City of Flowery Branch
City Council Meeting
Thursday, September 16, 2021, 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:

UNFINISHED BUSINESS - WORK SESSION:

- Consider a request submitted by Fall Leaf Residential, LLC. to annex and rezone 6495 and 6509 McEver Road with the intent to develop and construct a townhome community.
  Flowery Brand - elevation and interior pics.pdf
  McEver 152 lot site plan 8-25 (1).pdf
  Mcever Entrance and landscape plan (2).pdf
  Mcever Revised Site Plan Letter 8-25 signed (1).pdf
  Staff Report September 16 .pdf
  SEPTEMBER 16 COMBINED FINAL RB ORDINANCES.pdf
- Second Reading of a rezoning request from JPC Design and Construction, LLC. to rezone a 2.08 +/- acre tract of land identified as 5512 McEver Road, tax parcel number 08099 000009, from NS (Neighborhood Shopping) to HB (Highway Business).
  Staff Report for JPC 5512 McEver Road .pdf
  JPC McEver Application.pdf
  Ordinance for JPC McEver Road.pdf
- Consider a request from Vulcan Lands, Inc. for the annexation and rezoning of nine (9) parcels of land from Hall County AR III to Flowery Branch M-2 with a conditional use permit to operate a quarry.
  2021 Rezoning Additional Information Requirement - Vulcan Lands, Inc.06242021.pdf
  2021 Rezoning Application - Vulcan Lands, Inc.06242021.pdf
  2021 Sec. 34.7 Analysis Requirements - Vulcan Lands, Inc.06242021.pdf
  2021 Annexation Application - Vulcan Lands, Inc.06242021.pdf
  2021 Conditional Use Permit - Vulcan Lands, Inc.06242021.pdf
  Zoning Project Base Map BW r5.pdf
  Staff Report 2021.pdf
  Combined Sept 16.pdf
- Consider a request submitted by Hines Acquisitions, LLC. to rezone a portion of 0 Thurmon Tanner Parkway (FKA The "Forbes" Property) from Highway Business (HB) to Light Industrial (M1).
  Thurmon Tanner HInes Signed Application.pdf
  Hines - owner signature page - from Tred .pdf
  Full Staff Report September 16.pdf
  Hines Ordinance.pdf
- Consider a request submitted by Mr. Kevin Hobgood to rezone 5205 Railroad Avenue from M1 (Light Industrial) to CBD (Central Business District).

Hobgood Rezoning.pdf
Exterior Hobgood 1.jpg
Exterior Hobgood 2.jpg
9 Nonresidential Zoning Districts 2019.pdf
Ordinance .pdf

- A variance request submitted by Blessing Trader, Inc. to allow fuel pumps to be located in front of the proposed principal structure located at 6477 McEver Road.
  Application Scanned.pdf
  Legal Description - McEver Road Food Mart.docx
  Pages from 20110 - McEver SHEETS VIC 5-21-2021.pdf
  ORDINANCE 653.pdf

NEW BUSINESS -WORK SESSION:

- Consider Acceptance of Franchise Fees Settlement Agreement with Charter Communications
  C Flowery Branch Settlement Agreement Sept 2021.pdf
- Resolution 21-017 – Consider an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.
  Resolution 21-017 - EXECUTIVE SUMMARY.pdf
  Resolution 21-017.pdf
  ATTACHMENT A - Resolution 21-017 Budget Adjustment Form.pdf
- Consider Intergovernmental Agreement with Hall County for I-985 Interchange Mowing
  IGA I-985 Maintenance with Hall County - EXECUTIVE SUMMARY.pdf
  985 Maint. Agreements Flowery Branch 2021.pdf
  Flowery Branch Allocations 090921.pdf
  Exhibit A.pdf
- Consider Second Amendment to the lease agreement by and between the City of Flowery Branch, Georgia and Hillwood Realty, LLC.
  2nd Amendment Hillwood Realty, LLC.pdf
- Consider 2nd Amendment of lease agreement between City of Flowery Branch, Georgia and LendUS, LLC d/b/a American Eagle Mortgage, LLC.
  2nd Agreement LendUS, LLC.pdf

DEPARTMENT REPORTS: -

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

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider September 2, 2021 Meeting Minutes
  September 2, 2021 Meeting Minutes.pdf

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  C Flowery Branch Settlement Agreement Sept 2021.pdf

EXECUTIVE SESSION:

ADJOURNMENT:

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

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider a request submitted by Fall Leaf Residential, LLC. to annex and rezone 6495 and 6509 McEver Road with the intent to develop and construct a townhome community.

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

FACTS AND ISSUES:
This is the second read of these ordinances.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve

SAMPLE MOTION:
I make a motion to approve ordinance 647 as presented.
I make a motion to approve ordinance 648 as presented and conditioned.
I make a motion to approve ordinance 649 as presented.
I make a motion to approve ordinance 650 as presented and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

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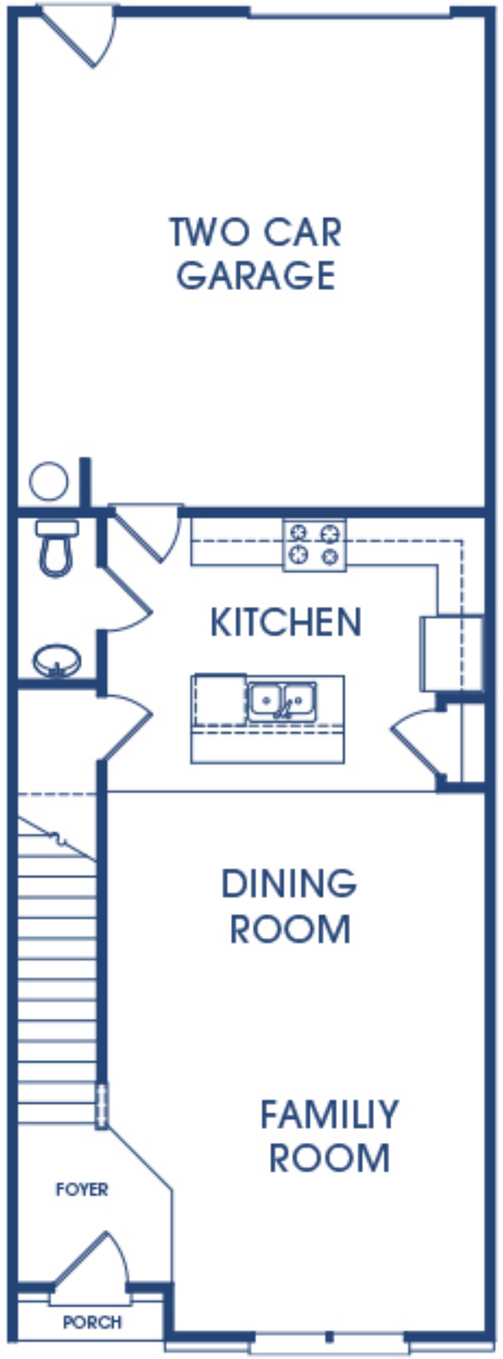
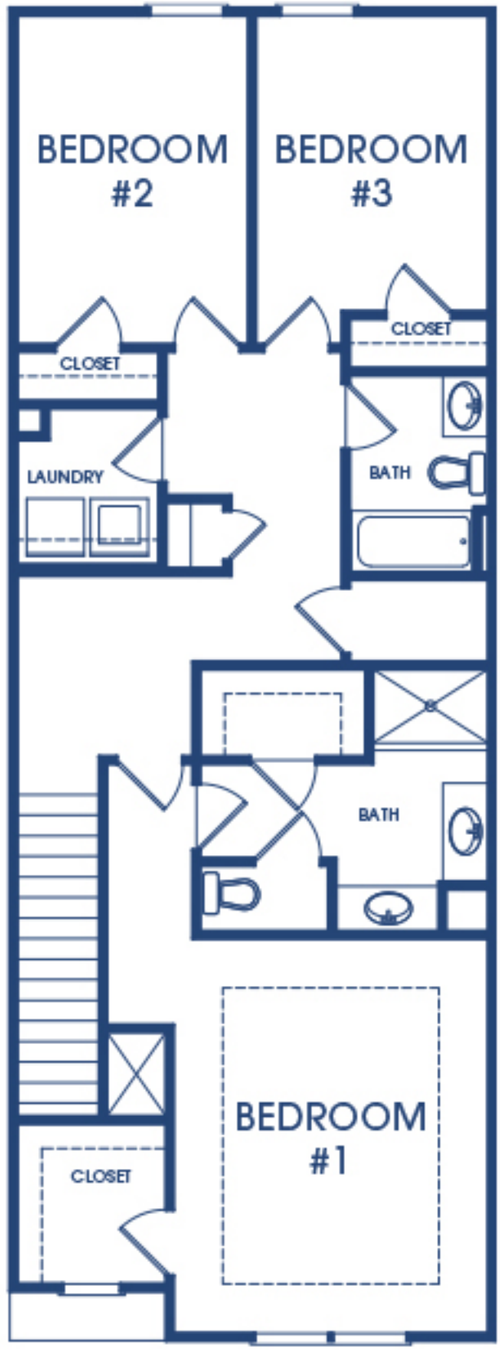
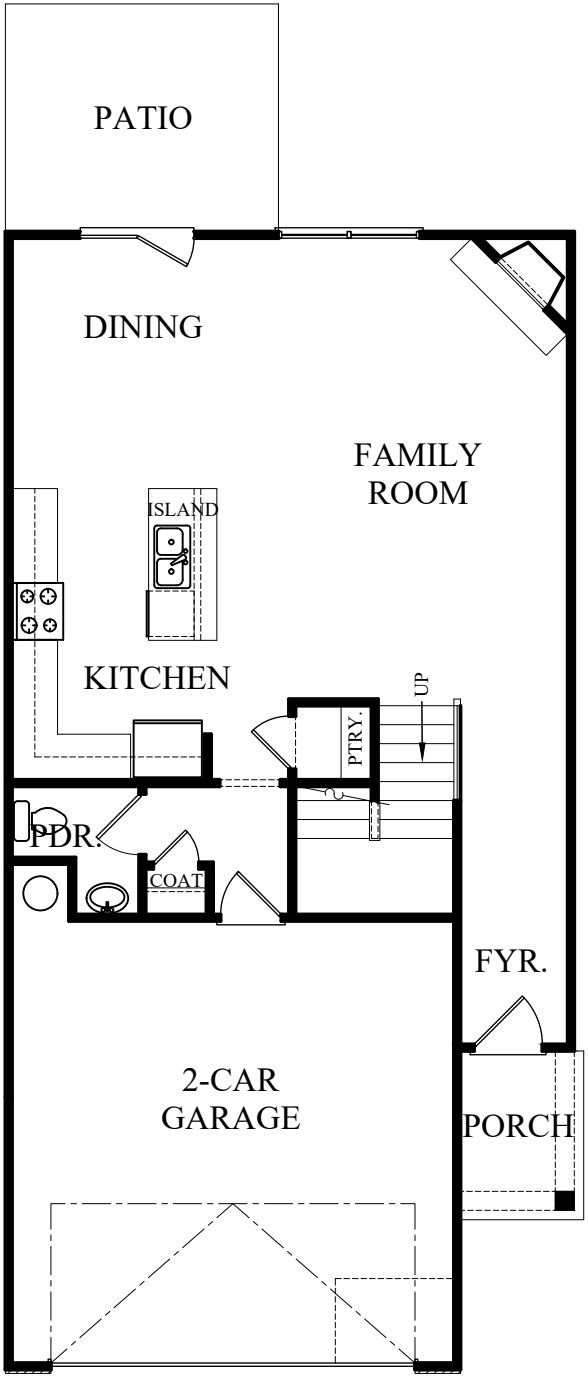
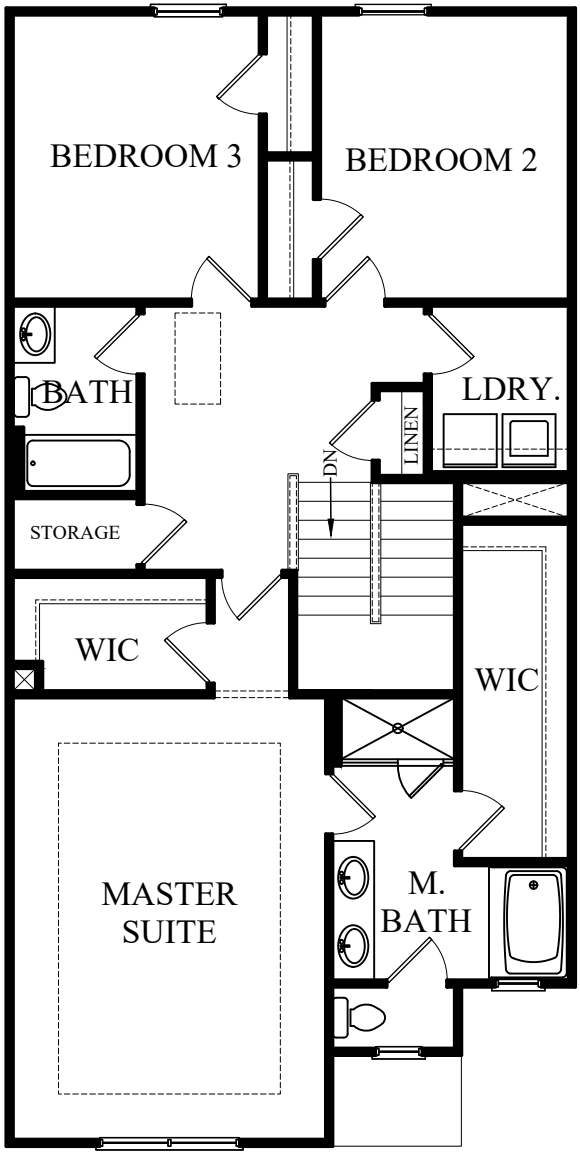

TWO CAR
GARAGE
KITCHEN
DINING
ROOM
FAMILIY
ROOM
FOYER
PORCH

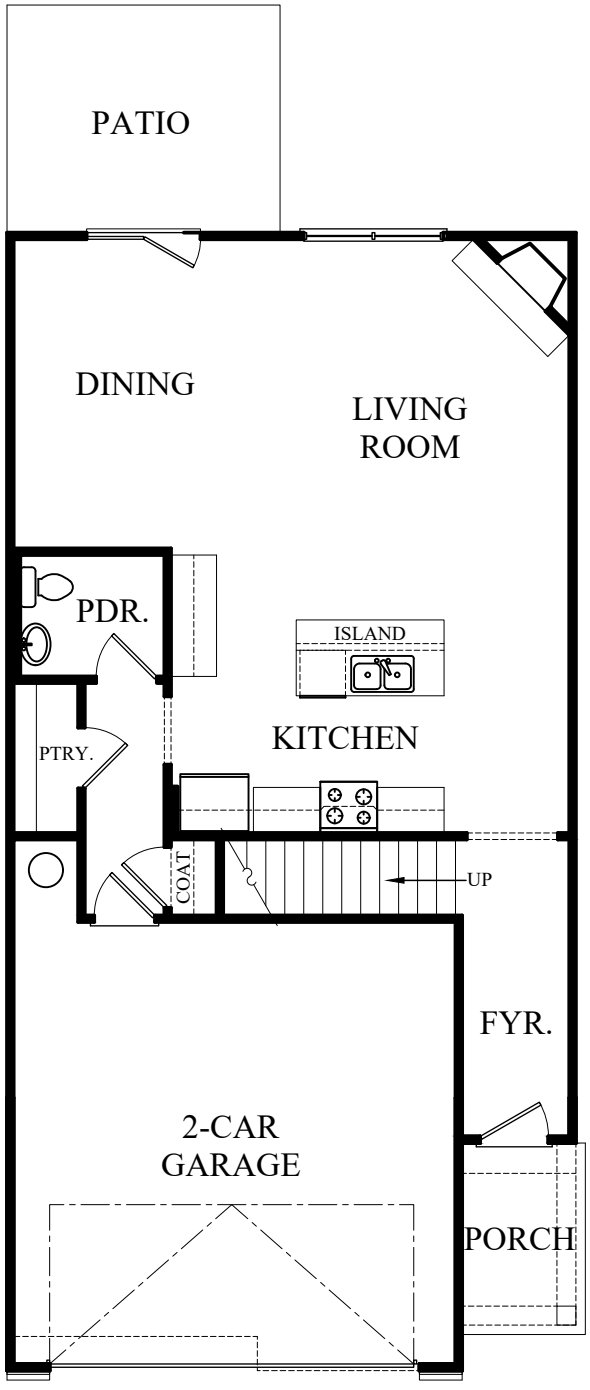

BEDROOM
#2
BEDROOM
#3
CLOSET
CLOSET
LAUNDRY
BATH
BATH
BEDROOM
#1
CLOSET



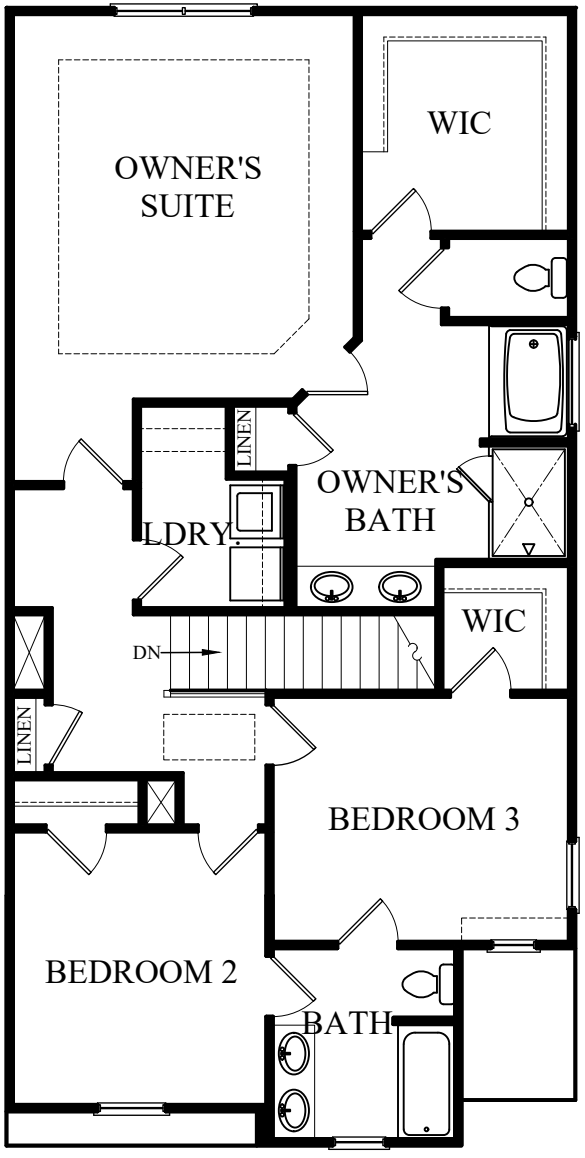
First Floor



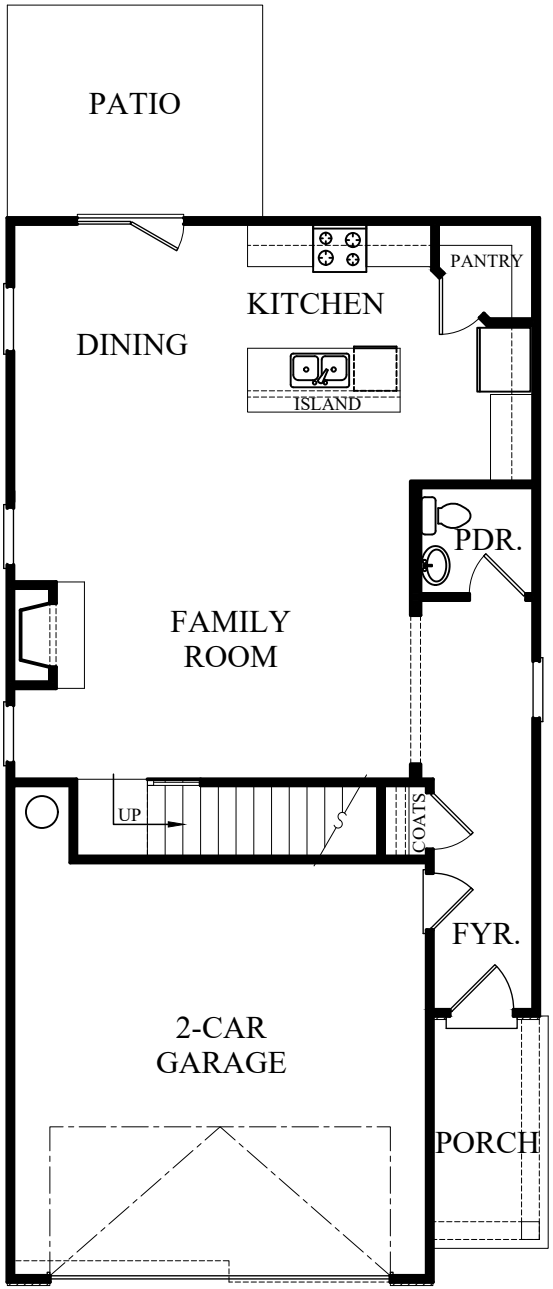
Second Floor



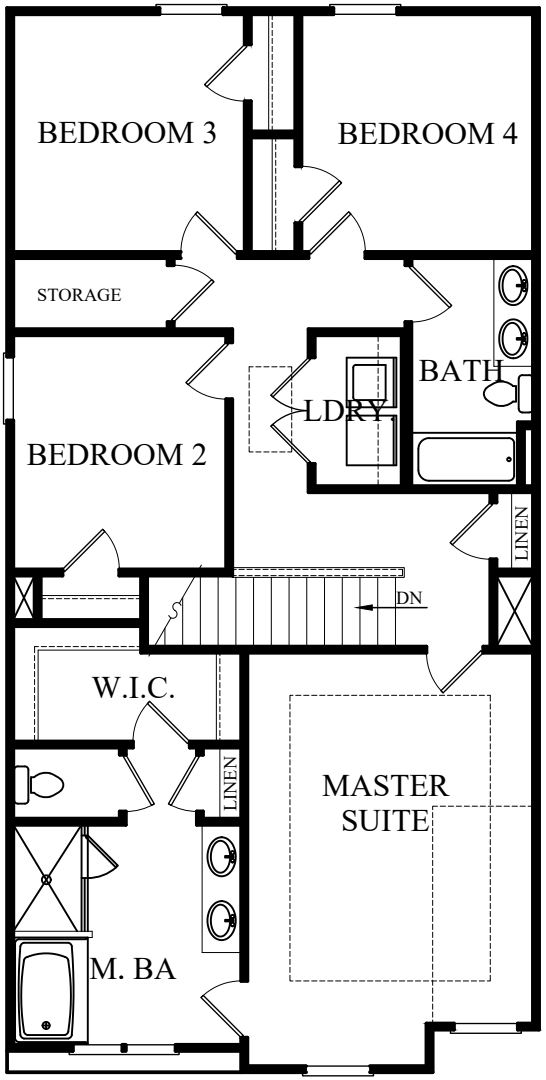
First Floor



Second Floor



First Floor



Second Floor

LOCATION MAP
NOT TO SCALE

SITE SUMMARY

SITE AREA	
TOTAL SITE AREA:	25.68 ± ACRES (1,118,621 S.F.)
CITY SITE AREA:	25.46 ± ACRES (1,108,899 S.F.)
COUNTY SITE AREA:	0.22 ± ACRES (9,722 S.F.)
ZONING CLASSIFICATION	
JURISDICTION:	CITY OF FLOWERY BRANCH
ZONING:	R-3
BUILDING SETBACKS	
FRONT:	25' (FRONT YARD)
SIDE:	10' (40' ABUTTING HB ZONING)
REAR:	20' (REAR YARD)
LOTS SUMMARY	
LOTS PROVIDED:	152
LOT DENSITY:	5.97 UNITS/ACRE (WITHIN CITY)
HOUSE SIZE:	(24' x 54') & (20' x 59')

DEVELOPMENT STATISTICS*

MAXIMUM BUILDING HEIGHT:	45'	PROPOSED BUILDING HEIGHT:	35'
MAXIMUM DENSITY:	12 UNITS/ACRE (289 UNITS)	PROPOSED DENSITY:	5.97 UNITS/ACRE (152 UNITS)
MINIMUM HEATED FLOOR AREA:	1,000 S.F.	PROPOSED HEATED FLOOR AREA:	1,600 S.F.
MINIMUM LOT SIZE:	10,000 S.F.	PROPOSED MINIMUM LOT SIZE:	2,100 S.F.
MINIMUM LANDSCAPED AREA:	15% (166,335 S.F.)	PROPOSED LANDSCAPED AREA:	24.5% (271,106 S.F.)
MINIMUM PARKING COUNT:	304 (ENCLOSED)	PROPOSED PARKING COUNT:	304 (ENCLOSED)
MAXIMUM PARKING COUNT:	608		9 (MAIL KIOSK & AMENITY PARKING)

DEVELOPMENT STATISTICS NOTES:

* DEVELOPMENT STATISTICS ARE BASED ON THE AREA TO BE ANNEXED INTO CITY ONLY
1. COLOR RENDERINGS HAVE BEEN SUBMITTED BY THE APPLICANT
2. MATERIALS FOR THE EXTERIOR OF THE HOMES WILL BE PRIMARILY CEMENT BASED SIDING SUCH AS HARDIPLANK (95%) WITH BRICK AND STONE ACCENTS.

CONCEPT PLAN DISCLAIMER:

1. THE CONCEPT REPRESENTED HEREIN IDENTIFIES A SCHEMATIC DESIGN RESULTING FROM LAYOUT PREFERENCES IDENTIFIED BY THE CLIENT COUPLED WITH A PRELIMINARY REVIEW OF ZONING AND LAND DEVELOPMENT REQUIREMENTS. THE FEASIBILITY OF THIS PLAN WITH RESPECT TO OBTAINING CITY, COUNTY, STATE AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION OF THE SITE AND VERIFICATION OF THE ZONING ORDINANCES AND DEVELOPMENT REGULATIONS ALONG WITH PROCUREMENT OF APPROPRIATE JURISDICTIONAL APPROVALS.
2. THIS CONCEPT PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES ONLY AND IS NOT INTENDED FOR UTILIZATION AS A ZONING AND/OR CONSTRUCTION DOCUMENT. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON AVAILABLE INFORMATION THAT WAS SUPPLIED AT THE TIME OF PLAN PREPARATION AND MAY BE SUBJECT TO CHANGE UPON THE AVAILABILITY OF ADDITIONAL INFORMATION.
3. THIS CONCEPT PLAN WAS PREPARED WITHOUT BENEFIT OF A CURRENT SURVEY, GEOTECHNICAL AND/OR ENVIRONMENTAL INVESTIGATION, JURISDICTIONAL DELINEATION OR ARBORIST REPORT. THE LOCATION OF ANY JURISDICTIONAL WATERS, WETLANDS, UNDERGROUND UTILITIES AND/OR SPECIMEN TREES HAS NOT BEEN TAKEN INTO ACCOUNT.

PREPARED IN THE OFFICE OF:
LECRAW ENGINEERING
© 2021 LECRAW ENGINEERING, INC.
3475 CORPORATE WAY
SUITE 104
DULUTH, GA 30096
PHONE: - 678.546.8100
FAX - 770.441.0298
WWW.LECRAWENGINEERING.COM
PE1500788

REV. #	DATE	DRAWN BY:	CHECKED BY:

CLIENT
FALL LEAF RESIDENTIAL
6435 SHILOH ROAD SUITE 100, ALPHARETTA, GA 30005

PROJECT
MCEVER ROAD PROPERTY
FLOWERY BRANCH, GEORGIA

SEAL:

PRELIMINARY 08/24/21

DESIGN TEAM:

DRAWN BY:	AMK
DESIGNED BY:	AMK
REVIEWED BY:	JSW

811 Know what's below. Call before you dig.

SCALE & NORTH ARROW:

NORTH ARROW
0' 40' 80' 160'
SCALE: 1"=80'

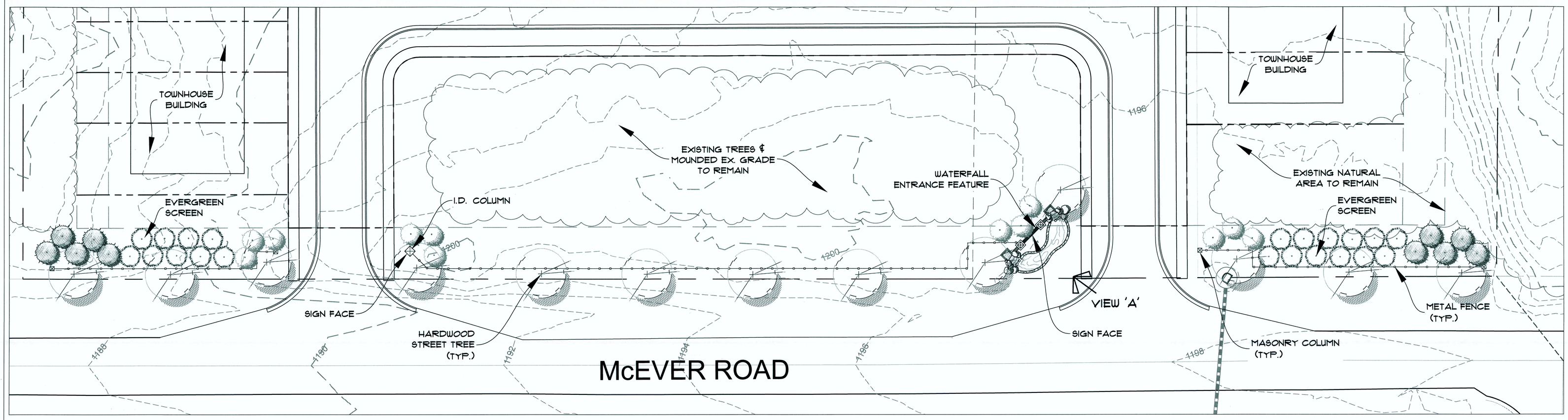
JOB #:	302001
DATE:	08/24/2021

CONCEPT SITE PLAN

CS-1

Drawing name: D:\LeCRAW DROPBOX\LeCraw Engineering Dropbox\Shared Folders\LeCraw Engineering\103208 - DR Horton - McEver Road at Gaines Ferry - Flowery Branch_GA\CAD\EXHIBITS\2021-08-23 CONCEPT PLAN.dwg SITE PLAN Aug 24, 2021 7:23pm by: anton

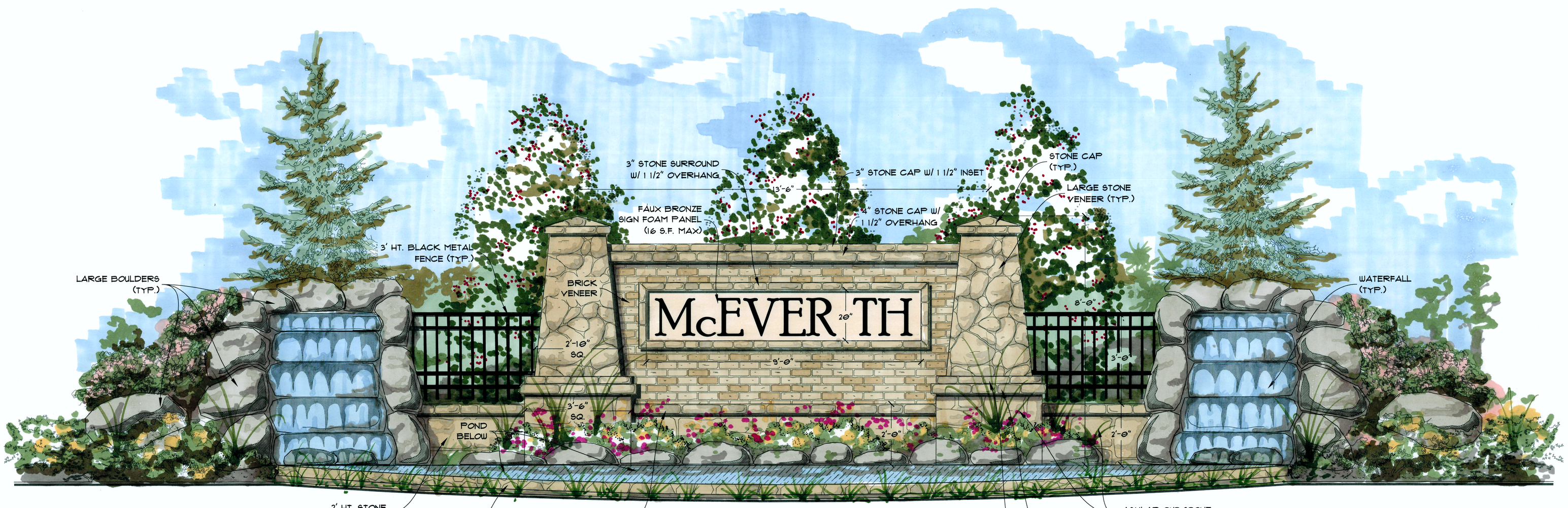
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by LeCraw Engineering, Inc. shall be without liability to LeCraw Engineering, Inc. Copyright LeCraw Engineering, Inc., 2021



SCALE: 1"=20'-0"

20 0 20 40 60

NORTH



CONCEPTUAL ENTRANCE MONUMENT ELEVATION

N.T.S.

BLD

BAKER LAND DESIGN

LANDSCAPE ARCHITECTURE
LAND PLANNING
CERTIFIED ARBORIST

3471 DONAVILLE ST.
SUITE 200
DULUTH, GA 30096
PHONE: (404) 787-3973
WWW.BAKERLANDDESIGN.COM

ENTRANCE CONCEPT

FOR

MCEVER TH

REVISIONS

DRAWN BY: TB

CHECKED BY:

SCALE: AS SHOWN

DATE: 8/20/21

JOB NO.

SHEET 1 OF 1

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

Mayor and City Council
c/o Mr. Rich Atkinson
Flowery Branch, Ga. 30534

August 25, 2021

Re: Revised Site Plan and Elevations 25.46 Acres, McEver Road

Mr. Atkinson,

Per your request, attached are our revised site plan, revised elevations on the proposed townhomes, and our McEver Rd. landscape and entrance plan. These new plans have incorporated the items that the City Council wanted us to modify.

The new site plan shows a reduction in the number of units to 152 from the 167 units proposed in our current application. We have also moved some of the townhomes farther from McEver Rd. and have eliminated all of the units that backed up to McEver Rd. Therefore, there will be no homes where you would be looking at the rear of the home from McEver. Instead, this area is now shown as additional open space. The existing tree cover in the buffer areas along McEver Rd. and in the open space across from the amenity area will be left in its natural state except for road improvements and utility construction and enhanced where sparsely vegetated with street trees along the Right of Way.

We have also increased the buffer area along the southern property line adjacent to the proposed industrial development and are now showing 25 feet of that area as undisturbed buffer. This new site plan has over 40% of the total site in buffers and open space. We have also shown a playground and covered pavilion in the amenity area and a dog park in the open space area on the south side of the project.

As mentioned above, the area along McEver Rd. will be heavily landscaped and left in its natural state where we have good tree cover. We believe the landscape and entrance plan we have submitted shows a very attractive entrance and landscaping along McEver Rd.

Based on the input from Council, our new elevations have been revised to show considerably more brick and stone on the front facades, which we think will complement the previously requested board and batten farmhouse design.

This rezoning complies with your land use plan, and as all of you know, this property now lies between the Buford industrial zoning to the south and Flowery Branch mixed use and commercial zonings to the north and west with the railroad tracts to the east. We think these surrounding zonings make our townhouse use a very appropriate use for this property, especially considering the City's holistic approach to surrounding properties.

We understand that Council wants to ensure that this is a high quality residential development. It is our intent to meet that standard of quality with the zoning being conditioned on the site plan and the submitted building elevations, along with specific zoning conditions approved by Council at the rezoning hearing. We also know Council would like to limit the number of homes that can be rented in this community, and we agree to condition the zoning, at Staff's discretion, on including rental restrictions in our HOA documents that will restrict the number of rentals allowed to no more than 10% except in hardship cases.

Some of the Council members have asked for some information about the applicant, Fall Leaf Residential, we have attached a brief summary of Fall Leaf Residential and its Principal, Norman White for your review.

This property is in high demand for both high density residential and industrial uses, and I know the neighbors we have talked to would rather see a high quality townhouse development than another industrial building on the property. We hope that Council will approve our application for annexation and rezoning.

Sincerely,

Fall Leaf Residential, LLC
Norman White, Manager

Fall Leaf Residential, LLC

Fall Leaf Residential, LLC is a Georgia Limited Liability Company formed by Norman B. White. Mr. White formed this company three years ago to purchase and develop residential land in partnership with several of the larger home builders in the Atlanta area, including Century Communities, Ashton Woods Homes and D R Horton Homes. Norman White has over 30 years of residential home building and development experience in the Atlanta area. Mr. White began his homebuilding career with Pulte Homes where he was head of the Atlanta Division for many years and later head of the entire southeast division for Pulte. Mr. White was responsible for the construction of over 30,000 homes during his time with Pulte. Mr.White later retired from Pulte and formed his own homebuilding and development company where he developed several high end residential communities in south Forsyth County including Provence on Stoney Point Road, Marseille on Post Road and Castile on Drew Campground Road. More recently Mr. White has been involved in several developments including the completion of the Towne Mill community in Canton where multiple builders including Century Homes and Meritage Homes were the builders.

Staff Report

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

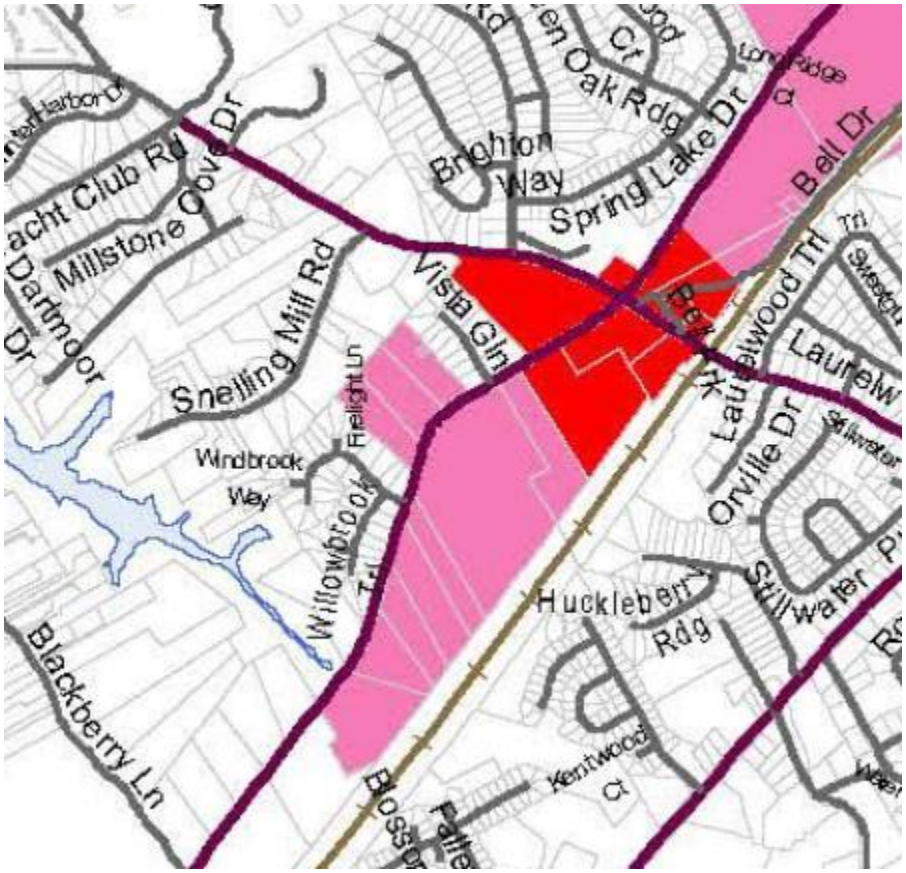
1. **6495 McEver Road; Tax Parcel 08150 002002A; Parcel totals 16.62 +/- acres; Annex and rezone from Hall County AR-III to Flowery Branch R3 (Residential Multi-Family)**
2. **6509 McEver Road; Tax Parcel 08150 002002; Parcel totals 8.84 +/- acres; Annex and rezone from Hall County HB to Flowery Branch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

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

Comprehensive Plan

Designated as a “Mixed Use” character area.

Flowery Branch character area map:



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

Mixed Use

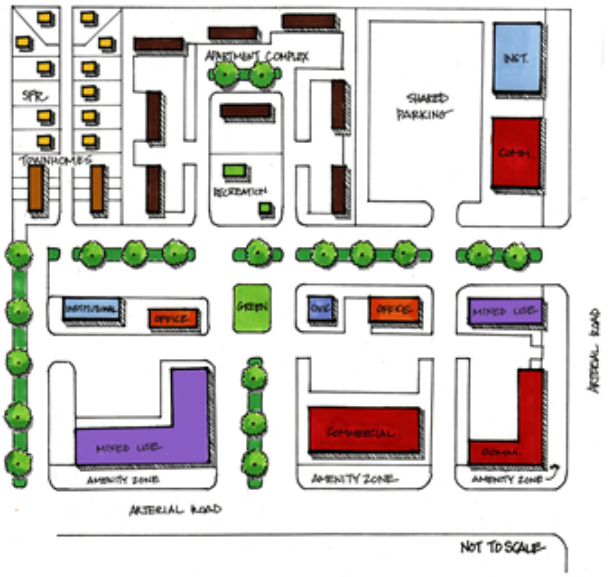
VISION: Areas that will be developed with a combination of different land uses intended to create an environment where compatible land uses can be located in close proximity to each other. Diverse places with unique architecture contributing to the economic base of the city.

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

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

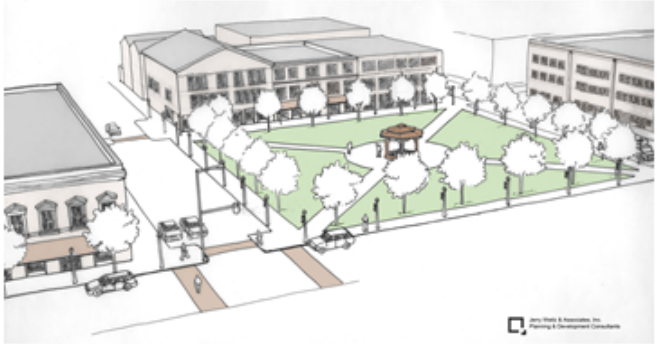
REGULATIONS: This character area will be primarily implemented with the planned unit development or commercial zoning districts. Developments will be required to complete design review and comply with all aesthetic requirements.

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



ILLUSTRATIVE MIXED-USE ACTIVITY CENTER

Jerry Weitz & Associates, Inc.
Planning & Development Consultants



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

Proposal

Submitted by applicant:

Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Staff Response:

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. Yes, a residential subdivision is appropriate for this site and the surrounding area.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. The development will not adversely affect the area.

(c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. Yes, current zonings of Agricultural Residential and Highway Business could be used for other developments.

(d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. It is staff's opinion that the use will not create any unnecessary burdens.

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. Currently, the Comprehensive Plan denotes this area as part of the "Mixed-Use" character area. The proposed use meets the intent of the Comprehensive Plan (see previous comments regarding the Comprehensive Plan as part of this staff report).

(f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. No

(g) Existing use(s) and zoning of the subject property and nearby properties. Currently vacant the proposed residential use will fit in well with the corridor.

(h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. Staff does not have a specific number regarding property value, but the current zoning classifications of Agricultural-Residential and Highway Business do not allow the proposed residential subdivision.

(i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. Staff does not feel that the proposed will be a deterrent.

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

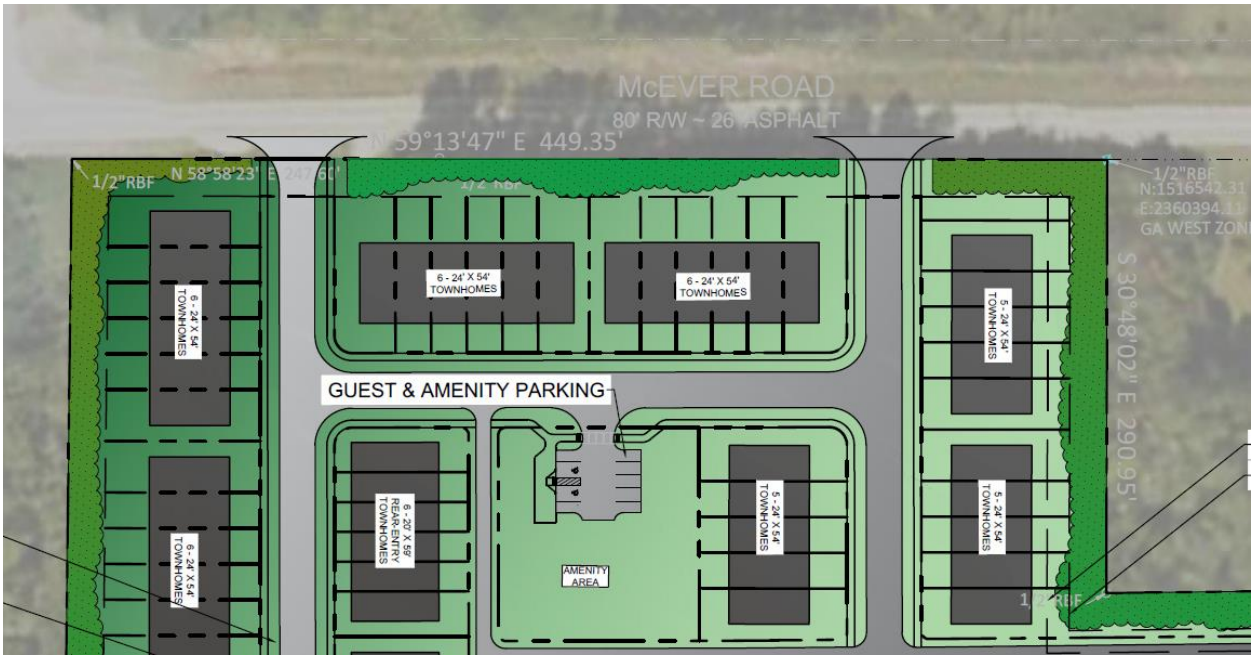
(k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. The proposed use will enhance the character of the existing district in staff's opinion.

(l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.

(m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.

Site Plan

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



Rear accessed townhome product is provided by applicant and has previously been identified as desirable by Mayor, Council, and staff as it promotes a more scenic, less garage dominant, streetscape. Additionally, the rear accessed townhome helps to promote a less auto intense feel to the subdivision and also promotes a more "neighborhood" aesthetic.

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

R-3 Zoning

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

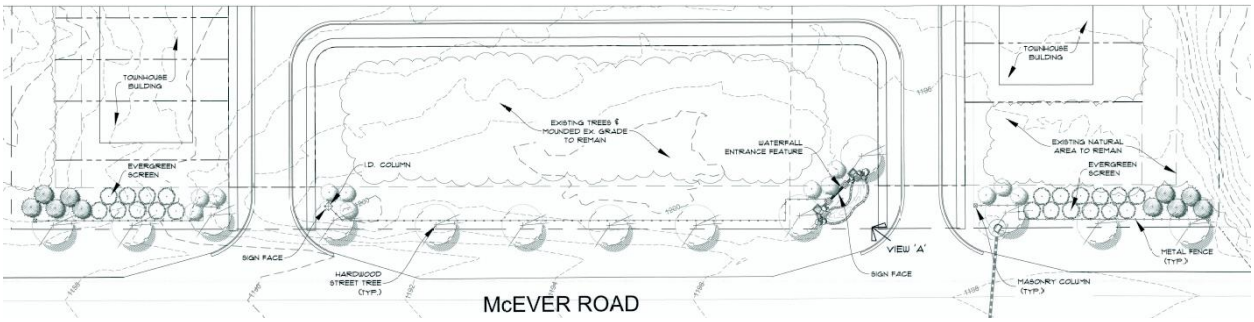
Requirement (measurement unit)	A	R-1	R-2	R-3
Maximum height (feet)	75	35	35	45
Maximum height (number of stories)	3	3	3	3
Maximum density (units per acre)	0.333	2.18	3	12
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	10,000
Minimum lot size for two-family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

Staff Recommendation

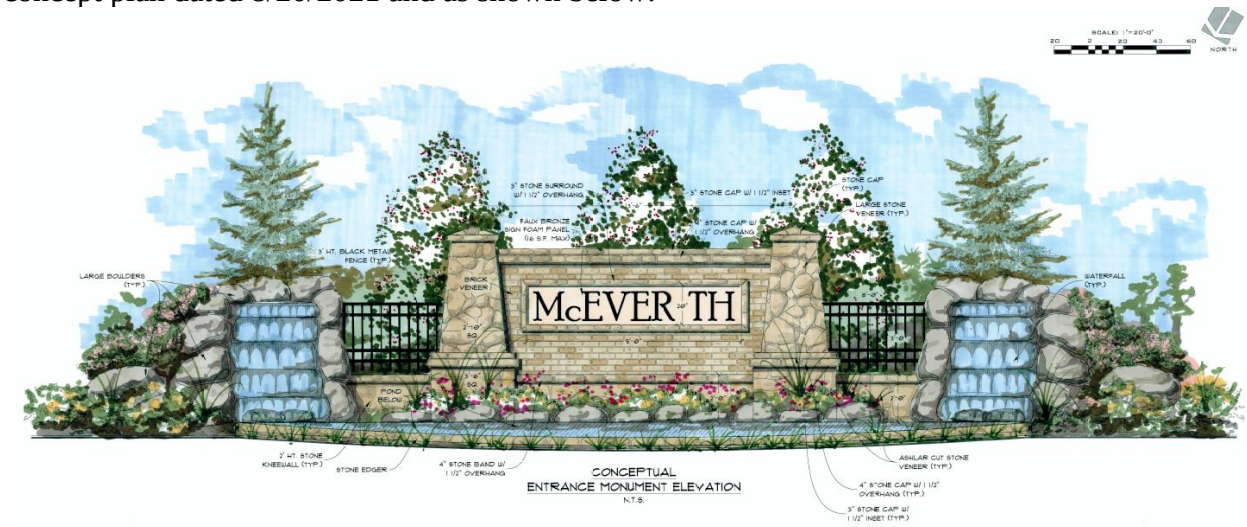
Approve with the following conditions:

1. Development shall be limited to no more than 152 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:

3. A homeowner's association is required.
4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. Said covenants shall restrict the leasing of townhomes to a maximum of 10%. The HOA shall have the ability to grant a temporary "hardship" waiver for extenuating circumstances.
6. A landscape plan shall be submitted at the time of land disturbance permit. Landscape plan shall incorporate the design and layout dated 8/20/2021 and as shown below:



7. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
8. A sign permit shall be submitted for review by Staff and shall significantly adhere to the concept plan dated 8/20/2021 and as shown below:



9. Sidewalks are not required along McEver Road.
10. Townhomes shall be constructed of a combination of brick, stacked stone, and cementitious fiber board.
11. Townhomes shall generally adhere to the elevations as shown below:

Flowery Branch

Public Hearing Published	07/07/21	First Reading	09/02/21
Public Hearing	08/05/21	Adopted	09/16/21

ORDINANCE 647

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

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

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

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

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

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

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

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

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 16th day of September 2021.

_____
James M. Miller, Mayor

_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____
E. Ronald Bennett, City Attorney

Exhibit "A"

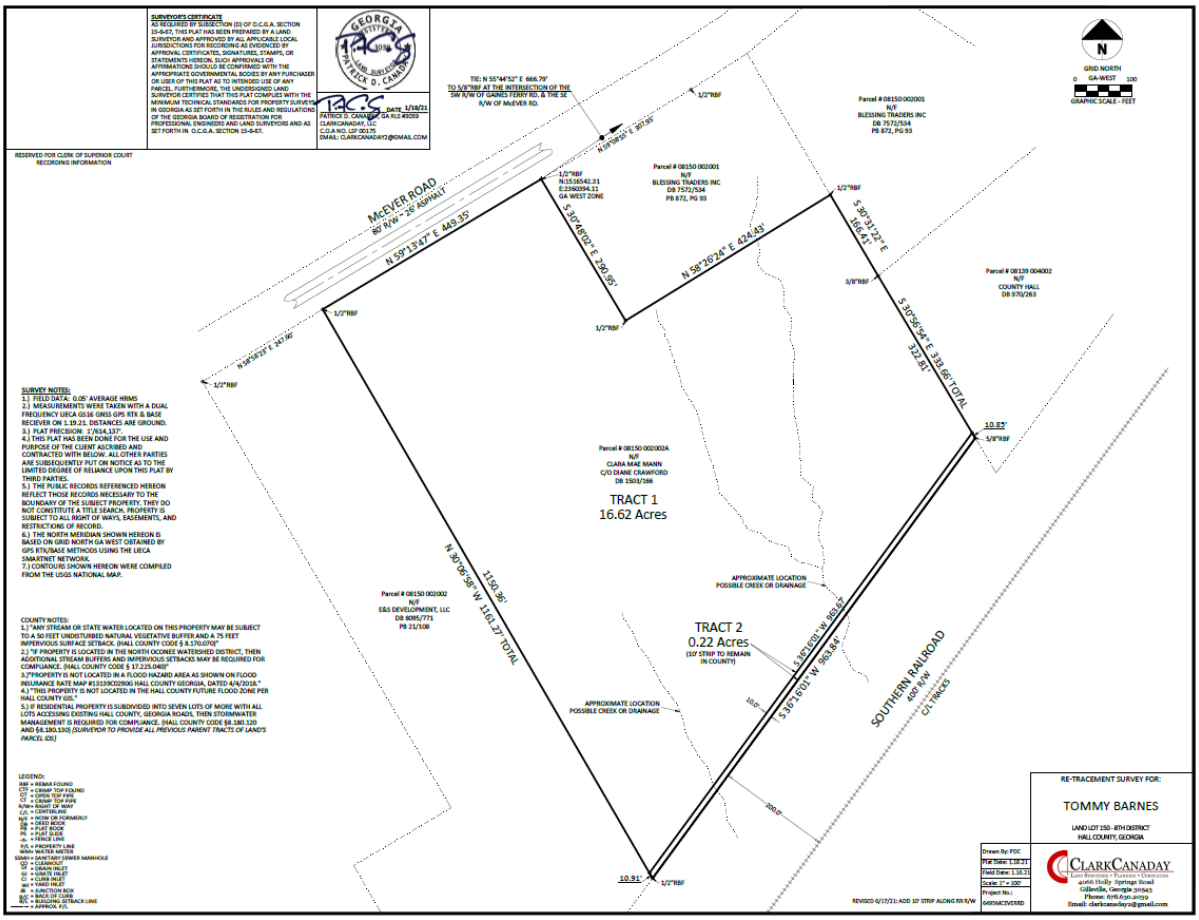

SURVEYOR'S CERTIFICATE
AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.
GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR
PATRICK D. CANADAY
DATE 1/18/21
PATRICK D. CANADAY GA RLS #3059
CLARKCANADAY, LLC
C.O.A NO. LSF 00175
EMAIL: CLARKCANADAY2@GMAIL.COM
RESERVED FOR CLERK OF SUPERIOR COURT RECORDING INFORMATION
TIE: N 55°44'52" E 666.79'
TO 5/8"RBF AT THE INTERSECTION OF THE SW R/W OF GAINES FERRY RD. & THE SE R/W OF McEVER RD.
N 58°08'05" E 247.46'
1/2"RBF
Parcel # 08150 002001
N/F
BLESSING TRADERS INC
DB 7572/534
PB 872, PG 93
GRID NORTH
GA-WEST
GRAPHIC SCALE - FEET
McEVER ROAD
80' R/W - 20' ASPHALT
N 59°13'47" E 449.35'
1/2"RBF
N:1516542.31
E:2360094.11
GA WEST ZONE
S 31°43'03" E 289.95'
N 58°20'24" E 424.43'
S 30°31'23" E 166.41'
3/8"RBF
Parcel # 08139 004002
N/F
COUNTY HALL
DB 970/263
S 30°56'54" E 333.66' TOTAL
322.81'
10.83'
5/8"RBF
N 58°08'05" E 247.46'
Parcel # 08150 002002A
N/F
CLARA MAE MANN
C/O DIANE CRAWFORD
DB 1503/166
TRACT 1
16.62 Acres
N 30°06'58" W 1161.27' TOTAL
1150.96'
Parcel # 08150 002002
N/F
E&S DEVELOPMENT, LLC
DB 8005/771
PB 21/108
APPROXIMATE LOCATION
POSSIBLE CREEK OR DRAINAGE
TRACT 2
0.22 Acres
(10' STRIP TO REMAIN IN COUNTY)
S 30°28'00" W 963.64'
S 33°16'01" W 963.64'
10.0'
SOUTHERN RAILROAD
400' R/W
C/L TRACKS
200.0'
10.91'
REVISED 6/17/21: ADD 10' STRIP ALONG RR R/W
RE-TRACEMENT SURVEY FOR:
TOMMY BARNES
LAND LOT 150 - 8TH DISTRICT
HALL COUNTY, GEORGIA
Drawn By: FDC
Plat Date: 1.18.21
Field Date: 1.18.21
Scale: 1" = 100'
Project No.:
6495MCEVERD
CLARKCANADAY
LAND SURVEYING • PLANNING • CONSULTING
4066 Holly Springs Road
Gillsville, Georgia 30543
Phone: 678.630.2059
Email: clarkcanaday2@gmail.com
SURVEY NOTES:
1.) FIELD DATA: 0.05' AVERAGE HRMS
2.) MEASUREMENTS WERE TAKEN WITH A DUAL FREQUENCY LIECA GS16 GNSS GPS RTK & BASE RECEIVER ON 1.19.21. DISTANCES ARE GROUND.
3.) PLAT PRECISION: 1'/614,137'.
4.) THIS PLAT HAS BEEN DONE FOR THE USE AND PURPOSE OF THE CLIENT ASCRIBED AND CONTRACTED WITH BELOW. ALL OTHER PARTIES ARE SUBSEQUENTLY PUT ON NOTICE AS TO THE LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY THIRD PARTIES.
5.) THE PUBLIC RECORDS REFERENCED HEREON REFLECT THOSE RECORDS NECESSARY TO THE BOUNDARY OF THE SUBJECT PROPERTY. THEY DO NOT CONSTITUTE A TITLE SEARCH. PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.
6.) THE NORTH MERIDIAN SHOWN HEREON IS BASED ON GRID NORTH GA WEST OBTAINED BY GPS RTK/BASE METHODS USING THE LIECA SMARTNET NETWORK.
7.) CONTOURS SHOWN HEREON WERE COMPILED FROM THE USGS NATIONAL MAP.
COUNTY NOTES:
1.) "ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FEET IMPERVIOUS SURFACE SETBACK. (HALL COUNTY CODE § 8.170.070)"
2.) "IF PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 17.225.040)"
3."PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP #13139C0200G HALL COUNTY GEORGIA, DATED 4/4/2018."
4.) "THIS PROPERTY IS NOT LOCATED IN THE HALL COUNTY FUTURE FLOOD ZONE PER HALL COUNTY GIS."
5.) IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OF MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE §8.180.120 AND §8.180.130) (SURVEYOR TO PROVIDE ALL PREVIOUS PARENT TRACTS OF LAND'S PARCEL IDS)
LEGEND:
RBF = REBAR FOUND
CTF = CRIMP TOP FOUND
CTS = CRIMP TOP SET
R/W = RIGHT OF WAY
C/L = CENTERLINE
N/F = NOW OR FORMERLY
DB = DEED BOOK
PB = PLAT BOOK
PS = PLAT SLIDE
= FENCE LINE
P/L = PROPERTY LINE
WM= WATER METER
SSMH = SANITARY SEWER MANHOLE
DI = DRAIN INLET
GI = GRATE INLET
CO = CLEAN OUT
YI = YARD INLET
JB = JUNCTION BOX
B/C = BACK OF CURB
BSL = BUILDING SETBACK LINE
= APPROX. F/L

Exhibit "B"

Legal Description 16.62 acres McEver Road

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

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

Public Hearing Published	07/07/21	First Reading	09/02/21
Public Hearing	08/05/21	Adopted	09/16/21

ORDINANCE 648

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY TOTALING 16.62 +/- ACRES, FROM HALL COUNTY AGRICULTURAL RESIDENTIAL (AR-III) TO FLOWERY BRANCH RESIDENTIAL MULTI-FAMILY (R-III), PROPERTY IS OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL NO. 08150 002002A AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B", AND AS CONDITIONED ON ATTACHED EXHIBIT "C", PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

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

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

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

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County AR-III (Agricultural Residential) to Flowery Branch R-III (Residential Multi-Family) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.

6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.

7. No determination has been made by staff with regard to the value differential between development under the current zoning as opposed to AR-III (Agricultural Residential).

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.

10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 16th day of September 2021.

_____
James M. Miller, Mayor

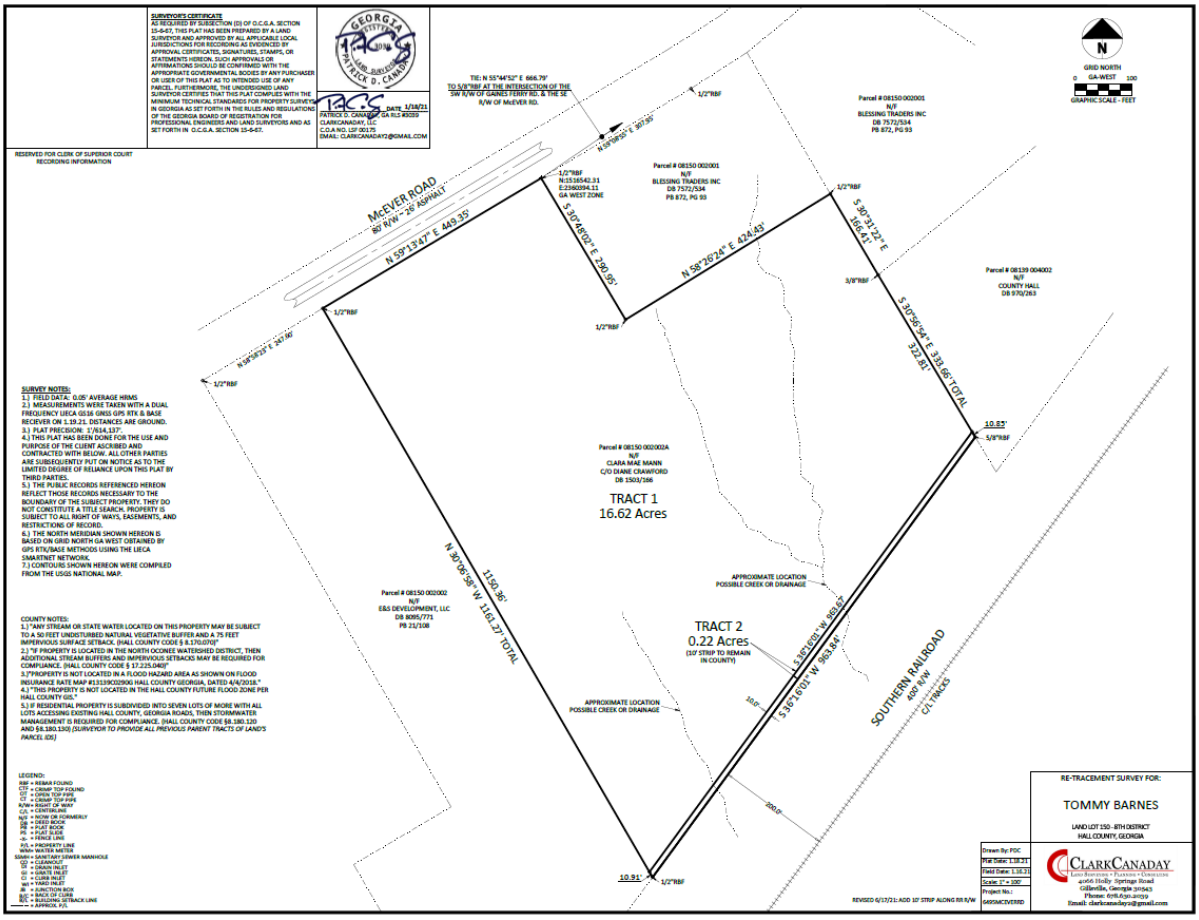
ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____
E. Ronald Bennett, City Attorney

Exhibit “A”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GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR PATRICK D. CANADAY
PACS
DATE 1/18/21
PATRICK D. CANADAY GA RLS #3059
CLARKCANADAY, LLC
C.O.A NO. LSF 001175
EMAIL: CLARKCANADAY2@GMAIL.COM
RESERVED FOR CLERK OF SUPERIOR COURT RECORDING INFORMATION
TIE: N 55°44'52" E 666.79'
TO 5/8"RBF AT THE INTERSECTION OF THE SW R/W OF GAINES FERRY RD. & THE SE R/W OF McEVER RD.
N 69°09'05" E 80.98'
1/2"RBF
N:1516542.31
E:2360294.11
GA WEST ZONE
Parcel # 08150 002001
N/F
BLESSING TRADERS INC
DB 7572/534
PB 872, PG 93
Parcel # 08150 002001
N/F
BLESSING TRADERS INC
DB 7572/534
PB 872, PG 93
GRID NORTH
0 GA-WEST 100
GRAPHIC SCALE - FEET
McEVER ROAD
80' R/W - 26' ASPHALT
N 59°13'47" E 449.35'
S 30°48'02" E 290.05'
N 58°29'24" E 424.43'
S 30°21'27" E 166.41'
3/8"RBF
Parcel # 08139 004002
N/F
COUNTY HALL
DB 970/263
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2.) MEASUREMENTS WERE TAKEN WITH A DUAL FREQUENCY LIECA GS16 GNSS GPS RTK & BASE RECIEVER ON 1.19.21. DISTANCES ARE GROUND.
3.) PLAT PRECISION: 1/814,137'.
4.) THIS PLAT HAS BEEN DONE FOR THE USE AND PURPOSE OF THE CLIENT ASCRIBED AND CONTRACTED WITH BELOW. ALL OTHER PARTIES ARE SUBSEQUENTLY PUT ON NOTICE AS TO THE LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY THIRD PARTIES.
5.) THE PUBLIC RECORDS REFERENCED HEREON REFLECT THOSE RECORDS NECESSARY TO THE BOUNDARY OF THE SUBJECT PROPERTY. THEY DO NOT CONSTITUTE A TITLE SEARCH. PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.
6.) THE NORTH MERIDIAN SHOWN HEREON IS BASED ON GRID NORTH GA WEST OBTAINED BY GPS RTK/BASE METHODS USING THE LIECA SMARTNET NETWORK.
7.) CONTOURS SHOWN HEREON WERE COMPILED FROM THE USGS NATIONAL MAP.
Parcel # 08150 002002A
N/F
CLARA MAE MANN
C/O DIANE CRAWFORD
DB 1503/166
TRACT 1
16.62 Acres
N 30°06'56" W 1153.86'
1161.27' TOTAL
Parcel # 08150 002002
N/F
E&S DEVELOPMENT, LLC
DB 8095/771
PB 21/108
APPROXIMATE LOCATION POSSIBLE CREEK OR DRAINAGE
TRACT 2
0.22 Acres
(10' STRIP TO REMAIN IN COUNTY)
S 35°16'01" W 859.84'
S 35°16'01" W 863.84'
10.0'
APPROXIMATE LOCATION POSSIBLE CREEK OR DRAINAGE
SOUTHERN RAILROAD
400' R/W
C/L TRACKS
COUNTY NOTES:
1.) "ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FEET IMPERVIOUS SURFACE SETBACK. (HALL COUNTY CODE § 8.170.070)"
2.) "IF PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 17.225.040)"
3.)"PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP #13139C0285G HALL COUNTY GEORGIA, DATED 4/4/2018."
4.) "THIS PROPERTY IS NOT LOCATED IN THE HALL COUNTY FUTURE FLOOD ZONE PER HALL COUNTY GIS."
5.) IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OF MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE §8.180.120 AND §8.180.130) [SURVEYOR TO PROVIDE ALL PREVIOUS PARENT TRACTS OF LAND'S PARCEL ID]
LEGEND:
RBF = REBAR FOUND
CTF = CRIMP TOP FOUND
CTS = CRIMP TOP SIPE
CT = CRIMP TOP PIPE
R/W= RIGHT OF WAY
C/L = CENTERLINE
N/F = NOW OR FORMERLY
DB = DEED BOOK
PB = PLAT BOOK
PL = PROPERTY LINE
PL = PLAT LINE
P.O.B. = POINT OF BEGINNING
PL = PROPERTY LINE
WMtr= WATER METER
SSMH = SANITARY SEWER MANHOLE
CO = CLEANOUT
DI = DRAIN INLET
GI = GRATE INLET
CI = CURB INLET
YI = YARD INLET
JB = JUNCTION BOX
B/C = BACK OF CURB
B/L = BUILDING SETBACK LINE
= APPROX. POT.
REVISED 6/17/21: ADD 10' STRIP ALONG RR R/W
RE-TRACEMENT SURVEY FOR:
TOMMY BARNES
LAND LOT 150 - 8TH DISTRICT
HALL COUNTY, GEORGIA
Drawn By: PDC
Plat Date: 1.18.21
Field Date: 1.18.21
Scale: 1" = 100'
Project No.:
5495MCEVERRD
CLARKCANADAY
LAND SURVEYING • PLANNING • CONSULTING
4066 Holly Springs Road
Gillsville, Georgia 30543
Phone: 678.630.2039
Email: clarkcanaday@gmail.com

Exhibit "B"

Legal Description 16.62 acres McEver Road

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

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

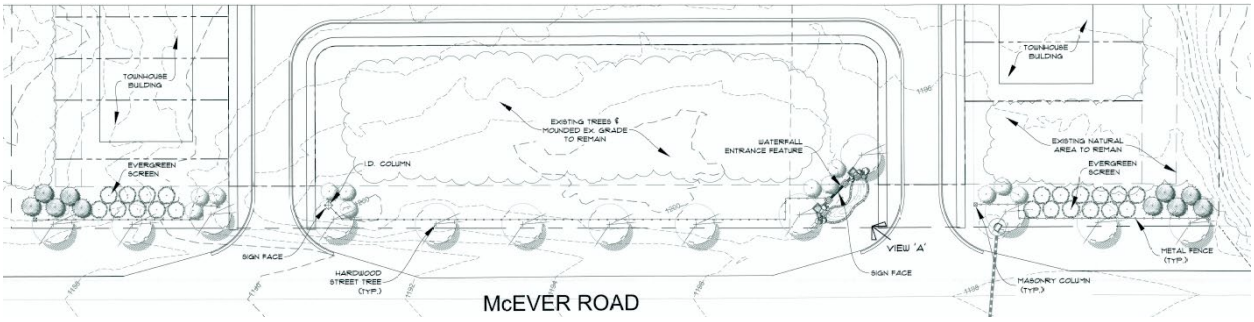
Exhibit “C”

Conditions of Zoning

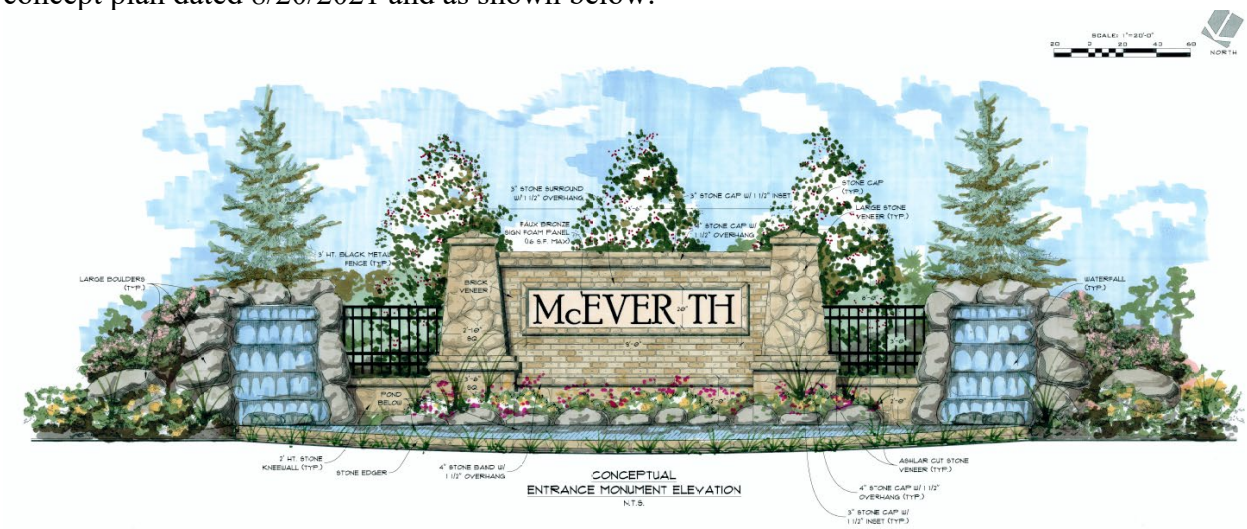
1. Development shall be limited to no more than 152 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:

3. A homeowner’s association is required.

4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. Said covenants shall restrict the leasing of townhomes to a maximum of 10%. The HOA shall have the ability to grant a temporary "hardship" waiver for extenuating circumstances.
6. A landscape plan shall be submitted at the time of land disturbance permit. Landscape plan shall incorporate the design and layout dated 8/20/2021 and as shown below:



7. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
8. A sign permit shall be submitted for review by Staff and shall significantly adhere to the concept plan dated 8/20/2021 and as shown below:



9. Sidewalks are not required along McEver Road.
10. Townhomes shall be constructed of at least 75% of brick, stone or cementious fiber board on all elevations except for front facades which shall be constructed of a combination of at least three (3) of the following materials: brick, stone, cememntious fiber board, cedar shake, and/or board and batten.
11. Townhomes shall generally adhere to the elevations as shown below:

Public Hearing Published	07/07/21	First Reading	09/02/21
Public Hearing	08/05/21	Adopted	09/16/21

ORDINANCE 649

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

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

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

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

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

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

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

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

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 16th day of September 2021.

_____
James M. Miller, Mayor

_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____
E. Ronald Bennett, City Attorney

Exhibit "A"

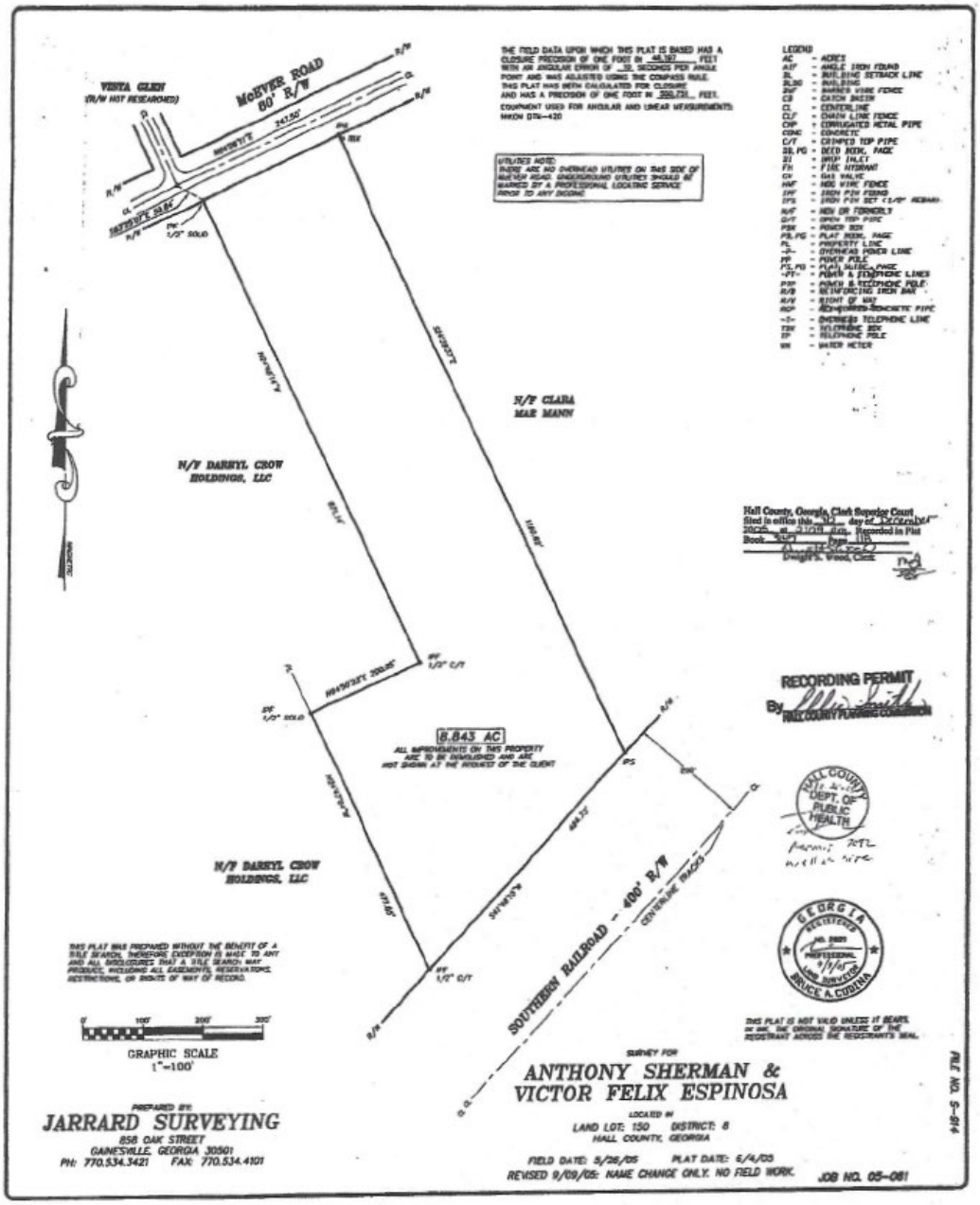

118
VISTA GLEN
(R/W NOT RESEARCHED)
McEVER ROAD
60' R/W
N/F
N/F CLARA MAE MANN
N/F DARRYL CROW HOLDINGS, LLC
N/F DARRYL CROW HOLDINGS, LLC
8.843 AC
ALL IMPROVEMENTS ON THIS PROPERTY ARE TO BE DEMOLISHED AND ARE NOT SHOWN AT THE REQUEST OF THE CLIENT
SOUTHERN RAILROAD - 400' R/W
CENTERLINE TRACKS
LEGEND
Hall County, Georgia, Clerk Superior Court
RECORDING PERMIT
HALL COUNTY PLANNING COMMISSION
HALL COUNTY DEPT. OF PUBLIC HEALTH
GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR BRUCE A. CUBINA
THIS PLAT IS NOT VALID UNLESS IT BEARS, IN INK, THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.
GRAPHIC SCALE
1"=100'
PREPARED BY:
JARRARD SURVEYING
858 OAK STREET
GAINESVILLE, GEORGIA 30501
PH: 770.534.3421 FAX: 770.534.4101
SURVEY FOR
ANTHONY SHERMAN &
VICTOR FELIX ESPINOSA
LOCATED IN
LAND LOT: 150 DISTRICT: 6
HALL COUNTY, GEORGIA
FIELD DATE: 5/26/05 PLAT DATE: 6/4/05
REVISED 9/09/05: NAME CHANGE ONLY. NO FIELD WORK.
JOB NO. 05-081
FILE NO. S-914

Exhibit "B"

Legal Description 8.843 acres McEver Road

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

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

Public Hearing Published	07/07/21	First Reading	09/02/21
Public Hearing	08/05/21	Adopted	09/16/21

ORDINANCE 650

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

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

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

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

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County HB (Highway Business) to Flowery Branch R-III (Residential Multi-Family) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.

6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.

7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to R-III (Residential Multi-Family)

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.

10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 16th day of September 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____
E. Ronald Bennett, City Attorney

Exhibit "A"

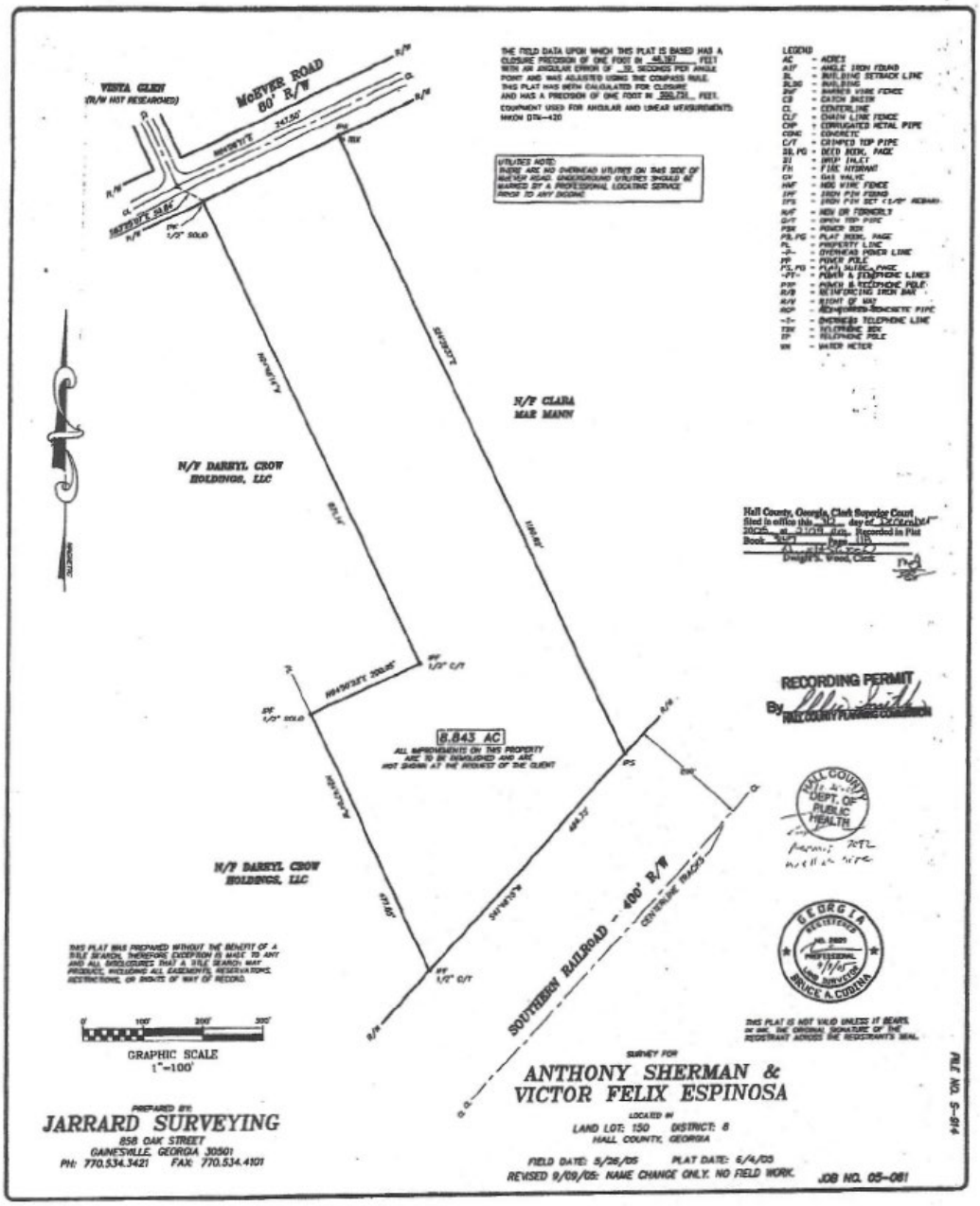

118
VISTA GLEN
(R/W NOT RESEARCHED)
McEVER ROAD
60' R/W
N/F CLARA MAE MANN
N/F DARRYL CROW HOLDINGS, LLC
N/F DARRYL CROW HOLDINGS, LLC
8.843 AC
ALL IMPROVEMENTS ON THIS PROPERTY ARE TO BE ENVISIONED AND ARE NOT SHOWN AT THE REQUEST OF THE CLIENT
SOUTHERN RAILROAD - 400' R/W
CENTERLINE TRACKS
RECORDING PERMIT
HALL COUNTY PLANNING COMMISSION
HALL COUNTY DEPT. OF PUBLIC HEALTH
GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR BRUCE A. CUDNA
THIS PLAT IS NOT VALID UNLESS IT BEARS, IN INK, THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.
GRAPHIC SCALE
1"=100'
PREPARED BY:
JARRARD SURVEYING
858 OAK STREET
GAINESVILLE, GEORGIA 30501
PH: 770.534.3421 FAX: 770.534.4101
SURVEY FOR
ANTHONY SHERMAN &
VICTOR FELIX ESPINOSA
LOCATED IN
LAND LOT: 150 DISTRICT: 8
HALL COUNTY, GEORGIA
FIELD DATE: 5/26/05 PLAT DATE: 6/4/05
REVISED 9/09/05: NAME CHANGE ONLY. NO FIELD WORK.
JOB NO. 05-081
FILE NO. S-914

Exhibit "B"

Legal Description 8.843 acres McEver Road

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

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Exhibit "C"

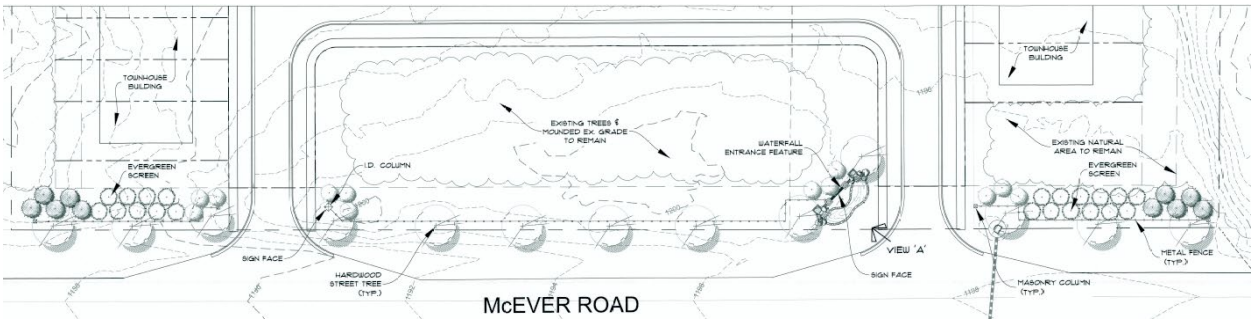
Conditions of Zoning

1. Development shall be limited to no more than 152 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:

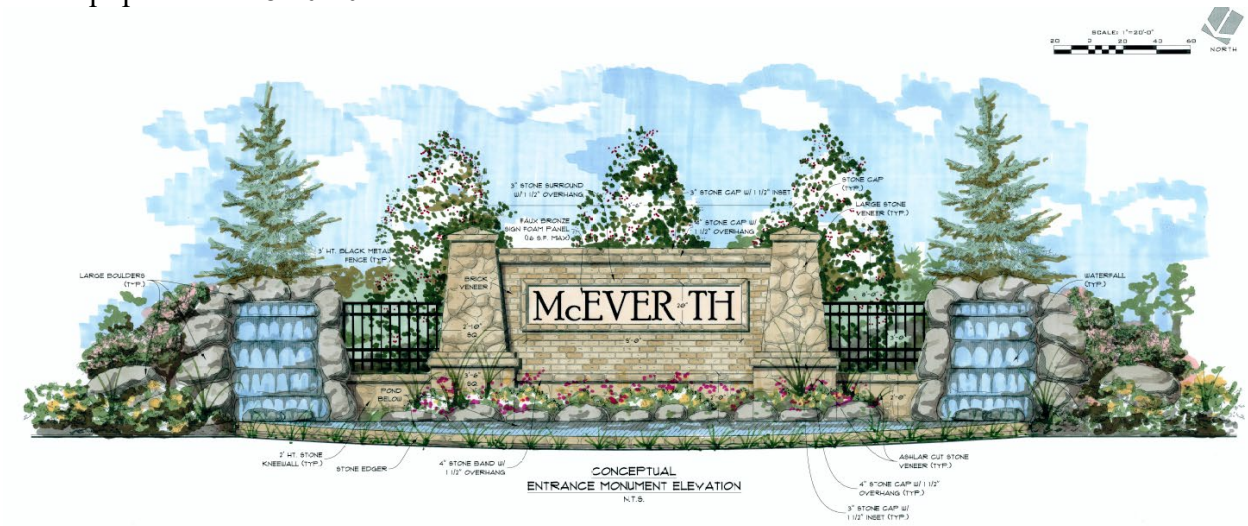
3. A homeowner's association is required.
4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.

5. Said covenants shall restrict the leasing of townhomes to a maximum of 10%. The HOA shall have the ability to grant a temporary “hardship” waiver for extenuating circumstances.

6. A landscape plan shall be submitted at the time of land disturbance permit. Landscape plan shall incorporate the design and layout dated 8/20/2021 and as shown below:



7. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
8. A sign permit shall be submitted for review by Staff and shall significantly adhere to the concept plan dated 8/20/2021 and as shown below:



9. Sidewalks are not required along McEver Road.
10. Townhomes shall be constructed of at least 75% of brick, stone or cementious fiber board on all elevations except for front facades which shall be constructed of a combination of at least three (3) of the following materials: brick, stone, cememntious fiber board, cedar shake, and/or board and batten.
11. Townhomes shall generally adhere to the elevations as shown below:

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Second Reading of a rezoning request from JPC Design and Construction, LLC. to rezone a 2.08 +/- acre tract of land identified as 5512 McEver Road, tax parcel number 08099 000009, from NS (Neighborhood Shopping) to HB (Highway Business).

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

FACTS AND ISSUES:
JPC Design and Construction wishes to rezone 5512 McEver Road (parcel #08099 000009) from Neighborhood Shopping (NS) to Highway Business (HB) with the intent to construct a fast-food restaurant with a drive thru. The zoning ordinance allows these types of establishments in HB but not in NS.

Schedule:
July 14 work session & public hearing
August 5 work session (if requested)
August 19 first vote
September 2 work session (if requested)
September 16 final vote

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:
0

RECOMMENDATION:
Approve as conditioned.

SAMPLE MOTION:
I make a motion to approve ordinance 645.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- Staff Report for JPC 5512 McEver Road .pdf
- JPC McEver Application.pdf
- Ordinance for JPC McEver Road.pdf

Staff Report
JPC Rezoning Request
Ordinance 645

Request

JPC Design and Construction wishes to rezone 5512 McEver Road (parcel #08099 000009) from Neighborhood Shopping (NS) to Highway Business (HB) with the intent to construct a fast-food restaurant with a drive thru. The zoning ordinance allows these types of establishments in HB but not in NS. Please see below.

Sec. 9.3. NS, Neighborhood Shopping District.

(a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "neighborhood commercial" character area established in the comprehensive plan.

(b) Character. Neighborhood commercial districts are intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods. Uses within neighborhood commercial character areas generally occur within enclosed buildings with no outside storage and limited outdoor display of goods and merchandise. Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Auto-related, highway-oriented commercial uses are not permitted. With the exception of convenience stores with gasoline pumps, neighborhood commercial districts are not intended to permit or accommodate automotive uses or other types of more intensive highway business activities, or those uses that generate excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts." Business establishments do not exceed 2,500 square feet in any one tenant space, to keep the bulk and intensity in scale

with the needs of adjacent neighborhoods. Open space is limited to suburban plazas or small open spaces. A three-story height limit is imposed.

Sec. 9.4. HB, Highway Business District.

(a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.

(b) Character. This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

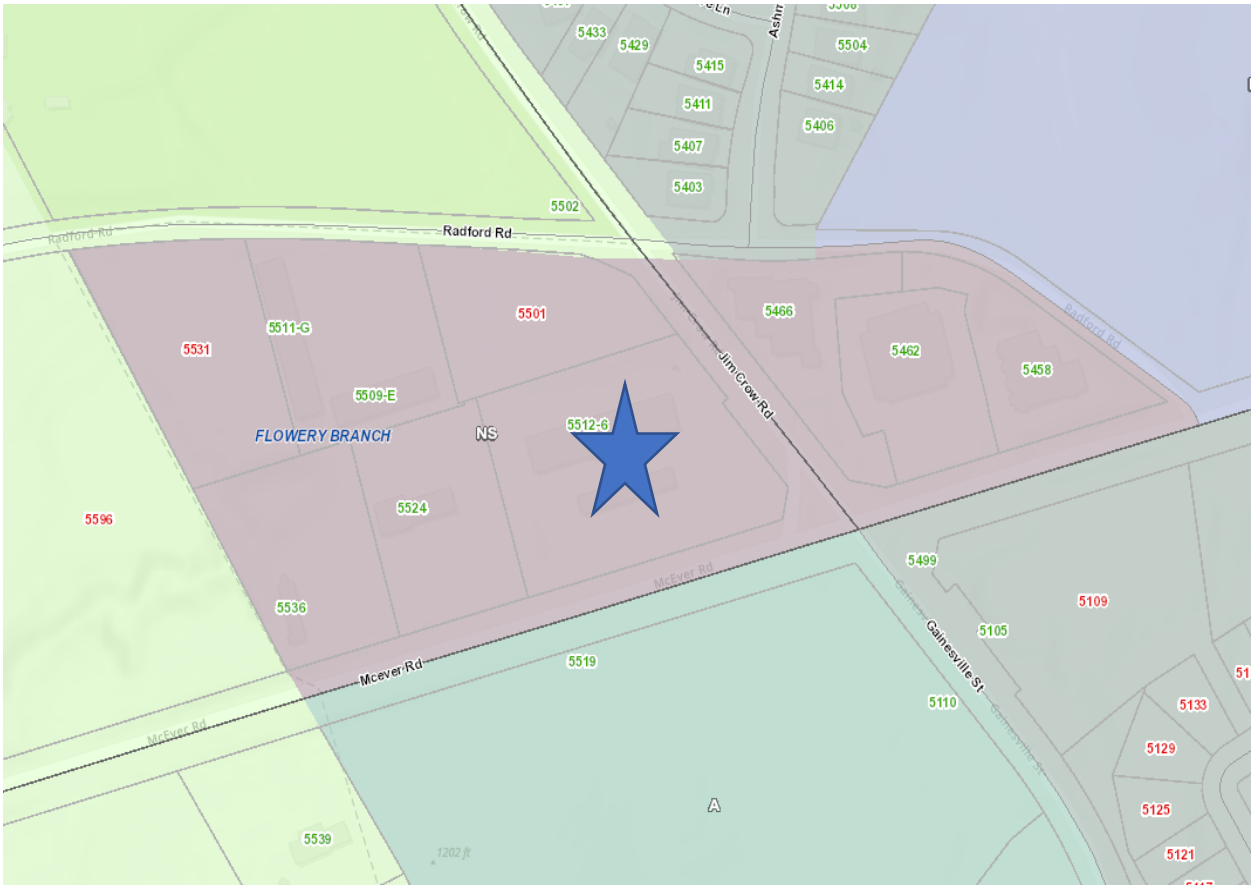
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C

Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro brewery	X	X	X	X	P	P	P
Mixed use building or development	C	X	P	P	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
Package Store	X	X	P	P	X	P	P
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P
Power plant, private	X	X	X	X	X	X	C
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P

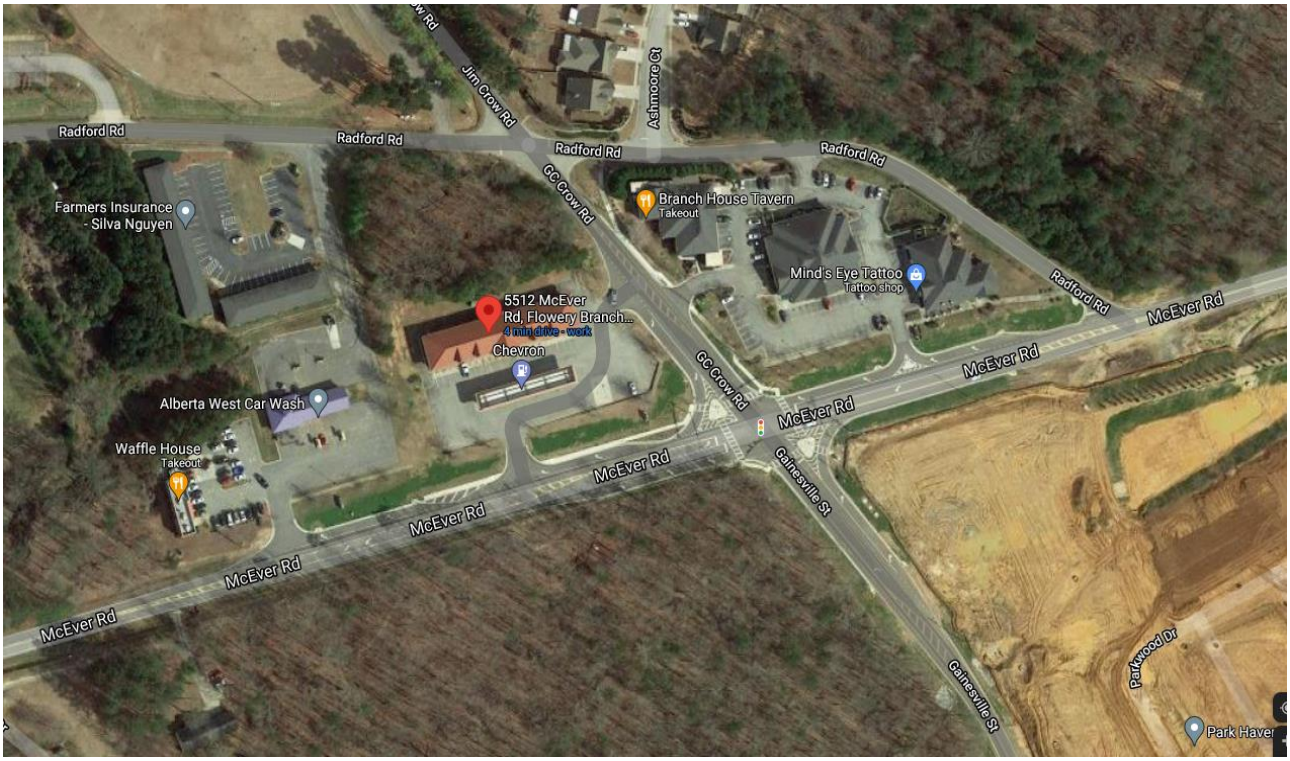
Concept plan as submitted by applicant:

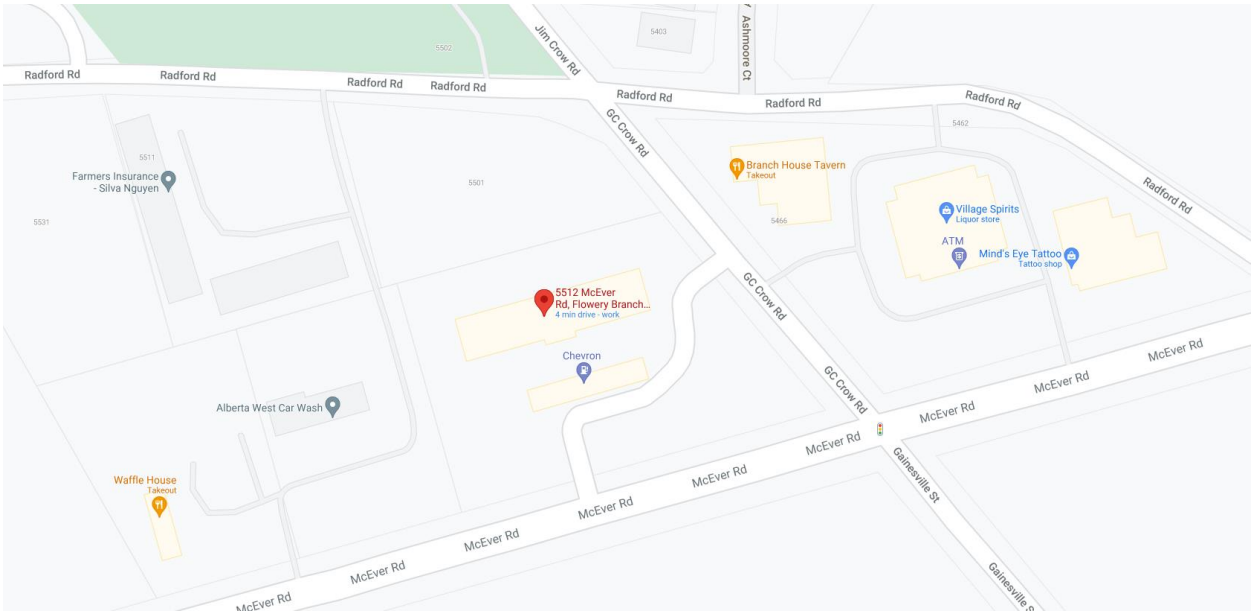
The pumps will remain as will the primary structure. The end unit will be demolished, and the restaurant built. The remaining suites will be renovated inside and out. Landscaping will be enhanced, and new signage will be installed. The property will connect to Flowery Branch sewer and may be able to add inter-parcel connectivity to the adjoining car wash because of the septic tank being removed.

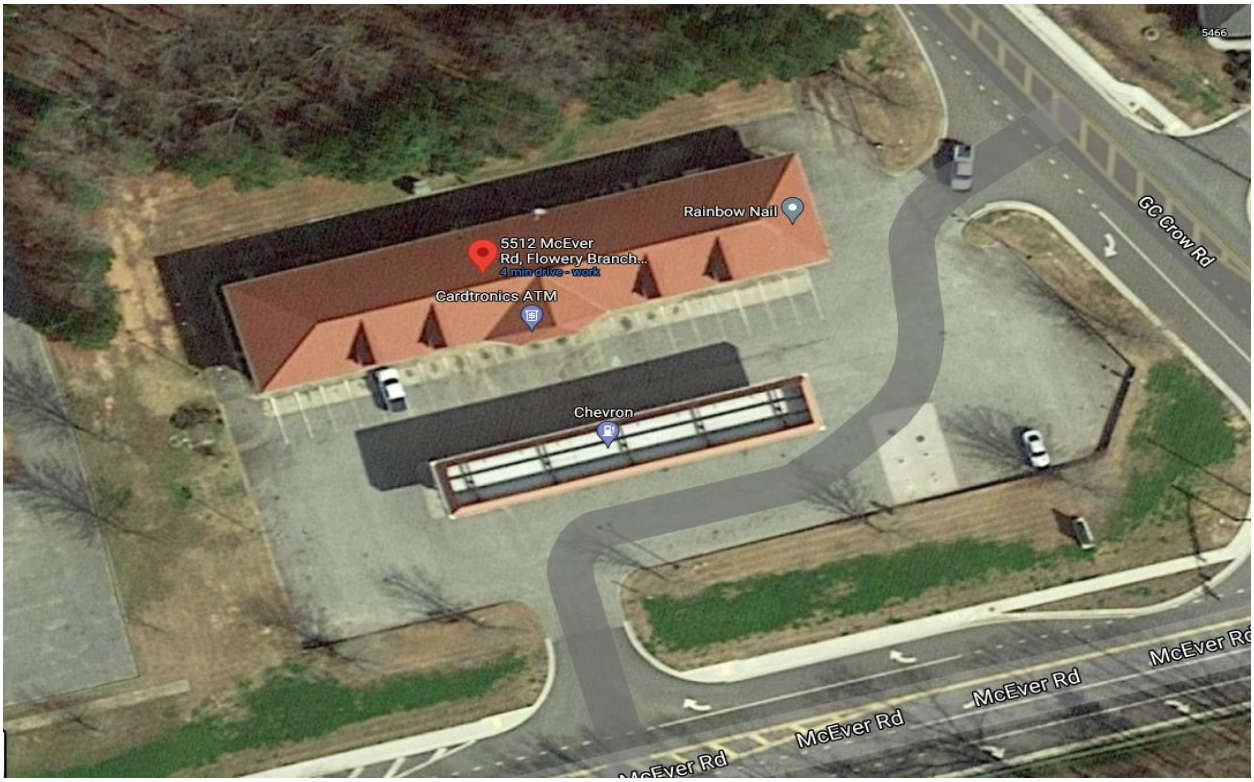
Zoning Map


5433
5429
5415
5411
5407
5403
5504
5414
5406
5502
Radford Rd
5501
5466
5462
5458
5511-G
5531
5509-E
FLOWERY BRANCH
NS
5512-6
Jim Crew Rd
5524
5596
5499
5536
5109
5105
Mcever Rd
5519
Gainesville St
5110
5133
5129
5125
5121
A
5539

Site


Radford Rd
Jim Crow Rd
Ashmoore Ct
GC Crow Rd
Farmers Insurance - Silva Nguyen
Branch House Tavern
Takeout
Mind's Eye Tattoo
Tattoo shop
5512 McEver Rd, Flowery Branch...
4 min drive - work
Chevron
Alberta West Car Wash
Waffle House
Takeout
McEver Rd
Gainesville St
Parkwood Dr

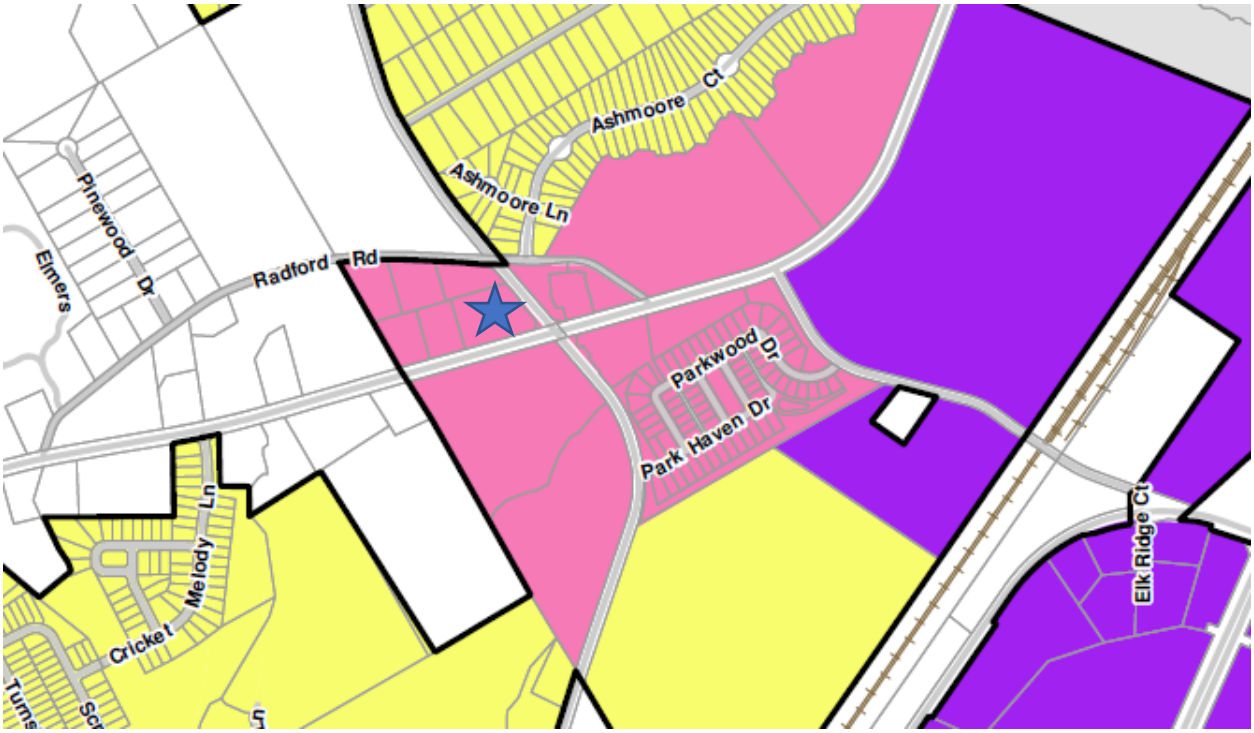

Radford Rd
Jim Crow Rd
Ashmoore Ct
GC Crow Rd
Farmers Insurance - Silva Nguyen
Branch House Tavern
Takeout
Village Spirits
Liquor store
ATM
Mind's Eye Tattoo
Tattoo shop
5512 McEver Rd, Flowery Branch...
4 min drive - work
Chevron
Alberta West Car Wash
Waffle House
Takeout
McEver Rd
Gainesville St


Rainbow Nail
5512 McEver
Rd, Flowery Branch...
4 min drive - work
Cardtronics ATM
Chevron
GC Crow Rd
McEver Rd
McEver Rd
McEver Rd

Chevron

Comprehensive Plan

Mixed—use character area:



The proposed use is acceptable in the designated character area. A fast-food restaurant with a drive thru will be supported by the new and upcoming residential homes in the immediate area. Additionally, it will add a missing service to the area which includes the residential, sit down dining, public storage, retail, a car wash, and other proposed and existing commercial uses. The addition of the use and the improvement of the site will help to enhance and promote the mixed-use concept of this area.

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, the use is appropriate for this site and the surrounding area. It will help promote the mixed-use character area by adding a new component.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. The development will not adversely affect the area and will in fact enhance it.

(c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. Yes, current zoning of NS (Neighborhood Shopping) is appropriate. However, rezoning to HB (Highway Business) will allow a new use(fast food with drive thru) to the area.

(d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. It is staff's opinion that the use will not create any unnecessary burdens.

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. Currently, the Comprehensive Plan denotes this area as "Mixed-Use" and staff feels this rezoning. If approved, will help to better serve this designation.

(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 will result in upgraded facilities, enhanced landscaping, a new use, and the possibility for connectivity to the adjoining parcels.

(g) Existing use(s) and zoning of the subject property and nearby properties. The proposed use will help diversify and enhance the area and will fit in with the surrounding proposed and current businesses and residences.

(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 feels the value will be increased if this rezoning is approved as it will provide a new use and upgrade the parcel.

(i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area and a positive impact for the corridor.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. No, the NS and HB districts can compliment one another and will not create an isolated district.

(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

Staff recommends approval of the request. Prior to the final read, elevations and a landscape plan should be submitted. Additionally, as part of the rezoning ordinance, conditions of zoning will be placed on the parcel. These conditions will be solidified upon receipt of the additional information.

Flowery Branch

REZONING APPLICATION

Date: 4-26-21

Address of Request: 5512 McEver Rd., Flowery Branch, GA 30542

Tax Map # 08099 000009 Current Zoning: NS

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

Currently a conforming use? yes

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

Applicant Information

Name: JPC Design and Construction, LLC - Jeremy Crosby

Address: 264 Alabama Blvd., Jackson GA 30233

E-mail address: JCrosby@jonespetroleum.com

Phone number: 770-560-3527 cell

Signature: _____

Notary: _____

ANGELA M. STEELE NOTARY PUBLIC EXPIRES GEORGIA Feb. 13, 2023 JASPER COUNTY

Flowery Branch

Property owner information (if different than the applicant)

Property owner (please print): William B. Jones

Signature of property owner: W B Jones

Notary: J M S

ANGELA M. STEELE NOTARY PUBLIC EXPIRES GEORGIA Feb. 13, 2023 JASPER COUNTY

Property Information

Tax Map Number: 08099 000009

Current Zoning: NS Total Acres: 2.08

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

Proposed City of Flowery Branch Zoning: HB

Current Use: Chevron Convenience store and neighborhood shopping center

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

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

- Legal description
- Current survey of property

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

Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Flowery Branch

Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Flowery Branch

JPC Design and Construction, LLC

264 Alabama Boulevard

P.O. 710

Jackson, Georgia 30233

5/13/2021

Mr. Rich Atkinson, Director

Flowery Branch Community Development

5410 Pine St.

Flowery Branch, Georgia 30542

RE: Analysis Letter for Rezoning Application, JPC Design and Construction LLC, 2.08 acres at 5512 McEver Road, City of Flowery Branch, Georgia. Tax Parcel number: 08099 000009.

Mr. Atkinson,

Please accept this Letter of Intent on behalf of JPC Design and Construction, LLC and William B. Jones. We are requesting Rezoning on 2.08 acres +/- currently zoned NS, to a HB zoning in order to add a fast food restaurant with drive thru on the end of the existing Shopping Center. The property is located at 5512 McEver Rd. in the City of Flowery Branch. The properties current use is a Chevron Convenience Store and Gas Station Neighborhood Shopping Center. Adjacent zoning to the property is NS to the to the north which is undeveloped, NS to the west which is developed with a car wash and Waffle House, NS to the east across Jim Crow Rd. which is developed with a restaurant, liquor store, and tattoo and vape shop, and to the south across McEver Rd. is undeveloped and zoned AR. In view of the surrounding properties we feel the use of a fast food with drive thru is suitable and will not adversely affect the existing use or adjacent properties.

The proposed use of a drive thru restaurant is not allowed in the NS zoning, and is only allowed in the HB zoning. Applicant believes that the existing use is reasonable as currently zoned but that the addition of a fast food restaurant in the area will provide a fast food option for residents in the area. Proposed use will not cause a burdensome use of existing streets, transportation facilities, utilities, or schools. Proposed use and existing use are commercial in nature and there are multiple uses in the shopping center currently, therefore applicant believes that the request is in conformity with the City's Zoning policy and intent of the Comprehensive Plan, and thus will not change the character of the area. Values of the property and surrounding properties should increase with the addition of a new fast food restaurant and should not be a deterrent to the value or improvement of adjacent property. Applicant also believes that a change in

zoning district will not isolate use or character but will simply add a drive thru option for the community in this area. There will be minimal impact on the environment and adjacent properties all of which directly adjoin via property lines are commercial. The overall zoning scheme and purpose of the Zoning Ordinance for this area is commercial in nature.

Included in our application is a concept plan. The plan shows the existing building which will remain, and the addition of the Hardees restaurant with drive thru configuration to the rear of the site, as well as new drive lanes, parking, and dumpster enclosures. Access to the site will remain as is from McEver Rd. and Jim Crow Rd.

The project will adhere to all City of Flowery Branch Development Standards. There should be no impact to the school system since this request is commercial in nature.

Mr. William B. Jones is the owner of the property and is also a partner in JPC Design and Construction, LLC along with Mr. Jeremy Crosby.

We thank you for your consideration in this matter.

Respectfully,

Mike Horne, Project Manager

JPC Design and Construction, LLC

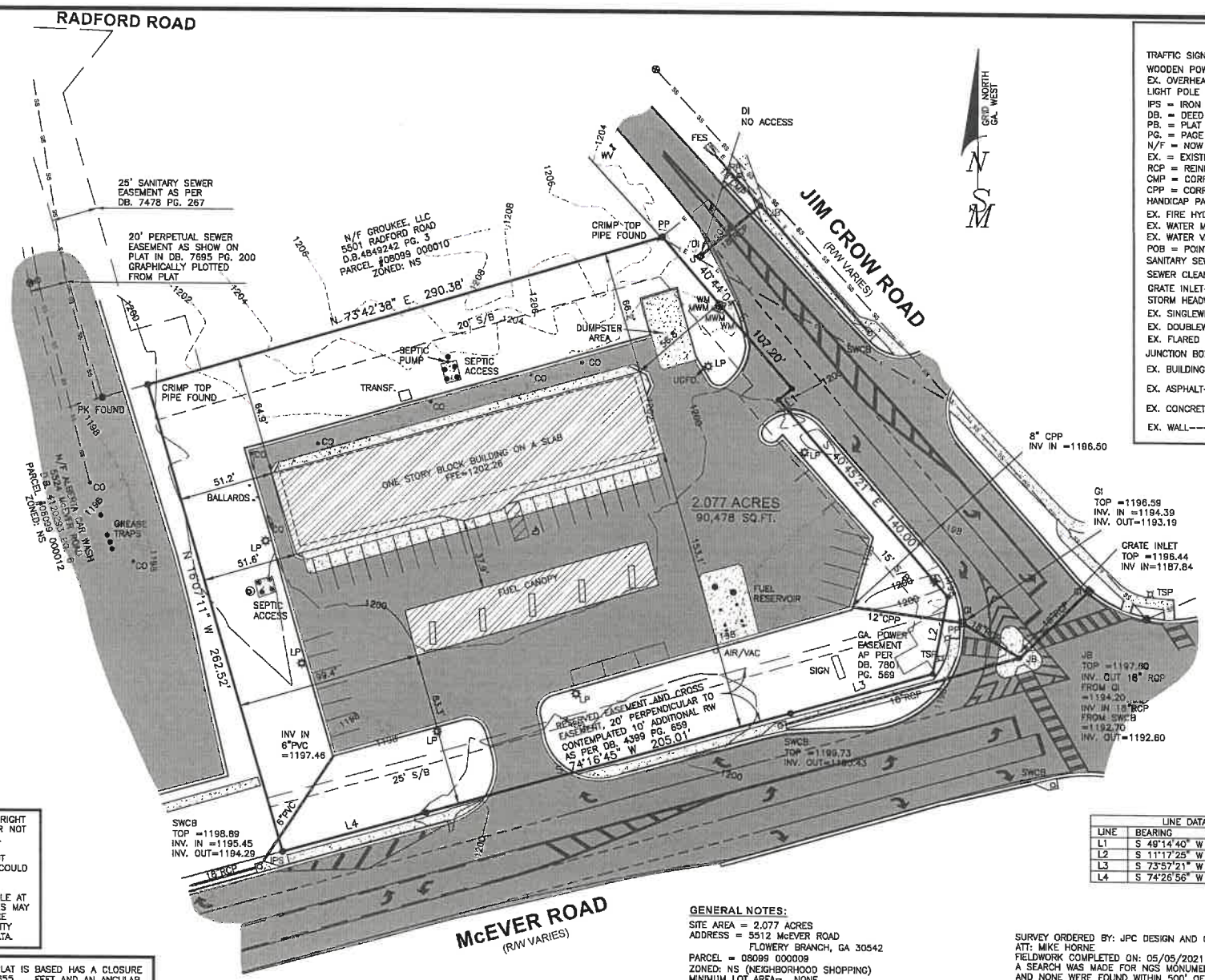
HARDEE'S
5512 McEVER ROAD, FLOWERY BRANCH, GA 30542
FOR
JPC DESIGN AND CONSTRUCTION, LLC

ROWLAND ENGINEERING

DATE: 03-25-2021
PROJ NO: 2114

CONCEPTUAL SITE PLAN

1 OF 1



LEGEND

- TRAFFIC SIGNAL POLE
- WOODEN POWER POLE
- EX. OVERHEAD POWER LINES
- LIGHT POLE
- IPS = IRON PIN SET (#4 REBAR)
- DB. = DEED BOOK
- PB. = PLAT BOOK
- PG. = PAGE
- N/F = NOW OR FORMERLY
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- HANDICAP PARKING =
- EX. FIRE HYDRANT
- EX. WATER METER
- EX. WATER VALVE
- POB = POINT OF BEGINNING
- SANITARY SEWER MANHOLE
- SEWER CLEAN-OUT
- GRATE INLET
- STORM HEADWALL
- EX. SINGLEWING CATCH BASIN
- EX. DOUBLEWING CATCH BASIN
- EX. FLARED END SECTION
- JUNCTION BOX
- EX. BUILDING
- EX. ASPHALT
- EX. CONCRETE
- EX. WALL

LINE DATA		
LINE	BEARING	DISTANCE
L1	S 49°14'40" W	9.49'
L2	S 11°17'25" W	41.73'
L3	S 73°57'21" W	79.93'
L4	S 74°26'56" W	80.62'

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 65,655 FEET AND AN ANGULAR ERROR OF 0.01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

EQUIPMENT USED: TOPCON GTS-313.

AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA AS PER COMMUNITY – PANEL NUMBER 13139C0283G DATED: APRIL 04, 2018

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3150 TIM J. MILLER 05-13-2021

GENERAL NOTES:

SITE AREA = 2.077 ACRES
ADDRESS = 5512 McEVER ROAD
FLOWERY BRANCH, GA 30542
PARCEL = 08099 000009
ZONED: NS (NEIGHBORHOOD SHOPPING)
MINIMUM LOT AREA= NONE
MINIMUM LOT WIDTH= 90'
FRONT SETBACK = 25'
REAR SETBACK = 40'
SIDE SETBACK = 15' (CORNER LOT)
SIDE SETBACK INTERIOR LOT LINE = 0'
MINIMUM HEATED FLOOR AREA--1,200 SQ. FT.

SURVEY ORDERED BY: JPC DESIGN AND CONSTRUCTION, LLC
ATT: MIKE HORNE
FIELDWORK COMPLETED ON: 05/05/2021
A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.

0' 40' 80' 120'
GRAPHIC SCALE = FEET

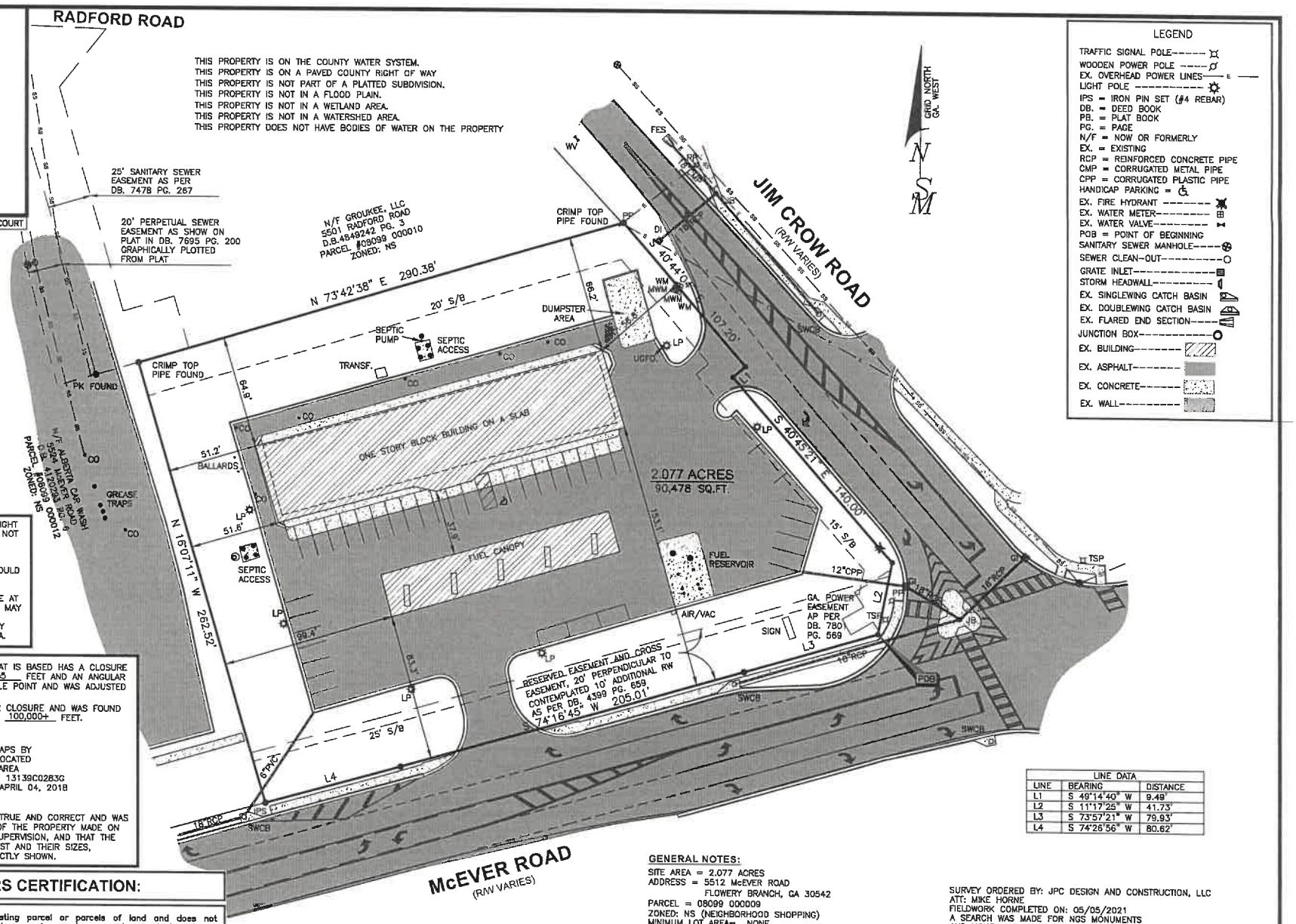
SIBLEY-MILLER SURVEYING & PLANNING INC.
212 WEST CAMPGROUND RD
McDONOUGH, GA. 30253
PHONE:(770) 320-7555
FAX:(770) 320-7333
www.sibleysurveying.com
*TOPOGRAPHICAL SURVEYS
*LAND SURVEYING
*LAND PLANNING
*CONSTRUCTION LAYOUT
*LAND DEVELOPMENT DESIGN
*CIVIL ENGINEERING

TOPOGRAPHIC SURVEY
JPC DESIGN & CONSTRUCTION LLC.
2.077 ACRES
CITY OF FLOWERY BRANCH
LAND LOT 99, 8th. DISTRICT
HALL COUNTY, GEORGIA

PROJECT NO.: B2021034
TOPOGRAPHIC SURVEY
DRAWN BY: PWF
SCALE: 1" = 40'
DATE: 05/13/2021

RESERVED FOR CLERK OF THE SUPERIOR COURT

THIS PROPERTY IS ON THE COUNTY WATER SYSTEM.
THIS PROPERTY IS ON A PAVED COUNTY RIGHT OF WAY
THIS PROPERTY IS NOT PART OF A PLATTED SUBDIVISION.
THIS PROPERTY IS NOT IN A FLOOD PLAIN.
THIS PROPERTY IS NOT IN A WETLAND AREA.
THIS PROPERTY IS NOT IN A WATERSHED AREA.
THIS PROPERTY DOES NOT HAVE BODIES OF WATER ON THE PROPERTY



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SURVEYORS CERTIFICATION:

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

GEORGIA REGISTERED PROFESSIONAL NO. 3150 LAND SURVEYOR TIM L. MILLER

Tim L. Miller GA. RLS # 3150 — 05-13-2021 Date:

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PARCEL = 08099 000009
ZONED: NS (NEIGHBORHOOD SHOPPING)
MINIMUM LOT AREA= NONE
MINIMUM LOT WIDTH= 90'
FRONT SETBACK = 25'
REAR SETBACK = 40'
SIDE SETBACK = 15' (CORNER LOT)
SIDE SETBACK INTERIOR LOT LINE = 0'
MINIMUM HEATED FLOOR AREA--1,200 SQ. FT.

SURVEY ORDERED BY: JPC DESIGN AND CONSTRUCTION, LLC
ATT: MIKE HORNE
FIELDWORK COMPLETED ON: 05/05/2021
A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.

0' 40' 80' 120'
GRAPHIC SCALE = FEET

SIBLEY-MILLER SURVEYING & PLANNING INC.
212 WEST CAMPGROUND RD
McDONOUGH, GA. 30253
PHONE:(770) 320-7555
FAX:(770) 320-7333
www.sibleysurveying.com
*TOPOGRAPHICAL SURVEYS
*LAND SURVEYING
*LAND PLANNING
*CONSTRUCTION LAYOUT
*LAND DEVELOPMENT DESIGN
*CIVIL ENGINEERING

BOUNDARY SURVEY
JPC DESIGN & CONSTRUCTION LLC.
2.077 ACRES
CITY OF FLOWERY BRANCH
LAND LOT 99, 8th. DISTRICT
HALL COUNTY, GEORGIA

PROJECT NO.: B2021034
BOUNDARY SURVEY
DRAWN BY: PWF
SCALE: 1" = 40'
DATE: 05/13/2021

JPC DESIGN & CONSTRUCTION, LLC
City of Flowery Branch

Check Number: **9040** 9040
Check Date: May 4, 2021

Check Amount: **$500.00**

Invoice/Reference		Amount Paid
Rezoning App	Rezoning Application-McEver Rd	500.00

POSES. THE FACE OF THIS DOCUMENT C ONTAINS A COLORED BACKGROUND AND MICROPRIN TING IN THE BORDER

JPC DESIGN & CONSTRUCTION, LLC
PO BOX 710
JACKSON, GA 30233-0020

UNITED BANK
JACKSON, GEORGIA
64-751/611

9040

PAY **Five Hundred and 00/100 Dollars**

DATE	AMOUNT
May 4, 2021	**$ 500.00**

PAY TO THE ORDER OF
City of Flowery Branch
5517 Main St
Flowery Branch, GA 30542

Memo: Rezoning Application-McEver Rd

SECURITY FEATURES INCLUDED DETAILS ON BACK

⑈ 5 ⑈

JPC DESIGN & CONSTRUCTION, LLC
City of Flowery Branch

Check Number: **9040** 9040
Check Date: May 4, 2021

Check Amount: **$500.00**

Invoice/Reference		Amount Paid
Rezoning App	Rezoning Application-McEver Rd	500.00

Public Hearing Published	06/23/2021	First Reading	08/19/2021
Public Hearing	07/15/2021	Adopted	09/16/2021

ORDINANCE NO. 645

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH GEORGIA BY REZONING A 2.08± ACRE TRACT OF REAL PROPERTY LOCATED AT 5512 MCEVER ROAD, IDENTIFIED AS TAX PARCEL IDENTIFICATION NO. 08099 000009, AS SHOWN ON EXHIBIT "A", AS LEGALLY DESCRIBED ON EXHIBIT "B", FROM NEIGHBORHOOD SHOPPING (NS) TO HIGHWAY BUSINESS (HB) SUBJECT TO THE CONDITIONS SET FORTH ON EXHIBIT "C"; PROVIDING FOR FINDINGS, SEVERABILITY AND AN EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, WBJ Global Indemnity, Inc. owns all that tract or parcel of land totaling 2.08+/- acres identified as tax identification No. 08099 000009; which is shown on Exhibit "A"; and legally described on Exhibit "B"; and

WHEREAS, specific conditions shall be imposed on the subject parcel as shown on Exhibit "C"; and

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

WHEREAS, the City Council held a public hearing at the meeting of July 15, 2021 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Neighborhood Shopping (NS) to Highway Business (HB) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned NS; 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 in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.

6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.

7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to HB.

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.

10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The subject parcel, as shown on Exhibit "A" and as legally described in Exhibit "B", shall be rezoned from Neighborhood Shopping (NS) to Highway Business (HB). Subject to conditions as set forth in Exhibit "C". Said Exhibits are incorporated herein by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 16th day of September 2021.

_____
James M. Miller, Mayor

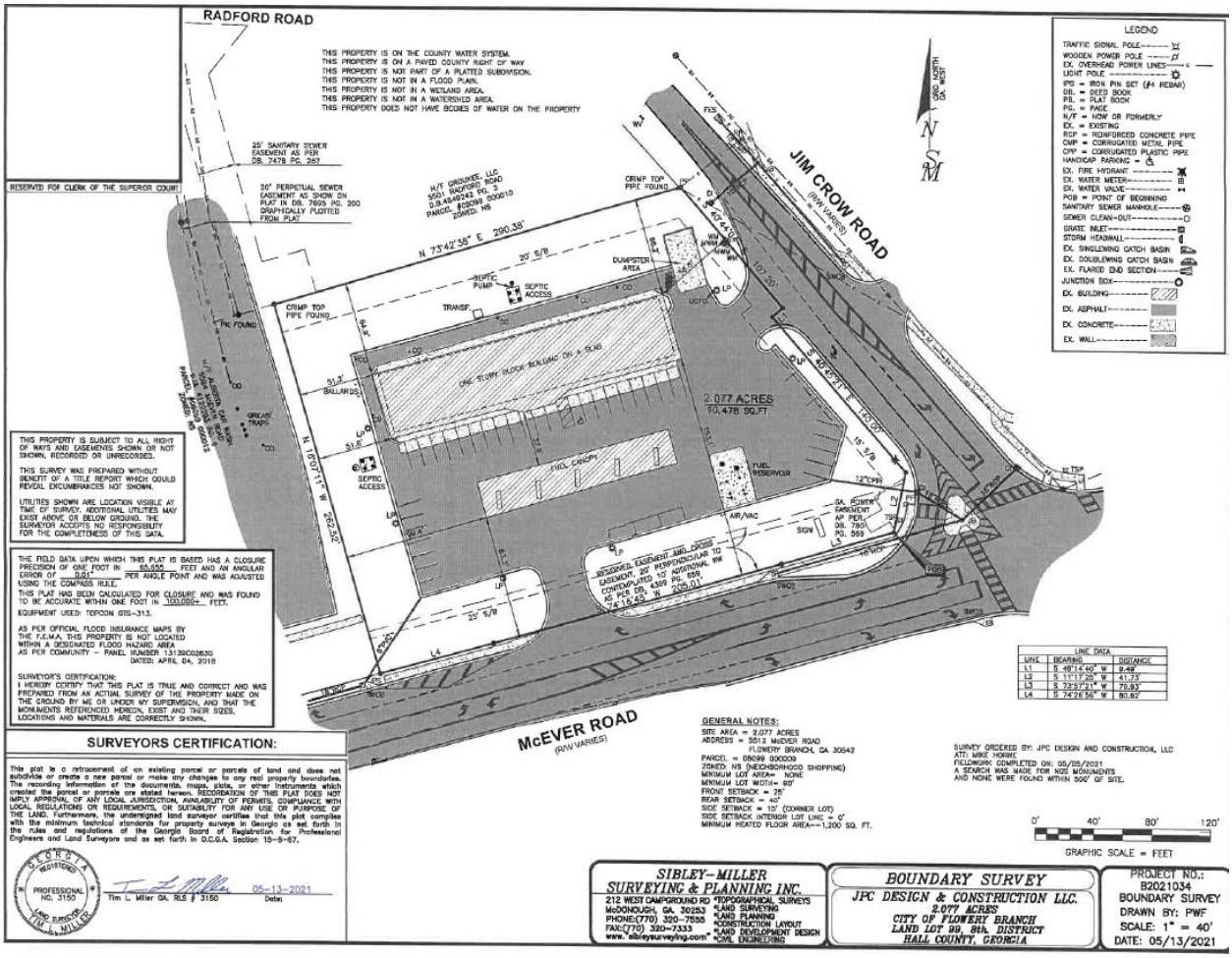
ATTEST

_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____
E. Ronald Bennett, Jr., City Attorney

Exhibit "A"


RADFORD ROAD
JIM CROW ROAD
McEVER ROAD
(R/W VARIES)
LEGEND
THIS PROPERTY IS ON THE COUNTY WATER SYSTEM.
THIS PROPERTY IS ON A PAVED COUNTY RIGHT OF WAY
THIS PROPERTY IS NOT PART OF A PLATTED SUBDIVISION.
THIS PROPERTY IS NOT IN A FLOOD PLAIN.
THIS PROPERTY IS NOT IN A WETLAND AREA.
THIS PROPERTY IS NOT IN A WATERSHED AREA.
THIS PROPERTY DOES NOT HAVE BODIES OF WATER ON THE PROPERTY
RESERVED FOR CLERK OF THE SUPERIOR COURT
N 73°42'38" E 290.38'
2.077 ACRES
90,478 SQ.FT.
FUEL CANOPY
FUEL RESERVOIR
DUMPSTER AREA
SEPTIC ACCESS
GREASE TRAPS
THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.
THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.
UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.
SURVEYORS CERTIFICATION:
GENERAL NOTES:
SITE AREA = 2.077 ACRES
ADDRESS = 5512 McEVER ROAD
FLOWERY BRANCH, GA 30542
PARCEL = 08099 000009
ZONED: NS (NEIGHBORHOOD SHOPPING)
MINIMUM LOT AREA= NONE
MINIMUM LOT WIDTH= 60'
FRONT SETBACK = 25'
REAR SETBACK = 40'
SIDE SETBACK = 15' (CORNER LOT)
SIDE SETBACK INTERIOR LOT LINE = 0'
MINIMUM HEATED FLOOR AREA=-1,200 SQ. FT.
SURVEY ORDERED BY: JPC DESIGN AND CONSTRUCTION, LLC
ATT: MIKE HORNE
FIELDWORK COMPLETED ON: 05/05/2021
A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.
GRAPHIC SCALE = FEET
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2.077 ACRES
CITY OF FLOWERY BRANCH
LAND LOT 99, 8th. DISTRICT
HALL COUNTY, GEORGIA
PROJECT NO.: B2021034
BOUNDARY SURVEY
DRAWN BY: PWF
SCALE: 1" = 40'
DATE: 05/13/2021
05-13-2021
Tim L. Miller GA. RLS # 3150
Date:

Exhibit "B"

Legal Description

PF #19

All that tract or parcel of land lying and being in Land Lot 99 of the 8th Land District, Hail County, Georgia, and being 2.132 acres as shown in a survey for RCJ Investments, LLLP (sic), dated January 7, 2000, with said property being more particularly described as follows:

BEGINNING at the intersection of the Southwestern right of way of Jim Crow Road. said road having a 60 foot right of way with the Northwest right of way of McEver Road, said road having an 80 foot right of way; thence Southwesterly along the Northwestern right of way of McEver Road South 72 degrees 51 minutes 18 seconds West 126.44 feet to an iron pin, South 73 degrees 10 minutes 42 seconds West 205.01 feet to an iron pin. South 73 degrees 20 minutes 53 seconds West 80.62 feet to an iron pin; thence departing said right of way North 17 degrees 13 minutes 14 seconds West 262.52 feet to an iron pin; thence North 72 degrees 36 minutes 35 seconds East 290.30 feet to an Iron pin located on the Southwestern right of way of Jim Crow Road; thence South 41 degrees 50 minutes 12 seconds East 292.36 feet along the Southwestern right of way of Jim Crow Road to an iron pin and the TRUE POINT OF BEGINNING.

The above referenced survey was prepared by Patton-Patton, Inc., Chris M. Patton, RLS No. 2647. TOGETHER WITH and benefiting the subject property, the easement created in that certain General Warranty Deed from Buckhorn Properties, Inc. to RCJ Investments, Inc., dated as of January 7, 2000, flied for record January 31, 2000 at 10:15 a.m., recorded in Deed Book 3621, Page 510, Records of Hall County, Georgia; as corrected by Corrective General Warranty Deed from Buckhorn Properties, Inc. to RCJ investments, MP, dated as of January 7, 2000, filed for record December 9, 2002 at 1:40 p.m. , recorded in Deed Book 4399, Page 658, aforesaid Records.

Exhibit "C"

Conditions of Zoning

1. Development shall be serviced by Flowery Branch sewer.
2. Existing structure will be updated with new paint and colors and shall match the design of the new structure. Any structural work or modification on existing the building will be permitted and reviewed by City staff.
3. New proposed restaurant shall substantially adhere to the rendering submitted to the City of Flowery Branch in July of 2021 and as shown below:

4. An overall sign plan for the entire development shall be submitted and approved by city staff. Said plan shall meet the requirements as shown in Article 19 of the Flowery Branch zoning ordinance.
5. A landscape plan shall be submitted and approved by staff at the time of land disturbance.
6. Inter-parcel connectivity with 5224 McEver Road, parcel identification 08099 000012, is encouraged if feasible.

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

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

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

FACTS AND ISSUES:
This is the first read of these ordinances.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve the first read.

SAMPLE MOTION:
I make a motion to approve the first read of ordinance 654.
I make a motion to approve the first read of ordinance 655.
I make a motion to approve the first read of resolution 21-014

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- 2021 Rezoning Additional Information Requirement - Vulcan Lands, Inc.06242021.pdf
- 2021 Rezoning Application - Vulcan Lands, Inc.06242021.pdf
- 2021 Sec. 34.7 Analysis Requirements - Vulcan Lands, Inc.06242021.pdf

- 2021 Annexation Application - Vulcan Lands, Inc.06242021.pdf
- 2021 Conditional Use Permit - Vulcan Lands, Inc.06242021.pdf
- Zoning Project Base Map BW r5.pdf
- Staff Report 2021.pdf
- Combined Sept 16.pdf

REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 24, 2021

Address of Request:

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

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

Current Zoning: AR 3 (Hall County)

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. **The improvements will extend the quarry's operational life and create a sustainable buffer between the operations and community.**

2 Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). **Increased quarry life and access to additional reserves will enhance economic development in the City and nearby areas, as well as cost savings for local infrastructure and development projects.**

3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). **No building construction is planned.**

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

5. Total acreage developed with units. **N/A**

6. Total acreage for right of way and roads. **N/A**

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

8. Acreage required for buffer and watershed protection.

   - Does the buffer comply with the current City ordinance? **The buffer exceeds state and local requirements.**

   - Do individual property lines for lots extend into the buffer? **Yes**

   - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? **N/A**

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

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

11. Number of street lights and separation table as proposed on your site plan. **N/A**

12. Will Technology Development be included in this development? **N/A**

13. List the total linear feet and cubic yards for sidewalks. **N/A**

14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? **Yes, the quarry will continue to be subject to federal, state and local regulations.**

15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues**? There will be no increase in traffic resulting from the proposal.**

16. Does the proposal provide for utilization of "reuse" water? Is this depicted on the plans? Do the plans provide for storage of "reuse" water? **The operation will collect and resue water on site in the course of its ongoing activities.**

17. What is the total capacity for daily Wastewater Management? **N/A**

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

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

20. Please identify what public safety needs are being considered for this project? **Applicant will continue to work with local and state officials to ensure all regulations are met.**

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

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

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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____

Flowery Branch

REZONING APPLICATION

Date: June 24, 2021

Address of Request:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
- 4285 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018A)
- 5743 Hog Mountain Road, Flowery Branch, GA 30542 (Tax Parcel ID 15048 000049)
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Tax Map # 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008, 08154 000013, 15048 000050A, 15048 000052, 15048 00051

Current Zoning: AR 3 (Hall County)_____

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

Currently a conforming use? Yes_____

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

Applicant Information

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

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

E -mail address: landrumc@vmcmail.com_____

Phone number: 770-454-4244_____

Signature: _____Richard Cannon, Vice President

Notary:

STACIE A CARVOTTA
MY COMMISSION EXPIRES
NOTARY
PUBLIC
JANUARY 21, 2025
CHEROKEE COUNTY, GEORGIA

Property owner information (if different than the applicant)

Property owner (please print): _____N/A_____

Signature of property owner: _____N/A_____

Notary:

Property Information

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

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

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

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

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

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

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

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

Conflict of Interest Disclosure

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

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

N/A_____

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

N/A_____

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

N/A

Disclosure of Campaign Contributions

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

Elected Officals Name	Amount of Description of Gift
N/A	N/A

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Sec. 34.7. - Analysis Requirements.

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

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

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

(c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **No.**

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

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

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

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

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

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

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **No, the adjacent 447+/- acre quarry operation, already zoned M-2 with a CUP, has the same buffers proposed in this Application.**

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

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

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

ANNEXATION APPLICATION

Date: June 24, 2021

Address of Request:

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

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

City Clerk Signature_____

Applicant Information

Name: Vulcan Lands, Inc._____

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

_____

E-mail address:_landrumc@vmcmail.com

Phone number: 770-454-4244_____

Signature: Richard Cannon, Vice President

_____

Property owner information (if different than the applicant)

Property owner (please print): __N/A_____

Signature of property owner: ___N/A_____

Property Information

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

Current Zoning: _AR 3 Hall County_____Total Acres: __29.671_____

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

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

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

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

Voting Rights Act Information

Resident Population: ___N/A_____ Housing Units: __N/A_____ Other Buildings: _N/A___ Race Population %: White__N/A____ Black___N/A___ Hispanic___N/A__ Other___N/A__

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

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

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

Conflict of Interest Disclosure

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

___N/A_____

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

_N/A_____

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

_N/A_____

Disclosure of Campaign Contributions

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

Elected Officials Name Amount of Description of Gift

____N/A_____ ___ N/A_____

CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #	

Date: _June 24, 2021_____

Address of Request:

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

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

Current Zoning: AR 3 (Hall County)

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

Currently a conforming use? Yes_____

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

Applicant Information

Applicant: Vulcan Lands, Inc. _____

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

E-mail address:

landrumc@vmcmail.com_____

Phone number: 770-454-4244

Signature: Richard Cannon, Vice President

Notary Seal: STACIE A CARVOTTA NOTARY PUBLIC CHEROKEE COUNTY, GEORGIA MY COMMISSION EXPIRES JANUARY 21, 2025

Property owner Information

Property owner (please print): Same as Applicant

Address: Same

E-mail address: Same Phone number: Same

Signature: Signature above

Notary Seal:

Applicant Information Required at Time of Submittal

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

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

Conflict of Interest Disclosure

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

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

___N/A_____

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

___N/A_____

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

__ N/A_____

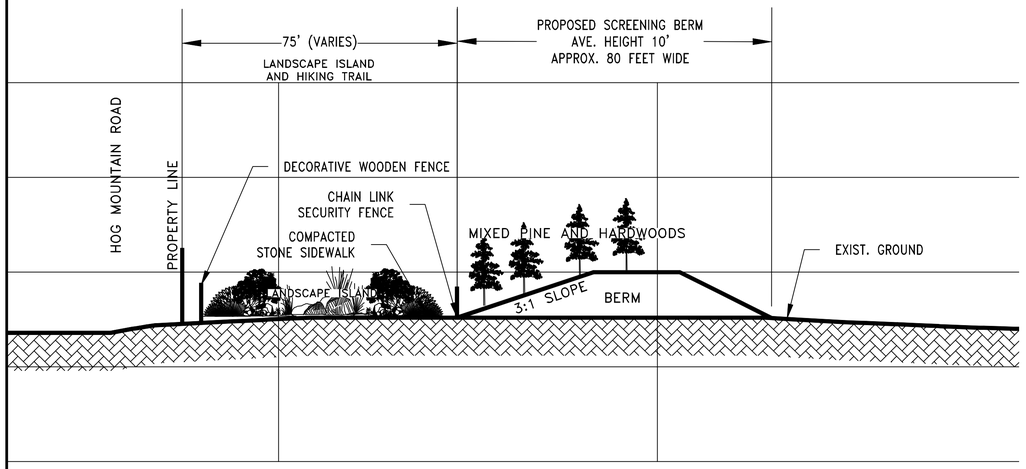
Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
__N/A_____	__N/A_____
_____	_____

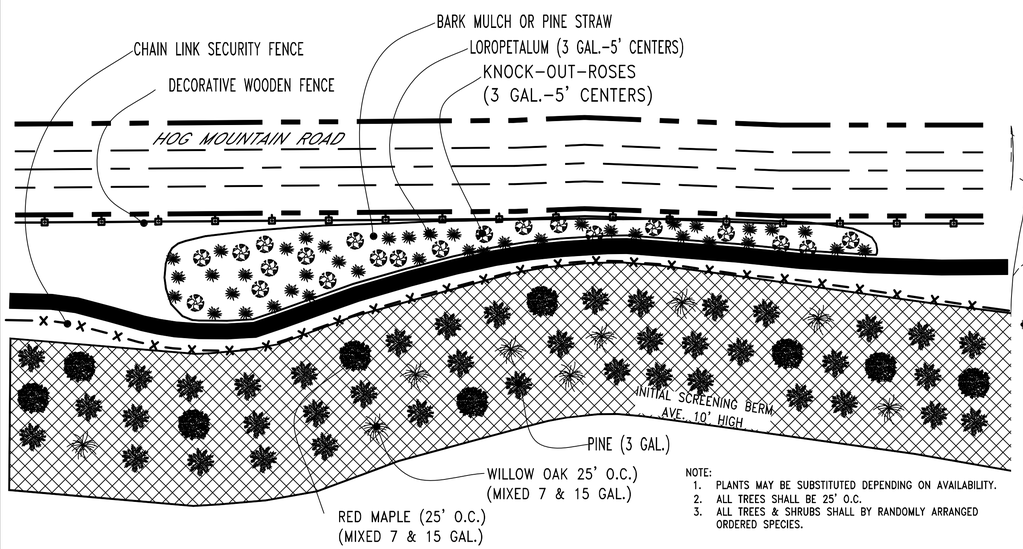
Received by City of Flowery Branch Staff on _____

Name:_____
Title_____



CROSS SECTION A–A'

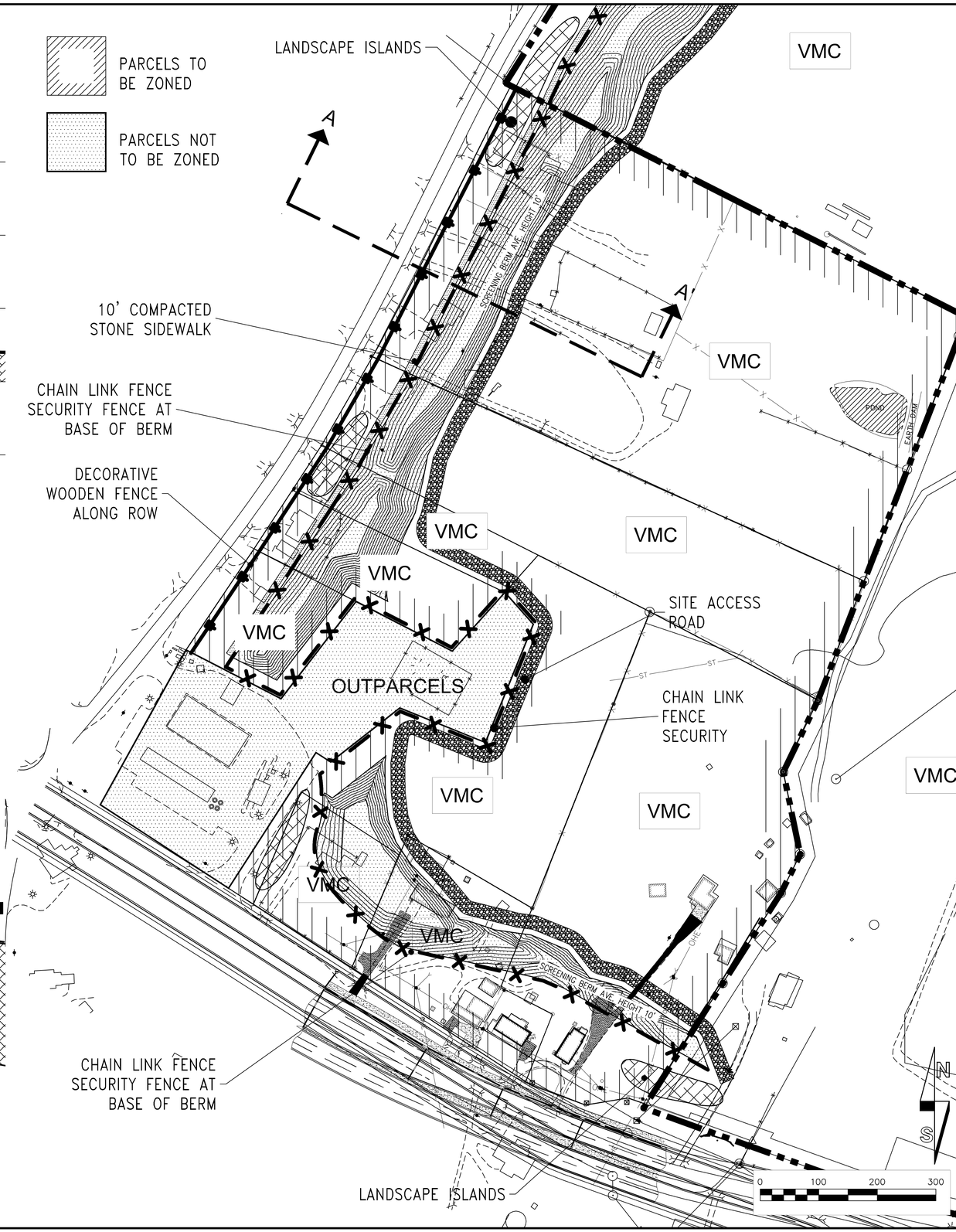
SCALE: 1" = 20'



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

LANDSCAPED ISLAND DETAIL

SCALE: 1" = 50'



NO.	REVISION	BY	DATE
-	-	-	---
-	-	-	---
-	-	-	---
-	-	-	---
-	-	-	---

ROYAL CAD DESIGN SERVICE, INC.
CONTACT: B. WAYNE KING, P.E.
GA PE#030550
423 INDIAN SPRINGS RD.
MCMINNVILLE, TN 371110
(615) 594-2802
BWAYNE_KING@RCADD.COM

PROJ. NO. 2021-023
ACAD FILE: _pdf_tmp.dwg

FRIENDSHIP QUARRY

G.M.G. 1419 DISTRICTS 166,167,179,180
FLOWERY BRANCH, GEORGIA

CONCEPTUAL LANDSCAPE PLAN

DESIGNED BY:	BWK
DRAWN BY:	BWK
CHECKED BY:	BWK
DATE:	06/04/21
SCALE:	1"=100'

ORIGINAL SCALE IN INCHES FOR REDUCED PLANS
0 0.5 1.0 1.5 2.0

SHEET 1

1 of 1 sheets

CAD FILE: C:\Users\Batman\App\Data\Roaming\Carlson Software\Carlson2020\ACAD_X64\USER LAYOUT: Layout1

ATTACHED XREFS: $XREFS\??
LIBRARY

Applicant: Vulcan Lands, Inc.
Property Owner: Vulcan Lands, Inc.
Subject Property: 5668 and 5674 Blackjack Road; 29.67 +/- acres
Request: Annex the nine properties from Hall County into the City of Flowery Branch; Rezone from AIII (Agricultural Residential) to M2 (Heavy Industrial); approve a conditional use permit (CUP) to operate a quarry.
Current Use: Residential/Vacant
Proposed Use: Quarry
Character Area: Industrial Employment

Proposal

Applicant proposes to annex and rezone nine parcels of land totaling 29.67+/- acres from Hall County AIII to FB M2 with the intention of expanding the boundary of the existing quarry.

1. 5743 Hog Mountain Road
2. 5762 Hog Mountain Road
3. 5769 Hog Mountain Road
4. 5777 Hog Mountain Road
5. 5783 Hog Mountain Road
6. 0 Friendship Road
7. 4293 Friendship Road
8. 4285 Friendship Road
9. 4263 Friendship Road

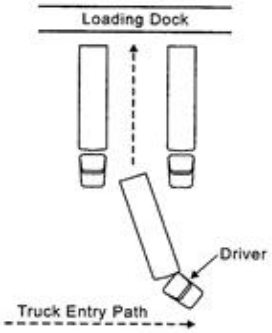
Comprehensive Plan

Employment/Industrial

VISION: Contributing heavily to the employment base, this character area functions as a concentration of employment and job activity, contributing heavily to the economic base of the city.

USES AND INTENSITIES: Light and heavy industries are the primary uses contemplated within this Character Area. Five-story or 75 foot height limit.

MAJOR FEATURES: Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.



Loading Areas are Typical In This Character Area

REGULATIONS: This character area will be implemented with light and heavy manufacturing or industrial zoning districts. Design guidelines will be provided, and projects will be required to complete design review.

QUALITY COMMUNITY OBJECTIVES IMPLEMENTED): Appropriate business, employment options.

All Brick, Articulated Building Façade

Landscaping to Soften View of Large Building

The proposed development meets the intent of the employment-industrial character area of the City's comprehensive plan.

Zoning

The requested zoning for the nine parcels is M-2 with a CUP to operate a quarry.

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

(a) Purpose and Description. This zoning district is intended to implement the "heavy industrial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "industrial/employment" character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city.

(b) Character. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

(e) Design Requirements. Please see Article 14 sec.14.13 of this ordinance.

CUP

The use is allowed with a conditional use permit (CUP). Staff recommends the following conditions:

1. State Permits. The property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a full and complete copy of all approved state permits required for operation of the quarry, including but not necessarily limited to air quality (for both the quarry operation and any site tenants, i.e., asphalt and concrete plants). Whenever a revision or renewal of any such state permit is required or sought, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a full and complete copy of all such applications pending along with relevant correspondence from governing state agencies regarding the disposition of the application for permit revision or renewal.

2. Noise Studies and Sound Level Monitoring. At least once every three years, unless otherwise requested by the Zoning Administrator, beginning no later than the date this CUP is approved, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a copy of a noise study meeting specifications and content details of the noise studies referenced in the Planning Evaluation and Staff Report for Ordinance No. 344. The study shall provide specific measurements at multiple locations along the perimeter of the property ownership boundary. Said noise study shall evaluate observed sound levels with noise standards of the City of Flowery Branch as contained in its comprehensive plan and/or zoning ordinance. At any points where sound levels from such noise studies reveal that the acceptable noise threshold of the City of Flowery Branch of operational sounds (as distinguished from off-site, ambient noise) is exceeded, the professional preparing the noise study shall recommend and the property owner shall propose noise mitigation measures and a time frame for their implementation acceptable to the City of Flowery Branch. Mitigation measures may include but shall not be limited to berms and noise attenuation barriers.

3. Hours of Operation. Hours of operation of the quarry and any on-site tenants (i.e., asphalt and concrete plants) shall be limited to 6:00 a.m. to 10:00 p.m., Monday through Saturday, with the exception that: Hours of operation (but not including blasting) may be extended to 24 hour a day and Sunday operations as reasonably necessary for the applicant or any tenant to supply materials to a governmental project. In all such cases the applicant for tenant shall submit a copy of the executed governmental contract for which such extended hours are reasonably necessary to the Manager of Planning and Community Development of the City of Flowery Branch within five days of receipt of the contract. Applicant or tenant shall also supply an anticipated schedule of extended operating hours pertaining to the contract to show that such extended hours are authorized by this condition. This exception shall only be permitted for the duration of government contracts only. Outside of authorized operating hours, access to the property shall be controlled by the front gate being locked.

4. Activity Setback. The proposed extraction shall not take place within one hundred (100) feet of a property line.

5. Stockpiles. Product piles, spoil piles, and other accumulations of by-products shall not be created to a height more than thirty-five (35) feet above the original contour.

6. Fencing. Applicant shall maintain all existing fencing. Modification of any fencing shall require prior approval from the Zoning Administrator. In submitting any future fencing site plan, the property owner shall indicate where new fencing (and the type of fencing) is proposed.

7. Blasting. The property owner shall be continuously responsible for assuring that blasting meets the Georgia Blasting Standards Act and the safe blasting limit of 2.0 inches per second, peak particle velocity. The property owner shall achieve compliance with this condition by monitoring blast operations. Upon request, the property owner shall submit to the Manager of Planning and

Community Development of the City of Flowery Branch a copy of all such monitoring results from a qualified professional. In addition, any correspondence between the property owner and the State Fire Marshall relative to compliance with the Georgia Blasting Standards Act shall be submitted within ten (10) days to the Manager of Planning and Community Development of the City of Flowery Branch.

Blasting on the quarry property shall only be done between the hours of 10:00 a.m. and 5:00 p.m. on weekdays (except on holidays, when no blasting shall be allowed). Blasting shall not be done at other times, except when necessary to detonate a loaded shot that could not be detonated because of adverse weather or other conditions that could not be reasonably foreseen, to maintain blasting safety, or as required to comply with applicable governmental requirements. Lafarge shall notify the Manager of Planning and Community Development of the City of Flowery Branch of any blast that occurs outside the prescribed times of day and state why such blast occurred outside of such time within 24 hours of such blast.

8. As-built screening conditions and vegetation and stabilization plan for berms and buffers. Applicant shall maintain all existing berms and buffers areas as previously required. Modification of any berm or buffer area shall require prior approval from the Zoning Administrator.

9. Third-Party Monitoring. As long as the quarry is operating, the property owner agrees to contract with, at no cost to the City, a third-party monitoring company to investigate and respond to any written complaints received by the City of Flowery Branch regarding blasting operations at the Friendship Quarry and subject property. The company shall respond within five (5) working days of being notified by the City of a written complaint. Written responses shall be required to be submitted by the third-party monitoring company to the Manager of Planning and Community Development when, in his opinion, the complaint has merit.

10. Community Advisory Council.

    a. The property owner agrees to continue holding periodic Community Advisory Council meetings in the area of the subject property, such as at Friendship or Cornerstone Baptist Church, or other institution in the area, in order to periodically educate neighbors and residents and business owners in the area, about the operations, the industry generally, and changes to site plans and conditions. Such meetings shall not be held less frequently than one per quarter year.

    b. At such meetings, the property owner will report the progress made toward compliance with these conditions of zoning, disclose any formal complaints received by the City of Flowery Branch that have been forwarded to the property owner, describe "best practices" for safety, land management, environmental protection, and site operations being implemented or contemplated for implementation, present any special studies required by these conditions of

zoning, and explain other appropriate or salient features of the property and its operations.

11. Conditions. All adopted conditions of approval shall apply regardless of any change of ownership. Failure to comply with any of the conditions contained herein or those identified within Article 14 Section 14.9 of the adopted Zoning Code may result in revocation of this grant.

Staff Recommendation

Both the Zoning Ordinance (with a CUP) and the Comprehensive Plan support this annexation and rezoning. It is staff's recommendation that the requests be **approved** as submitted.

Public Hearing Published	7/07/2021	First Read 9/16/2021
Public Hearing	8/05/2021	Approved 10/21/2021

ORDINANCE NO. 654

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, NINE (9) PARCELS OF REAL PROPERTY OWNED BY VULCAN LANDS, LLC., TOTALING 29.67 +/- ACRES AND IDENTIFIED AS FOLLOWS: 4263 FRIENDSHIP ROAD, TAX ID# 15048 000018; 4285 FRIENDSHIP ROAD, TAX ID# 15048 000018A; 5743 HOG MOUNTAIN ROAD, TAX ID# 15048 000049; 5783 HOG MOUNTAIN ROAD, TAX ID# 08154 000002A; 4293 FRIENDSHIP ROAD, TAX ID# 08154 000008; 0 FRIENDSHIP ROAD, TAX ID# 08154 000013; 5765 HOG MOUNTAIN ROAD, TAX ID# 15048 000050A; 5769 HOG MOUNTAIN ROAD, TAX ID# 15048 000052; AND 5777 HOG MOUNTAIN ROAD, TAX ID# 15048 000051; SAID PARCELS ARE SHOWN ON ATTACHED EXHIBIT "A"; AND LEGALLY DESCRIBED ON ATTACHED EXHIBIT "B"; PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Vulcan Lands, Inc, owns all those tracts or parcels of land totaling 29.67 +/- acres identified as 5743 Hog Mountain Road, Tax ID#15048 000049, 5765 Hog Mountain Road, Tax ID# 15048 000050A, 5769 Hog Mountain Road, Tax ID#15048 000052, 5777 Hog Mountain Road, Tax ID#15048 000051, 5783 Hog Mountain Road, Tax ID# 08154 000002A, 0 Friendship Road, Tax ID# 08154 000013, 4293 Friendship Road, Tax ID#08154 000008, 4285 Friendship Road, Tax ID# 15048 000018A, and 4263 Friendship Road, Tax ID#15048 000018; as shown on Exhibit "A"; and legally described on Exhibit "B"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application Vulcan Lands, Inc., and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A.§ 36-60-111, and the City of Flowery Branch Zoning Ordinance for annexation into the City's corporate limits; and

WHEREAS, said parcels of land are within the unincorporated area of Hall County, State of Georgia, and are contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Vulcan Lands, Inc., has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing that Vulcan Lands, Inc., consents to being annexed, and

WHEREAS, a survey and complete description of the lands to be annexed is included in the application; and

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

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia those parcels of land totaling 29.67+/- acres identified as 5743 Hog Mountain Road, Tax ID#15048 000049, 5765 Hog Mountain Road, Tax ID# 15048 000050A, 5769 Hog Mountain Road, Tax ID#15048 000052, 5777 Hog Mountain Road, Tax ID#15048 000051, 5783 Hog Mountain Road, Tax ID# 08154 000002A, 0 Friendship Road, Tax ID# 08154 000013, 4293 Friendship Road, Tax ID#08154 000008, 4285 Friendship Road, Tax ID# 15048 000018A, and 4263 Friendship Road, Tax ID#15048 000018; as shown on Exhibit "A"; and legally described on Exhibit "B"; Said Exhibit are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021.

_____
James M. Miller, Mayor

ATTEST

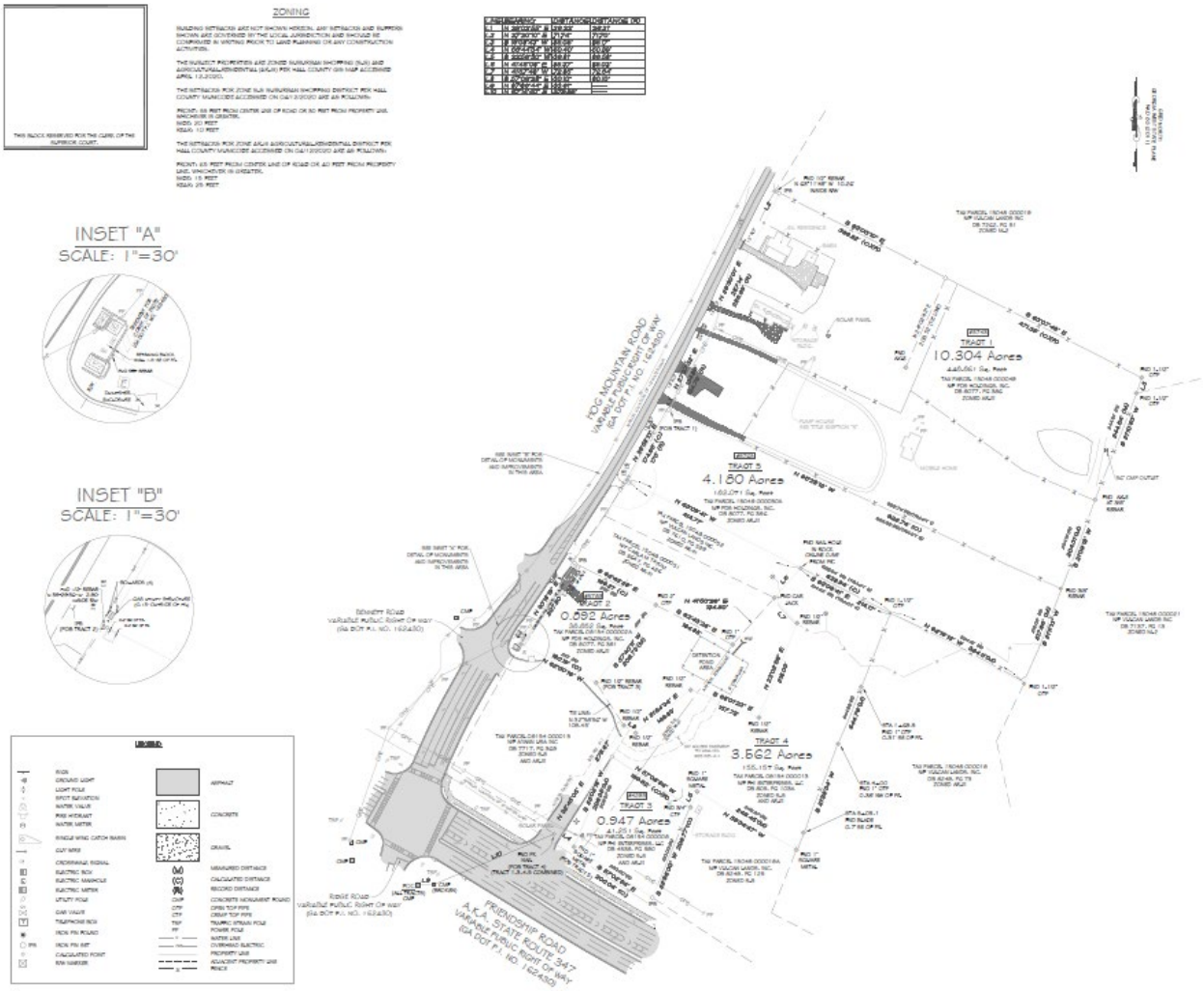
_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



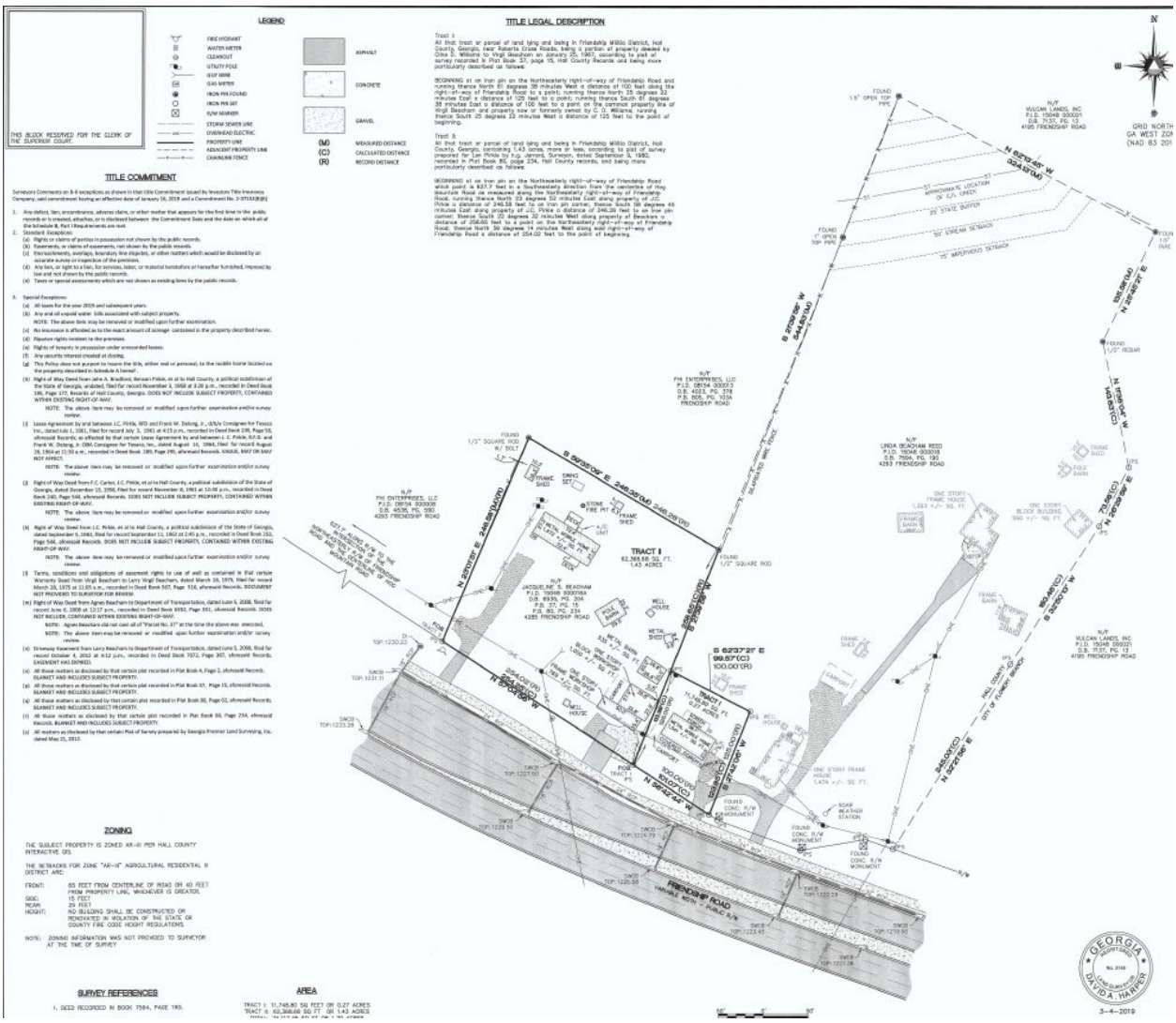

LEGEND
TITLE LEGAL DESCRIPTION
TITLE COMMITMENT
ZONING
SURVEY REFERENCES
AREA
TRACT I
FRIENDSHIP ROAD
3-4-2019

Exhibit "B"

Tax Parcel 15048 000049

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies); Thence continuing along said right of way proceeding North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING for herein described parcel of land; Thence the following courses and distances along the southeasterly right of way of Hog Mountain Road (right of way varies): North 29 Degrees 02 Minutes 55 Seconds East a distance of 26.22 feet to a point; North 27 Degrees 37 Minutes 32 Seconds East a distance of 134.86 feet to a point; North 26 Degrees 30 Minutes 01 Seconds East a distance of 287.14 feet to a point;North 27 Degrees 20 Minutes 10 Seconds East a distance of 71.74 feet to a set capped 5/8" rebar;Thence departing from said right of way and proceeding South 63 Degrees 00 Minutes 10 Seconds East a distance of 399.82 feet to a set capped 5/8" rebar; Thence South 63 Degrees 07 Minutes 49 Seconds East a distance of 471.35 feet to a found 1-1/2" open top pipe; Thence South 19 Degrees 08 Minutes 43 Seconds West a distance of 35.05 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 10 Minutes 53 Seconds West a distance of 244.54 feet to a found axle; Thence South 21 Degrees 09 Minutes 18 Seconds West a distance of 204.31 feet to a found 3/8" rebar; Thence North 65 Degrees 28 Minutes 13 Seconds West a distance of 922.74 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road, which is the POINT OF BEGINNING. Said parcel contains 448,861 square feet or 10.304 acres.

AS-SURVEYED DESCRIPTION
TRACT 2
Tax Parcel 08154 000002A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly Right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East a distance of 275.67 feet to a found 1/2" rebar; Thence North 32 Degrees 58 Minutes 56 Seconds West a distance of 109.45 feet to a found 1/2" rebar which is the POINT OF BEGINNING for herein described parcel of land; Thence North 62 Degrees 50 Minutes 16 Seconds West a distance of 180.19 feet to a found 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies); Thence along said right of way North 33 Degrees 18 Minutes 19 Seconds East a distance of 207.80 feet to a set 5/8" capped rebar; Thence departing from said right of way proceeding South 62 Degrees 43 Minutes 28 Seconds East a distance of 196.21 feet to a found 2" open top pipe; Thence South 37 Degrees 40 Minutes 11 Seconds West a distance of 209.73 feet to a found 1/2" rebar, which is the POINT OF BEGINNING. Said parcel contains 38,852 square feet or 0.892 acres.

AS-SURVEYED DESCRIPTION
TRACT 3
Tax Parcel 08154 000008

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence run South 56 Degrees 44 Minutes 34 Seconds East along said right of way for a distance of 50.40 feet to a found 1" square metal on said right of way which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 23 Degrees 02 Minutes 18 Seconds East a distance of 209.35 feet to a set capped 5/8" rebar; Thence South 57 Degrees 08 Minutes 54 Seconds East a distance of 199.62 feet to a found 3/4" crimp top pipe; Thence South 22 Degrees 56 Minutes 30 Seconds West a distance of 209.77 feet to a set 5/8" capped rebar on the northeasterly right of way of Friendship Road; Thence run North 57 Degrees 02 Minutes 54 Seconds West along said right of way a distance of 200.04 feet to a found 1" square metal, which is the POINT OF BEGINNING. Said parcel contains 41,251 square feet or 0.947 acres.

TRACT 4
Tax Parcel 08154 000013

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road, which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.55 feet back from said point; Thence South 63 Degrees 09 Minutes 41 Seconds East for a distance of 214.17 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 39 Minutes 34 Seconds West for a distance of 544.76 feet to a found 1" square metal; Thence North 59 Degrees 34 Minutes 47 Seconds West for a distance of 246.45 feet to a 1" square metal; Thence South 22 Degrees 56 Minutes 30 Seconds West for a distance of 36.81 feet to a found 3/4" crimp top pipe; Thence North 57 Degrees 08 Minutes 54 Seconds West for a distance of 199.62 feet to a set capped 5/8" rebar; Thence South 23 Degrees 02 Minutes 18 Seconds West for a distance of 209.35 feet to a found 1" square metal on the northeasterly right of way of Friendship Road; Thence run North 56 Degrees 44 Minutes 34 Seconds West along said right of way for a distance of 50.40 feet to a found PK nail in asphalt, which is the POINT OF BEGINNING. Said parcel contains 155,157 square feet or 3.562 acres.

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.55 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies), which is the POINT OF BEGINNING for herein described parcel of land; Thence proceeding along said right of way North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar; Thence departing from said right of way proceeding South 65 Degrees 28 Minutes 13 Seconds East a distance of 922.74 feet to a found 3/8" rebar; Thence South 21 Degrees 11 Minutes 13 Seconds West a distance of 217.96 feet to a found 1-1/2" open top pipe; Thence North 62 Degrees 16 Minutes 13 Seconds West a distance of 324.11 feet to a found 1-1/2" open top pipe; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 628.94 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING. Said parcel contains 182,071 square feet or 4.180 acres.

All that tract or parcel of land lying and being in the State of Georgia, County of Hall, 1419th, Friendship District, and more particularly described as follows:

BEGINNING at an iron pin corner on the Gainesville-Lawrenceville Ridge Road, running in an easterly direction 420 feet along the line of Alvie King to an iron pin corner; thence in a southerly direction 210 feet along the line of J. C. Pirkle to an iron pin corner; thence in a westerly direction 420 feet along the line of J. C. Pirkle to an iron pin corner; thence along the Gainesville-Lawrenceville Ridge Road, northerly, to the point of beginning 210 feet.

Said tract is a part of the land conveyed to J. C. Pirkle by H. F. Williams October 30, 1937, according to survey made by S. C. Moon in August 1936, and recorded in Plat Book 4, page 2, Hall County Records.

LESS AND EXCEPT: All that tract or parcel of land lying and being in the State of Georgia, Count of Hall, 1419 Friendship District, being more particularly described as follows:

BEGINNING at an iron pin corner on the northerly side of the Gainesville-Lawrenceville Ridge Road at the property line of Paul Henderson, formerly Alvy King property and running thence in an easterly direction 420 feet along the property of Paul Henderson to an iron pin corner; thence in a southerly direction a distance of 84 feet along the property line of J. C. Pirkle to an iron pin corner and other property of the Grantor herein; thence in a northwesterly direction a distance of 420 feet to the Gainesville-Lawrenceville Ridge Road; thence along the Gainesville-Lawrenceville Ridge Road in a northeasterly direction a distance of 85 feet to an iron pin corner and point of beginning.

Being one and the same property conveyed by Warranty Deed dated March 23, 2000, from Ruby Lois McDaniel, as Grantor, to Carla M. Tatum, as Grantee, recorded in Deed Book 3647, Page 426, Hall County, Georgia Records.

All that tract or parcel of land lying and being in the State of Georgia, County of Hall, 1419 Friendship District, being more particularly described as follows:

Beginning at an iron pin corner on the northerly side of Gainesville-Lawrenceville Ridge Road at the property line at Paul Henderson , formerly Alvy King property and running thence in an easterly direction 420 feet; thence in a southerly direction a distance of 84 feet along the property of Douglas L. McDaniel; thence in a northwesterly direction a distance of 420 feet to the Gainesville-Lawrenceville Ridge Road; thence along the Gainesville-Lawrenceville Ridge Road in a northeasterly direction a distance of 85 feet to an iron pin corner and the true point of beginning.

All that tract or parcel of land lying and being in Friendship Militia District, Hall County, Georgia, near Roberts Cross Roads, being a portion of property deeded by Cline D. Williams to Virgil Beacham on January 25, 1967, according to plat of survey recorded in plat book 37, page 15, Hall County Records and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Friendship Road and running thence North 61° 38 minutes west a distance of 100 feet along the right-of-way of Friendship Road to a point; Running thence North 25° 22 minutes east a distance of 125 feet to a point; running thence South 61° 38 minutes east a distance of 100 feet to a point on the common property line of Virgil Beacham and property now or formerly owned by CD Williams; running thence South 25° 22 minutes west a distance of 125 feet to the point of beginning.

Tract II:

All that tract or parcel of land lying and being in Friendship Militia District, Hall County, Georgia, containing 1.43 acres, more or less, according to plat of survey prepared for Lynne Pirkle by h.g. Jarrard, surveyor, dated September 9, 1980, recorded in plat book 80, page 234, hall county records, and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Friendship Road which point is 627.7 feet in a southeasterly direction from the centerline of Hog Mountain Road as measured along the northeasterly right-of-way of Friendship Road, running thence north 23° 52 minutes east along property of JC Pirkle a distance of 246.58 feet to an iron pin corner, thence South 58° 45 minutes east along property of JC Pirkle a distance of 246.26 feet to an iron pin corner; thence South 22° 32 minutes west along property of Beacham a distance of 258.65 feet to a point on the northeasterly right-of-way of Friendship Road; thence North 56° 14 minutes west along said right-of-way of Friendship Road a distance of 254.02 feet to the point of beginning.

All that tract or parcel of land lying and being in Friendship GMD 1419, Hall County, Georgia and being more particularly described as follows;

To find the true point of beginning, commence at the intersection of the northerly right-of-way a Friendship Road (right-of-way varies) in the easterly right of way of Hog Mountain Road (right-

of-way varies); THENCE traveling on said normally right-of-way of Friendship Road and in a generally southeasterly direction for a distance of 941.27 feet to a point, said point marked by a half inch rebar pin found, said point being the TRUE POINT OF BEGINNING.

THENCE from said point as thus established, leaving said right-of-way and traveling north 21° 42 minutes 02 seconds east for a distance of 125.00 feet to a point, said point marked by a half inch rebar pin found; THENCE North 62° 37 minutes 21 seconds west for a distance of 100.00 feet to a point, said point marked by a half inch rebar pin found; THENCE North 21° 42 minutes 02 seconds east for a distance of 690.14 feet to a point, said point marked by a 1.5 inch open top pipe found; THENCE South 62° 15 minutes 38 seconds east for a distance of 121.88 feet to a point, said point marked by a half inch rebar pin found; THENCE South 62° 15 minutes 38 seconds east for a distance of 202.30 feet to a point, said point marked by a 1 inch open top pipe found; THENCE South 25° 46 minutes 19 seconds west for a distance of 135.85 feet to a point, said point marked by a half inch rebar pin found; THENCE South 11° 36 minutes four seconds east for a distance of 143.63 feet to a point, said point marked by a half inch rebar pin found; THENCE South 26° 29 minutes 59 seconds west for a distance of 73.58 feet to a point, said point marked by a half inch rebar pin found; THENCE South 32° 15 minutes 13 seconds west for a distance of 183.46 feet to a point, said point marked by a half inch rebar pin found; THENCE South 32° 21 minutes 56 Seconds west for a distance of 245.03 feet to a point on the northerly right-of-way of Friendship Road (right-of-way varies), said point marked by a half inch rebar pin found; THENCE traveling on said right-of-way the following five (5) courses and distances:

North 70° 56 minutes 52 seconds west for a distance of 32.60 feet to a point; THENCE South 80° 39 minutes 51 seconds west for distance of 33.22 feet to a point, said point marked by a half inch rebar pin found; THENCE South 80° 39 minutes 51 seconds west from a distance of 40.40 feet to a point; THENCE North 69° 37 minutes 15 seconds west for a distance of 98.73 feet to a point; THENCE North 62° 37 minutes 21 seconds west for a distance of 10.87 feet to a point, said point marked by a half inch rebar pin found, said point being THE TRUE POINT OF BEGINNING.

Said property contains 5.998 acres.

Public Hearing Published	7/07/2021	First Read 9/16/2021
Public Hearing	8/05/2021	Approved 10/21/2021

ORDINANCE NO. 655

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING NINE (9) PARCELS OF REAL PROPERTY OWNED BY VULCAN LANDS, INC. TOTALING 29.67 +/- ACRES AND IDENTIFIED AS FOLLOWS: 4263 FRIENDSHIP ROAD, TAX ID# 15048 000018; 4285 FRIENDSHIP ROAD, TAX ID# 15048 000018A; 5743 HOG MOUNTAIN ROAD, TAX ID# 15048 000049; 5783 HOG MOUNTAIN ROAD, TAX ID# 08154 000002A; 4293 FRIENDSHIP ROAD, TAX ID# 08154 000008; 0 FRIENDSHIP ROAD, TAX ID# 08154 000013; 5765 HOG MOUNTAIN ROAD, TAX ID# 15048 000050A; 5769 HOG MOUNTAIN ROAD, TAX ID# 15048 000052; AND 5777 HOG MOUNTAIN ROAD, TAX ID# 15048 000051; AS SHOWN ON ATTACHED EXHIBIT "A"; AND AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT "B"; FROM HALL COUNTY AR-III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH M-2 (MANUFACTURING & HEAVY INDUSTRIAL); PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Vulcan Lands, Inc, owns all those tracts or parcels of land totaling 29.67 +/- acres identified as 5743 Hog Mountain Road, Tax ID#15048 000049, 5765 Hog Mountain Road, Tax ID# 15048 000050A, 5769 Hog Mountain Road, Tax ID#15048 000052, 5777 Hog Mountain Road, Tax ID#15048 000051, 5783 Hog Mountain Road, Tax ID# 08154 000002A, 0 Friendship Road, Tax ID# 08154 000013, 4293 Friendship Road, Tax ID#08154 000008, 4285 Friendship Road, Tax ID# 15048 000018A, and 4263 Friendship Road, Tax ID#15048 000018; as shown on Exhibit "A"; and as legally described on Exhibit "B"; and

WHEREAS, Vulcan Lands, Inc., has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing that Vulcan Lands, Inc., consents to being rezoned, and

WHEREAS, a survey and complete description of the lands to be rezoned is included in the application; and

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

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County AR-III (Agricultural Residential) to Flowery Branch M-2 (Manufacturing & Heavy Industrial) 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.

A. The proposed rezoning ID consistent with the Flowery Branch Future Land Use Plan and is consistent with adjacent development. The properties are primarily bordered by the existing quarry and will be used in part as a buffer to other adjoining properties.

B. The rezoning will not adversely affect the usability of adjacent property as the properties are already adjoining the existing quarry. The City's adopted Comprehensive Plan shows the property as being utilized for heavy industrial purposes.

C. The properties are currently zoned Hall County AR-III (Agricultural Residential) and have a limited agricultural or residential value given their location adjoining an active quarry.

D. The properties will be incorporated into the existing quarry site. There is no expectation that inclusion of these sites (totaling 29.67 +/- acres) into the existing quarry site will burden streets, utilities and/or schools.

E. The proposed zoning, M-2 (Manufacturing & Heavy Industrial) is consistent with the City's adopted Character Area Map and Future Land Use Map.

F. The subject properties are already adjacent to an existing quarry and have limited marketability under the current zoning of "Agricultural" or "Residential."

G. The properties are currently zoned Hall County AR-III (Agricultural Residential) and are adjacent to the existing quarry site. The surrounding properties are designated by both the Hall County and Flowery Branch Comprehensive Plans as future commercial and/or industrial uses.

H. The properties are contiguous to the City boundary and will not create an unincorporated island. The properties are adjacent to the current quarry site that has a zoning designation of M-2 (Manufacturing & Heavy Industrial).

I. The proposed zoning designation of M-2, (Manufacturing & Heavy Industrial) is consistent with the City's adopted Character Area Map.

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SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The nine (9) subject parcels, as shown on Exhibit "A" and legally described in Exhibit "B", are rezoned from Hall County AR-III (Agricultural Residential) to Flowery Branch M-2 (Manufacturing & Heavy Industrial). Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021

_____
James M. Miller, Mayor

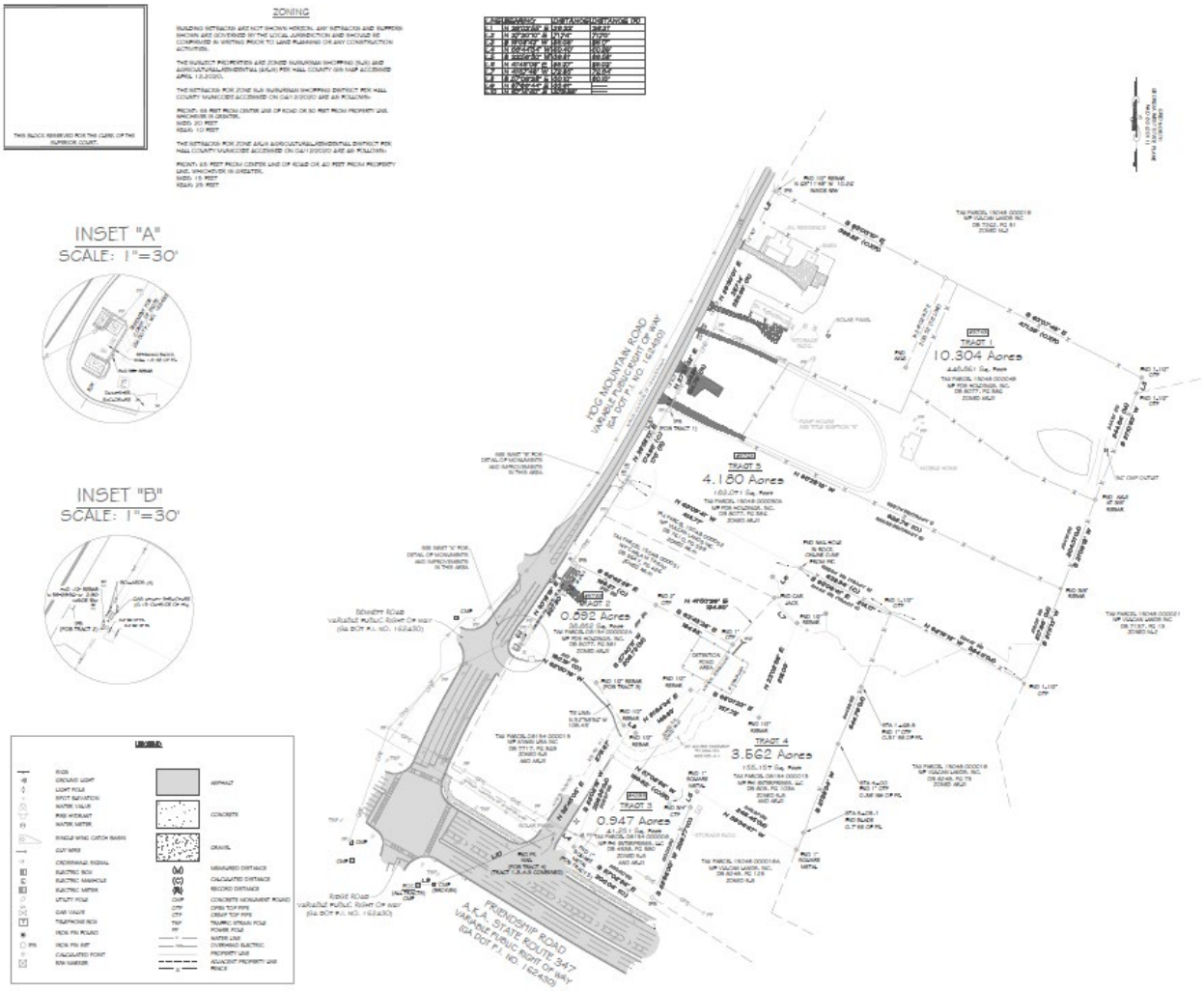
ATTEST

_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____
E. Ronald Bennett, Jr., City Attorney

Exhibit “A”


ZONING
INSET "A"
SCALE: 1"=30'
INSET "B"
SCALE: 1"=30'
LEGEND
TOG MOUNTAIN ROAD
VARIABLE PUBLIC RIGHT OF WAY
(GA DOT P.I. NO. 162430)
TRACT 1
10.304 Acres
TRACT 5
4.180 Acres
TRACT 2
0.692 Acres
TRACT 4
3.562 Acres
TRACT 3
0.947 Acres
BENNETT ROAD
VARIABLE PUBLIC RIGHT OF WAY
(GA DOT P.I. NO. 162430)
RIDGE ROAD
VARIABLE PUBLIC RIGHT OF WAY
(GA DOT P.I. NO. 162430)
FRIENDSHIP ROAD
A.K.A. STATE ROUTE 347
VARIABLE PUBLIC RIGHT OF WAY
(GA DOT P.I. NO. 162430)

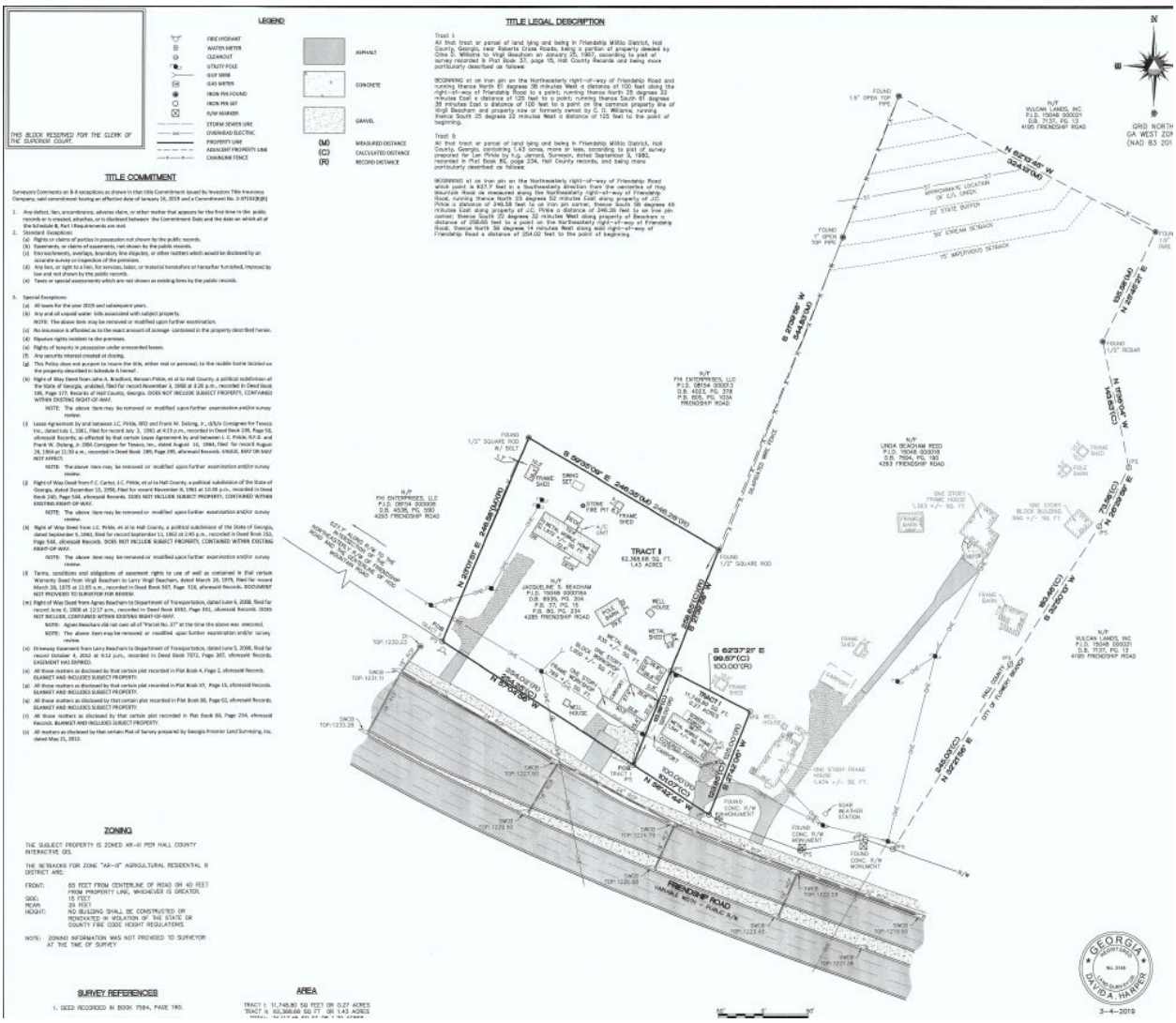

LEGEND
TITLE LEGAL DESCRIPTION
TITLE COMMITMENT
ZONING
SURVEY REFERENCES
AREA
TRACT I
FRIENDSHIP ROAD
GEORGIA
DAVID A. HARPER
3-4-2019

Exhibit "B"

Tax Parcel 15048 000049

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies); Thence continuing along said right of way proceeding North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING for herein described parcel of land; Thence the following courses and distances along the southeasterly right of way of Hog Mountain Road (right of way varies): North 29 Degrees 02 Minutes 55 Seconds East a distance of 26.22 feet to a point; North 27 Degrees 37 Minutes 32 Seconds East a distance of 134.86 feet to a point; North 26 Degrees 30 Minutes 01 Seconds East a distance of 287.14 feet to a point;North 27 Degrees 20 Minutes 10 Seconds East a distance of 71.74 feet to a set capped 5/8" rebar;Thence departing from said right of way and proceeding South 63 Degrees 00 Minutes 10 Seconds East a distance of 399.82 feet to a set capped 5/8" rebar; Thence South 63 Degrees 07 Minutes 49 Seconds East a distance of 471.35 feet to a found 1-1/2" open top pipe; Thence South 19 Degrees 08 Minutes 43 Seconds West a distance of 35.05 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 10 Minutes 53 Seconds West a distance of 244.54 feet to a found axle; Thence South 21 Degrees 09 Minutes 18 Seconds West a distance of 204.31 feet to a found 3/8" rebar; Thence North 65 Degrees 28 Minutes 13 Seconds West a distance of 922.74 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road, which is the POINT OF BEGINNING. Said parcel contains 448,861 square feet or 10.304 acres.

AS-SURVEYED DESCRIPTION
TRACT 2
Tax Parcel 08154 000002A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly Right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East a distance of 275.67 feet to a found 1/2" rebar; Thence North 32 Degrees 58 Minutes 56 Seconds West a distance of 109.45 feet to a found 1/2" rebar which is the POINT OF BEGINNING for herein described parcel of land; Thence North 62 Degrees 50 Minutes 16 Seconds West a distance of 180.19 feet to a found 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies); Thence along said right of way North 33 Degrees 18 Minutes 19 Seconds East a distance of 207.80 feet to a set 5/8" capped rebar; Thence departing from said right of way proceeding South 62 Degrees 43 Minutes 28 Seconds East a distance of 196.21 feet to a found 2" open top pipe; Thence South 37 Degrees 40 Minutes 11 Seconds West a distance of 209.73 feet to a found 1/2" rebar, which is the POINT OF BEGINNING. Said parcel contains 38,852 square feet or 0.892 acres.

AS-SURVEYED DESCRIPTION
TRACT 3
Tax Parcel 08154 000008

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence run South 56 Degrees 44 Minutes 34 Seconds East along said right of way for a distance of 50.40 feet to a found 1" square metal on said right of way which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 23 Degrees 02 Minutes 18 Seconds East a distance of 209.35 feet to a set capped 5/8" rebar; Thence South 57 Degrees 08 Minutes 54 Seconds East a distance of 199.62 feet to a found 3/4" crimp top pipe; Thence South 22 Degrees 56 Minutes 30 Seconds West a distance of 209.77 feet to a set 5/8" capped rebar on the northeasterly right of way of Friendship Road; Thence run North 57 Degrees 02 Minutes 54 Seconds West along said right of way a distance of 200.04 feet to a found 1" square metal, which is the POINT OF BEGINNING. Said parcel contains 41,251 square feet or 0.947 acres.

TRACT 4
Tax Parcel 08154 000013

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road, which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.58 feet back from said point; Thence South 63 Degrees 09 Minutes 41 Seconds East for a distance of 214.17 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 39 Minutes 34 Seconds West for a distance of 544.76 feet to a found 1" square metal; Thence North 59 Degrees 34 Minutes 47 Seconds West for a distance of 246.45 feet to a 1" square metal; Thence South 22 Degrees 56 Minutes 30 Seconds West for a distance of 36.81 feet to a found 3/4" crimp top pipe; Thence North 57 Degrees 08 Minutes 54 Seconds West for a distance of 199.62 feet to a set capped 5/8" rebar; Thence South 23 Degrees 02 Minutes 18 Seconds West for a distance of 209.35 feet to a found 1" square metal on the northeasterly right of way of Friendship Road; Thence run North 56 Degrees 44 Minutes 34 Seconds West along said right of way for a distance of 50.40 feet to a found PK nail in asphalt, which is the POINT OF BEGINNING. Said parcel contains 155,157 square feet or 3.562 acres.

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.58 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies), which is the POINT OF BEGINNING for herein described parcel of land; Thence proceeding along said right of way North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar; Thence departing from said right of way proceeding South 65 Degrees 28 Minutes 13 Seconds East a distance of 922.74 feet to a found 3/8" rebar; Thence South 21 Degrees 11 Minutes 13 Seconds West a distance of 217.96 feet to a found 1-1/2" open top pipe; Thence North 62 Degrees 16 Minutes 13 Seconds West a distance of 324.11 feet to a found 1-1/2" open top pipe; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 628.94 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING. Said parcel contains 182,071 square feet or 4.180 acres.

All that tract or parcel of land lying and being in the State of Georgia, County of Hall, 1419th, Friendship District, and more particularly described as follows:

BEGINNING at an iron pin corner on the Gainesville-Lawrenceville Ridge Road, running in an easterly direction 420 feet along the line of Alvie King to an iron pin corner; thence in a southerly direction 210 feet along the line of J. C. Pirkle to an iron pin corner; thence in a westerly direction 420 feet along the line of J. C. Pirkle to an iron pin corner; thence along the Gainesville-Lawrenceville Ridge Road, northerly, to the point of beginning 210 feet.

Said tract is a part of the land conveyed to J. C. Pirkle by H. F. Williams October 30, 1937, according to survey made by S. C. Moon in August 1936, and recorded in Plat Book 4, page 2, Hall County Records.

LESS AND EXCEPT: All that tract or parcel of land lying and being in the State of Georgia, Count of Hall, 1419 Friendship District, being more particularly described as follows:

BEGINNING at an iron pin corner on the northerly side of the Gainesville-Lawrenceville Ridge Road at the property line of Paul Henderson, formerly Alvy King property and running thence in an easterly direction 420 feet along the property of Paul Henderson to an iron pin corner; thence in a southerly direction a distance of 84 feet along the property line of J. C. Pirkle to an iron pin corner and other property of the Grantor herein; thence in a northwesterly direction a distance of 420 feet to the Gainesville-Lawrenceville Ridge Road; thence along the Gainesville-Lawrenceville Ridge Road in a northeasterly direction a distance of 85 feet to an iron pin corner and point of beginning.

Being one and the same property conveyed by Warranty Deed dated March 23, 2000, from Ruby Lois McDaniel, as Grantor, to Carla M. Tatum, as Grantee, recorded in Deed Book 3647, Page 426, Hall County, Georgia Records.

All that tract or parcel of land lying and being in the State of Georgia, County of Hall, 1419 Friendship District, being more particularly described as follows:

Beginning at an iron pin corner on the northerly side of Gainesville-Lawrenceville Ridge Road at the property line at Paul Henderson , formerly Alvy King property and running thence in an easterly direction 420 feet; thence in a southerly direction a distance of 84 feet along the property of Douglas L. McDaniel; thence in a northwesterly direction a distance of 420 feet to the Gainesville-Lawrenceville Ridge Road; thence along the Gainesville-Lawrenceville Ridge Road in a northeasterly direction a distance of 85 feet to an iron pin corner and the true point of beginning.

All that tract or parcel of land lying and being in Friendship Militia District, Hall County, Georgia, near Roberts Cross Roads, being a portion of property deeded by Cline D. Williams to Virgil Beacham on January 25, 1967, according to plat of survey recorded in plat book 37, page 15, Hall County Records and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Friendship Road and running thence North 61° 38 minutes west a distance of 100 feet along the right-of-way of Friendship Road to a point; Running thence North 25° 22 minutes east a distance of 125 feet to a point; running thence South 61° 38 minutes east a distance of 100 feet to a point on the common property line of Virgil Beacham and property now or formerly owned by CD Williams; running thence South 25° 22 minutes west a distance of 125 feet to the point of beginning.

Tract II:

All that tract or parcel of land lying and being in Friendship Militia District, Hall County, Georgia, containing 1.43 acres, more or less, according to plat of survey prepared for Lynne Pirkle by h.g. Jarrard, surveyor, dated September 9, 1980, recorded in plat book 80, page 234, hall county records, and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Friendship Road which point is 627.7 feet in a southeasterly direction from the centerline of Hog Mountain Road as measured along the northeasterly right-of-way of Friendship Road, running thence north 23° 52 minutes east along property of JC Pirkle a distance of 246.58 feet to an iron pin corner, thence South 58° 45 minutes east along property of JC Pirkle a distance of 246.26 feet to an iron pin corner; thence South 22° 32 minutes west along property of Beacham a distance of 258.65 feet to a point on the northeasterly right-of-way of Friendship Road; thence North 56° 14 minutes west along said right-of-way of Friendship Road a distance of 254.02 feet to the point of beginning.

All that tract or parcel of land lying and being in Friendship GMD 1419, Hall County, Georgia and being more particularly described as follows;

To find the true point of beginning, commence at the intersection of the northerly right-of-way a Friendship Road (right-of-way varies) in the easterly right of way of Hog Mountain Road (right-

of-way varies); THENCE traveling on said normally right-of-way of Friendship Road and in a generally southeasterly direction for a distance of 941.27 feet to a point, said point marked by a half inch rebar pin found, said point being the TRUE POINT OF BEGINNING.

THENCE from said point as thus established, leaving said right-of-way and traveling north 21° 42 minutes 02 seconds east for a distance of 125.00 feet to a point, said point marked by a half inch rebar pin found; THENCE North 62° 37 minutes 21 seconds west for a distance of 100.00 feet to a point, said point marked by a half inch rebar pin found; THENCE North 21° 42 minutes 02 seconds east for a distance of 690.14 feet to a point, said point marked by a 1.5 inch open top pipe found; THENCE South 62° 15 minutes 38 seconds east for a distance of 121.88 feet to a point, said point marked by a half inch rebar pin found; THENCE South 62° 15 minutes 38 seconds east for a distance of 202.30 feet to a point, said point marked by a 1 inch open top pipe found; THENCE South 25° 46 minutes 19 seconds west for a distance of 135.85 feet to a point, said point marked by a half inch rebar pin found; THENCE South 11° 36 minutes four seconds east for a distance of 143.63 feet to a point, said point marked by a half inch rebar pin found; THENCE South 26° 29 minutes 59 seconds west for a distance of 73.58 feet to a point, said point marked by a half inch rebar pin found; THENCE South 32° 15 minutes 13 seconds west for a distance of 183.46 feet to a point, said point marked by a half inch rebar pin found; THENCE South 32° 21 minutes 56 Seconds west for a distance of 245.03 feet to a point on the northerly right-of-way of Friendship Road (right-of-way varies), said point marked by a half inch rebar pin found; THENCE traveling on said right-of-way the following five (5) courses and distances:

North 70° 56 minutes 52 seconds west for a distance of 32.60 feet to a point; THENCE South 80° 39 minutes 51 seconds west for distance of 33.22 feet to a point, said point marked by a half inch rebar pin found; THENCE South 80° 39 minutes 51 seconds west from a distance of 40.40 feet to a point; THENCE North 69° 37 minutes 15 seconds west for a distance of 98.73 feet to a point; THENCE North 62° 37 minutes 21 seconds west for a distance of 10.87 feet to a point, said point marked by a half inch rebar pin found, said point being THE TRUE POINT OF BEGINNING.

Said property contains 5.998 acres.

Public Hearing Published 7/07/2021
Public Hearing 8/05/2021 Approved 10/21/2021

RESOLUTION NO. 21-014

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION OF QUARRY FOR NINE (9) PARCELS OF REAL PROPERTY OWNED BY VULCAN LANDS, INC. TOTALING 29.67+/- ACRES IDENTIFIED AS FOLLOWS: 4263 FRIENDSHIP ROAD, TAX ID# 15048 000018; 4285 FRIENDSHIP ROAD, TAX ID# 15048 000018A; 5743 HOG MOUNTAIN ROAD, TAX ID# 15048 000049; 5783 HOG MOUNTAIN ROAD, TAX ID# 08154 000002A; 4293 FRIENDSHIP ROAD, TAX ID# 08154 000008; 0 FRIENDSHIP ROAD, TAX ID# 08154 000013; 5765 HOG MOUNTAIN ROAD, TAX ID# 15048 000050A; 5769 HOG MOUNTAIN ROAD, TAX ID# 15048 000052; AND 5777 HOG MOUNTAIN ROAD, TAX ID# 15048 000051; AS SHOWN ON ATTACHED EXHIBIT "A"; AND AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT "B";

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meetings of September 16, and October 21, 2021; and

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

NOW THEREFORE BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **finds** that a Conditional Use Permit application, to allow the operation of a quarry for the properties referenced above and identified on Exhibit "A", and further described on Exhibit "B", is approved for the following reasons:

A. The proposed conditional use permit will not adversely affect the usability of adjacent property as current quarry operations will not change. The only significant modification from existing conditions, is the addition of 29.67+/- acres of property. The City's adopted Comprehensive Plan shows the property as being utilized for heavy industrial purposes. The proposed conditions of approval for the Conditional Use Permit are consistent with requirements identified within Article 14 Section 14.9 of the Zoning Code.

B. The current quarry site is currently zoned M-2 and is operating pursuant to an existing Conditional Use Permit. Although, the property may continue as a quarry under the current zoning and Conditional Use Permit, the inclusion of the adjoining 29.67+/-acres of property as part of the existing operation requires a Conditional Use Permit. Without a change in zoning and a Conditional Use Permit, the economic use of the property may be reduced.

C. The Conditional Use Permit will not impact the overall operational characteristics of the current quarry. Accordingly, there is no expectation that the quarry site will burden existing transportation facilities, utilities and/or schools past the impacts that may exist currently.

D. The proposed Conditional Use Permit is consistent with requirements identified within Article 14 Section 14.9 of the Zoning Code.

E. The existing quarry site will not change with the exception of 29.67+/- acres of property added to the site.

F. The existing quarry property is currently zoned M-2 (Manufacturing & Heavy Industrial) and the 29.67+/- acres of property to be added to the site is zoned M-2 (Manufacturing & Heavy Industrial).

G. The current quarry site is zoned M-2 and is operating pursuant to a Conditional Use Permit. Although the current quarry may continue as a quarry, the inclusion of the adjoining 29.67 +/- acre properties as part of the existing operation requires a Conditional Use Permit. Without a change in zoning and a CUP, the economic use of the property may be reduced.

H. The proposed Conditional Use Permit will not be a deterrent to adjoining development as the existing quarry operations will not change. The surrounding properties are designated by the Flowery Branch Comprehensive Plans as future commercial and/or industrial uses.

I. The quarry site is already within the City of Flowery Branch. The 29.67+/- acre site to be added is contiguous to the current City boundary and will not create an unincorporated island. The proposed zoning designation of M-2 (Manufacturing & Heavy Industrial) is consistent with the City's adopted Character Area Map.

J. The proposed zoning designation of M-2 (Manufacturing & Heavy Industrial) is consistent with the City's adopted Character Area Map. A Conditional Use Permit is required to operate a quarry. The proposed CUP is consistent with Article 14 Section 14.9 of the Zoning Code.

K. There is no expectation that inclusion of the 29.67+/- acre site into the existing quarry will impact drainage, soil erosion and sedimentation, flooding, air quality and water quality.

L. The Conditional Use Permit application is consistent with the Flowery Branch Land Use Plan and with the adjacent development patterns.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the 29.67 +/- acres of property shown on Exhibit "A" and legally described on Exhibit "B" approval to operate a quarry subject to the following conditions as identified on attached Exhibit "C". Said Exhibits are incorporated by reference as if fully set forth herein.

Approved this 21st Day of October 2021

_____
James M. Miller, Mayor

ATTEST

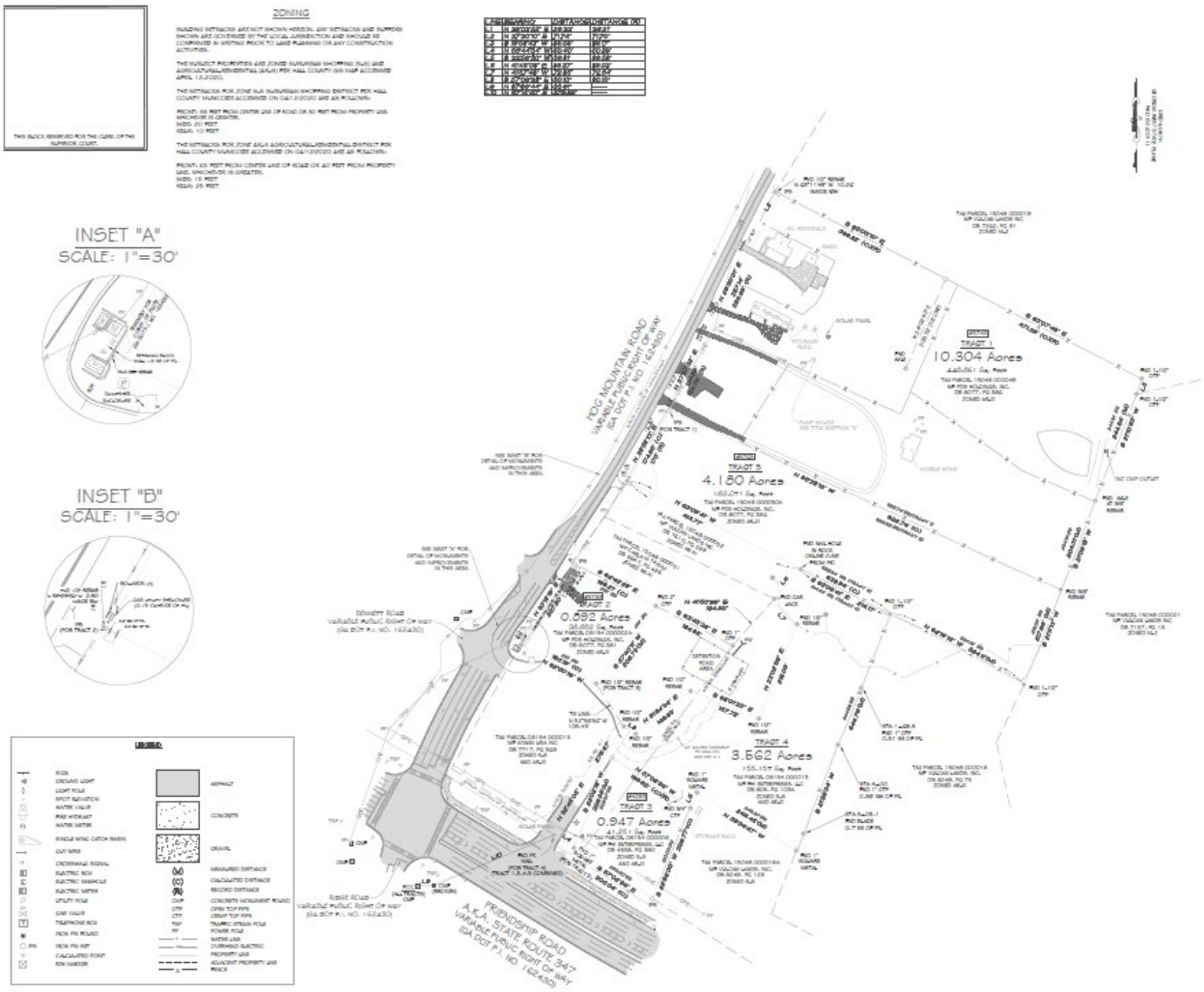
_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____

E. Ronald Bennett, Jr. City Attorney

Exhibit “A”



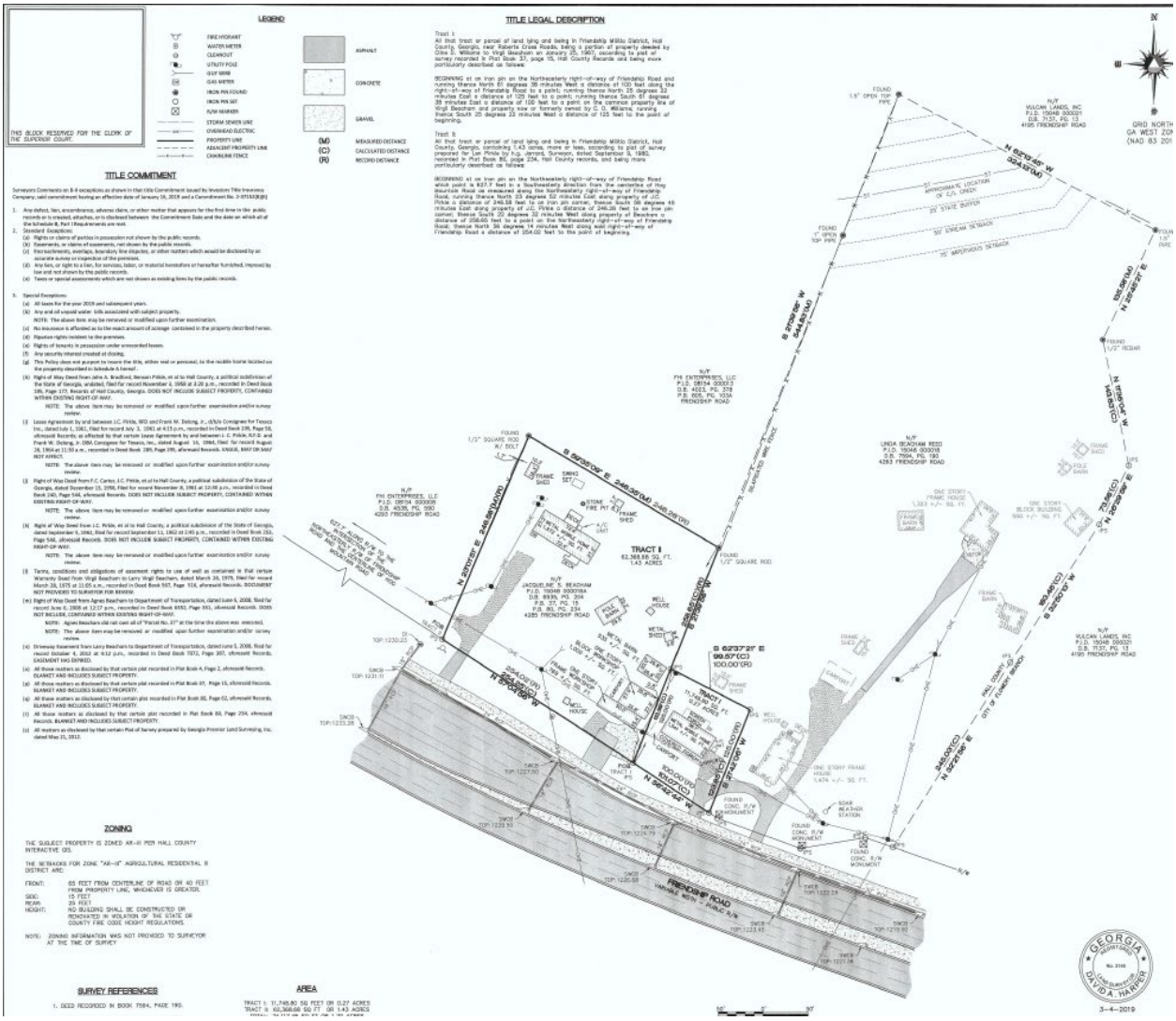

LEGEND
TITLE LEGAL DESCRIPTION
TITLE COMMITMENT
ZONING
SURVEY REFERENCES
AREA
TRACT I
FRIENDSHIP ROAD
GEORGIA
DAVID A. HARPER
3-4-2019

Exhibit "B"

Tax Parcel 15048 000049

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies); Thence continuing along said right of way proceeding North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING for herein described parcel of land; Thence the following courses and distances along the southeasterly right of way of Hog Mountain Road (right of way varies): North 29 Degrees 02 Minutes 55 Seconds East a distance of 26.22 feet to a point; North 27 Degrees 37 Minutes 32 Seconds East a distance of 134.86 feet to a point; North 26 Degrees 30 Minutes 01 Seconds East a distance of 287.14 feet to a point;North 27 Degrees 20 Minutes 10 Seconds East a distance of 71.74 feet to a set capped 5/8" rebar;Thence departing from said right of way and proceeding South 63 Degrees 00 Minutes 10 Seconds East a distance of 399.82 feet to a set capped 5/8" rebar; Thence South 63 Degrees 07 Minutes 49 Seconds East a distance of 471.35 feet to a found 1-1/2" open top pipe; Thence South 19 Degrees 08 Minutes 43 Seconds West a distance of 35.05 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 10 Minutes 53 Seconds West a distance of 244.54 feet to a found axle; Thence South 21 Degrees 09 Minutes 18 Seconds West a distance of 204.31 feet to a found 3/8" rebar; Thence North 65 Degrees 28 Minutes 13 Seconds West a distance of 922.74 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road, which is the POINT OF BEGINNING. Said parcel contains 448,861 square feet or 10.304 acres.

AS-SURVEYED DESCRIPTION
TRACT 2
Tax Parcel 08154 000002A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly Right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East a distance of 275.67 feet to a found 1/2" rebar; Thence North 32 Degrees 58 Minutes 56 Seconds West a distance of 109.45 feet to a found 1/2" rebar which is the POINT OF BEGINNING for herein described parcel of land; Thence North 62 Degrees 50 Minutes 16 Seconds West a distance of 180.19 feet to a found 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies); Thence along said right of way North 33 Degrees 18 Minutes 19 Seconds East a distance of 207.80 feet to a set 5/8" capped rebar; Thence departing from said right of way proceeding South 62 Degrees 43 Minutes 28 Seconds East a distance of 196.21 feet to a found 2" open top pipe; Thence South 37 Degrees 40 Minutes 11 Seconds West a distance of 209.73 feet to a found 1/2" rebar, which is the POINT OF BEGINNING. Said parcel contains 38,852 square feet or 0.892 acres.

AS-SURVEYED DESCRIPTION
TRACT 3
Tax Parcel 08154 000008

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence run South 56 Degrees 44 Minutes 34 Seconds East along said right of way for a distance of 50.40 feet to a found 1" square metal on said right of way which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 23 Degrees 02 Minutes 18 Seconds East a distance of 209.35 feet to a set capped 5/8" rebar; Thence South 57 Degrees 08 Minutes 54 Seconds East a distance of 199.62 feet to a found 3/4" crimp top pipe; Thence South 22 Degrees 56 Minutes 30 Seconds West a distance of 209.77 feet to a set 5/8" capped rebar on the northeasterly right of way of Friendship Road; Thence run North 57 Degrees 02 Minutes 54 Seconds West along said right of way a distance of 200.04 feet to a found 1" square metal, which is the POINT OF BEGINNING. Said parcel contains 41,251 square feet or 0.947 acres.

TRACT 4
Tax Parcel 08154 000013

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road, which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.58 feet back from said point; Thence South 63 Degrees 09 Minutes 41 Seconds East for a distance of 214.17 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 39 Minutes 34 Seconds West for a distance of 544.76 feet to a found 1" square metal; Thence North 59 Degrees 34 Minutes 47 Seconds West for a distance of 246.45 feet to a 1" square metal; Thence South 22 Degrees 56 Minutes 30 Seconds West for a distance of 36.81 feet to a found 3/4" crimp top pipe; Thence North 57 Degrees 08 Minutes 54 Seconds West for a distance of 199.62 feet to a set capped 5/8" rebar; Thence South 23 Degrees 02 Minutes 18 Seconds West for a distance of 209.35 feet to a found 1" square metal on the northeasterly right of way of Friendship Road; Thence run North 56 Degrees 44 Minutes 34 Seconds West along said right of way for a distance of 50.40 feet to a found PK nail in asphalt, which is the POINT OF BEGINNING. Said parcel contains 155,157 square feet or 3.562 acres.

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.58 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies), which is the POINT OF BEGINNING for herein described parcel of land; Thence proceeding along said right of way North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar; Thence departing from said right of way proceeding South 65 Degrees 28 Minutes 13 Seconds East a distance of 922.74 feet to a found 3/8" rebar; Thence South 21 Degrees 11 Minutes 13 Seconds West a distance of 217.96 feet to a found 1-1/2" open top pipe; Thence North 62 Degrees 16 Minutes 13 Seconds West a distance of 324.11 feet to a found 1-1/2" open top pipe; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 628.94 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING. Said parcel contains 182,071 square feet or 4.180 acres.

All that tract or parcel of land lying and being in the State of Georgia, County of Hall, 1419th, Friendship District, and more particularly described as follows:

BEGINNING at an iron pin corner on the Gainesville-Lawrenceville Ridge Road, running in an easterly direction 420 feet along the line of Alvie King to an iron pin corner; thence in a southerly direction 210 feet along the line of J. C. Pirkle to an iron pin corner; thence in a westerly direction 420 feet along the line of J. C. Pirkle to an iron pin corner; thence along the Gainesville-Lawrenceville Ridge Road, northerly, to the point of beginning 210 feet.

Said tract is a part of the land conveyed to J. C. Pirkle by H. F. Williams October 30, 1937, according to survey made by S. C. Moon in August 1936, and recorded in Plat Book 4, page 2, Hall County Records.

LESS AND EXCEPT: All that tract or parcel of land lying and being in the State of Georgia, Count of Hall, 1419 Friendship District, being more particularly described as follows:

BEGINNING at an iron pin corner on the northerly side of the Gainesville-Lawrenceville Ridge Road at the property line of Paul Henderson, formerly Alvy King property and running thence in an easterly direction 420 feet along the property of Paul Henderson to an iron pin corner; thence in a southerly direction a distance of 84 feet along the property line of J. C. Pirkle to an iron pin corner and other property of the Grantor herein; thence in a northwesterly direction a distance of 420 feet to the Gainesville-Lawrenceville Ridge Road; thence along the Gainesville-Lawrenceville Ridge Road in a northeasterly direction a distance of 85 feet to an iron pin corner and point of beginning.

Being one and the same property conveyed by Warranty Deed dated March 23, 2000, from Ruby Lois McDaniel, as Grantor, to Carla M. Tatum, as Grantee, recorded in Deed Book 3647, Page 426, Hall County, Georgia Records.

All that tract or parcel of land lying and being in the State of Georgia, County of Hall, 1419 Friendship District, being more particularly described as follows:

Beginning at an iron pin corner on the northerly side of Gainesville-Lawrenceville Ridge Road at the property line at Paul Henderson , formerly Alvy King property and running thence in an easterly direction 420 feet; thence in a southerly direction a distance of 84 feet along the property of Douglas L. McDaniel; thence in a northwesterly direction a distance of 420 feet to the Gainesville-Lawrenceville Ridge Road; thence along the Gainesville-Lawrenceville Ridge Road in a northeasterly direction a distance of 85 feet to an iron pin corner and the true point of beginning.

All that tract or parcel of land lying and being in Friendship Militia District, Hall County, Georgia, near Roberts Cross Roads, being a portion of property deeded by Cline D. Williams to Virgil Beacham on January 25, 1967, according to plat of survey recorded in plat book 37, page 15, Hall County Records and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Friendship Road and running thence North 61° 38 minutes west a distance of 100 feet along the right-of-way of Friendship Road to a point; Running thence North 25° 22 minutes east a distance of 125 feet to a point; running thence South 61° 38 minutes east a distance of 100 feet to a point on the common property line of Virgil Beacham and property now or formerly owned by CD Williams; running thence South 25° 22 minutes west a distance of 125 feet to the point of beginning.

Tract II:

All that tract or parcel of land lying and being in Friendship Militia District, Hall County, Georgia, containing 1.43 acres, more or less, according to plat of survey prepared for Lynne Pirkle by h.g. Jarrard, surveyor, dated September 9, 1980, recorded in plat book 80, page 234, hall county records, and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Friendship Road which point is 627.7 feet in a southeasterly direction from the centerline of Hog Mountain Road as measured along the northeasterly right-of-way of Friendship Road, running thence north 23° 52 minutes east along property of JC Pirkle a distance of 246.58 feet to an iron pin corner, thence South 58° 45 minutes east along property of JC Pirkle a distance of 246.26 feet to an iron pin corner; thence South 22° 32 minutes west along property of Beacham a distance of 258.65 feet to a point on the northeasterly right-of-way of Friendship Road; thence North 56° 14 minutes west along said right-of-way of Friendship Road a distance of 254.02 feet to the point of beginning.

All that tract or parcel of land lying and being in Friendship GMD 1419, Hall County, Georgia and being more particularly described as follows;

To find the true point of beginning, commence at the intersection of the northerly right-of-way a Friendship Road (right-of-way varies) in the easterly right of way of Hog Mountain Road (right-

of-way varies); THENCE traveling on said normally right-of-way of Friendship Road and in a generally southeasterly direction for a distance of 941.27 feet to a point, said point marked by a half inch rebar pin found, said point being the TRUE POINT OF BEGINNING.

THENCE from said point as thus established, leaving said right-of-way and traveling north 21° 42 minutes 02 seconds east for a distance of 125.00 feet to a point, said point marked by a half inch rebar pin found; THENCE North 62° 37 minutes 21 seconds west for a distance of 100.00 feet to a point, said point marked by a half inch rebar pin found; THENCE North 21° 42 minutes 02 seconds east for a distance of 690.14 feet to a point, said point marked by a 1.5 inch open top pipe found; THENCE South 62° 15 minutes 38 seconds east for a distance of 121.88 feet to a point, said point marked by a half inch rebar pin found; THENCE South 62° 15 minutes 38 seconds east for a distance of 202.30 feet to a point, said point marked by a 1 inch open top pipe found; THENCE South 25° 46 minutes 19 seconds west for a distance of 135.85 feet to a point, said point marked by a half inch rebar pin found; THENCE South 11° 36 minutes four seconds east for a distance of 143.63 feet to a point, said point marked by a half inch rebar pin found; THENCE South 26° 29 minutes 59 seconds west for a distance of 73.58 feet to a point, said point marked by a half inch rebar pin found; THENCE South 32° 15 minutes 13 seconds west for a distance of 183.46 feet to a point, said point marked by a half inch rebar pin found; THENCE South 32° 21 minutes 56 Seconds west for a distance of 245.03 feet to a point on the northerly right-of-way of Friendship Road (right-of-way varies), said point marked by a half inch rebar pin found; THENCE traveling on said right-of-way the following five (5) courses and distances:

North 70° 56 minutes 52 seconds west for a distance of 32.60 feet to a point; THENCE South 80° 39 minutes 51 seconds west for distance of 33.22 feet to a point, said point marked by a half inch rebar pin found; THENCE South 80° 39 minutes 51 seconds west from a distance of 40.40 feet to a point; THENCE North 69° 37 minutes 15 seconds west for a distance of 98.73 feet to a point; THENCE North 62° 37 minutes 21 seconds west for a distance of 10.87 feet to a point, said point marked by a half inch rebar pin found, said point being THE TRUE POINT OF BEGINNING.

Said property contains 5.998 acres.

Exhibit "C"

The City Council grants to the multiple parcels of land owned by Vulcan Construction Materials, LP, being 29.67 +/- acres as shown on Exhibit "A", and legally described on Exhibit "B", an approval to operate a quarry, subject to the following conditions set forth below.

1. State Permits. The property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a full and complete copy of all approved state permits required for operation of the quarry, including but not necessarily limited to air quality (for both the quarry operation and any site tenants, i.e., asphalt and concrete plants). Whenever a revision or renewal of any such state permit is required or sought, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a full and complete copy of all such applications pending along with relevant correspondence from governing state agencies regarding the disposition of the application for permit revision or renewal.

2. Noise Studies and Sound Level Monitoring. At least once every three years, unless otherwise requested by the Zoning Administrator, beginning no later than the date this CUP is approved, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a copy of a noise study meeting specifications and content details of the noise studies referenced in the Planning Evaluation and Staff Report for Ordinance No. 344. The study shall provide specific measurements at multiple locations along the perimeter of the property ownership boundary. Said noise study shall evaluate observed sound levels with noise standards of the City of Flowery Branch as contained in its comprehensive plan and/or zoning ordinance. At any points where sound levels from such noise studies reveal that the acceptable noise threshold of the City of Flowery Branch of operational sounds (as distinguished from off-site, ambient noise) is exceeded, the professional preparing the noise study shall recommend and the property owner shall propose noise mitigation measures and a time frame for their implementation acceptable to the City of Flowery Branch. Mitigation measures may include but shall not be limited to berms and noise attenuation barriers.

3. Hours of Operation. Hours of operation of the quarry and any on-site tenants (i.e., asphalt and concrete plants) shall be limited to 6:00 a.m. to 10:00 p.m., Monday through Saturday, with the exception that: Hours of operation (but not including blasting) may be extended to 24 hour a day and Sunday operations as reasonably necessary for the applicant or any tenant to supply materials to a governmental project. In all such cases the applicant for tenant shall submit a copy of the executed governmental contract for which such extended hours are reasonably necessary to the Manager of Planning and Community Development of the City of Flowery Branch within five days of receipt of the contract. Applicant or tenant shall also supply an anticipated schedule of extended operating hours pertaining to the contract to show that such extended hours are authorized by this condition. This exception shall only be permitted for the duration of government contracts only. Outside of authorized operating hours, access to the property shall be controlled by the front gate being locked.

4. Activity Setback. The proposed extraction shall not take place within one hundred (100) feet of a property line.

5. Stockpiles. Product piles, spoil piles, and other accumulations of by-products shall not be created to a height more than thirty-five (35) feet above the original contour.

6. Fencing. Applicant shall maintain all existing fencing. Modification of any fencing shall require prior approval from the Zoning Administrator. In submitting any future fencing site plan, the property owner shall indicate where new fencing (and the type of fencing) is proposed. The fencing site plan shall be subject to the approval of the Director of Planning and Community Development of the City of Flowery Branch, and for good cause shown, the Director may disapprove of any site plan that does not provide adequate security of the work of the quarry operation and/or the entire ownership rite.

7. Tenant Sites. There shall be no tenant sites or tenant operations on the subject properties.

8. Blasting. The property owner shall be continuously responsible for assuring that blasting meets the Georgia Blasting Standards Act and the safe blasting limit of 2.0 inches per second, peak particle velocity. The property owner shall achieve compliance with this condition by monitoring blast operations. Upon request, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a copy of all such monitoring results from a qualified professional. In addition, any correspondence between the property owner and the State Fire Marshall relative to compliance with the Georgia Blasting Standards Act shall be submitted within ten (10) days to the Manager of Planning and Community Development of the City of Flowery Branch.

   Blasting on the quarry property shall only be done between the hours of 10:00 a.m. and 5:00 p.m. on weekdays (except on holidays, when no blasting shall be allowed). Blasting shall not be done at other times, except when necessary to detonate a loaded shot that could not be detonated because of adverse weather or other conditions that could not be reasonably foreseen, to maintain blasting safety, or as required to comply with applicable governmental requirements. Vulcan shall notify the Manager of Planning and Community Development of the City of Flowery Branch of any blast that occurs outside the prescribed times of day and state why such blast occurred outside of such time within 24 hours of such blast.

9. Access Limited. There shall be no access from Blackjack Road, Hog Mountain Road, or Friendship Road to the subject properties.

10. As-built screening conditions and vegetation and stabilization plan for berms and buffers. Applicant shall maintain all existing berms and buffers areas as previously required. Modification of any berm or buffer area shall require prior approval from the Zoning Administrator.

11. Third-Party Monitoring. As long as the quarry is operating, the property owner agrees to contract with, at no cost to the City, a third-party monitoring company to investigate and respond to any written complaints received by the City of Flowery Branch regarding blasting operations at the Friendship Quarry and subject property. The company shall respond within five (5) working days of being notified by the City of a written complaint. Written responses shall be required to be submitted by the third-party monitoring company to the Manager of Planning and Community Development when, in his opinion, the complaint has merit.

12. Community Advisory Council.

    a. The property owner agrees to continue holding periodic Community Advisory Council meetings in the area of the subject property, such as at Friendship or Cornerstone Baptist Church, or other institution in the area, in order to periodically educate neighbors and residents and business owners in the area, about the operations, the industry generally, and changes to site plans and conditions. Such meetings shall not be held less frequently than one per quarter year.

    b. At such meetings, the property owner will report the progress made toward compliance with these conditions of zoning, disclose any formal complaints received by the City of Flowery Branch that have been forwarded to the property owner, describe "best practices" for safety, land management, environmental protection, and site operations being implemented or contemplated for implementation, present any special studies required by these conditions of zoning, and explain other appropriate or salient features of the property and its operations.

13. Incorporation of 29.67 +/- acre site. Prior to inclusion of the 29.67 +/- acres of the subject property into the existing quarry, applicant shall submit a revised overall site plan, fencing plan and berm plan for the added area. Plan shall indicate appropriate security fencing and required buffers as identified in the above listed conditions and as determined by the Zoning Administrator. In the event that fencing and berms are required, applicant shall construct said fencing and berms within 60 days of including the property into the overall site operations.

14. Conditions. All adopted conditions of approval shall apply regardless of any change of ownership. Failure to comply with any of the conditions contained herein or those identified within Article 14 Section 14.9 of the adopted Zoning Code may result in revocation of this grant.

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

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

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

FACTS AND ISSUES:
Applicant wishes to develop a 38 +/- acre portion of the parcel for industrial warehouse/office use.
This is the first read of this ordinance.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve first read.

SAMPLE MOTION:
I make a motion to approve the first read of ordinance 652.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- Thurmon Tanner HInes Signed Application.pdf
- Hines - owner signature page - from Tred .pdf
- Full Staff Report September 16.pdf
- Hines Ordinance.pdf

Flowery Branch

REZONING APPLICATION

Date: June 30, 2021

Address of Request:
Thurmon Tanner Parkway (Parcel 08097 000008)

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

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

Currently a conforming use? N/A

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

Applicant Information

Name: Hines Acquisitions, LLC

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

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

Phone number: 770-804-4654

Signature: , Managing Director

Notary: Lisa R. Graham
NOTARY PUBLIC

LISA R. GRAHAM NOTARY PUBLIC COMMISSION EXPIRES Oct. 5, 2021 HALL COUNTY, GA

Flowery Branch

Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: _____

Notary:

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

Property Information

Tax Map Number: 08097 000008

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

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

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

Current Use: Vacant Land

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

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

- Legal description
- Current survey of property

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

Conflict of Interest Disclosure

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

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

None

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

None

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

None

Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
None	

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Flowery Branch

5

Flowery Branch

REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 30, 2021

Address of Request:
Thurmon Tanner Parkway (Parcel 08097 000008)

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

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. Approximately $30,000,000
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). Assessed Value: Approximately $12,000,000
   Estimated Taxes: $39,168
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Approximately between 12-24 months
4. Anticipated total square footage (heated) to be built in the requested number of units. 336,960 SF of Light Industrial
5. Total acreage developed with units. 37.8 acres
6. Total acreage for right of way and roads. N/A
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
8. Acreage required for buffer and watershed protection.
   - Does the buffer comply with the current City ordinance? Yes
   - Do individual property lines for lots extend into the buffer? N/A
   - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? No

9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail) No

10. Please identify all amenities and total number of acres they incorporate by complete description. Approximately 5 acres will be preserved as natural areas.

11. Number of street lights and separation table as proposed on your site plan. N/A

12. Will Technology Development be included in this development? Fiber for businesses

13. List the total linear feet and cubic yards for sidewalks. Approximately 1,940 LF of sidewalk

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

15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues? Please reference exhibit

16. Does the proposal provide for utilization of "reuse" water? Is this depicted on the plans? Do the plans provide for storage of "reuse" water? No

17. What is the total capacity for daily Wastewater Management? Approx. 3,750 gal/day

18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? Approx. 4,500 gal/day

19. Has a slope and grade study been done on this development? Does the study reflect density placement? Not at this time

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

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

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

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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____

Hines

June 30, 2021

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

RE: Thurmon Tanner Parkway (Parcel 08097 000008)

Dear Mr. Atkinson and Ms. Short:

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

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

Hines

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

a. The current site plan of the proposed project will utilize the existing road infrastructure along Thurmon Tanner Parkway with only minor modifications to turn lanes expected. We believe the existing road and utility infrastructure is well designed for our project. Industrial projects do not place any additional burden on the school system, but will provide additional funding from property tax payments. The requested rezoning from Highway Business (HB) to Manufacturing & Industrial, Light (M1) will not create additional traffic. The previous planned use as a retail center would have produced daily traffic counts of approximately 3,000 daily trips. The proposed project will produce daily traffic counts of approximately 950 daily trips.

5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

a. While the future land use shows the site as Highway Business, we believe extending the M1 zoning from the adjacent parcel conforms with the character of the area.

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

a. Online sales as a percentage of overall retail sales have dramatically increased over the last 15 years from only 5% in 2005 to 20% in 2021. This creates the need for more industrial space and less traditional retail space as consumer buying habits have changed, particularly in light of the pandemic. We believe these changing conditions support the request to approve the proposal to allow for industrial development to occur to support the growth of online shopping.

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

a. The adjacent parcel immediately to the north, also being developed by Hines, is industrial. We are proposing to subdivide the property so that the frontage acreage along Phil Niekro Blvd remains HB to support retail development that is enabled by the proposed industrial development.

Hines

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

a. The property has been actively marketed by Radial Property Group since 2003 for Retail use. Due to its size and the diminishing demand for large retail centers it is not viable with the existing zoning at virtually any price. While difficult to ascertain, the value of the land with the proposed M1 zoning would be several multiples higher compared to the existing HB zoning.

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

a. The adjacent property is currently vacant land and the proposed M1 zoning would create meaningful job creation to support and enable the vacant HB land to be developed and be an increase to the value of adjacent property.

10. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts

a. The immediately adjacent property to the north is zoned M1 and would not create an isolated zoning district.

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

a. The proposed zoning amendment would be consistent with the character of the adjacent M1 zoning development.

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

a. The project is being designed with Eberly & Associates to ensure the highest level of quality. While we are developing two buildings on the site, we have left the stream and associated buffers in place along with a natural buffer between the project and I-985 with approximately 7 acres of land to be left undeveloped as currently planned.

Hines

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

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

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

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

Sincerely,

Ryan D. Wood

Managing Director

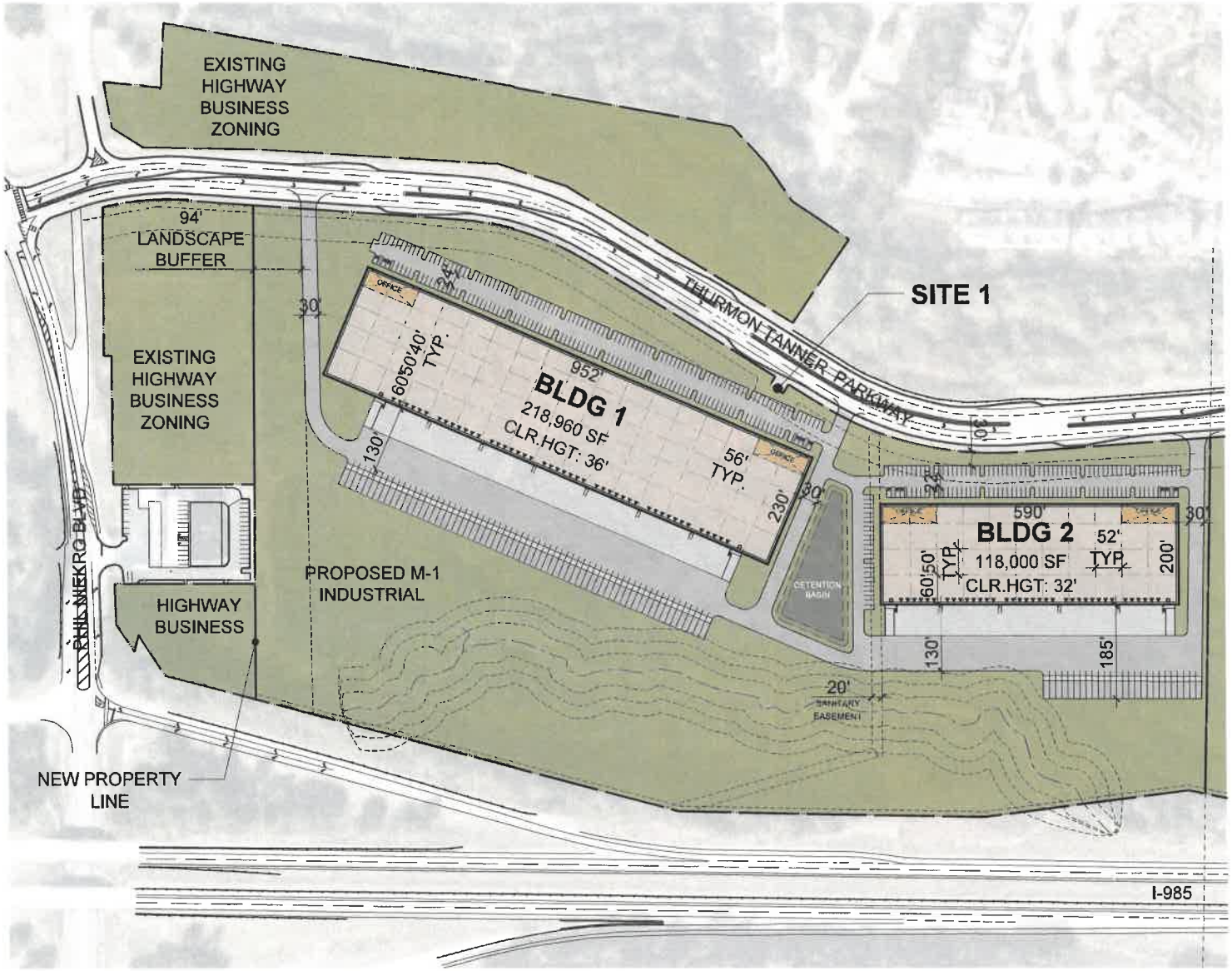
Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management



PROJECT DATA: SITE 1

SITE AREA:			
GROSS:			37.83 AC
			1,647,971 SF
DETENTION:		@ 2%	27,663 SF
NET:			37.20 AC
			1,620,308 SF
BUILDING AREA:	OFFICE	FOOTPRINT:	
BUILDING 1	8,948 SF	218,960 SF	
BUILDING 2	4,720 SF	118,000 SF	
TOTAL:	13,668 SF	336,960 SF	
BUILDING USE:			
WAREHOUSE			323,292 SF
OFFICE		4%	13,668 SF
COVERAGE:			
GROSS:			20%
BUILDING 1			
▲ DOCK-HIGH DOORS			46
O GRADE-LEVEL DOORS			2
PARKING REQUIRED:			
WAREHOUSE	1/2000 SF		109 STALLS
OFFICE	1/300 SF		30 STALLS
TOTAL			139 STALLS
PARKING PROVIDED:			188 STALLS
			@0.86/1000 SF
REQ. ACCESSIBLE			*6 STALLS*
TRAILER:			*65 STALLS*
BUILDING 2			
▲ DOCK-HIGH DOORS			36
O GRADE-LEVEL DOORS			2
PARKING REQUIRED:			
WAREHOUSE	1/2000 SF		59 STALLS
OFFICE	1/300 SF		16 STALLS
TOTAL			75 STALLS
PARKING PROVIDED:			140 STALLS
			@1.19/1000 SF
REQ. ACCESSIBLE			*5 STALLS*
TRAILER:			*26 STALLS*

This conceptual design is based upon a preliminary review of entitlement requirements and an unverified and potentially incomplete site and/or building information, and is provided merely to assist in exploring how the project might be developed.

Stormwater Management Design
CIVIL ENGINEERED

Boundary Survey
CIVIL CAD

Hines

scheme: 13

Conceptual Site Plan

Thurmon Tanner Pkwy
Flowery Branch, GA 30542, USA

WARE MALCOMB

NT_0-0015-00
06.10.2021

1

Hines

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

CONCEPTUAL DESIGN

HINES - THURMON TANNER

FLOWERY BRANCH, GEORGIA ATL20-0015-00

WARE MALCOMB

THE PURPOSE OF THIS PLAT IS TO DIVIDE TAX PARCEL 08097 000008 INTO FOUR SEPARATE TAX PARCELS.

RESERVED FOR CLERK OF COURT

EAST MAIN STREET (VARIABLE WIDTH PUBLIC R/W)

THURMON TANNER PARKWAY A/K/A SOUTH HALL INDUSTRIAL PARKWAY (VARIABLE WIDTH PUBLIC R/W)

PHIL NIEKRO BOULEVARD (VARIABLE WIDTH PUBLIC R/W)

INTERSTATE HIGHWAY I-985 GEORGIA S.R. #365 (VARIABLE WIDTH LIMITED ACCESS PUBLIC R/W)

GRID NORTH GEORGIA WEST ZONE

NOTE: NOT ALL IMPROVEMENTS ARE SHOWN ON OR AROUND TRACTS 2, 3, AND 4.

TRACT 1
N/F
ATLANTA ONE LIMITED PARTNERSHIP
DB 1686 PG 326
PB 804 PG 60A
AREA=35.000 ACRES
OR 1,524,600 SQ.FT.
ZONED M-1 (FLOWERY BRANCH)
TAX PARCEL: 08097 000008
VACANT

TRACT 2
N/F
ATLANTA ONE LIMITED PARTNERSHIP
DB 1686 PG 326
PB 804 PG 60A
AREA=37.832 ACRES
OR 1,647,971 SQ.FT.
ZONED HB (FLOWERY BRANCH)
TAX PARCEL: 08097 000008
VACANT

TRACT 3
N/F
ATLANTA ONE LIMITED PARTNERSHIP
DB 1686 PG 326
PB 804 PG 60A
AREA=3.658 ACRES
OR 159,334 SQ.FT.
ZONED HB (FLOWERY BRANCH)
TAX PARCEL: 08097 000008
VACANT

TRACT 4
N/F
ATLANTA ONE LIMITED PARTNERSHIP
DB 1686 PG 326
PB 804 PG 60A
AREA=1.118 ACRES
OR 48,715 SQ.FT.
ZONED HB (FLOWERY BRANCH)
TAX PARCEL: 08097 000008
VACANT

N/F
GEORGIA-ALABAMA COMMERCIAL INVESTMENTS, LLC
DB 8049 PG 280
ZONED HB (FLOWERY BRANCH)

N/F
H. T. PORTER
(PER PLAT REF. #1)

N/F
ATLANTA ONE LIMITED PARTNERSHIP
DB 1686 PG 326
ZONED HB (FLOWERY BRANCH)
TAX PARCEL: 08097 000008
VACANT

25' STATE WATERS BUFFER FROM TOP OF BANK
50' NON-DISTURB BUFFER FROM TOP OF BANK
75' IMPERVIOUS BUFFER FROM TOP OF BANK
20' SANITARY SEWER EASEMENT PER DB 4710 PG 300
10' JACKSON E.M.C. UNDERGROUND POWER EASEMENT PER DB 3586 PG 196
SA-COLLINE - SEE SHEET 1 OF 2

GRAPHIC SCALE - FEET (100 0 100 200 300)

FOR ALL NOTES - SEE SHEET 1 OF 1.

VICINITY MAP
NOT TO SCALE

SITE

LEGEND

BROKEN LINE NOT TO SCALE
FENCE LINE
GUARDRAIL
UNDERGROUND GAS LINE
OVERHEAD ELECTRIC LINE
OVERHEAD TELEPHONE LINE
SANITARY SEWER LINE
UNDERGROUND ELECTRIC LINE
UNDERGROUND TELEPHONE LINE
UNKNOWN LAND BOUNDARY LINE
WATER LINE
WETLAND AREA
CATCH BASIN SINGLE WING
CATCH BASIN DOUBLE WING
COMPUTED POINT
BORE/GUIDE HOLE
CLEAN-OUT
COMMUNICATION BOX
ELECTRIC BOX
ELECTRIC PANEL OR LINE MARKER
ELECTRIC MANHOLE
ELECTRIC METER
ELECTRIC OUTLET
ELECTRIC SWITCH
FIBER OPTIC BOX
FIBER OPTIC LINE MARKER
FIRE DEPT. CONNECTION
FIRE HYDRANT
FLARED END SECTION
GAS LINE MARKER
GAS METER
GAS VALVE
GROUND LIGHT
GUY POLE
GUY WIRE
HEADWALL
HEATING/AIR CONDITIONING UNIT
IRRIGATION CONTROL VALVE
LIGHT POLE
POST INDICATOR VALVE
POWER POLE
SANITARY SEWER MANHOLE
SIGN POST
STORM WATER DROP INLET
STORM WATER JUNCTION BOX
STORM WATER YARD INLET
TELEPHONE MANHOLE
TELEPHONE POLE
TRAFFIC SIGNAL BOX
TRAFFIC SIGNAL POLE
WATER MANHOLE
WATER METER
WATER VALVE
WATER VALVE/LINE MARKER
BO BOLLARD
CMF CONCRETE MONUMENT FOUND
CTF CRIMPED TOP PIPE FOUND
IPS 1/2" IRON PIN SET
MB MAIL BOX
OTF OPEN TOP PIPE FOUND
PKF PK NAIL FOUND
PKS PK NAIL SET
RBF REBAR FOUND
RMF REGISTER MONUMENT FOUND
SO STUB OUT
BSL BUILDING SETBACK LINE
C&G CURB & GUTTER
CP CONCRETE PAD
CLF CHAIN LINK FENCE
CMP CORRUGATED METAL PIPE
DB PG DEED BOOK & PAGE
DIP DUCTILE IRON PIPE
HC HEADER CURB
HDPE HIGH DENSITY POLYETHYLENE PIPE
OCS OUTLET CONTROL STRUCTURE
PB PG PLAT BOOK & PAGE
PVC PLASTIC PIPE
RCP REINFORCED CONCRETE PIPE

STATE OF GEORGIA PLAT ACT CERTIFICATION

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR. THIS PLAT HAS BEEN APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS THAT REQUIRE PRIOR APPROVAL FOR RECORDING THE PLAT, OR FOR ANY OTHER WORK OF THE APPLICABLE LOCAL JURISDICTION DO NOT REQUIRE APPROVAL OF THIS TYPE OF PLAT. FOR ANY APPLICABLE LOCAL JURISDICTION THAT REQUIRES APPROVAL OF THIS TYPE OF PLAT, THE NAMES OF THE INDIVIDUALS MAKING OR APPROVING THIS PLAT, THE AGENCY OR ENTITY OF THAT INDIVIDUAL, AND THE DATE OF APPROVAL ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON. FOR ANY APPLICABLE LOCAL JURISDICTION THAT DOES NOT REQUIRE APPROVAL OF THIS TYPE OF PLAT, THE NAME OF SUCH LOCAL JURISDICTION, AND THE NUMBER OF THE APPLICABLE ORDINANCE OR RESOLUTION PROVIDING THAT SUCH APPROVAL IS REQUIRED ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON. SUCH APPROVALS, AFFIRMATIONS, OR ORDINANCE OR RESOLUTION NUMBERS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRANTS FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS REQUIRED BY O.C.G.A. SECTION 15-6-67.

GLENN A. VALENTINO GA REG. #2536
DATE OF EXPIRATION: 12/31/2022

SUBDIVISION PLAT FOR:

HINES ACQUISITIONS, LLC

LAND LOT 97 8TH DISTRICT CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA

VALENTINO & ASSOCIATES, INC.
LAND SURVEYORS
4045 ORCHARD ROAD
BUILDING 200
SMYRNA, GEORGIA 30080
PHONE: (770) 435-0015
FAX: (770) 435-6050
WEB: VALENTINOSURVEYS.COM
STATE OF GEORGIA LAND SURVEYING FIRM LICENSE NO. LSF000194

REVISIONS

7/25/21	REVISE TRACT 2, AND ADD TRACTS 3 AND 4
7/28/21	REVISE PER CITY OF FLOWERY BRANCH COMMENTS

GEORGIA REGISTERED No. 2536 LAND SURVEYOR GLENN A. VALENTINO

SCALE	1" = 100'
DATE	4/7/2021
JOB NUMBER	20-048
FILE NUMBER	20-048
PLOTTED	6/28/2021

SUBDIVISION PLAT

SHEET 2 OF 2

LEGAL DESCRIPTION – TRACT 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

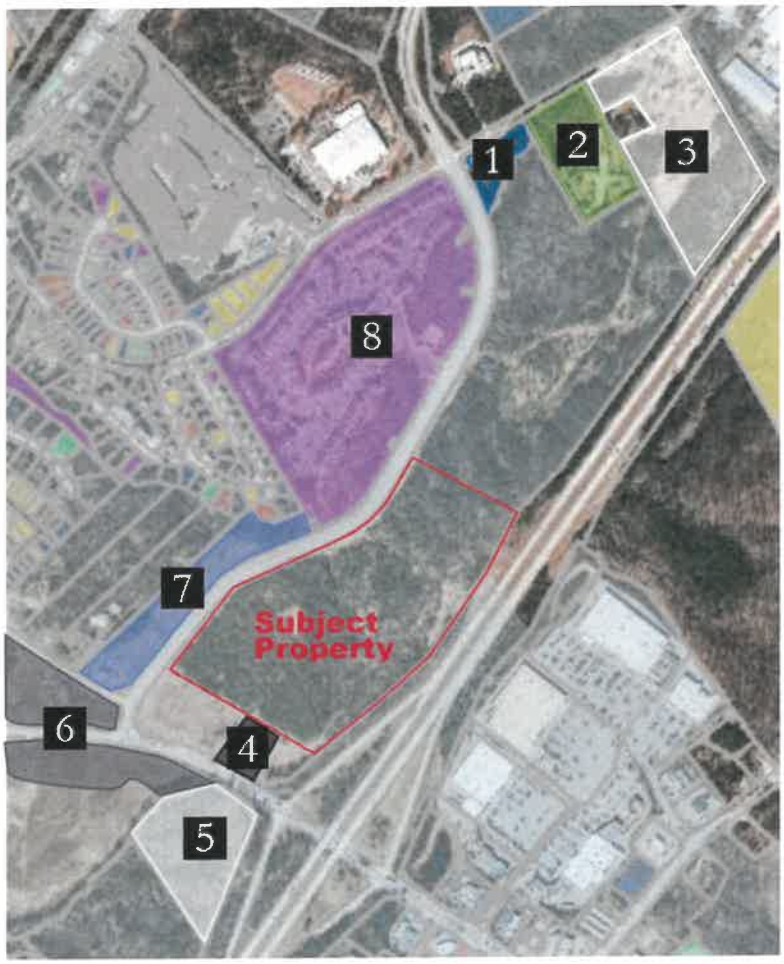
THENCE South 48 degrees 51 minutes 19 seconds West a distance of 552.20 feet to a 1/2" iron pin set, said 1/2" iron pin set being the POINT OF BEGINNING.

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

Thurmon Tanner – Hines Rezoning Application

Names and addresses of adjoining property owners

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



EBERLY & ASSOCIATES

LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

June 30, 2021

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

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

Dear Mr. Manson

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

Our findings were as follows:
337,000 s.f. of industrial space would generate 950 daily trips when the two buildings were built.
The previous site plan showed 295,000 s.f. of retail space, 16,200 s.f. of restaurant space, and approximately 50,000 s.f. of hotel space. This development would produce 3,000 daily trips.

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

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

Sincerely,
EBERLY & ASSOCIATES, INC.

Brian Brumfield, P.E.

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

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

WWW.EBERLY.NET

TEL: 770.452.7849
FAX: 770.452.0086

2951 FLOWERS ROAD SOUTH, SUITE 119
ATLANTA, GEORGIA 30341

Flowery Branch

Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: Charles A. Fodor

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

Notary: Wanda J. Peyerk

WANDA J. PEYERK
Notary Public, State of Michigan
County of Macomb
My Commission Expires December 9, 2022
Acting in the County of Oakland

Property Information

Tax Map Number: 08097 000008

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

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

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

Current Use: Vacant Land

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

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

- Legal description
- Current survey of property

Staff Report
Hines – Thurmon Tanner
Ordinance 652

Request

A request from Hines Acquisitions, LLC. to rezone a 37.8 +/- acre portion of a tract of land identified as 0 Thurmon Tanner Road, tax parcel number 08097 000008, from HB (Highway Business) to M1 (Light Industrial).

The proposed project consists of two office warehouses with the current Highway Business zoning to remain in place along Phil Niekro Boulevard.

Currently, the parcel in question are designated as part of the "Activity Center" character area by the comprehensive plan. This designation should remain in place for the area along Phil Niekro Boulevard, but the 37-acre tract should be designated as "Industrial Employment". The "Industrial Employment" character area is currently in place to the northeast of the proposed project,

Adding the M1 uses (office/warehouse) while maintaining the Highway Business designation allows the city to utilize Thurmon Tanner as an industrial corridor (for which it was designed) while still providing land for commercial and/or retail to serve the residents of Flowery Branch.

If the project is approved, staff recommends updating the character area to "Industrial Employment" for the area to be developed under M-1.

Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

(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 subject property has been vacant for many years and the proposed M1 use fits in the vision for Thurmon Tanner Parkway.

(g) Existing use(s) and zoning of the subject property and nearby properties. Currently vacant, the proposed use will fit in with, and enhance, the both the Thurmon Tanner and Phil Niekro Boulevard corridors.

(h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. Staff does not have a specific number regarding property value, but the current zoning classification of Highway Business has not warranted any proposed development on the site.

(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 to the remaining HB property and will be inline with the M1 use to the north.

(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 remaining HB portion will allow for the creation of more commercial retail uses to serve the Phil Niekro Boulevard corridor and the nearby residents while the M1 use enables Thurmon Tanner Parkway to be used as an industrial corridor as previously envisioned. The zoning change helps two major needs for the city – industrial uses and highway business commercial retail uses.

(l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. The 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 meet the intent of the Zoning Ordinance by providing different uses to serve the community.

Flowery Branch

"A" EXHIBIT

Flowery Branch

REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 30, 2021

Address of Request:
Thurmon Tanner Parkway (Parcel 08097 000008)

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

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. Approximately $30,000,000
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). Assessed Value: Approximately $12,000,000 Estimated Taxes: $39,168
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Approximately between 12-24 months
4. Anticipated total square footage (heated) to be built in the requested number of units. 336,960 SF of Light Industrial
5. Total acreage developed with units. 37.8 acres
6. Total acreage for right of way and roads. N/A
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
8. Acreage required for buffer and watershed protection.
   - Does the buffer comply with the current City ordinance? Yes
   - Do individual property lines for lots extend into the buffer? N/A
   - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? No

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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____

Hines

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

a. The current site plan of the proposed project will utilize the existing road infrastructure along Thurmon Tanner Parkway with only minor modifications to turn lanes expected. We believe the existing road and utility infrastructure is well designed for our project. Industrial projects do not place any additional burden on the school system, but will provide additional funding from property tax payments. The requested rezoning from Highway Business (HB) to Manufacturing & Industrial, Light (M1) will not create additional traffic. The previous planned use as a retail center would have produced daily traffic counts of approximately 3,000 daily trips. The proposed project will produce daily traffic counts of approximately 950 daily trips.

5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

a. While the future land use shows the site as Highway Business, we believe extending the M1 zoning from the adjacent parcel conforms with the character of the area.

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

a. Online sales as a percentage of overall retail sales have dramatically increased over the last 15 years from only 5% in 2005 to 20% in 2021. This creates the need for more industrial space and less traditional retail space as consumer buying habits have changed, particularly in light of the pandemic. We believe these changing conditions support the request to approve the proposal to allow for industrial development to occur to support the growth of online shopping.

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

a. The adjacent parcel immediately to the north, also being developed by Hines, is industrial. We are proposing to subdivide the property so that the frontage acreage along Phil Niekro Blvd remains HB to support retail development that is enabled by the proposed industrial development.

Hines

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

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

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

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

Sincerely,

Ryan D. Wood

Managing Director

Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management

August 30, 2021

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

RE: Thurmon Tanner Parkway (Parcel 08097 000008)

Dear Mr. Atkinson:

Hines

Please let this letter serve as a supplementary source of information following the first public hearing on August 5th. We heard several questions and concerns and wanted to address them directly to ensure accurate information is presented and readily available to council for consideration.

1. Traffic estimates (trucks vs cars, inter-parcel access, exit 14)
    a. According to our engineer's estimates as we presented at the public hearing on August 5th, we anticipate a combined total of approximately 950 automotive and truck trips (down from 3,000 for the previous use). The industry standard uses a pretty wide average where the range could be about 600 auto trips with 350 truck trips. On the other end of the average it could be approximately 600 truck trips and 350 auto trips. I would expect with this type of rear-load facility that caters to a higher percentage of office finish we would see a higher percentage of cars and a lower percentage of trucks in and out of this facility on a daily basis. Another thing to remember from a traffic perspective is the time of day these trips are made. Most truck trips are driven on off-peak hours to keep transportation costs down.
    b. Inter-parcel access was another topic that has come up regarding the design of the site plan. While inter-parcel access is very common among office and retail uses it is not common for industrial uses where safety and security are of critical importance. Our site plan is designed to separate cars and trucks as quickly as possible once entering the site. This is critical for the safety of employees. It also allows the tenants to secure their truck courts with multiple points of ingress and egress.
    c. This specific location is ideally situated between two interchanges along I-985.We believe that both interchanges will be utilized and will help spread trip counts and road use between Exit 14 and Exit 12. Trucks leaving the site heading north towards Gainesville or coming from Gainesville traveling south towards the site will likely utilize Exit 14.

Hines

Hines continues to believe the highest and best use for the property as proposed is a first class, modern logistics park that will create hundreds of jobs and investment in the City in the immediate future. The proposed industrial development will also create an opportunity for the retail land to be developed fronting Phil Niekro and the ~6.5 acres across Thurmon Tanner.

We sincerely appreciate the continued consideration and review of the Hines rezoning application by City of Flowery Branch staff and City Council and we are looking forward to working together on this exciting new project in Flowery Branch. Please do not hesitate to reach out to us to discuss in further detail if you have any questions or comments. We look forward to the work session on September 2nd.

Sincerely,

Ryan D. Wood

Managing Director

Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

ORDINANCE 652

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 37.8+/- ACRE PORTION OF AN 84.79 +/- ACRE TRACT OF LAND OWNED BY ATLANTA ONE LTD PARTNERSHIP COMMONLY KNOWN AS 0 THURMON TANNER PARKWAY, IDENTIFIED AS TAX PARCEL 08097 000008 AS SHOWN ON TRACT 2 OF ATTACHED EXHIBIT "A", AS DESCRIBED ON EXHIBIT "B", FROM HB (HIGHWAY BUSINESS) TO M-1 (LIGHT INDUSTRIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hines Acquisitions, LLC. desires to develop the 37.8+/- acre tract of land identified as tax parcel 08097 000008; shown on tract 2 of Exhibit "A"; and legally described on Exhibit "B"; and

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

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

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

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

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Flowery Branch HB (Highway Business) to Flowery Branch M-1 (Light Industrial) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. The property shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. The proposal is in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.

6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.

7. No determination has been made by staff with regard to the value differential between development under the current HB (Highway Business) as opposed to the proposed M-1 (Light Industrial).

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

9. There are no known adverse effects that would result from the changes to the M-1 zoning district.

10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The property as shown on tract 2 in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to M-1 (Light Industrial). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 21 day of October 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

Exhibit "A"

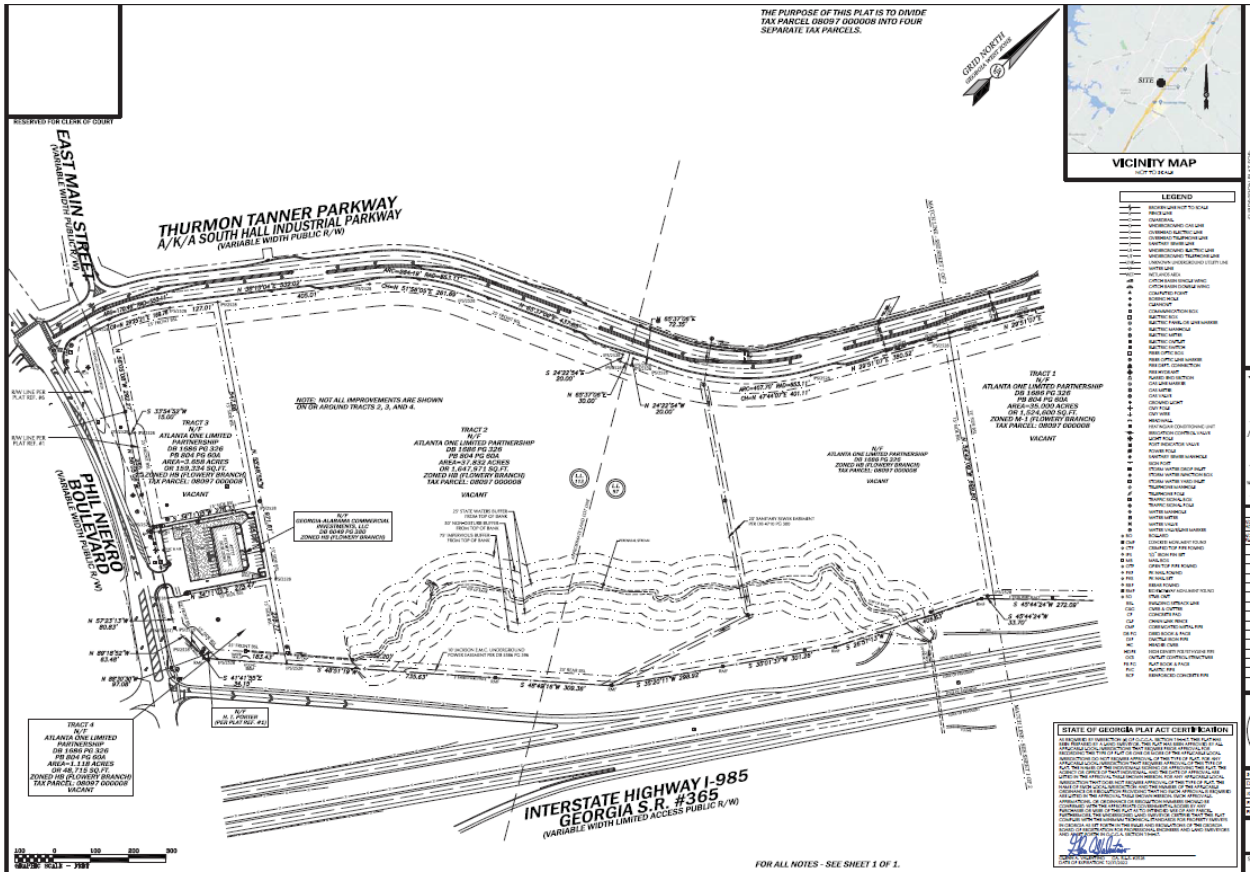

THE PURPOSE OF THIS PLAT IS TO DIVIDE TAX PARCEL 08097 000008 INTO FOUR SEPARATE TAX PARCELS.
GRID NORTH
VICINITY MAP
LEGEND
EAST MAIN STREET
THURMON TANNER PARKWAY
A/K/A SOUTH HALL INDUSTRIAL PARKWAY
(VARIABLE WIDTH PUBLIC R/W)
PHIL NIEKRO BOULEVARD
(VARIABLE WIDTH PUBLIC R/W)
INTERSTATE HIGHWAY I-985
GEORGIA S.R. #365
(VARIABLE WIDTH LIMITED ACCESS PUBLIC R/W)
TRACT 1
TRACT 2
TRACT 3
TRACT 4
VACANT
STATE OF GEORGIA PLAT ACT CERTIFICATION
FOR ALL NOTES - SEE SHEET 1 OF 1.

Exhibit "B"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit "C"

Conditions of Zoning (to be finalized prior to second read)

1. Water and sewer to be provided by the City of Flowery Branch
2. The property shall be subdivided prior to the issuance of any permits
3. The project shall significantly adhere to the site plan submitted on _____.
4. A landscape/buffer plan shall be submitted and approved by staff prior to the issuance of any building permits.
5. The project shall significantly adhere to the elevations as submitted on _____.

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

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

COUNCIL MEETING DATE: September 16, 2021

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

FACTS AND ISSUES:
Mr. Hobgood requests rezoning to CBD to better market the site. Therefore, there is no site plan nor any renderings. Section 9.5.e of the zoning ordinance requires all projects come before City Council for approval in the CBD. Mr. Hobgood provided some conceptual renderings of what the site may eventually look like (please see attached). The ordinance will have the proper attachments prior to the second read scheduled for October 21.

This is the first read of this ordinance.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve first read

SAMPLE MOTION:
I make a motion to approve the first read of ordinance 651.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- Hobgood Rezoning.pdf
- Exterior Hobgood 1.jpg
- Exterior Hobgood 2.jpg
- 9 Nonresidential Zoning Districts 2019.pdf
- Ordinance .pdf

Flowery Branch

REZONING APPLICATION

Date: June 7, 2021

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

Tax Map # 08112 016001 Current Zoning: M-1

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

Currently a conforming use? _____

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

Applicant Information

Name: Kevin Hobgood

Address: 7233 Sherwood Mill Drive
Flowery Branch, GA 30542

E-mail address: Kevin@hobgoodgroup.com

Phone number: 678-898-2251

Signature: _____

Notary: _____
exp. May 8, 22

TARA BROOKS
MY COMMISSION EXPIRES
NOTARY
PUBLIC
MAY 08, 2022
HALL COUNTY, GEORGIA

Flowery Branch

Property owner information (if different than the applicant)

Property owner (please print): _____

Signature of property owner: _____

Notary:

Property Information

Tax Map Number: 08112 016000

Current Zoning: M-1 Total Acres: _____

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

Proposed City of Flowery Branch Zoning: CBD

Current Use: STORAGE / MILLWORK SHOP

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

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

- Legal description
- Current survey of property

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

Conflict of Interest Disclosure

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

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

_____

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

_____

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

_____

Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Flowery Branch

NORFOLK SOUTHERN
One line, infinite possibilities.

Exhibit A

HODGOOD DEVELOPMENT GROUP
CONCEPTUAL RENDERINGS
5205 RAILROAD AVE
FLOWERY, GA 30542

HOBGOOD DEVELOPMENT GROUP
CONCEPTUAL RENDERINGS
5205 RAILROAD AVE
FLOWERY, GA 30542

ARTICLE 9
NONRESIDENTIAL ZONING DISTRICTS

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

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

(a) Purpose and Description. This zoning district is intended to implement the "Office-Professional" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "Institutional Campus" character area established in the comprehensive plan and may be appropriate within neighborhood commercial and activity center classifications shown on the character area map. The Office-Professional district is intended to encourage and provide suitable areas for professional, medical, research and scientific functions, general offices, and certain related activities. This district is intended to apply to single-function office buildings and to planned office parks and planned office complexes. In some cases, the OP district may be appropriate as a transition between a commercial zoning district and a single-family or multi-family residential zoning district.

(b) Character. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

Sec. 9.2. INST, Institutional District.

(a) Purpose and Description. This zoning district is intended to implement the "Public Institutional" and "transportation, communications and utilities" designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "Institutional Campus" character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for institutional campuses including the Atlanta Falcons Training Facility, Hall County public schools, and large churches.

(b) Character. These are mostly single-function land use districts where public access is controlled or limited. Areas are sometimes designed for trucks and individual establishments

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

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

Sec. 9.3. NS, Neighborhood Shopping District.

(a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "neighborhood commercial" character area established in the comprehensive plan.

(b) Character. Neighborhood commercial districts are intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods. Uses within neighborhood commercial character areas generally occur within enclosed buildings with no outside storage and limited outdoor display of goods and merchandise. Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Auto-related, highway-oriented commercial uses are not permitted. With the exception of convenience stores with gasoline pumps, neighborhood commercial districts are not intended to permit or accommodate automotive uses or other types of more intensive highway business activities, or those uses that generate excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts." Business establishments do not exceed 2,500 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods. Open space is limited to suburban plazas or small open spaces. A three-story height limit is imposed.

Sec. 9.4. HB, Highway Business District.

(a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.

(b) Character. This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

Sec. 9.5. CBD, Central Business District.

(a) Purpose and Description. This zoning district is intended to implement the redevelopment element of the Flowery Branch Comprehensive Plan, as amended. This zoning district is also intended to implement the "Central Business" designation of the Future Land Use Map contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "Old Town" character area established in the comprehensive plan, as amended. All construction projects require approval by the City Council of Flowery Branch. For lots zoned CBD which are within the city's local historic district, compliance with the city's historic preservation ordinance is also required.

(b) Character. This district is a compact area corresponding with the city's downtown core. It is characterized by a grid block pattern with skinny streets, sidewalks composed of distinctive materials (e.g., stamped concrete) and lined with street trees. Developments are built to a pedestrian-friendly scale (i.e., "Main Street Commercial") and include plazas and small urban pocket parks. Buildings and structures which are considered "historic" are retained to maintain the overall historic character of the area.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

(e) Construction Approval. Any proposed construction project must be approved by the City Council prior to issuance of any permit.

(f) Construction Approval Requirements All construction proposals shall submit at a minimum the following:

1. Legal description of the property;

2. Survey of the property;

3. Existing conditions analysis of the site to be redeveloped, including any existing buildings, structures, and/or uses on the subject site, and the existing land uses and description of buildings, structures, and uses on all adjacent lots;

4. Letter of intent describing the proposed use(s) of the property or other action requested (redevelopment project approval). The applicant must be comprehensive in terms of describing all principal uses that will be included – these will become limiting and binding on the developer – refer to the permitted uses listing in Table 9.1 of Article 9 of the Flowery Branch Zoning Ordinance. For complex projects, the applicant should describe the intended phasing of the project, if applicable. The letter of intent shall address the following:

    a. How the proposed action compares (and is consistent with) the goals, policies, and development requirements of the Old Town Redevelopment Plan;

    b. How the project will be consistent with any adopted design guidelines for the type of development and/or the proposed use; and

    c. How the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of buildings in the proposed redevelopment project will be appropriate in its surroundings;

5. Two copies and one electronic copy of a site plan of the property, at an appropriate engineering scale, showing the proposed use and relevant information (buildings, parking, open spaces, etc.) regarding proposed improvements;

6. Statistics regarding the proposed development (this may be incorporated into the letter of intent, or shown on the site plan, or both). At minimum, such statistics shall include the total square footage of the redevelopment project, including any existing buildings to be retained, the total gross square footages of building(s) devoted to each use, and proposed building heights for all buildings and structures proposed in the redevelopment project;

7. Two copies and one electronic copy of all exterior elevation drawings of all building faces that will front on a public or private street, and rear and side elevations of same

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

8. Facility impact analyses, including the following:

    a. Proof of water and sewer availability from the Public Works Director and Wastewater Treatment Plant Superintendent.

    b. Analysis of the adequacy of drainage for the site (description and assessment of adequacy of stormwater facilities on-site and off-site).

9. A written development agreement, if the developer requests city participation in the provision of on-site or off-site facilities, such as the sharing of costs for facilities, shared parking, etc. which may or may not be available from the city. If accepted by the city, the development agreement may become a condition of project approval or it may be considered and approved separately from redevelopment project approval;

10. If any variances or administrative variances are required, the applicant will file a separate application following submission requirements and processes for the type of variance sought. These may be heard concurrently.

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

(a) Purpose and Description. This zoning district is intended to implement the "light industrial" and "transportation, communication and utilities" designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "industrial/employment" character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city. (Ord. 348-13)

(b) Character. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light industries are the primary permitted uses. (Ord. 348-13)

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

(e) Design Requirements. Please see Article 14 sec.14.13 of this ordinance.

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

(a) Purpose and Description. This zoning district is intended to implement the "heavy industrial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "industrial/employment" character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city.

(b) Character. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

(e) Design Requirements. Please see Article 14 sec.14.13 of this ordinance.

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

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

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

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

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

(Ord. 348-18)

Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

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

(Ord. 348-13)

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

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

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

ORDINANCE 651

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A .14 +/- ACRE TRACT OF LAND OWNED BY MR. KEVIN HOBGOOD, COMMONLY KNOWN AS 5205 RAILROAD AVENUE, IDENTIFIED AS TAX PARCEL 08112 016001 AS SHOWN ON ATTACHED EXHIBIT "A", AS DESCRIBED ON EXHIBIT "B", FROM M-1 (LIGHT INDUSTRIAL) TO CBD (CENTRAL BUSINESS DISTRICT) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Mr. Hobgood desires to redevelop the .14+/- acre tract of land identified as tax parcel 08112 016001; shown on Exhibit "A"; and legally described on Exhibit "B"; and

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

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

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

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

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch CBD (Central Business District) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. The property shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. The proposal is in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.

6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.

7. No determination has been made by staff with regard to the value differential between development under the current M-1(Light Industrial) as opposed to the proposed CBD (Central Business District).

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

9. There are no known adverse effects that would result from the changes to the R-3 zoning district.

10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The property as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be rezoned to CBD (Central Business District). Conditions are set forth in Exhibit "C". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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.

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 21st day of October 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

Exhibit “A”

Exhibit “B”

Exhibit “C”

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

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

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

FACTS AND ISSUES:
This is the first read of ordinance 653.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve first read

SAMPLE MOTION:
I make a motion to approve the first read of ordinance 653.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- Application Scanned.pdf
- Legal Description - McEver Road Food Mart.docx
- Pages from 20110 - McEver SHEETS VIC 5-21-2021.pdf
- ORDINANCE 653.pdf

Flowery Branch

VARIANCE APPLICATION

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

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

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

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

Please see letter of intent.

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

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

E-mail address: Tylerl@allianceco.com

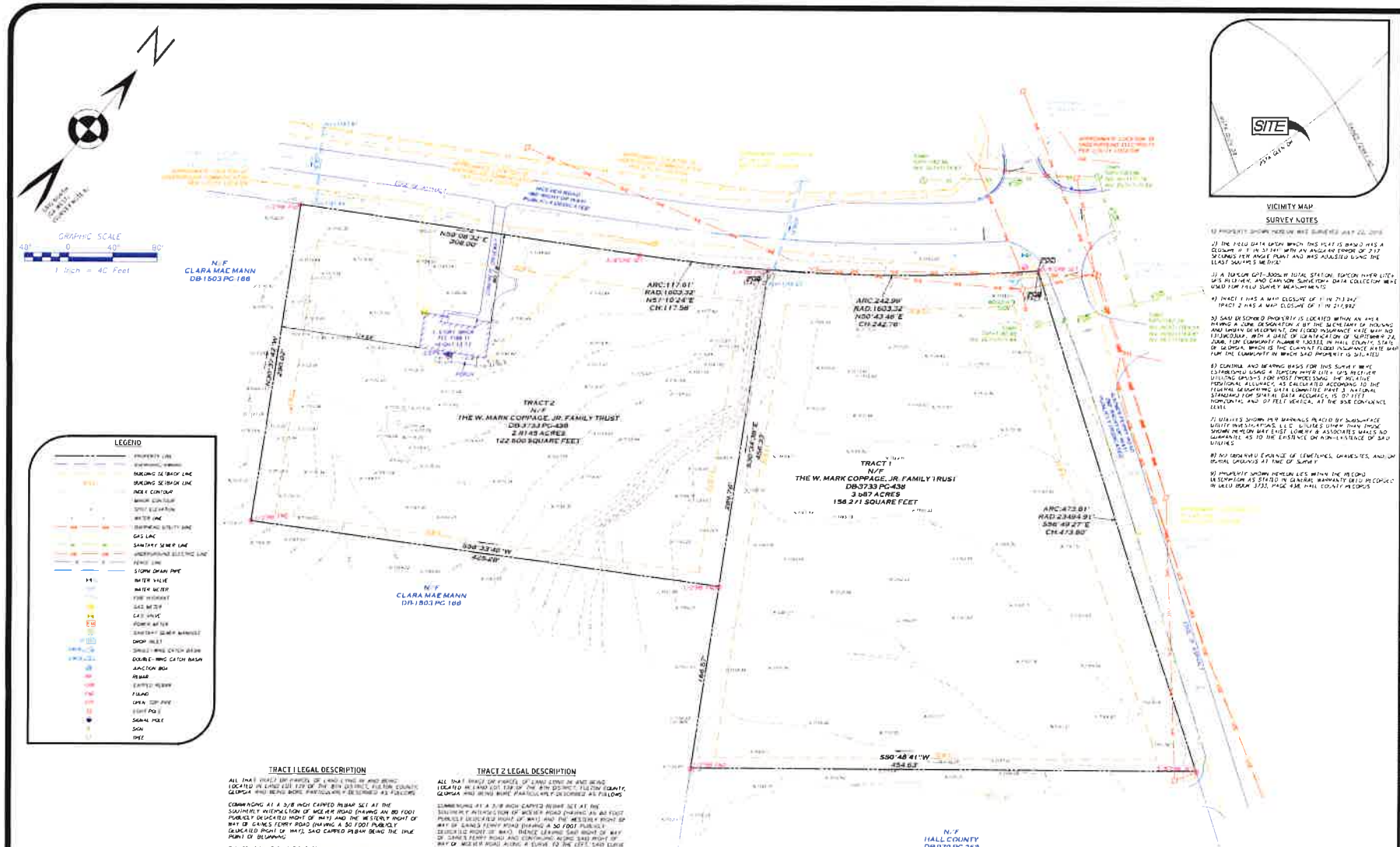
Phone number: (248)342-2558

Signature:

Notary Seal:

SARAH YOON
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires Jan. 26, 2024

June 15th 2021



VICINITY MAP

SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED JULY 22, 2019

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 IN 37,141 WITH AN ANGULAR ERROR OF 2.17 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A TOPCON GPT-3005W TOTAL STATION, TOPCON HYPER LITE+ GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTION WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) TRACT 1 HAS A MAP CLOSURE OF 1 IN 213,247
TRACT 2 HAS A MAP CLOSURE OF 1 IN 217,992

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP NO 13139C0304F, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 26, 2008, FOR COMMUNITY NUMBER 130332, IN HALL COUNTY, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HYPER LITE+ GPS RECEIVER UTILIZING GPS&S-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOSPATIAL DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS 0.7 FEET HORIZONTAL AND 0.7 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL

7) UTILITIES SHOWN WERE MARKINGS PLACED BY SUBSURFACE UTILITY INVESTIGATIONS, LLC. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND OR BURIAL GROUNDS AT THE TIME OF SURVEY

9) PROPERTY SHOWN HEREON LIES WITHIN THE MECOPU EXEMPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 3733, PAGE 438, HALL COUNTY RECORDS

TRACT 1 LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING LOCATED IN LAND LOT 139 OF THE 6TH DISTRICT, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT A 3/8 INCH CAPPED REBAR SET AT THE SOUTHWEST INTERSECTION OF WEAVER ROAD (HAVING AN 80 FOOT PUBLICLY DEDICATED RIGHT OF WAY) AND THE WESTERLY RIGHT OF WAY OF GAINES FERRY ROAD (HAVING A 50 FOOT PUBLICLY DEDICATED RIGHT OF WAY), SAID CAPPED REBAR BEING THE TRUE POINT OF BEGINNING

THENCE LEAVING SAID RIGHT OF WAY OF WEAVER ROAD AND CONTINUING ALONG SAID RIGHT OF WAY OF GAINES FERRY ROAD ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2484.91 FEET, WITH AN ARC DISTANCE OF 473.81 FEET, WITH A CHORD BEARING OF SOUTH 56 DEGREES 49 MINUTES 27 SECONDS EAST AND A CHORD LENGTH OF 473.80 FEET TO A 3/8 INCH CAPPED REBAR SET, THENCE LEAVING SAID RIGHT OF WAY OF GAINES FERRY ROAD SOUTH 50 DEGREES 48 MINUTES 41 SECONDS WEST A DISTANCE OF 454.63 FEET TO A 1/2 INCH REBAR FOUND, THENCE NORTH 30 DEGREES 34 MINUTES 38 SECONDS WEST A DISTANCE OF 426.33 FEET TO A 1/2 INCH REBAR FOUND AT SAID SOUTHERLY RIGHT OF WAY OF WEAVER ROAD, THENCE CONTINUING ALONG SAID RIGHT OF WAY OF WEAVER ROAD ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1603.32 FEET, WITH AN ARC DISTANCE OF 242.29 FEET, WITH A CHORD BEARING OF NORTH 00 DEGREES 43 MINUTES 46 SECONDS EAST AND A CHORD LENGTH OF 242.78 FEET TO A 3/8 INCH CAPPED REBAR SET, SAID CAPPED REBAR BEING THE TRUE POINT OF BEGINNING

SAID TRACT OF LAND CONTAINS 3.587 ACRES (156,271 SQUARE FEET)

TRACT 2 LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING LOCATED IN LAND LOT 139 OF THE 6TH DISTRICT, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT A 3/8 INCH CAPPED REBAR SET AT THE SOUTHWEST INTERSECTION OF WEAVER ROAD (HAVING AN 80 FOOT PUBLICLY DEDICATED RIGHT OF WAY) AND THE WESTERLY RIGHT OF WAY OF GAINES FERRY ROAD (HAVING A 50 FOOT PUBLICLY DEDICATED RIGHT OF WAY), THENCE LEAVING SAID RIGHT OF WAY OF GAINES FERRY ROAD AND CONTINUING ALONG SAID RIGHT OF WAY OF WEAVER ROAD ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1603.32 FEET, WITH AN ARC DISTANCE OF 242.29 FEET, WITH A CHORD BEARING OF SOUTH 00 DEGREES 43 MINUTES 46 SECONDS WEST AND A CHORD LENGTH OF 242.78 FEET TO A 1/2 INCH REBAR FOUND, SAID REBAR BEING THE TRUE POINT OF BEGINNING

THENCE LEAVING SAID RIGHT OF WAY OF WEAVER ROAD SOUTH 30 DEGREES 34 MINUTES 38 SECONDS EAST A DISTANCE OF 289.78 FEET TO A 1/2 INCH REBAR FOUND, THENCE SOUTH 50 DEGREES 33 MINUTES 48 SECONDS WEST A DISTANCE OF 425.28 FEET TO A 1/2 INCH REBAR FOUND, THENCE NORTH 30 DEGREES 37 MINUTES 42 SECONDS WEST A DISTANCE OF 280.02 FEET TO A 1/2 INCH REBAR FOUND AT SAID SOUTHERLY RIGHT OF WAY OF WEAVER ROAD, THENCE CONTINUING ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES AND DISTANCES: NORTH 58 DEGREES 08 MINUTES 32 SECONDS EAST A DISTANCE OF 306.00 FEET TO A 3/8 INCH CAPPED REBAR SET, THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1603.32 FEET, WITH AN ARC DISTANCE OF 117.61 FEET, WITH A CHORD BEARING OF NORTH 57 DEGREES 10 MINUTES 24 SECONDS EAST AND A CHORD LENGTH OF 117.58 FEET TO A 1/2 INCH REBAR FOUND, SAID REBAR BEING THE TRUE POINT OF BEGINNING

SAID TRACT OF LAND CONTAINS 2.815 ACRES (122,600 SQUARE FEET)

SURVEYOR'S CERTIFICATION

I CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION MADE BY ME BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION. THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR MICHAEL LOWERY

MICHAEL LOWERY GEORGIA RLS # 3339

ZONING

ZONING FOR THIS PROPERTY IS CURRENTLY CLASSIFIED AS "H-B" (HIGHWAY BUSINESS) SETBACKS AND RESTRICTIONS ARE AS FOLLOWS

FRONT YARD 50 FEET
SIDE YARD 20 FEET
REAR YARD 10 FEET

ZONING AND SETBACK INFORMATION PER THE HALL COUNTY PLANNING AND ZONING DEPARTMENT. ALL INFORMATION STATED SHOULD BE VERIFIED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
1575 HIGHWAY 411 SUITE 104
TALLAPOOSA, GA 30121
770.334.8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

PREPARED FOR:
BLESSING TRADERS, LLC

BOUNDARY & TOPOGRAPHIC SURVEY OF:
6477 McEVER ROAD

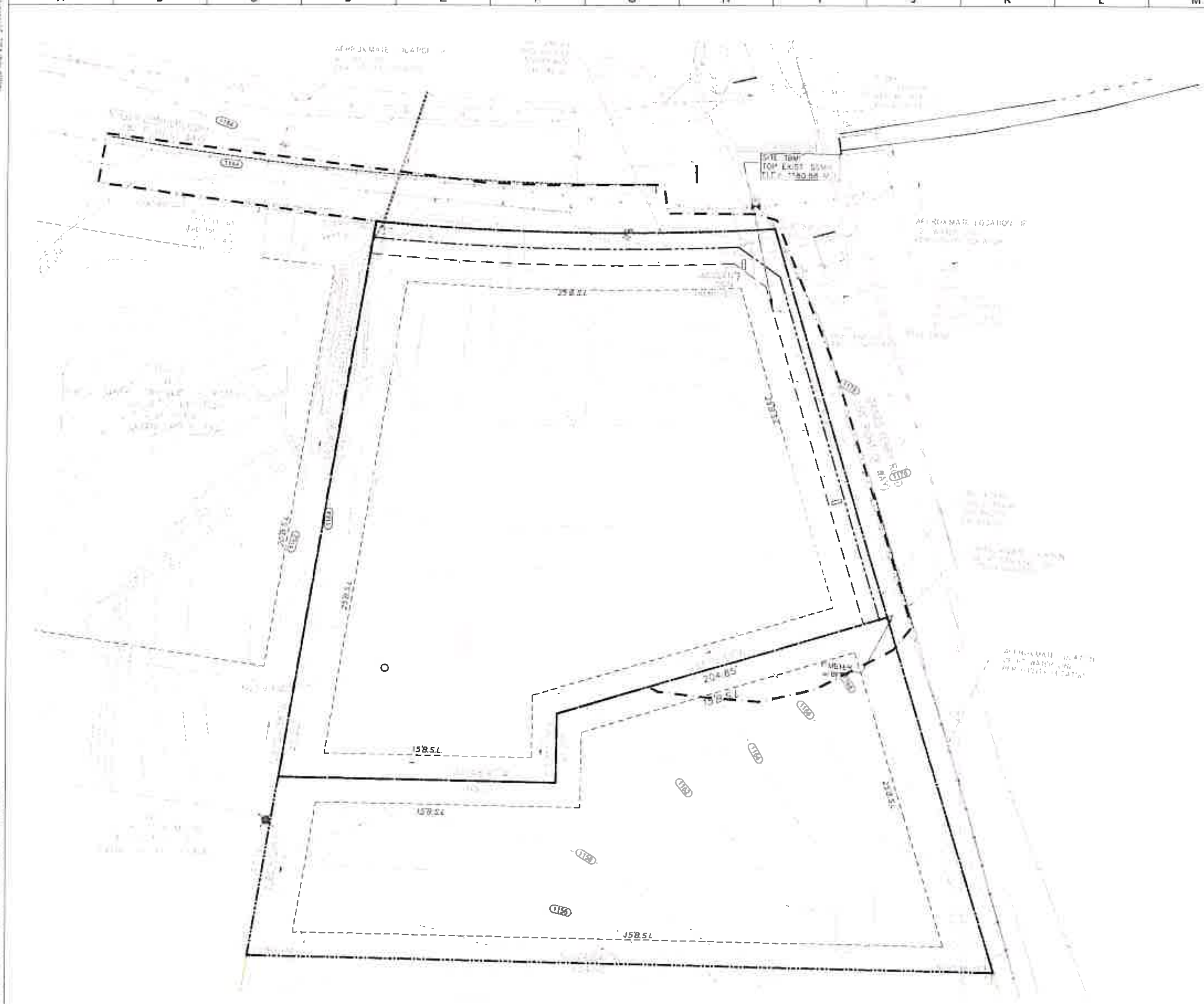
STATE: GEORGIA
COUNTY: HALL
LAND LOT: 139
DISTRICT: 6TH

REVISIONS

DATE	DESCRIPTION

Lowery & Associates
LAND SURVEYING, LLC

DATE: JULY 29, 2019
JOB #: 190709
SCALE: 1"=40'
DRAWN BY: J. BAGLEY



GENERAL DEMOLITION NOTES:

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

NOTES:

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

811
CALL BEFORE YOU DIG

ALLIANCE ENGINEERING + PLANNING LANDSCAPE ARCHITECTURE LAND SURVEYING

DEVELOPER
SINDAR ENTERPRISES, INC
1837 DOVERHILL ROAD
LAWRENCEVILLE, GA 30043
24 HR CONTACT: KARIM ALY 678-458-6193
KARIMALY2001@YAHOO.COM

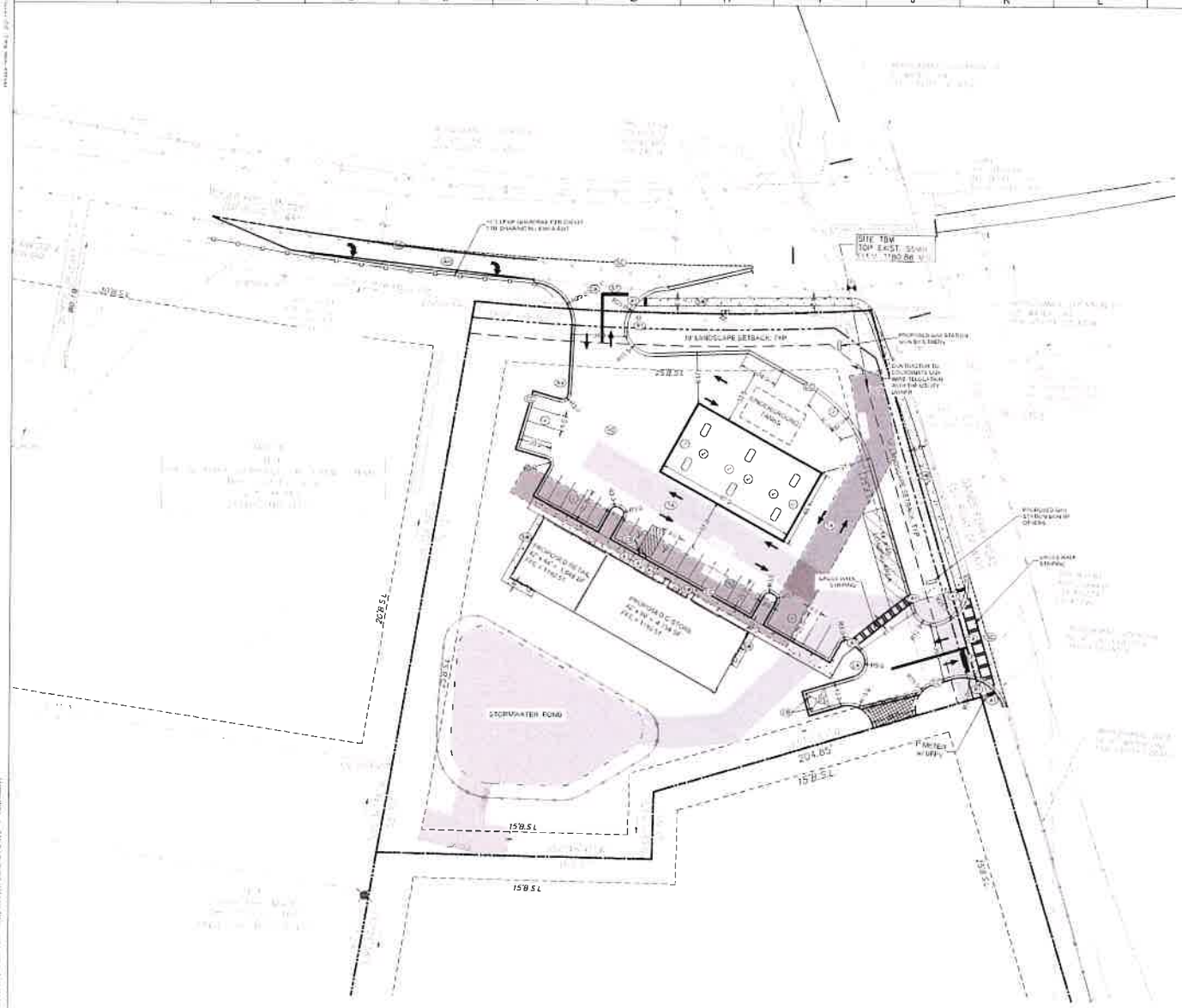
Site Construction Plans for
McEVER ROAD FOOD MART
MCEVER ROAD & GAINES FERRY ROAD
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
L.L. 139 - DISTRICT 8TH
PARCEL # 08 150 002001 TRACT 1A

Orig. Issue
Designed by
Checked by
Project #

NORTH

EXISTING CONDITION PLAN

C-201



SYMBOLS LEGEND

- (LS) 8' LANDSCAPE STRIP
- (BH) BUILDING HEIGHT
- (CA) CONCRETE APRON
- (CB) CONCRETE BOLLARD (TYP)
- (CD) 8" CONCRETE DRIVE CULVERT
- (DS) PROPOSED DRAINAGE STRUCTURE (TYP)
- (EL) EDGE OF WATER
- (FH) FIRE HYDRANT (TYPICAL)
- (FL) ADA PARKING SPACE
- (GR) GRAVEL MULCH
- (R) PROPOSED SIGN (TYP)
- (SC) 24" SYNTHETIC STRAW CURB (TYPICAL)
- (ST) PROPOSED DRAINAGE STORM PIPE
- (SB) CONCRETE SIDEWALK (Public Sidewalk)
- (TS) DIRECTION OF TRAFFIC FLOW
- (VS) VEHICLE SIGN

NOTE:
1. ALL AREAS OF THE ROAD THAT ARE WIDENED FOR CONSTRUCTION SHALL BE RESURFACED PRIOR TO RESTRIPING.
2. ALL PARKING MEASURED FROM FACE OF CURB

MUNICIPAL NOTES

1. "ENTRANCE(S) TO THE BUILDING IN NEW CONSTRUCTION SHALL BE PROVIDED PER THE REQUIREMENTS OF 2010 ADA STANDARDS 206.4 ACCESSIBLE ENTRANCES MUST BE PROVIDED IN A NUMBER AT LEAST EQUIVALENT TO THE NUMBER OF EXITS REQUIRED BY THE APPLICABLE BUILDING/FIRE CODES."
2. "(GROUND & FLOOR SURFACES) ALONG ACCESSIBLE ROUTES AND WALKS, RAMPS, STAIRS, AND CURB RAMPS SHALL BE STABLE, FIRM, SLIP RESISTANT, AND SHALL COMPLY WITH 2010 ADA STANDARDS 302."
3. GDOT NOTE: THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH ANY RELOCATION OR DAMAGE TO GWINNETT COUNTY DOT (GCDOT) TRAFFIC SIGNAL OR ITMS INFRASTRUCTURE (LOOP, LEAD-IN FIBER OPTICS CONDUIT, PULL BOX, ETC.) DUE TO CONSTRUCTION ACTIVITIES AND MUST USE A GCDOT APPROVED CONTRACTOR TO PERFORM ANY WORK ON SAID INFRASTRUCTURE. NOTIFY GCDOT AT 678-376-7000 OF ANY ACTIVITY.

TRAFFIC CONTROL NOTES

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

GENERAL NOTES

1. WATER AND SEWER PROVIDED BY CITY OF GAINESVILLE
2. NOTIFY CITY OF GAINESVILLE WATER AND SEWER DEPARTMENT 24 HOURS BEFORE THE BEGINNING OF CONSTRUCTION. (770) 538-2001

PROJECT SITE DATA

- Gross Property Area: 2.175 Ac
- Disturbed Area: 2.51 Ac
- Zoning: HB
- Existing Use: CONVENIENCE STORE W/ GAS STATION, RETAIL
- Proposed Building Use: RETAIL
- Site Area (sq. ft. and %)
  - ** Roof: 12,000 (55%)
  - ** Paved: 10,000 (46%)
  - ** Other: 22,000 (101%)
  - ** Undisturbed Area: 0 (0%)

PARKING REQUIREMENTS:

(RETAIL/RESTAURANT) STORE, GAS STATION
1 Space per 300 sq. ft. GFA = 4,160 X 1.50 GFA = 8.32 SP

(RETAIL SPACE)
1 SPACE PER 500 SQ.FT GFA = 1,160 X 1.50 GFA = 2.4 SP

(RESTAURANT)
1 SPACE PER 100 SQ.FT GFA = 1,160 X 1.50 GFA = 7.90 SP

TOTAL PARKING REQUIRED = 19 SP
(4 ADA SPACES REQUIRED)

TOTAL PARKING SPACES PROVIDED = 21 SPACES

811
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LANDSCAPE ARCHITECTURE
LAND SURVEYING
CIVIL ENGINEERING • LAND PLANNING • LANDSCAPE ARCHITECTURE • LAND SURVEYING
[illegible]

GEORGIA
No. [illegible]
REGISTERED
PROFESSIONAL
ENGINEER
[illegible]

[illegible]

DEVELOPER
SINGH ENTERPRISES, INC.
4570 DOVERHILL ROAD
LAWRENCEVILLE, GA 30043
CONTACT: KAMPALAY KOHLI (770)
KAMPALAY@YAHOO.COM

Site Construction Plans for
McEVER ROAD FOOD MART
MCEVER ROAD & GAINES FERRY ROAD
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
L.L. 139 - DISTRICT 8TH
PARCEL # 08-150-002D01 - TRACT 1A

Orig. Issue: [illegible]
Designed by: [illegible]
Checked by: [illegible]
Project #: [illegible]

NORTH

SITE PLAN

C-301

Letter of Intent

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

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

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

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

Criteria for Granting Variances

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

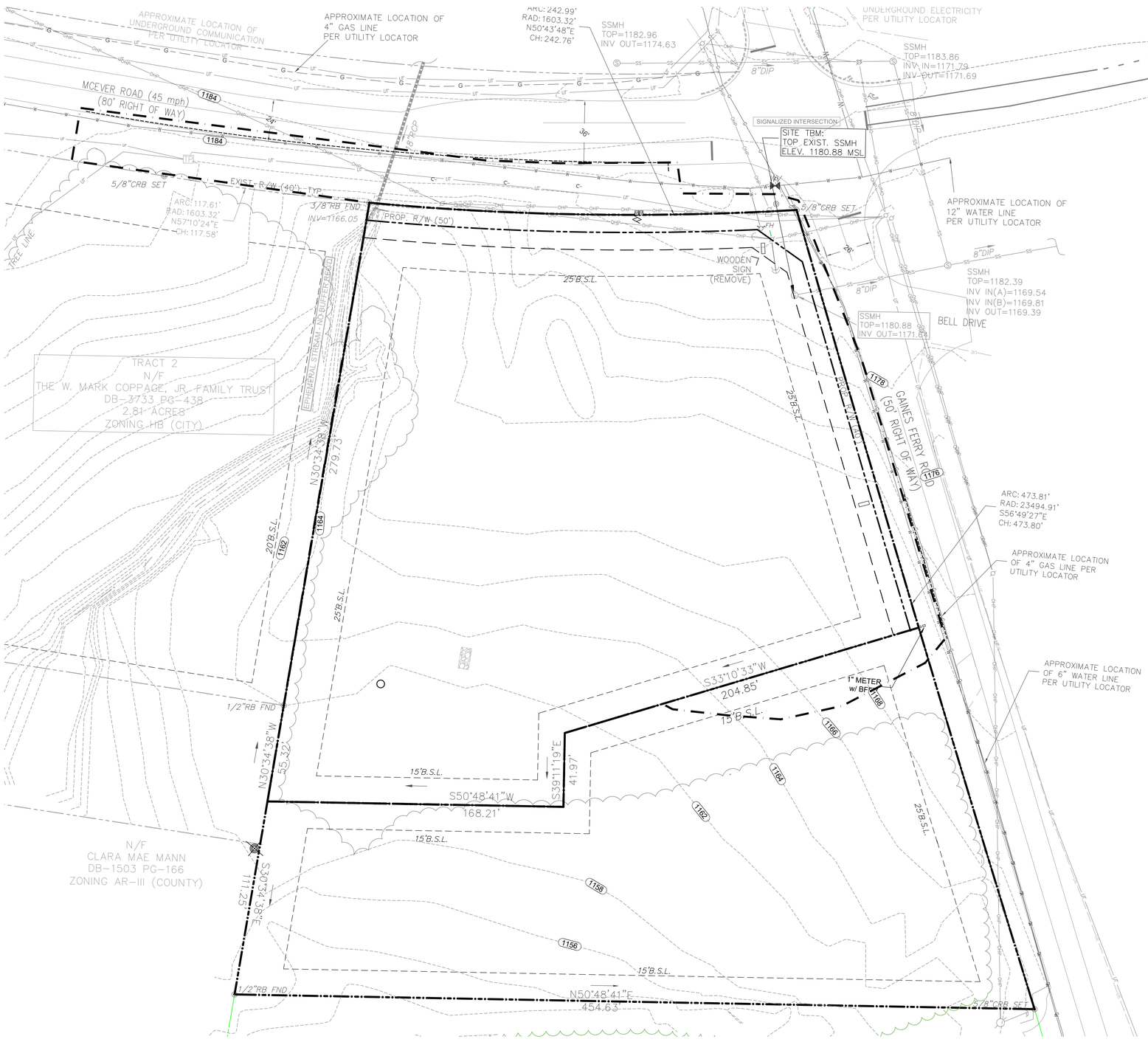
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total
$250.00 or more or to whom gifts were made having a total value of $250.00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

Elected Officials Name	Amount of Description of Gift

Legal Description – McEver Road Food Mart

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

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



GENERAL DEMOLITION NOTES:

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

NOTES:

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299 South Main St., Suite A | Alpharetta, GA 30009
770.225.4730 | www.aepatl.com

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Civil Engineering By AEP:
Artur Babenko, GA PE044669
Phone: 770-225-4730 x806
arturb@aepatl.com

GEORGIA REGISTERED No. 044669 PROFESSIONAL ENGINEER ARTUR BABENKO
05-18-21

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

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

DEVELOPER

SINDAR ENTERPRISES, INC.
1837 DOVERHILL ROAD,
LAWRENCEVILLE, GA. 30043
24 HR CONTACT: KARIM ALY, 678-458-6190
KARIMALY2001@YAHOO.COM

Site Construction Plans for McEVER ROAD FOOD MART

MCEVER ROAD & GAINES FERRY ROAD,
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
L.L. 139 – DISTRICT 8TH
PARCEL # 08 150 002001, TRACT 1A

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

NORTH

SCALE: 1"= 30'
0 30

EXISTING CONDITION PLAN

C-201

Plot Date: Friday, May 21, 2021 1:51:50 PM
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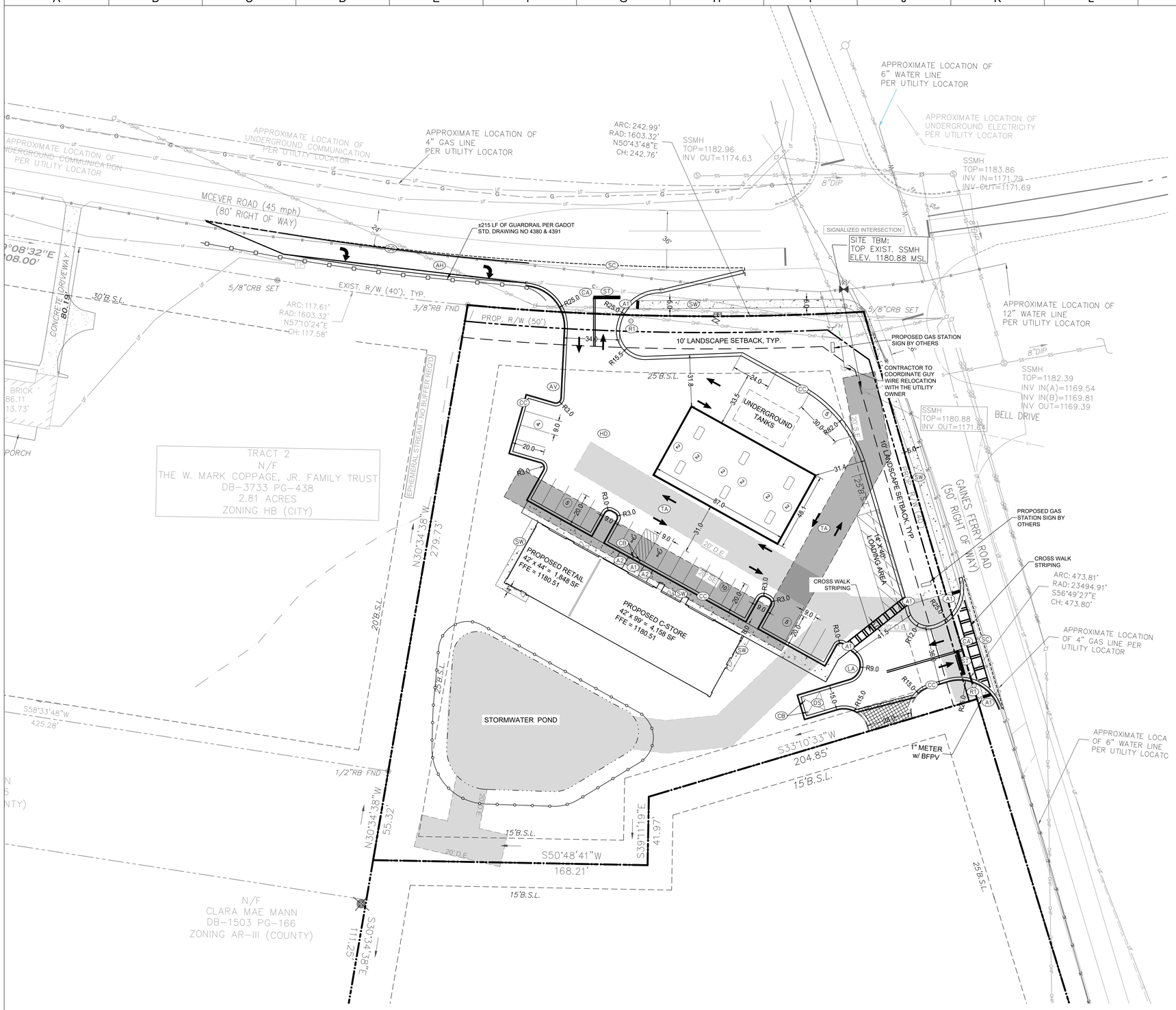

SYMBOLS LEGEND

- (LS) 10' LANDSCAPE STRIP
- (AH) ROADWAY WIDENING
- (CA) CONCRETE DRIVEWAY
- (CB) CONCRETE BOLLARD 6' O.C.
- (CC) 24" CONCRETE CURB & GUTTER
- (DS) PROPOSED DUMPSTER (SEE DETAIL C-802)
- (A1) ADA RAMP
- (HD) 6" THICK HEAVY DUTY CONCRETE
- (A2) ADA PARKING SIGN
- (MS) MONUMENT SIGN
- (R1) PROPOSED STOP SIGN (R1-1)
- (SC) EX. PAVEMENT SAWCUT LIMITS
- (ST) PROPOSED 24" WHITE STOP BAR
- (SW) CONCRETE SIDEWALK (Width as Shown)
- (TA) DIRECTION OF TRAFFIC FLOW
- (AV) AIR & VACUUM

NOTE:

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

MUNICIPAL NOTES

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

TRAFFIC CONTROL NOTES

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

GENERAL NOTES

1. WATER AND SEWER PROVIDED BY CITY OF GAINESVILLE.
2. NOTIFY CITY OF GAINESVILLE WATER AND SEWER DEPARTMENT 24 HOURS BEFORE THE BEGINNING OF CONSTRUCTION. (770)538-2400

PROJECT SITE DATA

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

PARKING REQUIREMENTS:

(CONVENIENT STORE, GAS STATION)
1 Space per 500 sq.ft GFA = 4,160 X 1/500 GFA = 8.32 SP

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

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

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

TOTAL PARKING SPACES PROVIDED = 29 SPACES

CALL BEFORE YOU DIG

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Civil Engineering By AEP:
Artur Babenko, GA PE044669
Phone: 770-225-4730 x806
arturb@aepllc.com

GEORGIA REGISTERED No. 044669 PROFESSIONAL ENGINEER ARTUR BABENKO
05-18-21

GASWCC LEVEL II
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Site Construction Plans for McEVER ROAD FOOD MART

MCEVER ROAD & GAINES FERRY ROAD,
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HALL COUNTY, GEORGIA
L.L. 139 - DISTRICT 8TH
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NORTH

SCALE: 1"= 30'
0 30

SITE PLAN

C-301

Plot Date: Friday, May 21, 2021 1:51:56 PM
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Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

ORDINANCE 653

AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS OF ARTICLE 10, SECTION 10.9.(G) OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6477 MCEVER ROAD, OWNED BY BLESSING TRADERS, INC. SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY ALLOWING FUEL PUMPS TO BE LOCATED IN FRONT OF THE PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Blessing Traders, Inc. has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 6477 McEver Road; and

WHEREAS, a survey and complete description of the property subject to the requested variance is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on Blessing Traders, Inc's. application at its meeting of August 5, 2021, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of Blessing Traders, Inc. in conjunction with the standards set forth in Article 37, Section 37.5 of the Zoning Ordinance.

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

SECTION 1. FINDINGS:

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 10, Section 10.9.(g) 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 Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

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

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

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

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

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

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

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

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 10, Section 10.9.(g):

1. Fuel pumps shall be allowed to be placed in front of the primary structure

Conditions set forth in Exhibit "C" are imposed on said property. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. 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.

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

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

Adopted this 21st day of October 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

Exhibit “A”

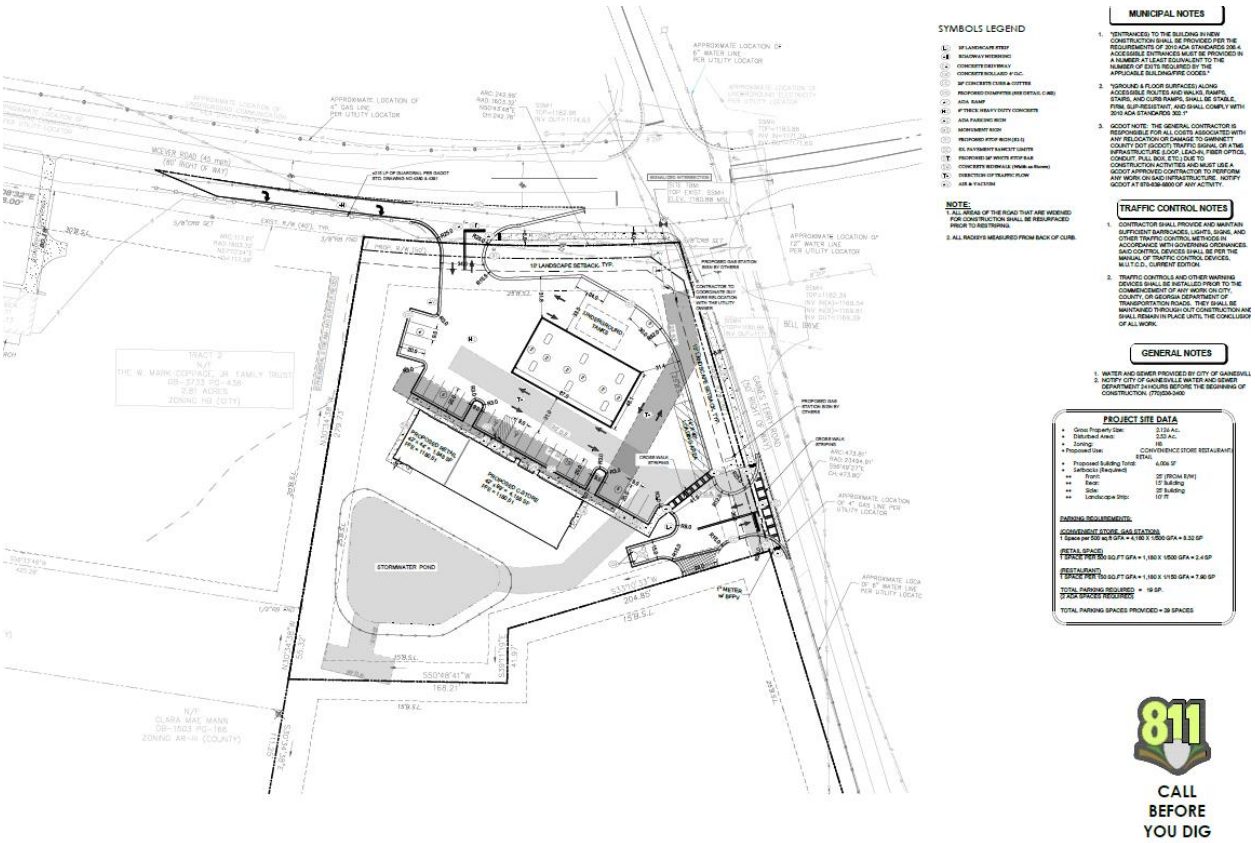


Exhibit “B”

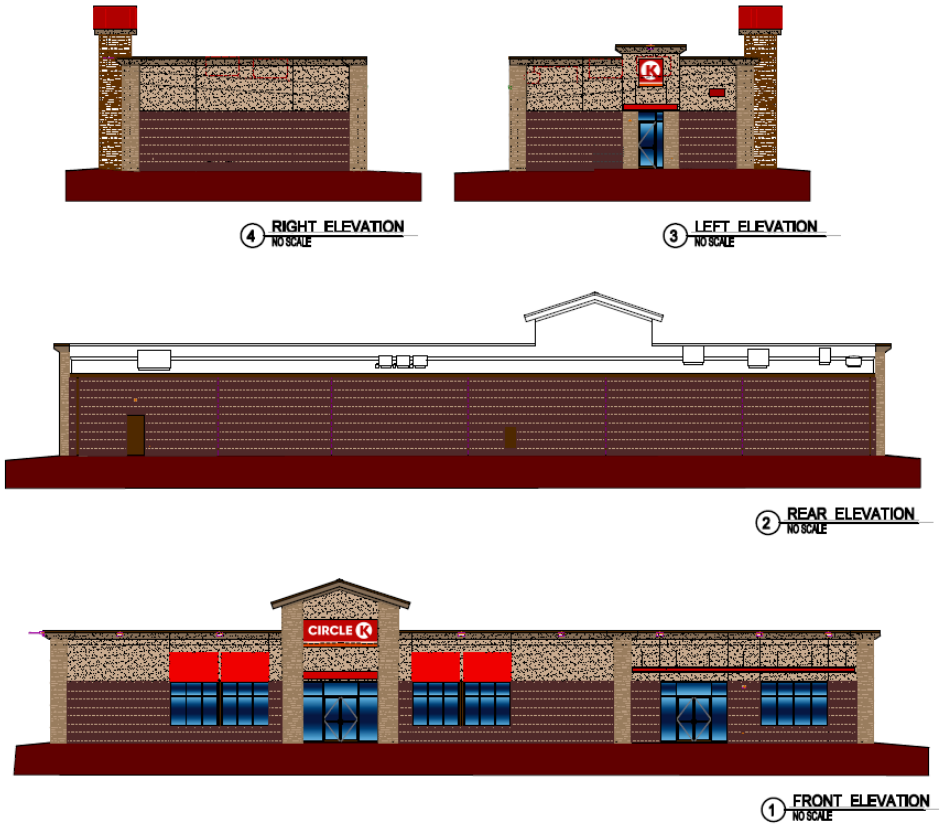
Begin at a set 5/8” capped rebar lying at the intersection between the southerly right-of-way of McEver Road (80’ right-of-way) and the westerly right-of-way of Gaines Ferry Road (50’ right-of-way), said point lying on a non-tangent curve to the left, having a radius of 23,494.91 feet, a chord bearing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

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

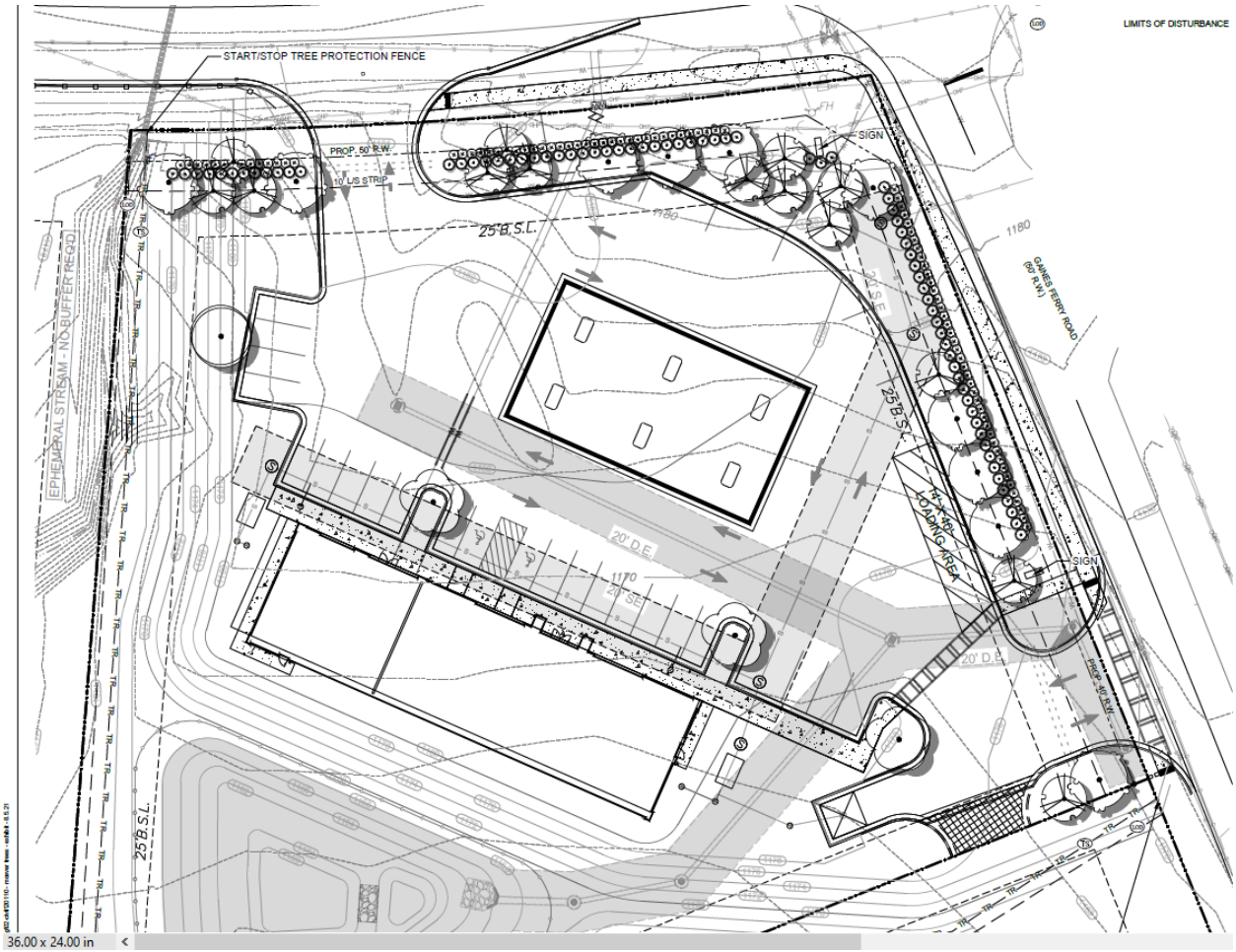
Exhibit "C"

Conditions of Variance Approval

1. Convenience and retail store shall be constructed to significantly adhere to the elevations submitted to city staff on August 9, 2021, and as shown below:



2. Fuel canopy shall be constructed of the same materials as the primary structure.
3. Dumpster enclosure shall be constructed of the same materials as the primary structure.
4. An overall sign plan must be submitted to staff for review and approval. Any proposed monument sign must be constructed of the same materials as the primary structure. Only one such sign shall be permitted.
5. A detailed landscape plan shall be submitted to city staff for review and approval prior to the issuance of a building permit. Said plan must be significantly adhere to the plan submitted to city staff on August 9, 2021, and as shown below:


LIMITS OF DISTURBANCE
START/STOP TREE PROTECTION FENCE
PROP. 50' R.W.
10' LS STRIP
25' B.S.L.
SIGN
1180
GAMES FERRY ROAD
(50' R.W.)
EPHEMERAL STREAM - NO BUFFER REQD
20' D.E.
1170
20' S.E.
44' x 40' LOADING AREA
PROP. 10' R.W.
36.00 x 24.00 in

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Acceptance of Franchise Fees Settlement Agreement with Charter Communications

COUNCIL MEETING DATE: September 16, 2021

HISTORY:
Charter Communications LLC or Spectrum Southeast LLC, operating as Charter Communications or Spectrum, ("Charter"), has been providing cable television video service in the City of Flowery Branch ("City") and remitting the franchise fee in accordance with the Certificate of Video Franchise Authority dated February 19, 2009 as per O.C.G.A. 36-76-4. 2. The City contracted with the Georgia Municipal Association, Inc. ("GMA") to provide Telecommunication and Right-of-Way Management services via a subcontractor Local Government Services LLC ("LGS"), and to assist the City in conducting a Franchise Fee Payment Compliance Review ("Audit") to ensure proper franchise fee payment calculation and compliance per O.C.G.A. 36-76-4(c). 3. The Audit commenced on June 29, 2020 by an Audit Authorization Letter sent from the City to Charter. Charter responded and acknowledged the audit that same day. 4. On July 2, 2020 LGS sent Charter a Request for Financial Information and an inquiry regarding the Nondisclosure process. Charter delivered the Nondisclosure Agreement on July 22, 2020, and it was executed and returned on August 13, 2020. 5. On December 18, 2020 partial data for the City was delivered to LGS allowing for a financial review; address data was missing. It was determined that this data was incorrect and Charter was notified of the error on December 28, 2020. 6. On February 8, 2021 Charter delivered the financial data and on February 17, 2021 Charter delivered the address data allowing for a complete review. 7. On March 22, 2021, LGS completed the financial and jurisdictional analyses and the Findings were delivered to Charter. There were no financial Findings but numerous jurisdictional errors concluding that Charter did not recognize the correct Service Area of the City of Flowery Branch. 8. On April 30, 2021, the jurisdictional analysis submitted to Charter was supplemented to include exact addresses (not ranges), a format Charter requested. 9. On June 18, 2021, the City sent a letter to Charter requesting compliance and an answer to the jurisdictional errors, giving a requested reply date of July 23, 2021. 10. In addition to the above, numerous communications, both email and telephone, have occurred between the City, LGS, and Charter on the above matter. The City concluded that Charter underpaid franchise fees for the Audit Period. Charter disputed the claim and arrived at a different conclusion than the City. Charter agrees to submit payment to the City in the amount of sixty thousand sixty three dollars ($60,063) to forever settle the City's claims on franchise fees for the Audit Period.

FACTS AND ISSUES:
Tim McGraw, Georgia Municipal Association (GMA) Franchise Fee Advisor, will be presenting this information.

History of Franchise Fees collections for Charter:

FY2017	$21,428.39
FY2018	$20,392.42
FY2019	$20,194.87
FY2020	$18,924.04
FY2021	$19,860.40

We anticipate increase franchise fees to the City by about $20,000 per year.

OPTIONS:
Accept the settlement as presented or do not accept the settlement.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:
n/a

RECOMMENDATION:
Approve for the Mayor to sign the franchise fees settlement agreement with Charter Communications

SAMPLE MOTION:
I approve for the Mayor to sign the franchise fees settlement agreement as presented and accept the settlement amount of $60,063.

COLLABORATING DEPARTMENT:
Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- C Flowery Branch Settlement Agreement Sept 2021.pdf

SETTLEMENT AND RELEASE AGREEMENT

This Settlement and Release Agreement (the "Settlement Agreement") is made this _ __ day of September, 2021 by and among the City of Flowery Branch, Georgia (the "City") and Spectrum Southeast, LLC, locally known as Charter Communications ("Charter").

RECITALS

WHEREAS, Charter operates a cable system in the City and pays franchise fees pursuant to a franchise agreement between the parties (the "Franchise");

WHEREAS, the City conducted an audit of the franchise fee payments made by Charter for the period from April 1, 2017 through March 31, 2020 (the "Audit Period") and concluded that Charter underpaid franchise fees for the Audit Period. Charter disputed the claim and arrived at a different conclusion than the City;

WHEREAS, Charter agrees to submit payment to the City in the amount of sixty thousand sixty three dollars ($60,063) to forever settle the City's claims on franchise fees for the Audit Period;

WHEREAS, the City and Charter now desire to conclude, settle, release and discharge once and forever, all rights, claims, causes of actions, liabilities, disputes and demands relating to franchise fees due the City for the Audit Period;

NOW THEREFORE, in consideration of the foregoing, and in consideration of the mutual promises and obligations hereinafter set forth, and for good and valuable mutual consideration, the receipt and sufficiency of which is hereby acknowledged, the parties to this Settlement Agreement hereto agree as follows:

AGREEMENT

1. **SETTLEMENT AMOUNT**

The City and Charter have agreed that Charter shall submit payment to the City in the amount of sixty thousand sixty three dollars ($60,063) in full settlement of the City's claims on franchise fees for the Audit Period. Charter agrees to pay this amount to the City within sixty (60) days after receipt of the executed Settlement Agreement from the City. It is expressly understood and agreed that the Settlement Amount represents full and complete satisfaction and compromise of any and all claims, actions, causes of action, controversies, demands, damages,

debts, agreements, obligations, liabilities, interest, liens, expenses, costs, attorneys' fees and demands of any kind or nature, known or unknown, arising out of or in any way related to franchise fees due the City during the Audit Period. Notwithstanding any provision of this Settlement Agreement, the parties hereby acknowledge and agree that any franchise fee payment made pursuant to the Franchise may be recovered by Charter from subscribers in accordance with applicable law and that such funds may be included as line items on subscriber bills consistent with FCC regulations at Charter's discretion.

2. RELEASE OF CLAIMS

For the consideration set forth in this Settlement Agreement, the City does hereby release and forever discharge Charter, and its parents, subsidiaries, related affiliates and their respective officers, directors, shareholders, owners, partners, employees, agents, contractors, representatives, predecessors, successors, assigns, insurers and attorneys, and each of them, from any and all claims, demands, actions, causes of action, liabilities, obligations, losses, accounts, debts, damages, judgments, costs, interest, expenses, attorney's fees and demands of any kind or nature, known or unknown, arising out of or in any way related to franchise fees due the City during the Audit Period. Furthermore, the City expressly agrees that this settlement, and/or the events leading up to it, including the dispute with respect to the payment of franchise fees during the Audit Period, may not be used in any way in any subsequent judicial or administrative proceeding against Charter other than to enforce the terms of this Settlement Agreement.

3. VOLUNTARY AGREEMENT

This Settlement Agreement is freely and voluntarily given by each party, without any duress or coercion, and after each party has consulted with its counsel. Each party has carefully and completely read all of the terms and provisions of this Settlement Agreement. It is understood and agreed by the City and Charter that nothing herein shall be deemed to be an admission of liability by Charter with respect to the matter of this Settlement Agreement.

4. **AUTHORITY AND BINDING EFFECT**

The City and Charter represent and warrant to the other that each has the legal right, power and authority to enter into this Settlement Agreement and to perform its obligations hereunder. This Settlement Agreement will inure to the benefit of and be binding upon the parties and their respective successors and assigns. The parties for themselves and their respective successors and assigns agree to join in or execute any instruments and to do any other act or thing necessary or proper to carry into effect this or any part of this Settlement Agreement.

5. **ENTIRE AGREEMENT**

This Settlement Agreement sets forth the entire agreement between the City and Charter relating to the subject matter of this Settlement Agreement.

6. **GOVERNING LAW**

This Settlement Agreement, and any controversies arising hereunder, shall be interpreted in accordance with the laws of the State of Georgia, and adjudicated in a state or federal court of competent jurisdiction located in the State of Georgia.

7. **CONFIDENTIALITY**

The existence, nature, terms and conditions of this Settlement Agreement are confidential and shall not be disclosed by either party in any manner or form, directly or indirectly, to any person or entity under any circumstances, unless required by court order or applicable law.

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement as their free and voluntary acts and deeds, effective as of the date first above written.

City of Flowery Branch, Georgia	**Spectrum Southeast, LLC** **By: Charter Communications, Inc., Its Manager**
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____

Sworn before me in the City of Flowery Branch, Georgia of _____, this ___ day of

_____, 2021.

My Commission Expires: _____ _____

Notary Public

Approved as to Form:

_____

Vice President and Assistant General Counsel

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Resolution 21-017 – Consider an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

During the evaluation of the anticipated TAD loan payments, it was expected for General Fund to assist the TAD fund with interest payments at the beginning of the loan until the property tax evaluations and collections increased due to the new developments within the tax allocation district.

The City does not receive documentation for the County TAD Allocation until November- December, and the check is received between January-March of the year. The City does not transfer its annual allocation until the County's allocation is received each Spring. We anticipate the payment amounts to increase as the developments are complete and the property values increase, covering future payments for the loan.

During the Spring of 2021, the City worked with Hall County Tax Assessor's office to evaluate current developments within the Tax Allocation District to ensure the County has a copy of all project plans and completion percentages of all projects as of January 1, 2021. We anticipate some additional revenues this tax year as a result of this review with the County.

FACTS AND ISSUES:

History of Tax Allocation Increment Calculations by Tax Billing Year:

Tax Billing Year:	County:	City:	Total:
2020	$102,440.93	$68,899.00	$171,339.93
2019	$97,228.59	$62,250.71	$159,479.30
2018	$104,754.88	$63,791.03	$168,545.91
2017	$91,258.91	$44,458.07	$135,716.98
2016	$69,395.61	$39,626.89	$109,022.50
2015	$94,873.80	$55,203.82	$150,077.62

OPTIONS:

Approve Resolution 21-017 for FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment as presented in Attachment A.

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

No

AMOUNT AND SOURCE OF FUNDS:

$4,700 move from General Fund to Tax Allocation District Fund

RECOMMENDATION:
Resolution 21-017 – Approve an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.

SAMPLE MOTION:
I make a motion to approve Resolution 21-017 –FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment as presented in Attachment A.

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- Resolution 21-017 - EXECUTIVE SUMMARY.pdf
- Resolution 21-017.pdf
- ATTACHMENT A - Resolution 21-017 Budget Adjustment Form.pdf

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Resolution 21-017 – Consider an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.

DATE: September 10, 2021

(X) RECOMMENDATION
( ) POLICY DISCUSSION
( ) STATUS REPORT
( ) OTHER

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: September 16, 2021

PURPOSE: Consider an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.

HISTORY: During the evaluation of the anticipated TAD loan payments, it was expected for General Fund to assist the TAD fund with interest payments at the beginning of the loan until the property tax evaluations and collections increased due to the new developments within the tax allocation district.

The City does not receive documentation for the County TAD Allocation until November-December, and the check is received between January-March of the year. The City does not transfer its annual allocation until the County's allocation is received each Spring. We anticipate the payment amounts to increase as the developments are complete and the property values increase, covering future payments for the loan.

During the Spring of 2021, the City worked with Hall County Tax Assessor's office to evaluate current developments within the Tax Allocation District to ensure the County has a copy of all project plans and completion percentages of all projects as of January 1, 2021. We anticipate some additional revenues this tax year as a result of this review with the County.

FACTS AND ISSUES:

HISTORY OF TAX ALLOCATION DISTRICT COLLECTIONS:			
Tax Billing Year:	County:	City:	Total:
2020	$102,440.93	$ 68,899.00	$171,339.93
2019	$ 97,228.59	$ 62,250.71	$159,479.30
2018	$104,754.88	$ 63,791.03	$168,545.91
2017	$ 91,258.91	$ 44,458.07	$135,716.98
2016	$ 69,395.61	$ 39,626.89	$109,022.50
2015	$ 94,873.80	$ 55,203.82	$150,077.62

OPTIONS: Approve Resolution 21-017 for FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment as presented in Attachment A.

RECOMMENDED SAMPLE MOTION: I make a motion to approve Resolution 21-017 – FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment as presented in Attachment A.

DEPARTMENT: Finance

Prepared by: Alisha Gamble

RESOLUTION NO.: 21-017

TO AMEND THE BUDGET FOR FISCAL YEAR 2022 AS PREVIOUSLY ADOPTED ON JUNE 17, 2021.

WHEREAS, the City Council approved a budget for fiscal year 2022 for the City of Flowery Branch on June 17, 2021 by Resolution 21-005; and

WHEREAS, the budget is a dynamic rather than static revenue and spending plan which requires adjustment from time to time as circumstances change; and

WHEREAS, these adjustments maintain a balanced budget for all funds.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Flowery Branch hereby adopts the adjustments to the budget listed on "Attachment A", attached hereto and made a part of the Resolution.

RESOLVED this 16th day of September 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Shelia Cooper, Assistant City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

City of Flowery Branch
Request For Budget Adjustment

ATTACHMENT A

Fund/Department: 100/270

Effective Date: 9/16/2021

Account Number	Account Name	Current Budget	Debit (Credit)	Revised Budget
				-
100-0000-399900	Budgeted Fund Balance		(4,700)	(4,700)
100-9000-611270	Transfer Out 270 - TAD Fund		4,700	4,700
				-
270-0000-391100	Transfer in 100 - General Fund		(4,700)	(4,700)
270-0000-399900	Budgeted Fund Balance		4,700	4,700
				-
*****PLUS this journal entry to record the transfer of cash:***				
270-0000-111110	Tax Allocation District Fund Cash		4,700	
999-0000-111110	Pool Cash		(4,700)	
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
	Totals	$ -	$ -	$ -

Justification: Resolution 21-017 - FY2022 Budget Adjustment for 9/20/2021 Tax Allocation District Loan Payment

Approvals:

Department Director: _____ Date: _____

Finance Director: Alisha Gamble Date: 9/10/2021

City Manager: Vickie Short Date: 9/10/2021

Finance Department Use

Posted By: _____ Date Posted: _____

Council Action Required: Yes ✓ No _____ Budget Adjust. #: _____

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

COUNCIL MEETING DATE: September 16, 2021

HISTORY:
Prior intergovernmental agreements for this service only included Exit 12.

FY2020 total cost $10,000 and FY2021 total cost $10,000.

FACTS AND ISSUES:
These services are needed due to limited public works staff to perform these duties.

FY2022 costs for Exit 12 and Exit 14 will be $11,818.03 per the attached allocation worksheet from Hall County dated 9/9/2021.

Funding is available in the approved FY2022 Public Works budget for Roads Repairs and Maintenance.

Hall County agrees to provide Flowery Branch a copy of expenditures associated with the maintenance of the exits to include salaries, benefits, operational costs, and equipment costs.

The term of this Agreement shall be one (1) year from the date of execution. Unless otherwise terminated, this Agreement shall automatically renew annually, not to exceed ten annual renewal periods.

OPTIONS:
Approve Intergovernmental Agreement with Hall County for I-985 Interchange Mowing.

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

AMOUNT AND SOURCE OF FUNDS:
Funding for this agreement included as a line item in the FY2022 budget of Public Works Roads Repairs & Maintenance of $80,000

RECOMMENDATION:
Approve the Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

---

SAMPLE MOTION:
I make a motion to approve Intergovernmental Agreement with Hall County for I-985 Interchange Mowing.

COLLABORATING DEPARTMENT:
Public Works

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- IGA I-985 Maintenance with Hall County - EXECUTIVE SUMMARY.pdf
- 985 Maint. Agreements Flowery Branch 2021.pdf
- Flowery Branch Allocations 090921.pdf
- Exhibit A.pdf

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

DATE: September 10, 2021

(X) RECOMMENDATION
( ) POLICY DISCUSSION
( ) STATUS REPORT
( ) OTHER

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: September 16, 2021

PURPOSE: Consider Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

---

HISTORY: Prior intergovernmental agreements for this service only included Exit 12. FY2020 total cost $10,000 and FY2021 total cost $10,000.

FACTS AND ISSUES:
These services are needed due to limited public works staff to perform these duties.

FY2022 costs for Exit 12 and Exit 14 will be $11,818.03 per the attached allocation worksheet from Hall County dated 9/9/2021.

Funding is available in the approved FY2022 Public Works budget for Roads Repairs and Maintenance.

Hall County agrees to provide Flowery Branch a copy of expenditures associated with the maintenance of the exits to include salaries, benefits, operational costs, and equipment costs.

The term of this Agreement shall be one (1) year from the date of execution. Unless otherwise terminated, this Agreement shall automatically renew annually, not to exceed ten annual renewal periods.

OPTIONS: Approve Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

---

RECOMMENDED SAMPLE MOTION: I make a motion to approve Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

DEPARTMENT: Finance and Public Works

Prepared by: Alisha Gamble

STATE OF GEORGIA
COUNTY OF HALL

1-985 INTERCHANGE MOWING
INTERGOVERNMENTAL AGREEMENT BETWEEN
HALL COUNTY, GEORGIA
AND THE MUNICIPALITY OF FLOWERY BRANCH, GEORGIA

This intergovernmental Agreement is entered into this _____ day of _____, 2021 by and between Hall County, Georgia, a political subdivision of the State of Georgia, (hereinafter referred to as "Hall County") and the City of Flowery Branch, Georgia, a municipal corporation, (hereinafter referred to as "Flowery Branch") for the purpose of setting forth the responsibilities of each party concerning the maintenance of exits along Interstate 985 which are located in Hall County and within various city limits.

WITNESSETH

WHEREAS, certain exits are located in Hall County, Georgia, and various cities located within the boundaries of Hall County;

WHEREAS, both Hall County and Flowery Branch agrees that it is in the best interest of both parties to enter into a partnership to perform certain services relating to mowing and trimming within the Georgia Department of Transportation's right of way, and

WHEREAS, Hall County has entered into an agreement with the Georgia Department of Transportation (Exhibit "A" hereto) to provide such maintenance, and has lawfully obtained the license to perform the services, and

WHEREAS, Hall County agrees to provide experienced and qualified personnel and equipment necessary to accomplish this agreement;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants as herein contained, it is agreed by and between the parties hereto that:

Hall County will be responsible for the maintenance of exits 8, 12, 14, 16, 17, 20, 22, and 24 as outlined in the Right of Way Mowing Agreement between the Georgia Department of Transportation and Hall County, Georgia, dated October 22, 2015. (See Right of Way Mowing Agreement attached hereto as Exhibit "A").

Flowery Branch will be responsible for annual reimbursement of operational cost associated with the maintenance of exits in the amount of $_11,818.00_ to be paid upon execution of this agreement. Future annual reimbursements will be based on a pro-rata share of actual operational costs and annualized cost of equipment replacement.

Hall County agrees to provide Flowery Branch a copy of expenditures associated with the maintenance of the exits to include salaries, benefits, operational costs, and equipment costs.

The term of this agreement shall be one (1) year from the date of execution. Unless otherwise terminated, this Agreement shall automatically renew annually not to exceed 10 annual renewal periods.

This Agreement shall not be altered, amended or modified except in writing signed by the duly authorized representatives of each party hereto.

Neither part hereto shall, without written consent of the other party, assign or transfer this Agreement or any rights and obligations hereunder.

This Agreement may be terminated upon written notice by either party for any reason at any time. Said termination shall be effective upon the 30th day after the other party received written notice of termination. Upon termination of the Agreement, and if applicable, Flowery Branch shall be responsible for (a) removing planted landscaping, landscape related items, and any other non-standard and decorative elements that were installed by or for Flowery Branch at no cost to Hall County; (b) restoring any landscape removed by Flowery Branch and restoring the landscape to its original condition; and (c) reimbursing Hall County for any reimbursements made to the Georgia Department of Transportation on Flowery Branch's behalf.

Hall County, and all its successors and assigns thereto, shall save harmless Flowery Branch, its officers, agents and employees from all suits, claims, actions or damages of any nature whatsoever and shall be responsible for injury or damage resulting from the performance of work described in this Agreement. It is further understood and agreed, that Hall County, or any successor or assigns thereto, in the conduct of any work described in this Agreement, shall not be considered the agent of Flowery Branch

Any notice or communications hereunder shall be in writing and shall be delivered via certified United States Mail return receipt requested to the following:

Hall County
Hall County Government
Attn: County Administrator
P.O. Drawer 1435
Gainesville, GA 30503

City of Flowery Branch
P.O. Box 757
5517 Main Street
Flowery Branch, GA 30542

IN WITNESS WHEREOF, the parties hereby execute this Agreement on the date below.

HALL COUNTY BOARD OF COMMISSIONERS

By: _____
Richard Higgins, Chairman

By: _____
Lisa Ritchie, Commission Clerk

CITY OF FLOWERY BRANCH

By:_____
Mike Miller, Mayor

By:_____
City Clerk

Hall County, Georgia
FY 2022 Flowery Branch Cost Recap Exit 12 & 14
June 30, 2021

Pro-Rata Capitalized Equipment *	$9,185.70
Officer Labor Costs (with estimates for Exit 14)	$3,652.20
Inmate Labor Costs (with estimates for Exit 14)	$8,234.05
Fuel **	$2,339.10
Pine Straw ***	$225.00
Total Cost	$23,636.06
Amount due from Flowery Branch (50/50 Split)	$11,818.03

Officer	165 x2	330 x12	3960
Inmate	372 x2	744 x12	8928
Totals		1074	12888

Exit 14 Acre Allocation

6.23	OAKWOOD	12.90%
21.68	HALL COUNTY	44.88%
20.4	FLOWERY BRANCH	42.23%
48.31		

Exit 14 Acre Allocation		Exit 12		Totals
Officer	$1,672.20	Officer	$1,980.00	$3,652.20
Inmate	$3,770.05	Inmate	$4,464.00	$8,234.05
Totals		Totals		

NOTES

* Based on acreage of I-985 Initiative (for Flowery Branch Exits 12 and Ext 14) - see attachment.

** Mower Hours (432) x Average hourly Fuel Consumption (1.41 GPH) @ Hall County FY21 Fuel Contract Fuel Price (2.70 per Gallon). (x the Flowery Branch Exit 14 Allocation %42.23)

*** 50 Bales @ $4.50 per Bale

FUEL		**Exit 12**	**Exit 14**	**Oakwood Total Fuel**
Mwr Hrs	216 x2	432	182.42	614.42
Gallons		609.12	257.21	866.33
cost		1644.624	694.48	2339.10

Exhibit A

GEORGIA DEPARTMENT OF TRANSPORTATION
MOWING AND TRIMMING SPECIFICATION
ATTACHMENT A: CENTERLINE MOWING REQUIREMENTS

Requirements under these Specifications consists of furnishing all labor, material, tools, equipment, and incidentals necessary to perform mowing, trimming, and litter removal operations within the limits of the right of way and easement areas in a safe, effective, and timely manner, as detailed in these Specifications.

1. APPLICABLE DOCUMENTS

Reference the guidelines as set forth in the following documents:

1.01 *Manual of Uniform Traffic Control Devices* (MUTCD), current edition

1.02 *American National Standards Institute* [ANSI A300 (Part 1)], current edition

2. TERMS AND DEFINITIONS

2.01 Bridge End Roll: The area at each end of a bridge that slopes down from the end support to the natural ground contour under the bridge.

2.02 Centerline Mile: Incremental measurement used in this agreement that includes the mowing limits within a one (1) mile distance on a route. This includes both directions of the mile, shoulders, and median.

2.03 Established/Planted Trees and Shrubs: Trees and/or shrubs that have been planted for aesthetics by the Department and trees that are greater than three (3) inches in caliper dbh (4-1/2 feet above ground).

2.04 Interchange: An area allowing for access to and from the interstate mainline.

2.05 Mainline: The area(s) between interchanges on interstate and limited access routes.

2.06 Mowing Cycle: A Mowing Cycle consists of mowing complete the areas as designated in these Specifications one time.

2.07 Mowing Complete: The accepted and approved mowed and trimmed Centerline Miles, including litter removal, within established mowing limits.

2.08 Mowing Limits: All areas that are mowable with tractor mowing equipment within the right of way that are on a 3:1 or flatter slope, and trimming in front of, behind, under, and around roadside obstacles, and trimming on all slopes at Interchanges and on slopes greater than or equal to 3:1 on the mainline.

2.09 Natural Tree Line: The dominant boundary/edge of a community of hardwood and non-hardwood trees, greater than three (3) inches in caliper dbh (4-1/2 feet above ground). The edge can be a fluctuating line. Typically, in a community, the maximum trunk to trunk distance of trees, greater than three (3) inches in caliper dbh (4-1/2 feet above ground), is less than ten (10) feet.

2.10 Roadside Obstacles: Items located within the right of way, both natural and man-made which may include but are not limited to sign posts, delineator posts, light posts, steel beam guardrail and associated posts, headwalls, barrier walls, retaining walls, catch basins, fallen rock, bridge end abutments, mailboxes, newspaper boxes, established/planted trees and shrubs, landscaped beds, natural tree line, wildflower areas, Bridge End Rolls, and fences.

2.11 Slope Break Point: The spot where the non-mowable slope begins.

2.12 Traveled Way: The portion of the roadway for the movement of vehicles, exclusive of the shoulders.

2.13 Vegetation: All woody and herbaceous plants, three (3) inches and less in caliper dbh (4-1/2 feet above ground), that are naturally occurring. (Includes Department-planted grasses) The stems of multiple trunk vegetation will be measured individually.

2.14 Shadow Vehicle: A vehicle used to buffer mowing and/or litter operations that may interfere with traffic.

Exhibit A

3. EQUIPMENT

3.01 Assign appropriate equipment quantities and types to meet stated mowing schedules. Equipment shall meet the following requirements:

A. Equip each tractor with two (2) flashing signal lights, two (2) orange flags and an eighteen (18) inch slow moving emblem sign. Equip each mower with two (2) orange flags.

B. Acceptable guards are to be on all open portions of mowers and trimming equipment to prevent objects from being thrown from under the mower while in operation.

3.02 Properly maintain mower blades so that they are sharp, straight and evenly weighted.

3.03 Equip support vehicles, such as pickups and service trucks with a minimum of one (1) revolving or strobe type light, with amber lens.

3.04 Use a shadow vehicle to buffer the Mowing operation when it is on or within three (3) feet of the travel way.

A. Equip support vehicles used as shadow vehicles with a forty-eight (48) inch square "Watch for Mowers" sign with an eighteen (18) inch slow moving emblem attached and mounted on the rear of the shadow vehicle.

B. Equip a shadow vehicle with a minimum of one (1) revolving or strobe type light, with amber lens.

4. MOWING REQUIREMENTS

4.01 MOWING LIMITS AND SPECIAL CONDITIONS

A. Mowing Limits for Each Cycle: All mowable areas within the right of way that are on a 3:1or flatter slope using tractors with rotary or flail type mowers, and trimming in front of, behind, under and around roadside obstacles, landscaped areas, planted/established trees and shrubs, and wildflower plots and trimming on all slopes. These include all areas as shown on **Exhibit "B" Hall County Interchange Mowing Areas** . Perform trimming in a manner as to create a smooth transition back to where the mowing was performed.

B. Special Mowing Conditions: Perform all scheduled mowing operations during daylight hours. No work will be allowed on holidays. No work will be allowed on weekends in which a holiday falls on a Monday or Friday.

1. For the following counties; Clayton, Cobb, Dekalb, Douglas, Fulton, Rockdale, (all of District 7) and Gwinnett, do not perform work between the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m., Monday through Friday.

2. For the following counties; Bibb, Chatham, Cherokee, Columbia, Forsyth, Hall, Henry, Richmond, , between the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m., do not perform work, in the direction of rush hour traffic, Monday through Friday.

4.02 MOWING COMPLETE REQUIREMENTS

Perform Mowing Complete in accordance with these Specifications.

A. Mowing: Perform mowing within the Mowing Limits for vegetation on slopes no steeper than 3:1. This operation will not be allowed on slopes steeper than 3:1, or in any other situations that may be a hazard to the operator or the traveling public, including areas that may be too wet or otherwise inaccessible.

B. Trimming: Trim vegetation to a height less than six (6) inches within the Mowing Limits that are inaccessible by Tractor Mowing. This includes trimming in front of, behind, under or around, and beyond roadside obstacles, landscape beds, established/planted trees, shrubs and wildflower areas to provide an attractive appearance. (See Appendix 2)

1. Mainline Slopes that are Greater than 3:1: Trim vegetation a minimum of fifteen (15) feet beyond the slope break point each mowing cycle. If the Natural Tree Line falls within the minimum fifteen (15) foot area, trim vegetation to the Natural Tree Line.

2. Mainline with Slopes 3:1 or less: Trim vegetation to the Natural Tree Line or to the right of way fence if no Natural Tree Line exists.

3. Landscape, Bulb, and Wildflower Plots. Trim vegetation around landscaped areas, established or planted trees, shrubs, bulbs and wildflower plots without damaging plant materials. Trim vegetation under planted trees as necessary.

4. Wet or Inaccessible Areas: If an area is too wet and/or otherwise inaccessible by mowing equipment, trim vegetation using trimming equipment and/or slope mowers.

5. Bridge Structures: Trim vegetation located at, under, or near bridge structures including Bridge End Rolls and riprap areas within the right of way.

   a. Trim all vegetation under and around trees greater than three (3) inches caliper dbh (4-1/2 feet above ground) that exists between adjacent bridges.

   b. Trim vegetation on bridge ends and Bridge End Rolls at overpasses and underpasses to the right of way fence and/or Natural Tree Line. If trees exist within fifteen (15) feet around or adjacent to the bridge; trim vegetation under and around the trees. Continue trimming downslope or upslope to meet the Mowing Limits.

   c. The limits of trimming extend to the fence line in cases where a fence is located on the top of a slope at a bridge underpass.

6. Interchanges: Trim all vegetation on non-mowable and mowable areas within an Interchange to the natural tree line and/or to the right of way fence. (See Appendix 2, Diagram A)

7. Barrier Walls: Remove vegetation at the base of and on all barrier walls. Trim and remove vegetation in non-landscaped areas between barrier walls.

8. Vegetation Removal: Remove trimmed woody vegetation from the right of way within five (5) days. Disposal shall be in accordance with applicable laws and regulations.

9. Multiple Trunk Trimming: In areas where trimming occurs, trim all stems of multiple trunk vegetation that are three (3) inches caliper dbh (4-1/2 feet above ground) or less.

4.03 TRAFFIC CONTROL REQUIREMENTS

A. At a minimum, abide by the *Manual of Uniform Traffic Control Devices* (MUTCD), current edition, for traffic control guidance.

B. Perform all Mowing as a continuous mowing operation as described in these Specifications. Mow only in the direction of traffic.

C. Any signs used must be of rigid, one-piece construction covered with suitable sheeting and legend (engineering grade). Roll-up type signs may be used if they meet MUTCD Standards. Equip all signs with flags.

D. Do not cross the median on Interstates or other divided highways. Enter and exit at the existing Interchanges.

E. Do not exceed a ten (10) mile work zone. The Atlanta Metro area will be limited to five (5) miles.

F. On non-divided highways, only one Tractor Mowing operation in a work zone will be allowed. On divided highways, two mowing operations in a work zone may be allowed on the outside shoulders. Additional work zones will be allowed, separated by a minimum of two (2) miles. Do not exceed ten (10) miles of mowing without completing trimming.

   1. Signs: Place "Watch for Mowers" signs with flags attached at each end of the work zone in the direction of traffic on both the median and outside shoulder.

   2. Ramps: In the event of an on-ramp located within the work zone, place at the top of the on-ramp a "Watch for Mowers" sign with flags. Place all signs before any tractor mowing is performed. Remove all signs at the end of each workday.

G. Buffer tractor mowers traveling within three (3) feet of the traveled way, crossing lanes, traveling on paved shoulder, moving equipment to other locations (dead heading), by a shadow vehicle.

   1. Operations may be restricted when, in the opinion of the Department, the continuance of the work would seriously hinder traffic or is unsafe.

2. Move equipment or materials on or across the traveled way in a safe manner which will not interfere with traffic. There shall be no reduction in the total number of available traveled ways. Schedule and arrange the work to ensure the least inconvenience and the utmost safety to the traveling public.

4.04 SAFETY AND INCIDENT REPORTING

A. Suspend operations if weather conditions are such that mowing operations cannot be carried out in an effective manner.

B. Notify the Department immediately by phone of any incident or accident that involves the Licensee while fulfilling this Agreement.

1. Submit a written report to the Department within forty-eight (48) working hours after the incident or accident. Describe in full what occurred. Provide the names of those involved with their contact phone numbers, and extent of injury and damage.

2. Employees shall carry business cards that have the name, address, and phone number of the Licensee upon request of individuals involved in an incident or accident.

C. If mowing and trimming operations cause damage to roadside obstacles, vegetation to remain, or ground disturbance, repair or replace the damaged item with a like item.

D. Do not allow any debris to be thrown onto the road surface by the mowing equipment or by personnel. Perform work in such manner as to leave existing vegetation undamaged.

E. Mowing equipment, while in operation, must be horizontal with the mowing surface. Operating tractor mowers in a vertical position parallel to a traveled way is prohibited.

F. Equipment left on the right of way is the responsibility of the Licensee. Do not park equipment on the right of way or on state property for more than five (5) continual working days in the same location.

1. Park no equipment in the median.

2. Park equipment behind guardrail or in other protected areas where such areas exist. Otherwise, park equipment a minimum of thirty (30) feet from the edge of pavement.

G. Operate no equipment that causes ground disturbance and/or damages any part of the right of way. Repair, at no cost to the Department, all damage caused by equipment.

4.05 QUALITY ACCEPTANCE

A. The height of all vegetation after any Mowing or Trimming operation shall be no more than six (6) inches.

Exhibit A

GEORGIA DEPARTMENT OF TRANSPORTATION
MOWING AND TRIMMING SPECIFICATION

ATTACHMENT B: LITTER REMOVAL REQUIREMENTS

1. APPLICABLE DOCUMENTS

See Attachment A – 1. Applicable Documents

2. DEFINITIONS

See Attachment A - 2. Terms and Definitions

3. DESCRIPTION

3.01 Pick up, remove and dispose of litter and debris within all mowing and trimming areas as specified in Attachment A – Centerline Mowing Requirements and on all paved shoulders.

3.02 Litter and debris may consist of paper, boxes, bottles, cans, tires, recaps, rubber pieces, mattresses, appliances, lumber, metal pieces, hubcaps, vehicle parts, brush, trimmed vegetation on paved surfaces, dead animals, memorials, and other items not considered normal to the right of way, etc.

4. METHODS OF REMOVAL OPERATIONS

4.01 It is expected that all litter and debris activity will be accomplished by manual means; however, these Specifications are not intended to be restrictive or limit other techniques that achieve the specified and desired quality.

A written request may be submitted to the Department for the use of specialized mechanical equipment designed for removal of litter and debris. The Department, prior to any equipment being used, must approve the request. The Department may require additional safety devices or precautions if special equipment is allowed to be used. No ATV's (all terrain vehicles) will be allowed for use during litter pickups.

4.02 All litter and debris must be deposited into trash bags prior to being placed into disposal vehicles. Larger pieces such as ladders, tires, mattresses, etc., may be directly deposited into disposal vehicles.

4.03 Conduct litter removal activities during daylight hours only.

5. METHODS OF DISPOSAL

5.01 Remove all litter and debris, including larger pieces, from the right of way at the end of each working day and dispose of at locations provided by the Licensee. Storage or stockpiling of litter or debris on the right of way is prohibited. Disposal shall be in accordance with applicable laws and regulations. Locations for disposal and costs associated for use of such locations will be the responsibility of the Licensee.

5.02 Construct all vehicles, such as pickups or dump trucks, utilized to remove and dispose litter and debris to inhibit further distribution or loss of litter along the roadway. Cover all open-top vehicles and secure with tarpaulins. These vehicles must be in accordance with local and state laws governing waste hauling equipment.

6. FREQUENCIES AND TIMING OF REMOVAL AND DISPOSAL

6.01 At a minimum, all litter and debris must be removed in advance of each Mowing Cycle.

6.02 Perform litter removal and disposal immediately in front of and as an integral part of the mowing operations. Remove any litter and debris accumulated between litter activities and mowing activities prior to mowing operations.

7. TRAFFIC CONTROL REQUIREMENTS

7.01 Use a shadow vehicle when removing litter on paved shoulders. The shadow vehicle may be the litter disposal vehicle.

Exhibit A

7.02 Follow all guidelines as per Attachment A - Section 4.03 - Traffic Control Requirements. Use "Litter Pickup Ahead" warning signs during the non-mowing season. Use "Litter Pickup Ahead" warning signs during the mowing season when the litter operation does not fall within a ten (10) mile mowing work zone.

7.03 A shadow vehicle and litter disposal vehicles must be equipped with a strobe light and slow-moving vehicle signs during removal of trash bags and larger material. Use these lights only when required in the course of the work and not when traveling to and from the job site.

7.04 All vehicles, including transport or service vehicles, must not obstruct traffic lanes.

Exhibit A

GEORGIA DEPARTMENT OF TRANSPORTATION
MOWING AND TRIMMING SPECIFICATION

APPENDIX 1: CENTERLINE MILE LOCATIONS AND TOTALS

ROUTE	COUNTY	BEGIN MP	END MP	CENTERLINE MILES
I-985/US 23	HALL	8.1	8.4	0.3
I-985/US 23	HALL	11.5	11.9	0.4
I-985/US 23	HALL	16.0	17.0	1.0
I-985/US 23	HALL	19.9	20.2	0.3
I-985/US 23	HALL	21.2	21.6	0.4
I-985/US 23/SR 365	HALL	23.8	24.3	0.5
TOTAL CENTERLINE MILES				2.9

ACCESS ROADS*

ROUTE	COUNTY	FROM	TO

Exhibit A

GEORGIA DEPARTMENT OF TRANSPORTATION
MOWING AND TRIMMING SPECIFICATION
APPENDIX 2: MOWABLE LIMIT DIAGRAMS

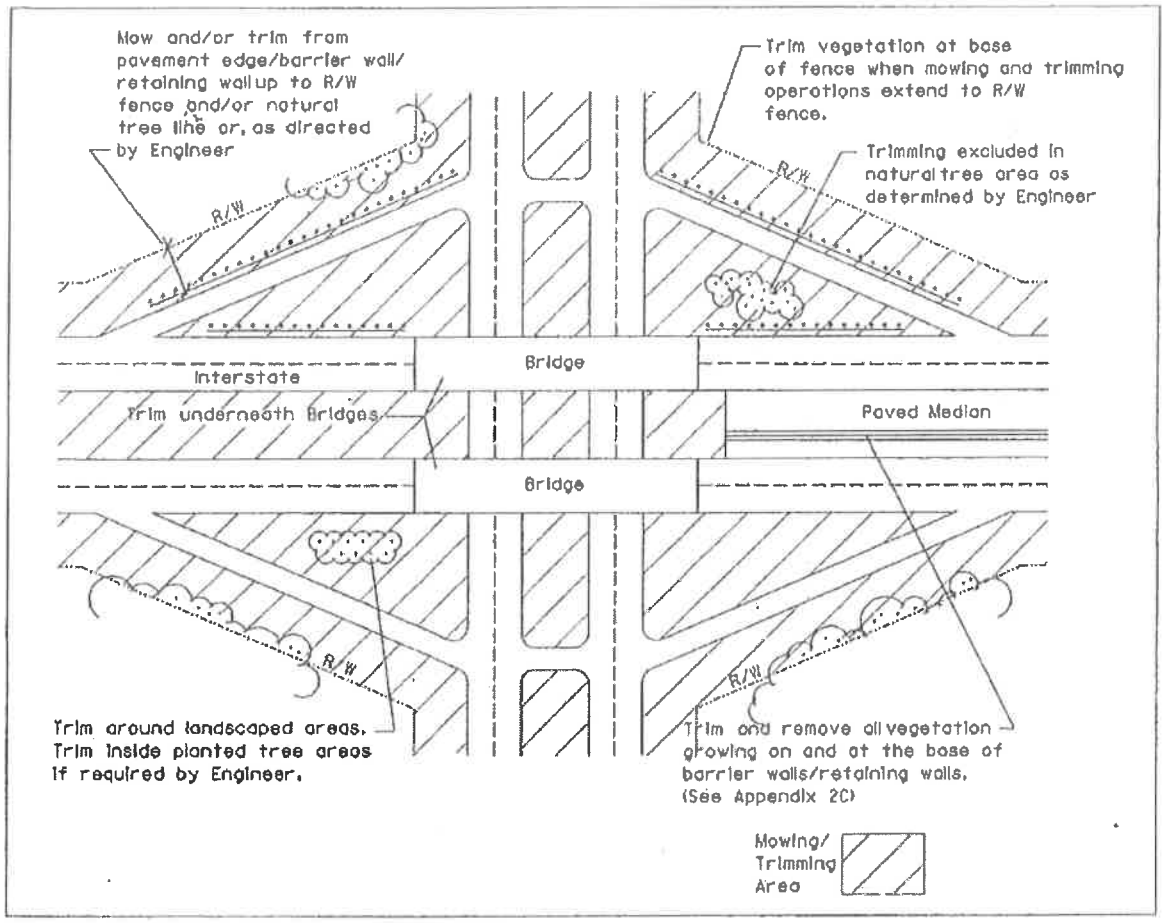


Diagram A: MOWABLE LIMITS AT INTERCHANGES – INTERSECTIONS AS AMMENDEDD BY EXHIBIT "B"

Within an Interchange, mow and/or trim all vegetation to the right of way fence and/or natural tree line, as indicated above, each mowing cycle. **NOTE: HALL COUNTY DOES NOT INTEND ON MOWING THE MEDIAN ON I-985 AT ANY INTERCHANGE AS DEPICTED ON EXHIBIT "B"**

Exhibit A

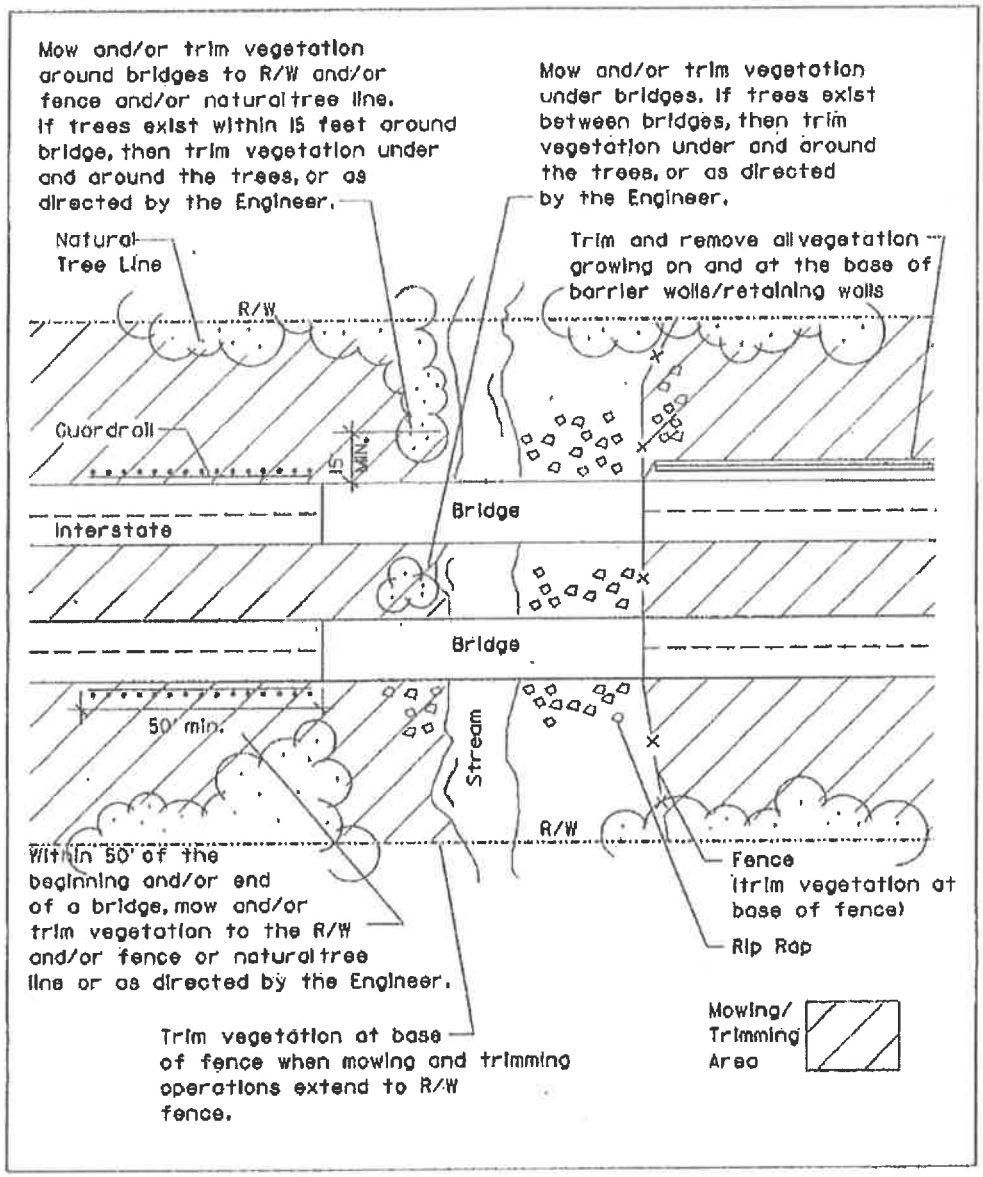


Diagram B: MOWABLE LIMITS AT WATER CROSSING/BRIDGES

On all slopes, mow and/or trim all vegetation to the right of way fence and/or Natural Tree Line, as indicated above, each mowing cycle.

Exhibit A

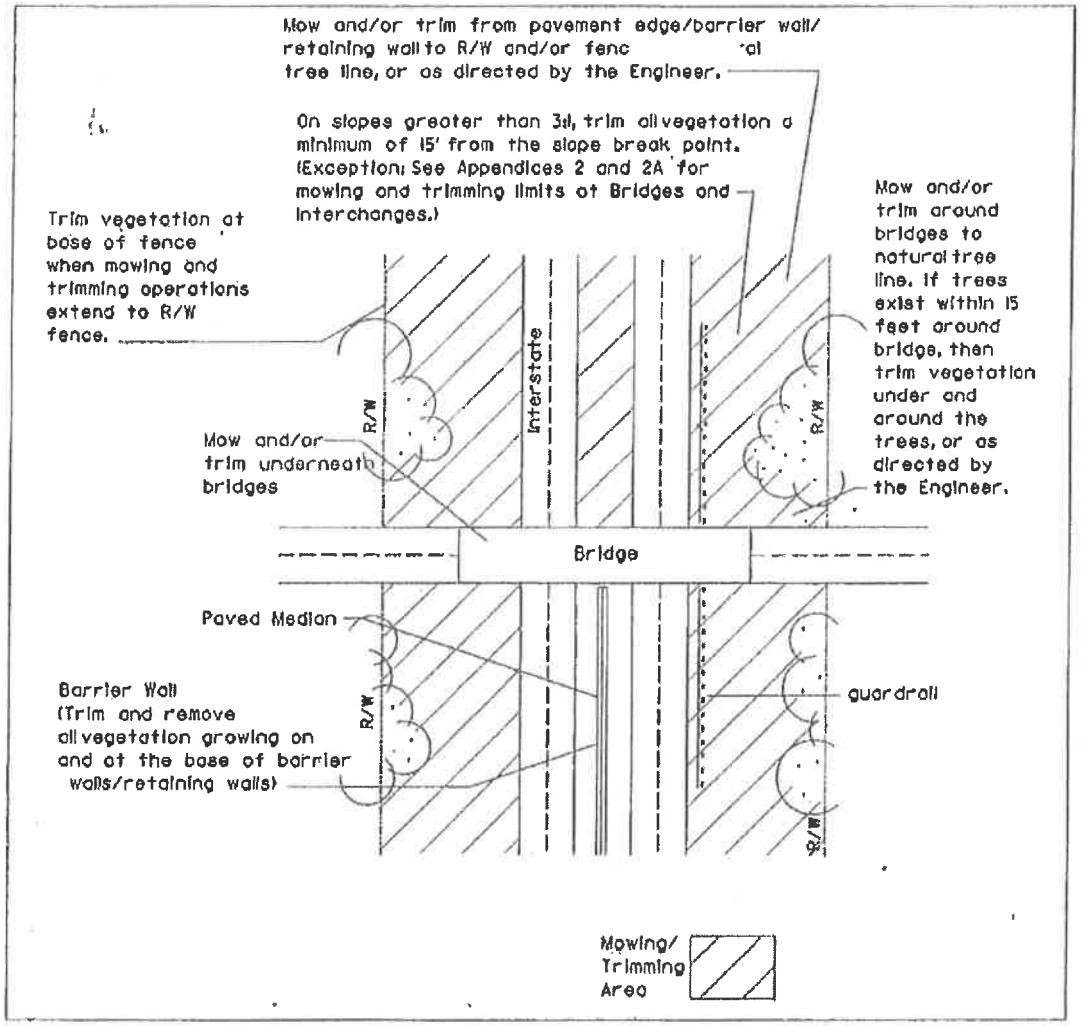


Diagram C: MOWABLE LIMITS ALONG MAINLINE

Exhibit A

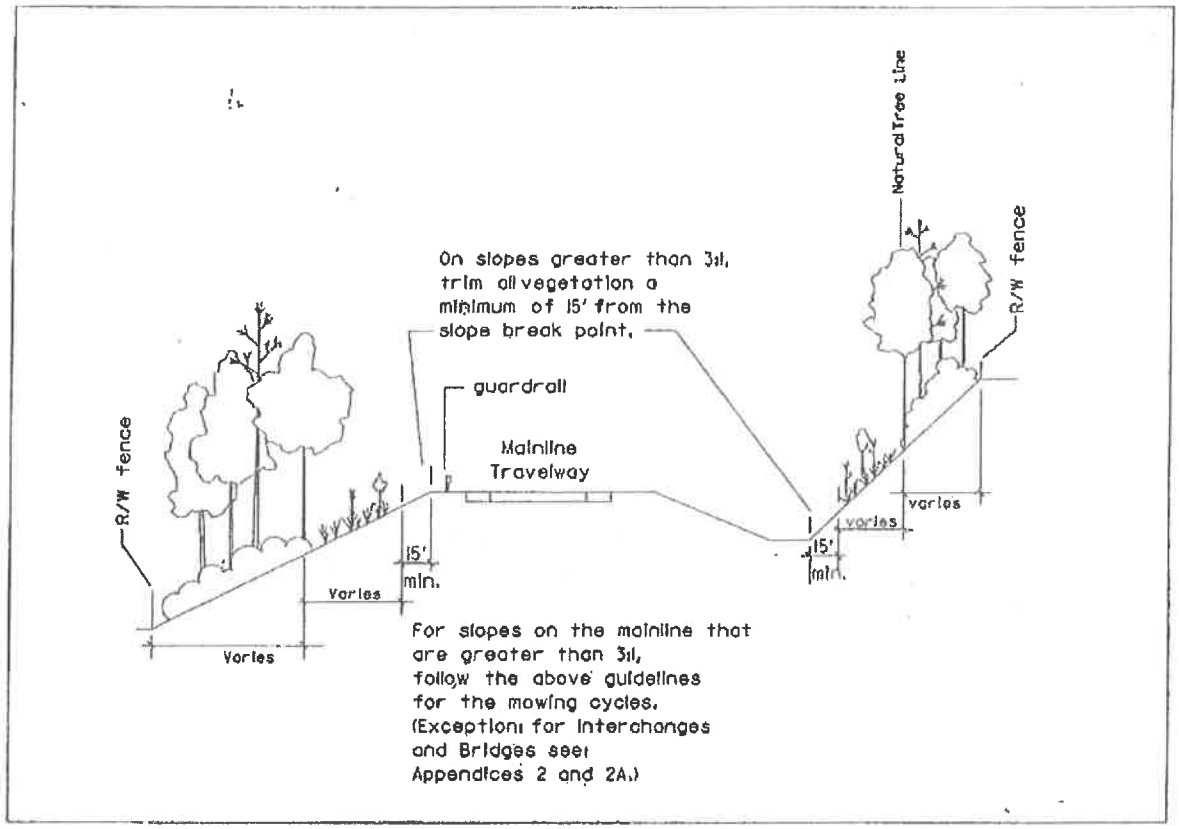


Diagram D: CROSS SECTION OF MOWABLE LIMITS ALONG MAINLINE FOR SLOPES GREATER THAN 3:1

Trim vegetation a minimum of fifteen (15) feet beyond the Slope Break Point each Mowing Cycle. If the Natural Tree Line falls within the minimum fifteen (15) foot area, trim vegetation to the Natural Tree Line.]

On slopes 3:1 or less, trim vegetation to the Natural Tree Line or to the right of way fence if no Natural Tree Line exists.

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Second Amendment to the lease agreement by and between the City of Flowery Branch, Georgia and Hillwood Realty, LLC.

COUNCIL MEETING DATE: September 16, 2021

HISTORY:
This amendment continues the current terms on the lease until September 30, 2022.

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- 2nd Amendment Hillwood Realty, LLC.pdf

SECOND AMENDMENT TO THE LEASE AGREEMENT BY AND BETWEEN THE CITY OF FLOWERY BRANCH, GEORGIA AND HILLWOOD REALTY, LLC

THIS SECOND AMENDMENT TO LEASE AGREEMENT (this "Second Amendment"), is made and entered into effective retroactively to the 1st day of February, 2021, by and between the City of Flowery Branch, Georgia (hereinafter referred to as "Landlord") and Hill Wood Realty, LLC, a Georgia limited liability company, (hereinafter referred to as "Tenant").

WHEREAS, Landlord and Tenant entered into that certain lease agreement dated August 15, 2019, (the "Original Lease"), for that certain property commonly known as 5512 and 5514 Main Street, Flowery Branch, Georgia (the "Demised Premises"); and

WHEREAS, Landlord and Tenant entered into that certain First Amendment to the Lease Agreement on January 23, 2021 (the "First Amendment") in order to (1) reduce the area of the Demised Premises to that area shown highlighted in yellow on Exhibit "A" which is incorporated by reference herein; (2) extend the term and adjust the rent; and (3) to limit the use of the Demised Premises to the operation of a real estate sales office; and

WHEREAS, the First Amendment extended term expired on January 31, 2021; and

WHEREAS, Landlord and Tenant desire to extend the Original Lease a second time, on and subject to the terms and conditions set forth herein.

NOW, THEREFORE, AND IN CONSIDERATION of the sum of One and No/100 Dollars ($1.00), each to the other paid, the receipt and adequacy and sufficiency of which is hereby acknowledge, and the mutual covenants flowing between the parties hereto, the Original Lease, as amended, is hereby extended as follows:

1. Recitals. Each of the foregoing recitals and representations in this Second Amendment form a material part of this Second Amendment and are incorporated herein by this reference, and such recitals and representations and the Original Lease, as amended, are hereby ratified.

2. Extension Term. Landlord and Tenant hereby agree to extend the term of the Original Lease as amended, from February 1, 2021 up and through midnight local Atlanta, Georgia time on the calendar day immediately preceding the 1st day of October, 2022, (the "Extended Term").

3. Rent. For and during the Extended Term, Tenant shall pay monthly rent in the amount of $650.00.

EXCEPT AS HEREIN PROVIDED, all other terms and conditions of the Original Lease as amended shall remain the same and the parties hereto do hereby ratify the Original Lease as amended.

IN WITNESS WHEREOF, Landlord and Tenant have carefully read and reviewed this Second Amendment and each term and provision contained herein, and by the execution of this Second Amendment shows their informed and voluntary consent thereto. The parties hereby agree that, at the time this Second Amendment is executed, the terms of this Second Amendment are commercially reasonable and effectuate the intent and purpose of Landlord and Tenant with respect to the Demised Premises.

This _____ day of _____, 2021.

LANDLORD: CITY OF FLOWERY BRANCH, GA

By: _____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

Signatures Continued Next Page

TENANT: HILLWOOD REALTY, LLC

By: _____
Casey Wood, Member

Sworn to and subscribed before me
this 23 day of August, 2021.

Dawn Westmoreland
NOTARY PUBLIC

My Commission Expires: 12/19/2024

Dawn Westmoreland
NOTARY PUBLIC
Gwinnett County, Georgia
My Commission Expires
December 19, 2024

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider 2nd Amendment of lease agreement between City of Flowery Branch, Georgia and LendUS, LLC d/b/a American Eagle Mortgage, LLC.

COUNCIL MEETING DATE: September 16, 2021

HISTORY:
This amendment continues the current terms on the lease until September 30, 2022.

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- 2nd Agreement LendUS, LLC.pdf

SECOND AGREEMENT TO EXTEND LEASE AGREEMENT

THIS SECOND AGREEMENT TO EXTEND LEASE AGREEMENT (this "2nd Extension Agreement"), is made and entered into effective the 1st day of October, 2021, by and between the City of Flowery Branch, Georgia (hereinafter referred to as "Landlord") and LendUS, LLC d/b/a American Eagle Mortgage, a limited liability company, (hereinafter referred to as "Tenant").

WHEREAS, Landlord and Tenant entered into that certain lease agreement dated January 23, 2020, (the "Original Lease"), for that certain property commonly known as 5514 Main Street, Flowery Branch, Georgia, being approximately 836 square feet as shown highlighted in yellow on Exhibit "A" attached to the Original Lease (the "Demised Premises"); and,

WHEREAS, the Original Lease expired on January 31, 2021; and,

WHEREAS, the Landlord and Tenant entered into a [First] Agreement to Extend Lease Agreement effective February 1, 2021; and,

WHEREAS, the [First] Agreement to Extend Lease Agreement shall expire on September 30, 2021; and,

WHEREAS, Landlord and Tenant desire to extend the Original Lease a second time, on and subject to the terms and conditions set forth herein.

NOW, THEREFORE, AND IN CONSIDERATION of the sum of One and No/100 Dollars ($1.00), each to the other paid, the receipt and adequacy and sufficiency of which is hereby acknowledge, and the mutual covenants flowing between the parties hereto, the Original Lease is hereby extended for a second time as follows:

1. Recitals. Each of the foregoing recitals and representations in this 2nd Extension Agreement form a material part of this 2nd Extension Agreement and are incorporated herein by this reference, and such recitals and representations and the Original Lease are hereby ratified.

2. 2nd Extension Term. Landlord and Tenant hereby agree to extend the term of the Original Lease for an additional period of one (1) year, commencing on the 1st day of October, 2021, and expiring at midnight local Atlanta, Georgia time on the calendar day immediately preceding the 1st day of October, 2022, (the "2nd Extended Term").

3. Rent. For and during the 2nd Extended Term, Tenant shall pay monthly rent in the amount of $1300.00.

EXCEPT AS HEREIN PROVIDED, all other terms and conditions of the Original Lease shall remain the same and the parties hereto do hereby ratify the Original Lease.

IN WITNESS WHEREOF, Landlord and Tenant have carefully read and reviewed this 2nd Extension Agreement and each term and provision contained herein, and by the execution of this 2nd Extension Agreement shows their informed and voluntary consent thereto. The parties hereby agree that, at the time this 2nd Extension Agreement is executed, the terms of this Extension Agreement are commercially reasonable and effectuate the intent and purpose of Landlord and Tenant with respect to the Demised Premises.

This _____ day of _____, 2021.

LANDLORD: CITY OF FLOWERY BRANCH, GA

By: _____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

Signatures Continued Next Page

TENANT: LENDUS, LLC D/B/A
AMERICAN EAGLE MORTGAGE

By: _____
Ava Novak, CFO

Sworn to and subscribed before me
this _____ day of _____, 2021.

_____
NOTARY PUBLIC

My Commission Expires:

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider September 2, 2021 Meeting Minutes

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- September 2, 2021 Meeting Minutes.pdf

City of Flowery Branch
City Council Meeting
Thursday, September 2, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542

CALL WORK SESSION TO ORDER:

Mayor Mike Miller called the meeting to order at 6:04 pm.

Present: Present Mayor Miller and Council Members Joe Anglin, Amy Farah, Leslie Jarchow and Chris Mundy.

Also present were Vickie Short, Interim City Manager, Shelia Cooper, Assistant City Clerk, Ron Bennett, City Attorney, Rich Atkinson, Planning Director, Alisha Gamble, Finance Director, Bill Whidden, Public Works Director.

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

UNFINISHED BUSINESS - WORK SESSION:

Consider a request submitted by Fall Leaf Residential, LLC. to annex and rezone 6495 and 6509 McEver Road with the intent to develop and construct a townhome community.

Mr. Atkinson presented a request submitted by Fall Leaf Residential, LLC to annex and rezone 6495 and 6509 McEver Road with the intent to develop and construct a townhome community.

- Annex and rezone from HB (Highway Business) and ARIII (Agricultural Residential) to R-3 (Residential Multi-Family)
- Construct a 152-townhome development
- Public hearing was held on August 5, 2021
- First read September 2, 2021
- Second read September 16, 2021

Mr. Anglin questioned the trees and landscaping at the entrance of the community. The representative for Fall Leaf answered that they have eliminated all the homes that back up to McEver Road. The existing tree cover and the buffer area along McEver will be enhanced and they plan to add street trees along the right of way. The buffer area or southern property line will be undisturbed.

Mr. Anglin questioned if the garages will be for two cars and asked if there would be overflow parking. The representative answered that 82 of the units will be front entry and 70 units are rear entry and all are for two vehicles. There will be additional parking located in the amenities area.

Mr. Mundy questioned if there would be turning lanes into the property and the representative answered there would be one dedicated turn lane and that they would adhere to the Department of Transportation requirements.

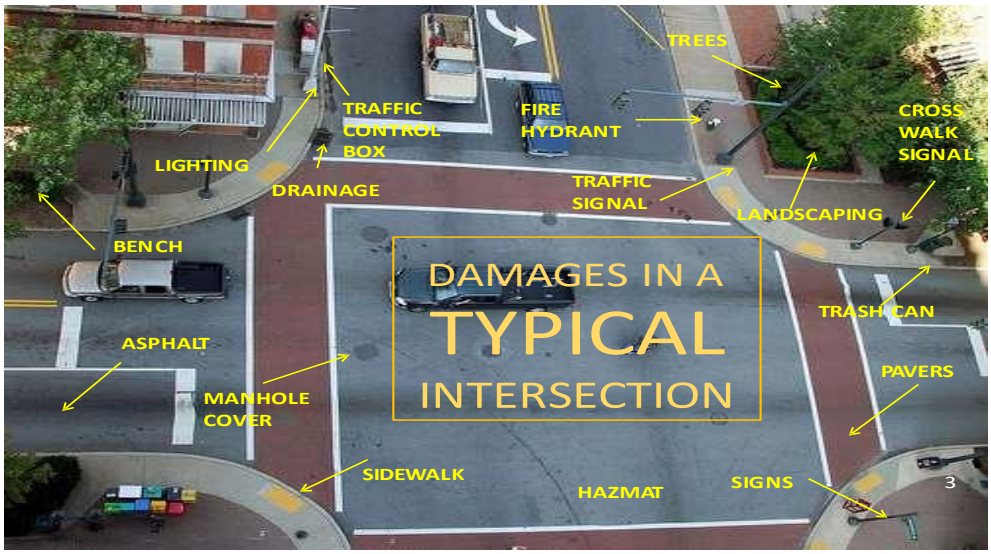
Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood District (TND) to Central Business District (CBD). (This item's details will not be available until the evening of the meeting).

Mr. Atkinson stated the applicant has requested to withdrawn the application to rezone three parcels of land from Traditional Neighborhood District to Central Business District.

NEW BUSINESS -WORK SESSION:

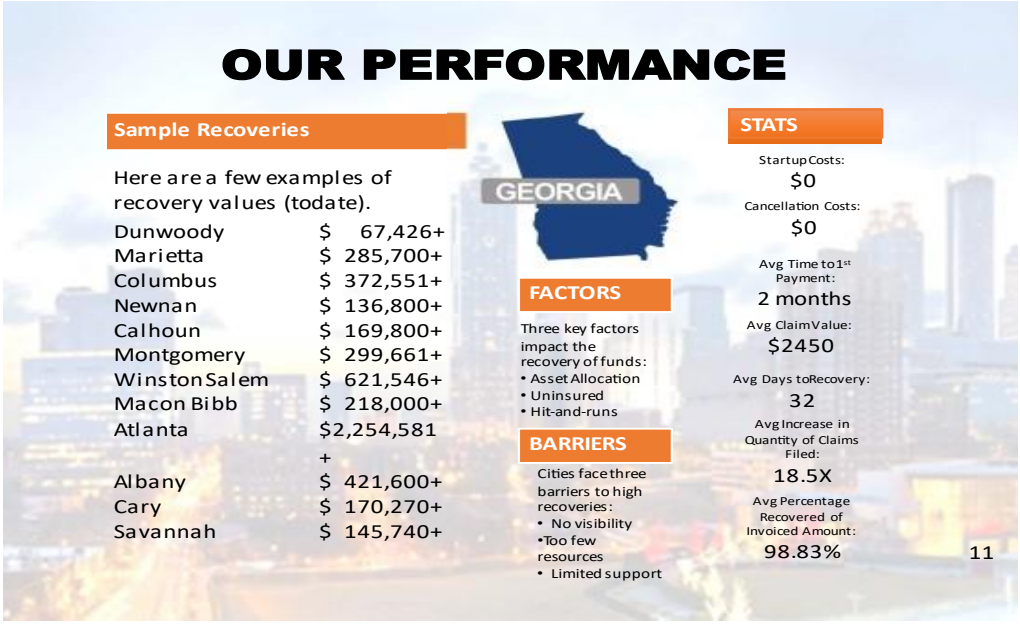
Consider contract with Peachtree Recovery Services, Inc.

Mrs. Gamble introduced Mr. Todd Rhoad from Peachtree Recovery Services, Inc. who presented a contract consideration with Peachtree Recovery Services. Mr. Rhoad explained that about 98% of traffic accidents are caused by third parties. Third parties are not covered under the city's insurance policy. State Law, O.C.G.A. § 32-6-1, requires that anyone who encroaches upon or injures public property shall be responsible for the cost of the cleanup and repairs. Internal claims processes usually only see about 2% of the total accidents, which are mostly fleet and first party claims (i.e., covered by city's insurance policy). PRS provides a service that reviews 100% of all accidents to ensure no damages and costs are missed.



What does Peachtree Recovery Services, Inc. do?

- Reviews 100% of traffic accident reports to identify all potential damages, including all accidents within the statute of limitations
- Assesses the cost of the damages
- Files claims with driver's insurance carrier and/or responsible driver
- Recovers funds from insurance carriers and/or responsible driver
- Remits funds to city on monthly basis
- Retains fee ONLY when claims are paid
- Files monthly report with city
- Pursue claims 24/7



There were no questions regarding Peachtree Recovery Services.

Consider Resolution 21-013: Tenant Improvements/Leasing Commissions Adjustment to the Budget for FY2022 as Previously Adopted on June 17, 2021.

Mrs. Gamble presented Resolution 21-013: Tenant Improvements/Leasing Commissions Adjustment to the Budget for FY2022 as Previously Adopted on June 17, 2021. City Council approved and executed a leasing agreement with Oakhurst Realty Partners, LLC on October 12, 2020, to manage leasing opportunities for city-owned rental properties in Flowery Branch. The new Main Street building is now complete, and potential tenants are now interested in rental agreements for these properties. The Residential Group (TRG) allocated $154,000 for tenant improvements. The current market calls for $50 per square foot for tenant improvements. At a total of 5855 square feet, $445,000 is the total for tenant improvements. The City will need to budget the difference of $291,000 ($445,000 - $154,000). This budget request is to allocate the difference in tenant improvements of $291,000 and allocate $105,000 for leasing commissions per the executed leasing agreement from October 12, 2020.

There were no questions regarding Resolution 21-013.

Consider Resolution 21-015 - 4th Quarter Amendment to the Budget for FY2021 as Previously Adopted on June 25, 2020.

Mrs. Gamble presented Resolution 21-015 – 4th Quarter Amendment to the Budget for FY2021 as Previously Adopted on June 25, 2020.

There were no questions regarding Resolution 21-015.

ADJOURNMENT WORK SESSION:

Mayor Mike Miller adjourned the work session at 6:29 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Mike Miller called the voting session to order at 6:29 pm.

PUBLIC COMMENTS:

John Rafferty, 5413 Falling Branch Court, Flowery Branch, GA 30542

Mr. Rafferty is opposed to the 39-acre parcel on Thurmond Tanner to Phil Niekro rezone due to congestion and pollution.

Amanda Taylor, 5106 Park Haven Drive, Flowery Branch, GA 30542

Ms. Taylor is opposed to the rezoning of the gas station on McEver Road.

Ray Stanjevich, 5627 Church Street, Flowery Branch, GA 30542

Mr. Stanjevich is opposed to the rezoning on Church Street for the three parcels land and is glad that the applicant has withdrawn the application. He is not against the townhomes, but he is concerned with the density.

Kelly McLincha, 5628 Church Street, Flowery Branch, GA 30542

Mr. McLincha is opposed to the rezoning on Church Street for the three parcels of land.

Margaret McLincha, 5628 Church Street, Flowery Branch, GA 30542

Mrs. McLincha is opposed to the rezoing.

Zach Greves, 6538 Vista View Court, Flowery Branch, GA 30542

Mr. Greves is opposed to rezoning on Thurmond Tanner. He would like to see the master plan for the City

Jared Raines, 5617 Elmwood Lane, Flowery Branch, GA 30542

Mr. Raines is opposed to rezoning on Thurmond Tanner.

Caleb Hiddleson, 5617 Elmwood Lane, Flowery Branch, GA 30542

Mr. Hiddleson is opposed to rezoning on Thurmond Tanner.

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

Mr. Weber is asking for the Council to maintain the community.

Michael Willis, 6219 Spring Lake Drive, Flowery Branch, GA 30542

Mr. Willis has a question regarding the townhome project on McEver Road.

CONSENT AGENDA:

Consider August 5, 2021, Meeting Minutes

Consider August 19, 2021, Meeting Minutes

There was a motion made to approve the consent agenda.

MOTION: Leslie Jarchow
SECOND: Amy Farah
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider a request submitted by Fall Leaf Residential, LLC. to annex and rezone 6495 and 6509 McEver Road with the intent to develop and construct a townhome community.

Mr. Bennett read the caption for Ordinances 647, 648, 649 and 650.

There was a motion made to approve Ordinance 647 to annex 6495 McEver Road with the intent to develop and construct a townhome community.

MOTION: Chris Mundy
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

There was a motion made to approve Ordinance 648 to rezone 6495 McEver Road with the intent to develop and construct a townhome community.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Mr. Anglin requested the applicant to inquire about a left-hand turn lane.

There was a motion made to approve Ordinance 649 to annex 6509 McEver Road with the intent to develop and construct a townhome community.

MOTION: Chris Mundy
SECOND: Amy Farah
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

There was a motion made to approve Ordinance 650 to rezone 6509 McEver Road with the intent to develop and construct a townhome community.

MOTION: Chris Mundy
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Mr. Anglin requested to have a condition added to have the Homeowners Association put a cap on rentals of no more than 10% of the total homes in the subdivision. Mr. Atkinson stated that he understood the agreement would be between the applicant and the HOA and then it would come to the City to be reviewed by City Staff. Council would like to have a condition placed on the development for a 10% cap on rental units in the subdivision. The applicant agreed to the condition but would like to have some flexibility with hardship cases.

Consider a withdrawal for a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood District (TND) to Central Business District (CBD).

There was a motion made to accept the withdrawal for a rezoning request submitted by South Hall, LLC to rezone three parcels of land from Traditional Neighborhood District (TND) to Central Business District (CBD).

MOTION: Amy Farah
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

NEW BUSINESS - VOTING SESSION:

Consider contract with Peachtree Recovery Services, Inc.

There was a motion made to consider a contract with Peachtree Recovery Services, Inc.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider Resolution 21-013: Tenant Improvements/Leasing Commissions Adjustment to the Budget for FY2022 as Previously Adopted on June 17, 2021.

Mr. Bennett read the caption.

There was a motion to approve Resolution 21-013: Tenant Improvements/Leasing Commissions Adjustment to the Budget for FY2022 as Previously Adopted on June 17, 2021.

MOTION: Amy Farah
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider Resolution 21-015 - 4th Quarter Amendment to the Budget for FY2021 as Previously Adopted on June 25, 2020.

Mr. Bennett read the caption.

There was a motion to consider Resolution 21-015 – 4th Quarter Amendment to the Budget for FY2021 as Previously Adopted on June 25, 2020.

MOTION: Joe Anglin
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to the acquisition/disposition of real estate and for matters related to the pending or potential litigation at 7:10 pm.

MOTION: Amy Farah
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

There was a motion made to reconvene open session at 7:57 pm.

MOTION: Amy Farah
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 7:57 pm.

MOTION: Amy Farah
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

_____ _____ _____
Mayor – Mike Miller Date Assistant City Clerk – Shelia Cooper

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider a request submitted by Fall Leaf Residential, LLC. to annex and rezone 6495 and 6509 McEver Road with the intent to develop and construct a townhome community.

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

FACTS AND ISSUES:
This is the second read of these ordinances.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve

SAMPLE MOTION:
I make a motion to approve ordinance 647 as presented.
I make a motion to approve ordinance 648 as presented and conditioned.
I make a motion to approve ordinance 649 as presented.
I make a motion to approve ordinance 650 as presented and conditioned.

COLLABORATING DEPARTMENT:

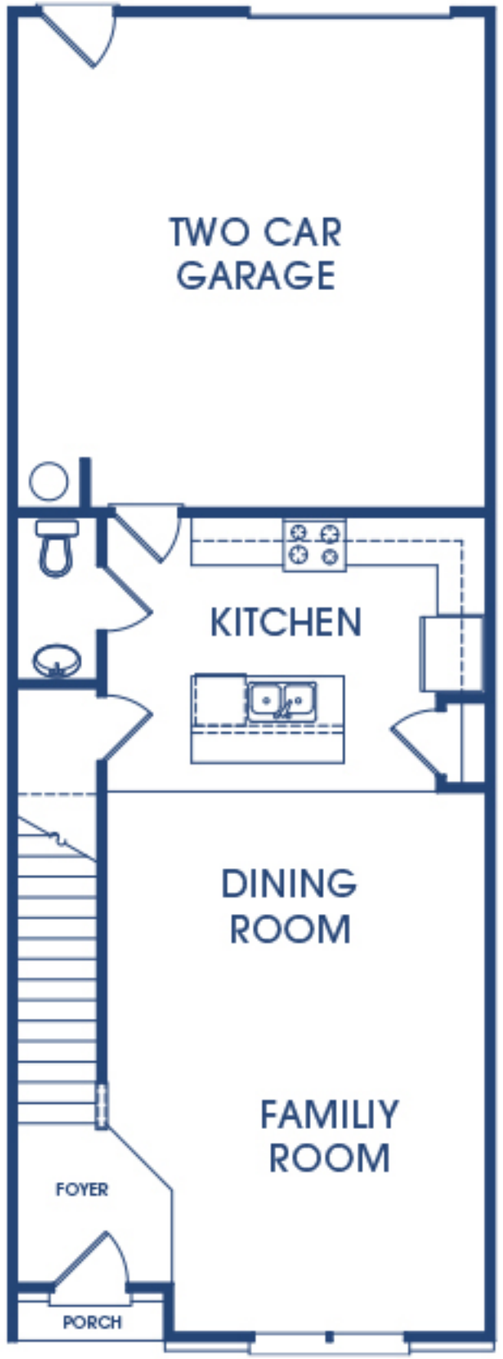
DEPARTMENT: Planning

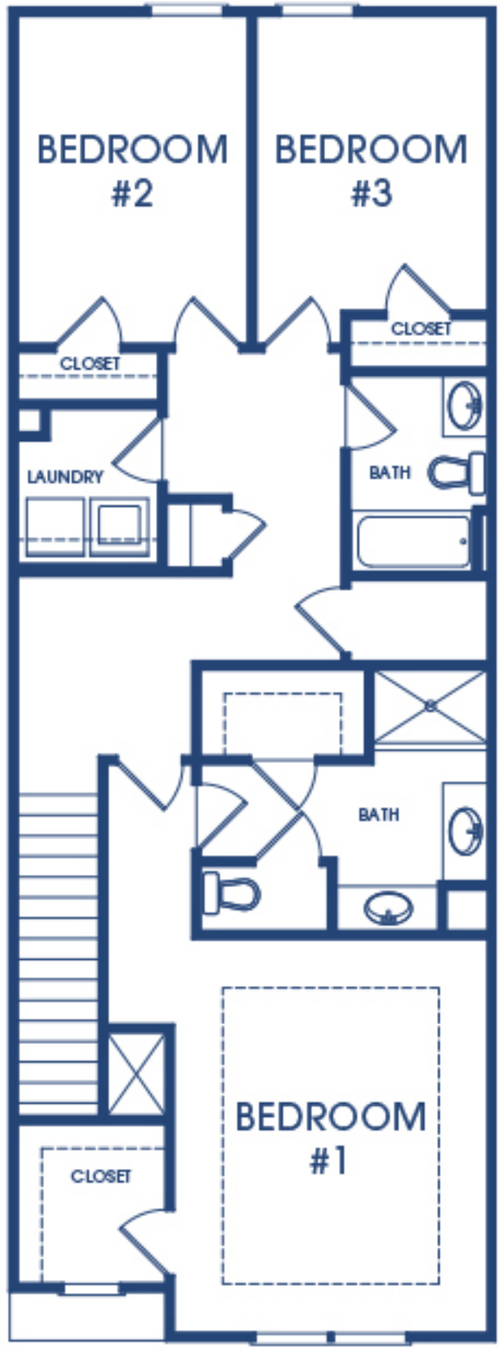
Prepared by: Vickie Short

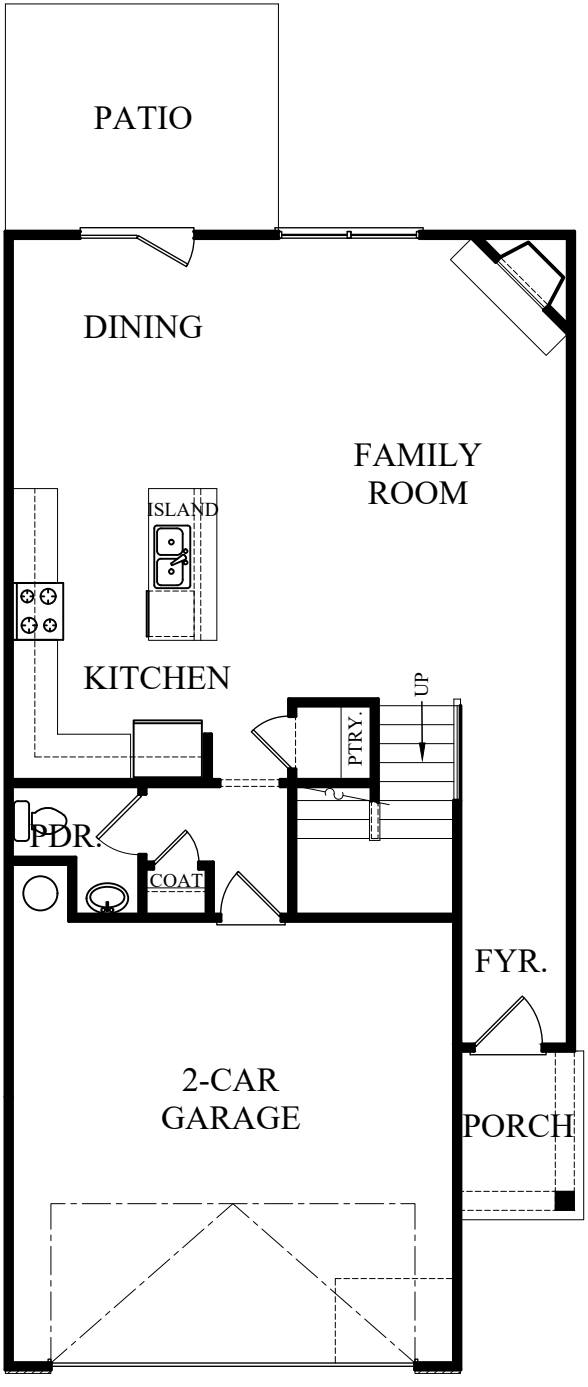
ATTACHMENTS

- Flowery Brand - elevation and interior pics.pdf
- McEver 152 lot site plan 8-25 (1).pdf

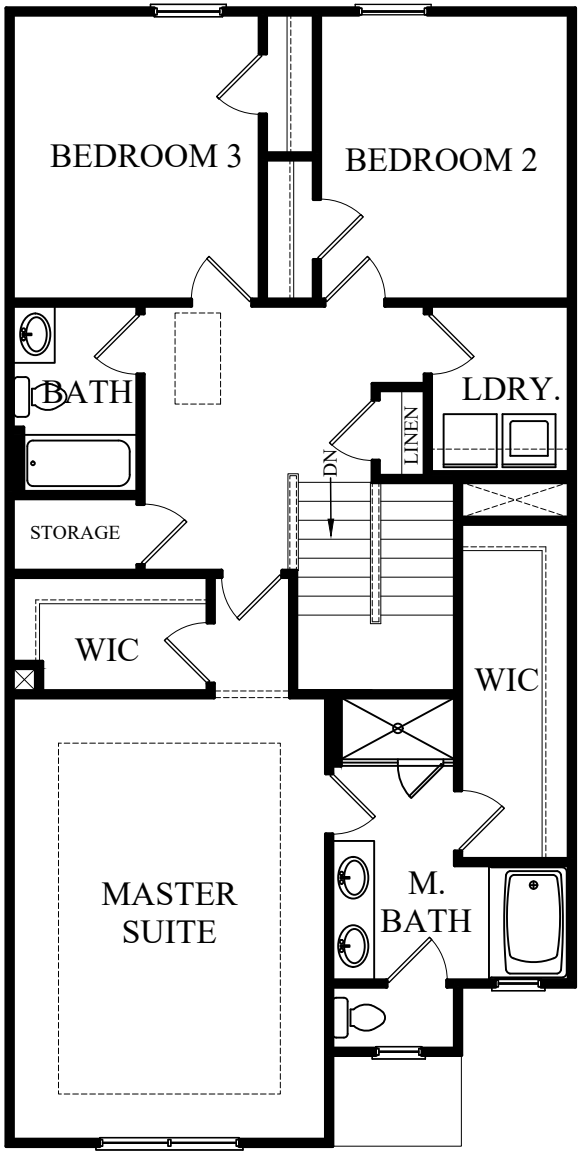
- Mcever Entrance and landscape plan (2).pdf
- Mcever Revised Site Plan Letter 8-25 signed (1).pdf
- Staff Report September 16 .pdf
- SEPTEMBER 16 COMBINED FINAL RB ORDINANCES.pdf


TWO CAR
GARAGE
KITCHEN
DINING
ROOM
FAMILIY
ROOM
FOYER
PORCH

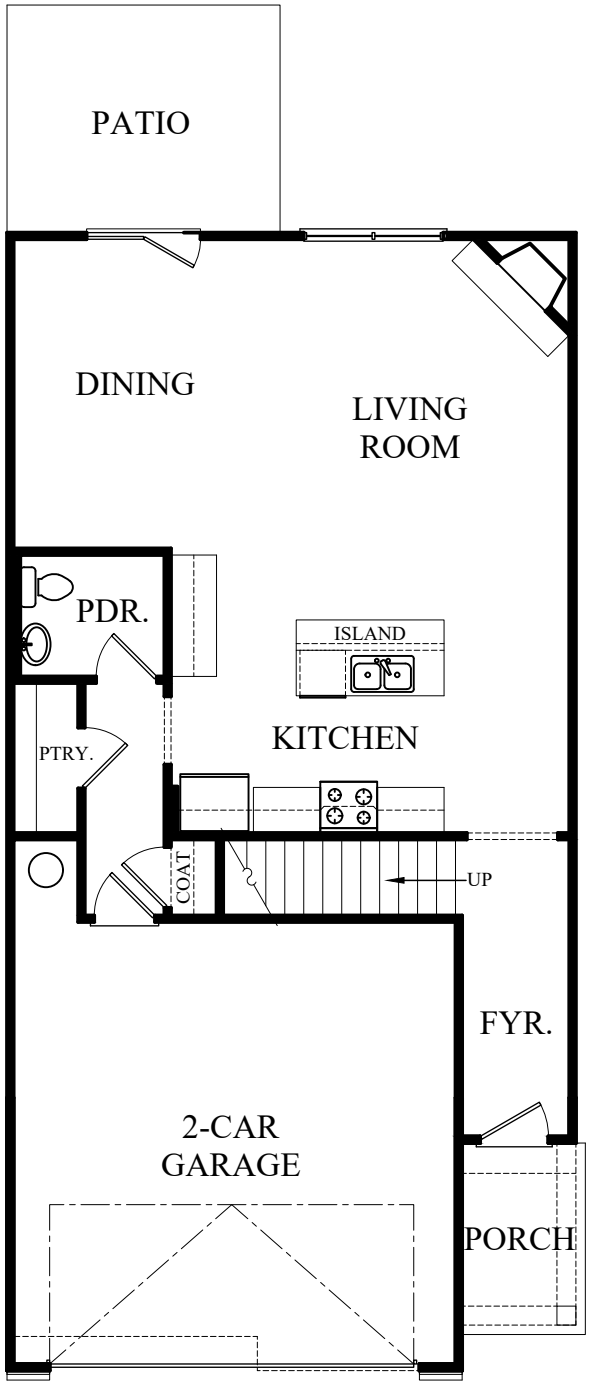

BEDROOM
#2
BEDROOM
#3
CLOSET
CLOSET
LAUNDRY
BATH
BATH
BEDROOM
#1
CLOSET



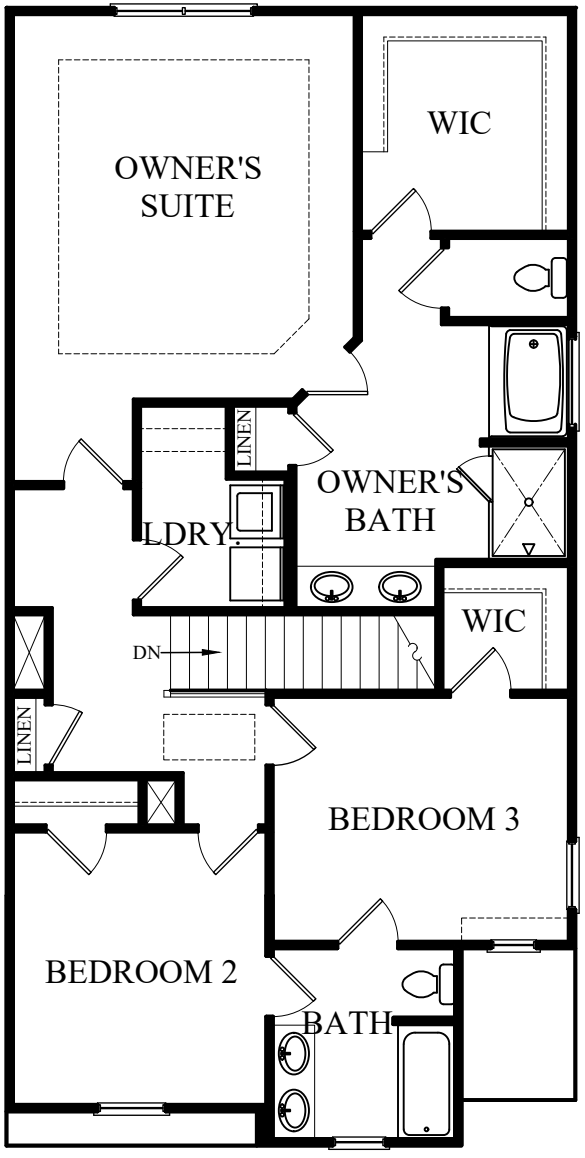
First Floor



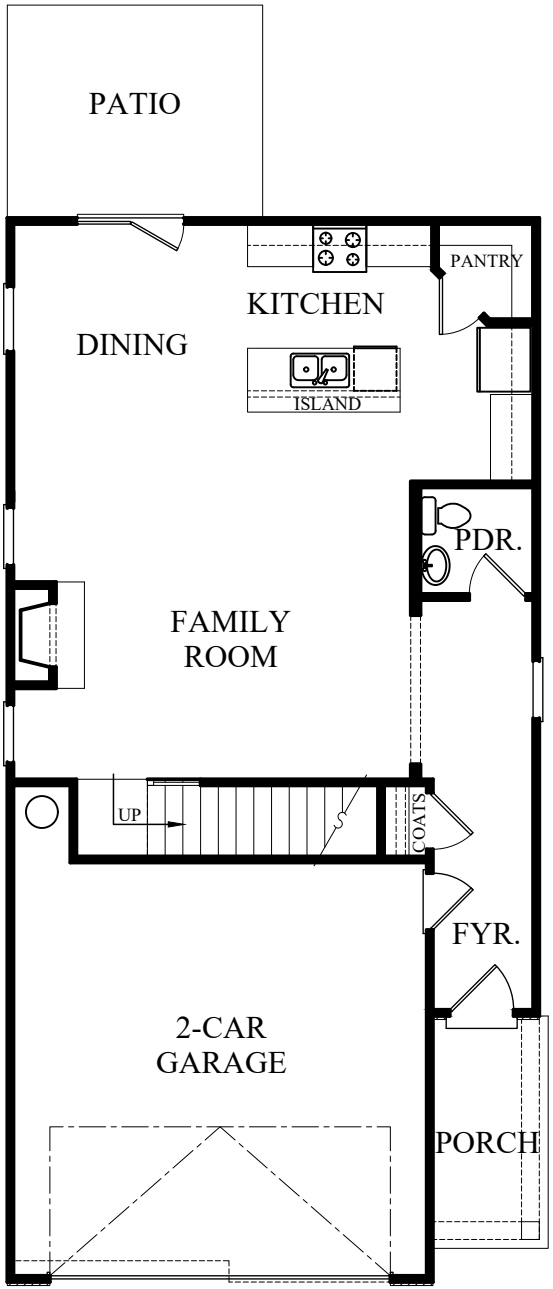
Second Floor



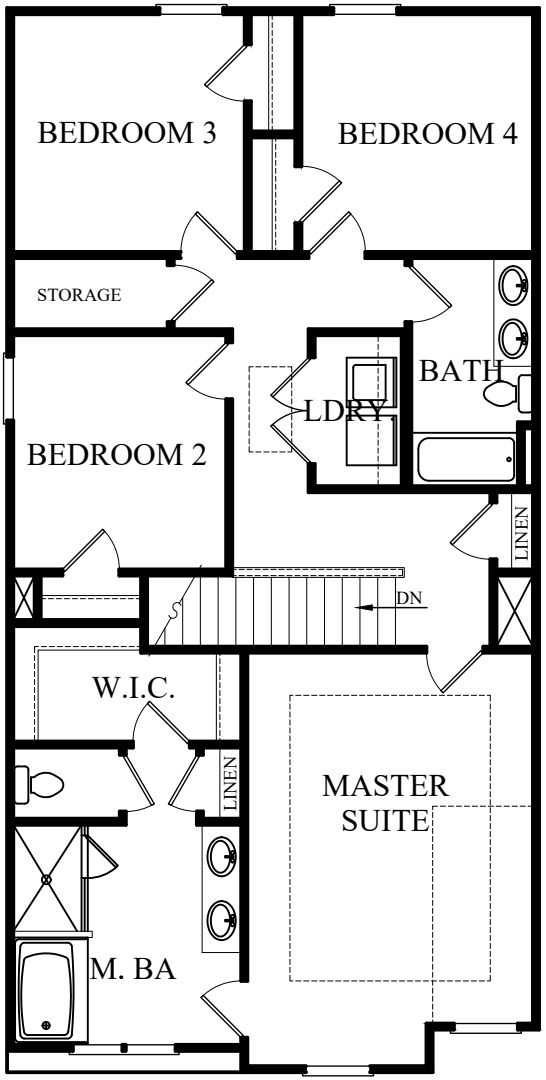
First Floor



Second Floor



First Floor



Second Floor

LOCATION MAP
NOT TO SCALE

SITE SUMMARY

SITE AREA	
TOTAL SITE AREA:	25.68 ± ACRES (1,118,621 S.F.)
CITY SITE AREA:	25.46 ± ACRES (1,108,899 S.F.)
COUNTY SITE AREA:	0.22 ± ACRES (9,722 S.F.)
ZONING CLASSIFICATION	
JURISDICTION:	CITY OF FLOWERY BRANCH
ZONING:	R-3
BUILDING SETBACKS	
FRONT:	25' (FRONT YARD)
SIDE:	10' (40' ABUTTING HB ZONING)
REAR:	20' (REAR YARD)
LOTS SUMMARY	
LOTS PROVIDED:	152
LOT DENSITY:	5.97 UNITS/ACRE (WITHIN CITY)
HOUSE SIZE:	(24' x 54') & (20' x 59')

DEVELOPMENT STATISTICS*

MAXIMUM BUILDING HEIGHT:	45'	PROPOSED BUILDING HEIGHT:	35'
MAXIMUM DENSITY:	12 UNITS/ACRE (289 UNITS)	PROPOSED DENSITY:	5.97 UNITS/ACRE (152 UNITS)
MINIMUM HEATED FLOOR AREA:	1,000 S.F.	PROPOSED HEATED FLOOR AREA:	1,600 S.F.
MINIMUM LOT SIZE:	10,000 S.F.	PROPOSED MINIMUM LOT SIZE:	2,100 S.F.
MINIMUM LANDSCAPED AREA:	15% (166,335 S.F.)	PROPOSED LANDSCAPED AREA:	24.5% (271,106 S.F.)
MINIMUM PARKING COUNT:	304 (ENCLOSED)	PROPOSED PARKING COUNT:	304 (ENCLOSED)
MAXIMUM PARKING COUNT:	608		9 (MAIL KIOSK & AMENITY PARKING)

DEVELOPMENT STATISTICS NOTES:

* DEVELOPMENT STATISTICS ARE BASED ON THE AREA TO BE ANNEXED INTO CITY ONLY
1. COLOR RENDERINGS HAVE BEEN SUBMITTED BY THE APPLICANT
2. MATERIALS FOR THE EXTERIOR OF THE HOMES WILL BE PRIMARILY CEMENT BASED SIDING SUCH AS HARDIPLANK (95%) WITH BRICK AND STONE ACCENTS.

CONCEPT PLAN DISCLAIMER:

1. THE CONCEPT REPRESENTED HEREIN IDENTIFIES A SCHEMATIC DESIGN RESULTING FROM LAYOUT PREFERENCES IDENTIFIED BY THE CLIENT COUPLED WITH A PRELIMINARY REVIEW OF ZONING AND LAND DEVELOPMENT REQUIREMENTS. THE FEASIBILITY OF THIS PLAN WITH RESPECT TO OBTAINING CITY, COUNTY, STATE AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION OF THE SITE AND VERIFICATION OF THE ZONING ORDINANCES AND DEVELOPMENT REGULATIONS ALONG WITH PROCUREMENT OF APPROPRIATE JURISDICTIONAL APPROVALS.
2. THIS CONCEPT PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES ONLY AND IS NOT INTENDED FOR UTILIZATION AS A ZONING AND/OR CONSTRUCTION DOCUMENT. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON AVAILABLE INFORMATION THAT WAS SUPPLIED AT THE TIME OF PLAN PREPARATION AND MAY BE SUBJECT TO CHANGE UPON THE AVAILABILITY OF ADDITIONAL INFORMATION.
3. THIS CONCEPT PLAN WAS PREPARED WITHOUT BENEFIT OF A CURRENT SURVEY, GEOTECHNICAL AND/OR ENVIRONMENTAL INVESTIGATION, JURISDICTIONAL DELINEATION OR ARBORIST REPORT. THE LOCATION OF ANY JURISDICTIONAL WATERS, WETLANDS, UNDERGROUND UTILITIES AND/OR SPECIMEN TREES HAS NOT BEEN TAKEN INTO ACCOUNT.

PREPARED IN THE OFFICE OF:
LECRAW ENGINEERING
© 2021 LECRAW ENGINEERING, INC.
3475 CORPORATE WAY
SUITE 104
DULUTH, GA 30096
PHONE: - 678.546.8100
FAX - 770.441.0298
WWW.LECRAWENGINEERING.COM
PE1500768

REV. #	DATE	DRAWN BY:	CHECKED BY:

CLIENT
FALL LEAF RESIDENTIAL
6435 SHILOH ROAD SUITE 100, ALPHARETTA, GA 30005

PROJECT
MCEVER ROAD PROPERTY
FLOWERY BRANCH, GEORGIA

SEAL:

PRELIMINARY 08/24/21

DESIGN TEAM:

DRAWN BY:	AMK
DESIGNED BY:	AMK
REVIEWED BY:	JSW

811 Know what's below. Call before you dig.

SCALE & NORTH ARROW:

NORTH ARROW
0' 40' 80' 160'
SCALE: 1"=80'

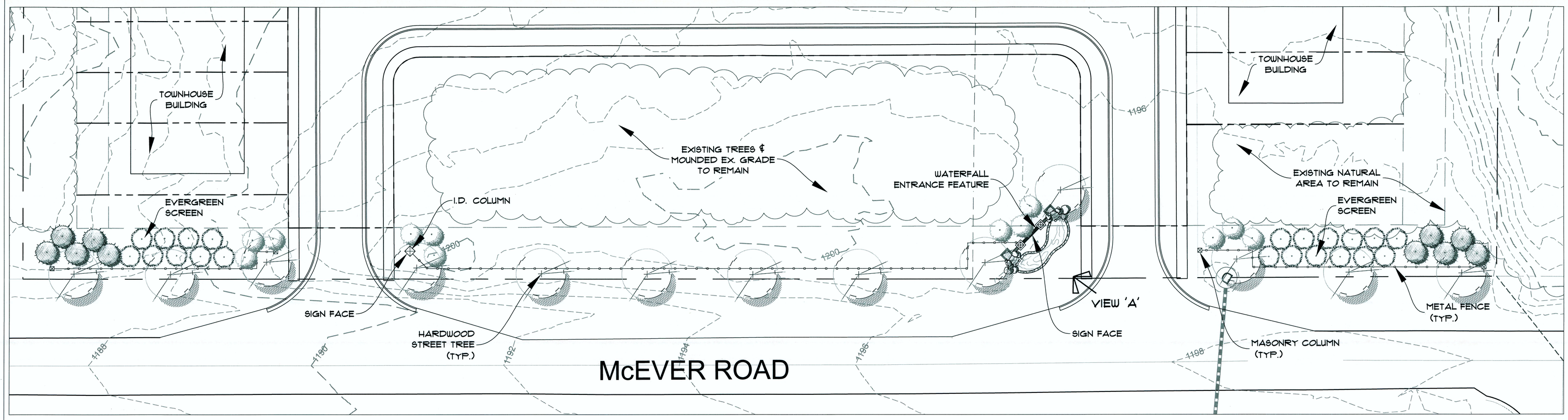
JOB #:	302001
DATE:	08/24/2021

CONCEPT SITE PLAN

CS-1

Drawing name: D:\LeCRAW DROPBOX\LeCraw Engineering Dropbox\Shared Folders\LeCraw Engineering\103208 - DR Horton - McEver Road at Gaines Ferry - Flowery Branch_GA\CAD\DEXHIBITS\2021-08-23 CONCEPT PLAN.dwg SITE PLAN Aug 24, 2021 7:23pm by: anton

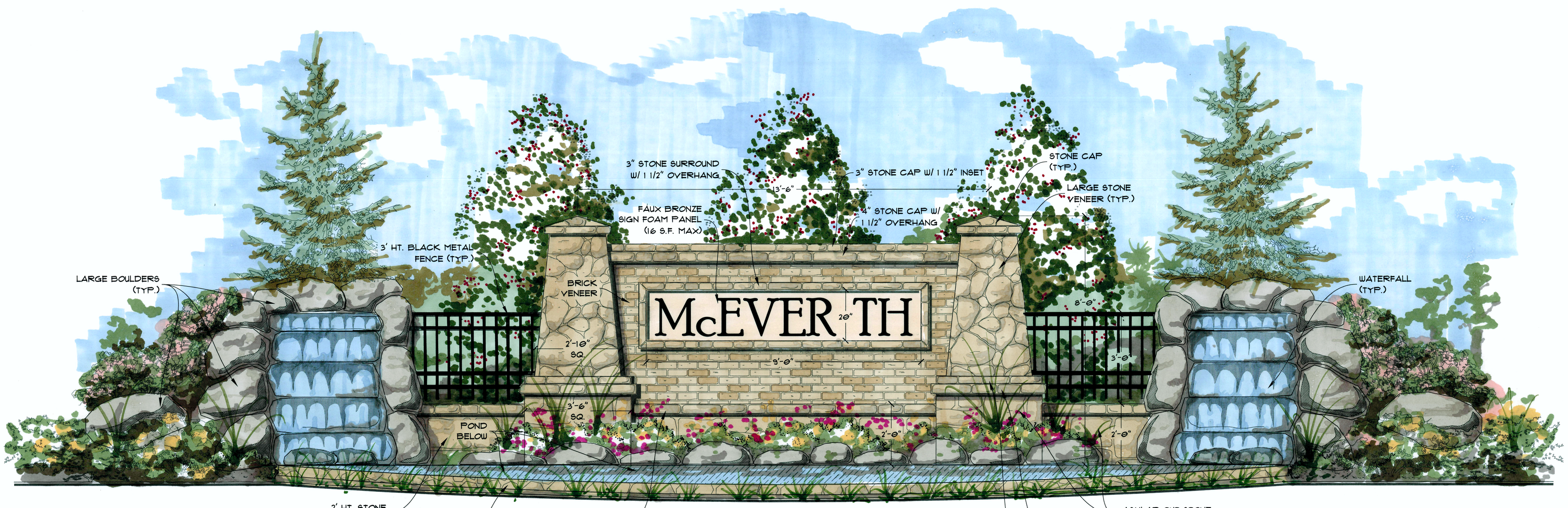
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by LeCraw Engineering, Inc. shall be without liability to LeCraw Engineering, Inc. Copyright LeCraw Engineering, Inc., 2021



SCALE: 1"=20'-0"

20 0 20 40 60

NORTH



CONCEPTUAL
ENTRANCE MONUMENT ELEVATION
N.T.S.

BLD

BAKER LAND DESIGN

LANDSCAPE ARCHITECTURE
LAND PLANNING
CERTIFIED ARBORIST

3471 DONAVILLE ST.
SUITE 200
DULUTH, GA 30096
PHONE: (404) 787-3973
WWW.BAKERLANDDESIGN.COM

ENTRANCE CONCEPT

FOR

MCEVER TH

REVISIONS

DRAWN BY: TB

CHECKED BY:

SCALE: AS SHOWN

DATE: 8/20/21

JOB NO.

SHEET 1 OF 1

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

Mayor and City Council
c/o Mr. Rich Atkinson
Flowery Branch, Ga. 30534

August 25, 2021

Re: Revised Site Plan and Elevations 25.46 Acres, McEver Road

Mr. Atkinson,

Per your request, attached are our revised site plan, revised elevations on the proposed townhomes, and our McEver Rd. landscape and entrance plan. These new plans have incorporated the items that the City Council wanted us to modify.

The new site plan shows a reduction in the number of units to 152 from the 167 units proposed in our current application. We have also moved some of the townhomes farther from McEver Rd. and have eliminated all of the units that backed up to McEver Rd. Therefore, there will be no homes where you would be looking at the rear of the home from McEver. Instead, this area is now shown as additional open space. The existing tree cover in the buffer areas along McEver Rd. and in the open space across from the amenity area will be left in its natural state except for road improvements and utility construction and enhanced where sparsely vegetated with street trees along the Right of Way.

We have also increased the buffer area along the southern property line adjacent to the proposed industrial development and are now showing 25 feet of that area as undisturbed buffer. This new site plan has over 40% of the total site in buffers and open space. We have also shown a playground and covered pavilion in the amenity area and a dog park in the open space area on the south side of the project.

As mentioned above, the area along McEver Rd. will be heavily landscaped and left in its natural state where we have good tree cover. We believe the landscape and entrance plan we have submitted shows a very attractive entrance and landscaping along McEver Rd.

Based on the input from Council, our new elevations have been revised to show considerably more brick and stone on the front facades, which we think will complement the previously requested board and batten farmhouse design.

This rezoning complies with your land use plan, and as all of you know, this property now lies between the Buford industrial zoning to the south and Flowery Branch mixed use and commercial zonings to the north and west with the railroad tracts to the east. We think these surrounding zonings make our townhouse use a very appropriate use for this property, especially considering the City's holistic approach to surrounding properties.

We understand that Council wants to ensure that this is a high quality residential development. It is our intent to meet that standard of quality with the zoning being conditioned on the site plan and the submitted building elevations, along with specific zoning conditions approved by Council at the rezoning hearing. We also know Council would like to limit the number of homes that can be rented in this community, and we agree to condition the zoning, at Staff's discretion, on including rental restrictions in our HOA documents that will restrict the number of rentals allowed to no more than 10% except in hardship cases.

Some of the Council members have asked for some information about the applicant, Fall Leaf Residential, we have attached a brief summary of Fall Leaf Residential and its Principal, Norman White for your review.

This property is in high demand for both high density residential and industrial uses, and I know the neighbors we have talked to would rather see a high quality townhouse development than another industrial building on the property. We hope that Council will approve our application for annexation and rezoning.

Sincerely,

Fall Leaf Residential, LLC
Norman White, Manager

Fall Leaf Residential, LLC

Fall Leaf Residential, LLC is a Georgia Limited Liability Company formed by Norman B. White. Mr. White formed this company three years ago to purchase and develop residential land in partnership with several of the larger home builders in the Atlanta area, including Century Communities, Ashton Woods Homes and D R Horton Homes. Norman White has over 30 years of residential home building and development experience in the Atlanta area. Mr. White began his homebuilding career with Pulte Homes where he was head of the Atlanta Division for many years and later head of the entire southeast division for Pulte. Mr. White was responsible for the construction of over 30,000 homes during his time with Pulte. Mr.White later retired from Pulte and formed his own homebuilding and development company where he developed several high end residential communities in south Forsyth County including Provence on Stoney Point Road, Marseille on Post Road and Castile on Drew Campground Road. More recently Mr. White has been involved in several developments including the completion of the Towne Mill community in Canton where multiple builders including Century Homes and Meritage Homes were the builders.

Staff Report

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

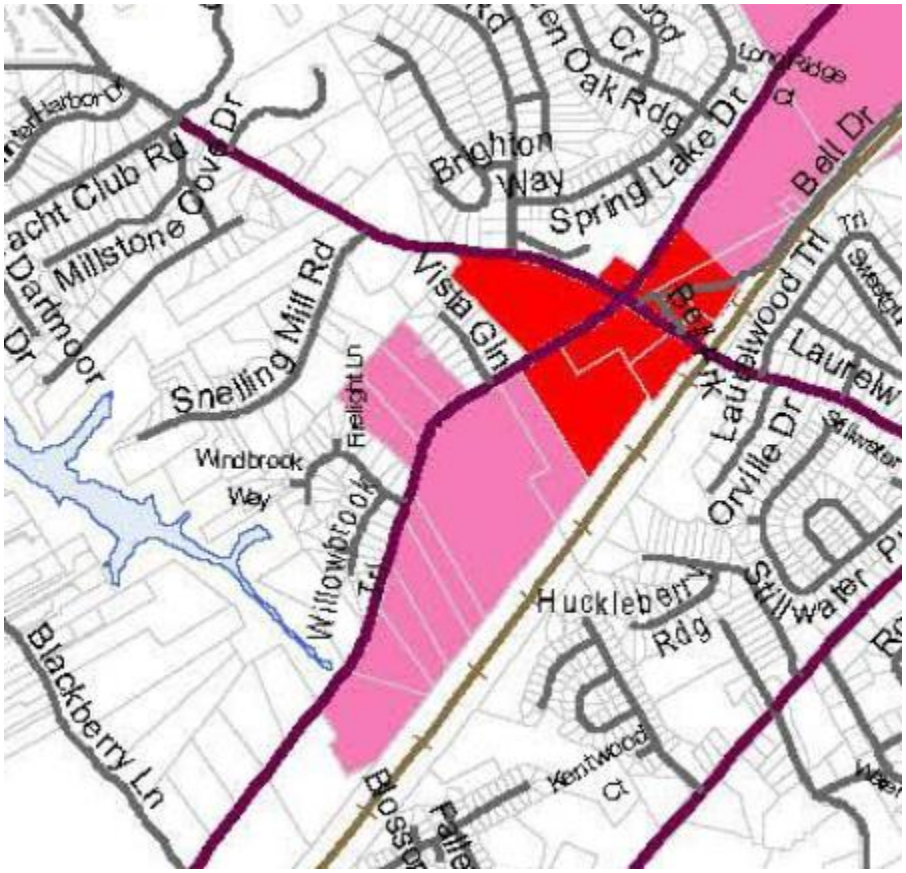
1. **6495 McEver Road; Tax Parcel 08150 002002A; Parcel totals 16.62 +/- acres; Annex and rezone from Hall County AR-III to Flowery Branch R3 (Residential Multi-Family)**
2. **6509 McEver Road; Tax Parcel 08150 002002; Parcel totals 8.84 +/- acres; Annex and rezone from Hall County HB to Flowery Branch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

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

Comprehensive Plan

Designated as a “Mixed Use” character area.

Flowery Branch character area map:



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

Mixed Use

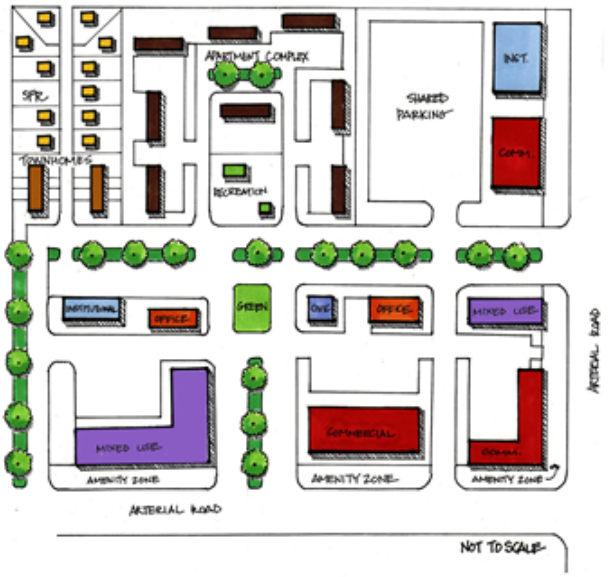
VISION: Areas that will be developed with a combination of different land uses intended to create an environment where compatible land uses can be located in close proximity to each other. Diverse places with unique architecture contributing to the economic base of the city.

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

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

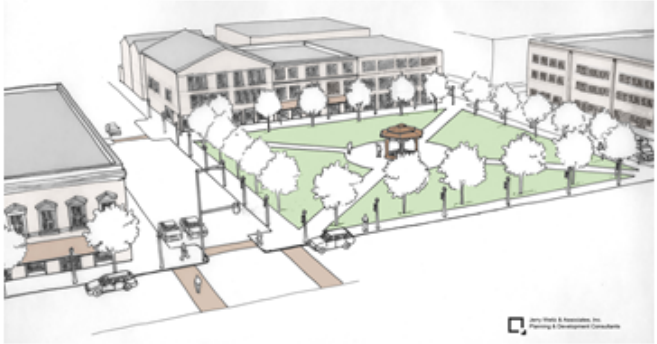
REGULATIONS: This character area will be primarily implemented with the planned unit development or commercial zoning districts. Developments will be required to complete design review and comply with all aesthetic requirements.

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



ILLUSTRATIVE MIXED-USE ACTIVITY CENTER

Jerry Weitz & Associates, Inc.
Planning & Development Consultants



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

Proposal

Submitted by applicant:

Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Staff Response:

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. Yes, a residential subdivision is appropriate for this site and the surrounding area.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. The development will not adversely affect the area.

(c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. Yes, current zonings of Agricultural Residential and Highway Business could be used for other developments.

(d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. It is staff's opinion that the use will not create any unnecessary burdens.

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. Currently, the Comprehensive Plan denotes this area as part of the "Mixed-Use" character area. The proposed use meets the intent of the Comprehensive Plan (see previous comments regarding the Comprehensive Plan as part of this staff report).

(f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. No

(g) Existing use(s) and zoning of the subject property and nearby properties. Currently vacant the proposed residential use will fit in well with the corridor.

(h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. Staff does not have a specific number regarding property value, but the current zoning classifications of Agricultural-Residential and Highway Business do not allow the proposed residential subdivision.

(i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. Staff does not feel that the proposed will be a deterrent.

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

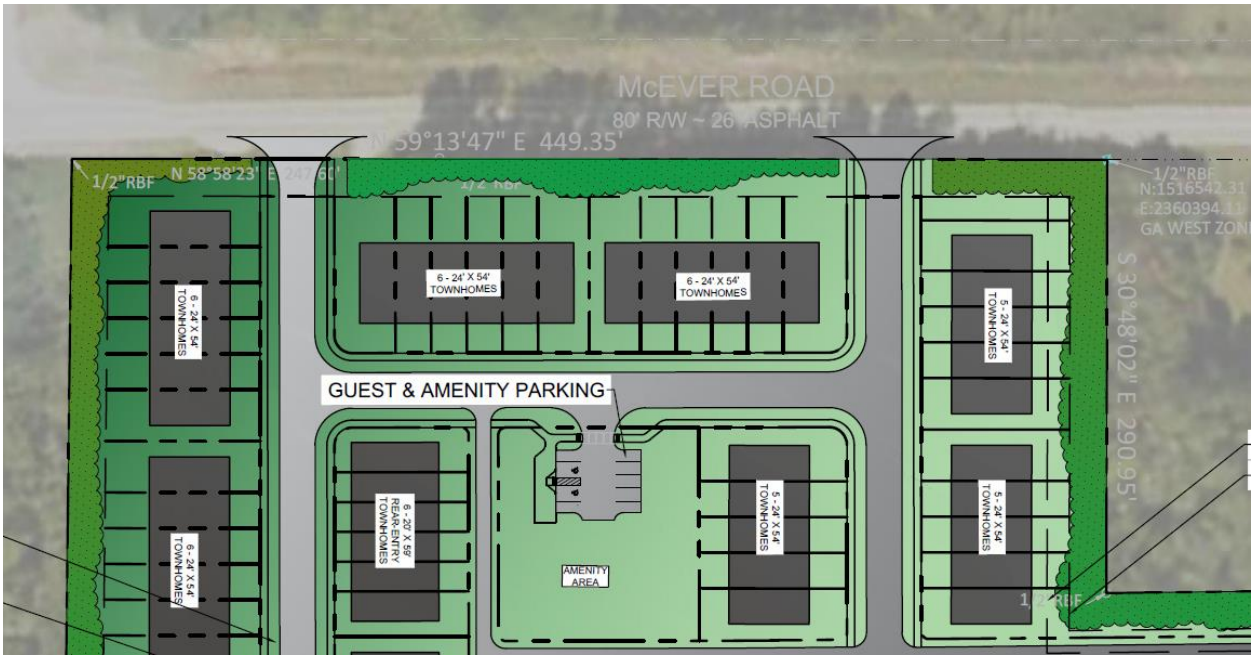
(k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. The proposed use will enhance the character of the existing district in staff's opinion.

(l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.

(m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.

Site Plan

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



Rear accessed townhome product is provided by applicant and has previously been identified as desirable by Mayor, Council, and staff as it promotes a more scenic, less garage dominant, streetscape. Additionally, the rear accessed townhome helps to promote a less auto intense feel to the subdivision and also promotes a more "neighborhood" aesthetic.

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

R-3 Zoning

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

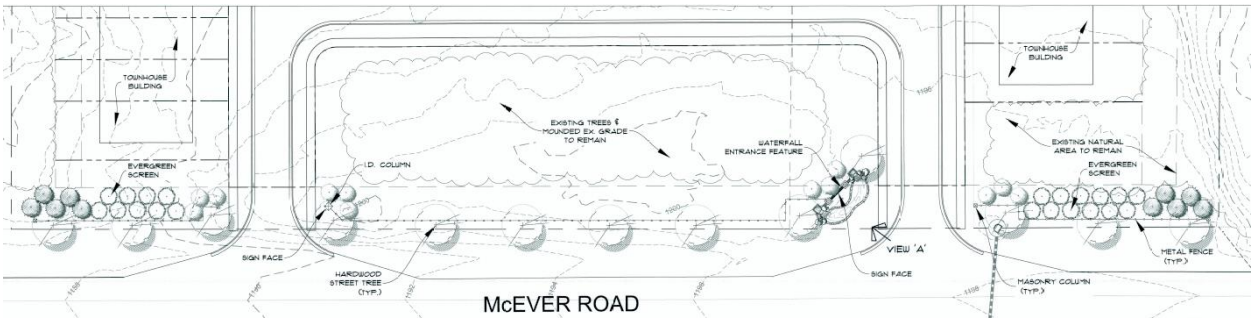
Requirement (measurement unit)	A	R-1	R-2	R-3
Maximum height (feet)	75	35	35	45
Maximum height (number of stories)	3	3	3	3
Maximum density (units per acre)	0.333	2.18	3	12
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	10,000
Minimum lot size for two-family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

Staff Recommendation

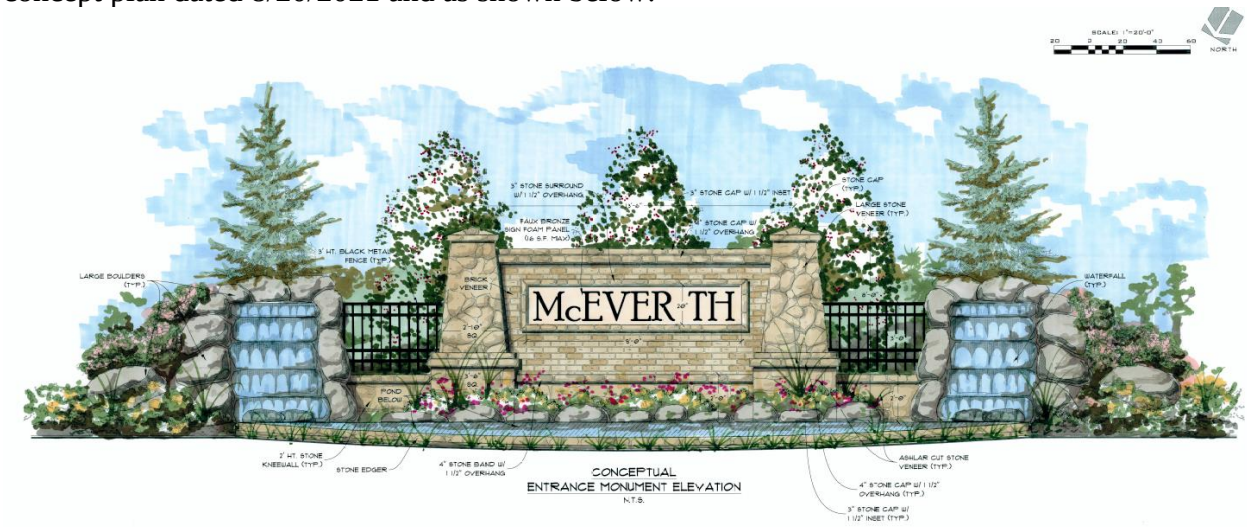
Approve with the following conditions:

1. Development shall be limited to no more than 152 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:

3. A homeowner's association is required.
4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. Said covenants shall restrict the leasing of townhomes to a maximum of 10%. The HOA shall have the ability to grant a temporary "hardship" waiver for extenuating circumstances.
6. A landscape plan shall be submitted at the time of land disturbance permit. Landscape plan shall incorporate the design and layout dated 8/20/2021 and as shown below:



7. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
8. A sign permit shall be submitted for review by Staff and shall significantly adhere to the concept plan dated 8/20/2021 and as shown below:



9. Sidewalks are not required along McEver Road.
10. Townhomes shall be constructed of a combination of brick, stacked stone, and cementitious fiber board.
11. Townhomes shall generally adhere to the elevations as shown below:

Flowery Branch

Public Hearing Published	07/07/21	First Reading	09/02/21
Public Hearing	08/05/21	Adopted	09/16/21

ORDINANCE 647

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

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

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

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

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

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

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

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

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 16th day of September 2021.

_____
James M. Miller, Mayor

_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____
E. Ronald Bennett, City Attorney

Exhibit "A"

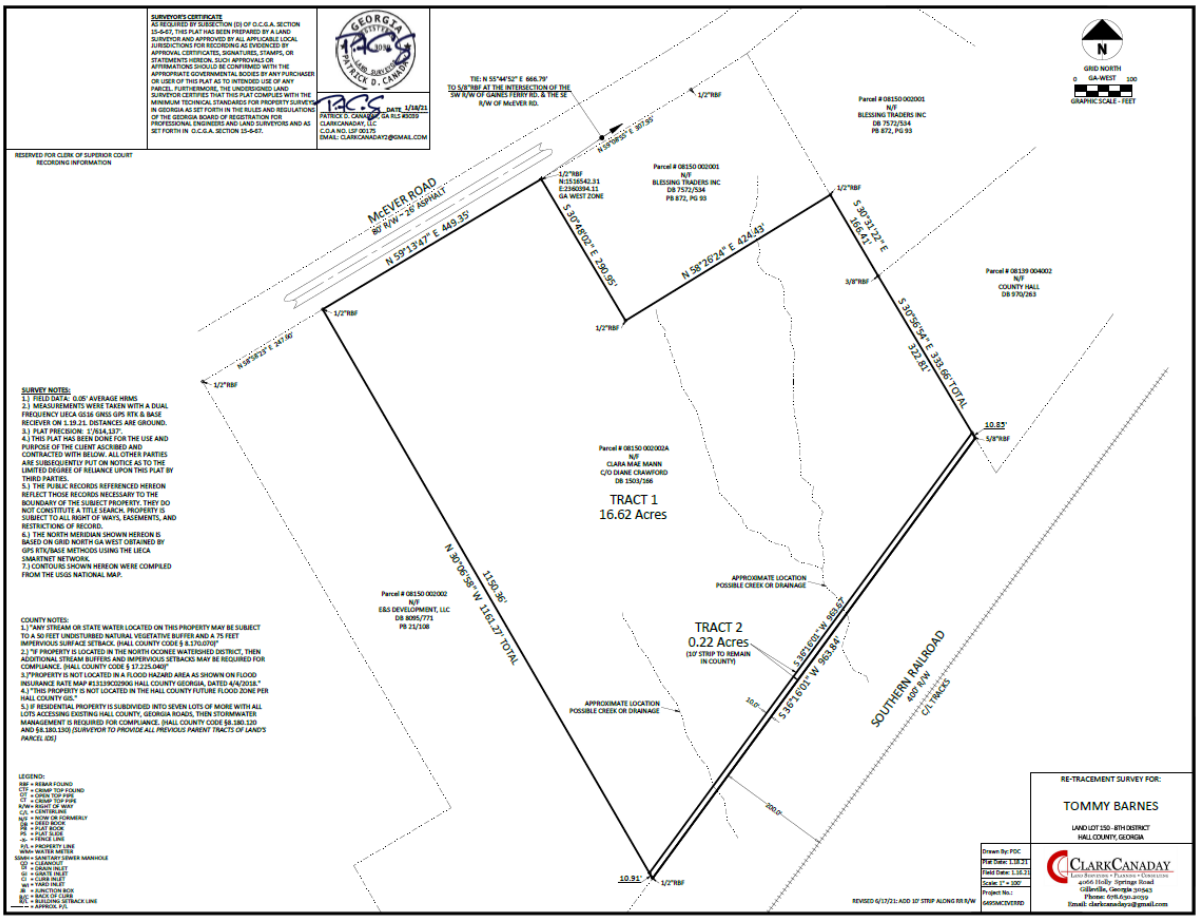

SURVEYOR'S CERTIFICATE
AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.
GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR PATRICK D. CANADAY
DATE 1/18/21
PATRICK D. CANADAY GA RLS #3059
CLARKCANADAY, LLC
C.O.A NO. LSF 00175
EMAIL: CLARKCANADAY2@GMAIL.COM
RESERVED FOR CLERK OF SUPERIOR COURT RECORDING INFORMATION
TIE: N 55°44'52" E 666.79'
TO 5/8"RBF AT THE INTERSECTION OF THE SW R/W OF GAINES FERRY RD. & THE SE R/W OF McEVER RD.
N 58°08'05" E 247.46'
GRID NORTH
GA-WEST
GRAPHIC SCALE - FEET
Parcel # 08150 002001
N/F
BLESSING TRADERS INC
DB 7572/534
PB 872, PG 93
McEVER ROAD
80' R/W - 20' ASPHALT
N 59°13'47" E 449.35'
1/2"RBF
N:1516542.31
E:2360094.11
GA WEST ZONE
S 31°43'03" E 289.95'
N 58°20'24" E 424.43'
S 30°31'23" E 166.41'
3/8"RBF
Parcel # 08139 004002
N/F
COUNTY HALL
DB 970/263
S 30°56'54" E 333.66' TOTAL
322.81'
10.83'
5/8"RBF
N 58°08'05" E 247.46'
SURVEY NOTES:
1.) FIELD DATA: 0.05' AVERAGE HRMS
2.) MEASUREMENTS WERE TAKEN WITH A DUAL FREQUENCY LIECA G516 GNSS GPS RTK & BASE RECEIVER ON 1.19.21. DISTANCES ARE GROUND.
3.) PLAT PRECISION: 1'/614,137'.
4.) THIS PLAT HAS BEEN DONE FOR THE USE AND PURPOSE OF THE CLIENT ASCRIBED AND CONTRACTED WITH BELOW. ALL OTHER PARTIES ARE SUBSEQUENTLY PUT ON NOTICE AS TO THE LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY THIRD PARTIES.
5.) THE PUBLIC RECORDS REFERENCED HEREON REFLECT THOSE RECORDS NECESSARY TO THE BOUNDARY OF THE SUBJECT PROPERTY. THEY DO NOT CONSTITUTE A TITLE SEARCH. PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.
6.) THE NORTH MERIDIAN SHOWN HEREON IS BASED ON GRID NORTH GA WEST OBTAINED BY GPS RTK/BASE METHODS USING THE LIECA SMARTNET NETWORK.
7.) CONTOURS SHOWN HEREON WERE COMPILED FROM THE USGS NATIONAL MAP.
Parcel # 08150 002002A
N/F
CLARA MAE MANN
C/O DIANE CRAWFORD
DB 1503/166
TRACT 1
16.62 Acres
N 30°06'58" W 1161.27' TOTAL
1150.96'
Parcel # 08150 002002
N/F
E&S DEVELOPMENT, LLC
DB 8005/771
PB 21/108
APPROXIMATE LOCATION POSSIBLE CREEK OR DRAINAGE
TRACT 2
0.22 Acres
(10' STRIP TO REMAIN IN COUNTY)
S 30°06'58" W 963.64'
S 36°16'01" W 963.64'
10.0'
APPROXIMATE LOCATION POSSIBLE CREEK OR DRAINAGE
SOUTHERN RAILROAD
400' R/W
C/L TRACKS
200.0'
10.91'
1/2"RBF
COUNTY NOTES:
1.) "ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FEET IMPERVIOUS SURFACE SETBACK. (HALL COUNTY CODE § 8.170.070)"
2.) "IF PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 17.225.040)"
3."PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP #13139C0200G HALL COUNTY GEORGIA, DATED 4/4/2018."
4.) "THIS PROPERTY IS NOT LOCATED IN THE HALL COUNTY FUTURE FLOOD ZONE PER HALL COUNTY GIS."
5.) IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OF MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE §8.180.120 AND §8.180.130) (SURVEYOR TO PROVIDE ALL PREVIOUS PARENT TRACTS OF LAND'S PARCEL IDS.)
LEGEND:
RBF = REBAR FOUND
CTF = CRIMP TOP FOUND
CTS = CRIMP TOP SET
R/W = RIGHT OF WAY
C/L = CENTERLINE
N/F = NOW OR FORMERLY
DB = DEED BOOK
PB = PLAT BOOK
PS = PLAT SLIDE
= FENCE LINE
P/L = PROPERTY LINE
WM= WATER METER
SSMH = SANITARY SEWER MANHOLE
DI = DRAIN INLET
GI = GRATE INLET
CO = CLEAN OUT
YI = YARD INLET
JB = JUNCTION BOX
B/C = BACK OF CURB
BSL = BUILDING SETBACK LINE
= APPROX. P/L
REVISED 6/17/21: ADD 10' STRIP ALONG RR R/W
RE-TRACEMENT SURVEY FOR:
TOMMY BARNES
LAND LOT 150 - 8TH DISTRICT
HALL COUNTY, GEORGIA
Drawn By: PDC
Plat Date: 1.18.21
Field Date: 1.18.21
Scale: 1" = 100'
Project No.: 6495MCIVERRD
CLARKCANADAY
LAND SURVEYING • PLANNING • CONSULTING
4066 Holly Springs Road
Gillsville, Georgia 30543
Phone: 678.630.2059
Email: clarkcanaday2@gmail.com

Exhibit "B"

Legal Description 16.62 acres McEver Road

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

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

Public Hearing Published	07/07/21	First Reading	09/02/21
Public Hearing	08/05/21	Adopted	09/16/21

ORDINANCE 648

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY TOTALING 16.62 +/- ACRES, FROM HALL COUNTY AGRICULTURAL RESIDENTIAL (AR-III) TO FLOWERY BRANCH RESIDENTIAL MULTI-FAMILY (R-III), PROPERTY IS OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL NO. 08150 002002A AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B", AND AS CONDITIONED ON ATTACHED EXHIBIT "C", PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

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

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

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

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County AR-III (Agricultural Residential) to Flowery Branch R-III (Residential Multi-Family) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.

6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.

7. No determination has been made by staff with regard to the value differential between development under the current zoning as opposed to AR-III (Agricultural Residential).

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.

10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 16th day of September 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____
E. Ronald Bennett, City Attorney

Exhibit “A”

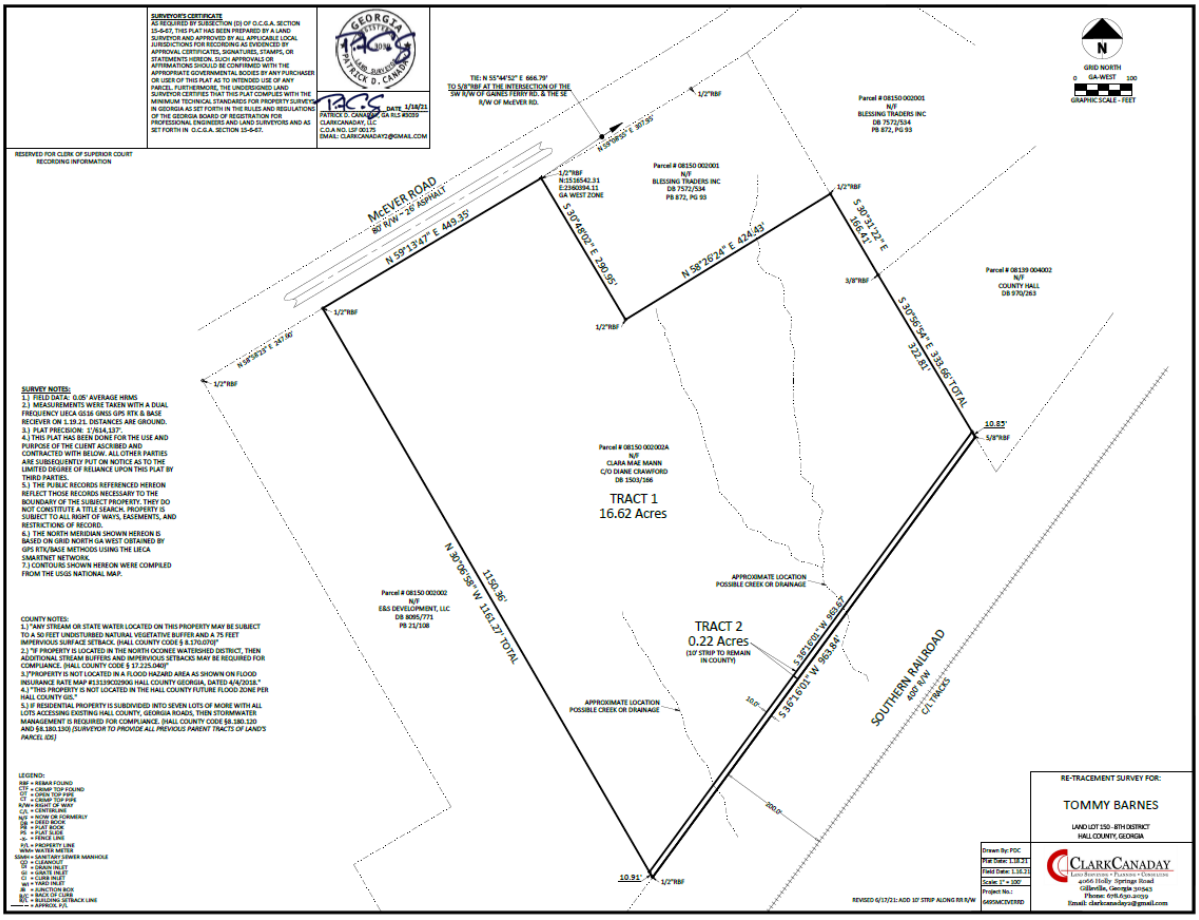

SURVEYOR'S CERTIFICATE
AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.
GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR PATRICK D. CANADAY
DATE 1/18/21
PATRICK D. CANADAY GA RLS #3059
CLARKCANADAY, LLC
C.O.A NO. LSF 001175
EMAIL: CLARKCANADAY@GMAIL.COM
RESERVED FOR CLERK OF SUPERIOR COURT RECORDING INFORMATION
TIE: N 55°44'52" E 666.79' TO 5/8"RBF AT THE INTERSECTION OF THE SW R/W OF GAINES FERRY RD. & THE SE R/W OF McEVER RD.
N 69°09'05" E 80.98'
1/2"RBF
1/2"RBF N:1516542.31 E:2360294.11 GA WEST ZONE
Parcel # 08150 002001 N/F BLESSING TRADERS INC DB 7572/534 PB 872, PG 93
Parcel # 08150 002001 N/F BLESSING TRADERS INC DB 7572/534 PB 872, PG 93
GRID NORTH
0 GA-WEST 100
GRAPHIC SCALE - FEET
McEVER ROAD
80' R/W - 26' ASPHALT
N 59°13'47" E 449.35'
S 30°48'02" E 290.05'
N 58°29'24" E 424.43'
S 30°21'22" E 166.41'
S 30°06'56" E 333.86' TOTAL
322.81'
3/8"RBF
Parcel # 08139 004002 N/F COUNTY HALL DB 970/263
1/2"RBF
N 58°08'23" E 247.46'
10.83'
5/8"RBF
Parcel # 08150 002002A N/F CLARA MAE MANN C/O DIANE CRAWFORD DB 1503/166
TRACT 1
16.62 Acres
N 30°06'56" W 1161.27' TOTAL
1159.86'
Parcel # 08150 002002 N/F E&S DEVELOPMENT, LLC DB 8095/771 PB 21/108
APPROXIMATE LOCATION POSSIBLE CREEK OR DRAINAGE
TRACT 2
0.22 Acres
(10' STRIP TO REMAIN IN COUNTY)
S 36°18'01" W 859.19'
S 36°18'01" W 863.84'
10.0'
APPROXIMATE LOCATION POSSIBLE CREEK OR DRAINAGE
SOUTHERN RAILROAD
400' R/W
C/L TRACKS
200.0'
10.91'
1/2"RBF
SURVEY NOTES:
1.) FIELD DATA: 0.05' AVERAGE HRMS
2.) MEASUREMENTS WERE TAKEN WITH A DUAL FREQUENCY LIECA GS16 GNSS GPS RTK & BASE RECIEVER ON 1.19.21. DISTANCES ARE GROUND.
3.) PLAT PRECISION: 1/814,137'.
4.) THIS PLAT HAS BEEN DONE FOR THE USE AND PURPOSE OF THE CLIENT ASCRIBED AND CONTRACTED WITH BELOW. ALL OTHER PARTIES ARE SUBSEQUENTLY PUT ON NOTICE AS TO THE LIMITED DEGREE OF RELIANCE UPON THIS PLAT BY THIRD PARTIES.
5.) THE PUBLIC RECORDS REFERENCED HEREON REFLECT THOSE RECORDS NECESSARY TO THE BOUNDARY OF THE SUBJECT PROPERTY. THEY DO NOT CONSTITUTE A TITLE SEARCH. PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.
6.) THE NORTH MERIDIAN SHOWN HEREON IS BASED ON GRID NORTH GA WEST OBTAINED BY GPS RTK/BASE METHODS USING THE LIECA SMARTNET NETWORK.
7.) CONTOURS SHOWN HEREON WERE COMPILED FROM THE USGS NATIONAL MAP.
COUNTY NOTES:
1.) "ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FEET IMPERVIOUS SURFACE SETBACK. (HALL COUNTY CODE § 8.170.070)"
2.) "IF PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 17.225.040)"
3.)"PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP #13139C0285G HALL COUNTY GEORGIA, DATED 4/4/2018."
4.) "THIS PROPERTY IS NOT LOCATED IN THE HALL COUNTY FUTURE FLOOD ZONE PER HALL COUNTY GIS."
5.) IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OF MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE §8.180.120 AND §8.180.130) *[SURVEYOR TO PROVIDE ALL PREVIOUS PARENT TRACTS OF LAND'S PARCEL ID]*
LEGEND:
RBF = REBAR FOUND
CTF = CRIMP TOP FOUND
CTS = CRIMP TOP SET
CT = CRIMP TOP PIPE
R/W= RIGHT OF WAY
C/L = CENTERLINE
Rec = RECORD, FORMERLY
DB = DEED BOOK
PB = PLAT BOOK
PL = PROPERTY LINE
F = FACE
P/L = PROPERTY LINE
WMtr= WATER METER
SSMH = SANITARY SEWER MANHOLE
CO = CLEANOUT
DI = DRAIN INLET
CB = CATCH BASIN
CI = CURB INLET
YI = YARD INLET
JB = JUNCTION BOX
B/C = BACK OF CURB
B/S = BACK OF SIDEWALK
BSL = BUILDING SETBACK LINE
APPROX. POT.
REVISED 6/17/21: ADD 10' STRIP ALONG RR R/W
RE-TRACEMENT SURVEY FOR:
TOMMY BARNES
LAND LOT 150 - 8TH DISTRICT
HALL COUNTY, GEORGIA
Drawn By: PDC
Plat Date: 1.18.21
Field Date: 1.18.21
Scale: 1" = 100'
Project No.: 649SMCIVERRD
CLARKCANADAY
LAND SURVEYING • PLANNING • CONSULTING
4066 Holly Springs Road
Gillsville, Georgia 30543
Phone: 678.630.2039
Email: clarkcanaday@gmail.com

Exhibit "B"

Legal Description 16.62 acres McEver Road

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

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

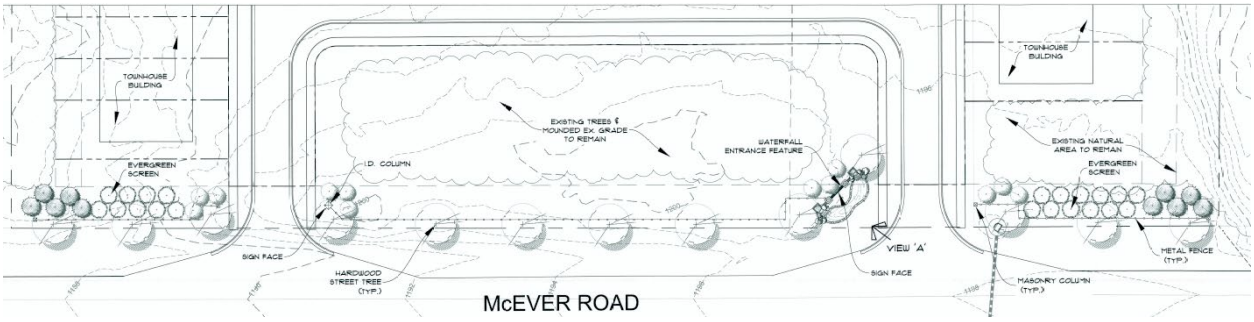
Exhibit “C”

Conditions of Zoning

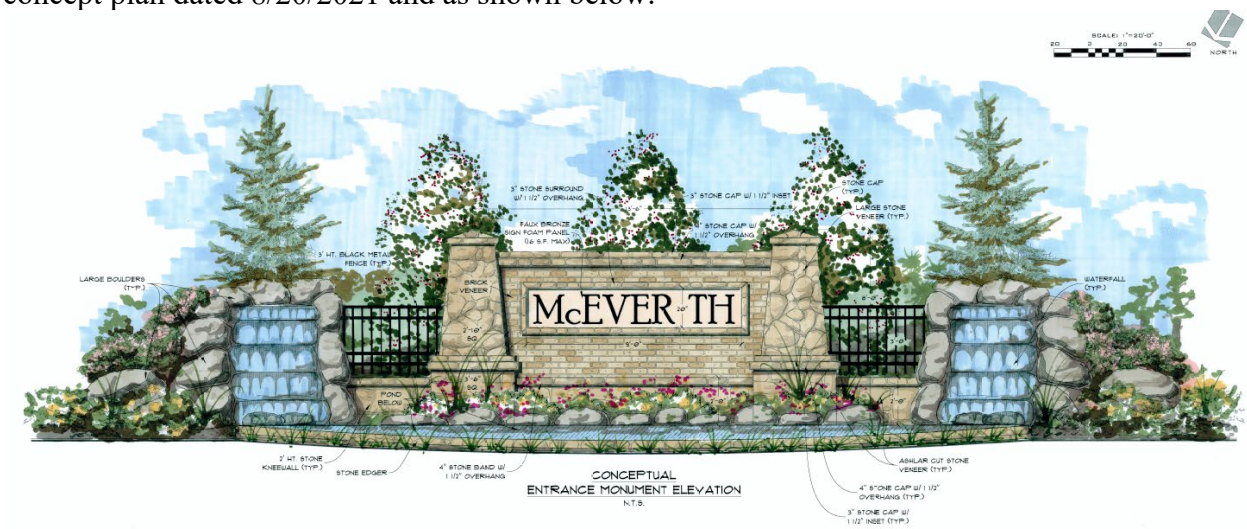
1. Development shall be limited to no more than 152 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:

3. A homeowner’s association is required.

4. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
5. Said covenants shall restrict the leasing of townhomes to a maximum of 10%. The HOA shall have the ability to grant a temporary "hardship" waiver for extenuating circumstances.
6. A landscape plan shall be submitted at the time of land disturbance permit. Landscape plan shall incorporate the design and layout dated 8/20/2021 and as shown below:



7. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
8. A sign permit shall be submitted for review by Staff and shall significantly adhere to the concept plan dated 8/20/2021 and as shown below:



9. Sidewalks are not required along McEver Road.
10. Townhomes shall be constructed of at least 75% of brick, stone or cementious fiber board on all elevations except for front facades which shall be constructed of a combination of at least three (3) of the following materials: brick, stone, cememntious fiber board, cedar shake, and/or board and batten.
11. Townhomes shall generally adhere to the elevations as shown below:

Public Hearing Published	07/07/21	First Reading	09/02/21
Public Hearing	08/05/21	Adopted	09/16/21

ORDINANCE 649

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

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

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

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

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

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

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

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

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 16th day of September 2021.

_____
James M. Miller, Mayor

_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____
E. Ronald Bennett, City Attorney

Exhibit "A"

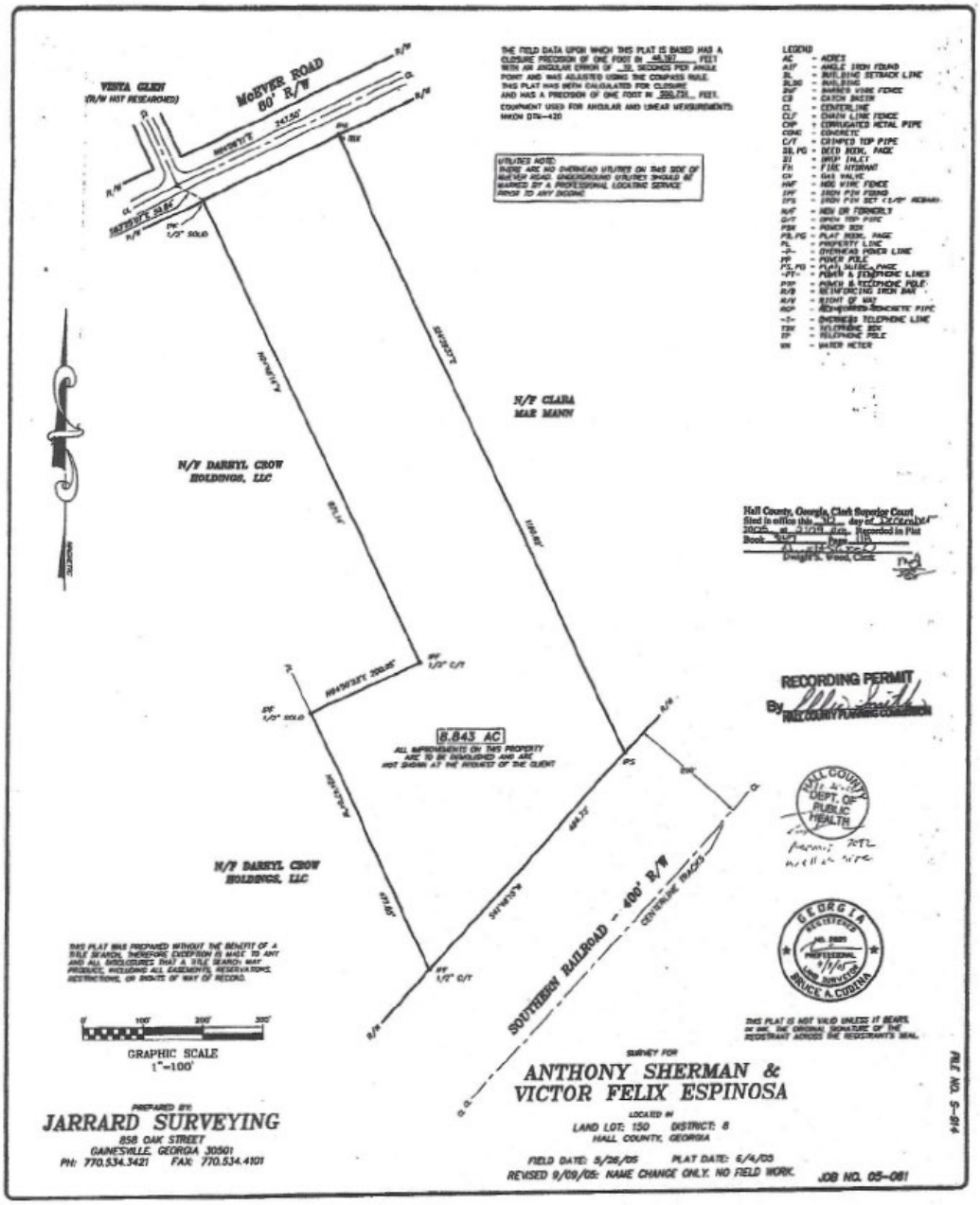

118
VISTA GLEN
(R/W NOT RESEARCHED)
McEVER ROAD
60' R/W
N/F
N/F CLARA MAE MANN
N/F DARRYL CROW HOLDINGS, LLC
N/F DARRYL CROW HOLDINGS, LLC
8.843 AC
ALL IMPROVEMENTS ON THIS PROPERTY ARE TO BE DEMOLISHED AND ARE NOT SHOWN AT THE REQUEST OF THE CLIENT
SOUTHERN RAILROAD - 400' R/W
CENTERLINE TRACKS
LEGEND
Hall County, Georgia, Clerk Superior Court
RECORDING PERMIT
HALL COUNTY PLANNING COMMISSION
HALL COUNTY DEPT. OF PUBLIC HEALTH
GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR BRUCE A. CUBINA
THIS PLAT IS NOT VALID UNLESS IT BEARS, IN INK, THE ORIGINAL SIGNATURE OF THE REGISTRANT AND THE REGISTRANT'S SEAL.
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH, THEREFORE, EXCEPTION IS MADE TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY PRODUCE, INCLUDING ALL EASEMENTS, RESERVATIONS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD.
GRAPHIC SCALE
1"=100'
PREPARED BY:
JARRARD SURVEYING
858 OAK STREET
GAINESVILLE, GEORGIA 30501
PH: 770.534.3421 FAX: 770.534.4101
SURVEY FOR
ANTHONY SHERMAN &
VICTOR FELIX ESPINOSA
LOCATED IN
LAND LOT: 150 DISTRICT: 6
HALL COUNTY, GEORGIA
FIELD DATE: 5/26/05 PLAT DATE: 6/4/05
REVISED 9/09/05: NAME CHANGE ONLY. NO FIELD WORK.
JOB NO. 05-081
FILE NO. S-914

Exhibit "B"

Legal Description 8.843 acres McEver Road

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

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

Public Hearing Published	07/07/21	First Reading	09/02/21
Public Hearing	08/05/21	Adopted	09/16/21

ORDINANCE 650

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

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

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

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

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County HB (Highway Business) to Flowery Branch R-III (Residential Multi-Family) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.

6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.

7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to R-III (Residential Multi-Family)

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.

10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 16th day of September 2021.

_____
James M. Miller, Mayor

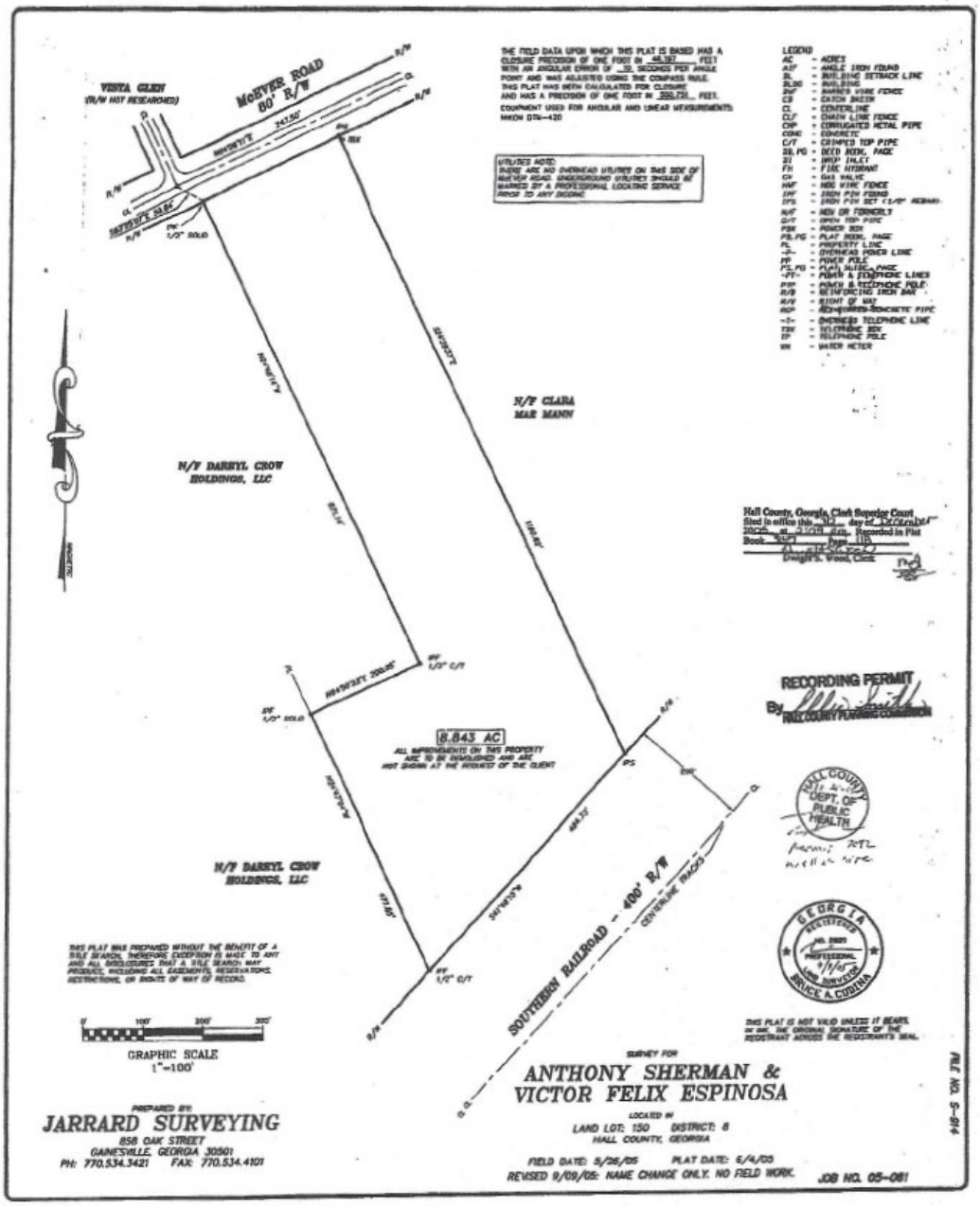
ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____
E. Ronald Bennett, City Attorney

Exhibit "A"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60' R/W
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N/F DARRYL CROW HOLDINGS, LLC
N/F DARRYL CROW HOLDINGS, LLC
8.843 AC
ALL IMPROVEMENTS ON THIS PROPERTY ARE TO BE ENVISIONED AND ARE NOT SHOWN AT THE REQUEST OF THE CLIENT
SOUTHERN RAILROAD - 400' R/W
CENTERLINE TRACKS
RECORDING PERMIT
HALL COUNTY PLANNING COMMISSION
HALL COUNTY DEPT. OF PUBLIC HEALTH
GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR BRUCE A. CUBERA
THIS PLAT IS NOT VALID UNLESS IT BEARS, IN INK, THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.
GRAPHIC SCALE
1"=100'
PREPARED BY:
JARRARD SURVEYING
858 OAK STREET
GAINESVILLE, GEORGIA 30501
PH: 770.534.3421 FAX: 770.534.4101
SURVEY FOR
ANTHONY SHERMAN &
VICTOR FELIX ESPINOSA
LOCATED IN
LAND LOT: 150 DISTRICT: 8
HALL COUNTY, GEORGIA
FIELD DATE: 5/26/05 PLAT DATE: 6/4/05
REVISED 9/09/05: NAME CHANGE ONLY. NO FIELD WORK.
JOB NO. 05-081
FILE NO. S-914

Exhibit "B"

Legal Description 8.843 acres McEver Road

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

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

Exhibit “C”

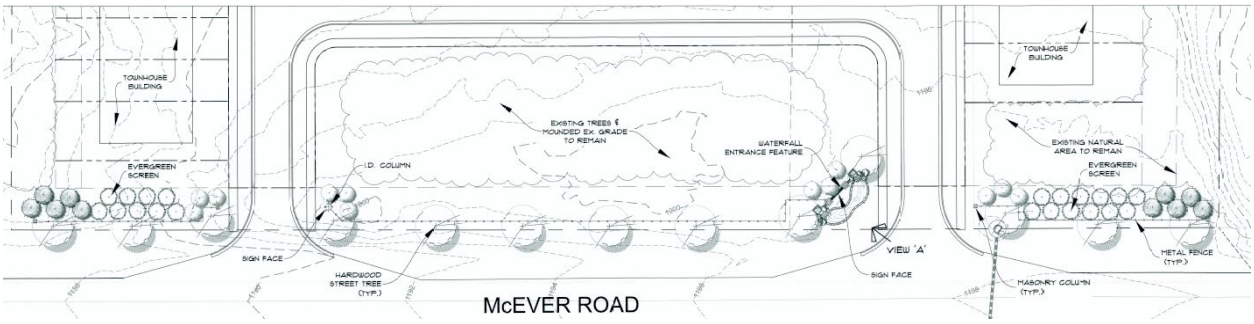
Conditions of Zoning

1. Development shall be limited to no more than 152 single family, for sale, residential townhomes.
2. Development shall significantly adhere to the site plan as shown below:

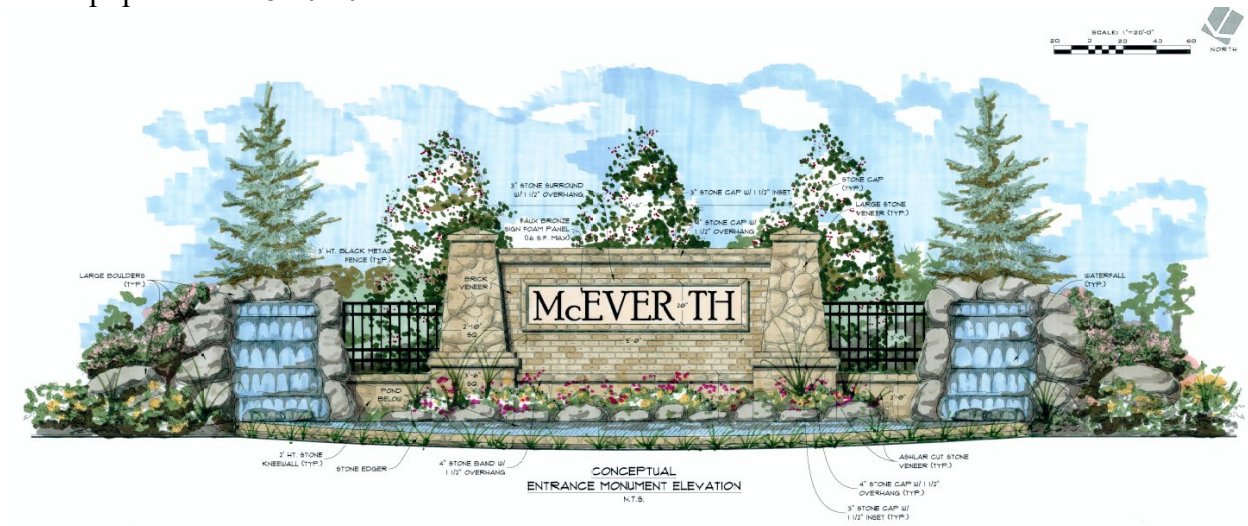
3. A homeowner’s association is required.
4. Homeowner’s association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.

5. Said covenants shall restrict the leasing of townhomes to a maximum of 10%. The HOA shall have the ability to grant a temporary “hardship” waiver for extenuating circumstances.

6. A landscape plan shall be submitted at the time of land disturbance permit. Landscape plan shall incorporate the design and layout dated 8/20/2021 and as shown below:



7. Sidewalks shall be installed per approved site plan (as shown as part of condition 2 of this ordinance).
8. A sign permit shall be submitted for review by Staff and shall significantly adhere to the concept plan dated 8/20/2021 and as shown below:



9. Sidewalks are not required along McEver Road.
10. Townhomes shall be constructed of at least 75% of brick, stone or cementious fiber board on all elevations except for front facades which shall be constructed of a combination of at least three (3) of the following materials: brick, stone, cememntious fiber board, cedar shake, and/or board and batten.
11. Townhomes shall generally adhere to the elevations as shown below:

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Second Reading of a rezoning request from JPC Design and Construction, LLC. to rezone a 2.08 +/- acre tract of land identified as 5512 McEver Road, tax parcel number 08099 000009, from NS (Neighborhood Shopping) to HB (Highway Business).

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

FACTS AND ISSUES:
JPC Design and Construction wishes to rezone 5512 McEver Road (parcel #08099 000009) from Neighborhood Shopping (NS) to Highway Business (HB) with the intent to construct a fast-food restaurant with a drive thru. The zoning ordinance allows these types of establishments in HB but not in NS.

Schedule:
July 14 work session & public hearing
August 5 work session (if requested)
August 19 first vote
September 2 work session (if requested)
September 16 final vote

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:
0

RECOMMENDATION:
Approve as conditioned.

SAMPLE MOTION:
I make a motion to approve ordinance 645.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- Staff Report for JPC 5512 McEver Road .pdf
- JPC McEver Application.pdf
- Ordinance for JPC McEver Road.pdf

Staff Report
JPC Rezoning Request
Ordinance 645

Request

JPC Design and Construction wishes to rezone 5512 McEver Road (parcel #08099 000009) from Neighborhood Shopping (NS) to Highway Business (HB) with the intent to construct a fast-food restaurant with a drive thru. The zoning ordinance allows these types of establishments in HB but not in NS. Please see below.

Sec. 9.3. NS, Neighborhood Shopping District.

(a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "neighborhood commercial" character area established in the comprehensive plan.

(b) Character. Neighborhood commercial districts are intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods. Uses within neighborhood commercial character areas generally occur within enclosed buildings with no outside storage and limited outdoor display of goods and merchandise. Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Auto-related, highway-oriented commercial uses are not permitted. With the exception of convenience stores with gasoline pumps, neighborhood commercial districts are not intended to permit or accommodate automotive uses or other types of more intensive highway business activities, or those uses that generate excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts." Business establishments do not exceed 2,500 square feet in any one tenant space, to keep the bulk and intensity in scale

with the needs of adjacent neighborhoods. Open space is limited to suburban plazas or small open spaces. A three-story height limit is imposed.

Sec. 9.4. HB, Highway Business District.

(a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.

(b) Character. This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

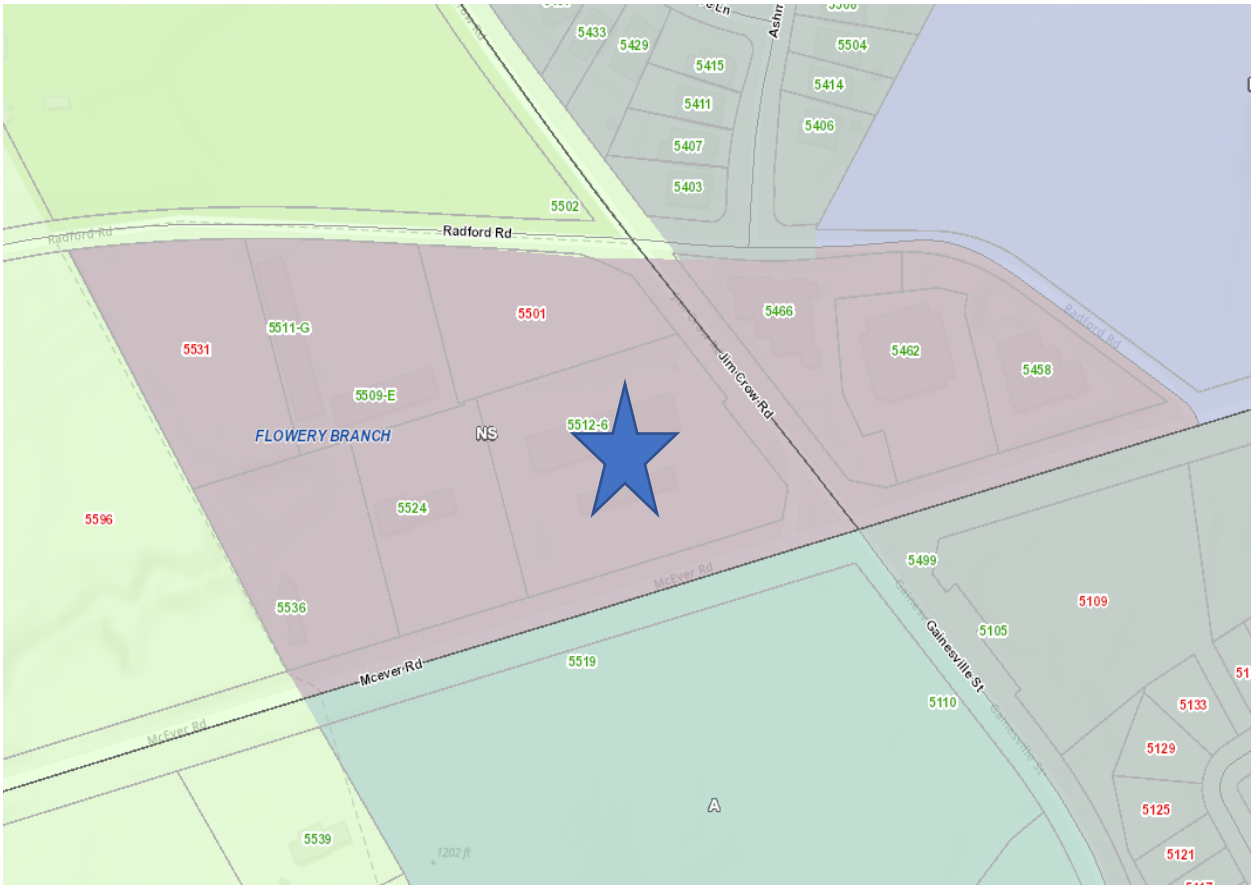
Use	O-P	INST	NS	HB	CBD	M-1	M-2
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C

Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro brewery	X	X	X	X	P	P	P
Mixed use building or development	C	X	P	P	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
Package Store	X	X	P	P	X	P	P
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P
Power plant, private	X	X	X	X	X	X	C
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P

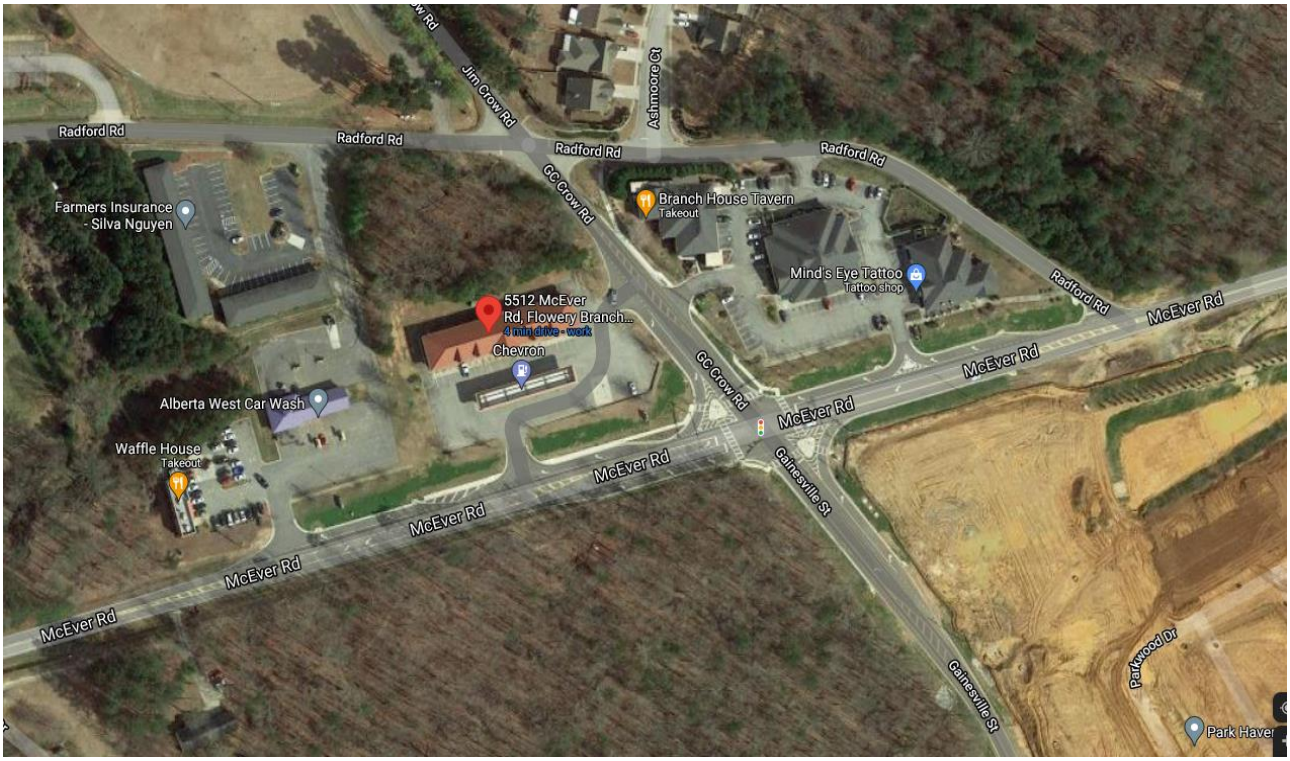
Concept plan as submitted by applicant:

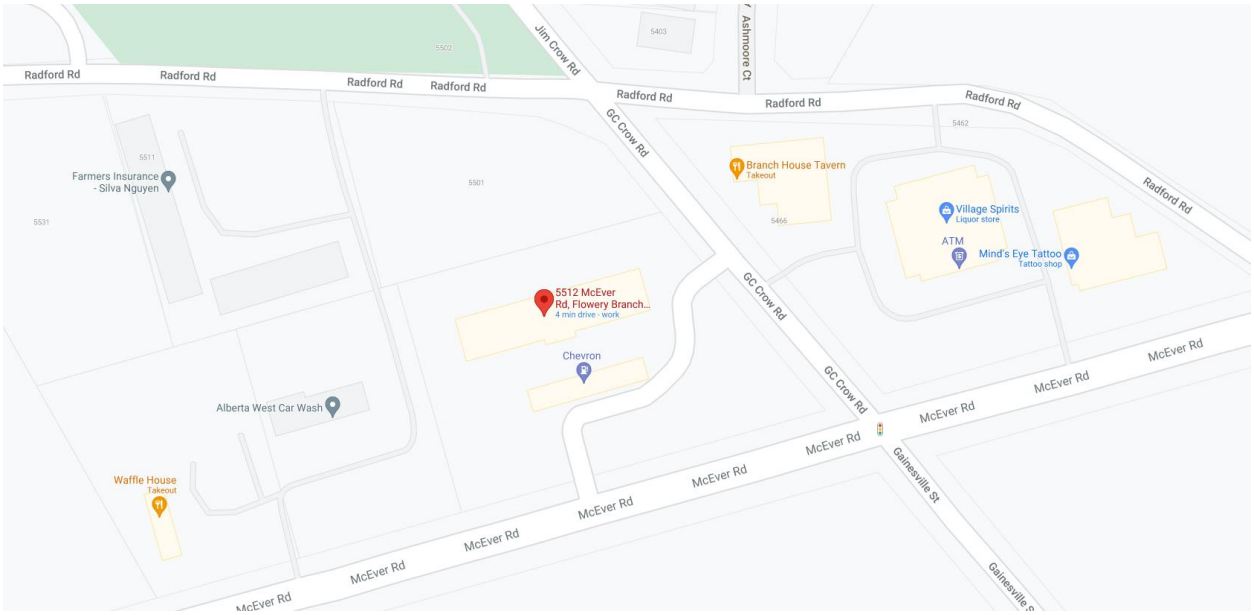
The pumps will remain as will the primary structure. The end unit will be demolished, and the restaurant built. The remaining suites will be renovated inside and out. Landscaping will be enhanced, and new signage will be installed. The property will connect to Flowery Branch sewer and may be able to add inter-parcel connectivity to the adjoining car wash because of the septic tank being removed.

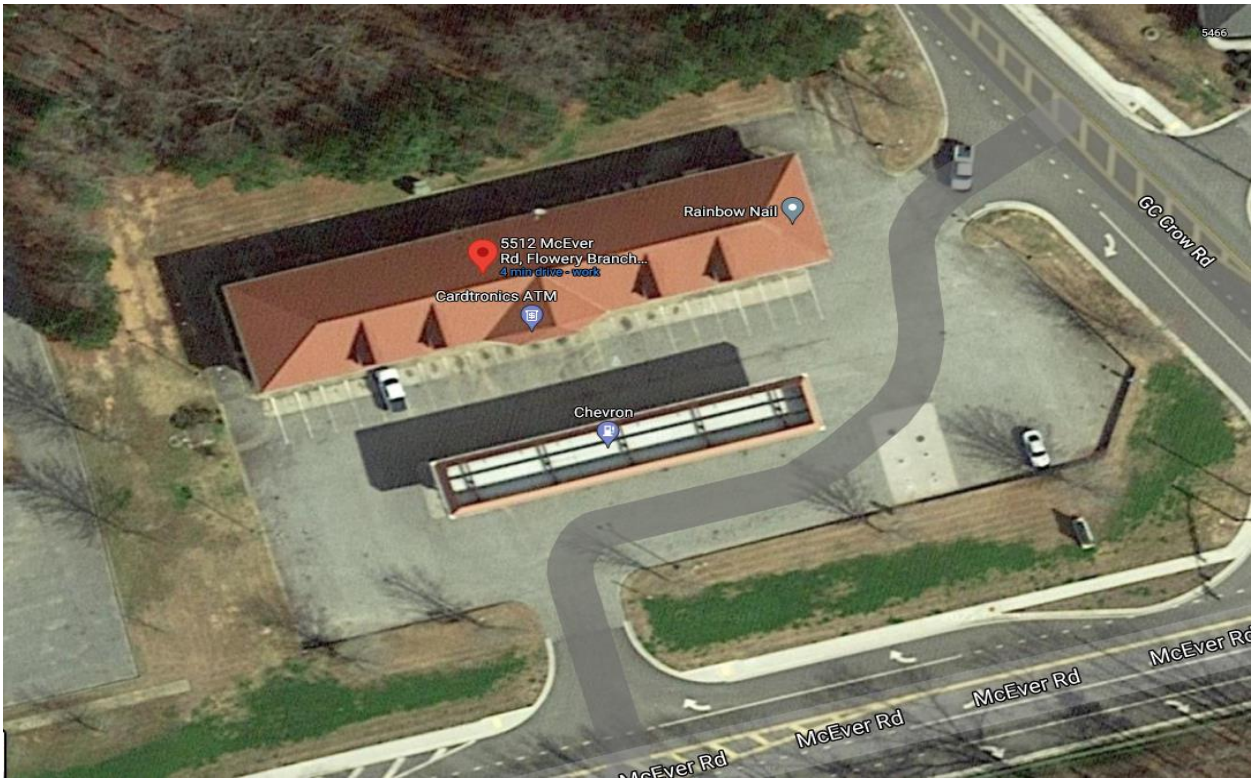
Zoning Map


5433
5429
5415
5411
5407
5403
5504
5414
5406
5502
Radford Rd
5501
5466
5462
5458
5531
5511-G
5509-E
FLOWERY BRANCH
NS
5512-6
Jim Crew Rd
5524
5596
5499
5536
5109
5105
Mcever Rd
5519
Gainesville St
5110
5133
5129
5125
5121
A
5539

Site


Radford Rd
Jim Crow Rd
Ashmoore Ct
GC Crow Rd
Farmers Insurance - Silva Nguyen
Branch House Tavern
Takeout
Mind's Eye Tattoo
Tattoo shop
5512 McEver Rd, Flowery Branch...
4 min drive - work
Chevron
Alberta West Car Wash
Waffle House
Takeout
McEver Rd
Gainesville St
Parkwood Dr

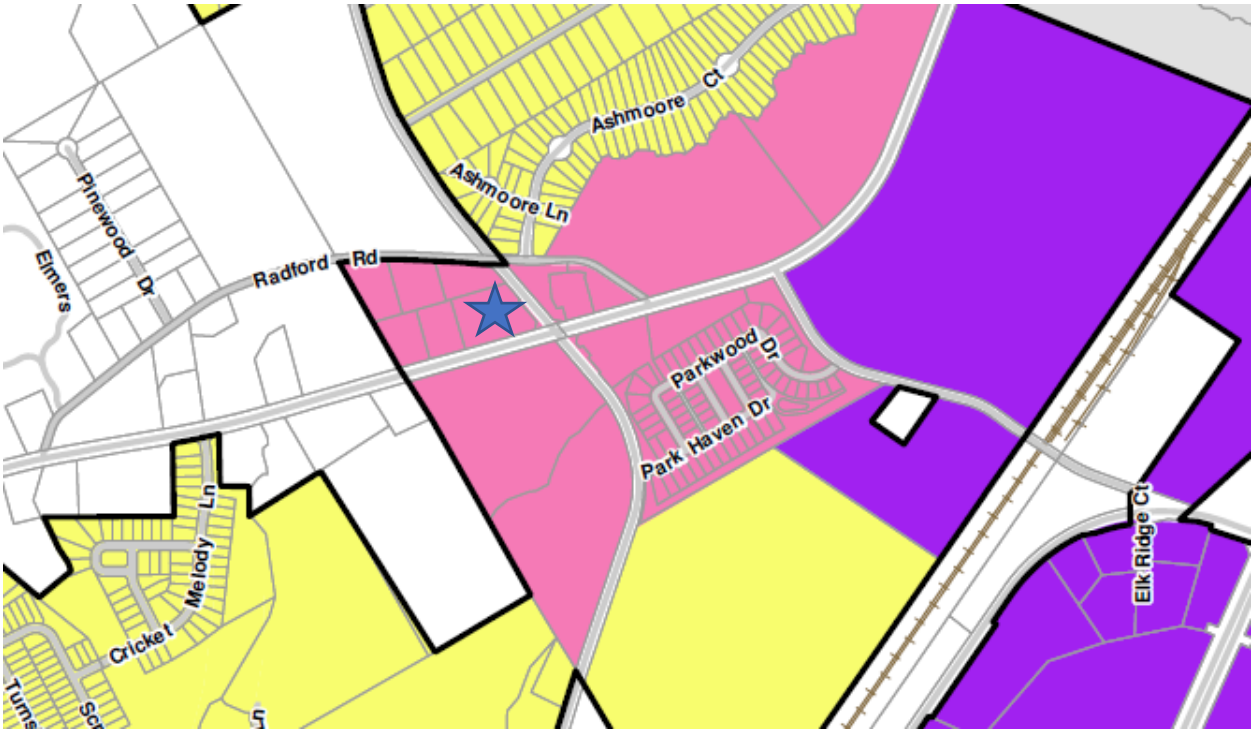

Radford Rd
Jim Crow Rd
Ashmoore Ct
GC Crow Rd
Farmers Insurance - Silva Nguyen
Branch House Tavern
Takeout
Village Spirits
Liquor store
ATM
Mind's Eye Tattoo
Tattoo shop
5512 McEver Rd, Flowery Branch...
4 min drive - work
Chevron
Alberta West Car Wash
Waffle House
Takeout
McEver Rd
Gainesville St


Rainbow Nail
5512 McEver
Rd, Flowery Branch...
4 min drive - work
Cardtronics ATM
Chevron
GC Crow Rd
McEver Rd
McEver Rd
McEver Rd

Chevron

Comprehensive Plan

Mixed—use character area:



The proposed use is acceptable in the designated character area. A fast-food restaurant with a drive thru will be supported by the new and upcoming residential homes in the immediate area. Additionally, it will add a missing service to the area which includes the residential, sit down dining, public storage, retail, a car wash, and other proposed and existing commercial uses. The addition of the use and the improvement of the site will help to enhance and promote the mixed-use concept of this area.

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, the use is appropriate for this site and the surrounding area. It will help promote the mixed-use character area by adding a new component.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. The development will not adversely affect the area and will in fact enhance it.

(c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. Yes, current zoning of NS (Neighborhood Shopping) is appropriate. However, rezoning to HB (Highway Business) will allow a new use(fast food with drive thru) to the area.

(d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. It is staff's opinion that the use will not create any unnecessary burdens.

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. Currently, the Comprehensive Plan denotes this area as "Mixed-Use" and staff feels this rezoning. If approved, will help to better serve this designation.

(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 will result in upgraded facilities, enhanced landscaping, a new use, and the possibility for connectivity to the adjoining parcels.

(g) Existing use(s) and zoning of the subject property and nearby properties. The proposed use will help diversify and enhance the area and will fit in with the surrounding proposed and current businesses and residences.

(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 feels the value will be increased if this rezoning is approved as it will provide a new use and upgrade the parcel.

(i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area and a positive impact for the corridor.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. No, the NS and HB districts can compliment one another and will not create an isolated district.

(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

Staff recommends approval of the request. Prior to the final read, elevations and a landscape plan should be submitted. Additionally, as part of the rezoning ordinance, conditions of zoning will be placed on the parcel. These conditions will be solidified upon receipt of the additional information.

Flowery Branch

REZONING APPLICATION

Date: 4-26-21

Address of Request: 5512 McEver Rd., Flowery Branch, GA 30542

Tax Map # 08099 000009 Current Zoning: NS

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

Currently a conforming use? yes

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

Applicant Information

Name: JPC Design and Construction, LLC - Jeremy Crosby

Address: 264 Alabama Blvd., Jackson GA 30233

E-mail address: Jcrosby@jonespetroleum.com

Phone number: 770-560-3527 cell

Signature: _____

Notary: _____

ANGELA M. STEELE NOTARY PUBLIC EXPIRES GEORGIA Feb. 13, 2023 JASPER COUNTY

Flowery Branch

Property owner information (if different than the applicant)

Property owner (please print): William B. Jones

Signature of property owner: W B Jones

Notary: J M S

ANGELA M. STEELE NOTARY PUBLIC EXPIRES GEORGIA Feb. 13, 2023 JASPER COUNTY

Property Information

Tax Map Number: 08099 000009

Current Zoning: NS Total Acres: 2.08

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

Proposed City of Flowery Branch Zoning: HB

Current Use: Chevron Convenience store and neighborhood shopping center

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

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

- Legal description
- Current survey of property

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

Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Flowery Branch

Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Flowery Branch

JPC Design and Construction, LLC

264 Alabama Boulevard

P.O. 710

Jackson, Georgia 30233

5/13/2021

Mr. Rich Atkinson, Director

Flowery Branch Community Development

5410 Pine St.

Flowery Branch, Georgia 30542

RE: Analysis Letter for Rezoning Application, JPC Design and Construction LLC, 2.08 acres at 5512 McEver Road, City of Flowery Branch, Georgia. Tax Parcel number: 08099 000009.

Mr. Atkinson,

Please accept this Letter of Intent on behalf of JPC Design and Construction, LLC and William B. Jones. We are requesting Rezoning on 2.08 acres +/- currently zoned NS, to a HB zoning in order to add a fast food restaurant with drive thru on the end of the existing Shopping Center. The property is located at 5512 McEver Rd. in the City of Flowery Branch. The properties current use is a Chevron Convenience Store and Gas Station Neighborhood Shopping Center. Adjacent zoning to the property is NS to the to the north which is undeveloped, NS to the west which is developed with a car wash and Waffle House, NS to the east across Jim Crow Rd. which is developed with a restaurant, liquor store, and tattoo and vape shop, and to the south across McEver Rd. is undeveloped and zoned AR. In view of the surrounding properties we feel the use of a fast food with drive thru is suitable and will not adversely affect the existing use or adjacent properties.

The proposed use of a drive thru restaurant is not allowed in the NS zoning, and is only allowed in the HB zoning. Applicant believes that the existing use is reasonable as currently zoned but that the addition of a fast food restaurant in the area will provide a fast food option for residents in the area. Proposed use will not cause a burdensome use of existing streets, transportation facilities, utilities, or schools. Proposed use and existing use are commercial in nature and there are multiple uses in the shopping center currently, therefore applicant believes that the request is in conformity with the City's Zoning policy and intent of the Comprehensive Plan, and thus will not change the character of the area. Values of the property and surrounding properties should increase with the addition of a new fast food restaurant and should not be a deterrent to the value or improvement of adjacent property. Applicant also believes that a change in

zoning district will not isolate use or character but will simply add a drive thru option for the community in this area. There will be minimal impact on the environment and adjacent properties all of which directly adjoin via property lines are commercial. The overall zoning scheme and purpose of the Zoning Ordinance for this area is commercial in nature.

Included in our application is a concept plan. The plan shows the existing building which will remain, and the addition of the Hardees restaurant with drive thru configuration to the rear of the site, as well as new drive lanes, parking, and dumpster enclosures. Access to the site will remain as is from McEver Rd. and Jim Crow Rd.

The project will adhere to all City of Flowery Branch Development Standards. There should be no impact to the school system since this request is commercial in nature.

Mr. William B. Jones is the owner of the property and is also a partner in JPC Design and Construction, LLC along with Mr. Jeremy Crosby.

We thank you for your consideration in this matter.

Respectfully,

Mike Horne, Project Manager

JPC Design and Construction, LLC

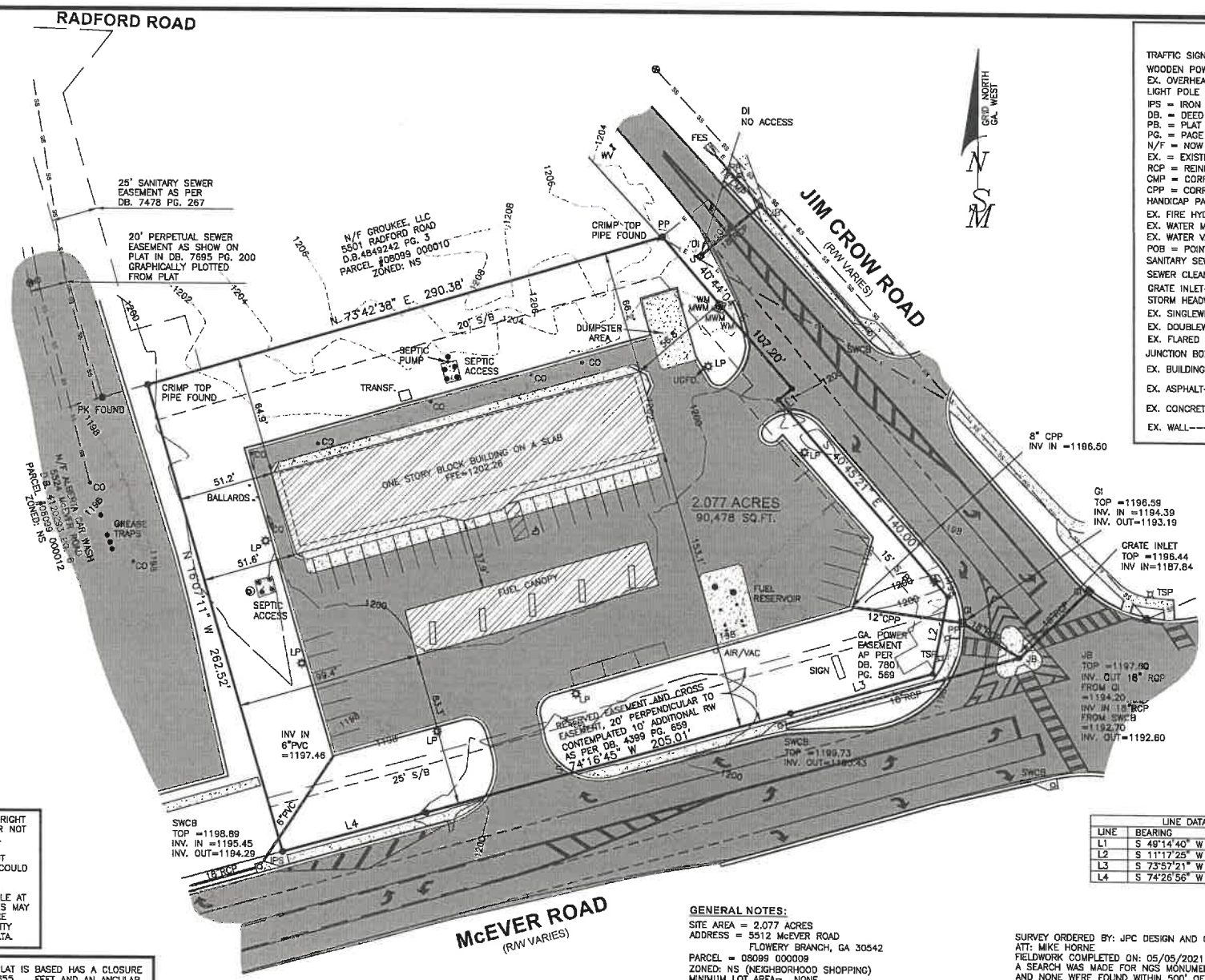
HARDEE'S
5512 McEVER ROAD, FLOWERY BRANCH, GA 30542
FOR
JPC DESIGN AND CONSTRUCTION, LLC

ROWLAND ENGINEERING

DATE: 03-25-2021
PROJ NO: 2114

CONCEPTUAL SITE PLAN

1 OF 1



LEGEND

- TRAFFIC SIGNAL POLE
- WOODEN POWER POLE
- EX. OVERHEAD POWER LINES
- LIGHT POLE
- IPS = IRON PIN SET (#4 REBAR)
- DB. = DEED BOOK
- PB. = PLAT BOOK
- PG. = PAGE
- N/F = NOW OR FORMERLY
- EX. = EXISTING
- RCP = REINFORCED CONCRETE PIPE
- CMP = CORRUGATED METAL PIPE
- CPP = CORRUGATED PLASTIC PIPE
- HANDICAP PARKING =
- EX. FIRE HYDRANT
- EX. WATER METER
- EX. WATER VALVE
- POB = POINT OF BEGINNING
- SANITARY SEWER MANHOLE
- SEWER CLEAN-OUT
- GRATE INLET
- STORM HEADWALL
- EX. SINGLEWING CATCH BASIN
- EX. DOUBLEWING CATCH BASIN
- EX. FLARED END SECTION
- JUNCTION BOX
- EX. BUILDING
- EX. ASPHALT
- EX. CONCRETE
- EX. WALL

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 65,655 FEET AND AN ANGULAR ERROR OF 0.01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

EQUIPMENT USED: TOPCON GTS-313.

AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA AS PER COMMUNITY – PANEL NUMBER 13139C0283G DATED: APRIL 04, 2018

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3150 TIM J. MILLER
05-13-2021

LINE DATA

LINE	BEARING	DISTANCE
L1	S 49°14'40" W	9.49'
L2	S 11°17'25" W	41.73'
L3	S 73°57'21" W	79.93'
L4	S 74°26'56" W	80.62'

GENERAL NOTES:

SITE AREA = 2.077 ACRES
ADDRESS = 5512 McEVER ROAD
FLOWERY BRANCH, GA 30542
PARCEL = 08099 000009
ZONED: NS (NEIGHBORHOOD SHOPPING)
MINIMUM LOT AREA= NONE
MINIMUM LOT WIDTH= 90'
FRONT SETBACK = 25'
REAR SETBACK = 40'
SIDE SETBACK = 15' (CORNER LOT)
SIDE SETBACK INTERIOR LOT LINE = 0'
MINIMUM HEATED FLOOR AREA--1,200 SQ. FT.

SURVEY ORDERED BY: JPC DESIGN AND CONSTRUCTION, LLC
ATT: MIKE HORNE
FIELDWORK COMPLETED ON: 05/05/2021
A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.

0' 40' 80' 120'
GRAPHIC SCALE = FEET

SIBLEY-MILLER SURVEYING & PLANNING INC.
212 WEST CAMPGROUND RD
McDONOUGH, GA. 30253
PHONE:(770) 320-7555
FAX:(770) 320-7333
www.sibleysurveying.com

*TOPOGRAPHICAL SURVEYS
*LAND SURVEYING
*LAND PLANNING
*CONSTRUCTION LAYOUT
*LAND DEVELOPMENT DESIGN
*CIVIL ENGINEERING

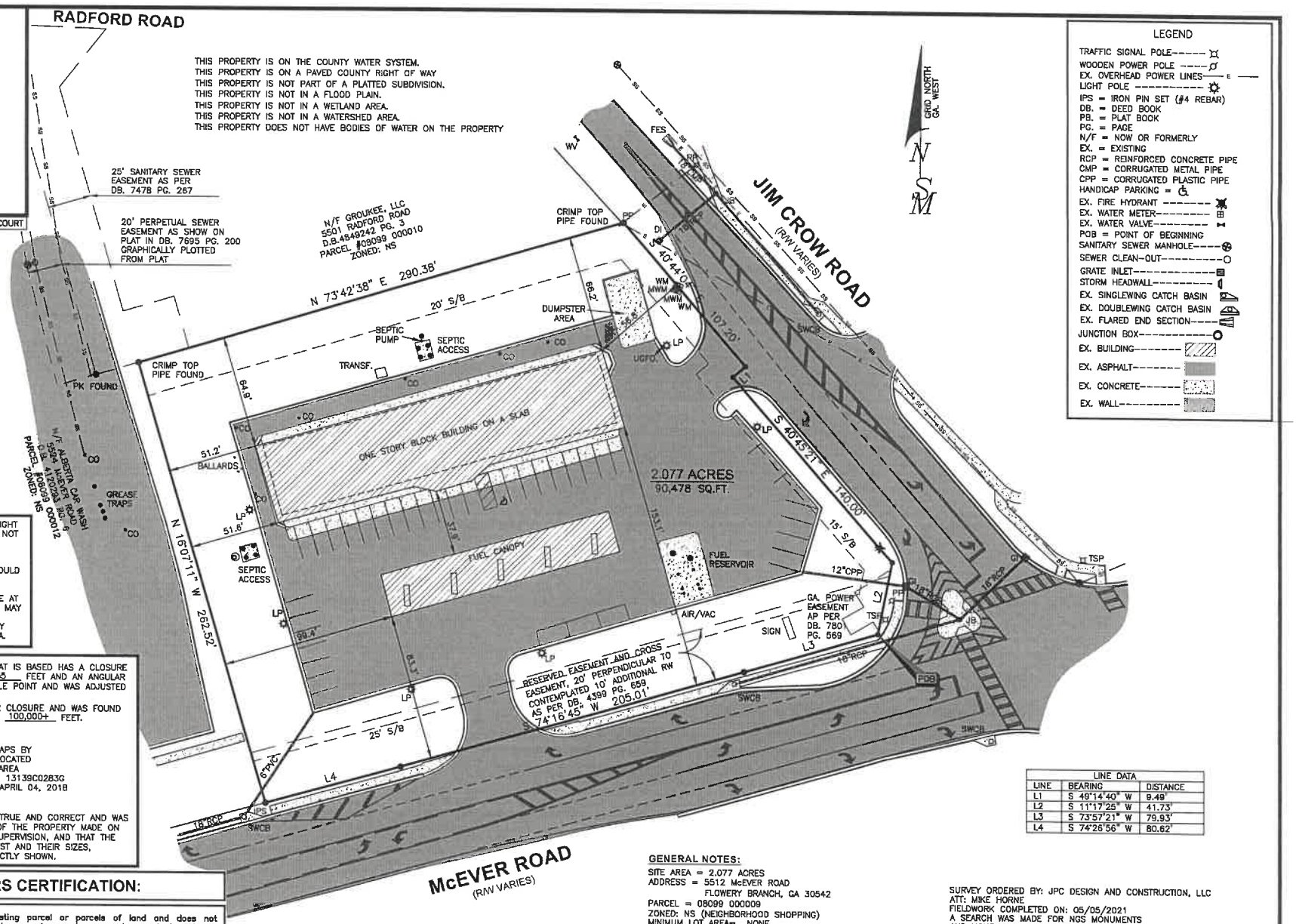
TOPOGRAPHIC SURVEY

JPC DESIGN & CONSTRUCTION LLC.
2.077 ACRES
CITY OF FLOWERY BRANCH
LAND LOT 99, 8th. DISTRICT
HALL COUNTY, GEORGIA

PROJECT NO.: B2021034
TOPOGRAPHIC SURVEY
DRAWN BY: PWF
SCALE: 1" = 40'
DATE: 05/13/2021

RESERVED FOR CLERK OF THE SUPERIOR COURT

THIS PROPERTY IS ON THE COUNTY WATER SYSTEM.
THIS PROPERTY IS ON A PAVED COUNTY RIGHT OF WAY
THIS PROPERTY IS NOT PART OF A PLATTED SUBDIVISION.
THIS PROPERTY IS NOT IN A FLOOD PLAIN.
THIS PROPERTY IS NOT IN A WETLAND AREA.
THIS PROPERTY IS NOT IN A WATERSHED AREA.
THIS PROPERTY DOES NOT HAVE BODIES OF WATER ON THE PROPERTY



LEGEND

- TRAFFIC SIGNAL POLE
- WOODEN POWER POLE
- EX. OVERHEAD POWER LINES
- LIGHT POLE
- IPS = IRON PIN SET (#4 REBAR)
- DB. = DEED BOOK
- PB. = PLAT BOOK
- PG. = PAGE
- N/F = NOW OR FORMERLY
- EX. = EXISTING
- RCP = REINFORCED CONCRETE PIPE
- CMP = CORRUGATED METAL PIPE
- CPP = CORRUGATED PLASTIC PIPE
- HANDICAP PARKING =
- EX. FIRE HYDRANT
- EX. WATER METER
- EX. WATER VALVE
- POB = POINT OF BEGINNING
- SANITARY SEWER MANHOLE
- SEWER CLEAN-OUT
- GRATE INLET
- STORM HEADWALL
- EX. SINGLEWING CATCH BASIN
- EX. DOUBLEWING CATCH BASIN
- EX. FLARED END SECTION
- JUNCTION BOX
- EX. BUILDING
- EX. ASPHALT
- EX. CONCRETE
- EX. WALL

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 65,655 FEET AND AN ANGULAR ERROR OF 0.01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

EQUIPMENT USED: TOPCON GTS-313.

AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA AS PER COMMUNITY – PANEL NUMBER 13139C0283G DATED: APRIL 04, 2018

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

SURVEYORS CERTIFICATION:

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

GEORGIA REGISTERED PROFESSIONAL NO. 3150 LAND SURVEYOR TIM L. MILLER

Tim L. Miller GA. RLS # 3150 — 05-13-2021 Date:

LINE DATA		
LINE	BEARING	DISTANCE
L1	S 49°14'40" W	9.49'
L2	S 11°17'25" W	41.73'
L3	S 73°57'21" W	79.93'
L4	S 74°26'56" W	80.62'

GENERAL NOTES:

SITE AREA = 2.077 ACRES
ADDRESS = 5512 McEVER ROAD
FLOWERY BRANCH, GA 30542
PARCEL = 08099 000009
ZONED: NS (NEIGHBORHOOD SHOPPING)
MINIMUM LOT AREA= NONE
MINIMUM LOT WIDTH= 90'
FRONT SETBACK = 25'
REAR SETBACK = 40'
SIDE SETBACK = 15' (CORNER LOT)
SIDE SETBACK INTERIOR LOT LINE = 0'
MINIMUM HEATED FLOOR AREA--1,200 SQ. FT.

SURVEY ORDERED BY: JPC DESIGN AND CONSTRUCTION, LLC
ATT: MIKE HORNE
FIELDWORK COMPLETED ON: 05/05/2021
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BOUNDARY SURVEY
JPC DESIGN & CONSTRUCTION LLC.
2.077 ACRES
CITY OF FLOWERY BRANCH
LAND LOT 99, 8th. DISTRICT
HALL COUNTY, GEORGIA

PROJECT NO.: B2021034
BOUNDARY SURVEY
DRAWN BY: PWF
SCALE: 1" = 40'
DATE: 05/13/2021

JPC DESIGN & CONSTRUCTION, LLC
City of Flowery Branch

Check Number: **9040** 9040
Check Date: May 4, 2021

Check Amount: **$500.00**

Invoice/Reference		Amount Paid
Rezoning App	Rezoning Application-McEver Rd	500.00

POSES. THE FACE OF THIS DOCUMENT C ONTAINS A COLORED BACKGROUND AND MICROPRIN TING IN THE BORDER

JPC DESIGN & CONSTRUCTION, LLC
PO BOX 710
JACKSON, GA 30233-0020

UNITED BANK
JACKSON, GEORGIA
64-751/611

9040

PAY **Five Hundred and 00/100 Dollars**

DATE	AMOUNT
May 4, 2021	**$ 500.00**

PAY TO THE ORDER OF
City of Flowery Branch
5517 Main St
Flowery Branch, GA 30542

Memo: Rezoning Application-McEver Rd

SECURITY FEATURES INCLUDED DETAILS ON BACK

⑈ 5 ⑈

JPC DESIGN & CONSTRUCTION, LLC
City of Flowery Branch

Check Number: **9040** 9040
Check Date: May 4, 2021

Check Amount: **$500.00**

Invoice/Reference		Amount Paid
Rezoning App	Rezoning Application-McEver Rd	500.00

Public Hearing Published	06/23/2021	First Reading	08/19/2021
Public Hearing	07/15/2021	Adopted	09/16/2021

ORDINANCE NO. 645

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH GEORGIA BY REZONING A 2.08± ACRE TRACT OF REAL PROPERTY LOCATED AT 5512 MCEVER ROAD, IDENTIFIED AS TAX PARCEL IDENTIFICATION NO. 08099 000009, AS SHOWN ON EXHIBIT "A", AS LEGALLY DESCRIBED ON EXHIBIT "B", FROM NEIGHBORHOOD SHOPPING (NS) TO HIGHWAY BUSINESS (HB) SUBJECT TO THE CONDITIONS SET FORTH ON EXHIBIT "C"; PROVIDING FOR FINDINGS, SEVERABILITY AND AN EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, WBJ Global Indemnity, Inc. owns all that tract or parcel of land totaling 2.08+/- acres identified as tax identification No. 08099 000009; which is shown on Exhibit "A"; and legally described on Exhibit "B"; and

WHEREAS, specific conditions shall be imposed on the subject parcel as shown on Exhibit "C"; and

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

WHEREAS, the City Council held a public hearing at the meeting of July 15, 2021 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Neighborhood Shopping (NS) to Highway Business (HB) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned NS; 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 in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.

6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.

7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to HB.

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.

10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The subject parcel, as shown on Exhibit "A" and as legally described in Exhibit "B", shall be rezoned from Neighborhood Shopping (NS) to Highway Business (HB). Subject to conditions as set forth in Exhibit "C". Said Exhibits are incorporated herein by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 16th day of September 2021.

_____
James M. Miller, Mayor

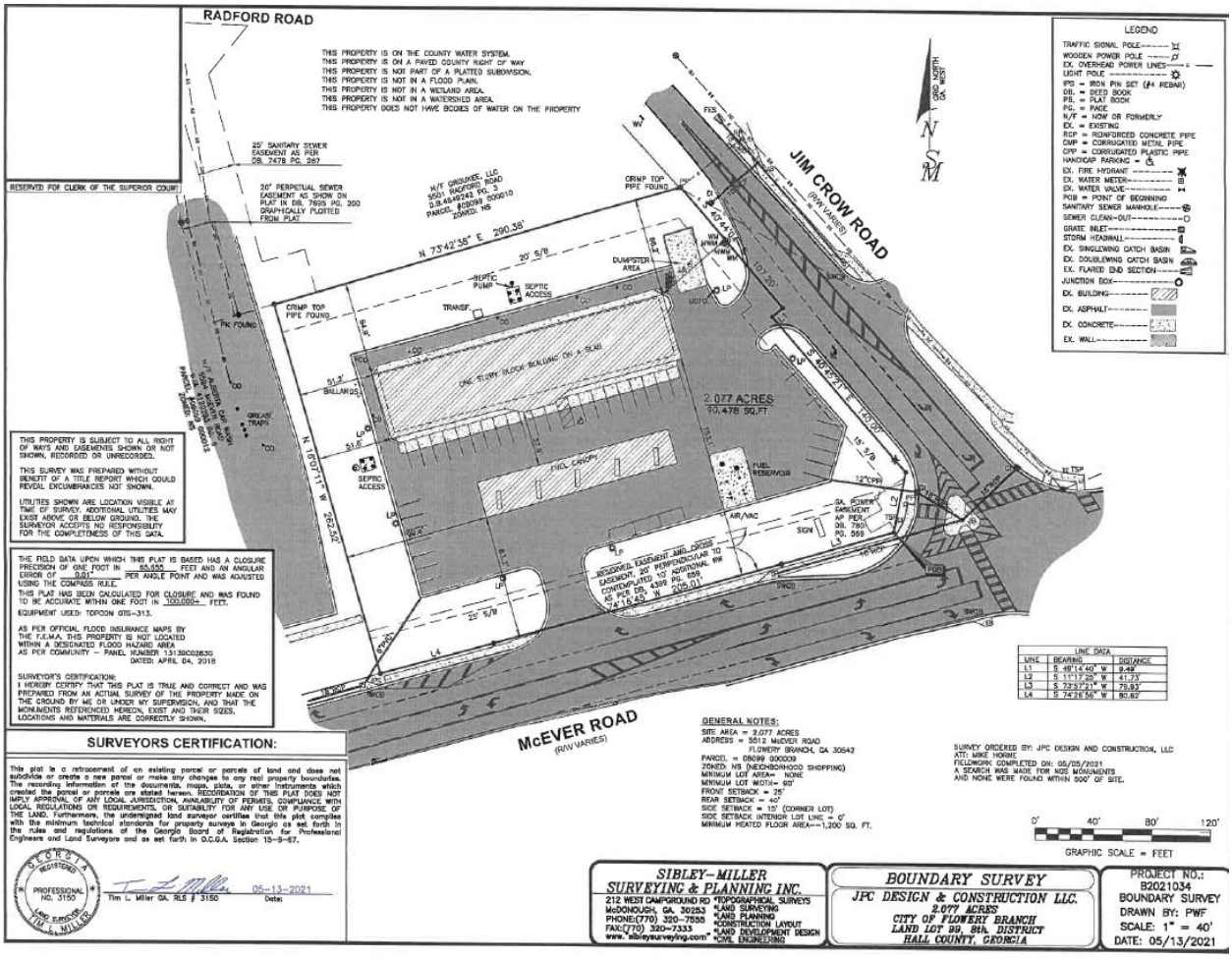
ATTEST

_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____
E. Ronald Bennett, Jr., City Attorney

Exhibit "A"


RADFORD ROAD
JIM CROW ROAD
McEVER ROAD
(R/W VARIES)
LEGEND
THIS PROPERTY IS ON THE COUNTY WATER SYSTEM.
THIS PROPERTY IS ON A PAVED COUNTY RIGHT OF WAY
THIS PROPERTY IS NOT PART OF A PLATTED SUBDIVISION.
THIS PROPERTY IS NOT IN A FLOOD PLAIN.
THIS PROPERTY IS NOT IN A WETLAND AREA.
THIS PROPERTY IS NOT IN A WATERSHED AREA.
THIS PROPERTY DOES NOT HAVE BODIES OF WATER ON THE PROPERTY
RESERVED FOR CLERK OF THE SUPERIOR COURT
2.077 ACRES
90,478 SQ.FT.
FUEL CANOPY
FUEL RESERVOIR
DUMPSTER AREA
SEPTIC ACCESS
SEPTIC PUMP
GREASE TRAPS
SIGN
AIR/VAC
GENERAL NOTES:
SITE AREA = 2.077 ACRES
ADDRESS = 5512 McEVER ROAD
FLOWERY BRANCH, GA 30542
PARCEL = 08099 000009
ZONED: NS (NEIGHBORHOOD SHOPPING)
MINIMUM LOT AREA= NONE
MINIMUM LOT WIDTH= 60'
FRONT SETBACK = 25'
REAR SETBACK = 40'
SIDE SETBACK = 15' (CORNER LOT)
SIDE SETBACK (INTERIOR LOT LINE = 0'
MINIMUM HEATED FLOOR AREA=-1,200 SQ. FT.
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LAND LOT 99, 8th. DISTRICT
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PROJECT NO.:
B2021034
BOUNDARY SURVEY
DRAWN BY: PWF
SCALE: 1" = 40'
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Exhibit "B"

Legal Description

PF #19

All that tract or parcel of land lying and being in Land Lot 99 of the 8th Land District, Hail County, Georgia, and being 2.132 acres as shown in a survey for RCJ Investments, LLLP (sic), dated January 7, 2000, with said property being more particularly described as follows:

BEGINNING at the intersection of the Southwestern right of way of Jim Crow Road. said road having a 60 foot right of way with the Northwest right of way of McEver Road, said road having an 80 foot right of way; thence Southwesterly along the Northwestern right of way of McEver Road South 72 degrees 51 minutes 18 seconds West 126.44 feet to an iron pin, South 73 degrees 10 minutes 42 seconds West 205.01 feet to an iron pin. South 73 degrees 20 minutes 53 seconds West 80.62 feet to an iron pin; thence departing said right of way North 17 degrees 13 minutes 14 seconds West 262.52 feet to an iron pin; thence North 72 degrees 36 minutes 35 seconds East 290.30 feet to an Iron pin located on the Southwestern right of way of Jim Crow Road; thence South 41 degrees 50 minutes 12 seconds East 292.36 feet along the Southwestern right of way of Jim Crow Road to an iron pin and the TRUE POINT OF BEGINNING.

The above referenced survey was prepared by Patton-Patton, Inc., Chris M. Patton, RLS No. 2647. TOGETHER WITH and benefiting the subject property, the easement created in that certain General Warranty Deed from Buckhorn Properties, Inc. to RCJ Investments, Inc., dated as of January 7, 2000, flied for record January 31, 2000 at 10:15 a.m., recorded in Deed Book 3621, Page 510, Records of Hall County, Georgia; as corrected by Corrective General Warranty Deed from Buckhorn Properties, Inc. to RCJ investments, MP, dated as of January 7, 2000, filed for record December 9, 2002 at 1:40 p.m. , recorded in Deed Book 4399, Page 658, aforesaid Records.

Exhibit "C"

Conditions of Zoning

1. Development shall be serviced by Flowery Branch sewer.
2. Existing structure will be updated with new paint and colors and shall match the design of the new structure. Any structural work or modification on existing the building will be permitted and reviewed by City staff.
3. New proposed restaurant shall substantially adhere to the rendering submitted to the City of Flowery Branch in July of 2021 and as shown below:

4. An overall sign plan for the entire development shall be submitted and approved by city staff. Said plan shall meet the requirements as shown in Article 19 of the Flowery Branch zoning ordinance.
5. A landscape plan shall be submitted and approved by staff at the time of land disturbance.
6. Inter-parcel connectivity with 5224 McEver Road, parcel identification 08099 000012, is encouraged if feasible.

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

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

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

FACTS AND ISSUES:
This is the first read of these ordinances.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve the first read.

SAMPLE MOTION:
I make a motion to approve the first read of ordinance 654.
I make a motion to approve the first read of ordinance 655.
I make a motion to approve the first read of resolution 21-014

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- 2021 Rezoning Additional Information Requirement - Vulcan Lands, Inc.06242021.pdf
- 2021 Rezoning Application - Vulcan Lands, Inc.06242021.pdf
- 2021 Sec. 34.7 Analysis Requirements - Vulcan Lands, Inc.06242021.pdf

- 2021 Annexation Application - Vulcan Lands, Inc.06242021.pdf
- 2021 Conditional Use Permit - Vulcan Lands, Inc.06242021.pdf
- Zoning Project Base Map BW r5.pdf
- Staff Report 2021.pdf
- Combined Sept 16.pdf

REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 24, 2021

Address of Request:

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

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

Current Zoning: AR 3 (Hall County)

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. **The improvements will extend the quarry's operational life and create a sustainable buffer between the operations and community.**

2 Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). **Increased quarry life and access to additional reserves will enhance economic development in the City and nearby areas, as well as cost savings for local infrastructure and development projects.**

3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). **No building construction is planned.**

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

5. Total acreage developed with units. **N/A**

6. Total acreage for right of way and roads. **N/A**

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

8. Acreage required for buffer and watershed protection.

   - Does the buffer comply with the current City ordinance? **The buffer exceeds state and local requirements.**

   - Do individual property lines for lots extend into the buffer? **Yes**

   - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? **N/A**

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

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

11. Number of street lights and separation table as proposed on your site plan. **N/A**

12. Will Technology Development be included in this development? **N/A**

13. List the total linear feet and cubic yards for sidewalks. **N/A**

14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? **Yes, the quarry will continue to be subject to federal, state and local regulations.**

15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues**? There will be no increase in traffic resulting from the proposal.**

16. Does the proposal provide for utilization of "reuse" water? Is this depicted on the plans? Do the plans provide for storage of "reuse" water? **The operation will collect and resue water on site in the course of its ongoing activities.**

17. What is the total capacity for daily Wastewater Management? **N/A**

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

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

20. Please identify what public safety needs are being considered for this project? **Applicant will continue to work with local and state officials to ensure all regulations are met.**

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

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

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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____

Flowery Branch

REZONING APPLICATION

Date: June 24, 2021

Address of Request:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
- 4285 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018A)
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Tax Map # 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008, 08154 000013, 15048 000050A, 15048 000052, 15048 00051

Current Zoning: AR 3 (Hall County)

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

Currently a conforming use? Yes

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

Applicant Information

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

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

E -mail address: landrumc@vmcmail.com

Phone number: 770-454-4244

Signature: Richard Cannon, Vice President

Notary: STACIE A CARVOTTA NOTARY PUBLIC CHEROKEE COUNTY, GEORGIA MY COMMISSION EXPIRES JANUARY 21, 2025

Property owner information (if different than the applicant)

Property owner (please print): _____N/A_____

Signature of property owner: _____N/A_____

Notary:

Property Information

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

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

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

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

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

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

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

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

Conflict of Interest Disclosure

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

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

N/A_____

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

N/A_____

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

N/A

Disclosure of Campaign Contributions

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

Elected Officals Name	Amount of Description of Gift
N/A	N/A

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Sec. 34.7. - Analysis Requirements.

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

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

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

(c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **No.**

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

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

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

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

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

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

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **No, the adjacent 447+/- acre quarry operation, already zoned M-2 with a CUP, has the same buffers proposed in this Application.**

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

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

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

ANNEXATION APPLICATION

Date: June 24, 2021

Address of Request:

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

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

City Clerk Signature_____

Applicant Information

Name: Vulcan Lands, Inc._____

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

_____

E-mail address:_landrumc@vmcmail.com

Phone number: 770-454-4244_____

Signature: Richard Cannon, Vice President

_____

Property owner information (if different than the applicant)

Property owner (please print): __N/A_____

Signature of property owner: ___N/A_____

Property Information

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

Current Zoning: _AR 3 Hall County_____Total Acres: __29.671_____

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

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

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

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

Voting Rights Act Information

Resident Population: ___N/A_____ Housing Units: __N/A_____ Other Buildings: _N/A___ Race Population %: White__N/A____ Black___N/A___ Hispanic___N/A__ Other___N/A__

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

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

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

Conflict of Interest Disclosure

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

___N/A_____

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

_N/A_____

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

_N/A_____

Disclosure of Campaign Contributions

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

Elected Officials Name Amount of Description of Gift

____N/A_____ ___ N/A_____

CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #	

Date: _June 24, 2021_____

Address of Request:

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

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

Current Zoning: AR 3 (Hall County)

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

Currently a conforming use? Yes_____

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

Applicant Information

Applicant: Vulcan Lands, Inc. _____

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

E-mail address:

landrumc@vmcmail.com_____

Phone number: 770-454-4244

Signature: Richard Cannon, Vice President

Notary Seal: STACIE A CARVOTTA MY COMMISSION EXPIRES NOTARY PUBLIC JANUARY 21, 2025 CHEROKEE COUNTY, GEORGIA

Property owner Information

Property owner (please print): Same as Applicant

Address: Same

E-mail address: Same Phone number: Same

Signature: Signature above

Notary Seal:

Applicant Information Required at Time of Submittal

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

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

Conflict of Interest Disclosure

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

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

___N/A_____

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

___N/A_____

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

__ N/A_____

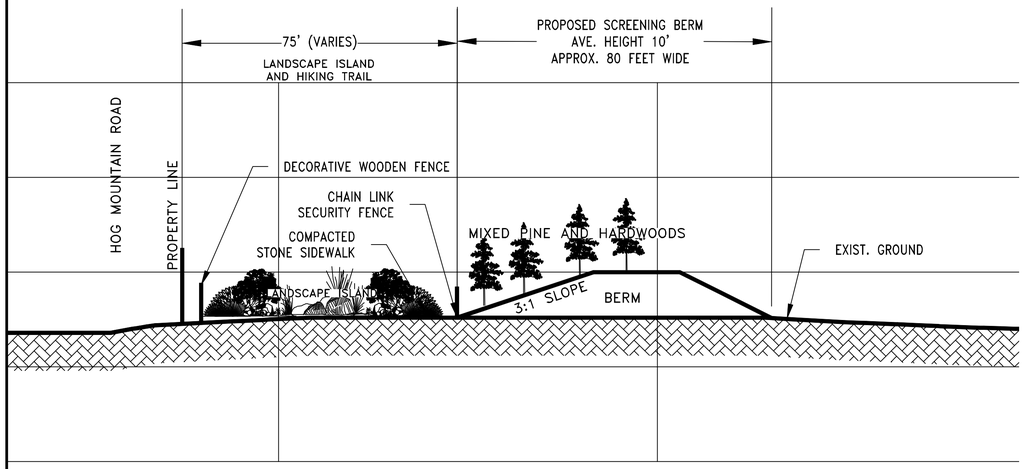
Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
__N/A_____	N/A_____
_____	_____

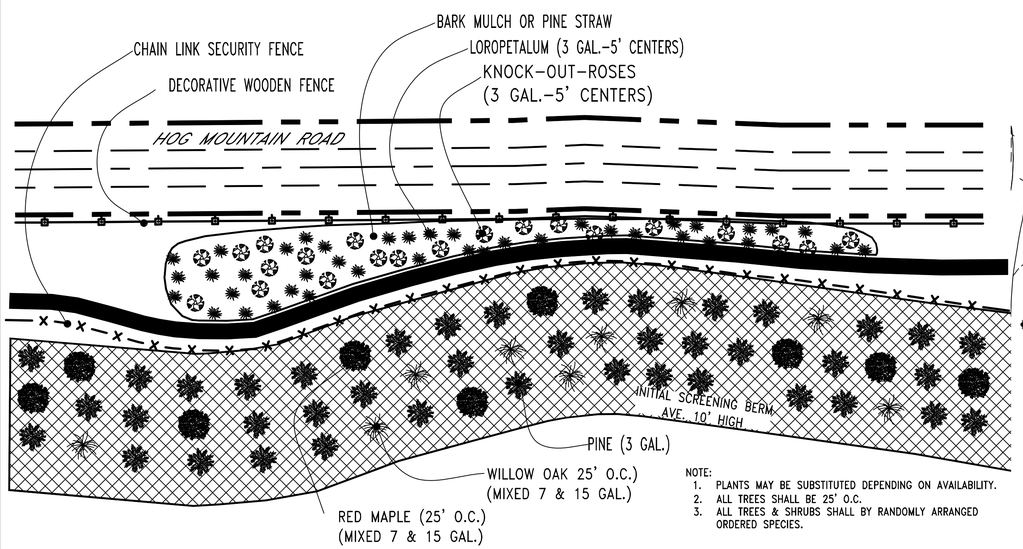
Received by City of Flowery Branch Staff on _____

Name:_____
Title_____



CROSS SECTION A–A'

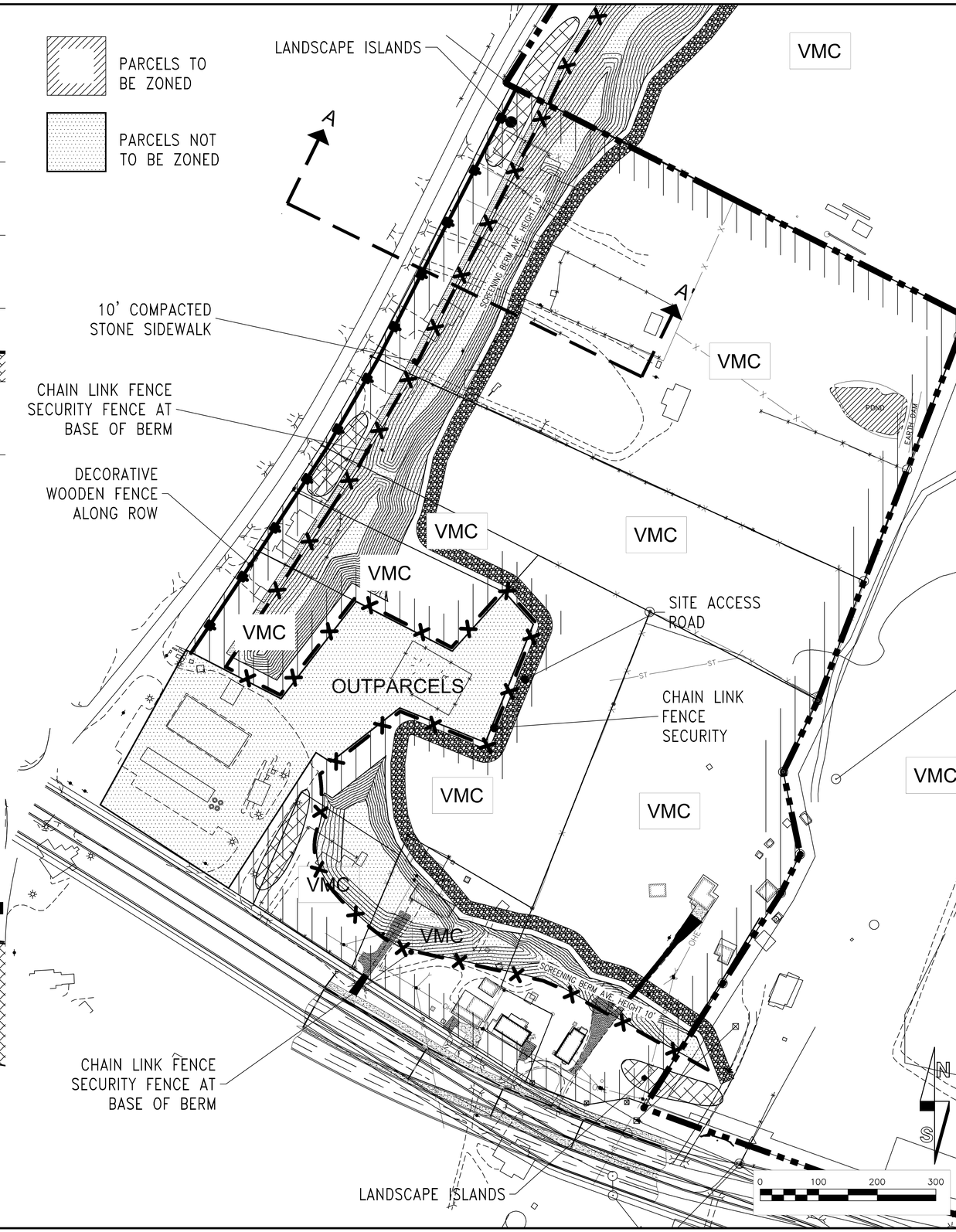
SCALE: 1" = 20'



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

LANDSCAPED ISLAND DETAIL

SCALE: 1" = 50'



NO.	REVISION	BY	DATE
-	-	-	---
-	-	-	---
-	-	-	---
-	-	-	---
-	-	-	---

ROYAL CAD DESIGN SERVICE, INC.
CONTACT: B. WAYNE KING, P.E.
GA PE#030550
423 INDIAN SPRINGS RD.
MCMINNVILLE, TN 371110
(615) 594-2802
BWAYNE_KING@RCADD.COM

PROJ. NO. 2021-023
ACAD FILE: _pdf_tmp.dwg

FRIENDSHIP QUARRY

G.M.G. 1419 DISTRICTS 166,167,179,180
FLOWERY BRANCH, GEORGIA

CONCEPTUAL LANDSCAPE PLAN

DESIGNED BY:	BWK
DRAWN BY:	BWK
CHECKED BY:	BWK
DATE:	06/04/21
SCALE:	1"=100'

ORIGINAL SCALE IN INCHES FOR REDUCED PLANS
0 0.5 1.0 1.5 2.0

SHEET 1

1 of 1 sheets

CAD FILE: C:\Users\Batman\App\Data\Roaming\Carlson Software\Carlson2020\ACAD_X64\USER LAYOUT: Layout1

ATTACHED XREFS: $XREFS\?? LIBRARY

Applicant: Vulcan Lands, Inc.
Property Owner: Vulcan Lands, Inc.
Subject Property: 5668 and 5674 Blackjack Road; 29.67 +/- acres
Request: Annex the nine properties from Hall County into the City of Flowery Branch; Rezone from AIII (Agricultural Residential) to M2 (Heavy Industrial); approve a conditional use permit (CUP) to operate a quarry.
Current Use: Residential/Vacant
Proposed Use: Quarry
Character Area: Industrial Employment

Proposal

Applicant proposes to annex and rezone nine parcels of land totaling 29.67+/- acres from Hall County AIII to FB M2 with the intention of expanding the boundary of the existing quarry.

1. 5743 Hog Mountain Road
2. 5762 Hog Mountain Road
3. 5769 Hog Mountain Road
4. 5777 Hog Mountain Road
5. 5783 Hog Mountain Road
6. 0 Friendship Road
7. 4293 Friendship Road
8. 4285 Friendship Road
9. 4263 Friendship Road

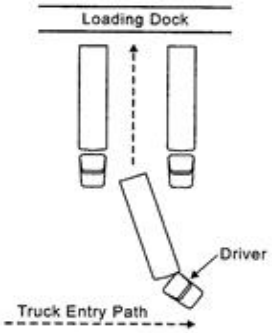
Comprehensive Plan

Employment/Industrial

VISION: Contributing heavily to the employment base, this character area functions as a concentration of employment and job activity, contributing heavily to the economic base of the city.

USES AND INTENSITIES: Light and heavy industries are the primary uses contemplated within this Character Area. Five-story or 75 foot height limit.

MAJOR FEATURES: Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.



Loading Areas are Typical In This Character Area

REGULATIONS: This character area will be implemented with light and heavy manufacturing or industrial zoning districts. Design guidelines will be provided, and projects will be required to complete design review.

QUALITY COMMUNITY OBJECTIVES IMPLEMENTED): Appropriate business, employment options.

All Brick, Articulated Building Façade

Landscaping to Soften View of Large Building

The proposed development meets the intent of the employment-industrial character area of the City's comprehensive plan.

Zoning

The requested zoning for the nine parcels is M-2 with a CUP to operate a quarry.

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

(a) Purpose and Description. This zoning district is intended to implement the "heavy industrial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "industrial/employment" character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city.

(b) Character. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

(e) Design Requirements. Please see Article 14 sec.14.13 of this ordinance.

CUP

The use is allowed with a conditional use permit (CUP). Staff recommends the following conditions:

1. State Permits. The property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a full and complete copy of all approved state permits required for operation of the quarry, including but not necessarily limited to air quality (for both the quarry operation and any site tenants, i.e., asphalt and concrete plants). Whenever a revision or renewal of any such state permit is required or sought, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a full and complete copy of all such applications pending along with relevant correspondence from governing state agencies regarding the disposition of the application for permit revision or renewal.

2. Noise Studies and Sound Level Monitoring. At least once every three years, unless otherwise requested by the Zoning Administrator, beginning no later than the date this CUP is approved, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a copy of a noise study meeting specifications and content details of the noise studies referenced in the Planning Evaluation and Staff Report for Ordinance No. 344. The study shall provide specific measurements at multiple locations along the perimeter of the property ownership boundary. Said noise study shall evaluate observed sound levels with noise standards of the City of Flowery Branch as contained in its comprehensive plan and/or zoning ordinance. At any points where sound levels from such noise studies reveal that the acceptable noise threshold of the City of Flowery Branch of operational sounds (as distinguished from off-site, ambient noise) is exceeded, the professional preparing the noise study shall recommend and the property owner shall propose noise mitigation measures and a time frame for their implementation acceptable to the City of Flowery Branch. Mitigation measures may include but shall not be limited to berms and noise attenuation barriers.

3. Hours of Operation. Hours of operation of the quarry and any on-site tenants (i.e., asphalt and concrete plants) shall be limited to 6:00 a.m. to 10:00 p.m., Monday through Saturday, with the exception that: Hours of operation (but not including blasting) may be extended to 24 hour a day and Sunday operations as reasonably necessary for the applicant or any tenant to supply materials to a governmental project. In all such cases the applicant for tenant shall submit a copy of the executed governmental contract for which such extended hours are reasonably necessary to the Manager of Planning and Community Development of the City of Flowery Branch within five days of receipt of the contract. Applicant or tenant shall also supply an anticipated schedule of extended operating hours pertaining to the contract to show that such extended hours are authorized by this condition. This exception shall only be permitted for the duration of government contracts only. Outside of authorized operating hours, access to the property shall be controlled by the front gate being locked.

4. Activity Setback. The proposed extraction shall not take place within one hundred (100) feet of a property line.

5. Stockpiles. Product piles, spoil piles, and other accumulations of by-products shall not be created to a height more than thirty-five (35) feet above the original contour.

6. Fencing. Applicant shall maintain all existing fencing. Modification of any fencing shall require prior approval from the Zoning Administrator. In submitting any future fencing site plan, the property owner shall indicate where new fencing (and the type of fencing) is proposed.

7. Blasting. The property owner shall be continuously responsible for assuring that blasting meets the Georgia Blasting Standards Act and the safe blasting limit of 2.0 inches per second, peak particle velocity. The property owner shall achieve compliance with this condition by monitoring blast operations. Upon request, the property owner shall submit to the Manager of Planning and

Community Development of the City of Flowery Branch a copy of all such monitoring results from a qualified professional. In addition, any correspondence between the property owner and the State Fire Marshall relative to compliance with the Georgia Blasting Standards Act shall be submitted within ten (10) days to the Manager of Planning and Community Development of the City of Flowery Branch.

Blasting on the quarry property shall only be done between the hours of 10:00 a.m. and 5:00 p.m. on weekdays (except on holidays, when no blasting shall be allowed). Blasting shall not be done at other times, except when necessary to detonate a loaded shot that could not be detonated because of adverse weather or other conditions that could not be reasonably foreseen, to maintain blasting safety, or as required to comply with applicable governmental requirements. Lafarge shall notify the Manager of Planning and Community Development of the City of Flowery Branch of any blast that occurs outside the prescribed times of day and state why such blast occurred outside of such time within 24 hours of such blast.

8. As-built screening conditions and vegetation and stabilization plan for berms and buffers. Applicant shall maintain all existing berms and buffers areas as previously required. Modification of any berm or buffer area shall require prior approval from the Zoning Administrator.

9. Third-Party Monitoring. As long as the quarry is operating, the property owner agrees to contract with, at no cost to the City, a third-party monitoring company to investigate and respond to any written complaints received by the City of Flowery Branch regarding blasting operations at the Friendship Quarry and subject property. The company shall respond within five (5) working days of being notified by the City of a written complaint. Written responses shall be required to be submitted by the third-party monitoring company to the Manager of Planning and Community Development when, in his opinion, the complaint has merit.

10. Community Advisory Council.

    a. The property owner agrees to continue holding periodic Community Advisory Council meetings in the area of the subject property, such as at Friendship or Cornerstone Baptist Church, or other institution in the area, in order to periodically educate neighbors and residents and business owners in the area, about the operations, the industry generally, and changes to site plans and conditions. Such meetings shall not be held less frequently than one per quarter year.

    b. At such meetings, the property owner will report the progress made toward compliance with these conditions of zoning, disclose any formal complaints received by the City of Flowery Branch that have been forwarded to the property owner, describe "best practices" for safety, land management, environmental protection, and site operations being implemented or contemplated for implementation, present any special studies required by these conditions of

zoning, and explain other appropriate or salient features of the property and its operations.

11. Conditions. All adopted conditions of approval shall apply regardless of any change of ownership. Failure to comply with any of the conditions contained herein or those identified within Article 14 Section 14.9 of the adopted Zoning Code may result in revocation of this grant.

Staff Recommendation

Both the Zoning Ordinance (with a CUP) and the Comprehensive Plan support this annexation and rezoning. It is staff's recommendation that the requests be **approved** as submitted.

Public Hearing Published	7/07/2021	First Read 9/16/2021
Public Hearing	8/05/2021	Approved 10/21/2021

ORDINANCE NO. 654

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, NINE (9) PARCELS OF REAL PROPERTY OWNED BY VULCAN LANDS, LLC., TOTALING 29.67 +/- ACRES AND IDENTIFIED AS FOLLOWS: 4263 FRIENDSHIP ROAD, TAX ID# 15048 000018; 4285 FRIENDSHIP ROAD, TAX ID# 15048 000018A; 5743 HOG MOUNTAIN ROAD, TAX ID# 15048 000049; 5783 HOG MOUNTAIN ROAD, TAX ID# 08154 000002A; 4293 FRIENDSHIP ROAD, TAX ID# 08154 000008; 0 FRIENDSHIP ROAD, TAX ID# 08154 000013; 5765 HOG MOUNTAIN ROAD, TAX ID# 15048 000050A; 5769 HOG MOUNTAIN ROAD, TAX ID# 15048 000052; AND 5777 HOG MOUNTAIN ROAD, TAX ID# 15048 000051; SAID PARCELS ARE SHOWN ON ATTACHED EXHIBIT "A"; AND LEGALLY DESCRIBED ON ATTACHED EXHIBIT "B"; PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Vulcan Lands, Inc, owns all those tracts or parcels of land totaling 29.67 +/- acres identified as 5743 Hog Mountain Road, Tax ID#15048 000049, 5765 Hog Mountain Road, Tax ID# 15048 000050A, 5769 Hog Mountain Road, Tax ID#15048 000052, 5777 Hog Mountain Road, Tax ID#15048 000051, 5783 Hog Mountain Road, Tax ID# 08154 000002A, 0 Friendship Road, Tax ID# 08154 000013, 4293 Friendship Road, Tax ID#08154 000008, 4285 Friendship Road, Tax ID# 15048 000018A, and 4263 Friendship Road, Tax ID#15048 000018; as shown on Exhibit "A"; and legally described on Exhibit "B"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application Vulcan Lands, Inc., and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A.§ 36-60-111, and the City of Flowery Branch Zoning Ordinance for annexation into the City's corporate limits; and

WHEREAS, said parcels of land are within the unincorporated area of Hall County, State of Georgia, and are contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Vulcan Lands, Inc., has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing that Vulcan Lands, Inc., consents to being annexed, and

WHEREAS, a survey and complete description of the lands to be annexed is included in the application; and

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

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia those parcels of land totaling 29.67+/- acres identified as 5743 Hog Mountain Road, Tax ID#15048 000049, 5765 Hog Mountain Road, Tax ID# 15048 000050A, 5769 Hog Mountain Road, Tax ID#15048 000052, 5777 Hog Mountain Road, Tax ID#15048 000051, 5783 Hog Mountain Road, Tax ID# 08154 000002A, 0 Friendship Road, Tax ID# 08154 000013, 4293 Friendship Road, Tax ID#08154 000008, 4285 Friendship Road, Tax ID# 15048 000018A, and 4263 Friendship Road, Tax ID#15048 000018; as shown on Exhibit "A"; and legally described on Exhibit "B"; Said Exhibit are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021.

_____
James M. Miller, Mayor

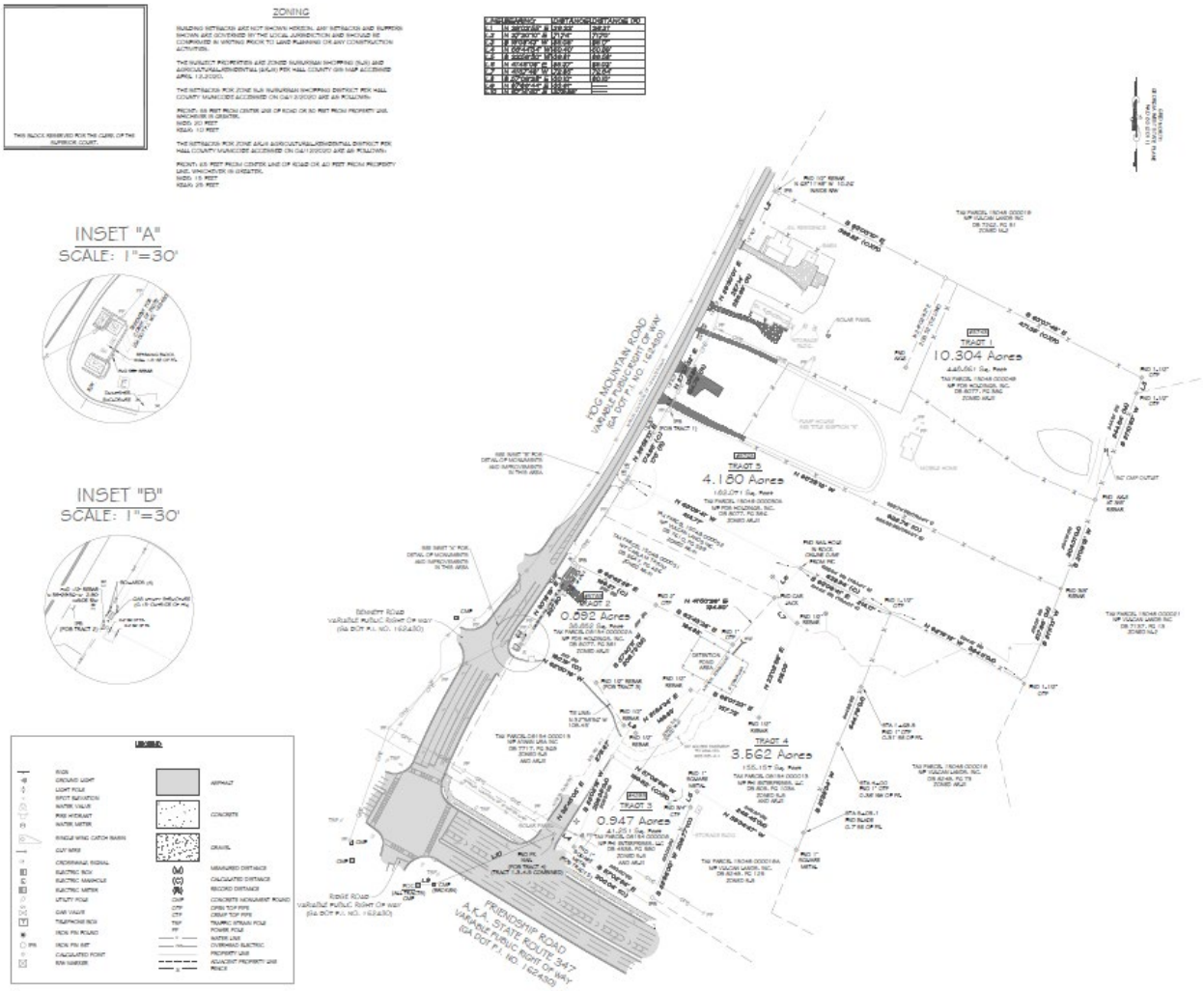
ATTEST

_____
Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



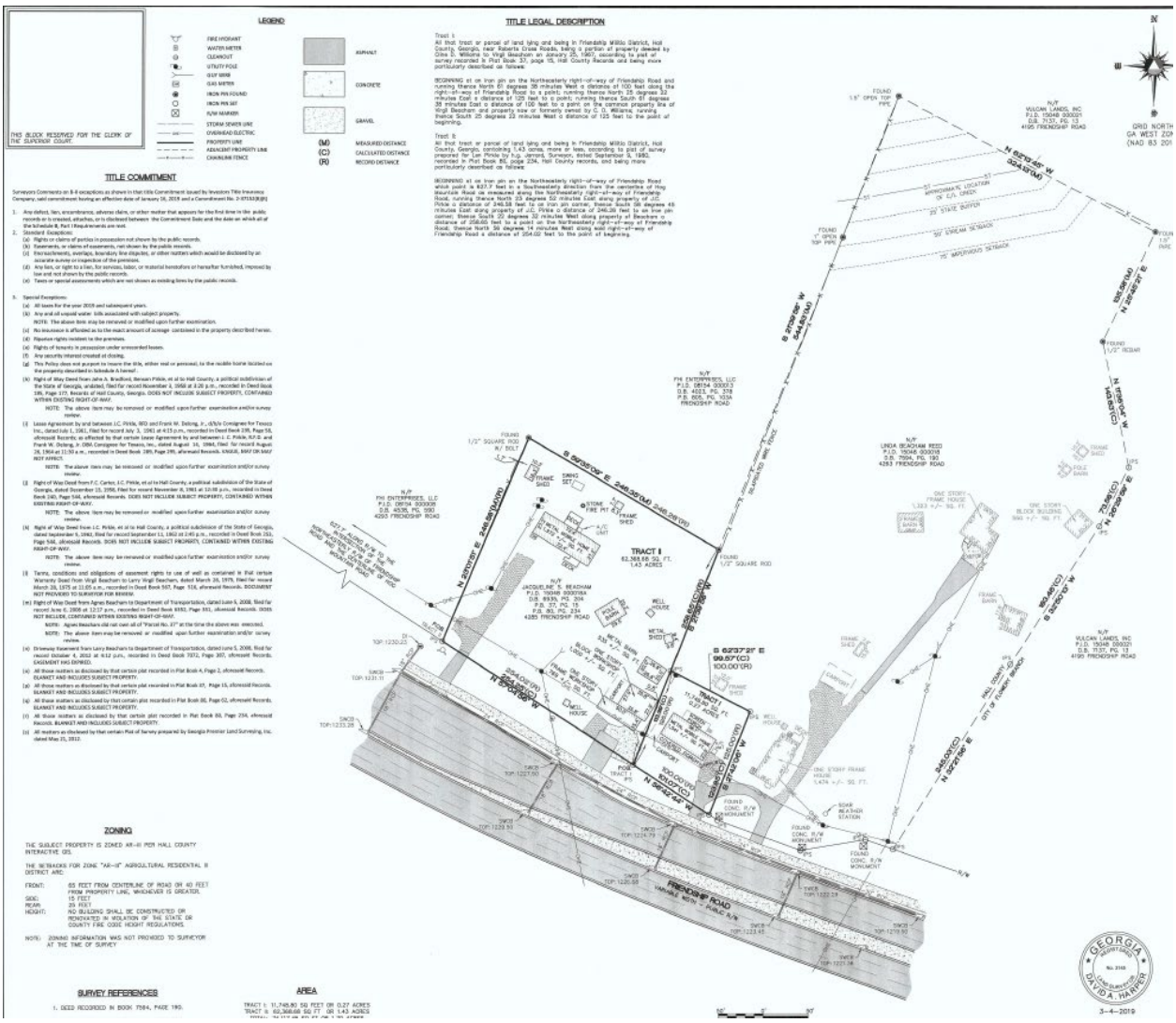

LEGEND
TITLE LEGAL DESCRIPTION
TITLE COMMITMENT
ZONING
SURVEY REFERENCES
AREA
TRACT I
FRIENDSHIP ROAD
GEORGIA
DAVID A. HARPER
3-4-2019

Exhibit "B"

Tax Parcel 15048 000049

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies); Thence continuing along said right of way proceeding North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING for herein described parcel of land; Thence the following courses and distances along the southeasterly right of way of Hog Mountain Road (right of way varies): North 29 Degrees 02 Minutes 55 Seconds East a distance of 26.22 feet to a point; North 27 Degrees 37 Minutes 32 Seconds East a distance of 134.86 feet to a point; North 26 Degrees 30 Minutes 01 Seconds East a distance of 287.14 feet to a point;North 27 Degrees 20 Minutes 10 Seconds East a distance of 71.74 feet to a set capped 5/8" rebar;Thence departing from said right of way and proceeding South 63 Degrees 00 Minutes 10 Seconds East a distance of 399.82 feet to a set capped 5/8" rebar; Thence South 63 Degrees 07 Minutes 49 Seconds East a distance of 471.35 feet to a found 1-1/2" open top pipe; Thence South 19 Degrees 08 Minutes 43 Seconds West a distance of 35.05 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 10 Minutes 53 Seconds West a distance of 244.54 feet to a found axle; Thence South 21 Degrees 09 Minutes 18 Seconds West a distance of 204.31 feet to a found 3/8" rebar; Thence North 65 Degrees 28 Minutes 13 Seconds West a distance of 922.74 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road, which is the POINT OF BEGINNING. Said parcel contains 448,861 square feet or 10.304 acres.

AS-SURVEYED DESCRIPTION
TRACT 2
Tax Parcel 08154 000002A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly Right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East a distance of 275.67 feet to a found 1/2" rebar; Thence North 32 Degrees 58 Minutes 56 Seconds West a distance of 109.45 feet to a found 1/2" rebar which is the POINT OF BEGINNING for herein described parcel of land; Thence North 62 Degrees 50 Minutes 16 Seconds West a distance of 180.19 feet to a found 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies); Thence along said right of way North 33 Degrees 18 Minutes 19 Seconds East a distance of 207.80 feet to a set 5/8" capped rebar; Thence departing from said right of way proceeding South 62 Degrees 43 Minutes 28 Seconds East a distance of 196.21 feet to a found 2" open top pipe; Thence South 37 Degrees 40 Minutes 11 Seconds West a distance of 209.73 feet to a found 1/2" rebar, which is the POINT OF BEGINNING. Said parcel contains 38,852 square feet or 0.892 acres.

AS-SURVEYED DESCRIPTION
TRACT 3
Tax Parcel 08154 000008

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence run South 56 Degrees 44 Minutes 34 Seconds East along said right of way for a distance of 50.40 feet to a found 1" square metal on said right of way which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 23 Degrees 02 Minutes 18 Seconds East a distance of 209.35 feet to a set capped 5/8" rebar; Thence South 57 Degrees 08 Minutes 54 Seconds East a distance of 199.62 feet to a found 3/4" crimp top pipe; Thence South 22 Degrees 56 Minutes 30 Seconds West a distance of 209.77 feet to a set 5/8" capped rebar on the northeasterly right of way of Friendship Road; Thence run North 57 Degrees 02 Minutes 54 Seconds West along said right of way a distance of 200.04 feet to a found 1" square metal, which is the POINT OF BEGINNING. Said parcel contains 41,251 square feet or 0.947 acres.

TRACT 4
Tax Parcel 08154 000013

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road, which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.58 feet back from said point; Thence South 63 Degrees 09 Minutes 41 Seconds East for a distance of 214.17 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 39 Minutes 34 Seconds West for a distance of 544.76 feet to a found 1" square metal; Thence North 59 Degrees 34 Minutes 47 Seconds West for a distance of 246.45 feet to a 1" square metal; Thence South 22 Degrees 56 Minutes 30 Seconds West for a distance of 36.81 feet to a found 3/4" crimp top pipe; Thence North 57 Degrees 08 Minutes 54 Seconds West for a distance of 199.62 feet to a set capped 5/8" rebar; Thence South 23 Degrees 02 Minutes 18 Seconds West for a distance of 209.35 feet to a found 1" square metal on the northeasterly right of way of Friendship Road; Thence run North 56 Degrees 44 Minutes 34 Seconds West along said right of way for a distance of 50.40 feet to a found PK nail in asphalt, which is the POINT OF BEGINNING. Said parcel contains 155,157 square feet or 3.562 acres.

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.58 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Mag Mountain Road (right of way varies), which is the POINT OF BEGINNING for herein described parcel of land; Thence proceeding along said right of way North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar; Thence departing from said right of way proceeding South 65 Degrees 28 Minutes 13 Seconds East a distance of 922.74 feet to a found 5/8" rebar; Thence South 21 Degrees 11 Minutes 13 Seconds West a distance of 217.96 feet to a found 1-1/2" open top pipe; Thence North 62 Degrees 16 Minutes 13 Seconds West a distance of 324.11 feet to a found 1-1/2" open top pipe; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 628.94 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING. Said parcel contains 182,071 square feet or 4.180 acres.

All that tract or parcel of land lying and being in the State of Georgia, County of Hall, 1419th, Friendship District, and more particularly described as follows:

BEGINNING at an iron pin corner on the Gainesville-Lawrenceville Ridge Road, running in an easterly direction 420 feet along the line of Alvie King to an iron pin corner; thence in a southerly direction 210 feet along the line of J. C. Pirkle to an iron pin corner; thence in a westerly direction 420 feet along the line of J. C. Pirkle to an iron pin corner; thence along the Gainesville-Lawrenceville Ridge Road, northerly, to the point of beginning 210 feet.

Said tract is a part of the land conveyed to J. C. Pirkle by H. F. Williams October 30, 1937, according to survey made by S. C. Moon in August 1936, and recorded in Plat Book 4, page 2, Hall County Records.

LESS AND EXCEPT: All that tract or parcel of land lying and being in the State of Georgia, Count of Hall, 1419 Friendship District, being more particularly described as follows:

BEGINNING at an iron pin corner on the northerly side of the Gainesville-Lawrenceville Ridge Road at the property line of Paul Henderson, formerly Alvy King property and running thence in an easterly direction 420 feet along the property of Paul Henderson to an iron pin corner; thence in a southerly direction a distance of 84 feet along the property line of J. C. Pirkle to an iron pin corner and other property of the Grantor herein; thence in a northwesterly direction a distance of 420 feet to the Gainesville-Lawrenceville Ridge Road; thence along the Gainesville-Lawrenceville Ridge Road in a northeasterly direction a distance of 85 feet to an iron pin corner and point of beginning.

Being one and the same property conveyed by Warranty Deed dated March 23, 2000, from Ruby Lois McDaniel, as Grantor, to Carla M. Tatum, as Grantee, recorded in Deed Book 3647, Page 426, Hall County, Georgia Records.

All that tract or parcel of land lying and being in the State of Georgia, County of Hall, 1419 Friendship District, being more particularly described as follows:

Beginning at an iron pin corner on the northerly side of Gainesville-Lawrenceville Ridge Road at the property line at Paul Henderson , formerly Alvy King property and running thence in an easterly direction 420 feet; thence in a southerly direction a distance of 84 feet along the property of Douglas L. McDaniel; thence in a northwesterly direction a distance of 420 feet to the Gainesville-Lawrenceville Ridge Road; thence along the Gainesville-Lawrenceville Ridge Road in a northeasterly direction a distance of 85 feet to an iron pin corner and the true point of beginning.

All that tract or parcel of land lying and being in Friendship Militia District, Hall County, Georgia, near Roberts Cross Roads, being a portion of property deeded by Cline D. Williams to Virgil Beacham on January 25, 1967, according to plat of survey recorded in plat book 37, page 15, Hall County Records and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Friendship Road and running thence North 61° 38 minutes west a distance of 100 feet along the right-of-way of Friendship Road to a point; Running thence North 25° 22 minutes east a distance of 125 feet to a point; running thence South 61° 38 minutes east a distance of 100 feet to a point on the common property line of Virgil Beacham and property now or formerly owned by CD Williams; running thence South 25° 22 minutes west a distance of 125 feet to the point of beginning.

Tract II:

All that tract or parcel of land lying and being in Friendship Militia District, Hall County, Georgia, containing 1.43 acres, more or less, according to plat of survey prepared for Lynne Pirkle by h.g. Jarrard, surveyor, dated September 9, 1980, recorded in plat book 80, page 234, hall county records, and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Friendship Road which point is 627.7 feet in a southeasterly direction from the centerline of Hog Mountain Road as measured along the northeasterly right-of-way of Friendship Road, running thence north 23° 52 minutes east along property of JC Pirkle a distance of 246.58 feet to an iron pin corner, thence South 58° 45 minutes east along property of JC Pirkle a distance of 246.26 feet to an iron pin corner; thence South 22° 32 minutes west along property of Beacham a distance of 258.65 feet to a point on the northeasterly right-of-way of Friendship Road; thence North 56° 14 minutes west along said right-of-way of Friendship Road a distance of 254.02 feet to the point of beginning.

All that tract or parcel of land lying and being in Friendship GMD 1419, Hall County, Georgia and being more particularly described as follows;

To find the true point of beginning, commence at the intersection of the northerly right-of-way a Friendship Road (right-of-way varies) in the easterly right of way of Hog Mountain Road (right-

of-way varies); THENCE traveling on said normally right-of-way of Friendship Road and in a generally southeasterly direction for a distance of 941.27 feet to a point, said point marked by a half inch rebar pin found, said point being the TRUE POINT OF BEGINNING.

THENCE from said point as thus established, leaving said right-of-way and traveling north 21° 42 minutes 02 seconds east for a distance of 125.00 feet to a point, said point marked by a half inch rebar pin found; THENCE North 62° 37 minutes 21 seconds west for a distance of 100.00 feet to a point, said point marked by a half inch rebar pin found; THENCE North 21° 42 minutes 02 seconds east for a distance of 690.14 feet to a point, said point marked by a 1.5 inch open top pipe found; THENCE South 62° 15 minutes 38 seconds east for a distance of 121.88 feet to a point, said point marked by a half inch rebar pin found; THENCE South 62° 15 minutes 38 seconds east for a distance of 202.30 feet to a point, said point marked by a 1 inch open top pipe found; THENCE South 25° 46 minutes 19 seconds west for a distance of 135.85 feet to a point, said point marked by a half inch rebar pin found; THENCE South 11° 36 minutes four seconds east for a distance of 143.63 feet to a point, said point marked by a half inch rebar pin found; THENCE South 26° 29 minutes 59 seconds west for a distance of 73.58 feet to a point, said point marked by a half inch rebar pin found; THENCE South 32° 15 minutes 13 seconds west for a distance of 183.46 feet to a point, said point marked by a half inch rebar pin found; THENCE South 32° 21 minutes 56 Seconds west for a distance of 245.03 feet to a point on the northerly right-of-way of Friendship Road (right-of-way varies), said point marked by a half inch rebar pin found; THENCE traveling on said right-of-way the following five (5) courses and distances:

North 70° 56 minutes 52 seconds west for a distance of 32.60 feet to a point; THENCE South 80° 39 minutes 51 seconds west for distance of 33.22 feet to a point, said point marked by a half inch rebar pin found; THENCE South 80° 39 minutes 51 seconds west from a distance of 40.40 feet to a point; THENCE North 69° 37 minutes 15 seconds west for a distance of 98.73 feet to a point; THENCE North 62° 37 minutes 21 seconds west for a distance of 10.87 feet to a point, said point marked by a half inch rebar pin found, said point being THE TRUE POINT OF BEGINNING.

Said property contains 5.998 acres.

Public Hearing Published	7/07/2021	First Read 9/16/2021
Public Hearing	8/05/2021	Approved 10/21/2021

ORDINANCE NO. 655

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING NINE (9) PARCELS OF REAL PROPERTY OWNED BY VULCAN LANDS, INC. TOTALING 29.67 +/- ACRES AND IDENTIFIED AS FOLLOWS: 4263 FRIENDSHIP ROAD, TAX ID# 15048 000018; 4285 FRIENDSHIP ROAD, TAX ID# 15048 000018A; 5743 HOG MOUNTAIN ROAD, TAX ID# 15048 000049; 5783 HOG MOUNTAIN ROAD, TAX ID# 08154 000002A; 4293 FRIENDSHIP ROAD, TAX ID# 08154 000008; 0 FRIENDSHIP ROAD, TAX ID# 08154 000013; 5765 HOG MOUNTAIN ROAD, TAX ID# 15048 000050A; 5769 HOG MOUNTAIN ROAD, TAX ID# 15048 000052; AND 5777 HOG MOUNTAIN ROAD, TAX ID# 15048 000051; AS SHOWN ON ATTACHED EXHIBIT "A"; AND AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT "B"; FROM HALL COUNTY AR-III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH M-2 (MANUFACTURING & HEAVY INDUSTRIAL); PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Vulcan Lands, Inc, owns all those tracts or parcels of land totaling 29.67 +/- acres identified as 5743 Hog Mountain Road, Tax ID#15048 000049, 5765 Hog Mountain Road, Tax ID# 15048 000050A, 5769 Hog Mountain Road, Tax ID#15048 000052, 5777 Hog Mountain Road, Tax ID#15048 000051, 5783 Hog Mountain Road, Tax ID# 08154 000002A, 0 Friendship Road, Tax ID# 08154 000013, 4293 Friendship Road, Tax ID#08154 000008, 4285 Friendship Road, Tax ID# 15048 000018A, and 4263 Friendship Road, Tax ID#15048 000018; as shown on Exhibit "A"; and as legally described on Exhibit "B"; and

WHEREAS, Vulcan Lands, Inc., has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing that Vulcan Lands, Inc., consents to being rezoned, and

WHEREAS, a survey and complete description of the lands to be rezoned is included in the application; and

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

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County AR-III (Agricultural Residential) to Flowery Branch M-2 (Manufacturing & Heavy Industrial) 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.

A. The proposed rezoning ID consistent with the Flowery Branch Future Land Use Plan and is consistent with adjacent development. The properties are primarily bordered by the existing quarry and will be used in part as a buffer to other adjoining properties.

B. The rezoning will not adversely affect the usability of adjacent property as the properties are already adjoining the existing quarry. The City's adopted Comprehensive Plan shows the property as being utilized for heavy industrial purposes.

C. The properties are currently zoned Hall County AR-III (Agricultural Residential) and have a limited agricultural or residential value given their location adjoining an active quarry.

D. The properties will be incorporated into the existing quarry site. There is no expectation that inclusion of these sites (totaling 29.67 +/- acres) into the existing quarry site will burden streets, utilities and/or schools.

E. The proposed zoning, M-2 (Manufacturing & Heavy Industrial) is consistent with the City's adopted Character Area Map and Future Land Use Map.

F. The subject properties are already adjacent to an existing quarry and have limited marketability under the current zoning of "Agricultural" or "Residential."

G. The properties are currently zoned Hall County AR-III (Agricultural Residential) and are adjacent to the existing quarry site. The surrounding properties are designated by both the Hall County and Flowery Branch Comprehensive Plans as future commercial and/or industrial uses.

H. The properties are contiguous to the City boundary and will not create an unincorporated island. The properties are adjacent to the current quarry site that has a zoning designation of M-2 (Manufacturing & Heavy Industrial).

I. The proposed zoning designation of M-2, (Manufacturing & Heavy Industrial) is consistent with the City's adopted Character Area Map.

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SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The nine (9) subject parcels, as shown on Exhibit "A" and legally described in Exhibit "B", are rezoned from Hall County AR-III (Agricultural Residential) to Flowery Branch M-2 (Manufacturing & Heavy Industrial). Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021

_____
James M. Miller, Mayor

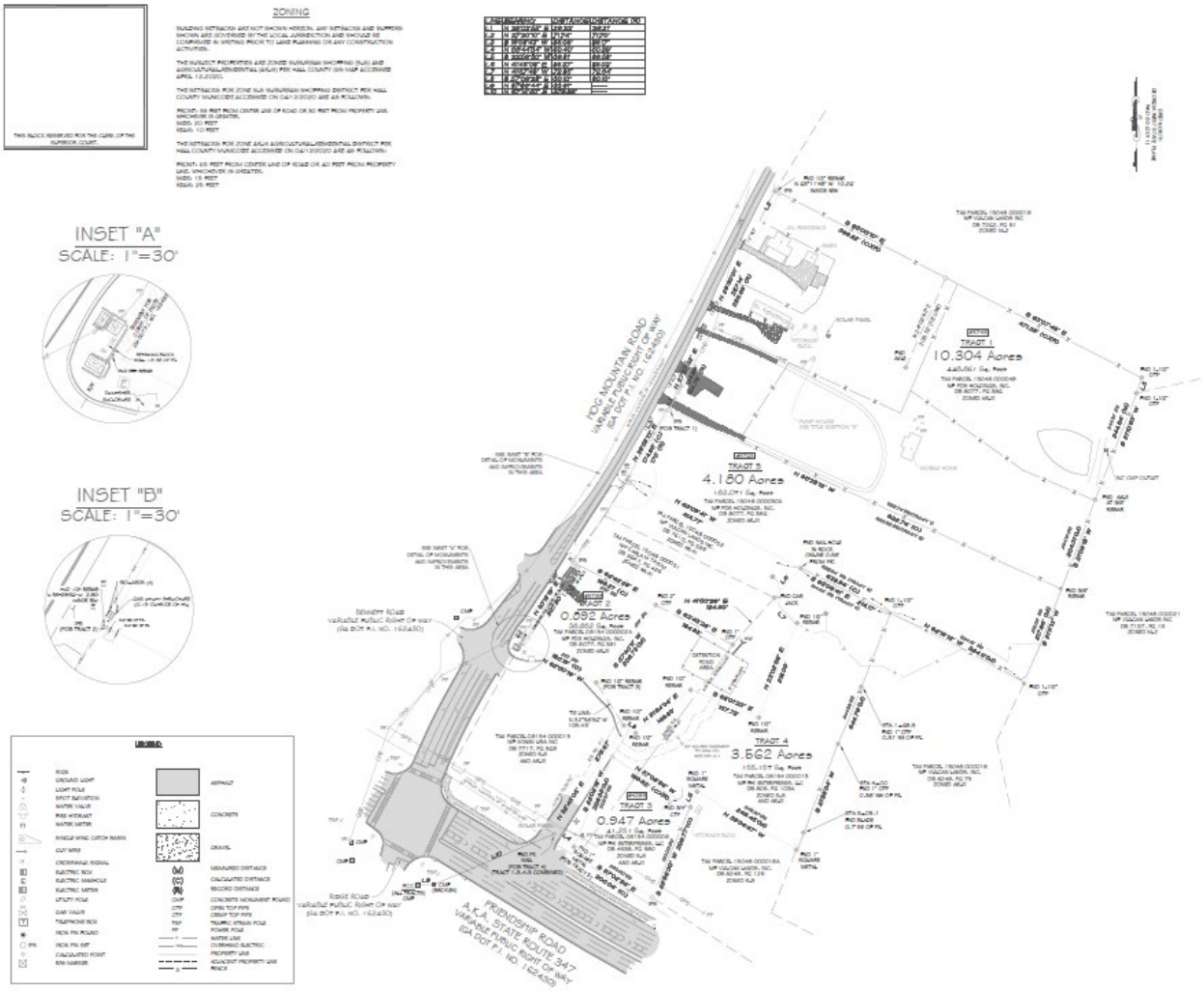
ATTEST

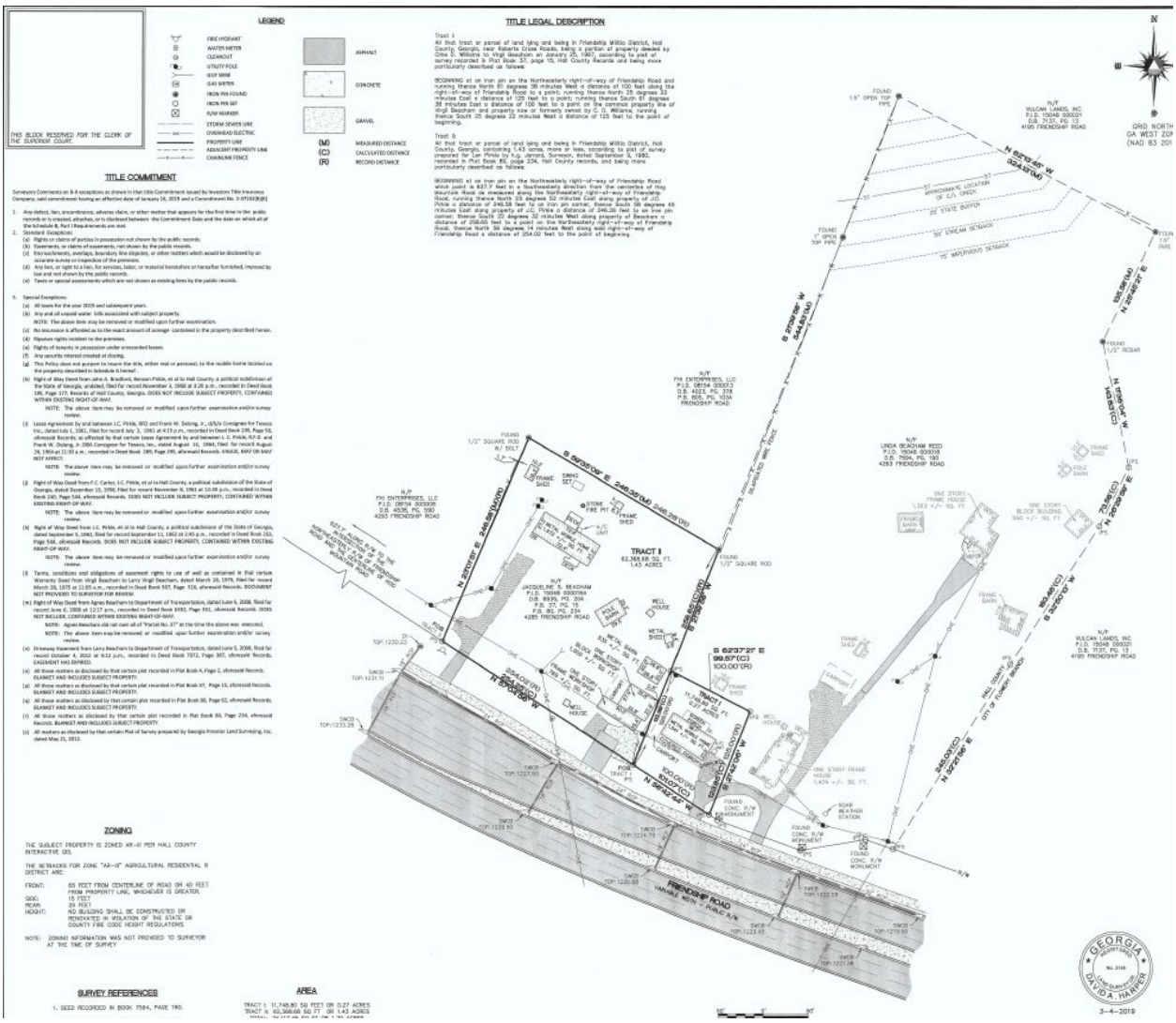
_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____
E. Ronald Bennett, Jr., City Attorney

Exhibit “A”


ZONING
INSET "A"
SCALE: 1"=30'
INSET "B"
SCALE: 1"=30'
LEGEND
TOG MOUNTAIN ROAD
VARIABLE PUBLIC RIGHT OF WAY
(GA DOT P.I. NO. 162430)
TRACT 1
10.304 Acres
TRACT 5
4.180 Acres
TRACT 2
0.692 Acres
TRACT 4
3.562 Acres
TRACT 3
0.947 Acres
BENNETT ROAD
VARIABLE PUBLIC RIGHT OF WAY
(GA DOT P.I. NO. 162430)
RIDGE ROAD
VARIABLE PUBLIC RIGHT OF WAY
(GA DOT P.I. NO. 162430)
FRIENDSHIP ROAD
A.K.A. STATE ROUTE 347
VARIABLE PUBLIC RIGHT OF WAY
(GA DOT P.I. NO. 162430)


LEGEND
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AREA
TRACT I
FRIENDSHIP ROAD
GEORGIA
DAVID A. HARPER
3-4-2019

Exhibit "B"

Tax Parcel 15048 000049

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies); Thence continuing along said right of way proceeding North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING for herein described parcel of land; Thence the following courses and distances along the southeasterly right of way of Hog Mountain Road (right of way varies): North 29 Degrees 02 Minutes 55 Seconds East a distance of 26.22 feet to a point; North 27 Degrees 37 Minutes 32 Seconds East a distance of 134.86 feet to a point; North 26 Degrees 30 Minutes 01 Seconds East a distance of 287.14 feet to a point;North 27 Degrees 20 Minutes 10 Seconds East a distance of 71.74 feet to a set capped 5/8" rebar;Thence departing from said right of way and proceeding South 63 Degrees 00 Minutes 10 Seconds East a distance of 399.82 feet to a set capped 5/8" rebar; Thence South 63 Degrees 07 Minutes 49 Seconds East a distance of 471.35 feet to a found 1-1/2" open top pipe; Thence South 19 Degrees 08 Minutes 43 Seconds West a distance of 35.05 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 10 Minutes 53 Seconds West a distance of 244.54 feet to a found axle; Thence South 21 Degrees 09 Minutes 18 Seconds West a distance of 204.31 feet to a found 3/8" rebar; Thence North 65 Degrees 28 Minutes 13 Seconds West a distance of 922.74 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road, which is the POINT OF BEGINNING. Said parcel contains 448,861 square feet or 10.304 acres.

AS-SURVEYED DESCRIPTION
TRACT 2
Tax Parcel 08154 000002A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly Right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East a distance of 275.67 feet to a found 1/2" rebar; Thence North 32 Degrees 58 Minutes 56 Seconds West a distance of 109.45 feet to a found 1/2" rebar which is the POINT OF BEGINNING for herein described parcel of land; Thence North 62 Degrees 50 Minutes 16 Seconds West a distance of 180.19 feet to a found 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies); Thence along said right of way North 33 Degrees 18 Minutes 19 Seconds East a distance of 207.80 feet to a set 5/8" capped rebar; Thence departing from said right of way proceeding South 62 Degrees 43 Minutes 28 Seconds East a distance of 196.21 feet to a found 2" open top pipe; Thence South 37 Degrees 40 Minutes 11 Seconds West a distance of 209.73 feet to a found 1/2" rebar, which is the POINT OF BEGINNING. Said parcel contains 38,852 square feet or 0.892 acres.

AS-SURVEYED DESCRIPTION
TRACT 3
Tax Parcel 08154 000008

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence run South 56 Degrees 44 Minutes 34 Seconds East along said right of way for a distance of 50.40 feet to a found 1" square metal on said right of way which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 23 Degrees 02 Minutes 18 Seconds East a distance of 209.35 feet to a set capped 5/8" rebar; Thence South 57 Degrees 08 Minutes 54 Seconds East a distance of 199.62 feet to a found 3/4" crimp top pipe; Thence South 22 Degrees 56 Minutes 30 Seconds West a distance of 209.77 feet to a set 5/8" capped rebar on the northeasterly right of way of Friendship Road; Thence run North 57 Degrees 02 Minutes 54 Seconds West along said right of way a distance of 200.04 feet to a found 1" square metal, which is the POINT OF BEGINNING. Said parcel contains 41,251 square feet or 0.947 acres.

TRACT 4
Tax Parcel 08154 000013

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road, which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.55 feet back from said point; Thence South 63 Degrees 09 Minutes 41 Seconds East for a distance of 214.17 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 39 Minutes 34 Seconds West for a distance of 544.76 feet to a found 1" square metal; Thence North 59 Degrees 34 Minutes 47 Seconds West for a distance of 246.45 feet to a 1" square metal; Thence South 22 Degrees 56 Minutes 30 Seconds West for a distance of 36.81 feet to a found 3/4" crimp top pipe; Thence North 57 Degrees 08 Minutes 54 Seconds West for a distance of 199.62 feet to a set capped 5/8" rebar; Thence South 23 Degrees 02 Minutes 18 Seconds West for a distance of 209.35 feet to a found 1" square metal on the northeasterly right of way of Friendship Road; Thence run North 56 Degrees 44 Minutes 34 Seconds West along said right of way for a distance of 50.40 feet to a found PK nail in asphalt, which is the POINT OF BEGINNING. Said parcel contains 155,157 square feet or 3.562 acres.

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.55 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Mag Mountain Road (right of way varies), which is the POINT OF BEGINNING for herein described parcel of land; Thence proceeding along said right of way North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar; Thence departing from said right of way proceeding South 65 Degrees 28 Minutes 13 Seconds East a distance of 922.74 feet to a found 3/8" rebar; Thence South 21 Degrees 11 Minutes 13 Seconds West a distance of 217.96 feet to a found 1-1/2" open top pipe; Thence North 62 Degrees 16 Minutes 13 Seconds West a distance of 324.11 feet to a found 1-1/2" open top pipe; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 628.94 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING. Said parcel contains 182,071 square feet or 4.180 acres.

All that tract or parcel of land lying and being in the State of Georgia, County of Hall, 1419th, Friendship District, and more particularly described as follows:

BEGINNING at an iron pin corner on the Gainesville-Lawrenceville Ridge Road, running in an easterly direction 420 feet along the line of Alvie King to an iron pin corner; thence in a southerly direction 210 feet along the line of J. C. Pirkle to an iron pin corner; thence in a westerly direction 420 feet along the line of J. C. Pirkle to an iron pin corner; thence along the Gainesville-Lawrenceville Ridge Road, northerly, to the point of beginning 210 feet.

Said tract is a part of the land conveyed to J. C. Pirkle by H. F. Williams October 30, 1937, according to survey made by S. C. Moon in August 1936, and recorded in Plat Book 4, page 2, Hall County Records.

LESS AND EXCEPT: All that tract or parcel of land lying and being in the State of Georgia, Count of Hall, 1419 Friendship District, being more particularly described as follows:

BEGINNING at an iron pin corner on the northerly side of the Gainesville-Lawrenceville Ridge Road at the property line of Paul Henderson, formerly Alvy King property and running thence in an easterly direction 420 feet along the property of Paul Henderson to an iron pin corner; thence in a southerly direction a distance of 84 feet along the property line of J. C. Pirkle to an iron pin corner and other property of the Grantor herein; thence in a northwesterly direction a distance of 420 feet to the Gainesville-Lawrenceville Ridge Road; thence along the Gainesville-Lawrenceville Ridge Road in a northeasterly direction a distance of 85 feet to an iron pin corner and point of beginning.

Being one and the same property conveyed by Warranty Deed dated March 23, 2000, from Ruby Lois McDaniel, as Grantor, to Carla M. Tatum, as Grantee, recorded in Deed Book 3647, Page 426, Hall County, Georgia Records.

All that tract or parcel of land lying and being in the State of Georgia, County of Hall, 1419 Friendship District, being more particularly described as follows:

Beginning at an iron pin corner on the northerly side of Gainesville-Lawrenceville Ridge Road at the property line at Paul Henderson , formerly Alvy King property and running thence in an easterly direction 420 feet; thence in a southerly direction a distance of 84 feet along the property of Douglas L. McDaniel; thence in a northwesterly direction a distance of 420 feet to the Gainesville-Lawrenceville Ridge Road; thence along the Gainesville-Lawrenceville Ridge Road in a northeasterly direction a distance of 85 feet to an iron pin corner and the true point of beginning.

All that tract or parcel of land lying and being in Friendship Militia District, Hall County, Georgia, near Roberts Cross Roads, being a portion of property deeded by Cline D. Williams to Virgil Beacham on January 25, 1967, according to plat of survey recorded in plat book 37, page 15, Hall County Records and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Friendship Road and running thence North 61° 38 minutes west a distance of 100 feet along the right-of-way of Friendship Road to a point; Running thence North 25° 22 minutes east a distance of 125 feet to a point; running thence South 61° 38 minutes east a distance of 100 feet to a point on the common property line of Virgil Beacham and property now or formerly owned by CD Williams; running thence South 25° 22 minutes west a distance of 125 feet to the point of beginning.

Tract II:

All that tract or parcel of land lying and being in Friendship Militia District, Hall County, Georgia, containing 1.43 acres, more or less, according to plat of survey prepared for Lynne Pirkle by h.g. Jarrard, surveyor, dated September 9, 1980, recorded in plat book 80, page 234, hall county records, and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Friendship Road which point is 627.7 feet in a southeasterly direction from the centerline of Hog Mountain Road as measured along the northeasterly right-of-way of Friendship Road, running thence north 23° 52 minutes east along property of JC Pirkle a distance of 246.58 feet to an iron pin corner, thence South 58° 45 minutes east along property of JC Pirkle a distance of 246.26 feet to an iron pin corner; thence South 22° 32 minutes west along property of Beacham a distance of 258.65 feet to a point on the northeasterly right-of-way of Friendship Road; thence North 56° 14 minutes west along said right-of-way of Friendship Road a distance of 254.02 feet to the point of beginning.

All that tract or parcel of land lying and being in Friendship GMD 1419, Hall County, Georgia and being more particularly described as follows;

To find the true point of beginning, commence at the intersection of the northerly right-of-way a Friendship Road (right-of-way varies) in the easterly right of way of Hog Mountain Road (right-

of-way varies); THENCE traveling on said normally right-of-way of Friendship Road and in a generally southeasterly direction for a distance of 941.27 feet to a point, said point marked by a half inch rebar pin found, said point being the TRUE POINT OF BEGINNING.

THENCE from said point as thus established, leaving said right-of-way and traveling north 21° 42 minutes 02 seconds east for a distance of 125.00 feet to a point, said point marked by a half inch rebar pin found; THENCE North 62° 37 minutes 21 seconds west for a distance of 100.00 feet to a point, said point marked by a half inch rebar pin found; THENCE North 21° 42 minutes 02 seconds east for a distance of 690.14 feet to a point, said point marked by a 1.5 inch open top pipe found; THENCE South 62° 15 minutes 38 seconds east for a distance of 121.88 feet to a point, said point marked by a half inch rebar pin found; THENCE South 62° 15 minutes 38 seconds east for a distance of 202.30 feet to a point, said point marked by a 1 inch open top pipe found; THENCE South 25° 46 minutes 19 seconds west for a distance of 135.85 feet to a point, said point marked by a half inch rebar pin found; THENCE South 11° 36 minutes four seconds east for a distance of 143.63 feet to a point, said point marked by a half inch rebar pin found; THENCE South 26° 29 minutes 59 seconds west for a distance of 73.58 feet to a point, said point marked by a half inch rebar pin found; THENCE South 32° 15 minutes 13 seconds west for a distance of 183.46 feet to a point, said point marked by a half inch rebar pin found; THENCE South 32° 21 minutes 56 Seconds west for a distance of 245.03 feet to a point on the northerly right-of-way of Friendship Road (right-of-way varies), said point marked by a half inch rebar pin found; THENCE traveling on said right-of-way the following five (5) courses and distances:

North 70° 56 minutes 52 seconds west for a distance of 32.60 feet to a point; THENCE South 80° 39 minutes 51 seconds west for distance of 33.22 feet to a point, said point marked by a half inch rebar pin found; THENCE South 80° 39 minutes 51 seconds west from a distance of 40.40 feet to a point; THENCE North 69° 37 minutes 15 seconds west for a distance of 98.73 feet to a point; THENCE North 62° 37 minutes 21 seconds west for a distance of 10.87 feet to a point, said point marked by a half inch rebar pin found, said point being THE TRUE POINT OF BEGINNING.

Said property contains 5.998 acres.

Public Hearing Published 7/07/2021
Public Hearing 8/05/2021 Approved 10/21/2021

RESOLUTION NO. 21-014

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE OPERATION OF QUARRY FOR NINE (9) PARCELS OF REAL PROPERTY OWNED BY VULCAN LANDS, INC. TOTALING 29.67+/- ACRES IDENTIFIED AS FOLLOWS: 4263 FRIENDSHIP ROAD, TAX ID# 15048 000018; 4285 FRIENDSHIP ROAD, TAX ID# 15048 000018A; 5743 HOG MOUNTAIN ROAD, TAX ID# 15048 000049; 5783 HOG MOUNTAIN ROAD, TAX ID# 08154 000002A; 4293 FRIENDSHIP ROAD, TAX ID# 08154 000008; 0 FRIENDSHIP ROAD, TAX ID# 08154 000013; 5765 HOG MOUNTAIN ROAD, TAX ID# 15048 000050A; 5769 HOG MOUNTAIN ROAD, TAX ID# 15048 000052; AND 5777 HOG MOUNTAIN ROAD, TAX ID# 15048 000051; AS SHOWN ON ATTACHED EXHIBIT "A"; AND AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT "B";

WHEREAS, the City Council of the City of Flowery Branch reviewed the Conditional Use Permit application and related aspects of the proposal as required by the Flowery Branch Zoning Ordinance at their meetings of September 16, and October 21, 2021; and

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

NOW THEREFORE BE IT RESOLVED by the City Council of Flowery Branch, Georgia, that:

SECTION 1. Pursuant to Article No. 34 of the Flowery Branch Zoning Ordinance, the City Council **finds** that a Conditional Use Permit application, to allow the operation of a quarry for the properties referenced above and identified on Exhibit "A", and further described on Exhibit "B", is approved for the following reasons:

A. The proposed conditional use permit will not adversely affect the usability of adjacent property as current quarry operations will not change. The only significant modification from existing conditions, is the addition of 29.67+/- acres of property. The City's adopted Comprehensive Plan shows the property as being utilized for heavy industrial purposes. The proposed conditions of approval for the Conditional Use Permit are consistent with requirements identified within Article 14 Section 14.9 of the Zoning Code.

B. The current quarry site is currently zoned M-2 and is operating pursuant to an existing Conditional Use Permit. Although, the property may continue as a quarry under the current zoning and Conditional Use Permit, the inclusion of the adjoining 29.67+/-acres of property as part of the existing operation requires a Conditional Use Permit. Without a change in zoning and a Conditional Use Permit, the economic use of the property may be reduced.

C. The Conditional Use Permit will not impact the overall operational characteristics of the current quarry. Accordingly, there is no expectation that the quarry site will burden existing transportation facilities, utilities and/or schools past the impacts that may exist currently.

D. The proposed Conditional Use Permit is consistent with requirements identified within Article 14 Section 14.9 of the Zoning Code.

E. The existing quarry site will not change with the exception of 29.67+/- acres of property added to the site.

F. The existing quarry property is currently zoned M-2 (Manufacturing & Heavy Industrial) and the 29.67+/- acres of property to be added to the site is zoned M-2 (Manufacturing & Heavy Industrial).

G. The current quarry site is zoned M-2 and is operating pursuant to a Conditional Use Permit. Although the current quarry may continue as a quarry, the inclusion of the adjoining 29.67 +/- acre properties as part of the existing operation requires a Conditional Use Permit. Without a change in zoning and a CUP, the economic use of the property may be reduced.

H. The proposed Conditional Use Permit will not be a deterrent to adjoining development as the existing quarry operations will not change. The surrounding properties are designated by the Flowery Branch Comprehensive Plans as future commercial and/or industrial uses.

I. The quarry site is already within the City of Flowery Branch. The 29.67+/- acre site to be added is contiguous to the current City boundary and will not create an unincorporated island. The proposed zoning designation of M-2 (Manufacturing & Heavy Industrial) is consistent with the City's adopted Character Area Map.

J. The proposed zoning designation of M-2 (Manufacturing & Heavy Industrial) is consistent with the City's adopted Character Area Map. A Conditional Use Permit is required to operate a quarry. The proposed CUP is consistent with Article 14 Section 14.9 of the Zoning Code.

K. There is no expectation that inclusion of the 29.67+/- acre site into the existing quarry will impact drainage, soil erosion and sedimentation, flooding, air quality and water quality.

L. The Conditional Use Permit application is consistent with the Flowery Branch Land Use Plan and with the adjacent development patterns.

SECTION 2. Accordingly, the City Council hereby **GRANTS** to the 29.67 +/- acres of property shown on Exhibit "A" and legally described on Exhibit "B" approval to operate a quarry subject to the following conditions as identified on attached Exhibit "C". Said Exhibits are incorporated by reference as if fully set forth herein.

Approved this 21st Day of October 2021

_____
James M. Miller, Mayor

ATTEST

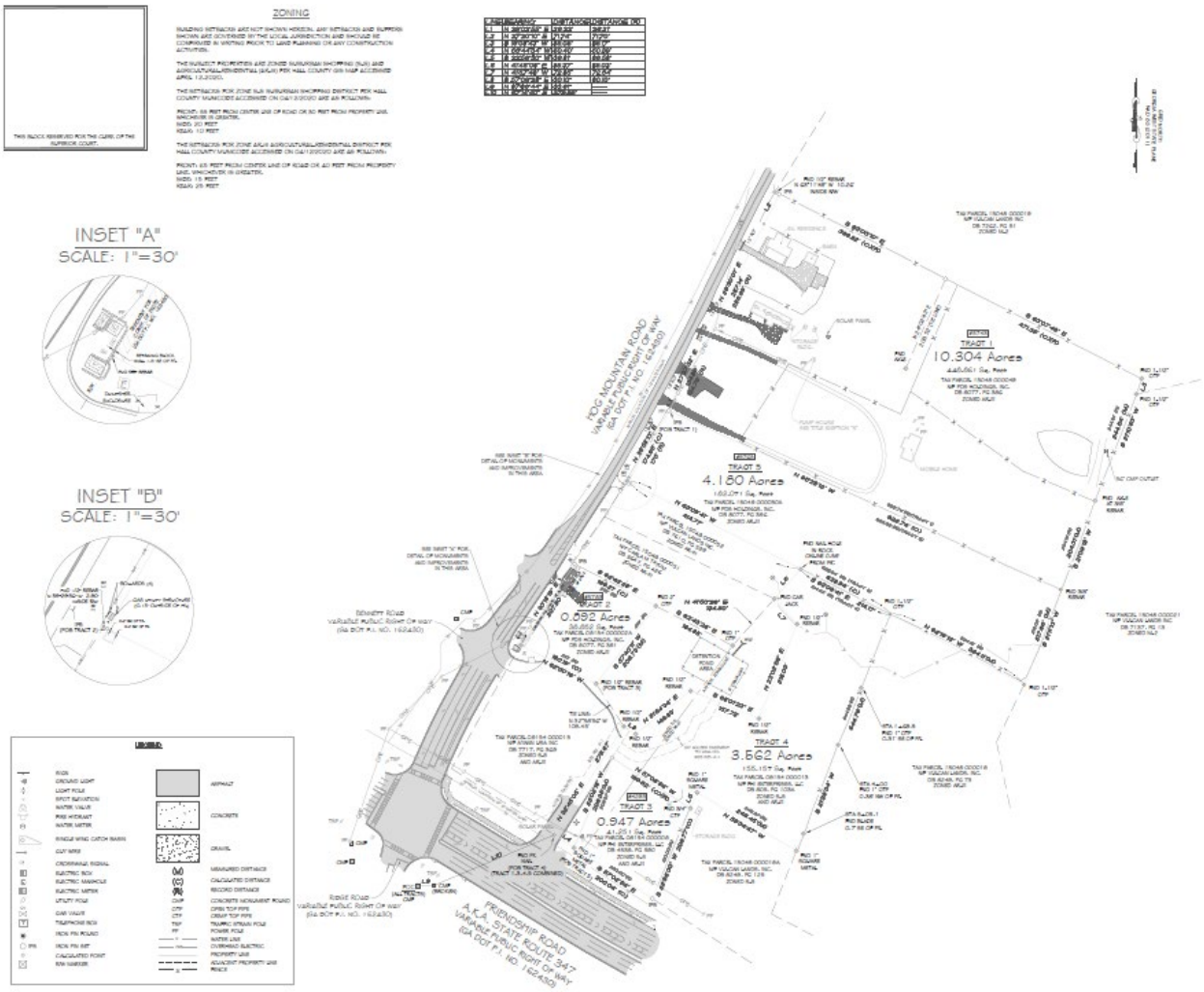
_____
Vickie Short, City Clerk

APPROVED AS TO FORM

_____

E. Ronald Bennett, Jr. City Attorney

Exhibit "A"



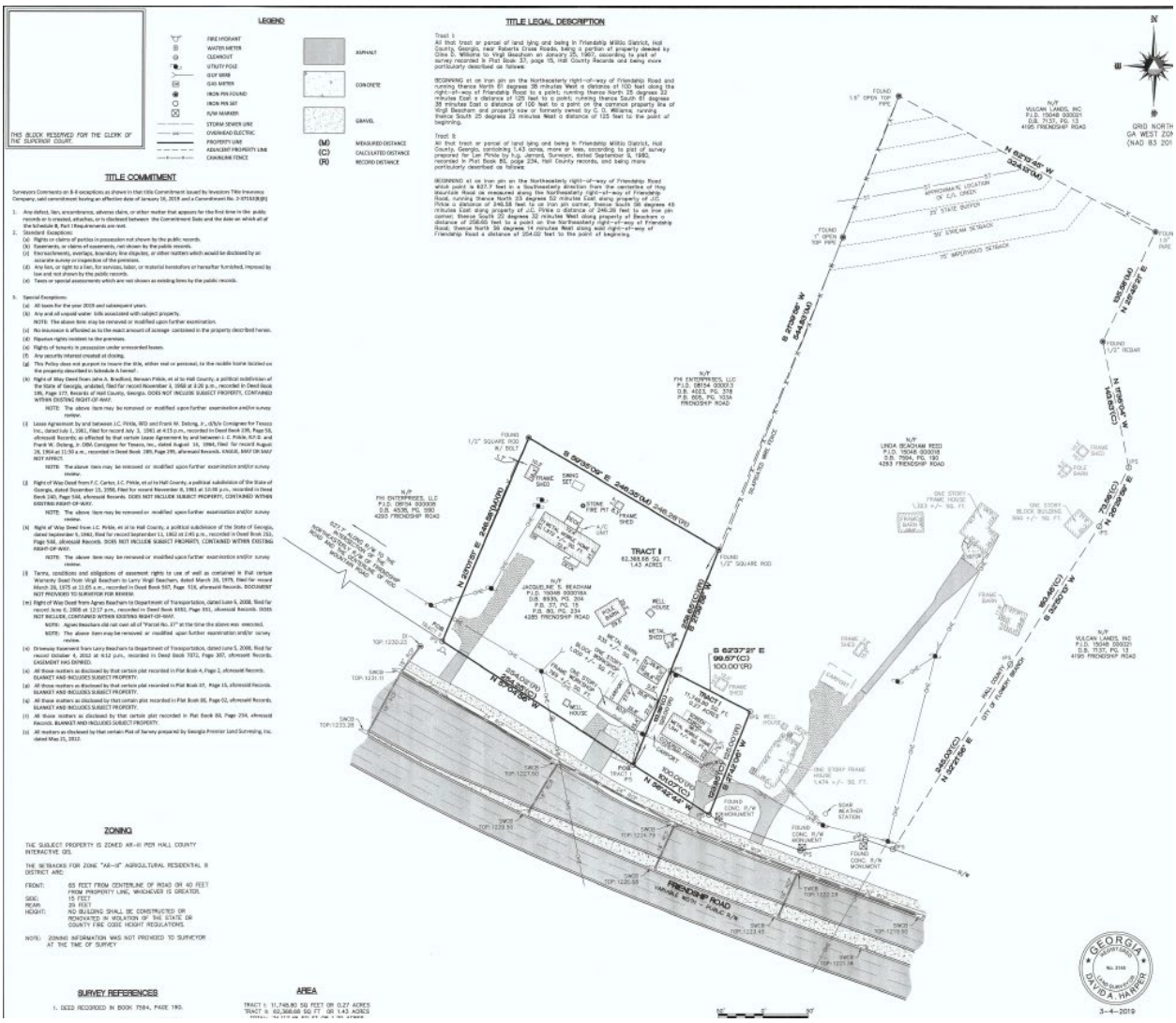

LEGEND
TITLE LEGAL DESCRIPTION
TITLE COMMITMENT
ZONING
SURVEY REFERENCES
AREA
TRACT I
FRIENDSHIP ROAD
GEORGIA
DAVID A. HARPER
3-4-2019

Exhibit "B"

Tax Parcel 15048 000049

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AS-SURVEYED DESCRIPTION
TRACT 2
Tax Parcel 08154 000002A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly Right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East a distance of 275.67 feet to a found 1/2" rebar; Thence North 32 Degrees 58 Minutes 56 Seconds West a distance of 109.45 feet to a found 1/2" rebar which is the POINT OF BEGINNING for herein described parcel of land; Thence North 62 Degrees 50 Minutes 16 Seconds West a distance of 180.19 feet to a found 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way varies); Thence along said right of way North 33 Degrees 18 Minutes 19 Seconds East a distance of 207.80 feet to a set 5/8" capped rebar; Thence departing from said right of way proceeding South 62 Degrees 43 Minutes 28 Seconds East a distance of 196.21 feet to a found 2" open top pipe; Thence South 37 Degrees 40 Minutes 11 Seconds West a distance of 209.73 feet to a found 1/2" rebar, which is the POINT OF BEGINNING. Said parcel contains 38,852 square feet or 0.892 acres.

AS-SURVEYED DESCRIPTION
TRACT 3
Tax Parcel 08154 000008

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows: COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence run South 56 Degrees 44 Minutes 34 Seconds East along said right of way for a distance of 50.40 feet to a found 1" square metal on said right of way which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 23 Degrees 02 Minutes 18 Seconds East a distance of 209.35 feet to a set capped 5/8" rebar; Thence South 57 Degrees 08 Minutes 54 Seconds East a distance of 199.62 feet to a found 3/4" crimp top pipe; Thence South 22 Degrees 56 Minutes 30 Seconds West a distance of 209.77 feet to a set 5/8" capped rebar on the northeasterly right of way of Friendship Road; Thence run North 57 Degrees 02 Minutes 54 Seconds West along said right of way a distance of 200.04 feet to a found 1" square metal, which is the POINT OF BEGINNING. Said parcel contains 41,251 square feet or 0.947 acres.

TRACT 4
Tax Parcel 08154 000013

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road, which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.58 feet back from said point; Thence South 63 Degrees 09 Minutes 41 Seconds East for a distance of 214.17 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 39 Minutes 34 Seconds West for a distance of 544.76 feet to a found 1" square metal; Thence North 59 Degrees 34 Minutes 47 Seconds West for a distance of 246.45 feet to a 1" square metal; Thence South 22 Degrees 56 Minutes 30 Seconds West for a distance of 36.81 feet to a found 3/4" crimp top pipe; Thence North 57 Degrees 08 Minutes 54 Seconds West for a distance of 199.62 feet to a set capped 5/8" rebar; Thence South 23 Degrees 02 Minutes 18 Seconds West for a distance of 209.35 feet to a found 1" square metal on the northeasterly right of way of Friendship Road; Thence run North 56 Degrees 44 Minutes 34 Seconds West along said right of way for a distance of 50.40 feet to a found PK nail in asphalt, which is the POINT OF BEGINNING. Said parcel contains 155,157 square feet or 3.562 acres.

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Varies) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Varies); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 275.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 157.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found car jack; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.58 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Mag Mountain Road (right of way varies), which is the POINT OF BEGINNING for herein described parcel of land; Thence proceeding along said right of way North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar; Thence departing from said right of way proceeding South 65 Degrees 28 Minutes 13 Seconds East a distance of 922.74 feet to a found 5/8" rebar; Thence South 21 Degrees 11 Minutes 13 Seconds West a distance of 217.96 feet to a found 1-1/2" open top pipe; Thence North 62 Degrees 16 Minutes 13 Seconds West a distance of 324.11 feet to a found 1-1/2" open top pipe; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 628.94 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING. Said parcel contains 182,071 square feet or 4.180 acres.

All that tract or parcel of land lying and being in the State of Georgia, County of Hall, 1419th, Friendship District, and more particularly described as follows:

BEGINNING at an iron pin corner on the Gainesville-Lawrenceville Ridge Road, running in an easterly direction 420 feet along the line of Alvie King to an iron pin corner; thence in a southerly direction 210 feet along the line of J. C. Pirkle to an iron pin corner; thence in a westerly direction 420 feet along the line of J. C. Pirkle to an iron pin corner; thence along the Gainesville-Lawrenceville Ridge Road, northerly, to the point of beginning 210 feet.

Said tract is a part of the land conveyed to J. C. Pirkle by H. F. Williams October 30, 1937, according to survey made by S. C. Moon in August 1936, and recorded in Plat Book 4, page 2, Hall County Records.

LESS AND EXCEPT: All that tract or parcel of land lying and being in the State of Georgia, Count of Hall, 1419 Friendship District, being more particularly described as follows:

BEGINNING at an iron pin corner on the northerly side of the Gainesville-Lawrenceville Ridge Road at the property line of Paul Henderson, formerly Alvy King property and running thence in an easterly direction 420 feet along the property of Paul Henderson to an iron pin corner; thence in a southerly direction a distance of 84 feet along the property line of J. C. Pirkle to an iron pin corner and other property of the Grantor herein; thence in a northwesterly direction a distance of 420 feet to the Gainesville-Lawrenceville Ridge Road; thence along the Gainesville-Lawrenceville Ridge Road in a northeasterly direction a distance of 85 feet to an iron pin corner and point of beginning.

Being one and the same property conveyed by Warranty Deed dated March 23, 2000, from Ruby Lois McDaniel, as Grantor, to Carla M. Tatum, as Grantee, recorded in Deed Book 3647, Page 426, Hall County, Georgia Records.

All that tract or parcel of land lying and being in the State of Georgia, County of Hall, 1419 Friendship District, being more particularly described as follows:

Beginning at an iron pin corner on the northerly side of Gainesville-Lawrenceville Ridge Road at the property line at Paul Henderson , formerly Alvy King property and running thence in an easterly direction 420 feet; thence in a southerly direction a distance of 84 feet along the property of Douglas L. McDaniel; thence in a northwesterly direction a distance of 420 feet to the Gainesville-Lawrenceville Ridge Road; thence along the Gainesville-Lawrenceville Ridge Road in a northeasterly direction a distance of 85 feet to an iron pin corner and the true point of beginning.

All that tract or parcel of land lying and being in Friendship Militia District, Hall County, Georgia, near Roberts Cross Roads, being a portion of property deeded by Cline D. Williams to Virgil Beacham on January 25, 1967, according to plat of survey recorded in plat book 37, page 15, Hall County Records and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Friendship Road and running thence North 61° 38 minutes west a distance of 100 feet along the right-of-way of Friendship Road to a point; Running thence North 25° 22 minutes east a distance of 125 feet to a point; running thence South 61° 38 minutes east a distance of 100 feet to a point on the common property line of Virgil Beacham and property now or formerly owned by CD Williams; running thence South 25° 22 minutes west a distance of 125 feet to the point of beginning.

Tract II:

All that tract or parcel of land lying and being in Friendship Militia District, Hall County, Georgia, containing 1.43 acres, more or less, according to plat of survey prepared for Lynne Pirkle by h.g. Jarrard, surveyor, dated September 9, 1980, recorded in plat book 80, page 234, hall county records, and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Friendship Road which point is 627.7 feet in a southeasterly direction from the centerline of Hog Mountain Road as measured along the northeasterly right-of-way of Friendship Road, running thence north 23° 52 minutes east along property of JC Pirkle a distance of 246.58 feet to an iron pin corner, thence South 58° 45 minutes east along property of JC Pirkle a distance of 246.26 feet to an iron pin corner; thence South 22° 32 minutes west along property of Beacham a distance of 258.65 feet to a point on the northeasterly right-of-way of Friendship Road; thence North 56° 14 minutes west along said right-of-way of Friendship Road a distance of 254.02 feet to the point of beginning.

All that tract or parcel of land lying and being in Friendship GMD 1419, Hall County, Georgia and being more particularly described as follows;

To find the true point of beginning, commence at the intersection of the northerly right-of-way a Friendship Road (right-of-way varies) in the easterly right of way of Hog Mountain Road (right-

of-way varies); THENCE traveling on said normally right-of-way of Friendship Road and in a generally southeasterly direction for a distance of 941.27 feet to a point, said point marked by a half inch rebar pin found, said point being the TRUE POINT OF BEGINNING.

THENCE from said point as thus established, leaving said right-of-way and traveling north 21° 42 minutes 02 seconds east for a distance of 125.00 feet to a point, said point marked by a half inch rebar pin found; THENCE North 62° 37 minutes 21 seconds west for a distance of 100.00 feet to a point, said point marked by a half inch rebar pin found; THENCE North 21° 42 minutes 02 seconds east for a distance of 690.14 feet to a point, said point marked by a 1.5 inch open top pipe found; THENCE South 62° 15 minutes 38 seconds east for a distance of 121.88 feet to a point, said point marked by a half inch rebar pin found; THENCE South 62° 15 minutes 38 seconds east for a distance of 202.30 feet to a point, said point marked by a 1 inch open top pipe found; THENCE South 25° 46 minutes 19 seconds west for a distance of 135.85 feet to a point, said point marked by a half inch rebar pin found; THENCE South 11° 36 minutes four seconds east for a distance of 143.63 feet to a point, said point marked by a half inch rebar pin found; THENCE South 26° 29 minutes 59 seconds west for a distance of 73.58 feet to a point, said point marked by a half inch rebar pin found; THENCE South 32° 15 minutes 13 seconds west for a distance of 183.46 feet to a point, said point marked by a half inch rebar pin found; THENCE South 32° 21 minutes 56 Seconds west for a distance of 245.03 feet to a point on the northerly right-of-way of Friendship Road (right-of-way varies), said point marked by a half inch rebar pin found; THENCE traveling on said right-of-way the following five (5) courses and distances:

North 70° 56 minutes 52 seconds west for a distance of 32.60 feet to a point; THENCE South 80° 39 minutes 51 seconds west for distance of 33.22 feet to a point, said point marked by a half inch rebar pin found; THENCE South 80° 39 minutes 51 seconds west from a distance of 40.40 feet to a point; THENCE North 69° 37 minutes 15 seconds west for a distance of 98.73 feet to a point; THENCE North 62° 37 minutes 21 seconds west for a distance of 10.87 feet to a point, said point marked by a half inch rebar pin found, said point being THE TRUE POINT OF BEGINNING.

Said property contains 5.998 acres.

Exhibit "C"

The City Council grants to the multiple parcels of land owned by Vulcan Construction Materials, LP, being 29.67 +/- acres as shown on Exhibit "A", and legally described on Exhibit "B", an approval to operate a quarry, subject to the following conditions set forth below.

1. State Permits. The property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a full and complete copy of all approved state permits required for operation of the quarry, including but not necessarily limited to air quality (for both the quarry operation and any site tenants, i.e., asphalt and concrete plants). Whenever a revision or renewal of any such state permit is required or sought, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a full and complete copy of all such applications pending along with relevant correspondence from governing state agencies regarding the disposition of the application for permit revision or renewal.

2. Noise Studies and Sound Level Monitoring. At least once every three years, unless otherwise requested by the Zoning Administrator, beginning no later than the date this CUP is approved, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a copy of a noise study meeting specifications and content details of the noise studies referenced in the Planning Evaluation and Staff Report for Ordinance No. 344. The study shall provide specific measurements at multiple locations along the perimeter of the property ownership boundary. Said noise study shall evaluate observed sound levels with noise standards of the City of Flowery Branch as contained in its comprehensive plan and/or zoning ordinance. At any points where sound levels from such noise studies reveal that the acceptable noise threshold of the City of Flowery Branch of operational sounds (as distinguished from off-site, ambient noise) is exceeded, the professional preparing the noise study shall recommend and the property owner shall propose noise mitigation measures and a time frame for their implementation acceptable to the City of Flowery Branch. Mitigation measures may include but shall not be limited to berms and noise attenuation barriers.

3. Hours of Operation. Hours of operation of the quarry and any on-site tenants (i.e., asphalt and concrete plants) shall be limited to 6:00 a.m. to 10:00 p.m., Monday through Saturday, with the exception that: Hours of operation (but not including blasting) may be extended to 24 hour a day and Sunday operations as reasonably necessary for the applicant or any tenant to supply materials to a governmental project. In all such cases the applicant for tenant shall submit a copy of the executed governmental contract for which such extended hours are reasonably necessary to the Manager of Planning and Community Development of the City of Flowery Branch within five days of receipt of the contract. Applicant or tenant shall also supply an anticipated schedule of extended operating hours pertaining to the contract to show that such extended hours are authorized by this condition. This exception shall only be permitted for the duration of government contracts only. Outside of authorized operating hours, access to the property shall be controlled by the front gate being locked.

4. Activity Setback. The proposed extraction shall not take place within one hundred (100) feet of a property line.

5. Stockpiles. Product piles, spoil piles, and other accumulations of by-products shall not be created to a height more than thirty-five (35) feet above the original contour.

6. Fencing. Applicant shall maintain all existing fencing. Modification of any fencing shall require prior approval from the Zoning Administrator. In submitting any future fencing site plan, the property owner shall indicate where new fencing (and the type of fencing) is proposed. The fencing site plan shall be subject to the approval of the Director of Planning and Community Development of the City of Flowery Branch, and for good cause shown, the Director may disapprove of any site plan that does not provide adequate security of the work of the quarry operation and/or the entire ownership rite.

7. Tenant Sites. There shall be no tenant sites or tenant operations on the subject properties.

8. Blasting. The property owner shall be continuously responsible for assuring that blasting meets the Georgia Blasting Standards Act and the safe blasting limit of 2.0 inches per second, peak particle velocity. The property owner shall achieve compliance with this condition by monitoring blast operations. Upon request, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a copy of all such monitoring results from a qualified professional. In addition, any correspondence between the property owner and the State Fire Marshall relative to compliance with the Georgia Blasting Standards Act shall be submitted within ten (10) days to the Manager of Planning and Community Development of the City of Flowery Branch.

   Blasting on the quarry property shall only be done between the hours of 10:00 a.m. and 5:00 p.m. on weekdays (except on holidays, when no blasting shall be allowed). Blasting shall not be done at other times, except when necessary to detonate a loaded shot that could not be detonated because of adverse weather or other conditions that could not be reasonably foreseen, to maintain blasting safety, or as required to comply with applicable governmental requirements. Vulcan shall notify the Manager of Planning and Community Development of the City of Flowery Branch of any blast that occurs outside the prescribed times of day and state why such blast occurred outside of such time within 24 hours of such blast.

9. Access Limited. There shall be no access from Blackjack Road, Hog Mountain Road, or Friendship Road to the subject properties.

10. As-built screening conditions and vegetation and stabilization plan for berms and buffers. Applicant shall maintain all existing berms and buffers areas as previously required. Modification of any berm or buffer area shall require prior approval from the Zoning Administrator.

11. Third-Party Monitoring. As long as the quarry is operating, the property owner agrees to contract with, at no cost to the City, a third-party monitoring company to investigate and respond to any written complaints received by the City of Flowery Branch regarding blasting operations at the Friendship Quarry and subject property. The company shall respond within five (5) working days of being notified by the City of a written complaint. Written responses shall be required to be submitted by the third-party monitoring company to the Manager of Planning and Community Development when, in his opinion, the complaint has merit.

12. Community Advisory Council.

    a. The property owner agrees to continue holding periodic Community Advisory Council meetings in the area of the subject property, such as at Friendship or Cornerstone Baptist Church, or other institution in the area, in order to periodically educate neighbors and residents and business owners in the area, about the operations, the industry generally, and changes to site plans and conditions. Such meetings shall not be held less frequently than one per quarter year.

    b. At such meetings, the property owner will report the progress made toward compliance with these conditions of zoning, disclose any formal complaints received by the City of Flowery Branch that have been forwarded to the property owner, describe "best practices" for safety, land management, environmental protection, and site operations being implemented or contemplated for implementation, present any special studies required by these conditions of zoning, and explain other appropriate or salient features of the property and its operations.

13. Incorporation of 29.67 +/- acre site. Prior to inclusion of the 29.67 +/- acres of the subject property into the existing quarry, applicant shall submit a revised overall site plan, fencing plan and berm plan for the added area. Plan shall indicate appropriate security fencing and required buffers as identified in the above listed conditions and as determined by the Zoning Administrator. In the event that fencing and berms are required, applicant shall construct said fencing and berms within 60 days of including the property into the overall site operations.

14. Conditions. All adopted conditions of approval shall apply regardless of any change of ownership. Failure to comply with any of the conditions contained herein or those identified within Article 14 Section 14.9 of the adopted Zoning Code may result in revocation of this grant.

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

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

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

FACTS AND ISSUES:
Applicant wishes to develop a 38 +/- acre portion of the parcel for industrial warehouse/office use.
This is the first read of this ordinance.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve first read.

SAMPLE MOTION:
I make a motion to approve the first read of ordinance 652.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- Thurmon Tanner HInes Signed Application.pdf
- Hines - owner signature page - from Tred .pdf
- Full Staff Report September 16.pdf
- Hines Ordinance.pdf

Flowery Branch

REZONING APPLICATION

Date: June 30, 2021

Address of Request:
Thurmon Tanner Parkway (Parcel 08097 000008)

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

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

Currently a conforming use? N/A

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

Applicant Information

Name: Hines Acquisitions, LLC

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

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

Phone number: 770-804-4654

Signature: , Managing Director

Notary: Lisa R. Graham
NOTARY PUBLIC

LISA R. GRAHAM NOTARY PUBLIC COMMISSION EXPIRES Oct. 5, 2021 HALL COUNTY, GA

Flowery Branch

Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: _____

Notary:

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

Property Information

Tax Map Number: 08097 000008

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

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

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

Current Use: Vacant Land

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

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

- Legal description
- Current survey of property

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

Conflict of Interest Disclosure

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

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

None

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

None

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

None

Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
None	

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Flowery Branch

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Flowery Branch

REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 30, 2021

Address of Request:
Thurmon Tanner Parkway (Parcel 08097 000008)

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

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. Approximately $30,000,000
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). Assessed Value: Approximately $12,000,000
   Estimated Taxes: $39,168
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Approximately between 12-24 months
4. Anticipated total square footage (heated) to be built in the requested number of units. 336,960 SF of Light Industrial
5. Total acreage developed with units. 37.8 acres
6. Total acreage for right of way and roads. N/A
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
8. Acreage required for buffer and watershed protection.
   - Does the buffer comply with the current City ordinance? Yes
   - Do individual property lines for lots extend into the buffer? N/A
   - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? No

9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail) No

10. Please identify all amenities and total number of acres they incorporate by complete description. Approximately 5 acres will be preserved as natural areas.

11. Number of street lights and separation table as proposed on your site plan. N/A

12. Will Technology Development be included in this development? Fiber for businesses

13. List the total linear feet and cubic yards for sidewalks. Approximately 1,940 LF of sidewalk

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

15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues? Please reference exhibit

16. Does the proposal provide for utilization of "reuse" water? Is this depicted on the plans? Do the plans provide for storage of "reuse" water? No

17. What is the total capacity for daily Wastewater Management? Approx. 3,750 gal/day

18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? Approx. 4,500 gal/day

19. Has a slope and grade study been done on this development? Does the study reflect density placement? Not at this time

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

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

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

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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____

Hines

June 30, 2021

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

RE: Thurmon Tanner Parkway (Parcel 08097 000008)

Dear Mr. Atkinson and Ms. Short:

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

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

Hines

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

a. The current site plan of the proposed project will utilize the existing road infrastructure along Thurmon Tanner Parkway with only minor modifications to turn lanes expected. We believe the existing road and utility infrastructure is well designed for our project. Industrial projects do not place any additional burden on the school system, but will provide additional funding from property tax payments. The requested rezoning from Highway Business (HB) to Manufacturing & Industrial, Light (M1) will not create additional traffic. The previous planned use as a retail center would have produced daily traffic counts of approximately 3,000 daily trips. The proposed project will produce daily traffic counts of approximately 950 daily trips.

5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

a. While the future land use shows the site as Highway Business, we believe extending the M1 zoning from the adjacent parcel conforms with the character of the area.

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

a. Online sales as a percentage of overall retail sales have dramatically increased over the last 15 years from only 5% in 2005 to 20% in 2021. This creates the need for more industrial space and less traditional retail space as consumer buying habits have changed, particularly in light of the pandemic. We believe these changing conditions support the request to approve the proposal to allow for industrial development to occur to support the growth of online shopping.

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

a. The adjacent parcel immediately to the north, also being developed by Hines, is industrial. We are proposing to subdivide the property so that the frontage acreage along Phil Niekro Blvd remains HB to support retail development that is enabled by the proposed industrial development.

Hines

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

a. The property has been actively marketed by Radial Property Group since 2003 for Retail use. Due to its size and the diminishing demand for large retail centers it is not viable with the existing zoning at virtually any price. While difficult to ascertain, the value of the land with the proposed M1 zoning would be several multiples higher compared to the existing HB zoning.

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

a. The adjacent property is currently vacant land and the proposed M1 zoning would create meaningful job creation to support and enable the vacant HB land to be developed and be an increase to the value of adjacent property.

10. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts

a. The immediately adjacent property to the north is zoned M1 and would not create an isolated zoning district.

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

a. The proposed zoning amendment would be consistent with the character of the adjacent M1 zoning development.

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

a. The project is being designed with Eberly & Associates to ensure the highest level of quality. While we are developing two buildings on the site, we have left the stream and associated buffers in place along with a natural buffer between the project and I-985 with approximately 7 acres of land to be left undeveloped as currently planned.

Hines

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

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

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

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

Sincerely,

Ryan D. Wood

Managing Director

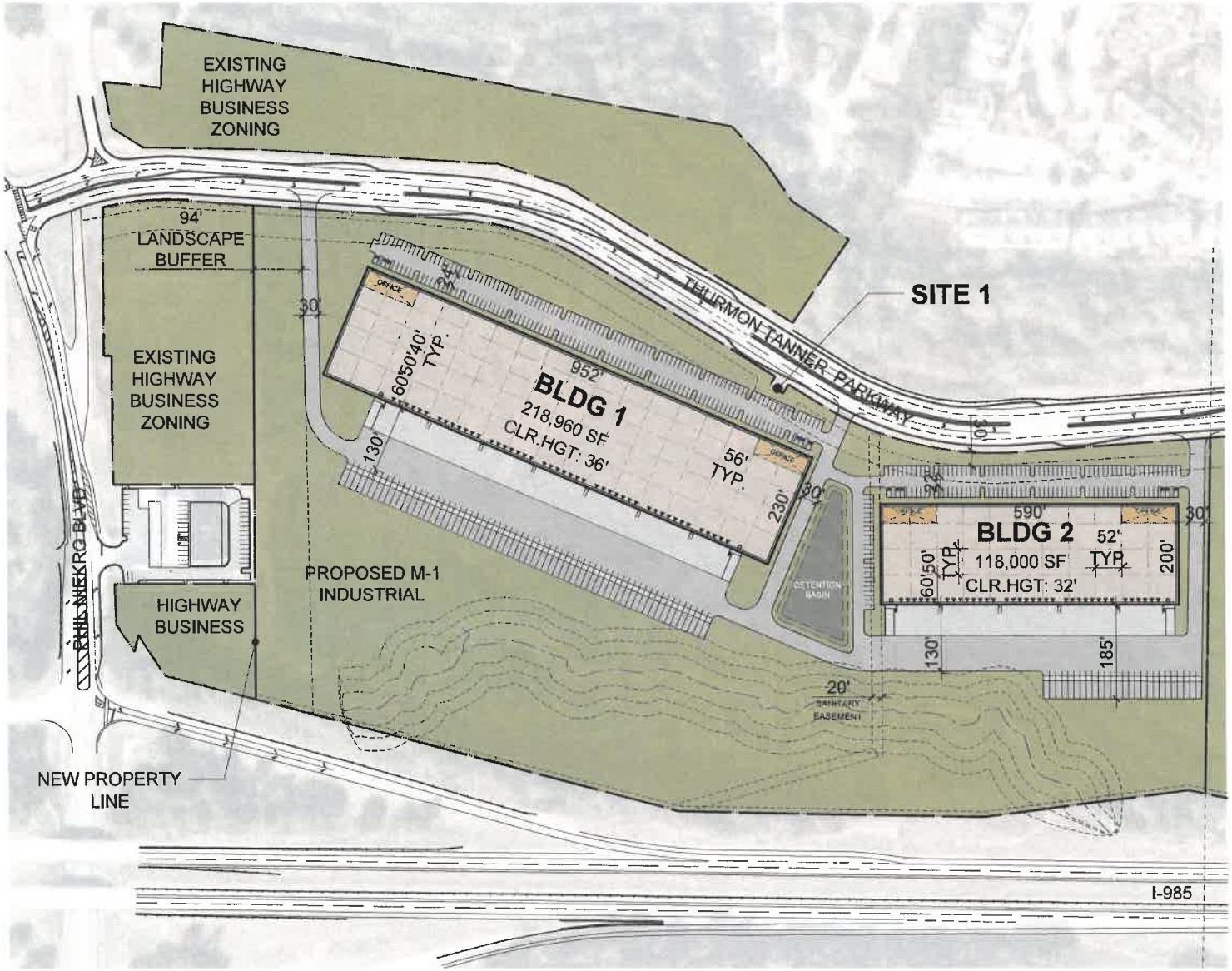
Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management



PROJECT DATA: SITE 1

SITE AREA:			
GROSS:			37.83 AC
			1,647,971 SF
DETENTION:		@ 2%	27,663 SF
NET:			37.20 AC
			1,620,308 SF
BUILDING AREA:	OFFICE	FOOTPRINT:	
BUILDING 1	8,948 SF	218,960 SF	
BUILDING 2	4,720 SF	118,000 SF	
TOTAL:	13,668 SF	336,960 SF	
BUILDING USE:			
WAREHOUSE			323,292 SF
OFFICE		4%	13,668 SF
COVERAGE:			
GROSS:			20%
BUILDING 1			
▲ DOCK-HIGH DOORS			46
O GRADE-LEVEL DOORS			2
PARKING REQUIRED:			
WAREHOUSE	1/2000 SF		109 STALLS
OFFICE	1/300 SF		30 STALLS
TOTAL			139 STALLS
PARKING PROVIDED:			188 STALLS
			@0.86/1000 SF
REQ. ACCESSIBLE			*6 STALLS*
TRAILER:			*65 STALLS*
BUILDING 2			
▲ DOCK-HIGH DOORS			36
O GRADE-LEVEL DOORS			2
PARKING REQUIRED:			
WAREHOUSE	1/2000 SF		59 STALLS
OFFICE	1/300 SF		16 STALLS
TOTAL			75 STALLS
PARKING PROVIDED:			140 STALLS
			@1.19/1000 SF
REQ. ACCESSIBLE			*5 STALLS*
TRAILER:			*26 STALLS*

This conceptual design is based upon a preliminary review of entitlement requirements and an unverified and potentially incomplete site and/or building information, and is provided merely to assist in exploring how the project might be developed.

Stormwater Management Design
CIVIL ENGINEERED

Boundary Survey
CIVIL CAD

NORTH

Hines

scheme: 13

Conceptual Site Plan

Thurmon Tanner Pkwy
Flowery Branch, GA 30542, USA

WARE MALCOMB

NT_0-0015-00
06.10.2021

1

Hines

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed. Signage shown is for illustrative purposes only and does not necessarily reflect municipal code compliance. All colors shown are for representative purposes only. Refer to material samples for actual color verification.

CONCEPTUAL DESIGN

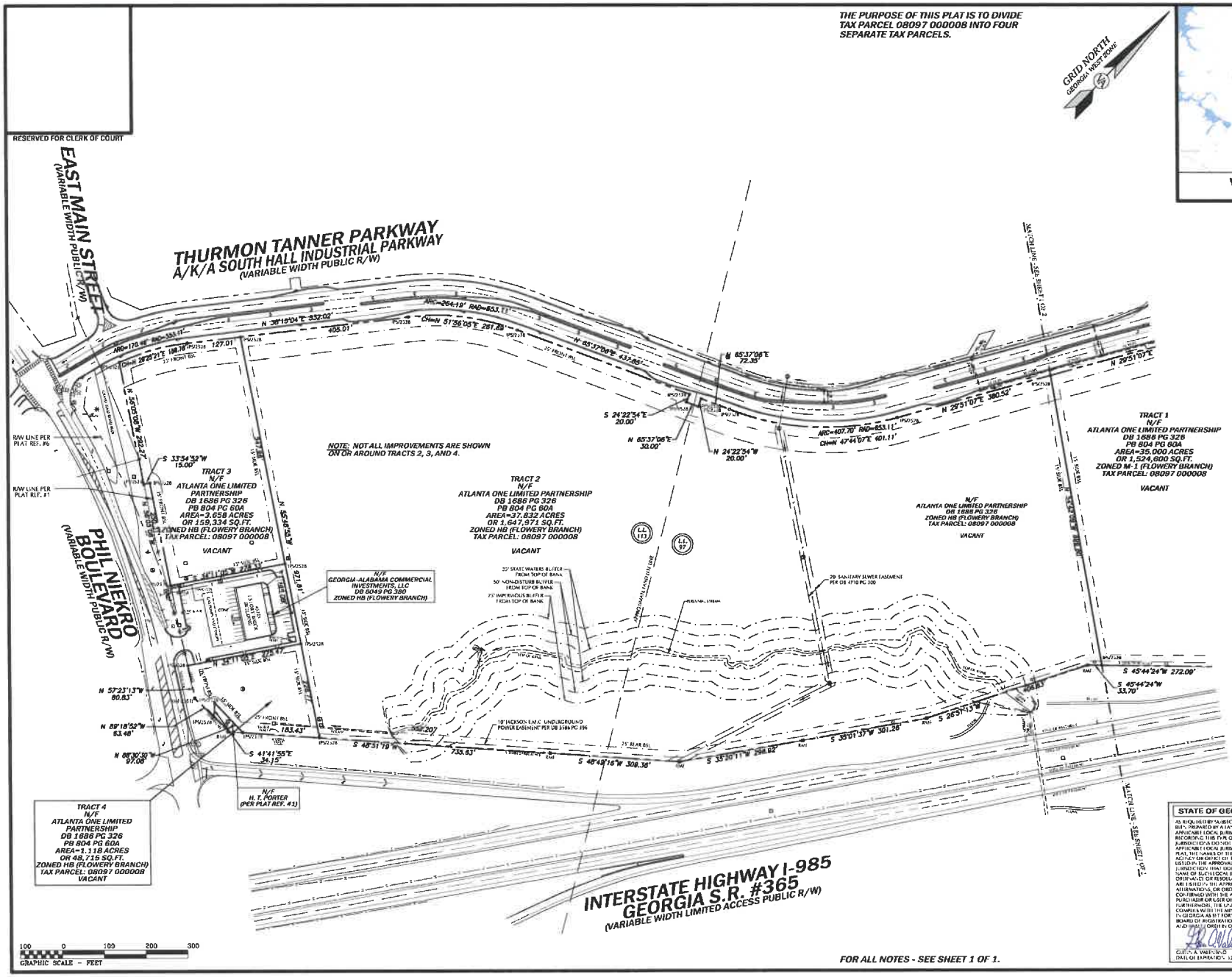
HINES - THURMON TANNER

FLOWERY BRANCH, GEORGIA ATL20-0015-00

WARE MALCOMB

THE PURPOSE OF THIS PLAT IS TO DIVIDE TAX PARCEL 08097 000008 INTO FOUR SEPARATE TAX PARCELS.

RESERVED FOR CLERK OF COURT



FOR ALL NOTES - SEE SHEET 1 OF 1.

VICINITY MAP
NOT TO SCALE

LEGEND

	BROKEN LINE NOT TO SCALE
	FENCE LINE
	GUARDRAIL
	UNDERGROUND GAS LINE
	OVERHEAD ELECTRIC LINE
	OVERHEAD TELEPHONE LINE
	SANITARY SEWER LINE
	UNDERGROUND ELECTRIC LINE
	UNDERGROUND TELEPHONE LINE
	UNKNOWN LAND BOUNDARY LINE
	WATER LINE
	WETLAND AREA
	CATCH BASIN SINGLE WING
	CATCH BASIN DOUBLE WING
	COMPUTED POINT
	BORE/GUIDE HOLE
	CLEAN OUT
	COMMUNICATION BOX
	ELECTRIC BOX
	ELECTRIC PANEL OR LINE MARKER
	ELECTRIC MANHOLE
	ELECTRIC METER
	ELECTRIC OUTLET
	ELECTRIC SWITCH
	FIBER OPTIC BOX
	FIBER OPTIC LINE MARKER
	FIRE DEPT. CONNECTION
	FIRE HYDRANT
	FLARED END SECTION
	GAS LINE MARKER
	GAS METER
	GAS VALVE
	GROUND LIGHT
	GUY POLE
	GUY WIRE
	HEADWALL
	HEAT/AIR CONDITIONING UNIT
	IRRIGATION CONTROL VALVE
	LIGHT POLE
	POST INDICATOR VALVE
	POWER POLE
	SANITARY SEWER MANHOLE
	SIGN POST
	STORM WATER DROP INLET
	STORM WATER JUNCTION BOX
	STORM WATER YARD INLET
	TELEPHONE MANHOLE
	TELEPHONE POLE
	TRAFFIC SIGNAL BOX
	TRAFFIC SIGNAL POLE
	WATER MANHOLE
	WATER METER
	WATER VALVE
	WATER VALVE/LINE MARKER
BO	BOLLARD
CMF	CONCRETE MONUMENT FOUND
CTF	CRIMPED TOP PIPE FOUND
IPS	1/2" IRON PIN SET
MB	MAIL BOX
OTF	OPEN TOP PIPE FOUND
PKF	PK NAIL FOUND
PKS	PK NAIL SET
RBF	REBAR FOUND
RMF	RIGHT-OF-WAY MONUMENT FOUND
SO	STUB OUT
BSL	BUILDING SETBACK LINE
C&G	CURB & GUTTER
CP	CONCRETE PAD
CLF	CHAIN LINK FENCE
CMP	CORRUGATED METAL PIPE
DB PG	DEED BOOK & PAGE
DIP	DUCTILE IRON PIPE
HC	HEADER CURB
HDPE	HIGH DENSITY POLYETHYLENE PIPE
OCS	OUTLET CONTROL STRUCTURE
PB PG	PLAT BOOK & PAGE
PVC	PLASTIC PIPE
RCP	REINFORCED CONCRETE PIPE

STATE OF GEORGIA PLAT ACT CERTIFICATION

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR. THIS PLAT HAS BEEN APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS THAT REQUIRE PRIOR APPROVAL FOR RECORDING THE PLAT, OR FOR ANY OTHER WORK OF THIS TYPE. ALL APPLICABLE LOCAL JURISDICTIONS DO NOT REQUIRE APPROVAL OF THIS TYPE OF PLAT. FOR ANY APPLICABLE LOCAL JURISDICTION THAT REQUIRES APPROVAL OF THIS TYPE OF PLAT, THE NAMES OF THE INDIVIDUALS MAKING OR APPROVING THIS PLAT, THE AGENCY OR DATE OF THAT INDIVIDUAL, AND THE DATE OF APPROVAL ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON. FOR ANY APPLICABLE LOCAL JURISDICTION THAT DOES NOT REQUIRE APPROVAL OF THIS TYPE OF PLAT, THE NAME OF SUCH LOCAL JURISDICTION, AND THE NUMBER OF THE APPLICABLE ORDINANCE OR RESOLUTION PROVIDING THAT SUCH APPROVAL IS REQUIRED ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON. SUCH APPROVALS, AFFIRMATIONS, OR ORDINANCE OR RESOLUTION NUMBERS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRANTS FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS REQUIRED BY O.C.G.A. SECTION 15-6-67.

GLENN A. VALENTINO GA REG. #2526
DATE OF EXPIRATION: 12/31/2022

SUBDIVISION PLAT FOR:

HINES ACQUISITIONS, LLC

LAND LOT 97 8TH DISTRICT CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA

VALENTINO & ASSOCIATES, INC.
LAND SURVEYORS
4645 ORCHARD ROAD
BUILDING 200
SMYRNA, GEORGIA 30080
PHONE: (770) 435-0015
FAX: (770) 435-6050
WEB: VALENTINOSURVEYS.COM
STATE OF GEORGIA LAND SURVEYING FIRM LICENSE NO. LSF000194

REVISIONS

7/25/21	REVISE TRACT 2, AND ADD TRACTS 3 AND 4
12/8/21	REVISE PER CITY OF FLOWERY BRANCH COMMENTS

GEORGIA REGISTERED LAND SURVEYOR No. 2526 GLENN A. VALENTINO

SCALE	1" = 100'
DATE	4/7/2021
JOB NUMBER	20-048
FILE NUMBER	20-048
PLOTTED	6/28/2021

SUBDIVISION PLAT

SHEET 2 OF 2

LEGAL DESCRIPTION – TRACT 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

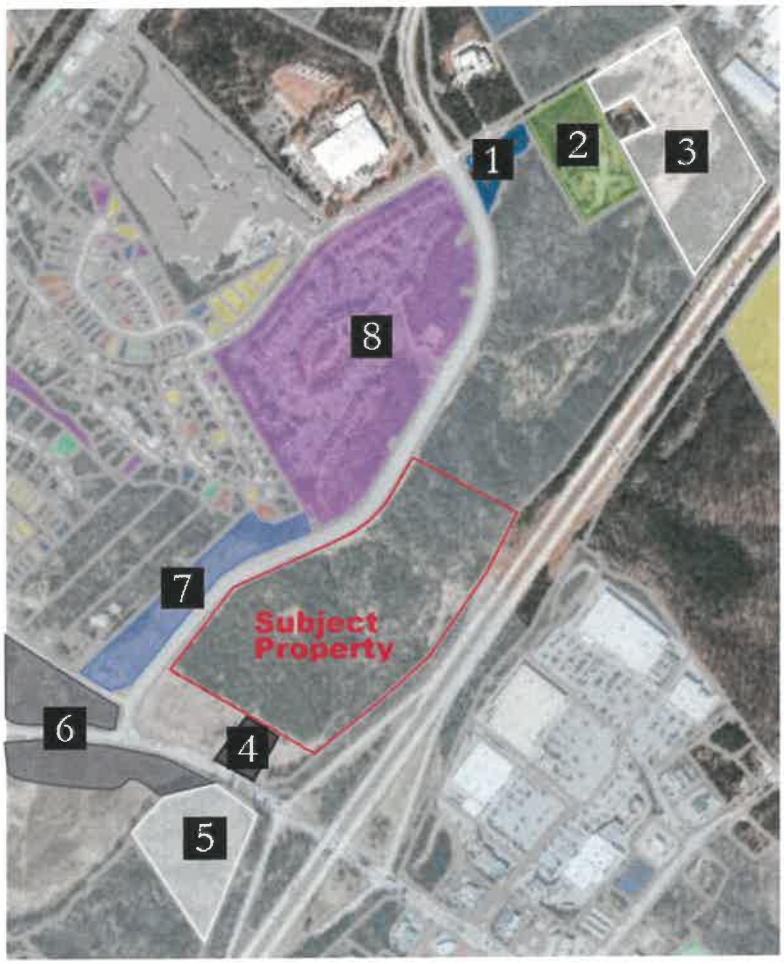
THENCE South 48 degrees 51 minutes 19 seconds West a distance of 552.20 feet to a 1/2" iron pin set, said 1/2" iron pin set being the POINT OF BEGINNING.

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

Thurmon Tanner – Hines Rezoning Application

Names and addresses of adjoining property owners

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



EBERLY & ASSOCIATES

LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

June 30, 2021

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

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

Dear Mr. Manson

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

Our findings were as follows:
337,000 s.f. of industrial space would generate 950 daily trips when the two buildings were built.
The previous site plan showed 295,000 s.f. of retail space, 16,200 s.f. of restaurant space, and approximately 50,000 s.f. of hotel space. This development would produce 3,000 daily trips.

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

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

Sincerely,
EBERLY & ASSOCIATES, INC.

Brian Brumfield, P.E.

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

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

WWW.EBERLY.NET

TEL: 770.452.7849
FAX: 770.452.0086

2951 FLOWERS ROAD SOUTH, SUITE 119
ATLANTA, GEORGIA 30341

Flowery Branch

Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: Charles A. Fodor

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

Notary: Wanda J. Peyerk

WANDA J. PEYERK
Notary Public, State of Michigan
County of Macomb
My Commission Expires December 9, 2022
Acting in the County of Oakland

Property Information

Tax Map Number: 08097 000008

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

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

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

Current Use: Vacant Land

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

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

- Legal description
- Current survey of property

Staff Report
Hines – Thurmon Tanner
Ordinance 652

Request

A request from Hines Acquisitions, LLC. to rezone a 37.8 +/- acre portion of a tract of land identified as 0 Thurmon Tanner Road, tax parcel number 08097 000008, from HB (Highway Business) to M1 (Light Industrial).

The proposed project consists of two office warehouses with the current Highway Business zoning to remain in place along Phil Niekro Boulevard.

Currently, the parcel in question are designated as part of the "Activity Center" character area by the comprehensive plan. This designation should remain in place for the area along Phil Niekro Boulevard, but the 37-acre tract should be designated as "Industrial Employment". The "Industrial Employment" character area is currently in place to the northeast of the proposed project,

Adding the M1 uses (office/warehouse) while maintaining the Highway Business designation allows the city to utilize Thurmon Tanner as an industrial corridor (for which it was designed) while still providing land for commercial and/or retail to serve the residents of Flowery Branch.

If the project is approved, staff recommends updating the character area to "Industrial Employment" for the area to be developed under M-1.

Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

(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 subject property has been vacant for many years and the proposed M1 use fits in the vision for Thurmon Tanner Parkway.

(g) Existing use(s) and zoning of the subject property and nearby properties. Currently vacant, the proposed use will fit in with, and enhance, the both the Thurmon Tanner and Phil Niekro Boulevard corridors.

(h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. Staff does not have a specific number regarding property value, but the current zoning classification of Highway Business has not warranted any proposed development on the site.

(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 to the remaining HB property and will be inline with the M1 use to the north.

(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 remaining HB portion will allow for the creation of more commercial retail uses to serve the Phil Niekro Boulevard corridor and the nearby residents while the M1 use enables Thurmon Tanner Parkway to be used as an industrial corridor as previously envisioned. The zoning change helps two major needs for the city – industrial uses and highway business commercial retail uses.

(l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. The 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 meet the intent of the Zoning Ordinance by providing different uses to serve the community.

Flowery Branch

"A" EXHIBIT

Flowery Branch

REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 30, 2021

Address of Request:
Thurmon Tanner Parkway (Parcel 08097 000008)

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

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. Approximately $30,000,000
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). Assessed Value: Approximately $12,000,000 Estimated Taxes: $39,168
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). Approximately between 12-24 months
4. Anticipated total square footage (heated) to be built in the requested number of units. 336,960 SF of Light Industrial
5. Total acreage developed with units. 37.8 acres
6. Total acreage for right of way and roads. N/A
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
8. Acreage required for buffer and watershed protection.
   - Does the buffer comply with the current City ordinance? Yes
   - Do individual property lines for lots extend into the buffer? N/A
   - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? No

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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____

Hines

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

a. The current site plan of the proposed project will utilize the existing road infrastructure along Thurmon Tanner Parkway with only minor modifications to turn lanes expected. We believe the existing road and utility infrastructure is well designed for our project. Industrial projects do not place any additional burden on the school system, but will provide additional funding from property tax payments. The requested rezoning from Highway Business (HB) to Manufacturing & Industrial, Light (M1) will not create additional traffic. The previous planned use as a retail center would have produced daily traffic counts of approximately 3,000 daily trips. The proposed project will produce daily traffic counts of approximately 950 daily trips.

5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.

a. While the future land use shows the site as Highway Business, we believe extending the M1 zoning from the adjacent parcel conforms with the character of the area.

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

a. Online sales as a percentage of overall retail sales have dramatically increased over the last 15 years from only 5% in 2005 to 20% in 2021. This creates the need for more industrial space and less traditional retail space as consumer buying habits have changed, particularly in light of the pandemic. We believe these changing conditions support the request to approve the proposal to allow for industrial development to occur to support the growth of online shopping.

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

a. The adjacent parcel immediately to the north, also being developed by Hines, is industrial. We are proposing to subdivide the property so that the frontage acreage along Phil Niekro Blvd remains HB to support retail development that is enabled by the proposed industrial development.

Hines

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

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

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

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

Sincerely,

Ryan D. Wood

Managing Director

Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management

August 30, 2021

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

RE: Thurmon Tanner Parkway (Parcel 08097 000008)

Dear Mr. Atkinson:

Hines

Please let this letter serve as a supplementary source of information following the first public hearing on August 5th. We heard several questions and concerns and wanted to address them directly to ensure accurate information is presented and readily available to council for consideration.

1. Traffic estimates (trucks vs cars, inter-parcel access, exit 14)
    a. According to our engineer's estimates as we presented at the public hearing on August 5th, we anticipate a combined total of approximately 950 automotive and truck trips (down from 3,000 for the previous use). The industry standard uses a pretty wide average where the range could be about 600 auto trips with 350 truck trips. On the other end of the average it could be approximately 600 truck trips and 350 auto trips. I would expect with this type of rear-load facility that caters to a higher percentage of office finish we would see a higher percentage of cars and a lower percentage of trucks in and out of this facility on a daily basis. Another thing to remember from a traffic perspective is the time of day these trips are made. Most truck trips are driven on off-peak hours to keep transportation costs down.
    b. Inter-parcel access was another topic that has come up regarding the design of the site plan. While inter-parcel access is very common among office and retail uses it is not common for industrial uses where safety and security are of critical importance. Our site plan is designed to separate cars and trucks as quickly as possible once entering the site. This is critical for the safety of employees. It also allows the tenants to secure their truck courts with multiple points of ingress and egress.
    c. This specific location is ideally situated between two interchanges along I-985.We believe that both interchanges will be utilized and will help spread trip counts and road use between Exit 14 and Exit 12. Trucks leaving the site heading north towards Gainesville or coming from Gainesville traveling south towards the site will likely utilize Exit 14.

Hines

Hines continues to believe the highest and best use for the property as proposed is a first class, modern logistics park that will create hundreds of jobs and investment in the City in the immediate future. The proposed industrial development will also create an opportunity for the retail land to be developed fronting Phil Niekro and the ~6.5 acres across Thurmon Tanner.

We sincerely appreciate the continued consideration and review of the Hines rezoning application by City of Flowery Branch staff and City Council and we are looking forward to working together on this exciting new project in Flowery Branch. Please do not hesitate to reach out to us to discuss in further detail if you have any questions or comments. We look forward to the work session on September 2nd.

Sincerely,

Ryan D. Wood

Managing Director

Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

ORDINANCE 652

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 37.8+/- ACRE PORTION OF AN 84.79 +/- ACRE TRACT OF LAND OWNED BY ATLANTA ONE LTD PARTNERSHIP COMMONLY KNOWN AS 0 THURMON TANNER PARKWAY, IDENTIFIED AS TAX PARCEL 08097 000008 AS SHOWN ON TRACT 2 OF ATTACHED EXHIBIT "A", AS DESCRIBED ON EXHIBIT "B", FROM HB (HIGHWAY BUSINESS) TO M-1 (LIGHT INDUSTRIAL) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Hines Acquisitions, LLC. desires to develop the 37.8+/- acre tract of land identified as tax parcel 08097 000008; shown on tract 2 of Exhibit "A"; and legally described on Exhibit "B"; and

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

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

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

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

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Flowery Branch HB (Highway Business) to Flowery Branch M-1 (Light Industrial) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. The property shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. The proposal is in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.

6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.

7. No determination has been made by staff with regard to the value differential between development under the current HB (Highway Business) as opposed to the proposed M-1 (Light Industrial).

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

9. There are no known adverse effects that would result from the changes to the M-1 zoning district.

10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The property as shown on tract 2 in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to M-1 (Light Industrial). Conditions are set forth in Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 21 day of October 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

Exhibit "A"

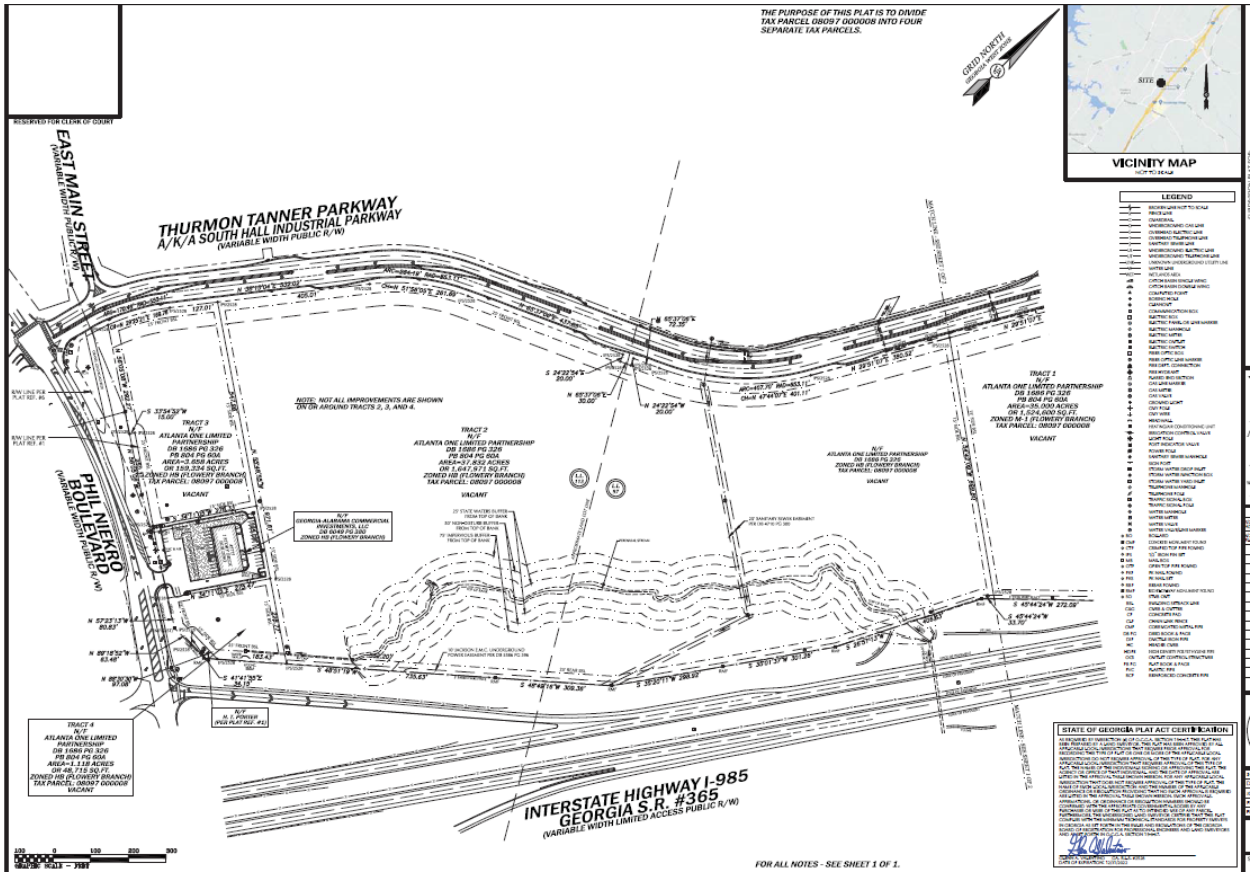

THE PURPOSE OF THIS PLAT IS TO DIVIDE TAX PARCEL 08097 000008 INTO FOUR SEPARATE TAX PARCELS.
GRID NORTH
VICINITY MAP
LEGEND
EAST MAIN STREET
THURMON TANNER PARKWAY
A/K/A SOUTH HALL INDUSTRIAL PARKWAY
(VARIABLE WIDTH PUBLIC R/W)
PHIL NIEKRO BOULEVARD
INTERSTATE HIGHWAY I-985
GEORGIA S.R. #365
(VARIABLE WIDTH LIMITED ACCESS PUBLIC R/W)
TRACT 1
TRACT 2
TRACT 3
TRACT 4
VACANT
STATE OF GEORGIA PLAT ACT CERTIFICATION
FOR ALL NOTES - SEE SHEET 1 OF 1.

Exhibit "B"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit "C"

Conditions of Zoning (to be finalized prior to second read)

1. Water and sewer to be provided by the City of Flowery Branch
2. The property shall be subdivided prior to the issuance of any permits
3. The project shall significantly adhere to the site plan submitted on _____.
4. A landscape/buffer plan shall be submitted and approved by staff prior to the issuance of any building permits.
5. The project shall significantly adhere to the elevations as submitted on _____.

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

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

COUNCIL MEETING DATE: September 16, 2021

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

FACTS AND ISSUES:
Mr. Hobgood requests rezoning to CBD to better market the site. Therefore, there is no site plan nor any renderings. Section 9.5.e of the zoning ordinance requires all projects come before City Council for approval in the CBD. Mr. Hobgood provided some conceptual renderings of what the site may eventually look like (please see attached). The ordinance will have the proper attachments prior to the second read scheduled for October 21.

This is the first read of this ordinance.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve first read

SAMPLE MOTION:
I make a motion to approve the first read of ordinance 651.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- Hobgood Rezoning.pdf
- Exterior Hobgood 1.jpg
- Exterior Hobgood 2.jpg
- 9 Nonresidential Zoning Districts 2019.pdf
- Ordinance .pdf

Flowery Branch

REZONING APPLICATION

Date: June 7, 2021

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

Tax Map # 08112 016001 Current Zoning: M-1

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

Currently a conforming use? _____

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

Applicant Information

Name: Kevin Hobgood

Address: 7233 Sherwood Mill Drive
Flowery Branch, GA 30542

E-mail address: Kevin@hobgoodgroup.com

Phone number: 678-898-2251

Signature: _____

Notary: _____
exp. May 8, 22

TARA BROOKS
MY COMMISSION EXPIRES
NOTARY
PUBLIC
MAY 08, 2022
HALL COUNTY, GEORGIA

Flowery Branch

Property owner information (if different than the applicant)

Property owner (please print): _____

Signature of property owner: _____

Notary:

Property Information

Tax Map Number: 08112 016000

Current Zoning: M-1 Total Acres: _____

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

Proposed City of Flowery Branch Zoning: CBD

Current Use: STORAGE / MILLWORK SHOP

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

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

- Legal description
- Current survey of property

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

Conflict of Interest Disclosure

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

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

_____

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

_____

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

_____

Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Flowery Branch

NORFOLK SOUTHERN
One line, infinite possibilities.

Exhibit A

HODGOOD DEVELOPMENT GROUP
CONCEPTUAL RENDERINGS
5205 RAILROAD AVE
FLOWERY, GA 30542

HOBGOOD DEVELOPMENT GROUP
CONCEPTUAL RENDERINGS
5205 RAILROAD AVE
FLOWERY, GA 30542

ARTICLE 9
NONRESIDENTIAL ZONING DISTRICTS

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

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

(a) Purpose and Description. This zoning district is intended to implement the "Office-Professional" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "Institutional Campus" character area established in the comprehensive plan and may be appropriate within neighborhood commercial and activity center classifications shown on the character area map. The Office-Professional district is intended to encourage and provide suitable areas for professional, medical, research and scientific functions, general offices, and certain related activities. This district is intended to apply to single-function office buildings and to planned office parks and planned office complexes. In some cases, the OP district may be appropriate as a transition between a commercial zoning district and a single-family or multi-family residential zoning district.

(b) Character. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

Sec. 9.2. INST, Institutional District.

(a) Purpose and Description. This zoning district is intended to implement the "Public Institutional" and "transportation, communications and utilities" designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "Institutional Campus" character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for institutional campuses including the Atlanta Falcons Training Facility, Hall County public schools, and large churches.

(b) Character. These are mostly single-function land use districts where public access is controlled or limited. Areas are sometimes designed for trucks and individual establishments

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

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

Sec. 9.3. NS, Neighborhood Shopping District.

(a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "neighborhood commercial" character area established in the comprehensive plan.

(b) Character. Neighborhood commercial districts are intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods. Uses within neighborhood commercial character areas generally occur within enclosed buildings with no outside storage and limited outdoor display of goods and merchandise. Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Auto-related, highway-oriented commercial uses are not permitted. With the exception of convenience stores with gasoline pumps, neighborhood commercial districts are not intended to permit or accommodate automotive uses or other types of more intensive highway business activities, or those uses that generate excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts." Business establishments do not exceed 2,500 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods. Open space is limited to suburban plazas or small open spaces. A three-story height limit is imposed.

Sec. 9.4. HB, Highway Business District.

(a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "activity center" and "mixed use" character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.

(b) Character. This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

Sec. 9.5. CBD, Central Business District.

(a) Purpose and Description. This zoning district is intended to implement the redevelopment element of the Flowery Branch Comprehensive Plan, as amended. This zoning district is also intended to implement the "Central Business" designation of the Future Land Use Map contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "Old Town" character area established in the comprehensive plan, as amended. All construction projects require approval by the City Council of Flowery Branch. For lots zoned CBD which are within the city's local historic district, compliance with the city's historic preservation ordinance is also required.

(b) Character. This district is a compact area corresponding with the city's downtown core. It is characterized by a grid block pattern with skinny streets, sidewalks composed of distinctive materials (e.g., stamped concrete) and lined with street trees. Developments are built to a pedestrian-friendly scale (i.e., "Main Street Commercial") and include plazas and small urban pocket parks. Buildings and structures which are considered "historic" are retained to maintain the overall historic character of the area.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

(e) Construction Approval. Any proposed construction project must be approved by the City Council prior to issuance of any permit.

(f) Construction Approval Requirements All construction proposals shall submit at a minimum the following:

1. Legal description of the property;

2. Survey of the property;

3. Existing conditions analysis of the site to be redeveloped, including any existing buildings, structures, and/or uses on the subject site, and the existing land uses and description of buildings, structures, and uses on all adjacent lots;

4. Letter of intent describing the proposed use(s) of the property or other action requested (redevelopment project approval). The applicant must be comprehensive in terms of describing all principal uses that will be included – these will become limiting and binding on the developer – refer to the permitted uses listing in Table 9.1 of Article 9 of the Flowery Branch Zoning Ordinance. For complex projects, the applicant should describe the intended phasing of the project, if applicable. The letter of intent shall address the following:

    a. How the proposed action compares (and is consistent with) the goals, policies, and development requirements of the Old Town Redevelopment Plan;

    b. How the project will be consistent with any adopted design guidelines for the type of development and/or the proposed use; and

    c. How the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of buildings in the proposed redevelopment project will be appropriate in its surroundings;

5. Two copies and one electronic copy of a site plan of the property, at an appropriate engineering scale, showing the proposed use and relevant information (buildings, parking, open spaces, etc.) regarding proposed improvements;

6. Statistics regarding the proposed development (this may be incorporated into the letter of intent, or shown on the site plan, or both). At minimum, such statistics shall include the total square footage of the redevelopment project, including any existing buildings to be retained, the total gross square footages of building(s) devoted to each use, and proposed building heights for all buildings and structures proposed in the redevelopment project;

7. Two copies and one electronic copy of all exterior elevation drawings of all building faces that will front on a public or private street, and rear and side elevations of same

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

8. Facility impact analyses, including the following:

    a. Proof of water and sewer availability from the Public Works Director and Wastewater Treatment Plant Superintendent.

    b. Analysis of the adequacy of drainage for the site (description and assessment of adequacy of stormwater facilities on-site and off-site).

9. A written development agreement, if the developer requests city participation in the provision of on-site or off-site facilities, such as the sharing of costs for facilities, shared parking, etc. which may or may not be available from the city. If accepted by the city, the development agreement may become a condition of project approval or it may be considered and approved separately from redevelopment project approval;

10. If any variances or administrative variances are required, the applicant will file a separate application following submission requirements and processes for the type of variance sought. These may be heard concurrently.

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

(a) Purpose and Description. This zoning district is intended to implement the "light industrial" and "transportation, communication and utilities" designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "industrial/employment" character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city. (Ord. 348-13)

(b) Character. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light industries are the primary permitted uses. (Ord. 348-13)

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

(e) Design Requirements. Please see Article 14 sec.14.13 of this ordinance.

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

(a) Purpose and Description. This zoning district is intended to implement the "heavy industrial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "industrial/employment" character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city.

(b) Character. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

(c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Light and heavy industries are the primary permitted uses.

(d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

(e) Design Requirements. Please see Article 14 sec.14.13 of this ordinance.

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

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

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

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

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

(Ord. 348-18)

Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

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

(Ord. 348-13)

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

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

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

ORDINANCE 651

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A .14 +/- ACRE TRACT OF LAND OWNED BY MR. KEVIN HOBGOOD, COMMONLY KNOWN AS 5205 RAILROAD AVENUE, IDENTIFIED AS TAX PARCEL 08112 016001 AS SHOWN ON ATTACHED EXHIBIT "A", AS DESCRIBED ON EXHIBIT "B", FROM M-1 (LIGHT INDUSTRIAL) TO CBD (CENTRAL BUSINESS DISTRICT) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Mr. Hobgood desires to redevelop the .14+/- acre tract of land identified as tax parcel 08112 016001; shown on Exhibit "A"; and legally described on Exhibit "B"; and

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

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

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

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

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Flowery Branch M-1 (Light Industrial) to Flowery Branch CBD (Central Business District) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

.

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. The property shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. The proposal is in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.

6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.

7. No determination has been made by staff with regard to the value differential between development under the current M-1(Light Industrial) as opposed to the proposed CBD (Central Business District).

8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

9. There are no known adverse effects that would result from the changes to the R-3 zoning district.

10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The property as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be rezoned to CBD (Central Business District). Conditions are set forth in Exhibit "C". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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.

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 21st day of October 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

Exhibit “A”

Exhibit “B”

Exhibit “C”

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

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

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

FACTS AND ISSUES:
This is the first read of ordinance 653.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve first read

SAMPLE MOTION:
I make a motion to approve the first read of ordinance 653.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- Application Scanned.pdf
- Legal Description - McEver Road Food Mart.docx
- Pages from 20110 - McEver SHEETS VIC 5-21-2021.pdf
- ORDINANCE 653.pdf

Flowery Branch

VARIANCE APPLICATION

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

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

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

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

Please see letter of intent.

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

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

E-mail address: Tylerl@allianceco.com

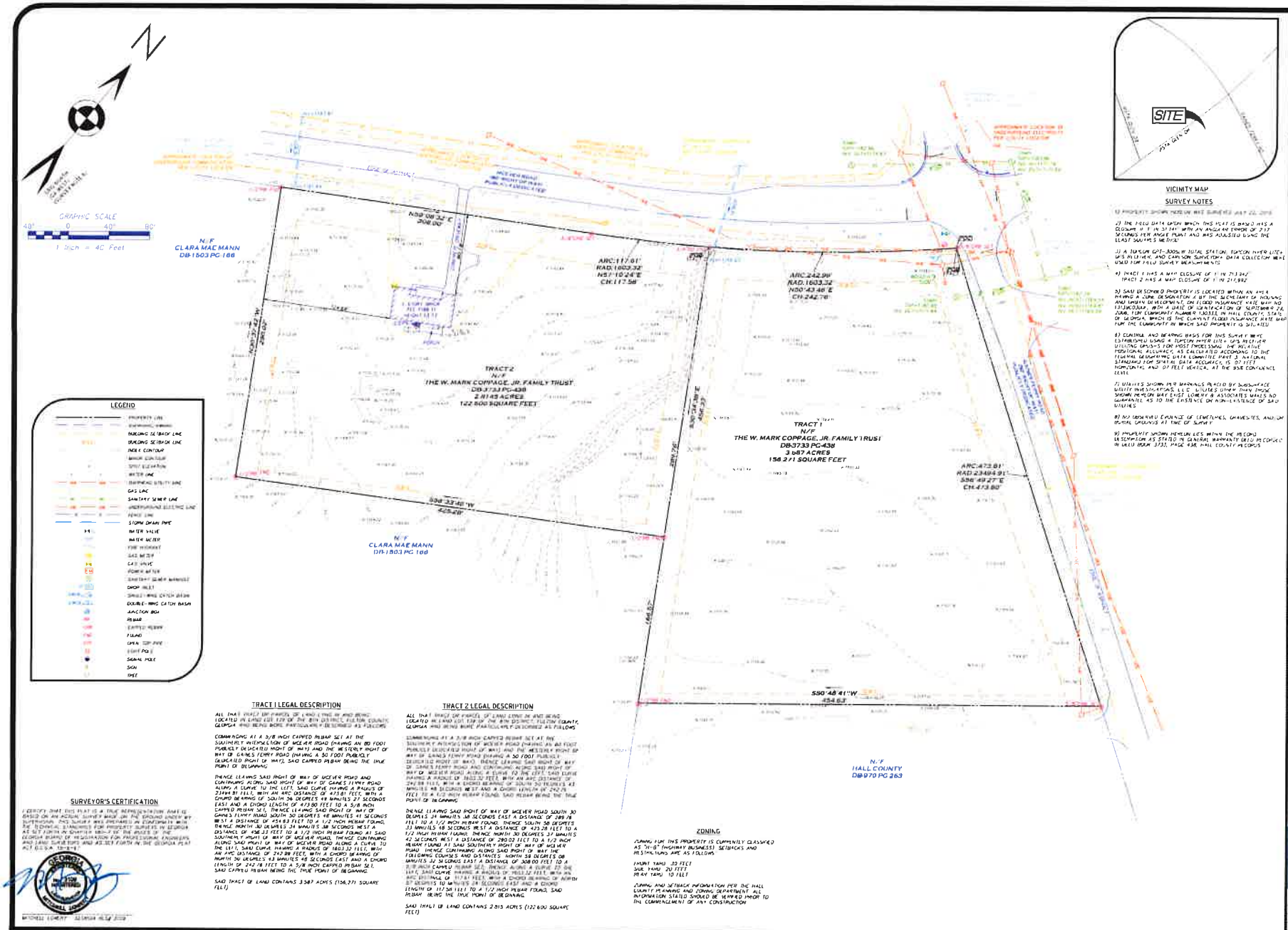
Phone number: (248)342-2558

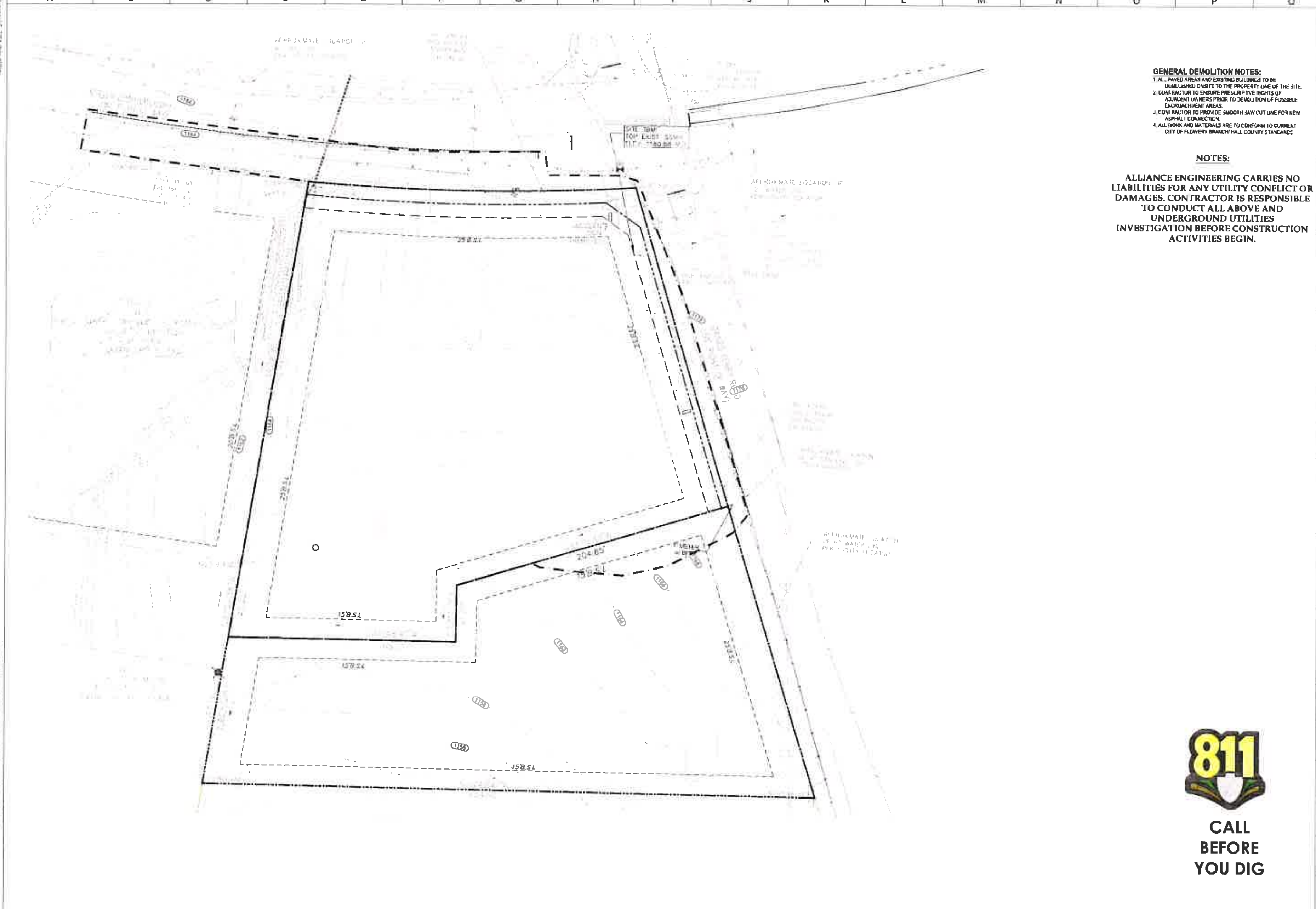
Signature:

Notary Seal:

SARAH YOON
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires Jan. 26, 2024

June 15th 2021


N
GRAPHIC SCALE
40' 0 40' 80'
1 inch = 40 Feet
N/F
CLARA MAE MANN
DB-1803 PG 188
TRACT 2
N/F
THE W. MARK COPPAGE, JR. FAMILY TRUST
DB-3733 PG-438
2.8145 ACRES
122,600 SQUARE FEET
TRACT 1
N/F
THE W. MARK COPPAGE, JR. FAMILY TRUST
DB-3733 PG-438
3.687 ACRES
156,271 SQUARE FEET
N/F
HALL COUNTY
DB-970 PG 263
S50°48'41"W
454.63'
ARC=117.61'
RAD=1603.32'
N50°10'24"E
CH=117.58'
ARC=242.29'
RAD=1603.32'
N00°43'46"E
CH=242.78'
ARC=473.81'
RAD=2484.91'
S56°49'27"E
CH=473.80'
LEGEND
PROPERTY LINE
EASEMENT LINE
PARKING SETBACK LINE
BUILDING SETBACK LINE
INDEX CONTOUR
MINOR CONTOUR
SPOT ELEVATION
WATER LINE
OVERHEAD UTILITY LINE
GAS LINE
SANITARY SEWER LINE
UNDERGROUND ELECTRIC LINE
FENCE LINE
STORM DRAIN PIPE
WATER VALVE
WATER METER
FIRE HYDRANT
GAS METER
GAS VALVE
POWER METER
SANITARY SEWER MANHOLE
DROP INLET
SINGLE-WING CATCH BASIN
DOUBLE-WING CATCH BASIN
JUNCTION BOX
REBAR
CAPPED REBAR
FOUND
OPEN TOP PIPE
LIGHT POLE
SIGNAL POLE
SIGN
TREE
SITE
VICINITY MAP
SURVEY NOTES
1) PROPERTY SHOWN HEREON WAS SURVEYED JULY 22, 2019
2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 IN 37,141 WITH AN ANGULAR ERROR OF 2.17 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
3) A TOPCON GPT-3005W TOTAL STATION, TOPCON HYPER LITE+ GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTION WERE USED FOR FIELD SURVEY MEASUREMENTS.
4) TRACT 1 HAS A MAP CLOSURE OF 1 IN 213,247
TRACT 2 HAS A MAP CLOSURE OF 1 IN 217,992
5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP NO 13139C0304J, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 26, 2008, FOR COMMUNITY NUMBER 130332, IN HALL COUNTY, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED
6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HYPER LITE+ GPS RECEIVER UTILIZING GPS+S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOSPATIAL DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS 0.7 FEET HORIZONTAL AND 0.7 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL
7) UTILITIES SHOWN HAVE BEEN PLACED BY SUBSURFACE UTILITY INVESTIGATIONS, LLC. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES
8) NO UNDATED EVIDENCE OF CEMETERIES, GRAVESITES, AND OR BURIAL GROUNDS AT THE TIME OF SURVEY
9) PROPERTY SHOWN HEREON LIES WITHIN THE MECONU JURISDICTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 3733, PAGE 438, HALL COUNTY RECORDS
TRACT 1 LEGAL DESCRIPTION
ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING LOCATED IN LAND LOT 139 OF THE 8TH DISTRICT, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS
COMMENCING AT A 3/8 INCH CAPPED REBAR SET AT THE SOUTHWEST INTERSECTION OF WEAVER ROAD (HAVING AN 80 FOOT PUBLICLY DEDICATED RIGHT OF WAY) AND THE WESTERLY RIGHT OF WAY OF GAINES FERRY ROAD (HAVING A 50 FOOT PUBLICLY DEDICATED RIGHT OF WAY), SAID CAPPED REBAR BEING THE TRUE POINT OF BEGINNING
THENCE LEAVING SAID RIGHT OF WAY OF WEAVER ROAD AND CONTINUING ALONG SAID RIGHT OF WAY OF GAINES FERRY ROAD ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2484.91 FEET, WITH AN ARC DISTANCE OF 473.81 FEET, WITH A CHORD BEARING OF SOUTH 56 DEGREES 49 MINUTES 27 SECONDS EAST AND A CHORD LENGTH OF 473.80 FEET TO A 3/8 INCH CAPPED REBAR SET, THENCE LEAVING SAID RIGHT OF WAY OF GAINES FERRY ROAD SOUTH 50 DEGREES 48 MINUTES 41 SECONDS WEST A DISTANCE OF 454.63 FEET TO A 1/2 INCH REBAR FOUND, THENCE NORTH 30 DEGREES 34 MINUTES 38 SECONDS WEST A DISTANCE OF 438.33 FEET TO A 1/2 INCH REBAR FOUND AT SAID SOUTHERLY RIGHT OF WAY OF WEAVER ROAD, THENCE CONTINUING ALONG SAID RIGHT OF WAY OF WEAVER ROAD ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1603.32 FEET, WITH AN ARC DISTANCE OF 242.29 FEET, WITH A CHORD BEARING OF NORTH 00 DEGREES 43 MINUTES 46 SECONDS EAST AND A CHORD LENGTH OF 242.78 FEET TO A 3/8 INCH CAPPED REBAR SET, SAID CAPPED REBAR BEING THE TRUE POINT OF BEGINNING
SAID TRACT OF LAND CONTAINS 3.587 ACRES (156,271 SQUARE FEET)
TRACT 2 LEGAL DESCRIPTION
ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING LOCATED IN LAND LOT 139 OF THE 8TH DISTRICT, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS
COMMENCING AT A 3/8 INCH CAPPED REBAR SET AT THE SOUTHWEST INTERSECTION OF WEAVER ROAD (HAVING AN 80 FOOT PUBLICLY DEDICATED RIGHT OF WAY) AND THE WESTERLY RIGHT OF WAY OF GAINES FERRY ROAD (HAVING A 50 FOOT PUBLICLY DEDICATED RIGHT OF WAY), THENCE LEAVING SAID RIGHT OF WAY OF GAINES FERRY ROAD AND CONTINUING ALONG SAID RIGHT OF WAY OF WEAVER ROAD ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1603.32 FEET, WITH AN ARC DISTANCE OF 242.29 FEET, WITH A CHORD BEARING OF SOUTH 00 DEGREES 43 MINUTES 46 SECONDS WEST AND A CHORD LENGTH OF 242.78 FEET TO A 1/2 INCH REBAR FOUND, SAID REBAR BEING THE TRUE POINT OF BEGINNING
THENCE LEAVING SAID RIGHT OF WAY OF WEAVER ROAD SOUTH 30 DEGREES 34 MINUTES 38 SECONDS EAST A DISTANCE OF 289.78 FEET TO A 1/2 INCH REBAR FOUND, THENCE SOUTH 50 DEGREES 33 MINUTES 48 SECONDS WEST A DISTANCE OF 423.28 FEET TO A 1/2 INCH REBAR FOUND, THENCE NORTH 30 DEGREES 37 MINUTES 42 SECONDS WEST A DISTANCE OF 280.02 FEET TO A 1/2 INCH REBAR FOUND AT SAID SOUTHERLY RIGHT OF WAY OF WEAVER ROAD, THENCE CONTINUING ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES AND DISTANCES: NORTH 58 DEGREES 08 MINUTES 32 SECONDS EAST A DISTANCE OF 308.00 FEET TO A 3/8 INCH CAPPED REBAR SET, THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1603.32 FEET, WITH AN ARC DISTANCE OF 117.61 FEET, WITH A CHORD BEARING OF NORTH 87 DEGREES 10 MINUTES 24 SECONDS EAST AND A CHORD LENGTH OF 117.58 FEET TO A 1/2 INCH REBAR FOUND, SAID REBAR BEING THE TRUE POINT OF BEGINNING
SAID TRACT OF LAND CONTAINS 2.815 ACRES (122,600 SQUARE FEET)
SURVEYOR'S CERTIFICATION
I CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION MADE BY ME BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION. THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT (O.C.G.A. 15-6-67)
GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR
MITCHELL LOWERY
MITCHELL LOWERY GEORGIA RLS # 3339
ZONING
ZONING FOR THIS PROPERTY IS CURRENTLY CLASSIFIED AS "H-B" (HIGHWAY BUSINESS) SETBACKS AND RESTRICTIONS ARE AS FOLLOWS
FRONT YARD 30 FEET
SIDE YARD 20 FEET
REAR YARD 10 FEET
ZONING AND SETBACK INFORMATION PER THE HALL COUNTY PLANNING AND ZONING DEPARTMENT. ALL INFORMATION STATED SHOULD BE VERIFIED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION
LOWERY & ASSOCIATES
LAND SURVEYING, LLC
1575 HIGHWAY 411 SUITE 104
TALLAPOOSA, GA 30121
770.334.8866
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102
PREPARED FOR:
BLESSING TRADERS, LLC
BOUNDARY & TOPOGRAPHIC SURVEY OF:
6477 McCLEVE ROAD
STATE: GEORGIA
COUNTY: HALL
LAND LOT: 139
DISTRICT: 8TH
REVISIONS
DATE DESCRIPTION
Lowery & Associates
LAND SURVEYING, LLC
DATE: JULY 29, 2019
JOB #: 190709
SCALE: 1"=40'
DRAWN BY: J. BAGLEY



GENERAL DEMOLITION NOTES:

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

NOTES:

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

811
CALL BEFORE YOU DIG

ALLIANCE
ENGINEERING + PLANNING
LANDSCAPE ARCHITECTURE
LAND SURVEYING

DEVELOPER

SINDAR ENTERPRISES, INC
1837 DOVERHILL ROAD
LAWRENCEVILLE, GA 30043
24 HR CONTACT: KARIM ALY 678-458-6193
KARIMALY2001@YAHOO.COM

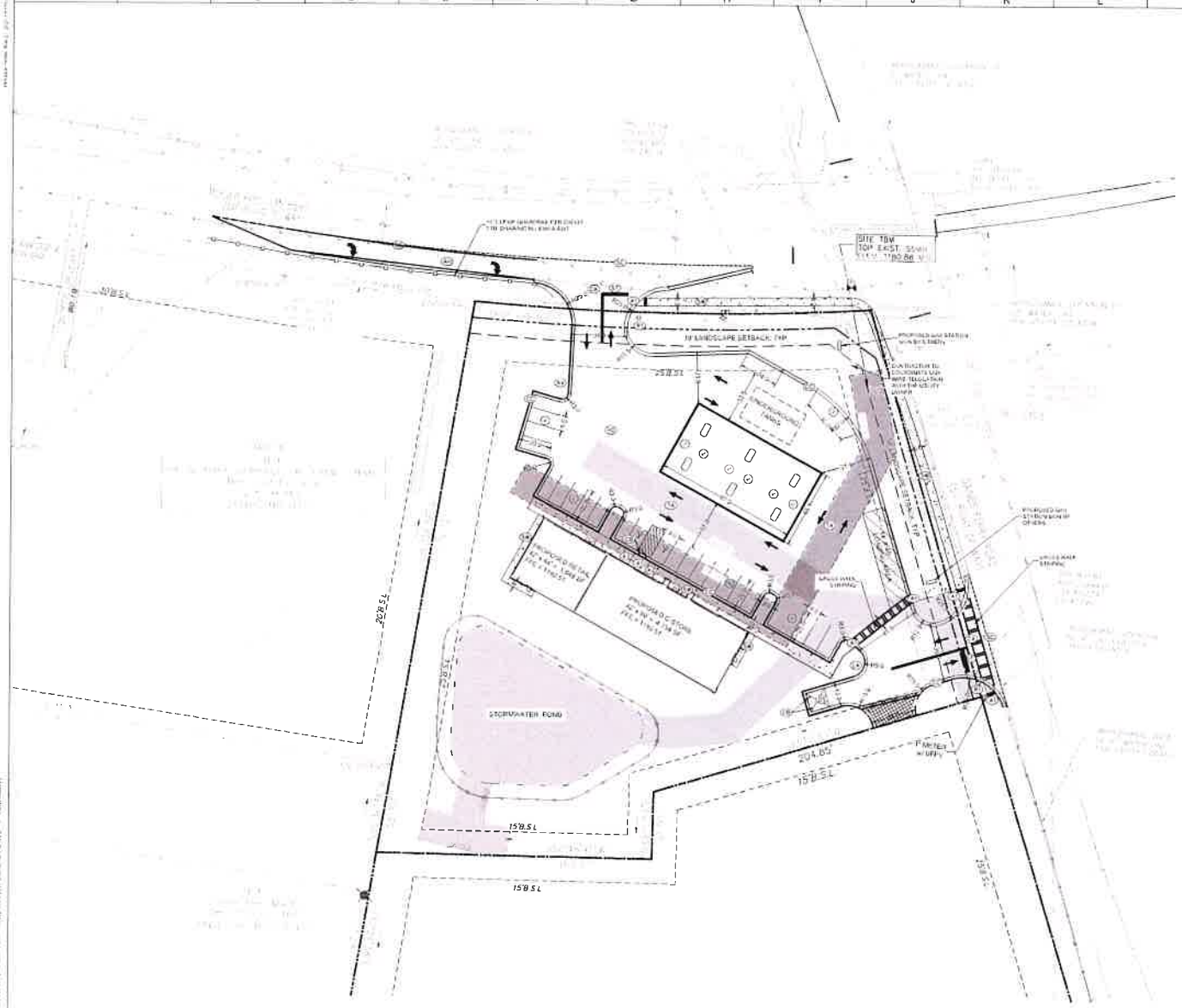
Site Construction Plans for
McEVER ROAD FOOD MART
MCEVER ROAD & GAINES FERRY ROAD
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
L.L. 139 - DISTRICT 8TH
PARCEL # 08 150 002001 TRACT 1A

Orig. Issue
Designed by
Checked by
Project #

NORTH

EXISTING CONDITION PLAN

C-201



SYMBOLS LEGEND

- (LS) HANDICAP RAMP
- (BH) BUILDING HEIGHT
- (CA) CONCRETE APRON
- (CB) CONCRETE BOLLARD
- (CC) CONCRETE CURB & GUTTER
- (DS) PROPOSED DRAINAGE STRUCTURE
- (EX) EXISTING
- (HB) HOLLOW BRICK PAVERS
- (LP) LIGHT POLE
- (PS) PARKING SPACE
- (R) PROPOSED SIGN
- (SC) SIDEWALK CHANGE
- (ST) PROPOSED DRAINAGE PIPE
- (SW) CONCRETE SIDEWALK
- (TR) DIRECTION OF TRAFFIC FLOW
- (W) WALK PLUG

NOTE:
1. ALL AREAS OF THE ROAD THAT ARE WIDENED FOR CONSTRUCTION SHALL BE RESURFACED PRIOR TO RESTRIPING.
2. ALL PAVED YD MEASURED FROM BACK OF CURB

MUNICIPAL NOTES

1. "ENTRANCE(S) TO THE BUILDING IN NEW CONSTRUCTION SHALL BE PROVIDED PER THE REQUIREMENTS OF 2010 ADA STANDARDS 206.4 ACCESSIBLE ENTRANCES MUST BE PROVIDED IN A NUMBER AT LEAST EQUIVALENT TO THE NUMBER OF EXITS REQUIRED BY THE APPLICABLE BUILDING/FIRE CODES."
2. "(GROUND & FLOOR SURFACES) ALONG ACCESSIBLE ROUTES AND WALKS, RAMPS, STAIRS, AND CURB RAMPS SHALL BE STABLE FIRM, SLIP RESISTANT, AND SHALL COMPLY WITH 2010 ADA STANDARDS 302."
3. GDOT NOTE: THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH ANY RELOCATION OR DAMAGE TO GWINNETT COUNTY DOT (GCDOT) TRAFFIC SIGNAL OR ITMS INFRASTRUCTURE (LOOP, LEAD-IN FIBER OPTICS CONDUIT, PULL BOX, ETC.) DUE TO CONSTRUCTION ACTIVITIES AND MUST USE A GCDOT APPROVED CONTRACTOR TO PERFORM ANY WORK ON SAID INFRASTRUCTURE. NOTIFY GCDOT AT 678-376-7000 OF ANY ACTIVITY

TRAFFIC CONTROL NOTES

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

GENERAL NOTES

1. WATER AND SEWER PROVIDED BY CITY OF GAINESVILLE
2. NOTIFY CITY OF GAINESVILLE WATER AND SEWER DEPARTMENT 24 HOURS BEFORE THE BEGINNING OF CONSTRUCTION. (770) 538-2001

PROJECT SITE DATA

- Gross Property Area: 2.175 Ac
- Disturbed Area: 2.51 Ac
- Zoning: HB
- Existing Use: CONVENIENCE STORE WITH RESTAURANT
- Proposed Building Use: [illegible]
- Site Area (square feet)
  - ** Hotel: [illegible] Rooms
  - ** Office: [illegible] Buildings
  - ** Other: [illegible] Buildings
  - ** Undeveloped Area: [illegible]

PARKING REQUIREMENTS:

(CONVENIENCE STORE, GAS STATION)
1 Space per 300 sq ft GFA = 4 168 X 1.530 GFA = 8.32 SP

(RETAIL SPACE)
1 SPACE PER 500 SQ FT GFA = 1 168 X 1.500 GFA = 2.4 SP

(RESTAURANT)
1 SPACE PER 100 SQ FT GFA = 1 168 X 1.100 GFA = 7.60 SP

TOTAL PARKING REQUIRED = 18 SP
(2 ADA SPACES REQUIRED)

TOTAL PARKING SPACES PROVIDED = 21 SPACES

811
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ALLIANCE
ENGINEERING • PLANNING
LANDSCAPE ARCHITECTURE
LAND SURVEYING
DEVELOPMENT • LAND PLANNING • LANDSCAPE ARCHITECTURE • LAND SURVEYING
[illegible]

GEORGIA
No. [illegible]
REGISTERED
LANDSCAPE ARCHITECT
[illegible]

DEVELOPER:
SINGH ENTERPRISES, INC.
4570 DOVEHILL ROAD
LAWRENCEVILLE, GA 30043
CONTACT: KAMPALAY KOHLI (770)
KAMPALAY@YAHOO.COM

Site Construction Plans for McEVER ROAD FOOD MART

MCEVER ROAD & GAINES FERRY ROAD
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
L.L. 139 - DISTRICT 8TH
PARCEL # 08-150-002D01 TRACT 1A

Orig. Issue	[illegible]
Designed by	[illegible]
Checked by	[illegible]
Project #	[illegible]

NORTH

SCALE: [illegible]

SITE PLAN

C-301

Letter of Intent

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

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

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

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

Criteria for Granting Variances

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

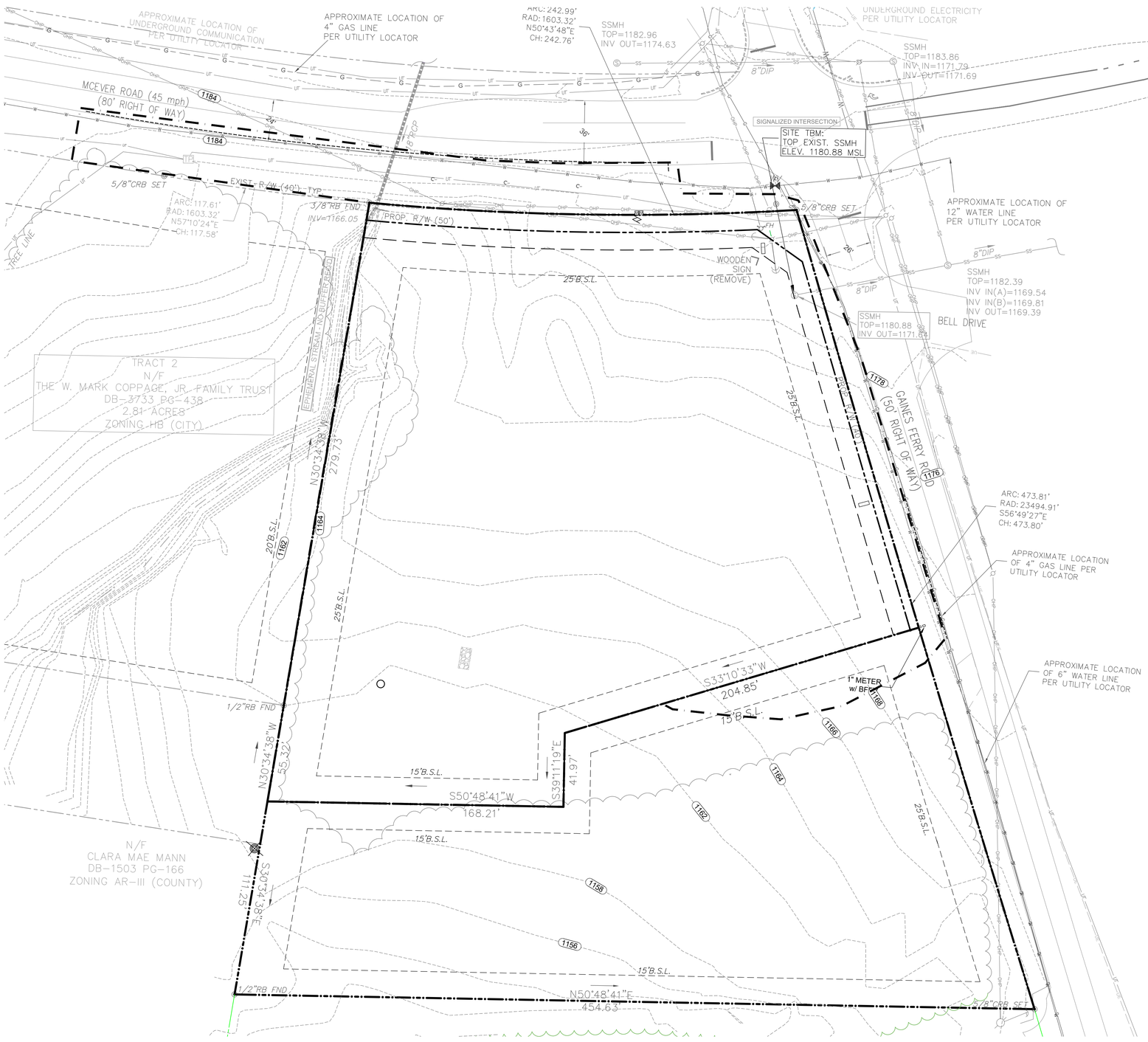
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total
$250.00 or more or to whom gifts were made having a total value of $250.00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

Elected Officials Name	Amount of Description of Gift

Legal Description – McEver Road Food Mart

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

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



GENERAL DEMOLITION NOTES:

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

NOTES:

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LANDSCAPE ARCHITECTURE
LAND SURVEYING
CIVIL ENGINEERING • LAND PLANNING • LANDSCAPE ARCHITECTURE • LAND SURVEYING
299 South Main St., Suite A | Alpharetta, GA 30009
770.225.4730 | www.aepatl.com

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Civil Engineering By AEP:
Artur Babenko, GA PE044669
Phone: 770-225-4730 x806
arturb@aepatl.com

GEORGIA REGISTERED No. 044669 PROFESSIONAL ENGINEER ARTUR BABENKO
05-18-21

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

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

DEVELOPER

SINDAR ENTERPRISES, INC.
1837 DOVERHILL ROAD,
LAWRENCEVILLE, GA. 30043
24 HR CONTACT: KARIM ALY, 678-458-6190
KARIMALY2001@YAHOO.COM

Site Construction Plans for McEVER ROAD FOOD MART

MCEVER ROAD & GAINES FERRY ROAD,
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
L.L. 139 – DISTRICT 8TH
PARCEL # 08 150 002001, TRACT 1A

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

NORTH

SCALE: 1"= 30'
0 30

EXISTING CONDITION PLAN

C-201

Plot Date: Friday, May 21, 2021 1:51:50 PM
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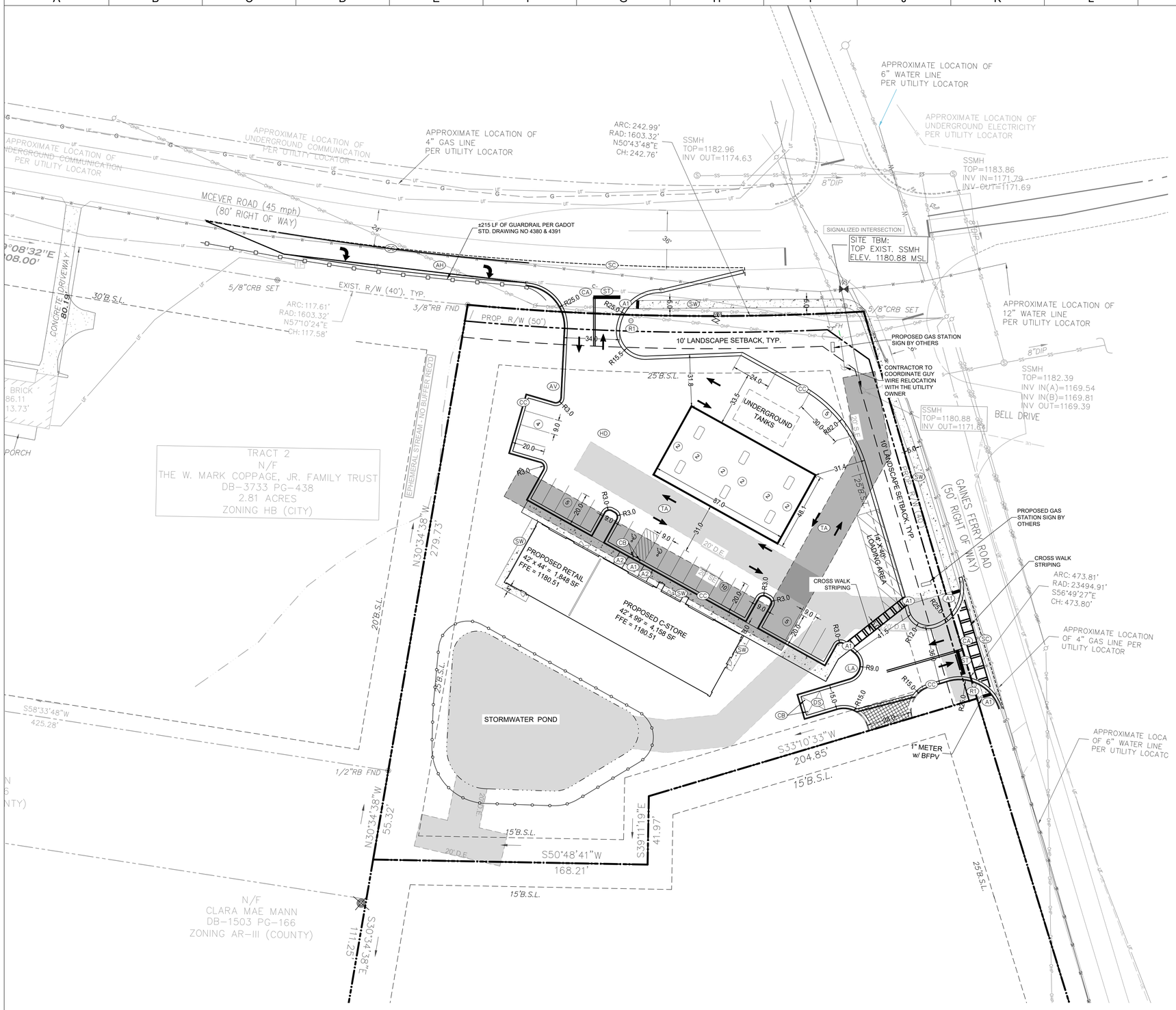

SYMBOLS LEGEND

- (LS) 10' LANDSCAPE STRIP
- (AH) ROADWAY WIDENING
- (CA) CONCRETE DRIVEWAY
- (CB) CONCRETE BOLLARD 6' O.C.
- (CC) 24" CONCRETE CURB & GUTTER
- (DS) PROPOSED DUMPSTER (SEE DETAIL C-802)
- (A1) ADA RAMP
- (HD) 6" THICK HEAVY DUTY CONCRETE
- (A2) ADA PARKING SIGN
- (MS) MONUMENT SIGN
- (R1) PROPOSED STOP SIGN (R1-1)
- (SC) EX. PAVEMENT SAWCUT LIMITS
- (ST) PROPOSED 24" WHITE STOP BAR
- (SW) CONCRETE SIDEWALK (Width as Shown)
- (TA) DIRECTION OF TRAFFIC FLOW
- (AV) AIR & VACUUM

NOTE:

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

MUNICIPAL NOTES

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

TRAFFIC CONTROL NOTES

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

GENERAL NOTES

1. WATER AND SEWER PROVIDED BY CITY OF GAINESVILLE.
2. NOTIFY CITY OF GAINESVILLE WATER AND SEWER DEPARTMENT 24 HOURS BEFORE THE BEGINNING OF CONSTRUCTION. (770)538-2400

PROJECT SITE DATA

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

PARKING REQUIREMENTS:

(CONVENIENT STORE, GAS STATION)
1 Space per 500 sq.ft GFA = 4,160 X 1/500 GFA = 8.32 SP

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

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

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

TOTAL PARKING SPACES PROVIDED = 29 SPACES

811
CALL BEFORE YOU DIG

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770.225.4730 | www.aepatl.com

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Civil Engineering By AEP:
Artur Babenko, GA PE044669
Phone: 770-225-4730 x806
arturb@aepatl.com

GEORGIA REGISTERED No. 044669 PROFESSIONAL ENGINEER ARTUR BABENKO 05-18-21

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

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

DEVELOPER

SINDAR ENTERPRISES, INC.
1837 DOVERHILL ROAD,
LAWRENCEVILLE, GA. 30043
24 HR CONTACT: KARIM ALY, 678-458-6190
KARIMALY2001@YAHOO.COM

Site Construction Plans for McEVER ROAD FOOD MART

MCEVER ROAD & GAINES FERRY ROAD,
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
L.L. 139 - DISTRICT 8TH
PARCEL # 08 150 002001, TRACT 1A

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

NORTH

SCALE: 1"= 30'
0 30

SITE PLAN

C-301

Plot Date: Friday, May 21, 2021 1:51:58 PM

File Location: e:\dropbox (aep)\01-civil projects\03-projects\karim\20110 - mcever gas station\02-design\dwg\06-civil\20110 - mcever sheets.vic

496

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

ORDINANCE 653

AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS OF ARTICLE 10, SECTION 10.9.(G) OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6477 MCEVER ROAD, OWNED BY BLESSING TRADERS, INC. SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY ALLOWING FUEL PUMPS TO BE LOCATED IN FRONT OF THE PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Blessing Traders, Inc. has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 6477 McEver Road; and

WHEREAS, a survey and complete description of the property subject to the requested variance is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on Blessing Traders, Inc's. application at its meeting of August 5, 2021, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of Blessing Traders, Inc. in conjunction with the standards set forth in Article 37, Section 37.5 of the Zoning Ordinance.

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

SECTION 1. FINDINGS:

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 10, Section 10.9.(g) 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 Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

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

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

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

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

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

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

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

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 10, Section 10.9.(g):

1. Fuel pumps shall be allowed to be placed in front of the primary structure

Conditions set forth in Exhibit "C" are imposed on said property. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. 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.

Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	10/21/2021

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

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

Adopted this 21st day of October 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

Exhibit “A”

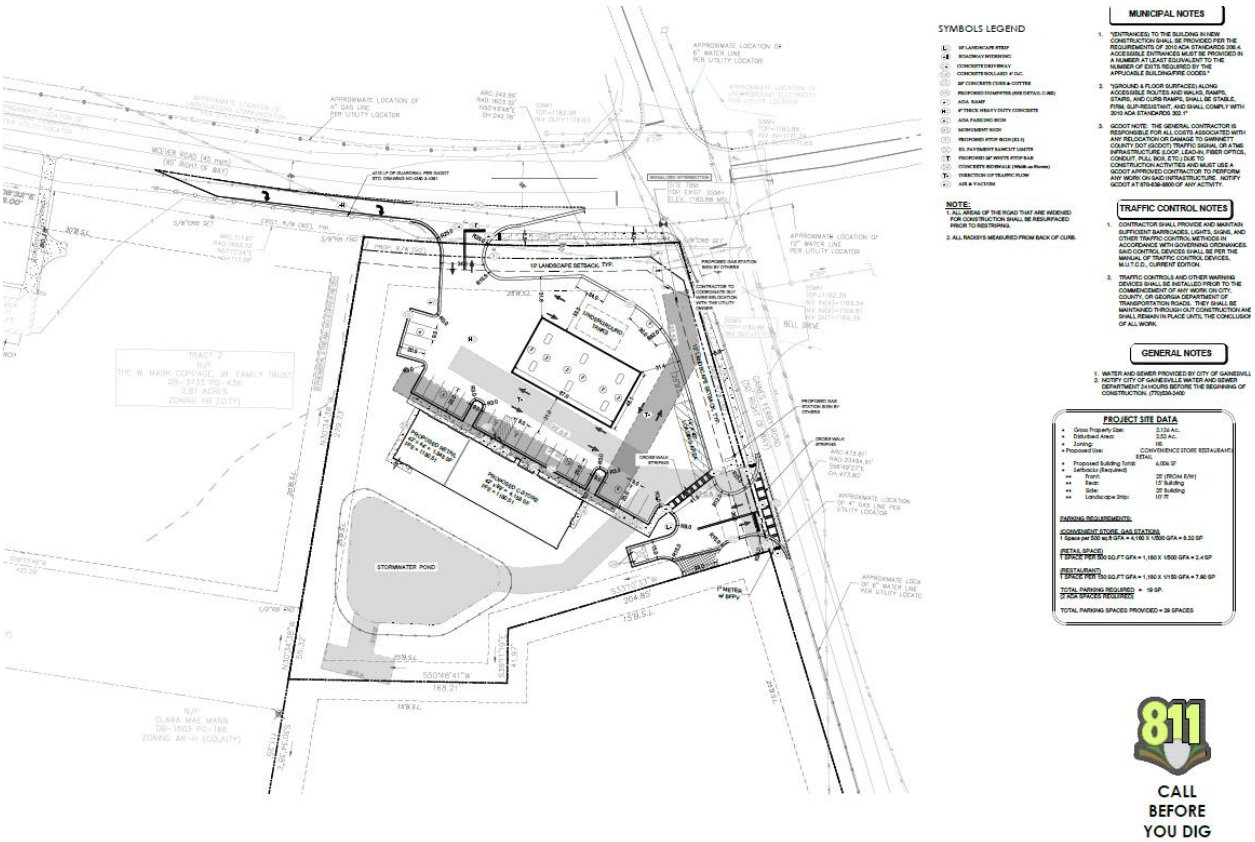


Exhibit “B”

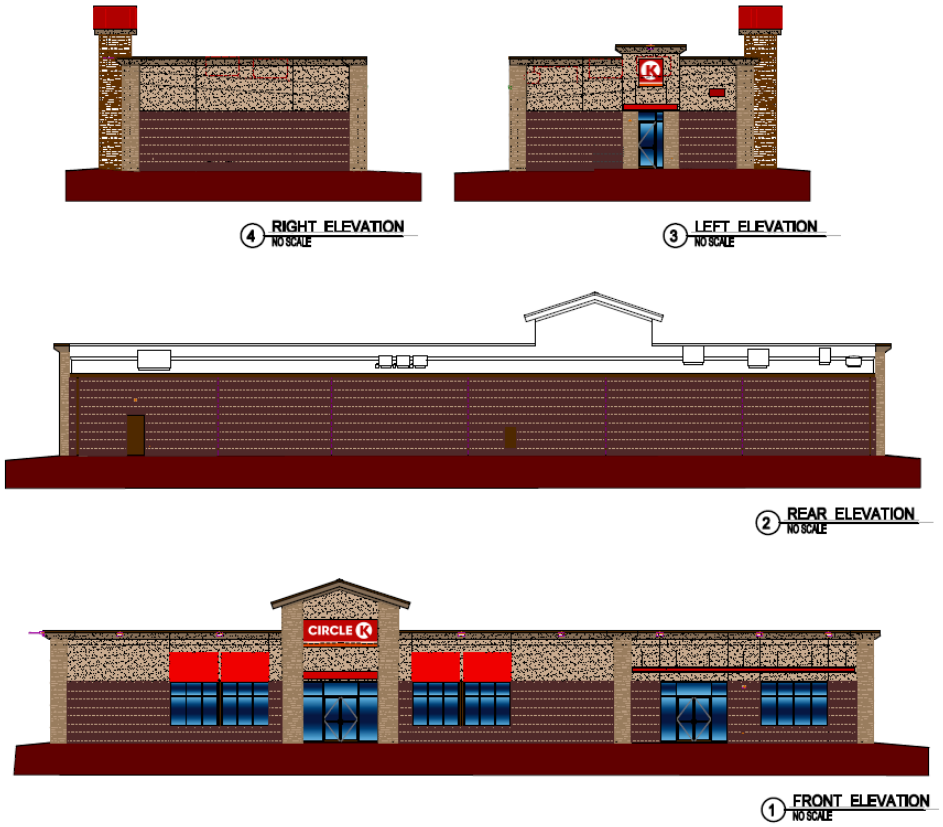
Begin at a set 5/8” capped rebar lying at the intersection between the southerly right-of-way of McEver Road (80’ right-of-way) and the westerly right-of-way of Gaines Ferry Road (50’ right-of-way), said point lying on a non-tangent curve to the left, having a radius of 23,494.91 feet, a chord bearing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

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

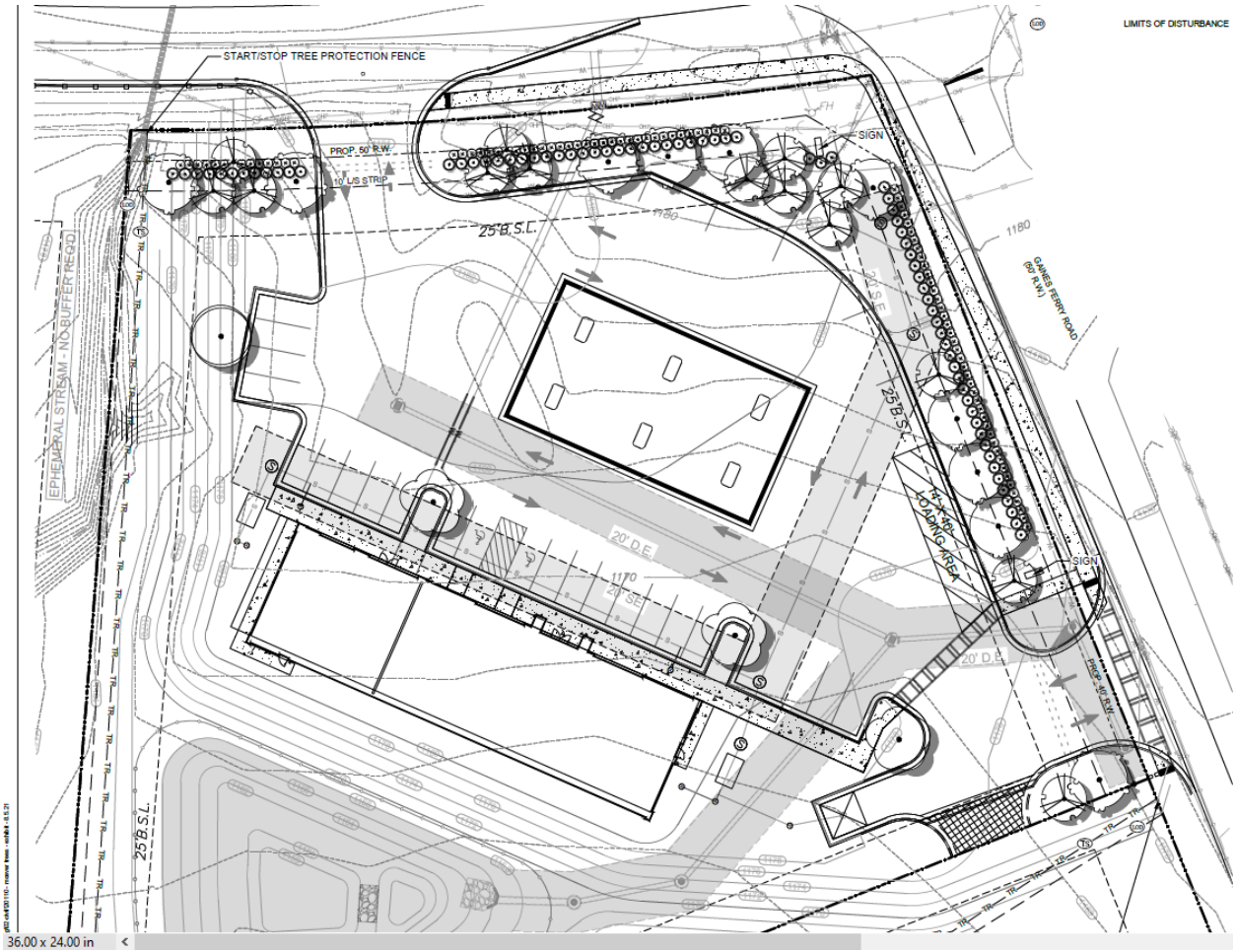
Exhibit "C"

Conditions of Variance Approval

1. Convenience and retail store shall be constructed to significantly adhere to the elevations submitted to city staff on August 9, 2021, and as shown below:



2. Fuel canopy shall be constructed of the same materials as the primary structure.
3. Dumpster enclosure shall be constructed of the same materials as the primary structure.
4. An overall sign plan must be submitted to staff for review and approval. Any proposed monument sign must be constructed of the same materials as the primary structure. Only one such sign shall be permitted.
5. A detailed landscape plan shall be submitted to city staff for review and approval prior to the issuance of a building permit. Said plan must be significantly adhere to the plan submitted to city staff on August 9, 2021, and as shown below:


LIMITS OF DISTURBANCE
START/STOP TREE PROTECTION FENCE
PROP. 50' R.W.
10' LS STRIP
25' B.S.L.
EPHEMERAL STREAM - NO BUFFER REQD
SIGN
1180
GAMES FERRY ROAD
(50' R.W.)
20' D.E.
1170
20' S.E.
44' x 40' LOADING AREA
PROP. 10' R.W.
36.00 x 24.00 in

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Resolution 21-017 – Consider an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.

COUNCIL MEETING DATE: September 16, 2021

HISTORY:

During the evaluation of the anticipated TAD loan payments, it was expected for General Fund to assist the TAD fund with interest payments at the beginning of the loan until the property tax evaluations and collections increased due to the new developments within the tax allocation district.

The City does not receive documentation for the County TAD Allocation until November- December, and the check is received between January-March of the year. The City does not transfer its annual allocation until the County's allocation is received each Spring. We anticipate the payment amounts to increase as the developments are complete and the property values increase, covering future payments for the loan.

During the Spring of 2021, the City worked with Hall County Tax Assessor's office to evaluate current developments within the Tax Allocation District to ensure the County has a copy of all project plans and completion percentages of all projects as of January 1, 2021. We anticipate some additional revenues this tax year as a result of this review with the County.

FACTS AND ISSUES:

History of Tax Allocation Increment Calculations by Tax Billing Year:

Tax Billing Year:	County:	City:	Total:
2020	$102,440.93	$68,899.00	$171,339.93
2019	$97,228.59	$62,250.71	$159,479.30
2018	$104,754.88	$63,791.03	$168,545.91
2017	$91,258.91	$44,458.07	$135,716.98
2016	$69,395.61	$39,626.89	$109,022.50
2015	$94,873.80	$55,203.82	$150,077.62

OPTIONS:

Approve Resolution 21-017 for FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment as presented in Attachment A.

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

No

AMOUNT AND SOURCE OF FUNDS:

$4,700 move from General Fund to Tax Allocation District Fund

RECOMMENDATION:
Resolution 21-017 – Approve an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.

SAMPLE MOTION:
I make a motion to approve Resolution 21-017 –FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment as presented in Attachment A.

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- Resolution 21-017 - EXECUTIVE SUMMARY.pdf
- Resolution 21-017.pdf
- ATTACHMENT A - Resolution 21-017 Budget Adjustment Form.pdf

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Resolution 21-017 – Consider an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.

DATE: September 10, 2021

(X) RECOMMENDATION
( ) POLICY DISCUSSION
( ) STATUS REPORT
( ) OTHER

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: September 16, 2021

PURPOSE: Consider an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.

HISTORY: During the evaluation of the anticipated TAD loan payments, it was expected for General Fund to assist the TAD fund with interest payments at the beginning of the loan until the property tax evaluations and collections increased due to the new developments within the tax allocation district.

The City does not receive documentation for the County TAD Allocation until November-December, and the check is received between January-March of the year. The City does not transfer its annual allocation until the County's allocation is received each Spring. We anticipate the payment amounts to increase as the developments are complete and the property values increase, covering future payments for the loan.

During the Spring of 2021, the City worked with Hall County Tax Assessor's office to evaluate current developments within the Tax Allocation District to ensure the County has a copy of all project plans and completion percentages of all projects as of January 1, 2021. We anticipate some additional revenues this tax year as a result of this review with the County.

FACTS AND ISSUES:

HISTORY OF TAX ALLOCATION DISTRICT COLLECTIONS:			
Tax Billing Year:	County:	City:	Total:
2020	$102,440.93	$ 68,899.00	$171,339.93
2019	$ 97,228.59	$ 62,250.71	$159,479.30
2018	$104,754.88	$ 63,791.03	$168,545.91
2017	$ 91,258.91	$ 44,458.07	$135,716.98
2016	$ 69,395.61	$ 39,626.89	$109,022.50
2015	$ 94,873.80	$ 55,203.82	$150,077.62

OPTIONS: Approve Resolution 21-017 for FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment as presented in Attachment A.

RECOMMENDED SAMPLE MOTION: I make a motion to approve Resolution 21-017 – FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment as presented in Attachment A.

DEPARTMENT: Finance

Prepared by: Alisha Gamble

RESOLUTION NO.: 21-017

TO AMEND THE BUDGET FOR FISCAL YEAR 2022 AS PREVIOUSLY ADOPTED ON JUNE 17, 2021.

WHEREAS, the City Council approved a budget for fiscal year 2022 for the City of Flowery Branch on June 17, 2021 by Resolution 21-005; and

WHEREAS, the budget is a dynamic rather than static revenue and spending plan which requires adjustment from time to time as circumstances change; and

WHEREAS, these adjustments maintain a balanced budget for all funds.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Flowery Branch hereby adopts the adjustments to the budget listed on "Attachment A", attached hereto and made a part of the Resolution.

RESOLVED this 16th day of September 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Shelia Cooper, Assistant City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

City of Flowery Branch
Request For Budget Adjustment

ATTACHMENT A

Fund/Department: 100/270

Effective Date: 9/16/2021

Account Number	Account Name	Current Budget	Debit (Credit)	Revised Budget
				-
100-0000-399900	Budgeted Fund Balance		(4,700)	(4,700)
100-9000-611270	Transfer Out 270 - TAD Fund		4,700	4,700
				-
270-0000-391100	Transfer in 100 - General Fund		(4,700)	(4,700)
270-0000-399900	Budgeted Fund Balance		4,700	4,700
				-
*****PLUS this journal entry to record the transfer of cash:***				
270-0000-111110	Tax Allocation District Fund Cash		4,700	
999-0000-111110	Pool Cash		(4,700)	
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
	Totals	$ -	$ -	$ -

Justification: Resolution 21-017 - FY2022 Budget Adjustment for 9/20/2021 Tax Allocation District Loan Payment

Approvals:

Department Director: _____ Date: _____

Finance Director: Alisha Gamble Date: 9/10/2021

City Manager: Vickie Short Date: 9/10/2021

Finance Department Use

Posted By: _____ Date Posted: _____

Council Action Required: Yes ✓ No _____ Budget Adjust. #: _____

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

COUNCIL MEETING DATE: September 16, 2021

HISTORY:
Prior intergovernmental agreements for this service only included Exit 12.

FY2020 total cost $10,000 and FY2021 total cost $10,000.

FACTS AND ISSUES:
These services are needed due to limited public works staff to perform these duties.

FY2022 costs for Exit 12 and Exit 14 will be $11,818.03 per the attached allocation worksheet from Hall County dated 9/9/2021.

Funding is available in the approved FY2022 Public Works budget for Roads Repairs and Maintenance.

Hall County agrees to provide Flowery Branch a copy of expenditures associated with the maintenance of the exits to include salaries, benefits, operational costs, and equipment costs.

The term of this Agreement shall be one (1) year from the date of execution. Unless otherwise terminated, this Agreement shall automatically renew annually, not to exceed ten annual renewal periods.

OPTIONS:
Approve Intergovernmental Agreement with Hall County for I-985 Interchange Mowing.

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

AMOUNT AND SOURCE OF FUNDS:
Funding for this agreement included as a line item in the FY2022 budget of Public Works Roads Repairs & Maintenance of $80,000

RECOMMENDATION:
Approve the Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

---

SAMPLE MOTION:
I make a motion to approve Intergovernmental Agreement with Hall County for I-985 Interchange Mowing.

COLLABORATING DEPARTMENT:
Public Works

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- IGA I-985 Maintenance with Hall County - EXECUTIVE SUMMARY.pdf
- 985 Maint. Agreements Flowery Branch 2021.pdf
- Flowery Branch Allocations 090921.pdf
- Exhibit A.pdf

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

DATE: September 10, 2021

(X) RECOMMENDATION
( ) POLICY DISCUSSION
( ) STATUS REPORT
( ) OTHER

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: September 16, 2021

PURPOSE: Consider Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

---

HISTORY: Prior intergovernmental agreements for this service only included Exit 12. FY2020 total cost $10,000 and FY2021 total cost $10,000.

FACTS AND ISSUES:
These services are needed due to limited public works staff to perform these duties.

FY2022 costs for Exit 12 and Exit 14 will be $11,818.03 per the attached allocation worksheet from Hall County dated 9/9/2021.

Funding is available in the approved FY2022 Public Works budget for Roads Repairs and Maintenance.

Hall County agrees to provide Flowery Branch a copy of expenditures associated with the maintenance of the exits to include salaries, benefits, operational costs, and equipment costs.

The term of this Agreement shall be one (1) year from the date of execution. Unless otherwise terminated, this Agreement shall automatically renew annually, not to exceed ten annual renewal periods.

OPTIONS: Approve Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

---

RECOMMENDED SAMPLE MOTION: I make a motion to approve Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

DEPARTMENT: Finance and Public Works

Prepared by: Alisha Gamble

STATE OF GEORGIA
COUNTY OF HALL

1-985 INTERCHANGE MOWING
INTERGOVERNMENTAL AGREEMENT BETWEEN
HALL COUNTY, GEORGIA
AND THE MUNICIPALITY OF FLOWERY BRANCH, GEORGIA

This intergovernmental Agreement is entered into this _____ day of _____, 2021 by and between Hall County, Georgia, a political subdivision of the State of Georgia, (hereinafter referred to as "Hall County") and the City of Flowery Branch, Georgia, a municipal corporation, (hereinafter referred to as "Flowery Branch") for the purpose of setting forth the responsibilities of each party concerning the maintenance of exits along Interstate 985 which are located in Hall County and within various city limits.

WITNESSETH

WHEREAS, certain exits are located in Hall County, Georgia, and various cities located within the boundaries of Hall County;

WHEREAS, both Hall County and Flowery Branch agrees that it is in the best interest of both parties to enter into a partnership to perform certain services relating to mowing and trimming within the Georgia Department of Transportation's right of way, and

WHEREAS, Hall County has entered into an agreement with the Georgia Department of Transportation (Exhibit "A" hereto) to provide such maintenance, and has lawfully obtained the license to perform the services, and

WHEREAS, Hall County agrees to provide experienced and qualified personnel and equipment necessary to accomplish this agreement;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants as herein contained, it is agreed by and between the parties hereto that:

Hall County will be responsible for the maintenance of exits 8, 12, 14, 16, 17, 20, 22, and 24 as outlined in the Right of Way Mowing Agreement between the Georgia Department of Transportation and Hall County, Georgia, dated October 22, 2015. (See Right of Way Mowing Agreement attached hereto as Exhibit "A").

Flowery Branch will be responsible for annual reimbursement of operational cost associated with the maintenance of exits in the amount of $_11,818.00_ to be paid upon execution of this agreement. Future annual reimbursements will be based on a pro-rata share of actual operational costs and annualized cost of equipment replacement.

Hall County agrees to provide Flowery Branch a copy of expenditures associated with the maintenance of the exits to include salaries, benefits, operational costs, and equipment costs.

The term of this agreement shall be one (1) year from the date of execution. Unless otherwise terminated, this Agreement shall automatically renew annually not to exceed 10 annual renewal periods.

This Agreement shall not be altered, amended or modified except in writing signed by the duly authorized representatives of each party hereto.

Neither part hereto shall, without written consent of the other party, assign or transfer this Agreement or any rights and obligations hereunder.

This Agreement may be terminated upon written notice by either party for any reason at any time. Said termination shall be effective upon the 30th day after the other party received written notice of termination. Upon termination of the Agreement, and if applicable, Flowery Branch shall be responsible for (a) removing planted landscaping, landscape related items, and any other non-standard and decorative elements that were installed by or for Flowery Branch at no cost to Hall County; (b) restoring any landscape removed by Flowery Branch and restoring the landscape to its original condition; and (c) reimbursing Hall County for any reimbursements made to the Georgia Department of Transportation on Flowery Branch's behalf.

Hall County, and all its successors and assigns thereto, shall save harmless Flowery Branch, its officers, agents and employees from all suits, claims, actions or damages of any nature whatsoever and shall be responsible for injury or damage resulting from the performance of work described in this Agreement. It is further understood and agreed, that Hall County, or any successor or assigns thereto, in the conduct of any work described in this Agreement, shall not be considered the agent of Flowery Branch

Any notice or communications hereunder shall be in writing and shall be delivered via certified United States Mail return receipt requested to the following:

Hall County
Hall County Government
Attn: County Administrator
P.O. Drawer 1435
Gainesville, GA 30503

City of Flowery Branch
P.O. Box 757
5517 Main Street
Flowery Branch, GA 30542

IN WITNESS WHEREOF, the parties hereby execute this Agreement on the date below.

HALL COUNTY BOARD OF COMMISSIONERS

By: _____
Richard Higgins, Chairman

By: _____
Lisa Ritchie, Commission Clerk

CITY OF FLOWERY BRANCH

By:_____
Mike Miller, Mayor

By:_____
City Clerk

Hall County, Georgia
FY 2022 Flowery Branch Cost Recap Exit 12 & 14
June 30, 2021

Pro-Rata Capitalized Equipment *	$9,185.70
Officer Labor Costs (with estimates for Exit 14)	$3,652.20
Inmate Labor Costs (with estimates for Exit 14)	$8,234.05
Fuel **	$2,339.10
Pine Straw ***	$225.00
Total Cost	$23,636.06
Amount due from Flowery Branch (50/50 Split)	$11,818.03

Officer	165 x2	330 x12	3960
Inmate	372 x2	744 x12	8928
Totals		1074	12888

Exit 14 Acre Allocation

6.23	OAKWOOD	12.90%
21.68	HALL COUNTY	44.88%
20.4	FLOWERY BRANCH	42.23%
48.31		

Exit 14 Acre Allocation		Exit 12		Totals
Officer	$1,672.20	Officer	$1,980.00	$3,652.20
Inmate	$3,770.05	Inmate	$4,464.00	$8,234.05
Totals		Totals		

NOTES

* Based on acreage of I-985 Initiative (for Flowery Branch Exits 12 and Ext 14) - see attachment.

** Mower Hours (432) x Average hourly Fuel Consumption (1.41 GPH) @ Hall County FY21 Fuel Contract Fuel Price (2.70 per Gallon). (x the Flowery Branch Exit 14 Allocation %42.23)

*** 50 Bales @ $4.50 per Bale

FUEL		**Exit 12**	**Exit 14**	**Oakwood Total Fuel**
Mwr Hrs	216 x2	432	182.42	614.42
Gallons		609.12	257.21	866.33
cost		1644.624	694.48	2339.10

Exhibit A

GEORGIA DEPARTMENT OF TRANSPORTATION
MOWING AND TRIMMING SPECIFICATION
ATTACHMENT A: CENTERLINE MOWING REQUIREMENTS

Requirements under these Specifications consists of furnishing all labor, material, tools, equipment, and incidentals necessary to perform mowing, trimming, and litter removal operations within the limits of the right of way and easement areas in a safe, effective, and timely manner, as detailed in these Specifications.

1. APPLICABLE DOCUMENTS

Reference the guidelines as set forth in the following documents:

1.01 *Manual of Uniform Traffic Control Devices* (MUTCD), current edition

1.02 *American National Standards Institute* [ANSI A300 (Part 1)], current edition

2. TERMS AND DEFINITIONS

2.01 Bridge End Roll: The area at each end of a bridge that slopes down from the end support to the natural ground contour under the bridge.

2.02 Centerline Mile: Incremental measurement used in this agreement that includes the mowing limits within a one (1) mile distance on a route. This includes both directions of the mile, shoulders, and median.

2.03 Established/Planted Trees and Shrubs: Trees and/or shrubs that have been planted for aesthetics by the Department and trees that are greater than three (3) inches in caliper dbh (4-1/2 feet above ground).

2.04 Interchange: An area allowing for access to and from the interstate mainline.

2.05 Mainline: The area(s) between interchanges on interstate and limited access routes.

2.06 Mowing Cycle: A Mowing Cycle consists of mowing complete the areas as designated in these Specifications one time.

2.07 Mowing Complete: The accepted and approved mowed and trimmed Centerline Miles, including litter removal, within established mowing limits.

2.08 Mowing Limits: All areas that are mowable with tractor mowing equipment within the right of way that are on a 3:1 or flatter slope, and trimming in front of, behind, under, and around roadside obstacles, and trimming on all slopes at Interchanges and on slopes greater than or equal to 3:1 on the mainline.

2.09 Natural Tree Line: The dominant boundary/edge of a community of hardwood and non-hardwood trees, greater than three (3) inches in caliper dbh (4-1/2 feet above ground). The edge can be a fluctuating line. Typically, in a community, the maximum trunk to trunk distance of trees, greater than three (3) inches in caliper dbh (4-1/2 feet above ground), is less than ten (10) feet.

2.10 Roadside Obstacles: Items located within the right of way, both natural and man-made which may include but are not limited to sign posts, delineator posts, light posts, steel beam guardrail and associated posts, headwalls, barrier walls, retaining walls, catch basins, fallen rock, bridge end abutments, mailboxes, newspaper boxes, established/planted trees and shrubs, landscaped beds, natural tree line, wildflower areas, Bridge End Rolls, and fences.

2.11 Slope Break Point: The spot where the non-mowable slope begins.

2.12 Traveled Way: The portion of the roadway for the movement of vehicles, exclusive of the shoulders.

2.13 Vegetation: All woody and herbaceous plants, three (3) inches and less in caliper dbh (4-1/2 feet above ground), that are naturally occurring. (Includes Department-planted grasses) The stems of multiple trunk vegetation will be measured individually.

2.14 Shadow Vehicle: A vehicle used to buffer mowing and/or litter operations that may interfere with traffic.

Exhibit A

3. EQUIPMENT

3.01 Assign appropriate equipment quantities and types to meet stated mowing schedules. Equipment shall meet the following requirements:

A. Equip each tractor with two (2) flashing signal lights, two (2) orange flags and an eighteen (18) inch slow moving emblem sign. Equip each mower with two (2) orange flags.

B. Acceptable guards are to be on all open portions of mowers and trimming equipment to prevent objects from being thrown from under the mower while in operation.

3.02 Properly maintain mower blades so that they are sharp, straight and evenly weighted.

3.03 Equip support vehicles, such as pickups and service trucks with a minimum of one (1) revolving or strobe type light, with amber lens.

3.04 Use a shadow vehicle to buffer the Mowing operation when it is on or within three (3) feet of the travel way.

A. Equip support vehicles used as shadow vehicles with a forty-eight (48) inch square "Watch for Mowers" sign with an eighteen (18) inch slow moving emblem attached and mounted on the rear of the shadow vehicle.

B. Equip a shadow vehicle with a minimum of one (1) revolving or strobe type light, with amber lens.

4. MOWING REQUIREMENTS

4.01 MOWING LIMITS AND SPECIAL CONDITIONS

A. Mowing Limits for Each Cycle: All mowable areas within the right of way that are on a 3:1or flatter slope using tractors with rotary or flail type mowers, and trimming in front of, behind, under and around roadside obstacles, landscaped areas, planted/established trees and shrubs, and wildflower plots and trimming on all slopes. These include all areas as shown on **Exhibit "B" Hall County Interchange Mowing Areas** . Perform trimming in a manner as to create a smooth transition back to where the mowing was performed.

B. Special Mowing Conditions: Perform all scheduled mowing operations during daylight hours. No work will be allowed on holidays. No work will be allowed on weekends in which a holiday falls on a Monday or Friday.

1. For the following counties; Clayton, Cobb, Dekalb, Douglas, Fulton, Rockdale, (all of District 7) and Gwinnett, do not perform work between the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m., Monday through Friday.

2. For the following counties; Bibb, Chatham, Cherokee, Columbia, Forsyth, Hall, Henry, Richmond, , between the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m., do not perform work, in the direction of rush hour traffic, Monday through Friday.

4.02 MOWING COMPLETE REQUIREMENTS

Perform Mowing Complete in accordance with these Specifications.

A. Mowing: Perform mowing within the Mowing Limits for vegetation on slopes no steeper than 3:1. This operation will not be allowed on slopes steeper than 3:1, or in any other situations that may be a hazard to the operator or the traveling public, including areas that may be too wet or otherwise inaccessible.

B. Trimming: Trim vegetation to a height less than six (6) inches within the Mowing Limits that are inaccessible by Tractor Mowing. This includes trimming in front of, behind, under or around, and beyond roadside obstacles, landscape beds, established/planted trees, shrubs and wildflower areas to provide an attractive appearance. (See Appendix 2)

1. Mainline Slopes that are Greater than 3:1: Trim vegetation a minimum of fifteen (15) feet beyond the slope break point each mowing cycle. If the Natural Tree Line falls within the minimum fifteen (15) foot area, trim vegetation to the Natural Tree Line.

2. Mainline with Slopes 3:1 or less: Trim vegetation to the Natural Tree Line or to the right of way fence if no Natural Tree Line exists.

3. Landscape, Bulb, and Wildflower Plots. Trim vegetation around landscaped areas, established or planted trees, shrubs, bulbs and wildflower plots without damaging plant materials. Trim vegetation under planted trees as necessary.

4. Wet or Inaccessible Areas: If an area is too wet and/or otherwise inaccessible by mowing equipment, trim vegetation using trimming equipment and/or slope mowers.

5. Bridge Structures: Trim vegetation located at, under, or near bridge structures including Bridge End Rolls and riprap areas within the right of way.

   a. Trim all vegetation under and around trees greater than three (3) inches caliper dbh (4-1/2 feet above ground) that exists between adjacent bridges.

   b. Trim vegetation on bridge ends and Bridge End Rolls at overpasses and underpasses to the right of way fence and/or Natural Tree Line. If trees exist within fifteen (15) feet around or adjacent to the bridge; trim vegetation under and around the trees. Continue trimming downslope or upslope to meet the Mowing Limits.

   c. The limits of trimming extend to the fence line in cases where a fence is located on the top of a slope at a bridge underpass.

6. Interchanges: Trim all vegetation on non-mowable and mowable areas within an Interchange to the natural tree line and/or to the right of way fence. (See Appendix 2, Diagram A)

7. Barrier Walls: Remove vegetation at the base of and on all barrier walls. Trim and remove vegetation in non-landscaped areas between barrier walls.

8. Vegetation Removal: Remove trimmed woody vegetation from the right of way within five (5) days. Disposal shall be in accordance with applicable laws and regulations.

9. Multiple Trunk Trimming: In areas where trimming occurs, trim all stems of multiple trunk vegetation that are three (3) inches caliper dbh (4-1/2 feet above ground) or less.

4.03 TRAFFIC CONTROL REQUIREMENTS

A. At a minimum, abide by the *Manual of Uniform Traffic Control Devices* (MUTCD), current edition, for traffic control guidance.

B. Perform all Mowing as a continuous mowing operation as described in these Specifications. Mow only in the direction of traffic.

C. Any signs used must be of rigid, one-piece construction covered with suitable sheeting and legend (engineering grade). Roll-up type signs may be used if they meet MUTCD Standards. Equip all signs with flags.

D. Do not cross the median on Interstates or other divided highways. Enter and exit at the existing Interchanges.

E. Do not exceed a ten (10) mile work zone. The Atlanta Metro area will be limited to five (5) miles.

F. On non-divided highways, only one Tractor Mowing operation in a work zone will be allowed. On divided highways, two mowing operations in a work zone may be allowed on the outside shoulders. Additional work zones will be allowed, separated by a minimum of two (2) miles. Do not exceed ten (10) miles of mowing without completing trimming.

   1. Signs: Place "Watch for Mowers" signs with flags attached at each end of the work zone in the direction of traffic on both the median and outside shoulder.

   2. Ramps: In the event of an on-ramp located within the work zone, place at the top of the on-ramp a "Watch for Mowers" sign with flags. Place all signs before any tractor mowing is performed. Remove all signs at the end of each workday.

G. Buffer tractor mowers traveling within three (3) feet of the traveled way, crossing lanes, traveling on paved shoulder, moving equipment to other locations (dead heading), by a shadow vehicle.

   1. Operations may be restricted when, in the opinion of the Department, the continuance of the work would seriously hinder traffic or is unsafe.

2. Move equipment or materials on or across the traveled way in a safe manner which will not interfere with traffic. There shall be no reduction in the total number of available traveled ways. Schedule and arrange the work to ensure the least inconvenience and the utmost safety to the traveling public.

4.04 SAFETY AND INCIDENT REPORTING

A. Suspend operations if weather conditions are such that mowing operations cannot be carried out in an effective manner.

B. Notify the Department immediately by phone of any incident or accident that involves the Licensee while fulfilling this Agreement.

1. Submit a written report to the Department within forty-eight (48) working hours after the incident or accident. Describe in full what occurred. Provide the names of those involved with their contact phone numbers, and extent of injury and damage.

2. Employees shall carry business cards that have the name, address, and phone number of the Licensee upon request of individuals involved in an incident or accident.

C. If mowing and trimming operations cause damage to roadside obstacles, vegetation to remain, or ground disturbance, repair or replace the damaged item with a like item.

D. Do not allow any debris to be thrown onto the road surface by the mowing equipment or by personnel. Perform work in such manner as to leave existing vegetation undamaged.

E. Mowing equipment, while in operation, must be horizontal with the mowing surface. Operating tractor mowers in a vertical position parallel to a traveled way is prohibited.

F. Equipment left on the right of way is the responsibility of the Licensee. Do not park equipment on the right of way or on state property for more than five (5) continual working days in the same location.

1. Park no equipment in the median.

2. Park equipment behind guardrail or in other protected areas where such areas exist. Otherwise, park equipment a minimum of thirty (30) feet from the edge of pavement.

G. Operate no equipment that causes ground disturbance and/or damages any part of the right of way. Repair, at no cost to the Department, all damage caused by equipment.

4.05 QUALITY ACCEPTANCE

A. The height of all vegetation after any Mowing or Trimming operation shall be no more than six (6) inches.

Exhibit A

GEORGIA DEPARTMENT OF TRANSPORTATION
MOWING AND TRIMMING SPECIFICATION

ATTACHMENT B: LITTER REMOVAL REQUIREMENTS

1. APPLICABLE DOCUMENTS

See Attachment A – 1. Applicable Documents

2. DEFINITIONS

See Attachment A - 2. Terms and Definitions

3. DESCRIPTION

3.01 Pick up, remove and dispose of litter and debris within all mowing and trimming areas as specified in Attachment A – Centerline Mowing Requirements and on all paved shoulders.

3.02 Litter and debris may consist of paper, boxes, bottles, cans, tires, recaps, rubber pieces, mattresses, appliances, lumber, metal pieces, hubcaps, vehicle parts, brush, trimmed vegetation on paved surfaces, dead animals, memorials, and other items not considered normal to the right of way, etc.

4. METHODS OF REMOVAL OPERATIONS

4.01 It is expected that all litter and debris activity will be accomplished by manual means; however, these Specifications are not intended to be restrictive or limit other techniques that achieve the specified and desired quality.

A written request may be submitted to the Department for the use of specialized mechanical equipment designed for removal of litter and debris. The Department, prior to any equipment being used, must approve the request. The Department may require additional safety devices or precautions if special equipment is allowed to be used. No ATV's (all terrain vehicles) will be allowed for use during litter pickups.

4.02 All litter and debris must be deposited into trash bags prior to being placed into disposal vehicles. Larger pieces such as ladders, tires, mattresses, etc., may be directly deposited into disposal vehicles.

4.03 Conduct litter removal activities during daylight hours only.

5. METHODS OF DISPOSAL

5.01 Remove all litter and debris, including larger pieces, from the right of way at the end of each working day and dispose of at locations provided by the Licensee. Storage or stockpiling of litter or debris on the right of way is prohibited. Disposal shall be in accordance with applicable laws and regulations. Locations for disposal and costs associated for use of such locations will be the responsibility of the Licensee.

5.02 Construct all vehicles, such as pickups or dump trucks, utilized to remove and dispose litter and debris to inhibit further distribution or loss of litter along the roadway. Cover all open-top vehicles and secure with tarpaulins. These vehicles must be in accordance with local and state laws governing waste hauling equipment.

6. FREQUENCIES AND TIMING OF REMOVAL AND DISPOSAL

6.01 At a minimum, all litter and debris must be removed in advance of each Mowing Cycle.

6.02 Perform litter removal and disposal immediately in front of and as an integral part of the mowing operations. Remove any litter and debris accumulated between litter activities and mowing activities prior to mowing operations.

7. TRAFFIC CONTROL REQUIREMENTS

7.01 Use a shadow vehicle when removing litter on paved shoulders. The shadow vehicle may be the litter disposal vehicle.

Exhibit A

7.02 Follow all guidelines as per Attachment A - Section 4.03 - Traffic Control Requirements. Use "Litter Pickup Ahead" warning signs during the non-mowing season. Use "Litter Pickup Ahead" warning signs during the mowing season when the litter operation does not fall within a ten (10) mile mowing work zone.

7.03 A shadow vehicle and litter disposal vehicles must be equipped with a strobe light and slow-moving vehicle signs during removal of trash bags and larger material. Use these lights only when required in the course of the work and not when traveling to and from the job site.

7.04 All vehicles, including transport or service vehicles, must not obstruct traffic lanes.

Exhibit A

GEORGIA DEPARTMENT OF TRANSPORTATION
MOWING AND TRIMMING SPECIFICATION

APPENDIX 1: CENTERLINE MILE LOCATIONS AND TOTALS

ROUTE	COUNTY	BEGIN MP	END MP	CENTERLINE MILES
I-985/US 23	HALL	8.1	8.4	0.3
I-985/US 23	HALL	11.5	11.9	0.4
I-985/US 23	HALL	16.0	17.0	1.0
I-985/US 23	HALL	19.9	20.2	0.3
I-985/US 23	HALL	21.2	21.6	0.4
I-985/US 23/SR 365	HALL	23.8	24.3	0.5
TOTAL CENTERLINE MILES				2.9

ACCESS ROADS*

ROUTE	COUNTY	FROM	TO

Exhibit A

GEORGIA DEPARTMENT OF TRANSPORTATION
MOWING AND TRIMMING SPECIFICATION
APPENDIX 2: MOWABLE LIMIT DIAGRAMS

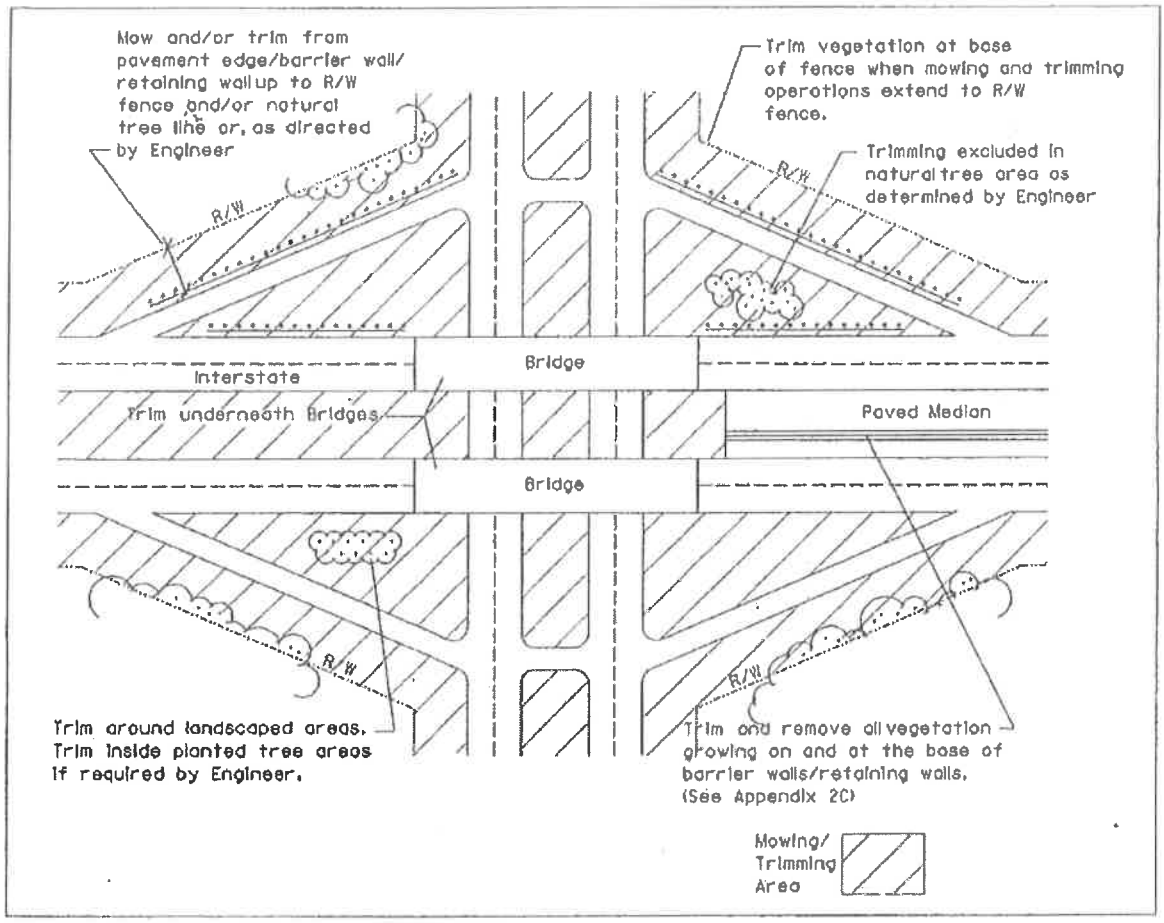


Diagram A: MOWABLE LIMITS AT INTERCHANGES – INTERSECTIONS AS AMMENDEDD BY EXHIBIT "B"

Within an Interchange, mow and/or trim all vegetation to the right of way fence and/or natural tree line, as indicated above, each mowing cycle. **NOTE: HALL COUNTY DOES NOT INTEND ON MOWING THE MEDIAN ON I-985 AT ANY INTERCHANGE AS DEPICTED ON EXHIBIT "B"**

Exhibit A

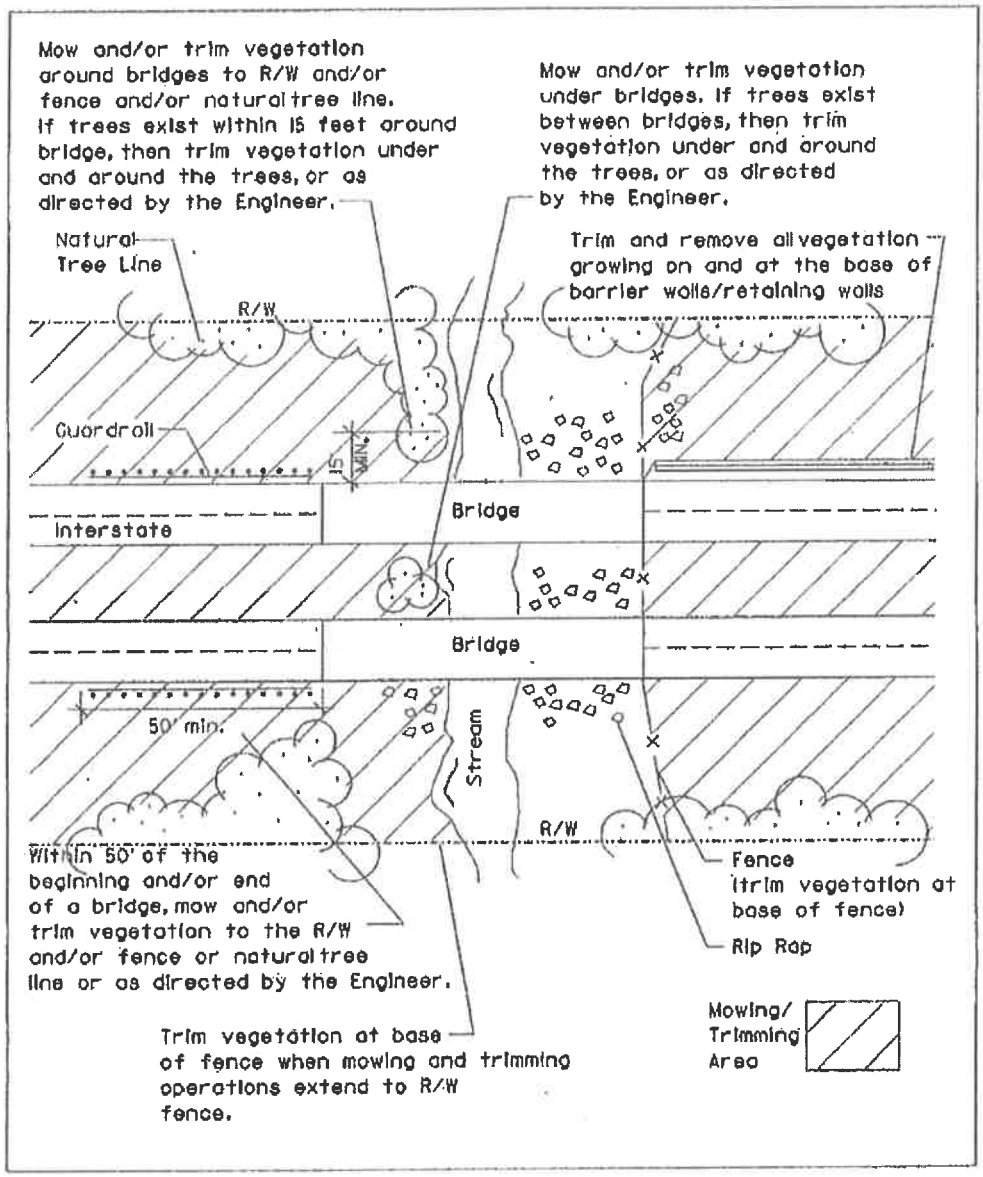


Diagram B: MOWABLE LIMITS AT WATER CROSSING/BRIDGES

On all slopes, mow and/or trim all vegetation to the right of way fence and/or Natural Tree Line, as indicated above, each mowing cycle.

Exhibit A

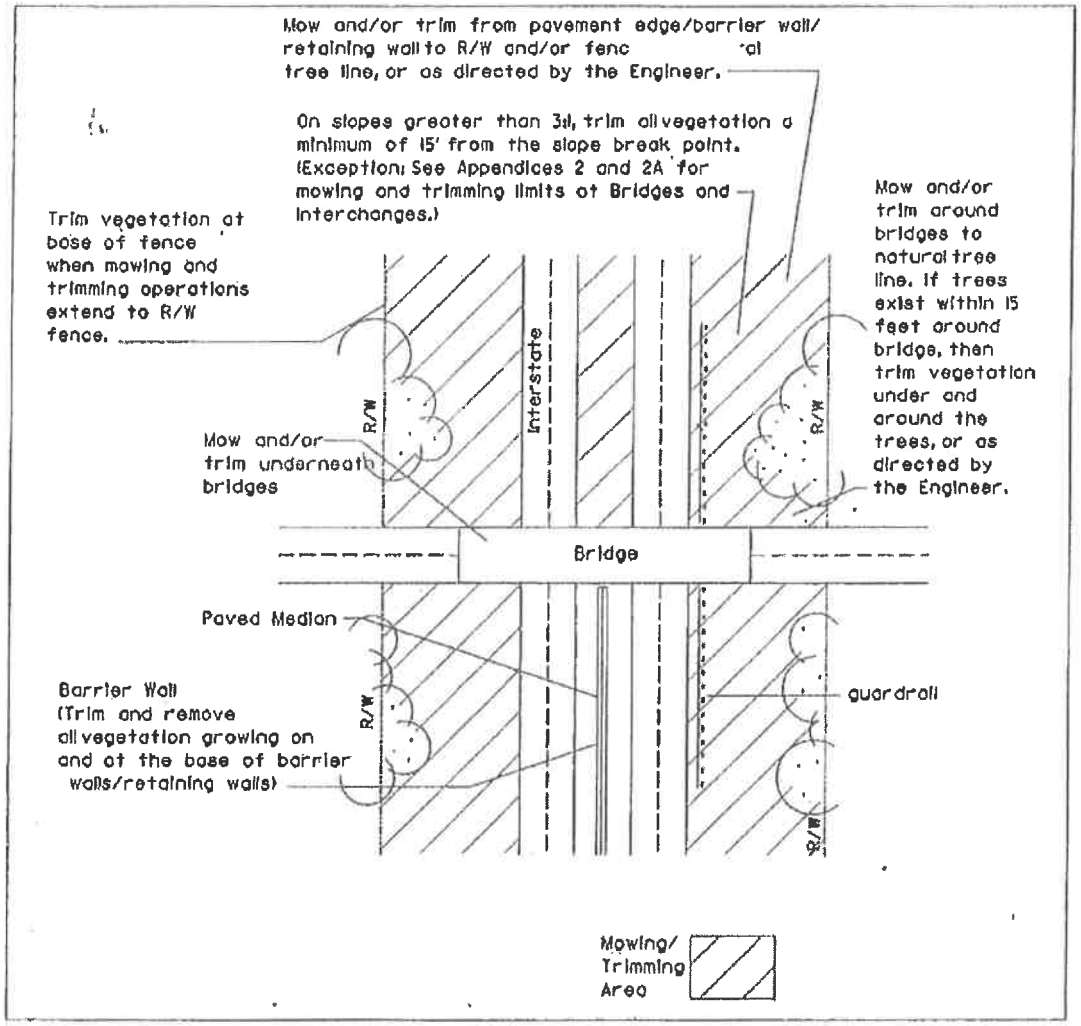


Diagram C: MOWABLE LIMITS ALONG MAINLINE

Exhibit A

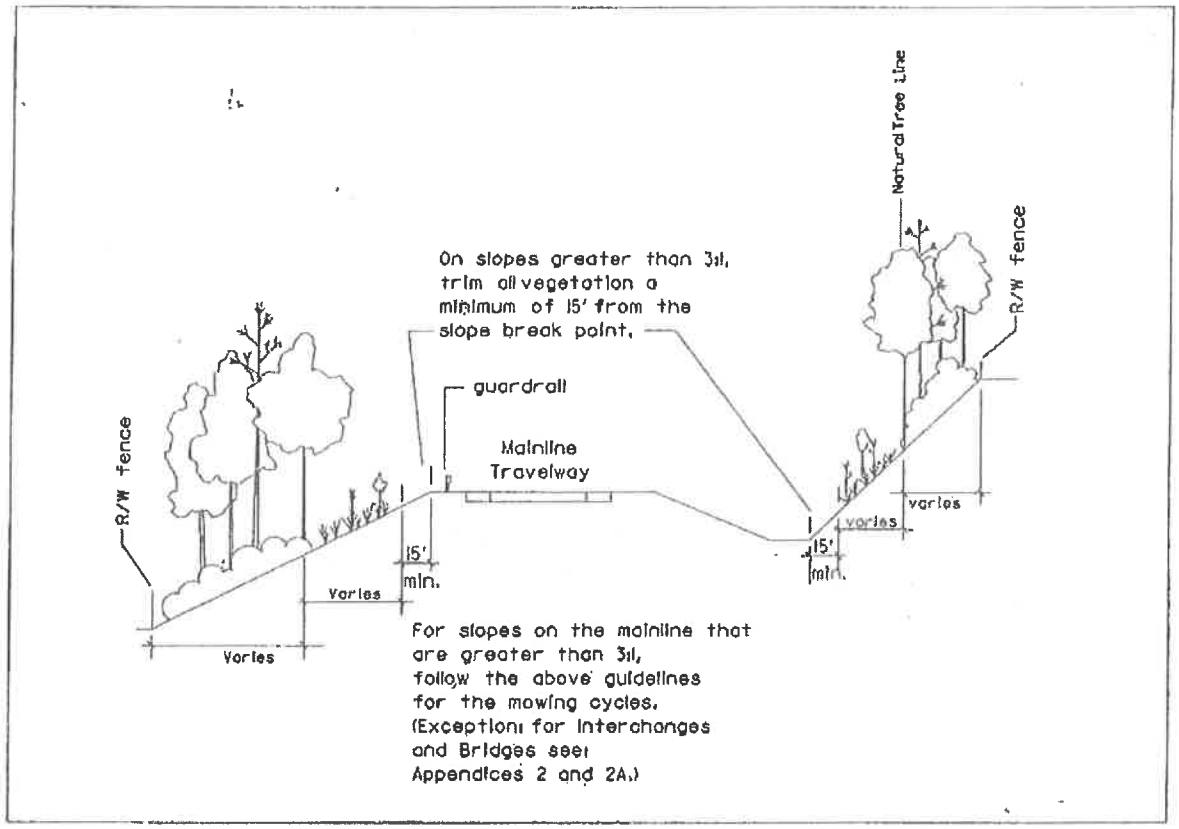


Diagram D: CROSS SECTION OF MOWABLE LIMITS ALONG MAINLINE FOR SLOPES GREATER THAN 3:1

Trim vegetation a minimum of fifteen (15) feet beyond the Slope Break Point each Mowing Cycle. If the Natural Tree Line falls within the minimum fifteen (15) foot area, trim vegetation to the Natural Tree Line.]

On slopes 3:1 or less, trim vegetation to the Natural Tree Line or to the right of way fence if no Natural Tree Line exists.

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Second Amendment to the lease agreement by and between the City of Flowery Branch, Georgia and Hillwood Realty, LLC.

COUNCIL MEETING DATE: September 16, 2021

HISTORY:
This amendment continues the current terms on the lease until September 30, 2022.

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- 2nd Amendment Hillwood Realty, LLC.pdf

SECOND AMENDMENT TO THE LEASE AGREEMENT BY AND BETWEEN THE CITY OF FLOWERY BRANCH, GEORGIA AND HILLWOOD REALTY, LLC

THIS SECOND AMENDMENT TO LEASE AGREEMENT (this "Second Amendment"), is made and entered into effective retroactively to the 1st day of February, 2021, by and between the City of Flowery Branch, Georgia (hereinafter referred to as "Landlord") and Hill Wood Realty, LLC, a Georgia limited liability company, (hereinafter referred to as "Tenant").

WHEREAS, Landlord and Tenant entered into that certain lease agreement dated August 15, 2019, (the "Original Lease"), for that certain property commonly known as 5512 and 5514 Main Street, Flowery Branch, Georgia (the "Demised Premises"); and

WHEREAS, Landlord and Tenant entered into that certain First Amendment to the Lease Agreement on January 23, 2021 (the "First Amendment") in order to (1) reduce the area of the Demised Premises to that area shown highlighted in yellow on Exhibit "A" which is incorporated by reference herein; (2) extend the term and adjust the rent; and (3) to limit the use of the Demised Premises to the operation of a real estate sales office; and

WHEREAS, the First Amendment extended term expired on January 31, 2021; and

WHEREAS, Landlord and Tenant desire to extend the Original Lease a second time, on and subject to the terms and conditions set forth herein.

NOW, THEREFORE, AND IN CONSIDERATION of the sum of One and No/100 Dollars ($1.00), each to the other paid, the receipt and adequacy and sufficiency of which is hereby acknowledge, and the mutual covenants flowing between the parties hereto, the Original Lease, as amended, is hereby extended as follows:

1. Recitals. Each of the foregoing recitals and representations in this Second Amendment form a material part of this Second Amendment and are incorporated herein by this reference, and such recitals and representations and the Original Lease, as amended, are hereby ratified.

2. Extension Term. Landlord and Tenant hereby agree to extend the term of the Original Lease as amended, from February 1, 2021 up and through midnight local Atlanta, Georgia time on the calendar day immediately preceding the 1st day of October, 2022, (the "Extended Term").

3. Rent. For and during the Extended Term, Tenant shall pay monthly rent in the amount of $650.00.

EXCEPT AS HEREIN PROVIDED, all other terms and conditions of the Original Lease as amended shall remain the same and the parties hereto do hereby ratify the Original Lease as amended.

IN WITNESS WHEREOF, Landlord and Tenant have carefully read and reviewed this Second Amendment and each term and provision contained herein, and by the execution of this Second Amendment shows their informed and voluntary consent thereto. The parties hereby agree that, at the time this Second Amendment is executed, the terms of this Second Amendment are commercially reasonable and effectuate the intent and purpose of Landlord and Tenant with respect to the Demised Premises.

This _____ day of _____, 2021.

LANDLORD: CITY OF FLOWERY BRANCH, GA

By: _____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

Signatures Continued Next Page

TENANT: HILLWOOD REALTY, LLC

By: _____
Casey Wood, Member

Sworn to and subscribed before me
this 23 day of August, 2021.

Dawn Westmoreland
NOTARY PUBLIC

My Commission Expires: 12/19/2024

Dawn Westmoreland
NOTARY PUBLIC
Gwinnett County, Georgia
My Commission Expires
December 19, 2024

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider 2nd Amendment of lease agreement between City of Flowery Branch, Georgia and LendUS, LLC d/b/a American Eagle Mortgage, LLC.

COUNCIL MEETING DATE: September 16, 2021

HISTORY:
This amendment continues the current terms on the lease until September 30, 2022.

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- 2nd Agreement LendUS, LLC.pdf

SECOND AGREEMENT TO EXTEND LEASE AGREEMENT

THIS SECOND AGREEMENT TO EXTEND LEASE AGREEMENT (this "2nd Extension Agreement"), is made and entered into effective the 1st day of October, 2021, by and between the City of Flowery Branch, Georgia (hereinafter referred to as "Landlord") and LendUS, LLC d/b/a American Eagle Mortgage, a limited liability company, (hereinafter referred to as "Tenant").

WHEREAS, Landlord and Tenant entered into that certain lease agreement dated January 23, 2020, (the "Original Lease"), for that certain property commonly known as 5514 Main Street, Flowery Branch, Georgia, being approximately 836 square feet as shown highlighted in yellow on Exhibit "A" attached to the Original Lease (the "Demised Premises"); and,

WHEREAS, the Original Lease expired on January 31, 2021; and,

WHEREAS, the Landlord and Tenant entered into a [First] Agreement to Extend Lease Agreement effective February 1, 2021; and,

WHEREAS, the [First] Agreement to Extend Lease Agreement shall expire on September 30, 2021; and,

WHEREAS, Landlord and Tenant desire to extend the Original Lease a second time, on and subject to the terms and conditions set forth herein.

NOW, THEREFORE, AND IN CONSIDERATION of the sum of One and No/100 Dollars ($1.00), each to the other paid, the receipt and adequacy and sufficiency of which is hereby acknowledge, and the mutual covenants flowing between the parties hereto, the Original Lease is hereby extended for a second time as follows:

1. Recitals. Each of the foregoing recitals and representations in this 2nd Extension Agreement form a material part of this 2nd Extension Agreement and are incorporated herein by this reference, and such recitals and representations and the Original Lease are hereby ratified.

2. 2nd Extension Term. Landlord and Tenant hereby agree to extend the term of the Original Lease for an additional period of one (1) year, commencing on the 1st day of October, 2021, and expiring at midnight local Atlanta, Georgia time on the calendar day immediately preceding the 1st day of October, 2022, (the "2nd Extended Term").

3. Rent. For and during the 2nd Extended Term, Tenant shall pay monthly rent in the amount of $1300.00.

EXCEPT AS HEREIN PROVIDED, all other terms and conditions of the Original Lease shall remain the same and the parties hereto do hereby ratify the Original Lease.

IN WITNESS WHEREOF, Landlord and Tenant have carefully read and reviewed this 2nd Extension Agreement and each term and provision contained herein, and by the execution of this 2nd Extension Agreement shows their informed and voluntary consent thereto. The parties hereby agree that, at the time this 2nd Extension Agreement is executed, the terms of this Extension Agreement are commercially reasonable and effectuate the intent and purpose of Landlord and Tenant with respect to the Demised Premises.

This _____ day of _____, 2021.

LANDLORD: CITY OF FLOWERY BRANCH, GA

By: _____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

Signatures Continued Next Page

TENANT: LENDUS, LLC D/B/A
AMERICAN EAGLE MORTGAGE

By: _____
Ava Novak, CFO

Sworn to and subscribed before me
this _____ day of _____, 2021.

_____
NOTARY PUBLIC

My Commission Expires:

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Acceptance of Franchise Fees Settlement Agreement with Charter Communications

COUNCIL MEETING DATE: September 16, 2021

HISTORY:
Charter Communications LLC or Spectrum Southeast LLC, operating as Charter Communications or Spectrum, ("Charter"), has been providing cable television video service in the City of Flowery Branch ("City") and remitting the franchise fee in accordance with the Certificate of Video Franchise Authority dated February 19, 2009 as per O.C.G.A. 36-76-4. 2. The City contracted with the Georgia Municipal Association, Inc. ("GMA") to provide Telecommunication and Right-of-Way Management services via a subcontractor Local Government Services LLC ("LGS"), and to assist the City in conducting a Franchise Fee Payment Compliance Review ("Audit") to ensure proper franchise fee payment calculation and compliance per O.C.G.A. 36-76-4(c). 3. The Audit commenced on June 29, 2020 by an Audit Authorization Letter sent from the City to Charter. Charter responded and acknowledged the audit that same day. 4. On July 2, 2020 LGS sent Charter a Request for Financial Information and an inquiry regarding the Nondisclosure process. Charter delivered the Nondisclosure Agreement on July 22, 2020, and it was executed and returned on August 13, 2020. 5. On December 18, 2020 partial data for the City was delivered to LGS allowing for a financial review; address data was missing. It was determined that this data was incorrect and Charter was notified of the error on December 28, 2020. 6. On February 8, 2021 Charter delivered the financial data and on February 17, 2021 Charter delivered the address data allowing for a complete review. 7. On March 22, 2021, LGS completed the financial and jurisdictional analyses and the Findings were delivered to Charter. There were no financial Findings but numerous jurisdictional errors concluding that Charter did not recognize the correct Service Area of the City of Flowery Branch. 8. On April 30, 2021, the jurisdictional analysis submitted to Charter was supplemented to include exact addresses (not ranges), a format Charter requested. 9. On June 18, 2021, the City sent a letter to Charter requesting compliance and an answer to the jurisdictional errors, giving a requested reply date of July 23, 2021. 10. In addition to the above, numerous communications, both email and telephone, have occurred between the City, LGS, and Charter on the above matter. The City concluded that Charter underpaid franchise fees for the Audit Period. Charter disputed the claim and arrived at a different conclusion than the City. Charter agrees to submit payment to the City in the amount of sixty thousand sixty three dollars ($60,063) to forever settle the City's claims on franchise fees for the Audit Period.

FACTS AND ISSUES:
Tim McGraw, Georgia Municipal Association (GMA) Franchise Fee Advisor, will be presenting this information.

History of Franchise Fees collections for Charter:

FY2017	$21,428.39
FY2018	$20,392.42
FY2019	$20,194.87
FY2020	$18,924.04
FY2021	$19,860.40

We anticipate increase franchise fees to the City by about $20,000 per year.

OPTIONS:
Accept the settlement as presented or do not accept the settlement.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:
n/a

RECOMMENDATION:
Approve for the Mayor to sign the franchise fees settlement agreement with Charter Communications

SAMPLE MOTION:
I approve for the Mayor to sign the franchise fees settlement agreement as presented and accept the settlement amount of $60,063.

COLLABORATING DEPARTMENT:
Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- C Flowery Branch Settlement Agreement Sept 2021.pdf

SETTLEMENT AND RELEASE AGREEMENT

This Settlement and Release Agreement (the "Settlement Agreement") is made this _ __ day of September, 2021 by and among the City of Flowery Branch, Georgia (the "City") and Spectrum Southeast, LLC, locally known as Charter Communications ("Charter").

RECITALS

WHEREAS, Charter operates a cable system in the City and pays franchise fees pursuant to a franchise agreement between the parties (the "Franchise");

WHEREAS, the City conducted an audit of the franchise fee payments made by Charter for the period from April 1, 2017 through March 31, 2020 (the "Audit Period") and concluded that Charter underpaid franchise fees for the Audit Period. Charter disputed the claim and arrived at a different conclusion than the City;

WHEREAS, Charter agrees to submit payment to the City in the amount of sixty thousand sixty three dollars ($60,063) to forever settle the City's claims on franchise fees for the Audit Period;

WHEREAS, the City and Charter now desire to conclude, settle, release and discharge once and forever, all rights, claims, causes of actions, liabilities, disputes and demands relating to franchise fees due the City for the Audit Period;

NOW THEREFORE, in consideration of the foregoing, and in consideration of the mutual promises and obligations hereinafter set forth, and for good and valuable mutual consideration, the receipt and sufficiency of which is hereby acknowledged, the parties to this Settlement Agreement hereto agree as follows:

AGREEMENT

1. **SETTLEMENT AMOUNT**

The City and Charter have agreed that Charter shall submit payment to the City in the amount of sixty thousand sixty three dollars ($60,063) in full settlement of the City's claims on franchise fees for the Audit Period. Charter agrees to pay this amount to the City within sixty (60) days after receipt of the executed Settlement Agreement from the City. It is expressly understood and agreed that the Settlement Amount represents full and complete satisfaction and compromise of any and all claims, actions, causes of action, controversies, demands, damages,

debts, agreements, obligations, liabilities, interest, liens, expenses, costs, attorneys' fees and demands of any kind or nature, known or unknown, arising out of or in any way related to franchise fees due the City during the Audit Period. Notwithstanding any provision of this Settlement Agreement, the parties hereby acknowledge and agree that any franchise fee payment made pursuant to the Franchise may be recovered by Charter from subscribers in accordance with applicable law and that such funds may be included as line items on subscriber bills consistent with FCC regulations at Charter's discretion.

2. **RELEASE OF CLAIMS**

For the consideration set forth in this Settlement Agreement, the City does hereby release and forever discharge Charter, and its parents, subsidiaries, related affiliates and their respective officers, directors, shareholders, owners, partners, employees, agents, contractors, representatives, predecessors, successors, assigns, insurers and attorneys, and each of them, from any and all claims, demands, actions, causes of action, liabilities, obligations, losses, accounts, debts, damages, judgments, costs, interest, expenses, attorney's fees and demands of any kind or nature, known or unknown, arising out of or in any way related to franchise fees due the City during the Audit Period. Furthermore, the City expressly agrees that this settlement, and/or the events leading up to it, including the dispute with respect to the payment of franchise fees during the Audit Period, may not be used in any way in any subsequent judicial or administrative proceeding against Charter other than to enforce the terms of this Settlement Agreement.

3. **VOLUNTARY AGREEMENT**

This Settlement Agreement is freely and voluntarily given by each party, without any duress or coercion, and after each party has consulted with its counsel. Each party has carefully and completely read all of the terms and provisions of this Settlement Agreement. It is understood and agreed by the City and Charter that nothing herein shall be deemed to be an admission of liability by Charter with respect to the matter of this Settlement Agreement.

4. **AUTHORITY AND BINDING EFFECT**

The City and Charter represent and warrant to the other that each has the legal right, power and authority to enter into this Settlement Agreement and to perform its obligations hereunder. This Settlement Agreement will inure to the benefit of and be binding upon the parties and their respective successors and assigns. The parties for themselves and their respective successors and assigns agree to join in or execute any instruments and to do any other act or thing necessary or proper to carry into effect this or any part of this Settlement Agreement.

5. **ENTIRE AGREEMENT**

This Settlement Agreement sets forth the entire agreement between the City and Charter relating to the subject matter of this Settlement Agreement.

6. **GOVERNING LAW**

This Settlement Agreement, and any controversies arising hereunder, shall be interpreted in accordance with the laws of the State of Georgia, and adjudicated in a state or federal court of competent jurisdiction located in the State of Georgia.

7. **CONFIDENTIALITY**

The existence, nature, terms and conditions of this Settlement Agreement are confidential and shall not be disclosed by either party in any manner or form, directly or indirectly, to any person or entity under any circumstances, unless required by court order or applicable law.

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement as their free and voluntary acts and deeds, effective as of the date first above written.

City of Flowery Branch, Georgia	**Spectrum Southeast, LLC** **By: Charter Communications, Inc., Its Manager**
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____

Sworn before me in the City of Flowery Branch, Georgia of _____, this ___ day of

_____, 2021.

My Commission Expires: _____ _____

Notary Public

Approved as to Form:

_____

Vice President and Assistant General Counsel