



**City of Flowery Branch
City Council Meeting
Thursday, October 07, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch, GA 30542**



CALL PUBLIC HEARING TO ORDER:

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING:

- Consider a rezoning request submitted by Keystone Development Services, LLC to rezone a .60 +/- acre tract of land identified as 5415 Mulberry Street, tax parcel number 08113 001009, from TND (Traditional Neighborhood District) to HB (Highway Business).
[LScape Plan - Mulberry St 092221 RENDERED.pdf](#)
[Bldg Flr Plan & Elevations - 5415 Mulberry St. 092221.pdf](#)
[Thiomas Wells Staff Report .pdf](#)
[Application.pdf](#)
- Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood District (TND) to Central Business District (CBD).
[South Hall Staff Report_REVISED 9.30.pdf](#)
[Combined South Hall Ordinances for October 7.pdf](#)

UNFINISHED BUSINESS - WORK SESSION:

- A variance request submitted by Blessing Trader, Inc. to allow fuel pumps to be located in front of the proposed principal structure located at 6477 McEver Road.
[Application Scanned.pdf](#)
[Legal Description - McEver Road Food Mart.docx](#)
[Pages from 20110 - McEver SHEETS VIC 5-21-2021.pdf](#)
[ORDINANCE 653.pdf](#)
- Consider a request submitted by Hines Acquisitions, LLC. to rezone a portion of 0 Thurmon Tanner Parkway (FKA The "Forbes" Property) from Highway Business (HB) to Light Industrial (M1).
[Thurmon Tanner Hines Signed Application.pdf](#)
[Hines - owner signature page - from Tred .pdf](#)
[Full Staff Report September 16.pdf](#)
[Hines Ordinance.pdf](#)
- Consider a request from Vulcan Lands, Inc. for the annexation and rezoning of nine (9) parcels of land from Hall County AR III to Flowery Branch M-2 with a conditional use permit to operate a quarry.
[2021 Rezoning Additional Information Requirement - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Rezoning Application - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Sec. 34.7 Analysis Requirements - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Annexation Application - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Conditional Use Permit - Vulcan Lands, Inc.06242021.pdf](#)

[Zoning Project Base Map BW r5.pdf](#)
[Staff Report 2021.pdf](#)
[Combined Sept 16.pdf](#)

NEW BUSINESS -WORK SESSION:

- Consider a rezoning request submitted by Keystone Development Services, LLC to rezone a .60 +/- acre tract of land identified as 5415 Mulberry Street, tax parcel number 08113 001009, from TND (Traditional Neighborhood District) to HB (Highway Business).
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DEPARTMENT REPORTS: -

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

ADJOURNMENT WORK SESSION:**VOTING SESSION AGENDA****CALL VOTING SESSION TO ORDER:**

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider September 16, 2021 Meeting Minutes
[September 16, 2021 Meeting Minutes.pdf](#)

NEW BUSINESS - VOTING SESSION:

- Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood District (TND) to Central Business District (CBD).
[South Hall Staff Report_REVISED 9.30.pdf](#)
[Combined South Hall Ordinances for October 7.pdf](#)

EXECUTIVE SESSION:**ADJOURNMENT:**

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a rezoning request submitted by Keystone Development Services, LLC to rezone a .60 +/- acre tract of land identified as 5415 Mulberry Street, tax parcel number 08113 001009, from TND (Traditional Neighborhood District) to HB (Highway Business).

COUNCIL MEETING DATE: October 7, 2021

HISTORY:

FACTS AND ISSUES:

A shortened schedule was approved by Council:

Public hearing October 7

First read - October 21

Secod read - November 18

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing only

SAMPLE MOTION:

No vote at this time.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [LScape Plan - Mulberry St 092221 RENDERED.pdf](#)

- Bldg Flr Plan & Elevations - 5415 Mulberry St. 092221.pdf
- Thomas Wells Staff Report .pdf
- Application.pdf

LEGEND

- AMERICAN PILLAR ARBORVITAE
- ANGELINA SEDUM
- DIANTHUS
- SEASONAL COLOR BED
- VINTAGE JADE DISTYLUM
- CHASTE TREE
- BLUE CHIP DWARF BUTTERFLY BUSH
- NATCHEZ CRAPE MYRTLE
- ADAGIO NISCANTHUS
- WINTERGREEN BOX WOOD
- WILLOW OAK
- SHADES OF PINK VIBURNUM
- PURPLE DAYDREAM LOROPETALUM
- EXISTING VEGETATION
- LIGHT PINK ENCORE AZALEA



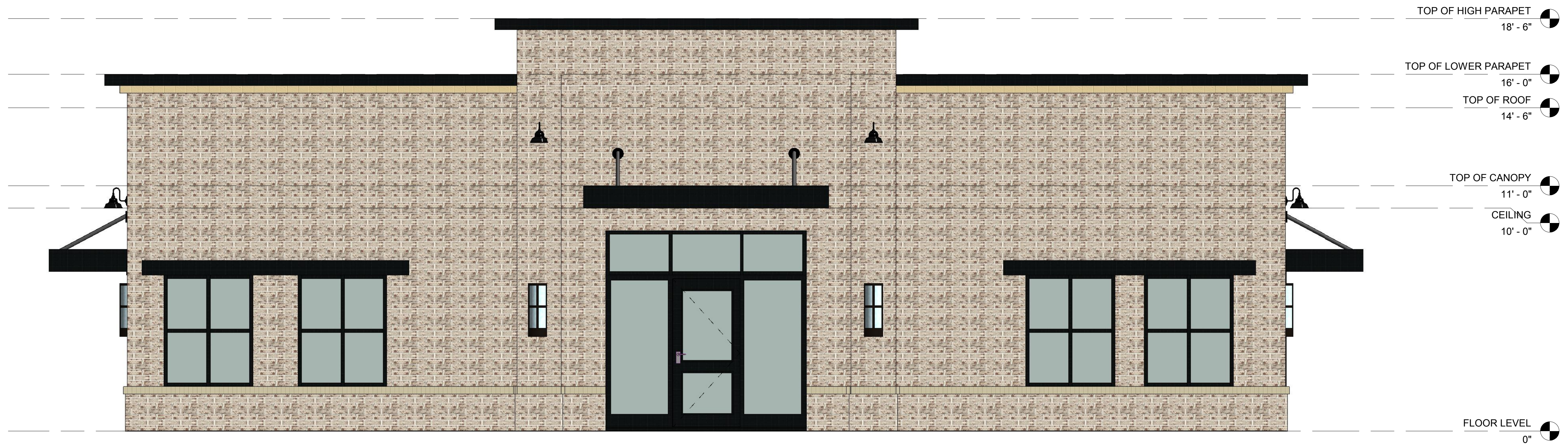
LAND DESIGN GROUP, INC.
 LANDSCAPE ARCHITECTS, PLANNERS, CERTIFIED ARBORISTS



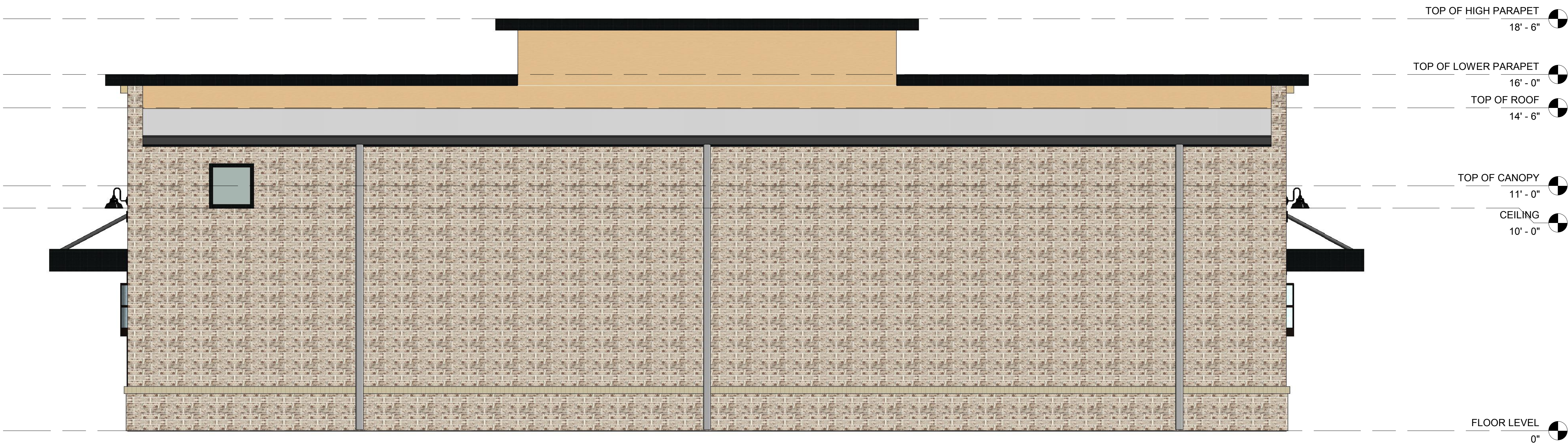


1 FLOOR PLAN
1/4" = 1'-0"

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE FLOOR PLAN	
DRAWN KPS	
CHECKED NAGESH	
DATE 09.22.2021	
SCALE 1/4" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-100	

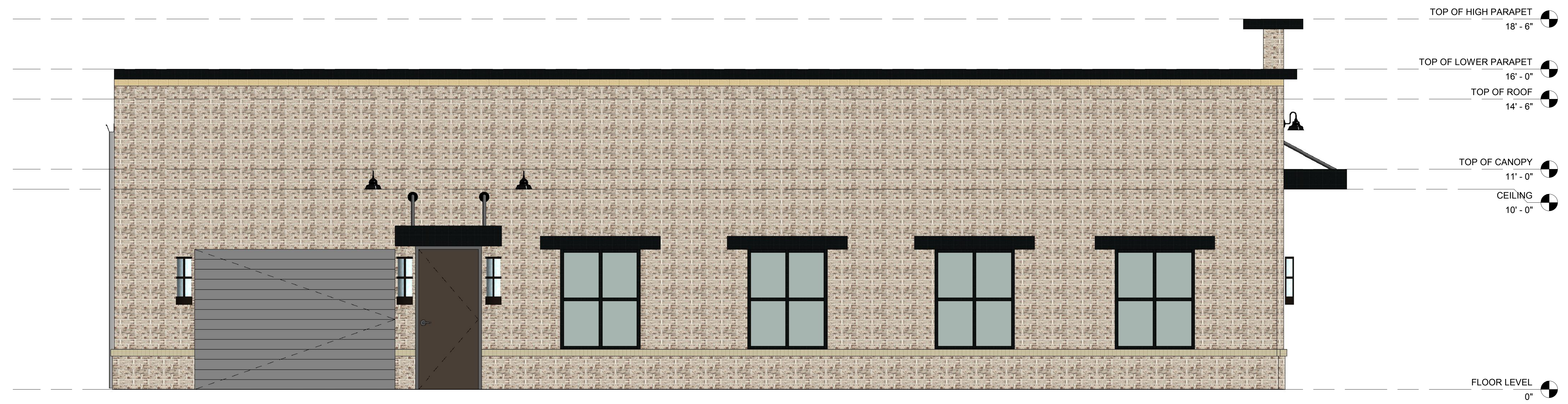


1 FRONT ELEVATION
3/8" = 1'-0"

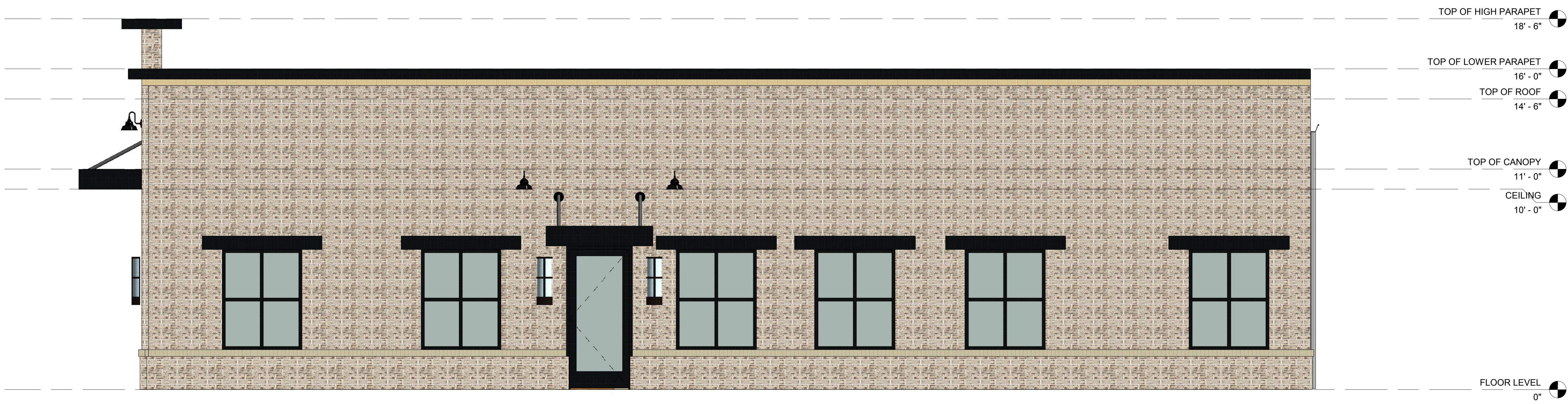


2 REAR ELEVATION
3/8" = 1'-0"

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE FRONT & REAR ELEVATIONS	
DRAWN KPS	
CHECKED NAGESH	
DATE 09.22.2021	
SCALE 3/8" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-101	

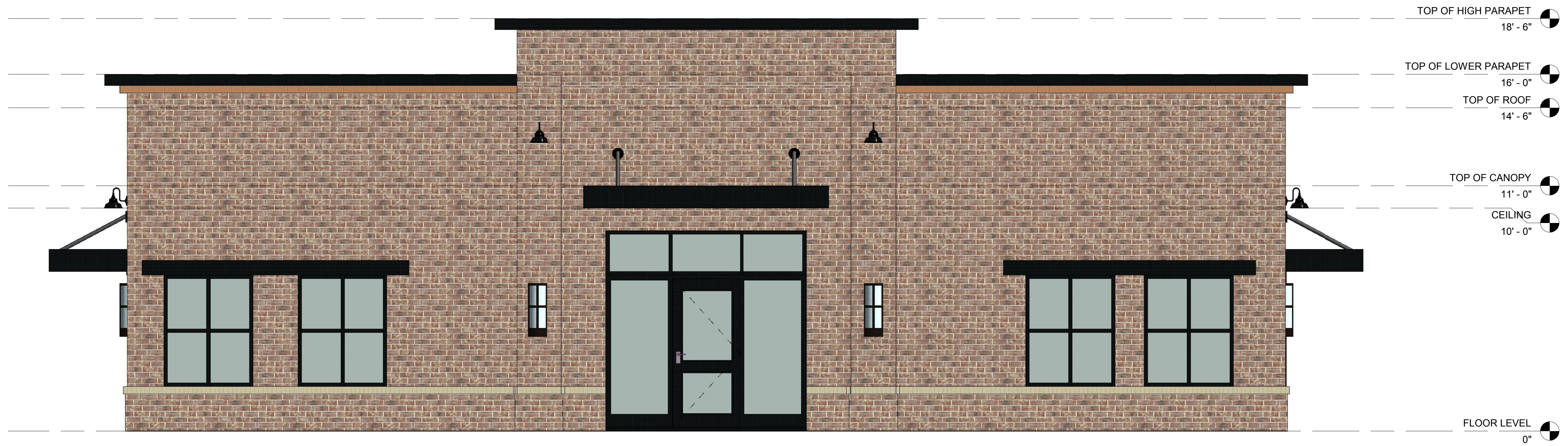


3 LEFT ELEVATION
3/8" = 1'-0"

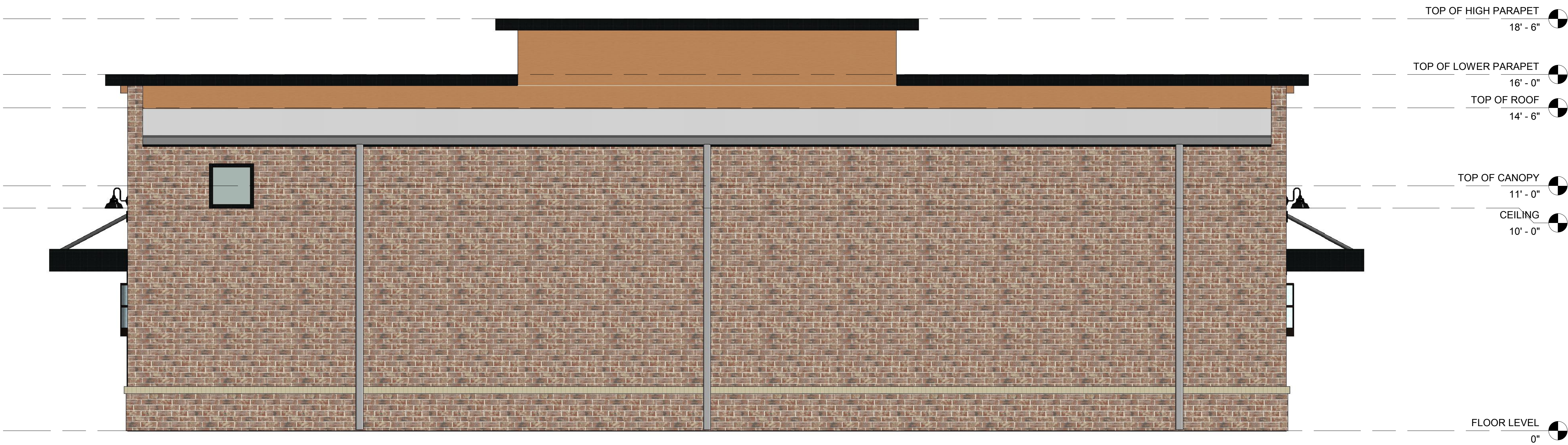


4 RIGHT ELEVATION
3/8" = 1'-0"

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE LEFT & RIGHT ELEVATIONS	
DRAWN KPS	
CHECKED NAGESH	
DATE 09.22.2021	
SCALE 3/8" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-102	



1 FRONT ELEVATION
3/8" = 1'-0"

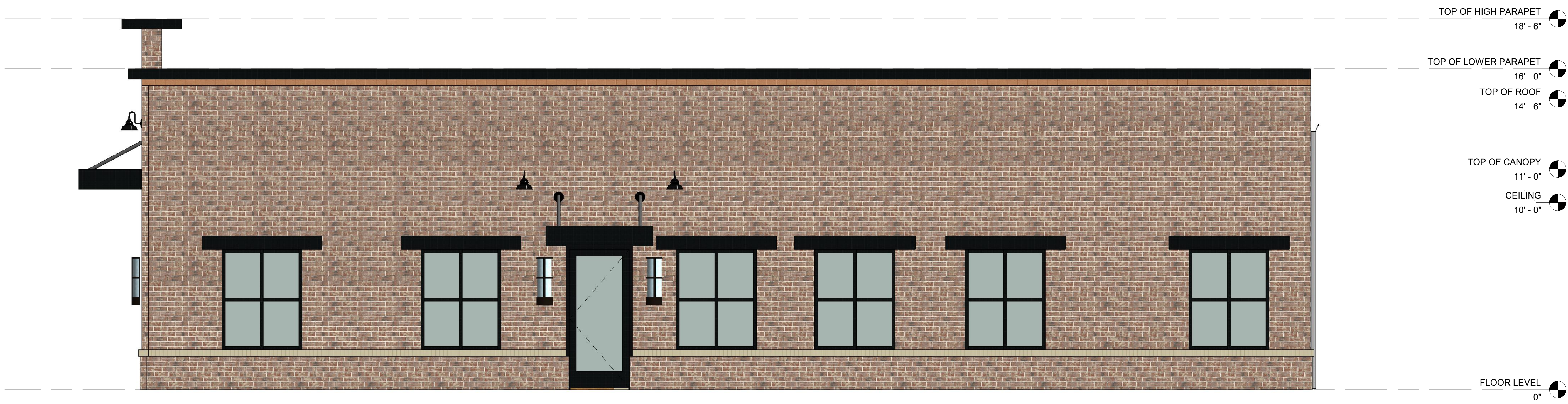


2 REAR ELEVATION
3/8" = 1'-0"

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE FRONT & REAR ELEVATIONS	
DRAWN KPS	
CHECKED NAGESH	
DATE 09.22.2021	
SCALE 3/8" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-101	



3 LEFT ELEVATION
3/8" = 1'-0"



4 RIGHT ELEVATION
3/8" = 1'-0"

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE LEFT & RIGHT ELEVATIONS	
DRAWN KPS	
CHECKED NAGESH	
DATE 09.22.2021	
SCALE 3/8" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-102	



Applicant: Keystone Development Services, LLC.

Property Owner: Soltri Entertainment, LLC.

Subject Property: 5415 Mulberry Street; .60 +/- acres

Request: Rezone subject property from Traditional Neighborhood District (TND) to Highway Business (HB).

Current Use: Vacant

Proposed Use: Office

Character Area: Traditional Neighborhood

Proposal

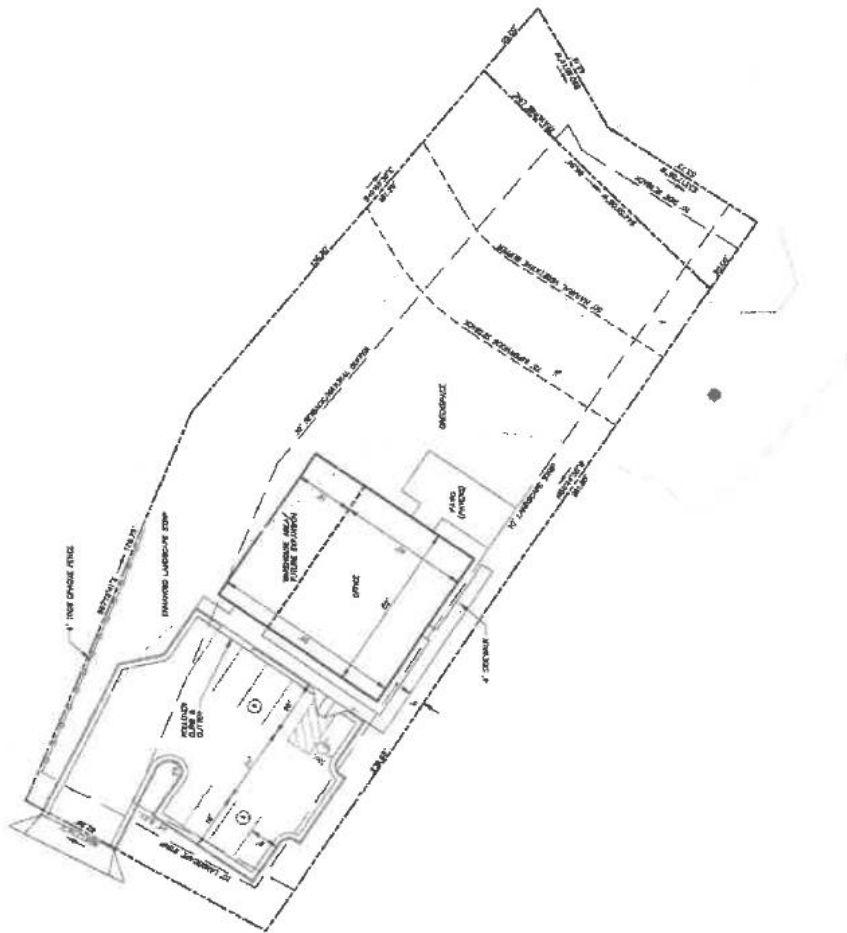
Applicant proposes to rezone a parcel of land totaling .60 +/- acres from Traditional Neighborhood District (TND) to Highway Business (HB) with the intention of constructing an office building.

Location Map



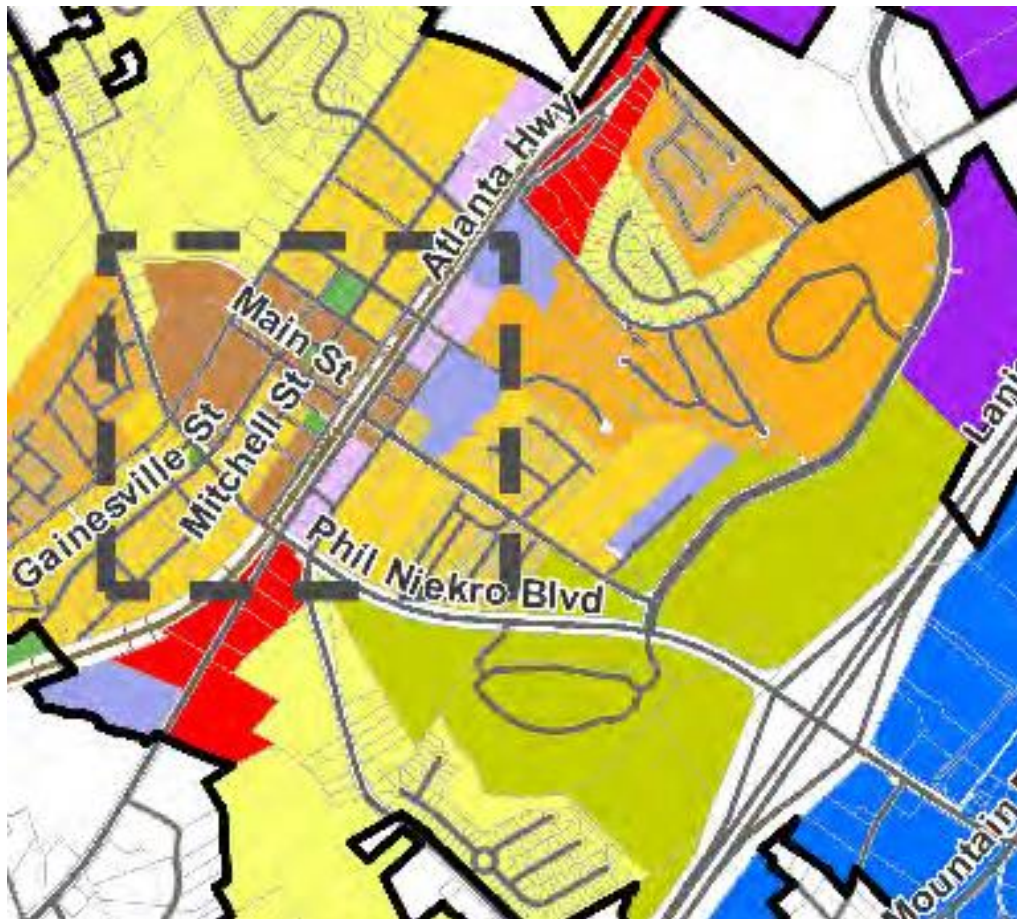


General Layout of Proposed



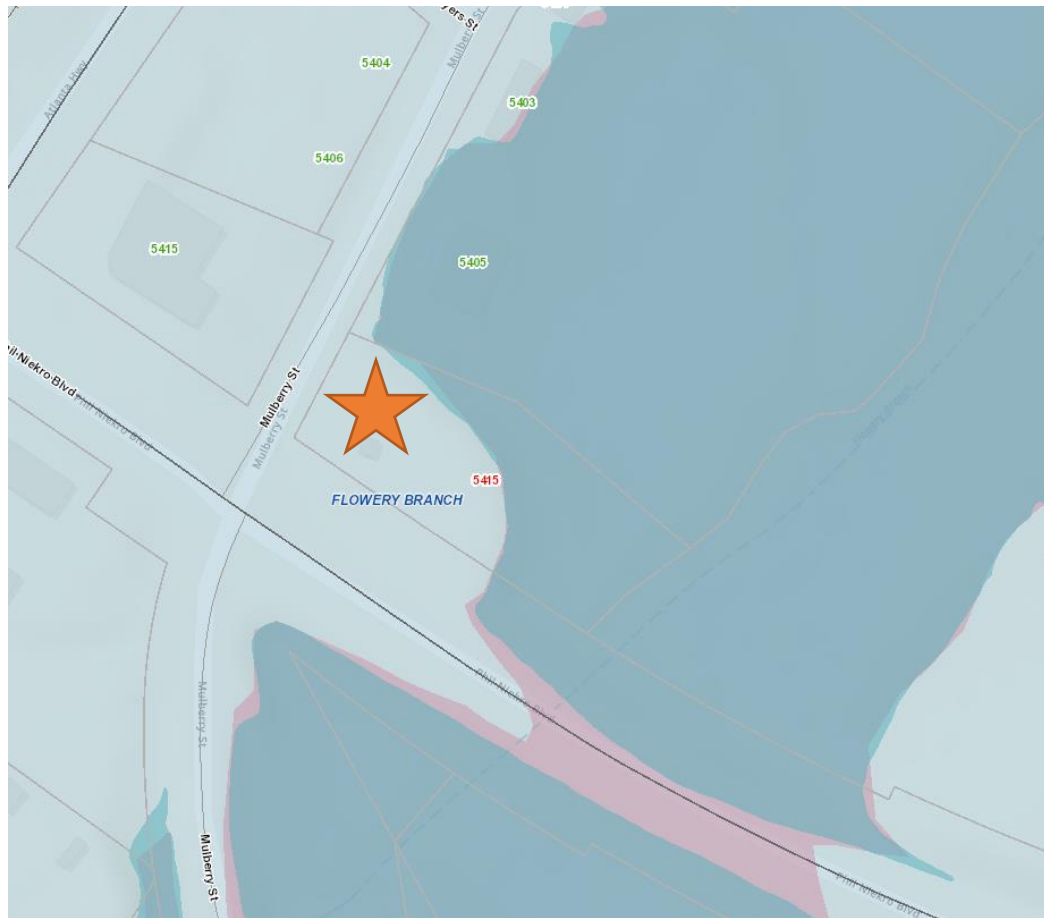


Character area map:





Map showing the floodplain:



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.

Applicant response attached as Exhibit "A"

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, office use is appropriate for this location.**
- (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 add a local business in close proximity to downtown.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of TND allows for the construction of one single family home.**
- (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 "Traditional Neighborhood District" character area. The scope and scale of this proposed project, although not residential in nature, fits the intent of the designated character area.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **The subject property is greatly impacted by the current and future FEMA floodplain. It has been marketed for residential use for some time without success.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant, the proposed use will fit in with, and enhance, the Phil Niekro Boulevard corridor, the Mulberry Street community, and downtown.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff does not have a specific number regarding property value, but the current zoning classification of TND has not warranted any proposed development on the site.**



- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent to the adjacent properties.**
- (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 new project will add a locally owned and operated office on a challenging corner that will blend into the zoning district and enhance the area.**
- (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 meets the intent of the Zoning Ordinance.**

Staff Recommendation

Staff recommends approval of the rezoning request with the following conditions:

1. Project shall be served by Flowery Branch water and sewer.
2. Project shall significantly adhere to the site plan as submitted by applicant and shown as part of this report.
3. Elevations shall significantly adhere to those presented as part of this report in appearance and materials.
4. A five-foot sidewalk shall be provided along the entirety of the project along Mulberry Street.
5. Landscaping shall significantly adhere to the plan as presented as part of this report.



Exhibit "A"

PROJECT NARRATIVE

Proposed Office Development – 5415 Mulberry Street, Flowery Branch, GA

The subject property is a 0.60 acre tract located at 5415 Mulberry Street at the intersection of Phil Niekro Blvd. (a/k/a Spout Springs Extension). This property is undeveloped and is currently zoned TND. The proposed use is an office facility to be developed for owner occupation of Keystone companies, ProClaim Group and ProBuild Construction (all of which have a common principal).

The proposed project consists of one primary building – being approximately 3,000+ SF. The exterior façade of the building will consist of masonry (brick), EFIS and glass facades on three sides visible from the public R/W, with a metal pitched roof and a maximum building parapet height of 17'-3". The percentage of façade materials on the three sides visible from the public R/W are approximately 70% brick masonry, 10% EFIS accent and 20% glass; the rear of the building (abutting the 30 ft. undisturbed buffer) is planned to be insulated metal panels in an earth tone color. The main entry will front on Phil Niekro Blvd. with a cantilevered metal awning with square rod hangers over the storefront.

Ten parking spaces are proposed, and the Owners are planning all concrete paving and intense landscaping. The maximum lot coverage of the building is 3,016 SF (0.11 Floor Area Ratio). The total impervious area planned is 8,516 SF (32.5% of the site) and approximately 50% of the site will remain undisturbed.

The proposed office facility will be maintained and operated in a manner consistent with other neighboring commercial and retail uses. The proposed use will not be detrimental to, or endanger, the public health, safety or welfare. The proposed project will be in harmony with the surrounding retail and commercial land uses that serve the community and regional needs and is appropriate adjoining a minor thoroughfare.

The development of this site will allow for a use that will be of higher value and be a greater generator of tax revenue to the City. The development of the site will provide a structure that is very well designed, contains attractive landscaping and will be an asset to the neighborhood rather than create a hardship on the other adjacent owners.

The site is located in a commercial corridor with existing public utilities adequate to serve the intended use of the property as an office facility. The general character of this area is retail with industrial business on both sides of Phil Niekro Blvd, from Flowery Branch up to Atlanta Highway and are zoned Highway Business. The property to the Northeast is zoned TND and is operated as a residential rental unit.

Due to the location of the property abutting a minor thoroughfare with commercial uses and the limited amount of useable land, use as currently zoned could be deemed unfavorable for residential due to noise and light pollution, and traffic concerns.



REZONING APPLICATION

Date: _____

Address of Request:

5415 Mulberry Street, Flowery Branch, Georgia

Tax Map # 08113-001009 Current Zoning: TND

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

Currently a conforming use? N/A - undeveloped

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

Applicant Information

Name: Thomas Wells, Principal - Keystone Development Services, LLC

Address: 4335 South Lee Street, Suite B
Buford, Georgia 30518

E-mail address: twells@kdsllc.net

Phone number: 404-358-1178

Signature: _____

Notary: _____





Property owner information (if different than the applicant)

Property owner (please print): Soltri Entertainment, LLC

Signature of property owner: Trina Braxton

See next page

Notary:

Property Information

Tax Map Number: 08113-001009

Current Zoning: TND Total Acres: 0.60

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

Proposed City of Flowery Branch Zoning: HB-Highway Business

Current Use: Vacant - Undeveloped

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

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

- Legal description
- Current survey of property



Flowery Branch

Property owner information (if different than the applicant)

Property owner (please print): Soltri Entertainment, LLC

Signature of property owner: *[Signature]*
Dina Braxton

Notary:

Fred Joshua Hawkins
NOTARY PUBLIC
Fulton County, GA
My Commission Expires 4/18/2023

[Signature]
EXP 4/18/2023

Property Information

Tax Map Number: 08113-001009

Current Zoning: TND Total Acres: 0.60

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

Proposed City of Flowery Branch Zoning: GB

Current Use: Vacant - Undeveloped

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

Conflict of Interest Disclosure

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

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

None

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

N/A

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

N/A



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

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The development of this site will allow for a use that will be of higher value and be a greater generator of tax revenue to the City. The development of the site will provide a structure that is very well designed, contains attractive landscaping and will be an asset to the neighborhood rather than create a hardship on the other adjacent owners.

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Due to the location of the property abutting a minor thoroughfare with commercial uses and the limited amount of useable land, use as currently zoned could be deemed unfavorable for residential due to noise and light pollution, and traffic concerns.

Names and Addresses of Adjoining Property Owners (per Hall County qPublic):

Texaco Gas and Convenience Store-5415 Atlanta Hwy.

Zoned HB

Luqmaan 3 Inc.

11 Cottage Walk NW

Cartersville, GA 30121

BP Gas and Convenience Store-5504 Phil Niekro Blvd.

Zoned GB

Robert Wayne Mason, et. al.

3705 Maple Forge Lane

Gainesville, GA 30504

Undeveloped 12.15 Acres-across Phil Niekro Blvd. from subject property

Zoned HB

Ionut Melniciuc

1377 Duncan Lane

Suite A

Auburn, GA 30011

Residential Rental Property-5405 Mulberry Street

Zoned TND

John Cassidy

1124 Beaver Dam Road

Hoschton, GA 30548

To be include in Addendum to the Application:

1. Landscape Plan
2. Color Rendering of Building Elevations

SURVEY LEGAL DESCRIPTION – 5415 Mulberry St.

ALL THAT LOT, TRACT OR PARCEL OF LAND CONTAINING 0.60 ACRES LYING AND BEING IN LAND LOT 113 OF THE 8TH DISTRICT, IN THE CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT AT THE INTERSECTION OF THE CENTERLINES OF MULBERRY STREET AND SPOUT SPRINGS EXTENSION (A/K/A PHIL NIEKRO BOULEVARD); THENCE NORTH 46 DEGREES 42 MINUTES 42 SECONDS EAST A DISTANCE OF 66.56 FEET TO AN IRON PIN SET AT THE INTERSECTION OF THE SOUTHEASTERN RIGHT OF WAY OF MULBERRY STREET (40 FOOT RIGHT OF WAY) AND THE NORTHEASTERN RIGHT OF WAY OF SPOUT SPRINGS EXTENSION (RIGHT OF WAY VARIES), SAID IRON PIN BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND ALONG THE AFOREMENTIONED SOUTHEASTERN RIGHT OF WAY OF MULBERRY STREET NORTH 29 DEGREES 17 MINUTES 16 SECONDS EAST A DISTANCE OF 82.86 FEET TO A 1/2 INCH REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY SOUTH 67 DEGREES 19 MINUTES 41 SECONDS EAST A DISTANCE OF 128.75 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 49 DEGREES 45 MINUTES 30 SECONDS EAST A DISTANCE OF 161.20 FEET TO A POINT IN THE CENTERLINE OF A CREEK; THENCE ALONG THE CENTERLINE OF SAID CREEK SOUTH 60 DEGREES 20 MINUTES 19 SECONDS WEST A DISTANCE OF 42.16 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE OF CREEK SOUTH 33 DEGREES 17 MINUTES 06 SECONDS WEST A DISTANCE OF 53.73 FEET TO A POINT AT THE INTERSECTION OF SAID CENTERLINE OF CREEK AND THE AFOREMENTIONED NORTHEASTERN RIGHT OF WAY OF SPOUT SPRINGS EXTENSION; THENCE ALONG THE NORTHEASTERN RIGHT OF WAY OF SPOUT SPRINGS EXTENSION NORTH 55 DEGREES 44 MINUTES 38 SECONDS WEST A DISTANCE OF 261.65 FEET TO AN IRON PIN SET, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING.

SURVEY NOTES:

1. REFERENCES FOR THE BOUNDARY INFORMATION COUNCIL HANDBOOK WAS MADE TO PLAT BOOK 460 AND DEED BOOK 700. THIS TITLE INFORMATION IS IN THE COUNTY CLERK'S OFFICE OF COURTY PUBLIC RECORDS.
2. THE FOLLOWING TITLE COMMITMENT WAS SUPPLIED TO THE SURVEYOR FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NUMBER 0484-002, EFFECTIVE DATE: JULY 9, 2021.
3. THE ADDRESS OF THE SURVEYED PROPERTY IS 5415 MULBERRY STREET, ACCORDING TO HALL COUNTY GIS RECORDS.
4. A PORTION OF THIS PROPERTY LIES WITHIN "ZONE A" FLOOD HAZARD ZONE, AS IDENTIFIED ON 100M COMMUNITY PANEL NO. 1213002091 G, DATED APRIL 4, 2018.
5. THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN ARE BASED UPON ABOVE GROUND UTILITIES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.
6. THERE WAS NO EVIDENCE OF ANY RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS DURING THE PROCESS OF CONDUCTING THE FIELDWORK.
7. THE SURVEYOR IS NOT AWARE OF ANY PROPOSED CHANGES IN THE STREET RIGHT OF WAY LINES AS SHOWN HEREON. THERE WAS NO EVIDENCE OF RECENT STREET CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
8. THIS PROPERTY IS CURRENTLY ZONED TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT) PER THE CITY OF FLOWERY BRANCH ZONING MAP.
9. BUILDING SETBACKS FOR THIS ZONING CLASSIFICATION ARE AS FOLLOWS:
MINIMUM FRONT YARD SETBACK: 25 FEET
MINIMUM SIDE AND REAR YARD SETBACK: 10 FEET
MINIMUM REAR SETBACK: 25 FEET
(SOURCE: CITY OF FLOWERY BRANCH ZONING MAP)
10. THE FACILITY OF THE FOLLOWS SURVEY WAS NOT OBSERVED ON JULY 23, 2021.

THE SURVEYOR HAS REVIEWED THE PLAT AND DEED RECORDS TO THE BEST OF HIS KNOWLEDGE AND BELIEVES THE PLAT AND DEED RECORDS TO BE CORRECT AND ACCURATE.

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ALTA/NSPS LAND TITLE SURVEY CERTIFICATION

TO: FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEYON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE ALTA AND NSPS SURVEYING STANDARDS FOR ALTA AND NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1.2, 3.4, 5.6, 13.14, 18.17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 23, 2021.

DATE: 8/9/21

DATE: 8/9/21

DATE: 8/9/21

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DATE: 8/9/21

GA
LAND SURVEYOR
404-384-9577
GA LAND SURVEYOR, LLC
3355 ANNANDALE LANE, STE 1
SUWANEE, GA 30024



ALTA/NSPS LAND TITLE SURVEY FOR:
5415 MULBERRY STREET
LAND LOT 113, 8th DISTRICT, HALL COUNTY, GEORGIA
PARCEL NO. 08113 001008
BEING IN THE CITY OF FLOWERY BRANCH

DATE	ISSUE	DESCRIPTION	NO.	DATE
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100	100	100	100	100

TITLE NOTES (SCHEDULE B.10)

FROM FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NUMBER 0484-002, EFFECTIVE DATE: JULY 9, 2021

7. AGREEMENT BY AND BETWEEN DON CLARK AND GEORGIA SHOE MANUFACTURING COMPANY, DATED 6-1-1964 AND RECORDED AT DEED BOOK 148, PAGE 388, OFFICE OF THE CLERK OF THE SUPERIOR COURT OF HALL COUNTY, GEORGIA. (AFFECTS PROPERTY AS SHOWN.)

8. CIVIL ACTION FOR INJUNCTION OF THE DECLARATION OF TAXING STYLUS FILED 12-18-1967 AND RECORDED AT DEED BOOK 184, PAGE 277, FLOWERY BRANCH, GEORGIA. DATED 6-10-1978 AND RECORDED AT DEED BOOK 608, PAGE 287, FLOWERY BRANCH, GEORGIA. (AFFECTS PROPERTY AS SHOWN.)

9. RIGHT-OF-WAY EASEMENT FROM DON N. CLARK TO CITY OF FLOWERY BRANCH, GEORGIA, DATED 6-10-1978 AND RECORDED AT DEED BOOK 608, PAGE 287, FLOWERY BRANCH, GEORGIA. (AFFECTS PROPERTY AS SHOWN.)

10. EASEMENT FROM LARRY H. CLARK, DON E. CLARK, NIAN D. CLARK AND DON E. CLARK, JR. TO CITY OF FLOWERY BRANCH, GEORGIA, DATED 6-10-1978 AND RECORDED AT DEED BOOK 608, PAGE 287, FLOWERY BRANCH, GEORGIA. (AFFECTS PROPERTY AS SHOWN.)

11. SURVEY LINES AS DISCLOSED ON THAT PLAT FOR DON H. CLARK, EBT DATED 8-8-1984 AND RECORDED AT SLIDE 485, PAGE 213A, AT OREBAID RECORDS. (AFFECTS PROPERTY AS SHOWN.)

12. RECORDS. (AFFECTS PROPERTY AS SHOWN.)

13. RECORDS. (AFFECTS PROPERTY AS SHOWN.)

14. RECORDS. (AFFECTS PROPERTY AS SHOWN.)

15. RECORDS. (AFFECTS PROPERTY AS SHOWN.)

16. RECORDS. (AFFECTS PROPERTY AS SHOWN.)

17. RECORDS. (AFFECTS PROPERTY AS SHOWN.)

18. RECORDS. (AFFECTS PROPERTY AS SHOWN.)

19. RECORDS. (AFFECTS PROPERTY AS SHOWN.)

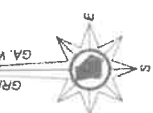
20. RECORDS. (AFFECTS PROPERTY AS SHOWN.)

21. RECORDS. (AFFECTS PROPERTY AS SHOWN.)

22. RECORDS. (AFFECTS PROPERTY AS SHOWN.)



GRAPHIC SCALE
1" = 30'



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LOCATION MAP (NOT TO SCALE)

FIELD OF VIEW OF THIS SURVEY WAS TAKEN FROM THE SURVEYOR'S POSITION AT THE TIME OF THE SURVEY. THE SURVEYOR HAS REVIEWED THE PLAT AND DEED RECORDS TO THE BEST OF HIS KNOWLEDGE AND BELIEVES THE PLAT AND DEED RECORDS TO BE CORRECT AND ACCURATE.

LEGEND

SYMBOL	DESCRIPTION
1	1
2	2
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10	10
11	11
12	12

REZONING PLAN

PROJECT NUMBER	103304
DATE	5/7/71
FIELD NUMBER	1
DEGREE BY	MS

55415 Mulberry Street
REZONING EXHIBIT
SITE INFORMATION
9411 MULBERRY ST
FLOWER BAY, GEORGIA
HALL COUNTY
LAND LOT 113, B14 DISTRICT
ZONED TO M8 DISTRICT
0.80 ACRES
24-188 CONTACT: THOMAS WELLS
CONTACT PERSON: THOMAS WELLS
404) 358-1178

9-24-21
 0800C 11
 DOVETAIL
 ivildesigninc
 3651 Mars Hill Road
 Suite 1800
 Wakeham, GA 30677
 Office: (678) 726-3300
 Fax: (678) 804-1874
 www.dovetailiv.com



ND5020
REZONING
8/27/21



PROJECT NOTES

1. THE EXISTING PROPERTY IS LOCATED IN LAND LOT 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927,

DEVELOPMENT STATISTICS

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CITY OF FLOWERY BRANCH INSPECTIONS

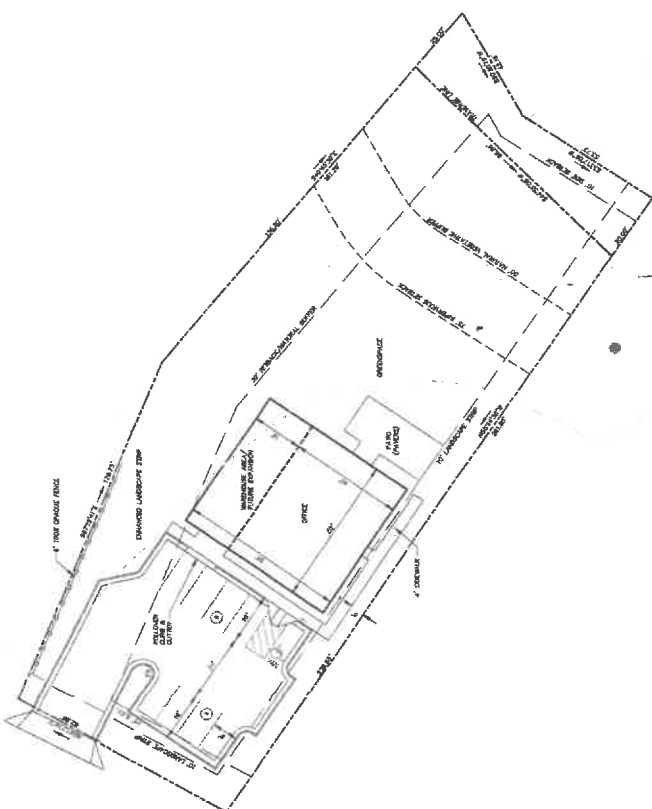
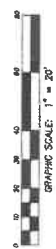
CITY OF PLAZA, BRANCH INSPECTION AT LEAST 24 HOURS BEFORE
BEGINNING ANY PHASE OF CONSTRUCTION. (770) 667-8378

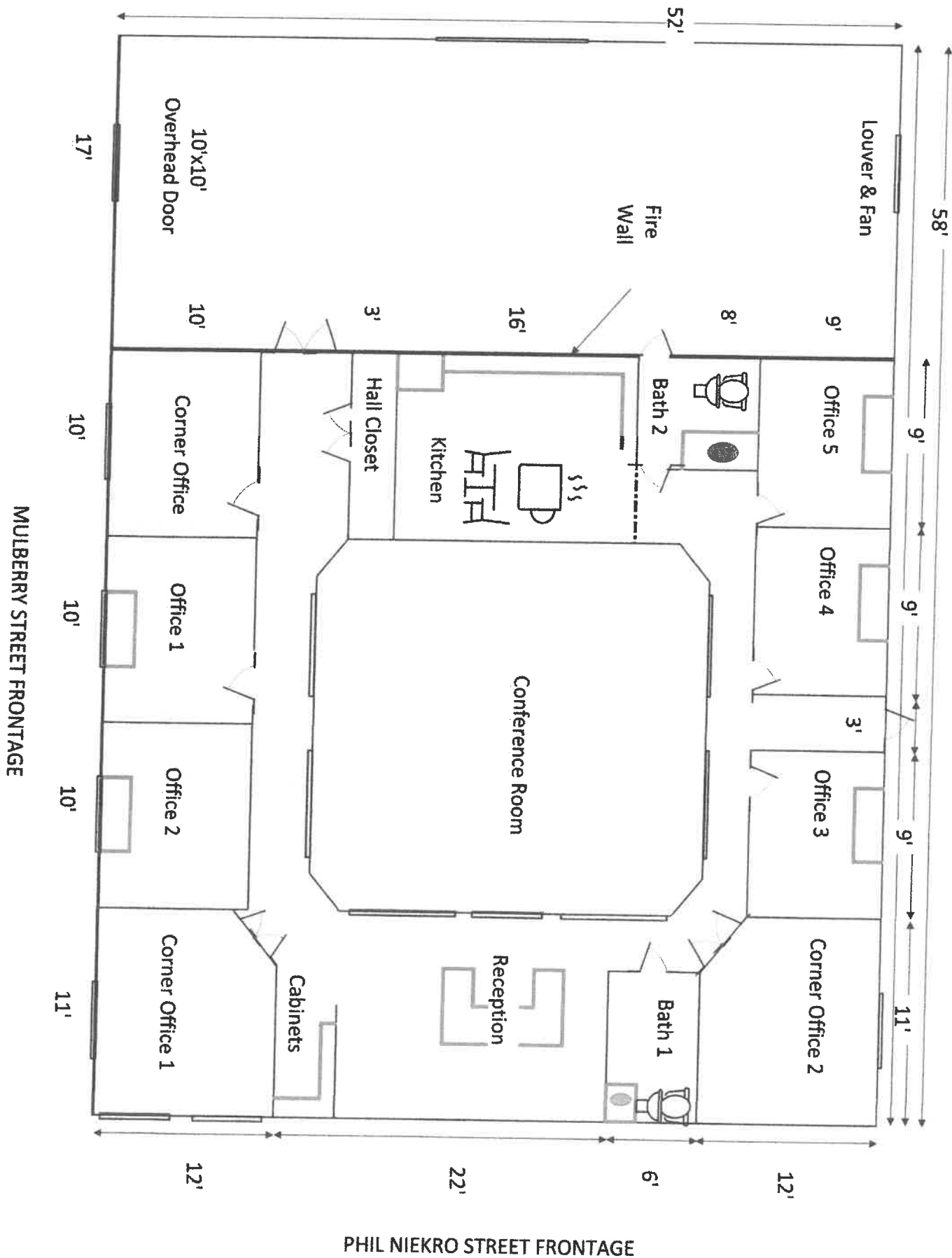
UTILITY CONSTRUCTION NOTE

THE INSTALLATION, RELOCATION OR REMOVAL OF ANY UTILITY LINES OR STRUCTURES MUST BE APPROVED AT THE SUPERVISION AND DESIGN OF THE APPROPRIATE UTILITY DEPARTMENT. INSTRUCTIONS AND REQUIREMENTS ISSUED BY THE UTILITY DEPARTMENTS MUST SUPERSEDE THOSE GIVEN ON THESE PLANS IF THEY EXCEED THE RECOMMENDATIONS INCLUDED HEREIN.



Know what's below.
Call before you dig.







FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood District (TND) to Central Business District (CBD).

COUNCIL MEETING DATE: October 7, 2021

HISTORY:

This is the public hearing and first read of ordinances 641, 642, and 643. The request is to rezone three (3) parcels of land known as 5611 Church Street, 5615 Church Street, and 5621 Church from Traditional Neighborhood District (TND) to Central Business District (CBD) with the intent to construct a new subdivision consisting of fourteen (14) townhomes.

The initial staff report and the first draft of the ordinances are attached below.

FACTS AND ISSUES:

Staff recommends approval of the request to rezone the subject properties from Traditional Neighborhood Development District (TND) to conditional Central Business District (CBD). Staff recommends approval of the townhome use at a maximum density of 14 units/acre subject to the conditions set forth in Exhibit C of the rezoning ordinances.

Staff does not recommend construction approval for the following reasons:

1. The elevations do not meet the intent of the “Traditional Neighborhood” character area of the Flowery Branch Comprehensive Plan as it does not emphasize or even consider a front porch.
2. The elevations do not meet the intent of the “Old Town” character area of the Flowery Branch Comprehensive Plan as it does not present a style that is consistent with the historic fabric of the downtown.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the rezoning request. Elevations should be revised and brought back to Council for approval.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [South Hall Staff Report_REVISED 9.30.pdf](#)
- [Combined South Hall Ordinances for October 7.pdf](#)



Applicant: South Hall, LLC

Property Owner: South Hall, LLC

Subject Properties: 5611 Church Street, Tax Parcel ID No. 08112A 002007; 5615 Church Street, Tax Parcel ID No. 08112A 002008; 5621 Church Street, Tax Parcel ID No. 08112A 002009; Totaling 1.10 +/- Acres

Request: Rezone subject properties from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

Current Use: Vacant Residential

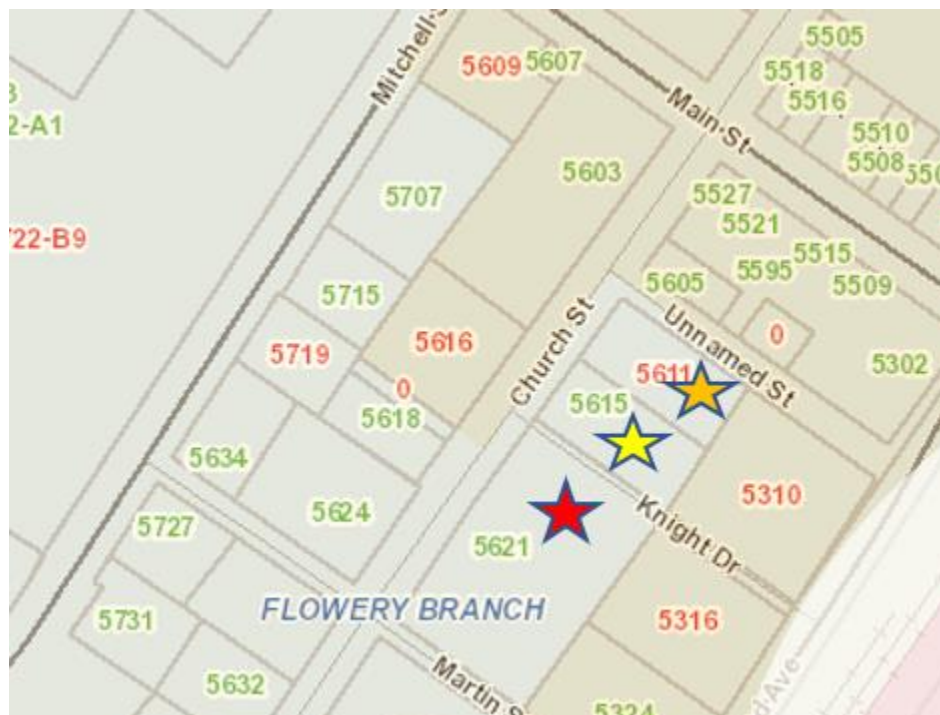
Proposed Use: 14 residential townhomes

Character Area: Traditional Neighborhood

Proposal

Applicant proposes to rezone and combine three (3) parcels of land totaling 1.10+/- acres from Traditional Neighborhood Development District (TND) to Central Business District (CBD) with the intention of constructing fourteen (14) for sale townhome units.

Location Map





Aerial





General Layout of Proposed





Renderings

Front elevations facing Church Street



Rear elevations with attached garages facing the future Flowery Branch Farmers Market





Rear elevations with detached garages facing the future Flowery Branch Farmers Market



Comprehensive Plan

Currently, the subject properties are located in the “Traditional Neighborhood” character area as designated by the Comprehensive Plan’s “Future Development Map”. The “Traditional Neighborhood” character designation permits townhomes and lots smaller than 1/3 of an acre. The “Old Town” character designation, which surrounds the proposed development site on three sides - the northwest, northeast and southwest sides - also suits this proposal. The character area may remain as it currently designated and meet the intent of the Comprehensive Plan, or it may be changed to the “Old Town” designation which it may be better suited for. The plan can be found here:

<https://oldtownflowerybranch.files.wordpress.com/2014/01/oldtownredevelopmentplan.pdf>

Regardless of whether included in the Traditional Neighborhood or Old Town character area, the intent of Comprehensive Plan is not compromised by a fourteen (14) unit townhome development.



Traditional Neighborhood

The Traditional Neighborhood character area includes the in-town residential areas around the downtown core of Old Town.

Vision

Maintain the character and development pattern of the originally settled neighborhoods of Flowery Branch, with sensitive residential in-fill development and careful improvements where required including new sidewalks, street trees, and other pedestrian-friendly streetscape features.

Design Principles

- Little if any building setbacks from city streets
- Rectangular or square blocks and lots, and block lengths should not exceed 800 feet without intervening (mid-block) pedestrian footpaths
- Narrow streets in a grid-like pattern with shade trees
- Building facades emphasize porches
- Rear entry garage or detached rear garage, with the exception that a garage may be recessed behind the front façade if off-street parking must be directly accessed from the street and directly facing the street
- Wide sidewalks
- Smaller lots/higher density than Suburban Residential
- Provision of public greens or common areas when new neighborhoods are created
- Design review required for compatibility with existing residences

Land Uses

- Primarily single-family detached dwellings
- Townhouses may be allowed
- Greens, plazas, and pocket parks incorporated into development plans

Zoning

- TND, Traditional Neighborhood Development

Illustrative Photos

Mitchell Street in-fill housing concepts with compatible architectural styles & emphasis on the porch



Infill development on Chestnut St. with rear entry garages



New development should be consistent with the style and building materials of this existing dwelling





Old Town

Old Town encompasses the historic central business district and includes a significant portion of the Old Town Redevelopment Plan (2014) boundary and the Flowery Branch Historic District.

Vision

Protect and enhance downtown, making it a vibrant, pedestrian-friendly focal point of the [City](#) that integrates new development in a historic framework with a mix of uses, increased density at a comfortable scale, and open spaces and high quality buildings that enhance the public realm.

Design Principles

- Small blocks; lots on narrow streets
- Pocket parks or greenspace as a part of mixed-use developments
- Architectural style and building materials that complement the historic fabric of the area (design review is required)
- Typically greater lot coverages, building heights, and building intensities and little or no front and side building setbacks when compared with other character areas
- Redevelopment must be consistent with principles and recommendations of the Old Town Redevelopment Plan

Land Uses

“Main Street”-style commercial and vertical mixed use with retail and restaurants. Residential uses include upper floor dwelling units in mixed use buildings, single-family dwellings, and limited townhome development.

Zoning

- CBD, Central Business District
- TND, Traditional Neighborhood Development

Implementation Strategies

Update the 2014 Old Town Redevelopment Plan to identify additional development/redevelopment opportunities (and their acceptable use types and densities) to facilitate administration of the CBD zoning district.

Illustrative Photos

The Crest mixed-use buildings on Main Street will be constructed of traditional brick



Historic brick commercial buildings opposite The Crest



Brick used as a residential accent material, consistent with existing dwellings in the area



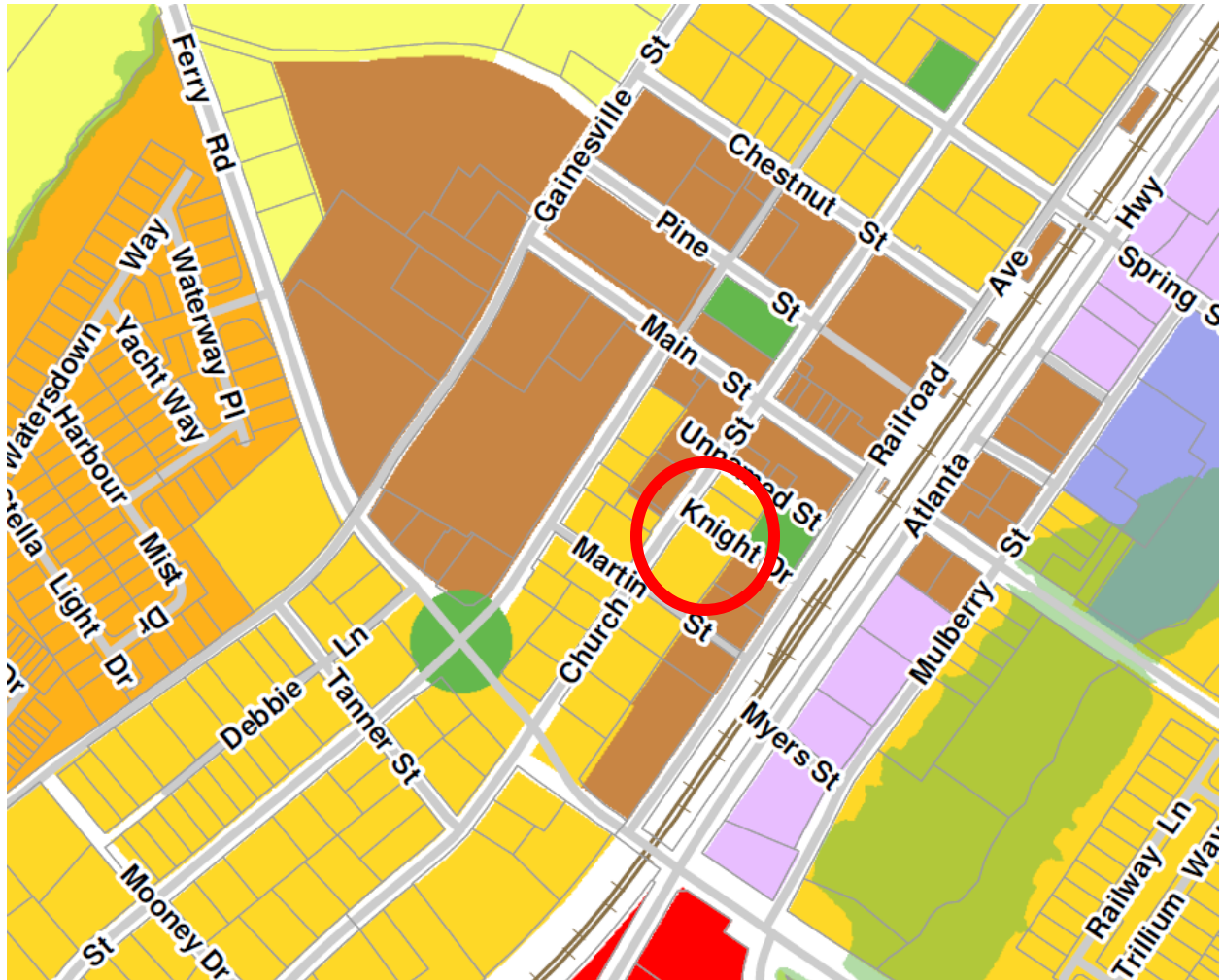
Brick used on site features in a townhome development



Planned plaza between the Farmers Market



Character area map:





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, residential townhomes are suitable for this location in view of the use and development of nearby property such as the townhome development under construction on the old Mooney Manufacturing site and the condominiums above the Main Street commercial buildings to the north of the subject properties.*
- (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 add additional residences in downtown consistent with the City's Downtown Redevelopment Plan.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Yes, current zoning of TND allows for the construction of attached or detached single family residences.*
- (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 addition of 14 residential units will not create any excessive or burdensome use of existing streets, transportation facilities, utilities or schools.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *Currently, the Comprehensive Plan denotes this area as part of the "Traditional Neighborhood" character area. Moreover, the "Old Town" character area surrounds this area on three sides. Both character areas allow for higher density, smaller lot townhome development. Therefore, the proposal is in conformity with the policy and intent of the comprehensive plan and is consistent with the character area map and future land use map.*



- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. The City is in the process of implementing the Downtown Redevelopment Plan as evidenced by the Main Street redevelopment nearing completion and the start of construction for the Farmers Market and related public improvements. The subject property will enhance the implementation of the City's Downtown Redevelopment Plan as described above by adding more residents to support the planned downtown development.
- (g) Existing use(s) and zoning of the subject property and nearby properties. Currently vacant, the proposed use will clear vacant, dilapidated and uninhabitable housing and will add improved residential properties in the downtown area. The subject property is currently zoned Traditional Neighborhood Development District (TND), but is surrounded on three sides by property zoned Central Business District (CBD).
- (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. No such information has been provided by the applicant and such information cannot be discerned by staff.
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. Staff does not feel that the proposed will be a deterrent to the adjacent properties as adjacent properties surrounding the subject properties on three sides are currently zoned Central Business District (CBD).
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. No such isolated zoning district would be created where a rezoning to Central Business District (CBD) would be consistent with the adjacent properties currently zoned Central Business District (CBD).
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. No negative effects anticipated. The subject properties are surrounded on three sides by Central Business District (CBD) zoned properties. There will be no change from residential use. Both the Traditional Neighborhood and Old Town character areas allow for townhomes, higher densities and smaller lot sizes.
- (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 meets the intent of the Zoning Ordinance regarding use and density.**

Central Business District Requirements

The Central Business District (CBD) zoning is a unique classification as it allows for flexibility in use and design, but requires additional construction approval by City Council for any projects. The CBD zoning and construction may be granted concurrently, such that all the project requirements can be met as part of the rezoning process thus eliminating subsequent Council construction approval review. Alternatively, parcels may be rezoned to CBD without the construction approval which can be considered at a later date.

Sec. 9.5. CBD, Central Business District.

- (a) Purpose and Description. This zoning district is intended to implement the redevelopment element of the Flowery Branch Comprehensive Plan, as amended. This zoning district is also intended to implement the “Central Business” designation of the Future Land Use Map contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Old Town” character area established in the comprehensive plan, as amended. All construction projects require approval by the City Council of Flowery Branch. For lots zoned CBD which are within the city’s local historic district, compliance with the city’s historic preservation ordinance is also required.
- (b) Character. This district is a compact area corresponding with the city’s downtown core. It is characterized by a grid block pattern with skinny streets, sidewalks composed of distinctive materials (e.g., stamped concrete) and lined with street trees. Developments are built to a pedestrian-friendly scale (i.e., “Main Street Commercial”) and include plazas and small urban pocket parks. Buildings and structures which are considered “historic” are retained to maintain the overall historic character of the area.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.”
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”
- (e) Construction Approval. Any proposed construction project must be approved by the City Council prior to issuance of any permit.



(f) Construction Approval Requirements All construction proposals shall submit at a minimum the following:

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



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

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



Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

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

(Ord. 348-13)



Use	O-P	INST	NS	HB	CBD	M-1	M-2
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	P	P	X	P	P
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary (Ord. 348-13)	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P	P	X	X	P	X	X
Dwelling, single-family detached, condominium	P	P	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	P	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, two-family (duplex)	C	C	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X

Staff Recommendation

Staff recommends approval of the request to rezone the subject properties from Traditional Neighborhood Development District (TND) to conditional Central Business District (CBD). Staff recommends approval of the townhome use at a maximum density of 14 units/acre subject to the conditions set forth in Exhibit C of the rezoning ordinances.

Staff does not recommend construction approval for the following reasons:

1. The elevations do not meet the intent of the "Traditional Neighborhood" character area of the Flowery Branch Comprehensive Plan as it does not emphasize or even consider a front porch.
2. The elevations do not meet the intent of the "Old Town" character area of the Flowery Branch Comprehensive Plan as it does not present a style that is consistent with the historic fabric of the downtown.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

ORDINANCE 641

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A .20 +/- ACRES PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC, IDENTIFIED AS 5611 CHURCH STREET, TAX PARCEL NO. 08112A 002007, AS SHOWN ON EXHIBIT “A”, AND AS DESCRIBED ON EXHIBIT “B”, FROM TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD) SUBJECT TO THE CONDITIONS SET FORTH ON EXHIBIT “C”; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, South Hall, LLC owns the .20 +/- acre parcel of land known as 5611 Church Street, identified as Parcel Tax Identification No. 08112A 002007, as shown on Exhibit “A” and as described on Exhibit “B”; and

WHEREAS, South Hall, LLC 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 7, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Traditional Neighborhood Development District (TND) to Central Business District (CBD) 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.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

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 TND (Traditional Neighborhood Development District).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the 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 .20 +/- acre parcel of land known as 5611 Church Street, identified as Parcel Tax Identification No.08112A 002007 as shown on Exhibit "A", and legally described in Exhibit "B", is hereby rezoned from Traditional Neighborhood Development District (TND) to Central Business District (CBD) subject to the conditions set forth on Exhibit "C". Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be October 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 112 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particular described as follows;

BEGINNING at a nail found at the centerline intersection of Church Street (40' right of way) and Main Street (75' right of way); THENCE following a tie line on Church Street South 27 degrees 59 minutes 41 seconds West for a distance of 166.10 feet to an iron pin set on the right of way of Church Street, said point being the **TRUE POINT OF BEGINNING**;

THENCE leaving the right of way of Church street and along an alley way South 55 degrees 17 minutes 20 seconds East for a distance of 116.00 feet to an iron pin set; THENCE leaving the alley way South 35 degrees 39 minutes 40 seconds West for a distance of 70.84 feet to an iron pin set; THENCE North 54 degrees 16 minutes 35 seconds West for a distance of 116.00 feet to a 1 inch open top pipe found on the right of way of Church street; THENCE along the right of way of Church Street North 35 degrees 40 minutes 28 seconds East for a distance of 68.79 feet to an iron pin set, said point being the **TRUE POINT OF BEGINNING**.

Exhibit "C"

1. The project shall be limited to no more than fourteen (14) single family, for sale, townhomes.
2. A homeowner's association is required.
3. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
4. No more than 20% of the townhomes may be leased. Said restriction shall be mandated as part of the covenants and shall be enforced by the homeowner's association.
5. Project shall substantially adhere to the site as shown below:



6. Four-foot (4) sidewalk shall be installed along Church Street running the length of the project.
7. Curb and gutter for the project shall be the responsibility of the City of Flowery Branch.
8. A landscape plan for the entire project shall be submitted to City staff for review and approval.
9. The private alley shall be maintained by the homeowner's association in perpetuity.
10. A lighting package including the fixture types shall be submitted to staff prior to issuance of a building permit.

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First Reading 10/07/21
Adopted 10/21/21

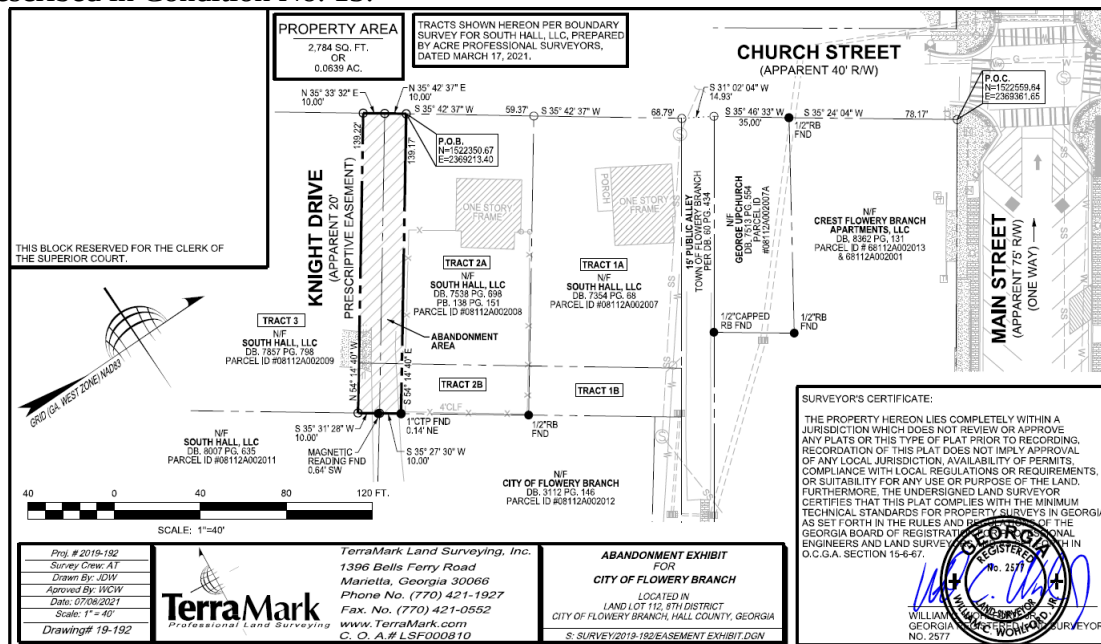
11. Martin Street shall be a one-way street running south-east as shown below:



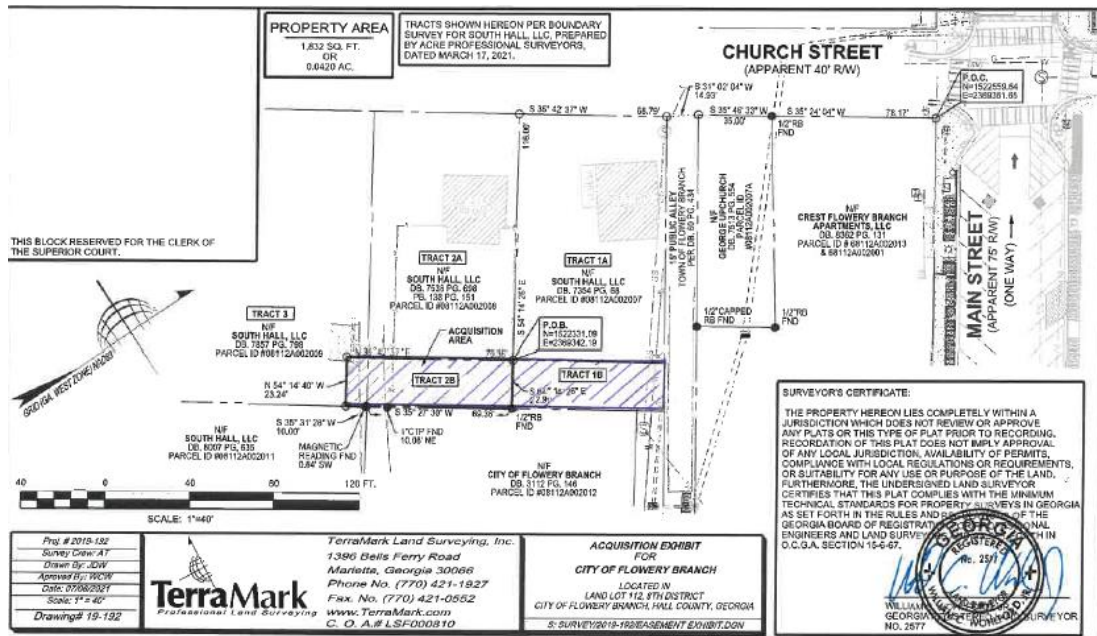
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First Reading 10/07/21
Adopted 10/21/21

12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



13. South Hall, LLC shall deliver to the City of Flowery Branch a quitclaim deed for that portion of proposed Lots 8 through 9 and Knight Drive as shown below to the Gainesville and Hall County Development Authority within fifteen (15) business days of the effective date of this ordinance.



Public Hearing Published	09/15/21
Public Hearing	10/07/21

First Reading	10/07/21
Adopted	10/21/21

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

ORDINANCE 642

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC FROM TRADITIONAL NEIGHBORHOOD DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD); SAID PROPERTY TOTALS .20 +/- ACRES AND IS KNOWN AS 5615 CHURCH STREET, TAX PARCEL 08112A 002008 AND AS SHOWN ON ATTACHED EXHIBIT “A”, 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, South Hall, LLC Owns the .20 +/- acre parcel of land known as 5615 Church Street, identified as Parcel Tax Identification No.08112A 002008, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, South Hall, LLC 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 7, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Traditional Neighborhood District (TND) to Central Business District (CBD) 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.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

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 TND (Traditional Neighborhood District).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the 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 .20 +/- acre parcel of land known as 5615 Church Street, identified as Parcel Tax Identification No.08112A 002008 as shown on Exhibit “A”, and legally described in Exhibit “B”, is hereby rezoned from Traditional Neighborhood District (TND) to Central Business District (CBD). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be October 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st, day of October 2021

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 112 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particular described as follows;

BEGINNING at a nail found at the centerline intersection of Church Street (40' right of way) and Main Street (75' right of way); THENCE following a tie line on Church Street South 27 degrees 59 minutes 41 seconds West for a distance of 166.10 feet to an iron pin set on the right of way of Church Street; THENCE along the right of way of Church Street South 35 degrees 40 minutes 28 seconds West for a distance of 68.79 feet to a 1 inch open top pipe found, said point being the **TRUE POINT OF BEGINNING**;

THENCE leaving the right of way of Church Street South 54 degrees 16 minutes 35 seconds East for a distance of 116.00 feet to an iron pin set; THENCE South 35 degrees 40 minutes 28 seconds West for a distance of 69.36 feet to an iron pin set on the centerline of Knight Drive (20' wide prescriptive easement), THENCE along the centerline of Knight Drive North 54 degrees 16 minutes 49 seconds West for a distance of 116.00 feet to a nail found in a 1 inch open top pipe on the right of way of Church Street; THENCE along the right of way of Church Street North 35 degrees 40 minutes 28 seconds East for a distance of 69.37 feet to a 1 inch open top pipe found, said point being the **TRUE POINT OF BEGINNING**.

Exhibit "C"

1. The project shall be limited to no more than fourteen (14) single family, for sale, townhomes.
2. A homeowner's association is required.
3. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
4. No more than 20% of the townhomes may be leased. Said restriction shall be mandated as part of the covenants and shall be enforced by the homeowner's association.
5. Project shall substantially adhere to the site as shown below:

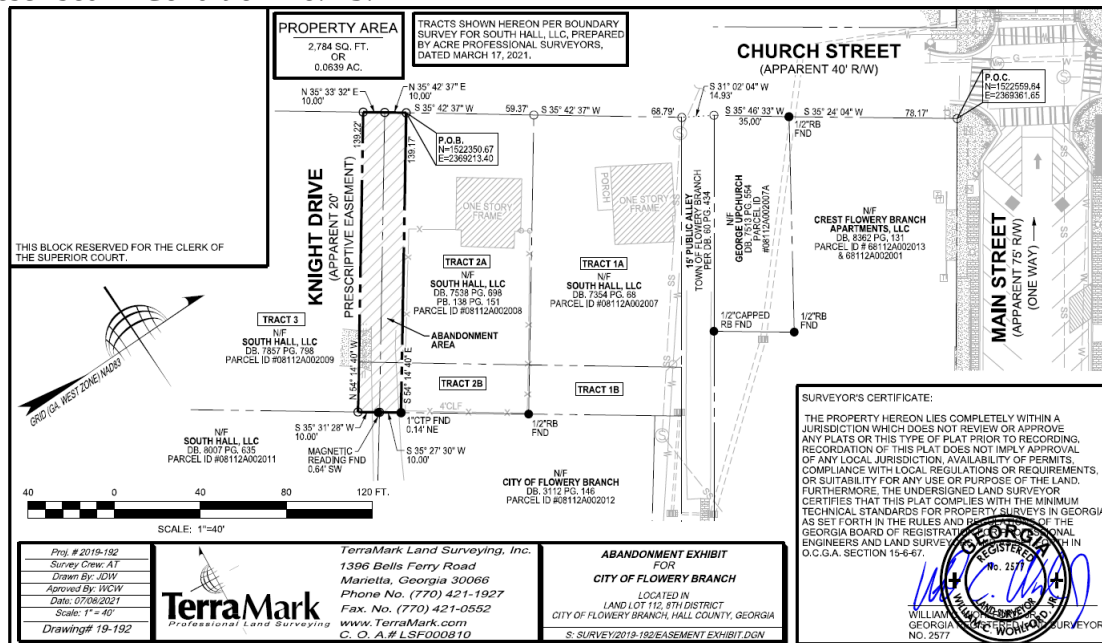


6. Four-foot (4) sidewalk shall be installed along Church Street running the length of the project.
7. Curb and gutter for the project shall be the responsibility of the City of Flowery Branch.
8. A landscape plan for the entire project shall be submitted to City staff for review and approval.
9. The private alley shall be maintained by the homeowner's association in perpetuity.
10. A lighting package including the fixture types shall be submitted to staff prior to issuance of a building permit.

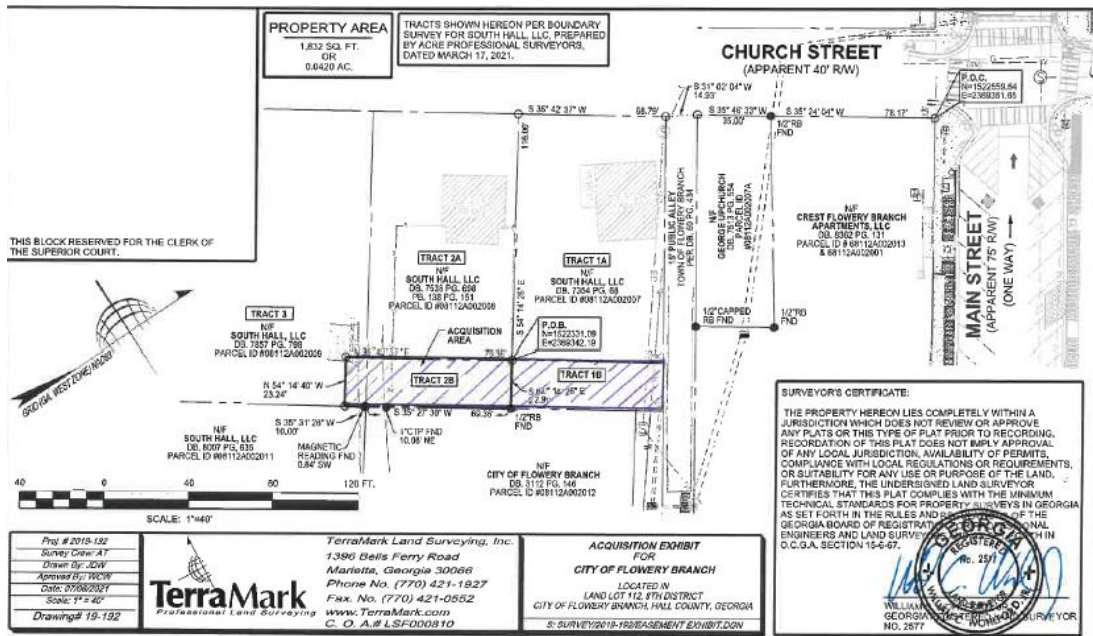
11. Martin Street shall be a one-way street running south-east as shown below:



12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



13. South Hall, LLC shall deliver to the City of Flowery Branch a quitclaim deed for that portion of proposed Lots 8 through 9 and Knight Drive as shown below to the Gainesville and Hall County Development Authority within fifteen (15) business days of the effective date of this ordinance.



Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

ORDINANCE 643

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC FROM TRADITIONAL NEIGHBORHOOD DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD); SAID PROPERTY TOTALS .67 +/- ACRES AND IS KNOWN AS 5621 CHURCH STREET, TAX PARCEL 08112A 002009 AND AS SHOWN ON ATTACHED EXHIBIT “A”, 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, South Hall, LLC Owns the .67 +/- acre parcel of land known as 5621 Church Street, identified as Parcel Tax Identification No.08112A 002009, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, South Hall, LLC 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 7, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Traditional Neighborhood District (TND) to Central Business District (CBD) 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.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

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 TND (Traditional Neighborhood District).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the 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 prevention.

SECTION 2. REZONING.

The .67 +/- acre parcel of land known as 5621 Church Street, identified as Parcel Tax Identification No.08112A 002009 as shown on Exhibit “A”, and legally described in Exhibit “B”, is hereby rezoned from Traditional Neighborhood District (TND) to Central Business District (CBD). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be October 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st, day of October 2021

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

09/15/21
10/07/21

First Reading 10/07/21
Adopted 10/21/21

Exhibit "A"



Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 112 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particular described as follows;

BEGINNING at a nail found at the centerline intersection of Church Street (40' right of way) and Main Street (75' right of way); THENCE following a tie line on Church Street South 27 degrees 59 minutes 41 seconds West for a distance of 166.10 feet to an iron pin set on the right of way of Church Street; THENCE along the right of way of Church Street the following two (2) courses and distances South 35 degrees 40 minutes 28 seconds West for a distance of 68.79 feet to a 1 inch open top pipe found; THENCE South 35 degrees 40 minutes 28 seconds West for a distance of 69.37 feet to a nail found in a 1 inch open top pipe on the centerline of Knight Drive (20' wide prescriptive easement), said point being the **TRUE POINT OF BEGINNING**;

THENCE leaving the right of way of Church street and along the centerline of Knight drive the following two (2) courses and distances South 54 degrees 16 minutes 49 seconds East for a distance of 116.00 feet to an iron pin set; THENCE South 54 degrees 16 minutes 49 seconds East for a distance of 23.21 feet to a nail found; THENCE leaving the centerline of Knight Drive South 35 degrees 29 minutes 19 seconds West for a distance of 199.83 feet to a 5/8 inch rebar found on the right of way of Martin Street (right of way varies); THENCE along the right of way of Martin Street North 54 degrees 19 minutes 44 seconds West for a distance of 139.33 feet to a 1 inch open top pipe found on the right of way of Church Street; THENCE along the right of way of Church Street North 35 degrees 31 minutes 23 seconds East for a distance of 199.95 feet to a nail found in a 1 inch open top pipe on the centerline of Knight Street, said point being the **TRUE POINT OF BEGINNING**.

The above-described tract contains 0.639 acres.

Exhibit "C"

1. The project shall be limited to no more than fourteen (14) single family, for sale, townhomes.
2. A homeowner's association is required.
3. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
4. No more than 20% of the townhomes may be leased. Said restriction shall be mandated as part of the covenants and shall be enforced by the homeowner's association.
5. Project shall substantially adhere to the site as shown below:



6. Four-foot (4) sidewalk shall be installed along Church Street running the length of the project.
7. Curb and gutter for the project shall be the responsibility of the City of Flowery Branch.
8. A landscape plan for the entire project shall be submitted to City staff for review and approval.
9. The private alley shall be maintained by the homeowner's association in perpetuity.
10. A lighting package including the fixture types shall be submitted to staff prior to issuance of a building permit.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

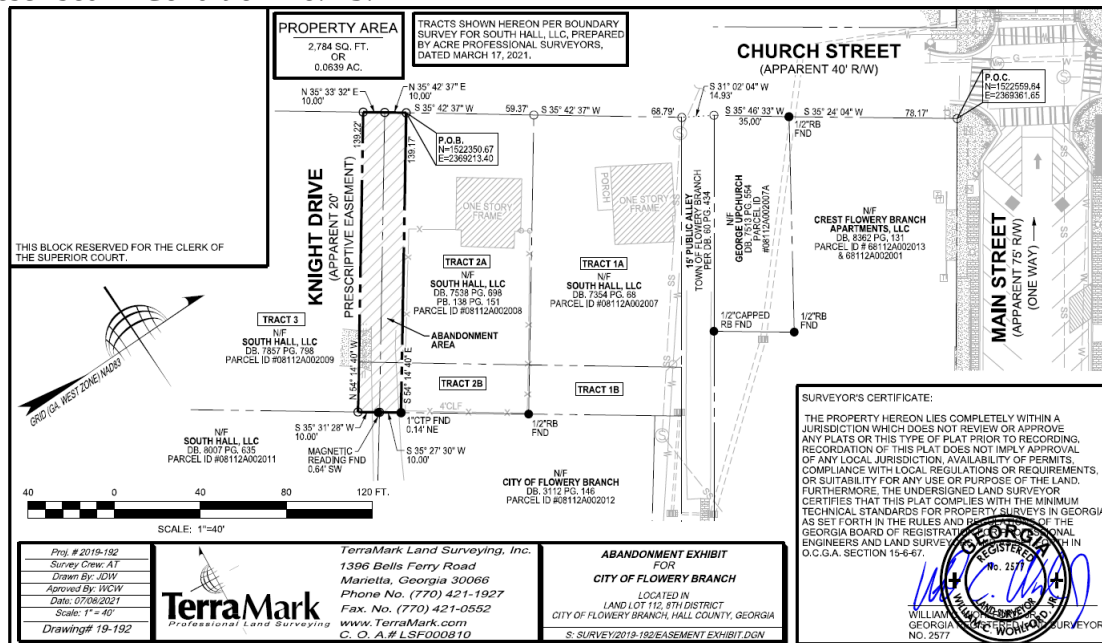
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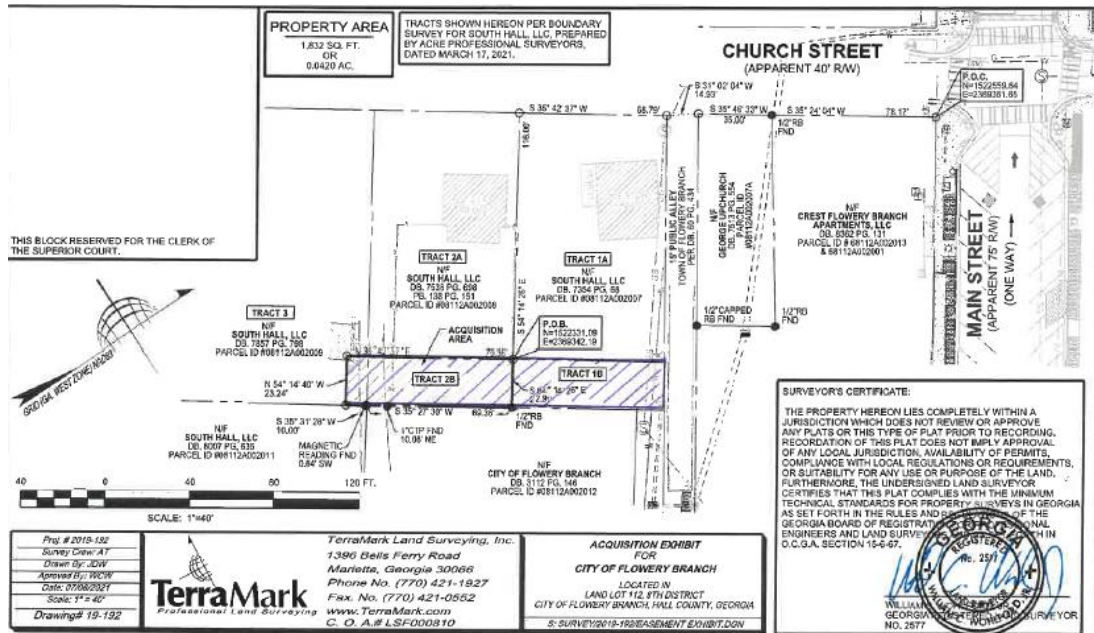
Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



13. South Hall, LLC shall deliver to the City of Flowery Branch a quitclaim deed for that portion of proposed Lots 8 through 9 and Knight Drive as shown below to the Gainesville and Hall County Development Authority within fifteen (15) business days of the effective date of this ordinance.



Public Hearing Published	09/15/21
Public Hearing	10/07/21

First Reading	10/07/21
Adopted	10/21/21



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: October 7, 2021

HISTORY:

Council requested information regarding building materials and appearance of canopy.

FACTS AND ISSUES:

For discussion only

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Work Session only

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Application Scanned.pdf](#)
- [Legal Description - McEver Road Food Mart.docx](#)
- [Pages from 20110 - McEver SHEETS VIC 5-21-2021.pdf](#)
- [ORDINANCE 653.pdf](#)



VARIANCE APPLICATION

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

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

Complete requirements for variances can be found in the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37;

Please verify all the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 37, section 37.5 are being met. Explain below:

Please see letter of intent.

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

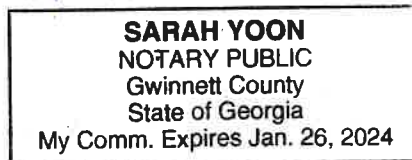
Address: 6095 Atlanta Hwy., Suite 100, Flowery Branch, GA 30542

E-mail address: Tylerl@allianceco.com

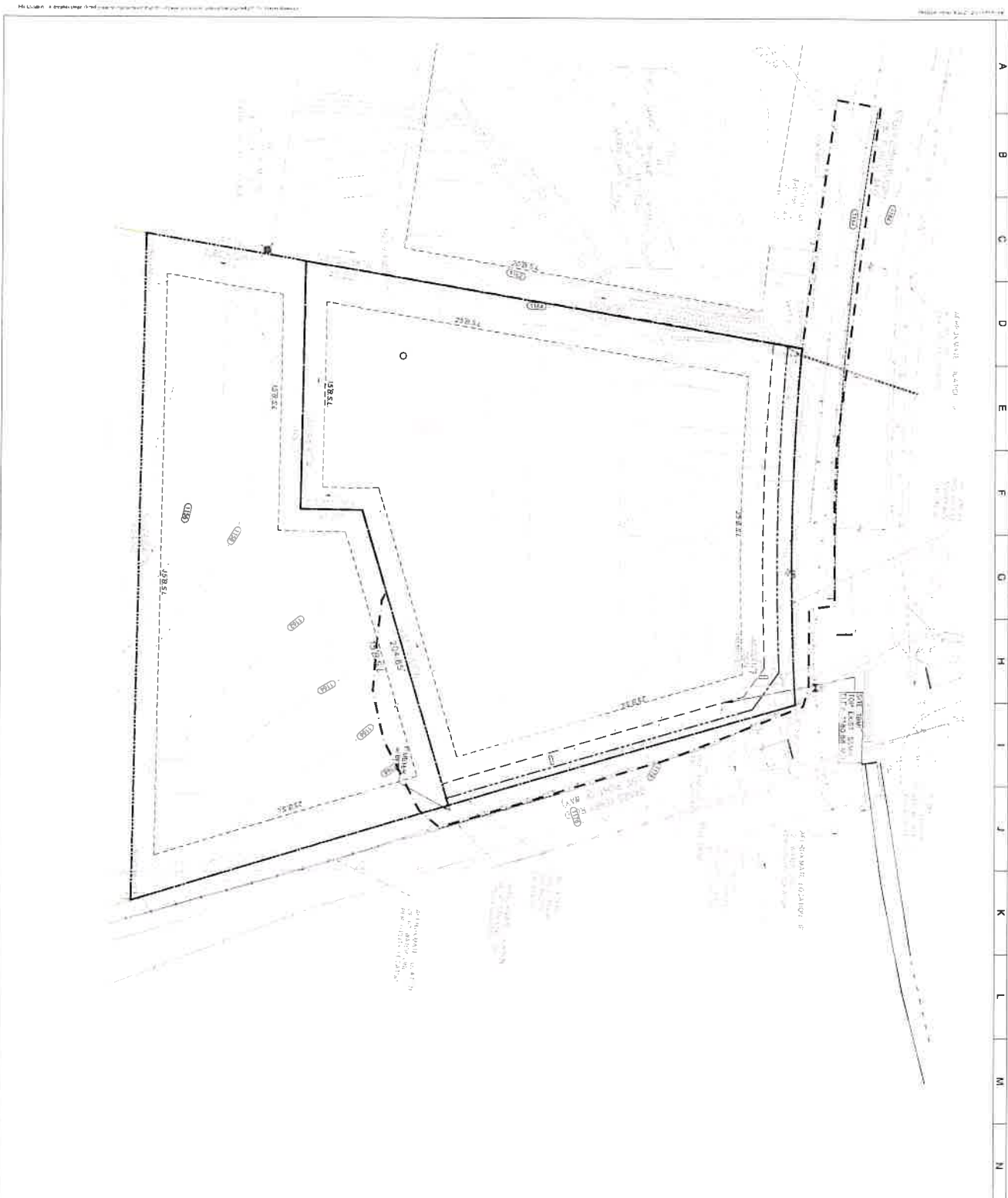
Phone number: (248)342-2558

Signature: _____

Notary Seal:



June 15th 2021



GENERAL DEMOLITION NOTES:

1. DEMOLITION SHALL BE IN ACCORDANCE WITH THE CITY OF FLOWERY BRANCH, GEORGIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING, STANDARD SPECIFICATIONS FOR CONSTRUCTION, LATEST EDITION.
2. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
3. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
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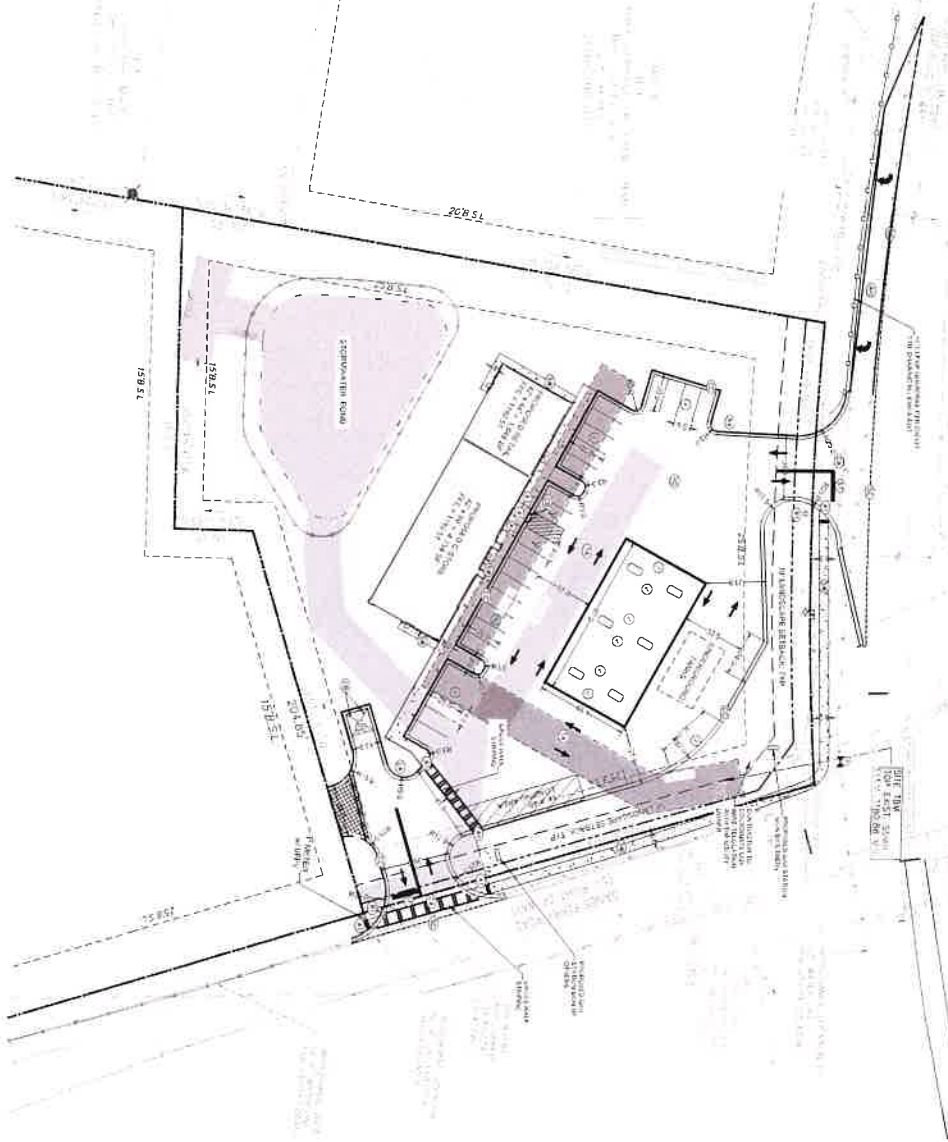
NOTES:

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



ALLIANCE ENGINEERING & PLANNING LANDSCAPE ARCHITECTURE LAND SURVEYING ONE ENGINEERING + LAND PLANNING + LANDSCAPE ARCHITECTURE + LAND SURVEYING 201 W. 10th St. Suite 100 P.O. Box 101111 Tallahassee, FL 32310-0111 www.allianceinc.com	SAGAR ENTERPRISES, INC. 1837 DOVERHILL ROAD DUNWOODY, GA 30043 24 HR CONTACT: KARRI ALY 678-658-1193 KARRIALY2016@YAHOO.COM	Site Construction Plans for McEVER ROAD FOOD MART MCEVER ROAD & GAINES FERRY ROAD CITY OF FLOWERY BRANCH HALL COUNTY, GEORGIA L.L. 139 - DISTRICT 8TH PARCEL # 08 150 002001 TRACT 1A	811 CALL BEFORE YOU DIG EXISTING CONDITION PLAN C-201
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A B C D E F G H I J K L M N O P Q



SYMBOLS LEGEND

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GENERAL NOTES

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TRAFFIC CONTROL NOTES

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PROJECT SITE DATA

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CALL BEFORE YOU DIG

AP ALLIANCE
ENGINEERING & PLANNING
LANDSCAPE ARCHITECTURE
LAND SURVEYING

SEAL
Professional Engineer
State of Georgia
No. 12345
Exp. 12/31/2025

SINGAR ENTERPRISE, INC.
317 DOVERHILL ROAD
LAWRENCEVILLE, GA 30045
(404) 875-1234
KARIM@SINGAR.COM

Site Construction Plans for
McEVER ROAD FOOD MART
McEVER ROAD & GAINES FERRY ROAD
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
LL 123 - DISTRICT 8TH
PARCEL # 08 150 002031 TRACT 1A

811
CALL BEFORE YOU DIG

C-301

Letter of Intent

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

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

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

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

Criteria for Granting Variances

There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

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

A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

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

Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

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

The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;

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

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

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

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

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

The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and

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

The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

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

Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

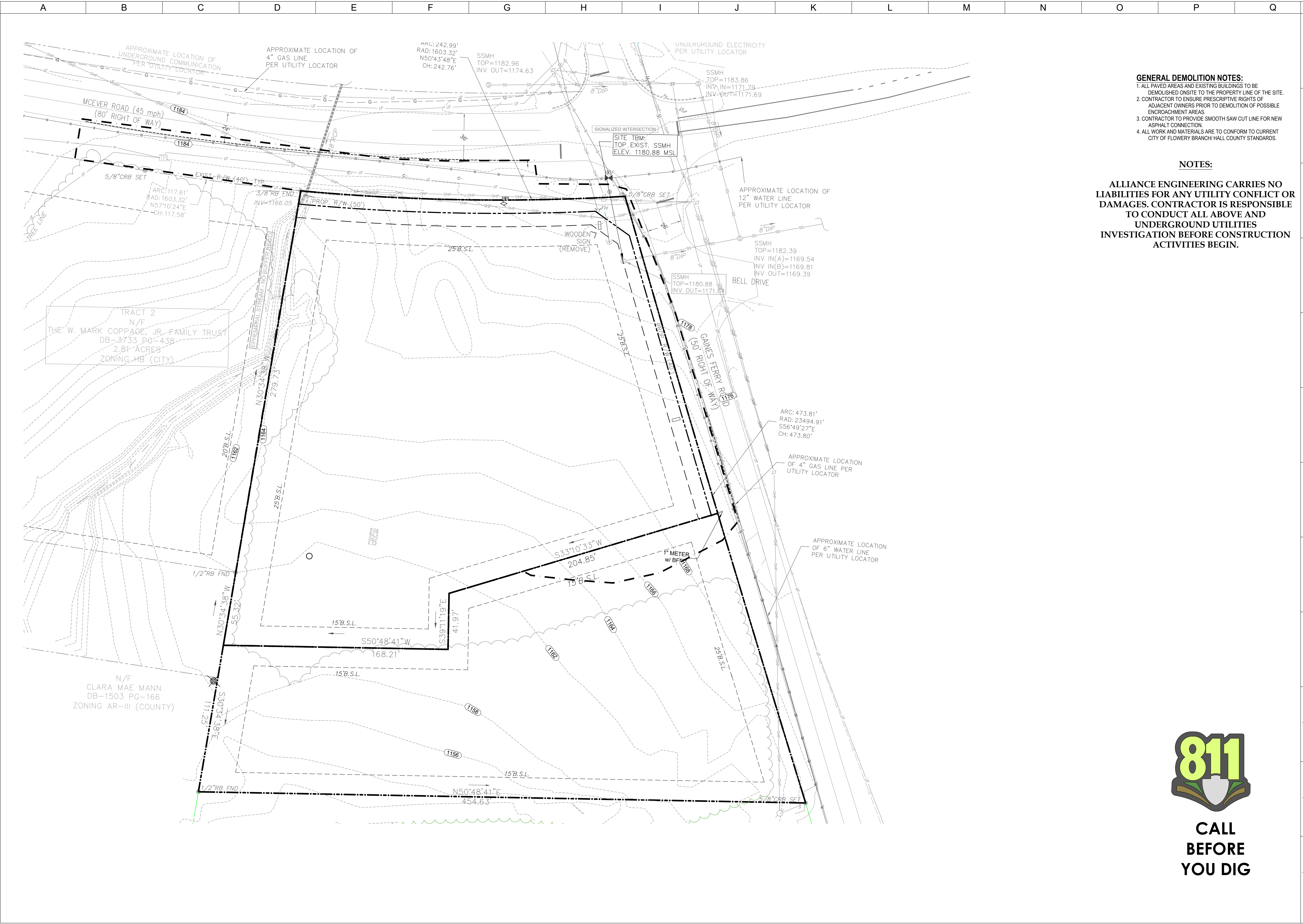
Elected Officials Name

Amount of Description of Gift

Legal Description – McEver Road Food Mart

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

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



GENERAL DEMOLITION NOTES:

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

NOTES:

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



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LANDSCAPE ARCHITECTURE

LAND SURVEYING

Civil Engineering • Land Planning • Landscape Architecture • Land Surveying
299 South Main St., Suite A | Alpharetta, GA 30009
770.225.4730 | www.aepatl.com

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

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

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

DEVELOPER

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

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

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

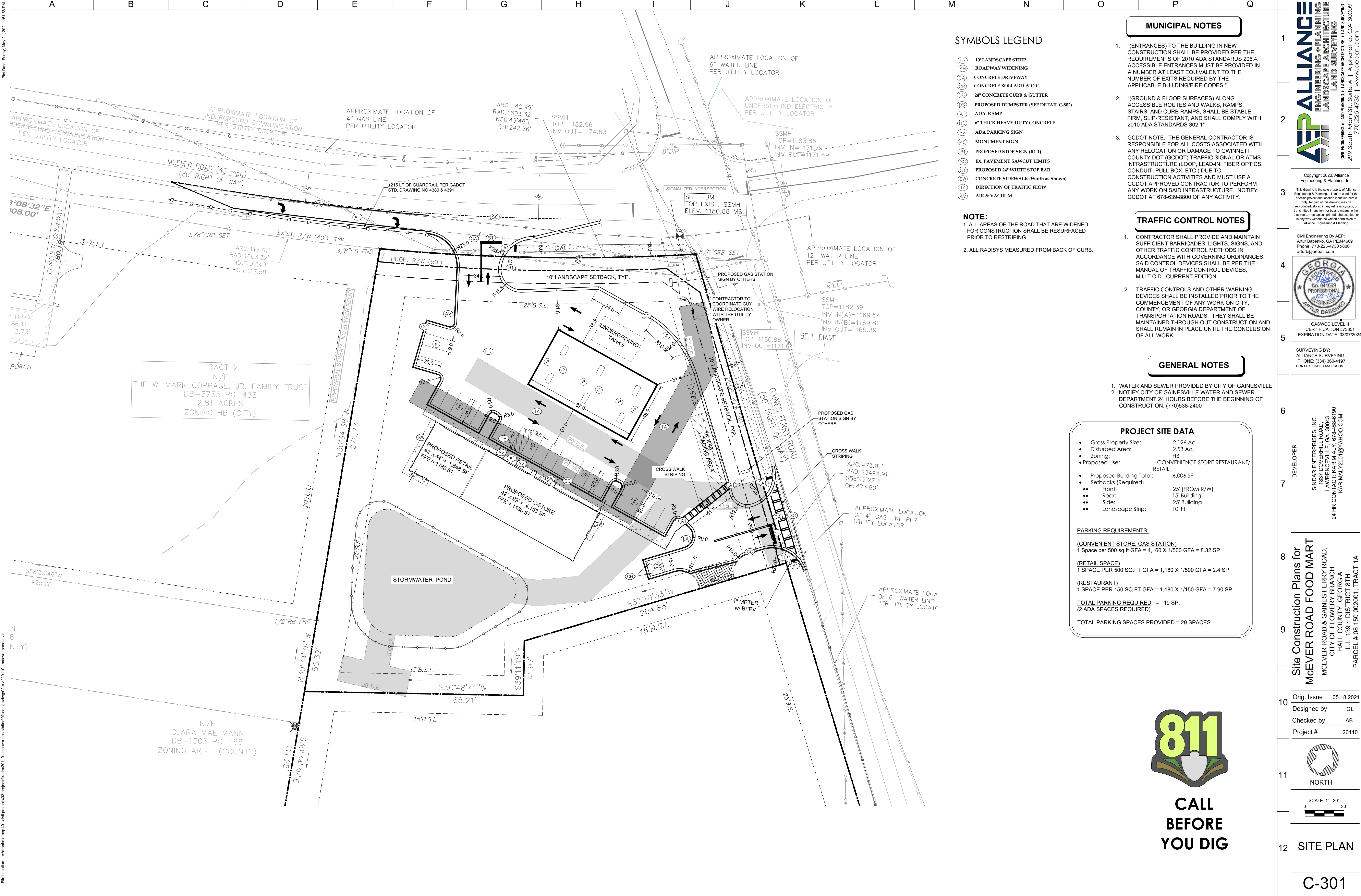
NORTH

SCALE: 1"= 30'

EXISTING
CONDITION
PLAN

C-201

Plot Date: Friday, May 21, 2021 1:51:38 PM
File Location: c:\dtopbox\pdp\01-civil\projects\03-projects\karm\20110 - mcever gas station\02-design\dwg\02-civil\20110 - mcever sheets.dwg
87



SYMBOLS LEGEND

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

NOTE:

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

MUNICIPAL NOTES

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

TRAFFIC CONTROL NOTES

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

GENERAL NOTES

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

PROJECT SITE DATA

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

PARKING REQUIREMENTS:

- (CONVENIENT STORE, GAS STATION)
1 Space per 500 sq.ft GFA = 4,160 X 1/500 GFA = 8.32 SP
- (RETAIL SPACE)
1 SPACE PER 500 SQ.FT GFA = 1,180 X 1/500 GFA = 2.4 SP
- (RESTAURANT)
1 SPACE PER 150 SQ.FT GFA = 1,180 X 1/150 GFA = 7.90 SP
- TOTAL PARKING REQUIRED = 19 SP.
(2 ADA SPACES REQUIRED)
- TOTAL PARKING SPACES PROVIDED = 29 SPACES



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

GEORGIA
REGISTERED
PROFESSIONAL
ENGINEER
ARTUR BABENKO
GASWCC LEVEL II
CERTIFICATION #73351
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24-HR CONTACT: KARIM ALY 678-498-5190
KARIMALY2001@YAHOO.COM

Site Construction Plans for
McEVER ROAD FOOD MART

McEVER ROAD & GAINES FERRY ROAD,
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
LL 139 - DISTRICT 8TH
PARCEL # 08 150 002001, TRACT 1A

Orig. Issue 05.18.2021

Designed by GL

Checked by AB

Project # 20110

NORTH

SCALE: 1"= 30'

0 30

SITE PLAN

C-301

Public Hearing Published 07/07/2021
Public Hearing 08/05/2021

First Reading 09/16/2021
Adopted 10/21/2021

ORDINANCE 653

AN ORDINANCE GRANTING A VARIANCE FROM THE REQUIREMENTS OF ARTICLE 10, SECTION 10.9.(G) OF THE FLOWERY BRANCH ZONING ORDINANCE TO 6477 MCEVER ROAD, OWNED BY BLESSING TRADERS, INC. SHOWN ON EXHIBIT "A", DESCRIBED ON EXHIBIT "B", AND SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C", BY ALLOWING FUEL PUMPS TO BE LOCATED IN FRONT OF THE PRIMARY STRUCTURE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Blessing Traders, Inc. has submitted a written and signed application to the City of Flowery Branch, Georgia requesting a specific variance for property located at 6477 McEver Road; and

WHEREAS, a survey and complete description of the property subject to the requested variance is included in the application; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia held a public hearing on Blessing Traders, Inc.'s application at its meeting of August 5, 2021, which was duly noticed as prescribed by law and published in the Gainesville Times, as shall be set forth in the minutes of said meeting; and

WHEREAS, the City Council of the City of Flowery Branch, Georgia has considered the subject variance application of Blessing Traders, Inc. in conjunction with the standards set forth in Article 37, Section 37.5 of the Zoning Ordinance.

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

SECTION 1. FINDINGS:

The City Council finds that the proposed variance from the City of Flowery Branch Zoning Ordinance Article 10, Section 10.9.(g) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of Article 37, Section 37.5 of the City of Flowery Branch Zoning Ordinance as identified below.

Sec. 37.5. Criteria for Granting Variances.

Any applicant requesting consideration of a variance to any provision of the zoning ordinance shall provide a written justification that one or more of the following condition(s) exist. The City Council shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;

- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed; and
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

SECTION 2. LEGAL DESCRIPTION, VARIANCES GRANTED AND CONDITIONS IMPOSED:

The properties as shown in attached Exhibit "A" and as legally described in Exhibit "B" shall be granted the following variance from the requirements set forth in the Flowery Branch Zoning Ordinance Article 10, Section 10.9.(g):

1. Fuel pumps shall be allowed to be placed in front of the primary structure

Conditions set forth in Exhibit "C" are imposed on said property. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY.

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

Public Hearing Published 07/07/2021
Public Hearing 08/05/2021

First Reading 09/16/2021
Adopted 10/21/2021

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

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

Adopted this 21st day of October 2021.

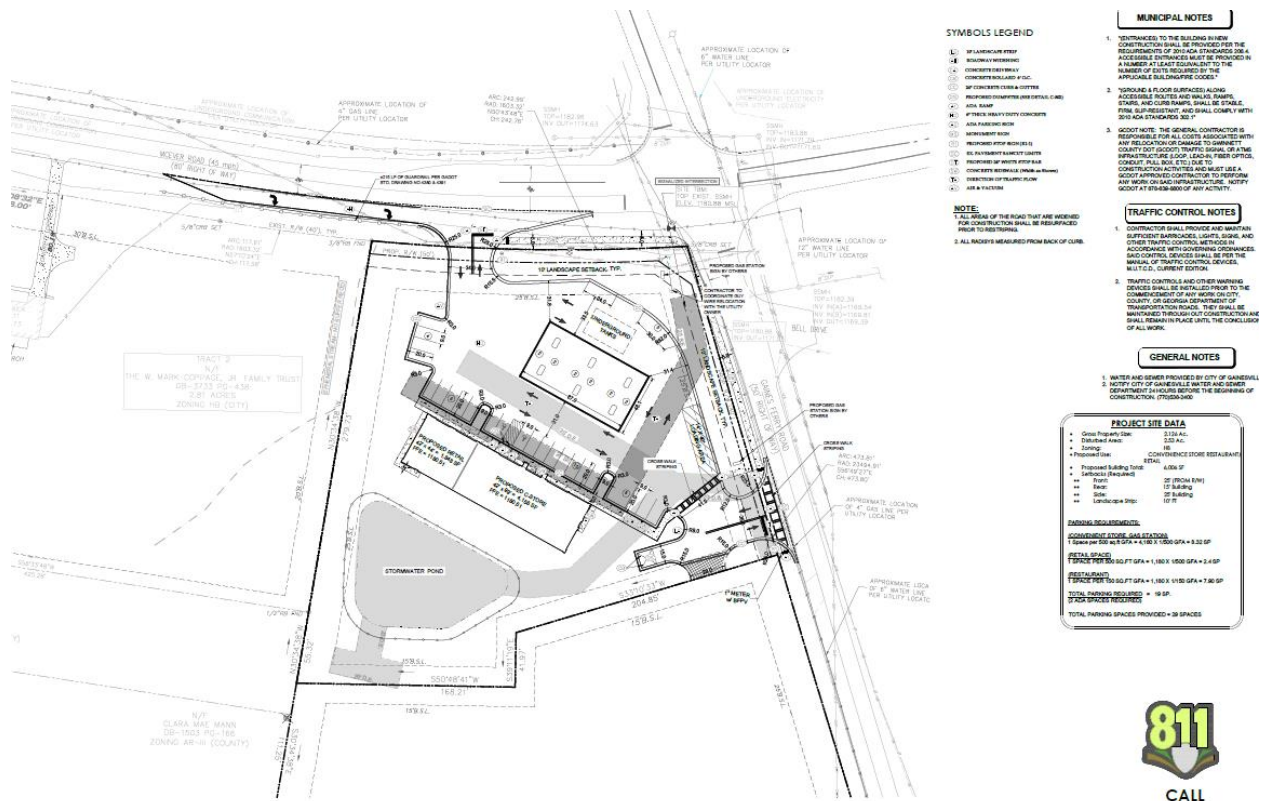
James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

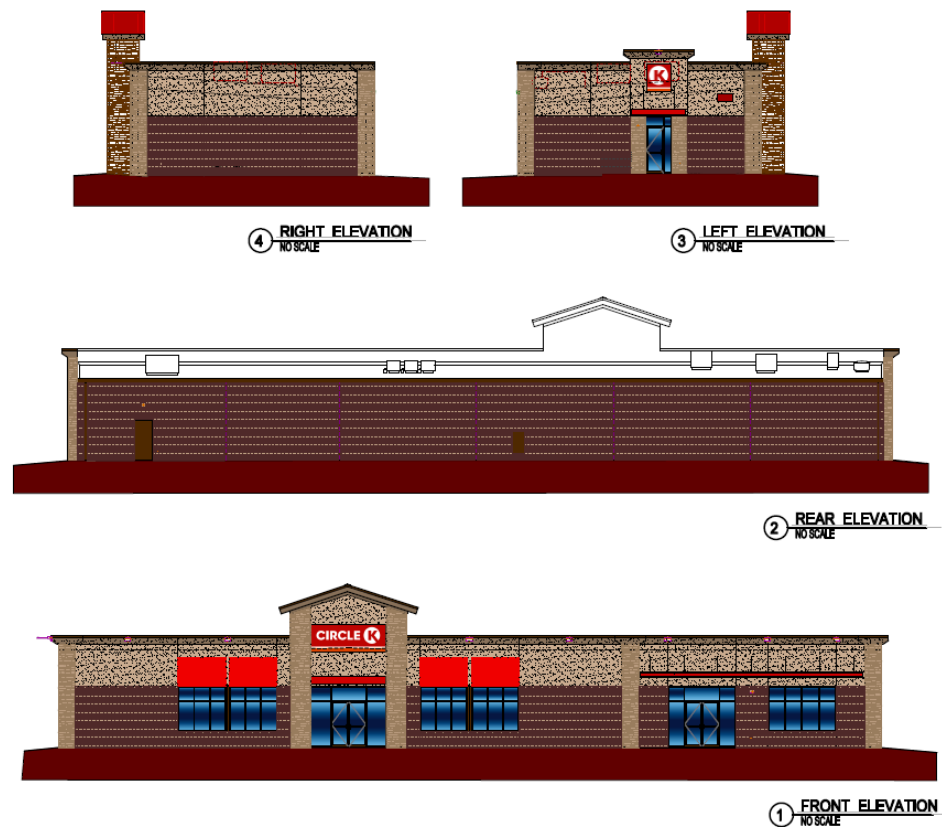


Said parcel being 89,085 square feet, or 2.045 acres.

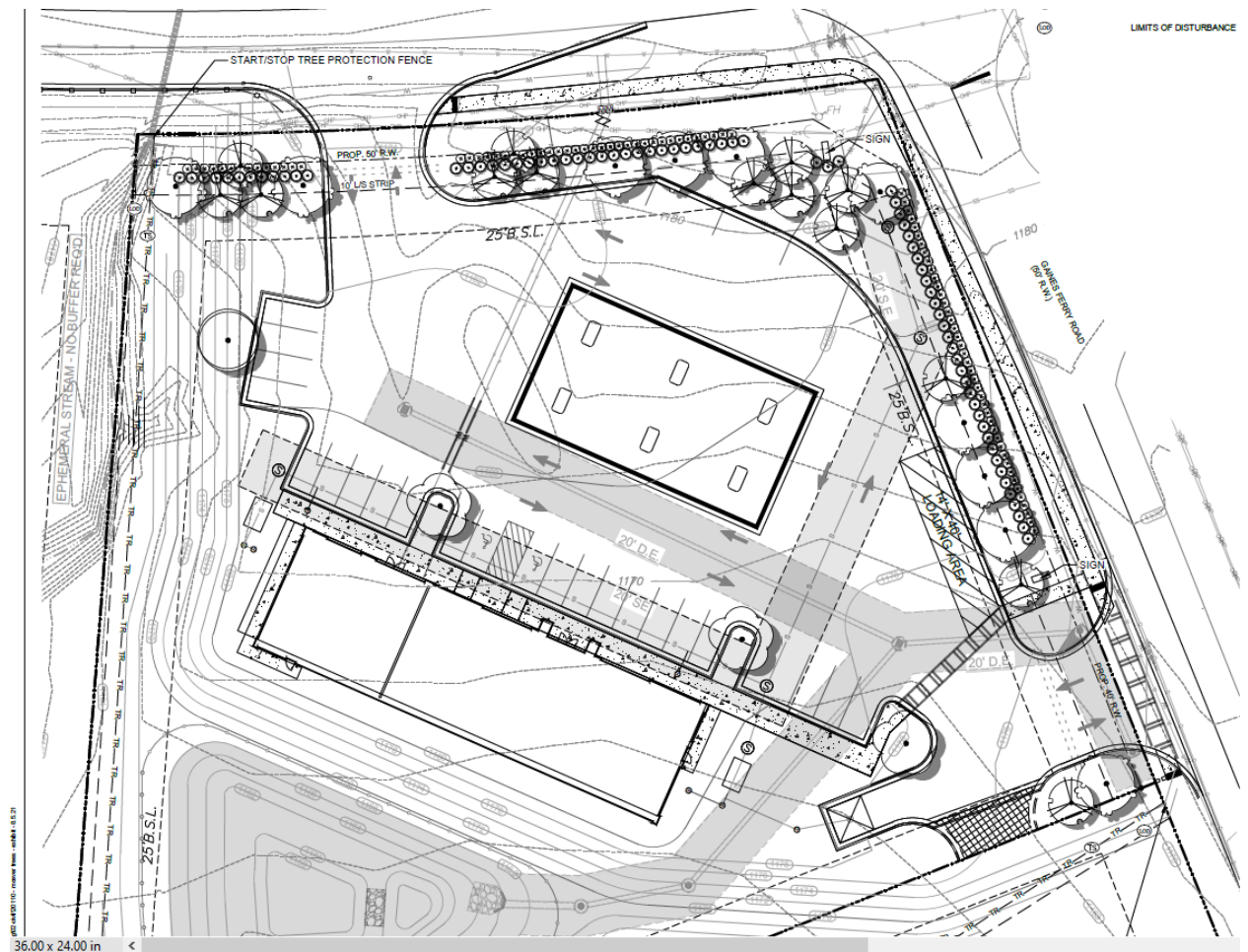
Exhibit "C"

Conditions of Variance Approval

1. Convenience and retail store shall be constructed to significantly adhere to the elevations submitted to city staff on August 9, 2021, and as shown below:



2. Fuel canopy shall be constructed of the same materials as the primary structure.
3. Dumpster enclosure shall be constructed of the same materials as the primary structure.
4. An overall sign plan must be submitted to staff for review and approval. Any proposed monument sign must be constructed of the same materials as the primary structure. Only one such sign shall be permitted.
5. A detailed landscape plan shall be submitted to city staff for review and approval prior to the issuance of a building permit. Said plan must be significantly adhere to the plan submitted to city staff on August 9, 2021, and as shown below:





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: October 7, 2021

HISTORY:

Council requested information regarding landscaping and median breaks on Thurmon Tanner Parkway. Applicant intends to supply information prior to the October 7, 2021 Council meeting.

FACTS AND ISSUES:

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

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Discussion only

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Thurmon Tanner Hines Signed Application.pdf](#)
- [Hines - owner signature page - from Tred .pdf](#)
- [Full Staff Report September 16.pdf](#)

- [Hines Ordinance.pdf](#)



REZONING APPLICATION

Date: June 30, 2021

Address of Request:

Thurmon Tanner Parkway (Parcel 08097 000008)

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

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

Currently a conforming use? N/A

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

Applicant Information

Name: Hines Acquisitions, LLC

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

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

Phone number: 770-804-4654

Signature: [Signature], Managing Director

Notary: [Signature]

NOTARY PUBLIC





Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: _____

Notary: _____

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

*Thanks,
—Fred*

Property Information

Tax Map Number: 08097 000008

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

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

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

Current Use: Vacant Land

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

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

- Legal description
- Current survey of property



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

Conflict of Interest Disclosure

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

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

None

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

None

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

None



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
None	

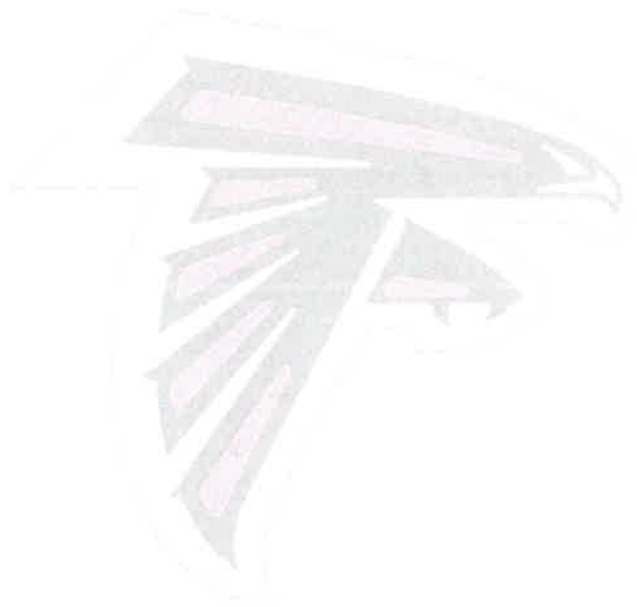
CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Flowery Branch





REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 30, 2021

Address of Request:

Thurmon Tanner Parkway (Parcel 08097 000008)

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

Please submit an analysis of the proposed project including:

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



9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail) No
10. Please identify all amenities and total number of acres they incorporate by complete description. Approximately 5 acres will be preserved as natural areas.
11. Number of street lights and separation table as proposed on your site plan. N/A
12. Will Technology Development be included in this development? Fiber for businesses
13. List the total linear feet and cubic yards for sidewalks. Approximately 1,940 LF of sidewalk
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans? Yes
15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues? Please reference exhibit
16. Does the proposal provide for utilization of “reuse” water? Is this depicted on the plans? Do the plans provide for storage of “reuse” water? No
17. What is the total capacity for daily Wastewater Management? Approx. 3,750 gal/day
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? Approx. 4,500 gal/day
19. Has a slope and grade study been done on this development? Does the study reflect density placement? Not at this time
20. Please identify what public safety needs are being considered for the project? N/A
21. Has the Hall County School System been notified of the proposed density for this project? N/A
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. N/A



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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____



June 30, 2021

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

RE: Thurmon Tanner Parkway (Parcel 08097 000008)

Dear Mr. Atkinson and Ms. Short:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Ryan D. Wood

Managing Director

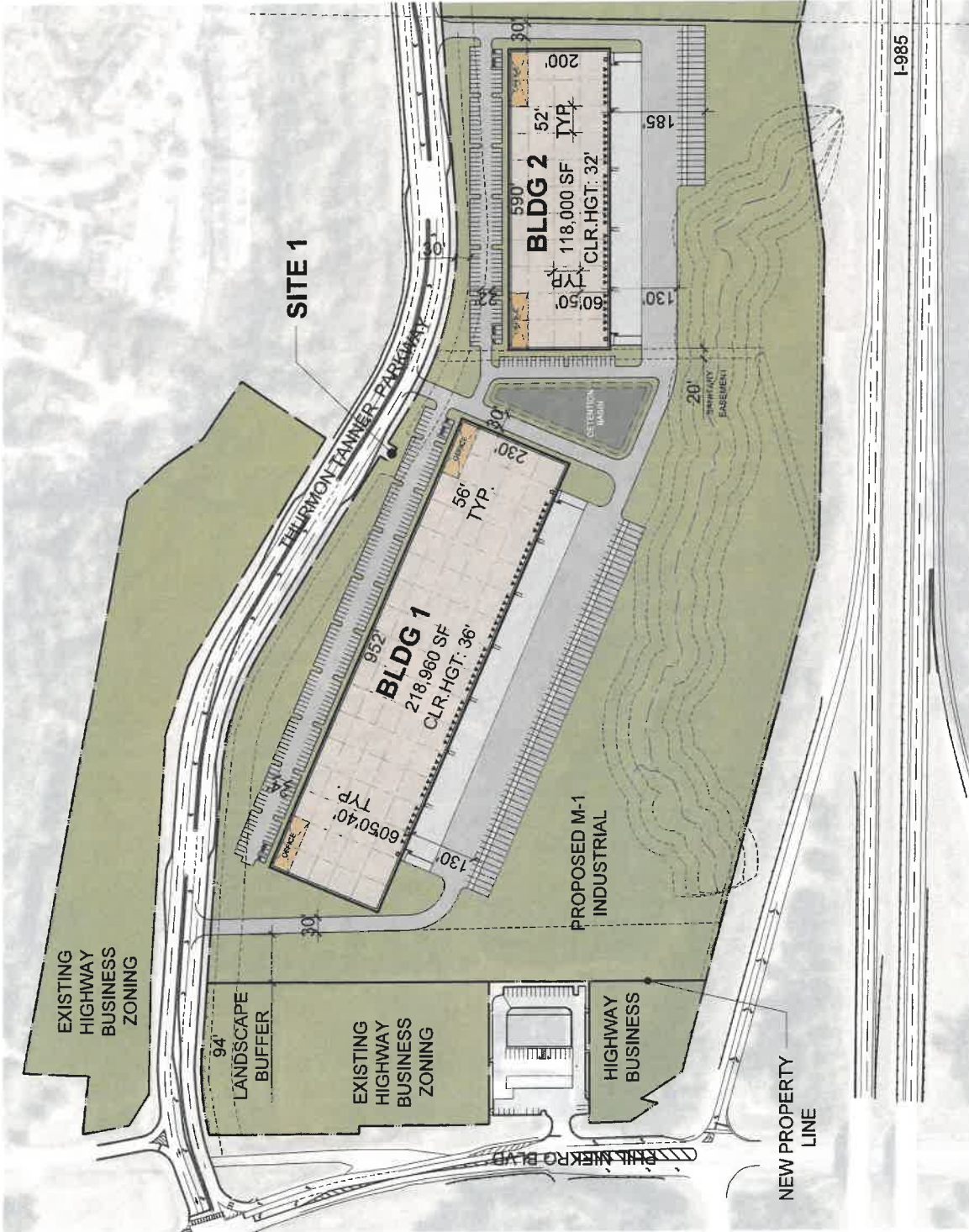
Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management



PROJECT DATA: SITE 1

SITE AREA:			
GROSS:			37.83 AC
DEFENTION:			1,647,971 SF
NET:			2,055,000 SF
NET:			27.11 AC
NET:			1,620,308 SF
BUILDING AREA: OFFICE FOOTPRINT:			
BUILDING 1		8,948 SF	218,960 SF
BUILDING 2		4,720 SF	118,000 SF
TOTAL:		13,668 SF	336,960 SF
BUILDING USE:			
WAREHOUSE			
OFFICE			
COVERAGE:		4%	323,292 SF
OFFICE			13,668 SF
GROSS:			20%
BUILDING 1			
DOCK-HIGH DOORS			46
GRADE-LEVEL DOORS			2
PARKING REQUIRED:			
WAREHOUSE		12000 SF	109 STALLS
OFFICE		1200 SF	30 STALLS
TOTAL			139 STALLS
PARKING PROVIDED:			
188 STALLS			
REQ. ACCESSIBLE			
TRAILER:			
BUILDING 2			
DOCK-HIGH DOORS			36
GRADE-LEVEL DOORS			2
PARKING REQUIRED:			
WAREHOUSE		12000 SF	59 STALLS
OFFICE		1200 SF	16 STALLS
TOTAL			75 STALLS
PARKING PROVIDED:			
140 STALLS			
REQ. ACCESSIBLE			
TRAILER:			
BUILDING 2			
DOCK-HIGH DOORS			26 STALLS
GRADE-LEVEL DOORS			5 STALLS
PARKING REQUIRED:			
WAREHOUSE		12000 SF	59 STALLS
OFFICE		1200 SF	16 STALLS
TOTAL			75 STALLS
PARKING PROVIDED:			
140 STALLS			
REQ. ACCESSIBLE			
TRAILER:			

This conceptual design is based upon a site survey, review of aerial photography, and site visit. It is not intended to be a final design. It is subject to change without notice. The design is for informational purposes only. It is not intended to be used for any other purpose. The design is for informational purposes only. It is not intended to be used for any other purpose.





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

CONCEPTUAL DESIGN

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

WARE MALCOMB

Hines

LEGAL DESCRIPTION – TRACT 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

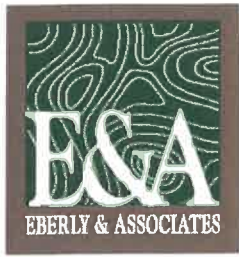
Said tract or parcel of land contains 37.832 acres or 1,647,971 square feet, and is intended to be a portion of the tracts of land that were previously conveyed in Deed Book 1686, Page 326, Hall County Georgia Records.

Thurmon Tanner – Hines Rezoning Application

Names and addresses of adjoining property owners

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





LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

June 30, 2021

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

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

Dear Mr. Manson

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

Our findings were as follows:

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

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

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

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

Sincerely,
EBERLY & ASSOCIATES, INC.

Brian Brumfield, P.E.

PRINCIPALS

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

ASSOCIATES

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

WWW.EBERLY.NET

TEL: 770.452.7849
FAX: 770.452.0086

2951 FLOWERS ROAD SOUTH, SUITE 119
ATLANTA, GEORGIA 30341



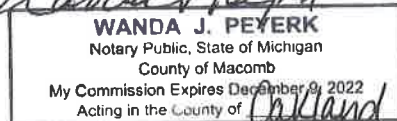
Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: [Signature]

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

Notary:



Property Information

Tax Map Number: 08097 000008

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

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

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

Current Use: Vacant Land

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

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

- Legal description
- Current survey of property



Staff Report Hines – Thurmon Tanner Ordinance 652

Request

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



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



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

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



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

Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.



- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **The subject property has been vacant for many years and the proposed M1 use fits in the vision for Thurmon Tanner Parkway.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant, the proposed use will fit in with, and enhance, the both the Thurmon Tanner and Phil Niekro Boulevard corridors.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff does not have a specific number regarding property value, but the current zoning classification of Highway Business has not warranted any proposed development on the site.**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent to the remaining HB property and will be inline with the M1 use to the north.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The remaining HB portion will allow for the creation of more commercial retail uses to serve the Phil Niekro Boulevard corridor and the nearby residents while the M1 use enables Thurmon Tanner Parkway to be used as an industrial corridor as previously envisioned. The zoning change helps two major needs for the city – industrial uses and highway business commercial retail uses.**
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. **The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed development will meet the intent of the Zoning Ordinance by providing different uses to serve the community.**





REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 30, 2021

Address of Request:

Thurmon Tanner Parkway (Parcel 08097 000008)

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

Please submit an analysis of the proposed project including:

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



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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____

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

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

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

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

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

Sincerely,



Ryan D. Wood

Managing Director

Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management

August 30, 2021

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

RE: Thurmon Tanner Parkway (Parcel 08097 000008)

Dear Mr. Atkinson:

Hines

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

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

Hines

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

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

Sincerely,



Ryan D. Wood

Managing Director

Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management

Public Hearing Published 07/07/2021
Public Hearing 08/05/2021

First Reading 09/16/2021
Adopted 10/21/2021

ORDINANCE 652

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

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

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

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

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

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

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

SECTION 1. FINDINGS.

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

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

2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property shall be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current HB (Highway Business) as opposed to the proposed M-1 (Light Industrial).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the changes to the M-1 zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

Public Hearing Published 07/07/2021
Public Hearing 08/05/2021

First Reading 09/16/2021
Adopted 10/21/2021

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 21 day of October 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"

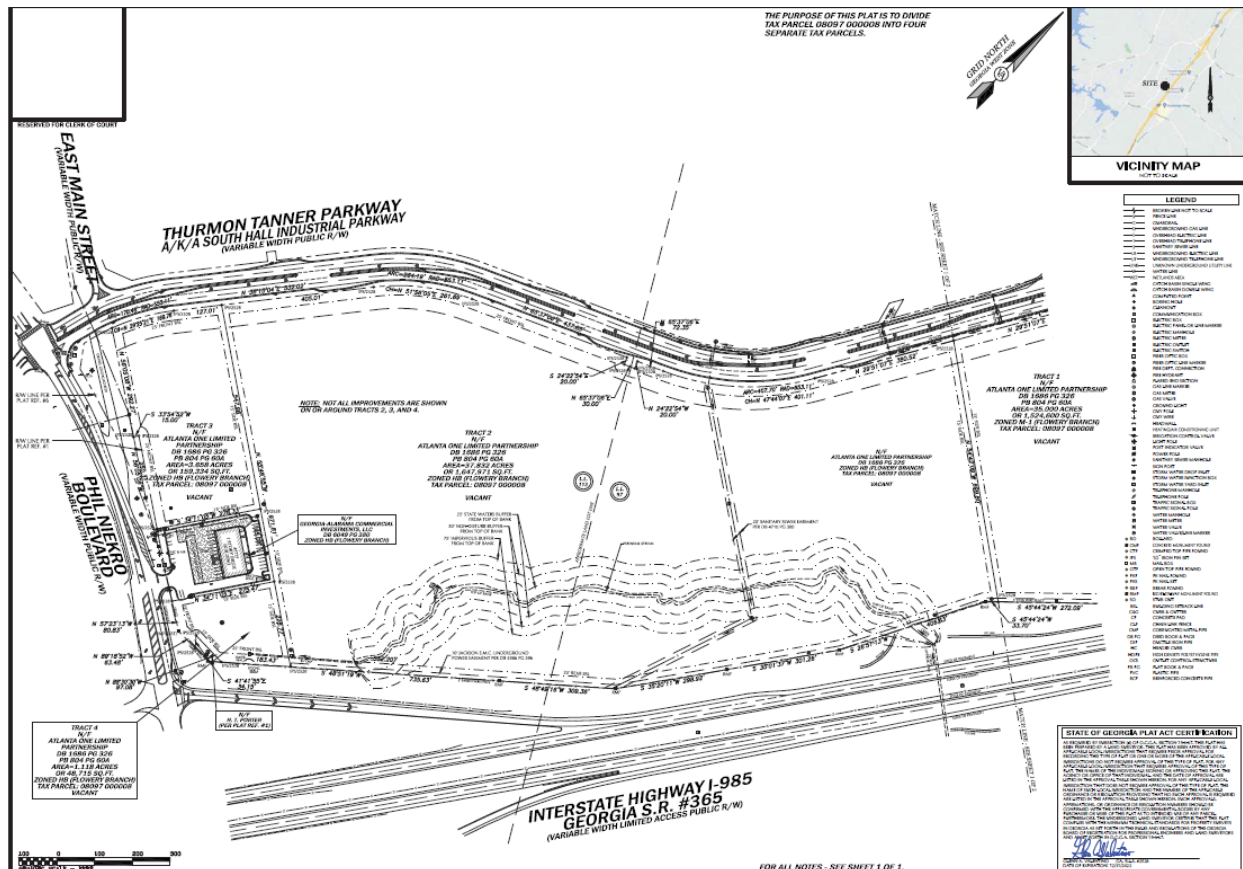


Exhibit "B"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THENCE South 35 degrees 01 minutes 37 seconds West a distance of 301.26 feet to a concrete right-of-way monument found;
 THENCE South 35 degrees 20 minutes 11 seconds West a distance of 298.92 feet to a concrete right-of-way monument found;
 THENCE South 48 degrees 49 minutes 16 seconds West a distance of 309.36 feet to a concrete right-of-way monument found;
 THENCE South 48 degrees 51 minutes 19 seconds West a distance of 552.20 feet to a 1/2" iron pin set, said 1/2" iron pin set being the POINT OF BEGINNING.

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

Exhibit "C"

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

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

Public Hearing Published 07/07/2021
Public Hearing 08/05/2021

First Reading 09/16/2021
Adopted 10/21/2021

Public Hearing Published 07/07/2021
Public Hearing 08/05/2021

First Reading 09/16/2021
Adopted 10/21/2021

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

Public Hearing Published	07/07/2021
Public Hearing	08/05/2021

First Reading	09/16/2021
Adopted	10/21/2021



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: October 7, 2021

HISTORY:

Council requested additional information from the applicant. Applicant intends to provide information prior to the October 7, 2021 Council meeting.

FACTS AND ISSUES:

This is the first read of these ordinances.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Discussion only.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

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

- [2021 Conditional Use Permit - Vulcan Lands, Inc.06242021.pdf](#)
- [Zoning Project Base Map BW r5.pdf](#)
- [Staff Report 2021.pdf](#)
- [Combined Sept 16.pdf](#)



REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 24, 2021_____

Address of Request:

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

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

Current Zoning: AR 3 (Hall County)

Please submit an analysis of the proposed project including:

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



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



19. Has a slope and grade study been done on this development? Does the study reflect density placement? **N/A**
20. Please identify what public safety needs are being considered for this project? **Applicant will continue to work with local and state officials to ensure all regulations are met.**
21. Has the Hall County School System been notified of the proposed density for this project? **N/A**
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. **N/A**
23. Information as required under Ordinance No. 349 for preliminary plat approval if rezoning involves subdivision. Ordinance No. 349 can be found at www.flowerybranchga.org – **N/A**

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____



REZONING APPLICATION

Date: June 24, 2021 _____

Address of Request:

- 4263 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018)
- 4285 Friendship Road, Buford, GA 30519 (Tax Parcel ID 15048 000018A)
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Tax Map # 15048 000018, 15048 000018A, 15048 000049, 08154 000002A, 08154 000008, 08154 000013, 15048 000050A, 15048 000052, 15048 000051

Current Zoning: AR 3 (Hall County) _____

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

Currently a conforming use? Yes _____

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

Applicant Information

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

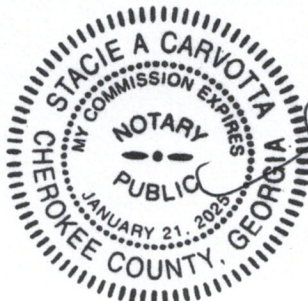
Address: 800 Mt. Vernon Highway, NE, Suite 200, Atlanta, GA 30328 _____

E -mail address: landrumc@vmcmail.com _____

Phone number: 770-454-4244 _____

Signature:  Richard Cannon, Vice President

Notary: _____





Property owner information (if different than the applicant)

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

Signature of property owner: _____ N/A _____

Notary:

Property Information

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

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

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

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

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



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

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

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

Conflict of Interest Disclosure

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

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

N/A _____

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

N/A _____



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

N/A

Disclosure of Campaign Contributions

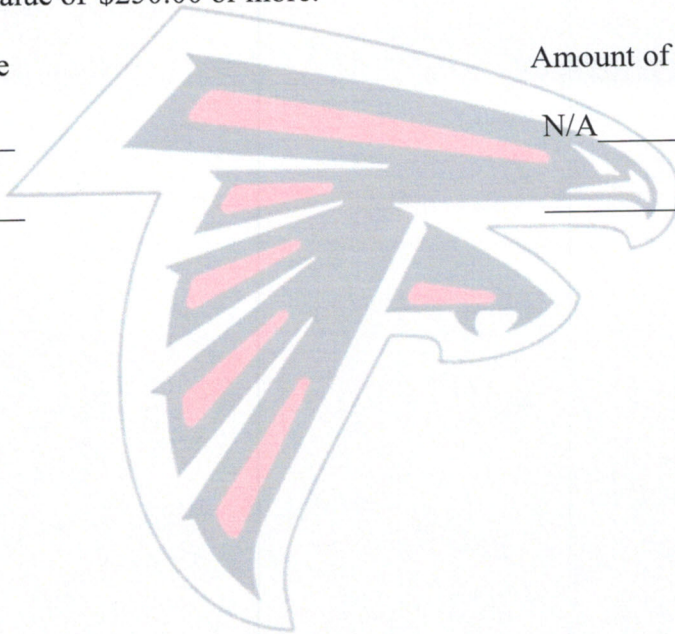
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of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

Elected Officials Name

Amount of Description of Gift

N/A _____

N/A _____



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Sec. 34.7. - Analysis Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



ANNEXATION APPLICATION

Date: June 24, 2021

Address of Request:

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

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

City Clerk Signature _____

Applicant Information

Name: Vulcan Lands, Inc. _____

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

E-mail address: landrumc@vmcmail.com

Phone number: 770-454-4244

Signature:  Richard Cannon, Vice President

Property owner information (if different than the applicant)

Property owner (please print): N/A

Signature of property owner: N/A



Property Information

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

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

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

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

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

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

Voting Rights Act Information

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

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

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



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

Conflict of Interest Disclosure

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A

N/A



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: June 24, 2021

Address of Request:

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

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

Current Zoning: AR 3 (Hall County)

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

Currently a conforming use? Yes _____

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

Applicant Information

Applicant: Vulcan Lands, Inc. _____

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

E-mail address:

landrumc@vmcmail.com _____



Phone number: 770-454-4244

Signature:  Richard Cannon, Vice President

Notary Seal:



Property owner Information

Property owner (please print): Same as Applicant

Address: Same

E-mail address: Same Phone number: Same

Signature: Signature above

Notary Seal:

Applicant Information Required at Time of Submittal

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

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



Conflict of Interest Disclosure

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

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

___ N/A _____

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

___ N/A _____

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

___ N/A _____

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

___ N/A _____

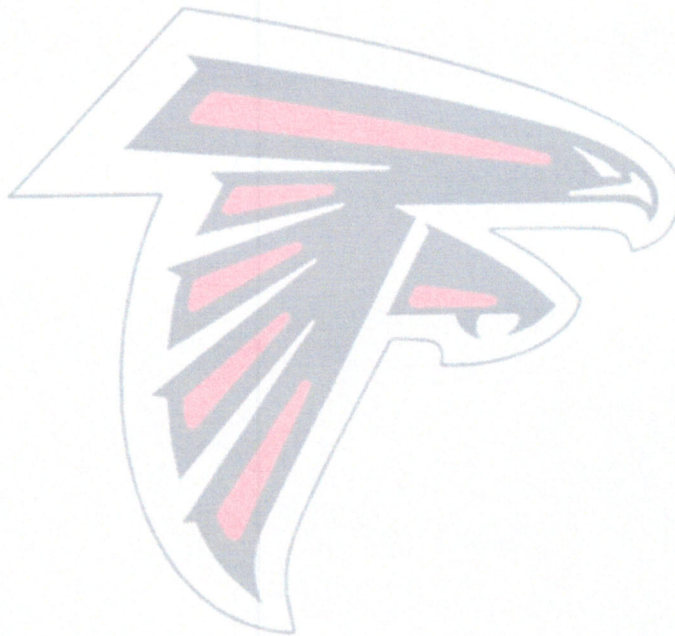
___ N/A _____



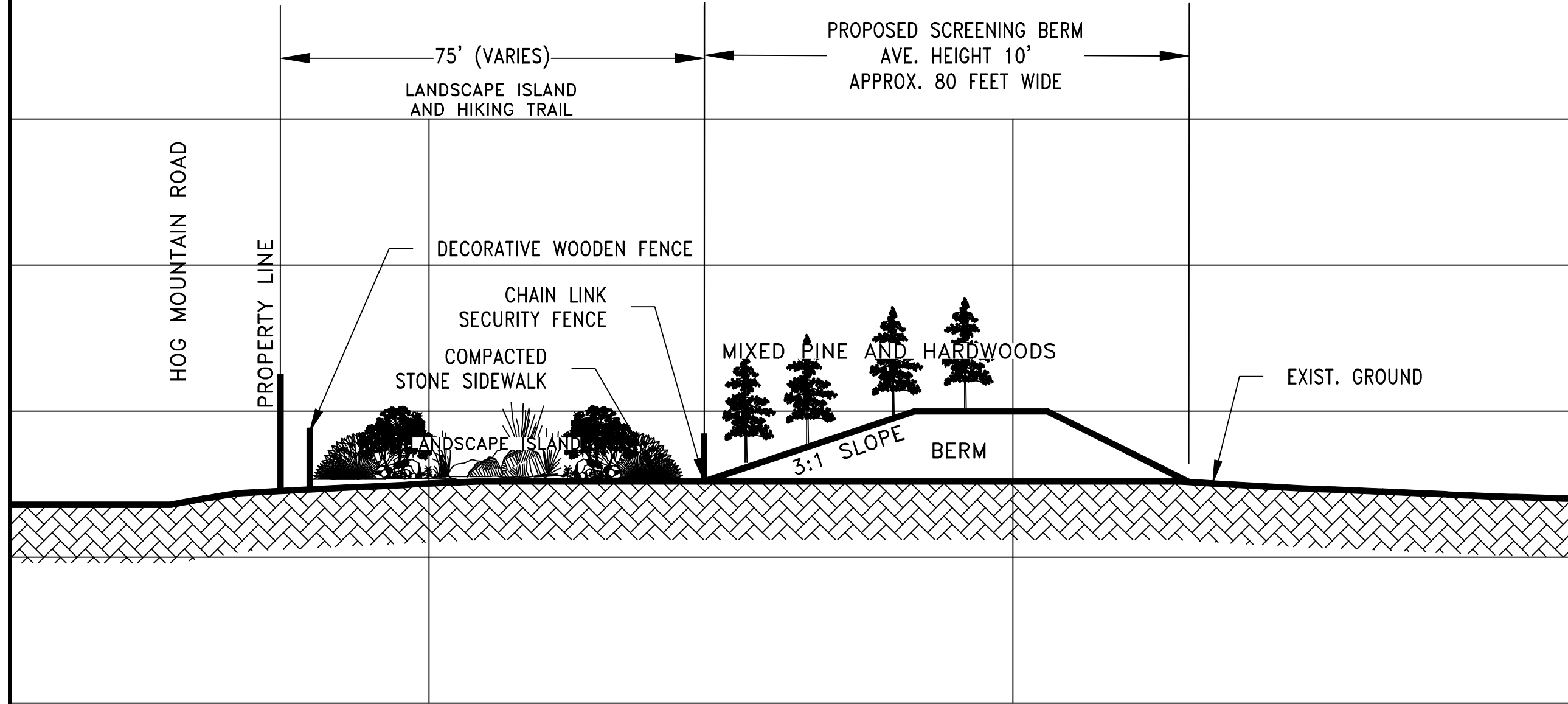
Received by City of Flowery Branch Staff on _____

Name: _____

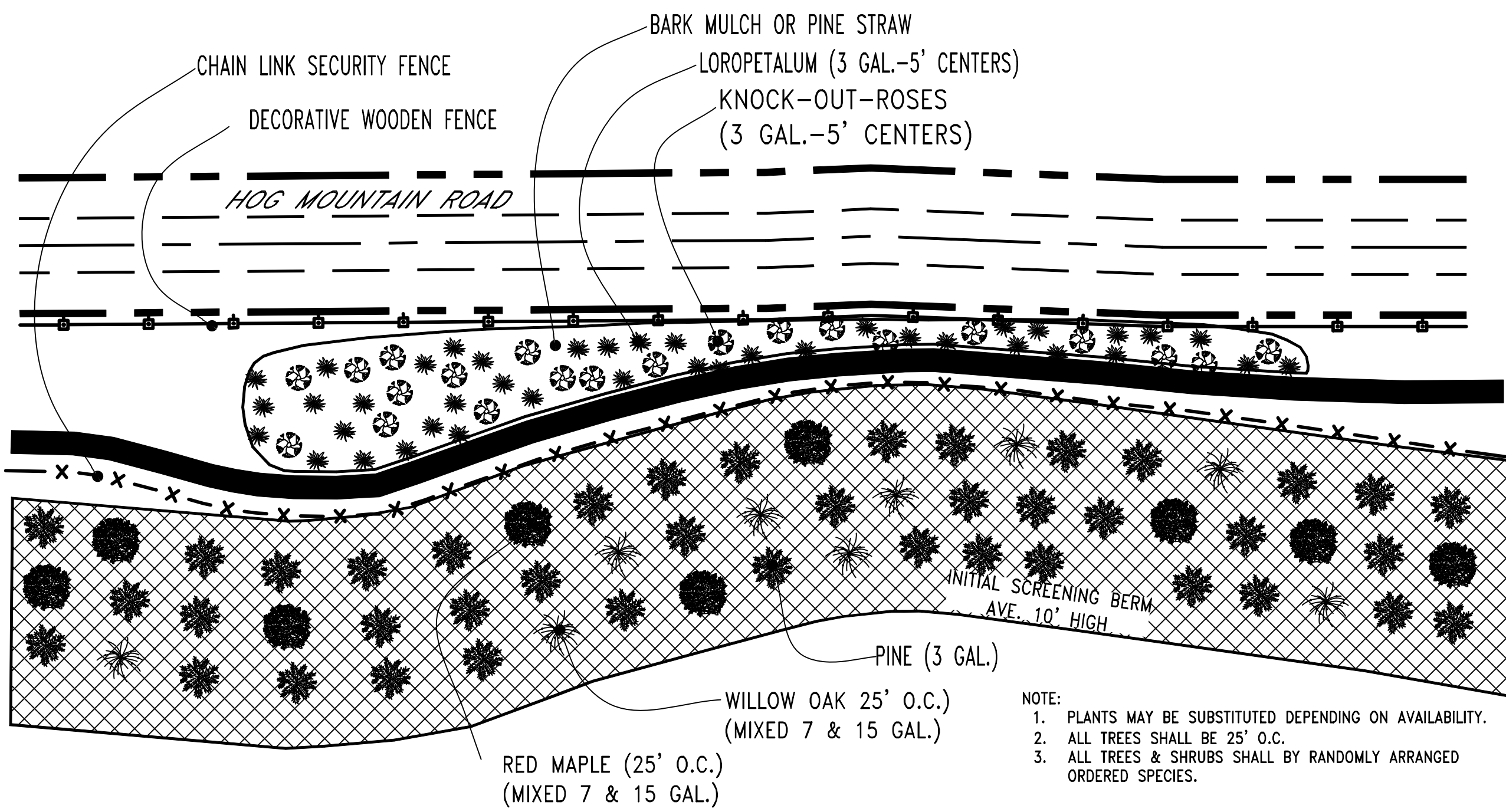
Title _____



CAD FILE: C:\Users\Bairman\AppData\Local\Temp\Carlsen\Software\Carlsen\2021\CA03_X64\USER\1 LAYOUT: Layout1
ATTACHED XREFS: S:\KRES\SY7

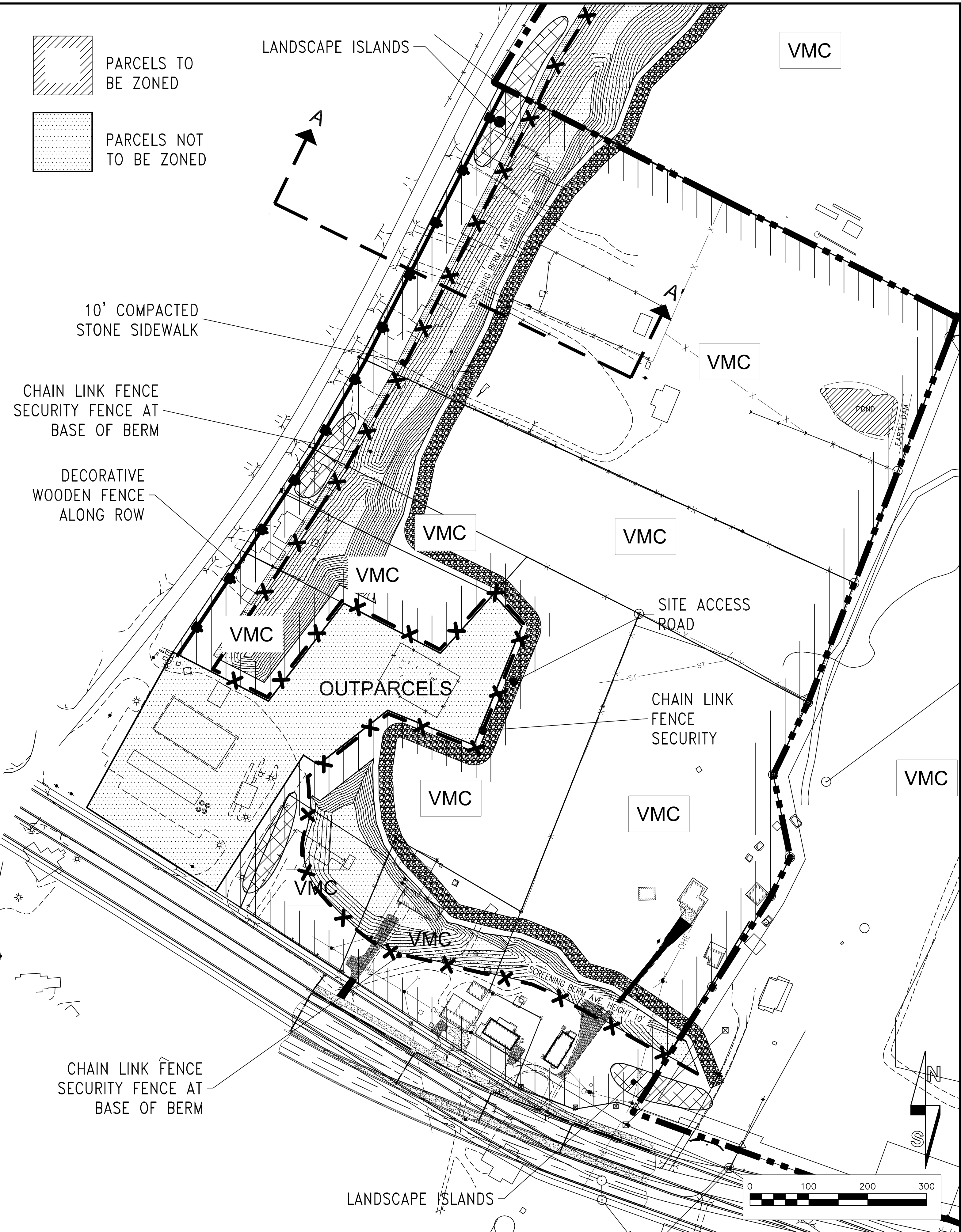


CROSS SECTION A-A'
SCALE: 1" = 20'



LANDSCAPED ISLAND DETAIL
SCALE: 1" = 50'

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



FRIENDSHIP QUARRY G.M.C. 1419 DISTRICTS 166,167,179,180 FLOWERY BRANCH, GEORGIA		CONCEPTUAL LANDSCAPE PLAN		ROYAL CAD DESIGN SERVICE, INC. CONTACT: B. WAYNE KING, P.E. GA PE#030550 423 INDIAN SPRINGS RD. MCMINNVILLE, TN 371110 (615) 594-2802 BWAYNE_KING@RCADD.COM				NO.		REVISION		BY		DATE							
								1		1		1		1							
DESIGNED BY: BWK		DRAWN BY: BWK		CHECKED BY: BWK		DATE: 06/04/21		SCALE: 1"=100'		ORIGINAL SCALE IN INCHES FOR REDUCED PLANS		0		0.5		1.0		1.5		2.0	
SHEET		1		of		1		sheets													



Applicant: Vulcan Lands, Inc.

Property Owner: Vulcan Lands, Inc.

Subject Property: 5668 and 5674 Blackjack Road; 29.67 +/- acres

Request: Annex the nine properties from Hall County into the City of Flowery Branch; Rezone from AIII (Agricultural Residential) to M2 (Heavy Industrial); approve a conditional use permit (CUP) to operate a quarry.

Current Use: Residential/Vacant

Proposed Use: Quarry

Character Area: Industrial Employment

Proposal

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



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





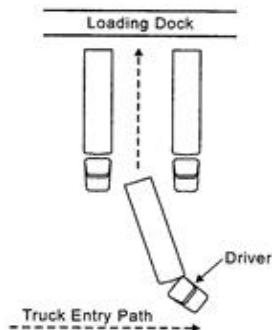
Comprehensive Plan

Employment/Industrial

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

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

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



**Loading Areas are Typical
In This Character Area**

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

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



All Brick, Articulated Building Façade



Landscaping to Soften View of Large Building





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

Zoning

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

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

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

CUP

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

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



2. Noise Studies and Sound Level Monitoring. At least once every three years, unless otherwise requested by the Zoning Administrator, beginning no later than the date this CUP is approved, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a copy of a noise study meeting specifications and content details of the noise studies referenced in the Planning Evaluation and Staff Report for Ordinance No. 344. The study shall provide specific measurements at multiple locations along the perimeter of the property ownership boundary. Said noise study shall evaluate observed sound levels with noise standards of the City of Flowery Branch as contained in its comprehensive plan and/or zoning ordinance. At any points where sound levels from such noise studies reveal that the acceptable noise threshold of the City of Flowery Branch of operational sounds (as distinguished from off-site, ambient noise) is exceeded, the professional preparing the noise study shall recommend and the property owner shall propose noise mitigation measures and a time frame for their implementation acceptable to the City of Flowery Branch. Mitigation measures may include but shall not be limited to berms and noise attenuation barriers.
3. Hours of Operation. Hours of operation of the quarry and any on-site tenants (i.e., asphalt and concrete plants) shall be limited to 6:00 a.m. to 10:00 p.m., Monday through Saturday, with the exception that: Hours of operation (but not including blasting) may be extended to 24 hour a day and Sunday operations as reasonably necessary for the applicant or any tenant to supply materials to a governmental project. In all such cases the applicant for tenant shall submit a copy of the executed governmental contract for which such extended hours are reasonably necessary to the Manager of Planning and Community Development of the City of Flowery Branch within five days of receipt of the contract. Applicant or tenant shall also supply an anticipated schedule of extended operating hours pertaining to the contract to show that such extended hours are authorized by this condition. This exception shall only be permitted for the duration of government contracts only. Outside of authorized operating hours, access to the property shall be controlled by the front gate being locked.
4. Activity Setback. The proposed extraction shall not take place within one hundred (100) feet of a property line.
5. Stockpiles. Product piles, spoil piles, and other accumulations of by-products shall not be created to a height more than thirty-five (35) feet above the original contour.
6. Fencing. Applicant shall maintain all existing fencing. Modification of any fencing shall require prior approval from the Zoning Administrator. In submitting any future fencing site plan, the property owner shall indicate where new fencing (and the type of fencing) is proposed.
7. Blasting. The property owner shall be continuously responsible for assuring that blasting meets the Georgia Blasting Standards Act and the safe blasting limit of 2.0 inches per second, peak particle velocity. The property owner shall achieve compliance with this condition by monitoring blast operations. Upon request, the property owner shall submit to the Manager of Planning and



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

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

8. As-built screening conditions and vegetation and stabilization plan for berms and buffers. Applicant shall maintain all existing berms and buffers areas as previously required. Modification of any berm or buffer area shall require prior approval from the Zoning Administrator.
9. Third-Party Monitoring. As long as the quarry is operating, the property owner agrees to contract with, at no cost to the City, a third-party monitoring company to investigate and respond to any written complaints received by the City of Flowery Branch regarding blasting operations at the Friendship Quarry and subject property. The company shall respond within five (5) working days of being notified by the City of a written complaint. Written responses shall be required to be submitted by the third-party monitoring company to the Manager of Planning and Community Development when, in his opinion, the complaint has merit.
10. Community Advisory Council.
 - a. The property owner agrees to continue holding periodic Community Advisory Council meetings in the area of the subject property, such as at Friendship or Cornerstone Baptist Church, or other institution in the area, in order to periodically educate neighbors and residents and business owners in the area, about the operations, the industry generally, and changes to site plans and conditions. Such meetings shall not be held less frequently than one per quarter year.
 - b. At such meetings, the property owner will report the progress made toward compliance with these conditions of zoning, disclose any formal complaints received by the City of Flowery Branch that have been forwarded to the property owner, describe "best practices" for safety, land management, environmental protection, and site operations being implemented or contemplated for implementation, present any special studies required by these conditions of



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

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

Staff Recommendation

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

Public Hearing Published
Public Hearing

7/07/2021
8/05/2021

First Read 9/16/2021
Approved 10/21/2021

ORDINANCE NO. 654

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

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

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

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

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

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

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

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

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

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021.

James M. Miller, Mayor

ATTEST

Vickie Short, City Clerk

APPROVED AS TO FORM

Exhibit "B"

Tax Parcel 15048 000049

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347) (Right of way Vanes); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 276.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 167.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.55 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way Vanes); Thence continuing along said right of way proceeding North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING for herein described parcel of land; Thence the following courses and distances along the southeasterly right of way of Hog Mountain Road (right of way Vanes): North 29 Degrees 02 Minutes 55 Seconds East a distance of 26.22 feet to a point; North 27 Degrees 37 Minutes 32 Seconds East a distance of 134.86 feet to a point; North 26 Degrees 30 Minutes 01 Seconds East a distance of 267.14 feet to a point; North 27 Degrees 20 Minutes 10 Seconds East a distance of 71.74 feet to a set capped 5/8" rebar; Thence departing from said right of way and proceeding South 63 Degrees 00 Minutes 10 Seconds East a distance of 399.82 feet to a set capped 5/8" rebar; Thence South 63 Degrees 07 Minutes 49 Seconds East a distance of 471.35 feet to a found 1-1/2" open top pipe; Thence South 19 Degrees 08 Minutes 43 Seconds West a distance of 35.06 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 10 Minutes 53 Seconds West a distance of 244.54 feet to a found axle; Thence South 21 Degrees 09 Minutes 18 Seconds West a distance of 204.31 feet to a found 3/8" rebar; Thence North 65 Degrees 28 Minutes 13 Seconds West a distance of 922.74 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road, which is the POINT OF BEGINNING. Said parcel contains 448,861 square feet or 10.304 acres.

AS-SURVEYED DESCRIPTION

TRACT 2

Tax Parcel 08154 000002A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly Right of way of Friendship Road (A.K.A. State Route 347) (Right of way Vanes); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East a distance of 276.67 feet to a found 1/2" rebar; Thence North 32 Degrees 58 Minutes 56 Seconds West a distance of 109.45 feet to a found 1/2" rebar which is the POINT OF BEGINNING for herein described parcel of land; Thence North 62 Degrees 50 Minutes 16 Seconds West a distance of 180.19 feet to a found 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way Vanes); Thence along said right of way North 33 Degrees 18 Minutes 19 Seconds East a distance of 207.80 feet to a set 5/8" capped rebar; Thence departing from said right of way proceeding South 62 Degrees 43 Minutes 28 Seconds East a distance of 196.21 feet to a found 2" open top pipe; Thence South 37 Degrees 40 Minutes 11 Seconds West a distance of 209.73 feet to a found 1/2" rebar, which is the POINT OF BEGINNING. Said parcel contains 38,852 square feet or 0.892 acres.

AS-SURVEYED DESCRIPTION

TRACT 3

Tax Parcel 08154 000003

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

TRACT 4
Tax Parcel 08154 000013

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Vanes); Thence run North 57 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.96 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road, which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 32 Degrees 46 Minutes 06 Seconds East for a distance of 276.67 feet to a found 1/2" rebar; Thence South 67 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 61 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 167.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.86 feet to a found oak joak; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 86.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence South 63 Degrees 09 Minutes 41 Seconds East for a distance of 214.17 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 39 Minutes 34 Seconds West for a distance of 644.76 feet to a found 1" square metal; Thence North 69 Degrees 34 Minutes 47 Seconds West for a distance of 246.46 feet to a 1" square metal; Thence South 22 Degrees 56 Minutes 30 Seconds West for a distance of 36.81 feet to a found 3/4" oomp top pipe; Thence North 67 Degrees 08 Minutes 54 Seconds West for a distance of 199.62 feet to a set capped 6/8" rebar; Thence South 23 Degrees 02 Minutes 18 Seconds West for a distance of 209.36 feet to a found 1" square metal on the northeasterly right of way of Friendship Road; Thence run North 66 Degrees 44 Minutes 34 Seconds West along said right of way for a distance of 80.40 feet to a found PK nail in asphalt, which is the POINT OF BEGINNING. Said parcel contains 166,167 square feet or 3.862 acres.

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Vanes); Thence run North 57 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.96 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 46 Minutes 06 Seconds East for a distance of 276.67 feet to a found 1/2" rebar; Thence South 67 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 61 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 167.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.86 feet to a found oak joak; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 86.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 6/8" rebar on the southeasterly right of way of Flag Mountain Road (right of way vanes), which is the POINT OF BEGINNING for herein described parcel of land; Thence proceeding along said right of way North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.96 feet to a set capped 6/8" rebar; Thence departing from said right of way proceeding South 66 Degrees 28 Minutes 13 Seconds East a distance of 922.74 feet to a found 3/8" rebar; Thence South 21 Degrees 11 Minutes 13 Seconds West a distance of 217.96 feet to a found 1-1/2" open top pipe; Thence North 62 Degrees 16 Minutes 13 Seconds West a distance of 324.11 feet to a found 1-1/2" open top pipe; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 628.94 feet to a set capped 6/8" rebar, which is the POINT OF BEGINNING. Said parcel contains 182,071 square feet or 4.180 acres.

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

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

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

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

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

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

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

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

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

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

Tract II:

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

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

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

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

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

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

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

Said property contains 5.998 acres.

Public Hearing Published
Public Hearing

7/07/2021
8/05/2021

First Read 9/16/2021
Approved 10/21/2021

ORDINANCE NO. 655

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

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

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

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

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

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County AR-III (Agricultural Residential) to Flowery Branch M-2 (Manufacturing & Heavy Industrial) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. 36-66-5 and requirements of the Zoning Ordinance as identified below.

- A. The proposed rezoning ID consistent with the Flowery Branch Future Land Use Plan and is consistent with adjacent development. The properties are primarily bordered by the existing quarry and will be used in part as a buffer to other adjoining properties.
- B. The rezoning will not adversely affect the usability of adjacent property as the properties are already adjoining the existing quarry. The City's adopted Comprehensive Plan shows the property as being utilized for heavy industrial purposes.
- C. The properties are currently zoned Hall County AR-III (Agricultural Residential) and have a limited agricultural or residential value given their location adjoining an active quarry.
- D. The properties will be incorporated into the existing quarry site. There is no expectation that inclusion of these sites (totaling 29.67 +/- acres) into the existing quarry site will burden streets, utilities and/or schools.
- E. The proposed zoning, M-2 (Manufacturing & Heavy Industrial) is consistent with the City's adopted Character Area Map and Future Land Use Map.
- F. The subject properties are already adjacent to an existing quarry and have limited marketability under the current zoning of "Agricultural" or "Residential."
- G. The properties are currently zoned Hall County AR-III (Agricultural Residential) and are adjacent to the existing quarry site. The surrounding properties are designated by both the Hall County and Flowery Branch Comprehensive Plans as future commercial and/or industrial uses.
- H. The properties are contiguous to the City boundary and will not create an unincorporated island. The properties are adjacent to the current quarry site that has a zoning designation of M-2 (Manufacturing & Heavy Industrial).
- I. The proposed zoning designation of M-2, (Manufacturing & Heavy Industrial) is consistent with the City's adopted Character Area Map.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021

James M. Miller, Mayor

ATTEST

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

4



Exhibit "B"

Tax Parcel 15048 000049

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347) (Right of way Vanes); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 276.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 167.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.55 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way Vanes); Thence continuing along said right of way proceeding North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING for herein described parcel of land; Thence the following courses and distances along the southeasterly right of way of Hog Mountain Road (right of way Vanes): North 29 Degrees 02 Minutes 55 Seconds East a distance of 26.22 feet to a point; North 27 Degrees 37 Minutes 32 Seconds East a distance of 134.86 feet to a point; North 26 Degrees 30 Minutes 01 Seconds East a distance of 267.14 feet to a point; North 27 Degrees 20 Minutes 10 Seconds East a distance of 71.74 feet to a set capped 5/8" rebar; Thence departing from said right of way and proceeding South 63 Degrees 00 Minutes 10 Seconds East a distance of 399.82 feet to a set capped 5/8" rebar; Thence South 63 Degrees 07 Minutes 49 Seconds East a distance of 471.35 feet to a found 1-1/2" open top pipe; Thence South 19 Degrees 08 Minutes 43 Seconds West a distance of 35.06 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 10 Minutes 53 Seconds West a distance of 244.54 feet to a found axle; Thence South 21 Degrees 09 Minutes 18 Seconds West a distance of 204.31 feet to a found 3/8" rebar; Thence North 65 Degrees 28 Minutes 13 Seconds West a distance of 922.74 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road, which is the POINT OF BEGINNING. Said parcel contains 448,861 square feet or 10.304 acres.

AS-SURVEYED DESCRIPTION

TRACT 2

Tax Parcel 08154 000002A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly Right of way of Friendship Road (A.K.A. State Route 347) (Right of way Vanes); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East a distance of 276.67 feet to a found 1/2" rebar; Thence North 32 Degrees 58 Minutes 56 Seconds West a distance of 109.45 feet to a found 1/2" rebar which is the POINT OF BEGINNING for herein described parcel of land; Thence North 62 Degrees 50 Minutes 16 Seconds West a distance of 180.19 feet to a found 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way Vanes); Thence along said right of way North 33 Degrees 18 Minutes 19 Seconds East a distance of 207.80 feet to a set 5/8" capped rebar; Thence departing from said right of way proceeding South 62 Degrees 43 Minutes 28 Seconds East a distance of 196.21 feet to a found 2" open top pipe; Thence South 37 Degrees 40 Minutes 11 Seconds West a distance of 209.73 feet to a found 1/2" rebar, which is the POINT OF BEGINNING. Said parcel contains 38,852 square feet or 0.892 acres.

AS-SURVEYED DESCRIPTION

TRACT 3

Tax Parcel 08154 000003

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347) (Right of way Vanes); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence run South 66 Degrees 44 Minutes 34 Seconds East along said right of way for a distance of 50.40 feet to a found 1" square metal on said right of way which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 23 Degrees 02 Minutes 18 Seconds East a distance of 209.35 feet to a set capped 5/8" rebar; Thence South 57 Degrees 08 Minutes 54 Seconds East a distance of 199.62 feet to a found 3/4" open top pipe; Thence South 22 Degrees 56 Minutes 30 Seconds West a distance of 209.77 feet to a set 5/8" capped rebar on the northeasterly right of way of Friendship Road; Thence run North 57 Degrees 02 Minutes 54 Seconds West along said right of way a distance of 200.04 feet to a found 1" square metal, which is the POINT OF BEGINNING. Said parcel contains 41,251 square feet or 0.947 acres.

TRACT 4
Tax Parcel 08154 000013

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Vanes); Thence run North 57 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.96 feet to a found PK nail in asphalt on the Northeastern Right of way of Friendship Road, which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 06 Seconds East for a distance of 276.67 feet to a found 1/2" rebar; Thence South 67 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 61 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 167.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.86 feet to a found oak joak; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 86.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence South 63 Degrees 09 Minutes 41 Seconds East for a distance of 214.17 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 39 Minutes 34 Seconds West for a distance of 644.76 feet to a found 1" square metal; Thence North 69 Degrees 34 Minutes 47 Seconds West for a distance of 246.45 feet to a 1" square metal; Thence South 22 Degrees 56 Minutes 30 Seconds West for a distance of 36.81 feet to a found 3/4" oomp top pipe; Thence North 67 Degrees 08 Minutes 54 Seconds West for a distance of 199.62 feet to a set capped 6/8" rebar; Thence South 23 Degrees 02 Minutes 18 Seconds West for a distance of 209.36 feet to a found 1" square metal on the northeasterly right of way of Friendship Road; Thence run North 66 Degrees 44 Minutes 34 Seconds West along said right of way for a distance of 80.40 feet to a found PK nail in asphalt, which is the POINT OF BEGINNING. Said parcel contains 166,167 square feet or 3.862 acres.

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Vanes); Thence run North 57 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.96 feet to a found PK nail in asphalt on the Northeastern Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 06 Seconds East for a distance of 276.67 feet to a found 1/2" rebar; Thence South 67 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 61 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 167.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.86 feet to a found oak joak; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 86.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 6/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way vanes), which is the POINT OF BEGINNING for herein described parcel of land; Thence proceeding along said right of way North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.96 feet to a set capped 6/8" rebar; Thence departing from said right of way proceeding South 66 Degrees 28 Minutes 13 Seconds East a distance of 922.74 feet to a found 3/8" rebar; Thence South 21 Degrees 11 Minutes 13 Seconds West a distance of 217.96 feet to a found 1-1/2" open top pipe; Thence North 62 Degrees 16 Minutes 13 Seconds West a distance of 324.11 feet to a found 1-1/2" open top pipe; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 628.94 feet to a set capped 6/8" rebar, which is the POINT OF BEGINNING. Said parcel contains 182,071 square feet or 4.180 acres.

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

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

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

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

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

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

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

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

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

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

Tract II:

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

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

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

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

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

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

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

Said property contains 5.998 acres.

RESOLUTION NO. 21-014

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

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

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

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

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

- A.** The proposed conditional use permit will not adversely affect the usability of adjacent property as current quarry operations will not change. The only significant modification from existing conditions, is the addition of 29.67+/- acres of property. The City’s adopted Comprehensive Plan shows the property as being utilized for heavy industrial purposes. The proposed conditions of approval for the Conditional Use Permit are consistent with requirements identified within Article 14 Section 14.9 of the Zoning Code.
- B.** The current quarry site is currently zoned M-2 and is operating pursuant to an existing Conditional Use Permit. Although, the property may continue as a quarry under the current zoning and Conditional Use Permit, the inclusion of the adjoining 29.67+/-acres of property as part of the existing operation requires a Conditional Use Permit. Without a change in zoning and a Conditional Use Permit, the economic use of the property may be reduced.
- C.** The Conditional Use Permit will not impact the overall operational characteristics of the current quarry. Accordingly, there is no expectation that the quarry site will burden existing transportation facilities, utilities and/or schools past the impacts that may exist currently.
- D.** The proposed Conditional Use Permit is consistent with requirements identified within Article 14 Section 14.9 of the Zoning Code.

- E. The existing quarry site will not change with the exception of 29.67+/- acres of property added to the site.
- F. The existing quarry property is currently zoned M-2 (Manufacturing & Heavy Industrial) and the 29.67+/- acres of property to be added to the site is zoned M-2 (Manufacturing & Heavy Industrial).
- G. The current quarry site is zoned M-2 and is operating pursuant to a Conditional Use Permit. Although the current quarry may continue as a quarry, the inclusion of the adjoining 29.67 +/- acre properties as part of the existing operation requires a Conditional Use Permit. Without a change in zoning and a CUP, the economic use of the property may be reduced.
- H. The proposed Conditional Use Permit will not be a deterrent to adjoining development as the existing quarry operations will not change. The surrounding properties are designated by the Flowery Branch Comprehensive Plans as future commercial and/or industrial uses.
- I. The quarry site is already within the City of Flowery Branch. The 29.67+/- acre site to be added is contiguous to the current City boundary and will not create an unincorporated island. The proposed zoning designation of M-2 (Manufacturing & Heavy Industrial) is consistent with the City's adopted Character Area Map.
- J. The proposed zoning designation of M-2 (Manufacturing & Heavy Industrial) is consistent with the City's adopted Character Area Map. A Conditional Use Permit is required to operate a quarry. The proposed CUP is consistent with Article 14 Section 14.9 of the Zoning Code.
- K. There is no expectation that inclusion of the 29.67+/- acre site into the existing quarry will impact drainage, soil erosion and sedimentation, flooding, air quality and water quality.
- L. The Conditional Use Permit application is consistent with the Flowery Branch Land Use Plan and with the adjacent development patterns.

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

Approved this 21st Day of October 2021

James M. Miller, Mayor

ATTEST

Vickie Short, City Clerk

Exhibit "B"

Tax Parcel 15048 000049

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347) (Right of way Vanes); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East for a distance of 276.67 feet to a found 1/2" rebar; Thence South 57 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 167.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 85.37 feet to a point being witnessed by a nail hole found in a rock found online 0.55 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way Vanes); Thence continuing along said right of way proceeding North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.95 feet to a set capped 5/8" rebar, which is the POINT OF BEGINNING for herein described parcel of land; Thence the following courses and distances along the southeasterly right of way of Hog Mountain Road (right of way Vanes): North 29 Degrees 02 Minutes 55 Seconds East a distance of 26.22 feet to a point; North 27 Degrees 37 Minutes 32 Seconds East a distance of 134.86 feet to a point; North 26 Degrees 30 Minutes 01 Seconds East a distance of 267.14 feet to a point; North 27 Degrees 20 Minutes 10 Seconds East a distance of 71.74 feet to a set capped 5/8" rebar; Thence departing from said right of way and proceeding South 63 Degrees 00 Minutes 10 Seconds East a distance of 399.82 feet to a set capped 5/8" rebar; Thence South 63 Degrees 07 Minutes 49 Seconds East a distance of 471.35 feet to a found 1-1/2" open top pipe; Thence South 19 Degrees 08 Minutes 43 Seconds West a distance of 35.06 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 10 Minutes 53 Seconds West a distance of 244.54 feet to a found axle; Thence South 21 Degrees 09 Minutes 18 Seconds West a distance of 204.31 feet to a found 3/8" rebar; Thence North 65 Degrees 28 Minutes 13 Seconds West a distance of 922.74 feet to a set capped 5/8" rebar on the southeasterly right of way of Hog Mountain Road, which is the POINT OF BEGINNING. Said parcel contains 448,861 square feet or 10.304 acres.

AS-SURVEYED DESCRIPTION

TRACT 2

Tax Parcel 08154 000002A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly Right of way of Friendship Road (A.K.A. State Route 347) (Right of way Vanes); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 05 Seconds East a distance of 276.67 feet to a found 1/2" rebar; Thence North 32 Degrees 58 Minutes 56 Seconds West a distance of 109.45 feet to a found 1/2" rebar which is the POINT OF BEGINNING for herein described parcel of land; Thence North 62 Degrees 50 Minutes 16 Seconds West a distance of 180.19 feet to a found 5/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way Vanes); Thence along said right of way North 33 Degrees 18 Minutes 19 Seconds East a distance of 207.80 feet to a set 5/8" capped rebar; Thence departing from said right of way proceeding South 62 Degrees 43 Minutes 28 Seconds East a distance of 196.21 feet to a found 2" open top pipe; Thence South 37 Degrees 40 Minutes 11 Seconds West a distance of 209.73 feet to a found 1/2" rebar, which is the POINT OF BEGINNING. Said parcel contains 38,852 square feet or 0.892 acres.

AS-SURVEYED DESCRIPTION

TRACT 3

Tax Parcel 08154 000003

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347) (Right of way Vanes); Thence run North 87 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.95 feet to a found PK nail in asphalt on the Northeasterly right of way of Friendship Road; Thence run South 66 Degrees 44 Minutes 34 Seconds East along said right of way for a distance of 50.40 feet to a found 1" square metal on said right of way which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 23 Degrees 02 Minutes 18 Seconds East a distance of 209.35 feet to a set capped 5/8" rebar; Thence South 57 Degrees 08 Minutes 54 Seconds East a distance of 199.62 feet to a found 3/4" open top pipe; Thence South 22 Degrees 56 Minutes 30 Seconds West a distance of 209.77 feet to a set 5/8" capped rebar on the northeasterly right of way of Friendship Road; Thence run North 57 Degrees 02 Minutes 54 Seconds West along said right of way a distance of 200.04 feet to a found 1" square metal, which is the POINT OF BEGINNING. Said parcel contains 41,251 square feet or 0.947 acres.

TRACT 4
Tax Parcel 08154 000013

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Vanes); Thence run North 57 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.96 feet to a found PK nail in asphalt on the Northeastern Right of way of Friendship Road, which is the POINT OF BEGINNING for herein described parcel of land; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 06 Seconds East for a distance of 276.67 feet to a found 1/2" rebar; Thence South 67 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 187.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found oak joak; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 86.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence South 63 Degrees 09 Minutes 41 Seconds East for a distance of 214.17 feet to a found 1-1/2" open top pipe; Thence South 21 Degrees 39 Minutes 34 Seconds West for a distance of 644.76 feet to a found 1" square metal; Thence North 69 Degrees 34 Minutes 47 Seconds West for a distance of 246.45 feet to a 1" square metal; Thence South 22 Degrees 56 Minutes 30 Seconds West for a distance of 36.81 feet to a found 3/4" oomp top pipe; Thence North 57 Degrees 08 Minutes 54 Seconds West for a distance of 199.62 feet to a set capped 8/8" rebar; Thence South 23 Degrees 02 Minutes 18 Seconds West for a distance of 209.36 feet to a found 1" square metal on the northeasterly right of way of Friendship Road; Thence run North 56 Degrees 44 Minutes 34 Seconds West along said right of way for a distance of 80.40 feet to a found PK nail in asphalt, which is the POINT OF BEGINNING. Said parcel contains 166,167 square feet or 3.862 acres.

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Vanes); Thence run North 57 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.96 feet to a found PK nail in asphalt on the Northeastern Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 45 Minutes 06 Seconds East for a distance of 276.67 feet to a found 1/2" rebar; Thence South 67 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 51 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 187.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 59 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 57 Minutes 43 Seconds West for a distance of 72.85 feet to a found oak joak; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 86.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 8/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way vanes), which is the POINT OF BEGINNING for herein described parcel of land; Thence proceeding along said right of way North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.96 feet to a set capped 8/8" rebar; Thence departing from said right of way proceeding South 66 Degrees 28 Minutes 13 Seconds East a distance of 922.74 feet to a found 3/8" rebar; Thence South 21 Degrees 11 Minutes 13 Seconds West a distance of 217.96 feet to a found 1-1/2" open top pipe; Thence North 62 Degrees 16 Minutes 13 Seconds West a distance of 324.11 feet to a found 1-1/2" open top pipe; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 628.94 feet to a set capped 8/8" rebar, which is the POINT OF BEGINNING. Said parcel contains 182,071 square feet or 4.180 acres.

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

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

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

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

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

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

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

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

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

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

Tract II:

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

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

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

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

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

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

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

Said property contains 5.998 acres.

Exhibit “C”

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

1. State Permits. The property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a full and complete copy of all approved state permits required for operation of the quarry, including but not necessarily limited to air quality (for both the quarry operation and any site tenants, i.e., asphalt and concrete plants). Whenever a revision or renewal of any such state permit is required or sought, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a full and complete copy of all such applications pending along with relevant correspondence from governing state agencies regarding the disposition of the application for permit revision or renewal.
2. Noise Studies and Sound Level Monitoring. At least once every three years, unless otherwise requested by the Zoning Administrator, beginning no later than the date this CUP is approved, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a copy of a noise study meeting specifications and content details of the noise studies referenced in the Planning Evaluation and Staff Report for Ordinance No. 344. The study shall provide specific measurements at multiple locations along the perimeter of the property ownership boundary. Said noise study shall evaluate observed sound levels with noise standards of the City of Flowery Branch as contained in its comprehensive plan and/or zoning ordinance. At any points where sound levels from such noise studies reveal that the acceptable noise threshold of the City of Flowery Branch of operational sounds (as distinguished from off-site, ambient noise) is exceeded, the professional preparing the noise study shall recommend and the property owner shall propose noise mitigation measures and a time frame for their implementation acceptable to the City of Flowery Branch. Mitigation measures may include but shall not be limited to berms and noise attenuation barriers.
3. Hours of Operation. Hours of operation of the quarry and any on-site tenants (i.e., asphalt and concrete plants) shall be limited to 6:00 a.m. to 10:00 p.m., Monday through Saturday, with the exception that: Hours of operation (but not including blasting) may be extended to 24 hour a day and Sunday operations as reasonably necessary for the applicant or any tenant to supply materials to a governmental project. In all such cases the applicant for tenant shall submit a copy of the executed governmental contract for which such extended hours are reasonably necessary to the Manager of Planning and Community Development of the City of Flowery Branch within five days of receipt of the contract. Applicant or tenant shall also supply an anticipated schedule of extended operating hours pertaining to the contract to show that such extended hours are authorized by this condition. This exception shall only be permitted for the duration of government contracts only. Outside of authorized operating hours, access to the property shall be controlled by the front gate being locked.

4. Activity Setback. The proposed extraction shall not take place within one hundred (100) feet of a property line.
5. Stockpiles. Product piles, spoil piles, and other accumulations of by-products shall not be created to a height more than thirty-five (35) feet above the original contour.
6. Fencing. Applicant shall maintain all existing fencing. Modification of any fencing shall require prior approval from the Zoning Administrator. In submitting any future fencing site plan, the property owner shall indicate where new fencing (and the type of fencing) is proposed. The fencing site plan shall be subject to the approval of the Director of Planning and Community Development of the City of Flowery Branch, and for good cause shown, the Director may disapprove of any site plan that does not provide adequate security of the work of the quarry operation and/or the entire ownership rite.
7. Tenant Sites. There shall be no tenant sites or tenant operations on the subject properties.
8. Blasting. The property owner shall be continuously responsible for assuring that blasting meets the Georgia Blasting Standards Act and the safe blasting limit of 2.0 inches per second, peak particle velocity. The property owner shall achieve compliance with this condition by monitoring blast operations. Upon request, the property owner shall submit to the Manager of Planning and Community Development of the City of Flowery Branch a copy of all such monitoring results from a qualified professional. In addition, any correspondence between the property owner and the State Fire Marshall relative to compliance with the Georgia Blasting Standards Act shall be submitted within ten (10) days to the Manager of Planning and Community Development of the City of Flowery Branch.

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

9. Access Limited. There shall be no access from Blackjack Road, Hog Mountain Road, or Friendship Road to the subject properties.
10. As-built screening conditions and vegetation and stabilization plan for berms and buffers. Applicant shall maintain all existing berms and buffers areas as previously required. Modification of any berm or buffer area shall require prior approval from the Zoning Administrator.

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

12. Community Advisory Council.

- a. The property owner agrees to continue holding periodic Community Advisory Council meetings in the area of the subject property, such as at Friendship or Cornerstone Baptist Church, or other institution in the area, in order to periodically educate neighbors and residents and business owners in the area, about the operations, the industry generally, and changes to site plans and conditions. Such meetings shall not be held less frequently than one per quarter year.
- b. At such meetings, the property owner will report the progress made toward compliance with these conditions of zoning, disclose any formal complaints received by the City of Flowery Branch that have been forwarded to the property owner, describe “best practices” for safety, land management, environmental protection, and site operations being implemented or contemplated for implementation, present any special studies required by these conditions of zoning, and explain other appropriate or salient features of the property and its operations.

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

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider a rezoning request submitted by Keystone Development Services, LLC to rezone a .60 +/- acre tract of land identified as 5415 Mulberry Street, tax parcel number 08113 001009, from TND (Traditional Neighborhood District) to HB (Highway Business).

COUNCIL MEETING DATE: October 7, 2021

HISTORY:

FACTS AND ISSUES:

A shortened schedule was approved by Council:

Public hearing October 7

First read - October 21

Secod read - November 18

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing only

SAMPLE MOTION:

No vote at this time.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [LScape Plan - Mulberry St 092221 RENDERED.pdf](#)

- Bldg Flr Plan & Elevations - 5415 Mulberry St. 092221.pdf
- Thomas Wells Staff Report .pdf
- Application.pdf

LEGEND



AMERICAN
PILLAR
ARBORVITAE



ANGELINA
SEDUM



DIANTHUS



SEASONAL COLOR BED



VINTAGE
JADE
DISTYLUM



CHASTE
TREE



BLUE CHIP
DWARF BUTTERFLY
BUSH



NATCHEZ
CRAPE MYRTLE



ADAGIO
MISCANTHUS



WINTERGREEN
BOX WOOD



= WILLOW OAK



SHADES OF PINK
VIBURNUM



PURPLE DAYDREAM
LOROPETALUM



EXISTING VEGETATION



LIGHT PINK ENCORE
AZALEA



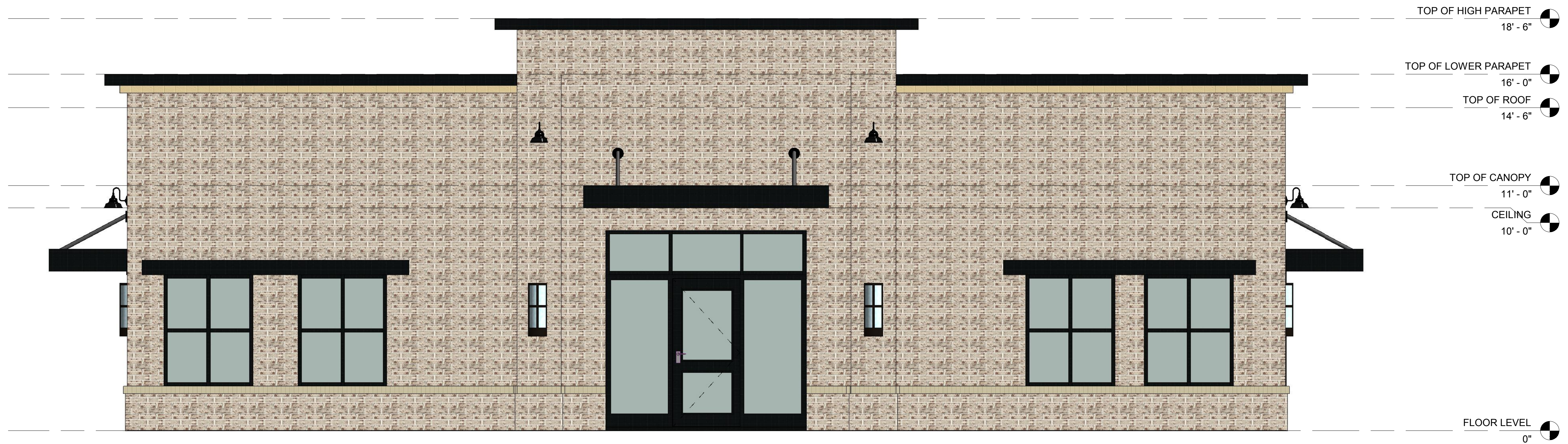
LAND DESIGN GROUP, INC.
LANDSCAPE ARCHITECTS, PLANNERS, CERTIFIED ARBORISTS



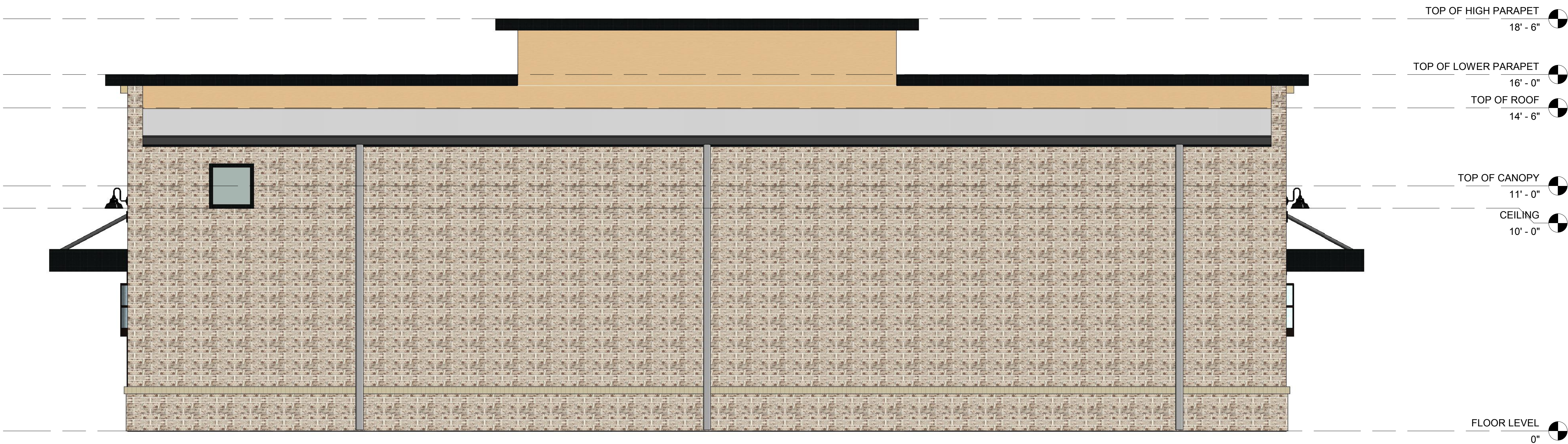


1 FLOOR PLAN
1/4" = 1'-0"

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE FLOOR PLAN	
DRAWN KPS	
CHECKED NAGESH	
DATE 09.22.2021	
SCALE 1/4" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-100	

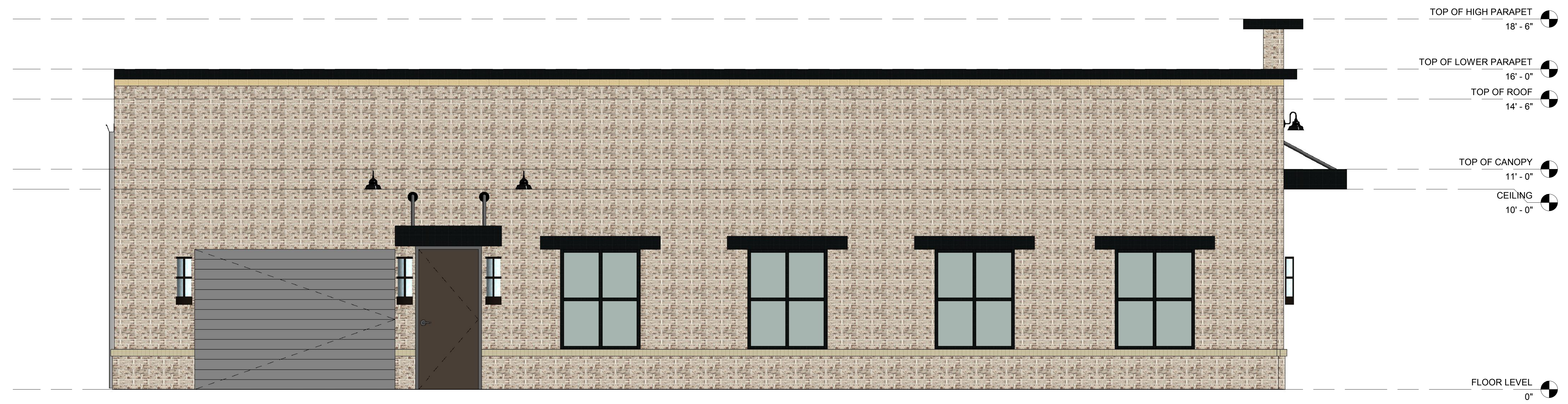


1 FRONT ELEVATION
3/8" = 1'-0"

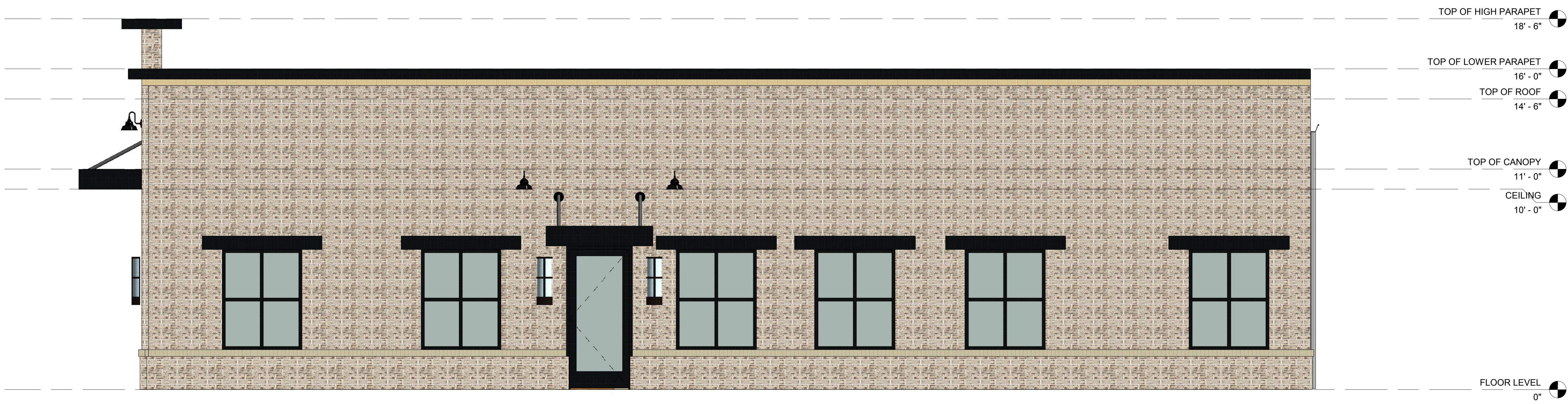


2 REAR ELEVATION
3/8" = 1'-0"

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE FRONT & REAR ELEVATIONS	
DRAWN KPS	
CHECKED NAGESH	
DATE 09.22.2021	
SCALE 3/8" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-101	

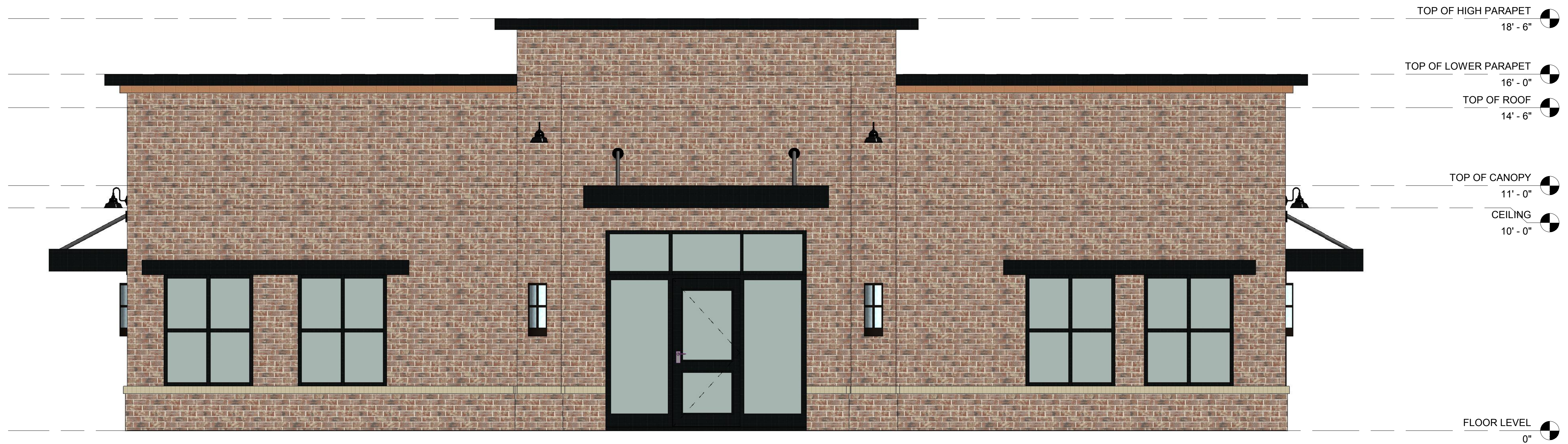


3 LEFT ELEVATION
3/8" = 1'-0"

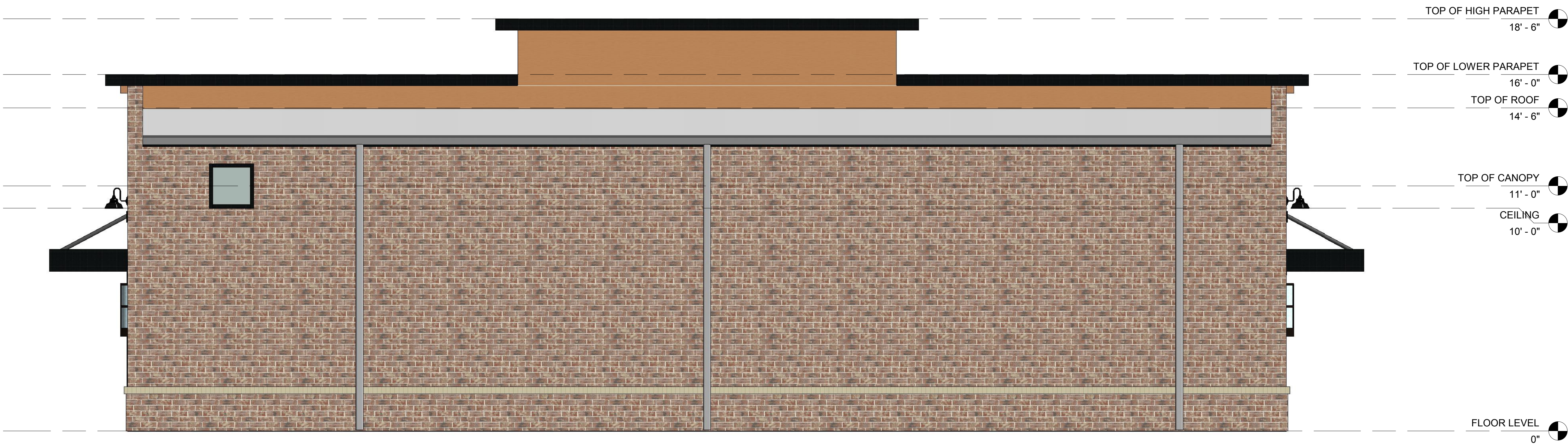


4 RIGHT ELEVATION
3/8" = 1'-0"

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE LEFT & RIGHT ELEVATIONS	
DRAWN KPS	
CHECKED NAGESH	
DATE 09.22.2021	
SCALE 3/8" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-102	



1 FRONT ELEVATION
3/8" = 1'-0"

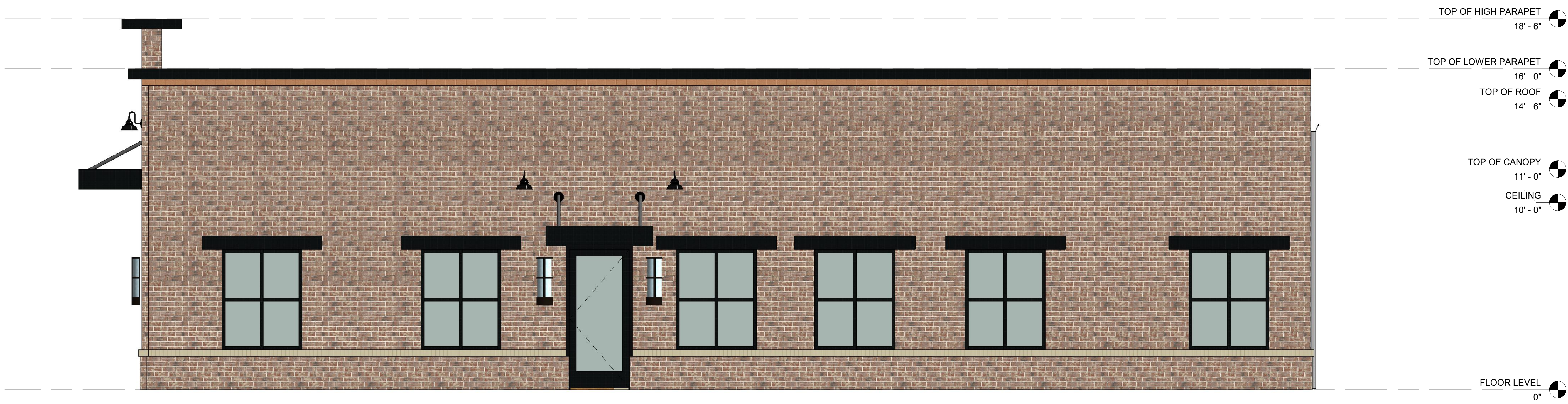


2 REAR ELEVATION
3/8" = 1'-0"

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE FRONT & REAR ELEVATIONS	
DRAWN KPS	
CHECKED NAGESH	
DATE 09.22.2021	
SCALE 3/8" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-101	



3 LEFT ELEVATION
3/8" = 1'-0"



4 RIGHT ELEVATION
3/8" = 1'-0"

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE LEFT & RIGHT ELEVATIONS	
DRAWN KPS	
CHECKED NAGESH	
DATE 09.22.2021	
SCALE 3/8" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-102	



Applicant: Keystone Development Services, LLC.

Property Owner: Soltri Entertainment, LLC.

Subject Property: 5415 Mulberry Street; .60 +/- acres

Request: Rezone subject property from Traditional Neighborhood District (TND) to Highway Business (HB).

Current Use: Vacant

Proposed Use: Office

Character Area: Traditional Neighborhood

Proposal

Applicant proposes to rezone a parcel of land totaling .60 +/- acres from Traditional Neighborhood District (TND) to Highway Business (HB) with the intention of constructing an office building.

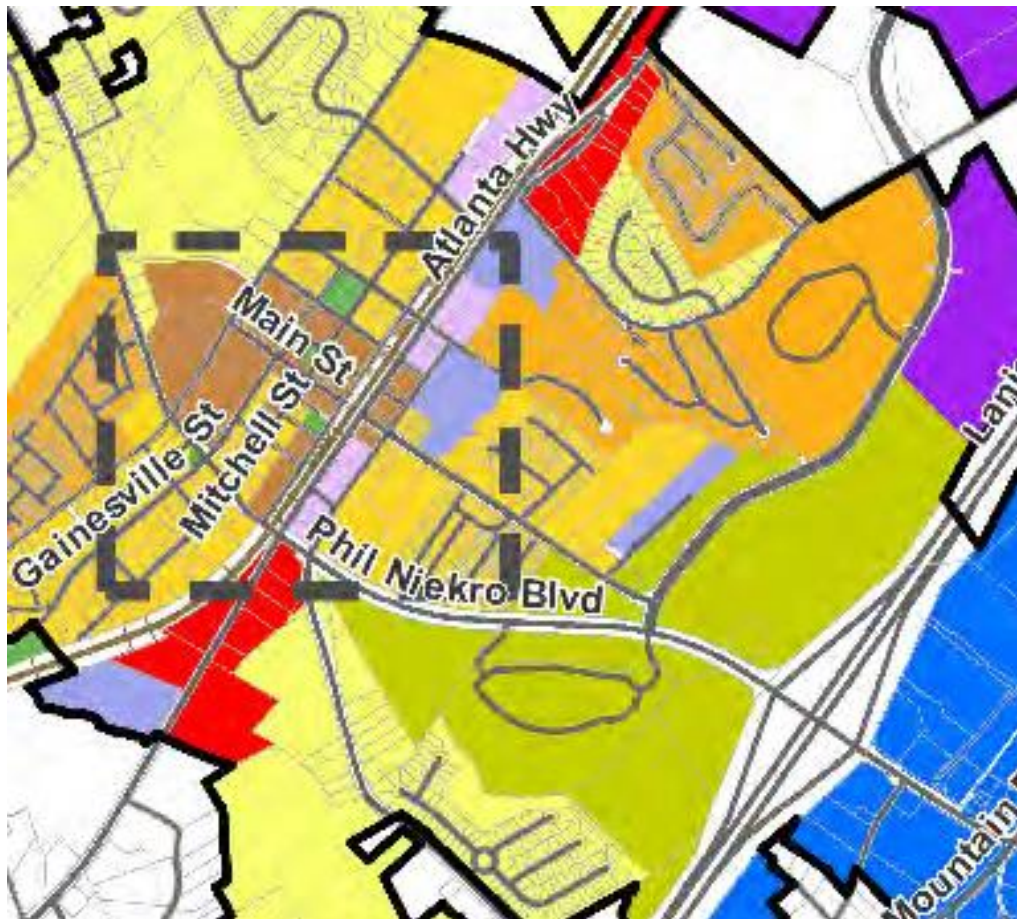
Location Map





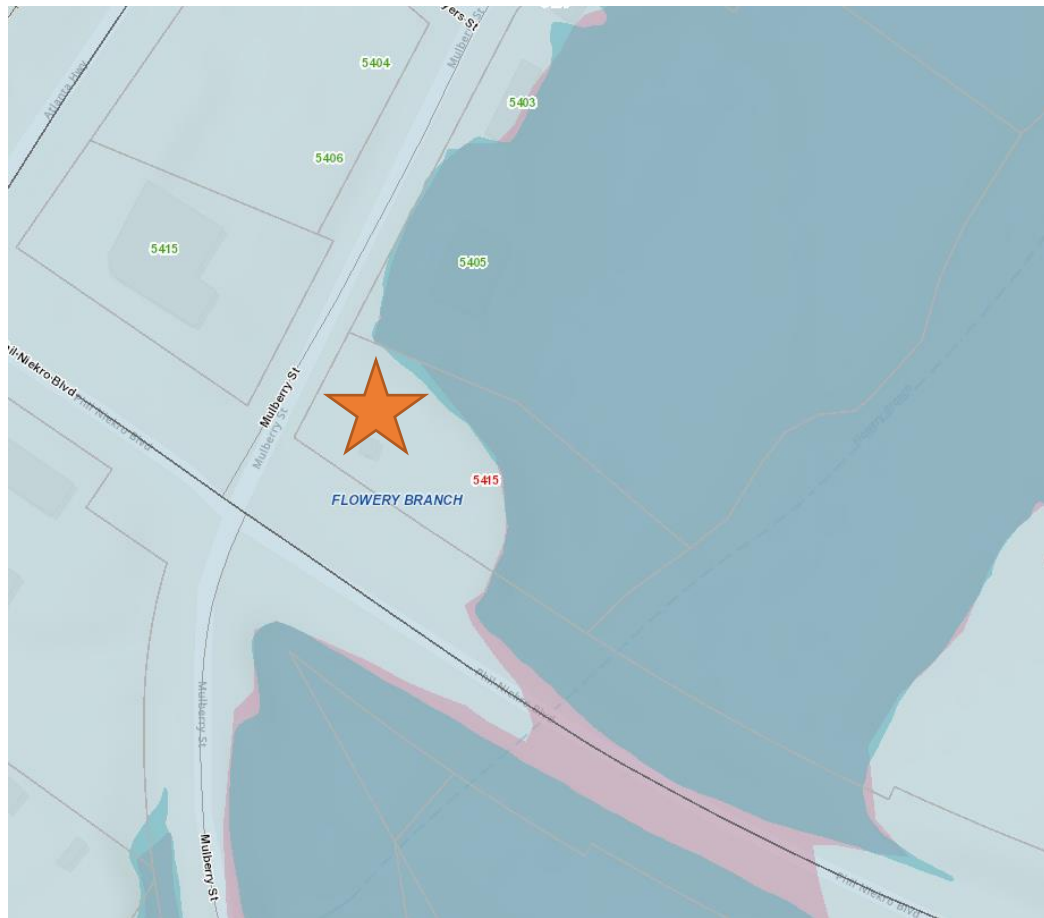


Character area map:





Map showing the floodplain:



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.

Applicant response attached as Exhibit "A"

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, office use is appropriate for this location.**
- (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 add a local business in close proximity to downtown.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of TND allows for the construction of one single family home.**
- (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 "Traditional Neighborhood District" character area. The scope and scale of this proposed project, although not residential in nature, fits the intent of the designated character area.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **The subject property is greatly impacted by the current and future FEMA floodplain. It has been marketed for residential use for some time without success.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant, the proposed use will fit in with, and enhance, the Phil Niekro Boulevard corridor, the Mulberry Street community, and downtown.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff does not have a specific number regarding property value, but the current zoning classification of TND has not warranted any proposed development on the site.**



- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent to the adjacent properties.**
- (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 new project will add a locally owned and operated office on a challenging corner that will blend into the zoning district and enhance the area.**
- (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 meets the intent of the Zoning Ordinance.**

Staff Recommendation

Staff recommends approval of the rezoning request with the following conditions:

1. Project shall be served by Flowery Branch water and sewer.
2. Project shall significantly adhere to the site plan as submitted by applicant and shown as part of this report.
3. Elevations shall significantly adhere to those presented as part of this report in appearance and materials.
4. A five-foot sidewalk shall be provided along the entirety of the project along Mulberry Street.
5. Landscaping shall significantly adhere to the plan as presented as part of this report.



Exhibit "A"

PROJECT NARRATIVE

Proposed Office Development – 5415 Mulberry Street, Flowery Branch, GA

The subject property is a 0.60 acre tract located at 5415 Mulberry Street at the intersection of Phil Niekro Blvd. (a/k/a Spout Springs Extension). This property is undeveloped and is currently zoned TND. The proposed use is an office facility to be developed for owner occupation of Keystone companies, ProClaim Group and ProBuild Construction (all of which have a common principal).

The proposed project consists of one primary building – being approximately 3,000+ SF. The exterior façade of the building will consist of masonry (brick), EFIS and glass facades on three sides visible from the public R/W, with a metal pitched roof and a maximum building parapet height of 17'-3". The percentage of façade materials on the three sides visible from the public R/W are approximately 70% brick masonry, 10% EFIS accent and 20% glass; the rear of the building (abutting the 30 ft. undisturbed buffer) is planned to be insulated metal panels in an earth tone color. The main entry will front on Phil Niekro Blvd. with a cantilevered metal awning with square rod hangers over the storefront.

Ten parking spaces are proposed, and the Owners are planning all concrete paving and intense landscaping. The maximum lot coverage of the building is 3,016 SF (0.11 Floor Area Ratio). The total impervious area planned is 8,516 SF (32.5% of the site) and approximately 50% of the site will remain undisturbed.

The proposed office facility will be maintained and operated in a manner consistent with other neighboring commercial and retail uses. The proposed use will not be detrimental to, or endanger, the public health, safety or welfare. The proposed project will be in harmony with the surrounding retail and commercial land uses that serve the community and regional needs and is appropriate adjoining a minor thoroughfare.

The development of this site will allow for a use that will be of higher value and be a greater generator of tax revenue to the City. The development of the site will provide a structure that is very well designed, contains attractive landscaping and will be an asset to the neighborhood rather than create a hardship on the other adjacent owners.

The site is located in a commercial corridor with existing public utilities adequate to serve the intended use of the property as an office facility. The general character of this area is retail with industrial business on both sides of Phil Niekro Blvd, from Flowery Branch up to Atlanta Highway and are zoned Highway Business. The property to the Northeast is zoned TND and is operated as a residential rental unit.

Due to the location of the property abutting a minor thoroughfare with commercial uses and the limited amount of useable land, use as currently zoned could be deemed unfavorable for residential due to noise and light pollution, and traffic concerns.



REZONING APPLICATION

Date: _____

Address of Request:

5415 Mulberry Street, Flowery Branch, Georgia

Tax Map # 08113-001009 Current Zoning: TND

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

Currently a conforming use? N/A - undeveloped

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

Applicant Information

Name: Thomas Wells, Principal - Keystone Development Services, LLC

Address: 4335 South Lee Street, Suite B
Buford, Georgia 30518

E-mail address: twells@kdsllc.net

Phone number: 404-358-1178

Signature: _____

Notary: _____





Property owner information (if different than the applicant)

Property owner (please print): Soltri Entertainment, LLC

Signature of property owner: Trina Braxton

See next page

Notary:

Property Information

Tax Map Number: 08113-001009

Current Zoning: TND Total Acres: 0.60

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

Proposed City of Flowery Branch Zoning: HB-Highway Business

Current Use: Vacant - Undeveloped

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

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

- Legal description
- Current survey of property



Flower Branch

Property owner information (if different than the applicant)

Property owner (please print): Soltri Entertainment, LLC

Signature of property owner: [Signature]
Dina Braxton

Notary:

Fred Joshua Hawkins
NOTARY PUBLIC
Fulton County, GA
My Commission Expires 4/18/2023

[Signature]
EXP 4/18/2023

Property Information

Tax Map Number: 08113-001009

Current Zoning: TND Total Acres: 0.60

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

Proposed City of Flower Branch Zoning: GB

Current Use: Vacant - Undeveloped

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

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

- Legal description
- Current survey of property



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

Conflict of Interest Disclosure

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

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

None

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

N/A

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

N/A



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

PROJECT NARRATIVE
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Due to the location of the property abutting a minor thoroughfare with commercial uses and the limited amount of useable land, use as currently zoned could be deemed unfavorable for residential due to noise and light pollution, and traffic concerns.

Names and Addresses of Adjoining Property Owners (per Hall County qPublic):

Texaco Gas and Convenience Store-5415 Atlanta Hwy.

Zoned HB

Luqmaan 3 Inc.

11 Cottage Walk NW

Cartersville, GA 30121

BP Gas and Convenience Store-5504 Phil Niekro Blvd.

Zoned GB

Robert Wayne Mason, et. al.

3705 Maple Forge Lane

Gainesville, GA 30504

Undeveloped 12.15 Acres-across Phil Niekro Blvd. from subject property

Zoned HB

Ionut Melniciuc

1377 Duncan Lane

Suite A

Auburn, GA 30011

Residential Rental Property-5405 Mulberry Street

Zoned TND

John Cassidy

1124 Beaver Dam Road

Hoschton, GA 30548

To be include in Addendum to the Application:

1. Landscape Plan
2. Color Rendering of Building Elevations

SURVEY LEGAL DESCRIPTION – 5415 Mulberry St.

ALL THAT LOT, TRACT OR PARCEL OF LAND CONTAINING 0.60 ACRES LYING AND BEING IN LAND LOT 113 OF THE 8TH DISTRICT, IN THE CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

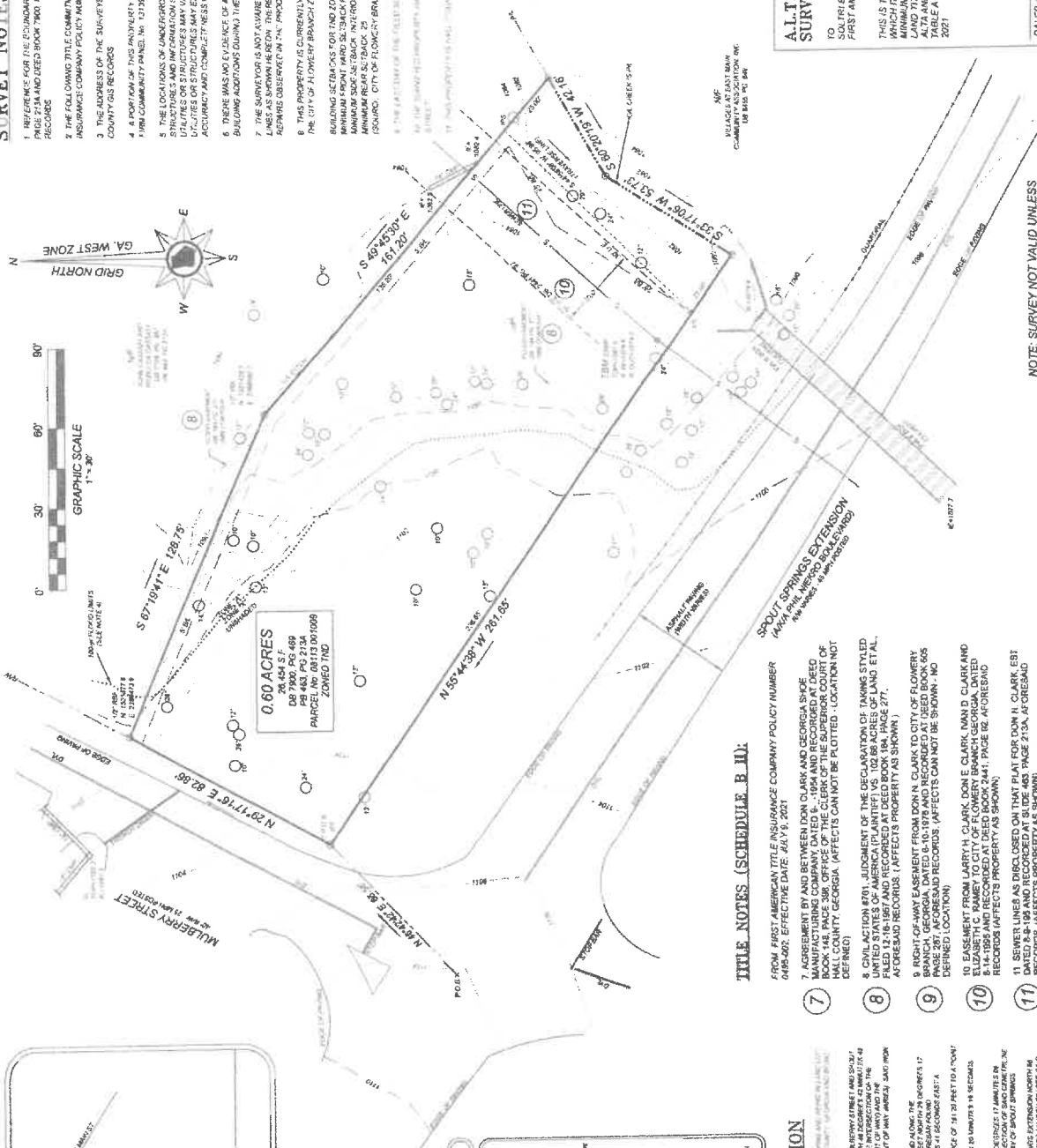
BEGIN AT A POINT AT THE INTERSECTION OF THE CENTERLINES OF MULBERRY STREET AND SPOUT SPRINGS EXTENSION (A/K/A PHIL NIEKRO BOULEVARD); THENCE NORTH 46 DEGREES 42 MINUTES 42 SECONDS EAST A DISTANCE OF 66.56 FEET TO AN IRON PIN SET AT THE INTERSECTION OF THE SOUTHEASTERN RIGHT OF WAY OF MULBERRY STREET (40 FOOT RIGHT OF WAY) AND THE NORTHEASTERN RIGHT OF WAY OF SPOUT SPRINGS EXTENSION (RIGHT OF WAY VARIES), SAID IRON PIN BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND ALONG THE AFOREMENTIONED SOUTHEASTERN RIGHT OF WAY OF MULBERRY STREET NORTH 29 DEGREES 17 MINUTES 16 SECONDS EAST A DISTANCE OF 82.86 FEET TO A 1/2 INCH REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY SOUTH 67 DEGREES 19 MINUTES 41 SECONDS EAST A DISTANCE OF 128.75 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 49 DEGREES 45 MINUTES 30 SECONDS EAST A DISTANCE OF 161.20 FEET TO A POINT IN THE CENTERLINE OF A CREEK; THENCE ALONG THE CENTERLINE OF SAID CREEK SOUTH 60 DEGREES 20 MINUTES 19 SECONDS WEST A DISTANCE OF 42.16 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE OF CREEK SOUTH 33 DEGREES 17 MINUTES 06 SECONDS WEST A DISTANCE OF 53.73 FEET TO A POINT AT THE INTERSECTION OF SAID CENTERLINE OF CREEK AND THE AFOREMENTIONED NORTHEASTERN RIGHT OF WAY OF SPOUT SPRINGS EXTENSION; THENCE ALONG THE NORTHEASTERN RIGHT OF WAY OF SPOUT SPRINGS EXTENSION NORTH 55 DEGREES 44 MINUTES 38 SECONDS WEST A DISTANCE OF 261.65 FEET TO AN IRON PIN SET, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING.

SURVEY NOTES:

1. REFERENCES FOR THE ECONOMIC INFORMATION SHOWN HEREON WAS MADE TO PLAT BOOK 100, PAGE 12 AND DEED BOOK 7062 PAGE 48 RECORDED IN HALL COUNTY CLERK OF PUBLIC PLATS RECORDS
2. THE FOLLOWING TITLE COMMITMENT WAS SUPPLIED TO THE SURVEYOR FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NUMBER 0484-002, EFFECTIVE DATE JULY 8, 2021
3. THE ADDRESS OF THE SURVEYED PROPERTY IS 3415 MULBERRY STREET, ACCORDING TO HALL COUNTY GIS RECORDS
4. A DEED GRANTING THE SURVEYED LOT AND A PORTION OF A 10-ACRE HAZARD ZONE, AS SET FORTH ON A PLAT COMMITMENT PANEL NO. 1312000031 IS DATED APRIL 4, 2018
5. THE LOCATIONS OF UNSATURATED UTILITIES SHOWN IS BASED UPON ABOVE GROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON
6. THERE WAS NO EVIDENCE OF ANY PREVIOUS EARTH MOVING, BUILDING CONSTRUCTION OR BUILDING ADJUSTMENTS DURING THE PROCESS OF CONDUCTING THE FIELDWORK
7. THE SURVEYOR IS NOT AWARE OF ANY PROPOSED CHANGES IN THE STREET RIGHT OF WAY LINES AS SHOWN HEREON. THERE WAS NO EVIDENCE OF RECENT STREET CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK
8. THE PROPERTY IS CURRENTLY UNIMPROVED. THE SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER



TITLE NOTES (SCHEDULE B II):

- | | |
|---|----|
| FROM FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NUMBER 446460, EFFECTIVE DATE 1/4/19, 2017 | 7 |
| 7 AGREEMENT BY AND BETWEEN DON CLARK AND GEORGINA ROSE T. AGREEMENT DATED 12/15/17, RECORDED AT DEED BOOK 145, PAGE 308. OFFICE OF THE SUPERIOR COURT HALL COUNTY, GEORGIA. AFFECTS CAN NOT BE PLOTTED - LOCATION DEFINED | 8 |
| 8 CIVIL ACTION #711, JUDGMENT OF THE DECLARATION OF TAKING STYLED 12-15-17, UNITED STATES OF AMERICA (PLAINTIFF) VS. 102.869 ACRES OF LAND 12-15-17, UNITED STATES (AFFECTS PROPERTY AND AFFECTS RECORD) | 9 |
| 9 RIGHT OF WAY EASEMENT FROM DON H. CLARK TO OTIS L. BOWEN, JR. AFFECTS 267 ACRES OF LAND. AFFECTS CAN NOT BE PLOTTED - LOCATION DEFINED (LOCATION) | 10 |
| 10 EASEMENT FROM LARRY H. CLARK, DON E. CLARK, VAN D. CLARK AND ELIZABETH C. KANEY TO CITY OF KLOWERY BLANCH COUNTY, DATED 8-14-1988 AND RECORDED AT DEED BOOK 2441, PAGE 82. AFFECTS RECORDS AFFECTS PROPERTY (AFFECTS RECORD) | 11 |
| 11 SEWER LINES AS DISCLOSED ON THAT PLAT FOR DON H. CLARK, EASEMENT DATED 8-14-1988 AND RECORDED AT DEED 405 PAGE 21-A. EFFECTS | |

SURVEY LEGAL DESCRIPTION

[illegible][illegible]

DATE	NO	ISSUE	DESCRIPTION	DATE
DATE: AUGUST 8, 2021				
SCALE: 1" = 30'				
ACREAGE: 0.00 ACRES (26.454 S.F.)				
LAND LOC: 113				
DISTRICT: 8th				
CITY: EUMERY BRANCH				
COUNTY: HALL			STATE: GEORGIA	
SURVEINED: AH			DRAWN: MJS	
CHECKED:			APPROVED: CAM	
PROJECT #: 21-383				

ALTA/NSPS LAND TITLE SURVEY FOR:

5415 MULBERRY STREET

LAND LOT 113, 8th DISTRICT, HALL COUNTY, GEORGIA
PARCEL No: 08113 001008
BEING IN THE CITY OF FLOWERY BRANCH



NOTE: SURVEY NOT VALID UNLESS
SEAL SIGNED AND DATED

A.L.T.A./NSPS LAND TITLE
SURVEY CERTIFICATION

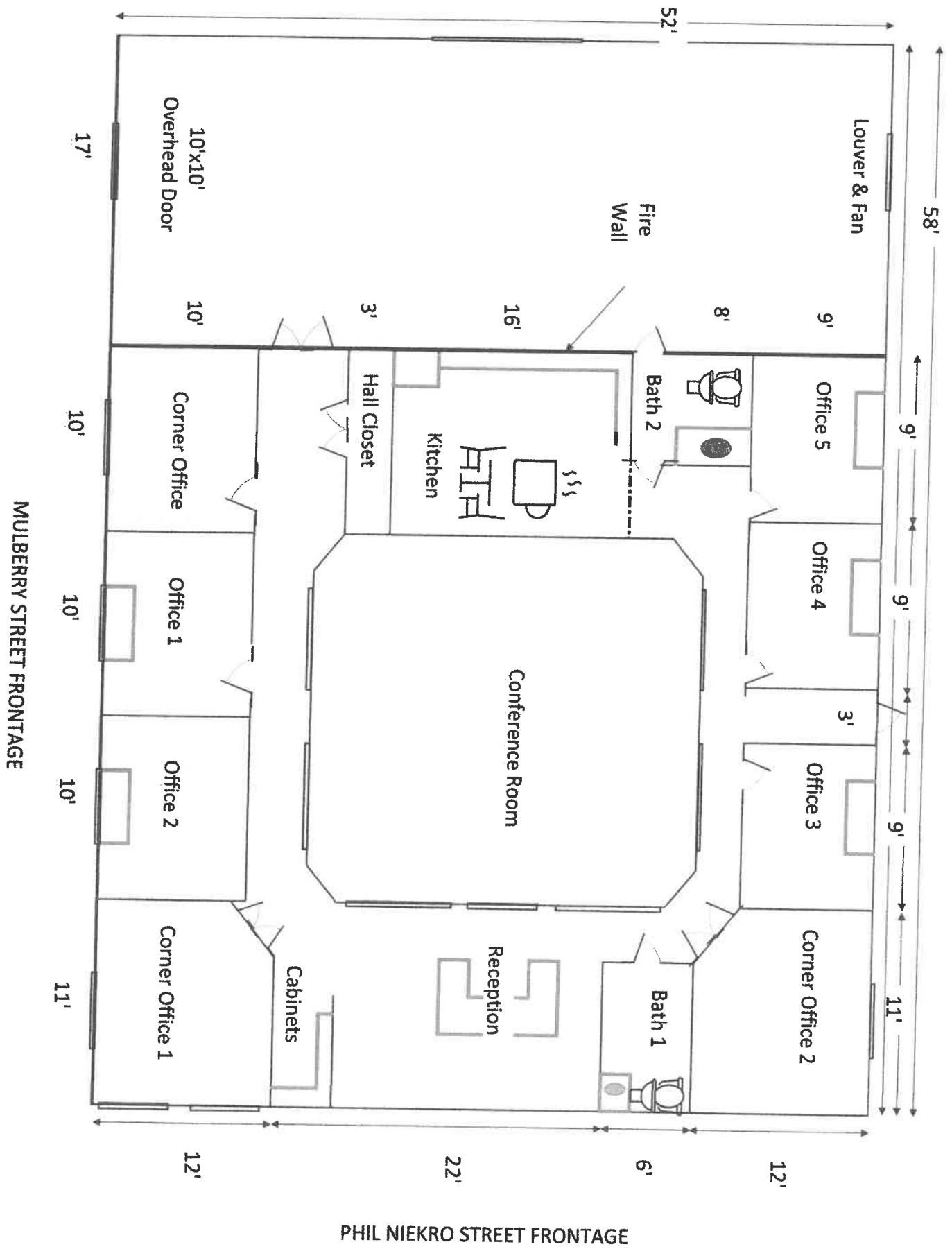
TO SOLTRIENT ENTERTAINMENT, LLC
FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSP'S LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSP'S, AND INCLUDES ITEMS 1.2, 3.4, 5.8, 13, 14, 16, 17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 23, 2021.

2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47	2047-48	2048-49	2049-50	2050-51	2051-52	2052-53	2053-54	2054-55	2055-56	2056-57	2057-58	2058-59	2059-60	2060-61	2061-62	2062-63	2063-64	2064-65	2065-66	2066-67	2067-68	2068-69	2069-70	2070-71	2071-72	2072-73	2073-74	2074-75	2075-76	2076-77	2077-78	2078-79	2079-80	2080-81	2081-82	2082-83	2083-84	2084-85	2085-86	2086-87	2087-88	2088-89	2089-90	2090-91	2091-92	2092-93	2093-94	2094-95	2095-96	2096-97	2097-98	2098-99	2099-00	2100-01	2101-02	2102-03	2103-04	2104-05	2105-06	2106-07	2107-08	2108-09	2109-10	2110-11	2111-12	2112-13	2113-14	2114-15	2115-16	2116-17	2117-18	2118-19	2119-20	2120-21	2121-22	2122-23	2123-24	2124-25	2125-26	2126-27	2127-28	2128-29	2129-30	2130-31	2131-32	2132-33	2133-34	2134-35	2135-36	2136-37	2137-38	2138-39	2139-40	2140-41	2141-42	2142-43	2143-44	2144-45	2145-46	2146-47	2147-48	2148-49	2149-50	2150-51	2151-52	2152-53	2153-54	2154-55	2155-56	2156-57	2157-58	2158-59	2159-60	2160-61	2161-62	2162-63	2163-64	2164-65	2165-66	2166-67	2167-68	2168-69	2169-70	2170-71	2171-72	2172-73	2173-74	2174-75	2175-76	2176-77	2177-78	2178-79	2179-80	2180-81	2181-82	2182-83	2183-84	2184-85	2185-86	2186-87	2187-88	2188-89	2189-90	2190-91	2191-92	2192-93	2193-94	2194-95	2195-96	2196-97	2197-98	2198-99	2199-00	2200-01	2201-02	2202-03	2203-04	2204-05	2205-06	2206-07	2207-08	2208-09	2209-10	2210-11	2211-12	2212-13	2213-14	2214-15	2215-16	2216-17	2217-18	2218-19	2219-20	2220-21	2221-22	2222-23	2223-24	2224-25	2225-26	2226-27	2227-28	2228-29	2229-30	2230-31	2231-32	2232-33	2233-34	2234-35	2235-36	2236-37	2237-38	2238-39	2239-40	2240-41	2241-42	2242-43	2243-44	2244-45	2245-46	2246-47	2247-48	2248-49	2249-50	2250-51	2251-52	2252-53	2253-54	2254-55	2255-56	2256-57	2257-58	2258-59	2259-60	2260-61	2261-62	2262-63	2263-64	2264-65	2265-66	2266-67	2267-68	2268-69	2269-70	2270-71	2271-72	2272-73	2273-74	2274-75	2275-76	2276-77	2277-78	2278-79	2279-80	2280-81	2281-82	2282-83	2283-84	2284-85	2285-86	2286-87	2287-88	2288-89	2289-90	2290-91	2291-92	2292-93	2293-94	2294-95	2295-96	2296-97	2297-98	2298-99	2299-00	2300-01	2301-02	2302-03	2303-04	2304-05	2305-06	2306-07	2307-08	2308-09	2309-10	2310-11	2311-12	2312-13	2313-14	2314-15	2315-16	2316-17	2317-18	2318-19	2319-20	2320-21	2321-22	2322-23	2323-24	2324-25	232
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SHEET 1 OF 1

GA
LAND SURVEYOR
404-384-9577
GA LAND SURVEYOR, LLC
3355 ANNANDALE LANE, STE 1
SUWANEE, GA 30024





FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood District (TND) to Central Business District (CBD).

COUNCIL MEETING DATE: October 7, 2021

HISTORY:

This is the public hearing and first read of ordinances 641, 642, and 643. The request is to rezone three (3) parcels of land known as 5611 Church Street, 5615 Church Street, and 5621 Church from Traditional Neighborhood District (TND) to Central Business District (CBD) with the intent to construct a new subdivision consisting of fourteen (14) townhomes.

The initial staff report and the first draft of the ordinances are attached below.

FACTS AND ISSUES:

Staff recommends approval of the request to rezone the subject properties from Traditional Neighborhood Development District (TND) to conditional Central Business District (CBD). Staff recommends approval of the townhome use at a maximum density of 14 units/acre subject to the conditions set forth in Exhibit C of the rezoning ordinances.

Staff does not recommend construction approval for the following reasons:

1. The elevations do not meet the intent of the “Traditional Neighborhood” character area of the Flowery Branch Comprehensive Plan as it does not emphasize or even consider a front porch.
2. The elevations do not meet the intent of the “Old Town” character area of the Flowery Branch Comprehensive Plan as it does not present a style that is consistent with the historic fabric of the downtown.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the rezoning request. Elevations should be revised and brought back to Council for approval.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [South Hall Staff Report_REVISED 9.30.pdf](#)
- [Combined South Hall Ordinances for October 7.pdf](#)



Applicant: South Hall, LLC

Property Owner: South Hall, LLC

Subject Properties: 5611 Church Street, Tax Parcel ID No. 08112A 002007; 5615 Church Street, Tax Parcel ID No. 08112A 002008; 5621 Church Street, Tax Parcel ID No. 08112A 002009; Totaling 1.10 +/- Acres

Request: Rezone subject properties from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

Current Use: Vacant Residential

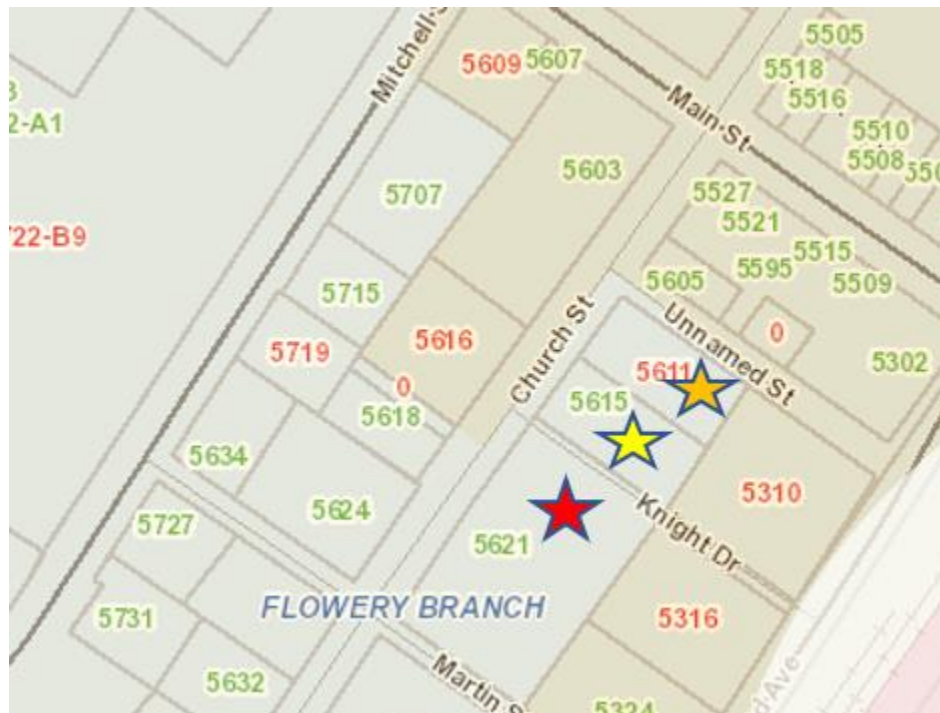
Proposed Use: 14 residential townhomes

Character Area: Traditional Neighborhood

Proposal

Applicant proposes to rezone and combine three (3) parcels of land totaling 1.10+/- acres from Traditional Neighborhood Development District (TND) to Central Business District (CBD) with the intention of constructing fourteen (14) for sale townhome units.

Location Map





Aerial





General Layout of Proposed





Renderings

Front elevations facing Church Street



Rear elevations with attached garages facing the future Flowery Branch Farmers Market





Rear elevations with detached garages facing the future Flowery Branch Farmers Market



Comprehensive Plan

Currently, the subject properties are located in the “Traditional Neighborhood” character area as designated by the Comprehensive Plan’s “Future Development Map”. The “Traditional Neighborhood” character designation permits townhomes and lots smaller than 1/3 of an acre. The “Old Town” character designation, which surrounds the proposed development site on three sides - the northwest, northeast and southwest sides - also suits this proposal. The character area may remain as it currently designated and meet the intent of the Comprehensive Plan, or it may be changed to the “Old Town” designation which it may be better suited for. The plan can be found here:

<https://oldtownflowerybranch.files.wordpress.com/2014/01/oldtownredevelopmentplan.pdf>

Regardless of whether included in the Traditional Neighborhood or Old Town character area, the intent of Comprehensive Plan is not compromised by a fourteen (14) unit townhome development.



Traditional Neighborhood

The Traditional Neighborhood character area includes the in-town residential areas around the downtown core of Old Town.

Vision

Maintain the character and development pattern of the originally settled neighborhoods of Flowery Branch, with sensitive residential in-fill development and careful improvements where required including new sidewalks, street trees, and other pedestrian-friendly streetscape features.

Design Principles

- Little if any building setbacks from city streets
- Rectangular or square blocks and lots, and block lengths should not exceed 800 feet without intervening (mid-block) pedestrian footpaths
- Narrow streets in a grid-like pattern with shade trees
- Building facades emphasize porches
- Rear entry garage or detached rear garage, with the exception that a garage may be recessed behind the front façade if off-street parking must be directly accessed from the street and directly facing the street
- Wide sidewalks
- Smaller lots/higher density than Suburban Residential
- Provision of public greens or common areas when new neighborhoods are created
- Design review required for compatibility with existing residences

Land Uses

- Primarily single-family detached dwellings
- Townhouses may be allowed
- Greens, plazas, and pocket parks incorporated into development plans

Zoning

- TND, Traditional Neighborhood Development

Illustrative Photos

Mitchell Street in-fill housing concepts with compatible architectural styles & emphasis on the porch



Infill development on Chestnut St. with rear entry garages



New development should be consistent with the style and building materials of this existing dwelling



Compatible building design and materials



Old Town

Old Town encompasses the historic central business district and includes a significant portion of the Old Town Redevelopment Plan (2014) boundary and the Flowery Branch Historic District.

Vision

Protect and enhance downtown, making it a vibrant, pedestrian-friendly focal point of the [City](#) that integrates new development in a historic framework with a mix of uses, increased density at a comfortable scale, and open spaces and high quality buildings that enhance the public realm.

Design Principles

- Small blocks; lots on narrow streets
- Pocket parks or greenspace as a part of mixed-use developments
- Architectural style and building materials that complement the historic fabric of the area (design review is required)
- Typically greater lot coverages, building heights, and building intensities and little or no front and side building setbacks when compared with other character areas
- Redevelopment must be consistent with principles and recommendations of the Old Town Redevelopment Plan

Land Uses

“Main Street”-style commercial and vertical mixed use with retail and restaurants. Residential uses include upper floor dwelling units in mixed use buildings, single-family dwellings, and limited townhome development.

Zoning

- CBD, Central Business District
- TND, Traditional Neighborhood Development

Implementation Strategies

Update the 2014 Old Town Redevelopment Plan to identify additional development/redevelopment opportunities (and their acceptable use types and densities) to facilitate administration of the CBD zoning district.

Illustrative Photos

The Crest mixed-use buildings on Main Street will be constructed of traditional brick



Historic brick commercial buildings opposite The Crest



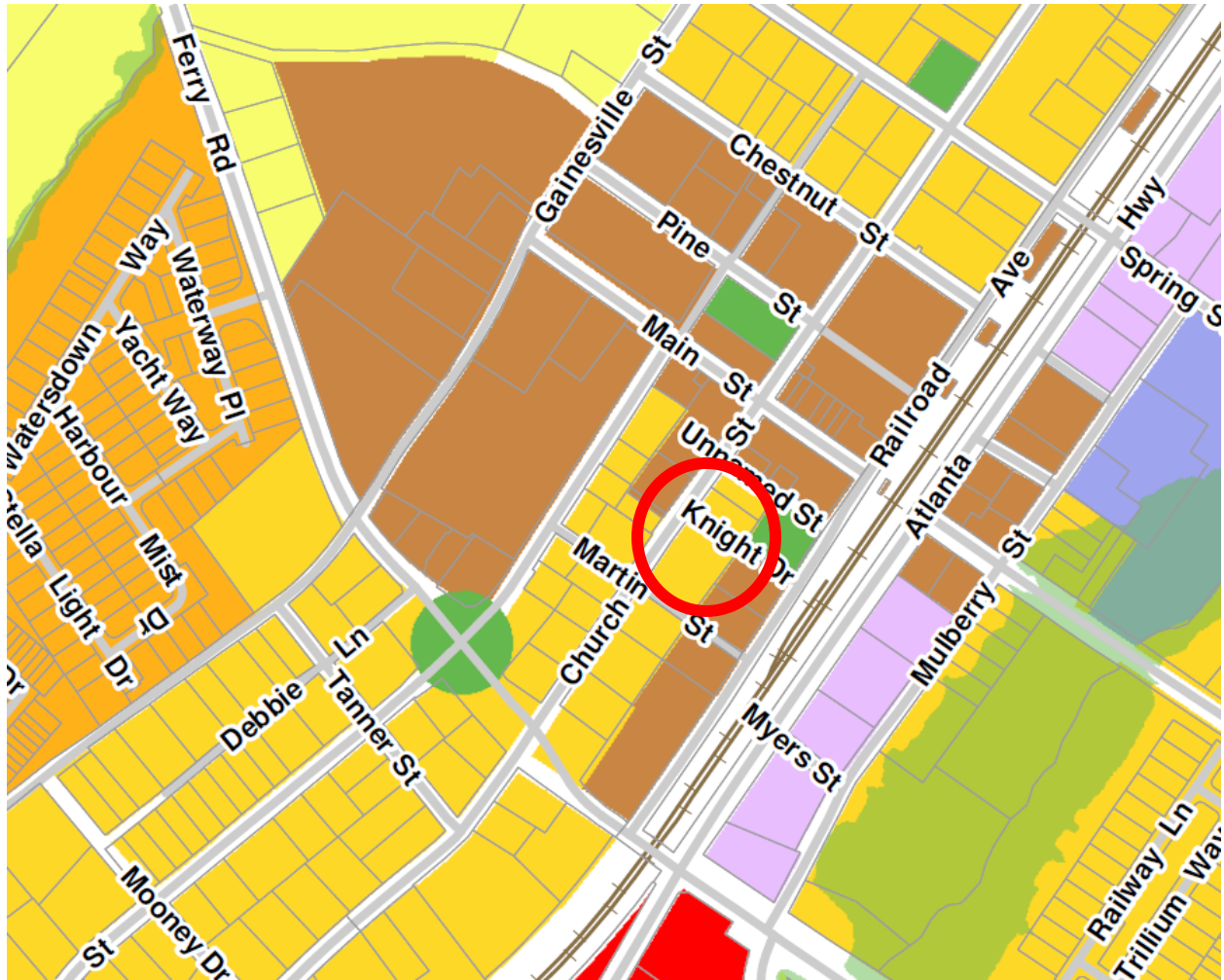
Brick used as a residential accent material, consistent with existing dwellings in the area



Planned plaza between the Farmers Market



Character area map:





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, residential townhomes are suitable for this location in view of the use and development of nearby property such as the townhome development under construction on the old Mooney Manufacturing site and the condominiums above the Main Street commercial buildings to the north of the subject properties.*
- (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 add additional residences in downtown consistent with the City's Downtown Redevelopment Plan.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Yes, current zoning of TND allows for the construction of attached or detached single family residences.*
- (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 addition of 14 residential units will not create any excessive or burdensome use of existing streets, transportation facilities, utilities or schools.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *Currently, the Comprehensive Plan denotes this area as part of the "Traditional Neighborhood" character area. Moreover, the "Old Town" character area surrounds this area on three sides. Both character areas allow for higher density, smaller lot townhome development. Therefore, the proposal is in conformity with the policy and intent of the comprehensive plan and is consistent with the character area map and future land use map.*



- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. The City is in the process of implementing the Downtown Redevelopment Plan as evidenced by the Main Street redevelopment nearing completion and the start of construction for the Farmers Market and related public improvements. The subject property will enhance the implementation of the City's Downtown Redevelopment Plan as described above by adding more residents to support the planned downtown development.
- (g) Existing use(s) and zoning of the subject property and nearby properties. Currently vacant, the proposed use will clear vacant, dilapidated and uninhabitable housing and will add improved residential properties in the downtown area. The subject property is currently zoned Traditional Neighborhood Development District (TND), but is surrounded on three sides by property zoned Central Business District (CBD).
- (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. No such information has been provided by the applicant and such information cannot be discerned by staff.
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. Staff does not feel that the proposed will be a deterrent to the adjacent properties as adjacent properties surrounding the subject properties on three sides are currently zoned Central Business District (CBD).
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. No such isolated zoning district would be created where a rezoning to Central Business District (CBD) would be consistent with the adjacent properties currently zoned Central Business District (CBD).
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. No negative effects anticipated. The subject properties are surrounded on three sides by Central Business District (CBD) zoned properties. There will be no change from residential use. Both the Traditional Neighborhood and Old Town character areas allow for townhomes, higher densities and smaller lot sizes.
- (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 meets the intent of the Zoning Ordinance regarding use and density.**

Central Business District Requirements

The Central Business District (CBD) zoning is a unique classification as it allows for flexibility in use and design, but requires additional construction approval by City Council for any projects. The CBD zoning and construction may be granted concurrently, such that all the project requirements can be met as part of the rezoning process thus eliminating subsequent Council construction approval review. Alternatively, parcels may be rezoned to CBD without the construction approval which can be considered at a later date.

Sec. 9.5. CBD, Central Business District.

- (a) Purpose and Description. This zoning district is intended to implement the redevelopment element of the Flowery Branch Comprehensive Plan, as amended. This zoning district is also intended to implement the “Central Business” designation of the Future Land Use Map contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Old Town” character area established in the comprehensive plan, as amended. All construction projects require approval by the City Council of Flowery Branch. For lots zoned CBD which are within the city’s local historic district, compliance with the city’s historic preservation ordinance is also required.
- (b) Character. This district is a compact area corresponding with the city’s downtown core. It is characterized by a grid block pattern with skinny streets, sidewalks composed of distinctive materials (e.g., stamped concrete) and lined with street trees. Developments are built to a pedestrian-friendly scale (i.e., “Main Street Commercial”) and include plazas and small urban pocket parks. Buildings and structures which are considered “historic” are retained to maintain the overall historic character of the area.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.”
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”
- (e) Construction Approval. Any proposed construction project must be approved by the City Council prior to issuance of any permit.



(f) Construction Approval Requirements All construction proposals shall submit at a minimum the following:

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



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

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



Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

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

(Ord. 348-13)



Use	O-P	INST	NS	HB	CBD	M-1	M-2
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	P	P	X	P	P
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary (Ord. 348-13)	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P	P	X	X	P	X	X
Dwelling, single-family detached, condominium	P	P	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	P	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, two-family (duplex)	C	C	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X

Staff Recommendation

Staff recommends approval of the request to rezone the subject properties from Traditional Neighborhood Development District (TND) to conditional Central Business District (CBD). Staff recommends approval of the townhome use at a maximum density of 14 units/acre subject to the conditions set forth in Exhibit C of the rezoning ordinances.

Staff does not recommend construction approval for the following reasons:

1. The elevations do not meet the intent of the "Traditional Neighborhood" character area of the Flowery Branch Comprehensive Plan as it does not emphasize or even consider a front porch.
2. The elevations do not meet the intent of the "Old Town" character area of the Flowery Branch Comprehensive Plan as it does not present a style that is consistent with the historic fabric of the downtown.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

ORDINANCE 641

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A .20 +/- ACRES PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC, IDENTIFIED AS 5611 CHURCH STREET, TAX PARCEL NO. 08112A 002007, AS SHOWN ON EXHIBIT “A”, AND AS DESCRIBED ON EXHIBIT “B”, FROM TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD) SUBJECT TO THE CONDITIONS SET FORTH ON EXHIBIT “C”; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, South Hall, LLC owns the .20 +/- acre parcel of land known as 5611 Church Street, identified as Parcel Tax Identification No. 08112A 002007, as shown on Exhibit “A” and as described on Exhibit “B”; and

WHEREAS, South Hall, LLC 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 7, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Traditional Neighborhood Development District (TND) to Central Business District (CBD) 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.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

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 TND (Traditional Neighborhood Development District).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the 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 .20 +/- acre parcel of land known as 5611 Church Street, identified as Parcel Tax Identification No.08112A 002007 as shown on Exhibit “A”, and legally described in Exhibit “B”, is hereby rezoned from Traditional Neighborhood Development District (TND) to Central Business District (CBD) subject to the conditions set forth on Exhibit “C”. Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be October 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 112 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particular described as follows;

BEGINNING at a nail found at the centerline intersection of Church Street (40' right of way) and Main Street (75' right of way); THENCE following a tie line on Church Street South 27 degrees 59 minutes 41 seconds West for a distance of 166.10 feet to an iron pin set on the right of way of Church Street, said point being the **TRUE POINT OF BEGINNING**;

THENCE leaving the right of way of Church street and along an alley way South 55 degrees 17 minutes 20 seconds East for a distance of 116.00 feet to an iron pin set; THENCE leaving the alley way South 35 degrees 39 minutes 40 seconds West for a distance of 70.84 feet to an iron pin set; THENCE North 54 degrees 16 minutes 35 seconds West for a distance of 116.00 feet to a 1 inch open top pipe found on the right of way of Church street; THENCE along the right of way of Church Street North 35 degrees 40 minutes 28 seconds East for a distance of 68.79 feet to an iron pin set, said point being the **TRUE POINT OF BEGINNING**.

Exhibit "C"

1. The project shall be limited to no more than fourteen (14) single family, for sale, townhomes.
2. A homeowner's association is required.
3. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
4. No more than 20% of the townhomes may be leased. Said restriction shall be mandated as part of the covenants and shall be enforced by the homeowner's association.
5. Project shall substantially adhere to the site as shown below:



6. Four-foot (4) sidewalk shall be installed along Church Street running the length of the project.
7. Curb and gutter for the project shall be the responsibility of the City of Flowery Branch.
8. A landscape plan for the entire project shall be submitted to City staff for review and approval.
9. The private alley shall be maintained by the homeowner's association in perpetuity.
10. A lighting package including the fixture types shall be submitted to staff prior to issuance of a building permit.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

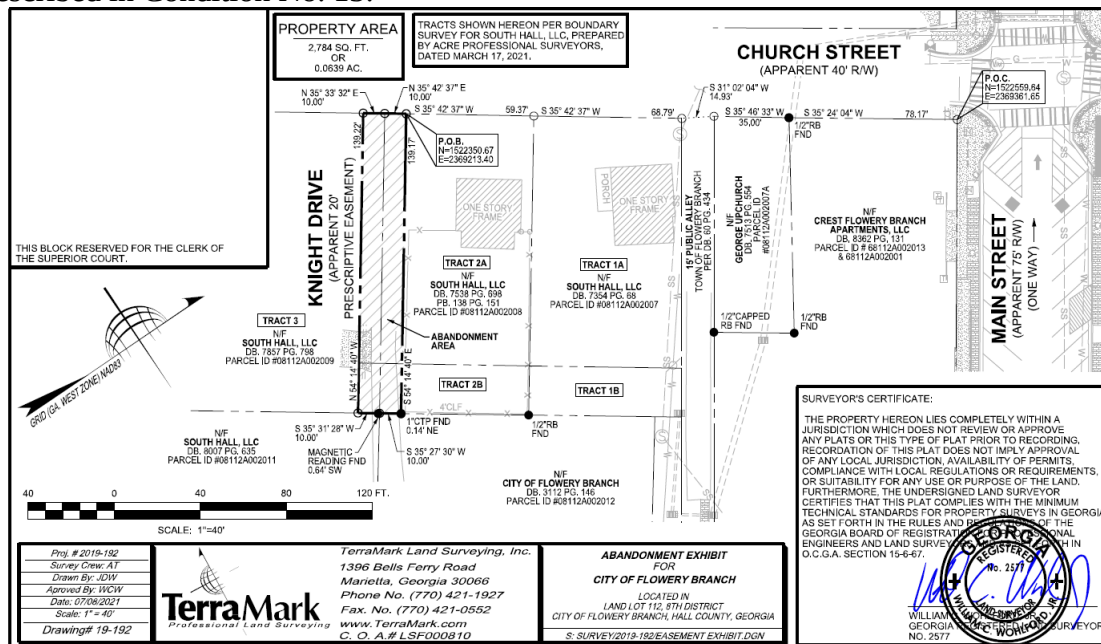
11. Martin Street shall be a one-way street running south-east as shown below:



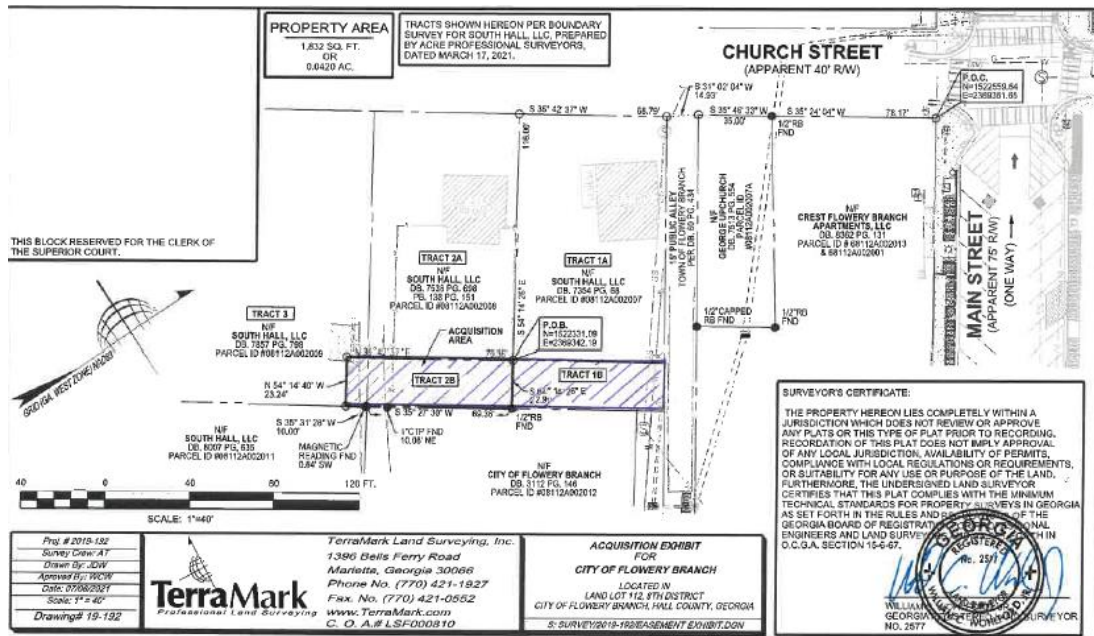
Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



13. South Hall, LLC shall deliver to the City of Flowery Branch a quitclaim deed for that portion of proposed Lots 8 through 9 and Knight Drive as shown below to the Gainesville and Hall County Development Authority within fifteen (15) business days of the effective date of this ordinance.



Public Hearing Published	09/15/21
Public Hearing	10/07/21

First Reading	10/07/21
Adopted	10/21/21

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

ORDINANCE 642

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC FROM TRADITIONAL NEIGHBORHOOD DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD); SAID PROPERTY TOTALS .20 +/- ACRES AND IS KNOWN AS 5615 CHURCH STREET, TAX PARCEL 08112A 002008 AND AS SHOWN ON ATTACHED EXHIBIT “A”, 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, South Hall, LLC Owns the .20 +/- acre parcel of land known as 5615 Church Street, identified as Parcel Tax Identification No.08112A 002008, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, South Hall, LLC 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 7, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Traditional Neighborhood District (TND) to Central Business District (CBD) 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.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

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 TND (Traditional Neighborhood District).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the 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 .20 +/- acre parcel of land known as 5615 Church Street, identified as Parcel Tax Identification No.08112A 002008 as shown on Exhibit “A”, and legally described in Exhibit “B”, is hereby rezoned from Traditional Neighborhood District (TND) to Central Business District (CBD). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be October 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st, day of October 2021

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 112 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particular described as follows;

BEGINNING at a nail found at the centerline intersection of Church Street (40' right of way) and Main Street (75' right of way); THENCE following a tie line on Church Street South 27 degrees 59 minutes 41 seconds West for a distance of 166.10 feet to an iron pin set on the right of way of Church Street; THENCE along the right of way of Church Street South 35 degrees 40 minutes 28 seconds West for a distance of 68.79 feet to a 1 inch open top pipe found, said point being the **TRUE POINT OF BEGINNING**;

THENCE leaving the right of way of Church Street South 54 degrees 16 minutes 35 seconds East for a distance of 116.00 feet to an iron pin set; THENCE South 35 degrees 40 minutes 28 seconds West for a distance of 69.36 feet to an iron pin set on the centerline of Knight Drive (20' wide prescriptive easement), THENCE along the centerline of Knight Drive North 54 degrees 16 minutes 49 seconds West for a distance of 116.00 feet to a nail found in a 1 inch open top pipe on the right of way of Church Street; THENCE along the right of way of Church Street North 35 degrees 40 minutes 28 seconds East for a distance of 69.37 feet to a 1 inch open top pipe found, said point being the **TRUE POINT OF BEGINNING**.

Exhibit "C"

1. The project shall be limited to no more than fourteen (14) single family, for sale, townhomes.
2. A homeowner's association is required.
3. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
4. No more than 20% of the townhomes may be leased. Said restriction shall be mandated as part of the covenants and shall be enforced by the homeowner's association.
5. Project shall substantially adhere to the site as shown below:

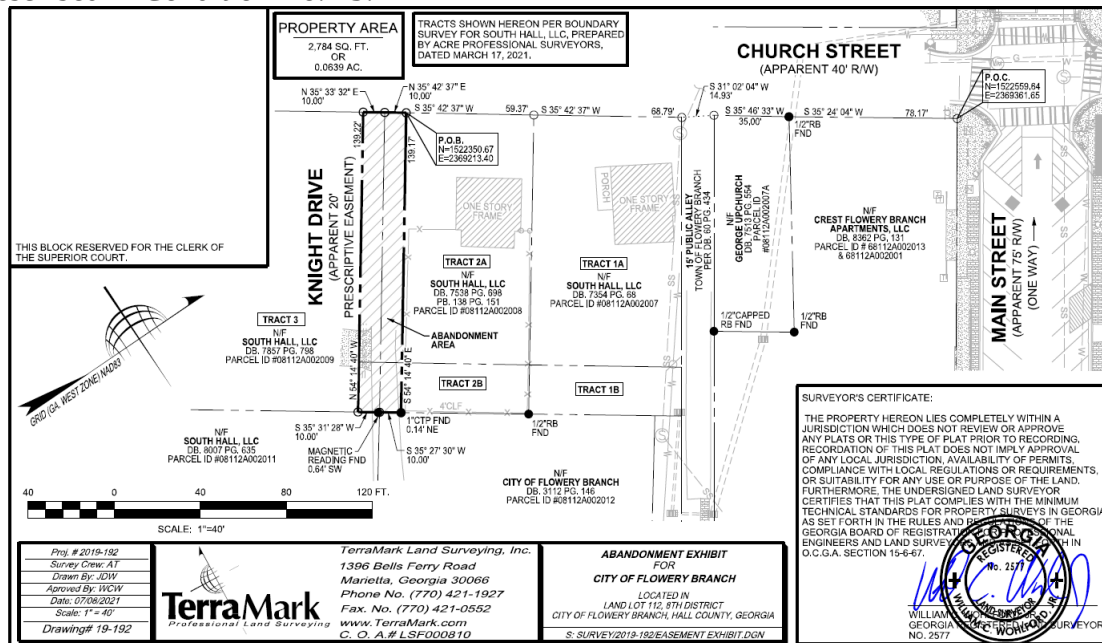


6. Four-foot (4) sidewalk shall be installed along Church Street running the length of the project.
7. Curb and gutter for the project shall be the responsibility of the City of Flowery Branch.
8. A landscape plan for the entire project shall be submitted to City staff for review and approval.
9. The private alley shall be maintained by the homeowner's association in perpetuity.
10. A lighting package including the fixture types shall be submitted to staff prior to issuance of a building permit.

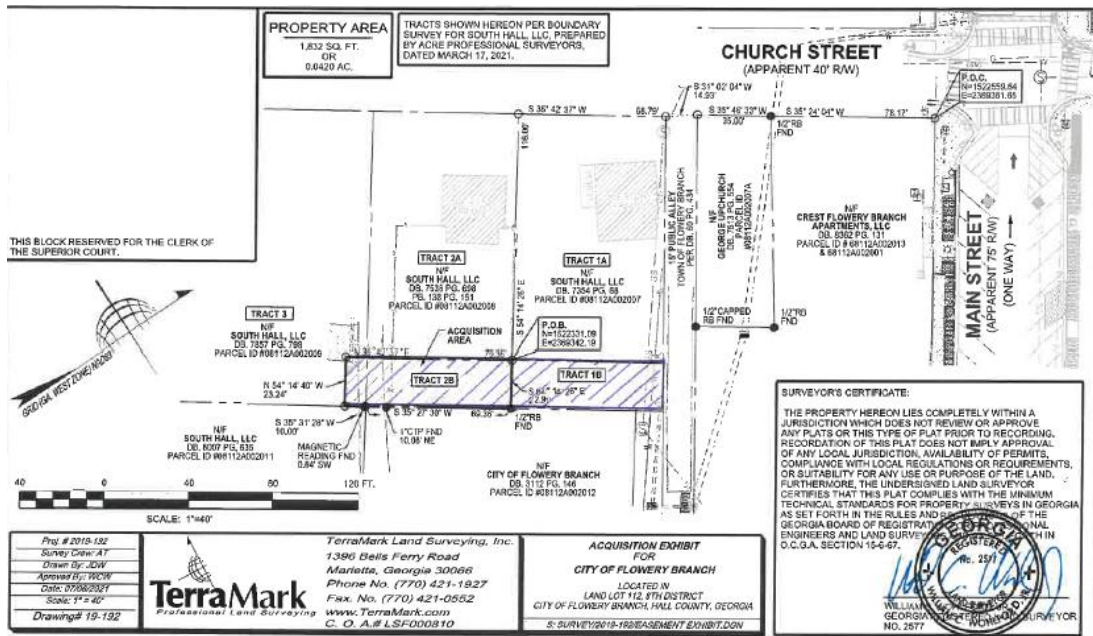
11. Martin Street shall be a one-way street running south-east as shown below:



12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



13. South Hall, LLC shall deliver to the City of Flowery Branch a quitclaim deed for that portion of proposed Lots 8 through 9 and Knight Drive as shown below to the Gainesville and Hall County Development Authority within fifteen (15) business days of the effective date of this ordinance.



Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

ORDINANCE 643

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC FROM TRADITIONAL NEIGHBORHOOD DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD); SAID PROPERTY TOTALS .67 +/- ACRES AND IS KNOWN AS 5621 CHURCH STREET, TAX PARCEL 08112A 002009 AND AS SHOWN ON ATTACHED EXHIBIT “A”, 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, South Hall, LLC Owns the .67 +/- acre parcel of land known as 5621 Church Street, identified as Parcel Tax Identification No.08112A 002009, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, South Hall, LLC 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 7, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Traditional Neighborhood District (TND) to Central Business District (CBD) 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.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

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 TND (Traditional Neighborhood District).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the 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 prevention.

SECTION 2. REZONING.

The .67 +/- acre parcel of land known as 5621 Church Street, identified as Parcel Tax Identification No.08112A 002009 as shown on Exhibit “A”, and legally described in Exhibit “B”, is hereby rezoned from Traditional Neighborhood District (TND) to Central Business District (CBD). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be October 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st, day of October 2021

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

09/15/21
10/07/21

First Reading 10/07/21
Adopted 10/21/21

Exhibit "A"



Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 112 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particular described as follows;

BEGINNING at a nail found at the centerline intersection of Church Street (40' right of way) and Main Street (75' right of way); THENCE following a tie line on Church Street South 27 degrees 59 minutes 41 seconds West for a distance of 166.10 feet to an iron pin set on the right of way of Church Street; THENCE along the right of way of Church Street the following two (2) courses and distances South 35 degrees 40 minutes 28 seconds West for a distance of 68.79 feet to a 1 inch open top pipe found; THENCE South 35 degrees 40 minutes 28 seconds West for a distance of 69.37 feet to a nail found in a 1 inch open top pipe on the centerline of Knight Drive (20' wide prescriptive easement), said point being the **TRUE POINT OF BEGINNING**;

THENCE leaving the right of way of Church street and along the centerline of Knight drive the following two (2) courses and distances South 54 degrees 16 minutes 49 seconds East for a distance of 116.00 feet to an iron pin set; THENCE South 54 degrees 16 minutes 49 seconds East for a distance of 23.21 feet to a nail found; THENCE leaving the centerline of Knight Drive South 35 degrees 29 minutes 19 seconds West for a distance of 199.83 feet to a 5/8 inch rebar found on the right of way of Martin Street (right of way varies); THENCE along the right of way of Martin Street North 54 degrees 19 minutes 44 seconds West for a distance of 139.33 feet to a 1 inch open top pipe found on the right of way of Church Street; THENCE along the right of way of Church Street North 35 degrees 31 minutes 23 seconds East for a distance of 199.95 feet to a nail found in a 1 inch open top pipe on the centerline of Knight Street, said point being the **TRUE POINT OF BEGINNING**.

The above-described tract contains 0.639 acres.

Exhibit "C"

1. The project shall be limited to no more than fourteen (14) single family, for sale, townhomes.
2. A homeowner's association is required.
3. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
4. No more than 20% of the townhomes may be leased. Said restriction shall be mandated as part of the covenants and shall be enforced by the homeowner's association.
5. Project shall substantially adhere to the site as shown below:



6. Four-foot (4) sidewalk shall be installed along Church Street running the length of the project.
7. Curb and gutter for the project shall be the responsibility of the City of Flowery Branch.
8. A landscape plan for the entire project shall be submitted to City staff for review and approval.
9. The private alley shall be maintained by the homeowner's association in perpetuity.
10. A lighting package including the fixture types shall be submitted to staff prior to issuance of a building permit.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

11. Martin Street shall be a one-way street running south-east as shown below:



First Reading 10/07/21
Adopted 10/21/21

TRACTS SHOWN HEREON PER BOUNDARY SURVEY FOR SOUTH HALL, LLC, PREPARED BY ACRE PROFESSIONAL SURVEYORS, DATED MARCH 17, 2021.

CHURCH STREET
(APPARENT 40' R/W)

KNIGHT DRIVE
(APPARENT 20' PREScriptive EASEMENT)

MAIN STREET
(APPARENT 75' R/W) (ONE WAY) →

TRACT 3A
N 35° 42' 31" E
S 35° 42' 31" W
E 59.37'
S 35° 42' 31" W
68.79'

TRACT 1A
N 31° 02' 04" W
E 35.00'
S 35° 40' 33" W
S 35° 24' 04" W
78.17'

TRACT 2A
N 35° 42' 31" E
S 35° 42' 31" W
E 59.37'
S 35° 42' 31" W
68.79'

TRACT 2B
N 35° 42' 31" E
S 35° 42' 31" W
E 59.37'
S 35° 42' 31" W
68.79'

TRACT 1B
N 31° 02' 04" W
E 35.00'
S 35° 40' 33" W
S 35° 24' 04" W
78.17'

SOUTH HALL, LLC
DB. 7538 PG. 898
PARCEL ID #08112A00208

SOUTH HALL, LLC
DB. 7334 PG. 89
PARCEL ID #08112A00207

ABANDONMENT AREA

TRACT 3
N/F
SOUTH HALL, LLC
DB. 7837 PG. 788
PARCEL ID #08112A00209

SOUTH HALL, LLC
DB. 1507 PG. C35
PARCEL ID #08112A00211

CITY OF FLOWERY BRANCH
DB. 3112 PG. 146
PARCEL ID #08112A00212

CREST FLOWERY BRANCH APARTMENTS, LLC
DB. 6062 PG. 131
PARCEL ID # 86112A002013 & 86112A002001

GEORGE UPCHURCH DB PARCELS
#08112A002007A
#08112A002007B

P.O.C.
N=11529598.64
E=-2030381.65

GRID (G.A. WEST ZONE NAD83)

SCALE: 1"=40'

TerraMark Land Surveying, Inc.
1396 Belts Ferry Road
Marietta, Georgia 30066
Phone No. (770) 421-1927
Fax No. (770) 421-0552
www.TerraMark.com
C. O. A.# LSF000810

ABANDONMENT EXHIBIT FOR CITY OF FLOWERY BRANCH
LAND LOCATED IN CITY OF FLOWERY BRANCH, LAND COUNTY, GEORGIA
S. SURVEY 2019-182/EASEMENT EXHIBIT DGN

SURVEYOR'S CERTIFICATE:
THE PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVIEW OR APPROVE ANY PLATS OR THIS TYPE OF PLAT PRIOR TO RECORDING. REGISTRATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTERED PROFESSIONAL ENGINEERS AND LAND SURVEYORS, WITHIN O.C.G.A. SECTION 15-6-67.

WILLIAM C. WOODWARD
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 3577
Georgia

[illegible]

Public Hearing Published	09/15/21
Public Hearing	10/07/21

First Reading	10/07/21
Adopted	10/21/21



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider September 16, 2021 Meeting Minutes

COUNCIL MEETING DATE: October 7, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [September 16, 2021 Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting Minutes
Thursday, September 16, 2021, 6:00 pm
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Miller called the work session to order at 6:05 pm.

Present: Mayor Mike Miller and Council Members Joe Anglin, Amy Farah, Leslie Jarchow and Chris Mundy.

Also present were Vickie Short, Interim City Manager, Shelia Cooper, Assistant City Clerk, Ron Bennett, City Attorney, Alisha Gamble, Finance Director, Bill Whidden, Public Works Director and Chris Hulsey, Interim Police Chief.

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

UNFINISHED BUSINESS - WORK SESSION:

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

Ms. Short presented a request submitted by Fall Leaf Residential, LLC to annex and rezone 6495 and 6509 McEver Road with the intent to develop and construct a townhome community. The applicant has requested to annex and rezone from HB (Highway Business) and ARIII (Agricultural Residential) to R-3 (Residential Multi-Family) to construct a 152-townhome development. Public hearing was held on August 5, 2021, with a first read on September 2, 2021, and a scheduled second read on September 16, 2021.

Mr. Anglin stated that there has been a lot of work that has gone into this project. He asked to add an additional condition that the entire parcel of road frontage along McEver Road be planted with a turfed landscape strip of Bermuda or Zoysia grass that will extend to new plantings, new ground cover and/or to the undisturbed existing tree line. The applicant stated that they had no problem with the additional condition.

Mr. Mundy questioned the left-hand turn lane status and inquired about the rental condition that was added at the last meeting. The applicant stated that they plan to create a dedicated left and the other will be a right in, right out and the applicant stated the conditions had been met.

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

Ms. Short presented the second reading of a rezoning request from JPC Design and Construction, LLC to rezone 5512 McEver Road from Neighborhood Shopping (NS) to Highway Business (HB). The intent is to construct a fast-food restaurant with a drive thru. The zoning ordinance allows this type of establishment in HB but not in NS.

Concept Plan

The pumps will remain as will the primary structure.

The end unit will be demolished, and the restaurant built.

The remaining suites will be renovated inside and out.

Landscaping will be enhanced, and new signage will be installed



Mr. Anglin stated he noticed parking in the rear of the building and asked if there would be an entrance in the back. The applicant stated there are currently two entrances.

Mrs. Farah asked if the fuel island canopy would be updated and refreshed. The applicant stated that the fuel island would be refurbished and refreshed.

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

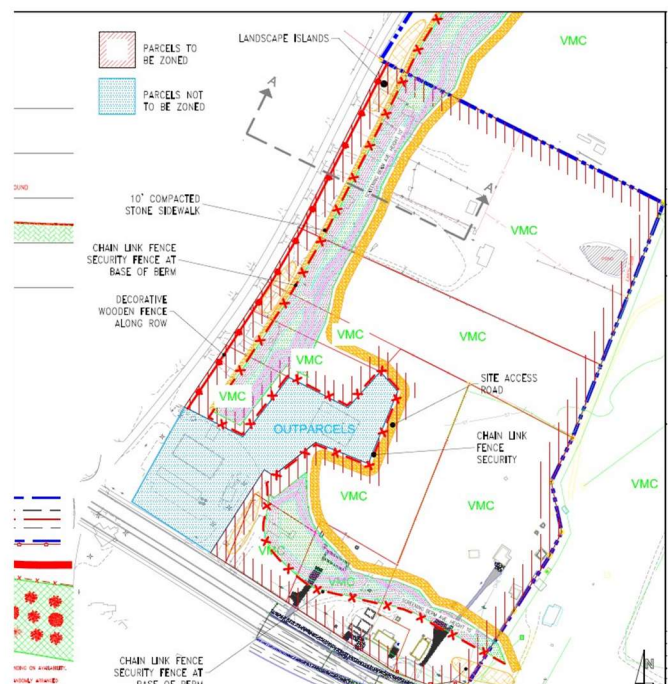
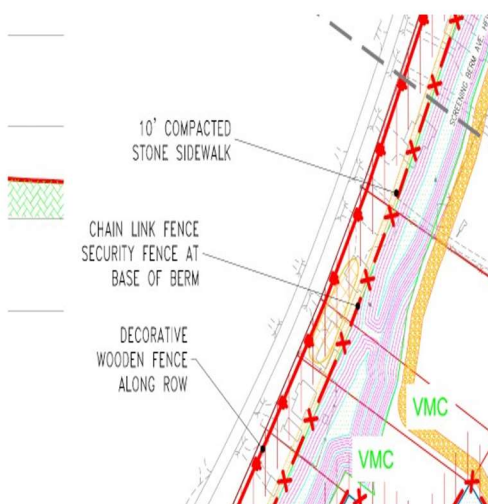
Ms. Short presented a request from Vulcan Lands, Inc. for the annexation and rezoning of nine parcels of land from Hall County ARIII to Flowery Branch M-2 with a conditional use permit to operate a quarry.



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



Legend



There was a public hearing on August 5, 2021. First vote on September 16. October 7 will be a work session, if requested. A second vote is scheduled on October 21, 2021. Staff recommends approval. The conditional use permit sets the conditions.

Mr. Anglin questioned the 10 ft berm and if the quarry would rise about the 10 ft height. The applicant replied it will not rise about this height.

There was a question regarding the parcels against Friendship Road and the buffer. The applicant answered that the 10 ft berm would buffer and that trees will be planted within 5-foot sections of each other.

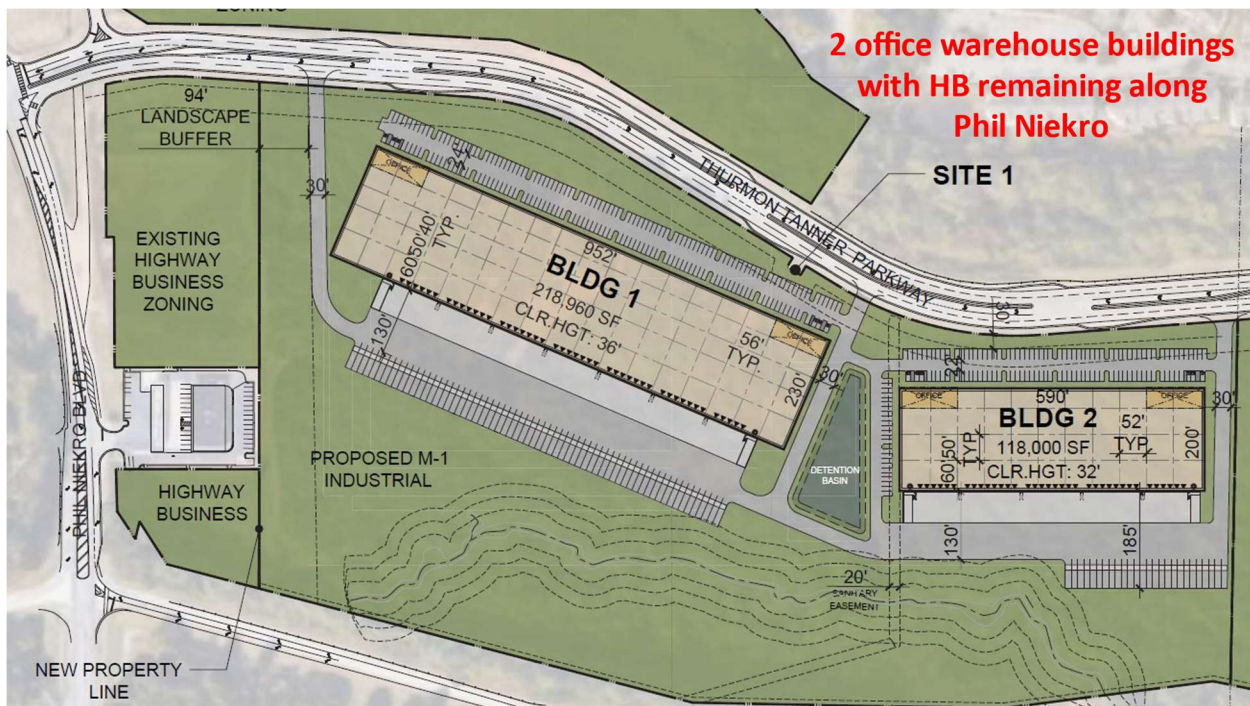
Mr. Anglin asked for a visual of the plantings before voting. He stressed the importance of seeing the renderings.

Mr. Anglin asked if they have discussed the erosion concerns. The applicant stated yes.

There was a question regarding a trail continuing across the property. The applicant stated that the trail will go through the property and will turn on Blackjack Road.

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

Ms. Short presented a request submitted by Hines Acquisitions, LLC to rezone a portion of 0 Thurmon Tanner Parkway from Highway Business (HB) to Light Industrial (M1).



Staff believes under the current economic and market conditions that commercial retail is not realistic for the entirety of the site. Adding the proposed industrial use while leaving commercial

retail along Phil Niekro Boulevard utilizes the site for what it was intended and provides uses that serve Thurmon Tanner Parkway, downtown Flowery Branch, and the Phil Niekro Boulevard corridor. Staff recommends approval of the proposed rezoning subject to any conditions the Mayor and City Council feel appropriate.

There was a public hearing on August 5, 2021. First vote on September 16, 2021. October 7 will be a work session, if requested. Second vote is scheduled on October 21, 2021.

Mr. Anglin questioned if there would be a buffer at the two buildings on Thurmon Tanner Parkway. The applicant stated there is a 94 ft buffer. The applicant continued to explain that this is an early draft of the plan and there will be changes to the drawings. The applicant stated they will have a full landscape package in the future drawings.

Mrs. Jarchow asked if building one would be built first and the applicant stated that both buildings would be built at the same time with an expected time frame of twelve to twenty-four months with a general contractor onsite for nine to ten months.

Mayor Miller questioned if there were businesses or tenants lined up for the facility and the applicant replied that they had interested parties but no tenants at this time.

Mrs. Jarchow questioned how cars or trucks would get into the facility. The applicant stated that they can utilize either exit twelve or exit fourteen.

Mayor Miller asked about a truck traffic count. The applicant stated that they had a traffic engineer and that they project 300-600 trucks each day. The applicant stated that the truck count is over a period of twenty four hours with a focus on off-peak hours. Furthermore, the parking for the trucks will be at the rear of the property.

Mr. Mundy questioned the turn lanes from Thurmon Tanner onto Phil Niekro and the turn lane onto I-985. The applicant stated that was a very good question and that they will evaluate this with their engineers.

Mayor Miller questioned the turn lane from Phil Niekro onto Thurmon Tanner would like CPL to do a traffic study with a report on turning lanes.

Mrs. Farah would like to have signs that would direct trucks to use a specific route.

There was a question regarding landscaping across the front of the property and the applicant stated that it was still early in the process but that it would be code compliant.

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

Ms. Short presented a request submitted by Mr. Kevin Hobgood to rezone 5205 Railroad Avenue from M1 (Light Industrial) to CBD (Central Business District). There was a public hearing on

August 5 and a first vote on September 16. A work session on October 7, if requested and a second vote on October 21, 2021.



Mrs. Jarchow questioned if there would be enough parking for this space and the applicant stated that there would be ample parking considering the on-site parking and the additional parking being added near and around the area.

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

Ms. Short present a variance request submitted by Blessing Trader, Inc. to allow fuel pumps to be located in front of the proposed principal structure located at 6477 McEver Road.



Mr. Mundy questioned the right turn lanes off McEver Road and the applicant responded that this is in the concept plan and the engineers will be looking into this question. The applicant is only requesting that the pumps be in the front of the station.

Mrs. Jarchow asked why they wanted to put the fuel pumps in front of the station. The applicant stated that when they first applied, there was no rule regarding this, but the city amended the rule. The applicant stated they are improving the landscape package, adding more trees and shrubs.

Mr. Anglin asked if the gas station at Hamilton Mill was owned, built, and managed by the same owners as this proposed station. The applicant stated that was correct and that this station will have the same look as the Hamilton mill gas station

Mayor Miller asked what the space titled retail would be, and the applicant stated it would most likely be a fast-food restaurant. Mr. Anglin asked if they could place conditions on what would be approved to go in the retail space.

Mr. Mundy would like to have Mr. Atkinson and CPL look into the turn lanes for safety and traffic flow concerns.

NEW BUSINESS -WORK SESSION:

Consider Acceptance of Franchise Fees Settlement Agreement with Charter Communications

Mrs. Gamble introduced Mr. Tim McGraw of Local Government Services, who presented a settlement agreement with Charter Communications. The audit period of April 2017 through March 2020 was performed by Local Government Services, LLC. This was a standard audit with no special circumstances. The audit commenced on June 29, 2020, and tentatively closed on August 4, 2021 (pending receipt of settlement check). The primary reason for unusual length of audit was recent merger of Charter with Time-Warner causing delays in Charter delivering financial data.

No findings in the summation of Gross Revenue and calculation of the 5% Franchise Fee. The errors noted in Charter's recognition of the franchise area, for example, not including all homes within City Limits as being a part of the City. There were 1662 homes missed and 206 homes included in error.

\$60,063 was recovered and there is a settlement agreement in process and there will be a follow-up to ensure check is received. This is \$20,000 (approximate) per year in increased franchise fee remittances. Mr. McGraw suggest performing the same audit in 2022 to ensure corrections have been made properly.

There were no questions.

Resolution 21-017 – Consider an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.

Mrs. Gamble presented Resolution 21-017 to consider a FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment. The reason is the timing of FY2022 Tax Allocation Increment Payment falls in the first quarter of 2022. The loan payments are due 10/1

and 4/1 annually. Plus, staff anticipated general fund contributions in the beginning of the loan term until the property tax values increase the annual increments as the new developments within the TAD are complete.

A balanced budget is required by Georgia Law on Local Government Budgets (36-81-3) and Government Finance Officers Association (GFOA) Best Practices. During the Spring of 2021, the City worked with Hall County Tax Assessor's office to evaluate current developments within the Tax Allocation District to ensure the County has a copy of all project plans and completion percentages of all projects as of January 1, 2021. We anticipate some additional revenues this tax year because of this review with the County.

Resolution 21-017: Attachment A

City of Flowery Branch
Request For Budget Adjustment



ATTACHMENT A

Fund/Department: 100/270 Effective Date: 9/16/2021

Account Number	Account Name	Current Budget	Debit (Credit)	Revised Budget
				-
100-0000-399900	Budgeted Fund Balance		(4,700)	(4,700)
100-9000-611270	Transfer Out 270 - TAD Fund		4,700	4,700
				-
270-0000-391100	Transfer in 100 - General Fund		(4,700)	(4,700)
270-0000-399900	Budgeted Fund Balance		4,700	4,700
				-
**PLUS this journal entry to record the transfer of cash:				
270-0000-111110	Tax Allocation District Fund Cash		4,700	
999-0000-111110	Pool Cash		(4,700)	
				-

There were no questions.

Consider Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

Mrs. Gamble presented an Intergovernmental Agreement with Hall County for I-985 Interchange Mowing. A revised agreement is needed to include Exit 14 maintenance. Prior agreements only included Exit 12. Historical Costs: FY2020 = \$10,000 and FY2021 = \$10,000. These services are needed due to limited public works staff to perform these duties. FY2022 costs for Exit 12 and Exit 14 will be \$11,818.03 per the allocation worksheet from Hall County dated 9/9/2021. Funding is available in the approved FY2022 Public Works budget for Roads Repairs and Maintenance. Hall County agrees to provide Flowery Branch a copy of expenditures associated with the maintenance of the exits to include salaries, benefits, operational costs, and equipment costs. The term of this Agreement shall be one (1) year from the date of execution. Unless otherwise terminated, this Agreement shall automatically renew annually, not to exceed ten annual renewal periods.

Mr. Anglin asked if this is cutting on the interior of I-985 and Mrs. Gamble responded that was correct.

Consider Second Amendment to the lease agreement by and between the City of Flowery Branch, Georgia and Hillwood Realty, LLC.

Mr. Bennett presented the lease agreement by and between the City of Flowery Branch, Georgia and Hillwood Realty, LLC.

There were no questions.

Consider 2nd Amendment of lease agreement between City of Flowery Branch, Georgia and LendUS, LLC d/b/a American Eagle Mortgage, LLC.

Mr. Bennett presented the lease agreement between the City of Flowery Branch, Georgia and LendUS, LLC d/b/a/ American Eagle Mortgage, LLC.

There were no questions.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 7:18 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:18 pm.

PUBLIC COMMENTS:

Judith McConnell, 5731 Mitchell Street, Flowery Branch, GA 30542

Ms. McConnell has speed limit concerns at the round-about and on Main Street. She would like another speed limit sign and a way to enforce the speed limit. She also has issues with not having handicapped parking for Council Meetings due to the blocked road on Church Street for the Farmer's Market.

Opposing to rezoning 3 parcels of land on Church Street:

Kelly McLincha, 5628 Church Street, Flowery Branch, GA 30542

Meg McLincha, 5628 Church Street, Flowery Branch, GA 30542

Ray Stanjevich, 5627 Church Street, Flowery Branch, GA 30542

Opposing to rezoning 0 Thurmon Tanner Parkway:

John “Jack” Rafferty, 5413 Falling Branch Court, Flowery Branch, GA 30542
Louise Hatfield, 5409 Falling Branch Court, Flowery Branch, GA 30542
Zach Greves, 6538 Vista View Court, Flowery Branch, GA 30542
Caleb Hiddleson, 5617 Elmwood Lane, Flowery Branch, GA 30542
Alberta Perez, 5531 Garens Way, Flowery Branch, GA 30542
Mark Weber, 6114 Stella Light Drive, Flowery Branch, GA 30542
Robert Bedwell, 6074 Trumpet Flower Avenue, Flowery Branch, GA 30542
Marie Cash-Garrison, 5647 Parkview Lane, Flowery Branch, GA 30542
“David” Chenguang Wu, 5465 Trillium Way, Flowery Branch, GA 30542
Janet Upchurch, 5644 Nags Head Circle, Gainesville, GA 30504
Jannell Jones, 5572 Garens Way, Flowery Branch, GA 30542

Opposing to 5205 Railroad Avenue:
Bryan Puckette, 5011 Atlanta Highway, Flowery Branch, GA 30542

CONSENT AGENDA:

Consider September 2, 2021 Meeting Minutes

There was a motion made to approve consent agenda.

MOTION: Leslie Jarchow
SECOND: Amy Farah
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

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

Mr. Bennett read the caption for Ordinance 647.

There was a motion made to approve Ordinance 647 to annex 6495 McEver Road with the intent to develop and construct a townhome community.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

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

Mr. Bennett read the caption for Ordinance 648.

There was a motion made to approve Ordinance 648 to rezone 6495 McEver Road with the intent to develop and construct a townhome community. Mr. Anglin placed a condition to Ordinance 648 that the entire parcel of road frontage along McEver Road be planted with a turfed landscape strip of Bermuda or Zoysia grass that will extend to new plantings, new ground cover and/or to the undisturbed existing tree line.

MOTION: Chris Mundy

SECOND: Joe Anglin

AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy

NAYS: None

Motion carried

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

Mr. Bennett read the caption for Ordinance 649.

There was a motion made to approve Ordinance 649 to annex 6509 McEver Road with the intent to develop and construct a townhome community.

MOTION: Amy Farah

SECOND: Chris Mundy

AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy

NAYS: None

Motion carried

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

Mr. Bennett read the caption for Ordinance 650.

There was a motion made to approve Ordinance 650 to rezone 6509 McEver Road with the intent to develop and construct a townhome community. Mr. Anglin placed a condition to Ordinance 650 that the entire parcel of road frontage along McEver Road be planted with a turfed landscape strip of Bermuda or Zoysia grass that will extend to new plantings, new ground cover and/or to the undisturbed existing tree line.

MOTION: Joe Anglin

SECOND: Amy Farah

AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy

NAYS: None

Motion carried

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

Mr. Bennett read the caption for Ordinance 645.

There was a motion made to approve Ordinance 645.

MOTION: Leslie Jarchow

SECOND: Chris Mundy

AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy

NAYS: None

Motion carried

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

Mr. Bennett read the caption for Ordinance 654 to annex nine parcels of land from Hall County ARIII to Flowery Branch M-2 with a conditional use permit to operate a quarry.

There was a motion made to approve the first reading of Ordinance 654.

MOTION: Joe Anglin

SECOND: Chris Mundy

AYES: Joe Anglin, Amy Farah, Chris Mundy

NAYS: Leslie Jarchow

Motion carried

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

Mr. Bennett read the caption for Ordinance 655 to rezone nine parcels of land from Hall County ARIII to Flowery Branch M-2 with a conditional use permit to operate a quarry.

There was a motion made to approve the first reading of Ordinance 655.

MOTION: Chris Mundy

SECOND: Joe Anglin

AYES: Joe Anglin, Amy Farah, Chris Mundy

NAYS: Leslie Jarchow

Motion carried

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

Mr. Bennett read the caption for Ordinance 652 to rezone a portion of 0 Thurmon Tanner Parkway from Highway Business to Light Industrial.

There was a motion made to approve the first reading of Ordinance 652.

MOTION: Joe Anglin
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

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

Mr. Bennett read the caption for Ordinance 651.

There was a motion made to approve the first read of Ordinance 651.

MOTION: Amy Farah
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

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

Mr. Bennett read the caption to Ordinance 653.

There was a motion made to approve the first read of Ordinance 653.

MOTION: Chris Mundy
SECOND: Amy Farah
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

NEW BUSINESS - VOTING SESSION:

Resolution 21-017 – Consider an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.

Mr. Bennett read the caption to Resolution 21-017.

There was a motion made to approve Resolution 21-017.

MOTION: Amy Farah
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

There was a motion made to approve the Intergovernmental Agreement with Hall County for I-985 Interchange Mowing.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider Second Amendment to the lease agreement by and between the City of Flowery Branch, Georgia and Hillwood Realty, LLC.

There was a motion made to approve Second Amendment to the lease agreement by and between the City of Flowery Branch, Georgia and Hillwood Realty, LLC.

MOTION: Amy Farah
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider 2nd Amendment of lease agreement between City of Flowery Branch, Georgia and LendUS, LLC d/b/a American Eagle Mortgage, LLC.

There was a motion made to approve Second Amendment of lease agreement by and between the City of Flowery Branch, Georgia and LendUS, LLC d/b/a American Eagle Mortgage, LLC.

MOTION: Leslie Jarchow
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Consider Acceptance of Franchise Fees Settlement Agreement with Charter Communications

There was a motion made to approve Acceptance of Franchise Fees Settlement Agreement with Charter Communications.

MOTION: Chris Mundy
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session at 8:41 pm.

MOTION: Leslie Jarchow
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to reconvene open session at 9:15 pm.

MOTION: Leslie Jarchow
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 9:15 pm.

MOTION: Amy Farah
SECOND: Leslie Jarchow
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Mayor – Mike Miller

Date

Assistant City Clerk – Shelia Cooper



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood District (TND) to Central Business District (CBD).

COUNCIL MEETING DATE: October 7, 2021

HISTORY:

This is the public hearing and first read of ordinances 641, 642, and 643. The request is to rezone three (3) parcels of land known as 5611 Church Street, 5615 Church Street, and 5621 Church from Traditional Neighborhood District (TND) to Central Business District (CBD) with the intent to construct a new subdivision consisting of fourteen (14) townhomes.

The initial staff report and the first draft of the ordinances are attached below.

FACTS AND ISSUES:

Staff recommends approval of the request to rezone the subject properties from Traditional Neighborhood Development District (TND) to conditional Central Business District (CBD). Staff recommends approval of the townhome use at a maximum density of 14 units/acre subject to the conditions set forth in Exhibit C of the rezoning ordinances.

Staff does not recommend construction approval for the following reasons:

1. The elevations do not meet the intent of the “Traditional Neighborhood” character area of the Flowery Branch Comprehensive Plan as it does not emphasize or even consider a front porch.
2. The elevations do not meet the intent of the “Old Town” character area of the Flowery Branch Comprehensive Plan as it does not present a style that is consistent with the historic fabric of the downtown.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the rezoning request. Elevations should be revised and brought back to Council for approval.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [South Hall Staff Report_REVISED 9.30.pdf](#)
- [Combined South Hall Ordinances for October 7.pdf](#)



Applicant: South Hall, LLC

Property Owner: South Hall, LLC

Subject Properties: 5611 Church Street, Tax Parcel ID No. 08112A 002007; 5615 Church Street, Tax Parcel ID No. 08112A 002008; 5621 Church Street, Tax Parcel ID No. 08112A 002009; Totaling 1.10 +/- Acres

Request: Rezone subject properties from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

Current Use: Vacant Residential

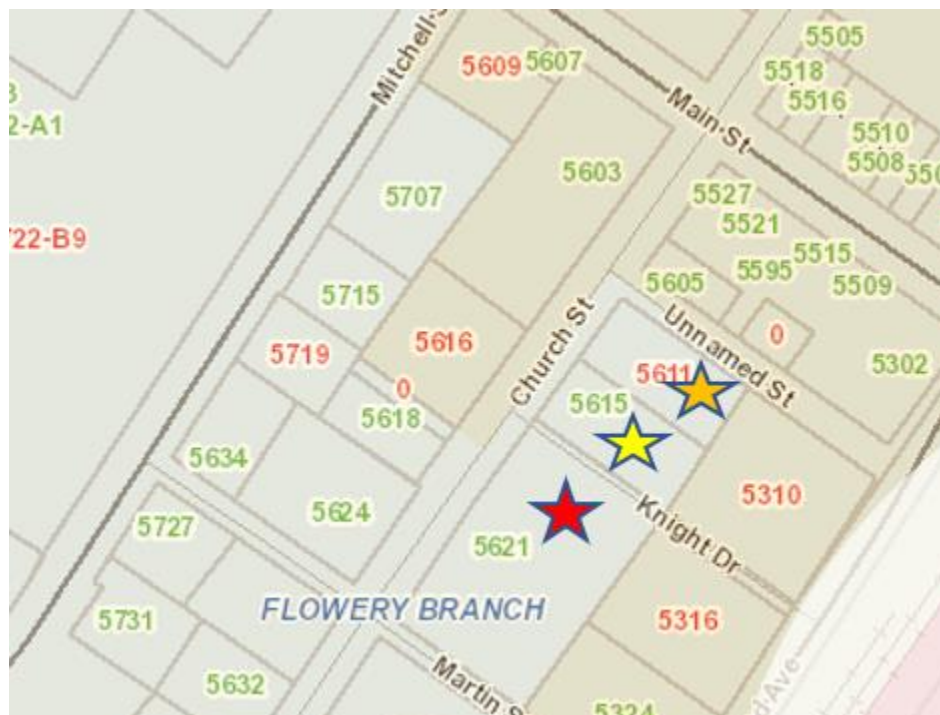
Proposed Use: 14 residential townhomes

Character Area: Traditional Neighborhood

Proposal

Applicant proposes to rezone and combine three (3) parcels of land totaling 1.10+/- acres from Traditional Neighborhood Development District (TND) to Central Business District (CBD) with the intention of constructing fourteen (14) for sale townhome units.

Location Map





Aerial





Renderings

Front elevations facing Church Street



Rear elevations with attached garages facing the future Flowery Branch Farmers Market





Rear elevations with detached garages facing the future Flowery Branch Farmers Market



Comprehensive Plan

Currently, the subject properties are located in the “Traditional Neighborhood” character area as designated by the Comprehensive Plan’s “Future Development Map”. The “Traditional Neighborhood” character designation permits townhomes and lots smaller than 1/3 of an acre. The “Old Town” character designation, which surrounds the proposed development site on three sides - the northwest, northeast and southwest sides - also suits this proposal. The character area may remain as it currently designated and meet the intent of the Comprehensive Plan, or it may be changed to the “Old Town” designation which it may be better suited for. The plan can be found here:

<https://oldtownflowerybranch.files.wordpress.com/2014/01/oldtownredevelopmentplan.pdf>

Regardless of whether included in the Traditional Neighborhood or Old Town character area, the intent of Comprehensive Plan is not compromised by a fourteen (14) unit townhome development.



Traditional Neighborhood

The Traditional Neighborhood character area includes the in-town residential areas around the downtown core of Old Town.

Vision

Maintain the character and development pattern of the originally settled neighborhoods of Flowery Branch, with sensitive residential in-fill development and careful improvements where required including new sidewalks, street trees, and other pedestrian-friendly streetscape features.

Design Principles

- Little if any building setbacks from city streets
- Rectangular or square blocks and lots, and block lengths should not exceed 800 feet without intervening (mid-block) pedestrian footpaths
- Narrow streets in a grid-like pattern with shade trees
- Building facades emphasize porches
- Rear entry garage or detached rear garage, with the exception that a garage may be recessed behind the front façade if off-street parking must be directly accessed from the street and directly facing the street
- Wide sidewalks
- Smaller lots/higher density than Suburban Residential
- Provision of public greens or common areas when new neighborhoods are created
- Design review required for compatibility with existing residences

Land Uses

- Primarily single-family detached dwellings
- Townhouses may be allowed
- Greens, plazas, and pocket parks incorporated into development plans

Zoning

- TND, Traditional Neighborhood Development

Illustrative Photos

Mitchell Street in-fill housing concepts with compatible architectural styles & emphasis on the porch



Infill development on Chestnut St. with rear entry garages



New development should be consistent with the style and building materials of this existing dwelling



Compatible building design and materials



Old Town

Old Town encompasses the historic central business district and includes a significant portion of the Old Town Redevelopment Plan (2014) boundary and the Flowery Branch Historic District.

Vision

Protect and enhance downtown, making it a vibrant, pedestrian-friendly focal point of the [City](#) that integrates new development in a historic framework with a mix of uses, increased density at a comfortable scale, and open spaces and high quality buildings that enhance the public realm.

Design Principles

- Small blocks; lots on narrow streets
- Pocket parks or greenspace as a part of mixed-use developments
- Architectural style and building materials that complement the historic fabric of the area (design review is required)
- Typically greater lot coverages, building heights, and building intensities and little or no front and side building setbacks when compared with other character areas
- Redevelopment must be consistent with principles and recommendations of the Old Town Redevelopment Plan

Land Uses

“Main Street”-style commercial and vertical mixed use with retail and restaurants. Residential uses include upper floor dwelling units in mixed use buildings, single-family dwellings, and limited townhome development.

Zoning

- CBD, Central Business District
- TND, Traditional Neighborhood Development

Implementation Strategies

Update the 2014 Old Town Redevelopment Plan to identify additional development/redevelopment opportunities (and their acceptable use types and densities) to facilitate administration of the CBD zoning district.

Illustrative Photos

The Crest mixed-use buildings on Main Street will be constructed of traditional brick



Historic brick commercial buildings opposite The Crest



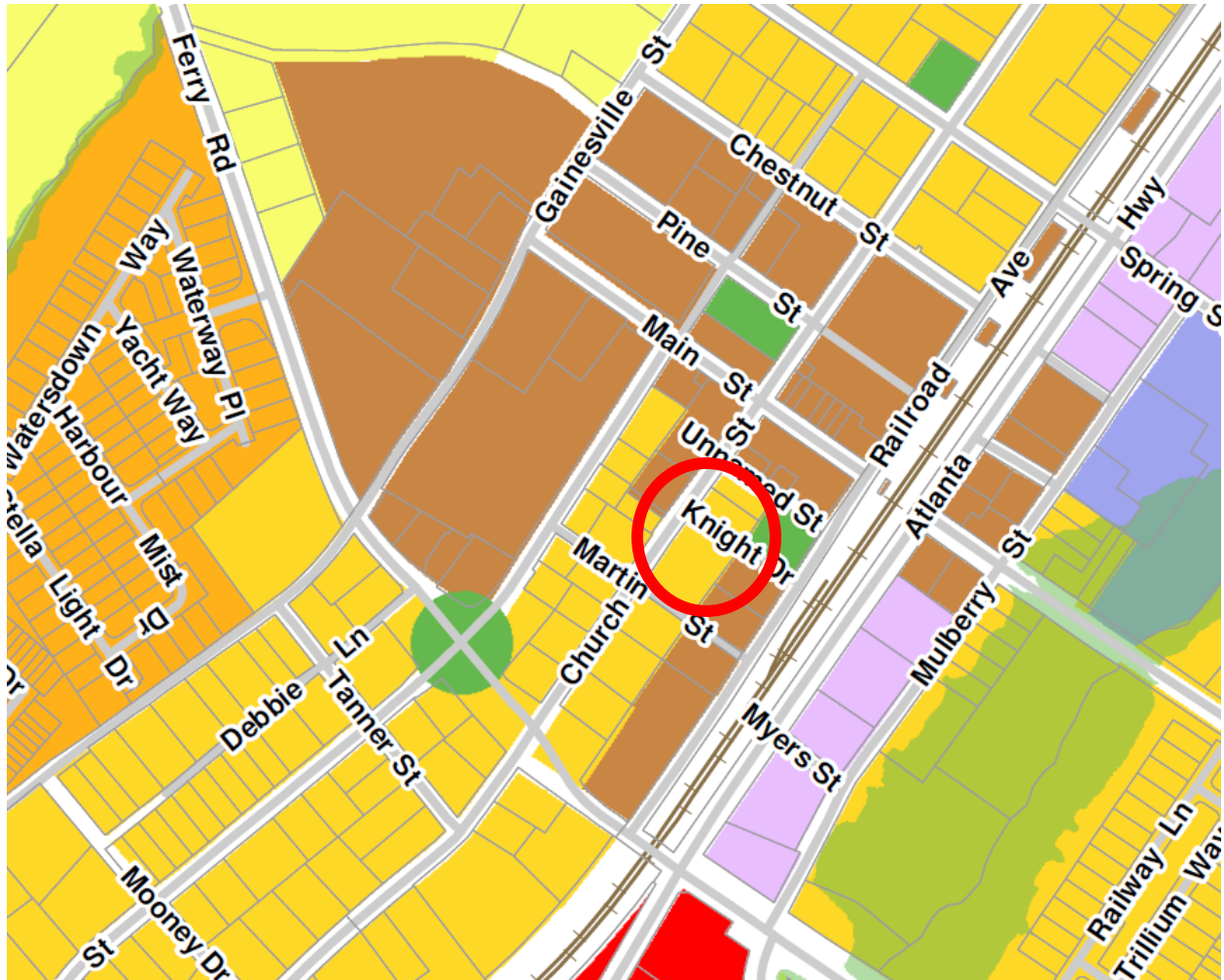
Brick used as a residential accent material, consistent with existing dwellings in the area



Planned plaza between the Farmers Market



Character area map:





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, residential townhomes are suitable for this location in view of the use and development of nearby property such as the townhome development under construction on the old Mooney Manufacturing site and the condominiums above the Main Street commercial buildings to the north of the subject properties.*
- (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 add additional residences in downtown consistent with the City's Downtown Redevelopment Plan.*
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. *Yes, current zoning of TND allows for the construction of attached or detached single family residences.*
- (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 addition of 14 residential units will not create any excessive or burdensome use of existing streets, transportation facilities, utilities or schools.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *Currently, the Comprehensive Plan denotes this area as part of the "Traditional Neighborhood" character area. Moreover, the "Old Town" character area surrounds this area on three sides. Both character areas allow for higher density, smaller lot townhome development. Therefore, the proposal is in conformity with the policy and intent of the comprehensive plan and is consistent with the character area map and future land use map.*



- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. The City is in the process of implementing the Downtown Redevelopment Plan as evidenced by the Main Street redevelopment nearing completion and the start of construction for the Farmers Market and related public improvements. The subject property will enhance the implementation of the City's Downtown Redevelopment Plan as described above by adding more residents to support the planned downtown development.
- (g) Existing use(s) and zoning of the subject property and nearby properties. Currently vacant, the proposed use will clear vacant, dilapidated and uninhabitable housing and will add improved residential properties in the downtown area. The subject property is currently zoned Traditional Neighborhood Development District (TND), but is surrounded on three sides by property zoned Central Business District (CBD).
- (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. No such information has been provided by the applicant and such information cannot be discerned by staff.
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. Staff does not feel that the proposed will be a deterrent to the adjacent properties as adjacent properties surrounding the subject properties on three sides are currently zoned Central Business District (CBD).
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. No such isolated zoning district would be created where a rezoning to Central Business District (CBD) would be consistent with the adjacent properties currently zoned Central Business District (CBD).
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. No negative effects anticipated. The subject properties are surrounded on three sides by Central Business District (CBD) zoned properties. There will be no change from residential use. Both the Traditional Neighborhood and Old Town character areas allow for townhomes, higher densities and smaller lot sizes.
- (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 meets the intent of the Zoning Ordinance regarding use and density.**

Central Business District Requirements

The Central Business District (CBD) zoning is a unique classification as it allows for flexibility in use and design, but requires additional construction approval by City Council for any projects. The CBD zoning and construction may be granted concurrently, such that all the project requirements can be met as part of the rezoning process thus eliminating subsequent Council construction approval review. Alternatively, parcels may be rezoned to CBD without the construction approval which can be considered at a later date.

Sec. 9.5. CBD, Central Business District.

- (a) Purpose and Description. This zoning district is intended to implement the redevelopment element of the Flowery Branch Comprehensive Plan, as amended. This zoning district is also intended to implement the “Central Business” designation of the Future Land Use Map contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Old Town” character area established in the comprehensive plan, as amended. All construction projects require approval by the City Council of Flowery Branch. For lots zoned CBD which are within the city’s local historic district, compliance with the city’s historic preservation ordinance is also required.
- (b) Character. This district is a compact area corresponding with the city’s downtown core. It is characterized by a grid block pattern with skinny streets, sidewalks composed of distinctive materials (e.g., stamped concrete) and lined with street trees. Developments are built to a pedestrian-friendly scale (i.e., “Main Street Commercial”) and include plazas and small urban pocket parks. Buildings and structures which are considered “historic” are retained to maintain the overall historic character of the area.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.”
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”
- (e) Construction Approval. Any proposed construction project must be approved by the City Council prior to issuance of any permit.



(f) Construction Approval Requirements All construction proposals shall submit at a minimum the following:

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



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

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



Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

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

(Ord. 348-13)



Use	O-P	INST	NS	HB	CBD	M-1	M-2
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	P	P	X	P	P
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary (Ord. 348-13)	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P	P	X	X	P	X	X
Dwelling, single-family detached, condominium	P	P	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	P	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, two-family (duplex)	C	C	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X

Staff Recommendation

Staff recommends approval of the request to rezone the subject properties from Traditional Neighborhood Development District (TND) to conditional Central Business District (CBD). Staff recommends approval of the townhome use at a maximum density of 14 units/acre subject to the conditions set forth in Exhibit C of the rezoning ordinances.

Staff does not recommend construction approval for the following reasons:

1. The elevations do not meet the intent of the "Traditional Neighborhood" character area of the Flowery Branch Comprehensive Plan as it does not emphasize or even consider a front porch.
2. The elevations do not meet the intent of the "Old Town" character area of the Flowery Branch Comprehensive Plan as it does not present a style that is consistent with the historic fabric of the downtown.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

ORDINANCE 641

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A .20 +/- ACRES PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC, IDENTIFIED AS 5611 CHURCH STREET, TAX PARCEL NO. 08112A 002007, AS SHOWN ON EXHIBIT “A”, AND AS DESCRIBED ON EXHIBIT “B”, FROM TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD) SUBJECT TO THE CONDITIONS SET FORTH ON EXHIBIT “C”; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, South Hall, LLC owns the .20 +/- acre parcel of land known as 5611 Church Street, identified as Parcel Tax Identification No. 08112A 002007, as shown on Exhibit “A” and as described on Exhibit “B”; and

WHEREAS, South Hall, LLC 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 7, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Traditional Neighborhood Development District (TND) to Central Business District (CBD) 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.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

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 TND (Traditional Neighborhood Development District).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the 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 .20 +/- acre parcel of land known as 5611 Church Street, identified as Parcel Tax Identification No.08112A 002007 as shown on Exhibit “A”, and legally described in Exhibit “B”, is hereby rezoned from Traditional Neighborhood Development District (TND) to Central Business District (CBD) subject to the conditions set forth on Exhibit “C”. Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be October 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 112 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particular described as follows;

BEGINNING at a nail found at the centerline intersection of Church Street (40' right of way) and Main Street (75' right of way); THENCE following a tie line on Church Street South 27 degrees 59 minutes 41 seconds West for a distance of 166.10 feet to an iron pin set on the right of way of Church Street, said point being the **TRUE POINT OF BEGINNING**;

THENCE leaving the right of way of Church street and along an alley way South 55 degrees 17 minutes 20 seconds East for a distance of 116.00 feet to an iron pin set; THENCE leaving the alley way South 35 degrees 39 minutes 40 seconds West for a distance of 70.84 feet to an iron pin set; THENCE North 54 degrees 16 minutes 35 seconds West for a distance of 116.00 feet to a 1 inch open top pipe found on the right of way of Church street; THENCE along the right of way of Church Street North 35 degrees 40 minutes 28 seconds East for a distance of 68.79 feet to an iron pin set, said point being the **TRUE POINT OF BEGINNING**.

Exhibit "C"

1. The project shall be limited to no more than fourteen (14) single family, for sale, townhomes.
2. A homeowner's association is required.
3. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
4. No more than 20% of the townhomes may be leased. Said restriction shall be mandated as part of the covenants and shall be enforced by the homeowner's association.
5. Project shall substantially adhere to the site as shown below:



6. Four-foot (4) sidewalk shall be installed along Church Street running the length of the project.
7. Curb and gutter for the project shall be the responsibility of the City of Flowery Branch.
8. A landscape plan for the entire project shall be submitted to City staff for review and approval.
9. The private alley shall be maintained by the homeowner's association in perpetuity.
10. A lighting package including the fixture types shall be submitted to staff prior to issuance of a building permit.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

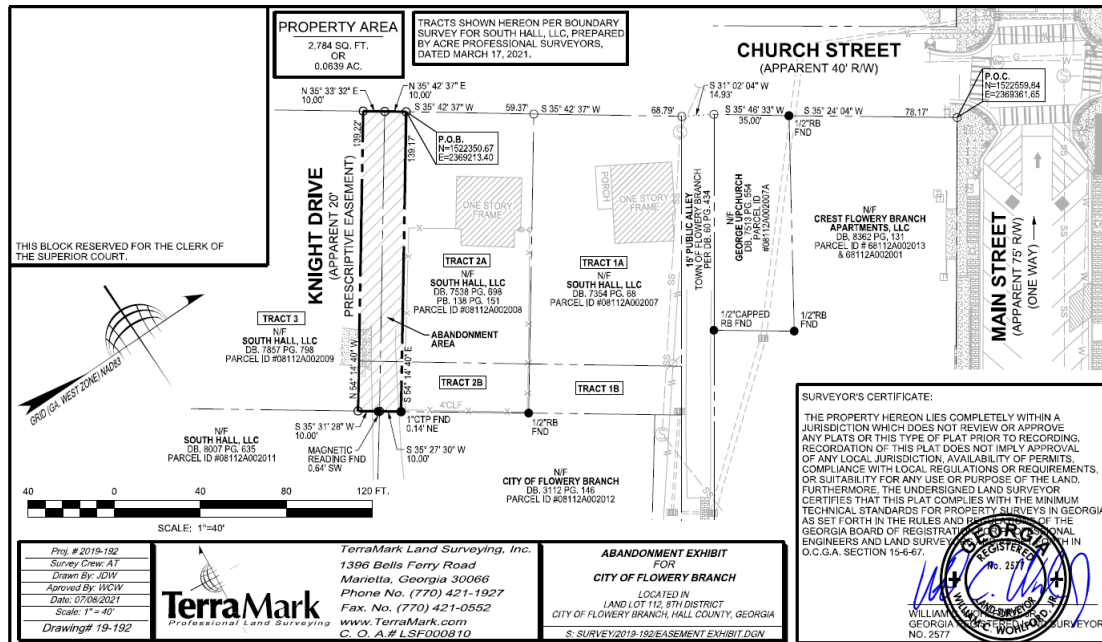
11. Martin Street shall be a one-way street running south-east as shown below:



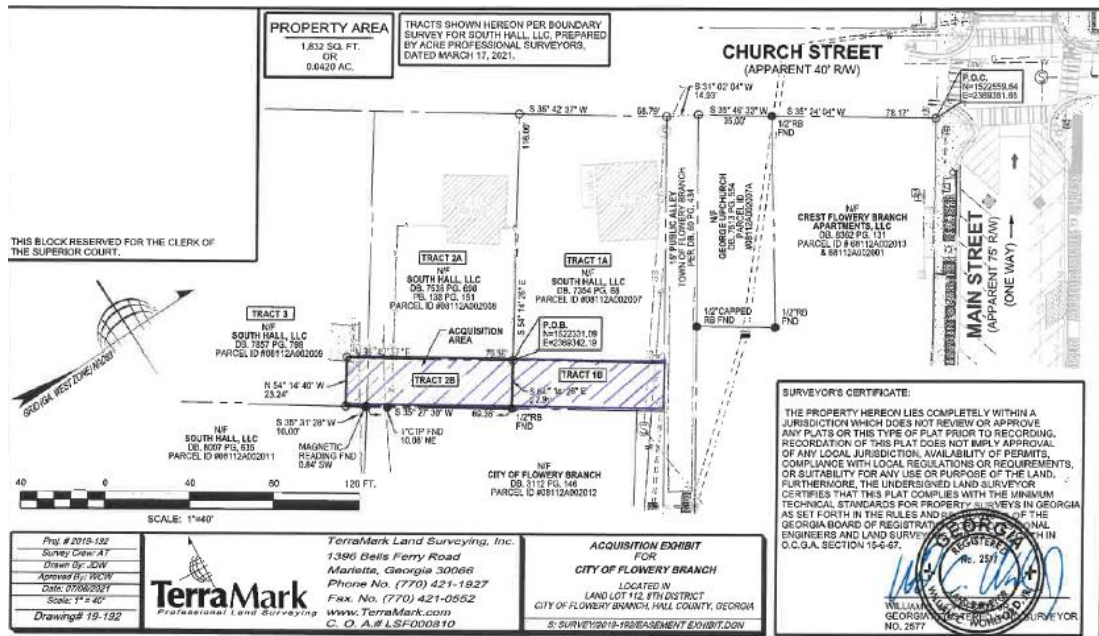
Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



13. South Hall, LLC shall deliver to the City of Flowery Branch a quitclaim deed for that portion of proposed Lots 8 through 9 and Knight Drive as shown below to the Gainesville and Hall County Development Authority within fifteen (15) business days of the effective date of this ordinance.



Public Hearing Published	09/15/21
Public Hearing	10/07/21

First Reading	10/07/21
Adopted	10/21/21

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

ORDINANCE 642

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC FROM TRADITIONAL NEIGHBORHOOD DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD); SAID PROPERTY TOTALS .20 +/- ACRES AND IS KNOWN AS 5615 CHURCH STREET, TAX PARCEL 08112A 002008 AND AS SHOWN ON ATTACHED EXHIBIT “A”, 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, South Hall, LLC Owns the .20 +/- acre parcel of land known as 5615 Church Street, identified as Parcel Tax Identification No.08112A 002008, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, South Hall, LLC 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 7, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Traditional Neighborhood District (TND) to Central Business District (CBD) 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.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

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 TND (Traditional Neighborhood District).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the 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 .20 +/- acre parcel of land known as 5615 Church Street, identified as Parcel Tax Identification No.08112A 002008 as shown on Exhibit “A”, and legally described in Exhibit “B”, is hereby rezoned from Traditional Neighborhood District (TND) to Central Business District (CBD). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be October 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st, day of October 2021

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 112 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particular described as follows;

BEGINNING at a nail found at the centerline intersection of Church Street (40' right of way) and Main Street (75' right of way); THENCE following a tie line on Church Street South 27 degrees 59 minutes 41 seconds West for a distance of 166.10 feet to an iron pin set on the right of way of Church Street; THENCE along the right of way of Church Street South 35 degrees 40 minutes 28 seconds West for a distance of 68.79 feet to a 1 inch open top pipe found, said point being the **TRUE POINT OF BEGINNING**;

THENCE leaving the right of way of Church Street South 54 degrees 16 minutes 35 seconds East for a distance of 116.00 feet to an iron pin set; THENCE South 35 degrees 40 minutes 28 seconds West for a distance of 69.36 feet to an iron pin set on the centerline of Knight Drive (20' wide prescriptive easement), THENCE along the centerline of Knight Drive North 54 degrees 16 minutes 49 seconds West for a distance of 116.00 feet to a nail found in a 1 inch open top pipe on the right of way of Church Street; THENCE along the right of way of Church Street North 35 degrees 40 minutes 28 seconds East for a distance of 69.37 feet to a 1 inch open top pipe found, said point being the **TRUE POINT OF BEGINNING**.

Exhibit "C"

1. The project shall be limited to no more than fourteen (14) single family, for sale, townhomes.
2. A homeowner's association is required.
3. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
4. No more than 20% of the townhomes may be leased. Said restriction shall be mandated as part of the covenants and shall be enforced by the homeowner's association.
5. Project shall substantially adhere to the site as shown below:



6. Four-foot (4) sidewalk shall be installed along Church Street running the length of the project.
7. Curb and gutter for the project shall be the responsibility of the City of Flowery Branch.
8. A landscape plan for the entire project shall be submitted to City staff for review and approval.
9. The private alley shall be maintained by the homeowner's association in perpetuity.
10. A lighting package including the fixture types shall be submitted to staff prior to issuance of a building permit.

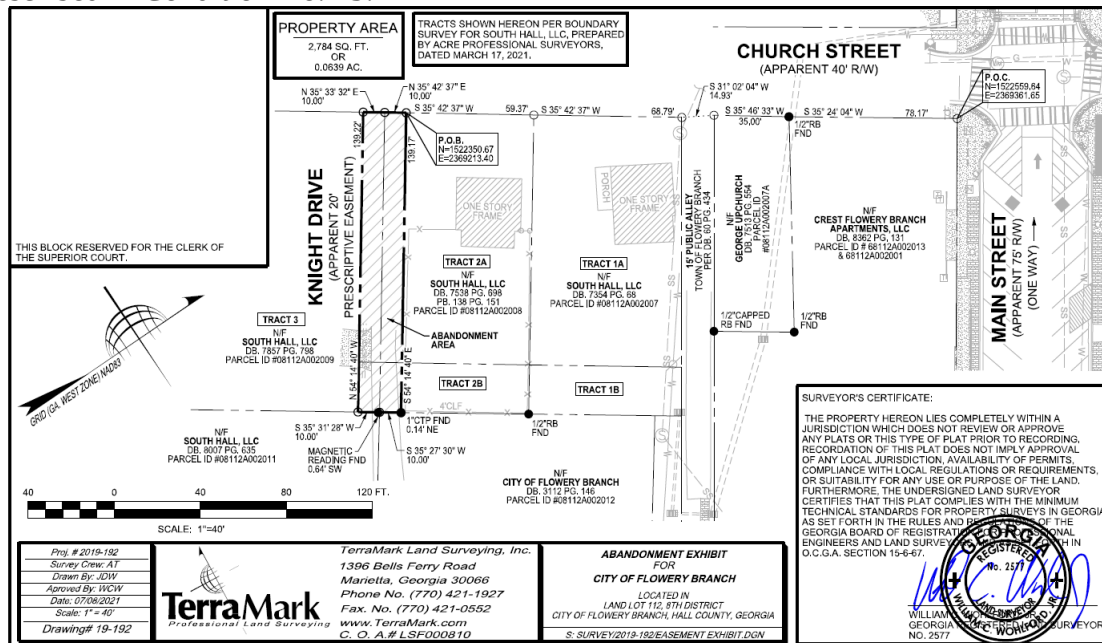
11. Martin Street shall be a one-way street running south-east as shown below:



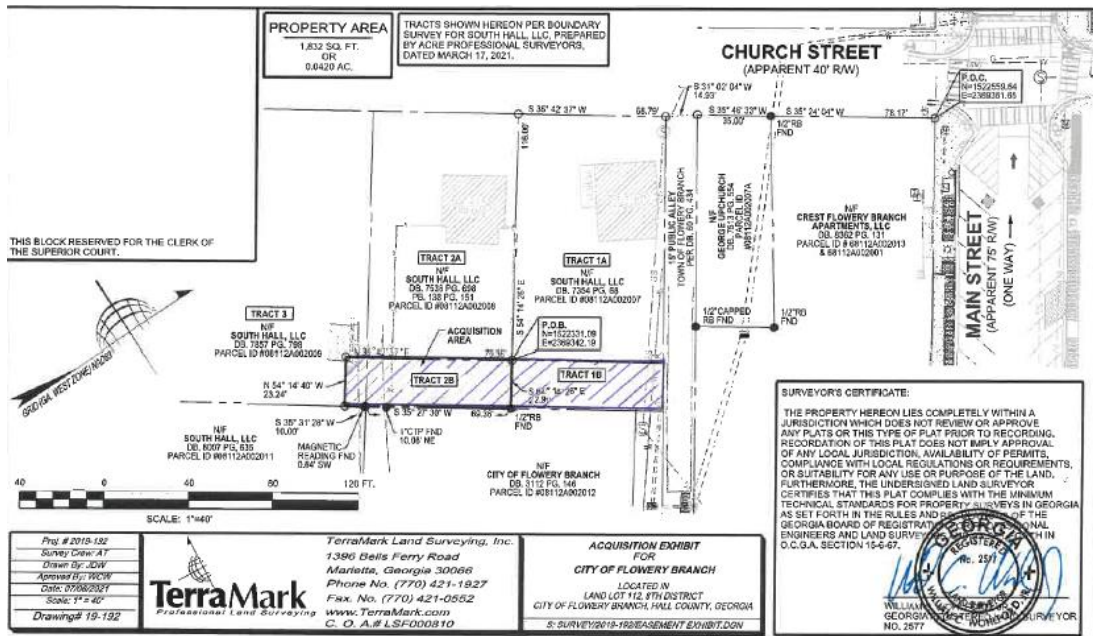
Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



13. South Hall, LLC shall deliver to the City of Flowery Branch a quitclaim deed for that portion of proposed Lots 8 through 9 and Knight Drive as shown below to the Gainesville and Hall County Development Authority within fifteen (15) business days of the effective date of this ordinance.



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First Reading 10/07/21
Adopted 10/21/21

ORDINANCE 643

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC FROM TRADITIONAL NEIGHBORHOOD DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD); SAID PROPERTY TOTALS .67 +/- ACRES AND IS KNOWN AS 5621 CHURCH STREET, TAX PARCEL 08112A 002009 AND AS SHOWN ON ATTACHED EXHIBIT “A”, 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, South Hall, LLC Owns the .67 +/- acre parcel of land known as 5621 Church Street, identified as Parcel Tax Identification No.08112A 002009, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, South Hall, LLC 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 7, 2021, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Traditional Neighborhood District (TND) to Central Business District (CBD) 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.

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Adopted 10/21/21

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 TND (Traditional Neighborhood District).
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the 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 prevention.

SECTION 2. REZONING.

The .67 +/- acre parcel of land known as 5621 Church Street, identified as Parcel Tax Identification No.08112A 002009 as shown on Exhibit “A”, and legally described in Exhibit “B”, is hereby rezoned from Traditional Neighborhood District (TND) to Central Business District (CBD). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

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Adopted 10/21/21

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be October 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st, day of October 2021

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

09/15/21
10/07/21

First Reading 10/07/21
Adopted 10/21/21

Exhibit "A"



Public Hearing Published 09/15/21
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Adopted 10/21/21

Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 112 of the 8th Land District, City of Flowery Branch, Hall County, Georgia and being more particular described as follows;

BEGINNING at a nail found at the centerline intersection of Church Street (40' right of way) and Main Street (75' right of way); THENCE following a tie line on Church Street South 27 degrees 59 minutes 41 seconds West for a distance of 166.10 feet to an iron pin set on the right of way of Church Street; THENCE along the right of way of Church Street the following two (2) courses and distances South 35 degrees 40 minutes 28 seconds West for a distance of 68.79 feet to a 1 inch open top pipe found; THENCE South 35 degrees 40 minutes 28 seconds West for a distance of 69.37 feet to a nail found in a 1 inch open top pipe on the centerline of Knight Drive (20' wide prescriptive easement), said point being the **TRUE POINT OF BEGINNING**;

THENCE leaving the right of way of Church street and along the centerline of Knight drive the following two (2) courses and distances South 54 degrees 16 minutes 49 seconds East for a distance of 116.00 feet to an iron pin set; THENCE South 54 degrees 16 minutes 49 seconds East for a distance of 23.21 feet to a nail found; THENCE leaving the centerline of Knight Drive South 35 degrees 29 minutes 19 seconds West for a distance of 199.83 feet to a 5/8 inch rebar found on the right of way of Martin Street (right of way varies); THENCE along the right of way of Martin Street North 54 degrees 19 minutes 44 seconds West for a distance of 139.33 feet to a 1 inch open top pipe found on the right of way of Church Street; THENCE along the right of way of Church Street North 35 degrees 31 minutes 23 seconds East for a distance of 199.95 feet to a nail found in a 1 inch open top pipe on the centerline of Knight Street, said point being the **TRUE POINT OF BEGINNING**.

The above-described tract contains 0.639 acres.

Exhibit "C"

1. The project shall be limited to no more than fourteen (14) single family, for sale, townhomes.
2. A homeowner's association is required.
3. Homeowner's association covenants shall be submitted to, and approved by, City staff prior to the issuance of any certificates of occupancy.
4. No more than 20% of the townhomes may be leased. Said restriction shall be mandated as part of the covenants and shall be enforced by the homeowner's association.
5. Project shall substantially adhere to the site as shown below:



6. Four-foot (4) sidewalk shall be installed along Church Street running the length of the project.
7. Curb and gutter for the project shall be the responsibility of the City of Flowery Branch.
8. A landscape plan for the entire project shall be submitted to City staff for review and approval.
9. The private alley shall be maintained by the homeowner's association in perpetuity.
10. A lighting package including the fixture types shall be submitted to staff prior to issuance of a building permit.

Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 10/07/21
Adopted 10/21/21

11. Martin Street shall be a one-way street running south-east as shown below:



First Reading 10/07/21
Adopted 10/21/21

- TRACTS SHOWN HEREON PER BOUNDARY SURVEY FOR SOUTH HALL, LLC, PREPARED BY ACME PROFESSIONAL SURVEYORS, DATED MARCH 17, 2021.**

PROPERTY AREA
2.784 SQ. FT.
OR
0.0639 AC.

CHURCH STREET
(APPARENT 40' R/W)

MAIN STREET
(APPARENT 75' R/W) (ONE WAY) →

KNIGHT DRIVE
(APPARENT 20' PREScriptive EASEMENT)

TRACT 3A
N 35° 47' 32" E 10.00'
S 35° 42' 37" W 59.37'
S 35° 42' 37" W 68.79'
S 31° 02' 04" W 35.00'
S 35° 46' 33" W 78.17'
S 35° 24' 04" W 35.00'
N 31° 02' 04" W 35.00'
P.O.B. N=1522350.67 E=206382.16
P.O.C. N=1522559.64 E=206381.16

TRACT 1A
N 35° 47' 32" E 10.00'
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TRACT 2A
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