



**City of Flowery Branch
City Council Meeting
Thursday, October 01, 2020, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch GA, 30542**



CALL PUBLIC HEARING TO ORDER:

PLEDGE OF ALLEGIANCE:

EXECUTIVE SESSION:

PUBLIC HEARING:

- Consider Ordinance #20-611 a request to annex a 15.6 +/- tract of land known as 4020 Falcon Parkway.
[4020 Falcon Parkway Annexation .pdf](#)
[Staff report .pdf](#)
- Consider Ordinance # 20-610 a request to annex a 10+/- acre property known as 3990 Falcon Parkway.
[3990 Falcon Parkway Annexation.pdf](#)
[Staff report .pdf](#)
- Consider Ordinance #20-614 a request to rezone a piece of property known as 4044 Falcon Parkway from Agricultural (A) to Light Industrial (M1).
[4044 Falcon Parkway Rezoning.pdf](#)
[Staff report .pdf](#)
- Consider Ordinance #20-613 a request to rezone a 15.6 +/- tract of land known as 4020 Falcon Parkway from Hall County Agricultural Residential (A III) to Flowery Branch Light Industrial (M1).
[4020 Falcon Parkway Rezoning.pdf](#)
[Staff report .pdf](#)
- Consider Ordinance# 20-612 a request to rezone a 10+/- acre tract of land known as 3990 Falcon Parkway from Hall County Highway Business (HB) to Flowery Branch Light Industrial (M1).
[3990 Falcon Parkway Rezoning.pdf](#)
[Staff report .pdf](#)
- City of Flowery Branch Comprehensive Plan Public Hearing Kick Off Meeting

UNFINISHED BUSINESS - WORK SESSION:

- Downtown City-Owned Property Leasing Contract with Oakhurst Realty Partners
[Oakhurst Realty Flowery_Branch_Leasing_Agreement.pdf](#)

NEW BUSINESS -WORK SESSION:

- Consider Ordinance #20-611 a request to annex a 15.6 +/- tract of land known as 4020 Falcon Parkway.

[4020 Falcon Parkway Annexation .pdf](#)

[Staff report .pdf](#)

- Consider Ordinance # 20-610 a request to annex a 10+/- acre property known as 3990 Falcon Parkway.

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[4044 Falcon Parkway Rezoning.pdf](#)

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[3990 Falcon Parkway Rezoning.pdf](#)

[Staff report .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 August 6, 2020 Meeting Minutes
[August 6, 2020 Council Meeting Minutes.pdf](#)
- Consider September 3, 2020 Meeting Minutes
[City Council Meeting Minutes September 3, 2020.pdf](#)
- Consider Vehicles to Surplus and Auction through Gov Deals
[Vehicle Inspection Forms.pdf](#)
[2012 Chevy Impala 1.JPG](#)
[2012 Chevy Impala 2.JPG](#)
[2012 Chevy Impala 3.JPG](#)

[2012 Chevy Impala 4.JPG](#)
[2004 Ford F150.pdf](#)
[2007 GMC Sierra 1500 Pic 1.JPG](#)
[2007 GMC Sierra 1500 Pic 2.JPG](#)
[2007 GMC Sierra 1500 Pic 3.JPG](#)
[2007 GMC Sierra 1500 Pic 4.JPG](#)
[2009 Chevy Impala 1.JPG](#)
[2009 Chevy Impala 2.JPG](#)
[2009 Chevy Impala 3.JPG](#)
[2012 Chevy Impala 1.JPG](#)
[2012 Chevy Impala 2.JPG](#)
[Vehicle Inspection Forms.pdf](#)
[2012 Chevy Impala 3.JPG](#)
[2012 Chevy Impala Pic 1.JPG](#)
[2012 Chevy Impala Pic 2.JPG](#)
[2012 Chevy Impala Pic 3.JPG](#)

- Consider Mayor Miller Per Diem
[Mike Miller Per Diem Sept 2020.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

- Downtown City-Owned Property Leasing Contract with Oakhurst Realty Partners
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NEW BUSINESS - VOTING SESSION:

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[3990 Falcon Parkway Rezoning.pdf](#)
[Staffreport .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 Ordinance #20-611 a request to annex a 15.6 +/- tract of land known as 4020 Falcon Parkway.

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve #20-116 as submitted.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [4020 Falcon Parkway Annexation .pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-611

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 15.6 +/- ACRES, OWNED BY FLORENCE CASH SMEE AND LUCY CASH BARNETT IDENTIFIED AS 4020 FALCON PARKWAY, TAX PARCEL 08069 001002 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, Florence Cash Smee and Lucy Cash Barnett own all tract or parcel of land totaling 15.6+/- acres identified as Parcel Tax Identification No.08069 001002, 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 Mr. Steve Rowley and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City’s corporate limits; and

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

WHEREAS, Florence Cash Smee and Lucy Cash Barnett 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a tract or parcel of land totaling 15.6 +/- acres identified as Parcel Tax Identification No. 08069 001002, as shown on Exhibit "A", and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

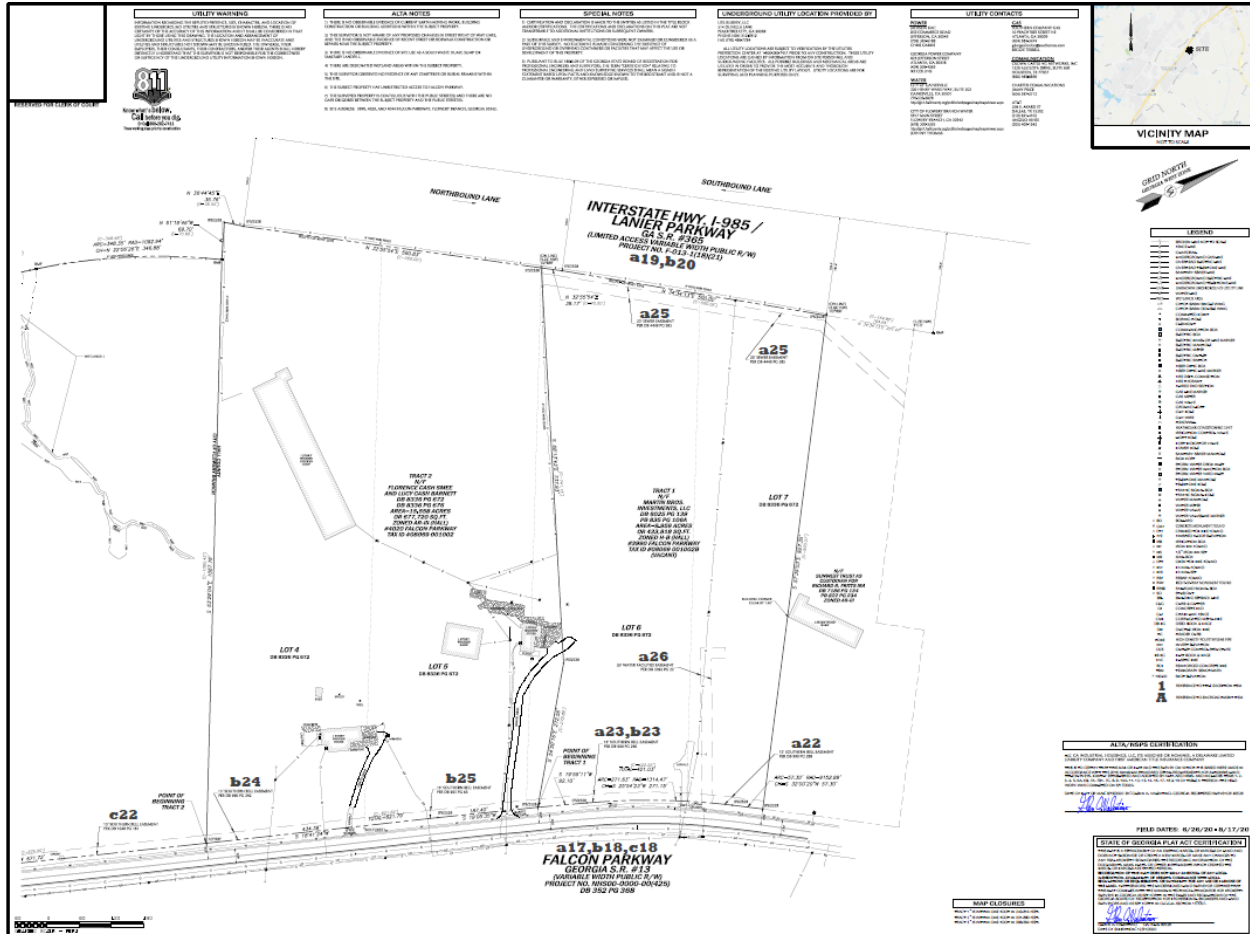


Exhibit "B"

LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, 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 #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

THENCE departing said northwesterly right-of-way line of Falcon Parkway North 63 degrees 29 minutes 04 seconds West for a distance of 1087.76 feet to a concrete right-of-way monument found on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21);

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 61 degrees 19 minutes 46 seconds West for a distance of 69.70 feet to a 1/2" iron pin set;

THENCE North 36 degrees 44 minutes 45 seconds East for a distance of 36.76 feet to a 1/2" iron pin set;

THENCE North 32 degrees 55 minutes 54 seconds East for a distance of 560.83 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof);

THENCE South 68 degrees 13 minutes 43 seconds East for a distance of 737.93 feet to a 1/2" iron pin set;

THENCE South 54 degrees 50 minutes 16 seconds East for a distance of 272.56 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said right-of-way line of Falcon Parkway the following courses and distances: South 19 degrees 05 minutes 35 seconds West for a distance of 187.40 feet to a 1/2" iron pin set;

THENCE South 18 degrees 41 minutes 24 seconds West for a distance of 434.39 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

Said tract or parcel of land contains 15.558 acres or 677,720 square feet.

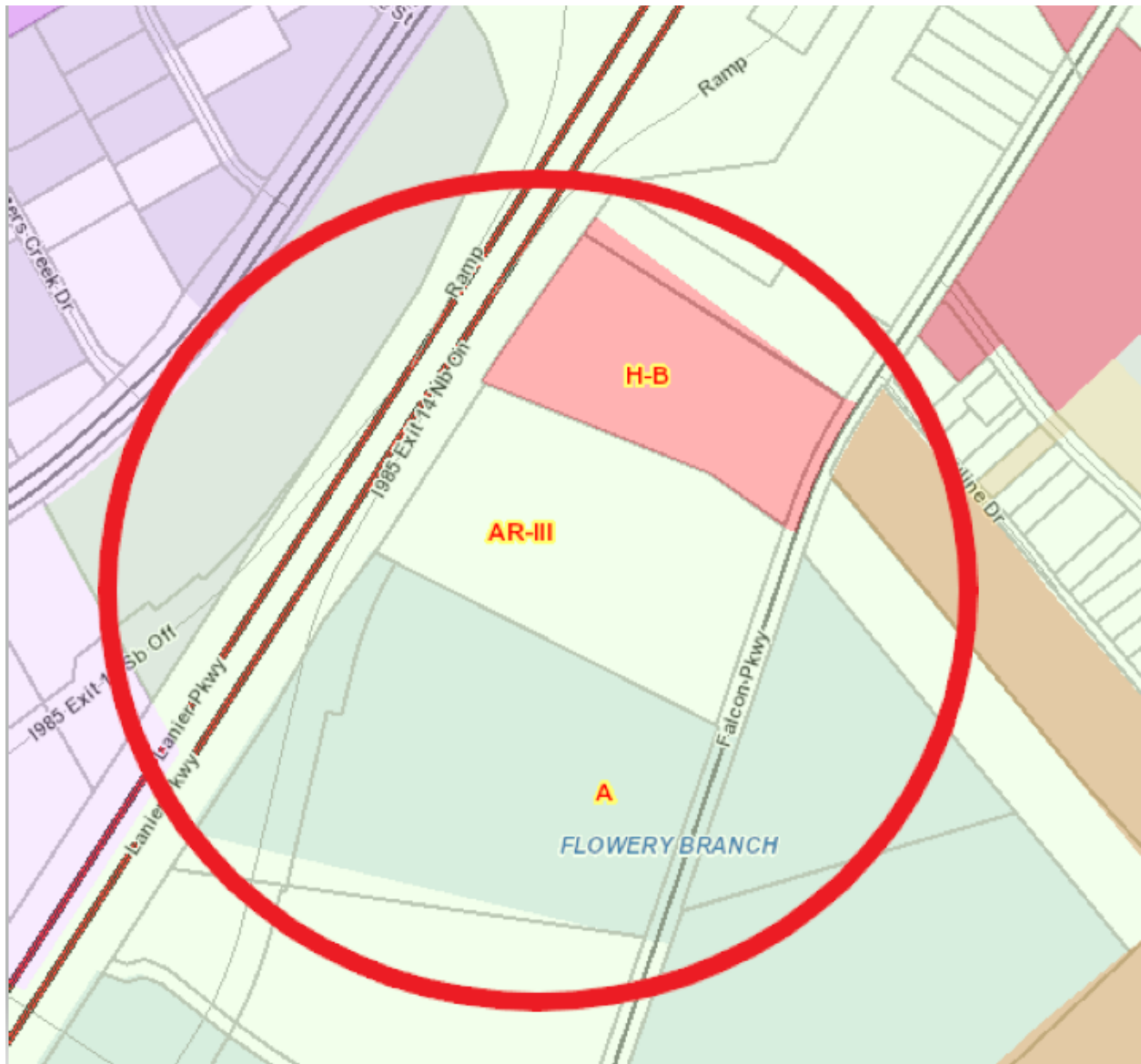


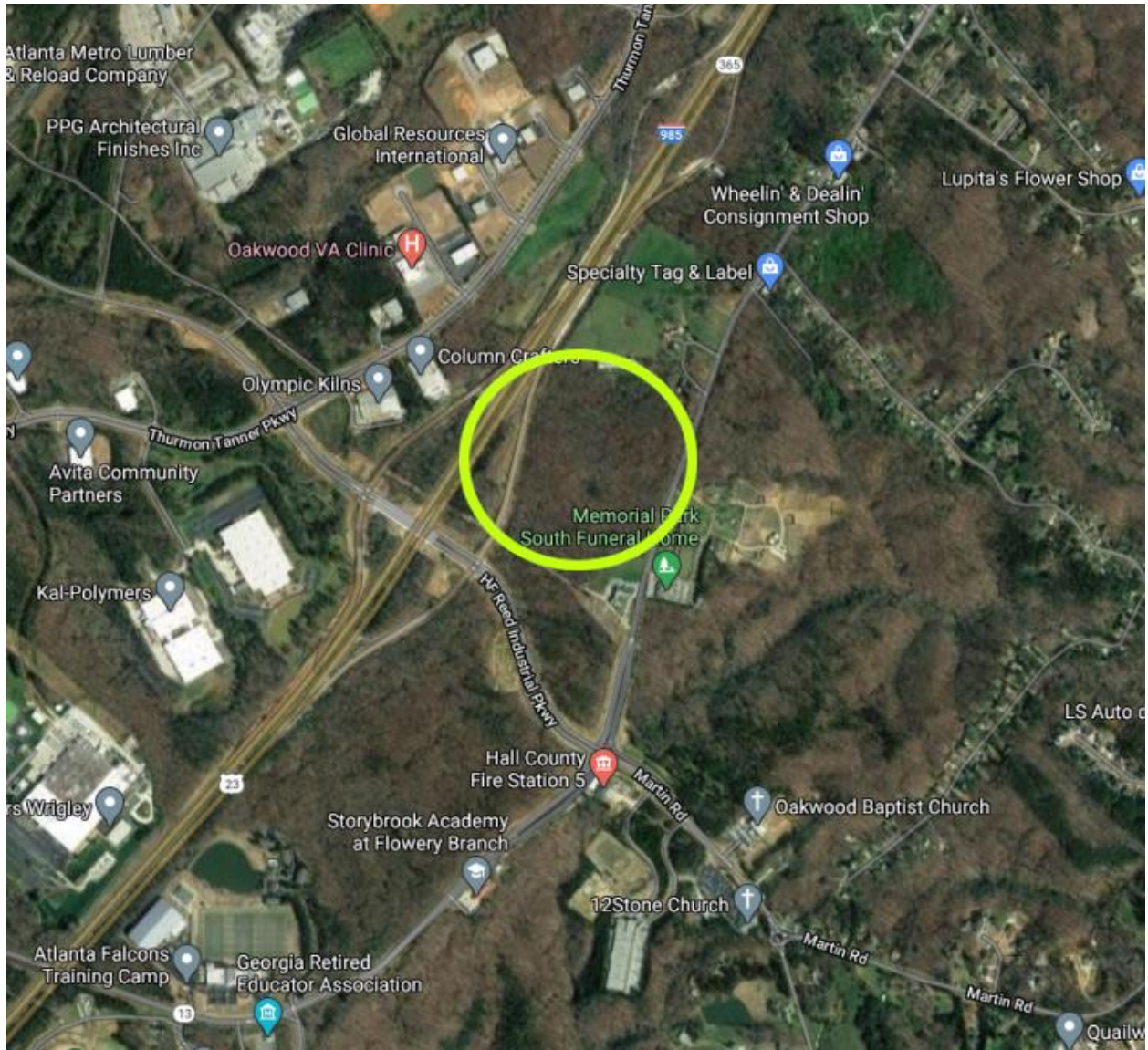
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

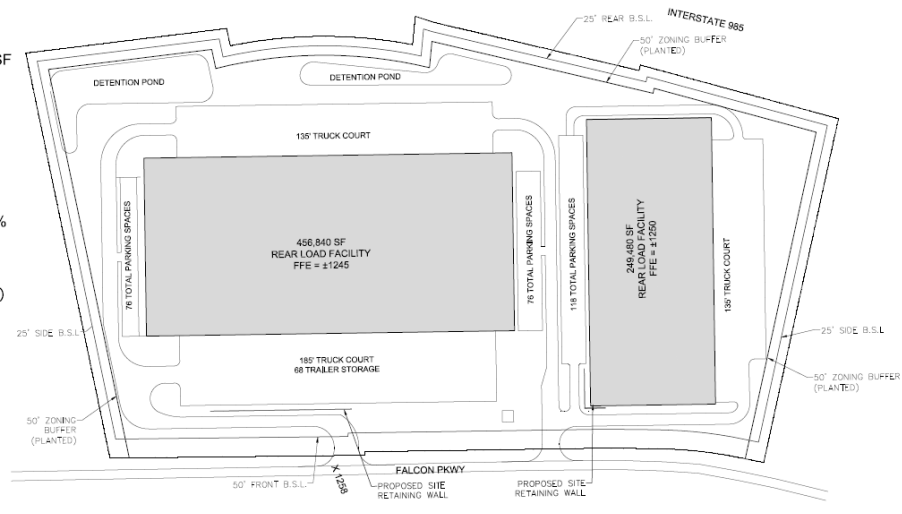
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

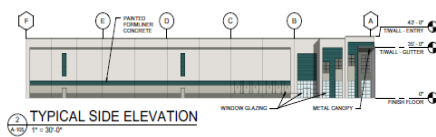
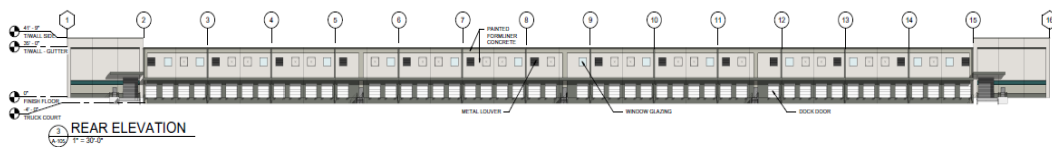
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed 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.*

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

TEL: 770.452.7849
FAX: 770.452-0086
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
WWW.EBERLY.NET

OFFERING PROFESSIONAL SERVICES IN
THE AREAS OF LAND PLANNING, CIVIL
ENGINEERING, AND LANDSCAPE
ARCHITECTURE

Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance # 20-610 a request to annex a 10+/- acre property known as 3990 Falcon Parkway.

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted

SAMPLE MOTION:

I make a motion to approve Ordinance # 20-610 as submitted.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [3990 Falcon Parkway Annexation.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-610

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A PARCEL OF REAL PROPERTY TOTALING 10 +/- ACRES, OWNED BY MARTIN BROTHERS, LLC. IDENTIFIED AS 3990 FALCON PARKWAY, TAX PARCEL 08069 001002B 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, Martin Brothers, LLC. owns all tract or parcel of land totaling 10+/- acres identified as Parcel Tax Identification No.08069 001002B, 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 Mr. Steve Rowley and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City’s corporate limits; and

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

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

WHEREAS, the City Council held a public hearing at the meeting of October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a tract or parcel of land totaling 10 +/- acres identified as Parcel Tax Identification No. 08069 001002B, as shown on Exhibit “A”, and as described on Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

3



LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 1 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found;

THENCE North 18 degrees 41 minutes 24 seconds East for a distance of 434.39 feet to a 1/2" iron pin set;

THENCE North 19 degrees 05 minutes 35 seconds East for a distance of 187.40 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 Falcon Parkway North 54 degrees 50 minutes 16 seconds West for a distance of 272.56 feet to a 1/2" iron pin set;

THENCE North 68 degrees 13 minutes 43 seconds West for a distance of 737.93 feet to a 1/2" iron pin set on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21), (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof)

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 32 degrees 55 minutes 54 seconds East for a distance of 39.17 feet to a 1/2" iron pin set;

THENCE North 34 degrees 34 minutes 13 seconds East for a distance of 500.00 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 2.86 feet northwest thereof);

THENCE departing said right-of-way line of Interstate 985 South 57 degrees 39 minutes 03 seconds East for a distance of 927.35 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said northwesterly right-of-way line of Falcon Parkway the following courses and distances: along a curve to the left having a radius of 9152.89 feet for an arc distance of 57.30 feet (said arc being subtended by a chord of South 32 degrees 00 minutes 20 seconds West for a distance of 57.30 feet) to a 1/2" iron pin set;

THENCE along a curve to the left having a radius of 1314.47 feet for an arc distance of 271.63 feet (said arc being subtended by a chord of South 25 degrees 54 minutes 23 seconds West for a distance of 271.15 feet) to a 1/2" iron pin set;

THENCE South 19 degrees 59 minutes 11 seconds West for a distance of 92.10 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 9.959 acres or 433,816 square feet.

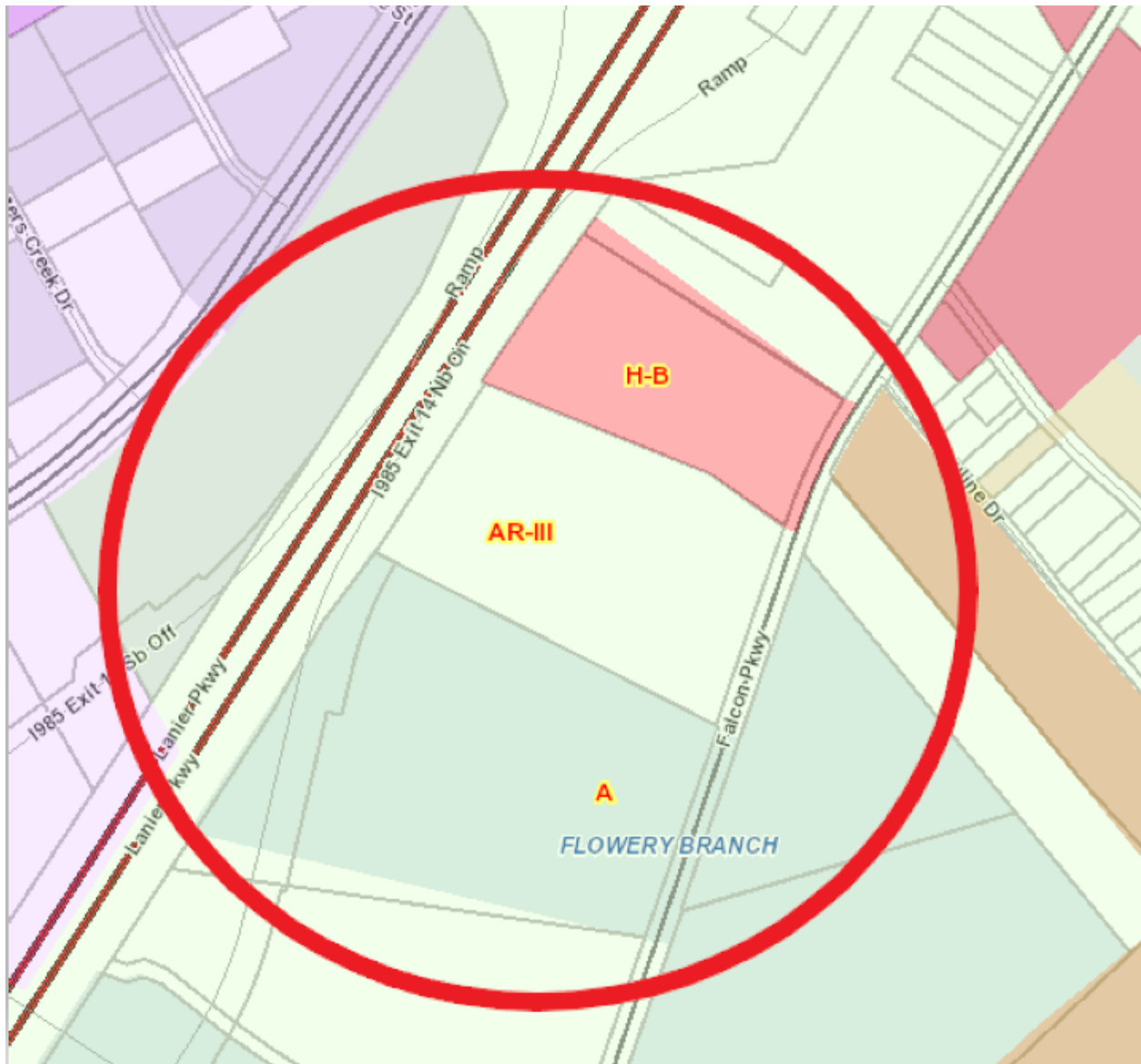


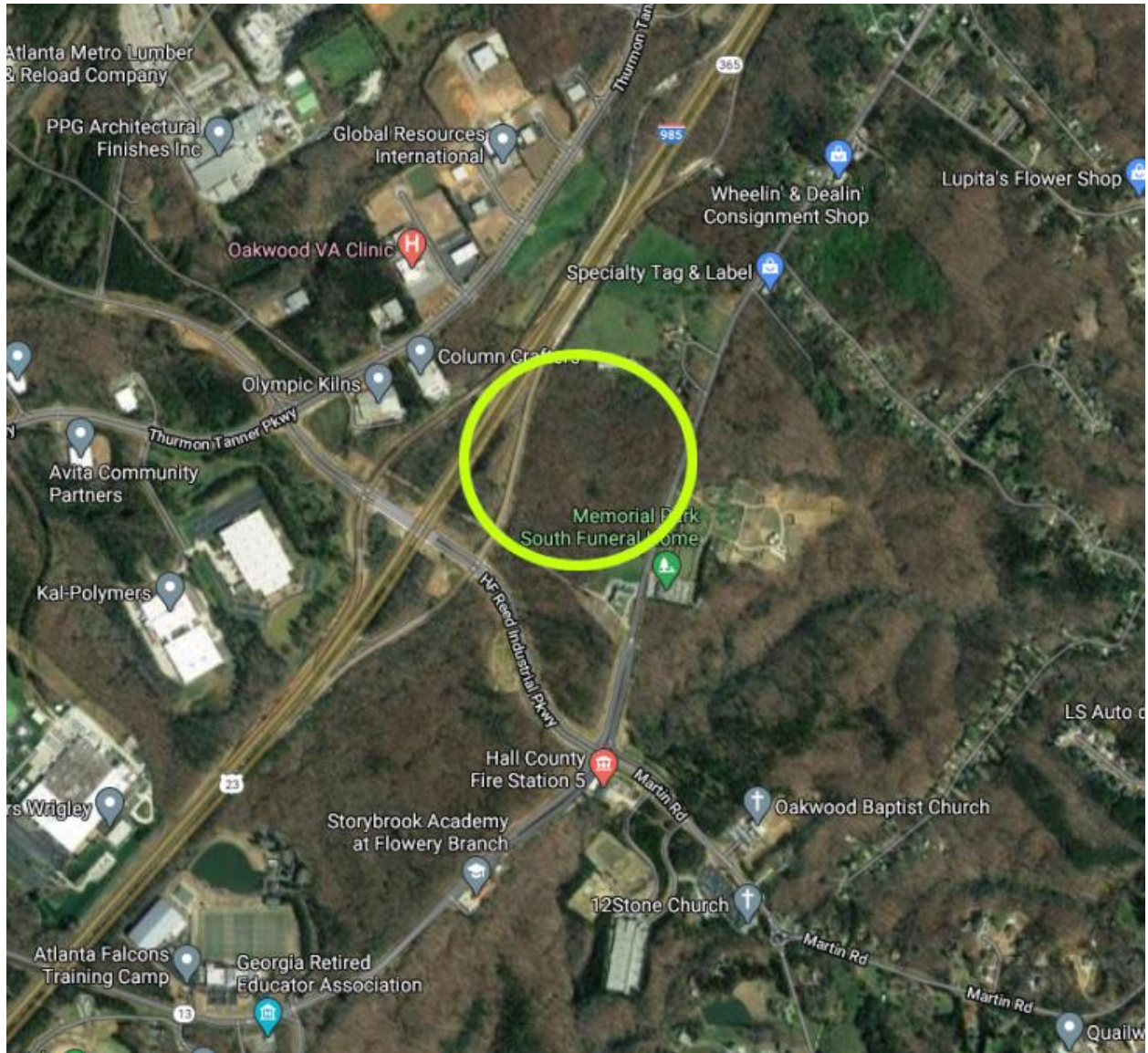
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

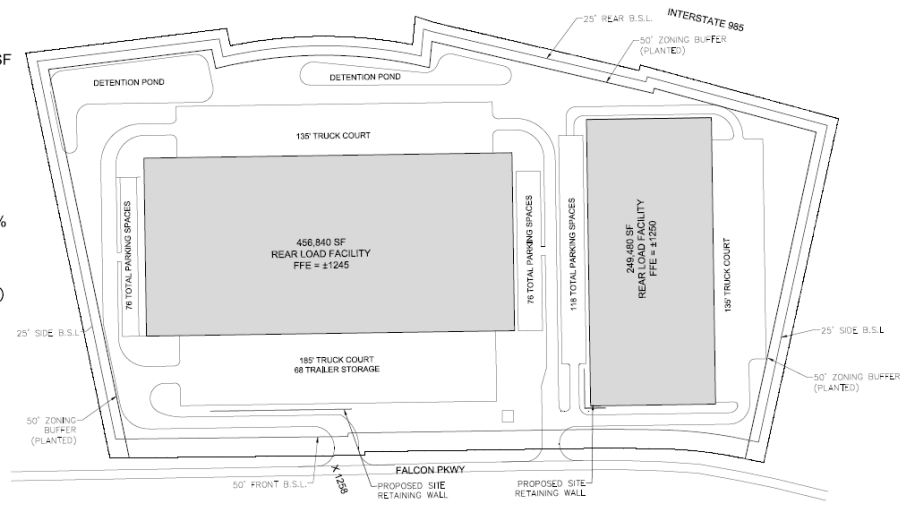
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

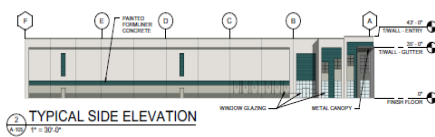
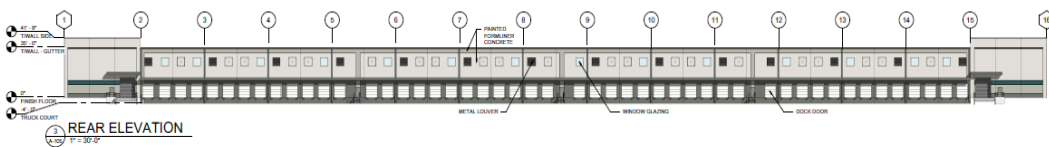
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed 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.*

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

TEL: 770.452.7849
FAX: 770.452-0086
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
WWW.EBERLY.NET

OFFERING PROFESSIONAL SERVICES IN
THE AREAS OF LAND PLANNING, CIVIL
ENGINEERING, AND LANDSCAPE
ARCHITECTURE

Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance #20-614 a request to rezone a piece of property known as 4044 Falcon Parkway from Agricultural (A) to Light Industrial (M1).

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve Ordinance # 20-614 as submitted and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [4044 Falcon Parkway Rezoning.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-614

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY THE MCCRARY FAMILY PARTNERSHIP, LP IDENTIFIED AS 4044 FALCON PARKWAY, TAX PARCEL 08069 001013, TOTALING 21.75+/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1), 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 McCrary Family Partnership, LP owns all tract or parcel of land totaling 21.75+/- acres identified as Tax Parcel Identification No. 08069 001013, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, The McCrary Family Partnership, LP 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 October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from A (Agricultural) to M1 (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 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 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 change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from A (Agricultural) to M-1 (Light Industrial) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

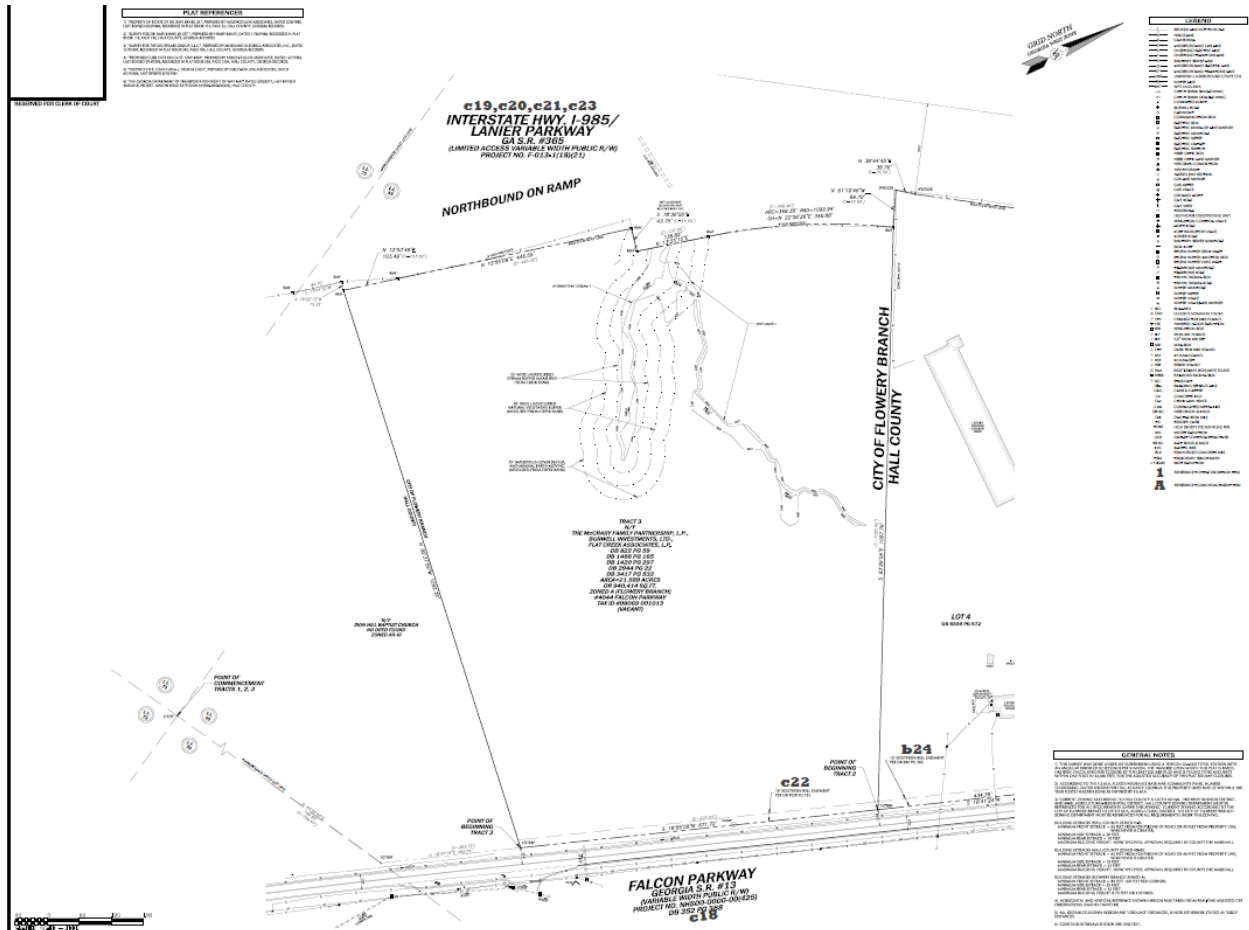
ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



LEGAL DESCRIPTION - TRACT 3

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 3 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

THENCE departing said northwesterly right-of-way line of Falcon Parkway North 82 degrees 37 minutes 59 seconds West for a distance of 1092.39 feet to a concrete right-of-way monument found on the easterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21);

THENCE proceeding along said easterly right-of-way line of Interstate 985 the following courses and distances: North 12 degrees 53 minutes 49 seconds East for a distance of 103.49 feet to a concrete right-of-way monument found;

THENCE North 12 degrees 55 minutes 09 seconds East for a distance of 446.55 feet to a concrete right-of-way monument found;

THENCE South 78 degrees 36 minutes 00 seconds East for a distance of 43.75 feet to a concrete right-of-way monument found;

THENCE North 13 degrees 23 minutes 15 seconds East for a distance of 135.82 feet to a concrete right-of-way monument found;

THENCE along a curve to the right having a radius of 1092.94 feet for an arc distance of 348.35 feet (said arc being subtended by a chord of North 22 degrees 06 minutes 26 seconds East for a distance of 346.88 feet) to a concrete right-of-way monument found;

THENCE departing said easterly right-of-way line of Interstate 985 South 63 degrees 29 minutes 04 seconds East for a distance of 1087.76 feet to a 1/2" rebar found on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said right-of-way line of Falcon Parkway South 18 degrees 55 minutes 09 seconds West for a distance of 671.72 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

Said tract or parcel of land contains 21.589 acres or 940,414 square feet.

Exhibit “C”

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development

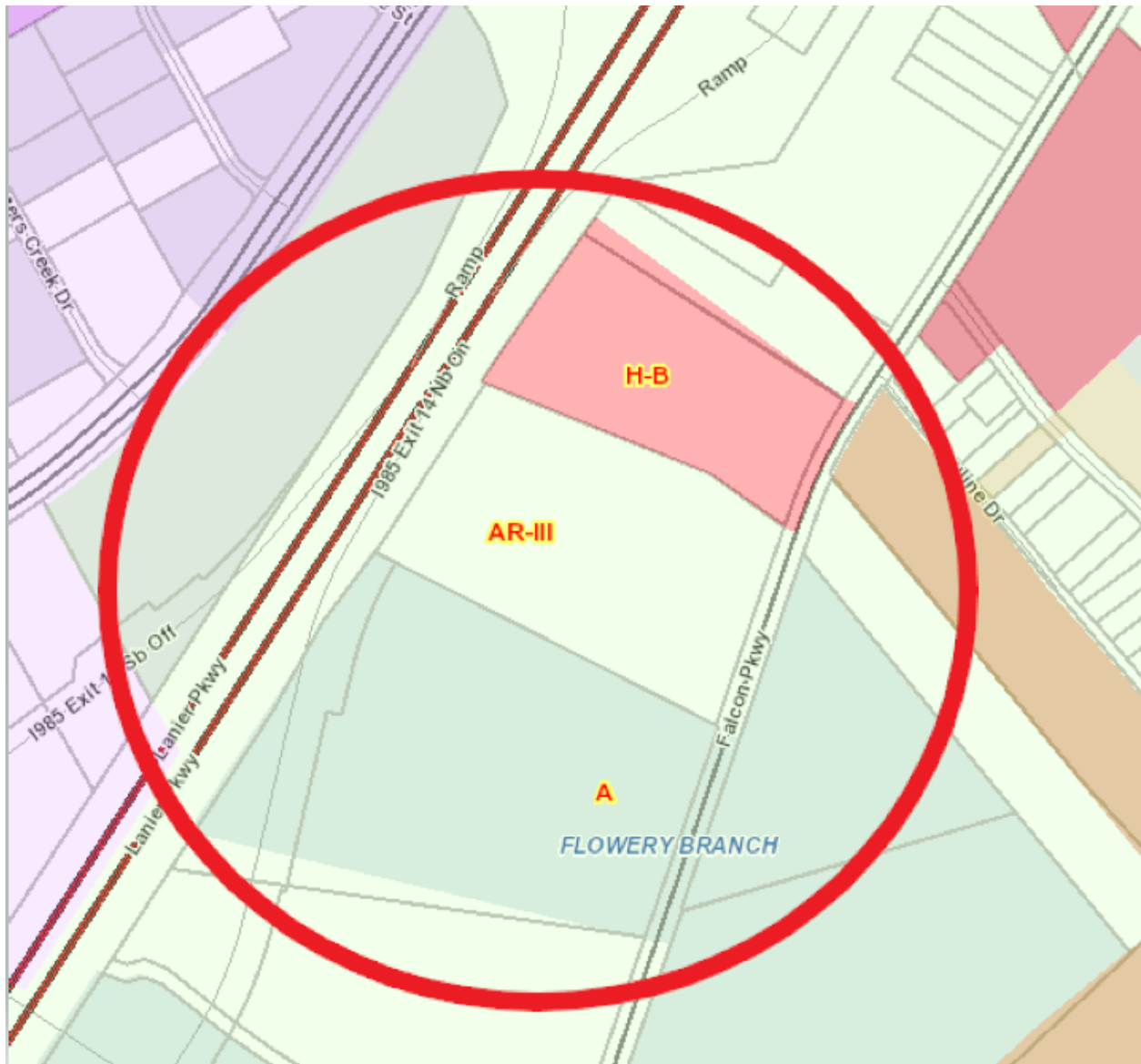


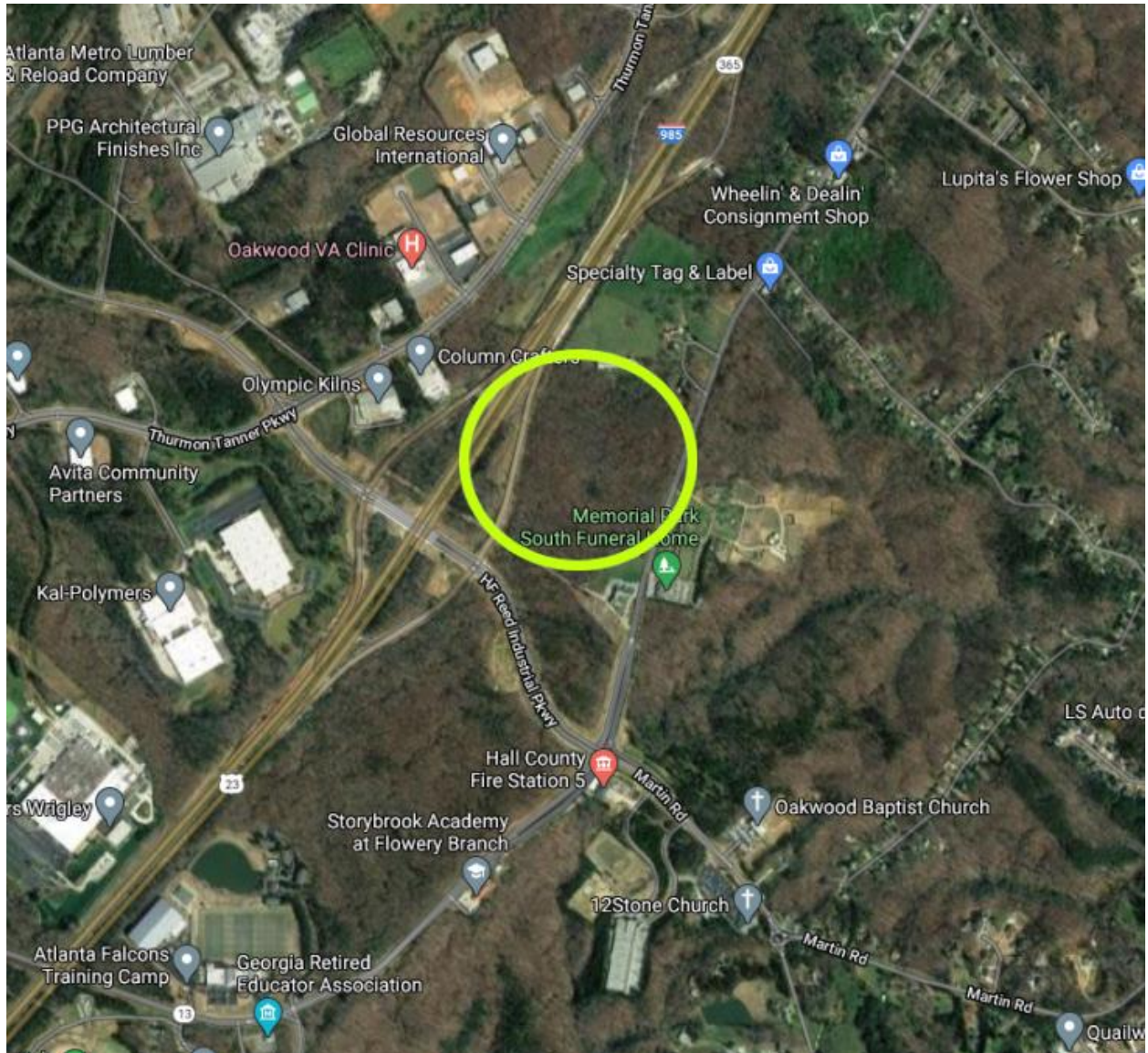
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

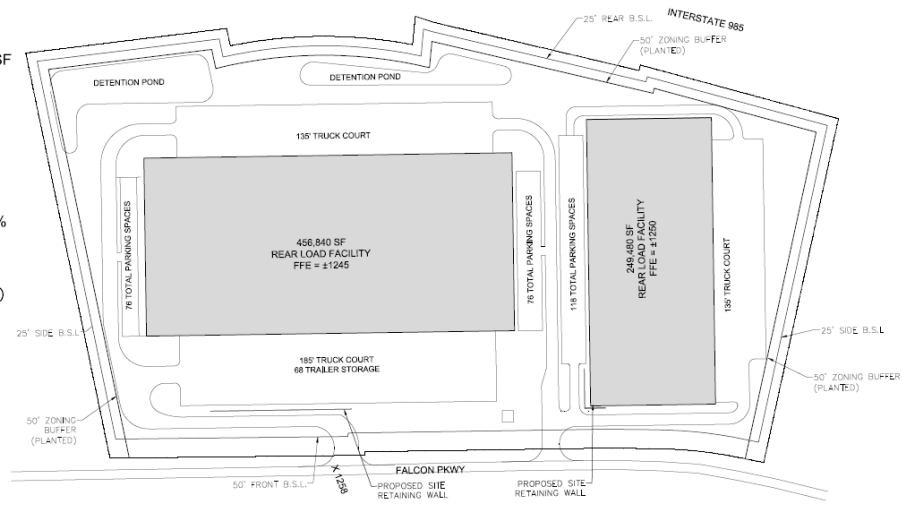
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

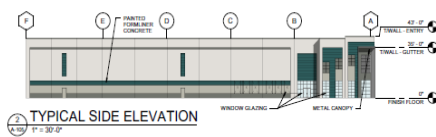
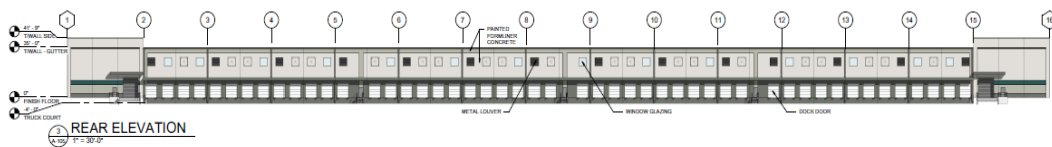
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed 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.**

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

TEL: 770.452.7849
FAX: 770.452-0086
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
WWW.EBERLY.NET

OFFERING PROFESSIONAL SERVICES IN
THE AREAS OF LAND PLANNING, CIVIL
ENGINEERING, AND LANDSCAPE
ARCHITECTURE

Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance #20-613 a request to rezone a 15.6 +/- tract of land known as 4020 Falcon Parkway from Hall County Agricultural Residential (A III) to Flowery Branch Light Industrial (M1).

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve Ordinance #20-613 as submitted and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [4020 Falcon Parkway Rezoning.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-613

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY FLORENCE CASH SMEE AND LUCY CASH BARNETT IDENTIFIED AS 4020 FALCON PARKWAY, TAX PARCEL 08069 001002, TOTALING 15.6+/- ACRES TO BE REZONED FROM HALL COUNTY AGRICULTURAL RESIDENTIAL (A III) TO FLOWERY BRANCH LIGHT INDUSTRIAL (M1), 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, Florence Cash Smee and Lucy Cash Barnett own all tract or parcel of land totaling 15.6+/- acres identified as Tax Parcel Identification No.08069 001002, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Florence Cash Smee and Lucy Cash Barnett have 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 October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County A III (Agricultural Residential) to Flowery Branch M1 (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 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 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 change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch M-1 (Light Industrial) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

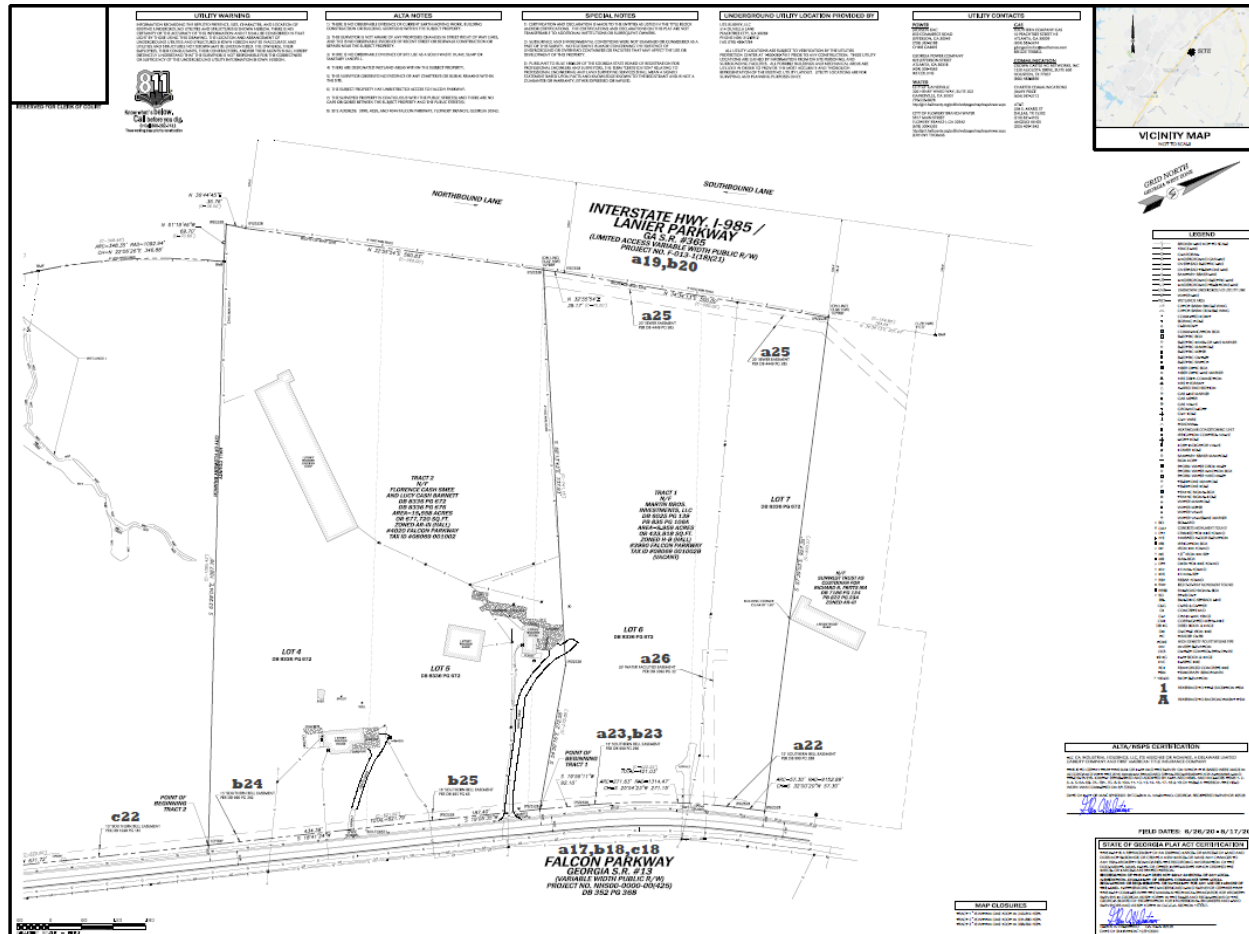
ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 1 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found;

THENCE North 18 degrees 41 minutes 24 seconds East for a distance of 434.39 feet to a 1/2" iron pin set;

THENCE North 19 degrees 05 minutes 35 seconds East for a distance of 187.40 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 Falcon Parkway North 54 degrees 50 minutes 16 seconds West for a distance of 272.56 feet to a 1/2" iron pin set;

THENCE North 68 degrees 13 minutes 43 seconds West for a distance of 737.93 feet to a 1/2" iron pin set on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21), (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof)

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 32 degrees 55 minutes 54 seconds East for a distance of 39.17 feet to a 1/2" iron pin set;

THENCE North 34 degrees 34 minutes 13 seconds East for a distance of 500.00 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 2.86 feet northwest thereof);

THENCE departing said right-of-way line of Interstate 985 South 57 degrees 39 minutes 03 seconds East for a distance of 927.35 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said northwesterly right-of-way line of Falcon Parkway the following courses and distances: along a curve to the left having a radius of 9152.89 feet for an arc distance of 57.30 feet (said arc being subtended by a chord of South 32 degrees 00 minutes 20 seconds West for a distance of 57.30 feet) to a 1/2" iron pin set;

THENCE along a curve to the left having a radius of 1314.47 feet for an arc distance of 271.63 feet (said arc being subtended by a chord of South 25 degrees 54 minutes 23 seconds West for a distance of 271.15 feet) to a 1/2" iron pin set;

THENCE South 19 degrees 59 minutes 11 seconds West for a distance of 92.10 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 9.959 acres or 433,816 square feet.

Exhibit “C”

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development

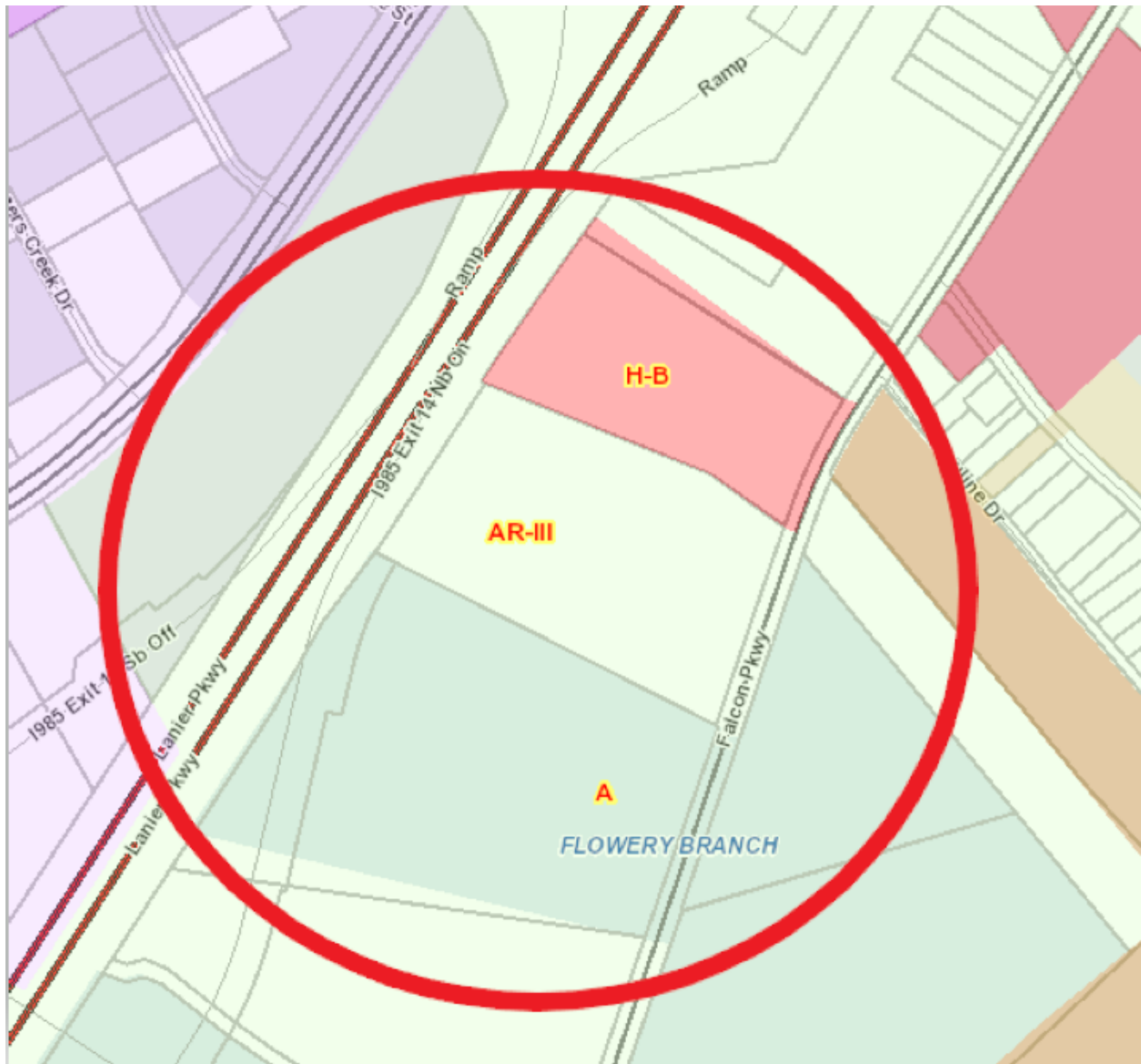


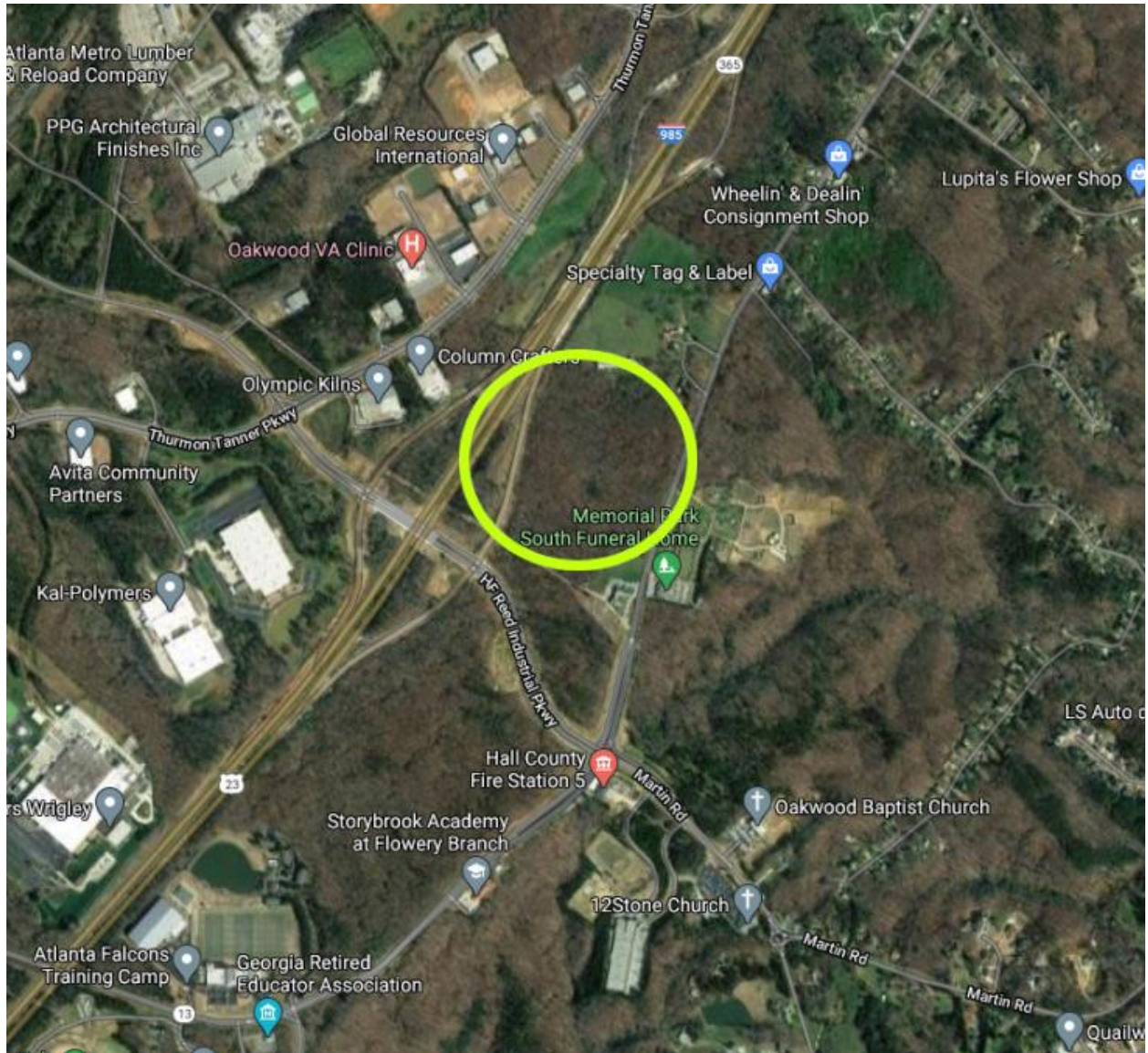
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

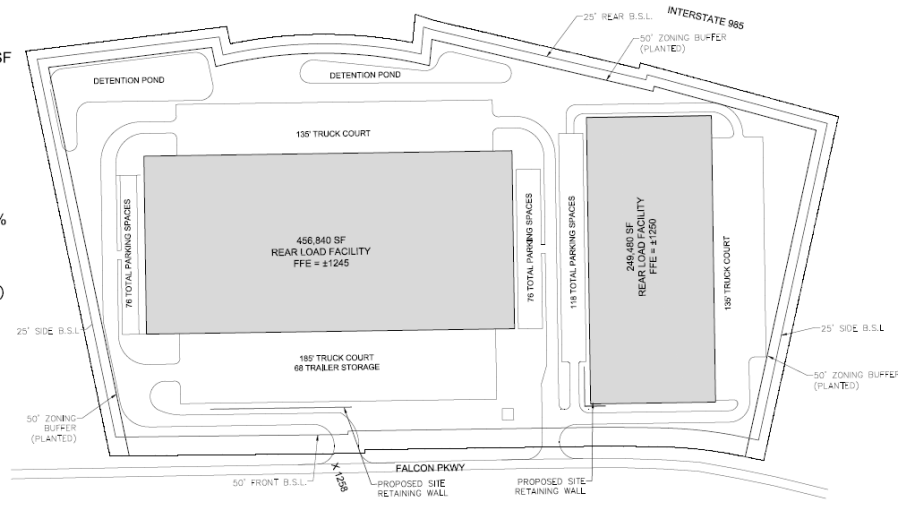
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

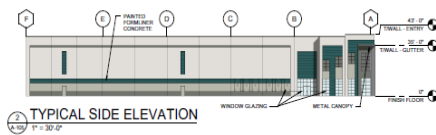
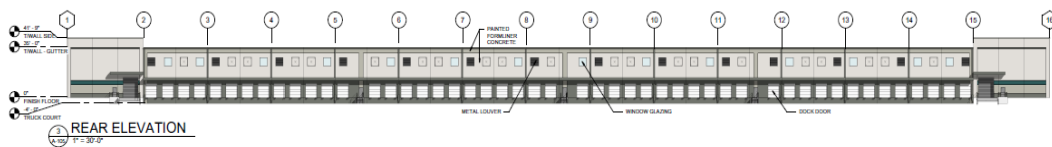
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed 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.*

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

TEL: 770.452.7849
FAX: 770.452-0086
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
WWW.EBERLY.NET

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THE AREAS OF LAND PLANNING, CIVIL
ENGINEERING, AND LANDSCAPE
ARCHITECTURE

Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance# 20-612 a request to rezone a 10+/- acre tract of land known as 3990 Falcon Parkway from Hall County Highway Business (HB) to Flowery Branch Light Industrial (M1).

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve Ordinance #20-612 as submitted and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [3990 Falcon Parkway Rezoning.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-612

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY MARTIN BROTHERS, LLC. IDENTIFIED AS 3990 FALCON PARKWAY, TAX PARCEL 08069 001002B, TOTALING 10 +/- ACRES TO BE REZONED FROM HALL COUNTY HIGHWAY BUSINESS (HB) TO FLOWERY BRANCH LIGHT INDUSTRIAL (M1), 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, Martin Brothers, LLC. owns all tract or parcel of land totaling 10+/- acres identified as Tax Parcel Identification No.08069 001002B, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Martin Brothers, 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 October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County HB (Highway Business) to Flowery Branch M1 (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 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 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 change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Hall County HB (Highway Business) to Flowery Branch M-1 (Light Industrial) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

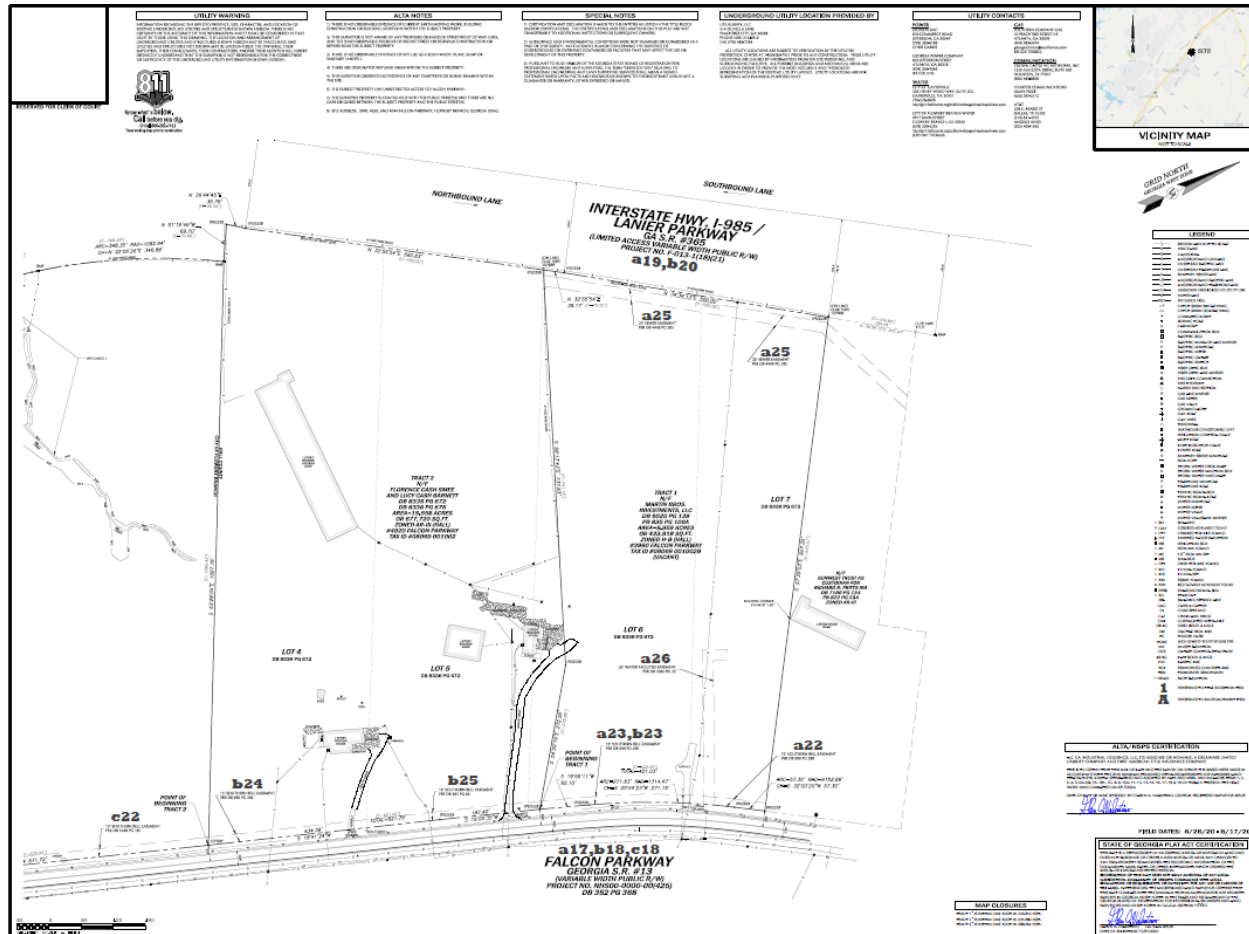
ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 1 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found;

THENCE North 18 degrees 41 minutes 24 seconds East for a distance of 434.39 feet to a 1/2" iron pin set;

THENCE North 19 degrees 05 minutes 35 seconds East for a distance of 187.40 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 Falcon Parkway North 54 degrees 50 minutes 16 seconds West for a distance of 272.56 feet to a 1/2" iron pin set;

THENCE North 68 degrees 13 minutes 43 seconds West for a distance of 737.93 feet to a 1/2" iron pin set on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21), (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof)

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 32 degrees 55 minutes 54 seconds East for a distance of 39.17 feet to a 1/2" iron pin set;

THENCE North 34 degrees 34 minutes 13 seconds East for a distance of 500.00 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 2.86 feet northwest thereof);

THENCE departing said right-of-way line of Interstate 985 South 57 degrees 39 minutes 03 seconds East for a distance of 927.35 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said northwesterly right-of-way line of Falcon Parkway the following courses and distances: along a curve to the left having a radius of 9152.89 feet for an arc distance of 57.30 feet (said arc being subtended by a chord of South 32 degrees 00 minutes 20 seconds West for a distance of 57.30 feet) to a 1/2" iron pin set;

THENCE along a curve to the left having a radius of 1314.47 feet for an arc distance of 271.63 feet (said arc being subtended by a chord of South 25 degrees 54 minutes 23 seconds West for a distance of 271.15 feet) to a 1/2" iron pin set;

THENCE South 19 degrees 59 minutes 11 seconds West for a distance of 92.10 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 9.959 acres or 433,816 square feet.

Exhibit “C”

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development

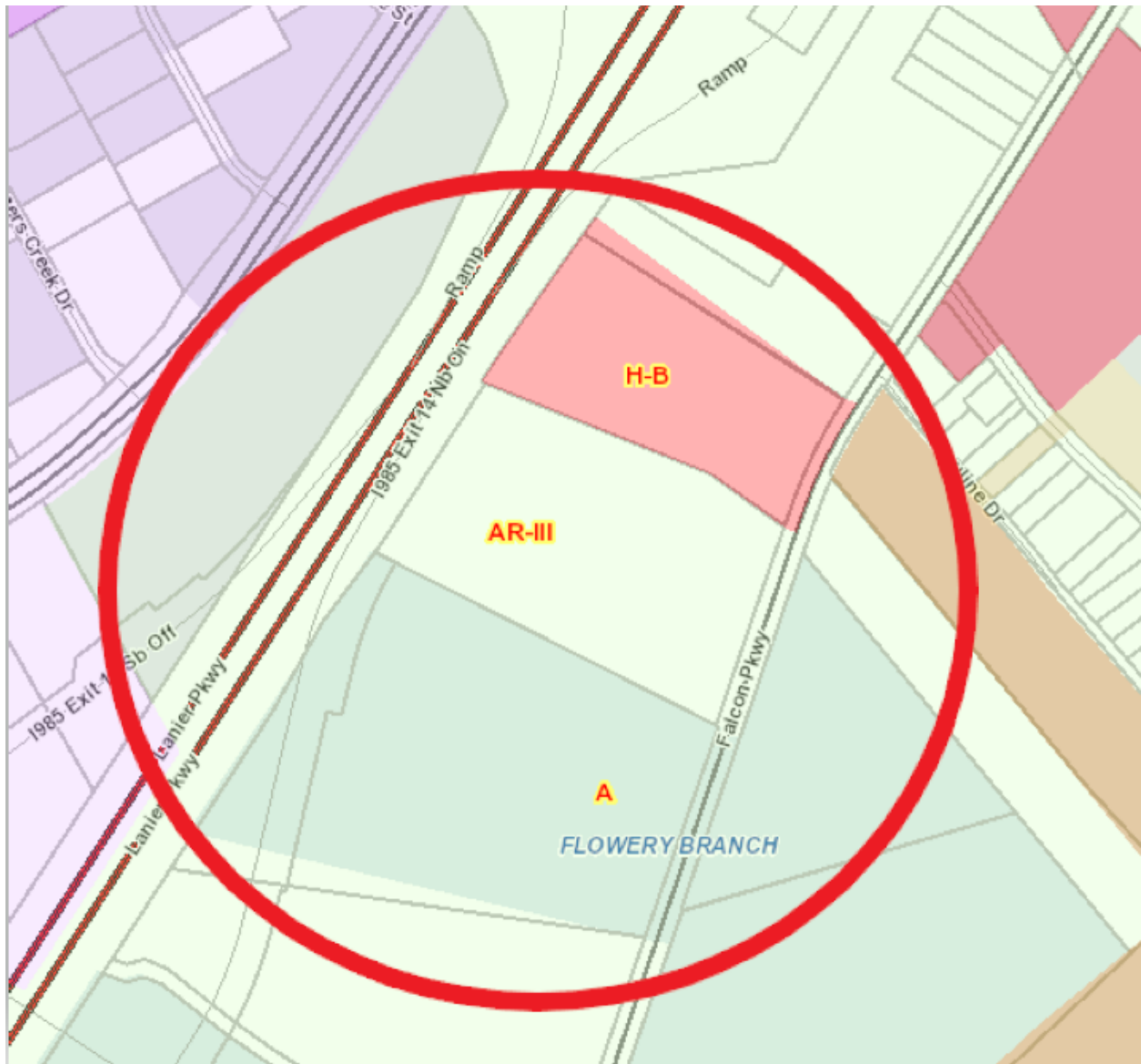


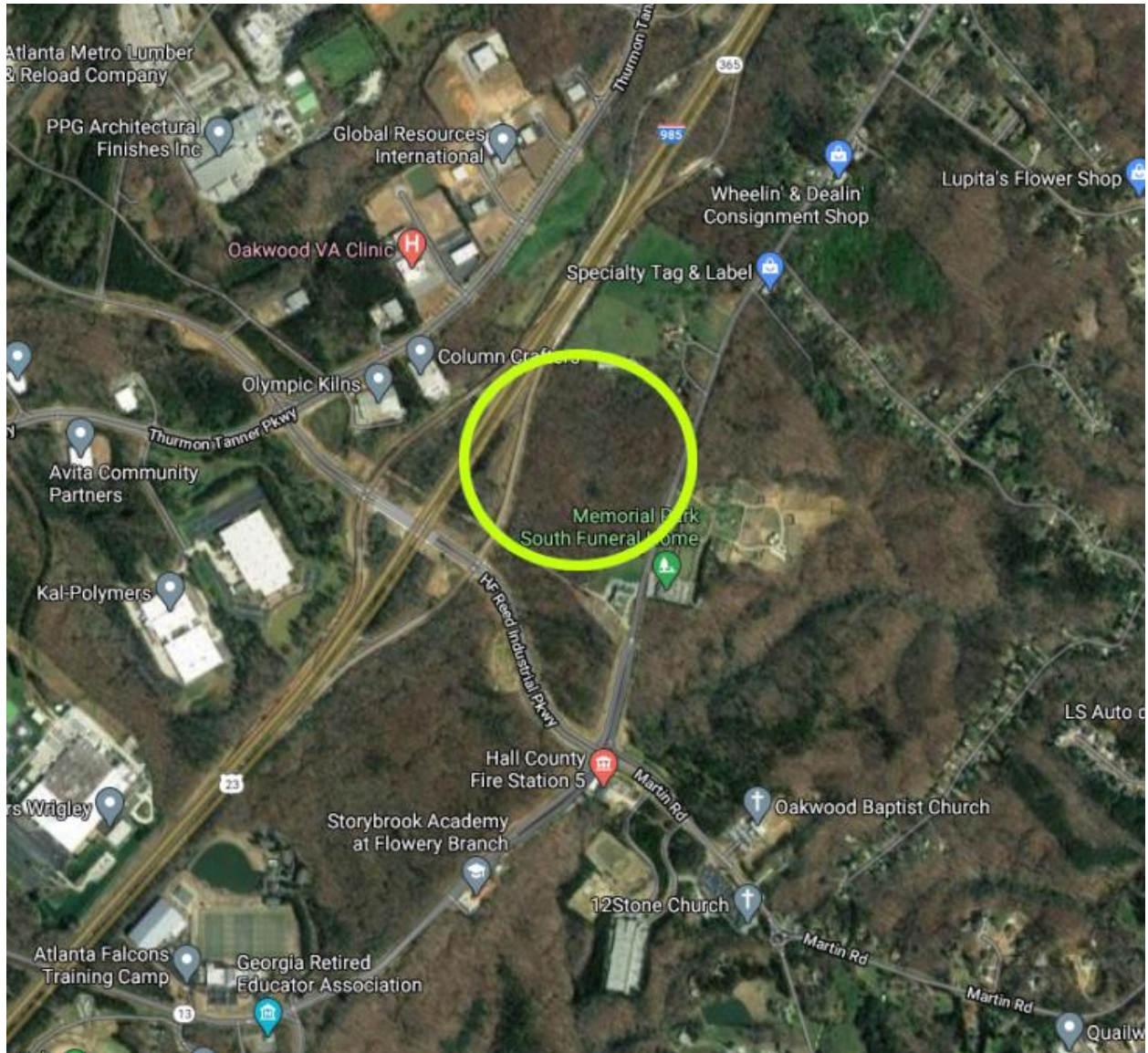
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

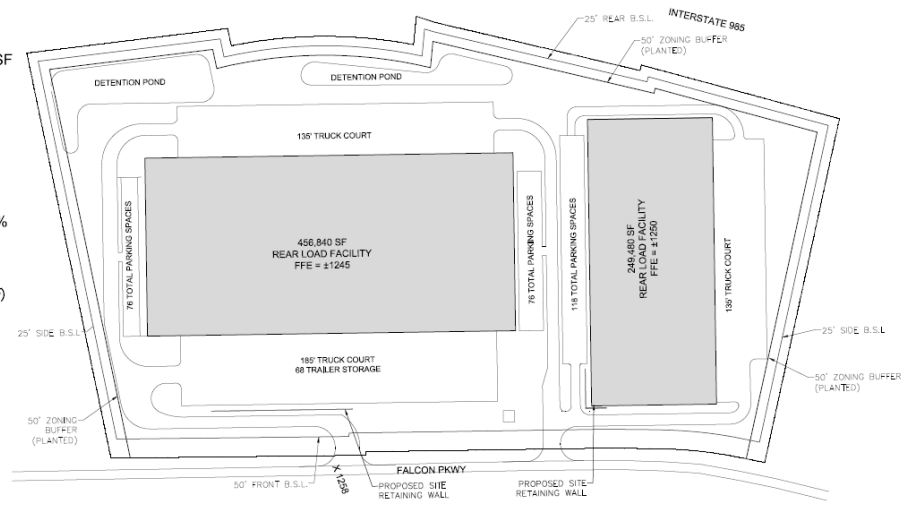
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

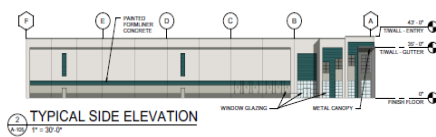
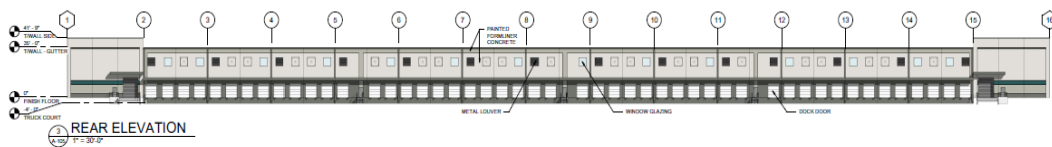
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed 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.*

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

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Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
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From: Dominic Serra, P.E.
Eberly & Associates
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Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: City of Flowery Branch Comprehensive Plan Public Hearing Kick Off Meeting

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

The Department of Community Affairs requires periodic Comprehensive Plan updates. the City of Flowery Branch has an update due in June of 2021. This is the required public hearing kick off event.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

-



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Downtown City-Owned Property Leasing Contract with Oakhurst Realty Partners

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is a leasing agreement between the City and Oakhurst Realty Partners for the retail portion of The Residential group downtown project. Mr. Fisher Paty of Oakhurst Realty will be present to discuss the agreement and to answer any questions. Oakhurst Realty Partners leases downtown space in Sugar Hill and Lawrenceville among many others. They will be leasing the retail portion of The Farm project here in Flowery Branch and come highly recommended by the developer, Robi Sarkar. Additionally, Oakhurst was recommended to Flowery Branch by the City of Sugar Hill and the City of Suwannee.

Staff feels the contract itself is an industry standard one and will allow the City to influence the types of businesses that will occupy the spaces, the hours of operation, etc. and also receive competitive rates. One correction of note is the contract states the FBDDA is responsible for signing the document - this is not accurate and will be changed. The contract itself lists the fees as follows:

(i) Fees:

- a. Rate for Direct New Lease or Expansion of an Existing Lease: Four percent (4%) of the base rent payable by the tenant during the initial term of the lease or during any expansion period. Notwithstanding the forgoing, the minimum commission payable by Owner to Broker will equal \$4.00 per square foot.
- b. Rate for Co-Brokered New Lease or Expansion of an Existing Lease: Three percent (3%) of the base rent payable by the tenant during the initial term of the lease or during any expansion period, exclusive of outside broker commissions. Notwithstanding the forgoing, the minimum commission payable by Owner to Broker will equal \$3.00 per square foot.
- c. Direct Renewal/Option Lease Rate: Three percent (3%) of the base rent payable by the tenant during the renewal term of the lease.
- d. Co-brokered Renewal/Option Lease Rate: Two percent (2%) of the base rent payable by the tenant during the renewal term of the lease, exclusive of outside broker commissions.
- e. Tenant Broker Commissions: Owner shall be responsible for paying any tenant broker directly in addition to commissions paid to Leasing Agent hereunder.

(ii) Payment Schedule of Leasing Fees:

- a. For new leases, fifty percent (50%) upon execution of lease and fifty percent (50%) upon the earlier of (i) the rent commencement or (ii) tenant opening for business.

b. For renewals, exercise of options or expansions of existing leases, full payment upon execution of documents by Owner.

(iii) Upon Expiration or Termination of Agreement

Owner hereby agrees that in the event that this Agreement is terminated by Owner as provided in Section 5 below or otherwise expires, then for a period of twelve (12) full calendar months thereafter, if Owner leases any of the Property to a tenant which Owner became aware of due to Leasing Agent's efforts or that Owner brought to Leasing Agent to work on its behalf during the term of this Agreement, Owner shall recognize Leasing Agent as the procuring cause of such transaction and shall pay Leasing Agent a commission as outlined above. This provision shall survive the termination or expiration of this Agreement

OPTIONS:

.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Authorization for Mayor Miller to execute the contract.

SAMPLE MOTION:

I motion for the City Council to authorize Mayor Miller to execute the contract.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Oakhurst Realty Flowery_Branch_Leasing_Agreement.pdf](#)

LEASING AGREEMENT

THIS LEASING AGREEMENT (this "Agreement") is made and entered into this ____ day of _____, 2019 by and between **OAKHURST REALTY PARTNERS, LLC**, a Georgia limited liability company ("Leasing Agent"), and **CITY OF FLOWERY BRANCH DOWNTOWN DEVELOPMENT AUTHORITY**, a political body corporate and politic of the State of Georgia ("Owner").

W I T N E S S E T H

WHEREAS, Owner is the owner of a to be constructed ground floor retail condominium in a mixed-use development commercial property located at ____ Main Street, Flowery Branch, GA 30542 which will total approximately 5,892 square feet as further identified on Exhibit "A" attached hereto (the "Property"), and Owner desires to retain the services of Leasing Agent for the leasing of the Property.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, Owner hereby employs Leasing Agent exclusively to lease the Property, and Leasing Agent hereby agrees to lease the Property for and on behalf of Owner, for the term and on the conditions hereinafter set forth:

1. Term. The initial term of this Agreement shall expire one (1) year after the Property receives its certificate of occupancy. Thereafter, this Agreement shall automatically renew, for additional one (1) year periods, unless earlier terminated as hereinafter provided.

2. Property Leasing. Owner hereby retains Leasing Agent during the term of this Agreement as Owner's exclusive leasing agent in connection with the Property. Leasing Agent shall use commercially reasonable efforts to lease space at the Property to desirable tenants at the highest possible net effective rents. Leasing Agent shall perform its leasing responsibilities hereunder in accordance with commercially reasonable standards and practices. Without limiting the generality of the foregoing, Leasing Agent's responsibilities as leasing agent shall include the following:

(a) Conduct such advertising, marketing and promotion of the Property as is necessary for the successful leasing of the Property;

(b) Diligently investigate and pursue all prospective tenants and conduct such canvassing and other solicitations as are necessary in connection with the leasing of the Property;

(c) Direct and conduct lease negotiations; and

(d) Use all reasonable efforts to obtain and keep desirable tenants for the Property.

Owner shall reimburse Leasing Agent for all out-of-pocket expenses related to leasing the Property including without limitation, signage, costs of postage, telephone, mailings, presentations, reports, leasing plans, descriptive brochures and other forms of advertising related to leasing of the Property; all expenses must be approved by Owner before the expense is incurred.

3. Leasing Fees. In consideration of the leasing services to be rendered by Leasing Agent throughout the term of this Agreement, Leasing Agent shall receive leasing fees as follows:

(i) Fees:

a. Rate for *Direct New Lease or Expansion of an Existing Lease*: Four percent (4%) of the base rent payable by the tenant during the initial term of the lease or during any expansion period. Notwithstanding the forgoing, the minimum commission payable by Owner to Broker will equal \$4.00 per square foot.

b. Rate for *Co-Brokered New Lease or Expansion of an Existing Lease*: Three percent (3%) of the base rent payable by the tenant during the initial term of the lease or during any expansion period, exclusive of outside broker commissions. Notwithstanding the forgoing, the minimum commission payable by Owner to Broker will equal \$3.00 per square foot.

c. *Direct Renewal/Option Lease Rate*: Three percent (3%) of the base rent payable by the tenant during the renewal term of the lease.

d. *Co-brokered Renewal/Option Lease Rate*: Two percent (2%) of the base rent payable by the tenant during the renewal term of the lease, exclusive of outside broker commissions.

e. *Tenant Broker Commissions*: Owner shall be responsible for paying any tenant broker directly in addition to commissions paid to Leasing Agent hereunder.

(ii) Payment Schedule of Leasing Fees:

a. For new leases, fifty percent (50%) upon execution of lease and fifty percent (50%) upon the earlier of (i) the rent commencement or (ii) tenant opening for business.

b. For renewals, exercise of options or expansions of existing leases, full payment upon execution of documents by Owner.

(iii) Upon Expiration or Termination of Agreement

Owner hereby agrees that in the event that this Agreement is terminated by Owner as provided in Section 5 below or otherwise expires, then for a period of twelve (12) full calendar months thereafter, if Owner leases any of the Property to a tenant which Owner became aware of due to Leasing Agent's efforts or that Owner brought to Leasing Agent to work on its behalf during the term of this Agreement, Owner shall recognize Leasing Agent as the procuring cause of such transaction and shall pay Leasing Agent a commission as outlined above. This provision shall survive the termination or expiration of this Agreement.

4. Termination.

(a) Events of Termination. This Agreement may be terminated prior to the expiration date set forth in Section 1, above, on the following terms and conditions:

(i) Owner shall have the right to terminate this Agreement in the event that Leasing Agent fails to keep, observe or perform any covenant, agreement, term or provision of this Agreement, to be kept, observed, or performed by Leasing Agent, and such default continues for a period of ninety (90) days after written notice thereof by Owner to Leasing Agent;

(ii) In the event that the Property is sold to a party which is not affiliated with Owner, Owner shall have the right to terminate this Agreement with thirty (30) days prior written notice to Leasing Agent; and

(iii) After the initial term of this Agreement, either party may terminate this Agreement for any reason by providing at least sixty (60) days written notice to the other party.

(b) Obligations Upon Termination. Upon the expiration or termination of this Agreement, Leasing Agent shall deliver to Owner all keys and any original contracts relating to the Property, and such other accountings, papers and records as Owner shall request pertaining to the Property;

5. Relationship of Parties. The parties do not intend by this Agreement to create a partnership or a joint venture, but merely to set forth the terms upon which Leasing Agent shall lease the Property for and on behalf of Owner.

6. Governing Law. The laws of the State of Georgia shall govern the interpretation, validity and enforcement of this Agreement.

7. Notice. All notices, demands, requests, or other communications required or permitted hereunder shall be deemed delivered and received, when personally delivered or when deposited in the United States Mail (certified or registered, return receipt requested, postage prepaid) or delivered by courier or overnight delivery and addressed to the respective parties at the address specified below, or at such other address as they shall each specify in a notice addressed and mailed as hereinabove set forth:

To Owner:

City of Flowery Branch Downtown Development Authority

Attention: _____

5410 W. Pine Street

Flowery Branch, GA 30542

Email: _____

To Broker:

Oakhurst Realty Partners, LLC
Attention: A. Barton Lester
3016 N. Decatur Road
Scottdale, Georgia 30079
Email: blester@oakrep.com

Rejection or failure to claim delivery of any such notices, requests, consents and other communications hereunder, or any refusal to accept any such notices, requests, consents and other communications hereunder, or the inability to deliver any such notices, requests, consents and other communications hereunder because of changed address of which no notice was given, shall be deemed to be receipt of the notice, request, consent and other communication hereunder, sent as of the date of attempted delivery.

8. Entire Agreement. This document represents the entire agreement between the parties with respect to the subject matter hereof, and to the extent inconsistent therewith, supersedes all other prior agreements, representations and covenants, oral or written. Amendments to this Agreement must be in writing and signed by all parties hereto.

9. Time of the Essence. Time is of the essence of this Agreement.

10. Authority. By execution hereof, each party hereto represents that it has the right, power and authority to enter into this Agreement in accordance with the terms and conditions hereof, and the person executing this Agreement on behalf of each party hereto represents that he has the right, power and authority to enter into this Agreement on behalf of such party and that this Agreement is binding upon and effective against such party.

11. Save Harmless. Owner and Leasing Agent agree that Leasing Agent shall have no control over the operation or maintenance of the property and facilities located thereon and Leasing Agent shall not be held liable or responsible for any claims except for those resulting from a breach of this contract or the gross negligence or willful misconduct of Leasing Agent. Owner shall not be held liable or responsible with respect to any loss, damage, cost, expense, liability or claims resulting from the gross negligence or willful misconduct of Leasing Agent. It is expressly understood and agreed that the foregoing provisions of this Section 11 shall survive the expiration or earlier termination of this Agreement. If either party hereto is a partnership, trust, corporation or limited liability company, no general or limited partner of such partnership nor trustee or beneficiary of any trust nor shareholder of any corporation, nor member or Leasing Agent of any limited liability company, shall be personally liable to any other party.

12. Hazardous Material. Owner shall defend, indemnify and hold harmless Leasing Agent from and against any and all losses, liabilities, damages, injuries, costs, expenses and claims of any and every kind whatsoever (including without limitation, court costs and attorneys' fees) which at any time or from time to time may be paid, incurred or suffered by, or assert against, Leasing Agent for, with respect to, or as a direct emission or release from, the Property into or upon any land, the atmosphere, or any watercourse, body of water or wetland, of any Hazardous Material (defined below) which exists on, under or at the Property at any time during the term of

this Agreement, and from time to time, (including, without limitation, any losses, liabilities, damages, injuries, costs, expenses or claims asserted or arising under the Statutes); and the foregoing provisions of the undertakings and indemnification set out shall survive the termination of this Agreement. For purposes of this Agreement, “Hazardous Material” means and includes any hazardous substance or any pollutant or contaminant defined as such in (or for purposes of) the Comprehensive Environmental Response, Compensation and Liability Act, any so-called “Superfund” or “Superlien” law, the Toxic Substances Control Act, or any other federal, state or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance or material, as now or at any time hereafter in effect (collectively, the “Statutes”), or any other hazardous, toxic or dangerous waste, substance or material.

13. Severability. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid, but in the event any such provision should be held invalid or unenforceable, the remaining provisions hereof shall be not be affected thereby.

[Signatures contained on following page]

IN WITNESS WHEREOF, the parties have set their hands and seals to this Agreement the day and year first above written.

LEASING AGENT:

OAKHURST REALTY PARTNERS LLC,
a Georgia limited liability company

By: _____

Name: A. Barton Lester

Title: Qualifying Broker

Georgia Firm # H-60748

OWNER:

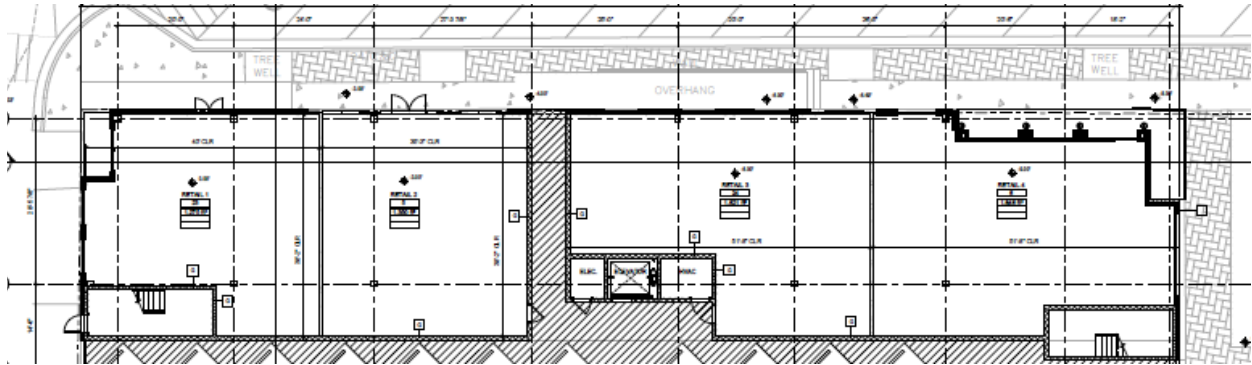
CITY OF FLOWERY BRANCH DOWNTOWN DEVELOPMENT AUTHORITY,
a political body corporate and politic of the State of Georgia

By: _____

Name: _____

Title: _____

Exhibit "A"





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance #20-611 a request to annex a 15.6 +/- tract of land known as 4020 Falcon Parkway.

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve #20-116 as submitted.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [4020 Falcon Parkway Annexation .pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-611

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 15.6 +/- ACRES, OWNED BY FLORENCE CASH SMEE AND LUCY CASH BARNETT IDENTIFIED AS 4020 FALCON PARKWAY, TAX PARCEL 08069 001002 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, Florence Cash Smee and Lucy Cash Barnett own all tract or parcel of land totaling 15.6+/- acres identified as Parcel Tax Identification No.08069 001002, 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 Mr. Steve Rowley and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City’s corporate limits; and

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

WHEREAS, Florence Cash Smee and Lucy Cash Barnett 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a tract or parcel of land totaling 15.6 +/- acres identified as Parcel Tax Identification No. 08069 001002, as shown on Exhibit "A", and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

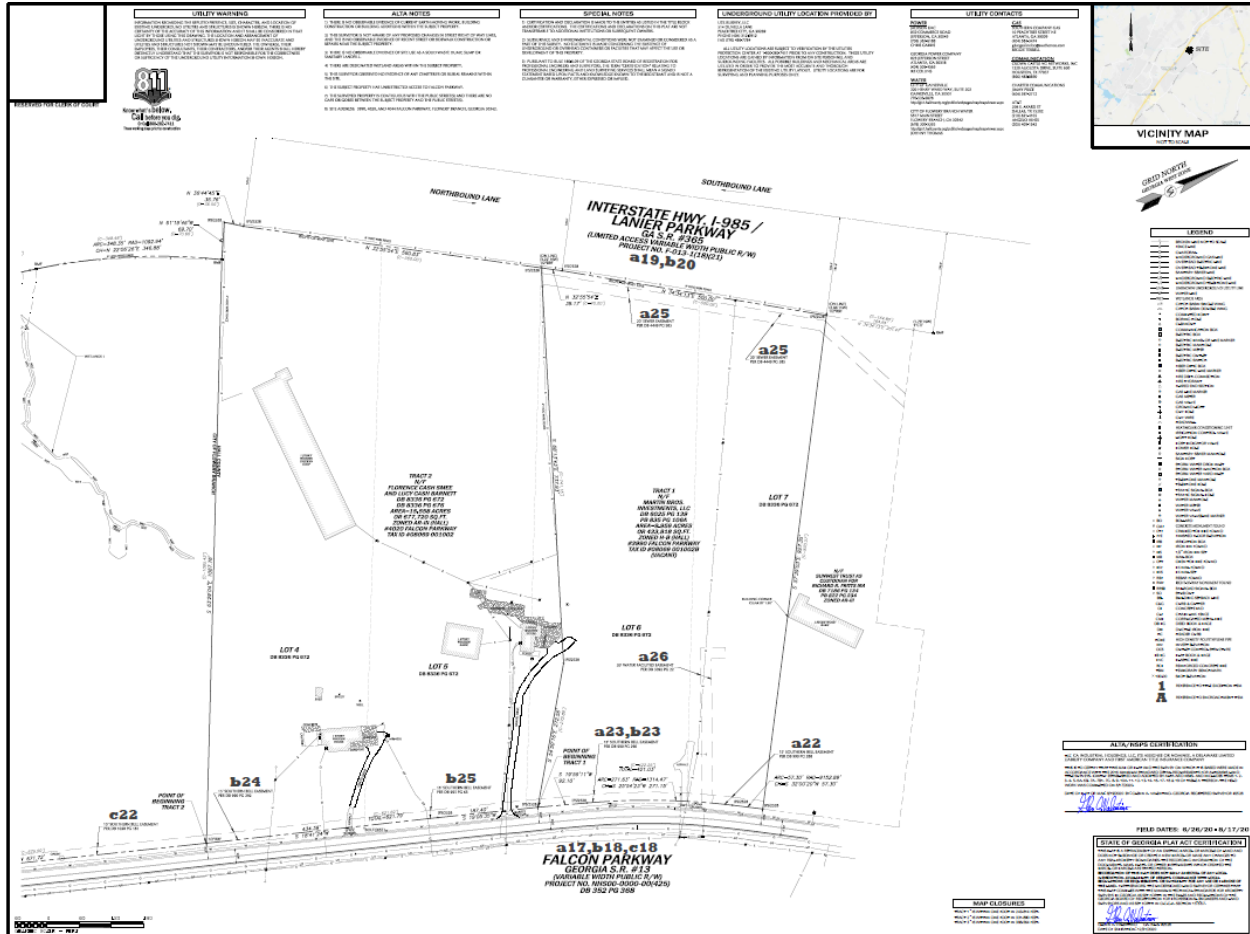


Exhibit "B"

LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, 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 #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

THENCE departing said northwesterly right-of-way line of Falcon Parkway North 63 degrees 29 minutes 04 seconds West for a distance of 1087.76 feet to a concrete right-of-way monument found on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21);

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 61 degrees 19 minutes 46 seconds West for a distance of 69.70 feet to a 1/2" iron pin set;

THENCE North 36 degrees 44 minutes 45 seconds East for a distance of 36.76 feet to a 1/2" iron pin set;

THENCE North 32 degrees 55 minutes 54 seconds East for a distance of 560.83 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof);

THENCE South 68 degrees 13 minutes 43 seconds East for a distance of 737.93 feet to a 1/2" iron pin set;

THENCE South 54 degrees 50 minutes 16 seconds East for a distance of 272.56 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said right-of-way line of Falcon Parkway the following courses and distances: South 19 degrees 05 minutes 35 seconds West for a distance of 187.40 feet to a 1/2" iron pin set;

THENCE South 18 degrees 41 minutes 24 seconds West for a distance of 434.39 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

Said tract or parcel of land contains 15.558 acres or 677,720 square feet.

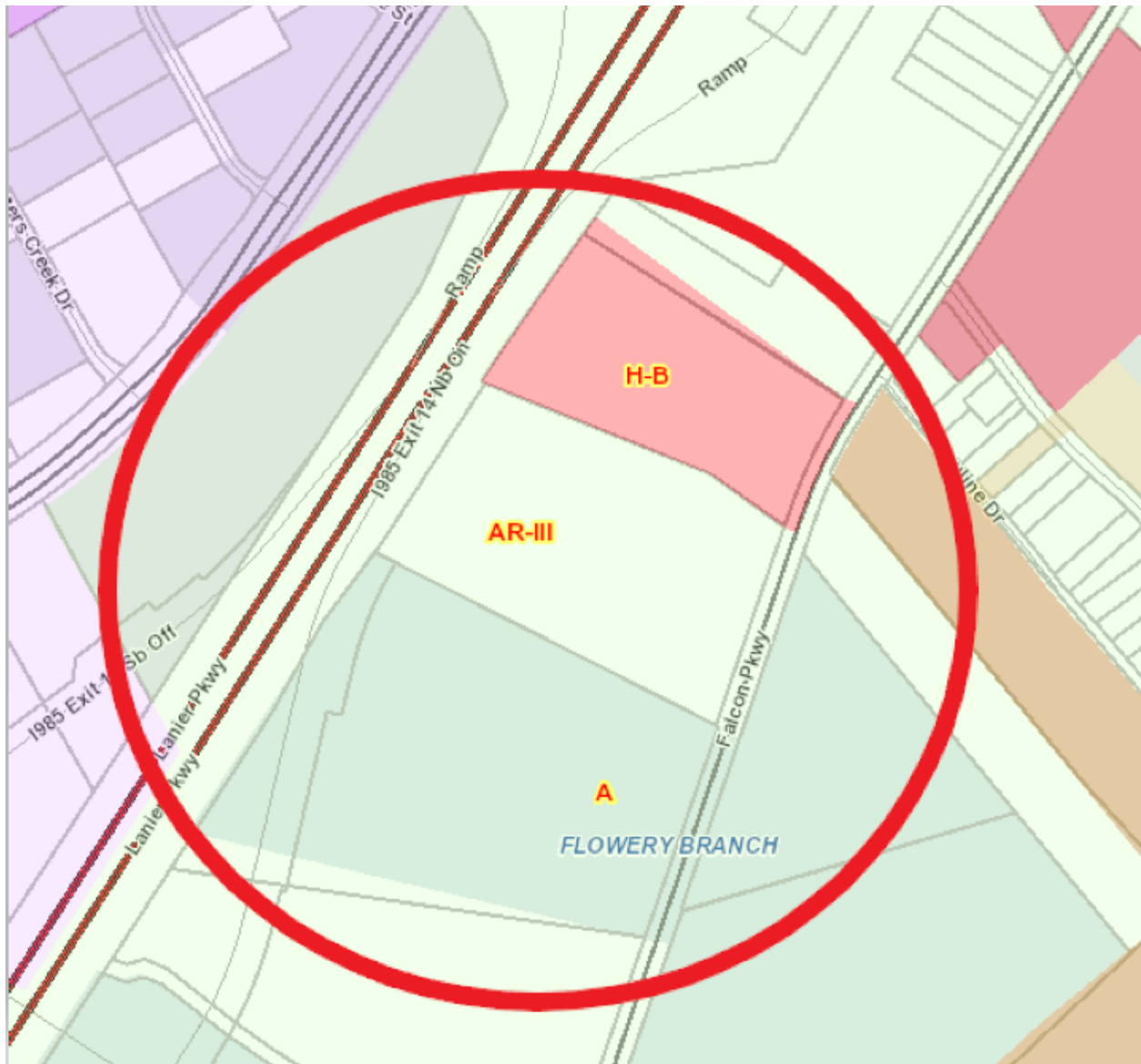


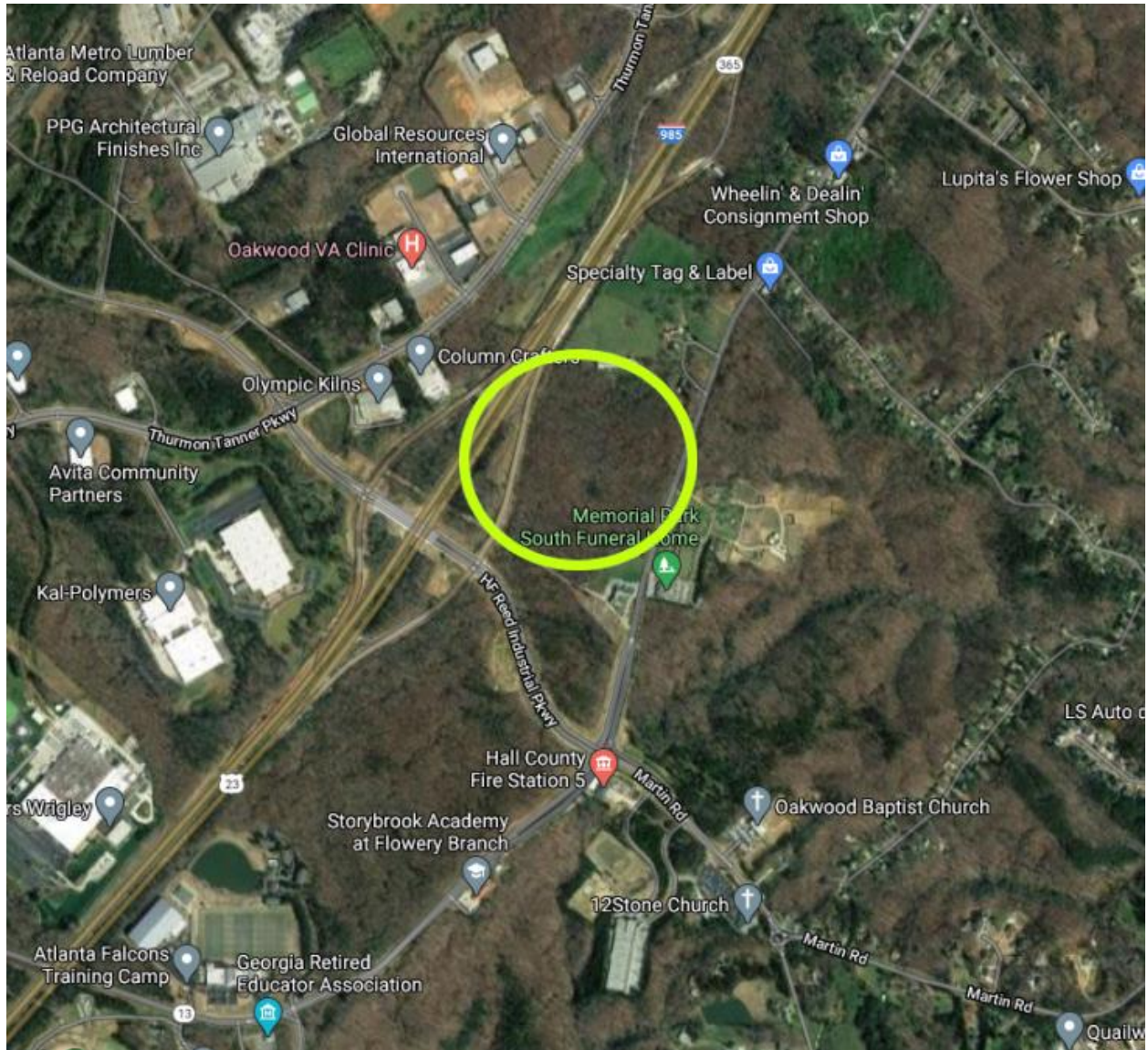
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

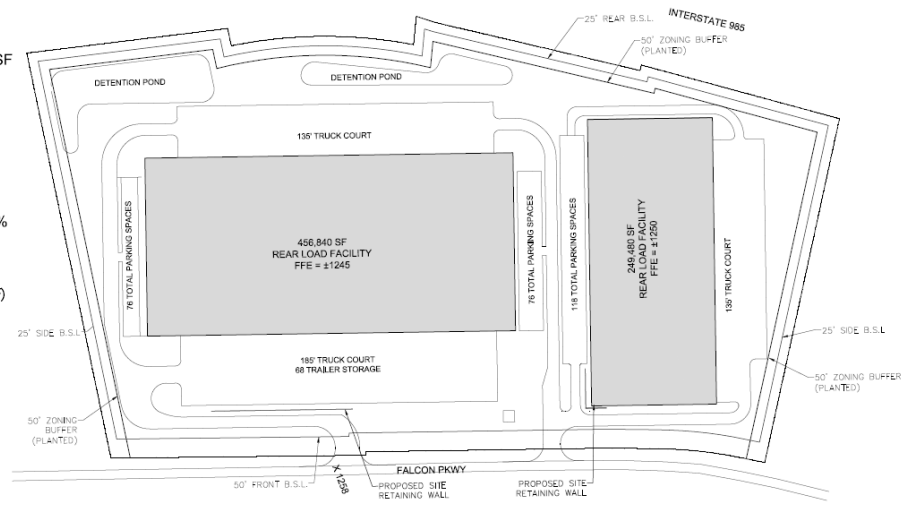
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

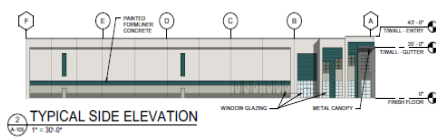
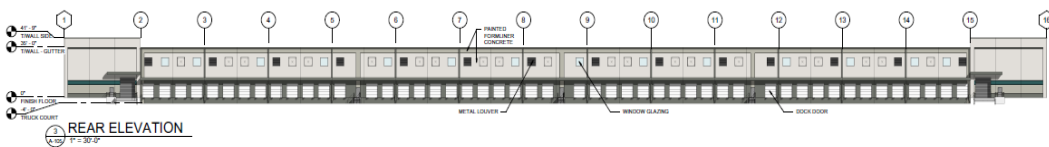
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed 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.*

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

TEL: 770.452.7849
FAX: 770.452-0086
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
WWW.EBERLY.NET

OFFERING PROFESSIONAL SERVICES IN
THE AREAS OF LAND PLANNING, CIVIL
ENGINEERING, AND LANDSCAPE
ARCHITECTURE

Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance # 20-610 a request to annex a 10+/- acre property known as 3990 Falcon Parkway.

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted

SAMPLE MOTION:

I make a motion to approve Ordinance # 20-610 as submitted.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [3990 Falcon Parkway Annexation.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-610

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A PARCEL OF REAL PROPERTY TOTALING 10 +/- ACRES, OWNED BY MARTIN BROTHERS, LLC. IDENTIFIED AS 3990 FALCON PARKWAY, TAX PARCEL 08069 001002B 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, Martin Brothers, LLC. owns all tract or parcel of land totaling 10+/- acres identified as Parcel Tax Identification No.08069 001002B, 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 Mr. Steve Rowley and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City’s corporate limits; and

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

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

WHEREAS, the City Council held a public hearing at the meeting of October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a tract or parcel of land totaling 10 +/- acres identified as Parcel Tax Identification No. 08069 001002B, as shown on Exhibit “A”, and as described on Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

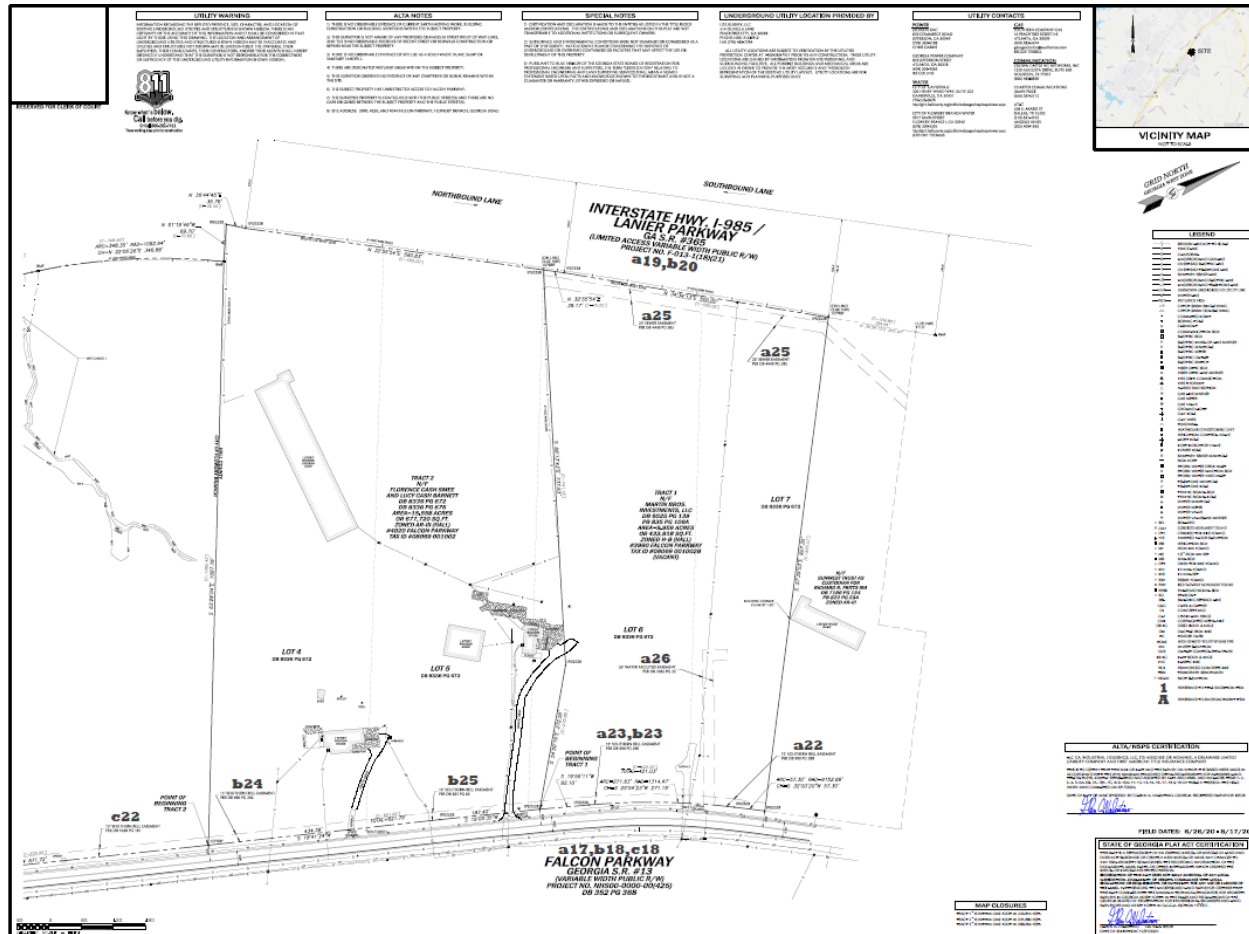
James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit “A”



LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 1 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found;

THENCE North 18 degrees 41 minutes 24 seconds East for a distance of 434.39 feet to a 1/2" iron pin set;

THENCE North 19 degrees 05 minutes 35 seconds East for a distance of 187.40 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 Falcon Parkway North 54 degrees 50 minutes 16 seconds West for a distance of 272.56 feet to a 1/2" iron pin set;

THENCE North 68 degrees 13 minutes 43 seconds West for a distance of 737.93 feet to a 1/2" iron pin set on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21), (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof)

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 32 degrees 55 minutes 54 seconds East for a distance of 39.17 feet to a 1/2" iron pin set;

THENCE North 34 degrees 34 minutes 13 seconds East for a distance of 500.00 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 2.86 feet northwest thereof);

THENCE departing said right-of-way line of Interstate 985 South 57 degrees 39 minutes 03 seconds East for a distance of 927.35 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said northwesterly right-of-way line of Falcon Parkway the following courses and distances: along a curve to the left having a radius of 9152.89 feet for an arc distance of 57.30 feet (said arc being subtended by a chord of South 32 degrees 00 minutes 20 seconds West for a distance of 57.30 feet) to a 1/2" iron pin set;

THENCE along a curve to the left having a radius of 1314.47 feet for an arc distance of 271.63 feet (said arc being subtended by a chord of South 25 degrees 54 minutes 23 seconds West for a distance of 271.15 feet) to a 1/2" iron pin set;

THENCE South 19 degrees 59 minutes 11 seconds West for a distance of 92.10 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 9.959 acres or 433,816 square feet.

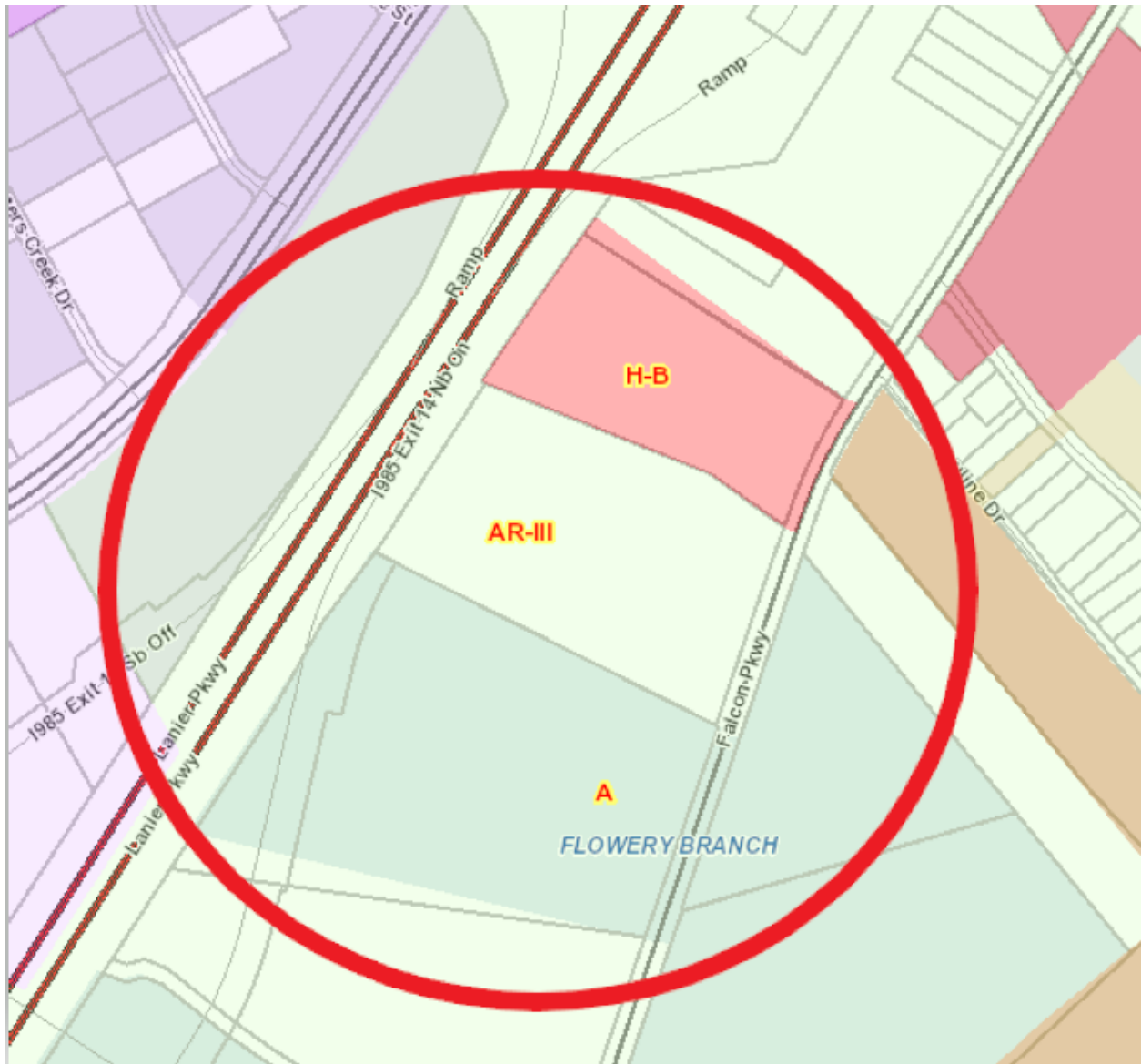


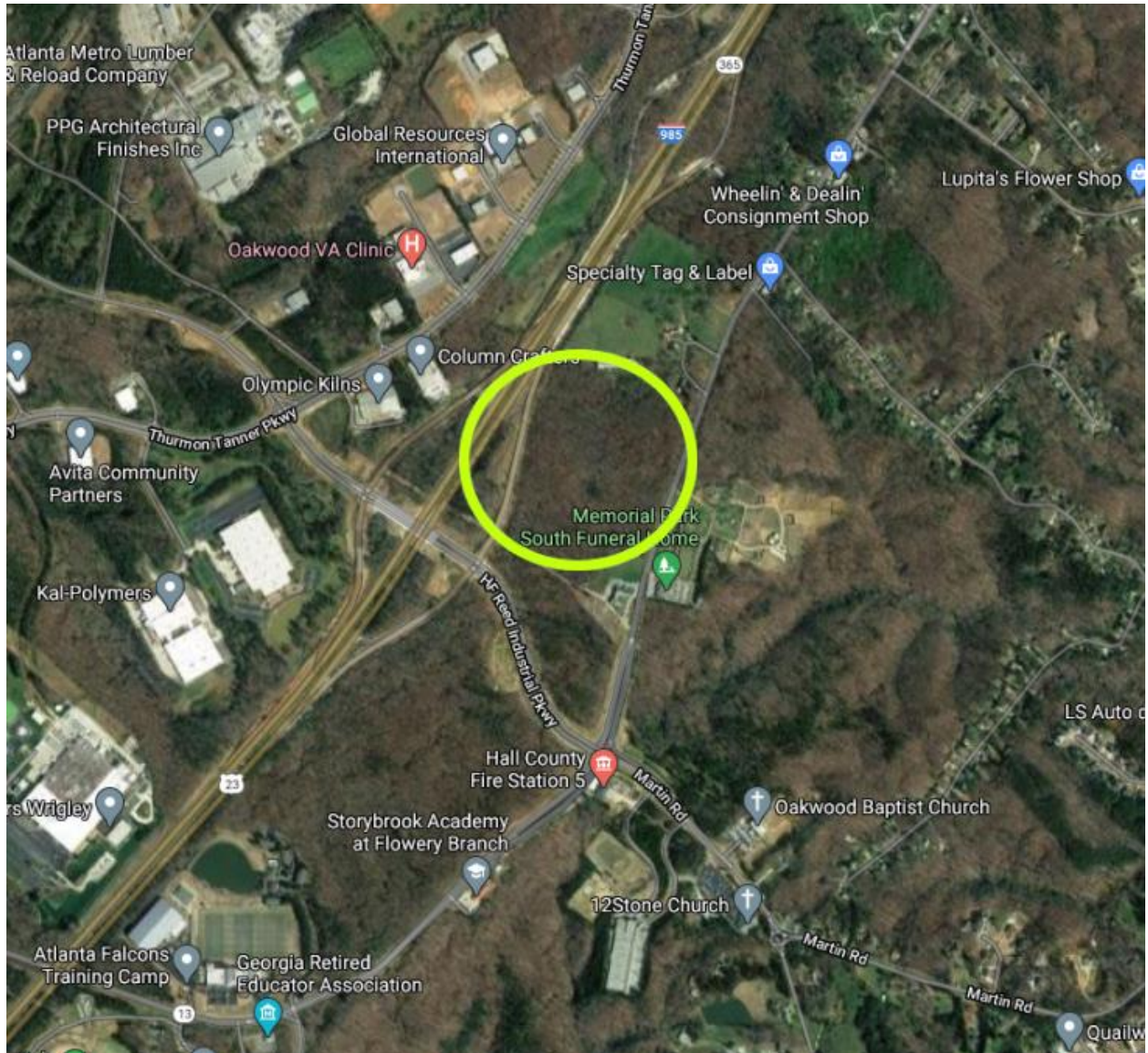
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Proposed general layout of development:

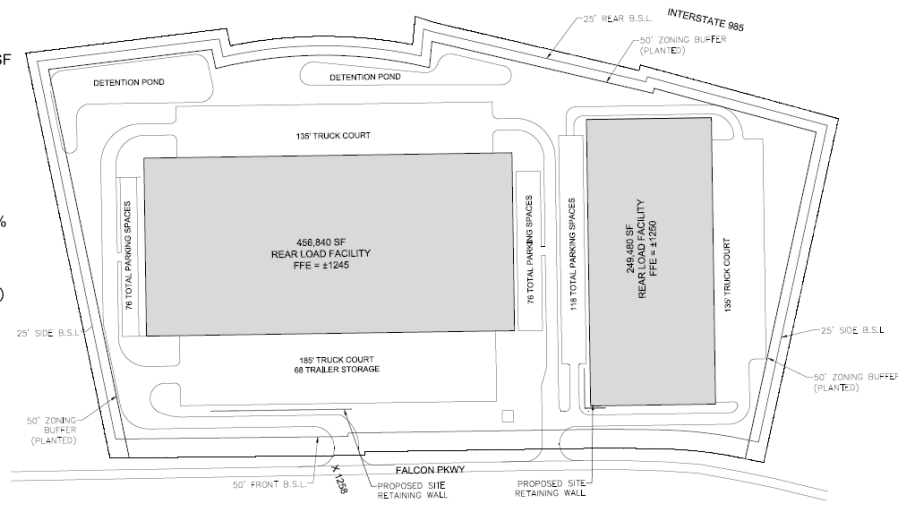
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

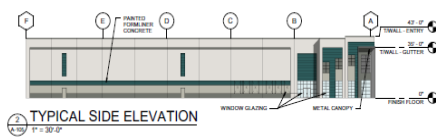
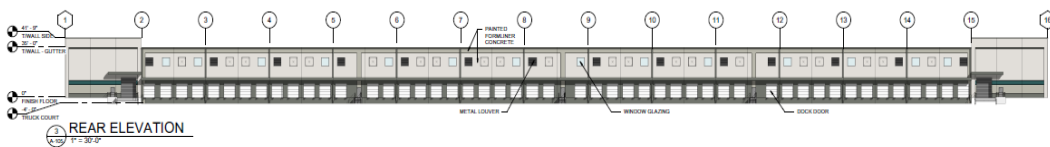
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
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WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed 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.*

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

TEL: 770.452.7849
FAX: 770.452-0086
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
WWW.EBERLY.NET

OFFERING PROFESSIONAL SERVICES IN
THE AREAS OF LAND PLANNING, CIVIL
ENGINEERING, AND LANDSCAPE
ARCHITECTURE

Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance #20-614 a request to rezone a piece of property known as 4044 Falcon Parkway from Agricultural (A) to Light Industrial (M1).

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve Ordinance # 20-614 as submitted and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [4044 Falcon Parkway Rezoning.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-614

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY THE MCCRARY FAMILY PARTNERSHIP, LP IDENTIFIED AS 4044 FALCON PARKWAY, TAX PARCEL 08069 001013, TOTALING 21.75+/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1), 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 McCrary Family Partnership, LP owns all tract or parcel of land totaling 21.75+/- acres identified as Tax Parcel Identification No. 08069 001013, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, The McCrary Family Partnership, LP 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 October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from A (Agricultural) to M1 (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 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 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 change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from A (Agricultural) to M-1 (Light Industrial) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

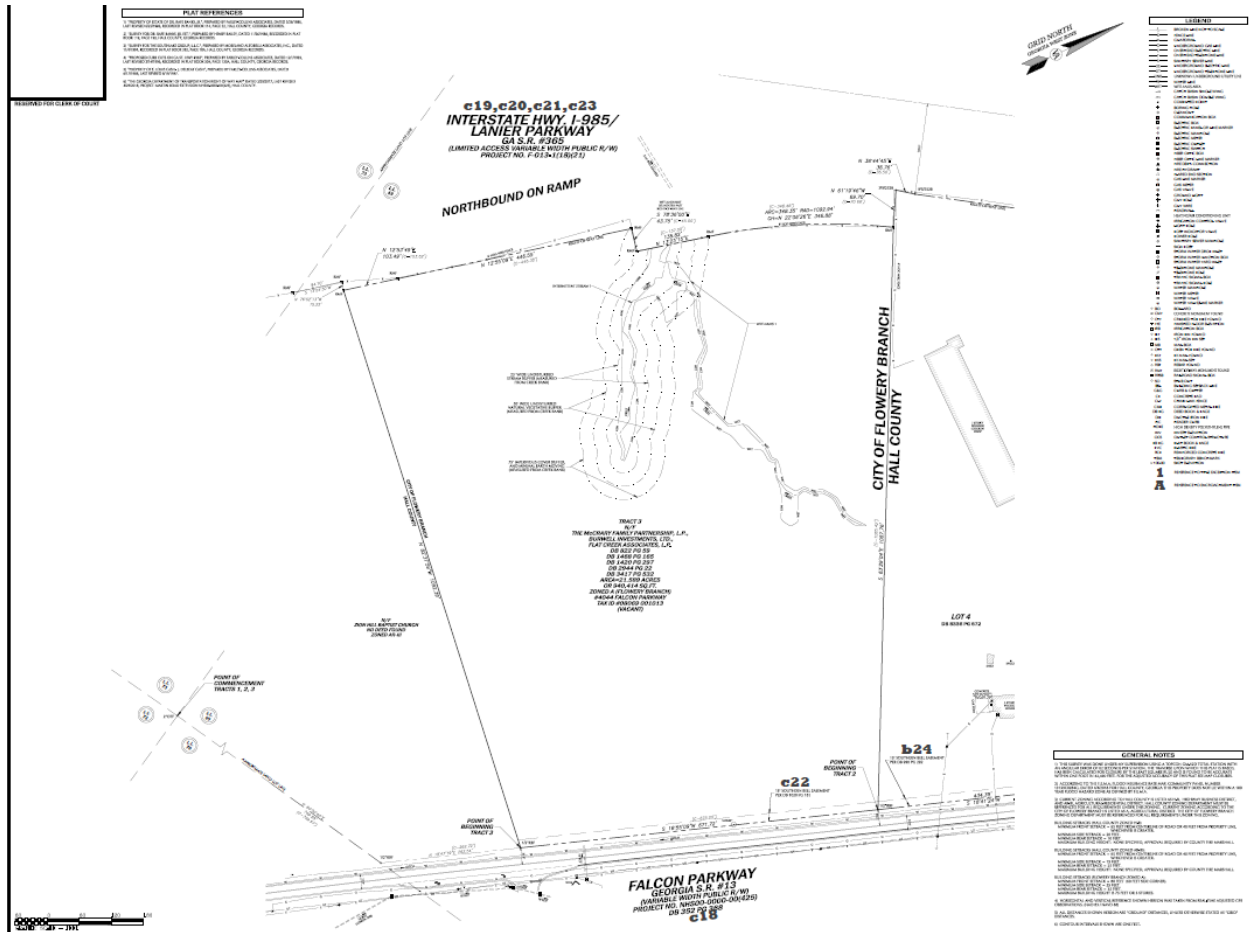
ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



LEGAL DESCRIPTION - TRACT 3

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 3 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

THENCE departing said northwesterly right-of-way line of Falcon Parkway North 82 degrees 37 minutes 59 seconds West for a distance of 1092.39 feet to a concrete right-of-way monument found on the easterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21);

THENCE proceeding along said easterly right-of-way line of Interstate 985 the following courses and distances: North 12 degrees 53 minutes 49 seconds East for a distance of 103.49 feet to a concrete right-of-way monument found;

THENCE North 12 degrees 55 minutes 09 seconds East for a distance of 446.55 feet to a concrete right-of-way monument found;

THENCE South 78 degrees 36 minutes 00 seconds East for a distance of 43.75 feet to a concrete right-of-way monument found;

THENCE North 13 degrees 23 minutes 15 seconds East for a distance of 135.82 feet to a concrete right-of-way monument found;

THENCE along a curve to the right having a radius of 1092.94 feet for an arc distance of 348.35 feet (said arc being subtended by a chord of North 22 degrees 06 minutes 26 seconds East for a distance of 346.88 feet) to a concrete right-of-way monument found;

THENCE departing said easterly right-of-way line of Interstate 985 South 63 degrees 29 minutes 04 seconds East for a distance of 1087.76 feet to a 1/2" rebar found on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said right-of-way line of Falcon Parkway South 18 degrees 55 minutes 09 seconds West for a distance of 671.72 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

Said tract or parcel of land contains 21.589 acres or 940,414 square feet.

Exhibit “C”

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development

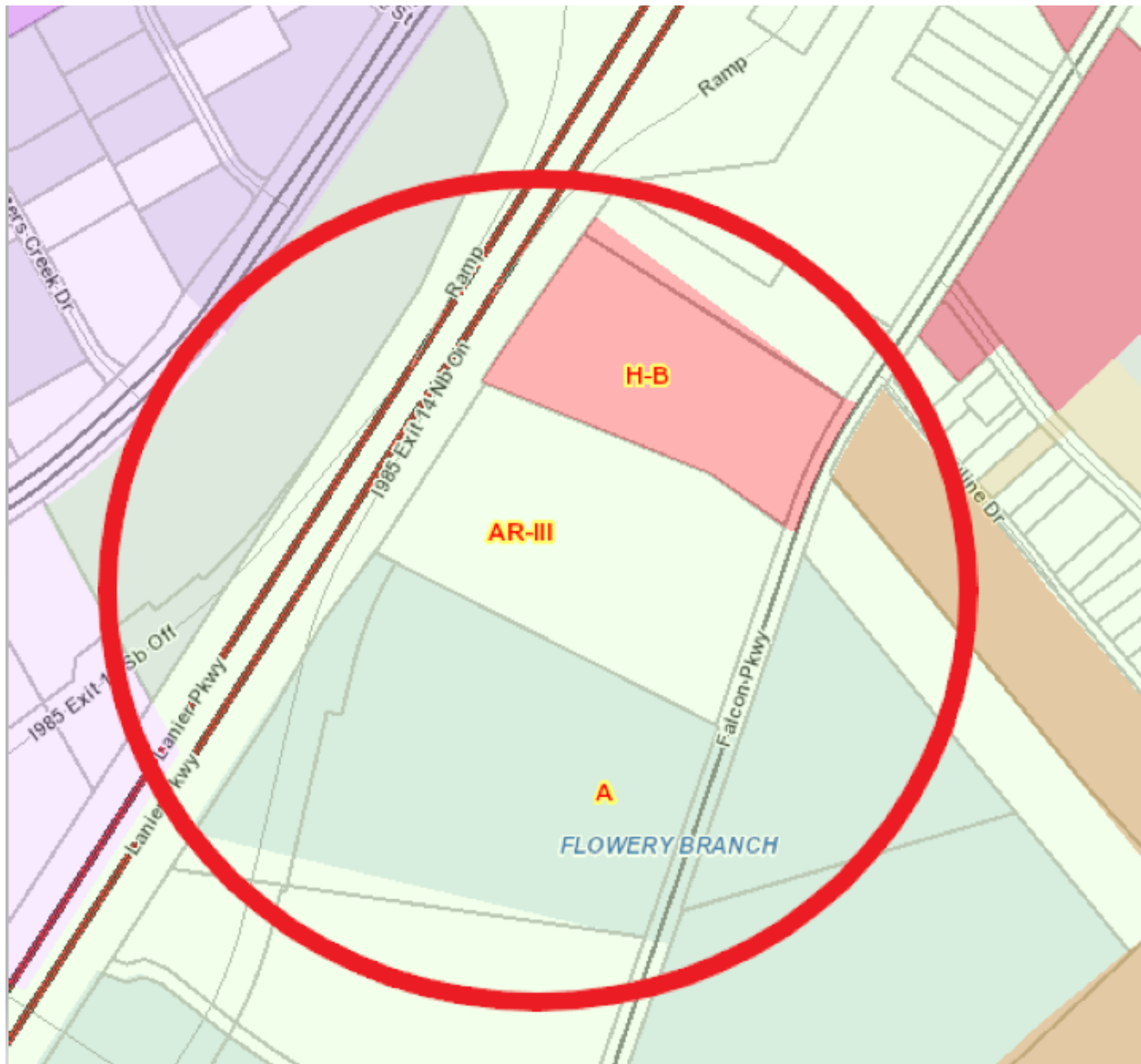


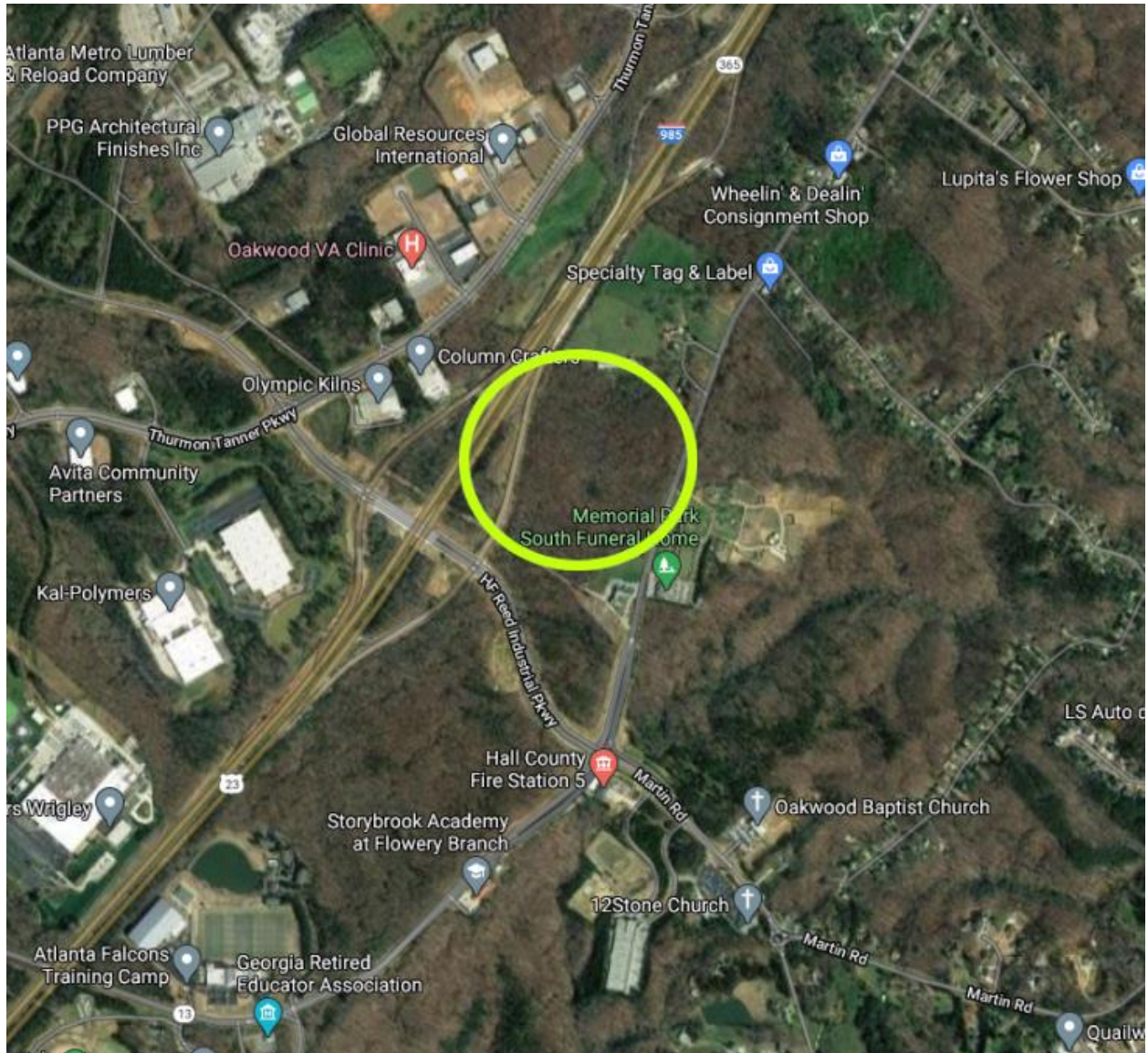
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

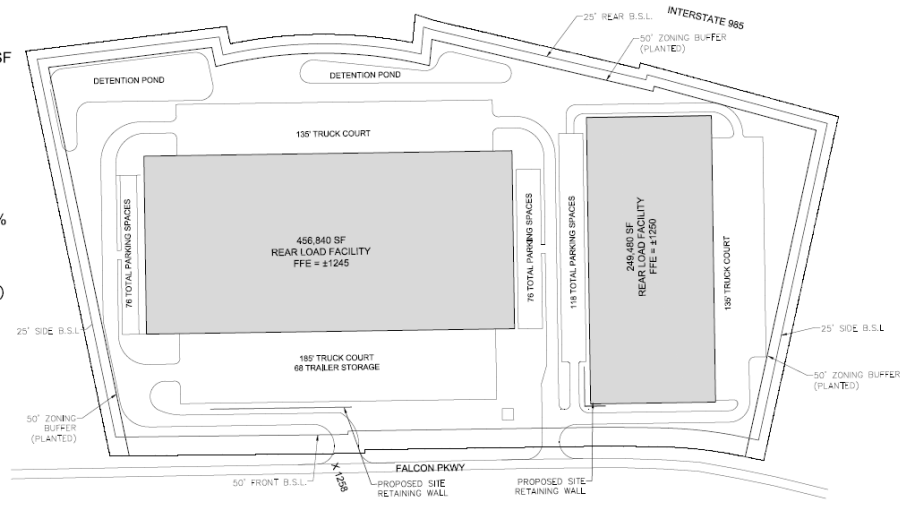
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

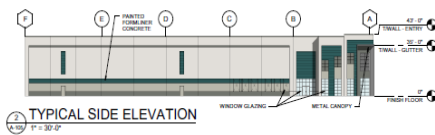
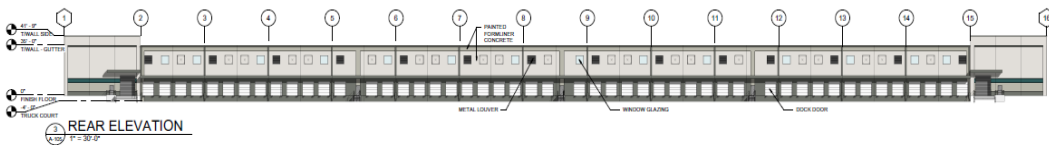
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed 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.**

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

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Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance #20-613 a request to rezone a 15.6 +/- tract of land known as 4020 Falcon Parkway from Hall County Agricultural Residential (A III) to Flowery Branch Light Industrial (M1).

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve Ordinance #20-613 as submitted and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [4020 Falcon Parkway Rezoning.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-613

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY FLORENCE CASH SMEE AND LUCY CASH BARNETT IDENTIFIED AS 4020 FALCON PARKWAY, TAX PARCEL 08069 001002, TOTALING 15.6+/- ACRES TO BE REZONED FROM HALL COUNTY AGRICULTURAL RESIDENTIAL (A III) TO FLOWERY BRANCH LIGHT INDUSTRIAL (M1), 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, Florence Cash Smee and Lucy Cash Barnett own all tract or parcel of land totaling 15.6+/- acres identified as Tax Parcel Identification No.08069 001002, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Florence Cash Smee and Lucy Cash Barnett have 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 October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County A III (Agricultural Residential) to Flowery Branch M1 (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 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 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 change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch M-1 (Light Industrial) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

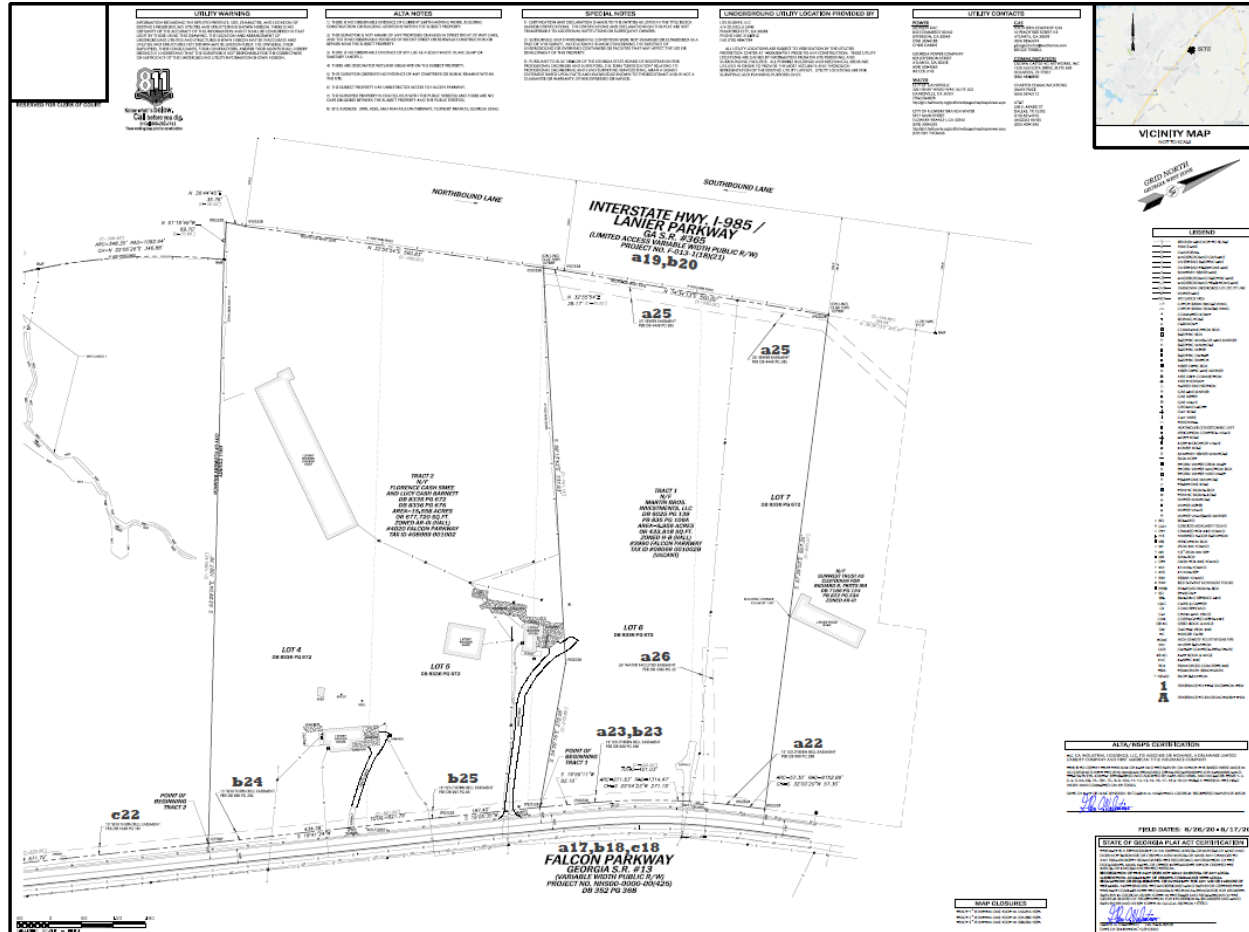
ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 1 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found;

THENCE North 18 degrees 41 minutes 24 seconds East for a distance of 434.39 feet to a 1/2" iron pin set;

THENCE North 19 degrees 05 minutes 35 seconds East for a distance of 187.40 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 Falcon Parkway North 54 degrees 50 minutes 16 seconds West for a distance of 272.56 feet to a 1/2" iron pin set;

THENCE North 68 degrees 13 minutes 43 seconds West for a distance of 737.93 feet to a 1/2" iron pin set on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21), (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof)

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 32 degrees 55 minutes 54 seconds East for a distance of 39.17 feet to a 1/2" iron pin set;

THENCE North 34 degrees 34 minutes 13 seconds East for a distance of 500.00 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 2.86 feet northwest thereof);

THENCE departing said right-of-way line of Interstate 985 South 57 degrees 39 minutes 03 seconds East for a distance of 927.35 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said northwesterly right-of-way line of Falcon Parkway the following courses and distances: along a curve to the left having a radius of 9152.89 feet for an arc distance of 57.30 feet (said arc being subtended by a chord of South 32 degrees 00 minutes 20 seconds West for a distance of 57.30 feet) to a 1/2" iron pin set;

THENCE along a curve to the left having a radius of 1314.47 feet for an arc distance of 271.63 feet (said arc being subtended by a chord of South 25 degrees 54 minutes 23 seconds West for a distance of 271.15 feet) to a 1/2" iron pin set;

THENCE South 19 degrees 59 minutes 11 seconds West for a distance of 92.10 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 9.959 acres or 433,816 square feet.

Exhibit “C”

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development

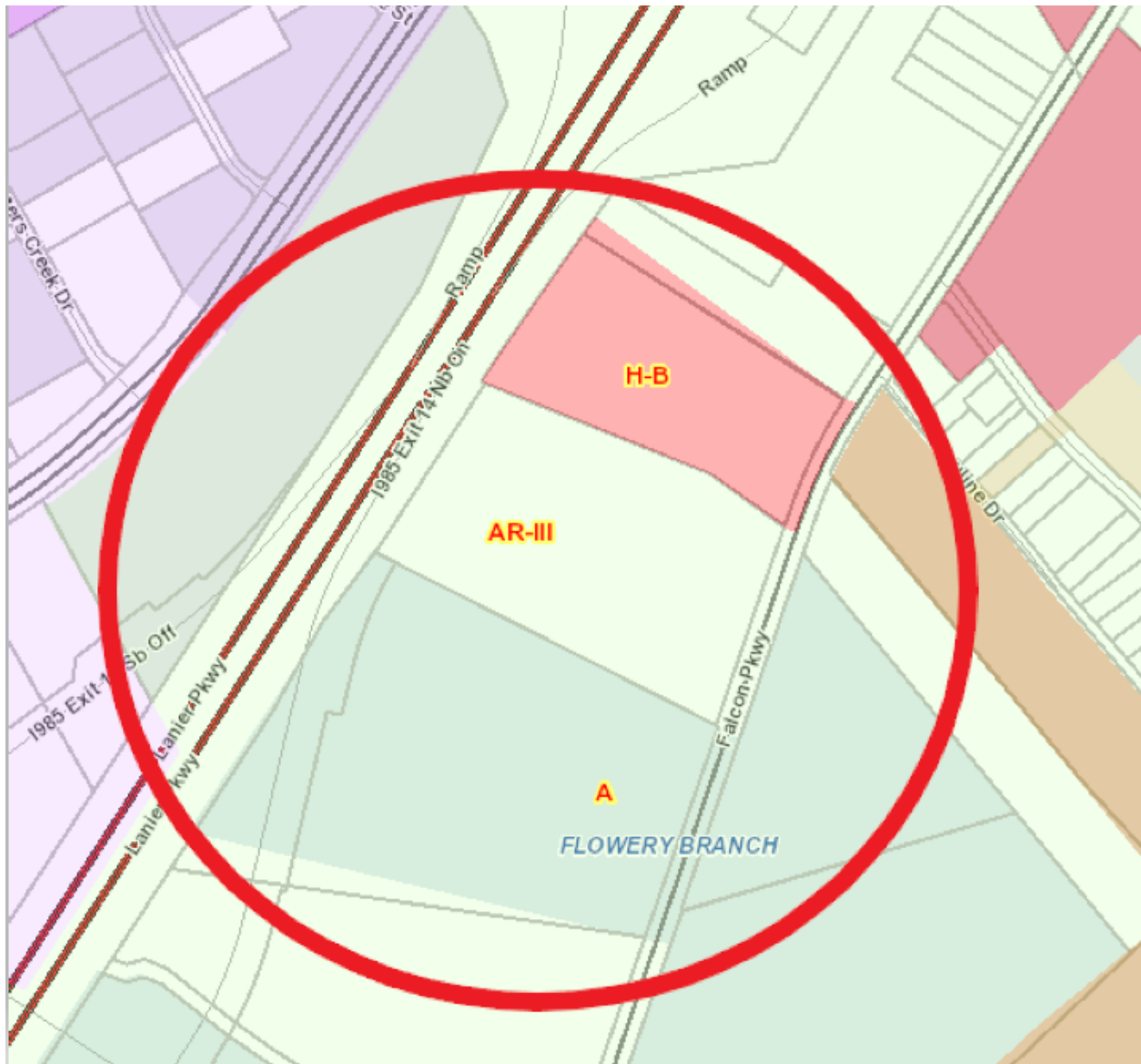


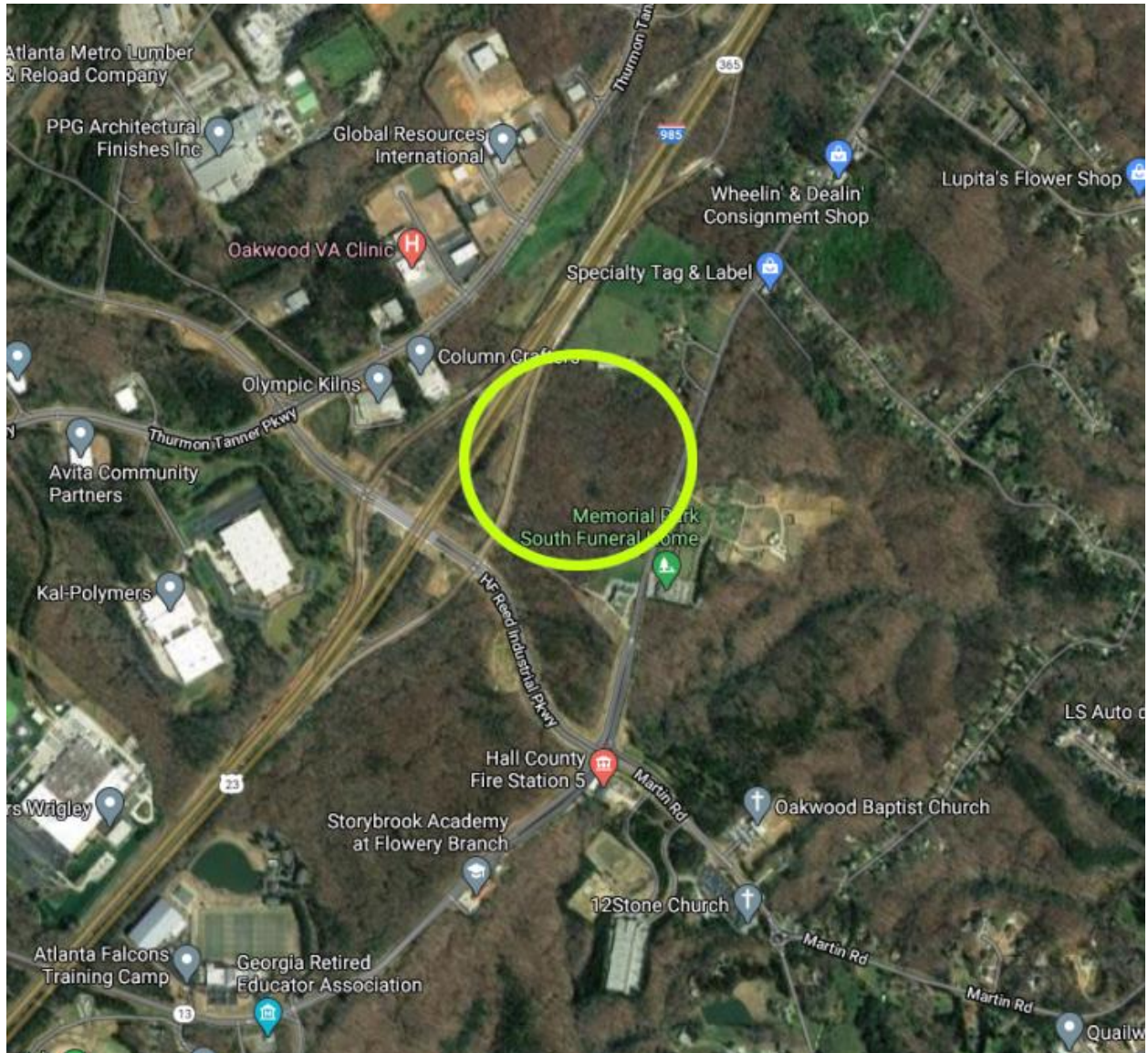
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

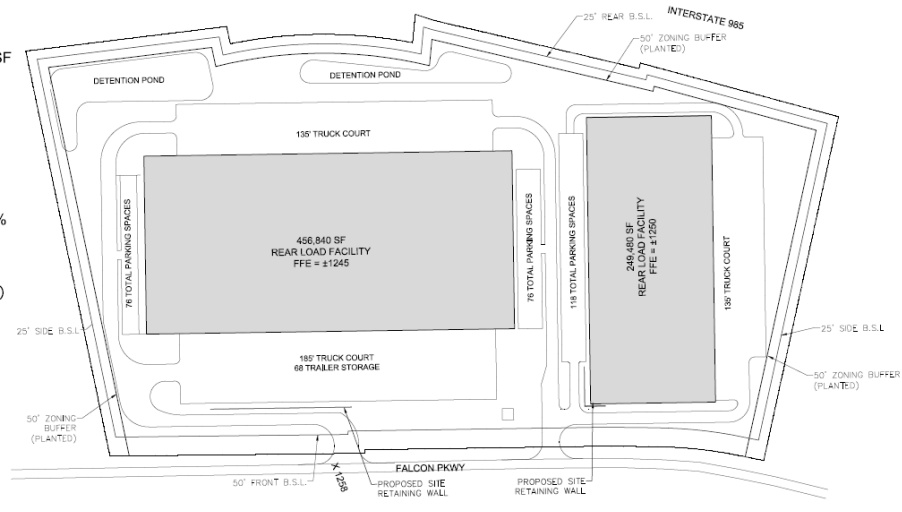
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

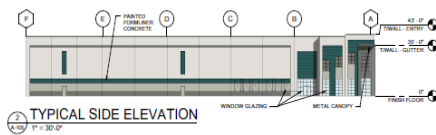
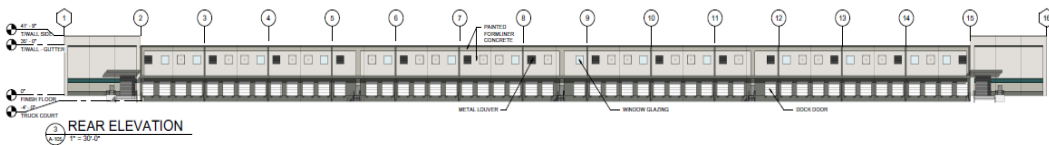
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed 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.**

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

TEL: 770.452.7849
FAX: 770.452-0086
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
WWW.EBERLY.NET

OFFERING PROFESSIONAL SERVICES IN
THE AREAS OF LAND PLANNING, CIVIL
ENGINEERING, AND LANDSCAPE
ARCHITECTURE

Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider Ordinance# 20-612 a request to rezone a 10+/- acre tract of land known as 3990 Falcon Parkway from Hall County Highway Business (HB) to Flowery Branch Light Industrial (M1).

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve Ordinance #20-612 as submitted and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [3990 Falcon Parkway Rezoning.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-612

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY MARTIN BROTHERS, LLC. IDENTIFIED AS 3990 FALCON PARKWAY, TAX PARCEL 08069 001002B, TOTALING 10 +/- ACRES TO BE REZONED FROM HALL COUNTY HIGHWAY BUSINESS (HB) TO FLOWERY BRANCH LIGHT INDUSTRIAL (M1), 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, Martin Brothers, LLC. owns all tract or parcel of land totaling 10+/- acres identified as Tax Parcel Identification No.08069 001002B, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Martin Brothers, 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 October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County HB (Highway Business) to Flowery Branch M1 (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 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 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 change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Hall County HB (Highway Business) to Flowery Branch M-1 (Light Industrial) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

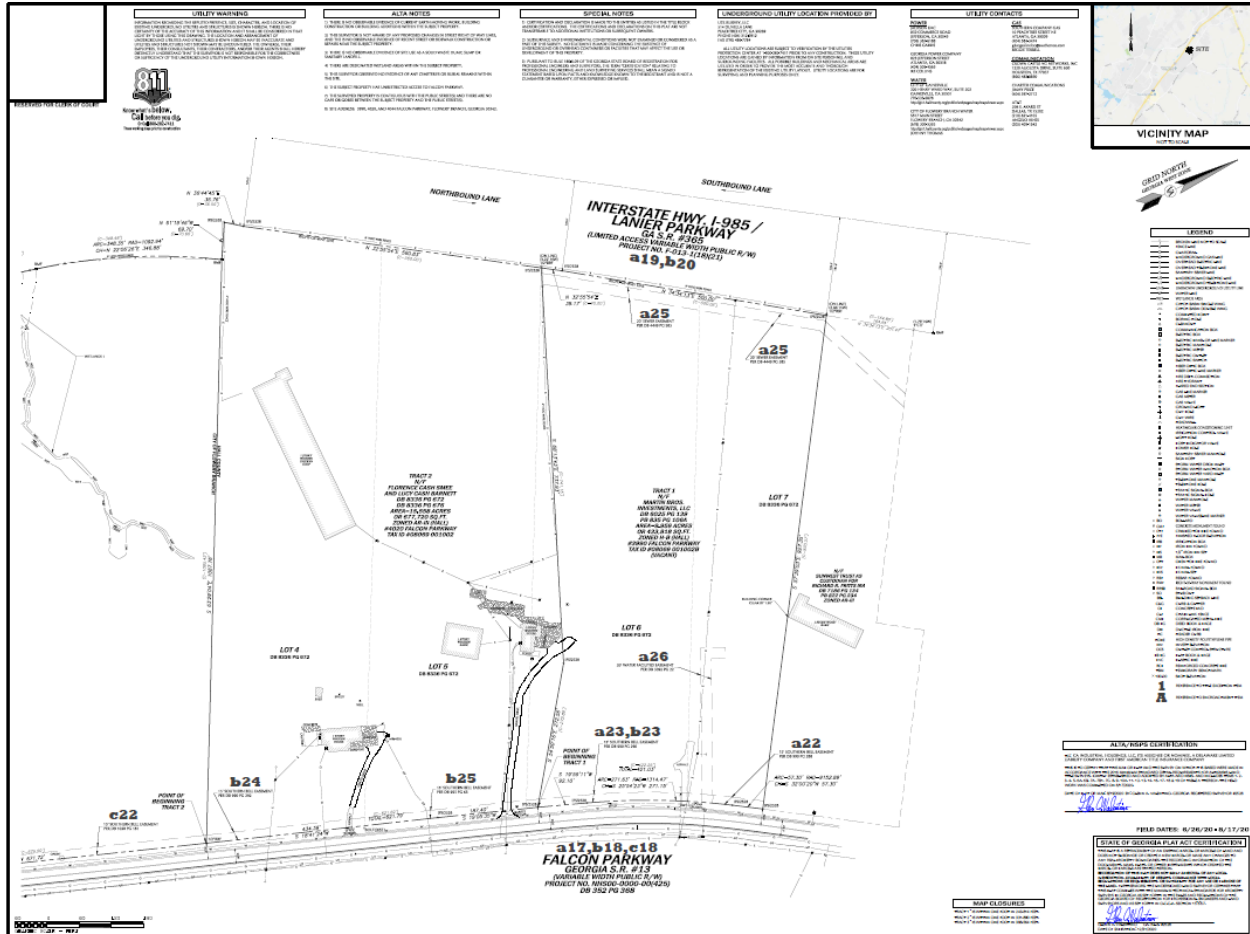
ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 1 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found;

THENCE North 18 degrees 41 minutes 24 seconds East for a distance of 434.39 feet to a 1/2" iron pin set;

THENCE North 19 degrees 05 minutes 35 seconds East for a distance of 187.40 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 Falcon Parkway North 54 degrees 50 minutes 16 seconds West for a distance of 272.56 feet to a 1/2" iron pin set;

THENCE North 68 degrees 13 minutes 43 seconds West for a distance of 737.93 feet to a 1/2" iron pin set on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21), (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof)

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 32 degrees 55 minutes 54 seconds East for a distance of 39.17 feet to a 1/2" iron pin set;

THENCE North 34 degrees 34 minutes 13 seconds East for a distance of 500.00 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 2.86 feet northwest thereof);

THENCE departing said right-of-way line of Interstate 985 South 57 degrees 39 minutes 03 seconds East for a distance of 927.35 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said northwesterly right-of-way line of Falcon Parkway the following courses and distances: along a curve to the left having a radius of 9152.89 feet for an arc distance of 57.30 feet (said arc being subtended by a chord of South 32 degrees 00 minutes 20 seconds West for a distance of 57.30 feet) to a 1/2" iron pin set;

THENCE along a curve to the left having a radius of 1314.47 feet for an arc distance of 271.63 feet (said arc being subtended by a chord of South 25 degrees 54 minutes 23 seconds West for a distance of 271.15 feet) to a 1/2" iron pin set;

THENCE South 19 degrees 59 minutes 11 seconds West for a distance of 92.10 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 9.959 acres or 433,816 square feet.

Exhibit “C”

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development

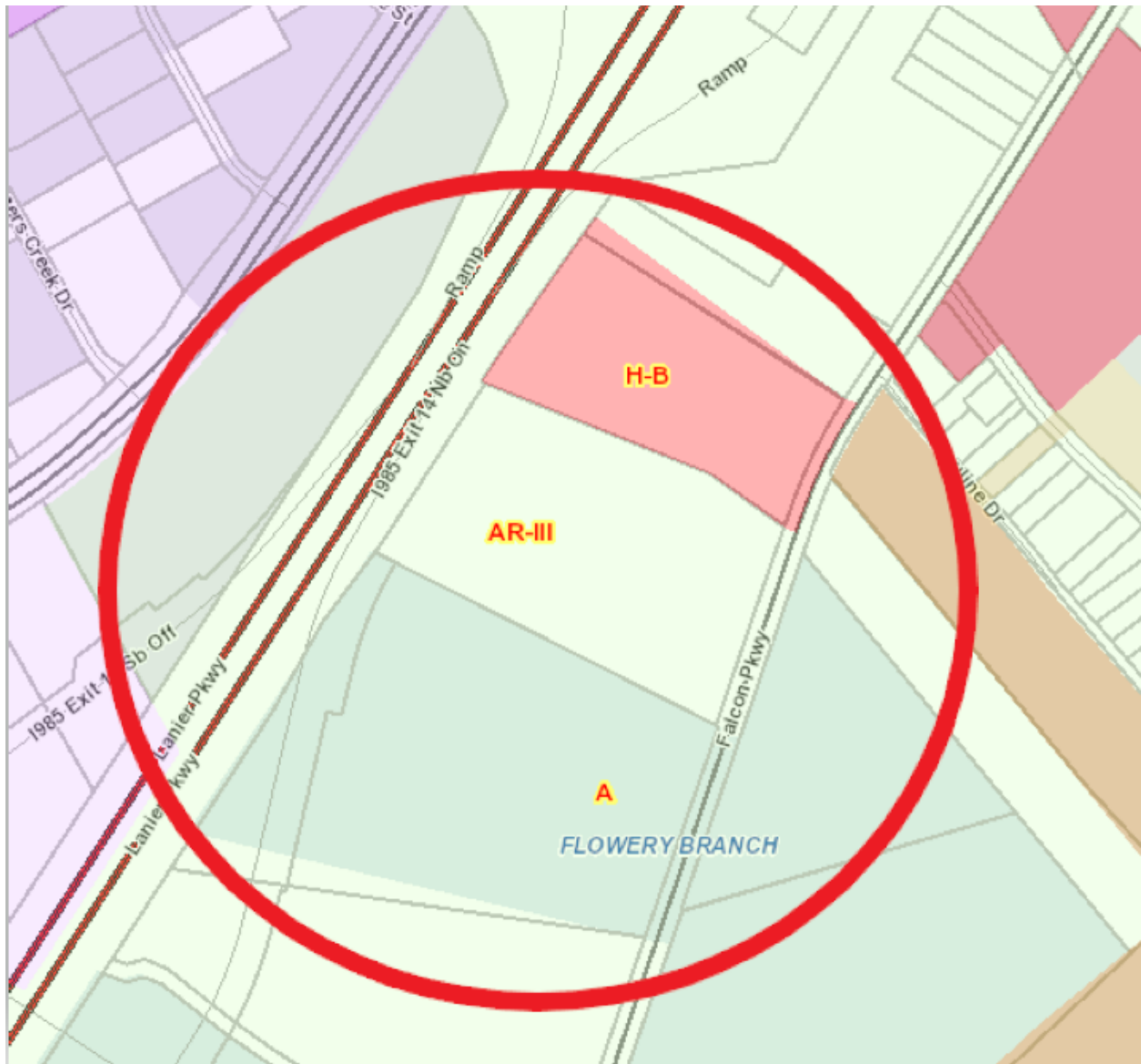


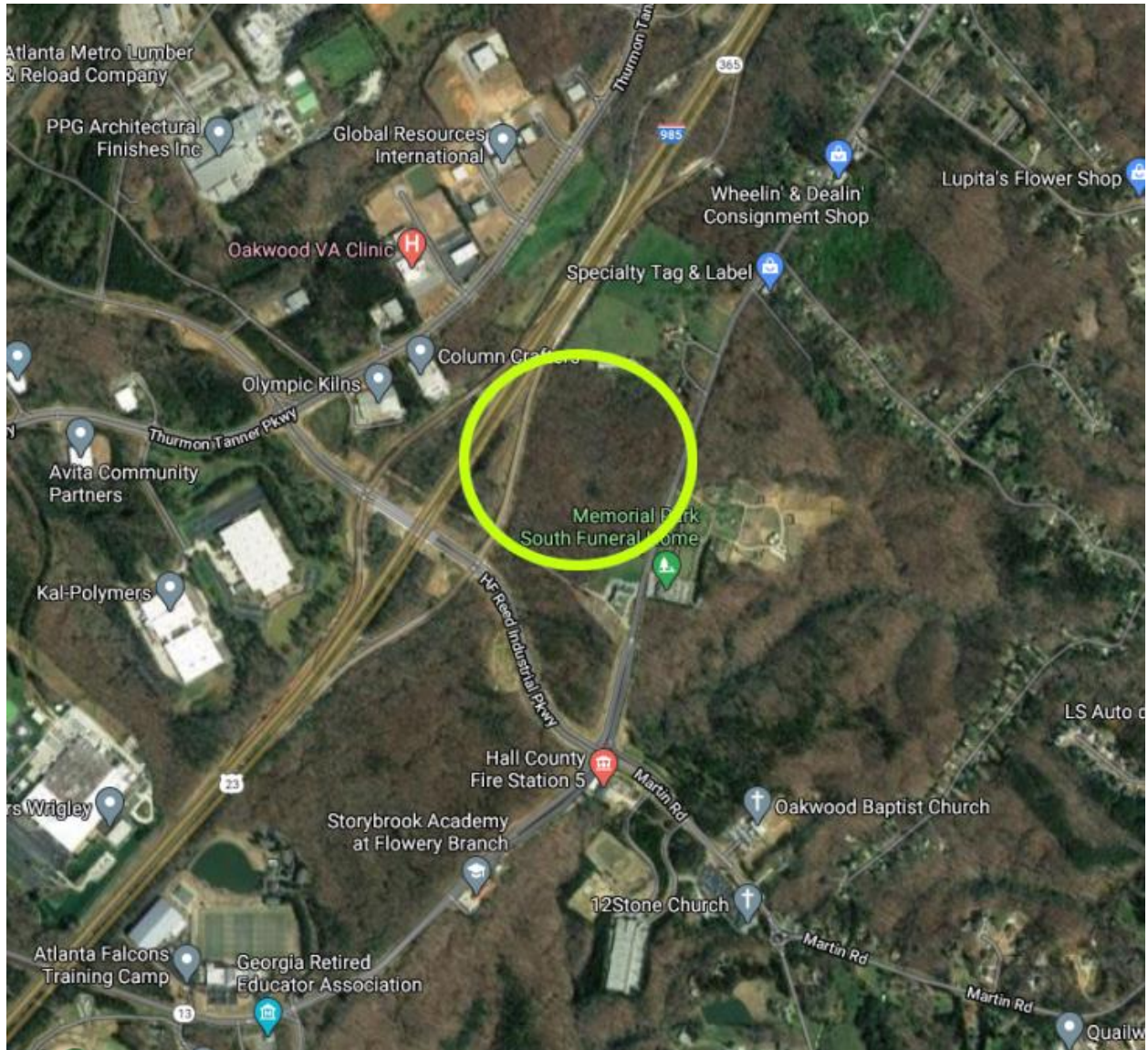
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

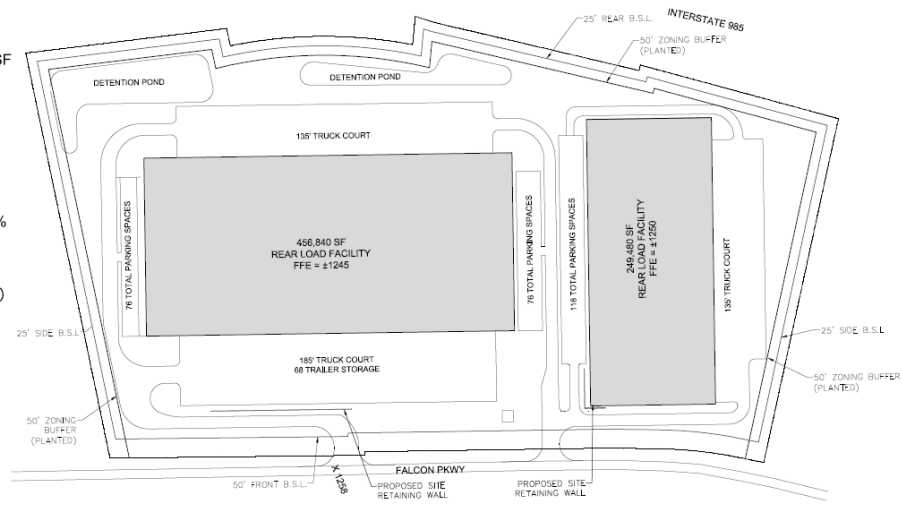
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

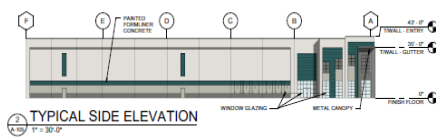
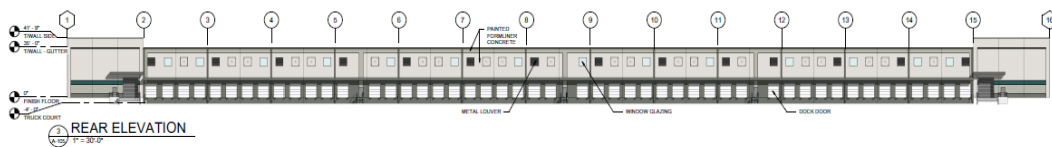
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES

PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed 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.*

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

TEL: 770.452.7849
FAX: 770.452-0086
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
WWW.EBERLY.NET

OFFERING PROFESSIONAL SERVICES IN
THE AREAS OF LAND PLANNING, CIVIL
ENGINEERING, AND LANDSCAPE
ARCHITECTURE

Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider August 6, 2020 Meeting Minutes

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [August 6, 2020 Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, August 6, 2020, 6:00 pm
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL PUBLIC HEARING TO ORDER:

Mayor Miller called the Public Hearing to order at 6:02 pm.

PRESENT: Mayor Mike Miller and Council Members, Joe Anglin, Ed Asbridge, Chris Mundy, Leslie Jarchow, Amy Farah

Also present were Bill Andrew, City Manager, Vickie Short, City Clerk, Ron Bennett, City Attorney, Rich Atkinson, City Planner and Alisha Gamble, Finance Director.

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

PUBLIC HEARING:

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

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

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

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

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

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

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

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

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

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

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

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

Planner Atkinson presented the requests for annexation and rezoning. Due to the complexity of the project, he highlighted the schedule for the public hearings, work sessions and two voting sessions, as outlined below.

- August 6 – Public Hearing & Work Session
- September 3 – Work Session (if needed)
- September 17 – First Vote
- October 1 – Work Session (if needed)
- October 15– Second Vote

Mr. Atkinson reviewed the 2019 Annexation Request that was denied on May 2, 2019. The original request allowed for 520 apartments with two phases.

Mr. Atkinson presented detailed maps of both the current and the proposed alignment of the subject properties. This revision includes senior housing. A (Conditional Use Permit) CUP per City of Flowery Branch Resolution 16-002 allowed for a Senior multi-family development. This CUP did not set limitations on size or number of units. It will allow access to Hog Mountain Road and will be connected to The Exchange at Flowery Branch.

Mr. Atkinson additionally presented each parcel in the applicant's request. The City intends to provide both water and sewer to this project if approved. The traffic study from 2019 is still considered valid.

Staff Recommendations & Recap:

- No vote at this meeting
- Work session (if requested by applicant or Council) will be held on September 3, 2020
- First vote will be held on September 17, 2020
- Staff recommendation is to approve with conditions

Mr. Asbridge questioned the non-binding references as well as elevations. Mr. Atkinson explained that non-binding refers to the site plan for the senior housing and specific elevations will be presented at a later date.

Mr. Anglin asked about the connectivity between the senior apartments as well as the two outparcels at Spout Springs Road. Mr. Atkinson referred this question to the applicant. He further asked about the parcel connectivity with Hog Mountain Road. Mr. Anglin asked if the traffic study included the I-985 bridge expansion which has now been delayed.

Mayor Miller asked about buildout plans and phases. He also asked about what type of senior living. Mr. Atkinson referred to the applicant on these matters.

Carla Walker Attorney and Chris Riley represented the applicant Capstone Acquisitions. They fielded several questions. In addition, Ms. Walker gave a brief overview of the parcels in the application. She pointed out if approved this will help with the City's future Bike Path plans. Capstone Acquisitions will be responsible for the road availability with Hog Mountain Road.

Mayor Miller asked about the number of proposed units. The original was 520 units. The apartments are now revised to 304 units. The senior facility will have 140 units. Current Hall

County zoning allows for 400 units. He asked about the timeline of the buildout. There will be 12 months between multi-family and age restricted construction. The outparcel development will be open to discussion.

Mr. Asbridge asked about the outparcels. There are plans for two outparcels on Hog Mountain and two on Spout Springs.

Mr. Anglin asked about the parcels on Hog Mountain. Mr. Anglin questioned the shared road between multi-family and senior housing and the Hog Mountain access.

Ms. Farah asked about the access between multi-family and senior housing. The applicant responded the road will be accessible for all residents.

Mr. Anglin asked about the median break along with the Smiles Forever Orthodontist office. The office was granted a median break from Georgia Department of Transportation. He asked if the development would be able to access to the median break. Mr. Riley assured the Council it is their desire to be able to turn right and stay in Hall County to shop. Residents will need to take the access road to be able to turn left on Spout Springs.

Mayor Miller wanted to clarify that the 2016 CUP legislation allows the opportunity to senior housing.

For: There were no comments in favor of the proposed development.

Against: There were no comments against the proposed development.

Mayor Miller closed the public hearing for Capstone and Goddard School at 6:35 pm.

Mayor Miller opened the public hearing for Mr. Shawn Gleason for 4153 Falcon Pwky at 6:35 pm.

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

Mr. Atkinson presented the timeline of this rezoning request as outlined below:

August 6, 2020 Work Session and Public Hearing (No Vote)
September 3, 2020 Work session (if needed)
September 17, 2020 First Vote
October 1, 2020 Work Session (if needed)
October 15, 2020 Second Vote

Mr. Atkinson explained the details of the proposed project. Mr. Atkinson highlighted two main points of interest. He explained that this is unusual in that the applicant does not have definitive plans for the property and it is mainly about access to the adjoining development.

Points of interest for discussion:

- Building materials
- Connectivity to the other Oakwood retail

- Pad “blank area” – ensure this is developed to FB standards
- Approve with conditions

Mayor Miller asked about the exact location of the request. Mr. Atkinson confirmed the actual location.

Mr. Anglin asked about the connectivity of the project. Mr. Atkinson verified that it would provide access to Falcon Parkway and Martin Road.

Mr. Mundy asked about the access to development. It would be right turn only.

Mayor Miller asked about topography issues. Mr. Atkinson mentioned that this was more of a place holder.

Ms. Farah verified that this connectivity is the focus of the request.

Mr. Asbridge asked about the timeline of the vote (October 15) and whether additional information would be provided.

Ms. Jarchow asked what the completion date of the Oakwood project.

Mr. Gleason (applicant) answered several questions regarding the parcel.

Mr. Andrew wanted to clarify with Mr. Gleason that the parcel is currently within Flowery Branch’s Sewer district. He pointed out that a discussion needs to be held regarding sewer coverage.

For: There were no comments in favor of the request.

Against: There were no comments against the request.

Mayor Miller closed the public hearing at 7:01 pm.

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

Mr. Atkinson pointed out this request timeline will be the following:

August 6, 2020 Work Session and Public Hearing (No Vote)

September 3, 2020 Work session (if needed)

September 17, 2020 First Vote

October 1, 2020 Work Session (if needed)

October 15, 2020 Second Vote

Mr. Atkinson highlighted the key points of the request.

- Change the SOTL conditions
- Gate an 85 +/- acre area known as the Honeycutt Tract
- Private 214 home subdivision
- Roads would be private
- Overall number of homes would not change – 2,000
- Style of home would be consistent with existing
- Basically, create a private subdivision within SOTL

Staff Concerns

- Possible negative impacts on Sterling on the Lake subdivision
- Possible negative impacts on the City of Flowery Branch as a whole
- SOTL has many pods with various housing types, designs, and sizes
- Although geographically large SOTL has a lot of inter-connectivity and maintains a sense of community throughout
- Creating a private, gated, 214 home “sub” subdivision may alter the overall community feel of Sterling on the Lake
- SOTL is geographically far removed from Old Town Flowery Branch
- With its own set of events, pools, parks and open space it exists on an island – an almost fully independent jurisdiction separate from the rest of the City
- Creating another separate, private subdivision within this already distant one will not help bring SOTL into the fabric of Flowery Branch proper
- Staff recommends approval of the request as submitted and conditioned per Ordinance 239K & 240K

Mr. Kedrick Scott with Rochester & Associates, Inc. and Chris Whitaker with Newland Communities represented the applicant.

Mayor Miller asked about the age requirements. Mr. Miller expressed concern about the fact that this has been advertised without City approval. Mr. Atkinson stated that the developer has only gotten approval on the model homes.

Ms. Farah asked about the FAQ list that was released. Mr. Whitaker stated he was not aware and would check into it.

Mr. Anglin stated that there have been lots of questions from residents on this gated portion of the community.

Mayor, Council and Staff expressed deep concern with the sub “HOA” responsibilities for maintaining the roads and sidewalks. Very lengthy discussion regarding the future of these funds and if a failure of funds for payment and the City’s responsibility along with main HOA’s responsibilities.

For: No comments in support of the request.

Against:

Bob Hayes at 6905 Hopscotch Court spoke against the approval based on the relationship between the sub HOA and the main HOA as well potential failure of the sub HOA.

Martin Frank at 6604 Trailside Drive spoke against the approval with a concern of the Sub HOA.

Mayor Miller closed the public hearing was closed at 7:57 pm.

PUBLIC COMMENTS: There were no public comments.

UNFINISHED BUSINESS - WORK SESSION:

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

Mr. Andrew gave a brief update on this Ordinance. The City is still awaiting an update from GDOT on the error on Highway 347/Friendship Road. Mr. Andrew suggested it be tabled until the September 3 Council Meeting.

NEW BUSINESS -WORK SESSION:

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

Ms. Gamble introduced Bobby Sills, Nelsnick Enterprises, to complete a follow up presentation addressing the Council's questions from the prior meeting. Mr. Sills shared his changes in the rates. He shared the June 2020 data. This increase in service volume for residential customers has been due to COVID-19 with citizens being at home. There was a decrease in commercial usage as well. This is outlined below:

Water				Wastewater			
Inside City							
Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-1000	7.11	Base Charge	7.00	Base Charge	5.51	Base Charge	7.00
1001-2500	17.79	0-2500	5.60	All	8.30	All	8.93
2501-4500	32.01	2501-4500	7.00				
4501 - 7500	8.89	4501 and above	11.20				
7501 and above	10.67						
Multifamily							
Volume	FY20	Range * Units	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-3355	23.86	Base Charge	7.00	0-3355	29.22	Base Charge	7.00
		0-2500	5.60	3356 and above	5.63	All	7.25
3356-7500	8.89	2501-4500	7.00				
7501 and above	10.67	4501 and above	11.20				
Non-Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-7000	32.01	Base Charge	14.00	0-7000	39.27	Base Charge	14.00
		0-4500	4.95	7001 and above	5.63	All	6.10
7000-60,000	5.72	4501-60,000	6.19				
60,001 and above	6.88	60,001 and above	7.43				

Mr. Sills fielded several questions from Council regarding the proposed rate changes.

Mr. Anglin expressed concerns about connection fees in relation to helping fund the Sewer Expansion Project. He would like a comparative analysis among jurisdictions for the next Council meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There were no additional comments on the above ordinances.

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

Ms. Gamble reviewed the current status of the funding as outlined below:

- The City of Flowery Branch received notification of award of funding from the Georgia CARES Act.
- The advanced funding is based on the City's population.
- Total funding = \$435,794.49
- 30% of funding received in advance = \$130,738.35
- Deposited on July 30, 2020

- Must be spent for COVID-19 emergency expenses not planned within the budget as of March 27, 2020.
- Advanced funding must be spent by September 1st or remaining will be returned to the State.
- Remaining 70% is on a reimbursable basis \$305,056.14
- The first 30% tier must be spent before eligibility for the 70%.

Staff Request:

- To approve for the Mayor to sign Resolution 20-021, authorizing the Terms and Conditions for the CARES Act, Coronavirus Relief Fund.
- Work Session and Voting Session
- Advanced 30% deposit of \$130,738.35
- Time constraint for reporting, September 1, 2020

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

Ms. Gamble presented the information on this re-appropriation request.

- Original presentation for \$73,075 – for 7 lots
 - The original plan was for a 5' sidewalk
 - No sanitary sewer relocation
 - No water service lines
 - Less storm water pipe and catch basins
- New cost estimate \$361,693.21 + 10% contingency \$36,169 = total \$397,862.21
- Recommended funding from the Local Resources Fund Balance
 - Contract \$361,693.21
 - 10% Contingency \$36,169
 - Total \$397,862.21

Mr. Asbridge and Mr. Anglin questioned why the City is not expecting the new developer of the other lots be held responsible for the same. Mr. Andrew explained that the other owner of the additional lots is a developer that understands and complies with stormwater standards. The original owner was a builder and not a developer.

DEPARTMENT REPORTS:

Attorney Report: Mr. Bennett gave a brief overview regarding the recent legislation on Alcohol Delivery Legislation. Our current code prohibits this legislation. The City would have to revise the current code to accommodate.

Council Report: Mr. Asbridge commended the Police Department on helping a citizen replacing his stolen Moped. Mr. Anglin shared that a well-known citizen, Mr. John Lee passed away by recently by an accident.

ADJOURNMENT WORK SESSION: Mayor Miller adjourned the work session at 9:05pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER: Mayor Miller adjourned the work session at 9:05 pm.

PUBLIC COMMENTS: There were no public comments

CONSENT AGENDA:

1. Consider June 4, 2020 Meeting Minutes
2. Consider June 18, 2020 9:00 am Special Called Meeting Minutes
3. Consider June 18, 2020 Meeting Minutes
4. Consider June 25, 2020 Special Called Meeting Minutes
5. Consider Mayor Mike Miller Per Diem

There was a motion made to approve the consent agenda.

MOTION: Chris Mundy

SECOND: Amy Farah

AYES: Joe Anglin, Ed Asbridge, Chris Mundy, Leslie Jarchow, Amy Farah

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

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

Mr. Bennett read the caption of Resolution 20-021.

There was a motion made to approve Resolution 20-021 Grant Agreement for CARES funding.

MOTION: Ed Asbridge

SECOND: Leslie Jarchow

AYES: Joe Anglin, Ed Asbridge, Chris Mundy, Leslie Jarchow, Amy Farah

NAYS: None

Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session for the acquisition of real estate and pending /potential litigation.

MOTION: Amy Farah
SECOND: Chris Mundy
AYES: Joe Anglin, Ed Asbridge, Chris Mundy, Leslie Jarchow, Amy Farah
NAYS: None
Motion carried

There was a motion made to reconvene open session.

MOTION: Joe Anglin
SECOND: Amy Farah
AYES: Joe Anglin, Ed Asbridge, Chris Mundy, Leslie Jarchow, Amy Farah
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Joe Anglin, Ed Asbridge, Chris Mundy, Leslie Jarchow, Amy Farah
NAYS: None
Motion carried

Mayor – Mike Miller

Date

City Clerk – Vickie Short



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider September 3, 2020 Meeting Minutes

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [City Council Meeting Minutes September 3, 2020.pdf](#)



City of Flowery Branch
City Council Meeting
August 20, 2020, 6:00 pm.
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542



CALL WORK SESSION TO ORDER:

Mayor Miller called the Work Session to order at 6:03 pm.

PRESENT: Mayor Mike Miller, and Council Members Joe Anglin, Ed Asbridge, Chris Mundy, Leslie Jarchow, and Amy Farah.

Also present were Bill Andrew, City Manager, Vickie Short, City Clerk, Ron Bennett, City Attorney, Rich Atkinson, City Planner and Alisha Gamble, Finance Director.

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

UNFINISHED BUSINESS - WORK SESSION:

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

Ms. Gamble introduced Bobby Sills, Nelsnick Enterprises, to complete a follow up presentation addressing the Council's questions from the prior meeting.

Water				Wastewater			
Inside City							
Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-1000	7.11	Base Charge	7.00	Base Charge	5.51	Base Charge	7.00
1001-2500	17.79	0-2500	5.60	All	8.30	All	8.93
2501-4500	32.01	2501-4500	7.00				
4501 - 7500	8.89	4501 and above	11.20				
7501 and above	10.67						
Multifamily							
Volume	FY20	Range * Units	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
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		0-2500	5.60	3356 and above	5.63	All	7.25
3356-7500	8.89	2501-4500	7.00				
7501 and above	10.67	4501 and above	11.20				
Non-Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-7000	32.01	Base Charge	14.00	0-7000	39.27	Base Charge	14.00
		0-4500	4.95	7001 and above	5.63	All	6.10
7000-60,000	5.72	4501-60,000	6.19				
60,001 and above	6.88	60,001 and above	7.43				

Mr. Anglin expressed that connection fees should be higher to account for the debt under consideration for the new wastewater treatment plant. He is suggesting a 7% wastewater and 5% water increase with connection fees.

Mr. Asbridge asked about the history of the fee increases.

Mr. Mundy asked how depreciation is determined for the plant. The City looks at depreciated replacement value according to Mr. Sills.

Mr. Bennett stated that Mr. Sills was tasked to present reasonable connection fees that would be defensible in court.

Mr. Anglin expressed that he was not comfortable with user rates being increased and not the connection fees.

Ms. Farah asked Mr. Bennett to clarify what was meant by reasonably defensible rates. She asked how often these fees are normally analyzed.

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

Ms. Gamble presented the information on the Resolution 20-022. Highlights include the following:

- Original presentation for \$73,075 – for 7 lots
 - The original plan was for a 5' sidewalk
 - No sanitary sewer relocation
 - No water service lines
 - Less storm water pipe and catch basins

New cost estimate \$361,693.21 + 10% contingency \$36,169 = total \$397,862.21

4 qualified bid proposals received:

Summit Construction & Development, LLC.	\$361,693.21
Archimetric Design & Construction, Inc.	\$426,492.00
Ohmshiv Construction, LLC.	\$493,123.09
The Dickerson Group, Inc.	\$686,700.00

NOTE: This project does not include getting the storm water infrastructure down to the Railroad (will need to be a Phase II Project).

Mr. Anglin asked about what information we have on Summit Construction & Development, LLC. Mr. Edinger with Clark, Patterson and Lee responded that their references had checked out. He also asked what the cost estimate of Phase II Project would be. Mr. Edinger responded that Clark, Patterson and Lee had not begun this cost estimate.

NEW BUSINESS -WORK SESSION:

Consider a Stormwater Utility Feasibility Study

Ms. Gamble and Mr. Rich Edinger with Clark Patterson Lee presented the details of the proposed study.

Purpose:

- To authorize the approval of the Storm Water Utility Feasibility Study through Clark Patterson Lee for a total cost of \$34,850.
- Requested during the February 2020 Council Retreat
- This study will help us understand the City's stormwater needs and the timing of each project as well as associated costs.
- Performing this study and the possibility of a stormwater utility could assist the City to become more proactive with maintenance and repairs rather than reactive.

Scope of Work:

- Convene a Storm Water Utility Feasibility Committee
- Quantify costs of owning, managing, and maintaining the City's Municipal Separate Storm Sewer System (MS4)
- Prepare a rate study
- Prepare a report on the Committee's findings and recommend the next steps.
- Draft a Storm Water Utility Ordinance
- Present the report to the City Council.
- Total Cost \$34,850
- Funding from the Local Resources Fund Balance
- Rich Edinger, CPL, available for questions

Mr. Asbridge asked about the number of people to be on the Committee. Mr. Edinger shared that it would be seven up to ten people. Mr. Edinger gave additional details of the committee's responsibilities. In addition, Mr. Asbridge asked about how the fees would be billed.

Mr. Anglin asked whether nearby municipalities have stormwater fees. Mr. Edinger shared that there are several close by to the City of Flowery Branch.

Ms. Farah asked about the level of service and the extent of service in relation to the added fees charged to the taxpayers.

Mr. Miller shared the importance of these fees in relation to current and future stormwater repairs. There is a concern of citizens referring to this as a "rain tax" and something that citizens cannot see.

Mr. Andrew pointed out that this additional utility fee would free up general fund and SPLOST for more visible tasks to the citizens.

Consider a request submitted by Bowen-Stark to approve site changes to an approved site specific PUD.

Mr. Atkinson presented the details of the request.

History:

- Rezoned to Planned Unit Development (PUD) on March 1, 2018
- 67 single family homes
- Commercial outparcel
- Front porches required at Gainesville Street entry
- Rear loaded product required

Proposed changes and advantages per applicant:

- Converting Lots 25-29 to front entry house lots and revising the lot lines and the front yard setbacks to accommodate these conversions
- Adding Lots 68 and 69 as front entry house lots
- Removing 14,000 S.F. asphalt alley for old rear entry lots
- Because this change will make the streetscape coming into Park Haven from Radford Road more compatible with the streetscape coming into Park Haven from Gainesville Street.
- Because our buyers want more front entry houses.

Several questions from Mayor and Council about specifics to improvements.

It was determined that a general consensus could take place versus a traditional vote. Council was in favor of the changes.

DEPARTMENT REPORTS:

City Manager Report: Mr. Andrew shared that the G.C. Crow sign was replaced to update the new change. Mayor Miller pointed out that the lights are not working correctly.

Council Report: Mr. Asbridge shared that the PTV sign up event is on Saturday, August 22, 2020 from 10:00 am-12:00 pm.

Mayor Report: Mayor Miller pointed out the need for citizens to complete their 2020 Census.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 7:37pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:37pm.

PUBLIC COMMENTS: No public comments.

CONSENT AGENDA:

Consider Mayor Mike Miller Per Diem

There was a motion made to approve Mayor Mike Miller Per Diem.

MOTION: Chris Mundy
SECOND: Amy Farah
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Ed Asbridge, Chris Mundy
NAYS: None
Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

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

Mr. Bennett read the caption for Resolution 20-022.

There was a motion made to authorize the Mayor to sign Resolution 20-022 for the appropriation of fiscal year 2021 Funds for Mitchell Street Stormwater Infrastructure Improvements and award the contract to Summit Construction and Development, LLC.

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MOTION: Ed Asbridge
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Ed Asbridge, Chris Mundy
NAYS: None
Motion carried

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

Mr. Bennett read the caption for Resolution for 20-020.

There was a motion made to approve the adoption of Resolution 20-020 for implementation of Water Sewer Rate Changes effective August 20, 2020 (September billing) with a condition of an increase of 7% wastewater and 5% water connection fees.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Chris Mundy
NAYS: Amy Farah, Leslie Jarchow, Ed Asbridge
Motion failed

Mr. Sills with Nelsnick Enterprises, LLC fielded several questions regarding the suggested fees. A detailed conversation took place about the legality of increasing beyond the recommended amounts by Mr. Sills. His recommendations are within the generally accepted guidelines.

Mr. Anglin shared that he would like it on record that he does not agree with the proposed fees.

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

There was a motion made to approve the adoption of Resolution 20-020 for implementation of Water Sewer Rate Changes effective August 20, 2020 (September billing).

MOTION: Ed Asbridge
SECOND: Leslie Jarchow
AYES: Amy Farah, Leslie Jarchow, Ed Asbridge
NAYS: Joe Anglin, Chris Mundy
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter into executive session at 8:26 pm for the acquisition of real estate,
Pending/potential litigation, and personnel matters.

MOTION: Chris Mundy
SECOND: Ed Asbridge
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Ed Asbridge, Chris Mundy
NAYS: None
Motion carried

There was a motion made to reconvene open session at 9:27 pm.

MOTION: Amy Farah
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Ed Asbridge, Chris Mundy
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 9:27 pm.

MOTION: Joe Anglin
SECOND: Amy Farah
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Ed Asbridge, Chris Mundy
NAYS: None
Motion carried

Mayor – Mike Miller

Date

City Clerk – Vickie Short



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Vehicles to Surplus and Auction through Gov Deals

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [Vehicle Inspection Forms.pdf](#)
- [2012 Chevy Impala 1.JPG](#)
- [2012 Chevy Impala 2.JPG](#)
- [2012 Chevy Impala 3.JPG](#)
- [2012 Chevy Impala 4.JPG](#)
- [2004 Ford F150.pdf](#)

- 2007 GMC Sierra 1500 Pic 1.JPG
- 2007 GMC Sierra 1500 Pic 2.JPG
- 2007 GMC Sierra 1500 Pic 3.JPG
- 2007 GMC Sierra 1500 Pic 4.JPG
- 2009 Chevy Impala 1.JPG
- 2009 Chevy Impala 2.JPG
- 2009 Chevy Impala 3.JPG
- 2012 Chevy Impala 1.JPG
- 2012 Chevy Impala 2.JPG
- Vehicle Inspection Forms.pdf
- 2012 Chevy Impala 3.JPG
- 2012 Chevy Impala Pic 1.JPG
- 2012 Chevy Impala Pic 2.JPG
- 2012 Chevy Impala Pic 3.JPG

Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:
Short Description: Year <u>2012</u> Make <u>Chevrolet</u> Model <u>Impala</u>		
VIN: 2 6 1 W D 5 E 3 3 C 1 1 6 2 6 2 5 Title Restriction: ☐ Y ☐ N		
Odometer: 1 1 7 5 0 6 ☒ Miles ☐ Kilometers Odometer Accurate ☒ Y ☐ N: _____		
Long Description: This Vehicle: ☐ Starts ☒ Starts with a Boost & ☒ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only Engine- Type: <u>3.6L, V 6</u> ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition Repairs needed: <u>N/A</u> This vehicle was maintained every <u>5,000</u> ☐ Days ☐ Hours ☒ Miles Date Removed From Service: <u>5/2020</u> Maintenance Records: ☒ Available ☐ Not Available For Inspection Transmission: ☒ Automatic ☐ Manual <u> </u> Speed Condition: ☒ Operable ☐ Needs repair ☐ Is Unknown Condition Repairs Needed: <u>N/A</u> Drivetrain: ☒ 2 Wheel Drive ☐ 4 Wheel Drive Condition: _____		
Exterior: Color: <u>Black</u> Windows: ☒ No Cracked Glass ☐ Cracked _____ Minor: ☐ Dents ☒ Scratches ☒ Dings Tire Condition: <u>good</u> Tread: _____ #Flat <u>0</u> Hubcaps # <u>3</u> Major Damage to: <u>N/A</u> Additional Damage: <u>N/A</u> Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☒ Impressions Remain ☐ No Impressions Emergency equip: ☐ None ☐ Has been removed & ☒ There are holes in the exterior ☐ There are no holes		
Interior: Color <u>Black</u> ☒ Cloth ☒ Vinyl ☐ Leather Damage to Seats: <u>hole in driver's seat</u> Damage to Dash/Floor: <u>missing floor door trim on driver's side</u> Radio: ☒ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☒ AM/FM CD ☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☒ Dual ☒ Cruise Control ☒ Tilt Steering ☒ Remote Mirrors ☐ Climate Control Power: ☒ Steering ☒ Windows ☒ Door Locks ☒ Seats		
Additional Equipment: <u>lights and siren</u> Manufacturer _____ Model _____ Serial # _____ ☐ Tool Box ☒ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☐ Hitch: Type _____		
Location of Asset: _____ For more information contact: _____ Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.		

Vehicle Inspection Form

Inventory ID: _____	Asset Number: _____	Fair Market Value: _____
----------------------------	----------------------------	---------------------------------

Short Description:
 Year 2012 Make Chevrolet Model Impala

VIN: 261WD5E31C1163904 Title Restriction: ☐ Y ☐ N

Odometer: 126817 ☒ Miles ☐ Kilometers Odometer Accurate ☒ Y ☐ N: _____

Long Description:
 This Vehicle: ☐ Starts ☒ Starts with a Boost & ☒ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only
Engine- Type: 3.6 L, V 6 ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid
 Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition
 Repairs needed: N/A
 This vehicle was maintained every 5,000 ☐ Days ☐ Hours ☒ Miles
 Date Removed From Service: 5/2020 Maintenance Records: ☒ Available ☐ Not Available For Inspection
Transmission: ☒ Automatic ☐ Manual Speed Condition: ☒ Operable ☐ Needs repair ☐ Is Unknown Condition
 Repairs Needed: N/A
Drivetrain: ☒ 2 Wheel Drive ☐ 4 Wheel Drive Condition: _____

Exterior: Color: Black Windows: ☒ No Cracked Glass ☐ Cracked _____
 Minor: ☐ Dents ☒ Scratches ☒ Dings Tire Condition: good Tread: _____ #Flat 0 Hubcaps # 4
 Major Damage to: N/A
 Additional Damage: N/A
 Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☒ Impressions Remain ☐ No Impressions
 Emergency equip: ☐ None ☐ Has been removed & ☒ There are holes in the exterior ☐ There are no holes

Interior: Color Black ☒ Cloth ☒ Vinyl ☐ Leather
 Damage to Seats: None
 Damage to Dash/Floor: driver's side floor trim missing
 Radio: ☒ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☒ AM/FM CD
☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☒ Dual
☒ Cruise Control ☒ Tilt Steering ☒ Remote Mirrors ☐ Climate Control
 Power: ☒ Steering ☒ Windows ☒ Door Locks ☒ Seats

Additional Equipment: lights and siren
 Manufacturer _____ Model _____ Serial # _____
☐ Tool Box ☒ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☐ Hitch: Type _____

Location of Asset: _____
For more information contact: _____
Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.

Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:
Short Description:		
Year <u>2004</u>	Make <u>Ford</u>	Model <u>F-150 XLT TRITON</u>
VIN: <u>1FTRX12W84NC32929</u>		Title Restriction: ☐ Y ☐ N
Odometer: <u>126595</u> ☒ Miles ☐ Kilometers		Odometer Accurate ☐ Y ☐ N:
Long Description:		
This Vehicle: ☒ Starts ☐ Starts with a Boost & ☐ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only		
Engine- Type: <u>4.6L, V8</u> ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid		
Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition		
Repairs needed: <u>Electrical Issues (Radio)</u>		
This vehicle was maintained every _____ ☐ Days ☐ Hours ☒ Miles		
Date Removed From Service: _____ Maintenance Records: ☐ Available ☐ Not Available For Inspection		
Transmission: ☒ Automatic ☐ Manual _____ Speed Condition: ☐ Operable ☐ Needs repair ☐ Is Unknown Condition		
Repairs Needed: <u>Electrical (Radio)</u>		
Drivetrain: ☒ 2 Wheel Drive ☐ 4 Wheel Drive Condition: <u>Fair</u>		
Exterior: Color: <u>White</u> Windows: ☒ No Cracked Glass ☐ Cracked _____		
Minor: ☒ Dents ☒ Scratches ☒ Dings Tire Condition: <u>poor</u> Tread: _____ #Flat _____ Hubcaps # _____		
Major Damage to: <u>Body to Bedsides</u>		
Additional Damage: <u>Tail Gate</u>		
Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☐ Impressions Remain ☐ No Impressions		
Emergency equip: ☐ None ☐ Has been removed & ☐ There are holes in the exterior ☒ There are no holes		
Interior: Color <u>Grey</u> ☐ Cloth ☒ Vinyl ☐ Leather		
Damage to Seats: <u>drivers seat Has some tearing, passenger seat Good.</u>		
Damage to Dash/Floor: <u>NONE</u>		
Radio: ☒ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☒ AM/FM Cassette ☐ AM/FM CD		
☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☐ Dual		
☐ Cruise Control ☒ Tilt Steering ☐ Remote Mirrors ☐ Climate Control		
Power: ☒ Steering ☐ Windows ☐ Door Locks ☐ Seats		
Additional Equipment: <u>Strobe lights (clear) Front & Rear</u>		
Manufacturer _____ Model _____ Serial # _____		
☒ Tool Box ☐ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☒ Hitch: Type <u>Bumper</u>		
Location of Asset: _____		
For more information contact: _____		
Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.		

Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:
Short Description: Year <u>2007</u> Make <u>GMC Sierra</u> Model <u>1500</u>		
VIN: <u>2GT EK 13 MD 71 54 14 55</u> Title Restriction: ☐ Y ☐ N		
Odometer: <u>98389</u> ☒ Miles ☐ Kilometers Odometer Accurate ☒ Y ☐ N:		
Long Description: This Vehicle: ☐ Starts ☒ Starts with a Boost & ☒ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only Engine- Type: <u>8</u> L, V ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition Repairs needed: <u>N/A</u> This vehicle was maintained every <u>5,000</u> ☐ Days ☐ Hours ☒ Miles Date Removed From Service: <u>5/2020</u> Maintenance Records: ☒ Available ☐ Not Available For Inspection Transmission: ☒ Automatic ☐ Manual <u>Speed</u> Condition: ☒ Operable ☐ Needs repair ☐ Is Unknown Condition Repairs Needed: <u>N/A</u> Drivetrain: ☐ 2 Wheel Drive ☒ 4 Wheel Drive Condition:		
Exterior: Color: <u>Black</u> Windows: ☒ No Cracked Glass ☐ Cracked Minor: ☐ Dents ☒ Scratches ☐ Dings Tire Condition: <u>good</u> Tread: <u>0</u> #Flat <u>0</u> Hubcaps # Major Damage to: <u>N/A</u> Additional Damage: <u>N/A</u> Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☒ Impressions Remain ☐ No Impressions Emergency equip: ☐ None ☐ Has been removed & ☐ There are holes in the exterior ☒ There are no holes		
Interior: Color <u>Tan</u> ☐ Cloth ☐ Vinyl ☒ Leather Damage to Seats: <u>minor cracks</u> Damage to Dash/Floor: <u>None</u> Radio: ☒ Stock or ☐ Brand & Model: <u>AM/FM CD</u> ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☒ AM/FM CD ☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☒ Dual ☒ Cruise Control ☒ Tilt Steering ☒ Remote Mirrors ☐ Climate Control Power: ☒ Steering ☒ Windows ☒ Door Locks ☒ Seats		
Additional Equipment: <u>lights, siren, decals, lift kit, aftermarket wheels</u> Manufacturer _____ Model _____ Serial # _____ ☐ Tool Box ☐ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☐ Hitch: Type _____		
Location of Asset: _____ For more information contact: _____ Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.		

Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:
Short Description: Year <u>2009</u> Make <u>Chevrolet</u> Model <u>Impala</u>		
VIN: 2 6 1 W S 5 7 M 9 9 1 2 2 8 6 7 8 Title Restriction: ☐ Y ☐ N		
Odometer: 1 3 6 1 4 1 ☒ Miles ☐ Kilometers Odometer Accurate ☒ Y ☐ N: _____		
Long Description: This Vehicle: ☐ Starts ☒ Starts with a Boost & ☒ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only Engine- Type: <u>3.6</u> L, V <u>6</u> ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition Repairs needed: <u>N/A</u> This vehicle was maintained every <u>5,000</u> ☐ Days ☐ Hours ☒ Miles Date Removed From Service: <u>5/2020</u> Maintenance Records: ☒ Available ☐ Not Available For Inspection Transmission: ☒ Automatic ☐ Manual _____ Speed Condition: ☒ Operable ☐ Needs repair ☐ Is Unknown Condition Repairs Needed: <u>N/A</u> Drivetrain: ☒ 2 Wheel Drive ☐ 4 Wheel Drive Condition: _____		
Exterior: Color: <u>Black</u> Windows: ☒ No Cracked Glass ☐ Cracked _____ Minor: ☒ Dents ☒ Scratches ☒ Dings Tire Condition: <u>fair</u> Tread: _____ #Flat <u>0</u> Hubcaps # <u>4</u> Major Damage to: <u>dent at gas cap</u> Additional Damage: <u>N/A</u> Decals: ☒ None ☐ Have Been Sprayed or ☐ Have been Removed & ☐ Impressions Remain ☐ No Impressions Emergency equip: ☐ None ☐ Has been removed & ☐ There are holes in the exterior ☒ There are no holes		
Interior: Color <u>Black</u> ☒ Cloth ☒ Vinyl ☐ Leather Damage to Seats: <u>None</u> Damage to Dash/Floor: <u>None</u> Radio: ☒ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☒ AM/FM CD ☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☒ Dual ☒ Cruise Control ☒ Tilt Steering ☒ Remote Mirrors ☐ Climate Control Power: ☒ Steering ☒ Windows ☒ Door Locks ☒ Seats		
Additional Equipment: <u>lights and siren</u> Manufacturer _____ Model _____ Serial # _____ ☐ Tool Box ☐ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☐ Hitch: Type _____		
Location of Asset: _____ For more information contact: _____ Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.		

Vehicle Inspection Form

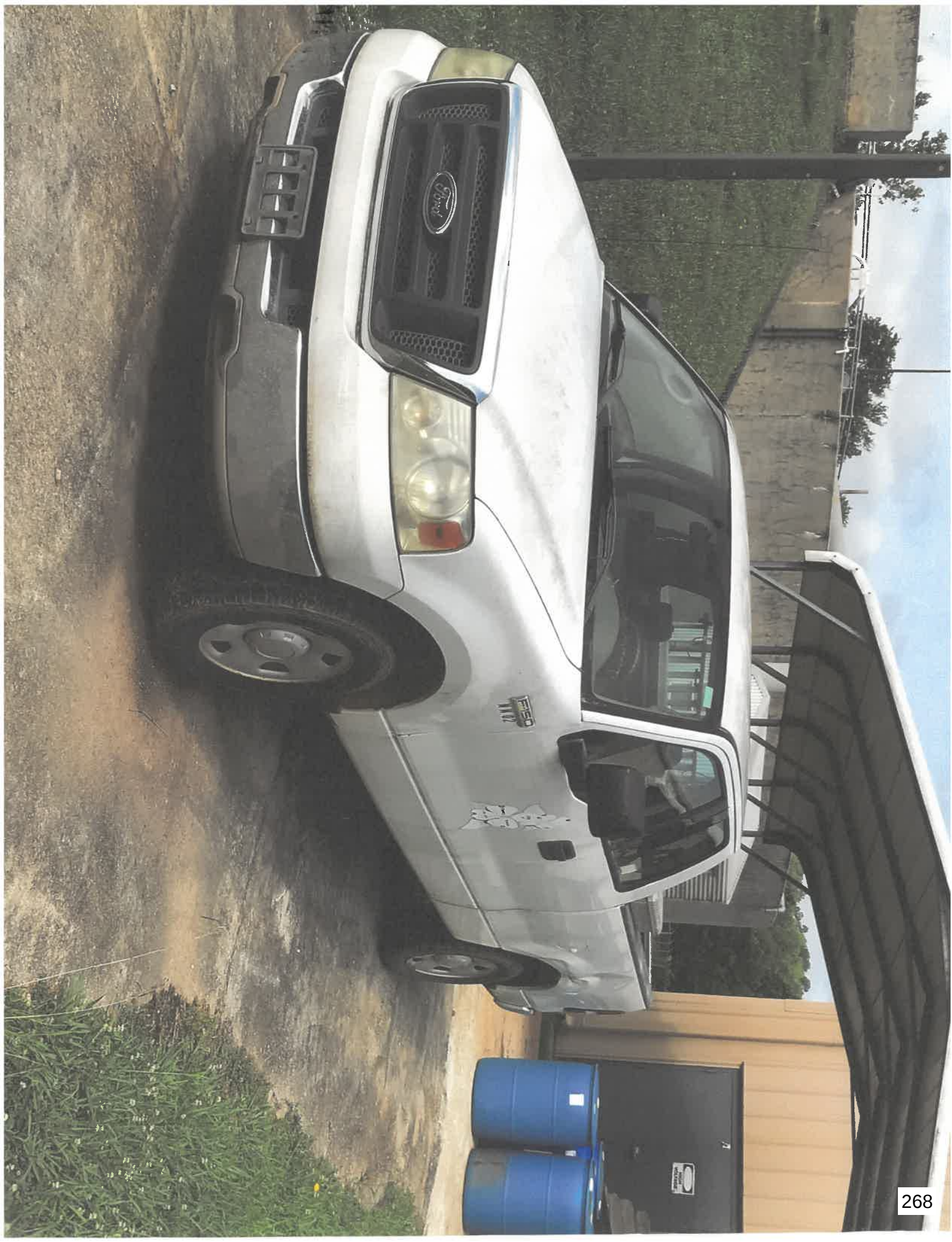
Inventory ID:	Asset Number:	Fair Market Value:
Short Description: Year <u>2009</u> Make <u>Chevrolet</u> Model <u>Impala</u>		
VIN: 2 G 1 W S 5 7 M 7 9 1 2 2 5 4 5 5 Title Restriction: ☐ Y ☐ N		
Odometer: 1 1 1 9 1 2 ☒ Miles ☐ Kilometers Odometer Accurate ☒ Y ☐ N:		
Long Description: This Vehicle: ☐ Starts ☒ Starts with a Boost & ☒ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only Engine- Type: <u>3.6</u> L, V <u>6</u> ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition Repairs needed: <u>N/A</u> This vehicle was maintained every <u>5,000</u> ☐ Days ☐ Hours ☒ Miles Date Removed From Service: <u>8/16</u> Maintenance Records: ☒ Available ☐ Not Available For Inspection Transmission: ☒ Automatic ☐ Manual <u> </u> Speed Condition: ☒ Operable ☐ Needs repair ☐ Is Unknown Condition Repairs Needed: <u>N/A</u> Drivetrain: ☒ 2 Wheel Drive ☐ 4 Wheel Drive Condition: <u>Fair</u>		
Exterior: Color: <u>Black</u> Windows: ☒ No Cracked Glass ☐ Cracked Minor: ☒ Dents ☒ Scratches ☒ Dings Tire Condition: <u>Fair</u> Tread: <u> </u> #Flat <u>1</u> Hubcaps # <u>4</u> Major Damage to: <u>N/A</u> Additional Damage: <u>N/A</u> Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☒ Impressions Remain ☐ No Impressions Emergency equip: ☐ None ☒ Has been removed & ☒ There are holes in the exterior ☐ There are no holes		
Interior: Color <u>Black</u> ☒ Cloth ☒ Vinyl ☐ Leather Damage to Seats: <u>None</u> Damage to Dash/Floor: <u>small crack on dash</u> Radio: ☒ Stock or ☐ Brand & Model: <u> </u> ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☒ AM/FM CD ☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☒ Dual ☒ Cruise Control ☒ Tilt Steering ☐ Remote Mirrors ☐ Climate Control Power: ☒ Steering ☒ Windows ☒ Door Locks ☒ Seats		
Additional Equipment: <u>lights and siren</u> Manufacturer <u> </u> Model <u> </u> Serial # <u> </u> ☐ Tool Box ☒ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand <u> </u> ☐ Hitch: Type <u> </u>		
Location of Asset: <u> </u> For more information contact: <u> </u> Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.		































Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:
Short Description: Year <u>2012</u> Make <u>Chevrolet</u> Model <u>Impala</u>		
VIN: 2 6 1 W D 5 E 3 3 C 1 1 6 2 6 2 5 Title Restriction: ☐ Y ☐ N		
Odometer: 1 1 7 5 0 6 ☒ Miles ☐ Kilometers Odometer Accurate ☒ Y ☐ N: _____		
Long Description: This Vehicle: ☐ Starts ☒ Starts with a Boost & ☒ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only Engine- Type: <u>3.6L, V 6</u> ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition Repairs needed: <u>N/A</u> This vehicle was maintained every <u>5,000</u> ☐ Days ☐ Hours ☒ Miles Date Removed From Service: <u>5/2020</u> Maintenance Records: ☒ Available ☐ Not Available For Inspection Transmission: ☒ Automatic ☐ Manual <u> </u> Speed Condition: ☒ Operable ☐ Needs repair ☐ Is Unknown Condition Repairs Needed: <u>N/A</u> Drivetrain: ☒ 2 Wheel Drive ☐ 4 Wheel Drive Condition: _____		
Exterior: Color: <u>Black</u> Windows: ☒ No Cracked Glass ☐ Cracked _____ Minor: ☐ Dents ☒ Scratches ☒ Dings Tire Condition: <u>good</u> Tread: _____ #Flat <u>0</u> Hubcaps # <u>3</u> Major Damage to: <u>N/A</u> Additional Damage: <u>N/A</u> Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☒ Impressions Remain ☐ No Impressions Emergency equip: ☐ None ☐ Has been removed & ☒ There are holes in the exterior ☐ There are no holes		
Interior: Color <u>Black</u> ☒ Cloth ☒ Vinyl ☐ Leather Damage to Seats: <u>hole in driver's seat</u> Damage to Dash/Floor: <u>missing floor door trim on driver's side</u> Radio: ☒ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☒ AM/FM CD ☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☒ Dual ☒ Cruise Control ☒ Tilt Steering ☒ Remote Mirrors ☐ Climate Control Power: ☒ Steering ☒ Windows ☒ Door Locks ☒ Seats		
Additional Equipment: <u>lights and siren</u> Manufacturer _____ Model _____ Serial # _____ ☐ Tool Box ☒ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☐ Hitch: Type _____		
Location of Asset: _____ For more information contact: _____ Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.		

Vehicle Inspection Form

Inventory ID: _____	Asset Number: _____	Fair Market Value: _____
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Short Description:
 Year 2012 Make Chevrolet Model Impala

VIN: 261WD5E31C1163904 Title Restriction: ☐ Y ☐ N

Odometer: 126817 ☒ Miles ☐ Kilometers Odometer Accurate ☒ Y ☐ N: _____

Long Description:
 This Vehicle: ☐ Starts ☒ Starts with a Boost & ☒ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only
Engine- Type: 3.6 L, V 6 ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid
 Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition
 Repairs needed: N/A
 This vehicle was maintained every 5,000 ☐ Days ☐ Hours ☒ Miles
 Date Removed From Service: 5/2020 Maintenance Records: ☒ Available ☐ Not Available For Inspection
Transmission: ☒ Automatic ☐ Manual Speed Condition: ☒ Operable ☐ Needs repair ☐ Is Unknown Condition
 Repairs Needed: N/A
Drivetrain: ☒ 2 Wheel Drive ☐ 4 Wheel Drive Condition: _____

Exterior: Color: Black Windows: ☒ No Cracked Glass ☐ Cracked _____
 Minor: ☐ Dents ☒ Scratches ☒ Dings Tire Condition: good Tread: _____ #Flat 0 Hubcaps # 4
 Major Damage to: N/A
 Additional Damage: N/A
 Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☒ Impressions Remain ☐ No Impressions
 Emergency equip: ☐ None ☐ Has been removed & ☒ There are holes in the exterior ☐ There are no holes

Interior: Color Black ☒ Cloth ☒ Vinyl ☐ Leather
 Damage to Seats: None
 Damage to Dash/Floor: driver's side floor trim missing
 Radio: ☒ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☒ AM/FM CD
☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☒ Dual
☒ Cruise Control ☒ Tilt Steering ☒ Remote Mirrors ☐ Climate Control
 Power: ☒ Steering ☒ Windows ☒ Door Locks ☒ Seats

Additional Equipment: lights and siren
 Manufacturer _____ Model _____ Serial # _____
☐ Tool Box ☒ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☐ Hitch: Type _____

Location of Asset: _____
For more information contact: _____
Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.

Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:
Short Description:		
Year <u>2004</u>	Make <u>Ford</u>	Model <u>F-150 XLT TRITON</u>
VIN: <u>1FTRX12W84NC32929</u>		Title Restriction: ☐ Y ☐ N
Odometer: <u>126595</u> ☒ Miles ☐ Kilometers		Odometer Accurate ☐ Y ☐ N:
Long Description:		
This Vehicle: ☒ Starts ☐ Starts with a Boost & ☐ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only		
Engine- Type: <u>4.6L, V8</u> ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid		
Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition		
Repairs needed: <u>Electrical Issues (Radio)</u>		
This vehicle was maintained every _____ ☐ Days ☐ Hours ☒ Miles		
Date Removed From Service: _____ Maintenance Records: ☐ Available ☐ Not Available For Inspection		
Transmission: ☒ Automatic ☐ Manual _____ Speed Condition: ☐ Operable ☐ Needs repair ☐ Is Unknown Condition		
Repairs Needed: <u>Electrical (Radio)</u>		
Drivetrain: ☒ 2 Wheel Drive ☐ 4 Wheel Drive Condition: <u>Fair</u>		
Exterior: Color: <u>White</u> Windows: ☒ No Cracked Glass ☐ Cracked _____		
Minor: ☒ Dents ☒ Scratches ☒ Dings Tire Condition: <u>poor</u> Tread: _____ #Flat _____ Hubcaps # _____		
Major Damage to: <u>Body to Bedsides</u>		
Additional Damage: <u>Tail Gate</u>		
Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☐ Impressions Remain ☐ No Impressions		
Emergency equip: ☐ None ☐ Has been removed & ☐ There are holes in the exterior ☒ There are no holes		
Interior: Color <u>Grey</u> ☐ Cloth ☒ Vinyl ☐ Leather		
Damage to Seats: <u>drivers seat Has some tearing, passenger seat Good.</u>		
Damage to Dash/Floor: <u>NONE</u>		
Radio: ☒ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☒ AM/FM Cassette ☐ AM/FM CD		
☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☐ Dual		
☐ Cruise Control ☒ Tilt Steering ☐ Remote Mirrors ☐ Climate Control		
Power: ☒ Steering ☐ Windows ☐ Door Locks ☐ Seats		
Additional Equipment: <u>Strobe lights (clear) Front & Rear</u>		
Manufacturer _____ Model _____ Serial # _____		
☒ Tool Box ☐ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☒ Hitch: Type <u>Bumper</u>		
Location of Asset: _____		
For more information contact: _____		
Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.		

Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:
Short Description: Year <u>2007</u> Make <u>GMC Sierra</u> Model <u>1500</u>		
VIN: <u>2GT EK13M071541455</u> Title Restriction: ☐ Y ☐ N		
Odometer: <u>98389</u> ☒ Miles ☐ Kilometers Odometer Accurate ☒ Y ☐ N:		
Long Description: This Vehicle: ☐ Starts ☒ Starts with a Boost & ☒ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only Engine- Type: <u>8</u> L, V ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition Repairs needed: <u>N/A</u> This vehicle was maintained every <u>5,000</u> ☐ Days ☐ Hours ☒ Miles Date Removed From Service: <u>5/2020</u> Maintenance Records: ☒ Available ☐ Not Available For Inspection Transmission: ☒ Automatic ☐ Manual <u>Speed</u> Condition: ☒ Operable ☐ Needs repair ☐ Is Unknown Condition Repairs Needed: <u>N/A</u> Drivetrain: ☐ 2 Wheel Drive ☒ 4 Wheel Drive Condition:		
Exterior: Color: <u>Black</u> Windows: ☒ No Cracked Glass ☐ Cracked Minor: ☐ Dents ☒ Scratches ☐ Dings Tire Condition: <u>good</u> Tread: <u>0</u> #Flat <u>0</u> Hubcaps # Major Damage to: <u>N/A</u> Additional Damage: <u>N/A</u> Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☒ Impressions Remain ☐ No Impressions Emergency equip: ☐ None ☐ Has been removed & ☐ There are holes in the exterior ☒ There are no holes		
Interior: Color <u>Tan</u> ☐ Cloth ☐ Vinyl ☒ Leather Damage to Seats: <u>minor cracks</u> Damage to Dash/Floor: <u>None</u> Radio: ☒ Stock or ☐ Brand & Model: <u>AM/FM CD</u> ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☒ AM/FM CD ☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☒ Dual ☒ Cruise Control ☒ Tilt Steering ☒ Remote Mirrors ☐ Climate Control Power: ☒ Steering ☒ Windows ☒ Door Locks ☒ Seats		
Additional Equipment: <u>lights, siren, decals, lift kit, aftermarket wheels</u> Manufacturer _____ Model _____ Serial # _____ ☐ Tool Box ☐ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☐ Hitch: Type _____		
Location of Asset: _____ For more information contact: _____ Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.		

Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:																
Short Description:																		
Year <u>2009</u>	Make <u>Chevrolet</u>	Model <u>Impala</u>																
VIN: <table border="1" style="display: inline-table; text-align: center; width: 200px;"> <tr><td>2</td><td>6</td><td>1</td><td>W</td><td>5</td><td>7</td><td>M</td><td>9</td><td>9</td><td>1</td><td>2</td><td>2</td><td>8</td><td>6</td><td>7</td><td>8</td></tr> </table>		2	6	1	W	5	7	M	9	9	1	2	2	8	6	7	8	Title Restriction: ☐ Y ☐ N
2	6	1	W	5	7	M	9	9	1	2	2	8	6	7	8			
Odometer: <table border="1" style="display: inline-table; text-align: center; width: 100px;"> <tr><td>1</td><td>3</td><td>6</td><td>1</td><td>4</td><td>1</td></tr> </table>		1	3	6	1	4	1	☒ Miles ☐ Kilometers Odometer Accurate ☒ Y ☐ N: _____										
1	3	6	1	4	1													
Long Description:																		
This Vehicle: ☐ Starts ☒ Starts with a Boost & ☒ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only																		
Engine- Type: <u>3.6</u> L, V <u>6</u> ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid																		
Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition																		
Repairs needed: <u>N/A</u>																		
This vehicle was maintained every <u>5,000</u> ☐ Days ☐ Hours ☒ Miles																		
Date Removed From Service: <u>5/2020</u> Maintenance Records: ☒ Available ☐ Not Available For Inspection																		
Transmission: ☒ Automatic ☐ Manual ___ Speed Condition: ☒ Operable ☐ Needs repair ☐ Is Unknown Condition																		
Repairs Needed: <u>N/A</u>																		
Drivetrain: ☒ 2 Wheel Drive ☐ 4 Wheel Drive Condition: _____																		
Exterior: Color: <u>Black</u> Windows: ☒ No Cracked Glass ☐ Cracked _____																		
Minor: ☒ Dents ☒ Scratches ☒ Dings Tire Condition: <u>fair</u> Tread: _____ #Flat <u>0</u> Hubcaps # <u>4</u>																		
Major Damage to: <u>dent at gas cap</u>																		
Additional Damage: <u>N/A</u>																		
Decals: ☒ None ☐ Have Been Sprayed or ☐ Have been Removed & ☐ Impressions Remain ☐ No Impressions																		
Emergency equip: ☐ None ☐ Has been removed & ☐ There are holes in the exterior ☒ There are no holes																		
Interior: Color <u>Black</u> ☒ Cloth ☒ Vinyl ☐ Leather																		
Damage to Seats: <u>None</u>																		
Damage to Dash/Floor: <u>None</u>																		
Radio: ☒ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☒ AM/FM CD																		
☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☒ Dual																		
☒ Cruise Control ☒ Tilt Steering ☒ Remote Mirrors ☐ Climate Control																		
Power: ☒ Steering ☒ Windows ☒ Door Locks ☒ Seats																		
Additional Equipment: <u>lights and siren</u>																		
Manufacturer _____ Model _____ Serial # _____																		
☐ Tool Box ☐ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☐ Hitch: Type _____																		
Location of Asset: _____																		
For more information contact: _____																		
Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.																		

Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:
Short Description: Year <u>2009</u> Make <u>Chevrolet</u> Model <u>Impala</u>		
VIN: 2 G 1 W S 5 7 M 7 9 1 2 2 5 4 5 5 Title Restriction: ☐ Y ☐ N		
Odometer: 1 1 1 9 1 2 ☒ Miles ☐ Kilometers Odometer Accurate ☒ Y ☐ N: _____		
Long Description: This Vehicle: ☐ Starts ☒ Starts with a Boost & ☒ Runs/Driveable ☐ Engine Runs ☐ Does Not Run ☐ For Parts Only Engine- Type: <u>3.6</u> L, V <u>6</u> ☒ Gas ☐ Diesel Engine ☐ Propane/Natural Gas ☐ Gas/Electric Hybrid Engine Condition: ☒ Runs ☐ Needs repair ☐ is in unknown condition Repairs needed: <u>N/A</u> This vehicle was maintained every <u>5,000</u> ☐ Days ☐ Hours ☒ Miles Date Removed From Service: <u>8/16</u> Maintenance Records: ☒ Available ☐ Not Available For Inspection Transmission: ☒ Automatic ☐ Manual _____ Speed Condition: ☒ Operable ☐ Needs repair ☐ Is Unknown Condition Repairs Needed: <u>N/A</u> Drivetrain: ☒ 2 Wheel Drive ☐ 4 Wheel Drive Condition: <u>Fair</u>		
Exterior: Color: <u>Black</u> Windows: ☒ No Cracked Glass ☐ Cracked _____ Minor: ☒ Dents ☒ Scratches ☒ Dings Tire Condition: <u>Fair</u> Tread: _____ #Flat <u>1</u> Hubcaps # <u>4</u> Major Damage to: <u>N/A</u> Additional Damage: <u>N/A</u> Decals: ☐ None ☐ Have Been Sprayed or ☐ Have been Removed & ☒ Impressions Remain ☐ No Impressions Emergency equip: ☐ None ☒ Has been removed & ☒ There are holes in the exterior ☐ There are no holes		
Interior: Color <u>Black</u> ☒ Cloth ☒ Vinyl ☐ Leather Damage to Seats: <u>None</u> Damage to Dash/Floor: <u>small crack on dash</u> Radio: ☒ Stock or ☐ Brand & Model: _____ ☐ AM ☐ AM/FM ☐ AM/FM Cassette ☒ AM/FM CD ☒ AC (Condition: ☒ Cold ☐ Unknown) ☐ No AC Air Bags: ☐ Driver's Side ☒ Dual ☒ Cruise Control ☒ Tilt Steering ☐ Remote Mirrors ☐ Climate Control Power: ☒ Steering ☒ Windows ☒ Door Locks ☒ Seats		
Additional Equipment: <u>lights and siren</u> Manufacturer _____ Model _____ Serial # _____ ☐ Tool Box ☒ Light Bar ☐ Ladder Rack ☐ Utility Body: Brand _____ ☐ Hitch: Type _____		
Location of Asset: _____ For more information contact: _____ Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.		











FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Mayor Miller Per Diem

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [Mike Miller Per Diem Sept 2020.pdf](#)

**CITY OF FLOWERY BRANCH
MAYOR & COUNCIL ATTENDANCE SHEET
PER DIEM PAY**

NAME Mike Miller

MONTH/YEAR September 2020

	MEETING DATE	DESCRIPTION OF MEETING
1	9/24/2020	Chamber Board of Directors Meeting
2	9/30/2020	Meeting with Flowery Branch Elementary Students
3		
4		
5		

My signature certifies that I am eligible to be paid for 5 meeting dates, maximum 5 per month, in accordance with per diem pay as described in Ordinance No. 477. Total \$100.00(\$50.00 per mtg)

Signature



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Downtown City-Owned Property Leasing Contract with Oakhurst Realty Partners

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is a leasing agreement between the City and Oakhurst Realty Partners for the retail portion of The Residential group downtown project. Mr. Fisher Paty of Oakhurst Realty will be present to discuss the agreement and to answer any questions. Oakhurst Realty Partners leases downtown space in Sugar Hill and Lawrenceville among many others. They will be leasing the retail portion of The Farm project here in Flowery Branch and come highly recommended by the developer, Robi Sarkar. Additionally, Oakhurst was recommended to Flowery Branch by the City of Sugar Hill and the City of Suwannee.

Staff feels the contract itself is an industry standard one and will allow the City to influence the types of businesses that will occupy the spaces, the hours of operation, etc. and also receive competitive rates. One correction of note is the contract states the FBDDA is responsible for signing the document - this is not accurate and will be changed. The contract itself lists the fees as follows:

(i) Fees:

- a. Rate for Direct New Lease or Expansion of an Existing Lease: Four percent (4%) of the base rent payable by the tenant during the initial term of the lease or during any expansion period. Notwithstanding the forgoing, the minimum commission payable by Owner to Broker will equal \$4.00 per square foot.
- b. Rate for Co-Brokered New Lease or Expansion of an Existing Lease: Three percent (3%) of the base rent payable by the tenant during the initial term of the lease or during any expansion period, exclusive of outside broker commissions. Notwithstanding the forgoing, the minimum commission payable by Owner to Broker will equal \$3.00 per square foot.
- c. Direct Renewal/Option Lease Rate: Three percent (3%) of the base rent payable by the tenant during the renewal term of the lease.
- d. Co-brokered Renewal/Option Lease Rate: Two percent (2%) of the base rent payable by the tenant during the renewal term of the lease, exclusive of outside broker commissions.
- e. Tenant Broker Commissions: Owner shall be responsible for paying any tenant broker directly in addition to commissions paid to Leasing Agent hereunder.

(ii) Payment Schedule of Leasing Fees:

- a. For new leases, fifty percent (50%) upon execution of lease and fifty percent (50%) upon the earlier of (i) the rent commencement or (ii) tenant opening for business.

b. For renewals, exercise of options or expansions of existing leases, full payment upon execution of documents by Owner.

(iii) Upon Expiration or Termination of Agreement

Owner hereby agrees that in the event that this Agreement is terminated by Owner as provided in Section 5 below or otherwise expires, then for a period of twelve (12) full calendar months thereafter, if Owner leases any of the Property to a tenant which Owner became aware of due to Leasing Agent's efforts or that Owner brought to Leasing Agent to work on its behalf during the term of this Agreement, Owner shall recognize Leasing Agent as the procuring cause of such transaction and shall pay Leasing Agent a commission as outlined above. This provision shall survive the termination or expiration of this Agreement

OPTIONS:

.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Authorization for Mayor Miller to execute the contract.

SAMPLE MOTION:

I motion for the City Council to authorize Mayor Miller to execute the contract.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Oakhurst Realty Flowery_Branch_Leasing_Agreement.pdf](#)

LEASING AGREEMENT

THIS LEASING AGREEMENT (this "Agreement") is made and entered into this ____ day of _____, 2019 by and between **OAKHURST REALTY PARTNERS, LLC**, a Georgia limited liability company ("Leasing Agent"), and **CITY OF FLOWERY BRANCH DOWNTOWN DEVELOPMENT AUTHORITY**, a political body corporate and politic of the State of Georgia ("Owner").

W I T N E S S E T H

WHEREAS, Owner is the owner of a to be constructed ground floor retail condominium in a mixed-use development commercial property located at ____ Main Street, Flowery Branch, GA 30542 which will total approximately 5,892 square feet as further identified on Exhibit "A" attached hereto (the "Property"), and Owner desires to retain the services of Leasing Agent for the leasing of the Property.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, Owner hereby employs Leasing Agent exclusively to lease the Property, and Leasing Agent hereby agrees to lease the Property for and on behalf of Owner, for the term and on the conditions hereinafter set forth:

1. Term. The initial term of this Agreement shall expire one (1) year after the Property receives its certificate of occupancy. Thereafter, this Agreement shall automatically renew, for additional one (1) year periods, unless earlier terminated as hereinafter provided.

2. Property Leasing. Owner hereby retains Leasing Agent during the term of this Agreement as Owner's exclusive leasing agent in connection with the Property. Leasing Agent shall use commercially reasonable efforts to lease space at the Property to desirable tenants at the highest possible net effective rents. Leasing Agent shall perform its leasing responsibilities hereunder in accordance with commercially reasonable standards and practices. Without limiting the generality of the foregoing, Leasing Agent's responsibilities as leasing agent shall include the following:

(a) Conduct such advertising, marketing and promotion of the Property as is necessary for the successful leasing of the Property;

(b) Diligently investigate and pursue all prospective tenants and conduct such canvassing and other solicitations as are necessary in connection with the leasing of the Property;

(c) Direct and conduct lease negotiations; and

(d) Use all reasonable efforts to obtain and keep desirable tenants for the Property.

Owner shall reimburse Leasing Agent for all out-of-pocket expenses related to leasing the Property including without limitation, signage, costs of postage, telephone, mailings, presentations, reports, leasing plans, descriptive brochures and other forms of advertising related to leasing of the Property; all expenses must be approved by Owner before the expense is incurred.

3. Leasing Fees. In consideration of the leasing services to be rendered by Leasing Agent throughout the term of this Agreement, Leasing Agent shall receive leasing fees as follows:

(i) Fees:

a. Rate for *Direct New Lease or Expansion of an Existing Lease*: Four percent (4%) of the base rent payable by the tenant during the initial term of the lease or during any expansion period. Notwithstanding the forgoing, the minimum commission payable by Owner to Broker will equal \$4.00 per square foot.

b. Rate for *Co-Brokered New Lease or Expansion of an Existing Lease*: Three percent (3%) of the base rent payable by the tenant during the initial term of the lease or during any expansion period, exclusive of outside broker commissions. Notwithstanding the forgoing, the minimum commission payable by Owner to Broker will equal \$3.00 per square foot.

c. *Direct Renewal/Option Lease Rate*: Three percent (3%) of the base rent payable by the tenant during the renewal term of the lease.

d. *Co-brokered Renewal/Option Lease Rate*: Two percent (2%) of the base rent payable by the tenant during the renewal term of the lease, exclusive of outside broker commissions.

e. *Tenant Broker Commissions*: Owner shall be responsible for paying any tenant broker directly in addition to commissions paid to Leasing Agent hereunder.

(ii) Payment Schedule of Leasing Fees:

a. For new leases, fifty percent (50%) upon execution of lease and fifty percent (50%) upon the earlier of (i) the rent commencement or (ii) tenant opening for business.

b. For renewals, exercise of options or expansions of existing leases, full payment upon execution of documents by Owner.

(iii) Upon Expiration or Termination of Agreement

Owner hereby agrees that in the event that this Agreement is terminated by Owner as provided in Section 5 below or otherwise expires, then for a period of twelve (12) full calendar months thereafter, if Owner leases any of the Property to a tenant which Owner became aware of due to Leasing Agent's efforts or that Owner brought to Leasing Agent to work on its behalf during the term of this Agreement, Owner shall recognize Leasing Agent as the procuring cause of such transaction and shall pay Leasing Agent a commission as outlined above. This provision shall survive the termination or expiration of this Agreement.

4. Termination.

(a) Events of Termination. This Agreement may be terminated prior to the expiration date set forth in Section 1, above, on the following terms and conditions:

(i) Owner shall have the right to terminate this Agreement in the event that Leasing Agent fails to keep, observe or perform any covenant, agreement, term or provision of this Agreement, to be kept, observed, or performed by Leasing Agent, and such default continues for a period of ninety (90) days after written notice thereof by Owner to Leasing Agent;

(ii) In the event that the Property is sold to a party which is not affiliated with Owner, Owner shall have the right to terminate this Agreement with thirty (30) days prior written notice to Leasing Agent; and

(iii) After the initial term of this Agreement, either party may terminate this Agreement for any reason by providing at least sixty (60) days written notice to the other party.

(b) Obligations Upon Termination. Upon the expiration or termination of this Agreement, Leasing Agent shall deliver to Owner all keys and any original contracts relating to the Property, and such other accountings, papers and records as Owner shall request pertaining to the Property;

5. Relationship of Parties. The parties do not intend by this Agreement to create a partnership or a joint venture, but merely to set forth the terms upon which Leasing Agent shall lease the Property for and on behalf of Owner.

6. Governing Law. The laws of the State of Georgia shall govern the interpretation, validity and enforcement of this Agreement.

7. Notice. All notices, demands, requests, or other communications required or permitted hereunder shall be deemed delivered and received, when personally delivered or when deposited in the United States Mail (certified or registered, return receipt requested, postage prepaid) or delivered by courier or overnight delivery and addressed to the respective parties at the address specified below, or at such other address as they shall each specify in a notice addressed and mailed as hereinabove set forth:

To Owner:

City of Flowery Branch Downtown Development Authority

Attention: _____

5410 W. Pine Street

Flowery Branch, GA 30542

Email: _____

To Broker:

Oakhurst Realty Partners, LLC
Attention: A. Barton Lester
3016 N. Decatur Road
Scottdale, Georgia 30079
Email: blester@oakrep.com

Rejection or failure to claim delivery of any such notices, requests, consents and other communications hereunder, or any refusal to accept any such notices, requests, consents and other communications hereunder, or the inability to deliver any such notices, requests, consents and other communications hereunder because of changed address of which no notice was given, shall be deemed to be receipt of the notice, request, consent and other communication hereunder, sent as of the date of attempted delivery.

8. Entire Agreement. This document represents the entire agreement between the parties with respect to the subject matter hereof, and to the extent inconsistent therewith, supersedes all other prior agreements, representations and covenants, oral or written. Amendments to this Agreement must be in writing and signed by all parties hereto.

9. Time of the Essence. Time is of the essence of this Agreement.

10. Authority. By execution hereof, each party hereto represents that it has the right, power and authority to enter into this Agreement in accordance with the terms and conditions hereof, and the person executing this Agreement on behalf of each party hereto represents that he has the right, power and authority to enter into this Agreement on behalf of such party and that this Agreement is binding upon and effective against such party.

11. Save Harmless. Owner and Leasing Agent agree that Leasing Agent shall have no control over the operation or maintenance of the property and facilities located thereon and Leasing Agent shall not be held liable or responsible for any claims except for those resulting from a breach of this contract or the gross negligence or willful misconduct of Leasing Agent. Owner shall not be held liable or responsible with respect to any loss, damage, cost, expense, liability or claims resulting from the gross negligence or willful misconduct of Leasing Agent. It is expressly understood and agreed that the foregoing provisions of this Section 11 shall survive the expiration or earlier termination of this Agreement. If either party hereto is a partnership, trust, corporation or limited liability company, no general or limited partner of such partnership nor trustee or beneficiary of any trust nor shareholder of any corporation, nor member or Leasing Agent of any limited liability company, shall be personally liable to any other party.

12. Hazardous Material. Owner shall defend, indemnify and hold harmless Leasing Agent from and against any and all losses, liabilities, damages, injuries, costs, expenses and claims of any and every kind whatsoever (including without limitation, court costs and attorneys' fees) which at any time or from time to time may be paid, incurred or suffered by, or assert against, Leasing Agent for, with respect to, or as a direct emission or release from, the Property into or upon any land, the atmosphere, or any watercourse, body of water or wetland, of any Hazardous Material (defined below) which exists on, under or at the Property at any time during the term of

this Agreement, and from time to time, (including, without limitation, any losses, liabilities, damages, injuries, costs, expenses or claims asserted or arising under the Statutes); and the foregoing provisions of the undertakings and indemnification set out shall survive the termination of this Agreement. For purposes of this Agreement, “Hazardous Material” means and includes any hazardous substance or any pollutant or contaminant defined as such in (or for purposes of) the Comprehensive Environmental Response, Compensation and Liability Act, any so-called “Superfund” or “Superlien” law, the Toxic Substances Control Act, or any other federal, state or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance or material, as now or at any time hereafter in effect (collectively, the “Statutes”), or any other hazardous, toxic or dangerous waste, substance or material.

13. Severability. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid, but in the event any such provision should be held invalid or unenforceable, the remaining provisions hereof shall be not be affected thereby.

[Signatures contained on following page]

IN WITNESS WHEREOF, the parties have set their hands and seals to this Agreement the day and year first above written.

LEASING AGENT:

OAKHURST REALTY PARTNERS LLC,
a Georgia limited liability company

By: _____

Name: A. Barton Lester

Title: Qualifying Broker

Georgia Firm # H-60748

OWNER:

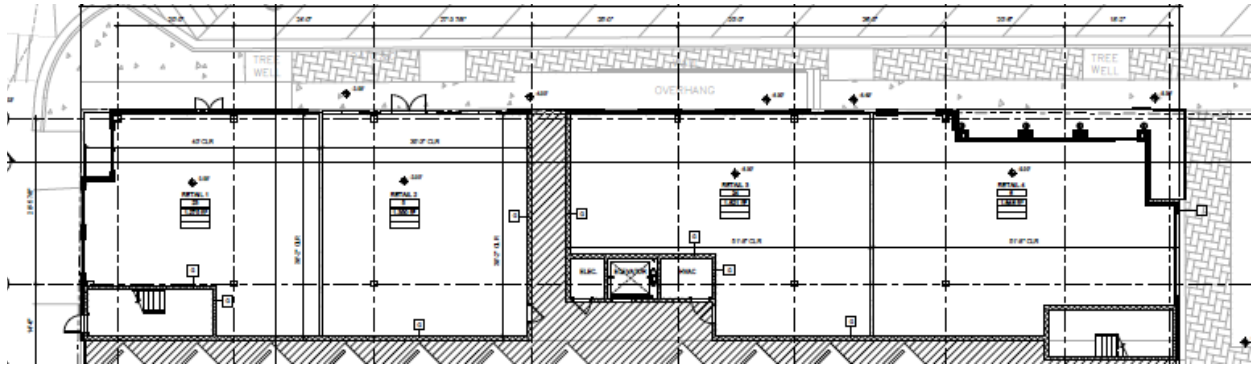
CITY OF FLOWERY BRANCH DOWNTOWN DEVELOPMENT AUTHORITY,
a political body corporate and politic of the State of Georgia

By: _____

Name: _____

Title: _____

Exhibit "A"





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance #20-611 a request to annex a 15.6 +/- tract of land known as 4020 Falcon Parkway.

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve #20-116 as submitted.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [4020 Falcon Parkway Annexation .pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-611

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 15.6 +/- ACRES, OWNED BY FLORENCE CASH SMEE AND LUCY CASH BARNETT IDENTIFIED AS 4020 FALCON PARKWAY, TAX PARCEL 08069 001002 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, Florence Cash Smee and Lucy Cash Barnett own all tract or parcel of land totaling 15.6+/- acres identified as Parcel Tax Identification No.08069 001002, 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 Mr. Steve Rowley and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City’s corporate limits; and

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

WHEREAS, Florence Cash Smee and Lucy Cash Barnett 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 land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a tract or parcel of land totaling 15.6 +/- acres identified as Parcel Tax Identification No. 08069 001002, as shown on Exhibit "A", and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

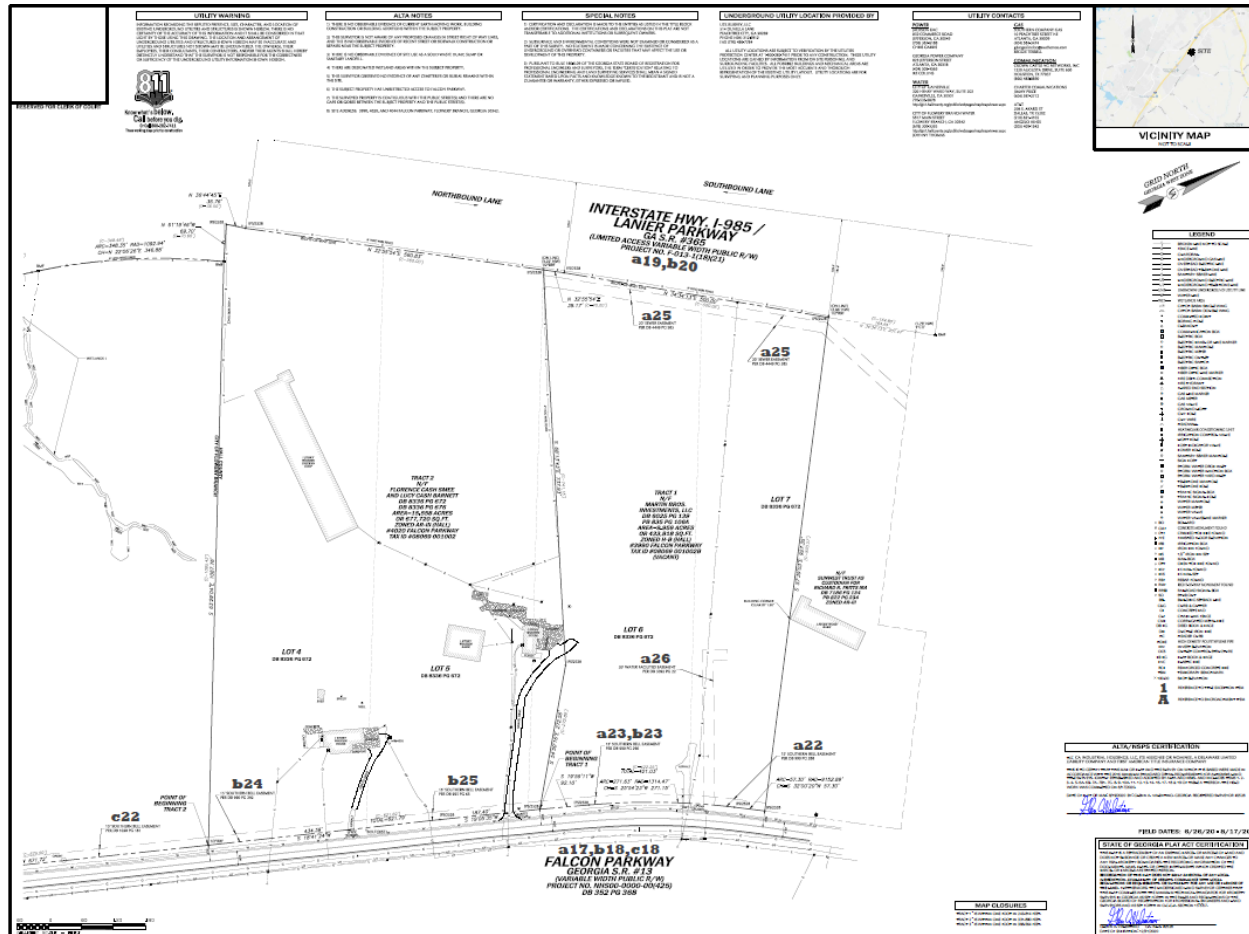
James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit “A”



LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, 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 #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

THENCE departing said northwesterly right-of-way line of Falcon Parkway North 63 degrees 29 minutes 04 seconds West for a distance of 1087.76 feet to a concrete right-of-way monument found on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21);

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 61 degrees 19 minutes 46 seconds West for a distance of 69.70 feet to a 1/2" iron pin set;

THENCE North 36 degrees 44 minutes 45 seconds East for a distance of 36.76 feet to a 1/2" iron pin set;

THENCE North 32 degrees 55 minutes 54 seconds East for a distance of 560.83 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof);

THENCE South 68 degrees 13 minutes 43 seconds East for a distance of 737.93 feet to a 1/2" iron pin set;

THENCE South 54 degrees 50 minutes 16 seconds East for a distance of 272.56 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said right-of-way line of Falcon Parkway the following courses and distances: South 19 degrees 05 minutes 35 seconds West for a distance of 187.40 feet to a 1/2" iron pin set;

THENCE South 18 degrees 41 minutes 24 seconds West for a distance of 434.39 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

Said tract or parcel of land contains 15.558 acres or 677,720 square feet.

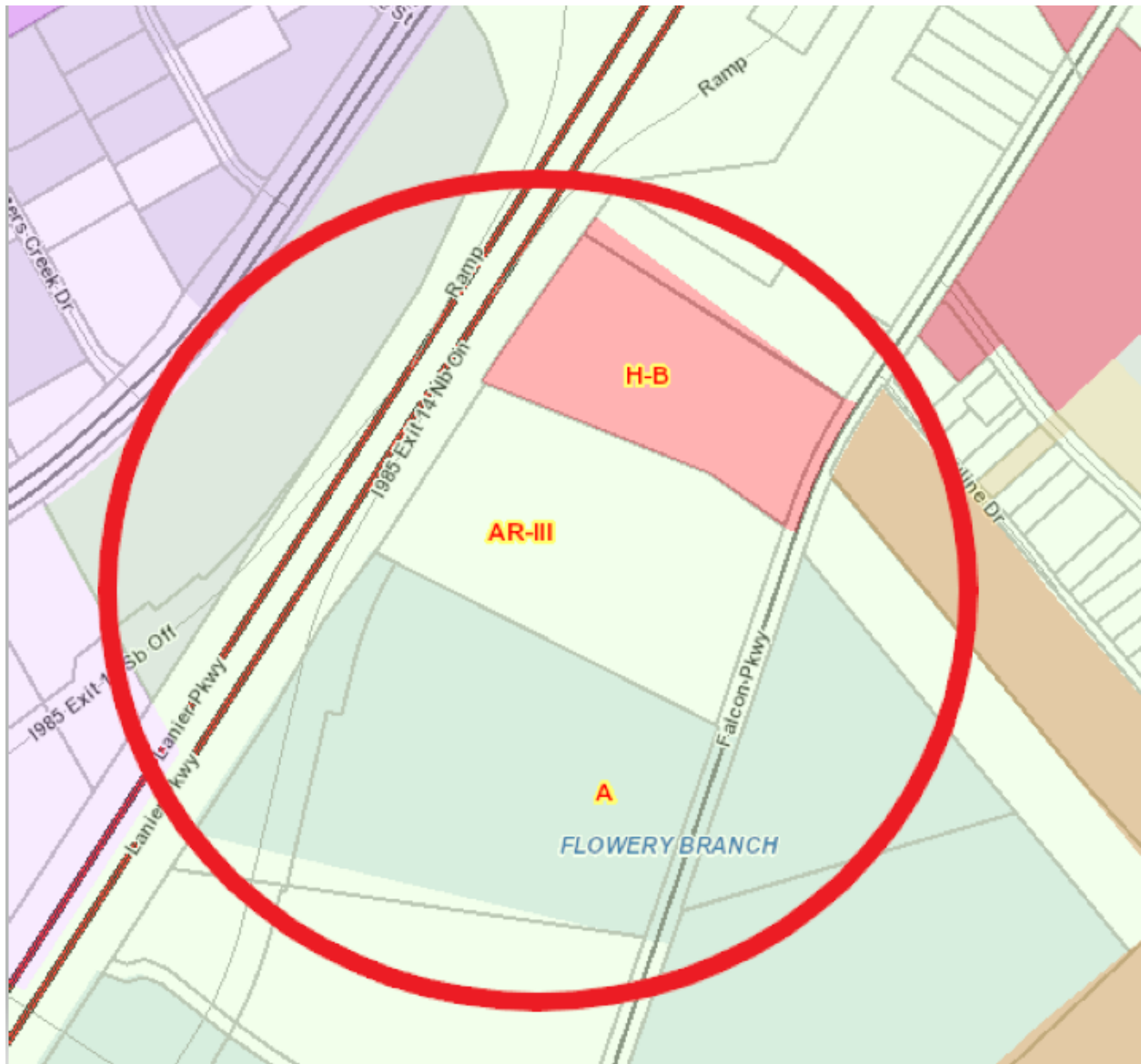


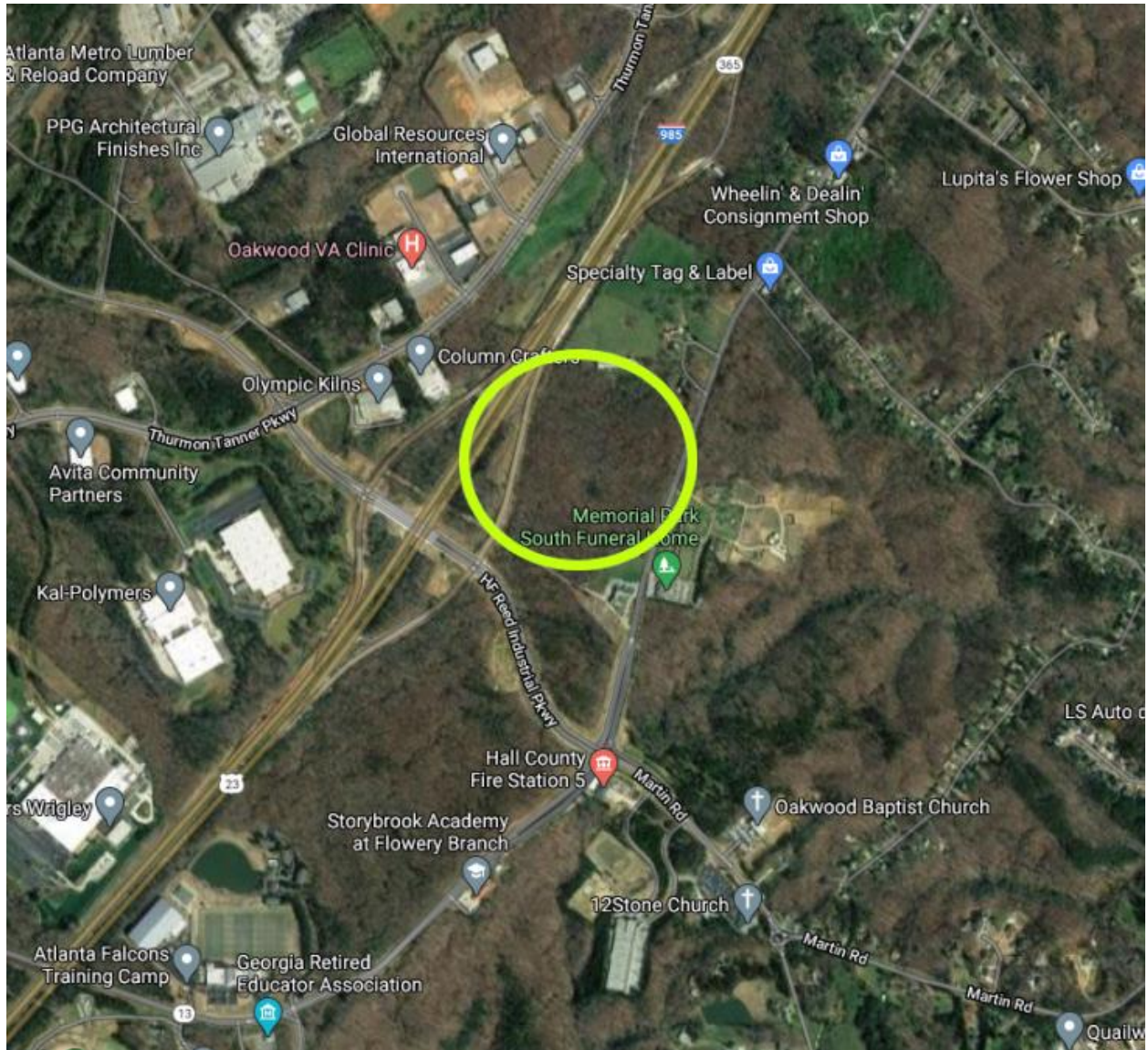
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

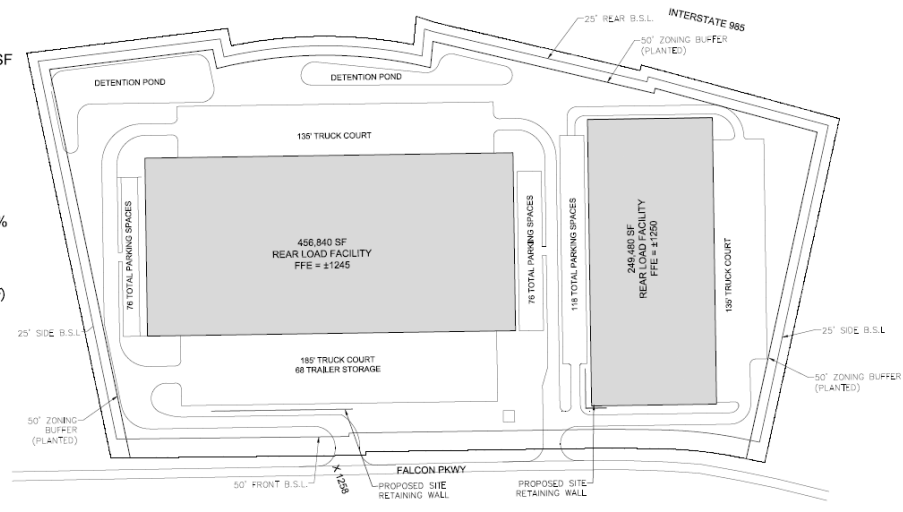
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

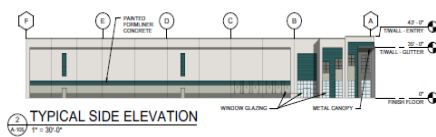
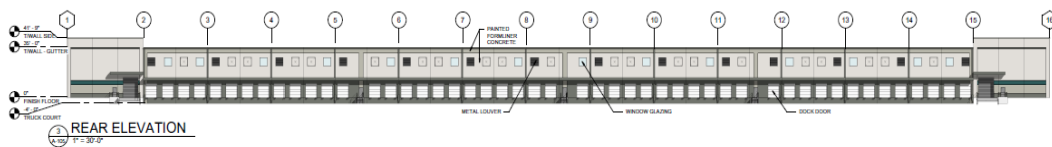
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES

PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed 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.**

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

TEL: 770.452.7849
FAX: 770.452-0086
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
WWW.EBERLY.NET

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THE AREAS OF LAND PLANNING, CIVIL
ENGINEERING, AND LANDSCAPE
ARCHITECTURE

Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance # 20-610 a request to annex a 10+/- acre property known as 3990 Falcon Parkway.

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted

SAMPLE MOTION:

I make a motion to approve Ordinance # 20-610 as submitted.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [3990 Falcon Parkway Annexation.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-610

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A PARCEL OF REAL PROPERTY TOTALING 10 +/- ACRES, OWNED BY MARTIN BROTHERS, LLC. IDENTIFIED AS 3990 FALCON PARKWAY, TAX PARCEL 08069 001002B 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, Martin Brothers, LLC. owns all tract or parcel of land totaling 10+/- acres identified as Parcel Tax Identification No.08069 001002B, 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 Mr. Steve Rowley and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City’s corporate limits; and

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

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

WHEREAS, the City Council held a public hearing at the meeting of October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a tract or parcel of land totaling 10 +/- acres identified as Parcel Tax Identification No. 08069 001002B, as shown on Exhibit “A”, and as described on Exhibit “B”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

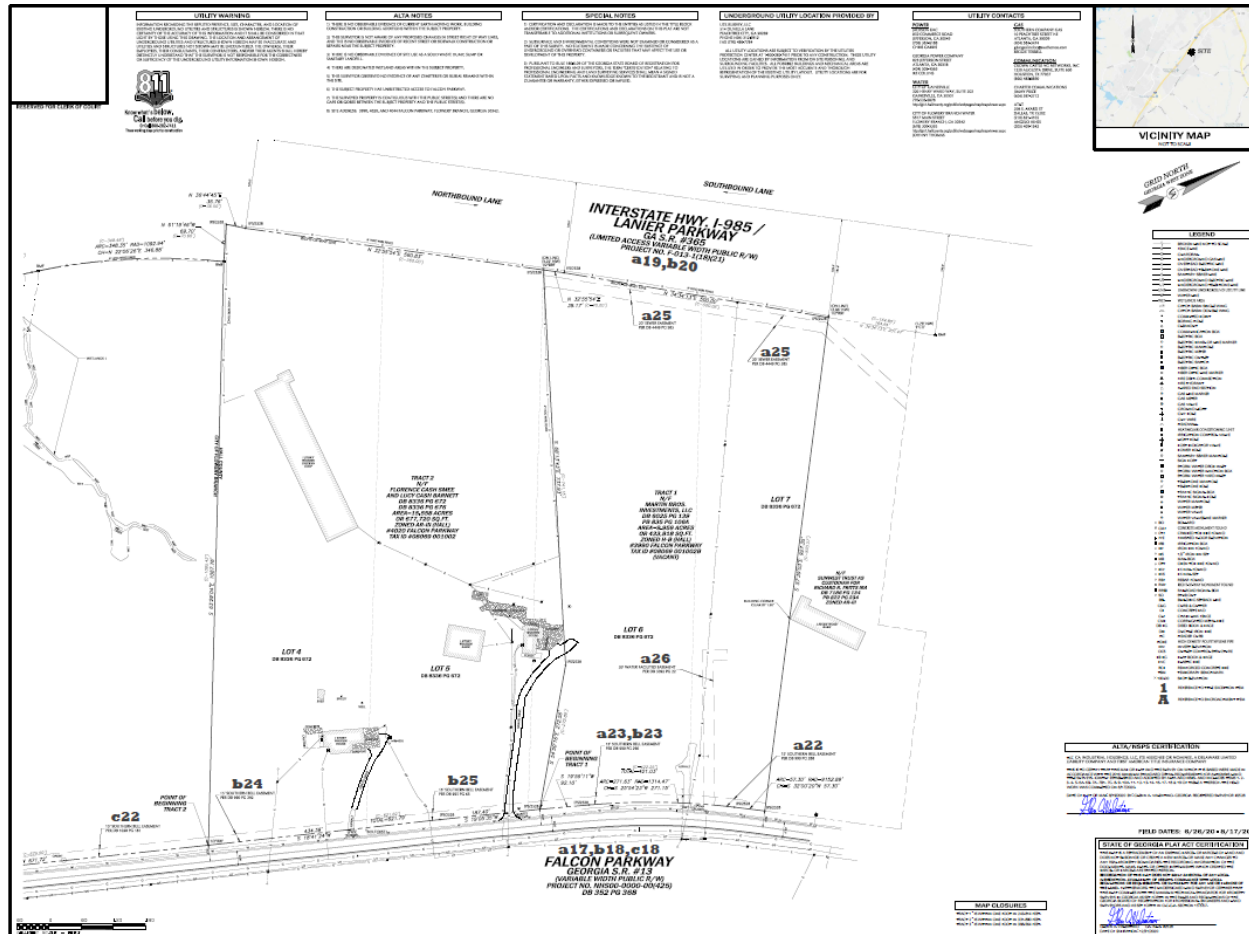
James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit “A”



LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 1 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found;

THENCE North 18 degrees 41 minutes 24 seconds East for a distance of 434.39 feet to a 1/2" iron pin set;

THENCE North 19 degrees 05 minutes 35 seconds East for a distance of 187.40 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 Falcon Parkway North 54 degrees 50 minutes 16 seconds West for a distance of 272.56 feet to a 1/2" iron pin set;

THENCE North 68 degrees 13 minutes 43 seconds West for a distance of 737.93 feet to a 1/2" iron pin set on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21), (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof)

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 32 degrees 55 minutes 54 seconds East for a distance of 39.17 feet to a 1/2" iron pin set;

THENCE North 34 degrees 34 minutes 13 seconds East for a distance of 500.00 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 2.86 feet northwest thereof);

THENCE departing said right-of-way line of Interstate 985 South 57 degrees 39 minutes 03 seconds East for a distance of 927.35 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said northwesterly right-of-way line of Falcon Parkway the following courses and distances: along a curve to the left having a radius of 9152.89 feet for an arc distance of 57.30 feet (said arc being subtended by a chord of South 32 degrees 00 minutes 20 seconds West for a distance of 57.30 feet) to a 1/2" iron pin set;

THENCE along a curve to the left having a radius of 1314.47 feet for an arc distance of 271.63 feet (said arc being subtended by a chord of South 25 degrees 54 minutes 23 seconds West for a distance of 271.15 feet) to a 1/2" iron pin set;

THENCE South 19 degrees 59 minutes 11 seconds West for a distance of 92.10 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 9.959 acres or 433,816 square feet.

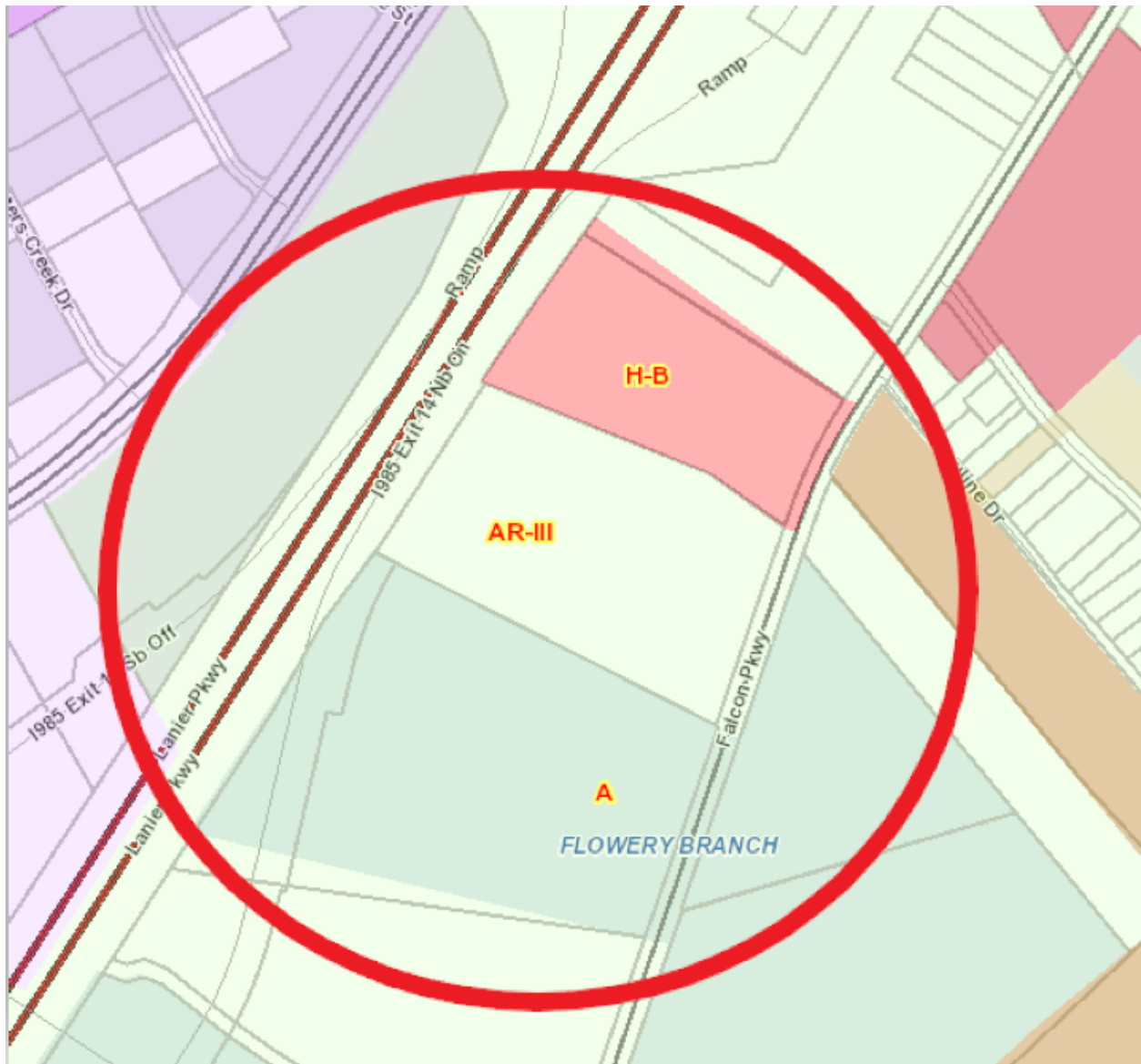


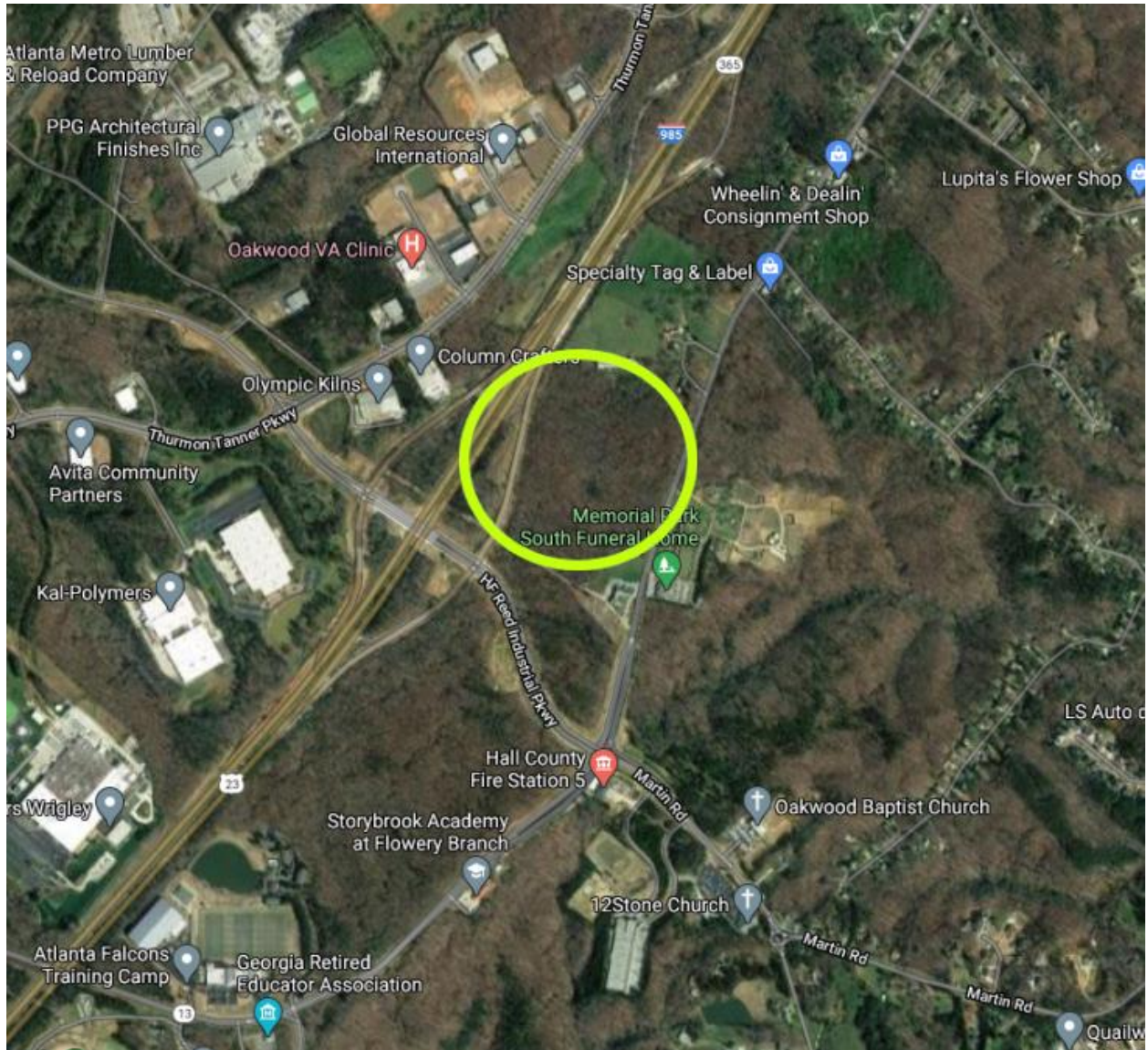
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

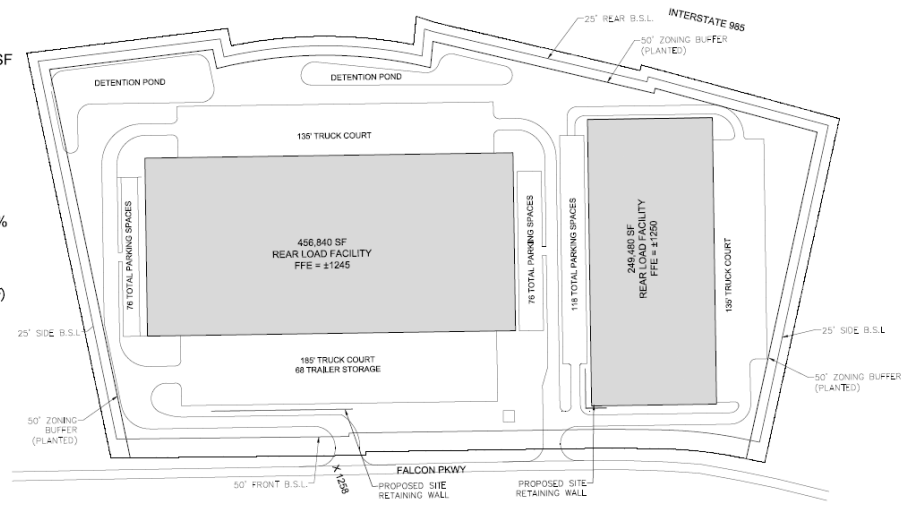
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

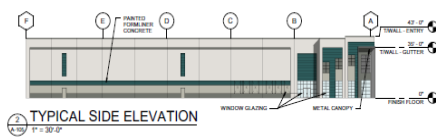
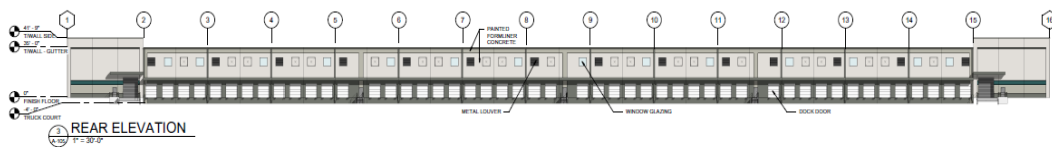
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
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WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
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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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed 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.*

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

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Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
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City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
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Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider Ordinance #20-613 a request to rezone a 15.6 +/- tract of land known as 4020 Falcon Parkway from Hall County Agricultural Residential (A III) to Flowery Branch Light Industrial (M1).

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve Ordinance #20-613 as submitted and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [4020 Falcon Parkway Rezoning.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-613

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY FLORENCE CASH SMEE AND LUCY CASH BARNETT IDENTIFIED AS 4020 FALCON PARKWAY, TAX PARCEL 08069 001002, TOTALING 15.6+/- ACRES TO BE REZONED FROM HALL COUNTY AGRICULTURAL RESIDENTIAL (A III) TO FLOWERY BRANCH LIGHT INDUSTRIAL (M1), 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, Florence Cash Smee and Lucy Cash Barnett own all tract or parcel of land totaling 15.6+/- acres identified as Tax Parcel Identification No.08069 001002, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Florence Cash Smee and Lucy Cash Barnett have 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 October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County A III (Agricultural Residential) to Flowery Branch M1 (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 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 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 change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch M-1 (Light Industrial) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

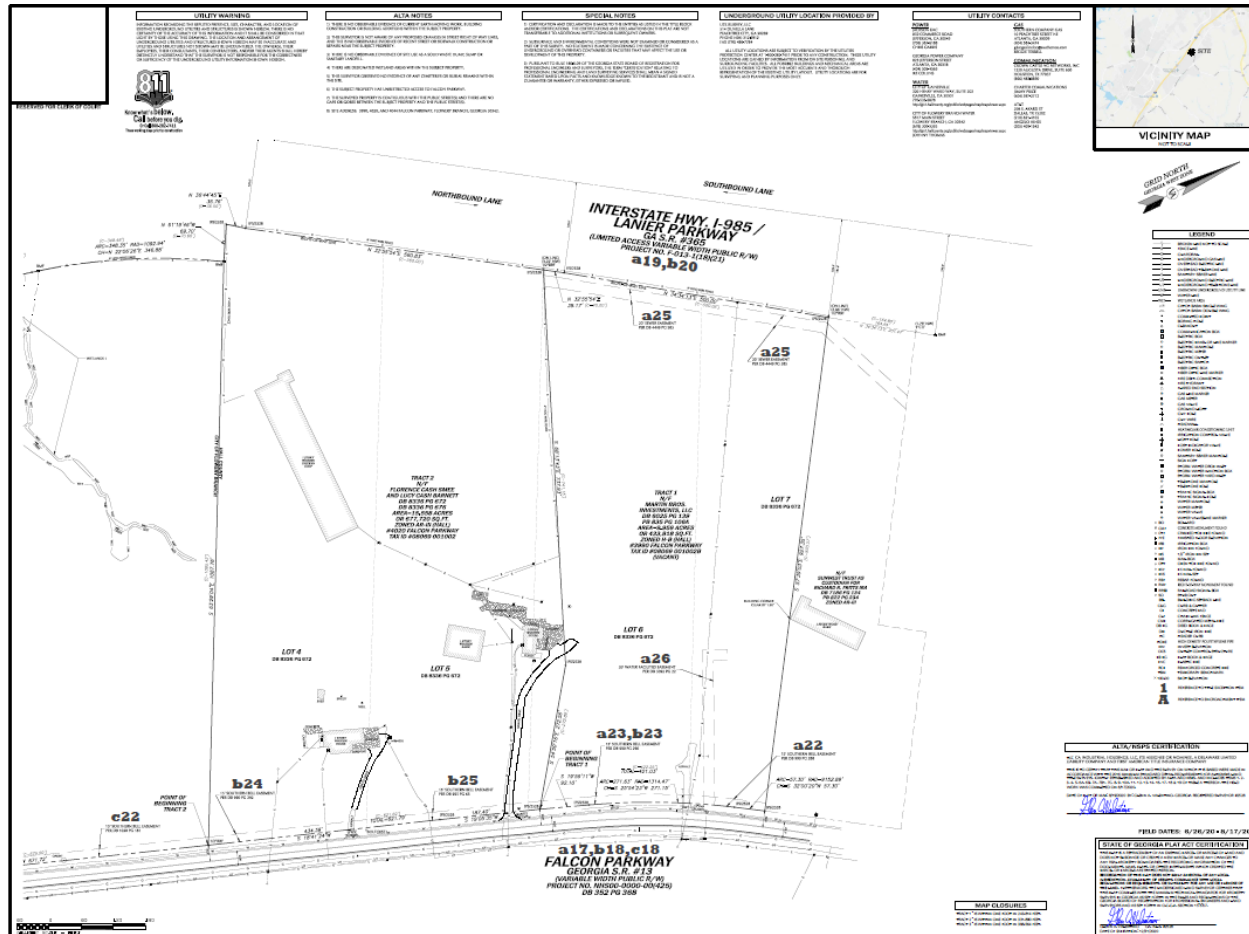
ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit “A”



LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 1 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found;

THENCE North 18 degrees 41 minutes 24 seconds East for a distance of 434.39 feet to a 1/2" iron pin set;

THENCE North 19 degrees 05 minutes 35 seconds East for a distance of 187.40 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 Falcon Parkway North 54 degrees 50 minutes 16 seconds West for a distance of 272.56 feet to a 1/2" iron pin set;

THENCE North 68 degrees 13 minutes 43 seconds West for a distance of 737.93 feet to a 1/2" iron pin set on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21), (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof)

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 32 degrees 55 minutes 54 seconds East for a distance of 39.17 feet to a 1/2" iron pin set;

THENCE North 34 degrees 34 minutes 13 seconds East for a distance of 500.00 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 2.86 feet northwest thereof);

THENCE departing said right-of-way line of Interstate 985 South 57 degrees 39 minutes 03 seconds East for a distance of 927.35 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said northwesterly right-of-way line of Falcon Parkway the following courses and distances: along a curve to the left having a radius of 9152.89 feet for an arc distance of 57.30 feet (said arc being subtended by a chord of South 32 degrees 00 minutes 20 seconds West for a distance of 57.30 feet) to a 1/2" iron pin set;

THENCE along a curve to the left having a radius of 1314.47 feet for an arc distance of 271.63 feet (said arc being subtended by a chord of South 25 degrees 54 minutes 23 seconds West for a distance of 271.15 feet) to a 1/2" iron pin set;

THENCE South 19 degrees 59 minutes 11 seconds West for a distance of 92.10 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 9.959 acres or 433,816 square feet.

Exhibit “C”

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development

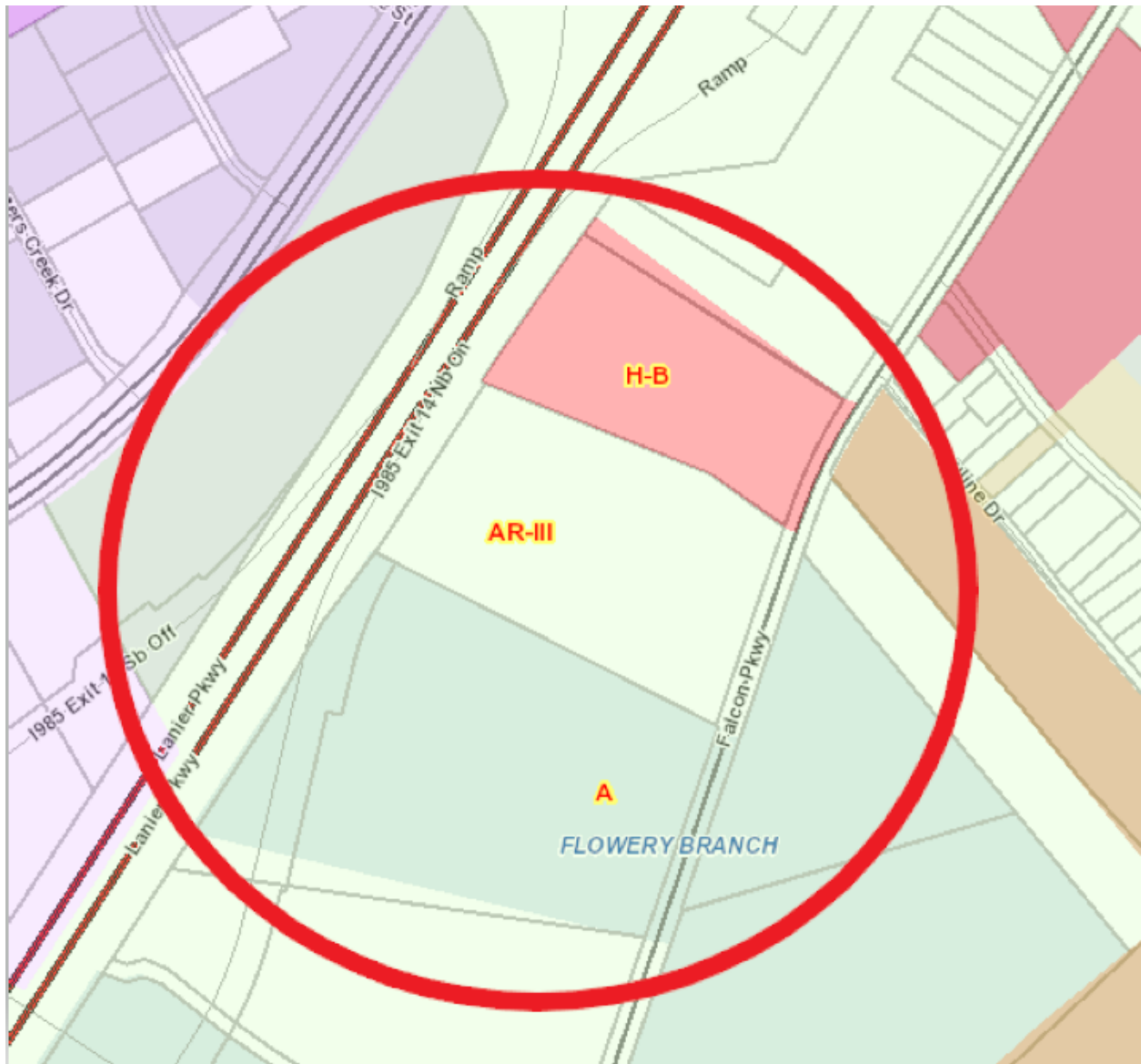


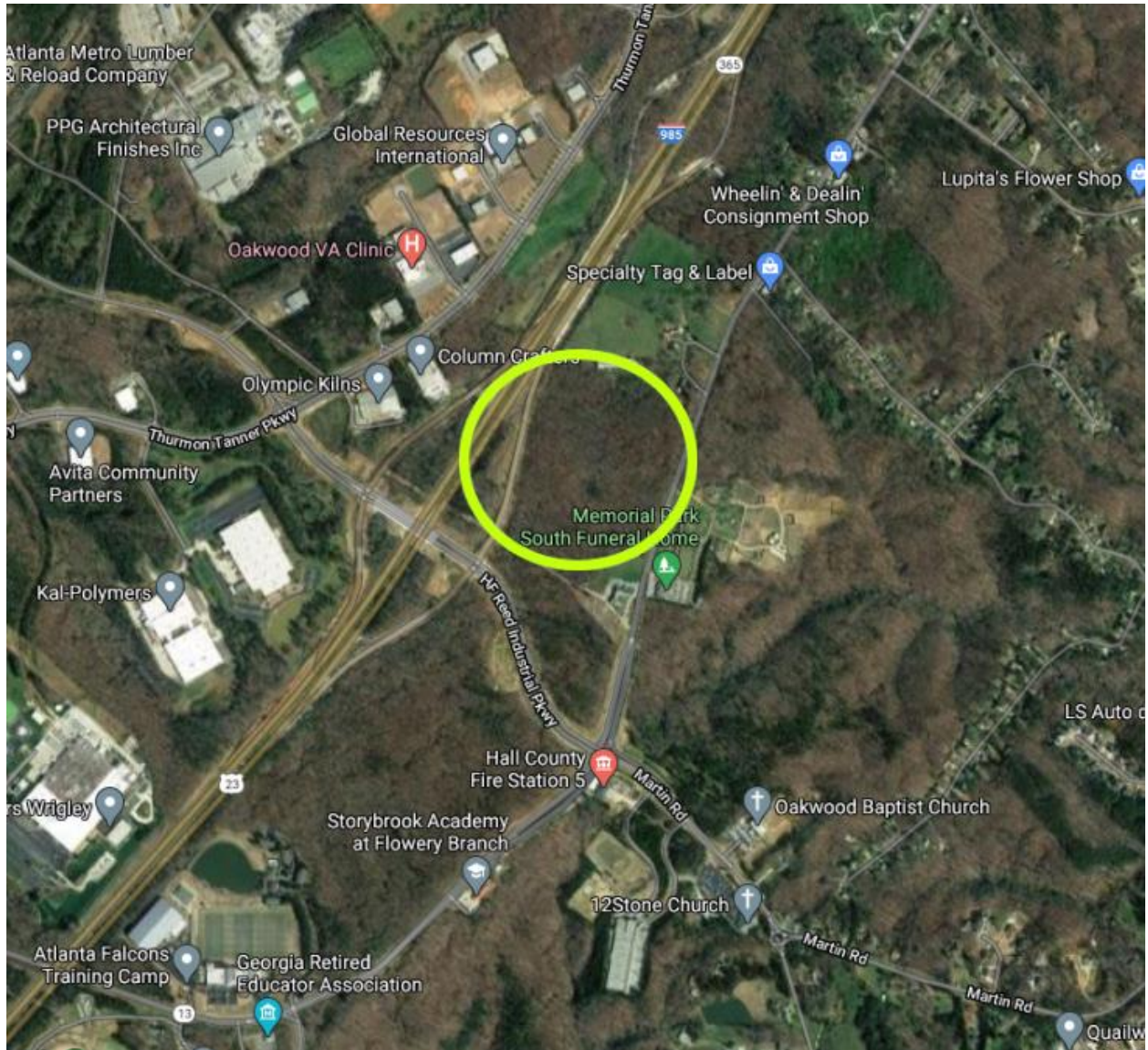
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

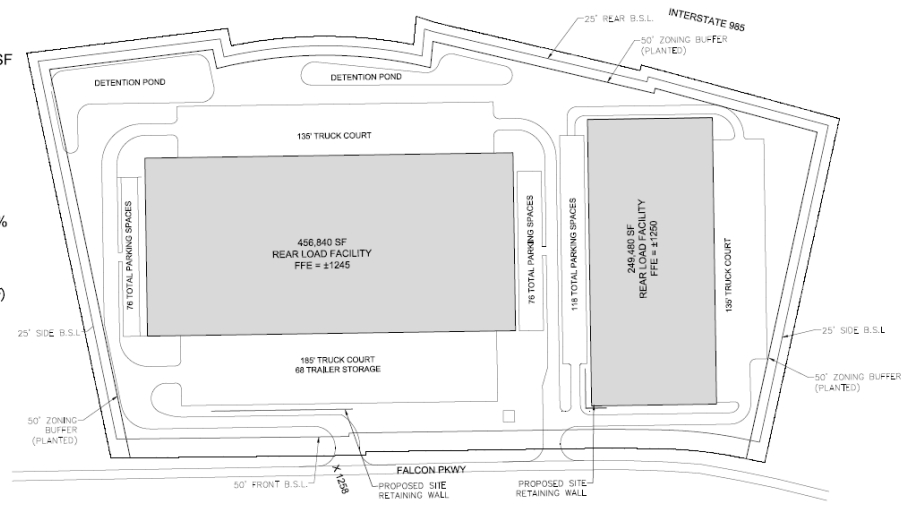
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

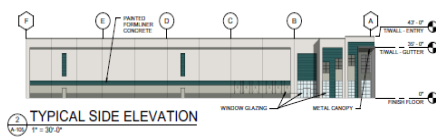
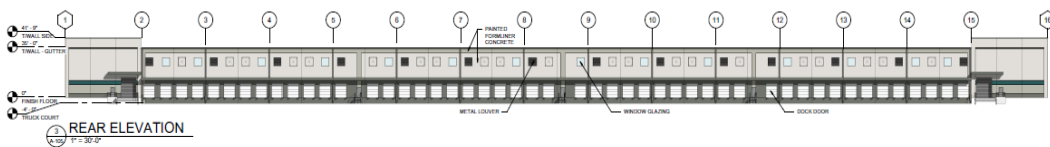
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed 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.*

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

TEL: 770.452.7849
FAX: 770.452-0086
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
WWW.EBERLY.NET

OFFERING PROFESSIONAL SERVICES IN
THE AREAS OF LAND PLANNING, CIVIL
ENGINEERING, AND LANDSCAPE
ARCHITECTURE

Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance #20-614 a request to rezone a piece of property known as 4044 Falcon Parkway from Agricultural (A) to Light Industrial (M1).

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve Ordinance # 20-614 as submitted and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [4044 Falcon Parkway Rezoning.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-614

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY THE MCCRARY FAMILY PARTNERSHIP, LP IDENTIFIED AS 4044 FALCON PARKWAY, TAX PARCEL 08069 001013, TOTALING 21.75+/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1), 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 McCrary Family Partnership, LP owns all tract or parcel of land totaling 21.75+/- acres identified as Tax Parcel Identification No. 08069 001013, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, The McCrary Family Partnership, LP 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 October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from A (Agricultural) to M1 (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 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 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 change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from A (Agricultural) to M-1 (Light Industrial) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

[illegible]

LEGAL DESCRIPTION - TRACT 3

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 3 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

THENCE departing said northwesterly right-of-way line of Falcon Parkway North 82 degrees 37 minutes 59 seconds West for a distance of 1092.39 feet to a concrete right-of-way monument found on the easterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21);

THENCE proceeding along said easterly right-of-way line of Interstate 985 the following courses and distances: North 12 degrees 53 minutes 49 seconds East for a distance of 103.49 feet to a concrete right-of-way monument found;

THENCE North 12 degrees 55 minutes 09 seconds East for a distance of 446.55 feet to a concrete right-of-way monument found;

THENCE South 78 degrees 36 minutes 00 seconds East for a distance of 43.75 feet to a concrete right-of-way monument found;

THENCE North 13 degrees 23 minutes 15 seconds East for a distance of 135.82 feet to a concrete right-of-way monument found;

THENCE along a curve to the right having a radius of 1092.94 feet for an arc distance of 348.35 feet (said arc being subtended by a chord of North 22 degrees 06 minutes 26 seconds East for a distance of 346.88 feet) to a concrete right-of-way monument found;

THENCE departing said easterly right-of-way line of Interstate 985 South 63 degrees 29 minutes 04 seconds East for a distance of 1087.76 feet to a 1/2" rebar found on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said right-of-way line of Falcon Parkway South 18 degrees 55 minutes 09 seconds West for a distance of 671.72 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

Said tract or parcel of land contains 21.589 acres or 940,414 square feet.

Exhibit “C”

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development

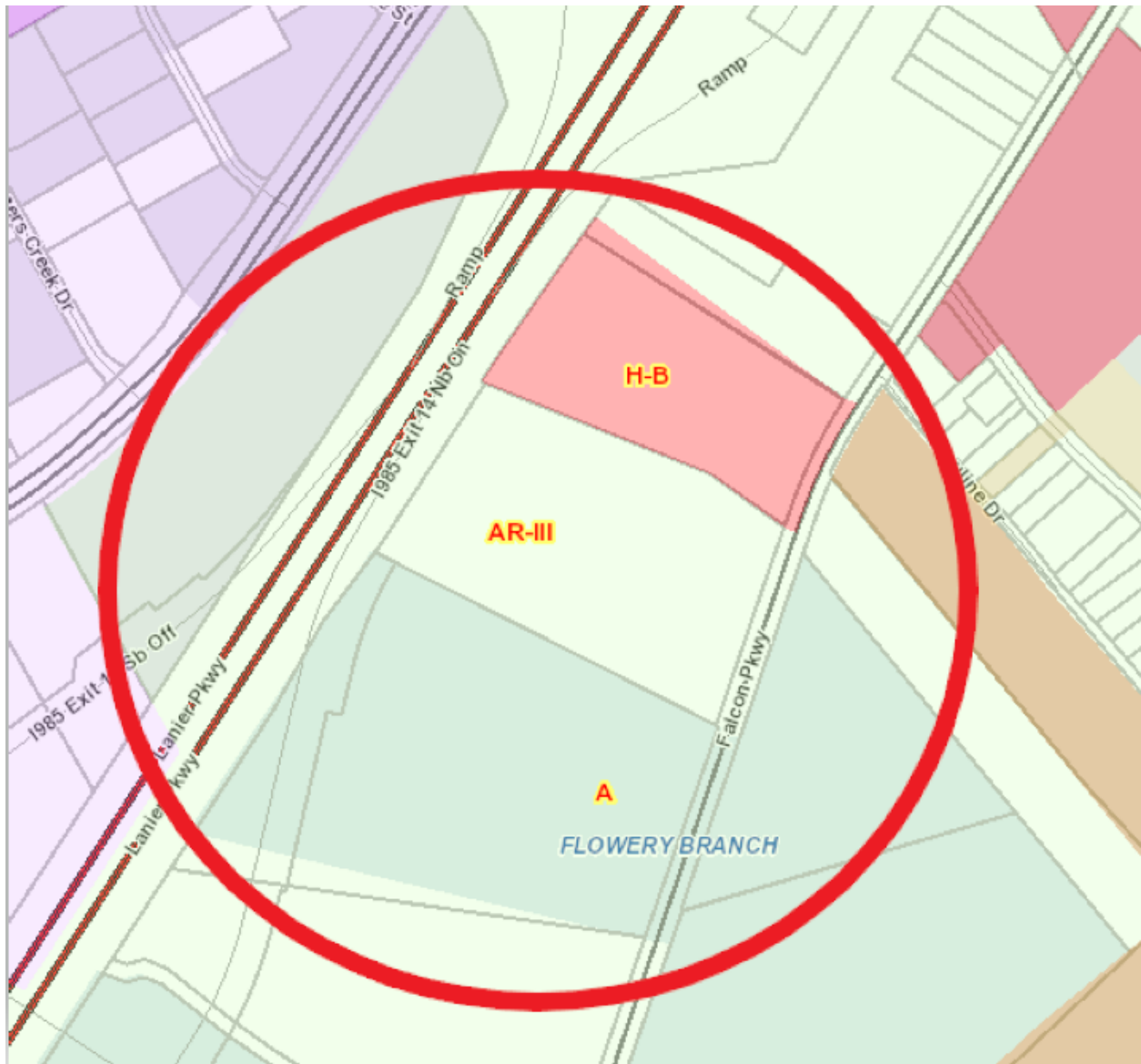


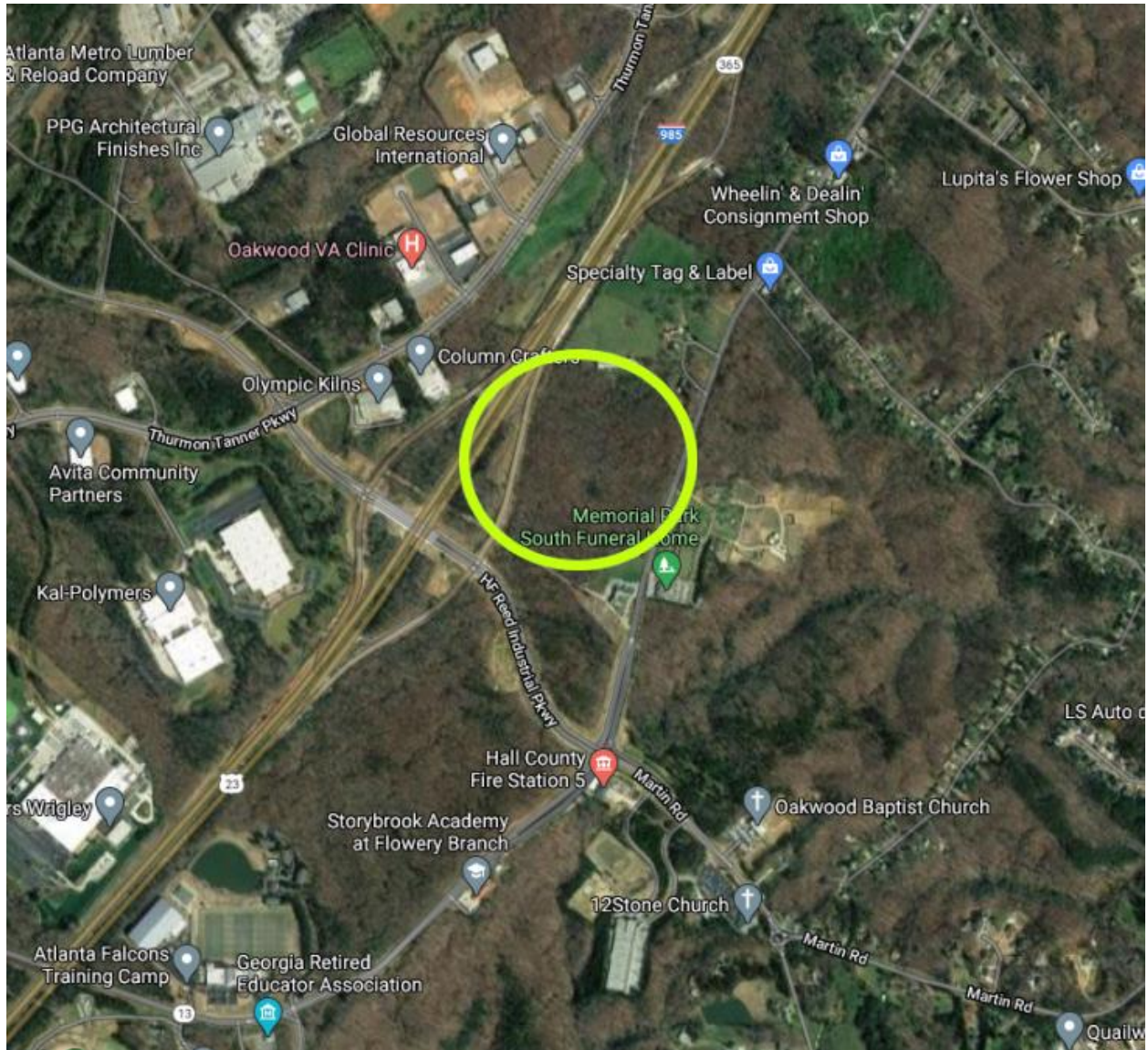
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

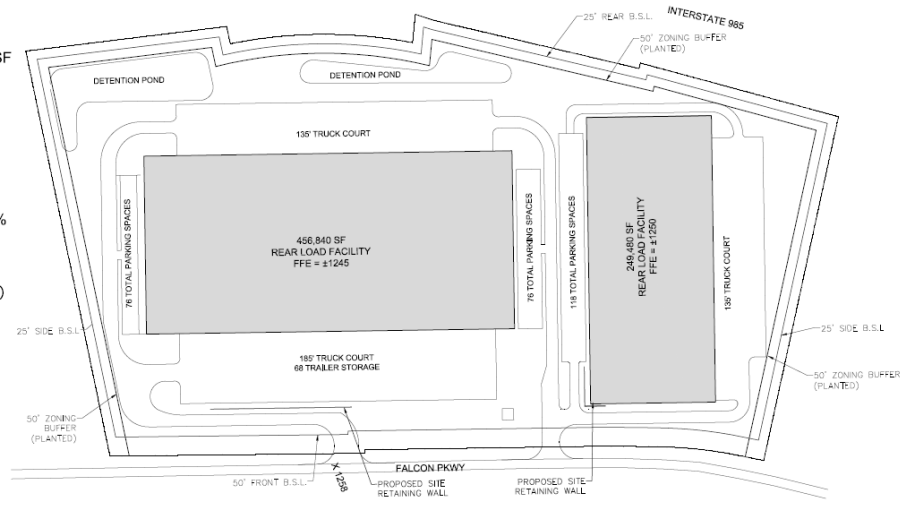
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

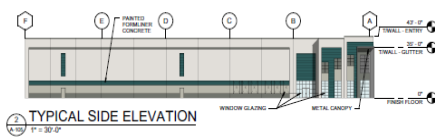
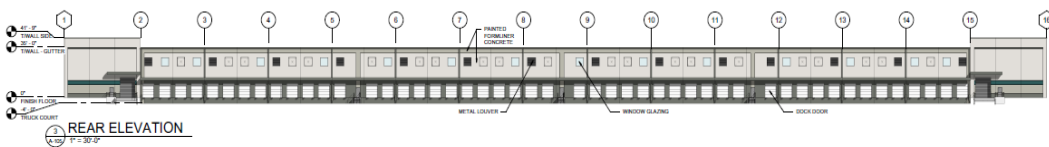
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed 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.**

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

TEL: 770.452.7849
FAX: 770.452-0086
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
WWW.EBERLY.NET

OFFERING PROFESSIONAL SERVICES IN
THE AREAS OF LAND PLANNING, CIVIL
ENGINEERING, AND LANDSCAPE
ARCHITECTURE

Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Ordinance# 20-612 a request to rezone a 10+/- acre tract of land known as 3990 Falcon Parkway from Hall County Highway Business (HB) to Flowery Branch Light Industrial (M1).

COUNCIL MEETING DATE: October 1, 2020

HISTORY:

FACTS AND ISSUES:

This is part of a proposed three parcel project (4044 Falcon Parkway, 4020 Falcon Parkway, and 3990 Falcon Parkway). The applicant wishes to annex and rezone with the intent to construct a warehouse distribution center not to exceed 706,000 square feet.

This is on a Council approved rapid schedule of work session, public hearing, and first vote October 1 and the second vote on October 15.

A Development of Regional Impact (DRI) is currently in progress. The City will have comments prior to the second read and can adjust comments if necessary.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve Ordinance #20-612 as submitted and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [3990 Falcon Parkway Rezoning.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 09/09/20
Public Hearing 10/01/20

First Reading 10/01/20
Adopted 11/01/20

ORDINANCE NO. 20-612

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY MARTIN BROTHERS, LLC. IDENTIFIED AS 3990 FALCON PARKWAY, TAX PARCEL 08069 001002B, TOTALING 10 +/- ACRES TO BE REZONED FROM HALL COUNTY HIGHWAY BUSINESS (HB) TO FLOWERY BRANCH LIGHT INDUSTRIAL (M1), 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, Martin Brothers, LLC. owns all tract or parcel of land totaling 10+/- acres identified as Tax Parcel Identification No.08069 001002B, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Martin Brothers, 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 October 1, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County HB (Highway Business) to Flowery Branch M1 (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 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 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 change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Hall County HB (Highway Business) to Flowery Branch M-1 (Light Industrial) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 1st, 2020.

SECTION 6. REPEALER.

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

Approved this 15th day of October 2020.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

[illegible]

LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 1 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), 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 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found;

THENCE North 18 degrees 41 minutes 24 seconds East for a distance of 434.39 feet to a 1/2" iron pin set;

THENCE North 19 degrees 05 minutes 35 seconds East for a distance of 187.40 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 Falcon Parkway North 54 degrees 50 minutes 16 seconds West for a distance of 272.56 feet to a 1/2" iron pin set;

THENCE North 68 degrees 13 minutes 43 seconds West for a distance of 737.93 feet to a 1/2" iron pin set on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21), (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof)

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 32 degrees 55 minutes 54 seconds East for a distance of 39.17 feet to a 1/2" iron pin set;

THENCE North 34 degrees 34 minutes 13 seconds East for a distance of 500.00 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 2.86 feet northwest thereof);

THENCE departing said right-of-way line of Interstate 985 South 57 degrees 39 minutes 03 seconds East for a distance of 927.35 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said northwesterly right-of-way line of Falcon Parkway the following courses and distances: along a curve to the left having a radius of 9152.89 feet for an arc distance of 57.30 feet (said arc being subtended by a chord of South 32 degrees 00 minutes 20 seconds West for a distance of 57.30 feet) to a 1/2" iron pin set;

THENCE along a curve to the left having a radius of 1314.47 feet for an arc distance of 271.63 feet (said arc being subtended by a chord of South 25 degrees 54 minutes 23 seconds West for a distance of 271.15 feet) to a 1/2" iron pin set;

THENCE South 19 degrees 59 minutes 11 seconds West for a distance of 92.10 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 9.959 acres or 433,816 square feet.

Exhibit “C”

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development

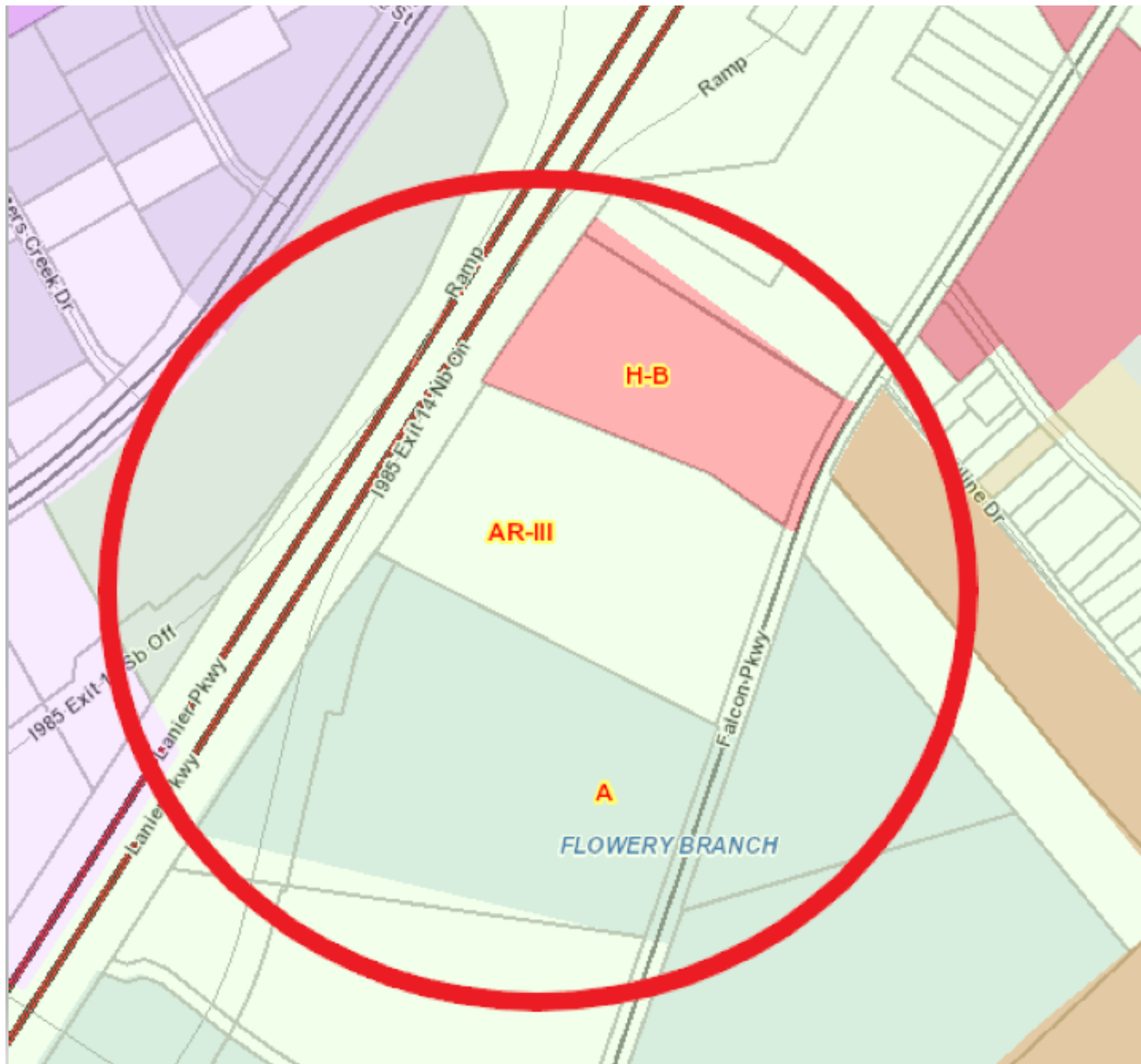


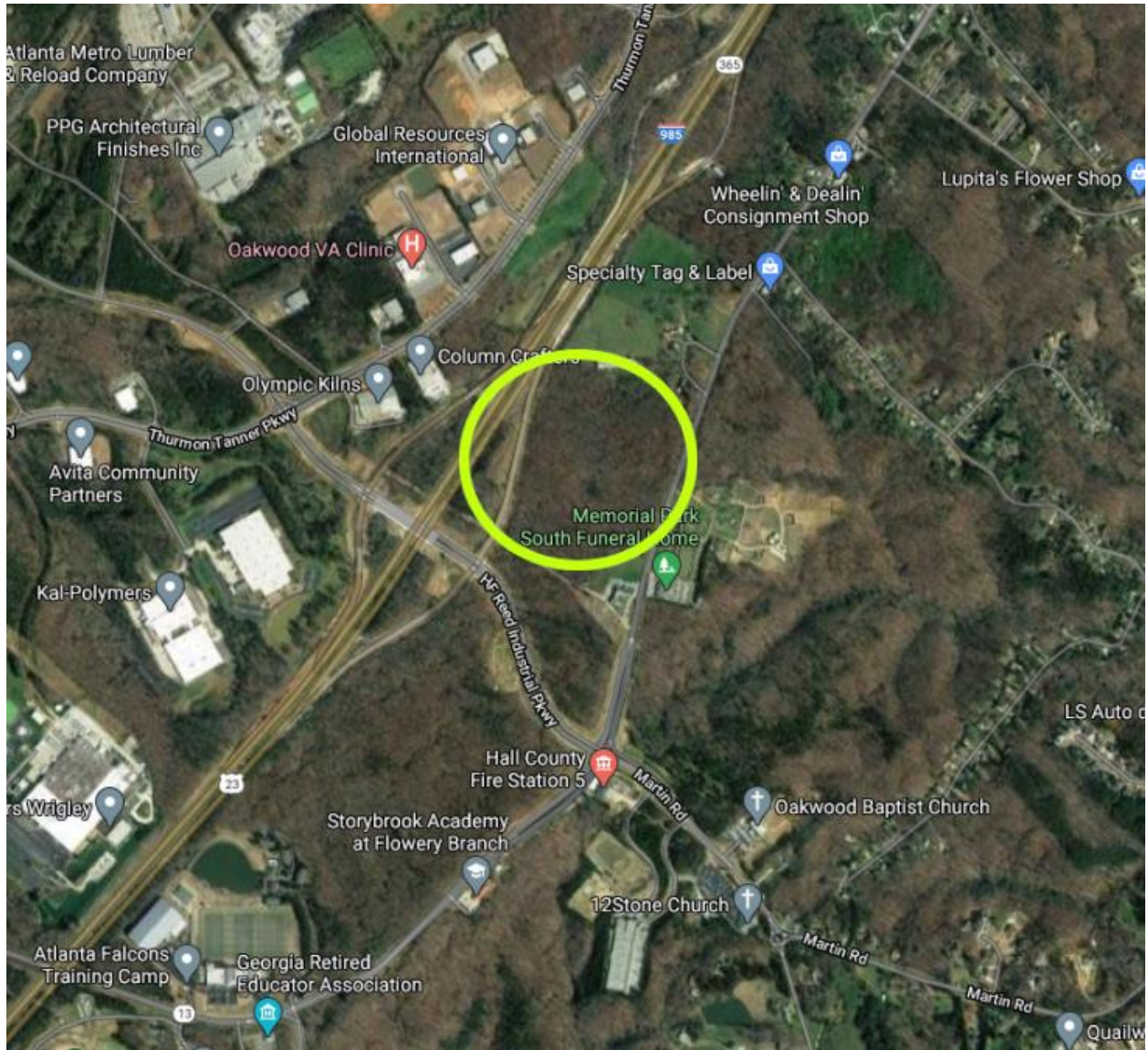
Annexation & rezoning requests submitted by Mr. Steve Rowley of CA-Ventures for 3990, 4020, and 4044 Falcon Parkway with the intent of constructing a distribution center totaling approximately 706,000 square feet.

The request is for the following:

1. 3990 Falcon Parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon Parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon Parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1









Proposed general layout of development:

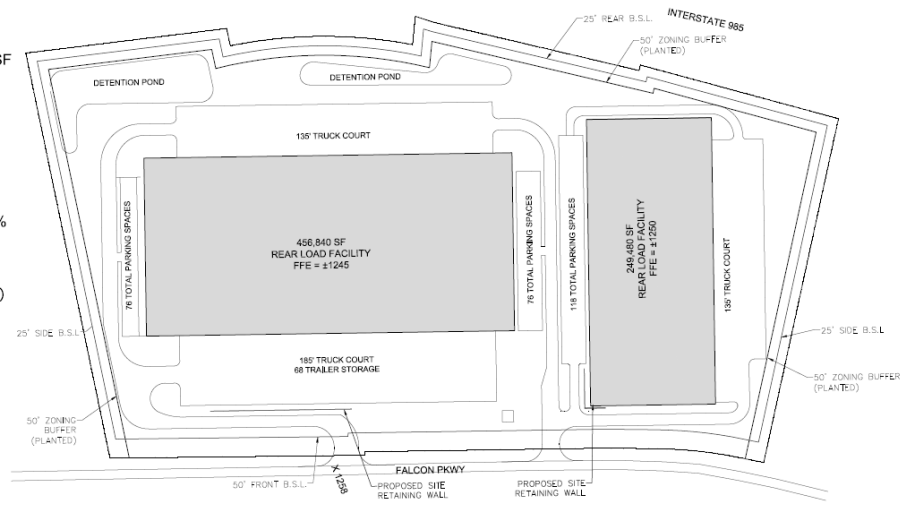
SITE DATA

Building Area: 706,320 SF
Associate Parking: 270 Spaces
Trailer Parking: 68 Spaces

DEVELOPMENT STATISTICS

- Max building Height: 41'-9"
- Max gross SF of building area: 456,840 SF (706,320 SF total)
- Material percentages:

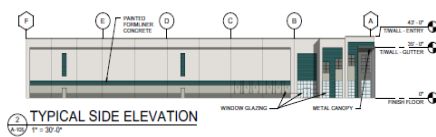
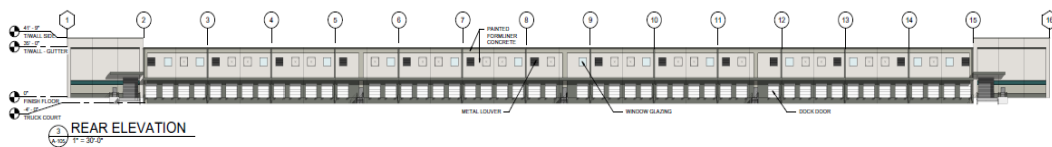
Painted Concrete:	89%
Window Glazing	4%
Metal Dock Doors/Louvers	6%
Metal Canopies	1%
- Max Lot Coverage of building area: 34.2% (706,320 SF building area/2,062,566 SF property)
- Max Landscape area: 38% (781,877 SF)
- Max parking: see above site data



The applicant has indicated the layout may change to one building instead of two, but the overall square footage would not exceed 706,000 square feet. Staff believes conditioning the approval not to exceed 706,000 square feet would be sufficient rather than making it site plan specific.



Typical building elevations:



MATERIAL PERCENTAGES	
PAINTED CONCRETE	89%
WINDOW GLAZING	4%
METAL DOCK DOORS/LOUVERS	6%
METAL CANOPIES	1%





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, an industrial use is appropriate for this site and the surrounding area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area 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 zonings of Agricultural, Highway Business, and Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial use.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **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 "Industrial Employment" character area. The proposed use meets the intent of the Comprehensive Plan.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed 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, Agricultural-Residential, and Highway Business do not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area

- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed 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.*

*Applicant response addressing
the analysis requirement:*



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

TEL: 770.452.7849
FAX: 770.452-0086
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
WWW.EBERLY.NET

OFFERING PROFESSIONAL SERVICES IN
THE AREAS OF LAND PLANNING, CIVIL
ENGINEERING, AND LANDSCAPE
ARCHITECTURE

Rezoning Analysis Requirements

TO: Bill Andrew, City Manager
bill@flowerybranchga.org
City of Flowery Branch
5410 W. Pine Street P.O. Box 757,
Flowery Branch, GA 30542
Phone: 770.967.6371

From: Dominic Serra, P.E.
Eberly & Associates
2951 Flowers Rd South
Suite 119
Atlanta, GA 30341
Phone: 678.287.4731

Project: 3990 Falcon Parkway
4020 Falcon Parkway
4044 Falcon Parkway

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 706,320 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Surrounding neighborhoods are predominantly zoned Agricultural, commercial and residential.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- 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 future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high volume traffic road.
- e) **Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map.**
No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in City of Flowery Branch.



- 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.

It should be noted that Annexation will be needed for two parcels on subject development which are located in Unincorporated Hall County, with the intent to extend City of Flowery Branch limits to include these two parcels. The two parcels include:
Parcel 08069001002, located at 4020 Falcon Parkway.
Parcel 08069001002B, located at 3990 Falcon Parkway.

With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposal includes (3) parcels.
Parcel 08069001013 is located at 4044 Falcon Parkway, and is within City of Flowery Branch, and zoned A(Agricultural).
Parcel 08069001002 is located at 4020 Falcon Parkway, and is within unincorporated Hall County, and zoned AR-III (Agricultural-Residential).
Parcel 08069001002B is located at 3990 Falcon Parkway, and is within unincorporated Hall County, and zoned H-B (Highway-Business).
Nearby properties are zoned Agricultural, Residential, and Commercial.

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

The extent under which the current value being effected by the existing zoning cannot be determined by the applicant at this time. However, the existing properties are being sold, but then rezoned. It assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be



designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.

Staff Recommendation

Approve with conditions as presented.

1. Total square footage of building(s) not to exceed 706,000 square feet.
2. Lighting plan shall be submitted for review and approval prior to the issuance of a building permit
3. Landscape plan shall be submitted at the time of land disturbance review
4. Flowery Branch shall provide sewer to the development



Signs Posted
9/14/2020









Ad run in The Gainesville Times on September 9, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request from Mr. Steve Rowley of CA-Ventures for the annexation and rezoning of two (2) parcels of land and the rezoning of one (1) parcel of land. Properties are identified as follows:

1. 3990 Falcon parkway; Tax Parcel 08069 001002B; Totaling 10 +/- acres; Annex and rezone from Hall County HB to Flowery Branch M-1
2. 4020 Falcon parkway; Tax Parcel 08069 001002; Totaling 15.6 +/- acres; Annex and rezone from Hall County AIII to Flowery Branch M-1
3. 4044 Falcon parkway; Tax Parcel 08069 001013; Totaling 21.75 +/- acres; Rezone from Flowery Branch A to Flowery Branch M-1

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: October 1, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371



PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.