



**City of Flowery Branch
City Council Meeting
Thursday, September 15, 2022, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

ADOPTION OF AGENDA:

PUBLIC HEARING:

UNFINISHED BUSINESS - WORK SESSION:

- Consider Second Reading of Ordinance 447-C, a Speed Zone Ordinance.
[Executive Summary Second Reading Ordinance 447-C.pdf](#)
[Ordinance 447-C Speed Zone.pdf](#)
[City of Flowery Branch LOR 2022 #2800-05-2022.pdf](#)

NEW BUSINESS -WORK SESSION:

- Presentation of Potential Funding for Wastewater Treatment Plant
- Consider Ordinance 504-C, Amending the Alcohol Licensing Ordinance.
[Executive Summary Ordinance 504-C Amending Alcohol Ordinance.pdf](#)
[Ordinance 504-C Alcohol License Amendment.pdf](#)
- Consideration of Contract with Suez for an MBR Wastewater Treatment Solution

DEPARTMENT REPORTS: - a. City Manager Report

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

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes**CONSENT AGENDA:**

- Consider August 29, 2022 Special Called City Council Meeting Minutes
[Unofficial Minutes August 29, 2022.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

- Consider the Second Read of Ordinance 670, a request submitted by Edge City Properties, Inc. to rezone a 60.79 +/- acre tract of land known as 5183 Gainesville Street, tax parcel identification number 08098 001019 from Agricultural (A) to Planned Unit Development (PUD).
[Final Application Submitted 5.13.2022.pdf](#)
[SF Detached Renderings.pdf](#)
[Townhome-300colorR1.pdf](#)
[Dye Rezoning Ordinance 670.pdf](#)
[Staff Report Dye PUD Sept.pdf](#)
- Consider Second Reading of Ordinance 447-C, a Speed Zone Ordinance.
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NEW BUSINESS - VOTING SESSION:

- Consider Ordinance 504-C, Amending the Alcohol Licensing Ordinance.
[Executive Summary Ordinance 504-C Amending Alcohol Ordinance.pdf](#)
[Ordinance 504-C Alcohol License Amendment.pdf](#)
- Consideration of Contract with Suez for an MBR Wastewater Treatment Solution

EXECUTIVE SESSION:**ADJOURNMENT:**

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Second Reading of Ordinance 447-C, a Speed Zone Ordinance.

COUNCIL MEETING DATE: September 15, 2022

HISTORY:

A speed zone ordinance was last adopted by the City Council on April 20, 2017. The Georgia Department of Transportation (GDOT) has asked the City to update its Speed Zone Ordinance as shown in the attached GDOT List of Roads memorandum

FACTS AND ISSUES:

GDOT's requested update includes only two changes with respect to C.W. Davis Middle School school zone along SR 13 (Atlanta Highway) which (1) shorten the school zone from 1.70 miles to 0.45 miles and (2) to reduce the speed limit from 45 mph to 35 mph.

OPTIONS:

(1) Approve as presented (2) Keep existing speed zone ordinance and not shorten the school zone or reduce the speed limit which would prohibit enforcement of speeding in the C.W. Davis Middle School school zone.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to approve the first reading of Ordinance No.447-C.

COLLABORATING DEPARTMENT:

DEPARTMENT: Police

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary Second Reading Ordinance 447-C.pdf](#)
- [Ordinance 447-C Speed Zone.pdf](#)
- [City of Flowery Branch LOR 2022 #2800-05-2022.pdf](#)

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Updated Speed Zone Ordinance

DATE: 9/1/2022

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL- N/A

() OTHER

CAPITAL- N/A

COUNCIL ACTION REQUESTED ON: September 1, 2022 First Reading and September 15, 2022 Second Reading

PURPOSE: Update Speed Zone Ordinance to shorten the C.W. Davis Middle School school zone and reduce the school zone speed limit.

HISTORY: A speed zone ordinance was last adopted by the City Council on April 20, 2017. The Georgia Department of Transportation (GDOT) has asked the City to update its Speed Zone Ordinance as shown in the attached GDOT List of Roads memorandum.

FACTS AND ISSUES: GDOT's requested update includes only two changes with respect to C.W. Davis Middle School school zone along SR 13 (Atlanta Highway) which (1) shorten the school zone from 1.70 miles to 0.45 miles and (2) to reduce the speed limit from 45 mph to 35 mph.

OPTIONS: (1) Approve as presented (2) Keep existing speed zone ordinance and not shorten the school zone or reduce the speed limit which would prohibit enforcement of speeding in the C.W. Davis Middle School school zone.

RECOMMENDED SAMPLE MOTION: I make a motion to approve the second reading of Ordinance No. 447-C.

DEPARTMENT: Flowery Branch Police Department

Prepared by: Chief Christopher Hulsey

ATTACHMENTS:

(1) GEORGIA DEPARTMENT OF TRANSPORTATION LIST OF ROADS MEMO

(2) ORDINANCE #447-C

ORDINANCE NO: 447-C

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 April 20, 2017, the City Council had previously adopted a Speed Zone and Speed Detection Device Ordinance (Ordinance No. 447-B); 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 1461' south of Phil Niekro Blvd. (South Flowery Branch City Limits) to 913'-0" north of Hog Mountain Road (mile point 6.60) a distance of 2.72 miles, to be zoned 45 miles per hour.
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State Route 13	From 1690'-0" south of Hog Mountain Road (mile point 6.17) to 528'-0" north of Martin Road (mile point 6.62) a distance of 0.45 miles, to be zoned 35 miles per hour. This section is also considered a school zone.
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State Route 347	From 1238' east of Ridge Road (South Flowery Branch City Limits) (mile point 5.19) to 3340' north Ridge Road (North Flowery Branch City Limits) (mile point 5.59) a distance of .40 miles, to be zoned 45 miles per hour.
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State Route 419/I-985 From 3456' south of Spout Springs Road (South Flowery Branch City Limits) (mile point 11.02) to 2664' north of Spout Springs Road (mile point 12.17) 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 2640' north of Spout Springs Road to 2270' 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. 447-B 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 15th day of September 2022.

Edward R. Asbridge, Mayor

ATTEST:

Shelia Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr. City Attorney

**DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA**

INTERDEPARTMENT CORRESPONDENCE

FILE	OFFICE	Gainesville
	DATE	June 10, 2022

FROM:  Jason Dykes P.E., District Traffic Engineer

TO: Alan Davis, State Traffic Engineer

SUBJECT: City of Flowery Branch LOR

Attached below is a copy of the List of Roads for the City Flowery Branch.
The update reflects these changes:

- **SR 13 Flowery Branch, shortened school zone for C.W. Davis Middle and reduced speed in school zone to 35 MPH per approved ETI 11-2021-139-1**

Please Save a copy of the attachment for your records and forward the correspondence to the Department of Public Safety.

Should you have questions or comments, please contact Jonathan Peevy at (770) 533-8276.

JD\jp\rc
Attachments

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 and/or School Name	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 C.W. Davis Middle School SCHOOL DAYS ONLY	1690' south of Hog Mountain Road	06.17	528' north of Hog Mountain Road	06.62	00.45		35
SR 347	Flowery Branch	1238' east of Ridge Road (South Flowery Branch City Limits)	05.19	3340' east 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

OFF-SYSTEM

ROAD NAME	WITHIN THE CITY/TOWN LIMITS OF and/or School Name	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: Presentation of Potential Funding for Wastewater Treatment Plant

COUNCIL MEETING DATE: September 15, 2022

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No Action required

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance 504-C, Amending the Alcohol Licensing Ordinance.

COUNCIL MEETING DATE: September 15, 2022

HISTORY:

The last time the Ordinance has been updated was 2017.

FACTS AND ISSUES:

The City wants all alcoholic beverages to be consumed from a cup designated and approved by the City. The City needs at least 10 days to process an event permit. The City wants to allow businesses within our jurisdiction to apply for off premises catering license for City sponsored events. The City wants to require all caterers to possess a pouring permit and to be required to provide proof of liability insurance. The City wants to update the amenity license to be in compliance with the Department of Revenue.

OPTIONS:

(1) Approve as presented (2) Keep existing alcohol ordinances and not accept the proposed changes.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance No. 504-C.

COLLABORATING DEPARTMENT:

DEPARTMENT: Police

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary Ordinance 504-C Amending Alcohol Ordinance.pdf](#)
- [Ordinance 504-C Alcohol License Amendment.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Updated Alcohol Licensing Ordinance

DATE: 9/15/22

☒ **RECOMMENDATION**
☐ **POLICY DISCUSSION**
☐ **STATUS REPORT**
☐ **OTHER**

BUDGET INFORMATION:

ANNUAL- N/A
CAPITAL- N/A

COUNCIL ACTION REQUESTED ON: September 15, 2022, First Reading and October 6, 2022, Second Reading

PURPOSE: The City ordinance to reflect with the Department of Revenue's rules and regulations.

HISTORY: The last time the ordinance has been updated was 2017.

FACTS AND ISSUES: The City wants all alcoholic beverages to be consumed from a cup designated and approved by the City. The City needs at least 10 days to process an event permit. The City wants to allow businesses within our jurisdiction to apply for off premises catering license for City sponsored events. The City wants to require all caterers to possess a pouring permit and to be required to provide proof of liability insurance. The City wants to update the amenity license to be in compliance with the Department of Revenue.

OPTIONS: (1) Approve as presented (2) Keep existing alcohol ordinances and not accept the proposed changes.

RECOMMENDED SAMPLE MOTION: I make a motion to approve Ordinance No. 504-C.

DEPARTMENT: Flowery Branch Police Department

Prepared by: Chief Christopher Hulsey

ATTACHMENTS:

First Reading: 9/15/2022
Second Reading: 10/6/2022

ORDINANCE NO. 504-C

AN ORDINANCE TO AMEND CHAPTER 8 – ALCOHOLIC BEVERAGES – OF THE CODE OF THE CITY OF FLOWERY BRANCH, GEORGIA BY AMENDING SECTION 8-114 (CONSUMPTION IN PUBLIC; POSSESSION OR CONSUMPTION ON CITY PROPERTY; EXEMPTION), AMENDING SECTION 8-133 (SALES OFF PREMISES FOR CATERED FUNCTIONS) AND REPLACING SECTION 8-141 (AMENITY LICENSE); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS the City of Flowery Branch, Georgia is authorized by O.C.G.A. § 36-31-7 and by Section 1.4 of its Charter to license and regulate alcoholic beverages within its corporate limits.

NOW THEREFORE the Council of the City of Flowery Branch hereby ordains as follows:

Section 1. Section 8-114(b)(1)e. shall be added to the Code of the City of Flowery Branch, Georgia as follows:

“Designated cups. All alcoholic beverages shall be consumed from a cup designated and approved by the City.”

Section 2. The following sentence shall be added at the beginning of Section 8-133(b) of the Code of the City of Flowery Branch, Georgia:

“All applications for an event permit shall be submitted to the city manager or designee at least ten (10) business days prior to the event.”

Section 3. Section 8-133(b)4. shall be added to the Code of the City of Flowery Branch, Georgia as follows:

“The holder of a Flowery Branch, Georgia issued alcoholic beverage license for on premise consumption may apply for an off-premises catering license and annual event permit allowing it distribute or sell alcoholic beverages at all city sponsored events.”

Section 4. The following sentence shall be added at the beginning of Section 8-133(c) of the Code of the City of Flowery Branch, Georgia:

“The caterer, special event licensee and all employees are required to possess a pouring permit in accordance with Section 8-143.”

Section 5. Section 8-133(d) shall be added to the Code of the City of Flowery Branch, Georgia as follows:

“All caterers shall be required to provide proof of liability insurance to the city in an amount equal to a minimum of \$1,000,000 and which shall name the City of Flowery Branch, Georgia as an additional insured thereon. All caterers shall be required to provide proof of alcoholic beverage liability insurance in an amount equal to a minimum of \$1,000,000 and which shall name the City of Flowery Branch, Georgia as an additional insured thereon. All event sponsors shall be required to execute an indemnification and hold harmless agreement in a form acceptable to the city wherein the sponsor shall agree to indemnify and hold harmless the City of Flowery Branch, Georgia and its elected officials, appointed officers, employees, representatives and agents from and against any and all liability, costs, including attorney’s fees, expenses, damages, suits, judgments and expenses arising from the event.”

Section 6. Section 8-141 of the Code of the City of Flowery Branch, Georgia shall be deleted in its entirety and replaced with the following:

“Sec. 8-141. – Amenity license.

(a) The Flowery Branch Police Department may grant a license for amenity alcohol sales where it is determined that the sale, service, or consumption of alcohol is not the primary business of the licensed establishment.

(b) An amenity alcohol sales license permits the licensee to sell a patron either two (2) six (6) ounce glasses of wine or two (2) twelve (12) ounce servings of beer or other malt beverage per day.

(c) In no event shall a licensee’s total annual gross alcohol revenue exceed ten (10) percent of the licensee’s gross annual revenues.

(d) Amenity alcohol sales licensees shall be required to obtain a state alcohol license for consumption on the premises and except as expressly provided for herein, shall be subject to all state and local laws, rules, and requirements, including licensing requirements and the other provisions of this chapter related to the sale of alcohol for consumption on the premises.”

Section 7. Any part of any prior ordinances, in conflict with the terms of this Ordinance, are hereby repealed to the extent of the conflict; but it is hereby provided, that any 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 Ordinance on behalf of the City of Flowery Branch, Georgia.

Section 8. If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of the Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SO ORDAINED this 6th day of October, 2022.

Edward R. Asbridge, Mayor

ATTEST:

Shelia Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consideration of Contract with Suez for an MBR Wastewater Treatment Solution

COUNCIL MEETING DATE: September 15, 2022

HISTORY:

The City of Flowerly Branch has been pursuing alternate avenues for providing wastewater treatment for ongoing development.

FACTS AND ISSUES:

This solution is a membrane system (MBR) which will treat an additional 200,000MGD and can be operational in approximately 120 days. It entails two temporary mobile UF500 containers with ZeeWeed 500 submersible membranes for a Wastewater Ultrafilter. This will be added to the current WWTP.

OPTIONS:

Approve this lease agreement or do not approve the lease agreement.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$1,500,000 from GEFA and Development Fees in the Water/Wastewater Fund

RECOMMENDATION:

Approve a contract with Suez for an MBR Wastewater Treatment Solution

SAMPLE MOTION:

I move to approve the contract with Suez and approve a budget of \$1,500,000 for the project with funding to be provided by Development Fees in the Water/Wastewater Fund and GEFA funding.

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider August 29, 2022 Special Called City Council Meeting Minutes

COUNCIL MEETING DATE: September 15, 2022

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Unofficial Minutes August 29, 2022.pdf](#)



**City of Flowery Branch
Special Called City Council Meeting
Monday, August 29, 2022, 6:00 PM
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

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

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

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Finance Director Matthew Hamby, Planning Director Rich Atkinson, Public Works Director Bill Whidden, Wastewater Director Jimmy Dean and City Attorney Ron Bennett.

Absent: Council Member William McDaniel

ADOPTION OF AGENDA:

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

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

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

NEW BUSINESS - WORK SESSION:

Presentation of Wastewater Treatment Plant

Trey Gavin, PE, Managing Principal at ESG Engineering, has twenty-five years of experience in water and wastewater specifically concerning capacity studies, modeling, and treatment facility design and construction. Mr. Gavin was retained by the City as an expert reviewer a few months ago to study the state of the wastewater treatment system and to advise on how best to plan for the wastewater treatment plant.

He stated the growth in Flowery Branch and Oakwood has continued throughout COVID; even as inflation and rates have continued to increase. Projections had expected stagnation of growth due to all these factors. The City of Flowery Branch has recently met the comprehensive plan maximum for “high-density” housing. Nearly 100% of proposed plans Flowery Branch has received and is currently receiving is for more high-density development. The City has received pricing to construct a major treatment facility upgrade budgeted at \$22M, but recently the low bid came in at a total price of \$52M. Mr. Gavin’s recommendation to manage growth currently approved and under construction is to install interim treatment capacity while a new treatment facility is constructed. Mr. Gavin’s recommendation to manage future requests to add new development is to consider a pause on issuing new sewer permits as we continue to study in more detail.

Mayor Asbridge advised staff, until further notice, not to issue any more sewer permits.

ADJOURNMENT WORK SESSION:

Mayor Asbridge closed the work session at 6:15 p.m.

EXECUTIVE SESSION:

There was no executive session held.

ADJOURNMENT:

There was a motion made to adjourn at 6:15 p.m.

MOTION: Joe Anglin

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

Ed Asbridge, Mayor

Date

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider the Second Read of Ordinance 670, a request submitted by Edge City Properties, Inc. to rezone a 60.79 +/- acre tract of land known as 5183 Gainesville Street, tax parcel identification number 08098 001019 from Agricultural (A) to Planned Unit Development (PUD).

COUNCIL MEETING DATE: September 15, 2022

HISTORY:

FACTS AND ISSUES:

A request from Edge City Properties, Inc to rezone a 60.79 +/- acre tract of land known as 5183 Gainesville Street and described as tax parcel identification number 08098 001019 from Agriculture (A) to Planned Unit Development (PUD) with the intention of developing and constructing a residential subdivision consisting of 219 single family detached and 94 townhomes.

Proposed Schedule:

July 21, 2022 – Public Hearing

August 4, 2022 - Work Session (if requested)

August 18, 2022 – First Read and First Vote

September 1, 2022 – Work Session (if requested)

September 15, 2022- Second and Final Vote

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve Ordinance 670.

SAMPLE MOTION:

I make a motion to approve Ordinance 670.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [Final Application Submitted 5.13.2022.pdf](#)
- [SF Detached Renderings.pdf](#)
- [Townhome-300colorR1.pdf](#)
- [Dye Rezoning Ordinance 670.pdf](#)
- [Staff Report Dye PUD Sept.pdf](#)



REZONING APPLICATION

Date: May 10, 2022

Address of Request:

5183 Gainesville Street, Flowery Branch GA 30542

Tax Map # 08098 001019 Current Zoning: Agricultural (A)

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

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? None known

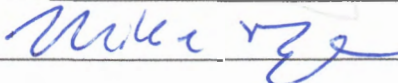
Applicant Information

Name: Edge City Properties, Inc. C/O Rochester & Associates

Address: 425 Oak Street, NW
Gainesville, GA 30501

E-mail address: bkdunckel@rochester-assoc.com

Phone number: 678-450-5175

Signature: 

Notary:



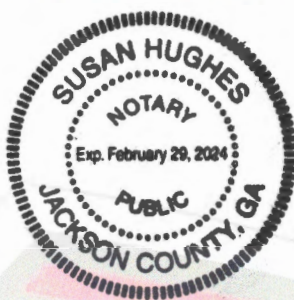


Property owner information (if different than the applicant)

Property owner (please print): Nedra Ann Jones

Signature of property owner: Nedra Ann Jones

Notary: Susan Hughes



Property Information

Tax Map Number: 08098 001019

Current Zoning: Agricultural (A) Total Acres: 60.787

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

Proposed City of Flowery Branch Zoning: R-3

Current Use: Grassed and wooded parcel with one single family home

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

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

- Legal description
- Current survey of property



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

Conflict of Interest Disclosure

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

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

None

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

None

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

None



Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

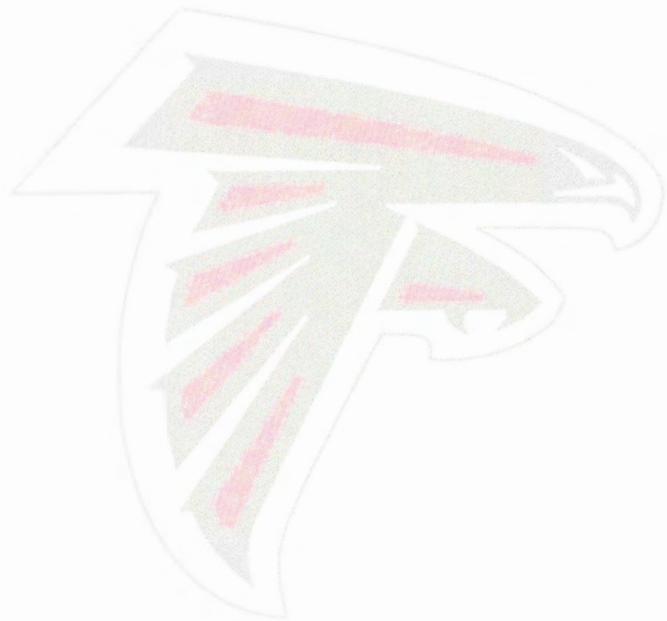
None

_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____





425 Oak Street
 Gainesville, GA 30501
 Phone: (770)-718-0600
 Fax: (770)-718-0551
www.rochester-assoc.com

May 10, 2022

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

**Re: LETTER OF INTENT FOR REZONING APPLICATION FOR 5183 GAINESVILLE STREET
 (Parcel 08098 001019)**

Dear Director Atkinson:

Rochester & Associates submits this Letter of Intent and attached Rezoning Application (the Application) on behalf of Edge City Properties, Inc. (the "Applicant") for the purpose of rezoning to the R-3, Residential Multi-Family District zoning classification +/- 60.787 acres of land (the "Property") situated approximately 1,000 feet from McEver Road on Gainesville Street. The acreage is split into two parcels with +/- 11.132 acres on the west side and 49.655 acres on the east side of Gainesville Street in the southwestern portion of Hall County in the City of Flowery Branch. The Property is a combination of wooded and pasture and is currently zoned Agriculture (A) with convenient access to the downtown area of Flowery Branch.

The Applicant proposes to develop the Property to contain a single-family residential community including a total of 347 detached and attached single-family homes at a size, quality and price commensurate with or exceeding existing homes in the surrounding area. The Property is adjacent to two PUD residential developments (containing detached and attached single family homes) and an M-I zoning to the north with a railroad track on the eastern boundary. To the south are agricultural zonings of unincorporated Hall County and the City of Flowery Branch.

The proposed homes will include a mixture of one and two-story detached and attached homes including two-car garages. The front façade of the proposed homes would be constructed of a mixture of brick, stone, and/or fiber-cement shake/siding (including board and batten). The proposed development would also contain a recreation/amenity area for the use of residents including a pool and cabana. The proposed development is in the Suburban Residential and Mixed Use-Neighborhood character areas of the City of Flowery Branch Comprehensive Plan

2041. The homes proposed would contain a minimum of 1,800 square feet for the one-story homes and a minimum of 2,000 square feet for the two-story homes. The townhomes will have a minimum of 1,900 square feet.

The proposed development would be a quality development that is compatible with development in the surrounding area. The proposed development will preserve important state waters which border the property to the west in a rapidly-growing area in the City of Flowery Branch. The Gainesville Street frontage will have sidewalks installed to further advance the Comprehensive Plan by increase the walkability of the area into the City's downtown area.

Further, surrounding development and existing uses would not face major negative impacts as a result of the proposed development in part because of the substantial buffering and setback requirement of the City's Zoning Resolution.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Flowery Branch to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith.

The Applicant respectfully request your approval of this Application.

Sincerely,



Brian Rochester

Rochester & Associates for the Applicant

Sec. 34.7. - Analysis Requirements.

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is a single-family residential neighborhood that will conserve important natural areas.
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. The proposed development is compatible with surrounding development.
- (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 current Agriculture zoning is not a reasonable economic use.
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed rezoning will not result in an excessive or burdensome use of the infrastructure. The subject property is located off Gainesville Street with access to utilities. Further, the relatively low development density will not overly burden the infrastructure system.
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. The proposed rezoning should be appropriate when comparing the two blended Future Land Use character areas of the Property. In addition, the M-I zoning and railroad track should allow a more intensive zoning. The installation of sidewalks along Gainesville Street will increase walkability to the City's downtown area which is a theme goal in the Comprehensive Plan.
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. The proposed rezoning is in conformity with the policy and intent of the City's Comprehensive Plan. The Agricultural zoning is no longer appropriate, and the property is well served as a single-family residential use. The current zoning is not compliant with the City's Future Land Use Map.
- (g) Existing use(s) and zoning of the subject property and nearby properties. The existing use is a single-family home. The property is surrounded by an R-3 and PUD (single-family detached and townhomes) to the west and north, M-I to the north also and Agricultural to the south. The entire eastern boundary is a railroad track.
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. The current Agricultural zoning is not a reasonable economic use as defined by court precedent in the State of Georgia. There is not a reasonable demand for land used for an agricultural use in this area that does not require rezoning.
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. The proposed rezoning is appropriate with surrounding uses and could even be a less intensive use when compared to the M-I zoning to the north.
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. The proposed rezoning will not create an isolated zoning district and will complement the surrounding uses.

- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed rezoning will not negatively impact the character area of the zoning district.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The proposed rezoning use will not negatively impact the environment and will produce a quality residential use with careful consideration given to responsibly develop with no negative impact on the environment.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed rezoning is in full compliance with the overall zoning scheme and purposes of the Zoning Ordinance. This proposal will protect and appreciate the surrounding properties while increasing the quality of the City's housing supply.*

City of Flowery Branch Rezoning Application
REQUEST FOR STATISTICAL INFORMATION
5183 Gainesville Street Rezoning
Application

1. Value of improvements at buildout:
 - Single Family Detached Homes 186 x \$400,000 = \$74,400,000
 - Single Family Attached Homes 149 x \$350,000 = \$52,150,000
 - Total Value of Development \$126,550,000
2. Property tax revenue at buildout: (based on 40% of Total Value is \$50,620,000)
 - Hall County - \$ 1,378,889 (millage rate of 27.24)
 - City of Flowery Branch - \$165,224 (millage rate of 3.264)
3. Schedule of construction:
 - Design/Permitting: 9/1/2022 to 12/31/2022
 - Land Development/Plat: 1/1/2023 to 12/31/2023
 - Home Construction and Sales 1/1/2024 to 12/31/2027
4. Anticipated total square footage per unit:
 - 1900 sf minimum
5. Total acreage to be developed:
 - 29.1 acres in total
6. The Single Family Tract will contain approximately 13.60 +/- acres private roads and utility easements.
7. The Single Family Tract will contain approximately 16.11 acres of open space/common area to be maintained by the HOA to be established.
8. The Single Family Tract will contain approximately TBD acres of buffer and watershed protection.
 - A) The impervious buffer is applicable to this tract.
 - B) No property lines may extend into the undisturbed stream buffer.
 - C) The developer intends to utilize private streets to conform to the City's development code for front entry homes. The developer will dedicate storm sewer easements to the City of Flowery Branch as appropriate.
9. Transportation alternatives:
 - The Single Family Tract will have sidewalks along the frontage along Gainesville Street to utilize walkability to the City's downtown are.

10. Amenities for Single Family tract total approximately 3.35 +/- acres and will include the following:
- Cabana
 - Pool
 - Pocket Park
 - Green Area
 - Park Area
11. A minimum of TBD are planned for the Single Family Tract with a maximum spacing of 150 feet.
12. The Single Family Tract will include approximately 22,2750 linear feet of sidewalk containing approximately 1,390 cubic yards of concrete.
13. Homes in the Single Family Tract will have access to high speed internet to the extent available from the service provider.
14. The Single Family Tract will contain areas for providing detention, water quality and stream protection.
15. A traffic study has been commissioned and is scheduled to be submitted to the City's staff in mid-June 2022.
16. There are no provisions for utilization and storage of reuse water in this plan.
17. The Single Family Tract, as proposed, will generate approximately 134,000 (400 gpd x 335 units) gallons per day of wastewater flow.
18. The maximum daily water consumption is approximately 134,000 gallons per day. Low flow fixtures are required by the development.
19. A preliminary design has been completed in order to evaluate the proposed density. The site does not contain slopes 24% or greater.
20. Public safety requirements related to life safety codes have been considered in the concept design.
21. The Hall County school system will be provided density and build out projections for the entirety of the community.
22. Copies of master covenants and guidelines will be filed and recorded prior to recordation of the initial final plat.

**Adjacent Property Owners to 5183 Gainesville Street: Source Hall County qPublic.net and City
of Flowery Branch Official Zoning Map dated 2016**

W J COFER

COFER MONTEZ B
5206 GAINESVILLE STREET
FLOWERY BRANCH, GA 30542
Parcel Number 08112 027036A
Zoning A

REBECCA TRACY BAGWELL

5339 COBBLESTONE
GAINESVILLE, GA 30504
Parcel Number 08112 027039
Zoning A

REBECCA TRACY BAGWELL

5339 COBBLESTONE
GAINESVILLE, GA 30504
Parcel Number 08111 003042
Zoning AR-III

CENTURY COMMUNITIES OF GEORGIA LLC

3091 GOVERNORS LAKE DR
STE 200
NORCROSS, GA 30071
Zoning: R-3 and HB

PARK HAVEN COMMUNITY ASSOCIATION, INC.

1585 OLD NORCROSS ROAD, SUITE 101
LAWRENCEVILLE, GA 30046
Parcel Number 08099 000021
Zoning PUD

RECONSERVE INC
P O BOX 2211
SANTA MONICA, CA 90407
Parcel Number 08098 001017
Zoning M-I

MILDRED BLACK BUTLER
106 ROBERTSON CT., N.W.
DAWSONVILLE, GA 30534
Parcel Number 08112 012001
Zoning AR-III

Legal Description

Gainesville Street 5183 Tract 1

All that tract or parcel of land lying and being in Georgia Militia District 1270, Land Lots 98 and 99 of the 8th District, City of Flowery Branch, Hall County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a 1/2" rebar found at the intersection of the westerly right of way of Gainesville Street (right of way varies) and the common line of Land Lots 98 and 112, said point being the **TRUE POINT OF BEGINNING**.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED;

thence leaving said westerly right of way and along the common line of Land Lots 98 and 112, and also along the common line of Land Lots 99 and 111 N30°17'07"W for a distance of 870.88 feet, more or less to a point at the centerline of a creek/ditch; thence along the centerline of said creek/ditch, following the meanderings thereof, for a distance of 735.7 feet, more or less, to a point, said creek/ditch following a traverse line as follows:

N22°29'05"E for a distance of 26.67 feet to a point; N62°08'14"E for a distance of 34.90 feet to a point; N00°01'33"E for a distance of 28.85 feet to a point; N51°21'55"E for a distance of 51.17 feet to a point; N83°01'11"E for a distance of 40.74 feet to a point; N81°18'05"E for a distance of 37.00 feet to a point; S88°07'16"E for a distance of 27.12 feet to a point; N21°54'02"W for a distance of 19.71 feet to a point; N47°35'13"E for a distance of 38.32 feet to a point; S79°06'32"E for a distance of 26.16 feet to a point; N58°53'31"E for a distance of 18.21 feet to a point; N08°16'31"E for a distance of 8.91 feet to a point; N81°16'21"E for a distance of 51.25 feet to a point; N15°41'38"E for a distance of 37.58 feet to a point; N53°25'42"E for a distance of 14.18 feet to a point; N09°24'30"E for a distance of 23.47 feet to a point; N64°44'06"E for a distance of 13.99 feet to a point; N07°53'35"E for a distance of 27.01 feet to a t-post found; N13°33'18"E for a distance of 67.65 feet to a point; N39°37'54"E for a distance of 40.14 feet to a point; N14°08'48"W for a distance of 16.55 feet to a point; N44°51'11"E for a distance of 52.49 feet to a point; N81°27'23"E for a distance of 20.59 feet to a t-post found; N47°28'16"E for a distance of 46.19 feet to a t-post found; N35°49'48"E for a distance of 49.65 feet to a t-post found; N39°29'16"E for a distance of 92.83 feet to a t-post found; N45°12'07"E for a distance of 50.19 feet to a 1/2" rebar found at the westerly right of way of Gainesville Street (right of way varies); thence along said westerly right of way the following courses and distances:

128.94 feet along the arc of a curve to the right, said curve having a radius of 534.75 feet and being subtended by a chord of S29°45'25"E, 128.63 feet to a point; 159.20 feet along the arc of a curve to the right, said curve having a radius of 995.88 feet and being subtended by a chord of S18°16'10"E, 159.03 feet to a point; 177.61 feet along the arc of a curve to the right, said curve having a radius of 730.78 feet and being subtended by a chord of S06°43'39"E, 177.17 feet to a point; 53.81 feet along the arc of a curve to the right, said curve having a radius of 335.63 feet and being subtended by a chord of S04°49'42"W, 53.76 feet to a point; 151.00 feet along the arc of a curve to the right, said curve having a radius of 911.60 feet and being subtended by a chord of S14°10'01"W, 150.83 feet to a point; S18°54'44"W for a distance of 763.39 feet to a 1/2" rebar found, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land contains 11.132 acres, more or less.

TOGETHER WITH:

Gainesville Street 5183 Tract 2

All that tract or parcel of land lying and being in Georgia Militia District 1270, Land Lots 98 and 99 of the 8th District, City of Flowery Branch, Hall County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a 6" metal disk found at the intersection of the easterly right of way of Gainesville Street (right of way varies) and the common line of Land Lots 98 and 112, said point being the **TRUE POINT OF BEGINNING**.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED;

thence leaving said Land Lot Line and along said easterly right of way the following courses and distances: N18°54'44"E for a distance of 813.14 feet to a point; 34.07 feet along the arc of a curve to the left, said curve having a radius of 770.17 feet and being subtended by a chord of N17°38'41"E, 34.07 feet to a 1/2" rebar found; thence leaving said easterly right of way N60°06'32"E for a distance of 796.61 feet to a 6" metal disk found; thence S55°19'29"E for a distance of 1018.24 feet to a 6" metal disk found at the westerly right of way of Southern Railroad (200' right of way); thence along said westerly right of way S34°46'25"W for a distance of 2057.99 feet to a 6" metal disk found at the common line of Land Lots 98 and 112; thence leaving said westerly right of way and along said Land Lot Line N30°23'29"W for a distance of 1241.67 feet to a 6" metal disk found, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land contains 49.655 acres.

Tract 1 area and Tract 2 area totals 60.787 Acres

JUSTIFICATION FOR REZONING APPLICATION OF
EDGE CITY PROPERTIES, INC.

The portions of the Zoning Resolution of the City of Flowery Branch (the “ZR”) which classify or may classify the property (the 'Property') which is the subject of the rezoning application submitted herewith (the “Application”) into any less intensive zoning classification other than as requested by the Applicant, or that prohibit the development of the Property as set forth in the Application, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the ZR as applied to the subject Property, which restricts its use to the present zoning classification is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I. Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the R-3 zoning classification as requested by the Applicant and is not economically suitable for development under the present Agricultural zoning classification of the City of Flowery Branch. A denial of the Application would constitute an arbitrary and capricious act by the Mayor and City Council members of the City of Flowery Branch without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Flowery Branch Mayor and City Council Members to rezone the Property to the R-3 classification as set forth in the Application with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the R-3 classification subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Likewise, a refusal by the City of Flowery Branch's Mayor and City Council Members to permit the Applicant to withdraw the Application without prejudice would be an arbitrary and capricious act by the City of Flowery Branch's Mayor and City Council Members without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section 1, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

This 13 day of May 2022

Respectfully submitted,

EDGE CITY PROPERTIES, INC., As Applicant



Michael K. Dye
President

CP&E

CHRISTOPHER PLANNING
& ENGINEERINGGSWCC LEVEL II CERTIFIED
DESIGN PROFESSIONAL #05744
(EXP. 02.17.2024)12460 CRABAPPLE ROAD, SUITE 202-612
ALPHARETTA, GA 30004
PHONE 770.331.7303
schristopher@christopherplanning.com

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ZONING PLANS

FOR:

5183
GAINESVILLE
STREETGMD 1270
LAND LOT 98 & 99
8TH DISTRICT
FLOWERY BRANCH
HALL COUNTY, GEORGIA

FOR:

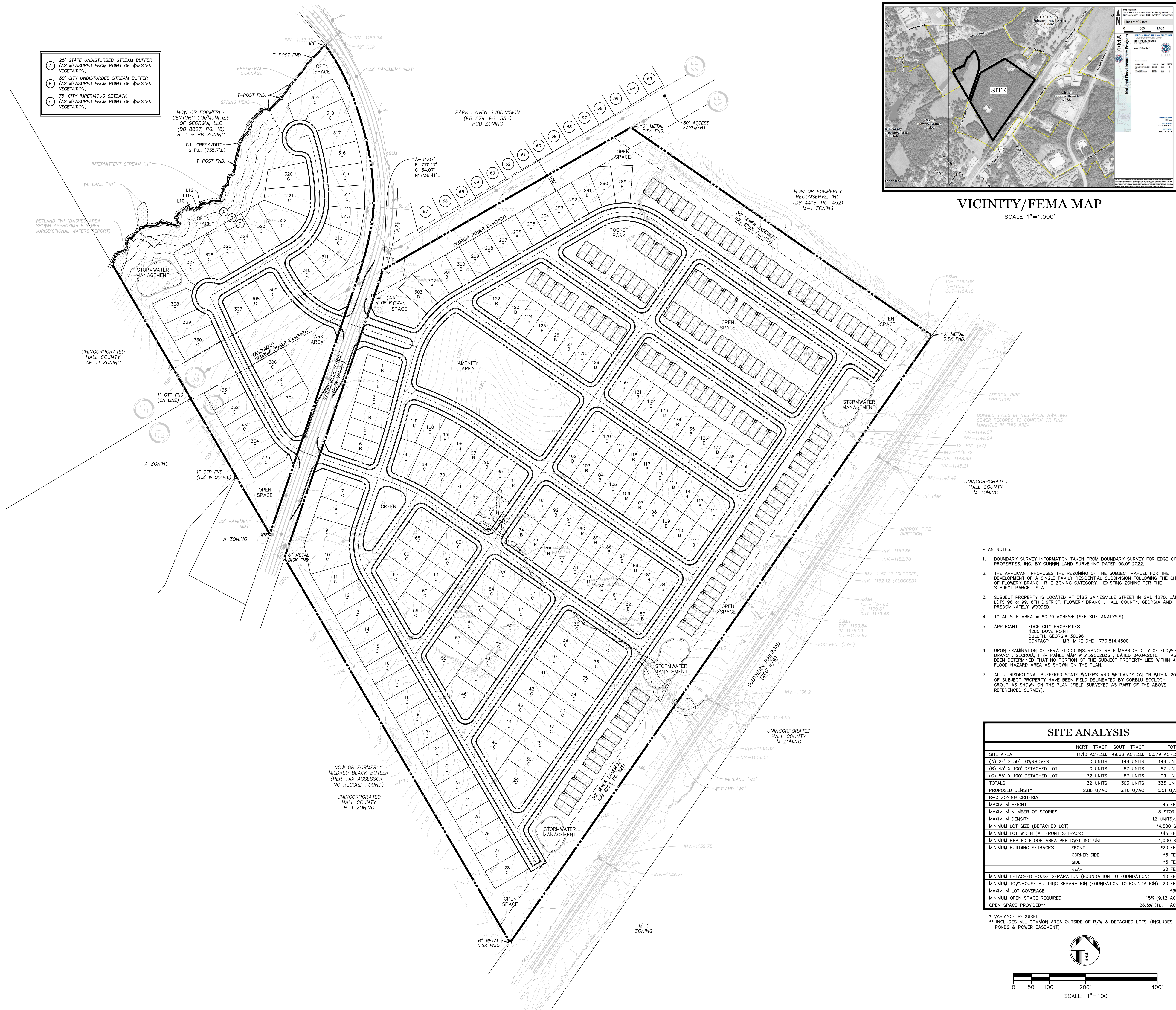
EDGE CITY
PROPERTIESEDGE CITY PROPERTIES, INC.
4280 DOVE POINT
DULUTH, GA 30096CONTACT: MR. MIKE DYE
770.814.4500

REVISIONS

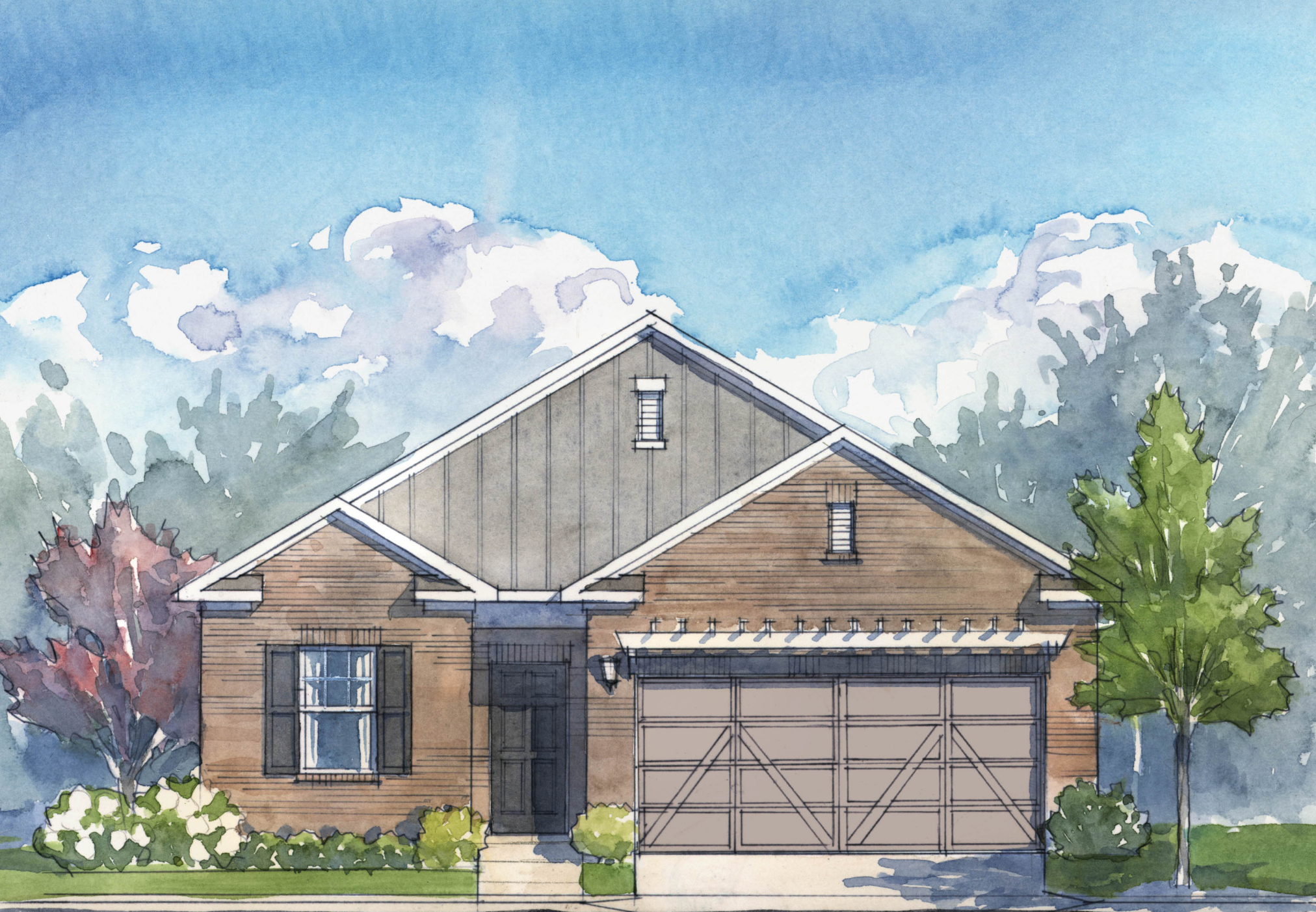
DATE:
MAY 13, 2022CP&E DRAWING NO:
202210821.dwgZONING
SITE PLAN

SHEET NO.

Z.1















ORDINANCE NO. 670

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OF LAND TOTALING 60.79 +/- ACRES OF LAND, OWNED BY NEDRA ANN JONES, IDENTIFIED AS 5183 GAINESVILLE STREET, TAX PARCEL 08098 001019, TO BE REZONED FROM AGRICULTURE (A) TO PLANNED UNIT DEVELOPMENT (PUD) 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, Neadra Ann Jones owns the subject parcel of land identified as Parcel Tax Identification No.08098 001019, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of July 21, 2022, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zoning as opposed to Planned Unit Development (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. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Agriculture (A) to Planned Unit Development (PUD) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be September 16th, 2022.

Public Hearing Published 06/22/2022
Public Hearing 07/21/2022

First Reading 08/18/2022
Adopted 09/15/2022

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 September 2022.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

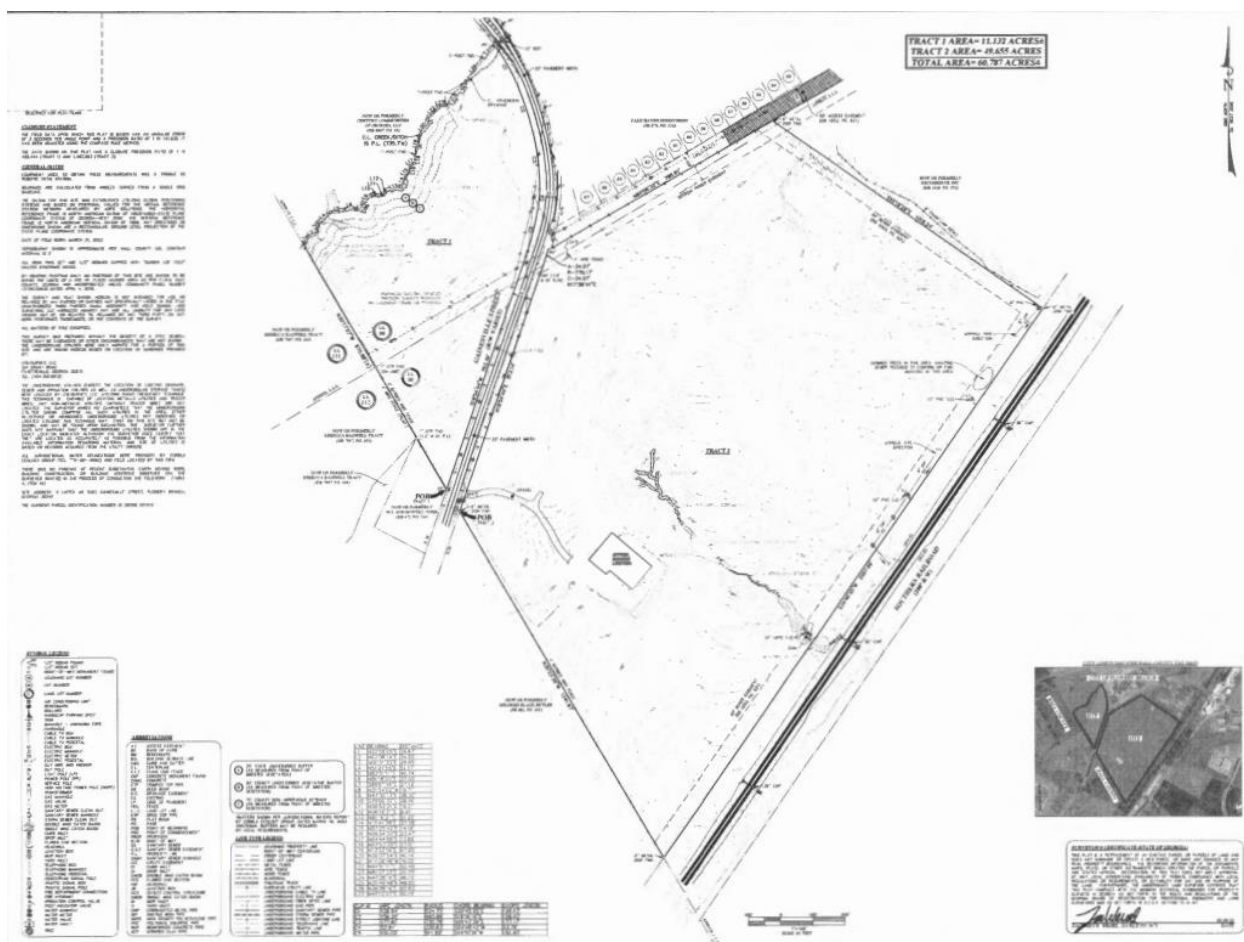


Exhibit "B"

Legal Description

Gainesville Street 5183 Tract 1

All that tract or parcel of land lying and being in Georgia Militia District 1270, Land Lots 98 and 99 of the 8th District, City of Flowery Branch, Hall County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a 1/2" rebar found at the intersection of the westerly right of way of Gainesville Street (right of way varies) and the common line of Land Lots 98 and 112, said point being the **TRUE POINT OF BEGINNING**.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED;

thence leaving said westerly right of way and along the common line of Land Lots 98 and 112, and also along the common line of Land Lots 99 and 111 N30°17'07"W for a distance of 870.88 feet, more or less to a point at the centerline of a creek/ditch; thence along the centerline of said creek/ditch, following the meanderings thereof, for a distance of 735.7 feet, more or less, to a point, said creek/ditch following a traverse line as follows:

N22°29'05"E for a distance of 26.67 feet to a point; N62°08'14"E for a distance of 34.90 feet to a point; N00°01'33"E for a distance of 28.85 feet to a point; N51°21'55"E for a distance of 51.17 feet to a point; N83°01'11"E for a distance of 40.74 feet to a point; N81°18'05"E for a distance of 37.00 feet to a point; S88°07'16"E for a distance of 27.12 feet to a point; N21°54'02"W for a distance of 19.71 feet to a point; N47°35'13"E for a distance of 38.32 feet to a point; S79°06'32"E for a distance of 26.16 feet to a point; N58°53'31"E for a distance of 18.21 feet to a point; N08°16'31"E for a distance of 8.91 feet to a point; N81°16'21"E for a distance of 51.25 feet to a point; N15°41'38"E for a distance of 37.58 feet to a point; N53°25'42"E for a distance of 14.18 feet to a point; N09°24'30"E for a distance of 23.47 feet to a point; N64°44'06"E for a distance of 13.99 feet to a point; N07°53'35"E for a distance of 27.01 feet to a t-post found; N13°33'18"E for a distance of 67.65 feet to a point; N39°37'54"E for a distance of 40.14 feet to a point; N14°08'48"W for a distance of 16.55 feet to a point; N44°51'11"E for a distance of 52.49 feet to a point; N81°27'23"E for a distance of 20.59 feet to a t-post found; N47°28'16"E for a distance of 46.19 feet to a t-post found; N35°49'48"E for a distance of 49.65 feet to a t-post found; N39°29'16"E for a distance of 92.83 feet to a t-post found; N45°12'07"E for a distance of 50.19 feet to a 1/2" rebar found at the westerly right of way of Gainesville Street (right of way varies); thence along said westerly right of way the following courses and distances:

128.94 feet along the arc of a curve to the right, said curve having a radius of 534.75 feet and being subtended by a chord of S29°45'25"E, 128.63 feet to a point; 159.20 feet along the arc of a curve to the right, said curve having a radius of 995.88 feet and being subtended by a chord of S18°16'10"E, 159.03 feet to a point; 177.61 feet along the arc of a curve to the right, said curve having a radius of 730.78 feet and being subtended by a chord of S06°43'39"E, 177.17 feet to a point; 53.81 feet along the arc of a curve to the right, said curve having a radius of 335.63 feet and being subtended by a chord of S04°49'42"W, 53.76 feet to a point; 151.00 feet along the arc of a curve to the right, said curve having a radius of 911.60 feet and being subtended by a chord of S14°10'01"W, 150.83 feet to a point; S18°54'44"W for a distance of 763.39 feet to a 1/2" rebar found, said point being the **TRUE POINT OF BEGINNING**.

Public Hearing Published 06/22/2022
Public Hearing 07/21/2022

First Reading 08/18/2022
Adopted 09/15/2022

Said tract or parcel of land contains 11.132 acres, more or less.

TOGETHER WITH:

Gainesville Street 5183 Tract 2

All that tract or parcel of land lying and being in Georgia Militia District 1270, Land Lots 98 and 99 of the 8th District, City of Flowery Branch, Hall County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a 6" metal disk found at the intersection of the easterly right of way of Gainesville Street (right of way varies) and the common line of Land Lots 98 and 112, said point being the **TRUE POINT OF BEGINNING**.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED;

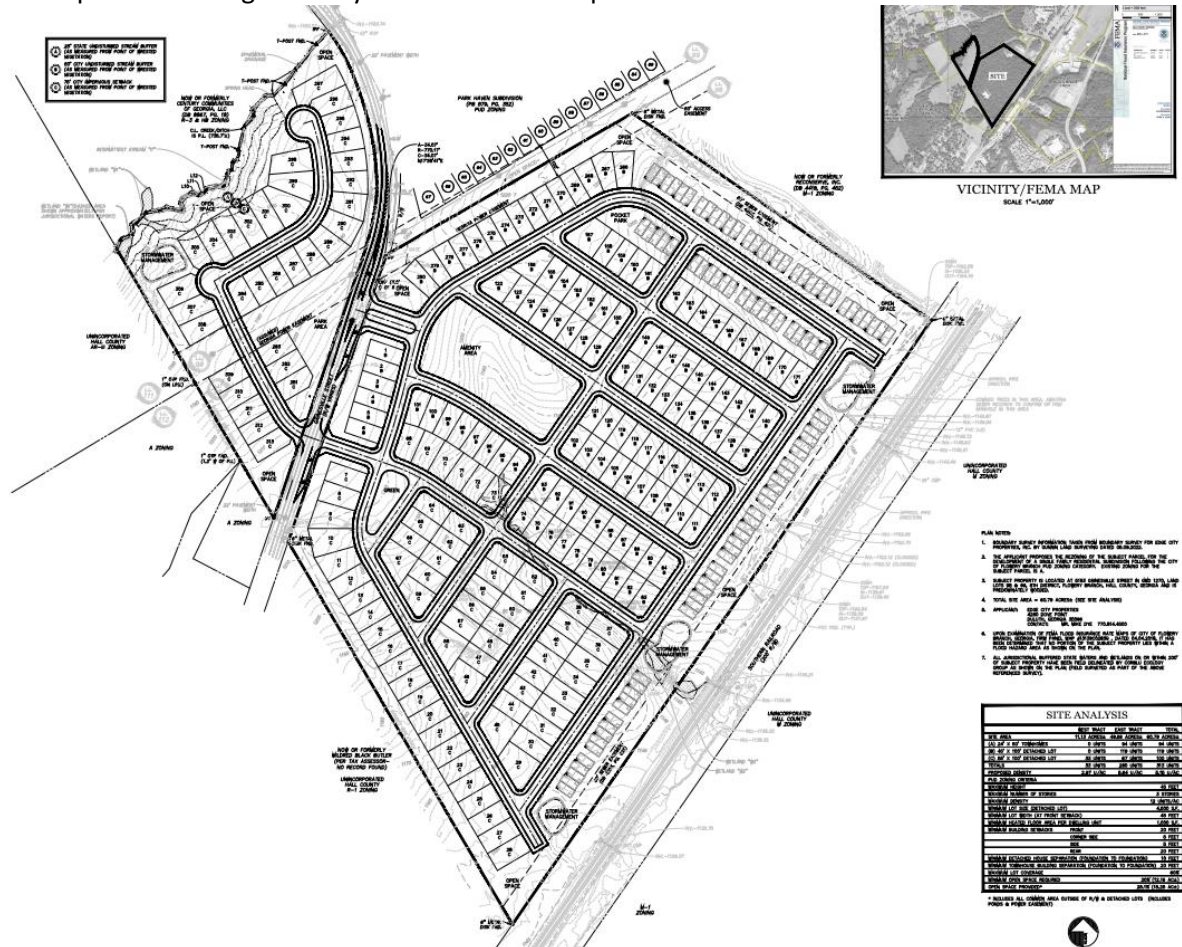
thence leaving said Land Lot Line and along said easterly right of way the following courses and distances: N18°54'44"E for a distance of 813.14 feet to a point; 34.07 feet along the arc of a curve to the left, said curve having a radius of 770.17 feet and being subtended by a chord of N17°38'41"E, 34.07 feet to a 1/2" rebar found; thence leaving said easterly right of way N60°06'32"E for a distance of 796.61 feet to a 6" metal disk found; thence S55°19'29"E for a distance of 1018.24 feet to a 6" metal disk found at the westerly right of way of Southern Railroad (200' right of way); thence along said westerly right of way S34°46'25"W for a distance of 2057.99 feet to a 6" metal disk found at the common line of Land Lots 98 and 112; thence leaving said westerly right of way and along said Land Lot Line N30°23'29"W for a distance of 1241.67 feet to a 6" metal disk found, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land contains 49.655 acres.

Tract 1 area and Tract 2 area totals 60.787 Acres

Exhibit "C"

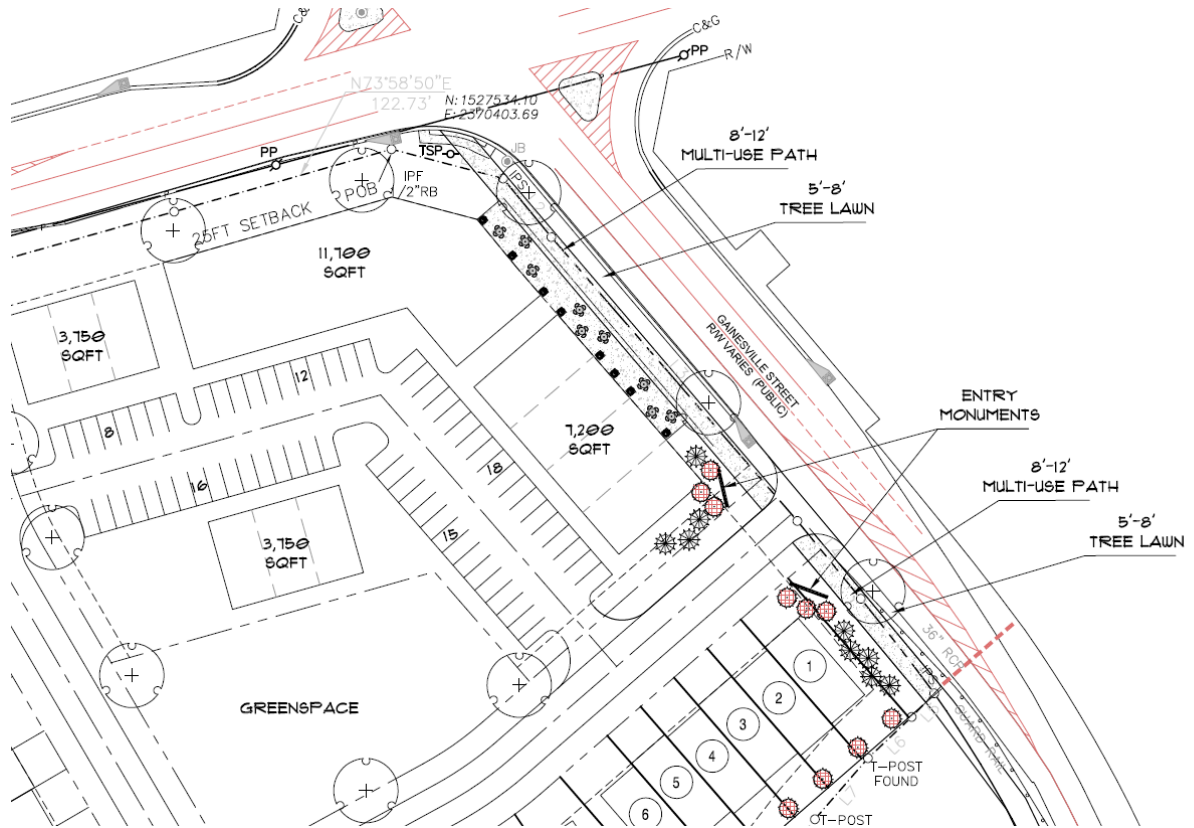
1. Development shall significantly adhere to the site plan as shown below:



2. . The development shall adhere to the following requirements as designated by the site plan:

SITE ANALYSIS			
	WEST TRACT	EAST TRACT	TOTAL
SITE AREA	11.13 ACRES±	49.66 ACRES±	60.79 ACRES±
(A) 24' X 50' TOWNHOMES	0 UNITS	94 UNITS	94 UNITS
(B) 45' X 100' DETACHED LOT	0 UNITS	119 UNITS	119 UNITS
(C) 55' X 100' DETACHED LOT	33 UNITS	67 UNITS	100 UNITS
TOTALS	33 UNITS	280 UNITS	313 UNITS
PROPOSED DENSITY	2.97 U/AC	5.64 U/AC	5.15 U/AC
PUD ZONING CRITERIA			
MAXIMUM HEIGHT			45 FEET
MAXIMUM NUMBER OF STORIES			3 STORIES
MAXIMUM DENSITY			12 UNITS/AC
MINIMUM LOT SIZE (DETACHED LOT)			4,500 S.F.
MINIMUM LOT WIDTH (AT FRONT SETBACK)			45 FEET
MINIMUM HEATED FLOOR AREA PER DWELLING UNIT			1,000 S.F.
MINIMUM BUILDING SETBACKS	FRONT		20 FEET
	CORNER SIDE		5 FEET
	SIDE		5 FEET
	REAR		20 FEET
MINIMUM DETACHED HOUSE SEPARATION (FOUNDATION TO FOUNDATION)			10 FEET
MINIMUM TOWNHOUSE BUILDING SEPARATION (FOUNDATION TO FOUNDATION)			20 FEET
MAXIMUM LOT COVERAGE			60%
MINIMUM OPEN SPACE REQUIRED			20% (12.16 AC±)
OPEN SPACE PROVIDED*			25.1% (15.25 AC±)

3. Any major changes to the development will require City Council approval. For this ordinance, the following shall be classified as major:
- A. Any increase in the number of approved single family detached homes (219)
 - B. Any increase in the number of approved townhomes (94)
 - C. Any reduction in the designated single family detached lot size (4,500 S.F)
4. Front entry monument signs shall be submitted and approved by the department of Community Development.
5. An 8-12-foot-wide walking trail shall run the length of the property along the western side of Gainesville Street. The trail shall connect with trail constructed by the development to the north known as Sydney Square as shown below:



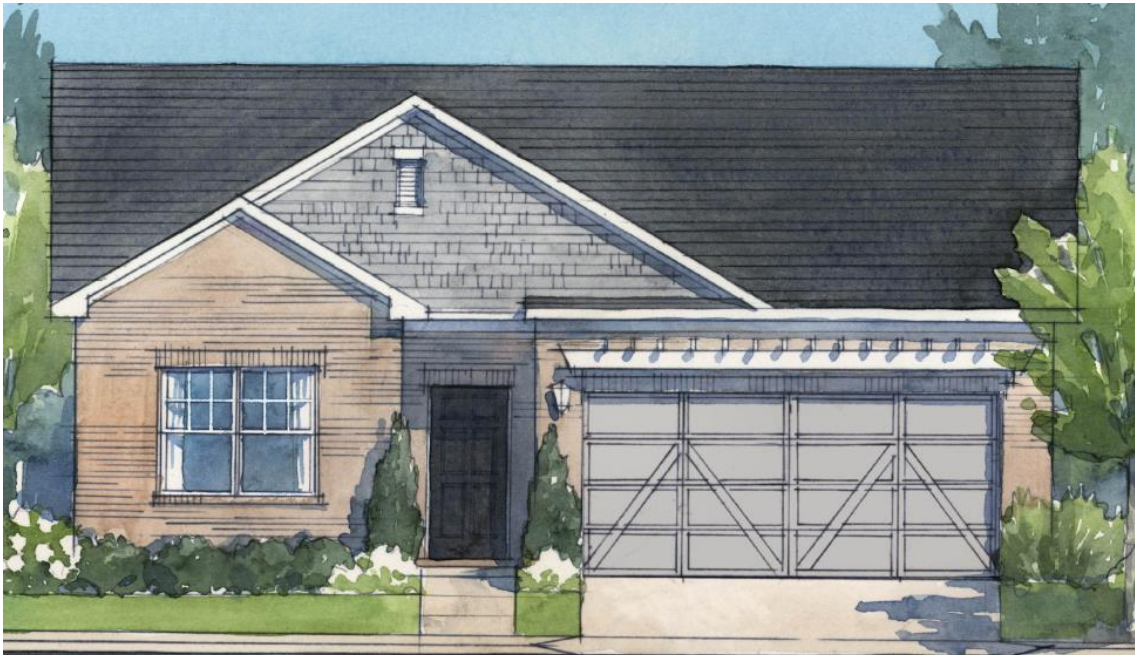
Said trail shall be submitted for review and approval by the Flowery Branch Community Development Department at the time of land disturbance review as part of the required landscape plan (see condition 9 of this ordinance).

6. Townhomes shall significantly adhere to the elevations as shown below:



7. Single family detached homes shall significantly adhere to the elevations as shown below:



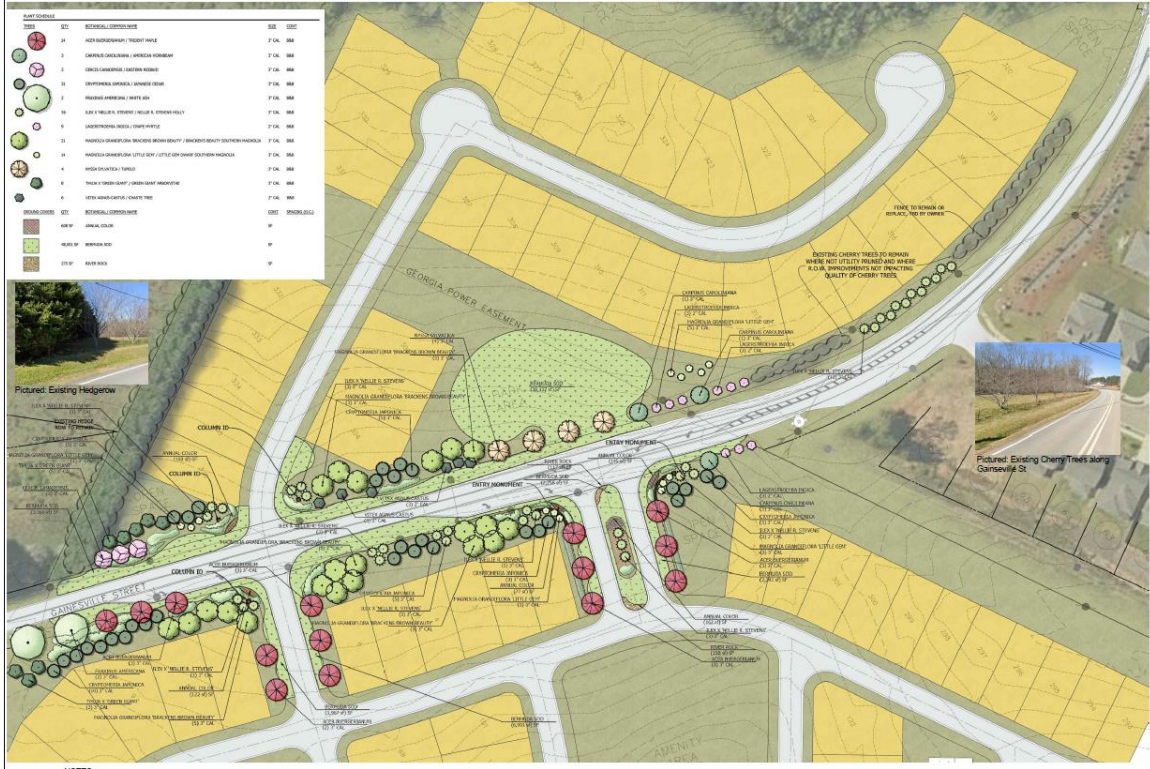




8. Applicant agrees to incorporate additional architectural elements on the rear elevations of the homes which back up to Gainesville Street so as not to be monotonous. These architectural elements may include the addition of shutters and/or the use of a mix of at least three (3) exterior materials (brick, stone, siding, shake and board and batten). In addition, rear patios, decks and porches shall be covered with a roof, pergola or

projecting architectural feature.

9. A full landscape plan shall be submitted at the time of land disturbance review. Said plan shall incorporate and significantly adhere to the Gainesville Street plan as submitted by the applicant and as shown below:



The above plan must also include the trail as referenced in condition 5 of this ordinance.

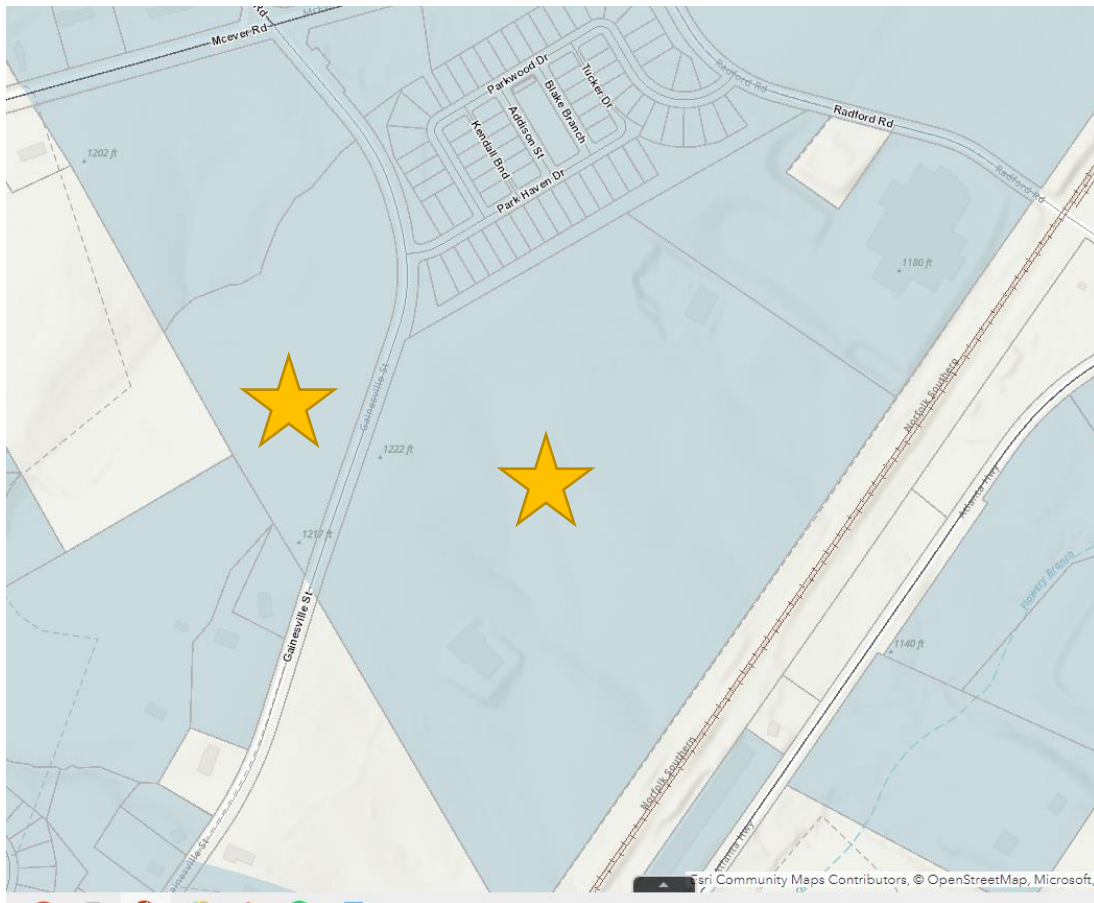


**Staff Report
Edge City Properties
Rezoning Request
Ordinance 670
September 2022**

Request

Rezone a 60.79 +/- acre tract of land from Agricultural (A) to Planned Unit Development (PUD) with the intent to develop and construct 313 single family homes (94 townhomes, 219 detached).

GIS Map:





SITE ANALYSIS

	WEST TRACT	EAST TRACT	TOTAL
SITE AREA	11.13 ACRES±	49.66 ACRES±	60.79 ACRES±
(A) 24' X 50' TOWNHOMES	0 UNITS	94 UNITS	94 UNITS
(B) 45' X 100' DETACHED LOT	0 UNITS	119 UNITS	119 UNITS
(C) 55' X 100' DETACHED LOT	33 UNITS	67 UNITS	100 UNITS
TOTALS	33 UNITS	280 UNITS	313 UNITS
PROPOSED DENSITY	2.97 U/AC	5.64 U/AC	5.15 U/AC
PUD ZONING CRITERIA			
MAXIMUM HEIGHT			45 FEET
MAXIMUM NUMBER OF STORIES			3 STORIES
MAXIMUM DENSITY			12 UNITS/AC
MINIMUM LOT SIZE (DETACHED LOT)			4,500 S.F.
MINIMUM LOT WIDTH (AT FRONT SETBACK)			45 FEET
MINIMUM HEATED FLOOR AREA PER DWELLING UNIT			1,000 S.F.
MINIMUM BUILDING SETBACKS	FRONT		20 FEET
	CORNER SIDE		5 FEET
	SIDE		5 FEET
	REAR		20 FEET
MINIMUM DETACHED HOUSE SEPARATION (FOUNDATION TO FOUNDATION)			10 FEET
MINIMUM TOWNHOUSE BUILDING SEPARATION (FOUNDATION TO FOUNDATION)			20 FEET
MAXIMUM LOT COVERAGE			60%
MINIMUM OPEN SPACE REQUIRED			20% (12.16 AC±)
OPEN SPACE PROVIDED*			25.1% (15.25 AC±)

Proposed Schedule

July 21, 2022 – Public Hearing
 August 4, 2022 - Work Session (if requested)
 August 18, 2022 – First Read and First Vote
 September 1, 2022 – Work Session (if requested)
 September 15, 2022- Second Read and Final Vote



Comprehensive Plan



Purpose of the Comprehensive Plan

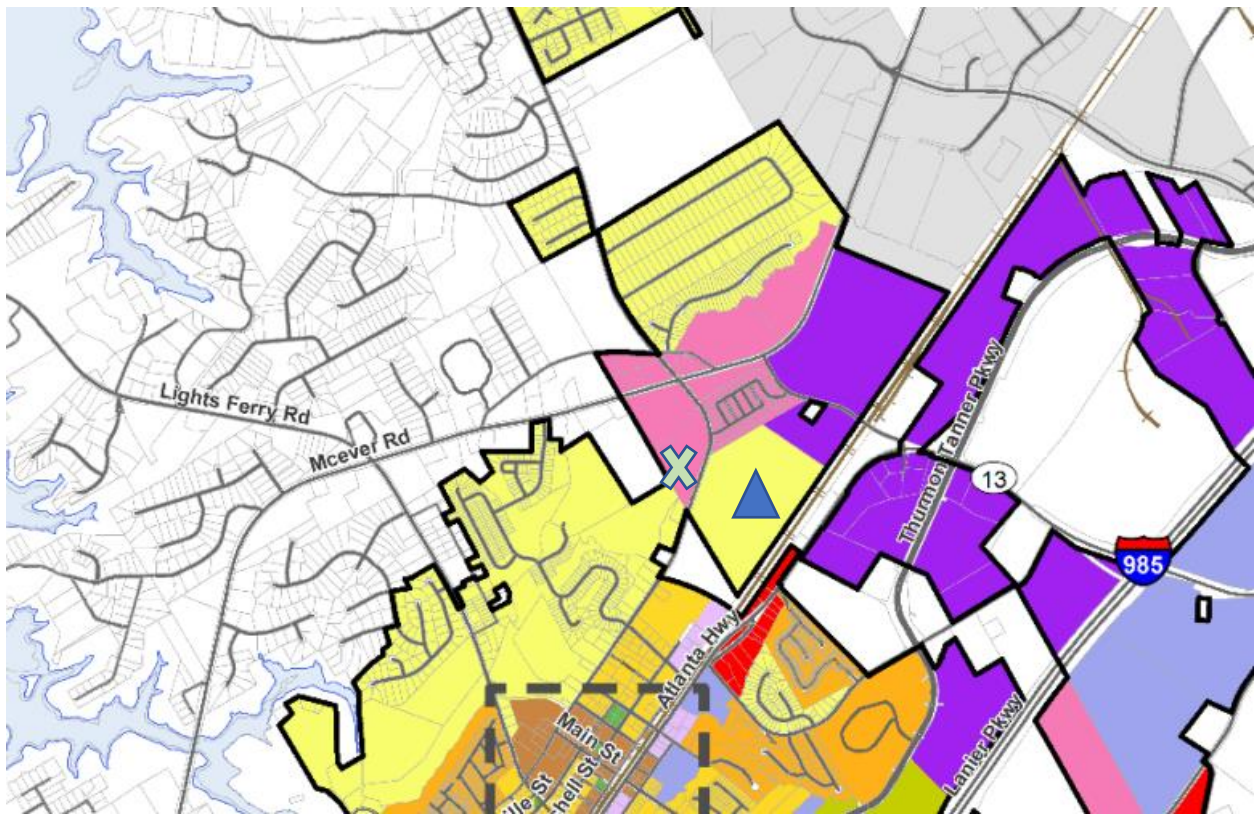
The *Flowery Branch Comprehensive Plan* is the City's policy guide for growth and development, as expressed by a vision statement, Future Development Map, character area policies, and supporting implementation strategies. The plan is most commonly used in the review and decision-making process by staff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

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

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



- ▲ Suburban Residential &
- ✕ Mixed-Use Character Area





Suburban Residential

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

Vision

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

Design Principles

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

Land Uses

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

Zoning

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

Implementation Strategies

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

Illustrative Photos





Mixed Use - Neighborhood

Mixed Use – Neighborhood areas are located around the McEver Road intersections with Gaines Ferry Road, Gainesville Street and Radford Road.

Vision

Commercial development at significant intersections that serves surrounding neighborhoods, with consideration given to mixed use developments having commercial uses or open space/recreation (in response to market conditions) that are oriented to existing public streets.

Design Principles

- Connectivity between uses and developments
- Automobile and pedestrian accessibility
- Enclosed buildings with no outside storage and limited outdoor display of goods and merchandise
- Integration of open space as an attractive design element and functional component in mixed use development
- High quality building materials and site features

Land Uses

- Small-scale neighborhood commercial uses
- Residential in the context of a mixed use development
- Open space / recreation

Zoning

- NS, Neighborhood Shopping District
- PUD, Planned Unit Development District

Implementation Strategies

Assess existing Architectural Guidelines and Pedestrian Retail design standards to ensure desired quality of development can be achieved.

Illustrative Photos



The proposed development does not meet the strict requirements of the Suburban-Residential character area of Comprehensive Plan due to the townhome component (which is not mentioned).



However, the residential use does meet the intent of the Comprehensive Plan and would provide housing for more citizens with a close proximity to downtown. The best general guideline for housing in Flowery Branch, per the the Comprehensive Plan, is single family detached 70%, apartments 15%, and townhomes 15%. Currently, after the Mulberry townhome project was approved (ordinances 665 & 666) Flowery Branch is generally at single family detached 65%, apartments 20%, and townhomes 15. If approved, this project would generally set the percentages at single family detached 66%, apartments 19%, and townhomes 15%.

The Mixed-Use portion of the proposed development adds more housing options to serve the existing and approved commercial on McEver Road.

Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, a residential use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of Agricultural (A) may be economically feasible.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **It is staff's opinion that the use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Yes**



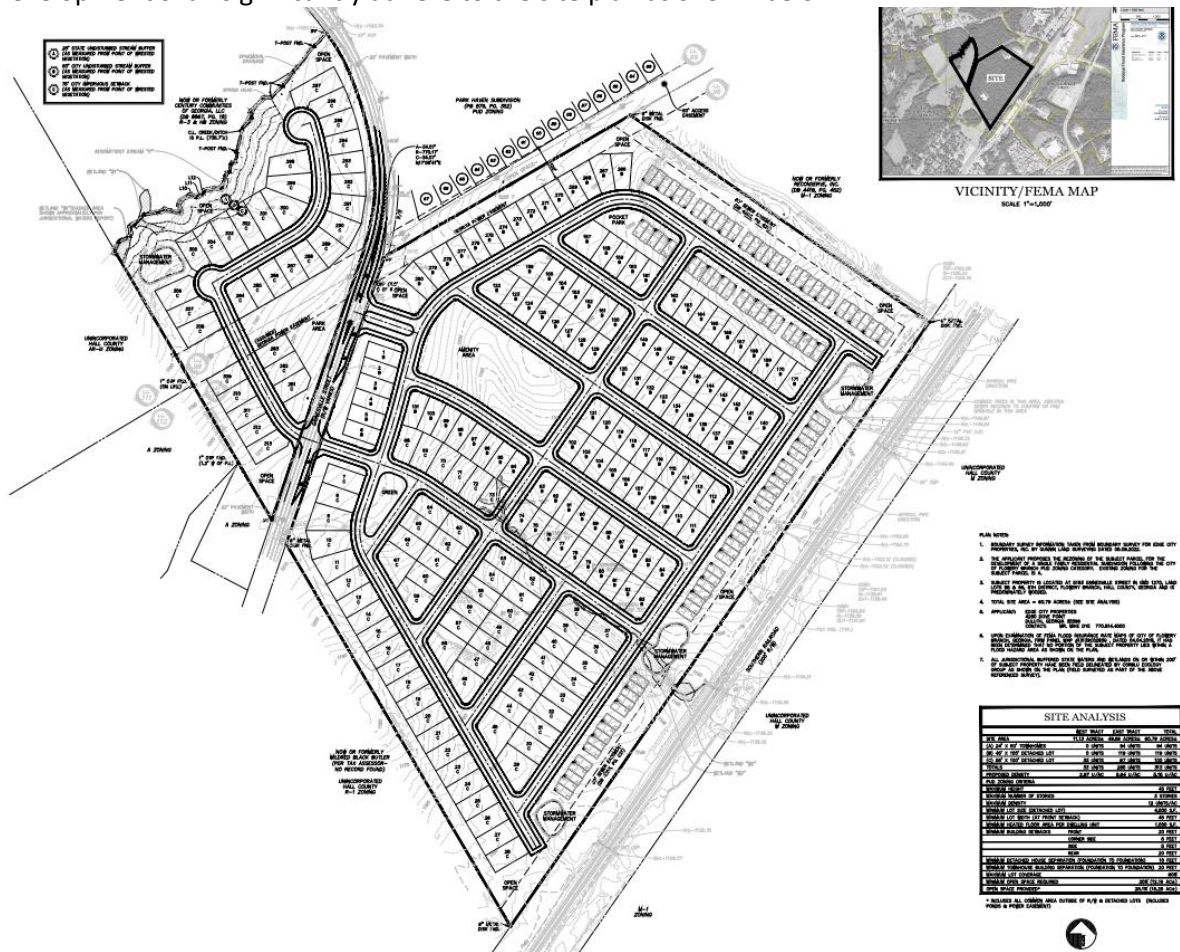
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. *Not to staff's knowledge, no.*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *Currently vacant, the proposed use will fit in with the surrounding uses.*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value.*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district and surrounding area in staff's opinion.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*



Recommendation

Approve the request as submitted with the following conditions:

1. Development shall significantly adhere to the site plan as shown below:





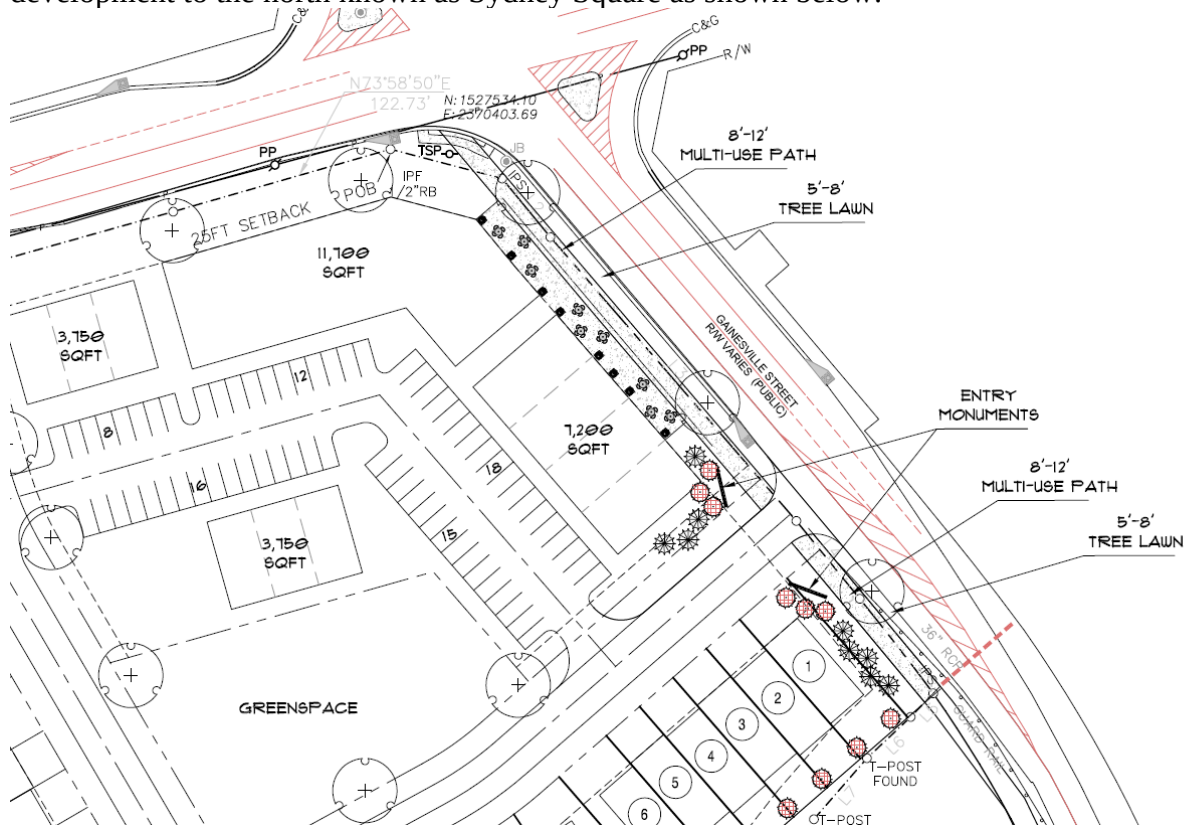
2. . The development shall adhere to the following requirements as designated by the site plan:

SITE ANALYSIS			
	WEST TRACT	EAST TRACT	TOTAL
SITE AREA	11.13 ACRES±	49.66 ACRES±	60.79 ACRES±
(A) 24' X 50' TOWNHOMES	0 UNITS	94 UNITS	94 UNITS
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(C) 55' X 100' DETACHED LOT	33 UNITS	67 UNITS	100 UNITS
TOTALS	33 UNITS	280 UNITS	313 UNITS
PROPOSED DENSITY	2.97 U/AC	5.64 U/AC	5.15 U/AC
PUD ZONING CRITERIA			
MAXIMUM HEIGHT			45 FEET
MAXIMUM NUMBER OF STORIES			3 STORIES
MAXIMUM DENSITY			12 UNITS/AC
MINIMUM LOT SIZE (DETACHED LOT)			4,500 S.F.
MINIMUM LOT WIDTH (AT FRONT SETBACK)			45 FEET
MINIMUM HEATED FLOOR AREA PER DWELLING UNIT			1,000 S.F.
MINIMUM BUILDING SETBACKS	FRONT		20 FEET
	CORNER SIDE		5 FEET
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	REAR		20 FEET
MINIMUM DETACHED HOUSE SEPARATION (FOUNDATION TO FOUNDATION)			10 FEET
MINIMUM TOWNHOUSE BUILDING SEPARATION (FOUNDATION TO FOUNDATION)			20 FEET
MAXIMUM LOT COVERAGE			60%
MINIMUM OPEN SPACE REQUIRED			20% (12.16 AC±)
OPEN SPACE PROVIDED*			25.1% (15.25 AC±)

3. Any major changes to the development will require City Council approval. For this ordinance, the following shall be classified as major:
- A. Any increase in the number of approved single family detached homes (219)
 - B. Any increase in the number of approved townhomes (94)
 - C. Any reduction in the designated single family detached lot size (4,500 S.F)
4. Front entry monument signs shall be submitted and approved by the department of Community Development.



5. An 8-12-foot-wide walking trail shall run the length of the property along the western side of Gainesville Street. The trail shall connect with trail constructed by the development to the north known as Sydney Square as shown below:



Said trail shall be submitted for review and approval by the Flowery Branch Community Development Department at the time of land disturbance review as part of the required landscape plan (see condition 9 of this ordinance).



6. Townhomes shall significantly adhere to the elevations as shown below:

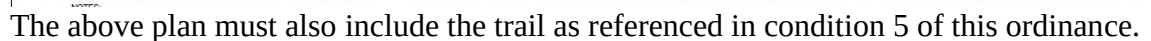
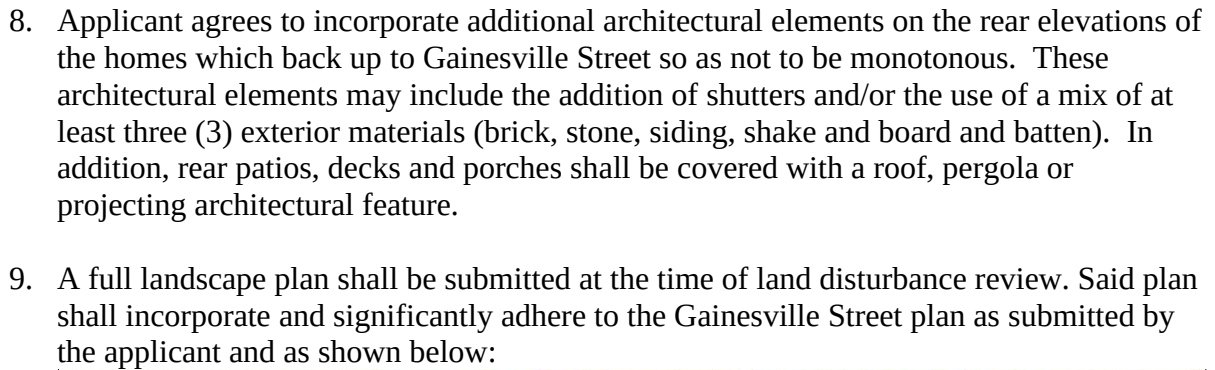


7. Single family detached homes shall significantly adhere to the elevations as shown below:











FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Second Reading of Ordinance 447-C, a Speed Zone Ordinance.

COUNCIL MEETING DATE: September 15, 2022

HISTORY:

A speed zone ordinance was last adopted by the City Council on April 20, 2017. The Georgia Department of Transportation (GDOT) has asked the City to update its Speed Zone Ordinance as shown in the attached GDOT List of Roads memorandum

FACTS AND ISSUES:

GDOT's requested update includes only two changes with respect to C.W. Davis Middle School school zone along SR 13 (Atlanta Highway) which (1) shorten the school zone from 1.70 miles to 0.45 miles and (2) to reduce the speed limit from 45 mph to 35 mph.

OPTIONS:

(1) Approve as presented (2) Keep existing speed zone ordinance and not shorten the school zone or reduce the speed limit which would prohibit enforcement of speeding in the C.W. Davis Middle School school zone.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to approve the first reading of Ordinance No.447-C.

COLLABORATING DEPARTMENT:

DEPARTMENT: Police

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary Second Reading Ordinance 447-C.pdf](#)
- [Ordinance 447-C Speed Zone.pdf](#)
- [City of Flowery Branch LOR 2022 #2800-05-2022.pdf](#)

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Updated Speed Zone Ordinance

DATE: 9/1/2022

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL- N/A

() OTHER

CAPITAL- N/A

COUNCIL ACTION REQUESTED ON: September 1, 2022 First Reading and September 15, 2022 Second Reading

PURPOSE: Update Speed Zone Ordinance to shorten the C.W. Davis Middle School school zone and reduce the school zone speed limit.

HISTORY: A speed zone ordinance was last adopted by the City Council on April 20, 2017. The Georgia Department of Transportation (GDOT) has asked the City to update its Speed Zone Ordinance as shown in the attached GDOT List of Roads memorandum.

FACTS AND ISSUES: GDOT's requested update includes only two changes with respect to C.W. Davis Middle School school zone along SR 13 (Atlanta Highway) which (1) shorten the school zone from 1.70 miles to 0.45 miles and (2) to reduce the speed limit from 45 mph to 35 mph.

OPTIONS: (1) Approve as presented (2) Keep existing speed zone ordinance and not shorten the school zone or reduce the speed limit which would prohibit enforcement of speeding in the C.W. Davis Middle School school zone.

RECOMMENDED SAMPLE MOTION: I make a motion to approve the second reading of Ordinance No. 447-C.

DEPARTMENT: Flowery Branch Police Department

Prepared by: Chief Christopher Hulsey

ATTACHMENTS:

(1) GEORGIA DEPARTMENT OF TRANSPORTATION LIST OF ROADS MEMO

(2) ORDINANCE #447-C

ORDINANCE NO: 447-C

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 April 20, 2017, the City Council had previously adopted a Speed Zone and Speed Detection Device Ordinance (Ordinance No. 447-B); 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 1461' south of Phil Niekro Blvd. (South Flowery Branch City Limits) to 913'-0" north of Hog Mountain Road (mile point 6.60) a distance of 2.72 miles, to be zoned 45 miles per hour.
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State Route 13	From 1690'-0" south of Hog Mountain Road (mile point 6.17) to 528'-0" north of Martin Road (mile point 6.62) a distance of 0.45 miles, to be zoned 35 miles per hour. This section is also considered a school zone.
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State Route 347	From 1238' east of Ridge Road (South Flowery Branch City Limits) (mile point 5.19) to 3340' north Ridge Road (North Flowery Branch City Limits) (mile point 5.59) a distance of .40 miles, to be zoned 45 miles per hour.
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State Route 419/I-985 From 3456' south of Spout Springs Road (South Flowery Branch City Limits) (mile point 11.02) to 2664' north of Spout Springs Road (mile point 12.17) 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 2640' north of Spout Springs Road to 2270' 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. 447-B 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 15th day of September 2022.

Edward R. Asbridge, Mayor

ATTEST:

Shelia Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr. City Attorney

**DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA**

INTERDEPARTMENT CORRESPONDENCE

FILE	OFFICE	Gainesville
	DATE	June 10, 2022

FROM: JD Jason Dykes P.E., District Traffic Engineer

TO: Alan Davis, State Traffic Engineer

SUBJECT: City of Flowery Branch LOR

Attached below is a copy of the List of Roads for the City Flowery Branch.
The update reflects these changes:

- **SR 13 Flowery Branch, shortened school zone for C.W. Davis Middle and reduced speed in school zone to 35 MPH per approved ETI 11-2021-139-1**

Please Save a copy of the attachment for your records and forward the correspondence to the Department of Public Safety.

Should you have questions or comments, please contact Jonathan Peevy at (770) 533-8276.

JD\jp\rc
Attachments

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 and/or School Name	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 C.W. Davis Middle School SCHOOL DAYS ONLY	1690' south of Hog Mountain Road	06.17	528' north of Hog Mountain Road	06.62	00.45		35
SR 347	Flowery Branch	1238' east of Ridge Road (South Flowery Branch City Limits)	05.19	3340' east 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

OFF-SYSTEM

ROAD NAME	WITHIN THE CITY/TOWN LIMITS OF and/or School Name	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 Ordinance 504-C, Amending the Alcohol Licensing Ordinance.

COUNCIL MEETING DATE: September 15, 2022

HISTORY:

The last time the Ordinance has been updated was 2017.

FACTS AND ISSUES:

The City wants all alcoholic beverages to be consumed from a cup designated and approved by the City. The City needs at least 10 days to process an event permit. The City wants to allow businesses within our jurisdiction to apply for off premises catering license for City sponsored events. The City wants to require all caterers to possess a pouring permit and to be required to provide proof of liability insurance. The City wants to update the amenity license to be in compliance with the Department of Revenue.

OPTIONS:

(1) Approve as presented (2) Keep existing alcohol ordinances and not accept the proposed changes.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance No. 504-C.

COLLABORATING DEPARTMENT:

DEPARTMENT: Police

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary Ordinance 504-C Amending Alcohol Ordinance.pdf](#)
- [Ordinance 504-C Alcohol License Amendment.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Updated Alcohol Licensing Ordinance

DATE: 9/15/22

☒ **RECOMMENDATION**
☐ **POLICY DISCUSSION**
☐ **STATUS REPORT**
☐ **OTHER**

BUDGET INFORMATION:

ANNUAL- N/A
CAPITAL- N/A

COUNCIL ACTION REQUESTED ON: September 15, 2022, First Reading and October 6, 2022, Second Reading

PURPOSE: The City ordinance to reflect with the Department of Revenue's rules and regulations.

HISTORY: The last time the ordinance has been updated was 2017.

FACTS AND ISSUES: The City wants all alcoholic beverages to be consumed from a cup designated and approved by the City. The City needs at least 10 days to process an event permit. The City wants to allow businesses within our jurisdiction to apply for off premises catering license for City sponsored events. The City wants to require all caterers to possess a pouring permit and to be required to provide proof of liability insurance. The City wants to update the amenity license to be in compliance with the Department of Revenue.

OPTIONS: (1) Approve as presented (2) Keep existing alcohol ordinances and not accept the proposed changes.

RECOMMENDED SAMPLE MOTION: I make a motion to approve Ordinance No. 504-C.

DEPARTMENT: Flowery Branch Police Department

Prepared by: Chief Christopher Hulsey

ATTACHMENTS:

First Reading: 9/15/2022
Second Reading: 10/6/2022

ORDINANCE NO. 504-C

AN ORDINANCE TO AMEND CHAPTER 8 – ALCOHOLIC BEVERAGES – OF THE CODE OF THE CITY OF FLOWERY BRANCH, GEORGIA BY AMENDING SECTION 8-114 (CONSUMPTION IN PUBLIC; POSSESSION OR CONSUMPTION ON CITY PROPERTY; EXEMPTION), AMENDING SECTION 8-133 (SALES OFF PREMISES FOR CATERED FUNCTIONS) AND REPLACING SECTION 8-141 (AMENITY LICENSE); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS the City of Flowery Branch, Georgia is authorized by O.C.G.A. § 36-31-7 and by Section 1.4 of its Charter to license and regulate alcoholic beverages within its corporate limits.

NOW THEREFORE the Council of the City of Flowery Branch hereby ordains as follows:

Section 1. Section 8-114(b)(1)e. shall be added to the Code of the City of Flowery Branch, Georgia as follows:

“Designated cups. All alcoholic beverages shall be consumed from a cup designated and approved by the City.”

Section 2. The following sentence shall be added at the beginning of Section 8-133(b) of the Code of the City of Flowery Branch, Georgia:

“All applications for an event permit shall be submitted to the city manager or designee at least ten (10) business days prior to the event.”

Section 3. Section 8-133(b)4. shall be added to the Code of the City of Flowery Branch, Georgia as follows:

“The holder of a Flowery Branch, Georgia issued alcoholic beverage license for on premise consumption may apply for an off-premises catering license and annual event permit allowing it distribute or sell alcoholic beverages at all city sponsored events.”

Section 4. The following sentence shall be added at the beginning of Section 8-133(c) of the Code of the City of Flowery Branch, Georgia:

“The caterer, special event licensee and all employees are required to possess a pouring permit in accordance with Section 8-143.”

Section 5. Section 8-133(d) shall be added to the Code of the City of Flowery Branch, Georgia as follows:

“All caterers shall be required to provide proof of liability insurance to the city in an amount equal to a minimum of \$1,000,000 and which shall name the City of Flowery Branch, Georgia as an additional insured thereon. All caterers shall be required to provide proof of alcoholic beverage liability insurance in an amount equal to a minimum of \$1,000,000 and which shall name the City of Flowery Branch, Georgia as an additional insured thereon. All event sponsors shall be required to execute an indemnification and hold harmless agreement in a form acceptable to the city wherein the sponsor shall agree to indemnify and hold harmless the City of Flowery Branch, Georgia and its elected officials, appointed officers, employees, representatives and agents from and against any and all liability, costs, including attorney’s fees, expenses, damages, suits, judgments and expenses arising from the event.”

Section 6. Section 8-141 of the Code of the City of Flowery Branch, Georgia shall be deleted in its entirety and replaced with the following:

“Sec. 8-141. – Amenity license.

(a) The Flowery Branch Police Department may grant a license for amenity alcohol sales where it is determined that the sale, service, or consumption of alcohol is not the primary business of the licensed establishment.

(b) An amenity alcohol sales license permits the licensee to sell a patron either two (2) six (6) ounce glasses of wine or two (2) twelve (12) ounce servings of beer or other malt beverage per day.

(c) In no event shall a licensee’s total annual gross alcohol revenue exceed ten (10) percent of the licensee’s gross annual revenues.

(d) Amenity alcohol sales licensees shall be required to obtain a state alcohol license for consumption on the premises and except as expressly provided for herein, shall be subject to all state and local laws, rules, and requirements, including licensing requirements and the other provisions of this chapter related to the sale of alcohol for consumption on the premises.”

Section 7. Any part of any prior ordinances, in conflict with the terms of this Ordinance, are hereby repealed to the extent of the conflict; but it is hereby provided, that any 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 Ordinance on behalf of the City of Flowery Branch, Georgia.

Section 8. If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of the Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SO ORDAINED this 6th day of October, 2022.

Edward R. Asbridge, Mayor

ATTEST:

Shelia Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consideration of Contract with Suez for an MBR Wastewater Treatment Solution

COUNCIL MEETING DATE: September 15, 2022

HISTORY:

The City of Flowerly Branch has been pursuing alternate avenues for providing wastewater treatment for ongoing development.

FACTS AND ISSUES:

This solution is a membrane system (MBR) which will treat an additional 200,000MGD and can be operational in approximately 120 days. It entails two temporary mobile UF500 containers with ZeeWeed 500 submersible membranes for a Wastewater Ultrafilter. This will be added to the current WWTP.

OPTIONS:

Approve this lease agreement or do not approve the lease agreement.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

\$1,500,000 from GEFA and Development Fees in the Water/Wastewater Fund

RECOMMENDATION:

Approve a contract with Suez for an MBR Wastewater Treatment Solution

SAMPLE MOTION:

I move to approve the contract with Suez and approve a budget of \$1,500,000 for the project with funding to be provided by Development Fees in the Water/Wastewater Fund and GEFA funding.

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

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