



**City of Flowery Branch
City Council Meeting
Thursday, November 18, 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:

NEW BUSINESS - VOTING SESSION:

- Naming of sole finalist for City Manager

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 rezoning request submitted by Keystone Development Services, LLC to rezone a .60 +/- acre tract of land identified as 5415 Mulberry Street, tax parcel number 08113 001009, from TND (Traditional Neighborhood District) to HB (Highway Business).
[LScape Plan - Mulberry St 092221 RENDERED.pdf](#)
[Application.pdf](#)
[Thiomas Wells Staff Report .pdf](#)
[Thomas Wells Ordinance.pdf](#)
[UPDATED NOV Bldg Concept Plans - 5415 Mulberry Street 102521.pdf](#)

DEPARTMENT REPORTS: -

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

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider October 21, 2021 Meeting Minutes
[October 21, 2021 Meeting Minutes.pdf](#)
- Consider Canon Lease Agreement
[Equipment_Lease_Blended_S1220727.pdf](#)
[Master_Agreement_S1220727.pdf](#)
[TradeIn_Upgrade_Return_BuyOut_Schedule_S1220727.pdf](#)
- Consider Mayor Mike Miller Per Diem
[Mike Miller per diem.pdf](#)

UNFINISHED BUSINESS - VOTING 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 rezoning request submitted by Keystone Development Services, LLC to rezone a .60 +/- acre tract of land identified as 5415 Mulberry Street, tax parcel number 08113 001009, from TND (Traditional Neighborhood District) to HB (Highway Business).
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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: Naming of sole finalist for City Manager

COUNCIL MEETING DATE: November 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

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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 18, 2021

HISTORY:

This is the second 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 Development 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 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

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 three (3) 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.

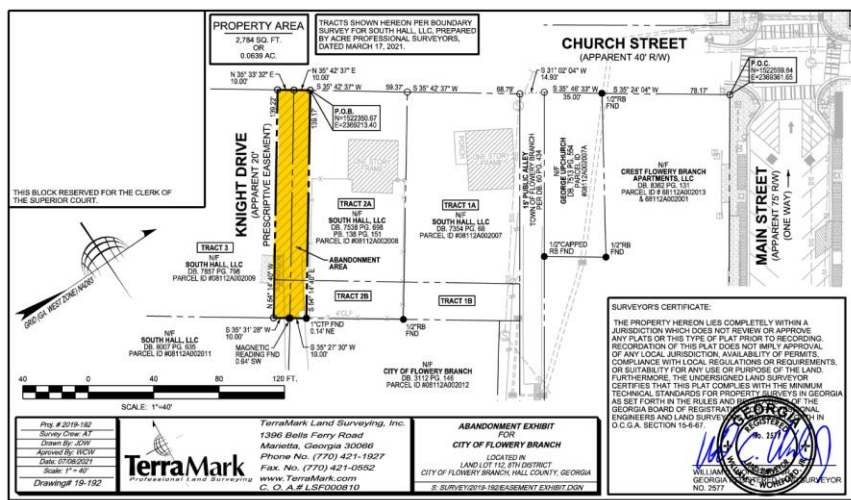
Public Hearing Published 09/15/21
Public Hearing 10/07/21

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

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



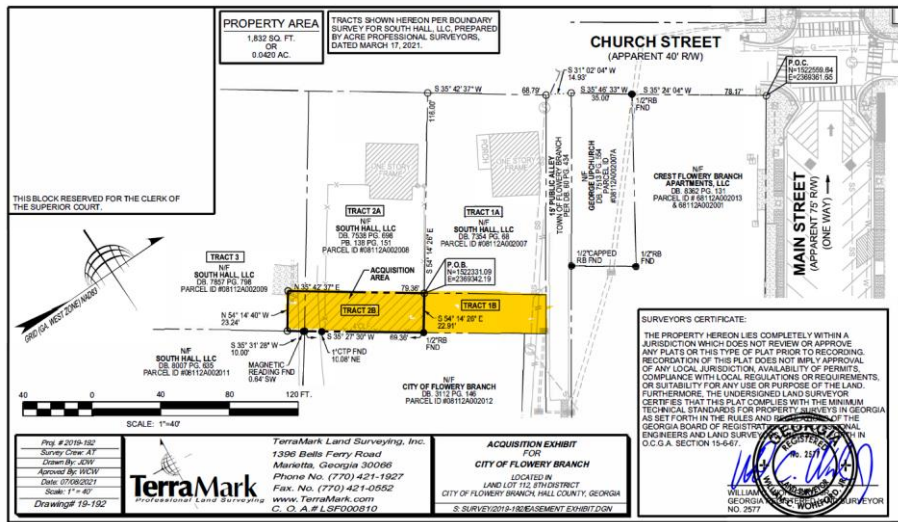
12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



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:





15. Townhome material shall be limited to brick, stacked stone, and cementitious fiber board.
16. Townhomes shall use architectural shingles.
17. Sides of townhomes shall be bricked to the extent that no exposed concrete shall be visible.
18. Paved paths shall be provided for each unit connecting the front porch to the sidewalk.
19. A six (6) foot wood privacy fence shall be installed between the breezeway and the detached garages.
20. All units shall have a two-car garage.
21. All garage doors shall be non-aluminum carriage style doors.

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
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 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

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**.

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 three (3) 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.
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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.

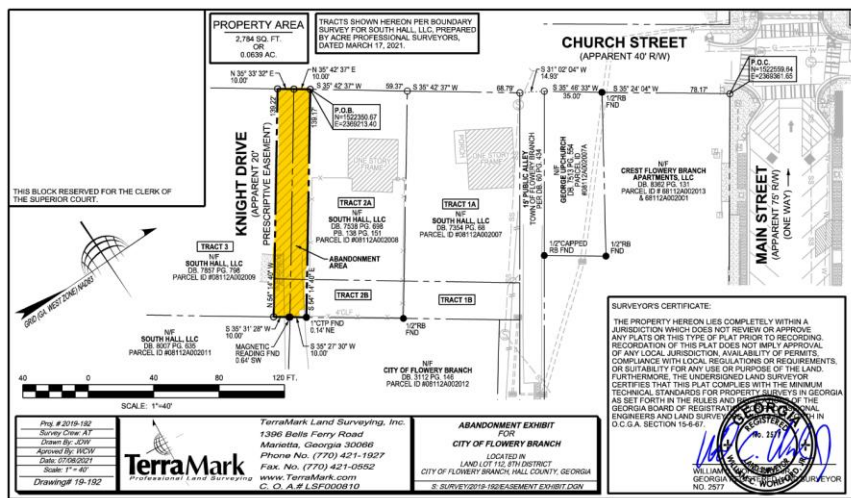
Public Hearing Published 09/15/21
Public Hearing 10/07/21

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

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



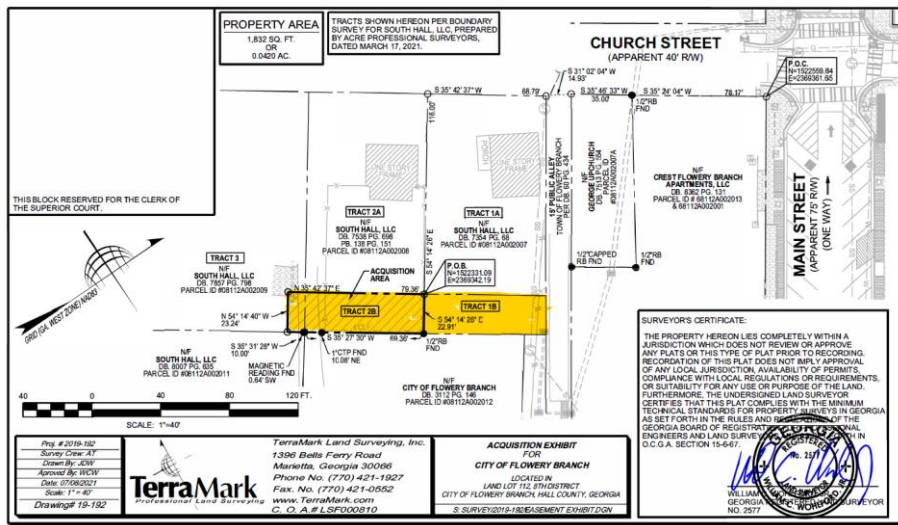
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Public Hearing Published 09/15/21
Public Hearing 10/07/21

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:





15. Townhome material shall be limited to brick, stacked stone, and cementitious fiber board.
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18. Paved paths shall be provided for each unit connecting the front porch to the sidewalk.
19. A six (6) foot wood privacy fence shall be installed between the breezeway and the detached garages.
20. All units shall have a two-car garage.
21. All garage doors shall be non-aluminum carriage style doors.

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.

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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.
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”



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; 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 three (3) of the townhomes may be leased. Said restriction shall be mandated as part of the covenants and shall be enforced by the homeowner's association.
5. Project shall substantially adhere to the site as shown below:



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

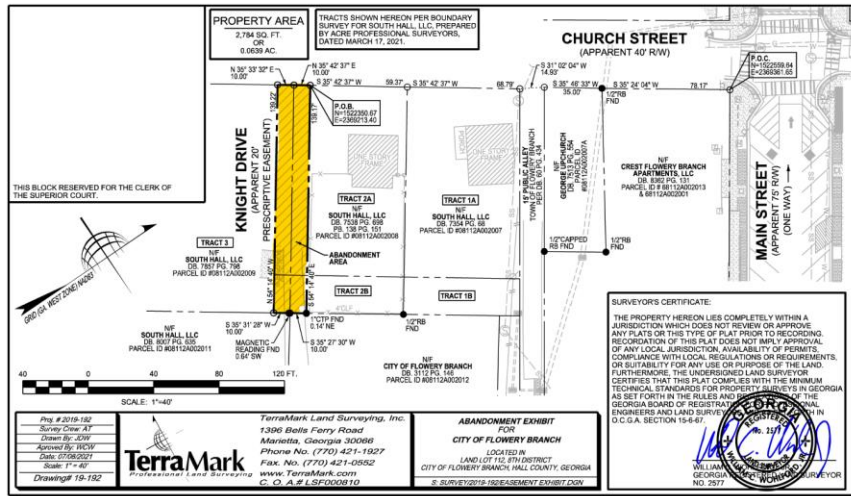
11. Martin Street shall be a one-way street running south-east as shown below:



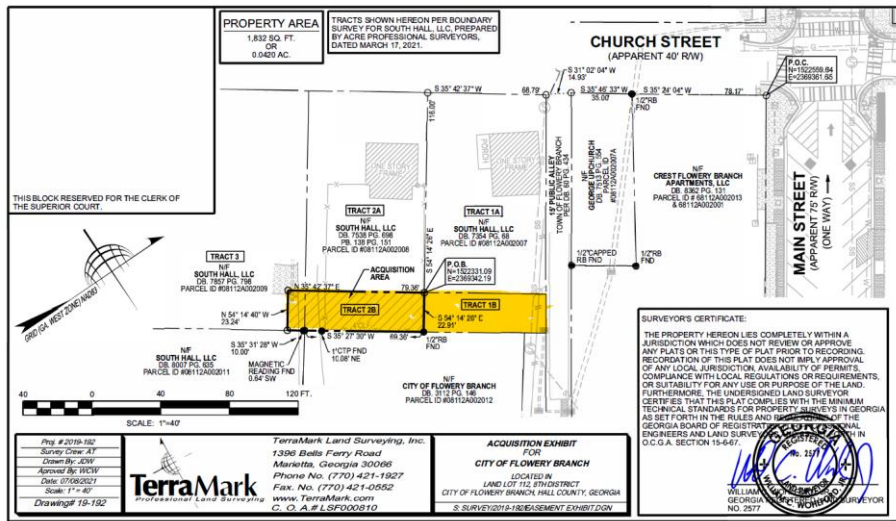
12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.

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.



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

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

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





15. Townhome material shall be limited to brick, stacked stone, and cementitious fiber board.
16. Townhomes shall use architectural shingles.
17. Sides of townhomes shall be bricked to the extent that no exposed concrete shall be visible.
18. Paved paths shall be provided for each unit connecting the front porch to the sidewalk.
19. A six (6) foot wood privacy fence shall be installed between the breezeway and the detached garages.
20. All units shall have a two-car garage.
21. All garage doors shall be non-aluminum carriage style doors.



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

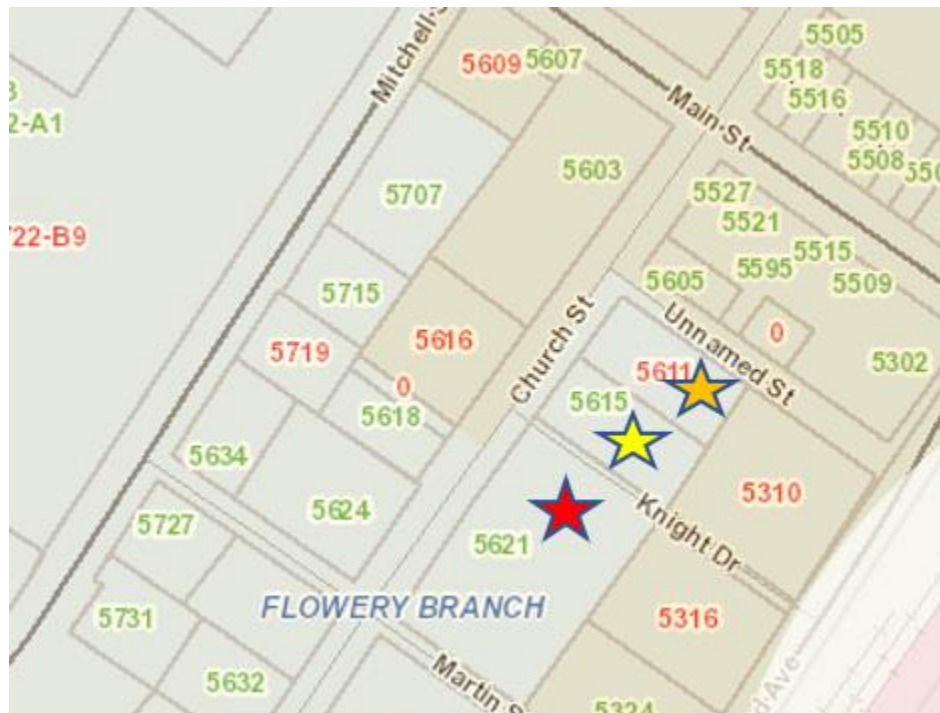
Proposed Use: 14 residential townhomes

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 & rear entry garage



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



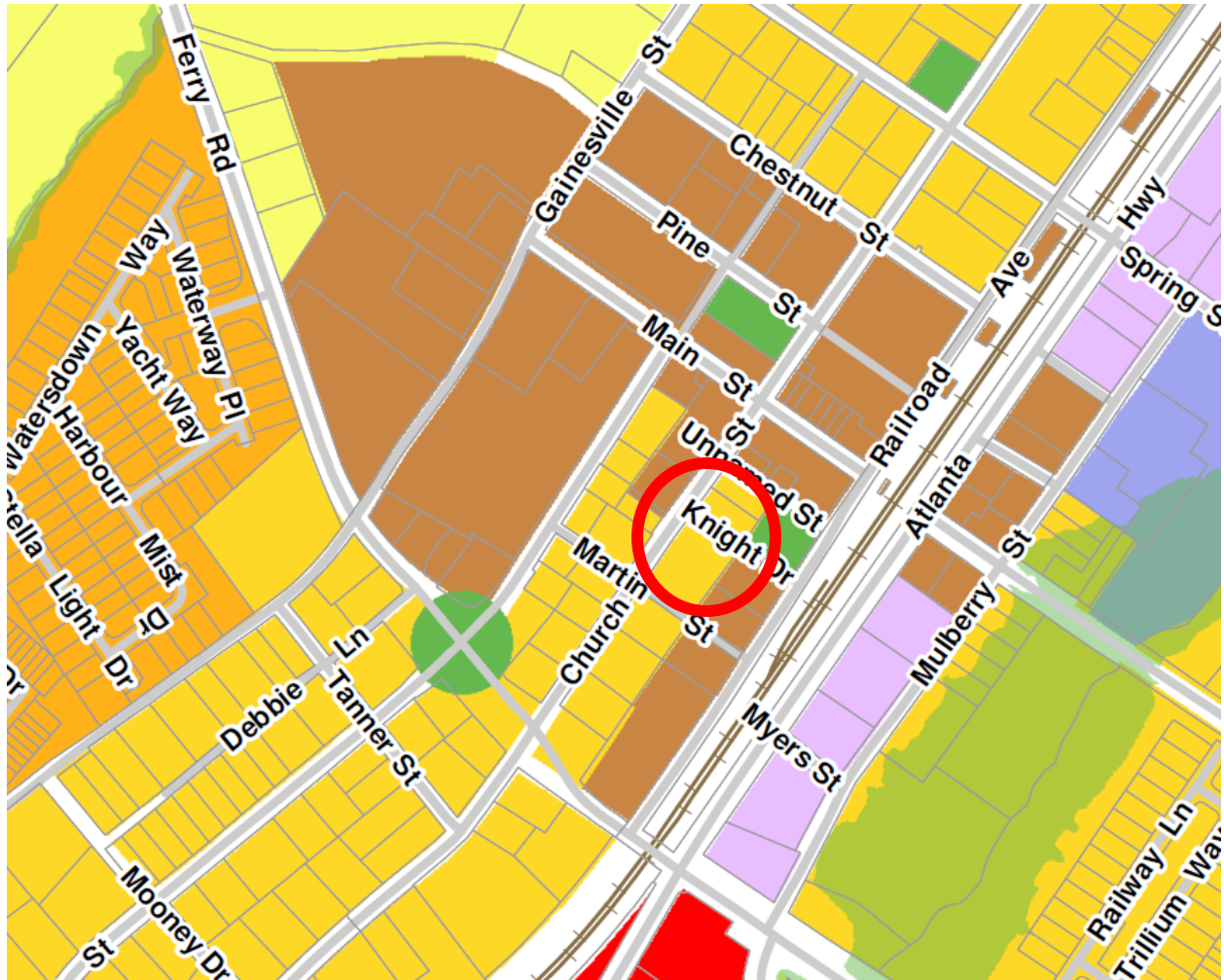
Brick used as a residential accent material, consistent with existing dwellings in the area



Planned plaza between the Farmers Market



Character area map:





Analysis

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

COUNCIL MEETING DATE: November 18, 2021

HISTORY:

FACTS AND ISSUES:

A shortened schedule was approved by Council:

Public hearing October 7

First read - October 21

Secod read - November 18

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing only

SAMPLE MOTION:

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

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

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

- [Application.pdf](#)
- [Thomas Wells Staff Report .pdf](#)
- [Thomas Wells Ordinance.pdf](#)
- [UPDATED NOV Bldg Concept Plans - 5415 Mulberry Street 102521.pdf](#)



REZONING APPLICATION

Date: _____

Address of Request:

5415 Mulberry Street, Flowery Branch, Georgia

Tax Map # 08113-001009 Current Zoning: TND

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

Currently a conforming use? N/A - undeveloped

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

Applicant Information

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

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

E-mail address: twells@kdsllc.net

Phone number: 404-358-1178

Signature: _____

Notary: _____





Property owner information (if different than the applicant)

Property owner (please print): Soltri Entertainment, LLC

Signature of property owner: Trina Braxton

See next page

Notary:

Property Information

Tax Map Number: 08113-001009

Current Zoning: TND Total Acres: 0.60

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

Proposed City of Flowery Branch Zoning: HB-Highway Business

Current Use: Vacant - Undeveloped

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

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

- Legal description
- Current survey of property



Flowers of the South

Property owner information (if different than the applicant)

Property owner (please print): Soltri Entertainment, LLC

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

Notary:

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

[Signature]
EXP 4/18/2023

Property Information

Tax Map Number: 08113-001009

Current Zoning: TND Total Acres: 0.60

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

Proposed City of Flowery Branch Zoning: GB

Current Use: Vacant - Undeveloped

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

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

- Legal description
- Current survey of property



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

Conflict of Interest Disclosure

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

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

None

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

N/A

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

N/A



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

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

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

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

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

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

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

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

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

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

Texaco Gas and Convenience Store-5415 Atlanta Hwy.

Zoned HB

Luqmaan 3 Inc.

11 Cottage Walk NW

Cartersville, GA 30121

BP Gas and Convenience Store-5504 Phil Niekro Blvd.

Zoned GB

Robert Wayne Mason, et. al.

3705 Maple Forge Lane

Gainesville, GA 30504

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

Zoned HB

Ionut Melniciuc

1377 Duncan Lane

Suite A

Auburn, GA 30011

Residential Rental Property-5405 Mulberry Street

Zoned TND

John Cassidy

1124 Beaver Dam Road

Hoschton, GA 30548

To be include in Addendum to the Application:

1. Landscape Plan
2. Color Rendering of Building Elevations

SURVEY LEGAL DESCRIPTION – 5415 Mulberry St.

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

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

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

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

1. REFERENCES FOR THE ECONOMIC INFORMATION SHOWN HEREON WAS MADE TO PLAT BOOK 100, PAGE 12 AND DEED BOOK TWO 686 AS RECORDED IN HALL COUNTY CLERK OF PUBLIC RECORDS

2. THE FOLLOWING TITLE COMMITMENT WAS SUPPLIED TO THE SURVEYOR FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NUMBER D884-002, EFFECTIVE DATE JULY 8, 2021

3. THE ADDRESS OF THE SURVEYED PROPERTY IS 3415 MULBERRY STREET, ACCORDING TO HALL COUNTY GOVS RECORDS

4. A DEED GRANTING THE SURVEYED LOT AND A PORTION OF A BLOCK TO AGRAND ZONE, AS SET FORTH ON A PLAT COMMITMENT, PARCEL NO. 13-0000031 IS DATED APRIL 4, 2018

5. THE LOCATIONS OF UNDEVELOPED UTILITIES SHOWN IS BASED UPON ABOVE GROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON

6. THERE WAS NO EVIDENCE OF ANY PREVIOUS EARTH MOVING, BUILDING CONSTRUCTION OR BUILDING ADDITIONS DURING THE PROCESS OF CONDUCTING THE FIELDWORK

7. THE SURVEYOR IS NOT AWARE OF ANY PROPOSED CHANGES IN THE STREET RIGHT OF WAY LINES AS SHOWN HEREON. THERE WAS NO EVIDENCE OF RECENT STREET CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK

8. THE PROPERTY IS CURRENTLY UNIMPROVED. THE SURVEYOR HAS NO INFORMATION REGARDING

[illegible][illegible]

FROM FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NUMBER
0495-002 EFFECTIVE DATE MAY 9, 2021

- 7 AGREEMENT BY AND BETWEEN DON CLARK AND GEORGIA SHOE MANUFACTURING COMPANY, DATED 6-1-1994 AND RECORDED AT DEED BOOK 141, PAGE 398. OFFICE OF THE CLERK OF THE SUPERIOR COURT, COUNTY, GEORGIA. (AFFECTS CANNOT BE PLETTED, LOCATION NOT DEFINED)
- 8 CIVIL ACTION, JUDGMENT OF THE DECLARATION OF TANKS STYLED AS "THE AMERICAN PLANTIFF VS. 102 MACREL OF LAND, ET AL., FILED 12/16/1987 AND RECORDED AT DEED BOOK 184, PAGE 277. AFFECTED RECURS / AFFECTS PROPERTY AS SHOWN.)
- 9 RIGHT OF-WAY EASEMENT FROM DON N. CLARK TO CITY OF FLOWERY BRANCH, GEORGIA, DATED 6-10-1978 AND RECORDED AT DEED BOOK 606 PAGE 287. ACROSSLAND RECORDS. (AFFECTS CANNOT BE SHOWN - NO DEFINED LOCATION)
- 10 EASEMENT FROM LARRY H. CLARK, DON E. CLARK, NANN D. CLARK AND ELIZABETH C. RAMEY TO CITY OF FLOWERY BRANCH, GEORGIA, DATED 6-10-1978 AND RECORDED AT DEED BOOK 606 PAGE 287. ACROSSLAND RECORDS (AFFECTS PROPERTY AS SHOWN)
- 11 SEWER LINES AS DISCLOSED ON THAT PLAN FOR DON N. CLARK, ESI AND DON E. CLARK, DATED 12-16-1987, PAGE 1334. ACROSSLAND RECORDS (AFFECTS PROPERTY AS SHOWN)

TO SOLTRIENTERTAINMENT, LLC
FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS. LAND AND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADDED BY ALTA AND NSPS, INCLUDES 1.2, 3.4, 3.8 (13, 14, 16, 17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 23, 2021.

DATE	NAME	DATE
03/17/74	JOHN G. GARY	03/17/74

CALEB A. MCQUINN, Y. GARLS 03174

NOTE: SURVEY NOT VALID UNLESS
SEAL SIGNED AND DATED.

SHEET 1 OF 1

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



ALTA/NSPS LAND TITLE SURVEY FOR:

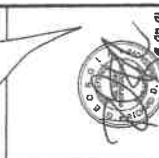
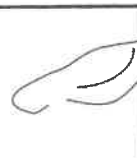
5415 MULBERRY STREET

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

DATE	NO.	ISSUE	DESCRIPTION	DATE
AUGUST 9, 2021				
SCALE 1" = 30'				
ACREAGE 0.00 ACRES (28.454 S.F.)				
LAND LOC. 113				
DISTRICT 8th				
CITY FLOWERY BRANCH				
COUNTY HALL		STATE: GEORGIA		
SUBMITTED AH		DRAWN JMS		
CHECKED		APPROVED CAM		
PROJECT #:	21-323			

REZONING
07/17/21

315 EXTENSIVE COMMERCIAL
PLANNING, INC.
4000 N. 10TH AVE.
SUITE 100
DENVER, CO 80202



DOVE TAIL
CIVIL ENGINEERING
3653 Marx Hill Road
Suite 100
Wheat Ridge, CO 80033
Office: (303) 944-8877
Fax: (303) 944-8874
www.dovetailinc.com

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

5415 Mulberry Street
REZONING EXHIBIT
DEVELOPER: INFORMATION SERVICES, LLC
4335 SOUTH LEE STREET
SUITE B
FLOWERY BRANCH, GEORGIA
30142
LAND ZONING: TO BE ZONING
0.60 ACRES
24-185 CONTRACT: THOMAS WELLS, (404) 358-1178
CONTACT PERSON: THOMAS WELLS

PROJECT NUMBER	20200000
DATE	6/17/21
ENGINEER	1
PROJECT NAME	5415 MULBERRY STREET

REZONING PLAN
SHEET NUMBER: RZ-1



PROJECT NOTES

1. THE PROJECT PROPERTY IS LOCATED IN LAND LOT 111, 8TH DISTRICT OF THE CITY OF FLOWERY BRANCH, GEORGIA.

2. THE TOTAL SITE AREA IS 0.60 ACRES.

3. THE PROPOSED ZONING IS AN OFFICE/RETAIL ZONING. THE EXISTING ZONING IS AN OFFICE/RETAIL ZONING.

4. THE PROPOSED DEVELOPMENT IS AN OFFICE/RETAIL DEVELOPMENT. THE EXISTING DEVELOPMENT IS AN OFFICE/RETAIL DEVELOPMENT.

5. THE PROPOSED DEVELOPMENT IS AN OFFICE/RETAIL DEVELOPMENT. THE EXISTING DEVELOPMENT IS AN OFFICE/RETAIL DEVELOPMENT.

6. THE PROPOSED DEVELOPMENT IS AN OFFICE/RETAIL DEVELOPMENT. THE EXISTING DEVELOPMENT IS AN OFFICE/RETAIL DEVELOPMENT.

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9. THE PROPOSED DEVELOPMENT IS AN OFFICE/RETAIL DEVELOPMENT. THE EXISTING DEVELOPMENT IS AN OFFICE/RETAIL DEVELOPMENT.

10. THE PROPOSED DEVELOPMENT IS AN OFFICE/RETAIL DEVELOPMENT. THE EXISTING DEVELOPMENT IS AN OFFICE/RETAIL DEVELOPMENT.

DEVELOPMENT STATISTICS	
EXISTING ZONING	OFFICE/RETAIL
PROPOSED ZONING	OFFICE/RETAIL
EXISTING AREA	0.60 ACRES
PROPOSED AREA	0.60 ACRES
EXISTING DEVELOPMENT	OFFICE/RETAIL
PROPOSED DEVELOPMENT	OFFICE/RETAIL
EXISTING USE	OFFICE/RETAIL
PROPOSED USE	OFFICE/RETAIL
EXISTING FLOOR AREA	10,000 SQ. FT.
PROPOSED FLOOR AREA	10,000 SQ. FT.
EXISTING PARKING	10 SPACES
PROPOSED PARKING	10 SPACES

CITY OF FLOWERY BRANCH INSPECTIONS

INSPECTION DATE: 6/17/21

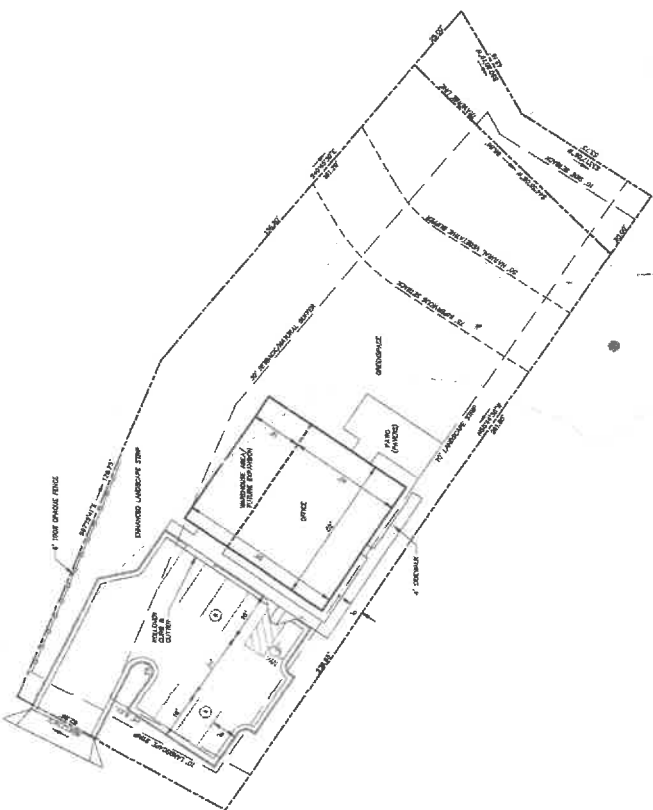
INSPECTOR: [Name]

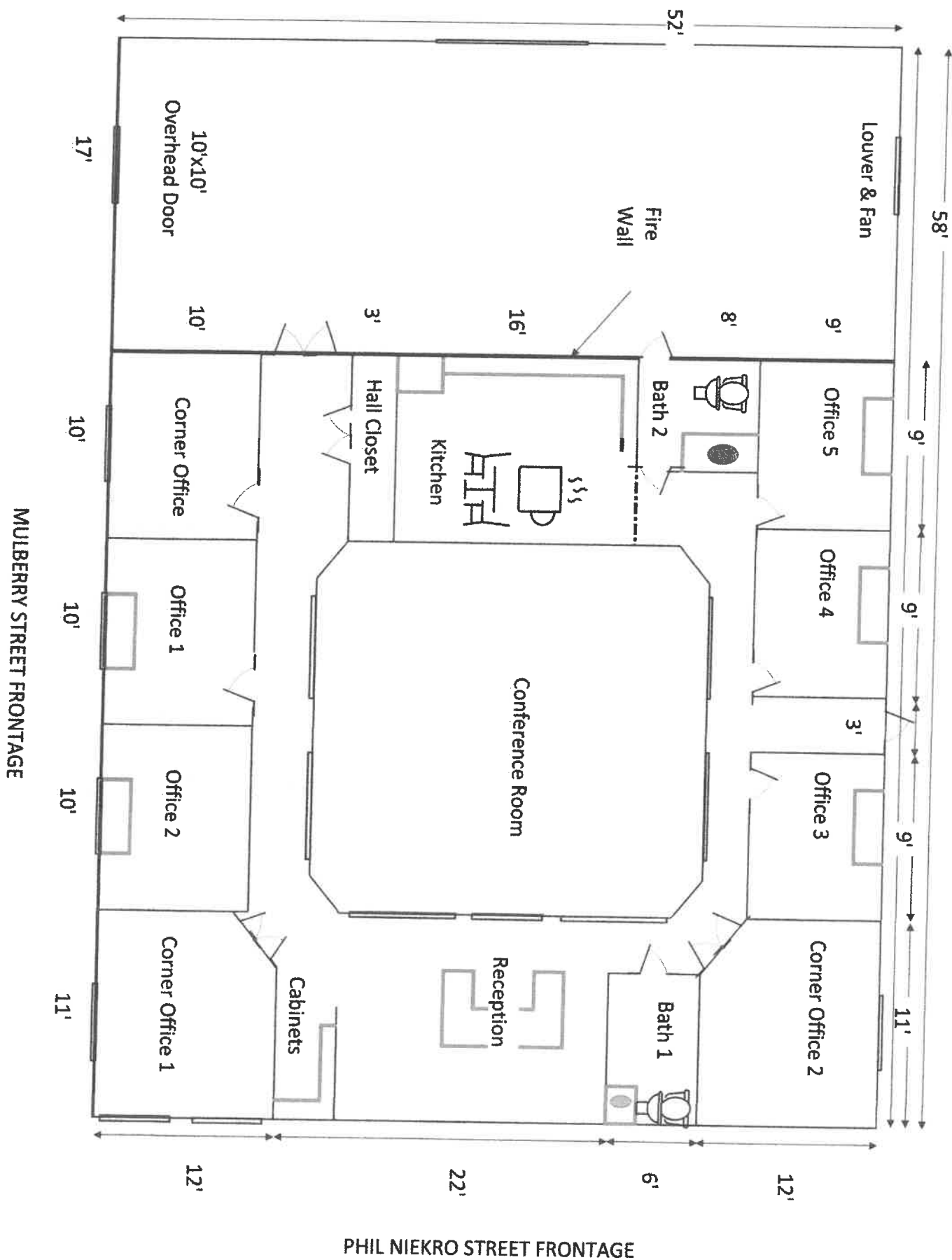
INSPECTION RESULTS: [Details]

UTILITY CONSTRUCTION NOTE

THE UTILITIES SHOWN ON THIS MAP ARE BASED ON THE RECORD DRAWINGS OF THE CITY OF FLOWERY BRANCH. THE UTILITIES SHOWN ON THIS MAP ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE UTILITIES SHOWN ON THIS MAP. THE UTILITIES SHOWN ON THIS MAP ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE UTILITIES SHOWN ON THIS MAP.

GEORGIA811
www.Georgia811.com
Know what's below.
Call before you dig.







Applicant: Keystone Development Services, LLC

Property Owner: Soltri Entertainment, LLC

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

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

Current Use: Vacant

Proposed Use: Office

Character Area: Traditional Neighborhood

Proposal

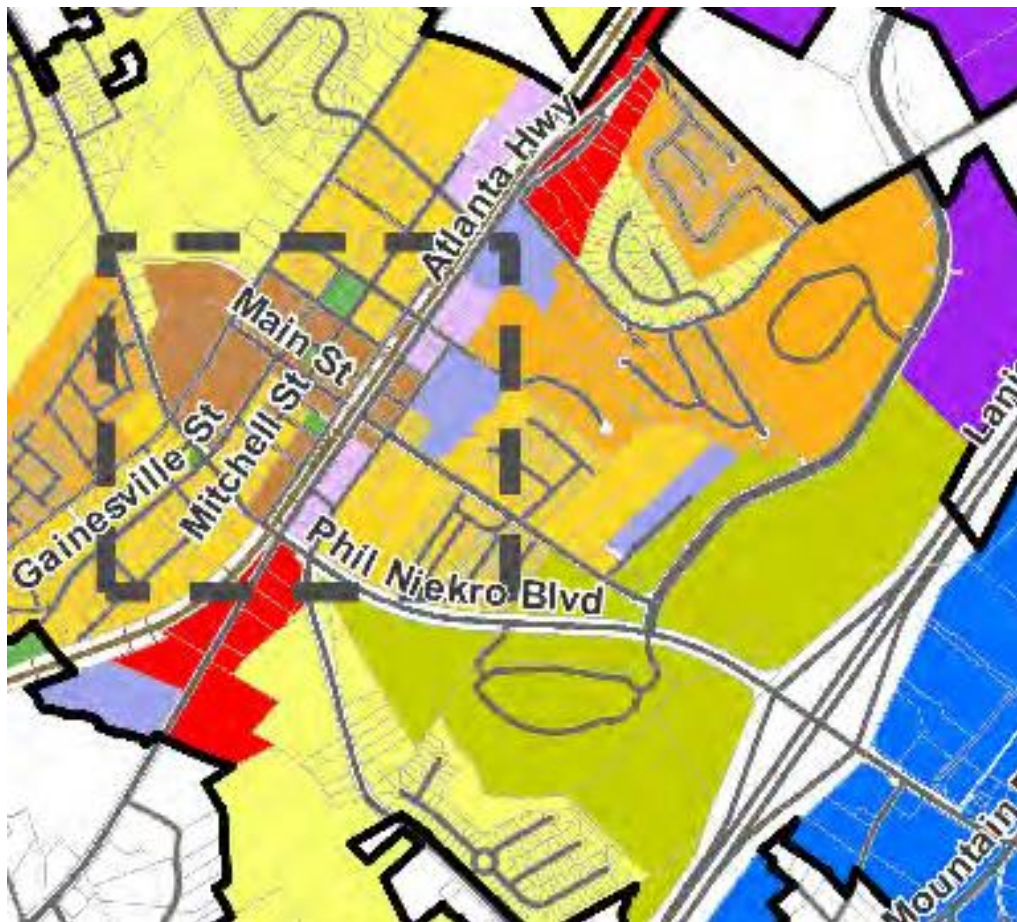
Applicant proposes to rezone a parcel of land totaling .60 +/- acres from Traditional Neighborhood Development (TND) to Highway Business (HB) with the intention of constructing an office building.

Location Map





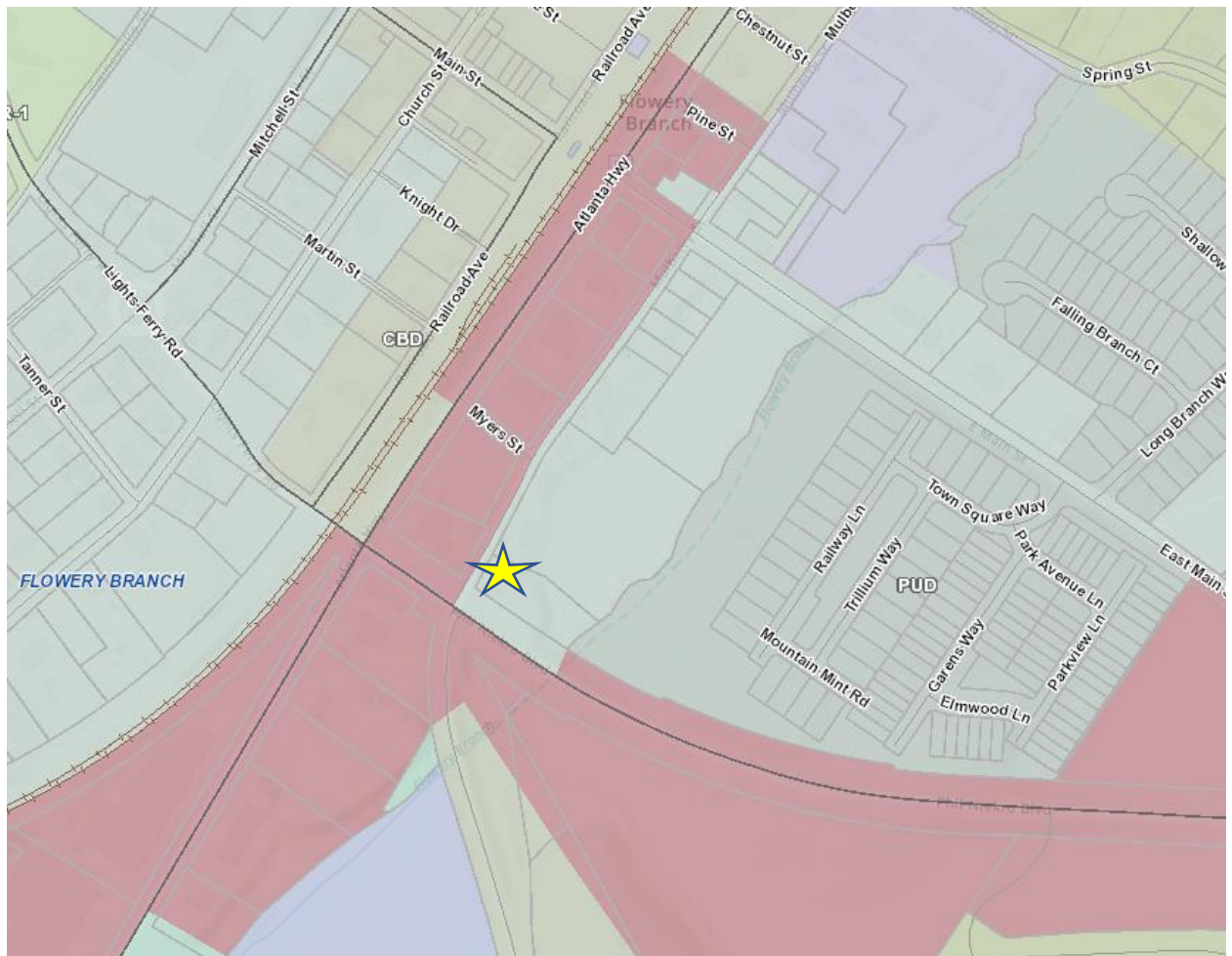
Character area map:





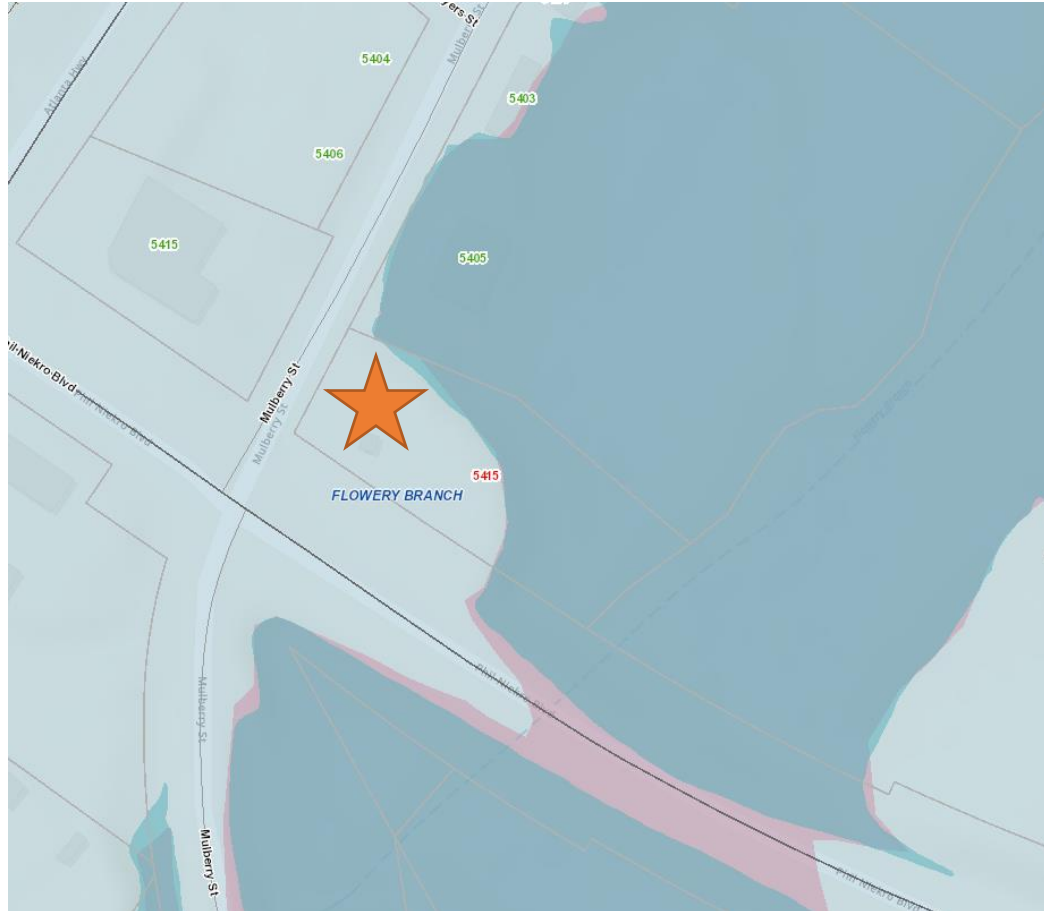
Zoning

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





Map showing the floodplain:



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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



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

Applicant response attached as Exhibit "A"

Staff Response:

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



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

Staff Recommendation

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

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



Exhibit "A"

PROJECT NARRATIVE

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

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

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

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

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

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

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

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

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

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

ORDINANCE 656

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

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

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

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

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

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

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

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

SECTION 1. FINDINGS.

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

.

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

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

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

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

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 18th day of November 2021.

James M. Miller, Mayor

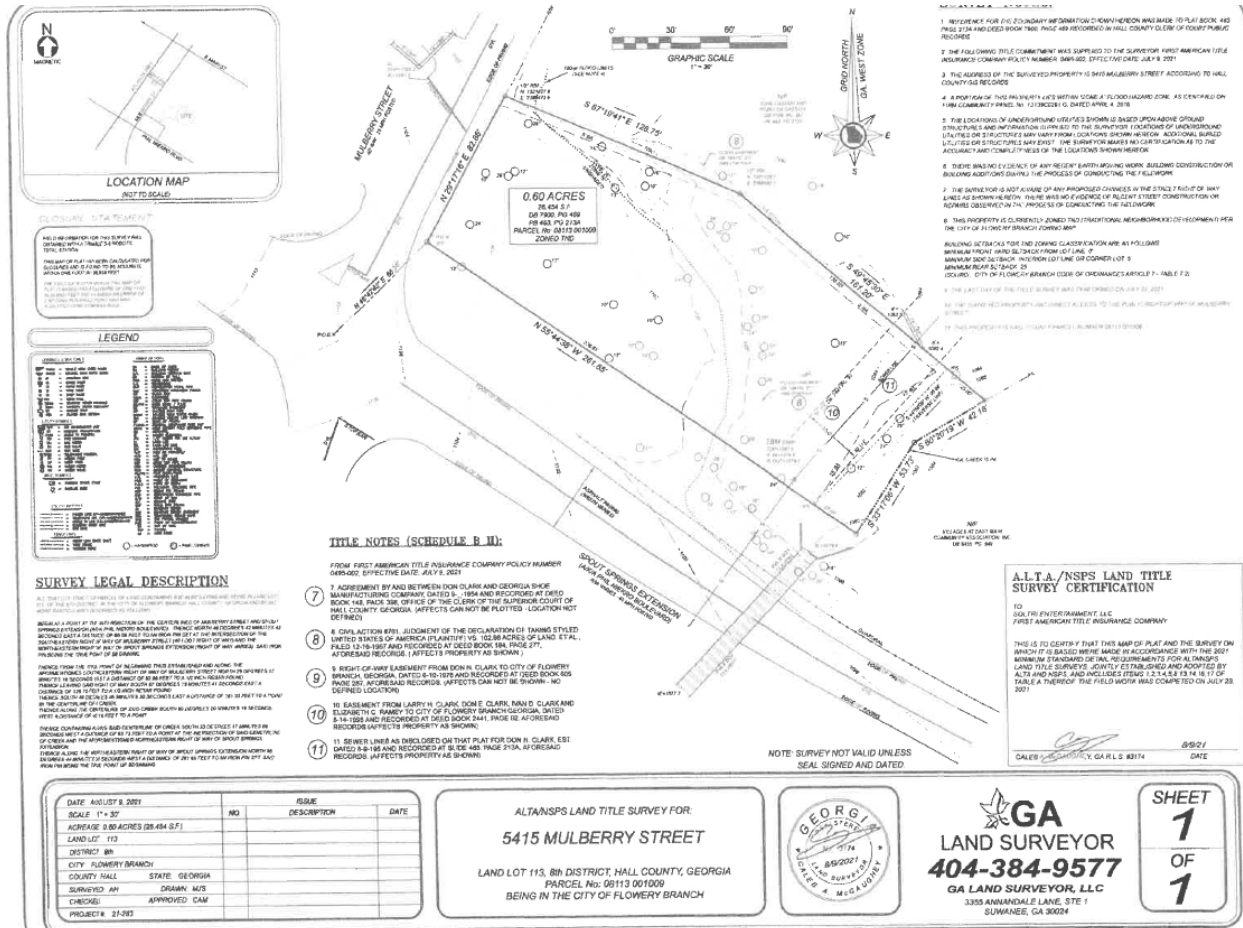
ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



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

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

Exhibit "B"

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

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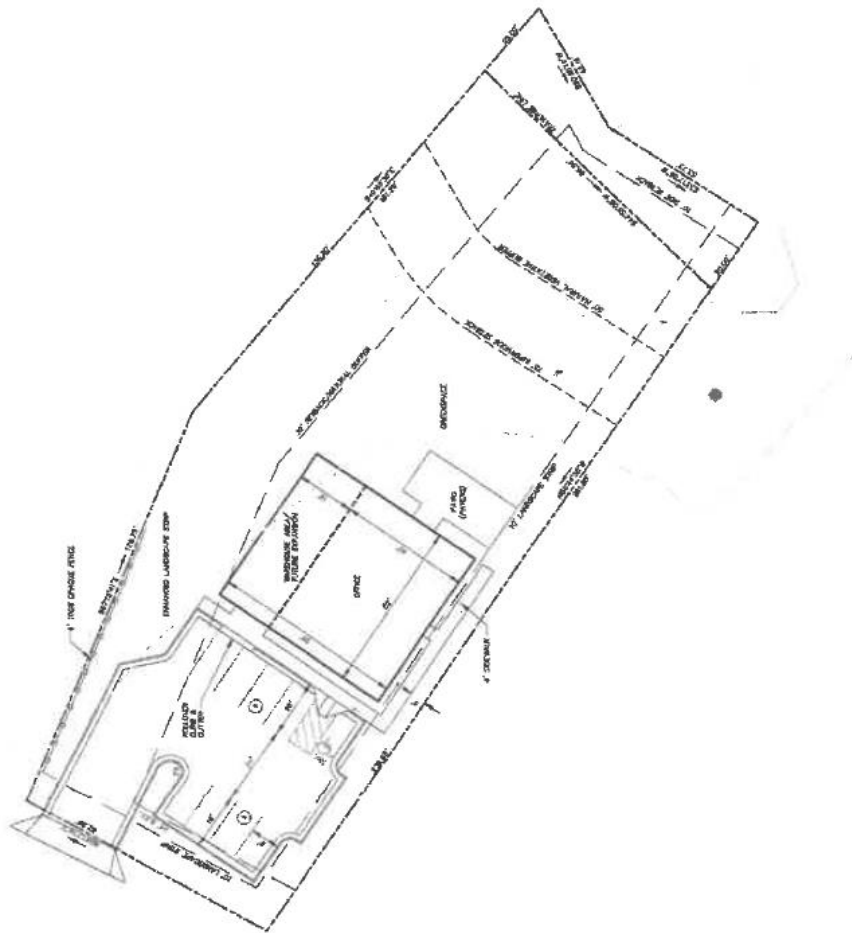
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THENCE ALONG THE CENTERLINE OF SAID CREEK SOUTH 60 DEGREES 20 MINUTES 19 SECONDS WEST A DISTANCE OF 42.16 FEET TO A POINT;

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

Exhibit "C"

Conditions of Zoning:

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



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

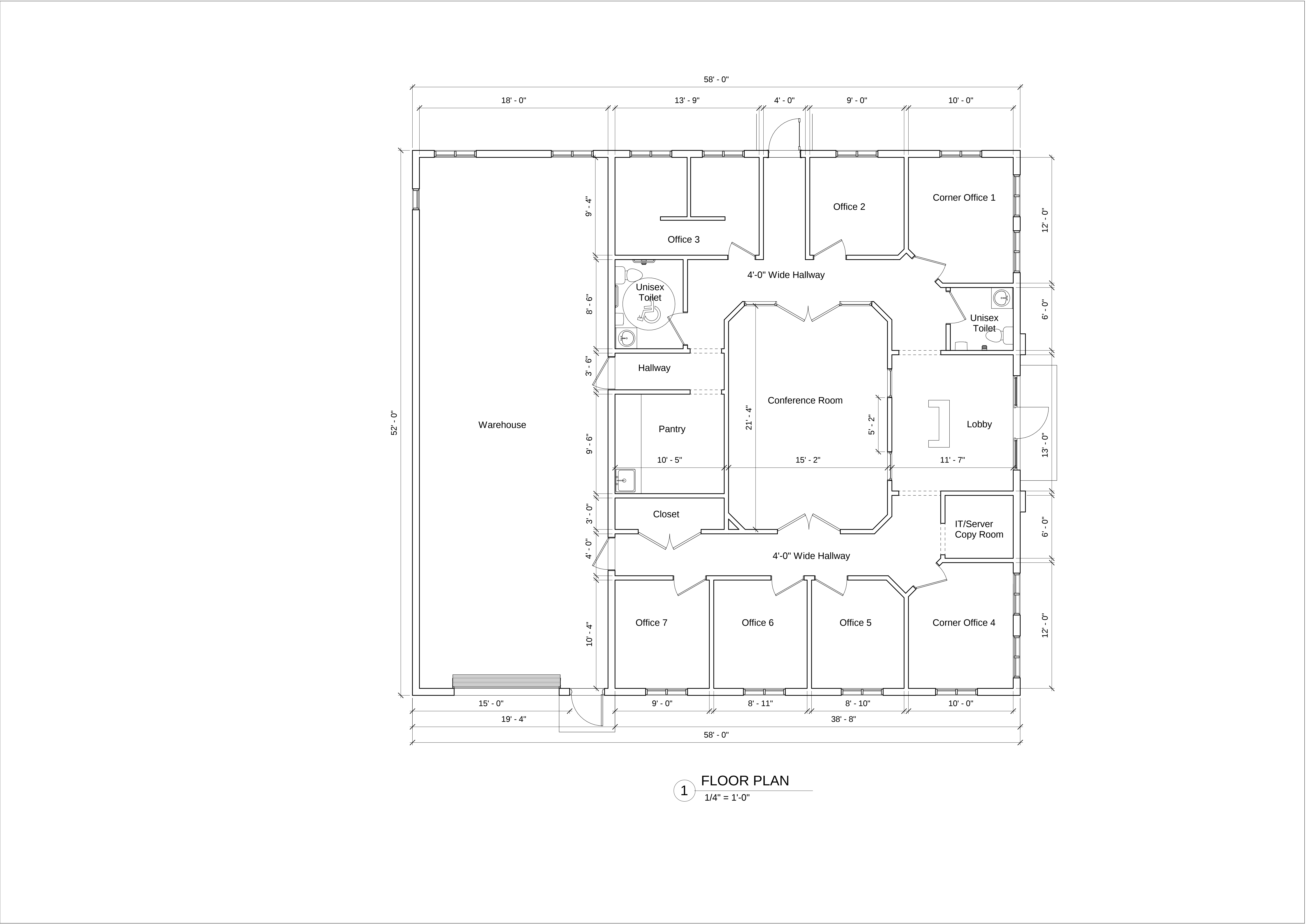


4. A five-foot sidewalk shall be provided along the entirety of the project along Mulberry Street.

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

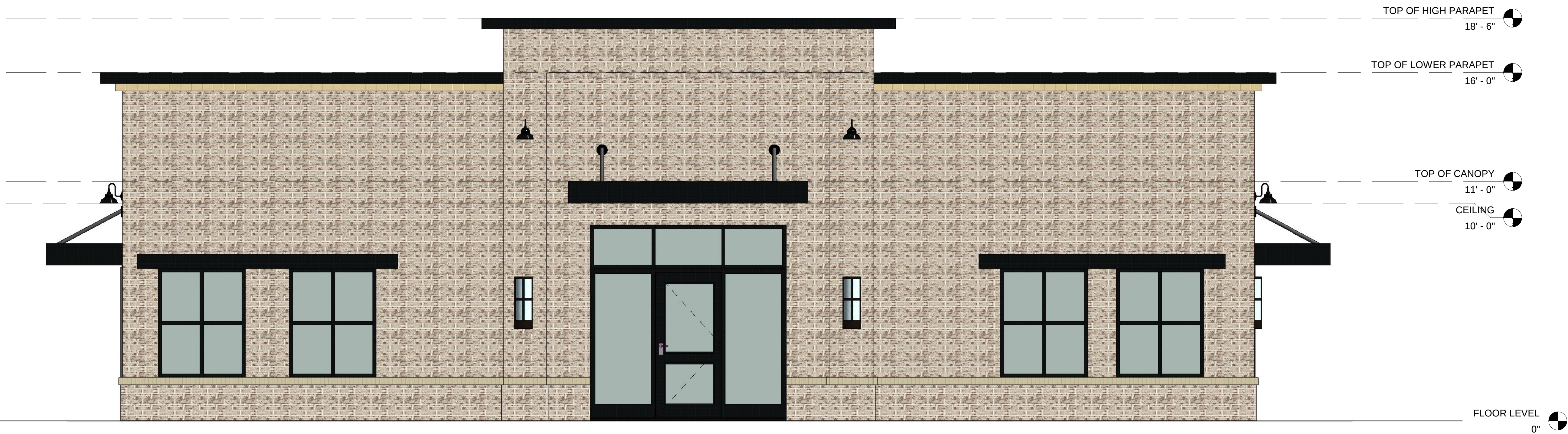


6. No access shall be allowed on Phil Niekro Boulevard.
7. Maximum lot coverage by the building shall be 3,300 square feet.



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

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE FLOOR PLAN	
DRAWN PVN	
CHECKED NAGESH	
DATE 10.25.2021	
SCALE 1/4" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-100	

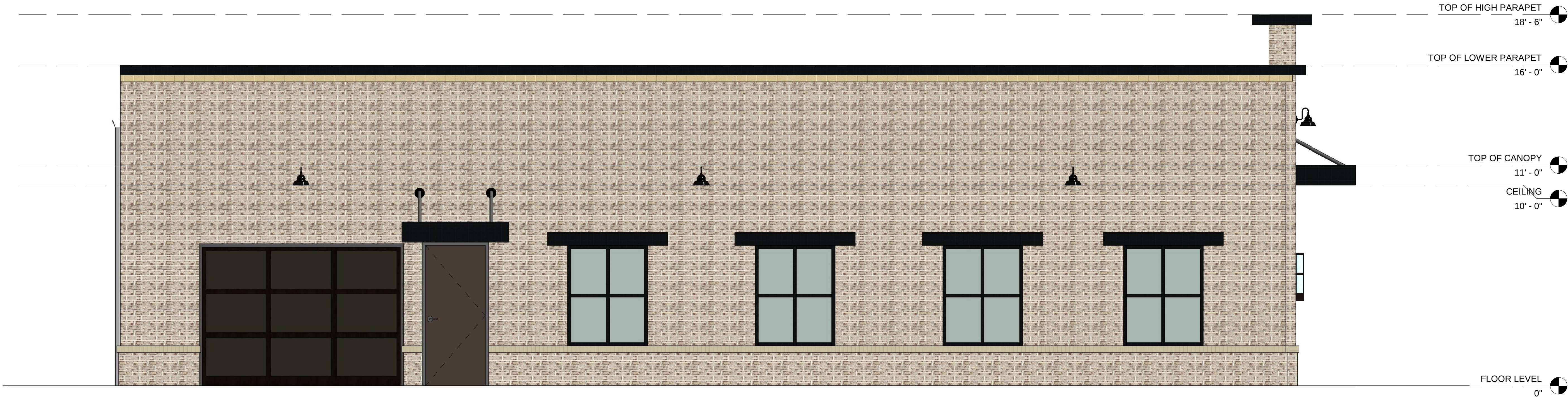


1 FRONT ELEVATION
3/8" = 1'-0"

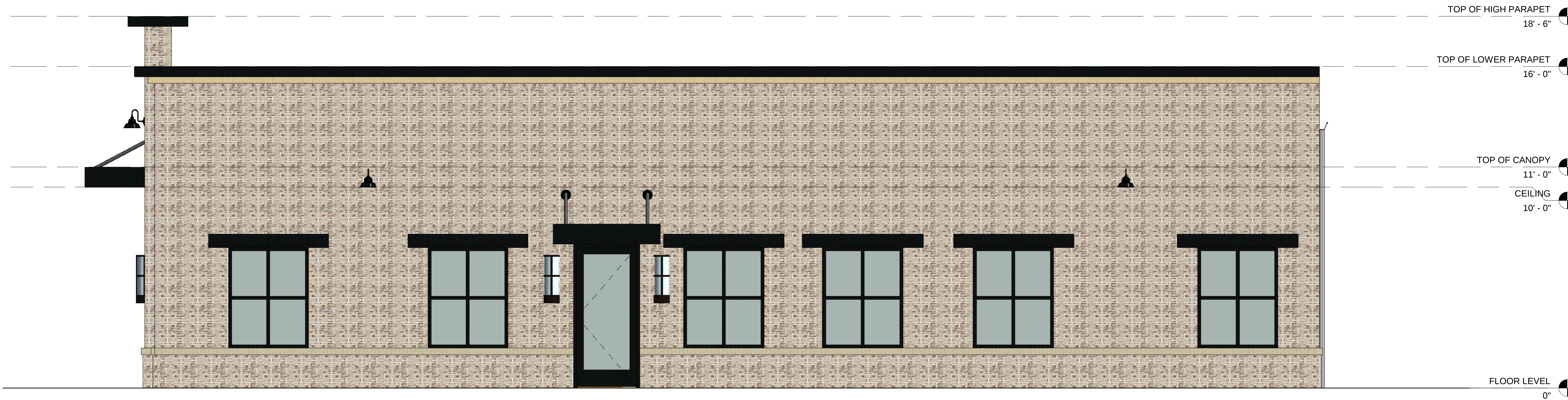


2 REAR ELEVATION
3/8" = 1'-0"

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE FRONT & REAR ELEVATIONS	
DRAWN PWN	
CHECKED NAGESH	
DATE 10.25.2021	
SCALE 3/8" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-101	



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



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

DATE	REMARKS
Office Building 5415 Mulberry Street Flowerly Branch, GA 30542	
TITLE LEFT & RIGHT ELEVATIONS	
DRAWN PWN	
CHECKED NAGESH	
DATE 10.25.2021	
SCALE 3/8" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-102	



1 ELEVATION-1



2 ELEVATION-2

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE PERSPECTIVE ELEVATIONS	
DRAWN PVN	
CHECKED NAGESH	
DATE 10.25.2021	
SCALE AS INDICATED	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-103	



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider October 21, 2021 Meeting Minutes

COUNCIL MEETING DATE: November 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [October 21, 2021 Meeting Minutes.pdf](#)



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



CALL WORK SESSION TO ORDER:

Mayor Mike Miller called the meeting to order at 6:04 pm.

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

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

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

PUBLIC HEARING:

UNFINISHED BUSINESS - WORK SESSION:

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

Mr. Atkinson presented a rezoning request submitted by Keystone Development Services, LLC to rezone 5415 Mulberry Street from Traditional Neighborhood District to Highway Business with the intent to develop and construct an office building. Mr. Atkinson explained that Mr. Wells, the developer, has accounted for the flood plain that has always been a concern on this property.

Mr. Anglin asked to see the renderings and questioned the back side of the building that will not be bricked. Mr. Wells stated that the three sides that will be visible will be full brick with architectural features including cornice caps, window trim and awnings. The unbricked side will back up to the original vegetation on the property. Only fifty percent of the site will be cleared for construction and approximately thirty-two percent will be impervious surface. Extensive landscaping will go back into the property.

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

Mr. Atkinson presented a request from Vulcan Lands, Inc. to annex and rezone nine parcels of land to operate a quarry.

Mrs. Jarchow expressed deep concerns to see more vegetation on the large mounds of dirt on Blackjack Road that back up to the quarry.

Mr. Anglin agreed that visually the large mounds of dirt and large rocks look bad. Ms. Landrum, the Vulcan representative stated that the berm that will continue from Hog Mountain to Blackjack Road.

Mrs. Jarchow asked for the timeline for completing the berms. Ms. Landrum advised that the berm on Hog Mountain will be started the first quarter of next year.

Mr. Anglin clarified that the work on the berm will include new fencing, trails, chain link fence and landscaping.

Mayor Miller gave a brief history on the property on Blackjack. He explained that there were homes that were taken down and that there will be more homes that will have to be taken down on some of the nine parcels included in this annexation and rezoning. The concern on Blackjack where the homes were taken down, left a barren land, and it needs the berm to make it visually pleasing to citizens when they are passing that area.

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

Mr. Atkinson presented a requested submitted by Mr. Kevin Hobgood to rezone 5205 Railroad Avenue from Light Industrial to Central Business District. Mr. Atkinson explained that the end user will need to come back to Council for plan approval as that is part of the zoning ordinance.

Mr. Anglin stated Mr. Hobgood will have to invest a substantial amount of money to turn the cabinet shop into a restaurant with a full kitchen, restrooms with possible roof top dining.

NEW BUSINESS -WORK SESSION:

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

Mrs. Gamble presented the different insurance plans with quotes for Mayor and Council to consider for the next fiscal year. She explained that it is a better option to stay with our current plan for our employees and overall, for the City. Even with an increase in cost of \$960, the benefit outweighs the costs. Every year, a twenty percent increase is budgeted for inflation costs that could incur.

HISTORY OF HEALTH INSURANCE PLANS:

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

FY2022 CITY OF FLOWERY BRANCH - QUOTE COMPARISON TO CURRENT COVERAGE

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

*rates decreased
but more employees covered.

*\$1,600 additional
RX deductible

*\$1,600 additional
RX deductible

HISTORY OF PERCENTAGE INCREASES:

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

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

History of Percentage Increases:

- FY2021 8.84% Increase
- FY2020 7.47% Increase
- FY2019 1.53% Increase
- FY2018 13.60% Increase
- FY2017 -1.00% Increase
- FY2016 50.00% Increase
- FY2015 20.00% Increase
- FY2014 15.00% Increase
- The City budgets 20% extra each year for possible inflation
- FY2022 Budget = \$630,726.00



Life/AD&D, Dental, and Vision:

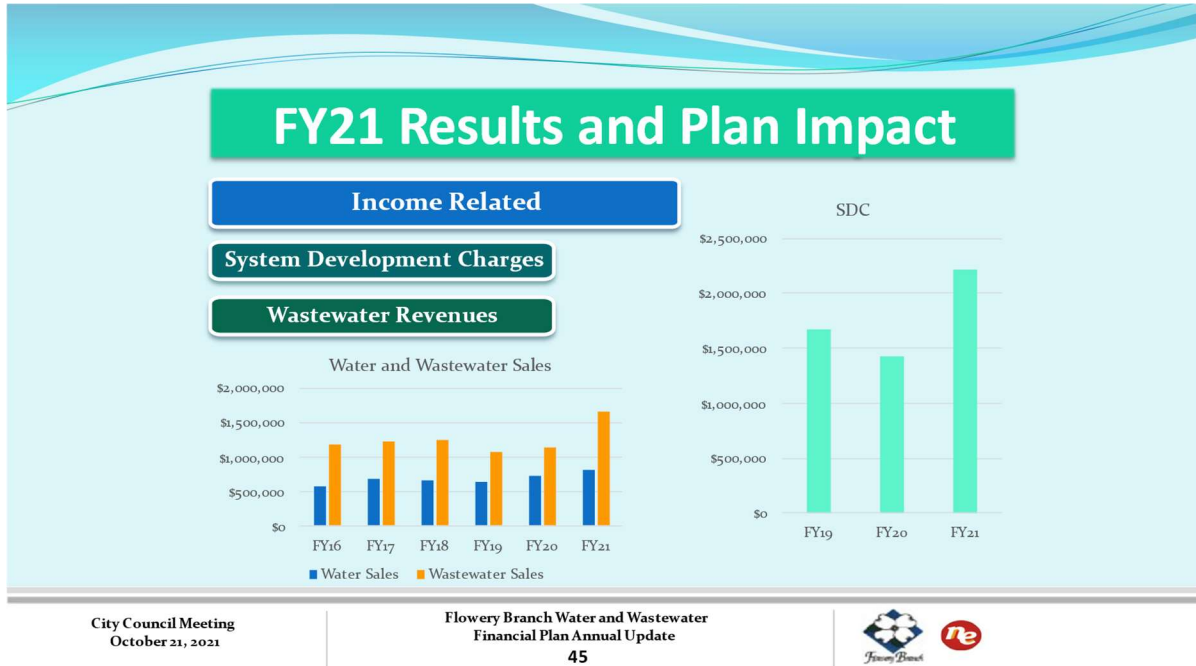
	Current Humana:	Proposed Humana:	% Increase:
Life/AD&D	\$ 241.24	\$ 241.24	0.00%
Dependent Life	\$ 93.08	\$ 93.08	0.00%
Dental	\$ 2,371.22	\$ 2,499.54	5.41%
Vision	\$ 340.05	\$ 360.60	6.04%
MONTHLY COST:	\$ 3,045.59	\$ 3,194.46	4.89%
ANTICIPATED MONTHLY INCREASE:		\$ 148.87	
ANNUAL COST:	\$ 36,547.08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



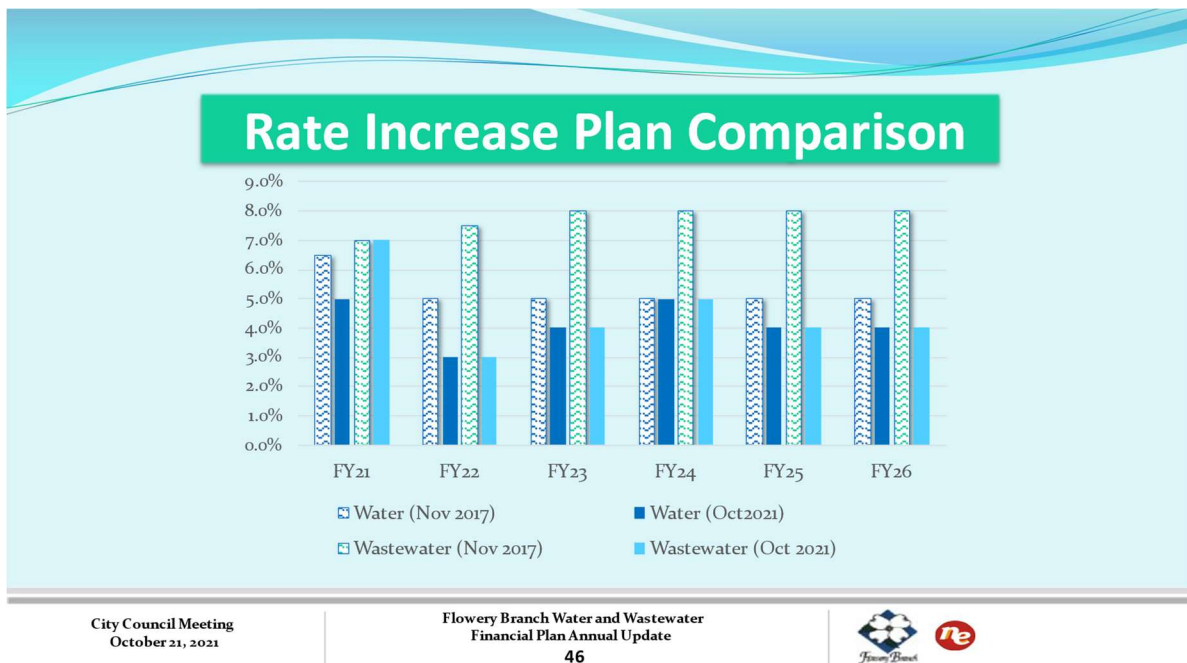
- FY2022 Health Insurance Budget = \$630,726.00
- Contract with Alliant Plans #8004400 = \$466,440
- Life/AD&D, Dental and Vision = \$38,333.52
 - Humana Policy
- Budget Savings = \$125,952.48

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

Mrs. Gamble introduced Robert Sills from Nelsnick Enterprises who presented detailed information regarding water sewer rate changes and proposing a five-year plan which is consistent with other nearby Cities.



He explained the FY21 results and that there were more SDC charges than anticipated in the five-year model and a few more wastewater revenues. He reminded that in previous years, wastewater was not paying for itself, and we had to raise the rates to get to that point. Mr. Sills gave a detailed explanation for the large jump from FY20 to FY21 being from the Intergovernmental Agreement with the City of Gainesville and the fact that the City of Gainesville is collecting sewer charges for the City of Flowery Branch along with the water charges for the City of Gainesville.



FY22 Recommendations

- Approve a 5 Year Water and Wastewater Rate Plan
- Approve clarification on Irrigation Meter rates
- Approve clarification on FOG
- Approve clarification on Exempt Properties
- Commence Rate/SDC Study

City Council Meeting
October 21, 2021

Flowery Branch Water and Wastewater
Financial Plan Annual Update
49



Mr. Sills recommendations include approving clarification on irrigation meter rates. Fats, Oils and Grease (FOG) is basically an inspection program, it is not a large dollar revenue source for the utility, but it does pay for some administration and inspection costs. There are few participants so instead of charging per customer, it will be charged per trap. There will be clarification on tax exempt properties.

Customer Impacts

- Proposed Rate- about 3% higher monthly bill
- Irrigation Meter Rates- Significant higher irrigation account bill
- Fats, Oils & Grease (FOG) - Clarification only impacts a single customer with multiple grease traps
- Tax Exempt Properties -no impact/clarification only

City Council Meeting
October 21, 2021

Flowery Branch Water and Wastewater
Financial Plan Annual Update
48



Mr. Anglin asked if the SDC charge is still being investigated and could it be adjusted. Mr. Sills advised that Mrs. Gamble has it budgeted for the second half of this year, the first part of next fiscal year and then recommendations made this time next year.

Mr. Anglin inquired if the system development charge is on developers. Mr. Sills said yes.

Mrs. Jarchow inquired about the five-year plan. Mr. Sills explained that the five-year plan can be flexible, and it will become a part of the yearly budget process.

DEPARTMENT REPORTS:

Mr. Mundy reported the 2021 Great American Cleanup on Saturday, October 23, 2021, from 8am until 10:00am.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 6:40 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 6:40 pm.

PUBLIC COMMENTS:

Mark Weber, 6114 Stella Light Drive, Flowery Branch, GA 30542

Mr. Weber has concerns regarding the warehouse proposal on Thurmon Tanner.

Carol Rand, 5620 Newberry Point Drive, Flowery Branch, GA 30542

Mrs. Rand has concerns regarding the increased development of dense residential areas in the City.

Ken Rand, 5620 Newberry Point Drive, Flowery Branch, GA 30542

Mr. Rand is opposed to the warehouse proposal on Thurmon Tanner.

John Rafferty, 5413 Falling Branch, Flowey Branch, GA 30542

Mr. Rafferty is opposed to the warehouse proposal on Thurmon Tanner. He would like to have a feasibility study and a Townhall Meeting.

Ryan Hotz, 5404 Mountain Mint Road, Flowery Branch, GA 30542

Mr. Hotz is opposed to the warehouse proposal on Thurmon Tanner.

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

Ms. Hatfield is opposed to the warehouse proposal on Thurmon Tanner.

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

Mrs. McLincha would like to have a Townhall Meeting.

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

Mr. Stanjevich is opposed to the rezoning on Church Street.

Tammi Duckworth, 5422 Long Branch Way, Flowery Branch, GA 30542

Ms. Duckworth is opposed to the warehouse proposal on Thurmon Tanner.

Dean Bryant, 7899 Brass Lantern Drive, Flowery Branch, GA 30542

Mr. Bryant is opposed to the warehouse proposal on Thurmon Tanner.

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

Mr. McLincha is opposed to the Church Street rezoning.

Carol Landrum, 3222 Preservation Circle, Lilburn, GA

Ms. Landrum wanted to follow up with Councilmember Jarchow's question regarding the Blackjack berm. She received a message from Steve Collier, the plant manager, that the environmental permits have been submitted to the Georgia EPD and he estimates that the work will be completed in June 2022 and the quarry working area will not be visible from the completed berm.

Chip McCallum, 7527 Mossy Log Court, Flowery Branch, GA 30542

Mr. McCallum wanted to thank the current Council Members for their service to the City.

David Wu, 5465 Trillium Way, Flowery Branch, GA 30542

Mr. Wu is opposed to the warehouse proposal on Thurmon Tanner.

Angela White, 6963 Wood Trail Run, Flowery Branch, GA 30542

Ms. White is opposed to the warehouse proposal on Thurmon Tanner.

Mike McGinnis, 7420 Lazy Hammock Way, Flowery Branch, GA 30542

Mr. McGinnis is opposed to the warehouse proposal on Thurmon Tanner.

CONSENT AGENDA:

Consider October 7, 2021, Meeting Minutes

Consider September 8, 2021, Special Called Meeting Minutes

Consider October 6, 2021, Special Called Meeting Minutes

There was a motion made to approve the consent agenda.

MOTION: Leslie Jarchow

SECOND: Chris Mundy

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

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

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

Mr. Bennett read the caption to Ordinance 656.

There was a motion made to approve Ordinance 656.

MOTION: Chris Mundy

SECOND: Amy Farah

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

NAYS: None

Motion carried

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

Mr. Bennett read the caption for the annexation of nine parcels of land from Hall County AR III to Flowery Branch M-2.

There was a motion made to approve Ordinance 654.

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

Mr. Bennett read the caption for the rezoning of nine parcels of land from Hall County AR III to Flowery Branch M-2.

There was a motion made to approve Ordinance 655.

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

Mr. Bennett read the caption for the Conditional Use Permit for the annexation and rezoning of nine parcels of land from Hall County AR III to Flowery Branch M-2 to operate a quarry.

There was a motion made to approve the Resolution to 21-014 for a Conditional Use Permit for Vulcan Lands to operate a quarry.

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

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

Mr. Bennett read the caption to rezone 5205 Railroad Avenue from M1 to CBD.

There was a motion made to approve the second reading submitted by Kevin Hobgood to rezone 5205 Railroad Avenue.

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

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

Mr. Bennett read the caption for Ordinance 379-C.

There was a motion made to approve Ordinance 379-C Amendment for Hotel-Motel Tax to 8%.

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

NEW BUSINESS - VOTING SESSION:

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

There was a motion made allow Mrs. Gamble and Ms. Short to sign necessary documents for insurance coverage for all employees.

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

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters relating to certain personnel issues and for matter relating to pending or potential litigation at 7:30 pm.

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

There was a motion made to exit executive session and reconvene open session at 8:23 pm.

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

ADJOURNMENT:

There was a motion made to adjourn at 8:23 pm.

MOTION: Amy Farah

SECOND: Leslie Jarchow

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

NAYS: None

Motion carried

Mayor – Mike Miller

Date

City Clerk – Vickie Short



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Canon Lease Agreement

COUNCIL MEETING DATE: November 18, 2021

HISTORY:

This is a revision of a current lease with City has with Canon for a printer for large copy jobs. This revision will allow our Downtown Events Manager to be able to produce needed artwork for the City's events.

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve Mayor's Signature on the Canon Lease Agreement

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT:

Prepared by: Vickie Short

ATTACHMENTS

- [Equipment_Lease_Blended_S1220727.pdf](#)
- [Master_Agreement_S1220727.pdf](#)
- [TradeIn_Upgrade_Return_BuyOut_Schedule_S1220727.pdf](#)



Canon Solutions America, Inc. ("CSA")
One Canon Park, Melville, NY 11747
(800)-613-2228

Lease Schedule ("Schedule") - Blended (SER-800)

Page 1 of 1

Customer: CITY OF FLOWERY BRANCH

CFS App #: 1849489

Salesperson: Marco Mucci

Agreement #: MA20068

Transaction #: S1220727

Order Date: 11/08/21

Billing Information Customer Account: 1630540		Payment Information		Equipment Maintenance Information		
Company: CITY OF FLOWERY BRANCH DBA: Address: 5512 MAIN ST Address 2: City: FLOWERY BRANCH County: HALL State: GA Zip: 30542-5686 Phone #: 770.967.6371 Contact: Rich Atkinson Fax #: Email: rich@flowerybranchga.org Device Excluded from Maintenance		Listed Items Lease Term	# of Lease Payments	Maintenance Declined		
		60 Months	60			
		Payment* (*Plus Applicable Taxes)		CFS Invoicing	Other Transaction Details	
		Total \$165.00		Lease Payment shall be invoiced Monthly		
		Due at Signing		Purchase Option: Fair Market Value		
# of Payments in Advance 0	Total Due at Signing \$0.00					
Covered Images Included in Payment		Excess Per Image Charge(s)				
Item Code	Listed Items Description	Qty	Ship To & Maintenance Billing Information			
3873C002	44 INCH IMAGEPROGRAF PRO-4100S PRINTER	1	Shipping: 5512 MAIN ST Delivery Date: 11/26/21			
1152C006	MULTIFUNCTION ROLL UNIT RU-43	1	Address 2:			
7025A039	POSTERARTIST	1	City: FLOWERY BRANCH County: HALL State: GA Zip: 30542-5686			
1972V064	ESP NEXT GEN PCS POWER FILTER (120V/15A) XG-PCS-15D	1	Primary Customer Contact: Rich Akinson			
1023V298	LARGE FORMAT PRINTER (36"-60") INSTALL PAK. For printer models only.	1	Phone #: 770.967.6371 Email: rich@flowerybranchga.org			
1396V761	POSTER ARTIST PRO SERVICES BY PROFESSIONAL SERVICES	3	Meter Contact:			
			Phone #: Email:			
			IT Contact: Rich Akinson			
			Phone #: 770.967.6371 Email: rich@flowerybranchga.org			
			Billing:			
			Address 2:			
			City: County: State: Zip:			
			Billing Contact:			
			Phone #: Email:			
			Elevator: No Loading Dock: No # of Steps: 0 Hrs of Operation: 9-5			
Additional Requirements:						
OC: COUNTY OF DUPAGE CONTRACT FI-R-0251-18			For CSA USE ONLY:			
			Config: A 62737147			
THIS SCHEDULE IS ENTERED INTO PURSUANT TO, AND INCORPORATES THE TERMS OF, THE MASTER SALES AND SERVICES AGREEMENT REFERENCED AS THE AGREEMENT # ABOVE ("AGREEMENT"), INCLUDING THE MASTER LEASE TERMS SET FORTH AS RIDER G THERETO WHICH SHALL CONTROL (THE "LEASE TERMS"). TO THE EXTENT THE TERMS OF AN EXISTING CFS MASTER AGREEMENT ARE REFERENCED ON THIS SCHEDULE (THE "EXISTING MASTER CFS LEASE") AND ARE APPLICABLE TO THIS SCHEDULE, THEY SHALL CONTROL OVER THE MASTER LEASE TERMS SET FORTH AS RIDER G TO THE AGREEMENT FOR SO LONG AS THE EXISTING MASTER CFS LEASE REMAINS IN EFFECT. STANDARD TERMS AND CONDITIONS AND APPLICABLE RIDERS INCORPORATED HEREIN ARE AVAILABLE AT ESS.CSA.CANON.COM/CUSTOMERDOCUMENTS , AND SHALL APPLY TO THE EXTENT NOT MODIFIED BY THE AGREEMENT. THIS SCHEDULE CONSTITUTES A LEASE OF THE LISTED ITEMS, AND IS BINDING ON CUSTOMER UPON SIGNING BY CUSTOMER, AND IS BINDING ON CSA AND LESSOR AS PROVIDED IN THE LEASE TERMS. THIS SCHEDULE IS NON-CANCELABLE BY CUSTOMER. CUSTOMER REPRESENTS THAT EXECUTION OF THIS SCHEDULE HAS BEEN DULY AUTHORIZED. BY YOUR SIGNATURE, CUSTOMER AGREES TO LEASE THE LISTED ITEMS AND, IF SELECTED, TO PURCHASE THE MAINTENANCE SERVICES DESCRIBED HEREIN. YOU ACKNOWLEDGE RECEIPT OF A COPY OF THIS SCHEDULE.						
Customer Authorized Signature:		Printed Name:	Title:	Date:		
ACCEPTANCE CERTIFICATE						
To: CSA and Lessor: Customer certifies that (a) the Listed Items referred to in the above Schedule have been received, (b) installation has been completed, (c) the Listed Items have been examined by Customer and are in good operating order and condition and are, in all respects, satisfactory to the Customer, and (d) the Listed Items are irrevocably accepted by the Customer for all purposes under the Agreement. Accordingly, Customer hereby authorizes billing under this Schedule.						
Authorized Signature:		Printed Name:	Title:	Date:		
For Internal Purposes Only:						
CFS Authorized Signature:		Printed Name:	Title:	Date:		



Canon Solutions America, Inc. ("CSA")
One Canon Park, Melville, NY 11747
(800) 613-2228

Master Sales & Services Agreement Customer Information Face Page

MA20068

Salesperson: Marco Mucci Order Date: 11/8/2021

Customer ("you"):

Company: CITY OF FLOWERY BRANCH		
Address: 5512 MAIN ST		
City: FLOWERY BRANCH		County: HALL
State: GA	Zip: 30542-5686	Phone #: 770.967.6371
Contact: Rich Atkinson		Fax #:
Email: rich@flowerybranchga.org		

Applicable Terms and Conditions	Customer Organizational Information
TERMS AND CONDITIONS ARE AVAILABLE AT: ESS.CSA.CANON.COM/CUSTOMERDOCUMENTS The CSA customer terms and conditions located at the above website ("Terms") form part of this Agreement. The Terms include general terms, and terms for product and service purchase, maintenance, support and leasing (pursuant to the terms of Rider G); managed print services; and quotes. The Terms applicable to each of your transactions will be referenced in the Order Schedule. By your initials herein and signature below, you understand and acknowledge such Terms and agree to comply with those applicable to each Order Schedule. _____ Customer Initials	Federal Tax ID Number: _____ Organization type: State or Local Government Address for Notices: Attn: Rich Atkinson Address: 5512 MAIN ST Address 2: City: FLOWERY BRANCH State: GA Zip: 30542-5686 Email: rich@flowerybranchga.org

BY YOUR SIGNATURE BELOW, YOU AGREE TO LEASE, PURSUANT TO THE TERMS OF RIDER G, OR PURCHASE, AS SPECIFIED IN THIS AGREEMENT, THE ITEMS LISTED IN ANY SCHEDULE, RIDER OR ADDENDA (AS APPROVED BY CSA) TO THIS AGREEMENT. YOU ACKNOWLEDGE RECEIPT OF A COPY OF THIS AGREEMENT, AND AGREE TO ABIDE BY ALL OF THE TERMS AND CONDITIONS OF THIS FACE PAGE, APPLICABLE SCHEDULE(S), RIDER(S) AND SUCH ADDENDA, THE QUOTE, AND THE APPLICABLE TERMS AND CONDITIONS IDENTIFIED ABOVE, ALL OF WHICH IS INCORPORATED HEREIN AND MADE PART OF THIS AGREEMENT.

Customer's Authorized Signature _____

Printed Name _____ Title _____ Date _____



Return Schedule, Rider B of Agreement

Canon Solutions America, Inc. ("CSA")
One Canon Park, Melville, NY 11747
(800)-613-2228

Customer: CITY OF FLOWERY BRANCH**Salesperson:** Marco Mucci**Agreement #:** MA20068**Transaction #:** S1220727**Order date:** 11/08/21

Customer ("You")	Customer Account: 1630540	Service Requested:	
Company: CITY OF FLOWERY BRANCH		Return	
Address: 5512 MAIN ST		Lease Information (if applicable)	
City: FLOWERY BRANCH	County: HALL	Leasing company name	Lease Number
State: GA	Zip: 30542-5686	CFS	0310685
Phone: 770.967.6371			
Contact name: Rich Atkinson			
Email: rich@flowerybranchga.org			
Alternate Contact:			
Alternate Phone:			

If "Buyout Reimbursement" is selected above, the following MUST be completed:\$ _____ **To be paid upon delivery / acceptance pursuant to Rider B, Section 1.****Payable to:** _____ **Reason for check issuance:** _____**If transaction includes a Lease Upgrade or Buyout the following MUST be completed:**

- Select one:**
- ☐ Not Applicable: No Equipment pick up required
 - ☒ CSA will pick up the Equipment
 - ☒ Return Equipment to CFS
 - ☐ Return Equipment to CSA Original Order Date _____
 - ☐ You will return Equipment to leasing company according to the terms and conditions of your lease agreement
 - ☐ You will retain the equipment.
 - Will retained equipment remain under a CSA Maintenance Agreement?
 - ☐ No
 - ☐ Yes: SELECT ONE: under an Existing Contract ☐ Or New Contract ☐

Trade in Equipment Condition:**Equipment for Trade-In, Upgrade, or Return****If transaction includes a Lease return the following MUST be completed:**

Return code	Item Code	Description	Serial #	Equipment Location	Contact Name & Phone	Email	Alt pick up date
UGTR		ImageProGraffIP F8400	AAP60544	5512 MAIN ST FLOWERY BRANCH, GA 30542-5686	Rich Atkinson 770.967.6371	rich@flowerybranchga.org@rich@flowerybranchga.org	

Pick Up /Return Information:

- ☒ Same Date as Delivery of Listed Items Specified on the Agreement
- ☐ Other Specified Date: ____ / ____ / ____ (but no longer than 30 days after delivery of Listed Items under Agreement)

Contact Name: Rich Akinson**Phone:** 770.967.6371**Email:** rich@flowerybranchga.org**Hours of Operation:** 9-5**Number of Steps:** 0**Elevator:** No**Loading Dock:** No**Special Instructions:**

THIS RETURN SCHEDULE IS ENTERED INTO PURSUANT TO, AND INCORPORATES ALL OF THE TERMS OF, THE MASTER SALES AND SERVICES AGREEMENT REFERENCED AS THE AGREEMENT # ABOVE AND THE APPLICABLE RIDER(S) ("AGREEMENT"). BY YOUR SIGNATURE BELOW, YOU AGREE TO TERMS AS SPECIFIED ABOVE, SUBJECT TO THE TERMS AND CONDITIONS OF THE AGREEMENT. CUSTOMER REPRESENTS THAT EXECUTION OF THIS SCHEDULE HAS BEEN DULY AUTHORIZED. YOU REPRESENT THAT YOU ARE AUTHORIZED TO EXECUTE THIS SCHEDULE ON CUSTOMER'S BEHALF. STANDARD TERMS AND CONDITIONS INCORPORATED HEREIN ARE AVAILABLE AT ESS.CSA.CANON.COM/CUSTOMERDOCUMENTS, AND SHALL APPLY TO THE EXTENT NOT MODIFIED BY THE AGREEMENT. YOU ACKNOWLEDGE RECEIPT OF A COPY OF THIS RETURN SCHEDULE.

Customer's Authorized Signature _____

Printed Name

Title

Date



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Mayor Mike Miller Per Diem

COUNCIL MEETING DATE: November 18, 2021

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [Mike Miller per diem.pdf](#)



CITY OF FLOWERY BRANCH MAYOR & COUNCIL ATTENDANCE SHEET PER DIEM PAY

NAME Mayor Mike Miller

MONTH/YEAR July 2021-November 2021

	MEETING DATE	DESCRIPTION OF MEETING
1	7/15/2021	PSC Community Focus guest speaker
2	9/13/2021	Speak with FBES students
3	10/14/2021	City Manager Interviews
4	10/21/2021	Phil Niekro community fundraiser
5	11/2/2021	Meeting with Developer
6	11/4/2021	Meeting with Wrigley's 50th anniversary speaker
7	11/4/2021	Guest speaker at Cherokee Bluff High School
8	11/9/2021	MPO Meeting

My signature certifies that I am eligible to be paid for 8 meeting dates, maximum 5 per month, in accordance with per diem pay as described in Ordinance No. 477. Total \$400.00 (\$50.00 per mtg)

Signature



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 18, 2021

HISTORY:

This is the second 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 Development 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 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

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 three (3) 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.

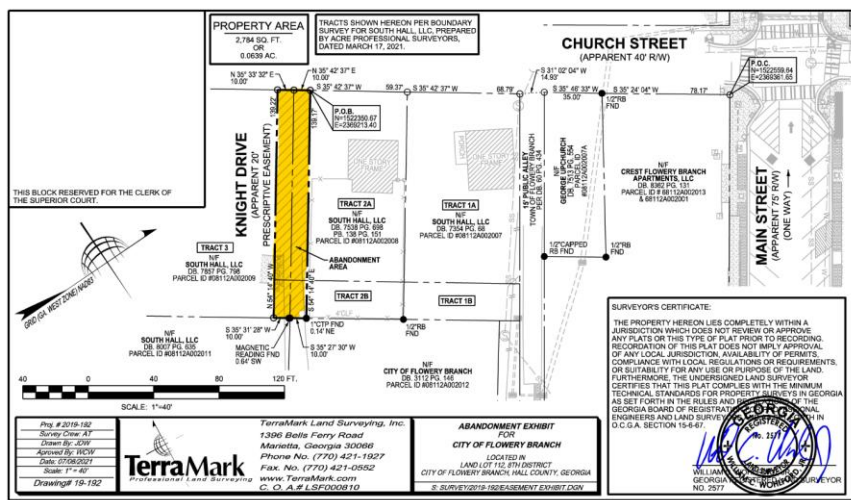
Public Hearing Published 09/15/21
Public Hearing 10/07/21

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

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



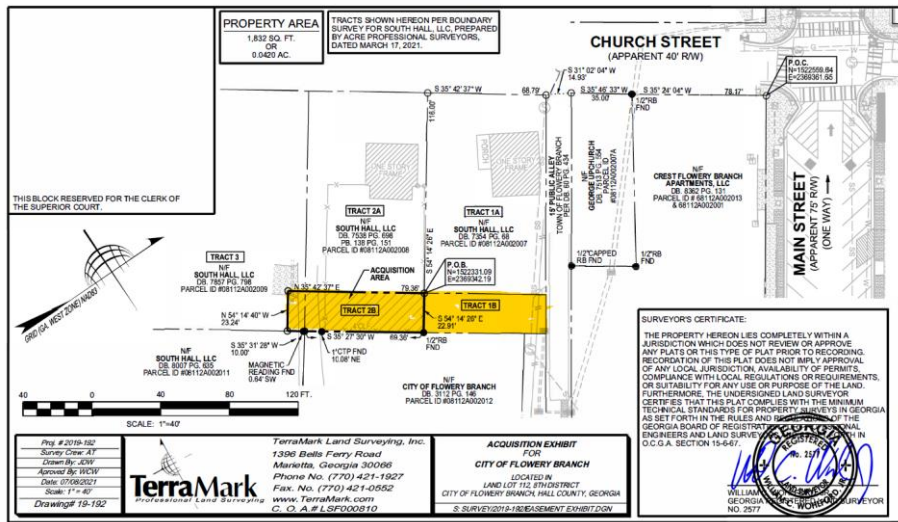
12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.



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:





15. Townhome material shall be limited to brick, stacked stone, and cementitious fiber board.
16. Townhomes shall use architectural shingles.
17. Sides of townhomes shall be bricked to the extent that no exposed concrete shall be visible.
18. Paved paths shall be provided for each unit connecting the front porch to the sidewalk.
19. A six (6) foot wood privacy fence shall be installed between the breezeway and the detached garages.
20. All units shall have a two-car garage.
21. All garage doors shall be non-aluminum carriage style doors.

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
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 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

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**.

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 three (3) 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.
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10. A lighting package including the fixture types shall be submitted to staff prior to issuance of a building permit.

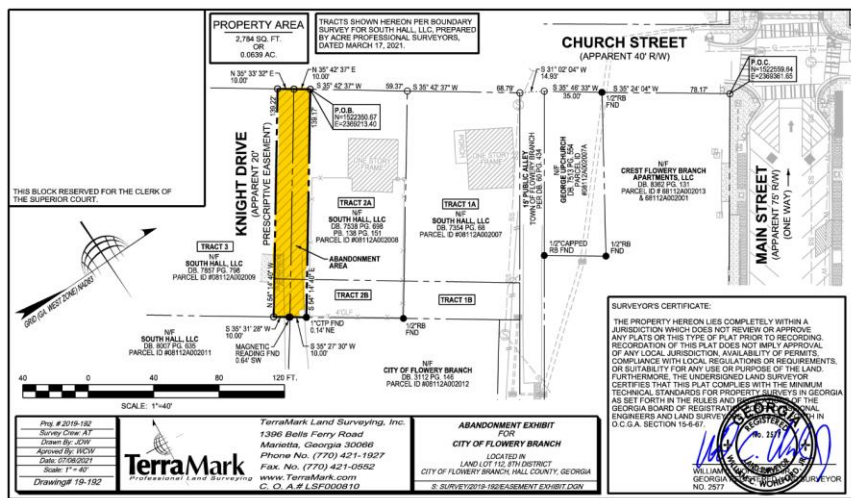
Public Hearing Published 09/15/21
Public Hearing 10/07/21

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

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



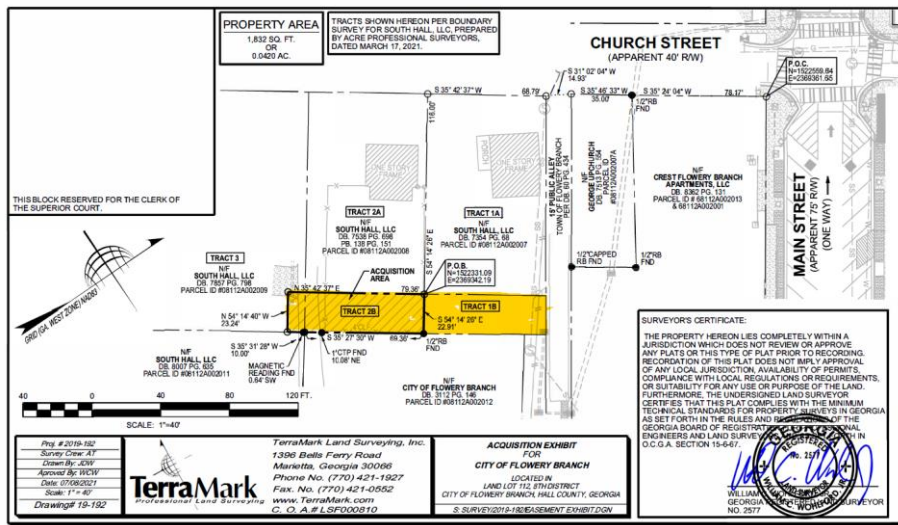
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Public Hearing Published 09/15/21
Public Hearing 10/07/21

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.



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15. Townhome material shall be limited to brick, stacked stone, and cementitious fiber board.
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17. Sides of townhomes shall be bricked to the extent that no exposed concrete shall be visible.
18. Paved paths shall be provided for each unit connecting the front porch to the sidewalk.
19. A six (6) foot wood privacy fence shall be installed between the breezeway and the detached garages.
20. All units shall have a two-car garage.
21. All garage doors shall be non-aluminum carriage style doors.

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”



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; 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 three (3) of the townhomes may be leased. Said restriction shall be mandated as part of the covenants and shall be enforced by the homeowner's association.
5. Project shall substantially adhere to the site as shown below:



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

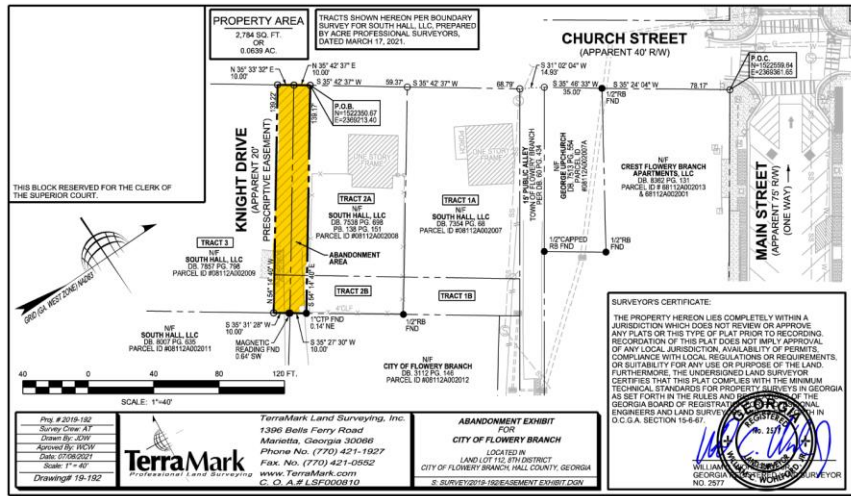
11. Martin Street shall be a one-way street running south-east as shown below:



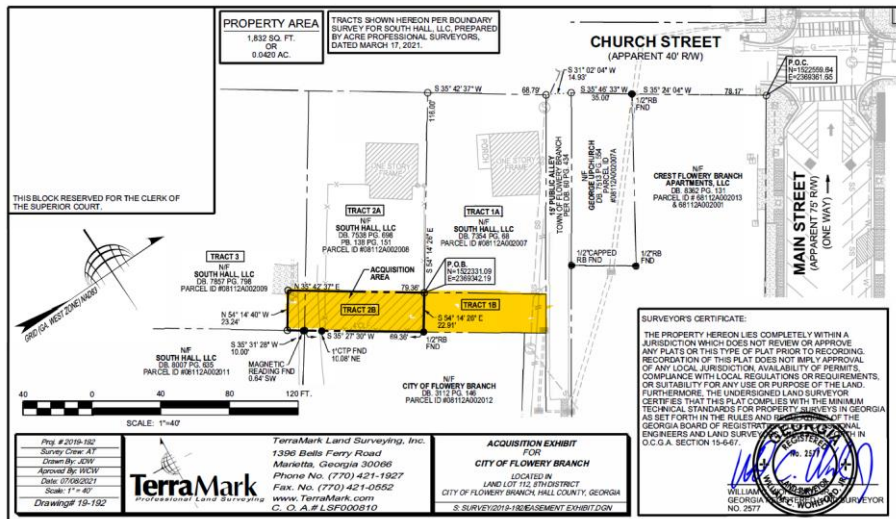
12. The City of Flowery Branch shall quitclaim that portion of Knight Drive shown below to South Hall, LLC within fifteen (15) business days of the receipt of the quitclaim deed described in Condition No. 13.

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.



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

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

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





15. Townhome material shall be limited to brick, stacked stone, and cementitious fiber board.
16. Townhomes shall use architectural shingles.
17. Sides of townhomes shall be bricked to the extent that no exposed concrete shall be visible.
18. Paved paths shall be provided for each unit connecting the front porch to the sidewalk.
19. A six (6) foot wood privacy fence shall be installed between the breezeway and the detached garages.
20. All units shall have a two-car garage.
21. All garage doors shall be non-aluminum carriage style doors.



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

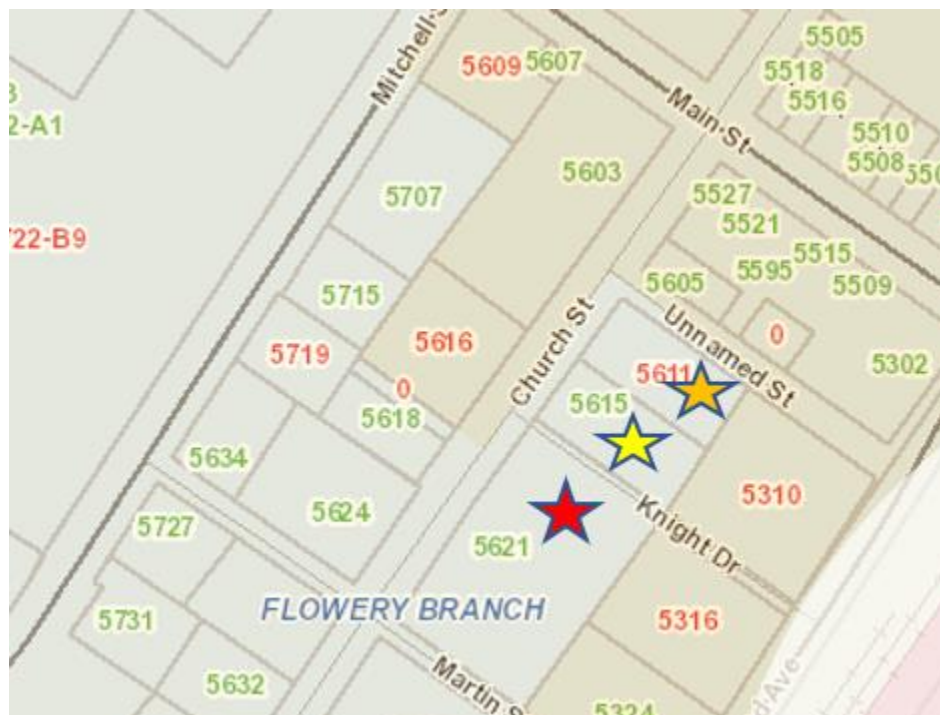
Proposed Use: 14 residential townhomes

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 & rear entry garage



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



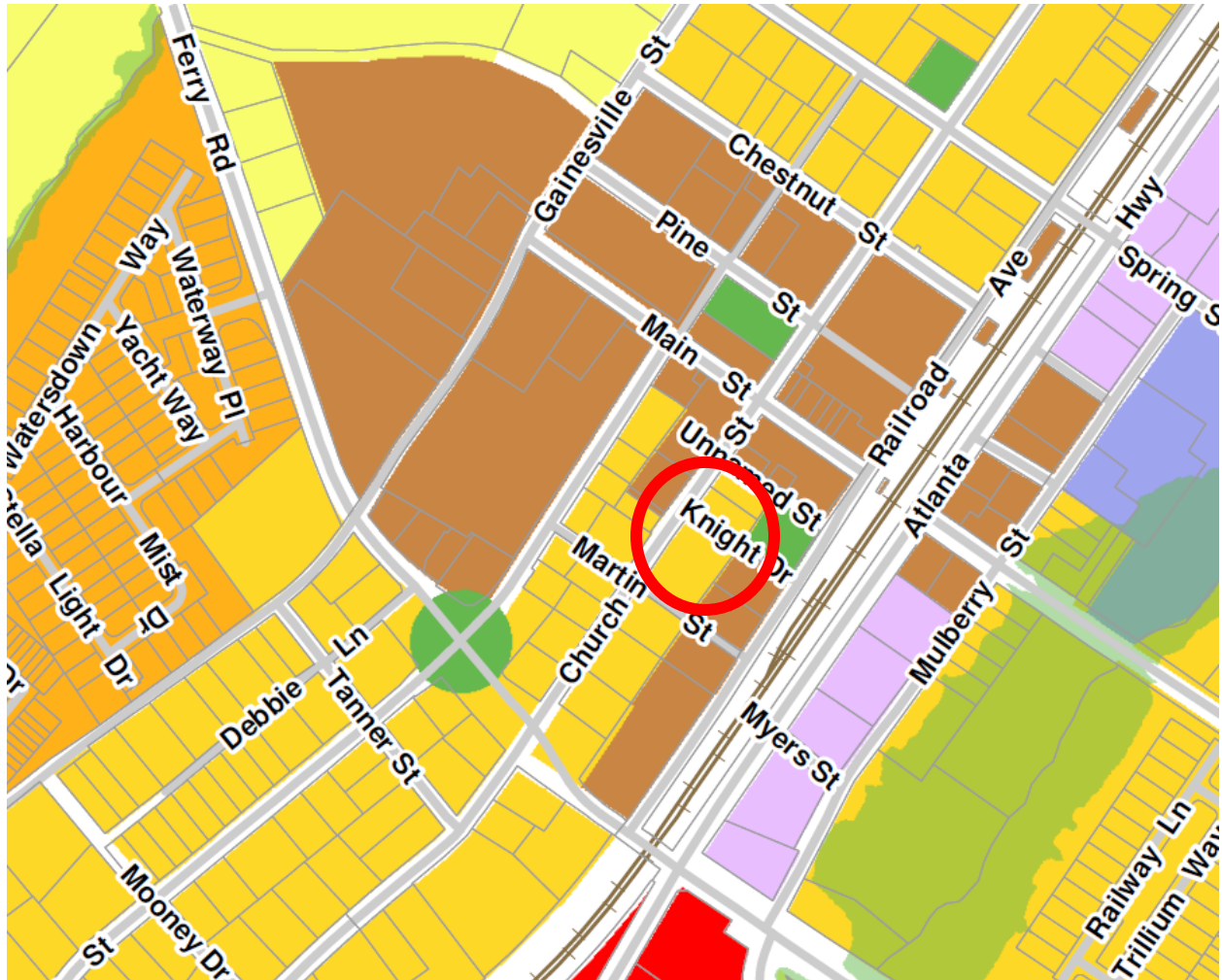
Brick used as a residential accent material, consistent with existing dwellings in the area



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

COUNCIL MEETING DATE: November 18, 2021

HISTORY:

FACTS AND ISSUES:

A shortened schedule was approved by Council:

Public hearing October 7

First read - October 21

Secod read - November 18

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public hearing only

SAMPLE MOTION:

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

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

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

- [Application.pdf](#)
- [Thomas Wells Staff Report .pdf](#)
- [Thomas Wells Ordinance.pdf](#)
- [UPDATED NOV Bldg Concept Plans - 5415 Mulberry Street 102521.pdf](#)

LEGEND



AMERICAN
PILLAR
ARBORVITAE



ANGELINA
SEDUM



DIANTHUS



SEASONAL COLOR BED



VINTAGE
JADE
DISTYLUM



CHASTE
TREE



BLUE CHIP
DWARF BUTTERFLY
BUSH



NATCHEZ
CRAPE MYRTLE



ADAGIO
MICA. TIT. K



WINTERGREEN



WILL LOW OAK



SHADES OF PINK
VIBURNUM



PURPLE DAYDREAM
LOROPETALUM



LIGHT PINK ENCORE





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





REZONING APPLICATION

Date: _____

Address of Request:

5415 Mulberry Street, Flowery Branch, Georgia

Tax Map # 08113-001009 Current Zoning: TND

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

Currently a conforming use? N/A - undeveloped

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

Applicant Information

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

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

E-mail address: twells@kdsllc.net

Phone number: 404-358-1178

Signature: _____

Notary: _____





Property owner information (if different than the applicant)

Property owner (please print): Soltri Entertainment, LLC

Signature of property owner: Trina Braxton

See next page

Notary:

Property Information

Tax Map Number: 08113-001009

Current Zoning: TND Total Acres: 0.60

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

Proposed City of Flowery Branch Zoning: HB-Highway Business

Current Use: Vacant - Undeveloped

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

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

- Legal description
- Current survey of property



Flowers Branch

Property owner information (if different than the applicant)

Property owner (please print): Soltri Entertainment, LLC

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

Notary:

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

[Signature]
EXP 4/18/2023

Property Information

Tax Map Number: 08113-001009

Current Zoning: TND Total Acres: 0.60

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

Proposed City of Flowers Branch Zoning: GB

Current Use: Vacant - Undeveloped

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

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

- Legal description
- Current survey of property



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

Conflict of Interest Disclosure

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

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

None

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

N/A

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

N/A



Disclosure of Campaign Contributions

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

Elected Officials Name	Amount of Description of Gift
N/A	

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

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

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

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

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

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

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

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

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

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

Texaco Gas and Convenience Store-5415 Atlanta Hwy.

Zoned HB

Luqmaan 3 Inc.

11 Cottage Walk NW

Cartersville, GA 30121

BP Gas and Convenience Store-5504 Phil Niekro Blvd.

Zoned GB

Robert Wayne Mason, et. al.

3705 Maple Forge Lane

Gainesville, GA 30504

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

Zoned HB

Ionut Melniciuc

1377 Duncan Lane

Suite A

Auburn, GA 30011

Residential Rental Property-5405 Mulberry Street

Zoned TND

John Cassidy

1124 Beaver Dam Road

Hoschton, GA 30548

To be include in Addendum to the Application:

1. Landscape Plan
2. Color Rendering of Building Elevations

SURVEY LEGAL DESCRIPTION – 5415 Mulberry St.

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

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

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

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

1. REFERENCES FOR THE ECONOMIC INFORMATION SHOWN HEREON WAS MADE TO PLAT BOOK 100, PAGE 11 AND DEED BOOK 700, PAGE 48 AS RECORDED IN HALL COUNTY CLERK OF PUBLIC PLATS RECORDS.

2. THE FOLLOWING TITLE COMMITMENT WAS SUPPLIED TO THE SURVEYOR FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NUMBER: 0484-002, EFFECTIVE DATE: JULY 8, 2021.

3. THE ADDRESS OF THE SURVEYED PROPERTY IS 3415 MULBERRY STREET, ACCORDING TO HALL COUNTY GOVS RECORDS.

4. A DEED GRANTING THE SURVEYED LOT AND A PORTION OF A 16.00 AC. MAINTENANCE ZONE, AS SET FORTH ON A FINE COMMUNITY PLAN, NO. 13-0000031 IS DATED APRIL 4, 2018.

5. THE LOCATIONS OF UNIMPROVED UTILITIES SHOWN IS BASED UPON ABOVE GROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.

6. THERE WAS NO EVIDENCE OF ANY PREVIOUS EARTH MOVING, BUILDING CONSTRUCTION OR BUILDING ADDITIONS DURING THE PROCESS OF CONDUCTING THE FIELDWORK.

7. THE SURVEYOR IS NOT AWARE OF ANY PROPOSED CHANGES IN THE STREET RIGHT OF WAY LINES AS SHOWN HEREON. THERE WAS NO EVIDENCE OF RECENT STREET CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

8. THE PROPERTY IS CURRENTLY UNIMPROVED. THE SURVEYOR HAS NO INFORMATION REGARDING



FROM FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NUMBER
0495-002 EFFECTIVE DATE MAY 9, 2021

- 7 AGREEMENT BY AND BETWEEN DON CLARK AND GEORGIA SHOE MANUFACTURING COMPANY, DATED B. 1894 AND RECORDED AT DEED BOOK 143, PAGE 388, OFFICE OF THE CLERK OF THE SUPERIOR COURT OF HALL COUNTY, GEORGIA (AFFECTS CAN NOT BE PLUTTED - LOCATION NOT DEFINED)
- 8 CIVIL ACTION #701, JUDGMENT OF THE DECLARATION OF TAINING STYLED UNITED STATES OF AMERICA (AFFECTS AT DEED BOOK 194, PAGE 277, AFFECTED RECORDS (AFFECTS PROPERTY AS SHOWN))
- 9 DEED OF CONVEYANCE FROM DON N. CLARK TO CITY OF FLORENCE, BRANCO, GEORGIA DATED 16-10-1978 AND RECORDED AT DEED BOOK 658 PAGE 287, AFORESAID RECORDS, AFFECTS CAN NOT BE SHOWN - NO DEFINED LOCATION
- 10 EASEMENT FROM LARRY H. CLARK, DON E. CLARK, NAN D. CLARK AND ELIZABETH S. KAMEY TO CITY OF FLORENCE BRANCO, GEORGIA D. 14-10-1989 AND RECORDED AT DEED BOOK 7441 PAGE 82, AFORESAID RECORDS AFFECTS PROPERTY AS SHOWN.
- 11 SEWER LINES AS DISCLOSED ON THAT PLAT FROM DON N. CLARK, EST. DATED 2-8-1988 AND RECORDED AT DEED BOOK 658 PAGE 275A, AS AFORESAID RECORDS AFFECTS PROPERTY AS SHOWN.

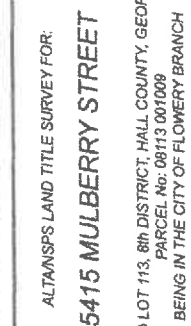
[illegible]

FROM THE TIRE PRINT OF RECONSTRUCTED TRUCK ESTABLISHED ALONG THE
 INTERSECTION OF THE NORTH PORT OF BURNING.

TO SOLTRIENTERTAINMENT, LLC
FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS. LAND AND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADDED BY ALTA AND NSPS, INCLUDES 1.2, 3.4, 3.8 (13, 14, 16, 17 OF TABLE A THEREOF). THE FIELD WORK WAS COMPLETED ON JULY 23, 2021.

NAME	DATE
CAUSEY GARY S 03174	03/27

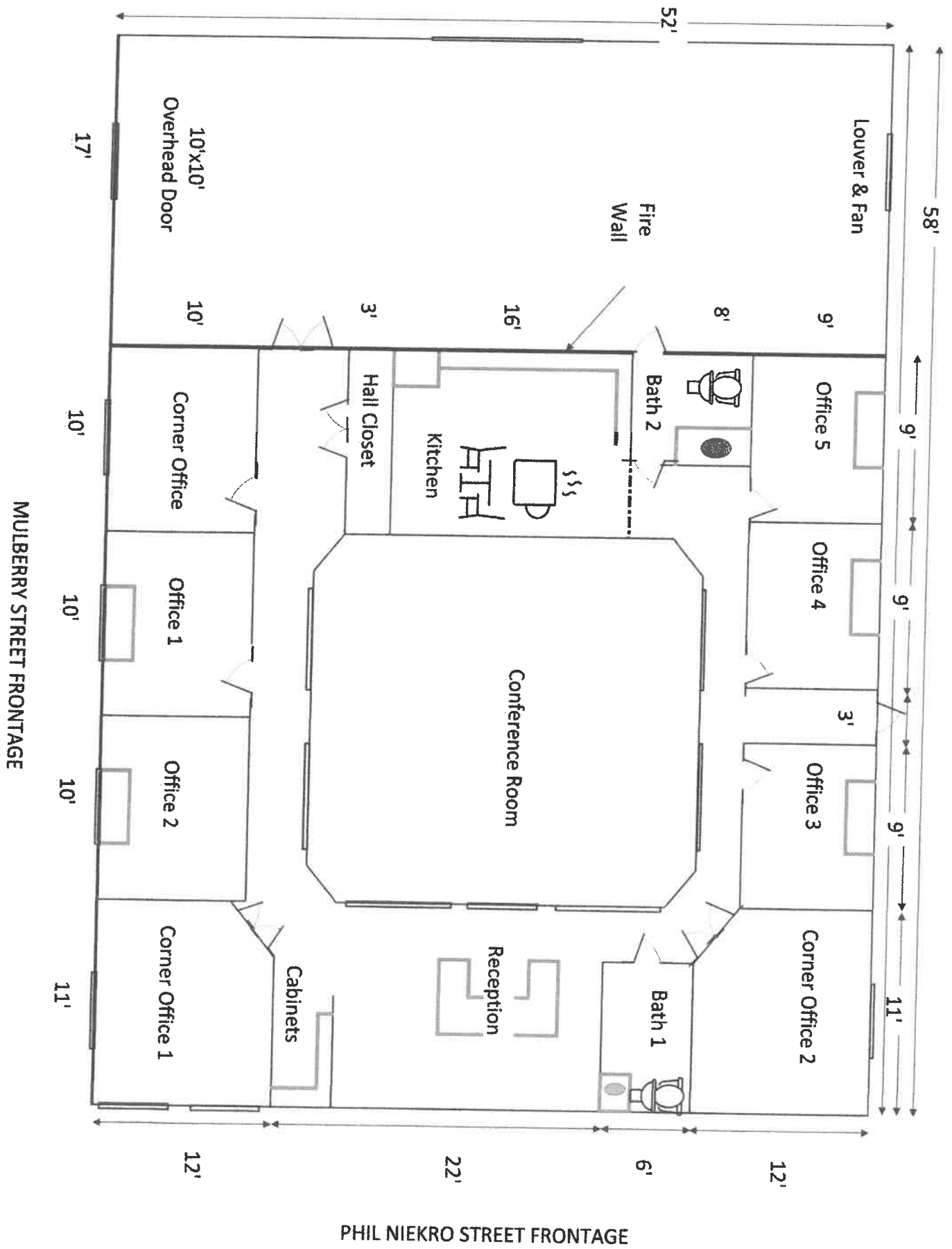


DATE	NO.	ISSUE	DATE
SCALE 1" = 30'		DESCRIPTION	
ACREAGE 9.00 ACRES (26.484 S.F.)			
LAND LOC. 113			
DISTRICT 8th			
CITY EMMERY BRANCH			
COUNTY HALL		STATE: GEORGIA	
SURVEYED AH		DRAWN MJS	
CHECKED		APPROVED CAM	
PROJECT # 21-383			

SHEET 1 OF 1

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

NOTE: SURVEY NOT VALID UNLESS
SEAL SIGNED AND DATED





Applicant: Keystone Development Services, LLC

Property Owner: Soltri Entertainment, LLC

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

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

Current Use: Vacant

Proposed Use: Office

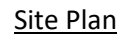
Character Area: Traditional Neighborhood

Proposal

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

Location Map

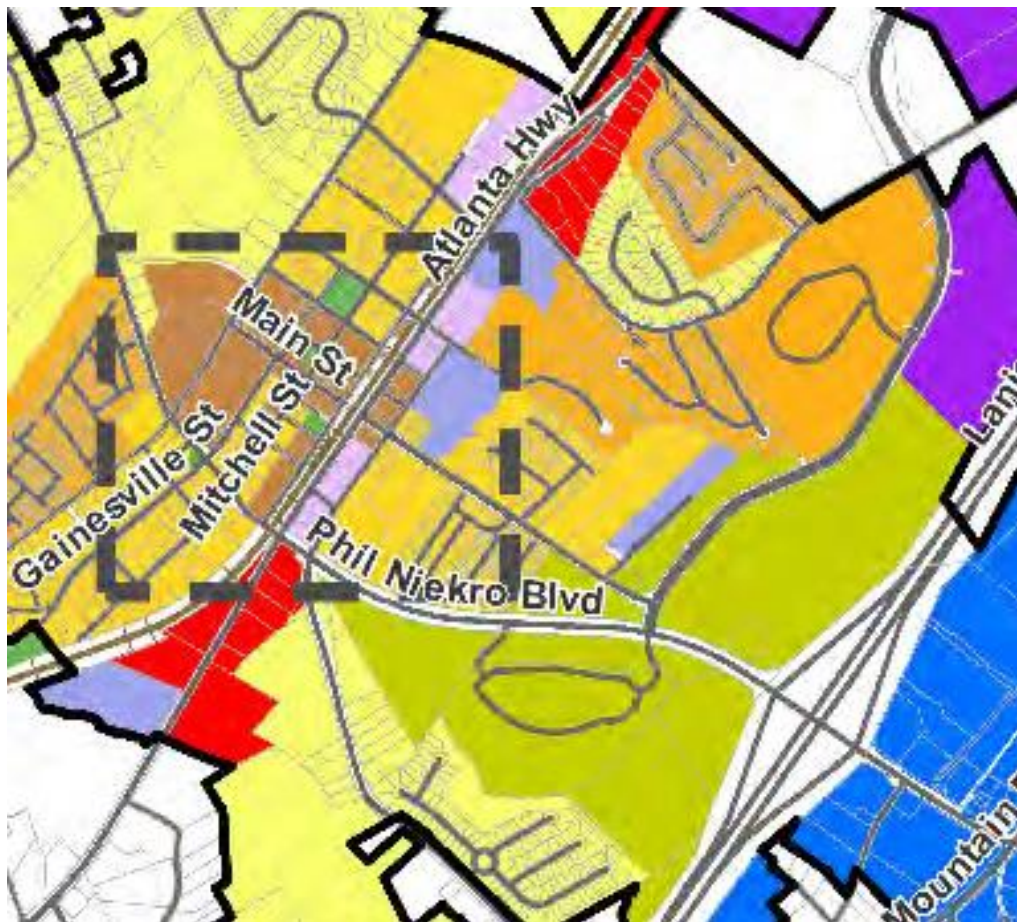








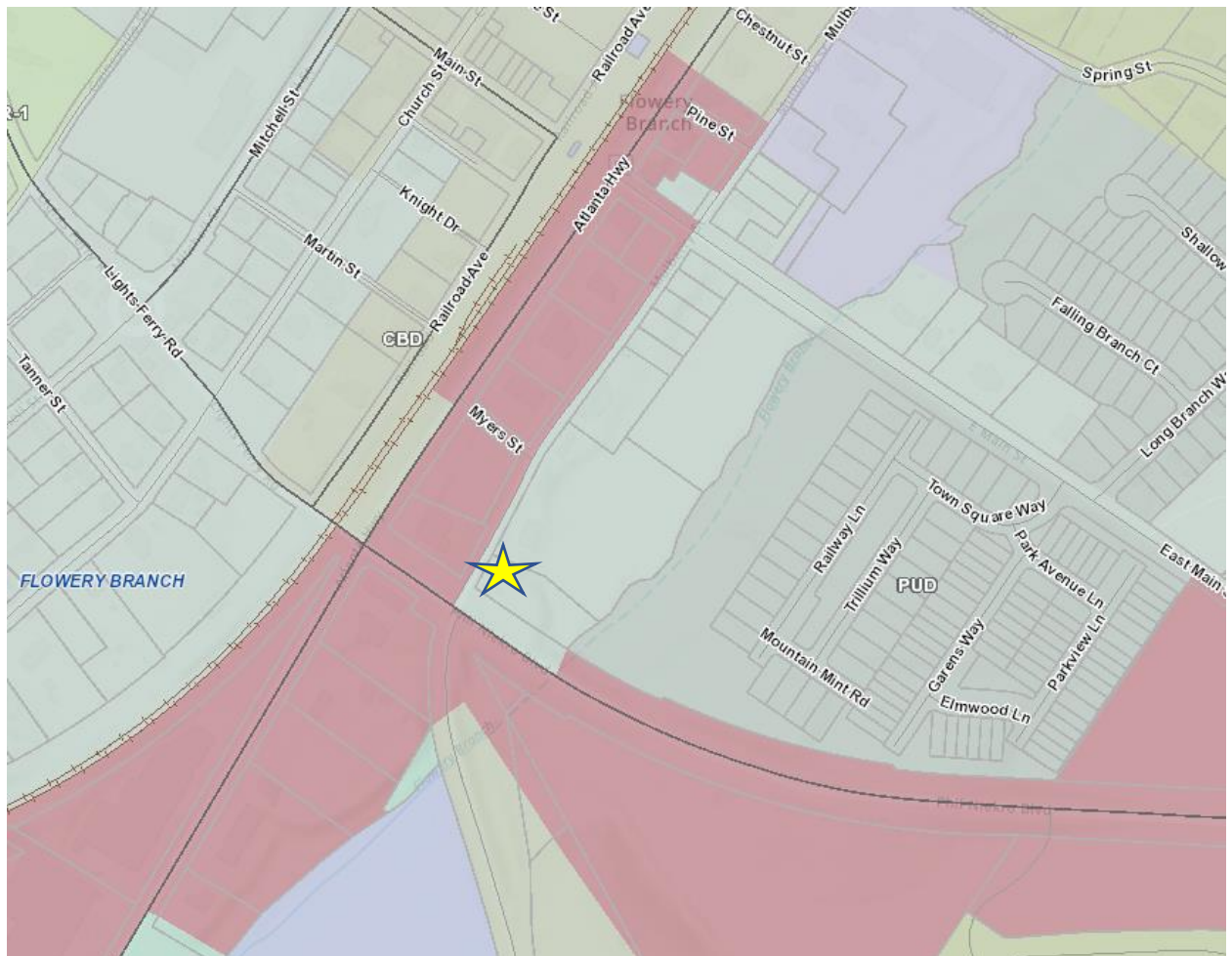
Character area map:





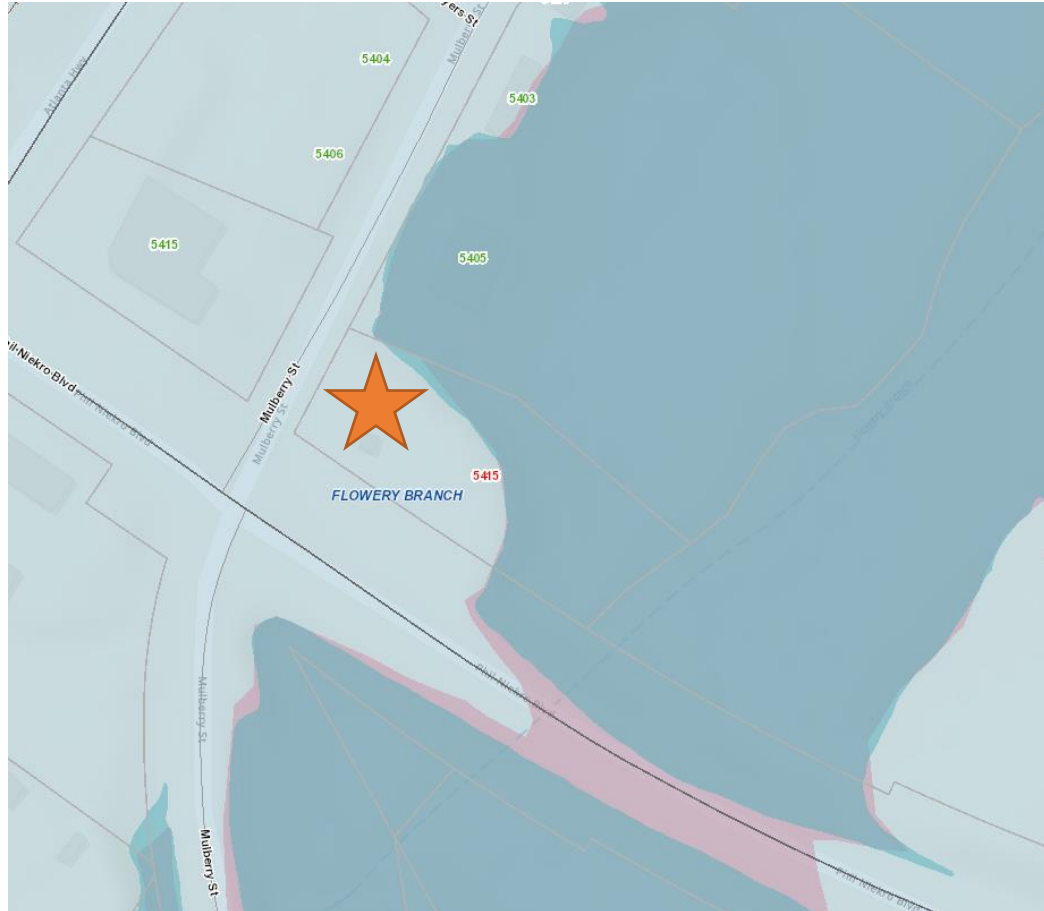
Zoning

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





Map showing the floodplain:



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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



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

Applicant response attached as Exhibit "A"

Staff Response:

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



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

Staff Recommendation

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

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



Exhibit "A"

PROJECT NARRATIVE

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

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

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

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

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

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

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

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

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

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

ORDINANCE 656

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

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

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

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

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

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

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

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

SECTION 1. FINDINGS.

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

.

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

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

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

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

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

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

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Adopted this 18th day of November 2021.

James M. Miller, Mayor

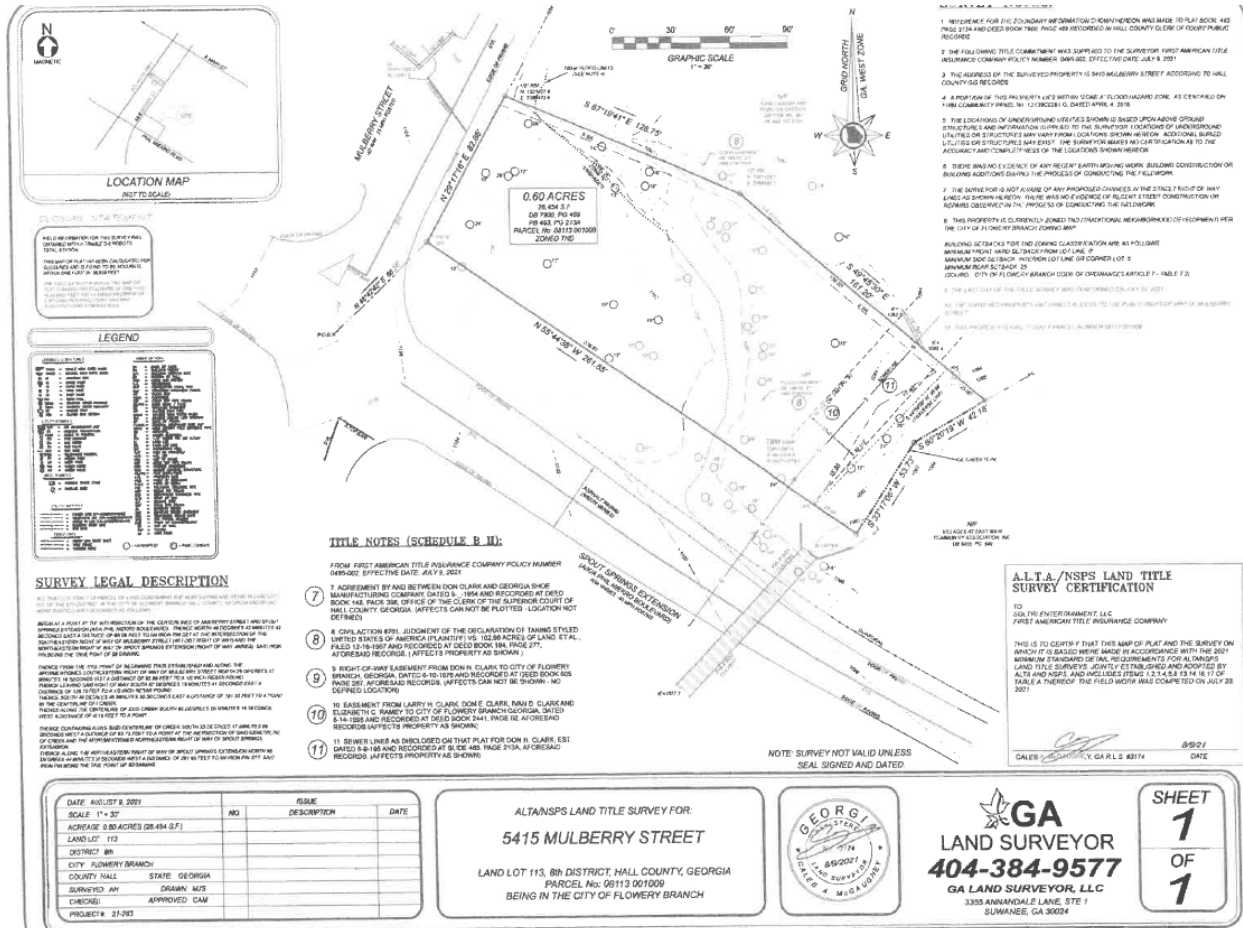
ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Exhibit “A”



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

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

Exhibit "B"

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

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

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

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

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

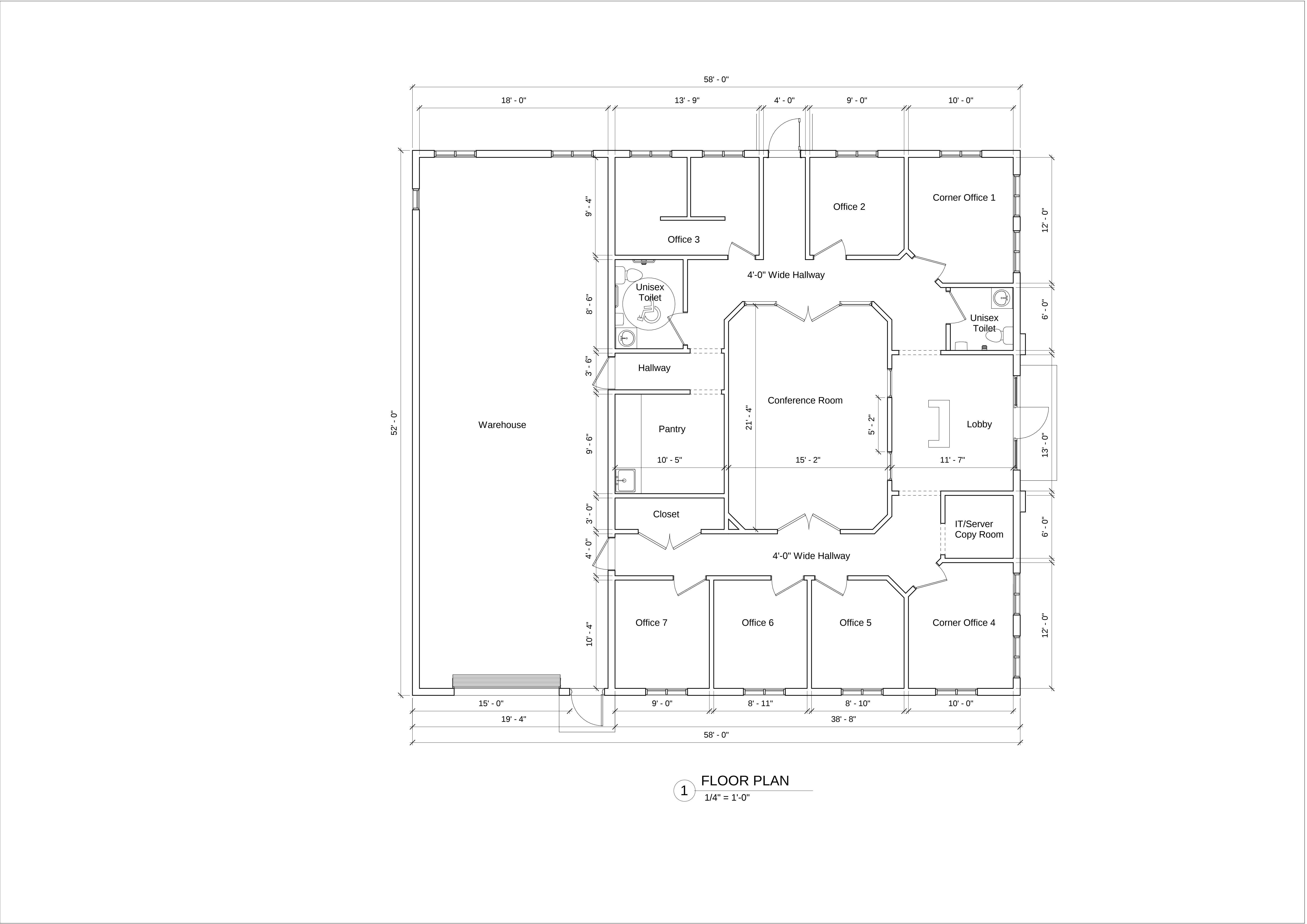


4. A five-foot sidewalk shall be provided along the entirety of the project along Mulberry Street.

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

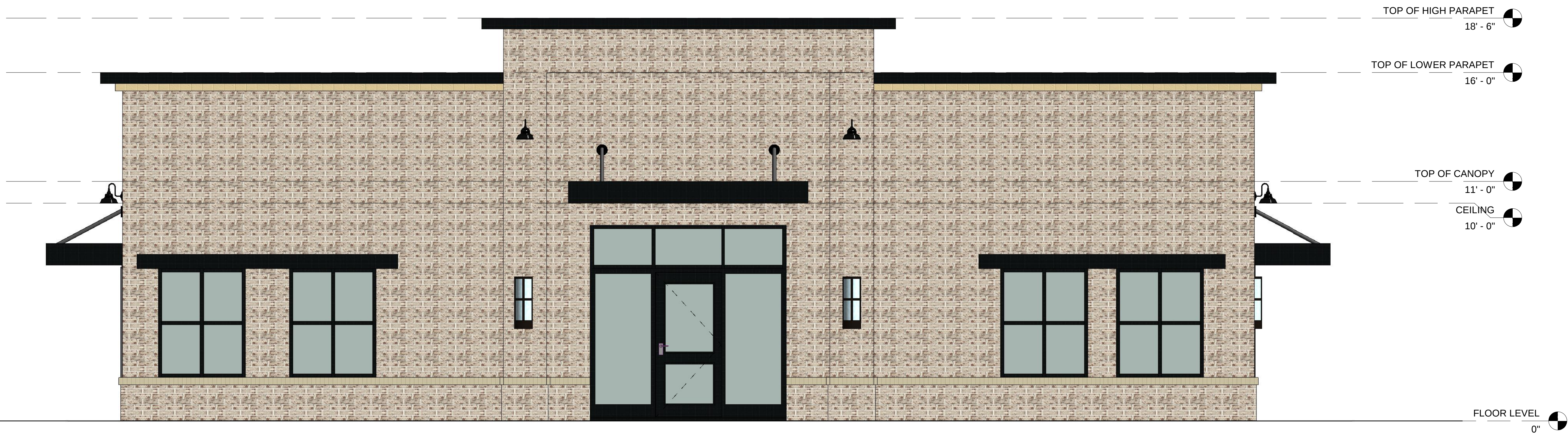


6. No access shall be allowed on Phil Niekro Boulevard.
7. Maximum lot coverage by the building shall be 3,300 square feet.



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

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE FLOOR PLAN	
DRAWN PVN	
CHECKED NAGESH	
DATE 10.25.2021	
SCALE 1/4" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-100	

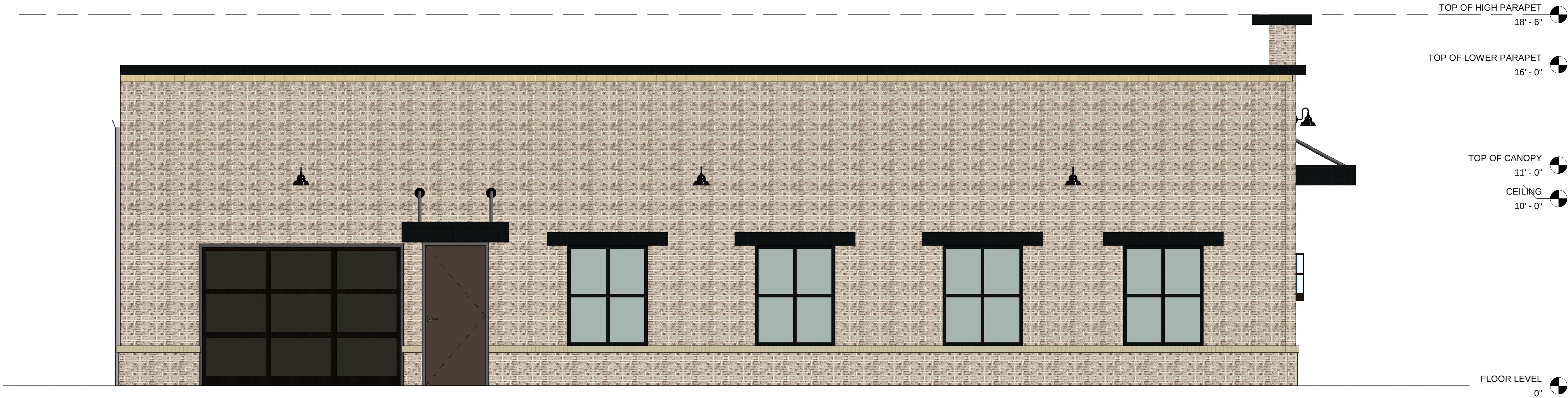


1 FRONT ELEVATION
3/8" = 1'-0"

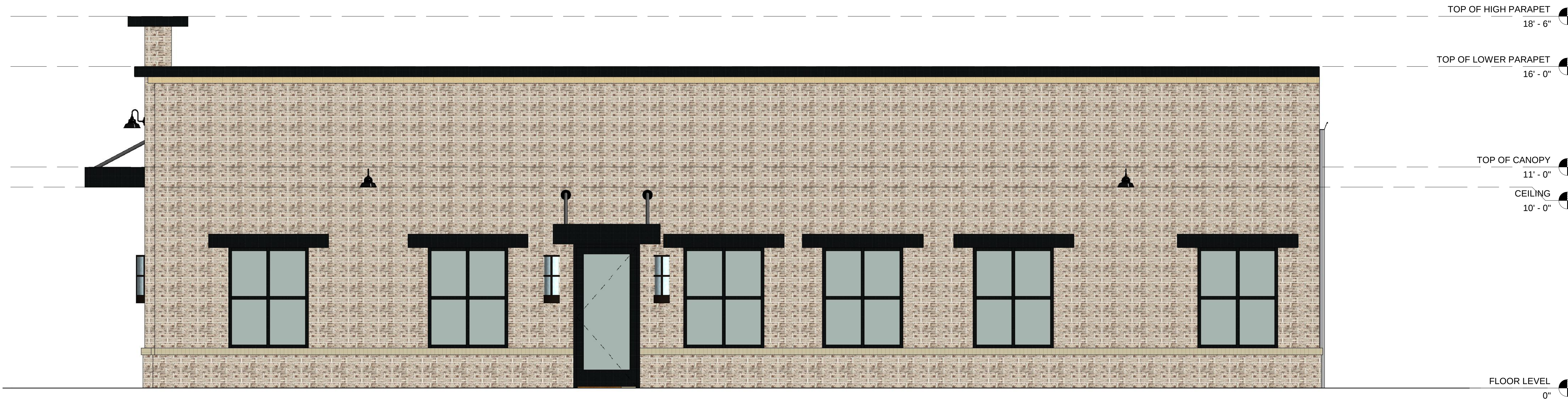


2 REAR ELEVATION
3/8" = 1'-0"

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE FRONT & REAR ELEVATIONS	
DRAWN PVN	
CHECKED NAGESH	
DATE 10.25.2021	
SCALE 3/8" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-101	



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



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

DATE	REMARKS
Office Building 5415 Mulberry Street Flowerly Branch, GA 30542	
TITLE LEFT & RIGHT ELEVATIONS	
DRAWN PWN	
CHECKED NAGESH	
DATE 10.25.2021	
SCALE 3/8" = 1'-0"	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-102	



1 ELEVATION-1



2 ELEVATION-2

DATE	REMARKS
Office Building 5415 Mulberry Street Flowery Branch, GA 30542	
TITLE PERSPECTIVE ELEVATIONS	
DRAWN PVN	
CHECKED NAGESH	
DATE 10.25.2021	
SCALE AS INDICATED	
JOB NO. 04	
FILE NAME OFFICE BUILDING	
SHEET A-103	