover 20% of their cost through fixed charges. The rate structure provided in **Tables 1 and 2** are designed to generate about 19% in fixed income. This should provide sufficient revenue stability and

balance with water conservation efforts as required by the Metropolitan North Georgia Water Planning District.

Rate Increase Recommendations

Each year since 2017, the original rate increase plan needed to fund the capital improvement plan is evaluated for reasonableness. Adjustments to the rate increase needs are made based on actual system growth in revenues and expenses. For results ending June 30, 2020, the Flowery Branch water and wastewater systems has seen customer growth above what had been projected in the 2017 Rate Study. Unfortunately, the systems will also see significant expense increases. Most notably is sludge disposal which with other inflationary² increases will raise sewer operations by 23% in FY21. Additionally, water operations is expected to see a 14% increase driven by data collection costs for a new service related to meter reading. Fortunately, revenue has also increased and has offset this added cost. Figure 1 provides the adjusted rate increase plan³ compared to the original 2017 study showing a slight reduction.

Figure 1
Rate Increase Plan
Comparison of November 2017 Plan, 2018 Plan and Proposed 2019 Plan



² The 2017 Rate Study assumed a 4% annual growth in expenses for inflation and new customer being served.

³ Due to the rate structure change, it would be difficult to show what the increase in rates would be. However, the planned rate structure changes should generate approximately 5% additional water revenue and 7% additional wastewater revenue.

Recommendations

Nelsnick recommends updating the rate ordinance to include the rate structure changes as shown in **Tables 1 and 2**. These should be in effect as soon as practical. Future rate increase requirements should be checked annually for reasonableness. The planned increases based on this analysis is 5% for water and 7% for wastewater for FY 22 – FY25. The increases are needed to recover the future cost of the debt payments for the wastewater treatment plant (approximately \$22M and new wells and water system improvements (approximately \$5M).

Flowery Branch, Georgia FY21 Water and Wastewater Financial Plan Annual Update

August 6, 2020

Introduction

Robert Sills, AICP

Presentation Summary

Rate Revenue Requirements

Rate Structure Changes

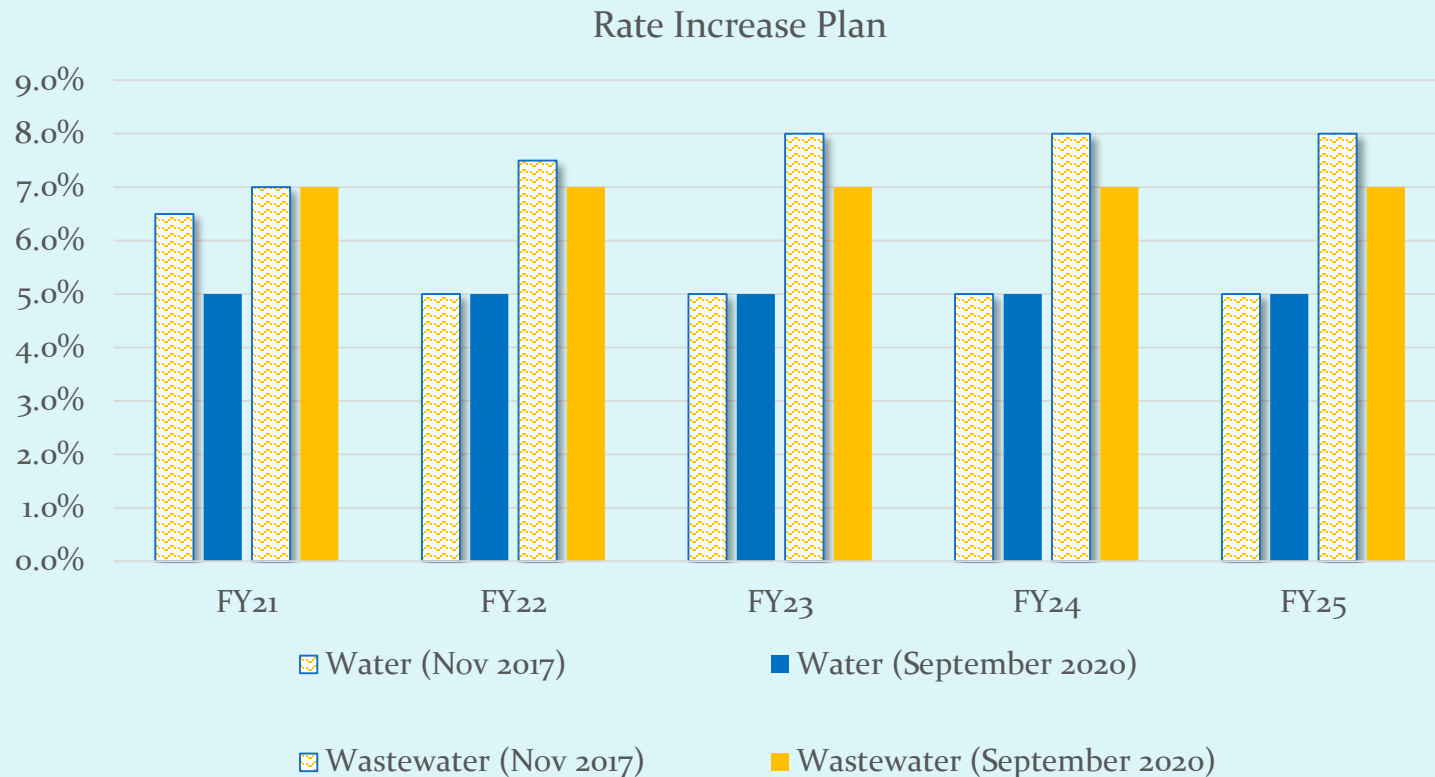
Rate Revenue Requirements

Operating Cost Changes

Sludge

Georgia Power

Rate Increase Plan Comparison



Rate Structure Changes

Why Change?

Low volume customers

Easier to understand

Consumption Pattern Change

	>5000	>2000	>0	Zero Bills	Total
June-20					
Residential	596	1302	812	72	2782
Non-Residential	2	2	3	54	61
March-20					
Residential	263	1235	1017	58	2573
Non-Residential	34	24	90	18	166

Rate Structure Changes

The Changes

Replace Minimum Bill

Lower Monthly Base Charge

Raise multi-service discount

All volume charged

Water 3-Tiers Conservation

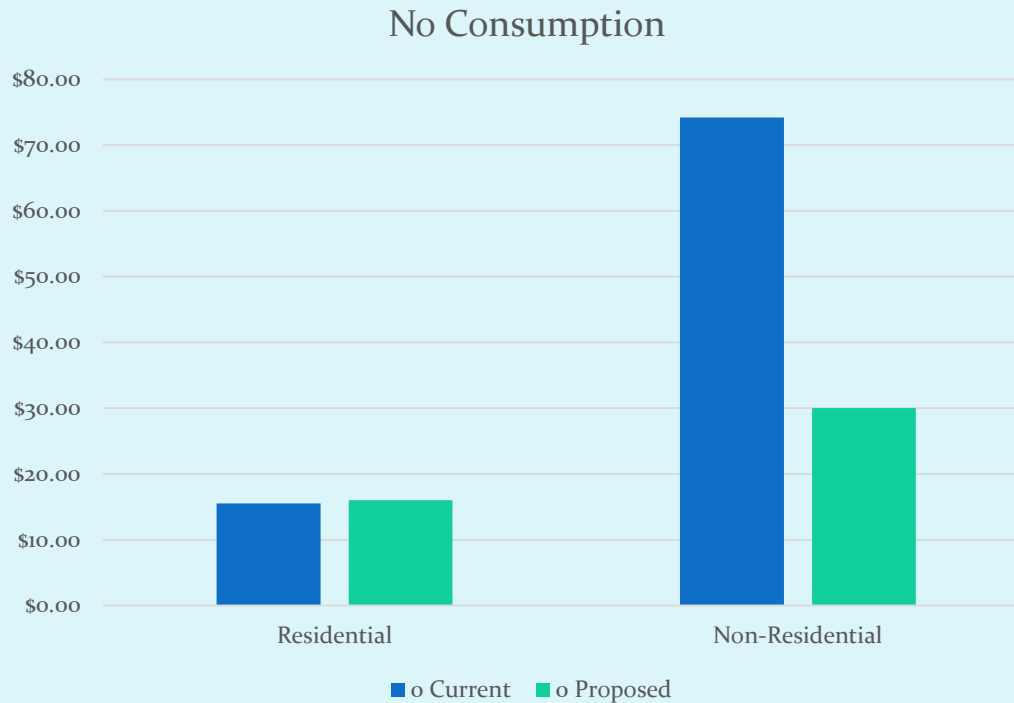
Wastewater Uniform Rate

Rate Structure Changes

Water				Wastewater			
Inside City							
Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
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2501-4500	32.01	2501-4500	7.00				
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		0-2500	5.60	3356 and above	5.63	All	7.25
3356-7500	8.89	2501-4500	7.00				
7501 and above	10.67	4501 and above	11.20				
Non-Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-7000	32.01	Base Charge	14.00	0-7000	39.27	Base Charge	14.00
		0-4500	4.95	7001 and above	5.63	All	6.10
7000-60,000	5.72	4501-60,000	6.19				
60,001 and above	6.88	60,001 and above	7.43				

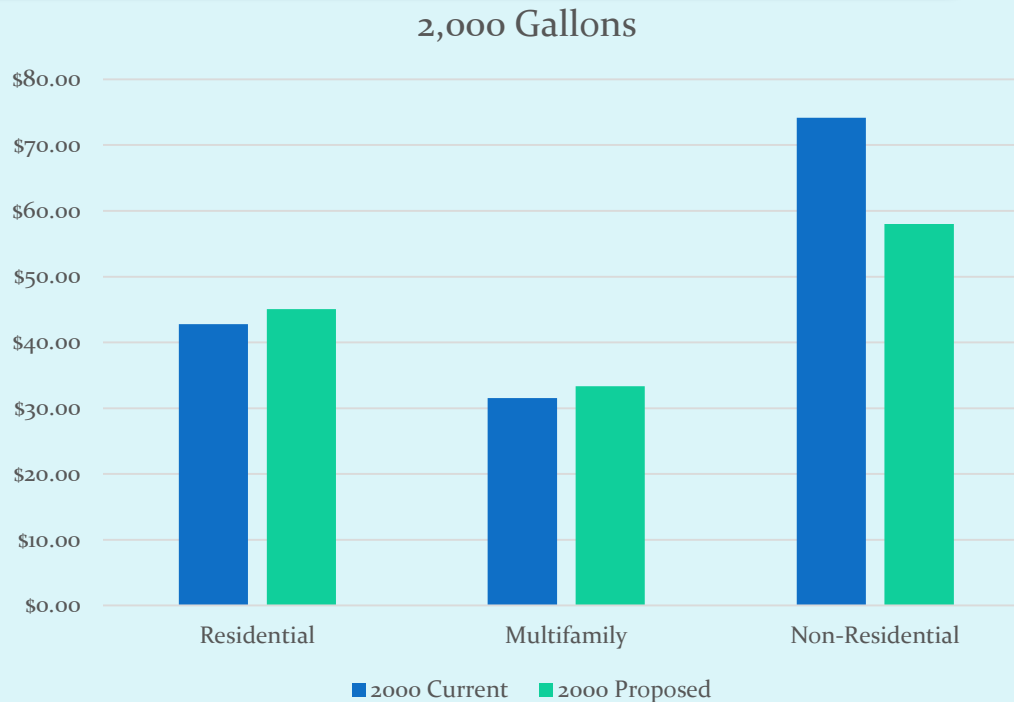
Rate Structure Changes

Total Water and Wastewater Bill Impact



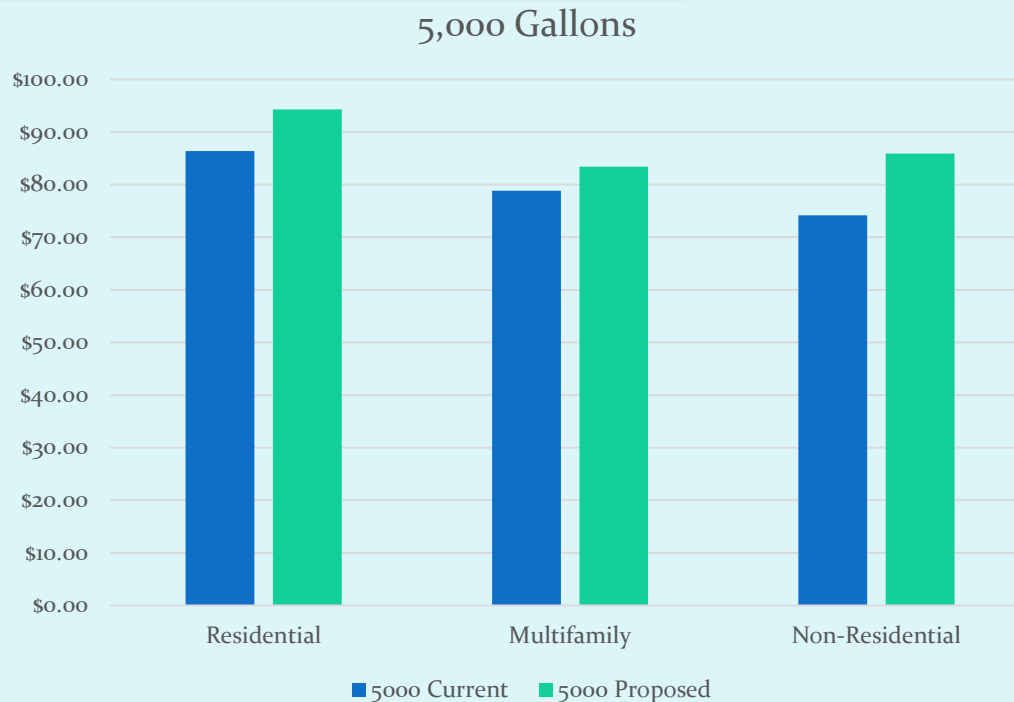
Rate Structure Changes

Total Water and Wastewater Bill Impact



Rate Structure Changes

Total Water and Wastewater Bill Impact



FY21 Recommendations

Rate Structure Changes

Remove Minimum Bill

Simplify Rate Structure Tiers

Designed to generate additional revenues

Water 5%

Wastewater 7%

Flowery Branch, Georgia FY21 Water and Wastewater Financial Plan Annual Update

Questions/Comments?



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-597 a request by the Goddard School to annex into the City.

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

The Goddard School must be annexed in order for the City to consider the Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing and work session discussion only.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff Report - Entire Project.pdf](#)
- [Goddard School Annexation.pdf](#)

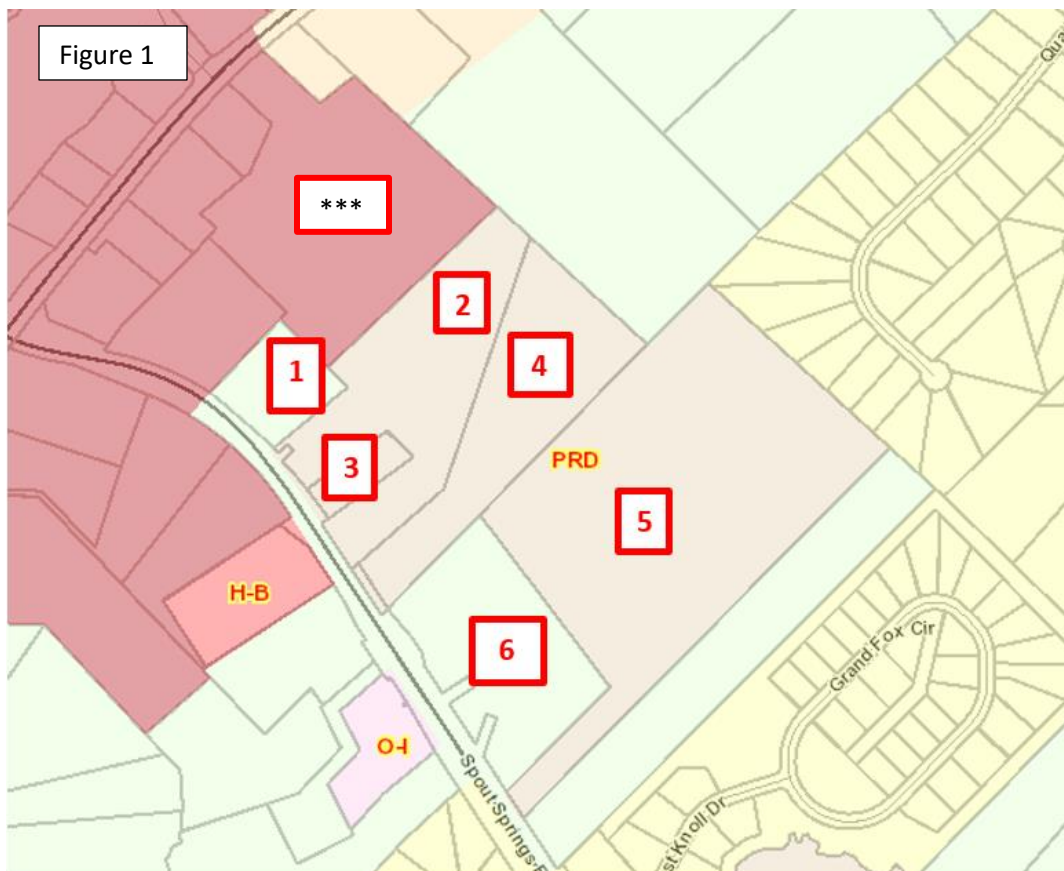


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

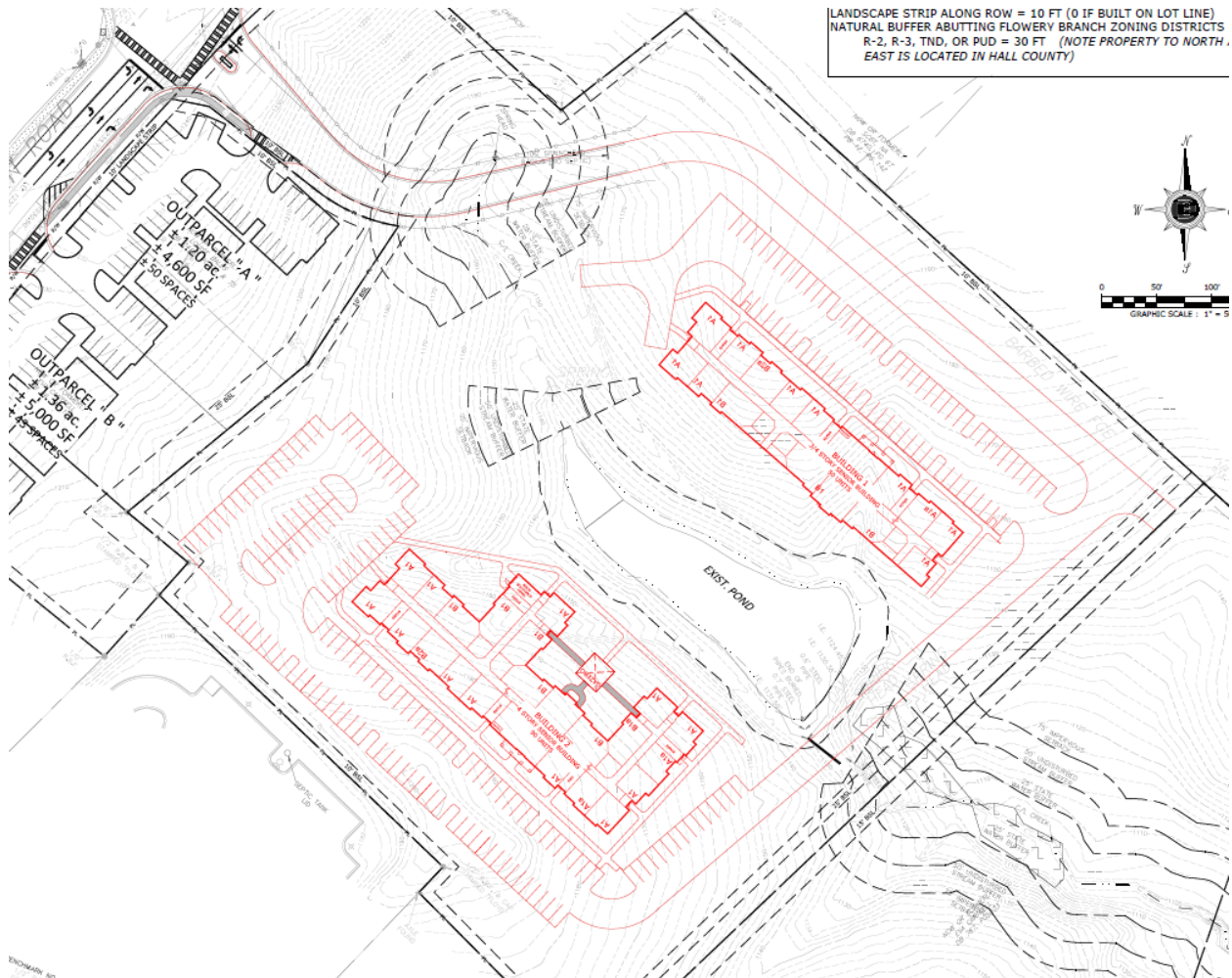
*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)



If approved, parcels 2, 3, 4, 5, & 6 (Figure 1) will be altered and will generally appear as shown below in Figure 2. The project will generally consist of four major components (also shown in Figure 2):



allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).



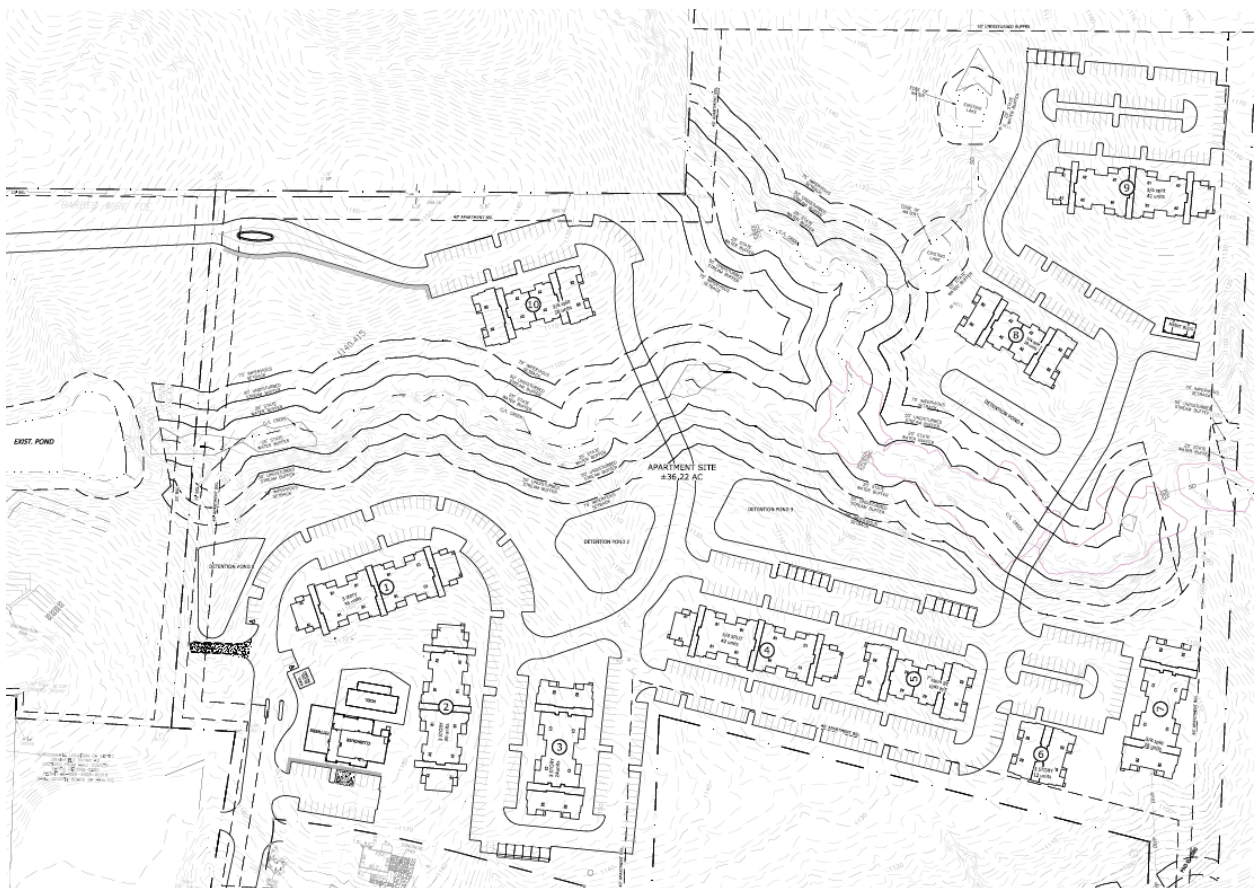


Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



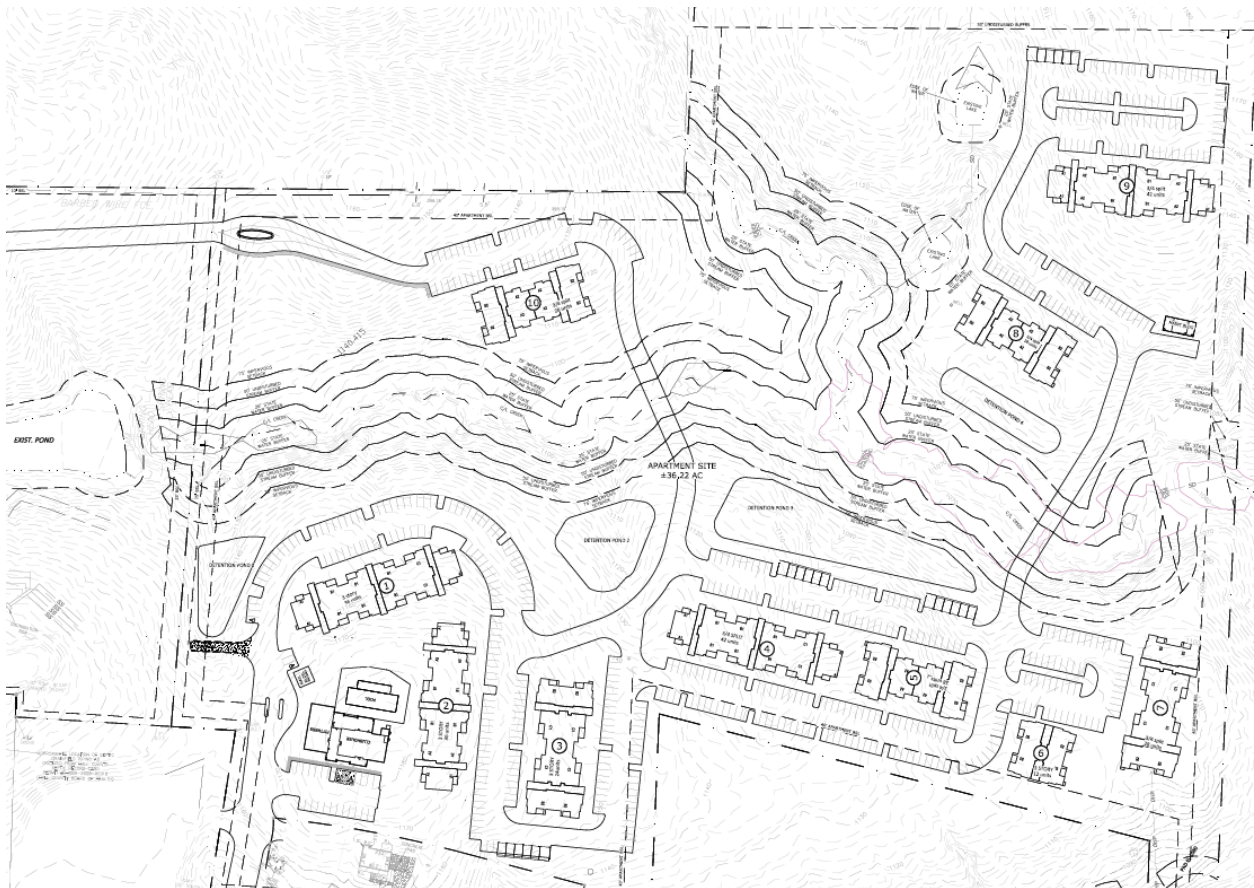
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002
Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

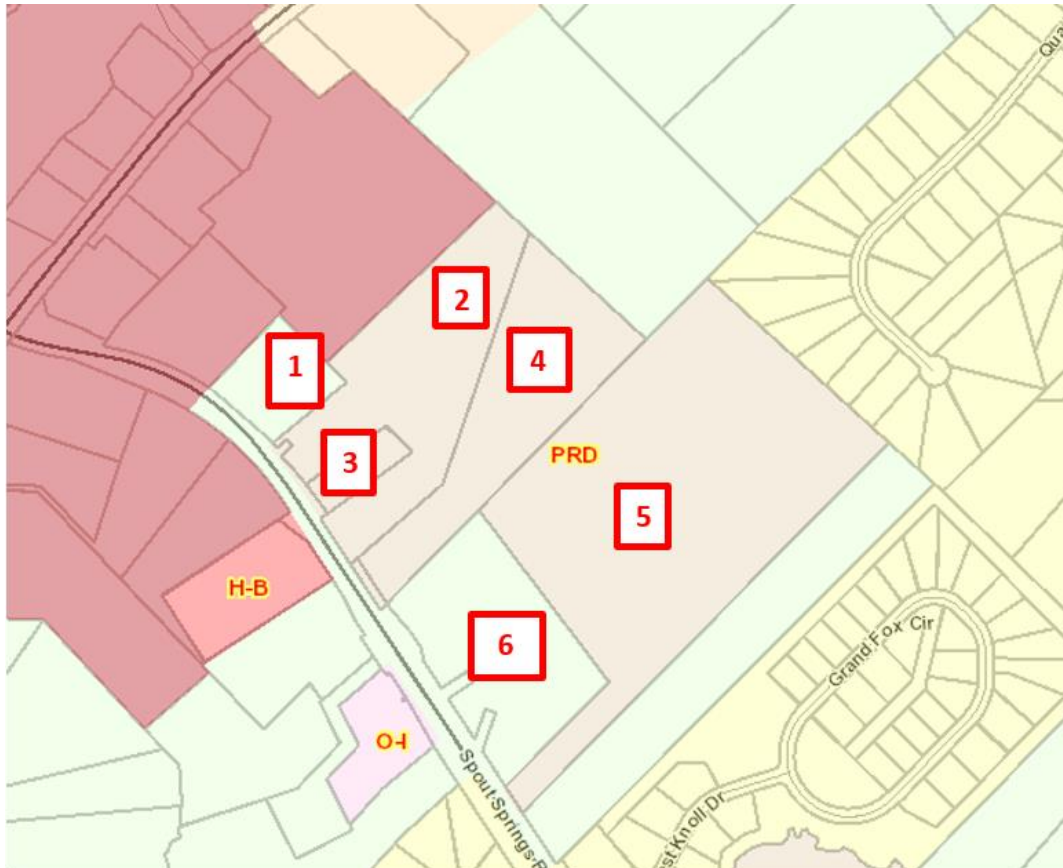


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-597

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A PARCEL OF REAL PROPERTY TOTALING 2.17 +/- ACRES OF LAND OWNED BY RRRD, LLC. IDENTIFIED AS 5989 SPOUT SPRINGS ROAD 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, RRRD, LLC, owns all tracts or parcel of land totaling 2.17 +/- acres identified as Parcel Tax Identification No. 15046 000009D, 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 RRRD, 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 parcel of land 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, RRRD, 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. 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 tract or parcel of land totaling 2.17 +/- acres

identified as Parcel Tax Identification Nos. 15046 000009D, 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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

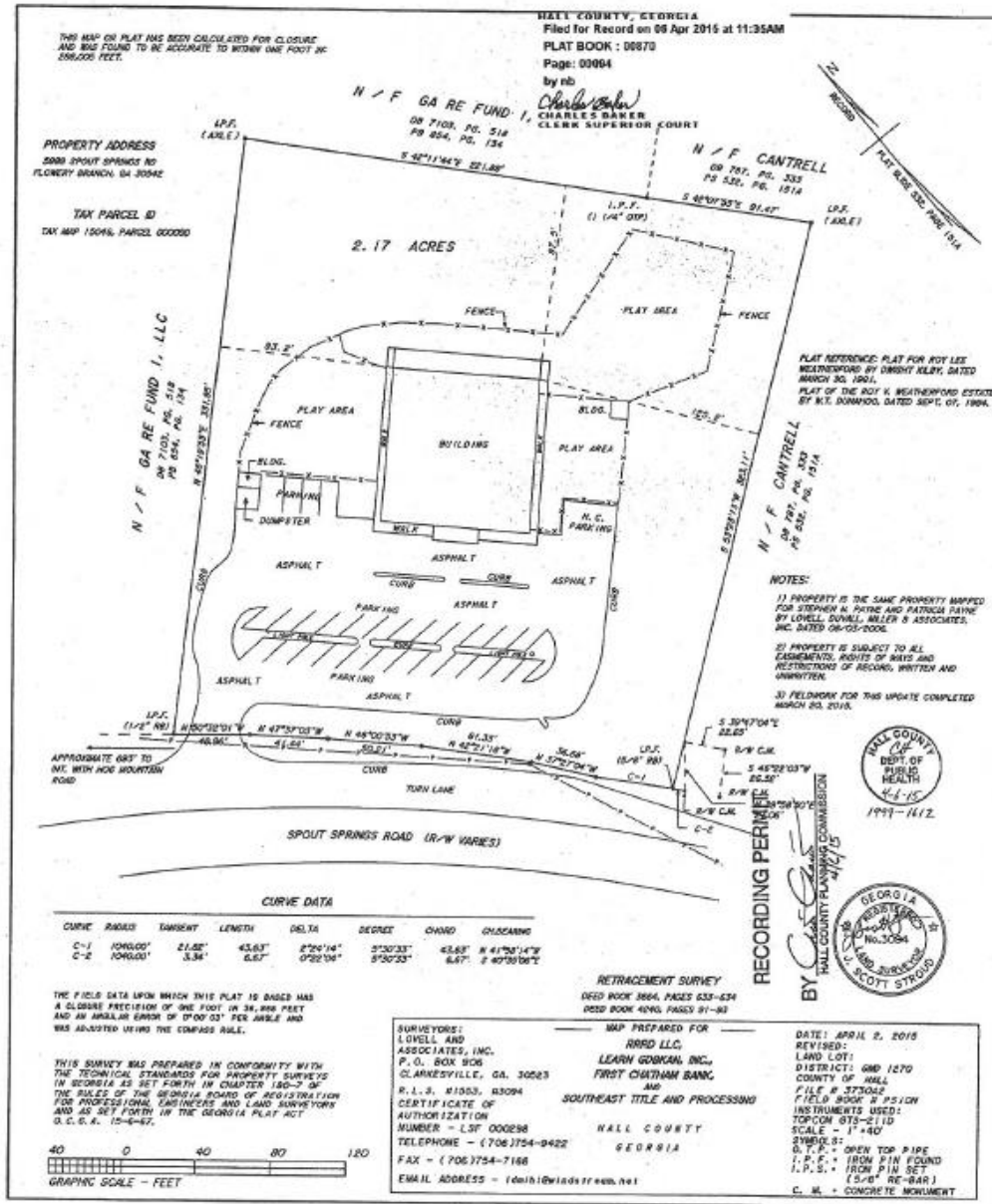


Exhibit "B"

ALL THAT LOT, tract or parcel of land lying, situate and being in the 1270 GMD, Hall County, Georgia, being all that property shown on a survey for "RRRD, LLC, Learn GDBKAN, LLC, First Chatham Bank, and Southeast Title and Processing," dated April 2, 2015, prepared by J. Scott Stroud, Georgia Registered Land Surveyor, being shown to contain 2.17 acres according to said survey, which survey is recorded at Deed Book 870, Page 94, Hall County, Georgia plat records.

Subject to all easements, covenants, and restrictions of record, if any.

Map# 15046 000009D



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-598 an annexation request for 6001 Spout Springs Road submitted by Capstone Acquisitions

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the overall Capstone project. there are five (5) parcels that are to be considered for annexation and rezoning. The attached staff report details the requests and the overall project scope.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6001 Spout Springs Annexation.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-598

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 7.63 +/- ACRES, OWNED BY CAPSTONE ACQUISITIONS, LLC. IDENTIFIED AS 6001 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000065 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 7.63 +/- acres identified as Parcel Tax Identification Nos. 15046 000065, 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 Capstone Acquisitions, 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 parcel of land 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, Capstone Acquisitions, 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. 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 tract or parcel of land totaling 7.63 +/- acres identified as Parcel Tax Identification No. 15046 000065, 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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

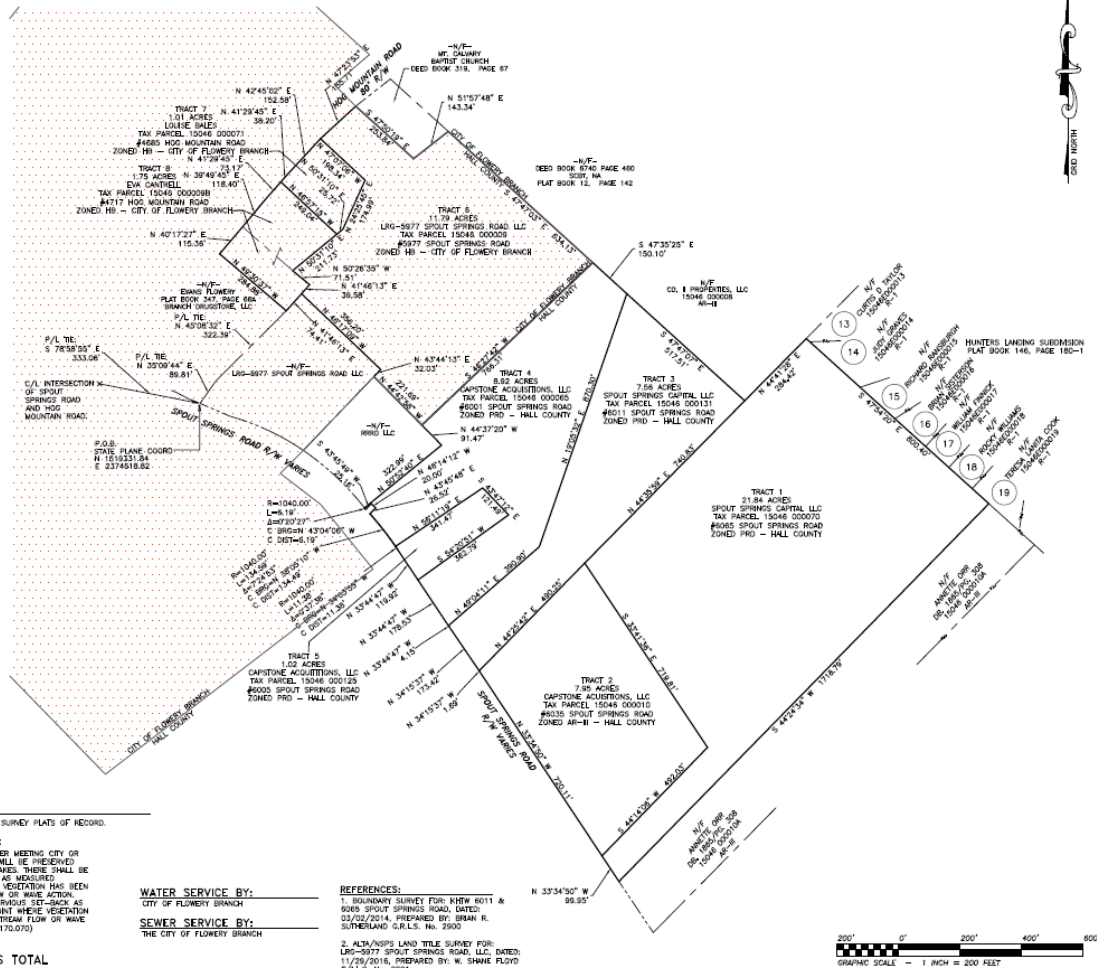


Exhibit "B"

6001 Spout Springs Road Tax I.D. # 15046 000065

All that tract or parcel of land lying and being in the 1270th GMD of Hall County Georgia, containing 7.632 acres, more particular described as follows: Beginning and an iron pin on the East right of way of Spout Springs Road thence North 51 degrees 34 minutes 19 seconds East 401.85 feet to an iron pin; thence North 21 degrees 35 minutes 40 seconds East 869.87 feet to an iron pin at property of Greenway; thence along the line of Greenway North 45 degrees 09 minutes 28 seconds West 150 feet to an iron pin; thence South 48 degrees 59 minutes 13 seconds West 766.04 feet to an iron pin at property now or formerly of Dillard Fitzgerald; thence South 41 degrees 20 minutes 47 seconds East 91.65 feet to an iron pin; thence South 41 degrees 20 minutes 17 seconds East 314.25 feet to an iron pin; thence South 56 degrees 44 minutes 58 seconds West 373.36 feet to an iron pin on the right of way of Spout Springs Road; thence along the right-of-way of South 31 degrees 08 minutes 36 seconds East 178.90 feet to the beginning iron pin. The above property is more fully described as "Tract No. 1C" in a plat prepared by W.T. Denny and Associates for the Roy V. Weatherford Estate dated September 4, 1994, revised March 20, 1996, and is a part of the same property described in a survey for Roy V. Weatherford Estate prepared by W.T. Donahue and Associates, Inc., dated September 7, 1994 recorded on Plat Slide 532, Page 151-A, Hall County, Georgia Deed Records, which plats are incorporated herein by reference.

LESS AND EXCEPT that property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 4239, Page 94, Hall County, Georgia Deed Records.

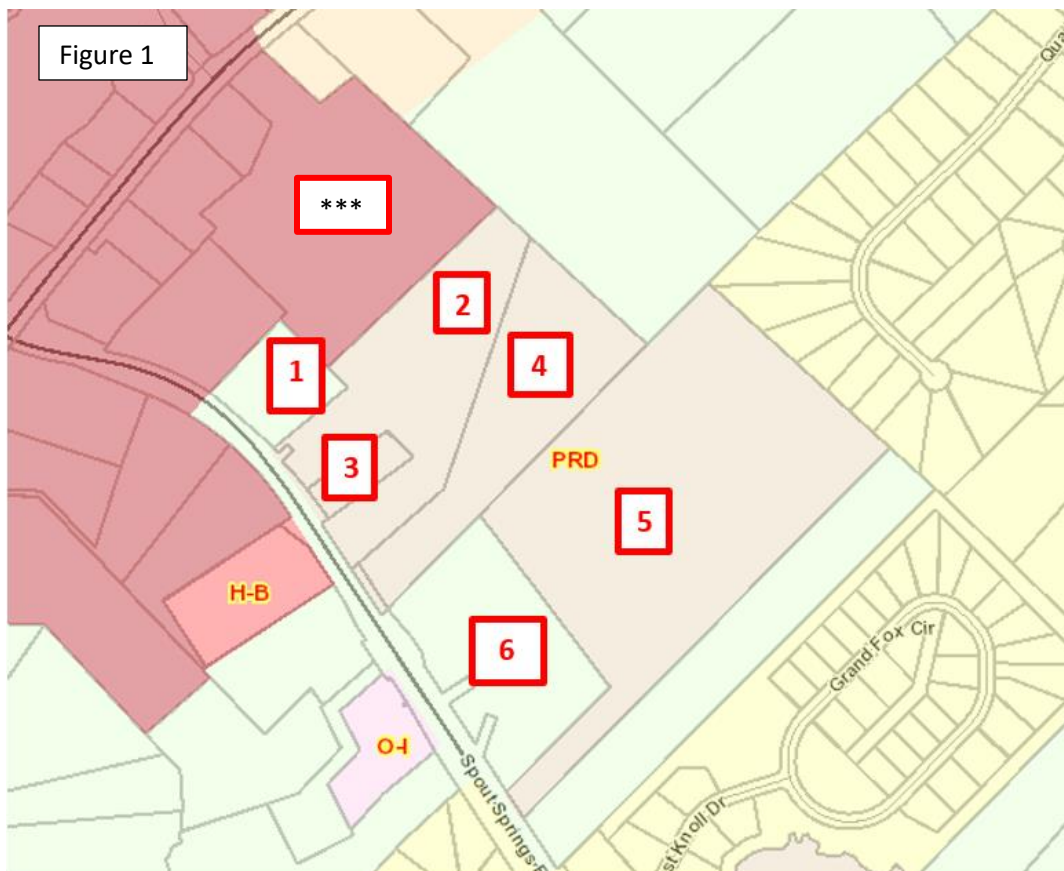


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

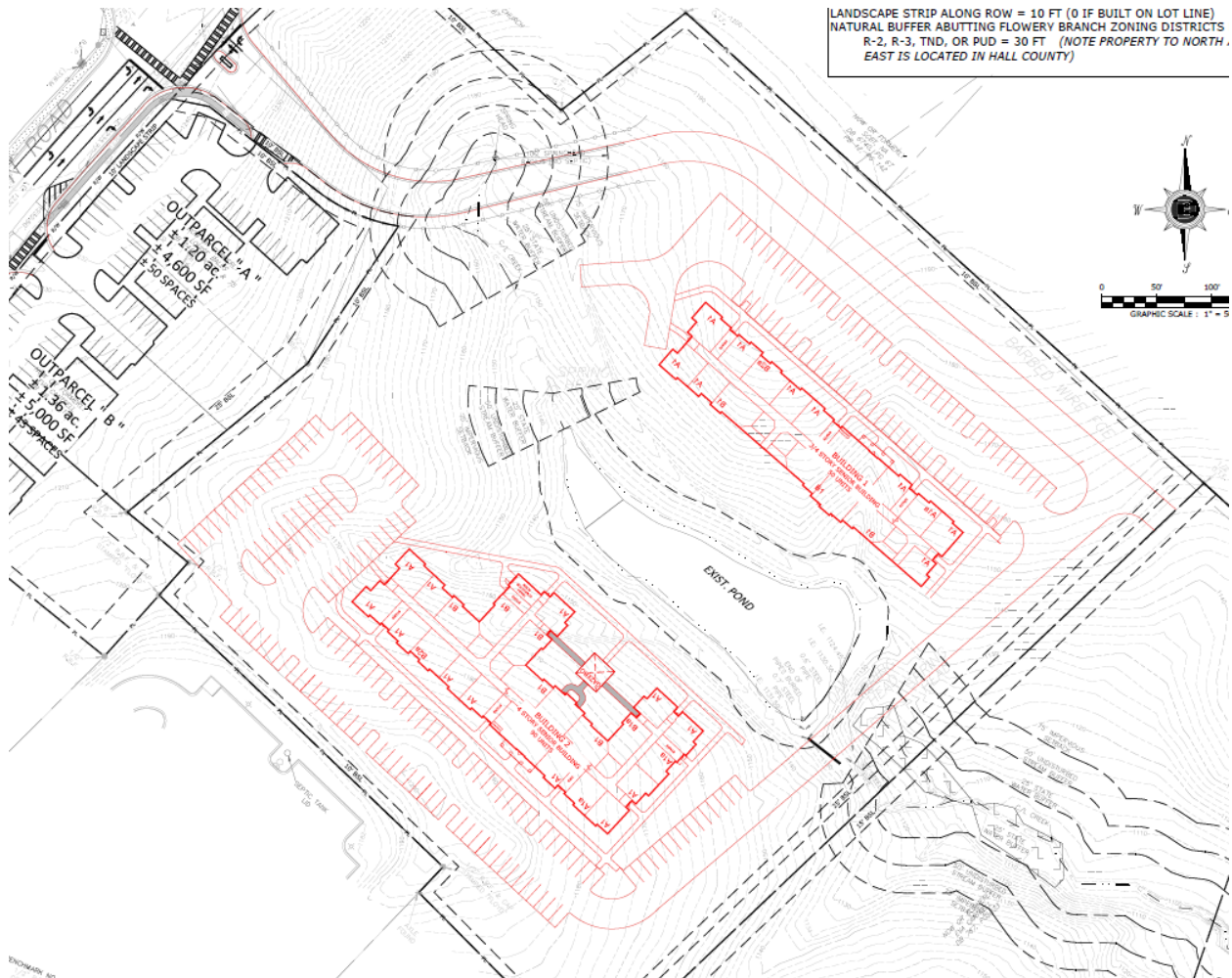
1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).





Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intend of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



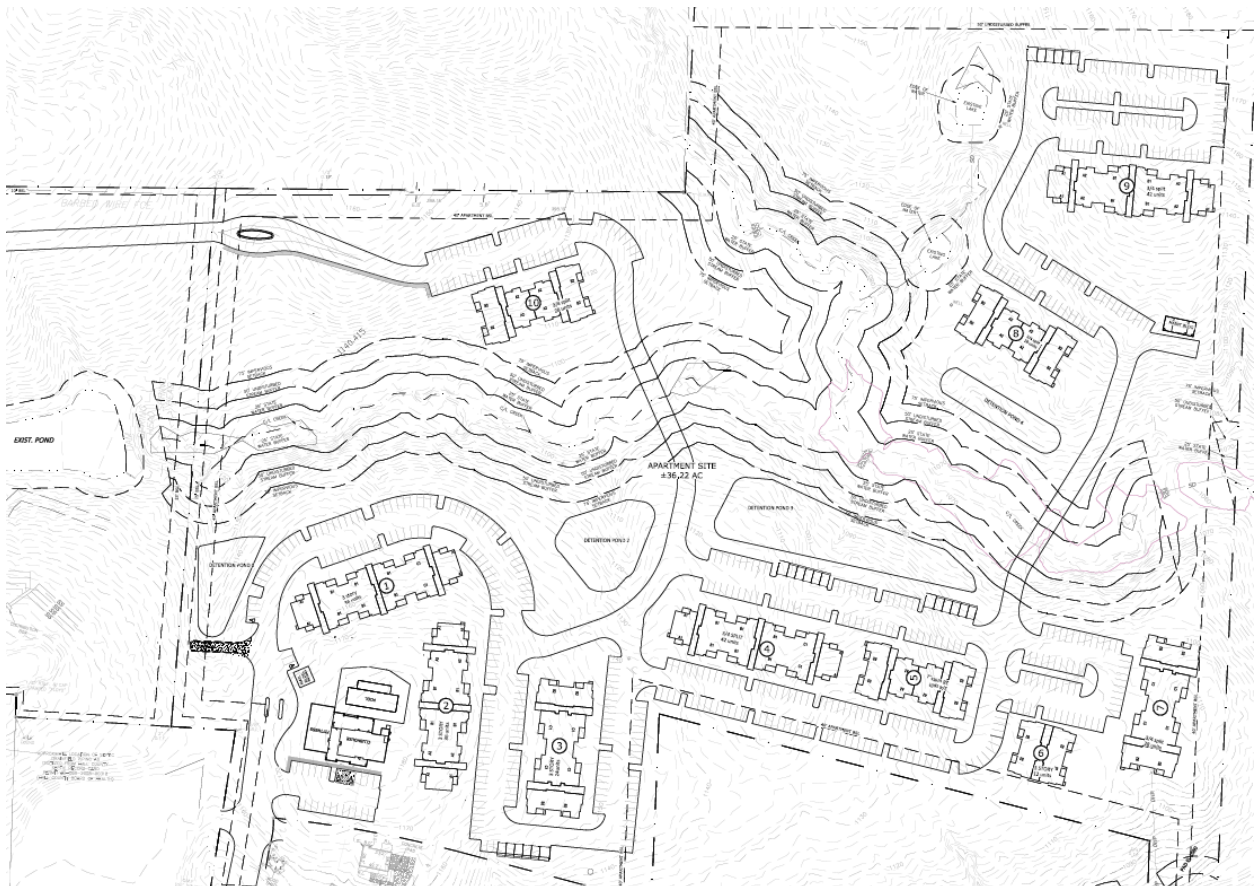
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

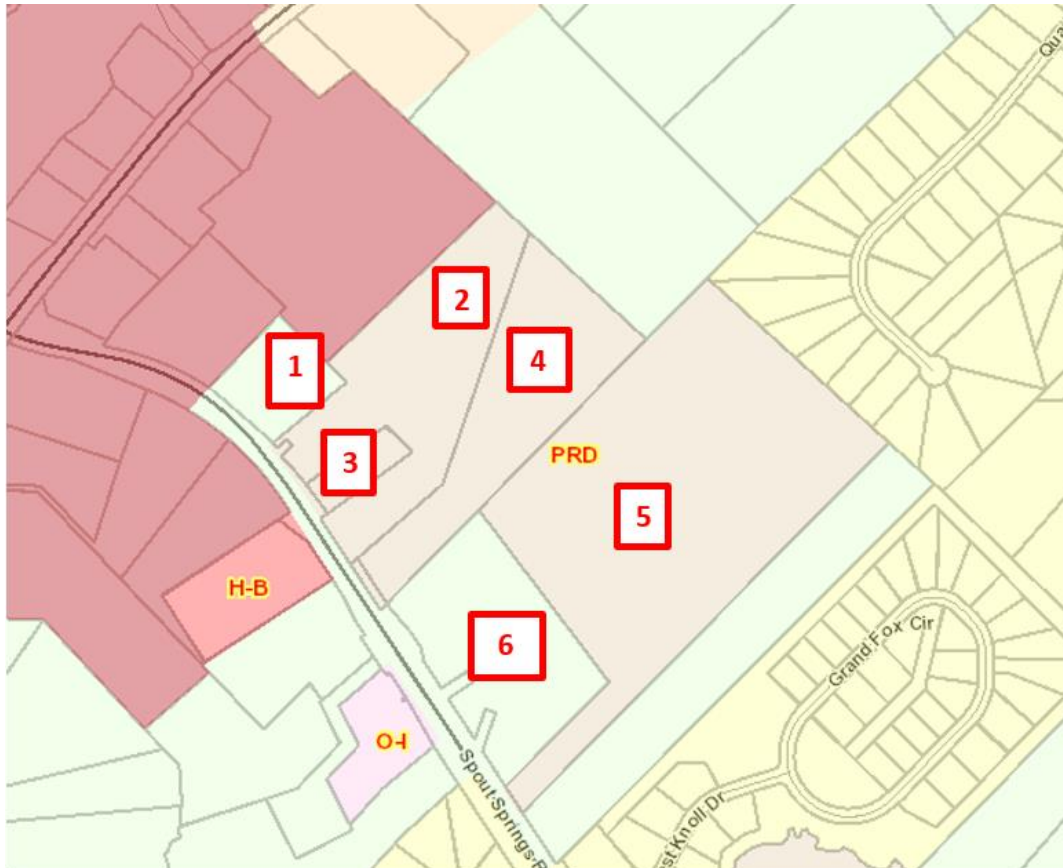


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-599 - An annexation request for 6005 Spout Springs Rd. submitted by Capstone Acquisitions, LLC.

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6005 Spout Springs Annexation.docx](#)
- [Staff Report - Entire Project.docx](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-599

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 1.00 +/- ACRES, OWNED BY CAPSTONE ACQUISITIONS, LLC. IDENTIFIED AS 6005 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000125 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 1.00 +/- acres identified as Parcel Tax Identification Nos. 15046 000125, 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 Capstone Acquisitions, 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 parcels of land are 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, Capstone Acquisitions, 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. 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 tract or parcel of land totaling 1.00 +/- acres identified as Parcel Tax Identification No. 15046 000125, 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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

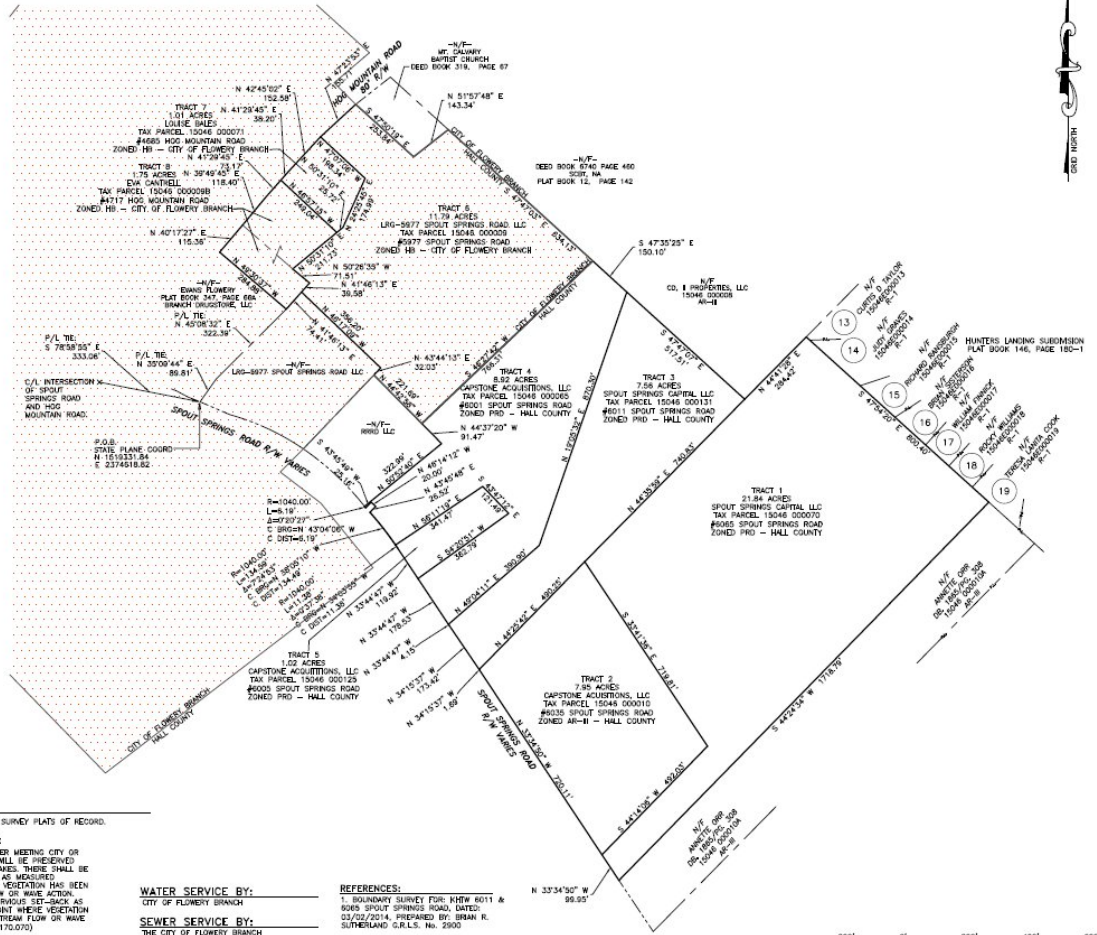


Exhibit “B”

6005 Spout Springs Road Tax I.D. # 15046 000125

All that tract or parcel of land, together with improvements thereon, lying and being in GMD 1270, Hall County, Georgia, containing 1.000 acre as shown on a plat prepared for Joan M. Cody Wingo and Tommy Wingo dated April 29, 1995, by Mike T. Hosch, Georgia Registered Land Surveyor, recorded in Plat Slide 437, Page 207-A, Hall County, Georgia Deed Records.

LESS AND EXCEPT from the above property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 4206, Page 218, Hall County, Georgia Deed Records.

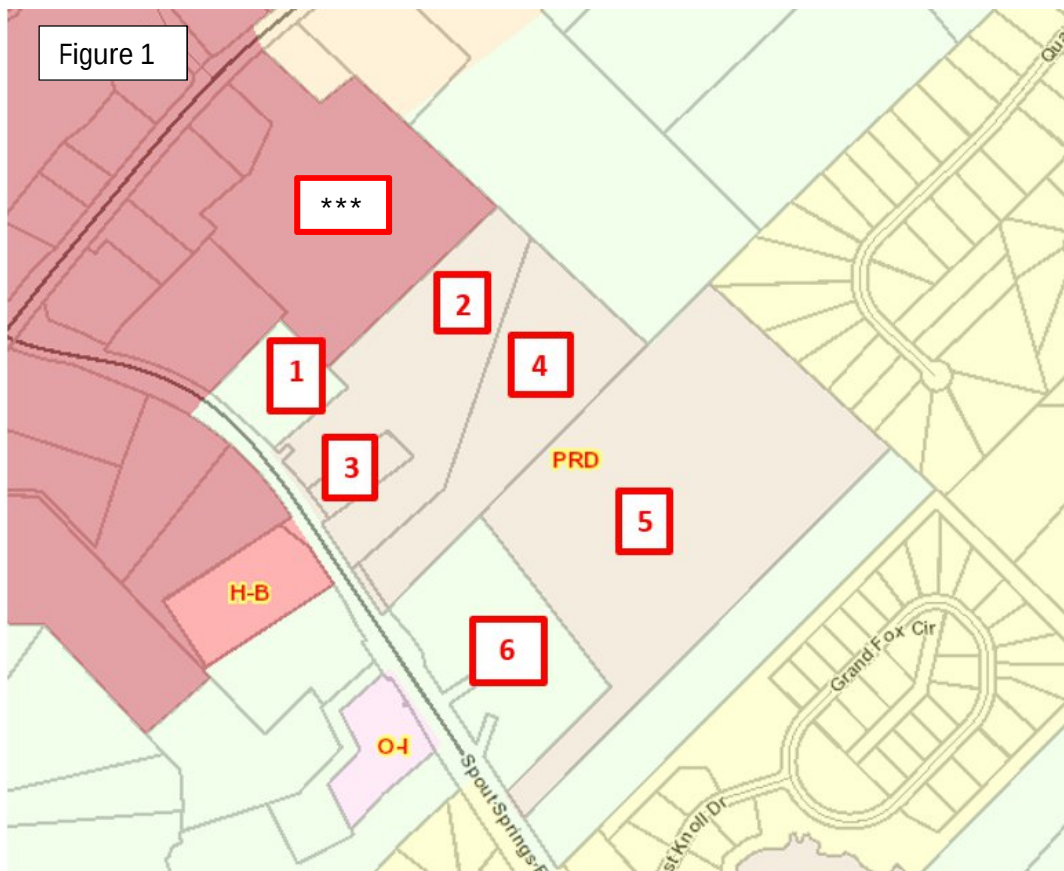


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





If approved, parcels 2, 3, 4, 5, & 6 (Figure 1) will be altered and will generally appear as shown below in Figure 2. The project will generally consist of four major components (also shown in Figure 2):

1. Senior Housing (CUP per FB Resolution 16-002)
2. The Goddard School
3. The Exchange at Flowery Branch
4. Two Highway Business out parcels.

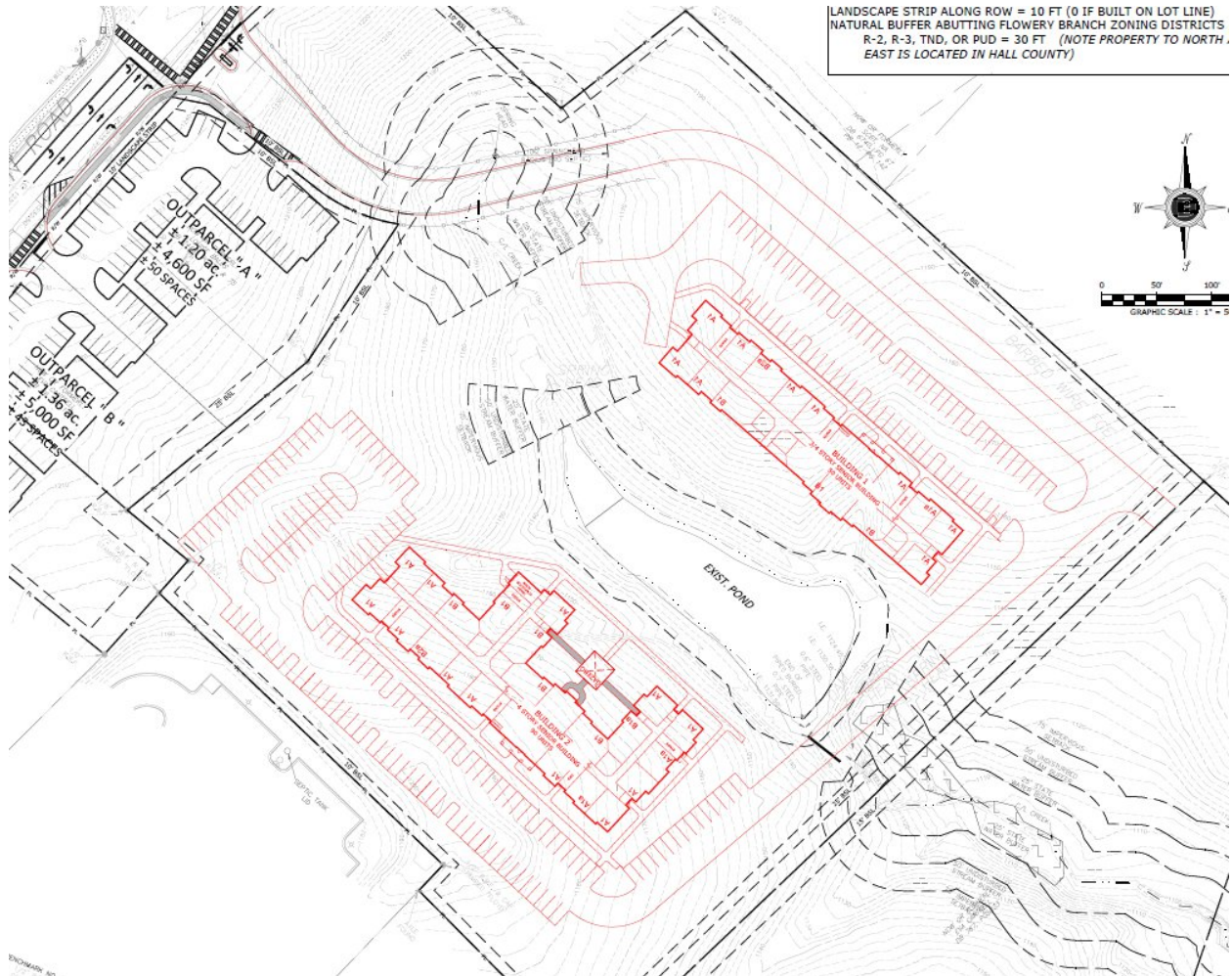


Component 1 Senior Housing Information

No City Council action is required for land use/zoning on this component. A Conditional Use Permit (CUP) was approved for this site on April 21, 2016 via resolution # 16-002 (see attachment #1) allowing a senior multi-family development. The CUP does not set limitations on size or number of units nor does it have any guidelines or recommendations for materials or design. This development will only be subjected to the requirements for Highway Business (HB) set forth in Table 9.2 of the zoning ordinance (see attachment #2). Currently, the applicant has submitted a preliminary non-binding site plan that shows 140 units (see below). Although no action is to be taken at this time if the project is relevant as it



allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).



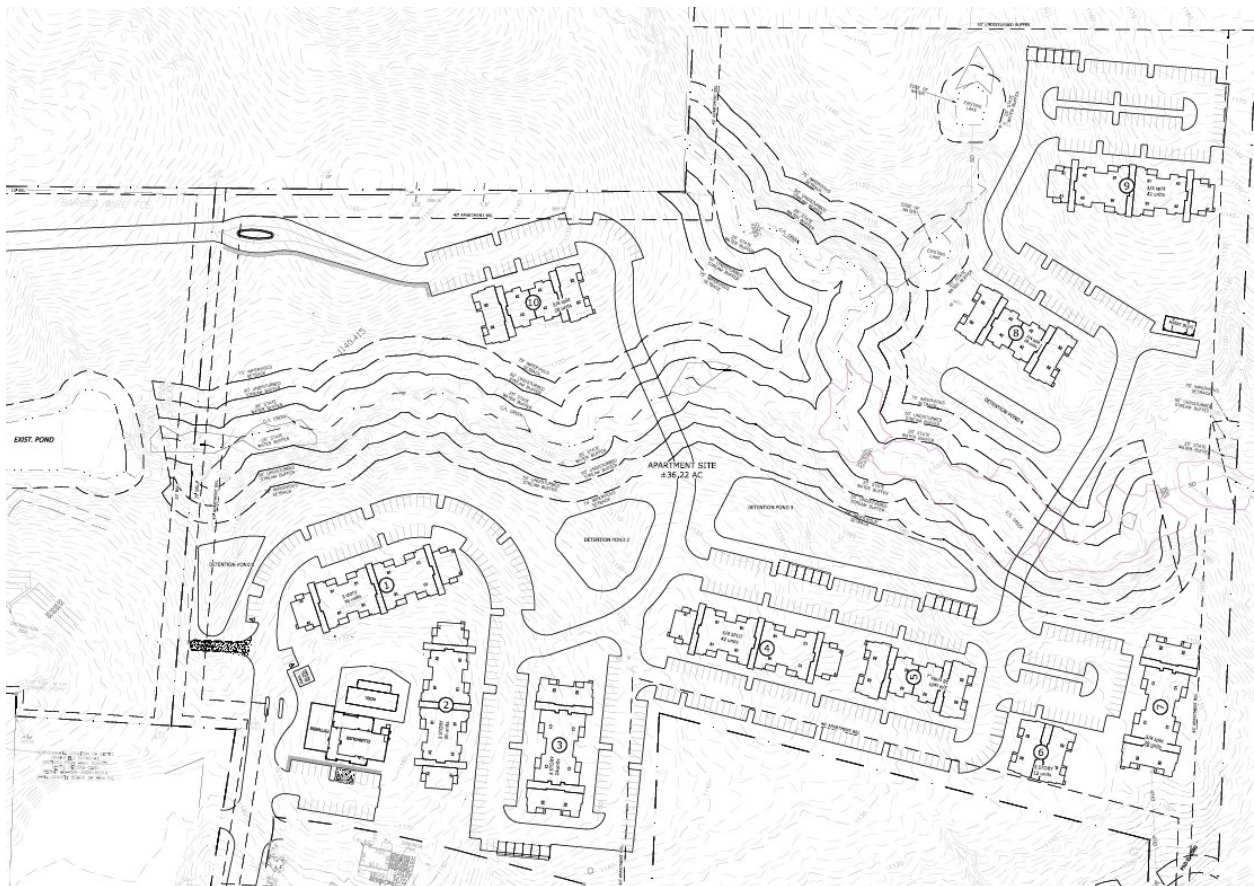


Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intend of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



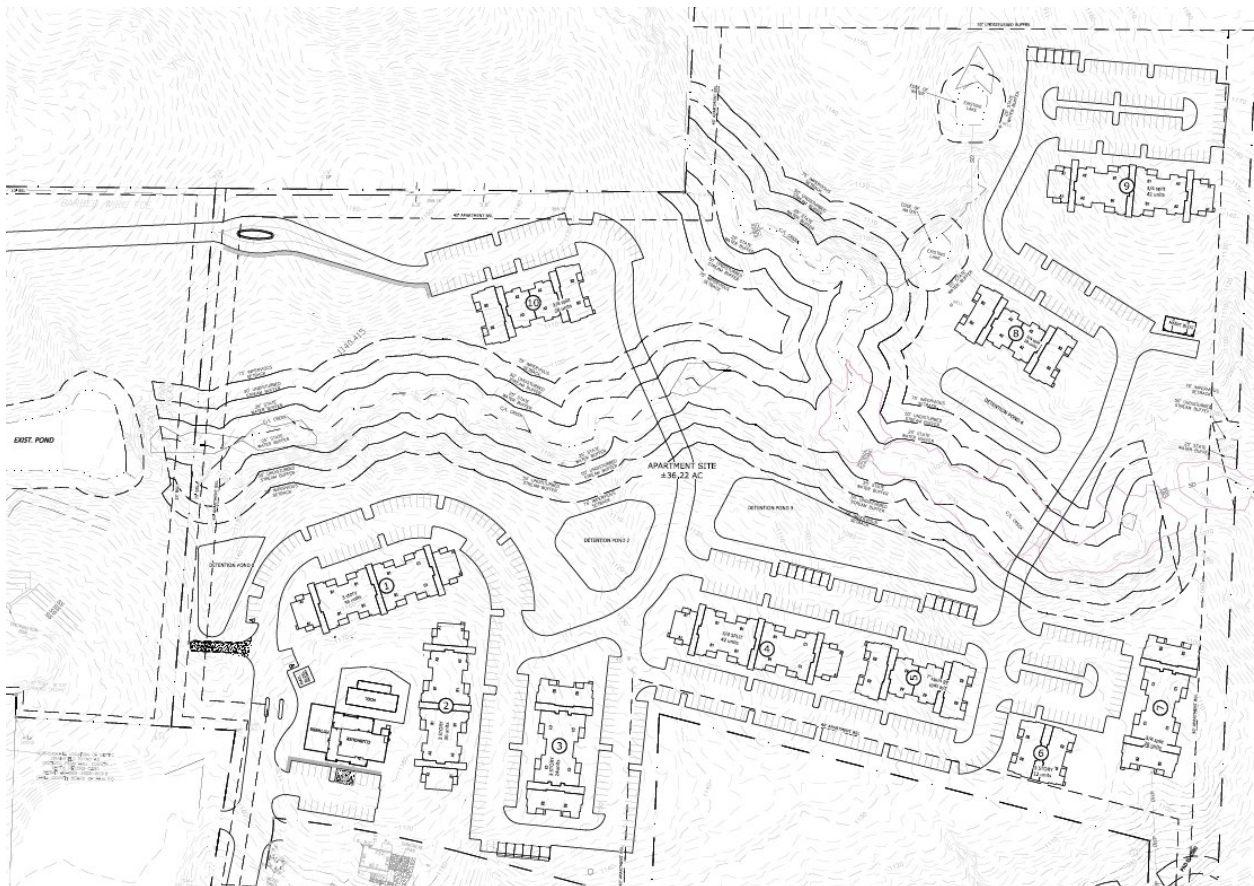
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C.** The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D.** The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E.** The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F.** The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G.** There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H.** A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I.** The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J.** The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K.** The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002
Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

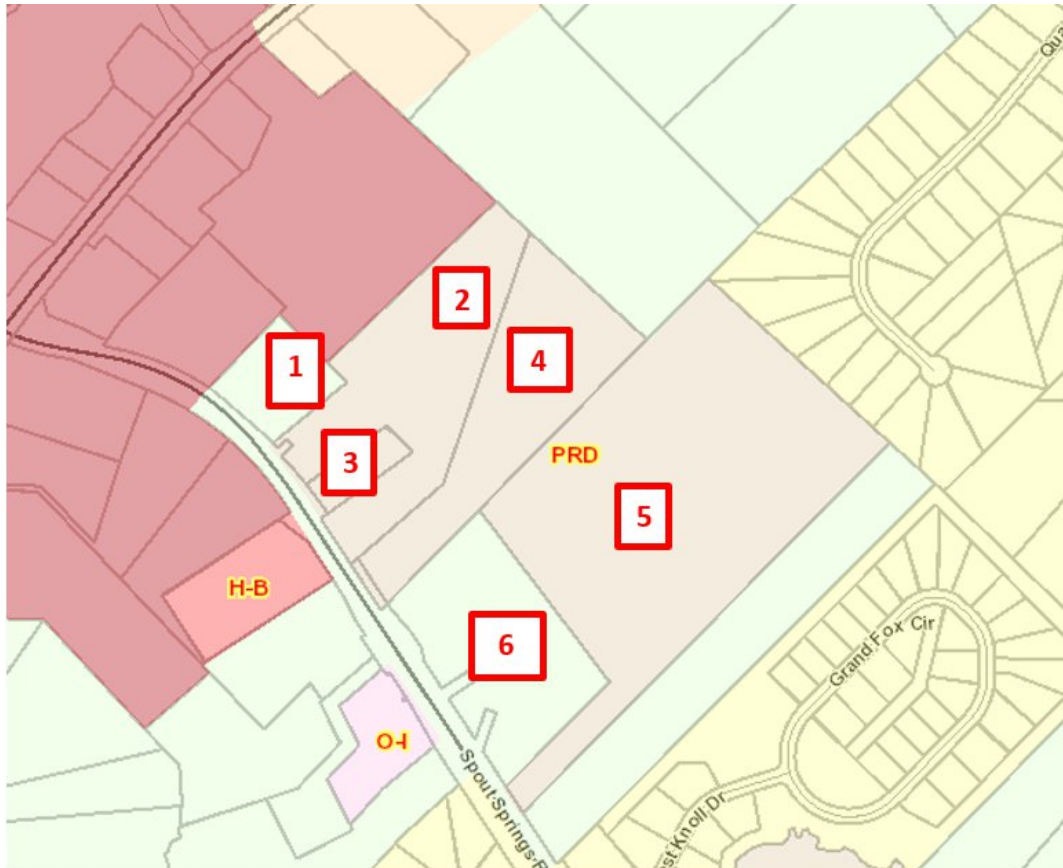


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-600 an annexation request for 6011 Spout Springs Road submitted by Capstone Acquisitions, LLC

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff Report - Entire Project.pdf](#)
- [6011 Spout Springs Annexation .pdf](#)

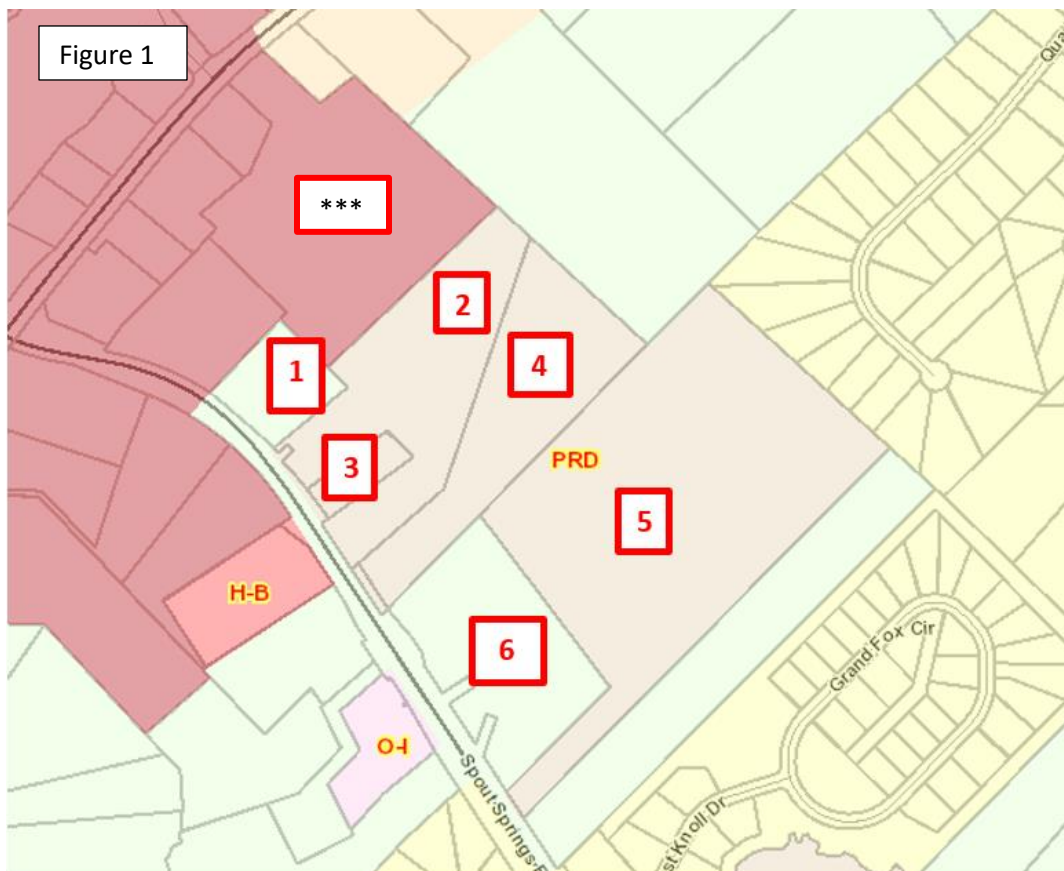


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

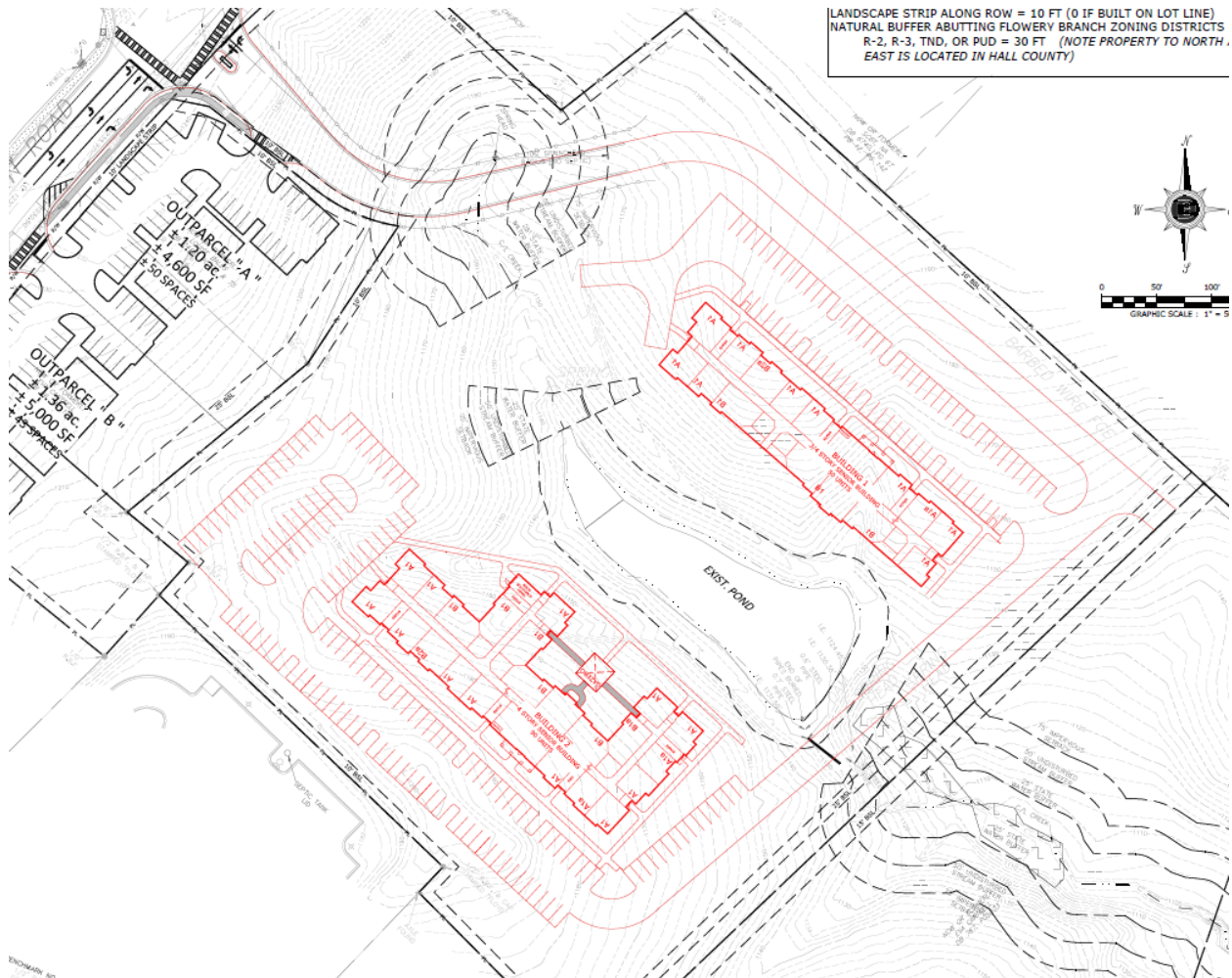
1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
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6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).



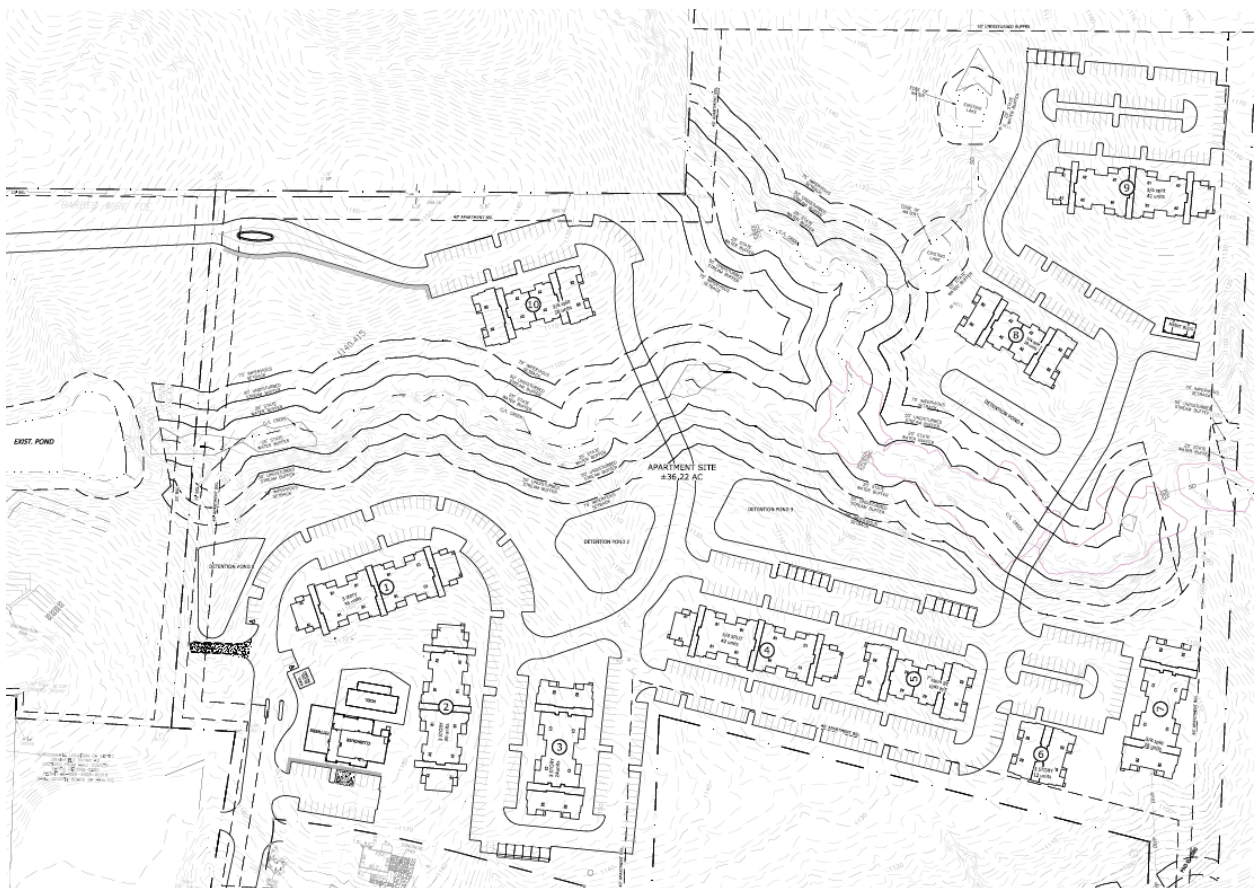


Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



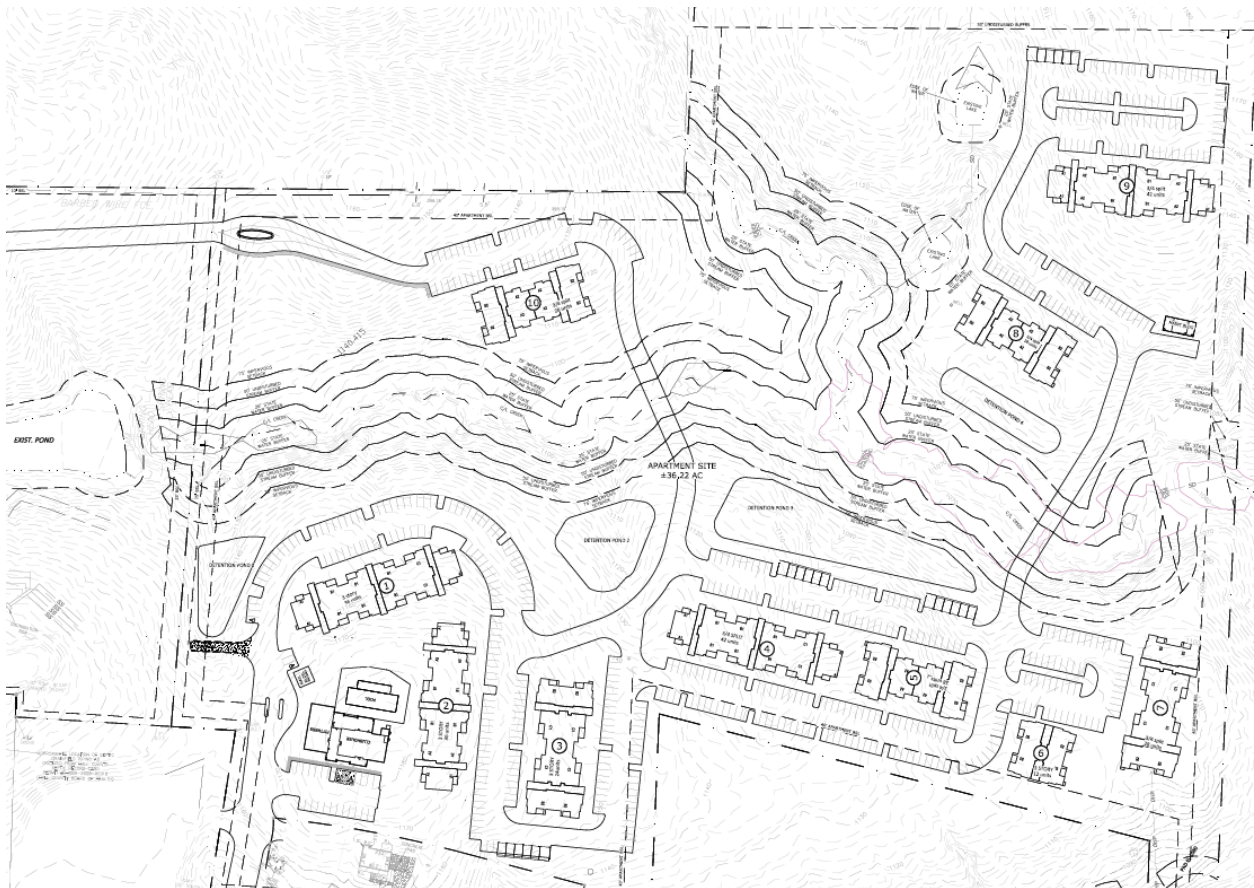
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

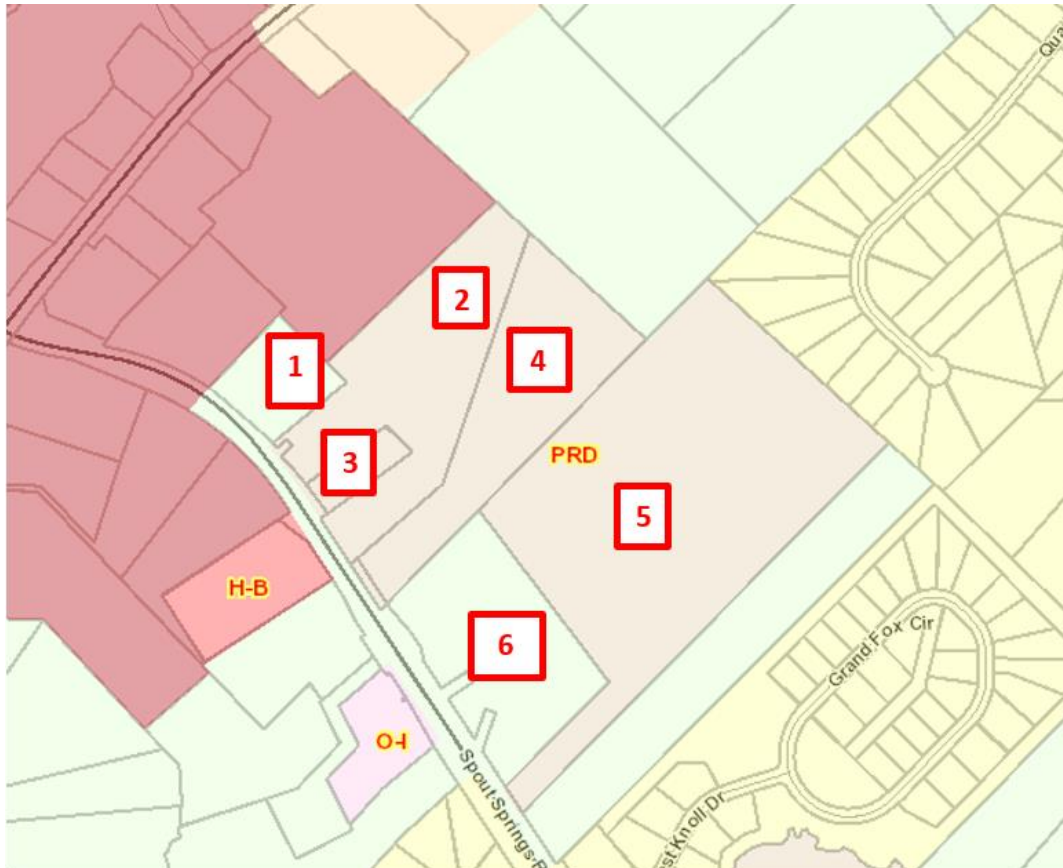


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-600

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 7.55 +/- ACRES, OWNED BY CAPSTONE ACQUISITIONS, LLC. IDENTIFIED AS 6011 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000131 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 7.55 +/- acres identified as Parcel Tax Identification Nos. 15046 000131, 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 Capstone Acquisitions, 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 parcel of land 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, Capstone Acquisitions, 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. 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 tract or parcel of land totaling 7.55 +/- acres identified as Parcel Tax Identification No. 15046 000131, 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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

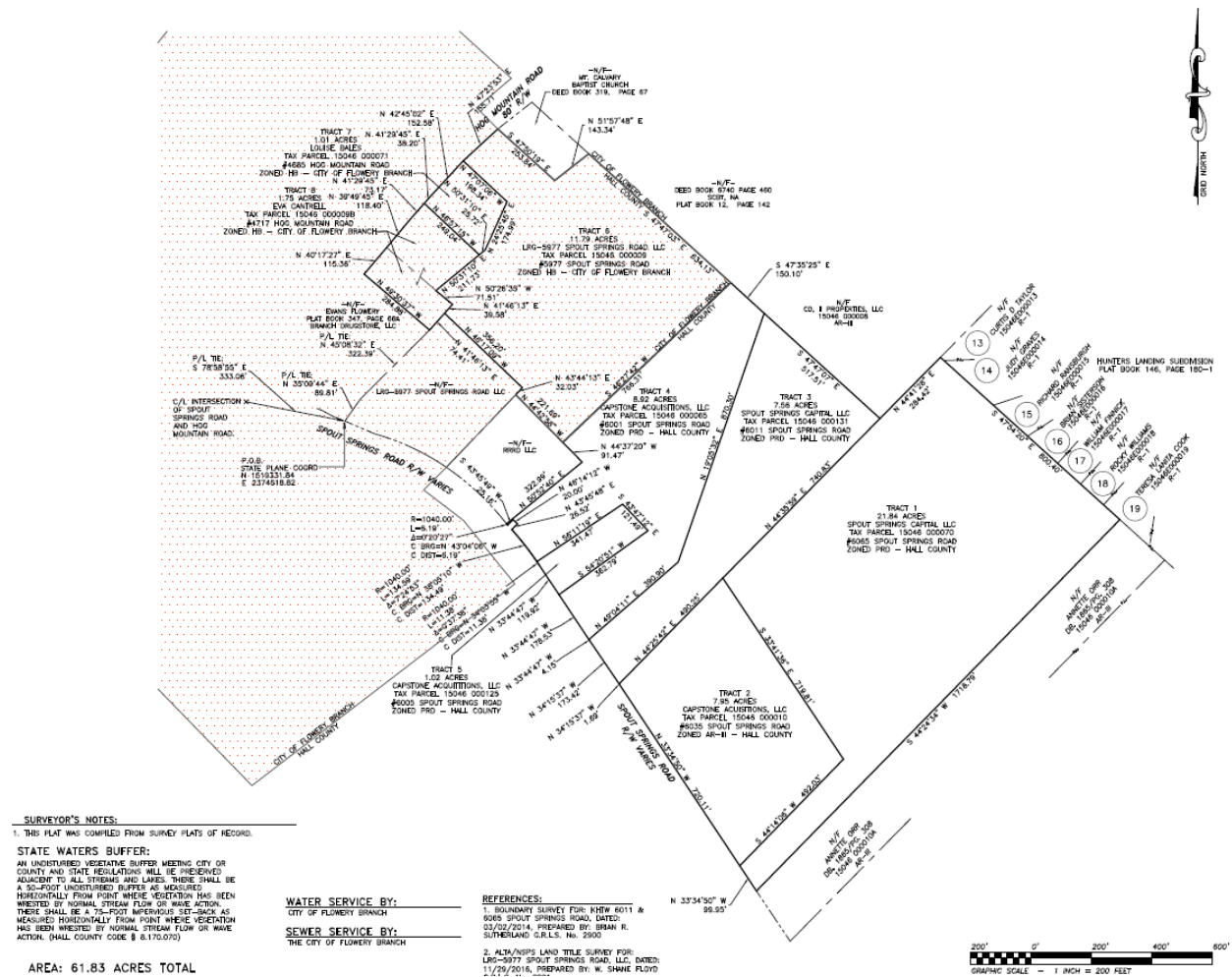


Exhibit "B"

6011 Spout Springs Road Tax I.D. # 15046 000131

All that tract or parcel of land lying and being in GMD 1270, Hall County, Georgia, consisting 7.558 acres, more or less, shown as Tract 2 on that Boundary Survey dated March 2, 2014, prepared by Brian R. Sutherland, RLS No. 2900, Georgia Premier Land Services, Inc., Project No. 14055 and being more particularly described according to said survey as follows: To find the true point of beginning, commence at the intersection of the southeasterly right of way of Hog Mountain Road with the northeasterly right of way of Spout Springs Road (right of way varies) and from thence proceed 1400.46 feet southeasterly along the northeasterly right of way of Spout Springs Road to an iron pin set, the same being the true point of beginning. From the true point of beginning, leave said right and proceed North 49 degrees 01 minutes 04 seconds East 390.90 feet to an $\frac{3}{4}$ inch open top pipe; thence North 19 degrees 02 minutes 25 seconds East 870.30 feet to an $\frac{3}{4}$ inch open top pipe; hence South 47 degrees 50 minutes 15 seconds East 517.51 feet to a concrete monument found; thence South 44 degrees 32 minutes 52 seconds West 740.83 feet to a $\frac{3}{4}$ inch open top pipe; thence South 44 degrees 22 minutes 34 seconds West 490.25 feet to a point located along the northeasterly right of way of Spout Springs Road; thence proceed along said right of way the following courses and distances: North 34 degrees 18 minutes 44 seconds west 173.42 feet to a concrete monument found; and North 33 degrees 47 minutes 55 seconds West 4.15 feet to an iron pin set, the same being the true point of beginning.

LESS AND EXCEPT from the above property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 8072, Page 767 and Deed Book 8072, page 773, Hall County, Georgia Deed Records.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-601 an annexation request for 6065 Spout Springs Rd. submitted by Capstone Acquisitions, LLC

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

.

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6065 Spout Springs Annexation.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-601

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 21.84 +/- ACRES, OWNED BY CAPSTONE ACQUISITIONS, LLC. IDENTIFIED AS 6065 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000070 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 21.84 +/- acres identified as Parcel Tax Identification Nos. 15046 000070, 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 Capstone Acquisitions, 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 parcels of land are 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, Capstone Acquisitions, 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. 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 tract or parcel of land totaling 21.84 +/- acres identified as Parcel Tax Identification No. 15046 000070, 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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

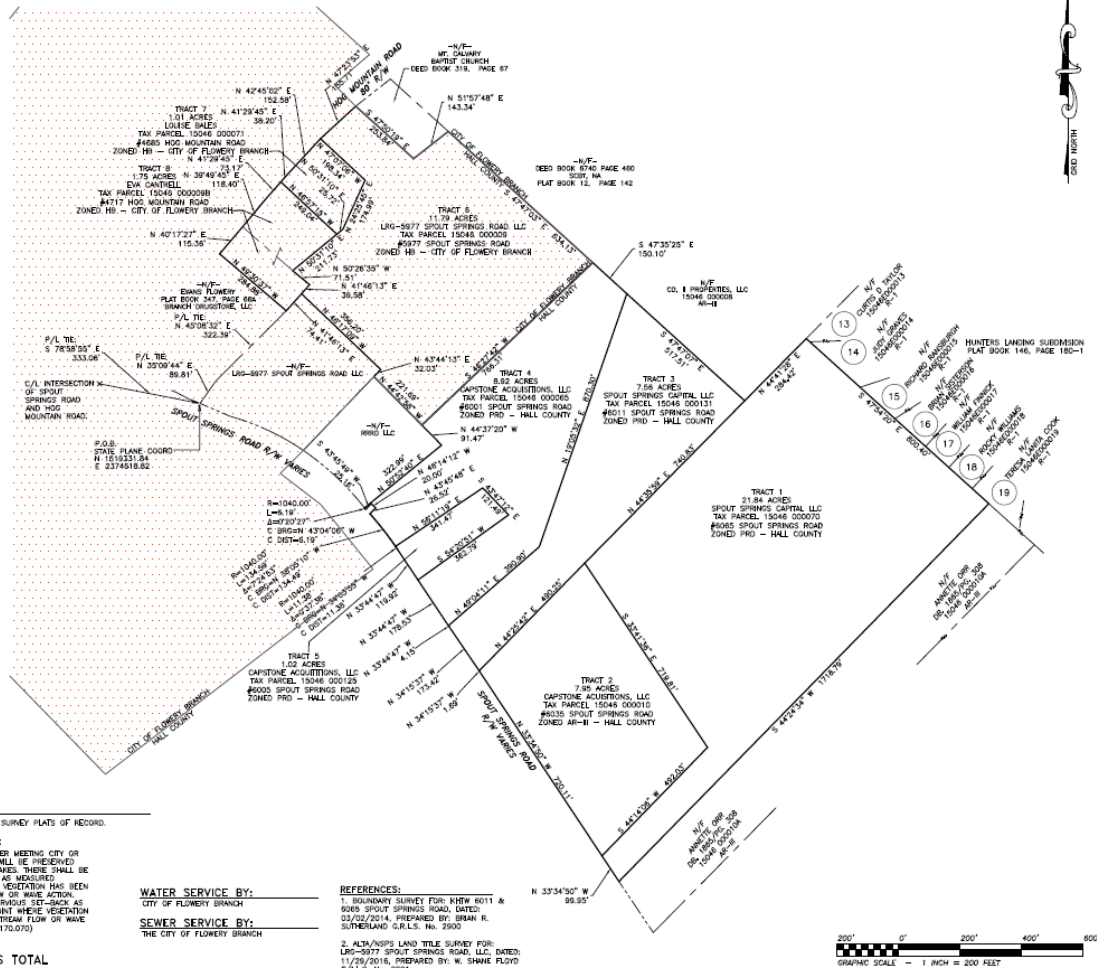


Exhibit “B”

6065 Spout Springs Road Tax I.D. # 15046 000070

All that tract or parcel of land lying and being in GMD 1270, Hall County, Georgia, consisting 21.843 acres, more or less, shown as Tract 1 on that Boundary Survey dated March 2, 2014, prepared by Brian R. Sutherland, RLS No. 2900, Georgia Premier Land Services, Inc., Project No. 14055 and being more particularly described according to said survey as follows: To find the true point of beginning, commence at the intersection of the southeasterly right of way of Hog Mountain Road with the northeasterly right of way of Spout Springs Road (right of way varies) and from thence proceed 1400.46 feet southeasterly along the northeasterly right of way of Spout Springs Road to an iron pin set, thence continuing along said right of way South 33 degrees 47 minutes 55 seconds East 4.15 feet to a concrete monument found, thence continuing along said right of way South 34 degrees 18 minutes 44 seconds East 173.42 feet to an iron pin set; thence leaving said right of way by proceeding North 44 degrees 22 minutes 34 seconds East 490.25 feet to an $\frac{3}{4}$ inch open top pipe, the same being the true point of beginning. From the true point of beginning, proceed North 44 degrees 32 minutes 52 seconds East 740.83 feet to a concrete monument found; thence North 44 degrees 38 minutes 21 seconds East 284.42 feet to a $\frac{1}{2}$ inch rebar found at a corner, thence proceed South 47 degrees 57 minutes 27 seconds East 800.40 feet to a point; thence proceed South 44 degrees 21 minutes 26 seconds West 1718.79 feet to a $\frac{1}{2}$ inch crimp top pipe located along the northeasterly right of way of Spout Springs Road; thence proceed along said right of way North 33 degrees 37 minutes 58 seconds West 99.95 feet to an iron pin set; thence leaving said right of way and proceeding North 44 degrees 10 minutes 58 seconds East 492.03 feet to a $\frac{3}{4}$ inch open top pipe; thence North 33 degrees 44 minutes 43 seconds west 719.81 feet to an $\frac{3}{4}$ inch open top pipe, the same being the true point of beginning.

LESS AND EXCEPT from the above property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 8072, Page 767 and Deed Book 8072, page 773, Hall County, Georgia Deed Records.

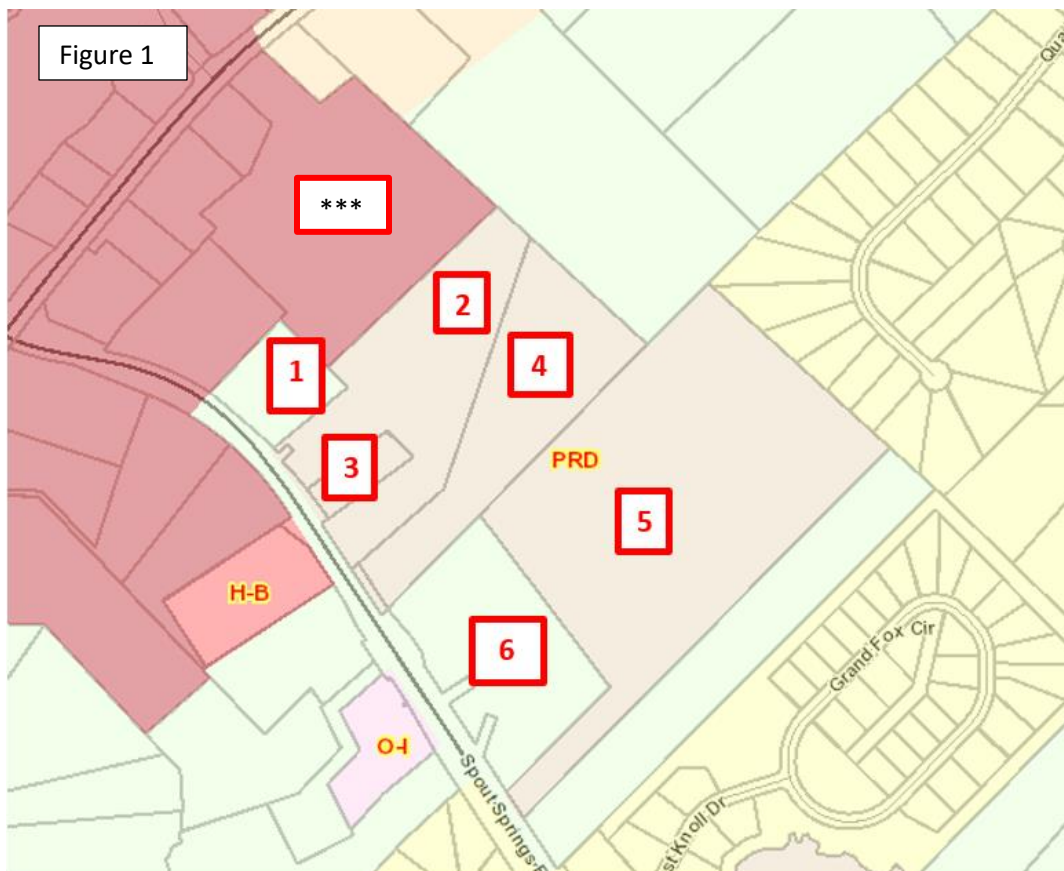


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





If approved, parcels 2, 3, 4, 5, & 6 (Figure 1) will be altered and will generally appear as shown below in Figure 2. The project will generally consist of four major components (also shown in Figure 2):

1. Senior Housing (CUP per FB Resolution 16-002)
2. The Goddard School
3. The Exchange at Flowery Branch
4. Two Highway Business out parcels.

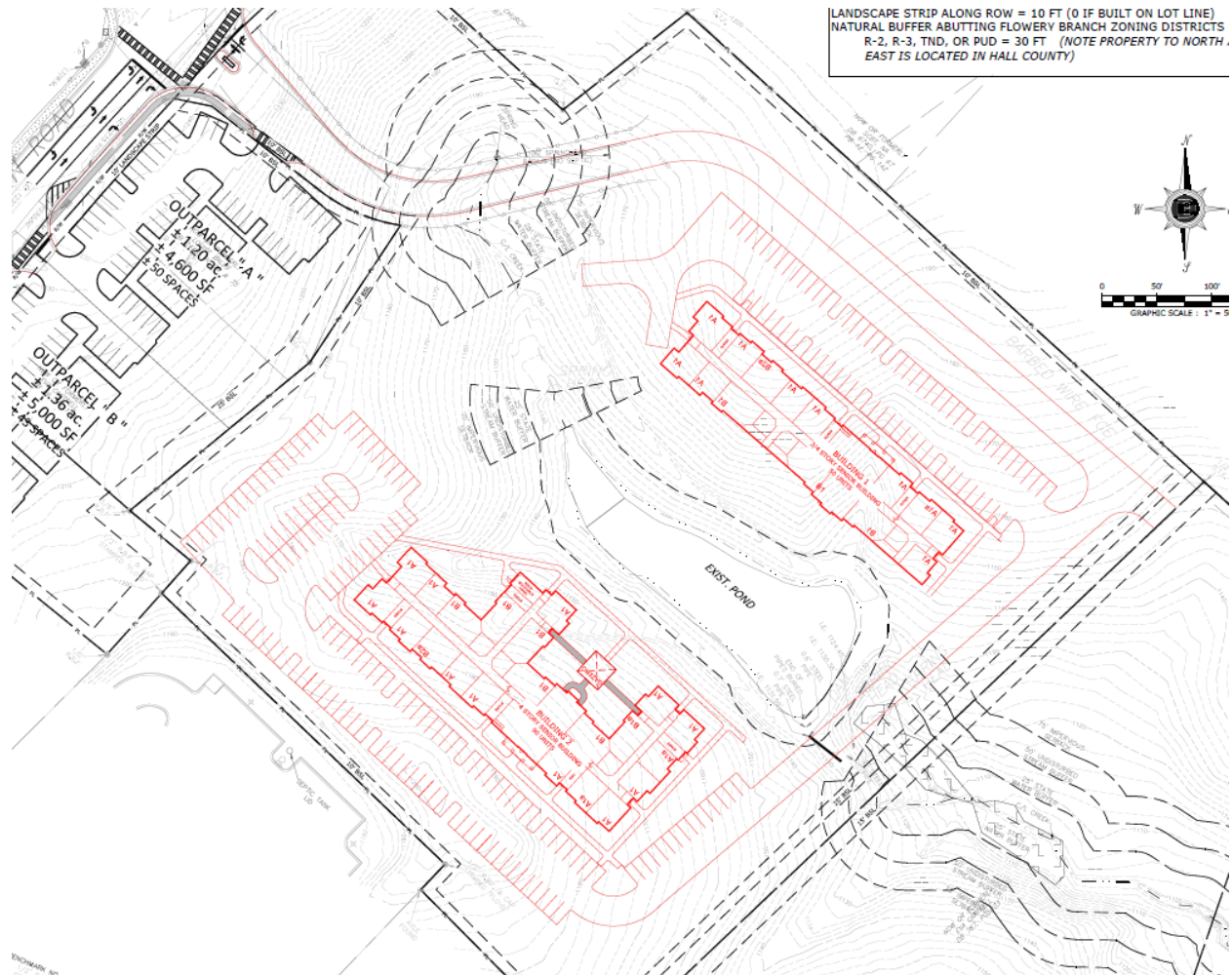


Component 1 Senior Housing Information

No City Council action is required for land use/zoning on this component. A Conditional Use Permit (CUP) was approved for this site on April 21, 2016 via resolution # 16-002 (see attachment #1) allowing a senior multi-family development. The CUP does not set limitations on size or number of units nor does it have any guidelines or recommendations for materials or design. This development will only be subjected to the requirements for Highway Business (HB) set forth in Table 9.2 of the zoning ordinance (see attachment #2). Currently, the applicant has submitted a preliminary non-binding site plan that shows 140 units (see below). Although no action is to be taken at this time if the project is relevant as it



allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).





Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



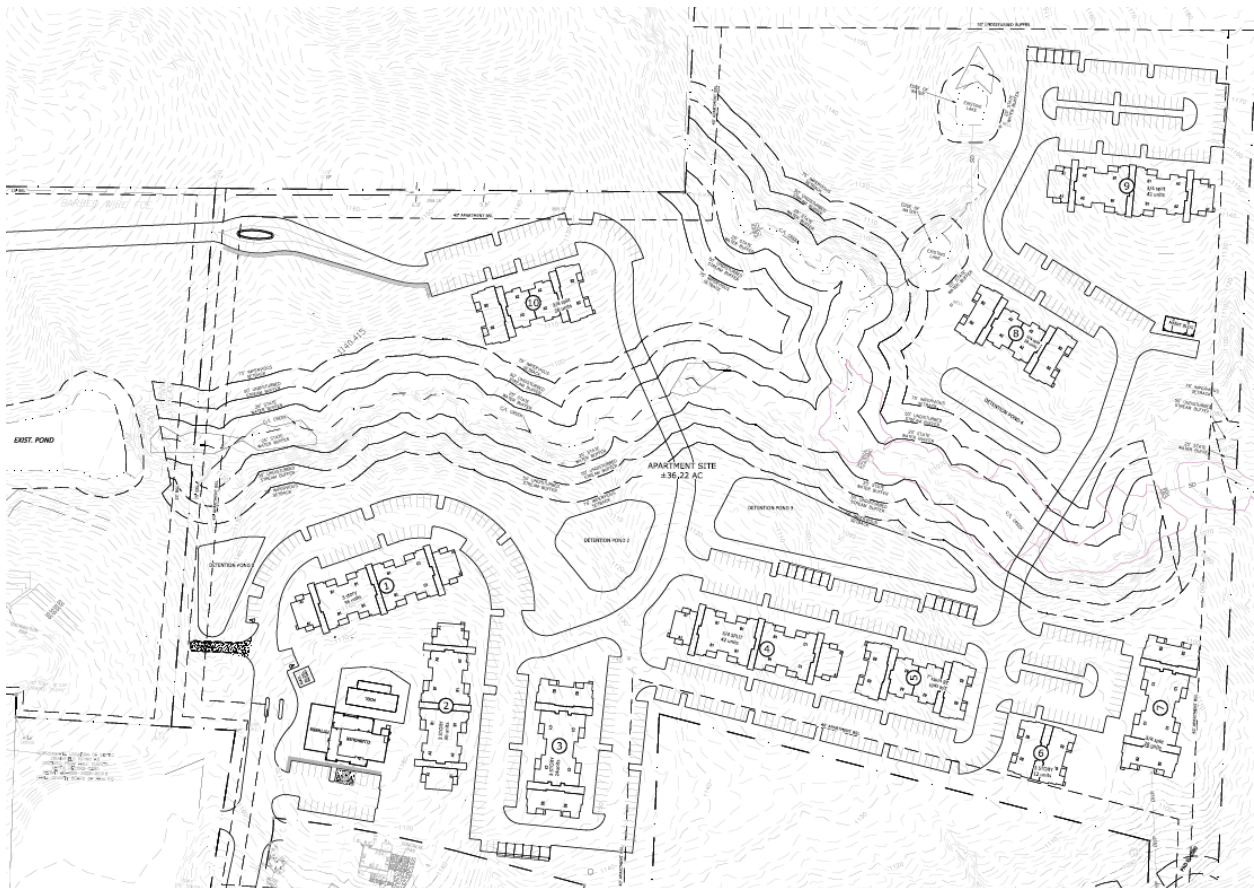
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002
Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

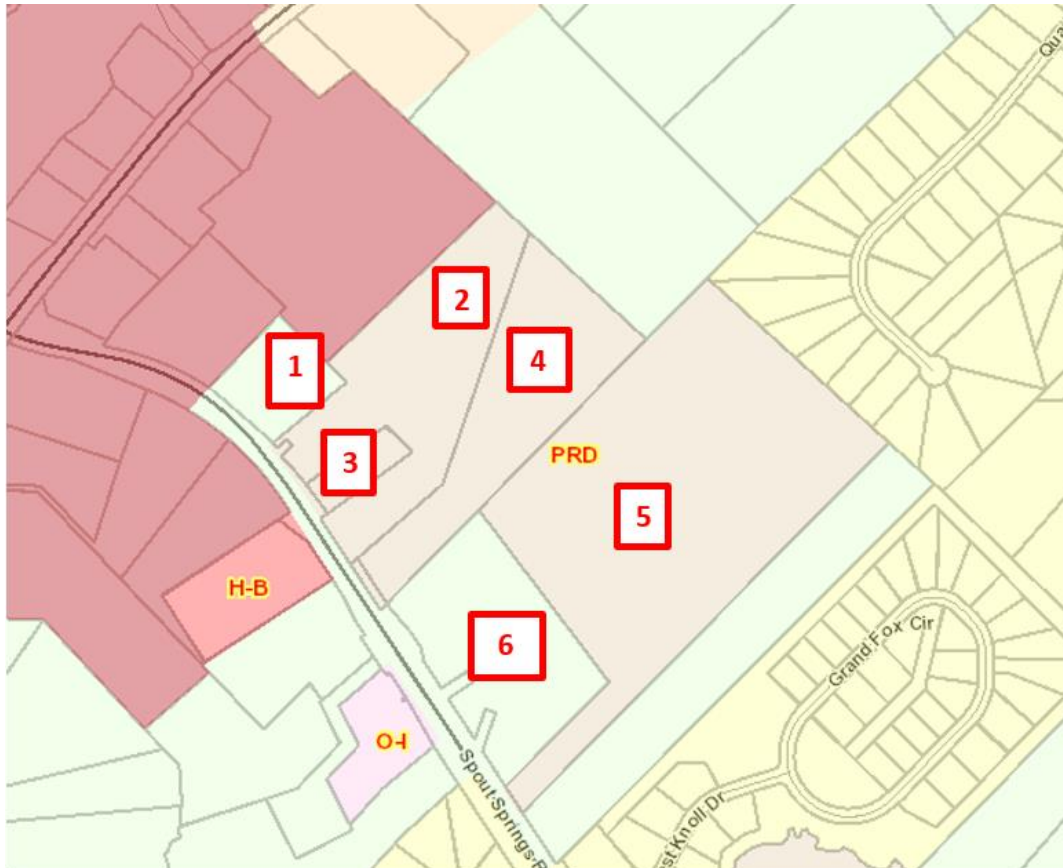


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-602 an annexation request for 6035 Spout Springs Rd. submitted by Capstone Acquisitions, LLC.

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6035 Spout Springs Annexation.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-602

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 7.98 +/- ACRES, OWNED BY CAPSTONE ACQUISITIONS, LLC. IDENTIFIED AS 6035 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000010 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 7.98 +/- acres identified as Parcel Tax Identification Nos. 15046 000010, 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 Capstone Acquisitions, 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 parcel of land 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, Capstone Acquisitions, 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. 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 tract or parcel of land totaling 7.98 +/- acres identified as Parcel Tax Identification No. 15046 000010, 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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

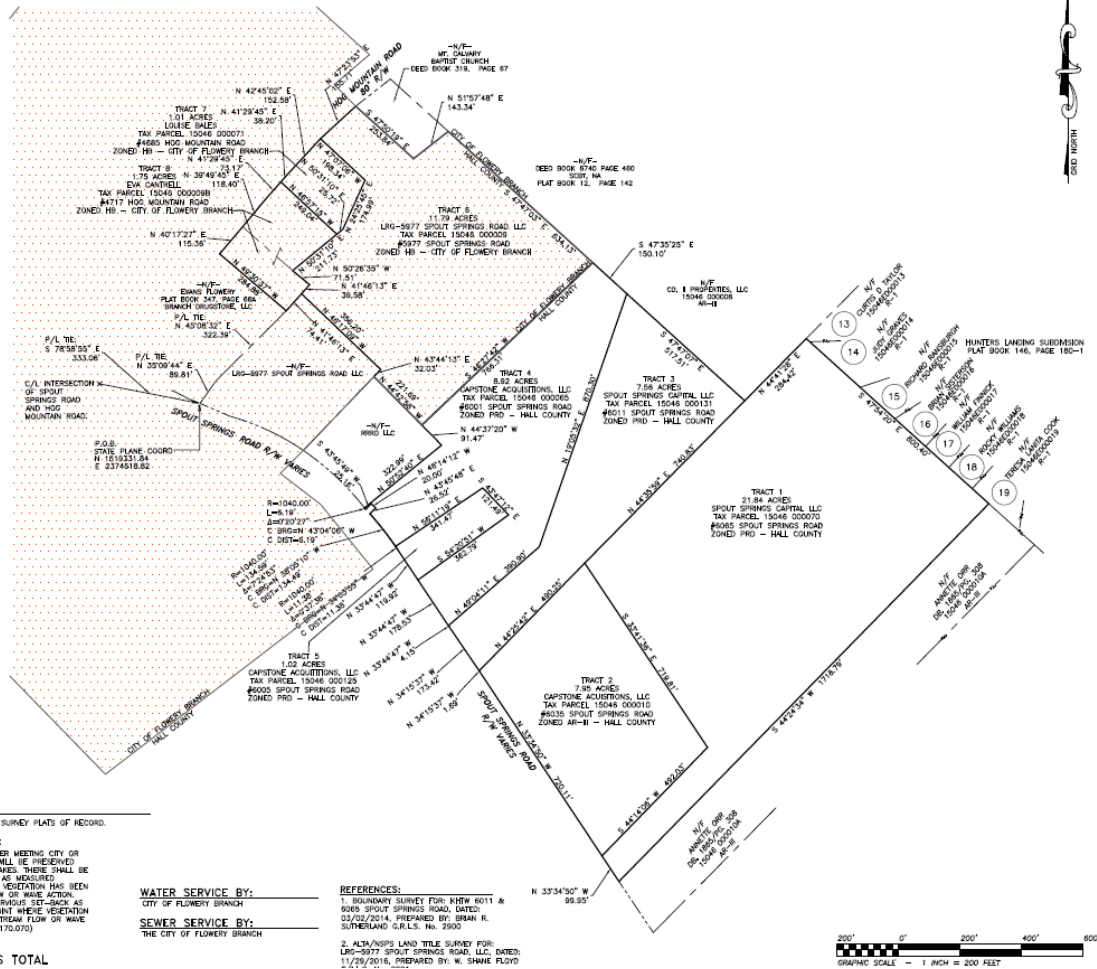


Exhibit “B”

6035 Spout Springs Road Tax I.D. # 15046 000010

All that tract or parcel of land lying and being in GMD 1270, Hall Co GA and being shown and delineated as Tract 1 on Plat of Survey prepared for Carl Titshaw Estate by W.T. Dunahoo and Associates, Inc. Dated June 9, 1983 and being recorded in the Clerk's Office of the Superior Court of Hall County GA in Plat Book 91 page 76. Said Plat and the record thereof are herein incorporated for a full and complete legal description.

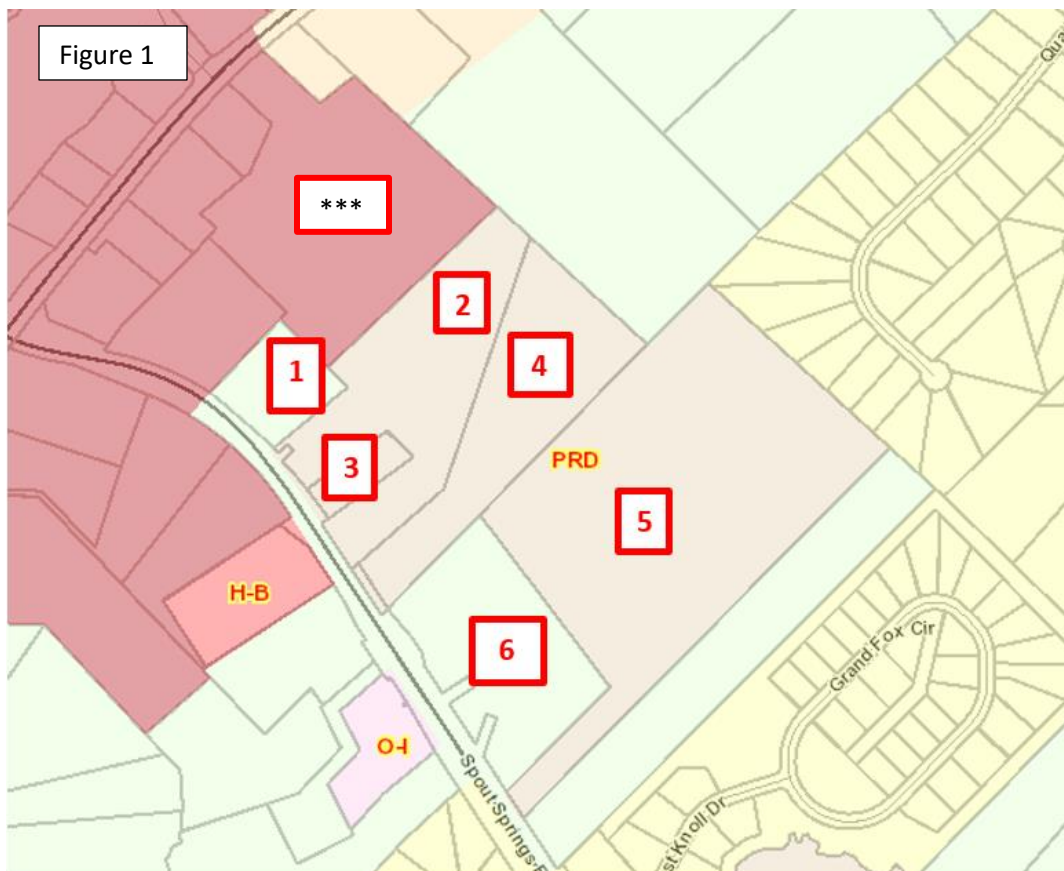


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

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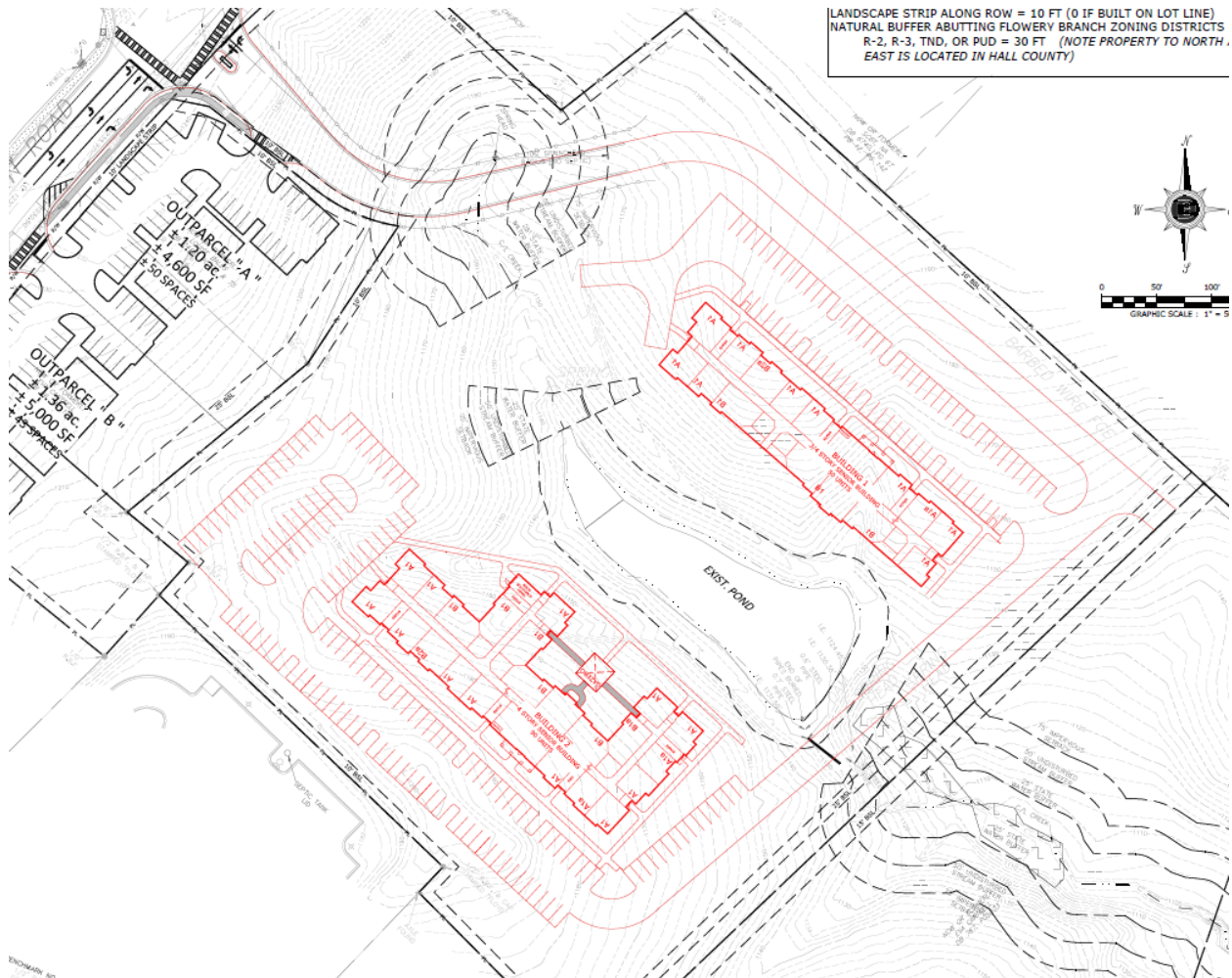
*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)



If approved, parcels 2, 3, 4, 5, & 6 (Figure 1) will be altered and will generally appear as shown below in Figure 2. The project will generally consist of four major components (also shown in Figure 2):



allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).



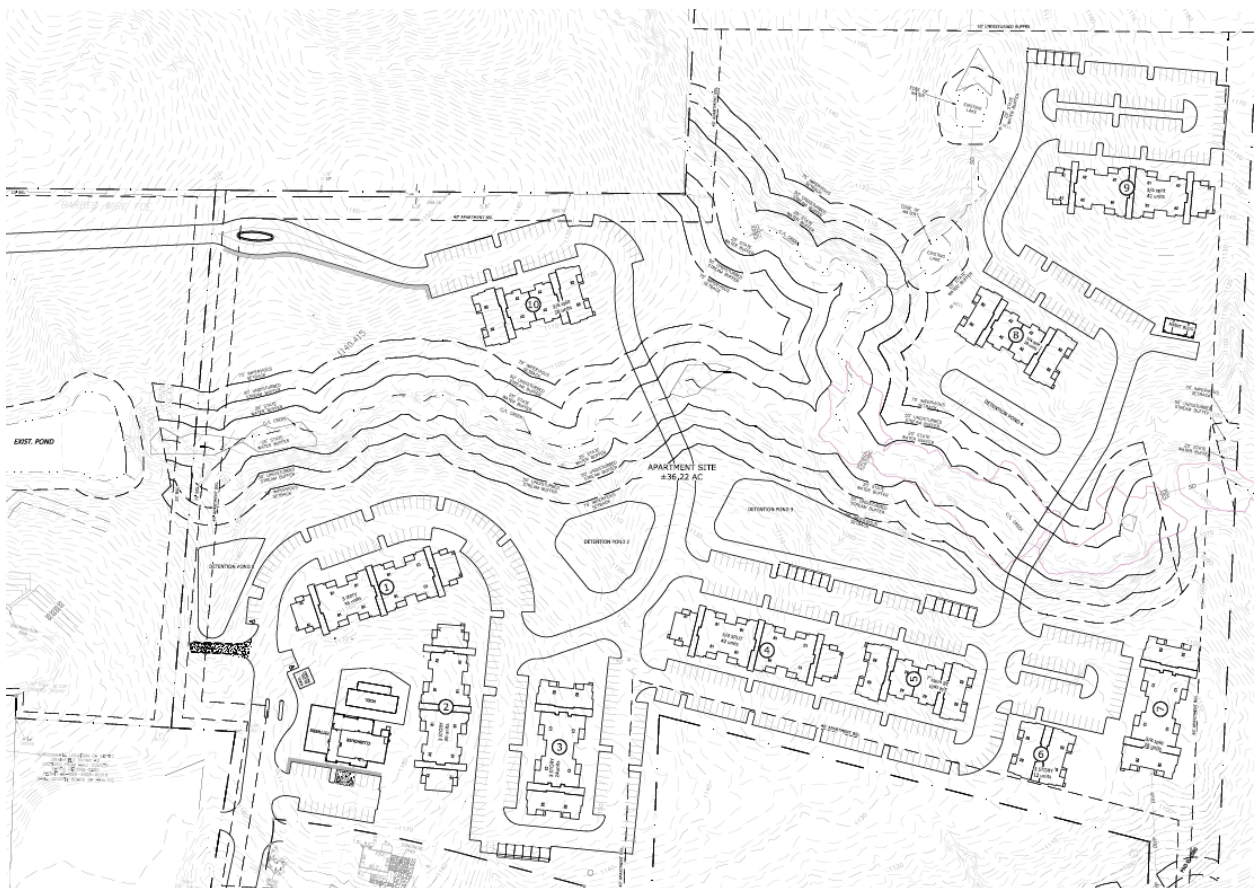


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This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





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The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
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- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
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- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



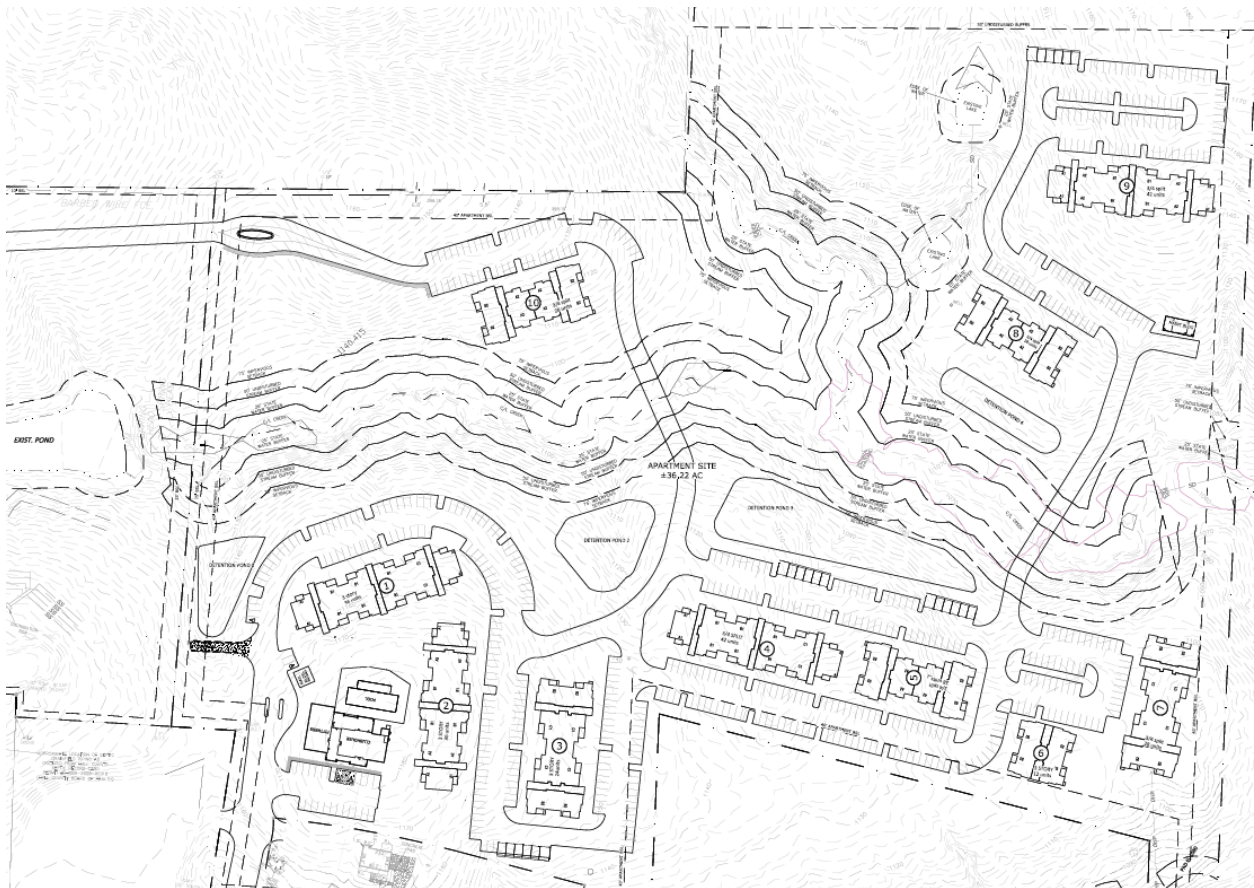
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

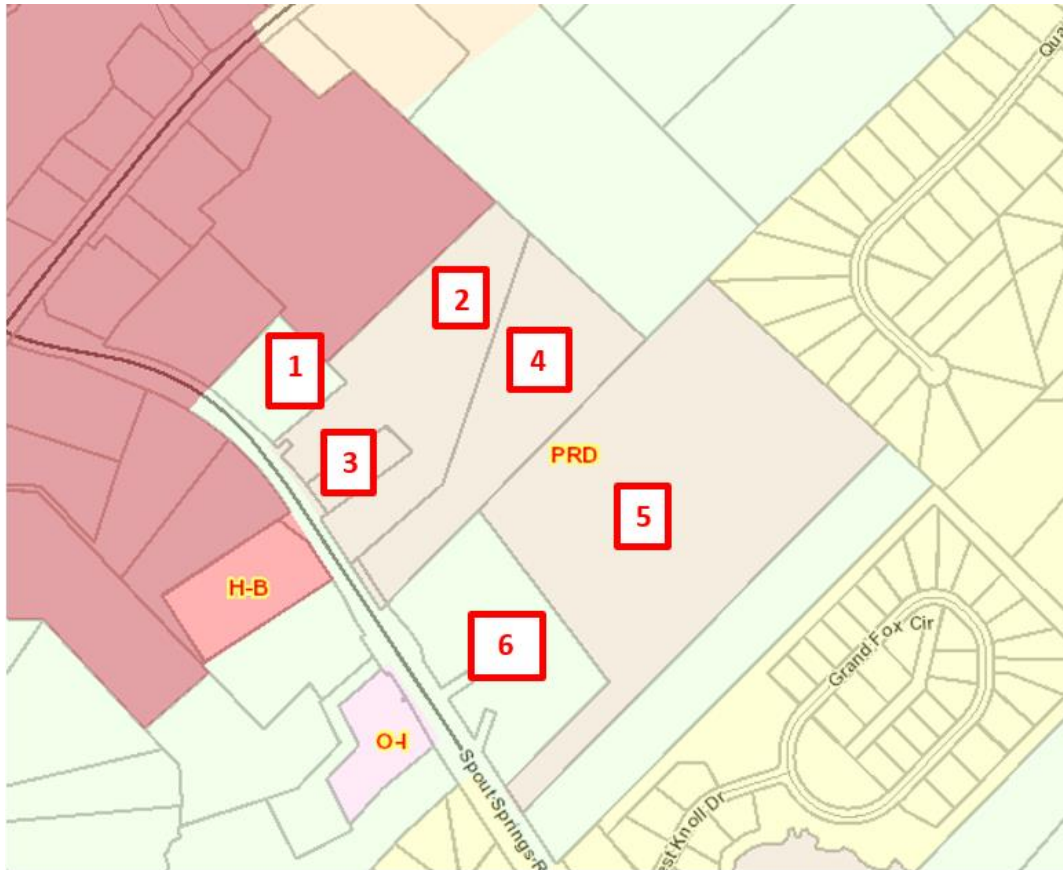


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-603 a rezoning request submitted by the Goddard School

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

Ordinance #20-603 is a request to rezone the Goddard School (if annexed) from Hall County AR III to Flowery Branch HB. The Highway Business zoning designation allows the use inherently.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing and work session only - no vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff Report - Entire Project.pdf](#)
- [Goddard School Rezoning.pdf](#)

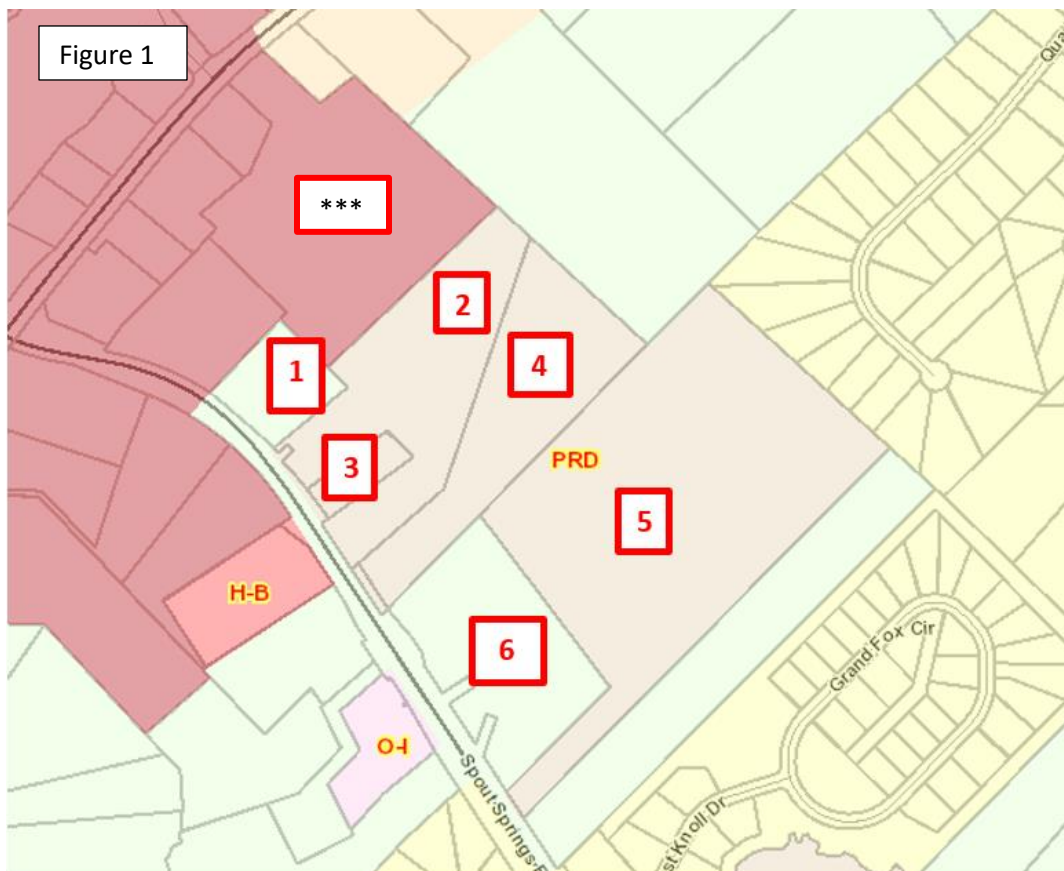


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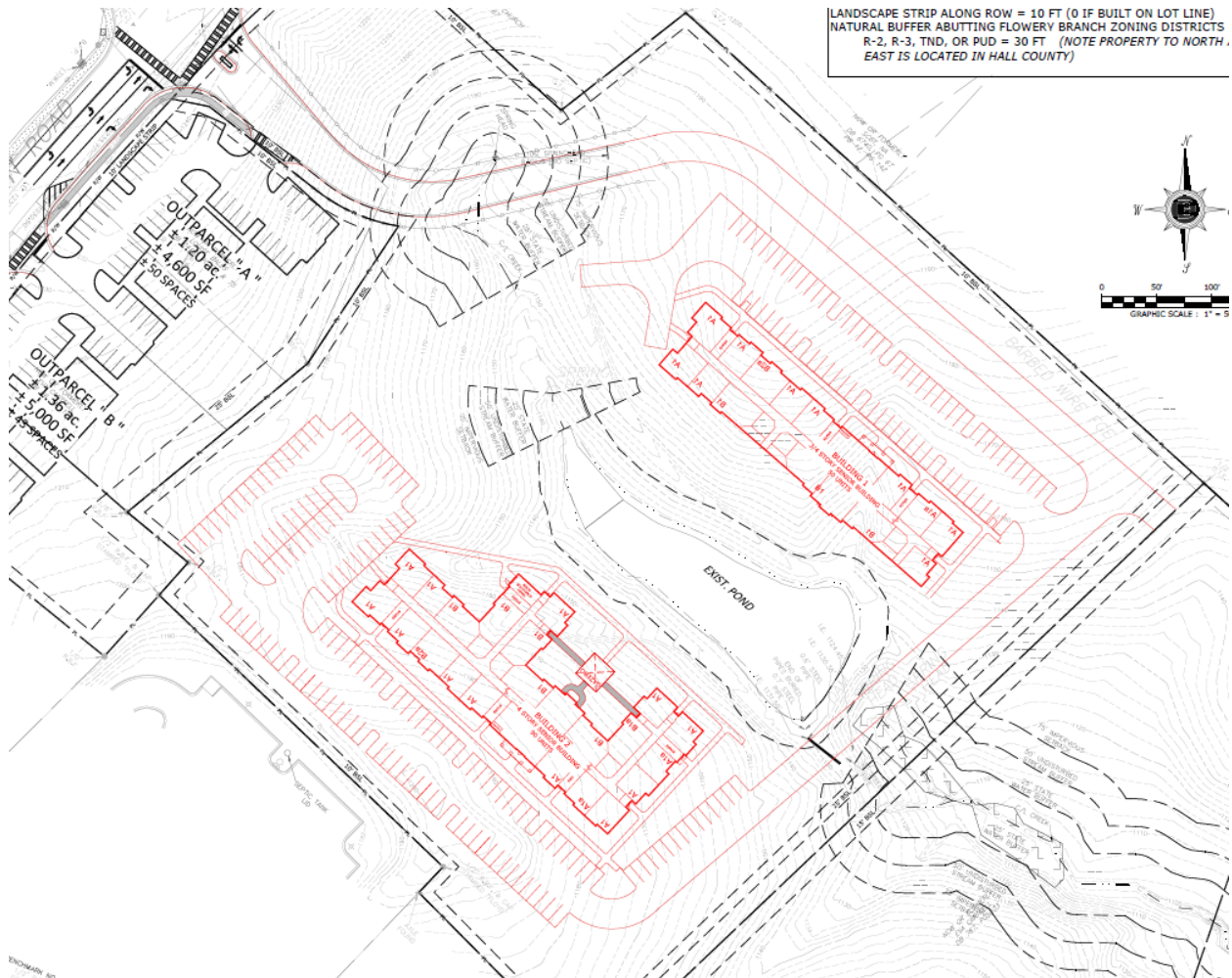
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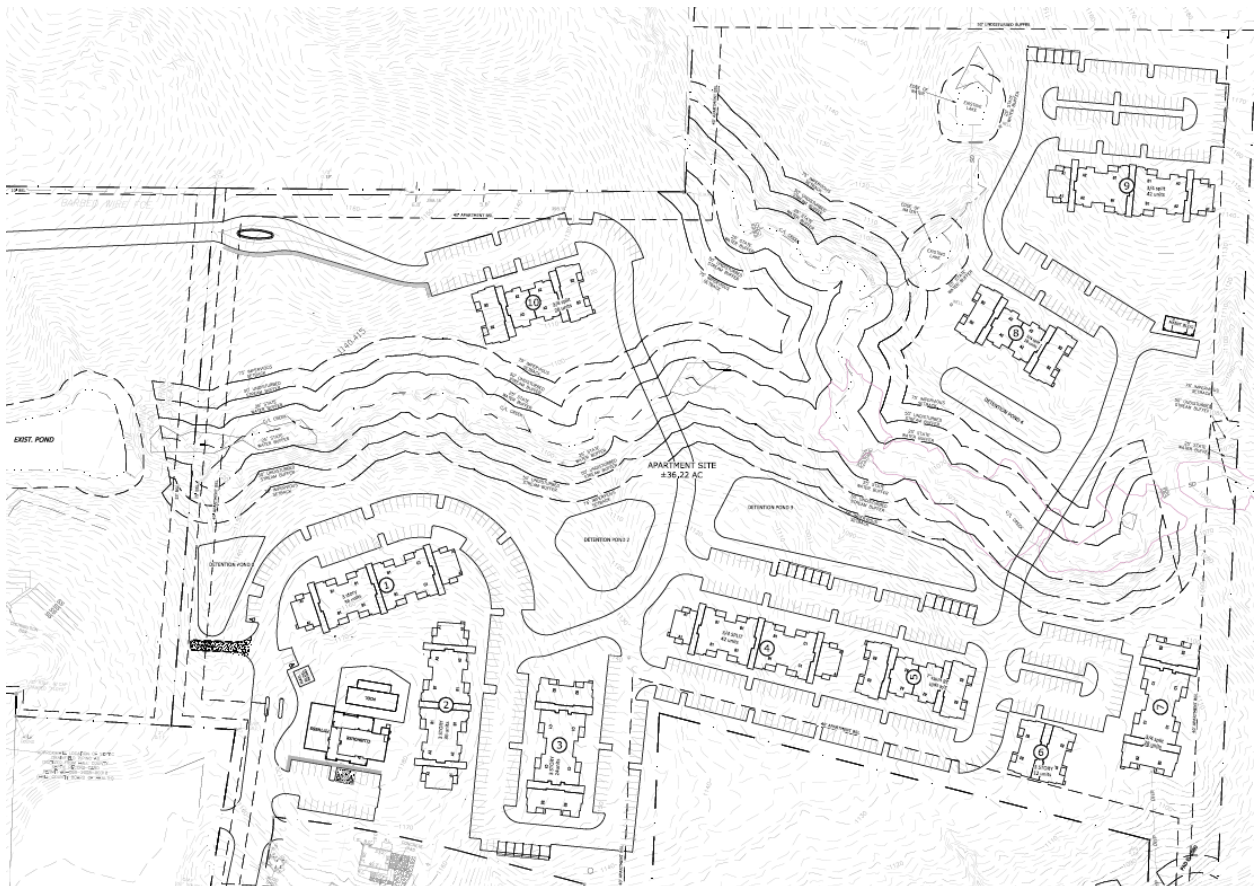


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Staff Response:

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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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



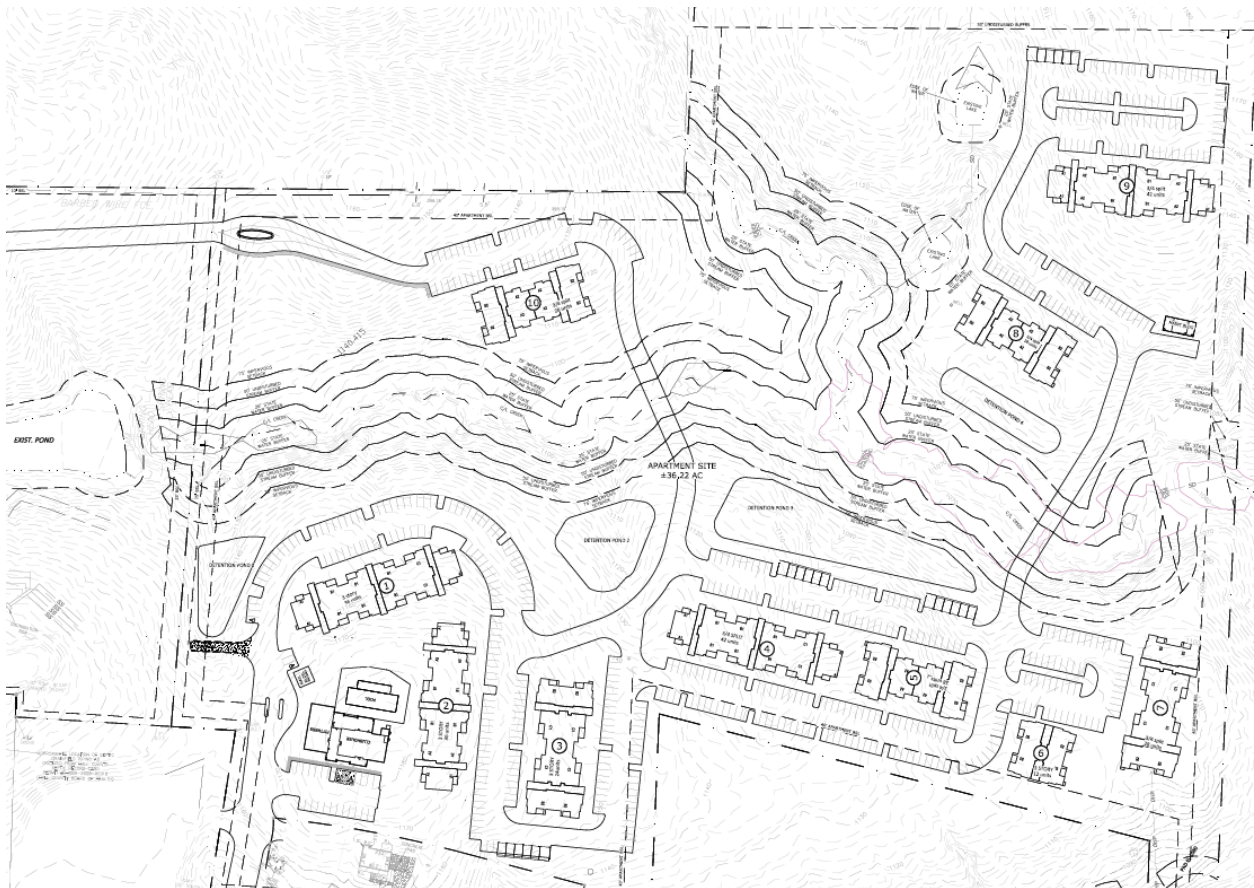
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

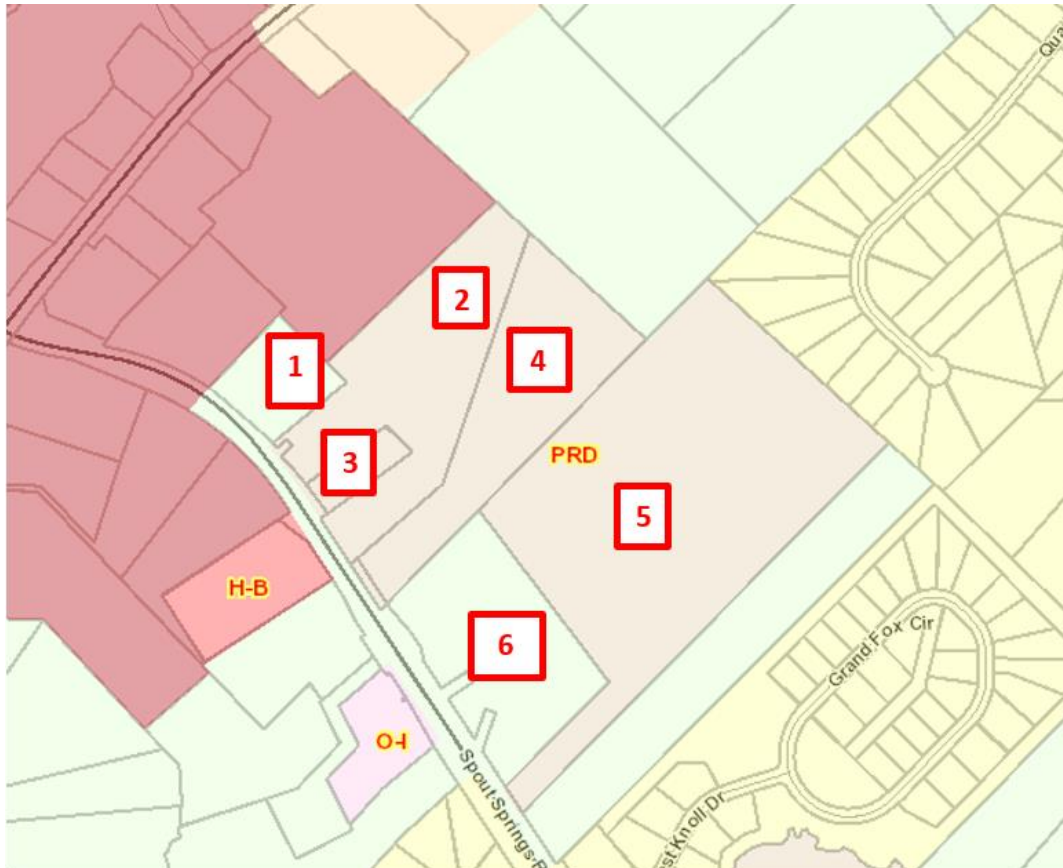


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-603

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY ZONING A 2.17+/- TRACT OF LAND OWNED BY RRRD, LLC. IDENTIFIED AS 5989 SPOUT SPRINGS ROAD AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; REQUEST IS TO REZONE FROM HALL COUNTY AGRICULTURAL RESIDENTIAL (A III) TO FLOWERY BRANCH HIGHWAY BUSINESS (HB). PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, RRRD, LLC, owns all tracts or parcel of land totaling 2.17 +/- acres identified as Parcel Tax Identification No. 15046 000009D, 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 RRRD, LLC, and in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

SECTION 2. LEGAL DESCRIPTION.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Hall County A III (Agricultural Residential) to Flowery Branch HB (Highway Business) and as conditioned on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

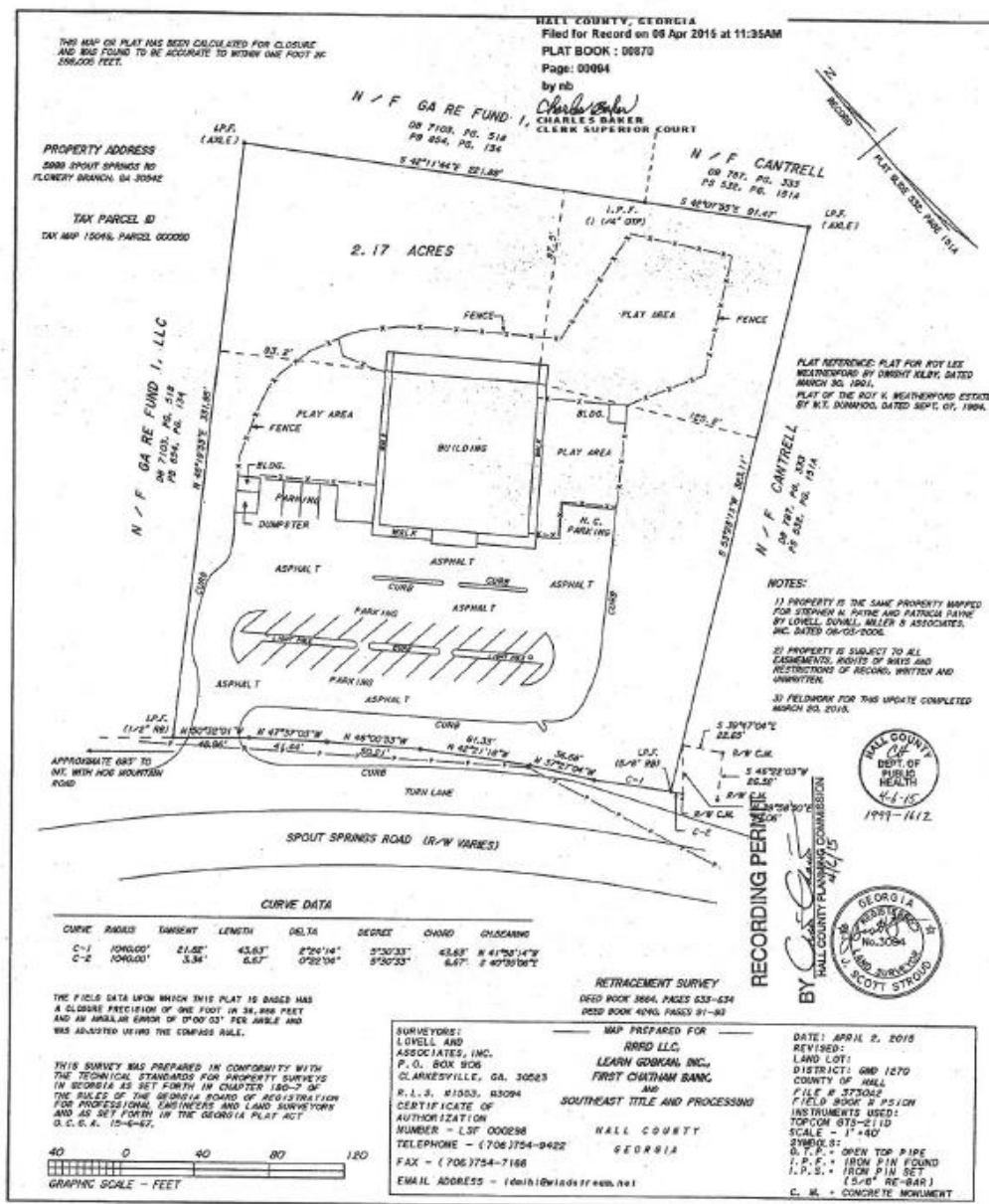
APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

2/4/2019

GSCCCA.org - Image Index



<http://search.gscoca.org/Imaging/HTML5Viewer.aspx?id=2361795&key1=870&key2=94&county=69&countyname=HALL&userid=18181&appid=28>

1/2

Exhibit "B"

ALL THAT LOT, tract or parcel of land lying, situate and being in the 1270 GMD, Hall County, Georgia, being all that property shown on a survey for "RRRD, LLC, Learn GDBKAN, LLC, First Chatham Bank, and Southeast Title and Processing," dated April 2, 2015, prepared by J. Scott Stroud, Georgia Registered Land Surveyor, being shown to contain 2.17 acres according to said survey, which survey is recorded at Deed Book 870, Page 94, Hall County, Georgia plat records.

Subject to all easements, covenants, and restrictions of record, if any.

Map# 15046 000009D



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-604 a rezoning request for 6001 Spout Springs Rd. submitted by Capstone, LLC

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6001 Spout Springs Rezoning.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-604

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY CAPSTONE ACQUISITIONS, LLC IDENTIFIED AS 6001 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000065 TOTALING 7.63 +/- ACRES TO BE REZONED FROM HALL COUNTY PRD (PLANNED RESIDENTIAL DEVELOPMENT) TO FLOWERY BRANCH MULTI-FAMILY RESIDENTIAL (R3), 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 7.63 +/- acres identified as Parcel Tax Identification No. 15046 000065, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County PRD (Highway Business) to Flowery Branch R3 (Multi-Family Residential) 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 PRD; 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 PRD.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Hall County PRD (Planned Residential Development) to Flowery Branch M3 (Multi-Family Residential) and as conditioned on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

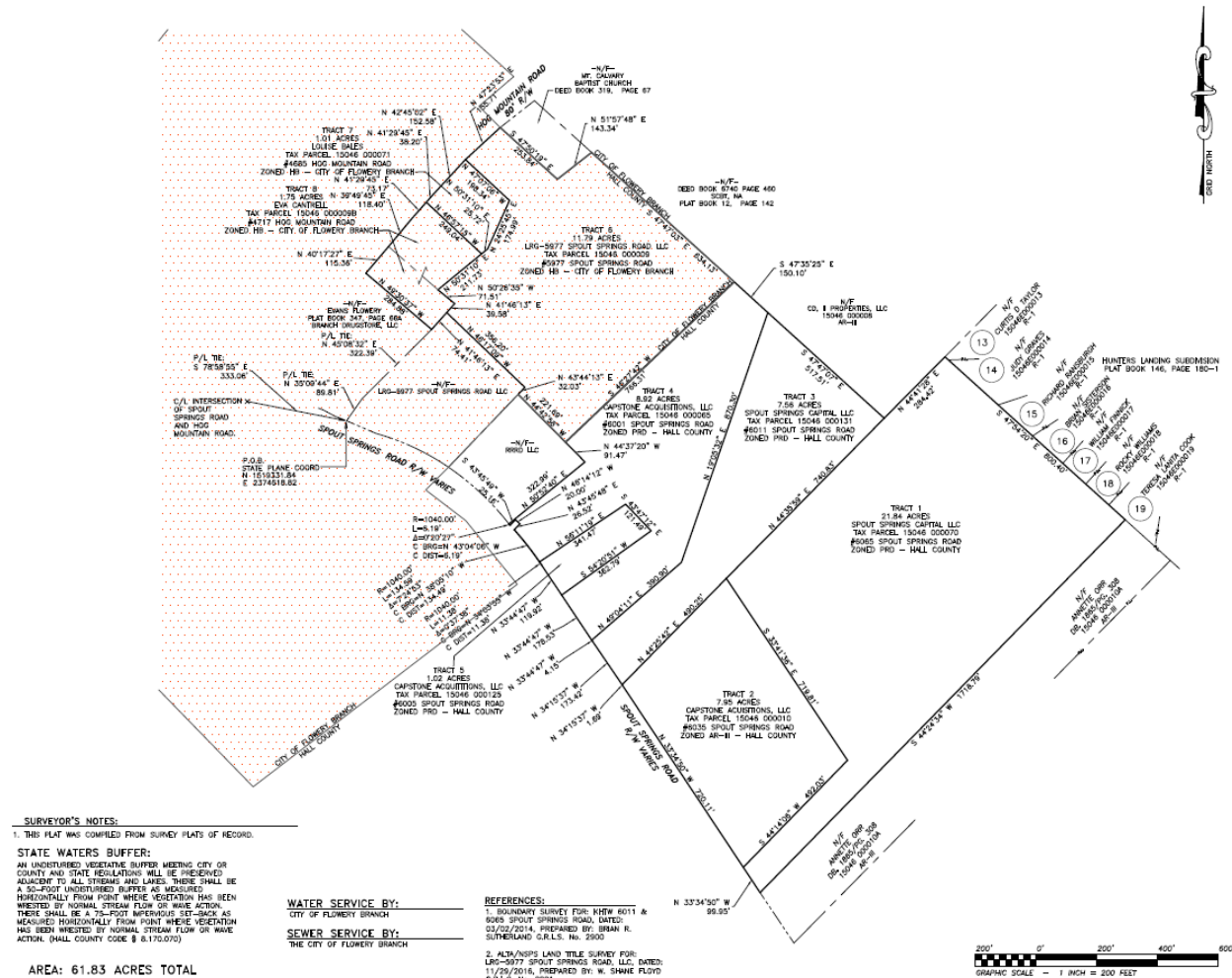


Exhibit “B”

6001 Spout Springs Road Tax I.D. # 15046 000065

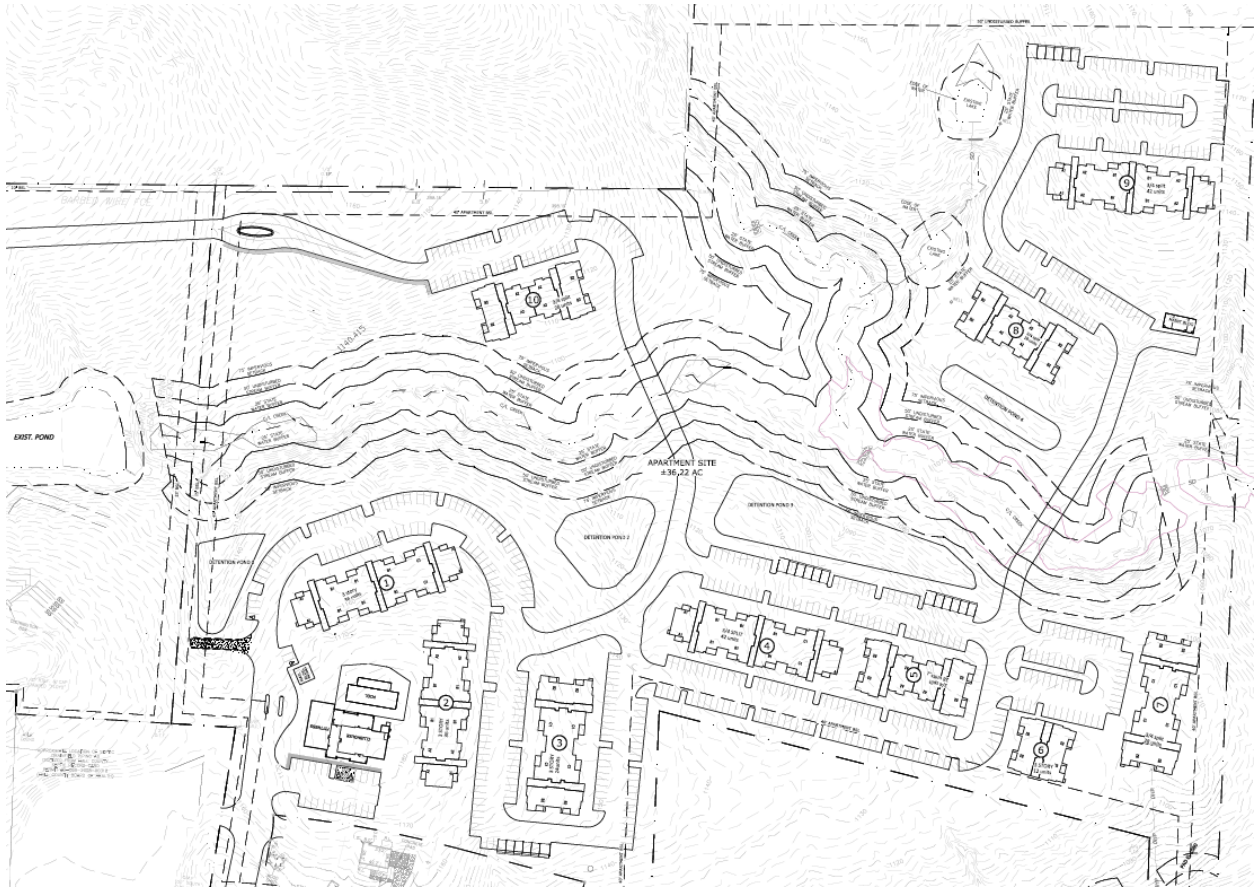
All that tract or parcel of land lying and being in the 1270th GMD of Hall County Georgia, containing 7.632 acres, more particular described as follows: Beginning and an iron pin on the East right of way of Spout Springs Road thence North 51 degrees 34 minutes 19 seconds East 401.85 feet to an iron pin; thence North 21 degrees 35 minutes 40 seconds East 869.87 feet to an iron pin at property of Greenway; thence along the line of Greenway North 45 degrees 09 minutes 28 seconds West 150 feet to an iron pin; thence South 48 degrees 59 minutes 13 seconds West 766.04 feet to an iron pin at property now or formerly of Dillard Fitzgerald; thence South 41 degrees 20 minutes 47 seconds East 91.65 feet to an iron pin; thence South 41 degrees 20 minutes 17 seconds East 314.25 feet to an iron pin; thence South 56 degrees 44 minutes 58 seconds West 373.36 feet to an iron pin on the right of way of Spout Springs Road; thence along the right-of-way of South 31 degrees 08 minutes 36 seconds East 178.90 feet to the beginning iron pin. The above property is more fully described as “Tract No. 1C” in a plat prepared by W.T. Denny and Associates for the Roy V. Weatherford Estate dated September 4, 1994, revised March 20, 1996, and is a part of the same property described in a survey for Roy V. Weatherford Estate prepared by W.T. Donahue and Associates, Inc., dated September 7, 1994 recorded on Plat Slide 532, Page 151-A, Hall County, Georgia Deed Records, which plats are incorporated herein by reference.

LESS AND EXCEPT that property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 4239, Page 94, Hall County, Georgia Deed Records.

Exhibit “C”

Conditions of Zoning

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.
4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.

13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

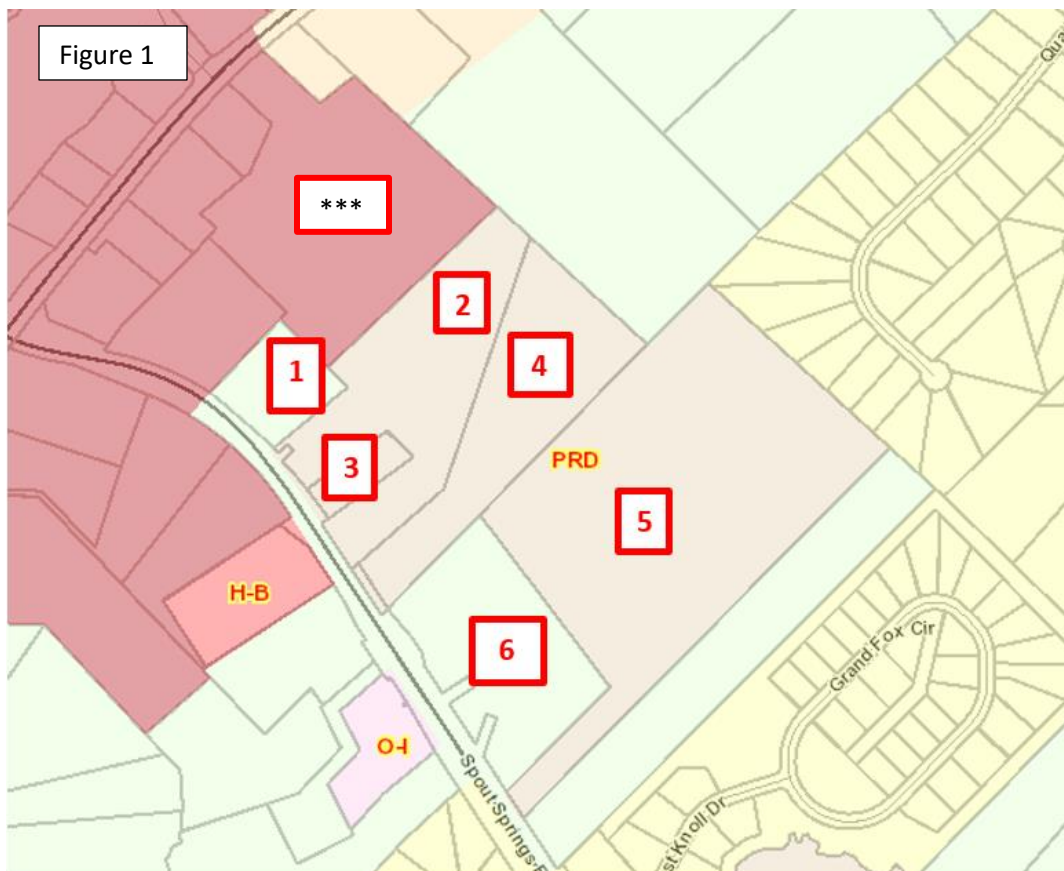


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

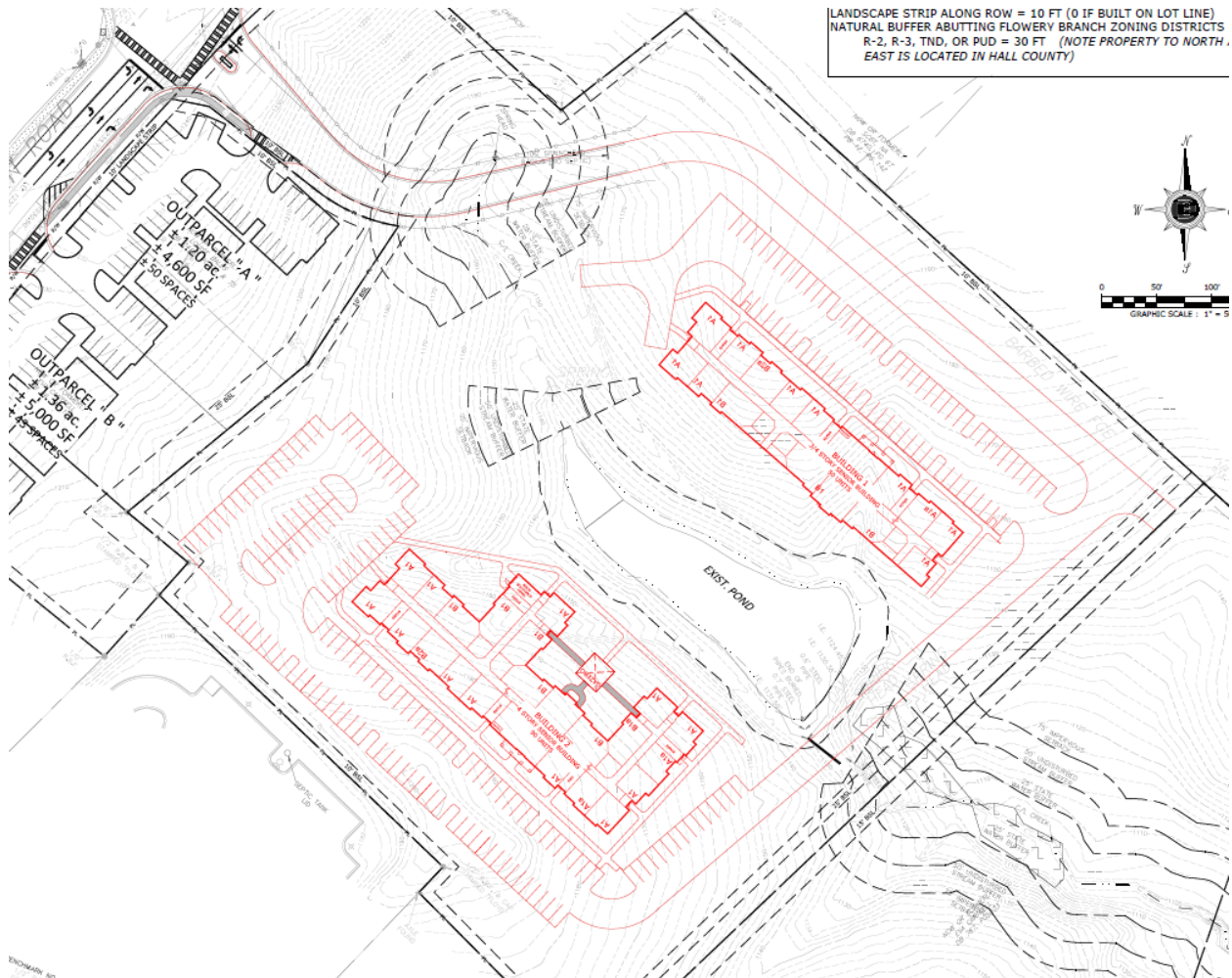
1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).



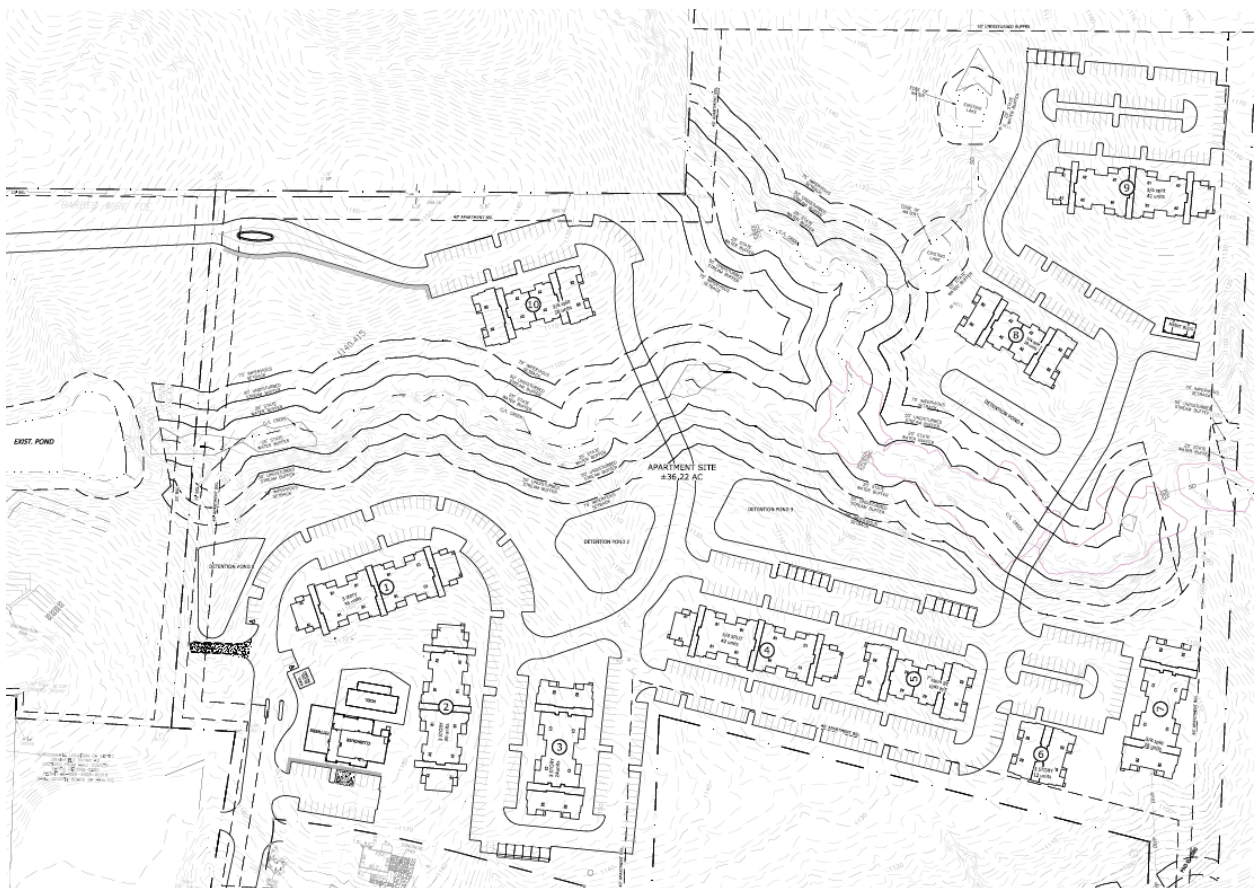


Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



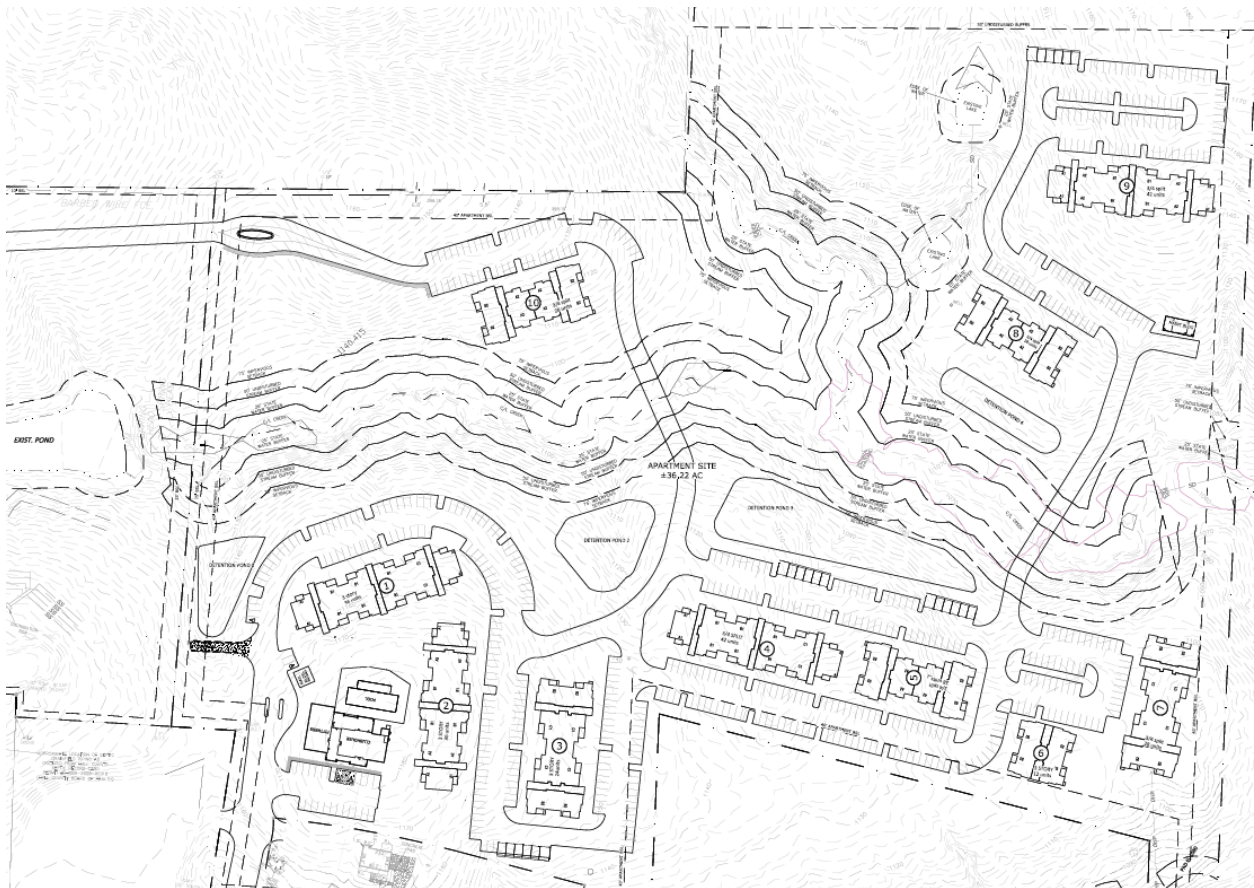
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002
Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

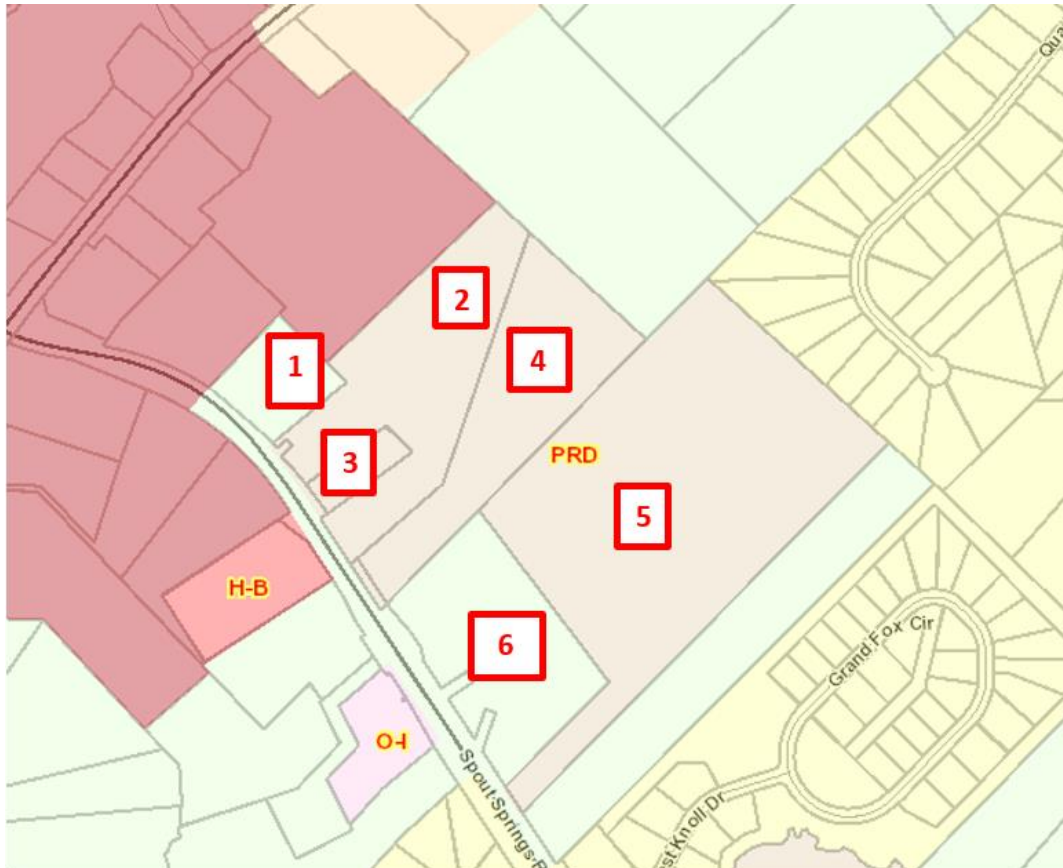


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-605 for the rezoning of 6005 Spout Springs Road by Capstone, LLC

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6005 Spout Springs Rezoning.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-605

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY CAPSTONE ACQUISITIONS, LLC IDENTIFIED AS 6005 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000125 TOTALING 1.00 +/- ACRES TO BE REZONED FROM HALL COUNTY PRD (PLANNED RESIDENTIAL DEVELOPMENT) TO FLOWERY BRANCH HIGHWAY BUSINESS (HB), 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 1.00 +/- acres identified as Parcel Tax Identification No. 15046 000125, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch HB (Highway Business) 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 PRD; 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 PRD.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Hall County PRD (Planned Residential Development) to Flowery Branch HB (Highway Business) and as conditioned on attached Exhibit “C” . Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

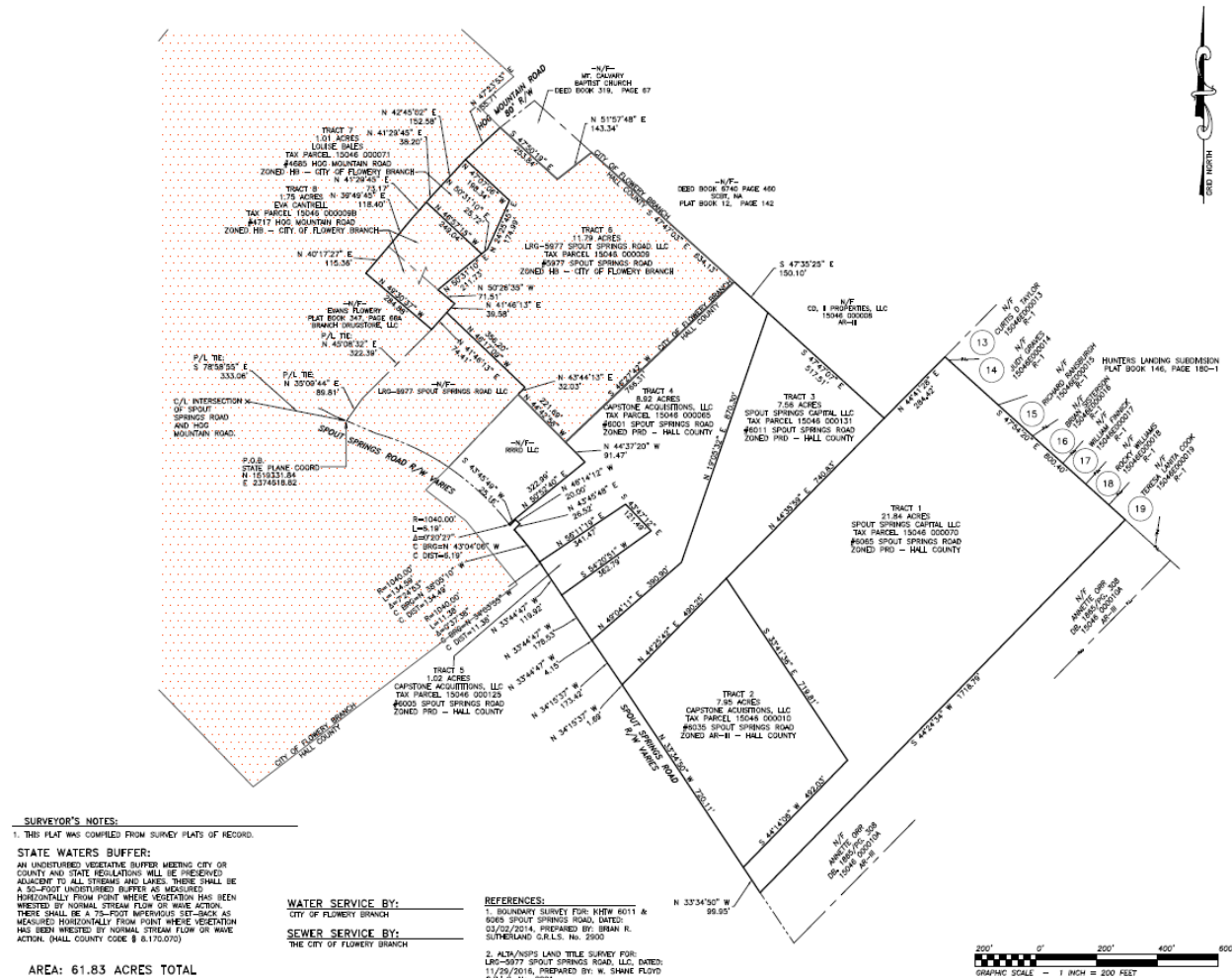


Exhibit “B”

6005 Spout Springs Road Tax I.D. # 15046 000125

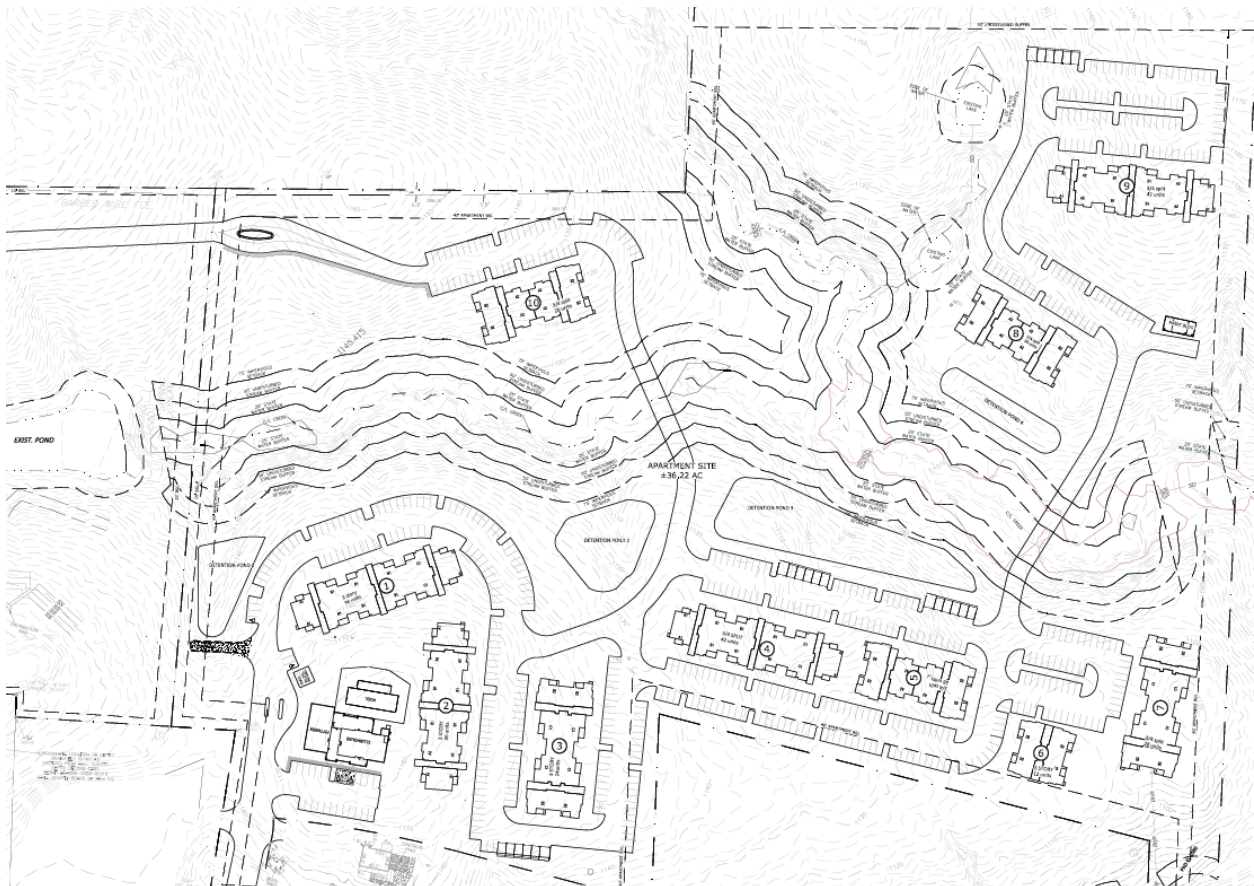
All that tract or parcel of land, together with improvements thereon, lying and being in GMD 1270, Hall County, Georgia, containing 1.000 acre as shown on a plat prepared for Joan M. Cody Wingo and Tommy Wingo dated April 29, 1995, by Mike T. Hosch, Georgia Registered Land Surveyor, recorded in Plat Slide 437, Page 207-A, Hall County, Georgia Deed Records.

LESS AND EXCEPT from the above property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 4206, Page 218, Hall County, Georgia Deed Records.

Exhibit “C”

Conditions of Zoning

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

3. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
4. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
5. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
6. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
7. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.

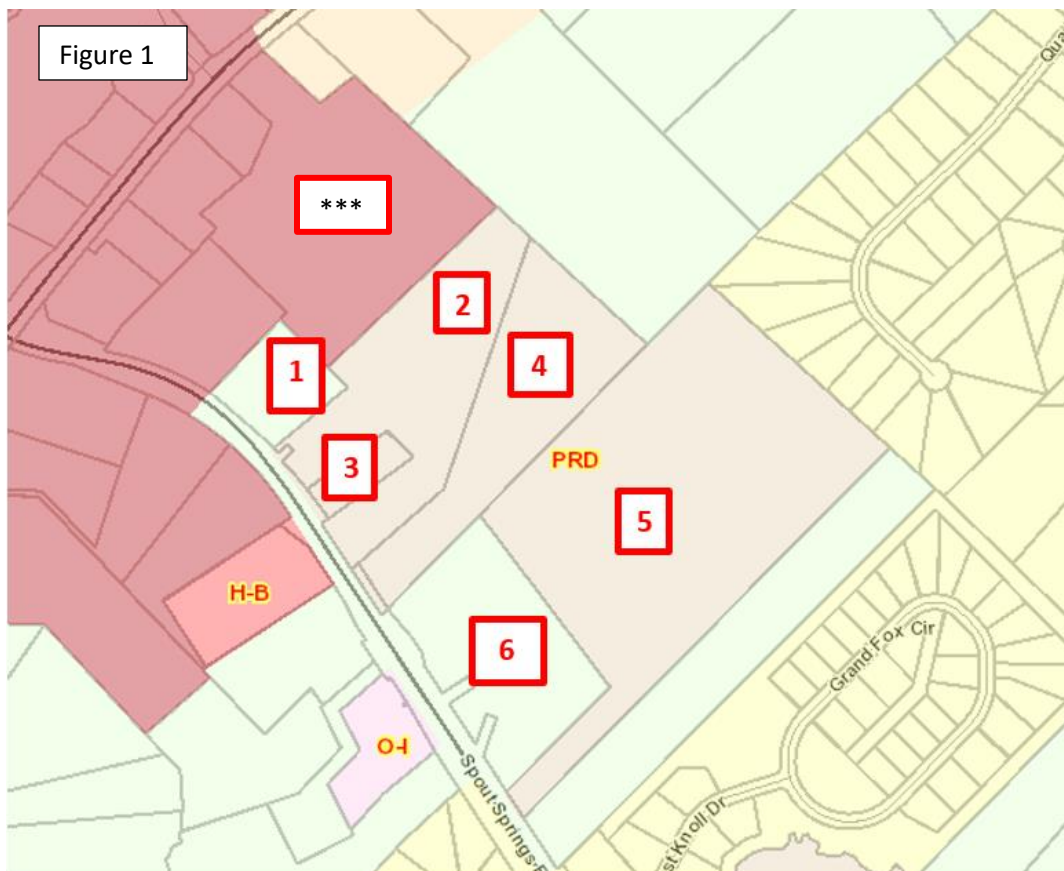


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

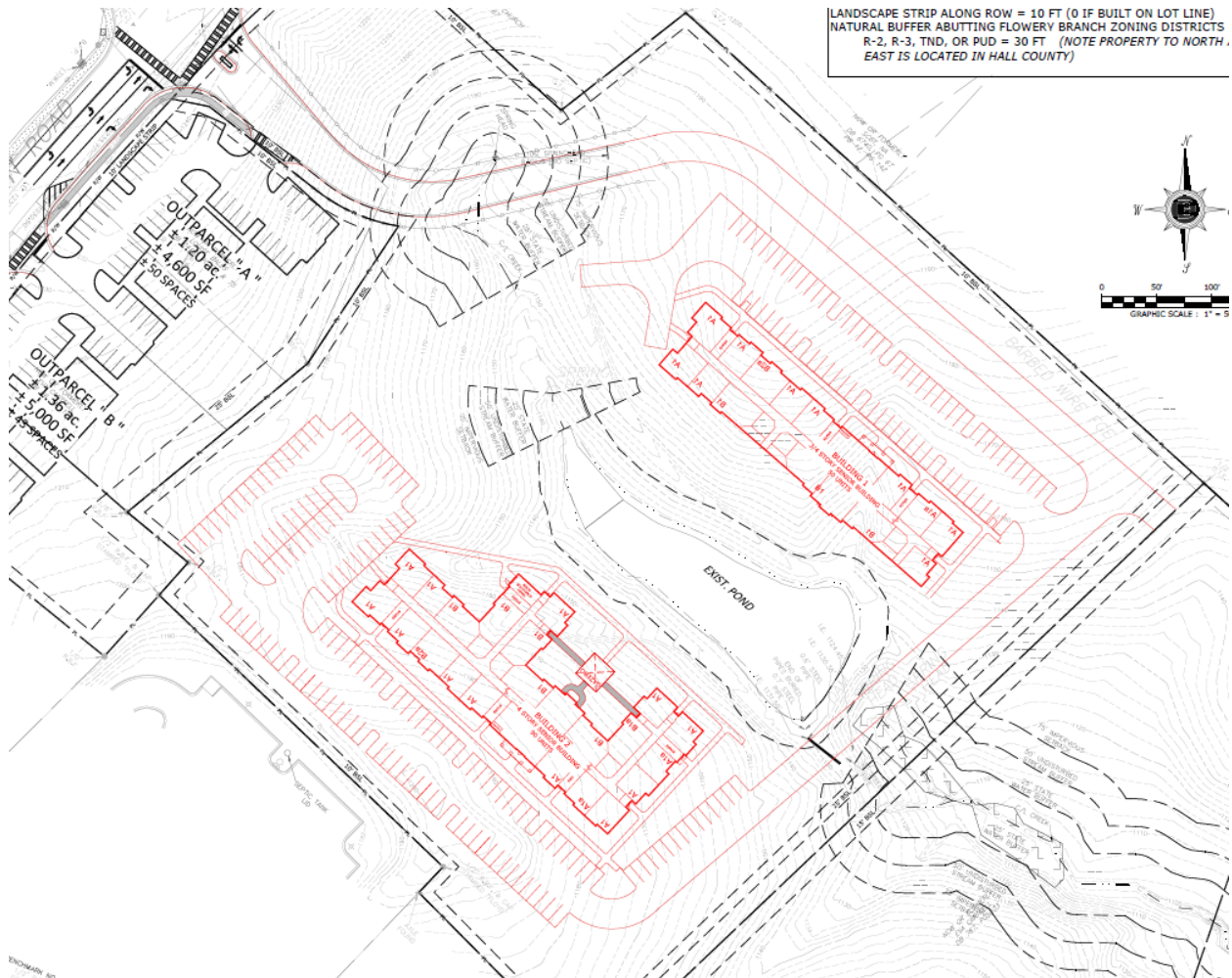
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*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).



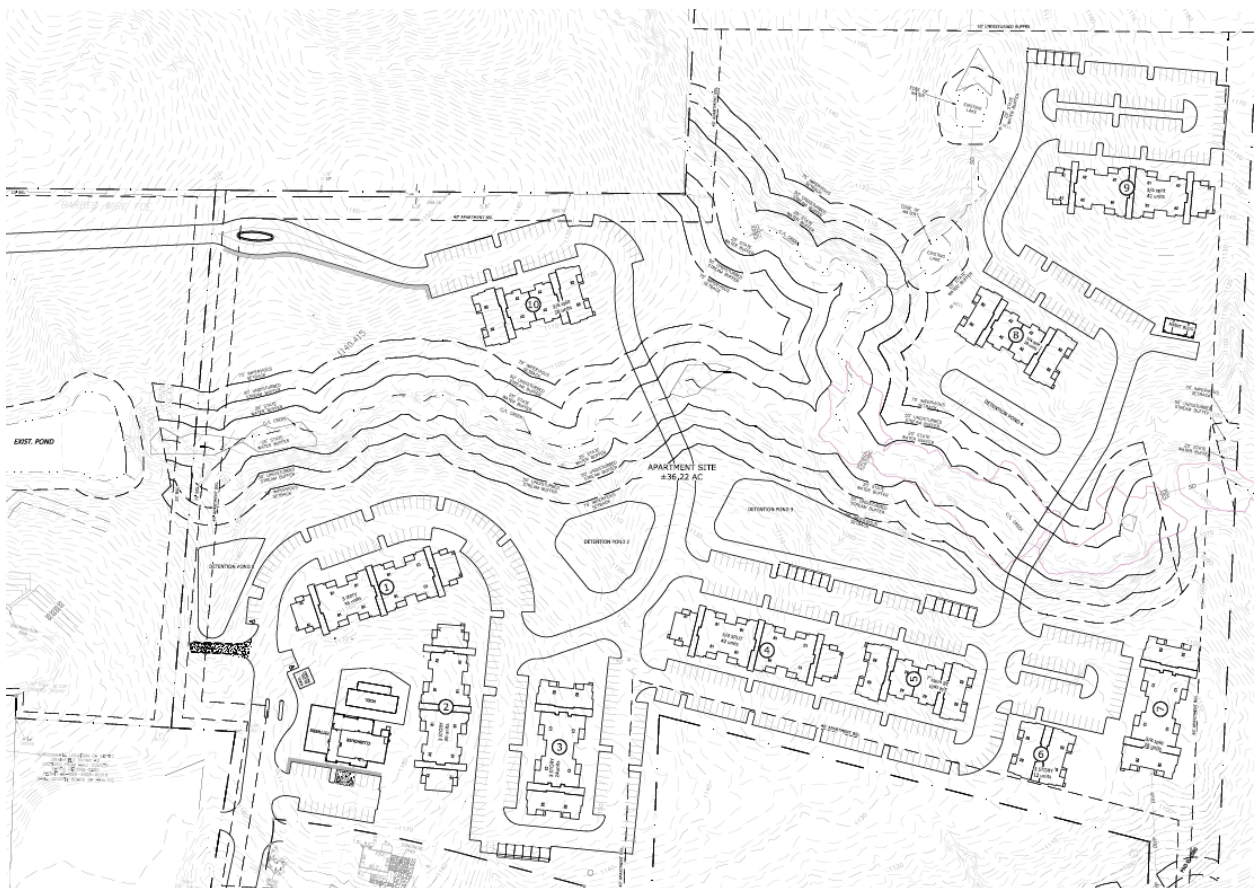


Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
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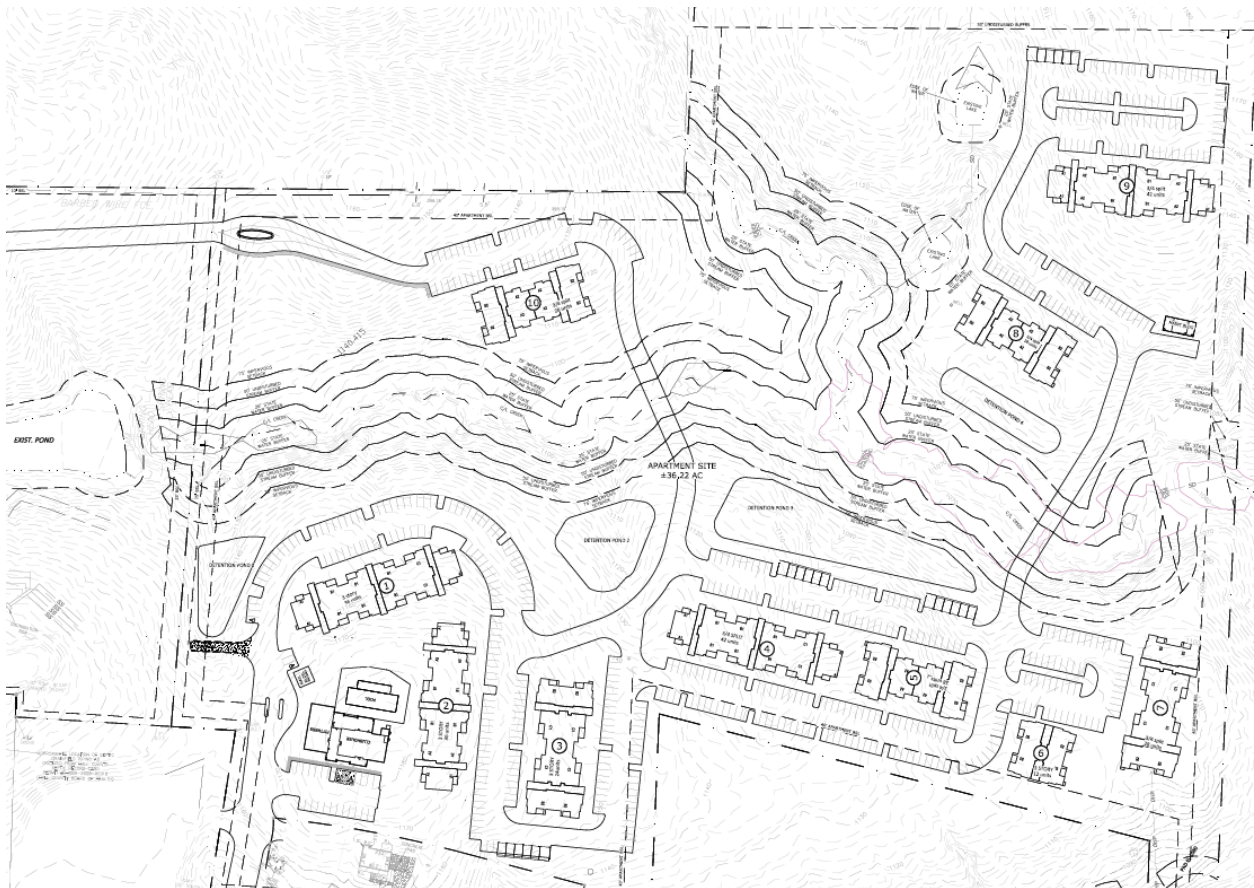
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

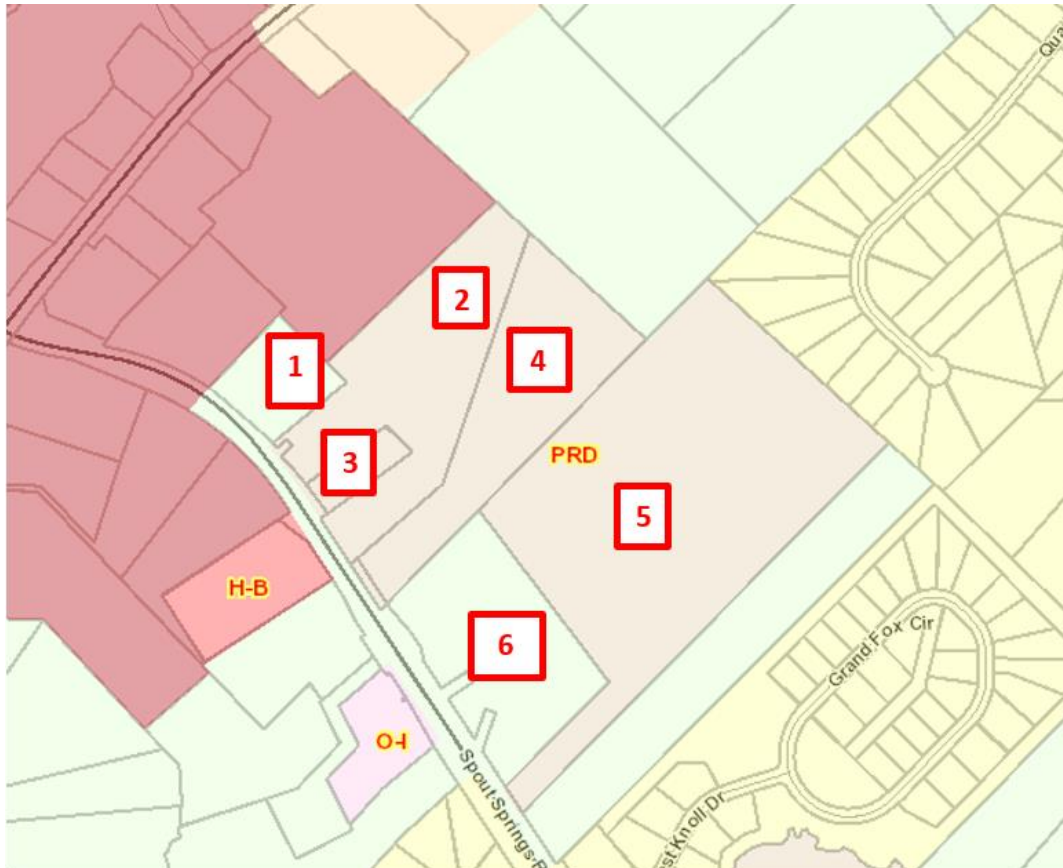


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-606 a rezoning request for 6011 Spout Springs Rd. submitted by Capstone Acquisitions, LLC

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

.

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff Report - Entire Project.pdf](#)
- [6011 Spout Springs Rezoning.pdf](#)

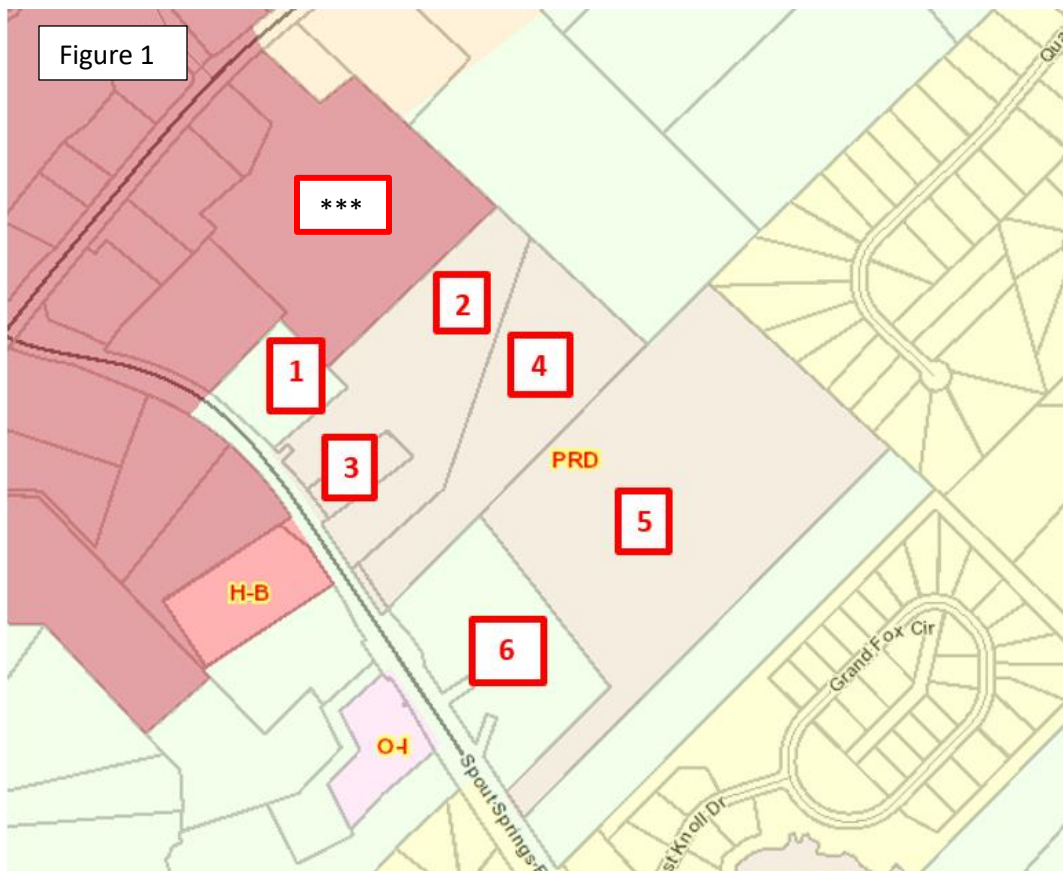


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
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4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
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6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





If approved, parcels 2, 3, 4, 5, & 6 (Figure 1) will be altered and will generally appear as shown below in Figure 2. The project will generally consist of four major components (also shown in Figure 2):

1. Senior Housing (CUP per FB Resolution 16-002)
2. The Goddard School
3. The Exchange at Flowery Branch
4. Two Highway Business out parcels.

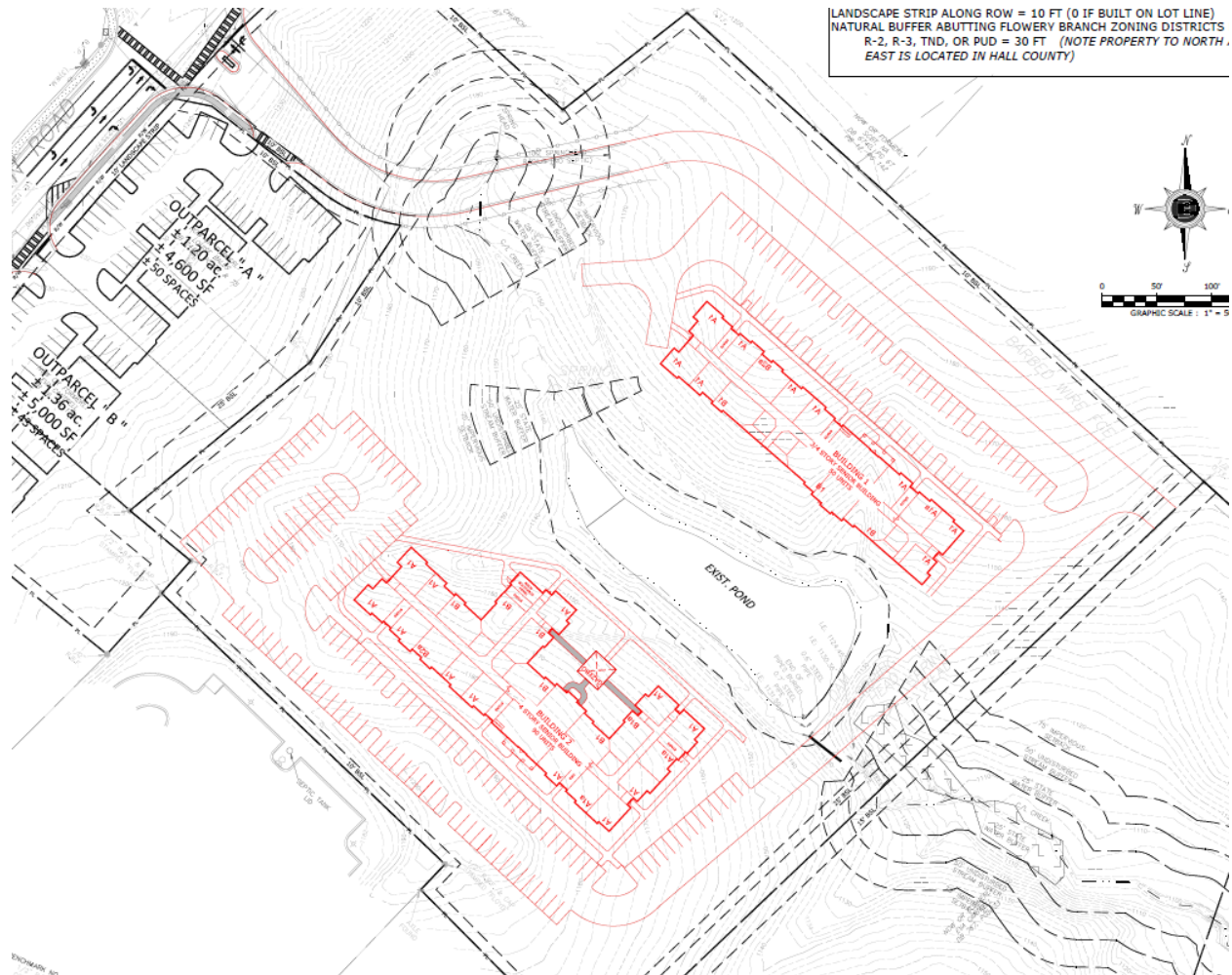


Component 1 Senior Housing Information

No City Council action is required for land use/zoning on this component. A Conditional Use Permit (CUP) was approved for this site on April 21, 2016 via resolution # 16-002 (see attachment #1) allowing a senior multi-family development. The CUP does not set limitations on size or number of units nor does it have any guidelines or recommendations for materials or design. This development will only be subjected to the requirements for Highway Business (HB) set forth in Table 9.2 of the zoning ordinance (see attachment #2). Currently, the applicant has submitted a preliminary non-binding site plan that shows 140 units (see below). Although no action is to be taken at this time if the project is relevant as it



allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).



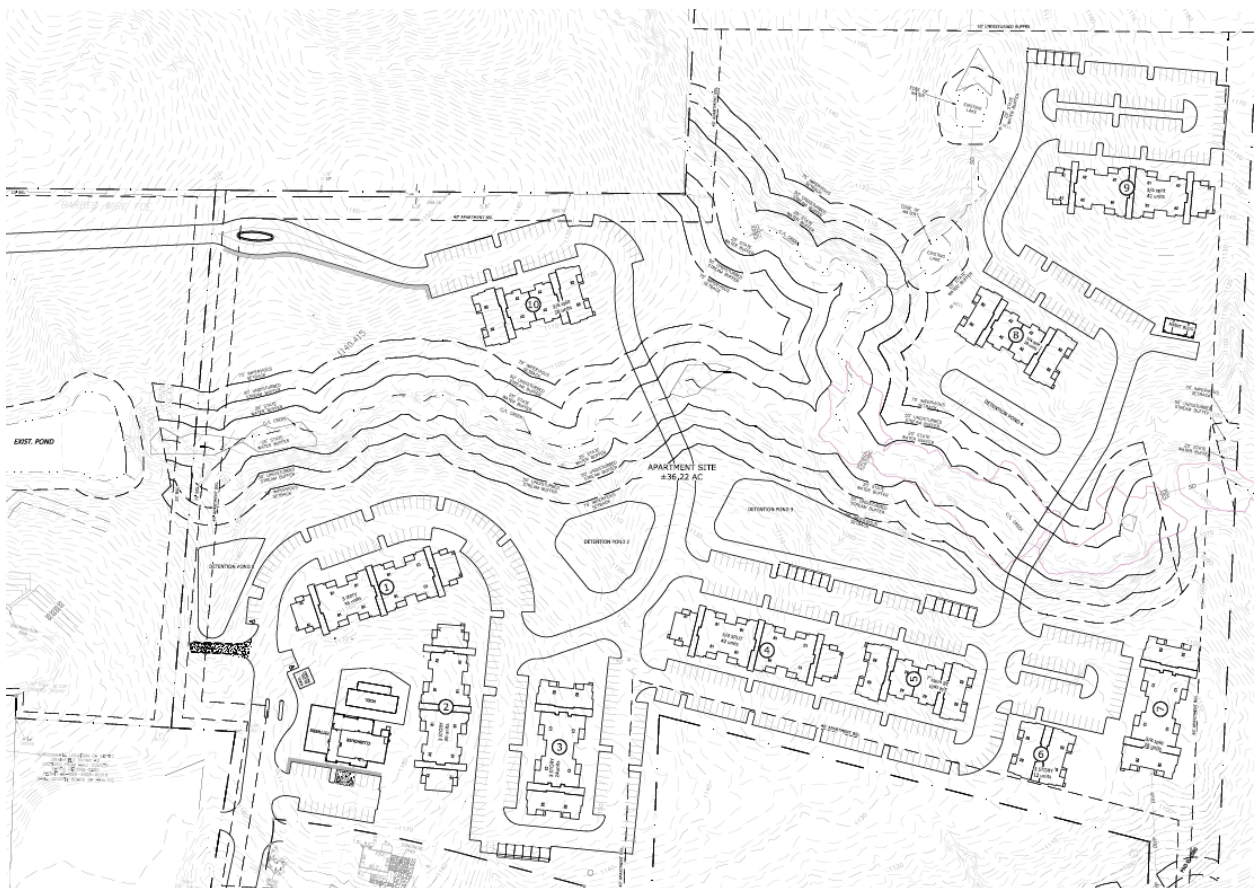


Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intend of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

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Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
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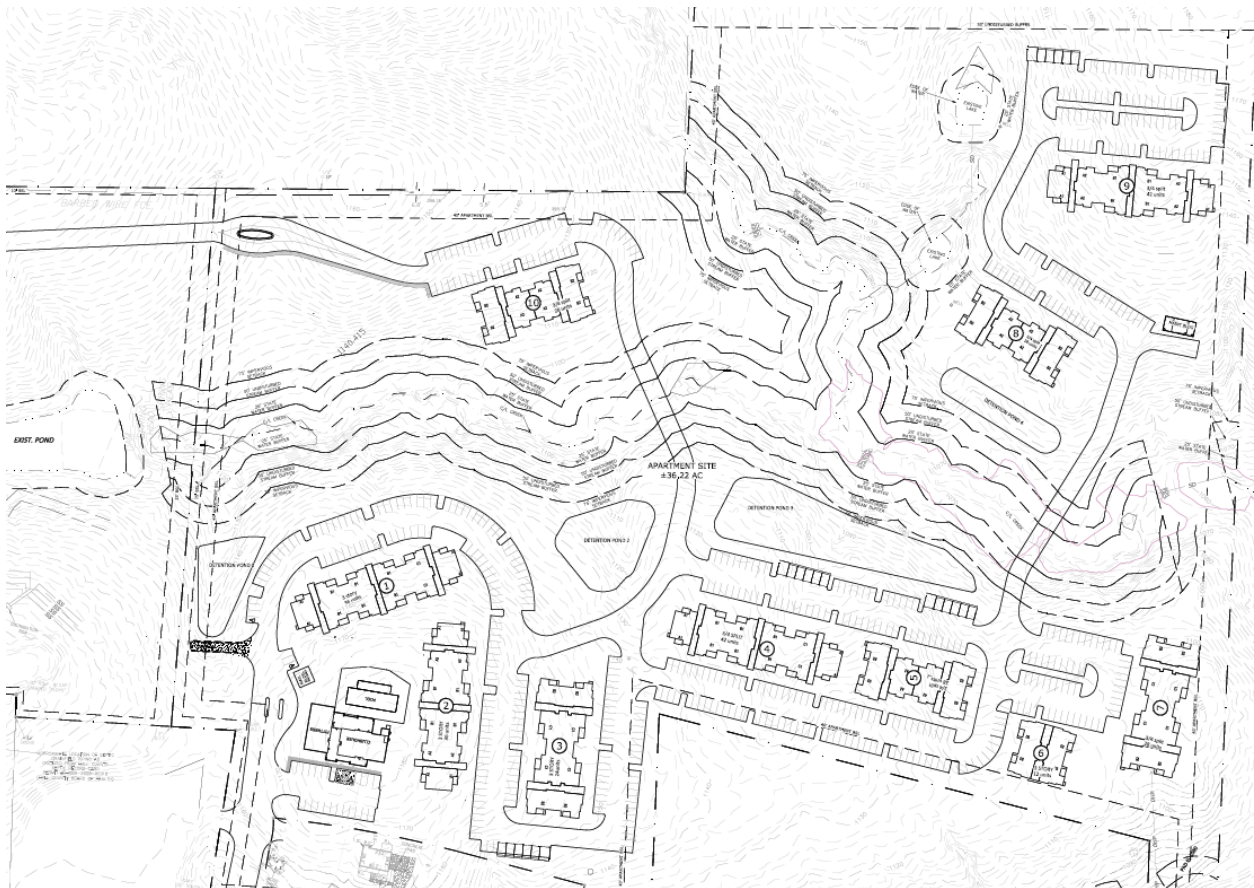
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14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

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1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
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Attachment #1

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RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

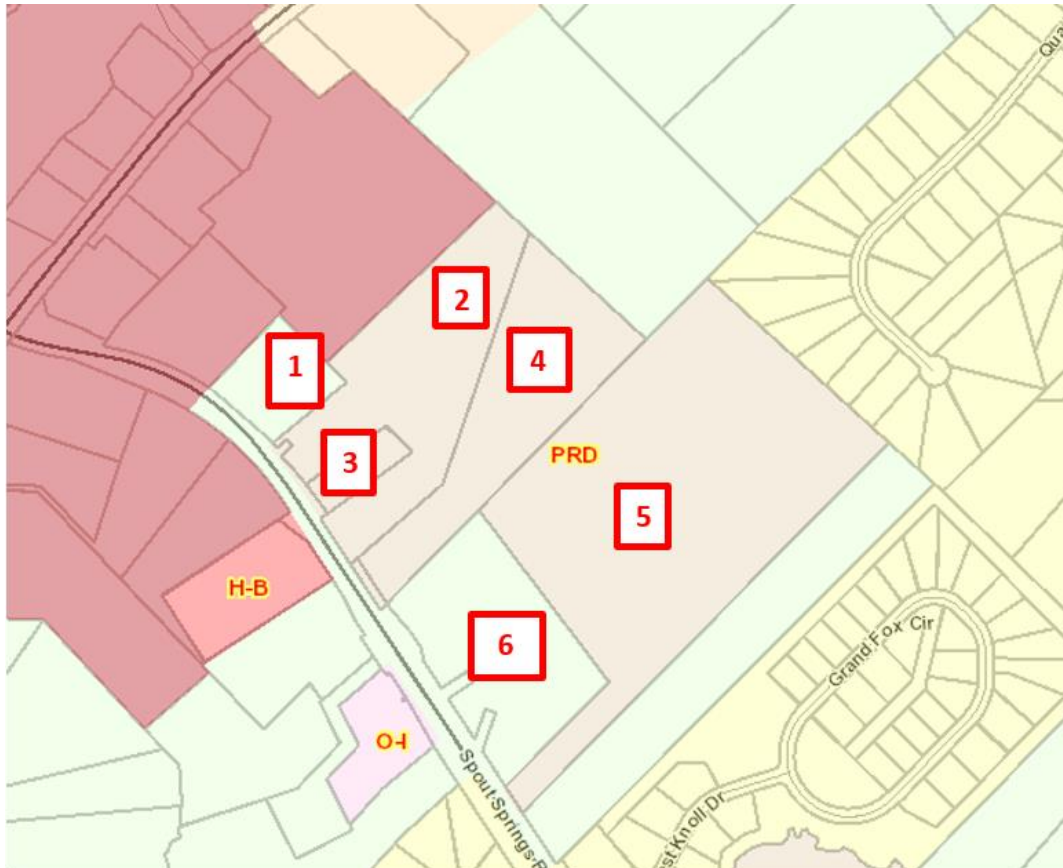


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-606

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY CAPSTONE ACQUISITIONS, LLC IDENTIFIED AS 6011 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000065 TOTALING 7.55 +/- ACRES TO BE REZONED FROM HALL COUNTY PRD (PLANNED RESIDENTIAL DEVELOPMENT) TO FLOWERY BRANCH MULTI-FAMILY RESIDENTIAL (R3), 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 7.55 +/- acres identified as Parcel Tax Identification No. 15046 000131, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch R3 (Multi-Family residential) and HB (Highway Business) 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 PRD; 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 PRD.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Hall County PRD (Planned Residential Development) to Flowery Branch M3 (Multi-Family Residential) and as conditioned on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

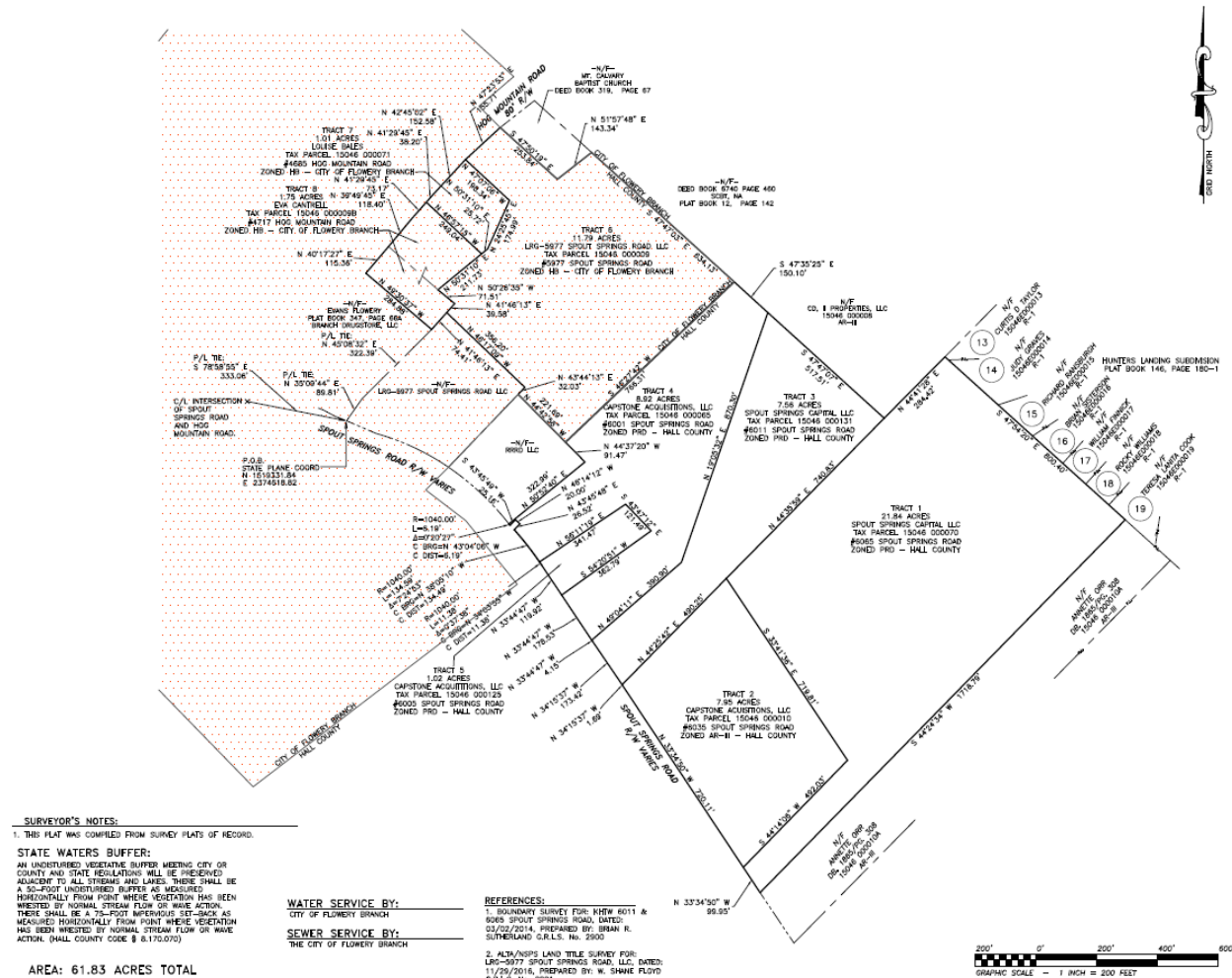


Exhibit “B”

6011 Spout Springs Road Tax I.D. # 15046 000131

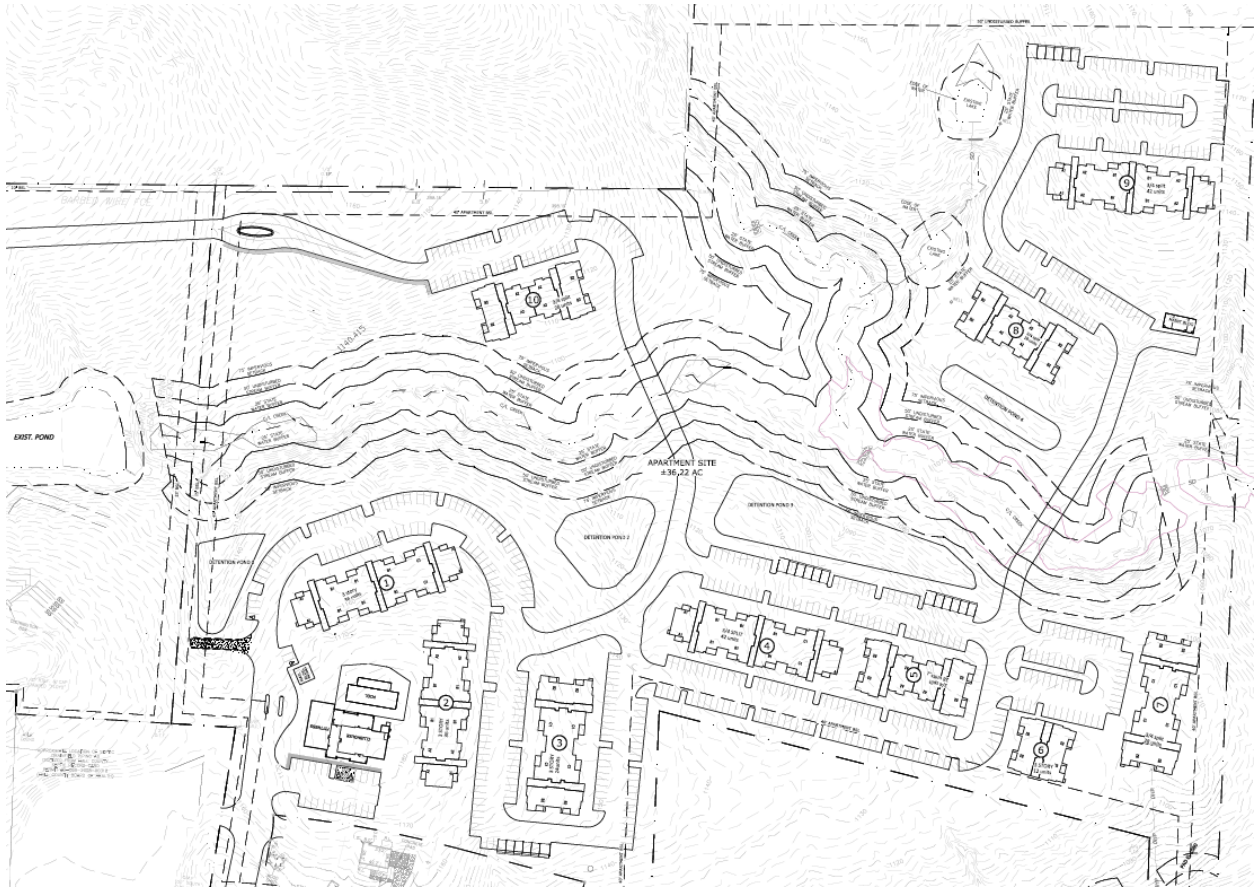
All that tract or parcel of land lying and being in GMD 1270, Hall County, Georgia, consisting 7.558 acres, more or less, shown as Tract 2 on that Boundary Survey dated March 2, 2014, prepared by Brian R. Sutherland, RLS No. 2900, Georgia Premier Land Services, Inc., Project No. 14055 and being more particularly described according to said survey as follows: To find the true point of beginning, commence at the intersection of the southeasterly right of way of Hog Mountain Road with the northeasterly right of way of Spout Springs Road (right of way varies) and from thence proceed 1400.46 feet southeasterly along the northeasterly right of way of Spout Springs Road to an iron pin set, the same being the true point of beginning. From the true point of beginning, leave said right and proceed North 49 degrees 01 minutes 04 seconds East 390.90 feet to an ¼ inch open top pipe; thence North 19 degrees 02 minutes 25 seconds East 870.30 feet to an ¼ inch open top pipe; hence South 47 degrees 50 minutes 15 seconds East 517.51 feet to a concrete monument found; thence South 44 degrees 32 minutes 52 seconds West 740.83 feet to a ¼ inch open top pipe; thence South 44 degrees 22 minutes 34 seconds West 490.25 feet to a point located along the northeasterly right of way of Spout Springs Road; thence proceed along said right of way the following courses and distances: North 34 degrees 18 minutes 44 seconds west 173.42 feet to a concrete monument found; and North 33 degrees 47 minutes 55 seconds West 4.15 feet to an iron pin set, the same being the true point of beginning.

LESS AND EXCEPT from the above property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 8072, Page 767 and Deed Book 8072, page 773, Hall County, Georgia Deed Records.

Exhibit “C”

Conditions of Zoning

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.
4. Apartments shall be constructed of brick, stacked stone, board and batton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.

13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 20-608 a rezoning request for 6035 Spout Springs Rd. submitted by Capstone Acquisitions, LLC

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the proposed Capstone project.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6035 Spout Springs Rezoning.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-608

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY CAPSTONE ACQUISITIONS, LLC IDENTIFIED AS 6035 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000010 TOTALING 7.98 +/- ACRES TO BE REZONED FROM HALL COUNTY AR III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH HIGHWAY BUSINESS (HB), 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 7.98+/- acres identified as Parcel Tax Identification No. 15046 000010, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County AR III (Agricultural Residential) to Flowery Branch HB (Highway Business) 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 AR III; 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 AR III.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Hall County AR III (Agricultural Residential) to Flowery Branch HB (Highway Business) and as conditioned on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

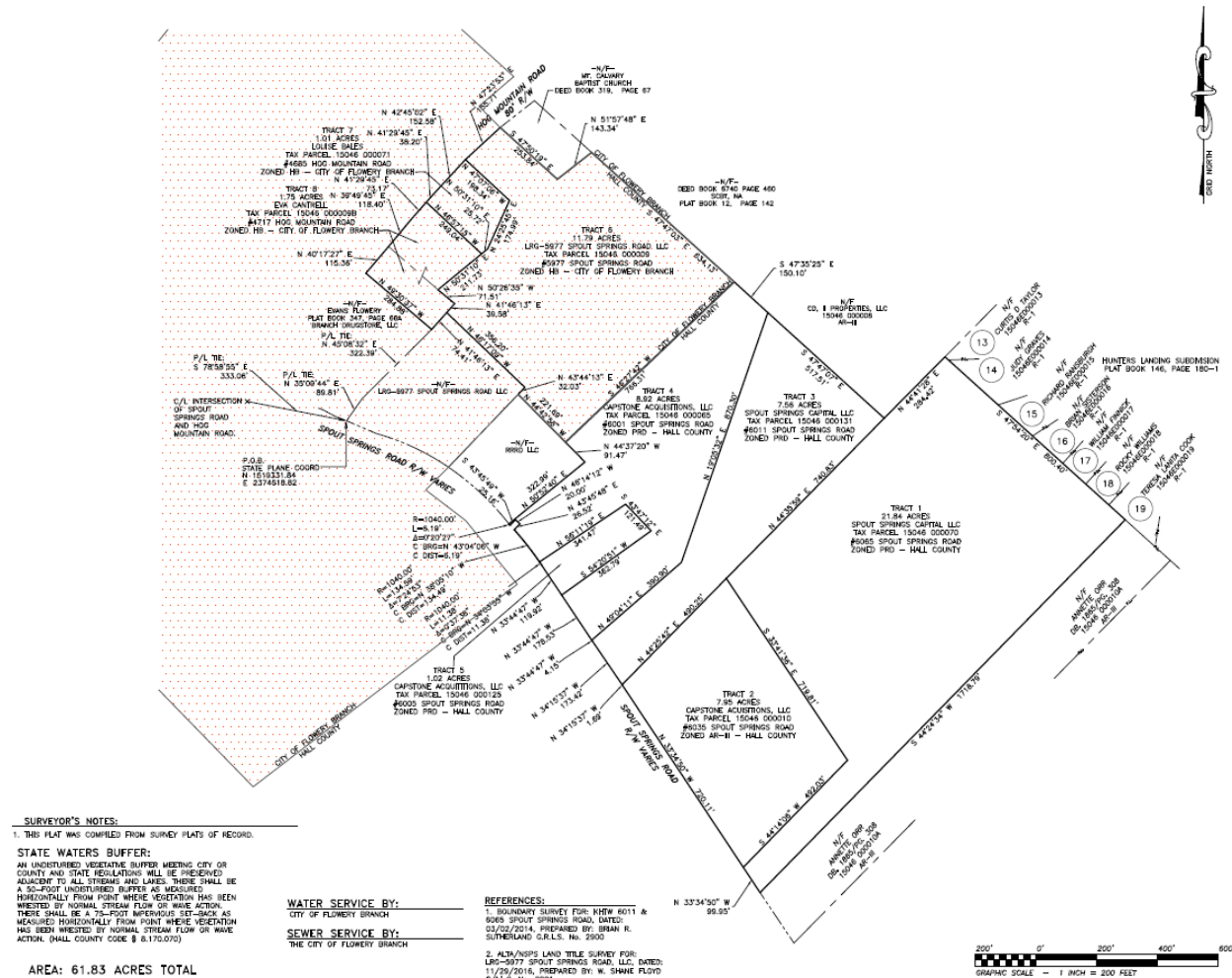


Exhibit “B”

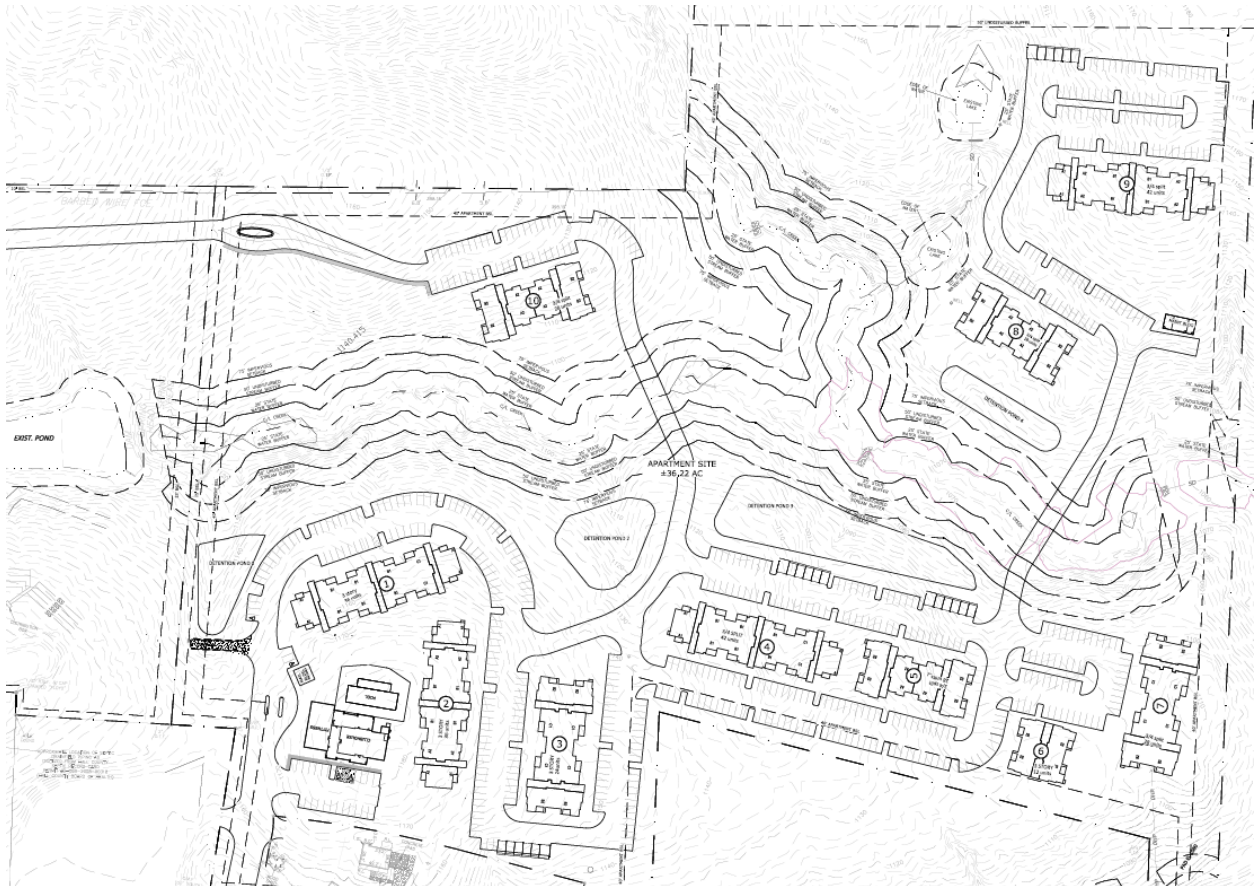
6035 Spout Springs Road Tax I.D. # 15046 000010

All that tract or parcel of land lying and being in GMD 1270, Hall Co GA and being shown and delineated as Tract 1 on Plat of Survey prepared for Carl Titshaw Estate by W.T. Dunahoo and Associates, Inc. Dated June 9, 1983 and being recorded in the Clerk's Office of the Superior Court of Hall County GA in Plat Book 91 page 76. Said Plat and the record thereof are herein incorporated for a full and complete legal description.

Exhibit “C”

Conditions of Zoning

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

3. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
4. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
5. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
6. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
7. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.

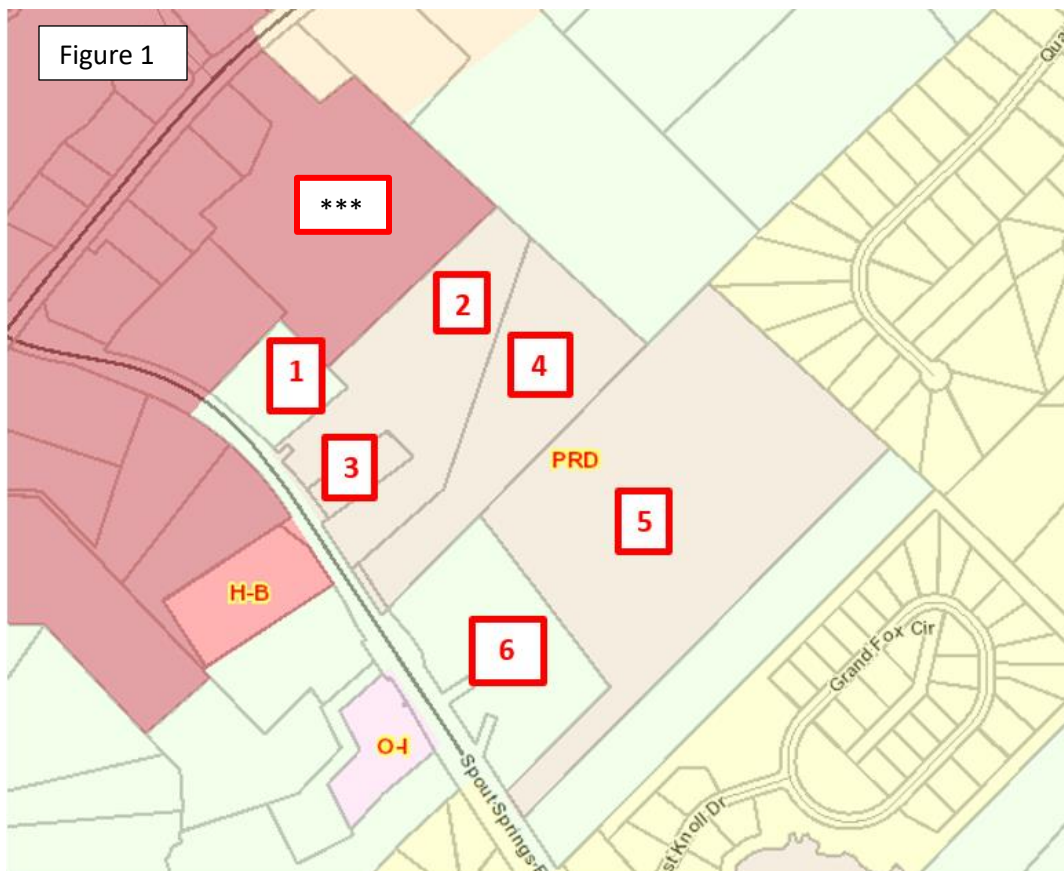


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

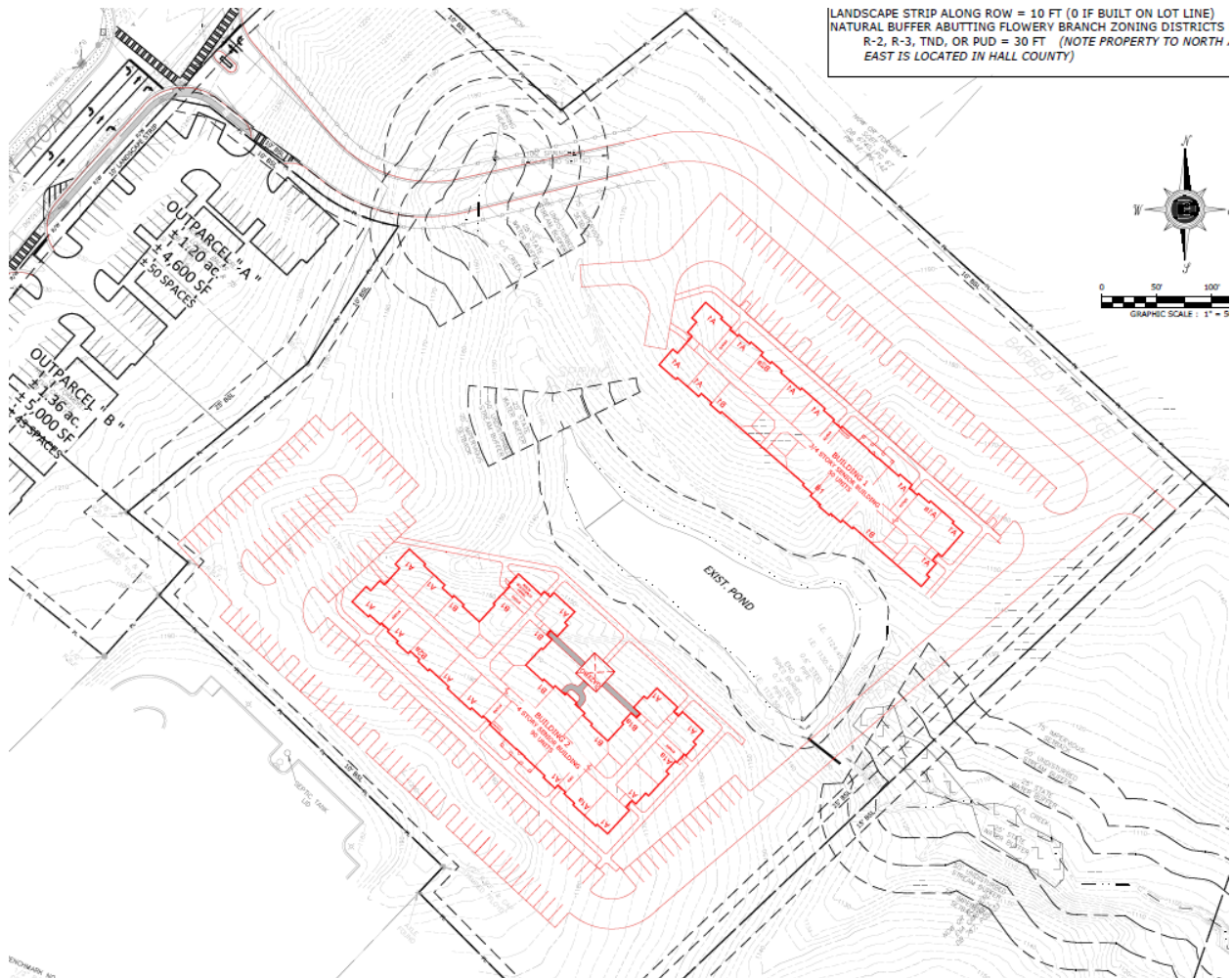
1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).





Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



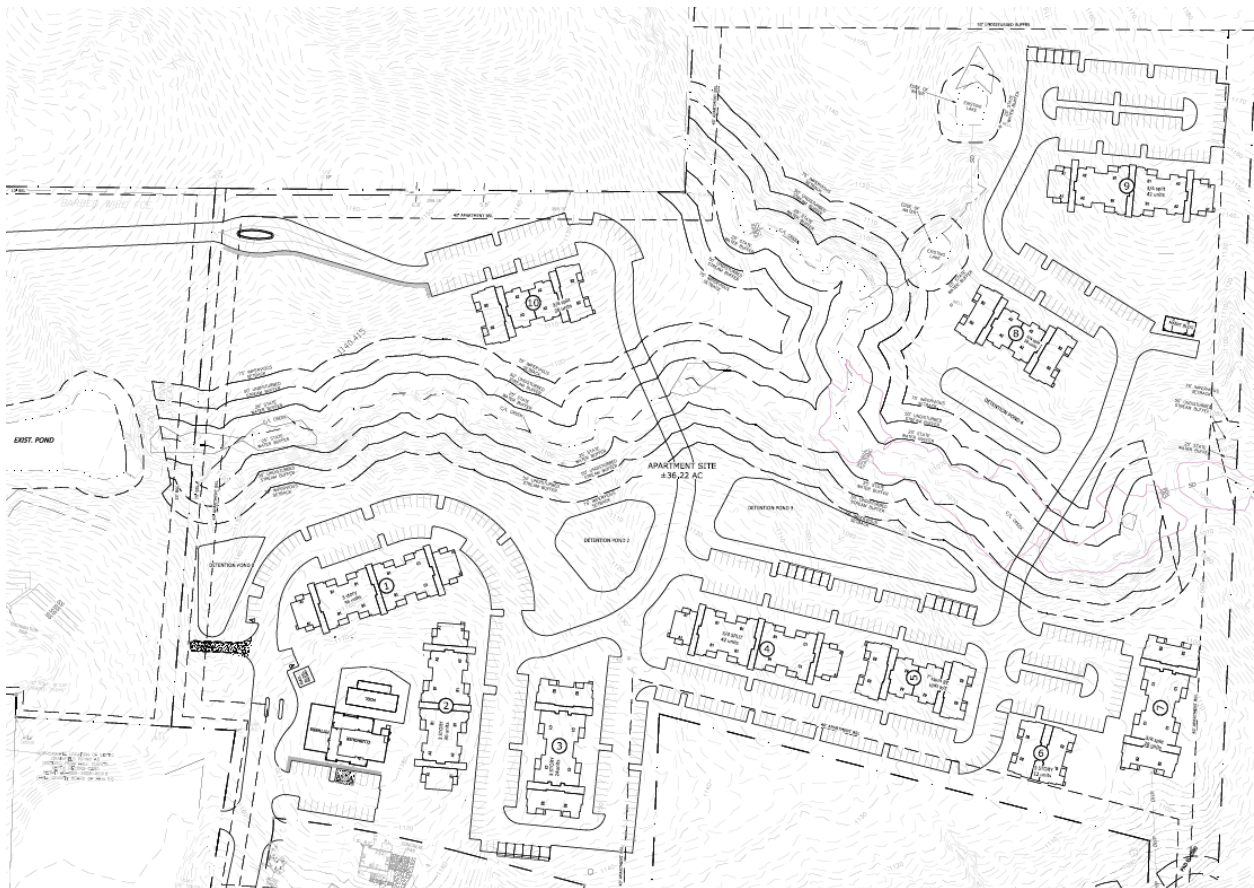
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

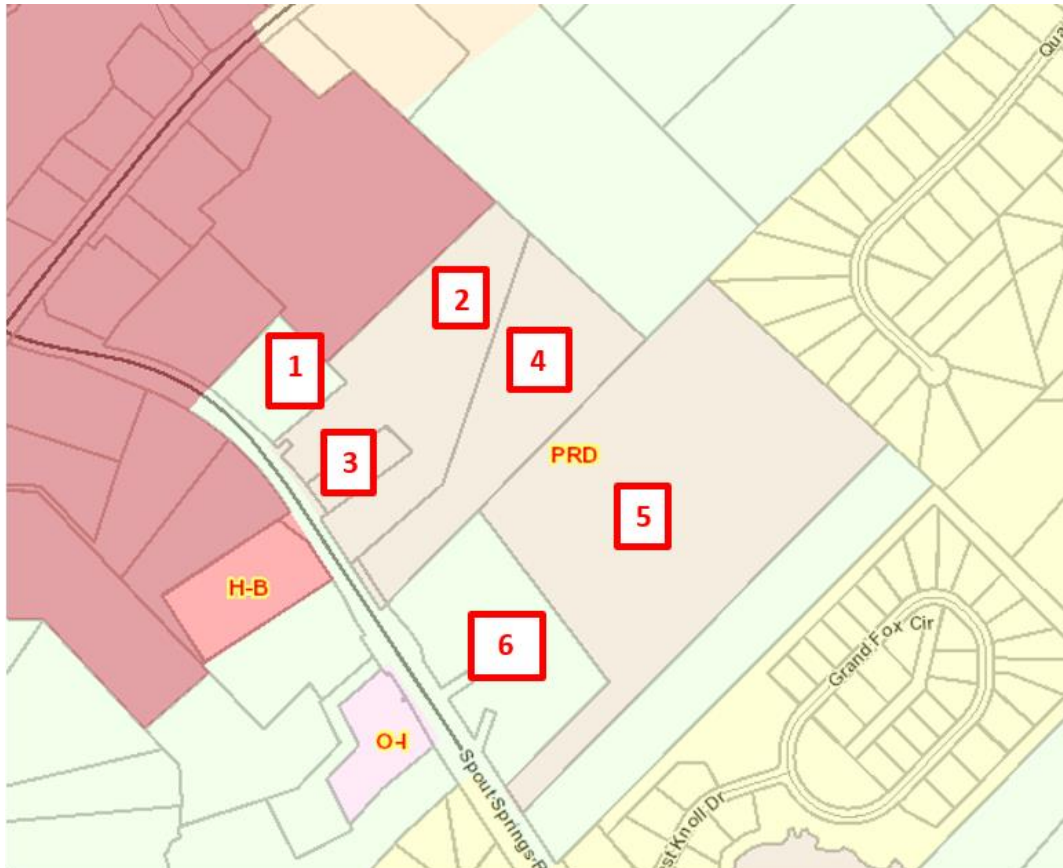


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: 20-607 a rezoning request for 6065 Spout Springs Road from Hall County PRD to Flowery Branch R3

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

This is part of the Capstone project

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

No vote at this time

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6065 Spout Springs Rezoning.pdf](#)
- [Staff Report - Entire Project.pdf](#)

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-607

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY CAPSTONE ACQUISITIONS, LLC IDENTIFIED AS 6065 SPOUT SPRINGS ROAD, TAX PARCEL 15046 000070 TOTALING 21.84 +/- ACRES TO BE REZONED FROM HALL COUNTY PRD (PLANNED RESIDENTIAL DEVELOPMENT) TO FLOWERY BRANCH MULTI-FAMILY RESIDENTIAL (R3), 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, Capstone Acquisitions, LLC. owns all tracts or parcel of land totaling 21.84 +/- acres identified as Parcel Tax Identification No. 15046 000070, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County PRD (Highway Business) to Flowery Branch R3 (Multi-Family residential) 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 PRD; 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 PRD.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Hall County PRD (Planned Residential Development) to Flowery Branch M3 (Multi-Family Residential) and as conditioned on attached Exhibit “C” . Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

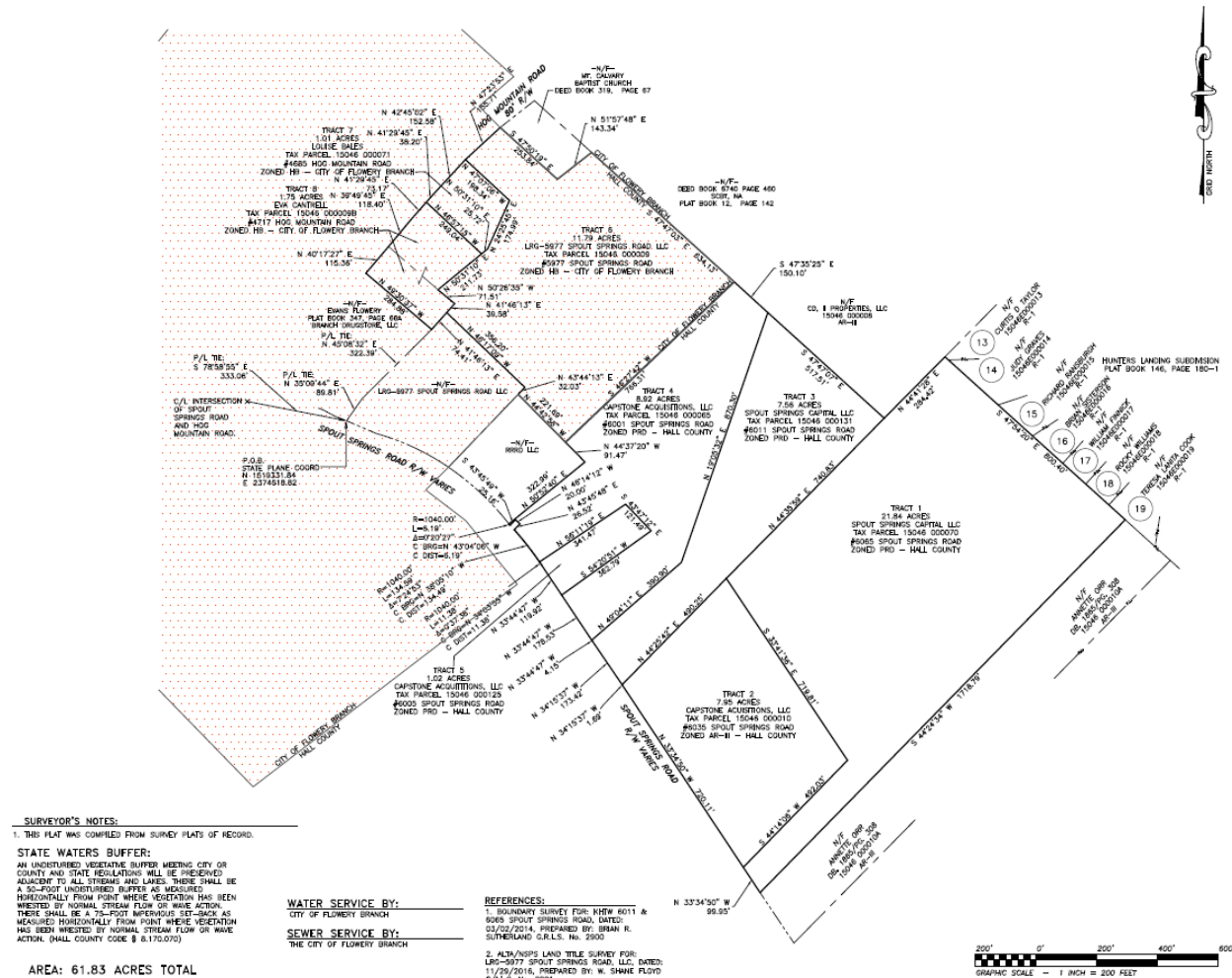


Exhibit “B”

6065 Spout Springs Road Tax I.D. # 15046 000070

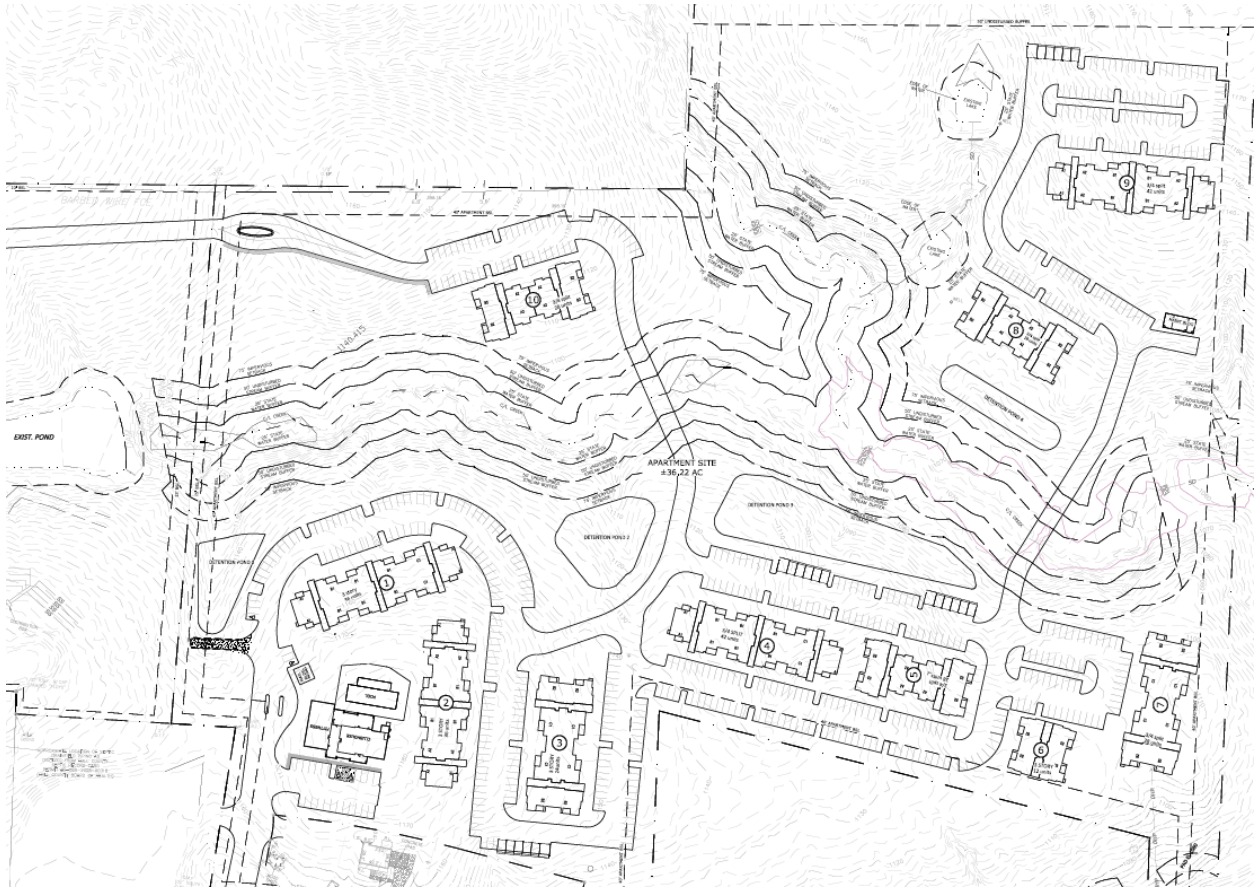
All that tract or parcel of land lying and being in GMD 1270, Hall County, Georgia, consisting 21.843 acres, more or less, shown as Tract 1 on that Boundary Survey dated March 2, 2014, prepared by Brian R. Sutherland, RLS No. 2900, Georgia Premier Land Services, Inc., Project No. 14055 and being more particularly described according to said survey as follows: To find the true point of beginning, commence at the intersection of the southeasterly right of way of Hog Mountain Road with the northeasterly right of way of Spout Springs Road (right of way varies) and from thence proceed 1400.46 feet southeasterly along the northeasterly right of way of Spout Springs Road to an iron pin set, thence continuing along said right of way South 33 degrees 47 minutes 55 seconds East 4.15 feet to a concrete monument found, thence continuing along said right of way South 34 degrees 18 minutes 44 seconds East 173.42 feet to an iron pin set; thence leaving said right of way by proceeding North 44 degrees 22 minutes 34 seconds East 490.25 feet to an $\frac{3}{4}$ inch open top pipe, the same being the true point of beginning. From the true point of beginning, proceed North 44 degrees 32 minutes 52 seconds East 740.83 feet to a concrete monument found; thence North 44 degrees 38 minutes 21 seconds East 284.42 feet to a $\frac{1}{2}$ inch rebar found at a corner, thence proceed South 47 degrees 57 minutes 27 seconds East 800.40 feet to a point; thence proceed South 44 degrees 21 minutes 26 seconds West 1718.79 feet to a $\frac{1}{2}$ inch crimp top pipe located along the northeasterly right of way of Spout Springs Road; thence proceed along said right of way North 33 degrees 37 minutes 58 seconds West 99.95 feet to an iron pin set; thence leaving said right of way and proceeding North 44 degrees 10 minutes 58 seconds East 492.03 feet to a $\frac{3}{4}$ inch open top pipe; thence North 33 degrees 44 minutes 43 seconds west 719.81 feet to an $\frac{3}{4}$ inch open top pipe, the same being the true point of beginning.

LESS AND EXCEPT from the above property conveyed to Hall County, Georgia by Right of Way Deed recorded in Deed Book 8072, Page 767 and Deed Book 8072, page 773, Hall County, Georgia Deed Records.

Exhibit “C”

Conditions of Zoning

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.
4. Apartments shall be constructed of brick, stacked stone, board and batton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.

13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

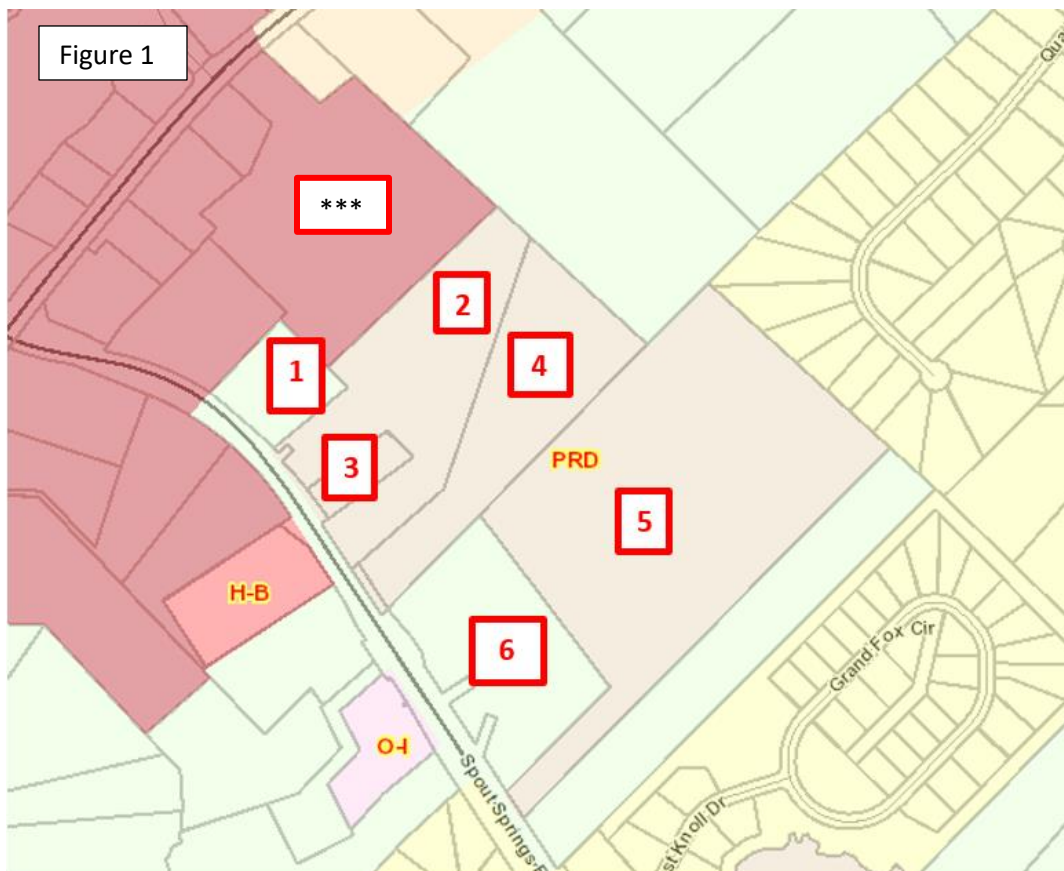


Capstone Overall General Project Information

The current layout of the subject properties and the proposed actions:

1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB

*** Senior Housing project approved as a CUP under Resolution 16-002 (not being acted upon by Council but is considered an intricate part of the overall development)





If approved, parcels 2, 3, 4, 5, & 6 (Figure 1) will be altered and will generally appear as shown below in Figure 2. The project will generally consist of four major components (also shown in Figure 2):

1. Senior Housing (CUP per FB Resolution 16-002)
2. The Goddard School
3. The Exchange at Flowery Branch
4. Two Highway Business out parcels.

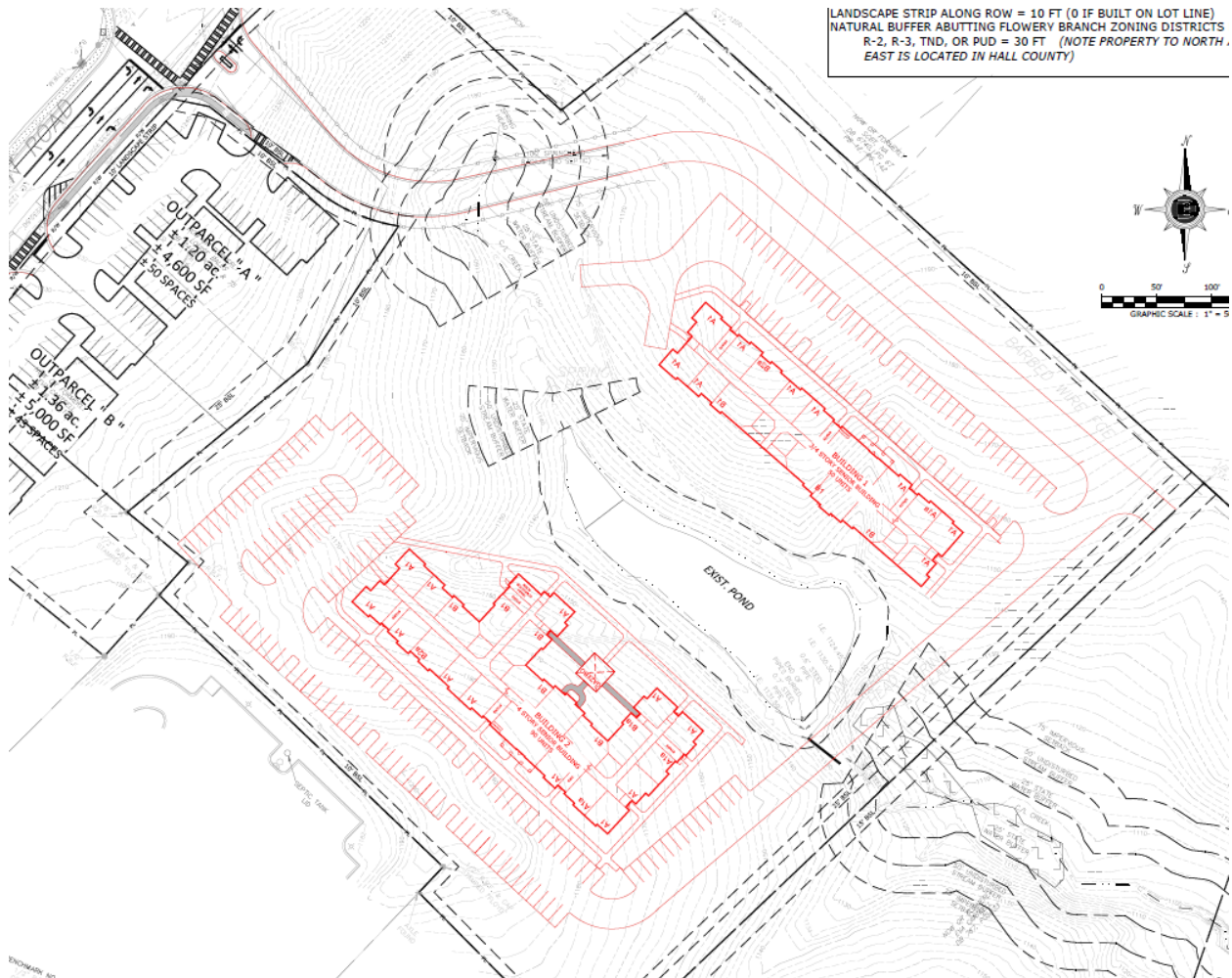


Component 1 Senior Housing Information

No City Council action is required for land use/zoning on this component. A Conditional Use Permit (CUP) was approved for this site on April 21, 2016 via resolution # 16-002 (see attachment #1) allowing a senior multi-family development. The CUP does not set limitations on size or number of units nor does it have any guidelines or recommendations for materials or design. This development will only be subjected to the requirements for Highway Business (HB) set forth in Table 9.2 of the zoning ordinance (see attachment #2). Currently, the applicant has submitted a preliminary non-binding site plan that shows 140 units (see below). Although no action is to be taken at this time if the project is relevant as it



allows access to Hog Mountain Road and is directly connected to the multi-family project (The Exchange at Flowery Branch).





Component 2 Goddard School Information

This parcel is being considered for annexation and rezoning. The Goddard School is an important piece to the proposed development and will need to be considered for annexation first since, without it being annexed, it would be considered an illegal unincorporated island and would therefore render the other annexation applications invalid. Currently, the Goddard School is zoned AR III (Agricultural) in Hall County and is operating under a CUP (approved in November 2008). The requested zoning is HB (Highway Business) and the use (Day Care) is inherently allowed. The site will eventually hook into the Flowery Branch sewer system but the building and the property itself will not be altered at this time.

Component 3 The Exchange at Flowery Branch

This component is being considered for annexation and rezoning from Hall County PRD (Planned Residential Development) to Flowery Branch M-3 (Multi-Family) with the intent to construct apartments. The total number apartments requested is 304. A general site plan and elevation are shown below.





Component 4 Two Highway Business out parcels

The two outparcels would be subjected to the HB (Highway Business) requirements set forth in the Flowery Branch zoning ordinance. There are no renderings or proposed design ideas/guidelines submitted at this time.

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, multi-use and commercial uses are 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 and will in fact enhance it.**
- (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, currently the parcels in question are zoned for the proposed uses in Hall County.**
- (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 multi-family 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 "Activity Center" character area. The proposed does not technically meet the intent of this character area but the argument can be made that it does support the retail at Stonebridge Village and in a broader sense the downtown retail as well. Additionally, the comprehensive plan suggests the City maintain a desirable mix of housing as follows: Detached Single -Family – 60%, Manufactured Homes – 5%, Townhomes – 15%, Apartments – 20%. If approved the breakdown would be approximately as follows: Detached Single -Family – 67%, Manufactured Homes – 1%, Townhomes – 6%, Apartments – 27%. Staff does not view this number as a concrete standard as it is continually fluctuating. The addition of the apartments does not irreversibly skew the suggested percentages. Also, these percentages were originally part of the 2010 Comprehensive Plan and housing needs have changed over the past decade.**
- (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 topography of the site is challenging, and denser developments are more prone to work. Simply put – there is less "buildable" space due to the topography.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed uses will work with the surrounding retail/commercial.**
- (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 classification of PRD in Hall County would allow the multi-family use. The AR III (Agricultural) Hall County classification is no longer a realistic zoning designation for this area**
- (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 uses 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.**

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

Applicant response addressing the analysis requirement:

Analysis requirements per Article 34, Section 34.7 of the Zoning Ordinance

The proposed action related to this application (i.e. the construction of a multi-family development with adjacent commercial or retail outparcels (the "Proposal Development")) is the same action that would be pursued if the property remained in Hall County. The main amendment to the zoning map requested herein is that the above-described property be annexed into the City of Flowery Branch. In either jurisdiction, the Applicant believes that the Proposed Development is suitable in view of the use and development of the nearby properties, that it will not adversely affect the existing use or usability of nearby properties and that the Proposed Development will add value to its underlying properties, the nearby properties and the community as a whole. The proposed rezoning of the two (2) outparcels described above to Highway Business District is in conformity with the policy and intent of the Character Area map contained within the City's comprehensive plan. While the multi-family portion of the Proposed Development may not fit directly within the current designation of the Activity Center shown in the comprehensive plan, the proposed multi-family portion of the development would be complementary to the adjacent Activity Center and would contribute to economic base of the community. The current growth of Flowery Branch in both population and commerce, along with the widening of Spout Springs Road, the completion of Exit 14 and the City's plans for a bicycle and pedestrian system extending to the Hog Mountain and Spout Springs Road corridor are all existing or changing conditions affecting the use and development of this property, which conditions would support the Proposed Development and therefore provide grounds for the approval of the same. As shown on the attached Site Plan, existing lakes, detention ponds, the observance of water-related buffer zones and the topography of the subject property are incorporated into the Proposed Development so as to lessen and/or account for the environmental impact on the property that would result from the proposed development.

- Water and sewer will be provided by the City of Flowery Branch.
- Age restricted multi-family housing is desirable for the City as it helps with the market mix of consumers.
- A traffic study was done in 2019 and is still valid according to Clark Patterson Lee. It is a large document (118 pages) and will be available through Granicus.
- Public hearing advertising signs were installed on July 21, 2020
- Advertisement for the public hearing was published in the Gainesville Times on July 8, 2020.



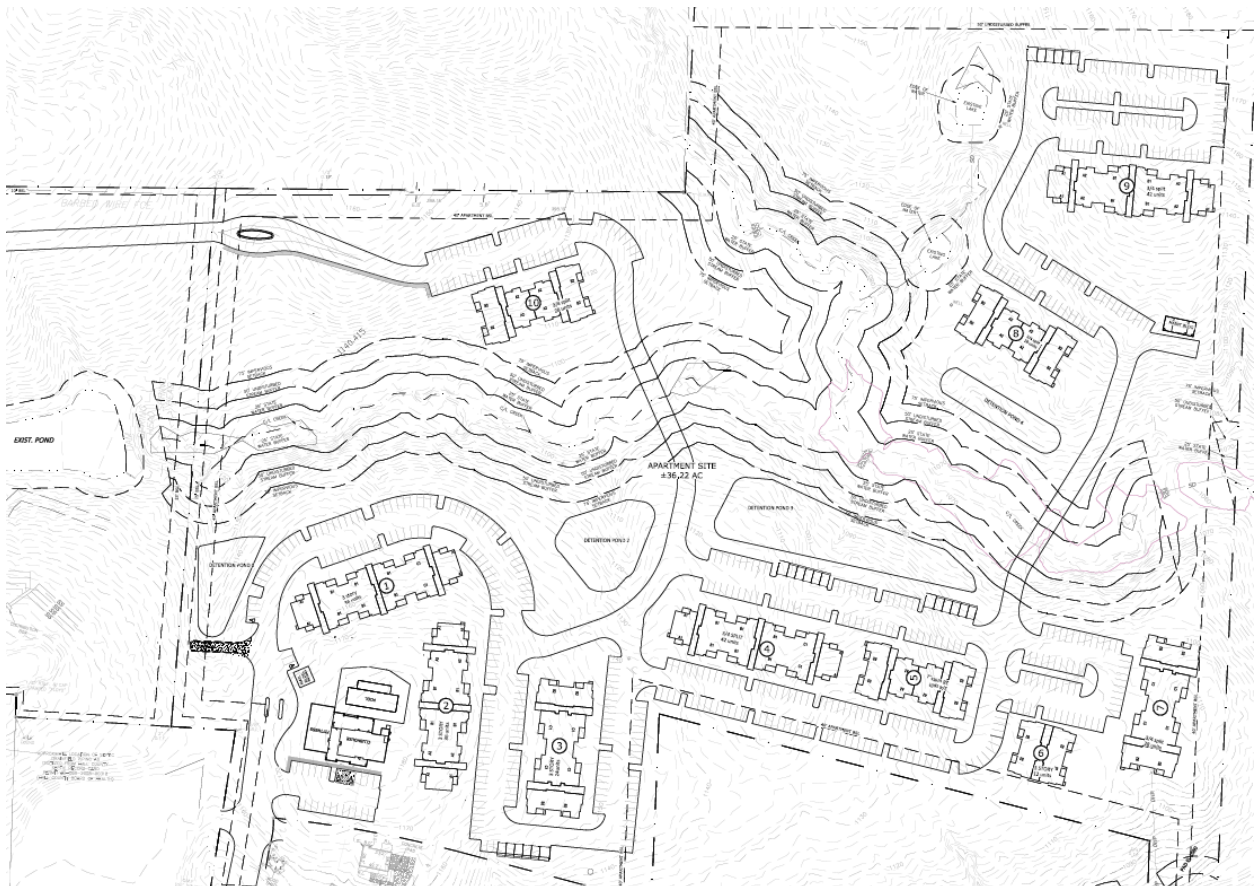
Staff Recommendation

Approve with conditions as presented.

Conditions of Zoning

Capstone Apartment Parcels:

1. The project shall significantly adhere to the site plan as submitted and approved and as shown below.



2. Apartments shall be limited to a total of no more than 306.
3. Water and sewer shall be provided by the City of Flowery Branch.



4. Apartments shall be constructed of brick, stacked stone, board and baton, and cementitious board siding.
5. Elevations shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
6. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a land disturbance permit.
7. Minimum SF for Dwelling Units – 650 SF.
8. Proposed Dwelling Units – one- and two-bedroom apartments shall constitute no less than 85% of the total number of units.
9. Overall landscape plan shall be submitted at the time of land disturbance permit application.
10. Streets, sidewalks, and all stormwater facilities shall be privately owned and maintained.
11. Clubhouse plans shall be submitted to the Department of Community Development for approval prior to, or at the time of, permitting and shall be consistent with the approved multi-family building material as listed in condition 4.
12. Front entry plan shall be submitted and approved by the Department of Community Development.
13. Overall signage plan shall be submitted and approved by the Department of Community Development.
14. Property must not have any parcels with “split zoning” – all parcels shall be platted correctly and shall generally adhere to the overall plan as submitted and shown in condition 1.

Capstone HB Parcels:

1. Uses and dimensions shall be governed by the Zoning ordinance of the City of Flowery Branch.
2. Buildings shall be constructed primarily of brick and stacked stone; cementitious siding may be used as an accent material.
3. Landscape plans shall be submitted and approved at time of land disturbance permit issuance.
4. Parking plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.
5. A lighting plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit.



Attachment #1

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION SENIOR MULTI-FAMILY DEVELOPMENT FOR THE SUBJECT PROPERTY LOCATED AT 5977 SPOUT SPRINGS ROAD. THE SUBJECT LOCATION IS APPROXIMATELY 11.79± ACRES IN SIZE AND IS ZONED HB (HIGHWAY BUSINESS). THE PROPERTY IS LOACTED ON TAX PARCEL NO. 15046 000009.

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meeting on April 21, 2016; and

WHEREAS, the City Council held a public hearing at the meeting on April 21, 2016, 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 BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **FINDS** that a Conditional Use Permit application, to allow the operation of a senior multi-family dwelling within the building for the property referenced above is approved for the following reasons:

- A.** The proposal to allow operation of a senior multi-family dwelling of residents is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are primarily zoned for retail purposes. The adopted Zoning Code allows for "multi-family dwelling" subject to issuance of a Conditional Use Permit. Given the layout and location of the property, as well as surrounding uses, the property lends itself to the proposed use.
- B.** The senior housing development is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years or older; and where the Owner publishes and adheres to policies and procedures which demonstrate an intent by the Owner and manager to provide housing for individuals 55 years of age or older.



RESOLUTION NO. 16-002

Page 2

- C. The proposal will not adversely affect the usability of surrounding properties, given that the proposed use is consistent with the surrounding land uses. Also, use of the property for operation of a multi-family dwelling is consistent with the zoning district, upon approval of a Conditional Use Permit.
- D. The subject property is currently zoned HB (Highway Business) and as a result operation of a multi-family dwelling is a permitted use subject to a Conditional Use Permit. Given that the request does not involve a modification of the property's zoning designation, the proposal does not diminish economic use of the property or surrounding properties.
- E. The proposed operation of a senior multi-family dwelling will not cause an excessive burdensome use of streets, transportation facilities, utilities or schools. The size of the property is more than adequate to accommodate the use without causing a traffic or parking problem.
- F. The proposed operation of a senior multi-family dwelling is consistent with goals identified in the city's Comprehensive Land Use Plan. The Comprehensive Plan makes reference to the need for increased mixed-use and activity centers.
- G. There are no existing and/or changing conditions affecting the property that support or conflict with the proposed project.
- H. A proposal to build a senior multi-family dwelling is suitable given the property's current zoning, surrounding land uses and their corresponding zoning classifications. The adjoining properties are zoned HB (Highway Business).
- I. The approval of a senior multi-family dwelling on the subject property will likely have no impact on its value or those of the surrounding properties as the use will be limited to seniors.
- J. The project does not involve a rezoning request and thus does not have the ability to create an isolated zoning district. The property is zoned HB (Highway Business). Use of the site for the purposes stated in the application is consistent with requirements of the NS zoning district and other applicable sections of the Zoning Code, once a Conditional Use Permit is obtained.
- K. The proposed application is consistent with goals identified in the City's Comprehensive Land Use Plan (Character Area Map) as an Activity Center. There will be no impact to the City's adopted Character Area Map. The project



RESOLUTION NO. 16-002

Page 3

is also consistent with the requirements of the Zoning Code as they relate to the HB (Highway Business) zoned district, pending compliance with certain recommended conditions of approval.

- L.** The proposed project will not impact the environment as it relates to drainage, soil, erosion and sedimentation, flooding, air quality and water quality. The proposed development will need to meet all City civil and development design approval.
- M.** The proposed use is consistent with the City's adopted Comprehensive Plan and Zoning Ordinance for reasons previously identified above.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the property located at 5977 Spout Springs Road approval to operate a senior multi-family dwelling.

Approved this 21st day of April, 2016.


James M. Miller, Mayor

ATTEST


Melissa McCain, City Clerk

APPROVED AS TO FORM


E. Ronald Bennett, Jr., City Attorney





Attachment #2

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 alongside 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,	15	40	30	30	None	50	50

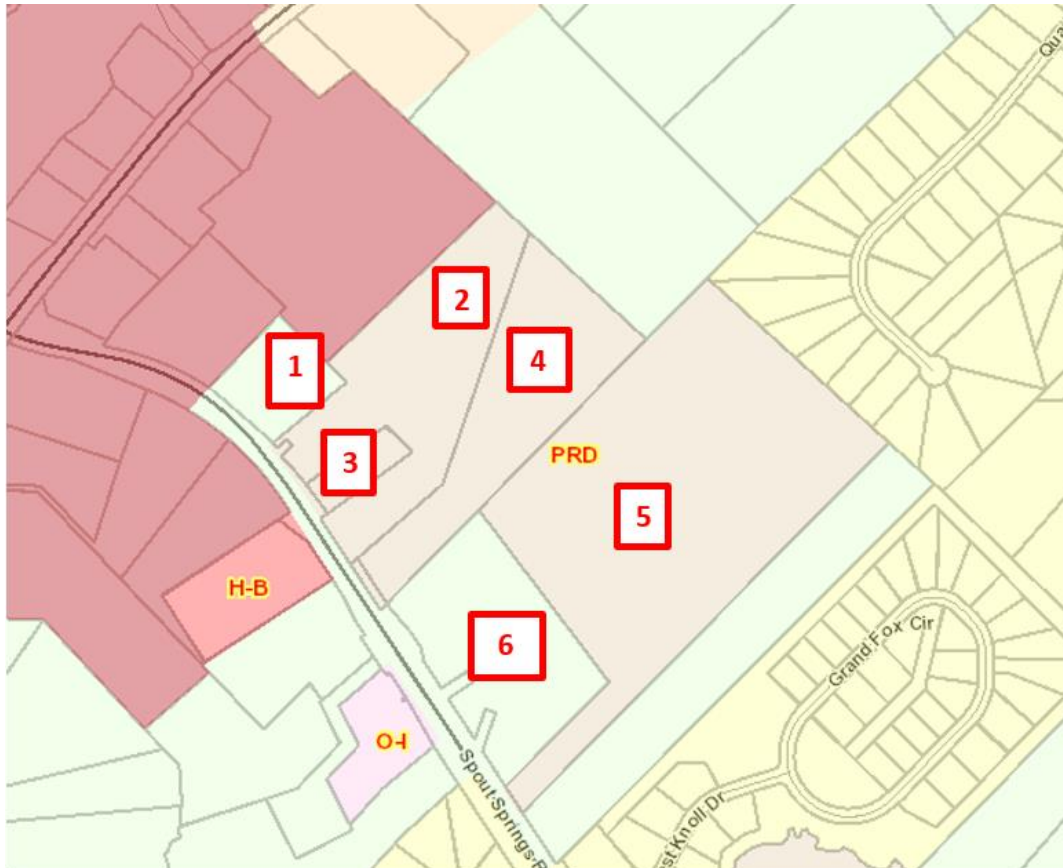


R-3, TND, or PUD district (feet)							
Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	25	10	10 (NoneIf built to front lot line)	None	30	30
Minimum landscape strip required alongside property lines for any nonresidential or multi-family 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



Attachment #3

Ordinances



1. 5989 Spout Springs Road; Tax Parcel 15046 000009D; Totaling 2.17 +/- acres; Annex and rezone from Hall County A III to Flowery Branch HB.
2. 6001 Spout Springs Road; Tax Parcel 15046 000065; Totaling 7.63 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
3. 6005 Spout Springs Road; Tax Parcel 15046 000125; Totaling 1.00 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch HB
4. 6011 Spout Springs Road; Tax Parcel 15046 000131; Totaling 7.55 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3
5. 6065 Spout Springs Road; Tax Parcel 15046 000070; Totaling 21.84 +/- acres; Annex and rezone from Hall County PRD to Flowery Branch R-3



6. 6035 Spout Springs Road; Tax Parcel 15046 000010; Totaling 7.98 +/- acres; Annex and rezone from Hall County AR III to Flowery Branch HB



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 609 a rezoning request by Mr. Shawn Gleason for 4153 Falcon Pkwy from Agricultural (A) to Highway Business (HB)

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

The proposed project is an out parcel to a larger development that lies within the city-limits of Oakwood. The Flowery Branch parcel would help the overall development by adding Falcon Parkway frontage and connectivity.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing and work session only - no vote at this time.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Rezoning Application.pdf](#)
- [Site Analysis Document.pdf](#)
- [Rezoning Narrative.pdf](#)
- [Overbrook Drive Apartments Addressing.pdf](#)

- [Staff reprt Falcon Parkway.pdf](#)
- [Falcon Pkwy Rezoning Ordinance 609.pdf](#)



REZONING APPLICATION

Date: 06/10/2020

Address of Request:

4153 FALCON PARKWAY FLOWERY BRANCH GA 30542

EAST SIDE OF FALCON PARKWAY NORTH OF MARTIN ROAD

Tax Map # 15044A002024 Current Zoning: A - AGRICULTURE

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: SHAWN GLEASON

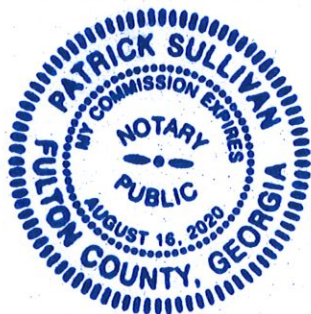
Address: 3715 NORTHSIDE PARKWAY; SUITE 4-450
ATLANTA, GA 30327

E-mail address: SGLEASON@BLANCHARDRE.COM

Phone number: 678-469-9795

Signature: _____

Notary: Patrick Sullivan





Property owner information (if different than the applicant)

Property owner (please print): JANE WOOD R/A BANKS ET AL

Signature of property owner:

By W. Cary, GENERAL PARTNER
THE MISCRAV FAMILY
PARTNERSHIP, L.P.

Notary:

Deborah L. Hood



Property Information

Tax Map Number: 15044A002024

Current Zoning: A (AGRICULTURE) Total Acres: 7.338

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

Proposed City of Flowery Branch Zoning: HB - HIGHWAY BUSINESS

Current Use: UNDEVELOPED, WOODED

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

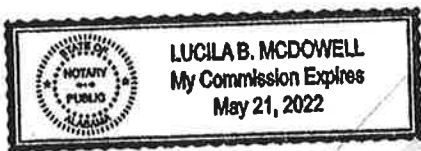


Property owner information (if different than the applicant)

Property owner (please print): JANE WOOD R/A BANKS ET AL

Signature of property owner: [Signature]
BURWELL INVESTMENTS, L.P.

Notary: Lucila B. McDowell



Property Information

Tax Map Number: 15044A002024

Current Zoning: A (AGRICULTURE) Total Acres: 7.338

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

Proposed City of Flowery Branch Zoning: HB - HIGHWAY BUSINESS

Current Use: UNDEVELOPED, WOODED

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



Property owner information (if different than the applicant)

Property owner (please print): JANE WOOD R/A BANKS ET AL

Signature of property owner: BY: E-SIGNED by Carol E. Smart
on 2020-06-15 15:19:14 CDT AVP
Regions Bank as co-trustee under the will of Rafe Banks, Jr.

Notary:

Property Information

Tax Map Number: 15044A002024

Current Zoning: A (AGRICULTURE) Total Acres: 7.338

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

Proposed City of Flowery Branch Zoning: HB - HIGHWAY BUSINESS

Current Use: UNDEVELOPED, WOODED

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



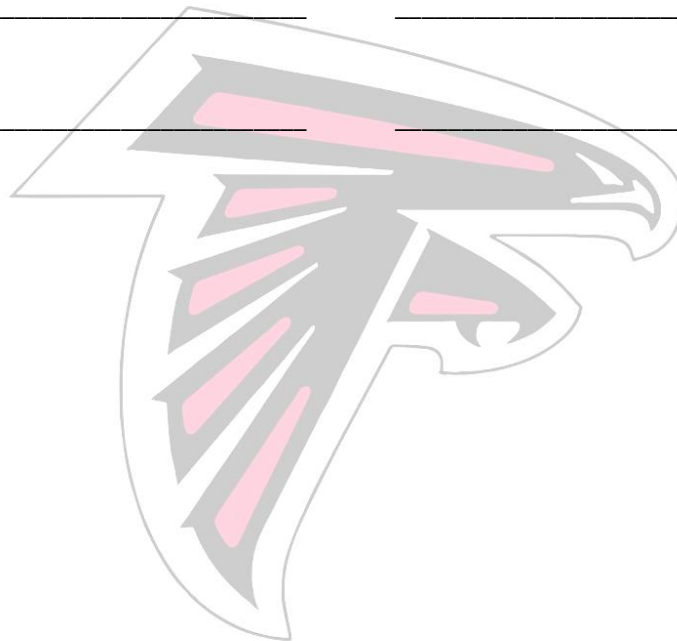
Disclosure of Campaign Contributions

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

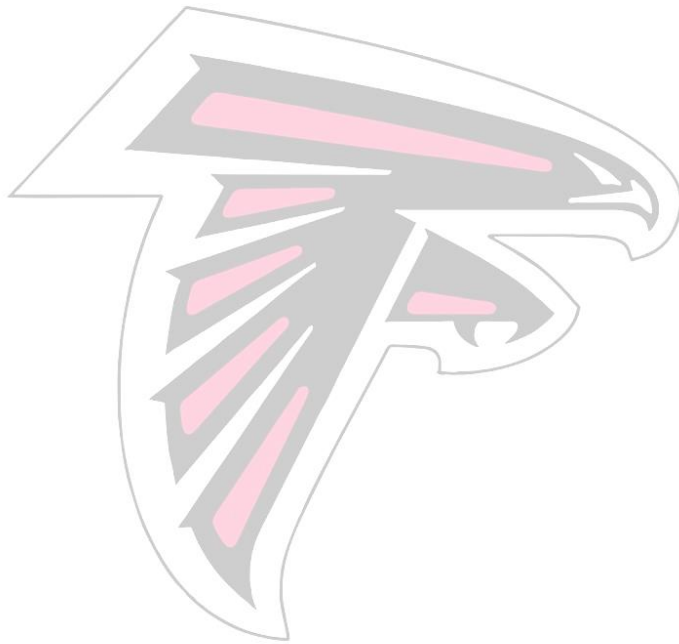
_____	_____
_____	_____



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____





June 25, 2020

Mr. Rich Atkinson
Flower Branch Community Development
5410 Pine Street
Flowery Branch, GA 30542

RE: Rezoning application
Tax Map: 15044A002024
4153 Falcon Parkway

Mr. Atkinson:

In accordance with Flowery Branch Code of Ordinances; Appendix C – Zoning Ordinance, Article 34, section 34.7, please accept this site analysis as part of the aforementioned rezoning application.

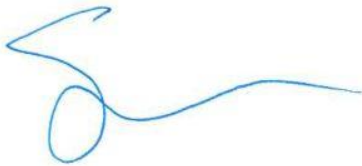
1. Will the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?
 - a. The property immediately to the north of the subject parcel is commercially zoned. The parcel immediately to the east, the first parcel in the City of Oakwood, is also commercially zoned and in the planning stages to be commercially developed. Rezoning the subject parcel to the Highway Business designation will allow this parcel to be developed to uses that are harmonious to those immediately adjacent to it.
2. Will the proposal adversely affect the existing use or usability of adjacent or nearby property?
 - a. No, the proposal would allow the subject parcel to be developed in harmony with the parcel immediately to the east which is the planning stages to be commercially developed. The parcel to the north is already commercially zoned.
3. Can the subject parcel be used in accordance with the existing regulations and have a reasonable economic use as currently zoned?
 - a. No, the parcel is currently zoned Agricultural and is steeply sloped across the entire parcel. The costs associated with preparing the site for use as one of those permitted in the existing zoning are such that it would not be economically viable. This is supported by the fact that it has remained undeveloped since 1944.
4. Will the proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

- a. No, the proposed zoning map amendment would allow for commercial development which would not impact schools. The parcel fronts on State Route 13 which has adequate capacity for commercial development. Further, the site is being developed to support future interparcel connection to the retail development to the east along Martin Road.
5. Is the proposal 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. The Comprehensive Plan for the City of Flowery Branch identifies this parcel as part of the Activity Center character area which is noted as being suitable for commercial development of all types.
6. Are there 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. The adjacent parcel to the east is in the planning stages of being commercially developed. A zoning map amendment would allow this parcel to be developed in kind with that development.
7. What are the existing uses and zoning of the subject property and nearby properties?
 - a. Subject property
 - i. Zoned – Agricultural
 - ii. Use - Undeveloped
 - b. Property to the north
 - i. Zoned - Highway Business (HB)
 - ii. Use – Memorial Park South Funeral Home
 - c. Property to the east (lies within the City of Oakwood)
 - i. Zoned – Planned commercial development (PCD)
 - ii. Use – Being developed for retail use. A portion of this parcel is also being developed for multifamily.
 - d. Property to the west (opposite Falcon Parkway)
 - i. Zone – Agricultural
 - ii. Use - Undeveloped
8. What is the current 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.
 - a. To the best of our knowledge, the parcel appears to have been wooded and undeveloped since 1944. The proposed improvement would enhance the actual value and tax base by adding infrastructure and a commercial strip center with multiple tenants.
9. Will a proposed zoning map amendment be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations?
 - a. No, a zoning map amendment will allow the parcel to be developed in harmony with those immediately adjacent to it.
10. Does the zoning map amendment create an isolated zoning district unrelated to adjacent and nearby districts?
 - a. No, the property adjacent to the north is currently zoned Highway Business and operates as a commercial enterprise. The property adjacent to the east, while outside the City limits, is being planned for retail development. A zoning map amendment to allow a change to Highway Business for the subject parcel would allow this to develop in harmony with those uses immediately adjacent to it.
11. Will the change in zoning district map impact the character of a zoning district?

- a. No, the parcel is on a commercial corridor with no active agricultural uses. The development, in accordance with the Highway Business designation, would be in keeping with the character of the area. Further, the parcel is near to a new interchange to I-985 which will support more commercial development, not agricultural uses as the market matures.
12. What would the possible impact to the environment be including, but not limited to, drainage, soils erosion and sedimentation, flooding, air quality and water quality?
- a. The parcel contains significant topography and will have to be developed with either slope stabilization or retaining walls. Any new development would be done in accordance with local, regional and state regulations to address stormwater management, erosion and sediment control and any other impacts to waters of the state.
13. What relation does the proposed zoning map amendment have on the purpose of the overall zoning scheme and Flowery Branch zoning ordinance?
- a. The proposed zoning map amendment abides by the comprehensive plan by establishing a commercial district along this segment of SR 13. It would allow the subject parcel to be developed in a way that is harmonious with the surrounding uses without burdening overtaxed infrastructure or adversely impacting established communities. The proposal would allow a parcel that has been undeveloped for 80 years and attract new business and employment areas while still protecting and preserving natural areas adjacent to the new development.

Thank you.

Respectfully,



Shawn Gleason, PE
Development Partner



June 25, 2020

Mr. Rich Atkinson
Flower Branch Community Development
5410 Pine Street
Flowery Branch, GA 30542

RE: Rezoning application
Tax Map: 15044A002024
4153 Flacon Parkway

Mr. Atkinson:

In accordance with Flowery Branch Code of Ordinances; Appendix C – Zoning Ordinance, Article 34, section 4(e), please accept this letter of intent as part of the aforementioned rezoning application.

It is our intent to rezone the subject parcel from its current zoning of Agriculture (A) to Highway Business (HB). This request would allow for a small retail development on the parcel. A full movement driveway on State Route 13 would be included as part of this new development.

This site is being developed concurrently with a multifamily and retail development along Martin Road both of which are within the Oakwood City limits. At the current time, we believe that the market can only support the small retail space identified on the site plan. Further, there are several natural features on the parcel that limit the developable area, however the site is being designed in such a way to allow for future connectivity to the adjacent project(s), should that become a necessity.

Thank you.

Respectfully,

Shawn Gleason, PE
Development Partner



Hall County Government

PLANNING DEPARTMENT
GIS / ADDRESSING

May 14, 2020

To Whom It May Concern;

Please see attached the addressing plan for **APARTMENTS** located in the jurisdiction of **OAKWOOD**. The street name for this development is:

OVERBROOK DRIVE

The postal area is **FLOWERY BRANCH (30542)**. The street addresses are listed on each building for your information and records.

Please feel free to reach out with any questions.

Sincerely,

Rebecca Evans
GIS Analyst – Addressing Coordinator
(770) 531-6781
revans@hallcounty.org

Overbrook Drive Apartments
Flowery Branch, GA 30542
Jurisdiction: City of Oakwood
Parcel Occupied: 15044 000065

St No.	St Name	St Type	City	ZIP	Comments
Clubhouse:					
1000	Overbrook	Drive	Flowery Branch	30542	
Mail Kiosk:					
1004	Overbrook	Drive	Flowery Branch	30542	
Lift Station:					
1290	Overbrook	Drive	Flowery Branch	30542	
Building 200:					
2000	Overbrook	Drive	Flowery Branch	30542	Building Address
2101	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2103	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2105	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2107-2108	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Units
2110	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2112	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2114	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2116	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
2201-2216	Overbrook	Drive	Flowery Branch	30542	First Floor Units
2301-2316	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
2401-2416	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 300:					
3000	Overbrook	Drive	Flowery Branch	30542	Building Address
3101-3108	Overbrook	Drive	Flowery Branch	30542	First Floor Units
3201-3208	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
3301-3308	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 400:					
4000	Overbrook	Drive	Flowery Branch	30542	Building Address
4101	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
4103	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
4105	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
4107	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
4201-4208	Overbrook	Drive	Flowery Branch	30542	First Floor Units
4301-4308	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
4401-4408	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 500:					
5000	Overbrook	Drive	Flowery Branch	30542	Building Address
5101-5108	Overbrook	Drive	Flowery Branch	30542	First Floor Units
5201-5208	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
5301-5308	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 600:					
6000	Overbrook	Drive	Flowery Branch	30542	Building Address
6101-6108	Overbrook	Drive	Flowery Branch	30542	First Floor Units
6201-6208	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
6301-6308	Overbrook	Drive	Flowery Branch	30542	Third Floor Units

St No.	St Name	St Type	City	ZIP	Comments
Building 700:					
7000	Overbrook	Drive	Flowery Branch	30542	Building Address
7101-7108	Overbrook	Drive	Flowery Branch	30542	First Floor Units
7201-7208	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
7301-7308	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 800:					
8000	Overbrook	Drive	Flowery Branch	30542	Building Address
8101-8108	Overbrook	Drive	Flowery Branch	30542	First Floor Units
8201-8208	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
8301-8308	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 900:					
9000	Overbrook	Drive	Flowery Branch	30542	Building Address
9101-9108	Overbrook	Drive	Flowery Branch	30542	First Floor Units
9201-9208	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
9301-9308	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 1000:					
1010	Overbrook	Drive	Flowery Branch	30542	Building Address
1012	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1014	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1016	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1018	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1021-1028	Overbrook	Drive	Flowery Branch	30542	First Floor Units
1031-1038	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
1041-1048	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 1100:					
1100	Overbrook	Drive	Flowery Branch	30542	Building Address
1112	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1114	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1116	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1118	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1121-1128	Overbrook	Drive	Flowery Branch	30542	First Floor Units
1131-1138	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
1141-1148	Overbrook	Drive	Flowery Branch	30542	Third Floor Units
Building 1200:					
1200	Overbrook	Drive	Flowery Branch	30542	Building Address
1211	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1213	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1215	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1217	Overbrook	Drive	Flowery Branch	30542	Terrace Floor Unit
1221-1228	Overbrook	Drive	Flowery Branch	30542	First Floor Units
1231-1238	Overbrook	Drive	Flowery Branch	30542	Second Floor Units
1241-1248	Overbrook	Drive	Flowery Branch	30542	Third Floor Units



Hall County Government

PLANNING DEPARTMENT
GIS / ADDRESSING

2875 BROWNS BRIDGE ROAD
t: 770-531-6809 | f: 770-531-3902

Overbrook Drive Apartments

Flowery Branch, 30542
Jurisdiction: Oakwood

Lift Station
1290 Overbrook Drive

Building 1200:
1200, 1211, 1213, 1215, 1217
1221-1228, 1231-1238, 1241-1248

Building 1100:
1100, 1112, 1114, 1116,
1118, 1121-1128, 1131-1138,
1141-1148

Mail Kiosk
1000 Overbrook Drive

Clubhouse
1000 Overbrook Drive

Building 300:
3000, 3101-3108,
3201-3208, 3301-3308

Building 500:
5000, 5101-5108,
5201-5208, 5301-5308

Building 700:
7000, 7101-7108,
7201-7208, 7301-7308

Building 900:
9000, 9101-9108,
9201-9208, 9301-9308

Overbrook Drive

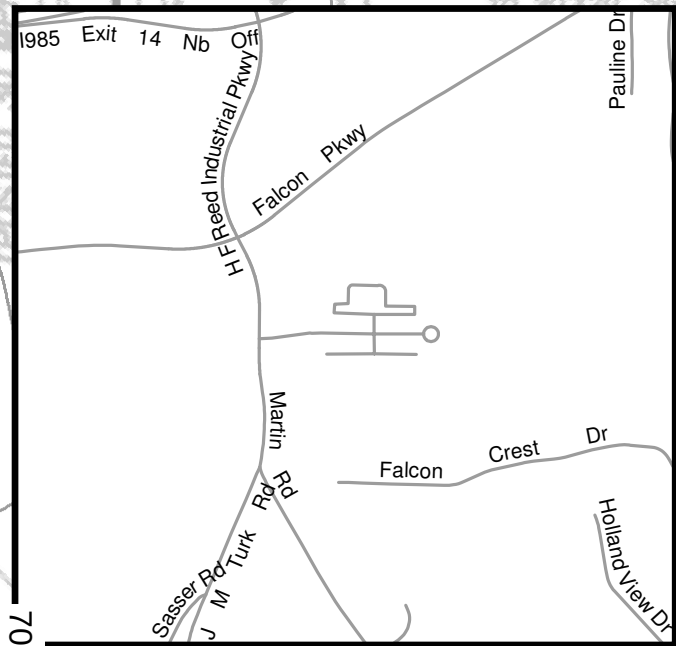
Building 200:
2000, 2101, 2103, 2105, 2107-2108,
2110, 2112, 2114, 2116, 2201-2216,
2301-2316, 2401-2416

Building 400:
4000, 4101, 4103, 4105, 4107,
4201-4208, 4301-4308, 4401-4408

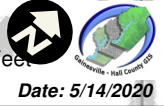
Building 600:
6000, 6101-6108,
6201-6208, 6301-6308

Building 800:
8000, 8101-8108,
8201-8208, 8301-8308

Building 1000:
1010, 1012, 1014, 1016,
1018, 1021-1028, 1031-1038,
1041-1048



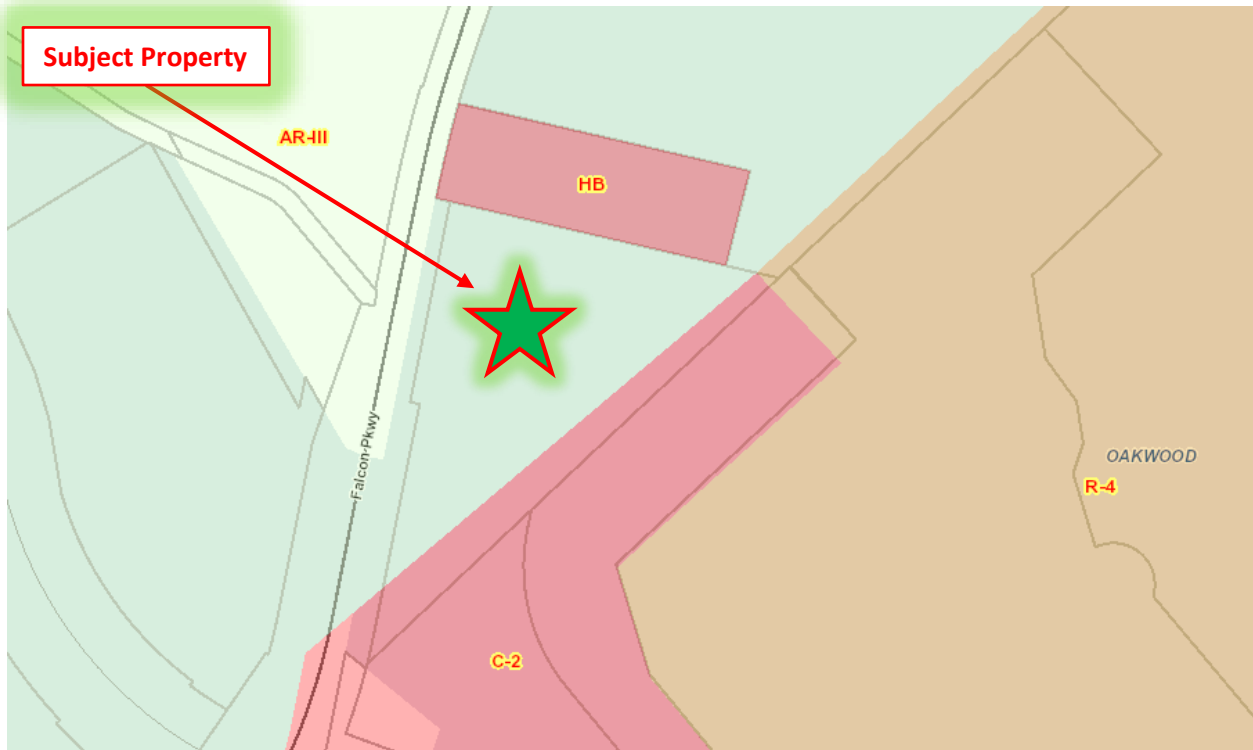
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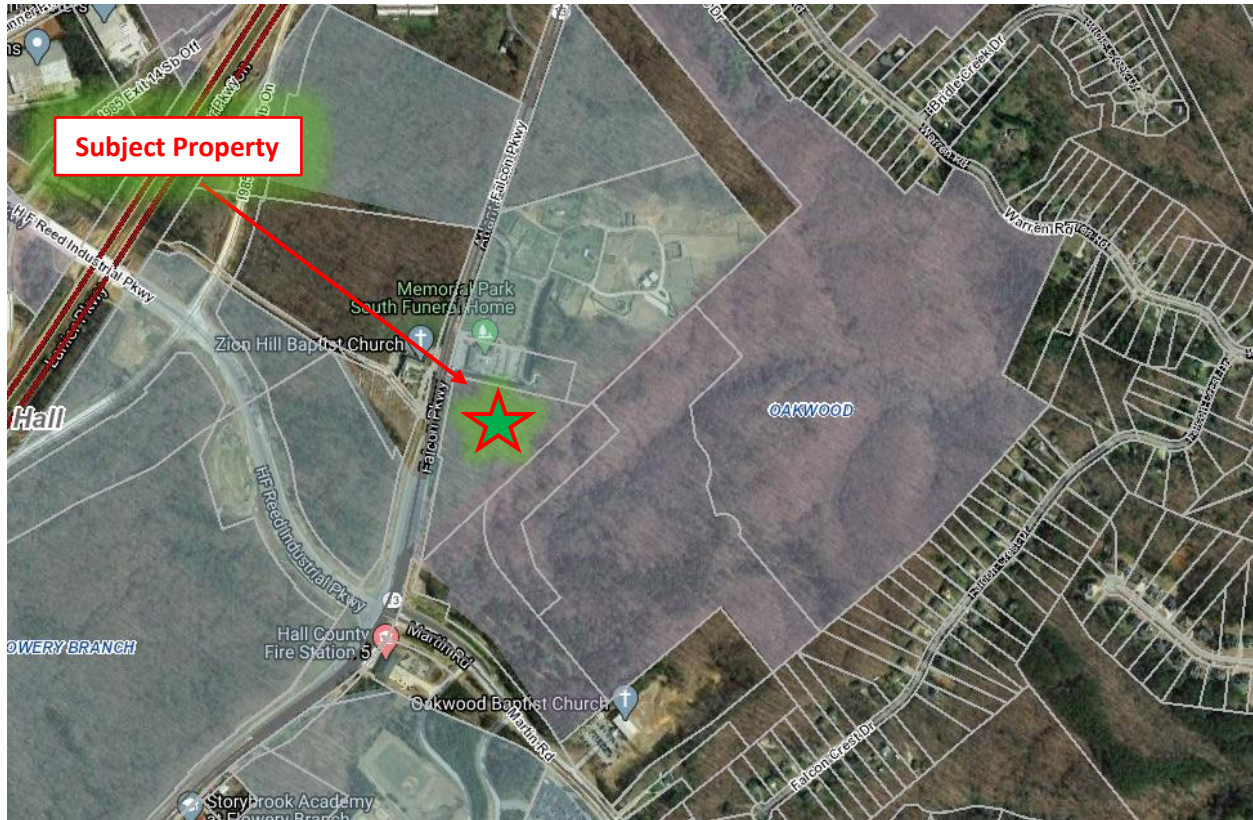


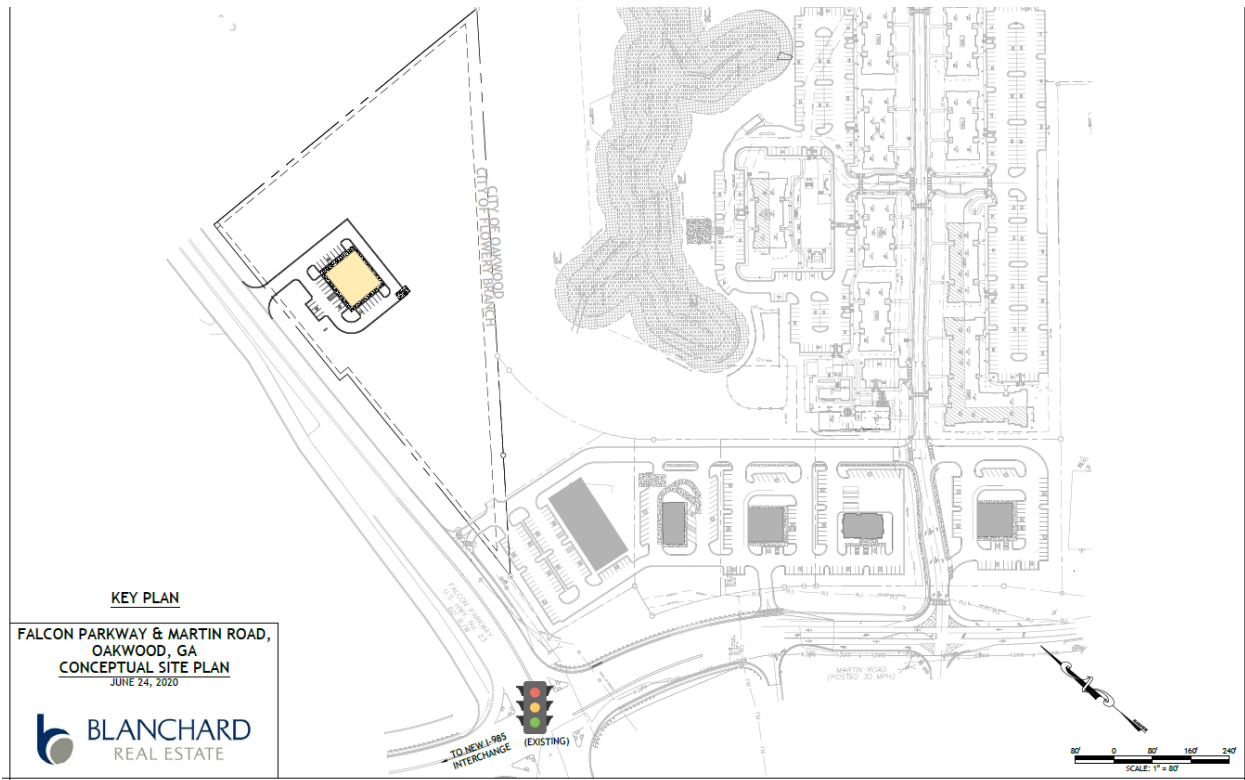
Date: 5/14/2020

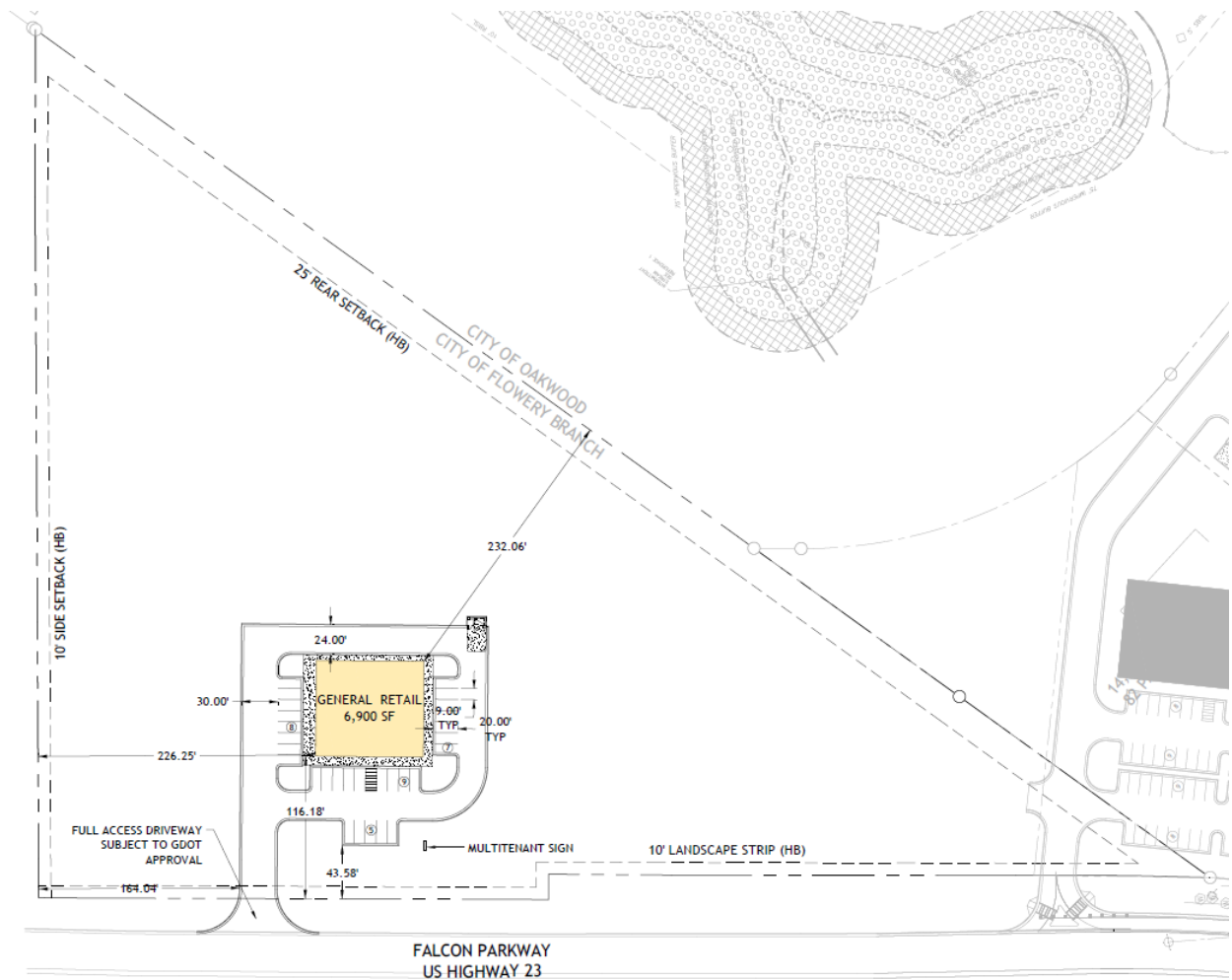


Request is to rezone a 7.34 +/- piece of property from Agriculture (A) to Highway Business (HB) with the intent to construct a commercial outparcel subservient to a much larger project located within the City-limits of Oakwood.



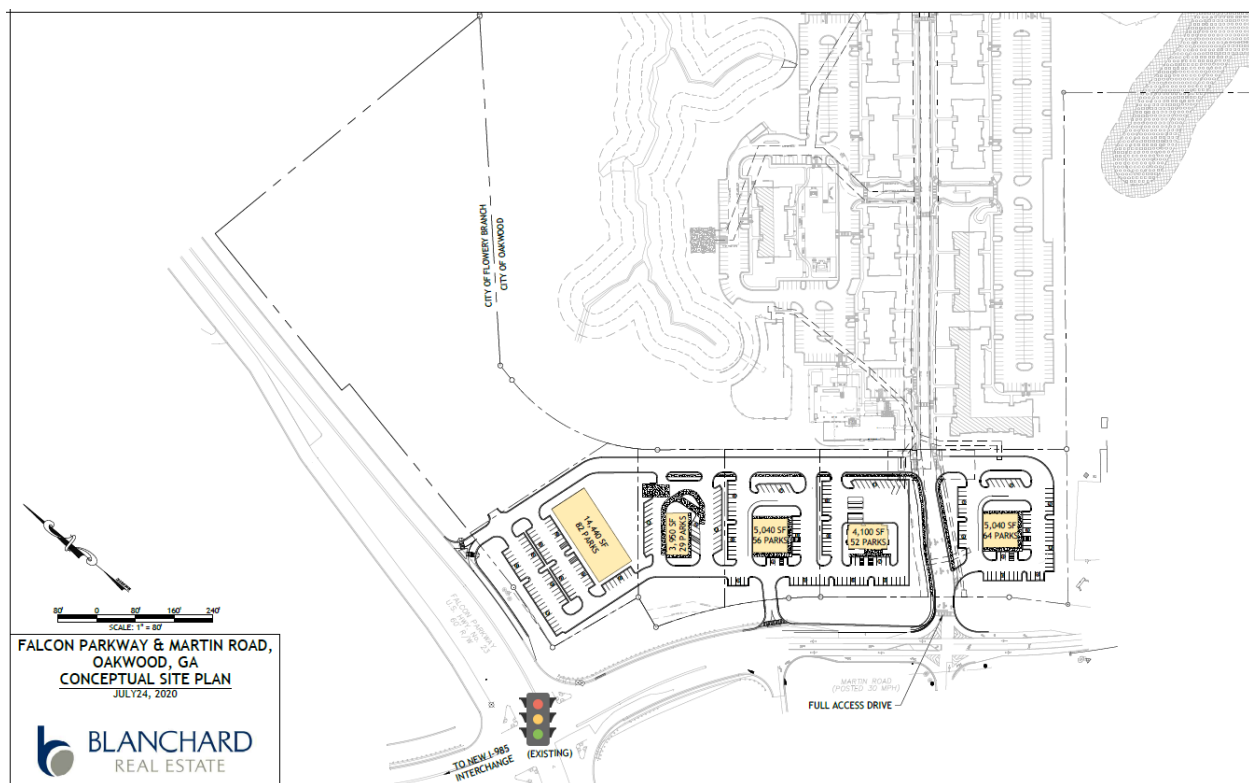


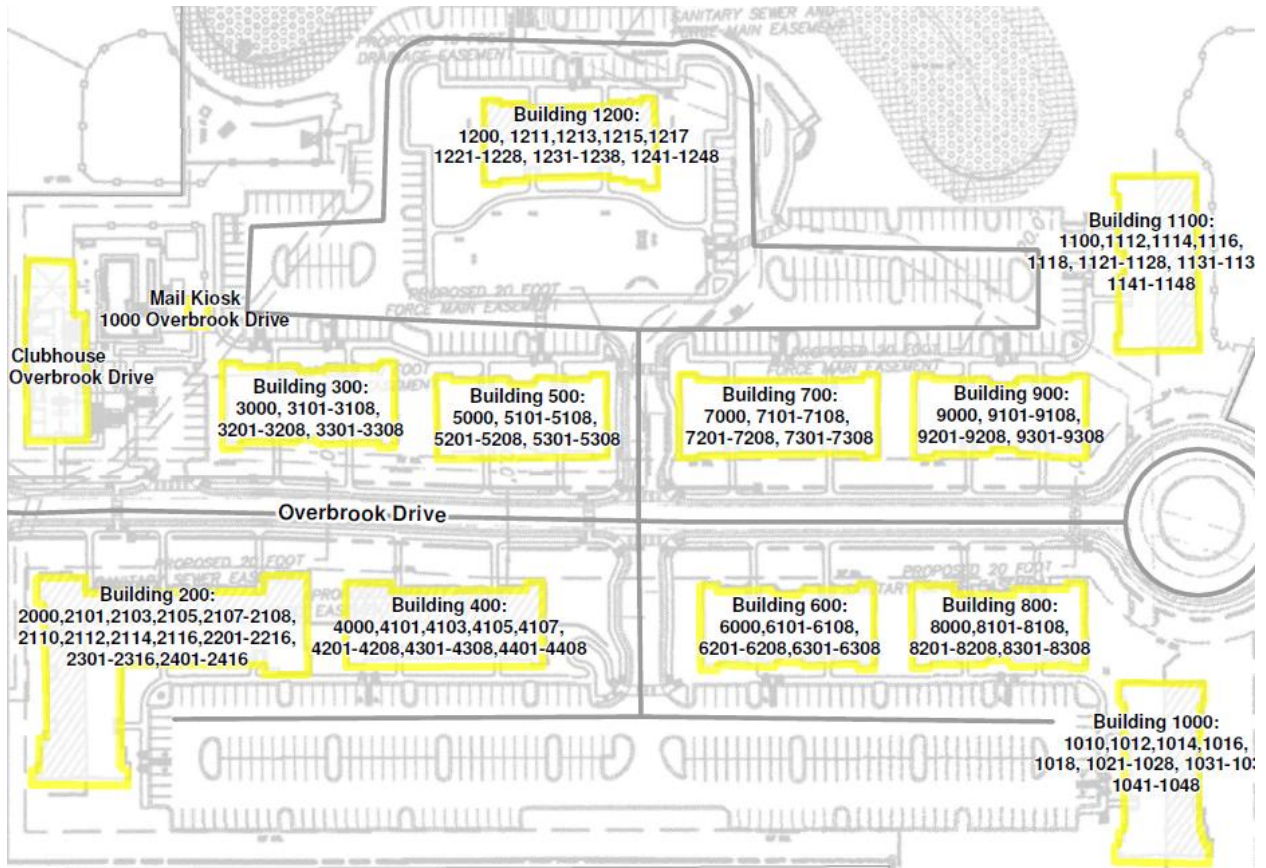






Applicant is building the retail/restaurant portion of the Oakwood project as shown below. The apartment portion is being built by others.







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, retail would be suitable to this area as it is near the new exit 14 and has supporting residential uses in proximity.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The project should not adversely impact the adjacent or surrounding 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. **The property could be used but is limited by its agricultural zoning designation.**
- (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. **Staff does not view this project as causing any excessive or burdensome use on streets, schools, etc.**
- (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. **Activity Center character area is consistent with the proposed.**
- (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 proposed site will blend in with the larger Oakwood development and may be an asset to the surrounding area.**



- (g) Existing use(s) and zoning of the subject property and nearby properties. **Consistent if rezoned to HB with the surrounding area.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff did not assess the financial implications of this rezoning but a commercial site (HB) would, on the surface, appear to be valuable than an Agricultural designation.**
- (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, staff does not view this rezoning as a deterrent of any kind to the adjacent properties.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **It is in the City and will remain so.**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **No negative impact to this rezoning 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 proposed development will be developed to the standards set forth in the Flowery Branch Code of Ordinances and should cause no egregious environmental issues.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **This proposed rezoning is supported by the Comprehensive Plan and is in line with the Zoning Ordinance.**

*Advertisement was run in the Gainesville Times on July 8, 2020.

*Sign was place on site 7/21/20

It is staff's recommendation to approve this rezoning with conditions as presented as part of Ordinance #20-609.

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 20-609

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY JANE WOOD R/A BANKS ET AL IDENTIFIED AS 4153 FALCON PARKWAY, TAX PARCEL 150044 A002024 TOTALING 7.34 +/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO HIGHWAY BUSINESS (HB) 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, Jane Wood R/A Banks Et Al owns all tracts or parcel of land totaling 7.34 +/- acres identified as Parcel Tax Identification No. 15044 A002024, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Agricultural (A) to Highway Business (HB) 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 A; 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 A.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Agricultural (A) to Highway Business (HB) and as conditioned in Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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 October 16th, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

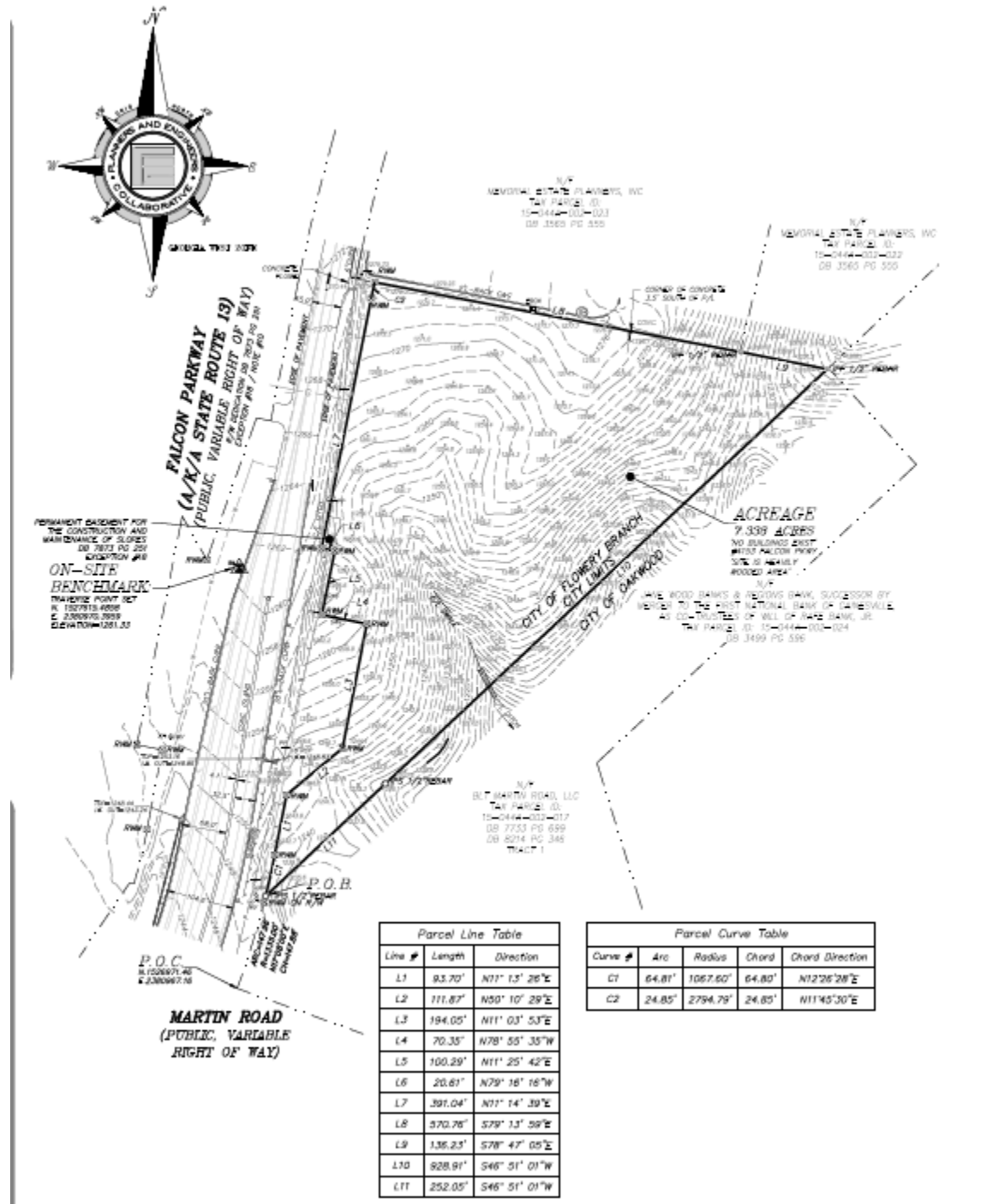
James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Flowery Branch GMD #1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

COMMENCING at the point located at the intersection of the Northerly Right of Way of Martin Road (Public, Variable R/W) and the Southeasterly Right of Way of Falcon Parkway (A/K/A State Route 13, Public, Variable Right of Way) having Georgia State Plain coordinates (NAD83, Georgia West Zone) of N.1526971.46 & E.2380967.16; thence leaving said intersection and following along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) along a curve turning to the left with an arc length of 147.96 feet, having a radius of 1335.00 feet, being subtended by a chord bearing of North 17 degrees 08 minutes 00 seconds East, and a chord length of 147.88 feet to a 1/2" iron pin set, which is the TRUE POINT OF BEGINNING.

Thence continuing along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) the following courses and distances: with a curve turning to the left with an arc length of 64.81 feet, with a radius of 1067.60 feet, with a chord bearing of North 12 degrees 26 minutes 28 seconds East, with a chord length of 64.80 feet to a right of way monument found; thence North 11 degrees 13 minutes 26 seconds East a distance of 93.70 feet to a right of way monument found; thence North 50 degrees 10 minutes 29 seconds East a distance of 111.87 feet to a right of way monument found; thence North 11 degrees 03 minutes 53 seconds East a distance of 194.05 feet to a right of way monument found; thence North 78 degrees 55 minutes 35 seconds West a distance of 70.35 feet to a right of way monument found; thence North 11 degrees 25 minutes 42 seconds East a distance of 100.29 feet to a right of way monument found; thence North 79 degrees 16 minutes 16 seconds West a distance of 20.61 feet to a right of way monument found; thence North 11 degrees 14 minutes 39 seconds East a distance of 391.04 feet to a right of way monument found; thence with a curve turning to the right with an arc length of 24.85 feet, with a radius of 2794.79 feet, with a chord bearing of North 11 degrees 45 minutes 30 seconds East, with a chord length of 24.85 feet to a right of way monument found; thence leaving said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) South 79 degrees 13 minutes 59 seconds East a distance of 570.76 feet to a 1/2" rebar found; thence South 78 degrees 47 minutes 05 seconds East a distance of 136.23 feet to a 1/2" rebar found on the City Limits of Flowery Branch; thence following along said City Limits of Flowery Branch the following courses and distances: South 46 degrees 51 minutes 01 seconds West a distance of 928.91 feet to a 1/2" rebar set; thence South 46 degrees 51 minutes 01 seconds West a distance of 252.05 feet to a 1/2" rebar set on said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13, which is the TRUE POINT OF BEGINNING.

Said parcel having an area of 7.338 acres more or less.

Exhibit “C”

Conditions of Zoning

1. Building materials must be a combination of brick, stacked stone, and cementitious fiber board.
2. Landscape plan is required at time of land disturbance permit.
3. Lighting plan must be submitted and approved prior to the issuance of a building permit.
4. Sewer shall be served by the City of Flowery Branch.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Ordinance 239-K & 240-K submitted by NNP-Looper Lake, LLC to rezone 85 +/- acres of land in Sterling on the Lake known as the Honeycutt Tract from PUD to modified PUD - changing the conditions of zoning to allow a gate and private roads.

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

.

FACTS AND ISSUES:

The request is to gate the Honeycutt Tract and privatize the roads.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

0

RECOMMENDATION:

Public hearing and work session only - no vote at this time.

SAMPLE MOTION:

.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Honeycutt Rezoning Application.pdf](#)
- [Staff report.pdf](#)
- [Ordinance.pdf](#)



REZONING APPLICATION

Date: June 24th, 2020

Address of Request:

6702 Welcome Road, Flowery Branch, Georgia 30542

Tax Map # 15047 000006 & 15047 000885 Current Zoning: PUD

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: NNP - Looper Lake, LLC (Leigh Anne Beaver / Alex McLeod)

Address: 7004 Lake Sterling Blvd. Flowery Branch, Georgia 30542

E-mail address: lbeaver@newlandco.com / amcleod@newlandco.com

Phone number: (678) 960-0234

Signature:  Alex McLeod, Regional President

Notary:  L.A. Beaver





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: 15047 000006 & 15047 000885

Current Zoning: PUD (City of Flowery Branch) Total Acres: 85.568

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

Proposed City of Flowery Branch Zoning: PUD

Current Use: Residential Subdivision

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
<u>none 4M</u>	<u>N/A</u>
<u>none 4M</u>	<u>N/A</u>

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



***Honeycutt
Legal Description***

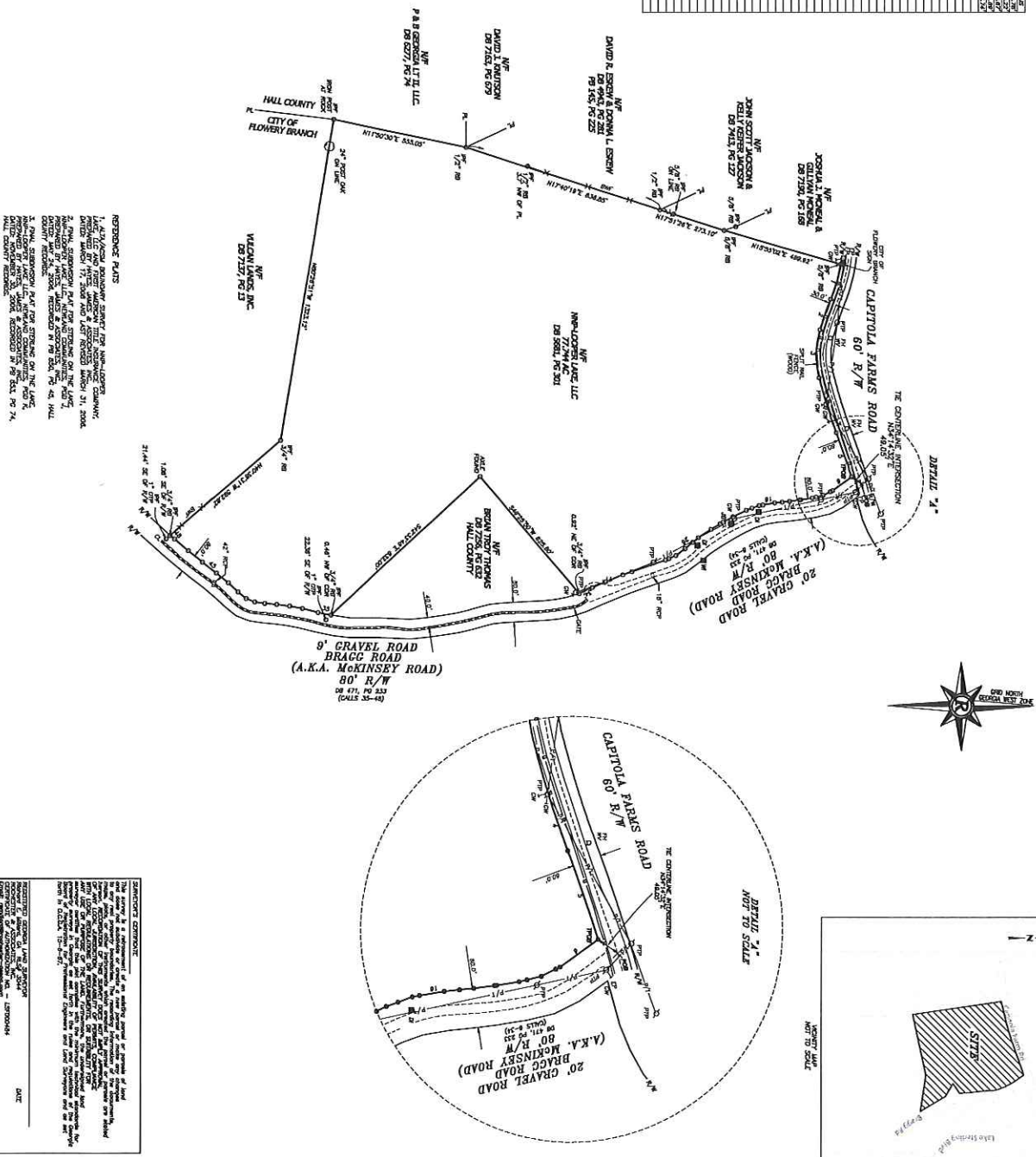
All that tract or parcel of land lying and being in G.M.D. 1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

Beginning at the centerline intersection of Capitola Farm Road (60' R/W) and Scarlet Oak Way (50' R/W); thence South 87°57'20" West, a distance of 102.62 feet to an iron pin found (5/8" rebar on the northern Right-of-Way of said Capitola Farm Road, being the ***True Point of Beginning***; thence along said Right-of-Way 148.67 feet along an arc of a curve to the right having a radius of 692.78 feet and a chord bearing and distance of South 73°52'52" East, 148.38 feet to a point; thence 131.82 feet along an arc of a curve to the left having a radius of 1304.22 feet and a chord bearing and distance of South 70°37'45" East, 131.77 feet to a point; thence 198.00 feet along an arc of a curve to the left having a radius of 366.67 feet and a chord bearing and distance of South 88°59'41" East, 195.61 feet to a point; thence 233.76 feet along an arc of a curve to the left having a radius of 2221.89 feet and chord bearing and distance of North 72°31'16" East, 233.65 feet to a point; thence 225.76 feet along an arc of a curve to the right having a radius of 4143.74 feet and a chord bearing and distance of North 71°04'04" East, 225.73 to a point on the northwestern Right-of-Way of a 20 foot Path; thence along the property now or formerly of the City of Flowery Branch (20' Path) the following courses and distances: South 35°50'46" East, a distance of 120.47 feet to a point; thence 31.78 feet along an arc of a curve to the right having a radius of 75.00 feet and a chord bearing and distance of South 23°42'26" East, 31.54 feet to a point; thence South 11°34'05" East, a distance of 36.01 feet to a point; thence 107.98 feet along an arc of a curve to the right having a radius of 1100.00 feet and a chord bearing and distance of South 08°45'21" East, 107.94 feet to a point; thence South 05°56'37" East, a distance of 69.67 feet to a point; thence 55.13 feet along an arc of a curve to the left having a radius of 225.00 feet and a chord bearing and distance of South 12°57'48" East, 54.99 feet to a point; thence South 19°58'58" East, a distance of 75.50 feet to a point; thence 19.93 feet along an arc of a curve to the left having a radius of 300.00 feet and a chord bearing and distance of South 21°53'10" East, 19.93 feet to a point; thence South 23°47'21" East, a distance of 123.61 feet to a point; thence 71.19 feet along an arc of a curve to the right having a radius of 190.00 feet and a chord bearing and distance of South 13°03'19" East, 70.77 feet to a point; thence South 02°19'18" East, a distance of 101.72 feet to a point; thence 154.16 feet along an arc of a curve to the left having a radius of 310.00 feet and a chord bearing and distance of South 16°34'05" East, 152.58 feet to a point; thence South 30°48'53" East, a distance of 68.95 feet to a point; thence 102.12 feet along an arc of a curve to the left having a radius of 310.00 feet and a chord bearing and distance of South 40°15'06" East, 101.66 feet to a point; thence South 49°41'19" East, a distance of 74.48 feet to a point; thence 136.61 feet along an arc of a curve to the right having a radius of 190.00 feet and a chord bearing and distance of South 29°05'29" East, 133.68 feet to a point; thence South 08°29'40" East, a distance of 45.64 feet to a point; thence 16.93 feet along an arc of a curve to the right having a radius of 190.00 feet and a chord bearing and distance of South 05°56'30" East, 16.93 feet to a point; thence South 03°23'20" East, a distance of 40.36 feet to a point; thence 42.54 feet along an arc of a curve to the right having a radius of 900.00 feet and a chord bearing and distance of South 02°02'05" East, 42.54 feet to a point; thence South 00°40'50" East, a distance of 50.97 feet to a point; thence 106.36 feet along an arc of a curve to the left having a radius of 460.00 feet and a chord bearing and distance of South 07°18'19" East, 106.12 feet to a point; thence South 13°55'45" East, a distance of 61.77 feet to a point; thence 122.71 feet along an arc of a curve to the right having a radius of 1500.00

feet and a chord bearing and distance of South 11°35'09" East, 122.67 feet to a point; thence South 09°14'32" East, a distance of 68.08 feet to a point; thence 108.53 feet along an arc of a curve to the right having a radius of 375.00 feet and a chord bearing and distance of South 00°57'04" East, 108.15 feet to a point; thence South 07°20'24" West, a distance of 23.94 feet to a point; thence 52.86 feet along an arc of a curve to the left having a radius of 325.00 feet and chord bearing and distance of South 02°40'48" West, 52.81 feet to a point; thence South 01°58'47" East, a distance of 79.68 feet to a point; thence 166.41 feet along an arc of a curve to the right having a radius of 575.00 feet and a chord bearing and distance of South 06°18'40" West, 165.83 feet to a point; thence South 14°36'08" West, a distance of 31.66 feet to a point; thence 166.63 feet along an arc of a curve to the left having a radius of 1100.00 feet and a chord bearing and distance of South 10°15'45" West, 166.47 feet to a point; thence South 05°55'23" West, a distance of 68.71 feet to a point; thence 103.04 feet along an arc of a curve to the right having a radius of 150.00 feet and a chord bearing and distance of South 25°36'08" West, 101.03 feet to a point; thence South 45°16'53" West, a distance of 40.77 feet to a point; thence 105.04 feet along an arc of a curve to the left having a radius of 600.00 feet and a chord bearing and distance of South 40°15'58" West, 104.91 feet to a point; thence South 35°15'02" West, a distance of 31.20 feet to a point; thence 114.02 feet along an arc of a curve to the right having a radius of 1000.00 feet and a chord bearing and distance of South 38°31'02" West, 113.96 feet to a point; thence South 41°47'01" West, a distance of 83.67 feet to a point; thence leaving said Right-of-Way and along the property now or formerly of Vulcan Lands, Inc North 40°38'31" West, a distance of 624.27 feet to an iron pin found (3/4" rebar); thence North 80°26'51" West, a distance of 1323.12 feet to an iron pin found (iron post at rock) on the Hall County/City of Flowery Branch Line; thence along said County/City Line and along the property now or formerly P & B Georgia LT II, LLC North 11°50'30" East, a distance of 555.05 feet to an iron pin found (1/2" rebar); thence along the property now or formerly of David R, Eskew & Donna L. Eskew North 17°40'19" East, a distance of 836.85 feet to an iron pin found (1/2" rebar); thence along the property now or formerly of John Scott Jackson & Kelly Keifer Jackson North 17°51'26" East, a distance of 273.10 feet to an iron pin found (5/8" rebar); thence along the property now or formerly of Joshua J. McNeal & Gillyan McNeal North 15°55'02" East, a distance of 499.92 feet to the ***True Point of Beginning***.

Said tract contains 85.568 Acres.

CALL TABLE									
LINE	DATE	TIME	FROM	TO	REMARKS				
1	01/01/2018	07:00	000000	000000					
2	01/01/2018	07:00	000000	000000					
3	01/01/2018	07:00	000000	000000					
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100	01/01/2018	07:00	000000	000000					

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AMERICAN SOCIETY OF CLIMATE ENGINEERS

At the close of the annual meeting of the American Society of Climate Engineers, a new journal of the Society, *Journal of Climate Engineering*, was announced. The new journal will be published quarterly and will contain articles on the design, construction, and operation of climate engineering systems. The first issue of the journal will be published in the spring of 1990. The journal will be published by the American Society of Climate Engineers, 1000 North 17th Street, Suite 100, Arlington, VA 22209. The journal will be published by the American Society of Climate Engineers, 1000 North 17th Street, Suite 100, Arlington, VA 22209. The journal will be published by the American Society of Climate Engineers, 1000 North 17th Street, Suite 100, Arlington, VA 22209.

MEMBERSHIP INFORMATION

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

DATE _____

SHEET 1		DATE: 4/31/18 SCALE: 1" = 200' JOB NO: 180000000000 (E.L. NO. 180000) DRAWN BY: HSC		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td><td style="width: 10%;"></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>																																																																																																															RETRACEMENT SURVEY FOR : NNP-LOOPER LAKE, LLC LOCATED IN G.U.D. 1270 CITY OF FLOWERY BRANCH HALL COUNTY, GEORGIA	 Rochester & Associates, Inc. 425 Oak Street N.W. • Gainesville, Georgia 30501 (770) 718.0600 (770) 718.9090 Fax • www.rochester-assoc.com
				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">NO.</th> <th style="width: 10%;">DATE</th> <th style="width: 80%;">DESCRIPTION</th> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION																																																																																																													
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THIS BOX RESERVED FOR
THE CLERK OF THE SUPERIOR COURT

LEGEND

AC - ACRES
CL - CENTERLINE
DB - DEED BOOK, PAGE
JPF - IRON PIN FOUND
N/F - NOW OR FORMERLY
PL - PROPERTY LINE
POB - POINT OF BEGINNING
PB, PB - PLAT BOOK, PAGE
-P/T- - OVERHEAD POWER & TELEPHONE
RB - REBAR
R/W - RIGHT OF WAY
S.F. - SQUARE FEET
TPOB - TRUE POINT OF BEGINNING

REFERENCE PLATS

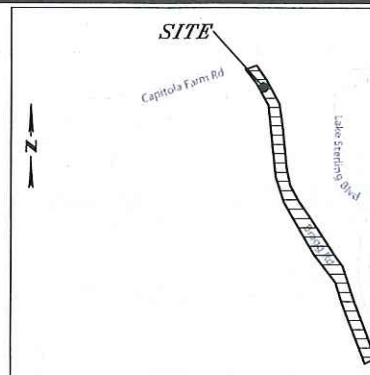
1. ALTA/NSPS LAND TITLE SURVEY FOR NNP-LOOPER LAKE, LLC. & FIRST AMERICAN TITLE INSURANCE COMPANY, PREPARED BY ROCHESTER & ASSOCIATES, INC., DATED 5/13/19
2. FINAL PLAT FOR STERLING ON THE LAKE POD K, PREPARED BY HAYES, JAMES & ASSOCIATES, RECORDED IN PB 363, PG 34, DATED 11/30/06.
3. FINAL PLAT FOR STERLING ON THE LAKE POD J, PREPARED BY HAYES, JAMES & ASSOCIATES, RECORDED IN PB 850, PG 45, DATED 5/24/06

SEE SHEETS #2 & #3 FOR CALLS AND DIMENSIONS

NOTES

1. THE FIELD DATA DATED 05/15/18 & 05/21/18 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 47,485 FEET AND AN ANGULAR ERROR OF 01 SECONDS PER ANGLE AND WAS ADJUSTED USING LEAST SQUARES. TRIMBLE S6 WAS USED FOR ANGULAR AND LINEAR MEASUREMENTS.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 313,760 FEET.
3. THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS PER F.E.M.A. FLOOD INSURANCE RATE MAPS OF HALL COUNTY, GEORGIA. PANEL NO. 1304660293 G DATED: APRIL 4, 2018.
4. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
5. ALL PROPERTY CORNERS REFERENCED AS IPS INDICATES A 1/2" REBAR PLACED WITH A YELLOW PLASTIC CAP STAMPED "ROCHESTER LSF000484," UNLESS OTHERWISE NOTED.
6. DURING THE FIELD SURVEY PERFORMED ON THIS SITE THERE WAS NO VISIBLE ABOVE GROUND EVIDENCE OF A HUMAN BURIAL AREA OR CEMETERY OBSERVED. HOWEVER A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE WAS NOT PERFORMED BY THIS SURVEYOR. THEREFORE EXCEPTION IS MADE HEREIN TO ANY HUMAN BURIAL AREAS OR CEMETERIES THAT MAY EXIST WITHIN THE BOUNDARIES OF THIS SITE.
7. THIS PROPERTY MAY OR MAY NOT CONTAIN WETLAND AREAS. NO EFFORTS HAVE BEEN MADE BY THE SURVEYOR TO IDENTIFY OR LOCATE ANY WETLAND AREAS ON THIS PROPERTY. A QUALIFIED WETLAND SPECIALIST PRIOR TO ANY LAND DISTURBANCE SHOULD PERFORM WETLAND IDENTIFICATION AND DELINEATION.
8. ALL DISTANCES AS SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET. (39.37 INCHES = 1 METER)
9. THE HORIZONTAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN DATUM OF 1983 (NAD 83) GEORGIA WEST AS DETERMINED BY UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A DUAL FREQUENCY TRIMBLE R8 GNSS GPS RECEIVER WITH A TRIMBLE TSC3 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A WIRELESS NETWORK FROM BASE STATIONS OPERATED BY EGPS. THE AVERAGE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WAS 0.04 FT. HORIZONTAL. THESE VALUES WERE DERIVED FROM GPS PROCESSING SOFTWARE. THE REMAINDER OF THE FIELD WORK WAS PERFORMED WITH CONVENTIONAL EQUIPMENT AS DESCRIBED ABOVE.
10. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT; THEREFORE EXCEPTION IS TAKEN HEREON TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD WHICH MAY EXIST. FURTHERMORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY, OR RESTRICTIONS WHICH ARE NOT RECORDED OR NOT DISCLOSED BY THE TITLE COMMITMENT OR OTHERWISE UNKNOWN TO THE SURVEYOR; THEREFORE EXCEPTION IS TAKEN TO ANY SUCH ITEMS.

CAPITOLA FARM ROAD
60' R/W



VICINITY MAP
NOT TO SCALE

TIE
N72°48'56"E
CHD = 22.20'
ARC = 22.20'
RAD = 413.74'

PATH AREA #1
0.348 AC OR
15,146 S.F.

TRACT 1
0.609 AC OR
26,541 S.F.

N/F
NNP-LOOPER LAKE, LLC
DB 5681, PG 301
PARCEL #15047 000885

N/F
STERLING ON THE LAKE
POD K
PB 363, PG 34

PATH AREA #1 = 0.348 AC
PATH AREA #2 = 0.849 AC
TRACT AREA #1 = 0.609 AC
TRACT AREA #2 = 0.303 AC
TRACT AREA #3 = 1.318 AC
TRACT AREA #4 = 2.526 AC
TRACT AREA #5 = 0.223 AC

TRACT 4
2.526 AC

TRACT 5
0.223 AC OR
9,705 S.F.

TRACT 2
0.303 AC OR
13,186 S.F.

TRACT 3
1.318 AC

TRACT 4
2.526 AC

TRACT 5
0.223 AC OR
9,705 S.F.

TRACT 6
0.223 AC OR
9,705 S.F.

TRACT 7
0.223 AC OR
9,705 S.F.

TRACT 8
0.223 AC OR
9,705 S.F.

TRACT 9
0.223 AC OR
9,705 S.F.

TRACT 10
0.223 AC OR
9,705 S.F.

TRACT 11
0.223 AC OR
9,705 S.F.

TRACT 12
0.223 AC OR
9,705 S.F.

TRACT 13
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TRACT 14
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TRACT 15
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TRACT 18
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TRACT 19
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9,705 S.F.

TRACT 20
0.223 AC OR
9,705 S.F.

TRACT 21
0.223 AC OR
9,705 S.F.

TRACT 22
0.223 AC OR
9,705 S.F.

N/F
STERLING ON THE LAKE
POD J
PB 850, PG 45

N/F
NNP-LOOPER LAKE, LLC
PARCEL #10547 000006

N/F
NNP-LOOPER LAKE, LLC
DB 5681, PG 301
PARCEL #15047 000885

N/F
NNP-LOOPER LAKE, LLC
DB 5681, PG 301
PARCEL #15047 000885

N/F
NNP-LOOPER LAKE, LLC
DB 5681, PG 301
PARCEL #15047 000885

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DB 5681, PG 301
PARCEL #15047 000885

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DB 5681, PG 301
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DB 5681, PG 301
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NNP-LOOPER LAKE, LLC
DB 5681, PG 301
PARCEL #15047 000885

N/F
NNP-LOOPER LAKE, LLC
DB 5681, PG 301
PARCEL #15047 000885

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 approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

REGISTERED GEORGIA LAND SURVEYOR
Richard E. Millard, CA. RLS# 3044
ROCHESTER & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NO. - LSF000484
Email: remillard@rochester-assoc.com

7/19/19

DATE

SHEET
1 OF 3

DATE: 7/12/19
SCALE: 1" = 200'
FILE: *RWO1
JOB: G208033.HON
DRAWN BY: WDC

GRAPHIC SCALE
0' 100' 200' 400'

NO. DATE DESCRIPTION
REVISIONS

RIGHT-OF-WAY SURVEY
FOR:
NNP-LOOPER LAKE, LLC.

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

Rochester
& Associates, Inc.

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(770)718.0600 (770)718.9090 Fax • www.rochester-assoc.com

TRACT 1 CALL TABLE
(CALLS 1-34)

LINE	CHORD BEARING	CHORD	ARC	RADIUS
1	N72°23'22"E	34.60'	34.60'	4143.74'
2	S35°50'46"E		121.66'	
3	S24°18'22"E	26.01'	26.18'	65.00'
4	S12°45'57"E		10.75'	
5	S09°20'09"E	142.39'	142.47'	1190.00'
6	S05°54'22"E		63.49'	
7	S12°56'58"E	57.63'	57.78'	235.00'
8	S19°59'35"E		74.56'	
9	S23°17'10"E	35.61'	35.63'	310.00'
10	S31°12'15"E	114.50'	114.63'	710.00'
11	S35°49'45"E		24.81'	
12	S15°03'34"E	35.46'	36.25'	50.00'
13	S04°10'06"W	31.22'	31.22'	580.00'
14	N39°12'29"W		22.12'	
15	N39°12'29"W		29.82'	
16	N34°10'41"W		60.67'	
17	N30°45'10"W		42.01'	
18	N30°45'10"W		14.14'	
19	N28°33'58"W		44.98'	
20	N25°47'37"W		62.22'	
21	N20°05'35"W		25.48'	
22	N20°05'35"W		31.25'	
23	N09°45'18"W		15.38'	
24	N09°45'18"W		50.54'	
25	N05°41'15"W		31.10'	
26	N05°41'15"W		30.12'	
27	N07°47'38"W		42.61'	
28	N07°47'38"W		4.51'	
29	N08°47'40"W		47.30'	
30	N13°38'48"W		16.38'	
31	N13°38'48"W		30.32'	
32	N26°18'54"W		32.66'	
33	N26°18'54"W		9.89'	
34	N35°33'22"W		95.92'	

THIS BOX RESERVED FOR
THE CLERK OF THE SUPERIOR COURT

TRACT 2 CALL TABLE
(CALLS 35-43)

LINE	CHORD BEARING	CHORD	ARC	RADIUS
35	S36°32'08"E	34.53'		
36	S23°28'56"E	30.50'		
37	S23°28'56"E	15.08'		
38	S18°50'04"E	146.39'		
39	S18°50'04"E	39.58'		
40	S21°36'15"E	75.25'		
41	S23°18'33"E	60.58'		
42	S24°02'37"E	25.91'		
43	N22°11'00"W	426.38'	437.41'	560.00'

TRACT 5 CALL TABLE
(CALLS 191-196)

LINE	CHORD BEARING	CHORD	ARC	RADIUS
200	S24°02'37"E	32.98'		
201	S31°57'01"E	19.02'	19.41'	28.20'
202	S12°03'04"E	3.57'	3.57'	1179.13'
203	N23°33'41"W	511.93'	530.20'	580.00'
204	S39°12'29"E	18.99'		
205	S36°32'08"E	12.41'		

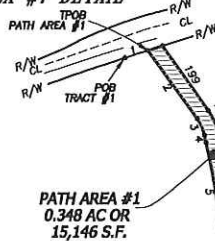
TRACT 3 CALL TABLE
(CALLS 44-91)

LINE	CHORD BEARING	CHORD	ARC	RADIUS
44	S51°07'26"E	27.82'	27.83'	580.00'
45	S52°29'54"E		1.36'	
46	S30°53'06"E		36.83'	
47	S09°18'19"E		12.12'	
48	S04°58'34"E	148.31'	148.45'	990.00'
49	S00°40'50"E		50.62'	
50	S07°18'24"E	106.16'	106.40'	460.00'
51	S13°55'59"E		62.02'	
52	S11°35'16"E	121.95'	121.99'	1490.00'
53	S09°14'32"E		69.97'	
54	S00°57'04"E	105.27'	105.64'	365.00'
55	S07°20'24"W	26.62'		
56	S02°40'48"W	50.37'	50.42'	310.00'
57	S01°58'47"E		82.36'	
58	S06°18'40"W	162.95'	163.52'	565.00'
59	S14°36'08"W		32.36'	
60	S10°15'45"W		167.98'	
61	S05°55'23"E		67.95'	
62	S25°36'08"W	101.03'	103.04'	150.00'
63	S45°16'53"W		39.89'	
64	S40°15'58"W	106.66'	106.79'	610.00'
65	S35°15'02"W		30.90'	
66	S38°31'02"W		112.82'	
67	S41°47'01"W		79.97'	
68	N48°26'47"W		31.18'	
69	N40°59'39"E		23.84'	
70	N40°09'22"E		73.89'	
71	N38°36'53"E		73.78'	
72	N37°48'26"E		72.31'	
73	N39°29'20"E		82.05'	
74	N43°40'23"E		54.21'	
75	N39°26'41"E		42.51'	
76	N21°27'56"E		37.62'	
77	N08°46'26"E		41.56'	
78	N05°00'15"E		49.49'	
79	N06°57'13"E		53.58'	
80	N10°45'30"E		53.24'	
81	N14°12'38"E		66.98'	
82	N11°13'53"E		53.73'	
83	N02°25'48"E	181.17'	181.82'	618.60'
84	N00°42'11"E		66.86'	
85	N03°08'48"W	241.65'	243.02'	660.34'
86	N13°41'23"W		37.34'	
87	N13°41'23"W		89.27'	
88	N07°03'18"W		124.84'	
89	N00°25'16"W		47.42'	
90	N03°48'11"W	108.11'	108.17'	916.35'
91	N09°37'29"W	100.39'	100.42'	1179.13'

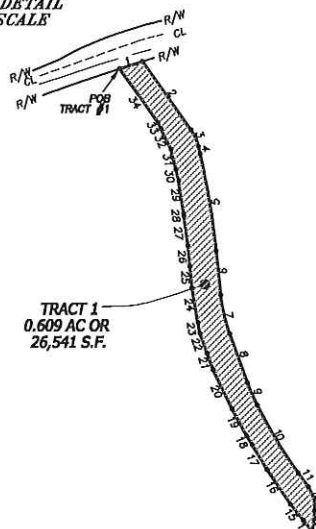
TRACT 4 CALL TABLE
(CALLS 92-199)

LINE	CHORD BEARING	CHORD	ARC	RADIUS
92	N73°07'35"E	27.60'	27.60'	4143.74'
93	S35°27'04"E		75.83'	
94	S26°18'54"E		16.36'	
95	S26°18'54"E		41.54'	
96	S13°38'48"E		39.20'	
97	S13°38'48"E		19.77'	
98	S08°47'40"E		51.39'	
99	S07°47'38"E		5.21'	
100	S07°47'38"E		44.08'	
101	S05°41'15"E		31.59'	
102	S05°41'15"E		28.26'	
103	S09°45'18"E		47.70'	
104	S09°45'18"E		8.14'	
105	S20°05'35"E		24.01'	
106	S20°05'35"E		21.49'	
107	S25°47'37"E		56.30'	
108	S28°33'58"E		41.52'	
109	S30°45'10"E		12.62'	
110	S30°45'10"E		39.81'	
111	S34°10'41"E		54.77'	
112	S39°12'29"E		26.30'	
113	S39°12'29"E		42.98'	
114	S36°32'08"E		57.86'	
115	S23°28'56"E		39.65'	
116	S23°28'56"E		18.32'	
117	S18°50'04"E		149.63'	
118	S18°50'04"E		37.65'	
119	S21°36'15"E		72.13'	
120	S23°18'33"E		58.88'	
121	S24°02'37"E		45.27'	
122	S24°02'37"E		19.08'	
123	S17°34'27"E		59.19'	
124	S10°54'12"E		22.55'	
125	S10°54'12"E		31.93'	
126	S05°47'19"E		62.58'	
127	S03°06'43"E		50.62'	
128	S03°06'43"E		116.60'	
129	S06°39'53"E		46.80'	
130	S13°13'12"E		35.55'	
131	S15°59'45"E		54.41'	
132	S12°41'08"E		35.65'	
133	S12°41'08"E		24.65'	
134	S09°15'30"E		59.43'	
135	S07°48'25"E		58.48'	
136	S05°53'54"E		75.57'	
137	S02°46'31"E		147.61'	
138	S00°09'31"E		109.70'	
139	S08°15'54"E		62.58'	
140	S11°14'07"E		26.15'	
141	S11°13'47"E		56.34'	
142	S14°12'38"W		66.65'	
143	S10°45'30"W		48.17'	
144	S06°57'13"W		49.56'	
145	S05°00'15"W		50.76'	
146	S08°46'26"W		53.09'	
147	S21°27'56"W		59.17'	
148	S39°26'41"W		58.11'	
149	S43°40'23"W		54.24'	
150	S39°29'20"W		57.86'	
151	S37°48'26"W		71.70'	
152	S39°36'53"W		75.42'	
153	S40°09'22"W		75.56'	
154	S41°10'35"W		25.21'	
155	N48°26'47"W		28.70'	
156	N41°45'01"E		79.89'	
157	N38°31'02"E		115.10'	
158	N35°15'02"E		30.90'	
159	N40°15'58"E		103.16'	
160	N45°16'53"E		39.89'	
161	N25°36'08"E		114.50'	
162	N05°55'23"E		67.95'	
163	N10°15'45"E		164.85'	
164	N14°36'08"E		32.36'	
165	N06°18'40"E		168.71'	
166	N01°58'47"E		82.36'	
167	N02°40'48"E		47.12'	
168	N07°20'24"E		26.62'	
169	N00°57'04"E		111.04'	
170	N09°14'32"E		69.97'	
171	N11°35'16"E		123.59'	
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173	N07°18'24"E		101.55'	
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176	N09°16'19"E		12.12'	
177	N30°53'06"E		51.57'	
178	N52°29'54"E		1.36'	
179	N48°31'45"E		77.53'	
180	N24°02'37"E		25.91'	
181	N23°18'33"E		60.58'	
182	N21°36'15"E		75.25'	
183	N18°50'04"E		39.58'	
184	N18°50'04"E		146.39'	
185	N23°28'56"E		15.08'	
186	N23°28'56"E		30.50'	
187	N36°32'08"E		34.53'	
188	N02°57'07"E		53.90'	
189	N15°03'34"E		49.65'	
190	N35°49'45"E		24.81'	
191	N31°12'15"E		111.28'	
192	N23°12'10"E		33.34'	
193	N19°59'35"E		74.56'	
194	N12°56'58"E		52.73'	
195	N05°54'22"E		63.49'	
196	N09°20'09"E		144.78'	
197	N12°45'57"E		10.75'	
198	N24°18'22"E		34.01'	
199	N35°19'31"E		114.57'	

PATH AREA #1 DETAIL



TRACT #1 DETAIL
NOT TO SCALE



SHEET 2 OF 3

DATE: 7/12/19
SCALE: N/A
FILE: *RWD1
JOB: G208033.HON
DRAWN BY: WDC

NO. DATE DESCRIPTION
REVISIONS

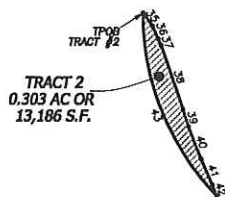
RIGHT-OF-WAY SURVEY
FOR:
NNP-LOOPER LAKE, LLC.

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

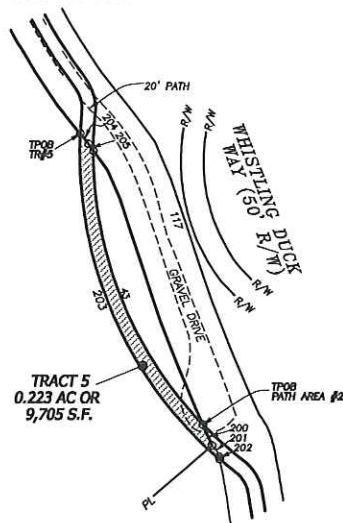
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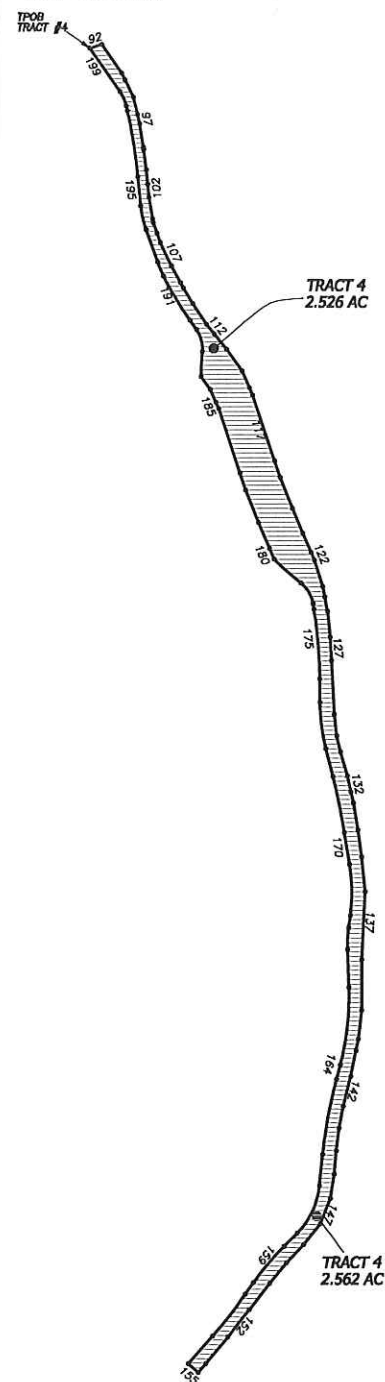
TRACT #2 DETAIL
NOT TO SCALE



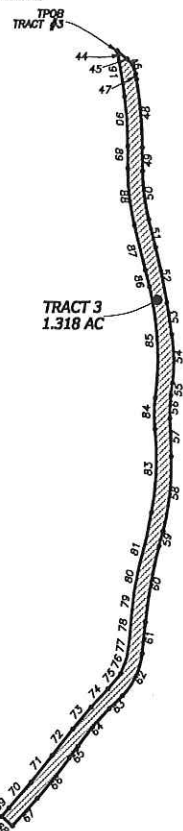
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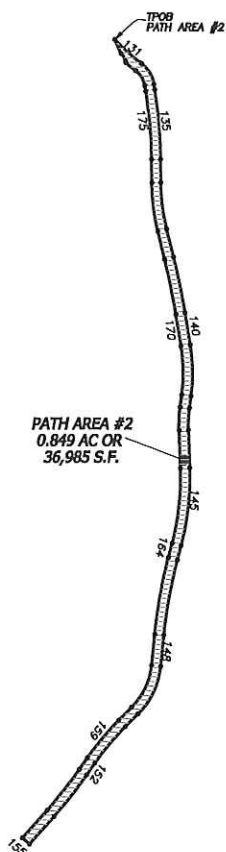
TRACT #4 DETAIL
NOT TO SCALE



TRACT #3 DETAIL
NOT TO SCALE



PATH AREA #2 DETAIL
NOT TO SCALE



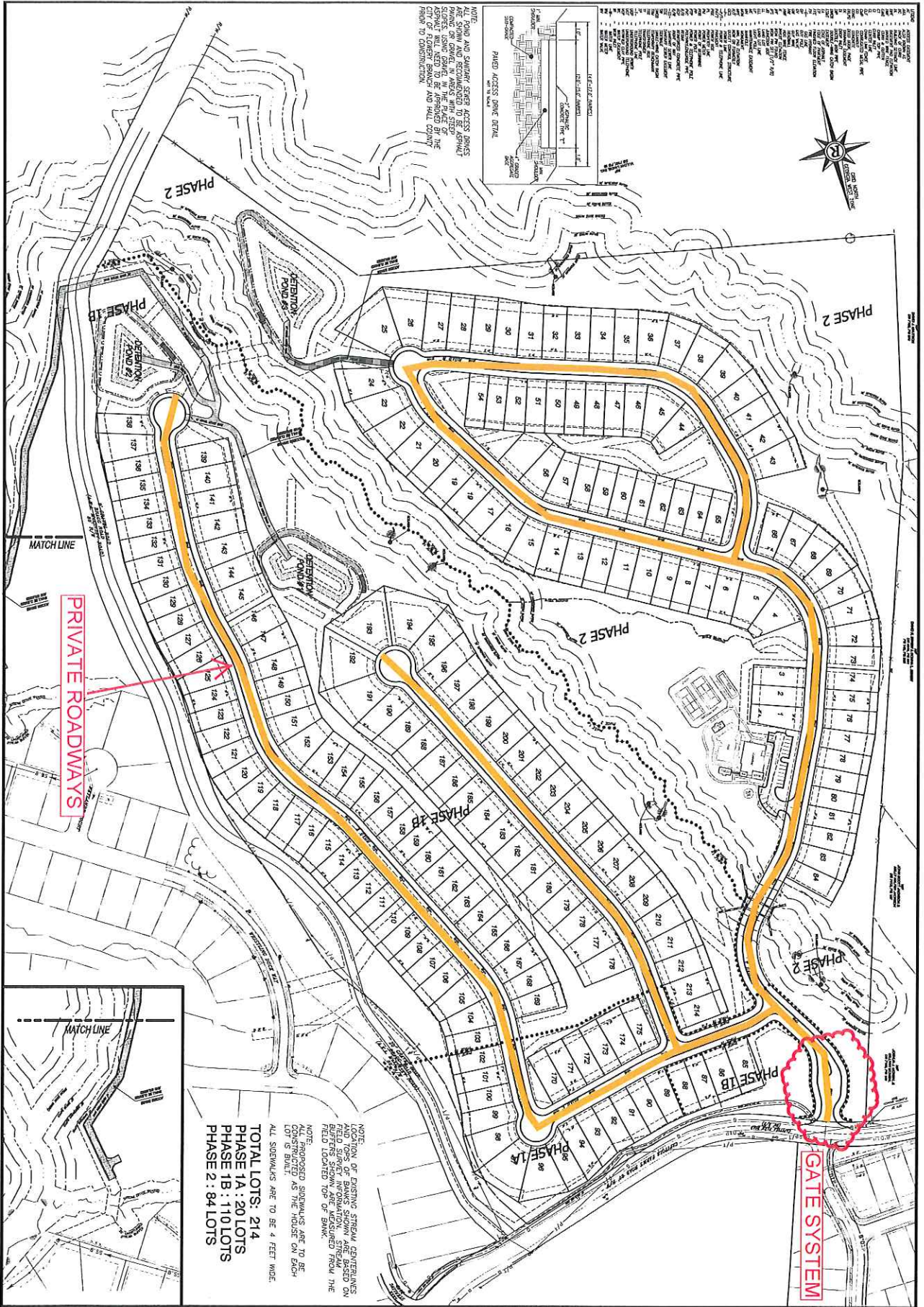
RIGHT-OF-WAY SURVEY
FOR :
NPN-LOOPER LAKE, LLC.

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

Rochester
& Associates, Inc.
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SHEET 3 OF 3
DATE: 7/12/19
SCALE: N/A
FILE # R001
JOB # G208033.HON
DRAWN BY WDC

NO.	DATE	DESCRIPTION



SHEET
8
OF
111

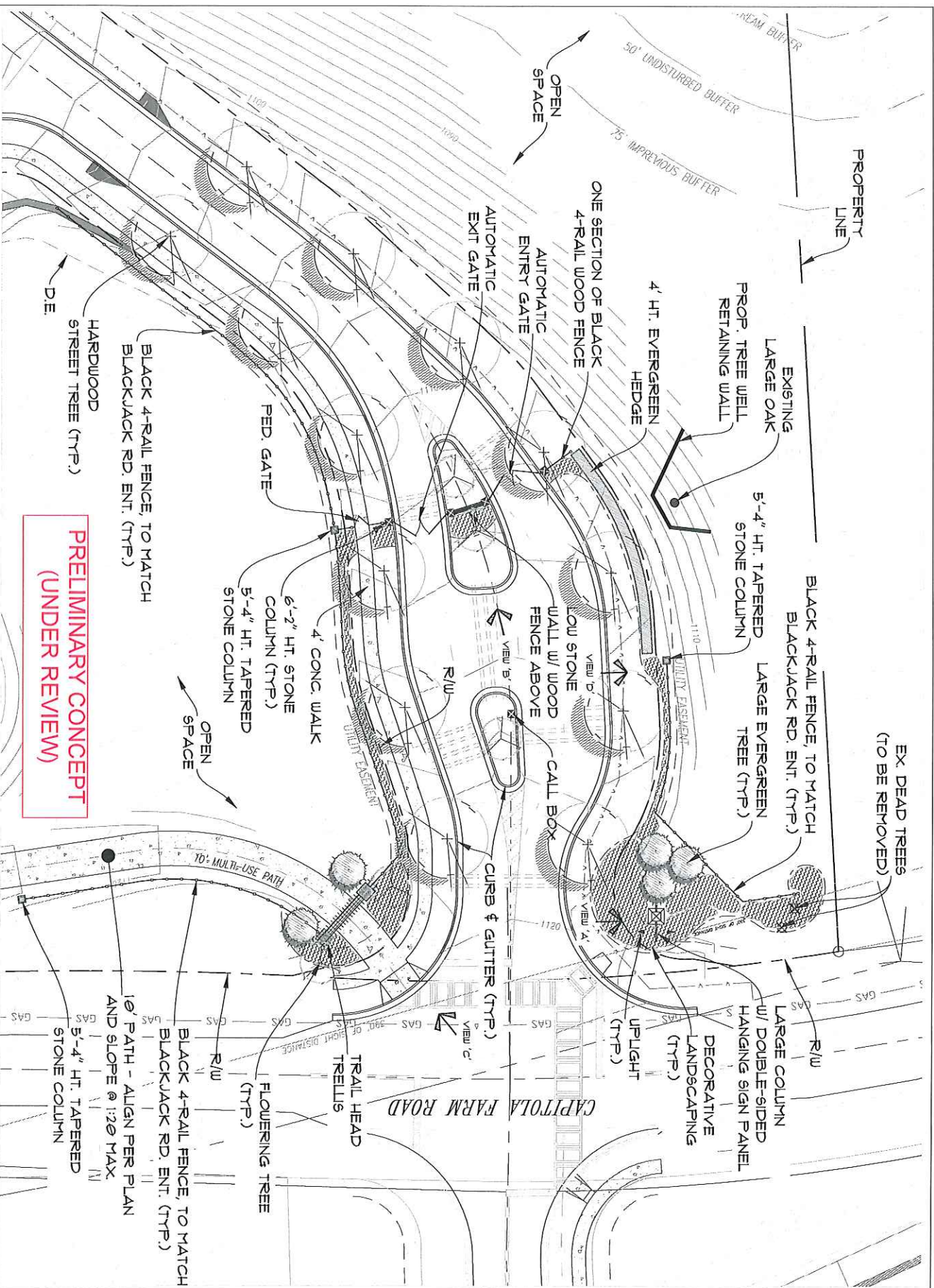
DATE: 04/17/2009
 SCALE: 1" = 100'
 JOB NO: 1-0200033333-03
 FILE NO: 1-0200033333-03
 DRAWN BY: MCH

ANY CHANGES OR ALTERATIONS MADE TO THESE CONSTRUCTION DRAWINGS WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER ARE VOID. THE ENGINEER ASSUMES NO LIABILITY FOR ANY CHANGES OR ALTERATIONS MADE TO THESE CONSTRUCTION DRAWINGS WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER.

NO.	DATE	DESCRIPTION	REVISIONS
1	04/17/09	SEE SHEET #1 FOR REVISION DETAILS	
2	04/17/09	REVIEW APPROVED BY THE CITY OF FLORENCE BRANCH	

OVERALL SITE AND PHASING PLAN
 FOR:
**STERLING ON THE LAKE
 HONEYCUTT TRACT**
 LOCATED IN
 G.M.D. 1270
 CITY OF FLORENCE BRANCH
 HALL COUNTY, GEORGIA

Rochester & Associates, Inc.
 425 Oak Street N.W. • Gainesville, Georgia 30601
 (770) 218.0600 (770) 218.9990 Fax • www.rochester-assoc.com



**PRELIMINARY CONCEPT
(UNDER REVIEW)**



**BAKER LAND
DESIGN**

LANDSCAPE ARCHITECTURE
CERTIFIED ARBORIST
3471 DONAVILLE ST.
DULUTH, GA 30098
WWW.BAKERLANDDESIGN.COM

FOR
THE
RETREAT
AT
STERLING
ON THE
LAKE

REVISIONS

6-8-20	DRAWN BY: BH
6-11-20	CHECKED BY: TB
6-11-20	SCALE: 1"=10'-0"
6-5-20	DATE: 6-5-20
JOB NO.	
SHEET 1 OF 2	

PRELIMINARY CONCEPT
(UNDER REVIEW)

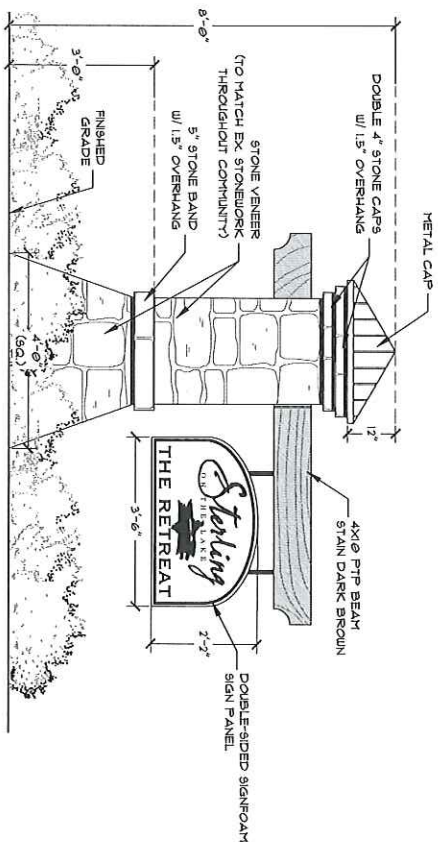


BAKER LAND
DESIGN

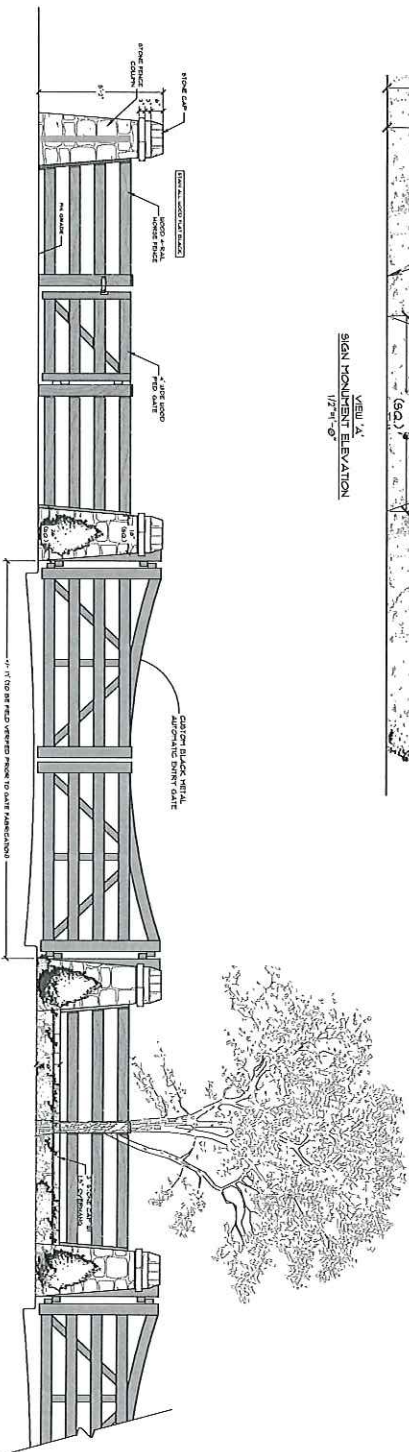
LANDSCAPE ARCHITECTURE
CERTIFIED ARBORIST

3471 DONAVILLE ST.
DUBLIN, CA 94568
PH: 925.835.1234
WWW.BAKERLANDDESIGN.COM

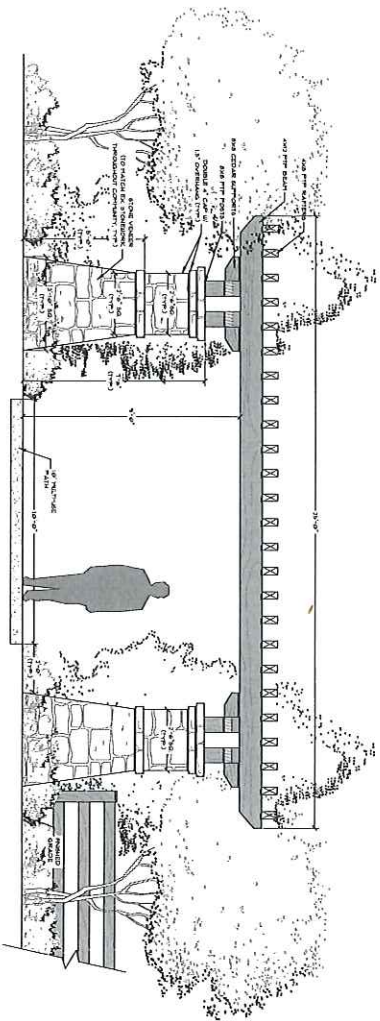
ENTRANCE
CONCEPT
FOR
THE
RETREAT
AT
STERLING
ON THE
LAKE



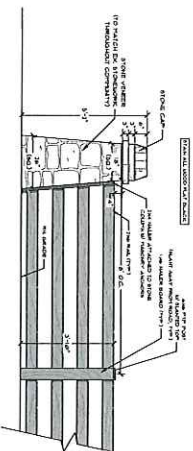
VIEW A
SIGN MONUMENT ELEVATION
1/2\"/>



VIEW B
GATE ELEVATION
1/2\"/>



VIEW C
TRAIL HEAD TRAILERS ELEVATION
1/2\"/>



VIEW D
FENCE/COIN ELEVATION
1/2\"/>

REVISIONS

6-8-10	
6-11-20	
DRAWN BY: BH	
CHECKED BY: TB	
SCALE: AS SHOWN	
DATE: 6-5-20	
JOB NO.	
SHEET 2 OF 2	

Sterling on the Lake (Honeycutt) Letter of Intent / Project Narrative

Applicant seeks to amend the conceptual site plan and conditions of approval relating to ordinance no. 239J & 240J, for the master planned community on 1007± acres generally known as “Sterling on the Lake” located in the PUD (Planned Unit Development) zoned district. The development is located adjacent to the intersection of Capitola Farm Road and Spout Springs Road. The amended property is described as: **(Honeycutt Tract)** - a 85.568 acres parcel of real property owned by NNP Looper Lake LLC, being known as the “Honeycutt Tract” identified as tax identification number 15047 000006 & 15047 000885 located in GMD 1270 Flowery Branch District, Hall County, Georgia.

- The Sterling on the Lake Master Planned Development was originally approved (annexed and rezoned) by the Flowery Branch City Council on November 16, 2001, per Ordinances 239 and 240.
- On February 1, 2006, City Council approved a modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-A and 240-A.
- On September 9, 2006, City Council approved a second modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-B and 240-B.
- On August 15, 2007, City Council approved a third modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-C and 240-C.
- On November 25, 2008, City Council approved a fourth modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-D and 240-D.
- On March 26, 2011, City Council approved a fifth modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-E and 240-E.
- On March 15, 2012, City Council approved a sixth modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-F and 240-F.
- On February 18, 2016, City Council approved a seventh modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-G and 240-G.
- On May 4, 2017, City Council approved a eight modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-H and 240-H.
- On March 15, 2018, City Council approved a ninth modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-I and 240-I.

- On June 6, 2019, City Council approved a tenth modification to the original conditions of Ordinance 239 and 240, per Ordinances 239-J and 240-J.
- Per Article 8, Section 8.4 and Section 8.10 of the Flowery Branch Zoning Ordinance, the original PUD approval must be amended by the Governing Body in order to incorporate changes to the master plan approval and PUD conditional zoning.

APPLICANT'S REQUEST

Honeycutt Tract – The Applicant is requesting that the Honeycutt Tract (85.568 acres) consisting of 214 Lots and 1 Amenity Area be allowed to install a gate system at the entrance drive of Welcome Road, at its intersection with Capitola Farm Road and make all streets within the development private. The Honeycutt Tract is located within the Sterling on The Lake Master Planned Development. The Homeowners Association for Honeycutt shall own and maintain the gate system and the private roadways within the development.

- The development shall be substantially in accordance with the "Master Plan for Sterling on the Lake," submitted as a part of the application.
- Any roadways, previously dedicated to the City of Flowery Branch, is subject to abandonment per the orange highlighted plan submitted as part of the application.
- All requirements imposed under this Ordinance shall be the standards of the development regardless of any change in ownership.
- The residential development within the overall PUD shall be limited to a maximum of 2,000 housing units for the entire 1,007 ± acre PUD, within the City of Flowery Branch at the time of this approval, as approved under this ordinance. If additional land is approved for inclusion as residential development within the PUD, the number of housing units to be permitted and the gross density of residential development portions of the site (excluding commercial, institutional, recreational, and open space uses) shall be established in the subsequent approval as an amendment to the Sterling on the Lake Conceptual Master Plan.
- The PUD shall designate and maintain at least 302 acres of permanent open space, or thirty percent (30%) of the total land area contained within the PUD, whichever is greater. For purposes of this zoning condition, permanent open space shall include lakes,

buffers, and passive or active parks and recreation of the property, including those lands administered by a homeowners association; provided, however, that any buffer area counted as open space shall not be used for active recreational facilities. The open space shall be substantially in accordance with the areas colored green on the "Master Plan for Sterling on the Lake" (i.e., binding site plan) as determined by the Zoning Administrator.

STATEMENTS OF FACT

Pursuant to Article 34 of the Flowery Branch Zoning Ordinance this amendment to the conceptual master site plan and conditions of approval relating to Ordinance No. 239 and 240 (as amended most recently dated June 6, 2019), to gate the entrance and declare that all roadways within the development shall be deemed private, submit the following Statements of Fact:

- A. The addition of gates at the entrance of Honeycutt and the declaration that all roadways within the development shall be deemed private will not change the overall character of the community and the overall density will remain within the previously approved limits.
- B. The proposed zoning amendment will not adversely affect adjacent property or the overall community as the Honeycutt Tract will be developed with access directly from Capitola Road. The Honeycutt Tract does not have a access to any roadways within the Sterling on the Lake development.
- C. The property is currently zoned PUD (City of Flowery Branch, Hall County) is being developed consistent with the existing areas of Sterling on The Lake. There are no adverse impacts anticipated.
- D. The proposed zoning amendment will not impact the overall density of the approved master site plan. No additional lots are proposed with this zoning amendment. There are no anticipated negative impacts on existing streets, utilities, or schools.
- E. The request to gate the entrance and declare that all roadways within the development shall be deemed private conforms to the 2016 Flowery Branch Comprehensive Plan for a “single family residential” use.
- F. The request to gate the entrance and declare that all roadways within the Honeycutt Tract be deemed private will not have an adverse effect on the Sterling on the Lake Development.
- G. The property is currently zoned PUD (City of Flowery Branch, Hall County) the development is consistent with the existing areas of Sterling on the Lake.
- H. The proposed zoning amendment is consistent with the spirit and intent of the Community Agenda (Comprehensive Plan), Character Area Map and Future Land Use Map as these documents identify the subject property as “Suburban Residential” and “Planned Unit Development” (PUD). The proposed zoning is consistent with these designations.

- I. The proposed zoning amendment will not significantly impact the value of the property. It is the owners desire to convert the Honeycutt Tract into a gated community with private roadways.
- J. The proposed amendment to convert the Honeycutt Tract into a gated community with private roadways will not confer upon the property owner any special privileges that are denied to other properties within the surrounding district. The proposed amendment will not impact adjoining properties as they are all part of the existing PUD.
- K. The proposed rezoning amendment will not create an isolated zoning district as the Honeycutt Tract is already a part of the existing Sterling on the Lake PUD. Further, the granting of the requested zoning amendment will be in harmony with the purpose and intent of the City's regulations and will not be injurious to the neighborhood and general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. To assure that the proposed modifications do not negatively impact the surrounding neighborhood or general public, specific implementation language will be required. The applicant agrees to comply with all previous conditions of approval unless modified by this grant.
- L. The proposed zoning amendment is consistent with the zoning of the surrounding property.
- M. The proposed rezoning amendment will not create an appreciable impact on the environment as it relates to soil and erosion, flooding, drainage or water quality. The Applicant will comply with all local and state requirements pertaining to soil and erosion as well as water quality when developing this tract.
- N. The granting of the proposed zoning amendment is consistent with the overall zoning scheme and the purpose of the Zoning Ordinance. Specifically, the Applicant is asking to be retain ownership of the roadways within the Honeycutt Tract which removes the burden of maintenance from the City of Flowery Branch. The Homeowners Association for Honeycutt shall own and maintain the gate system and the private roadways with the development.

LEGAL DESCRIPTION

The modification of Ordinance No. 239 & 240 for 85.568 ± acres portion (Honeycutt Tract) of the master planned development generally known as “Sterling on the Lake”, described on Exhibit A attached hereto.

Legal Description: (See Exhibit A)

The overall development is approximately 1007 +/- acres located adjacent to the intersection of Capitola Farm Road and Spout Springs Road. The property is described as: **(Honeycutt Tract)**, approximately 85.568 ± acres known as the “Honeycutt” tract, identified as tax identification number 15047-000006 & 15047-000885, located in GMD 1270 Flowery Branch District, Hall County, Georgia.

NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS:

Owner Joshua J. Mcneal & Gillyan Mcneal
Parcel Number 15047 000009B
Location Address 6707 CAPITOLA FARM RD
Legal Description CAPITOLA FARM ROAD

Owner John Scott Jackson, Kelly Keifer Jackson
Parcel Number 15047 000026
Location Address 6721 CAPITOLA FARM RD
Legal Description CAPITOLA FARM ROAD

Owner David R. Eskew, Donna L. Eskew
Parcel Number 15047 000039
Location Address 6727 CAPITOLA FARM RD
Legal Description CAPITOLA FARM ROAD

Owner Jeffrey's Trust For The Benefit Of Larry
Parcel Number 15047 000009
Location Address 6791 CAPITOLA FARM RD
Legal Description CAPITOLA FARM ROAD

Owner P & B Group Ventures, LLC
Parcel Number 15047 000012
Location Address 5725 BLACKJACK RD
Legal Description BLACK JACK ROAD

Owner Vulcan Lands, Inc.
Parcel Number 15047 000005
Location Address 5977 BLACKJACK RD
Legal Description 5877 BLACK JACK ROAD

REASONS FOR REQUESTING THE ZONING AMENDMENT

The Applicant is requesting that the Honeycutt Tract (85.568 acres) consisting of 214 Lots and 1 Amenity Area be allowed to install a gate system at the entrance drive of Welcome Road, at its intersection with Capitola Farm Road and make all streets within the development private. The Honeycutt development and the Building Group constructing homes plans to market / sale this community as a gated active adult community. Market studies show that the active adult community desires privacy and the security provided by a community with a security gate. Any roadways that have been previously dedicated to the City of Flowery Branch through the approval and recording of a final plat will have to be abandoned and ownership transferred to the homeowners associations for Honeycutt.

RIGHT TO INSPECT THE SUBJECT PROPERTY

With the execution of this zoning amendment application the Applicant (NNP – Looper Lake, LLC) authorizes the City of Flowery Branch staff and / or City Council the right to inspect the subject property for the purpose of seeking information pertaining to the zoning amendment request.

**City of Flowery Branch Rezoning Application
REQUEST FOR STATISTICAL INFORMATION
Sterling on the Lake – Honeycutt Tract**

1. Value of improvements at buildout:

- Development cost - \$ 55,000 per lot
- Vertical construction cost - \$ 120 per sf

2. Property tax revenue at buildout:

- Hall County - \$ 1,466,093.00
- City of Flowery Branch - \$ 186,700.00

3. Schedule of construction;

- See below:

Item	Start	Finish
Design & Permitting	4/1/2019	7/15/2019
Land Development	8/15/2019	5/15/2020
Final Plat	5/15/2020	6/1/2020
Lot Sales	6/1/2020	6/15/2020
Residential CO's	10/15/2020	2/15/2021

4. Anticipated total square footage per unit:

- 1400 sf minimum

5. Total acreage to be developed:

- 84.25 acres in total

6. Honeycutt Tract will contain approximately 9.13 acres in private rights-of-way.

7. Honeycutt Tract will contain approximately 33.7 acres of open space/common area to be maintained by the existing HOA.

8. Honeycutt Tract will contain approximately 7.9 acres of buffer and watershed protection.

- A) The impervious buffer is applicable to the Honeycutt Tract.
- B) A limited number of property lines may extend into the stream buffer.
- C) The developer intends to dedicate street rights-of-way and storm sewer easements to the City of Flowery Branch.

9. Transportation alternatives:

- Honeycutt Tract will have a pedestrian link through the Honeycutt Tract to the remainder of the community.

10. Amenities for Sterling on the Lake total more than 15 acres and (at buildout) will include the following:
 - Lakes and Trails
 - 2 Clubhouses
 - 4 Pools
 - 3 Children's Playgrounds
 - Multiple pocket parks
 - Children's Treehouse
 - 12 Tennis Courts
 - 2 Fire pits
 - Lakeside pavilion with grill
 - Boat dock and launch
 - $\frac{3}{4}$ Basketball Court
 - Picnic Island
 - The above items are inclusive of the Honeycutt/Bragg Tract which will contain 2 tennis courts/pickle ball courts, fire pit and bathrooms.
11. A minimum of 52 street lights are planned for Honeycutt Tract with a maximum spacing of 150 feet.
12. Honeycutt Tract will include approximately 7,940 linear feet of sidewalk containing approximately 485 cubic yards of concrete.
13. Homes in the Honeycutt Tract will have access to high speed internet to the extent available from the service provider.
14. The Honeycutt Tract will contain areas for providing detention, water quality and stream protection. These requirements will be incorporated in the adjacent Honeycutt tract or other developable land with Sterling on The Lake.
15. An updated traffic study has not been completed for the Honeycutt Tract as the overall density will remain within previously studied and approved maximums.
16. There are no provisions for utilization and storage of reuse water in this plan.
17. Honeycutt Tract, as proposed, will generate approximately 85,600 gallons per day of wastewater flow.
18. The maximum daily water consumption is approximately 85,600 gallons per day. Low flow fixtures are required by the development.
19. A complete set of construction drawings has been completed in order to evaluate the proposed density.
20. Public safety requirements related to life safety codes have been considered in the concept design.

21. The Hall County school system has been provided density and build out projections for the entirety of the community.
22. Copies of master covenants and guidelines have been previously filed and recorded.
23. Ordinance No. 349 has been used to develop the preliminary plat for Honeycutt Tract.

NOTE:
CONCEPTUAL PURPOSES ONLY. SUBJECT
TO CHANGE.



by
Newland Communities



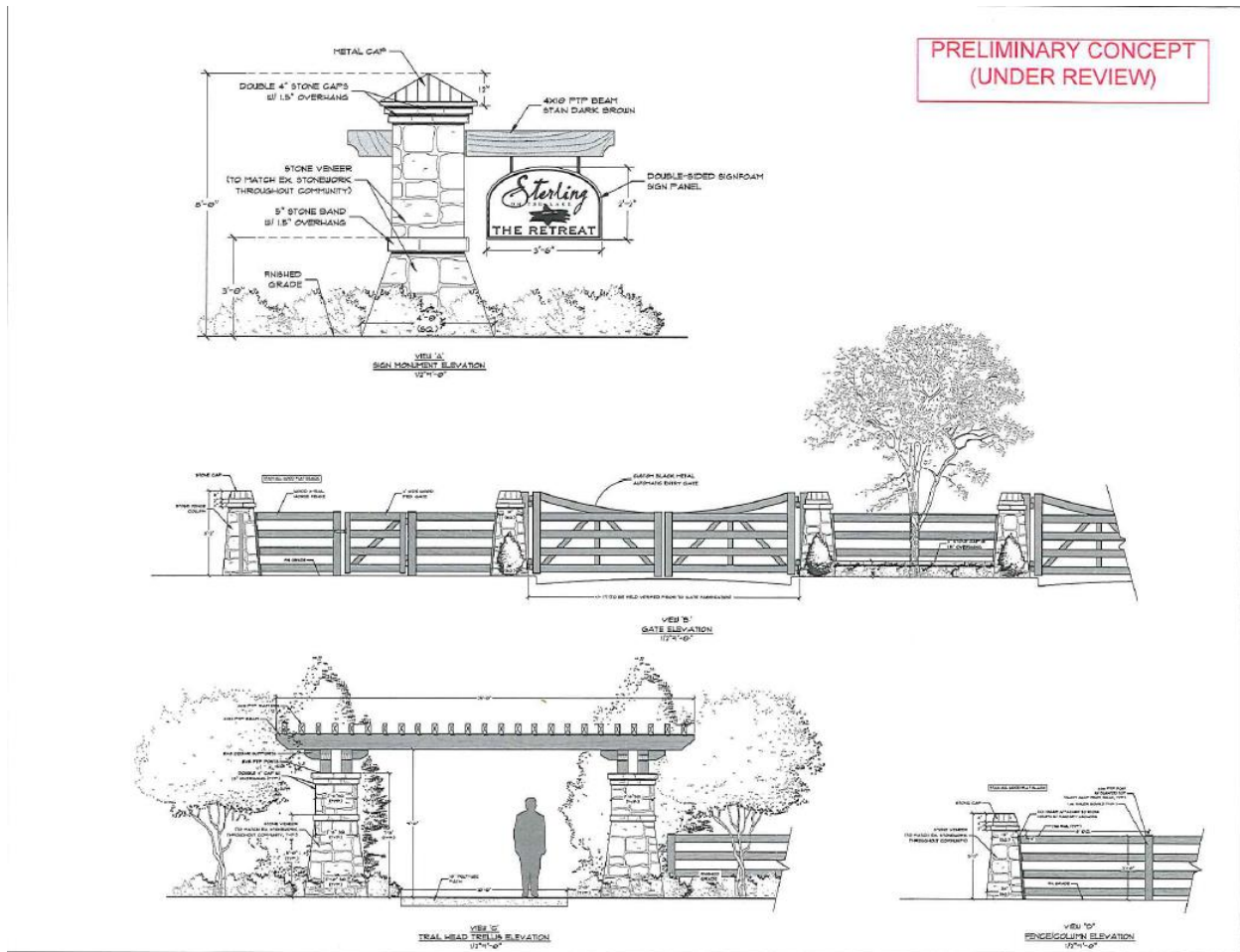
NEWLAND PROPOSED MASTER PLAN

LAST REVISED FEBRUARY 4, 2015



Ordinance 239-K & 240-K is a rezoning request submitted by NNP – Looper Lake, LLC to rezone a portion of the Sterling on the Lake residential subdivision from Planned Unit Development (PUD) to Planned Unit Development (PUD) with modified conditions. The proposed change to the conditions calls for a gate to be installed making the 85 +/- acre area known as the “Honeycutt Tract” private. This would mean all roads inside this 214 lot section of Sterling on the Lake would have private roads.





Below is the applicant response to Article 34 of the Zoning Ordinance.



STATEMENTS OF FACT

Pursuant to Article 34 of the Flowery Branch Zoning Ordinance this amendment to the conceptual master site plan and conditions of approval relating to Ordinance No. 239 and 240 (as amended most recently dated June 6, 2019), to gate the entrance and declare that all roadways within the development shall be deemed private, submit the following Statements of Fact:

- A. The addition of gates at the entrance of Honeycutt and the declaration that all roadways within the development shall be deemed private will not change the overall character of the community and the overall density will remain within the previously approved limits.
- B. The proposed zoning amendment will not adversely affect adjacent property or the overall community as the Honeycutt Tract will be developed with access directly from Capitola Road. The Honeycutt Tract does not have a access to any roadways within the Sterling on the Lake development.
- C. The property is currently zoned PUD (City of Flowery Branch, Hall County) is being developed consistent with the existing areas of Sterling on The Lake. There are no adverse impacts anticipated.
- D. The proposed zoning amendment will not impact the overall density of the approved master site plan. No additional lots are proposed with this zoning amendment. There are no anticipated negative impacts on existing streets, utilities, or schools.
- E. The request to gate the entrance and declare that all roadways within the development shall be deemed private conforms to the 2016 Flowery Branch Comprehensive Plan for a “single family residential” use.
- F. The request to gate the entrance and declare that all roadways within the Honeycutt Tract be deemed private will not have an adverse effect on the Sterling on the Lake Development.
- G. The property is currently zoned PUD (City of Flowery Branch, Hall County) the development is consistent with the existing areas of Sterling on the Lake.
- H. The proposed zoning amendment is consistent with the spirit and intent of the Community Agenda (Comprehensive Plan), Character Area Map and Future Land Use Map as these documents identify the subject property as “Suburban Residential” and “Planned Unit Development” (PUD). The proposed zoning is consistent with these designations.



- I. The proposed zoning amendment will not significantly impact the value of the property. It is the owners desire to convert the Honeycutt Tract into a gated community with private roadways.
- J. The proposed amendment to convert the Honeycutt Tract into a gated community with private roadways will not confer upon the property owner any special privileges that are denied to other properties within the surrounding district. The proposed amendment will not impact adjoining properties as they are all part of the existing PUD.
- K. The proposed rezoning amendment will not create an isolated zoning district as the Honeycutt Tract is already a part of the existing Sterling on the Lake PUD. Further, the granting of the requested zoning amendment will be in harmony with the purpose and intent of the City's regulations and will not be injurious to the neighborhood and general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. To assure that the proposed modifications do not negatively impact the surrounding neighborhood or general public, specific implementation language will be required. The applicant agrees to comply with all previous conditions of approval unless modified by this grant.
- L. The proposed zoning amendment is consistent with the zoning of the surrounding property.
- M. The proposed rezoning amendment will not create an appreciable impact on the environment as it relates to soil and erosion, flooding, drainage or water quality. The Applicant will comply with all local and state requirements pertaining to soil and erosion as well as water quality when developing this tract.
- N. The granting of the proposed zoning amendment is consistent with the overall zoning scheme and the purpose of the Zoning Ordinance. Specifically, the Applicant is asking to be retain ownership of the roadways within the Honeycutt Tract which removes the burden of maintenance from the City of Flowery Branch. The Homeowners Association for Honeycutt shall own and maintain the gate system and the private roadways with the development.



Staff recommends approval with conditions as stated in Ordinance #239K and 240K.

- Ad was run in the Gainesville Times on 7/11/2020
- Signs posted on 7/21/2020

Public Hearing Published 07/08/20
Public Hearing 08/06/20

First Reading 09/17/20
Adopted 10/15/20

ORDINANCE NO. 239-K & 240-K

AN ORDINANCE AMENDING THE CONCEPTUAL SITE PLAN AND CONDITIONS OF APPROVAL RELATING TO ORDINANCE NUMBERS 239H AND 240H, FOR THE MASTER PLANNED COMMUNITY KNOWN AS “STERLING ON THE LAKE”. THE REQUEST IS TO AMMEND THE PUD ZONING OF THE PORTION OF THE COMMUNITY KNOWN AS THE HONEYCUTT TRACT 85.57 +/- ACRE PROPERTY IDENTIFIED AS TAX PARCELS 15047 000006 AND 115047 000885. THE REQUEST IS TO ALTER THE APPROVED CONDITIONS BY ADDING A GATE AND PRIVITIZING THE SUBJECT PROPERTY. SUBJECT PROPERTY IS SHOWN ON ATTACHED EXHIBIT “A” AND LEGALLY DESCRBED ON ATTACHED EXHIBIT “B” AND SHALL BE SUBJECT TO ALL CONDITIONS SET FORTH AND SHOWN ON ATTACHED EXHIBIT “C”; PROVIDING FOR FINDINGS, SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, NNP-Looper Lake, LLC owns all that tracts or parcels of land totaling 85.57+/- acres identified as Parcel Tax Identification Nos. 15047 000006 and 15047 000085. Parcels are shown on Exhibit “A”, and as legally described on Exhibit “B”; and

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

WHEREAS, the City Council of the City of Flowery Branch has considered the application of NNP-Looper Lake, LLC in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, the City Council held a public hearing at the meeting of August 6, 2020 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed modified rezoning of the current PUD (Planned Unit Development) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

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

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, to a modified PUD (Planned Unit Development). Conditions as set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 15th day of October 2020.

James M. Miller, Mayor

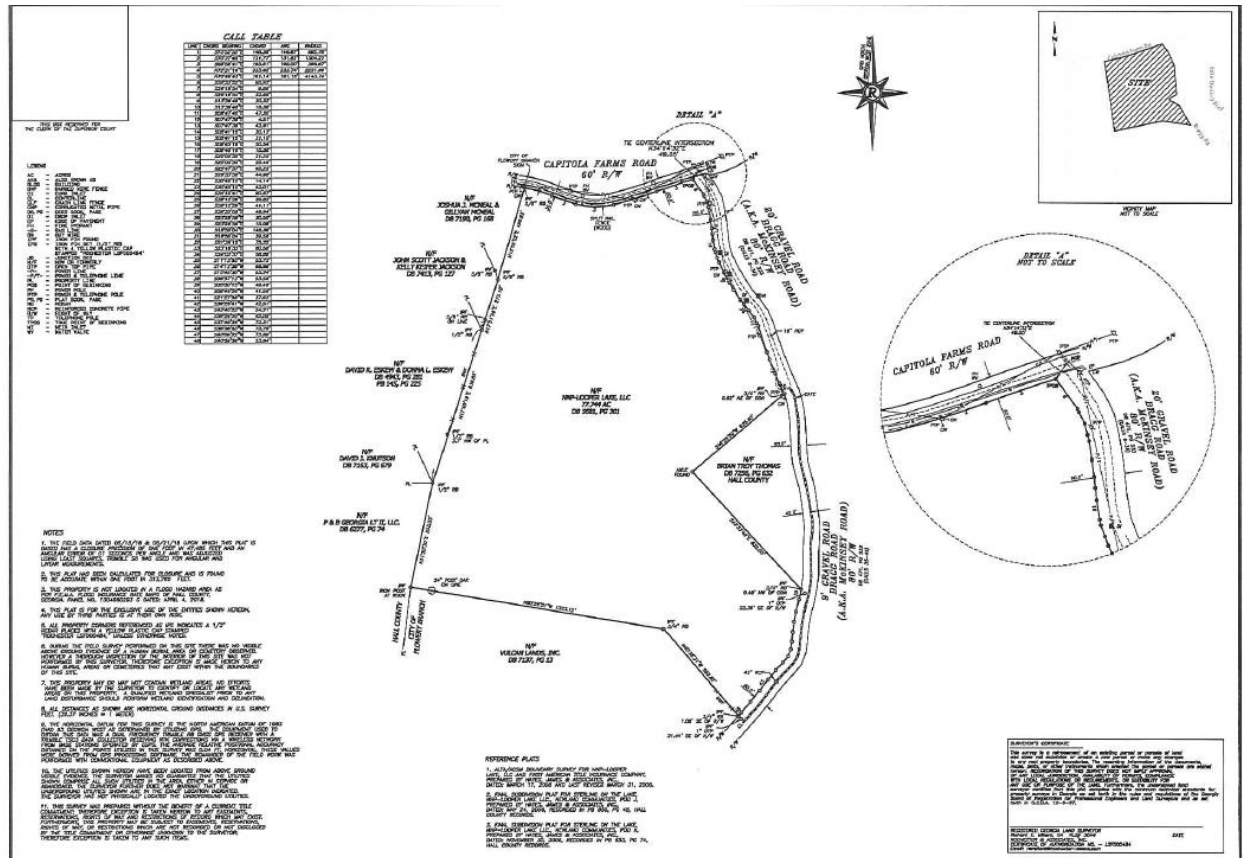
ATTEST

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Attachment "A"



Attachment "B"

***Honeycutt
Legal Description***

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

Beginning at the centerline intersection of Capitola Farm Road (60' R/W) and Scarlet Oak Way (50' R/W); thence South 87°57'20" West, a distance of 102.62 feet to an iron pin found (5/8" rebar on the northern Right-of-Way of said Capitola Farm Road, being the ***True Point of Beginning***; thence along said Right-of-Way 148.67 feet along an arc of a curve to the right having a radius of 692.78 feet and a chord bearing and distance of South 73°52'52" East, 148.38 feet to a point; thence 131.82 feet along an arc of a curve to the left having a radius of 1304.22 feet and a chord bearing and distance of South 70°37'45" East, 131.77 feet to a point; thence 198.00 feet along an arc of a curve to the left having a radius of 366.67 feet and a chord bearing and distance of South 88°59'41" East, 195.61 feet to a point; thence 233.76 feet along an arc of a curve to the left having a radius of 2221.89 feet and chord bearing and distance of North 72°31'16" East, 233.65 feet to a point; thence 225.76 feet along an arc of a curve to the right having a radius of 4143.74 feet and a chord bearing and distance of North 71°04'04" East, 225.73 to a point on the northwestern Right-of-Way of a 20 foot Path; thence along the property now or formerly of the City of Flowery Branch (20' Path) the following courses and distances: South 35°50'46" East, a distance of 120.47 feet to a point; thence 31.78 feet along an arc of a curve to the right having a radius of 75.00 feet and a chord bearing and distance of South 23°42'26" East, 31.54 feet to a point; thence South 11°34'05" East, a distance of 36.01 feet to a point; thence 107.98 feet along an arc of a curve to the right having a radius of 1100.00 feet and a chord bearing and distance of South 08°45'21" East, 107.94 feet to a point; thence South 05°56'37" East, a distance of 69.67 feet to a point; thence 55.13 feet along an arc of a curve to the left having a radius of 225.00 feet and a chord bearing and distance of South 12°57'48" East, 54.99 feet to a point; thence South 19°58'58" East, a distance of 75.50 feet to a point; thence 19.93 feet along an arc of a curve to the left having a radius of 300.00 feet and a chord bearing and distance of South 21°53'10" East, 19.93 feet to a point; thence South 23°47'21" East, a distance of 123.61 feet to a point; thence 71.19 feet along an arc of a curve to the right having a radius of 190.00 feet and a chord bearing and distance of South 13°03'19" East, 70.77 feet to a point; thence South 02°19'18" East, a distance of 101.72 feet to a point; thence 154.16 feet along an arc of a curve to the left having a radius of 310.00 feet and a chord bearing and distance of South 16°34'05" East, 152.58 feet to a point; thence South 30°48'53" East, a distance of 68.95 feet to a point; thence 102.12 feet along an arc of a curve to the left having a radius of 310.00 feet and a chord bearing and distance of South 40°15'06" East, 101.66 feet to a point; thence South 49°41'19" East, a distance of 74.48 feet to a point; thence 136.61 feet along an arc of a curve to the right having a radius of 190.00 feet and a chord bearing and distance of South 29°05'29" East, 133.68 feet to a point; thence South 08°29'40" East, a distance of 45.64 feet to a point; thence 16.93 feet along an arc of a curve to the right having a radius of 190.00 feet and a chord bearing and distance of South 05°56'30" East, 16.93 feet to a point; thence South 03°23'20" East, a distance of 40.36 feet to a point; thence 42.54 feet along an arc of a curve to the right having a radius of 900.00 feet and a chord bearing and distance of South 02°02'05" East, 42.54 feet to a point; thence South 00°40'50" East, a distance of 50.97 feet to a point; thence 106.36 feet along an arc of a curve to the left having a radius of 460.00 feet and a chord bearing and distance of South 07°18'19" East, 106.12 feet to a point; thence South 13°55'45" East, a distance of 61.77 feet to a point; thence 122.71 feet along an arc of a curve to the right having a radius of 1500.00

feet and a chord bearing and distance of South 11°35'09" East, 122.67 feet to a point; thence South 09°14'32" East, a distance of 68.08 feet to a point; thence 108.53 feet along an arc of a curve to the right having a radius of 375.00 feet and a chord bearing and distance of South 00°57'04" East, 108.15 feet to a point; thence South 07°20'24" West, a distance of 23.94 feet to a point; thence 52.86 feet along an arc of a curve to the left having a radius of 325.00 feet and a chord bearing and distance of South 02°40'48" West, 52.81 feet to a point; thence South 01°58'47" East, a distance of 79.68 feet to a point; thence 166.41 feet along an arc of a curve to the right having a radius of 575.00 feet and a chord bearing and distance of South 06°18'40" West, 165.83 feet to a point; thence South 14°36'08" West, a distance of 31.66 feet to a point; thence 166.63 feet along an arc of a curve to the left having a radius of 1100.00 feet and a chord bearing and distance of South 10°15'45" West, 166.47 feet to a point; thence South 05°55'23" West, a distance of 68.71 feet to a point; thence 103.04 feet along an arc of a curve to the right having a radius of 150.00 feet and a chord bearing and distance of South 25°36'08" West, 101.03 feet to a point; thence South 45°16'53" West, a distance of 40.77 feet to a point; thence 105.04 feet along an arc of a curve to the left having a radius of 600.00 feet and a chord bearing and distance of South 40°15'58" West, 104.91 feet to a point; thence South 35°15'02" West, a distance of 31.20 feet to a point; thence 114.02 feet along an arc of a curve to the right having a radius of 1000.00 feet and a chord bearing and distance of South 38°31'02" West, 113.96 feet to a point; thence South 41°47'01" West, a distance of 83.67 feet to a point; thence leaving said Right-of-Way and along the property now or formerly of Vulcan Lands, Inc North 40°38'31" West, a distance of 624.27 feet to an iron pin found (3/4" rebar); thence North 80°26'51" West, a distance of 1323.12 feet to an iron pin found (iron post at rock) on the Hall County/City of Flowery Branch Line; thence along said County/City Line and along the property now or formerly P & B Georgia LT II, LLC North 11°50'30" East, a distance of 555.05 feet to an iron pin found (1/2" rebar); thence along the property now or formerly of David R, Eskew & Donna L. Eskew North 17°40'19" East, a distance of 836.85 feet to an iron pin found (1/2" rebar); thence along the property now or formerly of John Scott Jackson & Kelly Keifer Jackson North 17°51'26" East, a distance of 273.10 feet to an iron pin found (5/8" rebar); thence along the property now or formerly of Joshua J. McNeal & Gillyan McNeal North 15°55'02" East, a distance of 499.92 feet to the **True Point of Beginning**.

Said tract contains 85.568 Acres.

Attachment “C”

Conditions of Zoning

1. All conditions of zoning as set forth in Ordinances 239 and 240 and all subsequent and relevant modifications shall apply to the Honeycutt Tract except for the following changes:
 - A. The Developer shall install a privacy gate at the entrance to said tract.
Gate shall be subject to Flowery Branch Community development approval prior to installation.
 - B. All roads shall be constructed to Flowery Branch standards.
 - C. All roads shall be private.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

GMA notified the City on Friday, July 24 that the City would be receiving an email from GrantCare regarding the Terms and Conditions to receive CARES Act funding from the State of Georgia. GMA was able to negotiate nearly \$600 million in funding for cities to be provided through 3 rounds to assist with COVID-19 related expenses. Funding determination is based on the City's population.

FACTS AND ISSUES:

The Mayor is listed as designated point of contact and authorized the Finance Director as Representative for the City on July 27, 2020.

- The governing body of the City of Flowery Branch must accept the terms and conditions of the agreement by resolution.
- The 30% advance for the City of Flowery Branch = \$130,735.35 (deposited by Monday, August 3, 2020). The advance must be spent or obligated by September 1, 2020.
- The 70% eligible for reimbursement to the City of Flowery Branch = \$305,056.14
- Total = \$435,794.49
- For more information see <https://opb.georgia.gov/CARESact>

OPTIONS:

Approve Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

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

No

AMOUNT AND SOURCE OF FUNDS:

30% Advance \$130,738.35 grant funds; 70% Available for Reimbursement \$305,056.14 grant funds; TOTAL \$435,794.49 CARES Grant Funding

RECOMMENDATION:

Approve Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

SAMPLE MOTION:

I make a motion for the City Council to approve for the Mayor to sign Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF).

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [EXECUTIVE SUMMARY - GEORGIA CARES \(CRF\) GRANT TERMS AND CONDITIONS.pdf](#)
- [20-021 Grant Agreement Terms and Conditions for CARES Funding.pdf](#)
- [GeorgiaCares Terms and Conditions.pdf](#)

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

DATE: July 29, 2020

BUDGET INFORMATION:

ANNUAL-
CAPITAL-

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

☐ **STATUS REPORT**

☐ **OTHER**

COUNCIL ACTION REQUESTED ON: August 6, 2020

PURPOSE: To approve Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

HISTORY:

GMA notified the City on Friday, July 24 that the City would be receiving an email from GrantCare regarding the Terms and Conditions to receive CARES Act funding from the State of Georgia. GMA was able to negotiate nearly \$600 million in funding for cities to be provided through 3 rounds to assist with COVID-19 related expenses. Funding determination is based on the City's population.

FACTS AND ISSUES:

- The Mayor is listed as designated point of contact and authorized the Finance Director as Representative for the City on July 27, 2020.
 - The governing body of the City of Flowery Branch must accept the terms and conditions of the agreement by resolution.
 - The 30% advance for the City of Flowery Branch = \$130,735.35 (deposited by Monday, August 3, 2020). The advance must be spent or obligated by September 1, 2020.
 - The 70% eligible for reimbursement to the City of Flowery Branch = \$305,056.14
 - Total = \$435,794.49
 - For more information see <https://opb.georgia.gov/CARESact>
-
-

OPTIONS: Approve Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

RECOMMENDED SAMPLE MOTION:

I make a motion for the City Council to approve for the Mayor to sign Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF).

DEPARTMENT: Finance and Administration

Prepared by: Alisha Gamble

RESOLUTION 20-021

GRANT AGREEMENT FOR CARES FUNDING BY ACCEPTING THE TERMS AND CONDITIONS IF THE CORONAVIRUS RELIEF FUND (CRF)

WHEREAS, this Grant Agreement sets forth the terms and conditions applicable to payments distributed by the State in the form of a grant to The City of Flowery Branch, a local unit of government, from the Coronavirus Relief Fund (CRF) established within Section 601 of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (hereinafter referred to as “Grant”), and

WHEREAS, the City of Flowery Branch (hereinafter referred to as “the City”) certifies that it possesses legal authority to enter into this Grant Agreement and accept payments for which the City is eligible pursuant to the funding announcement, and

WHEREAS, as required by law, a resolution, motion or similar action has been or will be duly adopted or passed as an official act of the City’s governing body, authorizing the execution of this Grant Agreement and the acceptance of payments, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative, or their designee of the City organization to act in connection with the Grant application and to provide such additional information as may be required, and

WHEREAS, the Mayor designated Alisha Gamble, Finance Director, as Authorized Representative of the City of Flowery Branch on July 27, 2020, allowing her to perform tasks in the GeorgiaCARES (CRF) on behalf of the City of Flowery Branch to submit all required documentation related to the GeorgiaCARES (CRF) grant funding, and

WHEREAS, as Authorized Representative of the City of Flowery Branch, the Finance Director, must open a separate bank account and Special Revenue Fund (if deemed necessary) for GeorgiaCARES (CRF) as required by the Terms and Conditions of the Agreement since all interest earned must be spent on qualified expenses, and

WHEREAS, funding has been authorized for eligible expenditures incurred between March 1, 2020 and December 30, 2020. The performance period for this Grant is from acceptance of this Grant Agreement to the liquidation date or December 30, 2020, whichever is earlier. All expenditures must be incurred and all services must be received within the performance period, and

WHEREAS, the City hereby represents and warrants that it has the power and is duly authorized to enter into this Grant Agreement with regard to all matters described herein upon the terms set forth and that the persons executing this Agreement on behalf of The City are the authorized agents of The City for the purpose of executing this Agreement. The Parties acknowledge and agree that this Agreement constitutes a valid and legally binding obligation of each Party, enforceable in accordance with its terms, and

IT IS HEREBY RESOLVED the Mayor and Council accepts the Terms and Conditions of the GeorgiaCARES (CRF) as attached hereto as Exhibit A, understanding modifications to this agreement may change as modifications are passed from the State;

PASSED AND ADOPTED by the City Council of the City of Flowery Branch Georgia
this 6th day of August 2020.

James Miller - Mayor

ATTEST:

Vickie Short - City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr. - City Attorney

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CORONAVIRUS RELIEF FUND (CRF)
TERMS AND CONDITIONS

About This Document

This agreement (the “Grant Agreement” or “Agreement”) is entered into between the State of Georgia (the “State”) and the undersigned grantee (“Grantee”) (hereinafter collectively referred to as the “Parties”). This Grant Agreement sets forth the terms and conditions applicable to payments distributed by the State in the form of a grant to Grantee, a local unit of government, from the Coronavirus Relief Fund (CRF) established within Section 601 of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (hereinafter referred to as “Grant”). The Grantee’s official representative, whose signature appears below, will execute the interest and responsibilities of the Grantee.

These requirements are in addition to those that can be found within the grant management system administered by the Governor’s Office of Planning and Budget (“OPB”), GeorgiaCARES, to which the Grantee agrees when accepting the Grant. Other state and federal requirements and conditions may apply to the Grant, including but not limited to 2 C.F.R. § 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and applicable subparts; the State funding announcement under which Grant payments are distributed; and any applicable documents referenced in the documents listed above.

To the extent the terms and conditions of this Grant Agreement do not address a particular circumstance or are otherwise unclear or ambiguous, such terms and conditions are to be construed consistent with the general objectives, expectations and purposes of this Grant Agreement and in all cases, according to its fair meaning. The Grantee acknowledges that it and its counsel have reviewed this Grant Agreement and that any rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Grant Agreement. Any vague, ambiguous or conflicting terms shall be interpreted and construed in such a manner as to accomplish the purpose of the Grant Agreement.

1. Definitions

1.1 As used in this Agreement, the following terms shall have the following meanings:

1. **“CARES Act”** means the federal Coronavirus Aid, Relief, and Economic Security Act of 2020.
2. **“Coronavirus Relief Fund”** or **“CRF”** means the fund established within Section 601 of the Social Security Act, as added by Section 5001 of the CARES Act.
3. **“GeorgiaCARES”** means the grant management system administered by OPB to facilitate distribution of Coronavirus Relief Funds to the Grantee.
4. **“Grant”** means the payments distributed by the State in the form of a grant to the Grantee from the Coronavirus Relief Fund.
5. **“Grant Agreement”** or **“Agreement”** means this agreement between the State of Georgia and the Grantee as defined by the Coronavirus Relief Fund Terms and Conditions and its incorporated documents.
6. **“Grantee”** means the undersigned local unit of government.
7. **“OPB”** means the Governor’s Office of Planning and Budget.
8. **“Parties”** means collectively the parties to this Agreement, namely, the State and the Grantee.
9. **“State”** means the State of Georgia.

2. General Requirements and Conditions

1.2 Applicability of Grant Agreement and Provisions

This Grant Agreement is subject to the additional terms, conditions and requirements of other laws, rules, regulations and plans recited herein and is intended to be the full and complete expression of and constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and all prior and contemporaneous understandings, agreements, promises, representations and terms and conditions, both oral and written, are superseded and replaced by this Grant Agreement.

Notwithstanding any expiration or termination of this Grant Agreement, the rights and obligations pertaining to the Grant close-out, cooperation and provision of additional information, return of Grant funds, audit rights, records retention, public information and any other provision implying survivability shall remain in effect after the expiration or termination of this Grant Agreement.

1.3 Legal Authority

The Grantee certifies that it possesses legal authority to enter into this Grant Agreement and accept payments for which the Grantee is eligible pursuant to the funding announcement. As required by law, a resolution, motion or similar action has been or will be duly adopted or passed as an official act of the Grantee's governing body, authorizing the execution of this Grant Agreement and the acceptance of payments, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative, or their designee of the Grantee organization to act in connection with the Grant application and to provide such additional information as may be required.

Grantee hereby represents and warrants that it has the power and is duly authorized to enter into this Grant Agreement with regard to all matters described herein upon the terms set forth and that the persons executing this Agreement on behalf of Grantee are the authorized agents of Grantee for the purpose of executing this Agreement. The Parties acknowledge and agree that this Agreement constitutes a valid and legally binding obligation of each Party, enforceable in accordance with its terms.

1.4 Grant Acceptance

The state funding announcement remains an offer until the fully and appropriately executed copy of this Grant Agreement is received by OPB.

1.5 Performance Period

Funding has been authorized for eligible expenditures incurred between March 1, 2020 and December 30, 2020. The performance period for this Grant is from acceptance of this Grant Agreement to the liquidation date or December 30, 2020, whichever is earlier. All expenditures must be incurred and all services must be received within the performance period. The state will not be obligated to reimburse expenses incurred after the performance period and the Grantee shall return to OPB all funds received and not expended by the Grantee and approved by OPB on or before the performance period end date. A cost is incurred when the responsible unit of government has expended funds to cover the cost. The liquidation date for the Grant is predetermined by the State, see Section 6.7 for details.

1.6 General Responsibility

Per the CARES Act, CRF Grant funds may only be used to cover expenses that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. Were not accounted for in the budget most recently approved as of March 27, 2020 for the State or Grantee; and
3. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

The US Department of Treasury (Treasury) provided additional guidance on the permissible use of

Grant funds. The Grantee certifies compliance with this additional guidance by executing this Grant Agreement. Further explanation and examples can be found on Treasury's website at the following link: <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>. Recipients of CRF Grant funds must also adhere to any applicable state statutes, rules, or regulations as applicable in the expenditure of these funds. In the event that one or more provisions of said applicable state statutes, rules, or regulations shall conflict with the applicable federal laws, rules, or regulations, the federal law, rule, or regulation shall control, however, in the event that the state statute, rule, or regulation is more restrictive it shall control.

The Grantee certifies compliance with these eligible expenses by executing this Grant Agreement, including the CARES Act Coronavirus Relief Fund Eligibility Certification Form in Exhibit C, which is attached hereto and incorporated for all purposes.

The Grantee is responsible for the integrity of the fiscal and programmatic management of the Grant project; accountability for all funds awarded; and compliance with state guidelines, policies and procedures and applicable federal and state laws and regulations.

The Grantee will maintain an appropriate Grant administration system to ensure that all terms, conditions and specifications of the Grant are met.

The Grantee agrees to maintain an accounting system integrated with adequate internal fiscal and management controls to capture and report Grant data with accuracy, providing full accountability for revenues, expenditures, assets and liabilities. This system shall provide reasonable assurance that the Grantee is managing federal and state financial assistance programs in compliance with all applicable laws and regulations, including the reporting requirements outlined at <https://home.treasury.gov/system/files/136/IG-Coronavirus-Relief-Fund-Recipient-Reporting-Record-Keeping-Requirements.pdf>.

1.7 Amendments and Changes to the Grant Agreement

The state may make changes to the Grant. Changes include, but are not limited to, modifying the scope of the Grant project, adding funds to previously un-awarded cost items or categories, changing funds in any awarded cost items or category, de-obligating awarded funds or changing Grant officials. In the event the State determines that changes are necessary to the Grant award document after an award has been made, including changes to period of performance or terms and conditions, the Grantee will be notified of the changes in writing, and any such changes shall be documented in GeorgiaCARES.

The Grantee has no right or entitlement to payment or reimbursement with Grant funds. The Grantee agrees that nothing in this Grant Agreement will be interpreted to create an obligation or liability of the state in excess of the availability of funds for initial payment and reimbursement as provided in the funding announcement. The Grantee agrees that any act, action or representation by either party, their agents or employees that purports to waive or alter the terms of this Grant Agreement or increase the maximum liability of the state is void unless an amendment to this Grant Agreement is consented to by both parties in writing and is documented in GeorgiaCARES. Notwithstanding this requirement, it is understood and agreed by the parties hereto that changes in local, state and federal rules, regulations or laws applicable hereto may occur during the term of this Grant Agreement and that any such changes shall be automatically incorporated into this Grant Agreement without written amendment hereto, and

shall become a part hereof as of the effective date of the rule, regulation or law.

1.8 Jurisdictional Cooperation

If the Grantee is a municipality, it may yield any portion of the payments it is eligible to receive pursuant to this Grant Agreement to the county within which it exists or if Grantee is a county, it may yield any portion of the payments it is eligible to receive pursuant to this Grant Agreement to a municipality within its geographical boundaries for eligible expenses. This may be accomplished in one of the following two ways:

1. By a Grant amendment, made by the state as described in Section 1.7, whereby funds are de-obligated from the Grantee and then added to previously un-awarded costs items or categories of the receiving jurisdiction's grant award; or
2. Upon written approval from the State and documentation of such approval in GeorgiaCARES, the Grantee may use funds pursuant to this Grant Agreement to subcontract with another political subdivision within its jurisdiction for eligible and necessary expenditures incurred due to the Coronavirus Disease 2019 (COVID-19) public health emergency. The Grantee is responsible for ensuring subcontractor eligibility, ensuring expenditures are appropriate, reporting expenditures in GeorgiaCARES and maintaining all required documentation.

1.9 Public Information and Meetings

Notwithstanding any provisions of this Grant Agreement to the contrary, the Grantee acknowledges that the State of Georgia, OPB, and this Grant Agreement are subject to the Georgia Open Records Act, O.C.G.A. § 50-18-71, *et seq* (ORA). The Grantee acknowledges that OPB will comply with the ORA, as interpreted by judicial opinions and opinions of the Attorney General of the State of Georgia.

The Grantee acknowledges that information created or exchanged in connection with this Grant Agreement, including all reimbursement documentation submitted to OPB, is subject to the ORA, whether created or produced by the Grantee or any third party, and the Grantee agrees that information not otherwise excepted from disclosure under the ORA will be available in a format that is accessible by the public at no additional charge to OPB or the State. The Grantee will cooperate with the State and OPB in the production of documents or information responsive to a request for information.

1.10 Remedies for Non-Compliance

If the State determines that the Grantee fails to comply with any term of this Grant Agreement, whether stated in a federal or state statute or regulation, an assurance, a state plan or application, a notice of award, or any other applicable requirement, the State, in its sole discretion, may take actions including:

1. Imposing sanctions;
2. Temporarily withholding payments pending correction of the deficiency or imposing a corrective action plan intended to bring the Grantee into compliance with this Grant Agreement. A corrective action plan shall be a compulsory set of actions mandated by OPB that will ensure the Grantee will take certain actions to bring its jurisdiction into compliance with the terms of this Grant Agreement.

If the Grantee fails to complete any imposed corrective action plan within 60 days, OPB reserves the right to require the Grantee to return any previous Grant fund payments or reimbursements in a manner and timeframe as determined by OPB;

3. Requiring the Grantee to return or offset previous payments or reimbursements to OPB in a manner and timeframe as determined by OPB. By entering into this Grant Agreement Grantee specifically accepts and acknowledges that any noncompliance with the terms of this Grant Agreement shall entitle the State to implement this remedy, regardless of whether or not the previous payments or reimbursements were made for allowable costs;
4. Disallowing or denying use of funds for all or part of the cost of the activity or action not in compliance;
5. Disallowing claims for reimbursement;
6. Wholly or partially suspending or terminating the Grant;
7. Prohibiting the Grantee from applying for or receiving additional funds for other grant programs administered by the State until repayment to OPB is made and any other compliance or audit finding is satisfactorily resolved;
8. Reducing the Grant award maximum liability of the state; or
9. Taking other remedies or appropriate actions.

If OPB elects to implement whole or partial suspension or termination of the Grantee's Grant in accordance with this Section of the Grant Agreement, the Grantee's costs resulting from Grant eligible expenditures incurred during any such suspension or after termination of the Grant are not allowable costs unless OPB expressly authorizes them either in the notice of suspension or termination or subsequently.

The State, at its sole discretion, may impose sanctions without first requiring a corrective action plan.

The Grantee acknowledges and agrees that the State has the rights and remedies stated above and any other rights and remedies set forth in this Grant Agreement which are fair and reasonable and further acknowledges and agrees that no action taken by the State to assert or enforce any of these rights or remedies shall excuse the Grantee from performance of its obligations under this Agreement.

1.11 False Statements by Grantee

By acceptance of this Grant Agreement, the Grantee makes all the statements, representations, warranties, guarantees, certifications and affirmations included in this Grant Agreement. If applicable, the Grantee will comply with the requirements of 31 U.S.C. § 3729-3733, which set forth that no grantee of federal payments shall submit a false claim for payment.

If any of the statements, representations, certifications, affirmations, warranties or guarantees are false or if the Grantee signs or executes this Grant Agreement with a false statement or it is subsequently

determined that the Grantee has violated any of the statements, representations, warranties, guarantees, certifications or affirmations included in this Grant Agreement, then the State may consider this action or activity a possible default under this Grant Agreement and may terminate or void this Grant Agreement for cause and pursue other remedies available to the State under this Grant Agreement and applicable law. False statements or claims made in connection with grants may result in fines, imprisonment and debarment from participating in federal grants or contracts and/or any other remedy available by law, potentially including the provisions of 31 U.S.C. § 3801-3812, which details the administrative remedies for false claims and statements made.

1.12 Conflict of Interest Safeguards

The Grantee will establish safeguards to prohibit its employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain, whether for themselves or others, particularly those with whom they have family, business, or other ties. The Grantee will operate with complete independence and objectivity without actual, potential or apparent conflict of interest with respect to its performance under this Grant Agreement in accordance with Title 45 Chapter 10 of the O.C.G.A., 18 U.S.C. § 666, 18 U.S.C. § 1031, and 2 C.F.R. § 200.318.

1.13 Fraud, Waste and Abuse

The Grantee acknowledges and assents that the State of Georgia shall not tolerate fraud, waste or misuse of funds received from any state entity (*See* Title 45 Chapter 10 of the O.C.G.A.) and that any violation of state or federal law, state policies or standards of ethical conduct shall result in penalties including, but not limited to, suspension of current and future funds, suspension or debarment from federal and state grants, recoupment of monies provided under an award, remedies set forth in 2 C.F.R. § 200.338, and civil and/or criminal penalties.

In the event the Grantee becomes aware of any allegation or a finding of fraud, waste or misuse of funds received from OPB that is made against the Grantee, the Grantee is required to immediately report said allegation or finding to the U.S. Department of the Treasury Office of the Inspector General¹ and to OPB and must continue to inform OPB of the status of any such on-going investigations. The Grantee must also promptly refer to OPB as well as the appropriate federal authorities, including, but not limited to, the U.S. Department of the Treasury Office of the Inspector General, any credible evidence that a principal, employee, agent, grantee, contractor, subcontractor or other person has -- (1) submitted a claim for award funds that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity or similar misconduct involving award funds. Grantees must also immediately notify OPB in writing of any misappropriation of funds, fraud, theft, embezzlement, forgery, or any other serious irregularities indicating noncompliance with grant requirements. Grantees must notify the local prosecutor's office of any possible criminal violations. Grantees must immediately notify OPB in writing if a project or project personnel become involved in any litigation, whether civil or criminal, and the Grantee must immediately forward a copy of any demand, notices, subpoenas, lawsuits or indictments to OPB.

¹ See 2 C.F.R. § 200.113. Disclosure, in a timely manner, to the Federal awarding agency or pass-through entity is mandatory for all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. § 200.338.

1.14 Termination of the Agreement

The State may, at its sole discretion, terminate this Grant Agreement, without recourse, liability or penalty against the State, upon written notice to the Grantee. In the event the Grantee fails to perform or comply with an obligation or a term, condition or provision of this Grant Agreement, the State may, upon written notice to the Grantee, terminate this Grant Agreement for cause, without further notice or opportunity to cure. Such notification of termination for cause will state the effective date of such termination, and if no effective date is specified, the effective date will be the date of the notification.

The State and the Grantee may mutually agree to terminate this Grant Agreement at any time. The State, in its sole discretion, will determine if, as part of the agreed termination, the Grantee is required to return any or all of the disbursed Grant funds.

Termination is not an exclusive remedy but will be in addition to any other rights and remedies provided in equity, by law or under this Grant Agreement, including those remedies listed at 2 C.F.R. § 200.207 and 2 C.F.R. § 200.338 – 200.342. Following termination by the State, the Grantee shall continue to be obligated to OPB for the return of Grant funds in accordance with applicable provisions of this Grant Agreement. In the event of termination under this Section, the State may elect to reimburse the Grantee but any such reimbursement shall be limited to allowable costs incurred and paid by the Grantee prior to the effective date of termination, and any allowable costs determined by the State in its sole discretion to be reasonable and necessary to cost-effectively wind down the Grant. Termination of this Grant Agreement for any reason or the expiration of this Grant Agreement shall not release the parties from any liability or obligation set forth in this Grant Agreement that is expressly stated to survive any such termination or expiration.

1.15 Limitation of Liability

TO THE EXTENT ALLOWED BY LAW, THE GRANTEE SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF GEORGIA, OPB AND/OR THEIR OFFICERS, REGENTS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, ASSIGNEES AND/OR DESIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEY FEES, AND EXPENSES ARISING OUT OF, OR RESULTING FROM, ANY ACTS OR OMISSIONS OF THE GRANTEE OR ITS AGENTS, EMPLOYEES, SUBCONTRACTORS, ORDER FULFILLERS, OR SUPPLIERS OF SUBCONTRACTORS IN THE EXECUTION OR PERFORMANCE OF THIS GRANT AGREEMENT AND ANY PURCHASE ORDERS ISSUED UNDER THIS GRANT AGREEMENT. THE DEFENSE SHALL BE COORDINATED BY THE GRANTEE WITH THE OFFICE OF THE GEORGIA ATTORNEY GENERAL WHEN STATE AGENCIES ARE NAMED DEFENDANTS IN ANY LAWSUIT AND THE GRANTEE MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING THE CONCURRENCE FROM THE OFFICE OF THE GEORGIA ATTORNEY GENERAL. THE GRANTEE AND THE STATE AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM.

The Grantee agrees that no provision of this Grant Agreement is in any way intended to constitute a waiver by the State, OPB, or their officers, regents, employees, agents, or contractors, of any privileges, rights, defenses, remedies, or immunities from suit and liability that OPB or the State may have by

operation of law.

1.16 Dispute Resolution

The parties' designees will meet as needed to implement the terms of this Grant Agreement and will make a good faith attempt to informally resolve any disputes.

Notwithstanding any other provision of this Grant Agreement to the contrary, unless otherwise requested or approved in writing by OPB, the Grantee shall continue performance and shall not be excused from performance during the period any breach of this Grant Agreement, claim or dispute is pending.

The laws of the State govern this Grant Agreement and all disputes arising out of or relating to this Grant Agreement, without regard to any otherwise applicable conflict of law rules or requirements. Venue for any action, suit, litigation, or other proceeding arising out of or in any way relating to this Grant Agreement shall be commenced exclusively in the Superior Court of Fulton County, Georgia.

The Grantee hereby irrevocably and unconditionally consents to the exclusive jurisdiction of the court referenced above for the purpose of prosecuting and/or defending such litigation. The Grantee hereby waives and agrees not to assert by way of motion, as a defense, or otherwise, in any suit, action or proceeding, any claim that the Grantee is not personally subject to the jurisdiction of the above-named courts; the suit, action or proceeding is brought in an inconvenient forum; and/or the venue is improper.

1.17 Liability for Taxes

The Grantee agrees and acknowledges that Grantee is entirely responsible for the liability and payment of Grantee and Grantee's employees' taxes of whatever kind, arising out of the performances in this Grant Agreement. The Grantee agrees to comply with all state and federal laws applicable to any such persons, including laws regarding wages, taxes, insurance and workers' compensation. Neither OPB nor the State shall be liable to the Grantee, its employees, its agents or others for the payment of taxes or the provision of unemployment insurance or workers' compensation or any benefit available to a State employee or employee of OPB.

1.18 Required Assurances

The Grantee must comply with the applicable Grantee Assurances, which are attached hereto and incorporated for all purposes as Exhibit A.

1.19 System for Award Management (SAM) Requirements

The Grantee agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) or with a successor government-wide system officially designated by OMB and, if applicable, the federal funding agency. These requirements include maintaining current registrations and the currency of the information in SAM. The Grantee will review and update information at least annually until submission of the final financial report required under the award or receipt of final payment, whichever is later, as required by 2 C.F.R. § 25.

The Grantee will comply with 2 C.F.R. § 180 that implement Exec. Order 12549, 3 C.F.R. 189 (1986)

and Exec. Order 12689, 3 C.F.R. 235 (1989) that requires “a contract award (see 2 C.F.R. § 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM)”, in accordance with the OMB guidelines at 2 C.F.R. Part 180 that implement Exec. Order 12549, 3 C.F.R. 189 (1986) and Exec. Order 12689, 3 C.F.R. 235 (1989), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority. The Grantee certifies it will verify each vendor’s status to ensure the vendor is not debarred, suspended, otherwise excluded or declared ineligible by checking the SAM before doing/renewing business with that vendor.

The Grantee certifies that it and its principals are eligible to participate in this Grant Agreement and have not been subjected to suspension, debarment or similar ineligibility determined by any federal, state or local governmental entity; the Grantee is in compliance with the State of Georgia statutes and rules relating to procurement; and the Grantee is not listed in the federal government’s terrorism watch list as described in federal Exec. Order 13224, 3 C.F.R § 2001 Comp. p. 49077.

1.20 No Obligation by Federal Government

The parties acknowledge and agree that the federal government is not a party to this Grant Agreement and is not subject to any obligations or liabilities to either party, third party or subcontractor pertaining to any matter resulting from this Grant Agreement.

1.21 Notice

Any and all notices, designations, consents, offers, acceptances or any other communication provided for herein shall be given in writing by registered or certified mail with return receipt requested, to a party hereto and shall be addressed to the person who signed the Grant Agreement on behalf of the party at the address set forth below or to such other address as the parties may designate by notice from time to time in accordance with this Grant Agreement.

If to Grantee: Flowery Branch c

Street Address

5410 W. Pine St.

City

State

Zipcode

Flowery Branch

GA

30542

If to OPB: Governor’s Office of Planning and Budget

2 Capitol Square SW

Atlanta, Georgia 30334

cares@opb.georgia.gov

1.22 Force Majeure

Neither the Grantee nor the State shall be required to perform any obligation under this Grant Agreement or be liable or responsible for any loss or damage resulting from its failure to perform so long as performance is delayed by force majeure or acts of God, including but not limited to labor shortages

caused by strikes or lockouts, embargo, war, terrorism, flood, natural disaster. Each party must inform the other in writing, with proof of receipt, within three (3) business days of the existence of such force majeure, or otherwise waive this right as a defense.

To the extent that the (1) Georgia State of Emergency relating to unlawful assemblage and violence, and (2) the Georgia Public Health States of Emergency relating to COVID-19, become more severe and lead to the impossibility to perform any obligation under this Grant Agreement, then riots and pandemic may be asserted as force majeure events.

1.23 Severability

If any provision of this Grant Agreement is rendered or declared illegal for any reason, or shall be invalid or unenforceable, this Grant Agreement shall be interpreted as though such provision was modified or deleted in such manner so as to afford the party for whose benefit it was intended the fullest benefit commensurate with making this Grant Agreement, as modified, enforceable, and the remainder of this Grant Agreement and the application of such provision to other persons or circumstances shall not be affected thereby, but shall be enforced to the greatest extent permitted by applicable law.

3. Warranties

2.1 E-Verify

Grantee, by signing this Agreement, represents and warrants that it will comply with the requirements of O.C.G.A. § 50-36-1 entitled “Verification of Lawful Presence Within United States” and verify the lawful presence in the United States of any natural person 18 years of age who has applied for state or local public benefits, as defined in 8 U.S.C. § 1621, or for federal public benefits, defined in 8 U.S.C. § 1611, that is administered by an agency or a political subdivision of this State.

Grantee, by signing this Agreement, represents and warrants that it will comply with the requirements of O.C.G.A. § 13-10-90 entitled “Security and Immigration Compliance.” This requires, among other things, that every public employer, including, but not limited to, every municipality and county, will register and participate in the federal work authorization program to verify employment eligibility of all newly hired employees.

2.2 Compliance with Federal Law, Regulations and Executive Orders

Grantee represents and warrants that federal financial assistance funds will be used to fund this Grant Agreement. The Grantee will comply with all applicable federal law, regulations, executive orders, policies, procedures and directives.

2.3 Clean Air Act

The following is only applicable if the amount of the contract exceeds \$150,000.

1. Grantee represents and warrants that it shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401, *et seq.*

2. Grantee represents and warrants to report each violation to the appropriate federal authorities as well as OPB and acknowledges and agrees that the State will, in turn, report each violation as required to assure notification to the appropriate federal authorities and the appropriate Environmental Protection Agency Regional Office.
3. Grantee represents and warrants to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with federal assistance provided by this Grant Agreement.

2.4 Federal Water Pollution Control Act

Grantee represents and warrants that it shall comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251, *et seq.*

Grantee represents and warrants to report each violation to the appropriate federal authorities as well as OPB and acknowledges and agrees that the State will, in turn, report each violation as required to assure notification to the appropriate federal authorities and the appropriate Environmental Protection Agency Regional Office.

Grantee represents and warrants that it shall include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with federal assistance provided by this Grant Agreement.

2.5 Energy Conservation

If applicable, Grantee represents and warrants that it shall comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. § 6201).

2.6 Procurement of Recovered Materials

Grantee represents and warrants that it shall comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency at 40 C.F.R. § 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

2.7 Copyright, Patents and Intellectual Property Rights

Grantee represents and warrants that it shall affix the applicable copyright notices of 17 U.S.C. § 401 or 402 and an acknowledgement of United States Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Unless otherwise provided by law, Grantee is subject to 35 U.S.C. § 200, *et seq.* All Grantee is subject to the specific requirements governing the development, reporting and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. § 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

2.8 Federal Debt Status

Grantee represents and warrants they are and will be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances and benefit overpayments.

2.9 Terminated Contracts

Grantee represents and warrants it has not had a contract terminated or been denied the renewal of any contract for noncompliance with policies or regulations of any state or federally funded program within the past five (5) years nor is it currently prohibited from contracting with a governmental agency. If the Grantee does have such a terminated contract, the Grantee shall identify the contract and provide an explanation for the termination. The Grantee acknowledges that this Grant Agreement may be terminated and payment withheld or return of grant funds required if this certification is inaccurate or false.

2.10 Reporting Requirements

The Grantee represents and warrants that it shall provide adequate support for the expenditure of Grant funds in GeorgiaCARES. Financial documentation to support payment(s) shall be submitted in GeorgiaCARES no later than the grant liquidation date of September 1, 2020 as provided by Section 6.7 of this Agreement. Financial documentation to support a request for reimbursement of expenditures must be submitted at the time of the request for reimbursement. Final financial documentation must be submitted in GeorgiaCARES on or before the grant liquidation date, as provided in Section 6.7, or the State may implement sanctions as necessary up to and including grant termination and recoupment of all payments made to the Grantee.

4. Property and Procurement Requirements

3.1 Property Management and Inventory

The Grantee must ensure equipment purchased with grant funds is used for the purpose of the grant and as approved by the State. The Grantee must develop and implement a control system to prevent loss, damage or theft of property and investigate and document any loss, damage or theft of property funded under the grant.

The Grantee must account for any real and personal property acquired with grant funds or received from the federal government in accordance with 2 C.F.R. § 200.310 through 200.316 and 200.329. This documentation must be maintained by the Grantee, according to the requirements listed herein, and provided to the State upon request, if applicable.

When original or replacement equipment acquired under this award by the Grantee is no longer needed for the original project or program or for other activities currently or previously supported by the federal awarding agency or the State, the Grantee must make proper disposition of the equipment pursuant to 2 C.F.R. § 200.

The Grantee will maintain specified equipment management and inventory procedures for equipment, including replacement equipment, whether acquired in whole or in part with grant funds, until disposition takes place, with a per-unit cost of \$5,000 or greater. The equipment and inventory procedures

include, but are not limited to:

1. The Grantee must keep an inventory report on file containing equipment purchased with any grant funds during the grant period. The inventory report must agree with the approved grant budget and accepted documentation and shall be available to the State at all times upon request.
2. The Grantee must maintain property/inventory records which, at minimum, include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, the cost of the property, the percentage of federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
3. The Grantee shall permanently identify all such equipment by appropriate tags or labels affixed to the equipment. Exceptions to this requirement are limited to items where placing of the marking is not possible due to the nature of the equipment.

3.2 Procurement Practices and Policies

The Grantee must follow applicable federal and state law, federal procurement standards specified in regulations governing federal awards to non-federal entities, their established policy, and best practices for procuring goods or services with grant funds. Procurement activities must follow the most restrictive of federal, state and local procurement regulations.

In the event that the Grantee uses subcontractors or contractors, the Grantee shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable as prescribed by applicable federal and state laws.

3.3 Contract Provisions Under Federal Awards

All contracts made by the Grantee under a federal award must contain the provisions outlined in 2 C.F.R. § 200 “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” and 79 F.R. 75871 “Appendix II to Part 200 Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.”

5. Audit and Records Requirements

4.1 Cooperation with Monitoring, Audits, Records Requirements, Assessments and Evaluations

All records and expenditures are subject to, and the Grantee agrees to comply with, monitoring, examinations, demand for documents, and/or audits conducted by any and all federal or state officials and auditors, including but not limited to, the U.S. Department of the Treasury Inspector General, OPB, the Georgia Department of Audits and Accounts, the State of Georgia Inspector General, and the Department of Community Affairs, or their duly authorized representatives or designees. The Grantee shall maintain, under GAAP or GASB, adequate records that enable federal and state officials and auditors to ensure proper accounting for all costs and performances related to this Grant Agreement.

4.2 Single Audit Requirements

Grantees that expend \$750,000.00 or more of federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with the Government Accountability Office's Government Auditing Standards, which may be accessed online at <http://www.gao.gov/govaud/ybkOl.htm>, and in accordance with 2 C.F.R. § 200.514 Scope of Audit. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year.

In addition, Grantee must submit the audit report to the State, by sending a copy to the Georgia Department of Audits and Accounts, Nonprofit and Local Governments Audits, 270 Washington Street, SW, Room I-156, Atlanta, Georgia 30334-8400.

If required to submit an audit report under the requirements of 2 C.F.R. § 200(f), the Grantee shall provide OPB with written documentation showing that it has complied with the single audit requirements. The Grantee shall immediately notify OPB in writing at any time that it is required to conduct a single audit and provide documentation within a reasonable time period showing compliance with the single audit requirement.

4.3 Requirement to Address Audit Findings

If any audit, monitoring, investigations, review of awards or other compliance review reveals any discrepancies, inadequacies or deficiencies which are necessary to correct in order to maintain compliance with this grant agreement, applicable laws, regulations, or the Grantee's obligations hereunder, the Grantee agrees to propose and submit to OPB a corrective action plan to correct such discrepancies or inadequacies within thirty (30) calendar days after the Grantee's receipt of the findings. The Grantee's corrective action plan is subject to the approval of OPB.

The Grantee understands and agrees that the Grantee must make every effort to address and resolve all outstanding issues, findings or actions identified by federal or state officials and auditors through the corrective action plan or any other corrective plan. Failure to address these findings promptly and adequately may result in grant funds being withheld, other related requirements being imposed or other sanctions and penalties. The Grantee agrees to complete any corrective action approved by OPB within the time period specified by OPB and to the satisfaction of OPB, at the sole cost of the Grantee. The Grantee shall provide to OPB periodic status reports regarding the Grantee's resolution of any audit, corrective action plan, or other compliance activity for which the Grantee is responsible.

4.4 Records Retention

The Grantee shall maintain appropriate audit trails to provide accountability for all expenditures of grant funds, reporting measures, and funds received from the state under this grant agreement. Audit trails maintained by the Grantee will, at a minimum, identify the supporting documentation prepared by the Grantee to permit an audit of its accounting systems and payment verification with respect to the expenditure of any funds awarded under this grant agreement.

The Grantee must maintain fiscal records and supporting documentation for all expenditures resulting from this grant agreement pursuant to 2 C.F.R. § 200.333 and state law. The Grantee must retain these records and any supporting documentation for a minimum of seven (7) years from the later of the

completion of this project's public objective; submission of the final expenditure report; or any litigation, dispute or audit. Records related to real property and equipment acquired with grant funds must be retained for seven (7) years after final disposition. OPB may direct the Grantee to retain documents for longer periods of time or to transfer certain records to OPB or federal custody when it is determined that the records possess long term retention value in accordance with retention schedules approved by the State Records Committee or the federal government.

6. Prohibited and Regulated Activities and Expenditures

5.1 Prohibited Costs

The following are nonexclusive examples of ineligible expenditures. These requirements are required by federal rule. Therefore, any question about their meaning or to what extent certain activities or action are allowed should be resolved by referencing the guidance provided by the United States Treasury Department²:

1. Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Revenue replacement is not a permissible use of these grant funds. In accordance with Section 4.1 all records and expenditures are subject to review.
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Duplication of benefits including expenses that have been or will be reimbursed under any other federal program.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

5.2 Political Activities

Grant funds may not be used in connection with the following acts by agencies or individuals employed by grant funds:

1. Unless specifically authorized to do so by federal law, grant recipients or their Grantee or contractors are prohibited from using grant funds directly or indirectly for political purposes, including lobbying

² See <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

or advocating for legislative programs or changes; campaigning for, endorsing, contributing to, or otherwise supporting political candidates or parties; and voter registration or get-out-the-vote campaigns. Generally, organizations or entities which receive federal funds by way of grants, contracts or cooperative agreements do not lose their rights as organizations to use their own, private, non-federal resources for “political” activities because of or as a consequence of receiving such federal funds. These recipient organizations must thus use private or other non-federal money, receipts, contributions or dues for their political activities, and may not charge off to or be reimbursed from federal contracts or grants for the costs of such activities.

2. Grant officials or grant funded employees may not use official authority or influence or permit the use of a program administered by the Grantee agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.
3. Grant-funded employees may not coerce, attempt to coerce, command, restrict, attempt to restrict or prevent the payment, loan or contribution of anything of value to a person or political organization for a political purpose.
4. As applicable, the Grantee and each contracting tier will comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an award may be expended by the Grantee to pay any person to influence, or attempt to influence, an officer or employee of any agency, a member of Congress, an officer or employee of Congress or an employee of a member of Congress in connection with any federal action concerning the award or renewal. Each contracting tier shall also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures must be forwarded from tier to tier up to the recipient.

7. Financial Requirements

6.1 Payments and Required Documentation

Funding for this Grant Agreement is appropriated under the CARES Act, as amended, to facilitate protective measures for and recovery from the public health emergency in areas affected by COVID-19, which are residentially-declared major disaster areas under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121, *et seq.*). All expenditures under this Grant Agreement must be made in accordance with this Grant Agreement and any other applicable laws, rules or regulations. Further, the Grantee acknowledges that all funds are subject to recapture and repayment for non-compliance pursuant to Section 6.6.

Part One: Once a Grantee executes this Grant Agreement, the Grantee will be eligible to immediately request 30% of the total amount initially available to the Grantee specified in GeorgiaCARES pursuant to the funding announcement. Grantee must submit documentation to OPB through the GeorgiaCARES portal to support the drawdown of the advance amount provided in Section 7 of this Grant Agreement. All documentation for Part One expenditures must be submitted to OPB as soon as practical and without unreasonable delay, but in no case later than the grant liquidation date of September, 1, 2020 as provided by Section 6.7 of this Agreement.

Part Two: After a Grantee has submitted all Part One documentation in GeorgiaCARES and such

documentation has been approved and accepted, the Grantee will be authorized to submit requests for reimbursement against the remaining 70% of the allocation available , up to the total amount provided by Section 8 of the Grant Agreement, to the Grantee specified in GeorgiaCARES pursuant to the funding announcement. All documentation of expenditures reimbursed must be submitted in GeorgiaCARES prior to reimbursement, no request for reimbursement shall be accepted later than the grant liquidation date of September 1, 2020 as provided by Section 6.7 of this Agreement.

The State may provide additional funds to Grantee beyond the total amount initially available to Grantee in Part One and Part Two above. Such provision of additional funding will be at the State's discretion and will be disbursed in accordance with a subsequent funding announcement. All terms and conditions of this Grant Agreement shall apply to any payments made pursuant to such funding announcement, unless otherwise provided therein.

To receive payments, a Grantee must be an eligible vendor in the State Accounting Office's vendor management system. Payments will be made via electronic funds transfer to the bank account associated with the vendor in the vendor management system. If sufficient progress is not made towards expenditure of advanced funds and/or the Grantee fails to meet reporting obligations, the State may implement sanctions as necessary up to and including grant termination and recoupment of all payments made to the Grantee.

6.2 Interest Bearing Accounts

The Treasury guidance referenced in Section 1.6 states the following:

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

The Grantee shall record any and all interest accrued on Grant funds while Grantee is holding said Grant funds and shall report any such interest to OPB. The Grantee shall either provide documentation showing that said interest was used for allowable costs or remit all unused interest to OPB no later than the grant liquidation date of September 1, 2020 as provided by Section 6.7 of this Agreement.

6.3 Reporting

The Grantee must provide adequate support for the expenditure of grant funds in GeorgiaCARES. The State, in its sole discretion, will determine whether supporting documentation is adequate. Financial documentation to support Part One payment(s) must be submitted in GeorgiaCARES on a monthly basis, no later than 15 days after the end of each month but can be submitted more often. Financial

documentation to support a request for reimbursement of expenditures must be submitted at the time of the request for reimbursement. Final financial documentation must be submitted in GeorgiaCARES on or before the grant liquidation date or the State may implement sanctions as necessary up to and including grant termination and recoupment of all payments made to the Grantee.

Grantee is required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. § 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

If the total value of the Grantee's currently active grants, cooperative agreements and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the Grantee must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. § 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

The Grantee shall complete any other reports as requested by OPB and cooperate and assist the State in complying with any and all federal tracking and reporting requirements.

6.4 Reimbursements

The State will reimburse the Grantee for the expenditure of actual and allowable allocable costs incurred and paid by the Grantee pursuant to this Grant Agreement and rules promulgated by the State for the purpose of determining reimbursable expenses. The State is not obligated to pay unauthorized costs or to reimburse expenses that were incurred by the Grantee prior to the commencement or after the termination of this Grant Agreement. The Grantee will pay contractors, vendors, suppliers, etc.

6.5 Refunds and Deductions

If the State determines that the Grantee has been overpaid any grant funds under this Grant Agreement, including payments made inadvertently or payments made but later determined to not be actual and allowable allocable costs, the Grantee shall return to OPB the amount identified by the State as an overpayment. The Grantee shall refund any overpayment to OPB within thirty (30) calendar days of the receipt of the notice of the overpayment from the State unless an alternate payment plan is specified by OPB. Refunds may be remitted to: Governor's Office of Planning and Budget, 2 Capitol Square SW, Atlanta, Georgia 30334, Attention: Coronavirus Relief Fund Payments.

6.6 Recapture of Funds

The discretionary right of the State to terminate under Section 1.14 notwithstanding, the State shall have the right to terminate this Grant Agreement and to recapture and be reimbursed for any payments made by the State: (i) that are not allowed under applicable laws, rules and regulations; or (ii) that are otherwise inconsistent with this Grant Agreement, including any unapproved expenditures.

6.7 Liquidation Period

The grant liquidation dates are as follows:

1. The grant liquidation date for the advanced 30% of the allocation is September 1, 2020.
2. The grant liquidation date for the remaining 70% reimbursable portion is September 1, 2020.

6.8 Project Close Out

The State will close-out the grant award when it determines that all applicable administrative actions and all required work of the grant have been completed by the Grantee.

The Grantee must submit all financial, performance and other reports as required by the terms and conditions of this Grant Agreement.

The Grantee must promptly refund to OPB any balances of cash that the State paid in advance and that are not authorized to be retained by the Grantee for use in other projects.

8. Allocated Amount

Jurisdiction: Flowery Branch city

Advance Amount: \$130,738.35

Total Amount: \$435,794.49

9. Authorized User

The following list identifies the user(s) authorized to perform tasks in GeorgiaCARES on behalf of Grantee (Authorized User(s)). Any action carried out by an Authorized User in GeorgiaCARES is an action of the Grantee.

1. Authorized User One – Authorized Representative of Grantee (Required)

Name: Alisha Gamble
Title: Finance Director
Email: alisha@flowerybranchga.org
Phone Number: 4707980524

2. Authorized User Two (Optional)

Name: Vickie Short
Title: City Clerk
Email: vickies@flowerybranchga.org
Phone Number: 4707980535

[EXHIBITS AND SIGNATURE PAGE FOLLOW]

EXHIBIT A
Grantee Assurances

As the duly authorized representative of the Grantee, I certify that the Grantee:

1. Has the legal authority to request grant payments from the State of Georgia for federal funds appropriated pursuant to Section 601 of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020), and the institutional, managerial and financial capability to ensure proper planning, management and completion of the project(s) contemplated by this application.
2. Shall give any and all federal or State officials and auditors, or their duly authorized representative or designee, access to and the right to examine all records, books, papers or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or awarding agency directives.
3. Shall carry out all activities and endeavors with strict adherence to the Code of Ethics for Government Service as established within Title 45, Chapter 10 and Section 1 of the Official Code of Georgia Annotated and shall establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
4. Shall initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Shall comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps and the Americans with Disabilities Act of 1990 including Titles I, II and III of the Americans with Disability Act which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation and certain testing entities, 44 U.S.C. § 12101-12213; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101, *et seq.*), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to the nondiscrimination on the basis of alcohol abuse or alcoholism; (g) § 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. § 290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601, *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to this grant.
6. Shall comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. § 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. § 327-333), regarding labor standards for federally assisted construction subagreements.
7. Shall comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or

whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.

8. Shall comply with the provisions of the Hatch Political Activity Act (5 U.S.C. § 1501-1508 and 7321-29), which limit the political activity of employees whose principal employment activities are funded in whole or in part with federal funds.
9. Shall comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act and the Intergovernmental Personnel Act of 1970, as applicable.
10. Shall comply with all applicable federal, State and local environmental and historic preservation (EHP) requirements and shall provide any information requested by the appropriate authority to ensure compliance with applicable laws and regulations, including: federal EHP regulations, laws and executive orders; the National Environmental Policy Act; the National Historic Preservation Act; the Endangered Species Act; and the executive orders on floodplains (Exec. Order 11988, 3 C.F.R. 117 (1977), wetlands (Exec. Order 11990, 3 C.F.R. 121 (1977) and environmental justice (Exec. Order 12898, 59 Fed. Reg. 7629 (Feb. 16, 1994)). Failure of the Grantee to meet federal, state and local EHP requirements and obtain applicable permits may jeopardize federal funding.
11. Shall ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA, Exec. Order 11,738, 3 C.F.R. 799 (1971-1975).
12. Shall comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712 and 10 U.S.C. § 2324, and 41 U.S.C. §§ 4304 & 4310.
13. Shall comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. § 175-175c and comply with Exec. Order 13224, 60 Fed. Reg. 49079 (2001) and U.S. law prohibiting transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism.
14. Shall comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition proposed for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.
15. Shall comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Exec. Order 11514, 3 C.F.R. 902 (1966-1970) ; (b) notification of violating facilities pursuant to Exec. Order 11738, 3 C.F.R. 799 (1971-1975); (c) protection of wetlands pursuant to Exec. Order 11990, 3 C.F.R. 121 (1977); (d) evaluation of flood hazards in floodplains in accordance with Exec. Order 11988, 3 C.F.R. 117 (1977); (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451, *et seq.*); (f) conformity of federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401, *et seq.*); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of

1973, as amended (P.L. 93-205).

16. Shall comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271, *et seq.*) related to protecting components or potential components of the national wild and scenic rivers system.
17. Shall assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Exec. Order 11593 3 C.F.R. 559 (1971-1975), (identification and protection of historic properties) and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469a-1, *et seq.*).
18. Shall comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. § 2131, *et seq.*) which requires the minimum standards of care and treatment for vertebrate animals bred for commercial sale, used in research, transported commercially or exhibited to the public according to the Guide for Care and Use of Laboratory Animals and Public Health Service Policy and Government Principals Regarding the Care and Use of Animals.
19. Shall comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4801, *et seq.*) which prohibits the use of lead-based paint in construction or rehabilitation of residential structures.
20. Will comply with the requirements of Section 106(9) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) engaging in trafficking in persons during the period of time that the award is in effect (2) procuring a commercial sex act during the period of time that the award is in effect or (3) using forced labor in the performance of the award or subawards under the award.
21. Shall comply with the Pro-Children Act of 1994 (Public Law 103-277), which prohibits smoking within any portion of any indoor facility used for the provision of services for children.
22. Shall cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
23. Shall comply with P.L. 93-348 regarding the protection of human subjects involved in research, development and related activities supported by this award of assistance.
24. Shall comply with all federal tax laws and is solely responsible for filing all required State and federal tax forms.
25. And its principals are eligible to participate and have not been subjected to suspension, debarment or similar ineligibility determined by any federal, State or local governmental entity and it is not listed on a State or federal government's terrorism watch list as described in EO 13224. Entities ineligible for federal procurement have Exclusions listed at <https://www.sam.gov/portal/public/SAM/>.
26. Shall comply with all applicable federal and State Drug-Free Workplace laws and rules.
27. Shall comply with all applicable requirements of all other federal and State laws, executive orders, regulations and policies governing this program.

EXHIBIT B
Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and
Drug-Free Workplace Requirements

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 C.F.R. § 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 C.F.R. § 82, § 82.105 and 82.110, the applicant certifies that:

- A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Exec. Order 12549, 3 C.F.R. 189 (1986), Debarment and Suspension, and implemented at 34 C.F.R. § 85, for prospective participants in primary covered transactions, as defined at 34 C.F.R. § 85, § 85.105 and 85.110--

- A. The Grantee certifies that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - (b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false Statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

- (d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default; and
- B. Where the applicant is unable to certify to any of the Statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEE OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 C.F.R. § 85(f), for Grantee, as defined at 34 C.F.R. § 85, § 85.605 and 85.610-

- A. The Grantee certifies that it will or will continue to provide a drug-free workplace by:
 - (a) Publishing a Statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an on-going drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The Grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the Statement required by paragraph (a);
 - (d) Notifying the employee in the Statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the Statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying OPB, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Notice shall include the identification number(s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
- B. The Grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

4. DRUG-FREE WORKPLACE (GRANTEE WHO IS AN INDIVIDUAL)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 C.F.R. § 85(f), for Grantee, as defined at 34 C.F.R. §§ 85, 85.605, and 85.610.

- A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and
- B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to OPB. Notice shall include the identification number(s) of each affected grant.

By: Mike Miller
(Authorized Representative of Grantee)

Signature: Alisha L. Gamble
Alisha L. Gamble 07/27/2020 12:18:00

Title: Mayor

Date: Jul 27, 2020

EXHIBIT C
Cares Act Coronavirus Relief Fund Eligibility Certification

I, Mike Miller (Print Name), am the Mayor (Title) of Flowery Branch city (“County”/“Municipality”) and I certify that:

1. I have the authority on behalf of County/Municipality to request grant payments from the State for federal funds appropriated pursuant to Section 601 of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020).

2. I understand that the State will rely on this certification as a material representation in making grant payments to the County/Municipality.

3. I acknowledge that pursuant to Section 4.4 of this Agreement, County/Municipality must keep records sufficient to demonstrate that the expenditure of funds it has received is in accordance with Section 601(d) of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020).

4. I acknowledge that all records and expenditures are subject to audit by the United States Department of the Treasury’s Inspector General, the Governor’s Office of Planning and Budget, the Georgia Department of Audits and Accounts, the State of Georgia Office of Inspector General, and the Department of Community Affairs, or representative or designee.

5. I acknowledge that County/Municipality has an affirmative obligation to identify and report any duplication of benefits. I understand that the State has an obligation and the authority to deobligate or offset any duplicated benefits.

6. I acknowledge and agree that County/Municipality shall be liable for any costs disallowed pursuant to financial or compliance audits of funds received.

7. I acknowledge that if County/Municipality has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the United States Department of the Treasury.

8. I acknowledge that the County/Municipality’s proposed uses of the funds provided as grant payments from the State by federal appropriation under Section 601 of the Social Security Act will be used only to cover those costs that:

- a. Are necessary expenditures incurred due to the public health emergency and governor’s disaster declaration on March 14, 2020, as amended, with respect to the Coronavirus Disease 2019 (COVID-19);
- b. Were not accounted for in the budget most recently approved as of March 27, 2020, for County/Municipality; and
- c. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

9. I acknowledge that County/Municipality is required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. § 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

By: Mike Miller
(Authorized Representative of Grantee)

Signature: Alisha L. Gamble
Signature of Alisha L. Gamble, dated July 27, 2020

Title: Mayor

Date: Jul 27, 2020

Please initial by each exhibit, acknowledging you have received them, understand them, and agree to abide by them.

AG
AG

Exhibit A – Grantee Assurances

AG
AG

Exhibit B – Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; And Drug-Free Workplace Requirements

AG
AG

Exhibit C – CARES Act Coronavirus Relief Fund Eligibility Certification

By signing below the Grantee acknowledges acceptance of the Grant, all terms and conditions of this Grant Agreement, and all exhibits to this Grant Agreement, and agrees to abide by all such terms and conditions.

By: Mike Miller
(Authorized Representative of Grantee)

Signature: Alicia L. Gamble
AG

Title: Mayor

Date: Jul 27, 2020

SIGNATURE PAGE



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Resolution 20-022: Re-appropriation of Fiscal Year 2021 funds for Mitchell Street Stormwater Infrastructure Improvements and award contract to Summit Construction and Development, LLC.

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

The City of Flowery Branch needs Mitchell Street Stormwater Infrastructure Improvements for curb and gutter, sidewalks, storm drain, and utilities to serve a proposed residential development project per the provided construction documents. In the previous presentation to Council, the scope of this project included seven lots with a cost estimate of \$73,075 and only included 5" sidewalk. The new scope, at a cost of \$361,693.21, consists of all thirteen lots along Mitchell Street, the 5' sidewalk, sanitary sewer relocation, water sewer lines, and stormwater pipe and catch basins (see the attached binder for details). This project scope does not include infrastructure improvements needed to get the stormwater down to the Railroad, which will need to be a Phase II project.

FACTS AND ISSUES:

- Four qualified bids received:
- Summit Construction & Development, LLC. \$361,693.21
- Archimetric Design & Construction, Inc. \$426,492.00
- Ohmshiv Construction, LLC. \$493,123.09
- The Dickerson Group, Inc. \$686,700.00

Summit Construction's bid is lower than the cost estimate provided by Clark Patterson Lee.

OPTIONS:

Approve for the Mayor to sign Resolution 20-022 for the appropriation of fiscal year 2021 Funds for Mitchell Street Stormwater infrastructure improvements and award the contract to Summit Construction and Development, LLC.

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

No

AMOUNT AND SOURCE OF FUNDS:

\$391,693.21 + \$36,169 (10% contingency), for a total of \$397,862.21 from the Local Resources Fund

RECOMMENDATION:

To authorize the Mayor to sign Resolution 20-022 for the appropriation of fiscal year 2021 Funds for Mitchell Street Stormwater Infrastructure Improvements and award the contract to Summit Construction and Development, LLC.

SAMPLE MOTION:

I make a motion for the City Council approve for the Mayor to sign Resolution 20-022 for the appropriation of fiscal year 2021 Funds for Mitchell Street Stormwater Infrastructure Improvements and award the contract to Summit Construction and Development, LLC.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [EXECUTIVE SUMMARY -Mitchell Street Infrastructure Project.pdf](#)
- [CPL2020-001 Mitchell St Infrastructure Bid Tabulation Sheet 7-30-2020.pdf](#)
- [Cost Estimate 2020 and Funding Proposal.pdf](#)
- [Bid Invitation - 6-24-2020 - Newspaper Copy.pdf](#)
- [Mitchell Street Infrastructure Project for Council Packet Binder 8-6-2020.pdf](#)
- [Resolution 20-021 - Mitchell Street Infrastructure Project.pdf](#)
- [Basset Dev. Agreement and PPSlides.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: RESOLUTION 20-022: REAPPROPRIATION OF FISCAL YEAR 2021 FUNDS FOR MITCHELL STREET STORMWATER INFRASTRUCTURE IMPROVEMENTS AND AWARD CONTRACT TO SUMMIT CONSTRUCTION AND DEVELOPMENT, LLC.

DATE: 7/30/2020

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

☒ **RECOMMENDATION**
☐ **POLICY DISCUSSION**
☐ **STATUS REPORT**
☐ **OTHER**

COUNCIL ACTION REQUESTED ON: August 20, 2020

PURPOSE: To authorize the Mayor to sign Resolution 20-022 for the appropriation of fiscal year 2021 Funds for Mitchell Street Stormwater Infrastructure Improvements and award the contract to Summit Construction and Development, LLC.

HISTORY:

The City of Flowery Branch needs Mitchell Street Stormwater Infrastructure Improvements for curb and gutter, sidewalks, storm drain, and utilities to serve a proposed residential development project per the provided construction documents. In the previous presentation to Council, the scope of this project included seven lots with a cost estimate of \$73,075 and only included 5" sidewalk. The new scope, at a cost of \$361,693.21, consists of all thirteen lots along Mitchell Street, the 5' sidewalk, sanitary sewer relocation, water sewer lines, and stormwater pipe and catchbasins (see the attached binder for details). This project scope does not include infrastructure improvements needed to get the stormwater down to the Railroad, which will need to be a Phase II project.

FACTS AND ISSUES:

- Four qualified bids received:
- Summit Construction & Development, LLC. \$361,693.21
- Archimetric Design & Construction, Inc. \$426,492.00
- Ohmshiv Construction, LLC. \$493,123.09
- The Dickerson Group, Inc. \$686,700.00

Summit Construction's bid is lower than the cost estimate provided by Clark Patterson Lee.

OPTIONS: Approve for the Mayor to sign Resolution 20-022 for the appropriation of fiscal year 2021 Funds for Mitchell Street Stormwater Infrastructure Improvements and award the contract to Summit Construction and Development, LLC.

RECOMMENDED SAMPLE MOTION:

I make a motion for the City Council approve for the Mayor to sign Resolution 20-022 for the appropriation of fiscal year 2021 Funds for Mitchell Street Stormwater Infrastructure Improvements and award the contract to Summit Construction and Development, LLC.

DEPARTMENT: Administration and Public Works

Prepared by: Alisha Gamble



City of Flowery Branch, Georgia

RFP Name: Mitchell Street Infrastructure

RFP No: CPL2020-001

RFP Due Date & Time: 2:00 PM on Thursday, July 30, 2020

RFP Open Date: 2:00 PM on Thursday, July 30, 2020

Pre-Bid Meeting: July 8, 2020 at 10:00 AM

SUBMITTING CONTRACTORS

No.	Contractor's Name	Address	Contact Person	Phone Number	BID
1	Summit Construction & Development, LLC	2108 Bentley Drive, Stone Mountain, GA 30087	R. Duran	770-413-0093	CPL2020-001 \$341,693.21
2	The Dickerson Group, Inc.	871 Old Peachtree Rd, NW Lawrenceville, GA 30043	Jason Freeland	770-513-4558	CPL2020-001 \$686,700.00
3	Ohmshiv Construction, LLC	805 Progress Ct, Suite A, Lawrenceville, GA 30043		404-987-0020	CPL2020-001 \$493,123.09
4	Archimetric Design & Construction, Inc.	3453 Holcomb Bridge Rd, Suite 140 Norcross, GA 30092	Farid Termei	770-446-8747	CPL2020-001 \$426,492.00
5					
6					

RFP OPENING ATTENDANCE SHEET

No.	Attendee Name	Company Represented	Contact Person	Title	Phone Number
1	Scott King	DGI	Jason Freeland	VP	770-513-4558
2	John York	Archimetric	Farid	C	770-446-8743
3	Ajay Naidu	Summit Const. & Dev	Ajay Naidu	Estimator	770-413-0093
4					
5					
6					

CITY REPRESENTATIVES

No.	Attendee Name	Signature	Title
1	Alisha L. Gamble	Alisha L. Gamble	Finance Director
2	Vickie Short	Vickie Short	City Clerk
3			
4			
5			
6			

Preliminary Opinion of Probable Cost
15509
City of Flowery Branch - Mitchell Street Improvements
 Last Revised: June 12, 2020

		Units	Unit Cost	Cost	%Total
Site Clearing & Site Demolition					
Sawcut asphalt edge	700	LF	\$2.50	\$1,750	
Demolish and remove asphalt, haul off	335	SY	\$15.00	\$5,025	
Remove tree	6	Each	\$750.00	\$4,500	
Remove water service line	30	LF	\$10.00	\$300	
Remove inlet/headwall	3	Each	\$500.00	\$1,500	
Remove storm sewer up to 24"	465	LF	\$15.00	\$6,975	
			Subtotal	\$8,475	2.23%
Site Plan					
Graded Aggregate Base	365	Ton	\$85.00	\$31,025	
Concrete sidewalk, 4 in.	725	SY	\$45.00	\$32,625	
Curb and Gutter	1500	LF	\$12.50	\$18,750	
1.5" Milling	1450	SY	\$15.00	\$21,750	
Striping (thermoplastic, 24 in)	60	LF	\$8.00	\$480	
Striping (directional arrows)	7	EA	\$55.00	\$385	
Signage	36	SF	\$25.00	\$900	
Concrete Paving, 5 in. (driveway entrance)	60	SY	\$50.00	\$3,000	
Accessible Ramps	2	EA	\$750.00	\$1,500	
Bituminous Asphalt 12.5mm SP	210	ton	\$175.00	\$36,750	
Bituminous Asphalt 19mm SP	120	ton	\$200.00	\$24,000	
			Subtotal	\$171,165	45.06%
Grading & Drainage Plan					
18" RCP	864	LF	\$50.00	\$43,200	
22"x14" Arch RCP	46	LF	\$95.00	\$4,370	
36"x23" Arch RCP	32	LF	\$110.00	\$3,520	
Endwall	2	EACH	\$3,500.00	\$7,000	
Storm Structure 0-6 ft depth	11	EACH	\$4,500.00	\$49,500	
Grading Complete	1	LS	\$20,000.00	\$20,000	
			Subtotal	\$127,590	33.59%
Utilities					
1" type 'k' copper water line	550	LF	\$20.00	\$11,000	
1" domestic tap with tapping straddle	10	EACH	\$600.00	\$6,000	
set water meter box	13	EACH	\$300.00	\$3,900	
sewer line concrete encasement	1	LS	\$3,000.00	\$3,000	
6" SDR 26 PVC	625	LF	\$35.00	\$21,875	
4" SDR 26 PVC	130	LF	\$30.00	\$3,900	
4" PVC Cleanout	13	EACH	\$300.00	\$3,900	
Sewer Manhole 0-8 ft depth	2	EACH	\$4,500.00	\$9,000	
Sewer Manhole 8-12 ft depth	1	EACH	\$5,500.00	\$5,500	
Core connection to existing sewer manhole	1	LS	\$2,000.00	\$2,000	
			Subtotal	\$70,075	18.45%
Landscaping					
Permanent Grassing-Sodding Bermuda	3000	SF	\$0.85	\$2,550	
			Subtotal	\$2,550	0.67%

Original estimate:

Total \$379,855

Note: All opinions of probable costs shown include installation unless specified otherwise
 Note: Opinion of Probable cost is based on approximate quantities and approximate unit prices based on published information and "hear-say" from contractors. These figures should be used only as a guide and for reference, not as an official cost estimate, bid or used in any contract.

7/7/2020 - Plan for funding:

6/30/2020 LRF Fund balance: \$2,156,161.00

Less: FY2020 Pending projects: (248,706.25)

Less: FY 2021 Debt Service: (334,141.00)

Less: Restricted Funds: (320,000.00)

Available: \$1,253,313.75

FLOWERY BRANCH - MITCHELL STREET INFRASTRUCTURE
BID NUMBER: #CPL2020-001, FLOWERY BRANCH, GEORGIA

The City of Flowery Branch is soliciting competitive sealed bids from qualified contractors for:

FLOWERY BRANCH – MITCHELL STREET INFRASTRUCTURE

Sealed bids will be received by the City of Flowery Branch, 5410 Pine Street, Flowery Branch, Georgia 30542, until 2:00 p.m. local time on Thursday, July 30, 2020. Any bid received after 2:00 p.m. will not be accepted. Bids will be privately opened by the city. The bid envelope must be marked on the outside with Bid Number, name of Bidder, and the Bid Date.

A PRE-BID MEETING will be held at the City of Flowery Branch City Hall, PO Box 757, 5410 Pine Street, Flowery Branch, GA 30542 on Wednesday, July 8, 2020 at 10:00 AM.

Work required under this Contract includes furnishing materials, labor, equipment, etc. for the construction of curb and gutter, sidewalk, storm drain, and utilities to serve a proposed residential development project in accordance with provided construction documents. Effort will include erosion control measures.

Bid Packages are available by contacting:

CPL – Attn: Kate Langman
3011 Sutton Gate Drive, Suite 130
Suwanee, GA 30024
Email: KLangman@cplteam.com
PH: 770-831-9000

Bids shall be entered on a **LUMP SUM** basis and as described in the project manual.

Bids in the case of Corporations not chartered in Georgia, must be accompanied by proper certification stating that said Corporation is authorized to do business in the State of Georgia.

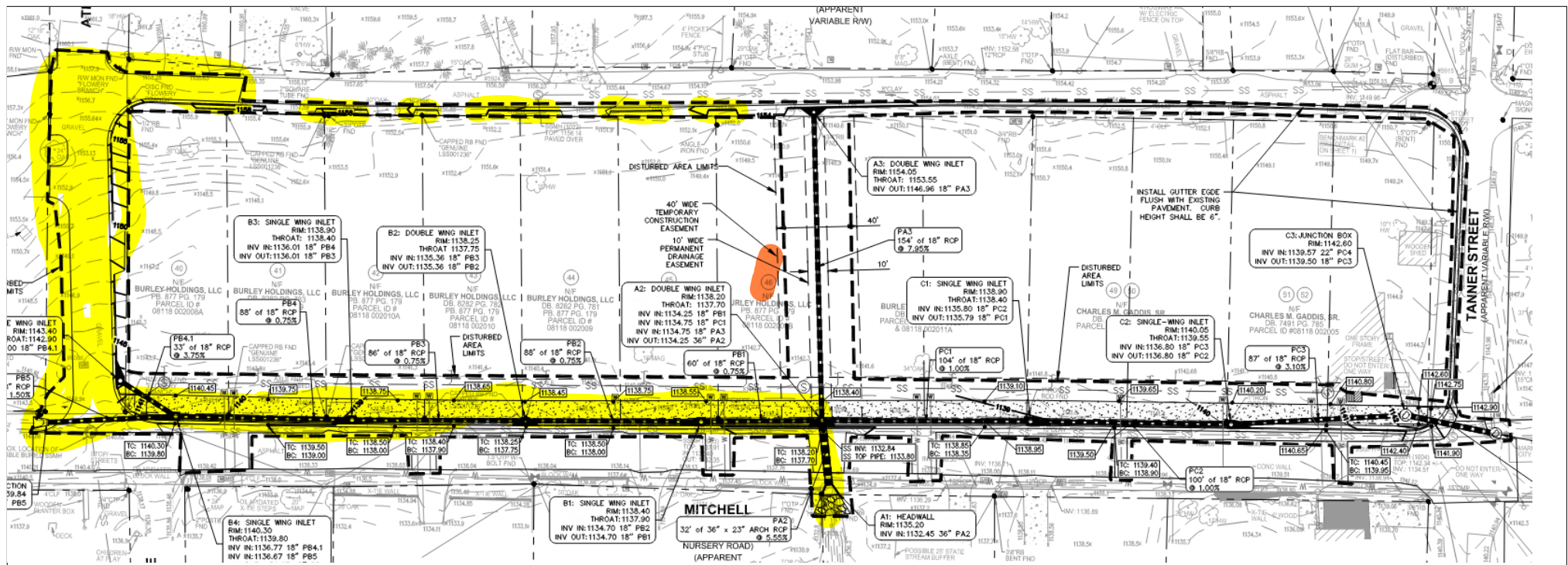
No Bidder may withdraw his Bid within ninety (90) days after the actual date of the opening thereof.

All Bidders are required to submit a Bid Bond, or a certified check made payable to the City of Flowery Branch in the amount of five percent (5%) of the total amount bid. The successful bidder will be required to furnish a contract performance bond and payment bond in the amount of one hundred percent (100%) of the total amount bid and provide insurance coverage as required by the contract documents. The Bid Bond or certified check must be enclosed in the envelope with the sealed bid.

Bonding Company must be licensed to do business in Georgia, licensed to do business by the Georgia Secretary of State, authorized to do business in Georgia by the Georgia Insurance Department, listed in the Department of the Treasury's Publication of Companies Holding Certificates of Authority as Acceptable Surety on Federal Bonds and as Acceptable Reinsuring Companies and have an A.M. Best rating of A-, Class V or higher.

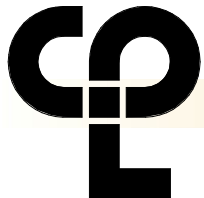
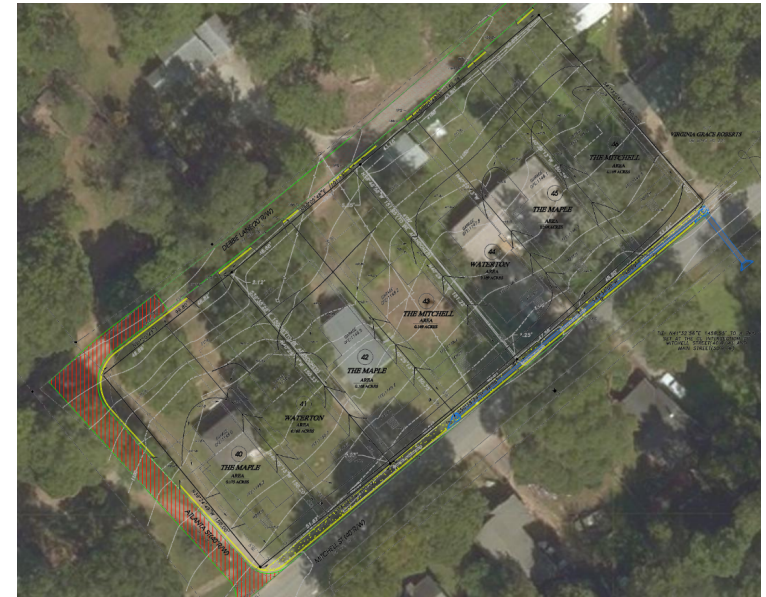
The Owner will award the Contract to the lowest "qualified" bidder, subject with the Owner's right to reject any or all bids, to waive technicalities, and to make an award deemed in its best interests.

CITY OF FLOWERY BRANCH



CPL Opinion of Probable Cost..... \$379,855
 Low Bid - Summit Construction & Development... \$361,693

- Original scope went to Lot 46
- scope was yellow highlighted area & picture
 - 5' Sidewalk
 - No sanitary sewer relocation
 - no water service lines
 - less storm water pipe and catchbasins
 - Prelim Opinion of Probable Cost - \$73,075



Preliminary Opinion of Probable Cost

14140

City of Flowery Branch

Last Revised: December 23, 2019

	Units	Unit Cost	Cost	%Total
Site Clearing & Site Demolition				
Sawcut asphalt edge	600 LF	\$2.50	\$1,500	
Demolish and remove asphalt, haul off	15 SY	\$35.00	\$525	
Remove drop inlet	1 Each	\$500.00	\$500	
Remove storm sewer up to 24"	30 LF	\$15.00	\$450	
		Subtotal	\$950	1.30%
Site Plan				
Graded Aggregate Base	140 Ton	\$80.00	\$11,200	
Concrete sidewalk, 4 in.	200 SY	\$45.00	\$9,000	
Curb and Gutter	700 LF	\$12.00	\$8,400	
Bituminous Asphalt 4.75mm SP	70 ton	\$175.00	\$12,250	
Bituminous Asphalt 19mm SP	45 ton	\$200.00	\$9,000	
		Subtotal	\$49,850	68.22%
Grading & Drainage Plan				
18" RCP	195 LF	\$40.00	\$7,800	
36" RCP	35 LF	\$85.00	\$2,975	
Endwall	1 EACH	\$3,000.00	\$3,000	
Storm Structure 0-6 ft depth	1 EACH	\$4,000.00	\$4,000	
Fine Grading	1 LS	\$3,000.00	\$3,000	
		Subtotal	\$20,775	28.43%
Landscaping				
Permanent Grassing-Sodding Bermuda	2000 SF	\$0.75	\$1,500	
		Subtotal	\$1,500	2.05%
		Total	\$73,075	

Note: All opinions of probable costs shown include installation unless specified otherwise
 Note: Opinion of Probable cost is based on approximate quantities and approximate unit prices based on published information and "hear-say" from contractors. These figures should be used only as a guide and for reference, not as an official cost estimate, bid or used in any contract.

Preliminary Opinion of Probable Cost

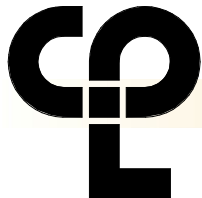
15509

City of Flowery Branch - Mitchell Street Improvements

Last Revised: June 12, 2020

	Units	Unit Cost	Cost	%Total
Site Clearing & Site Demolition				
Sawcut asphalt edge	700 LF	\$2.50	\$1,750	
Demolish and remove asphalt, haul off	335 SY	\$15.00	\$5,025	
Remove tree	6 Each	\$750.00	\$4,500	
Remove water service line	30 LF	\$10.00	\$300	
Remove inlet/headwall	3 Each	\$500.00	\$1,500	
Remove storm sewer up to 24"	465 LF	\$15.00	\$6,975	
		Subtotal	\$8,475	2.23%
Site Plan				
Graded Aggregate Base	365 Ton	\$85.00	\$31,025	
Concrete sidewalk, 4 in.	725 SY	\$45.00	\$32,625	
Curb and Gutter	1500 LF	\$12.50	\$18,750	
1.5" Milling	1450 SY	\$15.00	\$21,750	
Striping (thermoplastic, 24 in)	60 LF	\$8.00	\$480	
Striping (directional arrows)	7 EA	\$55.00	\$385	
Signage	36 SF	\$25.00	\$900	
Concrete Paving, 5 in. (driveway entrance)	60 SY	\$50.00	\$3,000	
Accessible Ramps	2 EA	\$750.00	\$1,500	
Bituminous Asphalt 12.5mm SP	210 ton	\$175.00	\$36,750	
Bituminous Asphalt 19mm SP	120 ton	\$200.00	\$24,000	
		Subtotal	\$171,165	45.06%
Grading & Drainage Plan				
18" RCP	864 LF	\$50.00	\$43,200	
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Storm Structure 0-6 ft depth	11 EACH	\$4,500.00	\$49,500	
Grading Complete	1 LS	\$20,000.00	\$20,000	
		Subtotal	\$127,590	33.59%
Utilities				
1" type 'K' copper water line	550 LF	\$20.00	\$11,000	
1" domestic tap with tapping straddle	10 EACH	\$600.00	\$6,000	
set water meter box	13 EACH	\$300.00	\$3,900	
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4" SDR 26 PVC	130 LF	\$30.00	\$3,900	
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Sewer Manhole 0-8 ft depth	2 EACH	\$4,500.00	\$9,000	
Sewer Manhole 8-12 ft depth	1 EACH	\$5,500.00	\$5,500	
Core connection to existing sewer manhole	1 LS	\$2,000.00	\$2,000	
		Subtotal	\$70,075	18.45%
Landscaping				
Permanent Grassing-Sodding Bermuda	3000 SF	\$0.85	\$2,550	
		Subtotal	\$2,550	0.67%
		Total	\$379,855	

Note: All opinions of probable costs shown include installation unless specified otherwise
 Note: Opinion of Probable cost is based on approximate quantities and approximate unit prices based on published information and "hear-say" from contractors. These figures should be used only as a guide and for reference, not as an official cost estimate, bid or used in any contract.



RESOLUTION NO.: 20-022

**REAPPROPRIATION OF FISCAL YEAR 2021 FUNDS FOR
MITCHELL STREET STORMWATER INFRASTRUCTURE
IMPROVEMENTS AND AWARD CONTRACT TO SUMMIT
CONSTRUCTION AND DEVELOPMENT, LLC.**

WHEREAS, City Council approved the budget for fiscal year 2021 for the City of Flowery Branch on June 25, 2020; and

WHEREAS, the City of Flowery Branch is in need for Mitchell Street Stormwater Infrastructure Improvements for curb and gutter, sidewalks, storm drain, and utilities to serve a proposed residential development project in accordance with the provided construction documents; and

WHEREAS, the City of Flowery Branch received 4 qualified bids for said project, ranging in price from \$361,693.21 to \$686,700.00; and

WHEREAS, the City of Flowery Branch is requesting acceptance of the lowest bid with Summit Construction and Development, LLC in the amount of \$361,693.21; and

WHEREAS, administration is requesting allocation of \$361,693.21 plus 10% contingency of \$36,169, for a total of \$397,862.21, from the Local Resources Capital Fund Balance; and

NOW, THEREFORE, BE IT RESOLVED that the governing body for the City of Flowery Branch hereby authorizes said funding from the Local Resources Fund Balance in the amount of \$397,862.21 and award the contract to Summit Construction and Development, LLC.

BE IT FURTHER RESOLVED that the Mayor, City Manager, and City Attorney are authorized to sign documents that may be necessary to complete the Mitchell Street Stormwater Infrastructure Improvements Project.

RESOLVED this 20th day of August 2020.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

DEVELOPMENT AGREEMENT
BY AND BETWEEN BURLEY HOLDINGS, LLC

AND

THE CITY OF FLOWERY BRANCH, GEORGIA

THIS DEVELOPMENT AGREEMENT (“Agreement”), is made and entered into this 6th day of February, 2020, by and between BURLEY HOLDINGS, LLC, a Georgia limited liability company (“Developer”), and the City of Flowery Branch, Georgia, a Georgia municipal corporation (“City”).

WHEREAS, Developer is the owner of seven parcels of property located with the City consisting of a total of 1.19 acres as shown on Exhibit A (“Property”); and

WHEREAS, Developer intends to construct seven single family homes (“Development”); and

WHEREAS, the Development requires improvements to street and stormwater infrastructure as shown on Exhibit B (“Project”); and

WHEREAS, City intends to construct improvements to street and stormwater infrastructure downgradient of Project along Church Street; and

WHEREAS, Developer desires certain commitments from City in regard to the Project; and

WHEREAS, City desires to partner with Developer in the Project for construction of the Project to provide street and stormwater infrastructure beyond that required for the Development.

NOW THEREFORE, Developer and City agree to the following:

- I. City shall be responsible for the engineering design of the Project.
- II. Prior to construction of the Project and at no cost to City, Developer shall convey to the City by dedication or a separate conveyance document (a) fee title to a ten foot (10’) wide strip of property along Mitchell Street measured from the existing right of way and (b) fee title or easement (whichever is required by City) such property as may necessary for the construction of the Project.
- III. Within thirty days (30) of the date first written above, Developer shall deliver to City a performance bond in the amount of Fifty Thousand and No/100 Dollars (\$50,000.00) to ensure Developer’s obligations under Section IV. below.
- IV. Developer shall pay City Forty-Nine Thousand Nine Hundred Ninety-Five and 99/100 Dollars (\$49,995.99) representing its share of the engineering and construction cost of the Project. Said amount shall be paid as follows: Within fourteen days (14) of issuance

of a certificate of occupancy for each parcel, Developer shall pay City Seven Thousand One Hundred Forty-Two and 85/100 Dollars (\$7,142.85) until the total amount is paid.

- V. City shall be responsible for and shall provide all labor and materials necessary for the construction of the Project.
- VI. Nothing in this Agreement shall relieve Developer from securing land use approvals including but not limited to rezoning, variances or special use permits necessary for the Development approvals and permissions as may be required by the City for the Development.
- VII. Nothing in this Agreement shall relieve Developer from securing development approvals including but not limited to certificates of appropriateness, land development permits, building permits, curb cuts, subdivisions, consolidations and plats.
- VIII. Nothing in this Agreement shall relieve Developer from applying for and paying any required fee for City (a) sewer capacity and/or connection to the City's sewer system or (b) water and/or connection to the City's water system.
- IX. The term of this Agreement shall be from the date first written above up and through one (1) year after completion of the Development.
- X. All notices under this Agreement shall be in writing and shall be deemed to have been given by delivering in-person, certified mail, or statutory overnight delivery to the following:

For CITY: Bill Andrew
City Manager
City of Flowery Branch
5410 W. Pine Street
Flowery Branch, Georgia 30542

For DEVELOPER: Timothy Bassett
Burley Holdings, LLC
1245 Buford Highway
Suite 301
Suwanee, Georgia 30024

- XI. Developer shall indemnify and hold harmless City for any and all claims arising out of any act or omission related to the design and construction of the Project made by Developer, or any person for whom Developer could be liable.
- XII. The failure of any party to exercise any right given hereunder or to insist upon strict compliance with any term, condition or covenant specified herein shall not constitute a

waiver of such party's right to exercise such right or to demand strict compliance with any such term, condition or covenant under this Agreement.

- XIII. This Agreement contains the sole and entire agreement of the parties with respect to the Project contemplated hereunder and no representation, inducement, promise or agreement, parole or written, between the parties and not incorporated herein shall be of any force of effect. Any amendment to this Agreement shall be in writing and executed by the parties.
- XIV. This Agreement may not be assigned or transferred by either party without the written consent of the other party. The provisions of this Agreement shall inure to the benefit or and be binding upon the parties hereto and the respective success and assigns.
- XV. Time is of the essence with respect to this Agreement.
- XVI. This Agreement and all amendments hereto shall be governed and construed under the laws of the State of Georgia.
- XVII. If any term, covenant or condition of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, such provision, or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall be deemed severable, and the remainder hereof shall not be affected thereby, and each term, covenant, or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
- XVIII. This Agreement may be executed in several counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument.

IN WITNESS THEREOF, the parties have set their hand and seal.
BURLEY HOLDINGS, LLC

CITY OF FLOWERY BRANCH, GEORGIA


By: Timothy Bassett, Managing Member


By: James M. Miller, Mayor

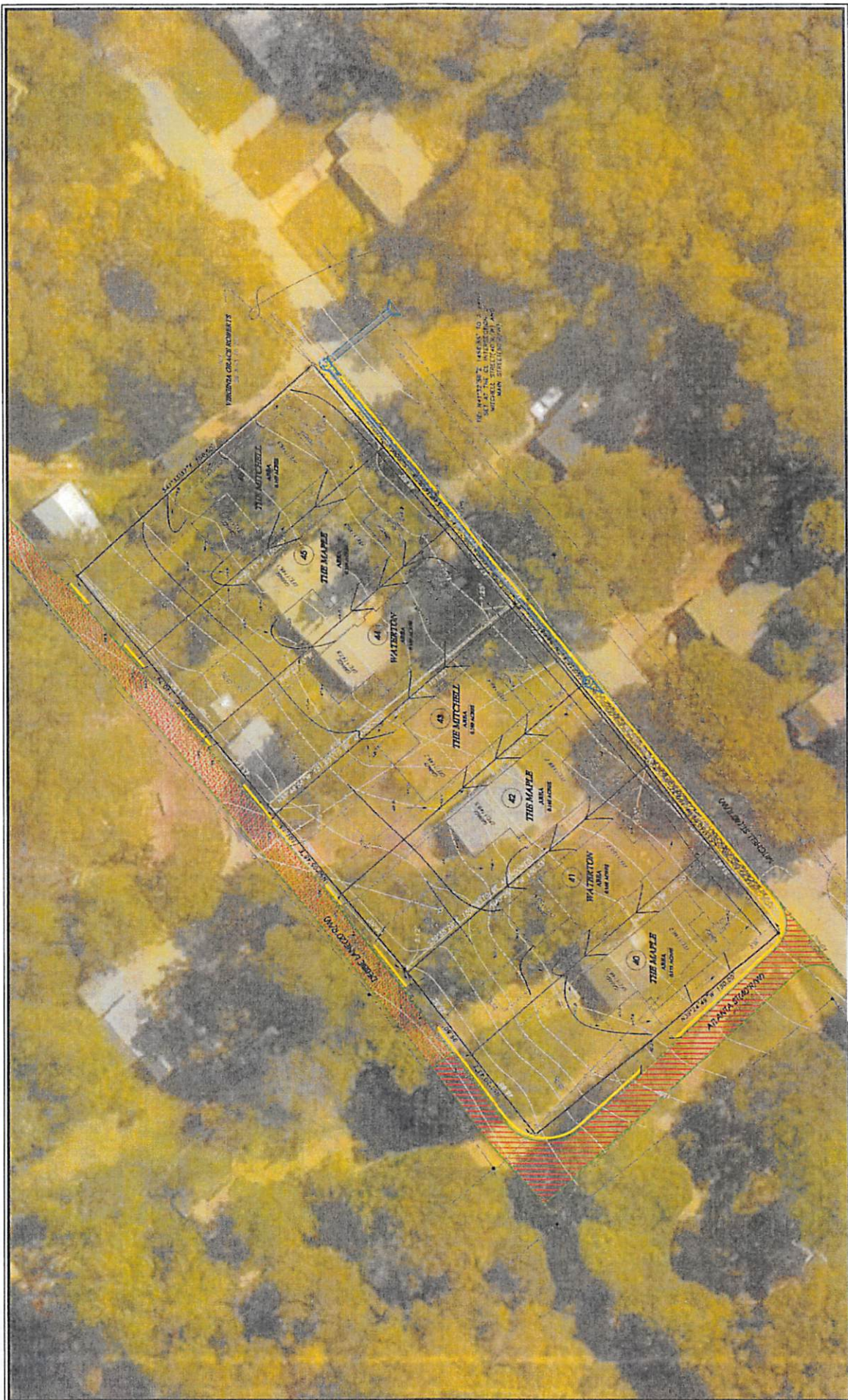
ATTEST:

ATTEST:


By: KRIS TONNANS, _____


By: Melissa McCain, City Clerk

Exhibit "B"
 Development Agreement by and between
 Burley Holdings, LLC and
 the City of Flowerly Branch, Georgia



Preliminary Opinion of Probable Cost

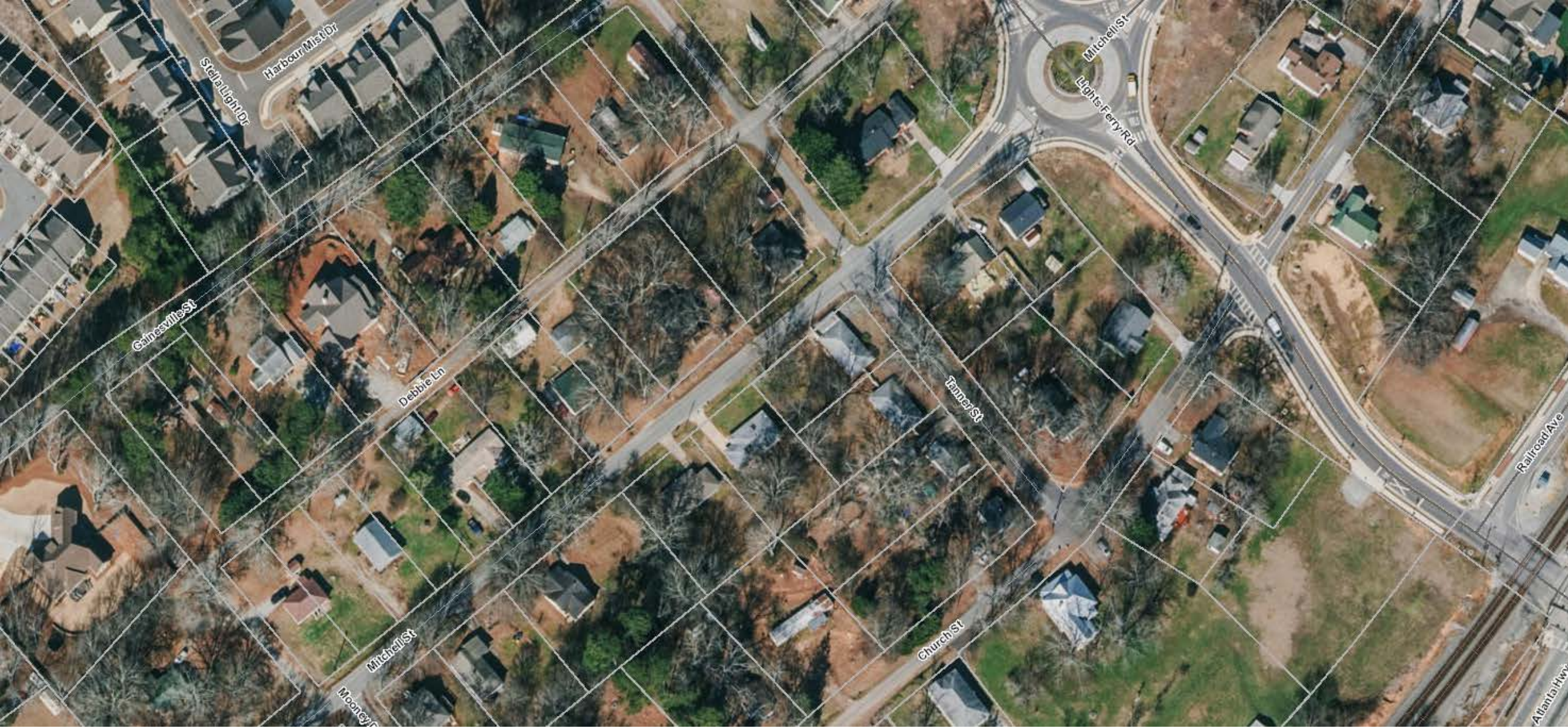
14140

City of Flowery Branch

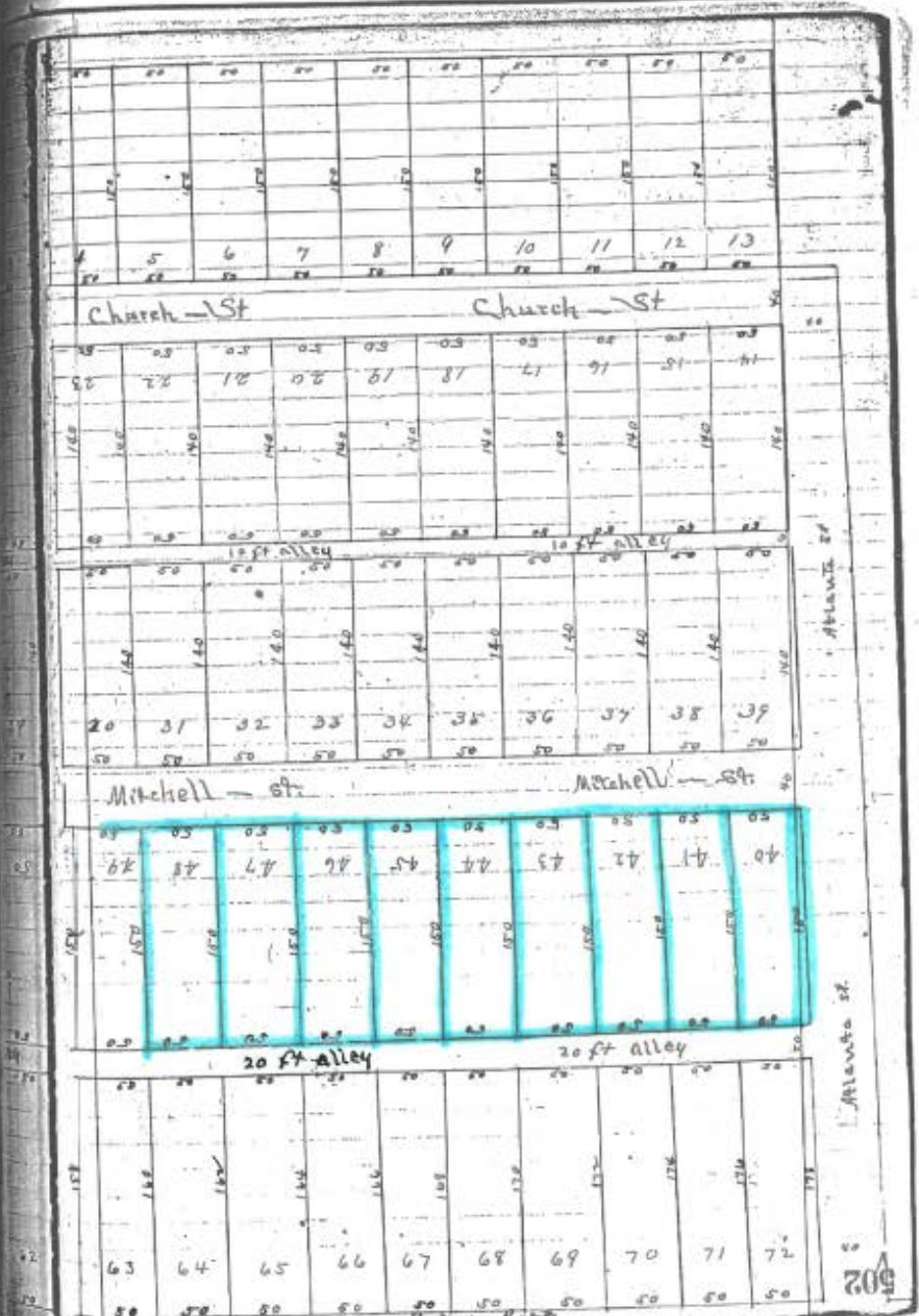
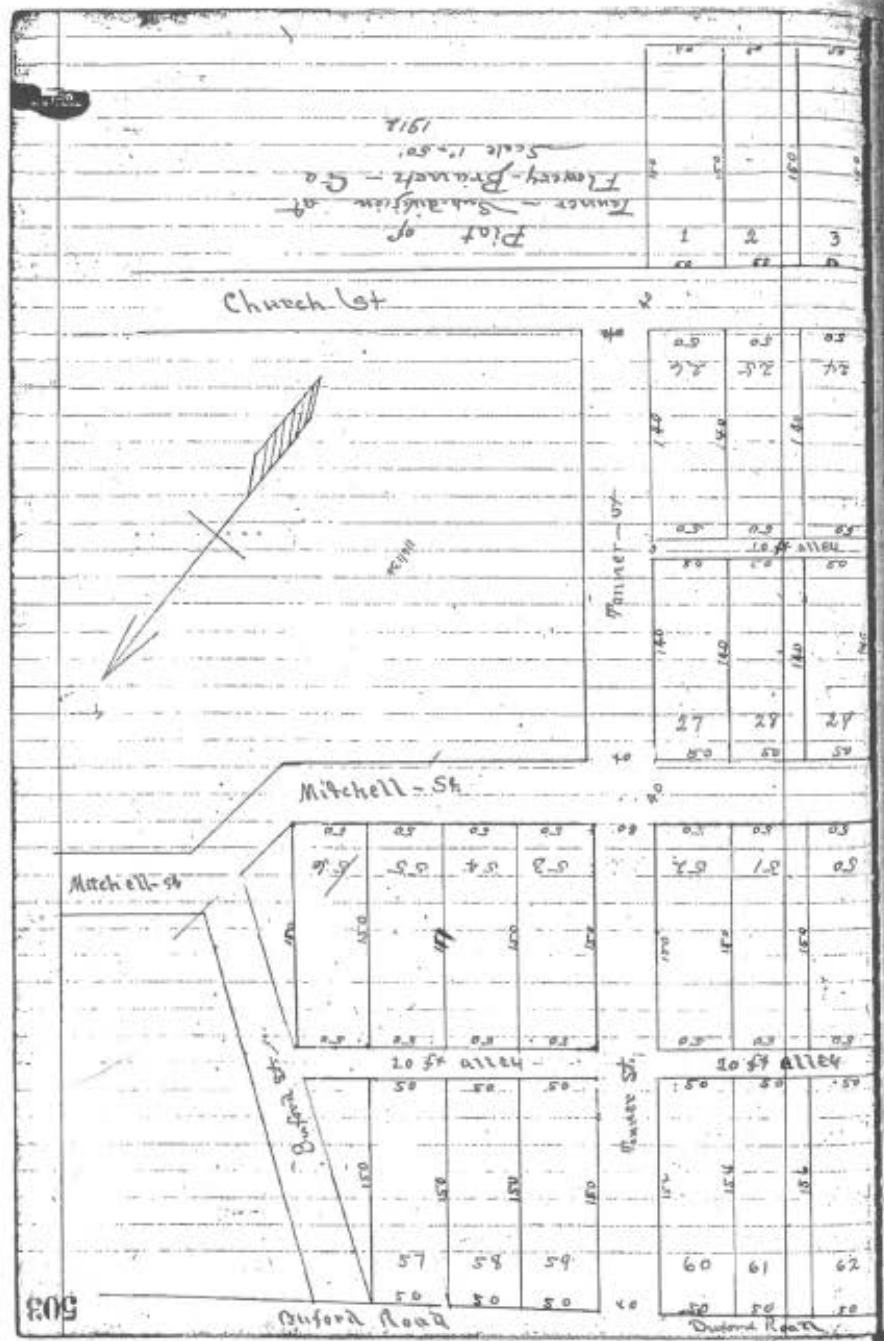
Last Revised: December 23, 2019

		Units	Unit Cost	Cost	%Total
Site Clearing & Site Demolition					
Sawcut asphalt edge	600	LF	\$2.50	\$1,500	
Demolish and remove asphalt, haul off	15	SY	\$35.00	\$525	
Remove drop inlet	1	Each	\$500.00	\$500	
Remove storm sewer up to 24"	30	LF	\$15.00	\$450	
			Subtotal	\$980	1.30%
Site Plan					
Graded Aggregate Base	140	Ton	\$80.00	\$11,200	
Concrete sidewalk, 4 in.	200	SY	\$45.00	\$9,000	
Curb and Gutter	700	LF	\$12.00	\$8,400	
Bituminous Asphalt 4.75mm SP	70	ton	\$175.00	\$12,250	
Bituminous Asphalt 19mm SP	45	ton	\$200.00	\$9,000	
			Subtotal	\$49,850	68.22%
Grading & Drainage Plan					
18" RCP	195	LF	\$40.00	\$7,800	
36" RCP	35	LF	\$85.00	\$2,975	
Endwall	1	EACH	\$3,000.00	\$3,000	
Storm Structure 0-6 ft depth	1	EACH	\$4,000.00	\$4,000	
Fine Grading	1	LS	\$3,000.00	\$3,000	
			Subtotal	\$20,775	28.43%
Landscaping					
Permanent Grassing-Sodding Bermuda	2000	SF	\$0.75	\$1,500	
			Subtotal	\$1,500	2.05%
				Total	\$73,075

Note: All opinions of probable costs shown include installation unless specified otherwise
 Note: Opinion of Probable cost is based on approximate quantities and approximate unit prices based on published information and "hear-say" from contractors. These figures should be used only as a guide and for reference, not as an official cost estimate, bid or used in any contract.



We want to support and continue the investment we made at the Roundabout and Jones Park.



December
2017

Stormwater Facilities
are Currently
Inadequate for even
existing development









Preliminary Opinion of Probable Cost

14140

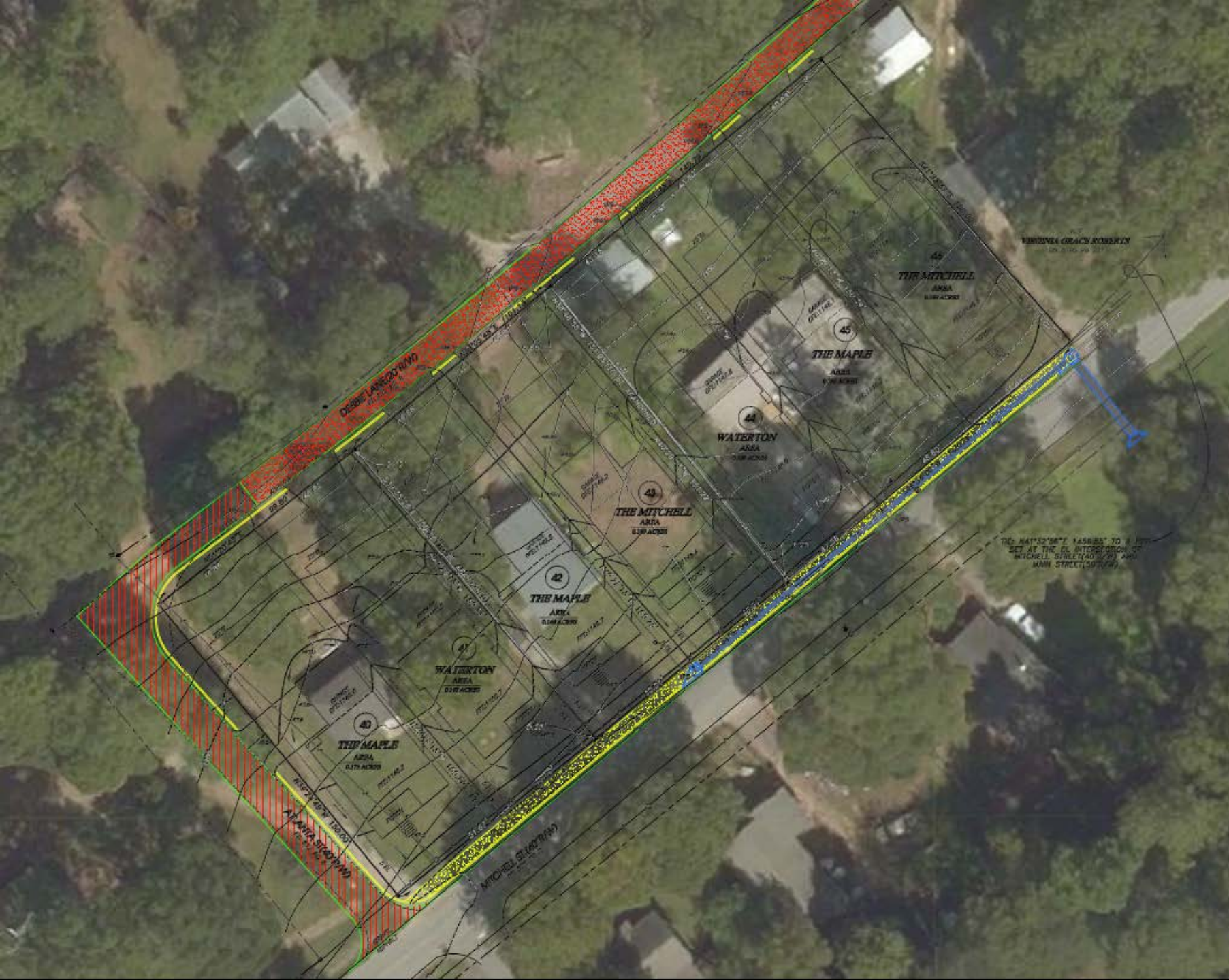
City of Flowery Branch

Last Revised: December 23, 2019

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			Subtotal	\$950	1.30%
Site Plan					
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Concrete sidewalk, 4 in.	200	SY	\$45.00	\$9,000	
Curb and Gutter	700	LF	\$12.00	\$8,400	
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\$73,075 is
for 7 lots,
not the full
13 they have
planned for.



13 lots
they
hope to
develop



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider June 4, 2020 Meeting Minutes

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [June 4, 2020 Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
June 4, 2020 6:00pm**



**City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch GA, 30542**

CALL WORK SESSION TO ORDER:

PRESENT: Mayor James Miller, Joe Anglin, Leslie Jarchow, Amy Farah, Ed Asbridge, Chris Mundy

Also present were Bill Andrew, City Manager, Vickie Short, City Clerk, Ron Bennett, City Attorney, Rich Atkinson, City Planner and Alisha Gamble, Finance Director

CONNECTION TO MEETING:

Due to COVID-19 this meeting was held utilizing GOTO Meeting.

June 4, 2020 Council Meeting

Thu, Jun 4, 2020 5:30 PM - 8:30 PM (EDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/440883133>

You can also dial in using your phone.

United States: +1 (872) 240-3412

Access Code: 440-883-133

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/440883133>

UNFINISHED BUSINESS - WORK SESSION:

Consider Resolution 20-015 a request to abandon Bragg Road.

Mr. Bennett presented the information regarding the location of Bragg Road. He explained that this 20 ft right of way would make way for the Highlands to Islands Trail. Councilman Asbridge asked who would be responsible for the area outside of the trail. It is currently owned by NNP-Looper Lake, LLC. Councilman Asbridge expressed a concern regarding potential drainage issues in the future with the HOA. The owner of the area that would be causing the damage would be responsible. Councilman Asbridge wanted to verify that this is not a commitment to the Highlands to Islands Trail.

Resolution 20-014 a request for road abandonment by NNP-Looper Lake, LLC.

Mr. Atkinson presented details of this request for road abandonment. This cul de sac creation would eliminate a cut through Cherokee Rose Way. Originally, Pod Z-12 would no longer be accessed through Pod Z. The question was also how the Pod will be marketed by the Developer. Councilman Anglin mentioned each Pod in the subdivision always had a link between Pods and amenities. His concern is why this is the exception. Councilperson Farah recalled when this originally came through the concern was construction traffic and vehicular traffic. Councilman Asbridge discussed the length of the walk to the amenities and also discussed the grade of the road as well. Mr. Atkinson noted that NNP-Looper Lake, LLC has agreed to dedicate some area for a pedestrian/golf cart path.

Applying for the Tree City USA Program

Mr. Andrew presented the Tree City USA Program information. The Tree City USA does require a tree ordinance, for which the City has now. With our current developments, we will be losing a good bit of our tree canopy. Councilman Anglin asked whether we can put new requirements in our current ordinances vs. spending funds on this program. Mr. Andrew explained that our costs associated with our tree chipping would more than offset the \$2.00 per person as required for the program. We could require developers to plant or contribute financially to a fund. Mr. Andrew would be simply a reallocation of funds not an added expense to our budget.

Consider elevations submitted for approval by Mr. Gee Harvey for the Bell Road subdivision.

Mr. Atkinson presented new additional elevations submitted by Mr. Gee Harvey. Mr. Atkinson explained that Mr. Harvey does agree to the requirements as set forth. Councilman Anglin confirmed that the garages are still to be recessed.

NEW BUSINESS -WORK SESSION:

GMA's Telecommunications and Right of Way Management (TRM) Program Agreement Proposal for FY2021, including Resolution 20-013

Ms. Gamble presented the program agreement. This agreement will ensure the City is receiving the correct amount entitled to the City of Flowery Branch. She provided data regarding the amount of money collected on behalf of other cities in this program. The yearly cost of the program is \$4,443.04. It is included in the FY2021 budget. Staff is requesting this Agreement be approved and have Mayor's signature tonight. Councilman Anglin asked if there would be a guarantee that the cost would offset the agreement fees. Councilman Asbridge asked how much the City brings in each year. Ms. Gamble stated she did not have the information readily available and would get back to him. Councilman Mundy expressed concerned the City have a positive net value for this service. Ms. Gamble clarified the agreement can be terminated at any time. Staff is requesting the approval of the proposal with GMA for a total cost of \$4,443.04 for FY2021, including Resolution 20-013, as presented.

Consider Resolution 20-017 for 5512 Main Street Roof Repairs in the amount of \$12,200, plus 10% contingency of \$1,220 totaling \$13,420.

Ms. Gamble presented the past history of quotes on these needed repairs. She went into detail of the repairs necessary. Staff is recommending MC Superior Roof Restoration. Mr. Andrew mentioned that this company had repaired another business on Main Street and had done a good job. Councilman Mundy asked about the warranty. It is a thirty year warranty.

Consider Resolution 20-016 for 5512 Main Street Roof Repairs by Gwinnett Window and Door, LLC in the amount of \$24,896, plus 10% contingency of \$2,490 totaling \$27,386.

Ms. Gamble presented a brief historical caboose history. The City requested three quotes but only received one. She presented pictures showing the current condition of the building.

Mr. Andrew stated this request occurs at this time of year once we see where we are on funding. We are limited to getting bids because our jobs are so small. Staff has discussed potentially being under contract with a Contractor to provide for odd jobs around the City.

DEPARTMENT REPORTS:

Finance Director Report:

Ms. Gamble stated that the budget hearings have changed schedule.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 7:26 pm.

VOTING SESSION MINUTES

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:26 pm.

PUBLIC COMMENTS:

There were no public comments.

CONSENT AGENDA:

- Per Diem-James Miller

There was a motion made to approve the Consent Agenda.

MOTION: Chris Mundy
SECOND: Ed Asbridge
AYES: Joe Anglin, Leslie Jarchow, Amy Farah, Ed Asbridge, Chris Mundy
NAYS: None
Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider Resolution 20-015 a request to abandon Bragg Road.

There was a motion made to approve Resolution 20-015 for the Bragg Road Abandonment.

MOTION: Joe Anglin
SECOND: Leslie Jarchow
AYES: Joe Anglin, Leslie Jarchow, Amy Farah, Ed Asbridge, Chris Mundy
NAYS: None
Motion carried

Resolution 20-014 a request for road abandonment by NNP-Looper Lake, LLC.

There was a motion made to approve Resolution 20-014 for road abandonment by NNP-Looper Lake, LLC with conditions as set forth.

MOTION: Amy Farah
SECOND: Ed Asbridge
AYES: Joe Anglin, Leslie Jarchow, Amy Farah, Ed Asbridge, Chris Mundy
NAYS: None
Motion carried

Applying for the Tree City USA Program

There was a motion made to table the Tree City USA Program until the June 18, 2020 meeting.

MOTION: Leslie Jarchow
SECOND: Joe Anglin
AYES: Joe Anglin, Leslie Jarchow, Amy Farah, Ed Asbridge, Chris Mundy
NAYS: None
Motion carried

Consider elevations submitted for approval by Mr. Gee Harvey for the Bell Road subdivision.

There was a motion made to approve the elevations presented by Mr. Gee Harvey for the Bell Road subdivision with the conditions as set forth.

MOTION: Joe Anglin
SECOND: Ed Asbridge
AYES: Joe Anglin, Leslie Jarchow, Amy Farah, Ed Asbridge, Chris Mundy
NAYS: None
Motion carried

NEW BUSINESS - VOTING SESSION:

GMA's Telecommunications and Right of Way Management (TRM) Program Agreement
Proposal for FY2021, including Resolution 20-013

There was a motion made to approve the proposal with GMA for a total cost of \$4,443.04 for FY2021, including Resolution 20-013, as presented.

MOTION: Leslie Jarchow
SECOND: Amy Farah
AYES: Joe Anglin, Leslie Jarchow, Amy Farah, Ed Asbridge, Chris Mundy
NAYS: None
Motion carried

Consider Resolution 20-017 for 5512 Main Street Roof Repairs

There was a motion made to approve Resolution 20-017 for 5512 Main Street Roof Repairs by Iron Ladder Contractors, LLC in the amount of \$19,750, plus 10% contingency, totaling \$21,725.

MOTION: Chris Mundy
SECOND: Joe Anglin
AYES: Joe Anglin, Leslie Jarchow, Amy Farah, Ed Asbridge, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive at 7:43 pm for real estate acquisition/disposition.

MOTION: Joe Anglin
SECOND: Amy Farah

AYES: Joe Anglin, Leslie Jarchow, Amy Farah, Ed Asbridge, Chris Mundy

NAYS: None

Motion carried

There was a motion made to reconvene open session at 8:03 pm.

MOTION: Chris Mundy

SECOND: Amy Farah

AYES: Joe Anglin, Leslie Jarchow, Amy Farah, Ed Asbridge, Chris Mundy

NAYS: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 8:04 pm.

MOTION: Joe Anglin

SECOND: Ed Asbridge

AYES: Joe Anglin, Leslie Jarchow, Amy Farah, Ed Asbridge, Chris Mundy

NAYS: None

Motion carried

Mayor – Mike Miller

Date

City Clerk – Vickie Short



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider June 18, 2020 9 am Special Called Meeting Minutes

COUNCIL MEETING DATE: August 6, 2020

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

- [June 18, 2020 9am Special Called Meeting Minutes.pdf](#)



**City of Flowery Branch
Special Called City Council Meeting
Thursday, June 18, 2020, 9:00 am
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch GA, 30542**



CALL PUBLIC MEETING TO ORDER:

Mayor Mike Miller called the special called city council meeting to order at 9:07 am.

Present: Mayor James Miller and Council Members, Joe Anglin, Ed Asbridge, Amy Farah

Absent: Council Members Leslie Jarchow and Chris Mundy

Also present were Bill Andrew, City Manager, Vickie Short, City Clerk, Ron Bennett, City Attorney, and Finance Director, Alisha Gamble

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

PUBLIC HEARING:

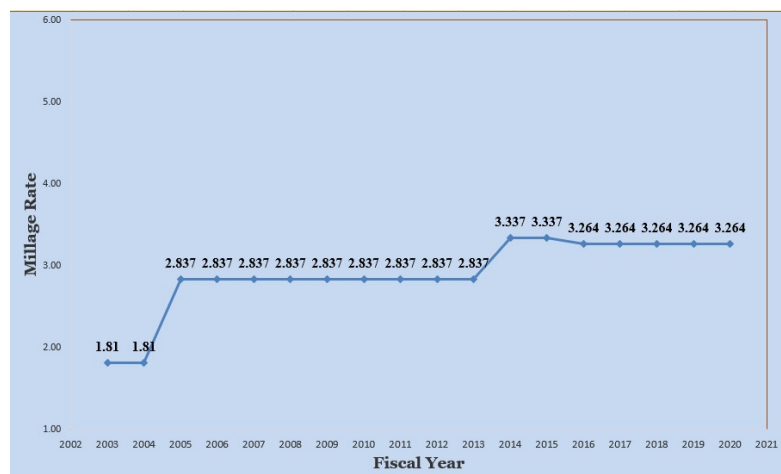
Ordinance 596 – To Adopt an ad valorem tax rate for Tax Year 2020/Fiscal Year 2021

Resolution 20-018 – To Adopt the Fiscal Year 2021 Annual Budget

Ms. Gamble reviewed both items together and summarized the following:

The chart below shows the millage history for the City from 2003-2020. Over the past 17 years, there were three periods of millage fluctuations:

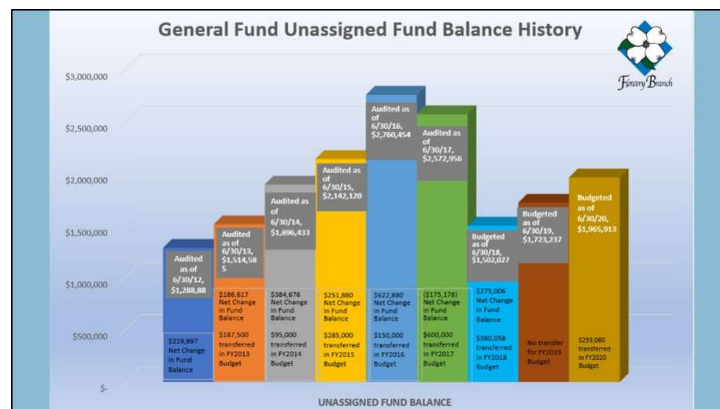
- 2004 to 2005: increase from 1.81 to 2.837 for a total increase of 1.027 mills.
- 2013 to 2014: increase from 2.837 to 3.337 for a total increase of 0.50 mills.
- 2015 to 2016: decrease from 3.337 to 3.264 for a total decrease of 0.073 mills



- From fiscal year 2016-2020 the City's millage rate has been 3.264 mills. Staff is recommending 3.264 mills for fiscal year 2020.
- According to the Hall County Tax Assessors Office, the average fair market value of a home in our area is \$250,000 which assessed at 40% of market value calculates to \$326.40 per taxpayer. This is an increase of \$8.60 per taxpayer. 3.264 mills will generate \$1,421,465 in tax revenue for the City to provide services for citizens of Flowery Branch.
- Keeping the millage rate at 3.264 mills, New or Improved Properties estimate to increase revenue by \$90,267 and Reassessment of Existing Real Property estimate to increase revenue by \$42,211.
- Due to the COVID-19 pandemic, we have made certain precautions related to anticipated decreases in revenue for the FY2021.
- Major general fund revenues have been reduced between 10-25% such as LOST, Excise Tax, Alcohol Licenses, Court Fines, etc.)
- To help with these revenue cuts, we have use of fund balance reserves in this budget of 10.6%. (\$556,257)

General Fund Expenditures

- All Departments: New positions eliminated – hold current staffing
- Reduce operational costs
- Overall General Fund Budget = -2.17%



- The above chart shows the unassigned fund balance history for the general fund. The Government Finance Officers Association recommends no less than 2 months reserves of expenses but our Council voted to take a more conservative approach and maintain 4.5 months reserves each year. This budget does present coverage of the 4.5 months of reserves for expenditures.
- With our budget cuts and use of fund balance in the fiscal year 2021 budget, at this time we are able to still maintain 4.5 months reserves.
- We will continue to monitor the effects of COVID-19 on our budget throughout the year.

Water and Wastewater Fund Revenues and Expenses

- Water and Sewer Revenue and Expenses show a minimal change of .93% by following the same budget guidelines as the general fund – reduction in revenues and expenditure cuts.
- Use of unrestricted fund balance is 0.05% (%115,814)
- Council voted to maintain 6 months of expenditure reserves each year. This budget does present coverage of the 6 months of reserves for expenditures.
- With our budget cuts and use of fund balance in the fiscal year 2021 budget, at this time we are able to still maintain 6 months reserves.
- We will continue to monitor the effects of COVID-19 on our budget throughout the year.

Tax Allocation District (TAD) and Hotel/Motel Tax

- The Tax Allocation District Budget increases is due to the bond financing in March of 2020 for the downtown redevelopment project.
- The Hotel Motel Fund budget is reduced by 18%.

SPLOST

Fiscal year 2021 will be the first year of SPLOST 8. The categories for the six-year program include:

- Roads, streets, bridges and sidewalks for \$3,168,230
- Public Works vehicles, facilities and equipment for \$383,384
- Parks facilities, land and equipment for \$415,000
- Public safety vehicles and equipment for \$276,000

Local Resources Fund

- Various miles of road paving is planned for FY2021 along with the Main Street Roofing Project, Caboose and Depot Building Repairs, and annual debt payments for Lights Ferry Roundabout and City Hall.

Water Sewer Capital Projects Fund

- For the Water Sewer Capital Projects Fund, the 2021 projects and future projects focus on the plant expansion and water line improvements projects. Projects noted on this schedule may change slightly as the planning phase continues with City management and consultants.

The City-wide budget change for the recommended fiscal year 2021 year is 28.30%.

Staff recommends approval of Resolution 20-018, to adopt the fiscal year 2021 budget.

PUBLIC COMMENTS: There were no public comments.

ADDITIONAL COMMENTS:

Councilman Anglin inquired about the Tax Allocation District (TAD) budget increase and GEFA Loan and asked if this was part of the TAD bond financing amounts and the funding process. Ms. Gamble verified that it was.

Mr. Andrew mentioned The Residential Group should be providing us with a budget by the end of June 2020. Mr. Andrew discussed the Downtown Development completion as well as the future plans for leasing of the space. Councilman Anglin asked about the East Main trail plans which would include pedestrian/bike PTV access.

There was further discussion on Farmer's Market plans as well as future Railroad Avenue roadway plans. Councilman Anglin asked why we could not allow access to Farmer's Market from Railroad Avenue, with moving up toward road.

Councilman Anglin asked about the status of the water tanks and future well. There was a brief discussion on future water service capabilities, mainly concerning water usage maps in conjunction with the City of Gainesville.

Ms. Gamble shared that there was difficulty in receiving our tax digest. There was an error in the final digest which delayed the budget process. This created a very stressful situation for staff. Ms. Gamble stated the inflationary growth number was over 100% off. The Hall County Tax Assessor admitted there was an error in the reporting. An additional conversation took place regarding the concern of how the City's property taxes are assessed as well as the State of Georgia requirements for this as well.

ADJOURNMENT:

There was a motion to adjourn at 10:00 am.

MOTION: Joe Anglin

SECOND: Ed Asbridge

AYES: Joe Anglin, Amy Farah and Ed Asbridge

NAYS: None

Motion carried.

Mayor – Mike Miller

Date

City Clerk – Vickie Short



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider June 18, 2020 Meeting Minutes

COUNCIL MEETING DATE: August 6, 2020

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: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [June 18, 2020 Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, June 18, 2020, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch GA, 30542**



CALL PUBLIC HEARING TO ORDER:

Mayor Mike Miller called the City Council meeting to order at 6:04 pm.

Present: Mayor Mike Miller and Council Members, Joe Anglin, Ed Asbridge, Amy Farah and Chris Mundy

Absent: Councilperson Leslie Jarchow

Also present were Bill Andrew, City Manager, Vickie Short, City Clerk, Ron Bennett, City Attorney, Rich Atkinson, Planning Director, Alisha Gamble, Finance Director, and Chris Hulsey, Deputy Chief.

PLEDGE OF ALLEGIANCE:

Mayor Mike Miller led the Pledge of Allegiance.

PUBLIC HEARING:

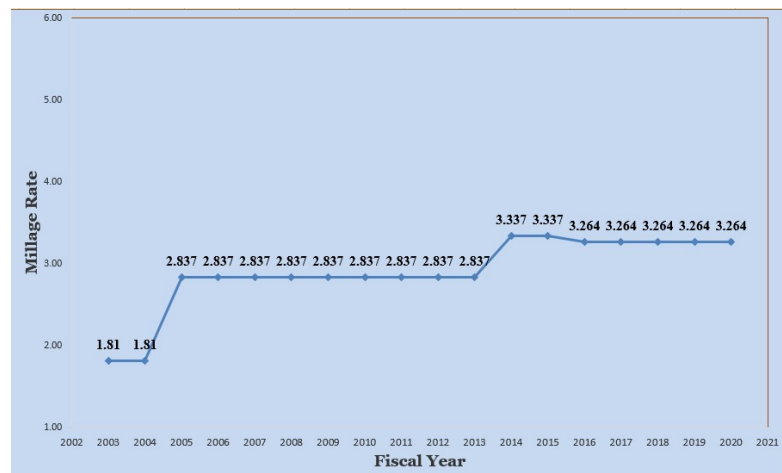
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Ordinance 596-To Adopt an ad valorem tax rate for Tax Year 2020/Fiscal 2021

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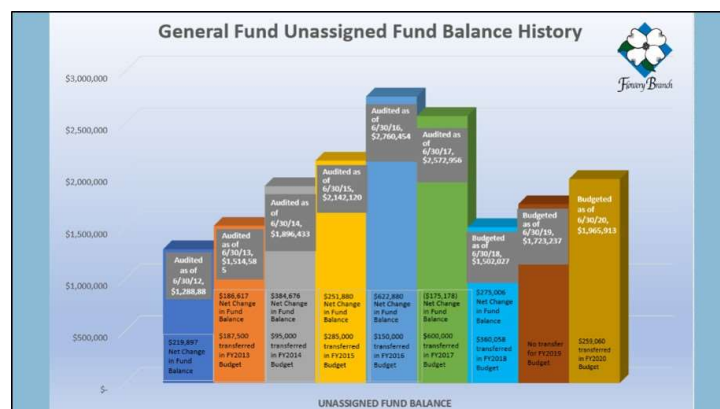
- 2004 to 2005: increase from 1.81 to 2.837 for a total increase of 1.027 mills.
- 2013 to 2014: increase from 2.837 to 3.337 for a total increase of 0.50 mills.
- 2015 to 2016: decrease from 3.337 to 3.264 for a total decrease of 0.073 mills



- From fiscal year 2016-2020 the City's millage rate has been 3.264 mills. Staff is recommending 3.264 mills for fiscal year 2020.
- According to the Hall County Tax Assessors Office, the average fair market value of a home in our area is \$250,000 which assessed at 40% of market value calculates to \$326.40 per taxpayer. This is an increase of \$8.60 per taxpayer. 3.264 mills will generate \$1,421,465 in tax revenue for the City to provide services for citizens of Flowery Branch.
- Keeping the millage rate at 3.264 mills, New or Improved Properties estimate to increase revenue by \$90,267 and Reassessment of Existing Real Property estimate to increase revenue by \$42,211.
- Due to the COVID-19 pandemic, we have made certain precautions related to anticipated decreases in revenue for the FY2021.
- Major general fund revenues have been reduced between 10-25% such as LOST, Excise Tax, Alcohol Licenses, Court Fines, etc.)
- To help with these revenue cuts, we have use of fund balance reserves in this budget of 10.6%. (\$556,257)

General Fund Expenditures

- All Departments: New positions eliminated – hold current staffing
- Reduce operational costs
- Overall General Fund Budget = -2.17%



- The above chart shows the unassigned fund balance history for the general fund. The Government Finance Officers Association recommends no less than 2 months reserves of expenses but our Council voted to take a more conservative approach and maintain 4.5

months reserves each year. This budget does present coverage of the 4.5 months of reserves for expenditures.

- With our budget cuts and use of fund balance in the fiscal year 2021 budget, at this time we are able to still maintain 4.5 months reserves.
- We will continue to monitor the effects of COVID-19 on our budget throughout the year.

Water and Wastewater Fund Revenues and Expenses

- Water and Sewer Revenue and Expenses show a minimal change of .93% by following the same budget guidelines as the general fund – reduction in revenues and expenditure cuts.
- Use of unrestricted fund balance is 0.05% (%115,814)
- Council voted to maintain 6 months of expenditure reserves each year. This budget does present coverage of the 6 months of reserves for expenditures.
- With our budget cuts and use of fund balance in the fiscal year 2021 budget, at this time we are able to still maintain 6 months reserves.
- We will continue to monitor the effects of COVID-19 on our budget throughout the year.

Tax Allocation District (TAD) and Hotel/Motel Tax

- The Tax Allocation District Budget increases is due to the bond financing in March of 2020 for the downtown redevelopment project.
- The Hotel Motel Fund budget is reduced by 18%.

SPLOST

Fiscal year 2021 will be the first year of SPLOST 8. The categories for the six-year program include:

- Roads, streets, bridges and sidewalks for \$3,168,230
- Public Works vehicles, facilities and equipment for \$383,384
- Parks facilities, land and equipment for \$415,000
- Public safety vehicles and equipment for \$276,000

Local Resources Fund

- Various miles of road paving is planned for FY2021 along with the Main Street Roofing Project, Caboose and Depot Building Repairs, and annual debt payments for Lights Ferry Roundabout and City Hall.

Water Sewer Capital Projects Fund

- For the Water Sewer Capital Projects Fund, the 2021 projects and future projects focus on the plant expansion and water line improvements projects. Projects noted on this schedule may change slightly as the planning phase continues with City management and consultants.

The City-wide budget change for the recommended fiscal year 2021 year is 28.30%.

Staff recommends approval of Resolution 20-018, to adopt the fiscal year 2021 budget.

PUBLIC COMMENTS:

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

Mr. Lezaj asked if the mill rate will be 3.264. Also asked if the City has seen a difference in our tax digest with all of our new construction. Ms. Gamble stated the tax digest is not reflective of these changes yet.

PUBLIC HEARING:

Consider a CUP (Conditional Use Permit) submitted by Mr. Calvin Tanner to continue his previously approved auto repair business in a residentially zoned area.

Mr. Atkinson presented a recap of the CUP for Mr. Calvin Tanner. This is a renewal of the original business license which expires July 1, 2020. Staff recommends that we approve the permit as submitted.

PUBLIC COMMENTS:

Ed Lezaj-5612 Newberry Point Drive, Flowery Branch, GA 30542

Mr. Lezaj expressed his concern that this should be denied. He is not comfortable with commercial businesses within residential areas. He also shared examples of his neighborhood of neighbors allegedly running businesses as well as illegal tractor trailer parking and utility trailers on their properties.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the public hearings at 6:32 pm.

CALL WORK SESSION TO ORDER:

Mayor Miller called the work session to order at 6:32 pm.

UNFINISHED BUSINESS - WORK SESSION:

Consider a CUP (Conditional Use Permit) submitted by Mr. Calvin Tanner to continue his previously approved auto repair business in a residentially zoned area.

Mr. Anglin explained the time frame of this Conditional Use Permit is only guaranteed one year. There was a brief discussion of the history of this permit.

Mr. Asbridge voiced a concern that Mr. Tanner planted trees in that area. Mr. Atkinson stressed these cases would be on a strictly one on one basis.

Ms. Farah and Mr. Mundy also expressed concern as well.

Applying for the Tree City USA Program

Mr. Andrew presented the information on the Tree City USA Program. Mr. Andrew gave some examples of trees which have been removed for projects. After a review, Mr. Andrew suggested that Clark, Patterson and Lee will help with creation of a new ordinance.

Mr. Anglin confirmed with Mr. Andrew that the cost of the program will be covered with our current costs for City-wide limb pickup.

NEW BUSINESS -WORK SESSION:

Consideration of An Agreement to Annex for Sewer Service with Anchor Inn LLC

Mr. Andrew presented the information on the Anchor Inn LLC property. Upon asking for sewer services provided by the City of Flowery Branch, the business will have to annex into the city. This property is at the corner of Lights Ferry and McEver Road. A payment of \$9,251.00 was made to the City for anticipated sewer tap fees. Two parcels will have to annex as well in order to become contiguous. With this agreement, the City will be able to file for annexation on their behalf.

DEPARTMENT REPORTS:

Mayor Report:

Special thanks to the Police Department in helping celebrate local kids' birthdays during the Pandemic. Mr. Andrew also mentioned the Vans shoes giveaways for local children.

We have a local high school student Jonathan Hughes sign with Philadelphia Phillies. Mr. Miller welcomed Vickie Short as our new City Clerk. Mr. Miller congratulated Amy Farah on her recent State teacher award.

Mr. Miller stated on July 2nd meeting that the Jim Crow Road name will be changed to G.C. Road within our 400 ft of the road. This is how Mr. Crow signed his name.

Council Reports:

Ms. Farah congratulated staff and council members on high school graduates.

Mr. Anglin credited Mary Jones on helping the City obtain a grant for the roundabout.

Mr. Asbridge listed several items that our Police Department does for our community. He is concerned Council might be moving to quick on the Jim Crow Road name change since he has not seen anyone living in the City complain.

Mr. Mundy also commended the Police Department on the help community.

Mr. Andrew also shared that the South Hall Rotary Club still plans on their yearly August 15 with restrictions in place because of the pandemic.

ADJOURNMENT WORK SESSION:

Mayor Miller adjournment the work session on 7:09 pm.

VOTING SESSION AGENDA:

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:09 pm.

PUBLIC COMMENTS:

Leah Long 5914 Stuart Drive, Flowery Branch, GA 30542

Ms. Long is doing a documentary film on the Jim Crow Road name change. She feels the road is not honoring Mr. Crow. With our increasing diversity within our community, she feels the change is necessary.

Ed Lezaj-5612 Newberry Point Drive, Flowery Branch, GA 30542

Mr. Lezaj further expressed his concern about commercial businesses within residential areas. He once again shared examples of his neighborhood of neighbors allegedly running businesses as well as illegal tractor trailer parking and utility trailers on their properties.

UNFINISHED BUSINESS - VOTING SESSION:

Ordinance 596-To Adopt an ad valorem tax rate for Tax Year 2020/Fiscal 2021

Attorney Bennett read the caption to Ordinance 596

There was a motion made to approve the first reading of Ordinance 596.

MOTION: Amy Farah
SECOND: Chris Mundy
AYES: Ed Asbridge, Amy Farah, Chris Mundy, Joe Anglin
NAYS: None
Motion carried

Resolution 20-018-To Adopt the Fiscal Year 2020 Annual Budget

There was a motion to postpone Resolution 20-018 until June 25, 2020.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Ed Asbridge, Amy Farah, Chris Mundy, Joe Anglin
NAYS: None
Motion carried

Consider a CUP (Conditional Use Permit) submitted by Mr. Calvin Tanner to continue his previously approved auto repair business in a residentially zoned area.

There was a motion made to approve the request as conditioned by staff.

MOTION: Chris Mundy
SECOND: Joe Anglin
AYES: Amy Farah, Chris Mundy, Joe Anglin
NAYS: Ed Asbridge
Motion carried

Consider Resolution 20-016 for Depot and Caboose Repairs

There was a motion made to approve Resolution 20-016 for Depot and Caboose Repairs as presented.

MOTION: Amy Farah
SECOND: Ed Asbridge
AYES: Ed Asbridge, Amy Farah, Chris Mundy, Joe Anglin
NAYS: None
Motion carried

Applying for the Tree City USA Program

There was a motion made to approve.

MOTION: Chris Mundy
SECOND: Ed Asbridge
AYES: Ed Asbridge, Amy Farah, Chris Mundy, Joe Anglin
NAYS: None
Motion carried

NEW BUSINESS - VOTING SESSION:

Consideration of An Agreement to Annex for Sewer Service with Anchor Inn LLC

There was a motion made to approve the agreement.

MOTION: Amy Farah
SECOND: Joe Anglin
AYES: Ed Asbridge, Amy Farah, Chris Mundy, Joe Anglin
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session at 7:25pm for property acquisition/disposition and personnel matters.

MOTION: Chris Mundy
SECOND: Joe Anglin
AYES: Ed Asbridge, Amy Farah, Chris Mundy, Joe Anglin
NAYS: None
Motion carried

There was a motion made to reconvene open session at 8:20 pm.

MOTION: Amy Farah
SECOND: Chris Mundy
AYES: Ed Asbridge, Amy Farah, Chris Mundy, Joe Anglin
NAYS: None
Motion carried

There was a motion made to approve Joseph Summer as the Public Defender.

MOTION: Chris Mundy

SECOND: Amy Farah

AYES: Ed Asbridge, Amy Farah, Chris Mundy, Joe Anglin

NAYS: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 8:21 pm.

MOTION: Amy Farah

SECOND: Joe Anglin

AYES: Ed Asbridge, Amy Farah, Chris Mundy, Joe Anglin

NAYS: None

Motion carried

Mayor – Mike Miller

Date

City Clerk – Vickie Short



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider June 25, 2020 Special Called Meeting Minutes

COUNCIL MEETING DATE: August 6, 2020

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

- [June 25, 2020 Special Called Meeting Minutes.pdf](#)



**City of Flowery Branch
Special Called City Council Meeting
Thursday, June 25, 2020, 6:00 pm
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch GA, 30542**



CALL TO ORDER:

Mayor Mike Miller called the special called meeting to order at 6:03 pm.

Present: Mayor James Miller and Council Members Joe Anglin, Ed Asbridge, Leslie Jarchow, and Chris Mundy.

Absent: Council Member Amy Farah

Also present were Bill Andrew, City Manager, Vickie Short, City Clerk, Ron Bennett, City Attorney, and Alisha Gamble, Finance Director.

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

PUBLIC HEARING:

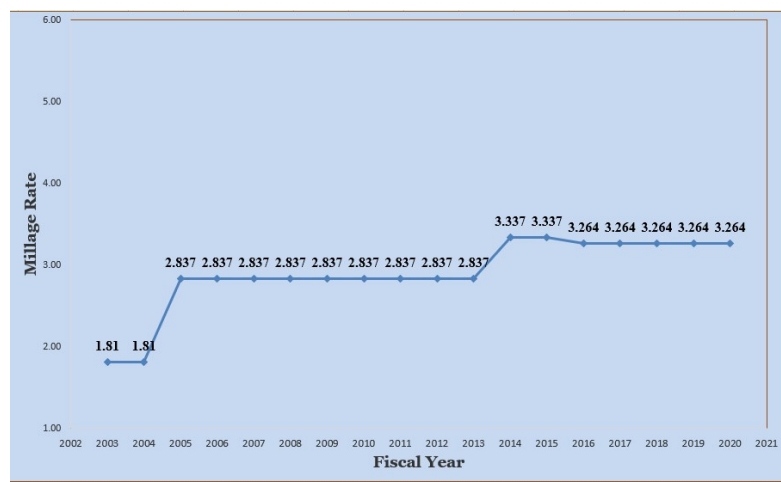
Ordinance 596 – To adopt an ad valorem tax rate for Tax Year 2020/Fiscal Year 2021

Resolution 20-018 - To Adopt the Fiscal Year 2021 Annual Budget

Ms. Gamble reviewed both items together and summarized the following:

The chart below shows the millage history for the City from 2003-2020. Over the past 17 years, there were three periods of millage fluctuations:

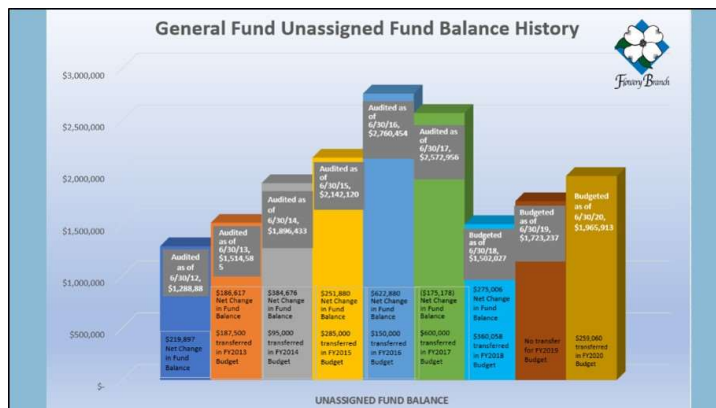
- 2004 to 2005: increase from 1.81 to 2.837 for a total increase of 1.027 mills.
- 2013 to 2014: increase from 2.837 to 3.337 for a total increase of 0.50 mills.
- 2015 to 2016: decrease from 3.337 to 3.264 for a total decrease of 0.073 mills



- From fiscal year 2016-2020 the City's millage rate has been 3.264 mills. Staff is recommending 3.264 mills for fiscal year 2020.
- According to the Hall County Tax Assessors Office, the average fair market value of a home in our area is \$250,000 which assessed at 40% of market value calculates to \$326.40 per taxpayer. This is an increase of \$8.60 per taxpayer. 3.264 mills will generate \$1,421,465 in tax revenue for the City to provide services for citizens of Flowery Branch.
- Keeping the millage rate at 3.264 mills, New or Improved Properties estimate to increase revenue by \$90,267 and Reassessment of Existing Real Property estimate to increase revenue by \$42,211.
- Due to the COVID-19 pandemic, we have made certain precautions related to anticipated decreases in revenue for the FY2021.
- Major general fund revenues have been reduced between 10-25% such as LOST, Excise Tax, Alcohol Licenses, Court Fines, etc.)
- To help with these revenue cuts, we have use of fund balance reserves in this budget of 10.6%. (\$556,257).

General Fund Expenditures

- All Departments: New positions eliminated – hold current staffing
- Reduce operational costs
- Overall General Fund Budget = -2.17%



- The above chart shows the unassigned fund balance history for the general fund. The Government Finance Officers Association recommends no less than 2 months reserves of expenses but our Council voted to take a more conservative approach and maintain 4.5 months reserves each year. This budget does present coverage of the 4.5 months of reserves for expenditures.

- With our budget cuts and use of fund balance in the fiscal year 2021 budget, at this time we are able to still maintain 4.5 months reserves.
- We will continue to monitor the effects of COVID-19 on our budget throughout the year.

Water and Wastewater Fund Revenues and Expenses

- Water and Sewer Revenue and Expenses show a minimal change of .93% by following the same budget guidelines as the general fund – reduction in revenues and expenditure cuts.
- Use of unrestricted fund balance is 0.05% (%115,814)
- Council voted to maintain 6 months of expenditure reserves each year. This budget does present coverage of the 6 months of reserves for expenditures.
- With our budget cuts and use of fund balance in the fiscal year 2021 budget, at this time we are able to still maintain 6 months reserves.
- We will continue to monitor the effects of COVID-19 on our budget throughout the year.

Tax Allocation District (TAD) and Hotel/Motel Tax

- The Tax Allocation District Budget increases is due to the bond financing in March of 2020 for the downtown redevelopment project.
- The Hotel Motel Fund budget is reduced by 18%.

SPLOST

Fiscal year 2021 will be the first year of SPLOST 8. The categories for the six-year program include:

- Roads, streets, bridges and sidewalks for \$3,168,230
- Public Works vehicles, facilities and equipment for \$383,384
- Parks facilities, land and equipment for \$415,000
- Public safety vehicles and equipment for \$276,000

Local Resources Fund

- Various miles of road paving is planned for FY2021 along with the Main Street Roofing Project, Caboose and Depot Building Repairs, and annual debt payments for Lights Ferry Roundabout and City Hall.

Water Sewer Capital Projects Fund

- For the Water Sewer Capital Projects Fund, the 2021 projects and future projects focus on the plant expansion and water line improvements projects. Projects noted on this schedule may change slightly as the planning phase continues with City management and consultants.

The City-wide budget change for the recommended fiscal year 2021 year is 28.30%.

Staff recommends approval of Resolution 20-018, to adopt the fiscal year 2021 budget.

PUBLIC COMMENTS: There were no public comments.

UNFINISHED BUSINESS-VOTING SESSION:

Ordinance 596 – To adopt an ad valorem tax rate for Tax Year 2020/Fiscal Year 2021

Mr. Bennett read the caption to Ordinance 596.

There was a motion made to approve the second reading of Ordinance 596 setting the millage rate at 3.264 mills.

MOTION: Leslie Jarchow

SECOND: Ed Asbridge

AYES: Leslie Jarchow, Ed Asbridge, Chris Mundy and Joe Anglin

Motion Carried

NEW BUSINESS-VOTING SESSION:

Resolution 20-018 - To Adopt the Fiscal Year 2021 Annual Budget

Mr. Bennett read the caption to approve the second reading of Resolution 20-018.

MOTION: Joe Anglin

SECOND: Leslie Jarchow

AYES: Leslie Jarchow, Ed Asbridge, Chris Mundy and Joe Anglin

Motion Carried

ADJOURNMENT:

There was a motion made to adjourn at 6:25 pm.

MOTION: Ed Asbridge

SECOND: Chris Mundy

AYES: Leslie Jarchow, Ed Asbridge, Chris Mundy and Joe Anglin

Motion Carried

Mayor – Mike Miller

Date

City Clerk – Vickie Short



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Mayor Mike Miller Per Diem

COUNCIL MEETING DATE: August 6, 2020

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

- [Mike Miller July 2020 Per Diem.pdf](#)



**CITY OF FLOWERY BRANCH
MAYOR & COUNCIL ATTENDANCE SHEET
PER DIEM PAY**

NAME Mike Miller

MONTH/YEAR July 2020

	MEETING DATE	DESCRIPTION OF MEETING
1	7/16/2020	Atlanta Business Chronicle interview
2	7/17/2020	WSB interview
3	7/23/2020	Georgia Trend interview
4	7/29/2020	EDC Investment Council
5		

My signature certifies that I am eligible to be paid for 5 meeting dates, maximum 5 per month, in accordance with per diem pay as described in Ordinance No. 477. Total \$200.00(\$50.00 per mtg)

Signature



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

COUNCIL MEETING DATE: August 6, 2020

HISTORY:

GMA notified the City on Friday, July 24 that the City would be receiving an email from GrantCare regarding the Terms and Conditions to receive CARES Act funding from the State of Georgia. GMA was able to negotiate nearly \$600 million in funding for cities to be provided through 3 rounds to assist with COVID-19 related expenses. Funding determination is based on the City's population.

FACTS AND ISSUES:

The Mayor is listed as designated point of contact and authorized the Finance Director as Representative for the City on July 27, 2020.

- The governing body of the City of Flowery Branch must accept the terms and conditions of the agreement by resolution.
- The 30% advance for the City of Flowery Branch = \$130,735.35 (deposited by Monday, August 3, 2020). The advance must be spent or obligated by September 1, 2020.
- The 70% eligible for reimbursement to the City of Flowery Branch = \$305,056.14
- Total = \$435,794.49
- For more information see <https://opb.georgia.gov/CARESact>

OPTIONS:

Approve Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

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

No

AMOUNT AND SOURCE OF FUNDS:

30% Advance \$130,738.35 grant funds; 70% Available for Reimbursement \$305,056.14 grant funds; TOTAL \$435,794.49 CARES Grant Funding

RECOMMENDATION:

Approve Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

SAMPLE MOTION:

I make a motion for the City Council to approve for the Mayor to sign Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF).

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [EXECUTIVE SUMMARY - GEORGIA CARES \(CRF\) GRANT TERMS AND CONDITIONS.pdf](#)
- [20-021 Grant Agreement Terms and Conditions for CARES Funding.pdf](#)
- [GeorgiaCares Terms and Conditions.pdf](#)

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

DATE: July 29, 2020

BUDGET INFORMATION:

ANNUAL-
CAPITAL-

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

☐ **STATUS REPORT**

☐ **OTHER**

COUNCIL ACTION REQUESTED ON: August 6, 2020

PURPOSE: To approve Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

HISTORY:

GMA notified the City on Friday, July 24 that the City would be receiving an email from GrantCare regarding the Terms and Conditions to receive CARES Act funding from the State of Georgia. GMA was able to negotiate nearly \$600 million in funding for cities to be provided through 3 rounds to assist with COVID-19 related expenses. Funding determination is based on the City's population.

FACTS AND ISSUES:

- The Mayor is listed as designated point of contact and authorized the Finance Director as Representative for the City on July 27, 2020.
- The governing body of the City of Flowery Branch must accept the terms and conditions of the agreement by resolution.
- The 30% advance for the City of Flowery Branch = \$130,735.35 (deposited by Monday, August 3, 2020). The advance must be spent or obligated by September 1, 2020.
- The 70% eligible for reimbursement to the City of Flowery Branch = \$305,056.14
- Total = \$435,794.49
- For more information see <https://opb.georgia.gov/CARESact>

OPTIONS: Approve Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

RECOMMENDED SAMPLE MOTION:

I make a motion for the City Council to approve for the Mayor to sign Resolution 20-021 : Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF).

DEPARTMENT: Finance and Administration

Prepared by: Alisha Gamble

RESOLUTION 20-021

GRANT AGREEMENT FOR CARES FUNDING BY ACCEPTING THE TERMS AND CONDITIONS IF THE CORONAVIRUS RELIEF FUND (CRF)

WHEREAS, this Grant Agreement sets forth the terms and conditions applicable to payments distributed by the State in the form of a grant to The City of Flowery Branch, a local unit of government, from the Coronavirus Relief Fund (CRF) established within Section 601 of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (hereinafter referred to as “Grant”), and

WHEREAS, the City of Flowery Branch (hereinafter referred to as “the City”) certifies that it possesses legal authority to enter into this Grant Agreement and accept payments for which the City is eligible pursuant to the funding announcement, and

WHEREAS, as required by law, a resolution, motion or similar action has been or will be duly adopted or passed as an official act of the City’s governing body, authorizing the execution of this Grant Agreement and the acceptance of payments, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative, or their designee of the City organization to act in connection with the Grant application and to provide such additional information as may be required, and

WHEREAS, the Mayor designated Alisha Gamble, Finance Director, as Authorized Representative of the City of Flowery Branch on July 27, 2020, allowing her to perform tasks in the GeorgiaCARES (CRF) on behalf of the City of Flowery Branch to submit all required documentation related to the GeorgiaCARES (CRF) grant funding, and

WHEREAS, as Authorized Representative of the City of Flowery Branch, the Finance Director, must open a separate bank account and Special Revenue Fund (if deemed necessary) for GeorgiaCARES (CRF) as required by the Terms and Conditions of the Agreement since all interest earned must be spent on qualified expenses, and

WHEREAS, funding has been authorized for eligible expenditures incurred between March 1, 2020 and December 30, 2020. The performance period for this Grant is from acceptance of this Grant Agreement to the liquidation date or December 30, 2020, whichever is earlier. All expenditures must be incurred and all services must be received within the performance period, and

WHEREAS, the City hereby represents and warrants that it has the power and is duly authorized to enter into this Grant Agreement with regard to all matters described herein upon the terms set forth and that the persons executing this Agreement on behalf of The City are the authorized agents of The City for the purpose of executing this Agreement. The Parties acknowledge and agree that this Agreement constitutes a valid and legally binding obligation of each Party, enforceable in accordance with its terms, and

IT IS HEREBY RESOLVED the Mayor and Council accepts the Terms and Conditions of the GeorgiaCARES (CRF) as attached hereto as Exhibit A, understanding modifications to this agreement may change as modifications are passed from the State;

PASSED AND ADOPTED by the City Council of the City of Flowery Branch Georgia
this 6th day of August 2020.

James Miller - Mayor

ATTEST:

Vickie Short - City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr. - City Attorney

- 2 -

CORONAVIRUS RELIEF FUND (CRF)
TERMS AND CONDITIONS

About This Document

This agreement (the “Grant Agreement” or “Agreement”) is entered into between the State of Georgia (the “State”) and the undersigned grantee (“Grantee”) (hereinafter collectively referred to as the “Parties”). This Grant Agreement sets forth the terms and conditions applicable to payments distributed by the State in the form of a grant to Grantee, a local unit of government, from the Coronavirus Relief Fund (CRF) established within Section 601 of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (hereinafter referred to as “Grant”). The Grantee’s official representative, whose signature appears below, will execute the interest and responsibilities of the Grantee.

These requirements are in addition to those that can be found within the grant management system administered by the Governor’s Office of Planning and Budget (“OPB”), GeorgiaCARES, to which the Grantee agrees when accepting the Grant. Other state and federal requirements and conditions may apply to the Grant, including but not limited to 2 C.F.R. § 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and applicable subparts; the State funding announcement under which Grant payments are distributed; and any applicable documents referenced in the documents listed above.

To the extent the terms and conditions of this Grant Agreement do not address a particular circumstance or are otherwise unclear or ambiguous, such terms and conditions are to be construed consistent with the general objectives, expectations and purposes of this Grant Agreement and in all cases, according to its fair meaning. The Grantee acknowledges that it and its counsel have reviewed this Grant Agreement and that any rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Grant Agreement. Any vague, ambiguous or conflicting terms shall be interpreted and construed in such a manner as to accomplish the purpose of the Grant Agreement.

1. Definitions

1.1 As used in this Agreement, the following terms shall have the following meanings:

1. **“CARES Act”** means the federal Coronavirus Aid, Relief, and Economic Security Act of 2020.
2. **“Coronavirus Relief Fund”** or **“CRF”** means the fund established within Section 601 of the Social Security Act, as added by Section 5001 of the CARES Act.
3. **“GeorgiaCARES”** means the grant management system administered by OPB to facilitate distribution of Coronavirus Relief Funds to the Grantee.
4. **“Grant”** means the payments distributed by the State in the form of a grant to the Grantee from the Coronavirus Relief Fund.
5. **“Grant Agreement”** or **“Agreement”** means this agreement between the State of Georgia and the Grantee as defined by the Coronavirus Relief Fund Terms and Conditions and its incorporated documents.
6. **“Grantee”** means the undersigned local unit of government.
7. **“OPB”** means the Governor’s Office of Planning and Budget.
8. **“Parties”** means collectively the parties to this Agreement, namely, the State and the Grantee.
9. **“State”** means the State of Georgia.

2. General Requirements and Conditions

1.2 Applicability of Grant Agreement and Provisions

This Grant Agreement is subject to the additional terms, conditions and requirements of other laws, rules, regulations and plans recited herein and is intended to be the full and complete expression of and constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and all prior and contemporaneous understandings, agreements, promises, representations and terms and conditions, both oral and written, are superseded and replaced by this Grant Agreement.

Notwithstanding any expiration or termination of this Grant Agreement, the rights and obligations pertaining to the Grant close-out, cooperation and provision of additional information, return of Grant funds, audit rights, records retention, public information and any other provision implying survivability shall remain in effect after the expiration or termination of this Grant Agreement.

1.3 Legal Authority

The Grantee certifies that it possesses legal authority to enter into this Grant Agreement and accept payments for which the Grantee is eligible pursuant to the funding announcement. As required by law, a resolution, motion or similar action has been or will be duly adopted or passed as an official act of the Grantee's governing body, authorizing the execution of this Grant Agreement and the acceptance of payments, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative, or their designee of the Grantee organization to act in connection with the Grant application and to provide such additional information as may be required.

Grantee hereby represents and warrants that it has the power and is duly authorized to enter into this Grant Agreement with regard to all matters described herein upon the terms set forth and that the persons executing this Agreement on behalf of Grantee are the authorized agents of Grantee for the purpose of executing this Agreement. The Parties acknowledge and agree that this Agreement constitutes a valid and legally binding obligation of each Party, enforceable in accordance with its terms.

1.4 Grant Acceptance

The state funding announcement remains an offer until the fully and appropriately executed copy of this Grant Agreement is received by OPB.

1.5 Performance Period

Funding has been authorized for eligible expenditures incurred between March 1, 2020 and December 30, 2020. The performance period for this Grant is from acceptance of this Grant Agreement to the liquidation date or December 30, 2020, whichever is earlier. All expenditures must be incurred and all services must be received within the performance period. The state will not be obligated to reimburse expenses incurred after the performance period and the Grantee shall return to OPB all funds received and not expended by the Grantee and approved by OPB on or before the performance period end date. A cost is incurred when the responsible unit of government has expended funds to cover the cost. The liquidation date for the Grant is predetermined by the State, see Section 6.7 for details.

1.6 General Responsibility

Per the CARES Act, CRF Grant funds may only be used to cover expenses that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. Were not accounted for in the budget most recently approved as of March 27, 2020 for the State or Grantee; and
3. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

The US Department of Treasury (Treasury) provided additional guidance on the permissible use of

Grant funds. The Grantee certifies compliance with this additional guidance by executing this Grant Agreement. Further explanation and examples can be found on Treasury's website at the following link: <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>. Recipients of CRF Grant funds must also adhere to any applicable state statutes, rules, or regulations as applicable in the expenditure of these funds. In the event that one or more provisions of said applicable state statutes, rules, or regulations shall conflict with the applicable federal laws, rules, or regulations, the federal law, rule, or regulation shall control, however, in the event that the state statute, rule, or regulation is more restrictive it shall control.

The Grantee certifies compliance with these eligible expenses by executing this Grant Agreement, including the CARES Act Coronavirus Relief Fund Eligibility Certification Form in Exhibit C, which is attached hereto and incorporated for all purposes.

The Grantee is responsible for the integrity of the fiscal and programmatic management of the Grant project; accountability for all funds awarded; and compliance with state guidelines, policies and procedures and applicable federal and state laws and regulations.

The Grantee will maintain an appropriate Grant administration system to ensure that all terms, conditions and specifications of the Grant are met.

The Grantee agrees to maintain an accounting system integrated with adequate internal fiscal and management controls to capture and report Grant data with accuracy, providing full accountability for revenues, expenditures, assets and liabilities. This system shall provide reasonable assurance that the Grantee is managing federal and state financial assistance programs in compliance with all applicable laws and regulations, including the reporting requirements outlined at <https://home.treasury.gov/system/files/136/IG-Coronavirus-Relief-Fund-Recipient-Reporting-Record-Keeping-Requirements.pdf>.

1.7 Amendments and Changes to the Grant Agreement

The state may make changes to the Grant. Changes include, but are not limited to, modifying the scope of the Grant project, adding funds to previously un-awarded cost items or categories, changing funds in any awarded cost items or category, de-obligating awarded funds or changing Grant officials. In the event the State determines that changes are necessary to the Grant award document after an award has been made, including changes to period of performance or terms and conditions, the Grantee will be notified of the changes in writing, and any such changes shall be documented in GeorgiaCARES.

The Grantee has no right or entitlement to payment or reimbursement with Grant funds. The Grantee agrees that nothing in this Grant Agreement will be interpreted to create an obligation or liability of the state in excess of the availability of funds for initial payment and reimbursement as provided in the funding announcement. The Grantee agrees that any act, action or representation by either party, their agents or employees that purports to waive or alter the terms of this Grant Agreement or increase the maximum liability of the state is void unless an amendment to this Grant Agreement is consented to by both parties in writing and is documented in GeorgiaCARES. Notwithstanding this requirement, it is understood and agreed by the parties hereto that changes in local, state and federal rules, regulations or laws applicable hereto may occur during the term of this Grant Agreement and that any such changes shall be automatically incorporated into this Grant Agreement without written amendment hereto, and

shall become a part hereof as of the effective date of the rule, regulation or law.

1.8 Jurisdictional Cooperation

If the Grantee is a municipality, it may yield any portion of the payments it is eligible to receive pursuant to this Grant Agreement to the county within which it exists or if Grantee is a county, it may yield any portion of the payments it is eligible to receive pursuant to this Grant Agreement to a municipality within its geographical boundaries for eligible expenses. This may be accomplished in one of the following two ways:

1. By a Grant amendment, made by the state as described in Section 1.7, whereby funds are de-obligated from the Grantee and then added to previously un-awarded costs items or categories of the receiving jurisdiction's grant award; or
2. Upon written approval from the State and documentation of such approval in GeorgiaCARES, the Grantee may use funds pursuant to this Grant Agreement to subcontract with another political subdivision within its jurisdiction for eligible and necessary expenditures incurred due to the Coronavirus Disease 2019 (COVID-19) public health emergency. The Grantee is responsible for ensuring subcontractor eligibility, ensuring expenditures are appropriate, reporting expenditures in GeorgiaCARES and maintaining all required documentation.

1.9 Public Information and Meetings

Notwithstanding any provisions of this Grant Agreement to the contrary, the Grantee acknowledges that the State of Georgia, OPB, and this Grant Agreement are subject to the Georgia Open Records Act, O.C.G.A. § 50-18-71, *et seq* (ORA). The Grantee acknowledges that OPB will comply with the ORA, as interpreted by judicial opinions and opinions of the Attorney General of the State of Georgia.

The Grantee acknowledges that information created or exchanged in connection with this Grant Agreement, including all reimbursement documentation submitted to OPB, is subject to the ORA, whether created or produced by the Grantee or any third party, and the Grantee agrees that information not otherwise excepted from disclosure under the ORA will be available in a format that is accessible by the public at no additional charge to OPB or the State. The Grantee will cooperate with the State and OPB in the production of documents or information responsive to a request for information.

1.10 Remedies for Non-Compliance

If the State determines that the Grantee fails to comply with any term of this Grant Agreement, whether stated in a federal or state statute or regulation, an assurance, a state plan or application, a notice of award, or any other applicable requirement, the State, in its sole discretion, may take actions including:

1. Imposing sanctions;
2. Temporarily withholding payments pending correction of the deficiency or imposing a corrective action plan intended to bring the Grantee into compliance with this Grant Agreement. A corrective action plan shall be a compulsory set of actions mandated by OPB that will ensure the Grantee will take certain actions to bring its jurisdiction into compliance with the terms of this Grant Agreement.

If the Grantee fails to complete any imposed corrective action plan within 60 days, OPB reserves the right to require the Grantee to return any previous Grant fund payments or reimbursements in a manner and timeframe as determined by OPB;

3. Requiring the Grantee to return or offset previous payments or reimbursements to OPB in a manner and timeframe as determined by OPB. By entering into this Grant Agreement Grantee specifically accepts and acknowledges that any noncompliance with the terms of this Grant Agreement shall entitle the State to implement this remedy, regardless of whether or not the previous payments or reimbursements were made for allowable costs;
4. Disallowing or denying use of funds for all or part of the cost of the activity or action not in compliance;
5. Disallowing claims for reimbursement;
6. Wholly or partially suspending or terminating the Grant;
7. Prohibiting the Grantee from applying for or receiving additional funds for other grant programs administered by the State until repayment to OPB is made and any other compliance or audit finding is satisfactorily resolved;
8. Reducing the Grant award maximum liability of the state; or
9. Taking other remedies or appropriate actions.

If OPB elects to implement whole or partial suspension or termination of the Grantee's Grant in accordance with this Section of the Grant Agreement, the Grantee's costs resulting from Grant eligible expenditures incurred during any such suspension or after termination of the Grant are not allowable costs unless OPB expressly authorizes them either in the notice of suspension or termination or subsequently.

The State, at its sole discretion, may impose sanctions without first requiring a corrective action plan.

The Grantee acknowledges and agrees that the State has the rights and remedies stated above and any other rights and remedies set forth in this Grant Agreement which are fair and reasonable and further acknowledges and agrees that no action taken by the State to assert or enforce any of these rights or remedies shall excuse the Grantee from performance of its obligations under this Agreement.

1.11 False Statements by Grantee

By acceptance of this Grant Agreement, the Grantee makes all the statements, representations, warranties, guarantees, certifications and affirmations included in this Grant Agreement. If applicable, the Grantee will comply with the requirements of 31 U.S.C. § 3729-3733, which set forth that no grantee of federal payments shall submit a false claim for payment.

If any of the statements, representations, certifications, affirmations, warranties or guarantees are false or if the Grantee signs or executes this Grant Agreement with a false statement or it is subsequently

determined that the Grantee has violated any of the statements, representations, warranties, guarantees, certifications or affirmations included in this Grant Agreement, then the State may consider this action or activity a possible default under this Grant Agreement and may terminate or void this Grant Agreement for cause and pursue other remedies available to the State under this Grant Agreement and applicable law. False statements or claims made in connection with grants may result in fines, imprisonment and debarment from participating in federal grants or contracts and/or any other remedy available by law, potentially including the provisions of 31 U.S.C. § 3801-3812, which details the administrative remedies for false claims and statements made.

1.12 Conflict of Interest Safeguards

The Grantee will establish safeguards to prohibit its employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain, whether for themselves or others, particularly those with whom they have family, business, or other ties. The Grantee will operate with complete independence and objectivity without actual, potential or apparent conflict of interest with respect to its performance under this Grant Agreement in accordance with Title 45 Chapter 10 of the O.C.G.A., 18 U.S.C. § 666, 18 U.S.C. § 1031, and 2 C.F.R. § 200.318.

1.13 Fraud, Waste and Abuse

The Grantee acknowledges and assents that the State of Georgia shall not tolerate fraud, waste or misuse of funds received from any state entity (*See* Title 45 Chapter 10 of the O.C.G.A.) and that any violation of state or federal law, state policies or standards of ethical conduct shall result in penalties including, but not limited to, suspension of current and future funds, suspension or debarment from federal and state grants, recoupment of monies provided under an award, remedies set forth in 2 C.F.R. § 200.338, and civil and/or criminal penalties.

In the event the Grantee becomes aware of any allegation or a finding of fraud, waste or misuse of funds received from OPB that is made against the Grantee, the Grantee is required to immediately report said allegation or finding to the U.S. Department of the Treasury Office of the Inspector General¹ and to OPB and must continue to inform OPB of the status of any such on-going investigations. The Grantee must also promptly refer to OPB as well as the appropriate federal authorities, including, but not limited to, the U.S. Department of the Treasury Office of the Inspector General, any credible evidence that a principal, employee, agent, grantee, contractor, subcontractor or other person has -- (1) submitted a claim for award funds that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity or similar misconduct involving award funds. Grantees must also immediately notify OPB in writing of any misappropriation of funds, fraud, theft, embezzlement, forgery, or any other serious irregularities indicating noncompliance with grant requirements. Grantees must notify the local prosecutor's office of any possible criminal violations. Grantees must immediately notify OPB in writing if a project or project personnel become involved in any litigation, whether civil or criminal, and the Grantee must immediately forward a copy of any demand, notices, subpoenas, lawsuits or indictments to OPB.

¹ See 2 C.F.R. § 200.113. Disclosure, in a timely manner, to the Federal awarding agency or pass-through entity is mandatory for all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. § 200.338.

1.14 Termination of the Agreement

The State may, at its sole discretion, terminate this Grant Agreement, without recourse, liability or penalty against the State, upon written notice to the Grantee. In the event the Grantee fails to perform or comply with an obligation or a term, condition or provision of this Grant Agreement, the State may, upon written notice to the Grantee, terminate this Grant Agreement for cause, without further notice or opportunity to cure. Such notification of termination for cause will state the effective date of such termination, and if no effective date is specified, the effective date will be the date of the notification.

The State and the Grantee may mutually agree to terminate this Grant Agreement at any time. The State, in its sole discretion, will determine if, as part of the agreed termination, the Grantee is required to return any or all of the disbursed Grant funds.

Termination is not an exclusive remedy but will be in addition to any other rights and remedies provided in equity, by law or under this Grant Agreement, including those remedies listed at 2 C.F.R. § 200.207 and 2 C.F.R. § 200.338 – 200.342. Following termination by the State, the Grantee shall continue to be obligated to OPB for the return of Grant funds in accordance with applicable provisions of this Grant Agreement. In the event of termination under this Section, the State may elect to reimburse the Grantee but any such reimbursement shall be limited to allowable costs incurred and paid by the Grantee prior to the effective date of termination, and any allowable costs determined by the State in its sole discretion to be reasonable and necessary to cost-effectively wind down the Grant. Termination of this Grant Agreement for any reason or the expiration of this Grant Agreement shall not release the parties from any liability or obligation set forth in this Grant Agreement that is expressly stated to survive any such termination or expiration.

1.15 Limitation of Liability

TO THE EXTENT ALLOWED BY LAW, THE GRANTEE SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF GEORGIA, OPB AND/OR THEIR OFFICERS, REGENTS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, ASSIGNEES AND/OR DESIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEY FEES, AND EXPENSES ARISING OUT OF, OR RESULTING FROM, ANY ACTS OR OMISSIONS OF THE GRANTEE OR ITS AGENTS, EMPLOYEES, SUBCONTRACTORS, ORDER FULFILLERS, OR SUPPLIERS OF SUBCONTRACTORS IN THE EXECUTION OR PERFORMANCE OF THIS GRANT AGREEMENT AND ANY PURCHASE ORDERS ISSUED UNDER THIS GRANT AGREEMENT. THE DEFENSE SHALL BE COORDINATED BY THE GRANTEE WITH THE OFFICE OF THE GEORGIA ATTORNEY GENERAL WHEN STATE AGENCIES ARE NAMED DEFENDANTS IN ANY LAWSUIT AND THE GRANTEE MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING THE CONCURRENCE FROM THE OFFICE OF THE GEORGIA ATTORNEY GENERAL. THE GRANTEE AND THE STATE AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM.

The Grantee agrees that no provision of this Grant Agreement is in any way intended to constitute a waiver by the State, OPB, or their officers, regents, employees, agents, or contractors, of any privileges, rights, defenses, remedies, or immunities from suit and liability that OPB or the State may have by

operation of law.

1.16 Dispute Resolution

The parties' designees will meet as needed to implement the terms of this Grant Agreement and will make a good faith attempt to informally resolve any disputes.

Notwithstanding any other provision of this Grant Agreement to the contrary, unless otherwise requested or approved in writing by OPB, the Grantee shall continue performance and shall not be excused from performance during the period any breach of this Grant Agreement, claim or dispute is pending.

The laws of the State govern this Grant Agreement and all disputes arising out of or relating to this Grant Agreement, without regard to any otherwise applicable conflict of law rules or requirements. Venue for any action, suit, litigation, or other proceeding arising out of or in any way relating to this Grant Agreement shall be commenced exclusively in the Superior Court of Fulton County, Georgia.

The Grantee hereby irrevocably and unconditionally consents to the exclusive jurisdiction of the court referenced above for the purpose of prosecuting and/or defending such litigation. The Grantee hereby waives and agrees not to assert by way of motion, as a defense, or otherwise, in any suit, action or proceeding, any claim that the Grantee is not personally subject to the jurisdiction of the above-named courts; the suit, action or proceeding is brought in an inconvenient forum; and/or the venue is improper.

1.17 Liability for Taxes

The Grantee agrees and acknowledges that Grantee is entirely responsible for the liability and payment of Grantee and Grantee's employees' taxes of whatever kind, arising out of the performances in this Grant Agreement. The Grantee agrees to comply with all state and federal laws applicable to any such persons, including laws regarding wages, taxes, insurance and workers' compensation. Neither OPB nor the State shall be liable to the Grantee, its employees, its agents or others for the payment of taxes or the provision of unemployment insurance or workers' compensation or any benefit available to a State employee or employee of OPB.

1.18 Required Assurances

The Grantee must comply with the applicable Grantee Assurances, which are attached hereto and incorporated for all purposes as Exhibit A.

1.19 System for Award Management (SAM) Requirements

The Grantee agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) or with a successor government-wide system officially designated by OMB and, if applicable, the federal funding agency. These requirements include maintaining current registrations and the currency of the information in SAM. The Grantee will review and update information at least annually until submission of the final financial report required under the award or receipt of final payment, whichever is later, as required by 2 C.F.R. § 25.

The Grantee will comply with 2 C.F.R. § 180 that implement Exec. Order 12549, 3 C.F.R. 189 (1986)

and Exec. Order 12689, 3 C.F.R. 235 (1989) that requires “a contract award (see 2 C.F.R. § 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM)”, in accordance with the OMB guidelines at 2 C.F.R. Part 180 that implement Exec. Order 12549, 3 C.F.R. 189 (1986) and Exec. Order 12689, 3 C.F.R. 235 (1989), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority. The Grantee certifies it will verify each vendor’s status to ensure the vendor is not debarred, suspended, otherwise excluded or declared ineligible by checking the SAM before doing/renewing business with that vendor.

The Grantee certifies that it and its principals are eligible to participate in this Grant Agreement and have not been subjected to suspension, debarment or similar ineligibility determined by any federal, state or local governmental entity; the Grantee is in compliance with the State of Georgia statutes and rules relating to procurement; and the Grantee is not listed in the federal government’s terrorism watch list as described in federal Exec. Order 13224, 3 C.F.R § 2001 Comp. p. 49077.

1.20 No Obligation by Federal Government

The parties acknowledge and agree that the federal government is not a party to this Grant Agreement and is not subject to any obligations or liabilities to either party, third party or subcontractor pertaining to any matter resulting from this Grant Agreement.

1.21 Notice

Any and all notices, designations, consents, offers, acceptances or any other communication provided for herein shall be given in writing by registered or certified mail with return receipt requested, to a party hereto and shall be addressed to the person who signed the Grant Agreement on behalf of the party at the address set forth below or to such other address as the parties may designate by notice from time to time in accordance with this Grant Agreement.

If to Grantee: Flowery Branch c

Street Address

5410 W. Pine St.

City

State

Zipcode

Flowery Branch

GA

30542

If to OPB: Governor’s Office of Planning and Budget

2 Capitol Square SW

Atlanta, Georgia 30334

cares@opb.georgia.gov

1.22 Force Majeure

Neither the Grantee nor the State shall be required to perform any obligation under this Grant Agreement or be liable or responsible for any loss or damage resulting from its failure to perform so long as performance is delayed by force majeure or acts of God, including but not limited to labor shortages

caused by strikes or lockouts, embargo, war, terrorism, flood, natural disaster. Each party must inform the other in writing, with proof of receipt, within three (3) business days of the existence of such force majeure, or otherwise waive this right as a defense.

To the extent that the (1) Georgia State of Emergency relating to unlawful assemblage and violence, and (2) the Georgia Public Health States of Emergency relating to COVID-19, become more severe and lead to the impossibility to perform any obligation under this Grant Agreement, then riots and pandemic may be asserted as force majeure events.

1.23 Severability

If any provision of this Grant Agreement is rendered or declared illegal for any reason, or shall be invalid or unenforceable, this Grant Agreement shall be interpreted as though such provision was modified or deleted in such manner so as to afford the party for whose benefit it was intended the fullest benefit commensurate with making this Grant Agreement, as modified, enforceable, and the remainder of this Grant Agreement and the application of such provision to other persons or circumstances shall not be affected thereby, but shall be enforced to the greatest extent permitted by applicable law.

3. Warranties

2.1 E-Verify

Grantee, by signing this Agreement, represents and warrants that it will comply with the requirements of O.C.G.A. § 50-36-1 entitled “Verification of Lawful Presence Within United States” and verify the lawful presence in the United States of any natural person 18 years of age who has applied for state or local public benefits, as defined in 8 U.S.C. § 1621, or for federal public benefits, defined in 8 U.S.C. § 1611, that is administered by an agency or a political subdivision of this State.

Grantee, by signing this Agreement, represents and warrants that it will comply with the requirements of O.C.G.A. § 13-10-90 entitled “Security and Immigration Compliance.” This requires, among other things, that every public employer, including, but not limited to, every municipality and county, will register and participate in the federal work authorization program to verify employment eligibility of all newly hired employees.

2.2 Compliance with Federal Law, Regulations and Executive Orders

Grantee represents and warrants that federal financial assistance funds will be used to fund this Grant Agreement. The Grantee will comply with all applicable federal law, regulations, executive orders, policies, procedures and directives.

2.3 Clean Air Act

The following is only applicable if the amount of the contract exceeds \$150,000.

1. Grantee represents and warrants that it shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401, *et seq.*

2. Grantee represents and warrants to report each violation to the appropriate federal authorities as well as OPB and acknowledges and agrees that the State will, in turn, report each violation as required to assure notification to the appropriate federal authorities and the appropriate Environmental Protection Agency Regional Office.
3. Grantee represents and warrants to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with federal assistance provided by this Grant Agreement.

2.4 Federal Water Pollution Control Act

Grantee represents and warrants that it shall comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251, *et seq.*

Grantee represents and warrants to report each violation to the appropriate federal authorities as well as OPB and acknowledges and agrees that the State will, in turn, report each violation as required to assure notification to the appropriate federal authorities and the appropriate Environmental Protection Agency Regional Office.

Grantee represents and warrants that it shall include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with federal assistance provided by this Grant Agreement.

2.5 Energy Conservation

If applicable, Grantee represents and warrants that it shall comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. § 6201).

2.6 Procurement of Recovered Materials

Grantee represents and warrants that it shall comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency at 40 C.F.R. § 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

2.7 Copyright, Patents and Intellectual Property Rights

Grantee represents and warrants that it shall affix the applicable copyright notices of 17 U.S.C. § 401 or 402 and an acknowledgement of United States Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Unless otherwise provided by law, Grantee is subject to 35 U.S.C. § 200, *et seq.* All Grantee is subject to the specific requirements governing the development, reporting and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. § 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

2.8 Federal Debt Status

Grantee represents and warrants they are and will be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances and benefit overpayments.

2.9 Terminated Contracts

Grantee represents and warrants it has not had a contract terminated or been denied the renewal of any contract for noncompliance with policies or regulations of any state or federally funded program within the past five (5) years nor is it currently prohibited from contracting with a governmental agency. If the Grantee does have such a terminated contract, the Grantee shall identify the contract and provide an explanation for the termination. The Grantee acknowledges that this Grant Agreement may be terminated and payment withheld or return of grant funds required if this certification is inaccurate or false.

2.10 Reporting Requirements

The Grantee represents and warrants that it shall provide adequate support for the expenditure of Grant funds in GeorgiaCARES. Financial documentation to support payment(s) shall be submitted in GeorgiaCARES no later than the grant liquidation date of September 1, 2020 as provided by Section 6.7 of this Agreement. Financial documentation to support a request for reimbursement of expenditures must be submitted at the time of the request for reimbursement. Final financial documentation must be submitted in GeorgiaCARES on or before the grant liquidation date, as provided in Section 6.7, or the State may implement sanctions as necessary up to and including grant termination and recoupment of all payments made to the Grantee.

4. Property and Procurement Requirements

3.1 Property Management and Inventory

The Grantee must ensure equipment purchased with grant funds is used for the purpose of the grant and as approved by the State. The Grantee must develop and implement a control system to prevent loss, damage or theft of property and investigate and document any loss, damage or theft of property funded under the grant.

The Grantee must account for any real and personal property acquired with grant funds or received from the federal government in accordance with 2 C.F.R. § 200.310 through 200.316 and 200.329. This documentation must be maintained by the Grantee, according to the requirements listed herein, and provided to the State upon request, if applicable.

When original or replacement equipment acquired under this award by the Grantee is no longer needed for the original project or program or for other activities currently or previously supported by the federal awarding agency or the State, the Grantee must make proper disposition of the equipment pursuant to 2 C.F.R. § 200.

The Grantee will maintain specified equipment management and inventory procedures for equipment, including replacement equipment, whether acquired in whole or in part with grant funds, until disposition takes place, with a per-unit cost of \$5,000 or greater. The equipment and inventory procedures

include, but are not limited to:

1. The Grantee must keep an inventory report on file containing equipment purchased with any grant funds during the grant period. The inventory report must agree with the approved grant budget and accepted documentation and shall be available to the State at all times upon request.
2. The Grantee must maintain property/inventory records which, at minimum, include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, the cost of the property, the percentage of federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
3. The Grantee shall permanently identify all such equipment by appropriate tags or labels affixed to the equipment. Exceptions to this requirement are limited to items where placing of the marking is not possible due to the nature of the equipment.

3.2 Procurement Practices and Policies

The Grantee must follow applicable federal and state law, federal procurement standards specified in regulations governing federal awards to non-federal entities, their established policy, and best practices for procuring goods or services with grant funds. Procurement activities must follow the most restrictive of federal, state and local procurement regulations.

In the event that the Grantee uses subcontractors or contractors, the Grantee shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable as prescribed by applicable federal and state laws.

3.3 Contract Provisions Under Federal Awards

All contracts made by the Grantee under a federal award must contain the provisions outlined in 2 C.F.R. § 200 “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” and 79 F.R. 75871 “Appendix II to Part 200 Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.”

5. Audit and Records Requirements

4.1 Cooperation with Monitoring, Audits, Records Requirements, Assessments and Evaluations

All records and expenditures are subject to, and the Grantee agrees to comply with, monitoring, examinations, demand for documents, and/or audits conducted by any and all federal or state officials and auditors, including but not limited to, the U.S. Department of the Treasury Inspector General, OPB, the Georgia Department of Audits and Accounts, the State of Georgia Inspector General, and the Department of Community Affairs, or their duly authorized representatives or designees. The Grantee shall maintain, under GAAP or GASB, adequate records that enable federal and state officials and auditors to ensure proper accounting for all costs and performances related to this Grant Agreement.

4.2 Single Audit Requirements

Grantees that expend \$750,000.00 or more of federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with the Government Accountability Office's Government Auditing Standards, which may be accessed online at <http://www.gao.gov/govaud/ybkOl.htm>, and in accordance with 2 C.F.R. § 200.514 Scope of Audit. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year.

In addition, Grantee must submit the audit report to the State, by sending a copy to the Georgia Department of Audits and Accounts, Nonprofit and Local Governments Audits, 270 Washington Street, SW, Room I-156, Atlanta, Georgia 30334-8400.

If required to submit an audit report under the requirements of 2 C.F.R. § 200(f), the Grantee shall provide OPB with written documentation showing that it has complied with the single audit requirements. The Grantee shall immediately notify OPB in writing at any time that it is required to conduct a single audit and provide documentation within a reasonable time period showing compliance with the single audit requirement.

4.3 Requirement to Address Audit Findings

If any audit, monitoring, investigations, review of awards or other compliance review reveals any discrepancies, inadequacies or deficiencies which are necessary to correct in order to maintain compliance with this grant agreement, applicable laws, regulations, or the Grantee's obligations hereunder, the Grantee agrees to propose and submit to OPB a corrective action plan to correct such discrepancies or inadequacies within thirty (30) calendar days after the Grantee's receipt of the findings. The Grantee's corrective action plan is subject to the approval of OPB.

The Grantee understands and agrees that the Grantee must make every effort to address and resolve all outstanding issues, findings or actions identified by federal or state officials and auditors through the corrective action plan or any other corrective plan. Failure to address these findings promptly and adequately may result in grant funds being withheld, other related requirements being imposed or other sanctions and penalties. The Grantee agrees to complete any corrective action approved by OPB within the time period specified by OPB and to the satisfaction of OPB, at the sole cost of the Grantee. The Grantee shall provide to OPB periodic status reports regarding the Grantee's resolution of any audit, corrective action plan, or other compliance activity for which the Grantee is responsible.

4.4 Records Retention

The Grantee shall maintain appropriate audit trails to provide accountability for all expenditures of grant funds, reporting measures, and funds received from the state under this grant agreement. Audit trails maintained by the Grantee will, at a minimum, identify the supporting documentation prepared by the Grantee to permit an audit of its accounting systems and payment verification with respect to the expenditure of any funds awarded under this grant agreement.

The Grantee must maintain fiscal records and supporting documentation for all expenditures resulting from this grant agreement pursuant to 2 C.F.R. § 200.333 and state law. The Grantee must retain these records and any supporting documentation for a minimum of seven (7) years from the later of the

completion of this project's public objective; submission of the final expenditure report; or any litigation, dispute or audit. Records related to real property and equipment acquired with grant funds must be retained for seven (7) years after final disposition. OPB may direct the Grantee to retain documents for longer periods of time or to transfer certain records to OPB or federal custody when it is determined that the records possess long term retention value in accordance with retention schedules approved by the State Records Committee or the federal government.

6. Prohibited and Regulated Activities and Expenditures

5.1 Prohibited Costs

The following are nonexclusive examples of ineligible expenditures. These requirements are required by federal rule. Therefore, any question about their meaning or to what extent certain activities or action are allowed should be resolved by referencing the guidance provided by the United States Treasury Department²:

1. Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Revenue replacement is not a permissible use of these grant funds. In accordance with Section 4.1 all records and expenditures are subject to review.
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Duplication of benefits including expenses that have been or will be reimbursed under any other federal program.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

5.2 Political Activities

Grant funds may not be used in connection with the following acts by agencies or individuals employed by grant funds:

1. Unless specifically authorized to do so by federal law, grant recipients or their Grantee or contractors are prohibited from using grant funds directly or indirectly for political purposes, including lobbying

² See <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

or advocating for legislative programs or changes; campaigning for, endorsing, contributing to, or otherwise supporting political candidates or parties; and voter registration or get-out-the-vote campaigns. Generally, organizations or entities which receive federal funds by way of grants, contracts or cooperative agreements do not lose their rights as organizations to use their own, private, non-federal resources for “political” activities because of or as a consequence of receiving such federal funds. These recipient organizations must thus use private or other non-federal money, receipts, contributions or dues for their political activities, and may not charge off to or be reimbursed from federal contracts or grants for the costs of such activities.

2. Grant officials or grant funded employees may not use official authority or influence or permit the use of a program administered by the Grantee agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.
3. Grant-funded employees may not coerce, attempt to coerce, command, restrict, attempt to restrict or prevent the payment, loan or contribution of anything of value to a person or political organization for a political purpose.
4. As applicable, the Grantee and each contracting tier will comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an award may be expended by the Grantee to pay any person to influence, or attempt to influence, an officer or employee of any agency, a member of Congress, an officer or employee of Congress or an employee of a member of Congress in connection with any federal action concerning the award or renewal. Each contracting tier shall also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures must be forwarded from tier to tier up to the recipient.

7. Financial Requirements

6.1 Payments and Required Documentation

Funding for this Grant Agreement is appropriated under the CARES Act, as amended, to facilitate protective measures for and recovery from the public health emergency in areas affected by COVID-19, which are residentially-declared major disaster areas under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121, *et seq.*). All expenditures under this Grant Agreement must be made in accordance with this Grant Agreement and any other applicable laws, rules or regulations. Further, the Grantee acknowledges that all funds are subject to recapture and repayment for non-compliance pursuant to Section 6.6.

Part One: Once a Grantee executes this Grant Agreement, the Grantee will be eligible to immediately request 30% of the total amount initially available to the Grantee specified in GeorgiaCARES pursuant to the funding announcement. Grantee must submit documentation to OPB through the GeorgiaCARES portal to support the drawdown of the advance amount provided in Section 7 of this Grant Agreement. All documentation for Part One expenditures must be submitted to OPB as soon as practical and without unreasonable delay, but in no case later than the grant liquidation date of September, 1, 2020 as provided by Section 6.7 of this Agreement.

Part Two: After a Grantee has submitted all Part One documentation in GeorgiaCARES and such

documentation has been approved and accepted, the Grantee will be authorized to submit requests for reimbursement against the remaining 70% of the allocation available , up to the total amount provided by Section 8 of the Grant Agreement, to the Grantee specified in GeorgiaCARES pursuant to the funding announcement. All documentation of expenditures reimbursed must be submitted in GeorgiaCARES prior to reimbursement, no request for reimbursement shall be accepted later than the grant liquidation date of September 1, 2020 as provided by Section 6.7 of this Agreement.

The State may provide additional funds to Grantee beyond the total amount initially available to Grantee in Part One and Part Two above. Such provision of additional funding will be at the State's discretion and will be disbursed in accordance with a subsequent funding announcement. All terms and conditions of this Grant Agreement shall apply to any payments made pursuant to such funding announcement, unless otherwise provided therein.

To receive payments, a Grantee must be an eligible vendor in the State Accounting Office's vendor management system. Payments will be made via electronic funds transfer to the bank account associated with the vendor in the vendor management system. If sufficient progress is not made towards expenditure of advanced funds and/or the Grantee fails to meet reporting obligations, the State may implement sanctions as necessary up to and including grant termination and recoupment of all payments made to the Grantee.

6.2 Interest Bearing Accounts

The Treasury guidance referenced in Section 1.6 states the following:

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

The Grantee shall record any and all interest accrued on Grant funds while Grantee is holding said Grant funds and shall report any such interest to OPB. The Grantee shall either provide documentation showing that said interest was used for allowable costs or remit all unused interest to OPB no later than the grant liquidation date of September 1, 2020 as provided by Section 6.7 of this Agreement.

6.3 Reporting

The Grantee must provide adequate support for the expenditure of grant funds in GeorgiaCARES. The State, in its sole discretion, will determine whether supporting documentation is adequate. Financial documentation to support Part One payment(s) must be submitted in GeorgiaCARES on a monthly basis, no later than 15 days after the end of each month but can be submitted more often. Financial

documentation to support a request for reimbursement of expenditures must be submitted at the time of the request for reimbursement. Final financial documentation must be submitted in GeorgiaCARES on or before the grant liquidation date or the State may implement sanctions as necessary up to and including grant termination and recoupment of all payments made to the Grantee.

Grantee is required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. § 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

If the total value of the Grantee's currently active grants, cooperative agreements and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the Grantee must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. § 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

The Grantee shall complete any other reports as requested by OPB and cooperate and assist the State in complying with any and all federal tracking and reporting requirements.

6.4 Reimbursements

The State will reimburse the Grantee for the expenditure of actual and allowable allocable costs incurred and paid by the Grantee pursuant to this Grant Agreement and rules promulgated by the State for the purpose of determining reimbursable expenses. The State is not obligated to pay unauthorized costs or to reimburse expenses that were incurred by the Grantee prior to the commencement or after the termination of this Grant Agreement. The Grantee will pay contractors, vendors, suppliers, etc.

6.5 Refunds and Deductions

If the State determines that the Grantee has been overpaid any grant funds under this Grant Agreement, including payments made inadvertently or payments made but later determined to not be actual and allowable allocable costs, the Grantee shall return to OPB the amount identified by the State as an overpayment. The Grantee shall refund any overpayment to OPB within thirty (30) calendar days of the receipt of the notice of the overpayment from the State unless an alternate payment plan is specified by OPB. Refunds may be remitted to: Governor's Office of Planning and Budget, 2 Capitol Square SW, Atlanta, Georgia 30334, Attention: Coronavirus Relief Fund Payments.

6.6 Recapture of Funds

The discretionary right of the State to terminate under Section 1.14 notwithstanding, the State shall have the right to terminate this Grant Agreement and to recapture and be reimbursed for any payments made by the State: (i) that are not allowed under applicable laws, rules and regulations; or (ii) that are otherwise inconsistent with this Grant Agreement, including any unapproved expenditures.

6.7 Liquidation Period

The grant liquidation dates are as follows:

1. The grant liquidation date for the advanced 30% of the allocation is September 1, 2020.
2. The grant liquidation date for the remaining 70% reimbursable portion is September 1, 2020.

6.8 Project Close Out

The State will close-out the grant award when it determines that all applicable administrative actions and all required work of the grant have been completed by the Grantee.

The Grantee must submit all financial, performance and other reports as required by the terms and conditions of this Grant Agreement.

The Grantee must promptly refund to OPB any balances of cash that the State paid in advance and that are not authorized to be retained by the Grantee for use in other projects.

8. Allocated Amount

Jurisdiction: Flowery Branch city

Advance Amount: \$130,738.35

Total Amount: \$435,794.49

9. Authorized User

The following list identifies the user(s) authorized to perform tasks in GeorgiaCARES on behalf of Grantee (Authorized User(s)). Any action carried out by an Authorized User in GeorgiaCARES is an action of the Grantee.

1. Authorized User One – Authorized Representative of Grantee (Required)

Name: Alisha Gamble
Title: Finance Director
Email: alisha@flowerybranchga.org
Phone Number: 4707980524

2. Authorized User Two (Optional)

Name: Vickie Short
Title: City Clerk
Email: vickies@flowerybranchga.org
Phone Number: 4707980535

[EXHIBITS AND SIGNATURE PAGE FOLLOW]

EXHIBIT A
Grantee Assurances

As the duly authorized representative of the Grantee, I certify that the Grantee:

1. Has the legal authority to request grant payments from the State of Georgia for federal funds appropriated pursuant to Section 601 of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020), and the institutional, managerial and financial capability to ensure proper planning, management and completion of the project(s) contemplated by this application.
2. Shall give any and all federal or State officials and auditors, or their duly authorized representative or designee, access to and the right to examine all records, books, papers or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or awarding agency directives.
3. Shall carry out all activities and endeavors with strict adherence to the Code of Ethics for Government Service as established within Title 45, Chapter 10 and Section 1 of the Official Code of Georgia Annotated and shall establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
4. Shall initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Shall comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps and the Americans with Disabilities Act of 1990 including Titles I, II and III of the Americans with Disability Act which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation and certain testing entities, 44 U.S.C. § 12101-12213; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101, *et seq.*), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to the nondiscrimination on the basis of alcohol abuse or alcoholism; (g) § 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. § 290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601, *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to this grant.
6. Shall comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. § 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. § 327-333), regarding labor standards for federally assisted construction subagreements.
7. Shall comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or

whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.

8. Shall comply with the provisions of the Hatch Political Activity Act (5 U.S.C. § 1501-1508 and 7321-29), which limit the political activity of employees whose principal employment activities are funded in whole or in part with federal funds.
9. Shall comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act and the Intergovernmental Personnel Act of 1970, as applicable.
10. Shall comply with all applicable federal, State and local environmental and historic preservation (EHP) requirements and shall provide any information requested by the appropriate authority to ensure compliance with applicable laws and regulations, including: federal EHP regulations, laws and executive orders; the National Environmental Policy Act; the National Historic Preservation Act; the Endangered Species Act; and the executive orders on floodplains (Exec. Order 11988, 3 C.F.R. 117 (1977), wetlands (Exec. Order 11990, 3 C.F.R. 121 (1977) and environmental justice (Exec. Order 12898, 59 Fed. Reg. 7629 (Feb. 16, 1994)). Failure of the Grantee to meet federal, state and local EHP requirements and obtain applicable permits may jeopardize federal funding.
11. Shall ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA, Exec. Order 11,738, 3 C.F.R. 799 (1971-1975).
12. Shall comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712 and 10 U.S.C. § 2324, and 41 U.S.C. §§ 4304 & 4310.
13. Shall comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. § 175-175c and comply with Exec. Order 13224, 60 Fed. Reg. 49079 (2001) and U.S. law prohibiting transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism.
14. Shall comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition proposed for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.
15. Shall comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Exec. Order 11514, 3 C.F.R. 902 (1966-1970) ; (b) notification of violating facilities pursuant to Exec. Order 11738, 3 C.F.R. 799 (1971-1975); (c) protection of wetlands pursuant to Exec. Order 11990, 3 C.F.R. 121 (1977); (d) evaluation of flood hazards in floodplains in accordance with Exec. Order 11988, 3 C.F.R. 117 (1977); (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451, *et seq.*); (f) conformity of federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401, *et seq.*); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of

1973, as amended (P.L. 93-205).

16. Shall comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271, *et seq.*) related to protecting components or potential components of the national wild and scenic rivers system.
17. Shall assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Exec. Order 11593 3 C.F.R. 559 (1971-1975), (identification and protection of historic properties) and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469a-1, *et seq.*).
18. Shall comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. § 2131, *et seq.*) which requires the minimum standards of care and treatment for vertebrate animals bred for commercial sale, used in research, transported commercially or exhibited to the public according to the Guide for Care and Use of Laboratory Animals and Public Health Service Policy and Government Principals Regarding the Care and Use of Animals.
19. Shall comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4801, *et seq.*) which prohibits the use of lead-based paint in construction or rehabilitation of residential structures.
20. Will comply with the requirements of Section 106(9) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) engaging in trafficking in persons during the period of time that the award is in effect (2) procuring a commercial sex act during the period of time that the award is in effect or (3) using forced labor in the performance of the award or subawards under the award.
21. Shall comply with the Pro-Children Act of 1994 (Public Law 103-277), which prohibits smoking within any portion of any indoor facility used for the provision of services for children.
22. Shall cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133 , "Audits of States, Local Governments, and Non-Profit Organizations."
23. Shall comply with P.L. 93-348 regarding the protection of human subjects involved in research, development and related activities supported by this award of assistance.
24. Shall comply with all federal tax laws and is solely responsible for filing all required State and federal tax forms.
25. And its principals are eligible to participate and have not been subjected to suspension, debarment or similar ineligibility determined by any federal, State or local governmental entity and it is not listed on a State or federal government's terrorism watch list as described in EO 13224. Entities ineligible for federal procurement have Exclusions listed at <https://www.sam.gov/portal/public/SAM/>.
26. Shall comply with all applicable federal and State Drug-Free Workplace laws and rules.
27. Shall comply with all applicable requirements of all other federal and State laws, executive orders, regulations and policies governing this program.

EXHIBIT B
Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and
Drug-Free Workplace Requirements

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 C.F.R. § 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 C.F.R. § 82, § 82.105 and 82.110, the applicant certifies that:

- A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Exec. Order 12549, 3 C.F.R. 189 (1986), Debarment and Suspension, and implemented at 34 C.F.R. § 85, for prospective participants in primary covered transactions, as defined at 34 C.F.R. § 85, § 85.105 and 85.110--

- A. The Grantee certifies that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - (b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false Statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

- (d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default; and
- B. Where the applicant is unable to certify to any of the Statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEE OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 C.F.R. § 85(f), for Grantee, as defined at 34 C.F.R. § 85, § 85.605 and 85.610-

- A. The Grantee certifies that it will or will continue to provide a drug-free workplace by:
 - (a) Publishing a Statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an on-going drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The Grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the Statement required by paragraph (a);
 - (d) Notifying the employee in the Statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the Statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying OPB, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Notice shall include the identification number(s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
- B. The Grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

4. DRUG-FREE WORKPLACE (GRANTEE WHO IS AN INDIVIDUAL)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 C.F.R. § 85(f), for Grantee, as defined at 34 C.F.R. §§ 85, 85.605, and 85.610.

- A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and
- B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to OPB. Notice shall include the identification number(s) of each affected grant.

By: Mike Miller
(Authorized Representative of Grantee)

Signature: Alisha L. Gamble
Alisha L. Gamble 07/27/2020 12:18:00

Title: Mayor

Date: Jul 27, 2020

EXHIBIT C
Cares Act Coronavirus Relief Fund Eligibility Certification

I, Mike Miller (Print Name), am the Mayor (Title) of Flowery Branch city (“County”/“Municipality”) and I certify that:

1. I have the authority on behalf of County/Municipality to request grant payments from the State for federal funds appropriated pursuant to Section 601 of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020).

2. I understand that the State will rely on this certification as a material representation in making grant payments to the County/Municipality.

3. I acknowledge that pursuant to Section 4.4 of this Agreement, County/Municipality must keep records sufficient to demonstrate that the expenditure of funds it has received is in accordance with Section 601(d) of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020).

4. I acknowledge that all records and expenditures are subject to audit by the United States Department of the Treasury’s Inspector General, the Governor’s Office of Planning and Budget, the Georgia Department of Audits and Accounts, the State of Georgia Office of Inspector General, and the Department of Community Affairs, or representative or designee.

5. I acknowledge that County/Municipality has an affirmative obligation to identify and report any duplication of benefits. I understand that the State has an obligation and the authority to deobligate or offset any duplicated benefits.

6. I acknowledge and agree that County/Municipality shall be liable for any costs disallowed pursuant to financial or compliance audits of funds received.

7. I acknowledge that if County/Municipality has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the United States Department of the Treasury.

8. I acknowledge that the County/Municipality’s proposed uses of the funds provided as grant payments from the State by federal appropriation under Section 601 of the Social Security Act will be used only to cover those costs that:

- a. Are necessary expenditures incurred due to the public health emergency and governor’s disaster declaration on March 14, 2020, as amended, with respect to the Coronavirus Disease 2019 (COVID-19);
- b. Were not accounted for in the budget most recently approved as of March 27, 2020, for County/Municipality; and
- c. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

9. I acknowledge that County/Municipality is required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. § 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

By: Mike Miller
(Authorized Representative of Grantee)

Signature: Alisha L. Gamble
Signature of Alisha L. Gamble, dated July 27, 2020

Title: Mayor

Date: Jul 27, 2020

Please initial by each exhibit, acknowledging you have received them, understand them, and agree to abide by them.

AG
AG

Exhibit A – Grantee Assurances

AG
AG

Exhibit B – Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; And Drug-Free Workplace Requirements

AG
AG

Exhibit C – CARES Act Coronavirus Relief Fund Eligibility Certification

By signing below the Grantee acknowledges acceptance of the Grant, all terms and conditions of this Grant Agreement, and all exhibits to this Grant Agreement, and agrees to abide by all such terms and conditions.

By: Mike Miller
(Authorized Representative of Grantee)

Signature: Alicia L. Gamble
Alicia L. Gamble (1/17/2020 11:48:03)

Title: Mayor

Date: Jul 27, 2020

SIGNATURE PAGE