



**City of Flowery Branch
City Council Meeting
Thursday, November 04, 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:

ENNIS ROBERTS' COUNCIL CHAMBERS DEDICATION

UNFINISHED BUSINESS - WORK SESSION:

- Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood Development District (TND) to Central Business District (CBD).
[November Ordinances COMBINED.pdf](#)
[South Hall Staff Report_NOVEMBER.pdf](#)
- Consider a request submitted by Hines Acquisitions, LLC. to rezone a portion of 0 Thurmon Tanner Parkway (FKA The "Forbes" Property) from Highway Business (HB) to Light Industrial (M1).
[Thurmon Tanner Hines Signed Application.pdf](#)
[Hines - owner signature page - from Tred .pdf](#)
[Staff Report - Hines.pdf](#)
[Hines Ordinance.pdf](#)
[Zoning Ordinance Analysis Supplement 2021.08.30.pdf](#)
- A variance request submitted by Blessing Trader, Inc. to allow fuel pumps to be located in front of the proposed principal structure located at 6477 McEver Road.
[Application Scanned.pdf](#)
[Legal Description - McEver Road Food Mart.docx](#)
[Pages from 20110 - McEver SHEETS VIC 5-21-2021.pdf](#)
[ORDINANCE 653.pdf](#)

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:

- Resolution 21-019: 1st Quarter Amendment to the Budget for FY2022 as Previously Adopted on June 17, 2021.
[Resolution 21-019 Executive Summary.pdf](#)
[Resolution 21-019.pdf](#)
[Attachment A - Resolution 21-019 Budget Amendment Form.pdf](#)
[Attachment B - Budget Adjustment Descriptions.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

- 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](#)
- Consider a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood Development District (TND) to Central Business District (CBD).
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- 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).
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[Zoning Ordinance Analysis Supplement 2021.08.30.pdf](#)
- A variance request submitted by Blessing Trader, Inc. to allow fuel pumps to be located in front of the proposed principal structure located at 6477 McEver Road.
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[Legal Description - McEver Road Food Mart.docx](#)
[Pages from 20110 - McEver SHEETS VIC 5-21-2021.pdf](#)
[ORDINANCE 653.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 South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

COUNCIL MEETING DATE: November 4, 2021

HISTORY:

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

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

FACTS AND ISSUES:

Staff recommends approval of the request to rezone the subject properties from Traditional Neighborhood Development District (TND) to 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.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the first read.

SAMPLE MOTION:

I make a motion to approve ordinance 641.

I make a motion to approve ordinance 642

I make a motion to approve ordinance 643.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [November Ordinances COMBINED.pdf](#)
- [South Hall Staff Report_NOVEMBER.pdf](#)

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

First Reading 11/04/21
Adopted 11/18/21

ORDINANCE 641

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

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

WHEREAS, South Hall, LLC submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned; and

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

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

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

SECTION 1. FINDINGS.

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

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

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

First Reading 11/04/21
Adopted 11/18/21

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

SECTION 2. REZONING.

The .20 +/- acre parcel of land known as 5611 Church Street, identified as Parcel Tax Identification No.08112A 002007 as shown on Exhibit "A", and legally described in Exhibit "B", is hereby rezoned from Traditional Neighborhood Development District (TND) to Central Business District (CBD) subject to the conditions set forth on Exhibit "C". Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

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

First Reading 11/04/21
Adopted 11/18/21

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 18th, 2021.

SECTION 6. REPEALER.

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

Approved this 18th day of November 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

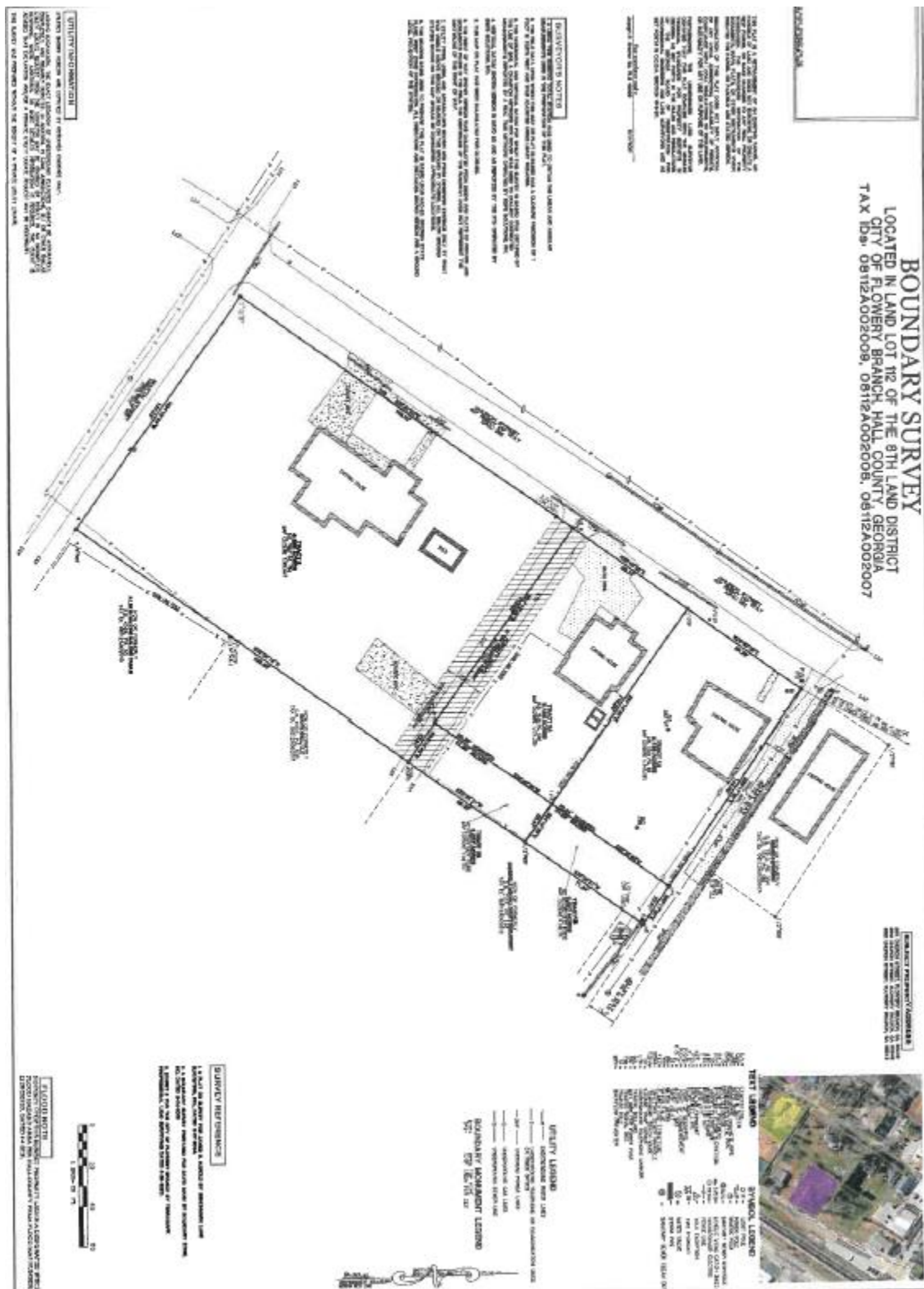
E. Ronald Bennett, City Attorney

Public Hearing Published
Public Hearing

09/15/21
10/07/21

First Reading 11/04/21
Adopted 11/18/21

Exhibit "A"



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

First Reading 11/04/21
Adopted 11/18/21

Exhibit "B"

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

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

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

Exhibit "C"

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



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

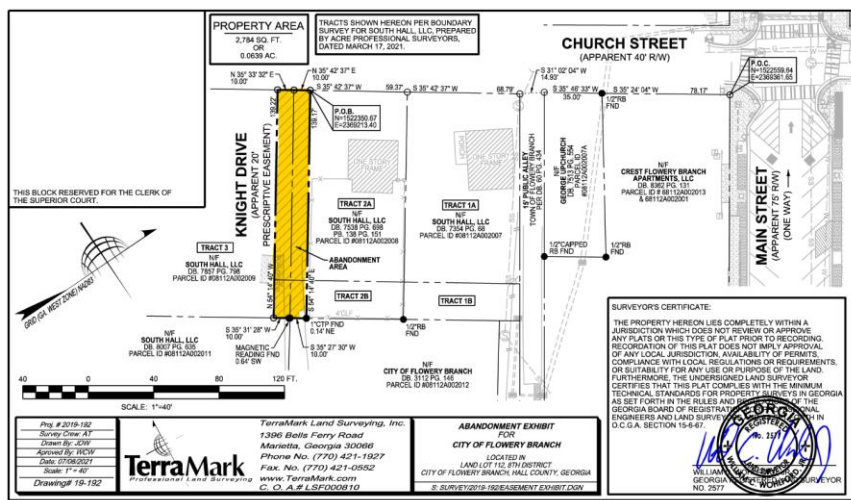
Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 11/04/21
Adopted 11/18/21

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



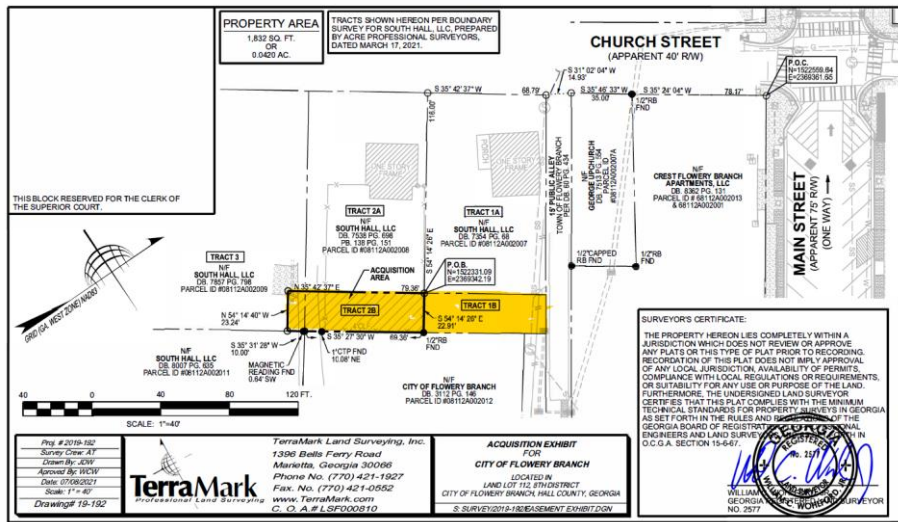
12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



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

First Reading 11/04/21
Adopted 11/18/21

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



14. The townhomes shall consistently adhere to the elevations as shown below:



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

First Reading	11/04/21
Adopted	11/18/21

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

First Reading 11/04/21
Adopted 11/18/21

ORDINANCE 642

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC FROM TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD); SAID PROPERTY TOTALS .20 +/- ACRES AND IS KNOWN AS 5615 CHURCH STREET, TAX PARCEL 08112A 002008 AND AS SHOWN ON ATTACHED EXHIBIT "A", AS DESCRIBED ON ATTACHED EXHIBIT "B", AND AS CONDITIONED ON ATTACHED EXHIBIT "C", PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, South Hall, LLC Owns the .20 +/- acre parcel of land known as 5615 Church Street, identified as Parcel Tax Identification No.08112A 002008, as shown on Exhibit "A", and as described on Exhibit "B"; and

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

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

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

SECTION 1. FINDINGS.

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

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

Public Hearing Published	09/15/21	First Reading	11/04/21
Public Hearing	10/07/21	Adopted	11/18/21

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

SECTION 2. REZONING.

The .20 +/- acre parcel of land known as 5615 Church Street, identified as Parcel Tax Identification No.08112A 002008 as shown on Exhibit “A”, and legally described in Exhibit “B”, is hereby rezoned from Traditional Neighborhood Development District (TND) to Central Business District (CBD). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

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

First Reading 11/04/21
Adopted 11/18/21

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 18th, 2021.

SECTION 6. REPEALER.

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

Approved this 18th day of November 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Public Hearing Published
Public Hearing

09/15/21
10/07/21

First Reading 11/04/21
Adopted 11/18/21

Exhibit "A"



Exhibit "B"

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

First Reading 11/04/21
Adopted 11/18/21

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

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

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

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

First Reading 11/04/21
Adopted 11/18/21

Exhibit "C"

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



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

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

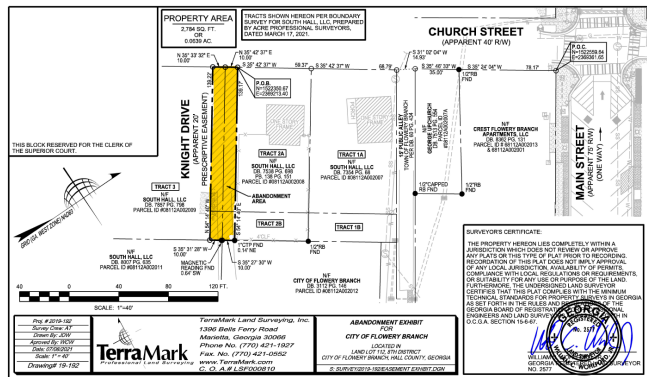
First Reading 11/04/21
Adopted 11/18/21

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



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

Commented [RB1]: Insert a copy of plat showing the property the City is conveying to South Hall, LLC

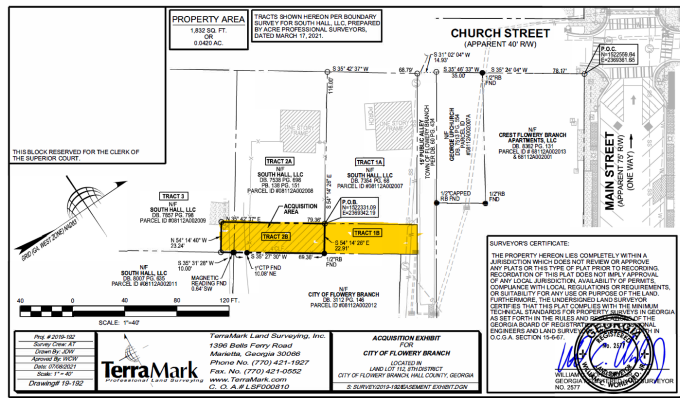


Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 11/04/21
Adopted 11/18/21

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

Commented [RB2]: Insert a copy of the plat showing the property South Hall, LL is conveying to the GHDA



14. The townhomes shall consistently adhere to the elevations as shown below:



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

First Reading 11/04/21
Adopted 11/18/21

ORDINANCE 643

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC FROM TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD); SAID PROPERTY TOTALS .67 +/- ACRES AND IS KNOWN AS 5621 CHURCH STREET, TAX PARCEL 08112A 002009 AND AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, South Hall, LLC Owns the .67 +/- acre parcel of land known as 5621 Church Street, identified as Parcel Tax Identification No.08112A 002009, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

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

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HEREBY ORDAINS AS FOLLOWS:**

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

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

First Reading 11/04/21
Adopted 11/18/21

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
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8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood prevention.

SECTION 2. REZONING.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

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SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 18th, 2021.

SECTION 6. REPEALER.

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

Approved this 18th day of November 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

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

First Reading	11/04/21
Adopted	11/18/21

Exhibit “A”



Exhibit "B"

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

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Public Hearing 10/07/21

First Reading 11/04/21
Adopted 11/18/21

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

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

The above-described tract contains 0.639 acres.

Exhibit "C"

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



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

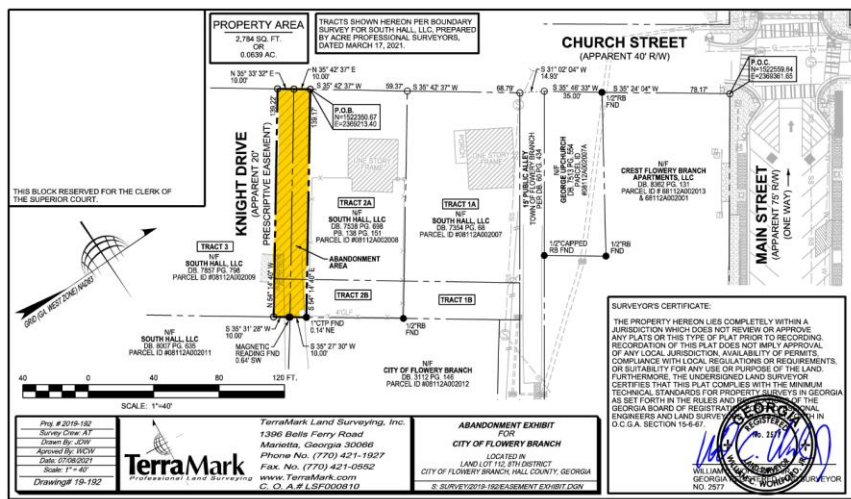
11. Martin Street shall be a one-way street running south-east as shown below:

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

First Reading 11/04/21
Adopted 11/18/21



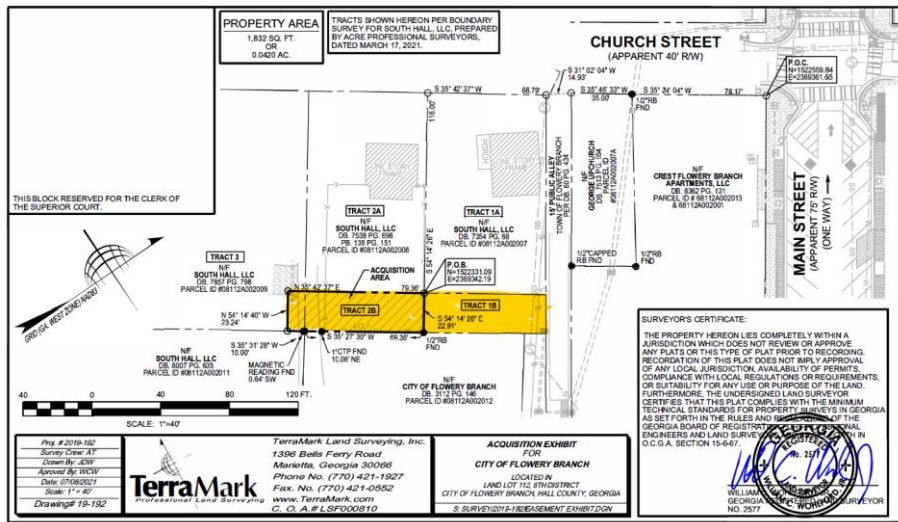
12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



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

First Reading 11/04/21
Adopted 11/18/21

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



14. The townhomes shall consistently adhere to the elevations as shown below:





Applicant: South Hall, LLC

Property Owner: South Hall, LLC

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

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

Current Use: Vacant Residential

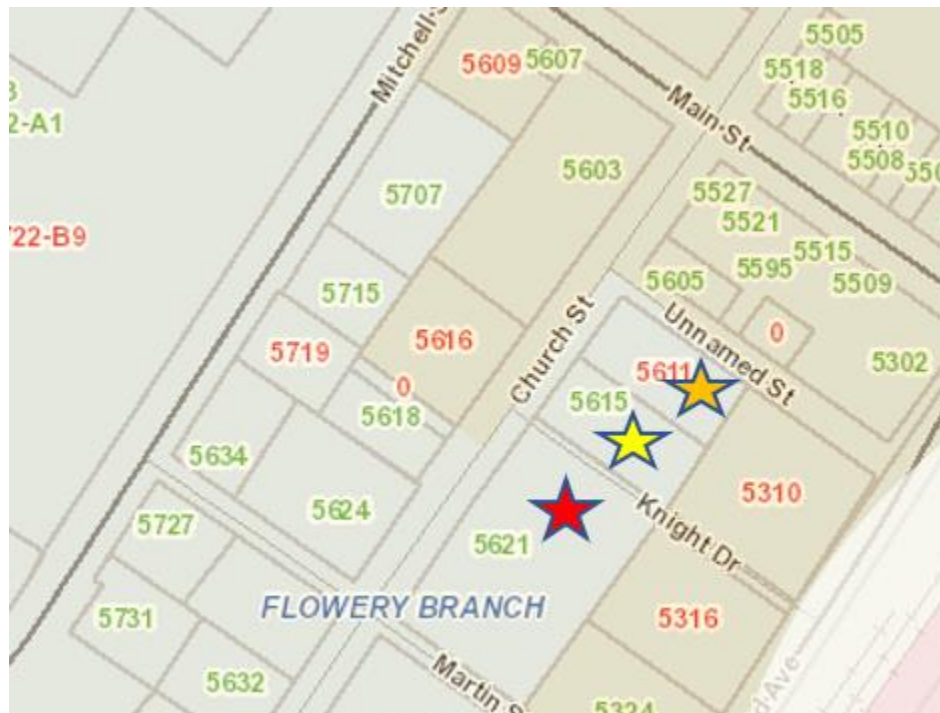
Proposed Use: 14 residential townhomes

Character Area: Traditional Neighborhood

Proposal

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

Location Map





Aerial





Renderings



Comprehensive Plan

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

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

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



Traditional Neighborhood

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

Vision

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

Design Principles

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

Land Uses

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

Zoning

- TND, Traditional Neighborhood Development

Illustrative Photos





Old Town

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

Vision

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

Design Principles

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

Land Uses

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

Zoning

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

Implementation Strategies

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

Illustrative Photos

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



Historic brick commercial buildings opposite The Crest



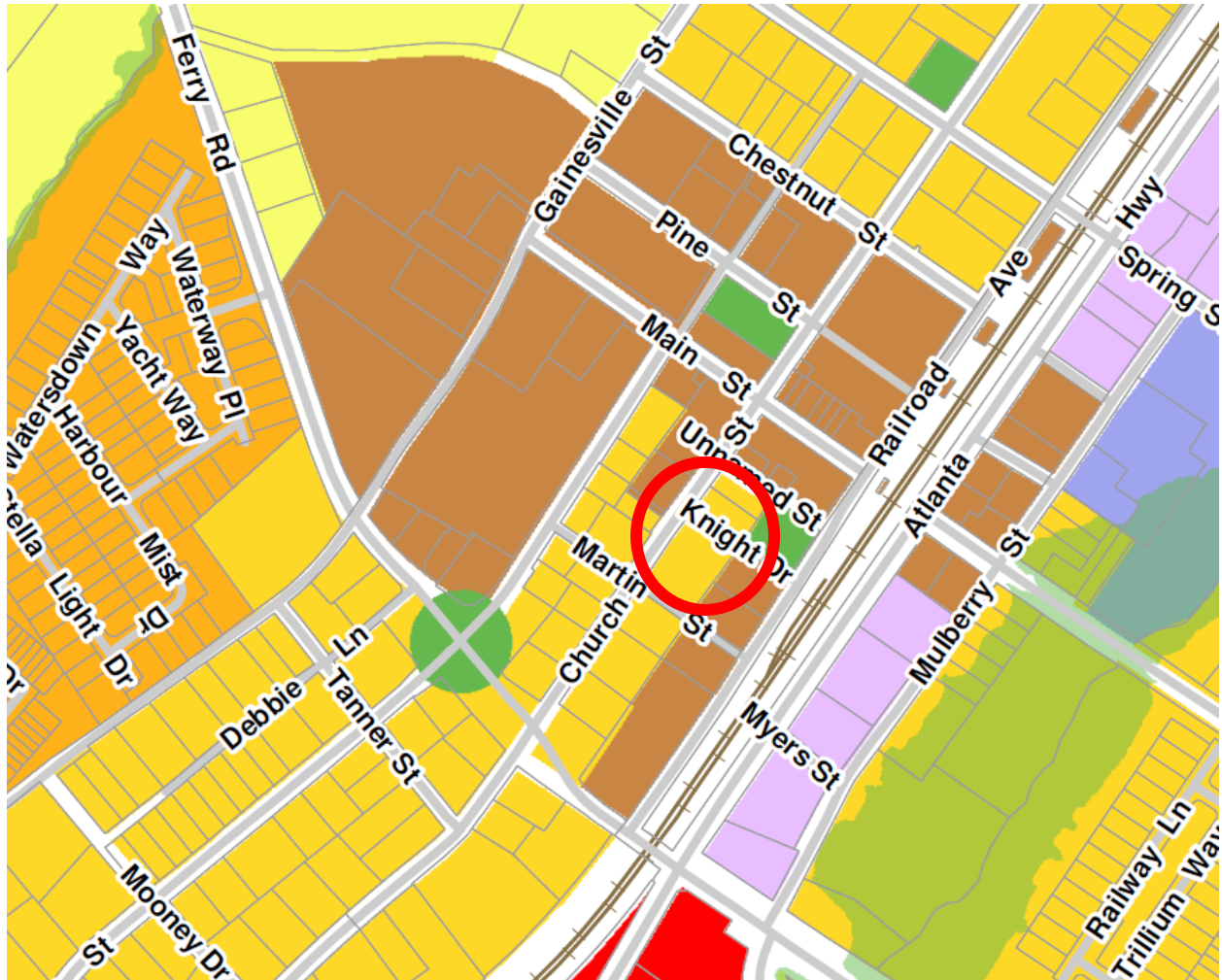
Brick used as a residential accent material, consistent with existing dwellings in the area



Planned plaza between the Farmers Market



Character area map:





Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Staff Response:

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



- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. The City is in the process of implementing the Downtown Redevelopment Plan as evidenced by the Main Street redevelopment nearing completion and the start of construction for the Farmers Market and related public improvements. The subject property will enhance the implementation of the City's Downtown Redevelopment Plan as described above by adding more residents to support the planned downtown development.
- (g) Existing use(s) and zoning of the subject property and nearby properties. Currently vacant, the proposed use will clear vacant, dilapidated and uninhabitable housing and will add improved residential properties in the downtown area. The subject property is currently zoned Traditional Neighborhood Development District (TND), but is surrounded on three sides by property zoned Central Business District (CBD).
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. No such information has been provided by the applicant and such information cannot be discerned by staff.
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. Staff does not feel that the proposed will be a deterrent to the adjacent properties as adjacent properties surrounding the subject properties on three sides are currently zoned Central Business District (CBD).
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. No such isolated zoning district would be created where a rezoning to Central Business District (CBD) would be consistent with the adjacent properties currently zoned Central Business District (CBD).
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. No negative effects anticipated. The subject properties are surrounded on three sides by Central Business District (CBD) zoned properties. There will be no change from residential use. Both the Traditional Neighborhood and Old Town character areas allow for townhomes, higher densities and smaller lot sizes.
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.



- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed development meets the intent of the Zoning Ordinance regarding use and density.**

Central Business District Requirements

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

Sec. 9.5. CBD, Central Business District.

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



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

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



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

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



Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

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

(Ord. 348-13)



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

Staff Recommendation

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: November 4, 2021

HISTORY:

FACTS AND ISSUES:

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

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Discussion only

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

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

- [Zoning Ordinance Analysis Supplement 2021.08.30.pdf](#)



REZONING APPLICATION

Date: June 30, 2021

Address of Request:

Thurmon Tanner Parkway (Parcel 08097 000008)

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

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

Currently a conforming use? N/A

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

Applicant Information

Name: Hines Acquisitions, LLC

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

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

Phone number: 770-804-4654

Signature: [Signature], Managing Director

Notary: [Signature]

NOTARY PUBLIC





Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: _____

Notary: _____

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

*Thanks,
—Fred*

Property Information

Tax Map Number: 08097 000008

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

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

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

Current Use: Vacant Land

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

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

- Legal description
- Current survey of property



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

Conflict of Interest Disclosure

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

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

None

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

None

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

None



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
None	

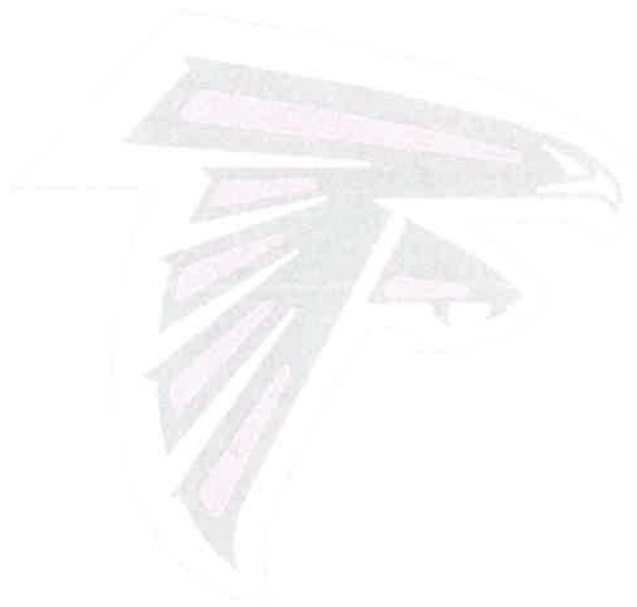
CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Flowery Branch





REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 30, 2021

Address of Request:

Thurmon Tanner Parkway (Parcel 08097 000008)

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

Please submit an analysis of the proposed project including:

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



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



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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____



June 30, 2021

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

RE: Thurmon Tanner Parkway (Parcel 08097 000008)

Dear Mr. Atkinson and Ms. Short:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hines

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

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

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

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

Sincerely,



Ryan D. Wood

Managing Director

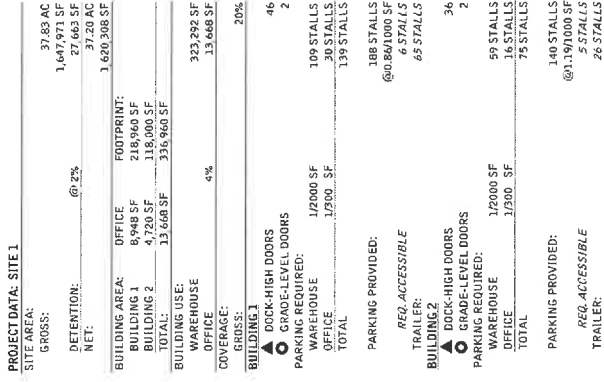
Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management



This conceptual review is based upon a team entry review of establishment requirements and a subsequent review of the data collected and publicly accessible for use. Another useful information source is the business community. An example of how this played out in development:

Stammar Management Design
TYPE ENGINEERING

Executive Suite
4000 U.S.D.





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

CONCEPTUAL DESIGN

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

WARE MALCOMB

Hines

HINES ACQUISITIONS, LLC

[illegible]

TRACT 1
ATLANTA ONE LIMITED PARTNERSHIP
10100 N. 26TH AVE
DOWNSIDE, MD 21034
AREA=35,000 ACRES
ZONED M-1 (FLOWERS BRANCH)
TAX PARCEL 06097 000008
VACANT

[illegible][illegible][illegible]

THURMON
A/K/A SOUTH
QUARTER

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	PC 87.01	1" x 3.50"	477201	25048	25048	25048	6728207	SUBMISSION PLAY 2 OF 2
	DATE	FILE NUMBER	FILE NUMBER	FILE NUMBER	FILE NUMBER	FILE NUMBER		

[illegible][illegible]

Sheet 1 of 1.

15

E HIGHWAY 1-98
 GIA S.R. #365
 LIMITED ACCESS PUBLIC R/W

INTERSTATE 95
VARIABLE WIDTH
GEORGE

TRACT 4
ATLANTA ONE LIMITED
PARTNERSHIP
10000 W. 10TH AVE
DRI 804 R3 80A
AREA=1.118 ACRES
OR 28,716 SQ. FT.
ZONING=DR1
TAX PARCEL 004097 000
VACANT

100' 0 100'
GRAPHIC SCALE - FEET

LEGAL DESCRIPTION – TRACT 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

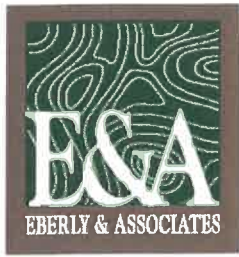
Said tract or parcel of land contains 37.832 acres or 1,647,971 square feet, and is intended to be a portion of the tracts of land that were previously conveyed in Deed Book 1686, Page 326, Hall County Georgia Records.

Thurmon Tanner – Hines Rezoning Application

Names and addresses of adjoining property owners

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





LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

June 30, 2021

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

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

Dear Mr. Manson

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

Our findings were as follows:

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

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

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

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

Sincerely,
EBERLY & ASSOCIATES, INC.

Brian Brumfield, P.E.

PRINCIPALS

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

ASSOCIATES

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

WWW.EBERLY.NET

TEL: 770.452.7849
FAX: 770.452.0086

2951 FLOWERS ROAD SOUTH, SUITE 119
ATLANTA, GEORGIA 30341



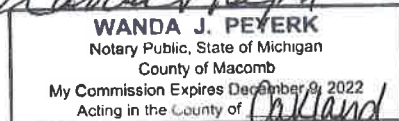
Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: [Signature]

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

Notary:



Property Information

Tax Map Number: 08097 000008

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

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

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

Current Use: Vacant Land

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

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

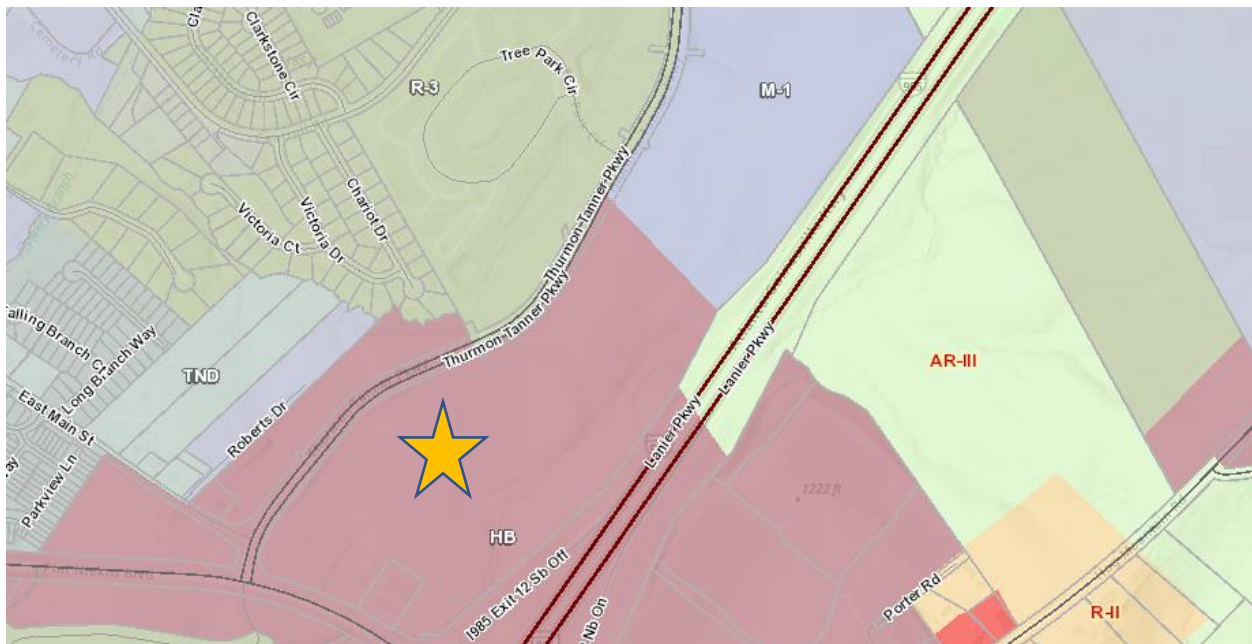
- Legal description
- Current survey of property



Staff Report Hines – Thurmon Tanner Ordinance 652

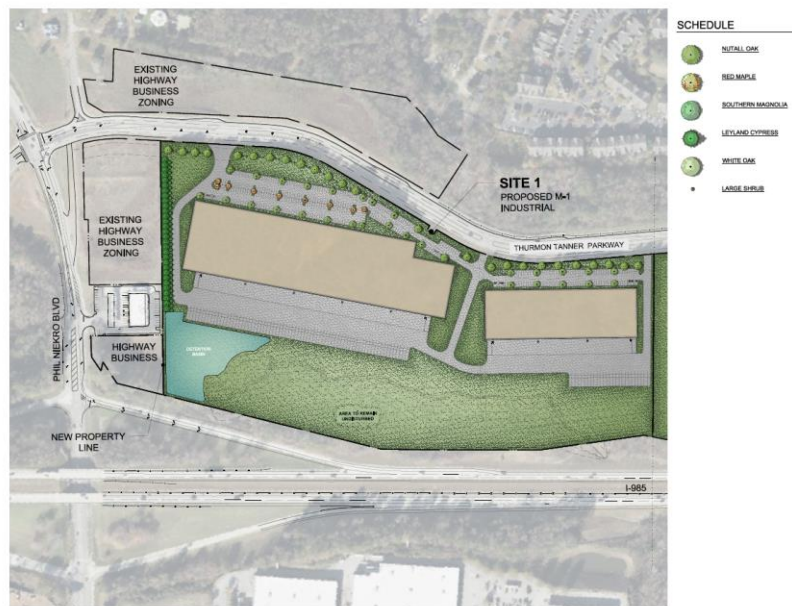
Request

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

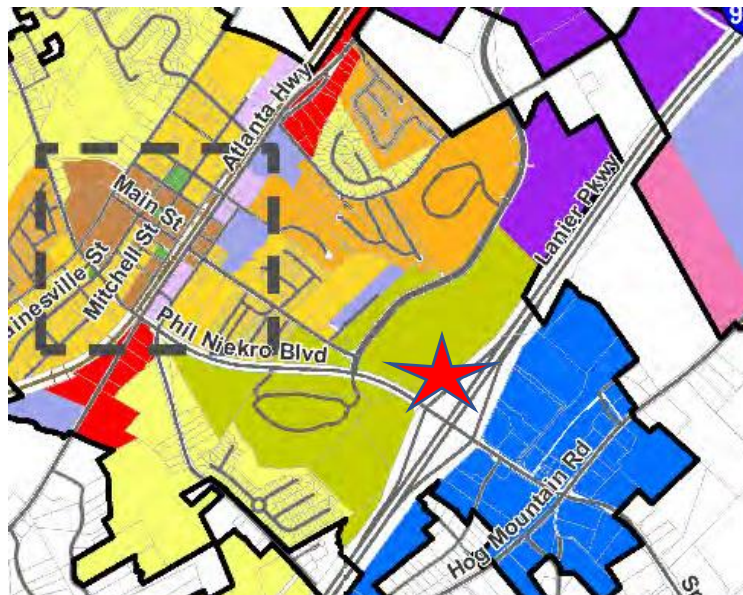




The proposed project consists of two office warehouses with the current Highway Business zoning to remain in place along Phil Niekro Boulevard.



Comprehensive Plan





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

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



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

Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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 part of 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, an industrial use is appropriate for the Thurmon Tanner corridor. Additionally, the remaining portion of the parcel along Phil Niekro Boulevard shall remain zoned Highway Business allowing new commercial retail along this corridor.**
- (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 this corridor (Thurmon Tanner) was built for this type of use.**
- (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 M1 (Light Industrial) was previously (in 2014) deemed appropriate. However, the land has sat vacant since the rezoning occurred and may be challenged for M-1 use due to streams on the property and lack of large vehicular traffic.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **It is staff’s opinion that the use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Currently, the Comprehensive Plan denotes this area as part of the “Activity Center” character area. If approved, this project should be included with the project to the north and be designated as “Industrial Employment”. Although, HB uses would be more in line with the current designation, Thurmon Tanner Parkways was constructed with this type of use in mind.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **The subject property has been vacant for many years and the proposed M1 use fits in the vision for Thurmon Tanner Parkway.**



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



History

The city spent over 1.9 million dollars to help construct Thurmon Tanner Parkway.

	Phase I Const.	Phase II Const.	Design	Legal	ROW		
		105,588.66			2,700.00		
					5,650.00		
					4,200.00		
					48,200.00		
					240.00		
					1,092.00		
					464.50		
					356.25		
					150.00		
					161.50		
					4,000.00		
	779,426.63	5,323,827.19	720,287.58	68,783.74	2,703,164.69		
					TOTAL SPLOST	9,595,489.83	
F.B. Portion*	1,193,117.69					1,193,117.69	
State Portion	1,860,620.98	1,645,608.45			State Portion	3,506,229.43	
					(reimbursed to County in addition to SPLOST)		
GRAND TOTAL Thurman Tanner Pkwy Phases I & II						14,294,836.95	
*Construction Only							

As a divided two-lane road situated between exits 14 and 12, an industrial or commercial use was always envisioned for this site.

Recommendation

Under the current economic and market conditions commercial retail is not realistic for the entirety of the site. Adding the proposed industrial use while leaving commercial retail along Phil Niekro Boulevard utilizes the site for what it was intended and provides uses that serve Thurmon Tanner Parkway, downtown Flowery Branch, and the Phil Niekro Boulevard corridor. Staff recommends approval of the proposed rezoning subject to any conditions the Mayor and City Council feel appropriate.



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

First Reading 09/16/2021
Adopted 11/04/2021

ORDINANCE 652

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

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

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

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

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

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

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

SECTION 1. FINDINGS.

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

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

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

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

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

First Reading 09/16/2021
Adopted 11/04/2021

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 4th 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"

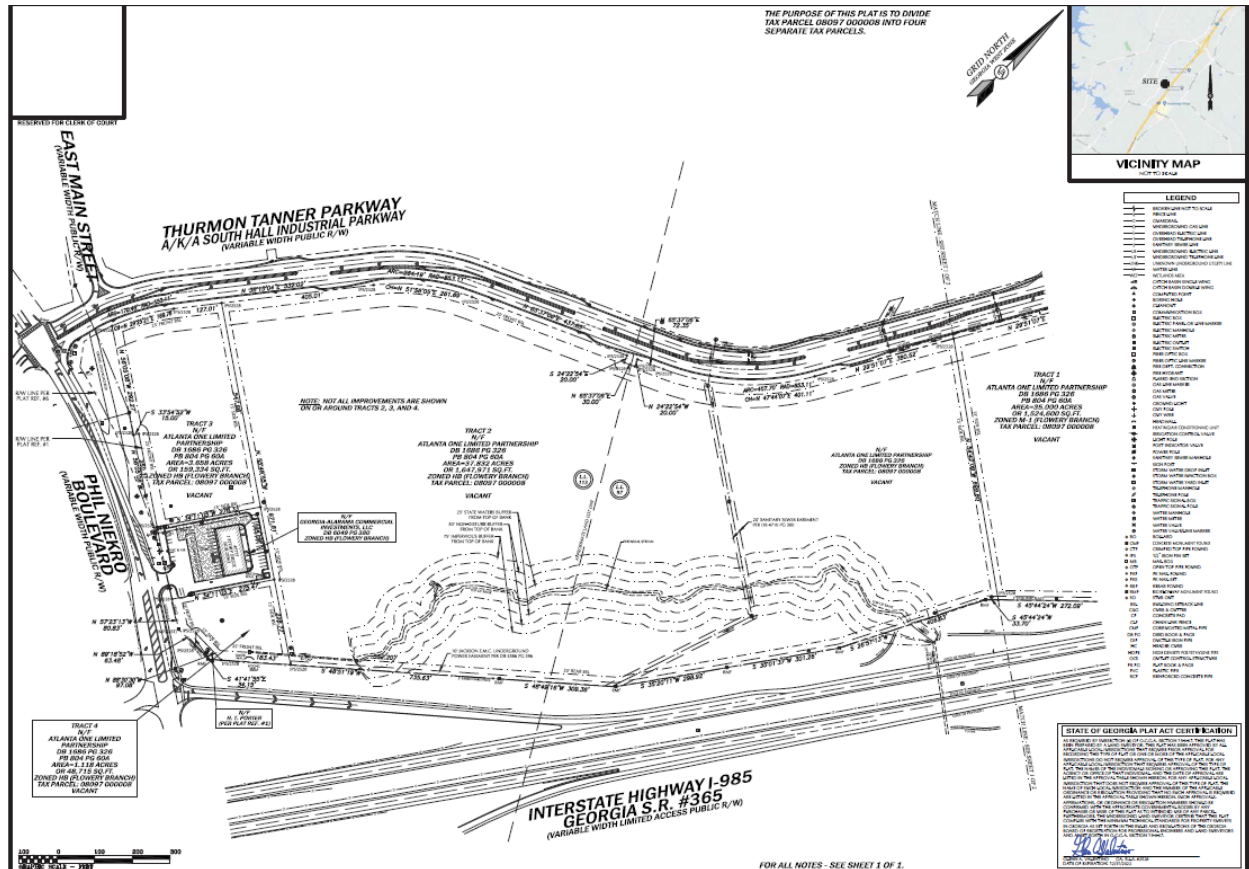


Exhibit "B"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

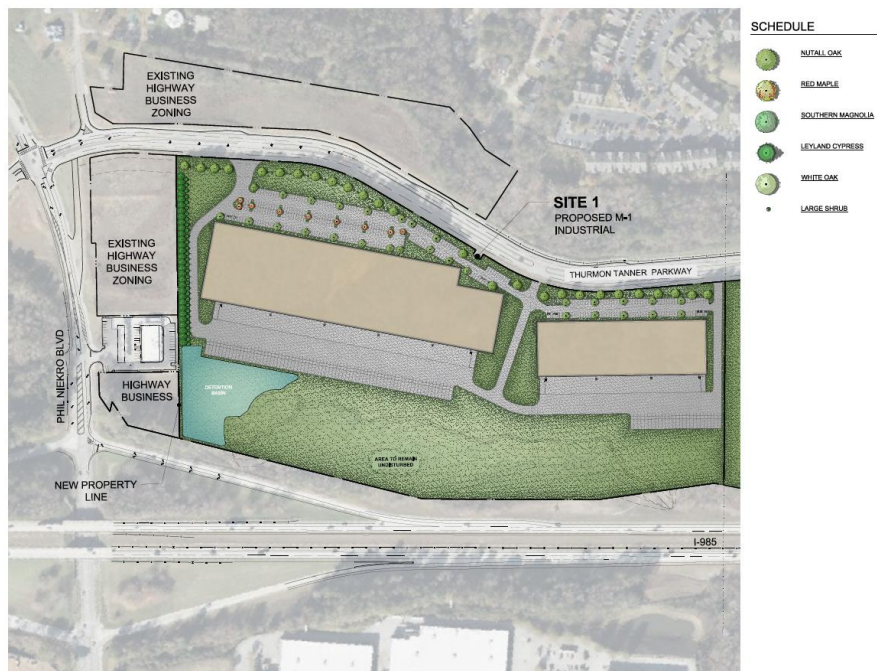
THENCE South 48 degrees 51 minutes 19 seconds West a distance of 552.20 feet to a 1/2" iron pin set, said 1/2" iron pin set being the POINT OF BEGINNING.

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

Exhibit "C"

Conditions of Zoning

1. Water and sewer to be provided by the City of Flowery Branch
2. The property shall be subdivided prior to the issuance of any permits
3. The project shall significantly adhere to the site plan submitted on October 25, 2021 and as shown below:



Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	11/04/2021

4. A landscape/buffer plan shall be submitted and approved by staff prior to the issuance of any building permits.

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

First Reading	09/16/2021
Adopted	11/04/2021

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

First Reading 09/16/2021
Adopted 11/04/2021

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

First Reading	09/16/2021
Adopted	11/04/2021

August 30, 2021

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

RE: Thurmon Tanner Parkway (Parcel 08097 000008)

Dear Mr. Atkinson:

Hines

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

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

2. Truck Parking
 - a. The proposed site plan accommodates nearly 100 trailer parking spaces that will allow for trucks to get off the road as quickly as possible, even if there is not a dock position available for them. We've also designed generous queuing areas, locations for trucks to pull into the site and clear security checkpoints, for the trucks as they enter our site at all of the entrances. This should mitigate any trucks parking along Thurmon Tanner Parkway which is illegal.
3. Truck Noise
 - a. Our site plan was specifically designed to place the dock doors on the rear of the building facing the stream buffer and I-985 to minimize the noise along Thurmon Tanner Parkway. Further, we have included a buffer between our project and the remaining land fronting Phil Niekro Blvd.
4. Taxes
 - a. There was a question as to whether the projected taxes are worth the impact to infrastructure. Our current projection for annual property tax payments is \$52,000 per year, exclusive of personal property taxes future tenants would pay. It is important to note that other than utility connections, there is no additional infrastructure needed as Thurmon Tanner Parkway was designed for this type of use. We are also proposing a use that will significantly decrease traffic from the current zoning. Industrial is a very tax efficient use for the City as it does not place additional stress on the school systems or other government services.
5. Stormwater compliance
 - a. The site's environmental and stormwater design has been engineered to meet all the standards and regulations of Flowery Branch, Georgia EPD, and US Army Corps of Engineers. We have laid out the project to avoid any impacts to the wetlands, streams, and stream buffers.

Hines

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

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

Sincerely,



Ryan D. Wood

Managing Director

Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: November 4, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

0

RECOMMENDATION:

Second read

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

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



VARIANCE APPLICATION

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

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

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

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

Please see letter of intent.

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

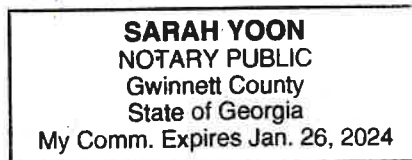
Address: 6095 Atlanta Hwy., Suite 100, Flowery Branch, GA 30542

E-mail address: Tylerl@allianceco.com

Phone number: (248)342-2558

Signature: _____

Notary Seal:



June 15th 2021



SURVEYOR'S CERTIFICATION

SURETOR'S CERTIFICATION

TRACT ILEGAL DESCRIPTION

[illegible] THACT 2 LEGAL DESCRIPTION |

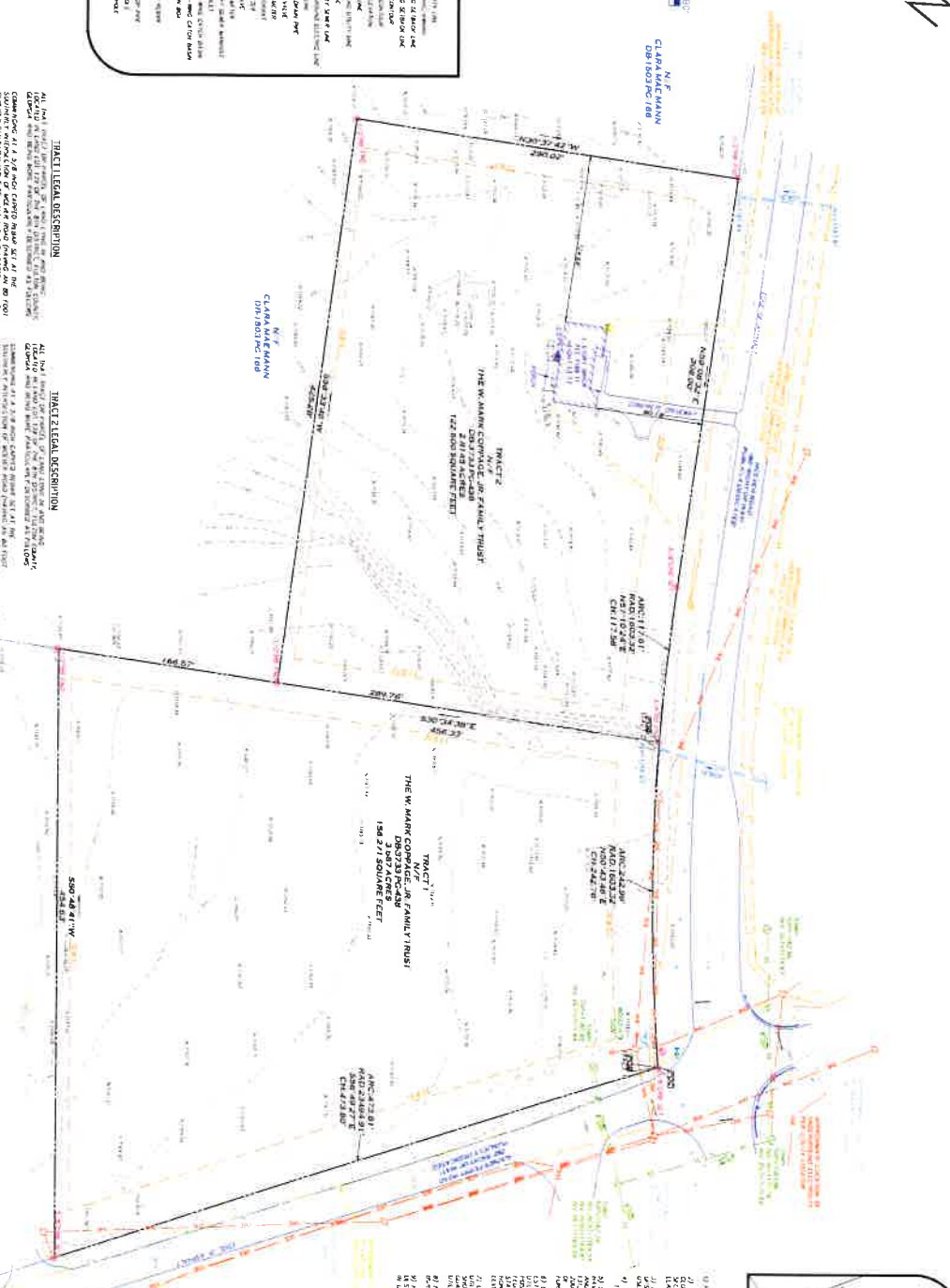
Canada and many other countries. The authors of the study, which was published in the *Journal of the American Medical Association*, found that the use of the drug was associated with a 10% increase in the risk of death. The authors also found that the use of the drug was associated with a 10% increase in the risk of hospitalization. The authors concluded that the use of the drug should be avoided in patients with a history of heart failure.

ZONING

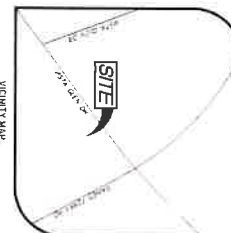
CHARGE FOR THE PROPERTY IS CURRENTLY CLASSIFIED AS "NOT FINANCIALLY BENEFICIAL" SERVICES AND AS SUCH DOES NOT FALL UNDER THE FOLLOWING CHARGE CODES:

- CHARGE CODE 201000
- CHARGE CODE 201001
- CHARGE CODE 201002
- CHARGE CODE 201003

CHARGE AND SERVICE INFORMATION FOR THE FULL CUMULATIVE AND CHARGE DEPENDENT ALL INFORMATION SHOULD BE VIEWED PRIOR TO THE COMPLETION OF ANY CONSIDERATION



JOHN ELI MOORE

[illegible]

BOUNDARY & TOPOGRAPHIC SURVEY OF
6477 MCEVER ROAD

PREPARED FOR
BLESSING TRADERS, LLC

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
1575 HIGHWAY 411 SUITE 104
CARTERSVILLE, GA 30121
770-334-8786
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-00112



Lowery
& Associates
LAND SURVEYING, LLC

DATE JUL 27 2006
BY M. BURGHA
SCALE 1:10000
DRAWN BY J. HANLEY

STATE:GEORGIA	COUNTY: HALL
LAND LOT: 139	DISTRICT: BTH

MUNICIPAL NOTES

- CONTRACTING** **PROBATION** FOR A CONSTRUCTION CONTRACTOR'S FAILURE TO PROTECT A NEIGHBOR'S PROPERTY FROM DAMAGE BY A CONSTRUCTION PROJECT MAY BE A REASON FOR THE CONTRACTOR'S REMOVAL FROM THE REGISTERED CONTRACTORS LIST, ACCORDING TO THE FEDERAL CONTRACTING AGENCY. THE AGENCY HAS A POLICY OF REMOVING FROM THE REGISTERED CONTRACTORS LIST ANY CONTRACTOR WHOSE ACTIONS ARE FOUND TO BE A REASON FOR THE CONTRACTOR'S REMOVAL FROM THE REGISTERED CONTRACTORS LIST. THE AGENCY HAS A POLICY OF REMOVING FROM THE REGISTERED CONTRACTORS LIST ANY CONTRACTOR WHOSE ACTIONS ARE FOUND TO BE A REASON FOR THE CONTRACTOR'S REMOVAL FROM THE REGISTERED CONTRACTORS LIST. THE AGENCY HAS A POLICY OF REMOVING FROM THE REGISTERED CONTRACTORS LIST ANY CONTRACTOR WHOSE ACTIONS ARE FOUND TO BE A REASON FOR THE CONTRACTOR'S REMOVAL FROM THE REGISTERED CONTRACTORS LIST.

TRAFFIC CONTROL NOTES

- ## FINANCIAL CONTROL NOTES

GENERAL NOTES

- 1 WATER AND SEWER PROVIDED BY CITY OF GAINESVILLE
2 MULTIPLY CITY OF GAINESVILLE WATER AND SEWER
3 DEPARTMENT 24 HOURS BEFORE THE BEGINNING OF
4 CONSTRUCTION (1776, 536-2400)

PROJECT SITE DATA

- Under 17 years old
 • Under 18 years old
 • 18 years old
 • 19 years old
 • 20 years old
 • 21 years old
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 • 100 years old

REFERENCES

- 1 Space per dot and 24 U.F. GRA = 4.16d + 1.54d GRA = 8.42 GP
- PHILIP SPACE
- 1 SPACE PER 500 U.F. GRA = 1.19d + 1.80d GRA = 2.45 GP
- RESIDUAL
- 1 SPACE PER 150 U.F. GRA = 1.10d + 1.51d GRA = 2.70 GP
- TOTAL PAGES REQUIRED = 19 GP
- 24 U.F. PAGES REQUIRED
- TOTAL PAGES SPACES PROVIDED = 22 GP + 25



**CALL
BEFORE
YOU DIG**

Site Construction Plans for
McEVER ROAD FOOD MART
MCEVER ROAD & GAINES FERRY ROAD
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
LL 139 - DISTRICT 8TH
PARCEL # 09 150 002031 TRACT 1A

SINGAR ENTERPRISES INC
1237 DOVERHILL ROAD
LAWRENCEVILLE GA 30043
24 HR CONTACT KARIMALY 678 456 678
KARIMALY2010@YAHOO.COM



Letter of Intent

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

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

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

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

Criteria for Granting Variances

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

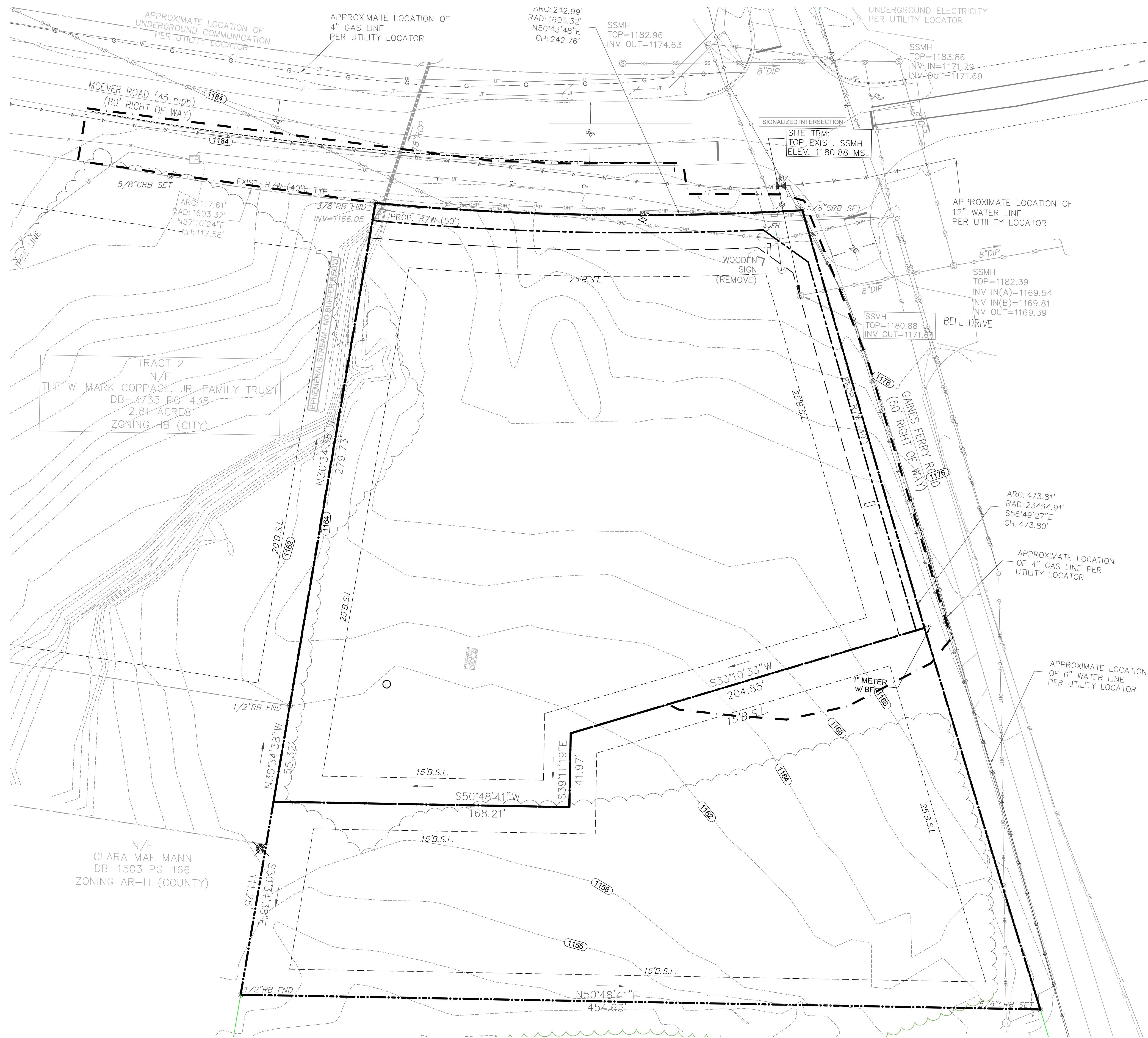
Elected Officials Name

Amount of Description of Gift

Legal Description – McEver Road Food Mart

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

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



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

NOTES:

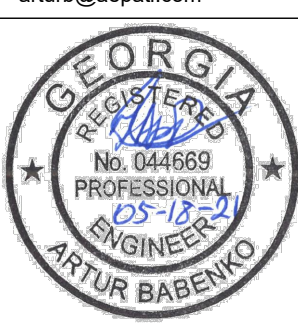
ALLIANCE ENGINEERING CARRIES NO
LIABILITIES FOR ANY UTILITY CONFLICT OR
DAMAGES. CONTRACTOR IS RESPONSIBLE
TO CONDUCT ALL ABOVE AND
UNDERGROUND UTILITIES
INVESTIGATION BEFORE CONSTRUCTION
ACTIVITIES BEGIN.

AP ALLIANCE
ENGINEERING + PLANNING
LANDSCAPE ARCHITECTURE
LAND SURVEYING
CIVIL ENGINEERING • LAND PLANNING • LANDSCAPE ARCHITECTURE • LAND SURVEYING
299 South Main St., Suite A-1 Alpharetta, GA 30009
770.225.4730 | www.apalliance.com

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Civil Engineering By AEP:
Artur Babenko, GA PE044669
Phone: 770-225-4730 x806
arturb@aepatl.com



GASWCC LEVEL II
CERTIFICATION #73351
EXPIRATION DATE: 03/07/202

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

SINDAR ENTERPRISES, INC.
1837 DOVERHILL ROAD,
LAWRENCEVILLE, GA. 30043
24 HR CONTACT: KARIM ALY 678-458-6190
KARIMALY2001@YAHOO.COM

**Site Construction Plans for
MCEVER ROAD FOOD MART**

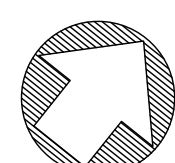
MCEVER ROAD & GAINES FERRY ROAD,
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA

Orig. Issue 05.18.2021

Designed by GI

Checked by: AB

Project #1 224



NORTH

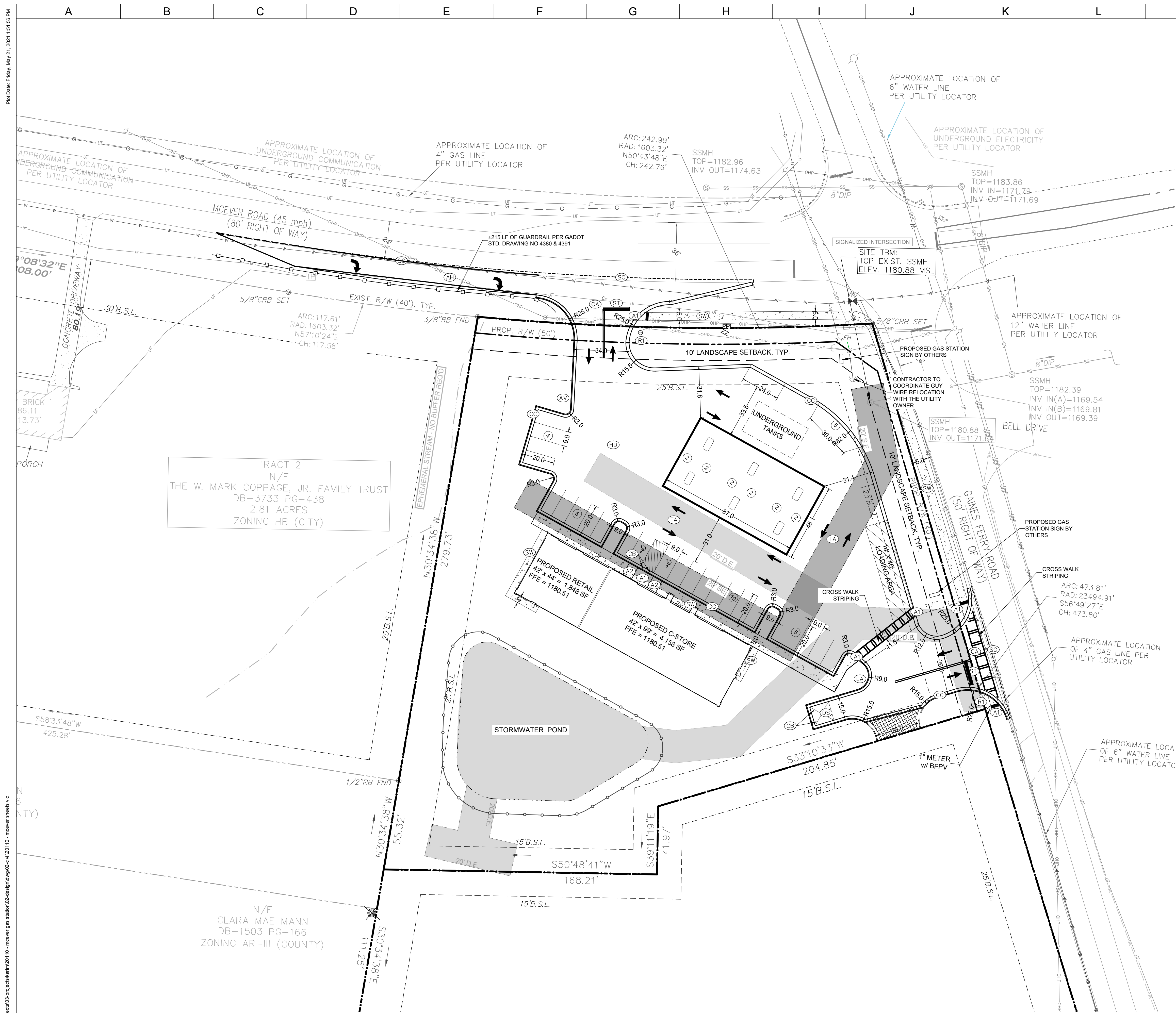
SCALE: 1" = 30'

EXISTING
CONDITION
PLAN

C-201



**CALL
BEFORE
YOU DIG**



SYMBOLS LEGEND

- | | |
|----|--------------------------------------|
| LS | 10' LANDSCAPE STRIP |
| AD | ROADWAY WIDENING |
| CA | CONCRETE DRIVEWAY |
| CB | CONCRETE BOLLARD 6' O.C. |
| CC | 24" CONCRETE CURB & GUTTER |
| DS | PROPOSED DUMPSTER (SEE DETAIL C-802) |
| AD | ADA RAMP |
| H1 | 6" THICK HEAVY DUTY CONCRETE |
| A2 | ADA PARKING SIGN |
| M1 | MONUMENT SIGN |
| RS | PROPOSED STOP SIGN (R1-1) |
| ST | EX. PAVEMENT SAWCUT LIMITS |
| SC | PROPOSED 24" WHITE STOP BAR |
| SW | CONCRETE SIDEWALK (Width as Shown) |
| TA | DIRECTION OF TRAFFIC FLOW |
| AV | AIR & VACUUM |

NOTE:

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

MUNICIPAL NOTES

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

TRAFFIC CONTROL NOTES

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

GENERAL NOTES

1. WATER AND SEWER PROVIDED BY CITY OF GAINESVILLE
2. NOTIFY CITY OF GAINESVILLE WATER AND SEWER DEPARTMENT 24 HOURS BEFORE THE BEGINNING OF CONSTRUCTION. (770)538-2400

PROJECT SITE DATA

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

PARKING REQUIREMENTS:

1 Space per 500 sq.ft GFA = $4,160 \times 1/500$ GFA = 8.32 SF

1 SPACE PER 500 SQ.FT GFA = 1,180 X 1/500 GFA = 2.4 SP

1 SPACE PER 150 SQ.FT GFA = 1,180 X 1/150 GFA = 7.90 SP

TOTAL PARKING REQUIRED = 19 SP.
(2 ADA SPACES REQUIRED)

TOTAL PARKING SPACES PROVIDED = 29 SPACES



**CALL
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YOU DIG**

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Civil Engineering By AEP:
Artur Babenko, GA PE044669
Phone: 770-225-4730 x806
arturb@aepatl.com



GASWCC LEVEL II
CERTIFICATION #73351
EXPIRATION DATE: 03/07/2022

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

DEVELOPER

Site Construction Plans for
McEVER ROAD FOOD MART

EVER ROAD FOOD MARKET
EVER ROAD & GAINES FERRY ROAD,
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
L.L. 139 ~ DISTRICT 8TH

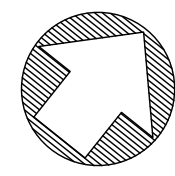
PARCEL # 08 150 002001, TRACT 1A

Orig. Issue 05.18.2021

Designed by GL

Checked by AB

Project # 20110



NORTH

SCALE: 1"= 30'

SITE PLAN

C-301

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

First Reading 09/16/2021
Adopted 11/04/2021

ORDINANCE 653

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

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

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

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

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

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

SECTION 1. FINDINGS:

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

Sec. 37.5. Criteria for Granting Variances.

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

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

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

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

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

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

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

SECTION 3. SEVERABILITY.

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

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

First Reading 09/16/2021
Adopted 11/04/2021

SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

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

Adopted this 4th 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"

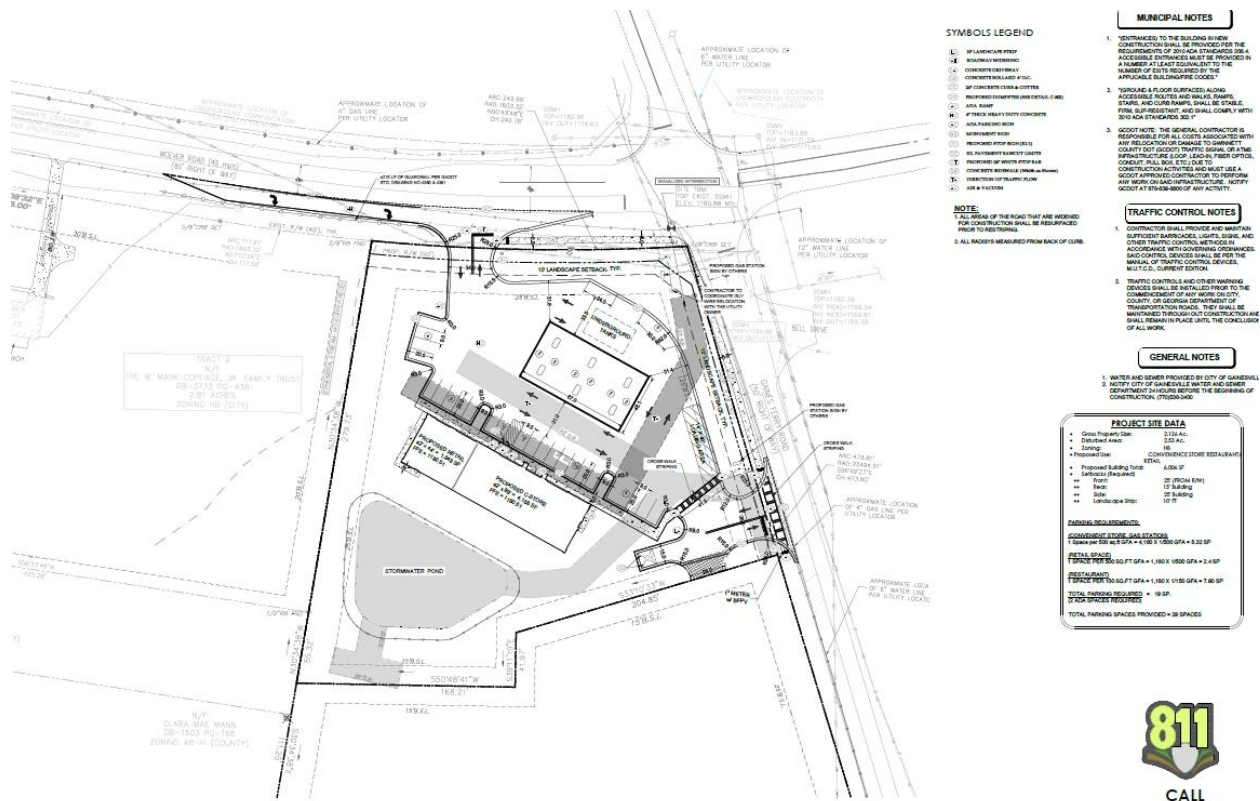


Exhibit "B"

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

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

Exhibit "C"

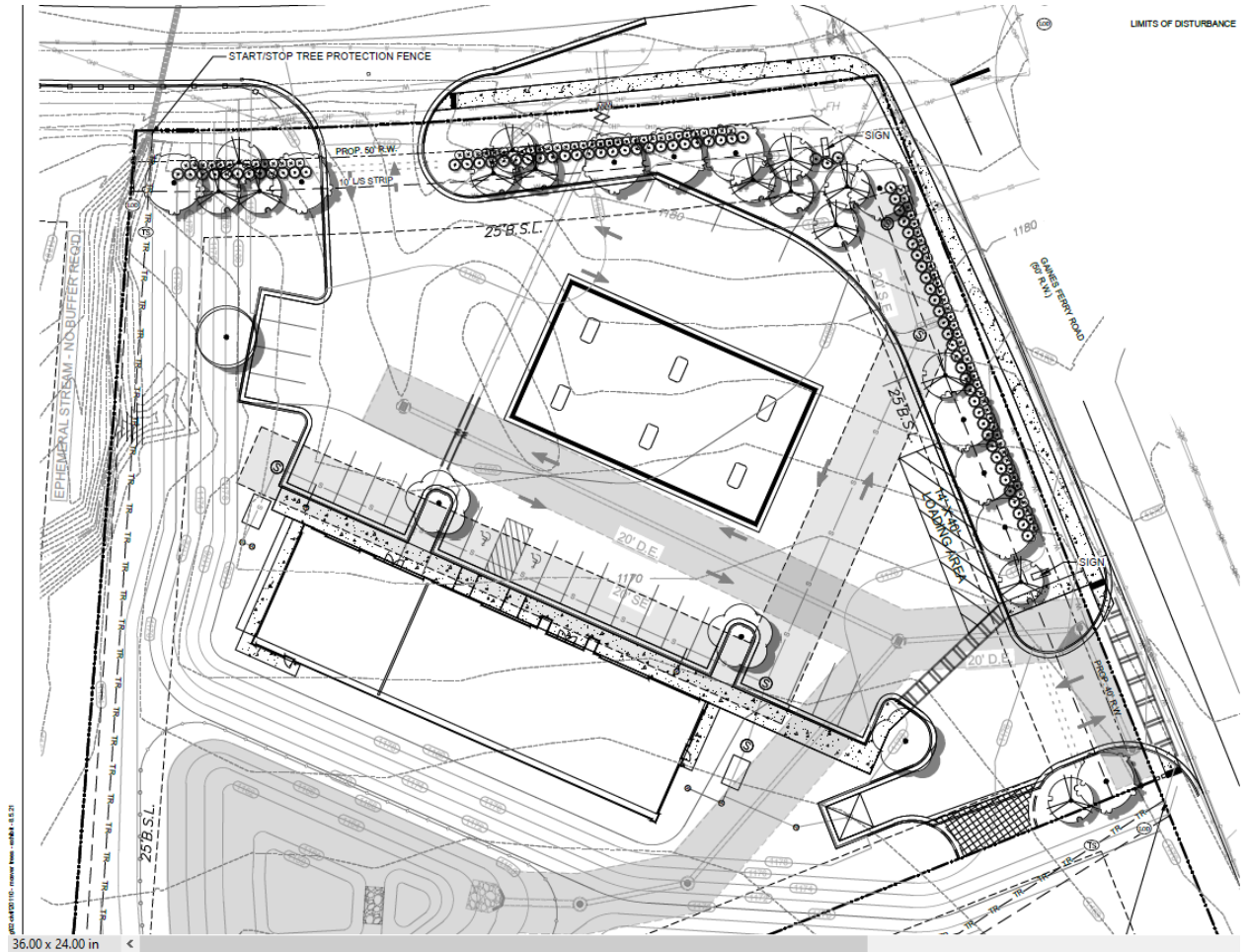
Conditions of Variance Approval

1. Convenience and retail store shall be constructed to significantly adhere to the elevations submitted to city staff on September 28, 2021, and as shown below:



① FRONT ELEVATION OPTION
1/8" = 1'-0"
0 4 8 12
SCALE IN FEET

2. Fuel canopy shall be constructed of the same materials as the primary structure.
3. Dumpster enclosure shall be constructed of the same materials as the primary structure.
4. An overall sign plan must be submitted to staff for review and approval. Any proposed monument sign must be constructed of the same materials as the primary structure. Only one such sign shall be permitted.
5. A right in/right out entrance/exit off on McEver Road shall be constructed by the applicant prior to the issuance of a building permit. Entrance shall be reviewed and approved by the City prior to construction
6. A right turn lane on McEver Road shall extend to Gaines Ferry Road and shall be constructed by the applicant prior to the issuance of a building permit. Said lane shall be reviewed and approved by the City prior to construction
7. The following uses shall be prohibited in the additional retail space attached to the primary structure (convenience store): vape or smoke shop, massage parlor, tattoo shop, or health spa.
8. A detailed landscape plan shall be submitted to city staff for review and approval prior to the issuance of a building permit. Said plan must be significantly adhere to the plan submitted to city staff on August 9, 2021, and as shown below:





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Resolution 21-019: 1st Quarter Amendment to the Budget for FY2022 as Previously Adopted on June 17, 2021.

COUNCIL MEETING DATE: November 4, 2021

HISTORY:

A budget is balanced when the sum of estimated revenues and appropriated fund balances equals expenditure/expense appropriations for each applicable fund. Revenue estimates and governmental needs change throughout the year, requiring Council's approval for said budget amendments.

FACTS AND ISSUES:

See attachments A and B for 1st quarter details.

OPTIONS:

N/A

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

No

AMOUNT AND SOURCE OF FUNDS:

See attachments A and B for 1st quarter details. - Fund Balance adjustments

RECOMMENDATION:

To approve Resolution 21-019, 1st Quarter Amendment to the Budget for FY2022 as Previously Adopted on June 17, 2021.

SAMPLE MOTION:

I make a motion for the City Council to authorize approval of Resolution 21-019, 1st Quarter Amendment to the Budget for FY2022 as Previously Adopted on June 17, 2021, as presented in Attachment A and B.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [Resolution 21-019 Executive Summary.pdf](#)

- [Resolution 21-019.pdf](#)
- [Attachment A - Resolution 21-019 Budget Amendment Form.pdf](#)
- [Attachment B - Budget Adjustment Descriptions.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Resolution 21-019: 1st Quarter Amendment to the Budget for FY2022 as Previously Adopted on June 17, 2021.

DATE: 10/29/2021

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

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

COUNCIL ACTION REQUESTED ON: 11/4/2021

PURPOSE: To approve Resolution 21-019, 1st Quarter Amendment to the Budget for FY2022 as Previously Adopted on June 17, 2021.

HISTORY: A budget is balanced when the sum of estimated revenues and appropriated fund balances equals expenditure/expense appropriations for each applicable fund. Revenue estimates and governmental needs change throughout the year, requiring Council's approval for said budget amendments.

FACTS AND ISSUES:

- See attachments A and B for 1st quarter details.
-
-

RECOMMENDED SAMPLE MOTION: I make a motion for the City Council to authorize approval of Resolution 21-019, 1st Quarter Amendment to the Budget for FY2022 as Previously Adopted on June 17, 2021, as presented in Attachment A and B.

DEPARTMENT: Finance

Prepared by: Alisha Gamble

RESOLUTION NO.: 21-019

**TO AMEND THE BUDGET FOR FISCAL YEAR 2022 AS PREVIOUSLY ADOPTED ON
JUNE 17, 2021.**

WHEREAS, the City Council approved a budget for fiscal year 2022 for the City of Flowery Branch on June 17, 2021 by Resolution 21-005; and

WHEREAS, the budget is a dynamic rather than static revenue and spending plan which requires adjustment from time to time as circumstances change; and

WHEREAS, these adjustments maintain a balanced budget for all funds.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Flowery Branch hereby adopts the adjustments to the budget listed on “Attachment A” and “Attachment B”, attached hereto and made a part of the Resolution.

RESOLVED this 4th day of November 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

**City of Flowery Branch
Request For Budget Adjustment**



ATTACHMENT A

Fund/Department: 100 & 308 & 505 Effective Date: 9/30/2021

Account Number	Account Name	Current Budget	Debit (Credit)	Revised Budget
				-
100-1570-523202	GA Mountain Regional Commission	9,000	1,407	10,407
100-0000-399900	Budgeted Fund Balance	(109,700)	(1,407)	(111,107)
(Increase in Quarterly Dues - Notice received 7/28/2021)				-
				-
308-0000-611505	Transfer out 505 - WS Revenue	-	805,483	805,483
308-0000-399900	Budgeted Fund Balance	(1,349,274)	(805,483)	(2,154,757)
(Re-Establish Open Capital Project Balances for FY2022)				-
				-
505-0000-611308	Transfer out 308 - WS Capital Projects	-	805,483	805,483
505-0000-399900	Budgeted Retained Earnings	-	(805,483)	(805,483)
(Re-Establish Open Capital Project Balances for FY2022)				-
				-
				-
				-
				-
				-
				-
				-
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				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
Totals		\$ (1,449,974)	\$ -	\$ (1,449,974)

Justification: RESOLUTION 21-019: BUDGET AMENDMENT TO FY2021 APPROVED BUDGET FROM JUNE 17, 2021.
(See Attachment B for Details)

Approvals: Finance Director: *Olivia R. Spauld* Date: 10/29/2021
City Manager: *Vickie Annette Sprot* Date: 10/29/2021
Mayor: _____ Date: _____

<i>Finance Department Use</i>	
Posted By: _____	Date Posted: _____
Council Action Required: Yes _____ No _____	Budget Adjust. #: _____



City of Flowery Branch

Budget Adjustment Report

Adjustment Detail

For Date Range: 07/01/2021 - 09/30/2021

Account Number	Account Name			Original Budget	Budget Adjustments	Current Budget
Adjustment Number	Adjustment Description	Packet Number	Post Date		Amount	
Budget Code: FY2022R - Revised Budget Fiscal: FY2022						
Fund: 100 - GENERAL FUND						
Revenue						
100-0000-399900	Budgeted Fund Balance			0.00	-111,107.00	-111,107.00
BA0000336	Resolution 21-013 Tenant Impr & Lease Co	GLPKT08813	09/02/2021		-105,000.00	
BA0000338	Resolution 21-017 - TAD Transfer 9-16-2021	GLPKT08832	09/16/2021		-4,700.00	
BA0000347	1st Quarter Budget Adjustment 9-30-2021	GLPKT09269	09/30/2021		-1,407.00	
Revenue Total:				0.00	-111,107.00	-111,107.00
Expense						
100-0000-579000	Contingency			137,947.00	-21,700.00	116,247.00
BA0000326	Resolution 21-009 Mercer Group	GLPKT08609	07/15/2021		-21,700.00	
100-1320-521204	City Manager / Professional Services			0.00	21,700.00	21,700.00
BA0000326	Resolution 21-009 Mercer Group	GLPKT08609	07/15/2021		21,700.00	
100-1565-523900	Leasing Services - Commissions			0.00	105,000.00	105,000.00
BA0000336	Resolution 21-013 Tenant Impr & Lease Co	GLPKT08813	09/02/2021		105,000.00	
100-1565-531700	City Hall & Bldg's - Other Expenses			15,000.00	-6,646.00	8,354.00
BA0000332	New AC Unit for Depot	GLPKT08712	09/01/2021		-6,200.00	
BA0000342	9/30/2021 Dept Budget Adjustments	GLPKT08984	09/30/2021		-446.00	
100-1565-542500	City Hall & Bldgs / Other Equipment			0.00	6,646.00	6,646.00
BA0000332	New AC Unit for Depot	GLPKT08712	09/01/2021		6,200.00	
BA0000342	9/30/2021 Dept Budget Adjustments	GLPKT08984	09/30/2021		446.00	
100-1570-523202	GA Mtn Regional Commission			9,000.00	1,407.00	10,407.00
BA0000347	1st Quarter Budget Adjustment 9-30-2021	GLPKT09269	09/30/2021		1,407.00	
100-4210-512400	PW / Retirement			874.00	19,476.00	20,350.00
BA0000307	Correct PW Retirement Opening Budget	GLPKT08272	07/01/2021		19,476.00	
100-4210-522260	PWs / Stormwater Management			135,061.00	-19,476.00	115,585.00
BA0000307	Correct PW Retirement Opening Budget	GLPKT08272	07/01/2021		-19,476.00	
100-6100-522310	RR / Lease Pmt. Right-Aways			4,500.00	51.00	4,551.00
BA0000335	ROW Railway Lease Payment Adj to Actual	GLPKT08809	09/01/2021		51.00	
100-6100-522350	RR / Improvements to Right-Aways			4,300.00	-51.00	4,249.00
BA0000335	ROW Railway Lease Payment Adj to Actual	GLPKT08809	09/01/2021		-51.00	
100-7400-511100	PCD/ Salaries			274,307.00	-20,960.00	253,347.00
BA0000322	Move Intern Pay Adjustment	GLPKT08506	08/11/2021		-960.00	
BA0000341	Code Enforcement Budget	GLPKT08876	09/27/2021		-20,000.00	
100-7400-521203	PCD / Contracted Services (Intern)			0.00	960.00	960.00
BA0000322	Move Intern Pay Adjustment	GLPKT08506	08/11/2021		960.00	
100-7400-521205	PCD/ Comprehensive Plan			75,000.00	-3,000.00	72,000.00
BA0000345	PCD Website & Software Maintenance Adju	GLPKT09173	09/30/2021		-3,000.00	
100-7400-521240	PCD/ Legal Fees			40,000.00	0.00	40,000.00
BA0000308	Corr PLD Water Sewer Trash Chg - acct inac	GLPKT08272	07/01/2021		2,500.00	
BA0000337	Correct PCD Gasoline Budget	GLPKT08824	07/01/2021		-2,500.00	
100-7400-521270	PCD/ Code Enforcement & Abatement			0.00	20,000.00	20,000.00
BA0000341	Code Enforcement Budget	GLPKT08876	09/27/2021		20,000.00	
100-7400-521300	PCD / Website & Software Maintenance			18,800.00	4,500.00	23,300.00
BA0000324	PCD Dept Adjustment	GLPKT08553	08/01/2021		1,500.00	
BA0000345	PCD Website & Software Maintenance Adju	GLPKT09173	09/30/2021		3,000.00	
100-7400-521310	PCD / IT Services			16,500.00	-1,500.00	15,000.00

Budget Adjustment Report
For Date Range: 07/01/2021 - 09/30/2021

Account Number	Account Name			Original Budget	Budget Adjustments	Current Budget
Adjustment Number	Adjustment Description	Packet Number	Post Date		Amount	
BA0000324	PCD Dept Adjustment	GLPKT08553	08/01/2021		-1,500.00	
100-7400-531211	PCD - Water / Sewer / Trash Sys Chg			2,500.00	-2,500.00	0.00
BA0000308	Corr PLD Water Sewer Trash Chg - acct inac	GLPKT08272	07/01/2021		-2,500.00	
100-7400-531270	PCD/ Gasoline			300.00	2,500.00	2,800.00
BA0000337	Correct PCD Gasoline Budget	GLPKT08824	07/01/2021		2,500.00	
100-7540-531192	Tourism / Events Support			25,000.00	-2,000.00	23,000.00
BA0000327	Computer equipment - Tourism	GLPKT08640	08/25/2021		-2,000.00	
100-7540-531600	Tourism / Small Equipment			0.00	2,000.00	2,000.00
BA0000327	Computer equipment - Tourism	GLPKT08640	08/25/2021		2,000.00	
100-9000-611270	Transfer Out 270 - TAD Fund			70,000.00	4,700.00	74,700.00
BA0000338	Resolution 21-017 - TAD Transfer 9-16-2021	GLPKT08832	09/16/2021		4,700.00	
Expense Total:				829,089.00	111,107.00	940,196.00
Fund 100 Total:				829,089.00	0.00	829,089.00

Budget Adjustment Report

For Date Range: 07/01/2021 - 09/30/2021

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 270 - TAX ALLOCATION DISTRICT F						
Revenue						
270-0000-391100	Transfer in 100 - General Fund			-70,000.00	-4,700.00	-74,700.00
BA0000338	Resolution 21-017 - TAD Transfer 9-16-2021	GLPKT08832	09/16/2021		-4,700.00	
270-0000-399900	Budgeted Fund Balance			-5,095,519.00	-149,300.00	-5,244,819.00
BA0000336	Resolution 21-013 Tenant Impr & Lease Co	GLPKT08813	09/02/2021		-154,000.00	
BA0000338	Resolution 21-017 - TAD Transfer 9-16-2021	GLPKT08832	09/16/2021		4,700.00	
Revenue Total:				-5,165,519.00	-154,000.00	-5,319,519.00
Expense						
270-0000-541300	Tenant Improvements - Main St Building			0.00	445,000.00	445,000.00
BA0000336	Resolution 21-013 Tenant Impr & Lease Co	GLPKT08813	09/02/2021		445,000.00	
270-0000-541400	Main Street Improvements			0.00	26,719.00	26,719.00
BA0000347	1st Quarter Budget Adjustment 9-30-2021	GLPKT09269	09/30/2021		26,719.00	
270-0000-541420	Old Town Bike-Pedestrian Path			1,010,081.00	-317,719.00	692,362.00
BA0000336	Resolution 21-013 Tenant Impr & Lease Co	GLPKT08813	09/02/2021		-291,000.00	
BA0000347	1st Quarter Budget Adjustment 9-30-2021	GLPKT09269	09/30/2021		-26,719.00	
Expense Total:				1,010,081.00	154,000.00	1,164,081.00
Fund 270 Total:				-4,155,438.00	0.00	-4,155,438.00

Budget Adjustment Report
For Date Range: 07/01/2021 - 09/30/2021

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 308 - WATER/ SEWER CAPITAL PROJECTS FUND						
Revenue						
308-0000-344230	Residential Sewer Development Charges			-215,000.00	-7,794.00	-222,794.00
BA0000325	WIMS-HACH Lab Management Software PJ5	GLPKT08600	07/01/2021		-7,794.00	
308-0000-399900	Budgeted Retained Earnings			0.00	-2,109,169.00	-2,109,169.00
BA0000331	Large Meter Replacement Project	GLPKT08709	07/01/2021		51,570.00	
BA0000339	Correct BA000331 7/1/2021	GLPKT08868	07/01/2021		-103,140.00	
BA0000342	9/30/2021 Dept Budget Adjustments	GLPKT08984	09/30/2021		-180.00	
BA0000343	Re-Est Open Projects Budgets from FY21 to	GLPKT08985	07/01/2021		-1,251,936.00	
BA0000347	1st Quarter Budget Adjustment 9-30-2021	GLPKT09269	09/30/2021		-805,483.00	
Revenue Total:				-215,000.00	-2,116,963.00	-2,331,963.00
Expense						
308-0000-541000	Water Tank Improvements Planning & Design			0.00	444,916.00	444,916.00
BA0000343	Re-Est Open Projects Budgets from FY21 to	GLPKT08985	07/01/2021		444,916.00	
308-0000-541100	Water Line Improvements Planning & Design			0.00	50,000.00	50,000.00
BA0000343	Re-Est Open Projects Budgets from FY21 to	GLPKT08985	07/01/2021		50,000.00	
308-0000-541215	Large Meter Replacement Project			0.00	51,750.00	51,750.00
BA0000331	Large Meter Replacement Project	GLPKT08709	07/01/2021		51,570.00	
BA0000342	9/30/2021 Dept Budget Adjustments	GLPKT08984	09/30/2021		180.00	
308-0000-541300	Wastewater Expansion Plant Design/Permits			0.00	669,500.00	669,500.00
BA0000343	Re-Est Open Projects Budgets from FY21 to	GLPKT08985	07/01/2021		669,500.00	
308-0000-541900	LLIDA Wells Planning and Testing			0.00	87,520.00	87,520.00
BA0000343	Re-Est Open Projects Budgets from FY21 to	GLPKT08985	07/01/2021		87,520.00	
308-0000-543003	HACH Maintenance & Lab Management Software			15,000.00	7,794.00	22,794.00
BA0000325	WIMS-HACH Lab Management Software PJ5	GLPKT08600	07/01/2021		7,794.00	
308-0000-611505	Transfer out 505 - WS Revenue Fund			0.00	805,483.00	805,483.00
BA0000347	1st Quarter Budget Adjustment 9-30-2021	GLPKT09269	09/30/2021		805,483.00	
Expense Total:				15,000.00	2,116,963.00	2,131,963.00
Fund 308 Total:				-200,000.00	0.00	-200,000.00

Budget Adjustment Report

For Date Range: 07/01/2021 - 09/30/2021

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 320 - SPLOST FUND						
Revenue						
320-0000-399900	Budgeted Fund Balance			0.00	-1,624,923.00	-1,624,923.00
BA0000334	Re-open SPLOST VII Open Projects in FY202	GLPKT08741	07/01/2021		-532,092.00	
BA0000342	9/30/2021 Dept Budget Adjustments	GLPKT08984	09/30/2021		-112.00	
BA0000343	Re-Est Open Projects Budgets from FY21 to	GLPKT08985	07/01/2021		-1,092,719.00	
Revenue Total:				0.00	-1,624,923.00	-1,624,923.00
Expense						
320-0000-522250	VIII -Roads & Sidewalk Improvements			552,103.00	444,898.00	997,001.00
BA0000343	Re-Est Open Projects Budgets from FY21 to	GLPKT08985	07/01/2021		444,898.00	
320-0000-523600	Bank Service Charges & Fees			0.00	112.00	112.00
BA0000342	9/30/2021 Dept Budget Adjustments	GLPKT08984	09/30/2021		112.00	
320-0000-541002	VIII -East Main Culvert			0.00	550,000.00	550,000.00
BA0000343	Re-Est Open Projects Budgets from FY21 to	GLPKT08985	07/01/2021		550,000.00	
320-0000-541003	VII -City-Wide Signage Project - SPLOST Portion			0.00	52,000.00	52,000.00
BA0000334	Re-open SPLOST VII Open Projects in FY202	GLPKT08741	07/01/2021		52,000.00	
320-0000-541400	VII -Public Works Booster Pump Station			0.00	96,127.00	96,127.00
BA0000343	Re-Est Open Projects Budgets from FY21 to	GLPKT08985	07/01/2021		96,127.00	
320-0000-541500	VII -Water Sewer Infrastructure			0.00	480,092.00	480,092.00
BA0000334	Re-open SPLOST VII Open Projects in FY202	GLPKT08741	07/01/2021		480,092.00	
320-0000-542200	VIII -PD Vehicles & Equipment			43,000.00	1,694.00	44,694.00
BA0000343	Re-Est Open Projects Budgets from FY21 to	GLPKT08985	07/01/2021		1,694.00	
Expense Total:				595,103.00	1,624,923.00	2,220,026.00
Fund 320 Total:				595,103.00	0.00	595,103.00

Budget Adjustment Report

For Date Range: 07/01/2021 - 09/30/2021

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 350 - LOCAL RESOURCES FUND						
Expense						
350-0000-522255	Mitchell St/Bassett Stormwater Planning & Design			400,000.00	-325,000.00	75,000.00
BA0000333	Correct Mitchell St Budgets FY2022 - backw	GLPKT08739	07/01/2021		-325,000.00	
350-0000-541004	Mitchell St Stormwater Infrastructure Imp - Phase1			75,000.00	325,000.00	400,000.00
BA0000333	Correct Mitchell St Budgets FY2022 - backw	GLPKT08739	07/01/2021		325,000.00	
Expense Total:				475,000.00	0.00	475,000.00
Fund 350 Total:				475,000.00	0.00	475,000.00

Budget Adjustment Report

For Date Range: 07/01/2021 - 09/30/2021

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 505 - WATER / SEWER FUND						
Revenue						
505-0000-399900	Budgeted Retained Earnings			0.00	-805,483.00	-805,483.00
BA0000347	1st Quarter Budget Adjustment 9-30-2021	GLPKT09269	09/30/2021		-805,483.00	
Revenue Total:				0.00	-805,483.00	-805,483.00
Expense						
505-0000-611308	Transfer Out 308 - WS Capital Projects Fund			0.00	805,483.00	805,483.00
BA0000347	1st Quarter Budget Adjustment 9-30-2021	GLPKT09269	09/30/2021		805,483.00	
505-1500-523600	S/W - Merchant Sys. Fee & Admin Fee			0.00	10.00	10.00
BA0000342	9/30/2021 Dept Budget Adjustments	GLPKT08984	09/30/2021		10.00	
505-1500-531110	W/S Office Supplies			1,500.00	-10.00	1,490.00
BA0000342	9/30/2021 Dept Budget Adjustments	GLPKT08984	09/30/2021		-10.00	
Expense Total:				1,500.00	805,483.00	806,983.00
Fund 505 Total:				1,500.00	0.00	1,500.00
Budget Code FY2022R Total:				-2,454,746.00	0.00	-2,454,746.00

Description

Fund Summary

Description	Fund	Original Budget	Budget Adjustments	Current Budget
Budget Code: FY2022R - Revised Budget		Fiscal: FY2022		
	100	829,089.00	0.00	829,089.00
	270	-4,155,438.00	0.00	-4,155,438.00
	308	-200,000.00	0.00	-200,000.00
	320	595,103.00	0.00	595,103.00
	350	475,000.00	0.00	475,000.00
	505	1,500.00	0.00	1,500.00
Budget Code FY2022R Total:		-2,454,746.00	0.00	-2,454,746.00

**ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS**

GENERAL FUND

GENERAL FUND

No significant departmental adjustments were noted for the quarter ending September 30, 2021.

Requested non-departmental adjustments are as follows:

- Increase Georgia Mountains Regional Commission due by \$1,407. The City received a letter from the Regional Commission dated July 28, 2021, as notice of the dues increase.

SPECIAL REVENUE FUNDS

GRANTS FUND

No adjustments are needed for the quarter ending September 30, 2021.

AMERICAN RESCUE PLAN ACT OF 2021 FUND

No adjustments are needed for the quarter ending September 30, 2021.

TAX ALLOCATION DISTRICT FUND

Approved non-departmental adjustments are as follows:

- Resolution 21-013 approved 9/2/2021 for tenant lease improvements totaling \$445,000.

HOTEL MOTEL TAX FUND

No adjustments are needed for the quarter ending September 30, 2021.

**ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS**

CAPITAL PROJECT FUNDS

WATER/WASTEWATER CAPITAL PROJECTS FUND

No significant departmental adjustments were noted for the quarter ending September 30, 2021.

Requested non-departmental adjustments are as follows:

- Increase transfer from Water Sewer Operating and re-opening ongoing project budgets for \$2,109,169 for FY2021 to FY2022.

SPLOST VII CAPITAL PROJECTS FUND

Requested non-departmental adjustments are as follows:

- Increase for re-opening ongoing project budgets for \$1,624,923 for FY2021 to FY2022.

LOCAL RESOURCES CAPITAL PROJECTS FUND

There was a correction to the entry of the original FY2022 budget for the Mitchell Street project.

ENTERPRISE FUNDS

WATER AND WASTEWATER OPERATING FUND

Requested non-departmental adjustments are as follows:

- Increase the transfers to Water Sewer Capital Fund to re-establish project balances for FY2022 closed in FY2021 to the Water Sewer operating fund (for financial reporting purposes) to \$805,483.



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: November 4, 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

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

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.

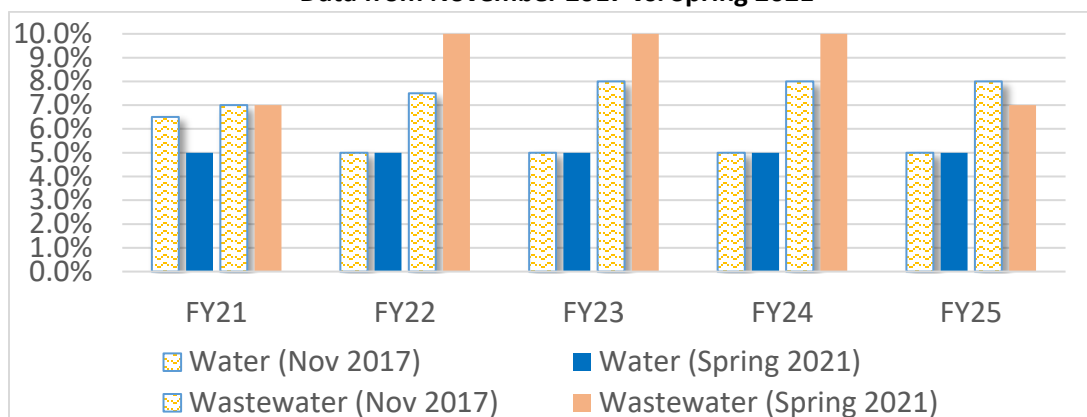
Water and Wastewater Rate Plan

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.

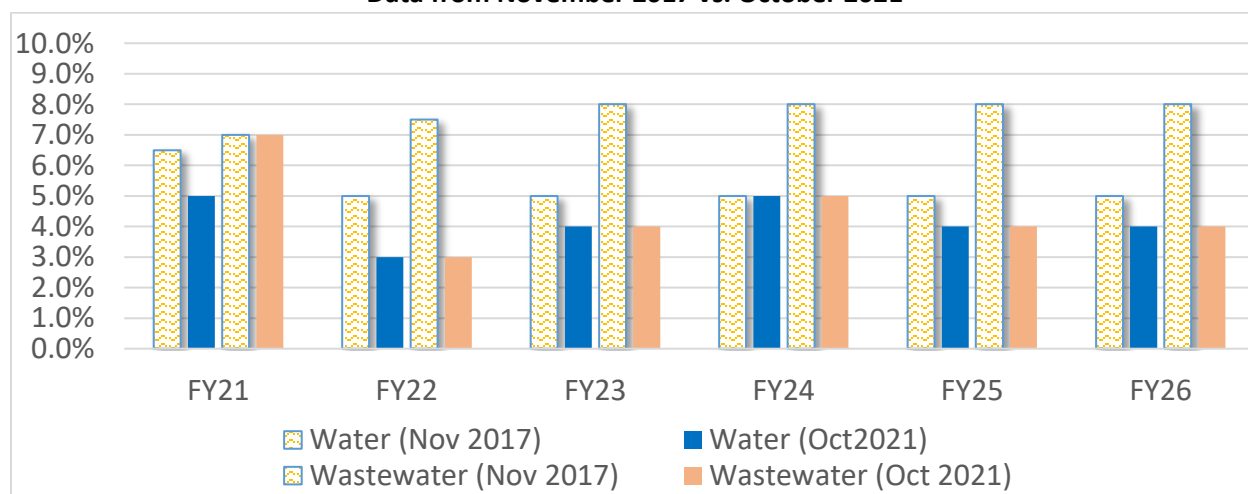
that in FY21, the water rate increase was still lower than projected in November 2017. However, a significant increase to the wastewater rate was projected at that time, due to increased sludge disposal cost and capital needs for wastewater treatment related to capacity and regulatory changes on discharge 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 reviewed 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 $\$1,104 \times 16 = \$17,664$. 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 a Rezoning Request submitted by South Hall, LLC. to rezone three parcels of land from Traditional Neighborhood Development District (TND) to Central Business District (CBD).

COUNCIL MEETING DATE: November 4, 2021

HISTORY:

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

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

FACTS AND ISSUES:

Staff recommends approval of the request to rezone the subject properties from Traditional Neighborhood Development District (TND) to 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.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the first read.

SAMPLE MOTION:

I make a motion to approve ordinance 641.

I make a motion to approve ordinance 642

I make a motion to approve ordinance 643.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [November Ordinances COMBINED.pdf](#)
- [South Hall Staff Report_NOVEMBER.pdf](#)

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

First Reading 11/04/21
Adopted 11/18/21

ORDINANCE 641

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

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

WHEREAS, South Hall, LLC submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned; and

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

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

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

SECTION 1. FINDINGS.

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

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

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

First Reading 11/04/21
Adopted 11/18/21

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

SECTION 2. REZONING.

The .20 +/- acre parcel of land known as 5611 Church Street, identified as Parcel Tax Identification No.08112A 002007 as shown on Exhibit "A", and legally described in Exhibit "B", is hereby rezoned from Traditional Neighborhood Development District (TND) to Central Business District (CBD) subject to the conditions set forth on Exhibit "C". Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

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

First Reading 11/04/21
Adopted 11/18/21

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 18th, 2021.

SECTION 6. REPEALER.

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

Approved this 18th day of November 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

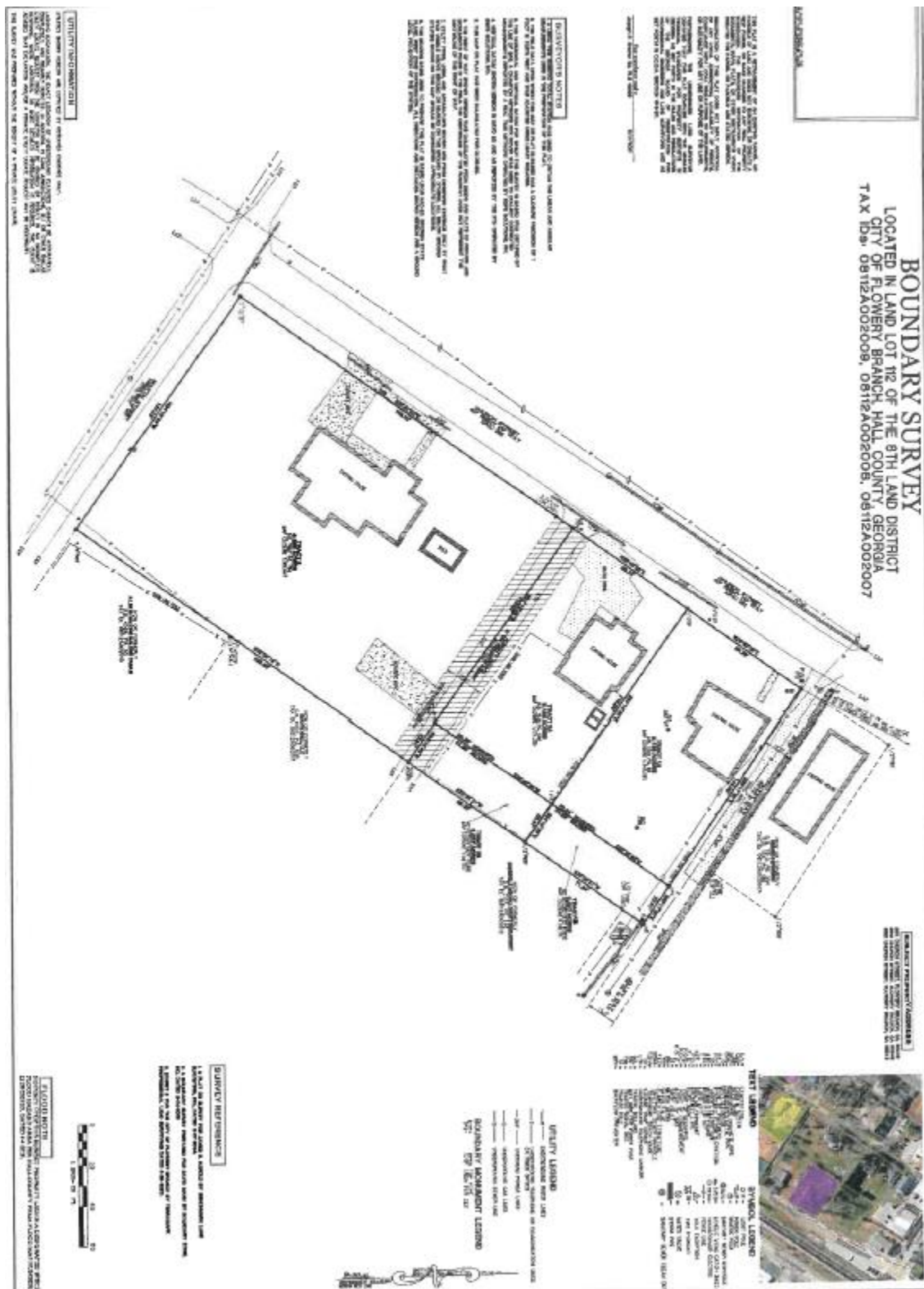
E. Ronald Bennett, City Attorney

Public Hearing Published
Public Hearing

09/15/21
10/07/21

First Reading 11/04/21
Adopted 11/18/21

Exhibit "A"



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

First Reading 11/04/21
Adopted 11/18/21

Exhibit "B"

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

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

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

Exhibit "C"

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



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

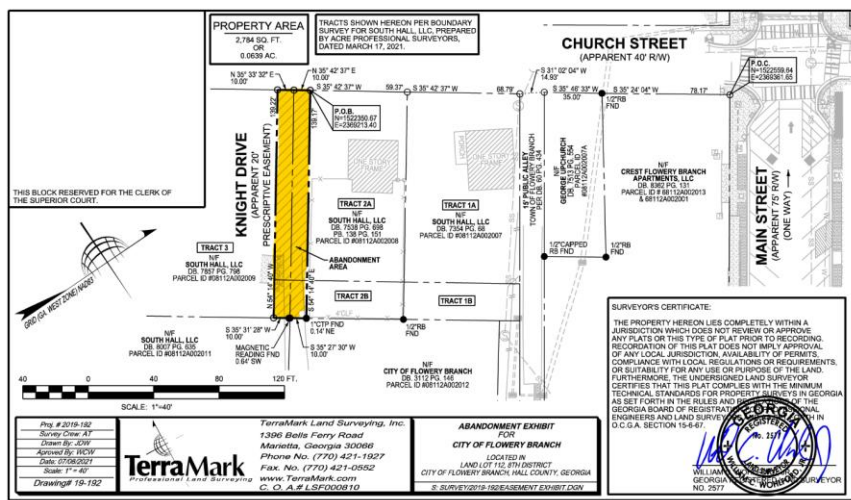
Public Hearing Published 09/15/21
Public Hearing 10/07/21

First Reading 11/04/21
Adopted 11/18/21

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



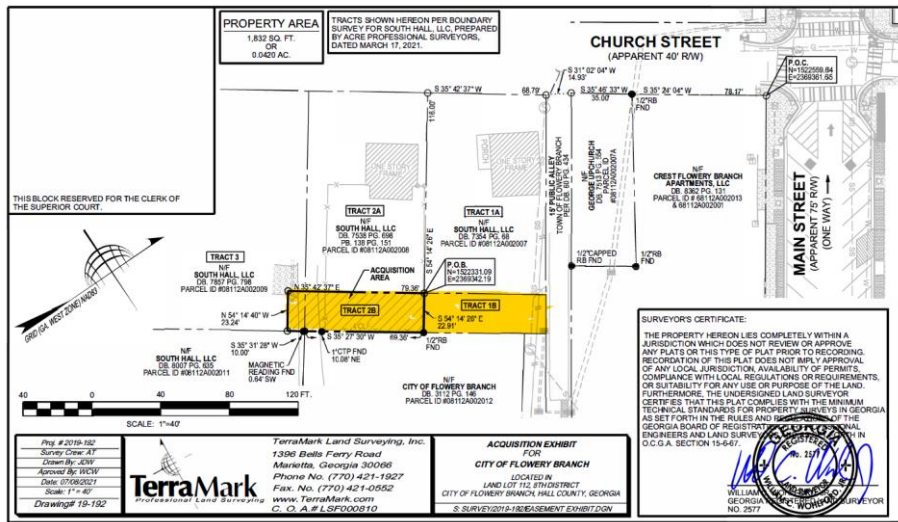
12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



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

First Reading 11/04/21
Adopted 11/18/21

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



14. The townhomes shall consistently adhere to the elevations as shown below:



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

First Reading	11/04/21
Adopted	11/18/21

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

First Reading 11/04/21
Adopted 11/18/21

ORDINANCE 642

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC FROM TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD); SAID PROPERTY TOTALS .20 +/- ACRES AND IS KNOWN AS 5615 CHURCH STREET, TAX PARCEL 08112A 002008 AND AS SHOWN ON ATTACHED EXHIBIT "A", AS DESCRIBED ON ATTACHED EXHIBIT "B", AND AS CONDITIONED ON ATTACHED EXHIBIT "C", PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, South Hall, LLC Owns the .20 +/- acre parcel of land known as 5615 Church Street, identified as Parcel Tax Identification No.08112A 002008, as shown on Exhibit "A", and as described on Exhibit "B"; and

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

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

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

SECTION 1. FINDINGS.

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

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

Public Hearing Published	09/15/21	First Reading	11/04/21
Public Hearing	10/07/21	Adopted	11/18/21

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

SECTION 2. REZONING.

The .20 +/- acre parcel of land known as 5615 Church Street, identified as Parcel Tax Identification No.08112A 002008 as shown on Exhibit “A”, and legally described in Exhibit “B”, is hereby rezoned from Traditional Neighborhood Development District (TND) to Central Business District (CBD). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

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

First Reading 11/04/21
Adopted 11/18/21

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 18th, 2021.

SECTION 6. REPEALER.

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

Approved this 18th day of November 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Public Hearing Published
Public Hearing

09/15/21
10/07/21

First Reading 11/04/21
Adopted 11/18/21

Exhibit "A"



Exhibit "B"

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

First Reading 11/04/21
Adopted 11/18/21

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

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

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

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

First Reading 11/04/21
Adopted 11/18/21

Exhibit "C"

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



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

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

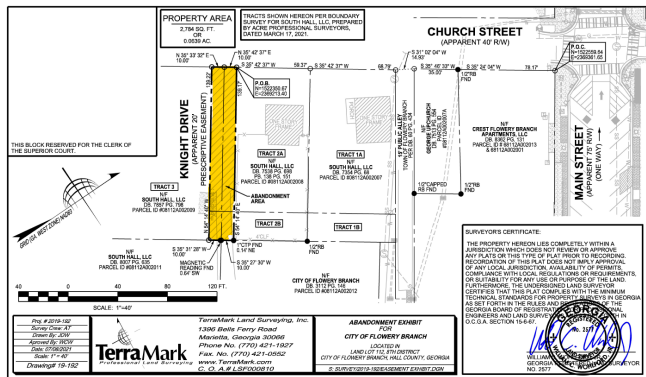
First Reading 11/04/21
Adopted 11/18/21

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



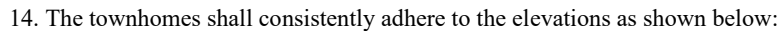
12. The City of Flowerly Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.

Commented [RB1]: Insert a copy of plat showing the property the City is conveying to South Hall, LLC



First Reading 11/04/21
Adopted 11/18/21

- Commented [RB2]:** Insert a copy of the plat showing the property South Hall, LL is conveying to the GHDA



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

First Reading 11/04/21
Adopted 11/18/21

ORDINANCE 643

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PARCEL OF REAL PROPERTY OWNED BY SOUTH HALL, LLC FROM TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND) TO CENTRAL BUSINESS DISTRICT (CBD); SAID PROPERTY TOTALS .67 +/- ACRES AND IS KNOWN AS 5621 CHURCH STREET, TAX PARCEL 08112A 002009 AND AS SHOWN ON ATTACHED EXHIBIT “A”, AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, South Hall, LLC Owns the .67 +/- acre parcel of land known as 5621 Church Street, identified as Parcel Tax Identification No.08112A 002009, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

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

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

SECTION 1. FINDINGS.

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

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned; however, an alternative use is appropriately considered.

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

First Reading 11/04/21
Adopted 11/18/21

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

SECTION 2. REZONING.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

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

First Reading 11/04/21
Adopted 11/18/21

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be November 18th, 2021.

SECTION 6. REPEALER.

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

Approved this 18th day of November 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

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

First Reading	11/04/21
Adopted	11/18/21

Exhibit “A”



Exhibit "B"

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

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

First Reading 11/04/21
Adopted 11/18/21

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

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

The above-described tract contains 0.639 acres.

Exhibit "C"

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



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

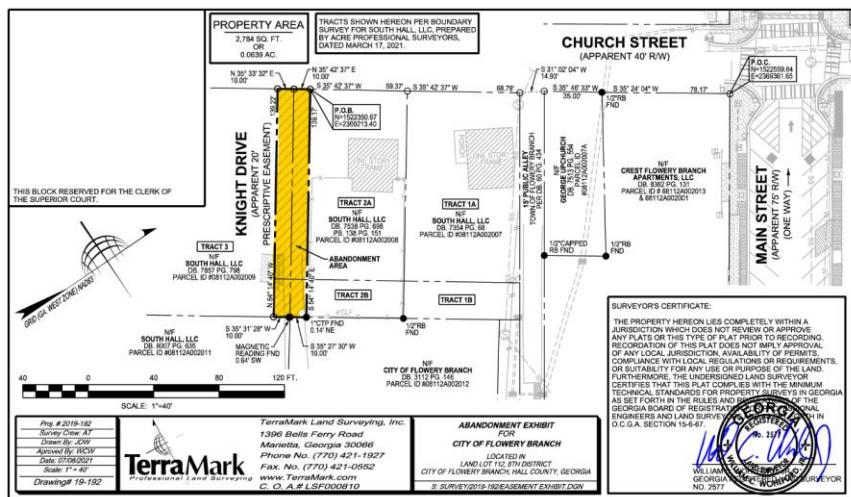
11. Martin Street shall be a one-way street running south-east as shown below:

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

First Reading 11/04/21
Adopted 11/18/21



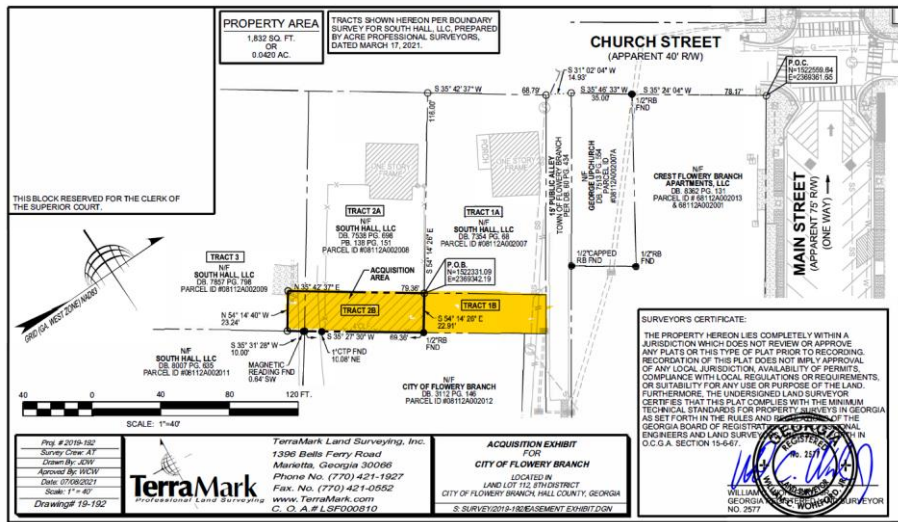
12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



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

First Reading 11/04/21
Adopted 11/18/21

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



14. The townhomes shall consistently adhere to the elevations as shown below:





Applicant: South Hall, LLC

Property Owner: South Hall, LLC

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

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

Current Use: Vacant Residential

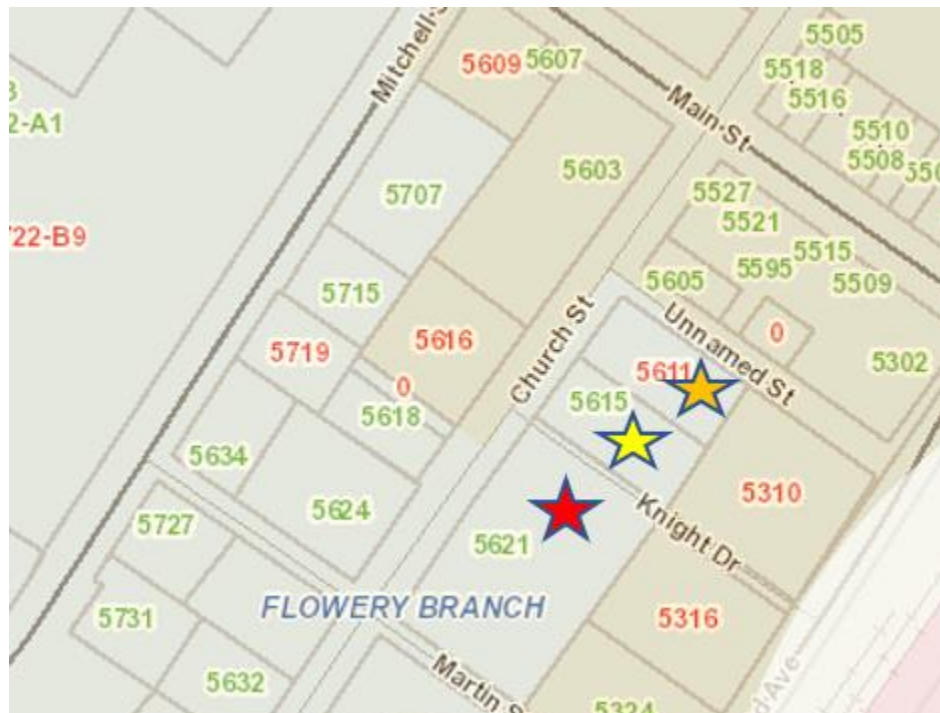
Proposed Use: 14 residential townhomes

Character Area: Traditional Neighborhood

Proposal

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

Location Map





Aerial





Renderings



Comprehensive Plan

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

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

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



Traditional Neighborhood

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

Vision

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

Design Principles

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

Land Uses

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

Zoning

- TND, Traditional Neighborhood Development

Illustrative Photos

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



Infill development on Chestnut St. with rear entry garages



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



Compatible building design and materials



Old Town

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

Vision

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

Design Principles

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

Land Uses

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

Zoning

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

Implementation Strategies

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

Illustrative Photos

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



Historic brick commercial buildings opposite The Crest



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



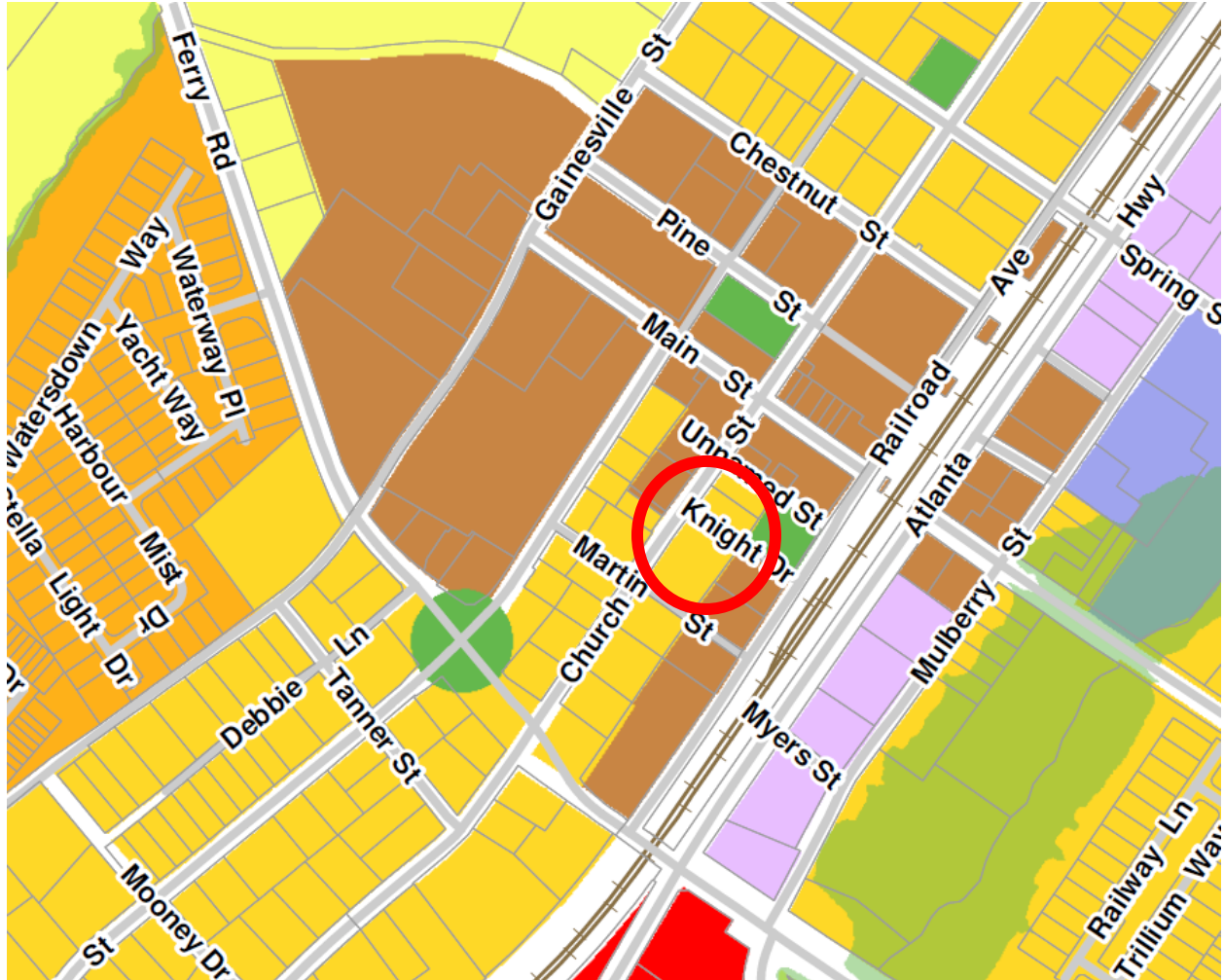
Brick used on site features in a townhome development



Planned plaza between the Farmers Market



Character area map:





Analysis

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Staff Response:

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



- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. The City is in the process of implementing the Downtown Redevelopment Plan as evidenced by the Main Street redevelopment nearing completion and the start of construction for the Farmers Market and related public improvements. The subject property will enhance the implementation of the City's Downtown Redevelopment Plan as described above by adding more residents to support the planned downtown development.
- (g) Existing use(s) and zoning of the subject property and nearby properties. Currently vacant, the proposed use will clear vacant, dilapidated and uninhabitable housing and will add improved residential properties in the downtown area. The subject property is currently zoned Traditional Neighborhood Development District (TND), but is surrounded on three sides by property zoned Central Business District (CBD).
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. No such information has been provided by the applicant and such information cannot be discerned by staff.
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. Staff does not feel that the proposed will be a deterrent to the adjacent properties as adjacent properties surrounding the subject properties on three sides are currently zoned Central Business District (CBD).
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. No such isolated zoning district would be created where a rezoning to Central Business District (CBD) would be consistent with the adjacent properties currently zoned Central Business District (CBD).
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. No negative effects anticipated. The subject properties are surrounded on three sides by Central Business District (CBD) zoned properties. There will be no change from residential use. Both the Traditional Neighborhood and Old Town character areas allow for townhomes, higher densities and smaller lot sizes.
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.



- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed development meets the intent of the Zoning Ordinance regarding use and density.**

Central Business District Requirements

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

Sec. 9.5. CBD, Central Business District.

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



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

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



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

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



Table 9.2
Dimensional Requirements for Nonresidential Zoning Districts

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

(Ord. 348-13)



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

Staff Recommendation

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: November 4, 2021

HISTORY:

FACTS AND ISSUES:

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

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Discussion only

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

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

- [Zoning Ordinance Analysis Supplement 2021.08.30.pdf](#)



REZONING APPLICATION

Date: June 30, 2021

Address of Request:

Thurmon Tanner Parkway (Parcel 08097 000008)

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

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

Currently a conforming use? N/A

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

Applicant Information

Name: Hines Acquisitions, LLC

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

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

Phone number: 770-804-4654

Signature: [Signature], Managing Director

Notary: [Signature]

NOTARY PUBLIC





Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: _____

Notary: _____

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

*Thanks,
—Fred*

Property Information

Tax Map Number: 08097 000008

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

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

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

Current Use: Vacant Land

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

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

- Legal description
- Current survey of property



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

Conflict of Interest Disclosure

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

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

None

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

None

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

None



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
None	

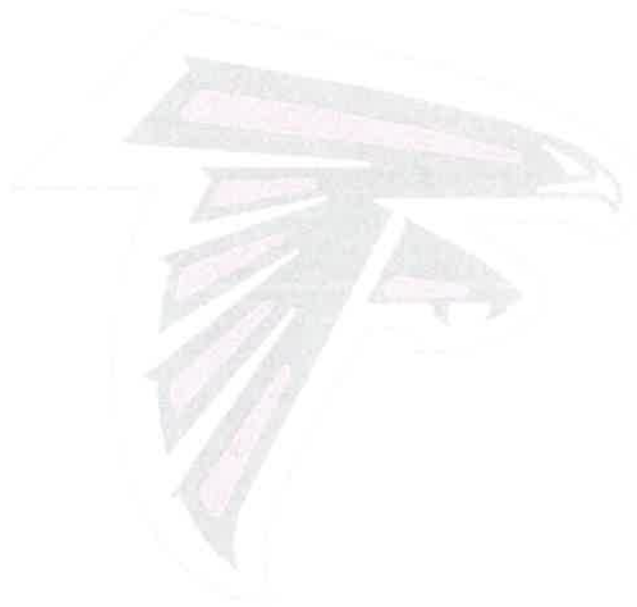
CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



Flowery Branch





REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: June 30, 2021

Address of Request:

Thurmon Tanner Parkway (Parcel 08097 000008)

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

Please submit an analysis of the proposed project including:

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



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



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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____



June 30, 2021

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

RE: Thurmon Tanner Parkway (Parcel 08097 000008)

Dear Mr. Atkinson and Ms. Short:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Ryan D. Wood

Managing Director

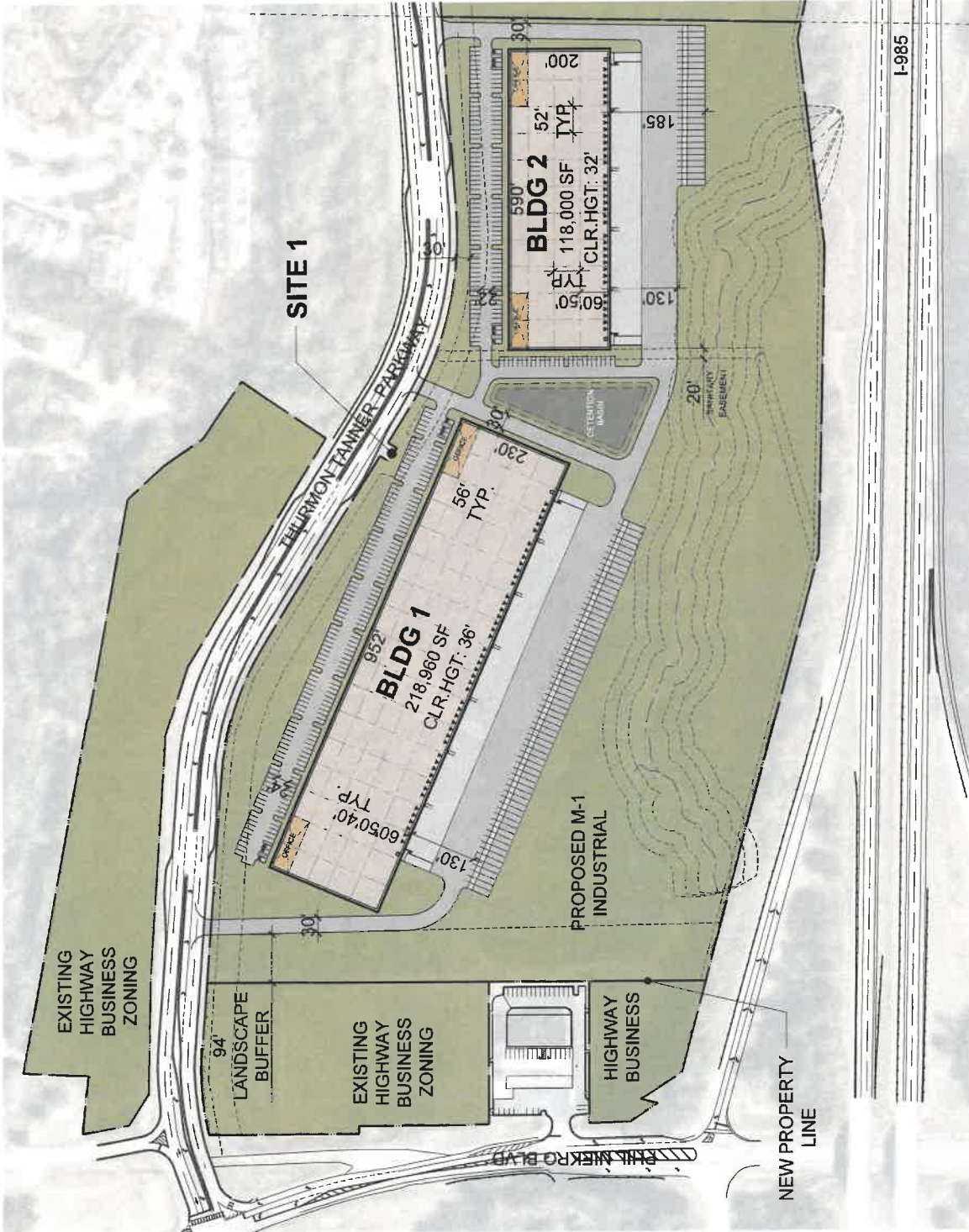
Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management



PROJECT DATA: SITE 1

SITE AREAS:			
GROSS:			37.83 AC
DEFENTION:			1,647,971 SF
NET:			2,658,971 SF
		60.2%	1,610,308 SF
BUILDING AREAS:			
BUILDING 1	OFFICE	FOOTPRINT:	
BUILDING 2	WAREHOUSE		
TOTAL:			336,960 SF
BUILDING USE:			
WAREHOUSE			323,292 SF
OFFICE			13,668 SF
COVERAGE:		4%	
GROSS:			
BUILDING 1			20%
BUILDING 2			46
PARKING REQUIRED:			2
WAREHOUSE			109 STALLS
OFFICE			30 STALLS
TOTAL			139 STALLS
PARKING PROVIDED:			
			188 STALLS
			@0.84/1000 SF
			6 STALLS
			65 STALLS
TRAILER:			
			36
			2
PARKING REQUIRED:			
WAREHOUSE			12000 SF
OFFICE			1200 SF
TOTAL			13200 SF
PARKING PROVIDED:			
			140 STALLS
			@0.13/1000 SF
			5 STALLS
			26 STALLS

This conceptual design is based on a site visit, review of aerial photos, and site data. It is not a final design and is subject to change. The design is based on the information provided and is not a guarantee of performance. The design is based on the information provided and is not a guarantee of performance.





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

CONCEPTUAL DESIGN

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

Hines

WARE MALCOMB

LEGAL DESCRIPTION – TRACT 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

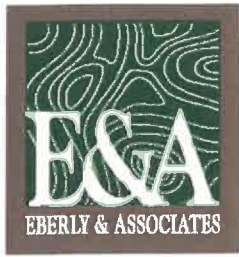
Said tract or parcel of land contains 37.832 acres or 1,647,971 square feet, and is intended to be a portion of the tracts of land that were previously conveyed in Deed Book 1686, Page 326, Hall County Georgia Records.

Thurmon Tanner – Hines Rezoning Application

Names and addresses of adjoining property owners

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





LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

June 30, 2021

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

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

Dear Mr. Manson

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

Our findings were as follows:

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

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

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

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

Sincerely,
EBERLY & ASSOCIATES, INC.

Brian Brumfield, P.E.

PRINCIPALS

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

ASSOCIATES

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

WWW.EBERLY.NET

TEL: 770.452.7849
FAX: 770.452.0086

2951 FLOWERS ROAD SOUTH, SUITE 119
ATLANTA, GEORGIA 30341



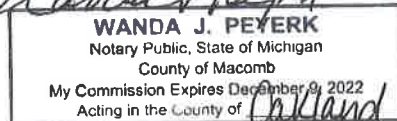
Property owner information (if different than the applicant)

Property owner (please print): Atlanta One LTD Partnership

Signature of property owner: [Signature]

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

Notary:



Property Information

Tax Map Number: 08097 000008

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

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

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

Current Use: Vacant Land

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

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

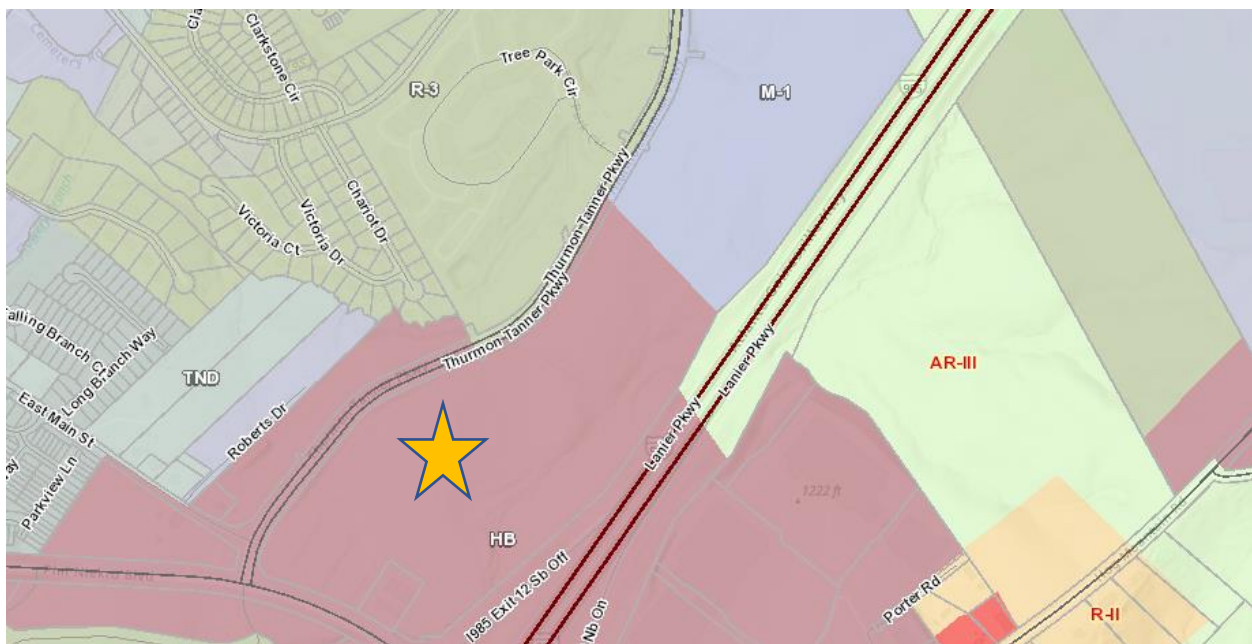
- Legal description
- Current survey of property



Staff Report Hines – Thurmon Tanner Ordinance 652

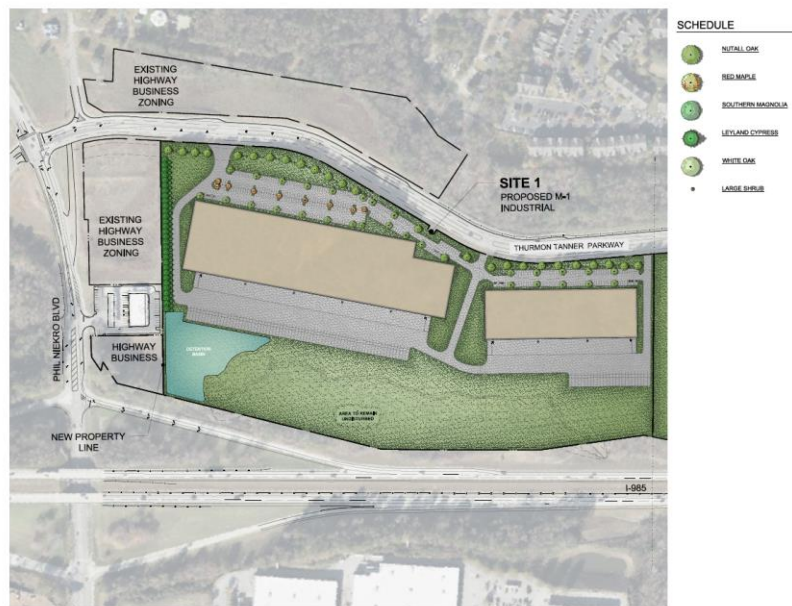
Request

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

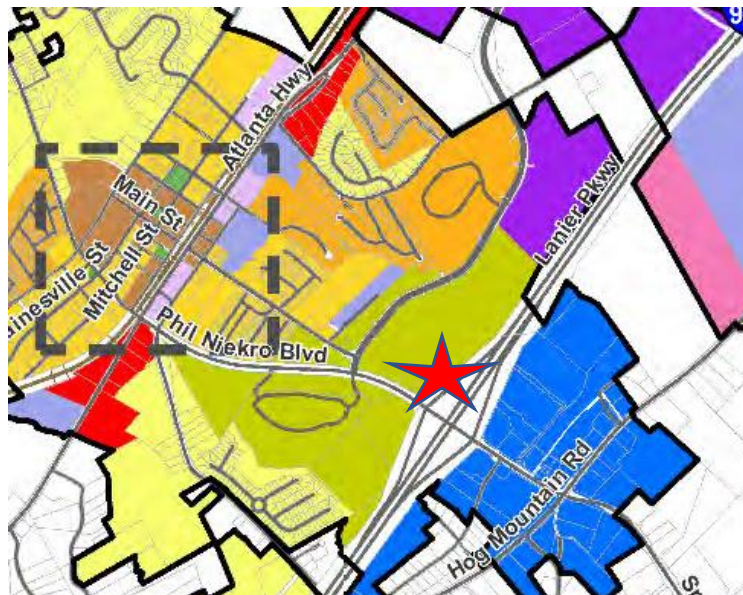




The proposed project consists of two office warehouses with the current Highway Business zoning to remain in place along Phil Niekro Boulevard.



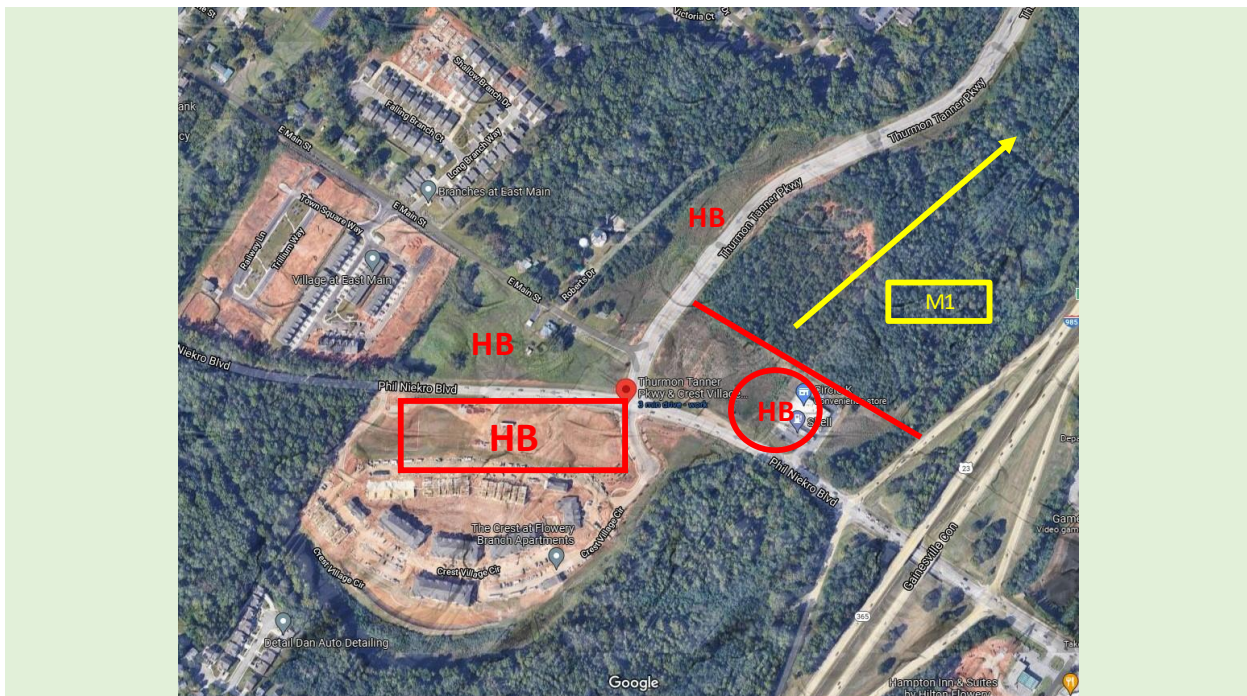
Comprehensive Plan





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

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



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

Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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 part of 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, an industrial use is appropriate for the Thurmon Tanner corridor. Additionally, the remaining portion of the parcel along Phil Niekro Boulevard shall remain zoned Highway Business allowing new commercial retail along this corridor.**
- (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 this corridor (Thurmon Tanner) was built for this type of use.**
- (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 M1 (Light Industrial) was previously (in 2014) deemed appropriate. However, the land has sat vacant since the rezoning occurred and may be challenged for M-1 use due to streams on the property and lack of large vehicular traffic.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **It is staff’s opinion that the use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Currently, the Comprehensive Plan denotes this area as part of the “Activity Center” character area. If approved, this project should be included with the project to the north and be designated as “Industrial Employment”. Although, HB uses would be more in line with the current designation, Thurmon Tanner Parkways was constructed with this type of use in mind.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **The subject property has been vacant for many years and the proposed M1 use fits in the vision for Thurmon Tanner Parkway.**



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



History

The city spent over 1.9 million dollars to help construct Thurmon Tanner Parkway.

	Phase I Const.	Phase II Const.	Design	Legal	ROW		
		105,588.66			2,700.00		
					5,650.00		
					4,200.00		
					48,200.00		
					240.00		
					1,092.00		
					464.50		
					356.25		
					150.00		
					161.50		
					4,000.00		
	779,426.63	5,323,827.19	720,287.58	68,783.74	2,703,164.69		
					TOTAL SPLOST	9,595,489.83	
F.B. Portion*	1,193,117.69					1,193,117.69	
State Portion	1,860,620.98	1,645,608.45			State Portion	3,506,229.43	
					(reimbursed to County in addition to SPLOST)		
GRAND TOTAL Thurman Tanner Pkwy Phases I & II						14,294,836.95	
*Construction Only							

As a divided two-lane road situated between exits 14 and 12, an industrial or commercial use was always envisioned for this site.

Recommendation

Under the current economic and market conditions commercial retail is not realistic for the entirety of the site. Adding the proposed industrial use while leaving commercial retail along Phil Niekro Boulevard utilizes the site for what it was intended and provides uses that serve Thurmon Tanner Parkway, downtown Flowery Branch, and the Phil Niekro Boulevard corridor. Staff recommends approval of the proposed rezoning subject to any conditions the Mayor and City Council feel appropriate.



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

First Reading 09/16/2021
Adopted 11/04/2021

ORDINANCE 652

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

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

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

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

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

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

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

SECTION 1. FINDINGS.

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

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

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

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

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

First Reading 09/16/2021
Adopted 11/04/2021

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 4th 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"

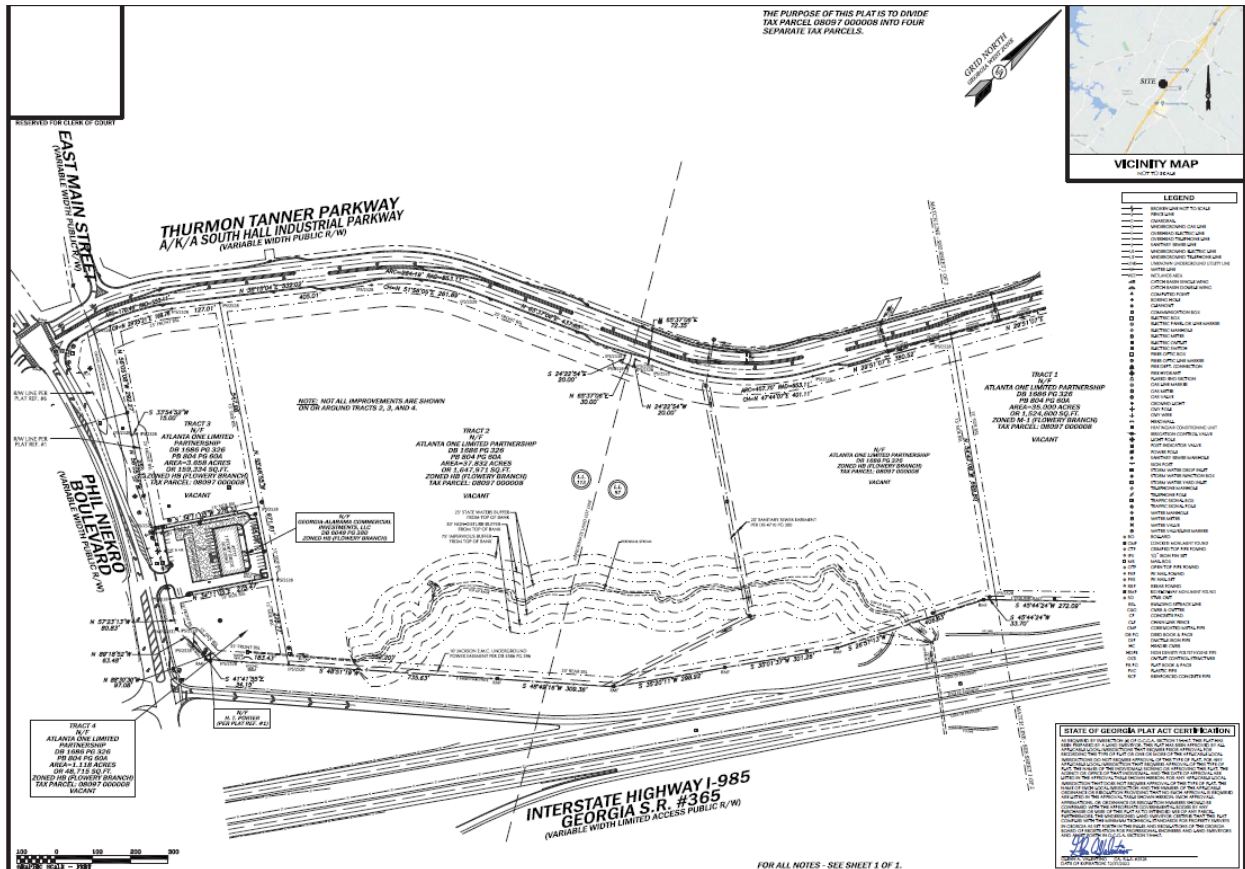


Exhibit "B"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

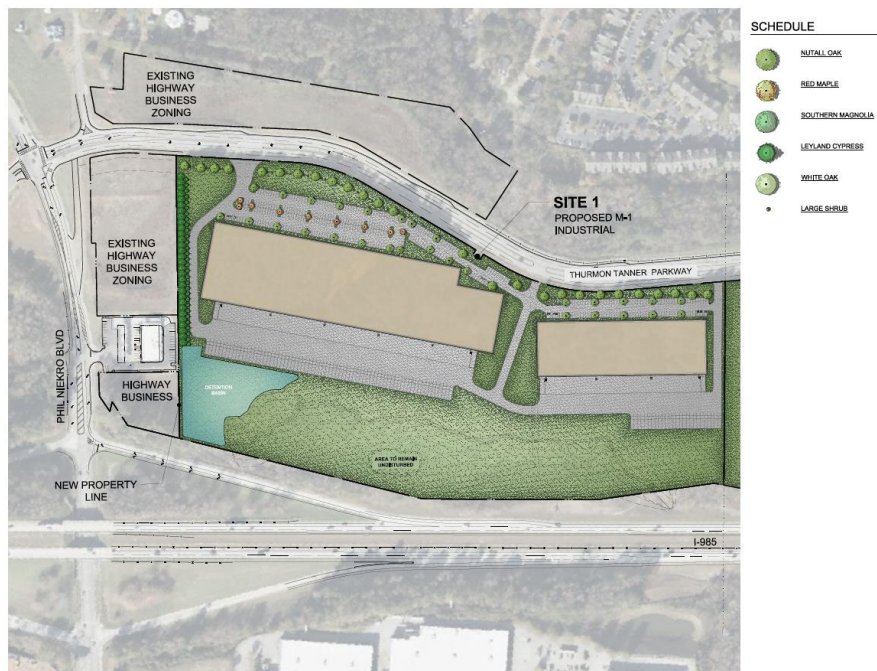
THENCE South 48 degrees 51 minutes 19 seconds West a distance of 552.20 feet to a 1/2" iron pin set, said 1/2" iron pin set being the POINT OF BEGINNING.

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

Exhibit "C"

Conditions of Zoning

1. Water and sewer to be provided by the City of Flowery Branch
2. The property shall be subdivided prior to the issuance of any permits
3. The project shall significantly adhere to the site plan submitted on October 25, 2021 and as shown below:



Public Hearing Published	07/07/2021	First Reading	09/16/2021
Public Hearing	08/05/2021	Adopted	11/04/2021

4. A landscape/buffer plan shall be submitted and approved by staff prior to the issuance of any building permits.

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

First Reading	09/16/2021
Adopted	11/04/2021

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

First Reading	09/16/2021
Adopted	11/04/2021

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

First Reading 09/16/2021
Adopted 11/04/2021

August 30, 2021

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

RE: Thurmon Tanner Parkway (Parcel 08097 000008)

Dear Mr. Atkinson:

Hines

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

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

2. Truck Parking
 - a. The proposed site plan accommodates nearly 100 trailer parking spaces that will allow for trucks to get off the road as quickly as possible, even if there is not a dock position available for them. We've also designed generous queuing areas, locations for trucks to pull into the site and clear security checkpoints, for the trucks as they enter our site at all of the entrances. This should mitigate any trucks parking along Thurmon Tanner Parkway which is illegal.
3. Truck Noise
 - a. Our site plan was specifically designed to place the dock doors on the rear of the building facing the stream buffer and I-985 to minimize the noise along Thurmon Tanner Parkway. Further, we have included a buffer between our project and the remaining land fronting Phil Niekro Blvd.
4. Taxes
 - a. There was a question as to whether the projected taxes are worth the impact to infrastructure. Our current projection for annual property tax payments is \$52,000 per year, exclusive of personal property taxes future tenants would pay. It is important to note that other than utility connections, there is no additional infrastructure needed as Thurmon Tanner Parkway was designed for this type of use. We are also proposing a use that will significantly decrease traffic from the current zoning. Industrial is a very tax efficient use for the City as it does not place additional stress on the school systems or other government services.
5. Stormwater compliance
 - a. The site's environmental and stormwater design has been engineered to meet all the standards and regulations of Flowery Branch, Georgia EPD, and US Army Corps of Engineers. We have laid out the project to avoid any impacts to the wetlands, streams, and stream buffers.

Hines

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

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

Sincerely,



Ryan D. Wood

Managing Director

Industrial Development & Acquisitions

5 Ravinia Drive NE | Atlanta, GA 30346

D 770.804.4654 | M 678.481.4652

ryan.wood@hines.com

Intelligent Real Estate Investment, Development and Management



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



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

COUNCIL MEETING DATE: November 4, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

0

RECOMMENDATION:

Second read

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

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



VARIANCE APPLICATION

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

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

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

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

Please see letter of intent.

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

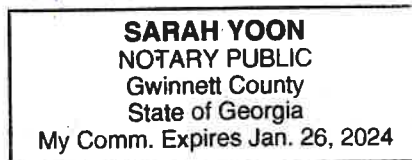
Address: 6095 Atlanta Hwy., Suite 100, Flowery Branch, GA 30542

E-mail address: Tylerl@allianceco.com

Phone number: (248)342-2558

Signature: _____

Notary Seal:



June 15th 2021

- NOTE**
1. ALL ARE

MUNICIPAL NOTES

GENERAL NOTES

1. WATER AND SEWER PROVIDED BY CITY OF GAINESVILLE
2. MOITY CITY OF GAINESVILLE WATER AND SEWER
DEPARTMENT 24 HOURS BEFORE THE BEGINNING OF
CONSTRUCTION (770) 536-2401

PROJECT SITE DATA

- | PARAMETER/REQUIREMENT | CONVENTIONAL
MPLAB |
|------------------------------|-----------------------|
| • Global Function call | 2.125 sec |
| • Indirect Addressing | 2.514 sec |
| • Array | HH |
| • Indirect byte | HH |
| • if-else and break/continue | HH |
| • Switch/switch default | HH |
| • loop | HH |
| • do-while | HH |
| • for | HH |
| • while | HH |

ПАККАММЕНЕМЕНТИ

- [illegible]



**CALL
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YOU DIG**

Letter of Intent

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

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

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

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

Criteria for Granting Variances

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

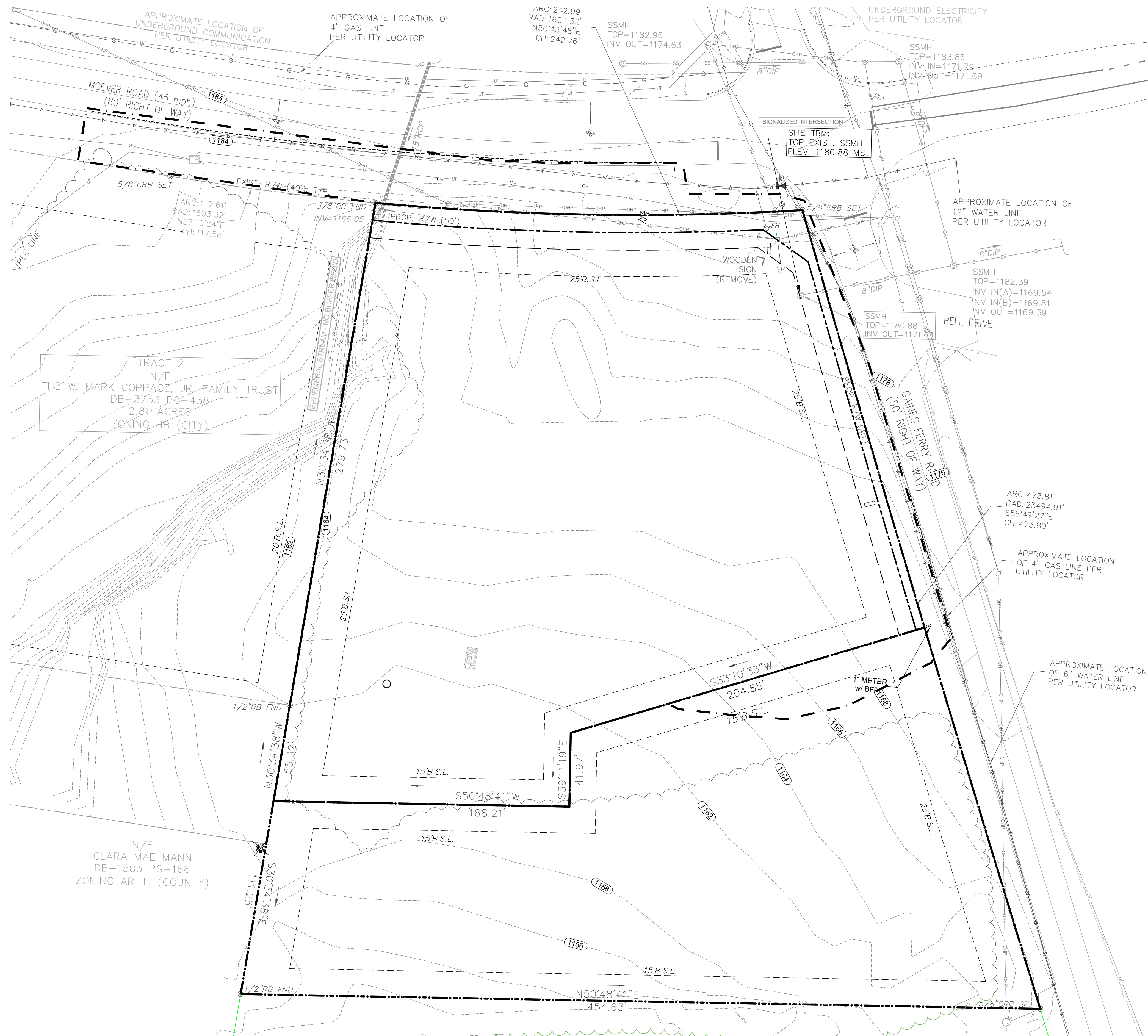
Elected Officials Name

Amount of Description of Gift

Legal Description – McEver Road Food Mart

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

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



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

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

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Civil Engineering By AEP:
Artur Babenko, GA PE044669
Phone: 770-225-4730 x806
arturb@aepatl.com



GASWCC LEVEL II
CERTIFICATION #73351
EXPIRATION DATE: 03/07/2

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

DEVELOPER

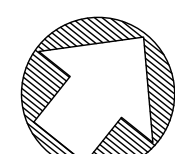
SINDAR ENTERPRISES, INC.
1837 DOVERHILL ROAD,
LAWRENCEVILLE, GA. 30043

24 HR CONTACT: KARIM ALY, 678-458-6190
KARIMALY2001@YAHOO.COM

**Site Construction Plans for
McEVER ROAD FOOD MART**

MCEVER ROAD & GAINES FERRY ROAD,
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
L.L. 139 - DISTRICT 8TH

Checked by AB



NORTH

SCALE: 1"= 30'

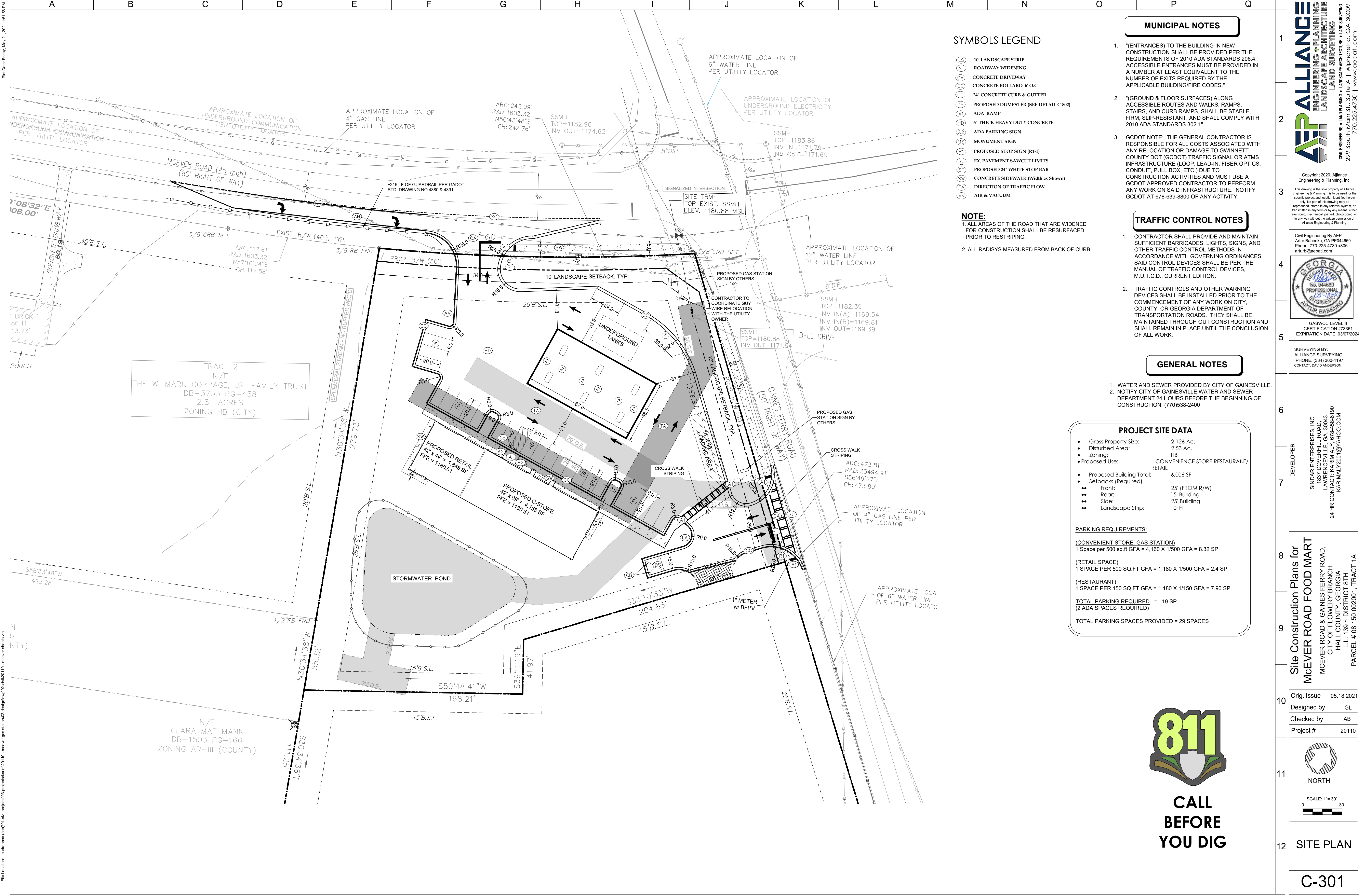
EXISTING
CONDITION
PLAN

C-201



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Plot Date: Friday, May 21, 2021 1:51:38 PM
File Location: c:\dnpbox\pdp\01-civil\projects\03-projects\karm\20110 - mcever gas station\02-design\dwg\02-civil\20110 - mcever sheets.dwg
282



SYMBOLS LEGEND

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

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

MUNICIPAL NOTES

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

TRAFFIC CONTROL NOTES

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

GENERAL NOTES

- WATER AND SEWER PROVIDED BY CITY OF GAINESVILLE.
- NOTIFY CITY OF GAINESVILLE WATER AND SEWER DEPARTMENT 24 HOURS BEFORE THE BEGINNING OF CONSTRUCTION. (770)538-2400

PROJECT SITE DATA

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

PARKING REQUIREMENTS:

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



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

REGISTERED PROFESSIONAL ENGINEER
No. 040683
ARTUR BABENKO

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

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

DEVELOPER
SINDAR ENTERPRISES, INC.
1837 DOVERHILL ROAD
LAKE NASSAU, GA 30143
24-HR CONTACT: KARIM ALY
KARIMALY2001@YAHOO.COM

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

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

NORTH

SCALE: 1"= 30'

0 30

SITE PLAN

C-301

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

First Reading 09/16/2021
Adopted 11/04/2021

ORDINANCE 653

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

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

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

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

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

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

SECTION 1. FINDINGS:

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

Sec. 37.5. Criteria for Granting Variances.

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

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

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

First Reading 09/16/2021
Adopted 11/04/2021

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

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

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

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

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

SECTION 3. SEVERABILITY.

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

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SECTION 4. EFFECTIVE DATE.

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

SECTION 5. REPEALER.

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

Adopted this 4th 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"

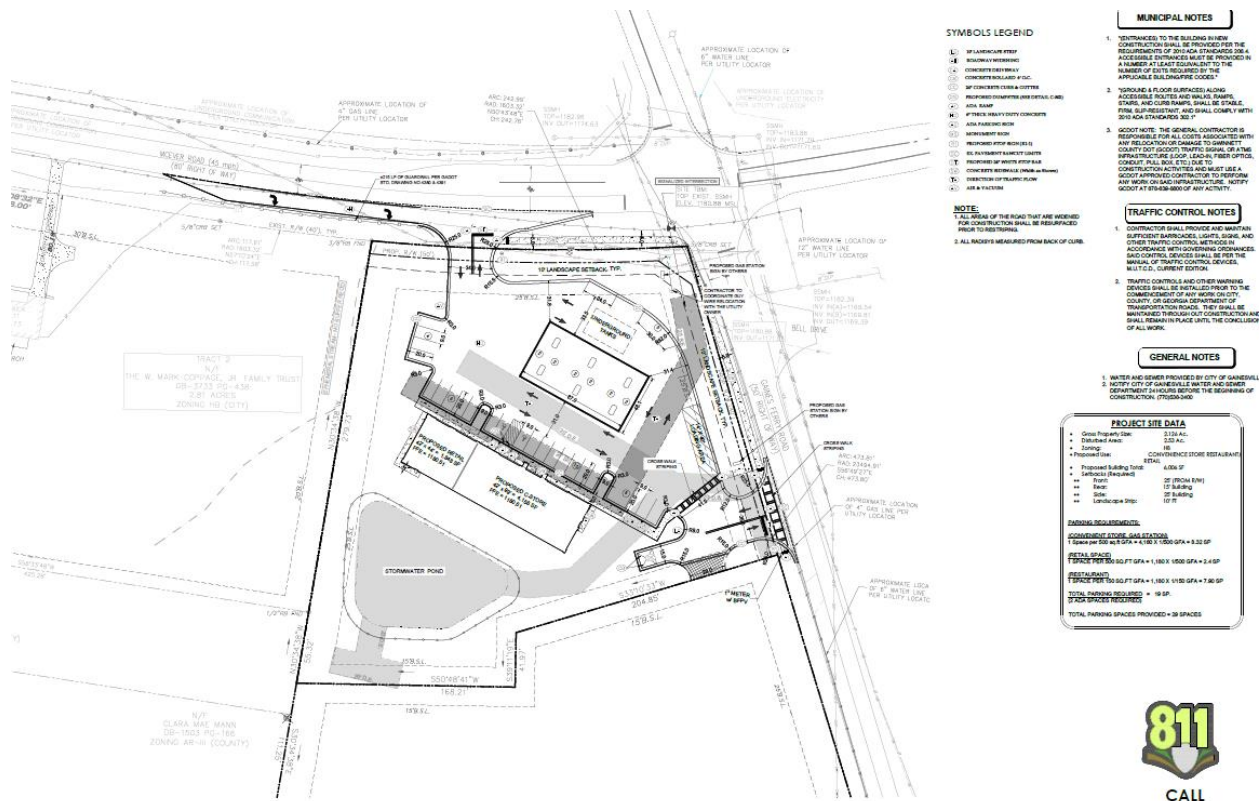


Exhibit "B"

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

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

Exhibit "C"

Conditions of Variance Approval

1. Convenience and retail store shall be constructed to significantly adhere to the elevations submitted to city staff on September 28, 2021, and as shown below:



① FRONT ELEVATION OPTION
1/8" = 1'-0"
0 4 8 12
SCALE IN FEET

2. Fuel canopy shall be constructed of the same materials as the primary structure.
3. Dumpster enclosure shall be constructed of the same materials as the primary structure.
4. An overall sign plan must be submitted to staff for review and approval. Any proposed monument sign must be constructed of the same materials as the primary structure. Only one such sign shall be permitted.
5. A right in/right out entrance/exit off on McEver Road shall be constructed by the applicant prior to the issuance of a building permit. Entrance shall be reviewed and approved by the City prior to construction
6. A right turn lane on McEver Road shall extend to Gaines Ferry Road and shall be constructed by the applicant prior to the issuance of a building permit. Said lane shall be reviewed and approved by the City prior to construction
7. The following uses shall be prohibited in the additional retail space attached to the primary structure (convenience store): vape or smoke shop, massage parlor, tattoo shop, or health spa.
8. A detailed landscape plan shall be submitted to city staff for review and approval prior to the issuance of a building permit. Said plan must be significantly adhere to the plan submitted to city staff on August 9, 2021, and as shown below:

