



**City of Flowery Branch
City Council Meeting
Thursday, November 21, 2024, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Asbridge called the meeting to order at 6:02 p.m.

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

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Fun Director Renee Carden, Finance Director Matt Hamby, Planning and Community Development Director Chris McCrary, Public Works & Utilities Director Bill Whidden, and City Attorney Ted Baggett.

Absent: Council Member Chris Mundy.

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

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

MOTION: Joe Anglin

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte

NAYS: None

Motion carried

AWARDS & RECOGNITIONS: There were no awards or recognitions.

PUBLIC HEARING:

Public Hearing and Second Reading of Ordinance 722 to Consider a Rezoning from Agriculture (A) to Residential Low Density (R-1) for the following locations 6300, 6294, 6290, 6258, 6270, 6246 and 6249 Jones Road.

Director Chris McCrary presented a consideration to rezone 6300, 6294, 6290, 6258, 6270, 6246, and 6249 Jones Road. The subject property is real property totaling 21.44 +/- acres of land and is currently zoned A - Agriculture and proposed zoning is R-1 - Low Density Residential. The

surrounding properties are zoned Agriculture, R-3 Residential Multi-family and the majority of zoning surrounding the parcels are Hall County VC – Vacation Cottages. Nearby uses not directly adjacent to the subject site include Hall County R-1 Low Density Residential, Flowery Branch R-1 - Low Density Residential, TND - Traditional Neighborhood Development, a MHP - Manufactured Home Park and a PUD - Planned Unit Development.

The Flowery Branch Comprehensive Plan Future Development Map indicates the subject parcels fall within the Suburban Residential Character Area. The proposed zoning to R-1 falls in harmony with the Suburban Residential Character Area based on the following criteria:

Land Use:

- Single-Family Detached Residential

Zoning:

- R-1 Detached Single-Family, Low-Density District

Design Principles:

- Larger lots (1/3 to 1 acre) with houses set back from the road,
- Cul-de-sacs and curvilinear streets (that are relatively wide when compared to traditional neighborhoods) with sidewalks,
- Use of high-quality exterior cladding materials (that are consistent on each level of the home),
- Diverse architectural styles are allowed, but there should be compatibility in overall neighborhood design such as roof pitch, building width, and level of ornamentation
- De-emphasized garage (recessed, side or rear entry),
- Opportunities for meaningful open space, including shared areas for the benefit of residents.

The existing zoning A – Agriculture is not a listed zoning in the Suburban Residential Character area. So, the existing zoning is not in harmony with the Flower Branch Comprehensive Plan Future Development Map. It's reasonable to believe that rezoning the subject site brings the area into the intended zoning from the Future Development Map

There being no one who wished to speak in favor of the request, Mayor Asbridge called for those wishing to speak against the request.

Public comments against the request:

Bryant Green, 1111 Park Street, Gainesville, Georgia 30501.

Mayor Asbridge closed the public hearing at 6:14 p.m.

Public Hearing and Second Reading of Ordinance 723 to Consider a Change in the Zoning Ordinance that would create a Downtown Overlay District.

Director McCrary presented a consideration of a change in the zoning ordinance that would create a Downtown Overlay District (DOD). The City of Flowery Branch has initiated several ordinances that seek to protect the character of the City's core downtown. The intent of creating a Downtown Overlay District is to consolidate each of the parts into one overlay and provide

some additional uses and procedures unique to the downtown. The Downtown Overlay District will also advance the Comprehensive Plans Implementation Strategy of the Old Town Character Area by moving forward updating 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. It's reasonable to believe that the City Council may want to revisit the Downtown Overlay District from time to time to further implement other strategies as growth of the city continues.

Location

(d) Boundaries of the Downtown Overlay District

The Downtown Overlay District consists of those properties within the area located between Atlanta Highway south of Lights Ferry Road, northwest of Mulberry Street, southeast of Gainesville Street, and the intersection of Atlanta Highway at the intersection with Vireo Drive as depicted as the shaded solid areas in the following map:



Current Zoning within the Downtown Overlay District

Zoning Categories Within the FBDOD:

TND: Traditional Neighborhood Development District

CBD: Central Business District

HB: Highway Business District

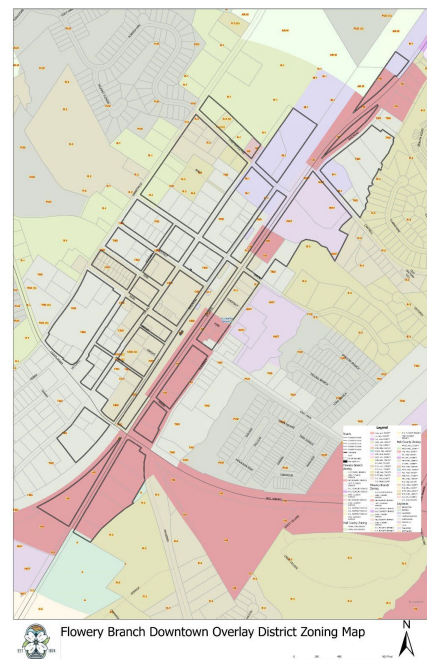
R-1: Residential, Detached Single-Family, Low-Density District

R-2: Residential, Detached Single Family

R-3: Removed from code but is shown on the zoning map.

M-1: Light Manufacturing and Industrial District

INST: Institutional District.



Code Review – Specific Uses in the Downtown Overlay District

Properties located within the boundaries of the Downtown Overlay District with the underlying zoning of HB are hereby permitted to operate micro-breweries and micro-distilleries subject to the granting of a conditional use permit under the terms and conditions of Article 34 and compliance with any and all applicable state and local alcoholic beverage licensing requirements. The following changes to Table 9.1 are hereby made to reflect this potential additional use:

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Micro-brewery	X	X	X	X ₁	C	X	X
Micro-distillery	X	X	X	X ₁	C	X	X

¹ HB zoned properties located within the downtown overlay district may operate micro-breweries or micro-distilleries subject to the granting of a Conditional Use Permit.



There being no one who wished to speak in favor of the request, Mayor Asbridge called for those wishing to speak against the request.

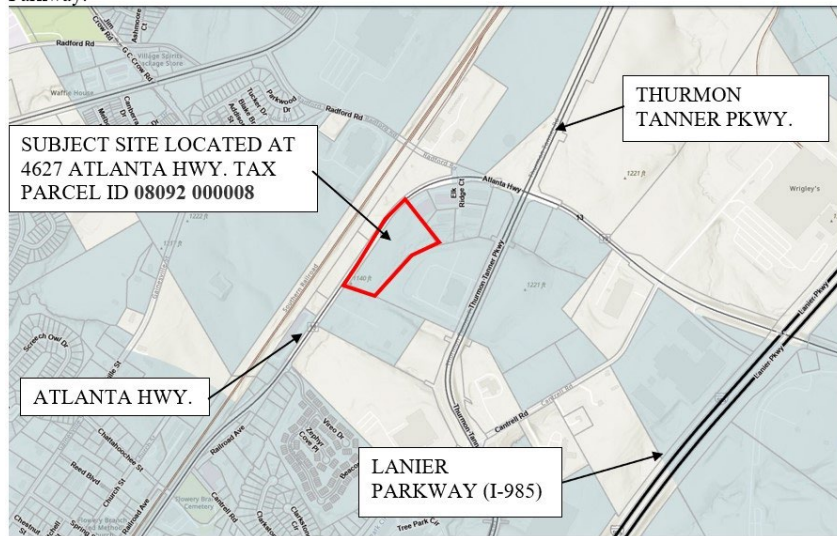
There being no one who wished to speak against the request, Mayor Asbridge closed the public hearing at 6:17 p.m.

Public Hearing and First Reading of Ordinance 724 to Consider a Variance Request at 4627 Atlanta Highway.

Director McCrary presented the first reading of Ordinance 724 to consider a variance request at 4627 Atlanta Highway. The applicant is seeking to develop four office/warehouse buildings totaling 41,450 sq. ft., including associated parking and utilities, on a property limited in depth due to a state water creek adjacent to Atlanta Highway. To accommodate the necessary depth for warehousing and tractor trailer truck movement, the applicant is requesting encroachments into the City's 75-foot Impervious Setback and 50-foot Undisturbed Stream Buffer, which are necessary to meet industry standards for the proposed buildings.

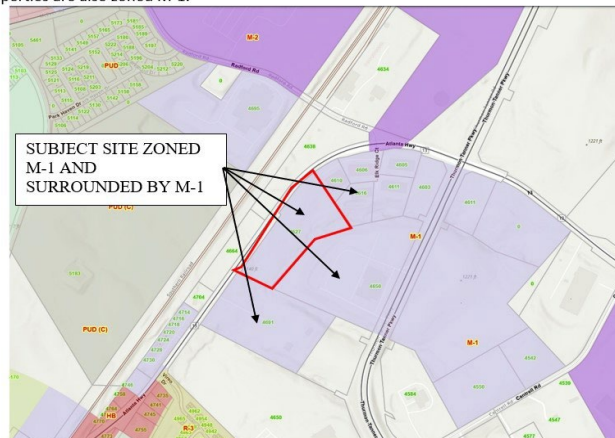
Location Map

The subject site is located at 4627 Atlanta Highway near the intersection of Thurmon Tanner Parkway.



Zoning Map

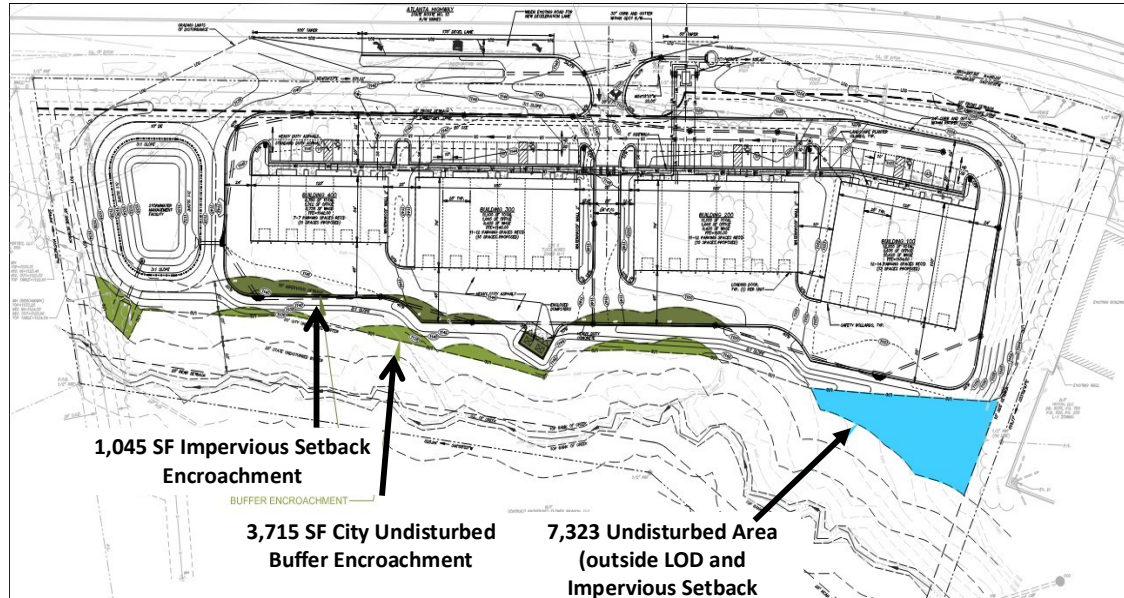
The subject property is zoned M-1 – Manufacturing & Industrial, Light. The surrounding properties are also zoned M-1.



Legend

Zoning Districts	
Residential Low Density (R-1)	Highway Business (HB)
Residential Moderate Density (R-2)	Institutional (INST)
Residential Multi-family (R-3)	Manufacturing & Industrial, Light (M-1)
Traditional Neighborhood Development (TND)	Manufacturing & Industrial, Heavy (M-2)
Planned Unit Development (PUD)	Agriculture (A)
Manufactured Home Park (MHP)	Historic Districts
Central Business District (CBD)	Local Historic District
Neighborhood Shopping (NS)	

SITE PLAN



Hardship

- The shape of the property, and the location of a stream at the rear of the property, limits the development's depth. The property is zoned for industrial uses. Warehousing needs larger turn radii near the loading and unloading areas for truck access. The applicant's engineer shifted the proposed building and front parking as much as possible to maintain compliance with other code sections. The encroachment is the minimal amount needed to provide a functional warehousing operation.
- Applying strict adherence to the code would result in the inability to develop a use that uses tractor trailers.
- The existing conditions are not created by the property owner.
- Environmental compensation is provided by the applicant's engineer with buffer averaging.

Buffer Averaging

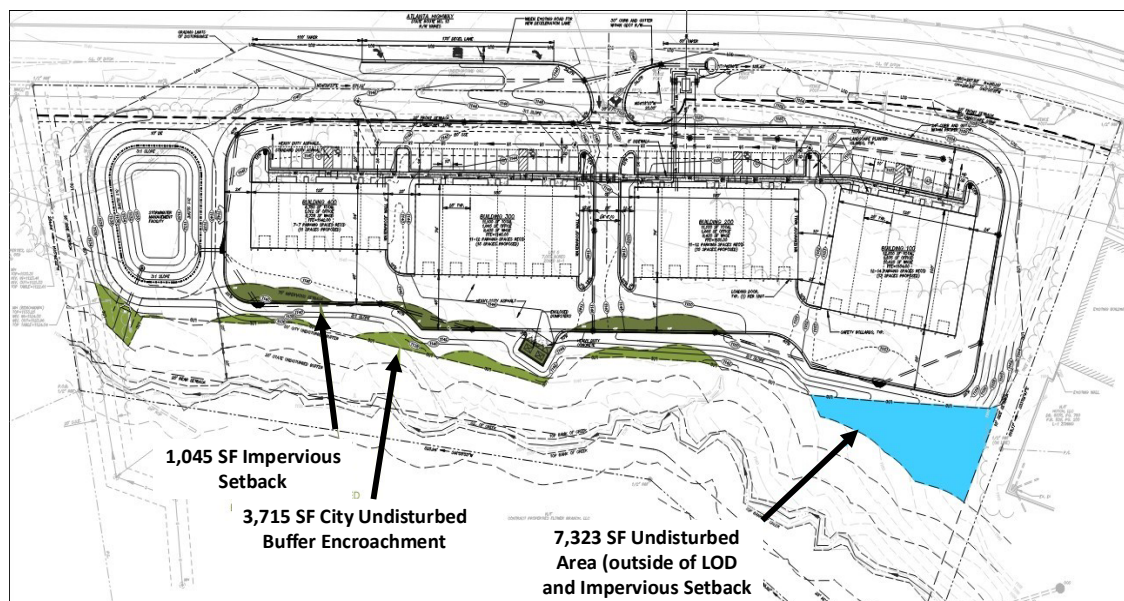
Buffer averaging is a critical concept in environmental management, particularly in the context of managing stormwater runoff. This approach acknowledges the importance of maintaining a balance between developed areas that may encroach upon natural buffers and the need to preserve adequate natural areas that can effectively treat stormwater.

In this particular case, the engineer has determined that an encroachment of 4,760 square feet (SF) into an impervious setback and undisturbed buffer can be mitigated through the preservation of 7,323 SF of natural area. This is a positive outcome because the area being preserved exceeds the amount of area being disturbed. By preserving a larger area, the project can enhance its overall ecological integrity and stormwater management capabilities.

The preserved area serves multiple purposes:

- **Stormwater Treatment:** The additional preserved area provides a larger surface for infiltration, absorption, and filtration of stormwater, which will ultimately reduce runoff into the creek.
- **Habitat Preservation:** By preserving more land than what is being disturbed, the project can maintain or even enhance local biodiversity and provide habitat for various species.
- **Buffer Functionality:** The preserved buffer can help filter pollutants from stormwater before they reach the creek, acting as a natural barrier against contaminants.
- **Erosion Control:** The natural vegetation in the preserved area can help stabilize soil and reduce erosion, further contributing to water quality.
- **Aesthetic Value:** A larger preserved natural area can provide aesthetic benefits to the site as opposed to a clear-cut site with no preservation.

SITE PLAN



Recommendation:

Staff recommends the approval of the proposed variance application for the encroachment into the required Impervious Setback and the City's Undisturbed Stream Buffer per Code Section 26.7 with the following conditions:

1. The Land Disturbance Permit shall be substantially similar to the plan provided with the variance application, including the limits of the encroachment into the Impervious Setback and the City's stream buffer.
2. The area of preservation shall be substantially similar to the area in size and location shown on the site plan provided with the Variance Application.
3. In the areas where disturbance occurs within the 50' Undisturbed Buffer, the applicant shall provide a replanting plan using a native mixture of species of trees and shrubs. The

plan shall be sealed by a Georgia registered Landscape Architect. The final plan shall be approved by the Community Development Director.

4. Prior to the issuance of the Certificate of Occupancy, the owner shall provide the City an as-built survey of the development including the encroachment areas and preservation area.
 - a) The area of encroachment into the Impervious Setback shall not exceed 1,045 SF.
 - b) The area of encroachment into the 50-foot Undisturbed Stream Buffer shall not exceed 3,715 SF.
 - c) The area of undisturbed preservation shall be no less than 7,323 SF.

Council held a discussion with Director McCrary.

Public comments in favor of the request:

Christian Stark, 5316 Railroad Avenue, Flowery Branch, Georgia 30542.

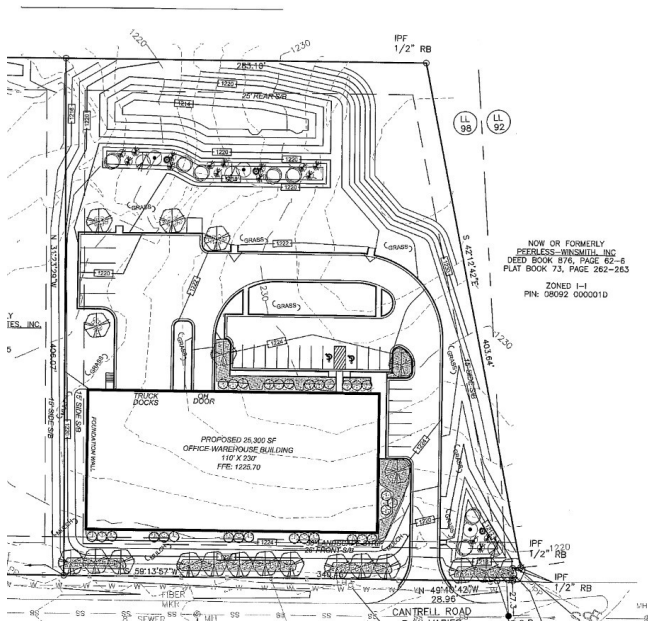
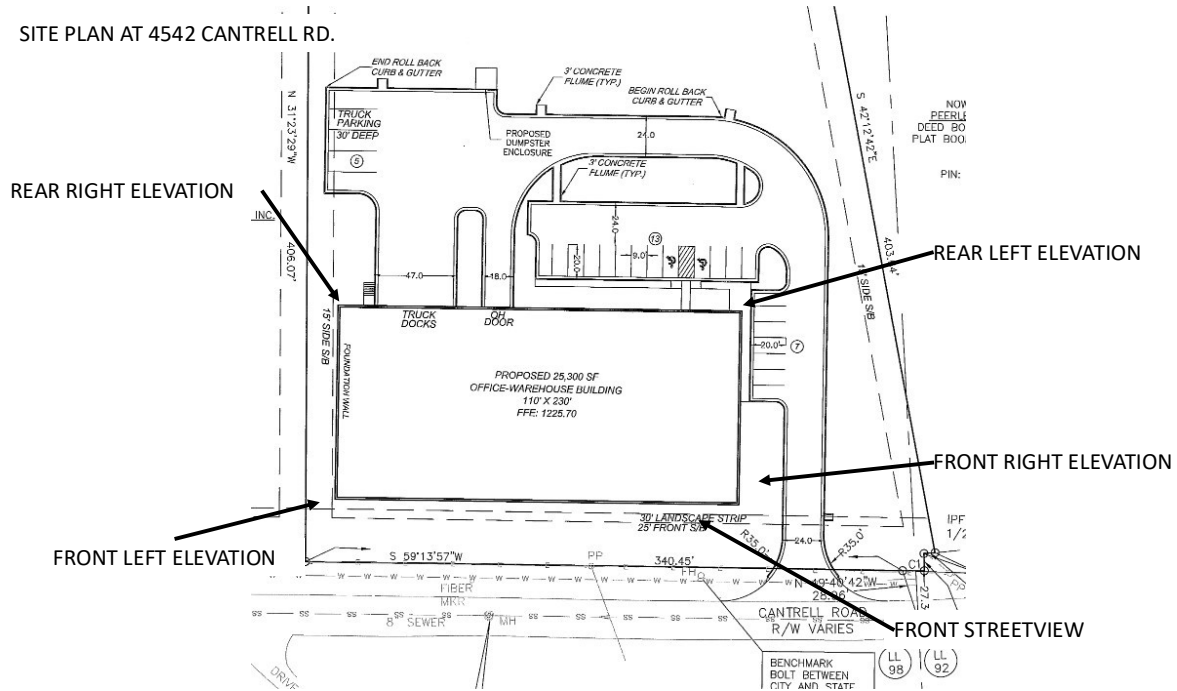
There being no one who wished to speak against the request, Mayor Asbridge closed the public hearing at 6:31 p.m.

Public Hearing for the Consideration of an Appeal of Administrative Decision of an Architectural Design Review for 4542 Cantrell Road

Director McCrary presented a consideration of an appeal of administrative decision of an architectural design review for 4542 Cantrell Road. The applicant submitted Architectural Design Review Plans for a proposed industrial development at 4542 Cantrell Road. The plans show the building will be constructed using corrugated metal with minimal fenestration. The building's elevation along Cantrell Road spans over 200 linear feet, with only three doors breaking up the façade. According to the Grading Plan, the building will be situated approximately 6 feet above street grade. Additionally, the applicant has proposed planting eleven red maple trees between the right-of-way and the building.

A staff report was prepared on or about August 23, 2024, and was provided to the applicant, resulting in a denial of the Architectural Design Review application. In response, the applicant has filed an Appeal of Administrative Decision on September 18, 2024, under Article 39, accompanied by a Letter of Intent.

SITE PLAN AT 4542 CANTRELL RD.

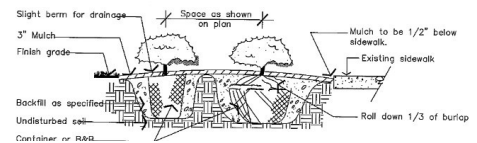


BIO-POND PLANTINGS:

SYMBOL	QUANTITY	COMMON NAME BOTANICAL NAME	SIZE	SPACING
○	1	DWF. BURFORD HOLLY ILEX BURFORDI 'NANA'	3 GAL. (MIN. 3' HT.)	MIN. 4' OC
○	3	WITCH HAZEL (NATIVE) HAMAMELIX VIRGINIANA	5 GAL. (MIN. 4' HT.)	MIN. 10' OC
○	3	INKBERRY (NATIVE) ILEX GLABRA	3 GAL. (MIN. 3' HT.)	MIN. 6' OC
○	7	CREEPING JUNIPER (NATIVE) JUNIPERUS HORIZONTALIS	3 GAL. (MIN. 3' HT.)	MIN. 6' OC
○	15	SWITCHGRASS (NATIVE) PANICUM VIRGATUM	1 GAL. (MIN. 18" HT.)	MIN. 3' OC
○	3	TICKSEED (NATIVE) COREOPSIS TINCTORIA	1 GAL. (MIN. 12" HT.)	MIN. 3' OC

LANDSCAPE PLANTINGS:

- (16) RED MAPLES (RED SUNSET) 2" CAL.
- (30) CRAPE MYRTLES (MULTI-TRUNK / SAME VAR.) 6-8' HT
- (54) CARISSA HOLLY 3 GAL.
- (141) DWF. YAUPOH HOLLY 2 GAL.
- (216) BLUE RUG JUNIPER 1 GAL. / 3' O.C.



Public comments in favor of the request:

William Olges, 4335 Woodward Way, Cumming, Georgia 30041.

Catherine Taylor, 5475 Aloha Way, Flowery Branch, Georgia 30542

There being no one who wished to speak against the request, Mayor Asbridge closed the public hearing at 6:469 p.m.

UNFINISHED BUSINESS - WORK SESSION:

Consider FY2024 Audit Presentation by Ruston LLC.

Justin Burruss, Rushton LLC presented the City of Flowery Branch Audit Report for the fiscal year ended June 30, 2024. In accordance with Government Auditing Standards, Rushton has issued their report on the consideration of the City of Flowery Branch, Georgia's internal controls and their tests of compliance. This report describes the scope of their testing of internal control and compliance, and the results of that testing, but is not intended to provide an opinion on internal control or compliance. No material weaknesses or significant deficiencies were noted in the internal controls of the City of Flowery Branch, Georgia over the compliance requirements applicable to the major programs.

Council held a discussion with Mr. Burruss regarding the audit.

NEW BUSINESS -WORK SESSION:

Consideration of Employee Insurance for Calendar Year 2025

City Manager Parrish presented consideration of employee insurance for calendar year 2025. Currently the city's employees have insurance available through Anthem and the plan ends December 31, 2024. Staff recommend remaining with Anthem for medical, dental and vision with insurance starting January 1, 2025. The dental proposal is a 5% rate increase (from \$41,619.36 to \$43,700.88). This is an increase of \$2,081.52. The flex spending account remains unchanged, and fees are paid for by the employees that are enrolled in the benefit.

The original proposal from Anthem Medical was a 48% increase in the annual costs. NFP completed a market analysis and received additional quotes from different carriers including a renegotiation with Anthem and received a revised quote from a 48% increase to 38% increase. Anthem provided multiple plan options for our review and consideration. All coverage remains the same at a 38% increase (from \$892,229 to \$1,231,281). This is an increase in \$339,052 per year. NFP went back to Anthem again for negotiations and Anthem provided a final quote with multiple plan options for review and consideration. The final revised renewal is as follows: all coverage remains the same at a 34% increase (from \$892,229 to \$1,195,592). This is an increase in \$303,363 per year. A premium credit will be applied to our first bill of January 2025 totaling 4% of the total premium for 2025 which means this will result in a total increase of 28.6% bringing the premium to \$1,147,765. In comparison to the FY25 budget, this renewal would equate to roughly \$168,000 budget increase to the city, as employees do pay a portion for coverage of their children, spouse, or family.

Council held a discussion with City Manager Parrish.

DEPARTMENT REPORTS:

City Clerk Report:

City Clerk Cooper reminded residents about the Meals on Wheels donations for our seniors that participate in that program for socks and throw blankets.

Department of Fun Report:

Director Carden noted upcoming events.

Finance Department Report:

Director Hamby thanked Ruston LLC for doing a great job with our audit. PAFR (Popular Annual Financial Reporting) is available for review.

Planning Department Report:

Director McCrary reported that they are providing electronic inspection request online now.

Public Works & Utilities Department Report:

Director Whidden complimented Rushton LLC. He also reported that he has received a lot of compliments on the holiday decorations.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 7:26 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 7:26 p.m.

PUBLIC COMMENTS: There were no public comments.

CONSENT AGENDA:

- Consider New Beer and Wine License for Crown Legacy, LLC. located at 6168 Gaines Ferry Road.
- Consider November 7, 2024 City Council Meeting Minutes

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

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

UNFINISHED BUSINESS - VOTING SESSION:

Consider Second Reading of Ordinance 722 to Consider a Rezoning from Agriculture (A) to Residential Low Density (R-1) for the following locations 6300, 6294, 6290, 6258, 6270, 6246 and 6249 Jones Road.

City Clerk Cooper read the caption for Ordinance 722.

There was a motion made to approve the second reading of Ordinance 722.

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

Consider Second Reading of Ordinance 723 to Consider a Change in the Zoning Ordinance that would create a Downtown Overlay District.

City Clerk Cooper read the caption for Ordinance 723.

There was a motion made to approve the second reading of Ordinance 723.

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

NEW BUSINESS - VOTING SESSION:

Consider First Reading of Ordinance 724 to Consider a Variance Request at 4627 Atlanta Highway.

There was a motion made to approve the first reading of Ordinance 724.

MOTION: Joe Anglin
SECOND: Oliver McClellan

Council held a discussion with Mr. Stark for a clear understanding on design of the building. Council Member Anglin stated he was not speaking of the renderings but would like a clear understanding of the buildings and more specifically the front elevations that will be facing the right of ways.

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte
NAYS: None
Motion carried

Consider an Appeal of Administrative Decision of an Architectural Design Review for 4542 Cantrell Road

There was a motion made to table the Appeal of the Administrative Decision until December 5, 2024, City Council Meeting.

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

Consideration of Employee Insurance for Calendar Year 2025

There was a motion made to approve staff's recommendations for employee insurance for calendar year 2025.

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

EXECUTIVE SESSION: There was no executive session held.

ADJOURNMENT:

There was a motion made to adjourn the meeting at 7:35 p.m.

MOTION: Joe Anglin

SECOND: Oliver McClellan

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte

NAYS: None

Motion carried

Edward R. Asbridge, Mayor

Date

Shelia Cooper, City Clerk