City of Flowery Branch
City Council Meeting
Thursday, October 20, 2022, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch, GA 30542

CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

PROCLAMATION:

- National Long-Term Care Residents' Rights Month 2022 Proclamation - Inspiring Unity Within Our Community

ADOPTION OF AGENDA:

PUBLIC HEARING:

- A Public Hearing to consider a request to Rezone 5205 Railroad Avenue from Central Business District (CBD) to Highway Business (HB) submitted by Mr. Kevin Hobgood.
  Hobgood Rezoning 22.pdf
  Ordinance 2021 CBD.pdf
- A Public Hearing to consider a request submitted by BLT Martin Road, LLC for a Conditional Use Permit (CUP) to construct a self-storage facility at 4153 Falcon Parkway.
  CUP Information 4153 Falcon Parkway.pdf
  2020 REZONING Staff reprt Falcon Parkway.pdf

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

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider October 6, 2022 City Council Meeting Minutes
  October 6, 2022 Unofficial Minutes.pdf

NEW BUSINESS - VOTING SESSION:

- Consider First Reading of Ordinance 671, An Amendment to the Insurer Licensing Fee
  ES Ordinance 671.pdf
  Ordinance 671.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: National Long-Term Care Residents' Rights Month 2022 Proclamation - Inspiring Unity Within Our Community

COUNCIL MEETING DATE: October 20, 2022

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

-

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: A Public Hearing to consider a request to Rezone 5205 Railroad Avenue from Central Business District (CBD) to Highway Business (HB) submitted by Mr. Kevin Hobgood.

COUNCIL MEETING DATE: October 20, 2022

HISTORY:
This parcel was rezoned from Light Industrial (M-1) to Central Business District (CBD) in 2021 (see attached Ordinance 2021 CBD) with the intent to renovate the existing building to be used as a restaurant. Failing to attract a suitable restaurant, the owner would like to renovate the space to be used as an event center. The event center use is not allowed in the CBD zoning district thus the request to rezone to one that does allow the use - Highway Business (HB).

FACTS AND ISSUES:
Schedule
October 20 public hearing
November 3 work session (if requested)
November 17 first vote
December 1 work session (if requested)
December 15 second vote

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Public Hearing only - no vote at this time.

SAMPLE MOTION:
No motion at this time - public hearing only.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- Hobgood Rezoning 22.pdf
- Ordinance 2021 CBD.pdf

REZONING APPLICATION

Date: July 12, 2022

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

Tax Map # 08112 016001 Current Zoning: CBD

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

Currently a conforming use? No

Any conditions of zoning, CUP's, etc.? No

Applicant Information

Name: Kevin Hobgood

Address: 7233 Sherwood Mill Drive
Flowery Branch, GA 30542

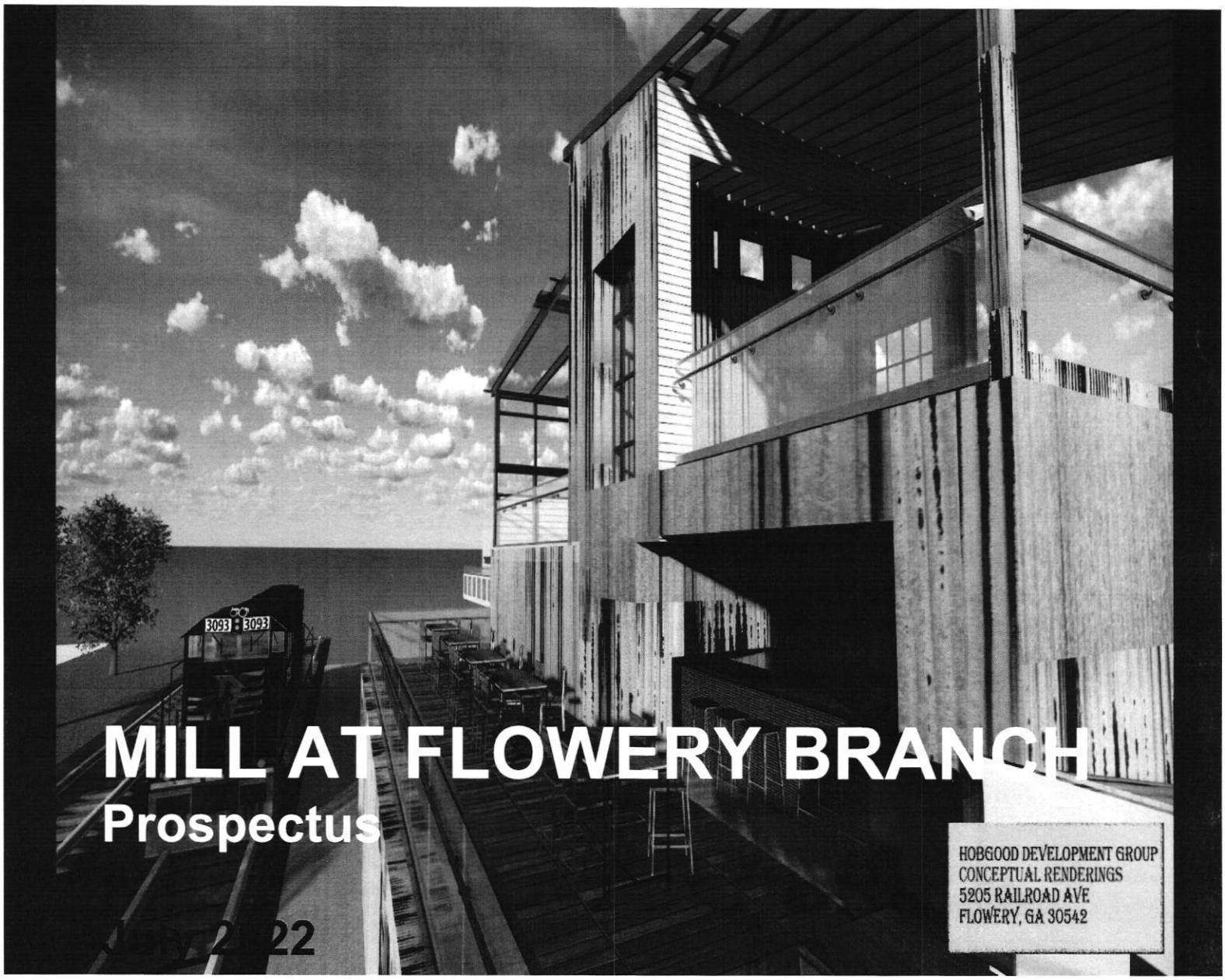
E-mail address: kevin@hobgoodgroup.com

Phone number: 678898-2251

Signature:

Notary:

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



MILL AT FLOWERY BRANCH

Prospectus

22

Le Colibri Inc.
9401 Roberts Drive 22D
Sandy Springs, GA 30350
(404) 694-1616
lecolibriinc@gmail.com

Executive Summary

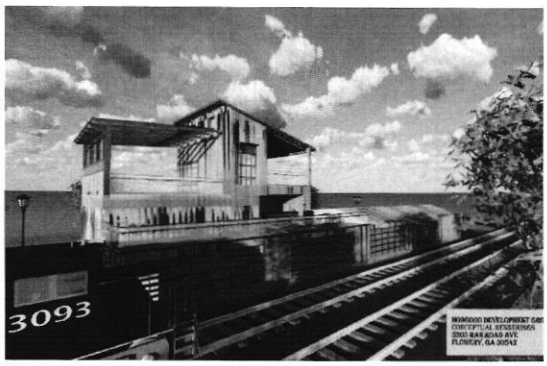
Business Overview

Welcome to Mill at Flowery Branch. A newly renovated historic mill in Flowery Branch, GA along the railroad tracks. This unique, industrial property is an ideal venue location for weddings, bridal and baby showers, reunions, family events, film industry location, corporate events, community events, food truck nights, art & charity galas, and more.

Together, the business owners and operators of Mill at Flowery Branch have years of experience working in the wedding and event industry, providing exceptional customer service, project and task management, coordination of vendors and clients, as well as a proven track record as successful entrepreneurs and business owners with first-hand knowledge of how to establish and run a profitable business from the ground up and will ensure the success of Mill at Flowery Branch as an event venue. They will also implement strategic partnerships with the most sought-after and highly recommended catering and pastry companies, florists, DJ's, wedding planners and other industry professionals within the Flowery Branch and Hall County community who together will create a memorable and unique event for each client.

The Mill at Flowery Branch also wants to open every Tuesday evening for community nights. It will give us the opportunity to provide the residents of Flowery Branch and the surrounding area with fun community events where they can come together and enjoy local food, music, and more. During these nights, we will bring out a food truck or a chef's pop up to sell food using only licensed and insured food trucks. The bar will be open for beverage sales. We will also have live music, trivia, or other types of entertainment and activities. Food will always be available for sale while alcohol is being sold. It is important we create a sense of community around The Mill at Flowery Branch. We don't just want to be a business operating in Flowery Branch, we want to become a part of the heart of downtown Flowery Branch. We believe our venue can provide a memorable gathering place for years to come.

The historic Mill at Flowery Branch will be able to host both indoor and outdoor events and be able to accommodate events of all size. The event planner will be able to work with each client individually on every detail in order to plan, visualize and bring to life the perfect event suited to the client's specific needs.



Service Offerings

The following services will be offered to clients:

- Indoor Main Floor Event Hall & Transitional Indoor/ Outdoor Rooftop Ceremony & Reception area)
- 8+ hours full access to all facilities and surrounding grounds
- Bridal Suite
- Grooms Cellar
- Vendor Coordinator
- Limited On-site parking with additional off-site parking available in walking distance
- Dance floor
- Elegant décor for any event
- 2 Bars: 1 on Mezzanine, 1 in Main Event Hall
- Tables, chairs and linens for any event
- A variety of all-inclusive in house package options available including but not limited to: wedding event coordinator, catering services, beverage services, event staff, floral design, décor and catering options, set-up / break-down services
- Preferred outside vendor recommendations for pastry, floral, DJ, tent rentals, band, catering, hotel accommodations, transportation, photography/ videography and more

Target Market

Mill at Flowery Branch Event Venue will be targeting clients in Flowery Branch, GA as well as the surrounding metro-Atlanta area. The list of customers will include couples in the target market age range of 20-64 planning to get married as well as those looking to host engagement

celebrations, bridal showers, family reunions and baby showers, parents planning sweet 16's and bar/bat mitzvahs for their children, older couples celebrating milestone anniversaries, individuals and businesses looking to host corporate events, and non-profit organizations holding fund raising events and galas.

Management Team

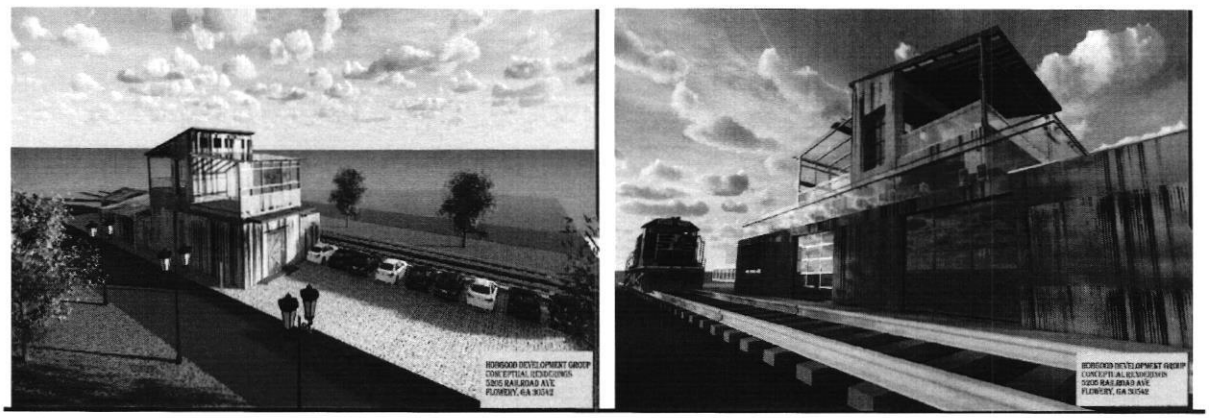
The business owners and operators at the Mill at Flowery Branch will be Catherine Delalla, Cara Delalla and Noelle Holmes. Mother and daughter duo, Catherine and Cara Delalla are well-established business owners in the Atlanta community and proven entrepreneurs with extensive knowledge and experience in running a successful and profitable business, in addition to providing an exceptionally high level of customer service. They will share executive tasks such as tax and business filings, accounting, payroll and public/media relations. Noelle Holmes has ample experience in the fields of project management, marketing, customer service and creative and floral design and will act as the on-site event coordinator and day to day operations manager. Additional responsibilities will include building relationships with vendors and clients, marketing, and community outreach. Furthermore, all three owners have prior experience working in the wedding industry through the catering of events, coordinating with vendors, and the conceptualization and design of event space, bringing the client's vision through intentional use of elegant décor and beautiful floral arrangements. Catherine, Cara and Noelle are highly qualified professionals who possess the combined knowledge and skills needed to operate a successful wedding and event venue at the Mill at Flowery Branch.

Success Factors

The Mill at Flowery Branch Event Venue will be able to achieve success by offering the following competitive advantages:

- Unique Historic Mill / Industrial 5000 sq. ft. Event Space located near railroad tracks
- Transitional Indoor / Outdoor Rooftop Event Space
- The ability to host both indoor and outdoor events ranging in size from smaller intimate wedding ceremonies of 50 guests to large sophisticated gatherings of 300+ guests
- Design and décor options that will appeal to any client ranging from rustic charm to classic and elegant décor.
- Separate bride & grooms suites on different floors for getting ready
- A team of highly qualified and customer-service oriented professionals dedicated to making Mill at Flowery Branch a success.
- Business operators who already possess the expertise and skills needed to ensure the venue is a profitable business

- Strategical marketing plan and partnerships with the most highly-sought after caterers, florists, photographers, videographers, musicians and DJ's that have a proven reliability and track record of servicing all types of events.



Industry Analysis

The wedding services industry is the 4th ranked Other Services Industry in the US boasting a $51.2 billion market with 20% to 25% growth expected for 2022 and beyond. The state of Georgia ranks 9th out of 51 States in number of weddings with 37,473 weddings reported in 2020. Furthermore, 2022 is projected to have over 2.6 million weddings in the US, a record 40-year high, indicating a significant increase in consumer demand for wedding venues and services. The average wedding cost reported per wedding over the last 5 years was $27,160 in the surrounding metro Atlanta areas. Current market research shows that a couple typically spends between 45% to 60% of their total wedding budget on a venue, which indicates the target market specific average venue budget is between $12,222 to $16,296 conservatively in the metro-Atlanta area with even more being spent on top tier wedding venues and services.

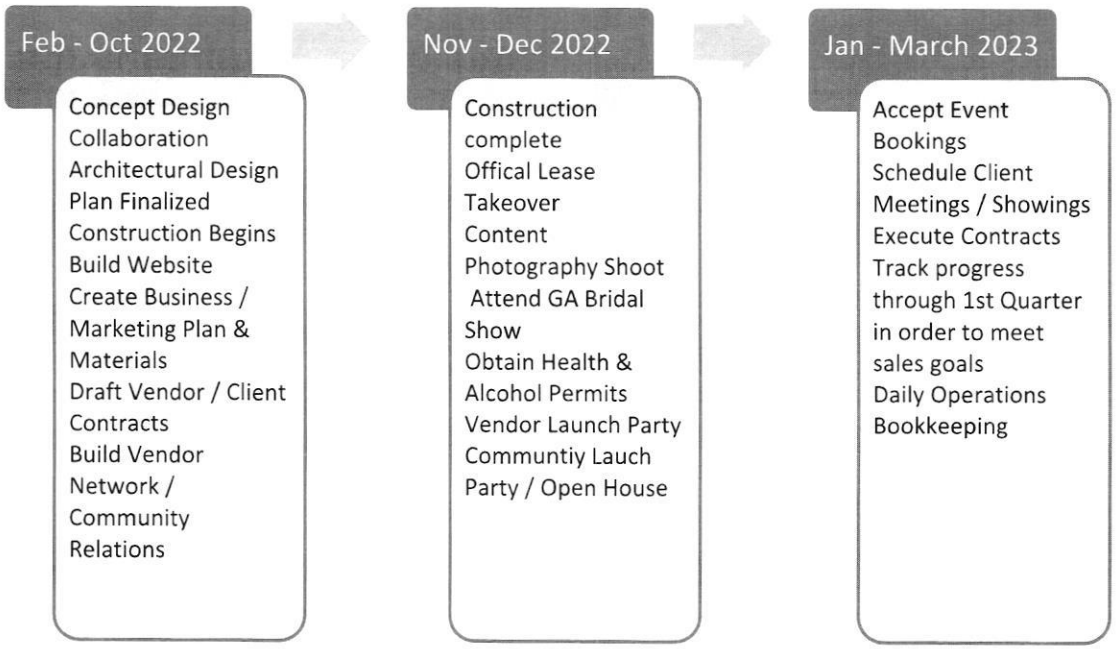
The demand for wedding industry services is directly linked to the number of adults in the 20 to 64 age bracket which is anticipated to rise over the next 5 years representing future industry growth potential. Consumer spending also saw an increase in 2021 and is projected to increase in 2022 and beyond.

Marketing Plan

- Bridal Shows (GA Bridal & Wedding EXPO)
- Community Vendor Relations (caterers, DJ's, photographers/ video, bridal shops, florists, wedding coordinators, event rental companies, transportation, event rental companies, nearby hotels, etc.)

- Soft-open local vendor marketing event / gala
- Host open house showings of property in coordination with local vendors for potential clients
- Implement overflow business referral incentives from local competitors
- Strategic advertisements with various wedding event websites, blogs, magazines, local newspapers etc.
- Social Medial marketing

Implementation Timeline



Property owner information (if different than the applicant)

Property owner (please print): Kevin Hobgood

Signature of property owner: [signature]

Notary: [signature] TARA BROOKS NOTARY PUBLIC HALL COUNTY, GEORGIA MY COMMISSION EXPIRES MAY 08, 2022

Property Information

Tax Map Number: 08112 016001

Current Zoning: CBD Total Acres: 8

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

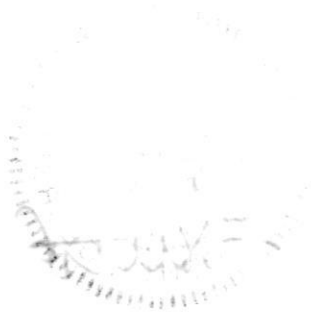
Proposed City of Flowery Branch Zoning: Highway Business ~~or CUP?~~ REZONING

Current Use: N/A

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 EMAILED & ATTACHED
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners SAME AS BEFORE
- Reasons for requesting rezoning EMAILED & ATTACHED
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property ALREADY INSPECTED OR ON FILE ALREADY

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

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Flowery Branch

REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: July 12, 2022

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

Tax Map # 08112 016001 Current Zoning: CBD

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. 1,000,000
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). $33,900
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). 9 MONTHS FROM PERMITS
4. Anticipated total square footage (heated) to be built in the requested number of units. 6,000
5. Total acreage developed with units. .13
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?
   - Do individual property lines for lots extend into the buffer?
   - 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? N/A
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? N/A
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? N/A
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? 50 GALLONS/DAY
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 the project? N/A
21. Has the Hall County School System been notified of the proposed density for this project? N/A
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. N/A

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

CITY STAFF ONLY

Received By: _____

Date: _____ Total Fee: _____

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

ORDINANCE 651

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A .14 +/- ACRE TRACT OF LAND OWNED BY MR. KEVIN HOBGOOD, COMMONLY KNOWN AS 5205 RAILROAD AVENUE, IDENTIFIED AS TAX PARCEL 08112 016001 AS SHOWN AND DESCRIBED ON ATTACHED EXHIBIT "A", FROM M-1 (LIGHT INDUSTRIAL) TO CBD (CENTRAL BUSINESS DISTRICT) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "B"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Mr. Hobgood desires to redevelop the .14+/- acre tract of land identified as tax parcel 08112 016001; shown and legally described on Exhibit "A"; and

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

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

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

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

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

SECTION 1. FINDINGS.

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

.

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

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

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

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

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

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

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

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

9. There are no known adverse effects that would result from the changes to the CBD 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 and legally described in attached Exhibit "A", and as conditioned in Exhibit "B" shall be rezoned to CBD (Central Business District). 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	First Reading	09/16/2021
Public Hearing	08/05/2021	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 21st day of October 2021.

_____
James M. Miller, Mayor

ATTEST:

_____
Vickie Short, City Clerk

APPROVED AS TO FORM:

_____
E. Ronald Bennett, Jr., City Attorney

Exhibit “A”

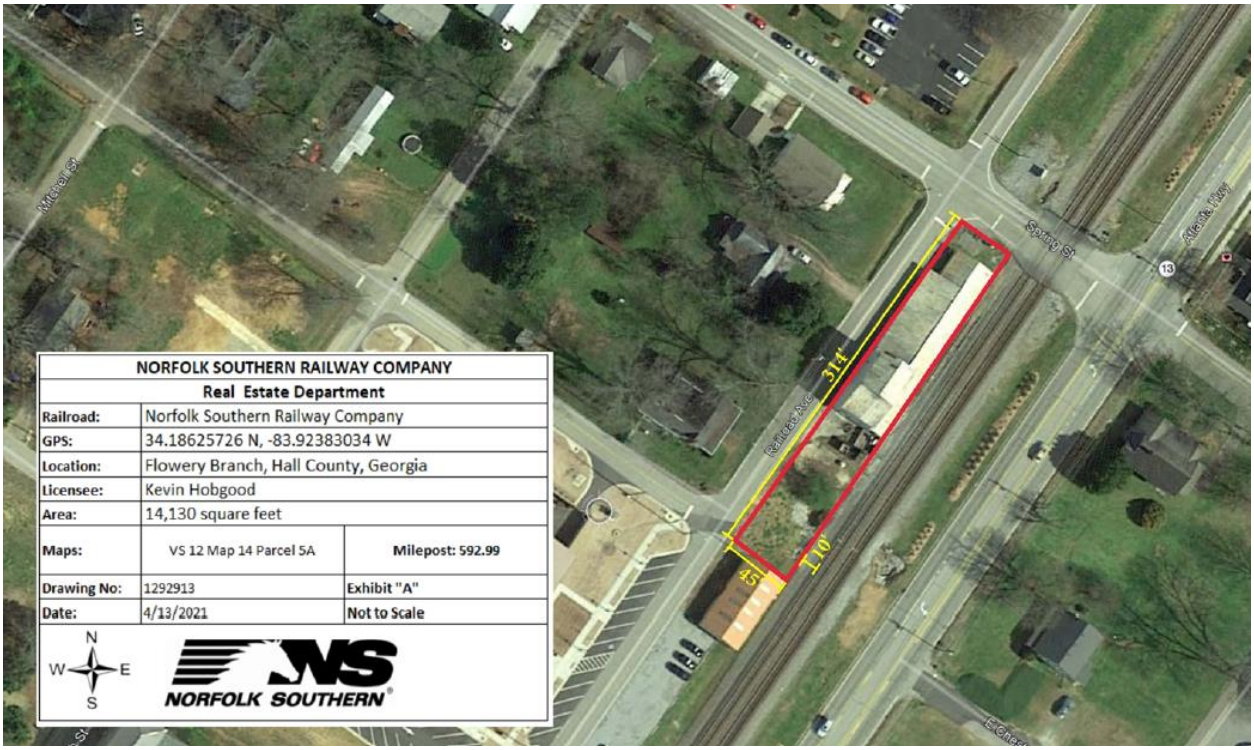


Exhibit “B”

Conditions of Zoning

The property must meet the requirements of Article 9, Section 9.5, of the Flowery Branch Zoning Ordinance:

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) 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.

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: A Public Hearing to consider a request submitted by BLT Martin Road, LLC for a Conditional Use Permit (CUP) to construct a self-storage facility at 4153 Falcon Parkway.

COUNCIL MEETING DATE: October 20, 2022

HISTORY:
This parcel was rezoned from Agriculture (A) to Highway Business (HB) in 2020. The rezoning was requested to allow the construction of a retail strip center (see attached 2020 REZONING staff report Falcon Parkway). The applicant wishes to construct a self-storage facility instead of the retail center. The self-storage use requires a conditional use permit (CUP) in the Highway Business (HB) zoning district.

FACTS AND ISSUES:
Schedule
October 20 public hearing
November 3 work session (if requested)
November 17 first vote
December 1 work session (if requested)
December 15 second vote

OPTIONS:
Public Hearing only - no vote at this time.

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:
Public Hearing only

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- CUP Information 4153 Falcon Parkway.pdf
- 2020 REZONING Staff reprt Falcon Parkway.pdf

CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #	

Date: 08/10/2022

Address of Request:
4153 FALCON PARKWAY FLOWERY BRANCH GA 30542

Tax Map # 150044 A002024 Current Zoning: HB

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

Applicant Information

Applicant: BLT MARTIN ROAD, LLC

Address: 1776 PEACHTREE STREET, SUITE 100, ATLANTA GA 30309

E-mail address: jhanna@tpa-grp.com

Phone number: 770-436-7196

Signature:

Notary Seal:

ALEXANDRA LOGAN
My Commission Expires
NOTARY PUBLIC
11-19-2025
COBB COUNTY, GEORGIA

Property owner Information

Property owner (please print): BLT MARTIN ROAD, LLC

Address: 1776 PEACHTREE STREET, SUITE 100, ATLANTA GA 30309

E-mail address: jhamm@tpn-grp.com

Phone number: 770-436-7196

Signature:

Notary Seal:

ALEXANDRA LOGAN
NOTARY PUBLIC
My Commission Expires
11-19-2025
COBB COUNTY, GEORGIA

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

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

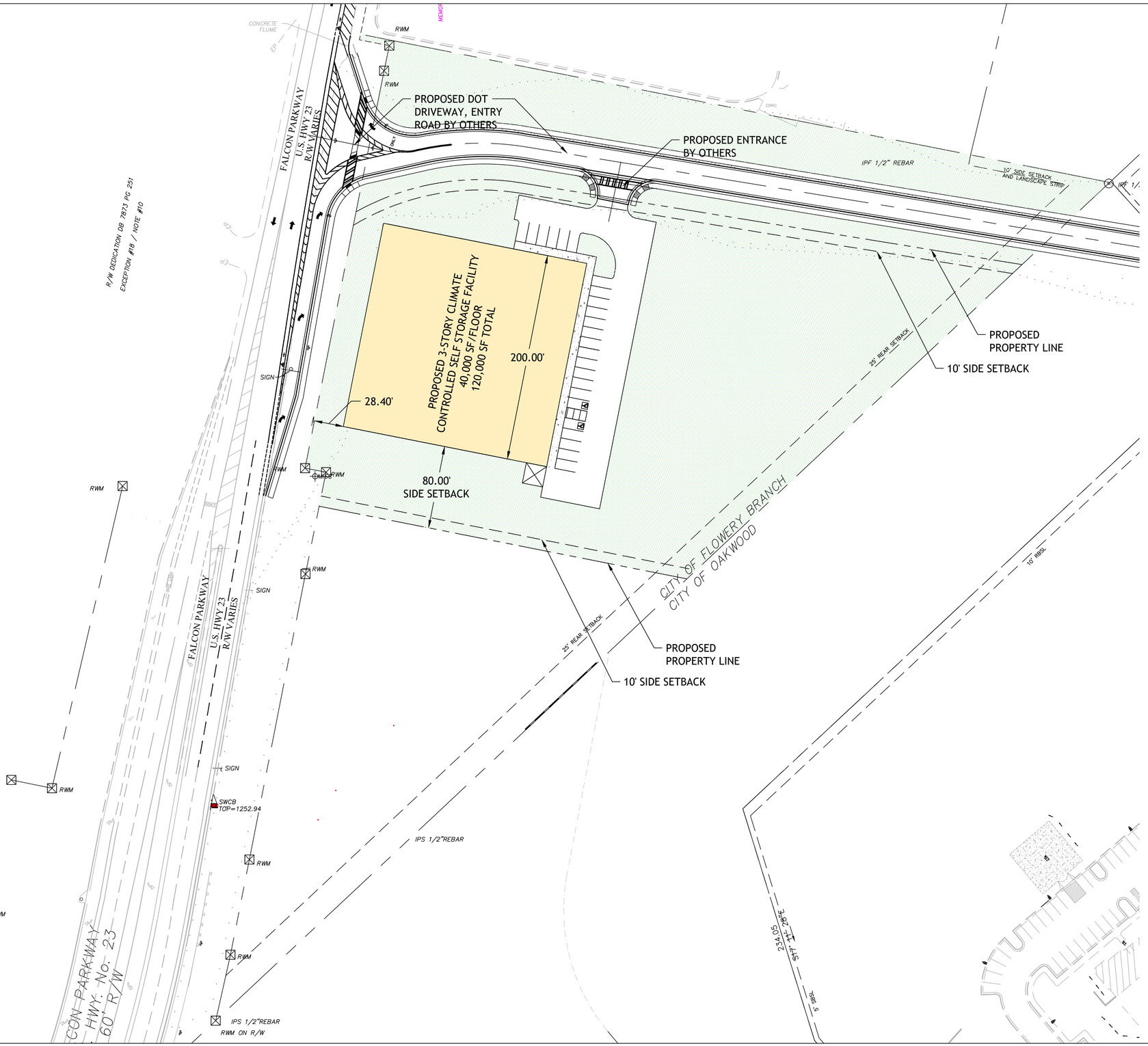
Disclosure of Campaign Contributions

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
NA	NA
NA	NA

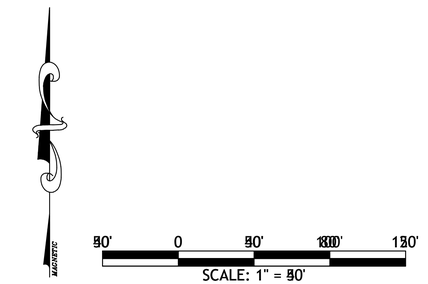
Received by City of Flowery Branch Staff on _____

Name: _____
Title_____



SITE DATA		
STREET LOCATION: FALCON PARKWAY, FLOWERY BRANCH, GA		
SITE AREA: 4.00 AC.		
CURRENT ZONING: HB – HIGHWAY BUSINESS		
BUILDING AREA: 120,000 SQ.FT. (927 UNITS)		
ZONING REQUIREMENTS	REQUIRED	PROPOSED
LOT AREA	4.00 AC*	4.00 AC
LANDSCAPE REQUIREMENT		
MIN OPEN SPACE	15% (26,136 SF)	±66% (114,513 SF)
MAXIMUM LOT COVERAGE	50% (87,120 SF)	23% (40,000 SF)
MAXIMUM BUILDING HEIGHT	60 FT.	±50 FT.
MAXIMUM BUILDING LENGTH	200 FT.*	200 FT.
MAXIMUM BUILDING STORIES	5	3
BUILDING SETBACKS		
FRONT	NONE	28.40 FT.
SIDE	10 FT.	80 FT.
REAR	25 FT.	155 FT.
LANDSCAPING SETBACKS		
FRONT	10 FT.	28 FT.
PARKING STALL SIZE	9 FT. x 18 FT.	10 FT. x 20 FT.
DRIVE AISLE WIDTH		
ONE WAY (90° PARKING)	24 FT	26 FT
PARKING (SEE BELOW)		
SELF STORAGE:		
1 SPACE/40 UNITS (MIN)	24 (MIN)	22 STANDARD
1 SPACE/25 UNITS (MAX)	37 (MAX)	2 ADA
		24 TOTAL

* PER ARTICLE 14, SECTION 14.11



4153 FALCON PAKRWAY, FLOWERY BRANCH, GA
CONCEPTUAL SITE PLAN
AUGUST 13, 2022

BT STORAGE

NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYOR'S BEST KNOWLEDGE ARE APPROXIMATELY AS SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

2. I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR THE CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 130333, MAP 13139 C 0284 G, PANEL 284 OF 377, EFFECTIVE DATE APRIL 4, 2018 AND FOUND NO PORTION OF THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE "A" OR "AE" (AREAS OF 100 YEAR FLOOD). THE PROPERTY SHOWN HEREON TO FALLS WITHIN A DESIGNATED FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.

3. THE ORTHOMETRIC HEIGHTS (ELEVATIONS AND CONTOURS) SHOWN HEREON WERE DETERMINED BY GPS OBSERVATIONS AND WERE ADJUSTED BY PLANNERS AND ENGINEERS COLLABORATIVE IN NOVEMBER 2018. NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), GEORGIA WEST ZONE STATE PLANE COORDINATES.

4. THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

5. THE UNDERGROUND UTILITIES SHOWN HEREON WERE DETERMINED BY LOCATING PAINT MARKINGS CREATED BY SUBSURFACE UTILITY INVESTIGATIONS, LLC. – PHONE– (770) 557–4142.

6. NO ZONING INFORMATION PROVIDED FOR BUILDING SETBACKS.

7. NO DESIGNATED PARKING SPACES ON SUBJECT PROPERTY.

8. NO PARTY WALLS LOCATED ON SUBJECT PROPERTY.

9. FALCON PARKWAY ROAD IMPROVEMENTS ARE RECENT. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED ON THE SUBJECT PROPERTY IN THE PROCESS OF CONDUCTING THE FIELDWORK.

10. EXCEPTION #18, RIGHT OF WAY DEDICATION IN DB 7883 PG 251 SHOWS THE LOCATION OF EXISTING R/W AS PER STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION MAINLINE PLAN SR 13 (FALCON PKWY) PROJECT: NHS00–0000–00 1 4251 PARCEL 26, JANE WOOD BANKS R/A, ETAL C/O REGIONS BARK TRUST DEPT. IN THE SURVEYORS OPINION, THESE PLANS SHOW THE EXISTING R/W AND RIGHT OF WAY BEING DEDICATED INCORRECTLY SHIFTED NORTH. A PORTION OF THE SUBJECT PROPERTY ON THE PLANS IS SHOWN ON THE SOUTH ADJOINER. RIGHT OF WAY MONUMENTS FOUND IN THE FIELD CONFIRM THIS AND ARE SHOWN. RIGHT OF WAY ALONG FALCON PARKWAY IS SHOWN AS A 90 FOOT OFFSET ALONG THE SOUTH MOST 2 CALLS AS SHOWN IN THE RIGHT OF WAY PLANS. AN EFFORT WAS MADE TO CONTACT ENGINEER OF RIGHT OF WAY PLANS BY PHONE AND EMAIL UNSUCCESSFULLY.

11. TOPOGRAPHY ON SITE IS FIELD RUN AND HAS BEEN MENDED WITH LIDAR UAV AERIAL TOPOGRAPHY TO THE SOUTH PERFORMED IN 2018.

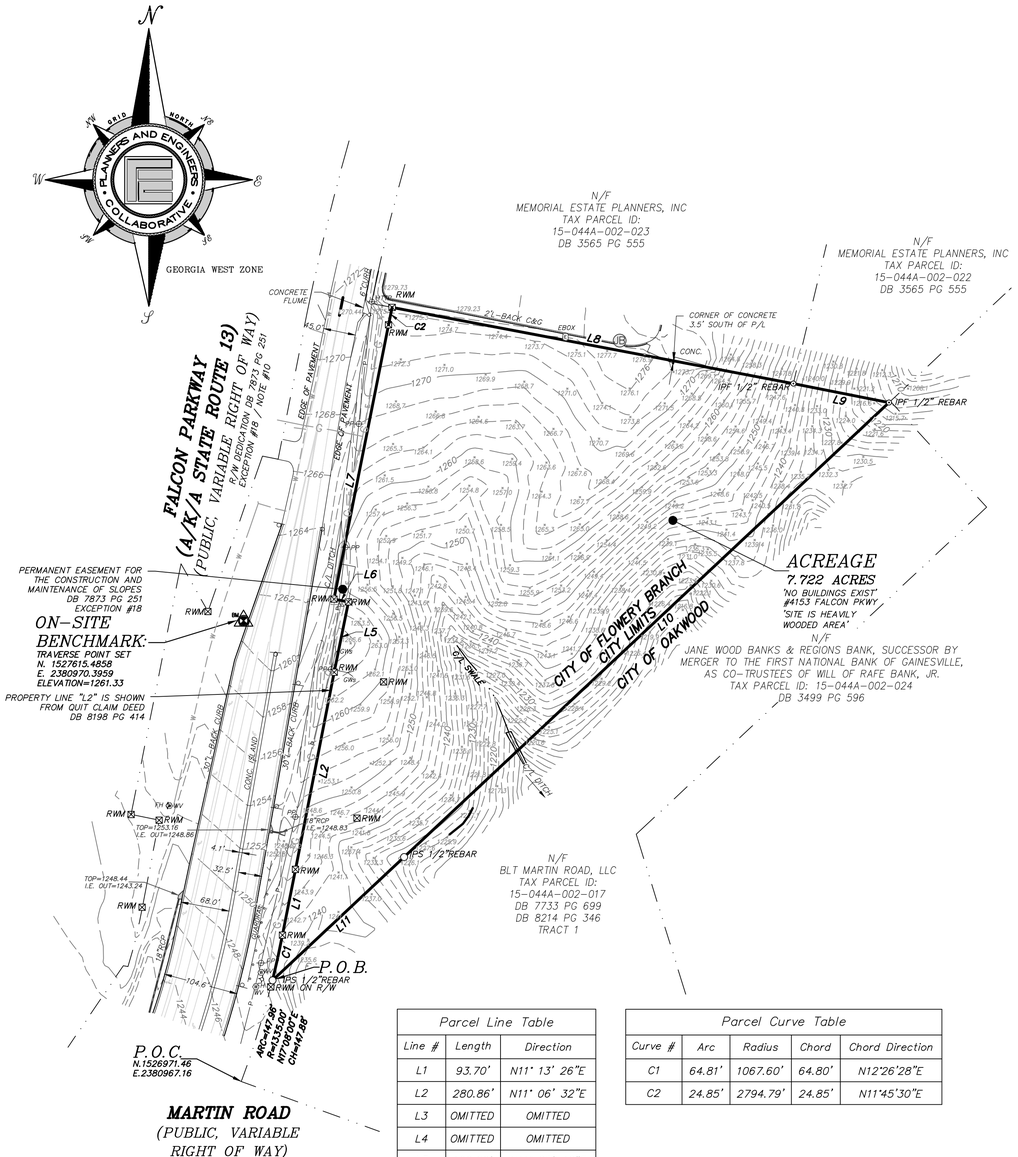
LEGAL DESCRIPTION

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

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

Thence continuing along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) the following courses and distances: with a curve turning to the left with an arc length of 64.81 feet, with a radius of 1067.60 feet, with a chord bearing of North 12 degrees 26 minutes 28 seconds East, with a chord length of 64.80 feet to a right of way monument found; thence North 11 degrees 13 minutes 26 seconds East a distance of 93.70 feet to a right of way monument found; thence North 11 degrees 06 minutes 32 seconds East a distance of 280.86 feet to a right of way monument found; thence North 11 degrees 25 minutes 42 seconds East a distance of 100.29 feet to a right of way monument found; thence North 79 degrees 16 minutes 16 seconds West a distance of 20.61 feet to a right of way monument found; thence North 11 degrees 14 minutes 39 seconds East a distance of 391.04 feet to a right of way monument found; thence with a curve turning to the right with an arc length of 24.85 feet, with a radius of 2794.79 feet, with a chord bearing of North 11 degrees 45 minutes 30 seconds East, with a chord length of 24.85 feet to a right of way monument found; thence leaving said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) South 79 degrees 13 minutes 59 seconds East a distance of 570.76 feet to a 1/2" rebar found; thence South 78 degrees 47 minutes 05 seconds East a distance of 136.23 feet to a 1/2" rebar found on the City Limits of Flowery Branch; thence following along said City Limits of Flowery Branch the following courses and distances: South 46 degrees 51 minutes 01 seconds West a distance of 928.91 feet to a 1/2" rebar set; thence South 46 degrees 51 minutes 01 seconds West a distance of 252.05 feet to a 1/2" rebar set on said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13, which is the TRUE POINT OF BEGINNING.

Said parcel having an area of 7.722 acres more or less.



Parcel Line Table		
Line #	Length	Direction
L1	93.70'	N11° 13' 26"E
L2	280.86'	N11° 06' 32"E
L3	OMITTED	OMITTED
L4	OMITTED	OMITTED
L5	100.29'	N11° 25' 42"E
L6	20.61'	N79° 16' 16"W
L7	391.04'	N11° 14' 39"E
L8	570.76'	S79° 13' 59"E
L9	136.23'	S78° 47' 05"E
L10	928.91'	S46° 51' 01"W
L11	252.05'	S46° 51' 01"W

Parcel Curve Table				
Curve #	Arc	Radius	Chord	Chord Direction
C1	64.81'	1067.60'	64.80'	N12°26'28"E
C2	24.85'	2794.79'	24.85'	N11°45'30"E

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

STRUCTURE LEGEND

CABLE / TV
- Cable / TV Marker
- Cable / TV Pedestal
- Cable / TV Manhole
- Cable / TV Handhole
- Cable / TV Cable Box

ELECTRIC/POWER
- Transformer
- Guy Wire
- Electric Meter
- Power Pole/Utility Pole
- Street Light/Light Pole
- Electric Panel
- Electric Box
- Electric Manhole
- Electric Handhole
- Electric / Power Marker
- Spot Light

FIBER OPTIC
- Fiber Optic Marker
- Fiber Optic Manhole
- Fiber Optic Pedestal

GAS
- Gas Meter
- Gas Valve
- Gas Fill Cap
- Gas Manhole
- Gas Marker
- Gas Pressure Relief Valve
- Gas Vault
- Gas Vent Pipe
- Gas Something :)

PAVEMENT MARKING
- Pavement Marking
- Pavement Marking
- Pavement Marking
- Turn Arrow Left/Right
- Turn Arrow Left
- Turn Arrow Right
- Traffic Arrow Straight
- Traffic Arrow Straight/Left
- Traffic Arrow Straight/Right
- Traffic Arrow U-Turn
- Handicap Pavement Marking
- Bike Lane Pavement Marking

PROPERTY MONUMENTS
- Right-of-Way Monument Found / Concrete Monument Found
- Iron Pin Set
- Iron Pin Found (Rebar found)
- PK Nail Set
- PK Nail Found
- Point
- Benchmark

MISCELLANEOUS
- Land Lot Symbol

SEWER
- Grease Trap
- Sanitary Sewer Manhole
- Cleanout
- Sanitary Sewer Vent Pipe
- Sanitary Sewer Marker
- Sanitary Sewer Force Main Valve
- Sanitary Sewer Lift Station

SITE / TOPOGRAPHIC FEATURES
- Street Sign
- Air Condition Unit
- Bollard
- Mailbox
- Satellite Dish
- Flag Pole
- Monitoring Well
- Antenna
- Column
- Camera Pole / Camera
- Bore Hole Location
- Mile Post
- Rail Road Mile Post

STORM / DRAINAGE
- Storm Structure Lid
- Drop Inlet
- Catch Basin
- Single Wing Catch Basin
- Double Wing Catch Basin
- Weir Inlet
- Head Wall
- Junction Box
- Curb Inlet
- Flared-in Section
- Down Spout

TELEPHONE
- Telephone Terminal Box
- Telephone Marker
- Telephone Handhole Box
- Telephone Manhole
- Telephone Cabinet

TRAFFIC
- Overhead Traffic Signal
- Traffic Handhole Box
- Telephone Handhole Box
- Traffic Signal Pole
- Traffic Signal Loop Control Box

WATER
- Fire Hydrant
- Irrigation Control Valve
- Water Meter
- Water Valve
- Fire Department Connection
- Water Vault
- Pressure Irrigation Valve
- Water Vent Pipe
- Water Valve Marker
- Water Marker
- Water Manhole
- Water Air Release Valve
- Water Back Flow Preventer
- Sprinkler Head
- Sprinkler Valve

LINETYPES

PROPERTY
- Adjacent Property
- Property Line
- Center of Creek

FENCE LINES
- Barb Wire Fence
- Chain link fence
- Wood Fence
- Woven Wire Fence

SITE / TOPOGRAPHIC FEATURES
- Guardrail

EXISTING OVERHEAD
- Electric Line

EXISTING UNDERGROUND
- Cable
- Electric
- Fiber Optic
- Gas
- Telecommunications
- Water
- Television
- Storm Drainage Line
- Sanitary Sewer

ABBREVIATIONS

APPROX.	Approximate	I.E.	Invert Elevation
#4	1/2" Rebar	IPF	Iron Pin Found
C&G	Curb and Gutter	IPS	Iron Pin Set
CLF	Chain Link Fence	LP	Light Pole
CMP	Corrugated Metal Pipe	MW	Monitoring Well
CO	Clean Out	N/F	Now or Formerly
CPP	Corrugated Plastic Pipe	OTP	Open Top Pipe
DB	Deed Book	PB	Plat Book
DI	Drop Inlet	PG	Page
DE	Drainage Easement	PKF	PK Nail Found
EOP	Edge of Pavement	PKS	PK Nail Set
EPP	Electric Power Pole	POB	Point of Beginning
EPAN	Electric Panel	POC	Point of Commencement
ESMT	Easement	PVC	Polyvinyl Chloride Pipe
FES	Flared End Section	RBC	Rebar Capped
FFE	Finish Floor Elevation	RCP	Reinforced Concrete Pipe
FH	Fire Hydrant	RWM	Right of Way Monument
FLGP	Flag Pole	SSE	Sanitary Sewer Easement
GA	Georgia	SSMH	Sanitary Sewer Manhole
GM	Gas Meter	TRAN	Transformer
GW	Guy Wire	VCP	Vitrified Clay Pipe
HDR	Hand Rail	W.O.F.	Wood Fence
H.W.	Hard Wood	WM	Water Meter
HW	Headwall	WV	Water Valve
ICV	Irrigation Control Valve		

SITE MAP (NTS)

TITLE EXCEPTIONS

Chicago Title Insurance Company Issuing Office File Number 3509–0002 with a commitment date of June 3, 2019 was used in the preparation of this survey and the listed exceptions are as follows:

10. All matters shown on that plat recorded at Plat Book 114, Page 12, Hall County, Georgia records.
Comment: Affects all of subject property, as shown on survey.

11. Right of Way Deed from Rafe Banks, Jr. et al to State Highway Department of Georgia dated April 20, 1953, recorded in Deed Book 142, Page 126, aforesaid records.
Comment: May affect. The location cannot be determined from the record document. Subsequent right of way dedications have been recorded to buy additional right of way.

12. Right of Way Deed from Rafe Banks, Jr. et al to State Highway Department of Georgia dated May 26, 1955, recorded in Deed Book 154, Page 178, aforesaid records.
Comment: May affect. The location cannot be determined from the record document. Subsequent right of way dedications have been recorded to buy additional right of way.

13. Right of Way Deed from Rafe Banks, Jr. et al to Hall County dated July 5, 1966, recorded in Deed Book 332, Page 415, aforesaid records.
Comment: May affect. The location cannot be determined from the record document. Subsequent right of way dedications have been recorded to buy additional right of way.

14. Right of Way Deeds from Regions Bank and Jane Wood Banks as CoTrustees, et al. to Hall County dated July 3, 2002, recorded in Deed Book 4243, Page 162, aforesaid records.
Comment: Does not affect. Right of Way take is on the northwest side of State Route 13.

15. Right of Way Deeds from Regions Bank and Jane Wood Banks as CoTrustees, et al. to Hall County dated July 3, 2002, recorded in Deed Book 4243, Page 166, aforesaid records.
Comment: Does not affect. Right of Way take is on the northwest side of State Route 13.

16. Right of Way Deeds from Regions Bank and Jane Wood Banks as CoTrustees, et al. to Hall County dated July 3, 2002, recorded in Deed Book 4243, Page170, aforesaid records.
Comment: Does not affect. Right of Way take is on the northwest side of State Route 13.

17. Easement from The McCrary Family Partnership, L.P. et al. to Georgia Power Company dated December 18, 2002, recorded in Deed Book 4458, Page 627, aforesaid records.
Comment: Does not affect. Easement is on the northwest side of State Route 13.

18. Declaration of Taking Department of Transportation vs. Burwell Investments, Ltd. Dated February 17, 2017, recorded in Deed Book 7873, Page 251, aforesaid records.
Comment: Affects. Right of Way take and Permanent Easement shown on survey.

The field data upon which this map or plat is based has a closure precision of one foot in 61,203 feet and an angular error of 00° 00' –04" per angle point and was adjusted using the compass adjustment rule.

This map or plat has been calculated for closure and is found to be accurate to within one foot in 5,919,020 feet.

EQUIPMENT USED:

ANGULAR: TOPCON TOTAL STATION

LINEAR: TOPCON TOTAL STATION

To BLANCHARD REAL ESTATE AND CHICAGO TITLE INSURANCE COMPANY:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1–4, 8, 9, 10, 13, and 16 of Table A thereof. The field work was completed on: 4/30/20

Date of Map or Plat: 4/27/2020, LAST REVISED 7/21/2020.

PLANNERS AND ENGINEERS COLLABORATIVE
"WE PROVIDE SOLUTIONS"
■SITE PLANNING ■LANDSCAPE ARCHITECTURE
■CIVIL ENGINEERING ■LAND SURVEYING
350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092
(770)451-2741 ■ WWW.PECATL.COM
C.O.A.-LSF000004

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1	07/21/20	REVISE RW PER QC DB 8198 PG 414	MN

ALTA/NSPS LAND TITLE SURVEY

FOR

BLANCHARD REAL ESTATE AND CHICAGO TITLE INSURANCE COMPANY

CITY OF FLOWERY BRANCH

LAND LOT(S) GMD #1270
DISTRICT FLOWERY BRANCH

HALL COUNTY GEORGIA

GEORGIA REGISTERED No. 3008 LAND SURVEYOR JONATHAN N. HOWARD

DRAWN BY: MN
CHECKED BY: JH
FILE NO.: 17211.01
DATE: 4/27/2020
SCALE: 1"=100'

0 50 100 200

DATE OF FIELD WORK: 4/30/20

BLT MARTIN ROAD, LLC

October 4, 2022

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

RE: Conditional Use Permit Application
Tax Map 15044A002024

Mr. Atkinson:

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

It is our intent to apply for a conditional use permit to construct a mult-story, climate-controlled storage facility. This request would follow all development guidelines outlined in the Flowery Branch Code of Ordinances and Zoning Ordinance 20-609.

This parcel was rezoned in 2020 from Agricultural (A) to Highway Business (HB). At that time, we believed the market conditions supported a small retail development as indicated in our rezoning application. Since then, our belief that the most highest and best use for the parcel is a best in class climate controlled storage facility. This is due to shifting population demographics, the maturation of the submarket (including the retail pads along Martin Road in the City of Oakwood) and the completion of a first phase and commencement of a second phase of multifamily development adjacent to the site. Further, in the time since the original rezoning, the site has been marketed heavily for a retail user without any success. This indicates that the market will not, as originally contemplated, support the retail development however there is a storage operator ready to commence development on the site.

The development will include inter-parcel access to the road currently being constructed to serve the second phase of the multifamily development. During the initial rezoning application, the site layout contemplated inter-parcel connectivity to the retail development along Martin Road, however upon further study, the only viable location for stormwater facilities is in the portion of the site that would allow for that connectivity. However, in keeping with the spirit of the initial rezoning, we are foregoing a new driveway on any public right-of-way and are instead proposing to use the permitted driveway depicted on the site plan.

Very truly yours,

Shawn Gleason

BLT MARTIN ROAD, LLC

October 4, 2022

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

RE: Conditional Use Permit Application
Tax Map 15044A002024

Mr. Atkinson:

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

1. Will the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property
    a. Yes. The proposal is to allow for a best in class multistory climate controlled storage facility which will support the increased residential density in the submarket. The façade of the structure will, pending staff comments, align with the look and finish of the existing first phase and in-progress second phase and will meet all development guidelines of both the Flowery Branch Code of ordinances for building and site conditions, as well as Zoning Ordinance 20-609 in terms of building finish.
2. Will the proposal adversely affect the existing use or useability of adjacent or nearby property?
    a. No. The proposal would allow the subject parcel to be developed into a use that is symbiotic to those to the east. The parcel to the north is commercially zoned and currently in use as a cemetery and the parcels to the south/southeast are underdevelopment into commercial outparcels with various end users and uses.
3. Can the subject parcel be used in accordance with the existing regulations and have a reasonable economic use as currently zoned.
    a. Yes. The underlying zoning currently allows the use as conditional. Therefore, the parcel can be used in accordance with the existing regulations. The parcel has been actively, but unsuccessfully, marketed for retail users for the last 2 years. Currently, there is an active user who is prepared to develop the site into a best in class, multistory, climate controlled self-storage facility.
4. Will the proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
    a. No. As a use, self-storage has a minimal, if any, impact on traffic, utilities and schools.
5. Is the proposal in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map?

a. Yes. The site is noted as an activity center on the character area map. The activity center uses and intensities notes: "a wide range of uses is contemplated in this character area, except for heavy industry and residential. The character area is the proper place for big box retail, shopping centers, lodging and auto-related uses. Commercial intensities are within a range of 15,000 to 38,000 sf of building space/acre (FAR of 0.34 to 0.85). Five story height limit.

   As currently designed, the 3 story, 120,000 square foot facility has a FAR of 0.689 and a intensity of 30,000 square feet of building space/acre.

   Further, the future land use map notes the site as 'commercial'.

6. Are there other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.
   a. Yes. The site has been marketed actively, but unsuccessfully, for a retail user for the last 2 years. Currently, there is an active and engaged operator who is prepared to develop the site into a best in class, multistory, climate controlled self storage facility.
7. What are the existing use(s) and zoning of the subject property and nearby properties.
   a. Subject Property
      i. Zoned – Highway Business (HB)
      ii. Use – Undevelopeed
   b. Property to the north
      i. Zoned – Highway Business (HB)
      ii. Use – Memorial Park South Funeral Home
   c. Property to the South/East (lies within the city of Oakwood)
      i. Zoned - Planned commercial development (PCD)
      ii. Use – Retail outparcels with varying users and uses
   d. Property to the West (opposite Falcon Parkway)
      i. Zoned – Agricultural (A)
      ii. Use – Undeveloped
8. What is the current value of the property under the existing zoning district classification to the extent to which the property value of the subject property is diminished by the existing zoning district and the value of the property under the proposed zoning district.
   a. The request for the parcel is not to change the zoning, but to allow a conditional use. To the best of our knowledge, the parcel appear to have been wooded and undeveloped since 1944. The proposed conditional use would allow the site to immediately be developed into a best in class multistory climate controlled storage facility.
9. Will a zoning map amendment be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations?
   a. N/A. The proposal does not include a zoning map amendment, only for a conditional use permit to a use that is allowed with the same under the current zoning classification.

10. Does the zoning map amendment create an isolated zoning district unrelated to adjacent and nearby districts?
    a. N/A. The proposal does not include a zoning map amendment, only for a conditional use permit to a use that is allowed with the same under the current zoning classification.
11. Will the change in zoning district map impact the character of a zoning district?
    a. N/A. The proposal does not include a zoning map amendment, only for a conditional use permit to a use that is allowed with the same under the current zoning classification.
12. What would the possible impact to the environment be including, but not limited to, drainage, soils erosion and sedimentation, flooding, air quality and water quality?
    a. The City of Flowery Branch has already approved grading and infrastructure plans for the site which include negative stormwater impact mitigation (both downstream flooding and water quality) as well as permanent stabilization of all slopes and disturbed areas. Further, the use will not have any impact to air quality or other environmental concerns.
13. What relation does the proposed zoning map amendment have on the purpose of the overall zoning scheme and Flowery Branch zoning ordinance?
    a. The proposal does not include a zoning map amendment, only for a conditional use permit to a use that is allowed with the same under the current zoning classification. However, the use is in keeping with both the Character Area Map and Future Land Use Map of Flowery Branch.

Very truly yours,

Shawn Gleason

LEGAL DESCRIPTION

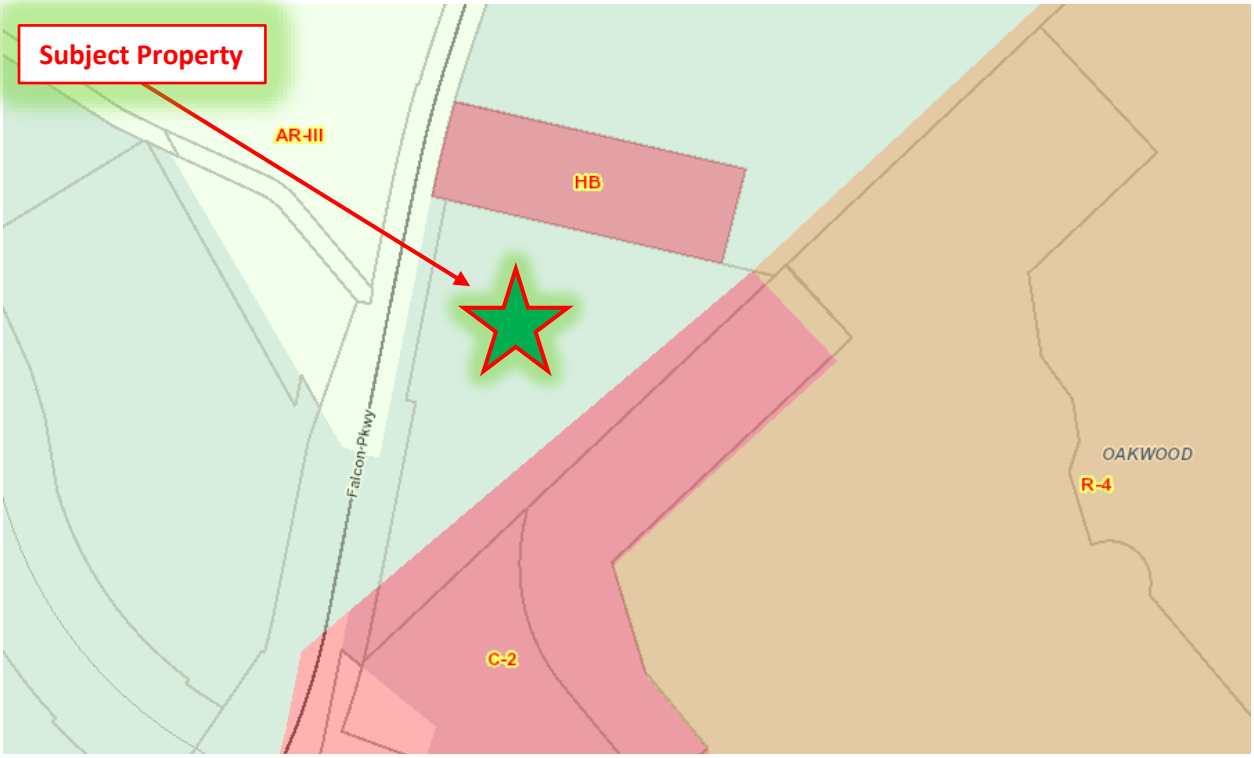
ALL THAT TRACT OR PARCEL OF LAND lying and being in Flowery Branch GMD #1270, City of Flowery Branch, Hall County, Georgia and being more particularly described as follows:

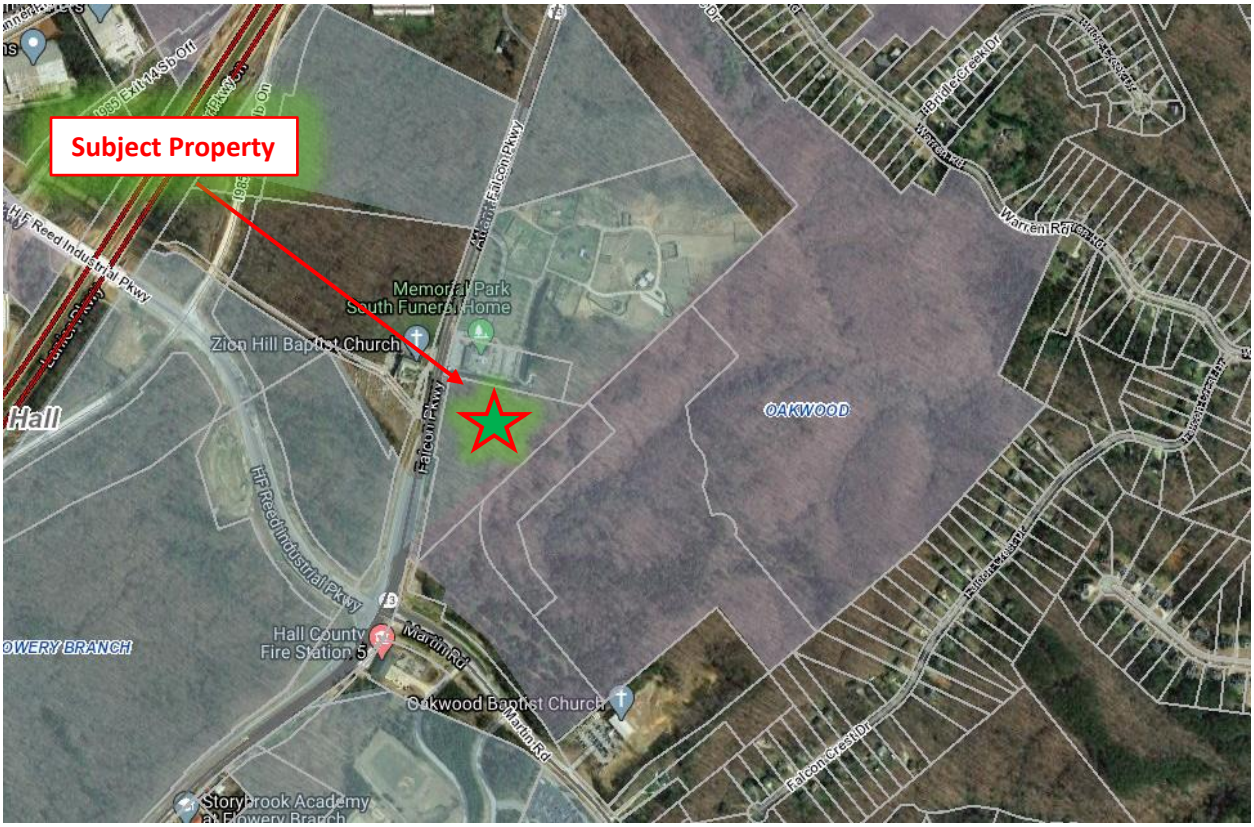
COMMENCING at the point located at the intersection of the Northerly Right of Way of Martin Road (Public, Variable R/W) and the Southeasterly Right of Way of Falcon Parkway (A/K/A State Route 13, Public, Variable Right of Way) having Georgia State Plain coordinates (NAD83, Georgia West Zone) of N.1526971.46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

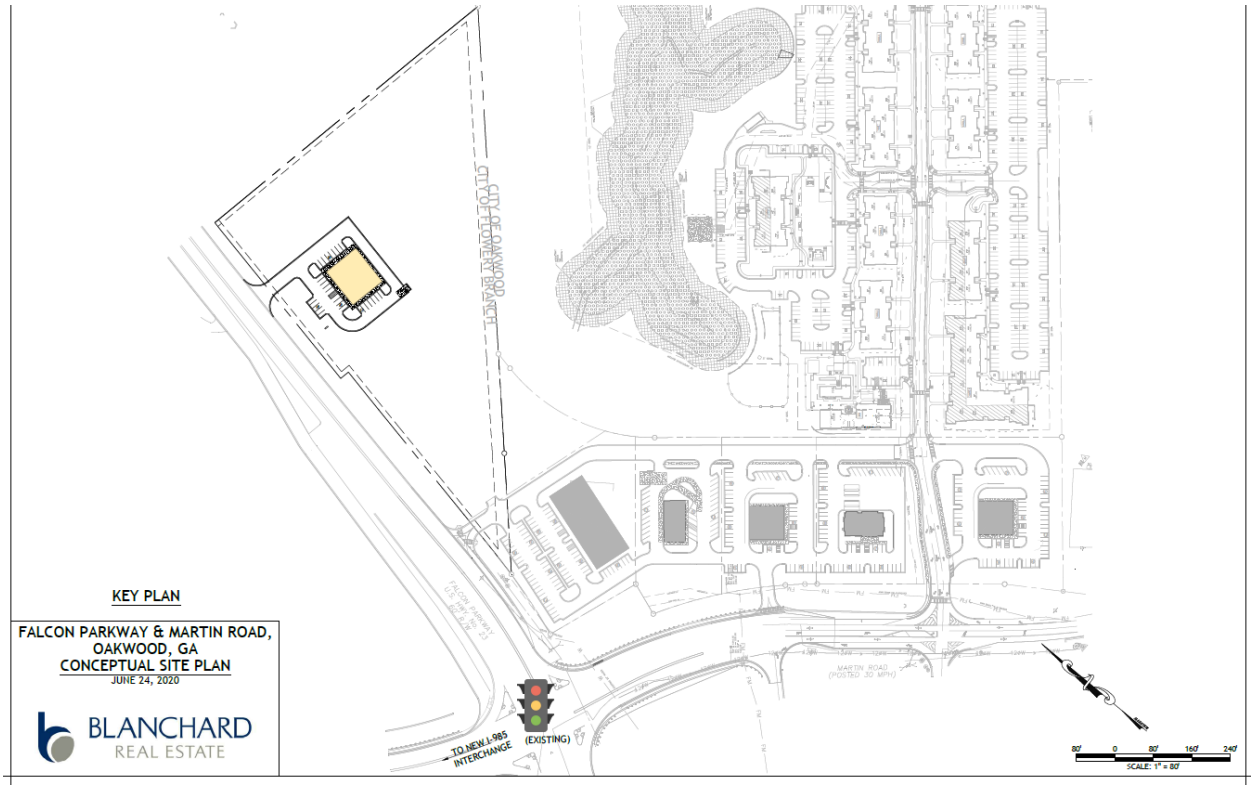
Thence continuing along said Southeasterly Right of Way Line of Falcon Parkway (A/K/A State Route 13) the following courses and distances: with a curve turning to the left with an arc length of 64.81 feet, with a radius of 1067.60 feet, with a chord bearing of North 12 degrees 26 minutes 28 seconds East,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

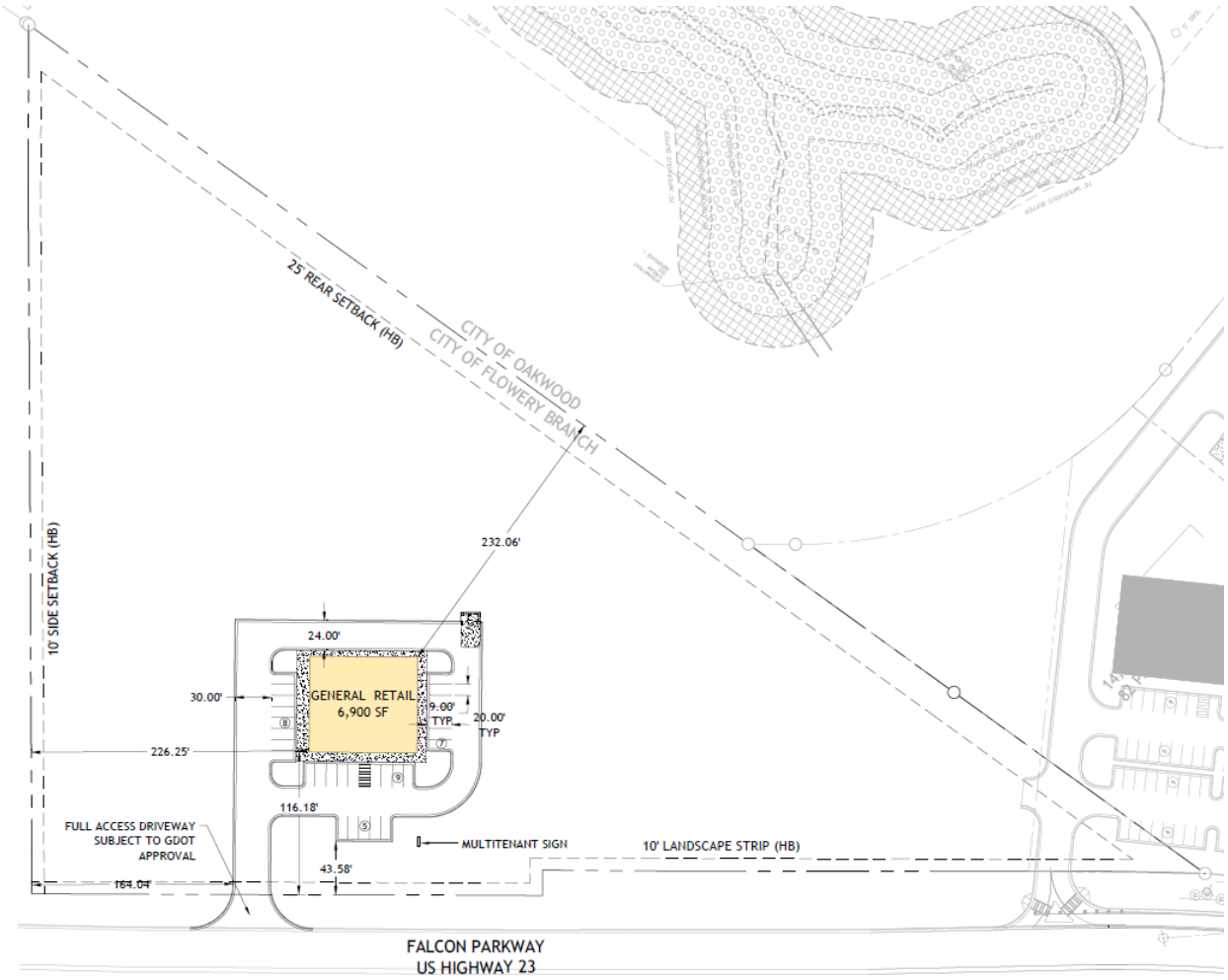
Said parcel having an area of 7.338 acres more or less.

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

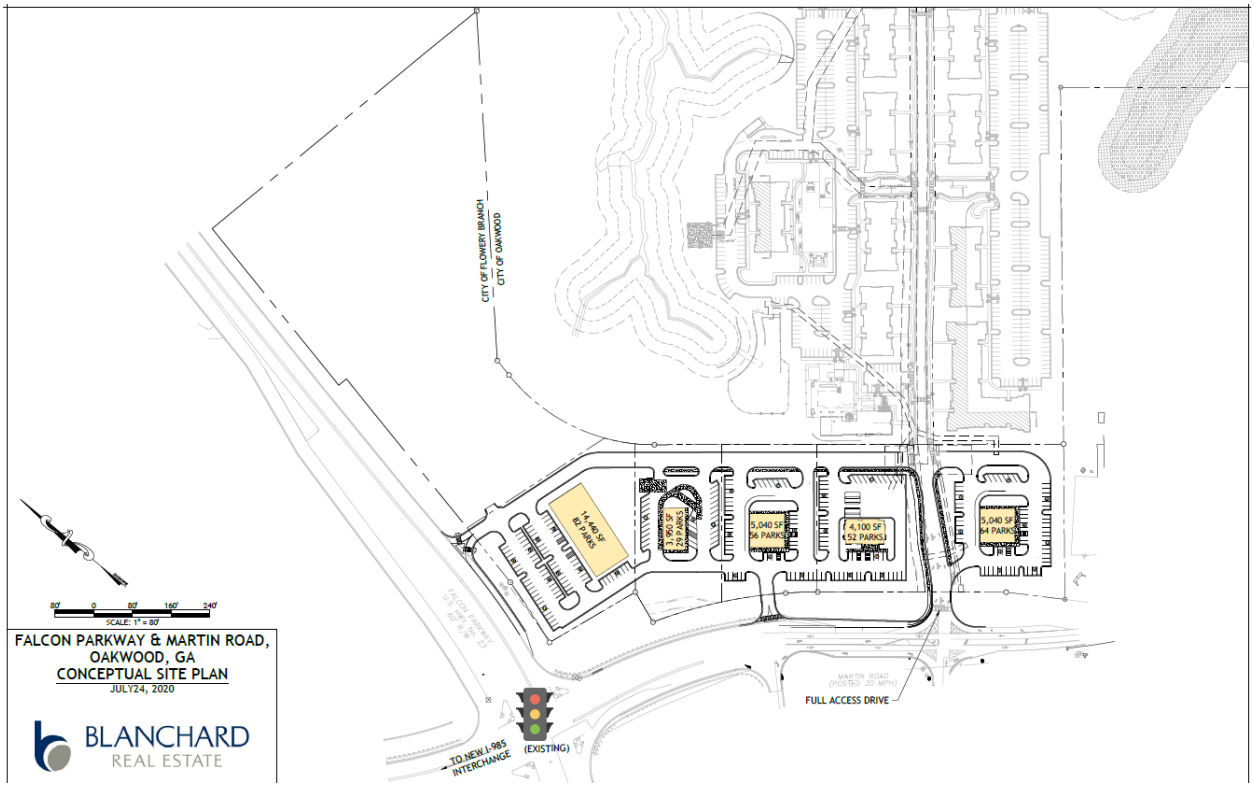


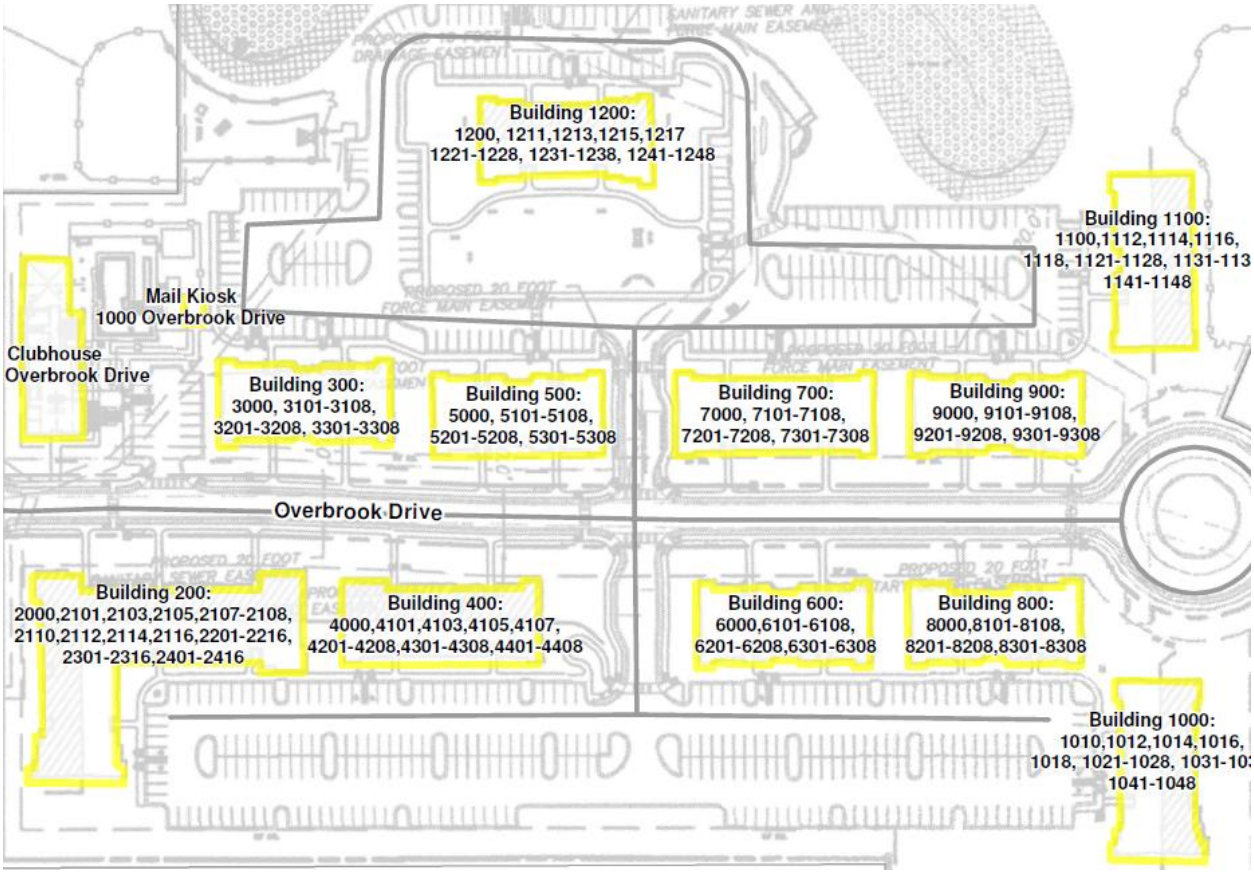

Subject Property
Memorial Park South Funeral Home
Zion Hill Baptist Church
OAKWOOD
Hall County Fire Station 5
Oakwood Baptist Church
Storybrook Academy
Falcon Parkway
Martin Rd
HF Reed Industrial Pkwy
Warren Rd
Falcon Crest Dr


KEY PLAN
FALCON PARKWAY & MARTIN ROAD,
OAKWOOD, GA
CONCEPTUAL SITE PLAN
JUNE 24, 2020
BLANCHARD
REAL ESTATE
CITY OF OAKWOOD
TO NEW I-985 INTERCHANGE
(EXISTING)
MARTIN ROAD
(POSTED 30 MPH)
SCALE: 1" = 80'


25' REAR SETBACK (HB)
CITY OF OAKWOOD
CITY OF FLOWERY BRANCH
10' SIDE SETBACK (HB)
232.06'
24.00'
30.00'
GENERAL RETAIL
6,900 SF
9.00'
TYP.
20.00'
TYP
226.25'
116.18'
FULL ACCESS DRIVEWAY
SUBJECT TO GDOT
APPROVAL
MULTITENANT SIGN
10' LANDSCAPE STRIP (HB)
43.58'
164.04'
FALCON PARKWAY
US HIGHWAY 23

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




Building 1200:
1200, 1211,1213,1215,1217
1221-1228, 1231-1238, 1241-1248
Building 1100:
1100,1112,1114,1116,
1118, 1121-1128, 1131-113
1141-1148
Mail Kiosk
1000 Overbrook Drive
Clubhouse
Overbrook Drive
Building 300:
3000, 3101-3108,
3201-3208, 3301-3308
Building 500:
5000, 5101-5108,
5201-5208, 5301-5308
Building 700:
7000, 7101-7108,
7201-7208, 7301-7308
Building 900:
9000, 9101-9108,
9201-9208, 9301-9308
Overbrook Drive
Building 200:
2000,2101,2103,2105,2107-2108,
2110,2112,2114,2116,2201-2216,
2301-2316,2401-2416
Building 400:
4000,4101,4103,4105,4107,
4201-4208,4301-4308,4401-4408
Building 600:
6000,6101-6108,
6201-6208,6301-6308
Building 800:
8000,8101-8108,
8201-8208,8301-8308
Building 1000:
1010,1012,1014,1016,
1018, 1021-1028, 1031-10
1041-1048

ELEVATION

Sec. 34.7. - Analysis Requirements.

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

(a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. Yes, retail would be suitable to this area as it is near the new exit 14 and has supporting residential uses in proximity.

(b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. The project should not adversely impact the adjacent or surrounding properties.

(c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. The property could be used but is limited by its agricultural zoning designation.

(d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Staff does not view this project as causing any excessive or burdensome use on streets, schools, etc.

(e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. Activity Center character area is consistent with the proposed.

(f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. The proposed site will blend in with the larger Oakwood development and may be an asset to the surrounding area.

(g) Existing use(s) and zoning of the subject property and nearby properties. Consistent if rezoned to HB with the surrounding area.

(h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. Staff did not assess the financial implications of this rezoning but a commercial site (HB) would, on the surface, appear to be valuable than an Agricultural designation.

(i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. No, staff does not view this rezoning as a deterrent of any kind to the adjacent properties.

(j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. It is in the City and will remain so.

(k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. No negative impact to this rezoning in staff's opinion.

(l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. The proposed development will be developed to the standards set forth in the Flowery Branch Code of Ordinances and should cause no egregious environmental issues.

(m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. This proposed rezoning is supported by the Comprehensive Plan and is in line with the Zoning Ordinance.

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

*Sign was place on site 7/21/20

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

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider October 6, 2022 City Council Meeting Minutes

COUNCIL MEETING DATE: October 20, 2022

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- October 6, 2022 Unofficial Minutes.pdf

City of Flowery Branch
City Council Meeting
Thursday, October 6, 2022, 6:00 PM
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542

CALL WORK SESSION TO ORDER:

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

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

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Finance Director Matthew Hamby, Police Chief Chris Hulsey, Public Works Director Bill Whidden and City Attorney Ron Bennett.

Absent: Downtown Director Renee Carden and Planning Director Rich Atkinson

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

There was a motion to remove item number five under New Business Work Session for a Resolution authorizing the Gainesville and Hall County Development Authority to issue $30,000,000 of Revenue Bonds for the planned expansion of the Wastewater Treatment Plant and to remove the same item, item number six from New Business Vote Session.

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

ADOPTION OF AGENDA:

There was a motion made to adopt the agenda.

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

UNFINISHED BUSINESS - WORK SESSION:

Presentation on funding sources for funding the expansion of the Wastewater Treatment Plant.

Trey Monroe from Stifel Nicolaus & Company, Inc. presented potential funding sources for funding the expansion of the Wastewater Treatment Plant.

Council had a discussion regarding the funding options available for financing the Wastewater Treatment Plant expansion.

NEW BUSINESS -WORK SESSION:

Consider Resolution 22-017 - Alcoholic Beverage Fees

City Manager Parrish presented Resolution 22-017 to add catering fees for event permits to the alcoholic beverage licensing fees. The amenity permit has been increased from $100 to $200. The chart below listed shows the changes in red.

Beer	**Retail Package**	**$700**
Beer	**Consumption on Premises**	**$700**
Beer	**Wholesale**	**$150**
Wine	**Retail Package**	**$700**
Wine	**Consumption on Premises**	**$700**
Wine	**Wholesale**	**$150**
Distilled Spirits	**Retail Package**	**$5,000**
Distilled Spirits	**Consumption on Premises**	**$4,000**
Brew Pub	**Manufacturing**	**$5,000**
Distilled Spirits	**Bottling**	**$1,000**
Distilled Spirits	**Wholesale**	**$150**
Beer	**Alcoholic Beverage Caterer**	**$300**
Wine	**Alcoholic Beverage Caterer**	**$300**
Distilled Spirits	**Alcoholic Beverage Caterer**	**$500**
Amenity Permit		**$200**
Event Permit	**Beer Caterer**	**$50**
Event Permit	**Wine Caterer**	**$50**
Event Permit	**Distilled Spirits Caterer**	**$250**
Beer	**Tasting Permit**	**$50**

Wine	**Tasting Permit**	**$150**
Wine	**Corkage Permit**	**$150**
Growler	**Corkage Permit**	**$150**
Transfer Fee		**$200**

Consider Resolution 22-018 - Generator, Hazard Mitigation Grant Project Award

Budget Manager Krystle Hightower presented Resolution 22-018, Generator, Hazard Mitigation Grant project award. Flowery Branch Police Department applied for a grant through GEMA to obtain a generator for City Hall and Plaza Building. This was in response to the major disaster in Georgia from Hurricane Irma in 2017. The City of Flowery Branch City Council accepted the Grant Award in the amount of $36,372 in February 2022. The award was as follows: 75% Federal Cost Share in the amount of $27,279, 10% State Cost Share in the amount of $3,637, and 15% Local Match Cost Share in the amount of $5,456. The bid opened on August 10 and closed on September 7, 2022. There was a non-mandatory site visit held on August 24, 2022, with one vendor attending. The one bid received was from Current Edge Solutions in the amount of $51,667. Staff requests consideration of awarding the contract to Current Edge Solutions. The total price is as follows: 60KW Bluestar propane generator with installation cost $43,867. The propane tank with piping and 500 gallons of fuel cost $7,800. The funding source is GEMA Hazard Mitigation Grant and Local Resource Funds.

Consider Resolution 22-019 - Flowery Branch Market Outdoor Furniture Award

Budget Manager Krystle Hightower presented Resolution 22-019, Flowery Branch Market Outdoor Furniture Award. The outdoor furniture was originally a part of the Market Pavilion and Streetscapes Project. A change order request submitted to City Council on July 21, 2022, included furniture costs in the amount of $143,100. An invitation to bid was created and released on August 10, 2022. The bid included fifty stacking armchairs, seventeen round thirty-six tables, and four rocking chairs. Each to be commercial grade with wood appearance. The bid closed on September 7, 2022, and there were two qualifying bids received. Atlanta Teak Furniture and Westminster Teak. The price ranged from $28,058.10 to $40,165.00. Staff recommends awarding the contract to Atlanta Teak Furniture, who was the lowest bidder. The total price for all items requested, delivery and set up is $28,058.10. The funding source is Tax Allocation District Funds.

Consider Ordinance 671 - An Amendment to the Insurer Licensing Fee

City Manager Parrish presented Ordinance 671, an amendment to the Insurer Licensing Fee. The City of Flowery Branch collects fees from insurance companies based on the Census in Flowery Branch. Beginning in 2012, the City began collecting a $50 annual license fee from all insurance companies doing business in the City limits of Flowery Branch. According to a revised Census, the population for the City was increased to 10,144 which allows an increase in the fee collected of $75.00. If approved tonight the fee will take effect on January 1, 2023.

Approval of Client Electronic File Disclaimer & Acceptance – Infratec Consultants, Inc.

City Manager Parrish presented a request for approval of Client Electronic File Disclaimer & Acceptance from Infratec Consultants, Inc. This disclaimer will allow the new engineer firm to review the CAD files that Infratec Consultants designed related to the Wastewater Treatment Plant. This will allow the City to obtain the CAD files from Infratec Consultants, Inc.

DEPARTMENT REPORTS:

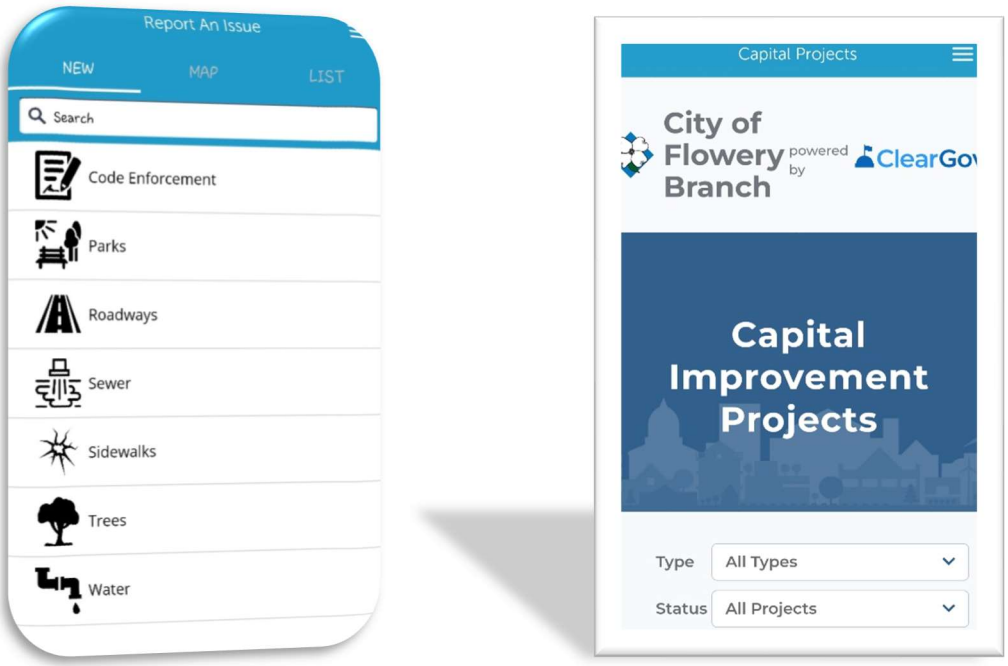
City Clerk Report:

City Clerk Cooper invited citizens to the Fall City Wide Clean Up Day with Keep Hall Beautiful on Saturday, October 22, 2022.

Finance Department Report:

Finance Director Hamby introduced the new grant administrator, Elias Gobble.

Budget Manager Krystle Hightower introduced My Civic App. This App is a product from Tyler Technologies and is available for download from the Apple Store and Google Play. It allows quick access to links such as Helpful Resources, Calendar of Events, Capital Projects and more. Citizens can report issues, make utility, and tax payments and contact your City Council and City Staff. Topics include code enforcement, sewer, parks, water, sidewalks, trees, and road. Each main topic will have sub-topics. City Hall staff can respond to the person that reports an issue for additional information or to alert them of the status of a report. A link to our Capital Improvement Projects page is included on the Home Page of the App. This allows citizens direct access to our capital projects to learn more about them. More details regarding the Capital Improvement Projects page are in the next presentation.



Notifications can be sent to those in a specific area or to all registered users that have allowed Push Notifications. The City can notify residents of water outages, road closures, down trees, etc.

Budget Manager Krystle Hightower presented ClearGov software that the City of Flowery Branch uses to develop Operating Budget, Capital Budget, Budget Book, and Capital Improvement Projects Pages. Reporting and benchmarking is also utilized. The City of Flowery Branch Capital Improvement Projects (CIP) website is dedicated to our Capital Projects. This website shows a map of where each project is located and allows users to select a project to view in more details. The website is https://city-flowery-branch-ga-projects.cleargov.com/

Police Department Report:

Police Chief Hulsey congratulated Captain Matthew Mahathey as being named as Domestic Violence Officer of the Year for Hall County. This is a first for Flowery Branch Police Department to have an officer recognized for this award and honor out of all the cities representing Hall County. He welcomed all citizens out to the Faith & Blue Event on Saturday, October 8, 2022.

Council Report:

Council Member Mundy gave kudos on all presentations from all department. He is excited for the new Flowery Branch My Civic App which he has already downloaded.

Mayor Asbridge enjoyed seeing new presenters and getting involved. He thanked all Staff.

ADJOURNMENT WORK SESSION:

Mayor Asbridge closed the work session at 6:42 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 6:42 p.m.

PUBLIC COMMENTS:

There were no public comments.

CONSENT AGENDA:

- *Consider September 1, 2022, City Council Meeting Minutes*
- *Consider September 15, 2022, City Council Meeting Minutes*
- *Consider Mayor Asbridge September 2022 Per Diem*

There was a motion made to approve the consent agenda as presented.

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

UNFINISHED BUSINESS - VOTING SESSION:

Consider Second Reading of Ordinance 504-C, Amending the Alcohol Licensing Ordinance

Attorney Bennett read the caption for Ordinance 504-C, Amending the Alcohol Licensing Ordinance.

There was a motion made to approve Ordinance 504-C, Amending the Alcohol Licensing Ordinance.

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

NEW BUSINESS - VOTING SESSION:

Consider Resolution 22-017 - Alcoholic Beverage Fees

Attorney Bennett read the caption for Resolution 22-017, Alcoholic Beverage Fees.

There was a motion made to approve Resolution 22-017, Alcoholic Beverage Fees.

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

Consider Resolution 22-018 - Generator, Hazard Mitigation Grant Project Award

Attorney Bennett read the caption for Resolution 22-018, Generator, Hazard Mitigation Grant Project Award.

There was a motion made to approve Resolution 22-018, Generator, Hazard Mitigation Grant Project Award.

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

Consider Resolution 22-019 - Flowery Branch Market Outdoor Furniture Award

Attorney Bennett read the caption for Resolution 22-019, Flowery Branch Market Outdoor Furniture Award.

There was a motion made to approve Resolution 22-019, Flowery Branch Market Outdoor Furniture Award.

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

Consider First Amendment to FB Main Street, A Master Condominium Shopping Center Lease Agreement with The Social Peach Boutique, LLC.

There was a motion made to approve First Amendment to FB Main Street, A Master Condominium Shopping Center Lease Agreement with The Social Peach Boutique, LLC.

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

Consider First Amendment to FB Main Street, A Master Condominium Shopping Center Lease Agreement with El Sabor Costeno Taqueria, LLC.

There was a motion made to approve First Amendment to FB Main Street, A Master Condominium Shopping Center Lease Agreement with El Sabor Costeno Taqueria, LLC.

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

Approval of Client Electronic File Disclaimer & Acceptance – Infratec Consultants, Inc.

There was a motion made to approve Client Electronic File Disclaimer & Acceptance with Infratec Consultants, Inc.

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

EXECUTIVE SESSION:

There was a motion made to enter executive session at 6:50 p.m. for matters related to the acquisition/disposition of real estate, for matters related to certain personnel issues, and for matters related to pending or potential litigation.

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

There was a motion made to exit executive session at 8:20 p.m.

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

ADJOURNMENT:

There was a motion made to adjourn at 8:20 p.m.

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

_____	_____	_____
Ed Asbridge, Mayor	Date	Shelia Cooper, City Clerk

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider First Reading of Ordinance 671, An Amendment to the Insurer Licensing Fee

COUNCIL MEETING DATE: October 20, 2022

HISTORY:
The insurer licensing fee ordinance was last updated in 2011 with the fee increase taking effect January 1, 2012.

FACTS AND ISSUES:
O.C.G.A. Sec. 33-8-8 permits Georgia municipalities to charge an annual flat fee to insurance companies transacting business within the municipal limits, the amount of which is determined by the population of each city. According to the revised Census, the population of Flowery Branch was revised to 10,144. Accordingly, under the authorizing statute, the City is authorized to increase its annual license fee to insurance companies from $50 to $75. For this fee increase to take effect by January 1, 2023, the City's ordinance must be adopted prior to the end of this year.

OPTIONS:
(1) Approve as presented with the $75 annual license fee (2) Keep the existing insurance licensing fee ordinance with the $50 annual license.

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

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:
I make a motion to approve the First Reading of Ordinance 671.

October 20, 2022 - First Vote
November 3, 2022 - Second/Final Vote

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- ES Ordinance 671.pdf
- Ordinance 671.pdf

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Amendment to the Insurer Licensing Fee Ordinance 671

DATE: October 20, 2022

(X) RECOMMENDATION
( ) POLICY DISCUSSION
( ) STATUS REPORT
( ) OTHER

BUDGET INFORMATION:
ANNUAL- N/A
CAPITAL- N/A

COUNCIL ACTION REQUESTED ON: October 20, 2022 First Reading and November 3, 2022 Second and Final Reading

PURPOSE: To update the City's insurer licensing fee ordinance to adjust the fee based on the City's increase in population.

HISTORY: The insurer licensing fee ordinance was last updated in 2011 with the fee increase taking effect January 1, 2012.

FACTS AND ISSUES: O.C.G.A. Sec. 33-8-8 permits Georgia municipalities to charge an annual flat fee to insurance companies transacting business within the municipal limits, the amount of which is determined by the population of each city. According to the revised Census, the population of Flowery Branch was revised to 10,144. Accordingly, under the authorizing statute, the City is authorized to increase its annual license fee to insurance companies from $50 to $75. For this fee increase to take effect by January 1, 2023, the City's ordinance must be adopted prior to the end of this year.

OPTIONS: (1) Approve as presented with the $75 annual license fee (2) Keep the existing insurance licensing fee ordinance with the $50 annual license.

RECOMMENDED SAMPLE MOTION: Motion to approve the first reading of Ordinance No. 671.

DEPARTMENT: Administration

Prepared by:

ATTACHMENTS: An Ordinance Amending Chapter 20 (Businesses), Article IV (Insurers) of the Code of the City of Flowery Branch, Georgia

First Reading: 10/20/2022
Second Reading/Adoption: 11/3/2022

ORDINANCE NO. 671

AN ORDINANCE AMENDING CHAPTER 20 (BUSINESSES), ARTICLE IV (INSURERS), OF THE CODE OF THE CITY OF FLOWERY BRANCH, GEORGIA TO IMPOSE LICENSE FEES AND GROSS PREMIUMS TAXES ON INSURERS; TO ESTABLISH A DUE DATE FOR LICENSE FEES; TO PROVIDE FOR ENFORCEMENT; TO DIRECT TRANSMITTAL OF THIS ORDINANCE TO THE GEORGIA INSURANCE COMMISSIONER; TO ESTABLISH AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS the City of Flowery Branch, Georgia is authorized by the Georgia Constitution, Art. 9, § 4, ¶ I(c); O.C.G.A. §33-8-8; O.C.G.A. § 33-8-8.1; O.C.G.A. § 33-8-8.2 and Section 6.5 of its Charter to impose taxation of insurance companies based on gross direct premiums received from insurance policies within the incorporated areas of the City of Flowery Branch, Georgia.

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

I. AMENDMENT TO CHAPTER 20 (BUSINESSES), ARTICLE IV (INSURERS).

Sections 20-114 through 20-147 of Chapter 20, Article IV of the Code of the City of Flowery Branch, Georgia, are deleted in their entirety and replaced with the following:

“ARTICLE IV. – INSURERS

Sec. 20-114. - License fees.

There is hereby levied for the year 2023 and for each year thereafter an annual license fee upon each insurer doing business within the city, in the amount of $75.00. For each separate business location in excess of one not covered by section 20-115 of this article, there is hereby levied a license fee in the amount of $75.00. For the purposes of this article, the term "insurer" means a company which is authorized to transact business in any of the classes of insurance designated in O.C.G.A. § 33-3-5.

Sec. 20-115. - License fees for insurers insuring certain risks at additional business locations.

For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales offers, solicits or takes application for insurance through a license agent of an insurer for insurance said insurer shall pay an additional license fee of twenty-six and 25/100 dollars ($26.25) per location for the year 2023 and for each year thereafter.

Sec. 20-116. - Gross premiums tax imposed on life insurers.

There is hereby levied for the year 2023 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the State of Georgia in an amount equal to one percent (1%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. § 33-8-8.1. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by section 20-114 of this article.

Sec. 20-117. - Gross premiums tax, all other insurers.

There is hereby levied for the year 2023 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer, other than an insurance transacting business in the class of insurance designated in subsection 1 of O.C.G.A. § 33-3-5, doing business within the state in an amount equal to two and one-half percent (2.5%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. § 33-8-8.2. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by section 20-114 of this article.

Sec. 20-118. - Due date for license fees.

License fees imposed in sections 20-114 and 20-115 of this article shall be due and payable on the first day of 2023 and on the first date of each subsequent year.

Sec. 20-119. - Enforcement.

The fees and taxes levied by this article may be enforced by execution in the same manner as other taxes of the city. A violation of this article shall be grounds for refusing, or revoking a license, and the person responsible may be punished as for violations of other city ordinances.

Secs. 20-120—20-147. - Reserved."

II. ADMINISTRATIVE PROVISIONS

The city clerk is hereby directed to forward a duly certified copy of this ordinance to the Insurance Commissioner of the State of Georgia within forty-five (45) days of its adoption.

III. EFFECTIVE DATE

This ordinance shall become effective January 1, 2023.

IV. SEVERABILITY

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the city council of the City of Flowery Branch, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this

ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause of phrase were not original part of the ordinance.

V. REPEALER

Section 20-114 through Section 20-147 of Chapter 20, Article IV of the Code of the City of Flowery Branch, all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SO ORDAINED this 3rd day of November, 2022.

_____
Edward R. Asbridge, Mayor

ATTEST:

_____
Shelia Cooper, City Clerk

Approved as to form:

_____
E. Ronald Bennett, Jr., City Attorney