



**City of Flowery Branch
City Council Meeting
Thursday, December 07, 2023, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

ADOPTION OF AGENDA:

AWARDS & RECOGNITIONS

- FY 2022 Popular Annual Financial Report Award.
[Executive Summary - FY2022 PAFR Award.pdf](#)
[5 - Press Release.pdf](#)
[4 - PAFR Award.pdf](#)
[FY2023 Popular Annual Financial Report.pdf](#)

PUBLIC HEARING:

- Public Hearing to Consider an Annexation and Rezoning Request submitted by PR Land Investment
[01 Piedmont Residential Annexation App - 5170 Church St.pdf](#)
[02 Piedmont Residential Rezoning App - 5170 Church st..pdf](#)
[03 5170 Church st GIS map.pdf](#)
[04 Church Street 3D Renderings 11.8.2023\(43636486.1\).pdf](#)
[05 Letter to Hall County.pdf](#)
[06 Church Street Site Rendering 11-14-2023.pdf](#)
[Staff Report 5170 Church St.pdf](#)
- Public Hearing to Consider an Rezoning Request submitted by Edge City Properties
[01 Edge City Zoning Package 14.158 Acres 10.20.2023.pdf](#)
[Staff Report 5416 and 5408 Gainesville Street_Comments.pdf](#)
- Public Hearing to Consider a Conditional Use Permit Request submitted by Park Mini-Storage, LLC.
[1. Completed CUP Application Flowery Branch Carwash.pdf](#)
[2. CUP Exhibit.pdf](#)
[Satffreview_Conditional use analysis and description \(REV\).pdf](#)

NEW BUSINESS -WORK SESSION:

- FY2023 Audit Presentation
[Executive Summary - FY2023 Audit Presentation.pdf](#)
[Audit Presentation.pdf](#)
- Consider Resolution 23-012: Year-end Amendment to the Budget for FY2023.
[Executive Summary - FY2023 Year End Adjustments.pdf](#)
[Resolution 23-012.pdf](#)

[Attachment A - Year-end adjustment.pdf](#)

- Consider Amendment 1 to the Memorandum of Understanding (MOU) with Parkside Partners
[ES - Amendment 1 to MOU with Parkside Partners.pdf](#)
[Amendment 1 to the MOU Parkside.pdf](#)
- Approving the Appalachian Regional Commission's "Area Development Program" grant application created by the Georgia Mountains Regional Commission on the city's behalf.
[Flowery Branch ARC Pre-Application- FIRST DRAFT \(11.21.23\).docx](#)
[Executive Summary - ARC Grant Application Approval.pdf](#)

DEPARTMENT REPORTS: -

- a. City Manager Report
- b. City Clerk Report
- c. Department of Fun Report
- d. Finance Department Report
- e. Human Resources Report
- f. Planning Department Report
- g. Police Department Report
- h. Public Works & Utilities Report
- i. Attorney Report
- j. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider 2024 City Council Meeting Dates
[Unofficial 2024 Governing Body Meeting Calendar.pdf](#)
- Consider November 16, 2023 City Council Meeting Minutes
[Unofficial November 16, 2023 City Council Meeting Minutes.pdf](#)
- Consider November 16, 2023 Executive Session Minutes
- Consider November 2023 Per Diem for Mayor Asbridge
[Mayor Per Diem - November 2023.pdf](#)

NEW BUSINESS - VOTING SESSION:

- Consider First Reading of Ordinance 700 Amending the Charter of the City of Flowery Branch for more effective, efficient leasing of spaces.
[ES - Amend charter for leases Ordinance 700.pdf](#)
[Flowery Branch City Charter Amendment 10 16 23.pdf](#)
- Consider Resolution 23-012: Year-end Amendment to the Budget for FY2023.
[Executive Summary - FY2023 Year End Adjustments.pdf](#)

[Resolution 23-012.pdf](#)

[Attachment A - Year-end adjustment.pdf](#)

- Consider Amendment 1 to the Memorandum of Understanding (MOU) with Parkside Partners
[ES - Amendment 1 to MOU with Parkside Partners.pdf](#)
[Amendment 1 to the MOU Parkside.pdf](#)
- Approving the Appalachian Regional Commission's "Area Development Program" grant application created by the Georgia Mountains Regional Commission on the city's behalf.
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[Executive Summary - ARC Grant Application Approval.pdf](#)

EXECUTIVE SESSION:

ADJOURNMENT:

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



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: FY 2022 Popular Annual Financial Report Award.

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

The GFOA established the Popular Annual Financial Reporting Awards Program (PAFR Program) in 1991 to encourage and assist state and local governments to extract information from their annual comprehensive financial report to produce high quality popular annual financial reports specifically designed to be readily accessible and easily understandable to the general public and other interested parties without a background in public finance and then to recognize individual governments that are successful in achieving that goal.

FACTS AND ISSUES:

A panel of independent reviewers has completed its examination of your Popular Annual Financial Report (PAFR) submitted to Government Finance Officers Association (GFOA). We are pleased to notify you that your PAFR for the fiscal year ended June 30, 2022, has substantially met the requirements of the PAFR Program. In the absence of authoritative standards governing the presentation, these requirements are based on an evaluation of information presented, reader appeal, understandability, distribution, and other elements (such as whether the PAFR is a notable achievement for the government given the government's type and size, and the PAFR's creativity and usefulness). The report received a grade of either partially satisfies, good or excellent in each category weighted at 20% or higher from at least two of the three judges.

OPTIONS:

N/A

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

Yes

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

N/A

SAMPLE MOTION:

N/A

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - FY2022 PAFR Award.pdf](#)
- [5 - Press Release.pdf](#)
- [4 - PAFR Award.pdf](#)
- [FY2023 Popular Annual Financial Report.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: FY2022 Popular Annual Financial Report award.

DATE: December 07, 2023

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

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

COUNCIL ACTION REQUESTED ON: Discussion Only

PURPOSE:

Presentation of the FY2022 Popular Annual Financial Report award.

HISTORY:

The GFOA established the Popular Annual Financial Reporting Awards Program (PAFR Program) in 1991 to encourage and assist state and local governments to extract information from their annual comprehensive financial report to produce high quality popular annual financial reports specifically designed to be readily accessible and easily understandable to the general public and other interested parties without a background in public finance and then to recognize individual governments that are successful in achieving that goal.

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OPTIONS:

N/A

RECOMMENDED SAMPLE MOTION:

N/A

DEPARTMENT: Administration

Prepared by: Matthew Hamby



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

8/11/2023

For more information contact:
Michele Mark Levine, Director/TSC
Phone: (312) 977-9700
Fax: (312) 977-4806
Email: mlevine@gfoa.org

(Chicago, Illinois)—Government Finance Officers Association is pleased to announce that **City of Flowery Branch** has received GFOA's Award for Outstanding Achievement in Popular Annual Financial Reporting (PAFR Award) for its Popular Annual Financial Report for the fiscal year ended June 30, 2022.

The Award represents a significant achievement by the entity. In order to be eligible for the PAFR Award, a government must also submit its annual comprehensive financial report to GFOA's Certificate of Achievement for Excellence in Financial Reporting Program and receive the Certificate for the current fiscal year. Each eligible report is reviewed by judges who evaluate the report based on the following categories: reader appeal, understandability, distribution methods, creativity and other elements.

Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources, and practical research for more than 21,000 members and the communities they serve.



Government Finance Officers Association

Award for
Outstanding
Achievement in
Popular Annual
Financial Reporting

Presented to

**City of Flowery Branch
Georgia**

For its Annual Financial Report
For the Fiscal Year Ended

June 30, 2022

Christopher P. Morill

Executive Director/CEO

FISCAL YEAR ENDED JUNE 30, 2022

CITIZENS' FINANCIAL REPORT



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Audit Services¹¹

YOUR GUIDE TO CITY FINANCES



Mayor: Asbridge



Chris Mundy



William McDaniel



Joseph Mezzanotte



Oliver McClellan



Joe Anglin

2022 Mayor & City Council

THE CITY PROVIDES A SIGNIFICANT AMOUNT OF FINANCIAL DETAIL IN ITS ANNUAL CERTIFIED FINANCIAL REPORT (ACFR). FOR THOSE WITHOUT AN ACCOUNTING BACKGROUND, THE ACFR CAN BE DIFFICULT TO UNDERSTAND.

The Guide you are reading now, the Popular Annual Financial Report (PAFR), is designed for those without an accounting background and aims to make interpreting the data easier. This guide focuses on financial results over the past Fiscal year.

Financial information is derived from the independently audited statements that are part of the ACFR and includes condensed and simplified information from the ACFR, budget, and other reports. The PAFR is a recommended practice of the Government Finance Officers Association (GFOA): the authority on best practices in governmental accounting and financial reporting.

Flowery Branch has submitted its ACFR for the GFOA Certificate of Achievement for Excellence in Financial Reporting (COA) Program award and has received the GFOA award for Distinguished Budget Presentation for **3 Consecutive years**. This is proof our Finance Department is repeatedly getting things right when it comes to Financial accounting, reporting, and planning.

To earn these Certificates of Achievement, the City must annually publish an easily readable and efficiently organized budget and ACFR that conform to program standards. Such reports must satisfy both generally accepted accounting principles (GAAP) and accepted legal requirements. In addition, Flowery Branch has submitted our Popular Annual Financial Report for the GFOA Outstanding Achievement in Popular Annual Financial Reporting award.



LETTER FROM THE CITY MANAGER

Each year, the City assesses its priorities as it looks into the future and centers on the needs and well-being of the citizens and the community at large.

Aligning with the City's priorities, there are multiple ongoing construction projects in the Downtown area that demonstrated the strategic thinking and re-imagining of the Flowery Branch Downtown. These projects will bring additional retail and restaurant opportunities, along with event space, to the Downtown area which align with the City's economic priorities and strategic vision. One of these projects is a mixed-use development on Main Street. It will include retail and restaurant space along with luxury condominiums. Additionally, this development includes an event space known as the Market Pavilion and an amphitheater that seats approximately 1,000 people. The project marks Phase 1 of Downtown Development and is scheduled to be completed in early 2023.

Another important aspect to any community is enhancing the health and well-being of its citizens by creating access to recreation and greenspace. While some of the Downtown Development Phase 1 will add pieces of greenspace, Downtown Development Phase 2 is anticipated to enhance this area further. Downtown Development Phase 2 anticipates providing connectivity to the Highlands to Islands trail system (a 35 mile multi-use path designed to connect the Rock Creek Greenway and Gainesville Square to the Multi-use pathways along Friendship Road and Lanier Islands Parkway near Flowery Branch) and add additional parks and other greenspace areas.



FISCAL SUSTAINABILITY

The City of Flowery Branch's conservative budgeting and prudent fund balance policies have resulted in strong reserves while retaining ample financial flexibility. The City consistently excels as fiscal stewardship, earning top tier bond ratings from Moody's. Also, the City anticipates winning the GFOA Certificate of Achievement for Excellence in Financial Reporting for the 1st time.

How do we know if the City's finances are in good shape? The City is financially healthy because it delivers the services its residents expect with the resources its residents provide. What are the management policies and procedures that keep our finances in good order? Here are some of the tools the City of Flowery Branch use:

BALANCED BUDGET:

Georgia State Statutes require that the city adopt a balanced budget each year. A budget is balanced if recurring revenue matches recurring expenditures.

DEBT:

Most people don't pay cash for major investments, like a home, but instead responsibly use debt to spread the cost of larger purchases over time. Like a household with finances in good shape, the City's general obligation debt is well under the State of Georgia's statutory limits.

FINANCIAL PLANNING

The City uses budget analysis, revenue projections, and the Capital Improvement Program to determine future needs, timing, and acquisition of assets. These plans allow the City to work out, in advance, the optimal method of maintaining fiscal stewardship.

REGULAR REPORTING:

On a quarterly basis and through the City's transparency portal, the Finance department presents a financial review to City Council. Having a formal mechanism to monitor revenue and expenditure performance at regular intervals is a key feature of stable financial performance.

FUND BALANCE

Like a savings account, cities prepare for the unexpected by having reserves in the form of fund balance. These reserves provide financial flexibility to react to economic downturns or other unforeseen circumstances in a timely manner. There is no single number in governmental accounting and financial reporting that attracts more attention than the fund balance. Fund balance maintenance is a major factor considered by bond rating agencies when evaluating the City's credit worthiness. For the fiscal year end, the City is above target.



GOVERNMENTAL REVENUE

TOTAL REVENUE EQUALS
13.9 Million



FINANCIAL RESULTS

ANNUAL AUDIT:

Georgia State Statutes require that an annual audit be performed by an independent certified public accountant to ensure that the City is complying with generally accepted accounting principles (GAAP). This annual audit relates to the City's Annual Comprehensive Financial Report (ACFR) and seeks to confirm that the City's Financial statements "present fairly, in all material respects, the respective financial position" of the City of Flowery Branch. This report can be found on the City's website or here: <https://www.flowerybranchga.org/finance/page/annual-financial-reports>.

40% of the General Fund revenue. Total General Fund expenditures were **4.66 million**. Public Safety accounted for approximately **1.6 million (34%)** of total expenditures in the General Fund.

This fiscal year, the City's General Fund revenue exceeded its expenditures by **\$775,877**.

GENERAL FUND:

The General Fund is the City's primary operating account, and accounts for the revenue and expenditures associated with operating traditional local governmental services such as police, public works, general administration, and public works.

For FY2022, total General Fund revenue was **6.65 million**. Property Tax revenue was approximately **\$2.67 million** and provided approximately



GOVERNMENTAL EXPENSES



HOUSING
1.25 M



GENERAL
GOVT
1.36 M



WATER
SEWER
2.66 M



PUBLIC
SAFETY
1.69 M



PUBLIC
WORKS
1.88 M



OTHERS
0.56 M

TOTAL EXPENDITURES EQUALS

9.4 Million



WHAT IS BOND FINANCING?

Bond financing is a type of long-term borrowing that the City uses to raise money, primarily for long-lived infrastructure assets. The City obtains money by selling bonds to investors. In exchange, the City promises to repay this money, with interest, according to specified schedules. For tax-exempt issuance, the interest the City has to pay investors on the bonds it uses for public infrastructure is exempt from federal and state income taxes, which makes the City's interest cost on the bonds less than it otherwise would be.

LONG-TERM FINANCIAL PLAN:

The City maintains a multi-year financial plan that provides information to clearly identify if there is a deficit at the beginning of the budget development process. This is a crucial component of planning for the future. This plan projects the financial impact of achieving the objectives in the strategic plan and helps to identify resources needed to fund those objectives.

Flowery Branch continues with its forward-looking capital budget, presenting a long-term Capital Improvement Program (CIP) to City Council. Figuring out how much money the City can afford to pay and how much debt to issue are parts of the CIP process. The process is vital to the City because it is the principal planning tool aligning capital needs with growth and development. This program is developed for a five-year period and is updated and revised annually.

CREDIT RATINGS?

Flowery Branch's. Credit position is outstanding. The City has a High Grade, Aa2, allowing it to borrow at lower interests rates and to save taxpayers' money. Credit ratings are important because they define the universe of buyers for the debt obligations, the price that will be paid to obtain credit, and they heavily influence how much it costs to borrow the cash required to support the capital program, when necessary.

DEBT ADMINISTRATION:

As of year-end, the City had **\$10.44 million** in debt (e.g., bonds, notes) outstanding compared to **\$11.08 million** in prior fiscal year, a **5.8 decrease**.

The City is subject to the State Statutes of Georgia that limits the net bonded debt the City may have outstanding up to 10% of the appraised value of property subject to taxation. As of June 30, 2022 the City's total property value was **\$580.1 million** providing a debt margin of **\$58.1 million**.



OUTSTANDING DEBT

FISCAL YEAR 2022

Contracts Payable
\$1,093,193

Revenue Bonds
\$9,342,835

TOTAL 10.44 MILLION

FISCAL YEAR 2021

Contracts Payable
\$1,163,388

Revenue Bonds
\$9,914,382

TOTAL 11.08 MILLION



A budget is a financial plan. Each year the City adopts its annual operating budget that allocates limited dollars to the highest community priorities. Effective and efficient administration is a product of many factors, but none take on the importance of budgeting since it is during the budgeting process that critical policy and administrative decisions are made.

Rather than trying to manage all its money in one pool, the City uses fund accounting to keep track of money. The City's budget is comprised principally of two major funds: the General Fund and the Enterprise Fund (Water & Sewer). The General Fund is financed primarily by property and sales tax revenues and supports core services, such as public safety. The Enterprise Fund is used to account for operations that are financed and operated in a manner similar to private business enterprises. The total budget for FY 2023 is **\$38.61 million** compared to **\$37.73 million** for FY2022, an increase of **2.3%**.

The tax rate for this year's budget remains the same at **3.264**, or **\$3.264 per \$1,000** of assessed value. The City of Flowery Branch bills on 40% of the assessed value.

The Water and Sewer Fund budget effectively supports both water and sewer operations, capital needs, and infrastructure debt service cost. Increases for water and sewer charges were approved for 2023 to support the Capital Improvement Program projects planned for compliance and rehabilitation in the next couple of years. The total rate increase for the average customer is approximately **8.7%** effective January 1, 2023 and July 1, 2023.

FY 2023 BUDGET

WHERE ARE YOUR PROPERTY TAXES GOING THIS YEAR?



**PUBLIC
SAFETY
34.3%**

**PUBLIC
WORKS
17.7%**

**GENERAL
ADMIN
15.7%**

**COMMUNITY
DEVELOPMENT
14.7%**

**CAPITAL
&
TOURISM
17.6%**

FY 2022 BY THE NUMBERS

10,144

ESTIMATED POPULATION

53

FULL-TIME EMPLOYEES

9,552

UTILITY WINDOW CUSTOMERS

96

PAVEMENT REPAIRS

81

STREET SIGNS REPLACED

55

STREET MILES

93

METER REPLACED OR INSTALLED

PUBLIC SAFETY

24

PATROL UNITS

4,190

CALLS FOR SERVICE

188,581

POLICE VEHICLE MILES

BUILDING PERMITS

390

RESIDENTIAL PERMITS

537

CERTIFICATE OF OCCUPANCIES

13,804

SOIL & EROSION INSPECTIONS

3,490

BUILDING INSPECTIONS

WATER MANAGEMENT

20

MILES OF WATER MAINS

1,787

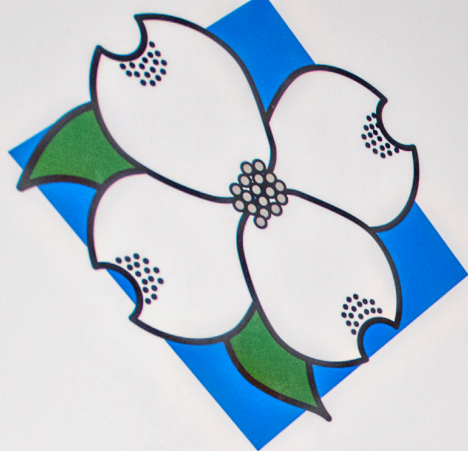
RESIDENTIAL WATER CUSTOMERS

997,000

MAX DAILY CONSUMPTION

336,698

AVERAGE DAILY CONSUMPTION



Flowerly Branch

1805

Vann's Tavern and ferry crossing the Chattahoochee River was established in 1805 by Chief James Vann as an integral part of the early transportation network of the Flowerly Branch region.



1813

The U.S. Government undertook the construction of a roadway (following old Native American trails) extending from North Georgia to points south (Augusta and Macon) and north to Tennessee.



1874

Flowerly Branch was incorporated. There are two opinions about how the name Flowerly Branch was derived. At one time Flowerly Branch was the site of a large Indian trading post. Knowledgeable is an Indian name and means "flowerly on the branch". Natchagahla is also an Indian name and means "flower creek".



1818

While en route to Spanish West Florida to engage in the First Seminole War, General Andrew Jackson, his staff and two companies of militia lodged at Young's Tavern on the Old Federal Road, now State Route 13 (Falcon Parkway) near its intersection with Hog Mountain Road.



Produced by
Wisdom Project 2030
of Hall County, Georgia
Wilson Golden, Historian
Garrett Hart, Graphic Design
February 2022



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Public Hearing to Consider an Annexation and Rezoning Request submitted by PR Land Investment

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

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FACTS AND ISSUES:

annexation and rezoning of 10.73 +/- acres of the remaining unincorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001, from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development (TND). If annexed, it is requested to rezone the 12.57 +/- acres of the incorporated portion of land known as 5170 Church Street and described as tax parcel identification number 08112 012001 from Residential, Detached Single Family, Low-Density District (R-1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development (TND) and construct 117 detached single -family homes.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time

SAMPLE MOTION:

No motion at this time.

COLLABORATING DEPARTMENT:

Planning

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- 01 Piedmont Residential Annexation App - 5170 Church St.pdf
- 02 Piedmont Residential Rezoning App - 5170 Church st..pdf
- 03 5170 Church st GIS map.pdf
- 04 Church Street 3D Renderings 11.8.2023(43636486.1).pdf
- 05 Letter to Hall County.pdf
- 06 Church Street Site Rendering 11-14-2023.pdf
- Staff Report 5170 Church St.pdf



ANNEXATION APPLICATION

Date: 10.20.2023

Address of Request:

5170 Church Street, Flowery Branch, GA 30542

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

City Clerk Signature

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:

1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature:

Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP

Property owner information (if different than the applicant)

Property owner (please print): See attached Owner signature page

Signature of property owner: See attached Owner signature page



ANNEXATION APPLICATION

Date: _____

Address of Request:

5170 Church St.
Flowery Branch, GA 30542

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

City Clerk Signature _____

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:
1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: See attached Applicant signature page
(Authorized Agent for PR Land Investments, LLC)

Property owner information (if different than the applicant)

Property owner (please print): Kathy S. Taylor

Signature of property owner: Kathy S. Taylor



ANNEXATION APPLICATION

Date: _____

Address of Request:

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

City Clerk Signature _____

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address: _____
1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: _____
(Authorized Agent for PR Land Investments, LLC)

Property owner information (if different than the applicant)

Property owner (please print): See attached Owner signature page

Signature of property owner: See attached Owner signature page



Property Information

Tax Map Number: 08112 012001

Current Zoning: AR-III, R-1 and M-1 Total site area: 23.3 acres,
Total Acres: Area being annexed: 10.73 acres

Is this property contiguous to the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: TND

Proposed City of Flowery Branch Character Area: Traditional Neighborhood

Current Use: Single-Family detached dwelling and accessory structures

Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a **DRI** (Development of Regional Impact) study? No DRI required

Voting Rights Act Information

Resident Population: _____ Housing Units: _____ Other Buildings: _____

Race Population %: White _____ Black _____ Hispanic _____ Other _____

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

- Legal description
- Current survey of property
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application
- Annexation $\geq$ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- Reasons for requesting annexation
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Disclosures



Conflict of Interest Disclosure

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

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

N/A

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

N/A

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

N/A

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A



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

No

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

No

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

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Amount of Description of Gift

N/A

N/A



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No

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

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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

No

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Amount of Description of Gift

N/A

N/A



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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

No

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

No

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

No

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

N/A

N/A



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

No

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

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Elected Officials Name

Amount of Description of Gift

N/A

N/A



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

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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

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

Elected Officials Name

Amount of Description of Gift

N/A

N/A

Legal Description

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;

thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;

thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;

thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;

thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;

thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;

thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;

thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);

thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);

thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;

thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.

Survey

Hall County, GA



Site Plan

Letter of Intent

STATEMENT OF INTENT
IMPACT ANALYSIS

and

Other Material Required by
The City of Flowery Branch, Georgia Zoning Code
for the Annexation and Rezoning Application

of

PIEDMONT RESIDENTIAL, LLC

Application

Total area to be Rezoned to Traditional Neighborhood Design (TND): ± 23.3 Acres

Consisting of

Flowery Branch portion: 9.93 Acres zoned R-1 and 2.64 Acres zoned M-1

Hall County portion: 10.73 Acres zoned AR-3 and proposed for annexation

Parcel ID 08112 012001

Located along Gainesville Street

Submitted for Applicant by:

Kirk Fjelstul
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This application seeks to rezone ±23.3 acres of land (“Property”) to a Traditional Neighborhood Development (TND) classification. The Property is “split zoned” into three zoning classifications and a portion of the Property is in unincorporated Hall County. 12.57 acres of the are in the City of Flowery Branch, of which 9.93 acres to the northwest are zoned R-1 and 2.64 acres to the southwest are zoned M-1.

The portion of the Property that is in unincorporated Hall County is the subject of the annexation application. It consists of 10.73 acres, is zoned AR-3 under the County’s ordinance and generally is the east side of the Property. It is virtually an unincorporated island, entirely surrounded by the City to the north (fronting Gainesville St.), west, and east. A small segment of the southern boundary connects to the rest of the unincorporated County through a thin sliver along the railroad.

The proposed development as shown on the site plan (“Development”) consists of up to 117 single family homes at an overall density of 5 units/acre, with amenities such as a pickleball court, dog park, and passive park. Consistent with the proposed TND zoning, the Development incorporates smaller lots with the homes located close to the street, and rear entry garages that are accessed through the use of alleys. The 5 units/acre density is well below the 6.5 units/acre maximum.

It should be noted that while the Development is consistent with both the zoning and the Character Area classification in the Comprehensive Plan, there are differences from the TND that are the result of feedback from the City, rather than the original design of the site plan. Those differences largely stem from a desire for curvilinear streets instead of block faces. The curvilinear streets result in differences from some of TND design standards and also require variances. Staff

is aware and advised the Applicant to identify variances with a chart on the site plan.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent zone along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to in-town residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with TN.

The design principals for the TN Character Area emphasize little, if any, building setbacks and the principles call for porches, rear-entry garages, and smaller lots with higher density. Land uses in the TN Character Area include single-family detached dwellings and the only compatible zoning is TND. As a result, the Development and the proposed zoning are both consistent with the Comprehensive Plan.

This document is submitted as an analysis of the standards in the City's ordinance for rezonings. It also includes the statements required to preserve constitutional rights.

II. ANALYSIS OF ZONING STANDARDS

A.

WHETHER THE PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

Piedmont ("Applicant") seeks to develop the Property for 117 detached single family

homes (approx. 5 units/acre). The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD.

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

B.

WHETHER THE PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well

below the maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown.

C.

WHETHER THE PROPERTY TO BE AFFECTED BY THE PROPOSAL CAN BE USED IN ACCORDANCE WITH THE EXISTING REGULATIONS AND HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

The Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

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.

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on infrastructure.

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.

The Property is in a TN Character Area designation in the Comprehensive Plan and the

TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

**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.**

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

G.
EXISTING USE(S) AND ZONING OF THE SUBJECT PROPERTY AND NEARBY PROPERTIES.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to intown residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

H.
EXISTING VALUE OF THE PROPERTY UNDER THE EXISTING ZONING DISTRICT CLASSIFICATION, THE EXTENT TO WHICH THE PROPERTY VALUE OF THE SUBJECT PROPERTY IS DIMINISHED BY THE EXISTING ZONING DISTRICT, AND THE VALUE OF THE PROPERTY UNDER THE PROPOSED ZONING DISTRICT; IF SUCH INFORMATION IS PROVIDED BY THE APPLICANT OR CAN BE DISCERNED. THIS CONSIDERATION MAY INCLUDE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT OR UNUSED AS CURRENTLY ZONED AND EFFORTS TAKEN BY THE PROPERTY OWNER(S) TO USE THE PROPERTY OR SELL THE PROPERTY UNDER THE EXISTING ZONING DISTRICT CLASSIFICATION.

The Property cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds

and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

**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.**

The proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

**J.
THE POSSIBLE CREATION OF AN ISOLATED ZONING DISTRICT UNRELATED
TO ADJACENT AND NEARBY DISTRICTS.**

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

K.
**POSSIBLE EFFECTS OF THE CHANGE IN ZONING DISTRICT MAP, OR CHANGE
IN USE, ON THE CHARACTER OF A ZONING DISTRICT.**

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

L.
**THE POSSIBLE IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT
LIMITED TO, DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING,
AIR QUALITY AND WATER QUALITY.**

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

M.
**THE RELATION THAT THE PROPOSED MAP AMENDMENT OR CONDITIONAL
USE BEARS TO THE PURPOSE OF THE OVERALL ZONING SCHEME AND THE
PURPOSES OF THIS ZONING ORDINANCE.**

The proposed rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near

the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

III. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the City of Flowery Branch County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that not approving the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of

Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning and annexation be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City.

This 20th day of October, 2023.

Respectfully submitted,



Kirk Fjelstul
Attorney for Applicant

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

Adjoining Property Owners

Search Results

19 Results

☐ Show Property Photos

Parcel ID	Owner		Property Address	Map
08098 001019	NEDRA ANN JONES	1	5183 GAINESVILLE ST	Map
08112 012001	MILDRED BLACK BUTLER	Subject	5170 CHURCH ST	Map
08112 012001A	LINDA D MILLWOOD BAUGH D. LINDA		5285 GAINESVILLE ST	Map
08112 012002	ZACHARY DOUGLAS SWANSEY	2	5259 GAINESVILLE ST	Map
08112 012003	VARCHI INNOVATIONS LLC	3	5210 CHATTAHOOCHEE ST	Map
08112 012004	FB EVER READY, LLC	4	5204 CHATTAHOOCHEE ST	Map
08112 012005	DOWNTOWN HOMES 2, LLC	5	5185 CHURCH ST	Map
08112 012006	FLOWERY BRANCH MINI STORAGE SVCS, LLC	6	5175 CHURCH ST	Map
08112 012007	MICHAEL PRENTISS PRENTISS AMANDA MARIE	7	5216 CHATTAHOOCHEE ST	Map
08112 012008	CHATAHOOCHEE HOMES LLC	8	5224 CHATTAHOOCHEE ST	Map
08112 027030	BRENDA K STOUGH HANNA JEFFERY L	9	5280 GAINESVILLE ST	Map
08112 027031	ARNOLD WRIGHT	10	5270 GAINESVILLE ST	Map
08112 027032	JOSEPH D ROARK	11	5260 GAINESVILLE ST	Map
08112 027033	JOE DAVIDSON ROARK	12	5254 GAINESVILLE ST	Map
08112 027034	RUSSEL MORGAN HUDGENS HUDGENS HEATHER ANN	13	5248 GAINESVILLE ST	Map
08112 027035	REBECCA TRACY BAGWELL	14	5234 GAINESVILLE ST	Map
08112 027036	REBECCA TRACY BAGWELL	15	5220 GAINESVILLE ST	Map
08112 027036A	W J COFER COFER MONTEZ B	16	5206 GAINESVILLE ST	Map
		17		



Developed by
 Schneider
GEOSPATIAL

Property Owner Inspection Authorization

Inspection Authorization

Mildred Black Butler
106 Robertson Ct., NW
Dawsonville, GA 30534

08112 012001 (5170 Church Street)

I, Kathy Taylor, administrator of the estate of Mildred Black Butler, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning and annexation requests filed by PR Land Investments, LLC (c/o Kirk R. Fjelstul) related to the referenced property and consent to same. Please allow this document to serve as my authorization of the City of Flowery Branch staff and/or City Council to inspect the subject property.

Kathy S. Taylor

Kathy S. Taylor

Date: Oct. 14-2023

Sworn to and subscribed before me
this 14 day of October, 2023

Vipul Gupta
NOTARY PUBLIC

Commission Exp 02-02-2027





REZONING APPLICATION

Date: 10.4.2023

Address of Request:

5170 Church Street, Flowery Branch, GA 30542

Tax Map # 08112 012001 Current Zoning: AR-III, R-1 and M-1

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

Currently a conforming use? Yes.

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

Applicant Information

Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address: 1105 W. Peachtree Street, NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: 

Notary: Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP







Property owner information (if different than the applicant)

Property owner (please print): Kathy S. Taylor

Signature of property owner: Kathy S. Taylor

Notary:



Wendy Giglia
exp 10/09/2027

Property Information

Tax Map Number: 08112 012001

Current Zoning: AR-III, R-1 and M-1 Total Acres: 23.30

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

Proposed City of Flowery Branch Zoning: TND (Traditional Neighborhood Development)

Current Use: Single-Family detached residential

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



REZONING APPLICATION

Date: 10.4.2023

Address of Request:

5170 Church Street, Flowery Branch, GA 30542

Tax Map # 08112 012001 Current Zoning: AR-III, R-1 and M-1

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

Currently a conforming use? Yes.

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

Applicant Information

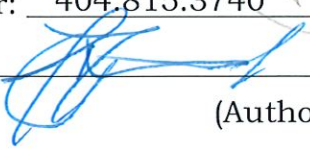
Name: PR Land Investments, LLC, c/o Kirk R. Fjelstul - Smith, Gambrell,
and Russell, LLP

Address:

1105 W. Peachtree Street, NE, Suite 1000, Atlanta, GA 30309

E-mail address: kfjelstul@sgrlaw.com

Phone number: 404.815.3740

Signature: 

Notary:

(Authorized Agent for PR Land Investments, LLC)



Legal Description

Overall Acreage of Property

Survey Legal Description for Parcel 08112 012001:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 23.302 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street, said pin being the TRUE POINT OF BEGINNING.

Thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;

thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Zachary Douglas Swansey, South 56 degrees 49 minutes 50 seconds East with a distance of 244.61 feet to an 1/2" iron pin set;

thence North 33 degrees 16 minutes 52 seconds East with a distance of 244.82 feet to an 1/2" iron pin set;

thence North 56 degrees 47 minutes 35 seconds West with a distance of 241.04 feet to an 1/2" iron pin set on the southerly right-of-way of Gainesville Street;

thence leaving said course and following along said right-of-way, North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;

thence North 33 degrees 25 minutes 45 seconds East with a distance of 148.37 feet to a point;

thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;

thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);

thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 605.45 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Show House Design LLC., North 54 degrees 55 minutes 01 seconds West with a distance of 252.65 feet to an 1/2" iron pin found on the Easterly right-of-way of Church Street (40' R/W);

thence leaving said course and following said right-of-way, North 54 degrees 55 minutes 01 seconds West with a distance of 40.00 feet to an 1/2" iron pin set;

thence South 35 degrees 36 minutes 08 seconds West with a distance of 444.19 feet to an 1/2" iron pin found;

thence leaving said right-of-way and following a course bounded by the property now or formerly of FB Ever Ready LLC., North 45 degrees 30 minutes 40 seconds West with a distance of 102.20 feet to an 1/2" iron pin found;

thence leaving said course and following a course bounded by the property now or formerly of Coggins to an unspecified point, thence leaving said course and following a course bounded by the property now or formerly of Hutson, North 45 degrees 30 minutes 40 seconds West with a distance of 339.73 feet to an 1/2" iron pin set;
thence leaving said course and following a course bounded by the property now or formerly of Millwood, North 48 degrees 46 minutes 08 seconds West with a distance of 200.72 feet to the TRUE POINT OF BEGINNING.

Portion of property to be Annexed

Survey Legal Description for Parcel 08112 012001 Within Zone AR-III:

All that tract or parcel of land, together with improvements thereon, lying and being in Land Lot 112 / 8th District, Hall County, Georgia, containing 10.731 acres of land, more or less, and being more particularly described as:

COMMENCING at a nail at the centerline intersection of Gainesville Street (60' R/W) and Chattahoochee Street, thence North 44 degrees 33 minutes 53 seconds East with a distance of 175.88 feet to an iron pin set on the southerly right-of-way of Gainesville Street;
thence following along said right-of-way, North 34 degrees 39 minutes 58 seconds East with a distance of 157.22 feet to a point;
thence North 34 degrees 26 minutes 30 seconds East with a distance of 107.22 feet to an 1/2" iron pin set;
thence North 34 degrees 11 minutes 24 seconds East with a distance of 225.02 feet to an 1/2" iron pin set;
thence North 33 degrees 36 minutes 27 seconds East with a distance of 98.38 feet to a point;
thence North 33 degrees 25 minutes 43 seconds East with a distance of 13.16 feet to a point within Hall County limits (Zoned AR-III), said point being the TRUE POINT OF BEGINNING.

Thence North 33 degrees 25 minutes 45 seconds East with a distance of 135.22 feet to a point;
thence following along an arc of a curve to the left, said curve having a radius of 1148.40 feet, having a chord bearing of North 25 degrees 26 minutes 55 seconds East and a chord distance of 359.88 feet, and an arc length of 361.37 feet to a point;
thence North 17 degrees 22 minutes 06 seconds East with a distance of 397.10 feet to an iron axle found;
thence leaving said right-of-way and following a course bounded by the property now or formerly of Nedra Ann Jones, South 30 degrees 22 minutes 58 seconds East with a distance of 1236.04 feet to a point on Southern Railway (200' R/W);
thence leaving said course and following along the northerly right-of-way of said railway, South 34 degrees 56 minutes 24 seconds West with a distance of 169.13 feet to a point;
thence leaving said right-of-way and following a course bounded by the City Limits of Flowery Branch (Zoned M1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 58 degrees 25 minutes 06 seconds West and a chord distance of 266.83 feet, and an arc length of 266.94 feet to a point;
thence leaving said course and following a course bounded by the City Limits of Flowery Branch (Zoned R1), along an arc of a curve to the left, said curve having a radius of 2597.33 feet, having a chord bearing of North 69 degrees 02 minutes 48 seconds West and a chord distance of 694.59 feet, and an arc length of 696.68 feet to the TRUE POINT OF BEGINNING.

Survey

eFiled and eRecorded
 DATE: 03/23/2022
 TIME: 4:42 PM
 PLAT BOOK: 881
 PAGE: 341 - 341
 FILING FEES: \$10.00
 PART ID: 5248905967
 RECORDED BY: NB
 Charles Baker, C.S.C
 Hall County, GA

THE FOLLOWING GOVERNMENT
 BODIES HAVE APPROVED THIS MAP,
 PLAT, OR PLAN FOR FILING:
 HALL COUNTY, GEORGIA
 SIGNED: *Charles Baker*
 DATE: *March 23, 2022*

THE FOLLOWING GOVERNMENT
 BODIES HAVE APPROVED THIS MAP,
 PLAT, OR PLAN FOR FILING:
 CITY OF FLOWERY BRANCH, GEORGIA
 SIGNED: *Charles Baker*
 DATE: *March 23, 2022*

OWNER'S CERTIFICATE

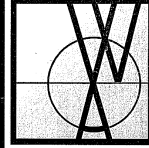
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED
 TO HEREIN, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT
 THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, THAT ALL STATES AND COUNTY TAXES ON
 OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID.

SIGNED: *Zachary Douglas Swansey* DATE: *2-10-2022*
 NAME: DATE:

OWNER'S CERTIFICATE

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED
 TO HEREIN, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT
 THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, THAT ALL STATES AND COUNTY TAXES ON
 OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID.

SIGNED: *Needra Ann Jones* DATE: *3-1-22*
 NAME: DATE:



W&A
 Engineering

355 Oneta Street, Suite D100
 Athens, GA 30606
 P: (706) 310-6000 • F: (706) 310-0411
 wsaengineering.com

ALL INFORMATION SHALL BE THE PROPERTY OF W&A ENGINEERING. NO INFORMATION SHALL BE DISCLOSED TO ANY OTHER PARTY WITHOUT THE WRITTEN PERMISSION OF W&A ENGINEERING. THE INFORMATION SHALL BE USED ONLY FOR THE PROJECT AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

RECOMBINATION BOUNDARY SURVEY FOR:
ZACHARY DOUGLAS SWANSEY
 5259 GANESVILLE STREET, FLOWERY BRANCH
 HALL COUNTY, GEORGIA - LAND LOT 112, 8TH DISTRICT

DATE: 09/22/2021

REVISION DATE:

02/11/2022

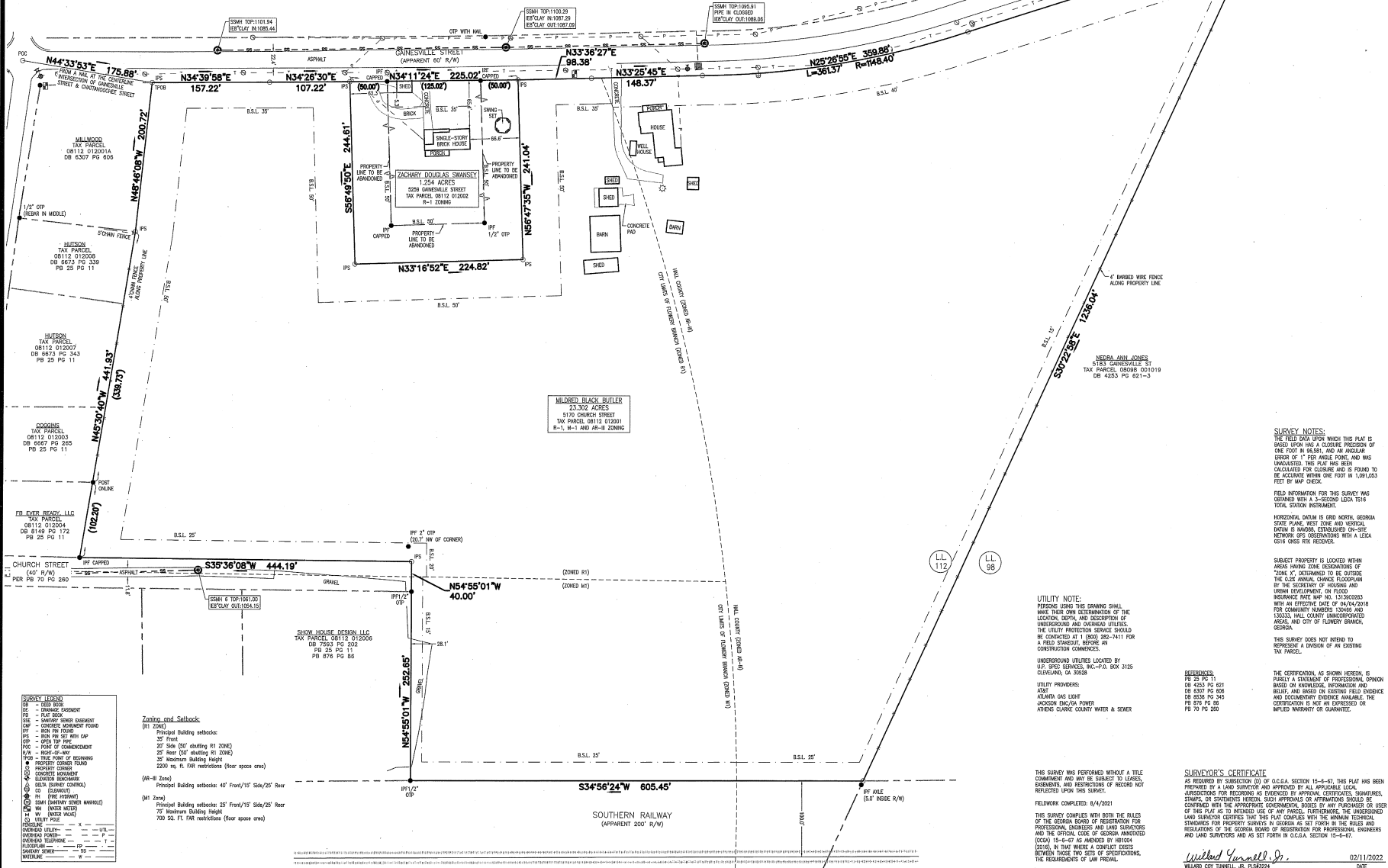
DRAFTED BY: AC

REVIEWED BY: TD



210362

0 30 60 120
 SCALE 1" = 60'



SURVEY NOTES:
 THE FIELD DATA UPON WHICH THIS PLAT IS
 BASED UPON HAS A CLOSURE PRECISION OF
 ONE FOOT IN 10,000, AND AN ANGULAR
 ERROR OF 1" PER ANGLE POINT, AND WAS
 UNADJUSTED. THIS PLAT HAS BEEN
 CALCULATED FOR CLOSURE AND IS FOUND TO
 BE ACCURATE WITHIN ONE FOOT IN 1,000,000
 FEET BY ANY CHECK.

FIELD INFORMATION FOR THIS SURVEY WAS
 OBTAINED WITH A 5-SECOND LEICA TS16
 TOTAL STATION INSTRUMENT.

HORIZONTAL DATUM IS GRID NORTH, GEORGIA
 STATE PLANE, WEST ZONE, AND VERTICAL
 DATUM IS NAVD83, ESTABLISHED ON-SET
 NETWORK GPS OBSERVATIONS WITH A LEICA
 CE50 GPS RECEIVER.

SUBJECT PROPERTY IS LOCATED WITHIN
 AREAS HAVING ZONE COORDINATES OF
 "ZONE 1", DETERMINED TO BE OUTSIDE
 THE 0.25 ANNUAL CHANCE FLOODPLAIN
 BY THE SECRETARY OF HOUSING AND
 URBAN DEVELOPMENT, ON FLOOD
 INSURANCE RATE MAP NO. 13136C0203B
 WITH AN EFFECTIVE DATE OF 04/04/2018
 FOR COMMUNITY NUMBERS 120404 AND
 130333, HALL COUNTY UNINCORPORATED
 AREAS, AND CITY OF FLOWERY BRANCH,
 GEORGIA.

THIS SURVEY DOES NOT INTEND TO
 REPRESENT A DIVISION OF AN EXISTING
 TAX PARCEL.

THE CERTIFICATION, AS SHOWN HEREIN, IS
 PURELY A STATEMENT OF PROFESSIONAL OPINION
 BASED ON KNOWLEDGE, INFORMATION AND
 BELIEFS, AND BASED ON EXISTING FIELD EVIDENCE
 AND DOCUMENTARY EVIDENCE AVAILABLE. THE
 CERTIFICATION IS NOT AN EXPRESSED OR
 IMPLIED WARRANTY OR GUARANTEE.

UTILITY NOTE:
 PERSONS USING THIS DRAWING SHALL
 HAVE THEIR OWN DETERMINATION OF THE
 LOCATION, DEPTH, AND DESCRIPTION OF
 UNDERGROUND AND OVERHEAD UTILITIES.
 THE UTILITY PROTECTION SERVICE SHOULD
 BE CONTACTED AT 1 (800) 382-7411 FOR
 A FIELD SURVEY, BEFORE ANY
 CONSTRUCTION COMMENCES.

UNDERGROUND UTILITIES LOCATED BY
 U.P. SPED SERVICES, INC.-P.O. BOX 3125
 CLEVELAND, GA 30308
 UTILITY PROVIDERS:
 A&P
 ATLANTA GAS LIGHT
 JACOBS DAVIS POWER
 ATHENS CLARKE COUNTY WATER & SEWER

THIS SURVEY WAS PERFORMED WITHOUT A TITLE
 COMMITMENT AND MAY BE SUBJECT TO LIENS,
 EASEMENTS, AND RESTRICTIONS OF RECORD NOT
 REFLECTED UPON THIS SURVEY.

FIELDWORK COMPLETED: 8/4/2021
 THIS SURVEY COMPLIED WITH THE RULES
 OF THE GEORGIA BOARD OF REGISTRATION FOR
 PROFESSIONAL ENGINEERS AND LAND SURVEYORS
 AND THE OFFICIAL CODE OF GEORGIA ANNOTATED
 CODE, 15-6-47 AS AMENDED BY SECTION
 2021, IN THAT THERE IS A CONFLICT EXISTING
 BETWEEN THOSE TWO SETS OF SPECIFICATIONS.
 THE REQUIREMENTS OF LAW PREVAIL.

SURVEYOR'S CERTIFICATE
 AS REQUIRED BY SUBSECTION (3) OF O.C.G.A. SECTION 15-6-47, THIS PLAT HAS BEEN
 PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL
 JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES,
 STAMPS, OR SIGNATURES HEREON. SUCH APPROVALS OR APPROVING SHOULD BE
 CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER
 OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED
 LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL
 STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND
 REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS
 AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-47.

William Yarnall, Jr.
 WILLARD COY TUNNELL, JR. PL58224
 02/11/2022
 DATE

Site Plan

Letter of Intent

STATEMENT OF INTENT
IMPACT ANALYSIS

and

Other Material Required by
The City of Flowery Branch, Georgia Zoning Code
for the Annexation and Rezoning Application

of

PIEDMONT RESIDENTIAL, LLC

Application

Total area to be Rezoned to Traditional Neighborhood Design (TND): ± 23.3 Acres

Consisting of

Flowery Branch portion: 9.93 Acres zoned R-1 and 2.64 Acres zoned M-1

Hall County portion: 10.73 Acres zoned AR-3 and proposed for annexation

Parcel ID 08112 012001

Located along Gainesville Street

Submitted for Applicant by:

Kirk Fjelstul
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This application seeks to rezone ±23.3 acres of land (“Property”) to a Traditional Neighborhood Development (TND) classification. The Property is “split zoned” into three zoning classifications and a portion of the Property is in unincorporated Hall County. 12.57 acres of the are in the City of Flowery Branch, of which 9.93 acres to the northwest are zoned R-1 and 2.64 acres to the southwest are zoned M-1.

The portion of the Property that is in unincorporated Hall County is the subject of the annexation application. It consists of 10.73 acres, is zoned AR-3 under the County’s ordinance and generally is the east side of the Property. It is virtually an unincorporated island, entirely surrounded by the City to the north (fronting Gainesville St.), west, and east. A small segment of the southern boundary connects to the rest of the unincorporated County through a thin sliver along the railroad.

The proposed development as shown on the site plan (“Development”) consists of up to 117 single family homes at an overall density of 5 units/acre, with amenities such as a pickleball court, dog park, and passive park. Consistent with the proposed TND zoning, the Development incorporates smaller lots with the homes located close to the street, and rear entry garages that are accessed through the use of alleys. The 5 units/acre density is well below the 6.5 units/acre maximum.

It should be noted that while the Development is consistent with both the zoning and the Character Area classification in the Comprehensive Plan, there are differences from the TND that are the result of feedback from the City, rather than the original design of the site plan. Those differences largely stem from a desire for curvilinear streets instead of block faces. The curvilinear streets result in differences from some of TND design standards and also require variances. Staff

is aware and advised the Applicant to identify variances with a chart on the site plan.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent zone along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to intown residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with TN.

The design principals for the TN Character Area emphasize little, if any, building setbacks and the principles call for porches, rear-entry garages, and smaller lots with higher density. Land uses in the TN Character Area include single-family detached dwellings and the only compatible zoning is TND. As a result, the Development and the proposed zoning are both consistent with the Comprehensive Plan.

This document is submitted as an analysis of the standards in the City's ordinance for rezonings. It also includes the statements required to preserve constitutional rights.

II. ANALYSIS OF ZONING STANDARDS

A.

WHETHER THE PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

Piedmont ("Applicant") seeks to develop the Property for 117 detached single family

homes (approx. 5 units/acre). The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD.

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

B.

WHETHER THE PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well

below the maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown.

C.

WHETHER THE PROPERTY TO BE AFFECTED BY THE PROPOSAL CAN BE USED IN ACCORDANCE WITH THE EXISTING REGULATIONS AND HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

The Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

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.

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on infrastructure.

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.

The Property is in a TN Character Area designation in the Comprehensive Plan and the

TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

**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.**

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

G.
EXISTING USE(S) AND ZONING OF THE SUBJECT PROPERTY AND NEARBY PROPERTIES.

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to intown residential areas near the downtown. TN is also intended to be next to other residential and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

H.
EXISTING VALUE OF THE PROPERTY UNDER THE EXISTING ZONING DISTRICT CLASSIFICATION, THE EXTENT TO WHICH THE PROPERTY VALUE OF THE SUBJECT PROPERTY IS DIMINISHED BY THE EXISTING ZONING DISTRICT, AND THE VALUE OF THE PROPERTY UNDER THE PROPOSED ZONING DISTRICT; IF SUCH INFORMATION IS PROVIDED BY THE APPLICANT OR CAN BE DISCERNED. THIS CONSIDERATION MAY INCLUDE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT OR UNUSED AS CURRENTLY ZONED AND EFFORTS TAKEN BY THE PROPERTY OWNER(S) TO USE THE PROPERTY OR SELL THE PROPERTY UNDER THE EXISTING ZONING DISTRICT CLASSIFICATION.

The Property cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds

and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

**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.**

The proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

**J.
THE POSSIBLE CREATION OF AN ISOLATED ZONING DISTRICT UNRELATED
TO ADJACENT AND NEARBY DISTRICTS.**

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

K.
**POSSIBLE EFFECTS OF THE CHANGE IN ZONING DISTRICT MAP, OR CHANGE
IN USE, ON THE CHARACTER OF A ZONING DISTRICT.**

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

L.
**THE POSSIBLE IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT
LIMITED TO, DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING,
AIR QUALITY AND WATER QUALITY.**

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

M.
**THE RELATION THAT THE PROPOSED MAP AMENDMENT OR CONDITIONAL
USE BEARS TO THE PURPOSE OF THE OVERALL ZONING SCHEME AND THE
PURPOSES OF THIS ZONING ORDINANCE.**

The proposed rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near

the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

III. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the City of Flowery Branch County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that not approving the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of

Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning and annexation be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City.

This 20th day of October, 2023.

Respectfully submitted,



Kirk Fjelstul
Attorney for Applicant

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

Disclosures



- 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

No

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

No

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

No



Disclosure of Campaign Contributions

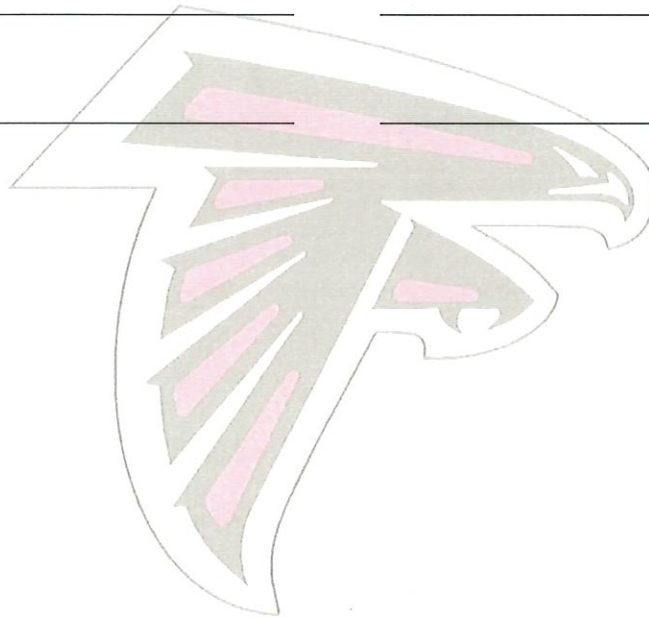
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N/A

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CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



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- Detailed description of request
- Conflict of interest disclosure (attached)
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- 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

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

N/A

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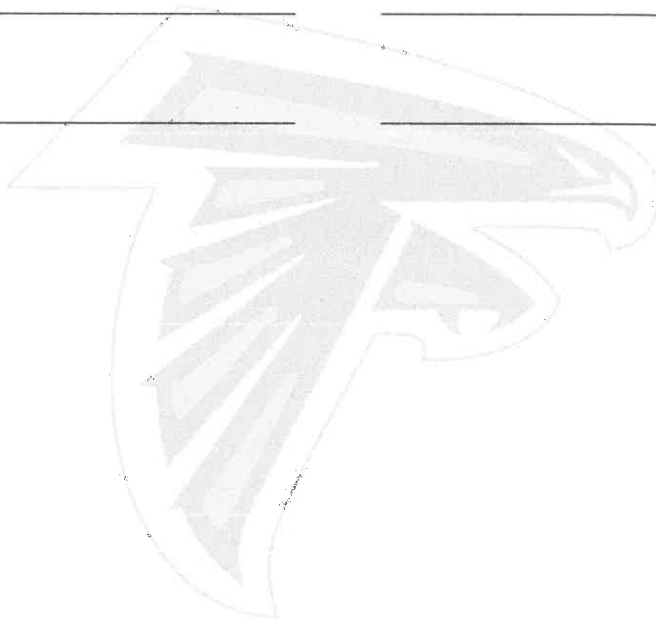
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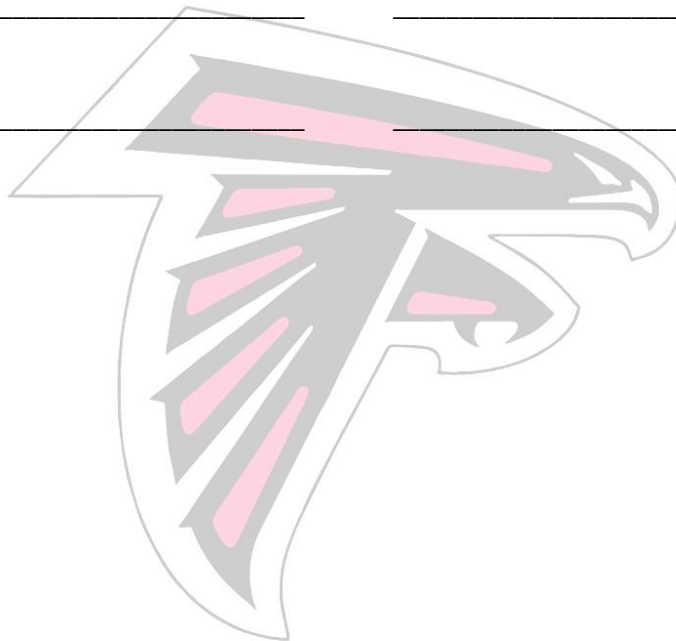
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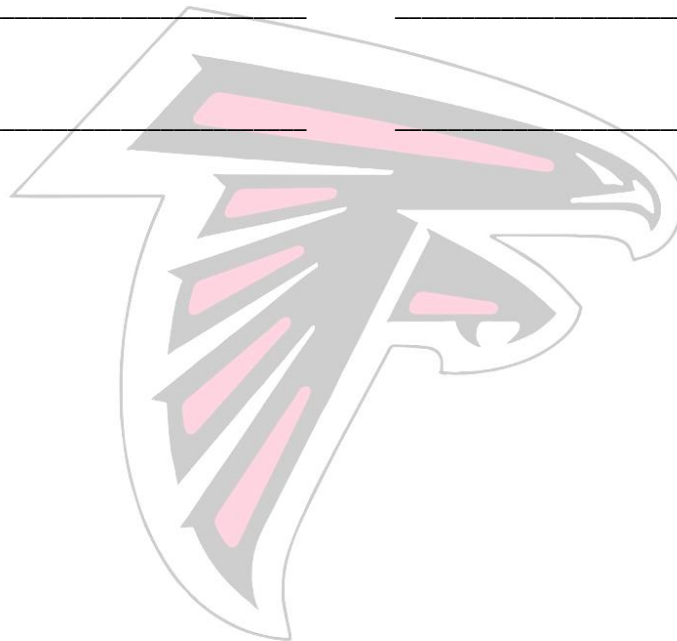
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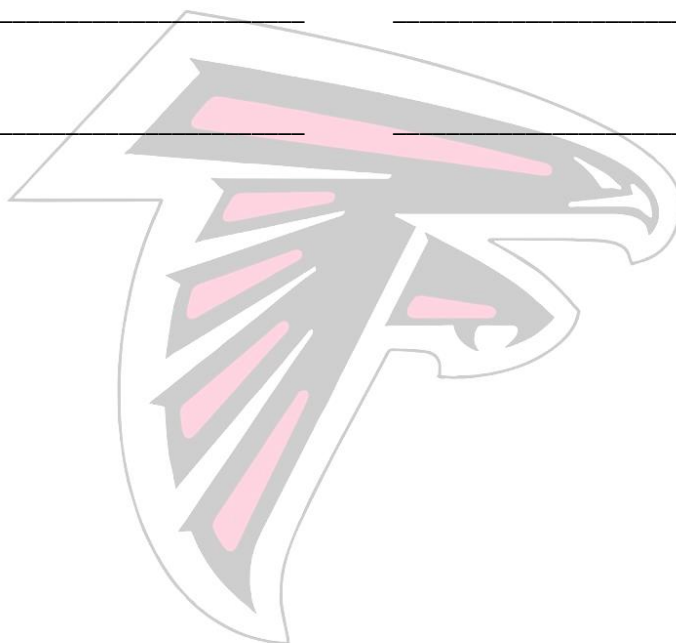
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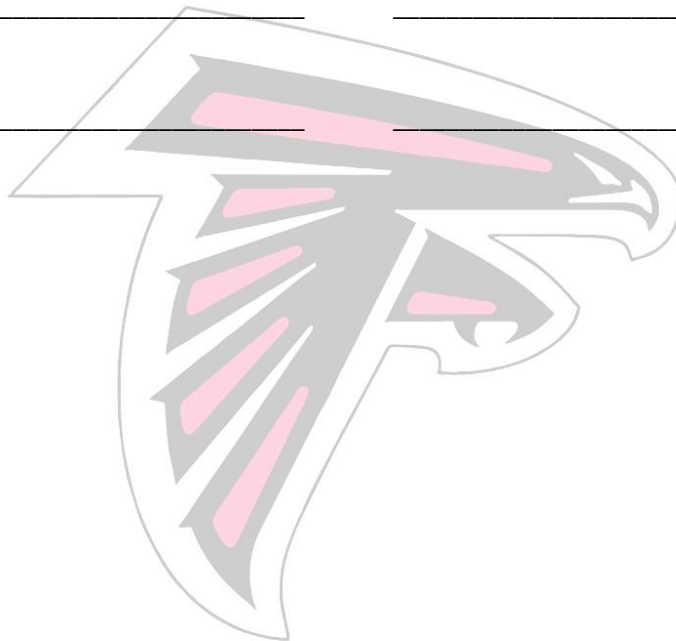
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CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____

Adjoining Property Owners

Search Results

19 Results

☐ Show Property Photos

Parcel ID	Owner		Property Address	Map
08098 001019	NEDRA ANN JONES	1	5183 GAINESVILLE ST	Map
08112 012001	MILDRED BLACK BUTLER	Subject	5170 CHURCH ST	Map
08112 012001A	LINDA D MILLWOOD BAUGH D. LINDA		5285 GAINESVILLE ST	Map
08112 012002	ZACHARY DOUGLAS SWANSEY	2	5259 GAINESVILLE ST	Map
08112 012003	VARCHI INNOVATIONS LLC	3	5210 CHATTAHOOCHEE ST	Map
08112 012004	FB EVER READY, LLC	4	5204 CHATTAHOOCHEE ST	Map
08112 012005	DOWNTOWN HOMES 2, LLC	5	5185 CHURCH ST	Map
08112 012006	FLOWERY BRANCH MINI STORAGE SVCS, LLC	6	5175 CHURCH ST	Map
08112 012007	MICHAEL PRENTISS PRENTISS AMANDA MARIE	7	5216 CHATTAHOOCHEE ST	Map
08112 012008	CHATAHOOCHEE HOMES LLC	8	5224 CHATTAHOOCHEE ST	Map
08112 027030	BRENDA K STOUGH HANNA JEFFERY L	9	5280 GAINESVILLE ST	Map
08112 027031	ARNOLD WRIGHT	10	5270 GAINESVILLE ST	Map
08112 027032	JOSEPH D ROARK	11	5260 GAINESVILLE ST	Map
08112 027033	JOE DAVIDSON ROARK	12	5254 GAINESVILLE ST	Map
08112 027034	RUSSEL MORGAN HUDGENS HUDGENS HEATHER ANN	13	5248 GAINESVILLE ST	Map
08112 027035	REBECCA TRACY BAGWELL	14	5234 GAINESVILLE ST	Map
08112 027036	REBECCA TRACY BAGWELL	15	5220 GAINESVILLE ST	Map
08112 027036A	W J COFER COFER MONTEZ B	16	5206 GAINESVILLE ST	Map
		17		



Developed by
 Schneider
GEOSPATIAL

Property Owner Inspection Authorization

Inspection Authorization

Mildred Black Butler
106 Robertson Ct., NW
Dawsonville, GA 30534

08112 012001 (5170 Church Street)

I, Kathy Taylor, administrator of the estate of Mildred Black Butler, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning and annexation requests filed by PR Land Investments, LLC (c/o Kirk R. Fjelstul) related to the referenced property and consent to same. Please allow this document to serve as my authorization of the City of Flowery Branch staff and/or City Council to inspect the subject property.

Kathy S. Taylor

Kathy S. Taylor

Date: Oct. 14-2023

Sworn to and subscribed before me
this 14 day of October, 2023

Vipul Gupta
NOTARY PUBLIC

Commission Exp 02-02-2027



Rezoning Additional Information

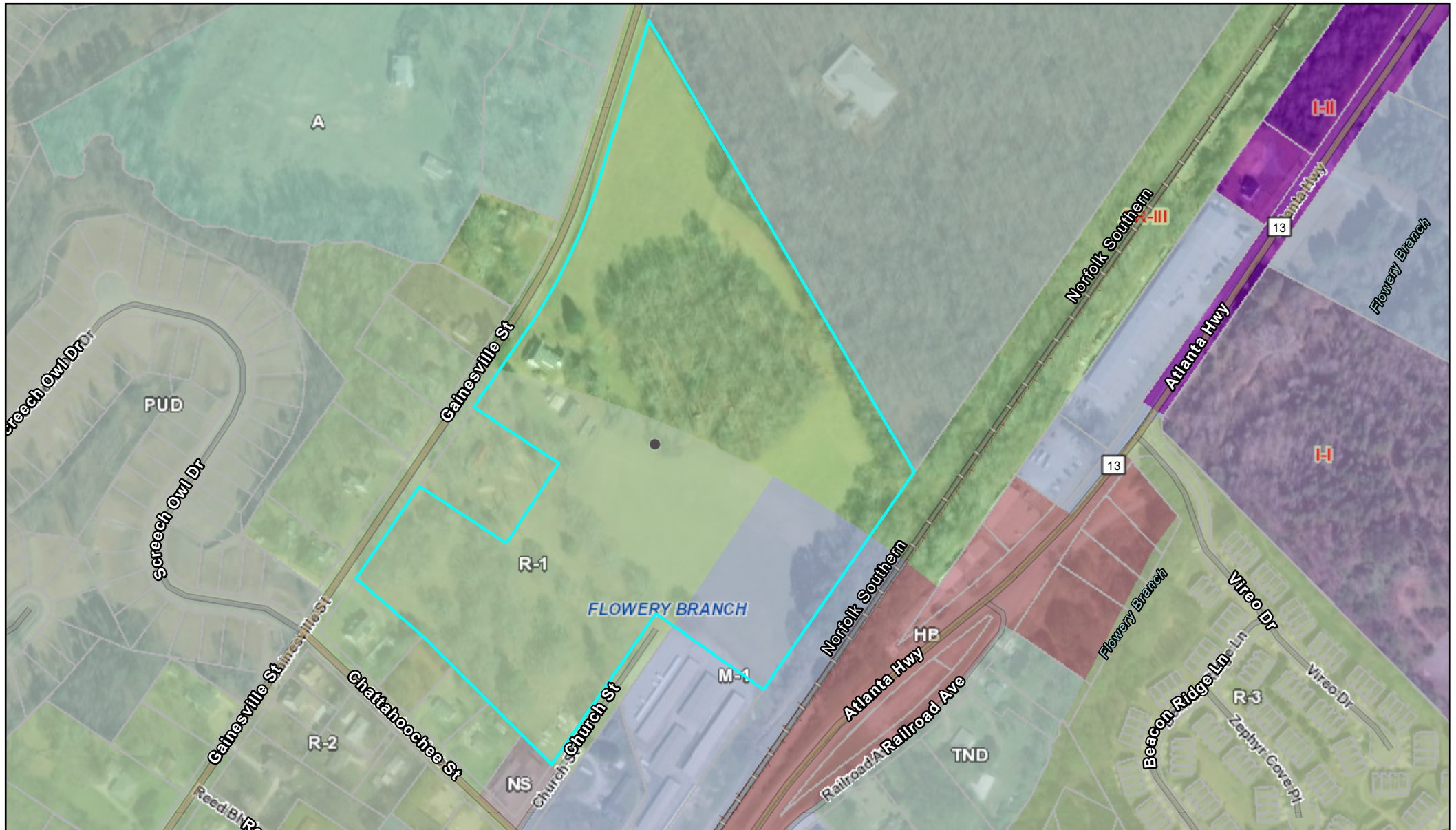
Rezoning Additional Information Requirement

1. Value of improvements upon complete build out.
 - To be determined upon completion of full set of construction plans.
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased).
 - To be determined upon completion of full set of construction plans.
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased).
 - To be determined within full set of construction plans.
4. Anticipated total square footage (heated) to be built in the requested number of units.
 - The minimum heated floor area requirement of 1,200 sq.ft. will be met. The exact amount of heated square footage to be built within the requested units will be determined during the engineering phase of the project.
5. Total acreage developed with units.
 - It is anticipated that approximately 17.8 acres of the property will be developed with units.
6. Total acreage for right of way and roads.
 - It is anticipated that approximately 3.95 acres of the property will be developed with right-of-way and roads.
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
 - It is anticipated that there will be approximately 56,800 sq.ft. of open space throughout the proposed development.
8. Acreage required for buffer and watershed protection.
 - It is not anticipated that any acreage will be necessary for buffer and watershed protection as there are not streams on or adjacent to the property.
 - a. Does the buffer comply with the current City ordinance? **N/A**
 - b. Do individual property lines for lots extend into the buffer? **N/A**
 - c. Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? **N/A**
9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail)
 - Multi-transportation alternatives have not been included in this request.
10. Please identify all amenities and total number of acres they incorporate by complete description.

- Proposed amenities for the project include an approximate 1,196 sq.ft., covered pavilion, three pickle ball courts, a dog park, and a passive recreation area. Exact square footages will be determined during the engineering phase of the project.
11. Number of street lights and separation table as proposed on your site plan.
- We are proposing 12 streetlights throughout the proposed development.
12. Will Technology Development be included in this development?
- As currently proposed, it is not anticipated that technology development will be included with this project.
13. List the total linear feet and cubic yards for sidewalks.
- There are approximately 44,654 sq.ft. and 546 cubic yards of sidewalks proposed. An exact amount of sidewalk square footage, linear feet, and cubic yardage will be included with the construction plans.
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans?
- Storm water controls will be included with the engineering phase of this project. The submitted plans do show where we anticipate detention to be located on the property.
15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues?
- A traffic study has not been done to date, but we are happy to execute a traffic memo and/or study per the City's ordinance in conjunction with this application.
16. Does the proposal provide for utilization of "reuse" water? Is this depicted on the plans? Do the plans provide for storage of "reuse" water?
- It is expected that this will be determined during the engineering phase of the project.
17. What is the total capacity for daily Wastewater Management?
- It is expected that this will be determined during the engineering phase of the project.
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development?
- It is expected that this will be determined during the engineering phase of the project.
19. Has a slope and grade study been done on this development? Does the study reflect density placement?
- It is not anticipated that the proposed lot density will be adversely affected by site grading.
20. Please identify what public safety needs are being considered for the project?
- We will comply with safety measures as required by the City. Currently, we are providing pedestrian friendly sidewalks; pedestrian street lights; and traffic calming devices and practices.

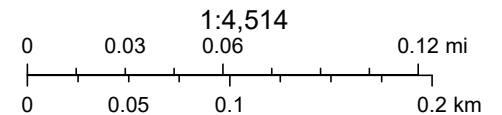
21. Has the Hall County School System been notified of the proposed density for this project?
- The Hall County School System will be notified of the proposed density for this project in conjunction with the submittal of this application.
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development.
- A Homeowners Association (HOA) will be formed and filed during the development phase of the project, we will provide covenants, if any, to the City at the time of incorporation.
23. Information as required under Ordinance No. 349 for preliminary plat approval if rezoning involves subdivision. Ordinance No. 349 can be found at www.flowerybranchga.org
- We will comply with Ordinance 349 regarding the preliminary plat process during the development phase of this project.

ArcGIS Web Map



10/26/2023, 11:53:13 AM

Oakwood Zoning			Flowery Branch Zoning			Hall County Zoning			Gainesville Zoning			Other Zoning			Infrastructure		
A-1	PID	A	NS	AR-IV	PCFD	R-MF	L-I	R-I-A	FLOWERY BRANCH	Arterial-Collector							
C-1	POD	CBD	PUD	H-B	PID	R-TF	N-B	R-II	GAINESVILLE	Interstate							
C-2	PRD	HB	R-1	I-I	POD	S-S	N-C	R-O	GILLSVILLE	Railway							
M-1	R-1	INST	R-2	I-II	PRD	V-C	O-I	Counties	LULA	Parcel Boundary							
M-2	R-2	M-1	R-3	MHP	R-I	C-B	PUD	Citylimits	OAKWOOD								
O-P	R-3	M-2	TND	O-I	R-I-L	G-B	R-B	BRASELTON	RESTHAVEN								
PCD	R-4	MHP	AR-III	PCD	R-II	H-I	R-I	BUFORD	Local								
								CLERMONT									



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Church Street

Gainesville Street View
Flowery Branch, GA





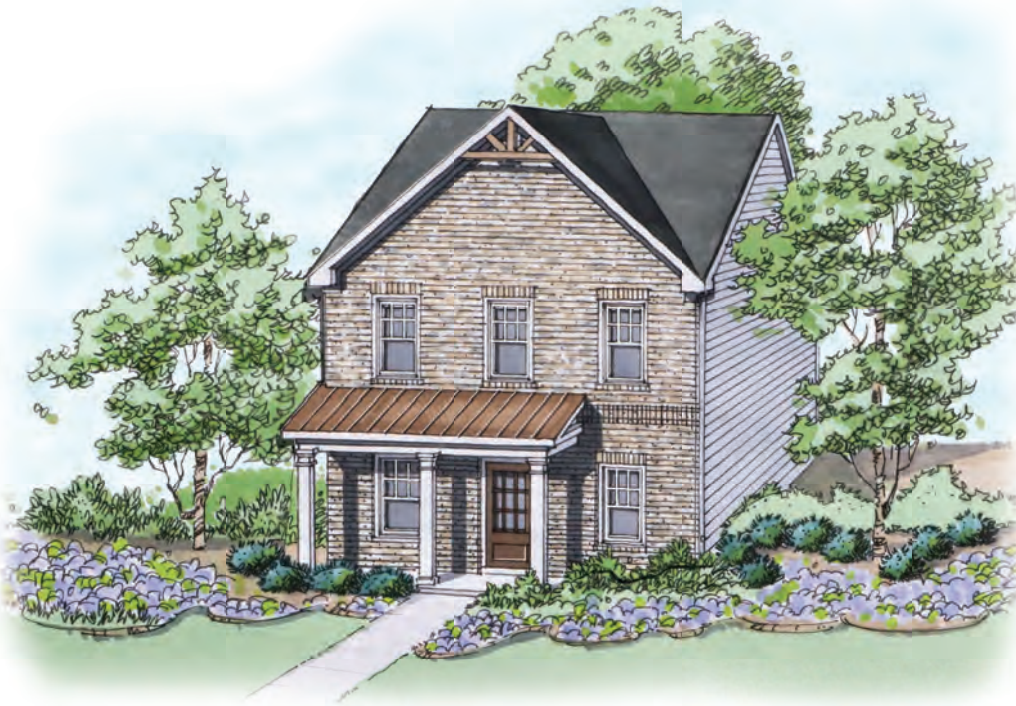
Church Street

Gainesville Street View
Flowery Branch, GA

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Gainesville Street View
Flowery Branch, GA





FRONT ELEVATION

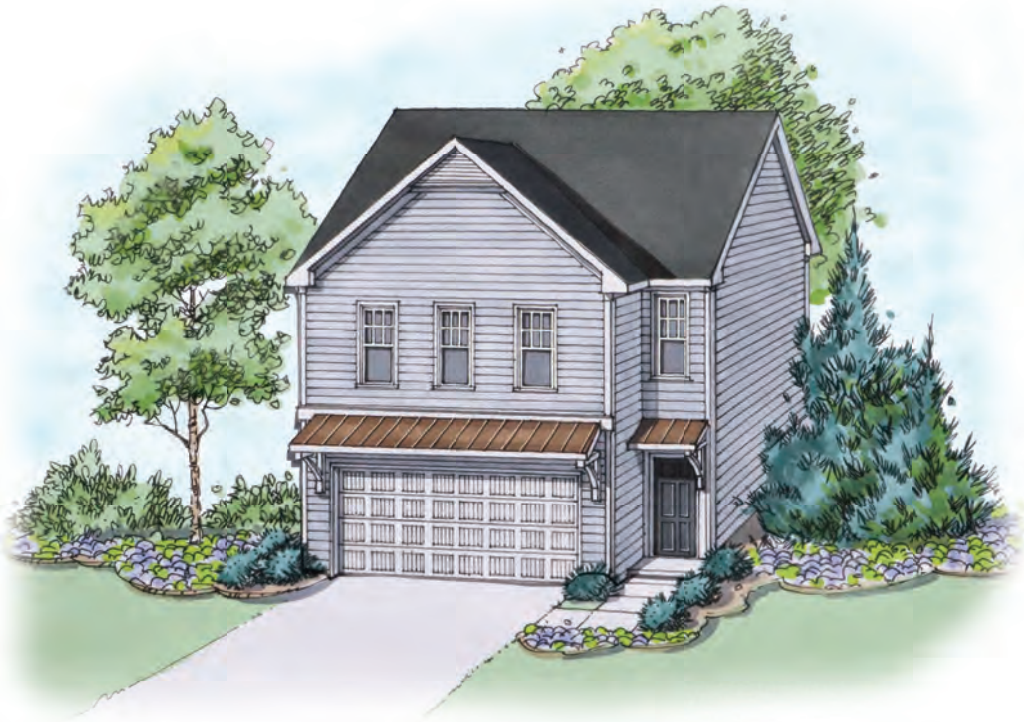


REAR ELEVATION

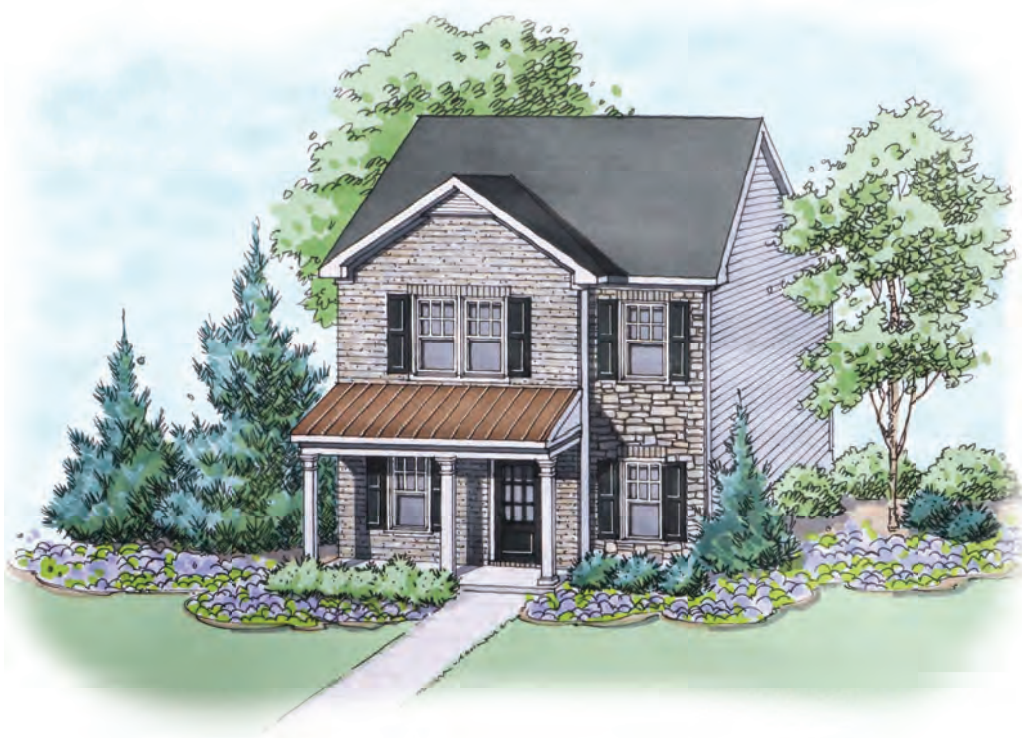
Addison - A



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION

Brookfield - A



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION

Sedona - A



FRONT ELEVATION



REAR ELEVATION

Sedona - B



October 27, 2023

Hall County Board of Commissioners
2875 Browns Bridge Road
Gainesville, Georgia 30504
c/o Jennifer Rivera, Commission Clerk

Re: Notification of Intent to Annex and Rezone Land Located in Hall County

Dear Ladies and Gentlemen:

Please be advised that the City of Flowery Branch, Georgia, by the authority vested in the Mayor and City Council of Flowery Branch, Georgia by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council.

This letter has been sent to you by certified mail, return receipt requested, within thirty (30) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows:
5170 Church Street, tax parcel identification number 08112 012001.

Pursuant to O.C.G.A. § 36-36-111, a complete copy of the annexation and rezoning application is also enclosed.

Pursuant to O.C.G.A § 36-36-7 and O.C.G.A § 36-36-9, you must notify the Mayor and City Council of the City of Flowery Branch, in writing and by certified mail, return receipt requested, or statutory overnight delivery, return receipt requested, of any county facilities or property located within the properties to be annexed, within five (5) business days of receipt of this letter.

Hall County Board of Commissioners
Annexation and Rezoning of 5704 Jim Crow Road
October 27, 2023
Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch TND (Traditional Neighborhood Development) will be held on Thursday, December 7, 2023, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has a valid objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify the city governing authority within forty-five (45) calendar days of the receipt of this notice. Such notice of objection must be made by verifiable delivery and include documentation of the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection.

Sincerely,

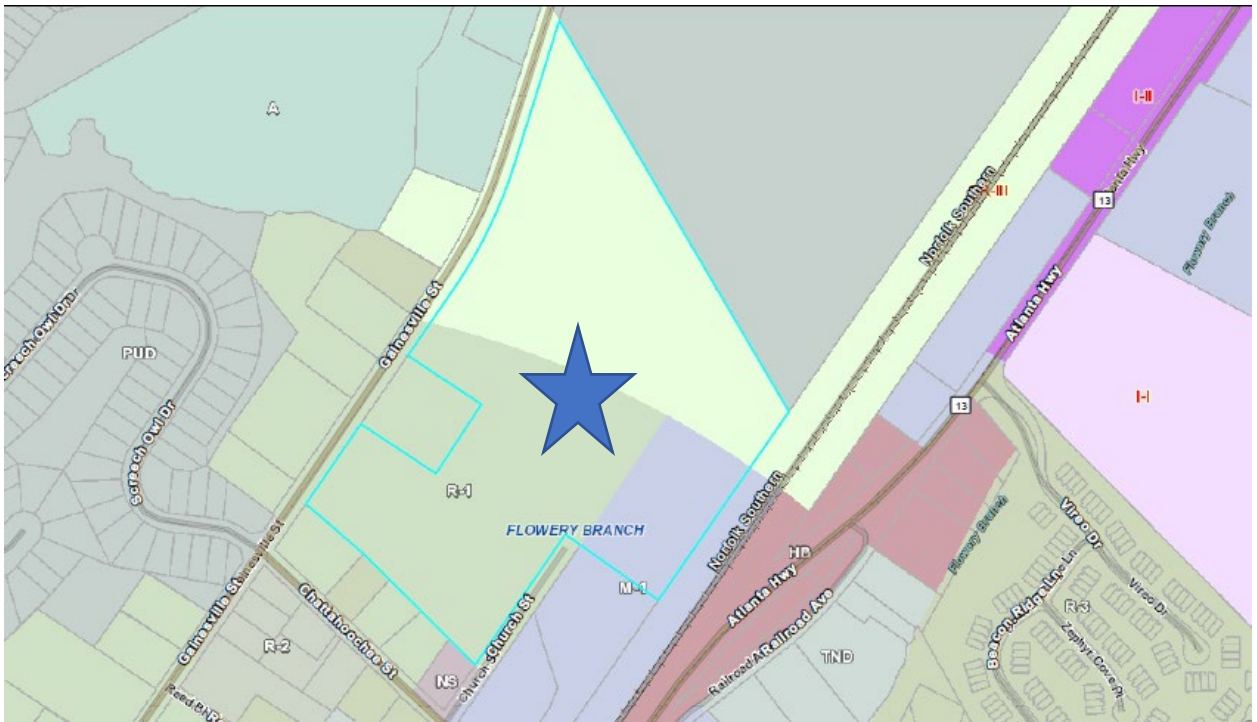
Richard JE Atkinson

Director of Planning and Community Development
City of Flowery Branch
Rich@flowerybranchga.org

RA/

Enclosures: Site Map of Property to Annexed and Rezoned
Annexation and Rezoning Application

cc: William J. Linkous III, County Attorney
Randi Doveton, Director of Planning and Development



Church Street

Community Site Map
Flowery Branch, GA





**Staff Report
5170 Church St
Annexation & Rezoning Request
Ordinances**

Request

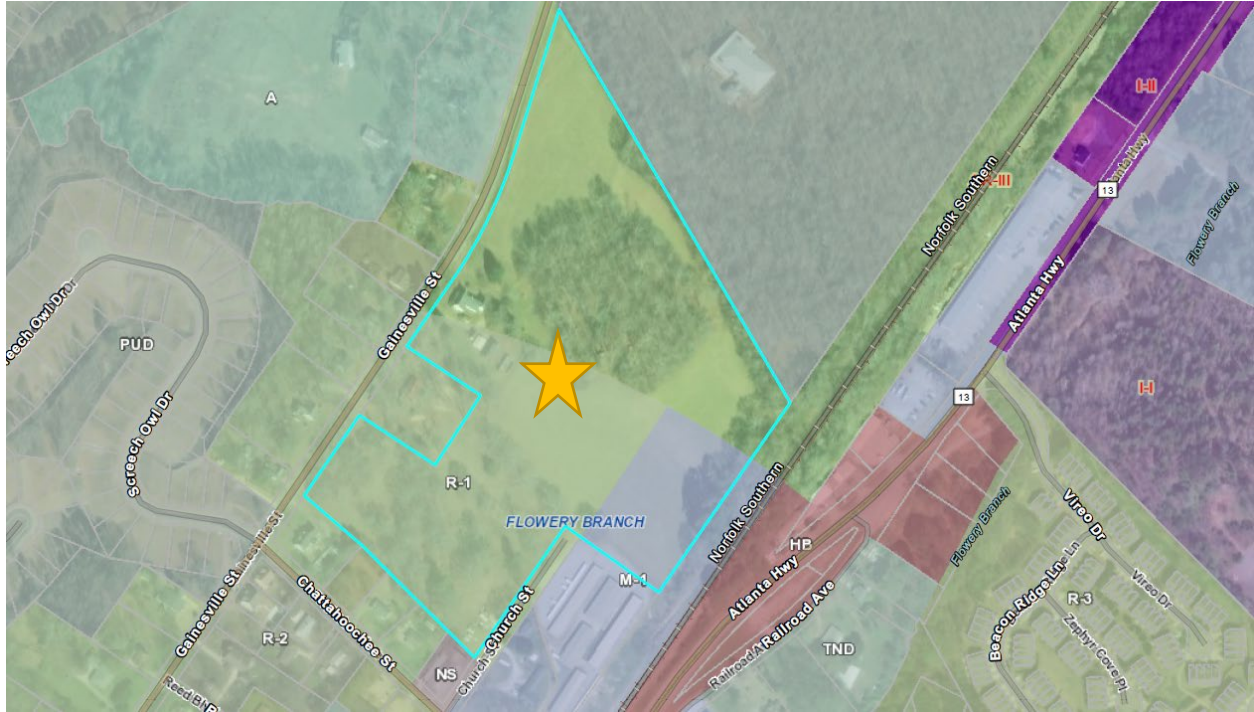
Currently, 5170 Church Street is a 23.3 +/- -acre tract of land that is partially in Hall County and partially within the city-limits of Flowery Branch. The applicant wishes to annex and subsequently rezone the 10.73 +/- acres of the unincorporated portion of the parcel from Hall County Agricultural Residential (AR-III) to Flowery Branch Traditional Neighborhood Development District (TND). If the 10.73 +/- portion of the parcel is annexed, it is requested to rezone the 12.57 +/- acres of the incorporated portion of land be rezoned from Residential, Detached Single Family, Low-Density District (R-1) and Light Manufacturing and Industrial District (M-1) to Traditional Neighborhood Development District (TND). This would result in the entire 23.3 +/- acres of tax parcel 08112 0120001, also known as 5170 Church Street, to lie within the city-limits of Flowery Branch and be zoned Traditional Neighborhood Development District (TND) The applicant wishes to construct a 117 detached single -family homes subdivision. The request includes the following concurrent variance requests:

The reduction of a portion of sidewalk widths from 8 feet to 5 feet.

The increase of impervious allowances as indicated on the accompanying chart.

The decrease of lot area as indicated on the accompanying chart.

13 lots on cul-de-sac will have front entries.





1. REQUEST IS FOR THE REZONING OF SUBJECT PARCEL FROM M-1 AND R-1 TO TND
2. ANNEXATION OF 10.73 ACRES INTO THE CITY OF FLOWERY BRANCH FROM HALL COUNTY.
3. VARIANCES ARE REQUESTED FOR:
THE REDUCTION OF A PORTION OF SIDEWALK WIDTHS FROM 8 FEET TO 5 FEET.
THE INCREASE OF IMPERVIOUS ALLOWANCES AS INDICATED ON THE ACCOMPANYING CHART
THE DECREASE OF LOT AREAS AS INDICATED ON THE ACCOMPANYING CHART.
4. TOTAL ACREAGE = 23.3 ACRES
5. TOTAL AREA REQUEST TO BE REZONED TO TND
M-1 = 2.64 ACRES
R-1 = 10.73 ACRES
6. TOTAL AREA REQUEST FOR ANNEXATION = 10.73 ACRES
7. MAXIMUM ALLOWED UNITS = $(6.5 \text{ UNITS/AC} \times 23.3 = 151 \text{ UNITS})$
8. TOTAL UNITS PROPOSED = 117
9. PARKING PROVIDED:
MAIL KIOSK 6
DOG PARK 7
PAVILION/PICKLE BALL 13
10. TOTAL AREA DEVELOPED WITH UNITS = 17.8 acres
11. TOTAL AREA FOR RIGHT OF WAY AND ROADS = 3.95 ACRES
12. NO AREA OF THIS SITE IS LOCATED IN STREAM BUFFER AREAS
13. MULTI TRANSPORTATION ALTERNATIVES ARE NOT INCLUDED IN THIS REQUEST.
14. THERE IS A TOTAL OF 44,654 SQ. FT. OF PUBLIC SIDEWALK PROPOSED
REQUIRING 546 CU. YDS. OF CONCRETE
15. AMENITIES INCLUDE A 1,196 SQ. FT. COVERED PAVILLION, 3 PICKLEBALL COURTS,
A DOG PARK, AND A PASSIVE RECREATION AREA.
16. 12 STREET LIGHTS ARE PROPOSED.
17. LOT DENSITY WILL NOT BE ADVERSELY AFFECTED BY SITE GRADING.



BLOCK A				
Lot #	Square Footage	% Open	% Coverag	*Variance Req.
1	5,023	49.40%	50.60%	L,I
2	5,020	36.28%	63.72%	L,I
3	5,003	38.07%	61.93%	L,I
4	5,019	44.81%	55.19%	L,I
5	5,618	37.25%	62.75%	L,I
6	6,908	39.82%	60.18%	I
7	7,995	59.96%	40.04%	I
8	8,169	61.90%	38.10%	I
9	6,713	56.82%	43.18%	I
10	8,216	81.69%	18.31%	I
11	7,929	80.15%	19.85%	I
12	12,273	89.26%	10.74%	I
13	7,513	64.54%	35.46%	I
14	6,207	49.82%	50.18%	L,I
15	7,531	50.41%	49.59%	I
16	6,895	51.47%	48.53%	I
17	7,034	51.76%	48.24%	I
18	5,027	43.58%	56.42%	L,I
19	6,425	46.22%	53.78%	L,I
20	7,719	58.74%	41.26%	I
21	6,256	41.07%	58.93%	L,I
22	6,726	48.87%	51.13%	I
23	5,992	44.13%	55.87%	L,I
24	7,592	57.93%	42.07%	I
25	6,194	46.67%	53.33%	L,I
26	5,000	44.27%	55.73%	L,I
27	5,001	39.56%	60.44%	L,I
28	6,898	49.11%	50.89%	I
29	6,397	47.98%	52.02%	L,I
30	6,397	50.64%	49.36%	L,I
31	7,094	49.47%	50.53%	I
32	6,397	47.56%	52.44%	L,I
33	5,751	48.96%	51.04%	L,I
34	5,025	39.97%	60.03%	L,I
35	5,025	39.97%	60.03%	L,I
36	5,025	44.53%	55.47%	L,I
37	5,025	40.10%	59.90%	L,I
38	5,481	42.66%	57.34%	L,I
39	8,319	46.37%	53.63%	I

BLOCK A				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
40	9,746	54.78%	45.22%	
41	6,951	57.10%	42.90%	
42	6,384	59.07%	40.93%	L,I
43	5,276	52.91%	47.09%	L,I
44	5,202	46.50%	53.50%	L,I
45	6,885	58.35%	41.65%	I
46	7,201	74.73%	25.27%	
47	5,503	71.49%	28.51%	L,I
48	6,009	78.26%	21.74%	L,I
49	7,126	81.47%	18.53%	
50	16,408	92.12%	7.88%	
51	24,261	94.66%	5.34%	
52	8,860	85.41%	14.59%	
53	6,786	81.02%	18.98%	
54	8,721	84.95%	15.05%	
55	9,100	74.02%	25.98%	
56	6,325	32.22%	67.78%	L,I
57	6,671	50.64%	49.36%	L,I
58	6,882	54.48%	45.52%	I
59	5,632	49.67%	50.33%	L,I
60	5,612	50.90%	49.10%	L,I
61	5,629	48.00%	52.00%	L,I
62	5,585	51.72%	48.28%	L,I
63	7,250	64.77%	35.23%	I
64	5,347	50.54%	49.46%	L,I
65	5,628	52.14%	47.86%	L,I
66	5,925	50.11%	49.89%	L,I
67	5,025	48.29%	51.71%	L,I
68	5,191	43.11%	56.89%	L,I
69	5,534	47.27%	52.73%	L,I
70	6,068	45.02%	54.98%	L,I
71	9,905	46.97%	53.03%	I
72	5,805	49.38%	50.62%	L,I
73	5,160	47.30%	52.70%	L,I
74	5,862	48.29%	51.71%	L,I
75	5,450	49.62%	50.38%	L,I
76	5,450	45.55%	54.45%	L,I
77	6,760	59.30%	40.70%	I



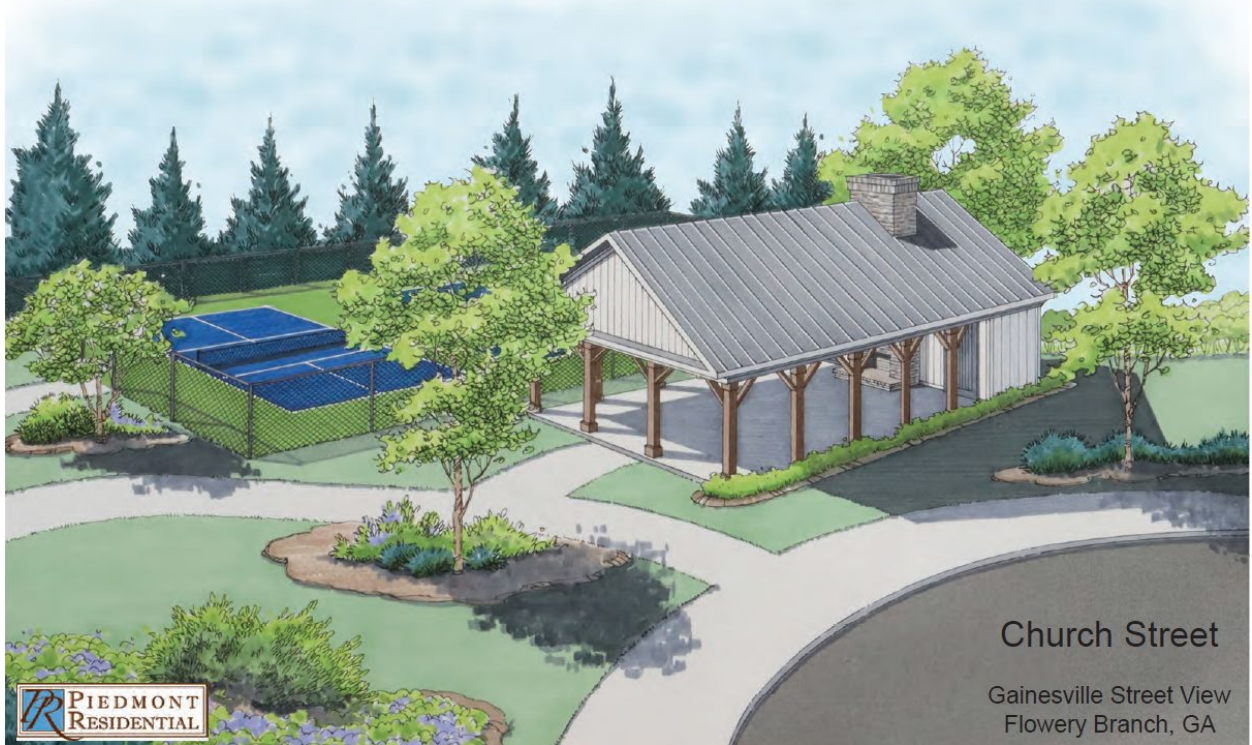
BLOCK B				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,089	50.05%	49.95%	L,I
2	5,001	42.50%	57.50%	L,I
3	5,041	43.40%	56.60%	L,I
4	5,084	48.16%	51.84%	L,I
5	5,657	29.95%	70.05%	L,I
6	5,317	44.04%	55.96%	L,I
7	5,146	51.35%	48.65%	L,I
8	5,334	58.88%	41.12%	L,I
9	5,621	58.52%	41.48%	L,I
10	5,791	59.35%	40.65%	L,I
11	5,752	58.92%	41.08%	L,I
12	5,903	58.65%	41.35%	L,I
13	6,558	62.93%	37.07%	L,I
14	9,140	71.29%	28.71%	
15	9,085	68.76%	31.24%	
16	7,438	59.92%	40.08%	I
17	9,120	60.83%	39.17%	I
18	5,999	40.78%	59.22%	L,I
19	5,938	39.81%	60.19%	L,I
20	5,877	41.07%	58.93%	L,I
21	7,585	57.93%	42.07%	I
22	7,538	54.25%	45.75%	I
23	7,540	57.17%	42.83%	I
24	10,377	49.60%	50.40%	I
25	7,231	58.73%	41.27%	I
26	5,045	47.54%	52.46%	L,I
27	5,037	43.29%	56.71%	L,I
28	5,389	51.51%	48.49%	L,I

BLOCK C				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	5,221	49.53%	50.47%	L,I
2	5,058	45.03%	54.97%	L,I
3	5,238	47.35%	52.65%	L,I
4	5,155	58.90%	41.10%	L,I
5	5,287	55.50%	44.50%	L,I
6	5,134	35.66%	64.34%	L,I
7	5,134	39.00%	61.00%	L,I
8	5,199	52.41%	47.59%	L,I
9	5,691	51.22%	48.78%	L,I
10	5,648	50.52%	49.48%	L,I
11	6,493	52.15%	47.85%	L,I
12	7,768	53.06%	46.94%	I

OUTPARCELS				
Lot #	Square Footage	% Open Space	% Coverag	*Variance Req.
1	21,719	74.22%	25.78%	
2	22,399	85.84%	14.16%	
3	11,298	79.42%	20.58%	
4	14,031	42.84%	57.16%	I

*LOT VARIANCE REQUESTS
 L = LOT REDUCTION
 I = IMPERVIOUS INCREASE

Renderings:





FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



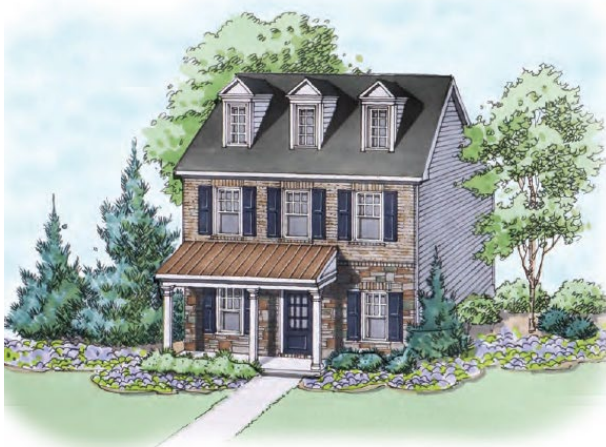
REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION

Proposed Schedule

December 7, 2023 – Public Hearing
December 21, 2023 - Work Session (if requested)
January 4, 2023 – First Read and First Vote
January 18, 2023 – Work Session (if requested)
February 1, 2023- Second Read and Final Vote



Comprehensive Plan

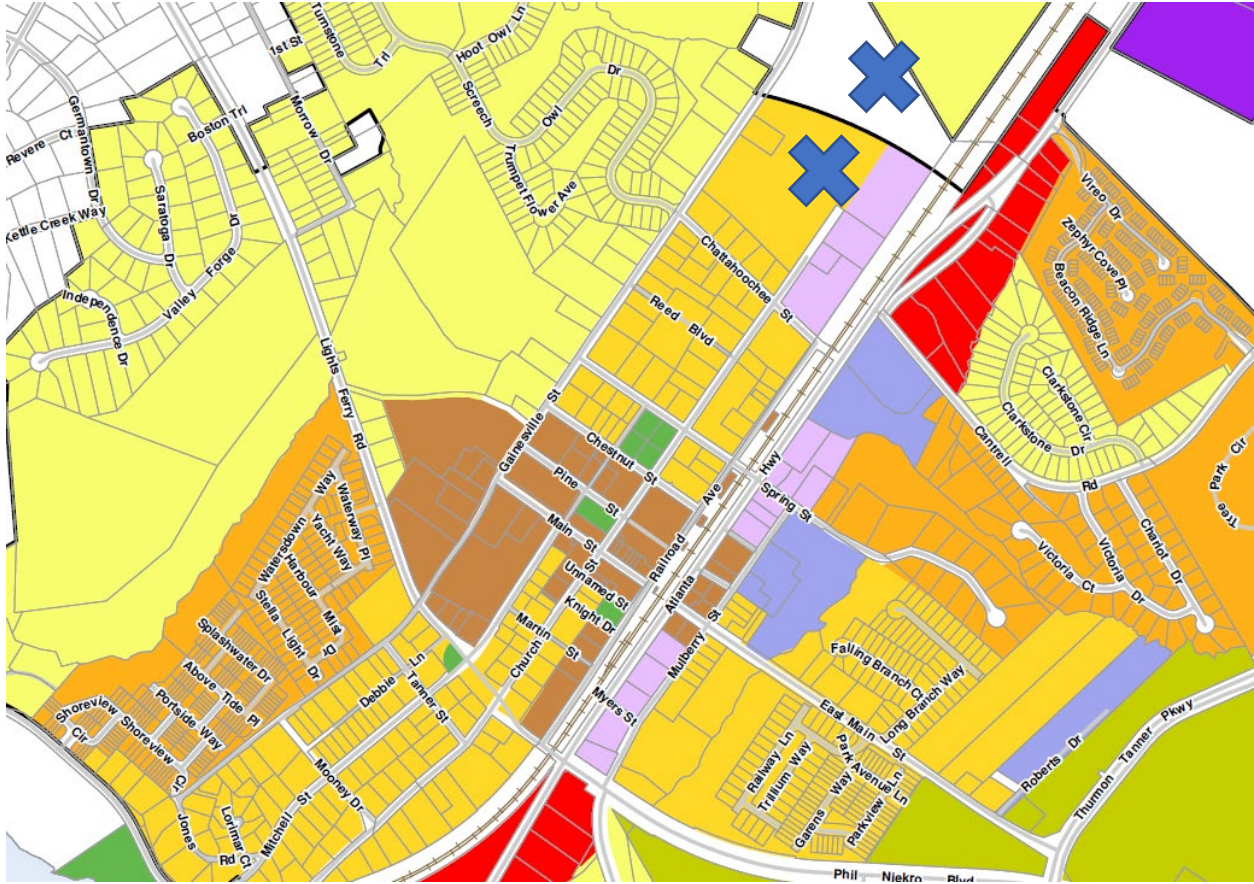


Purpose of the Comprehensive Plan

The *Flowery Branch Comprehensive Plan* is the City's policy guide for growth and development, as expressed by a vision statement, Future Development Map, character area policies, and supporting implementation strategies. The plan is most commonly used in the review and decision-making process by staff and City Council for rezoning requests, when proposals are evaluated for consistency with the Future Development Map and supporting text in this document.

The Comprehensive Plan also outlines the overall strategy for achieving the City's vision for future development by identifying a 5-year Community Work Program (CWP) with a prioritized 'to-do' list. The CWP should be consulted by staff and City Council on an annual basis when developing annual department-level work programs and the City budget.

In addition, this plan serves the purpose of meeting the intent and requirements of the Georgia Department of Community Affairs' (DCA) "Standards and Procedures for Local Comprehensive Planning," as amended on October 1, 2018. Preparation of a comprehensive plan in accordance with these standards is an essential requirement for maintaining status as a Qualified Local Government (QLG). QLG status allows Georgia cities and counties to be eligible for financial incentives from DCA, the Department of Natural Resources (DNR), the Georgia Environmental Finance Authority (GEFA), and the OneGeorgia Authority. This plan update allows the City of Flowery Branch to retain its QLG status.



Traditional Neighborhood



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



The proposed development meets the intent of the Comprehensive Plan. The size and scope of the proposed project would blend in with the surrounding area as it is residential in nature.



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 comment

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.

The Development is compatible with the adjacent and nearby uses, which includes a mix of single family residential uses ranging from R-1 to PUD. It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning.

The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density, and there is no market for a two-acre M-1 use at the rear of the Property.

Yes, a residential use is appropriate for this site and the surrounding area.

- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposal will not adversely affect adjacent or nearby property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. The TND zoning is consistent with the Comprehensive Plan's TND Character Area designation for this Property, and the Development density of 5 units/acre is well below the



maximum. In accordance with the Comprehensive Plan, TND zoning is designed for smaller lots around other residential uses and is particularly suited for infill development near the downtown.
The development will not adversely affect the area.

- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.

The Property does not have a reasonable economic use as zoned. First, the Property is located both in the City and in the unincorporated County. The unincorporated portion is a virtual unincorporated island, which causes problems for the provision of services, regulation, and infrastructure. Second, the Property now has three different zoning designations and is regulated by two jurisdictions. Third, the R-1, AR-3, and M-1 zoning designations have no economic use at this location and in area in or near Flowery Branch. They cannot be developed at the restricted density in those residential classifications and there is no Market for M-1 at the back portion of this Property.

The current zoning may not be feasible for the growing economy need.

- (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.

Applicant will supplement this item with a memo demonstrating that there is not an excessive burden on infrastructure.

It is staff's opinion that the use will not create any unnecessary burdens.

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

The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND is a consistent zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not listed.

The adjoining area is called by future land use map as "Traditional Neighborhood" character area. This project which is proposed to rezone as TND will meet the general intent of the comprehensive plan.

- (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.

It is contemplated that property along Gainesville Street close to downtown will redevelop as the town continues with its vision. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. In fact, TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area. The current R-1 zoning is not listed as a compatible zoning. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown.

The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't



be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property. As a result, TND is the only appropriate zoning classification.

Not to staff's knowledge, no.

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

The Property has its frontage along Gainesville Street, approximately three-tenths of a mile from the Central Business District. There are two Comprehensive Plan Character Area designations for the portion of the Property that is in Flowery Branch. More than ten acres is designated as Traditional Neighborhood (TN) and the remaining two plus acres is designated as Mixed Use-Downtown. The Character Area Map shows the section of TN that includes this Property as a consistent designation along Gainesville Street all the way to the downtown business district. That is consistent with the Comprehensive Plan statement that TN is suited to in-town residential areas near the downtown. TN is also intended to be next to other residential areas and is designed for in-fill development. The Property in this case includes surrounding uses and zoning that are almost all residential. The residential zoning designations and uses represent a mix, ranging from R-1 to Planned Use Development (PUD), once again consistent with the TN Character Area.

Currently vacant, the proposed use will fit in with the surrounding residential uses.

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

The Property cannot be developed under the current zoning. The R-1 and AR-3 zoning classifications are meant for low density development and agricultural use. Other R-1 property in the area has already been developed and is being used as residential. The current Property includes 23 acres that is undeveloped and the only buildings are a home, a well house, four sheds and a barn. The Property has no economic use as agricultural land and can't be developed at R-1 density. Finally, there is no market for a two-acre M-1 use at the rear of the Property.

In staff's opinion, the proposed project will increase the land value and meet the increasing housing needs in this area. By accommodating more residents, it will boost local economic development.

- (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.

The proposed zoning will enhance the value of adjacent property. All of the adjacent and nearby properties along Gainesville Street are zoned and used as single family residential, ranging from R-1 to PUD. TND zoning is consistent with the Comprehensive Plan's TN Character Area



designation for this Property, and the Development density of 5 units/acre is well below the maximum. Based on the Comprehensive Plan, TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area and will have a positive impact on the housing mix by providing age restricted housing.

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

The proposed rezoning will not create an isolated zoning district. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not. Surrounding zoning classifications range from R-1 to PUD in this area of Gainesville Street and the proposed zoning and Development are consistent with what is contemplated.

Agree

- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.

The proposed rezoning is consistent with the zoning map, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

The proposed use will enhance the character of the existing district and surrounding area in staff's opinion.

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

There is no impact to the environment from the Development. The Development will be connected to the public sanitary sewer system. Stormwater quality and detention will be designed in accordance with state and federal requirements.

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 rezoning is consistent with the overall purpose of the zoning ordinance, based on the Comprehensive Plan. The Property is in a TN Character Area designation in the Comprehensive Plan and the TN text provides that TND zoning is consistent with the TN Character Area. The Comprehensive Plan provides that TND zoning is designed for development around other residential uses and is particularly suited for infill development near the downtown. TND is the only zoning classification contemplated in the TN Comprehensive Plan Character Area and the current zoning is not included.

The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.

Recommendation

Approve the request as submitted with the following conditions:

1. Development shall significantly adhere to the site plan as shown below:



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Public Hearing to Consider an Rezoning Request submitted by Edge City Properties

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

Rezone a 14.158 +/- acre tract of land known as 5416 and 5408 Gainesville Street and described as tax parcel identification numbers 08112 027026 and 08112 027044 from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) with the intent to develop and construct forty (40) single family detached homes. The request to rezone to R-2 also includes variance requests.

FACTS AND ISSUES:

Rezone a 14.158 +/- acre tract of land known as 5416 and 5408 Gainesville Street and described as tax parcel identification numbers 08112 027026 and 08112 027044 from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) with the intent to develop and construct forty (40) single family detached homes. The request to rezone to R-2 also includes variance requests.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No vote at this time

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [01 Edge City Zoning Package 14.158 Acres 10.20.2023.pdf](#)
- [Staff Report 5416 and 5408 Gainesville Street_Comments.pdf](#)



REZONING APPLICATION

Date: October 17, 2023

Address of Request:

5416 and 5408 Gainesville Street, Flowery Branch, GA 30542

Tax Map # 08112 027026, 08112 027044 **Current Zoning:** R-1

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

Currently a conforming use? Yes

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

Applicant Information

Name: Edge City Properties, Inc., C/O Kenneth J. Wood at Planners and Engineers Collaborative, Inc.

Address: 350 Research Court, Peachtree Corners, GA 30092

E-mail address: kwood@pec.plus

Phone number: 770-451-2741

Signature: 

Notary:



Ken Wood
6/17/2023



Property owner information (if different than the applicant)

Property owner (please print): The Evelyn Bagwell Revocable Trust

Signature of property owner: Nedra Ann Jones Executor

Notary:



Ashley Nichole Young

Property Information

Tax Map Number: 0811 2 027026

Current Zoning: R-1 Total Acres: +/-13.68

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

Proposed City of Flowery Branch Zoning: R-2

Current Use: R-1

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



Property owner information (if different than the applicant)

Property owner (please print): Evelyn B. Jones

Signature of property owner: Nedra Ann Jones Executor

Notary:



Property Information

Tax Map Number: 08112 027044

Current Zoning: R-1 Total Acres: +/-0.49

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

Proposed City of Flowery Branch Zoning: R-2

Current Use: R-1

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):

- Current survey of property



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

Conflict of Interest Disclosure

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

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

None

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

None

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

None



Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

NONE

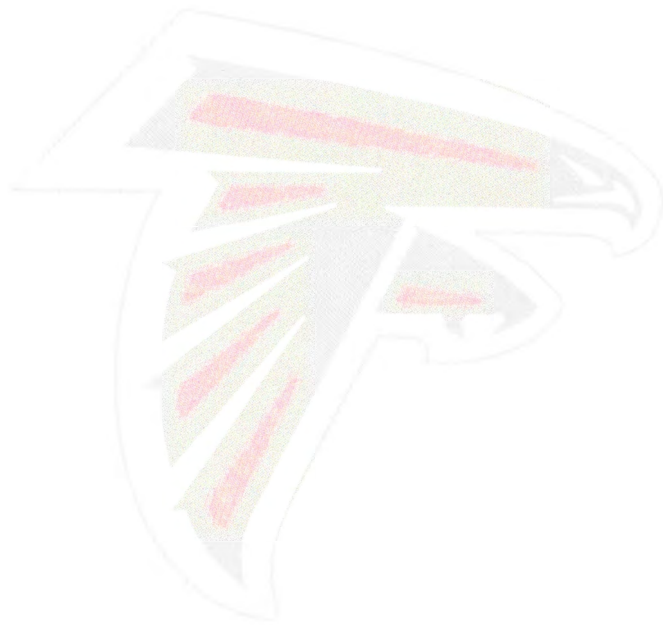
NONE

_____	_____
_____	_____

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____





October 17, 2023

Rich Atkinson, Director
Planning & Community Development
City of Flowery Branch
5410 Pine Street
Flowery Branch, GA 30542

Re: LETTER OF INTENT FOR REZONING APPLICATION FOR 5416 and 5408 GAINESVILLE STREET (Parcel 08112 027026 and 08112 027044)

Dear Director Atkinson:

Edge City Properties, Inc. (the "Applicant") submits this Letter of Intent and attached Rezoning Application (the Application) for the purpose of rezoning to the R-2, Residential, Detached Single Family District zoning classification +/- 14.158 acres of land (the "Property") situated on Gainesville Street at Spring Street. The acreage is two combined parcels on the west side Gainesville Street in the southwestern portion of Hall County in the City of Flowery Branch. The Property has a residential home with the remaining portion being mostly pasture and is currently zoned R-1 with convenient access to the downtown area of Flowery Branch.

The Applicant proposes to develop the Property to contain a single-family residential community including a total of 40 detached single-family homes at a size, quality and price commensurate with or exceeding existing homes in the surrounding area. The Property is adjacent to a PUD residential development on three sides to the west, north and south and further surrounded by R-1 residential uses on small lots.

The proposed homes will include a mixture of two-story detached homes including two-car garages. The homes would be a mixture of front entry and rear entry garages to compliment the site topography. The front façade of the proposed homes would be constructed of a mixture of brick, stone, and/or fiber-cement shake/siding (including board and batten). The proposed development would also contain a pocket park and green space area for the use of the residents. The proposed development is in the Suburban Residential character area of the City of Flowery Branch Comprehensive Plan 2041. The site is bordered by the Old Town Character area to the south which encourages higher densities to support the downtown revitalization. A more dense residential housing supply will provide critical economic support to downtown shops and restaurants.

The proposed development would be a quality development that is compatible with development in the surrounding area. The homes proposed would contain a minimum of 2,000 square feet. The proposed development will preserve important state waters which border the property to the west in a rapidly-growing area in the City of Flowery Branch. The Gainesville

Street frontage will have sidewalks installed to further advance the Comprehensive Plan by increasing the walkability of the area into the City's downtown area.

Further, surrounding development and existing uses would not face major negative impacts as a result of the proposed development in part because of the substantial buffering and setback requirement of the City's Zoning Resolution.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Flowery Branch to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith.

The Applicant respectfully request your approval of this Application.

Sincerely,



Michael K. Dye
President
Edge City Properties, Inc. as Applicant

**City of Flowery Branch Rezoning Application
REQUEST FOR STATISTICAL INFORMATION
5416 and 5408 Gainesville Street Rezoning
Application**

1. Value of improvements at buildout:
 - Single Family Detached Homes 40 x \$600,000 = \$24,000,000
 - Total Value of Development \$24,000,000
2. Property tax revenue at buildout: (based on 40% of Total Value is \$9,600,000)
 - Hall County - \$ 236,832 (millage rate of 24.67)
 - City of Flowery Branch - \$31,334 (millage rate of 3.264)
3. Schedule of construction:
 - Design/Permitting: 1/1/2024 to 6/30/2024
 - Land Development/Plat: 7/1/2024 to 1/1/2025
 - Home Construction and Sales 1/1/2025 to 6/30/2026
4. Anticipated total square footage per unit:
 - 2,000 sf minimum
5. Total acreage to be developed:
 - 11.89 acres in total
6. The Single Family Tract will contain approximately 2.31 +/- acres private roads and utility easements.
7. The Single Family Tract will contain approximately 4.75 +/- acres of open space/common area to be maintained by the HOA to be established.
8. The Single Family Tract will contain approximately TBD acres of buffer and watershed protection.
 - A) The impervious buffer is applicable to this tract.
 - B) No property lines may extend into the undisturbed stream buffer.
 - C) The developer intends to utilize private streets to conform to the City's development code for front entry homes. The developer will dedicate storm sewer easements to the City of Flowery Branch as appropriate.
9. Transportation alternatives:
 - The Single Family Tract will have sidewalks along the frontage along Gainesville Street to utilize walkability to the City's downtown area.

10. Amenities for Single Family tract total approximately 3.02 +/- acres and will include the following:
 - Pocket Park
 - Green Space Area
11. A minimum of TBD are planned for the Single Family Tract with a maximum spacing of 150 feet.
12. The Single Family Tract will include approximately 4,100 linear feet of sidewalk containing approximately 447 cubic yards of concrete.
13. Homes in the Single Family Tract will have access to high speed internet to the extent available from the service provider.
14. The Single Family Tract will contain areas for providing detention, water quality and stream protection.
15. A traffic study has not yet been commissioned.
16. There are no provisions for utilization and storage of reuse water in this plan.
17. The Single Family Tract, as proposed, will generate approximately 14,000 (350 gpd x 40 units) gallons per day of wastewater flow.
18. The maximum daily water consumption is approximately 14,000 gallons per day. Low flow fixtures are required by the development.
19. A preliminary design has been completed in order to evaluate the proposed density. The site does not contain slopes 24% or greater.
20. Public safety requirements related to life safety codes have been considered in the concept design.
21. The Hall County school system will be provided density and build out projections for the entirety of the community.
22. Copies of master covenants and guidelines will be filed and recorded prior to recordation of the initial final plat.

Sec. 34.7. - Analysis Requirements.

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is a single-family residential neighborhood that will conserve important natural areas.
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. The proposed development is compatible with surrounding development.
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. The current R-1 zoning is not a reasonable economic use.
- (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. The proposed rezoning will not result in an excessive or burdensome use of the infrastructure. The subject property is located on Gainesville Street with access to all utilities. Further, the relatively low development density will not overly burden the infrastructure system.
- (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. The proposed rezoning should be appropriate when reviewing the Future Land Use character area of the Property. In addition, the adjacent parcel contiguous to the south are part of the Old Town Character Area and should allow a more intensive zoning. The installation of sidewalks along Gainesville Street will increase walkability to the City's downtown area which is a theme goal in the Comprehensive Plan.
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. The proposed rezoning is in conformity with the policy and intent of the City's Comprehensive Plan. The low-density R-1 zoning is no longer appropriate, and the property is well served as a single-family residential use and is adjacent to a higher density PUD.
- (g) Existing use(s) and zoning of the subject property and nearby properties. The existing use is a single-family home. The property is predominately surrounded by a PUD (to the west, north and south) and R-1 on the Gainesville Street frontage.
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. The current R-1 zoning is not a reasonable economic use. The Property is one of the larger tracts in the area and not appropriate for the larger lot sizes and lower density of R-1.
- (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. The proposed rezoning is appropriate with surrounding uses and should be eligible for a higher density given its proximity to the Old Town Character Area which encourages higher densities and increases the viability of the downtown redevelopment.
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. The proposed rezoning will not create an isolated zoning district and will complement the surrounding uses.

- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. The proposed rezoning will not negatively impact the character area of the zoning district.
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. The proposed rezoning use will not negatively impact the environment and will produce a quality residential use with careful consideration given to responsibly develop with no negative impact on the environment.
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. The proposed rezoning is in full compliance with the overall zoning scheme and purposes of the Zoning Ordinance. This proposal will protect and appreciate the surrounding properties while increasing the quality of the City's housing supply.

**Adjacent Property Owners to 5416 and 5408 Gainesville Street: Source Hall County
qPublic.net and City of Flowery Branch Official Zoning Map dated 2016**

1. [SUMMIT LAKE HOMEOWNERS ASSOCIATION, INC.](#)
1630 MILITARY CUT-OFF ROAD
SUITE 218
WILMINGTON, NC 28403
PUD
2. EDWIN ANDRES QUITIAN RUIZ
6030 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
3. LINDSAY MARIE COLE
KEMP, JEAN E. & COLE, CHANDLER BROOKS
6034 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
4. WESLEY AARON NEWTON
NEWTON MARILYN MONTEMAYOR
6038 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
5. ETHAN PEARCE HEISEY
HEISEY, MEGAN NICOLE
6042 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
6. CHARLES NORMAND WILSON
TENNIS, KATIE ELIZABETH
6046 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
7. LISA MADELEINE COZZA
COZZA ROBERT JUDE
6050 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
8. WIDJAJA SULISTIO
TJIPTOKUSUMO DEVI YONASIS
6054 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
9. ANTHONY RICHARD BARRIOS PINA
PINERO LISBETH M ARRIETA
6058 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD

10. DEIVI ALFREDO VILLEG ROSADO
6062 TRUMPET FLOWER AVENUE
FLOWERY BRANCH, GA 30542
PUD
11. [MAOQIAO YANG](#)
XUE, JIA
5765 BRIDLETON CROSSING
SUWANEE, GA 30024
PUD
12. MARIA M. BELLO HERNANDEZ
HERNANDEZ PRICE, MARIA M.
6070 TRUMPET FLOWER AVE
FLOWERY BRANCH, GA 30542
PUD
13. CALVIN ARTHUR TANNER
5504 GAINESVILLE STREET
GAINESVILLE, GA 30542
R-1
14. [JERRY DAVID TANNER](#)
TANNER SUE A
5504 GAINESVILLE ST
FLOWERY BRANCH, GA 30542
R-1
15. FREDERICK PETER PHEIL
P. O. BOX 338
RUBY, SC 29741
R-1
16. HARVEY FAMILY HOLDINGS, LLC
4940 BOWMAN PARK POINT
CUMMING, GA 30041
PUD

Authorization to Inspect Property

I hereby authorize the City of Flowery Branch Staff and/or City Council to inspect the Property located at 5416 and 5408 Gainesville Street, Flowery Branch, Georgia for the purpose of a evaluating a Rezoning Application.

Nedra Ann Jones Executor
THE EVELYN BAGWELL REVOCABLE TRUST
Nedra Ann Jones Executor
EVELYN B. JONES

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 61,990. IT HAS BEEN ADJUSTED USING THE COMPASS RULE.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 413,936.

GENERAL NOTES

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TRIMBLE S3 TOTAL STATION.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE GRID BASELINE.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY eGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983(HARN)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

DATE OF FIELD WORK: 4/15/2022

ALL IRON PINS SET ARE 1/2" REBARS CAPPED WITH "GUNNIN LSF 1033" UNLESS OTHERWISE NOTED.

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS SITE IS SHOWN TO BE WITHIN THE LIMITS OF A 100 YR. FLOOD HAZARD AREA AS PER F.I.R.M. CITY OF FLOWERY BRANCH, HALL COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 13139C0283G DATED 4/4/2018.

ALL MATTERS OF TITLE EXCEPTED.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES THAT ARE NOT SHOWN.

THE SURVEY AND PLAT SHOWN HEREON IS NOT INTENDED FOR USE OR RELIANCE BY ANY PARTIES OR ENTITIES NOT SPECIFICALLY LISTED IN THE TITLE. UNAUTHORIZED THIRD PARTIES SHALL INDEMNIFY AND HOLD GUNNIN LAND SURVEYING, LLC HARMLESS AGAINST ANY AND ALL LIABILITY FOR ANY LOSS ARISING OUT OF, OR RELATED TO, RELIANCE BY ANY THIRD PARTY ON ANY WORK PERFORMED THEREUNDER, OR THE CONTENTS OF THE SURVEY.

THE UNDERGROUND UTILITIES WERE ONLY MARKED FOR A PORTION OF THIS SITE AND ARE SHOWN HEREON BASED ON LOCATION OF MARKINGS PROVIDED BY:

UTILISURVEY, LLC
154 GRANT ROAD
FAYETTEVILLE, GEORGIA 30215
TEL. (404.312.6912)

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE LOCATED BY UTILISURVEY, LLC, UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

SITE ADDRESS IS LISTED AS:
5416 GAINESVILLE STREET
FLOWERY BRANCH, GA 30542

THE CURRENT PARCEL IDENTIFICATION NUMBER IS 08112 027026.

REFERENCE #1: BOUNDARY SURVEY FOR EVELYN B. JONES, PREPARED BY PATTON LAND SURVEYING, DATED MARCH 2, 2006, AND LAST REVISED ON FEBRUARY 21, 2012.

SYMBOL LEGEND

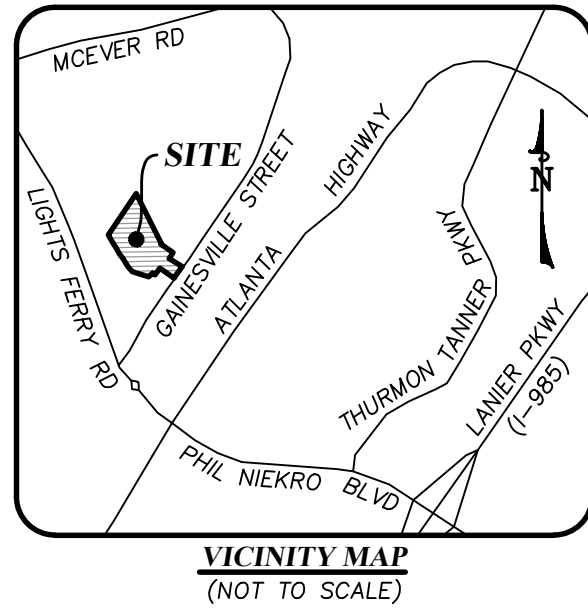
- 1/2" REBAR FOUND
- 1/2" REBAR SET
- RIGHT-OF-WAY MONUMENT FOUND
- ADJOINING LOT NUMBER
- LOT NUMBER
- LAND LOT NUMBER
- AIR CONDITIONING UNIT
- BENCHMARK
- SIGN
- HANDHOLE
- CABLE TV BOX
- CABLE TV MANHOLE
- CABLE TV PEDESTAL
- ELECTRIC BOX
- ELECTRIC MANHOLE
- ELECTRIC METER
- ELECTRIC PEDESTAL
- GUY WIRE AND ANCHOR
- LIGHT POLE (LP)
- POWER POLE (PP)
- SERVICE POLE
- TRANSFORMER
- GAS MANHOLE
- GAS VALVE
- GAS METER
- SANITARY SEWER CLEAN OUT
- SANITARY SEWER MANHOLE
- STORM SEWER CLEAN OUT
- DOUBLE WING CATCH BASIN
- SINGLE WING CATCH BASIN
- CURB INLET
- DROP INLET
- FLARED END SECTION
- HEADWALL
- JUNCTION BOX
- WEIR INLET
- YARD INLET
- TELEPHONE BOX
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- PEDESTRIAN SIGNAL POLE
- TRAFFIC SIGNAL BOX
- TRAFFIC SIGNAL POLE
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- IRRIGATION CONTROL VALVE
- WATER MANHOLE
- WATER METER
- WATER VALVE
- WATER VAULT

ABBREVIATIONS

- A.E. ACCESS EASEMENT
- B.C. BACK OF CURB
- B.M. BENCHMARK
- B.S.L. BUILDING SETBACK LINE
- C.&G. CURB AND GUTTER CENTERLINE
- C.L.F. CHAIN LINK FENCE
- C.M.F. CONCRETE MONUMENT FOUND
- C.M.P. CONCRETE
- C.T.P. CRIMPED TOP PIPE
- D.B. DEED BOOK
- D.E. DRAINAGE EASEMENT
- E.X. EXISTING
- E.P. EDGE OF PAVEMENT
- F.E. FENCE
- F.L.L. LAND LOT LINE
- O.T.P. OPEN TOP PIPE
- P.B. PLAT BOOK
- P.G. PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.R.W. PROPOSED RIGHT OF WAY
- S.S. SANITARY SEWER
- S.S.E. SANITARY SEWER EASEMENT
- P.L. PROPERTY LINE
- S.S.M.H. SANITARY SEWER MANHOLE
- U.E. UTILITY EASEMENT
- C.I. CURB INLET
- D.I. DROP INLET
- D.W.C.B. DOUBLE WING CATCH BASIN
- F.E.S. FLARED END SECTION
- H.W. HEADWALL
- J.B. JUNCTION BOX
- O.C.S. OUTLET CONTROL STRUCTURE
- S.W.C.B. SINGLE WING CATCH BASIN
- W.I. WEIR INLET
- Y.I. YARD INLET
- C.M.P. CORRUGATED METAL PIPE
- D.I.P. DUCTILE IRON PIPE
- H.D.P.E. HIGH DENSITY POLYETHYLENE PIPE
- P.V.C. POLYVINYL CHLORIDE PIPE
- R.C.P. REINFORCED CONCRETE PIPE
- V.C.P. VITRIFIED CLAY PIPE

LINE TYPE LEGEND

- ADJOINING PROPERTY LINE
- RIGHT-OF-WAY CENTERLINE
- CREEK CENTERLINE
- LAND LOT LINE
- METAL FENCE
- WIRE FENCE
- WOOD FENCE
- RAILROAD TRACK
- OVERHEAD UTILITY LINE
- UNDERGROUND CABLE TV LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND FIBER OPTIC LINE
- UNDERGROUND GAS PIPE
- UNDERGROUND SANITARY SEWER PIPE
- UNDERGROUND STORM SEWER PIPE
- UNDERGROUND STREET LIGHTING LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND TRAFFIC LINE
- UNDERGROUND WATER PIPE



BOUNDARY SURVEY FOR:
EDGE CITY PROPERTIES, INC.
LOCATED IN LAND LOT 112
8th DISTRICT
CITY OF FLOWERY BRANCH
HALL COUNTY, GEORGIA
JULY 13, 2022

G U N N I N
L A N D
S U R V E Y
INC.
141 Railroad Street, Suite 116
Canton, Georgia 30114
www.gunninsurvey.com
678.880.7502

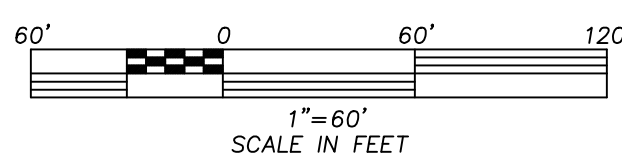


DRAWN BY: JZC
CHECKED BY: ZRW

PROJECT NO. 22016

SHEET 1 OF 1

SURVEYOR'S CERTIFICATE (STATE OF GEORGIA)
THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.
Zachary R. Weisel
ZACHARY R. WEISEL, GA RLS NO. 3473
07/13/22
DATE



TOTAL AREA=
14.158 ACRES

Legal Description – Gainesville Street 5416

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

BEGINNING at a 7/8" open-top pipe found at the southernmost corner of Lot 315 of Summit Lake Subdivision Phase 2, as recorded in Plat Book 879, Page 291 of Hall County, Georgia records;
Thence South 47 Degrees 11 Minutes 34 Seconds West a distance of 12.12 feet to a 1-1/2" open-top pipe found;
Thence South 56 Degrees 43 Minutes 56 Seconds East a distance of 428.58 feet to a point at the northwesterly right of way of Gainesville Street (40' R/W);
Thence along said right of way the following courses and distances:
South 34 Degrees 47 Minutes 24 Seconds West a distance of 89.96 feet to a point;
South 34 Degrees 03 Minutes 03 Seconds West a distance of 205.02 feet to a 1/2" rebar set;
Thence leaving said right of way North 55 Degrees 23 Minutes 46 Seconds West a distance of 245.63 feet to a 1" crimped-top pipe found;
Thence South 34 Degrees 45 Minutes 05 Seconds West a distance of 116.68 feet to a 1" crimped-top pipe found;
Thence North 54 Degrees 29 Minutes 24 Seconds West a distance of 41.81 feet to a 1-1/2" open-top pipe found;
Thence South 47 Degrees 05 Minutes 07 Seconds West a distance of 81.36 feet to a 1" open-top pipe found;
Thence North 72 Degrees 29 Minutes 07 Seconds West a distance of 242.41 feet to a 1/2" rebar found;
Thence North 43 Degrees 30 Minutes 24 Seconds West a distance of 95.73 feet to a 1/2" rebar found;
Thence North 32 Degrees 22 Minutes 01 Seconds West a distance of 138.08 feet to a 1/2" rebar found;
Thence North 37 Degrees 39 Minutes 04 Seconds West a distance of 77.21 feet to a 1/2" rebar found;
Thence North 30 Degrees 22 Minutes 11 Seconds West a distance of 102.03 feet to a 1/2" rebar found;
Thence North 31 Degrees 48 Minutes 07 Seconds West a distance of 51.86 feet to a 1/2" rebar found (bent);
Thence North 31 Degrees 32 Minutes 31 Seconds West a distance of 76.93 feet to a 1/2" rebar found;
Thence North 30 Degrees 29 Minutes 06 Seconds West a distance of 83.60 feet to a 1" open-top pipe found;
Thence North 33 Degrees 11 Minutes 02 Seconds East a distance of 710.40 feet to a 1" open-top pipe found;
Thence South 27 Degrees 31 Minutes 23 Seconds East a distance of 800.42 feet to a 7/8" open-top pipe found, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 14.158 Acres.

JUSTIFICATION FOR REZONING APPLICATION OF
EDGE CITY PROPERTIES, INC.

The portions of the Zoning Resolution of the City of Flowery Branch (the “ZR”) which classify or may classify the property (the 'Property') which is the subject of the rezoning application submitted herewith (the “Application”) into any less intensive zoning classification other than as requested by the Applicant, or that prohibit the development of the Property as set forth in the Application, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the ZR as applied to the subject Property, which restricts its use to the present zoning classification is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I. Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the R-2 zoning classification as requested by the Applicant and is not economically suitable for development under the present R-1 zoning classification of the City of Flowery Branch. A denial of the Application would constitute an arbitrary and capricious act by the Mayor and City Council members of the City of Flowery Branch without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Flowery Branch Mayor and City Council Members to rezone the Property to the R-2 classification as set forth in the Application with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the R-2 classification subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Likewise, a refusal by the City of Flowery Branch's Mayor and City Council Members to permit the Applicant to withdraw the Application without prejudice would be an arbitrary and capricious act by the City of Flowery Branch's Mayor and City Council Members without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section 1, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

This 17 day of October 2023

Respectfully submitted,

EDGE CITY PROPERTIES, INC., As Applicant



Michael K. Dye
President



**Staff Report
Edge City Properties
Rezoning Request
Ordinance
December 2023**

Request

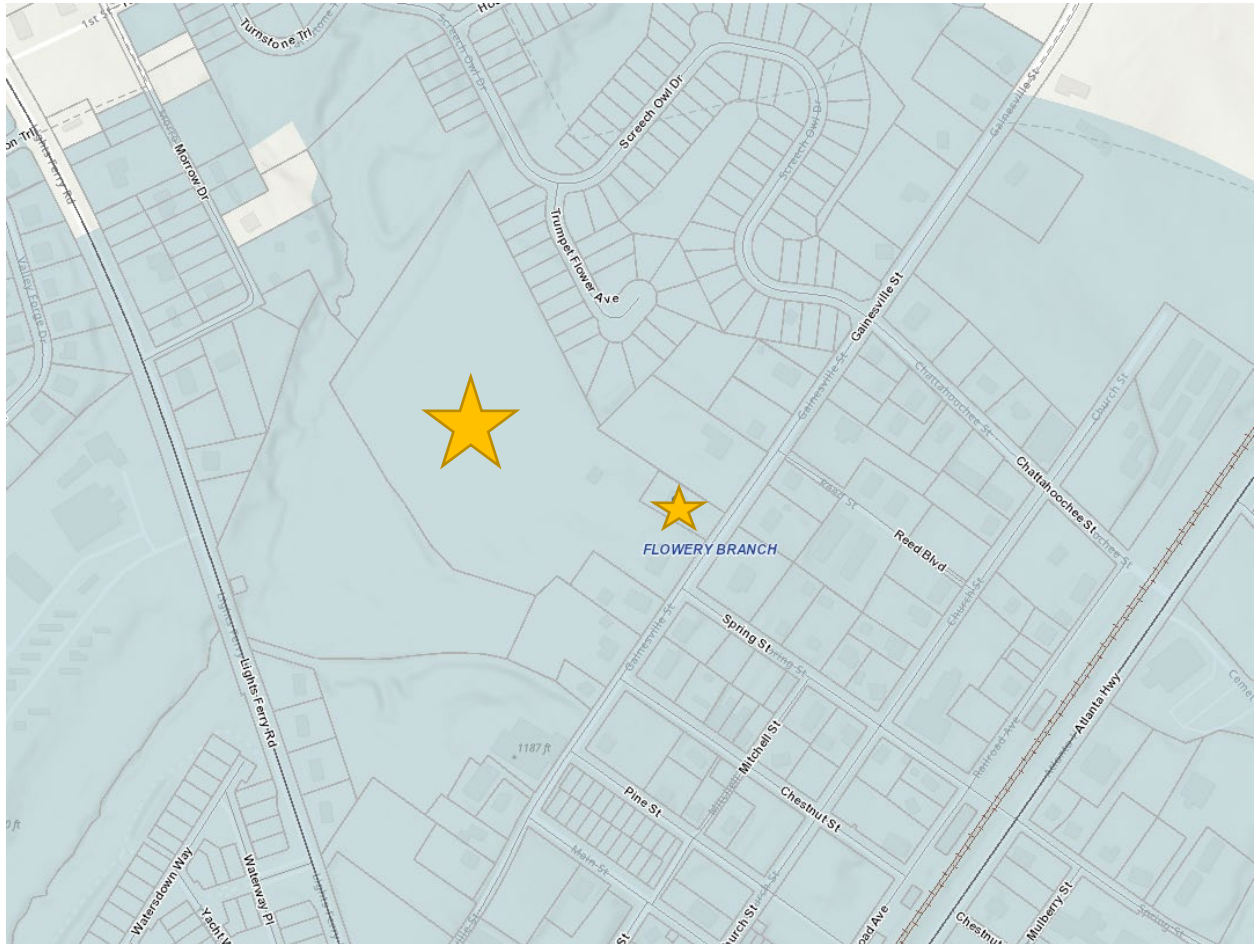
Rezone a 14.158 +/- acre tract of land known as 5416 and 5408 Gainesville Street and described as tax parcel identification numbers 08112 027026 and 08112 027044 from Residential, Detached Single Family, Low-Density District (R-1) to Residential, Detached Single Family(R-2) with the intent to develop and construct forty (40) single family detached homes. The request to rezone to R-2 also includes variance requests.

The variance requests are as follows:

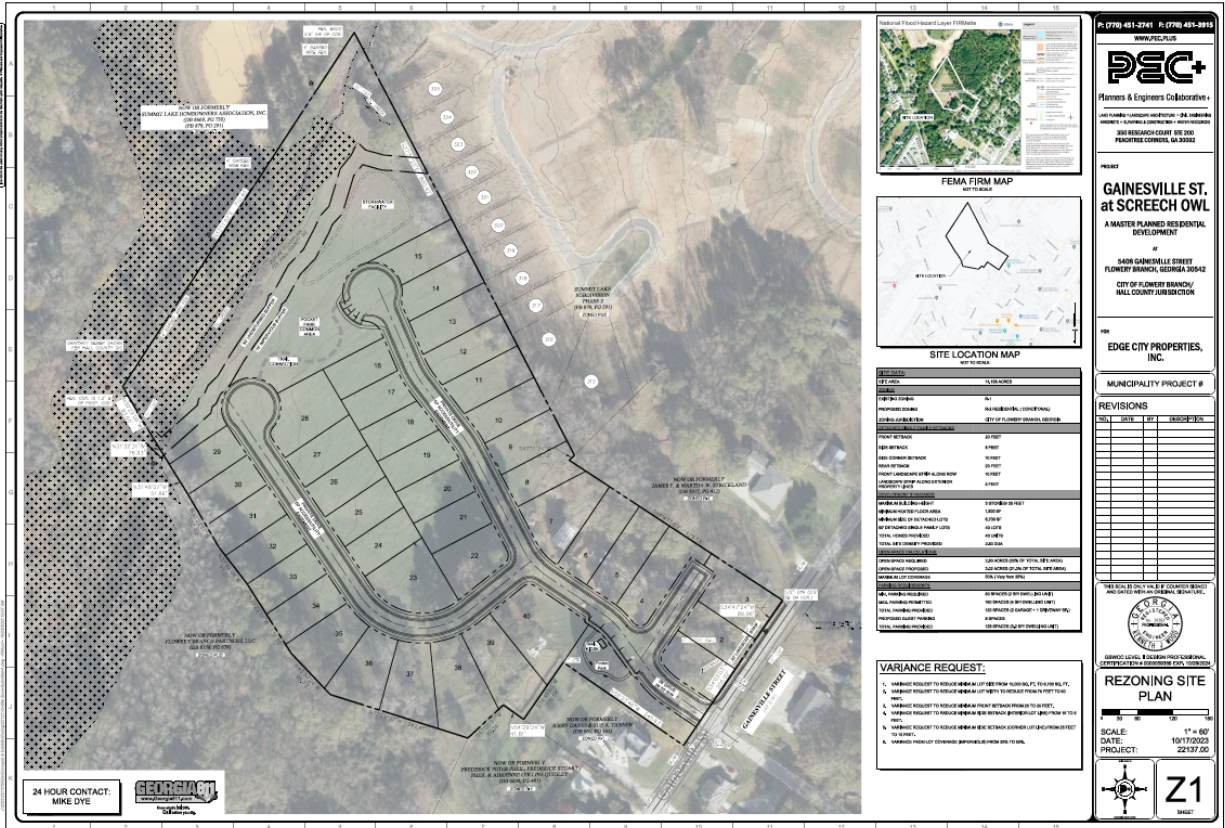
1. VARIANCE REQUEST TO REDUCE MINIMUM LOT SIZE FROM 15,000 SQ. FT. TO 6,700 SQ. FT.
2. VARIANCE REQUEST TO REDUCE MINIMUM LOT WIDTH TO REDUCE FROM 75 FEET TO 60 FEET.
3. VARIANCE REQUEST TO REDUCE MINIMUM FRONT SETBACK FROM 25 TO 20 FEET.
4. VARIANCE REQUEST TO REDUCE MINIMUM SIDE SETBACK (INTERIOR LOT LINE) FROM 15 TO 5 FEET.
5. VARIANCE REQUEST TO REDUCE MINIMUM SIDE SETBACK (CORNER LOT LINE) FROM 25 FEET TO 10 FEET.
6. VARIANCE FROM LOT COVERAGE (IMPERVIOUS) FROM 35% TO 50%.



GIS Map:



Proposed Layout:





<u>SITE DATA:</u>	
SITE AREA	14.158 ACRES
<u>ZONING</u>	
EXISTING ZONING	R-1
PROPOSED ZONING	R-2 RESIDENTIAL (CONDITONAL)
ZONING JURISDICTION	CITY OF FLOWERY BRANCH, GEORGIA
<u>DETACHED SINGLE FAMILY SETBACKS</u>	
FRONT SETBACK	20 FEET
SIDE SETBACK	5 FEET
SIDE CORNER SETBACK	10 FEET
REAR SETBACK	20 FEET
FRONT LANDSCAPE STRIP ALONG ROW	10 FEET
LANDSCAPE STRIP ALONG EXTERIOR PROPERTY LINES	5 FEET
<u>DEVELOPMENT STANDARDS</u>	
MAXIMUM BUILDING HEIGHT	3 STORIES/ 35 FEET
MINIMUM HEATED FLOOR AREA	1,800 SF
MINIMUM SIZE OF DETACHED LOTS	6,700 SF
60' DETACHED SINGLE FAMILY LOTS	40 LOTS
TOTAL HOMES PROVIDED	40 UNITS
TOTAL SITE DENSITY PROVIDED	2.83 DUA
<u>OPEN SPACE CALCULATIONS</u>	
OPEN SPACE REQUIRED	2.83 ACRES (20% OF TOTAL SITE AREA)
OPEN SPACE PROPOSED	3.02 ACRES (21.3% OF TOTAL SITE AREA)
MAXIMUM LOT COVERAGE	50% (Vary from 35%)
<u>PARKING REQUIREMENTS</u>	
MIN. PARKING REQUIRED	80 SPACES (2 SP/ DWELLING UNIT)
MAX. PARKING PERMITTED	160 SPACES (4 SP/ DWELLING UNIT)
TOTAL PARKING PROVIDED	120 SPACES (2 GARAGE + 1 DRIVEWAY SP.)
PROPOSED GUEST PARKING	8 SPACES
TOTAL PARKING PROVIDED	128 SPACES (3.2 SP/ DWELLING UNIT)



Proposed Schedule

December 7, 2023 – Public Hearing
December 21, 2023 - Work Session (if requested)
January 4, 2023 – First Read and First Vote
January 19, 2023 – Work Session (if requested)
February 2, 2023- Second Read and Final Vote

Comprehensive Plan



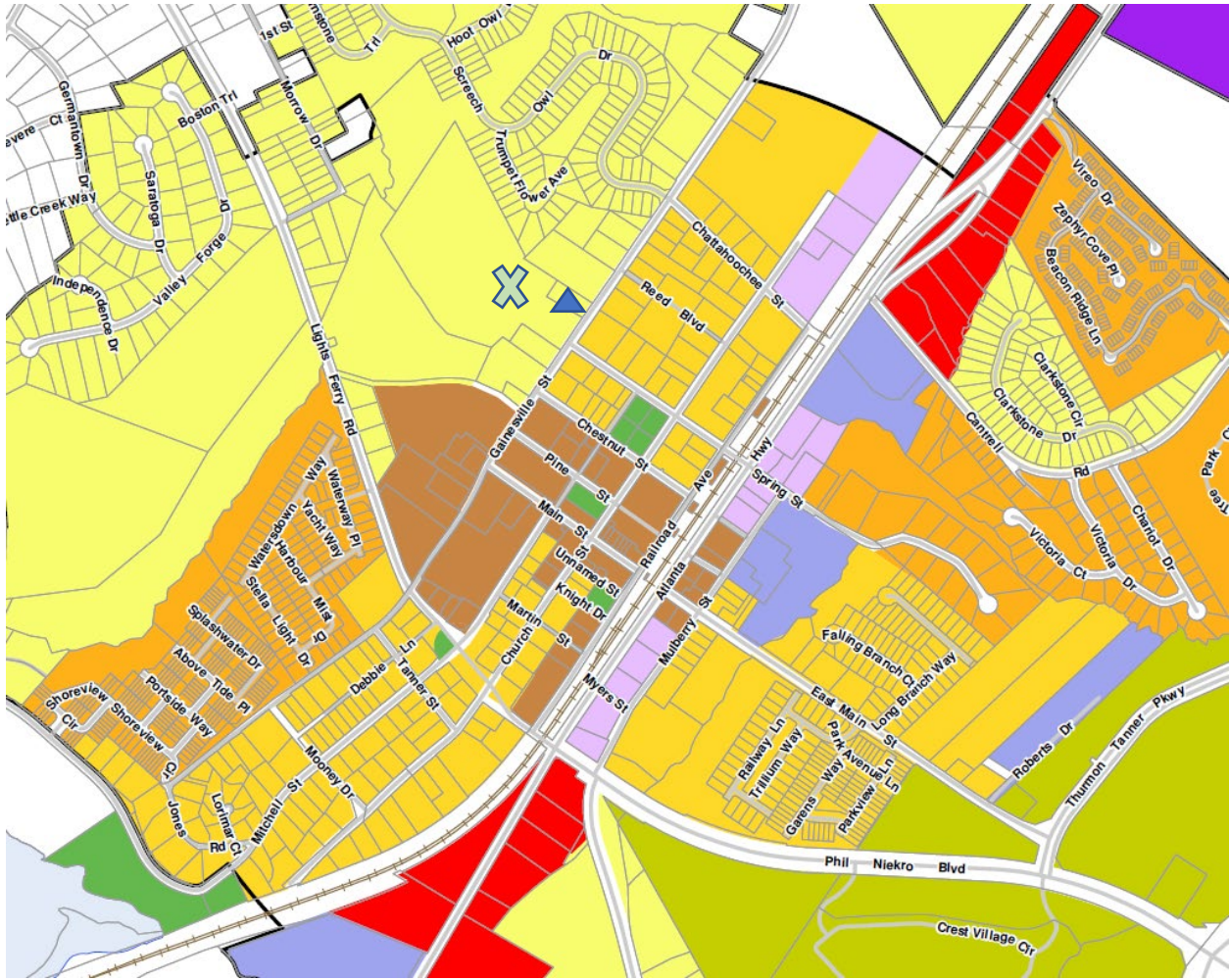


Purpose of the Comprehensive Plan

The *Flowery Branch Comprehensive Plan* is the City's policy guide for growth and development, as expressed by a vision statement, Future Development Map, character area policies, and supporting implementation strategies. The plan is most commonly used in the review and decision-making process by staff and City Council for rezoning requests, when proposals are evaluated for consistency with the Future Development Map and supporting text in this document.

The Comprehensive Plan also outlines the overall strategy for achieving the City's vision for future development by identifying a 5-year Community Work Program (CWP) with a prioritized 'to-do' list. The CWP should be consulted by staff and City Council on an annual basis when developing annual department-level work programs and the City budget.

In addition, this plan serves the purpose of meeting the intent and requirements of the Georgia Department of Community Affairs' (DCA) "Standards and Procedures for Local Comprehensive Planning," as amended on October 1, 2018. Preparation of a comprehensive plan in accordance with these standards is an essential requirement for maintaining status as a Qualified Local Government (QLG). QLG status allows Georgia cities and counties to be eligible for financial incentives from DCA, the Department of Natural Resources (DNR), the Georgia Environmental Finance Authority (GEFA), and the OneGeorgia Authority. This plan update allows the City of Flowery Branch to retain its QLG status.



▲ X Proposed parcel

Future Development Map

Other City Limits	MIXED USE - DOWNTOWN
CONSERVATION	MIXED USE - NEIGHBORHOOD
SUBURBAN RESIDENTIAL	NEIGHBORHOOD COMMERCIAL
TRADITIONAL NEIGHBORHOOD	ACTIVITY CENTER
URBAN DENSITY COMMUNITY	ACTIVITY CENTER - RETAIL
OLD TOWN	INDUSTRIAL EMPLOYMENT
	INSTITUTIONAL CAMPUS



Suburban Residential

Suburban Residential areas are located throughout the city and include locations where low- to- moderate density single-family development exists or is likely to based on a property's zoning and surrounding uses.

Vision

Protect established single-family neighborhoods and create quality new residential construction at suburban densities.

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
- In Planned Unit Developments (PUDs), deviations in lot size, building setbacks and street width may be appropriate to maximize open space and improve neighborhood design

Land Uses

- Single-family detached dwellings
- Recreational uses integrated into a neighborhood

Zoning

- R-1 Detached Single-Family, Low-Density District
- R-2 Detached Single-Family, Moderate-Density District
- PUD - Planned Unit Development District

Implementation Strategies

- Amend City's Architectural Design Standards to address residential buildings
- Update PUD requirements to enhance open space and site design requirements
- Expand code enforcement ability by increasing full-time personnel

Illustrative Photos





The proposed development generally meets the requirements of the Suburban-Residential character area of the Comprehensive Plan. The variance requests would boost downtown redevelopment by accommodating more citizens with a close proximity to downtown area.

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.

Applicant comment

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.
The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is a single-family residential neighborhood that will conserve important natural areas.
Yes, residential use is appropriate for this site and the surrounding area.
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. The proposed development is compatible with surrounding development.
The development will not adversely affect the area.
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
The current R-1 zoning is not a reasonable economic use.
Yes, the current zoning of R-1 may be economically feasible with the potential growth in the downtown area.
- (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.



The proposed rezoning will not result in an excessive or burdensome use of the infrastructure. The subject property is located on Gainesville Street with access to all utilities. Further, the relatively low development density will not overly burden the infrastructure system.

It is staff's opinion that the use will not create any unnecessary burdens.

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

The proposed rezoning should be appropriate when reviewing the Future Land Use character area of the Property. In addition, the adjacent parcel contiguous to the south are part of the Old Town Character Area and should allow a more intensive zoning. The installation of sidewalks along Gainesville Street will increase walkability to the City's downtown area which is a theme goal in the Comprehensive Plan.

Agree

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

The proposed rezoning is in conformity with the policy and intent of the City's Comprehensive Plan. The low-density R-1 zoning is no longer appropriate, and the property is well served as a single-family residential use and is adjacent to a higher density PUD.

Not to staff's knowledge, no.

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

The existing use is a single-family home. The property is predominately surrounded by a PUD (to the west, north and south) and R-1 on the Gainesville Street frontage.

Agree

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

The current R-1 zoning is not a reasonable economic use. The Property is one of the larger tracts in the area and not appropriate for the larger lot sizes and lower density of R-1.

The R-1 is feasible but the requested R-2 zoning designation is more appropriate as the subject property is close to the downtown area. Please also review applicant's response as part of attached "Exhibit C".

- (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.

The proposed rezoning is appropriate with surrounding uses and should be eligible for a higher density given its proximity to the Old Town Character Area which encourages higher densities and increases the viability of the downtown redevelopment.

Agree. Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area.

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

The proposed rezoning will not create an isolated zoning district and will complement the surrounding uses.

Agree.



- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
The proposed rezoning will not negatively impact the character area of the zoning district
The proposed use will enhance the character of the existing district and surrounding area in staff's opinion.
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
The proposed rezoning use will not negatively impact the environment and will produce a quality residential use with careful consideration given to responsibly develop with no negative impact on the environment.
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 rezoning is in full compliance with the overall zoning scheme and purposes of the Zoning Ordinance. This proposal will protect and appreciate the surrounding properties while increasing the quality of the City's housing supply.
The proposed development will enhance the surrounding area and meets the intent of the Zoning Ordinance.



**City of Flowery Branch Rezoning Application
REQUEST FOR STATISTICAL INFORMATION
5416 and 5408 Gainesville Street Rezoning
Application**

1. Value of improvements at buildout:
 - Single Family Detached Homes 40 x \$600,000 = \$24,000,000
 - Total Value of Development \$24,000,000
2. Property tax revenue at buildout: (based on 40% of Total Value is \$9,600,000)
 - Hall County - \$ 236,832 (millage rate of 24.67)
 - City of Flowery Branch - \$31,334 (millage rate of 3.264)
3. Schedule of construction:
 - Design/Permitting: 1/1/2024 to 6/30/2024
 - Land Development/Plat: 7/1/2024 to 1/1/2025
 - Home Construction and Sales 1/1/2025 to 6/30/2026
4. Anticipated total square footage per unit:
 - 2,000 sf minimum
5. Total acreage to be developed:
 - 11.89 acres in total
6. The Single Family Tract will contain approximately 2.31 +/- acres private roads and utility easements.
7. The Single Family Tract will contain approximately 4.75 +/- acres of open space/common area to be maintained by the HOA to be established.
8. The Single Family Tract will contain approximately TBD acres of buffer and watershed protection.
 - A) The impervious buffer is applicable to this tract.
 - B) No property lines may extend into the undisturbed stream buffer.
 - C) The developer intends to utilize private streets to conform to the City's development code for front entry homes. The developer will dedicate storm sewer easements to the City of Flowery Branch as appropriate.
9. Transportation alternatives:
 - The Single Family Tract will have sidewalks along the frontage along Gainesville Street to utilize walkability to the City's downtown area.



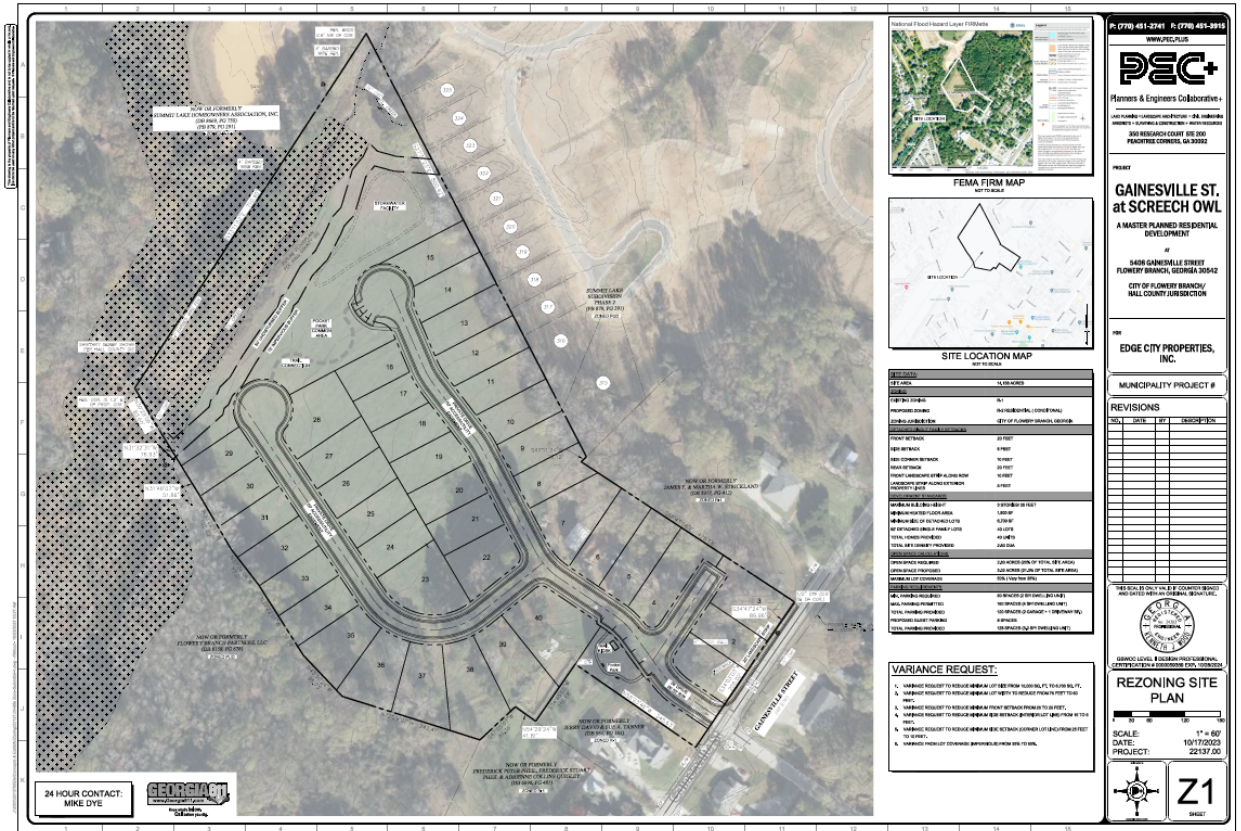
10. Amenities for Single Family tract total approximately 3.02 +/- acres and will include the following:
 - Pocket Park
 - Green Space Area
11. A minimum of TBD are planned for the Single Family Tract with a maximum spacing of 150 feet.
12. The Single Family Tract will include approximately 4,100 linear feet of sidewalk containing approximately 447 cubic yards of concrete.
13. Homes in the Single Family Tract will have access to high speed internet to the extent available from the service provider.
14. The Single Family Tract will contain areas for providing detention, water quality and stream protection.
15. A traffic study has not yet been commissioned.
16. There are no provisions for utilization and storage of reuse water in this plan.
17. The Single Family Tract, as proposed, will generate approximately 14,000 (350 gpd x 40 units) gallons per day of wastewater flow.
18. The maximum daily water consumption is approximately 14,000 gallons per day. Low flow fixtures are required by the development.
19. A preliminary design has been completed in order to evaluate the proposed density. The site does not contain slopes 24% or greater.
20. Public safety requirements related to life safety codes have been considered in the concept design.
21. The Hall County school system will be provided density and build out projections for the entirety of the community.
22. Copies of master covenants and guidelines will be filed and recorded prior to recordation of the initial final plat.



Recommendation

Approve the request as submitted with the following conditions:

1. Development shall significantly adhere to the site plan as shown below:



2. Landscaping
 - A. Typical lot landscaping design: identify type and size of trees and bushes
 - B.
3. Homes shall meet all R2 and current design and architectural requirements.
4. 8' sidewalk is required along Gainesville Street.
5. Streets shall be private



6. A fence around the exterior of the property to separate it from the neighbors shall be required. Said fence will be decorative in nature and shall be approved by staff.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Public Hearing to Consider a Conditional Use Permit Request submitted by Park Mini-Storage, LLC.

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

FACTS AND ISSUES:

The request is to apply for a conditional use permit to operate a car wash facility on a parcel totaling 1.34 +/- acres located at 4728 & 4734 Hog Mountain Road. The property is zoned as HB (Highway Business).

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Public Hearing Only - no vote at this time.

SAMPLE MOTION:

No motion at this time.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [1. Completed CUP Application Flowery Branch Carwash.pdf](#)
- [2. CUP Exhibit.pdf](#)
- [Satff review_Conditional use analysis and description \(REV\).pdf](#)



CONDITIONAL USE PERMIT APPLICATION

City Provided Permit #

Date: 07/10/2023

Address of Request:

4728 & 4734 Hog Mountain Road, Flowery Branch GA 30542

Tax Map # 08096 000002 & 08096 000016 Current Zoning: HB

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

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? Car Wash SUP

Applicant Information

Applicant: Parkway Mini-Storage, LLC

Address: 3120 Frontage Road, Gainesville GA 30504

E-mail address: keith@cookres.com

Phone number: 770-540-6268

Signature: 

Notary Seal:





Property owner Information

Property owner (please print): Parkway Mini-Storage, LLC

Address: 3120 Frontage Road, Gainesville GA 30504

E-mail address: keith@cookres.com

Phone number: 770-540-6268

Signature: 

Notary Seal: 



Applicant Information Required at Time of Submittal

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

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



Conflict of Interest Disclosure

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

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

none

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

none

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

none

Disclosure of Campaign Contributions

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

Elected Officials Name

Amount of Description of Gift

n/a

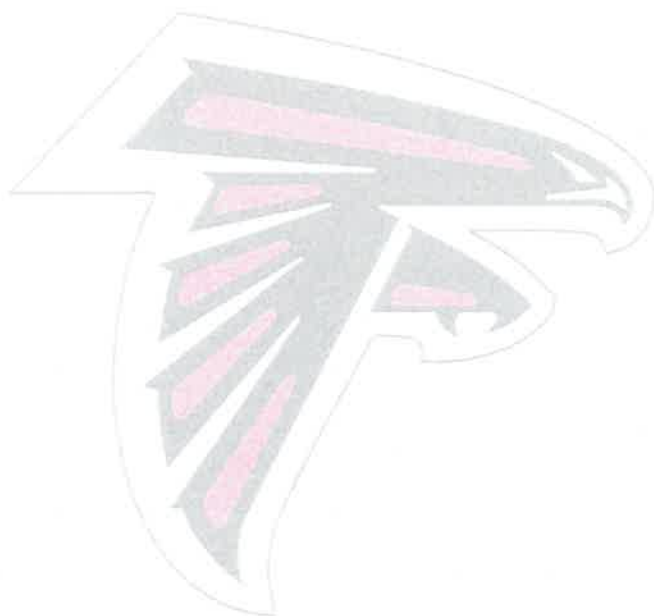
n/a



Received by City of Flowery Branch Staff on _____

Name: _____

Title _____



Hog Mountain Road Boundary Descriptions for the City of Flowery Branch

Parkway Mini Storage Properties **Tract One**

All that tract or parcel of land lying and being in Land Lot 96 of the 8th Land District, also being a part of the Flowery Branch District (G.M.D. 1270), Hall County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, commence at the eastern most end of the mitered intersection of the northern right of way line of Spouts Spring Road (having a variable width right of way) and the western right of way line of Hog Mountain Road (having a variable width right of way) and thence leaving said point and running with the said right of way line of Hog Mountain Road North 37° 51' 20" East, 82.41 feet to a point; thence, North 47° 21' 34" East, 98.75 feet to a point and the True Point of Beginning of the herein described tract or parcel of land. And thence leaving the True Point of Beginning and the said right of way line of Hog Mountain Road and running along the property line now or formerly belonging to Flowery Branch Holdings (as shown in Deed Book 5159, Page 371 of the Hall County Land Records)

North 63° 46' 43" West, 198.92 feet to a ½" rebar; thence, leaving the said Flowery Branch Property and running with the property of Stonebridge Village (as shown in Plat Book 860, Page 39 of the said records)

North 37° 31' 16" East, 107.66 feet to a point; thence,

North 38° 08' 21" East, 91.61 feet to a point; thence, leaving the said property of Stonebridge Village and running with the property now or formerly belonging to Parkway Mini Storage, L.L.C. (as shown in Deed Book 5434, Page 667 of the said records)

South 55° 05' 50" East, 198.78 feet to a point on the said right of way line of Hog Mountain Road; thence, leaving the said property of Parkway Mini Storage, L.L.C. and running with the said right of way line of Hog Mountain Road

South 39° 02' 30" West, 169.43 feet to the True Point of Beginning, containing 36,264 square feet or 0.8325 acres of land, more or less.

The herein described tract or parcel of land is subject to all rights of ways and easements, both recorded and unrecorded.

Parkway Mini Storage Properties
Tract Two

All that tract or parcel of land lying and being in Land Lot 96 of the 8th Land District, also being a part of the Flowery Branch District (G.M.D. 1270), Hall County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, commence at the eastern most end of the mitered intersection of the northern right of way line of Spouts Spring Road (having a variable width right of way) and the western right of way line of Hog Mountain Road (having a variable width right of way) and thence leaving said point and running with the said right of way line of Hog Mountain Road North 37° 51' 20" East, 82.41 feet to a point; thence, North 47° 21' 34" East, 98.75 feet to a point; thence, North 39° 02' 30" East, 169.43 to a point and the True Point of Beginning of the herein described tract or parcel of land. And thence leaving the True Point of Beginning and the said right of way line of Hog Mountain Road and running along the property line now or formerly belonging to Parkway Mini Storage, L.L.C. (as shown in Deed Book 5434, Page 667 of the Hall County Land Records)

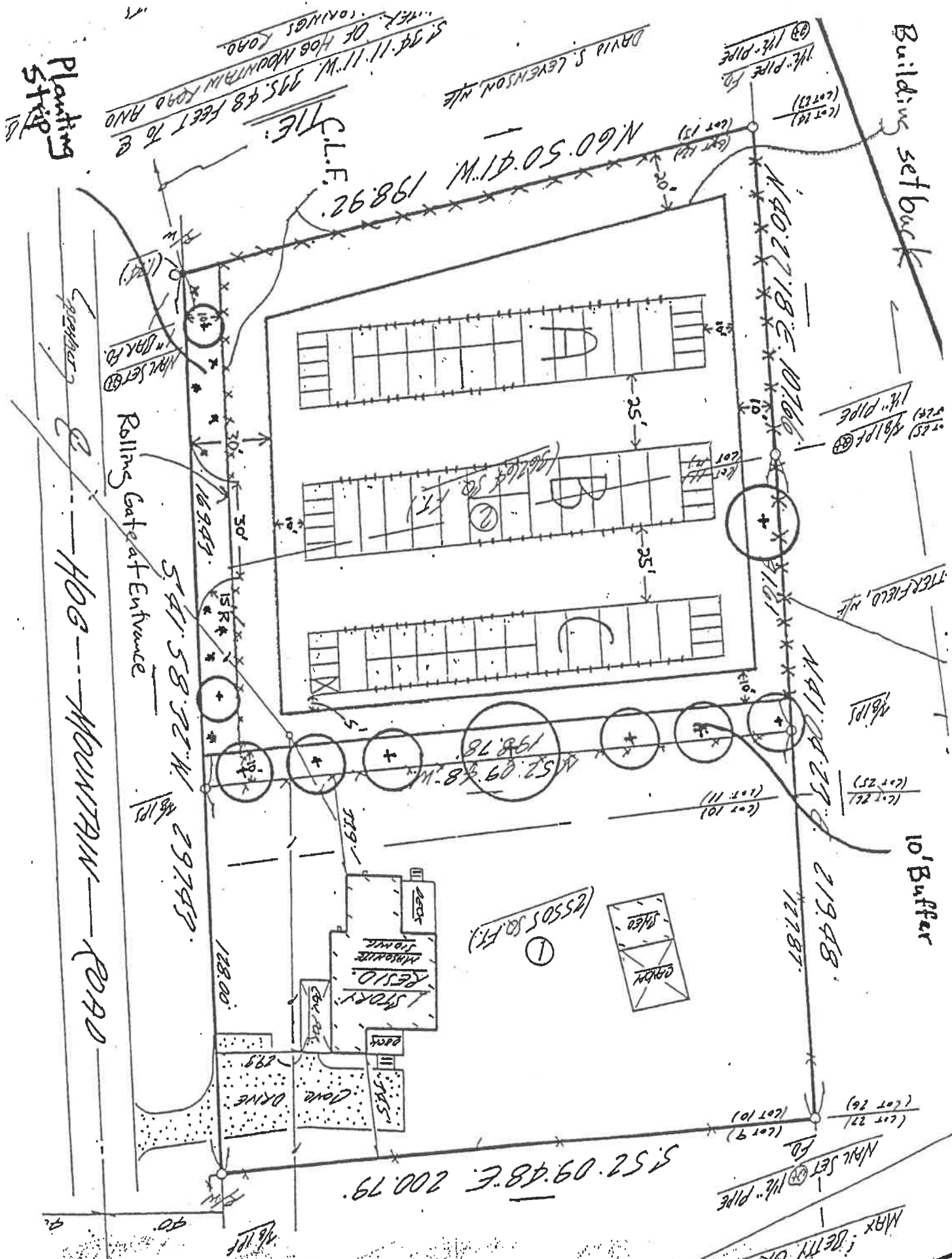
North 55° 05' 50" West, 198.78 feet to a point; thence, leaving the said Parkway Mini Storage Property and running with the property of Stonebridge Village (as shown in Plat Book 860, Page 39 of the said records)

North 38° 21' 33" East, 128.08 feet to a ½" rebar; thence,

South 55° 02' 39" East, 200.29 feet to a ½" rebar; thence, leaving the said property of Stonebridge Village and running with the said right of way line of Hog Mountain Road

South 39° 02' 30" West, 128.00 feet to the True Point of Beginning, containing 25,492 square feet or 0.5852 acres of land, more or less.

The herein described tract or parcel of land is subject to all rights of ways and easements, both recorded and unrecorded.



EQUIPMENT USED:
A TOPCON 223 TOTAL STATION WAS USED TO OBTAIN ANGULAR MEASUREMENTS
AND A DISTOMETER WAS USED TO OBTAIN DISTANCE MEASUREMENTS.

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- [illegible]

1. WARRANTY DEED TO PARWAY MINI STORAGE, LLC,
INCORPORATED IN OHIO, 4431 95th AVE, CLEVELAND, OHIO 44130

2. FINAL PLAT FOR STONEBRIDGE VILLAGE
RECORDED IN PG 660 PG 39, AFORESAID RECORDS

3. WARRANTY DEED TO PLOWMEY BRANCH HOLDINGS, L.L.C.
RECORDED IN DB 5189 PG 371, AFORESAID RECORDS

ACCORDING TO THE "FIRM" (FLOOD INSURANCE RATE MAP) OF HALL COUNTY,

THE SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN ON THIS SURVEY. PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARDOUS AREA. NO PORTION OF THE PANEL, NUMBERS 1318022031-F, DATED SEPTEMBER 24, 2004. NO PORTION OF THE

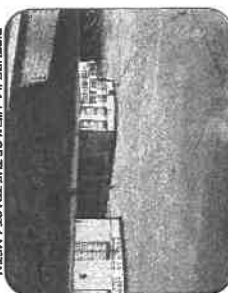
THE UNDERSIGNED HEREBY CERTIFIES, THAT TO THE BEST OF HIS KNOWLEDGE, INFORMATION

AND BELIEF THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE ACCORDANCE WITH MINIMUM STANDARD DETAIL REQUIREMENTS FOR THE STATE OF GEORGIA* AND PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY THE STATE OF GEORGIA AND IN EFFECT ON THE DATE OF THIS CERTIFICATION.

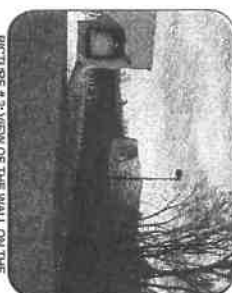
NOT TO SCALE



PICTURE #1: VIEW OF THE TRAC 1 METAL STORAGE FACILITIES | DRINKING WEST



NORTHEAST



REGISTERED NUMBER: 300

**BOUNDARY SURVEY
FOR
THE CITY OF FLOWERY BRANCH
LOCATED IN
LAND LOT 86, 8TH DISTRICT
FLOWERY BRANCH DISTRICT
(G.M.D. 1270)
HALL COUNTY, GEORGIA**

Project No.	2009-0370	No.	Revision
Survey Grade	NH-1 SML	#1	
Drawn By	NH-1 SML	#2	
Approved By	SEB	#3	
Date	03-25-2009	#4	
Scale	1"=40'	#5	

TerraMark
Professional Land Surveying

TerraMark Land Surveying, Inc.
260 Old Duvall Village Road
Suite 120
Dunnville, Georgia 39534
Phone No. (678) 547-1000
Fax No. (706) 285-8367

EQUIPMENT USED:
A TYPICAL 225 TON SWATCH WAS USED TO OBTAIN ANGULAR MEASUREMENTS
AND DISTANCE MEASUREMENTS.

CLOSURE STATEMENT:
THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE
WITHIN ONE FOOT IN 51,071 FEET.

THE FIELD DATA, INCLUDING THIS PLAN, IS BASED UPON A CLOSURE OF ONE FOOT
IN 51,071 FEET, AND AN ANGULAR ERROR OF 6" PER ANGLE POINT AND WAS
ADJUSTED USING THE COMPOUND RULE.

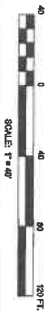
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LEGEND

1	FRONT
2	STRONG SPINNA LINE
3	SHARPENED SERIES
4	WHITE LINE
5	GLS LINE
6	GLS LINE
7	OVERSHOOTING PITCHES
8	PROBING LINE
9	PITCHING LINE
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1. WARRANTY DEED TO PARKWAY MINI STORAGE, LLC, RECORDED IN DB 6434 PG 887 HALL COUNTY RECORDS
2. FINAL PLAT FOR OTTERBERGER VILLAGE, RECORDED IN PG 800 PG 34, A-CHORD RECORDS
3. WARRANTY DEED TO FLOWERY BRANCH HOLDINGS, LLC, RECORDED IN DB 8190 PG 171, A-CHORD RECORDS

ACCORDING TO THE "PERMANENT HOMEOWNERS INSURANCE RATE MAP OF HALL COUNTY, GEORGIA, 2006" (HALL COUNTY, GEORGIA, 2006), THE SUBJECT PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, WHICH COULD REVEAL ELEVATION CHANGES NOT SHOWN ON THIS SURVEY.



THE UNDERSIGNED HEREBY CERTIFIES, THAT TO THE BEST OF HIS KNOWLEDGE, INFORMATION AND BELIEF THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE ACCORDANCE WITH MINIMUM STANDARD DETAIL REQUIREMENTS FOR THE STATE OF GEORGIA, AND PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY THE STATE OF GEORGIA AND IN EFFECT ON THE DATE OF THIS CERTIFICATION.



REGISTERED NUMBER: 3037



LOCATION MAP



PICTURE # 1: VIEW OF THE TRACT 2 RESIDENCE,
LOOKING WEST



**PICTURE # 2: VIEW OF THE TRACT 2 METAL SHED
LOOKING WEST**

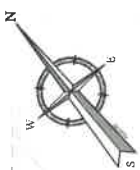
**BOUNDARY SURVEY
FOR
THE CITY OF FLOWERY BRANCH
LOCATED IN
LAND LOT 86, 8TH DISTRICT
FLOWERY BRANCH DISTRICT
(M.D. 1270)
HALL COUNTY, GEORGIA**

Project No.	2008-037D	Alt	Revision
Survey Crew	NH&I S&L	21	
Drawn By:	NH&I S&L	22	
Approved By:	SES	23	
Date:	03-05-2009	24	
Scale:	1"=60' F&T2 SURVEY, 2008-2009, DGH BOUNDARY, DGH	25	

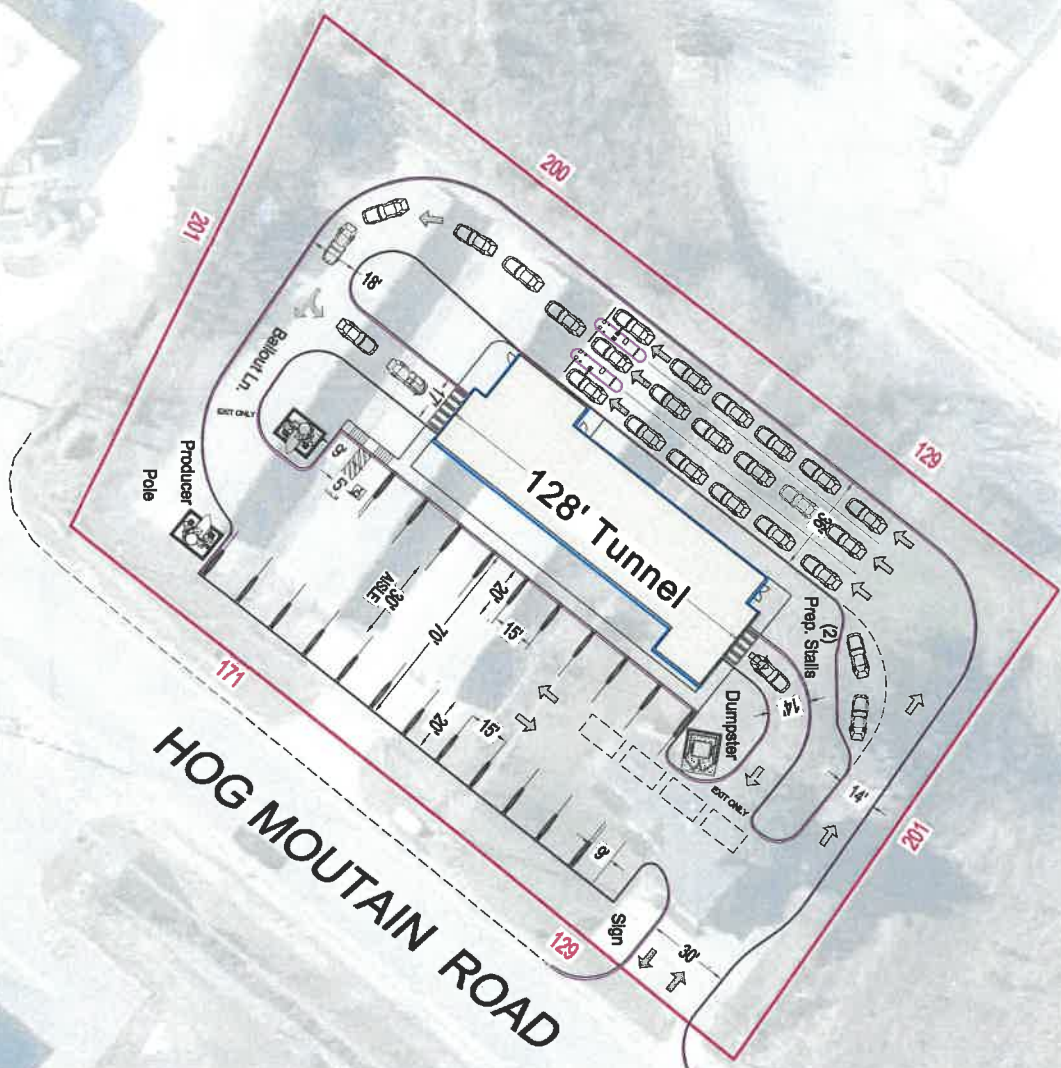


TerraMark Land Surveying, Inc.
200 Old Dawson Village Road
Suite 120
Dawsonville, Georgia 30534
Phone No. (878) 547-1808
Fax No. (706) 265-8342

2 OF 19



Site Plan



FLOWERY BRANCH
GA

4728 Hog Mountain Road
Flowery Branch GA

Site Area

1.34 AC
62,339 SF

Building Area

4,882 SF

Conveyor Length

128'

PARKING
Vacuum Stalls

20

Prep. Stalls

2

Parking Stalls

3

Accessible

1

Date

2-1-23



Site Plan Requirements per Article 34 Section 5

- Existing and proposed buildings and structures.

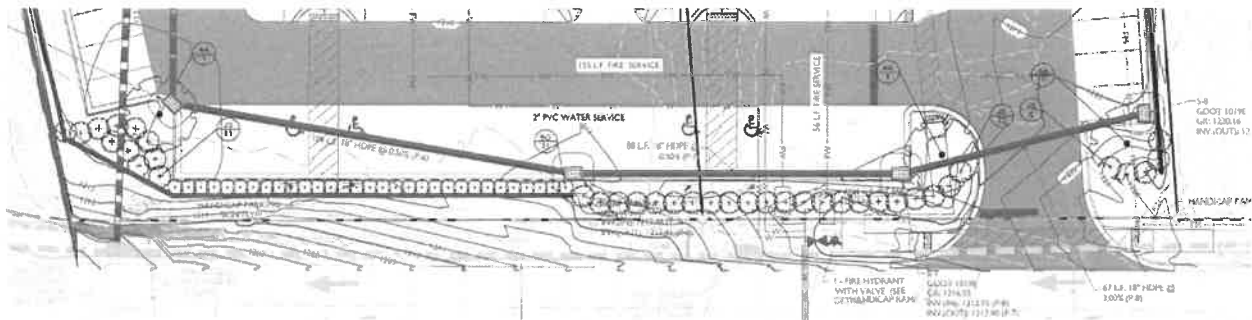
1

- Parking and internal circulation.

23 parking spaces including prep with a planter island every ten spaces

- Proposed landscaping.

A 10' landscape strip will be provided along the Hog Mountain Road Right-of-Way as required by the City of Flowery Branch. The landscape strip will consist of 3 Autumn Blaze Red Maples / 31 Green Velvet Boxwoods / 38 Sea Green Junipers, consistent with Flowery Branch Standards.



- Buffers.

No buffers are proposed or required for this project. The surrounding properties are commercial property and similar in use.

Development Statistics Requirements per Article 34 Section 6

1. Maximum and proposed height of any structure. one story
2. Maximum and proposed gross square footage of the building area (nonresidential only).
5,000-6,500 square feet
3. Color renderings of any proposed structures. See attached sample renderings & pictures
4. Material list (with percentages) of any proposed structures. 100% brick/stone & metal roof
5. Maximum and proposed lot coverage of building area (square feet and percent)

Maximum Allowed Lot Coverage = (30,800 S.F. / 50%)

Proposed Lot Coverage = (6,000 S.F. / 10%)

6. Minimum and proposed square footage of landscaped area (square feet and percent)

Minimum Required Landscaped Area = 15% (9,263 S.F.)

Proposed Landscaped Area = 20% (12,300 S.F.)

July 10th, 2023

Mr. Rich Atkinson, Director
City of Flowery Branch Planning and Community Development
PO Box 757
5410 Pine Street
Flowery Branch, GA 30542

RE: Conditional Use Written Analysis and Detailed Description

Mr. Atkinson,

In consideration of Conditional Use for a Car Wash located at 4728 & 4734 Hog Mountain Road, we ask that you consider these factors as they bear a reasonable relationship to the public safety, health, morality, and general welfare to the City of Flowery Branch.

We are proposing a Car Wash at the current location of Parkway Mini-Storage. This parcel is adjacent to McDonalds. The Car Wash will have a proposed 5,000 SF building with 21 parking spaces with vacuum and detail stations. There will be access to enter the car wash from the right side of the property, and exit of the car wash will be in left side of the property. We will adhere to all City Ordinances and Regulations, and all buildings will be architecturally compatible.

Attached are criteria for consideration for the Zoning Administrator to make recommendations for the Governing Body.

- A. Whether the conditional use proposal will permit a use that is suitable in view of the use and development of the current, adjacent, and nearby properties.

The existing use of the current property is three mini-storage buildings and one older home. This property is zoned Highway Business and is currently being used as a storage facility. The adjacent property is zoned Highway Business and is currently being used as a fast-food facility. Other nearby properties are banks and strip centers. The Conditional Use should be suitable in view of the use and development of adjacent properties. The proposed building will be architecturally compatible with the surrounding properties.

- B. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.

The proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The proposal has adequate setbacks with vehicular circulation into and out of the site. There will be vacuum and detail stations on site as well. Vehicles will be able to enter the car wash from the side of the building and able to exit from the other side of the building then onto Hog Mountain Road.

- 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.

A Conditional Use permit is required by the City of Flowery Branch in order to have a car wash use on the site. The site lends itself very well to the layout of the car wash.

- 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.

The proposed use will not cause excessive or burdensome use of streets, as there is adequate circulation on site to handle traffic flow. There is one access point as well as an existing red light at the intersection of Spouts Springs Road and Hog Mountain Road. All utilities are available to the site and no impact on schools will occur.

- 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.

The proposal is in conformity with the policy and intent of the comprehensive plan. The Character area map shows the site as Activity Center - Retail. A car wash would meet the intent of the Future Land Use Map as a commercial use and provide a service to the people of Flowery Branch. Also, we will adhere to all design standards and regulations of The City of Flowery Branch.

- 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.

There are no conditions that would affect the use and development of this property.

- G. Existing uses and zoning of the subject property and nearby properties.

The existing zoning of the adjacent and nearby properties are Highway Business. The surrounding properties are fast-food restaurants or retail strip centers.

- 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 determined. May include vacancy or unused zoning conditions and/or the efforts taken by the applicant to sell the property.

The value is not diminished by the existing zoning. The owner is seeking to sell the property and has a tremendous amount of interest from many car wash operators.

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

The special use permit would have a positive effect on all nearby properties. The parcel would be getting an impressive new building.

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

No isolated zoning district would be created.

- K. Possible effects of the change in zoning district map, or change in use, or the character for a zoning district.

The owner is not seeking to change zoning.

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

Erosion, grading, sedimentation, and drainage plan to be approved during the design stage of the project. All will be addressed and approved by the City of Flowery Branch. No downgrade in air or water quality will happen.

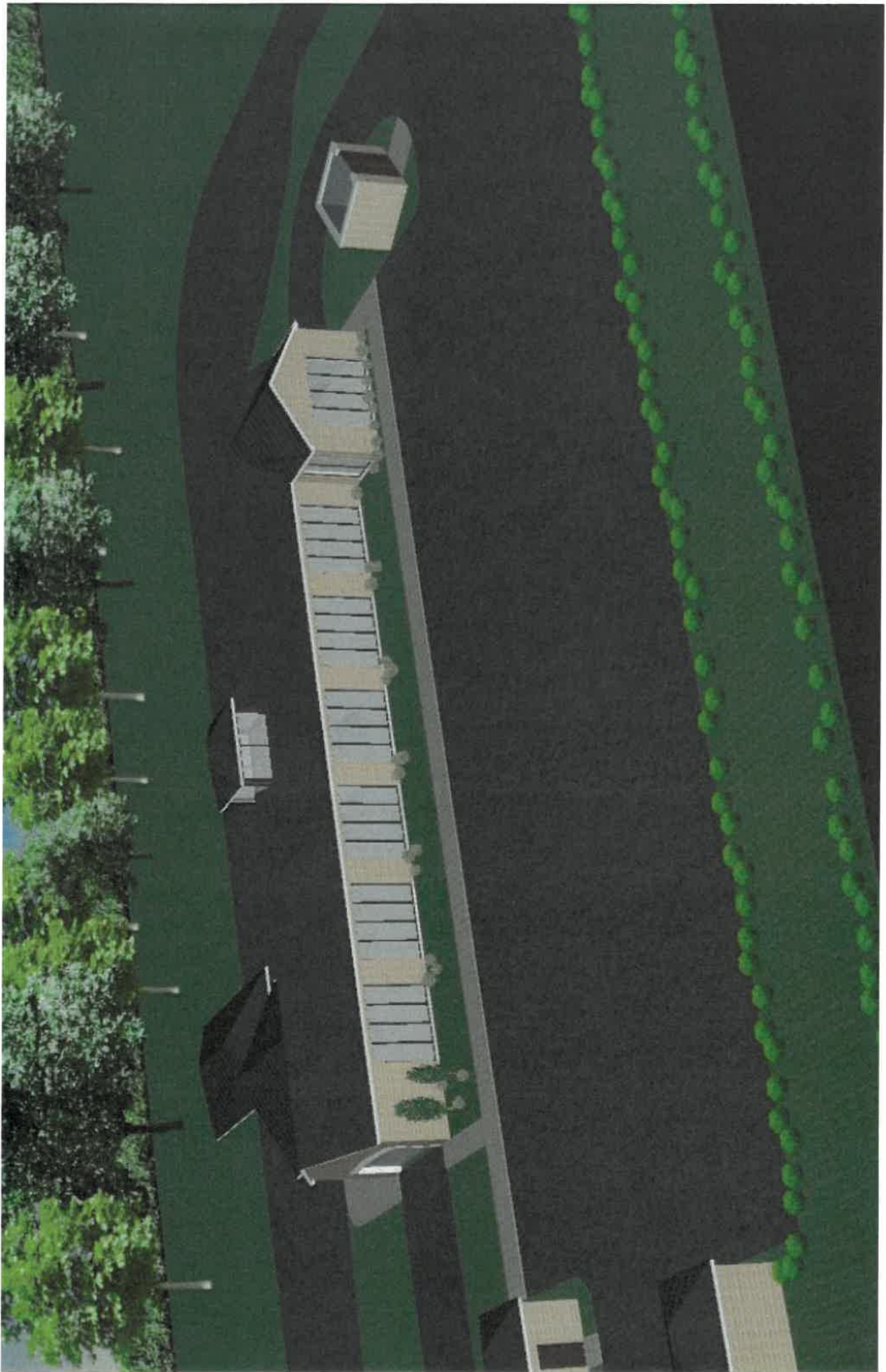
- M. The relation that is proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.

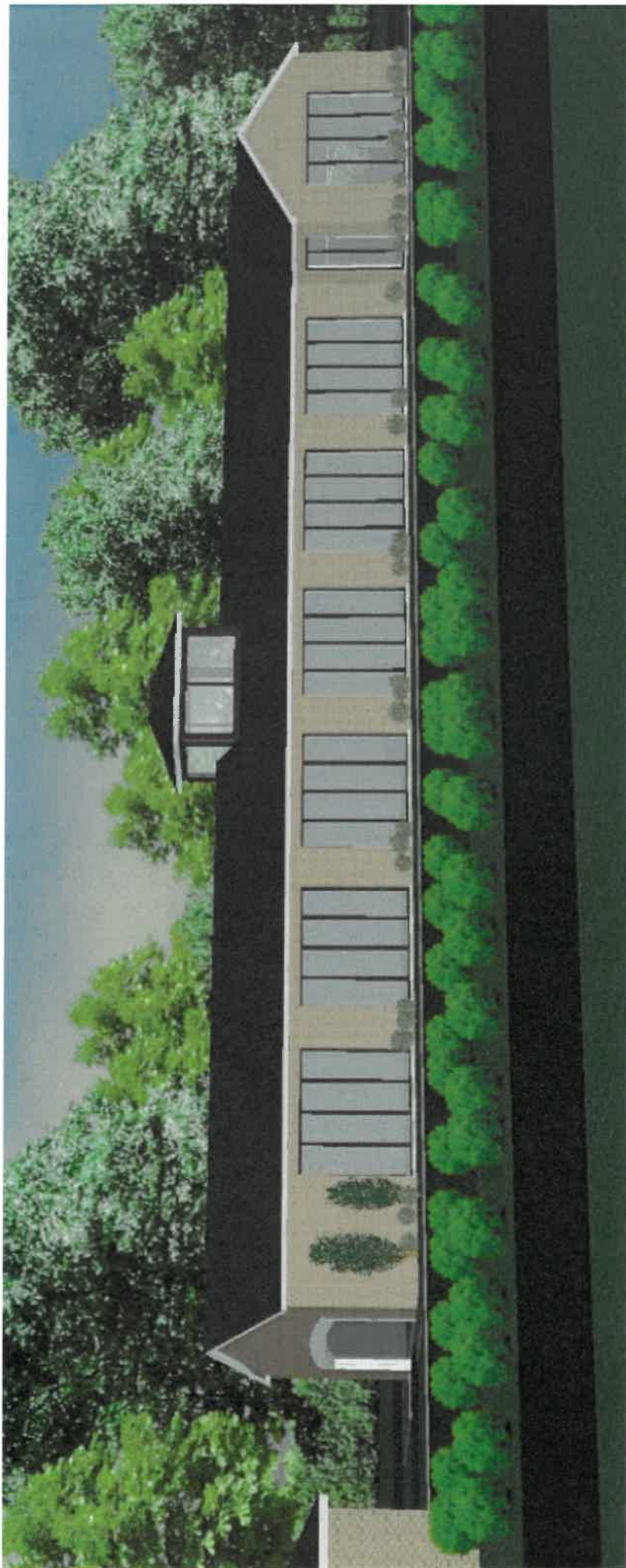
The use will be conforming and fit the overall zoning scheme of Flowery Branch.

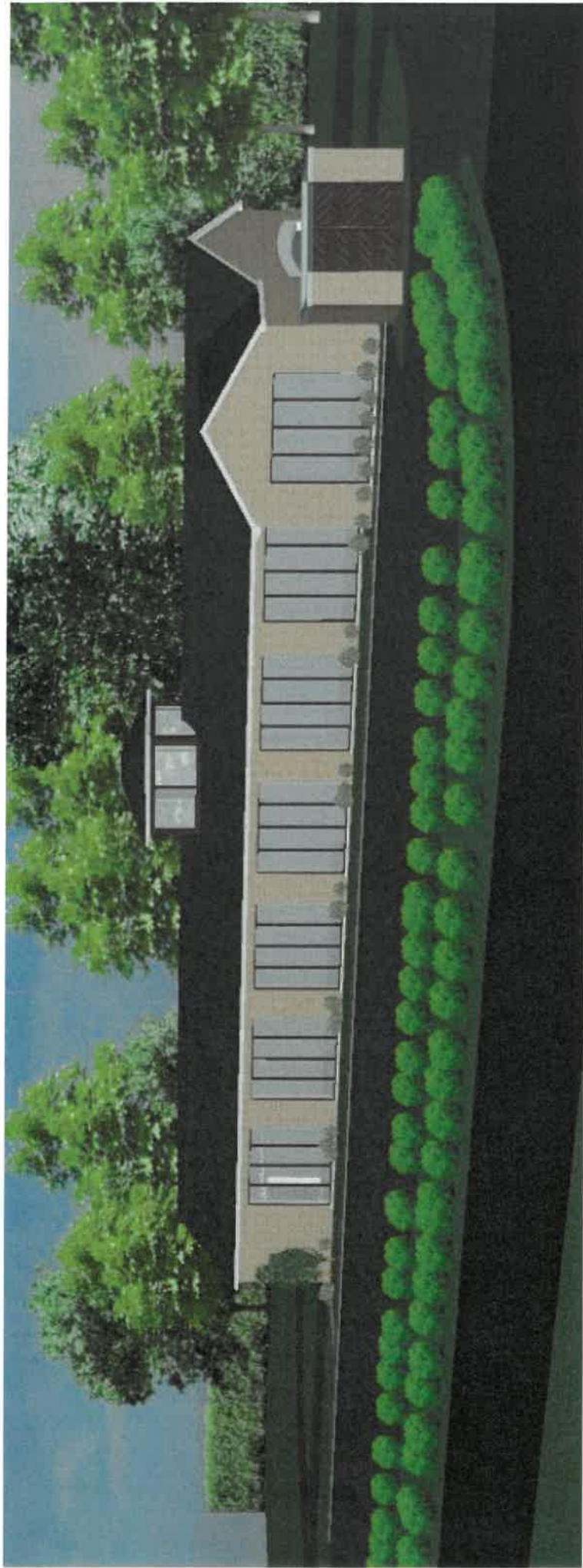
Thank you for your consideration,



Keith Cook
Parkway Mini-Storage, LLC















Parkway Mini Storage LLC

PO Box 581
Oakwood, GA 30566
770-967-6592SUNTRUST BANK
64-010/610

1771

7/20/2023

PAY TO THE
ORDER OF

City of Flowery Branch

\$ 350.⁰⁰Three Hundred Fifty Dollars & ⁰⁰/₁₀₀

DOLLARS

MEMO

Special Use Permit Application

4728 & 4734 Hog Mountain Road



⑈001771⑈ ⑆061000104⑆1000092449254⑈

Parkway Mini Storage LLC

1771

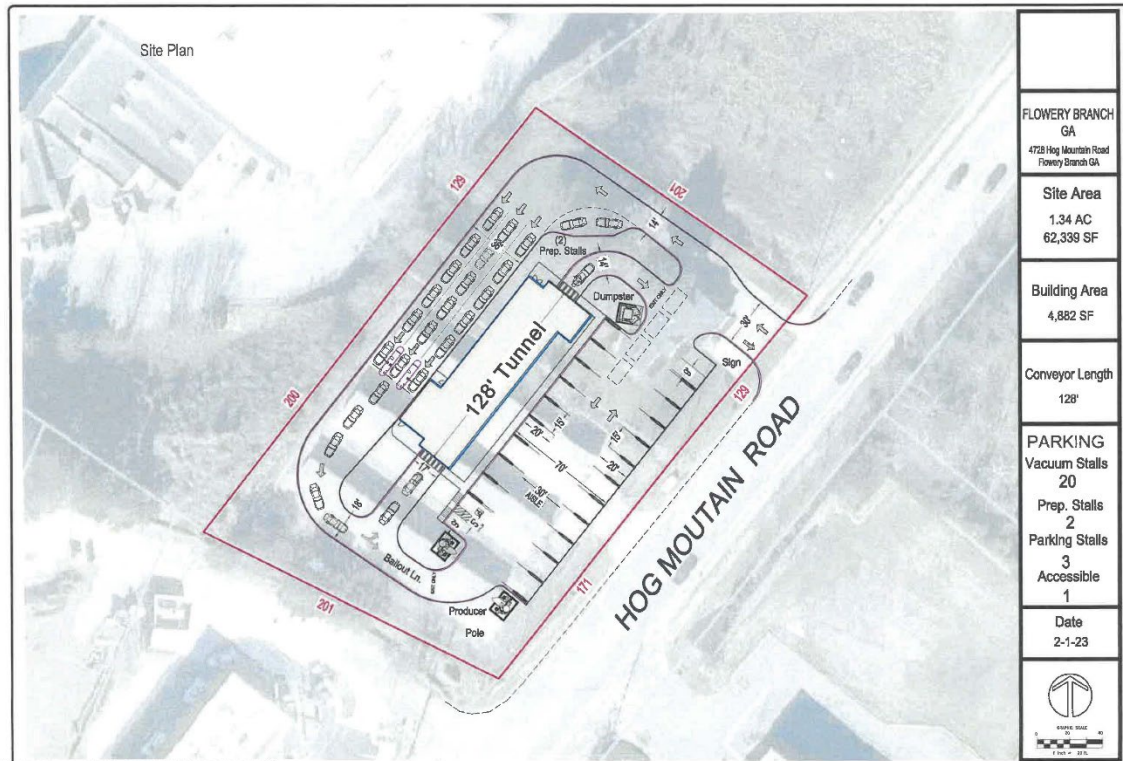
Parkway Mini Storage LLC

1771

PAYMENT
RECORD

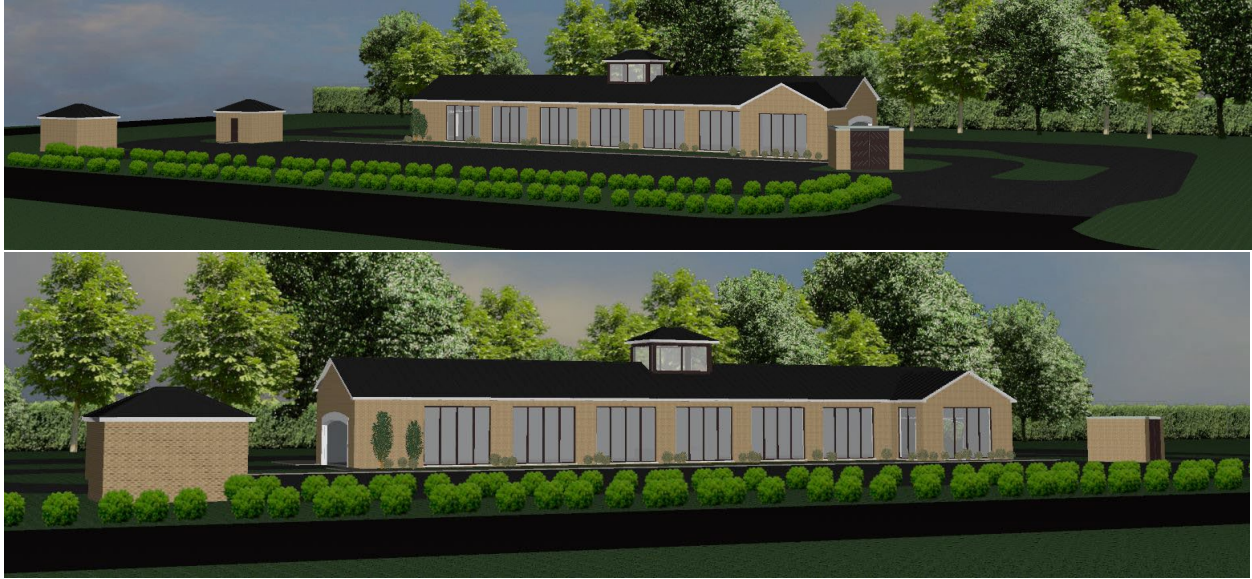
Exhibit
Conditions of Conditional Use Permit

1. The property shall be developed in substantial conformance with the site plan dated 2/1/2023 and submitted to the Flowery Branch Community Development Department on 08/01/2023 and as shown below:



2. Property elevation should be substantially adhere to the rendering picture submitted by applicant on 08/01/2023 and as below:





3. Elevation materials shall adhere to reference pictures submitted by applicant and as below:



July 10th, 2023

Mr. Rich Atkinson, Director
City of Flowery Branch Planning and Community Development
PO Box 757
5410 Pine Street
Flowery Branch, GA 30542

RE: Conditional Use Written Analysis and Detailed Description

Mr. Atkinson,

In consideration of Conditional Use for a Car Wash located at 4728 & 4734 Hog Mountain Road, we ask that you consider these factors as they bear a reasonable relationship to the public safety, health, morality, and general welfare to the City of Flowery Branch.

We are proposing a Car Wash at the current location of Parkway Mini-Storage. This parcel is adjacent to McDonalds. The Car Wash will have a proposed 5,000 SF building with 21 parking spaces with vacuum and detail stations. There will be access to enter the car wash from the right side of the property, and exit of the car wash will be in left side of the property. We will adhere to all City Ordinances and Regulations, and all buildings will be architecturally compatible.

Attached are criteria for consideration for the Zoning Administrator to make recommendations for the Governing Body.

- A. Whether the conditional use proposal will permit a use that is suitable in view of the use and development of the current, adjacent, and nearby properties.

The existing use of the current property is three mini-storage buildings and one older home. This property is zoned Highway Business and is currently being used as a storage facility. The adjacent property is zoned Highway Business and is currently being used as a fast-food facility. Other nearby properties are banks and strip centers. The Conditional Use should be suitable in view of the use and development of adjacent properties. The proposed building will be architecturally compatible with the surrounding properties.

Agree. A landscaping site map is required.

- B. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.

The proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The proposal has adequate setbacks with vehicular circulation into and out of the site. There will be vacuum and detail stations on site as well. Vehicles will be able to enter the car wash from the side of the building and able to exit from the other side of the building then onto Hog Mountain Road.

Agree.

- 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.

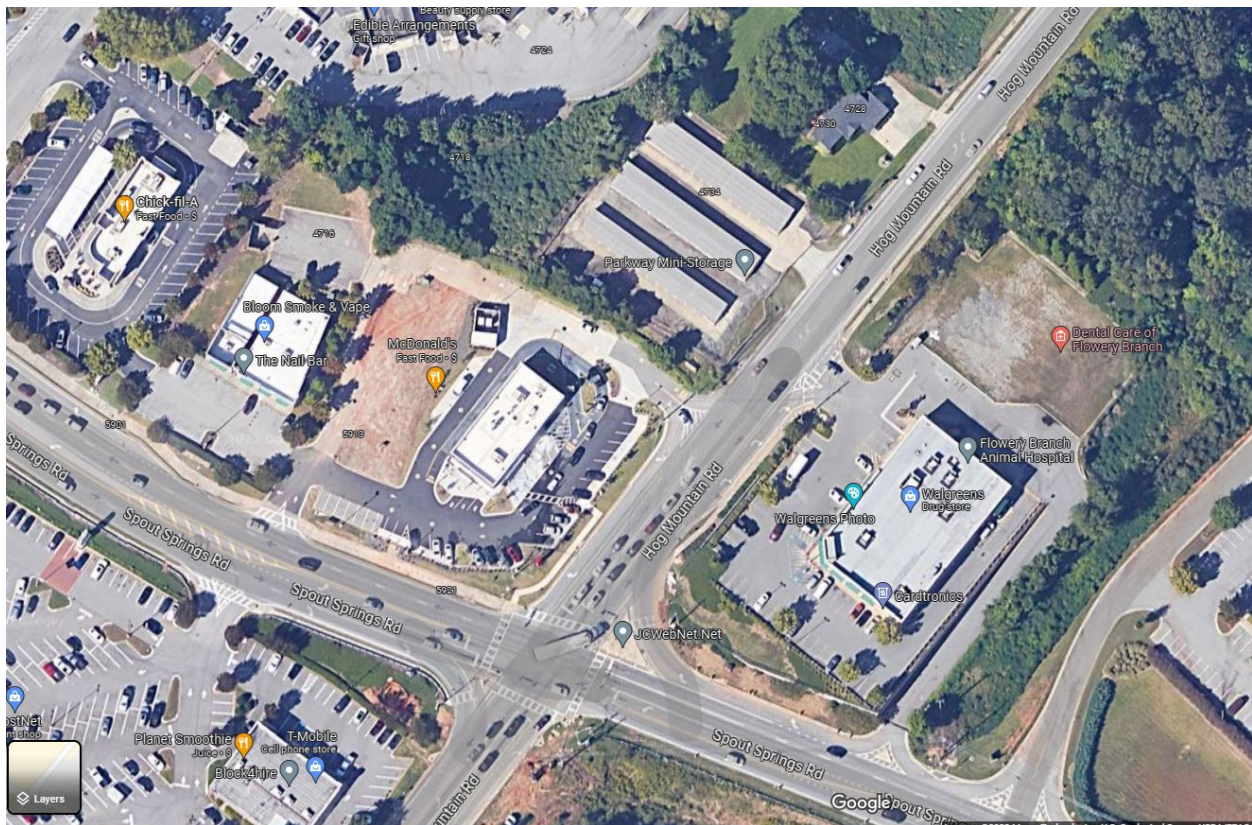
A Conditional Use permit is required by the City of Flowery Branch in order to have a car wash use on the site. The site lends itself very well to the layout of the car wash.

Agree.

- 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.

The proposed use will not cause excessive or burdensome use of streets, as there is adequate circulation on site to handle traffic flow. There is one access point as well as an existing red light at the intersection of Spouts Springs Road and Hog Mountain Road. All utilities are available to the site and no impact on schools will occur.

Traffic condition as below. In and out traffic impact should be considered.



- 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.

The proposal is in conformity with the policy and intent of the comprehensive plan. The Character area map shows the site as Activity Center - Retail. A car wash would meet the intent of the Future Land Use Map as a commercial use and provide a service to the people of Flowery Branch. Also, we will adhere to all design standards and regulations of The City of Flowery Branch.

Agree

- 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.

There are no conditions that would affect the use and development of this property.

Agree

- G. Existing uses and zoning of the subject property and nearby properties.

The existing zoning of the adjacent and nearby properties are Highway Business. The surrounding properties are fast-food restaurants or retail strip centers.

Agree

- 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 determined. May include vacancy or unused zoning conditions and/or the efforts taken by the applicant to sell the property.

The value is not diminished by the existing zoning. The owner is seeking to sell the property and has a tremendous amount of interest from many car wash operators.

Agree

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

The special use permit would have a positive effect on all nearby properties. The parcel would be getting an impressive new building.

Agree

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

No isolated zoning district would be created.

Agree

- K. Possible effects of the change in zoning district map, or change in use, or the character for a zoning district.

The owner is not seeking to change zoning.

Agree

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

Erosion, grading, sedimentation, and drainage plan to be approved during the design stage of the project. All will be addressed and approved by the City of Flowery Branch. No downgrade in air or water quality will happen.

Environmental impact should be considered. More information should be provided:

1. Environmental impact statements
2. proper details of chemicals in use
3. car wash water treatment solutions

(Per city code, there is minimum of 50 percent of water utilized must be recycled in an on-site installed recycled water system.)

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

The use will be conforming and fit the overall zoning scheme of Flowery Branch.

Agree

Summary:

Overall, the proposed use is appropriate for this parcel. Environmental impact should be further evaluated.

Thank you for your consideration,

Keith Cook
Parkway Mini-Storage, LLC



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: FY2023 Audit Presentation

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

According to State Law O.C.G.A 36-81-7, the City shall provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the local government for each fiscal year of the local government. Each annual audit report of a local unit of government shall be completed and a copy of the report forwarded to the state auditor within 180 days after the close of the unit's fiscal year. In addition to the audit report, the local unit of government shall forward to the state auditor, within 30 days after the audit report due date, written comments on the findings and recommendations in the report, including a plan for corrective action taken or planned and comments on the status of corrective action taken on prior findings.

FACTS AND ISSUES:

Rushton LLC. performed the FY2023 audit and will present the report to Council. Finance will deliver copies of the report to Mayor and Council and the necessary documents to the state auditor. The Finance Department will also upload the report to the City's website and mobile app after the presentation for public viewing.

OPTIONS:

N/A

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

No

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

None

SAMPLE MOTION:

N/A

COLLABORATING DEPARTMENT:

Finance

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - FY2023 Audit Presentation.pdf](#)
- [Audit Presentation.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: FY2023 Audit Presentation by Ruston LLC.

DATE: December 07, 2023

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

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

COUNCIL ACTION REQUESTED ON: Discussion Only

PURPOSE:

FY2023 Audit Presentation by Rushton LLC.

HISTORY:

According to State Law O.C.G.A 36-81-7, the City shall provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the local government for each fiscal year of the local government. Each annual audit report of a local unit of government shall be completed and a copy of the report forwarded to the state auditor within 180 days after the close of the unit's fiscal year. In addition to the audit report, the local unit of government shall forward to the state auditor, within 30 days after the audit report due date, written comments on the findings and recommendations in the report, including a plan for corrective action taken or planned and comments on the status of corrective action taken on prior findings.

FACTS AND ISSUES:

Rushton LLC. performed the FY2023 audit and will present the report to Council. Finance will deliver copies of the report to Mayor and Council and the necessary documents to the state auditor. The Finance Department will also upload the report to the City's website and mobile app after the presentation for public viewing.

OPTIONS:

N/A

RECOMMENDED SAMPLE MOTION:

N/A

DEPARTMENT: Administration

Prepared by: Matthew Hamby

***Report to Mayor and Council
For the fiscal year ended June 30, 2023***



December 7, 2023

AUDIT OPINION – Pages 1-3

Unmodified Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of the City of Flowery Branch, Georgia, as of June 30, 2023, and the respective changes in financial position and, where applicable, cash flows for the year then ended.

Auditing Standards

We audited the City's financial statements in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards* issued by the Comptroller General of the United States.

City of Flowery Branch's Responsibilities

The financial statements are the responsibility of the City of Flowery Branch's management.

Rushton's Responsibilities

As independent auditors for the City of Flowery Branch, our responsibility is to express opinions on the fair presentation of the financial statements.

Government-wide Statements

These statements provide the reader with information on the City as a whole, using the full accrual basis of accounting. Columns for the governmental activities, the business-type activities, and the component units.

Two statements:

- Statement of Net Position – Pages 15 and 16
 - Presents the assets, deferred outflows of resources, liabilities, deferred inflows of resources, and residual net position of the City
- Statement of Activities – Page 17
 - Presents the results of operations of the City

Net Position and Change – Last 3 Fiscal Years

	Net Position					
Fiscal Year	Net Investment in Capital Assets	Restricted	Unrestricted	Total	Change in Net Position	
2021	16,172,521	7,335,267	18,653,059	42,160,847	6,198,147	
2022	22,205,056	6,874,928	17,624,382	46,704,366	4,543,519	
2023	33,836,431	6,519,729	20,938,453	61,294,613	14,540,247	¹

¹ – Increases in capital grants and contributions (contributions of capital assets from developers / SPLOST); increases in property taxes due to increased property values; increases in sales taxes due to continued increased sales in the City

General Fund

Revenues

- Increased \$1,505,957, 22.6%
 - Property taxes increased by \$288,437
 - Local option sales taxes increased by \$904,216
 - Insurance premium taxes increased by \$354,731
 - Licenses and permits decreased \$166,931 due to decreased building permits
 - Fines and forfeitures increased by \$117,127

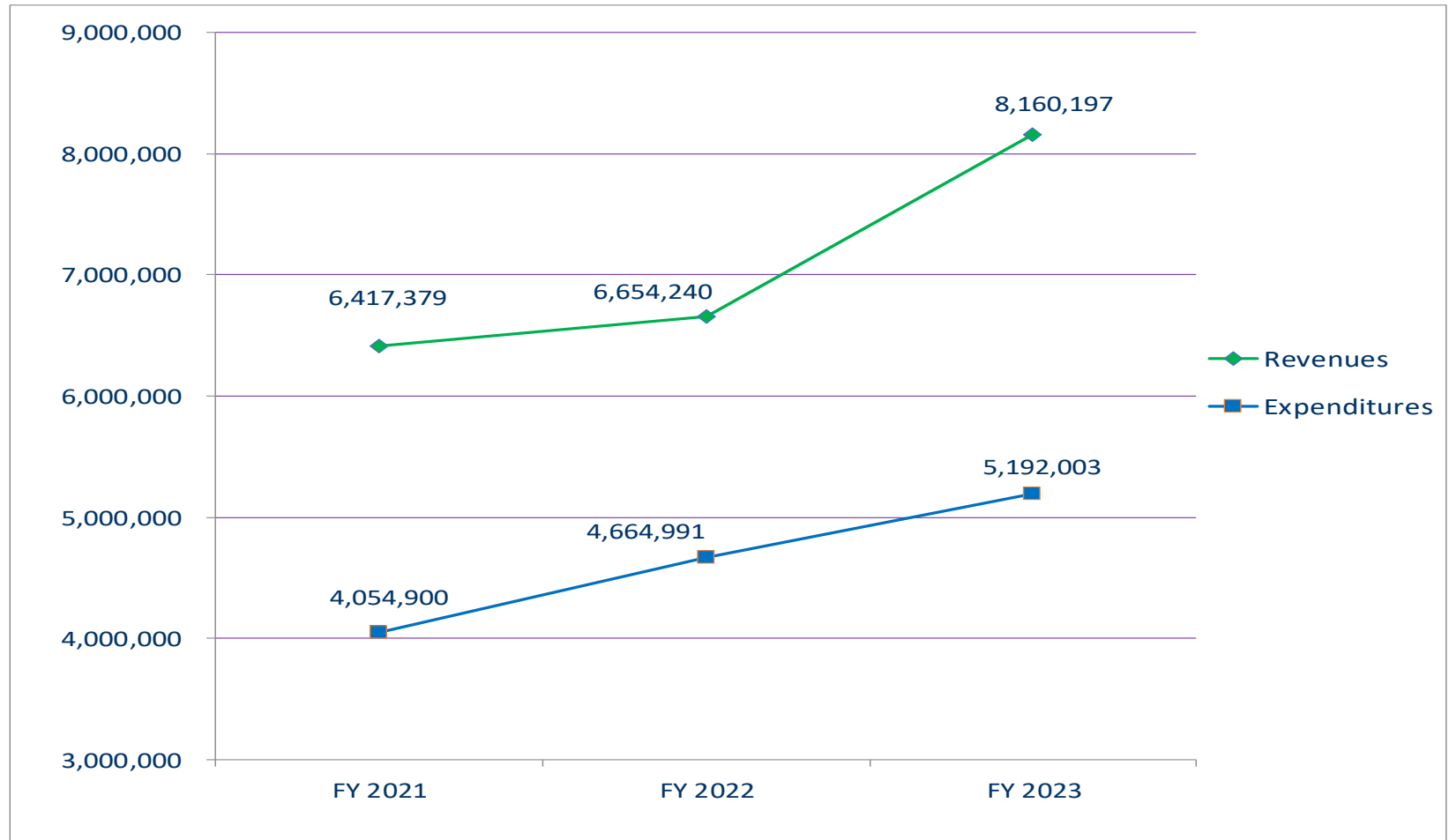
Expenditures

- Increased \$527,012, 11.3%
 - Police administration expenditures increased \$164,931 due to personal services and contract services
 - Patrol expenditures increased \$288,527 due to personal services
 - Tourism expenditures increased \$191,612 due to personal services

Unassigned Fund Balance

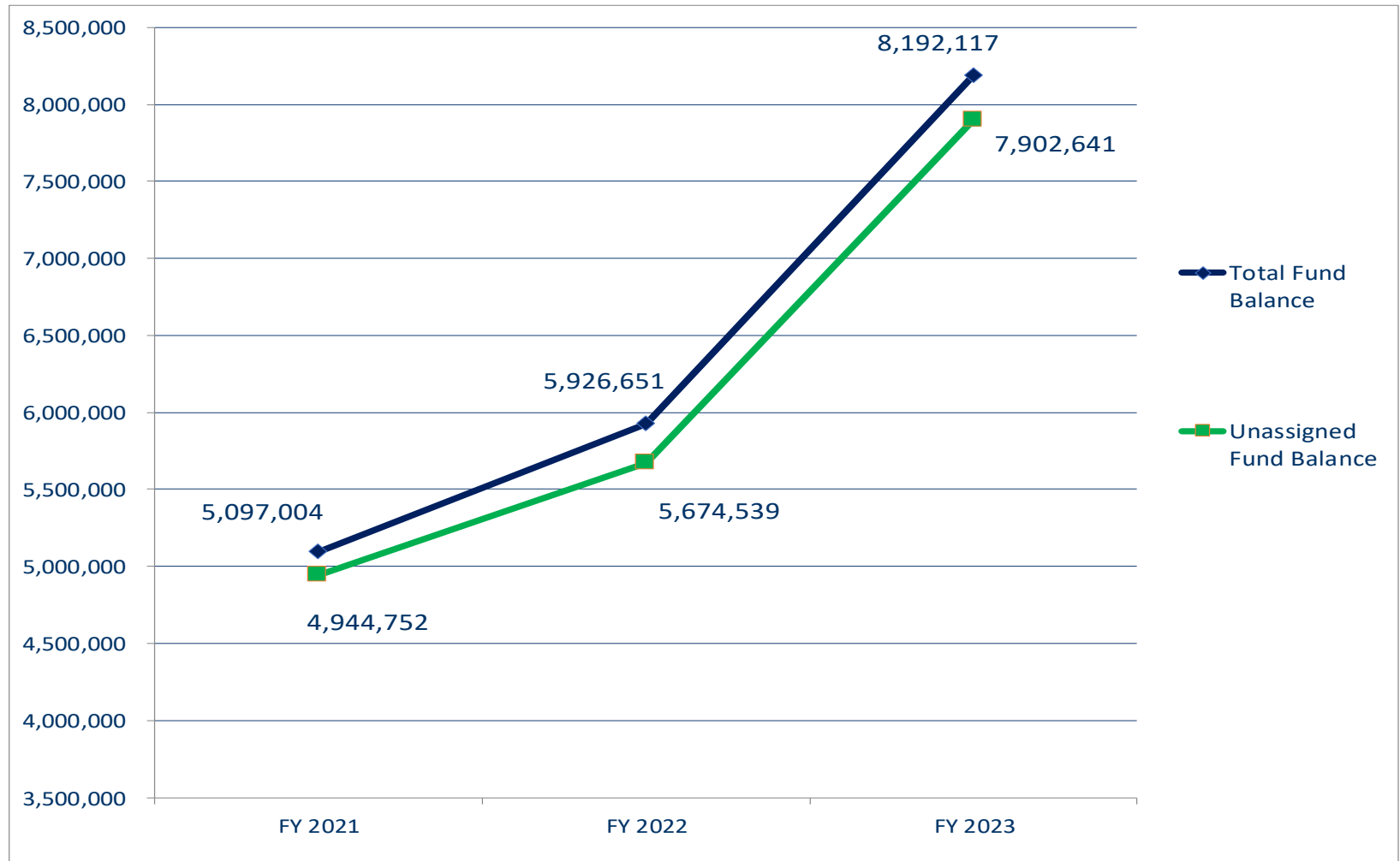
- FY 2023, \$7,902,641, 152% of expenditures (18.2 months)
- FY 2022, \$5,674,539, 122% of expenditures (14.6 months)

General Fund - Revenues and Expenditures Last 3 Fiscal Years



General Fund - Fund Balance

Last 3 Fiscal Years



Water and Sewer Fund

Operating Revenues

- Decreased \$187,399, 3.9%
 - Water charges increased \$7,204
 - Sewer charges increased \$316,929
 - Development charges decreased \$515,415

Operating Expenses

- Increased \$595,363, 22.9%
 - Personal services increased \$425,410
 - Costs of sales and services increased \$165,019
 - Depreciation increased \$4,934

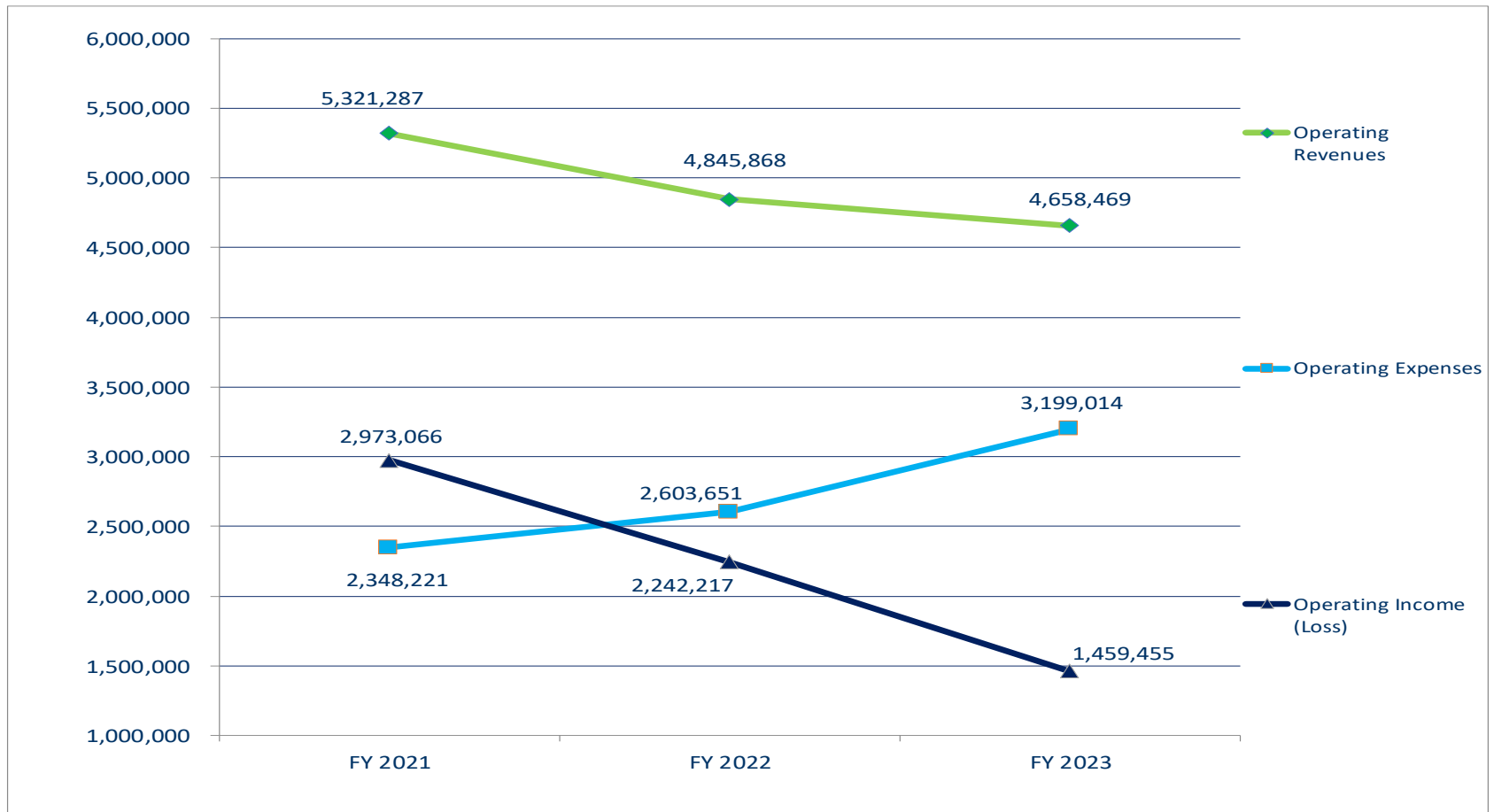
Interest Expense

- FY 2023 - \$52,337
- FY 2022 - \$53,013

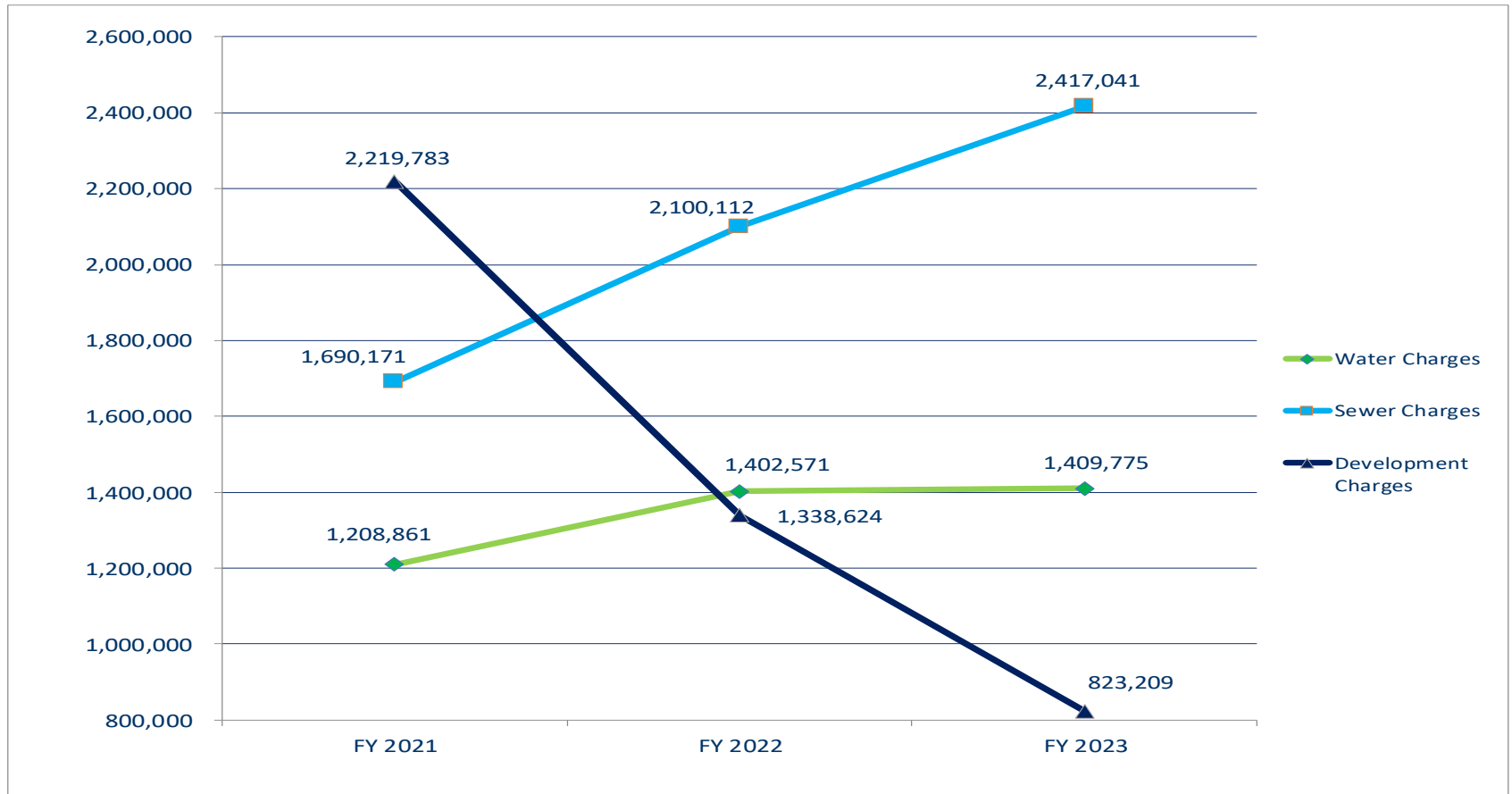
Unrestricted Net Position

- FY 2023 - \$10,904,462
- FY 2022 - \$8,675,355

Water and Sewer Fund Operating Revenues and Expenses Last 3 Fiscal Years



Water and Sewer Fund Operating Revenues by Type Last 3 Fiscal Years



Note: Miscellaneous operating revenues totaled \$8,444, \$4,561, and \$202,472 for the fiscal years ended June 30, 2023, 2022, and 2021

Schedule of Projects Financed with Special Purpose Local Option Sales Tax – Page 109

\$595,490 Expended

- \$311,586 for SPLOST VII
- \$283,904 for SPLOST VIII

Report on Internal Control, Compliance, and Other Matters – Pages 100-101

In accordance with *Government Auditing Standards*, we have issued our report on our consideration of the City of Flowery Branch, Georgia's internal controls and our tests of compliance.

This report describes the scope of our testing of internal control and compliance, and the results of that testing, but is not intended to provide an opinion on the internal control or compliance.

One material weaknesses and no significant deficiencies were noted in the internal controls of the City of Flowery Branch, Georgia. No instances of material noncompliance or other matters that are required to be reported were noted.

Report on Compliance and Internal Controls over Major Programs – Pages 102-104

In accordance with the Uniform Guidance, we have issued our report on our consideration of the City of Flowery Branch, Georgia's compliance with requirements applicable to each major program and on internal control over compliance.

This report describes the scope of our testing of compliance requirements and internal controls over major programs, and the results of that testing. We are required to express an opinion on the City's compliance with requirements; our opinion is unmodified. This report is not intended to provide an opinion on the internal control.

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.

Current Reporting Changes

GASB 96

The Governmental Accounting Standards Board (GASB) has issued Statement No. 96, *Subscription-Based Information Technology Arrangements*. Effective for the City of Flowery Branch for the fiscal year ended June 30, 2023.

The statement provides guidance on the accounting and financial reporting for subscription-based information technology arrangements (SBITA) for end-users (governments). The statement (1) defines a SBITA; (2) establishes that a SBITA results in a right-to-use subscription asset—an intangible asset—and a corresponding subscription liability; (3) provides the capitalization criteria for outlays other than subscription payments, including implementation costs of a SBITA; and (4) requires note disclosures regarding a SBITA. To the extent relevant, the standards for SBITAs are based on the standards established in Statement No. 87, *Leases*.

Future Reporting Changes

GASB 101

The Governmental Accounting Standards Board (GASB) has issued Statement No. 101, *Compensated Absences*. Effective for the City of Flowery Branch for the fiscal year ended June 30, 2025.

The statement replaces GASB Statement No. 16, *Accounting for Compensated Absences*. The goal of the standard is to create a more consistent model for accounting for compensated absences that can be applied to all types of compensated absence arrangements. The new standard also removes the current requirement to disclose both the gross additions and deductions to the liability.

Clay L. Pilgrim, CPA, CFE, CFF

cpilgrim@rushton.cpa

www.rushton.cpa

770.287.7800





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Resolution 23-012: Year-end Amendment to the Budget for FY2023.

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

A budget is balanced when the sum of estimated revenues and appropriated fund balances is equal to expenditure/expense appropriations for each applicable fund. Revenue estimates and governmental needs change throughout the year which requires approval from Council for said budget amendments.

FACTS AND ISSUES:

Final adjustments were needed to reflect revenue and expenses adjusted at year-end.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

Approval

SAMPLE MOTION:

I make a motion to approve Resolution 23-012 for the year-end budget adjustments.

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - FY2023 Year End Adjustments.pdf](#)
- [Resolution 23-012.pdf](#)
- [Attachment A - Year-end adjustment.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Resolution 23-012: Year-end Amendment to the Budget for FY2023.

DATE: December 07, 2023

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

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: Resolution 23-012

PURPOSE:

To approved Resolution 23-012, Year-end Amendment to the Budget for FY2023.

HISTORY:

A budget is balanced when the sum of estimated revenues and appropriated fund balances is equal to expenditure/expense appropriations for each applicable fund. Revenue estimates and governmental needs change throughout the year which requires approval from Council for said budget amendments.

FACTS AND ISSUES:

Final adjustments were needed to reflect revenue and expenses adjusted at year-end.

OPTIONS:

N/A

RECOMMENDED SAMPLE MOTION:

I make a motion to approve Resolution 23-012 for the year-end budget adjustments.

DEPARTMENT: Administration

Prepared by: Matthew Hamby

RESOLUTION NO.: 23-012
TO AMEND THE BUDGET FOR FISCAL YEAR 2023.

WHEREAS, the City Council approved a budget for fiscal year 2023 for the City of Flowery Branch on June 23, 2022 by Resolution 23-009; and

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

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

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

RESOLVED this 7th day of December 2023.

Edward R. Asbridge, Mayor

ATTEST:

Nancy Rodriguez, Assistant City Clerk

APPROVED AS TO FORM:

Karen G. Thomas, City Attorney

City of Flowery Branch Request For Budget Adjustment



ATTACHMENT A

Fund/Department: 210 & 275 Effective Date: 6/30/2023

Account Number	Account Name	Current Budget	Debit (Credit)	Revised Budget
210-0000-351321	State Confiscations	-	(500)	(500)
210-0000-361000	Interest Revenue	-	-	-
210-0000-523600	Bank Charges & Fees	-	-	-
210-0000-531100	Supplies and Materials	-	500	500
Recognize State Confiscation revenue.				
275-0000-314100	CVB Hotel Tax Rev - City's Portion	(90,000)		(90,000)
275-0000-314200	Tourism Product Development	(45,000)		(45,000)
275-0000-391275	CVB Hotel Tax Rev - CVB's Portion	(105,000)	(10,000)	(115,000)
275-7540-572000	Convention Visitors Bureau	105,000	10,000	115,000
275-7540-611100	Trans Out 100 - General Fund	135,000		135,000
				-
Recognized Additional Hotel/Motel Tax revenue.				
				-
	<u>Totals</u>	\$ -	\$ -	\$ -

Justification: RESOLUTION 23-012 Year-end Budget adjustment.

MID - 4TH QUARTER ENDING 6/19/2023

Approvals: Finance Director: _____ Date: _____

City Manager: _____ Date: _____

Mayor: _____ Date: _____

Finance Department Use

Posted By: _____ Date Posted: _____

Council Action Required: Yes _____ No _____ Budget Adjust. #: _____

W/ MID-4TH QTR BA RESOLUTION.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Amendment 1 to the Memorandum of Understanding (MOU) with Parkside Partners

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

On September 7, 2023, the city entered into an MOU with Parkside Partners giving them the exclusive right to develop Phase II of the Old Town Redevelopment Plan.

FACTS AND ISSUES:

After the MOU was signed, city staff began the development of the parking and mobility study of the downtown area and partnered with the Greater Hall Metropolitan Planning Organization (GHMPO). City staff requested that Parkside Partners have one member of their team on the evaluation committee of the parking and mobility study. The bid for the parking and mobility study has not been awarded and the two projects' timing must coincide. City staff has requested that the MOU be extended to ensure that the parking and mobility study is complete before Parkside Partners presents their final plans for public and council review.

OPTIONS:

- 1) Amend the MOU extending the date of the MOU from December 27, 2023 to August 29, 2024.
 - 2) Amend the MOU extending the date of the MOU from December 27, 2023 to another date in the future.
 - 3) Do not amend the MOU.
-
-

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

Yes

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

Amend the memorandum of understanding (MOU) with Parkside Partners to extend the date of the MOU from December 27, 2023 to August 29, 2024.

SAMPLE MOTION:

I make a motion to approve Amendment 1 to the Memorandum of Understanding (MOU) with Parkside Partners.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Amendment 1 to MOU with Parkside Partners.pdf](#)
- [Amendment 1 to the MOU Parkside.pdf](#)



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Consider Amendment 1 to the Memorandum of Understanding (MOU) with Parkside Partners

DATE: November 21, 2023

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

BUDGET INFORMATION:
ANNUAL- N/A
CAPITAL-

COUNCIL ACTION REQUESTED ON: December 7, 2023

PURPOSE: Amend the memorandum of understanding (MOU) with Parkside Partners to extend the date of the MOU from December 27, 2023 to August 29, 2024.

HISTORY: On September 7, 2023, the city entered into an MOU with Parkside Partners giving them the exclusive right to develop Phase II of the Old Town Redevelopment Plan.

FACTS AND ISSUES: After the MOU was signed, city staff began the development of the parking and mobility study of the downtown area and partnered with the Greater Hall Metropolitan Planning Organization (GHMPO). City staff requested that Parkside Partners have one member of their team on the evaluation committee of the parking and mobility study. The bid for the parking and mobility study has not been awarded and the two projects' timing must coincide. City staff has requested that the MOU be extended to ensure that the parking and mobility study is complete before Parkside Partners presents their final plans for public and council review.

OPTIONS:

- 1) Amend the MOU extending the date of the MOU from December 27, 2023 to August 29, 2024.
-
-

-
-
- 2) Amend the MOU extending the date of the MOU from December 27, 2023 to another date in the future.
 - 3) Do not amend the MOU.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion to approve Amendment 1 to the Memorandum of Understanding (MOU) with Parkside Partners.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

Amendment 1 to the:

Memorandum of Understanding By and Between the City of Flowery Branch, Georgia and Parkside Partners, L.L.C.

The above referenced MOU entered into on August 29, 2023 is hereby amended as follows:

Paragraph 4.a. relating to the Term of the MOU is hereby amended so as to extend the expiration from midnight on December 27, 2023 to midnight on August 29, 2024. Any extensions beyond that date shall not be automatic and shall require the mutual agreement of the Parties as evidenced and approved in writing. All other agreement terms, conditions, duties, obligations, and mutual covenants contained in the MOU shall remain in force and effect until the revised expiration date.

CITY OF FLOWERY BRANCH, GEORGIA

By: _____

Ed Asbridge, Mayor

PARKSIDE PARTNERS, LLC

By: _____

Partner



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Approving the Appalachian Regional Commission's "Area Development Program" grant application created by the Georgia Mountains Regional Commission on the city's behalf.

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

The City has partnered with the Georgia Mountains Regional Commission (GMRC) to create a grant application on the city's behalf for a grant offered by the Appalachian Regional Commission. This grant would be for construction of a pedestrian/bike trail beginning from an existing Highlands-to-Islands trail near interstate I-95 and leading all the way through downtown and onward to lakeside Flowery Branch Bay Park.

FACTS AND ISSUES:

The GMRC has finished an application submitted tonight for approval that, if approved, would lead to a much more detailed examination from the ARC of the city's plans, costs, and timelines for constructing a multi-use trail.

OPTIONS:

To approve or deny the application created by the GMRC for submission to the ARC.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

To approve this Appalachian Regional Commission's "Area Development Program" grant application created by the Georgia Mountains Regional Commission.

SAMPLE MOTION:

I make a motion to approve the Georgia Mountains Regional Commission's grant application on the city's behalf for the Area Development Program grant in order to pursue funding from the Appalachian Regional Commission (ARC) to support development of the "Highlands to Islands" trail system and to authorize the Mayor and staff to execute necessary documents to apply for and accept any grants awarded to the City of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- [Flowery Branch ARC Pre-Application- FIRST DRAFT \(11.21.23\).docx](#)
- [Executive Summary - ARC Grant Application Approval.pdf](#)

Georgia[®] Department of
Community Affairs



**APPALACHIAN
REGIONAL
COMMISSION**

Pre-application

The following information is to assist applicants in understanding the Appalachian Regional Commission's and the State of Georgia's investment goals. Please read carefully before completing the pre-application.

Georgia and the Appalachian Regional Commission

As a member state of the Appalachian Regional Commission (ARC), Georgia participates in providing technical assistance and area development funding to its 37 counties spanning the northern third of the state.

ARC's Strategic Plan 2022-2026: Georgia supports projects that help the region reach its economic and community development goals:

Goal 1: Building Appalachian Businesses

Strengthen and diversify the Region's economy through inclusive economic development strategies and investments in entrepreneurship and business development.

Goal 2: Building Appalachia's Workforce Ecosystem

Expand and strengthen community systems (education, healthcare, housing, childcare, and others) that help Appalachians obtain a job, stay on the job, and advance along a financially sustaining career pathway.

Goal 3: Building Appalachia's Infrastructure

Ensure that the residents and businesses of Appalachia have access to reliable and affordable utilities and infrastructure in order to successfully live and work in the Region.

Goal 4: Building Regional Culture and Tourism

Strengthen Appalachia's community and economic development potential by preserving and investing in the Region's local, cultural heritage, and natural assets.

Goal 5: Building Community Leaders and Capacity

Invest in the capacity of local leaders, organizations, and communities to address local challenges by providing technical assistance and support to access resources, engage partners, identify strategies and tactics, and conduct effective planning and project execution.

Georgia's ARC Area Development Investment Priorities for Fiscal Year 2023

In order to maximize the benefit of ARC funds across its 37-county region, Georgia will focus funding on projects that address the following identified needs for Fiscal Year 2023:

- **Downtown Development:** ARC Goals One (Economic Opportunities), Three (Critical Infrastructure) and Four (Natural and Cultural Assets) all support this regional priority. As Georgia's small businesses and rural communities work to strengthen their economic resilience in 2022 and beyond, ARC funds can assist by supporting projects that create and retain jobs, strengthen existing businesses, help create new businesses, improve the quality of life in communities, and reimagine how businesses will be successful in a post-COVID Appalachian downtown.
- **New, Improved or Enhanced Infrastructure:** ARC Goal Three (Critical Infrastructure) supports this ongoing priority for Appalachian Georgia. Many rural governments are continuing to attract new industry and business locations and many others are working to create the necessary capacity to support new development. ARC funds can assist with necessary infrastructure improvements to continue to strengthen and grow our economy. This may include activities supporting the creation of affordable, workforce housing initiatives aimed at supplying the inventory necessary to enable business growth and expansion within Georgia's ARC region.
- **Creating Resilient Communities:** ARC Goal Five (Leadership and Community Capacity) support this priority. Both the Appalachian Regional Commission and the Georgia Department of Community Affairs continue to prioritize projects that are part of larger plans, either of local governments or authorities. Several of Georgia's ARC counties have invested in long-range planning activities, many with ARC's investment. Georgia will continue to invest ARC funds in support of planning activities at a local and regional level.
- **Regrowth of the Tourism Economy:** ARC Goals One (Economic Opportunities) and Four (Natural and Cultural Resources) support this ongoing priority for the region. Much of North Georgia is federally or state protected land and is a constant attraction for myriad outdoor activities. While Georgia has seen an upswing in vacation rentals in the Appalachian region, many of the tourist-related businesses and attractions are rebounding more slowly. Projects that support existing tourism-related business, allow the public and private sectors to maximize the benefit from their unique assets, attract new visitors and create or retain jobs are important to Georgia's ARC region.
- **Workforce Development:** ARC Goal Two (Ready Workforce) supports this priority. Across the 37-county region, Georgia's manufacturers and businesses are seeking employees to fill existing vacancies. Projects that help citizens increase or enhance their skills, provide apprenticeships that benefit both employers and employees, or provide support to employees to remain employed are beneficial as we recover from the long-term effects of COVID.
- While deployment of broadband to under-and-unserved areas of Georgia remains a highest priority statewide and across the ARC region, Georgia DCA will temporarily minimize its use of ARC funds to assist with that effort in light of new federal and state-dedicated funds for the specific purpose of increasing broadband coverage.

Georgia ARC Program Policies

The Department of Community Affairs seeks to address the goals of the Appalachian Regional Commission, the State of Georgia, and the communities we aim to serve in a responsible and fair manner. Accordingly, our program adheres to the following policy guidelines:

- Maximum ARC investment per construction project is \$1,000,000. The maximum may be waived by the Governor at their discretion.
- All projects should secure other necessary funding before submitting a full application. Other considerations for full applications may include environmental concerns and permitting.
- Eligible applicants include:
 - o Local governments
 - o Development Authorities
 - o Non-profit organizations (must provide adequate certification of status)
 - o Educational institutions
 - o Public healthcare institutions
 - o Public-private partnerships are eligible, but applicant must be a public or non-profit entity

Construction Projects

- In the case of tourism-related construction projects, credible forecasts for increased commercial activity must be included.
- DCA or the Georgia Environmental Finance Authority will serve as the Registered State Basic Agency for the administration of construction projects. (GEFA will administer water/sewer projects and DCA all others that qualify as construction). DCA may grant an exception to this policy only in the case where another federal agency (USDA, EDA or others) participating in the project is willing to administer ARC funds.
- Projects must obtain all reviews and approvals pertaining to federal financing PRIOR to construction start dates. These include, but are not limited to:
 - o Environmental assessments
 - o Wage and labor rate approvals
 - o Procurement approvals
 - o Contractor approvals
 - o Organizations seeking ARC funding for construction projects should be aware of time constraints associated with federal financing. All activities associated with construction projects must adhere strictly to these requirements.

Non-construction or Operating Projects

- ARC funding is limited to start-up costs and two years of operation costs MAXIMUM.
- No project is guaranteed more than one year of support.
- Projects requesting start-up funds should identify sources of funding to continue the project upon cessation of ARC investment, or indicate a plan for cultivating future funding.
- In most cases, operating proposals should indicate an 18-month initial start-up phase. New projects generally meet unexpected delays, and this 18-month window can help alleviate the need to extend a project to meet its initial objectives.
- Any project seeking continuation funding (second or third year) should contact Georgia's ARC office at least one month prior to the pre-application deadline to discuss additional funding. These projects must provide evidence of satisfactory performance in meeting first-year objectives in order to be considered for any additional funding.
- ARC will serve as the administering agency for all non-construction projects.

Georgia Appalachian Regional Commission
Pre-application for Project Funds

Please be advised that completion of this pre-application does not constitute submission of a complete ARC application and is not a commitment to fund or a notification of grant award, or notification that any proposed activities are eligible for financing through ARC. Within seven business days of receipt of this application, DCA will issue a finding as follows:

- PROCEED. The described project meets the goals of ARC and the State of Georgia. Complete a full ARC application for consideration within the current ARC funding cycle
- NEEDS MORE INFORMATION. Based on the description provided, DCA staff are unable to determine the project's ability to meet ARC and Georgia goals. DCA will provide additional technical assistance, upon request, to enhance this project's ability to meet these goals. Consider applying for funding in a future ARC funding cycle.
- NO. This project does not meet the goals of ARC and/or Georgia and is not an appropriate fit for ARC investment.

As you know, each application must stand on its own merit and obtain sufficient points under the formal review process to be funded. Since the competitiveness of your project is unknown at this time, any group that secures financing and moves ahead with any portion of the project should do so under the full realization that funding is not guaranteed until a grant award and contract has been executed by DCA.

Certification:

I, the undersigned authorized representative of the applicant, acknowledge that this document is a pre-application for funding and that further documentation is necessary should this pre-application be invited to submit a full application. I acknowledge that this document is not a guarantee of funding through Georgia's Appalachian Regional Commission program.

Signature of Authorized Representative: _____

Name and Title: Ed Asbridge, Mayor

Date: _____

*** Incomplete applications will not be reviewed for funding ***

PROJECT TYPE: (Check one)

Construction X

Non-construction

AMOUNT OF ARC FUNDS REQUESTED: \$1,000,000

County in which project is located: Hall

ARC County Designation/Match Rate (check one)

Distressed

At-Risk

Transitional X

Competitive

Projects serving multiple counties must contact DCA to determine match rate.

PROJECT TITLE: City of Flowery Branch- Flowery Branch Bay Park Trail

APPLICANT INFORMATION:

Legal name: City of Flowery Branch

Address: 5410 Pine Street

City: Flowery Branch

ZIP Code: 30542

Telephone: 770-967-6371

Email: elias.gobble@flowerybranchga.org

ADDITIONAL CONTACT INFORMATION

This information should indicate an individual with knowledge of the application to whom DCA staff may direct questions about the application.

Name: Elias Gobble

Telephone: 470-766-0412

Email: elias.gobble@flowerybranchga.org

PROJECT DETAIL: Describe your project, including all partners and private investment. Provide a clear overview of the entire project and a general description of who will benefit.

Please indicate the following (five page limit):

1. A general overview of the need for the project, including brief description of community conditions, who this project will benefit; and the requested amount of ARC investment.
2. Which ARC goal(s) this project will meet and advance
3. How this project will further Georgia's investment goals for the ARC region
4. Where the project will take place
5. When the project will be implemented and how long it will take (beginning and ending dates)
6. How ARC funds will be managed and by whom

Details:

The City of Flowery Branch is requesting \$1,000,000 in ARC investment for the construction of a 1.5-mile trail to connect Flowery Branch residents with community amenities like Flowery Branch Bay Park and downtown Flowery Branch. The new proposed trail would connect with the Spout Springs Sidepath Trail on the Highlands to Islands trail system, extend along Phil Niekro Boulevard to a north turn onto Thurmond Tanner Pkwy, turning east on E Main St., northward on Mulberry Street to Spring Street, crossing over Atlanta Highway to Mitchell Street, and continuing south to the entrance of Flowery Branch Bay Park.

The City of Flowery Branch has just completed the first phase of its downtown revitalization project and is already beginning work on the second phase. This revitalization has led to the opening of new downtown businesses and restaurants. However, the City has no trail that connects residents with the downtown area and recreational assets within the City (e.g. Flowery Branch Bay Park). This 1.5-mile trail would address both lingering issues. The project will benefit all residents of the City of Flowery Branch as well as visitors from neighboring communities who enjoy access to new recreational opportunities.

This project will address ARC Goal 4: Building Regional Culture and Tourism as this project will increase the City of Flowery Branch's community and economic development potential through ARC investment in the City's natural assets. This project furthers the State of Georgia's ARC Investment Priorities by facilitating increased downtown traffic that can help progress downtown development, it helps create new recreation opportunities that enhance the recreation infrastructure available in the City, and it contributes to the regrowth of the tourism economy by new investments being made in the City's natural assets.

The project will take place in Flowery Branch, Hall County, Georgia. If awarded, construction is expected to begin in May 2024 and will be completed in approximately April 2026. The ARC funds will be managed by Mr. Elias Gobble, who serves as the Grant Administrator/Accountant for the City of Flowery Branch.

PROJECT BENEFITS: Describe the expected outputs and outcomes for this project, along with other project benefits likely to result from the project (e.g., positive impact on future economic development activity in the area). Describe how this project will help move the community/region towards economic success? See [Guide to ARC Performance Measures](#) for assistance identifying outputs and outcomes. (Two page limit)

Benefits:

Outputs

- 1.5 miles (7,920 linear feet) of trail
- 10 downtown businesses served

Outcomes

- 6 downtown businesses improved
- 1 new downtown business created

BUDGET NARRATIVE: Provide a detailed budget narrative that list the sources of ARC funds and all non-ARC matching funds. (Two page limit) Include:

1. What activities ARC funding will cover
2. The amount of financing necessary to fund the entire project
3. The amount of private investment
4. The amount of additional public investment
5. If in-kind funds are proposed, please describe the activities dedicated to the project
6. Who will manage ARC funds

Narrative:

ARC funding will cover in part the construction of the 1.5 miles of trail. The amount of financing necessary to cover the entire project is \$2,000,000. The City of Flowery Branch will be responsible for providing at least 50% of the total project cost, or \$1,000,000. This project is not expected to generate any private investment. No in-kind funds are being proposed for this project. ARC funds will be managed by Mr. Elias Gobble, who serves as the Grant Administrator/Accountant for the City of Flowery Branch.

BUDGET: Include all funding amounts and sources. Please complete all appropriate columns and specify whether funds are approved (available immediately) or pending (application in progress or under review.)

TYPE	Source	Planning/ Operations	Construction/ Renovation	Equipment	Total	% of Total	Status of Funds
Local:	City of Flowery Branch		\$1,000,000			50%	Approved
In-kind:							
Federal:	ARC		\$1,000,000			50%	Pending (Application in Progress)
Other:							
TOTAL							

I, the undersigned representative of the applicant, do attest that to the best of my knowledge, the information contained herein is true and correct. I understand that funding through the Appalachian Regional Commission is contingent in part upon compliance with the National Environmental Policy Act (NEPA), among other laws and regulations, and that failure to comply with federal regulations will result in ineligibility for funding through Georgia's ARC program.

Signature: _____

Name: Ed Asbridge

Title: Mayor

Date: _____

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Resolution 23-013 for Approval of the Appalachian Regional Commission (ARC) Grant Application Created by the Georgia Mountains Regional Commission (GMRC)

DATE: December 7, 2023

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

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

COUNCIL ACTION REQUESTED ON: N/A

PURPOSE:

In order to pursue funding to support construction of a pedestrian/bike trail, the Georgia Mountains Regional Commission has created an application for the Area Development Program grant offered by the Appalachian Regional Commission (ARC).

HISTORY:

The “Highlands to Islands” trail is a multi-use trail that reaches from Gainesville to Lake Lanier Islands. A planned section of this multi-jurisdictional trail falls in Flowery Branch. In an effort to promote healthy living and pedestrian connectivity, the city seeks to begin planning and constructing a trail portion located in Flowery Branch. The trail would begin at the end of an existing trail at I-985, travel through downtown, and continue to lakeside Flowery Branch Bay Park. With a partnership with the GMRC and ARC, additional funding may be acquired to support this endeavor.

FACTS AND ISSUES:

The Appalachian Regional Commission is an economic development partnership entity of the federal government. Their mission is to innovate, partner, and invest to build community capacity and strengthen economic growth in Appalachia by providing grants, publishing research, and sponsoring learning opportunities to address economic disparity and advance prosperity. The Georgia Mountains Regional Commission (GRMC) is a state level commission that supports the northeast region of the state, and has created an application on the city’s behalf for ARC grant funds. If awarded the requested amount, the city would receive \$1,000,000 from the ARC on a 50% reimbursement monthly request.

OPTIONS:

To approve, or not approve, the Georgia Mountains Regional Commission's grant application for the Area Development Program Grant from the Appalachian Regional Commission (ARC).

RECOMMENDED SAMPLE MOTION:

I make a motion to adopt resolution 23-013 to approve the Georgia Mountains Regional Commission's grant application written on the city's behalf for the Area Development Program grant in order to pursue funding from the Appalachian Regional Commission (ARC) to support development of a pedestrian/bike trail and to authorize the Mayor and staff to execute necessary documents to apply for and accept any grants awarded to the City of Flowery Branch.

DEPARTMENT: Finance

Prepared by: Elias Gobble



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider 2024 City Council Meeting Dates

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Unofficial 2024 Governing Body Meeting Calendar.pdf](#)



PUBLIC NOTICE

2024 GOVERNING BODY MEETING CALENDAR



IN ACCORDANCE WITH THE GEORGIA OPEN MEETINGS ACT AS AMENDED, VOLUME 50, CHAPTER 14, NOTICE IS HEREBY GIVEN; **THE CITY OF FLOWERY BRANCH 2024 GOVERNING BODY MEETING CALENDAR** FOR WORK AND VOTING SESSIONS HAS BEEN SET FORTH AS FOLLOWS:

January 4, 2024	July 18, 2024
January 18, 2024	August 1, 2024
February 1, 2024	August 15, 2024
February 15, 2024	September 5, 2024
March 7, 2024	September 19, 2024
March 21, 2024	October 3, 2024
April 4, 2024	October 17, 2024
April 18, 2024	November 7, 2024
May 2, 2024	November 21, 2024
May 16, 2024	December 5, 2024
June 6, 2024	December 19, 2024
June 20, 2024	

MEETINGS ARE HELD AT THE FLOWERY BRANCH CITY HALL ON THE 1ST AND 3RD THURSDAYS OF EACH MONTH AT 6:00 PM.

NOTICE OF ANY DEVIATIONS TO THE SCHEDULE OR ANY SPECIAL MEETINGS SHALL BE POSTED BY PUBLIC NOTICE ON THE OFFICIAL BULLETIN BOARD LOCATED AT 5410 PINE STREET AND ON THE CITY OF FLOWERY BRANCH WEBSITE: FLOWERYBRANCHGA.ORG.

Adopted:

Posted:

cc: Mayor and City Council
City Manager's Office
City Attorney
Department Directors
Media
Official Bulletin Board



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider November 16, 2023 City Council Meeting Minutes

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Unofficial November 16, 2023 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, November 16, 2023, 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 council meeting to order at 6:00 p.m.

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

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Public Works & Utilities Director Bill Whidden, Finance Director Matthew Hamby, and City Attorney Ted Baggett.

Absent: Council Members Joseph Mezzanotte and Chris Mundy

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

There was a motion made to approve the November 17, 2023, meeting agenda as presented.

MOTION: Joe Anglin

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel

NAYS: None

Motion carried

NEW BUSINESS -WORK SESSION:

Presentation - Update: Wastewater Treatment Plant

Chris Carr from ESG Engineering presented a Wastewater Treatment Plant Update. Archer Western has been selected as Construction Manager at Risk. The design level is currently proceeding around 30% design level. CMAR developed the 30% baseline cost estimate. The first cost estimate came in around \$45M. The early work packages for critical needs are going to RFP before the year end. This includes the dewatering equipment replacement and EQ tank aeration and mixing equipment. They are working on permitting with GADOT for a second plant

entrance. Using the 30% cost estimate, adjustments for budget management are being made prior to 60% design completion.

Remaining Schedule:

- 60% Design – In progress, December 31, 2023 (Date extended due to Membrane Preselection Process timeline)
- 80% Design - February 5, 2024
- Construction NTP by **March 29, 2024**
- Substantial completion of **April 2026**
- Final completion of **June 2026**, including commissioning, startup and testing.

Council held a discussion with Mr. Carr on the updates he presented.

Consideration of Employee Insurance for Calendar Year 2024

Tammi Starkey with NFP presented calendar year 2024 employee insurance proposal. NFP completed a full market analysis of all viable carriers and the renewal with Anthem was negotiated to a 4% increase in premiums for 2024. The increase will not change employee contributions for 2024. There will not be a change to dental, vision or life insurance. There is no change to coverage or cost unless increasing in age bracket for voluntary coverages. Voluntary short-term disability recommendation to change plan design to offset the benefit payment by sick leave income. Increase to employee paid premiums is 15%. No change for flexible spending accounts, which allows employees to save pre-tax for medical, dental, vision, prescription expenses or dependent care expenses. Open enrollment will be December 11- 15, 2023. Employees are able to make elections and changes for 2024 plan year with onsite education and enrollment assistance. Enrollment elections will be made online, and the new elections will be effective January 1, 2024.

Council held a discussion with Ms. Starkey on the insurance proposals.

Consider First Reading of Ordinance 700 Amending the Charter of the City of Flowery Branch for more effective, efficient leasing of spaces.

City Attorney Baggett presented Ordinance 700 amending the Charter of the City of Flowery Branch for more effective, efficient leasing of spaces. State law provides very specific rules for how cities may lease their property but also contains a provision that allows cities with charter provisions governing how they lease property to prevail over the narrow state requirements. Adding this language to the city charter will grant the city greater flexibility in how it structures leases of city owned property. Leases of city property will continue to come before council for final approval.

Council held a discussion with City Attorney Baggett on Ordinance 700.

Consideration of FY2024 Vibrant Communities Grant from the Georgia Council for the Arts Grant Acceptance

Elias Gobble presented FY2024 Vibrant Communities Grant from the Georgia Council for the Arts Grant Acceptance in the amount of \$5,000 to be used for cultivating the growth of a vibrant and thriving community through art.

Mr. Gobble advised he was given a recommendation to apply for some grants provided by Norfolk Southern. Earlier this week Mr. Gobble was emailed that the City has been awarded a grant in the amount of \$50,000 for the police department to purchase a response readiness vehicle.

Council held a discussion with Mr. Gobble regarding these grants.

DEPARTMENT REPORTS:

City Clerk Report:

City Clerk Cooper advised the food drive was a success and thanked residents for bringing in items to donate to the Georgia Mountain Food Bank. City Clerk Cooper congratulated Mr. Mezzanotte and Mr. Mundy on winning their elections.

Finance Director Report:

Director Hamby advised the budget has a buffer for the increase in the insurance costs. The audit is complete and will be presented at the December 7th council meeting.

Public Works & Utilities Director Report:

Director Whidden reported the painting of the water tank is coming along and should be finished soon. He has had several citizens advise him how beautiful the city looks, and Director Whidden thanked Renee for all her hard work.

Council Report:

Council Member McDaniel wanted to thank citizens and staff.

Council Member Anglin congratulated Council Member Mundy and Council Member Mezzanotte.

ADJOURNMENT WORK SESSION:

Mayor Asbridge called the voting session to order at 6:30 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 6:30 p.m.

PUBLIC COMMENTS:

Donna Nackers, 5887 Screech Owl Drive, Flowery Branch, Georgia 30542

Mrs. Nackers wanted to thank the patrol officers on Halloween Night for doing a spectacular job patrolling her neighborhood.

CONSENT AGENDA:

- Consider October 2023 Per Diem for Mayor Asbridge
- Consider October 19, 2023 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
NAYS: None
Motion carried

NEW BUSINESS - VOTING SESSION:

Consideration of Employee Insurance for Calendar Year 2024

There was a motion made to approve staff's recommendations for employee insurance for calendar year 2024.

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

Consider First Reading of Ordinance 700 Amending the Charter of the City of Flowery Branch for more effective, efficient leasing of spaces.

There was a motion made to approve Ordinance Number 700 amending the charter of the City of Flowery Branch to allow for more efficient, effective leasing of properties.

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

Consideration of FY2024 Vibrant Communities Grant from the Georgia Council for the Arts Grant Acceptance

There was a motion made to accept the grant award of \$5,000 from the Georgia Council of the Arts, comply with the grant conditions, and authorize the Mayor and staff to execute necessary documents to comply with the grant.

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

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to pending or potential litigation, matter related to the acquisition/disposition of real estate and for matters related to certain personnel issues at 6:34 p.m.

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

There was a motion made to exit executive session at 6:52 p.m.

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

ADJOURNMENT:

There was a motion made to adjourn the meeting at 6:52 p.m.

MOTION: Oliver McClellan

SECOND: Joe Anglin

AYES: Joe Anglin, Oliver McClellan, William McDaniel

NAYS: None

Motion carried

Edward R. Asbridge, Mayor

Date

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider November 16, 2023 Executive Session Minutes

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

-



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider November 2023 Per Diem for Mayor Asbridge

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Mayor Per Diem - November 2023.pdf](#)



**City of Flowery Branch
Mayor & Council Attendance Sheet Per Diem Pay**

Name: Mayor Edward Asbridge Month/Year: November 2023

Meeting Date	Description of Meeting
November 7, 2023	Speaker at Ladies Group- SOTL
November 10, 2023	Chamber Economic Development Meeting
November 14, 2023	GHMPD Meeting
November 16, 2023	Chamber Board Meeting

My signature certifies that I am eligible to be paid for 4 meeting dates, a maximum of 5 per month, in accordance with the Per Diem Pay as described in Ordinance 477 and at a rate of \$50.00 per meeting.

Total of \$200.00

Signature



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider First Reading of Ordinance 700 Amending the Charter of the City of Flowery Branch for more effective, efficient leasing of spaces.

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

The City of Flowery Branch owns several properties that are leased out. To allow for more effective, efficient leasing of the properties, this amendment to the charter is needed.

FACTS AND ISSUES:

State law provides very specific rules for how cities may lease their property but also contains a provision that allows cities with charter provisions governing how they lease property to prevail over the narrow state requirements. Adding this language to the city charter will grant the city greater flexibility in how it structures leases of city owned property. Leases of city property will continue to come before council for final approval.

OPTIONS:

- 1) Amend the charter of the City of Flowery Branch.
- 2) Do not amend the charter.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve Ordinance #700 amending the charter of the City of Flowery Branch for more effective, efficient leasing of spaces.

SAMPLE MOTION:

I make a motion to approve Ordinance number 700 amending the charter of the City of Flowery Branch to allow for more efficient, effective leasing of properties.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Amend charter for leases Ordinance 700.pdf](#)
- [Flowery Branch City Charter Amendment 10 16 23.pdf](#)



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Consider Ordinance #700 amending the charter of the City of Flowery Branch for more effective, efficient leasing of spaces.

DATE: November 12, 2023

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

BUDGET INFORMATION:
ANNUAL- N/A
CAPITAL-

COUNCIL ACTION REQUESTED ON: November 16, 2023

PURPOSE: Amend the charter of the City of Flowery Branch to allow for more effective, efficient leasing of spaces.

HISTORY: The City of Flowery Branch owns several properties that are leased out. To allow for more effective, efficient leasing of the properties, this amendment to the charter is needed.

FACTS AND ISSUES: State law provides very specific rules for how cities may lease their property but also contains a provision that allows cities with charter provisions governing how they lease property to prevail over the narrow state requirements. Adding this language to the city charter will grant the city greater flexibility in how it structures leases of city owned property. Leases of city property will continue to come before council for final approval.

OPTIONS:

- 1) Amend the charter of the City of Flowery Branch.
 - 2) Do not amend the charter.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion to approve Ordinance number 700 amending the charter of the City of Flowery Branch to allow for more efficient, effective leasing of properties.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

**ORDINANCE TO AMEND THE CHARTER OF THE CITY OF
FLOWERY BRANCH**

WHEREAS, the City Council wishes to be good stewards of the public property of the city; and

WHEREAS, clarifying the authority of the city governing authority to lease public property in accordance with the provisions of O.C.G.A. § 36-37-6(l) enables the city to operate with the necessary flexibility to act in the best interests of the city; and

WHEREAS, changes to the City Charter may be made by the Mayor and City Council under the Home Rule Powers of a municipality as set forth in Chapter 35 of Title 36 of the O.C.G.A.; and

WHEREAS, in accordance with O.C.G.A. § 36-35-6(b)(l), a notice containing a synopsis of the proposed amendment was published in the official organ of the county or in a newspaper of general circulation in the municipal corporation once a week for three weeks within a period of 60 days immediately preceding its final adoption; and

WHEREAS, municipal charters may be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

WHEREAS, the City of Flowery Branch adopted this amendment by an ordinance duly adopted at two regular consecutive meetings of the municipal governing authority;

NOW THEREFORE, the City Council of the City of Flowery Branch hereby ordains to amend the city charter as follows:

SECTION ONE

By adding a new subsection (c) to Section 1.3 to read as follows:

(c) The city council may acquire, hold, sell, exchange, rent, lease, or otherwise acquire or dispose of any real, personal, or mixed property, in fee simple or lesser interest, whether held by the city in its proprietary, governmental, or other capacity, inside or outside of the corporate boundaries of the city and wherever located under terms and conditions it deems to be in the best interests of the city.

SECTION TWO

The amendments to the Charter described herein shall become effective upon approval of this ordinance and upon a copy of the amendment, the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which the notice was published, is filed with the Secretary of State and in the office of the Clerk of the Superior Court of Hall County as required by O.C.G.A. § 36-35-5. The City Clerk is hereby authorized to make such filings.

Adopted this ____ day of _____, 2023.

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted C. Baggett, City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Resolution 23-012: Year-end Amendment to the Budget for FY2023.

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

A budget is balanced when the sum of estimated revenues and appropriated fund balances is equal to expenditure/expense appropriations for each applicable fund. Revenue estimates and governmental needs change throughout the year which requires approval from Council for said budget amendments.

FACTS AND ISSUES:

Final adjustments were needed to reflect revenue and expenses adjusted at year-end.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

Approval

SAMPLE MOTION:

I make a motion to approve Resolution 23-012 for the year-end budget adjustments.

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - FY2023 Year End Adjustments.pdf](#)
- [Resolution 23-012.pdf](#)
- [Attachment A - Year-end adjustment.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Resolution 23-012: Year-end Amendment to the Budget for FY2023.

DATE: December 07, 2023

BUDGET INFORMATION:

ANNUAL-

CAPITAL-

☐ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

☒ **STATUS REPORT**

☐ **OTHER**

COUNCIL ACTION REQUESTED ON: Resolution 23-012

PURPOSE:

To approved Resolution 23-012, Year-end Amendment to the Budget for FY2023.

HISTORY:

A budget is balanced when the sum of estimated revenues and appropriated fund balances is equal to expenditure/expense appropriations for each applicable fund. Revenue estimates and governmental needs change throughout the year which requires approval from Council for said budget amendments.

FACTS AND ISSUES:

Final adjustments were needed to reflect revenue and expenses adjusted at year-end.

OPTIONS:

N/A

RECOMMENDED SAMPLE MOTION:

I make a motion to approve Resolution 23-012 for the year-end budget adjustments.

DEPARTMENT: Administration

Prepared by: Matthew Hamby

RESOLUTION NO.: 23-012
TO AMEND THE BUDGET FOR FISCAL YEAR 2023.

WHEREAS, the City Council approved a budget for fiscal year 2023 for the City of Flowery Branch on June 23, 2022 by Resolution 23-009; and

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

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

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

RESOLVED this 7th day of December 2023.

Edward R. Asbridge, Mayor

ATTEST:

Nancy Rodriguez, Assistant City Clerk

APPROVED AS TO FORM:

Karen G. Thomas, City Attorney

City of Flowery Branch Request For Budget Adjustment



ATTACHMENT A

Fund/Department: 210 & 275 Effective Date: 6/30/2023

Account Number	Account Name	Current Budget	Debit (Credit)	Revised Budget
210-0000-351321	State Confiscations	-	(500)	(500)
210-0000-361000	Interest Revenue	-	-	-
210-0000-523600	Bank Charges & Fees	-	-	-
210-0000-531100	Supplies and Materials	-	500	500
Recognize State Confiscation revenue.				
275-0000-314100	CVB Hotel Tax Rev - City's Portion	(90,000)		(90,000)
275-0000-314200	Tourism Product Development	(45,000)		(45,000)
275-0000-391275	CVB Hotel Tax Rev - CVB's Portion	(105,000)	(10,000)	(115,000)
275-7540-572000	Convention Visitors Bureau	105,000	10,000	115,000
275-7540-611100	Trans Out 100 - General Fund	135,000		135,000
				-
Recognized Additional Hotel/Motel Tax revenue.				
				-
	<u>Totals</u>	\$ -	\$ -	\$ -

Justification: RESOLUTION 23-012 Year-end Budget adjustment.

MID - 4TH QUARTER ENDING 6/19/2023

Approvals: Finance Director: _____ Date: _____

City Manager: _____ Date: _____

Mayor: _____ Date: _____

Finance Department Use

Posted By: _____ Date Posted: _____

Council Action Required: Yes _____ No _____ Budget Adjust. #: _____

W/ MID-4TH QTR BA RESOLUTION.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Amendment 1 to the Memorandum of Understanding (MOU) with Parkside Partners

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

On September 7, 2023, the city entered into an MOU with Parkside Partners giving them the exclusive right to develop Phase II of the Old Town Redevelopment Plan.

FACTS AND ISSUES:

After the MOU was signed, city staff began the development of the parking and mobility study of the downtown area and partnered with the Greater Hall Metropolitan Planning Organization (GHMPO). City staff requested that Parkside Partners have one member of their team on the evaluation committee of the parking and mobility study. The bid for the parking and mobility study has not been awarded and the two projects' timing must coincide. City staff has requested that the MOU be extended to ensure that the parking and mobility study is complete before Parkside Partners presents their final plans for public and council review.

OPTIONS:

- 1) Amend the MOU extending the date of the MOU from December 27, 2023 to August 29, 2024.
 - 2) Amend the MOU extending the date of the MOU from December 27, 2023 to another date in the future.
 - 3) Do not amend the MOU.
-
-

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

Yes

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

Amend the memorandum of understanding (MOU) with Parkside Partners to extend the date of the MOU from December 27, 2023 to August 29, 2024.

SAMPLE MOTION:

I make a motion to approve Amendment 1 to the Memorandum of Understanding (MOU) with Parkside Partners.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Amendment 1 to MOU with Parkside Partners.pdf](#)
- [Amendment 1 to the MOU Parkside.pdf](#)



**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Consider Amendment 1 to the Memorandum of Understanding (MOU) with Parkside Partners

DATE: November 21, 2023

(X)RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL- N/A

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: December 7, 2023

PURPOSE: Amend the memorandum of understanding (MOU) with Parkside Partners to extend the date of the MOU from December 27, 2023 to August 29, 2024.

HISTORY: On September 7, 2023, the city entered into an MOU with Parkside Partners giving them the exclusive right to develop Phase II of the Old Town Redevelopment Plan.

FACTS AND ISSUES: After the MOU was signed, city staff began the development of the parking and mobility study of the downtown area and partnered with the Greater Hall Metropolitan Planning Organization (GHMPO). City staff requested that Parkside Partners have one member of their team on the evaluation committee of the parking and mobility study. The bid for the parking and mobility study has not been awarded and the two projects' timing must coincide. City staff has requested that the MOU be extended to ensure that the parking and mobility study is complete before Parkside Partners presents their final plans for public and council review.

OPTIONS:

- 1) Amend the MOU extending the date of the MOU from December 27, 2023 to August 29, 2024.
-
-

-
-
- 2) Amend the MOU extending the date of the MOU from December 27, 2023 to another date in the future.
 - 3) Do not amend the MOU.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion to approve Amendment 1 to the Memorandum of Understanding (MOU) with Parkside Partners.

DEPARTMENT: Administration

Prepared by: Tonya Parrish

Amendment 1 to the:

Memorandum of Understanding By and Between the City of Flowery Branch, Georgia and Parkside Partners, L.L.C.

The above referenced MOU entered into on August 29, 2023 is hereby amended as follows:

Paragraph 4.a. relating to the Term of the MOU is hereby amended so as to extend the expiration from midnight on December 27, 2023 to midnight on August 29, 2024. Any extensions beyond that date shall not be automatic and shall require the mutual agreement of the Parties as evidenced and approved in writing. All other agreement terms, conditions, duties, obligations, and mutual covenants contained in the MOU shall remain in force and effect until the revised expiration date.

CITY OF FLOWERY BRANCH, GEORGIA

By: _____

Ed Asbridge, Mayor

PARKSIDE PARTNERS, LLC

By: _____

Partner



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Approving the Appalachian Regional Commission's "Area Development Program" grant application created by the Georgia Mountains Regional Commission on the city's behalf.

COUNCIL MEETING DATE: December 7, 2023

HISTORY:

The City has partnered with the Georgia Mountains Regional Commission (GMRC) to create a grant application on the city's behalf for a grant offered by the Appalachian Regional Commission. This grant would be for construction of a pedestrian/bike trail beginning from an existing Highlands-to-Islands trail near interstate I-95 and leading all the way through downtown and onward to lakeside Flowery Branch Bay Park.

FACTS AND ISSUES:

The GMRC has finished an application submitted tonight for approval that, if approved, would lead to a much more detailed examination from the ARC of the city's plans, costs, and timelines for constructing a multi-use trail.

OPTIONS:

To approve or deny the application created by the GMRC for submission to the ARC.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

To approve this Appalachian Regional Commission's "Area Development Program" grant application created by the Georgia Mountains Regional Commission.

SAMPLE MOTION:

I make a motion to approve the Georgia Mountains Regional Commission's grant application on the city's behalf for the Area Development Program grant in order to pursue funding from the Appalachian Regional Commission (ARC) to support development of the "Highlands to Islands" trail system and to authorize the Mayor and staff to execute necessary documents to apply for and accept any grants awarded to the City of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- [Flowery Branch ARC Pre-Application- FIRST DRAFT \(11.21.23\).docx](#)
- [Executive Summary - ARC Grant Application Approval.pdf](#)

Georgia[®] Department of
Community Affairs



**APPALACHIAN
REGIONAL
COMMISSION**

Pre-application

The following information is to assist applicants in understanding the Appalachian Regional Commission's and the State of Georgia's investment goals. Please read carefully before completing the pre-application.

Georgia and the Appalachian Regional Commission

As a member state of the Appalachian Regional Commission (ARC), Georgia participates in providing technical assistance and area development funding to its 37 counties spanning the northern third of the state.

ARC's Strategic Plan 2022-2026: Georgia supports projects that help the region reach its economic and community development goals:

Goal 1: Building Appalachian Businesses

Strengthen and diversify the Region's economy through inclusive economic development strategies and investments in entrepreneurship and business development.

Goal 2: Building Appalachia's Workforce Ecosystem

Expand and strengthen community systems (education, healthcare, housing, childcare, and others) that help Appalachians obtain a job, stay on the job, and advance along a financially sustaining career pathway.

Goal 3: Building Appalachia's Infrastructure

Ensure that the residents and businesses of Appalachia have access to reliable and affordable utilities and infrastructure in order to successfully live and work in the Region.

Goal 4: Building Regional Culture and Tourism

Strengthen Appalachia's community and economic development potential by preserving and investing in the Region's local, cultural heritage, and natural assets.

Goal 5: Building Community Leaders and Capacity

Invest in the capacity of local leaders, organizations, and communities to address local challenges by providing technical assistance and support to access resources, engage partners, identify strategies and tactics, and conduct effective planning and project execution.

Georgia's ARC Area Development Investment Priorities for Fiscal Year 2023

In order to maximize the benefit of ARC funds across its 37-county region, Georgia will focus funding on projects that address the following identified needs for Fiscal Year 2023:

- **Downtown Development:** ARC Goals One (Economic Opportunities), Three (Critical Infrastructure) and Four (Natural and Cultural Assets) all support this regional priority. As Georgia's small businesses and rural communities work to strengthen their economic resilience in 2022 and beyond, ARC funds can assist by supporting projects that create and retain jobs, strengthen existing businesses, help create new businesses, improve the quality of life in communities, and reimagine how businesses will be successful in a post-COVID Appalachian downtown.
- **New, Improved or Enhanced Infrastructure:** ARC Goal Three (Critical Infrastructure) supports this ongoing priority for Appalachian Georgia. Many rural governments are continuing to attract new industry and business locations and many others are working to create the necessary capacity to support new development. ARC funds can assist with necessary infrastructure improvements to continue to strengthen and grow our economy. This may include activities supporting the creation of affordable, workforce housing initiatives aimed at supplying the inventory necessary to enable business growth and expansion within Georgia's ARC region.
- **Creating Resilient Communities:** ARC Goal Five (Leadership and Community Capacity) support this priority. Both the Appalachian Regional Commission and the Georgia Department of Community Affairs continue to prioritize projects that are part of larger plans, either of local governments or authorities. Several of Georgia's ARC counties have invested in long-range planning activities, many with ARC's investment. Georgia will continue to invest ARC funds in support of planning activities at a local and regional level.
- **Regrowth of the Tourism Economy:** ARC Goals One (Economic Opportunities) and Four (Natural and Cultural Resources) support this ongoing priority for the region. Much of North Georgia is federally or state protected land and is a constant attraction for myriad outdoor activities. While Georgia has seen an upswing in vacation rentals in the Appalachian region, many of the tourist-related businesses and attractions are rebounding more slowly. Projects that support existing tourism-related business, allow the public and private sectors to maximize the benefit from their unique assets, attract new visitors and create or retain jobs are important to Georgia's ARC region.
- **Workforce Development:** ARC Goal Two (Ready Workforce) supports this priority. Across the 37-county region, Georgia's manufacturers and businesses are seeking employees to fill existing vacancies. Projects that help citizens increase or enhance their skills, provide apprenticeships that benefit both employers and employees, or provide support to employees to remain employed are beneficial as we recover from the long-term effects of COVID.
- While deployment of broadband to under-and-unserved areas of Georgia remains a highest priority statewide and across the ARC region, Georgia DCA will temporarily minimize its use of ARC funds to assist with that effort in light of new federal and state-dedicated funds for the specific purpose of increasing broadband coverage.

Georgia ARC Program Policies

The Department of Community Affairs seeks to address the goals of the Appalachian Regional Commission, the State of Georgia, and the communities we aim to serve in a responsible and fair manner. Accordingly, our program adheres to the following policy guidelines:

- Maximum ARC investment per construction project is \$1,000,000. The maximum may be waived by the Governor at their discretion.
- All projects should secure other necessary funding before submitting a full application. Other considerations for full applications may include environmental concerns and permitting.
- Eligible applicants include:
 - o Local governments
 - o Development Authorities
 - o Non-profit organizations (must provide adequate certification of status)
 - o Educational institutions
 - o Public healthcare institutions
 - o Public-private partnerships are eligible, but applicant must be a public or non-profit entity

Construction Projects

- In the case of tourism-related construction projects, credible forecasts for increased commercial activity must be included.
- DCA or the Georgia Environmental Finance Authority will serve as the Registered State Basic Agency for the administration of construction projects. (GEFA will administer water/sewer projects and DCA all others that qualify as construction). DCA may grant an exception to this policy only in the case where another federal agency (USDA, EDA or others) participating in the project is willing to administer ARC funds.
- Projects must obtain all reviews and approvals pertaining to federal financing PRIOR to construction start dates. These include, but are not limited to:
 - o Environmental assessments
 - o Wage and labor rate approvals
 - o Procurement approvals
 - o Contractor approvals
 - o Organizations seeking ARC funding for construction projects should be aware of time constraints associated with federal financing. All activities associated with construction projects must adhere strictly to these requirements.

Non-construction or Operating Projects

- ARC funding is limited to start-up costs and two years of operation costs MAXIMUM.
- No project is guaranteed more than one year of support.
- Projects requesting start-up funds should identify sources of funding to continue the project upon cessation of ARC investment, or indicate a plan for cultivating future funding.
- In most cases, operating proposals should indicate an 18-month initial start-up phase. New projects generally meet unexpected delays, and this 18-month window can help alleviate the need to extend a project to meet its initial objectives.
- Any project seeking continuation funding (second or third year) should contact Georgia's ARC office at least one month prior to the pre-application deadline to discuss additional funding. These projects must provide evidence of satisfactory performance in meeting first-year objectives in order to be considered for any additional funding.
- ARC will serve as the administering agency for all non-construction projects.

Georgia Appalachian Regional Commission
Pre-application for Project Funds

Please be advised that completion of this pre-application does not constitute submission of a complete ARC application and is not a commitment to fund or a notification of grant award, or notification that any proposed activities are eligible for financing through ARC. Within seven business days of receipt of this application, DCA will issue a finding as follows:

- PROCEED. The described project meets the goals of ARC and the State of Georgia. Complete a full ARC application for consideration within the current ARC funding cycle
- NEEDS MORE INFORMATION. Based on the description provided, DCA staff are unable to determine the project's ability to meet ARC and Georgia goals. DCA will provide additional technical assistance, upon request, to enhance this project's ability to meet these goals. Consider applying for funding in a future ARC funding cycle.
- NO. This project does not meet the goals of ARC and/or Georgia and is not an appropriate fit for ARC investment.

As you know, each application must stand on its own merit and obtain sufficient points under the formal review process to be funded. Since the competitiveness of your project is unknown at this time, any group that secures financing and moves ahead with any portion of the project should do so under the full realization that funding is not guaranteed until a grant award and contract has been executed by DCA.

Certification:

I, the undersigned authorized representative of the applicant, acknowledge that this document is a pre-application for funding and that further documentation is necessary should this pre-application be invited to submit a full application. I acknowledge that this document is not a guarantee of funding through Georgia's Appalachian Regional Commission program.

Signature of Authorized Representative: _____

Name and Title: Ed Asbridge, Mayor

Date: _____

*** Incomplete applications will not be reviewed for funding ***

PROJECT TYPE: (Check one)

Construction X

Non-construction

AMOUNT OF ARC FUNDS REQUESTED: \$1,000,000

County in which project is located: Hall

ARC County Designation/Match Rate (check one)

Distressed

At-Risk

Transitional X

Competitive

Projects serving multiple counties must contact DCA to determine match rate.

PROJECT TITLE: City of Flowery Branch- Flowery Branch Bay Park Trail

APPLICANT INFORMATION:

Legal name: City of Flowery Branch

Address: 5410 Pine Street

City: Flowery Branch

ZIP Code: 30542

Telephone: 770-967-6371

Email: elias.gobble@flowerybranchga.org

ADDITIONAL CONTACT INFORMATION

This information should indicate an individual with knowledge of the application to whom DCA staff may direct questions about the application.

Name: Elias Gobble

Telephone: 470-766-0412

Email: elias.gobble@flowerybranchga.org

PROJECT DETAIL: Describe your project, including all partners and private investment. Provide a clear overview of the entire project and a general description of who will benefit.

Please indicate the following (five page limit):

1. A general overview of the need for the project, including brief description of community conditions, who this project will benefit; and the requested amount of ARC investment.
2. Which ARC goal(s) this project will meet and advance
3. How this project will further Georgia's investment goals for the ARC region
4. Where the project will take place
5. When the project will be implemented and how long it will take (beginning and ending dates)
6. How ARC funds will be managed and by whom

Details:

The City of Flowery Branch is requesting \$1,000,000 in ARC investment for the construction of a 1.5-mile trail to connect Flowery Branch residents with community amenities like Flowery Branch Bay Park and downtown Flowery Branch. The new proposed trail would connect with the Spout Springs Sidepath Trail on the Highlands to Islands trail system, extend along Phil Niekro Boulevard to a north turn onto Thurmond Tanner Pkwy, turning east on E Main St., northward on Mulberry Street to Spring Street, crossing over Atlanta Highway to Mitchell Street, and continuing south to the entrance of Flowery Branch Bay Park.

The City of Flowery Branch has just completed the first phase of its downtown revitalization project and is already beginning work on the second phase. This revitalization has led to the opening of new downtown businesses and restaurants. However, the City has no trail that connects residents with the downtown area and recreational assets within the City (e.g. Flowery Branch Bay Park). This 1.5-mile trail would address both lingering issues. The project will benefit all residents of the City of Flowery Branch as well as visitors from neighboring communities who enjoy access to new recreational opportunities.

This project will address ARC Goal 4: Building Regional Culture and Tourism as this project will increase the City of Flowery Branch's community and economic development potential through ARC investment in the City's natural assets. This project furthers the State of Georgia's ARC Investment Priorities by facilitating increased downtown traffic that can help progress downtown development, it helps create new recreation opportunities that enhance the recreation infrastructure available in the City, and it contributes to the regrowth of the tourism economy by new investments being made in the City's natural assets.

The project will take place in Flowery Branch, Hall County, Georgia. If awarded, construction is expected to begin in May 2024 and will be completed in approximately April 2026. The ARC funds will be managed by Mr. Elias Gobble, who serves as the Grant Administrator/Accountant for the City of Flowery Branch.

PROJECT BENEFITS: Describe the expected outputs and outcomes for this project, along with other project benefits likely to result from the project (e.g., positive impact on future economic development activity in the area). Describe how this project will help move the community/region towards economic success? See [Guide to ARC Performance Measures](#) for assistance identifying outputs and outcomes. (Two page limit)

Benefits:

Outputs

- 1.5 miles (7,920 linear feet) of trail
- 10 downtown businesses served

Outcomes

- 6 downtown businesses improved
- 1 new downtown business created

BUDGET NARRATIVE: Provide a detailed budget narrative that list the sources of ARC funds and all non-ARC matching funds. (Two page limit) Include:

1. What activities ARC funding will cover
2. The amount of financing necessary to fund the entire project
3. The amount of private investment
4. The amount of additional public investment
5. If in-kind funds are proposed, please describe the activities dedicated to the project
6. Who will manage ARC funds

Narrative:

ARC funding will cover in part the construction of the 1.5 miles of trail. The amount of financing necessary to cover the entire project is \$2,000,000. The City of Flowery Branch will be responsible for providing at least 50% of the total project cost, or \$1,000,000. This project is not expected to generate any private investment. No in-kind funds are being proposed for this project. ARC funds will be managed by Mr. Elias Gobble, who serves as the Grant Administrator/Accountant for the City of Flowery Branch.

BUDGET: Include all funding amounts and sources. Please complete all appropriate columns and specify whether funds are approved (available immediately) or pending (application in progress or under review.)

TYPE	Source	Planning/ Operations	Construction/ Renovation	Equipment	Total	% of Total	Status of Funds
Local:	City of Flowery Branch		\$1,000,000			50%	Approved
In-kind:							
Federal:	ARC		\$1,000,000			50%	Pending (Application in Progress)
Other:							
TOTAL							

I, the undersigned representative of the applicant, do attest that to the best of my knowledge, the information contained herein is true and correct. I understand that funding through the Appalachian Regional Commission is contingent in part upon compliance with the National Environmental Policy Act (NEPA), among other laws and regulations, and that failure to comply with federal regulations will result in ineligibility for funding through Georgia's ARC program.

Signature: _____

Name: Ed Asbridge

Title: Mayor

Date: _____

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Resolution 23-013 for Approval of the Appalachian Regional Commission (ARC) Grant Application Created by the Georgia Mountains Regional Commission (GMRC)

DATE: December 7, 2023

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

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

COUNCIL ACTION REQUESTED ON: N/A

PURPOSE:

In order to pursue funding to support construction of a pedestrian/bike trail, the Georgia Mountains Regional Commission has created an application for the Area Development Program grant offered by the Appalachian Regional Commission (ARC).

HISTORY:

The “Highlands to Islands” trail is a multi-use trail that reaches from Gainesville to Lake Lanier Islands. A planned section of this multi-jurisdictional trail falls in Flowery Branch. In an effort to promote healthy living and pedestrian connectivity, the city seeks to begin planning and constructing a trail portion located in Flowery Branch. The trail would begin at the end of an existing trail at I-985, travel through downtown, and continue to lakeside Flowery Branch Bay Park. With a partnership with the GMRC and ARC, additional funding may be acquired to support this endeavor.

FACTS AND ISSUES:

The Appalachian Regional Commission is an economic development partnership entity of the federal government. Their mission is to innovate, partner, and invest to build community capacity and strengthen economic growth in Appalachia by providing grants, publishing research, and sponsoring learning opportunities to address economic disparity and advance prosperity. The Georgia Mountains Regional Commission (GRMC) is a state level commission that supports the northeast region of the state, and has created an application on the city’s behalf for ARC grant funds. If awarded the requested amount, the city would receive \$1,000,000 from the ARC on a 50% reimbursement monthly request.

OPTIONS:

To approve, or not approve, the Georgia Mountains Regional Commission's grant application for the Area Development Program Grant from the Appalachian Regional Commission (ARC).

RECOMMENDED SAMPLE MOTION:

I make a motion to adopt resolution 23-013 to approve the Georgia Mountains Regional Commission's grant application written on the city's behalf for the Area Development Program grant in order to pursue funding from the Appalachian Regional Commission (ARC) to support development of a pedestrian/bike trail and to authorize the Mayor and staff to execute necessary documents to apply for and accept any grants awarded to the City of Flowery Branch.

DEPARTMENT: Finance

Prepared by: Elias Gobble
