



**City of Flowery Branch
City Council Meeting
Thursday, October 21, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING:

UNFINISHED BUSINESS - WORK SESSION:

- Consider a rezoning request submitted by Keystone Development Services, LLC to rezone a .60 +/- acre tract of land identified as 5415 Mulberry Street, tax parcel number 08113 001009, from TND (Traditional Neighborhood District) to HB (Highway Business).
[LScape Plan - Mulberry St 092221 RENDERED.pdf](#)
[Bldg Flr Plan & Elevations - 5415 Mulberry St. 092221.pdf](#)
[Application.pdf](#)
[Thomas Wells Ordinance.pdf](#)
[Thiommas Wells Staff Report .pdf](#)
- Second Reading of request from Vulcan Lands, Inc. for the annexation and rezoning of nine (9) parcels of land from Hall County AR III to Flowery Branch M-2 with a conditional use permit to operate a quarry.
[2021 Rezoning Additional Information Requirement - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Rezoning Application - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Sec. 34.7 Analysis Requirements - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Annexation Application - Vulcan Lands, Inc.06242021.pdf](#)
[2021 Conditional Use Permit - Vulcan Lands, Inc.06242021.pdf](#)
[Zoning Project Base Map BW r5.pdf](#)
[Staff Report 2021.pdf](#)
[Combined Sept 16.pdf](#)
- Second Reading of a request submitted by Mr. Kevin Hobgood to rezone 5205 Railroad Avenue from M1 (Light Industrial) to CBD (Central Business District).
[Hobgood Rezoning.pdf](#)
[Exterior Hobgood 1.jpg](#)
[Exterior Hobgood 2.jpg](#)
[9 Nonresidential Zoning Districts 2019.pdf](#)
[Ordinance .pdf](#)

NEW BUSINESS -WORK SESSION:

- Consider Insurance Policies for 12/01/2021 - 11/30/2022
[EXECUTIVE_SUMMARY_-_Alliant2021.pdf](#)
[Quote Comparison for Current Coverage - for FY2022.pdf](#)

[Quote Comparison for Life-AD&D-Vision-Dental Coverage - for FY2022.pdf](#)

- Consider Resolution 21-018 for Water Sewer Rate Changes effective January 1, 2022 (January 2022 billing, billed on 2/20/2022)
[EXECUTIVE SUMMARY- Res 21-018 Ordinance for Water Sewer Rates eff 1-1-2022.pdf](#)
[FB Annual Update TM October 5 2021.pdf](#)
[20-020 WS Rates Final Ordinance passed 8-20-2020.pdf](#)
[Res 21-018 Ordinance for Water Sewer Rates eff 1-1-2022.pdf](#)

DEPARTMENT REPORTS: -

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

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider October 7, 2021 Meeting Minutes
[October 7, 2021 Meeting Minutes.pdf](#)
- Consider September 8, 2021 Special Called Meeting Minutes
[September 8, 2021 Special Called Meeting Minutes.pdf](#)
- Consider October 6, 2021 Special Called Meeting Minutes
[October 6, 2021 Special Called Meeting Minutes.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

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

[Exterior Hobgood 1.jpg](#)

[Exterior Hobgood 2.jpg](#)

[9 Nonresidential Zoning Districts 2019.pdf](#)

[Ordinance .pdf](#)

- Second Reading of Ordinance 379-C Amendment for Hotel-Motel Tax to 8%

[Notice.House_Bill.Resolution.pdf](#)

[379C Hotel-Motel Tax Ord 8% addition of short term rentals.pdf](#)

NEW BUSINESS - VOTING SESSION:

- Consider Insurance Policies for 12/01/2021 - 11/30/2022

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[Quote Comparison for Life-AD&D-Vision-Dental Coverage - for FY2022.pdf](#)

EXECUTIVE SESSION:

ADJOURNMENT:

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

FACTS AND ISSUES:

A shortened schedule was approved by Council:

Public hearing October 7

First read - October 21

Secod read - November 18

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing only

SAMPLE MOTION:

I make a motion to approve the first read of Ordinance #656.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

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

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

LEGEND

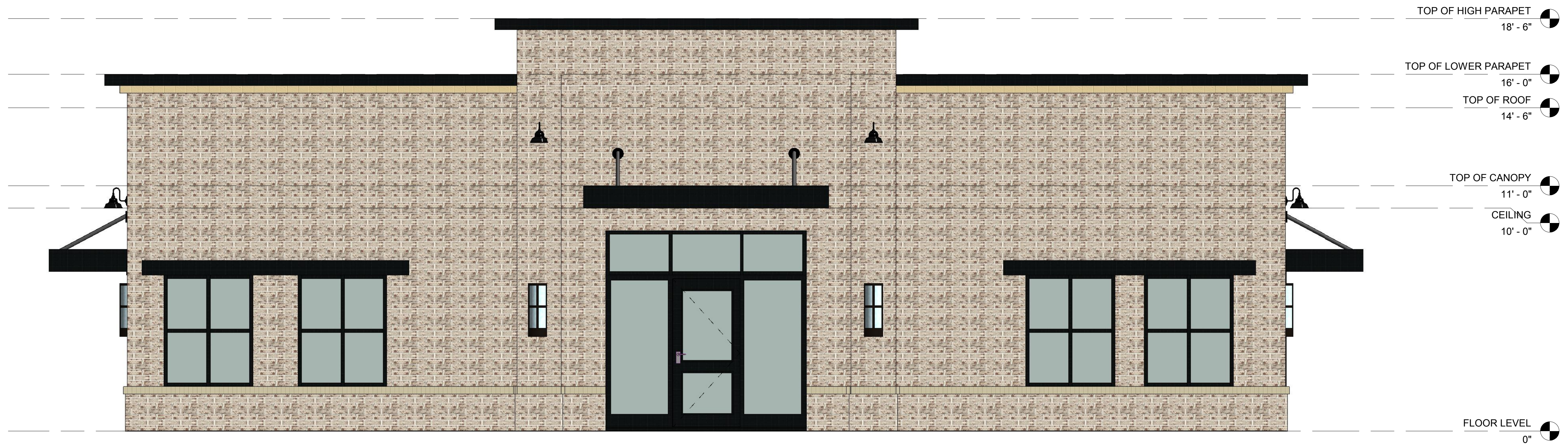
-  AMERICAN PILLAR ARBORVITAE
-  ANGELINA SEDUM
-  DIANTHUS
-  SEASONAL COLOR BED
-  VINTAGE JADE DISTYLUM
-  CHASTE TREE
-  BLUE CHIP DWARF BUTTERFLY BUSH
-  NATCHEZ CREPE MYRTLE
-  ADAGIO NISCANTHUS
-  WINTERGREEN BOX WOOD
-  WILLOW OAK
-  SHADES OF PINK VIBURNUM
-  PURPLE DAYDREAM LOROPETALUM
-  EXISTING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



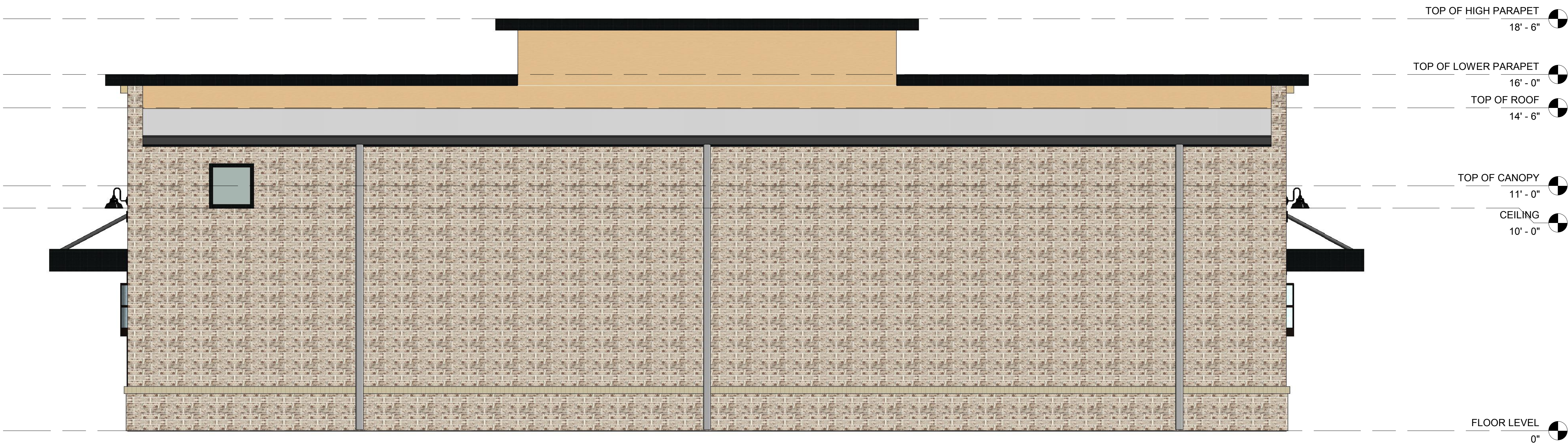


1 FLOOR PLAN
1/4" = 1'-0"

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

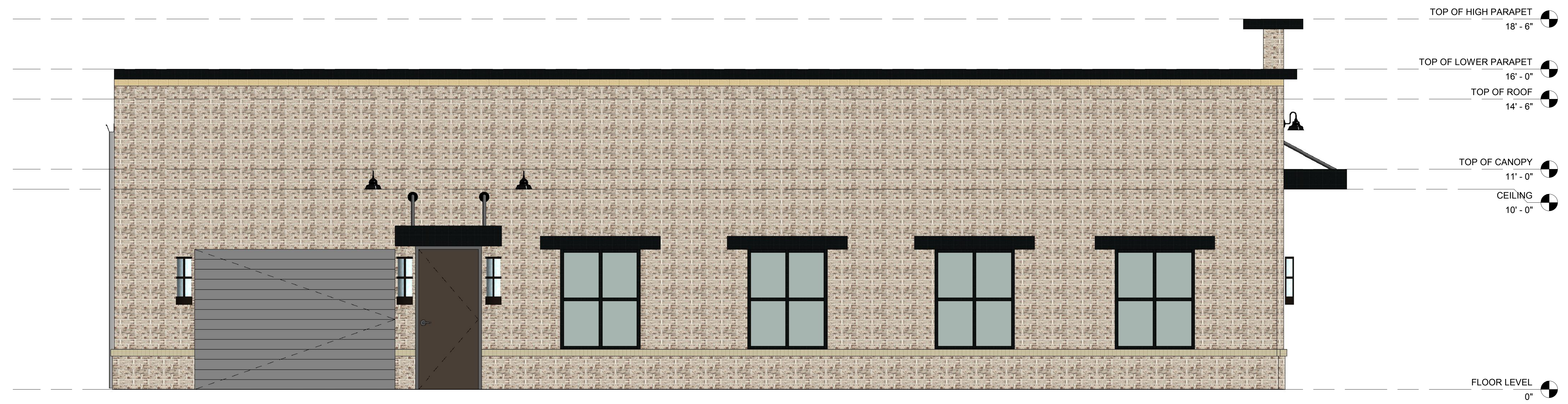


1 FRONT ELEVATION
3/8" = 1'-0"

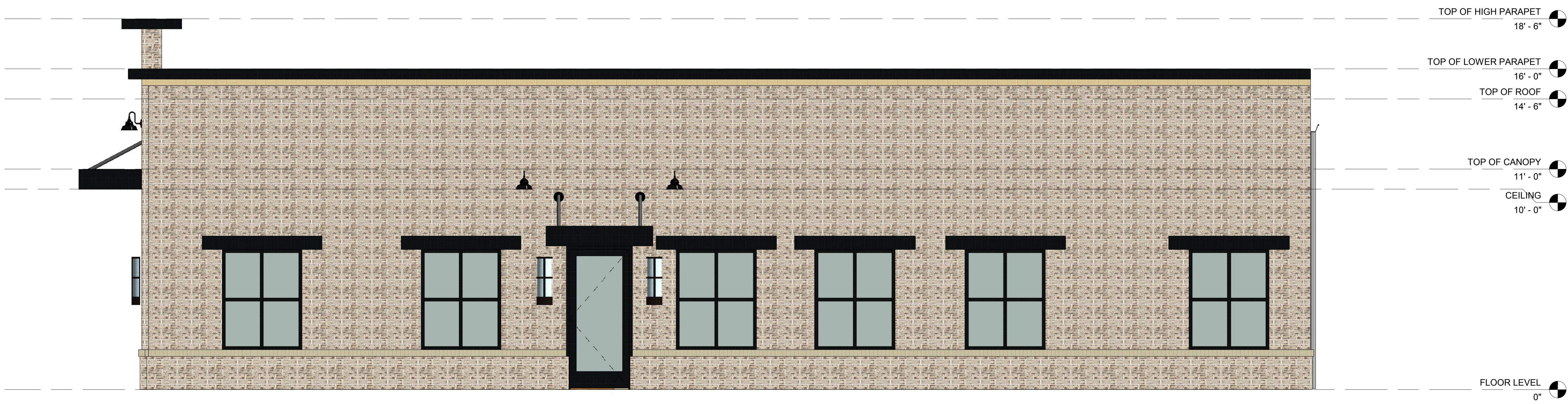


2 REAR ELEVATION
3/8" = 1'-0"

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

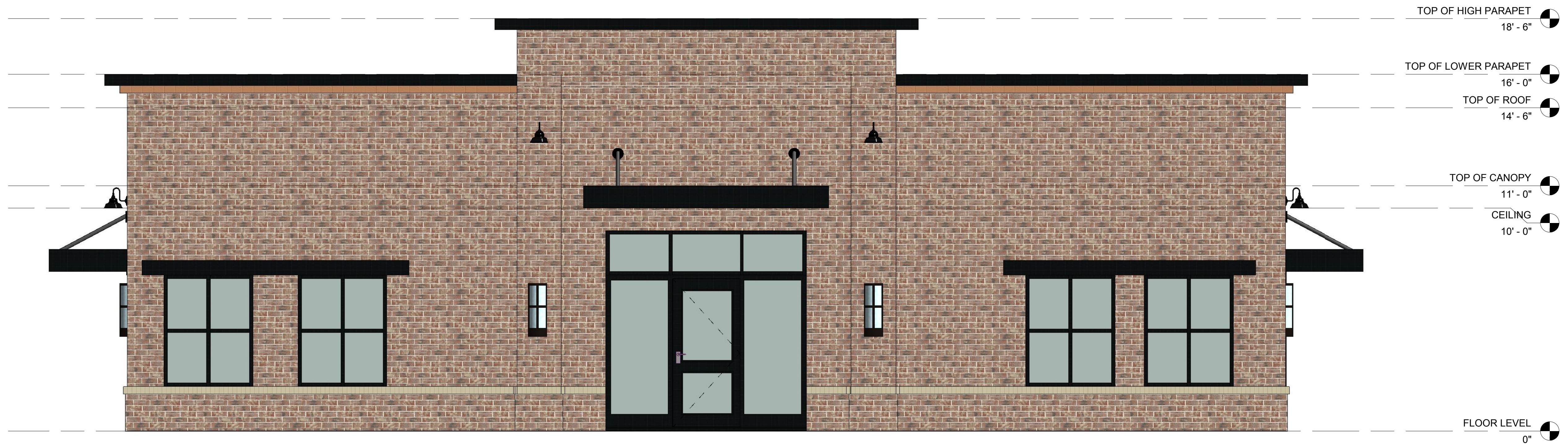


3 LEFT ELEVATION
3/8" = 1'-0"

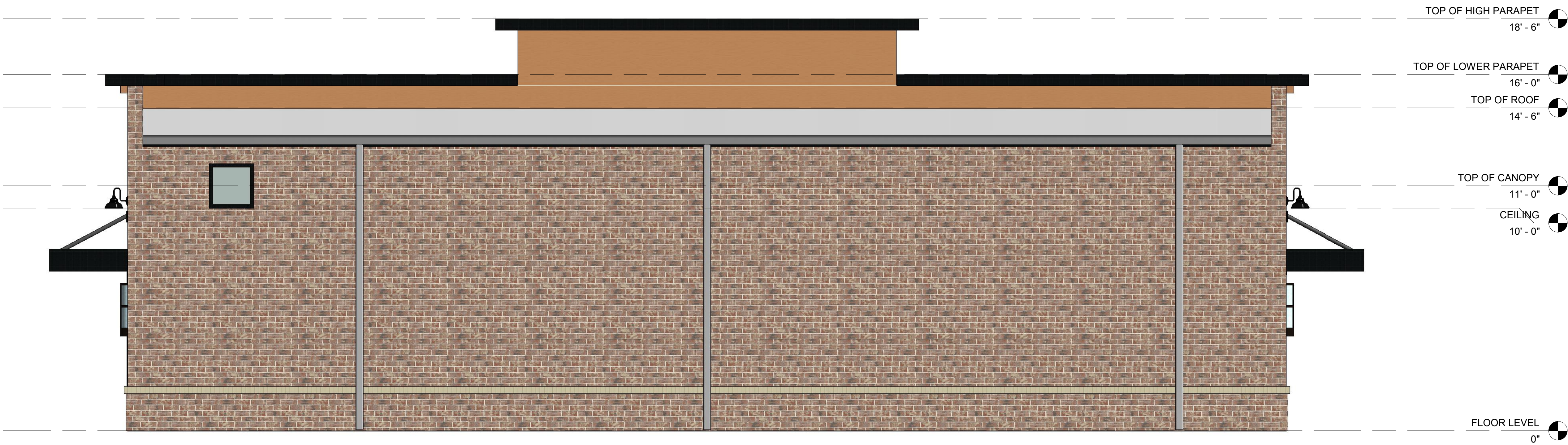


4 RIGHT ELEVATION
3/8" = 1'-0"

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



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

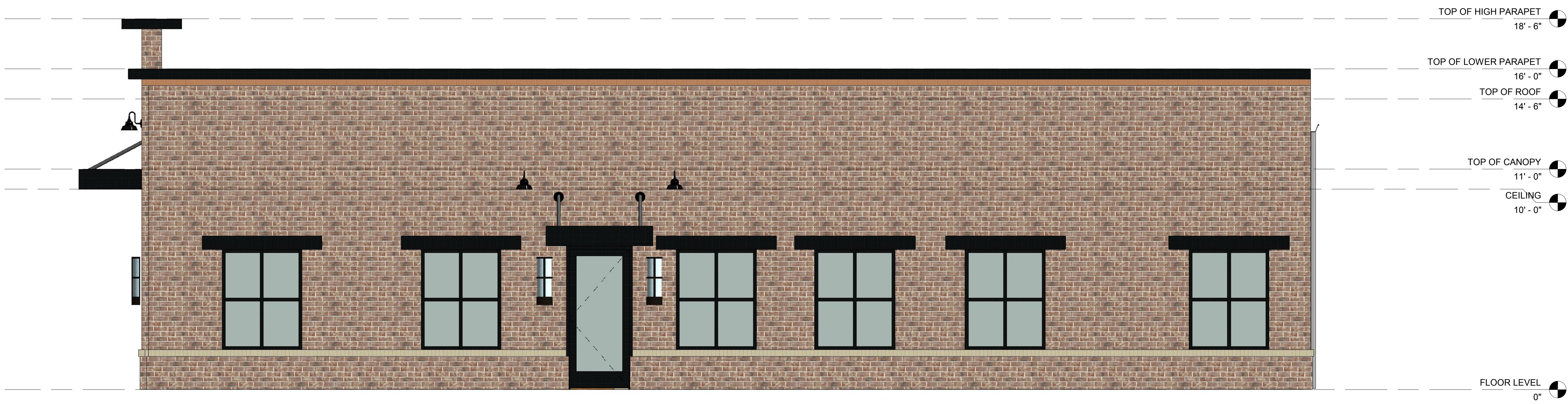


2 REAR ELEVATION
3/8" = 1'-0"

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



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



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

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



REZONING APPLICATION

Date: _____

Address of Request:

5415 Mulberry Street, Flowery Branch, Georgia

Tax Map # 08113-001009 Current Zoning: TND

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

Currently a conforming use? N/A - undeveloped

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

Applicant Information

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

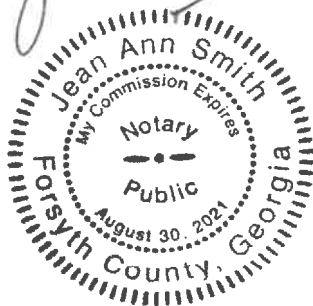
Address: 4335 South Lee Street, Suite B
Buford, Georgia 30518

E-mail address: twells@kdsllc.net

Phone number: 404-358-1178

Signature: _____

Notary: _____





Property owner information (if different than the applicant)

Property owner (please print): Soltri Entertainment, LLC

Signature of property owner: Trina Braxton

See next page

Notary:

Property Information

Tax Map Number: 08113-001009

Current Zoning: TND Total Acres: 0.60

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

Proposed City of Flowery Branch Zoning: HB-Highway Business

Current Use: Vacant - Undeveloped

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

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

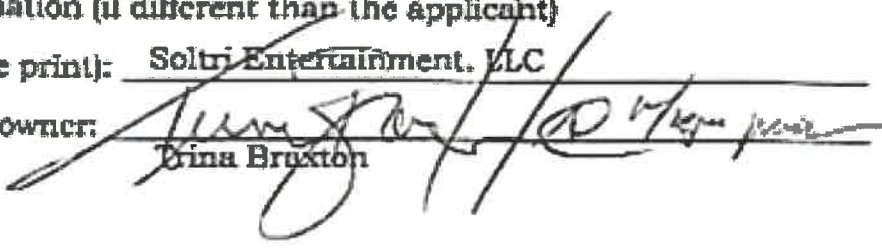
- Legal description
- Current survey of property



Flowers of the South

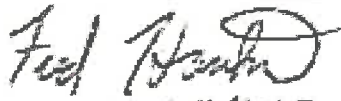
Property owner information (if different than the applicant)

Property owner (please print): Soltri Entertainment, LLC

Signature of property owner: 
Gina Braxton

Notary:

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


EXP 4/18/2023

Property Information

Tax Map Number: 08113-001009

Current Zoning: TND Total Acres: 0.60

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

Proposed City of Flowery Branch Zoning: GB

Current Use: Vacant - Undeveloped

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

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

- Legal description
- Current survey of property



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

Conflict of Interest Disclosure

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

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

None

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

N/A

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

N/A



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

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

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

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

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

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

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

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

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

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

Texaco Gas and Convenience Store-5415 Atlanta Hwy.

Zoned HB

Luqmaan 3 Inc.

11 Cottage Walk NW

Cartersville, GA 30121

BP Gas and Convenience Store-5504 Phil Niekro Blvd.

Zoned GB

Robert Wayne Mason, et. al.

3705 Maple Forge Lane

Gainesville, GA 30504

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

Zoned HB

Ionut Melniciuc

1377 Duncan Lane

Suite A

Auburn, GA 30011

Residential Rental Property-5405 Mulberry Street

Zoned TND

John Cassidy

1124 Beaver Dam Road

Hoschton, GA 30548

To be include in Addendum to the Application:

1. Landscape Plan
2. Color Rendering of Building Elevations

SURVEY LEGAL DESCRIPTION – 5415 Mulberry St.

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

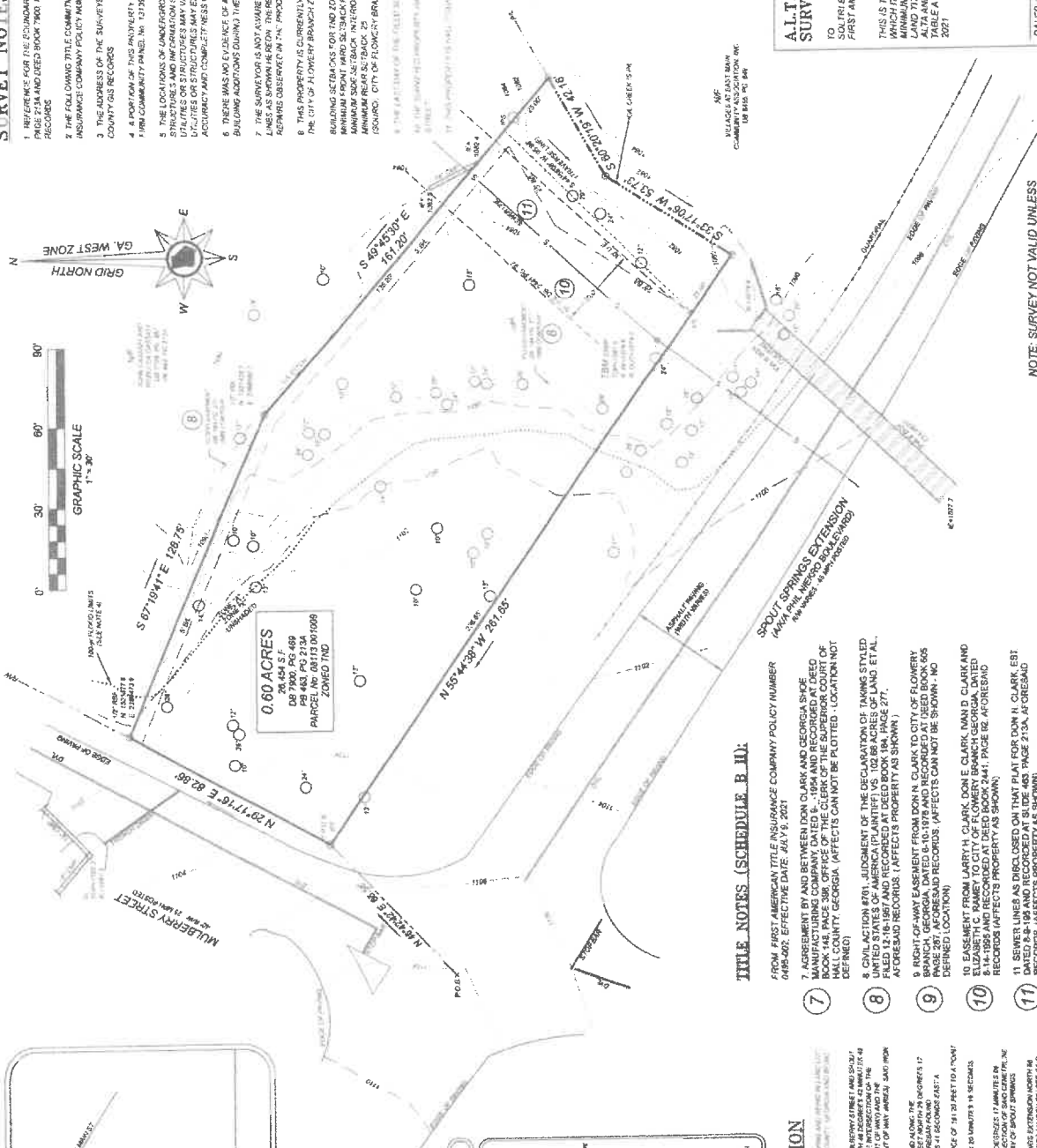
BEGIN AT A POINT AT THE INTERSECTION OF THE CENTERLINES OF MULBERRY STREET AND SPOUT SPRINGS EXTENSION (A/K/A PHIL NIEKRO BOULEVARD); THENCE NORTH 46 DEGREES 42 MINUTES 42 SECONDS EAST A DISTANCE OF 66.56 FEET TO AN IRON PIN SET AT THE INTERSECTION OF THE SOUTHEASTERN RIGHT OF WAY OF MULBERRY STREET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

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

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

SURVEY NOTES:

1. REFERENCES FOR THE ECONOMIC INFORMATION SHOWN HEREON WAS MADE TO PLAT BOOK 100, PAGE 11 AND DEED BOOK TWO 786 AS RECORDED IN HALL COUNTY CLERK OF PUBLIC PLATS RECORDS
2. THE FOLLOWING TITLE COMMITMENT WAS SUPPLIED TO THE SURVEYOR FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NUMBER 0484-002, EFFECTIVE DATE JULY 8, 2021
3. THE ADDRESS OF THE SURVEYED PROPERTY IS 3415 MULBERRY STREET, ACCORDING TO HALL COUNTY GIS RECORDS
4. A DEED GRANTING THE SURVEYED LOT AND A PORTION OF A 10-ACRE HAZARD ZONE, AS SET FORTH ON A FINE COMMUNITY PLAN, NO. 13-0000031 IS DATED APRIL 4, 2018
5. THE LOCATIONS OF UNDESIRABLE UTILITIES SHOWN IS BASED UPON ABOVE GROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON
6. THERE WAS NO EVIDENCE OF ANY PREVIOUS EARTH MOVING, BUILDING CONSTRUCTION OR BUILDING ADDITIONS DURING THE PROCESS OF CONDUCTING THE FIELDWORK
7. THE SURVEYOR IS NOT AWARE OF ANY PROPOSED CHANGES IN THE STREET RIGHT OF WAY LINES AS SHOWN HEREON. THERE WAS NO EVIDENCE OF RECENT STREET CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK
8. THE PROPERTY IS CURRENTLY UNIMPROVED. THE SURVEYOR HAS NO INFORMATION REGARDING



TITLE NOTES (SCHEDULE B II):

- | | | |
|---|--|--|
| FROM: FIRST AMERICAN LIFE INSURANCE COMPANY POLICY NUMBER 0486402, EFFECTIVE DATE: 2/1/99, 2021 | 7 | 7. AGREEMENT BY AND BETWEEN DON CLARK AND GEORGIA SUPE
HALL COUNTY, GEORGIA, DATED 11/14/1988 AND RECORDED AT DEED
BOOK 145, PAGE 308. OFFICE OF THE CLERK OF THE SUPERIOR COURT
HALL COUNTY, GEORGIA. AFFECTS CAN NOT BE PLOTTED - LOCATION
DEFINED |
| 8 | 8. CIVIL ACTION #711, JUDGMENT OF THE DECLARATION OF TAKING STY
UNITED STATES OF AMERICA (PLAINTIFF) VS. 102.86 ACRES OF LAND ET
AL (DEFENDANT), DATED 11/14/1988 AND RECORDED AT DEED BOOK 147,
PAGE 280 AND RECORDS (AFFECTS PROPERTY AS SHOWN) | |
| 9 | 9. RIGHT OF WAY EASEMENT FROM DON H. CLARK TO CITY OF FLOWERY
BRANCH, GEORGIA, DATED 11/14/1988 AND RECORDED AT DEED BOOK 147,
PAGE 287. ACCESSION RECORDS (AFFECTS CAN NOT BE SHOWN - NO
DEFINED LOCATION) | |
| 10 | 10. EASEMENT FROM LARRY H. CLARK, DON CLARK, VAN D. CLARK AND
ELIZABETH C. KANEY TO CITY OF FLOWERY BRANCH, GEORGIA, DATED
8/14/1988 AND RECORDED AT DEED BOOK 2441, PAGE 82. ACCESSION
RECORDS (AFFECTS PROPERTY AS SHOWN) | |
| 11 | 11. SEWER LINES AS DISCLOSED ON THAT PLAT FOR DON H. CLARK, ESQ.
DATED 8/14/88 AND RECORDED AT 81 DE 405 PAGE 217. ACCESSION
RECORDS (AFFECTS PROPERTY AS SHOWN) | |

SURVEY LEGAL DESCRIPTION

[illegible]

DATE	NO	ISSUE DESCRIPTION	DATE
DATE: AUGUST 9, 2021			
SCALE: 1" = 30'			
ACREAGE: 0.00 ACRES (284 S.F.)			
LAND LOC: 113			
DISTRICT: 8th			
CITY: FLOWERY BRANCH			
COUNTY: HALL		STATE: GEORGIA	
SURVEYED: AH		DRAWN: MJS	
CHECKED:		APPROVED: CAM	
PROJECT #: 21-283			

AI TANSPS LAND TITLE SURVEY FOR:

5415 MULBERRY STREET

LAND LOT 113, 8th DISTRICT, HALL COUNTY, GEORGIA
PARCEL No: 08113 001009
BEING IN THE CITY OF FLOWERY BRANCH



NOTE: SURVEY NOT VALID UNLESS
SEAL SIGNED AND DATED

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

TO SOLTRI ENTERTAINMENT, LLC
FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS. LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADDED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 8, 13, 14, 16, 17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 23, 2021.

[illegible]

SHEET 1 OF 1

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

REZONING
6/27/21



DOVE TAIL
CIVIL ENGINEERING
3653 Moss Hill Road
Suite 100
Wichita, KS 67207
Office: (316) 261-1178
Fax: (316) 261-1179
www.dovetailinc.com

REVISION	DATE	DESCRIPTION
1	6/27/21	REWORKING DRAWING TO THE CITY OF FLOWERY BRANCH

5415 Mulberry Street
REZONING EXHIBIT
DEVELOPER INFORMATION
3535 SOUTH LEE STREET
FLOWERY BRANCH, GEORGIA
STATE 3
CONTACT PERSON: THOMAS WELLS
PHONE: (404) 358-1178
24-185 CONTRACT: THOMAS WELLS
0.80 ACRES
LAND ZONING TO BE ZONED
LAND LOT 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

PROJECT NUMBER	2021-001
DATE	6/27/21
ENGINEER	THOMAS WELLS
CHECKED BY	THOMAS WELLS
SHEET NO.	1

REZONING PLAN
SHEET NUMBER: RZ-1

DATE: 6/27/21
PROJECT: 2021-001
SHEET: 1



PROJECT NOTES

1. THE PROJECT PROPERTY IS LOCATED IN LAND LOT 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

DEVELOPMENT STATISTICS	
EXISTING ZONING	RM-10
PROPOSED ZONING	RM-10
EXISTING AREA (SQ. FT.)	10,000
PROPOSED AREA (SQ. FT.)	10,000
EXISTING VOLUME (CU. YD.)	10,000
PROPOSED VOLUME (CU. YD.)	10,000
EXISTING LOT AREA (SQ. FT.)	10,000
PROPOSED LOT AREA (SQ. FT.)	10,000
EXISTING LOT VOLUME (CU. YD.)	10,000
PROPOSED LOT VOLUME (CU. YD.)	10,000
EXISTING LOT AREA (SQ. FT.)	10,000
PROPOSED LOT AREA (SQ. FT.)	10,000
EXISTING LOT VOLUME (CU. YD.)	10,000
PROPOSED LOT VOLUME (CU. YD.)	10,000

CITY OF FLOWERY BRANCH INSPECTIONS

INSPECTOR: [Name]
DATE: [Date]
TIME: [Time]
LOCATION: [Address]
REMARKS: [Text]

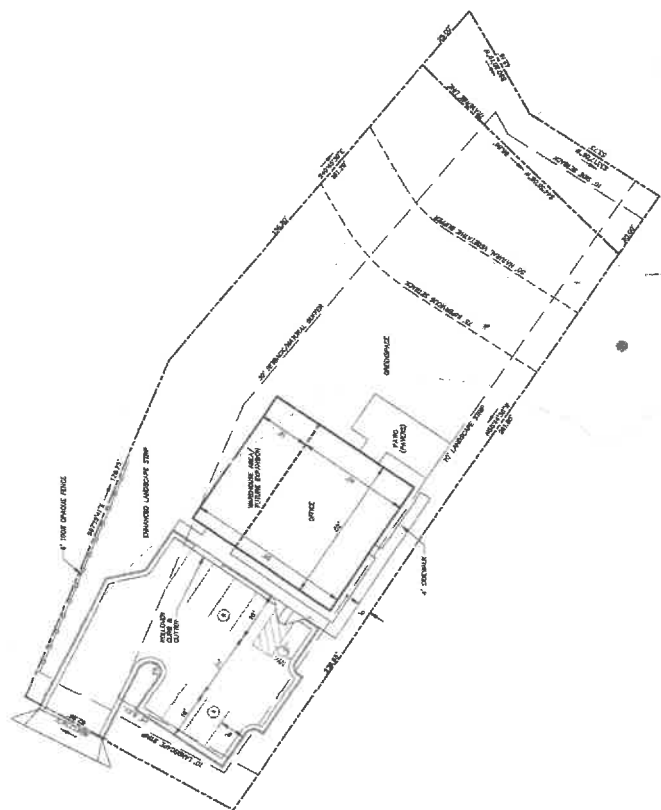
UTILITY CONSTRUCTION NOTE

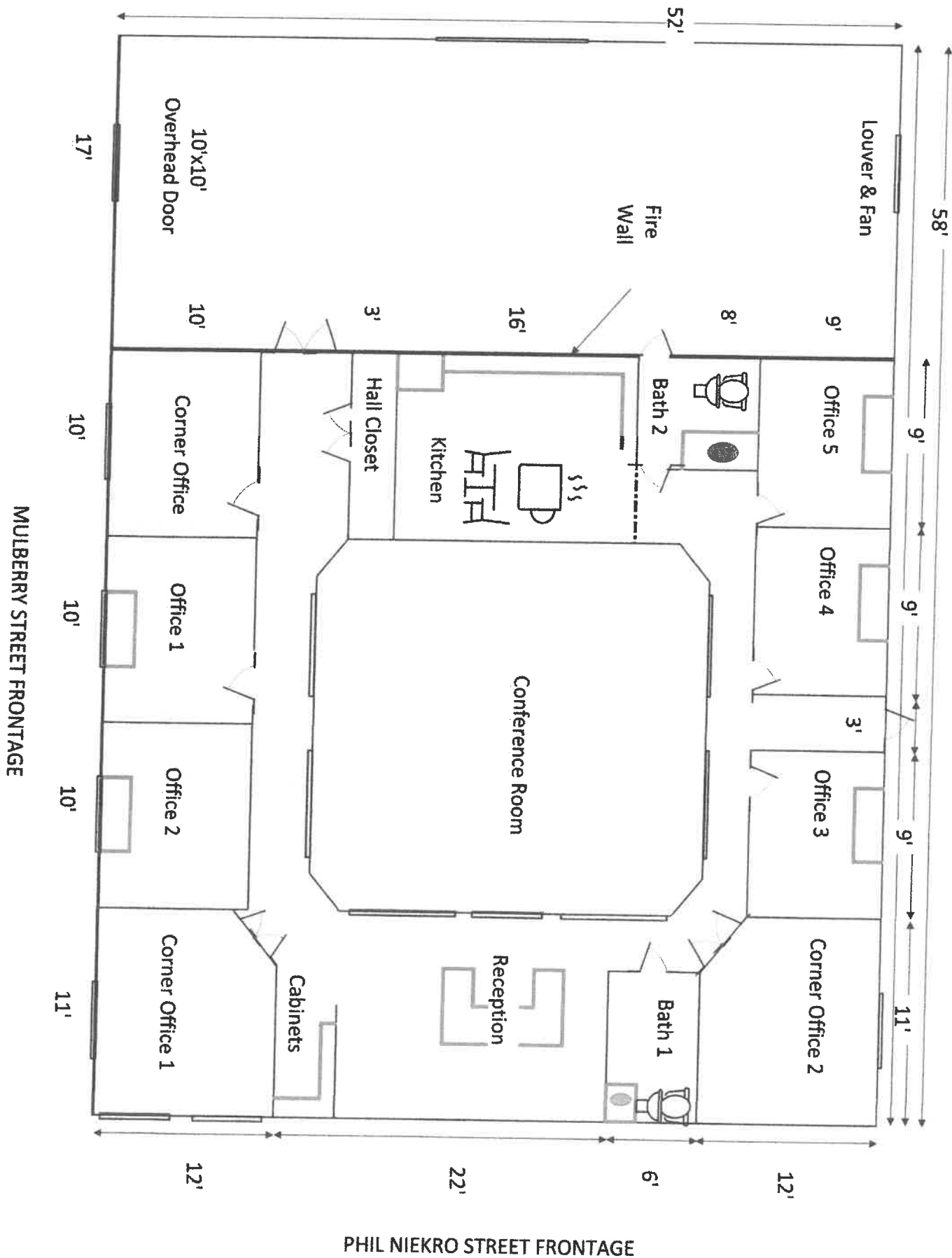
THE UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. THE UTILITIES SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE LOCATION OR DEPTH OF THE UTILITIES. THE UTILITIES SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE LOCATION OR DEPTH OF THE UTILITIES.

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GRAPHIC SCALE: 1" = 20'

0 10 20 30 40 50 60 70 80 90 100





Public Hearing Published 09/15/2021
Public Hearing 10/07/2021

First Reading 10/21/2021
Adopted 11/18/2021

ORDINANCE 656

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A .60+/- ACRE TRACT OF LAND OWNED BY SOLTRI ENTERTAINMENT, LLC COMMONLY KNOWN AS 5415 MULBERRY STREET, IDENTIFIED AS TAX PARCEL 08113 001009, AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON EXHIBIT "B", FROM TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) TO HIGHWAY BUSINESS (HB) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Keystone Development Services, LLC desires to develop the .60+/- acre tract of land identified as Tax Parcel No.08113 001009; shown on Exhibit "A"; and legally described on Exhibit "B"; and

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

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

WHEREAS, Keystone Development Services, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned; and

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

WHEREAS, the City Council held a public hearing at the meeting of October 7, 2021 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

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Public Hearing Published	09/15/2021	First Reading	10/21/2021
Public Hearing	10/07/2021	Adopted	11/18/2021

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

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to Highway Business (HB) subject to the conditions set forth in attached Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

Public Hearing Published 09/15/2021
Public Hearing 10/07/2021

First Reading 10/21/2021
Adopted 11/18/2021

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 18th day of November 2021.

James M. Miller, Mayor

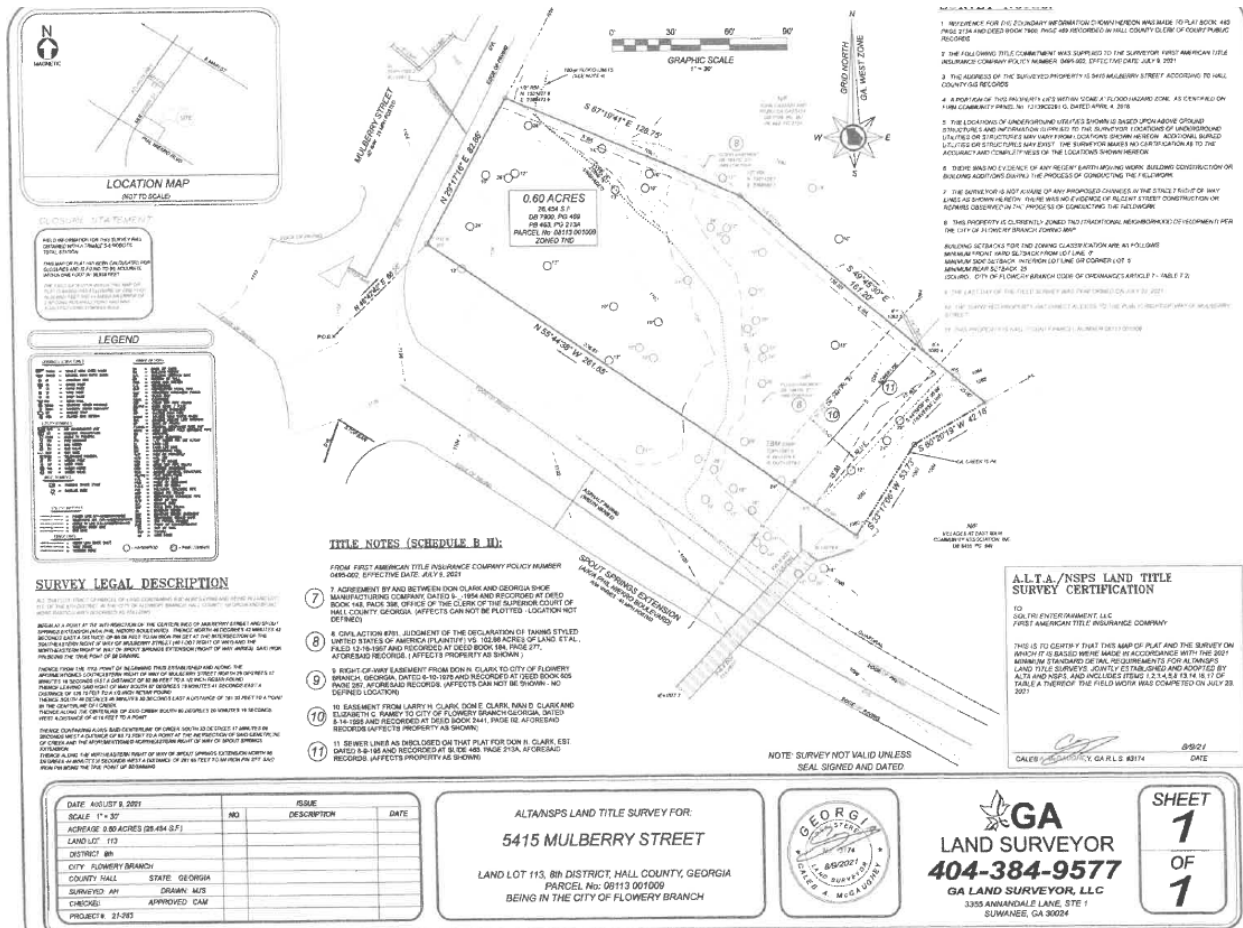
ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit “A”



Public Hearing Published 09/15/2021
Public Hearing 10/07/2021

First Reading 10/21/2021
Adopted 11/18/2021

Exhibit "B"

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

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

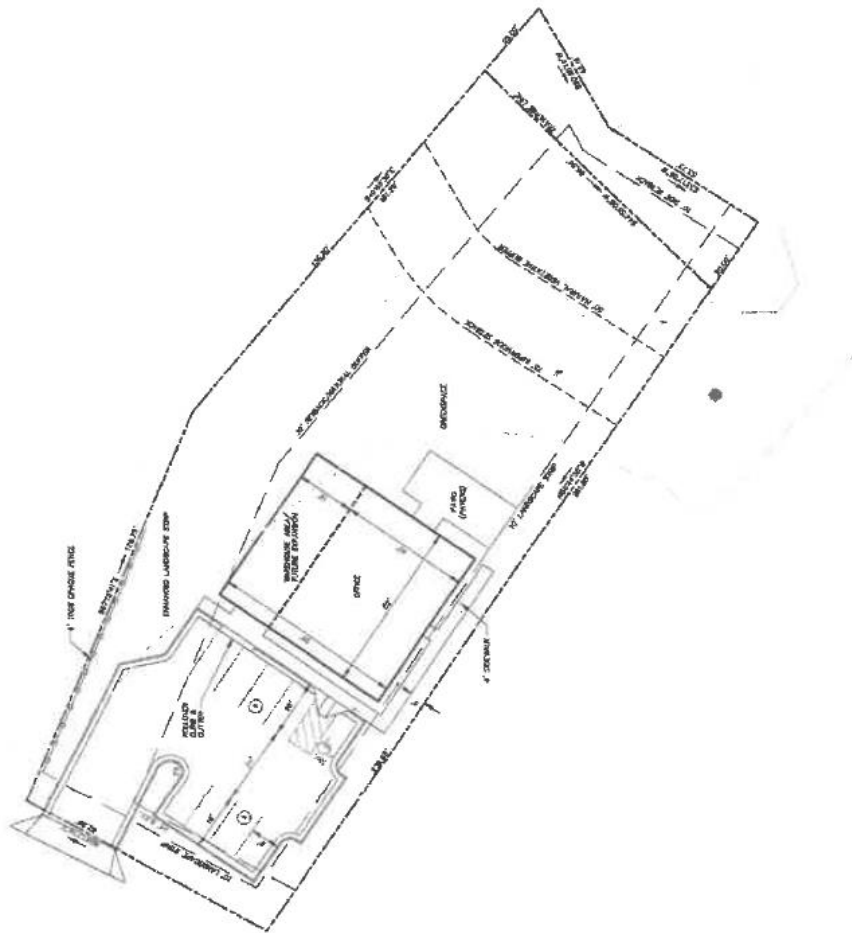
THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND ALONG THE AFOREMENTIONED SOUTHEASTERN RIGHT OF WAY OF MULBERRY STREET NORTH 29 DEGREES 17 MINUTES 16 SECONDS EAST A DISTANCE OF 82.86 FEET TO A 1/2 INCH REBAR FOUND;
THENCE LEAVING SAID RIGHT OF WAY SOUTH 67 DEGREES 19 MINUTES 41 SECONDS EAST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

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

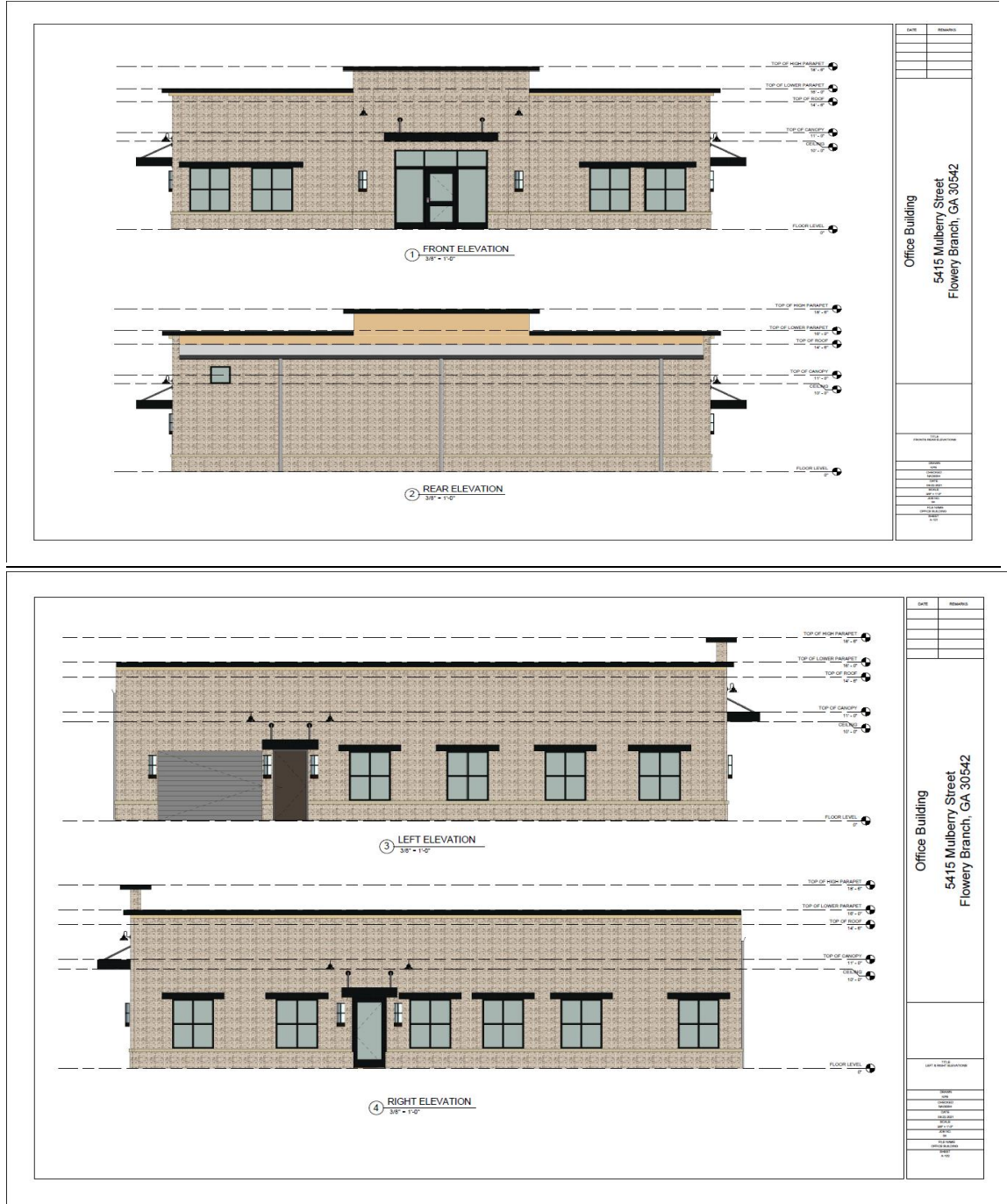
Exhibit "C"

Conditions of Zoning:

1. Project shall be served by Flowery Branch water and sewer.
2. Project shall significantly adhere to the site plan as submitted by applicant and shown as below:



3. Elevations shall significantly adhere to those as submitted by applicant in appearance and materials and as shown below:



4. A five-foot sidewalk shall be provided along the entirety of the project along Mulberry Street.

5. Landscaping shall significantly adhere to the plan as submitted by applicant and as shown below:



6. No access shall be allowed on Phil Niekro Boulevard.
7. Maximum lot coverage by the building shall be 3,300 square feet.



Applicant: Keystone Development Services, LLC

Property Owner: Soltri Entertainment, LLC

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

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

Current Use: Vacant

Proposed Use: Office

Character Area: Traditional Neighborhood

Proposal

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

Location Map







Landscape Plan

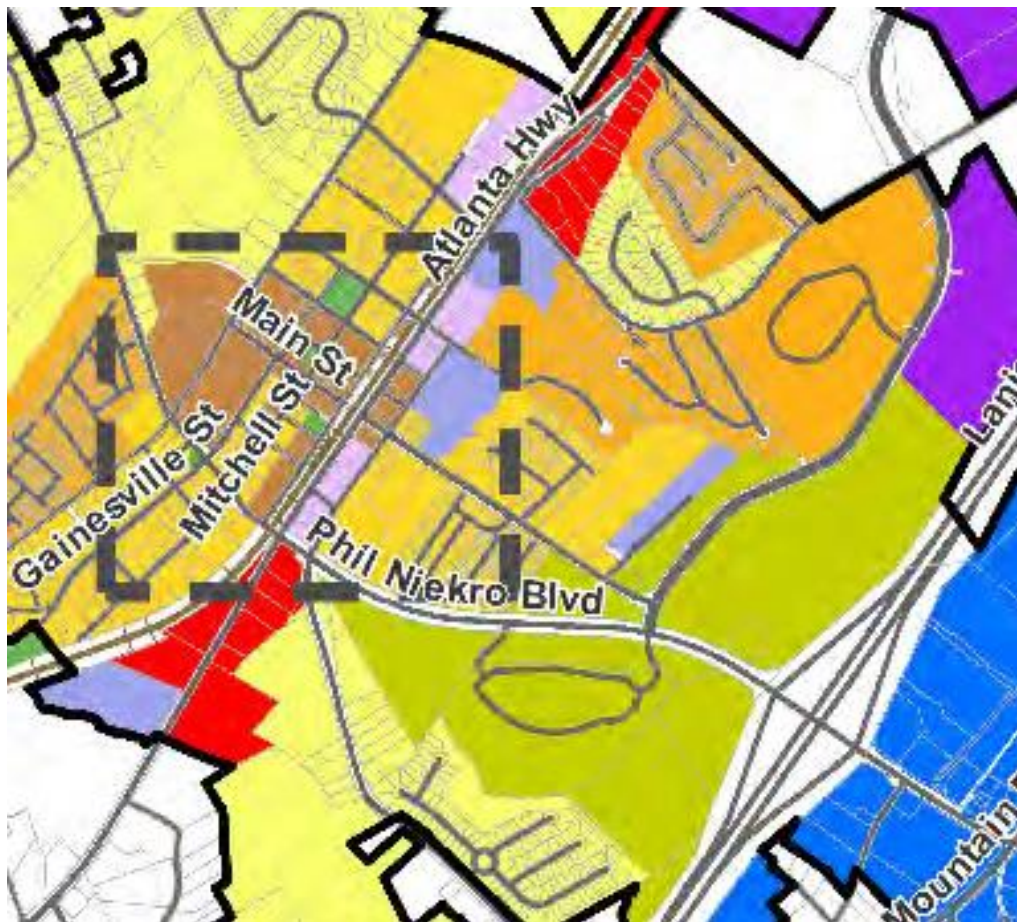


Comprehensive Plan

Currently, the property is considered part of the “Traditional Neighborhood Development”, which lends itself primarily to residential in fill type homes. However, it is immediately adjacent to the “Neighborhood Commercial” and “Mixed Use” areas across from Phil Niekro Boulevard, and to the “Mixed Use-Downtown” character area across Mulberry Street. Due to its size, location, and the challenges presented by the floodplain, a Traditional Neighborhood development in a block, lot and street pattern similar to those in downtown Flowery Branch may not be feasible.



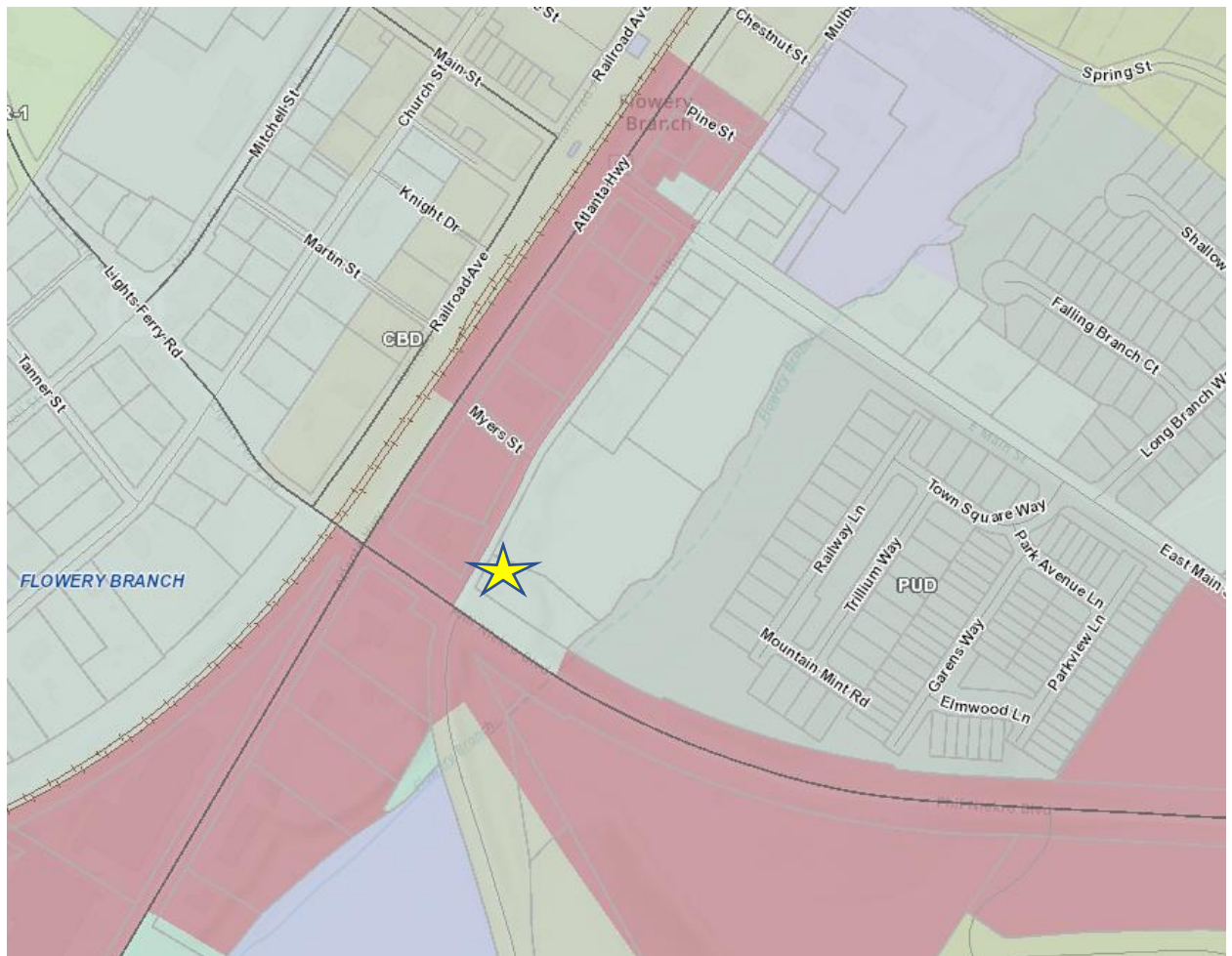
Character area map:





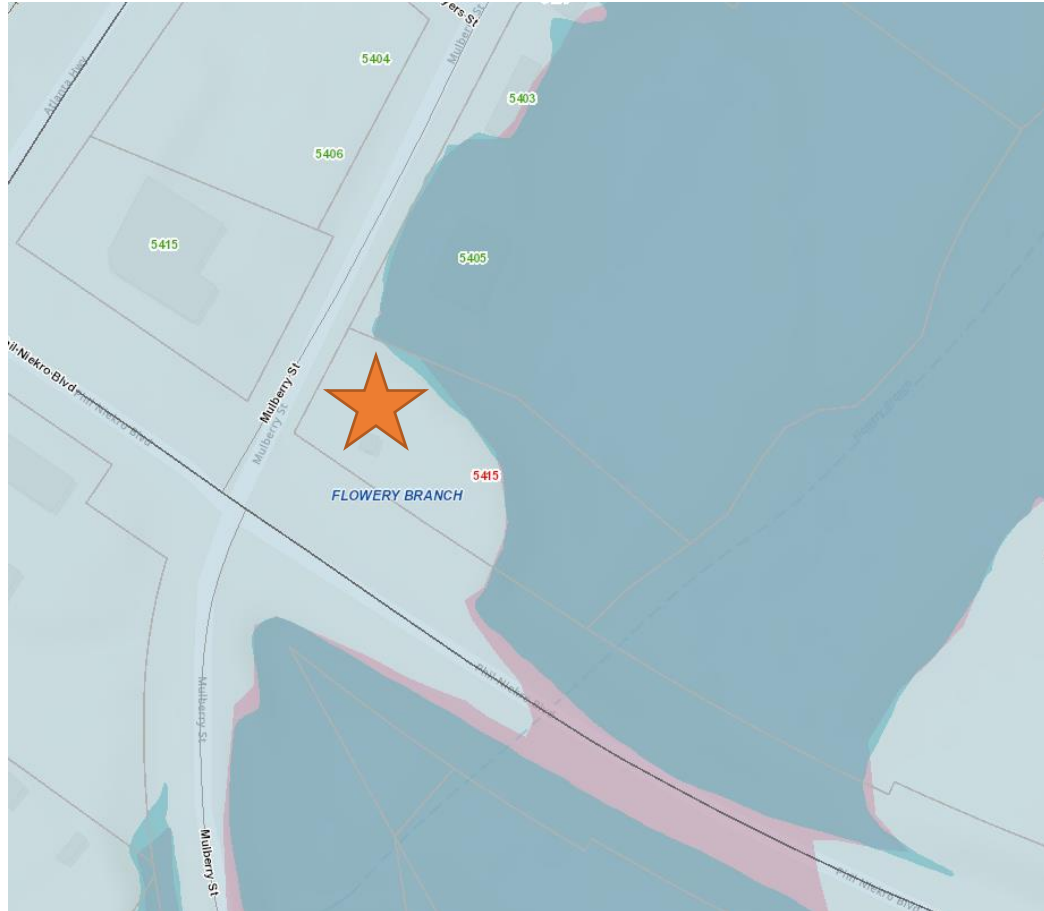
Zoning

Currently, the property is zoned, “Traditional Neighborhood Development”, but it is bounded by Highway Business to the west and south, Planned Unit Development to the east, and Traditional Neighborhood Development to the north.





Map showing the floodplain:



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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



relevant to Zoning Administrator in making recommendations and by the Governing Body in the decision-making process.

Applicant response attached as Exhibit "A"

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, office use is appropriate for this location as it is adjacent to a convenience store at the corner of Phil Niekro Boulevard and Atlanta Highway, and near multiple offices along Atlanta Highway.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area as it is a less intense use than the adjacent convenience store and is buffered from residential to the east by significant floodplain.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of TND allows for the construction of one single family home.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **It is staff's opinion that a small office use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Currently, the Comprehensive Plan denotes this property as part of the "Traditional Neighborhood Development" character area. However, the property is immediately adjacent to the "Neighborhood Commercial", "Mixed-Use" and "Mixed-Use Downtown" character areas. As the property is cut off from other residential by an existing convenience store, significant floodplain, and an arterial street, it would be difficult to carry out the intent of the "Traditional Neighborhood District area. Therefore, an office use is consistent with either the "Neighborhood Commercial", "Mixed-Use" or "Mixed-Use Downtown" character areas.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **The subject property is greatly impacted by the current and future FEMA floodplain. It has been marketed for residential use for some time without success.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant, the proposed use is adjacent to a convenience store, Phil Niekro Boulevard, single family residential, and The Villages at East Main zoned HB, HB, TND, and PUD respectively and will fit in with, and enhance, the Phil Niekro Boulevard corridor, the Mulberry Street community, and downtown.**



- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of TND has not warranted any proposed development on the site.*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent to the adjacent properties as the significant floodplain and Phil Niekro Boulevard buffer the use from existing residential.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *No, this property, if rezoned to HB, will not create an isolated zoning district as it bordered by existing Highway Business uses and/or zoning.*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The new project will add a locally owned and operated office on a challenging corner that will blend into the zoning district and enhance the area.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development meets the intent of the Zoning Ordinance.*

Staff Recommendation

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

1. Project shall be served by Flowery Branch water and sewer.
2. Project shall significantly adhere to the site plan as submitted by applicant and shown as part of this report.
3. Elevations shall significantly adhere to those presented as part of this report in appearance and materials.
4. A five-foot sidewalk shall be provided along the entirety of the project along Mulberry Street.
5. Landscaping shall significantly adhere to the plan as presented as part of this report.
6. No access shall be allowed on Phil Niekro Boulevard.
7. Maximum lot coverage by the building shall be 3,300 square feet.



Exhibit "A"

PROJECT NARRATIVE

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

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

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

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

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

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

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

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

FACTS AND ISSUES:

This is the second read of these ordinances.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the request

SAMPLE MOTION:

I make a motion to approve ordinance 654 as presented.

I amke a motion to approve ordinance 655 as presented.

I make a motion to approve resolution 21-014 approving a conditional use permit to operate a quarry in M-2 zoning.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

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

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



REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 24, 2021_____

Address of Request:

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

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

Current Zoning: AR 3 (Hall County)

Please submit an analysis of the proposed project including:

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



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



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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____



REZONING APPLICATION

Date: June 24, 2021 _____

Address of Request:

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

Current Zoning: AR 3 (Hall County) _____

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

Currently a conforming use? Yes _____

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

Applicant Information

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

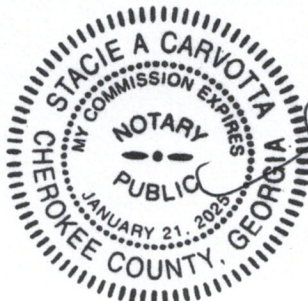
Address: 800 Mt. Vernon Highway, NE, Suite 200, Atlanta, GA 30328 _____

E -mail address: landrumc@vmcmail.com _____

Phone number: 770-454-4244 _____

Signature:  Richard Cannon, Vice President

Notary: _____





Property owner information (if different than the applicant)

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

Signature of property owner: _____ N/A _____

Notary:

Property Information

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

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

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

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

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



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

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

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

Conflict of Interest Disclosure

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

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

N/A _____

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

N/A _____



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

N/A

Disclosure of Campaign Contributions

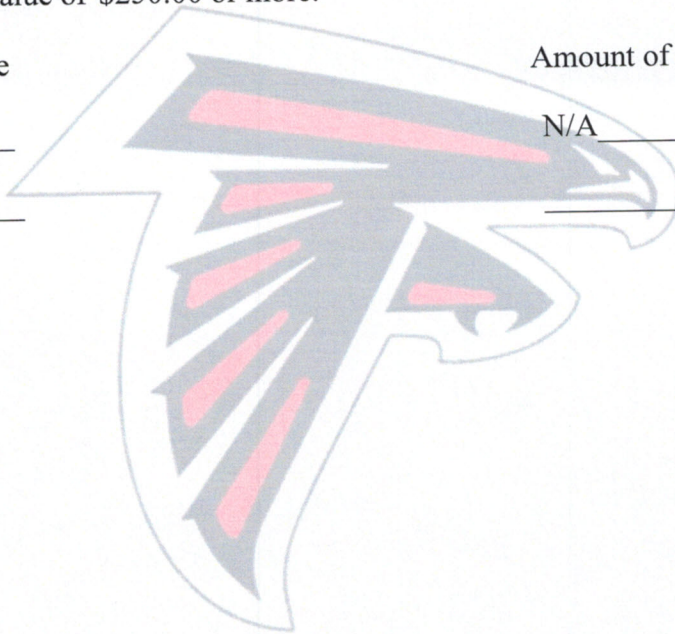
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of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

Elected Officials Name

Amount of Description of Gift

N/A _____

N/A _____



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Sec. 34.7. - Analysis Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



ANNEXATION APPLICATION

Date: June 24, 2021

Address of Request:

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

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

City Clerk Signature _____

Applicant Information

Name: Vulcan Lands, Inc. _____

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

E-mail address: landrumc@vmcmail.com

Phone number: 770-454-4244

Signature:  Richard Cannon, Vice President

Property owner information (if different than the applicant)

Property owner (please print): N/A

Signature of property owner: N/A



Property Information

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

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

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

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

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

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

Voting Rights Act Information

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

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

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



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

Conflict of Interest Disclosure

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A

N/A



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: June 24, 2021

Address of Request:

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

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

Current Zoning: AR 3 (Hall County)

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

Currently a conforming use? Yes _____

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

Applicant Information

Applicant: Vulcan Lands, Inc. _____

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

E-mail address:

landrumc@vmcmail.com _____



Phone number: 770-454-4244

Signature:  Richard Cannon, Vice President

Notary Seal:



Property owner Information

Property owner (please print): Same as Applicant

Address: Same

E-mail address: Same Phone number: Same

Signature: Signature above

Notary Seal:

Applicant Information Required at Time of Submittal

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

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



Conflict of Interest Disclosure

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

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

___ N/A _____

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

___ N/A _____

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

___ N/A _____

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

___ N/A _____

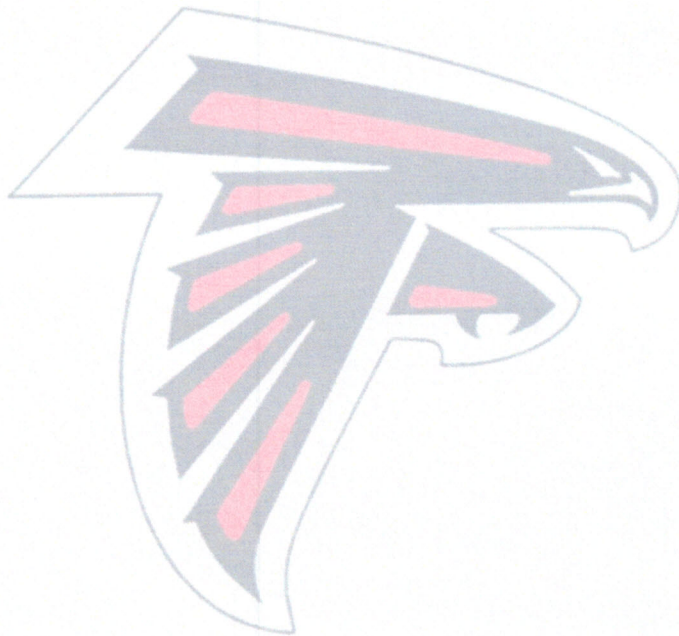
___ N/A _____



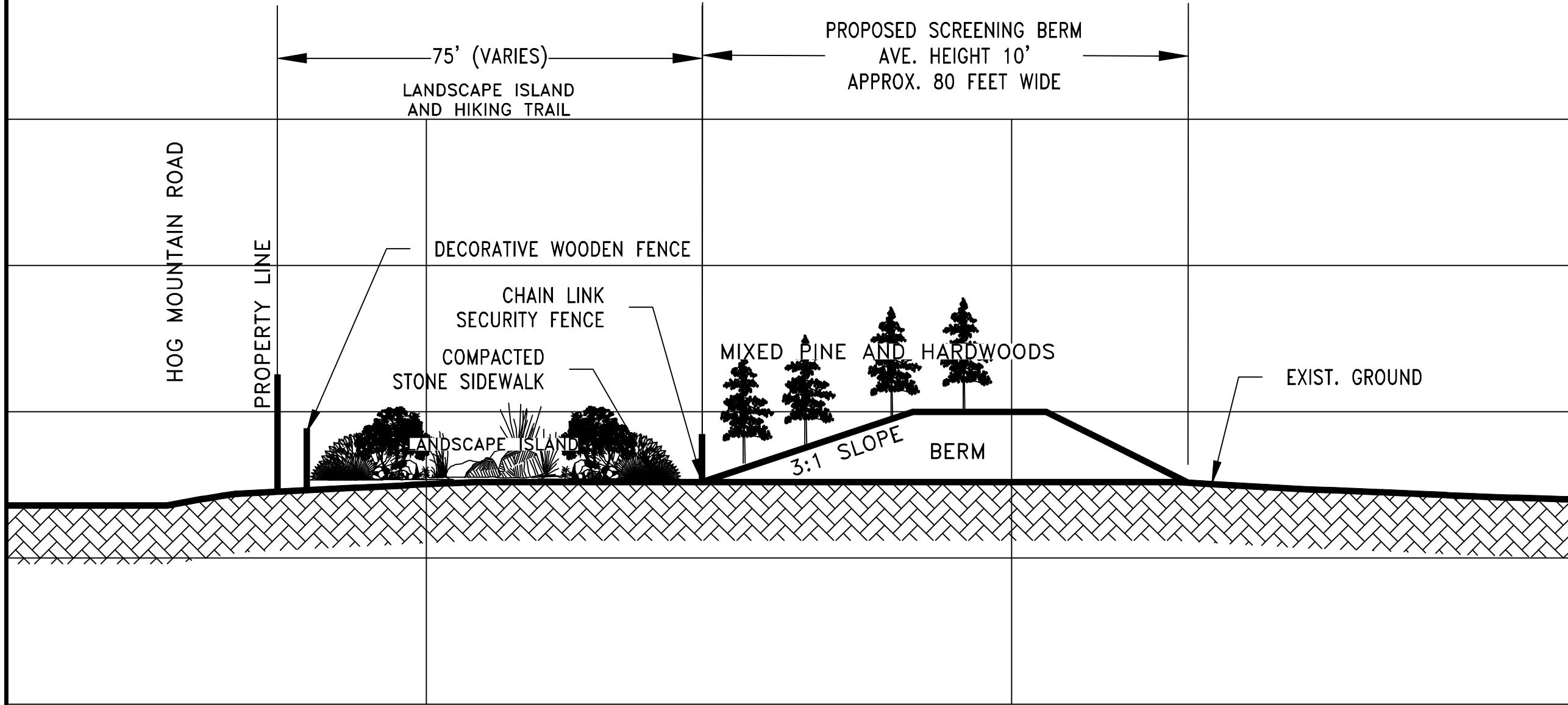
Received by City of Flowery Branch Staff on _____

Name: _____

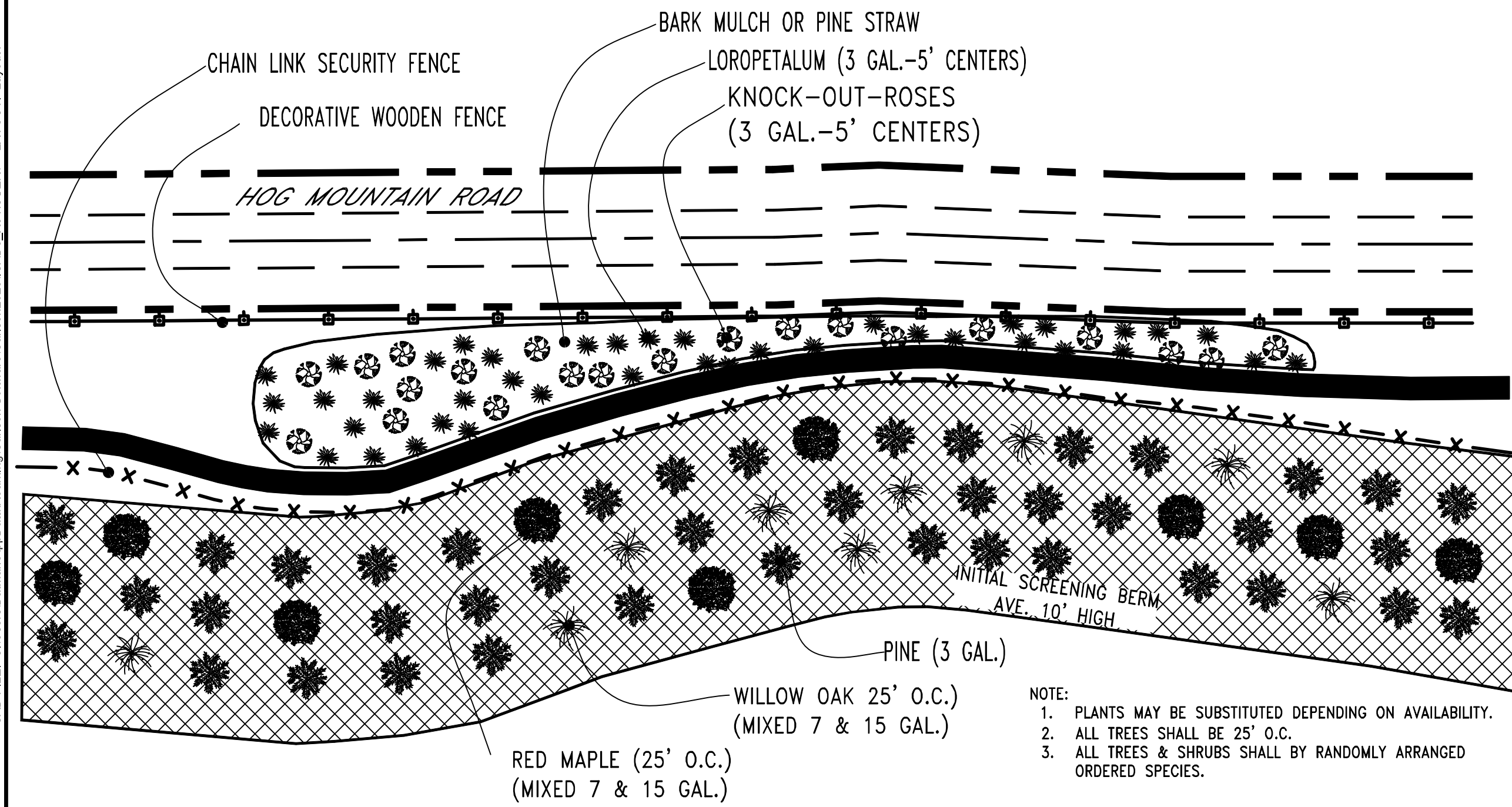
Title _____



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ATTACHED XREFS: S:\KRES\SY7
LIBRARY

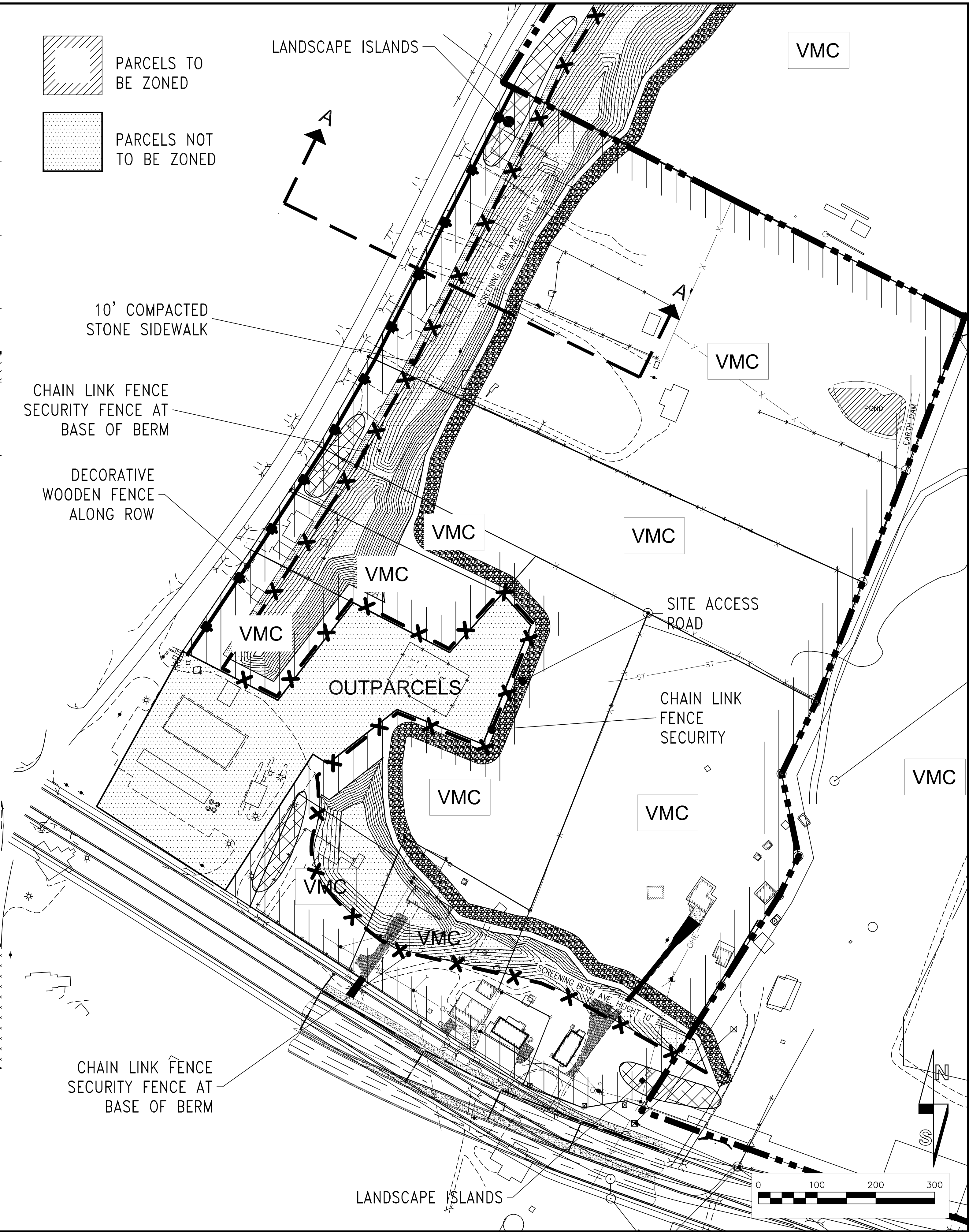


CROSS SECTION A-A'
SCALE: 1" = 20'



LANDSCAPED ISLAND DETAIL
SCALE: 1" = 50'

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



DATE	---
BY	---
REVISION	---
NO.	---
ROYAL CAD DESIGN SERVICE, INC. CONTACT: B. WAYNE KING, P.E. GA PE#030550 423 INDIAN SPRINGS RD. MCMINNVILLE, TN 37110 (615) 594-2802 BWAYNE_KING@RCADD.COM	
PROJ. NO. 2021-023 ACAD FILE: pdf_lmp.dwg	
FRIENDSHIP QUARRY G.M.C. 1419 DISTRICTS 166,167,179,180 FLOWERY BRANCH, GEORGIA	
DESIGNED BY: BWK	
DRAWN BY: BWK	
CHECKED BY: BWK	
DATE: 06/04/21	
SCALE: 1"=100'	
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS	
SHEET 1 of 1 sheets	



Applicant: Vulcan Lands, Inc.

Property Owner: Vulcan Lands, Inc.

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

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

Current Use: Residential/Vacant

Proposed Use: Quarry

Character Area: Industrial Employment

Proposal

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



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





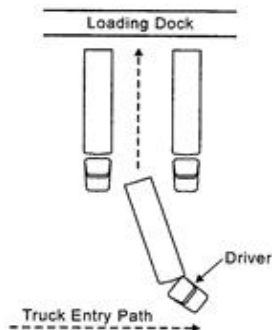
Comprehensive Plan

Employment/Industrial

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

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

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



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

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

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



All Brick, Articulated Building Façade



Landscaping to Soften View of Large Building





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

Zoning

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

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

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

CUP

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

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



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



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

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

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



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

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

Staff Recommendation

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

Public Hearing Published
Public Hearing

7/07/2021
8/05/2021

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

ORDINANCE NO. 654

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

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

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

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

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

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

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

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

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

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021.

James M. Miller, Mayor

ATTEST

Vickie Short, City Clerk

APPROVED AS TO FORM

Exhibit "B"

Tax Parcel 15048 000049

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

AS-SURVEYED DESCRIPTION

TRACT 2

Tax Parcel 08154 000002A

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

AS-SURVEYED DESCRIPTION

TRACT 3

Tax Parcel 08154 000003

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

TRACT 4
Tax Parcel 08154 000013

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

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Vanes); Thence run North 57 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.96 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 46 Minutes 06 Seconds East for a distance of 276.67 feet to a found 1/2" rebar; Thence South 67 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 61 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 167.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 69 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 67 Minutes 43 Seconds West for a distance of 72.86 feet to a found oak joak; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 86.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 6/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way vanes), which is the POINT OF BEGINNING for herein described parcel of land; Thence proceeding along said right of way North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.96 feet to a set capped 6/8" rebar; Thence departing from said right of way proceeding South 66 Degrees 28 Minutes 13 Seconds East a distance of 922.74 feet to a found 3/8" rebar; Thence South 21 Degrees 11 Minutes 13 Seconds West a distance of 217.96 feet to a found 1-1/2" open top pipe; Thence North 62 Degrees 16 Minutes 13 Seconds West a distance of 324.11 feet to a found 1-1/2" open top pipe; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 628.94 feet to a set capped 6/8" rebar, which is the POINT OF BEGINNING. Said parcel contains 182,071 square feet or 4.180 acres.

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

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

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

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

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

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

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

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

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

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

Tract II:

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

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

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

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

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

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

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

Said property contains 5.998 acres.

Public Hearing Published
Public Hearing

7/07/2021
8/05/2021

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

ORDINANCE NO. 655

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

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

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

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

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

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

SECTION 1. FINDINGS.

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

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

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021

James M. Miller, Mayor

ATTEST

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

4



Exhibit "B"

Tax Parcel 15048 000049

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

AS-SURVEYED DESCRIPTION

TRACT 2

Tax Parcel 08154 000002A

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

AS-SURVEYED DESCRIPTION

TRACT 3

Tax Parcel 08154 000003

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

TRACT 4
Tax Parcel 08154 000013

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

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

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

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

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

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

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

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

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

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

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

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

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

Tract II:

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

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

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

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

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

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

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

Said property contains 5.998 acres.

RESOLUTION NO. 21-014

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

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

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

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

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

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

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

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

Approved this 21st Day of October 2021

James M. Miller, Mayor

ATTEST

Vickie Short, City Clerk

Exhibit "B"

Tax Parcel 15048 000049

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

AS-SURVEYED DESCRIPTION

TRACT 2

Tax Parcel 08154 000002A

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

AS-SURVEYED DESCRIPTION

TRACT 3

Tax Parcel 08154 000003

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

TRACT 4
Tax Parcel 08154 000013

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

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Vanes); Thence run North 57 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.96 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 46 Minutes 06 Seconds East for a distance of 276.67 feet to a found 1/2" rebar; Thence South 67 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 61 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 167.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 69 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 67 Minutes 43 Seconds West for a distance of 72.86 feet to a found oak joak; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 86.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence North 68 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 6/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way vanes), which is the POINT OF BEGINNING for herein described parcel of land; Thence proceeding along said right of way North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.96 feet to a set capped 6/8" rebar; Thence departing from said right of way proceeding South 66 Degrees 28 Minutes 13 Seconds East a distance of 922.74 feet to a found 3/8" rebar; Thence South 21 Degrees 11 Minutes 13 Seconds West a distance of 217.96 feet to a found 1-1/2" open top pipe; Thence North 62 Degrees 16 Minutes 13 Seconds West a distance of 324.11 feet to a found 1-1/2" open top pipe; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 628.94 feet to a set capped 6/8" rebar, which is the POINT OF BEGINNING. Said parcel contains 182,071 square feet or 4.180 acres.

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

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

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

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

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

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

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

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

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

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

Tract II:

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

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

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

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

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

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

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

Said property contains 5.998 acres.

Exhibit “C”

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

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

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

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

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

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

12. Community Advisory Council.

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

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

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

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

FACTS AND ISSUES:

Mr. Hobgood requests rezoning to CBD to better market the site. Therefore, there is no site plan nor any renderings. Section 9.5.e of the zoning ordinance requires all projects come before City Council for approval in the CBD. Mr. Hobgood provided some conceptual renderings of what the site may eventually look like (please see attached).

This is the final read of this ordinance.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve first read

SAMPLE MOTION:

I make a motion to approve the second read of ordinance 651.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Hobgood Rezoning.pdf](#)

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



REZONING APPLICATION

Date: June 7, 2021

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

Tax Map # 08112 016001 Current Zoning: M-1

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

Currently a conforming use? _____

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

Applicant Information

Name: Kevin Hobgood

Address: 7233 Sherwood Mill Drive
Flower Branch, GA 30542

E-mail address: Kevin@hobgoodgroup.com

Phone number: 678-898-2251

Signature: [Signature]

Notary:

[Signature]
exp. May 8, 22





Property owner information (if different than the applicant)

Property owner (please print): _____

Signature of property owner: _____

Notary: _____

Property Information

Tax Map Number: 08112 01600

Current Zoning: M-1 Total Acres: _____

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

Proposed City of Flowery Branch Zoning: CBD

Current Use: STORAGE / MILLWORK SHOP

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

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

- Legal description
- Current survey of property



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

Conflict of Interest Disclosure

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

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

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

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



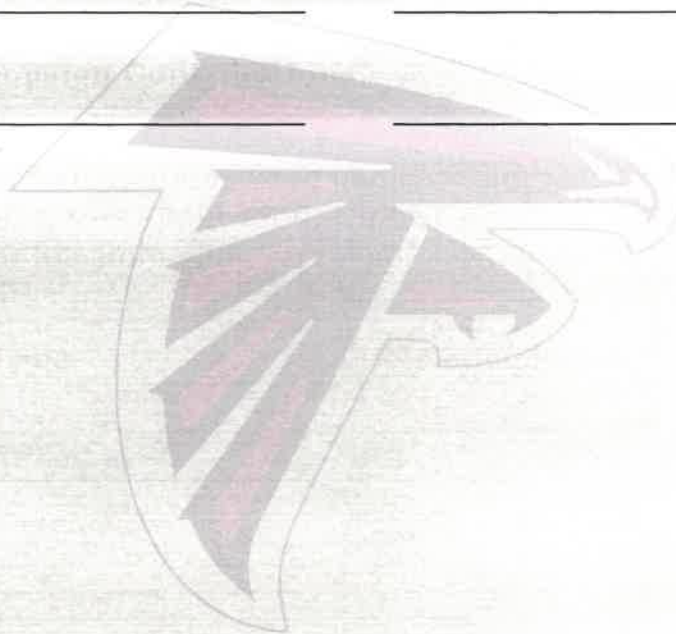
Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

_____	_____
_____	_____



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Flowery Branch

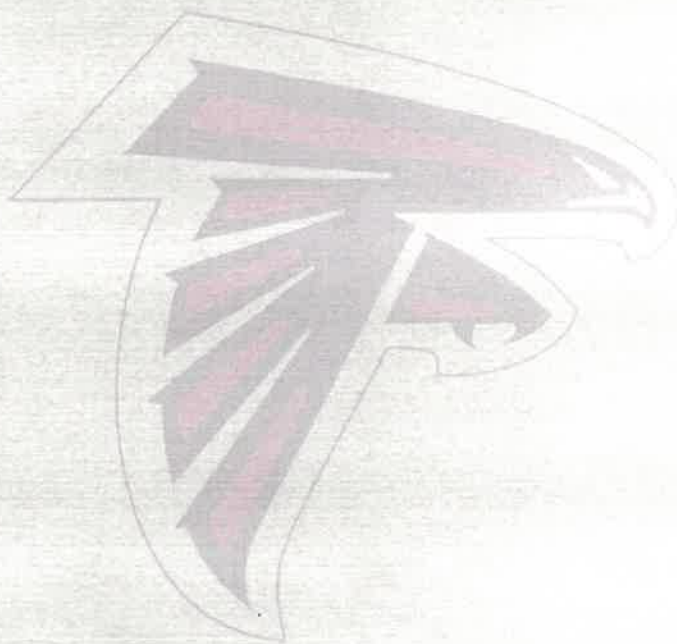


Exhibit A







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

ARTICLE 9
NONRESIDENTIAL ZONING DISTRICTS

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

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

- (a) Purpose and Description. This zoning district is intended to implement the “Office-Professional” designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Institutional Campus” character area established in the comprehensive plan and may be appropriate within neighborhood commercial and activity center classifications shown on the character area map. The Office-Professional district is intended to encourage and provide suitable areas for professional, medical, research and scientific functions, general offices, and certain related activities. This district is intended to apply to single-function office buildings and to planned office parks and planned office complexes. In some cases, the OP district may be appropriate as a transition between a commercial zoning district and a single-family or multi-family residential zoning district.
- (b) Character. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.”
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”

Sec. 9.2. INST, Institutional District.

- (a) Purpose and Description. This zoning district is intended to implement the “Public Institutional” and “transportation, communications and utilities” designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Institutional Campus” character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for institutional campuses including the Atlanta Falcons Training Facility, Hall County public schools, and large churches.
- (b) Character. These are mostly single-function land use districts where public access is controlled or limited. Areas are sometimes designed for trucks and individual establishments

are not connected with one another. In the case of schools, pedestrian accessibility is provided, but other institutions are largely reliant on the automobile for access. Campus-style site planning and generous landscaping are required.

- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

Sec. 9.3. NS, Neighborhood Shopping District.

- (a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "neighborhood commercial" character area established in the comprehensive plan.
- (b) Character. Neighborhood commercial districts are intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods. Uses within neighborhood commercial character areas generally occur within enclosed buildings with no outside storage and limited outdoor display of goods and merchandise. Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Auto-related, highway-oriented commercial uses are not permitted. With the exception of convenience stores with gasoline pumps, neighborhood commercial districts are not intended to permit or accommodate automotive uses or other types of more intensive highway business activities, or those uses that generate excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use.
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts." Business establishments do not exceed 2,500 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods. Open space is limited to suburban plazas or small open spaces. A three-story height limit is imposed.

Sec. 9.4. HB, Highway Business District.

- (a) Purpose and Description. This zoning district is intended to implement the “commercial” designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “activity center” and “mixed use” character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.
- (b) Character. This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.” The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”

Sec. 9.5. CBD, Central Business District.

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

- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”
- (e) Construction Approval. Any proposed construction project must be approved by the City Council prior to issuance of any permit.
- (f) Construction Approval Requirements. All construction proposals shall submit at a minimum the following:
 - 1. Legal description of the property;
 - 2. Survey of the property;
 - 3. Existing conditions analysis of the site to be redeveloped, including any existing buildings, structures, and/or uses on the subject site, and the existing land uses and description of buildings, structures, and uses on all adjacent lots;
 - 4. Letter of intent describing the proposed use(s) of the property or other action requested (redevelopment project approval). The applicant must be comprehensive in terms of describing all principal uses that will be included – these will become limiting and binding on the developer – refer to the permitted uses listing in Table 9.1 of Article 9 of the Flowery Branch Zoning Ordinance. For complex projects, the applicant should describe the intended phasing of the project, if applicable. The letter of intent shall address the following:
 - a. How the proposed action compares (and is consistent with) the goals, policies, and development requirements of the Old Town Redevelopment Plan;
 - b. How the project will be consistent with any adopted design guidelines for the type of development and/or the proposed use; and
 - c. How the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of buildings in the proposed redevelopment project will be appropriate in its surroundings;
 - 5. Two copies and one electronic copy of a site plan of the property, at an appropriate engineering scale, showing the proposed use and relevant information (buildings, parking, open spaces, etc.) regarding proposed improvements;
 - 6. Statistics regarding the proposed development (this may be incorporated into the letter of intent, or shown on the site plan, or both). At minimum, such statistics shall include the total square footage of the redevelopment project, including any existing buildings to be retained, the total gross square footages of building(s) devoted to each use, and proposed building heights for all buildings and structures proposed in the redevelopment project;
 - 7. Two copies and one electronic copy of all exterior elevation drawings of all building faces that will front on a public or private street, and rear and side elevations of same

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

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

Sec. 9.6. M-1, Light Manufacturing and Industrial District.

- (a) Purpose and Description. This zoning district is intended to implement the “light_industrial” and “transportation, communication and utilities” designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “industrial/employment” character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city. (Ord. 348-13)
- (b) Character. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.” Light industries are the primary permitted uses. (Ord. 348-13)
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”
- (e) Design Requirements. Please see Article 14 sec.14.13 of this ordinance.

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

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

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C
Auction house or auction yard (excluding livestock)	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	X	X	P	P	P	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sect. 14.3) (Ord. 348-11)	P	P	C	P	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	C	P	X	C	C
Club, private (Ord. 348-11)	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P
Co-generation facility	X	X	X	X	X	C	C
College or university (Ord. 348-11)	C	P	X	C	X	C	C
Commercial recreational facility, indoor (Ord. 348-11)	X	X	C	P	X	C	C
Commercial recreational facility, outdoor	X	X	X	C	C	C	C
Communication tower and antenna	P	P	X	P	X	P	P

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	P	P	X	P	P
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary (Ord. 348-13)	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P	P	X	X	P	X	X
Dwelling, single-family detached, condominium	P	P	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	P	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, two-family (duplex)	C	C	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X
Food processing plant	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler	X	P	P	P	P	P	P
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P
Gym or exercise facility open 24 hours a day	P	P	X	P	P	P	P
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	X	C
Health spa	X	X	X	P	P	P	P
Hospital	C	P	X	P	C	C	C
Incinerator	X	X	X	X	X	X	C
Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X	X
Institutional residential living and care facility, serving 18 persons or more	C	P	X	P	X	X	X
Junk/salvage yard	X	X	X	X	X	X	C
Kenel	X	X	X	P	X	P	P
Laboratory	P	P	C	P	X	P	P
Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro brewery	X	X	X	X	P	P	P
Mixed use building or development	C	X	P	P	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
Package Store	X	X	P	P	X	P	P
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P
Power plant, private	X	X	X	X	X	X	C
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts (Ord. 348-10; Ord. 348-11)	P	P	C	P	C	C	C
School, private, elementary, middle, or high (Ord. 348-11)	P	P	C	P	X	C	C
School, public	P	P	X	X	X	X	X
School, professional (Ord. 348-11)	P	P	C	P	X	C	C
School, special (Ord. 348-11)	P	P	X	X	X	C	C

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	O-P	INST	NS	HB	CBD	M-1	M-2
School, trade (Ord. 348-11)	C	C	X	X	X	C	C
Self-service storage facility (mini-warehouse)	X	X	X	P	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility (Ord. 348-11)	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	C	X	C	C
Tattoo Parlor	X	X	X	P	x	C	C
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P
Warehouse or storage building	X	X	X	C	X	P	P
Water plant or wastewater treatment facility	X	X	X	X	X	X	X
Wholesale trade establishment	X	X	X	C	C	P	P
Wireless telecommunications equipment	X	C	X	C	X	C	C
Wireless telecommunications facility	X	C	X	C	X	C	C
Wrecked motor vehicle compound	X	X	X	C	X	X	P
Yoga Studio	P	P	P	P	P	P	P

(Ord. 348-18)

Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

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

(Ord. 348-13)

Note 1. Building Height and Number of Stories. The maximum height of any building, including those on lots subsequently zoned CBD after the effective date of this zoning ordinance amendment, shall be three stories and 45 feet, except as follows:

The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.

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
Public Hearing 08/05/2021

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 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"

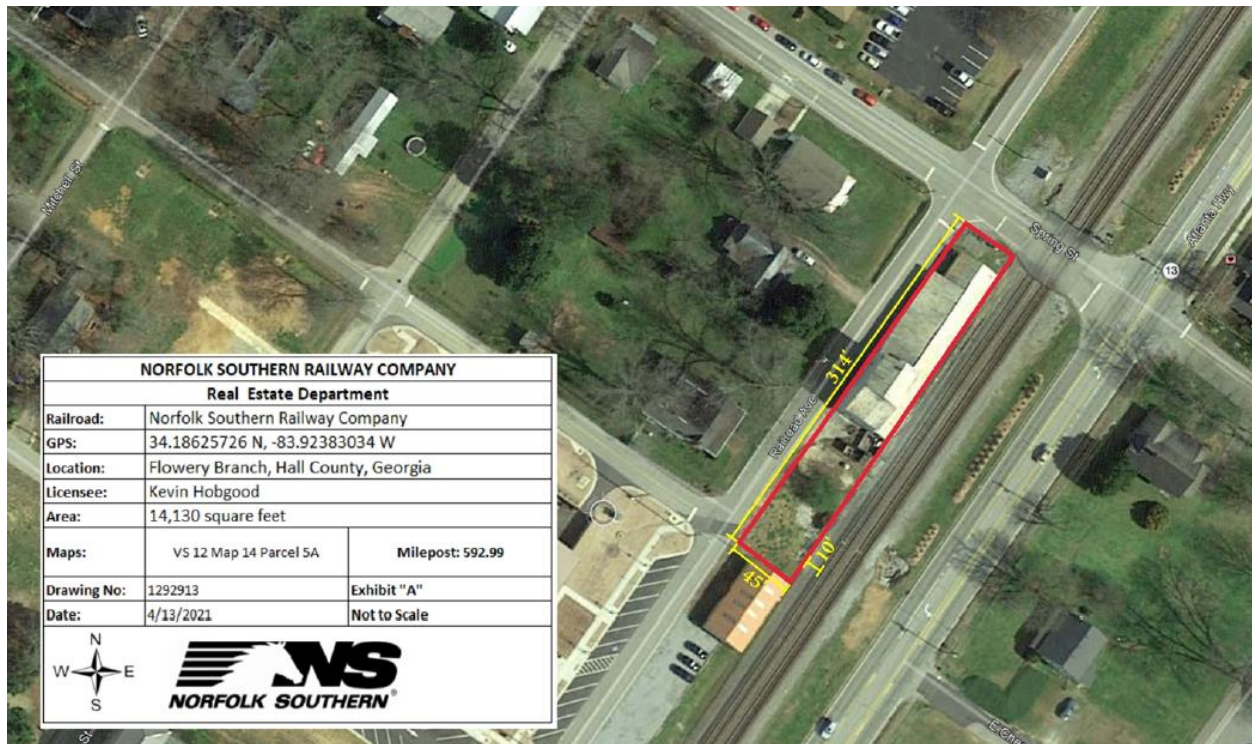


Exhibit "B"

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

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

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: Consider Insurance Policies for 12/01/2021 - 11/30/2022

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

Policy Beginning	Policy Ending	Insurance Company	Medical Plan
4/1/2012-3/31/2013		Consumers Life	P30-80-1000
4/1/2013-10/31/2013		Consumers Life	HRA P5000
11/1/2013-11/30/2014		United Healthcare	Heritage Plus
12/1/2014	-11/30/2015	Alliant Health Plans	50006
12/1/2015	-11/30/2016	Alliant Health Plans	50006
12/1/2016	-11/30/2017	Humana (POS)	OPT 1 Gold
12/1/2017-11/30/2018		Humana (POS)	OPT 1 Gold
12/1/2018-11/30/2019		Alliant Health Plans	80144
12/1/2019	-11/30/2020	Alliant Health Plans	4400
12/1/2020-11/30/2021		Alliant Health Plans	8004400

FACTS AND ISSUES:

Our policy with Alliant Health Plans #8004400 will end on 11/30/21. Staff recommends the Council approves staying with the current plan, Alliant Plan #8004400, with a reduced rate. Employees would appreciate the consistency of having the same provider and plan for a fourth year. The -4.75% rate reduction is due to the average age of employees being reduced by two years. On the other hand, the \$960 increase is due to the number of insured increased. We are still within our FY2022 budget of \$630,726 city-wide healthcare costs, even with this small change. In FY2022, an increase of 20% was budgeted for health insurance.

HISTORY OF PERCENTAGE INCREASES:

FY2021	8.84%
FY2020	7.47%
FY2019	1.53%
FY2018	13.60%
FY2017	-1.00%
FY2016	50.00%
FY2015	20.00%
FY2014	15.00%

For Life, AD&D, Dental, and Vision insurance through Humana, the City will incur a 4.89% increase in annual costs.

See the attached detailed quotes for the additional life insurance.

**See more details on the PDF Executive Summary

OPTIONS:

Approve to stay with our current plan, Alliant Plan #8004400, at reduced rates and keep Life/AD&D, Dental and Vision with Humana, as presented.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

General Fund and Water Sewer Fund FY2022 Budget \$630,726

RECOMMENDATION:

Approve to change to Alliant Plan #8004400 and keep Life/AD&D, Dental and Vision with Humana, adding additional life insurance coverage for all employees.

SAMPLE MOTION:

I motion for the City Council to authorize the Mayor/City Manager to sign papers with Alliant Plan #8004400 for the City's health insurance and Humana for Life, AD&D, Dental and Vision Insurance, as presented.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [EXECUTIVE_SUMMARY_-_Alliant2021.pdf](#)
- [Quote Comparison for Current Coverage - for FY2022.pdf](#)
- [Quote Comparison for Life-AD&D-Vision-Dental Coverage - for FY2022.pdf](#)

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Insurance Policies for 12/01/21 – 11/30/22

DATE: 10/21/2021

BUDGET INFORMATION:

ANNUAL- N/A

CAPITAL-

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

☐ **STATUS REPORT**

☐ **OTHER**

COUNCIL ACTION REQUESTED ON: Approval of insurance policies for the City

PURPOSE: Obtain approval of insurance policies for the City

HISTORY:

Policy Beginning	Policy Ending	Insurance Company	Medical Plan
4/1/2012	3/31/2013	Consumers Life	P30-80-1000
4/1/2013	10/31/2013	Consumers Life	HRA P5000
11/1/2013	11/30/2014	United Healthcare	Heritage Plus
12/1/2014	11/30/2015	Alliant Health Plans	50006
12/1/2015	11/30/2016	Alliant Health Plans	50006
12/1/2016	11/30/2017	Humana (POS)	OPT 1 Gold
12/1/2017	11/30/2018	Humana (POS)	OPT 1 Gold
12/1/2018	11/30/2019	Alliant Health Plans	80144
12/1/2019	11/30/2020	Alliant Health Plans	4400
12/1/2020	11/30/2021	Alliant Health Plans	8004400

FACTS AND ISSUES:

Our policy with Alliant Health Plans #8004400 will end on 11/30/21. Staff recommends the Council approves staying with the current plan, Alliant Plan #8004400, with a reduced rate. Employees would appreciate the consistency of having the same provider and plan for a fourth year. The -4.75% rate reduction is due to the average age of employees being reduced by two years. On the other hand, the \$960 increase is due to the number of insured increased. We are still within our FY2022 budget of \$630,726 city-wide healthcare costs, even with this small change. In FY2022, an increase of 20% was budgeted for health insurance.

HISTORY OF PERCENTAGE INCREASES:

FY2021	8.84%
FY2020	7.47%
FY2019	1.53%
FY2018	13.60%
FY2017	-1.00%
FY2016	50.00%

FY2015	20.00%
FY2014	15.00%

For Life, AD&D, Dental, and Vision insurance through Humana, the City will incur a 4.89% increase in annual costs.

	Current Humana:	Proposed Humana:	% Increase:
Life/AD&D	\$ 241.24	\$ 241.24	0.00%
Dependent Life	\$ 93.08	\$ 93.08	0.00%
Dental	\$ 2,371.22	\$ 2,499.54	5.41%
Vision	\$ 340.05	\$ 360.60	6.04%
MONTHLY COST:	\$ 3,045.59	\$ 3,194.46	4.89%
ANTICIPATED			
MONTHLY INCREASE:		\$ 148.87	
ANNUAL COST:	\$ 36,547.08	\$ 38,333.52	4.89%

See the attached detailed quotes for the additional life insurance.

OPTIONS: Continue policy with Alliant Plan #8004400 and approve as presented.

RECOMMENDED SAMPLE MOTION:

I motion for the City Council to authorize the Mayor to sign papers with Alliant Plan #8004400 for the City's health insurance and the additional life insurance as presented.

DEPARTMENT: Administration

Prepared by: Alisha L Gamble

FY2022 CITY OF FLOWERY BRANCH - QUOTE COMPARISON TO CURRENT COVERAGE

Coverages	CURRENT PLAN - Alliant Plans 8004400	RECOMMENDED PLAN - Alliant 8004400 (SAME PLAN)	Humana Opt 7 Gold	Humana Opt 1 Gold	UHC CFOE Gold	UHC CFPR Gold	BCBS GMA PPO 80/60	BCBS GMA POS 80/60
Deductible	\$2,250	\$2,250	\$1,000	\$2,000	\$2,600	\$2,500	\$2,000	\$2,000
Co-Insurance	0%	0%	20%	0%	20%	20%	20%	20%
OP Max	\$2,250	\$2,250	\$5,000	\$6,000	\$6,500	\$8,000	\$5,000	\$5,000
Office Visit-PCP/SP	\$20/\$40	\$20/\$40	\$40/\$80	\$45/\$90	\$30/\$80	\$25/\$100	\$40/\$50	\$40/\$50
RX	\$10/\$35/\$70/25%	\$15/\$35/\$70/25%	\$10/\$45/\$90/25%	\$10/\$45/\$90/25%	\$10/\$40/\$140/\$300	\$10/\$40/\$140/\$300	\$10/\$35/\$60*	\$10/\$35/\$60*
ER Deductible	\$150	\$150	\$400	\$400	\$500	\$500	\$150	\$150
Urgent Care	\$75	\$75	\$100	\$100	\$50	\$50	\$60	\$60
Employee (31)	\$877	\$835	\$986	\$978	\$816	\$869	\$958	\$919
Employee/Spouse (4)	\$1,753	\$1,670	\$1,972	\$1,957	\$1,633	\$1,738	\$1,917	\$1,839
Employee/Children (1)	\$1,622	\$1,545	\$1,824	\$1,810	\$1,511	\$1,608	\$1,821	\$1,747
Family (2)	\$2,498	\$2,380	\$2,811	\$2,789	\$2,328	\$2,477	\$2,875	\$2,759
MONTHLY COST PLAN:	\$38,790	\$38,870	\$45,900	\$45,534	\$37,995	\$40,453	\$44,937	\$43,110
ANNUAL COST OF PLAN:	\$465,480	\$466,440	\$550,800	\$546,408	\$455,940	\$485,436	\$539,244	\$517,320
PERCENT OF CHANGE IN CATEGORIES:	Expires 11/30/21	-4.75%	12.48%	11.60%	-6.86%	-0.87%	11.49%	6.96%
AMOUNT OF INCREASE:		\$960	\$85,320	\$80,928	(\$9,540)	\$19,956	\$73,764	\$51,840
		*rates decreased but more employees covered.					*\$1,600 additional RX deductible	*\$1,600 additional RX deductible

HISTORY OF PERCENTAGE INCREASES:	
FY2021	8.84%
FY2020	7.47%
FY2019	1.53%
FY2018	13.60%
FY2017	-1.00%
FY2016	50.00%
FY2015	20.00%
FY2014	15.00%

NOTE: We budget 20% extra for inflation each year. FY2022 Budget = \$630,726.00

	Current Humana:	Proposed Humana:	% Increase:
Life/AD&D	\$ 241.24	\$ 241.24	0.00%
Dependent Life	\$ 93.08	\$ 93.08	0.00%
Dental	\$ 2,371.22	\$ 2,499.54	5.41%
Vision	\$ 340.05	\$ 360.60	6.04%
MONTLY COST:	\$ 3,045.59	\$ 3,194.46	4.89%
ANTICIPATED MONTHLY INCREASE:		\$ 148.87	
ANNUAL COST:	\$ 36,547.08	\$ 38,333.52	4.89%



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Resolution 21-018 for Water Sewer Rate Changes effective January 1, 2022 (January 2022 billing, billed on 2/20/2022)

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

Nelsnick Enterprises, Inc has been working with the city over the past couple of years analyzing our water sewer capital improvement plan (CIP) and water sewer rates in relation to the CIP plan. On November 2, 2017, Nelsnick presented the CIP plan and recommended water sewer rate increases over the next 5 years based on infrastructure improvements needed in our system. The last rate change took effect with Resolution 20-020, effective August 20, 2020 (September Billing). Prior years increases were approved on December 7, 2018, November 2, 2017, and October 20, 2020. Before 2017, there were no increases to the rates since 2014. However, in the spring of 2018 it became apparent we needed to reevaluate the CIP plan due to various new developments coming to the area and more stress on the current system. This year, the rate changes also include a new format for charges; lowering the cost to the low usage customers and reallocating the costs to the appropriate levels of service used. The new plan information is attached.

FACTS AND ISSUES:

The current water sewer capital infrastructure needs are increasing as our city continues to grow. The City needed to develop a CIP plan for water sewer infrastructure to remain compliant with EPD regulations and to meet the demands of our growing City. The need for these rate changes is an important contribution to this plan. The prior resolution 20-020 is attached for reference to compare to the proposed resolution 21-018. With this new proposal, we are recommending Council approve a 5-year rate increase plan, with the option to review annually if needed.

*See the attached Technical Memo and Resolution 21-018 for the proposed rate structure.

OPTIONS:

Approve the resolution to change water sewer rates or table for further discussion.

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

No

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

Approve Resolution 21-018 for water sewer rate changes effective January 1, 2022 as presented.

SAMPLE MOTION:

I make a motion adopt resolution 21-018 for implementation of Water Sewer Rate Changes effective January 1, 2022 (January 2022 billing).

COLLABORATING DEPARTMENT:

Water/Wastewater

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [EXECUTIVE SUMMARY- Res 21-018 Ordinance for Water Sewer Rates eff 1-1-2022.pdf](#)
- [FB Annual Update TM October 5 2021.pdf](#)
- [20-020 WS Rates Final Ordinance passed 8-20-2020.pdf](#)
- [Res 21-018 Ordinance for Water Sewer Rates eff 1-1-2022.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Resolution 21-018 for Water Sewer Rate Changes effective January 1, 2022
(January 2022 billing, billed on 2/20/2022)

DATE: October 15, 2021

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

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

COUNCIL ACTION REQUESTED ON: November 4, 2021

PURPOSE: To change water sewer rates to meet the current infrastructure improvements for the city.

HISTORY:

Nelsnick Enterprises, Inc has been working with the city over the past couple of years analyzing our water sewer capital improvement plan (CIP) and water sewer rates in relation to the CIP plan. On November 2, 2017, Nelsnick presented the CIP plan and recommended water sewer rate increases over the next 5 years based on infrastructure improvements needed in our system. The last rate change took effect with Resolution 20-020, effective August 20, 2020 (September Billing). Prior years increases were approved on December 7, 2018, November 2, 2017, and October 20, 2020. Before 2017, there were no increases to the rates since 2014. However, in the spring of 2018 it became apparent we needed to reevaluate the CIP plan due to various new developments coming to the area and more stress on the current system. This year, the rate changes also include a new format for charges; lowering the cost to the low usage customers and reallocating the costs to the appropriate levels of service used. The new plan information is attached.

FACTS AND ISSUES:

The current water sewer capital infrastructure needs are increasing as our city continues to grow. The City needed to develop a CIP plan for water sewer infrastructure to remain compliant with EPD regulations and to meet the demands of our growing City. The need for these rate changes is an important contribution to this plan. The prior resolution 20-020 is attached for reference to compare to the proposed resolution 21-018. With this new proposal, we are recommending Council approve a 5-year rate increase plan, with the option to review annually if needed.

*See the attached Technical Memo and Resolution 21-018 for the proposed rate structure.

OPTIONS: Approve the resolution to change water sewer rates or table for further discussion.

RECOMMENDED SAMPLE MOTION: I make a motion adopt resolution 21-018 for implementation of Water Sewer Rate Changes effective January 1, 2022 (January 2022 billing).

DEPARTMENT: Finance

Prepared by: Alisha Gamble



Technical Memorandum

DATE: *October 13, 2021*

PREPARED FOR: *Ms. Alisha Gamble
Ms. Vickie Short*

COPIES TO: *Mr. Bob Troxler*

PREPARED BY: *Mr. Bobby Sills, AICP*

SUBJECT: *Rate Structure and Increase Plan Re-evaluation*

PROJECT: *Flowery Branch General Services – FY22*

Purpose

The purpose of this technical memorandum (TM) is to provide documentation on the Flowery Branch Water and Wastewater systems' proposed rate increase implementation plan.

Background Information

Nelsnick Enterprises (Nelsnick) provides an annual TM to City Council explaining recommendations for water and wastewater rates and other items regarding the financial plan for the utility system. In the past and starting in 2017, Nelsnick has provided a multi-year projection of rate increase needs with a request to Council to approve the first year only.

At the request of City Management, the recommendation for this year is for Council to approve multiple year water and wastewater rates. This request is in response to other local communities that currently approve multiyear rates¹. This will provide two benefits, 1; Council will no longer need to approve rate increases on an annual basis, and 2; residential and business utility customers can better budget for future year increases. Council will still be able to re-visit rates on an annual basis and adjust up or down as needed.

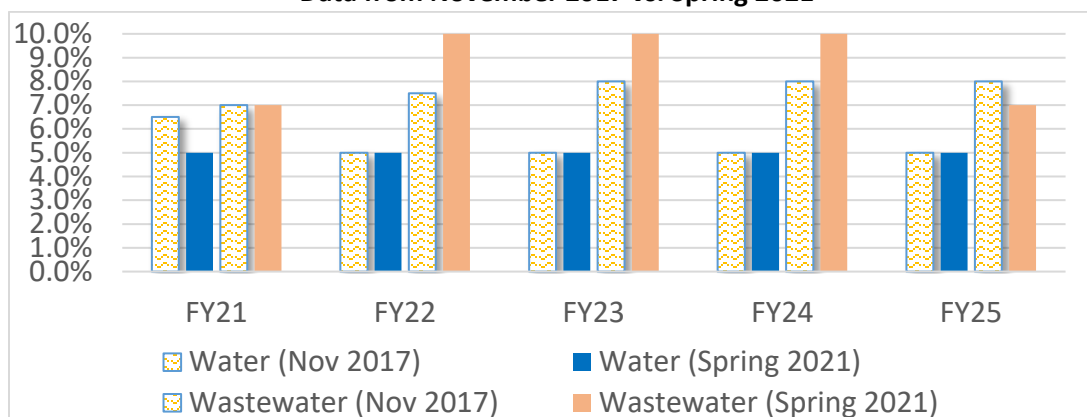
Water and Wastewater Rate Plan

Previous rate plans presented to Council have been modified based on actual expenses and revenues and projected capital needs. The rate increase plans were reduced in 2018 and 2019 due to actual revenues exceeding past projections when compared to the original 2017 plan. However, these extra revenues have been offset by higher expenses not anticipated in 2020 and early 2021, especially in new capital infrastructure requirements and sludge disposal costs. This is evident in **Figure 1** comparing the projected rate increases needed in 2017 versus an analysis performed in the Spring of 2021. Please note

¹ The Cities of Lula and Gainesville, and Gwinnett County approve multi-year water and wastewater rates for their customers.

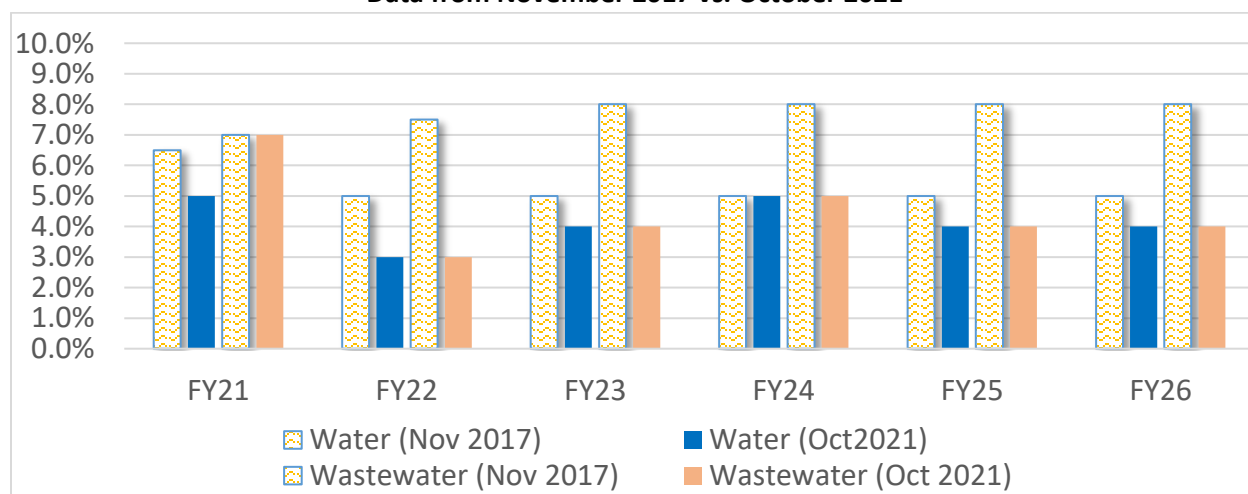
that in FY21, the water rate increase was still lower than projected in November 2017. However, a significant increase to the wastewater rate was projected at that time, due to increased sludge disposal cost and capital needs for wastewater treatment related to capacity and regulatory changes on discharge quality into Lake Lanier.

Figure 1
Comparison of Rate Revenue Increase Plans for FY21 – FY25
Data from November 2017 vs. Spring 2021



Information for FY21 is now available and utilized for projecting rate recommended in this technical memorandum. Both new customer growth and new development significantly beat expectation for FY21. Additionally, a wastewater billing agreement with the City of Gainesville generated significant amount of revenues for properties on Flowery Branch sewer system but receiving Gainesville water². These additional customers both on the water and wastewater side and the generated system development charges (SDC) will allow the rate increase needs for FY22 and beyond to be in the 3% - 5% range. This is well below the late 2017 projection of needs (**Figure 2**).

Figure 2
Comparison of Rate Revenue Increase Plans for FY21 – FY25
Data from November 2017 vs. October 2021



² Prior to the intergovernmental agreement, properties would be billed for wastewater, however, there was no recourse for unpaid invoices. As such, many customers did not pay for services. Under the agreement, Gainesville will add wastewater to their water customer's bill and will shut-off water for non-payment. For this service, Gainesville received 3% of the wastewater sale for administrative purposes.

Tables 1 through 5 provide the projected rates over the next five (5) years to generate the additional revenues needed. Though, the rates are provided over the next five years, it is recommended that the financial plan be updated annually based on actual performance and budget needs for the water and wastewater utility³. This will give management the flexibility to request a modified rate plan based on latest available information. The FY21 column is the current rate charged. The FY22 rate, if approved by Council would go into effect January 2022. Remaining rates would be effective January 1 of the Fiscal Year unless Council should approve an alternative plan.

Table 1
Inside City Rate Structure Changes Water

Water						
Inside City						
Residential						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Account Servicing Fee	1.75	2.00	2.08	2.19	2.28	2.38
Base Charge ⁴	7.00	7.21	7.50	7.88	8.20	8.53
0-2500	5.60	5.77	6.01	6.32	6.58	6.85
2501-4500	7.56	7.21	7.51	7.90	8.23	8.56
4501 and above	11.20	11.54	12.02	12.64	13.16	13.70
Multifamily						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Account Servicing Fee	2.00	2.00	2.08	2.19	2.28	2.38
Base Charge ⁵	7.00	7.21	7.50	7.88	8.20	8.53
0-2500	5.60	5.77	6.01	6.32	6.58	6.85
2501-4500	7.56	7.21	7.51	7.90	8.23	8.56
4501 and above	11.20	11.54	12.02	12.64	13.16	13.70
Non-Residential						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Account Servicing Fee	1.75	2.00	2.08	2.19	2.28	2.38
Base Charge ³	14.00	14.42	15.00	15.75	16.38	17.04
0-4,500	4.95	5.10	5.31	5.58	5.81	6.05
4,501-60,000	6.19	6.38	6.64	6.98	7.26	7.56
60,001 and above	7.43	7.65	7.97	8.37	8.72	9.08

³ The financial model provides for a ten-year projection, however, only five years are being shown.

⁴ Base charge is for 3/4" meter, larger meters pay higher monthly base charge based on capacity of meter

⁵ Multiunit developments pay a base charge by meter multiplied by the number of meters

Table 2
Outside City Rate Structure Changes Water

Outside City						
Residential						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Account Servicing Fee	1.75	2.00	2.08	2.19	2.28	2.38
Base Charge	8.75	9.01	9.37	9.85	10.25	10.66
0-2500	7.00	7.21	7.51	7.90	8.22	8.56
2501-4500	8.75	9.01	9.39	9.88	10.28	10.70
4501 and above	14.00	14.42	15.02	15.80	16.44	17.12
Multifamily						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Account Servicing Fee	1.75	2.00	2.08	2.19	2.28	2.38
Base Charge	8.75	9.01	9.37	9.85	10.25	10.66
0-2500	7.00	7.21	7.51	7.90	8.22	8.56
2501-4500	8.75	9.01	9.39	9.88	10.28	10.70
2501 and above	14.00	14.42	15.02	15.80	16.44	17.12
Non-Residential						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Account Servicing Fee	1.75	2.00	2.08	2.19	2.28	2.38
Base Charge	17.50	18.02	18.75	19.68	20.47	21.30
0-4500	6.19	6.38	6.64	6.98	7.26	7.56
4501-60,000	7.74	7.98	8.30	8.73	9.08	9.45
60,001 and above	9.29	9.57	9.96	10.47	10.89	11.34

Table 3
Inside City Rate Structure Changes Wastewater

Inside City						
Residential						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Account Servicing Fee	1.75	2.00	2.08	2.19	2.28	2.38
Base Charge	7.00	7.21	7.50	7.88	8.20	8.53
All	8.93	9.20	9.57	10.05	10.46	10.88
Multifamily						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Account Servicing Fee	1.75	2.00	2.08	2.19	2.28	2.38
Base Charge	7.00	7.21	7.50	7.88	8.20	8.53
All	7.25	7.47	7.77	8.16	8.49	8.83
Non-Residential						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Account Servicing Fee	1.75	2.00	2.08	2.19	2.28	2.38
Base Charge	14.00	14.42	15.00	15.75	16.38	17.04
All	6.10	6.29	6.55	6.88	7.16	7.45

Table 4
Outside City Rate Structure Changes Wastewater

Outside City						
Residential						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Account Servicing Fee	1.75	2.00	2.08	2.19	2.28	2.38
Base Charge	8.75	9.01	9.37	9.85	10.25	10.66
All	11.16	11.50	11.96	12.56	13.07	13.60
Multifamily						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Account Servicing Fee	1.75	2.00	2.08	2.19	2.28	2.38
Base Charge	8.75	9.01	9.37	9.85	10.25	10.66
All	9.06	9.33	9.71	10.20	10.61	11.03
Non-Residential						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Account Servicing Fee	1.75	2.00	2.08	2.19	2.28	2.38
Base Charge	17.50	18.02	18.75	19.68	20.47	21.30
All	7.62	7.86	8.18	8.60	8.95	9.31

The following table is for a special class of Flowery Branch wastewater customers that are on the Gainesville water system. Per an intergovernmental agreement (IGA), the Gainesville Department of Water Resources (GDWR) will bill these customers directly and retain 3% for administrative and billing costs. Given the limitations on rate structure per the IGA, **Table 5** provide a simplified rate structure to recover full cost plus the 3% charged by GDWR.

Table 5
Wastewater Customers on Gainesville Water

Inside City						
Volume	FY21	FY22	FY23	FY24	FY25	FY26
Base Charge	8.00	8.24	8.57	9.00	9.36	9.74
Unit Charge (All volume)	9.02	9.30	9.68	10.17	10.58	11.01
Outside City						
Base Charge	9.00	10.30	10.72	11.25	11.70	12.18
Unit Charge (All volume)	11.10	11.63	12.10	12.72	13.23	13.77

Fats, Oils and Grease (FOG)

Nelsnick reviewed with operating staff on the cost of the FOG program. The current charge of \$15 is sufficient for meeting the inspection cost. A clarification of the ordinance is recommended regarding application of the fee per grease trap rather than per customer.

Irrigation Water

To encourage water conservation, the Metropolitan North Georgia Water Planning District (MNGWPD) recommends utilities to use at minimum a 3-tier increasing block rate structure. This rate structure sets a higher price per unit volume as customers use more water. One goal is to set the tiers to target outdoor water (irrigation/washing) for tier 3 (highest price). As such, it is recommended that the

ordinance be adjusted to clarify that irrigation meters will be charged at the highest price tier. For inside city customers, the proposed irrigation meter rate is proposed to be \$11.54 per 1000 gallons and for outside city customers, the proposed irrigation meter rate is proposed to be \$14.42 per 1000 gallons.

It should be noted that non-residential customers are charged lower rates and the first and second tiers are larger than residential customers. The purpose of this is to recognize this class of customer use higher volume for their businesses. They pay a higher base charge for this additional capacity but pay a lower rate to account for a lower peaking factor for this class. However, irrigation water should still be the same rate for inside and outside customers as proposed above (\$11.54 and \$14.42).

Tax Exempt Property Rates

Tax exempt properties (non-profits) that receive water and wastewater services should pay the rate appropriate for their particular use. A non-profit non-residential class customers would have similar water and wastewater demand characteristics as a for-profit business. As such, they should be charged those rates. Similarly, residential customers should use the rate structure based on their demand characteristics (residential or multifamily) regardless of their exemption status. In any case, the appropriate irrigation rate would apply to any irrigation meter based on inside city and outside city status. The rate ordinance has been updated for Council approval to clarify usage of the correct class rate structure.

Findings

The proposed rate schedule is driven by the future debt payments for the wastewater treatment plant expansion (approximately \$22M) and new wells and water system improvements (approximately \$5M). Higher than anticipated FY21 collection of SDC's due to new development and wastewater revenues due to the GDWR IGA has resulted in reduced need from existing customers than originally planned. The rate plan assumes continued development growth and increase in billed volume. These assumptions should be review in a recommended rate study update scheduled in 2022⁶.

Recommendations

Nelsnick recommends updating the rate ordinance to include the rates in **Tables 1 through 5** and additional adjustments to clarify the FOG fee, irrigation rate and tax-exempt properties. The FY22 rates will be in effect for January 2022 billed volumes. Future rate increase requirements should be checked annually for reasonableness. Provided there are no changes needed in the rate plan, rates in **Table 1 through 5** will be effective on January 1st of the fiscal year shown.

⁶ During the 2021 Spring Council retreat, it was recommended to perform a 5-year update of the 2017 Rate Study to confirm assumptions related to Flowery Branch growth, update costs and cost allocation and the overall financial plan for the water and wastewater system.

RESOLUTION NO. 20-020

A RESOLUTION ESTABLISHING THE USE RATES FOR WATER AND SEWER SERVICE'S, THE CONNECTION FEES FOR WATER SERVICE AND THE CONNECTION/CAPACITY FEES FOR SEWER SERVICE

WHEREAS, the City of Flowery Branch is authorized by Art. IX, §II, ¶ III of the Constitution of the State of Georgia, O.C.G.A. § 36-35-3 and Art. VI, § 6.6 of the Charter of the City of Flowery Branch to assess and collect fees, charges and tolls for sewer, sanitary, health services or any other services within and without the corporate limits of the city for the total cost to the city of providing such services; and

WHEREAS, Ordinance No. 100-F authorizes the City Council of the City of Flowery Branch to set the rates for water and sewer services, connection fees for water service and connection/capacity fees for sewer service by resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Flowery Branch that the rates for water and sewer services, the connection/capacity fees for water service and the connection/capacity fees for sewer service shall be as follows:

Section 1 - Water and Sewer Services Rates

Section 1.1 Within the Corporate Limits – Customers whose service address is within the city limits of Flowery Branch will be charged the inside city rates, fees, and charges.

Section 1.2 Water System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the water system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Inside City Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$7.00	\$1.75	\$8.75
1"	\$17.50	\$1.75	\$19.25
1 1/2"	\$35.00	\$1.75	\$36.75
2"	\$56.00	\$1.75	\$57.75
3"	\$112.00	\$1.75	\$113.75
4"	\$175.00	\$1.75	\$176.75
6"	\$350.00	\$1.75	\$351.75
8"	\$560.00	\$1.75	\$561.75

Inside City Non-Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$14.00	\$1.75	\$15.75
1"	\$35.00	\$1.75	\$36.75
1 1/2"	\$70.00	\$1.75	\$71.75
2"	\$112.00	\$1.75	\$113.75
3"	\$224.00	\$1.75	\$225.75
4"	\$350.00	\$1.75	\$351.75
6"	\$700.00	\$1.75	\$701.75
8"	\$1,120.00	\$1.75	\$1,121.75

Section 1.3 Multi-unit development monthly charges - Water customers in multi-unit developments shall pay the above base charge and account servicing fee for each meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.4 Water System Commodity Charges – Customers shall pay for all water metered using an increasing block rate structure (conservation-based rate structure) based on the following customer classes:

Section 1.4.1 Single-Family Residential (SFR) Water Users – Customers that primary water use for a single-family detached home.

SFR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$5.60
Tier 2	2,501 - 4,500	\$7.56
Tier 3	Above 4,500	\$11.20

Section 1.4.2 Multi-Family Residential (MFR) Water Users – Customers that primary water use is for a single unit of a multi-unit residential complex and is read directly by Flowery Branch staff.

MFR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$5.60
Tier 2	2,501 - 4,500	\$7.56
Tier 3	Above 4,500	\$11.20

Section 1.4.3 Multi-Family Residential Water Users (master-metered) –

Customers that primary water use is for a multi-unit residential complex served by a master meter. Flowery Branch shall bill the master meter only with the invoice allocated to the individual units by the property management per State law requirements. The Tier volume range will be the SFR Tier ranges multiplied by the number of units served by the master meter.

MFR Inside City Water Volume Charges (Master-metered)

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500 x number of units	\$5.60
Tier 2	2,501 - 4,500 x number of units	\$7.56
Tier 3	Above 4,500 x number of units	\$11.20

Section 1.4.4 Non-Residential (NR) Water Users – All other uses not provided above and typically includes industrial, commercial, office, hotels and motels and other uses not dedicated for long-term residential domicile.

NR Inside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 4,500	\$4.95
Tier 2	4,501 - 60,000	\$6.19
Tier 3	Above 60,000	\$7.43

Section 1.5 Wastewater System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the wastewater system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on water meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Inside City Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$7.00	\$1.75	\$8.75
1"	\$17.50	\$1.75	\$19.25
1 1/2"	\$35.00	\$1.75	\$36.75
2"	\$56.00	\$1.75	\$57.75
3"	\$112.00	\$1.75	\$113.75
4"	\$175.00	\$1.75	\$176.75
6"	\$350.00	\$1.75	\$351.75
8"	\$560.00	\$1.75	\$561.75

Inside City Non-Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$14.00	\$1.75	\$15.75
1"	\$35.00	\$1.75	\$36.75
1 1/2"	\$70.00	\$1.75	\$71.75
2"	\$112.00	\$1.75	\$113.75
3"	\$224.00	\$1.75	\$225.75
4"	\$350.00	\$1.75	\$351.75
6"	\$700.00	\$1.75	\$701.75
8"	\$1,120.00	\$1.75	\$1,121.75

Section 1.6 Multi-unit development monthly charges - Wastewater customers in multi-unit developments shall pay the above base charge and account servicing fee for each water meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.7 Wastewater System Commodity Charges – Customers shall pay for all wastewater based on water metered using a uniform rate structure for all customer.

Inside City Single-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$8.93

Inside City Multi-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$7.25

Inside City Non-Residential Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$6.10

Section 1.8 Outside the Corporate Limits – Customers whose service address is outside the city limits of Flowery Branch will be charged the outside city rates, fees, and charges. The outside city rates reflect the additional cost in serving outside customer including additional pumping cost, travel, and risks associated with serving outside jurisdictional customer.

Section 1.9 Water System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the water system. Additionally, an account servicing fee of \$1.75 shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Outside City Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$8.75	\$1.75	\$10.50
1"	\$21.88	\$1.75	\$23.63
1 1/2"	\$43.75	\$1.75	\$45.50
2"	\$70.00	\$1.75	\$71.75
3"	\$140.00	\$1.75	\$141.75
4"	\$218.75	\$1.75	\$220.50
6"	\$437.50	\$1.75	\$439.25
8"	\$700.00	\$1.75	\$701.75

Outside City Non-Residential Water Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$17.50	\$1.75	\$19.25
1"	\$43.75	\$1.75	\$45.50
1 1/2"	\$87.50	\$1.75	\$89.25
2"	\$140.00	\$1.75	\$141.75
3"	\$280.00	\$1.75	\$281.75
4"	\$437.50	\$1.75	\$439.25
6"	\$875.00	\$1.75	\$876.75
8"	\$1,400.00	\$1.75	\$1,401.75

Section 1.10 Multi-unit development monthly charges - Water customers in multi-unit developments shall pay the above base charge and account servicing fee for each meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per

State law requirements.

Section 1.11 Water System Commodity Charges – Customers shall pay for all water metered using an increasing block rate structure (conservation-based rate structure) based on the following customer classes.

Section 1.11.1 Single- Family Residential (SFR) Water Users – Customers that primary water use for a single-family detached home.

SFR Outside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$7.00
Tier 2	2,501 - 4,500	\$8.75
Tier 3	Above 4,500	\$14.00

Section 1.11.2 Multi-Family Residential (MFR) Water Users – Customers that primary water use is for a single unit of a multi-unit residential complex and is read directly by Flowery Branch staff.

MFR Outside City Water Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500	\$7.00
Tier 2	2,501 - 4,500	\$8.75
Tier 3	Above 4,500	\$14.00

Section 1.11.3 Multi-Family Residential Water Users – Customers that primary water use is for a multi-unit residential complex served by a master meter. Flowery Branch shall bill the master meter only with the invoice allocated to the individual units by the property management per State law requirements. The Tier volume range will be the SFR Tier ranges multiplied by the number of units served by the master meter.

MFR Outside City Water Volume Charges (Master-metered)

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 2,500 x number of units	\$7.00
Tier 2	2,501 - 4,500 x number of units	\$8.75
Tier 3	Above 4,500 x number of units	\$14.00

Section 1.11.4 Non-Residential (NR) Water Users – All other uses not provided above and typically includes industrial, commercial, office, hotels and motels and other uses not dedicated for long-term residential domicile.

NR Outside City Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Tier 1	0 - 4,500	\$6.19
Tier 2	4,501 - 60,000	\$7.74
Tier 3	Above 60,000	\$9.29

Section 1.12 Wastewater System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the wastewater system. Additionally, an account servicing fee of **\$1.75** shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on water meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.*

Outside City Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$8.75	\$1.75	\$10.50
1"	\$21.88	\$1.75	\$23.63
1 1/2"	\$43.75	\$1.75	\$45.50
2"	\$70.00	\$1.75	\$71.75
3"	\$140.00	\$1.75	\$141.75
4"	\$218.75	\$1.75	\$220.50
6"	\$437.50	\$1.75	\$439.25
8"	\$700.00	\$1.75	\$701.75

Outside City Non-Residential Wastewater Monthly Charges

Descriptions	Base Charge	Account Servicing Fee	Total
3/4"	\$17.50	\$1.75	\$19.25
1"	\$54.69	\$1.75	\$56.44
1 1/2"	\$109.38	\$1.75	\$111.13
2"	\$175.00	\$1.75	\$176.75
3"	\$350.00	\$1.75	\$351.75
4"	\$546.88	\$1.75	\$548.63
6"	\$1,093.75	\$1.75	\$1,095.50
8"	\$1,400.00	\$1.75	\$1,401.75

Section 1.13 Multi-unit development monthly charges - Wastewater customers in multi-unit developments shall pay the above base charge and account servicing fee for each water meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.14 Wastewater System Commodity Charges – Customers shall pay wastewater volume based on water metered using a uniform rate structure for all customers.

Outside City Single-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$11.16

Outside City Multi-Family Wastewater Volume Charges

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$9.06

**Outside City Non-Residential Wastewater Volume
Charges**

Descriptions	Volume Range (Gallons)	Unit Charge per 1,000 Gallons
Uniform Rate	All Volume	\$7.62

Section 1.15 Irrigation Meters Unit Charges – Inside City Customers shall pay the Inside City SFR Tier 3 volume rate for all water metered through an irrigation meter. Outside City Customers shall pay the Outside City SFR Tier 3 volume rate for all water metered through an irrigation meter.

Section 2 Gainesville Water System Customers Wastewater Charges

Customers utilizing the Flower Branch sewer system but receiving water service from the City of Gainesville shall be billed directly by the City of Gainesville using the following schedule. Please note, all units of sewage are billed based on the water meter reading and are in 100 cubic feet (CCF). There are approximately 748 gallons in 1 CCF.

Gainesville-Flowery Branch Sewer			
Inside City			
Description	Base	Unit (CCF)	Note
Residential	\$8.00	\$6.75	no volume in base
Multi-Family	\$8.00	\$6.75	no volume in base
Commercial	\$8.00	\$6.75	no volume in base
Industrial	\$8.00	\$6.75	no volume in base
Outside City			
Description	Base	Unit (CCF)	Note
Residential	\$9.00	\$8.30	no volume in base
Multi-Family	\$9.00	\$8.30	no volume in base
Commercial	\$9.00	\$8.30	no volume in base
Industrial	\$9.00	\$8.30	no volume in base

Section 3 Hardship Rates

SENIOR CITIZENS: Upon making written application on such forms as provided by the City Manager, customers billed directly by Flowery Branch may receive a discount of \$5.00 for water service and \$5.00 for wastewater service provided by Flowery Branch applied monthly to residential accounts in which the head of the household is 65 years of age or older. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau. The discount will be applied for up to two years for accounts that remain in good standing. Prior to expiration an account holder may apply for a two-year extension.

This discount may be provided to multi-family properties billed by Flowery Branch on a per unit basis provided each eligible owner/renter submits and maintains an application and that the discount is provided directly to eligible participants by the property management.

DISABLED: Upon making written application on such forms as provided by the City Manager, customers billed directly by Flowery Branch may receive a discount of \$5.00 for water service and \$5.00 for wastewater service provided by Flowery Branch applied monthly to residential accounts in which the head of the household has been declared disabled by the US Social Security Administration or the US Department of Veterans Affairs. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau. The discount will be applied for up to two years for accounts that remain in good standing. Prior to expiration an account holder may apply for a two-year extension.

This discount may be provided to multi-family properties billed by Flowery Branch on a per unit basis provided each eligible owner/renter submits and maintains an application and that the discount is provided directly to eligible participants by the property management.

Section 4 One-Time Water Leak Adjustment

Upon repairing a leak, a customer may receive an adjustment to the water bill or bills (two consecutive months) that covered the time of the leak. The customer remains responsible for their regular bills reduced by the leak amount. The leak amount will be calculated by subtracting the average month usage of the last 3 months (or less if 3-month data unavailable) from the impacted bills (2 months maximum). It is important that the customer understands that the onetime leak adjustment is available for an account holder only one time. The customer must provide either a copy of the plumber bill or copies of receipts for the repair to be given the one-time water leak adjustment.

Only Single-Family Residential customers are eligible for the One Time Leak Adjustment Policy. It does not apply to Commercial accounts.

It is important to note that the one-time water leak adjustment limit **does not** apply to sewer billings for a leak that **did not go into the sewer**. If the water leaked prior to entering the sewer line, you can give the customer an adjustment for the sewer portion of the bill. You may adjust the bill back to the customer's normal sewer billing. A sewer credit can be issued once a year for a maximum of three consecutive months (this is to encourage the customer to make the necessary repairs). The type of customer (residential or commercial) is not relevant to determine if the customer is eligible for the sewer adjustment. All classes of customers are eligible for the sewer credit.

Section 5 Tampering and Disconnection Fees

Service that has been scheduled for disconnection or has been disconnected for non-payment of a utility bill or evidence of meter tampering will be restored only after the past month and current month bill is paid in full and a \$30.00 (disconnection fee) service charge paid. A lock will be placed on the meter until the account is paid in full. Additionally, if the meter is damaged due to tampering, the cost of installing a new meter will be charged (See meter set fee later in ordinance).

Evidence of removing or damaging a lock that has been placed on a meter for non-payment of service will require the City of Flowery Branch to remove the meter from the service address. Service will be restored only after the past month and current month bill is paid in full, a \$50.00 tampering fee is paid in full, a \$20.00 lock replacement fee is paid in full and a \$30.00 (disconnection fee) service charge paid in full. Additionally, if the meter is damaged due to tampering, the cost of installing a new meter will be charged (See meter set fee later in ordinance).

Section 6 Water Connection Fees.

The Water Connection Fee includes four components as follow:

- 1) Tap Fee - the cost of tapping into the water main and providing a service main and meter box,
- 2) Meter Set Fee - the meter installation cost including backflow protection and data transmitter,
- 3) System Development Charge (SDC) – the fair share cost of infrastructure including system pipe size, elevated storage, water supply/treatment and pumping to provide peak day water capacity based on requested water capacity or by meter size, and
- 4) Administrative fee – to recover cost for customer service and tracking information related to the service connection.

Section 6.1 Tapping and Meter Set Fees - The water connection installation fee recovers the cost of labor, materials, and equipment for providing a connection from the water main to the property boundary including the cost of the meter box/vault. **This differs from the SDC in the next section which recovers the fair share cost of the distribution and treatment facilities based on requested capacity.** The meter set fee recovers the cost of labor, materials, and equipment for providing the meter, backflow, and data transmitter. Tapping Fees and Meter Set Fees apply to all connections performed by Flowery Branch staff including the installation of master meters, direct service to individual units, and irrigation meters. Developers that install the tap and meter box to Flowery Branch specifications shall only pay the meter set fee. Developers that purchase meters/backflow and transmitter from Flowery Branch and install meter shall only pay the cost of materials.

Water Connection Installation Fee

Descriptions	Tap Fee	Meter Set Fee	Total
3/4" Short	\$693	\$580	\$1,273
1" Short	\$593	\$750	\$1,343
2" and larger	At Cost	At Cost	At Cost

Section 6.2 System Development Charge and Admin Fee - The System Development Charge for water service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The following schedule can be used for the Water SDC and Administration Fee. Attached multi-unit developments typically use less water than detached units. A 70% factor is applied to the SDC to account for this reduced water use and vacancy rates. This is already included in the chart below under the capacity ratios column. The capacity ratio is a factor applied to a typical ¾" meter based on the American Water Works Association (AWWA) flow capacity. Based on the latest connection fee study, a single-family home using a ¾" meter will use **231.2** gallons for a typical peak day. Therefore, an equivalent dwelling unit (EDU) is considered to require 231.2 gallons of capacity from the water distribution and treatment plant.

An administrative fee to recover the cost of application/plan review, customer service, data collection/tracking and SDC calculation is added per dwelling unit or business unit. The admin fee is **\$23** for multi-family attached developments for each unit, **\$33** for ¾" detached developments and multi-unit commercial developments and **\$50** for developments (detached or attached) requiring a meter 1" or larger. The SDC and admin fee is charged for each unit in the

development.

Water Connection System Development Charge and Admin Fee

Meter Size (in inches)	Capacity Ratios	Water SDC	Admin	Total
3/4" Meters used in Multiunit Attached Developments	0.7	\$773	\$23	\$796
3/4" Detached Single Family and individual businesses	1	\$1,104	\$33	\$1,137
1"	2.5	\$2,760	\$50	\$2,810
1 1/2"	5	\$5,520	\$50	\$5,570
2"	8	\$8,832	\$50	\$8,882
3"	16	\$17,664	\$50	\$17,714
4"	25	\$27,600	\$50	\$27,650
6"	50	\$55,200	\$50	\$55,250
8"	80	\$88,320	\$50	\$88,370

Section 6.3 Irrigation Meters - A 3/4" irrigation meter will use approximately 600 gallons per application assuming 30 minutes and 20 gallons per minute (3/4" meter) or over twice the single-family home domestic meter, as such, an irrigation meter shall be charged an SDC two times the SDC rate of a non-irrigation meter of equivalent size. i.e. the SDC for a 1" irrigation meter would be **2 X \$2,760 = \$5520** plus any installation costs (labor, equipment and materials). No administrative fee would be applied to an irrigation meter for existing or new non-irrigation customer connections. To encourage water conservation, residential units are prohibited to have an irrigation meter with all water metered being charged the appropriate water Tiered rate plus if applicable sewer unit charges.

Water Irrigation Meter System Development Charge

Irrigation Meter Size (in inches)	Capacity Ratio	Water SDC	Total
3/4"	2	\$1,104 x 2	\$2,208
1"	5	\$2,760 x 2	\$5,520
1 1/2"	10	\$5,520 x 2	\$11,040
2"	16	\$8,832 x 2	\$17,664
3"	32	\$17,664 x 2	\$35,328
4"	50	\$27,600 x 2	\$55,200
6"	100	\$55,200 x 2	\$110,400
8"	160	\$88,320 x 2	\$176,640

Section 6.4 Multi-unit Development served by a master-meter - Multi-unit developments that install sub-metering¹ to individual units shall provide connection to the Flowery Branch water system and meter boxes per Flowery Branch specification for each master meter required to serve the development. Developer shall only pay the meter set fees for the master meters, and SDC and admin fees for each sub-metered unit. The meter set fee will be based on meter size of the master meters installed by Flowery Branch and include labor, materials and equipment associated with the meter, backflow protection and data transmitter as applicable (see Section 6.1). The SDC and Admin fee will be based on the sub-meter size based on the following table.

Water System Development Charge and Admin Fee (Master-metered)

Sub-meter Size	Meter Equivalency Ratios	SDC	Admin	Total
3/4" or smaller Attached Units	0.7	\$773	\$23	\$796 x # of units
3/4" Single Family/Business Detached	1	\$1,104	\$33	\$1,137 x # of units
1"	2.5	\$2,760	\$50	\$2,810 x # of units
1 1/2"	5	\$5,520	\$50	\$5,570 x # of units
2"	8	\$8,832	\$50	\$8,882 x # of units
3"	16	\$17,664	\$50	\$17,714 x # of units
4"	25	\$27,600	\$50	\$27,650 x # of units
6"	50	\$55,200	\$50	\$55,250 x # of units
8"	80	\$88,320	\$50	\$88,370 x # of units

Section 6.5 Mixed Use/Special Developments - Each use in a development that has a mixture of attached and detached units and/or residential and non-residential uses and/or use of master-metering shall identify the number of units by type and apply the appropriate schedules. In the event that the developer requires a different capacity other than provided in the SDC tables, the typical peak day gallons shall be provided by a Professional Engineer or Architect registered in Georgia. This capacity needs calculation and methodology shall be approved by Flowery Branch engineering staff or consultant for reasonableness. The cost for capacity (SDC) is **\$4.78** per peak day gallon plus the appropriate admin fees by meter size for each unit. **The service main and/or meter size capacity to the Flowery Branch water system shall not exceed the requested capacity.**

Section 6.6 Connections for Fire Suppression – Any building requiring fire suppression/sprinklers shall pay for the capacity based on the pipe diameter size using the capacity ratios and multiplying by the 3/4" water system development charge. Developers that provide public access fire hydrants within their development and dedicate to the City of Flowery Branch shall be exempt from the Fire Suppression System Development Charge.

¹ Georgia state law now requires all new multi-unit developments to individually meter each unit within the development. Water charges based on the master meter are to be fairly allocated to the individual units based on usage. Flowery Branch shall only be responsible for billing at the master meter level.

Section 6.7 Example Situation

Section 6.7.1 Single Family ¾" water meter installed by Flowery Branch staff

The owner/developer will pay \$1,273 for the Tap and Meter Set fees and \$1,137 for the SDC and admin fee or a total of \$2,410.

Section 6.7.2 Single Family detached Subdivision with ¾" water meter installed by Flowery Branch staff and developer providing water tap and meter box for 25 homes. Also, a 1" irrigation meter is requested to be installed by Flowery Branch for a common area to be the responsibility of a homeowners association.

The owner/developer will pay \$580 in Meter Set fees and \$1,137 in SDC and admin fees for each home or 25 x 1,717 a total of \$42,925. The irrigation meter would be \$5,520 plus any installation costs performed by Flowery Branch. Please note; irrigation meters are prohibited to single family dwellings to promote water conservation but are available for non-residential entities that would be responsible for billing.

Section 6.7.3 Multiunit development served by two 2" master meters for two 5-unit condo buildings with each unit sub-metered. Also, an addition 1" meter is installed by the developer for a clubhouse to be the responsibility of a homeowner's association.

The owner/developer will pay Meter Set fees for each master meter at cost. The owner/developer will also pay \$796 in SDC and admin fees for each unit or 10 x \$796 or a total of \$7,960. The 1" clubhouse meter installed by the developer purchased at-cost from Flowery Branch will add \$2,810 to the total fee.

Section 7 Sewer Connection/Capacity Fees

The Wastewater Connection Fee includes two components as follows:

- 1) System Development Charge (SDC) – the fair share cost of infrastructure including system pipe size, lift stations and treatment to provide peak day sewer capacity based on requested flow capacity or water meter size, and
- 2) Administrative fee – to recover cost for customer service and tracking information related to the service connection.

The cost of installation of the sewer connection is the responsibility of the developer/owner.

Section 7.1 System Development Charge and Admin Fee - The System Development Charge for wastewater service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The following schedule can be used for the Wastewater SDC and Administration Fee. Attached multiunit developments typically use less water than detached units. A 90% factor is applied to the SDC to account for this reduced water use and vacancy rates. This is already included in the chart below under the capacity ratios column. The capacity ratio is a factor applied to a typical ¾" meter based on the American Water Works Association (AWWA) flow capacity. Based on the latest connection fee study, a single-family home using a ¾" meter will return **180.3** gallons of wastewater to Flowery Branch for a typical peak day. Therefore, an equivalent dwelling unit (EDU) is considered to require 180.3 gallons of capacity from the wastewater collection and treatment plant.

An administrative fee to recover the cost of application/plan review, customer service, data collection/tracking and SDC calculation is added per dwelling unit or business unit. The admin fee is **\$36** for multi-family attached developments for each unit, **\$50** for ¾" detached developments and multi-unit non-residential developments and **\$50** for developments (detached or attached) requiring a meter 1" or larger. The SDC and admin fee is charged for each unit in the development

Wastewater Connection System Development Charge and Admin Fee

Water Meter Size* (in inches)	Meter Equivalency Ratios	Wastewater SDC	Admin	Total
¾" Meters used in Multiunit Attached Developments	0.7	\$1,932	\$36	\$1,968
¾" Detached Single Family and individual businesses	1	\$2,760	\$50	\$2,810
1"	2.5	\$6,900	\$50	\$6,950
1 1/2"	5	\$13,800	\$50	\$13,850
2"	8	\$22,080	\$50	\$22,130
3"	16	\$44,160	\$50	\$44,210
4"	25	\$69,000	\$50	\$69,050
6"	50	\$138,000	\$50	\$138,050
8"	80	\$220,800	\$50	\$220,850

*Irrigation meters should be excluded from capacity requests and system development charges.

Section 7.2 Mixed Use/Special Developments - Each use in a development that has a mixture of attached and detached units and/or residential and non-residential uses and/or use of master-metering shall identify the number of units by type and apply the appropriate SDC schedule. In the event that the developer requires a different capacity other than provided in the SDC schedules, the typical peak day gallons shall be provided by a Professional Engineer or Architect registered in Georgia. This capacity needs calculation and methodology shall be approved by Flowery Branch engineering staff and/or consultant for reasonableness. The cost for wastewater capacity (SDC) is **\$15.53** per peak day gallon plus the appropriate admin fees by meter size for each unit.

Section 8. Oakwood Sewer. Gainesville water customers with City of Oakwood sewer service with treatment provided by Flowery Branch shall be billed for wastewater at 100% of water metered. The billed volume is provided by the Gainesville Department of Water Resources at \$1.00 per month per account. The billed amount is collected by Flowery Branch and a share is provided to the City of Oakwood for sewer service. Customers seeking Oakwood sewer service will pay any connection related fees directly to the City of Oakwood. Customers should contact the City of Oakwood for latest rates, fees and charges related to this sewer service.

Section 9. Moratoriums. If new development is estimated to exceed the capacity of water supply or distribution system capacity or wastewater collection or treatment, the City of Flowery Branch may place a temporary moratorium on new development until such capacity is added. Such moratorium may be system-wide or to specific geographic locations of the service area depending on the situation. A separate ordinance will be voted on by City Council at the recommendation of the City Manager as to the time and scope of the moratorium.

Section 10. Landlord Agreement. Landlords may request continuous water service for newly unoccupied rental units by using the latest landlord agreement form provided by the Water/Wastewater Department. A turn-on fee of **\$30** will be charged each time when the account is re-established in the Landlord's name at the time that a tenant requests service disconnection OR tenant account is closed for non-payment and service is transferred to the landlord. The landlord will be responsible for all billed water volume and monthly fees of the unoccupied rental unit during this time. A **\$60** administration fee and refundable deposit of **\$120** per rental unit shall be required for the duration of the landlord agreement. The maximum deposit shall not exceed **\$1,080**.

Each time a new tenant applies for service for any of the service addresses listed on the landlord agreement form said account will be final billed. However, should the landlord for any reason, request that the water service be disconnected once the agreement is established and no tenant has applied for water/sewer service, the appropriate charges will be billed, and this agreement will be null and void.

Landlord's requesting to participate in this agreement must have a good payment history. The Landlord's deposit will remain on the account until the Landlord requests the account be taken off of Landlord status and the account is closed. If any accounts on this agreement fall into delinquent status, this agreement will be considered null and void.

Section 12. Miscellaneous Fees. The following are additional fees for specific services provided by Flowery Branch.

- **\$120 for Water and Sewer Deposit Fee** – This is charged for new application for water and sewer service. The deposit will be used for the final bill and any

potential balance refunded to a customer.

- \$65 for Sewer Only Deposit Fee – This is charged for new application for sewer only service. The deposit will be used for the final bill and any potential balance refunded to a customer.
- \$60 admin fee for new service applications – The administrative cost of establishing an account and turning on the water meter.
- \$60 cut off fee – The administrative cost of closing an account and turning off the water meter. This applies to all accounts 30 days past due.
- \$30.00 Return Check Fee – A fee will be charged on checks or bank drafts returned for any reason, and water service may be subject to disconnect.
- \$30 turn-on fee – This fee is charged to turn the water service on for existing connections.
- Sewer Inspection Fee – TBD
- Water Inspection Fee – TBD

Section 13. Debt Collections. Accounts that are not fully paid after 90 days shall be turned over to a collection agency for processing. An additional service fee of may be applied to cover the cost of collection agency.

Section 13. Repeal of Conflicting Resolutions. Any part of any prior resolutions in conflict with the terms of this Resolution, are hereby repealed to the extent of the conflict; but it is hereby provided, that any resolution, ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Resolution on behalf of the City of Flowery Branch.

Section 14. Severability. If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstance shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances no so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt all parts hereof as may not be held invalid for any reason.

Section 15. Brochure and Other Guides Conflicts. The City of Flowery Branch provides brochures and guides to assist customers on the rates, fees and charges of the Flowery Branch water and wastewater systems. If any information from these documents conflict with the latest Council approved ordinance, the ordinance shall prevail.

Section 15. Effective Date. This Resolution shall become effective the date of August 20, 2020 once it is adopted by the Council of the City of Flowery Branch.

SO, RESOLVED this 20th day of August 2020.


James Miller, Mayor

ATTEST:


Vickie Short, City Clerk

APPROVED AS TO FORM:


Ron Bennett, City Attorney



RESOLUTION NO. 21-018

A RESOLUTION ESTABLISHING THE USE RATES FOR WATER AND SEWER SERVICE'S, THE CONNECTION FEES FOR WATER SERVICE AND THE CONNECTION/CAPACITY FEES FOR SEWER SERVICE

WHEREAS, the City of Flowery Branch is authorized by Art. IX, §II, ¶ III of the Constitution of the State of Georgia, O.C.G.A. § 36-35-3 and Art. VI, § 6.6 of the Charter of the City of Flowery Branch to assess and collect fees, charges and tolls for sewer, sanitary, health services or any other services within and without the corporate limits of the city for the total cost to the city of providing such services; and

WHEREAS, Ordinance No. 100-F authorizes the City Council of the City of Flowery Branch to set the rates for water and sewer services, connection fees for water service and connection/capacity fees for sewer service by resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Flowery Branch that the rates for water and sewer services, the connection/capacity fees for water service and the connection/capacity fees for sewer service shall be as follows:

Section 1 - Water and Sewer Services Rates

Section 1.1 Within the Corporate Limits – Customers whose service address is within the city limits of Flowery Branch will be charged the inside city rates, fees, and charges.

Section 1.2 Water System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the water system. Additionally, an account servicing shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size and customer class. Tax-exempt properties shall be set at the customer class appropriate for their intended use. *The account servicing fee is only charged once for customers with both water and wastewater services.* Fees are effective January 1st of each fiscal year shown.

Inside City Residential Water Monthly Charges

Account Servicing Fee						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
All	\$1.75	\$2.00	\$2.08	\$2.19	\$2.28	\$2.38
Base Charge						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
3/4"	\$7.00	\$7.21	\$7.50	\$7.88	\$8.20	\$8.53
1"	\$17.50	\$18.03	\$18.76	\$19.71	\$20.51	\$21.34
1 1/2"	\$35.00	\$36.05	\$37.50	\$39.40	\$41.00	\$42.65
2"	\$56.00	\$57.68	\$60.00	\$63.04	\$65.60	\$68.24
3"	\$112.00	\$115.36	\$120.00	\$126.08	\$131.20	\$136.48
4"	\$175.00	\$180.25	\$187.50	\$197.00	\$205.00	\$213.25
6"	\$350.00	\$360.50	\$375.00	\$394.00	\$410.00	\$426.50
8"	\$560.00	\$576.80	\$600.00	\$630.40	\$656.00	\$682.40

Inside City Non-Residential Monthly Water Charges

Account Servicing Fee						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
All	\$1.75	\$2.00	\$2.08	\$2.19	\$2.28	\$2.38
Base Charge						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
3/4"	\$14.00	\$14.42	\$15.00	\$15.75	\$16.38	\$17.04
1"	\$35.00	\$36.05	\$37.50	\$39.38	\$40.95	\$42.60
1 1/2"	\$70.00	\$72.10	\$75.00	\$78.75	\$81.90	\$85.20
2"	\$112.00	\$115.36	\$120.00	\$126.00	\$131.04	\$136.32
3"	\$224.00	\$230.72	\$240.00	\$252.00	\$262.08	\$272.64
4"	\$350.00	\$360.50	\$375.00	\$393.75	\$409.50	\$426.00
6"	\$700.00	\$721.00	\$750.00	\$787.50	\$819.00	\$852.00
8"	\$1,120.00	\$1,153.60	\$1,200.00	\$1,260.00	\$1,310.40	\$1,363.20

Section 1.3 Multi-unit development monthly charges - Water customers in multi-unit developments shall pay the above base charge and account servicing fee for each meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.4 Water System Commodity Charges – Customers shall pay for all water metered using an increasing block rate structure (conservation-based rate structure) based on the following customer classes. Tax-exempt properties shall be set at the customer class appropriate for their intended use. Fees are effective January 1st of each fiscal year shown.

Section 1.4.1 Single-Family Residential (SFR) Water Users – Customers that primary water use is for a single-family detached home.

SFR Inside City Water Volume Charges

Unit Charge per 1,000 Gallons							
Tier	Gallons	Current	FY22	FY23	FY24	FY25	FY26
Tier 1	0 - 2,500	\$5.60	\$5.77	\$6.01	\$6.32	\$6.58	\$6.85
Tier 2	2,501 - 4,500	\$7.56	\$7.21	\$7.51	\$7.90	\$8.23	\$8.56
Tier 3	Above 4,500	\$11.20	\$11.54	\$12.02	\$12.64	\$13.16	\$13.70

Section 1.4.2 Multi-Family Residential (MFR) Water Users – Customers that primary water use is for a single unit of a multi-unit residential complex and is read directly by Flowery Branch staff.

MFR Inside City Water Volume Charges

Unit Charge per 1,000 Gallons							
Tier	Gallons	Current	FY22	FY23	FY24	FY25	FY26
Tier 1	0 - 2,500	\$5.60	\$5.77	\$6.01	\$6.32	\$6.58	\$6.85
Tier 2	2,501 - 4,500	\$7.56	\$7.21	\$7.51	\$7.90	\$8.23	\$8.56
Tier 3	Above 4,500	\$11.20	\$11.54	\$12.02	\$12.64	\$13.16	\$13.70

Section 1.4.3 Multi-Family Residential Water Users (master-metered) – Customers that primary water use is for a multi-unit residential complex served by a master meter. Flowery Branch shall bill the master meter only with the invoice allocated to the individual units by the property management per State law requirements. The Tier volume range will be the SFR Tier ranges multiplied by the number of units served by the master meter.

MFR Inside City Water Volume Charges (Master-metered)

Unit Charge per 1,000 Gallons							
Tier	Gallons*	Current	FY22	FY23	FY24	FY25	FY26
Tier 1	0 - 2,500	\$5.60	\$5.77	\$6.01	\$6.32	\$6.58	\$6.85
Tier 2	2,501 - 4,500	\$7.56	\$7.21	\$7.51	\$7.90	\$8.23	\$8.56
Tier 3	Above 4,500	\$11.20	\$11.54	\$12.02	\$12.64	\$13.16	\$13.70

***Volume range per tier is multiplied by the number of units. Thus, a multifamily residence with 10 units would have a Tier 1 range of 0 to 25,000 gallons, Tier 2 range of 25,001 to 45,000 gallons and Tier 3 above 45,000 gallons per month.**

Section 1.4.4 Non-Residential (NR) Water Users – All other uses not provided above and typically includes industrial, commercial, office, hotels and motels, religious institutions and other uses not dedicated for long-term residential domicile.

NR Inside City Water Volume Charges

Unit Charge per 1,000 Gallons							
Tier	Gallons	Current	FY22	FY23	FY24	FY25	FY26
Tier 1	0-4,500	\$4.95	\$5.10	\$5.31	\$5.58	\$5.81	\$6.05
Tier 2	4,501-60,000	\$6.19	\$6.38	\$6.64	\$6.98	\$7.26	\$7.56
Tier 3	60,001 and above	\$7.43	\$7.65	\$7.97	\$8.37	\$8.72	\$9.08

Section 1.5 Wastewater System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the wastewater system. Additionally, an account servicing shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size and customer class. Tax-exempt properties shall be set at the customer class appropriate for their intended use. *The account servicing fee is only charged once for customers with both water and wastewater services.* Fees are effective January 1st of each fiscal year shown.

Inside City Residential Wastewater Monthly Charges

Account Servicing Fee						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
All	\$1.75	\$2.00	\$2.08	\$2.19	\$2.28	\$2.38
Base Charge						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
3/4"	\$7.00	\$7.21	\$7.50	\$7.88	\$8.20	\$8.53
1"	\$17.50	\$18.03	\$18.75	\$19.70	\$20.50	\$21.33
1 1/2"	\$35.00	\$36.05	\$37.50	\$39.40	\$41.00	\$42.65
2"	\$56.00	\$57.68	\$60.00	\$63.04	\$65.60	\$68.24
3"	\$112.00	\$115.36	\$120.00	\$126.08	\$131.20	\$136.48
4"	\$175.00	\$180.25	\$187.50	\$197.00	\$205.00	\$213.25
6"	\$350.00	\$360.50	\$375.00	\$394.00	\$410.00	\$426.50
8"	\$560.00	\$576.80	\$600.00	\$630.40	\$656.00	\$682.40

Inside City Non-Residential Wastewater Monthly Charges

Account Servicing Fee						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
All	\$1.75	\$2.00	\$2.08	\$2.19	\$2.28	\$2.38
Base Charge						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
3/4"	\$14.00	\$14.42	\$15.00	\$15.75	\$16.38	\$17.04
1"	\$35.00	\$36.05	\$37.50	\$39.38	\$40.95	\$42.60
1 1/2"	\$70.00	\$72.10	\$75.00	\$78.75	\$81.90	\$85.20
2"	\$112.00	\$115.36	\$120.00	\$126.00	\$131.04	\$136.32
3"	\$224.00	\$230.72	\$240.00	\$252.00	\$262.08	\$272.64
4"	\$350.00	\$360.50	\$375.00	\$393.75	\$409.50	\$426.00
6"	\$700.00	\$721.00	\$750.00	\$787.50	\$819.00	\$852.00
8"	\$1,120.00	\$1,153.60	\$1,200.00	\$1,260.00	\$1,310.40	\$1,363.20

Section 1.6 Multi-unit development monthly charges - Wastewater customers in multi-unit developments shall pay the above base charge and account servicing fee for each water meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.7 Wastewater System Commodity Charges – Customers shall pay for all wastewater based on water metered using a uniform rate structure for all customers. Fees are effective January 1st of each fiscal year shown.

Wastewater Unit Charge						
Unit Charge per 1,000 Gallons						
Class	Current	FY22	FY23	FY24	FY25	FY26
Residential	\$8.93	\$9.20	\$9.57	\$10.05	\$10.46	\$10.88
Multi-Family	\$7.25	\$7.47	\$7.77	\$8.16	\$8.49	\$8.83
Non-Residential	\$6.10	\$6.29	\$6.55	\$6.88	\$7.16	\$7.45

Section 1.8 Outside the Corporate Limits – Customers whose service address is outside the city limits of Flowery Branch will be charged the outside city rates, fees, and charges. The outside city rates reflect the additional cost in serving outside customer including additional pumping cost, travel, and risks associated with serving outside jurisdictional customers.

Section 1.9 Water System Monthly Charges – Outside city customers shall pay a monthly base charge for maintenance and renewal of capacity of the water system. Additionally, an account servicing shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size and customer class. Tax-exempt properties shall be set at the customer class appropriate for their intended use. *The account servicing fee is only charged once for customers with both water and wastewater services.* Fees are effective January 1st of each fiscal year shown.

Outside City Residential Water Monthly Charges						
Account Servicing Fee						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
All	\$1.75	\$2.00	\$2.08	\$2.19	\$2.28	\$2.38
Base Charge						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
3/4"	\$8.75	\$9.01	\$9.37	\$9.85	\$10.25	\$10.66
1"	\$21.89	\$22.54	\$23.44	\$24.64	\$25.64	\$26.66
1 1/2"	\$43.75	\$45.05	\$46.85	\$49.25	\$51.25	\$53.30
2"	\$70.00	\$72.08	\$74.96	\$78.80	\$82.00	\$85.28
3"	\$140.00	\$144.16	\$149.92	\$157.60	\$164.00	\$170.56
4"	\$218.75	\$225.25	\$234.25	\$246.25	\$256.25	\$266.50
6"	\$437.50	\$450.50	\$468.50	\$492.50	\$512.50	\$533.00
8"	\$700.00	\$720.80	\$749.60	\$788.00	\$820.00	\$852.80

Outside City Non-Residential Water Monthly Charges

Account Servicing Fee						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
All	\$1.75	\$2.00	\$2.08	\$2.19	\$2.28	\$2.38
Base Charge						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
3/4"	\$17.50	\$18.02	\$18.75	\$19.68	\$20.47	\$21.30
1"	\$43.75	\$45.05	\$46.88	\$49.20	\$51.18	\$53.25
1 1/2"	\$87.50	\$90.10	\$93.75	\$98.40	\$102.35	\$106.50
2"	\$140.00	\$144.16	\$150.00	\$157.44	\$163.76	\$170.40
3"	\$280.00	\$288.32	\$300.00	\$314.88	\$327.52	\$340.80
4"	\$437.50	\$450.50	\$468.75	\$492.00	\$511.75	\$532.50
6"	\$875.00	\$901.00	\$937.50	\$984.00	\$1,023.50	\$1,065.00
8"	\$1,400.00	\$1,441.60	\$1,500.00	\$1,574.40	\$1,637.60	\$1,704.00

Section 1.10 Multi-unit Development Monthly Charges - Water customers in multi-unit developments shall pay the above base charge and account servicing fee for each meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.11 Water System Commodity Charges – Customers shall pay for all water metered using an increasing block rate structure (conservation-based rate structure) based on the following customer classes. Tax-exempt properties shall be set at the customer class appropriate for their intended use. Fees are effective January 1st of each fiscal year shown.

Section 1.11.1 Single- Family Residential (SFR) Water Users – Customers that primary water use is for a single-family detached home.

SFR Outside City Water Volume Charges

Unit Charge per 1,000 Gallons							
Tier	Gallons	Current	FY22	FY23	FY24	FY25	FY26
Tier 1	0 - 2,500	\$7.00	\$7.21	\$7.51	\$7.90	\$8.22	\$8.56
Tier 2	2,501 - 4,500	\$8.75	\$9.01	\$9.39	\$9.88	\$10.28	\$10.70
Tier 3	Above 4,500	\$14.00	\$14.42	\$15.02	\$15.80	\$16.44	\$17.12

Section 1.11.2 Multi-Family Residential (MFR) Water Users – Customers that primary water use is for a single unit of a multi-unit residential complex and is read directly by Flowery Branch staff.

MFR Outside City Water Volume Charges

Unit Charge per 1,000 Gallons							
Tier	Gallons	Current	FY22	FY23	FY24	FY25	FY26
Tier 1	0 - 2,500	\$7.00	\$7.21	\$7.51	\$7.90	\$8.22	\$8.56
Tier 2	2,501 - 4,500	\$8.75	\$9.01	\$9.39	\$9.88	\$10.28	\$10.70
Tier 3	Above 4,500	\$14.00	\$14.42	\$15.02	\$15.80	\$16.44	\$17.12

Section 1.11.3 Multi-Family Residential Water Users – Customers that primary water use is for a multi-unit residential complex served by a master meter. Flowery Branch shall bill the master meter only with the invoice allocated to the individual units by the property management per State law requirements. The Tier volume range will be the SFR Tier ranges multiplied by the number of units served by the master meter.

MFR Outside City Water Volume Charges (Master-metered)

Unit Charge per 1,000 Gallons							
Tier	Gallons*	Current	FY22	FY23	FY24	FY25	FY26
Tier 1	0 - 2,500	\$7.00	\$7.21	\$7.51	\$7.90	\$8.22	\$8.56
Tier 2	2,501 - 4,500	\$8.75	\$9.01	\$9.39	\$9.88	\$10.28	\$10.70
Tier 3	Above 4,500	\$14.00	\$14.42	\$15.02	\$15.80	\$16.44	\$17.12

***Volume range per tier is multiplied by the number of units. Thus, a multifamily residence with 10 units would have a Tier 1 range of 0 to 25,000 gallons, Tier 2 range of 25,001 to 45,000 gallons and Tier 3 above 45,000 gallons per month.**

Section 1.11.4 Non-Residential (NR) Water Users – All other uses not provided above and typically includes industrial, commercial, office, hotels and motels and other uses not dedicated for long-term residential domicile.

NR Outside City Volume Charges

Unit Charge per 1,000 Gallons							
Tier	Gallons	Current	FY22	FY23	FY24	FY25	FY26
Tier 1	0-4,500	\$6.19	\$6.38	\$6.64	\$6.98	\$7.26	\$7.56
Tier 2	4,501-60,000	\$7.74	\$7.98	\$8.30	\$8.73	\$9.08	\$9.45
Tier 3	60,001 and above	\$9.29	\$9.57	\$9.96	\$10.47	\$10.89	\$11.34

Section 1.12 Wastewater System Monthly Charges – Customers shall pay a monthly base charge for maintenance and renewal of capacity of the wastewater system. Additionally, an account servicing shall be charged for meter reading, billing, and customer service costs regardless of meter size. The following table provides the monthly charges based on meter size. *The account servicing fee is only charged once for customers with both water and wastewater services.* Fees are effective January 1st of each fiscal year shown.

Outside City Residential Wastewater Monthly Charges

Account Servicing Fee						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
All	\$1.75	\$2.00	\$2.08	\$2.19	\$2.28	\$2.38
Base Charge						
3/4"	\$8.75	\$9.01	\$9.37	\$9.85	\$10.25	\$10.66
1"	\$21.88	\$22.53	\$23.43	\$24.63	\$25.63	\$26.65
1 1/2"	\$43.75	\$45.05	\$46.85	\$49.25	\$51.25	\$53.30
2"	\$70.00	\$72.08	\$74.96	\$78.80	\$82.00	\$85.28
3"	\$140.00	\$144.16	\$149.92	\$157.60	\$164.00	\$170.56
4"	\$218.75	\$225.25	\$234.25	\$246.25	\$256.25	\$266.50
6"	\$437.50	\$450.50	\$468.50	\$492.50	\$512.50	\$533.00
8"	\$700.00	\$720.80	\$749.60	\$788.00	\$820.00	\$852.80

Outside City Non-Residential Wastewater Monthly Charges

Account Servicing Fee						
Meter Size	Current	FY22	FY23	FY24	FY25	FY26
All	\$1.75	\$2.00	\$2.08	\$2.19	\$2.28	\$2.38
Base Charge						
3/4"	\$17.50	\$18.02	\$18.75	\$19.68	\$20.47	\$21.30
1"	\$43.75	\$45.05	\$46.88	\$49.20	\$51.18	\$53.25
1 1/2"	\$87.50	\$90.10	\$93.75	\$98.40	\$102.35	\$106.50
2"	\$140.00	\$144.16	\$150.00	\$157.44	\$163.76	\$170.40
3"	\$280.00	\$288.32	\$300.00	\$314.88	\$327.52	\$340.80
4"	\$437.50	\$450.50	\$468.75	\$492.00	\$511.75	\$532.50
6"	\$875.00	\$901.00	\$937.50	\$984.00	\$1,023.50	\$1,065.00
8"	\$1,400.00	\$1,441.60	\$1,500.00	\$1,574.40	\$1,637.60	\$1,704.00

Section 1.13 Multi-unit development monthly charges - Wastewater customers in multi-unit developments shall pay the above base charge and account servicing fee for each water meter individually read and billed by Flowery Branch or if applicable the property management or owner of the multi-unit development shall pay the base charge and account servicing fee for each master meter read and billed by Flowery Branch. Property management or owner of multi-unit developments served by master meters are responsible for billing the individual units per State law requirements.

Section 1.14 Wastewater System Commodity Charges – Customers shall pay wastewater volume based on water metered using a uniform rate structure for all customers. Fees are effective January 1st of each fiscal year shown.

Outside City Wastewater System Commodity Charges

Unit Charge per 1,000 Gallons						
Class	Current	FY22	FY23	FY24	FY25	FY26
Residential	\$11.16	\$11.50	\$11.96	\$12.56	\$13.07	\$13.60
Multi-Family	\$9.06	\$9.33	\$9.71	\$10.20	\$10.61	\$11.03
Non-Residential	\$7.62	\$7.86	\$8.18	\$8.60	\$8.95	\$9.31

Section 1.15 Irrigation Meters Unit Charges – Inside City Customers shall pay the Inside City SFR Tier 3 volume rate for all water metered through an irrigation meter. Outside City Customers shall pay the Outside City SFR Tier 3 volume rate for all water metered through an irrigation meter.

Section 2 Gainesville Water System Customers Wastewater Charges

Customers utilizing the Flower Branch sewer system but receiving water service from the City of Gainesville shall be billed directly by the City of Gainesville using the following schedule. The Base Charge is applied monthly. The unit charge for sewage is billed based on the water meter readings and are per 1000 gallons metered. The City of Gainesville bills its customers monthly. Fees are effective January 1st of each fiscal year shown.

Gainesville Water System Customers on Flowery Branch Sewer Sewer Base and Unit Charges

Inside City						
Item	Current	FY22	FY23	FY24	FY25	FY26
Base Charge	\$8.00	\$8.24	\$8.57	\$9.00	\$9.36	\$9.74
Unit Charge (All volume)	\$9.02	\$9.30	\$9.68	\$10.17	\$10.58	\$11.01
Outside City						
Base Charge	\$9.00	\$10.30	\$10.72	\$11.25	\$11.70	\$12.18
Unit Charge (All volume)	\$11.10	\$11.63	\$12.10	\$12.72	\$13.23	\$13.77

Section 3 Hardship Rates

SENIOR CITIZENS: Upon making written application on such forms as provided by the City Manager, customers billed directly by Flowery Branch may receive a discount of \$5.00 for water service and \$5.00 for wastewater service provided by Flowery Branch applied monthly to residential accounts in which the head of the household is 65 years of age or older. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau. The discount will be applied for up to two years for accounts that remain in good standing. Prior to expiration an account holder may apply for a two-year extension.

This discount may be provided to multi-family properties billed by Flowery Branch on a per unit basis provided each eligible owner/renter submits and maintains an application and that the discount is provided directly to eligible participants by the property management.

DISABLED: Upon making written application on such forms as provided by the City Manager, customers billed directly by Flowery Branch may receive a discount of \$5.00 for water service and \$5.00 for wastewater service provided by Flowery Branch applied monthly to residential accounts in which the head of the household has been declared disabled by the

US Social Security Administration or the US Department of Veterans Affairs. The applicant must also verify through their latest tax return that total household income is less than 125% of the City's Poverty Rate as determined by the US Census Bureau. The discount will be applied for up to two years for accounts that remain in good standing. Prior to expiration an account holder may apply for a two-year extension.

This discount may be provided to multi-family properties billed by Flowery Branch on a per unit basis provided each eligible owner/renter submits and maintains an application and that the discount is provided directly to eligible participants by the property management.

Section 4 One-Time Water Leak Adjustment

Upon repairing a leak, a customer may receive an adjustment to the water bill or bills (two consecutive months) that covered the time of the leak. The customer remains responsible for their regular bills reduced by the leak amount. The leak amount will be calculated by subtracting the average month usage of the last 3 months (or less if 3-month data unavailable) from the impacted bills (2 months maximum). It is important that the customer understands that the onetime leak adjustment is available for an account holder only one time. The customer must provide either a copy of the plumber bill or copies of receipts for the repair to be given the one-time water leak adjustment.

Only Single-Family Residential customers are eligible for the One Time Leak Adjustment Policy. It does not apply to Commercial accounts.

It is important to note that the one-time water leak adjustment limit **does not** apply to sewer billings for a leak that did **not go into the sewer**. If the water leaked prior to entering the sewer line, you can give the customer an adjustment for the sewer portion of the bill. You may adjust the bill back to the customer's normal sewer billing. A sewer credit can be issued once a year for a maximum of three consecutive months (this is to encourage the customer to make the necessary repairs). The type of customer (residential or commercial) is not relevant to determine if the customer is eligible for the sewer adjustment. All classes of customers are eligible for the sewer credit.

Section 5 Tampering and Disconnection Fees

Service that has been scheduled for disconnection or has been disconnected for non-payment of a utility bill or evidence of meter tampering will be restored only after the past month and current month bill is paid in full and a \$30.00 (disconnection fee) service charge paid. A lock will be placed on the meter until the account is paid in full. Additionally, if the meter is damaged due to tampering, the cost of installing a new meter will be charged (See meter set fee later in ordinance).

Evidence of removing or damaging a lock that has been placed on a meter for non-payment of service will require the City of Flowery Branch to remove the meter from the service address. Service will be restored only after the past month and current month bill is paid in full, a \$50.00 tampering fee is paid in full, a \$20.00 lock replacement fee is paid in full and a \$30.00 (disconnection fee) service charge paid in full. Additionally, if the meter is damaged due to tampering, the cost of installing a new meter will be charged (See meter set fee later in ordinance).

Section 6 Water Connection Fees.

The Water Connection Fee includes four components as follow:

- 1) Tap Fee - the cost of tapping into the water main and providing a service main and meter box,
- 2) Meter Set Fee - the meter installation cost including backflow protection and data transmitter,
- 3) System Development Charge (SDC) – the fair share cost of infrastructure including system pipe size, elevated storage, water supply/treatment and pumping to provide peak day water capacity based on requested water capacity or by meter size, and
- 4) Administrative fee – to recover cost for customer service and tracking information related to the service connection.

Section 6.1 Tapping and Meter Set Fees - The water connection installation fee recovers the cost of labor, materials, and equipment for providing a connection from the water main to the property boundary including the cost of the meter box/vault. **This differs from the SDC in the next section which recovers the fair share cost of the distribution and treatment facilities based on requested capacity.** The meter set fee recovers the cost of labor, materials, and equipment for providing the meter, backflow, and data transmitter. Tapping Fees and Meter Set Fees apply to all connections performed by Flowery Branch staff including the installation of master meters, direct service to individual units, and irrigation meters. Developers that install the tap and meter box to Flowery Branch specifications shall only pay the meter set fee. Developers that purchase meters/backflow and transmitter from Flowery Branch and install meter shall only pay the cost of materials.

Water Connection Installation Fee

Descriptions	Tap Fee	Meter Set Fee	Total
3/4" Short	\$693	\$580	\$1,273
1" Short	\$593	\$750	\$1,343
2" and larger	At Cost	At Cost	At Cost

Section 6.2 System Development Charge and Admin Fee - The System Development Charge for water service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The following schedule can be used for the Water SDC and Administration Fee. Attached multi-unit developments typically use less water than detached units. A 70% factor is applied to the SDC to account for this reduced water use and vacancy rates. This is already included in the chart below under the capacity ratios column. The capacity ratio is a factor applied to a typical ¾" meter based on the American Water Works Association (AWWA) flow capacity. Based on the latest connection fee study, a single-family home using a ¾" meter will use **231.2** gallons for a typical peak day. Therefore, an equivalent dwelling unit (EDU) is considered to require 231.2 gallons of capacity from the water distribution and treatment plant.

An administrative fee to recover the cost of application/plan review, customer service, data collection/tracking and SDC calculation is added per dwelling unit or business unit. The admin fee is **\$23** for multi-family attached developments for each unit, **\$33** for ¾" detached developments and multi-unit commercial developments and **\$50** for developments (detached or attached) requiring a meter 1" or larger. The SDC and admin fee is charged for each unit in the development.

Water Connection System Development Charge and Admin Fee

Meter Size (in inches)	Capacity Ratios	Water SDC	Admin	Total
3/4" Meters used in Multiunit Attached Developments	0.7	\$773	\$23	\$796
¾" Detached Single Family and individual businesses	1	\$1,104	\$33	\$1,137
1"	2.5	\$2,760	\$50	\$2,810
1 1/2"	5	\$5,520	\$50	\$5,570
2"	8	\$8,832	\$50	\$8,882
3"	16	\$17,664	\$50	\$17,714
4"	25	\$27,600	\$50	\$27,650
6"	50	\$55,200	\$50	\$55,250
8"	80	\$88,320	\$50	\$88,370

Section 6.3 Irrigation Meters - A ¾" irrigation meter will use approximately 600 gallons per application assuming 30 minutes and 20 gallons per minute (¾" meter) or over twice the single-family home domestic meter, as such, an irrigation meter shall be charged an SDC two times the SDC rate of a non-irrigation meter of equivalent size. i.e. the SDC for a 1" irrigation meter would be **2 X \$2,760 = \$5520** plus any installation costs (labor, equipment and materials). No administrative fee would be applied to an irrigation meter for existing or new non-irrigation customer connections. To encourage water conservation, residential units are prohibited to have an irrigation meter with all water metered being charged the appropriate water Tiered rate plus if applicable sewer unit charges.

Water Irrigation Meter System Development Charge

Irrigation Meter Size (in inches)	Capacity Ratio	Water SDC	Total
3/4"	2	\$1,104 x 2	\$2,208
1"	5	\$2,760 x 2	\$5,520
1 1/2"	10	\$5,520 x 2	\$11,040
2"	16	\$8,832 x 2	\$17,664
3"	32	\$17,664 x 2	\$35,328
4"	50	\$27,600 x 2	\$55,200
6"	100	\$55,200 x 2	\$110,400
8"	160	\$88,320 x 2	\$176,640

Section 6.4 Multi-unit Development served by a master-meter - Multi-unit developments that install sub-metering¹ to individual units shall provide connection to the Flowery Branch water system and meter boxes per Flowery Branch specification for each master meter required to serve the development. Developer shall only pay the meter set fees for the master meters, and SDC and admin fees for each sub-metered unit. The meter set fee will be based on meter size of the master meters installed by Flowery Branch and include labor, materials and equipment associated with the meter, backflow protection and data transmitter as applicable (see Section 6.1). The SDC and Admin fee will be based on the sub-meter size based on the following table.

Water System Development Charge and Admin Fee (Master-metered)

Sub-meter Size	Meter Equivalency Ratios	SDC	Admin	Total
3/4" or smaller Attached Units	0.7	\$773	\$23	\$796 x # of units
3/4" Single Family/Business Detached	1	\$1,104	\$33	\$1,137 x # of units
1"	2.5	\$2,760	\$50	\$2,810 x # of units
1 1/2"	5	\$5,520	\$50	\$5,570 x # of units
2"	8	\$8,832	\$50	\$8,882 x # of units
3"	16	\$17,664	\$50	\$17,714 x # of units
4"	25	\$27,600	\$50	\$27,650 x # of units
6"	50	\$55,200	\$50	\$55,250 x # of units
8"	80	\$88,320	\$50	\$88,370 x # of units

¹ Georgia state law now requires all new multi-unit developments to individually meter each unit within the development. Water charges based on the master meter are to be fairly allocated to the individual units based on usage. Flowery Branch shall only be responsible for billing at the master meter level.

Section 6.5 Mixed Use/Special Developments - Each use in a development that has a mixture of attached and detached units and/or residential and non-residential uses and/or use of master-metering shall identify the number of units by type and apply the appropriate schedules. In the event that the developer requires a different capacity other than provided in the SDC tables, the typical peak day gallons shall be provided by a Professional Engineer or Architect registered in Georgia. This capacity needs calculation and methodology shall be approved by Flowery Branch engineering staff or consultant for reasonableness. The cost for capacity (SDC) is **\$4.78** per peak day gallon plus the appropriate admin fees by meter size for each unit. **The service main and/or meter size capacity to the Flowery Branch water system shall not exceed the requested capacity.**

Section 6.6 Connections for Fire Suppression – Any building requiring fire suppression/sprinklers shall pay for the capacity (SDC) based on the pipe diameter size using the meter capacity ratios in section 6.2 and multiplying by the ¾” water system development charge. Currently, a 3” diameter fire main would currently be $\$1,104 * 16 = \$17,664$. There is no fee for public access fire hydrants within a development that is dedicated to the City of Flowery Branch.

Section 6.7 Example Situation

Section 6.7.1 Single Family ¾” water meter installed by Flowery Branch staff

The owner/developer will pay \$1,273 for the Tap and Meter Set fees and \$1,137 for the SDC and admin fee or a total of \$2,410.

Section 6.7.2 Single Family detached Subdivision with ¾” water meter installed by Flowery Branch staff and developer providing water tap and meter box for 25 homes. Also, a 1” irrigation meter is requested to be installed by Flowery Branch for a common area to be the responsibility of a homeowners association.

The owner/developer will pay \$580 in Meter Set fees and \$1,137 in SDC and admin fees for each home or $25 \times 1,717$ a total of \$42,925. The irrigation meter would be \$5,520 plus any installation costs performed by Flowery Branch. Please note; irrigation meters are prohibited to single family dwellings to promote water conservation but are available for non-residential entities that would be responsible for billing.

Section 6.7.3 Multiunit development served by two 2” master meters for two 5-unit condo buildings with each unit sub-metered. Also, an addition 1” meter is installed by the developer for a clubhouse to be the responsibility of a homeowner’s association.

The owner/developer will pay Meter Set fees for each master meter at cost. The owner/developer will also pay \$796 in SDC and admin fees for each unit or $10 \times \$796$ or a total of \$7,960. The 1” clubhouse meter installed by the developer purchased at-cost from Flowery Branch will add \$2,810 to the total fee.

Section 7 Sewer Connection/Capacity Fees

The Wastewater Connection Fee includes two components as follows:

- 1) System Development Charge (SDC) – the fair share cost of infrastructure including system pipe size, lift stations and treatment to provide peak day sewer capacity based on requested flow capacity or water meter size, and
- 2) Administrative fee – to recover cost for customer service and tracking information related to the service connection.

The cost of installation of the sewer connection is the responsibility of the developer/owner.

Section 7.1 System Development Charge and Admin Fee - The System Development Charge for wastewater service recovers the fair share value of system capacity being requested. The total gallons needed shall be based on typical peak day capacity needed to serve the development. The following schedule can be used for the Wastewater SDC and Administration Fee. Attached multiunit developments typically use less water than detached units. A 90% factor is applied to the SDC to account for this reduced water use and vacancy rates. This is already included in the chart below under the capacity ratios column. The capacity ratio is a factor applied to a typical ¾” meter based on the American Water Works Association (AWWA) flow capacity. Based on the latest connection fee study, a single-family home using a ¾” meter will return **180.3** gallons of wastewater to Flowery Branch for a typical peak day. Therefore, an equivalent dwelling unit (EDU) is considered to require 180.3 gallons of capacity from the wastewater collection and treatment plant.

An administrative fee to recover the cost of application/plan review, customer service, data collection/tracking and SDC calculation is added per dwelling unit or business unit. The admin fee is **\$36** for multi-family attached developments for each unit, **\$50** for ¾” detached developments and multi-unit non-residential developments and **\$50** for developments (detached or attached) requiring a meter 1” or larger. The SDC and admin fee is charged for each unit in the development

Wastewater Connection System Development Charge and Admin Fee

Water Meter Size* (in inches)	Meter Equivalency Ratios	Wastewater SDC	Admin	Total
¾” Meters used in Multiunit Attached Developments	0.7	\$1,932	\$36	\$1,968
¾” Detached Single Family and individual businesses	1	\$2,760	\$50	\$2,810
1”	2.5	\$6,900	\$50	\$6,950
1 1/2”	5	\$13,800	\$50	\$13,850
2”	8	\$22,080	\$50	\$22,130
3”	16	\$44,160	\$50	\$44,210
4”	25	\$69,000	\$50	\$69,050
6”	50	\$138,000	\$50	\$138,050
8”	80	\$220,800	\$50	\$220,850

*Irrigation meters should be excluded from capacity requests and system development charges.

Section 7.2 Mixed Use/Special Developments - Each use in a development that has a mixture of attached and detached units and/or residential and non-residential uses and/or use of master-metering shall identify the number of units by type and apply the appropriate SDC schedule. In the event that the developer requires a different capacity other than provided in the SDC schedules, the typical peak day gallons shall be provided by a Professional Engineer or Architect registered in Georgia. This capacity needs calculation and methodology shall be approved by Flowery Branch engineering staff and/or consultant for reasonableness. The cost for wastewater capacity (SDC) is **\$15.53** per peak day gallon plus the appropriate admin fees by meter size for each unit.

Section 8. Oakwood Sewer. Gainesville water customers with City of Oakwood sewer service with treatment provided by Flowery Branch shall be billed for wastewater at 100% of water metered. The billed volume is provided by the Gainesville Department of Water Resources at \$1.00 per month per account. The billed amount is collected by Flowery Branch and a share is provided to the City of Oakwood for sewer service. Customers seeking Oakwood sewer service will pay any connection related fees directly to the City of Oakwood. Customers should contact the City of Oakwood for latest rates, fees and charges related to this sewer service.

Section 9. Moratoriums. If new development is estimated to exceed the capacity of water supply or distribution system capacity or wastewater collection or treatment, the City of Flowery Branch may place a temporary moratorium on new development until such capacity is added. Such moratorium may be system-wide or to specific geographic locations of the service area depending on the situation. A separate ordinance will be voted on by City Council at the recommendation of the City Manager as to the time and scope of the moratorium.

Section 10. Landlord Agreement. Landlords may request continuous water service for newly unoccupied rental units by using the latest landlord agreement form provided by the Water/Wastewater Department. A turn-on fee of **\$30** will be charged each time when the account is re-established in the Landlord's name at the time that a tenant requests service disconnection OR tenant account is closed for non-payment and service is transferred to the landlord. The landlord will be responsible for all billed water volume and monthly fees of the unoccupied rental unit during this time. A **\$60** administration fee and refundable deposit of **\$120** per rental unit shall be required for the duration of the landlord agreement. The maximum deposit shall not exceed **\$1,080**.

Each time a new tenant applies for service for any of the service addresses listed on the landlord agreement form said account will be final billed. However, should the landlord for any reason, request that the water service be disconnected once the agreement is established and no tenant has applied for water/sewer service, the appropriate charges will be billed, and this agreement will be null and void.

Landlord's requesting to participate in this agreement must have a good payment history. The Landlord's deposit will remain on the account until the Landlord requests the account be taken off of Landlord status and the account is closed. If any accounts on this agreement fall into delinquent status, this agreement will be considered null and void.

Section 12. Miscellaneous Fees. The following are additional fees for specific services provided by Flowery Branch.

- **\$120 for Water and Sewer Deposit Fee** – This is charged for new application for water and sewer service. The deposit will be used for the final bill and any

potential balance refunded to a customer.

- \$65 for Sewer Only Deposit Fee – This is charged for new application for sewer only service. The deposit will be used for the final bill and any potential balance refunded to a customer.
- \$60 admin fee for new service applications – The administrative cost of establishing an account and turning on the water meter.
- \$60 cut off fee – The administrative cost of closing an account and turning off the water meter. This applies to all accounts past due.
- \$180 Snowbird Fee – This fee is charged for customers vacating a property for an extended period of time that desire a final bill but intend to restart service in the future. Fee covers final meter read, locking meter, final bill submission and unlocking meter upon customers return/request.
- \$30.00 Return Check Fee – A fee will be charged on checks or bank drafts returned for any reason, and water service may be subject to disconnect.
- \$30 turn-on fee – This fee is charged to turn the water service on for existing connections.
- \$15 FOG Fee – The fee to cover cost related to the Fats, Oils and Grease program. This fee is applied to each trap to reimburse Flowery Branch for monitoring and administrative costs.
- Sewer Inspection Fee – TBD
- Water Inspection Fee – TBD

Section 13. Debt Collections. Accounts that are not fully paid after 90 days shall be turned over to a collection agency for processing. An additional service fee of may be applied to cover the cost of collection agency.

Section 13. Repeal of Conflicting Resolutions. Any part of any prior resolutions in conflict with the terms of this Resolution, are hereby repealed to the extent of the conflict; but it is hereby provided, that any resolution, ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Resolution on behalf of the City of Flowery Branch.

Section 14. Severability. If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstance shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances no so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Flowery Branch to provide for separate and divisible parts, and it does hereby adopt all parts hereof as may not be held invalid for any reason.

Section 15. Brochure and Other Guides Conflicts. The City of Flowery Branch provides brochures and guides to assist customers on the rates, fees and charges of the Flowery Branch water and wastewater systems. If any information from these documents conflict with the latest Council approved ordinance, the ordinance shall prevail.

Section 15. Effective Date. This Resolution shall become effective the date of August 20, 2020 once it is adopted by the Council of the City of Flowery Branch.

SO, RESOLVED this 20th day of August 2020.

James Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

Ron Bennett, City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider October 7, 2021 Meeting Minutes

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [October 7, 2021 Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting Minutes
Thursday, October 7, 2021, 6:00 pm
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542**



CALL PUBLIC HEARING TO ORDER:

Mayor Pro-Tem Joe Anglin called the meeting to order at 6:03 pm.

Present: Mayor Pro-Tem Joe Anglin and Council Members Amy Farah, Leslie Jarchow and Chris Mundy.

Absent: Mayor Mike Miller

Also present were Vickie Short, Interim City Manager, Shelia Cooper, Assistant City Clerk, Ron Bennett, City Attorney, Rich Atkinson, City Planner and Bill Whidden, Public Works Director.

Absent: Alisha Gamble, Finance Director

PLEDGE OF ALLEGIANCE:

Mayor Pro-Tem Anglin led the Pledge of Allegiance.

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to certain personnel issues and for matters related to the acquisition/disposition of real estate at 6:04 pm.

MOTION: Amy Farah
SECOND: Leslie Jarchow
AYES: Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

There was a motion made to reconvene open session at 6:22 pm.

MOTION: Leslie Jarchow
SECOND: Chris Mundy
AYES: Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

PUBLIC HEARING:

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

Mr. Atkinson presented the information on the request submitted by Keystone Development to rezone a .60+/- acre tract of land identified as 5415 Mulberry Street. The request is to rezone from TND to HB to develop and construct an office building. Currently, the property is considered part of the “Traditional Neighborhood District”, which lends itself primarily to residential in fill type homes. Due to its size, location, and the challenges presented by the floodplain, this use would fit the neighboring character area “Neighborhood Shopping”. A small office building is an ideal fit for this site as it will blend into the Phil Niekro corridor but is not intensive enough to impact the residential feel of Mulberry Street.

Mr. Mundy asked if there is only one access point off Mulberry with no access off Phil Niekro. Mr. Atkinson advised that was correct.

Mr. Thomas Wells, the applicant, spoke briefly about the request.

Mr. Anglin stated that he appreciated the nice landscape renderings.

Public Comments: There were none in favor/opposed.

Mayor Pro-Tem closed this public hearing at 6:33 pm.

Mayor Pro-Tem opened the next Public Hearing at 6:33 pm.

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

Mr. Atkinson present the information on the request submitted by South Hall, LLC to rezone three parcels of land from TND to CBD for a townhome development. There would be a land exchange between the applicant and the City. The exchange of land would help accommodate the Farmer’s Market Project. Staff recommends approval of the request to rezone the subject properties from Traditional Neighborhood Development District (TND) to conditional Central Business District (CBD).

Staff recommends approval of the townhome use at a maximum density of 14 units/acre subject to the conditions set forth in Exhibit C of the rezoning ordinances.

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

Mr. Morgan Brick, the applicant stated that he has owned the properties since 2013 and his intent has always been to provide a nice entryway into Main Street. He wants to provide a fantastic development for the City of Flowery Branch. He welcomes feedback on the renderings. He offered to have his architect come to City Hall to meet with staff and Council to align all visions and get feedback and to return a product that will make all happy. He stated that he had new renderings that he was not able to send to City Hall before the meeting but that the new renderings have front porches.

Against Rezoning:

Suzanne Stanjevich, 5627 Church Street, Flowery Branch, GA 30542

Judith McConnell, 5731 Mitchell Street, Flowery Branch, GA 30542

Kelly McLincha, 5628 Church Street, Flowery Branch, GA 30542

Ray Stanjevich, 5627 Church Street, Flowery Branch, GA 30542

Charles Mull, 5918 Mitchell Street, Flowery Branch, GA 30542

Not Opposed, Not in Favor:

Gray Upchurch, 5644 Nags Head Circle, Gainesville, GA 30504

In Favor:

Morgan Brick, 6052 Seminole Drive, Flowery Branch, GA 30542

Mr. Brick wanted to clarify that this is not rental property, but is high end, luxury townhomes for purchase that are an entryway into Main Street. He stated this vision has been in the works for several years. He is open for any citizen discussion now.

Mr. Anglin stated that they have many opportunities for discussion on this project. He stated that Council listens for the concerns of the citizens very seriously. He stated that he knows where people live is important to them and what is around them is important to them. He likes Mr. Brick's suggestion of having Mr. Brick's architect come to City Hall and meet with Staff and a couple Council Members to work on the elevation and the quality of the project.

Mayor Pro-Tem closed this Public Hearing at 7:11 pm.

UNFINISHED BUSINESS - WORK SESSION:

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

Mr. Atkinson presented the information on a variance request submitted by Blessing Trader to have questions answered that Council had at the last meeting. CPL is looking at the design review of the land disturbance permit. There is a concern with the traffic flow and staff is waiting on CPL for the answer. The applicant has submitted updated renderings that show most of the exterior insulation finishing system (EIFS) has been replaced with brick. The applicant is still working on renderings for the fuel island and the materials used.

Mr. Anglin is very concerned about the traffic concerns, and they have been waiting on this and he needs to have answers before they can vote on this request.

Mr. Atkinson gave a brief history on the original application and stated that the applicant had this request approved prior to 2016. He explained that plans are not valid after one year of an approved plan due to code updates, traffic regulations, building codes and zoning ordinances may no longer be valid. Mr. Atkinson advised that he will be in contact with CPL to get the answers to the questions that Mr. Anglin and Mr. Munday have asked.

Mr. Mundy asked about extending the turn lane. He stated that he looked closer at the map and he believes it should be a right in and right out to keep traffic from backing up. He would like to have a requirement added to keep citizens from turning left into the structure. He does not want paint but concrete to keep cars from turning left into the station.

Mr. Anglin reinforced Mr. Mundy's concerns about the turning lane.

Mr. Anglin would like the applicant to know if the added trees to the landscape package is going to be approved with Georgia Power standards.

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

Mr. Atkinson presented information on a request submitted by Hines Acquisitions to rezone a portion of 0 Thurmon Tanner Parkway from HB to M1.



Mr. Mundy mentioned the creek that runs most of the length of the property and the easement on either side of the creek and the disturbance of the trees. Mr. Atkinson stated that he would look at the specifications on the disturbance of trees.

Mr. Anglin would like to know about the curb breaks. Mr. Atkinson stated that they had a meeting this week with CPL and the applicant and there were some advisements that needed to be changed. Mr. Atkinson stated that it is a work in progress.

Mrs. Farah questioned the traffic projections and an anticipated traffic count. She asked if CPL agreed with the traffic projections. Mr. Atkinson stated that he would find out if CPL has reviewed the traffic projections.

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

Mr. Atkinson presented information on a request from Vulcan Lands, Inc. for the annexation and rezoning of nine parcels of land from Hall County AR III to Flowery Branch M-2 with a conditional use permit to operate a quarry.

The applicant submitted several renderings providing differing views of the quarry.





Mr. Anglin asked if the quarry will ever rise above the berm? The applicant confidently answered no way.

Mr. Anglin believes that the sidewalk pathway can be a great amenity and asked the length of the pathway. The applicant stated approximately one quarter of a mile.

Mr. Mundy appreciates the work that has been done regarding erosion.

Mr. Anglin thanked them for their great renderings.

NEW BUSINESS -WORK SESSION:

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

There were no questions.

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

There were no questions.

ADJOURNMENT WORK SESSION:

Mayor Pro-Tem adjourned the work session at 7:40 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Pro-Tem Anglin called the voting session to order at 7:40 pm.

PUBLIC COMMENTS:

Ray Stanjevich, 5627 Church Street, Flowery Branch, GA 30542

Expressed concerns over the three tracts of land on Church Street.

Judith McConnell, 5731 Mitchell Street, Flowery Branch, GA 30542

Expressed she would like input from Mayor and Council and feels that fourteen townhomes are too many for this land.

Suzanne Stanjevich, 5627 Church Street, Flowery Branch, GA 30542

Expressed that she is not opposed to Mr. Brick but is opposed to fourteen townhomes on the land.

Louise Hatfield, 5409 Falling Branch Court, Flowery Branch, GA 30542

Expressed opposition to the Hines development.

Kelly McLincha, 5628 Church Street, Flowery Branch, GA 30542

Expressed he would like to have a buffer for his home and for his neighbor if the project on Church Street is built.

Darren Wayne, 5704 Waynecrest Drive, Flowery Branch, GA 30542

Expressed he is in favor of the Hines development.

John Rafferty, 5413 Falling Branch Court, Flowery Branch, GA 30542

Expressed he is against the Hines development.

CONSENT AGENDA:

Consider September 16, 2021, Meeting Minutes

There was a motion made to approve consent agenda.

MOTION: Chris Mundy
SECOND: Amy Farah
AYES: Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

NEW BUSINESS - VOTING SESSION:

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

There was a motion made to table this request until November 4, 2021.

MOTION: Leslie Jarchow
SECOND: Chris Mundy
AYES: Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 8:15 pm.

MOTION: Leslie Jarchow
SECOND: Chris Mundy
AYES: Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

Mayor Pro-Tem – Joe Anglin

Date

Assistant City Clerk – Shelia Cooper



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider September 8, 2021 Special Called Meeting Minutes

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [September 8, 2021 Special Called Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Special Called Meeting
Wednesday, September 8, 2021, 5:30 PM
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542**



CALL SPECIAL CITY COUNCIL MEETING TO ORDER:

Mayor Mike Miller called the meeting to order at 5:45 pm.

Present: Mayor Mike Miller and Council Members Joe Anglin, Amy Farah, Leslie Jarchow and Chris Mundy.

Also present was City Attorney Ron Bennett.

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

NEW BUSINESS-WORK SESSION:

A Resolution to Conclude an Emergency Exists Threatening Public Safety, Soundness and Integrity of Public Property, and the Delivery of Essential Services; Approve a Change Order with Summit Construction and Development, LLC for the Mitchell Street Project; and Amend the FY 2022 Budget

Mr. Bennett presented the above-described resolution, change order scope of work and cost and funding source as follows:

- Describing the negative impact of private development issues has had on the progression of the Mitchell Street Project which threatens public safety, soundness and the integrity of public property as well as the delivery of essential services.
- Reviewing the scope of work and cost outlined in the proposed change order to reverse the negative impact.
- Identifying the funding source for the additional work covered in the change order.

Mr. Anglin questioned the height and length of the wall. Mr. Bennett answered that the wall would run from Atlanta Street/Lot 40 along Mitchell Street partially into Lot 47. The height would vary along to length but would generally be around 32 inches.

Mayor Miller questioned when the project would be completed. Mr. Bennett answered that the start of the project would depend on when the property owners adjacent to Mitchell Street signed

all the necessary easements and rights of entry and GA Power completed the relocation of utility poles. Assuming these events happen reasonably soon, the project should be completed by the end of the year.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 6:04 pm.

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 6:04 pm.

NEW BUSINESS-VOTING SESSION:

A Resolution to Conclude an Emergency Exists Threatening Public Safety, Soundness and Integrity of Public Property, and the Delivery of Essential Services; Approve a Change Order with Summit Construction and Development, LLC for the Mitchell Street Project; and Amend the FY 2022 Budget

Mr. Bennett read the caption of Resolution No. 21-016.

There was a motion made to approve Resolution No. 21-016 to Conclude an Emergency Exists Threatening Public Safety, Soundness and Integrity of Public Property, and the Delivery of Essential Services; Approve a Change Order with Summit Construction and Development, LLC for the Mitchell Street Project; and Amend the FY 2022 Budget.

MOTION: Amy Farah
SECOND: Chris Mundy
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to the acquisition/disposition of real estate, for matters related to pending or potential litigation, and for matters related to certain personnel issues at 6:09 pm.

MOTION: Leslie Jarchow
SECOND: Joe Anglin
AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

There was a motion made to exit executive session and reconvene open session at 9:01 pm.

MOTION: Amy Farah

SECOND: Leslie Jarchow

AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy

NAYS: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 9:01 pm.

MOTION: Chris Mundy

SECOND: Joe Anglin

AYES: Joe Anglin, Amy Farah, Leslie Jarchow, Chris Mundy

NAYS: None

Motion carried

Mike Miller, Mayor

Date

E. Ronald Bennett, Jr. City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider October 6, 2021 Special Called Meeting Minutes

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [October 6, 2021 Special Called Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Special Called Meeting
Wednesday, October 6, 2021, 8:30 AM
Hampton Inn & Suites**



4660 Holland Dam Road, Flowery Branch, GA 30542

CALL SPECIAL CITY COUNCIL MEETING TO ORDER:

Mayor Pro Tempore Joe Anglin called the meeting to order at 8:33 am.

Present: Mayor Pro Tem Anglin and Council Members Amy Farah, Leslie Jarchow and Chris Mundy. Also present was City Attorney Ron Bennett as well as Alan Reddish and Lisa Ward of the Mercer Group.

Absent: Mayor Mike Miller.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Anglin led the Pledge of Allegiance.

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to certain personnel issues and for matters related to the acquisition/disposition of real estate at 8:35 am.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

There was a motion made to exit executive session and reconvene open session at 5:20 pm.

MOTION: Amy Farah
SECOND: Chris Mundy
AYES: Amy Farah, Leslie Jarchow, Chris Mundy
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 5:20 pm.

MOTION: Amy Farah

SECOND: Chris Mundy

AYES: Amy Farah, Leslie Jarchow, Chris Mundy

NAYS: None

Motion carried

Joe Anglin, Mayor Pro Tempore

Date

E. Ronald Bennett, Jr. City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

FACTS AND ISSUES:

A shortened schedule was approved by Council:

Public hearing October 7

First read - October 21

Secod read - November 18

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing only

SAMPLE MOTION:

I make a motion to approve the first read of Ordinance #656.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

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

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

LEGEND

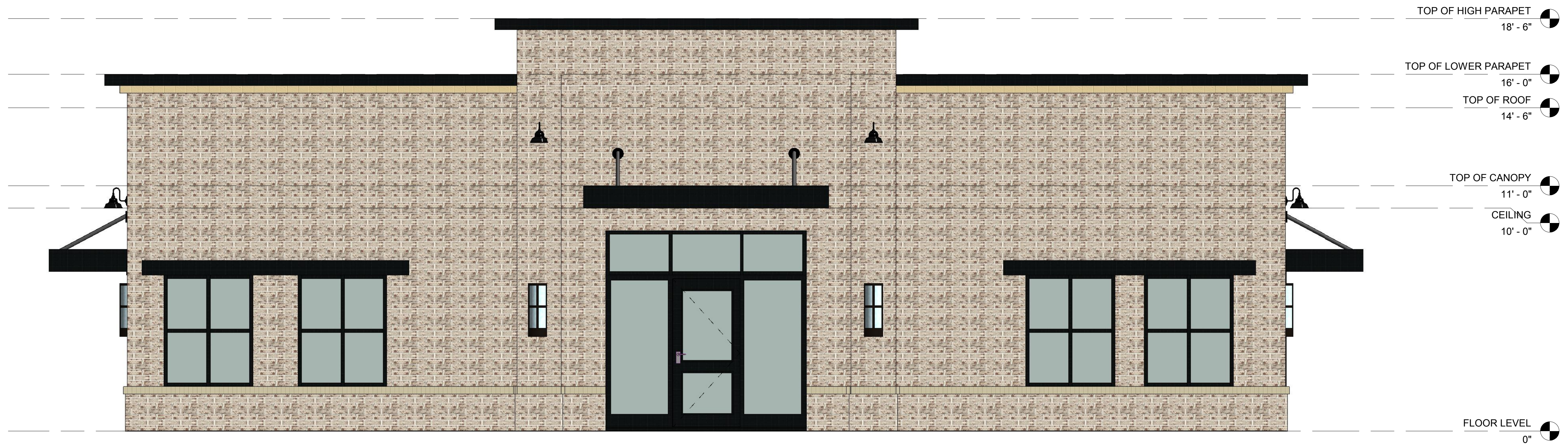
-  AMERICAN PILLAR ARBORVITAE
-  ANGELINA SEDUM
-  DIANTHUS
-  SEASONAL COLOR BED
-  VINTAGE JADE DISTYLUM
-  CHASTE TREE
-  BLUE CHIP DWARF BUTTERFLY BUSH
-  NATCHEZ CREEP MYRTLE
-  ADAGIO NISCANTHUS
-  WINTERGREEN BOX WOOD
-  WILLOW OAK
-  SHADES OF PINK VIBURNUM
-  PURPLE DAYDREAM LOROPETALUM
-  EXISTING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



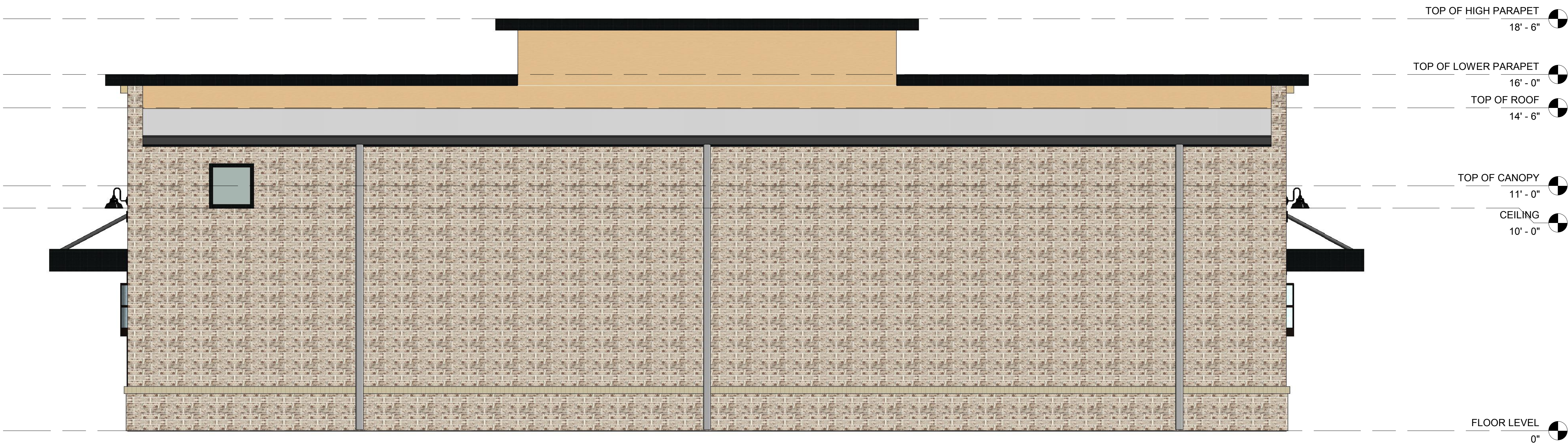


1 FLOOR PLAN
1/4" = 1'-0"

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

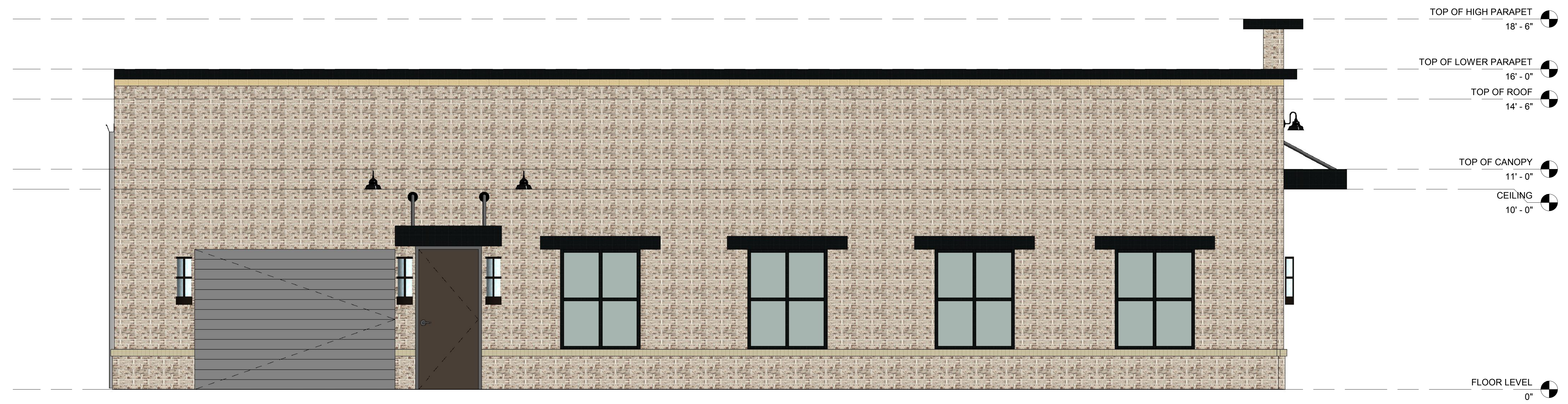


1 FRONT ELEVATION
3/8" = 1'-0"

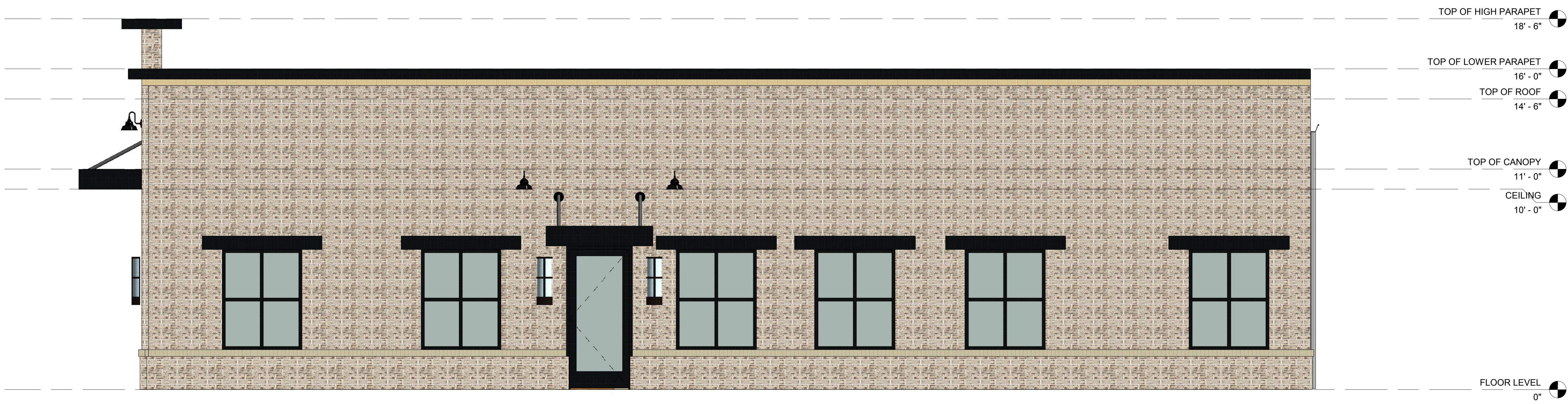


2 REAR ELEVATION
3/8" = 1'-0"

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

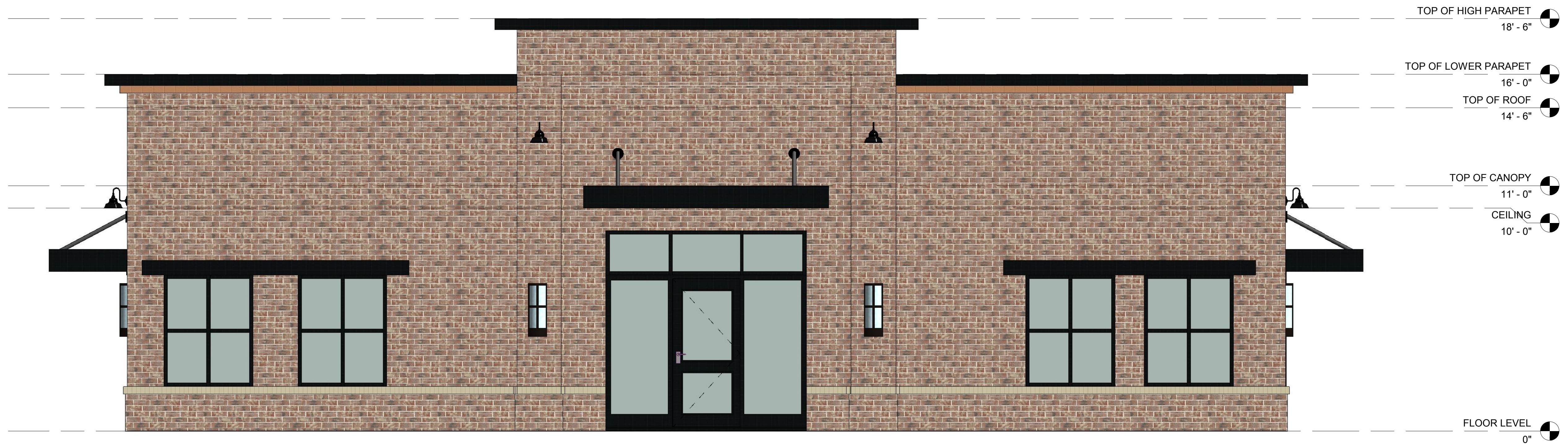


3 LEFT ELEVATION
3/8" = 1'-0"

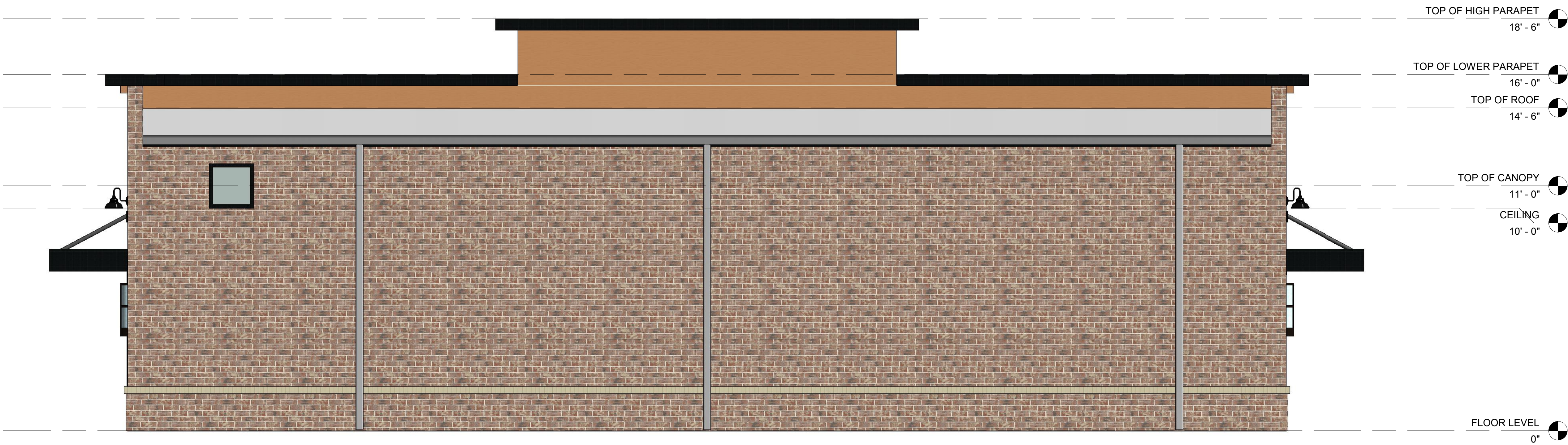


4 RIGHT ELEVATION
3/8" = 1'-0"

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



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

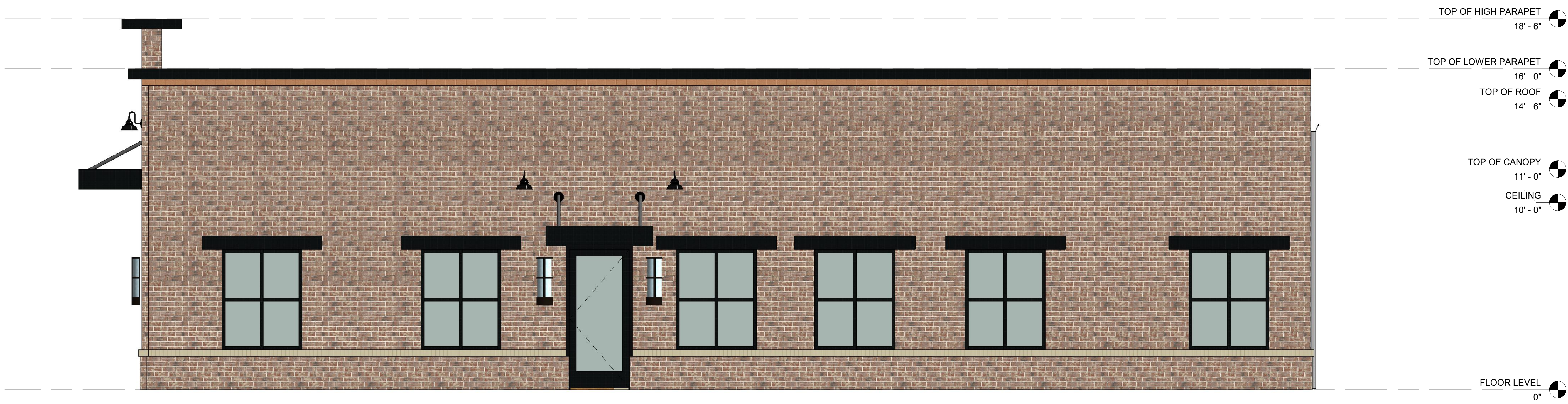


2 REAR ELEVATION
3/8" = 1'-0"

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



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



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

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



REZONING APPLICATION

Date: _____

Address of Request:

5415 Mulberry Street, Flowery Branch, Georgia

Tax Map # 08113-001009 Current Zoning: TND

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

Currently a conforming use? N/A - undeveloped

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

Applicant Information

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

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

E-mail address: twells@kdsllc.net

Phone number: 404-358-1178

Signature: _____

Notary: _____





Property owner information (if different than the applicant)

Property owner (please print): Soltri Entertainment, LLC

Signature of property owner: Trina Braxton

See next page

Notary:

Property Information

Tax Map Number: 08113-001009

Current Zoning: TND Total Acres: 0.60

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

Proposed City of Flowery Branch Zoning: HB-Highway Business

Current Use: Vacant - Undeveloped

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

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

- Legal description
- Current survey of property



Flowers of the South

Property owner information (if different than the applicant)

Property owner (please print): Soltri Entertainment, LLC

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

Notary:

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

[Signature]
EXP 4/18/2023

Property Information

Tax Map Number: 08113-001009

Current Zoning: TND Total Acres: 0.60

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

Proposed City of Flowery Branch Zoning: GB

Current Use: Vacant - Undeveloped

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

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

- Legal description
- Current survey of property



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

Conflict of Interest Disclosure

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

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

None

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

N/A

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

N/A



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

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

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

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

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

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

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

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

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

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

Texaco Gas and Convenience Store-5415 Atlanta Hwy.

Zoned HB

Luqmaan 3 Inc.

11 Cottage Walk NW

Cartersville, GA 30121

BP Gas and Convenience Store-5504 Phil Niekro Blvd.

Zoned GB

Robert Wayne Mason, et. al.

3705 Maple Forge Lane

Gainesville, GA 30504

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

Zoned HB

Ionut Melniciuc

1377 Duncan Lane

Suite A

Auburn, GA 30011

Residential Rental Property-5405 Mulberry Street

Zoned TND

John Cassidy

1124 Beaver Dam Road

Hoschton, GA 30548

To be include in Addendum to the Application:

1. Landscape Plan
2. Color Rendering of Building Elevations

SURVEY LEGAL DESCRIPTION – 5415 Mulberry St.

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

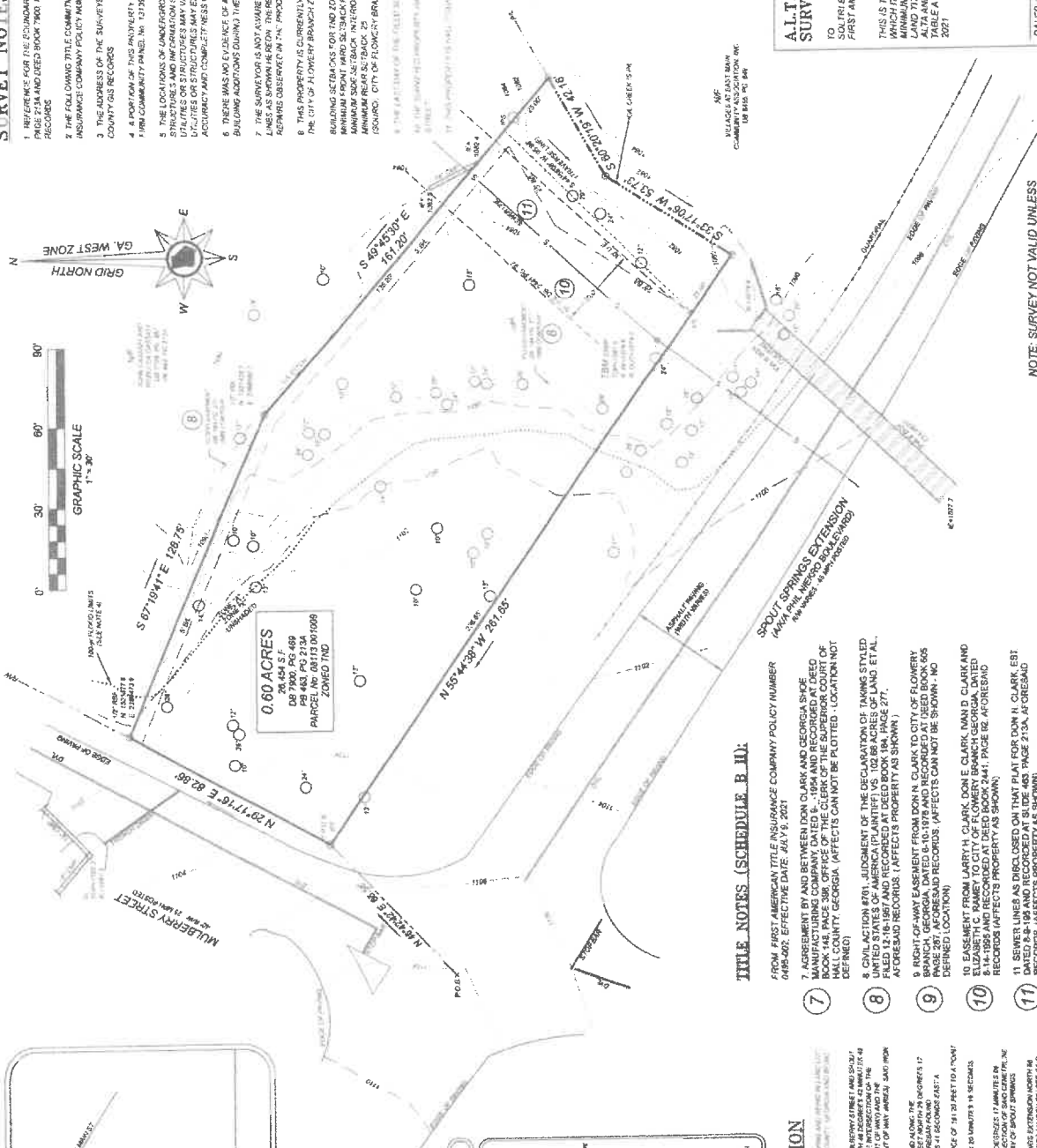
BEGIN AT A POINT AT THE INTERSECTION OF THE CENTERLINES OF MULBERRY STREET AND SPOUT SPRINGS EXTENSION (A/K/A PHIL NIEKRO BOULEVARD); THENCE NORTH 46 DEGREES 42 MINUTES 42 SECONDS EAST A DISTANCE OF 66.56 FEET TO AN IRON PIN SET AT THE INTERSECTION OF THE SOUTHEASTERN RIGHT OF WAY OF MULBERRY STREET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

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

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

SURVEY NOTES:

1. REFERENCES FOR THE ECONOMIC INFORMATION SHOWN HEREON WAS MADE TO PLAT BOOK 100, PAGE 12 AND DEED BOOK 7062, PAGE 48 RECORDED IN HALL COUNTY CLERK OF PUBLIC PLATS RECORDS.
2. THE FOLLOWING TITLE COMMITMENT WAS SUPPLIED TO THE SURVEYOR FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NUMBER: 0484-002, EFFECTIVE DATE: JULY 8, 2021.
3. THE ADDRESS OF THE SURVEYED PROPERTY IS 3415 MULBERRY STREET, ACCORDING TO HALL COUNTY GOVS RECORDS.
4. A DEED GRANTING THE SURVEYED LOT AND A PORTION OF A BLOCK TO AGRICULTURE ZONE, AS SET FORTH ON A PLAT COMMITMENT, PARCEL NO. 13-0000001 IS DATED APRIL 4, 2018.
5. THE LOCATIONS OF UNDESIRABLE UTILITIES SHOWN IS BASED UPON ABOVE GROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.
6. THERE WAS NO EVIDENCE OF ANY PREVIOUS EARTH MOVING, BUILDING CONSTRUCTION OR BUILDING ADDITIONS DURING THE PROCESS OF CONDUCTING THE FIELDWORK.
7. THE SURVEYOR IS NOT AWARE OF ANY PROPOSED CHANGES IN THE STREET RIGHT OF WAY LINES AS SHOWN HEREON. THERE WAS NO EVIDENCE OF RECENT STREET CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
8. THE PROPERTY IS CURRENTLY OWNED BY TWO INDIVIDUALS, AGRICULTURE ZONE DEVELOPMENT, LLC.



TITLE NOTES (SCHEDULE B II):

- | | | |
|---|--|---|
| FROM: FIRST AMERICAN LIFE INSURANCE COMPANY POLICY NUMBER 0486402, EFFECTIVE DATE: 2/1/99, 2021 | 7 | 7. AGREEMENT BY AND BETWEEN DON CLARK AND GEORGIA SUPE
HALL COUNTY, GA, AND RECORDED AT DEED BOOK 145, PAGE 308. OFFICE OF THE CLERK OF THE SUPERIOR COURT
HALL COUNTY, GEORGIA. AFFECTS CAN NOT BE PLOTTED - LOCATION
DEFINED |
| 8 | 8. CIVIL ACTION #711, JUDGMENT OF THE DECLARATION OF TAKING STY
UNITED STATES OF AMERICA (PLAINTIFF) VS. 102.86 ACRES OF LAND ET
AL (DEFENDANT) RECORDED AT DEED BOOK 271, PAGE 271.
A FORESAND RECORDS (AFFECTS PROPERTY AS SHOWN) | |
| 9 | 9. RIGHT OF WAY EASEMENT FROM DON H. CLARK TO CITY OF FLOWERY
BRANCH, GEORGIA, RECORDED AT DEED BOOK 287, PAGE 287.
A FORESAND RECORDS (AFFECTS PROPERTY AS SHOWN) NO
DEFINED LOCATION | |
| 10 | 10. EASEMENT FROM LARRY H. CLARK, DON CLARK, VAN D. CLARK AND
ELIZABETH C. KANEY TO CITY OF FLOWERY BRANCH, GEORGIA, DATED
8-14-1988 AND RECORDED AT DEED BOOK 2441, PAGE 82. A FORESAND
RECORDS AFFECTS PROPERTY AS SHOWN. | |
| 11 | 11. SEWER LINES AS DISCLOSED ON THAT PLAT FOR DON H. CLARK, ESQ.
DATED 9-18-89 AND RECORDED AT 81 DE 405 PAGE 217. A FORESAND
RECORDS AFFECTS PROPERTY AS SHOWN. | |

SURVEY LEGAL DESCRIPTION

[illegible]

DATE	NO	ISSUE DESCRIPTION	DATE
DATE AUGUST 9, 2021			
SCALE 1" = 30'			
ACREAGE 0.00 ACRES (284 S.F.)			
LAND LOC. 113			
DISTRICT 8th			
CITY FLOWERY BRANCH			
COUNTY HALL		STATE: GEORGIA	
SURVEYED AH		DRAWN: MJS	
CHECKED:		APPROVED: CAM	
PROJECT # 21-283			

AI TANSPS LAND TITLE SURVEY FOR:

5415 MULBERRY STREET

LAND LOT 113, 8th DISTRICT, HALL COUNTY, GEORGIA
PARCEL No: 08113 001009
BEING IN THE CITY OF FLOWERY BRANCH



NOTE: SURVEY NOT VALID UNLESS
SEAL SIGNED AND DATED

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

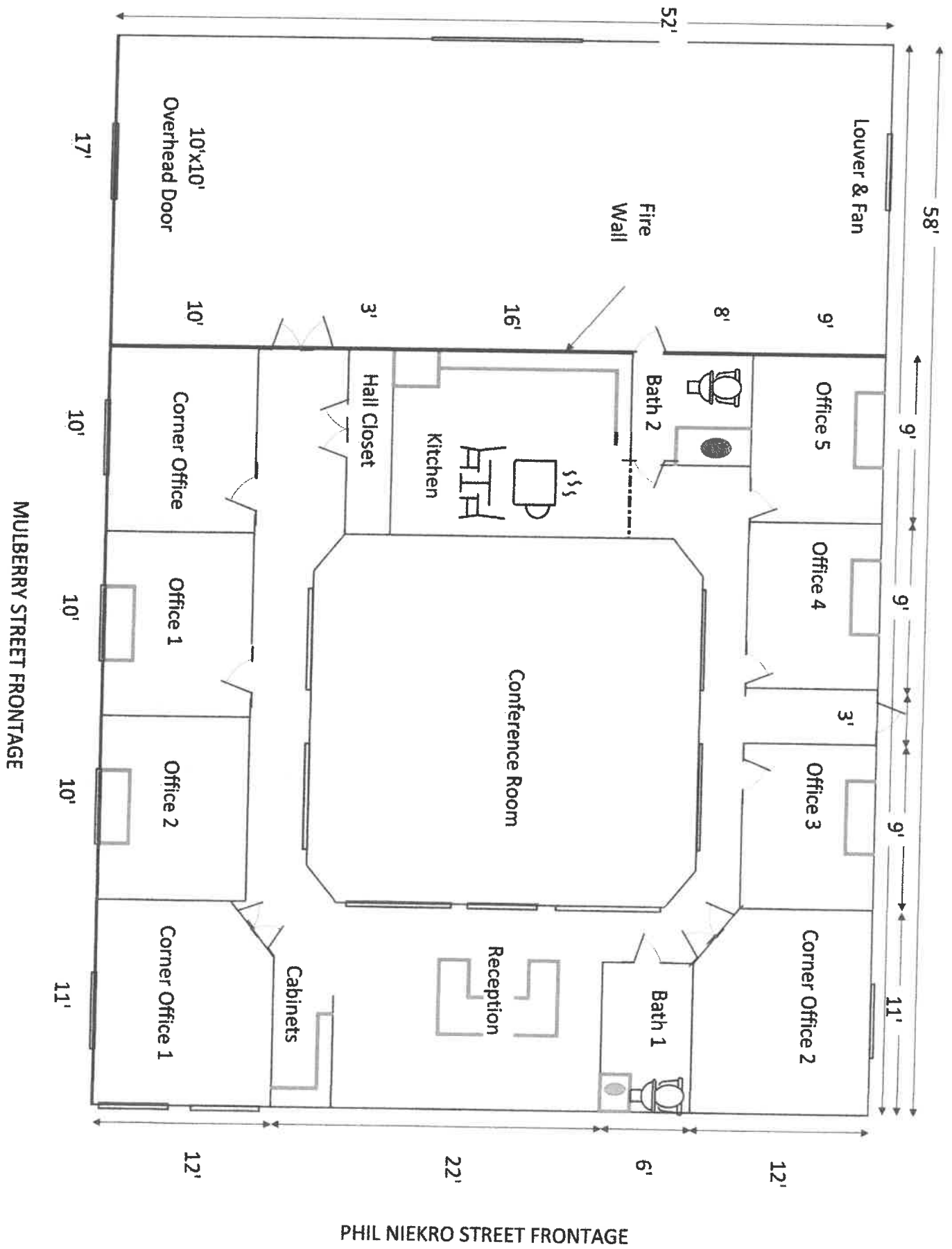
TO: SOLTRI ENTERTAINMENT, LLC
FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS SURVEYS AND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES SECTIONS 1.2, 3.4, 5.8, 13.14, 17 OF THE 2021 STANDARD. THEREOF THE FIELD WORK WAS COMPLETED ON JULY 23, 2023.

[illegible]

SHEET 1 OF 1

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



Public Hearing Published 09/15/2021
Public Hearing 10/07/2021

First Reading 10/21/2021
Adopted 11/18/2021

ORDINANCE 656

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A .60+/- ACRE TRACT OF LAND OWNED BY SOLTRI ENTERTAINMENT, LLC COMMONLY KNOWN AS 5415 MULBERRY STREET, IDENTIFIED AS TAX PARCEL 08113 001009, AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON EXHIBIT "B", FROM TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) TO HIGHWAY BUSINESS (HB) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Keystone Development Services, LLC desires to develop the .60+/- acre tract of land identified as Tax Parcel No.08113 001009; shown on Exhibit "A"; and legally described on Exhibit "B"; and

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

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

WHEREAS, Keystone Development Services, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned; and

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

WHEREAS, the City Council held a public hearing at the meeting of October 7, 2021 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

.

Public Hearing Published	09/15/2021	First Reading	10/21/2021
Public Hearing	10/07/2021	Adopted	11/18/2021

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

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The property as shown in attached Exhibit “A” and as legally described in Exhibit “B” shall be rezoned to Highway Business (HB) subject to the conditions set forth in attached Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

Public Hearing Published 09/15/2021
Public Hearing 10/07/2021

First Reading 10/21/2021
Adopted 11/18/2021

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 18th day of November 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Public Hearing Published 09/15/2021
Public Hearing 10/07/2021

First Reading 10/21/2021
Adopted 11/18/2021

Exhibit "B"

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

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

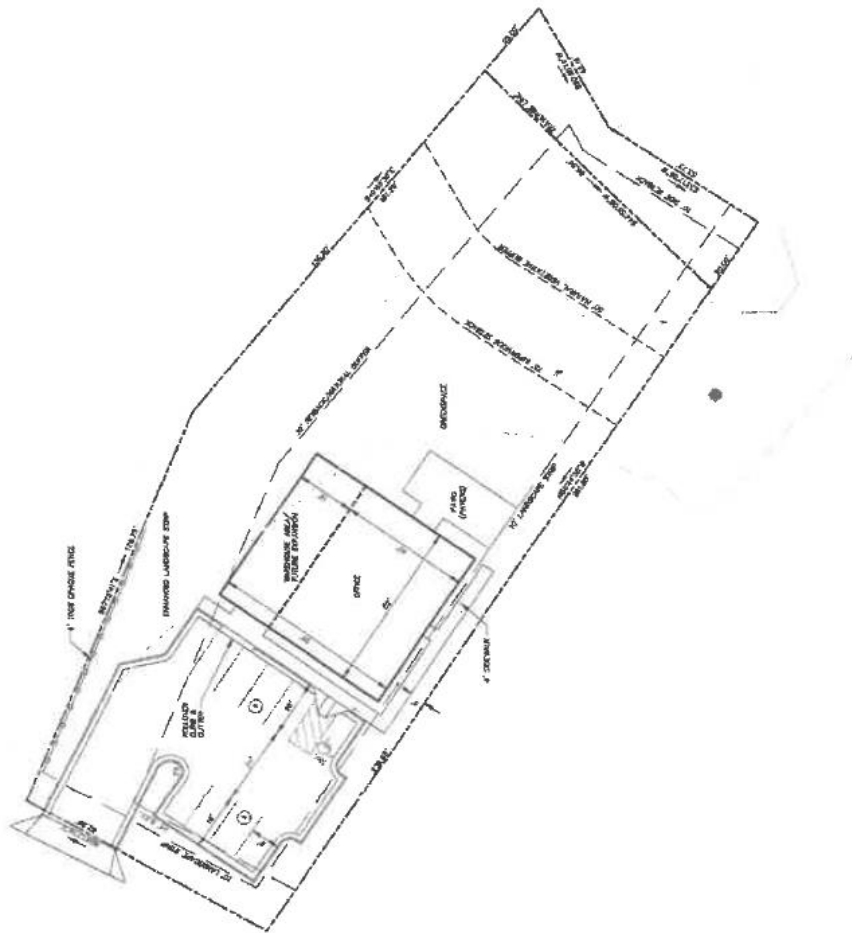
THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND ALONG THE AFOREMENTIONED SOUTHEASTERN RIGHT OF WAY OF MULBERRY STREET NORTH 29 DEGREES 17 MINUTES 16 SECONDS EAST A DISTANCE OF 82.86 FEET TO A 1/2 INCH REBAR FOUND;
THENCE LEAVING SAID RIGHT OF WAY SOUTH 67 DEGREES 19 MINUTES 41 SECONDS EAST A DISTANCE OF 128.75 FEET TO A 1/2 INCH REBAR FOUND;
THENCE SOUTH 49 DEGREES 45 MINUTES 30 SECONDS EAST A DISTANCE OF 161.20 FEET TO A POINT IN THE CENTERLINE OF A CREEK;
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THENCE ALONG THE NORTHEASTERN RIGHT OF WAY OF SPOUT SPRINGS EXTENSION NORTH 55 DEGREES 44 MINUTES 38 SECONDS WEST A DISTANCE OF 261.65 FEET TO AN IRON PIN SET, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING.

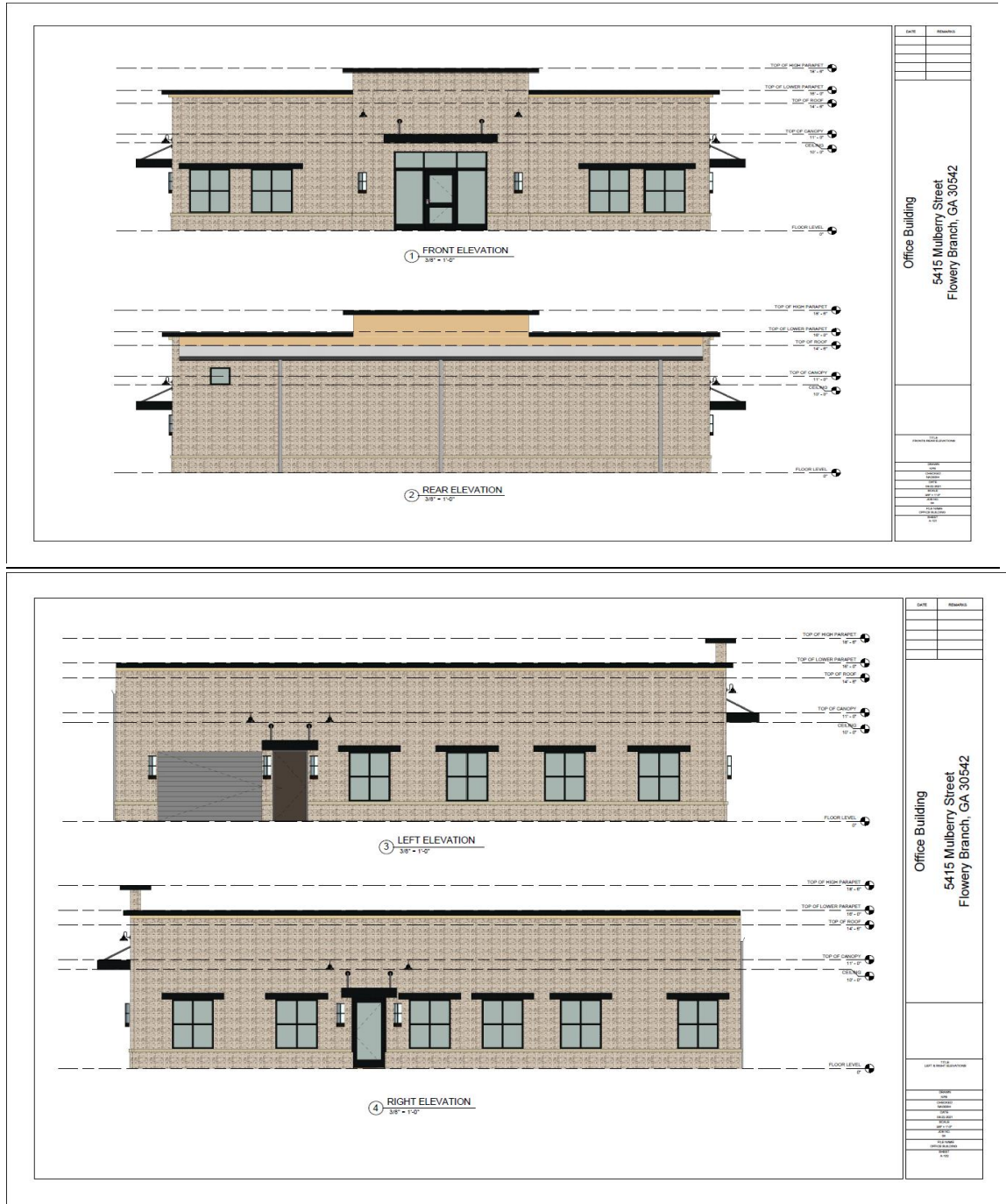
Exhibit "C"

Conditions of Zoning:

1. Project shall be served by Flowery Branch water and sewer.
2. Project shall significantly adhere to the site plan as submitted by applicant and shown as below:



3. Elevations shall significantly adhere to those as submitted by applicant in appearance and materials and as shown below:



4. A five-foot sidewalk shall be provided along the entirety of the project along Mulberry Street.

5. Landscaping shall significantly adhere to the plan as submitted by applicant and as shown below:



6. No access shall be allowed on Phil Niekro Boulevard.
7. Maximum lot coverage by the building shall be 3,300 square feet.



Applicant: Keystone Development Services, LLC

Property Owner: Soltri Entertainment, LLC

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

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

Current Use: Vacant

Proposed Use: Office

Character Area: Traditional Neighborhood

Proposal

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

Location Map







Landscape Plan

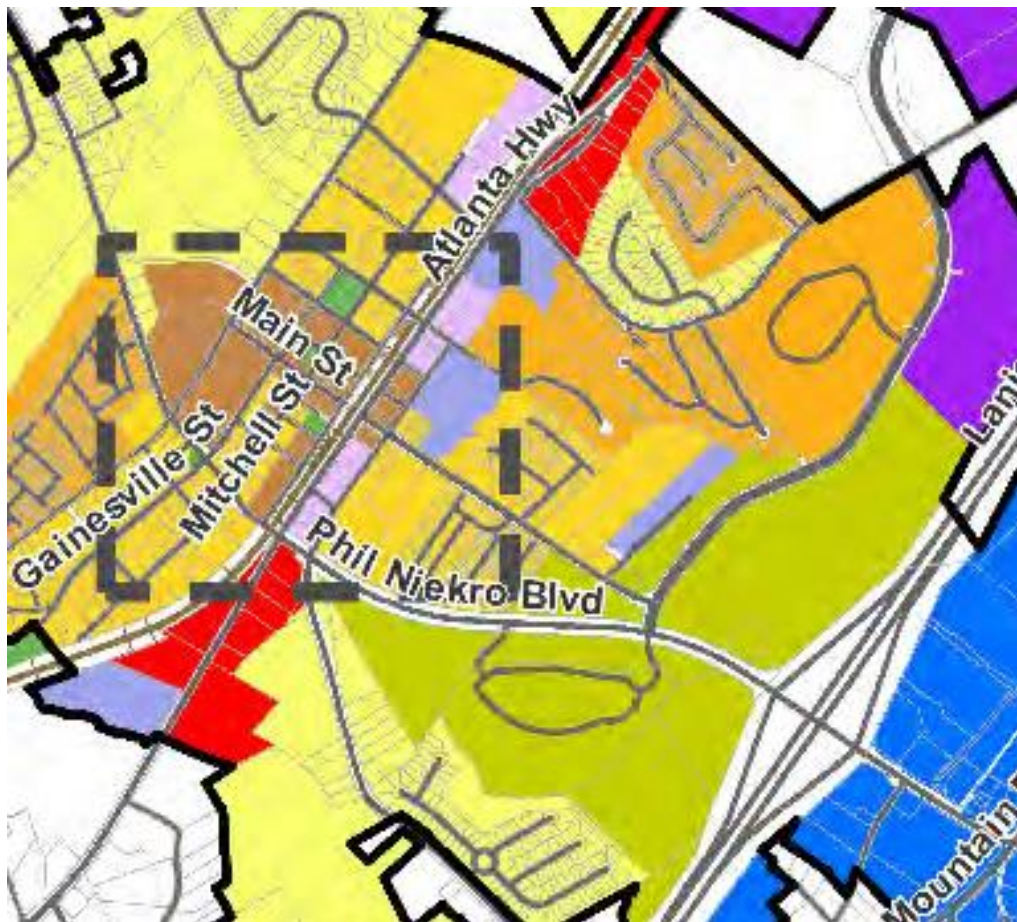


Comprehensive Plan

Currently, the property is considered part of the “Traditional Neighborhood Development”, which lends itself primarily to residential in fill type homes. However, it is immediately adjacent to the “Neighborhood Commercial” and “Mixed Use” areas across from Phil Niekro Boulevard, and to the “Mixed Use-Downtown” character area across Mulberry Street. Due to its size, location, and the challenges presented by the floodplain, a Traditional Neighborhood development in a block, lot and street pattern similar to those in downtown Flowery Branch may not be feasible.



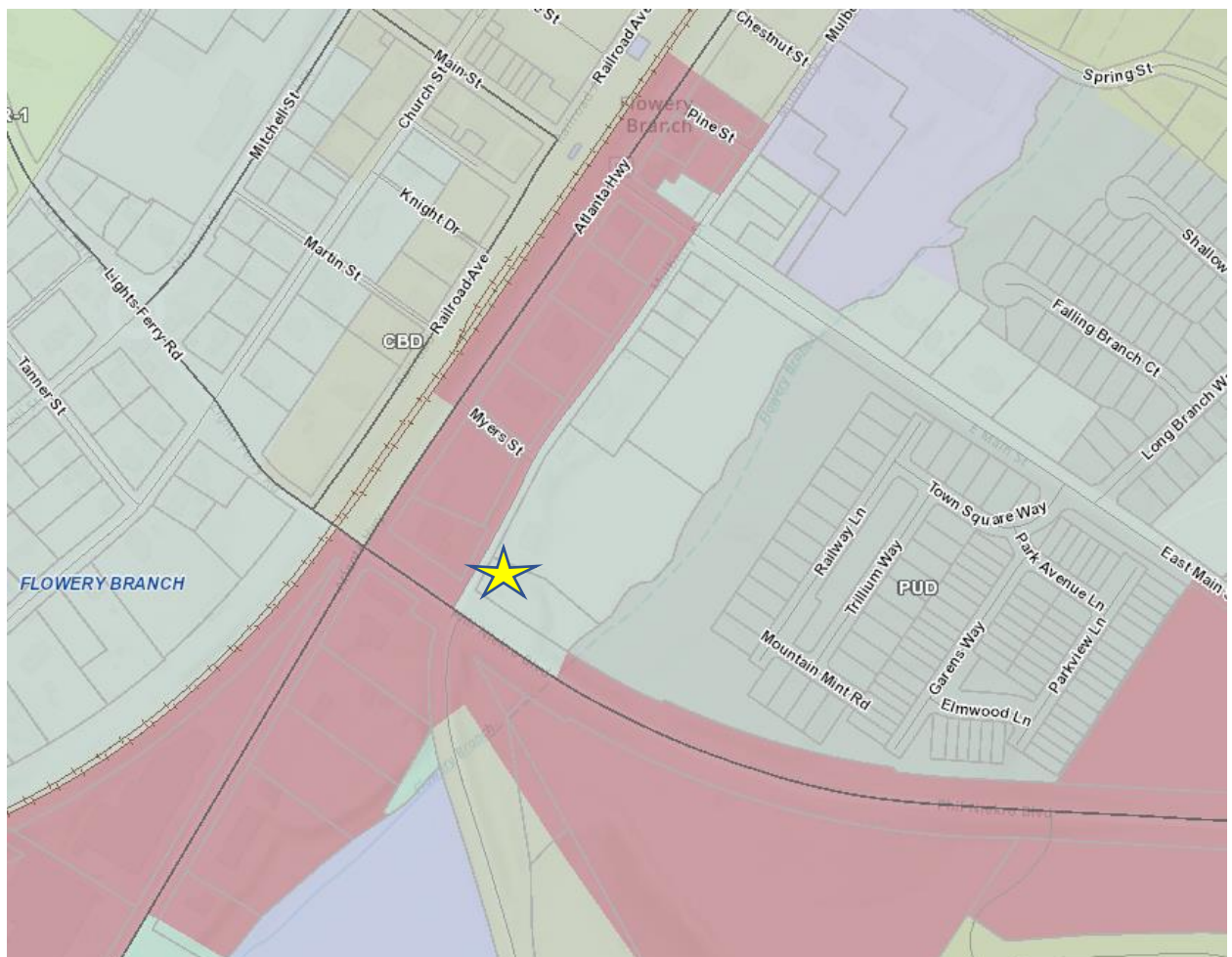
Character area map:





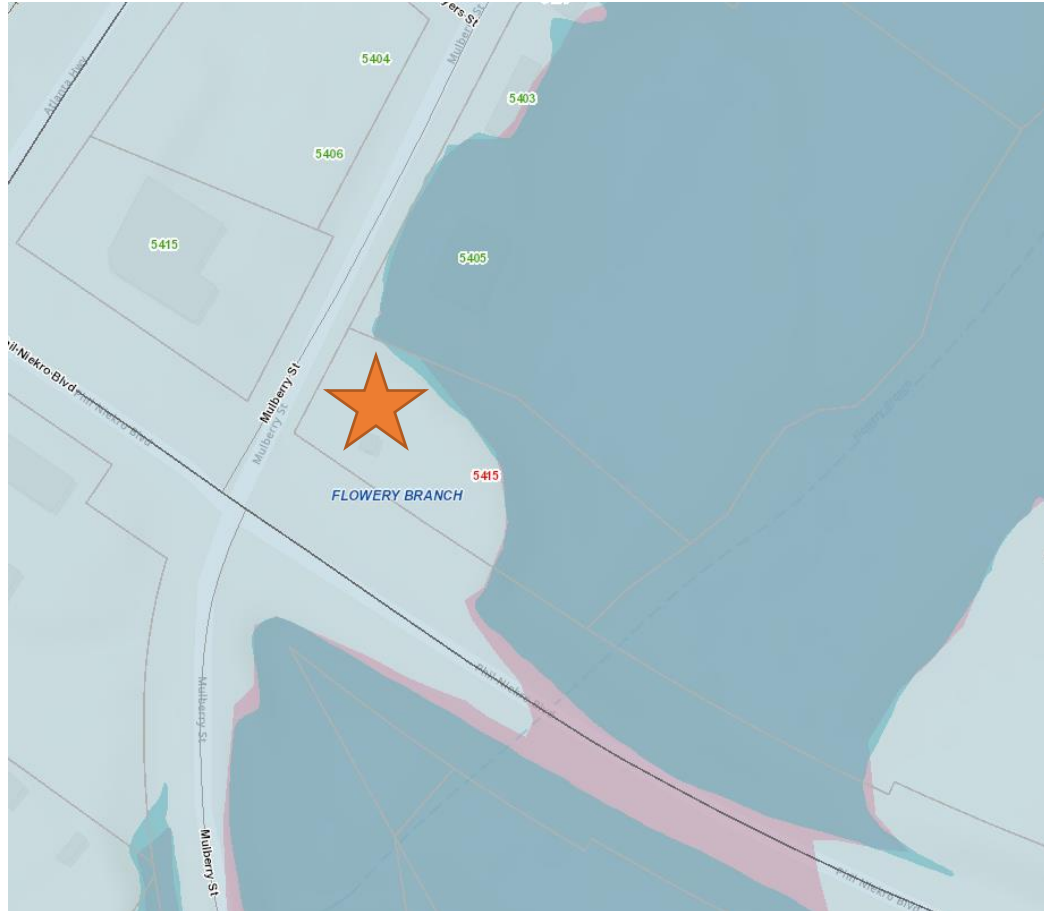
Zoning

Currently, the property is zoned, “Traditional Neighborhood Development”, but it is bounded by Highway Business to the west and south, Planned Unit Development to the east, and Traditional Neighborhood Development to the north.





Map showing the floodplain:



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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



relevant to Zoning Administrator in making recommendations and by the Governing Body in the decision-making process.

Applicant response attached as Exhibit "A"

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, office use is appropriate for this location as it is adjacent to a convenience store at the corner of Phil Niekro Boulevard and Atlanta Highway, and near multiple offices along Atlanta Highway.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area as it is a less intense use than the adjacent convenience store and is buffered from residential to the east by significant floodplain.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of TND allows for the construction of one single family home.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **It is staff's opinion that a small office use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Currently, the Comprehensive Plan denotes this property as part of the "Traditional Neighborhood Development" character area. However, the property is immediately adjacent to the "Neighborhood Commercial", "Mixed-Use" and "Mixed-Use Downtown" character areas. As the property is cut off from other residential by an existing convenience store, significant floodplain, and an arterial street, it would be difficult to carry out the intent of the "Traditional Neighborhood District area. Therefore, an office use is consistent with either the "Neighborhood Commercial", "Mixed-Use" or "Mixed-Use Downtown" character areas.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **The subject property is greatly impacted by the current and future FEMA floodplain. It has been marketed for residential use for some time without success.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant, the proposed use is adjacent to a convenience store, Phil Niekro Boulevard, single family residential, and The Villages at East Main zoned HB, HB, TND, and PUD respectively and will fit in with, and enhance, the Phil Niekro Boulevard corridor, the Mulberry Street community, and downtown.**



- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of TND has not warranted any proposed development on the site.*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent to the adjacent properties as the significant floodplain and Phil Niekro Boulevard buffer the use from existing residential.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *No, this property, if rezoned to HB, will not create an isolated zoning district as it bordered by existing Highway Business uses and/or zoning.*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The new project will add a locally owned and operated office on a challenging corner that will blend into the zoning district and enhance the area.*
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. *The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development meets the intent of the Zoning Ordinance.*

Staff Recommendation

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

1. Project shall be served by Flowery Branch water and sewer.
2. Project shall significantly adhere to the site plan as submitted by applicant and shown as part of this report.
3. Elevations shall significantly adhere to those presented as part of this report in appearance and materials.
4. A five-foot sidewalk shall be provided along the entirety of the project along Mulberry Street.
5. Landscaping shall significantly adhere to the plan as presented as part of this report.
6. No access shall be allowed on Phil Niekro Boulevard.
7. Maximum lot coverage by the building shall be 3,300 square feet.



Exhibit "A"

PROJECT NARRATIVE

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

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

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

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

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

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

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

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

FACTS AND ISSUES:

This is the second read of these ordinances.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the request

SAMPLE MOTION:

I make a motion to approve ordinance 654 as presented.

I amke a motion to approve ordinance 655 as presented.

I make a motion to approve resolution 21-014 approving a conditional use permit to operate a quarry in M-2 zoning.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

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

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



REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 24, 2021_____

Address of Request:

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

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

Current Zoning: AR 3 (Hall County)

Please submit an analysis of the proposed project including:

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



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



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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____



REZONING APPLICATION

Date: June 24, 2021

Address of Request:

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

Current Zoning: AR 3 (Hall County)

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

Currently a conforming use? Yes

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

Applicant Information

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

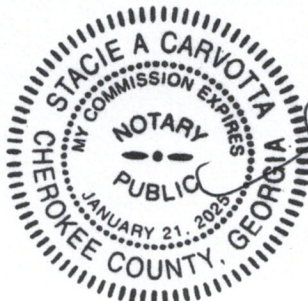
Address: 800 Mt. Vernon Highway, NE, Suite 200, Atlanta, GA 30328

E -mail address: landrumc@vmcmail.com

Phone number: 770-454-4244

Signature:  Richard Cannon, Vice President

Notary:





Property owner information (if different than the applicant)

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

Signature of property owner: _____ N/A _____

Notary:

Property Information

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

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

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

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

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



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

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

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

Conflict of Interest Disclosure

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

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

N/A _____

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

N/A _____



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

N/A

Disclosure of Campaign Contributions

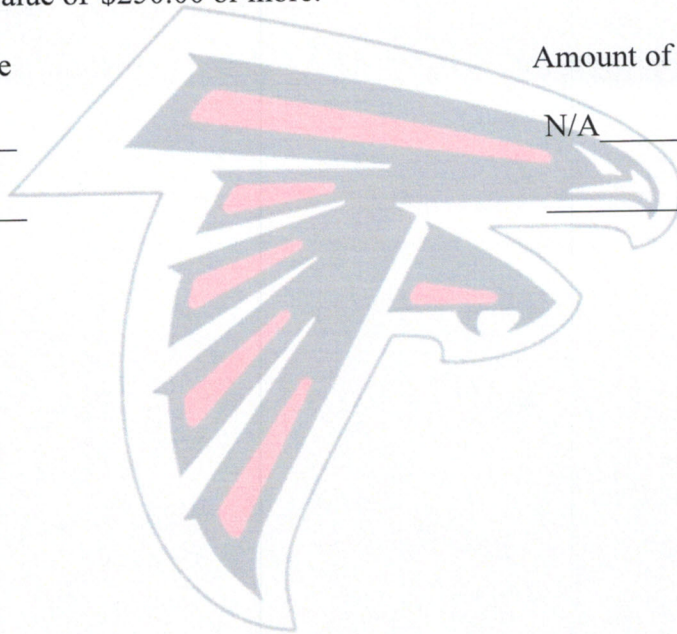
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of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

Elected Officials Name

Amount of Description of Gift

N/A _____

N/A _____



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Sec. 34.7. - Analysis Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



ANNEXATION APPLICATION

Date: June 24, 2021

Address of Request:

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

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

City Clerk Signature _____

Applicant Information

Name: Vulcan Lands, Inc. _____

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

E-mail address: landrumc@vmcmail.com

Phone number: 770-454-4244

Signature:  Richard Cannon, Vice President

Property owner information (if different than the applicant)

Property owner (please print): N/A

Signature of property owner: N/A



Property Information

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

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

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

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

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

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

Voting Rights Act Information

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

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

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



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

Conflict of Interest Disclosure

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A

N/A



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: June 24, 2021

Address of Request:

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

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

Current Zoning: AR 3 (Hall County)

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

Currently a conforming use? Yes _____

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

Applicant Information

Applicant: Vulcan Lands, Inc. _____

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

E-mail address:

landrumc@vmcmail.com _____



Phone number: 770-454-4244

Signature:  Richard Cannon, Vice President

Notary Seal:



Property owner Information

Property owner (please print): Same as Applicant

Address: Same

E-mail address: Same Phone number: Same

Signature: Signature above

Notary Seal:

Applicant Information Required at Time of Submittal

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

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



Conflict of Interest Disclosure

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

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

___ N/A _____

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

___ N/A _____

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

___ N/A _____

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

___ N/A _____

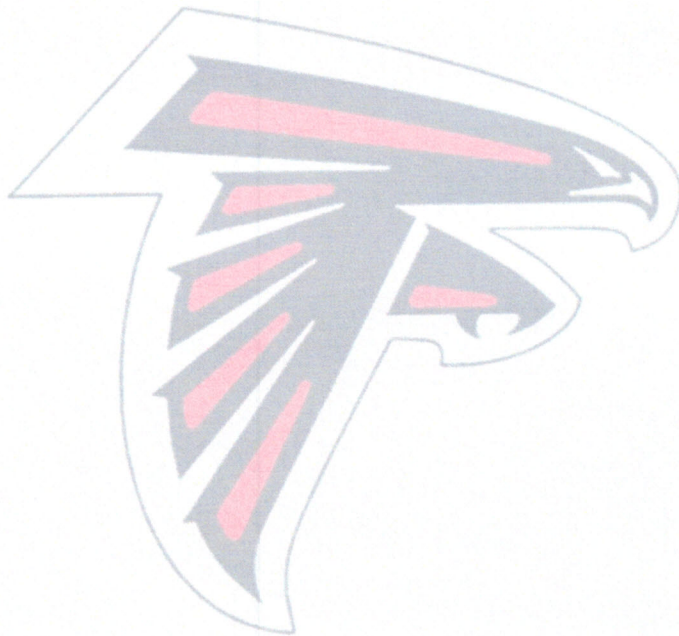
___ N/A _____



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____





Applicant: Vulcan Lands, Inc.

Property Owner: Vulcan Lands, Inc.

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

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

Current Use: Residential/Vacant

Proposed Use: Quarry

Character Area: Industrial Employment

Proposal

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



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





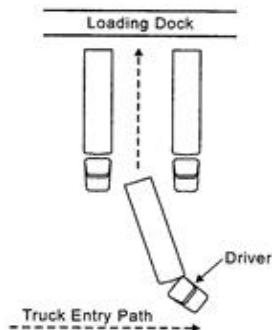
Comprehensive Plan

Employment/Industrial

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

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

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



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

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

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



All Brick, Articulated Building Façade



Landscaping to Soften View of Large Building





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

Zoning

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

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

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

CUP

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

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



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



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

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

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



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

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

Staff Recommendation

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

Public Hearing Published
Public Hearing

7/07/2021
8/05/2021

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

ORDINANCE NO. 654

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

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

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

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

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

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

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

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

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

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021.

James M. Miller, Mayor

ATTEST

Vickie Short, City Clerk

APPROVED AS TO FORM

Exhibit "A"

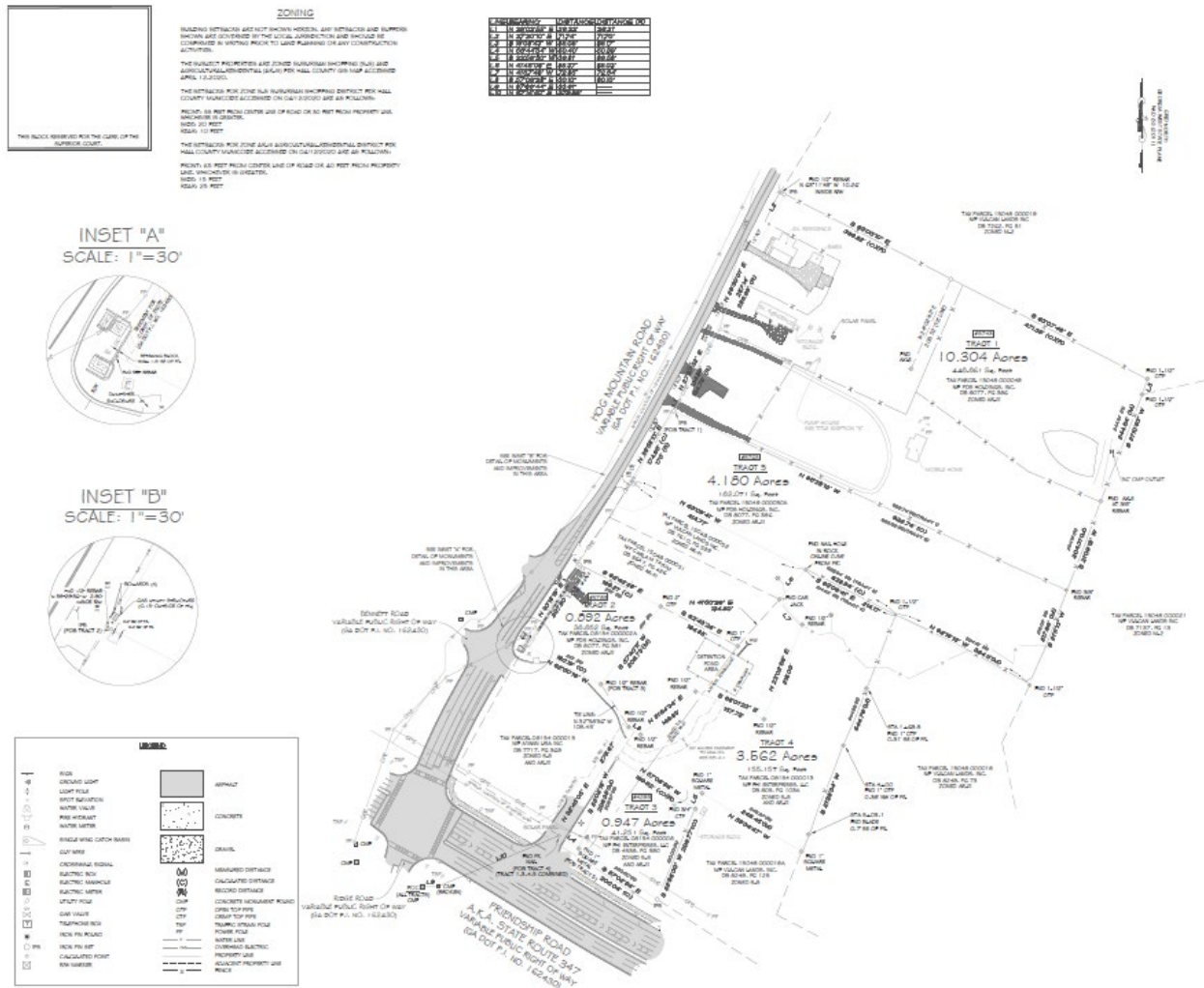


Exhibit "B"

Tax Parcel 15048 000049

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

AS-SURVEYED DESCRIPTION

TRACT 2

Tax Parcel 08154 000002A

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

AS-SURVEYED DESCRIPTION

TRACT 3

Tax Parcel 08154 000003

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

TRACT 4
Tax Parcel 08154 000013

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

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

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

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

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

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

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

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

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

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

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

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

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

Tract II:

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

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

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

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

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

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

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

Said property contains 5.998 acres.

Public Hearing Published
Public Hearing

7/07/2021
8/05/2021

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

ORDINANCE NO. 655

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

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

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

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

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

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

SECTION 1. FINDINGS.

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

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

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of October 2021

James M. Miller, Mayor

ATTEST

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit "B"

Tax Parcel 15048 000049

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

AS-SURVEYED DESCRIPTION

TRACT 2

Tax Parcel 08154 000002A

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

AS-SURVEYED DESCRIPTION

TRACT 3

Tax Parcel 08154 000003

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

TRACT 4
Tax Parcel 08154 000013

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

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

A parcel of land situated in the Friendship Georgia Militia District 1419 of Hall County, Georgia, and being more particularly described as follows:
COMMENCING at a found concrete monument marking the westernmost end of the chamfer between the southeasterly Right of way of Ridge Road (Right of way Vanes) and the southwesterly right of way of Friendship Road (A.K.A. State Route 347)(Right of way Vanes); Thence run North 57 Degrees 36 Minutes 44 Seconds East along said Right of way of Friendship Road (SR 347) for a distance of 33.61 feet to a found broken concrete monument; Thence departing from said right of way and proceeding North 67 Degrees 14 Minutes 40 Seconds East for a distance of 279.96 feet to a found PK nail in asphalt on the Northeasterly Right of way of Friendship Road; Thence departing from said right of way proceeding North 32 Degrees 46 Minutes 06 Seconds East for a distance of 276.67 feet to a found 1/2" rebar; Thence South 67 Degrees 06 Minutes 28 Seconds East for a distance of 30.10 feet to a found 1/2" rebar; Thence North 61 Degrees 54 Minutes 34 Seconds East for a distance of 149.83 feet to a found 1/2" rebar; Thence South 68 Degrees 01 Minutes 23 Seconds East for a distance of 167.73 feet to a found 1/2" rebar; Thence North 22 Degrees 02 Minutes 69 Seconds East for a distance of 218.03 feet to a found 1/2" rebar; Thence North 41 Degrees 67 Minutes 43 Seconds West for a distance of 72.86 feet to a found oak joak; Thence North 41 Degrees 46 Minutes 08 Seconds East for a distance of 86.37 feet to a point being witnessed by a nail hole found in a rock found online 0.68 feet back from said point; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 414.77 feet to a set capped 6/8" rebar on the southeasterly right of way of Hog Mountain Road (right of way vanes), which is the POINT OF BEGINNING for herein described parcel of land; Thence proceeding along said right of way North 29 Degrees 58 Minutes 13 Seconds East a distance of 174.96 feet to a set capped 6/8" rebar; Thence departing from said right of way proceeding South 66 Degrees 28 Minutes 13 Seconds East a distance of 922.74 feet to a found 3/8" rebar; Thence South 21 Degrees 11 Minutes 13 Seconds West a distance of 217.96 feet to a found 1-1/2" open top pipe; Thence North 62 Degrees 16 Minutes 13 Seconds West a distance of 324.11 feet to a found 1-1/2" open top pipe; Thence North 63 Degrees 09 Minutes 41 Seconds West a distance of 628.94 feet to a set capped 6/8" rebar, which is the POINT OF BEGINNING. Said parcel contains 182,071 square feet or 4.180 acres.

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

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

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

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

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

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

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

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

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

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

Tract II:

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

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

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

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

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

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

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

Said property contains 5.998 acres.

RESOLUTION NO. 21-014

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

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

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

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

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

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

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

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

Approved this 21st Day of October 2021

James M. Miller, Mayor

ATTEST

Vickie Short, City Clerk

Exhibit "B"

Tax Parcel 15048 000049

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

AS-SURVEYED DESCRIPTION

TRACT 2

Tax Parcel 08154 000002A

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

AS-SURVEYED DESCRIPTION

TRACT 3

Tax Parcel 08154 000003

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

TRACT 4
Tax Parcel 08154 000013

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

AS-SURVEYED DESCRIPTION
TRACT 5
Tax Parcel 15048 000050A

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

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

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

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

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

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

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

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

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

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

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

Tract II:

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

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

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

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

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

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

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

Said property contains 5.998 acres.

Exhibit “C”

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

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

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

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

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

11. Third-Party Monitoring. As long as the quarry is operating, the property owner agrees to contract with, at no cost to the City, a third-party monitoring company to investigate and respond to any written complaints received by the City of Flowery Branch regarding blasting operations at the Friendship Quarry and subject property. The company shall respond within five (5) working days of being notified by the City of a written complaint. Written responses shall be required to be submitted by the third-party monitoring company to the Manager of Planning and Community Development when, in his opinion, the complaint has merit.
12. Community Advisory Council.
- a. The property owner agrees to continue holding periodic Community Advisory Council meetings in the area of the subject property, such as at Friendship or Cornerstone Baptist Church, or other institution in the area, in order to periodically educate neighbors and residents and business owners in the area, about the operations, the industry generally, and changes to site plans and conditions. Such meetings shall not be held less frequently than one per quarter year.
 - b. At such meetings, the property owner will report the progress made toward compliance with these conditions of zoning, disclose any formal complaints received by the City of Flowery Branch that have been forwarded to the property owner, describe “best practices” for safety, land management, environmental protection, and site operations being implemented or contemplated for implementation, present any special studies required by these conditions of zoning, and explain other appropriate or salient features of the property and its operations.
13. Incorporation of 29.67 +/- acre site. Prior to inclusion of the 29.67 +/- acres of the subject property into the existing quarry, applicant shall submit a revised overall site plan, fencing plan and berm plan for the added area. Plan shall indicate appropriate security fencing and required buffers as identified in the above listed conditions and as determined by the Zoning Administrator. In the event that fencing and berms are required, applicant shall construct said fencing and berms within 60 days of including the property into the overall site operations.
14. Conditions. All adopted conditions of approval shall apply regardless of any change of ownership. Failure to comply with any of the conditions contained herein or those identified within Article 14 Section 14.9 of the adopted Zoning Code may result in revocation of this grant.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

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

FACTS AND ISSUES:

Mr. Hobgood requests rezoning to CBD to better market the site. Therefore, there is no site plan nor any renderings. Section 9.5.e of the zoning ordinance requires all projects come before City Council for approval in the CBD. Mr. Hobgood provided some conceptual renderings of what the site may eventually look like (please see attached).

This is the final read of this ordinance.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve first read

SAMPLE MOTION:

I make a motion to approve the second read of ordinance 651.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Hobgood Rezoning.pdf](#)

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



REZONING APPLICATION

Date: June 7, 2021

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

Tax Map # 08112 016001 Current Zoning: M-1

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

Currently a conforming use? _____

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

Applicant Information

Name: Kevin Hobgood

Address: 7233 Sherwood Mill Drive
Flower Branch, GA 30542

E-mail address: Kevin@hobgoodgroup.com

Phone number: 678-898-2251

Signature: [Signature]

Notary:

[Signature]
exp. May 8, 22





Property owner information (if different than the applicant)

Property owner (please print): _____

Signature of property owner: _____

Notary: _____

Property Information

Tax Map Number: 08112 01600

Current Zoning: M-1 Total Acres: _____

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

Proposed City of Flowery Branch Zoning: CBD

Current Use: STORAGE / MILLWORK SHOP

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

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

- Legal description
- Current survey of property



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

Conflict of Interest Disclosure

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

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

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

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



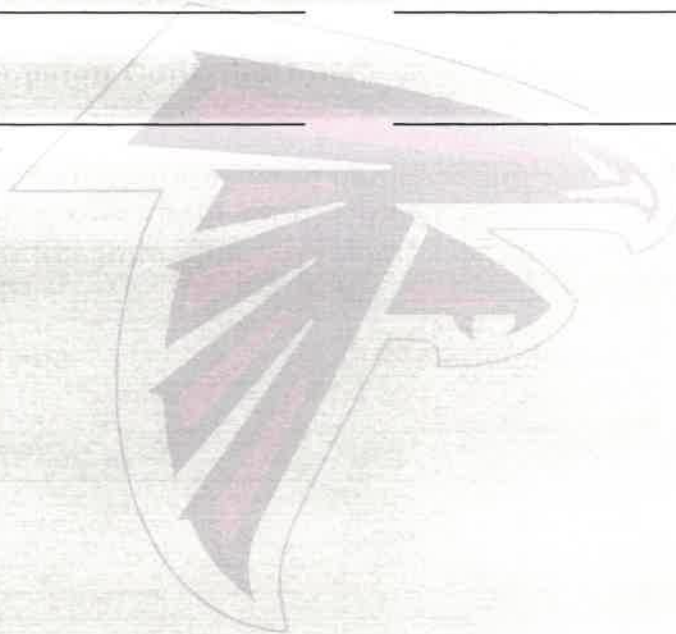
Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

_____	_____
_____	_____



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Flowery Branch

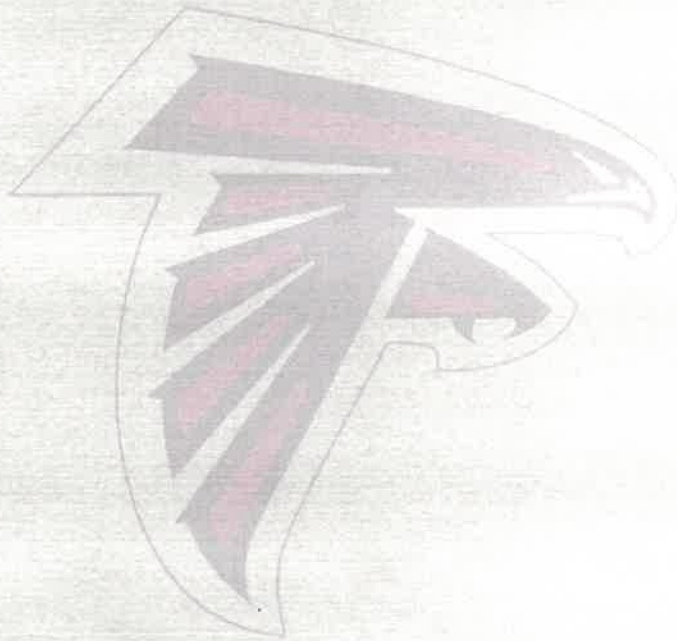


Exhibit A







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

ARTICLE 9
NONRESIDENTIAL ZONING DISTRICTS

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

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

- (a) Purpose and Description. This zoning district is intended to implement the “Office-Professional” designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Institutional Campus” character area established in the comprehensive plan and may be appropriate within neighborhood commercial and activity center classifications shown on the character area map. The Office-Professional district is intended to encourage and provide suitable areas for professional, medical, research and scientific functions, general offices, and certain related activities. This district is intended to apply to single-function office buildings and to planned office parks and planned office complexes. In some cases, the OP district may be appropriate as a transition between a commercial zoning district and a single-family or multi-family residential zoning district.
- (b) Character. Access to this district is predominantly by automobile but pedestrian mobility is accommodated.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.”
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”

Sec. 9.2. INST, Institutional District.

- (a) Purpose and Description. This zoning district is intended to implement the “Public Institutional” and “transportation, communications and utilities” designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “Institutional Campus” character area established in the comprehensive plan. The Institutional zoning district is intended to encourage and provide suitable areas for institutional campuses including the Atlanta Falcons Training Facility, Hall County public schools, and large churches.
- (b) Character. These are mostly single-function land use districts where public access is controlled or limited. Areas are sometimes designed for trucks and individual establishments

are not connected with one another. In the case of schools, pedestrian accessibility is provided, but other institutions are largely reliant on the automobile for access. Campus-style site planning and generous landscaping are required.

- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts."
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."

Sec. 9.3. NS, Neighborhood Shopping District.

- (a) Purpose and Description. This zoning district is intended to implement the "commercial" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the "neighborhood commercial" character area established in the comprehensive plan.
- (b) Character. Neighborhood commercial districts are intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. This district provides for attractive, non-auto related neighborhood businesses and services, with distinctive architectural features and a scale compatible with pedestrians and connected to adjacent residential neighborhoods. Uses within neighborhood commercial character areas generally occur within enclosed buildings with no outside storage and limited outdoor display of goods and merchandise. Pedestrian accessibility is promoted via sidewalks connected to nearby neighborhoods but uses are mostly reliant on the automobile for access. Nonetheless, buildings and developments are scaled to be compatible with and promote pedestrian activity. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, "Permitted and Conditional Uses in Nonresidential Zoning Districts." Auto-related, highway-oriented commercial uses are not permitted. With the exception of convenience stores with gasoline pumps, neighborhood commercial districts are not intended to permit or accommodate automotive uses or other types of more intensive highway business activities, or those uses that generate excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use.
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts." Business establishments do not exceed 2,500 square feet in any one tenant space, to keep the bulk and intensity in scale with the needs of adjacent neighborhoods. Open space is limited to suburban plazas or small open spaces. A three-story height limit is imposed.

Sec. 9.4. HB, Highway Business District.

- (a) Purpose and Description. This zoning district is intended to implement the “commercial” designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “activity center” and “mixed use” character areas established in the comprehensive plan. Centered at the interchange of Spout Springs Road and I-985, and also extending north and south along Hog Mountain Road, this zoning district will be an accessible center of businesses, services, and complementary uses, which may include traditional neighborhood development and mixed-use developments, contributing extensively to the economic base of the city.
- (b) Character. This district is dominated by commercial uses but also intended to accommodate mixed-use developments. A grid block pattern of streets (connected local network) is provided, along with sidewalks and street trees. Pedestrian accessibility is promoted, although most activity is via the automobile for access. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.
- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.” The widest possible range of uses is contemplated in this zoning district, except for industry and single-family, detached or manufactured homes. This character area is the proper place for big box retail, shopping centers, lodging and auto-related uses.
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”

Sec. 9.5. CBD, Central Business District.

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

- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, "Dimensional Requirements in Nonresidential Zoning Districts."
- (e) Construction Approval. Any proposed construction project must be approved by the City Council prior to issuance of any permit.
- (f) Construction Approval Requirements. All construction proposals shall submit at a minimum the following:
 - 1. Legal description of the property;
 - 2. Survey of the property;
 - 3. Existing conditions analysis of the site to be redeveloped, including any existing buildings, structures, and/or uses on the subject site, and the existing land uses and description of buildings, structures, and uses on all adjacent lots;
 - 4. Letter of intent describing the proposed use(s) of the property or other action requested (redevelopment project approval). The applicant must be comprehensive in terms of describing all principal uses that will be included – these will become limiting and binding on the developer – refer to the permitted uses listing in Table 9.1 of Article 9 of the Flowery Branch Zoning Ordinance. For complex projects, the applicant should describe the intended phasing of the project, if applicable. The letter of intent shall address the following:
 - a. How the proposed action compares (and is consistent with) the goals, policies, and development requirements of the Old Town Redevelopment Plan;
 - b. How the project will be consistent with any adopted design guidelines for the type of development and/or the proposed use; and
 - c. How the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of buildings in the proposed redevelopment project will be appropriate in its surroundings;
 - 5. Two copies and one electronic copy of a site plan of the property, at an appropriate engineering scale, showing the proposed use and relevant information (buildings, parking, open spaces, etc.) regarding proposed improvements;
 - 6. Statistics regarding the proposed development (this may be incorporated into the letter of intent, or shown on the site plan, or both). At minimum, such statistics shall include the total square footage of the redevelopment project, including any existing buildings to be retained, the total gross square footages of building(s) devoted to each use, and proposed building heights for all buildings and structures proposed in the redevelopment project;
 - 7. Two copies and one electronic copy of all exterior elevation drawings of all building faces that will front on a public or private street, and rear and side elevations of same

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

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

Sec. 9.6. M-1, Light Manufacturing and Industrial District.

- (a) Purpose and Description. This zoning district is intended to implement the “light_industrial” and “transportation, communication and utilities” designations of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intended to implement the “industrial/employment” character area established in the comprehensive plan. It provides a concentration of employment and job activity, contributing substantially to the economic base of the city. (Ord. 348-13)
- (b) Character. Truck traffic is frequent, and individual manufacturing establishments are not necessarily connected with one another. Driveways and curb radii are designed to accommodate large trucks. Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages. Entrances, frontages, and building façades are softened with landscaping and low-lying identification signs.

- (c) Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts.” Light industries are the primary permitted uses. (Ord. 348-13)
- (d) Dimensional Requirements. Dimensional requirements shall be as provided in Table 9.2, “Dimensional Requirements in Nonresidential Zoning Districts.”
- (e) Design Requirements. Please see Article 14 sec.14.13 of this ordinance.

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

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

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C
Auction house or auction yard (excluding livestock)	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	X	X	P	P	P	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sect. 14.3) (Ord. 348-11)	P	P	C	P	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	C	P	X	C	C
Club, private (Ord. 348-11)	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P
Co-generation facility	X	X	X	X	X	C	C
College or university (Ord. 348-11)	C	P	X	C	X	C	C
Commercial recreational facility, indoor (Ord. 348-11)	X	X	C	P	X	C	C
Commercial recreational facility, outdoor	X	X	X	C	C	C	C
Communication tower and antenna	P	P	X	P	X	P	P

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	P	P	X	P	P
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary (Ord. 348-13)	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P	P	X	X	P	X	X
Dwelling, single-family detached, condominium	P	P	X	X	P	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	P	P	X	X
Dwelling, multi-family	X	X	X	X	C	X	X
Dwelling, two-family (duplex)	C	C	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X
Food processing plant	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler	X	P	P	P	P	P	P
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P
Gym or exercise facility open 24 hours a day	P	P	X	P	P	P	P
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	X	C
Health spa	X	X	X	P	P	P	P
Hospital	C	P	X	P	C	C	C
Incinerator	X	X	X	X	X	X	C
Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X	X
Institutional residential living and care facility, serving 18 persons or more	C	P	X	P	X	X	X
Junk/salvage yard	X	X	X	X	X	X	C
Kennel	X	X	X	P	X	P	P
Laboratory	P	P	C	P	X	P	P
Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro brewery	X	X	X	X	P	P	P
Mixed use building or development	C	X	P	P	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
Package Store	X	X	P	P	X	P	P
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P
Power plant, private	X	X	X	X	X	X	C
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts (Ord. 348-10; Ord. 348-11)	P	P	C	P	C	C	C
School, private, elementary, middle, or high (Ord. 348-11)	P	P	C	P	X	C	C
School, public	P	P	X	X	X	X	X
School, professional (Ord. 348-11)	P	P	C	P	X	C	C
School, special (Ord. 348-11)	P	P	X	X	X	C	C

Article 9, Nonresidential Zoning Districts (Amended through Ord. 348-18)
Zoning Ordinance City of Flowery Branch, GA

Use	O-P	INST	NS	HB	CBD	M-1	M-2
School, trade (Ord. 348-11)	C	C	X	X	X	C	C
Self-service storage facility (mini-warehouse)	X	X	X	P	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility (Ord. 348-11)	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	C	X	C	C
Tattoo Parlor	X	X	X	P	x	C	C
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P
Warehouse or storage building	X	X	X	C	X	P	P
Water plant or wastewater treatment facility	X	X	X	X	X	X	X
Wholesale trade establishment	X	X	X	C	C	P	P
Wireless telecommunications equipment	X	C	X	C	X	C	C
Wireless telecommunications facility	X	C	X	C	X	C	C
Wrecked motor vehicle compound	X	X	X	C	X	X	P
Yoga Studio	P	P	P	P	P	P	P

(Ord. 348-18)

Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

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

(Ord. 348-13)

Note 1. Building Height and Number of Stories. The maximum height of any building, including those on lots subsequently zoned CBD after the effective date of this zoning ordinance amendment, shall be three stories and 45 feet, except as follows:

The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.

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.

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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
Public Hearing 08/05/2021

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 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"

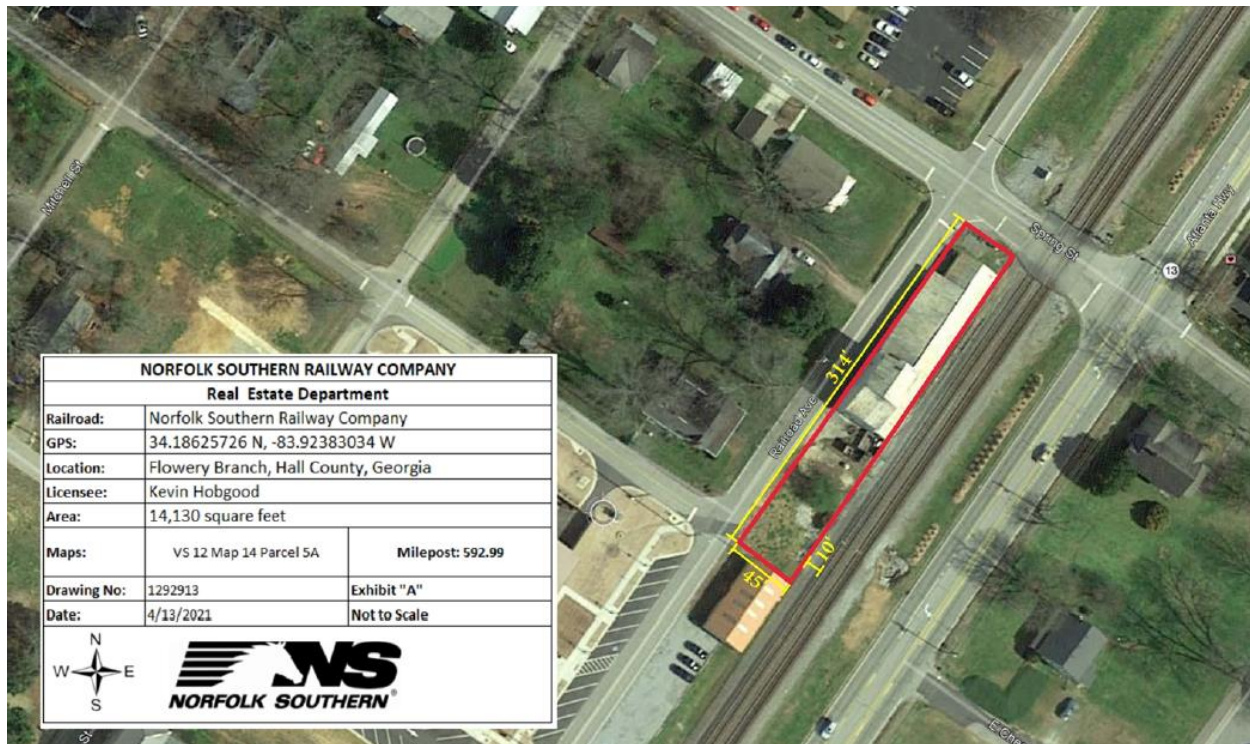


Exhibit "B"

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

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

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: Second Reading of Ordinance 379-C Amendment for Hotel-Motel Tax to 8%

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

The City of Flowery Branch first approved a 5% Hotel-Motel Tax in September of 2008. Resolution 20-004 allowed the submission of the increase to the State of Georgia. House Bill 649 enabled the City to increase the Tax to 8%. This ordinance is the official levying of the hotel tax.

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [Notice.House_Bill.Resolution.pdf](#)
- [379C Hotel-Motel Tax Ord 8% addition of short term rentals.pdf](#)

**NOTE TO LEGISLATOR: NOTICE REQUIREMENTS FOR LOCAL BILLS
(THIS SECTION NOT FOR PUBLICATION)**

- (1) The notice below must be published one time in the county legal organ.
- (2) If the bill amends the charter of a municipality or the enabling Act of the governing authority of a county or consolidated government, then a copy of the notice must be provided to the local governing authority during the same calendar week in which the notice was published in the legal organ or during the seven days immediately after the date of publication. For purposes of this requirement, the copy of the notice provided to such governing authority may consist of an actual or photostatic copy of the published notice or a typed restatement of the contents of such notice.
- (3) The notice may be published during the session of the General Assembly or during the 60-day period immediately prior to the convening date of the session at which the bill is introduced.
- (4) If the notice is published during the session of the General Assembly, then the bill cannot be introduced before Monday of the calendar week following the week in which the notice was published.
- (5) A copy of the notice as it was advertised and an affidavit swearing that the notice has been published as provided by O.C.G.A. § 28-1-14 (*see paragraph (1) above*) and that the notice requirements of that Code section have been met (*see paragraph (2) above*) shall be attached to the bill and shall become a part of the bill. Such affidavit shall be made by the author of the bill (on the form provided by the Office of Legislative Counsel).
- (6) See O.C.G.A. § 28-1-14 for the complete text of the notice requirements.

NOTE TO PUBLISHER OF LEGAL ORGAN: PUBLISH ONLY THE NOTICE BELOW

NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is given that there will be introduced at the regular 2020 session of the General Assembly of Georgia a bill to authorize the governing authority of the City of Flowery Branch to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; and for other purposes.

A BILL TO BE ENTITLED

AN ACT

1 To authorize the governing authority of the City of Flowery Branch to levy an excise tax
2 pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide
3 procedures, conditions, and limitations; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA

6 **SECTION 1.**

7 Pursuant to the authority of subsection (b) of Code Section 48-13-51 of the O.C.G.A., the
8 governing authority of the City of Flowery Branch is authorized to levy an excise tax at a
9 rate not to exceed 8 percent of the charge for the furnishing for value to the public of any
10 room or rooms, lodgings, or accommodations furnished by any person or legal entity
11 licensed by, or required to pay business or occupation taxes to, the municipality for
12 operating a hotel, motel, inn, lodge, tourist cabin, campground, or any other place in which
13 rooms, lodgings, or accommodations are regularly or periodically furnished for value.

14 **SECTION 2.**

15 The enactment of this Act is subsequent to the adoption of Resolution 20-004 by the
16 governing authority of the City of Flowery Branch on February 6, 2020, which specifies
17 the subsequent tax rate, identifies the projects or tourism product development purposes,
18 and specifies the allocation of proceeds.

19 **SECTION 3.**

20 In accordance with the terms of such resolution adopted by the mayor and council of the
21 City of Flowery Branch:

22 (1) In each fiscal year during which a tax is collected pursuant to paragraph
23 two (2) of subsection (b) of Code Section 48-13-51 of the O.C.G.A., an
24 amount equal to not less than 50 percent of the total amount of taxes
25 collected that exceeds the amount of taxes that would be collected at the

26 rate of 5 percent shall be expended for promoting tourism, conventions, and
27 trade shows by the destination marketing organization designated by the
28 City of Flowery Branch or by such other entity already authorized to
29 administer tourism funds pursuant to existing contract as specified in
30 paragraph (2) of subsection (e) of Code Section 48-13-51 of the O.C.G.A.;
31 and
32 (2) The remaining amount of taxes collected that exceeds the amount of taxes that
33 would be collected at the rate of 5 percent which is not otherwise expended under
34 paragraph (1) of this section shall be expended for tourism product development.

33 **SECTION 4.**

34 All laws and parts of laws in conflict with this Act are repealed.

RESOLUTION NO. 20 - 004

A RESOLUTION AUTHORIZING THE SUBMISSION OF LOCAL LEGISLATION TO LEVY THE HOTEL-MOTEL TAX IN FLOWERY BRANCH, HALL COUNTY, GEORGIA AS SET FORTH IN EXHIBIT “A” ATTACHED HERETO; TO REPEAL CONFLICTING RESOLUTIONS TO THE EXTENT OF ANY CONFLICT; FOR SEVERABILITY; AND, FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Flowery Branch, Georgia (the “City”) has a desire to continue its efforts to promote tourism; and

WHEREAS, pursuant to O.C.G.A. § 48-13-51 and Sec. 44-32 of the City Code of Ordinances, the City currently levies a hotel-motel excise tax in the amount of five percent; and

WHEREAS, pursuant to O.C.G.A. § 48-13-51(b)(2), the City wishes to increase the hotel-motel excise tax to eight percent of the charge for furnishing for value to the public any room or rooms, lodgings or accommodations; and

WHEREAS, the City shall utilize the proceeds from the hotel-motel excise tax for the promotion of tourism, conventions and trade shows as well as tourism product development including, but not limited to, the promotion and development of a tourism project located in downtown Flowery Branch; and

WHEREAS, in each fiscal year during which the hotel-motel tax is collected, an amount equal to not less than 50 percent of the total amount of taxes collected that exceed the amount of taxes that would be collected at the rate of five percent shall be expended for promoting tourism, conventions and trade shows by the City’s designated destination marketing organization, and the remaining amount of taxes collected that exceed the amount of taxes that would be collected at the rate of five percent which are not otherwise expended for promoting tourism, conventions and trade shows shall be expended for tourism product development, including the development and implementation of the downtown tourism project.

THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY RESOLVES as follows:

SECTION 1. LEVY.

The governing body for the City of Flowery Branch hereby supports the amendment of the hotel-motel excise tax from five percent to eight percent, with the proceeds thereof to be used as set forth above and directs the Mayor, the City Manager and the City Attorney to execute such documents and agreements that may be necessary to effectuate the terms of this resolution.

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

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

PASSED AND ADOPTED by the City Council of the City of Flowery Branch Georgia this 6th day of February 2020.

James Miller. Mayor

ATTEST:

Melissa McCain M.M.C., City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

ORDINANCE NO. 379-C

AN ORDINANCE TO SET AND LEVY A HOTEL-MOTEL EXCISE TAX; TO PROVIDE FOR DEFINITIONS; TO ESTABLISH THE RATE OF LEVY; TO PROVIDE FOR THE USE OF SAID TAX INCLUDING THE ADDITIONAL AMOUNTS COLLECTED; TO PROVIDE FOR COLLECTION OF SAID TAX BY OPERATORS; TO SET FORTH EXEMPTIONS; TO REQUIRE REGISTRATION BY THE OPERATOR; TO PROVIDE FOR A CERTIFICATE OF THE TAXING AUTHORITY; TO SET A DUE DATE AND ESTABLISH REPORTING REQUIREMENTS; TO PROVIDE FOR A COLLECTION FEE FOR OPERATORS; TO PROVIDE FOR A DETERMINATION IF NO REPORT IS RETURNED OR FOR ANY DEFICIENCIES; TO REQUIRE RECORD RETENTION; TO PROVIDE FOR ADMINISTRATION AND ENFORCEMENT; TO PROVIDE FOR AN ACTION FOR COLLECTION; TO HOLD SUCCESSORS AND ASSIGNS OF OPERATORS LIABLE FOR UNPAID TAXES; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR ALL OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, O.C.G.A. § 48-13-51 authorizes the governing authority of each municipality in this state to levy and collect an excise tax upon the furnishing for value to the public any room or rooms, lodgings, or accommodations furnished by any person or legal entity licensed by, or required to pay business or occupation taxes to, the municipality for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value.

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

Section 1. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Flowery Branch, Georgia.

Due date means the twentieth day after the close of the monthly period for which tax is to be computed.

Guest room means a room occupied, or intended, arranged, or designed for occupancy, by one (1) or more occupants for the purpose of living quarters or residential use.

Hotel means any structure or any portion of a structure, including any lodging house, rooming house, dormitory, Turkish bath, bachelor hotel, studio hotel, motel, motor hotel, auto court, truck stop, tourist cabin, lodge, inn, timeshare or other condominium, apartment community, public club, private club, or short-term vacation rental containing guest rooms and which is occupied, or is intended or designed for occupancy, by paying guests, whether rent is paid in money, goods, labor, or otherwise.

Occupancy means the use or possession, or the right to use or possession of any room or apartment in a hotel, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room.

Occupant means any person who, for a consideration, uses, possesses, or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license or use, or other agreement, or otherwise.

Operator means any person operating a hotel in this city including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, lender in possession; licensee or any other person otherwise operating such hotel.

Permanent resident means any occupant as of a given date who has or shall have occupied or has or shall have the right of occupancy of any guest room in a hotel for more than thirty (30) consecutive days.

Person means an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number,

excepting the United States of America, the state and any political subdivision of either thereof upon which the city is without power to impose the tax herein provided.

Rent means the consideration received for occupancy valued in money--whether received in money or otherwise--including all receipts, cash, credits and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction there from whatsoever.

Return means any return filed or required to be filed as herein provided.

Section 2. Hotel-Motel Excise Tax Levy.

There is hereby set and levied on each occupant of a guest room of any hotel and short-term rental located within the corporate limits of the city a tax in the amount of eight percent (8%) of the rent for such occupancy.

Section 3. Proceeds of the Tax.

The proceeds of this tax shall be used in accordance with O.C.G.A. § 48-13-51(a)(3).

Section 4. Use of Funds Generated by Additional Taxes.

Upon approval by the city council of the city on an annual basis, the additional tax imposed by this ordinance in excess of the first three percent (3%) shall be paid to the Lake Lanier Convention and Visitors Bureau ("Lake Lanier CVB") so long as (a) the majority of the funds paid are used for advertising and promoting the city and its surrounding area and (b) the city has representation on the Lake Lanier CVB.

Section 5. Collection of Tax by Operator.

It shall be the duty of every operator of a hotel and short term rental located within the city to collect the tax on occupants imposed in section 2 of this ordinance.

Section 6. Exemptions.

Notwithstanding any other provision of this ordinance:

(a) No tax shall be imposed hereunder upon a permanent resident.

(b) No tax shall be imposed on charges made for hotel rooms and short-term rentals, provided to any person who certifies that they are staying in such hotel room and short-term rental, as a result of the destruction of their home or residence by fire or other casualty.

(c) The tax authorized by this ordinance shall apply to the fees or charges for any hotel room and short-term rental during the first thirty (30) days of continuous occupancy and shall not apply to charges imposed for any continuous occupancy thereafter. The tax authorized by this ordinance shall not apply to charges made for the use of meeting rooms and other such facilities or to any hotel room provided without charge.

(d) The tax authorized by this ordinance shall not apply to the charges for any hotel room and short-term rental, furnished for a period of one (1) or more days for use by Georgia state or local government officials or employees when traveling on official business. Notwithstanding the availability of any other means of identifying the person as a state or local government official or employee, whenever a person pays for any hotel room with a state or local government credit card, such room shall be deemed to have been furnished for use by a Georgia state or local government official or employee traveling on official business for purposes of the exemption provided by this sub-section.

Section 7. Registration of Operator.

(a) Every person engaging in or about to engage in business as an operator of a hotel and short-term rental in this city shall immediately register such business with the city clerk, on a form provided by the city clerk for such purpose. The required registration hereunder shall set forth the name under which the operator transacts business or intends to transact business, the location of his place or places of business, and such information

as would facilitate the collection of the tax by the city clerk. The registration shall be signed by the owner if a natural person; by a member or partner in case of ownership by an association or partnership; by an officer in the case of ownership by a corporation.

(b) A separate registration shall be required for each place of business of an operator.

Section 8. Certificate of Taxing Authority.

Upon the registration of an operator under this ordinance, the city clerk shall issue to such operator without charge a certificate of authority to collect the tax on occupants. Each certificate shall state the name and location of the business to which it relates.

Section 9. Due Date and Required Report.

All taxes levied by this ordinance shall be due and payable to the city clerk monthly on or before the twentieth day of every month next succeeding each respective month in which such taxes are collected, and payment shall be accompanied by a return for the preceding monthly period showing the gross rent, rent from permanent residents, taxable rent, amount of tax collected or otherwise due for the period, and such other information as may be required by the city clerk. The tax imposed by this ordinance shall become delinquent for each month after the twentieth day of each succeeding month during which it remains unpaid. An operator who fails to make any return or to pay the taxes levied by this ordinance, shall be assessed a specific penalty to be added to the tax in the amount of five percent (5%) or five dollars (\$5.00), whichever is greater, if the failure is for one (1) month or less; and an additional five percent (5%) or five dollars (\$5.00), whichever is greater, for each additional month or fraction thereof in which such failure shall continue; provided, however, that the aggregate penalty for any single violation shall not exceed twenty-five percent (25%) or twenty-five dollars (\$25.00), whichever is greater.

Delinquent amounts shall bear interest at the rate of one (1) percent per month, or fraction thereof, until paid.

Section 10. Collection Fee Allowed Operators.

Operators collecting the tax levied by this ordinance shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from the state sales and use tax pursuant to O.C.G.A. § 48-8-1, et seq.

Section 11. Determination if No Return Made.

(a) If any operator fails to file a return as required under the provisions of this ordinance, the city clerk or his designated representative shall make an estimate of the amount of gross rentals of such operator which are subject to the tax. The estimate shall be made for the period or periods in which the operator failed to file the return and shall be based upon any information which is or may come into the possession of the city clerk.

(b) The city clerk or his designated representative shall give to the operator written notice of his determination as herein provided. The notice may be served personally or by mail; if by mail, such service shall be addressed to the operator at his address as it appears in the records of the city clerk. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.

(c) Penalties and interest shall be assessed upon the amount of any determination as provided in section 9 of this ordinance.

Section 12. Deficiency Determination.

(a) If the city clerk or his designated representative is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the city by any operator, he may compute and determine the amount required to be paid upon the basis of any

information within his possession or that may come into his possession. One (1) or more deficiency determinations may be made of the amount due for one (1) or more monthly periods.

(b) The city clerk or his designated representative shall give to the operator written notice of his determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the operator at his address as it appears in the records of the city. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee, or when made by statutory overnight delivery.

(c) Penalties and interest shall be assessed upon the amount of any determination as provided in section 9 of this ordinance.

Section 13. Required Records.

Each operator collecting a tax under the provisions of this ordinance shall keep, for a period of at least three (3) years, all records, receipts, invoices and other pertinent papers setting forth the rental charged for each occupancy, the date or dates of occupancy, and such other information as the city clerk may require.

Section 14. Administration and Enforcement.

The city clerk or his designated representative shall administer and enforce the provisions of this ordinance for the collection of the tax herein imposed, and in so doing shall have the following powers:

(a) To examine, or authorize the examination of, the books, papers, records, financial reports, equipment and other facilities of any operator renting hotel rooms and short-term rentals to persons subject to the tax, in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid;

(b) To require the filing of reports by any person having in his possession or custody information relating to rentals of hotel rooms and short-term rentals which are subject to the tax herein levied.

Section 15. Action for Collection of Tax.

At any time within three (3) years after any tax levied under this ordinance or any portion of such tax required to be collected becomes due and payable, the city attorney may bring an action in a court of competent jurisdiction in the name of the city to collect such amount due, together with interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.

Section 16. Successors or Assignees of Operator.

If any operator liable for any tax, interest, or penalty imposed by this ordinance sells his or her business or quits the business, he or she shall make a final return and payment within fifteen (15) days after the date of selling or quitting the business. The operator's successors or assigns, if any, shall withhold a sufficient amount of the purchase money to cover the amount of the taxes, interest, and penalties due under this ordinance and unpaid until the former owner and/or operator produces either a receipt from the city showing that the taxes, interest, and penalties due under this ordinance have been paid or a certificate from the city that no tax, interest, or penalty is due under this ordinance. If the purchaser of a business fails to withhold the purchase money as required by this ordinance, that person shall be personally liable for the payment of any taxes, interest, and penalties accruing under this ordinance and unpaid by any former owner and/or operator and/or assignor. The personal liability of the purchaser in such a case shall not exceed the amount of the total purchase money, but the property being transferred shall in all cases be subject to the full amount of the tax lien arising from the delinquencies of the former owner and/or

operator and/or assignor. Paid executions may be transferred and enforced as otherwise provided by law.

Section 17. Penalties.

Any operator who shall violate any provision of this ordinance shall be guilty of a misdemeanor amenable to the process of the city's municipal court and, upon conviction, shall be punished as provided by the city's charter and as otherwise allowed by law. Each and every day that a violation exists shall be deemed a separate offense.

Section 18. 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 19. Repealer.

Ordinance No. 379 is specifically repealed in its entirety. Moreover, all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 20. Effective Date.

The effective date of this ordinance shall be upon adoption by the city council.

Adopted this 21st day of October 2021.

James M. Miller, Mayor

ATTEST:

Shelia Cooper, Assistant City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Insurance Policies for 12/01/2021 - 11/30/2022

COUNCIL MEETING DATE: October 21, 2021

HISTORY:

Policy Beginning	Policy Ending	Insurance Company	Medical Plan
4/1/2012-3/31/2013		Consumers Life	P30-80-1000
4/1/2013-10/31/2013		Consumers Life	HRA P5000
11/1/2013-11/30/2014		United Healthcare	Heritage Plus
12/1/2014	-11/30/2015	Alliant Health Plans	50006
12/1/2015	-11/30/2016	Alliant Health Plans	50006
12/1/2016	-11/30/2017	Humana (POS)	OPT 1 Gold
12/1/2017-11/30/2018		Humana (POS)	OPT 1 Gold
12/1/2018-11/30/2019		Alliant Health Plans	80144
12/1/2019	-11/30/2020	Alliant Health Plans	4400
12/1/2020-11/30/2021		Alliant Health Plans	8004400

FACTS AND ISSUES:

Our policy with Alliant Health Plans #8004400 will end on 11/30/21. Staff recommends the Council approves staying with the current plan, Alliant Plan #8004400, with a reduced rate. Employees would appreciate the consistency of having the same provider and plan for a fourth year. The -4.75% rate reduction is due to the average age of employees being reduced by two years. On the other hand, the \$960 increase is due to the number of insured increased. We are still within our FY2022 budget of \$630,726 city-wide healthcare costs, even with this small change. In FY2022, an increase of 20% was budgeted for health insurance.

HISTORY OF PERCENTAGE INCREASES:

FY2021	8.84%
FY2020	7.47%
FY2019	1.53%
FY2018	13.60%
FY2017	-1.00%
FY2016	50.00%
FY2015	20.00%
FY2014	15.00%

For Life, AD&D, Dental, and Vision insurance through Humana, the City will incur a 4.89% increase in annual costs.

See the attached detailed quotes for the additional life insurance.

**See more details on the PDF Executive Summary

OPTIONS:

Approve to stay with our current plan, Alliant Plan #8004400, at reduced rates and keep Life/AD&D, Dental and Vision with Humana, as presented.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

General Fund and Water Sewer Fund FY2022 Budget \$630,726

RECOMMENDATION:

Approve to change to Alliant Plan #8004400 and keep Life/AD&D, Dental and Vision with Humana, adding additional life insurance coverage for all employees.

SAMPLE MOTION:

I motion for the City Council to authorize the Mayor/City Manager to sign papers with Alliant Plan #8004400 for the City's health insurance and Humana for Life, AD&D, Dental and Vision Insurance, as presented.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [EXECUTIVE_SUMMARY_-_Alliant2021.pdf](#)
- [Quote Comparison for Current Coverage - for FY2022.pdf](#)
- [Quote Comparison for Life-AD&D-Vision-Dental Coverage - for FY2022.pdf](#)

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Insurance Policies for 12/01/21 – 11/30/22

DATE: 10/21/2021

BUDGET INFORMATION:

ANNUAL- N/A

CAPITAL-

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

☐ **STATUS REPORT**

☐ **OTHER**

COUNCIL ACTION REQUESTED ON: Approval of insurance policies for the City

PURPOSE: Obtain approval of insurance policies for the City

HISTORY:

Policy Beginning	Policy Ending	Insurance Company	Medical Plan
4/1/2012	3/31/2013	Consumers Life	P30-80-1000
4/1/2013	10/31/2013	Consumers Life	HRA P5000
11/1/2013	11/30/2014	United Healthcare	Heritage Plus
12/1/2014	11/30/2015	Alliant Health Plans	50006
12/1/2015	11/30/2016	Alliant Health Plans	50006
12/1/2016	11/30/2017	Humana (POS)	OPT 1 Gold
12/1/2017	11/30/2018	Humana (POS)	OPT 1 Gold
12/1/2018	11/30/2019	Alliant Health Plans	80144
12/1/2019	11/30/2020	Alliant Health Plans	4400
12/1/2020	11/30/2021	Alliant Health Plans	8004400

FACTS AND ISSUES:

Our policy with Alliant Health Plans #8004400 will end on 11/30/21. Staff recommends the Council approves staying with the current plan, Alliant Plan #8004400, with a reduced rate. Employees would appreciate the consistency of having the same provider and plan for a fourth year. The -4.75% rate reduction is due to the average age of employees being reduced by two years. On the other hand, the \$960 increase is due to the number of insured increased. We are still within our FY2022 budget of \$630,726 city-wide healthcare costs, even with this small change. In FY2022, an increase of 20% was budgeted for health insurance.

HISTORY OF PERCENTAGE INCREASES:

FY2021	8.84%
FY2020	7.47%
FY2019	1.53%
FY2018	13.60%
FY2017	-1.00%
FY2016	50.00%

FY2015	20.00%
FY2014	15.00%

For Life, AD&D, Dental, and Vision insurance through Humana, the City will incur a 4.89% increase in annual costs.

	Current Humana:	Proposed Humana:	% Increase:
Life/AD&D	\$ 241.24	\$ 241.24	0.00%
Dependent Life	\$ 93.08	\$ 93.08	0.00%
Dental	\$ 2,371.22	\$ 2,499.54	5.41%
Vision	\$ 340.05	\$ 360.60	6.04%
MONTHLY COST:	\$ 3,045.59	\$ 3,194.46	4.89%
ANTICIPATED			
MONTHLY INCREASE:		\$ 148.87	
ANNUAL COST:	\$ 36,547.08	\$ 38,333.52	4.89%

See the attached detailed quotes for the additional life insurance.

OPTIONS: Continue policy with Alliant Plan #8004400 and approve as presented.

RECOMMENDED SAMPLE MOTION:

I motion for the City Council to authorize the Mayor to sign papers with Alliant Plan #8004400 for the City's health insurance and the additional life insurance as presented.

DEPARTMENT: Administration

Prepared by: Alisha L Gamble

FY2022 CITY OF FLOWERY BRANCH - QUOTE COMPARISON TO CURRENT COVERAGE

Coverages	CURRENT PLAN - Alliant Plans 8004400	RECOMMENDED PLAN - Alliant 8004400 (SAME PLAN)	Humana Opt 7 Gold	Humana Opt 1 Gold	UHC CFOE Gold	UHC CFPR Gold	BCBS GMA PPO 80/60	BCBS GMA POS 80/60
Deductible	\$2,250	\$2,250	\$1,000	\$2,000	\$2,600	\$2,500	\$2,000	\$2,000
Co-Insurance	0%	0%	20%	0%	20%	20%	20%	20%
OP Max	\$2,250	\$2,250	\$5,000	\$6,000	\$6,500	\$8,000	\$5,000	\$5,000
Office Visit-PCP/SP	\$20/\$40	\$20/\$40	\$40/\$80	\$45/\$90	\$30/\$80	\$25/\$100	\$40/\$50	\$40/\$50
RX	\$10/\$35/\$70/25%	\$15/\$35/\$70/25%	\$10/\$45/\$90/25%	\$10/\$45/\$90/25%	\$10/\$40/\$140/\$300	\$10/\$40/\$140/\$300	\$10/\$35/\$60*	\$10/\$35/\$60*
ER Deductible	\$150	\$150	\$400	\$400	\$500	\$500	\$150	\$150
Urgent Care	\$75	\$75	\$100	\$100	\$50	\$50	\$60	\$60
Employee (31)	\$877	\$835	\$986	\$978	\$816	\$869	\$958	\$919
Employee/Spouse (4)	\$1,753	\$1,670	\$1,972	\$1,957	\$1,633	\$1,738	\$1,917	\$1,839
Employee/Children (1)	\$1,622	\$1,545	\$1,824	\$1,810	\$1,511	\$1,608	\$1,821	\$1,747
Family (2)	\$2,498	\$2,380	\$2,811	\$2,789	\$2,328	\$2,477	\$2,875	\$2,759
MONTHLY COST PLAN:	\$38,790	\$38,870	\$45,900	\$45,534	\$37,995	\$40,453	\$44,937	\$43,110
ANNUAL COST OF PLAN:	\$465,480	\$466,440	\$550,800	\$546,408	\$455,940	\$485,436	\$539,244	\$517,320
PERCENT OF CHANGE IN CATEGORIES:	Expires 11/30/21	-4.75%	12.48%	11.60%	-6.86%	-0.87%	11.49%	6.96%
AMOUNT OF INCREASE:		\$960	\$85,320	\$80,928	(\$9,540)	\$19,956	\$73,764	\$51,840
		*rates decreased but more employees covered.					*\$1,600 additional RX deductible	*\$1,600 additional RX deductible

HISTORY OF PERCENTAGE INCREASES:	
FY2021	8.84%
FY2020	7.47%
FY2019	1.53%
FY2018	13.60%
FY2017	-1.00%
FY2016	50.00%
FY2015	20.00%
FY2014	15.00%

NOTE: We budget 20% extra for inflation each year. FY2022 Budget = \$630,726.00

	Current Humana:	Proposed Humana:	% Increase:
Life/AD&D	\$ 241.24	\$ 241.24	0.00%
Dependent Life	\$ 93.08	\$ 93.08	0.00%
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