



**City of Flowery Branch
City Council Meeting
Thursday, December 17, 2020, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch GA, 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

Resolution 20-028 - Declaration of Local State Emergency Renewal - This is required for the City to host a virtual meeting.

- Resolution 20-028 - Declaration of Local State of Emergency Renewal
[Res. 20.028 COVID Dec of Emergency 20.12.17.pdf](#)

AUDIT REVIEW - WAYNE TUCK - (AUDITOR-WALKER, PIERCE & TUCK, P. C.)

CALL PUBLIC HEARING TO ORDER:

PUBLIC HEARING:

- Consider ordinance #2020-615 a request to annex a portion of 6495 McEver Road into the city-limits of Flowery Branch.
[6495 McEver Crawford Annexation FINAL .pdf](#)
- Consider ordinance #2020-616 a request to rezone a portion of 6495 McEver Road.
[6495_McEver_Crawford_Rezone FINAL.pdf](#)
- Consider ordinance #2020-617 a request to annex a portion of 6509 McEver Road into the city-limits of Flowery Branch.
[6509 McEver E&S Annexation FINAL .pdf](#)
- Consider ordinance #2020-618 a request to rezone a portion of 6509 McEver Road.
[6509 McEver E&S Rezone FINAL.pdf](#)
- Consider ordinance #2020-619 a request to annex 6533 McEver Road into the city-limits of Flowery Branch.
[6533_McEver_CA_Ventures_Annexation ERB Rev.pdf](#)
[Staff report .pdf](#)
- Consider ordinance #2020-620 a request to rezone 6533 McEver Road.
[McEver Road FB Presentation.pptx\(FROM APPLICANT\)](#)
[Staff report .pdf](#)
[6533_McEver_CA_Ventures_Rezoning ERB Rev.pdf](#)
- Consider ordinance #20-621 a rezoning request submitted by Eberly & Associates.
[Rezoning Ordinance 20-621.pdf](#)
[Staff Report .pdf](#)
- Consider ordinance #20-622 a rezoning request submitted by Eberly & Associates.
[Staff Report .pdf](#)

[Rezoning Ordinance 20-622.pdf](#)

NEW BUSINESS -WORK SESSION:

- Consider ordinance #2020-615 a request to annex a portion of 6495 McEver Road into the city-limits of Flowery Branch.
[6495 McEver Crawford Annexation FINAL .pdf](#)
- Consider ordinance #2020-616 a request to rezone a portion of 6495 McEver Road.
[6495_McEver_Crawford_Rezone FINAL.pdf](#)
- Consider ordinance #2020-617 a request to annex a portion of 6509 McEver Road into the city-limits of Flowery Branch.
[6509 McEver E&S Annexation FINAL .pdf](#)
- Consider ordinance #2020-618 a request to rezone a portion of 6509 McEver Road.
[6509 McEver E&S Rezone FINAL.pdf](#)
- Consider ordinance #2020-619 a request to annex 6533 McEver Road into the city-limits of Flowery Branch.
[6533_McEver_CA_Ventures_Annexation ERB Rev.pdf](#)
[Staff report .pdf](#)
- Consider ordinance #2020-620 a request to rezone 6533 McEver Road.
[McEver Road FB Presentation.pptx \(FROM APPLICANT\)](#)
[Staff report .pdf](#)
[6533_McEver_CA_Ventures_Rezoning ERB Rev.pdf](#)
- Consider ordinance #20-621 a rezoning request submitted by Eberly & Associates.
[Rezoning Ordinance 20-621.pdf](#)
[Staff Report .pdf](#)
- Consider ordinance #20-622 a rezoning request submitted by Eberly & Associates.
[Staff Report .pdf](#)
[Rezoning Ordinance 20-622.pdf](#)

DEPARTMENT REPORTS: -

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

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider Mayor Mike Miller per diem.
[Mayor Mike Miller per diem.pdf](#)
- Consider November 5, 2020 Meeting Minutes
[November 5, 2020 Meeting Minutes.pdf](#)
- Consider November 19, 2020 Meeting Minutes
[November 19, 2020 Meeting Minutes.pdf](#)
- Consider December 3, 2020 Meeting Minutes
[December 3, 2020 Council Meeting Minutes.pdf](#)

UNFINISHED BUSINESS - VOTING SESSION:

- Crown Castle Memorandum of Amendment and Agreement Amendment
[EXECUTIVE SUMMARY - Crown Castle Agreement Changes.pdf](#)
[Crown Castle Memorandum of Amendment](#)
[Crown Castle Amendment.pdf](#)
[3-28-2000 Crown Castle Agreement.pdf](#)
- Request approval of Resolution 20-028; Implementation of 1.75% step adjustment and 1.8% COLA adjustment, effective January 1, 2021.
[Resolution 20-028 Executive Summary.pdf](#)
[Resolution 20-028 Mid-Year COLA and Step Adjustments.pdf](#)
[ECI Historical Listing -- Volume V - September 2020 \(002\).pdf](#)

NEW BUSINESS - VOTING SESSION:

- Consider ordinance #2020-615 a request to annex a portion of 6495 McEver Road into the city-limits of Flowery Branch.
[6495 McEver Crawford Annexation FINAL .pdf](#)
- Consider ordinance #2020-616 a request to rezone a portion of 6495 McEver Road.
[6495_McEver_Crawford_Rezone FINAL.pdf](#)
- Consider ordinance #2020-617 a request to annex a portion of 6509 McEver Road into the city-limits of Flowery Branch.
[6509 McEver E&S Annexation FINAL .pdf](#)
- Consider ordinance #2020-618 a request to rezone a portion of 6509 McEver Road.
[6509 McEver E&S Rezone FINAL.pdf](#)
- Consider ordinance #2020-619 a request to annex 6533 McEver Road into the city-limits of Flowery Branch.
[6533_McEver_CA_Ventures_Annexation ERB Rev.pdf](#)
[Staff report .pdf](#)
- Consider ordinance #2020-620 a request to rezone 6533 McEver Road.
[McEver Road FB Presentation.pptx \(FROM APPLICANT\)](#)
[Staff report .pdf](#)
[6533_McEver_CA_Ventures_Rezoning ERB Rev.pdf](#)
- Consider ordinance #20-621 a rezoning request submitted by Eberly & Associates.
[Rezoning Ordinance 20-621.pdf](#)
[Staff Report .pdf](#)
- Consider ordinance #20-622 a rezoning request submitted by Eberly & Associates.
[Staff Report .pdf](#)

[Rezoning Ordinance 20-622.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: Resolution 20-028 - Declaration of Local State of Emergency Renewal

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

This is the same Resolution we approved earlier.

FACTS AND ISSUES:

This is required in order for the City to host a virtual Council Meeting.

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 motion to authorize the Mayor to sign Resolution 20-028 for the Declaration of Local State of Emergency Renewal.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [Res. 20.028 COVID Dec of Emergency 20.12.17.pdf](#)

RESOLUTION 20-028
DECLARATION OF LOCAL STATE OF EMERGENCY RENEWAL

WHEREAS, the World Health Organization (WHO) has declared coronavirus disease 2019 (COVID-19) a world health emergency and a pandemic; and

WHEREAS, the President of the United States declared a National Health Emergency on March 13, 2020; and

WHEREAS, the Governor of the State of Georgia first declared a State of Emergency in Georgia on March 14, 2020; and

WHEREAS, the Governor of the State of Georgia last renewed a State of Emergency in Georgia on November 30, 2020 extending up and through January 8, 2021;

WHEREAS, to ensure a safe and healthy Georgia, the Governor of the State of Georgia issued an Executive Order on December 8, 2020, requiring citizens of the State of Georgia to engage in certain practices to impede the spread of COVID-19; and

WHEREAS, the Mayor and Council of the City of Flowery Branch, Georgia declared a State of Emergency in Flowery Branch on March 24, 2020 and extended same up and through May 21, 2020; and

WHEREAS, the Mayor and Council of the City of Flowery Branch is authorized declare an emergency affecting life, health, property or public peace not in conflict with the Governor's Executive Orders; and

WHEREAS, the outbreak of COVID-19 within the State of Georgia, and in particular Hall County, and the rapidly evolving threat to health and safety posed by that outbreak continues to create an emergency condition involving public safety and the preservation of public services; and

WHEREAS, as of December 15, 2020, there have been 484,152 confirmed cases of COVID-19 in the State of Georgia, including 9,250 deaths; and

WHEREAS, COVID-19 continues to pose a serious risk of severe illness or even death for many people including but not limited to the public at large, the citizens of the City of Flowery Branch and all City personnel as well as the elected and appointed officials of the City of Flowery Branch; and

WHEREAS, based upon the WHO's declaration of a public health emergency, the President's Declaration of National Emergency, the Governor's Public Health State of Emergency Declaration of Local Emergency, the Governor's Executive Order, and in recognition of the number of identified and projected cases of COVID-19 in the State of Georgia, the preventative measures being implemented throughout the State of Georgia, and the severity of risk posed to the public, and given the above public health recommendations from public health authorities, the Mayor and Council of the City of Flowery Branch believe that it is in the best interests of the welfare of the City of Flowery Branch and its residents to continue to declare a local state of emergency in order to invoke the power for the Mayor and Council to consider a resolution to hold all Public Meetings by Teleconference due to emergency circumstances as permitted by OCGA 50-14-1 (g) of the

Georgia Open Meetings Act;

IT IS HEREBY DECLARED that a local state of emergency continues exists due to the COVID-19 pandemic;

IT IS FURTHER DECLARED that the local state of emergency is a circumstance involving public and the preservation of property and public services sufficient for the Mayor and Council to consider a resolution to hold all Public Meetings by Teleconference due to emergency circumstances as permitted by OCGA 50-14-1 (g) of the Georgia Open Meetings Act for so long as the local state of emergency exists; and

IT IS FURTHER DECLARED that this declaration of a local state of emergency shall continue until 11:59 P.M., Thursday, January 21, 2021 unless this declaration is renewed by the Mayor and/or Council of the City of Flowery Branch or until such time as the Mayor and/or Council of the City of Flowery Branch find that the emergency conditions no longer exist.

PASSED AND ADOPTED by the City Council of the City of Flowery Branch Georgia this 17th day of December, 2020.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-615 a request to annex a portion of 6495 McEver Road into the city-limits of Flowery Branch.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the first parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

This 50-foot strip along McEver (and another 50-foot strip located on 6509 McEver) must be annexed and rezoned in order to consider the proposed industrial project located at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-615 a request to annex a 50-foot strip along McEver Road.

SAMPLE MOTION:

I make a motion to approve ordinance #2020-615 annexing a portion of 6495 McEver Road into the city-limits of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6495 McEver Crawfor Annexation FINAL .pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-615

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A 50' WIDE STRIP RUNNING THE LENGTH OF THE SUBJECT PARCEL ALONG THE RIGHT OF WAY OF MCEVER ROAD, OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL 08150 002002A AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Estate of Clara Mae Mann owns the 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as Parcel Tax Identification No.08150 002002A, as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application of Diane Mann Crawford and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City's corporate limits; and

WHEREAS, said 50' wide strip running the length of the subject parcel along the right of way of McEver Road is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Diane Mann Crawford has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the parcel of land, and the 50' wide strip running the length of the subject parcel along the right of way of McEver Road which is being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as a portion of Parcel Tax Identification No. 08150 002002A, as shown on Exhibit "A", and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

A 50' wide strip running the length of the subject parcel along the right of way of McEver Road.

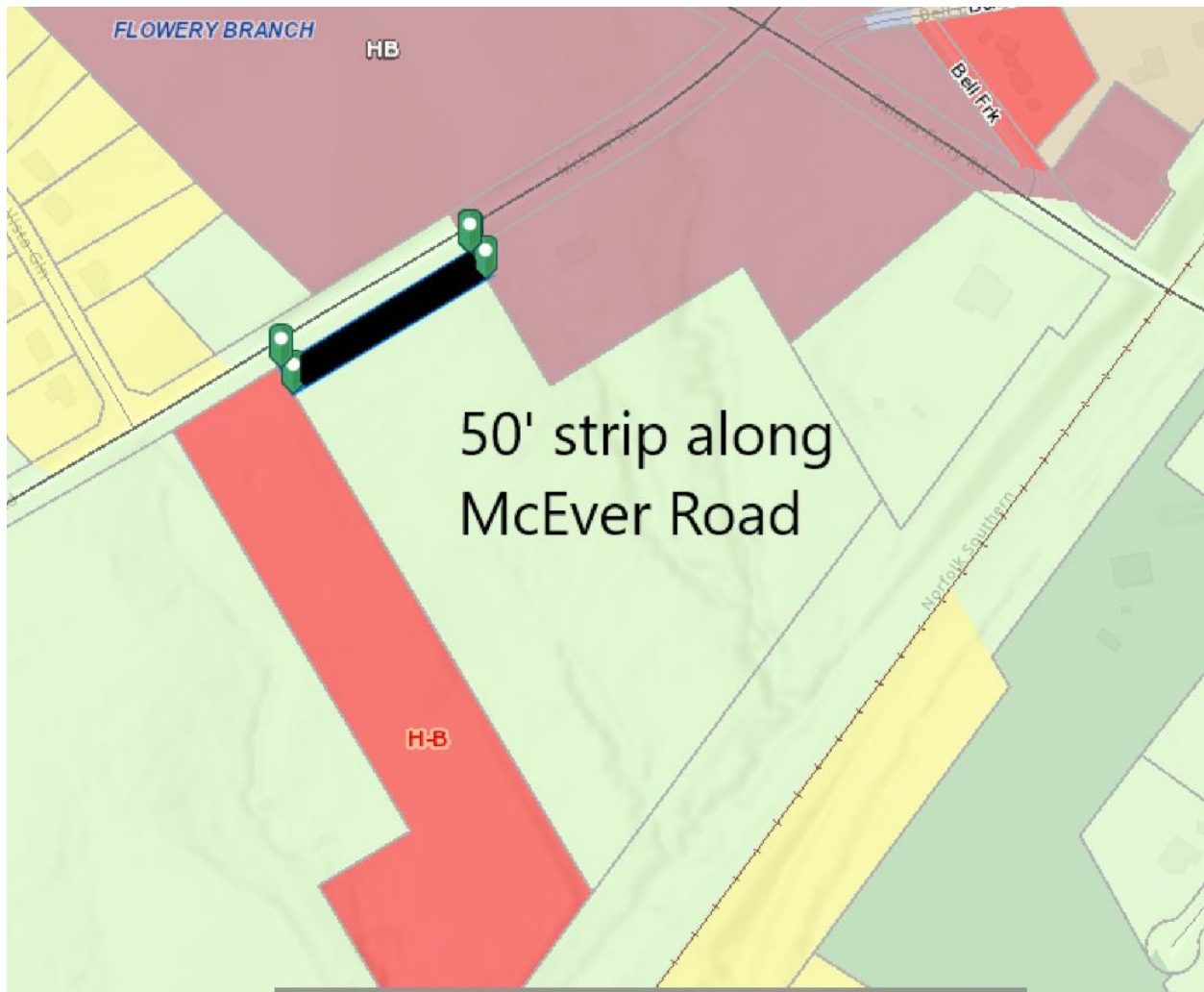


Exhibit "B"

all that tract or parcel of land lying and being in land lot,
158th Land District of Hall County, Georgia and more fully
described as follows:

Beginning at an iron pin corner on the Southeast side of McEver Road where said property joins property of Newton E. Mann and running thence S30-30E 290 Feet to an iron pin corner; thence N58-30E 425 Feet to an iron pin corner; thence S30-30E 507.5 Feet to an iron pin corner at the Southern Railway right of way; thence along said Southern Railway right of way S35-56W 948.35 Feet to an iron pin corner where said property joins property of Mrs. Gwendolyn Mann Dimler; thence N31-28W 1151.8 Feet to an iron pin corner on the Southeast side of McEver Road; thence along McEver Road N58-30E 447.5 Feet to an iron pin corner where said property joins property of Newton E. Mann and being the beginning corner and being a part of the same property described in Deed from Newton E. Mann to Gwendolyn Mann Dimler and H. Dewey Mann which Deed is recorded in Deed Book 236, pages 191 and 192, in the office of the Clerk of the Superior Court of Hall County, Georgia, and also being that tract of land described in a plat of the property of Viola Mann Estate, dated June 4, 1959, and revised on December 29, 1969 by Farley-Collins and Associates which Deed and plat are by reference made a part of this description herein. This deed represents 16.51 acres, more or less.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-616 a request to rezone a portion of 6495 McEver Road.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the first parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

This 50-foot strip along McEver (and another 50-foot strip located on 6509 McEver) must be annexed and rezoned in order to consider the proposed industrial project at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-616 a request to rezone the 50-foot strip along McEver Road from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).

SAMPLE MOTION:

I make a motion to approve ordinance #2020-616 rezoning a portion of 6495 McEver Road to A (Agricultural)

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6495_McEver_Crawford_Rezone FINAL.pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-616

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 50' WIDE STRIP RUNNING THE LENGTH OF THE SUBJECT PARCEL ALONG THE RIGHT OF WAY OF MCEVER ROAD, OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL 08150 002002A AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Estate of Clara Mae Mann owns the 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as Parcel Tax Identification No.08150 002002A, as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, Diane Mann Crawford has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land, including the 50' wide strip running the length of the subject parcel along the right of way of McEver Road, to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

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

SECTION 2. REZONING.

The 50' wide strip running the length of the subject parcel along the right of way of McEver Road, as shown on Exhibit "A" which is part of the parcel legally described in Exhibit "B", is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch A (Agricultural). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

A 50' wide strip running the length of the subject parcel along the right of way of McEver Road.

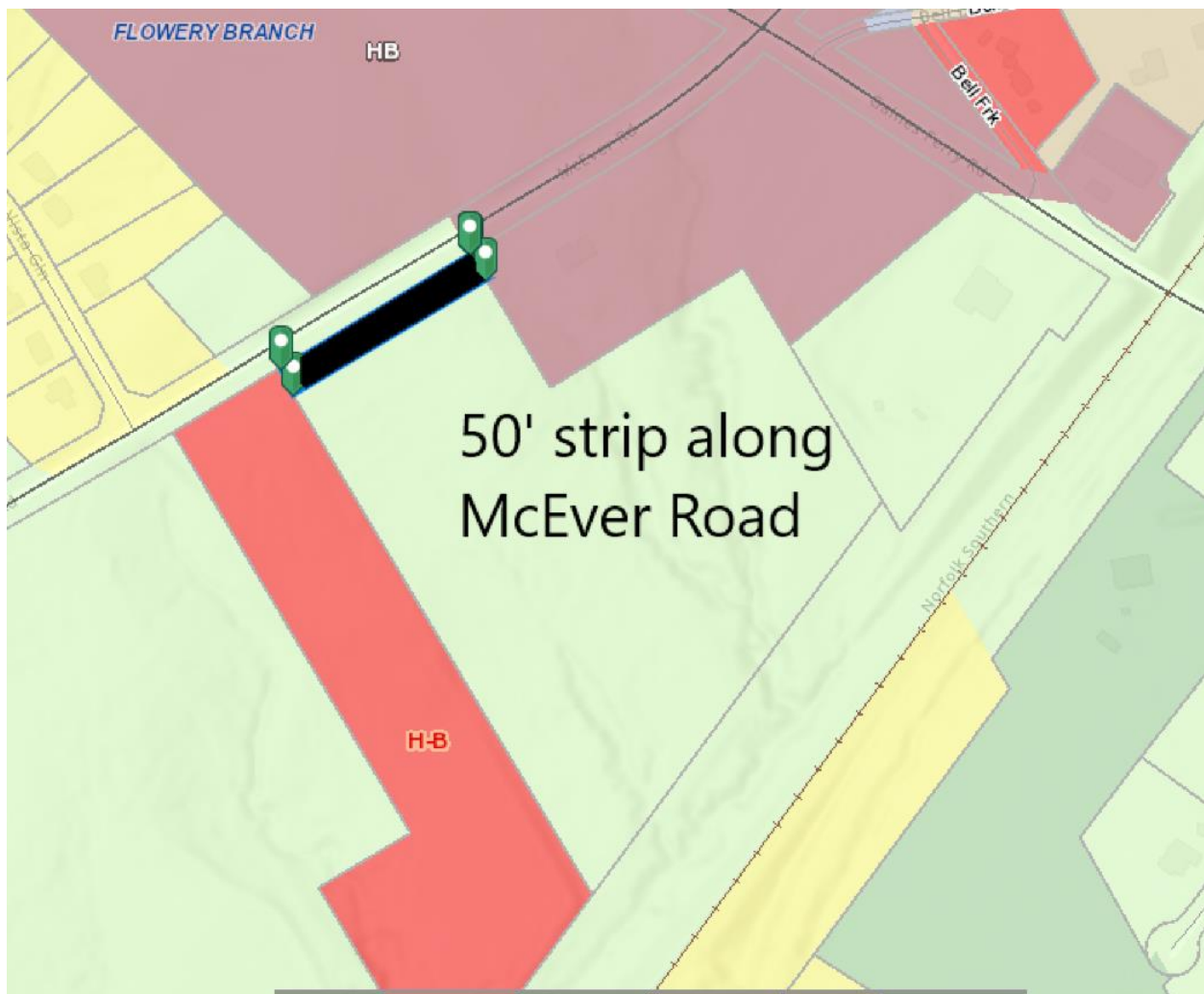


Exhibit "B"

all that tract or parcel of land lying and being in land lot,
158th Land District of Hall County, Georgia and more fully
described as follows:

Beginning at an iron pin corner on the Southeast side of McEver Road where said property joins property of Newton E. Mann and running thence S30-30E 290 Feet to an iron pin corner; thence N58-30E 425 Feet to an iron pin corner; thence S30-30E 507.5 Feet to an iron pin corner at the Southern Railway right of way; thence along said Southern Railway right of way S35-56W 948.35 Feet to an iron pin corner where said property joins property of Mrs. Gwendolyn Mann Dimler; thence N31-28W 1151.8 Feet to an iron pin corner on the Southeast side of McEver Road; thence along McEver Road N58-30E 447.5 Feet to an iron pin corner where said property joins property of Newton E. Mann and being the beginning corner and being a part of the same property described in Deed from Newton E. Mann to Gwendolyn Mann Dimler and H. Dewey Mann which Deed is recorded in Deed Book 236, pages 191 and 192, in the office of the Clerk of the Superior Court of Hall County, Georgia, and also being that tract of land described in a plat of the property of Viola Mann Estate, dated June 4, 1959, and revised on December 29, 1969 by Farley-Collins and Associates which Deed and plat are by reference made a part of this description herein. This deed represents 16.51 acres, more or less.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-617 a request to annex a portion of 6509 McEver Road into the city-limits of Flowery Branch.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the second parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

This 50-foot strip along McEver (coupled with the 50-foot strip approved under ordinance 2020-615) must be annexed and rezoned in order to consider the proposed industrial project located at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-615 a request to annex a 50-foot strip along McEver Road.

SAMPLE MOTION:

I make a motion to approve ordinance #2020-617 annexing a portion of 6509 McEver Road into the city-limits of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6509 McEver E&S Annexation FINAL .pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-617

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A 50' WIDE STRIP RUNNING THE LENGTH OF THE SUBJECT PARCEL ALONG THE RIGHT OF WAY OF MCEVER ROAD OWNED BY E&S DEVELOPMENT LLC. IDENTIFIED AS 6509 MCEVER, TAX PARCEL 08150 002002 AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, E&S Development, LLC. own the 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as Parcel Tax Identification No.08150 002002, as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application of E&S Development, LLC. and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City's corporate limits; and

WHEREAS, said 50' wide strip running the length of the subject parcel along the right of way of McEver Road is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, E&S Development, LLC. have submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the parcel of land, and the 50' wide strip running the length of the subject parcel along the right of way of McEver Road which is being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as a portion of Parcel Tax Identification 08150 002002, as shown on Exhibit "A", and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

A 50' wide strip running the length of the subject parcel along the right of way of McEver Road.

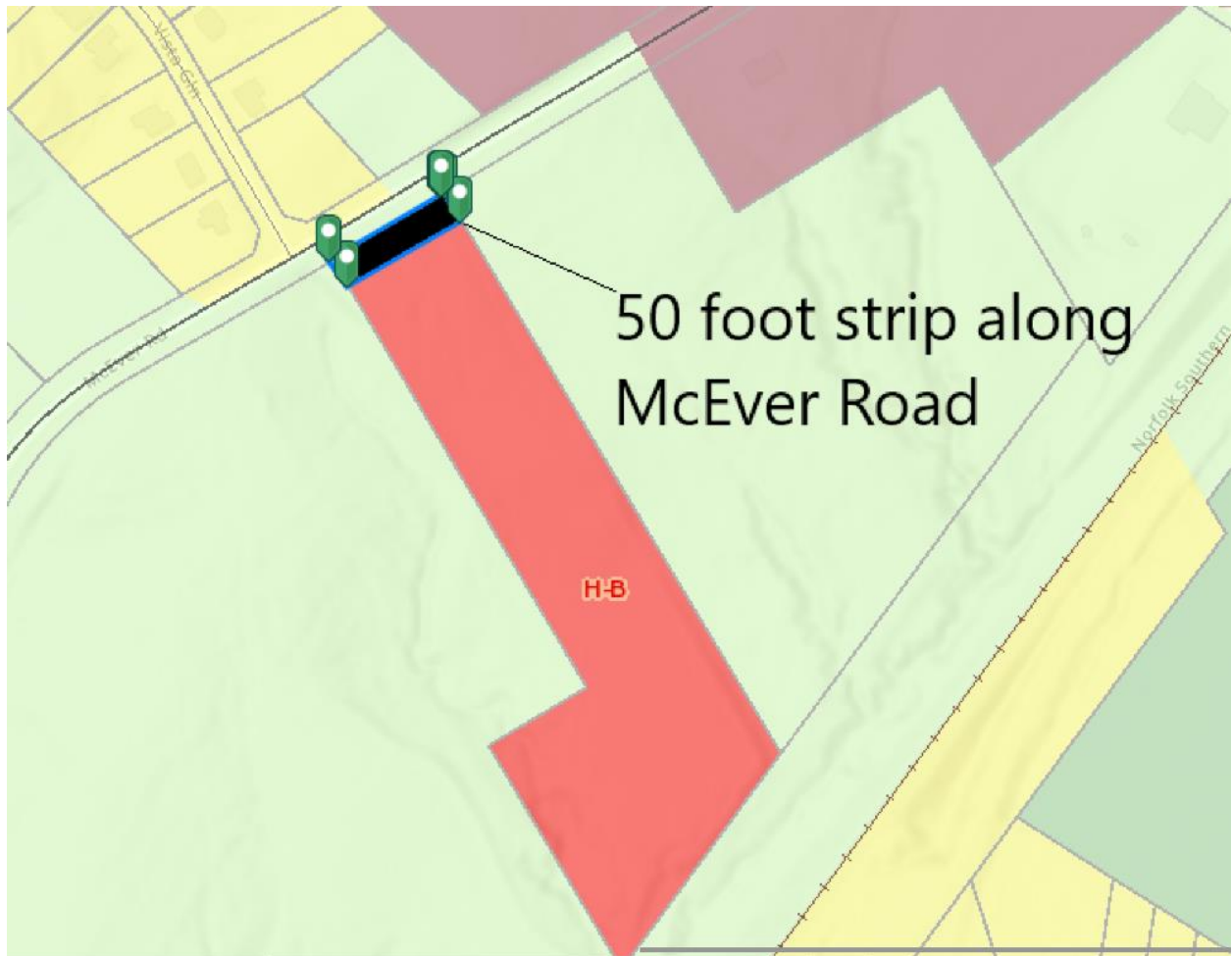


Exhibit "B"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 150 OF THE 8TH LAND DISTRICT, HALL COUNTY, GEORGIA, AS SHOWN AND DELINEATED AS 8.843 ACRES, MORE OR LESS, ON PLAT OF SURVEY FOR ANTHONY SHERMAN & VICTOR FELIX ESPINOSA BY JARRARD SURVEYING DATED MAY 26, 2005, LAST REVISED SEPTEMBER 9, 2005, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT A POINT ON THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD (80 FOOT RIGHT OF WAY), SAID POINT BEING SOUTH 63 DEGREES 25 MINUTES 07 SECONDS EAST, A DISTANCE OF 50.84 FEET, FROM THE INTERSECTION OF THE CENTERLINES OF MCEVER ROAD AND VISTA GLEN; THENCE RUNNING NORTH 64 DEGREES 26 MINUTES 11 SECONDS EAST ALONG THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD, A DISTANCE OF 247.50 FEET, TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING SOUTH 24 DEGREES 39 MINUTES 37 SECONDS EAST, A DISTANCE OF 1160.82 FEET, TO AN IRON PIN ON THE NORTHWESTERN RIGHT OF WAY OF SOUTHERN RAILROAD (400 FOOT RIGHT OF WAY); THENCE RUNNING SOUTH 41 DEGREES 46 MINUTES 15 SECONDS WEST ALONG SAID RIGHT OF WAY, A DISTANCE OF 484.73 FEET, TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING NORTH 24 DEGREES 47 MINUTES 04 SECONDS WEST, A DISTANCE OF 477.85 FEET, TO AN IRON PIN; THENCE RUNNING NORTH 64 DEGREES 50 MINUTES 23 SECONDS EAST, A DISTANCE OF 200.05 FEET, AN IRON PIN; THENCE RUNNING NORTH 24 DEGREES 48 MINUTES 14 SECONDS WEST, A DISTANCE OF 871.14 FEET, TO AN IRON PIN ON THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD, THE PLACE OR POINT OF BEGINNING.

LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 2 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

THENCE departing said northwesterly right-of-way line of Falcon Parkway North 63 degrees 29 minutes 04 seconds West for a distance of 1087.76 feet to a concrete right-of-way monument found on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21);

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 61 degrees 19 minutes 46 seconds West for a distance of 69.70 feet to a 1/2" iron pin set;

THENCE North 36 degrees 44 minutes 45 seconds East for a distance of 36.76 feet to a 1/2" iron pin set;

THENCE North 32 degrees 55 minutes 54 seconds East for a distance of 560.83 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof);

THENCE South 68 degrees 13 minutes 43 seconds East for a distance of 737.93 feet to a 1/2" iron pin set;

THENCE South 54 degrees 50 minutes 16 seconds East for a distance of 272.56 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said right-of-way line of Falcon Parkway the following courses and distances: South 19 degrees 05 minutes 35 seconds West for a distance of 187.40 feet to a 1/2" iron pin set;

THENCE South 18 degrees 41 minutes 24 seconds West for a distance of 434.39 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

Said tract or parcel of land contains 15.558 acres or 677,720 square feet.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-618 a request to rezone a portion of 6509 McEver Road.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the second parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road -Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road -Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

This 50-foot strip along McEver (coupled with the 50-foot strip approved under ordinance 2020-615) must be annexed and rezoned in order to consider the proposed industrial project located at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-618 a request to rezone the 50-foot strip along McEver Road from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).

SAMPLE MOTION:

I make a motion to approve ordinance #2020-618 rezoning a portion of 6509 McEver Road to HB ((Highway Business)).

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6509 McEver E&S Rezone FINAL.pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-618

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 50' WIDE STRIP RUNNING THE LENGTH OF THE SUBJECT PARCEL ALONG THE RIGHT OF WAY OF MCEVER ROAD, OWNED BY E&S DEVELOPMENT LLC. IDENTIFIED AS 6509 MCEVER, TAX PARCEL 08150 002002 AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B", TO BE REZONED FROM HALL COUNTY HIGHWAY BUSINESS (HB) TO FLOWERY BRANCH HIGHWAY BUSINESS (HB); PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, E&S Development, LLC. own the 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as Parcel Tax Identification No.08150 002002as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, E&S Development, LLC. has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17th, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

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

SECTION 2. REZONING.

The 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as a portion of Parcel Tax Identification 08150 002002, as shown on Exhibit "A," and as legally described in Exhibit "B", is hereby rezoned from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business). Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day, of January 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

A 50' wide strip running the length of the subject parcel along the right of way of McEver Road.

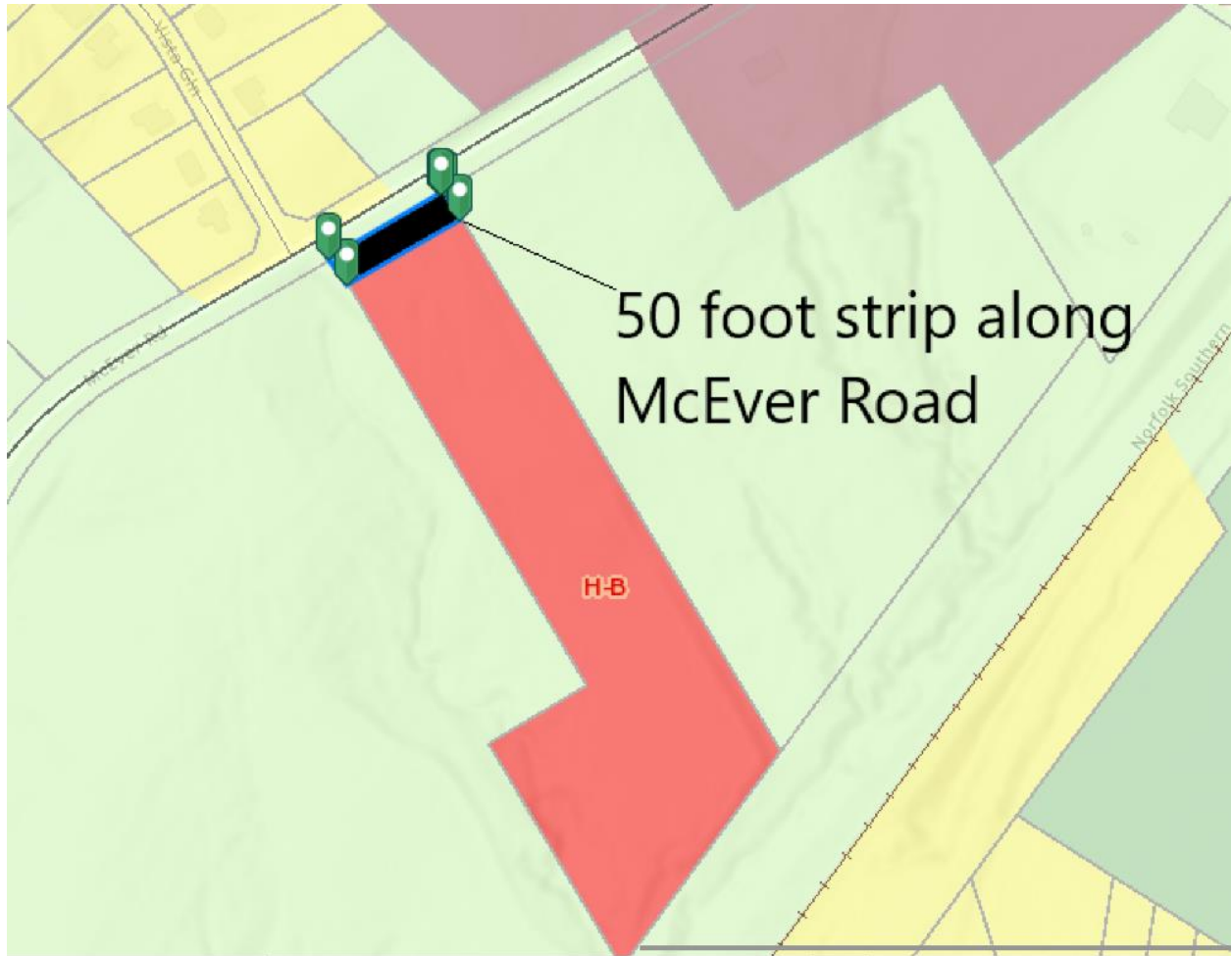


Exhibit "B"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 150 OF THE 8TH LAND DISTRICT, HALL COUNTY, GEORGIA, AS SHOWN AND DELINEATED AS 8.843 ACRES, MORE OR LESS, ON PLAT OF SURVEY FOR ANTHONY SHERMAN & VICTOR FELIX ESPINOSA BY JARRARD SURVEYING DATED MAY 26, 2005, LAST REVISED SEPTEMBER 9, 2005, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT A POINT ON THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD (80 FOOT RIGHT OF WAY), SAID POINT BEING SOUTH 63 DEGREES 25 MINUTES 07 SECONDS EAST, A DISTANCE OF 50.84 FEET, FROM THE INTERSECTION OF THE CENTERLINES OF MCEVER ROAD AND VISTA GLEN; THENCE RUNNING NORTH 64 DEGREES 26 MINUTES 11 SECONDS EAST ALONG THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD, A DISTANCE OF 247.50 FEET, TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING SOUTH 24 DEGREES 39 MINUTES 37 SECONDS EAST, A DISTANCE OF 1160.82 FEET, TO AN IRON PIN ON THE NORTHWESTERN RIGHT OF WAY OF SOUTHERN RAILROAD (400 FOOT RIGHT OF WAY); THENCE RUNNING SOUTH 41 DEGREES 46 MINUTES 15 SECONDS WEST ALONG SAID RIGHT OF WAY, A DISTANCE OF 484.73 FEET, TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING NORTH 24 DEGREES 47 MINUTES 04 SECONDS WEST, A DISTANCE OF 477.85 FEET, TO AN IRON PIN; THENCE RUNNING NORTH 64 DEGREES 50 MINUTES 23 SECONDS EAST, A DISTANCE OF 200.05 FEET, AN IRON PIN; THENCE RUNNING NORTH 24 DEGREES 48 MINUTES 14 SECONDS WEST, A DISTANCE OF 871.14 FEET, TO AN IRON PIN ON THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD, THE PLACE OR POINT OF BEGINNING.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-619 a request to annex 6533 McEver Road into the city-limits of Flowery Branch.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the third parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

The two 50-foot strips along McEver must be annexed and rezoned in order to consider this proposed industrial project located at 6533 McEver Road.

OPTIONS:

.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-619 a request to annex the entirety of 6533 McEver Road.

SAMPLE MOTION:

I make a motion to approve ordinance #2020-619 annexing 6533 McEver Road into the city-limits of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6533_McEver_CA_Ventures_Annexation ERB Rev.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-619

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 34.6 +/- ACRES, OWNED BY DARYL CROW HOLDINGS, LLC IDENTIFIED AS 6533 MCEVER ROAD TAX PARCEL 08150 002018 AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Daryl Crow Holdings, LLC owns all that tract or parcel of land totaling 34.6+/- acres identified as Parcel Tax Identification No. 08150 002018, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

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

WHEREAS, Daryl Crow Holdings, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17th 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a tract or parcel of land totaling 34.6 +/- acres identified as Parcel Tax Identification No. 08150 002018, as shown on Exhibit "A", and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney



Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 150, 8th District, Hall County, Georgia, said tract or parcel of land being more fully shown on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-043; Drawing/File #20-043), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

BEGINNING at a 1/2" iron pin set at the intersection of the southeasterly right-of-way line of McEver Road (80' public r/w) and the northerly line of Land Lot 150 (said Land Lot line also being the common line with Land Lot 149), THENCE proceeding northeasterly along said southeasterly right-of-way line of McEver Road the following courses and distances: North 59 degrees 08 minutes 30 seconds East for a distance of 192.23 feet to a 1/2" iron pin set;

THENCE North 59 degrees 31 minutes 51 seconds East for a distance of 138.36 feet to a disturbed 1/2" rebar found;

THENCE departing said southeasterly right-of-way line of McEver Road South 30 degrees 15 minutes 31 seconds East for a distance of 871.02 feet to a 1/2" rebar found;

THENCE South 59 degrees 25 minutes 34 seconds West for a distance of 200.12 feet to a 1/2" rebar found;

THENCE South 30 degrees 13 minutes 50 seconds East for a distance of 477.95 feet to a 1" crimped top pipe found on the northwesterly right-of-way line of Norfolk Southern Railroad (400' r/w) (said 1" crimped top pipe found being witnessed by a 1" crimped top pipe found 4.32 feet southeast thereof);

THENCE proceeding southwesterly along said northwesterly right-of-way line of Norfolk Southern Railroad South 36 degrees 20 minutes 56 seconds West for a distance of 1006.97 feet to a 3/4" crimped top pipe found;

THENCE departing said northwesterly right-of-way line of Norfolk Southern Railroad North 30 degrees 13 minutes 33 seconds West for a distance of 1279.91 feet to a 1/2" iron pin set on the aforesaid southeasterly right-of-way line of McEver Road (said 1/2" iron pin set being witnessed by a disturbed 1" crimped top pipe found on line 6.18 feet southeast thereof);

THENCE proceeding northeasterly along said northwesterly right-of-way line of McEver Road the following courses and distances: North 17 degrees 07 minutes 38 seconds East for a distance of 410.19 feet to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 1587.00 feet for an arc distance of 111.26 feet (said arc being subtended by a chord of North 19 degrees 08 minutes 08 seconds East for a distance of 111.24 feet) to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 508.74 feet for an arc distance of 281.59 feet (said arc being subtended by a chord of North 37 degrees 00 minutes 02 seconds East for a distance of 278.01 feet) to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 1376.00 feet for an arc distance of 150.93 feet (said arc being subtended by a chord of North 55 degrees 59 minutes 58 seconds East for a distance of 150.85 feet) to a 1/2" iron pin set at the intersection with the aforesaid northerly line of Land Lot 150, said 1/2" iron pin set being the POINT OF BEGINNING;

Said tract or parcel of land contains 33.947 acres or 1,478,717 square feet and is intended to be the same tract or parcel of land as previously conveyed by Deed Book 3438, Page 507, Hall County, Georgia records.

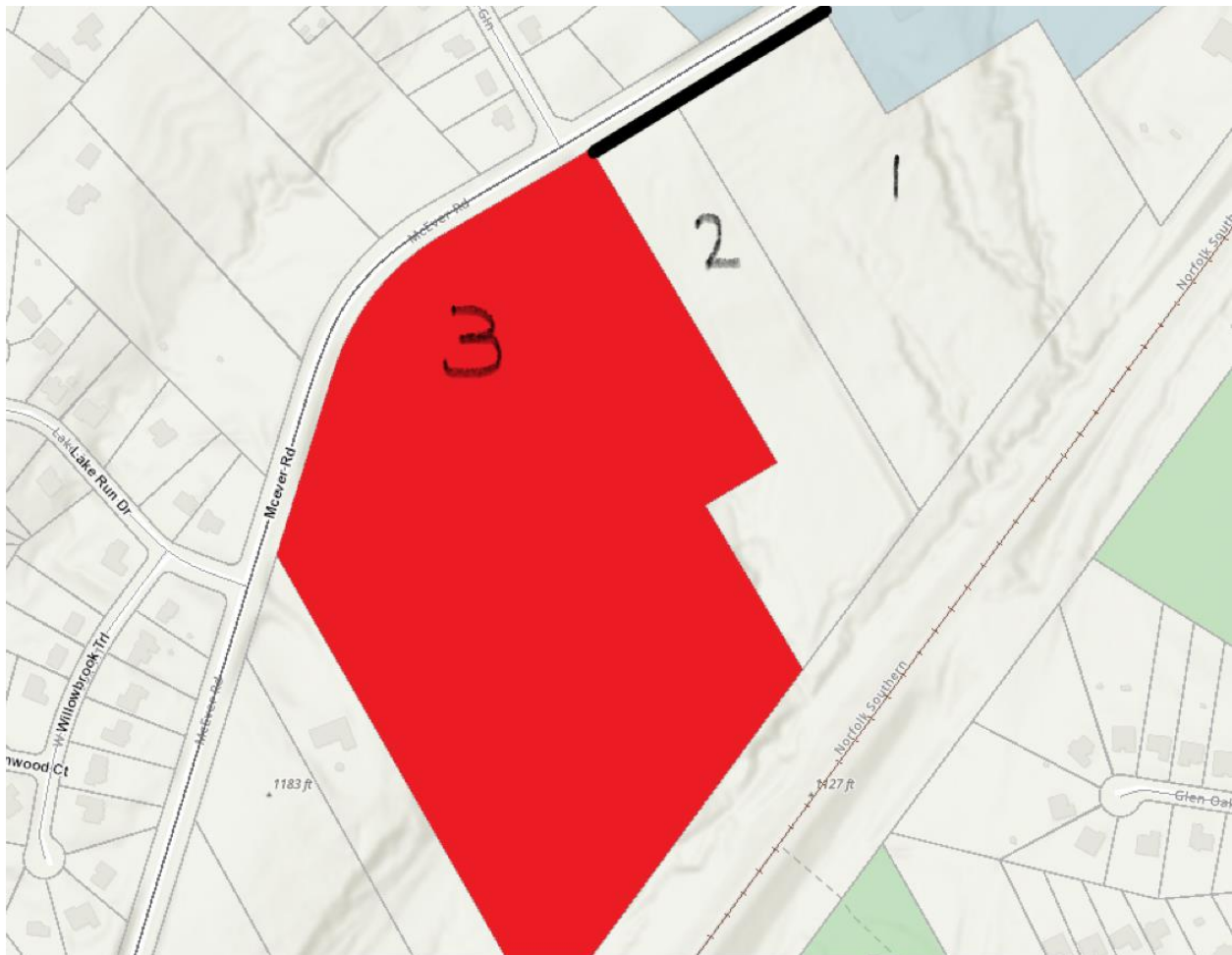


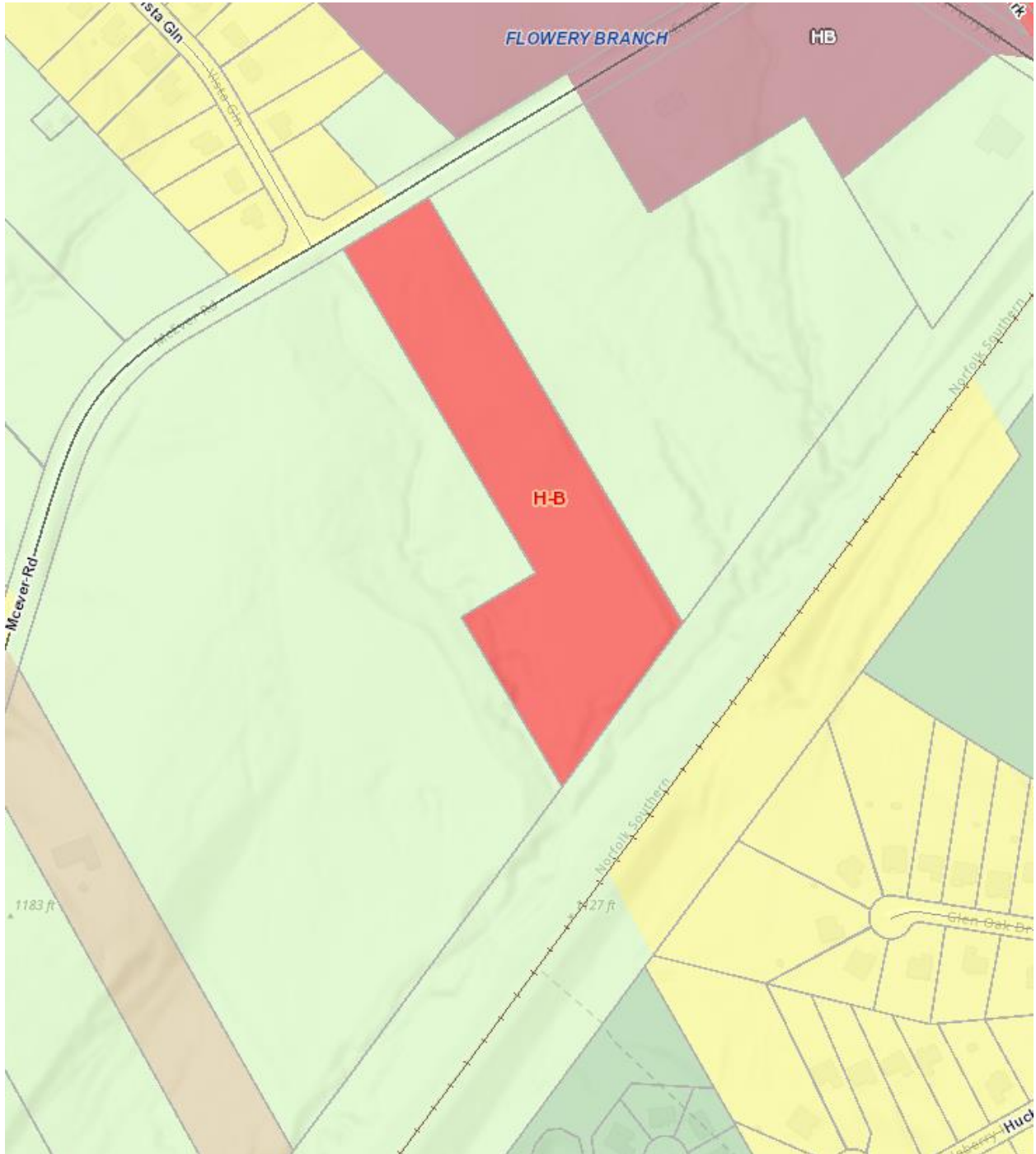
Applicants: Ms. Diane Crawford, E&S Development, CA-Ventures

Subject Properties: 6495 McEver Road; tax parcel 08150 002002A; 50-foot strip
6509 McEver Road; tax parcel 08150 002002; 50-foot strip
6533 McEver Road; tax parcel 08150 002018; +/- 34.6 acres

Annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road -Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road -Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).







Request:

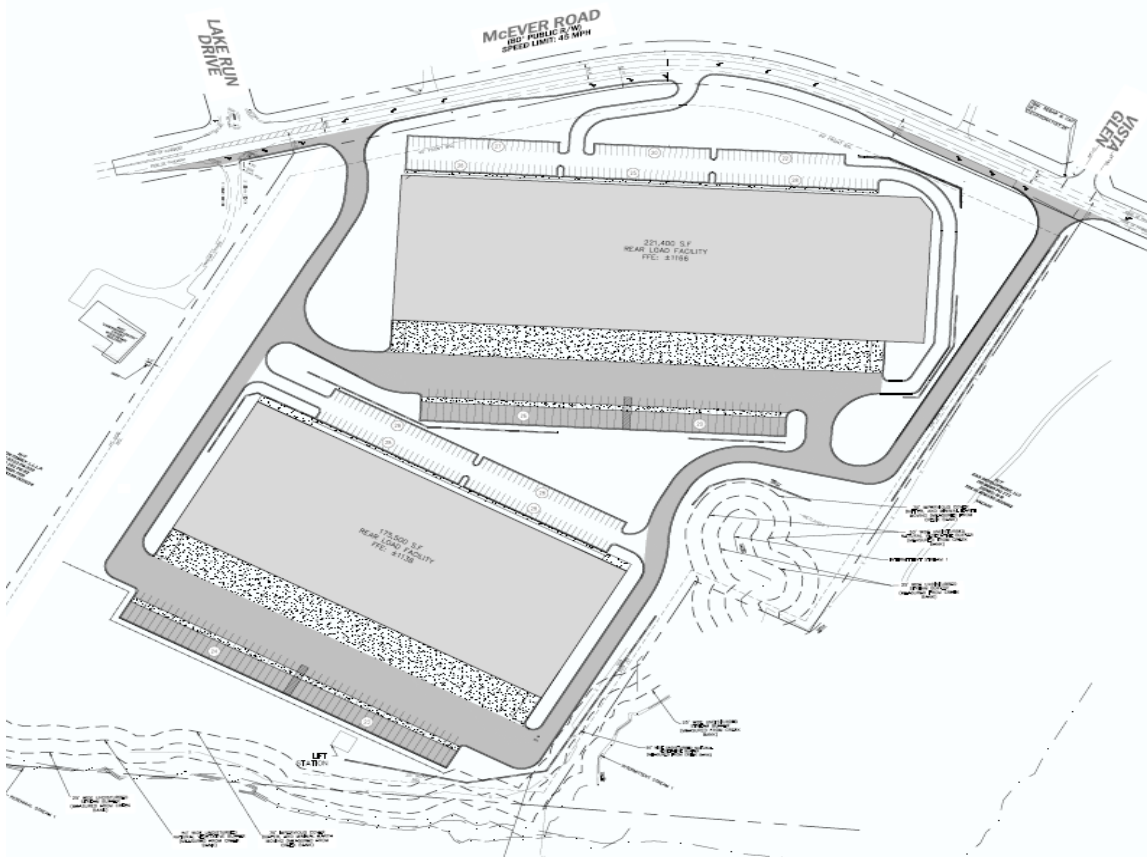
Properties 1 and 2 are only requesting annexation and rezoning to accommodate the proposed industrial use on property 3. The 50- foot strip(s) on properties 1 and 2 -6495 and 6509 McEver Road - are requested to make property 3 (6533 McEver Road) contiguous and therefore eligible for annexation and rezoning consideration by the City of flowery Branch. Properties 1 and 2 will be annexed and rezoned at a date to be determined.

Per the applicant's application:

The request is to Annex 6533 McEver Road from Unincorporated Hall County, to the City of Flowery Branch. Concurrently we are requested to be rezoned to M-1 (light Manufacturing & Industrial) (The parcel is currently zoned AR III in Hall county)

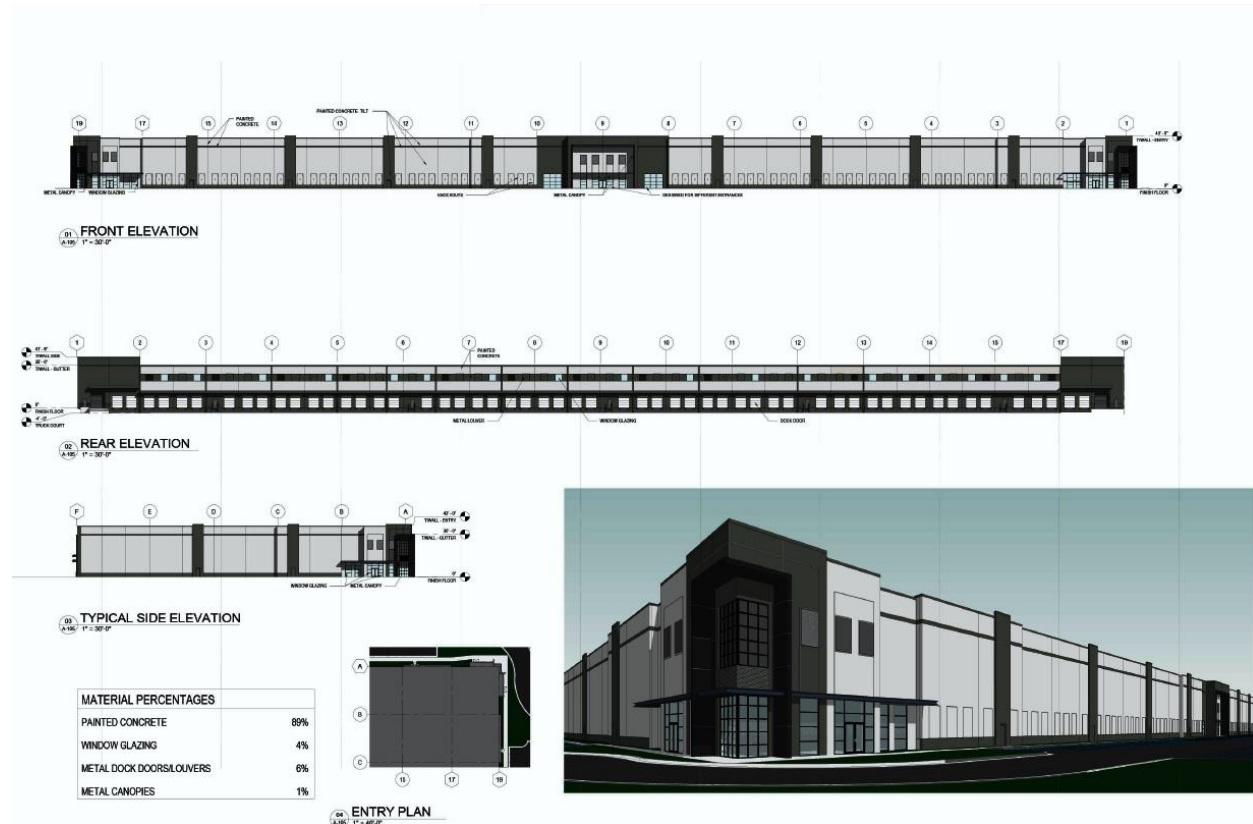
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 396,900 square feet. Associated parking lot and landscape areas will be included as well.

Proposed general layout of development:





Typical building elevations:



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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



Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial 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 development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial 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. **It is staff's opinion that the use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Currently, the Comprehensive Plan denotes this area as part of the "Mixed Use" character area. The proposed use meets the 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. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed use will fit in well with the corridor.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff does not have a specific number regarding property value, but the current zoning classifications of Agricultural-Residential does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed use will enhance the character of the existing district 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 development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed development will enhance the surrounding area and meets the intent of the Zoning Ordinance.**

Applicant response addressing the analysis requirement:

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 396,900 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Adjacent properties are zoned H-B and PCD in Hall.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowerly Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surrounding parcels are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowerly Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- d) **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**
No future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on McEver Road. Proposed improvements will mitigate any impact. The utility and school impact will be less than as currently zoned.
- 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 comprehensive plan shows this parcel as a mixed use character area. Light industrial is a use that is included in the Mixed Use Uses and Intensities.
- 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 should be noted that Annexation will be needed the parcel. With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and



development of the property.

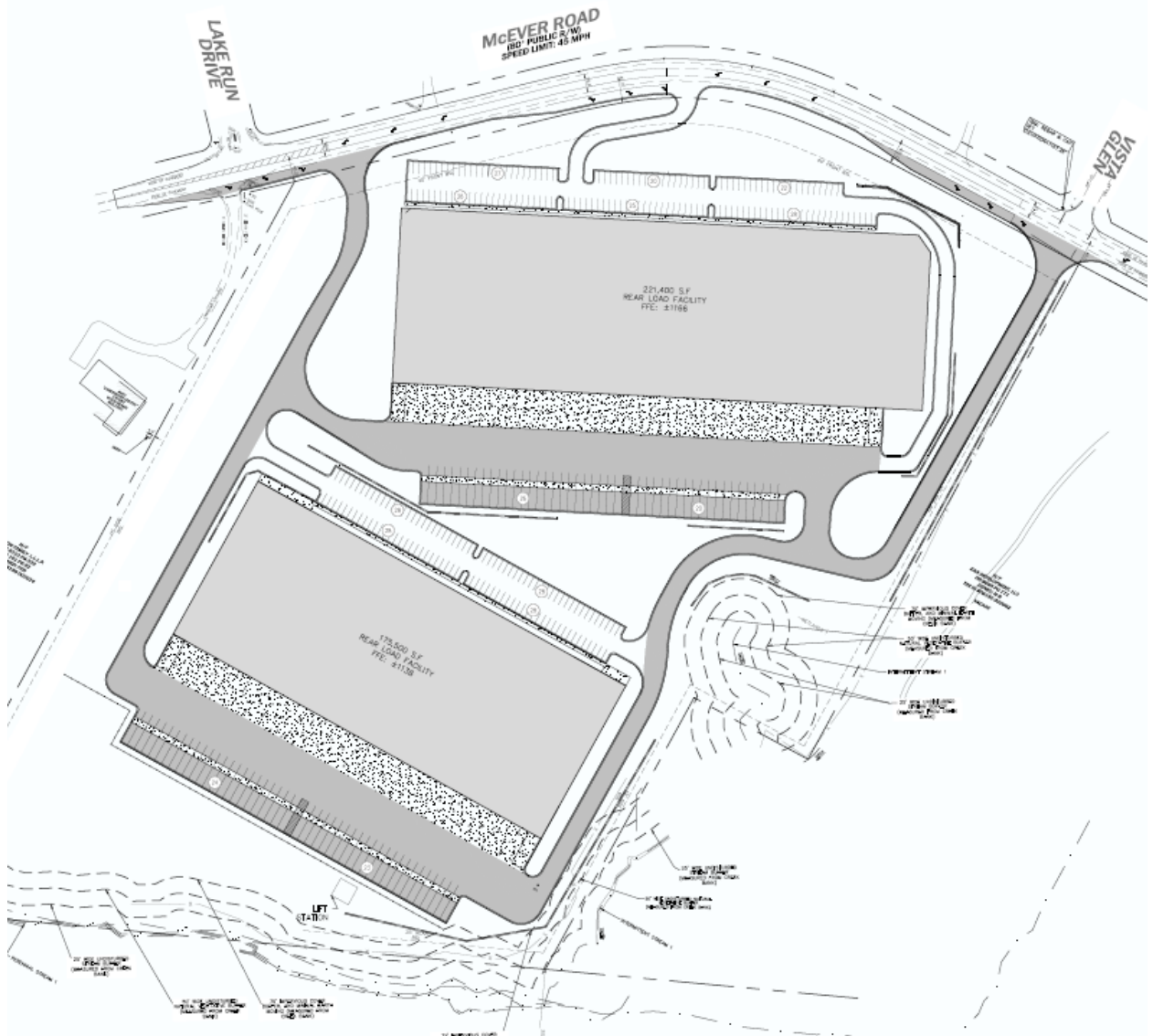
- g) Existing Use(s) and zoning of the subject property and nearby properties.
The existing parcel is zoned AR III and is currently undeveloped. The adjacent parcels are zoning H-B and PCD in unincorporated Hall County.
- h) Existing value of the property under the existing zoning district classification, 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 is significantly undervalued as zoned.
- i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
No deterrence to the value and improvement of adjacent properties is anticipated.
- j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
There are currently nearby districts with properties that are zoned H-B and PCD. There are M-1 zoned properties approximately 0.3 miles from the subject parcel.
- k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
No adverse effects on the character of the zoning district is anticipated.
- 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 zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.
- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.
Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.



Staff Recommendation

Approve with conditions as presented.

1. The project shall significantly adhere to the site plan as submitted below:



2. A lighting plan shall be submitted prior to the issuance of a full land disturbance permit.



3. A landscape/buffer plan shall be submitted as part of the land disturbance permit plan set.
4. A unified sign plan shall be submitted prior to the issuance of any building permits.
5. Buildings shall significantly adhere to the elevations as shown below:





Signs Posted
11/30/2020









Ads run in The Gainesville Times on November 25, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by Ms. Diane Crawford for the annexation and rezoning of a portion of a +/- 16.5 acre parcel of land identified as 6495 McEver Road and also as tax parcel 08150 002002A. Said property, if annexed, is requesting to be zoned Flowery Branch A (Agricultural).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their



opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by E&S Development, LLC for the annexation and rezoning of a portion of a +/- 8.84 acre parcel of land identified as 6509 McEver Road and also as tax parcel 08150 002002. Said property, if annexed, is requesting to be zoned Flowery Branch HB (Highway Business).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org



In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by CA Ventures for the annexation and rezoning of a +/- 34.6 acre parcel of land identified as 6533 McEver Road and also as tax parcel 08150 002018. Said property, if annexed, is requesting to be zoned Flowery Branch M-1 (Light Industrial).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org



In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-620 a request to rezone 6533 McEver Road.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

.

FACTS AND ISSUES:

This is the third parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

The two 50-foot strips along McEver must be annexed and rezoned in order to consider this proposed industrial project located at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-620 a request to rezone 6533 McEver Road from Hall County A-III (Agricultural Residential) to Flowery Branch M-1 (Light Industrial).

SAMPLE MOTION:

Approve ordinance #2020-620 a request to rezone 6533 McEver Road from Hall County A-III (Agricultural Residential) to Flowery Branch M-1 (Light Industrial).

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [McEver Road FB Presentation.pptx \(FROM APPLICANT\)](#)
- [Staff report .pdf](#)
- [6533_McEver_CA_Ventures_Rezoning ERB Rev.pdf](#)



CA Industrial

McEver Road Discussion

November 2020

CHICAGO

130 E. Randolph Street
Suite 2100
Chicago, IL 60601

NEW YORK

106 W. 56th St
Suite 2200
New York, NY 10019

DENVER

2401 East 2nd Avenue
Suite 500
Denver, CO 80206

LONDON

2 Cross Keys Close
Marylebone London
W1U 2DF

BOGOTÁ

Carrera 9 # 70 A - 35
Piso 2
Bogotá, Colombia

CA Ventures McEver Road - Advantages

- What – Class A distribution and advanced assembly industrial project that could bring up to 200 high paying jobs and economic growth. Multi-tenant facilities with high office component to attract office/warehouse jobs. Approximately \$55MM project.
- Benefits –
 - Improved Safety – road improvements to widen and improve safety
 - Tax Revenue – minimal impact on infrastructure and broaden tax base
 - Flowery Branch is Open for Business
- Who – CA Ventures, a \$13B international developer with local representation and an Atlanta office. Strong track record of successful developments in GA and throughout US.
- Goal – build a “best-in-class” LEED Certified project while minimizing impact on community.
- Have met with neighbors – feedback is that they do not want any development. We have addressed road safety concerns by following recommendations of Hall County Public Works and Utilities.



CA Ventures McEver Road – Corner Elevation



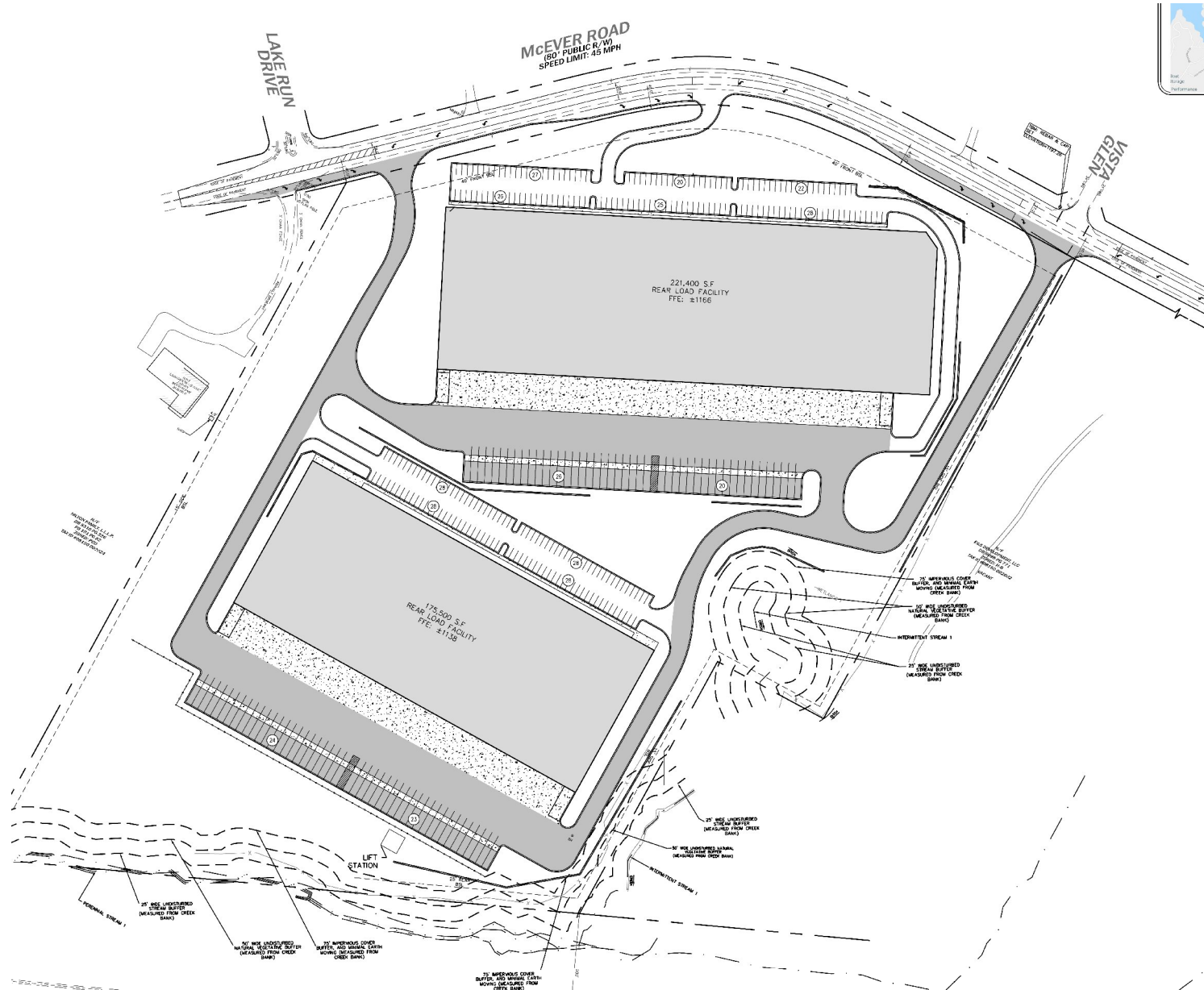
The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road – Front Elevation



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

65

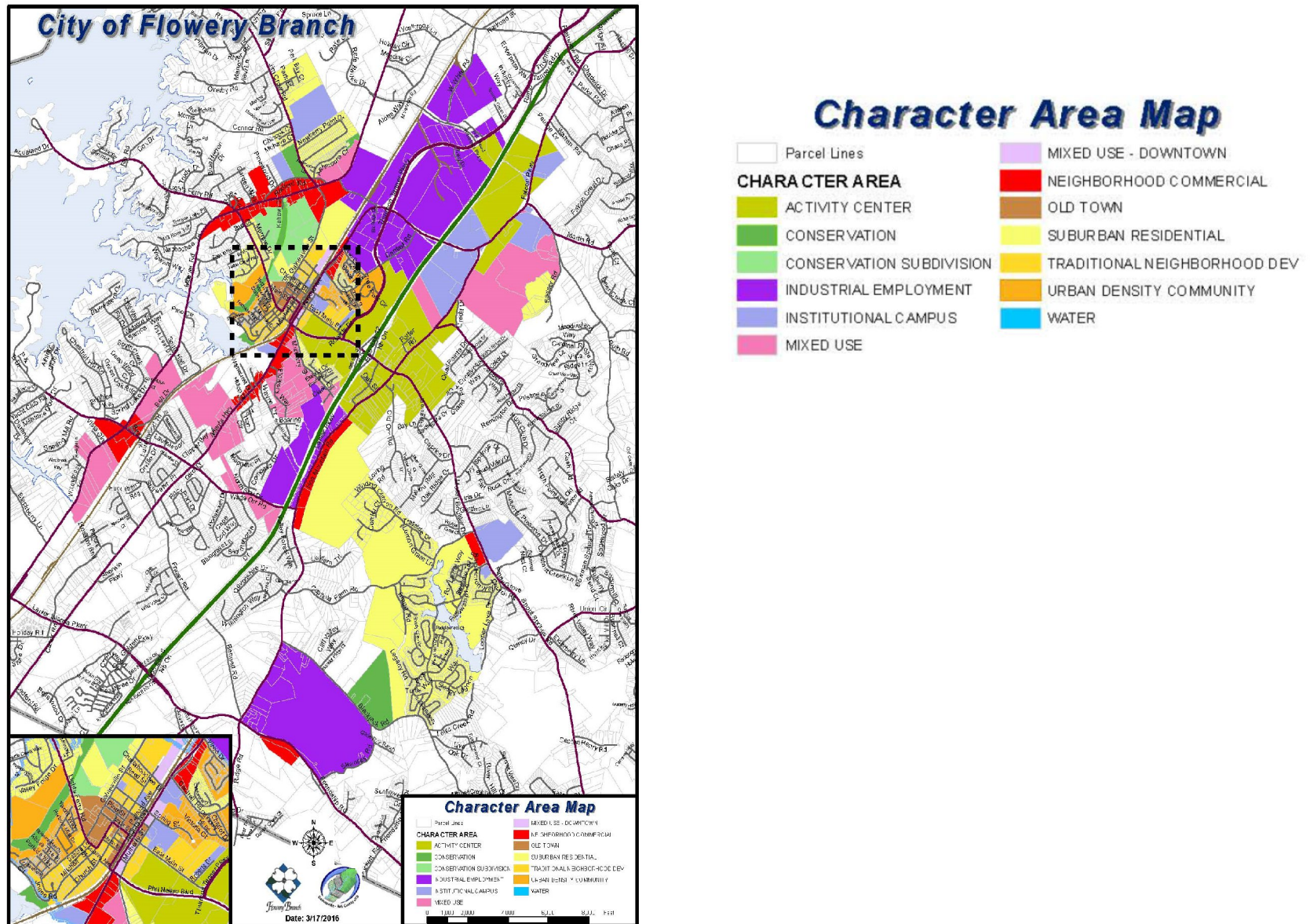


CA Ventures McEver Road Staff Comments - Addressed

- All staff comments addressed
 - ✓ Comprehensive Plan – PCD and HB on either side of site and so light industrial zoning is consistent with neighbor's commercial zoning. Designated as Mixed Use in Flowery Branch Comprehensive Plan which includes Light Industrial.
 - ✓ Industrial growth along McEver Road includes multiple projects (Crow Holdings/Contemporary Marketing to the south and Pattillo to the north). Multiple Industrial and Residential coexisting.
 - ✓ Traffic Improvements:
 - ✓ Only three entries allowed.
 - ✓ Decel Lanes at all entries.
 - ✓ Left hand turn lane at all entries.
 - ✓ Center entry no trucks allowed.
 - ✓ Widening of road.
 - ✓ Confirmed by Hall County Director of Public Works and Utilities. Developer will work with Flowery Branch Engineering on final design.
 - ✓ Building Materials – requested variance for concrete tilt wall construction. Variances have been granted by Hall County/Oakwood. Will work with staff on final design.
 - ✓ Minimum Buffers – No minimum buffers are required, however, CA has implemented 75' buffers along west border including wooded and landscaped area and sloped wall. Additionally, sloped wall will help minimize any light or sound from project (See Site Plan).
 - ✓ Parking Areas – all parking will be paved asphalt or concrete (note added to plan)
 - ✓ No Floodplains – (note added to plan)

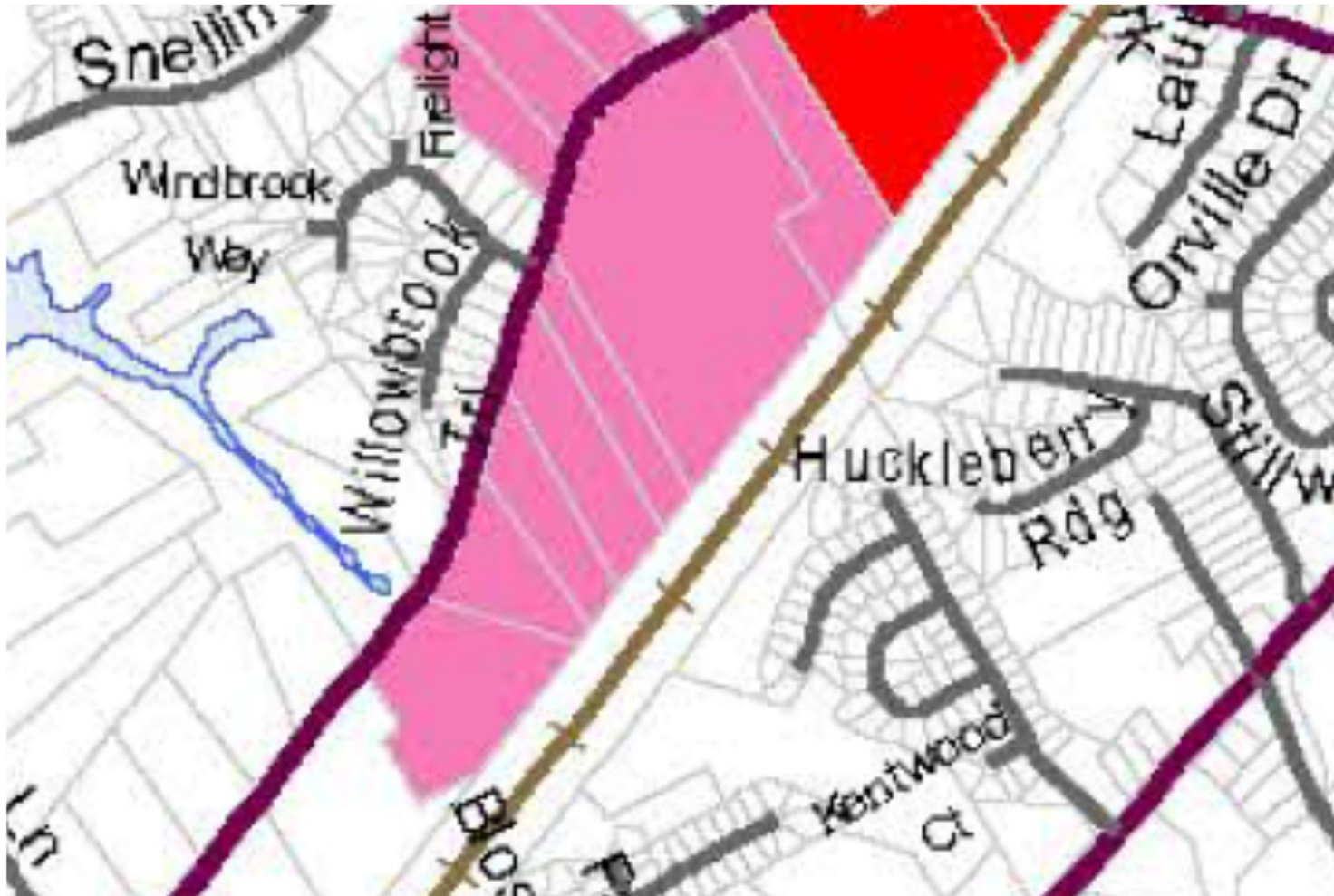


CA Ventures McEver Road – Flowery Branch Comprehensive Plan



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road – Flowery Branch Comprehensive Plan



Mixed Use

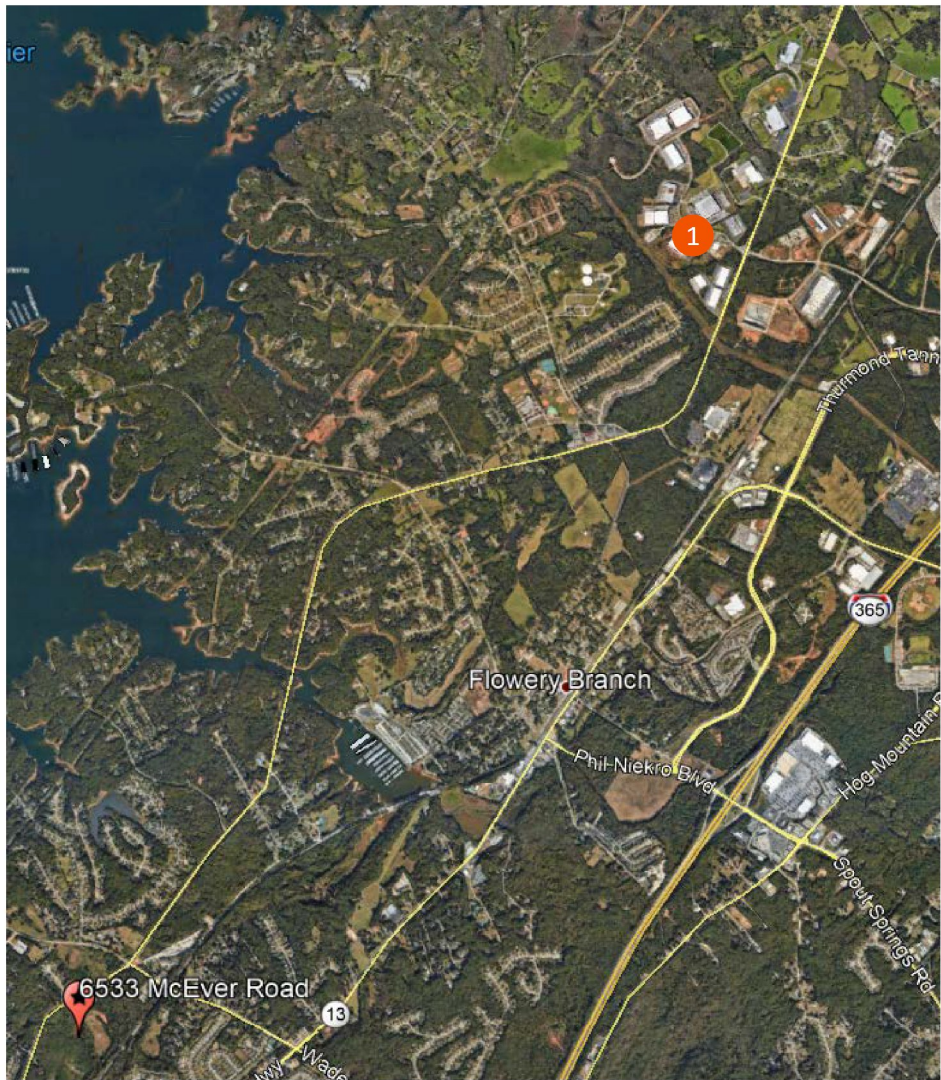
VISION: Areas that will be developed with a combination of different land uses intended to create an environment where compatible land uses can be located in close proximity to each other. Diverse places with unique architecture contributing to the economic base of the city.

USES AND INTENSITIES: Acceptable uses include business/office parks, light industrial, smaller scale retail, neighborhood commercial and residential uses.



CA Ventures McEver Road – North Industrial and Residential Coexist

Surrounding Industrial (North of Subject Site)



#	Building / Park Name	SF	Comments
1	Patillo Industrial Park	1,327,587	14 light industrial buildings built between 1990-2005



CA Ventures McEver Road – North Industrial and Residential Coexist



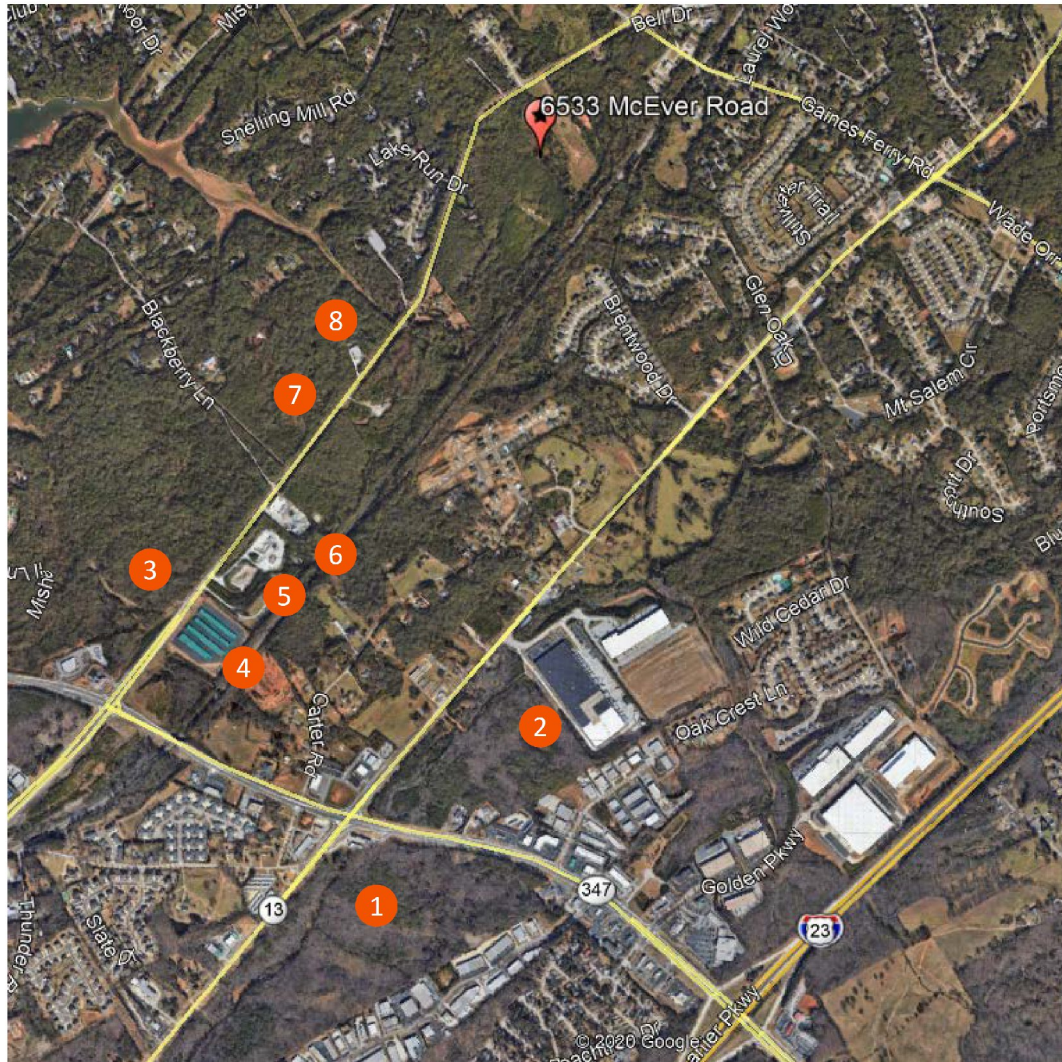
The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road – North Industrial and Residential Coexist



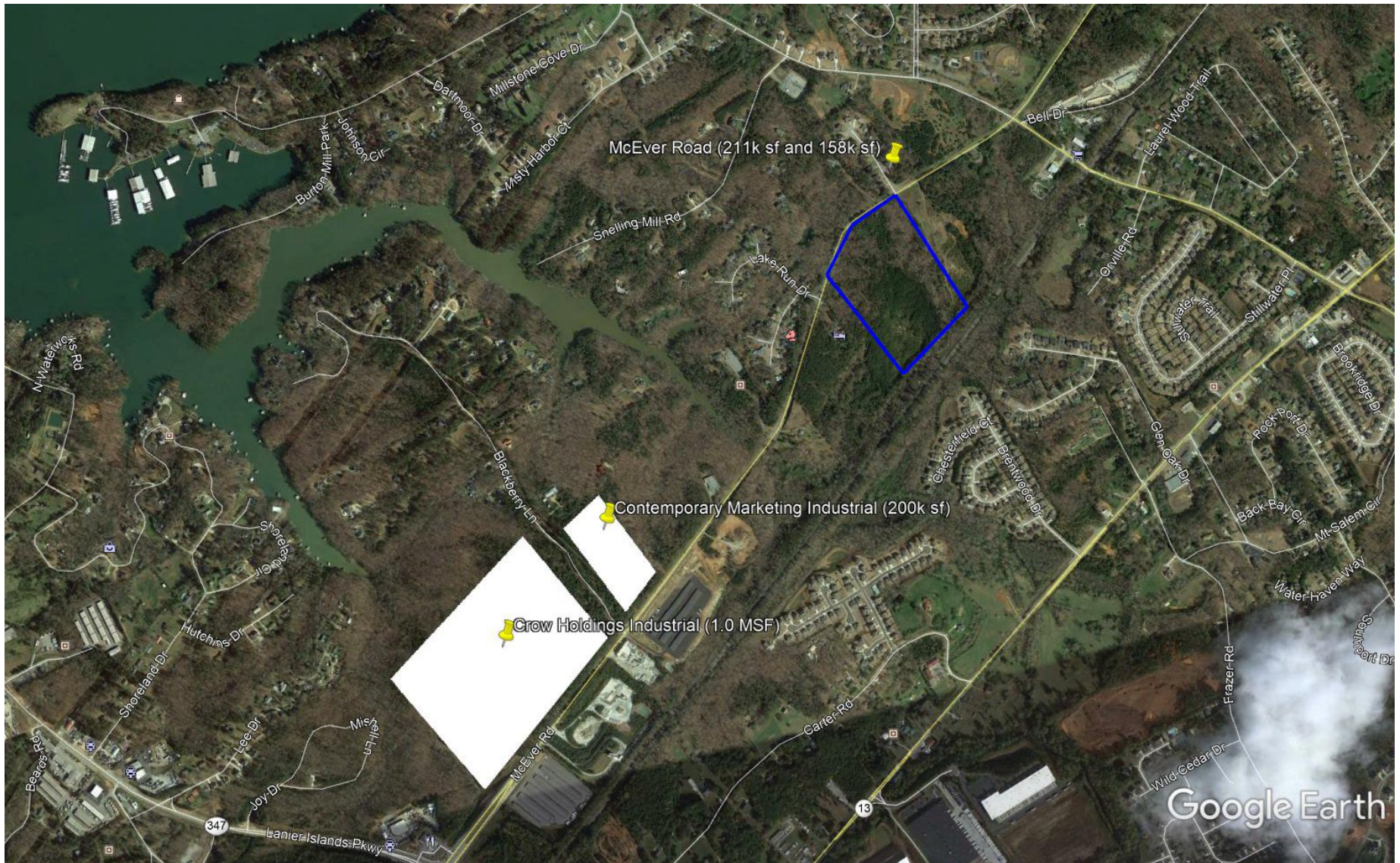
CA Ventures McEver Road – South Industrial and Residential Coexist

Surrounding Industrial (South of Subject Site)



#	Building / Park Name	SF	Comments
1	IDI Amazon	1,000,000	2 buildings
2	McCraney - 985 Lanier Logistics	612,000	3 buildings
3	Crow Holdings	1,500,000	
4	Lanier Harbor Boat Storage		
5	Morgan Concrete		
6	North Harbor Boat Storage		
7	BTS Industrial		
8	Industrial Warehouse	12,000	

CA Ventures McEver Road – South Industrial and Residential Coexist



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road - Traffic Improvements

- Road Improvements:
 - Decel lanes (14') and left-hand turn lanes (12') – increased road width by approximately 26' for 1285' curve distance
 - Designed and implemented all Hall County Staff Traffic Recommended Improvements – confirmed by Director of Public Works.
 - Existing thick trees removed and site lines increased.
 - Increased safety and visibility.
- Significantly increased line of site distances along curve
 - Pre-improvements (55')/Post-Improvements (965')
 - Exceeded GDOT Driveway Design Manual (465'/530') minimum turning site distances
- Total cost of infrastructure improvements (Sewer + Road = \$1.2MM)
- Video presentation



CA Ventures McEver Road - Traffic Improvements



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road - Traffic Improvements



The content of this document is proprietary and confidential information belonging to CA.
It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road - Traffic Improvements



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road - Traffic Improvements



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road – Tree Relocation



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Site Lighting – Gateway Corridor Requirements

Outdoor Lighting

1. Streetlights

- a. Streetlights shall be provided on all public streets.
- b. The spacing of street lights shall be staggered, 300 feet on-center, along both sides of the roadway.
- c. All Street lighting shall be subject to review and approval of the Hall County Public Works Department.
- d. All outdoor lighting, shall be the semi-cut-off type.

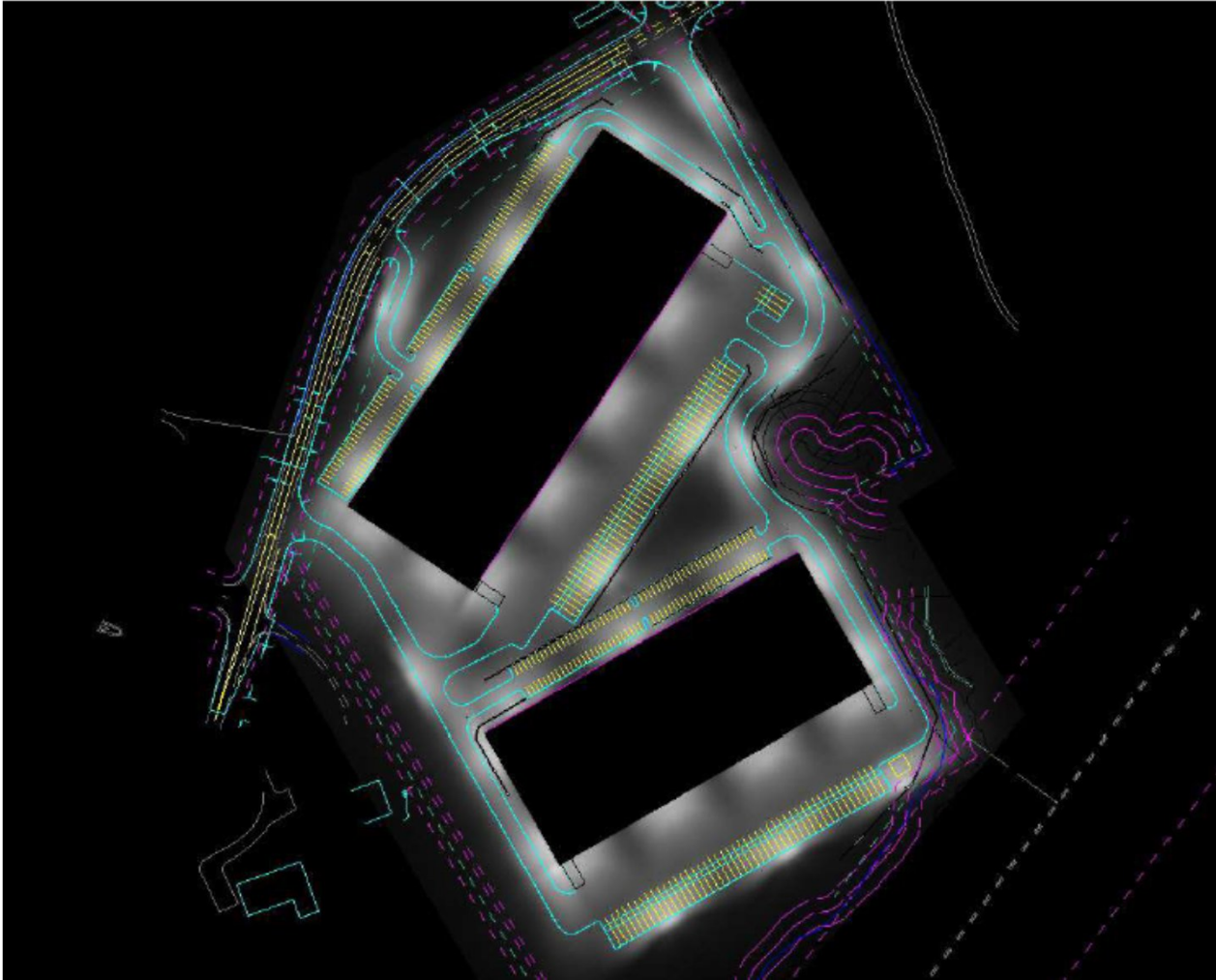
2. Parking lot, sidewalk and building illumination.

- a. Lighting shall be designed to avoid intrusion on adjacent properties and away from adjacent thoroughfares. All lighting shall be semi-cutoff luminary fixtures mounted in such a manner that the cove of light is directed downward.
 - b. Only incandescent, florescent, metal halide, low-pressure sodium, or color corrected, high-pressure sodium may be used. The same type of lighting must be used for the same or similar types of lighting on any one site.
 - c. Parking light fixtures shall be the box head type, shall have a maximum height of 35 feet.
- ### 3. Security lighting. Semi-cutoff luminaries shall be used for all security lighting.



CA Ventures McEver Site Lighting - Addressed

- All sight lighting to conform to overlay and code requirements



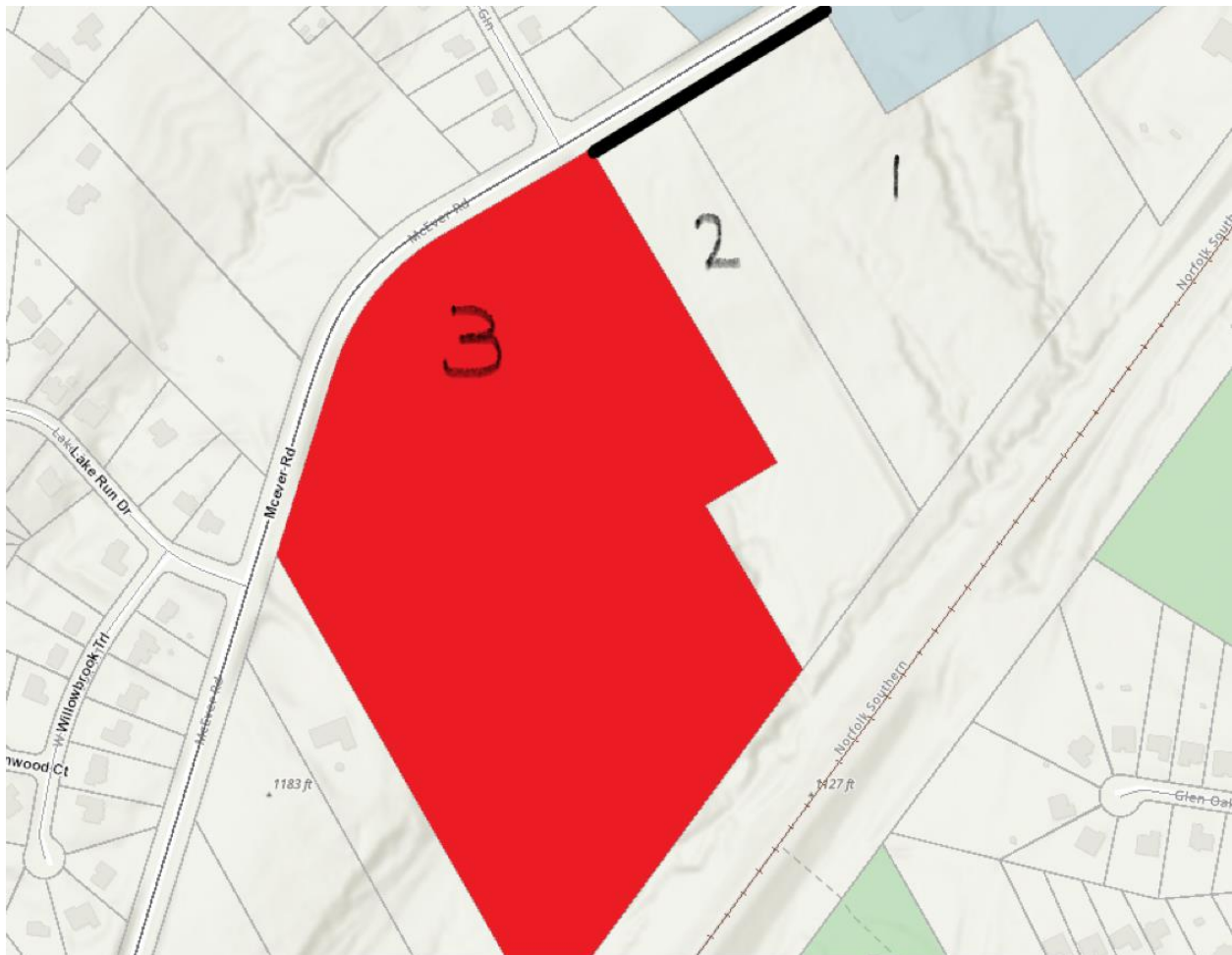


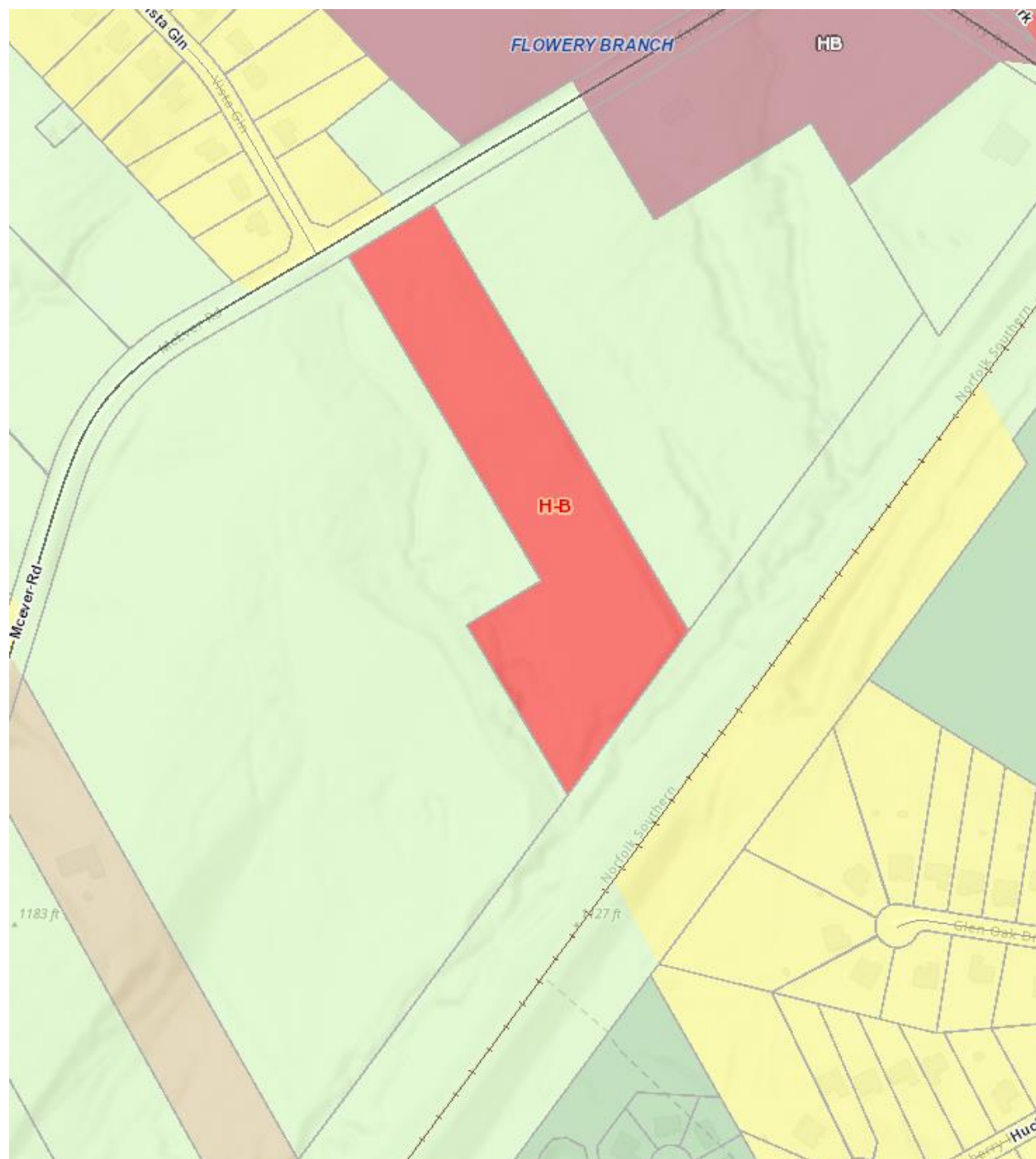
Applicants: Ms. Diane Crawford, E&S Development, CA-Ventures

Subject Properties: 6495 McEver Road; tax parcel 08150 002002A; 50-foot strip
6509 McEver Road; tax parcel 08150 002002; 50-foot strip
6533 McEver Road; tax parcel 08150 002018; +/- 34.6 acres

Annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road -Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road -Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).







Request:

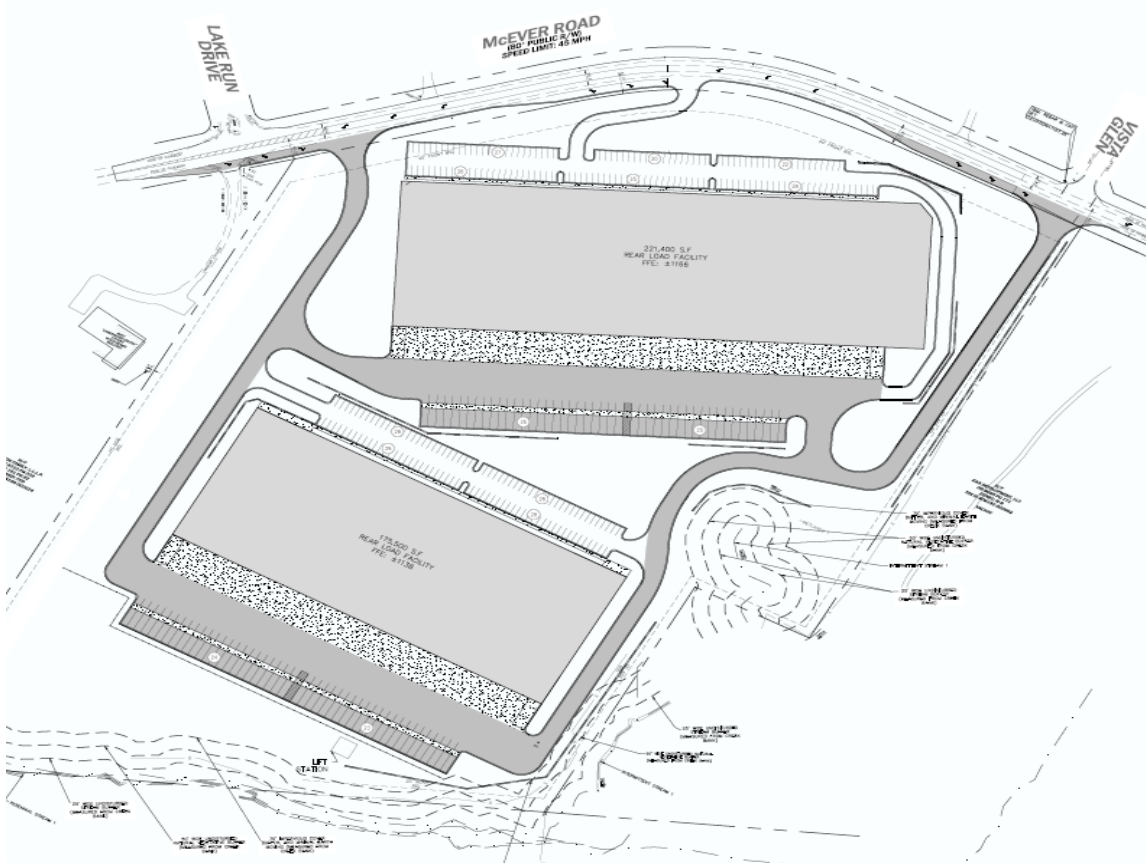
Properties 1 and 2 are only requesting annexation and rezoning to accommodate the proposed industrial use on property 3. The 50- foot strip(s) on properties 1 and 2 -6495 and 6509 McEver Road - are requested to make property 3 (6533 McEver Road) contiguous and therefore eligible for annexation and rezoning consideration by the City of flowery Branch. Properties 1 and 2 will be annexed and rezoned at a date to be determined.

Per the applicant's application:

The request is to Annex 6533 McEver Road from Unincorporated Hall County, to the City of Flowery Branch. Concurrently we are requested to be rezoned to M-1 (light Manufacturing & Industrial) (The parcel is currently zoned AR III in Hall county)

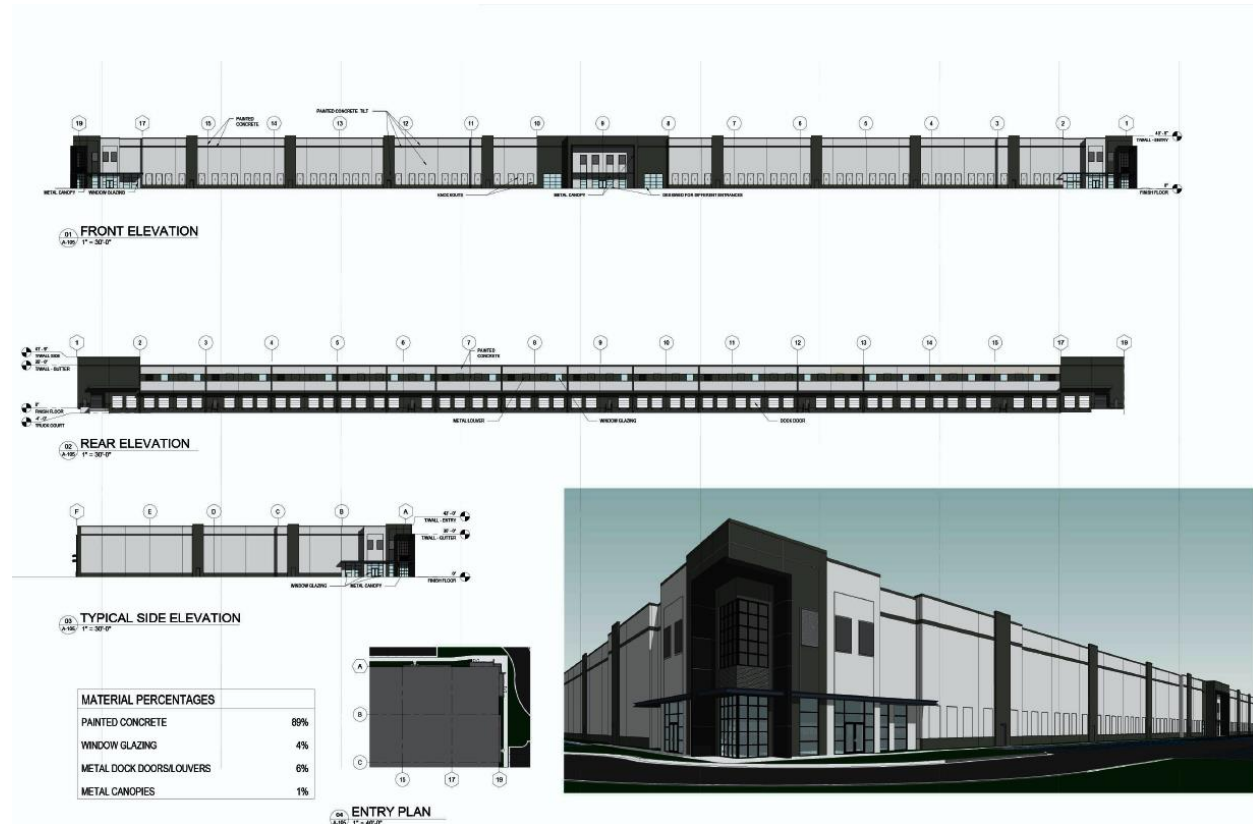
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 396,900 square feet. Associated parking lot and landscape areas will be included as well.

Proposed general layout of development:





Typical building elevations:



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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



Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial 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 development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial 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. **It is staff's opinion that the use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Currently, the Comprehensive Plan denotes this area as part of the "Mixed Use" character area. The proposed use meets the 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. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed use will fit in well with the corridor.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff does not have a specific number regarding property value, but the current zoning classifications of Agricultural-Residential does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed use will enhance the character of the existing district 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 development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed development will enhance the surrounding area and meets the intent of the Zoning Ordinance.**

Applicant response addressing the analysis requirement:

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 396,900 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Adjacent properties are zoned H-B and PCD in Hall.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowerly Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surrounding parcels are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowerly Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- d) **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**
No future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on McEver Road. Proposed improvements will mitigate any impact. The utility and school impact will be less than as currently zoned.
- 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 comprehensive plan shows this parcel as a mixed use character area. Light industrial is a use that is included in the Mixed Use Uses and Intensities.
- 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 should be noted that Annexation will be needed the parcel. With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and



development of the property.

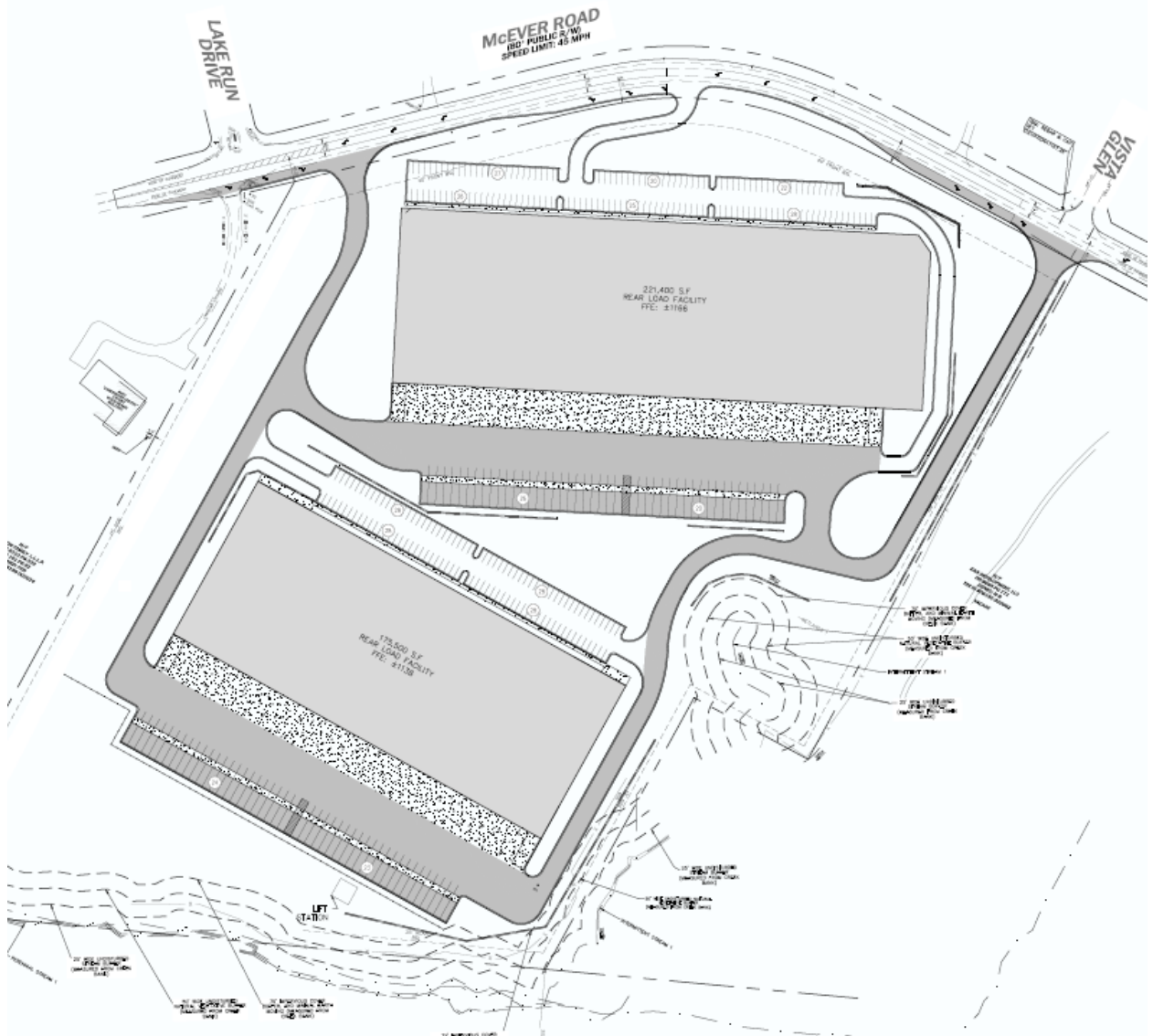
- g) Existing Use(s) and zoning of the subject property and nearby properties.
The existing parcel is zoned AR III and is currently undeveloped. The adjacent parcels are zoning H-B and PCD in unincorporated Hall County.
- h) Existing value of the property under the existing zoning district classification, 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 is significantly undervalued as zoned.
- i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
No deterrence to the value and improvement of adjacent properties is anticipated.
- j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
There are currently nearby districts with properties that are zoned H-B and PCD. There are M-1 zoned properties approximately 0.3 miles from the subject parcel.
- k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
No adverse effects on the character of the zoning district is anticipated.
- 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 zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.
- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.
Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.



Staff Recommendation

Approve with conditions as presented.

1. The project shall significantly adhere to the site plan as submitted below:



2. A lighting plan shall be submitted prior to the issuance of a full land disturbance permit.



3. A landscape/buffer plan shall be submitted as part of the land disturbance permit plan set.
4. A unified sign plan shall be submitted prior to the issuance of any building permits.
5. Buildings shall significantly adhere to the elevations as shown below:





Signs Posted
11/30/2020









Ads run in The Gainesville Times on November 25, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by Ms. Diane Crawford for the annexation and rezoning of a portion of a +/- 16.5 acre parcel of land identified as 6495 McEver Road and also as tax parcel 08150 002002A. Said property, if annexed, is requesting to be zoned Flowery Branch A (Agricultural).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their



opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by E&S Development, LLC for the annexation and rezoning of a portion of a +/- 8.84 acre parcel of land identified as 6509 McEver Road and also as tax parcel 08150 002002. Said property, if annexed, is requesting to be zoned Flowery Branch HB (Highway Business).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org



In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by CA Ventures for the annexation and rezoning of a +/- 34.6 acre parcel of land identified as 6533 McEver Road and also as tax parcel 08150 002018. Said property, if annexed, is requesting to be zoned Flowery Branch M-1 (Light Industrial).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org



In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-620

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY TOTALING 34.6 +/- ACRES, OWNED BY DARYL CROW HOLDINGS, LLC IDENTIFIED AS 6533 MCEVER ROAD, TAX PARCEL 08150 002018 AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; TO BE REZONED FROM HALL COUNTY A III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH M1 (LIGHT INDUSTRIAL), AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Daryl Crow Holdings, LLC owns all that tract or parcel of land totaling 34.6+/- acres identified as Tax Parcel Identification No. 08150 002018, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of December 17th, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County A III (Agricultural Residential) to Flowery Branch M1 (Light Industrial) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

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

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch M-1 (Light Industrial) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

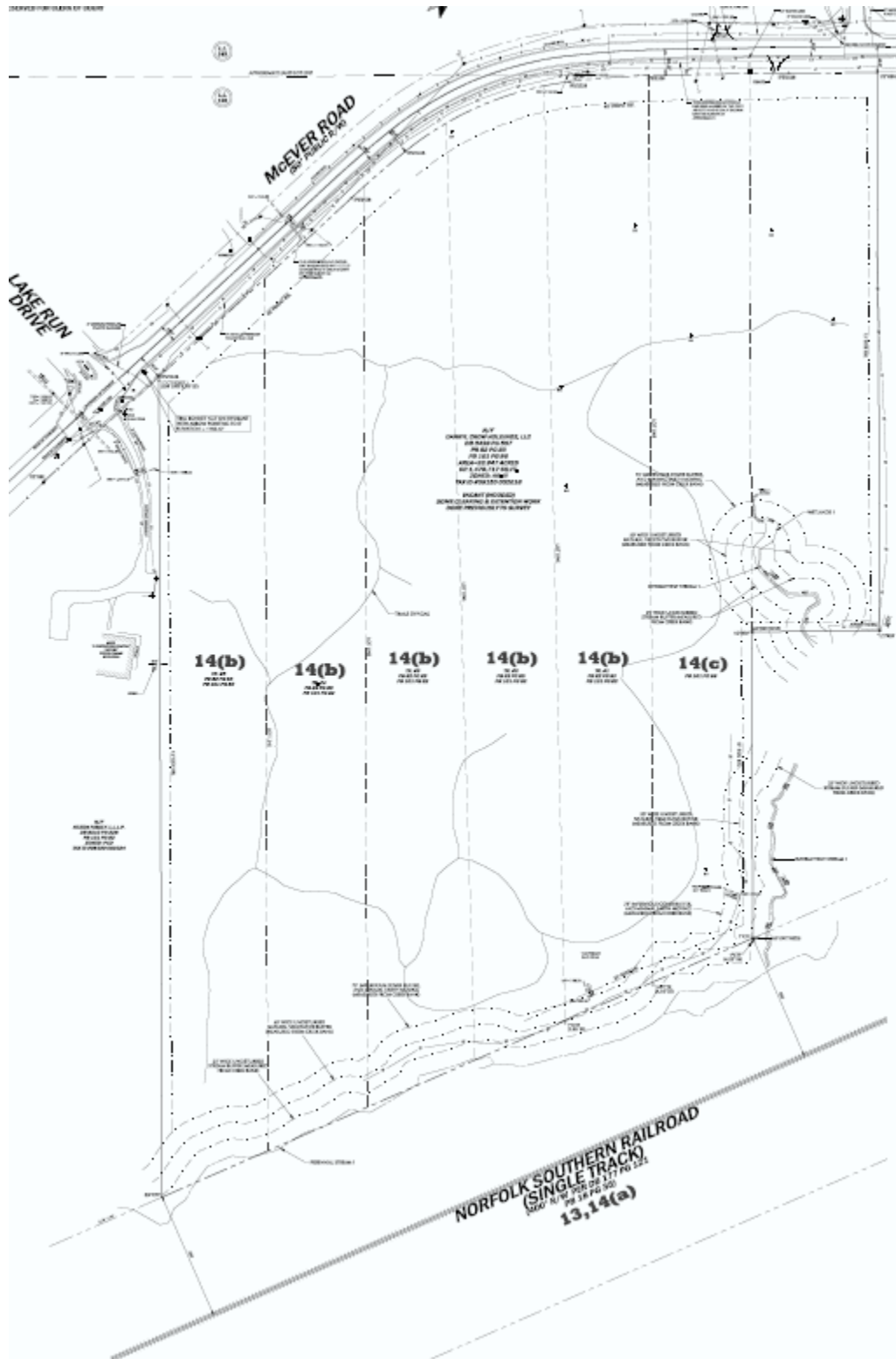


Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 150, 8th District, Hall County, Georgia, said tract or parcel of land being more fully shown on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-043; Drawing/File #20-043), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

BEGINNING at a 1/2" iron pin set at the intersection of the southeasterly right-of-way line of McEver Road (80' public r/w) and the northerly line of Land Lot 150 (said Land Lot line also being the common line with Land Lot 149), THENCE proceeding northeasterly along said southeasterly right-of-way line of McEver Road the following courses and distances: North 59 degrees 08 minutes 30 seconds East for a distance of 192.23 feet to a 1/2" iron pin set;

THENCE North 59 degrees 31 minutes 51 seconds East for a distance of 138.36 feet to a disturbed 1/2" rebar found;

THENCE departing said southeasterly right-of-way line of McEver Road South 30 degrees 15 minutes 31 seconds East for a distance of 871.02 feet to a 1/2" rebar found;

THENCE South 59 degrees 25 minutes 34 seconds West for a distance of 200.12 feet to a 1/2" rebar found;

THENCE South 30 degrees 13 minutes 50 seconds East for a distance of 477.95 feet to a 1" crimped top pipe found on the northwesterly right-of-way line of Norfolk Southern Railroad (400' r/w) (said 1" crimped top pipe found being witnessed by a 1" crimped top pipe found 4.32 feet southeast thereof);

THENCE proceeding southwesterly along said northwesterly right-of-way line of Norfolk Southern Railroad South 36 degrees 20 minutes 56 seconds West for a distance of 1006.97 feet to a 3/4" crimped top pipe found;

THENCE departing said northwesterly right-of-way line of Norfolk Southern Railroad North 30 degrees 13 minutes 33 seconds West for a distance of 1279.91 feet to a 1/2" iron pin set on the aforesaid southeasterly right-of-way line of McEver Road (said 1/2" iron pin set being witnessed by a disturbed 1" crimped top pipe found on line 6.18 feet southeast thereof);

THENCE proceeding northeasterly along said northwesterly right-of-way line of McEver Road the following courses and distances: North 17 degrees 07 minutes 38 seconds East for a distance of 410.19 feet to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 1587.00 feet for an arc distance of 111.26 feet (said arc being subtended by a chord of North 19 degrees 08 minutes 08 seconds East for a distance of 111.24 feet) to a 1/2" iron pin set;

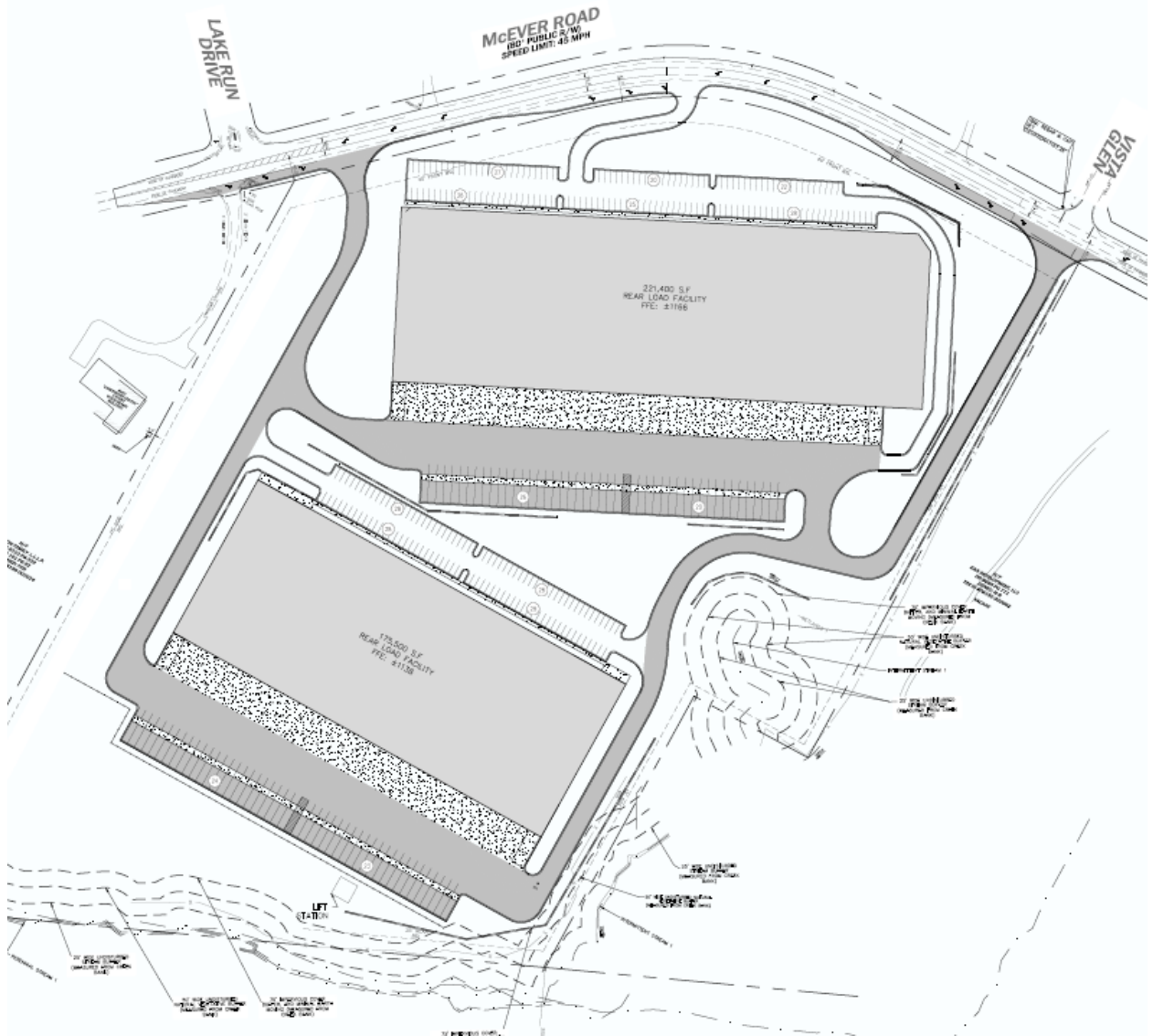
THENCE along a curve to the right having a radius of 508.74 feet for an arc distance of 281.59 feet (said arc being subtended by a chord of North 37 degrees 00 minutes 02 seconds East for a distance of 278.01 feet) to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 1376.00 feet for an arc distance of 150.93 feet (said arc being subtended by a chord of North 55 degrees 59 minutes 58 seconds East for a distance of 150.85 feet) to a 1/2" iron pin set at the intersection with the aforesaid northerly line of Land Lot 150, said 1/2" iron pin set being the POINT OF BEGINNING;

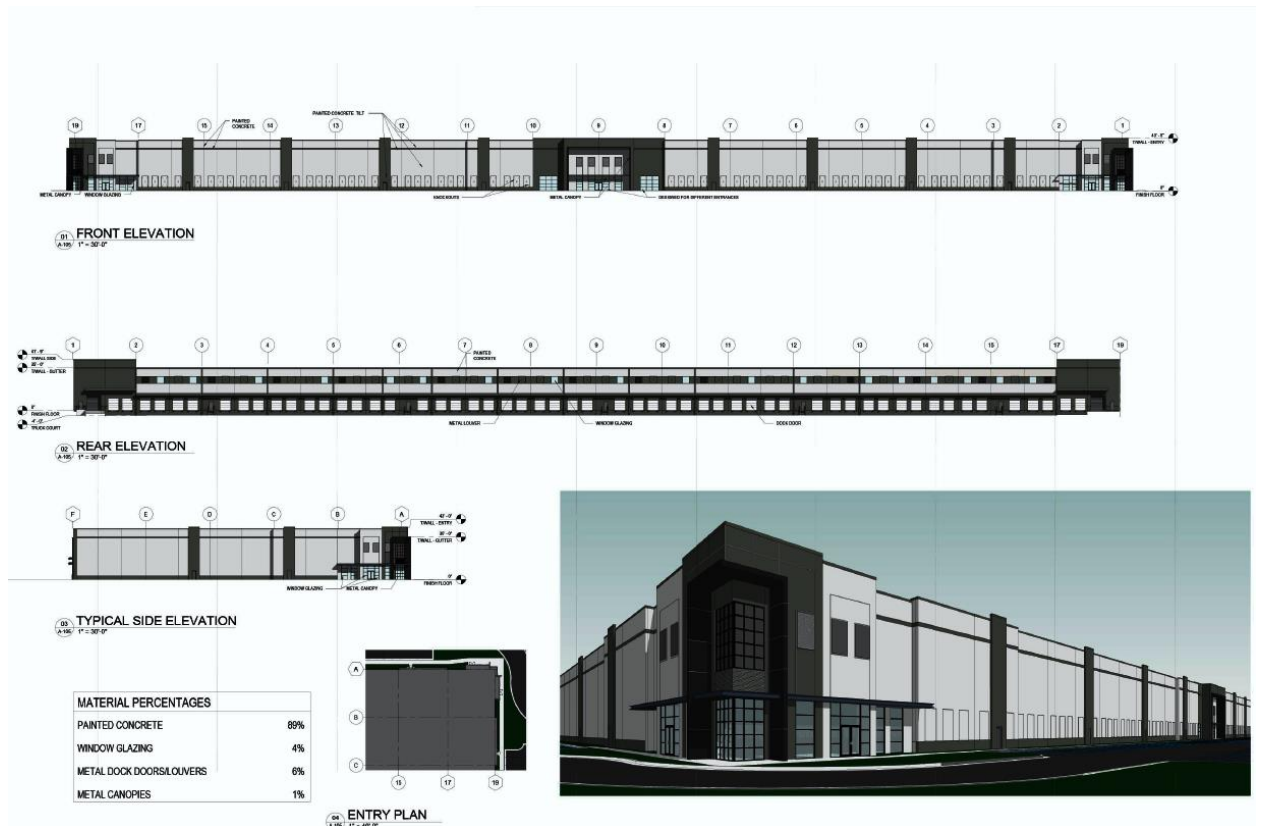
Said tract or parcel of land contains 33.947 acres or 1,478,717 square feet and is intended to be the same tract or parcel of land as previously conveyed by Deed Book 3438, Page 507, Hall County, Georgia records.

Exhibit "C"

1. The project shall substantially adhere to the site plan as submitted below:



2. A lighting plan shall be submitted prior to the issuance of a full land disturbance permit.
3. A landscape/buffer plan shall be submitted as part of the land disturbance permit plan set.
4. A unified sign plan shall be submitted prior to the issuance of any building permits.
5. Buildings shall substantially adhere to the elevations as shown below:





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #20-621 a rezoning request submitted by Eberly & Associates.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

The request is to rezone the majority of two parcels of land (08070 001002 & 08073 000004A) from A (agricultural) to M-1 (Light Industrial). The project calls for 611,200 SF distribution center and a 45,000 SF office space.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #20-621 as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve ordinance #20-621 as submitted and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Rezoning Ordinance 20-621.pdf](#)
- [Staff Report .pdf](#)

Public Hearing Published 11/11/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-621

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY OWNED BY JANE WOOD R/A BANKS ET AL IDENTIFIED AS 0000 FALCON PARKWAY, TAX PARCEL 08070 001002 TOTALING 69.68 +/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1) AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Jane Wood R/A Banks Et Al owns all tracts or parcel of land totaling 69.68 +/- acres identified as Parcel Tax Identification No. 08070 001002, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. William Greer on behalf of Scannell-Falcon Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Agricultural (A) to Light Industrial (M1) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to M1.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Agricultural (A) to Light Industrial (M1) and as conditioned in Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be January 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

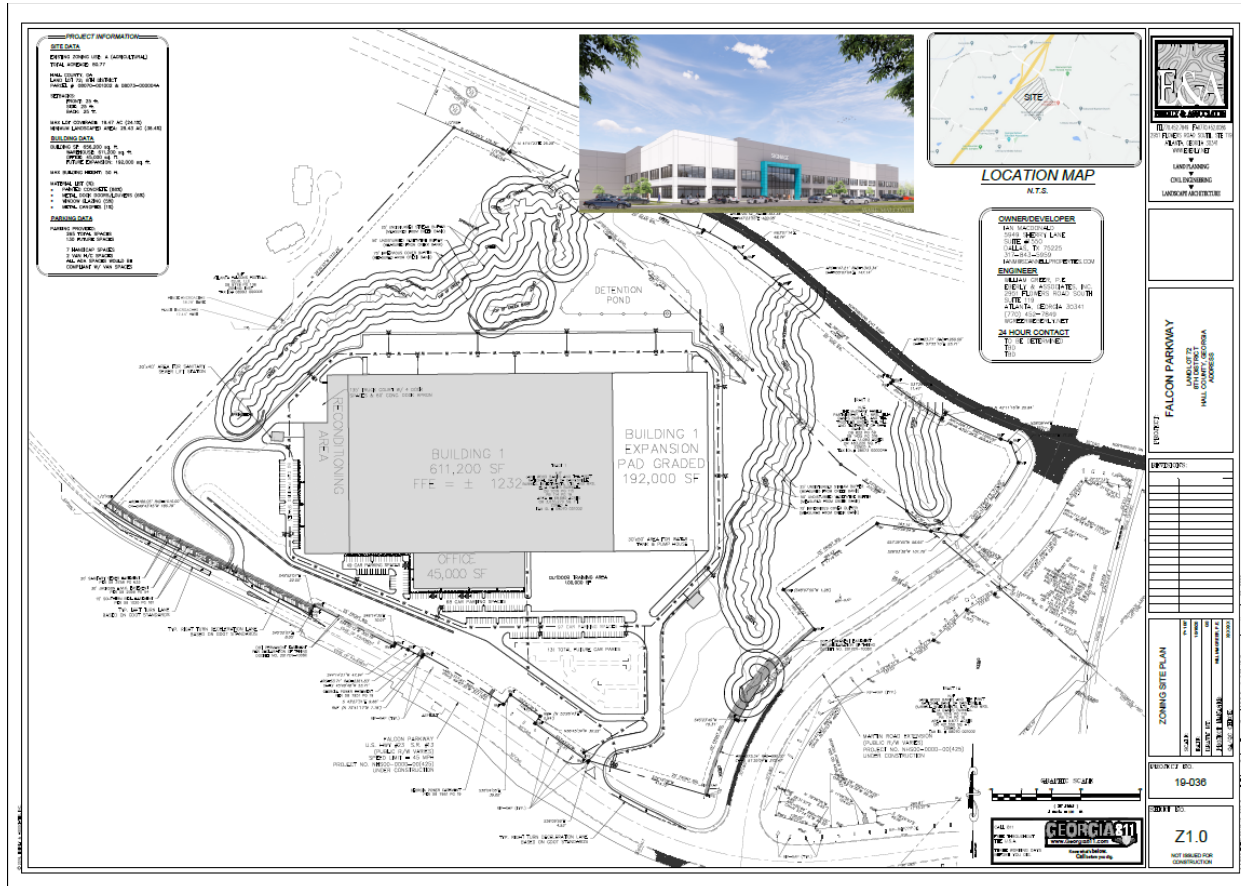


Exhibit "B"

LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 72 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-017; Drawing/File #19-017), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 379.22 feet to a computed point on the northeasterly right-of-way line of Martin Road Extension (public r/w varies);
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 10.76 feet to a computed point;
THENCE South 57 degrees 52 minutes 05 seconds West for a distance of 237.10 feet to a computed point;
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 56.93 feet to a concrete r/w monument found on the northwesterly right-of-way line of aforesaid Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

THENCE proceeding along said northwesterly right-of-way line of Martin Road Extension South 25 degrees 59 minutes 24 seconds West for a distance of 183.15 feet to a concrete r/w monument found;
THENCE South 17 degrees 16 minutes 53 seconds East for a distance of 385.63 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying South 48 degrees 07 minutes 50 seconds West for a distance of 1.28 feet;
THENCE North 69 degrees 59 minutes 42 seconds East for a distance of 169.78 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 980.00 feet for an arc distance of 403.54 feet (said arc being subtended by a chord of South 31 degrees 53 minutes 00 seconds East for a distance of 400.69 feet) to a concrete r/w monument found;
THENCE South 45 degrees 23 minutes 40 seconds West for a distance of 10.31 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 990.00 feet for an arc distance of 273.34 feet (said arc being subtended by a chord of South 51 degrees 35 minutes 04 seconds East for a distance of 272.47 feet) to a 1/2" Iron pin set at the intersection of the northwesterly right-of-way line of Falcon Parkway (S.R. #13, public r/w varies);
THENCE proceeding southwesterly along the northwesterly right-of-way line of said Falcon Parkway South 34 degrees 16 minutes 08 seconds West for a distance of 414.72 feet to a 1/2" Iron pin set;
THENCE South 36 degrees 09 minutes 50 seconds East for a distance of 4.53 feet to a concrete r/w monument found;
THENCE South 53 degrees 43 minutes 37 seconds West for a distance of 220.91 feet to a concrete r/w monument found;
THENCE North 36 degrees 45 minutes 34 seconds West for a distance of 30.22 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying North 53 degrees 26 minutes 43 seconds East for a distance of 0.94 feet;
THENCE South 53 degrees 42 minutes 30 seconds West for a distance of 122.61 feet to a concrete r/w monument found;
THENCE South 36 degrees 04 minutes 05 seconds East for a distance of 39.60 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 2371.83 feet for an arc distance of 317.93 feet (said arc being subtended by a chord of South 49 degrees 47 minutes 30 seconds West for a distance of 317.70 feet) to a concrete r/w monument found;
THENCE South 43 degrees 27 minutes 32 seconds East for a distance of 9.66 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying North 75 degrees 41 minutes 17 seconds West for a distance of 1.18 feet;
THENCE along a curve to the left having a radius of 2361.83 feet for an arc distance of 53.71 feet (said arc being subtended by a chord of South 45 degrees 48 minutes 48 seconds West for a distance of 53.71 feet) to a concrete r/w monument found;
THENCE South 44 degrees 14 minutes 21 seconds West for a distance of 47.94 feet to a concrete r/w monument found;
THENCE South 46 degrees 14 minutes 35 seconds East for a distance of 10.07 feet to a concrete r/w monument found;
THENCE South 44 degrees 50 minutes 12 seconds West for a distance of 300.18 feet to a concrete r/w monument found;
THENCE South 45 degrees 52 minutes 07 seconds East for a distance of 22.05 feet to a concrete r/w monument found;
THENCE South 45 degrees 52 minutes 07 seconds East for a distance of 8.05 feet to a 1/2" Iron pin set;
THENCE South 44 degrees 27 minutes 31 seconds West for a distance of 592.97 feet to a 1/2" Iron pin set;
THENCE along a curve to the right having a radius of 1010.00 feet for an arc distance of 186.57 feet (said arc being subtended by a chord of South 49 degrees 42 minutes 52 seconds West for a distance of 186.31 feet) to a 1/2" Iron pin set;
THENCE departing said right-of-way line of Falcon Parkway North 29 degrees 20 minutes 52 seconds West for a distance of 1731.04 feet to a 1/2" Iron pin found on the southeasterly right-of-way line of Interstate 985 (S.R. #365, limited access public r/w varies);
THENCE proceeding northeasterly along said right-of-way line of Interstate 985 North 41 degrees 54 minutes 20 seconds East for a distance of 179.39 feet to a 1/2" rebar found;
THENCE departing said right-of-way line of Interstate 985 North 57 degrees 26 minutes 46 seconds East for a distance of 467.26 feet to a computed point;
THENCE North 61 degrees 32 minutes 17 seconds East for a distance of 421.28 feet to a computed point;
THENCE North 59 degrees 35 minutes 50 seconds East for a distance of 234.18 feet to a computed point;
THENCE North 64 degrees 56 minutes 32 seconds East for a distance of 435.28 feet to a computed point;
THENCE North 53 degrees 08 minutes 22 seconds East for a distance of 272.69 feet to a computed point;
THENCE North 57 degrees 39 minutes 45 seconds East for a distance of 105.28 feet to a concrete r/w monument found on the aforesaid right-of-way line of Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

Said tract or parcel of land contains 69.680 acres or 3,035,270 square feet.

Conditions of Zoning

- [illegible]

2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy



Applicant: Eberly & Associates on behalf of Scannell Properties, LLC.

Property Owners: Banks

Subject Property: Portion of 0000 Falcon Parkway; 08070 001002, 69.68 +/- acres
Portion of 0000 Falcon Parkway; 08073 000004A, 11.1 +/- acres

Request: Rezone from A (Agricultural) to M1 (Light Industrial) with the intend to construct a distribution facility and office.

Current Use: Vacant

Character Area: Activity Center

Description of Request:

The request is to rezone both parcels 08070-001002 & 08073-000004A from Agriculture (A) to M-1 (light Manufacturing & Industrial).

The proposed project consists of construction of single distribution facility totaling approximately 611,200 SF, 43,000 SF of dedicated office space, and a 192,000 building pad for future expansion. This facility with include on-site parking lot, landscape areas, and above ground stormwater detention pond.

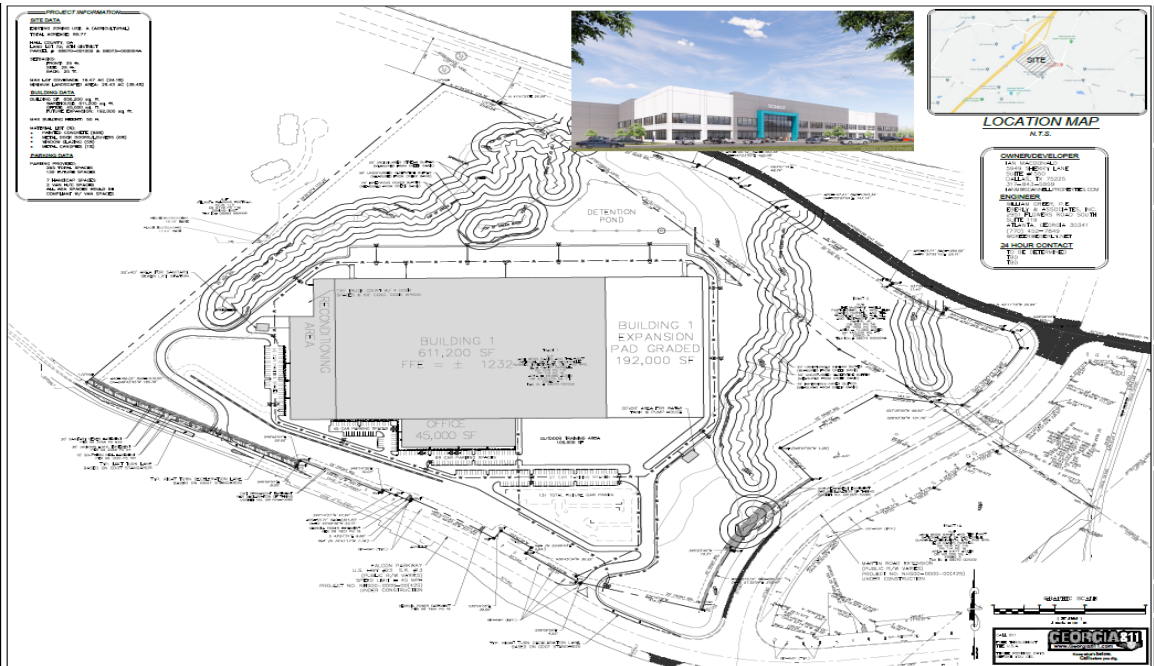
Below is information on the subject properties proposed to be rezoned:

08070-001002

Owner: Jane Wood R/A Banks
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 69.676 Acres

08073-000004A

Owner: Dr Rafe Jr Est R/A Banks Et. Al
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 11.094 Acres





Rezoning Analysis (from applicant):

- 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 project consists of construction of a single distribution warehouse facility that totals to approximately 611,200 SF, 43,000 SF of dedicated office space and includes a future bldg. pad of 192,000 for future expansion. This project is accompanied by adjacent employee parking lot, landscape areas, and an above ground stormwater detention facility will be included as well. The rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Our subject site will be bordered to the South by the Atlanta Falcons training grounds, bordered to the West, East, and North by existing and future roadways which are currently under construction as part of the Martin Road extension.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected. Additionally, there are state waters located on-site that will act as natural buffers between our development and neighboring properties.

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

The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.

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

No – the current improvements being completed by the Georgia Department of Transportation increases the amount of lanes, adds a signalized intersection, and allows for much desired direct access to Interstate 985. However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high-volume traffic road. This project will trigger a DRI which will ensure that the future development accounts for traffic volume.



- 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.

No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in 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.

No existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposed project includes two (2) parcels:

- Parcel 08070-001002 is within City of Flowery Branch City Limits, currently undeveloped, and zoned A (Agricultural).
- Parcel 08073-000004A is within City of Flowery Branch City Limits, currently undeveloped and zoned A (Agricultural).

Two developed parcel border our proposed project:

- Parcel 08093 000006, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)
- Parcel 08070 001003, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)

- 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 extent under which the current value being affected by the existing zoning cannot be determined by the applicant at this time. It is assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (Light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

- 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 zoning request will not adversely impact the environment and surrounding



natural resources. There will be limited disturbance to streams and wetlands on-site. This will require our proposed development to apply for a nationwide permit with the USACE and it will be our intent to pull a nationwide permit prior to obtaining a LDP from the City of Flowerly Branch. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowerly Branch zoning ordinance, and Comprehensive Plan.

Rezoning Analysis (Staff):

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial 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 development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of A (Agricultural) could be used in accordance with the current rules and regulations of that zoning district.**



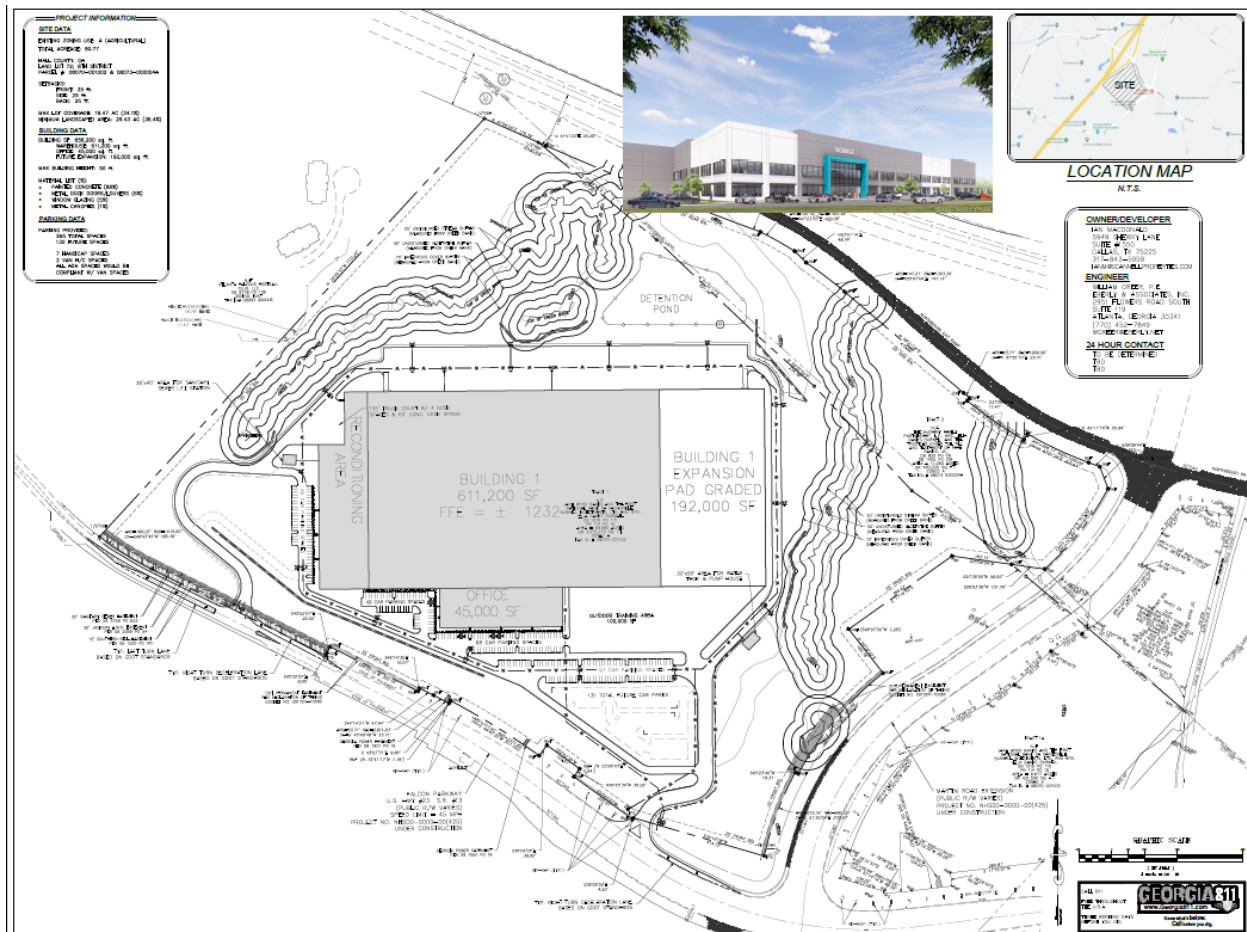
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *It is staff's opinion that the use will not create any unnecessary burdens.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *Currently, the Comprehensive Plan denotes this area as part of the "Activity Center" character area. The proposed use meets the 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. *No*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *Currently vacant the proposed use will fit in well with the corridor.*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of Agricultural does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district 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 development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*



Staff Recommendation:

Staff recommends approval of the rezoning with the following conditions:

1. Development shall generally adhere to the site plan as submitted



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #20-622 a rezoning request submitted by Eberly & Associates.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #20-622

SAMPLE MOTION:

I make a motion to approve ordinance#20-622 as submitted and conditioned by staff.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff Report .pdf](#)
- [Rezoning Ordinance 20-622.pdf](#)



Applicant: Eberly & Associates on behalf of Scannell Properties, LLC.

Property Owners: Banks

Subject Property: Portion of 0000 Falcon Parkway; 08070 001002, 69.68 +/- acres
Portion of 0000 Falcon Parkway; 08073 000004A, 11.1 +/- acres

Request: Rezone from A (Agricultural) to M1 (Light Industrial) with the intend to construct a distribution facility and office.

Current Use: Vacant

Character Area: Activity Center

Description of Request:

The request is to rezone both parcels 08070-001002 & 08073-000004A from Agriculture (A) to M-1 (light Manufacturing & Industrial).

The proposed project consists of construction of single distribution facility totaling approximately 611,200 SF, 43,000 SF of dedicated office space, and a 192,000 building pad for future expansion. This facility with include on-site parking lot, landscape areas, and above ground stormwater detention pond.

Below is information on the subject properties proposed to be rezoned:

08070-001002

Owner: Jane Wood R/A Banks
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 69.676 Acres

08073-000004A

Owner: Dr Rafe Jr Est R/A Banks Et. Al
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 11.094 Acres





Rezoning Analysis (from applicant):

- 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 project consists of construction of a single distribution warehouse facility that totals to approximately 611,200 SF, 43,000 SF of dedicated office space and includes a future bldg. pad of 192,000 for future expansion. This project is accompanied by adjacent employee parking lot, landscape areas, and an above ground stormwater detention facility will be included as well. The rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Our subject site will be bordered to the South by the Atlanta Falcons training grounds, bordered to the West, East, and North by existing and future roadways which are currently under construction as part of the Martin Road extension.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected. Additionally, there are state waters located on-site that will act as natural buffers between our development and neighboring properties.

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

The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.

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

No – the current improvements being completed by the Georgia Department of Transportation increases the amount of lanes, adds a signalized intersection, and allows for much desired direct access to Interstate 985. However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high-volume traffic road. This project will trigger a DRI which will ensure that the future development accounts for traffic volume.



- 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.

No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in 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.

No existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposed project includes two (2) parcels:

- Parcel 08070-001002 is within City of Flowery Branch City Limits, currently undeveloped, and zoned A (Agricultural).
- Parcel 08073-000004A is within City of Flowery Branch City Limits, currently undeveloped and zoned A (Agricultural).

Two developed parcel border our proposed project:

- Parcel 08093 000006, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)
- Parcel 08070 001003, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)

- 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 extent under which the current value being affected by the existing zoning cannot be determined by the applicant at this time. It is assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (Light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

- 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 zoning request will not adversely impact the environment and surrounding



natural resources. There will be limited disturbance to streams and wetlands on-site. This will require our proposed development to apply for a nationwide permit with the USACE and it will be our intent to pull a nationwide permit prior to obtaining a LDP from the City of Flowerly Branch. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowerly Branch zoning ordinance, and Comprehensive Plan.

Rezoning Analysis (Staff):

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial 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 development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of A (Agricultural) could be used in accordance with the current rules and regulations of that zoning district.**



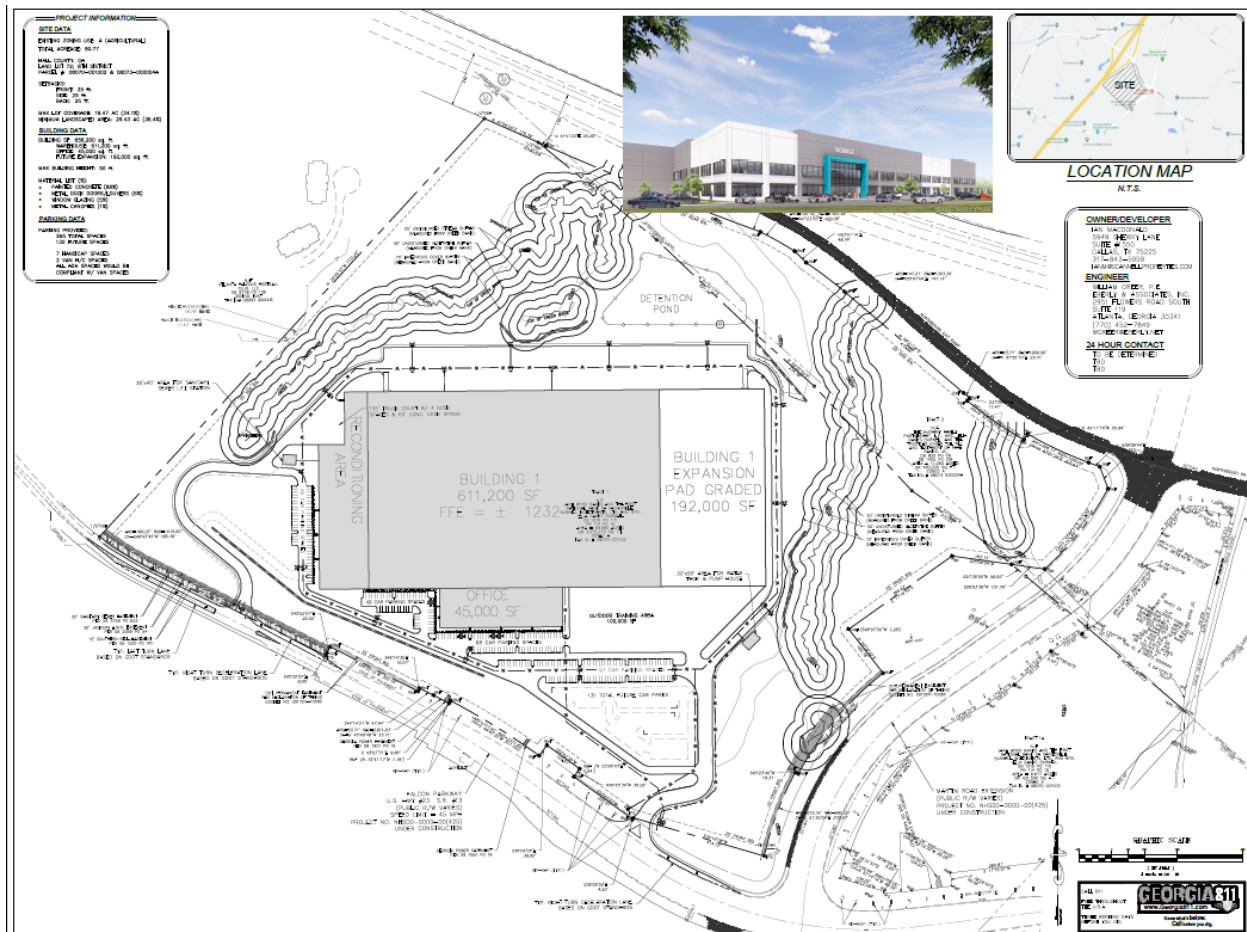
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *It is staff's opinion that the use will not create any unnecessary burdens.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *Currently, the Comprehensive Plan denotes this area as part of the "Activity Center" character area. The proposed use meets the 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. *No*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *Currently vacant the proposed use will fit in well with the corridor.*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of Agricultural does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district 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 development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*



Staff Recommendation:

Staff recommends approval of the rezoning with the following conditions:

1. Development shall generally adhere to the site plan as submitted



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy

Public Hearing Published 11/11/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-622

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY OWNED BY DR. RAFE JR. EST. R/A BANKS ET. AL IDENTIFIED AS 0000 FALCON PARKWAY, TAX PARCEL 08073 000004A TOTALING 11.1 +/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1) AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Dr. Rafe, Jr. Est. R/A Banks, Et. Al owns all tracts or parcel of land totaling 7.34 +/- acres identified as Parcel Tax Identification No. 08073 000004A as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. William Greer on behalf of Scannell-Falcon Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Agricultural (A) to Light Industrial (M1) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to M1.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Agricultural (A) to Light Industrial (M1) and as conditioned in Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be January 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

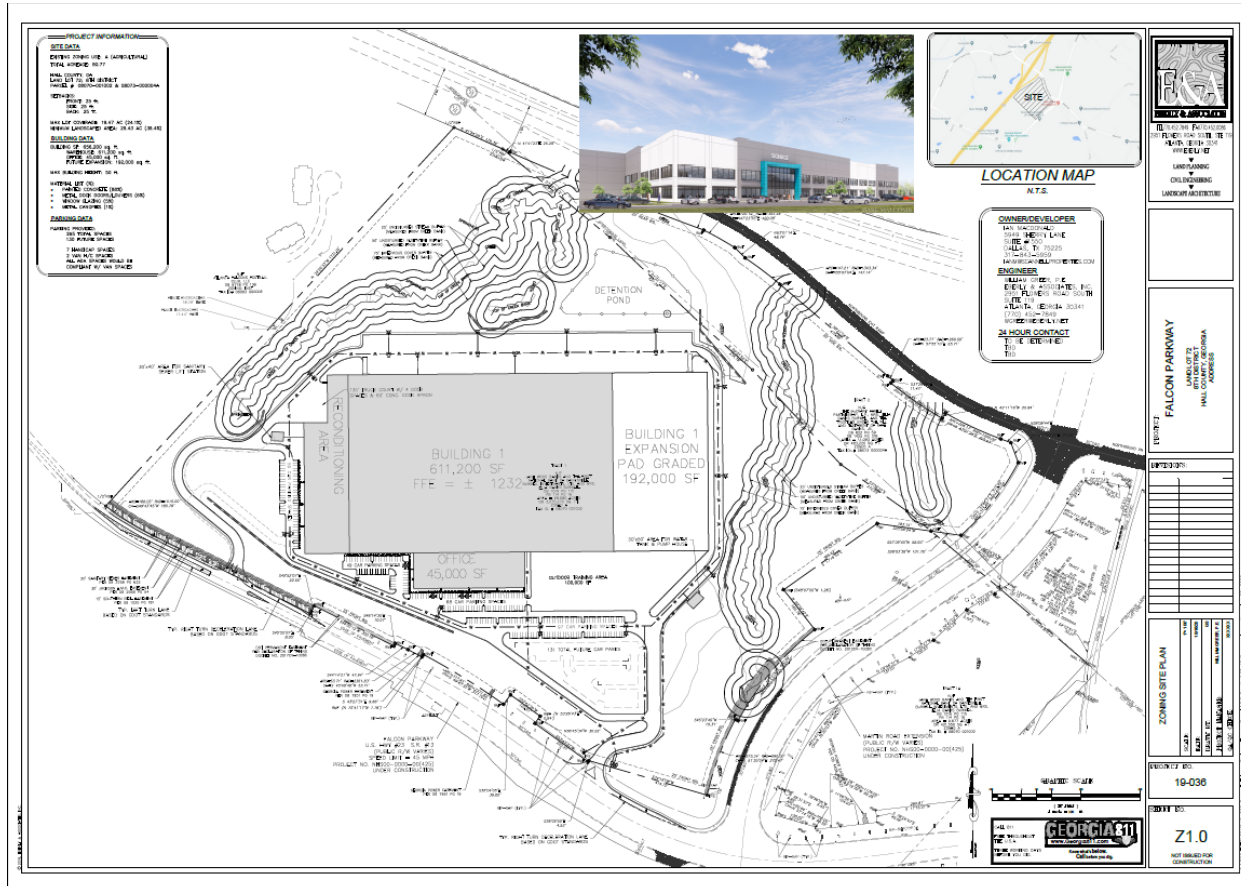
James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 73 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-017; Drawing/File #19-017), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 379.22 feet to a computed point on the northeasterly right-of-way line of Martin Road Extension (public r/w varies);
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 10.76 feet to a computed point;
THENCE South 57 degrees 52 minutes 05 seconds West for a distance of 237.10 feet to a computed point;
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 56.93 feet to a concrete r/w monument found on the northwesterly right-of-way line of aforesaid Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

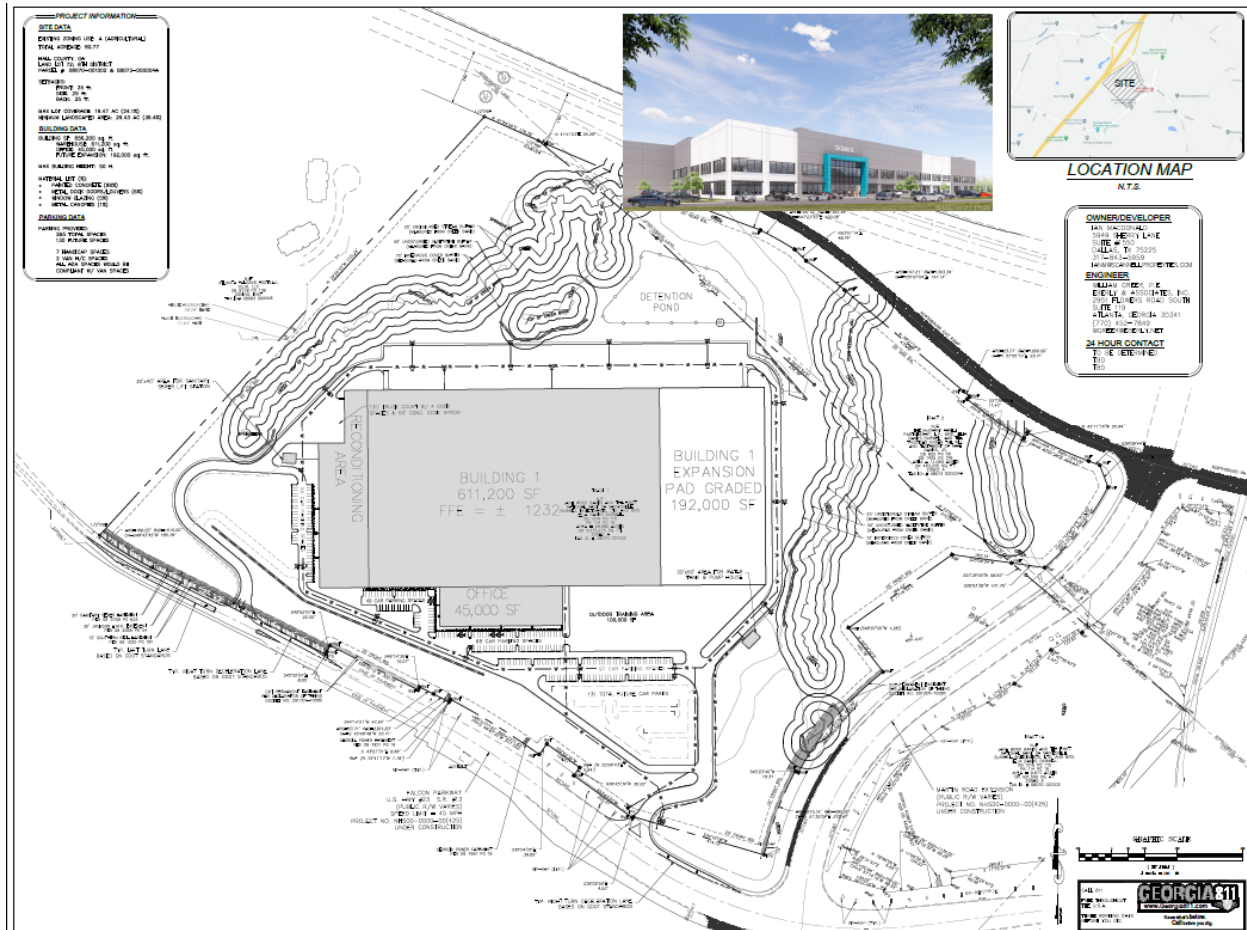
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 105.28 feet to a computed point;
THENCE South 53 degrees 08 minutes 22 seconds West for a distance of 272.69 feet to a computed point;
THENCE South 64 degrees 56 minutes 32 seconds West for a distance of 435.28 feet to a computed point;
THENCE South 59 degrees 35 minutes 50 seconds West for a distance of 234.18 feet to a computed point;
THENCE South 61 degrees 32 minutes 17 seconds West for a distance of 421.28 feet to a computed point;
THENCE South 57 degrees 26 minutes 46 seconds West for a distance of 467.26 feet to a 1/2" rebar found on the southeasterly right-of-way line of Interstate 985 (S.R. #365, limited access public r/w varies);
THENCE proceeding northeasterly along said right-of-way line of Interstate 985 North 41 degrees 41 minutes 23 seconds East for a distance of 25.59 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 11457.89 feet for an arc distance of 704.56 feet (said arc being subtended by a chord of North 39 degrees 51 minutes 03 seconds East for a distance of 704.45 feet) to a concrete r/w monument found;
THENCE along a curve to the right having a radius of 1343.34 feet for an arc distance of 120.12 feet (said arc being subtended by a chord of North 47 degrees 23 minutes 55 seconds East for a distance of 120.08 feet) to a concrete r/w monument found;
THENCE North 63 degrees 01 minutes 14 seconds East for a distance of 48.74 feet to a concrete r/w monument found;
THENCE along a curve to the right having a radius of 1333.34 feet for an arc distance of 147.21 feet (said arc being subtended by a chord of North 55 degrees 07 minutes 04 seconds East for a distance of 147.14 feet) to a concrete r/w monument found;
THENCE North 58 degrees 21 minutes 06 seconds East for a distance of 475.88 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1260.00 feet for an arc distance of 23.71 feet (said arc being subtended by a chord of North 57 degrees 55 minutes 10 seconds East for a distance of 23.71 feet) to a concrete r/w monument found;
THENCE South 31 degrees 26 minutes 06 seconds East for a distance of 11.47 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1271.36 feet for an arc distance of 210.45 feet (said arc being subtended by a chord of North 52 degrees 28 minutes 33 seconds East for a distance of 210.21 feet) to a concrete r/w monument found;
THENCE North 42 degrees 11 minutes 16 seconds West for a distance of 20.84 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1250.00 feet for an arc distance of 206.42 feet (said arc being subtended by a chord of North 42 degrees 59 minutes 55 seconds East for a distance of 206.19 feet) to a 1/2" iron pin set;
THENCE North 38 degrees 16 minutes 04 seconds East for a distance of 36.08 feet to a concrete r/w monument found;
THENCE North 87 degrees 26 minutes 37 seconds East for a distance of 71.20 feet to a concrete r/w monument found at the intersection with the southwesterly right-of-way line of aforesaid Martin Road Extension;
THENCE along a curve to the right having a radius of 870.00 feet for an arc distance of 313.68 feet (said arc being subtended by a chord of South 33 degrees 46 minutes 11 seconds East for a distance of 311.99 feet) to a concrete r/w monument found;
THENCE South 26 degrees 03 minutes 38 seconds West for a distance of 101.79 feet to a concrete r/w monument found, said concrete r/w monument found being the POINT OF BEGINNING.

Said tract or parcel of land contains 11.093 acres or 483,220 square feet.

Exhibit “C”

Conditions of Zoning

1. Development shall generally adhere to the site plan as submitted



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-615 a request to annex a portion of 6495 McEver Road into the city-limits of Flowery Branch.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the first parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

This 50-foot strip along McEver (and another 50-foot strip located on 6509 McEver) must be annexed and rezoned in order to consider the proposed industrial project located at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-615 a request to annex a 50-foot strip along McEver Road.

SAMPLE MOTION:

I make a motion to approve ordinance #2020-615 annexing a portion of 6495 McEver Road into the city-limits of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6495 McEver Crawfor Annexation FINAL .pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-615

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A 50' WIDE STRIP RUNNING THE LENGTH OF THE SUBJECT PARCEL ALONG THE RIGHT OF WAY OF MCEVER ROAD, OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL 08150 002002A AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Estate of Clara Mae Mann owns the 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as Parcel Tax Identification No.08150 002002A, as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application of Diane Mann Crawford and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City's corporate limits; and

WHEREAS, said 50' wide strip running the length of the subject parcel along the right of way of McEver Road is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Diane Mann Crawford has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the parcel of land, and the 50' wide strip running the length of the subject parcel along the right of way of McEver Road which is being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as a portion of Parcel Tax Identification No. 08150 002002A, as shown on Exhibit "A", and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

A 50' wide strip running the length of the subject parcel along the right of way of McEver Road.

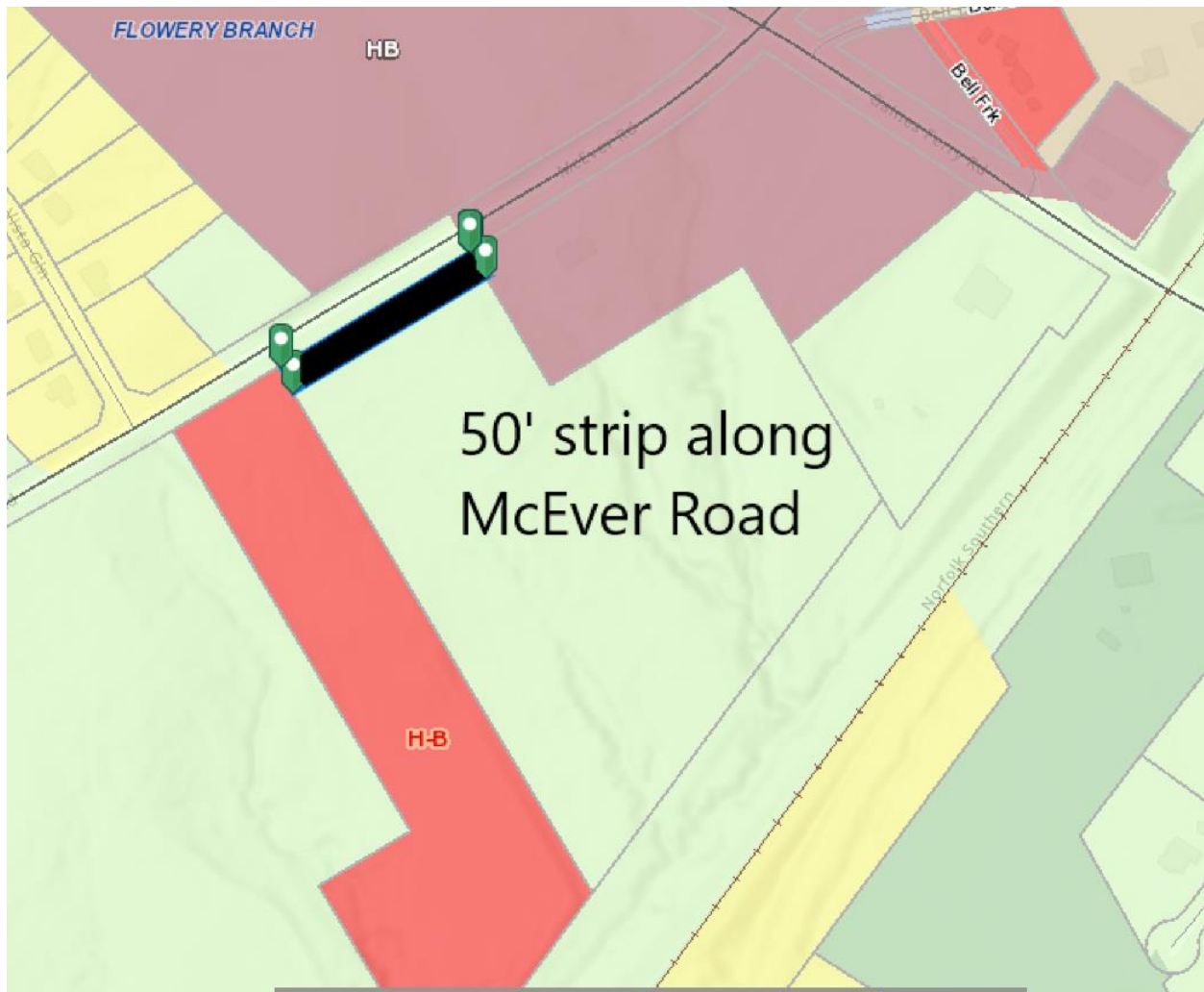


Exhibit "B"

all that tract or parcel of land lying and being in land lot,
158th Land District of Hall County, Georgia and more fully
described as follows:

Beginning at an iron pin corner on the Southeast side of McEver Road where said property joins property of Newton E. Mann and running thence S30-30E 290 Feet to an iron pin corner; thence N58-30E 425 Feet to an iron pin corner; thence S30-30E 507.5 Feet to an iron pin corner at the Southern Railway right of way; thence along said Southern Railway right of way S35-56W 948.35 Feet to an iron pin corner where said property joins property of Mrs. Gwendolyn Mann Dimler; thence N31-28W 1151.8 Feet to an iron pin corner on the Southeast side of McEver Road; thence along McEver Road N58-30E 447.5 Feet to an iron pin corner where said property joins property of Newton E. Mann and being the beginning corner and being a part of the same property described in Deed from Newton E. Mann to Gwendolyn Mann Dimler and H. Dewey Mann which Deed is recorded in Deed Book 236, pages 191 and 192, in the office of the Clerk of the Superior Court of Hall County, Georgia, and also being that tract of land described in a plat of the property of Viola Mann Estate, dated June 4, 1959, and revised on December 29, 1969 by Farley-Collins and Associates which Deed and plat are by reference made a part of this description herein. This deed represents 16.51 acres, more or less.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-616 a request to rezone a portion of 6495 McEver Road.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the first parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

This 50-foot strip along McEver (and another 50-foot strip located on 6509 McEver) must be annexed and rezoned in order to consider the proposed industrial project at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-616 a request to rezone the 50-foot strip along McEver Road from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).

SAMPLE MOTION:

I make a motion to approve ordinance #2020-616 rezoning a portion of 6495 McEver Road to A (Agricultural)

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6495_McEver_Crawford_Rezone FINAL.pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-616

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 50' WIDE STRIP RUNNING THE LENGTH OF THE SUBJECT PARCEL ALONG THE RIGHT OF WAY OF MCEVER ROAD, OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL 08150 002002A AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Estate of Clara Mae Mann owns the 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as Parcel Tax Identification No.08150 002002A, as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, Diane Mann Crawford has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land, including the 50' wide strip running the length of the subject parcel along the right of way of McEver Road, to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

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

SECTION 2. REZONING.

The 50' wide strip running the length of the subject parcel along the right of way of McEver Road, as shown on Exhibit "A" which is part of the parcel legally described in Exhibit "B", is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch A (Agricultural). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

A 50' wide strip running the length of the subject parcel along the right of way of McEver Road.

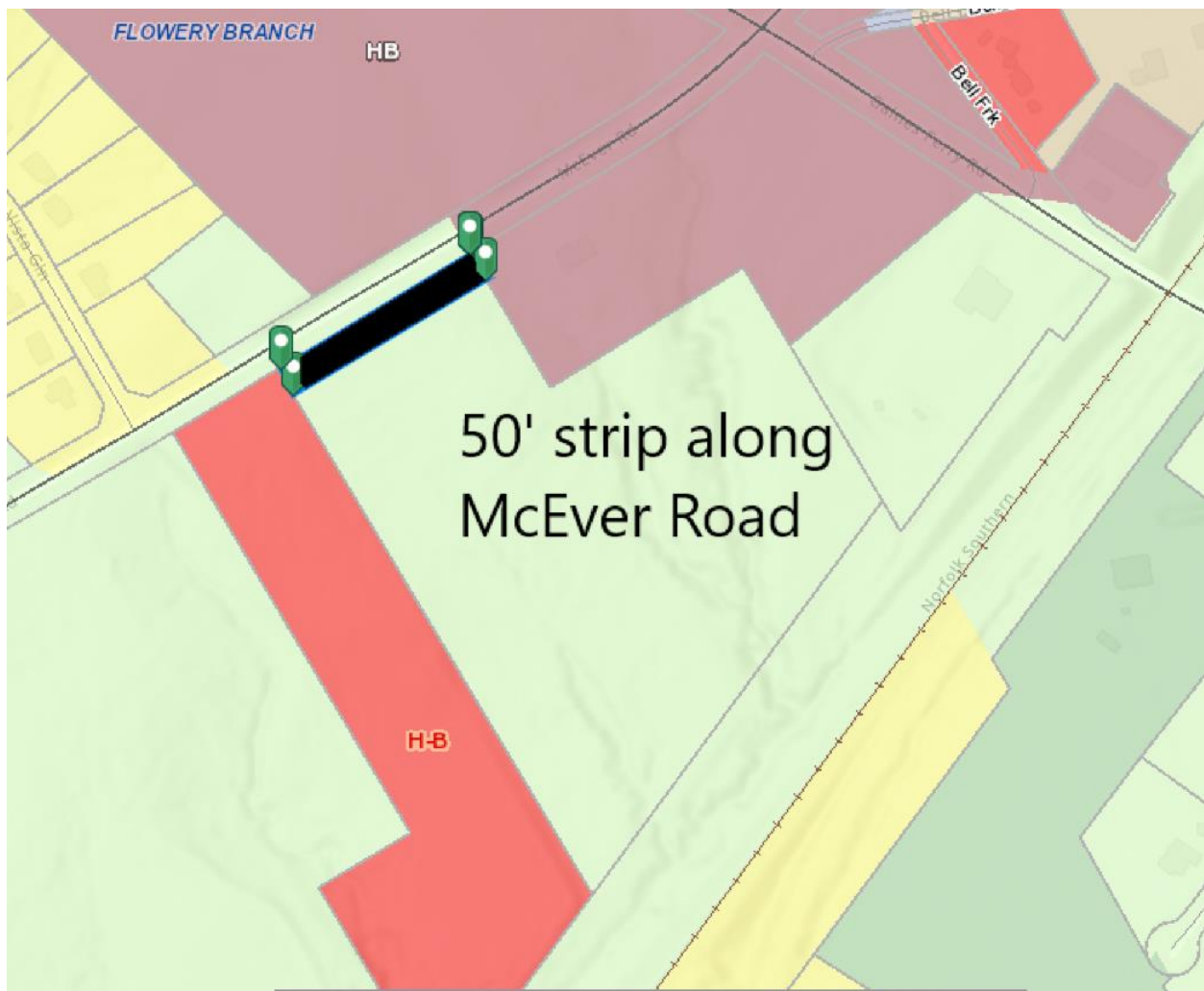


Exhibit "B"

all that tract or parcel of land lying and being in land lot,
158th Land District of Hall County, Georgia and more fully
described as follows:

Beginning at an iron pin corner on the Southeast side of McEver Road where said property joins property of Newton E. Mann and running thence S30-30E 290 Feet to an iron pin corner; thence N58-30E 425 Feet to an iron pin corner; thence S30-30E 507.5 Feet to an iron pin corner at the Southern Railway right of way; thence along said Southern Railway right of way S35-56W 948.35 Feet to an iron pin corner where said property joins property of Mrs. Gwendolyn Mann Dimler; thence N31-28W 1151.8 Feet to an iron pin corner on the Southeast side of McEver Road; thence along McEver Road N58-30E 447.5 Feet to an iron pin corner where said property joins property of Newton E. Mann and being the beginning corner and being a part of the same property described in Deed from Newton E. Mann to Gwendolyn Mann Dimler and H. Dewey Mann which Deed is recorded in Deed Book 236, pages 191 and 192, in the office of the Clerk of the Superior Court of Hall County, Georgia, and also being that tract of land described in a plat of the property of Viola Mann Estate, dated June 4, 1959, and revised on December 29, 1969 by Farley-Collins and Associates which Deed and plat are by reference made a part of this description herein. This deed represents 16.51 acres, more or less.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-617 a request to annex a portion of 6509 McEver Road into the city-limits of Flowery Branch.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the second parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

This 50-foot strip along McEver (coupled with the 50-foot strip approved under ordinance 2020-615) must be annexed and rezoned in order to consider the proposed industrial project located at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-615 a request to annex a 50-foot strip along McEver Road.

SAMPLE MOTION:

I make a motion to approve ordinance #2020-617 annexing a portion of 6509 McEver Road into the city-limits of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6509 McEver E&S Annexation FINAL .pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-617

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A 50' WIDE STRIP RUNNING THE LENGTH OF THE SUBJECT PARCEL ALONG THE RIGHT OF WAY OF MCEVER ROAD OWNED BY E&S DEVELOPMENT LLC. IDENTIFIED AS 6509 MCEVER, TAX PARCEL 08150 002002 AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, E&S Development, LLC. own the 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as Parcel Tax Identification No.08150 002002, as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application of E&S Development, LLC. and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City's corporate limits; and

WHEREAS, said 50' wide strip running the length of the subject parcel along the right of way of McEver Road is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, E&S Development, LLC. have submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the parcel of land, and the 50' wide strip running the length of the subject parcel along the right of way of McEver Road which is being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as a portion of Parcel Tax Identification 08150 002002, as shown on Exhibit "A", and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

A 50' wide strip running the length of the subject parcel along the right of way of McEver Road.

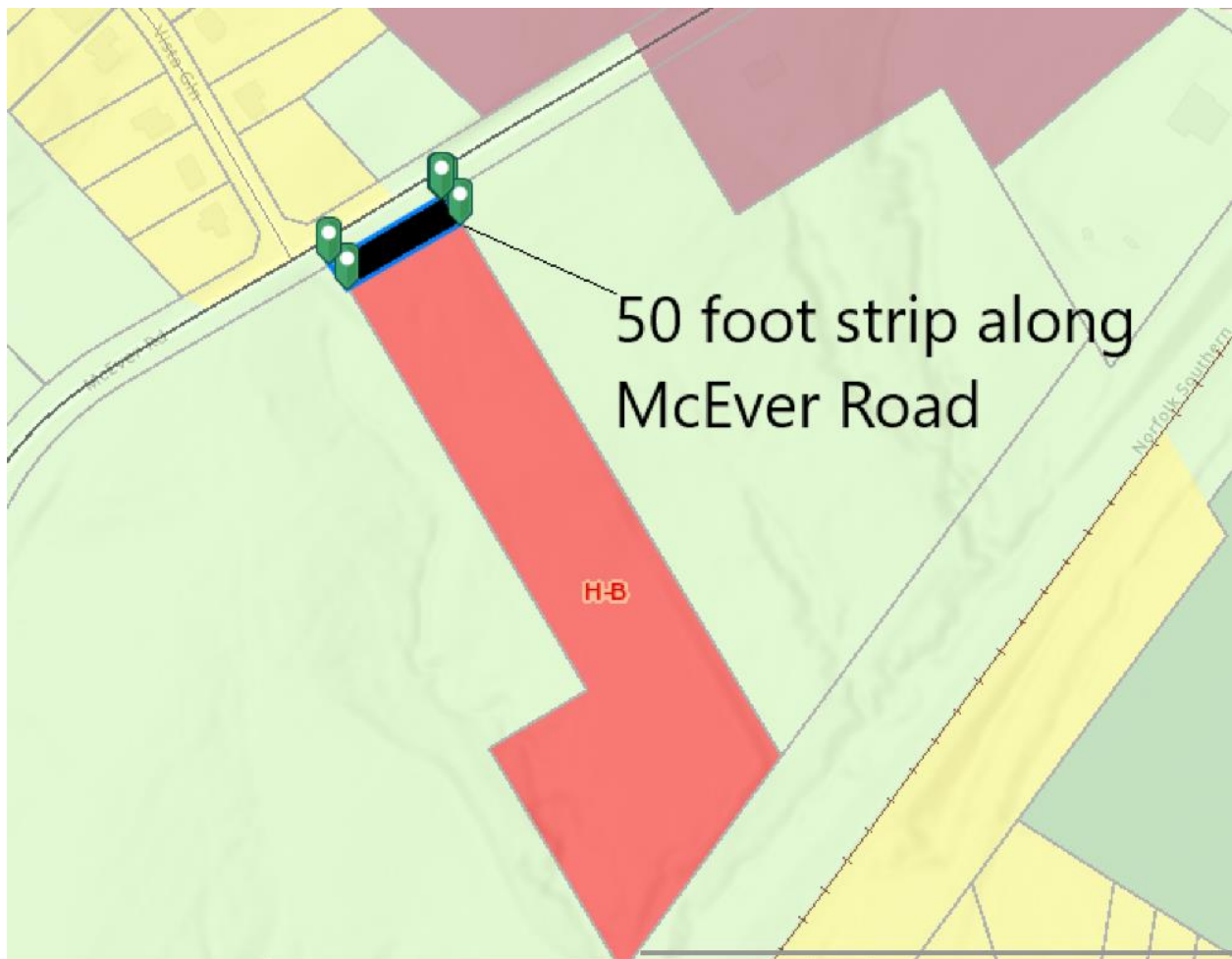


Exhibit "B"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 150 OF THE 8TH LAND DISTRICT, HALL COUNTY, GEORGIA, AS SHOWN AND DELINEATED AS 8.843 ACRES, MORE OR LESS, ON PLAT OF SURVEY FOR ANTHONY SHERMAN & VICTOR FELIX ESPINOSA BY JARRARD SURVEYING DATED MAY 26, 2005, LAST REVISED SEPTEMBER 9, 2005, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT A POINT ON THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD (80 FOOT RIGHT OF WAY), SAID POINT BEING SOUTH 63 DEGREES 25 MINUTES 07 SECONDS EAST, A DISTANCE OF 50.84 FEET, FROM THE INTERSECTION OF THE CENTERLINES OF MCEVER ROAD AND VISTA GLEN; THENCE RUNNING NORTH 64 DEGREES 26 MINUTES 11 SECONDS EAST ALONG THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD, A DISTANCE OF 247.50 FEET, TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING SOUTH 24 DEGREES 39 MINUTES 37 SECONDS EAST, A DISTANCE OF 1160.82 FEET, TO AN IRON PIN ON THE NORTHWESTERN RIGHT OF WAY OF SOUTHERN RAILROAD (400 FOOT RIGHT OF WAY); THENCE RUNNING SOUTH 41 DEGREES 46 MINUTES 15 SECONDS WEST ALONG SAID RIGHT OF WAY, A DISTANCE OF 484.73 FEET, TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING NORTH 24 DEGREES 47 MINUTES 04 SECONDS WEST, A DISTANCE OF 477.85 FEET, TO AN IRON PIN; THENCE RUNNING NORTH 64 DEGREES 50 MINUTES 23 SECONDS EAST, A DISTANCE OF 200.05 FEET, AN IRON PIN; THENCE RUNNING NORTH 24 DEGREES 48 MINUTES 14 SECONDS WEST, A DISTANCE OF 871.14 FEET, TO AN IRON PIN ON THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD, THE PLACE OR POINT OF BEGINNING.

LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 2 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

THENCE departing said northwesterly right-of-way line of Falcon Parkway North 63 degrees 29 minutes 04 seconds West for a distance of 1087.76 feet to a concrete right-of-way monument found on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21);

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 61 degrees 19 minutes 46 seconds West for a distance of 69.70 feet to a 1/2" iron pin set;

THENCE North 36 degrees 44 minutes 45 seconds East for a distance of 36.76 feet to a 1/2" iron pin set;

THENCE North 32 degrees 55 minutes 54 seconds East for a distance of 560.83 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof);

THENCE South 68 degrees 13 minutes 43 seconds East for a distance of 737.93 feet to a 1/2" iron pin set;

THENCE South 54 degrees 50 minutes 16 seconds East for a distance of 272.56 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said right-of-way line of Falcon Parkway the following courses and distances: South 19 degrees 05 minutes 35 seconds West for a distance of 187.40 feet to a 1/2" iron pin set;

THENCE South 18 degrees 41 minutes 24 seconds West for a distance of 434.39 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

Said tract or parcel of land contains 15.558 acres or 677,720 square feet.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-618 a request to rezone a portion of 6509 McEver Road.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the second parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road -Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road -Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

This 50-foot strip along McEver (coupled with the 50-foot strip approved under ordinance 2020-615) must be annexed and rezoned in order to consider the proposed industrial project located at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-618 a request to rezone the 50-foot strip along McEver Road from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).

SAMPLE MOTION:

I make a motion to approve ordinance #2020-618 rezoning a portion of 6509 McEver Road to HB ((Highway Business)).

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6509 McEver E&S Rezone FINAL.pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-618

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 50' WIDE STRIP RUNNING THE LENGTH OF THE SUBJECT PARCEL ALONG THE RIGHT OF WAY OF MCEVER ROAD, OWNED BY E&S DEVELOPMENT LLC. IDENTIFIED AS 6509 MCEVER, TAX PARCEL 08150 002002 AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B", TO BE REZONED FROM HALL COUNTY HIGHWAY BUSINESS (HB) TO FLOWERY BRANCH HIGHWAY BUSINESS (HB); PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, E&S Development, LLC. own the 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as Parcel Tax Identification No.08150 002002as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, E&S Development, LLC. has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17th, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

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

SECTION 2. REZONING.

The 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as a portion of Parcel Tax Identification 08150 002002, as shown on Exhibit "A," and as legally described in Exhibit "B", is hereby rezoned from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business). Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day, of January 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

A 50' wide strip running the length of the subject parcel along the right of way of McEver Road.

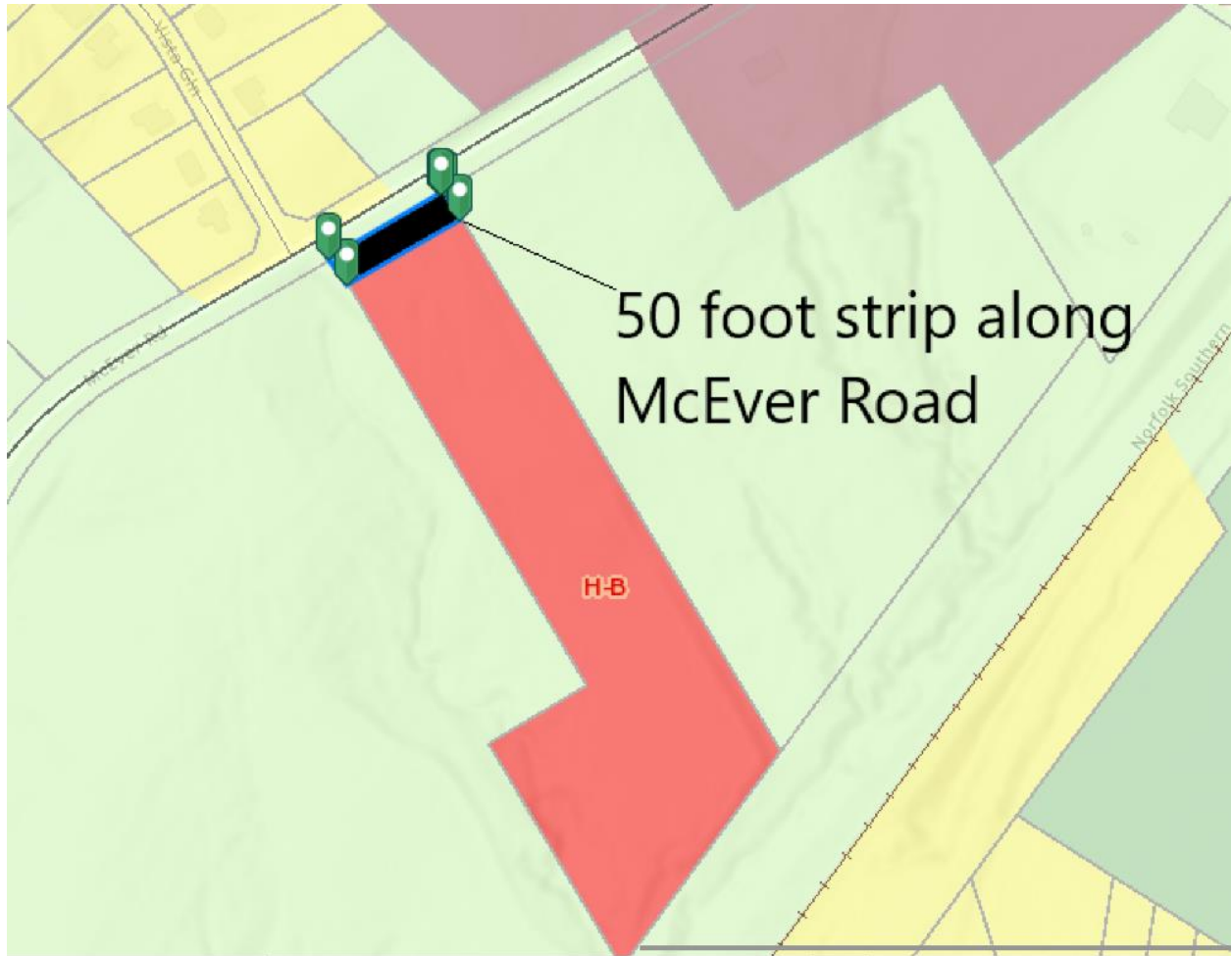


Exhibit "B"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 150 OF THE 8TH LAND DISTRICT, HALL COUNTY, GEORGIA, AS SHOWN AND DELINEATED AS 8.843 ACRES, MORE OR LESS, ON PLAT OF SURVEY FOR ANTHONY SHERMAN & VICTOR FELIX ESPINOSA BY JARRARD SURVEYING DATED MAY 26, 2005, LAST REVISED SEPTEMBER 9, 2005, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT A POINT ON THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD (80 FOOT RIGHT OF WAY), SAID POINT BEING SOUTH 63 DEGREES 25 MINUTES 07 SECONDS EAST, A DISTANCE OF 50.84 FEET, FROM THE INTERSECTION OF THE CENTERLINES OF MCEVER ROAD AND VISTA GLEN; THENCE RUNNING NORTH 64 DEGREES 26 MINUTES 11 SECONDS EAST ALONG THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD, A DISTANCE OF 247.50 FEET, TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING SOUTH 24 DEGREES 39 MINUTES 37 SECONDS EAST, A DISTANCE OF 1160.82 FEET, TO AN IRON PIN ON THE NORTHWESTERN RIGHT OF WAY OF SOUTHERN RAILROAD (400 FOOT RIGHT OF WAY); THENCE RUNNING SOUTH 41 DEGREES 46 MINUTES 15 SECONDS WEST ALONG SAID RIGHT OF WAY, A DISTANCE OF 484.73 FEET, TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING NORTH 24 DEGREES 47 MINUTES 04 SECONDS WEST, A DISTANCE OF 477.85 FEET, TO AN IRON PIN; THENCE RUNNING NORTH 64 DEGREES 50 MINUTES 23 SECONDS EAST, A DISTANCE OF 200.05 FEET, AN IRON PIN; THENCE RUNNING NORTH 24 DEGREES 48 MINUTES 14 SECONDS WEST, A DISTANCE OF 871.14 FEET, TO AN IRON PIN ON THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD, THE PLACE OR POINT OF BEGINNING.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-619 a request to annex 6533 McEver Road into the city-limits of Flowery Branch.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the third parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

The two 50-foot strips along McEver must be annexed and rezoned in order to consider this proposed industrial project located at 6533 McEver Road.

OPTIONS:

.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-619 a request to annex the entirety of 6533 McEver Road.

SAMPLE MOTION:

I make a motion to approve ordinance #2020-619 annexing 6533 McEver Road into the city-limits of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6533_McEver_CA_Ventures_Annexation ERB Rev.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-619

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 34.6 +/- ACRES, OWNED BY DARYL CROW HOLDINGS, LLC IDENTIFIED AS 6533 MCEVER ROAD TAX PARCEL 08150 002018 AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Daryl Crow Holdings, LLC owns all that tract or parcel of land totaling 34.6+/- acres identified as Parcel Tax Identification No. 08150 002018, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

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

WHEREAS, Daryl Crow Holdings, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17th 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a tract or parcel of land totaling 34.6 +/- acres identified as Parcel Tax Identification No. 08150 002018, as shown on Exhibit "A", and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

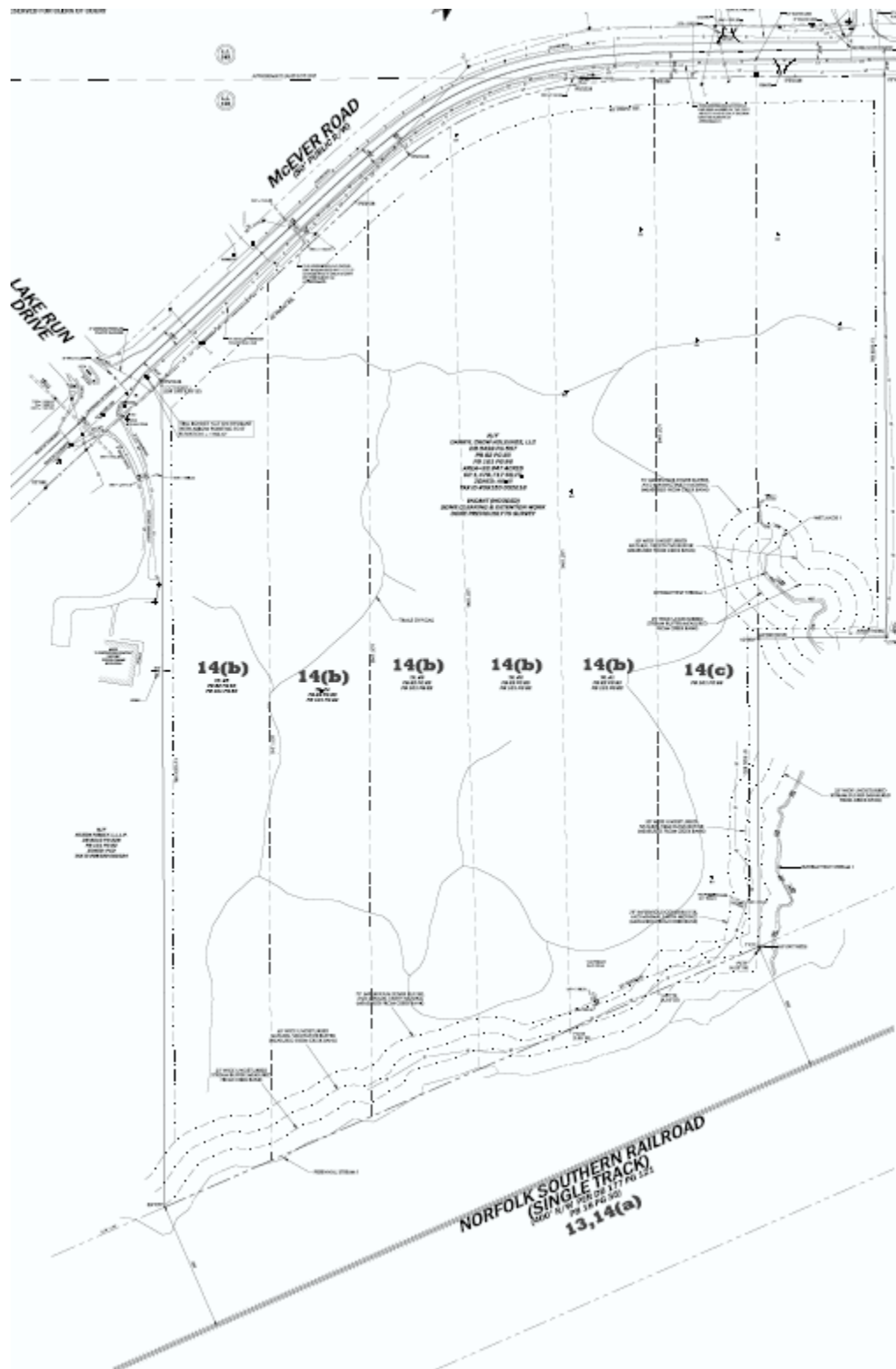


Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 150, 8th District, Hall County, Georgia, said tract or parcel of land being more fully shown on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-043; Drawing/File #20-043), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

BEGINNING at a 1/2" iron pin set at the intersection of the southeasterly right-of-way line of McEver Road (80' public r/w) and the northerly line of Land Lot 150 (said Land Lot line also being the common line with Land Lot 149), THENCE proceeding northeasterly along said southeasterly right-of-way line of McEver Road the following courses and distances: North 59 degrees 08 minutes 30 seconds East for a distance of 192.23 feet to a 1/2" iron pin set;

THENCE North 59 degrees 31 minutes 51 seconds East for a distance of 138.36 feet to a disturbed 1/2" rebar found;

THENCE departing said southeasterly right-of-way line of McEver Road South 30 degrees 15 minutes 31 seconds East for a distance of 871.02 feet to a 1/2" rebar found;

THENCE South 59 degrees 25 minutes 34 seconds West for a distance of 200.12 feet to a 1/2" rebar found;

THENCE South 30 degrees 13 minutes 50 seconds East for a distance of 477.95 feet to a 1" crimped top pipe found on the northwesterly right-of-way line of Norfolk Southern Railroad (400' r/w) (said 1" crimped top pipe found being witnessed by a 1" crimped top pipe found 4.32 feet southeast thereof);

THENCE proceeding southwesterly along said northwesterly right-of-way line of Norfolk Southern Railroad South 36 degrees 20 minutes 56 seconds West for a distance of 1006.97 feet to a 3/4" crimped top pipe found;

THENCE departing said northwesterly right-of-way line of Norfolk Southern Railroad North 30 degrees 13 minutes 33 seconds West for a distance of 1279.91 feet to a 1/2" iron pin set on the aforesaid southeasterly right-of-way line of McEver Road (said 1/2" iron pin set being witnessed by a disturbed 1" crimped top pipe found on line 6.18 feet southeast thereof);

THENCE proceeding northeasterly along said northwesterly right-of-way line of McEver Road the following courses and distances: North 17 degrees 07 minutes 38 seconds East for a distance of 410.19 feet to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 1587.00 feet for an arc distance of 111.26 feet (said arc being subtended by a chord of North 19 degrees 08 minutes 08 seconds East for a distance of 111.24 feet) to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 508.74 feet for an arc distance of 281.59 feet (said arc being subtended by a chord of North 37 degrees 00 minutes 02 seconds East for a distance of 278.01 feet) to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 1376.00 feet for an arc distance of 150.93 feet (said arc being subtended by a chord of North 55 degrees 59 minutes 58 seconds East for a distance of 150.85 feet) to a 1/2" iron pin set at the intersection with the aforesaid northerly line of Land Lot 150, said 1/2" iron pin set being the POINT OF BEGINNING;

Said tract or parcel of land contains 33.947 acres or 1,478,717 square feet and is intended to be the same tract or parcel of land as previously conveyed by Deed Book 3438, Page 507, Hall County, Georgia records.

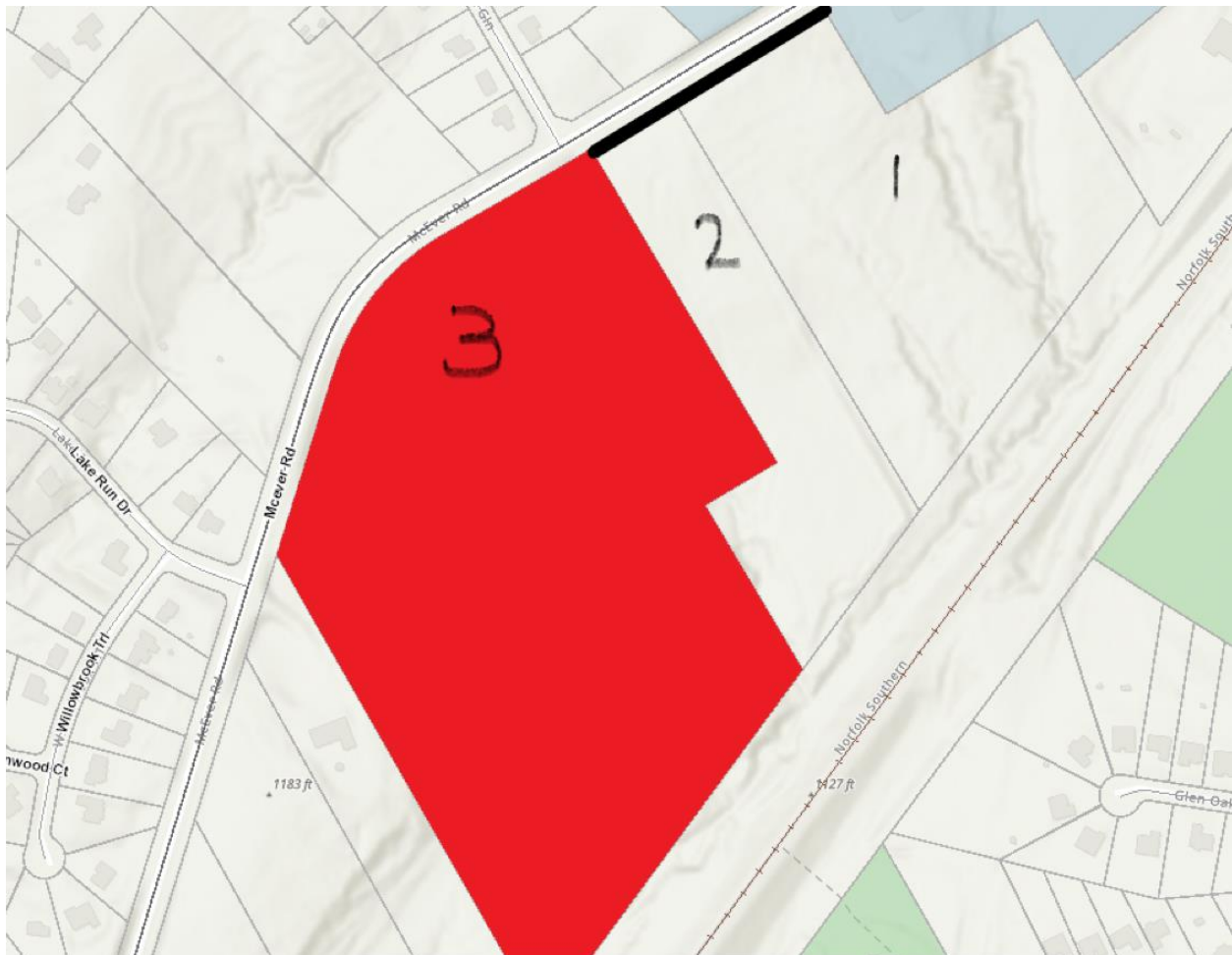


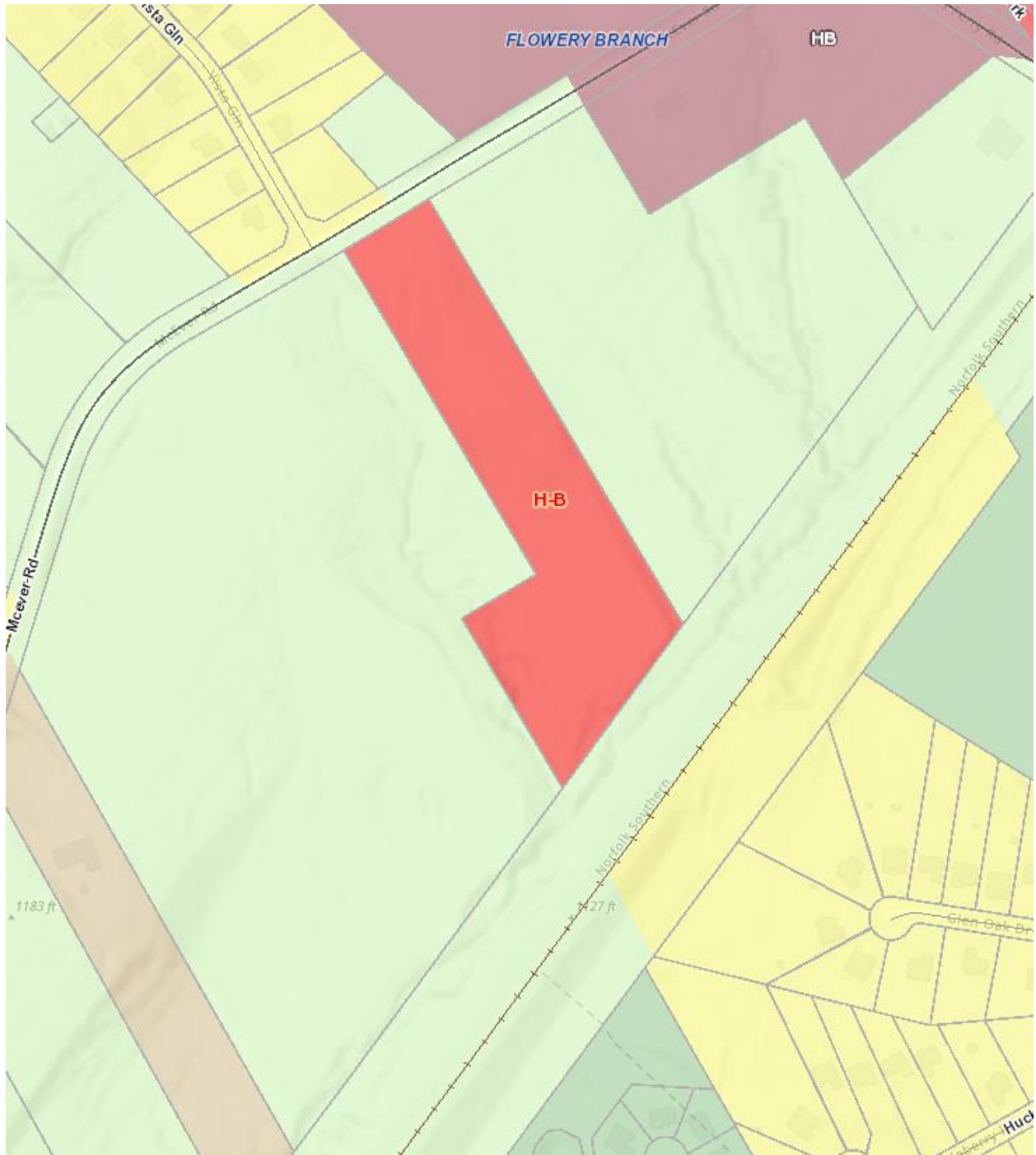
Applicants: Ms. Diane Crawford, E&S Development, CA-Ventures

Subject Properties: 6495 McEver Road; tax parcel 08150 002002A; 50-foot strip
6509 McEver Road; tax parcel 08150 002002; 50-foot strip
6533 McEver Road; tax parcel 08150 002018; +/- 34.6 acres

Annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road -Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road -Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).







Request:

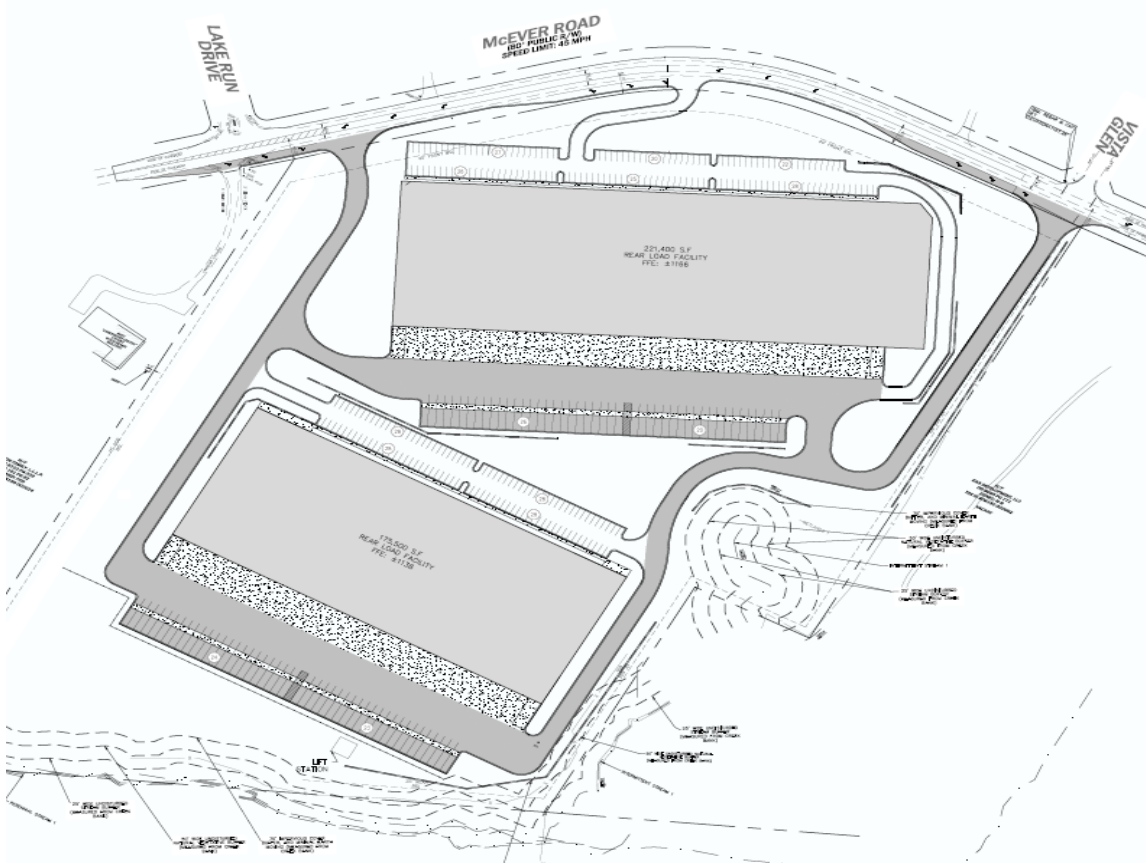
Properties 1 and 2 are only requesting annexation and rezoning to accommodate the proposed industrial use on property 3. The 50- foot strip(s) on properties 1 and 2 -6495 and 6509 McEver Road - are requested to make property 3 (6533 McEver Road) contiguous and therefore eligible for annexation and rezoning consideration by the City of flowery Branch. Properties 1 and 2 will be annexed and rezoned at a date to be determined.

Per the applicant's application:

The request is to Annex 6533 McEver Road from Unincorporated Hall County, to the City of Flowery Branch. Concurrently we are requested to be rezoned to M-1 (light Manufacturing & Industrial) (The parcel is currently zoned AR III in Hall county)

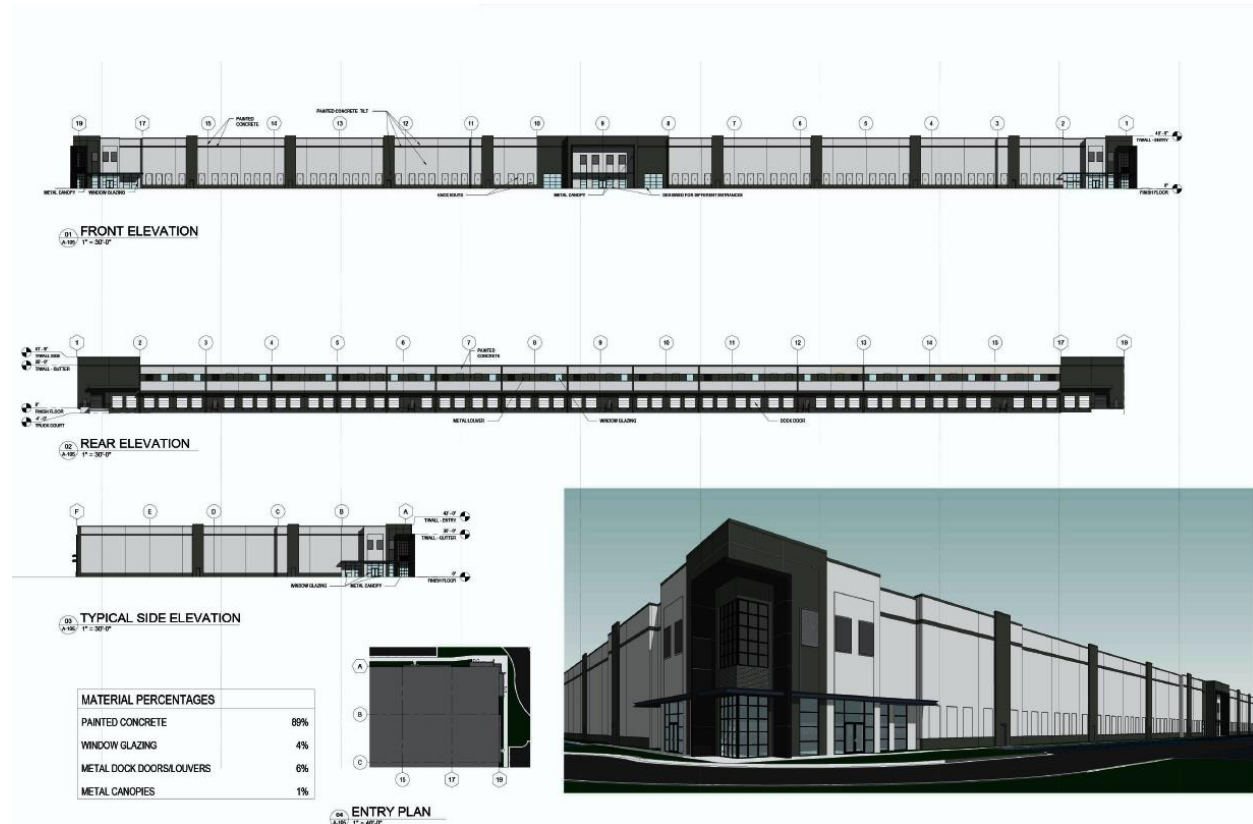
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 396,900 square feet. Associated parking lot and landscape areas will be included as well.

Proposed general layout of development:





Typical building elevations:



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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



Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial 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 development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial 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. **It is staff's opinion that the use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Currently, the Comprehensive Plan denotes this area as part of the "Mixed Use" character area. The proposed use meets the 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. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed use will fit in well with the corridor.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff does not have a specific number regarding property value, but the current zoning classifications of Agricultural-Residential does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed use will enhance the character of the existing district 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 development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed development will enhance the surrounding area and meets the intent of the Zoning Ordinance.**

Applicant response addressing the analysis requirement:

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 396,900 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Adjacent properties are zoned H-B and PCD in Hall.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowerly Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surrounding parcels are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowerly Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- d) **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**
No future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on McEver Road. Proposed improvements will mitigate any impact. The utility and school impact will be less than as currently zoned.
- 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 comprehensive plan shows this parcel as a mixed use character area. Light industrial is a use that is included in the Mixed Use Uses and Intensities.
- 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 should be noted that Annexation will be needed the parcel. With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and



development of the property.

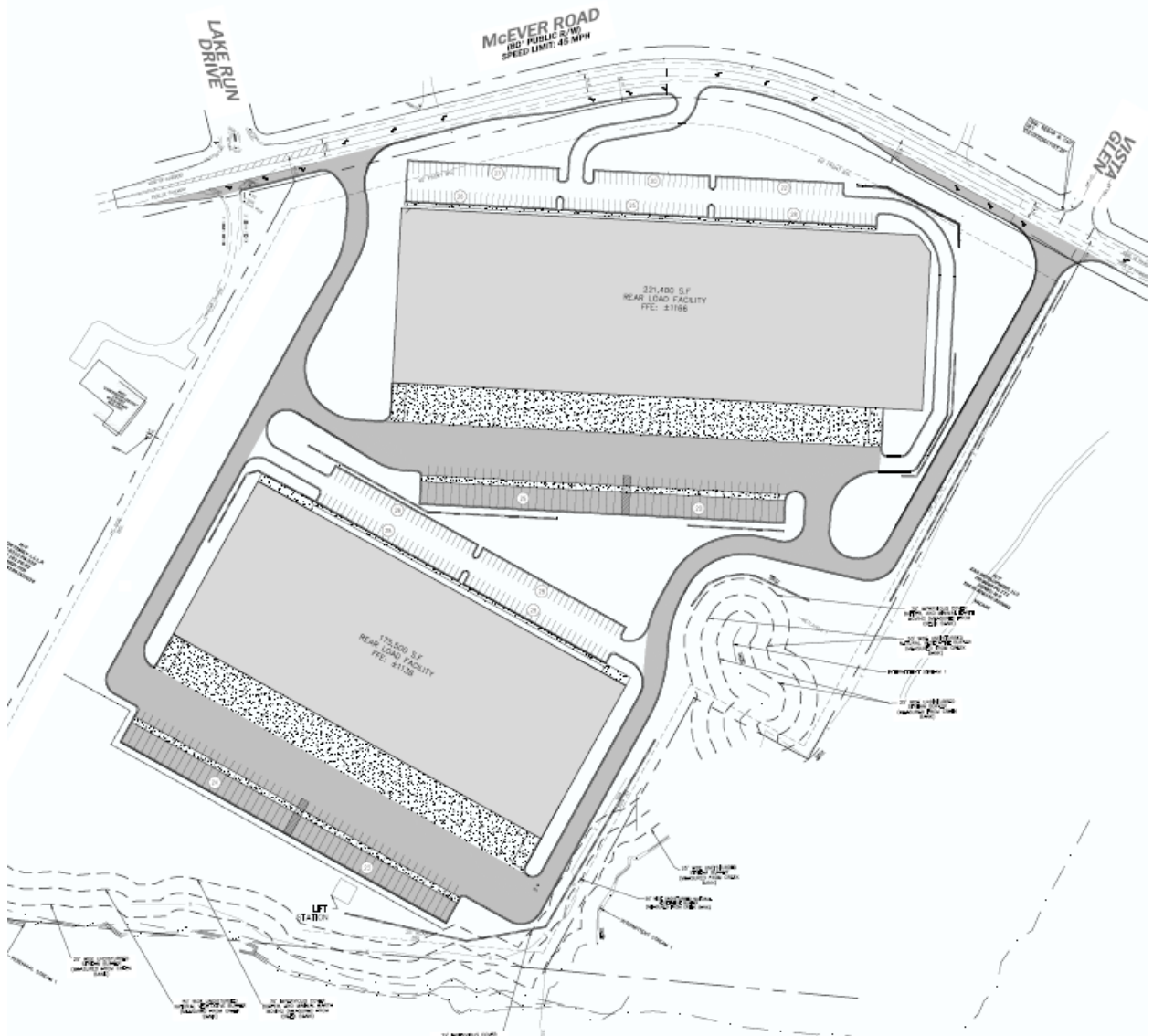
- g) Existing Use(s) and zoning of the subject property and nearby properties.
The existing parcel is zoned AR III and is currently undeveloped. The adjacent parcels are zoning H-B and PCD in unincorporated Hall County.
- h) Existing value of the property under the existing zoning district classification, 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 is significantly undervalued as zoned.
- i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
No deterrence to the value and improvement of adjacent properties is anticipated.
- j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
There are currently nearby districts with properties that are zoned H-B and PCD. There are M-1 zoned properties approximately 0.3 miles from the subject parcel.
- k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
No adverse effects on the character of the zoning district is anticipated.
- 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 zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.
- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.
Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.



Staff Recommendation

Approve with conditions as presented.

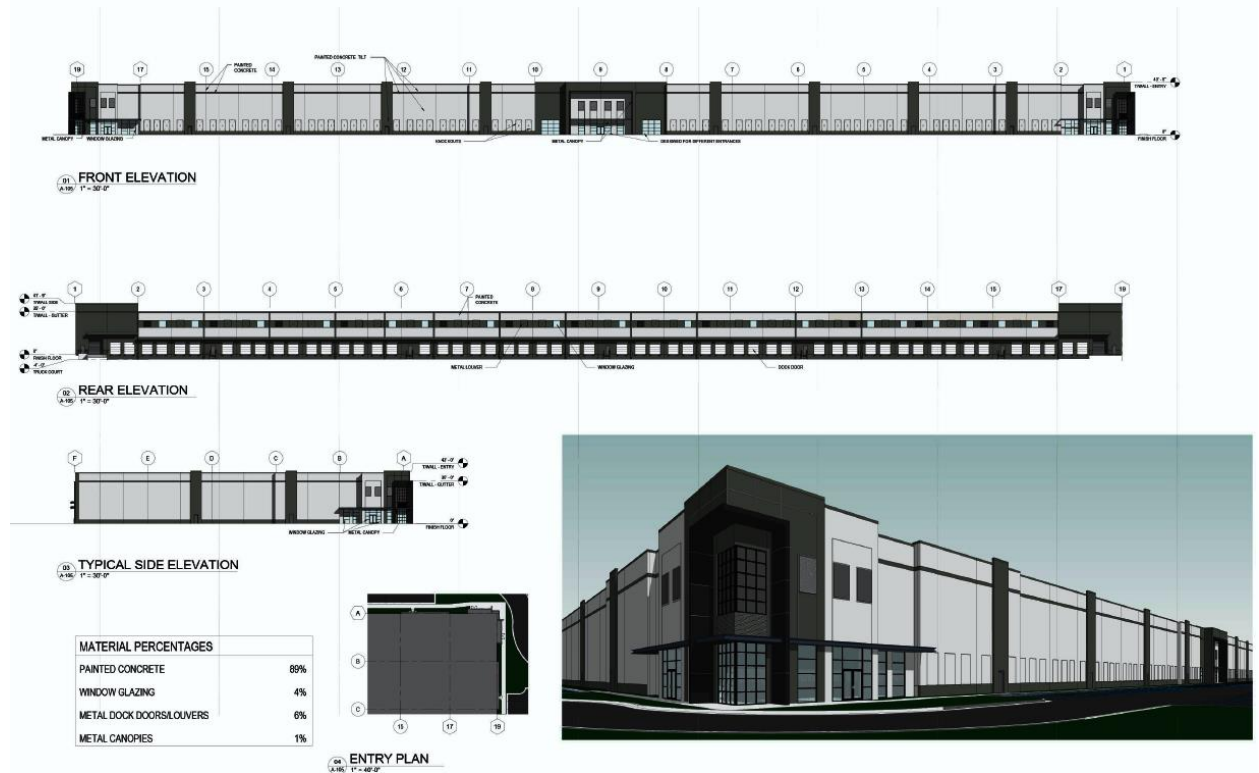
1. The project shall significantly adhere to the site plan as submitted below:



2. A lighting plan shall be submitted prior to the issuance of a full land disturbance permit.



3. A landscape/buffer plan shall be submitted as part of the land disturbance permit plan set.
4. A unified sign plan shall be submitted prior to the issuance of any building permits.
5. Buildings shall significantly adhere to the elevations as shown below:





Signs Posted
11/30/2020









Ads run in The Gainesville Times on November 25, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by Ms. Diane Crawford for the annexation and rezoning of a portion of a +/- 16.5 acre parcel of land identified as 6495 McEver Road and also as tax parcel 08150 002002A. Said property, if annexed, is requesting to be zoned Flowery Branch A (Agricultural).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their



opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by E&S Development, LLC for the annexation and rezoning of a portion of a +/- 8.84 acre parcel of land identified as 6509 McEver Road and also as tax parcel 08150 002002. Said property, if annexed, is requesting to be zoned Flowery Branch HB (Highway Business).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org



In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by CA Ventures for the annexation and rezoning of a +/- 34.6 acre parcel of land identified as 6533 McEver Road and also as tax parcel 08150 002018. Said property, if annexed, is requesting to be zoned Flowery Branch M-1 (Light Industrial).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org



In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-620 a request to rezone 6533 McEver Road.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

.

FACTS AND ISSUES:

This is the third parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

The two 50-foot strips along McEver must be annexed and rezoned in order to consider this proposed industrial project located at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-620 a request to rezone 6533 McEver Road from Hall County A-III (Agricultural Residential) to Flowery Branch M-1 (Light Industrial).

SAMPLE MOTION:

Approve ordinance #2020-620 a request to rezone 6533 McEver Road from Hall County A-III (Agricultural Residential) to Flowery Branch M-1 (Light Industrial).

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [McEver Road FB Presentation.pptx \(FROM APPLICANT\)](#)
- [Staff report .pdf](#)
- [6533_McEver_CA_Ventures_Rezoning ERB Rev.pdf](#)



CA Industrial

McEver Road Discussion

November 2020

CHICAGO

130 E. Randolph Street
Suite 2100
Chicago, IL 60601

NEW YORK

106 W. 56th St
Suite 2200
New York, NY 10019

DENVER

2401 East 2nd Avenue
Suite 500
Denver, CO 80206

LONDON

2 Cross Keys Close
Marylebone London
W1U 2DF

BOGOTÁ

Carrera 9 # 70 A - 35
Piso 2
Bogotá, Colombia

CA Ventures McEver Road - Advantages

- What – Class A distribution and advanced assembly industrial project that could bring up to 200 high paying jobs and economic growth. Multi-tenant facilities with high office component to attract office/warehouse jobs. Approximately \$55MM project.
- Benefits –
 - Improved Safety – road improvements to widen and improve safety
 - Tax Revenue – minimal impact on infrastructure and broaden tax base
 - Flowery Branch is Open for Business
- Who – CA Ventures, a \$13B international developer with local representation and an Atlanta office. Strong track record of successful developments in GA and throughout US.
- Goal – build a “best-in-class” LEED Certified project while minimizing impact on community.
- Have met with neighbors – feedback is that they do not want any development. We have addressed road safety concerns by following recommendations of Hall County Public Works and Utilities.



CA Ventures McEver Road – Corner Elevation



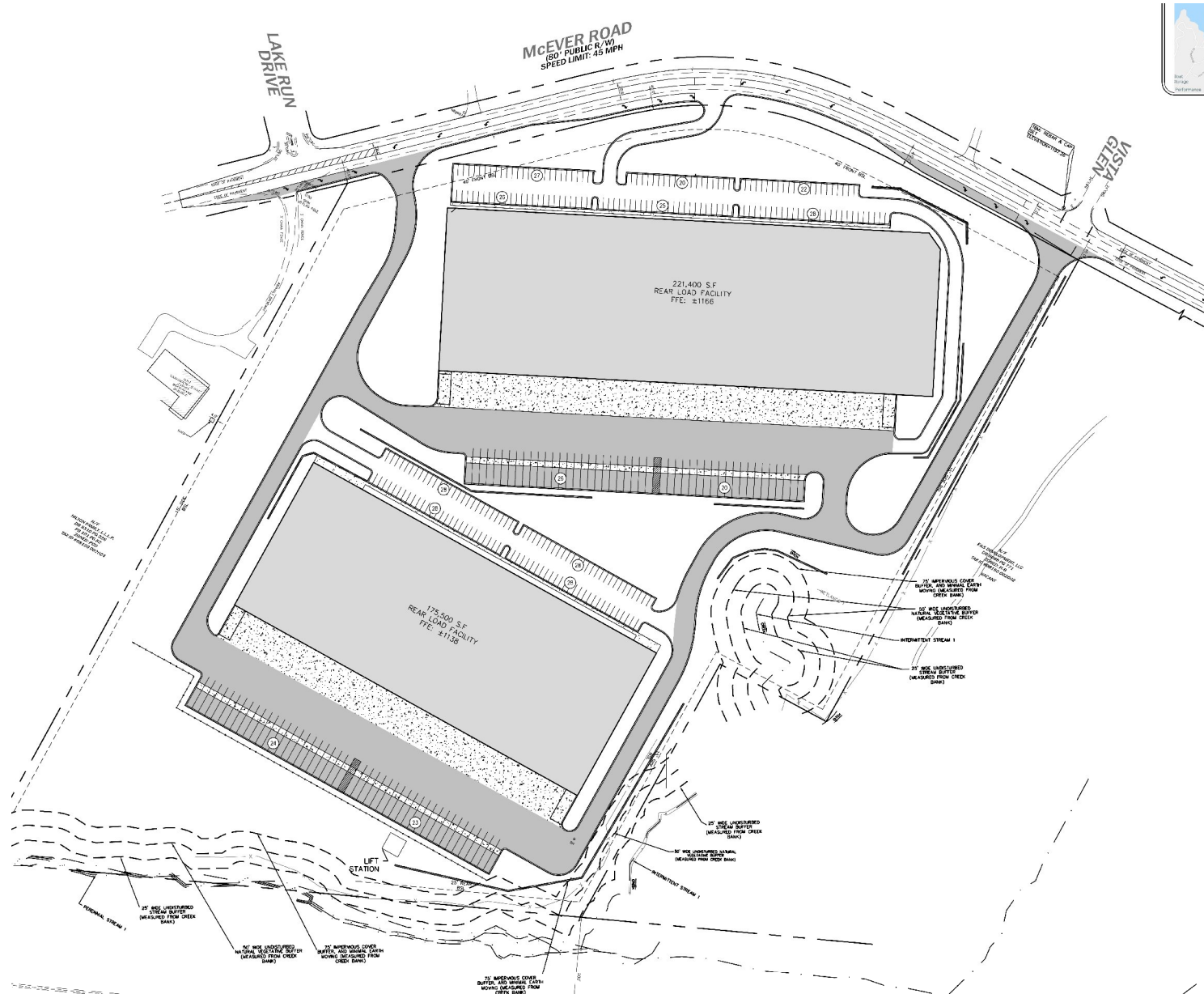
The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road – Front Elevation



The content of this document is proprietary and confidential information belonging to CA.
It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road – Site Plan



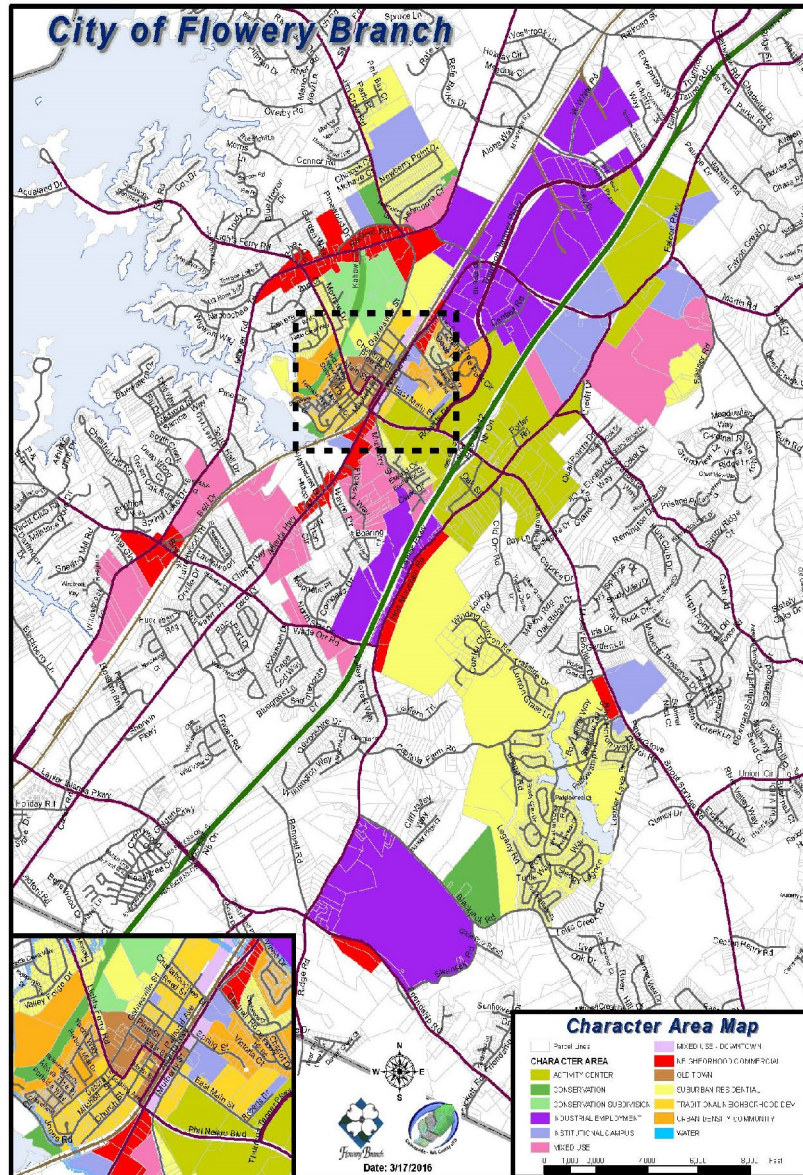
The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road Staff Comments - Addressed

- All staff comments addressed
 - ✓ Comprehensive Plan – PCD and HB on either side of site and so light industrial zoning is consistent with neighbor's commercial zoning. Designated as Mixed Use in Flowery Branch Comprehensive Plan which includes Light Industrial.
 - ✓ Industrial growth along McEver Road includes multiple projects (Crow Holdings/Contemporary Marketing to the south and Pattillo to the north). Multiple Industrial and Residential coexisting.
 - ✓ Traffic Improvements:
 - ✓ Only three entries allowed.
 - ✓ Decel Lanes at all entries.
 - ✓ Left hand turn lane at all entries.
 - ✓ Center entry no trucks allowed.
 - ✓ Widening of road.
 - ✓ Confirmed by Hall County Director of Public Works and Utilities. Developer will work with Flowery Branch Engineering on final design.
 - ✓ Building Materials – requested variance for concrete tilt wall construction. Variances have been granted by Hall County/Oakwood. Will work with staff on final design.
 - ✓ Minimum Buffers – No minimum buffers are required, however, CA has implemented 75' buffers along west border including wooded and landscaped area and sloped wall. Additionally, sloped wall will help minimize any light or sound from project (See Site Plan).
 - ✓ Parking Areas – all parking will be paved asphalt or concrete (note added to plan)
 - ✓ No Floodplains – (note added to plan)

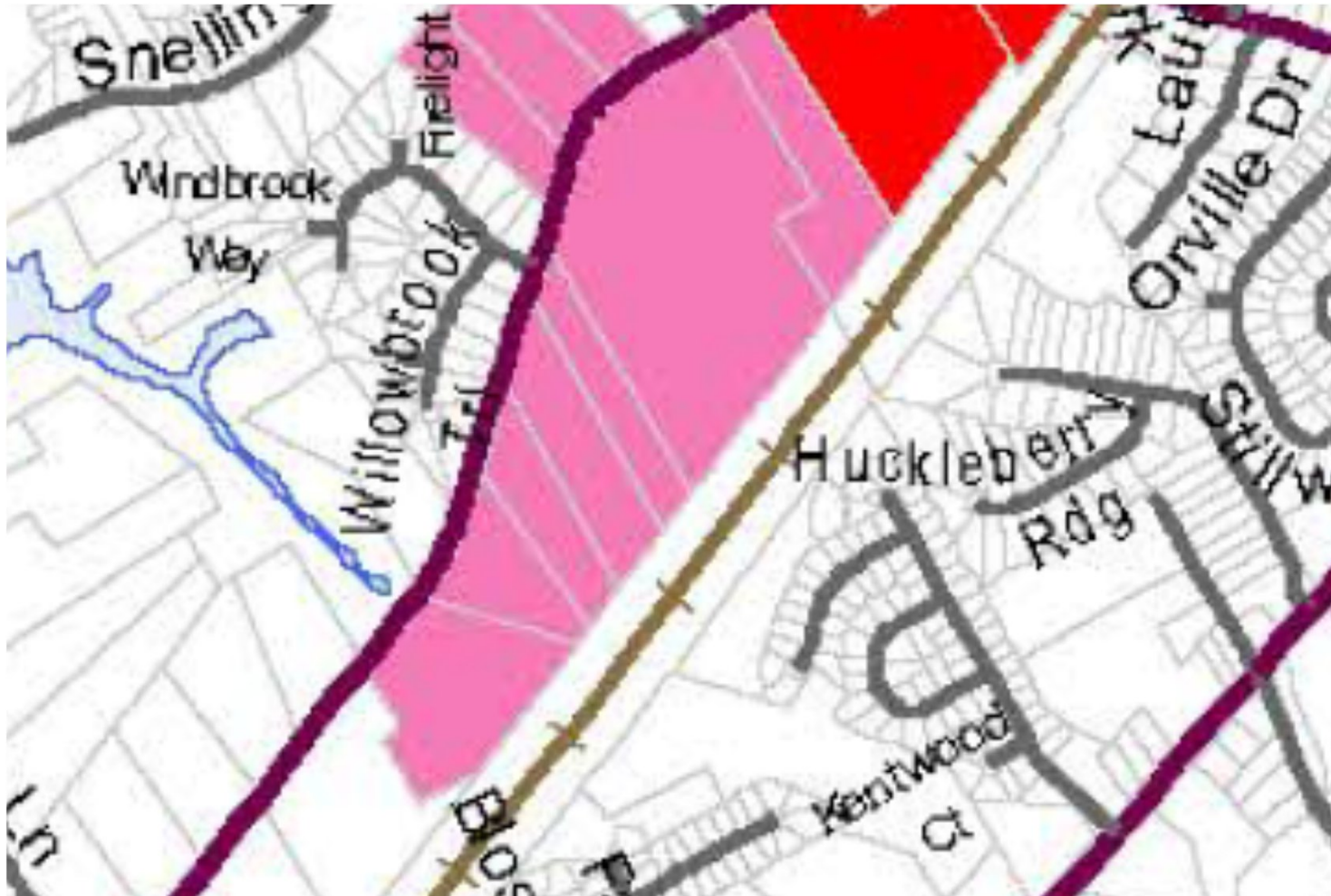


CA Ventures McEver Road – Flowery Branch Comprehensive Plan



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road – Flowery Branch Comprehensive Plan



Mixed Use

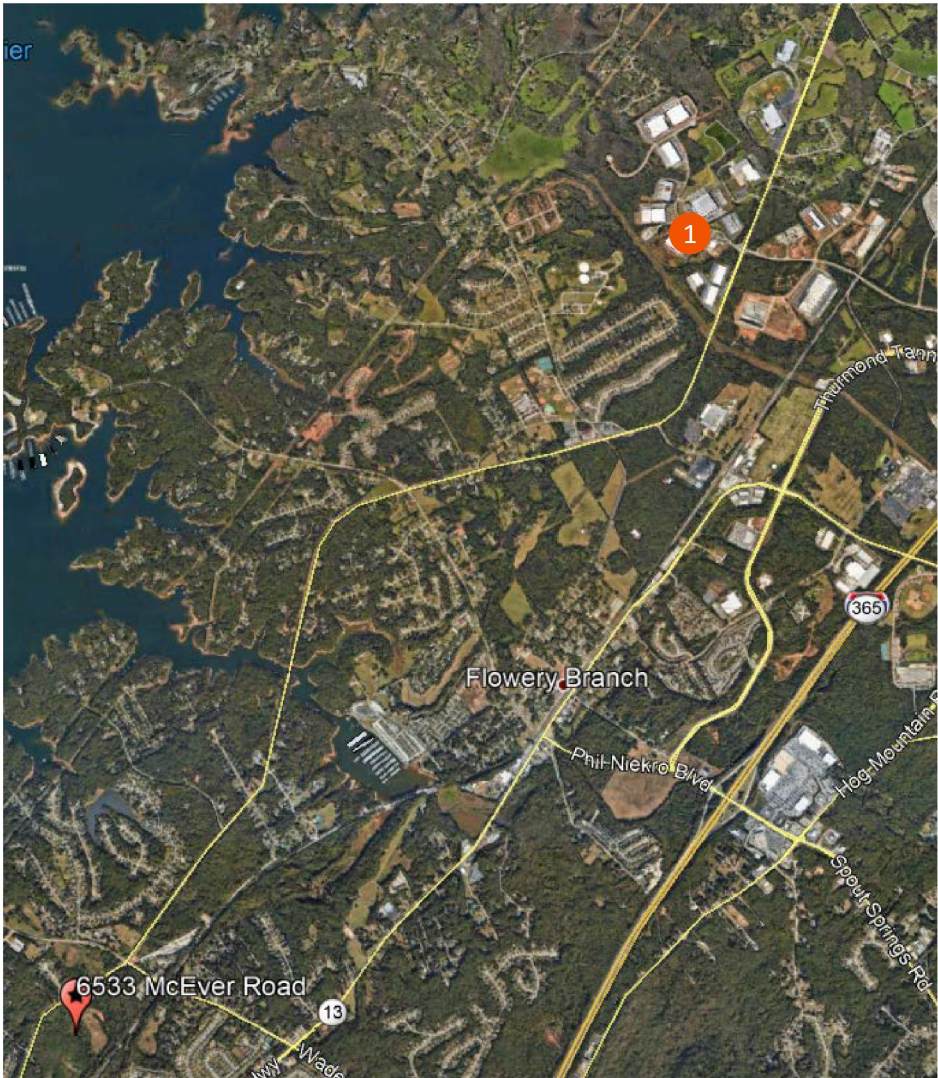
VISION: Areas that will be developed with a combination of different land uses intended to create an environment where compatible land uses can be located in close proximity to each other. Diverse places with unique architecture contributing to the economic base of the city.

USES AND INTENSITIES: Acceptable uses include business/office parks, light industrial, smaller scale retail, neighborhood commercial and residential uses.



CA Ventures McEver Road – North Industrial and Residential Coexist

Surrounding Industrial (North of Subject Site)



#	Building / Park Name	SF	Comments
1	Patillo Industrial Park	1,327,587	14 light industrial buildings built between 1990-2005



CA Ventures McEver Road – North Industrial and Residential Coexist



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

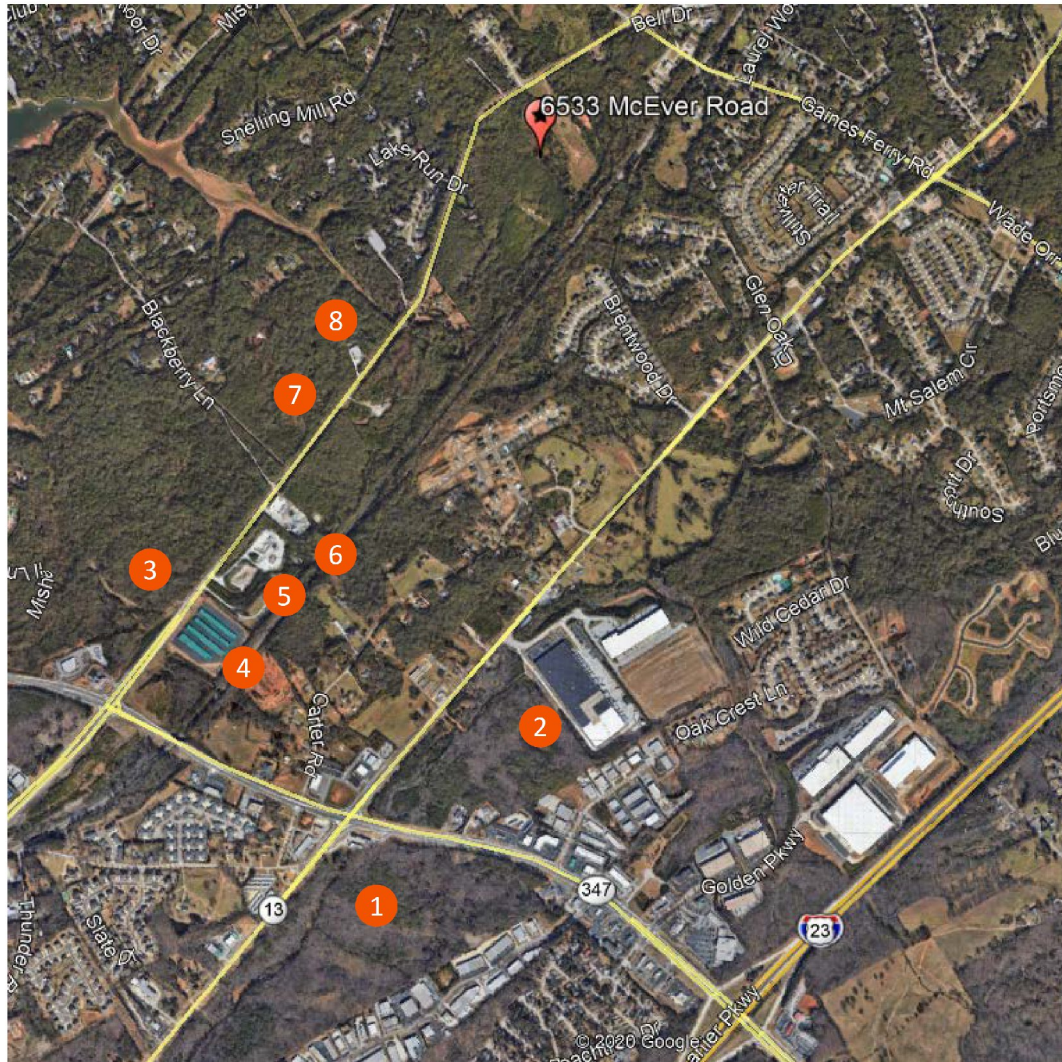
CA Ventures McEver Road – North Industrial and Residential Coexist



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

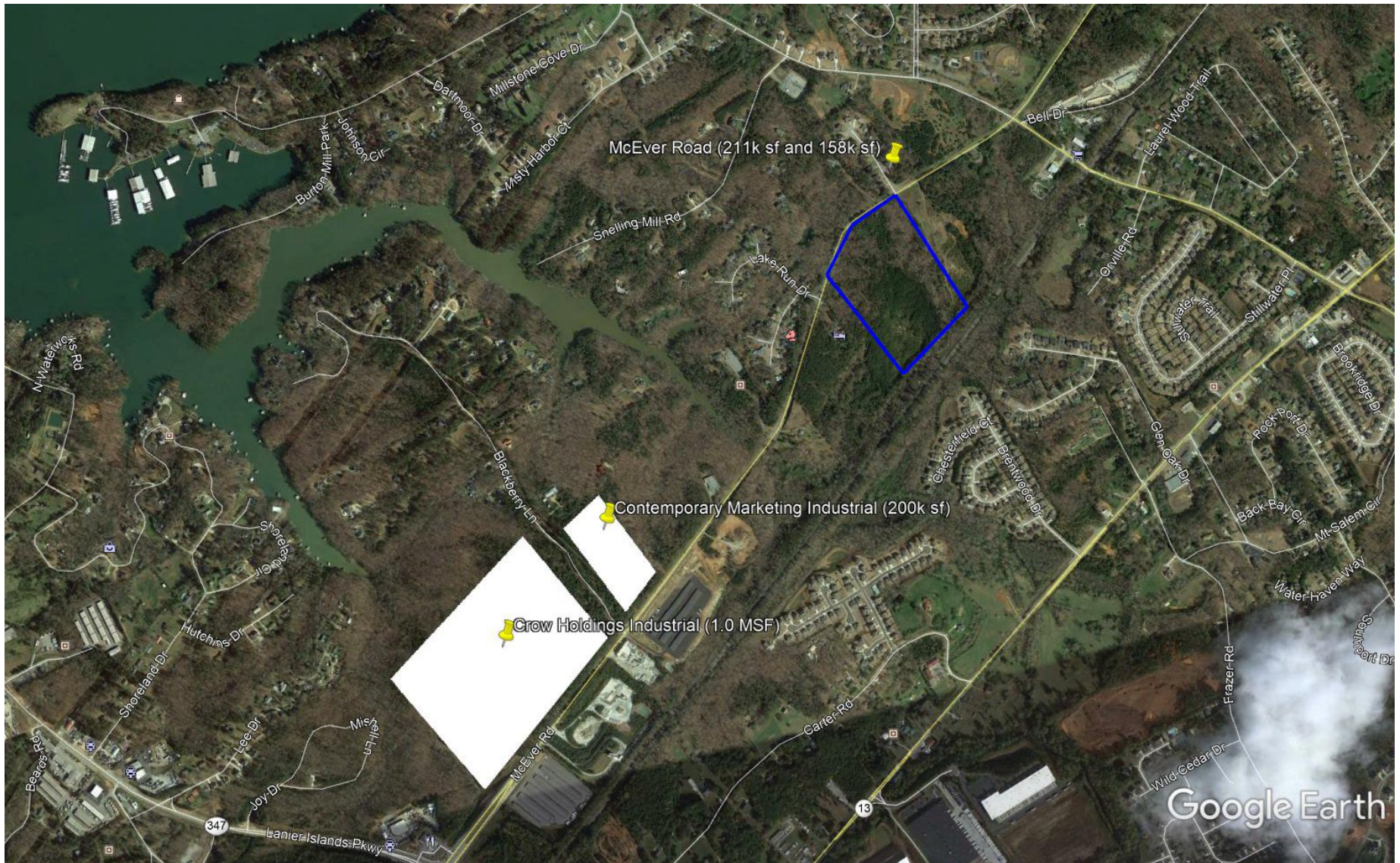
CA Ventures McEver Road – South Industrial and Residential Coexist

Surrounding Industrial (South of Subject Site)



#	Building / Park Name	SF	Comments
1	IDI Amazon	1,000,000	2 buildings
2	McCraney - 985 Lanier Logistics	612,000	3 buildings
3	Crow Holdings	1,500,000	
4	Lanier Harbor Boat Storage		
5	Morgan Concrete		
6	North Harbor Boat Storage		
7	BTS Industrial		
8	Industrial Warehouse	12,000	

CA Ventures McEver Road – South Industrial and Residential Coexist



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road - Traffic Improvements

- Road Improvements:
 - Decel lanes (14') and left-hand turn lanes (12') – increased road width by approximately 26' for 1285' curve distance
 - Designed and implemented all Hall County Staff Traffic Recommended Improvements – confirmed by Director of Public Works.
 - Existing thick trees removed and site lines increased.
 - Increased safety and visibility.
- Significantly increased line of site distances along curve
 - Pre-improvements (55')/Post-Improvements (965')
 - Exceeded GDOT Driveway Design Manual (465'/530') minimum turning site distances
- Total cost of infrastructure improvements (Sewer + Road = \$1.2MM)
- Video presentation



CA Ventures McEver Road - Traffic Improvements



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road - Traffic Improvements



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road - Traffic Improvements



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road - Traffic Improvements



CA Ventures McEver Road – Tree Relocation



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Site Lighting – Gateway Corridor Requirements

Outdoor Lighting

1. Streetlights

- a. Streetlights shall be provided on all public streets.
- b. The spacing of street lights shall be staggered, 300 feet on-center, along both sides of the roadway.
- c. All Street lighting shall be subject to review and approval of the Hall County Public Works Department.
- d. All outdoor lighting, shall be the semi-cut-off type.

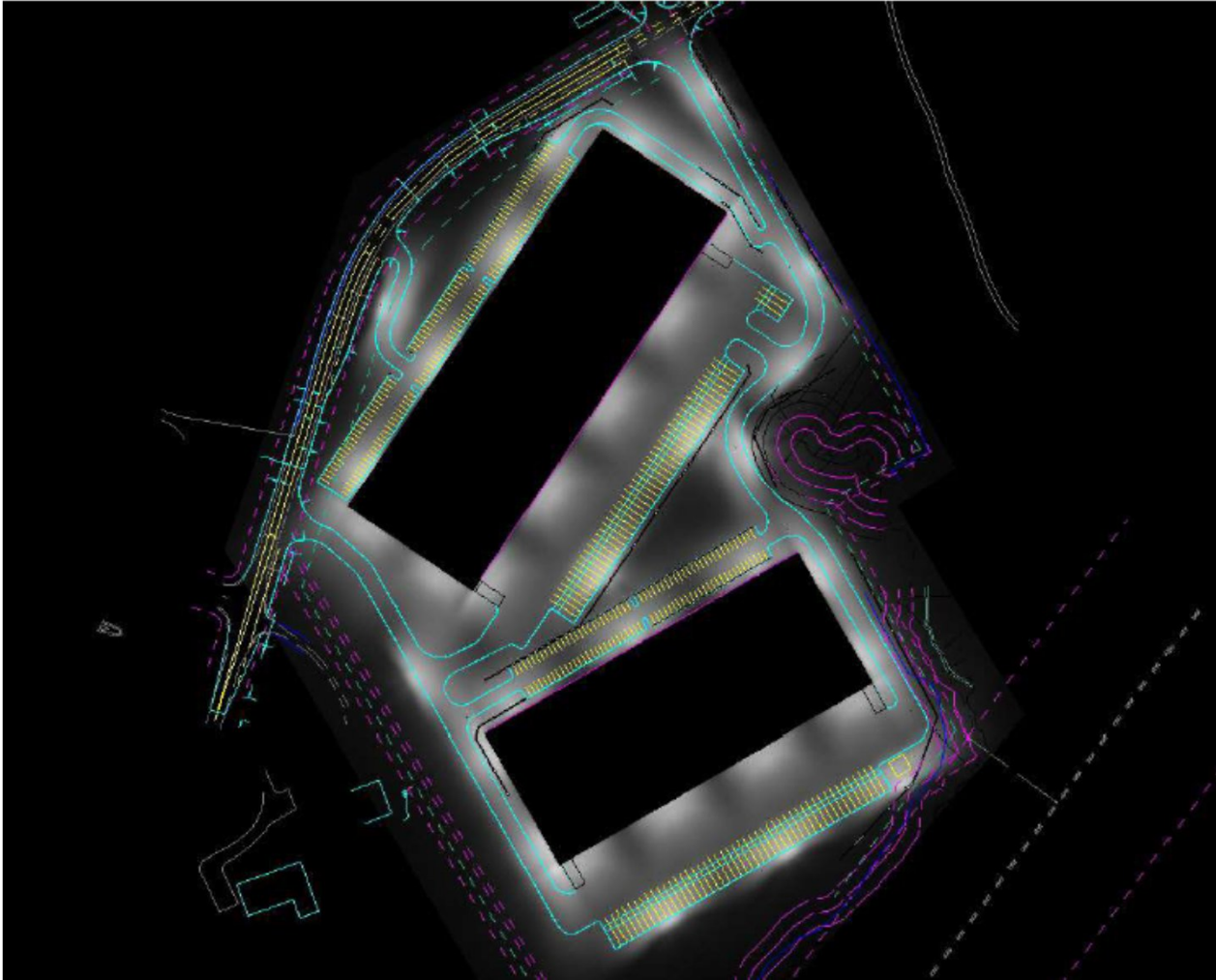
2. Parking lot, sidewalk and building illumination.

- a. Lighting shall be designed to avoid intrusion on adjacent properties and away from adjacent thoroughfares. All lighting shall be semi-cutoff luminary fixtures mounted in such a manner that the cove of light is directed downward.
 - b. Only incandescent, florescent, metal halide, low-pressure sodium, or color corrected, high-pressure sodium may be used. The same type of lighting must be used for the same or similar types of lighting on any one site.
 - c. Parking light fixtures shall be the box head type, shall have a maximum height of 35 feet.
- ### 3. Security lighting. Semi-cutoff luminaries shall be used for all security lighting.



CA Ventures McEver Site Lighting - Addressed

- All sight lighting to conform to overlay and code requirements



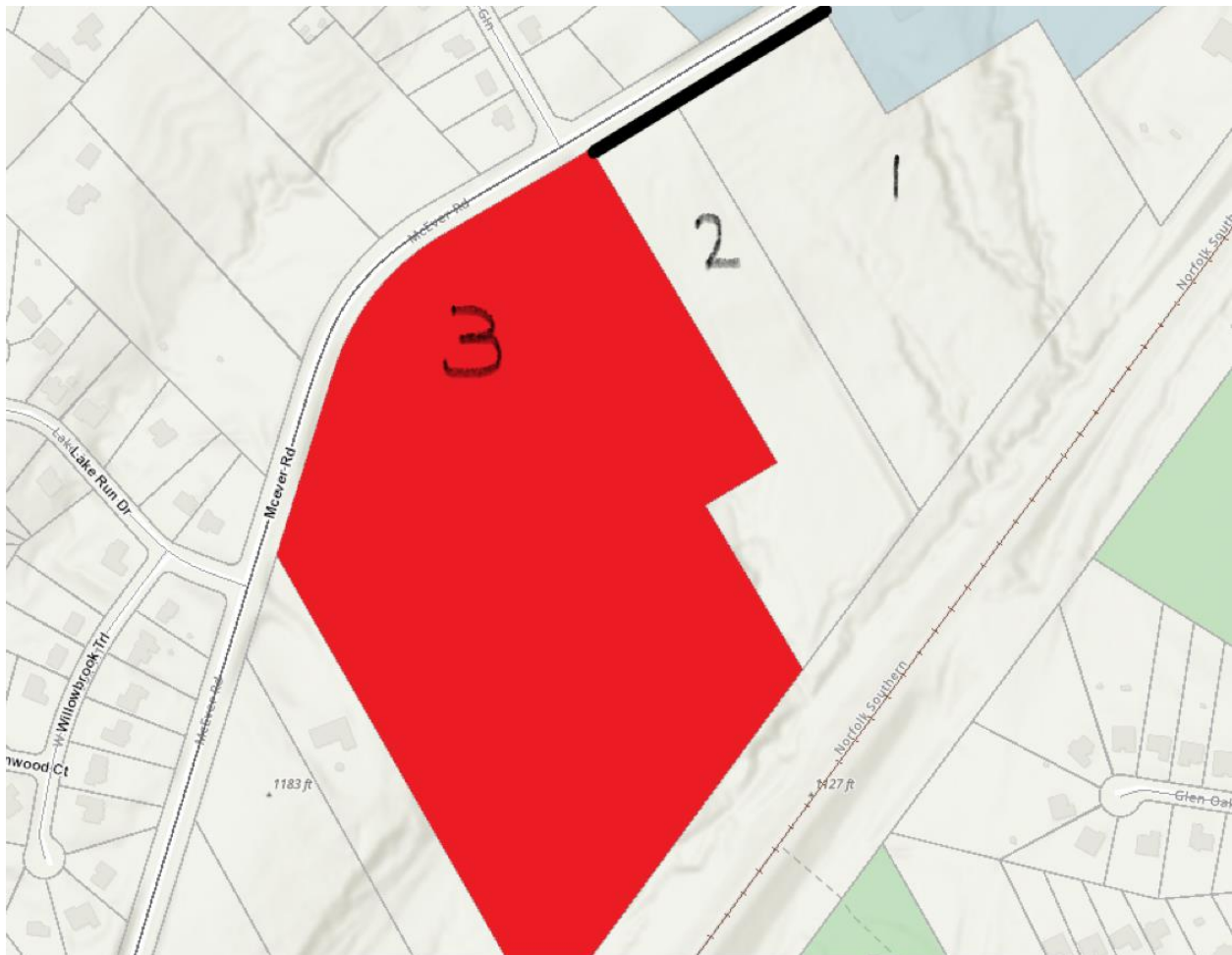


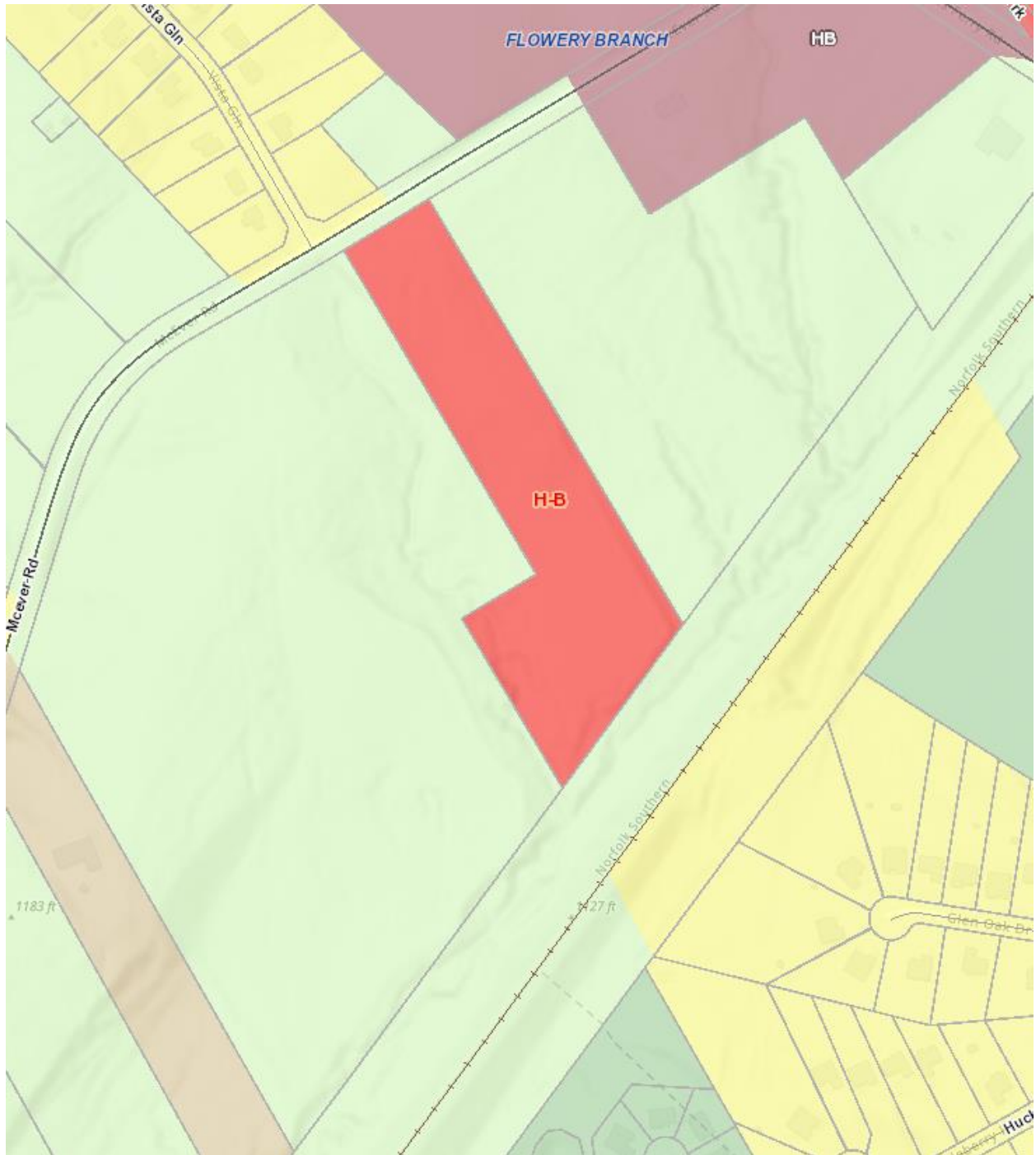
Applicants: Ms. Diane Crawford, E&S Development, CA-Ventures

Subject Properties: 6495 McEver Road; tax parcel 08150 002002A; 50-foot strip
6509 McEver Road; tax parcel 08150 002002; 50-foot strip
6533 McEver Road; tax parcel 08150 002018; +/- 34.6 acres

Annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road -Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road -Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).







Request:

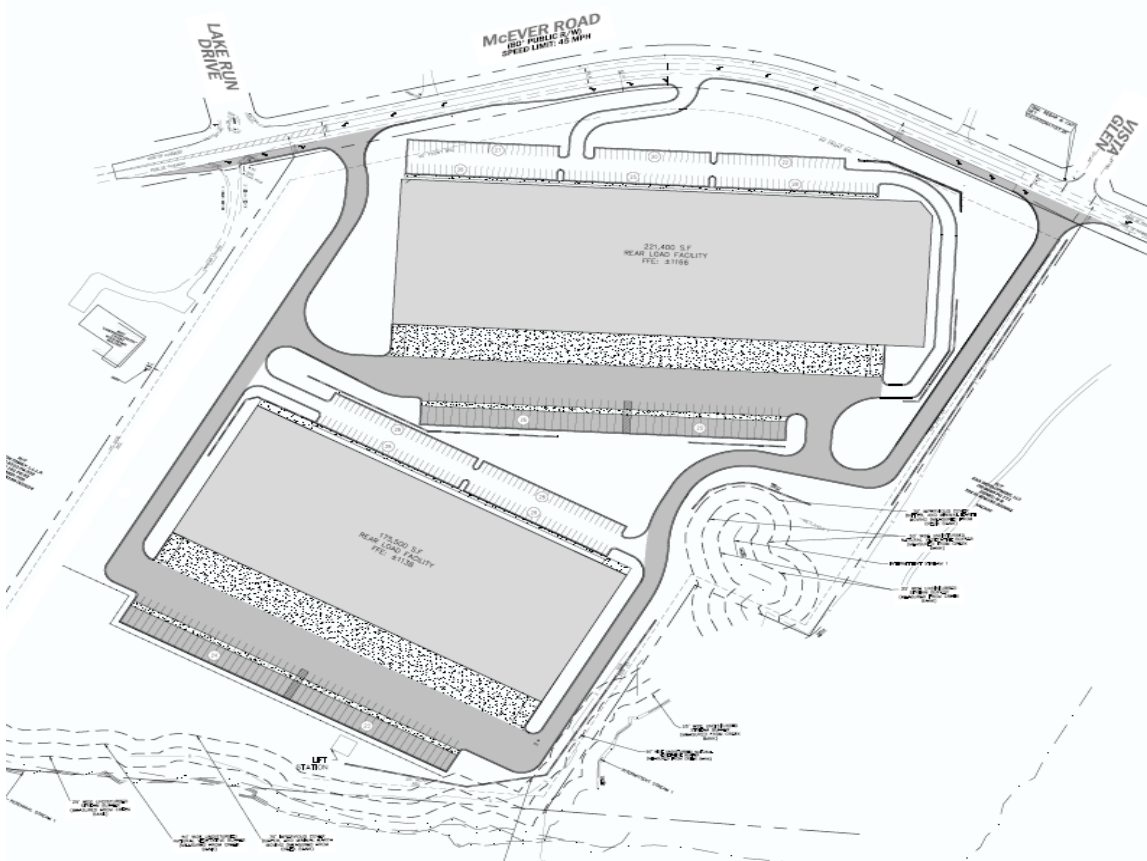
Properties 1 and 2 are only requesting annexation and rezoning to accommodate the proposed industrial use on property 3. The 50- foot strip(s) on properties 1 and 2 -6495 and 6509 McEver Road - are requested to make property 3 (6533 McEver Road) contiguous and therefore eligible for annexation and rezoning consideration by the City of flowery Branch. Properties 1 and 2 will be annexed and rezoned at a date to be determined.

Per the applicant's application:

The request is to Annex 6533 McEver Road from Unincorporated Hall County, to the City of Flowery Branch. Concurrently we are requested to be rezoned to M-1 (light Manufacturing & Industrial) (The parcel is currently zoned AR III in Hall county)

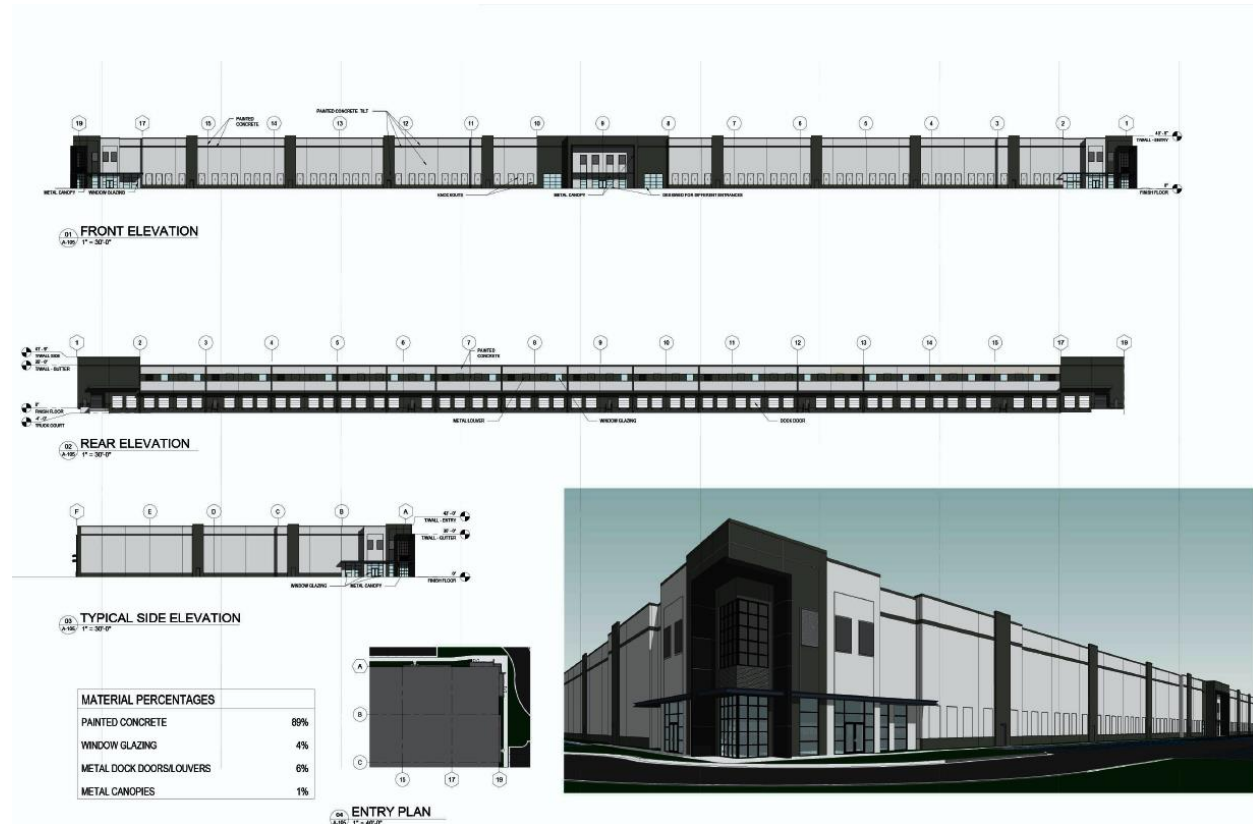
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 396,900 square feet. Associated parking lot and landscape areas will be included as well.

Proposed general layout of development:





Typical building elevations:



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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



Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial 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 development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial 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. **It is staff's opinion that the use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Currently, the Comprehensive Plan denotes this area as part of the "Mixed Use" character area. The proposed use meets the 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. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed use will fit in well with the corridor.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff does not have a specific number regarding property value, but the current zoning classifications of Agricultural-Residential does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed use will enhance the character of the existing district 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 development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed development will enhance the surrounding area and meets the intent of the Zoning Ordinance.**

Applicant response addressing the analysis requirement:

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 396,900 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Adjacent properties are zoned H-B and PCD in Hall.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowerly Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surrounding parcels are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowerly Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- d) **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**
No future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on McEver Road. Proposed improvements will mitigate any impact. The utility and school impact will be less than as currently zoned.
- 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 comprehensive plan shows this parcel as a mixed use character area. Light industrial is a use that is included in the Mixed Use Uses and Intensities.
- 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 should be noted that Annexation will be needed the parcel. With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and



development of the property.

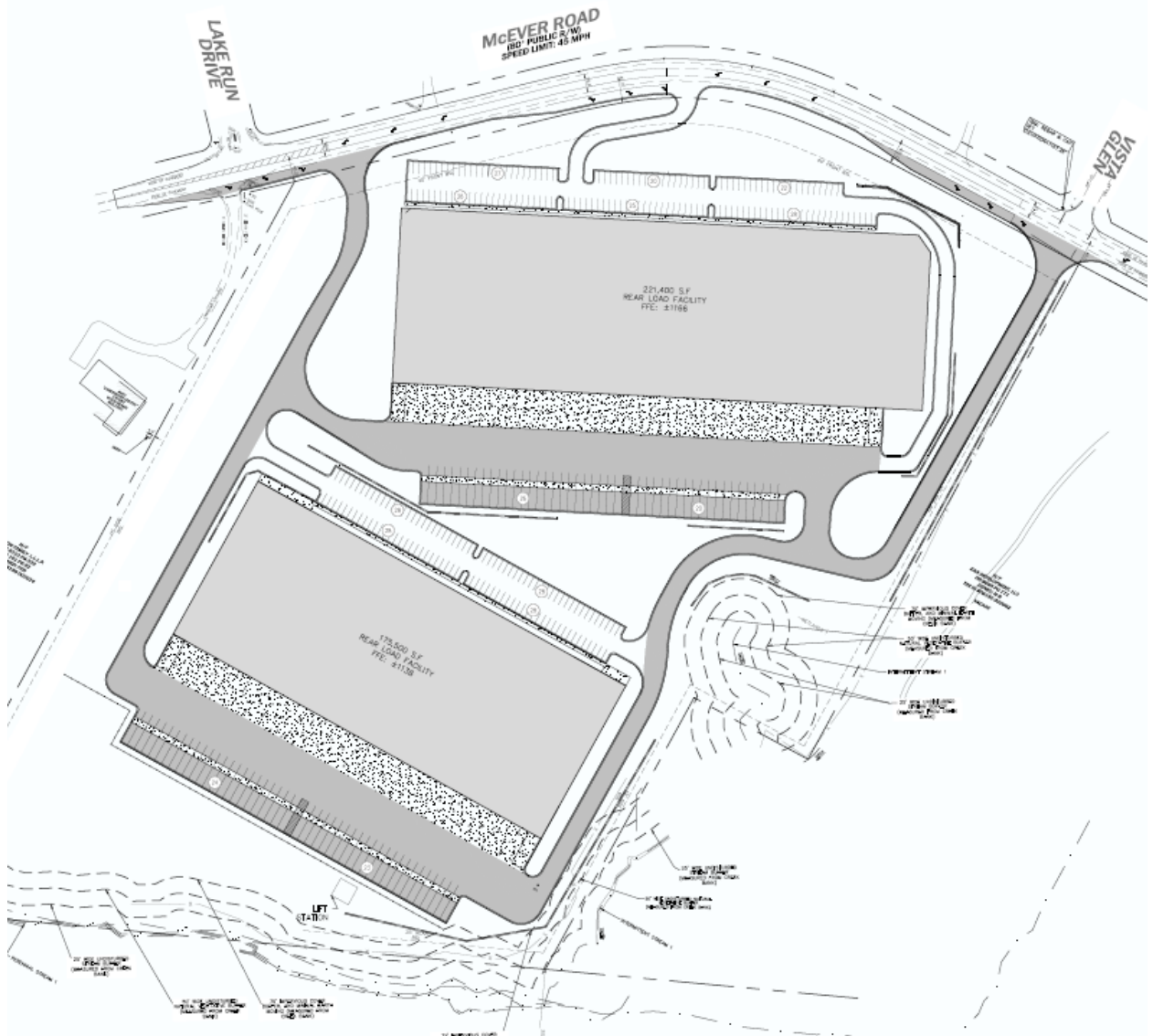
- g) Existing Use(s) and zoning of the subject property and nearby properties.
The existing parcel is zoned AR III and is currently undeveloped. The adjacent parcels are zoning H-B and PCD in unincorporated Hall County.
- h) Existing value of the property under the existing zoning district classification, 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 is significantly undervalued as zoned.
- i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
No deterrence to the value and improvement of adjacent properties is anticipated.
- j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
There are currently nearby districts with properties that are zoned H-B and PCD. There are M-1 zoned properties approximately 0.3 miles from the subject parcel.
- k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
No adverse effects on the character of the zoning district is anticipated.
- 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 zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.
- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.
Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.



Staff Recommendation

Approve with conditions as presented.

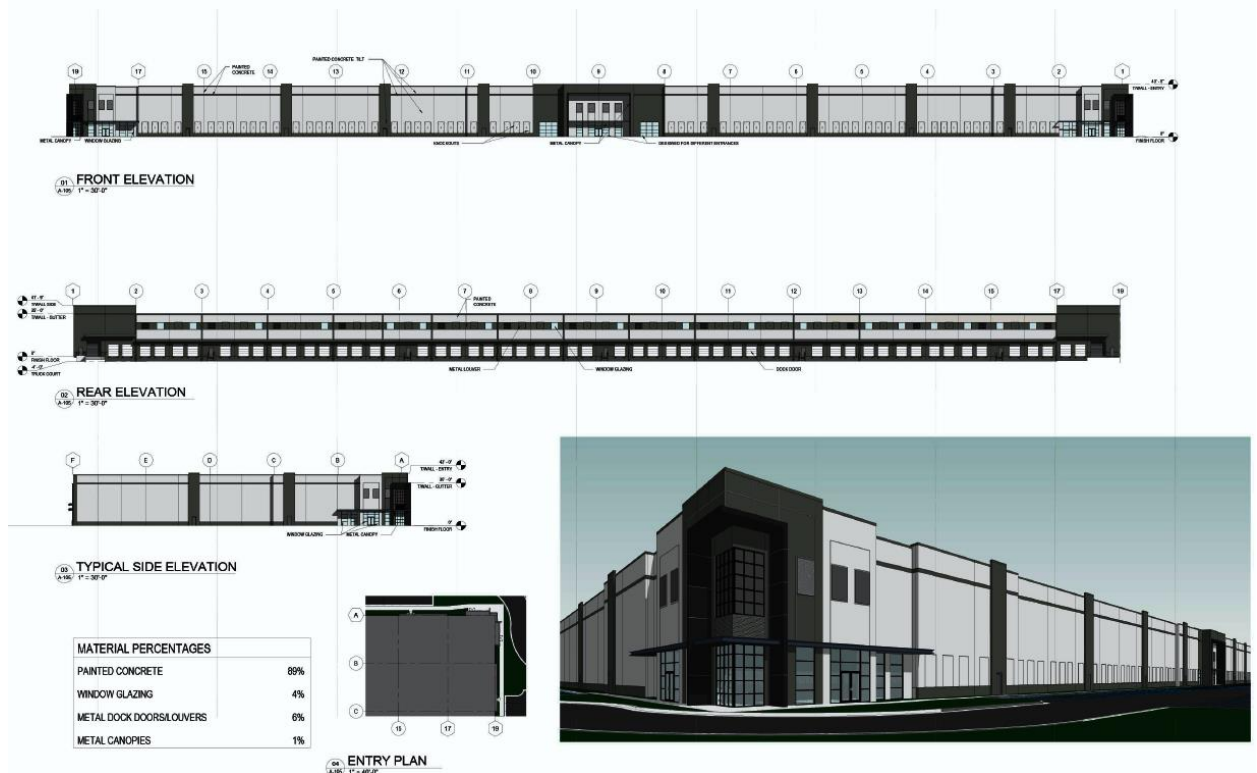
1. The project shall significantly adhere to the site plan as submitted below:



2. A lighting plan shall be submitted prior to the issuance of a full land disturbance permit.



3. A landscape/buffer plan shall be submitted as part of the land disturbance permit plan set.
4. A unified sign plan shall be submitted prior to the issuance of any building permits.
5. Buildings shall significantly adhere to the elevations as shown below:





Signs Posted
11/30/2020









Ads run in The Gainesville Times on November 25, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by Ms. Diane Crawford for the annexation and rezoning of a portion of a +/- 16.5 acre parcel of land identified as 6495 McEver Road and also as tax parcel 08150 002002A. Said property, if annexed, is requesting to be zoned Flowery Branch A (Agricultural).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their



opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by E&S Development, LLC for the annexation and rezoning of a portion of a +/- 8.84 acre parcel of land identified as 6509 McEver Road and also as tax parcel 08150 002002. Said property, if annexed, is requesting to be zoned Flowery Branch HB (Highway Business).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org



In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by CA Ventures for the annexation and rezoning of a +/- 34.6 acre parcel of land identified as 6533 McEver Road and also as tax parcel 08150 002018. Said property, if annexed, is requesting to be zoned Flowery Branch M-1 (Light Industrial).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org



In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-620

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY TOTALING 34.6 +/- ACRES, OWNED BY DARYL CROW HOLDINGS, LLC IDENTIFIED AS 6533 MCEVER ROAD, TAX PARCEL 08150 002018 AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; TO BE REZONED FROM HALL COUNTY A III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH M1 (LIGHT INDUSTRIAL), AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Daryl Crow Holdings, LLC owns all that tract or parcel of land totaling 34.6+/- acres identified as Tax Parcel Identification No. 08150 002018, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of December 17th, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County A III (Agricultural Residential) to Flowery Branch M1 (Light Industrial) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

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

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch M-1 (Light Industrial) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

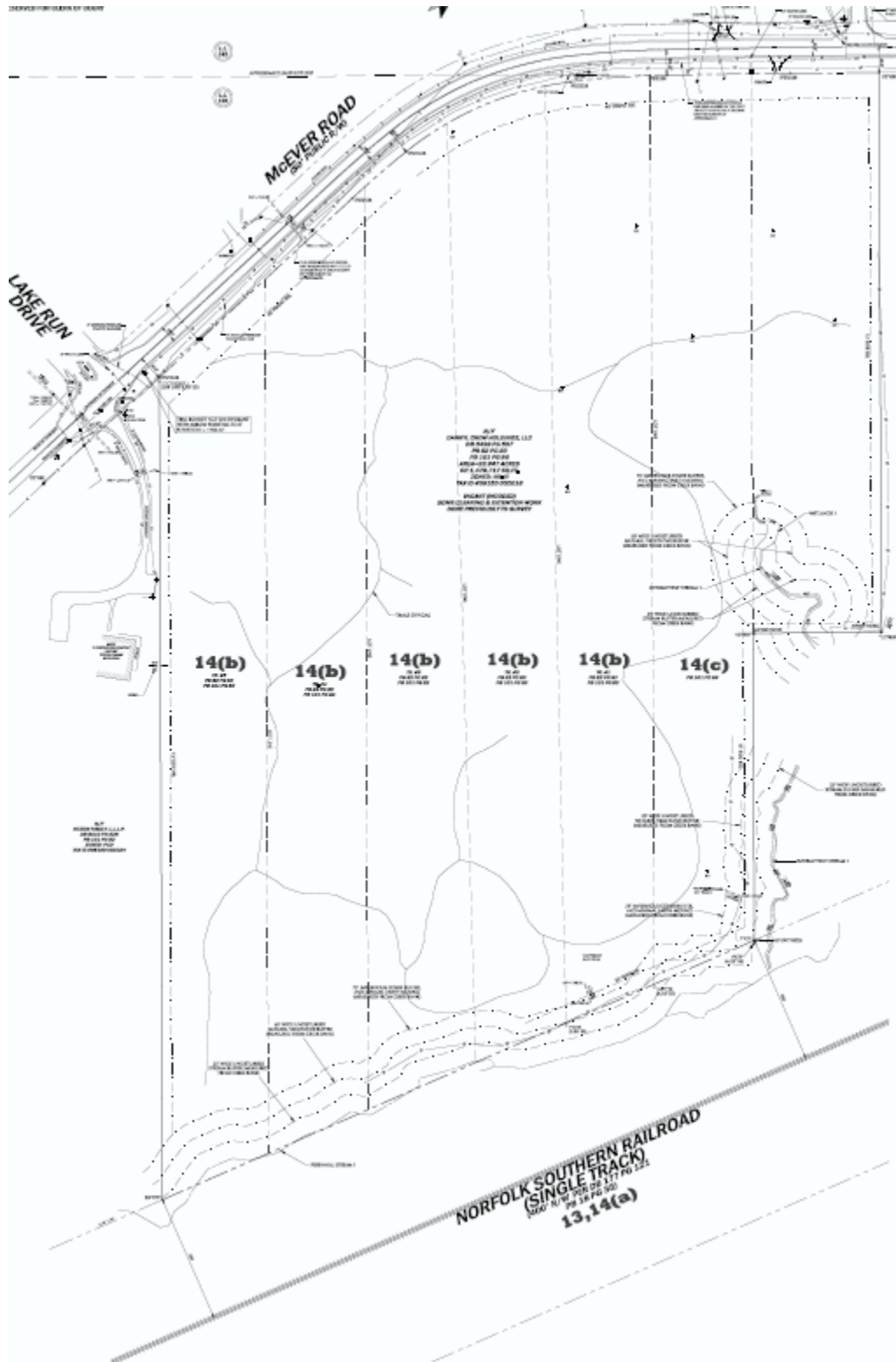


Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 150, 8th District, Hall County, Georgia, said tract or parcel of land being more fully shown on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-043; Drawing/File #20-043), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

BEGINNING at a 1/2" iron pin set at the intersection of the southeasterly right-of-way line of McEver Road (80' public r/w) and the northerly line of Land Lot 150 (said Land Lot line also being the common line with Land Lot 149), THENCE proceeding northeasterly along said southeasterly right-of-way line of McEver Road the following courses and distances: North 59 degrees 08 minutes 30 seconds East for a distance of 192.23 feet to a 1/2" iron pin set;

THENCE North 59 degrees 31 minutes 51 seconds East for a distance of 138.36 feet to a disturbed 1/2" rebar found;

THENCE departing said southeasterly right-of-way line of McEver Road South 30 degrees 15 minutes 31 seconds East for a distance of 871.02 feet to a 1/2" rebar found;

THENCE South 59 degrees 25 minutes 34 seconds West for a distance of 200.12 feet to a 1/2" rebar found;

THENCE South 30 degrees 13 minutes 50 seconds East for a distance of 477.95 feet to a 1" crimped top pipe found on the northwesterly right-of-way line of Norfolk Southern Railroad (400' r/w) (said 1" crimped top pipe found being witnessed by a 1" crimped top pipe found 4.32 feet southeast thereof);

THENCE proceeding southwesterly along said northwesterly right-of-way line of Norfolk Southern Railroad South 36 degrees 20 minutes 56 seconds West for a distance of 1006.97 feet to a 3/4" crimped top pipe found;

THENCE departing said northwesterly right-of-way line of Norfolk Southern Railroad North 30 degrees 13 minutes 33 seconds West for a distance of 1279.91 feet to a 1/2" iron pin set on the aforesaid southeasterly right-of-way line of McEver Road (said 1/2" iron pin set being witnessed by a disturbed 1" crimped top pipe found on line 6.18 feet southeast thereof);

THENCE proceeding northeasterly along said northwesterly right-of-way line of McEver Road the following courses and distances: North 17 degrees 07 minutes 38 seconds East for a distance of 410.19 feet to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 1587.00 feet for an arc distance of 111.26 feet (said arc being subtended by a chord of North 19 degrees 08 minutes 08 seconds East for a distance of 111.24 feet) to a 1/2" iron pin set;

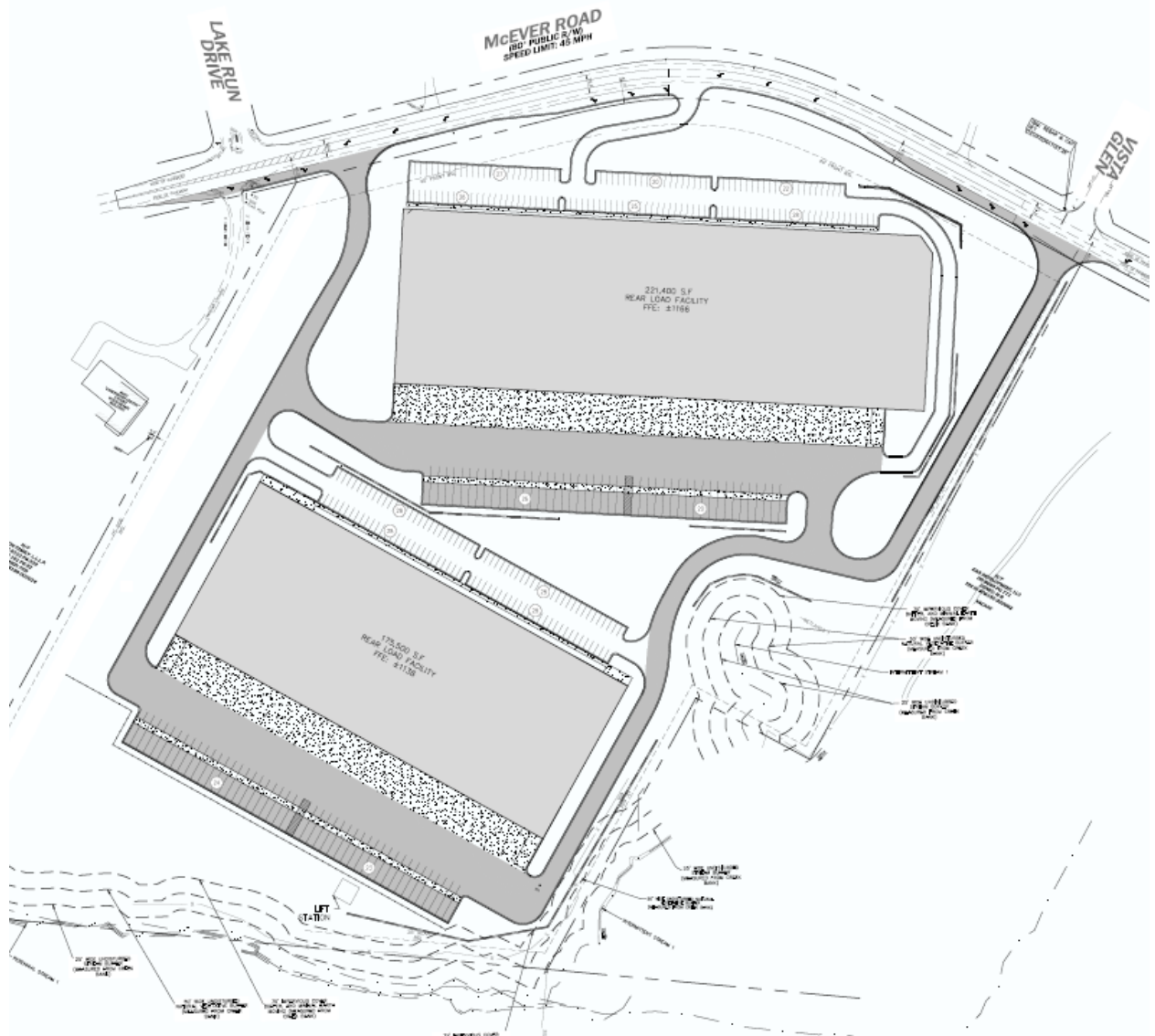
THENCE along a curve to the right having a radius of 508.74 feet for an arc distance of 281.59 feet (said arc being subtended by a chord of North 37 degrees 00 minutes 02 seconds East for a distance of 278.01 feet) to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 1376.00 feet for an arc distance of 150.93 feet (said arc being subtended by a chord of North 55 degrees 59 minutes 58 seconds East for a distance of 150.85 feet) to a 1/2" iron pin set at the intersection with the aforesaid northerly line of Land Lot 150, said 1/2" iron pin set being the POINT OF BEGINNING;

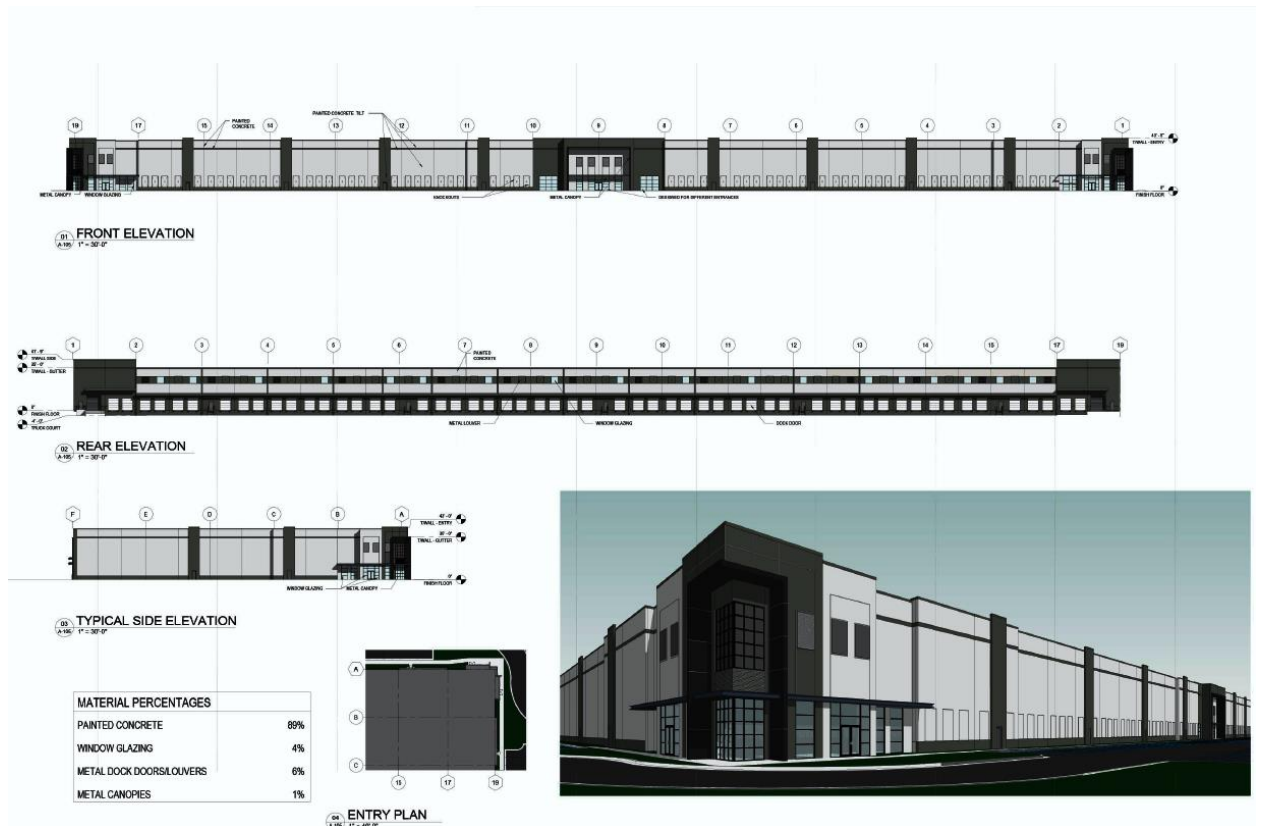
Said tract or parcel of land contains 33.947 acres or 1,478,717 square feet and is intended to be the same tract or parcel of land as previously conveyed by Deed Book 3438, Page 507, Hall County, Georgia records.

Exhibit "C"

1. The project shall substantially adhere to the site plan as submitted below:



2. A lighting plan shall be submitted prior to the issuance of a full land disturbance permit.
3. A landscape/buffer plan shall be submitted as part of the land disturbance permit plan set.
4. A unified sign plan shall be submitted prior to the issuance of any building permits.
5. Buildings shall substantially adhere to the elevations as shown below:





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #20-621 a rezoning request submitted by Eberly & Associates.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

The request is to rezone the majority of two parcels of land (08070 001002 & 08073 000004A) from A (agricultural) to M-1 (Light Industrial). The project calls for 611,200 SF distribution center and a 45,000 SF office space.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #20-621 as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve ordinance #20-621 as submitted and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Rezoning Ordinance 20-621.pdf](#)
- [Staff Report .pdf](#)

Public Hearing Published 11/11/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-621

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY OWNED BY JANE WOOD R/A BANKS ET AL IDENTIFIED AS 0000 FALCON PARKWAY, TAX PARCEL 08070 001002 TOTALING 69.68 +/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1) AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Jane Wood R/A Banks Et Al owns all tracts or parcel of land totaling 69.68 +/- acres identified as Parcel Tax Identification No. 08070 001002, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. William Greer on behalf of Scannell-Falcon Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Agricultural (A) to Light Industrial (M1) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to M1.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Agricultural (A) to Light Industrial (M1) and as conditioned in Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be January 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

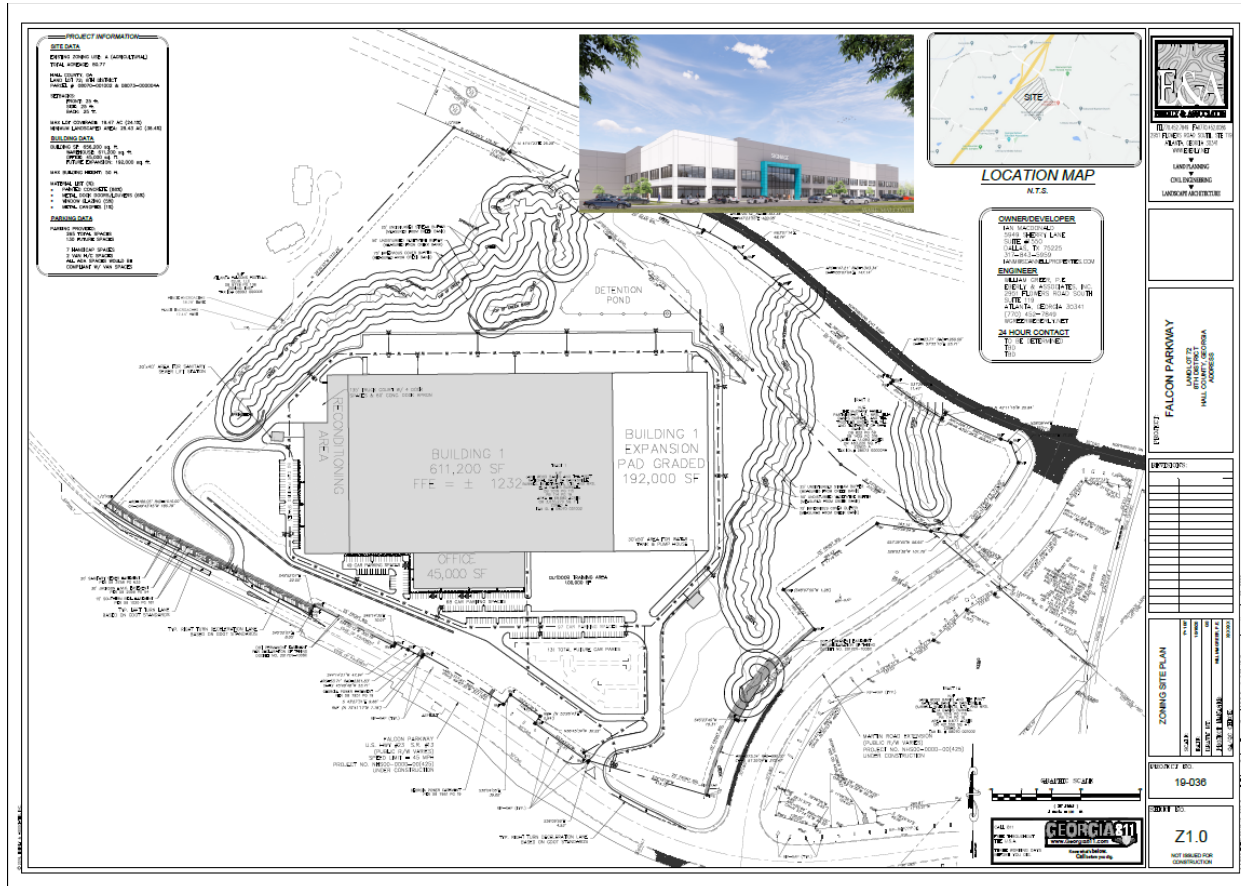


Exhibit "B"

LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 72 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-017; Drawing/File #19-017), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

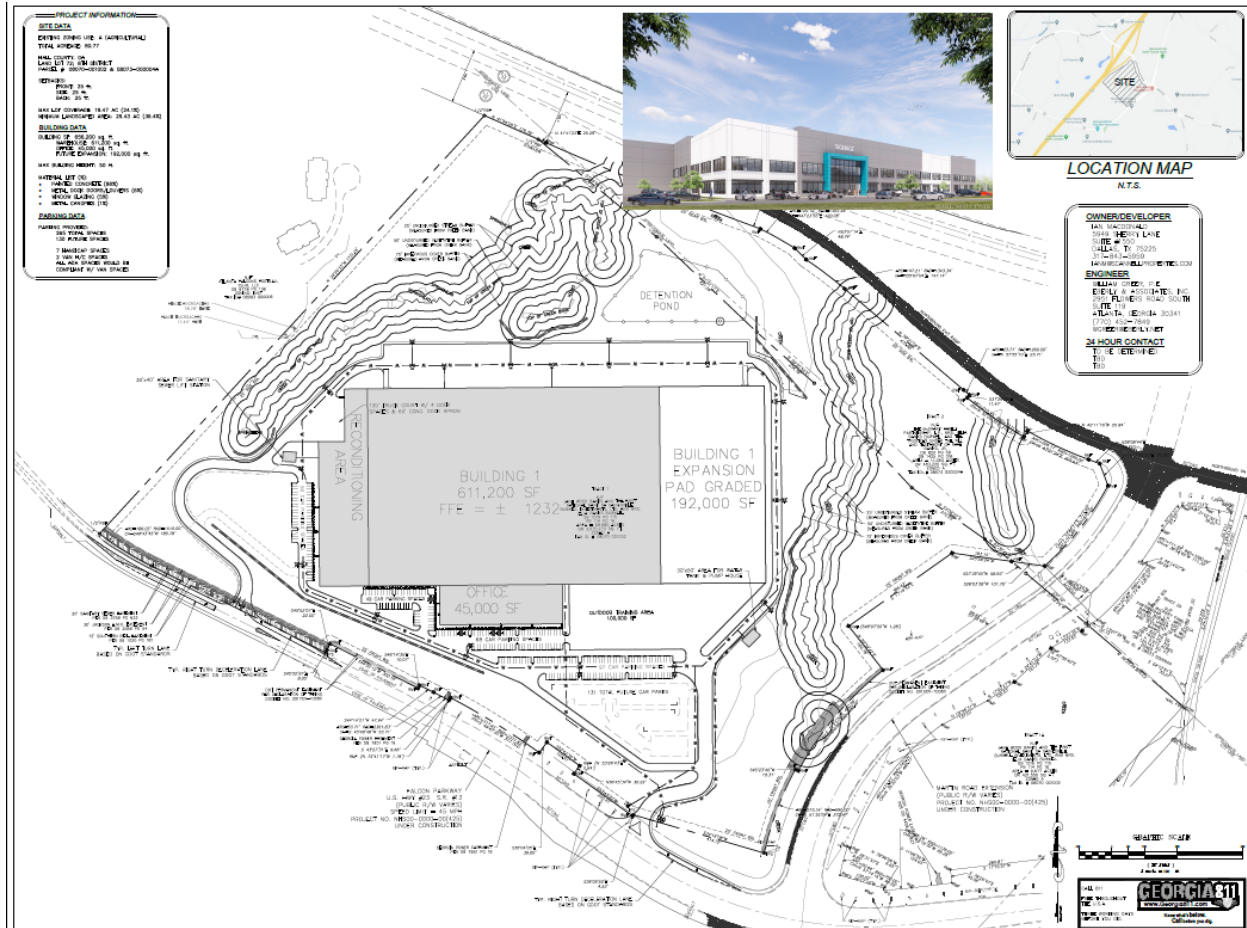
TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 379.22 feet to a computed point on the northeasterly right-of-way line of Martin Road Extension (public r/w varies);
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 10.76 feet to a computed point;
THENCE South 57 degrees 52 minutes 05 seconds West for a distance of 237.10 feet to a computed point;
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 56.93 feet to a concrete r/w monument found on the northwesterly right-of-way line of aforesaid Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

THENCE proceeding along said northwesterly right-of-way line of Martin Road Extension South 25 degrees 59 minutes 24 seconds West for a distance of 183.15 feet to a concrete r/w monument found;
THENCE South 17 degrees 16 minutes 53 seconds East for a distance of 385.63 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying South 48 degrees 07 minutes 50 seconds West for a distance of 1.28 feet;
THENCE North 69 degrees 59 minutes 42 seconds East for a distance of 169.78 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 980.00 feet for an arc distance of 403.54 feet (said arc being subtended by a chord of South 31 degrees 53 minutes 00 seconds East for a distance of 400.69 feet) to a concrete r/w monument found;
THENCE South 45 degrees 23 minutes 40 seconds West for a distance of 10.31 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 990.00 feet for an arc distance of 273.34 feet (said arc being subtended by a chord of South 51 degrees 35 minutes 04 seconds East for a distance of 272.47 feet) to a 1/2" Iron pin set at the intersection of the northwesterly right-of-way line of Falcon Parkway (S.R. #13, public r/w varies);
THENCE proceeding southwesterly along the northwesterly right-of-way line of said Falcon Parkway South 34 degrees 16 minutes 08 seconds West for a distance of 414.72 feet to a 1/2" Iron pin set;
THENCE South 36 degrees 09 minutes 50 seconds East for a distance of 4.53 feet to a concrete r/w monument found;
THENCE South 53 degrees 43 minutes 37 seconds West for a distance of 220.91 feet to a concrete r/w monument found;
THENCE North 36 degrees 45 minutes 34 seconds West for a distance of 30.22 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying North 53 degrees 26 minutes 43 seconds East for a distance of 0.94 feet;
THENCE South 53 degrees 42 minutes 30 seconds West for a distance of 122.61 feet to a concrete r/w monument found;
THENCE South 36 degrees 04 minutes 05 seconds East for a distance of 39.60 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 2371.83 feet for an arc distance of 317.93 feet (said arc being subtended by a chord of South 49 degrees 47 minutes 30 seconds West for a distance of 317.70 feet) to a concrete r/w monument found;
THENCE South 43 degrees 27 minutes 32 seconds East for a distance of 9.66 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying North 75 degrees 41 minutes 17 seconds West for a distance of 1.18 feet;
THENCE along a curve to the left having a radius of 2361.83 feet for an arc distance of 53.71 feet (said arc being subtended by a chord of South 45 degrees 48 minutes 48 seconds West for a distance of 53.71 feet) to a concrete r/w monument found;
THENCE South 44 degrees 14 minutes 21 seconds West for a distance of 47.94 feet to a concrete r/w monument found;
THENCE South 46 degrees 14 minutes 35 seconds East for a distance of 10.07 feet to a concrete r/w monument found;
THENCE South 44 degrees 50 minutes 12 seconds West for a distance of 300.18 feet to a concrete r/w monument found;
THENCE South 45 degrees 52 minutes 07 seconds East for a distance of 22.05 feet to a concrete r/w monument found;
THENCE South 45 degrees 52 minutes 07 seconds East for a distance of 8.05 feet to a 1/2" Iron pin set;
THENCE South 44 degrees 27 minutes 31 seconds West for a distance of 592.97 feet to a 1/2" Iron pin set;
THENCE along a curve to the right having a radius of 1010.00 feet for an arc distance of 186.57 feet (said arc being subtended by a chord of South 49 degrees 42 minutes 52 seconds West for a distance of 186.31 feet) to a 1/2" Iron pin set;
THENCE departing said right-of-way line of Falcon Parkway North 29 degrees 20 minutes 52 seconds West for a distance of 1731.04 feet to a 1/2" Iron pin found on the southeasterly right-of-way line of Interstate 985 (S.R. #365, limited access public r/w varies);
THENCE proceeding northeasterly along said right-of-way line of Interstate 985 North 41 degrees 54 minutes 20 seconds East for a distance of 179.39 feet to a 1/2" rebar found;
THENCE departing said right-of-way line of Interstate 985 North 57 degrees 26 minutes 46 seconds East for a distance of 467.26 feet to a computed point;
THENCE North 61 degrees 32 minutes 17 seconds East for a distance of 421.28 feet to a computed point;
THENCE North 59 degrees 35 minutes 50 seconds East for a distance of 234.18 feet to a computed point;
THENCE North 64 degrees 56 minutes 32 seconds East for a distance of 435.28 feet to a computed point;
THENCE North 53 degrees 08 minutes 22 seconds East for a distance of 272.69 feet to a computed point;
THENCE North 57 degrees 39 minutes 45 seconds East for a distance of 105.28 feet to a concrete r/w monument found on the aforesaid right-of-way line of Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

Said tract or parcel of land contains 69.680 acres or 3,035,270 square feet.

Conditions of Zoning

1. Development shall generally adhere to the site plan as submitted



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy



Applicant: Eberly & Associates on behalf of Scannell Properties, LLC.

Property Owners: Banks

Subject Property: Portion of 0000 Falcon Parkway; 08070 001002, 69.68 +/- acres
Portion of 0000 Falcon Parkway; 08073 000004A, 11.1 +/- acres

Request: Rezone from A (Agricultural) to M1 (Light Industrial) with the intend to construct a distribution facility and office.

Current Use: Vacant

Character Area: Activity Center

Description of Request:

The request is to rezone both parcels 08070-001002 & 08073-000004A from Agriculture (A) to M-1 (light Manufacturing & Industrial).

The proposed project consists of construction of single distribution facility totaling approximately 611,200 SF, 43,000 SF of dedicated office space, and a 192,000 building pad for future expansion. This facility with include on-site parking lot, landscape areas, and above ground stormwater detention pond.

Below is information on the subject properties proposed to be rezoned:

08070-001002

Owner: Jane Wood R/A Banks
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 69.676 Acres

08073-000004A

Owner: Dr Rafe Jr Est R/A Banks Et. Al
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 11.094 Acres





Rezoning Analysis (from applicant):

- 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 project consists of construction of a single distribution warehouse facility that totals to approximately 611,200 SF, 43,000 SF of dedicated office space and includes a future bldg. pad of 192,000 for future expansion. This project is accompanied by adjacent employee parking lot, landscape areas, and an above ground stormwater detention facility will be included as well. The rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Our subject site will be bordered to the South by the Atlanta Falcons training grounds, bordered to the West, East, and North by existing and future roadways which are currently under construction as part of the Martin Road extension.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected. Additionally, there are state waters located on-site that will act as natural buffers between our development and neighboring properties.

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

The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.

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

No – the current improvements being completed by the Georgia Department of Transportation increases the amount of lanes, adds a signalized intersection, and allows for much desired direct access to Interstate 985. However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high-volume traffic road. This project will trigger a DRI which will ensure that the future development accounts for traffic volume.



- 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.

No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in 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.

No existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposed project includes two (2) parcels:

- Parcel 08070-001002 is within City of Flowery Branch City Limits, currently undeveloped, and zoned A (Agricultural).
- Parcel 08073-000004A is within City of Flowery Branch City Limits, currently undeveloped and zoned A (Agricultural).

Two developed parcel border our proposed project:

- Parcel 08093 000006, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)
- Parcel 08070 001003, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)

- 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 extent under which the current value being affected by the existing zoning cannot be determined by the applicant at this time. It is assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (Light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

- 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 zoning request will not adversely impact the environment and surrounding



natural resources. There will be limited disturbance to streams and wetlands on-site. This will require our proposed development to apply for a nationwide permit with the USACE and it will be our intent to pull a nationwide permit prior to obtaining a LDP from the City of Flowerly Branch. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowerly Branch zoning ordinance, and Comprehensive Plan.

Rezoning Analysis (Staff):

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial 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 development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of A (Agricultural) could be used in accordance with the current rules and regulations of that zoning district.**



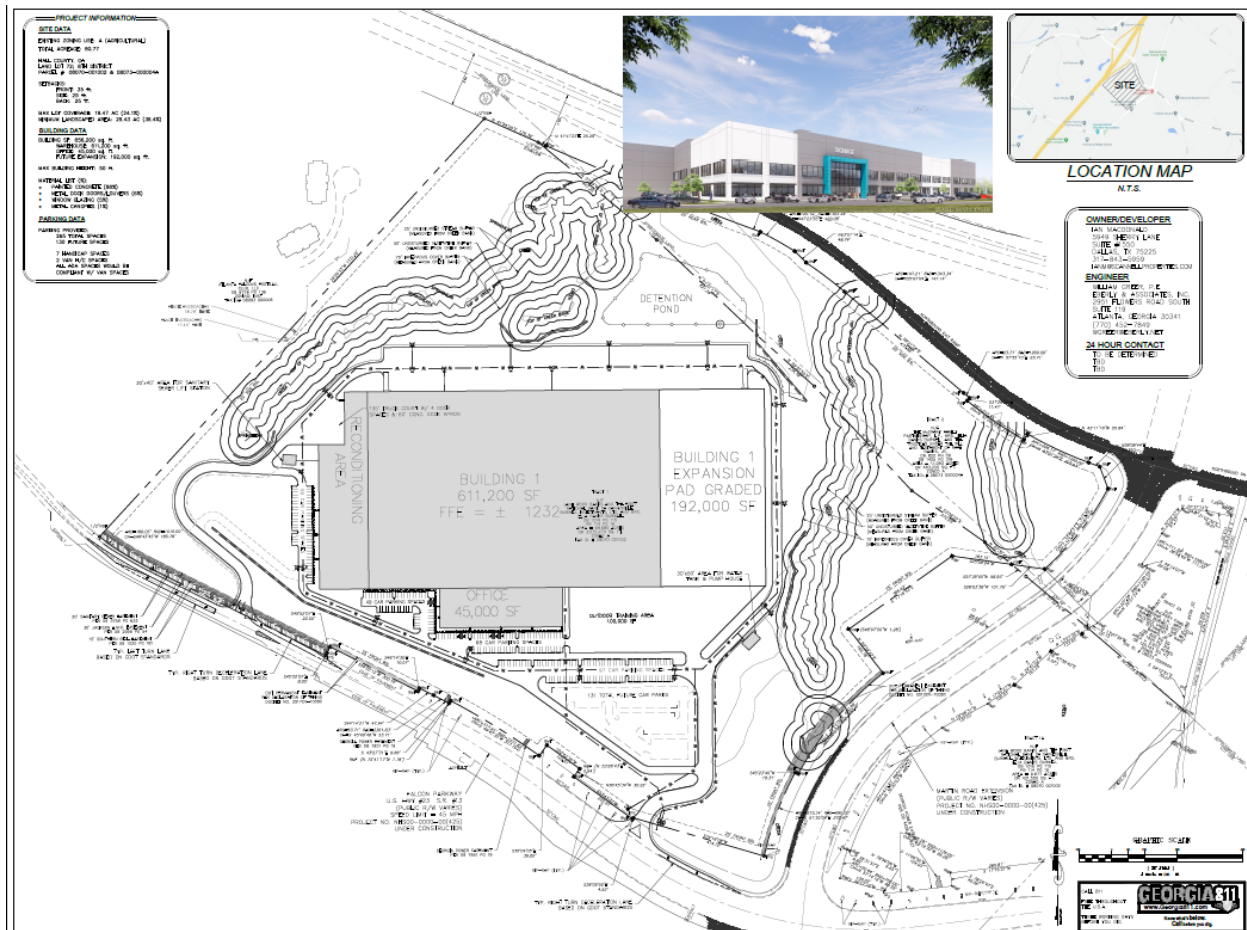
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *It is staff's opinion that the use will not create any unnecessary burdens.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *Currently, the Comprehensive Plan denotes this area as part of the "Activity Center" character area. The proposed use meets the 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. *No*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *Currently vacant the proposed use will fit in well with the corridor.*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of Agricultural does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district 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 development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*



Staff Recommendation:

Staff recommends approval of the rezoning with the following conditions:

1. Development shall generally adhere to the site plan as submitted



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #20-622 a rezoning request submitted by Eberly & Associates.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #20-622

SAMPLE MOTION:

I make a motion to approve ordinance#20-622 as submitted and conditioned by staff.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff Report .pdf](#)
- [Rezoning Ordinance 20-622.pdf](#)



Applicant: Eberly & Associates on behalf of Scannell Properties, LLC.

Property Owners: Banks

Subject Property: Portion of 0000 Falcon Parkway; 08070 001002, 69.68 +/- acres
Portion of 0000 Falcon Parkway; 08073 000004A, 11.1 +/- acres

Request: Rezone from A (Agricultural) to M1 (Light Industrial) with the intend to construct a distribution facility and office.

Current Use: Vacant

Character Area: Activity Center

Description of Request:

The request is to rezone both parcels 08070-001002 & 08073-000004A from Agriculture (A) to M-1 (light Manufacturing & Industrial).

The proposed project consists of construction of single distribution facility totaling approximately 611,200 SF, 43,000 SF of dedicated office space, and a 192,000 building pad for future expansion. This facility with include on-site parking lot, landscape areas, and above ground stormwater detention pond.

Below is information on the subject properties proposed to be rezoned:

08070-001002

Owner: Jane Wood R/A Banks
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 69.676 Acres

08073-000004A

Owner: Dr Rafe Jr Est R/A Banks Et. Al
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 11.094 Acres





Rezoning Analysis (from applicant):

- 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 project consists of construction of a single distribution warehouse facility that totals to approximately 611,200 SF, 43,000 SF of dedicated office space and includes a future bldg. pad of 192,000 for future expansion. This project is accompanied by adjacent employee parking lot, landscape areas, and an above ground stormwater detention facility will be included as well. The rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Our subject site will be bordered to the South by the Atlanta Falcons training grounds, bordered to the West, East, and North by existing and future roadways which are currently under construction as part of the Martin Road extension.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected. Additionally, there are state waters located on-site that will act as natural buffers between our development and neighboring properties.

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

The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.

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

No – the current improvements being completed by the Georgia Department of Transportation increases the amount of lanes, adds a signalized intersection, and allows for much desired direct access to Interstate 985. However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high-volume traffic road. This project will trigger a DRI which will ensure that the future development accounts for traffic volume.



- 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.

No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in 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.

No existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposed project includes two (2) parcels:

- Parcel 08070-001002 is within City of Flowery Branch City Limits, currently undeveloped, and zoned A (Agricultural).
- Parcel 08073-000004A is within City of Flowery Branch City Limits, currently undeveloped and zoned A (Agricultural).

Two developed parcel border our proposed project:

- Parcel 08093 000006, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)
- Parcel 08070 001003, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)

- 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 extent under which the current value being affected by the existing zoning cannot be determined by the applicant at this time. It is assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (Light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

- 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 zoning request will not adversely impact the environment and surrounding



natural resources. There will be limited disturbance to streams and wetlands on-site. This will require our proposed development to apply for a nationwide permit with the USACE and it will be our intent to pull a nationwide permit prior to obtaining a LDP from the City of Flowerly Branch. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowerly Branch zoning ordinance, and Comprehensive Plan.

Rezoning Analysis (Staff):

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial 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 development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of A (Agricultural) could be used in accordance with the current rules and regulations of that zoning district.**



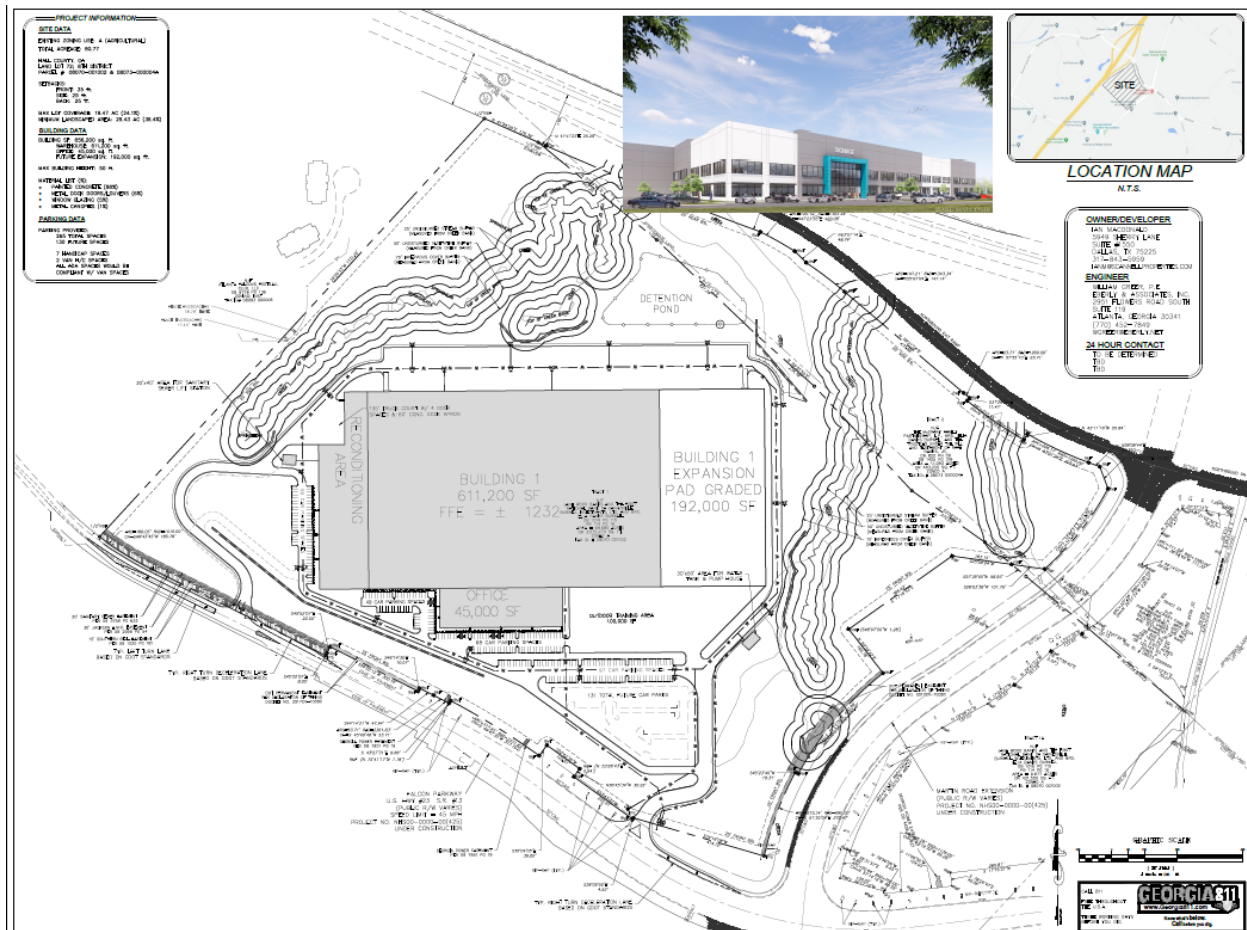
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *It is staff's opinion that the use will not create any unnecessary burdens.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *Currently, the Comprehensive Plan denotes this area as part of the "Activity Center" character area. The proposed use meets the 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. *No*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *Currently vacant the proposed use will fit in well with the corridor.*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of Agricultural does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district 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 development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*



Staff Recommendation:

Staff recommends approval of the rezoning with the following conditions:

1. Development shall generally adhere to the site plan as submitted



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy

Public Hearing Published 11/11/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-622

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY OWNED BY DR. RAFE JR. EST. R/A BANKS ET. AL IDENTIFIED AS 0000 FALCON PARKWAY, TAX PARCEL 08073 000004A TOTALING 11.1 +/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1) AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Dr. Rafe, Jr. Est. R/A Banks, Et. Al owns all tracts or parcel of land totaling 7.34 +/- acres identified as Parcel Tax Identification No. 08073 000004A as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. William Greer on behalf of Scannell-Falcon Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Agricultural (A) to Light Industrial (M1) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to M1.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Agricultural (A) to Light Industrial (M1) and as conditioned in Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be January 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

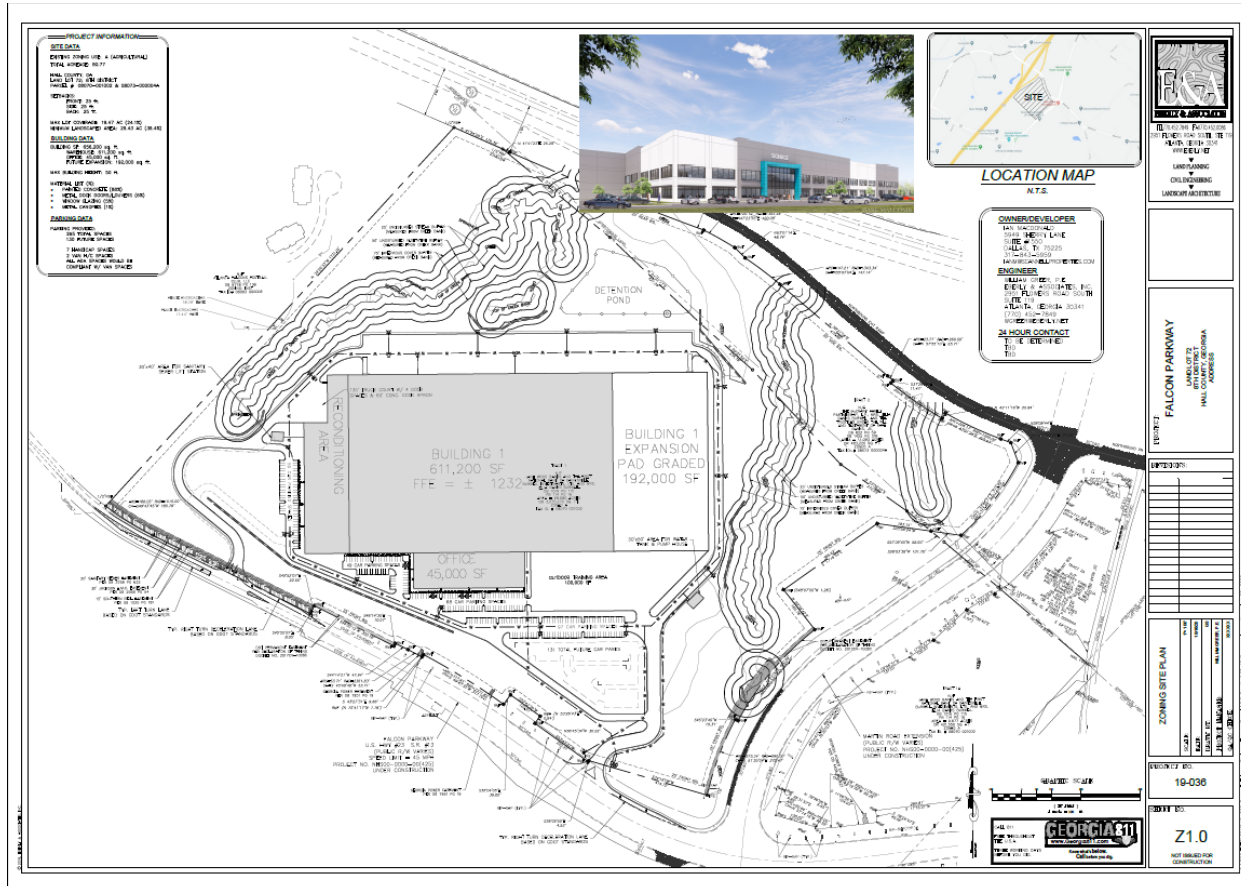
James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 73 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-017; Drawing/File #19-017), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 379.22 feet to a computed point on the northeasterly right-of-way line of Martin Road Extension (public r/w varies);
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 10.76 feet to a computed point;
THENCE South 57 degrees 52 minutes 05 seconds West for a distance of 237.10 feet to a computed point;
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 56.93 feet to a concrete r/w monument found on the northwesterly right-of-way line of aforesaid Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

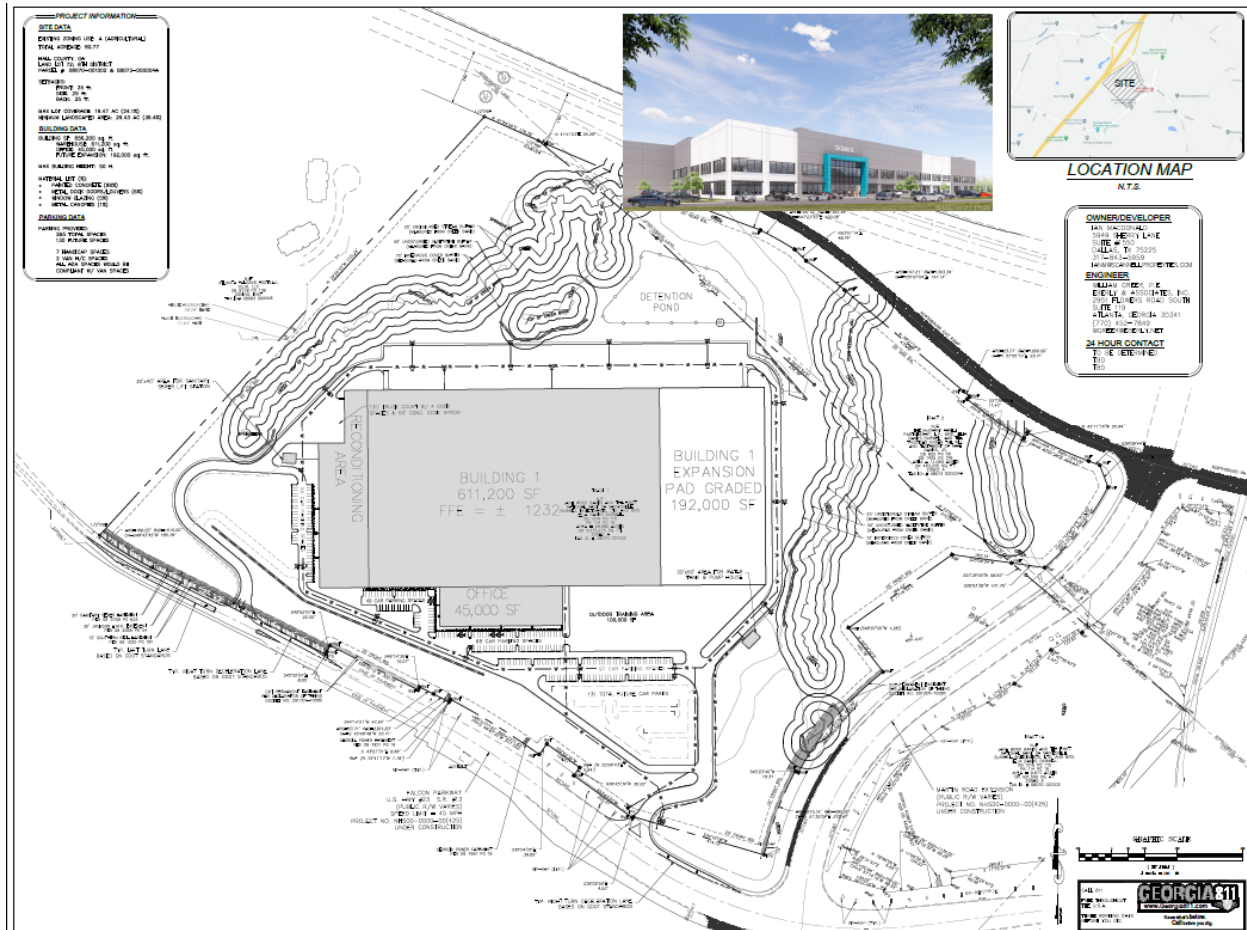
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 105.28 feet to a computed point;
THENCE South 53 degrees 08 minutes 22 seconds West for a distance of 272.69 feet to a computed point;
THENCE South 64 degrees 56 minutes 32 seconds West for a distance of 435.28 feet to a computed point;
THENCE South 59 degrees 35 minutes 50 seconds West for a distance of 234.18 feet to a computed point;
THENCE South 61 degrees 32 minutes 17 seconds West for a distance of 421.28 feet to a computed point;
THENCE South 57 degrees 26 minutes 46 seconds West for a distance of 467.26 feet to a 1/2" rebar found on the southeasterly right-of-way line of Interstate 985 (S.R. #365, limited access public r/w varies);
THENCE proceeding northeasterly along said right-of-way line of Interstate 985 North 41 degrees 41 minutes 23 seconds East for a distance of 25.59 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 11457.89 feet for an arc distance of 704.56 feet (said arc being subtended by a chord of North 39 degrees 51 minutes 03 seconds East for a distance of 704.45 feet) to a concrete r/w monument found;
THENCE along a curve to the right having a radius of 1343.34 feet for an arc distance of 120.12 feet (said arc being subtended by a chord of North 47 degrees 23 minutes 55 seconds East for a distance of 120.08 feet) to a concrete r/w monument found;
THENCE North 63 degrees 01 minutes 14 seconds East for a distance of 48.74 feet to a concrete r/w monument found;
THENCE along a curve to the right having a radius of 1333.34 feet for an arc distance of 147.21 feet (said arc being subtended by a chord of North 55 degrees 07 minutes 04 seconds East for a distance of 147.14 feet) to a concrete r/w monument found;
THENCE North 58 degrees 21 minutes 06 seconds East for a distance of 475.88 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1260.00 feet for an arc distance of 23.71 feet (said arc being subtended by a chord of North 57 degrees 55 minutes 10 seconds East for a distance of 23.71 feet) to a concrete r/w monument found;
THENCE South 31 degrees 26 minutes 06 seconds East for a distance of 11.47 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1271.36 feet for an arc distance of 210.45 feet (said arc being subtended by a chord of North 52 degrees 28 minutes 33 seconds East for a distance of 210.21 feet) to a concrete r/w monument found;
THENCE North 42 degrees 11 minutes 16 seconds West for a distance of 20.84 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1250.00 feet for an arc distance of 206.42 feet (said arc being subtended by a chord of North 42 degrees 59 minutes 55 seconds East for a distance of 206.19 feet) to a 1/2" iron pin set;
THENCE North 38 degrees 16 minutes 04 seconds East for a distance of 36.08 feet to a concrete r/w monument found;
THENCE North 87 degrees 26 minutes 37 seconds East for a distance of 71.20 feet to a concrete r/w monument found at the intersection with the southwesterly right-of-way line of aforesaid Martin Road Extension;
THENCE along a curve to the right having a radius of 870.00 feet for an arc distance of 313.68 feet (said arc being subtended by a chord of South 33 degrees 46 minutes 11 seconds East for a distance of 311.99 feet) to a concrete r/w monument found;
THENCE South 26 degrees 03 minutes 38 seconds West for a distance of 101.79 feet to a concrete r/w monument found, said concrete r/w monument found being the POINT OF BEGINNING.

Said tract or parcel of land contains 11.093 acres or 483,220 square feet.

Conditions of Zoning

Conditions of Zoning

1. Development shall generally adhere to the site plan as submitted



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy

3. Landscape plan is required at time of land disturbance permit review

4. Lighting plan is due prior to the issuance of a building permit

5. Uniform sign plan is required prior to the issuance of a certificate of occupancy



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Mayor Mike Miller per diem.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

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



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

NAME Mike Miller

MONTH/YEAR November/December 2020

	MEETING DATE	DESCRIPTION OF MEETING
1	11/19/2020	Chamber of Commerce Board of Directors meeting
2	12/2/2020	EDC Investment Assistance Council
3	12/10/2020	Meeting with Developer
4		
5		

My signature certifies that I am eligible to be paid for 5 meeting dates, maximum 5 per month, in accordance with per diem pay as described in Ordinance No. 477. Total \$150.00 (\$50.00 per mtg)

Signature



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider November 5, 2020 Meeting Minutes

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [November 5, 2020 Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
November 5, 2020, 6:00 pm.
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Miller called the meeting to order at 6:01 pm.

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

Also present were Bill Andrew, City Manager, Vickie Short, City Clerk, Ron Bennett, City Attorney, City Planner Rich Atkinson, Finance Director Alisha Gamble and David Spillers, Police Chief.

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

UNFINISHED WORK SESSION:

Discussion of New Operations Development Charge

Mr. Bobby Sills, Nelsnick Enterprises, LLC, again presented detailed information regarding the New Operations Development Charges as requested by Council at the October 15, 2020 meeting.

Recommendations

Nelsnick recommends rounding down the ODC to the nearest \$100 dollars. This will ensure that any operating efficiencies of the new plant would be accounted for in future calculations of the ODC. The ODC should be recalculated every 5-years to be sure developers are paying a fair share of projected fixed operational costs.

The following would result in a \$6.67 reduction in the monthly base charge. Larger meter customers would see a reduction based on the capacity ratio of the larger meter to the ¾" meter. The resulting projected revenues over the 10-year period is provided in the following table.

Table 2 ODC Calculation		
Recommended ODC per EDU	FY22 - FY31 Base Charge Reduction (new subdivisions only)	Total Revenues Expected
\$800.00	\$6.67	\$3,463,203
Recommended ODC per EDU	FY22 - FY31 Base Charge Reduction (new subdivisions only)	Total Revenues Expected
\$500.00	\$4.17	\$3,333,333

Mr. Anglin asked Mr. Sills if there would be any scenarios where the city might lose money. Mr. Sills responded no. There were further questions about the 10-year time frame and the standard of the rate changes. This was followed by a detailed conversation.

Mr. Asbridge about the developer costs and how it should be calculated and the timing of payments along with the normal sewer development charges.

Ms. Farah expressed concerns regarding the administrative issues when tracking the accounts.

Mr. Mundy questioned the timing of the receipt of the funds versus when the development is actually completed.

There was a further, detailed conversation about the collection and disbursement of these funds.

Consider Insurance Policies for 12/01/2020 - 11/30/2021

Ms. Gamble presented the Insurance Policy Update.

Highlights included:

Budget Analysis with Additional Life Insurance:

FY2021 APPROVED ANNUAL BUDGET:		\$ 519,316.84
Proposed Increased Costs:		
	Alliant Health	\$465,485
	Life& AD&D	\$ 2,735.88
	Dental	\$ 27,622.44
	Vision	\$ 1,331.76
	SUBTOTAL:	\$497,175
Add: Additional Life Insurance		
	3 Times Salary:	\$ 14,611.92
APPROVED BUDGET REMAINING:		\$ 7,529.44

Requesting additional Life insurance to enhance our benefits package for current employees and future recruitment.

FY2021 Health Insurance Budget = \$519,316.84

Contract with Alliant Plans #8004400 = \$465,485

Life/AD&D, Dental and Vision = \$31,690.08

Humana Policy

Additional Life Insurance (3 Times Salary) = \$14,611.92

Additional Life Insurance (2 Times Salary) = \$10,253.34

Additional Life Insurance (\$75,000) = \$13,176

Mr. Asbridge asked if the Council could vote on the original insurance policy vs. the policy with possible increases in life insurance. Ms. Gamble stated that it could be voted on that way. Mr. Anglin agreed with Mr. Asbridge.

Sewer Capacity Request - Capstone Acquisition, LLC

Mr. Andrew gave a history of the Capstone Acquisition's prior requests. This item was originally heard at the February 20, 2020 Council Meeting and the applicant was asked to file an application to annex into the City to receive sewer service. Annexation was denied on September 17, 2020. Annexation was also denied on May 2, 2019. September 21, 2019 - Capstone requested sewer from the City but the volume of sewer was beyond the authority of the City Manager, who may only approve up to 5,000 gallons per day and so the Council would need to act.

This development will consist of the following phases:

Phase I – Beginning on or around July 2021: 22,437.50 gallons per day serving the first phase of the proposed multi-family and commercial developments;

Phase II – Beginning on or around December 2021: 22,437.50 gallons per day serving the second phase of the proposed multi-family and commercial developments (or 44,875 gallons per day in total as of December 2021); and

Phase III – Beginning on or around March 2022: 15,750 gallons per day serving the proposed senior facility development (or 60,625 gallons per day in total as of March 2022).

Service Delivery Strategy

The current 2017 Service Delivery Strategy states the following regarding the ability of one government to partner with another to provide sewer service in the Flowery Branch Sewer Service District:

"...[S]ignators of this document may wish to 'partner' to provide service within specific geographic areas of any District. Said partnership may be between the County and one or more of the municipalities or simply between one or more of the municipalities. These partnerships may be affected by a **mutual, simple, written agreement** between the governmental entity assigned the district in which the 'specific geographic area' lies and the other governmental entities wishing to 'partner.'"

Staff is recommending only providing sewer to the Senior Housing parcels and not those outside of the city limits.

There was a detailed discussion about requesting an engineering letter from Capstone Acquisition, LLC.

NEW BUSINESS -WORK SESSION:

Consider Resolution 20-025 - 1st Quarter Amendment to the Budget for FY2021 as Previously Adopted on June 25, 2020.

Ms. Gamble presented the details of the 1st Quarter Amendment to the FY2021 Budget.

The breakdown is as follows:

First Amendment – General Fund

- Transfer from SPLOST for project expenses for \$78
 - Pump Station Project purchases

Second Amendment – Water Sewer Operating Fund

- Increase Portable Meters Revenue to actual collected for the quarter \$223
- Increase Meter Purchases \$40,000 to match revenue account budget
 - This adjustment is to establish actual activity for the first quarter.
- Transfer to and from the water sewer capital fund to re-establish roll forward of on-going project balances (\$50,038 decrease in W&S Operating and \$50,038 increase in W&S Capital Fund).

Request approval of Resolution 20-026: Relocate Sewer at Hog Mountain Road and Spout Springs Road

Ms. Gamble explained that the Georgia Department of Transportation (GDOT) is requiring the City to relocate sewer at Hog Mountain Road and Spout Springs Road as soon as possible as it may delay the widening project of Spout Springs Road.

The City received two quotes for this project Bowen Utilities Incorporated \$34,880.00 and Duncan Pipeline Inc \$35,039.82. The City prefers to use Duncan for two reasons: The quote difference is minimal (\$152.82) and Duncan has a good working history with the City of Flowery Branch.

Sanitary Sewer Cleaning and Relining Bid Award for Bid Number CPL2020-002

Mr. Andrew explained that the city had originally acquired two quotes for 498 LF of relining which came out to a best price of \$236.95 per linear foot or \$118,001 total with the project exceeding \$100,000, for which a formal, public bid is required.

CPL was tasked with creating a bid package and as they examined the needs of the City, the project was expanded from 498 LF to 1,353 LF, as well as rehabilitation of 13 existing sanitary sewer manholes in accordance with provided construction documents.

With the new project having an increase of 272% in length, and the addition of several manholes, we were concerned the project could be in the range of \$320,000. The bid of \$131,855.29 is arguably a savings of over \$150,000. The fact that three of the bids were only separated by \$15,526 or 11.7% is a good sign that this is a solid bid. The cost for hiring CPL to conduct this bid and manage this project is \$7,595. The cost to prepare the TV Report was \$3,782.85.

DEPARTMENT REPORTS:

City Manager Report: Mr. Andrew requested the Mayor and Council to consider an expedited schedule for a commercial/business re-zoning (0 Falcon Parkway), from Agriculture to Light Industrial. He gave a brief overview of the re-zoning. The general consensus was to allow the expedited schedule for the potential development.

Finance Report: Ms. Gamble presented an update of Quarter 1 of FY2021.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 7:22 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:22 pm.

PUBLIC COMMENTS:

Lauren Crump, 6287 Shoreview Circle, Flowery Branch, GA 30542

Ms. Crump requested assistance with a high water/sewer bill at her residence. This \$1,200.00 bill is beyond her ability to pay. She explained that all steps have been completed for the issue and two plumbers have found no leak at her residence. Mr. Andrew gave a detailed history of Ms. Crump's account. This included Mr. Andrew and Mr. Bill Whidden, Public Works Director, personally taking Ms. Crump's meter for accuracy testing with the City of Gainesville. The meter tested 100% accurate. She is coming before Mayor and Council because she has already received a one-time adjustment on her account. An additional credit goes beyond the ordinance requirements that have been set forth for adjustments. Mayor and Council were in agreement to allow Ms. Crump's bill to be adjusted to a normal average bill of approximately \$60.00.

CONSENT AGENDA:

Consider October 1, 2020 Meeting Minutes

Consider October 15, 2020 Meeting Minutes

There was a motion made to approve the Consent Agenda.

MOTION: Leslie Jarchow

SECOND: Ed Asbridge

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

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider Insurance Policies for 12/01/2020 - 11/30/2021

There was a motion made to approve the change to Alliant Plan #8004400 and keep Life/AD&D, Dental and Vision with Humana, with the condition of further review of additional life insurance coverage for all employees at a later date.

MOTION: Amy Farah

SECOND: Chris Mundy

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

NAYS: None

Motion carried

Sewer Capacity Request - Capstone Acquisition, LLC

There was a motion made to postpone until the applicant provides the City additional information on the project.

MOTION: Leslie Jarchow

SECOND: Amy Farah

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

NAYS: None

Motion carried

The was a very detailed conversation regarding the Sewer Capacity request and our application process.

There was a motion made to withdraw the original motion to postpone until the applicant provides the City of Flowery Branch additional information on the project.

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

There was a motion to postpone the sewer request for parcels (15046 00071, 15046 000009B, 15047 000151) inside the city limits to provide an engineering letter close to the commencement of the project.

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

There was a motion made to deny the sewer capacity request for parcels (15046 000065, 15046 000070, 15046 000010, 15046 000125, 15046 000131), located outside of the City Limits.

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

NEW BUSINESS - VOTING SESSION:

Consider Resolution 20-025 - 1st Quarter Amendment to the Budget for FY2021 as Previously Adopted on June 25, 2020.

Mr. Bennett read the caption to Resolution 20-025.

There was a motion made to approve Resolution 20-025 for 1st Quarter Amendment to the Budget for FY2021 as Previously Adopted on June 25, 2020.

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

Request approval of Resolution 20-026: Relocate Sewer at Hog Mountain Road and Spout Springs Road

Mr. Bennett read the caption of Resolution 20-026.

There was a motion made to approve Resolution 20-026, Relocate Sewer at Hog Mountain and Spout Springs Road, for a total of \$38,544 which will be funded from the Water Sewer Capital Projects Fund.

MOTION: Ed Asbridge

SECOND: Chris Mundy

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

NAYS: None

Motion carried

Sanitary Sewer Cleaning and Relining Bid Award for Bid Number CPL2020-002

There was a motion made to approve awarding the bid to IPR Southeast, LLC and authorize the Mayor to sign the contract and funding to be out of the Water & Sewer Capital Fund.

MOTION: Joe Anglin

SECOND: Amy Farah

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

NAYS: None

Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session for the purpose of acquisition of Real Estate and Pending and/or Potential Litigation at 8:11 pm.

MOTION: Leslie Jarchow

SECOND: Joe Anglin

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

NAYS: None

Motion carried

There was a motion made to reconvene open session at 8:32 pm.

MOTION: Amy Farah

SECOND: Leslie Jarchow

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

NAYS: None

Motion carried

There was a motion made to approve the authorization of the Mayor's signature on the license agreement with Paul White Ministries, LLC for 5318 Railroad Avenue.

MOTION: Leslie Jarchow

SECOND: Chris Mundy

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

NAYS: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 8:33 pm.

MOTION: Leslie Jarchow

SECOND: Amy Farah

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

NAYS: None

Motion carried

Mayor – Mike Miller

Date

City Clerk – Vickie Short



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider November 19, 2020 Meeting Minutes

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [November 19, 2020 Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
November 19, 2020, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL PUBLIC HEARING TO ORDER:

Mayor Miller called the public hearing to order at 6:05 pm.

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

Also present were Bill Andrew, City Manager, Ron Bennett, City Attorney, Rich Atkinson, City Planner, Alisha Gamble, Finance Director and Police Chief David Spillers.

ABSENT: Vickie Short, City Clerk

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

AWARD PRESENTATION: POLICE DEPARTMENT

Mayor Miller presented the Honorable Service Award to Deputy Chief Chris Hulsey for 10 years of service to the City of Flowery Branch. He also received the Meritorious Service Award.

Mayor Miller also presented Officer Jake Xayavong the Honorable Service for 10 years of service to the City of Flowery Branch.

PUBLIC HEARING:

Public hearing and work session discussion for a proposed rezoning of an 8.56+/- tract of land known as tax parcel 08092 000005 from M-1 (Light Industrial) to R-3 (Multi-family) submitted by HillGrove Homes.

Applicant withdrew rezoning request. No public hearing took place.

NEW BUSINESS -WORK SESSION:

Public hearing and work session discussion for a proposed rezoning of an 8.56+/- tract of land known as tax parcel 08092 000005 from M-1 (Light Industrial) to R-3 (Multi-family) submitted by HillGrove Homes.

Applicant withdrew rezoning request. Work session not necessary for this item.

Impact Fee Discussion with a Presentation by Bill Ross, ROSS+associates

Mr. Ross gave a brief history of ROSS+associates.

Mr. Ross explained the Georgia Impact Fee Act. The act covers, certain Public Facility Categories, development exactions, system improvements, and comprehensive plan connection.

There was a very detailed presentation on each of the allowed coverage areas. Several examples were given on the computation of expected costs for Park Land.

Mr. Anglin asked about an additional Impact Fee for developers in addition to the Hall County impact fees that we are currently collecting. Mr. Ross replied that the City of Flowery Branch would be able to impose additional Impact Fees.

Ms. Jarchow asked if separate funds will be set up outside of the general fund. Mr. Ross responded that the funds would need to be separated.

Mr. Anglin asked if the fees could be used for maintenance. According to Mr. Ross, these funds cannot be used for maintenance items, or payroll as an example. He stated the funds are improvements with a useful life of ten years or more, by new construction or other action, which increases the service capacity of a public facility.

Request to approve and execute DW2020020 GEFA Loan Documents

Ms. Gamble presented of Award of GEFA Loan DW2020020.

Highlights included:

- Drinking Water State Revolving Fund (DWSRF)
- Award letter received 11/5/2020
- Water System Improvements Loan
- \$5,710,000
- Interest rate of 0.99%
- Interest accrues and is payable monthly once construction draw requests begin.
- The City must sign all documents before GEFA will execute the loan agreement.
- Request for approval for the Mayor to sign and execute the DW2020020 loan documents.

To authorize the Mayor to sign GEFA loan documents for the DW2020020 Water System Improvements approved funding of \$5,710,000.

DEPARTMENT REPORTS: There were no department reports.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 7:13 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:13 pm.

PUBLIC COMMENTS: There were no public comments.

CONSENT AGENDA:

Mayor Mike Miller per diem

There was a motion made to approve the consent agenda.

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

NEW BUSINESS - VOTING SESSION:

Request to approve and execute DW2020020 GEFA Loan Documents

There was a motion made to approve the Mayor to sign GEFA loan documents for the DW2020020 Water System Improvements approved funding of \$5,710,000.

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

EXECUTIVE SESSION:

There was a motion made to enter executive session at 7:16 pm for matters related to the acquisition of real estate.

MOTION: Leslie Jarchow

SECOND: Joe Anglin

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

NAYS: None

Motion carried

There was a motion made to reconvene open session at 7:53 pm.

MOTION: Chris Mundy

SECOND: Leslie Jarchow

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

NAYS: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 7:53 pm.

MOTION: Chris Mundy

SECOND: Amy Farah

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

NAYS: None

Motion carried

Mayor – Mike Miller

Date

City Clerk – Vickie Short



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider December 3, 2020 Meeting Minutes

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Vickie Short

ATTACHMENTS

- [December 3, 2020 Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting Minutes
Thursday, December 3, 2020, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Mike Miller called the meeting to order at 6:03 pm.

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

Also present were City Manager, Bill Andrew, City Clerk, Vickie Short, City Clerk, Ron Bennett, City Attorney, Alisha Gamble, Finance Director, Planner Rich Atkinson and Police Chief David Spillers.

PLEDGE OF ALLEGIANCE:

Mayor Mike Miller led the Pledge of Allegiance.

NEW BUSINESS -WORK SESSION:

Consider 2021 Council Meeting Dates

Ms. Short presented the proposed meeting dates for 2021. Mayor Miller asked Council if they approved the dates. Mr. Anglin suggested the July 1, 2021 meeting be removed from the schedule.

Consider Resolution 20-027 - Audit Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019.

Ms. Gamble presented Resolution 20-027-Audit Amendment to FY2020 Budget. She stated that a balanced budget is required by Georgia Law on Local Government Budgets (36-81-3) and Government Finance Officers Association (GFOA) Best Practices. There are 3 adjustment requests.

Adjustments:

- A reclassification of previously approved total budget between departments is needed for a balanced budget, therefore we request to move \$12,115 from Economic Development

Request approval of Resolution 20-028; Implementation of 1.75% step adjustment and 1.8% COLA adjustment, effective January 1, 2021.

Ms. Gamble presented the details of the request.

- FY2019 - pay scale implemented through the CVIOG Salary Study
 - Pay scale always includes a 1.75% step adjustment between all levels.
 - Pay scale is adjusted entirely with the COLA each year.
- Due to the COVID-19 pandemic, Council elected to hold off any salary adjustments with the FY2021 budget and re-evaluate mid-year.
- To maintain the competitiveness of our pay table, the City should continue to provide cost of living adjustments (COLA's) annually as the pay scale changes.
- According to the September 2020 Employment Cost Index Report, the COLA adjustment for state and local government workers is 1.8%.

A recent survey completed by the Carl Vinson Institute of Government (CVIOG), shows several local governments around us plan have provided or plans to provide a COLA adjustment to their employees.

<u>Organization:</u>	<u>Last COLA:</u>	<u>Planned Upcoming COLA:</u>
Tallah Falls:	None	N/A
Hiawassee:	2-3%	3.00%
Blairsville:	3.00%	3.00%
Toccoa:	3.00%	3.00%
Clayton:	3.00%	N/A
Clarkesville:	2.00%	2.00%
Franklin County:	N/A	3.00%
Oakwood:		3.42% (0.90% chart change & 2.5% step change)
Gainesville:		NO RESPONSE
Hall County:		NO RESPONSE
Winder:	up to 3% (merit)	up to 3% (merit)
Commerce:		Considering merit increases for Spring 2021
Jefferson:	None	None

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 6:34 pm.

PUBLIC COMMENTS: There were no public comments.

CONSENT AGENDA:

Consider 2021 Council Meeting Dates

There was a motion made to approve Consider 2021 Council Meeting Dates with the exception of July 1, 2021. This meeting will not be on the schedule.

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

NEW BUSINESS - VOTING SESSION:

Consider Resolution 20-027 -Audit Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019.

Mr. Bennett read the caption to Resolution 20-027.

There was a motion made to approve Resolution 20-027 for Audit Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019.

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

EXECUTIVE SESSION: There was no executive session.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Crown Castle Memorandum of Amendment and Agreement Amendment

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

The City of Flowery Branch has not utilized GMA's services from the TRM program in the past. Several Georgia cities have reported an increase in revenue through this program. See the attached Franchise Fee Recovery report (2012 – 3/30/2020) provided by GMA. Mr. Fender with GMA also stated they have recovered approximately \$700K since 2/13/2020 through 4/30/2020.

GMA has been in negotiations with Crown Castle, the management company of the cell tower located at 5497 East Main Street in Flowery Branch. Right now, this cell tower only has one company leased to use the tower.

FACTS AND ISSUES:

The City currently collects \$893.03 monthly from Crown Castle, a total of \$10,716.36. GMA has negotiated the following terms of the agreement with Crown Castle:

- **ADDITIONAL TERM:** Addition of 3 renewal terms of 5 years each for a revised final lease expiration date of July 31, 2040.
 - **RENT PAYMENT INCREASE:** Addition of a one-time rent payment increase to be applied on the first day of the thirteenth (13th) month following full execution of the Amendment, to an amount equal to Twenty Eight Thousand (\$28,000) per year.
 - **ESCALATION:** Escalation changed to annual 3% effective on 08/01/2023
 - **BONUS PAYMENT:** One-time payment of a bonus in the amount of Ten Thousand Dollars (\$10,000.00). This bonus provision will be incorporated into the Amendment and the associated payment will be issued within 60 days of full execution of the Amendment.
 - **REVENUE SHARE:** Changing current revenue share provision for future non-affiliate subtenant added to the site to 25% net revenue share. (The City currently does not have a revenue share option in the current contract).
-

OPTIONS:

Approve the MOA and Amendment of contract with Crown Castle as presented.

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

No

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

Approve the MOA and Amendment of contract with Crown Castle as presented.

SAMPLE MOTION:

I make a motion to approve the amendment with Crown Castle and authorize for the Mayor to sign all necessary documents as presented.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [EXECUTIVE SUMMARY - Crown Castle Agreement Changes.pdf](#)
- [Crown Castle Memorandum of Amendment](#)
- [Crown Castle Amendment.pdf](#)
- [3-28-2000 Crown Castle Agreement.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Crown Castle Telecommunications Franchise Agreement MOA and Amendment

DATE: November 24, 2020

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: December 17, 2020

PURPOSE:

The City of Flowery Branch desires to provide regulation and oversight of cable television and other telecommunications services being provided to the citizens of the City. Currently, staff utilizes Georgia Municipal Association, Inc's telecommunications and right-of-way management program (TRM) to assist the City with this monitoring.

HISTORY:

The City of Flowery Branch has not utilized GMA's services from the TRM program in the past. Several Georgia cities have reported an increase in revenue through this program. See the attached Franchise Fee Recovery report (2012 – 3/30/2020) provided by GMA. Mr. Fender with GMA also stated they have recovered approximately \$700K since 2/13/2020 through 4/30/2020.

GMA has been in negotiations with Crown Castle, the management company of the cell tower located at 5497 East Main Street in Flowery Branch. Right now, this cell tower only has one company leased to use the tower.

FACTS AND ISSUES:

The City currently collects \$893.03 monthly from Crown Castle, a total of \$10,716.36. GMA has negotiated the following terms of the agreement with Crown Castle:

•**ADDITIONAL TERM:** Addition of 3 renewal terms of 5 years each for a revised final lease expiration date of July 31, 2040.

•**RENT PAYMENT INCREASE:** Addition of a one-time rent payment increase to be applied on the first day of the thirteenth (13th) month following full execution of the Amendment, to an amount equal to **Twenty Eight Thousand (\$28,000)** per year.

• **ESCALATION:** Escalation changed to annual 3% effective on 08/01/2023

• **BONUS PAYMENT:** One-time payment of a bonus in the amount of **Ten Thousand Dollars (\$10,000.00)**. This bonus provision will be incorporated into the Amendment and the associated payment will be issued within 60 days of full execution of the Amendment.

• **REVENUE SHARE:** Changing current revenue share provision for future non-affiliate subtenant added to the site to 25% net revenue share. (The City currently does not have a revenue share option in the current contract).

OPTIONS: Approve the MOA and Amendment of contract with Crown Castle as presented.

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the amendment with Crown Castle and authorize for the Mayor to sign all necessary documents as presented.

DEPARTMENT: Finance

Prepared by: Alisha Gamble

Recording Requested by and Return to:
Crown Castle
1220 Augusta Drive, Ste. 500
Houston, TX 77057
Attn: CCRE Department

Cross Reference to:
Deed _____, Page _____
Hall County, Georgia Records

STATE OF GEORGIA)

COUNTY OF HALL)

**AGREEMENT AND MEMORANDUM OF
FIRST AMENDMENT TO OPTION AND LEASE AGREEMENT**

THIS AGREEMENT AND MEMORANDUM OF FIRST AMENDMENT TO OPTION AND LEASE AGREEMENT (“Memorandum”) is made and entered into effective as of the last date of execution shown below, by and between **CITY OF FLOWERY BRANCH**, a Georgia municipal corporation (having a mailing address of P.O. Box 757, Flowery Branch, Georgia 30542) (**“LESSOR”**), and **NEW CINGULAR WIRELESS PCS, LLC**, a Delaware limited liability company, successor by merger to BellSouth Mobility LLC, a Georgia limited liability company, successor by corporate election with BellSouth Mobility Inc., a Georgia corporation (having a mailing address of Attention: Network Real Estate Administration Re: Cell Site #: 801597, Cell Site Name: GA MCR CCI 801597, Fixed Asset No: 10022300, 1025 Lenox Park Blvd. NE, 3rd Floor, Atlanta, GA 30319) (**“TENANT”**).

W I T N E S S E T H:

WHEREAS, LESSOR and TENANT entered into that certain Option and Lease Agreement dated March 28, 2000 (the **“Agreement”**), covering certain real property, together with easements for ingress, egress and utilities thereto, as described in **Exhibit “A”** attached hereto (the **“Property”**); and

WHEREAS, the Agreement has an original term (including all extension terms) that will terminate on July 31, 2025 (the **“Original Term”**); and

WHEREAS, effective as of the date of this Memorandum, LESSOR and TENANT have amended the Agreement and desire to acknowledge, confirm and make record of the above-referenced amendment.

NOW, THEREFORE, LESSOR and TENANT hereby acknowledge and agree that the following accurately represents the Agreement, as amended by that First Amendment to Option and Lease Agreement dated as of the date hereof (the “**Amendment**”):

**MEMORANDUM OF FIRST AMENDMENT TO
OPTION AND LEASE AGREEMENT**

Lessor:	City of Flowery Branch, a Georgia municipal corporation, having a mailing address of P.O. Box 757, Flowery Branch, Georgia 30542.
Tenant:	New Cingular Wireless PCS, LLC, a Delaware limited liability company, with a mailing address of Attention: Network Real Estate Administration Re: Cell Site #: Cell Site #: 801597, Cell Site Name: GA MCR CCI 801597, Fixed Asset No: 10022300, 1025 Lenox Park Blvd. NE, 3rd Floor, Atlanta, GA 30319.
Property:	The real property leased by LESSOR to TENANT together with an easement for ingress, egress and utilities thereto is described in Exhibit “A,” attached to this Memorandum and incorporated herein by this reference.
Initial Lease Term:	For a term of five (5) years, beginning on August 1, 2000.
Expiration Date:	The first five (5) extensions having been exercised, if not otherwise extended or renewed, the Agreement shall expire on July 31, 2025.
Right to Extend or Renew:	TENANT has three (3) remaining options to extend the Agreement for a period of five (5) years each on the terms and conditions set forth in the Agreement, as amended. If TENANT exercises all extensions/renewals, the final expiration of the Agreement will occur on July 31, 2040.
Option to Purchase:	No.
Right of First Refusal:	Yes.

Notice Prior to Sale:

Yes.

All of the terms, provisions, covenants and agreements contained in the Agreement, as amended by the Amendment, are hereby incorporated herein by reference in the same manner and to the same extent as if all such terms, provisions, covenants and agreements were fully set forth herein. LESSOR and TENANT ratify, confirm and adopt the Agreement, as amended by the Amendment, as of the date hereof and acknowledge that there are no defaults under the Agreement or events or circumstances which, with the giving of notice or passage of time or both, would ripen into events of default. Except as otherwise expressly amended herein, all the terms and conditions of the Agreement shall remain and continue in full force and effect. This Memorandum will be recorded in the applicable land records and is intended to provide notice to third parties of the Agreement and any and all amendments thereto. The Agreement and any and all amendments thereto contain terms and conditions in addition to those set forth in this Memorandum. This Memorandum is not intended to amend or modify the terms and conditions of the Agreement or of any amendments thereto. To the extent that the terms and conditions of this Memorandum differ from the terms and conditions of the Agreement and/or any amendments thereto, the terms and conditions of the Agreement and/or any amendments thereto shall govern and prevail. Capitalized terms not otherwise defined herein shall have the meaning defined in the Agreement and/or any amendments thereto. This Memorandum may be executed in two (2) or more counterparts and by facsimile, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.

[Signatures appear on the following pages.]

IN WITNESS WHEREOF, the parties have executed this Agreement and Memorandum of First Amendment to Option and Lease Agreement effective as of the last date of execution shown below.

Signed, Sealed and
Delivered in the Presence of:

LESSOR:

CITY OF FLOWERY BRANCH,
a Georgia municipal corporation

Unofficial Witness

By: _____
Name: _____
Its: _____

Notary Public

Date: _____

MY COMMISSION EXPIRES:

Signed, Sealed and
Delivered in the Presence of:

Unofficial Witness

Notary Public

MY COMMISSION EXPIRES:

TENANT:

NEW CINGULAR WIRELESS PCS, LLC,
a Delaware limited liability company

By: **CROWN CASTLE SOUTH LLC,**
a Delaware limited liability company

Its: Attorney-in-Fact

By: _____(SEAL)

Name: _____

Its: _____

Date: _____

EXHIBIT "A"

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 113 of the 8th District, City of Flowery Branch, Hall County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at an iron pin on the northeast right of way line of Main Street (70 foot right of way), said point being located 2013.40 southeasterly, as measured along the northeast right of way line of Main Street, from the centerline of U.S. Highway 23; thence along said northeasterly right of way line of Main Street South 55 degrees 26 minutes 16 seconds East a distance of 23.51 feet to a point, said point also being the centerline of a 20 foot wide Access and Utility Easement; thence leaving said northeasterly right of way line of Main Street and proceed along the centerline of a 20 foot wide Access and Utility Easement the following courses and distances: North 46 degrees 18 minutes 35 seconds East a distance of 382.19 feet to a point; North 43 degrees 41 minutes 25 seconds West a distance of 45.58 feet to a point which marks the **TERMINUS** of said centerline of a 20 foot wide Access and Utility Easement and **THE POINT OF BEGINNING** of the BellSouth Mobility, Inc. Lease Premises.

FROM THE POINT OF BEGINNING THUS ESTABLISHED, thence South 42 degrees 37 minutes 25 seconds West a distance of 50.00 feet to an iron pin; thence North 47 degrees 22 minutes 35 seconds West a distance of 100.00 feet to an iron pin; thence North 42 degrees 37 minutes 25 seconds East a distance of 100.00 feet to an iron pin; thence South 47 degrees 22 minutes 35 seconds East a distance of 100.00 feet to an iron pin; thence South 42 degrees 37 minutes 25 seconds West a distance of 50.00 feet to a point and **THE POINT OF BEGINNING**: said property being shown as a 0.23 Acre (10,000 square feet), tract of land on a survey for Crown Castle International prepared by Registered Land Surveyors, Inc., certified by Claude S. Brown, Georgia Registered Land Surveyor No. 2420, dated March 7, 2000, which certain survey is incorporated herein by this reference and made a part hereof.

Together with:

"CENTERLINE OF A 20 FOOT WIDE ACCESS AND UTILITY EASEMENT"

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 113 of the 8th District, City of Flowery Branch, Hall County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at an iron pin on the northeast right of way line of Main Street (70 foot right of way), said point being located 2013.40 southeasterly, as measured along the northeast right of way line of Main Street, from the centerline of U.S. Highway 23; thence along said northeasterly right of way line of Main Street South 55 degrees 26 minutes 16 seconds East a distance of 23.51 feet to a point and **THE POINT OF BEGINNING** of the centerline of a 20 foot wide Access and Utility Easement.

FROM THE POINT OF BEGINNING THUS ESTABLISHED, thence leaving said northeasterly right of way line of Main Street and proceed along the centerline of a 20 foot wide Access and Utility Easement the following courses and distances: North 46 degrees 18 minutes 35 seconds East a distance of 382.19 feet to a point; North 43 degrees 41 minutes 25 seconds West a distance of 45.58 feet to a point which marks the **TERMINUS** of said centerline of a 20 foot wide Access and Utility Easement; said property being shown on a survey for Crown Castle International prepared by Registered Land Surveyors, Inc., certified by Claude S. Brown, Georgia Registered Land Surveyor No. 2420, dated March 7, 2000, which certain survey is incorporated herein by this reference and made a part hereof.

STATE OF GEORGIA)
COUNTY OF FIRST)

FIRST AMENDMENT TO OPTION AND LEASE AGREEMENT

THIS FIRST AMENDMENT TO OPTION AND LEASE AGREEMENT (the “**Amendment**”) is made and entered into effective as of the last date of execution set forth below, by and between **CITY OF FLOWERY BRANCH**, a Georgia municipal corporation (having a mailing address of P.O. Box 757, Flowery Branch, Georgia 30542) (“**LESSOR**”), and **NEW CINGULAR WIRELESS PCS, LLC**, a Delaware limited liability company, successor by merger to BellSouth Mobility LLC, a Georgia limited liability company, successor by corporate election with BellSouth Mobility Inc., a Georgia corporation (having a mailing address of Attention: Network Real Estate Administration Re: Cell Site #: 801597, Cell Site Name: GA MCR CCI 801597, Fixed Asset No: 10022300, 1025 Lenox Park Blvd. NE, 3rd Floor, Atlanta, GA 30319) (“**TENANT**”).

W I T N E S S E T H:

WHEREAS, LESSOR and TENANT entered into that certain Option and Lease Agreement dated March 28, 2000 (the “**Agreement**”), covering certain real property, together with easements for ingress, egress and utilities thereto, as described in **Exhibit “A”** attached hereto (the “**Property**”); and

WHEREAS, the Agreement has an original term (including all extension terms) that will terminate on July 31, 2025 (the “**Original Term**”) and the parties desire to amend the Agreement to extend the Original Term and as otherwise set forth herein.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **AMENDMENTS**. The Agreement is hereby amended as follows:

(a) Renewal Terms. The first sentence of Section 3 of the Agreement is hereby deleted in its entirety and the following is substituted in lieu thereof:

TENANT shall have the option to extend the term of this Agreement for seven (7) additional consecutive five (5) year periods.

If all such options to extend are exercised, then the final expiration of the Agreement shall occur on July 31, 2040.

(b) Consideration. Notwithstanding any provision of Section 2 or Section 4 of the Agreement to the contrary and in lieu of any other increases in rent set forth in the Agreement:

(i) Effective on the first day of the thirteenth (13th) month following the complete execution of this Amendment, the annual rent shall increase to Twenty Eight Thousand and No/100 Dollars (\$28,000.00), with any partial years being prorated. Any additional rent due as a result of such increase shall be paid to LESSOR within sixty (60) days following the date of such increase.

(ii) Effective on the first day of the second full month following the complete execution of this Amendment, the rent shall be payable annually on August 1 of each year during the term of this Agreement. Accordingly, within sixty (60) days following the Complete execution of this Amendment, TENANT shall pay to LESSOR the remainder of the rent due for the current lease year.

(iii) Effective August 1, 2023, and on each anniversary of such date during the term of the Agreement, the annual rent shall increase by three percent (3%) over the annual rent due in the immediately preceding lease year.

(c) **Holding Over.** Section 5 of the Agreement is hereby amended by deleting the term “fourth (4th)” wherever it appears therein and substituting the term “last” in lieu thereof.

(d) **Notice.** Section 19 of the Agreement is hereby amended to reflect the following notice address for TENANT:

New Cingular Wireless PCS, LLC
Attn: Network Real Estate Administration
Re: Cell Site #: 801597
Cell Site Name: GA MCR CCI 801597
Fixed Asset No. 10022300
1025 Lenox Park Blvd. NE
3rd Floor
Atlanta, Georgia 30319

and to:

AT&T Legal Department -- Network
Attention: Network Counsel
Re: Fixed Asset No. 10022300
208 S. Akard Street
Dallas, Texas 75202-4206

with a copy to:

Crown Castle South LLC
General Counsel
Attention: Legal - Real Estate Department
2000 Corporate Drive
Canonsburg, Pennsylvania 15317

(e) **Notice Prior to Sale.** If LESSOR intends to sell fee title, an easement, a lease, a license, or any other interest in the Property, any or all of LESSOR's interest in the Agreement including the rent or revenue derived therefrom, LESSOR shall provide written notice to TENANT prior to LESSOR entering into any listing, brokerage, or other agreement relating to such sale, or otherwise advertising or listing the Property or the Agreement for sale.

(f) **Revenue Sharing.**

(i) The paragraph titled "Co-Location Provision" as set forth in the Addendum attached to the Agreement is hereby deleted in its entirety.

(ii) If, after the date hereof, TENANT subleases, licenses or grants similar rights of occupancy in the Property to an unaffiliated third party not already a subtenant or licensee at the Property (each a "**Subtenant**"), TENANT shall pay to LESSOR twenty-five percent (25%) of the rental, license or similar payments actually received by TENANT (excluding any reimbursement of taxes, construction costs, installation costs, or revenue share reimbursement) from each such Subtenant (the "**Additional Rent**"). The Additional Rent shall be paid to LESSOR within thirty (30) days after receipt of said payment by TENANT. TENANT shall have no obligation for payment to LESSOR of such share of rental, license or other similar payments if not actually received by TENANT. Non-payment of such rental, license or other similar payment by a sublessee, licensee or other occupant shall not be a default under the Agreement. LESSOR acknowledges that LESSOR shall have no recourse against TENANT as a result of the failure of payment or other obligation by a Subtenant. TENANT shall have sole discretion as to whether, and on what terms, to sublease, license or otherwise allow occupancy of the Property and there shall be no express or implied obligation of TENANT to do so. Notwithstanding anything herein to the contrary, the parties agree and acknowledge that revenue derived from any Subtenants who commenced use and/or sublease of the Property prior to the execution of this Amendment, or any successors and/or assigns of such Subtenants, shall be expressly excluded from the provisions of this paragraph and LESSOR shall have no rights to receive any portion of the revenue of such Subtenants. The parties further acknowledge and agree that, notwithstanding anything in this paragraph to the contrary, any payments made between or among TENANT and Crown Castle South LLC, or their parents, affiliates, successors and/or assigns shall be expressly excluded from the provisions of this paragraph and LESSOR shall have no right to receive any portion of such payments.

2. **SIGNING BONUS.** As additional consideration for the execution of this Amendment, TENANT shall pay to LESSOR the sum of Ten Thousand and No/100 Dollars (\$10,000.00) within sixty (60) days following the final execution of this Amendment by TENANT. LESSOR acknowledges that the Signing Bonus may be paid by Crown Castle South LLC ("Crown") on behalf of TENANT. By signing this Amendment, LESSOR agrees to accept the Signing Bonus from Crown and LESSOR further agrees that the acceptance by LESSOR of the Signing Bonus shall be a complete accord and satisfaction of said obligation. Upon payment of the Signing Bonus, LESSOR waives and releases TENANT and Crown from any and all claims LESSOR may have pursuant to the Agreement (or otherwise) related to or arising out of the Signing Bonus. The rent and all other consideration will continue to be paid by TENANT pursuant to the terms of the Agreement.

3. **MISCELLANEOUS.**

(a) **Full Force and Effect.** All of the terms, provisions, covenants and agreements contained in the Agreement are hereby incorporated herein by reference in the same manner and to the same extent as if all such terms, provisions, covenants and agreements were fully set forth herein. LESSOR and TENANT ratify, confirm and adopt the Agreement as of the date hereof and acknowledge that there are no defaults under the Agreement or events or circumstances which, with the giving of notice or passage of time or both, would ripen into events of default. Except as otherwise expressly amended herein, all the terms and conditions of the Agreement shall remain and continue in full force and effect. In case of any inconsistency between the Agreement, and this Amendment, the terms and conditions of this Amendment shall govern and control.

(b) **Binding Effect.** This Amendment shall be binding upon the heirs, legal representatives, successors and assigns of the parties. The parties shall execute and deliver such further and additional instruments, agreements and other documents as may be necessary to evidence or carry out the provisions of this Amendment.

(c) **IRS Form W-9.** LESSOR agrees to provide TENANT with a completed IRS Form W-9, or its equivalent, upon execution of this Amendment and at such other times as may be reasonably requested by TENANT. In the event the Property is transferred, the succeeding LESSOR shall have a duty at the time of such transfer to provide TENANT with a completed IRS Form W-9, or its equivalent, and other related paper work to effect a transfer in rent to the new LESSOR. LESSOR's failure to provide the IRS Form W-9 within thirty (30) days after TENANT's request shall be considered a default and TENANT may take any reasonable action necessary to comply with IRS regulations including, but not limited to, withholding applicable taxes from rent payments.

(d) **Survey.** TENANT reserves the right, at its discretion and at its sole cost, to obtain a survey (the "Survey") specifically describing the Property and any access and utility easements associated therewith. TENANT shall be permitted to attach the Survey as an exhibit to this Amendment and any related memorandum for recording, which Survey shall update and replace the existing description of the Property, at any time prior to or after closing the complete execution of this Amendment.

(e) **Representations and Warranties.** LESSOR represents and warrants that:

(i) LESSOR is duly authorized to and has the full power and authority to enter into this Amendment and to perform all of LESSOR's obligations under the Agreement as amended hereby.

(ii) TENANT is not currently in default under the Agreement, and to LESSOR's knowledge, no event or condition has occurred or presently exists which, with notice or the passage of time or both, would constitute a default by TENANT under the Agreement.

(iii) LESSOR agrees to provide such further assurances as may be requested to carry out and evidence the full intent and purpose of the parties under the Agreement as amended hereby, and ensure TENANT's continuous and uninterrupted use, possession and quiet enjoyment of the Property under the Agreement as amended hereby.

(iv) LESSOR acknowledges that the Property shall include any portion of LESSOR's property on which communications facilities or other TENANT improvements exist on the date of this Amendment.

(f) **Entire Agreement.** This Amendment supersedes all agreements previously made between the parties relating to its subject matter.

(g) **Litigation Costs.** In the event that it becomes necessary for either party hereto to initiate litigation for the purpose of enforcing any of its or his rights hereunder or for the purpose of seeking damages for any violation hereof, then, in addition to all other judicial remedies that may be granted, the prevailing party shall be entitled to recover reasonable attorneys' fees and all other costs that may be sustained by such prevailing party in connection with such litigation.

(h) **Recording.** At any time following the execution of this Amendment by all parties hereto, Tenant, at its cost and expense, shall have the right, at any time during the term of the Amendment, as may be amended from time to time, and for no additional consideration payable to LESSOR, to record in the appropriate recording office for land records: (i) a memorandum of this Amendment ("Memorandum") and LESSOR covenants and agrees to execute said Memorandum within thirty (30) days following Tenant's written request therefor; and (ii) a notice or affidavit of amendment to lease (each, a "Notice of Amendment to Lease") executed solely by Tenant. Each of the Memorandum and the Notice of Amendment to Lease are intended to provide record notice of the terms of this Amendment.

(i) **Counterparts.** This Amendment may be, acknowledged and delivered by electronic and digital signatures and in any number of counterparts, and each such counterpart shall constitute an original, but together such counterparts shall constitute only one instrument.

(j) **Electronic Signatures.** Each party agrees that the electronic signatures of the parties included in this Amendment are intended to authenticate this writing and to have the same force and effect as manual signatures. As used herein, "electronic signature" means any electronic sound, symbol, or process attached to or logically associated with this Amendment and executed and adopted by a party with the intent to sign such Amendment, including facsimile or email electronic signatures.

[Signatures Appear on the Following Pages]

IN WITNESS WHEREOF, the parties have executed this First Amendment to Option and Lease Agreement effective as of the last date of execution shown below.

Signed, Sealed and
Delivered in the Presence of:

LESSOR:

CITY OF FLOWERY BRANCH,
a Georgia municipal corporation

Unofficial Witness

By: _____

Name: _____

Its: _____

Notary Public

Date: _____

MY COMMISSION EXPIRES:

Signed, Sealed and
Delivered in the Presence of:

Unofficial Witness

Notary Public

MY COMMISSION EXPIRES:

TENANT:

NEW CINGULAR WIRELESS PCS, LLC,
a Delaware limited liability company

By: **CROWN CASTLE SOUTH LLC,**
a Delaware limited liability company

Its: Attorney-in-Fact

By: _____(SEAL)

Name: _____

Its: _____

Date: _____

EXHIBIT "A"

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 113 of the 8th District, City of Flowery Branch, Hall County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at an iron pin on the northeast right of way line of Main Street (70 foot right of way), said point being located 2013.40 southeasterly, as measured along the northeast right of way line of Main Street, from the centerline of U.S. Highway 23; thence along said northeasterly right of way line of Main Street South 55 degrees 26 minutes 16 seconds East a distance of 23.51 feet to a point, said point also being the centerline of a 20 foot wide Access and Utility Easement; thence leaving said northeasterly right of way line of Main Street and proceed along the centerline of a 20 foot wide Access and Utility Easement the following courses and distances: North 46 degrees 18 minutes 35 seconds East a distance of 382.19 feet to a point; North 43 degrees 41 minutes 25 seconds West a distance of 45.58 feet to a point which marks the **TERMINUS** of said centerline of a 20 foot wide Access and Utility Easement and **THE POINT OF BEGINNING** of the BellSouth Mobility, Inc. Lease Premises.

FROM THE POINT OF BEGINNING THUS ESTABLISHED, thence South 42 degrees 37 minutes 25 seconds West a distance of 50.00 feet to an iron pin; thence North 47 degrees 22 minutes 35 seconds West a distance of 100.00 feet to an iron pin; thence North 42 degrees 37 minutes 25 seconds East a distance of 100.00 feet to an iron pin; thence South 47 degrees 22 minutes 35 seconds East a distance of 100.00 feet to an iron pin; thence South 42 degrees 37 minutes 25 seconds West a distance of 50.00 feet to a point and **THE POINT OF BEGINNING**: said property being shown as a 0.23 Acre (10,000 square feet), tract of land on a survey for Crown Castle International prepared by Registered Land Surveyors, Inc., certified by Claude S. Brown, Georgia Registered Land Surveyor No. 2420, dated March 7, 2000, which certain survey is incorporated herein by this reference and made a part hereof.

Together with:

"CENTERLINE OF A 20 FOOT WIDE ACCESS AND UTILITY EASEMENT"

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 113 of the 8th District, City of Flowery Branch, Hall County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at an iron pin on the northeast right of way line of Main Street (70 foot right of way), said point being located 2013.40 southeasterly, as measured along the northeast right of way line of Main Street, from the centerline of U.S. Highway 23; thence along said northeasterly right of way line of Main Street South 55 degrees 26 minutes 16 seconds East a distance of 23.51 feet to a point and **THE POINT OF BEGINNING** of the centerline of a 20 foot wide Access and Utility Easement.

FROM THE POINT OF BEGINNING THUS ESTABLISHED, thence leaving said northeasterly right of way line of Main Street and proceed along the centerline of a 20 foot wide Access and Utility Easement the following courses and distances: North 46 degrees 18 minutes 35 seconds East a distance of 382.19 feet to a point; North 43 degrees 41 minutes 25 seconds West a distance of 45.58 feet to a point which marks the **TERMINUS** of said centerline of a 20 foot wide Access and Utility Easement: said property being shown on a survey for Crown Castle International prepared by Registered Land Surveyors, Inc., certified by Claude S. Brown, Georgia Registered Land Surveyor No. 2420, dated March 7, 2000, which certain survey is incorporated herein by this reference and made a part hereof.

7-28-01; 8:11AM;

:404249472

2/ 21

770 967 6481

OPTION AND LEASE AGREEMENT

THIS AGREEMENT, made this 28 day of March, 2000 between City of Albany Branch (the "LESSOR") and BELLSOUTH MOBILITY INC (the "TENANT").

PROPERTY

LESSOR is the owner of certain real property located in Hall County, State of Georgia, and TENANT desires to obtain an option to lease a portion of such real property, containing approximately 10,000 square feet, together with a right of way thereto as hereinafter described (such portion of real property and such right of way being hereinafter called the "Property"). The Property is more specifically described in, and substantially shown on, Exhibit "A" attached hereto and made a part hereof.

OPTION

NOW THEREFORE, in consideration of the sum of Five Hundred Dollars (\$500.00) (the "Option Money"), to be paid by TENANT to LESSOR upon TENANT's execution of this Agreement, LESSOR hereby grants to TENANT the exclusive right and option (the "Option") to lease the Property in accordance with the terms and conditions set forth herein.

OPTION PERIOD. The Option may be exercised at any time on or prior to September 28, 2000 (the "Option Period"). At TENANT's election, and upon TENANT's written notice to LESSOR prior to expiration of the Option Period, the Option Period may be further extended for one additional period of six (6) months, through and including March 28, 2001, with an additional payment of Five Hundred Dollars (\$500.00), by TENANT to LESSOR for the extension of the Option Period. The Option Period may be further extended by mutual agreement in writing. If TENANT fails to exercise the Option within the Option Period, as it may be extended as provided herein, the Option shall terminate, all rights and privileges granted hereunder shall be deemed completely surrendered, LESSOR shall retain all money paid for the Option, and no additional money shall be payable by either party to the other.

TRANSFER OF OPTION. The Option may be sold, assigned, or transferred at any time by TENANT to TENANT's parent company or any affiliate or subsidiary of, or partner in, TENANT or its parent company or to any third party agreeing to be subject to the terms hereof. Otherwise, the Option may not be sold, assigned or transferred without the written consent of LANDLORD, such consent not to be unreasonably withheld, conditioned, or delayed.

7-26-01; 8:11AM;

:4042494472

3/ 21

From and after the date the Option has been sold, assigned or transferred by TENANT to a third party agreeing to be subject to the terms hereof, TENANT shall immediately be released from any and all liability under this Agreement, including the payment of any rental or other sums due, without any further action.

CHANGES IN PROPERTY DURING OPTION PERIOD. If during the Option Period or any extension thereof, or during the term of this Agreement if the Option is exercised, LESSOR decides to subdivide, sell, or change the status of the zoning of the Property or the other real property of LESSOR contiguous to, surrounding, or in the vicinity of the Property ("LESSOR's Surrounding Property"), LESSOR shall immediately notify TENANT in writing. Any sale of the Property shall be subject to TENANT's rights under this Agreement. LESSOR agrees that during the Option Period or any extension thereof, or during the term of this Agreement if the Option is exercised, LESSOR shall not initiate or consent to any change in the zoning of the Property or LESSOR's Surrounding Property or impose or consent to any other restriction that would prevent or limit TENANT from using the Property for the uses intended by TENANT as hereinafter set forth in this Agreement.

TITLE. LESSOR warrants that LESSOR is seized of good and marketable title to the Property and has the full power and authority to enter into and execute this Agreement. LESSOR further warrants that there are no deeds to secure debt, mortgages, liens, judgments, restrictive covenants, or other encumbrances on the title to the Property that would prevent TENANT from using the Property for the uses intended by TENANT as hereinafter set forth in this Agreement.

INSPECTIONS. LESSOR shall permit TENANT or TENANT's employees, agents and contractors during the Option Period, and any extension thereof, free ingress and egress to the Property by TENANT or its employees, agents, and contractors to conduct structural strength analyses, subsurface boring tests, environmental inspections (including Phase I and Phase II audits), radio frequency tests, and such other tests, investigations, and similar activities as TENANT may deem necessary, at the sole cost of TENANT. The scope, sequence, and timing of the Inspections shall be at the sole discretion of TENANT; upon notification to LESSOR, the Inspections may be commenced at any time during the aforementioned Option Period and if the Option is exercised, at any time during the Lease. TENANT and its employees, agents and contractors shall have the right to bring the necessary vehicles and equipment onto the Property and the LESSOR's Surrounding Property to conduct such tests, investigations, and similar activities. TENANT shall indemnify and hold LESSOR harmless against any loss or damage for personal injury or physical damage to the Property, LESSOR's Surrounding Property or the property of third parties resulting from any such tests, investigations and similar activities. Upon written request, TENANT shall furnish to LESSOR copies of the environmental findings. However, LESSOR shall not rely on said tests for anything outside this Agreement and shall indemnify and hold TENANT harmless from such findings.

7-28-01; 8:11AM;

:4042494472

4/ 21

SURVEYS. LESSOR also hereby grants to TENANT the right to survey the Property and LESSOR's Surrounding Property, and the legal description of the Property on the survey obtained by TENANT shall then become Exhibit "B", which shall be attached hereto and made a part hereof, and shall control in the event of discrepancies between it and Exhibit "A". If as a result of any tests or investigations conducted by TENANT, or if required in connection with obtaining any necessary zoning approvals or other certificates, permits, licenses, or approvals, TENANT desires to alter or modify the description of the Property in Exhibit "A" (and Exhibit "B" if then applicable) so as to relocate all or any portion of the Property to other portions of LESSOR's Surrounding Property (a "Relocation Site"), TENANT shall notify LESSOR of such desire and deliver to LESSOR a copy of the survey and legal description of the portions of the Property and LESSOR's Surrounding Property that TENANT proposes as a Relocation Site. LESSOR shall have the right to approve any Relocation Site, and LESSOR agrees not to unreasonably withhold its approval, such approval to be based on commercially reasonable standards. LESSOR agrees to review and consider TENANT's relocation request and any proposed Relocation Site in good faith and to cooperate with TENANT to attempt, if reasonably possible, to approve the TENANT's proposed Relocation Site or such other Relocation Site as may be agreed upon by LESSOR and TENANT as will allow TENANT to use the same for the use intended by TENANT for the Property as hereinafter set forth in this Agreement. If LESSOR approves a Relocation Site, then TENANT shall have the right to substitute the Relocation Site for the Property and to substitute the description of the approved Relocation Site for the description of the Property in Exhibit "A" (and Exhibit "B" if then applicable), and the Property shall thereafter consist of the Relocation Site so approved and substituted. If requested by TENANT, LESSOR shall execute an amendment to this Agreement to evidence the substitution of the Relocation Site as the Property.

GOVERNMENTAL APPROVALS. TENANT's ability to use the Property is contingent upon its obtaining all certificates, permits licenses and other approvals that may be required by any governmental authorities. LESSOR shall cooperate with TENANT in its effort to obtain such certificates, permits, licenses, and other approvals. During the Option Period, and during the term of this Agreement if the Option is exercised, LESSOR agrees to sign such papers as are required to file applications with the appropriate zoning authority and other governmental authorities for the proper zoning of the Property and for other certificates, permits, licenses, and approvals as are required for the use of the Property intended by the TENANT. If requested by TENANT, any such applications may be filed with respect to, not only the Property, but also LESSOR's Surrounding Property. TENANT will perform all other acts and bear all expenses associated with any zoning or other procedure necessary to obtain any certificate, permit, license, or approval for the Property deemed necessary by TENANT. LESSOR agrees not to register any written or verbal opposition to any such procedures.

UTILITY SERVICES. During the Option Period, and during the term of this Agreement if the Option is exercised, LESSOR shall cooperate with TENANT in TENANT's effort to obtain utility services along the access right-of-way contained in the Property by signing such documents or easements as may be required by the utility companies. In the event any

TJ

7-28-01; 8:11AM;

14042404472

5/ 21

utility company is unable to use the aforementioned right of way, LESSOR hereby agrees to grant an additional right of way either to TENANT or to the utility company at no cost to TENANT. If LESSOR fails to fulfill LESSOR's obligations to cooperate with TENANT as required herein in obtaining the governmental approvals or utility services contemplated by this Agreement, then in addition to any rights or remedies that TENANT may have at law or in equity, TENANT shall also be entitled to reimbursement from LESSOR upon demand of all costs and expenses incurred by TENANT in connection with its activities under this Agreement, including but not limited to costs of environmental assessments, title examinations, zoning application fees, and attorneys' fees, and other legal expenses of TENANT. In the event LESSOR desires to relocate the utilities and utility easement(s), LESSOR will obtain all certificates, permits and other approvals required by the utility company and bear all costs associated with such relocation. LESSOR shall ensure that all activities related to the relocation of such utilities shall not interfere with the construction, maintenance or operation of TENANT's facility.

EXERCISE OF OPTION. TENANT shall exercise the Option by written notice to LESSOR by certified mail, return receipt requested. The notice shall be deemed effective on the date it is posted. On and after the date of such notice, this Agreement shall also constitute a lease agreement between LESSOR and TENANT on the following terms and conditions:

LEASE AGREEMENT

1. **LEASE OF PROPERTY.** LESSOR hereby leases to TENANT the Property, which lease includes the grant of a nonexclusive right and easement during the term of this Agreement for ingress and egress, seven (7) days a week, twenty-four (24) hours a day, on foot or motor vehicle, including trucks, and for the installation and maintenance of utility wires, cables, conduits and pipes over, under or along the twenty foot (20') wide right of way extending from the nearest public right of way, which is known as Main Street to the Property, as such right-of-way is shown on Exhibit "A" hereto.

2. **INITIAL TERM AND RENTAL.** This Agreement shall be for an initial term of [at least five (5) years - any term in excess of five (5) years is subject to retaining free assignability to Crown under Section 13 and LESSOR's obligation under Section 13 to release TENANT from its obligations hereunder] beginning on the date the Option is exercised by TENANT at an annual rental of Twelve thousand Dollars (\$12,000.00) to be paid in equal monthly installments on the first day of each month during the term, in advance, to LESSOR or to such other person, firm or place as the LESSOR may, from time to time, designate in writing at least thirty (30) days in advance of any rental payment date. If the Option is exercised on a date other than the first day of a calendar month, TENANT shall make a prorated payment of the installment of the annual rental payable for the first and last month of the term of this Agreement.

7-28-01: 8:11AM:

14042494472

0/ 21

3. **EXTENSION OF TERM.** TENANT shall have the option to extend the term of this Agreement for four (4) additional consecutive five (5) year periods. Each option for an extended term shall be deemed automatically exercised without notice by TENANT to LESSOR unless TENANT gives LESSOR written notice of its intention not to exercise any such extension option at least six (6) months prior to the end of the then current term. If TENANT gives LESSOR written notice of its intention not to exercise any such option, the term of this Agreement shall expire at the end of the then current term. All references herein to the term of this Agreement shall include the term as it is extended as provided in this Agreement.

4. **EXTENDED TERM RENTAL.** The annual rental for the extended terms shall be as follows:

Extended Term**Annual Rental**

1st

\$13,800.00

2nd

\$15,870.00

3rd

\$18,250.50 - 1520.88

4th

\$20,988.00 1749.00

The annual rental for the extended terms shall be payable in the same manner as the annual rental for the initial term.

5. **CONTINUANCE OF LEASE.** If, at least six (6) months prior to the end of the fourth (4th) extended term, either LESSOR or TENANT has not given the other written notice of its desire that the term of this Agreement end upon the expiration of the fourth (4th) extended term, then upon the expiration of the fourth (4th) extended term this Agreement shall continue in full force upon the same covenants, terms, and conditions for a further term of one (1) year, and for annual terms thereafter until terminated by either party by giving to the other written notice of its intention to so terminate at least six (6) months prior to the end of any such annual term. Monthly rental during such annual terms shall be equal to the rent paid for the last month of the fourth (4) extended term.

6. **USE.** TENANT shall use the Property for the purpose of maintaining and operating a communications facility. The facility may consist of such buildings as are necessary to house standing monopole, guyed or three sided antenna structure. TENANT, now or in the future to meet TENANT's telecommunications appurtenances, and a security fence of chain link or other option of TENANT, be placed around the perimeter of the "Communications Facility". TENANT shall be allowed to install or relocate any of its antennas, microwaves, or other equipment in accordance with the terms of this Agreement and any extensions thereof. All improvements, replacements, removals, or relocation which are necessary shall be at TENANT's expense. LESSOR grants TENANT the right

3/28/2001 - 3/27/2006
3/28/2006 - 3/27/2011 1st
3/28/11 - 3/27/2016 2nd
3/28/2016 - 3/27/2021 3rd
3/28/2021 - 3/27/2026 4th
1520.83

7-28-01: 8:11AM:

:4042494472

7/ 21

Surrounding Property as are reasonably required during construction, installation, maintenance, and operation of the Communications Facility. TENANT shall maintain the Property in a reasonable condition and shall be solely responsible for the repair and maintenance of all of TENANT's improvements on the Property, excluding repair and maintenance due to the willful misconduct or negligence of the LESSOR, its employees, agents or contractors. LESSOR shall not be allowed to use the Property or the Surrounding Property in any manner which would cause interference with the operation of TENANT's Communication Facilities or to any SUBTENANTS. In the event there is interference due to LESSOR's actions or usage, LESSOR shall immediately take all steps necessary to eliminate the interference including, if required, cutting off power to the objectionable equipment. Based on standard and accepted engineering practices, if LESSOR cannot eliminate the interference within twenty-four (24) hours of its inception, LESSOR shall immediately remove the objectionable equipment and/or cease operations.

7. **GOVERNMENTAL APPROVALS.** LESSOR shall cooperate with TENANT in its effort to obtain and maintain in effect all certificates, permits, licenses and other approvals required by governmental authorities for TENANT's use of the Property. The obligations of LESSOR as set forth herein during the Option Period with respect to governmental approvals shall continue throughout the term of this Agreement. If at any time during the term of this Agreement, TENANT is unable to use the Property for a Communications Facility in the manner intended by TENANT due to imposed zoning conditions or requirements, or in the event that after the exercise of the Option, any necessary certificate, permit, license or approval is finally rejected or any previously issued certificate, permit, license or approval is canceled, expires, lapses, or is otherwise withdrawn or terminated by the applicable governmental authority, or soil boring tests or radio frequency propagation tests are found to be unsatisfactory so that TENANT, in its sole discretion, will be unable to use the Property for a Communications Facility in the manner intended by TENANT, TENANT shall have the right to terminate this Agreement by written notice to LESSOR and all rentals paid to LESSOR prior to the termination date shall be retained by LESSOR. Upon such termination, this Agreement shall become null and void and LESSOR and TENANT shall have no other further obligations to each other, other than TENANT's obligation to remove its property as hereinafter provided.

8. **TAXES.** TENANT shall be responsible for making any necessary returns for and paying any and all property taxes separately levied or assessed against the improvements constructed by TENANT on the Property. Taxes are not to be considered as additional rent, but rather as reimbursement to LESSOR and to be separately billed, TENANT shall pay for any increase in ad valorem real estate taxes levied against the Property which are directly attributable to the improvements constructed by TENANT on the Property and are not separately levied or assessed by the taxing authorities against TENANT or the improvements of TENANT. LESSOR shall pay all other ad valorem real property taxes levied against the Property on or before the date such taxes become delinquent. LESSOR hereby agrees that if the taxes which are levied against the LESSOR and TENANT's improvements on LESSOR's property are incorrectly assessed, TENANT maintains the right to appeal the tax assessment to the appropriate governmental

TIP

7-26-01: 8:11AM:

:4042494472

8/ 21

authority, said appeal shall be paid for by TENANT. Should the State in which the property is located offer an early payment tax incentive, LESSOR hereby agrees that TENANT shall be allowed to pay the taxes under the incentive plan which shall allow for TENANT to take advantage of any offered incentives. LESSOR shall furnish TENANT within thirty (30) days of receipt by LESSOR or LESSOR's representative of the tax assessment for any assessed taxes which are levied against the Property.

9. **INSURANCE.** TENANT shall, at its sole cost and expense, at all times during the term of this Lease maintain in effect a policy or policies of insurance: a) covering its personal property located on the Property and TENANT's improvements to the Property paid for and installed by TENANT, providing protection against any peril included under insurance industry practices within the classification "fire and extended coverage," providing protection as deemed desirable by TENANT with respect to its personal property and to the full insurable value of its TENANT improvements paid for by TENANT; and b) Commercial General Liability insurance with minimum limits of \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$1,000,000 for damage to or destruction of properties in any one occurrence. TENANT shall name the LESSOR as an additional insured as its interest may appear in regards to the aforementioned policies and shall furnish LESSOR with a certificate of insurance upon request by the LESSOR. Should the Property and/or TENANT's personal property be sublet upon, said Subtenant shall be required to maintain similar insurance and to agree to furnish LESSOR, if requested, certificates or adequate proof of such insurance.

10. **SELF-INSURANCE.** LESSOR acknowledges that TENANT is or may be a self-insurer with respect to all or a substantial portion of the risks commonly insured against under standard fire and extended coverage and commercial general liability insurance policies. Notwithstanding any provision of the Lease to the contrary, so long as TENANT is BellSouth Mobility Inc or any subsidiary, or principal or other affiliate thereof, and has a net worth in excess of Fifty Million Dollars, (\$50,000,000.00) TENANT shall not be required to obtain or maintain any insurance policies otherwise required of TENANT under this Lease and any such insurance as may be, from time to time, maintained by TENANT will be for the sole and exclusive benefit of TENANT in furtherance of its risk management and self insurance policies and programs. In the event that TENANT should no longer be BellSouth Mobility or any subsidiary, or principal or other affiliate thereof, such TENANT shall be obligated to obtain and maintain the required insurance policies.

11. **INDEMNIFICATION.** TENANT shall indemnify and hold LESSOR harmless against any liability or loss from personal injury or property damage resulting from or arising out of the use and occupancy of the Property by TENANT or its employees or agents, excepting, however, such liabilities and losses as may be due to or caused by the acts, omissions or negligence of LESSOR, its employees, agents or contractors.

AP

7-20-01; 8:11AM:

; 4042494472

* 9/ 21

12. SALE OF PROPERTY: TENANT'S RIGHT OF FIRST REFUSAL.

Should LESSOR, at any time during the initial or any extended term of this Agreement, decide to sell the Property, or all or any part of LESSOR's Surrounding Property, such sale shall be subject to this Section and TENANT's rights hereunder. LESSOR agrees not to sell, lease or use any areas of LESSOR's Surrounding Property for the installation, operation or maintenance of other wireless communications facilities if, such installation, operation or maintenance would interfere with TENANT's facilities; the existence or the potential for interference shall be determined by performing radio propagation tests. TENANT hereby agrees to have radio frequency propagation tests performed in order to determine if interference might exist; any and all tests shall be paid for by the purchasing party. If the radio frequency propagation tests demonstrate levels of interference unacceptable to TENANT, LESSOR shall be prohibited from selling, leasing or using any areas of LESSOR's Surrounding Property. LESSOR shall not be prohibited from the selling, leasing or use of any of LESSOR's Surrounding Property for non-wireless communication use.

(a) LESSOR covenants and agrees that during the term of this Agreement, LESSOR shall not sell, transfer or convey any portion of the Property except pursuant to this Section.

(b) In the event a person, corporation, partnership, limited liability company or other legal entity (the "Buyer") shall deliver to LESSOR a bona fide, written offer to purchase the Property or any part thereof, signed by Buyer, containing all terms and conditions of the purchase, which offer LESSOR desires to accept, then LESSOR shall give TENANT notice of such offer, which notice shall state the name and address of Buyer, include a true and correct copy of such offer, and contain an offer by LESSOR to sell the Property to TENANT on the same terms and conditions as contained in such offer. Within thirty (30) days of LESSOR'S notice, TENANT may accept LESSOR'S offer by notice to LESSOR. The failure of TENANT to accept LESSOR'S offer within the thirty (30) day period shall terminate TENANT'S right of first refusal if the Buyer shall thereafter, in fact, purchase the Property on the terms and conditions set forth in Buyer's offer; otherwise it shall continue in full force and effect.

(c) TENANT'S right of first refusal shall not apply in the event of a sale, transfer or conveyance of LESSOR'S interest in the Property in connection with the foreclosure of any mortgage, deed of trust, deed to secure debt or other similar instruction, whether by judicial or non-judicial sale, or any deed or assignment in lieu of foreclosure, of the Property or LESSOR'S fee simple interest therein, nor shall TENANT'S right of first refusal apply in the event of a sale, transfer or conveyance of LESSOR'S interest in the Property to an affiliate of LESSOR, provided such affiliate agrees to be bound by TENANT'S right of first refusal as set forth herein. An "affiliate" of LESSOR shall mean any corporation, partnership, limited liability company or other business entity of which fifty percent (50%) or more of the ownership interest is held by LESSOR or the majority shareholder of LESSOR or, in the case of any individual, the immediate family of such individual or a trust established for estate planning purposes where the primary beneficiaries of such trust are such individual or members of the immediate family of

7-28-01; 8:11AM;

:4042494472

4 10/ 21

such individual. For purposes hereof, "immediate family" shall mean the spouse, brothers, sisters and descendants of such individual.

(d) Any sale, transfer or conveyance of the Property in violation of the provisions of this Section shall be null and void, and any sale, transfer or conveyance of the Property in accordance with the provisions of this Section shall automatically free the Property from the operation of this Section.

13. **ASSIGNMENT.** This Agreement may be sold, assigned, licensed, or transferred at any time by TENANT to Crown Castle South Inc. ("CCSI") or to TENANT's or CCSI's parent company or any affiliate or subsidiary of TENANT or its parent company, to any entity with or into which TENANT or CCSI is merged or consolidated, or to any entity resulting from a reorganization of TENANT or CCSI or its parent company or to any third party agreeing to be subject to the terms and conditions. Upon any such permitted sale, assignment, license or transfer, TENANT shall be released from its obligations hereunder without further act, and LESSOR shall execute any instrument reasonably requested by TENANT to effect such release. Otherwise, this Agreement may not be sold, assigned or transferred without the written consent of LESSOR, such consent not to be unreasonably withheld. TENANT may sublease or sublicense part of all of the Property, but will provide notice to LESSOR of the sublease/sublicense.

14. **CONDEMNATION.** If the whole of the Property, or such portion thereof as will make the Property unusable for the purposes herein leased, is condemned by any legally constituted public authority, then this Agreement, and the term hereby granted, shall cease from the time when possession thereof is taken by the public authority, and rental shall be accounted for as between LESSOR and TENANT as of that date. Any lesser condemnation shall in no way affect the respective rights and obligations of LESSOR and TENANT hereunder. Nothing in this paragraph shall be construed to limit or adversely affect TENANT's right to an award of compensation from any condemnation proceeding for the taking of TENANT's leasehold interest hereunder or for the taking of TENANT's improvements, fixtures, equipment, and personal property.

15. **SUBORDINATION.** At LESSOR's option, this Agreement shall be subordinate to any deed to secure debt or mortgage by LESSOR which now or hereafter may encumber the Property. No such subordination shall be effective, unless the holder of every such deed to secure debt or mortgage shall, either in the deed to secure debt or mortgage or in a separate agreement with TENANT, agree that in the event of a foreclosure, or conveyance in lieu of foreclosure, of LESSOR's interest in the Property, such holder shall recognize and confirm the validity and existence of this Agreement and the rights of TENANT hereunder, and this Agreement shall continue in full force and TENANT shall have the right to continue its use and occupancy of the Property in accordance with the provisions of this Agreement as long as TENANT is not in default of this Agreement beyond applicable notice and cure periods. TENANT shall execute in a timely manner whatever instruments, including a Subordination

7-20-01; 8:11AM:

:4042434472

11 / 21

Agreement or Estoppel Certificates, as may reasonably be required to evidence the provisions of this paragraph. In the event the Property is encumbered by a deed to secure debt or mortgage on the date of the exercise of the Option, LESSOR, no later than thirty (30) days after the Option has been exercised, shall obtain and furnish to TENANT a Non-Disturbance Agreement in recordable form from the holder of each deed to secure debt or mortgage.

16. **TITLE INSURANCE.** TENANT, at TENANT's option, may obtain title insurance on the Property. LESSOR, at TENANT's expense, shall cooperate with TENANT's efforts to obtain title insurance by executing documents or obtaining requested documentation as required by the title insurance company. If LESSOR fails to provide requested documentation within thirty (30) days of TENANT's request, or fails to provide any non-disturbance agreement required in the preceding paragraph of this Agreement, TENANT, at TENANT's option, may withhold and accrue the monthly rental until such time as all such documentation is received by TENANT.

17. **HAZARDOUS MATERIALS.** LESSOR warrants, represents and agrees that neither the LESSOR nor, to the best of LESSOR's knowledge, that any third party has used, generated, stored, or disposed of any Hazardous Materials. (Hazardous Materials shall mean petroleum or any petroleum product, asbestos, and any other substance, chemical or waste that is identified as hazardous, toxic, or dangerous in any applicable Federal, State, or Local law, rule, or regulation.) In the event that hazardous materials are found in, on, or under the Property, which occurred prior to the date of this Agreement, LESSOR shall assume the liability and costs for any clean up resulting therefrom. TENANT and LESSOR shall be responsible for any and all damages, losses, expenses, and will indemnify each other against and from any discovery by any persons or such hazardous materials or wastes, generated, stored or disposed of as a result of TENANT's or LESSOR's respective equipment, uses of the Property or any of the Surrounding Property.

18. **OPPORTUNITY TO CURE.** If TENANT should fail to pay any rental or other amounts payable under this Agreement when due, or if TENANT should fail to perform any other of the covenants, terms or conditions of this Agreement prior to exercising any rights or remedies against TENANT on account thereof, LESSOR shall first provide TENANT with written notice of the failure and provide TENANT with a thirty (30) day period to cure such failure (if the failure is a failure to pay rental or any other sum of money under this Agreement) or a sixty (60) day period to cure such failure (if the failure is a failure to perform any other covenant, term, or condition of this Agreement). If the failure is not a failure to pay rental or any other sum of money hereunder but is not capable of being cured within a sixty (60) day period, TENANT shall be afforded a reasonable period of time to cure the failure provided that TENANT promptly commences curing the failure after the notice and prosecutes the cure to completion with due diligence.

19. **NOTICES.** Except as otherwise provided herein, any notices or demands which are required by law or under the terms of this Agreement shall be given or made by

B2

7-26-01: 8:11AM:

4042494472

12/ 21

LESSOR or TENANT in writing and shall be given by hand delivery, telegram or other similar communication or sent via facsimile followed up by an original hard copy or by certified or registered mail, or by a national overnight receipted delivery services which provides signed acknowledgments of receipt (including Federal Express, UPS, Emery, Purolator, DHL, Airborne and other similar couriers delivery services) and addressed to the respective parties set forth below. Such notices shall be deemed to have been given in the case of telegrams or similar communications when sent; in the case of certified or registered mail when deposited in the United States mail with postage prepaid, and in the case of overnight receipted delivery service the day the notice is deposited with the overnight delivery service. Every notice, demand, or request hereunder shall be sent to the addresses listed below:

If to LESSOR:

City of Flowery Branch
PO Box 757
Flowery Branch Ga. 30542

Phone # 770-967-6371

If to TENANT:

BellSouth Mobility Inc
 1100 Peachtree Street, 8th Floor
 Real Estate Department
 Atlanta, Georgia 30309-4599
 Attention: Real Estate Manager

For Legal Notices only,

a copy to:

BellSouth Mobility Inc
 Suite 910
 1100 Peachtree Street, N.E.
 Atlanta, Georgia 30309-4599
 Attention: Legal Department

Rejection or refusal to accept delivery of any notice, or the inability to deliver any notice because of a changed address of which no notice was given, shall be deemed to be receipt of any such notice.

20. **CASUALTY.** If TENANT's Communications Facility or improvements are damaged or destroyed by fire or other casualty, TENANT shall not be required to repair or replace the Communications Facility or any of TENANT's improvements made by TENANT. TENANT shall not be required to expend for repairs more than twenty-five percent (25%) of the replacement value of the Communications Facility or any improvements. Additionally, if completion of the repairs is not possible within ninety (90) days following the date of the damage or destruction, TENANT may terminate this Agreement by giving written notice to LESSOR. Termination shall be effective immediately after such notice is given. Upon such termination, this Agreement shall become null and void other than the requirement that the LESSOR pay of any the pro-rata share of the unused portion of the rent which was paid to LESSOR back to the

7-28-01: 8:11AM:

:4042494472

19/ 21

Tenant. Upon TENANT's receipt of the rent, LESSOR and TENANT shall have no other further obligations to each other, other than TENANT's obligation to remove its property as hereinafter provided.

21. **TERMINATION** (a) Notwithstanding any other termination rights available to TENANT under this Lease, TENANT, at its sole and absolute discretion, shall have the right to terminate this Lease with ninety (90) days prior written notice to LESSOR and a lump sum payment to LESSOR in an amount equal to twelve (12) months rent or the total of the remaining months of the term, whichever is less. The rental rate shall be computed at the rate which is in effect at the time of termination. Upon termination TENANT shall execute upon the request of the LESSOR a written cancellation of the lease upon the TENANT vacating the Property or upon termination of the lease, in recordable form and TENANT shall have no other further obligations, other than TENANT's obligation to remove its property as hereinafter provided.

(b) In addition to and in not limitation of any other provisions of this Agreement, TENANT shall have the right, exercisable by at least ten (10) days prior written notice thereof to LESSOR, to terminate this Agreement upon occurrence of one or more of the following events:

(i) if LESSOR shall violate or breach, or shall fail fully and completely to observe, keep, satisfy, perform and comply with, any agreement, term, representation, warranty, covenant, and shall not cure such violation, breach or failure within thirty (30) days after TENANT gives LESSOR written notice thereof, or, if such failure shall be incapable of cure within thirty (30) days, if LESSOR shall not commence to cure such failure within such thirty (30) day period and continuously prosecute the performance of the same to completion with due diligence; or

(ii) the commencement by LESSOR of a voluntary case under the federal bankruptcy laws, as now constituted or hereafter amended, or the consent by LESSOR to the appointment of a receiver, liquidator, assignee, trustee, custodian, (or other similar official) of any substantial part of the property of LESSOR, or to the taking of possession of any such property by any such functionary or the making of an any assignment for the benefit of creditors by LESSOR.

22. **REMOVAL OF IMPROVEMENTS.** Title to all improvements constructed or installed by TENANT on the Property shall remain in TENANT, and all improvements constructed or installed by TENANT shall at all times be and remain the property of TENANT, regardless of whether such improvements are attached or affixed to the Property. Furthermore all improvements constructed or installed by TENANT shall be removable at the expiration or earlier termination of this lease or any renewal or extension thereof, provided TENANT shall not at such time be in default under any covenant or agreement contained in this lease. TENANT, upon termination of this Agreement, shall, within ninety (90) days, remove all

7-28-01: 8:11AM;

74042494472

14/ 21

improvements, fixtures and personal property constructed or installed on the Property by TENANT and restore the Property to its original above grade condition, reasonable wear and tear excepted. If such removal causes TENANT to remain on the Property after termination of this Agreement, TENANT shall pay rent at the then existing monthly rate, or on the existing monthly pro rata basis if based upon a longer payment term, until such time as the removal is completed.

24. **MISCELLANEOUS.** This Agreement cannot be modified except by a written modification executed by LESSOR and TENANT in the same manner as this Agreement is executed. The headings, captions and numbers in this Agreement are solely for convenience and shall not be considered in construing or interpreting any provision in this Agreement. Wherever appropriate in this Agreement, personal pronouns shall be deemed to include other genders and the singular to include the plural, if applicable. This Agreement contains all agreements, promises and understandings between the LESSOR and TENANT, and no verbal or oral agreements, promises, statements, assertions or representations by LESSOR or TENANT or any employees, agents, contractors, or other representatives of either, shall be binding upon LESSOR or TENANT.

25. **QUIET ENJOYMENT.** LESSOR covenants that TENANT, on paying the rental and performing the covenants, terms, and conditions required of TENANT contained herein, shall peaceably and quietly have, hold, and enjoy the Property and the leasehold estate granted to TENANT by virtue of this Agreement.

26. **SECURITY INTEREST.** It is the express intent of the parties to this Lease that LESSOR have no security interest whatsoever in any personal property of TENANT whatsoever, and, to the extent that any applicable statute, code, or law grants LESSOR such an interest, LESSOR does hereby expressly waive any rights thereto.

27. **REPRESENTATION.** LESSOR and TENANT warrant to each other that they were represented in this transaction by _____ and _____ respectively and by no other real estate brokerage firms. Additionally, the parties warrant to each other that they will each hold the other harmless from and indemnify each other against claims made by any broker claiming to have represented the indemnifying party in this transaction.

28. **GOVERNING LAW.** This Agreement shall be governed and interpreted by, and construed in accordance with, the laws of the State where the site is located.

29. **ATTORNEY'S FEES.** In any proceeding which either party may prosecute to enforce its rights hereunder, the unsuccessful party shall pay all costs incurred by the prevailing party (as such parties are hereafter defined), including reasonable attorneys' fees.

30. **MEMORANDUM OF LEASE.** At the request of TENANT, LESSOR agrees to execute a memorandum or short form of this Agreement, in recordable form, setting

7-28-01: 8:11AM:

4042494472

15/ 21

forth a description of the Property, the term of this Agreement and other information desired by TENANT for the purpose of giving public notice thereof to third parties.

31. **CONFIDENTIALITY.** LESSOR agrees not to discuss publicly, advertise, nor publish in any newspaper, journal, periodical, magazine, or other form of mass media, the terms or conditions of this Lease Agreement. Doing so shall constitute a default under this Agreement immediately. It is agreeable that both parties will not discuss terms and conditions with any parties not directly involved with this Lease.

32. **BINDING EFFECT.** This Agreement shall extend to and bind the heirs, personal representatives, successors, and assigns of LESSOR and TENANT and shall constitute covenants running with the land.

33. **COUNTERPARTS.** This Agreement may be executed in several counterparts, each of which shall constitute an original and all of which shall constitute the same agreement.

34. **RADON GAS.** If applicable, and in accordance with State Law, the following statement is hereby made: "RADON GAS: Radon is a natural occurring radioactive gas. When it has accumulated in a building in sufficient quantities, radon gas present health risks to persons who are exposed to it over time. Levels of radon that exceed Federal and State guidelines have been found in buildings in the State. Additional information regarding radon and radon testing may be obtained from your County Public Health Unit.

35. **ADDENDUM.** If LESSOR and TENANT have agreed to amend any of the foregoing terms of this Agreement, including the Option terms, by the attached Addendum to Option and Lease Agreement, the LESSOR's initial appear here [initials], the TENANT's initials appear here [initials], and the attached Addendum to Option and Lease Agreement is incorporated herein by this reference

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals.

Signed, sealed and delivered

in the presence of

Notary Public, Hall County, Georgia
My Commission Expires March 29, 2011

James C. Crox (SEAL)
Witness

Ally Johnson (SEAL)
Witness

LESSOR:

Name: [Signature]

Title: Mayor

Date: March 25, 2000

7-28-011 8:11AM:

;4042494472

* 16/ 21

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ who is personally know to me or who has produced _____ as identification.

(NOTARY SEAL)

NOTARY PUBLIC

Print Name: _____

My Commission Expires: _____

wp

7-26-01: 8:11AM:

:4042494472

17/ 21

Signed, sealed and delivered
in the presence of:

Theresa Nalley (SEAL)
Witness

Da Hwa (SEAL)
Witness

TENANT:
BELL SOUTH MOBILITY INC

Name: Stephen A. Braks
Title: Assistant Vice President

Date: 4-26-00

STATE OF Georgia
COUNTY OF Fulton

The foregoing instrument was acknowledged before me this 26th day of April, 192000 by Stephen A. Braks who is personally know to me or who has produced _____ as identification

Wetling
NOTARY PUBLIC

Print Name: C. Wetling

My Commission Expires Notary Public, Gwinnett County, Georgia
My Commission Expires January 28, 2004

(NOTARY SEAL)

7-26-01; 8:11AM;

4042494472

18/ 21

EXHIBIT A

"Attached copies"

[Handwritten mark]

7-26-01; 8:11AM;

4042404472

18/ 21

LEGAL DESCRIPTION**MCR "A" SITE****"LEASE PREMISES"**

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 113 of the 8th District, City of Flowery Branch, Hall County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at an iron pin on the northeast right of way line of Main Street (70 foot right of way), said point being located 2013.40 southeasterly, as measured along the northeast right of way line of Main Street, from the centerline of U.S. Highway 23; thence along said northeasterly right of way line of Main Street South 55 degrees 26 minutes 16 seconds East a distance of 23.51 feet to a point, said point also being the centerline of a 20 foot wide Access and Utility Easement; thence leaving said northeasterly right of way line of Main Street and proceed along the centerline of a 20 foot wide Access and Utility Easement the following courses and distances: North 46 degrees 18 minutes 35 seconds East a distance of 382.19 feet to a point; North 43 degrees 41 minutes 25 seconds West a distance of 45.58 feet to a point which marks the **TERMINUS** of said centerline of a 20 foot wide Access and Utility Easement and **THE POINT OF BEGINNING** of the BellSouth Mobility, Inc. Lease Premises.

FROM THE POINT OF BEGINNING THUS ESTABLISHED, thence South 42 degrees 37 minutes 25 seconds West a distance of 50.00 feet to an iron pin; thence North 47 degrees 22 minutes 35 seconds West a distance of 100.00 feet to an iron pin; thence North 42 degrees 37 minutes 25 seconds East a distance of 100.00 feet to an iron pin; thence South 47 degrees 22 minutes 35 seconds East a distance of 100.00 feet to an iron pin; thence South 42 degrees 37 minutes 25 seconds West a distance of 50.00 feet to a point and **THE POINT OF BEGINNING**; said property being shown as a 0.23 Acre (10,000 square feet), tract of land on a survey for Crown Castle International prepared by Registered Land Surveyors, Inc., certified by Claude S. Brown, Georgia Registered Land Surveyor No. 2420, dated March 7, 2000, which certain survey is incorporated herein by this reference and made a part hereof.

7-28-01: 8:11AM

: 4042494472

20/ 21

LEGAL DESCRIPTION**MCR "A" SITE****"CENTERLINE OF A 20 FOOT WIDE ACCESS AND UTILITY EASEMENT"**

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 113 of the 8th District, City of Flowery Branch, Hall County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at an iron pin on the northeast right of way line of Main Street (70 foot right of way), said point being located 2013.40 southeasterly, as measured along the northeast right of way line of Main Street, from the centerline of U.S. Highway 23; thence along said northeasterly right of way line of Main Street South 55 degrees 26 minutes 16 seconds East a distance of 23.51 feet to a point and **THE POINT OF BEGINNING** of the centerline of a 20 foot wide Access and Utility Easement.

FROM THE POINT OF BEGINNING THUS ESTABLISHED, thence leaving said northeasterly right of way line of Main Street and proceed along the centerline of a 20 foot wide Access and Utility Easement the following courses and distances: North 46 degrees 18 minutes 35 seconds East a distance of 382.19 feet to a point; North 43 degrees 41 minutes 25 seconds West a distance of 45.58 feet to a point which marks the **TERMINUS** of said centerline of a 20 foot wide Access and Utility Easement: said property being shown on a survey for Crown Castle International prepared by Registered Land Surveyors, Inc., certified by Claude S. Brown, Georgia Registered Land Surveyor No. 2420, dated March 7, 2000, which certain survey is incorporated herein by this reference and made a part hereof.

JP

7-26-01: 8:11AM;

;4042484472

21 / 21

ADDENDUM TO OPTION AND LEASE AGREEMENT

CO-LOCATION PROVISION: In the event TENANT subleases the property for the purpose of allowing sub-tenants to occupy TENANT's tower for co-location purposes, LESSOR shall be entitled to additional annual rent in the amount of \$1,000.00 (One Thousand Dollars) to be paid by each sub-tenant directly to LESSOR (hereinafter called "CO-LOCATION RENT"). Such CO-LOCATION RENT shall be subject to the same rental increases due to LESSOR during any extended term of the agreements as stated herein.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Request approval of Resolution 20-028; Implementation of 1.75% step adjustment and 1.8% COLA adjustment, effective January 1, 2021.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

Due to the COVID-19 pandemic, Council elected to hold off any salary adjustments with the FY2021 budget and re-evaluate mid-year.

FACTS AND ISSUES:

To maintain the accuracy of our pay table, the City should continue to provide cost of living adjustments (COLA's) annually as the pay scale changes. According to the September 2020 Employment Cost Index Report, the COLA adjustment for state and local government workers is 1.8%. A recent survey completed by the Carl Vinson Institute of Government (CVIOG), shows several local governments around us have provided or plans to provide a COLA adjustment to their employees. I have also included some others that did not respond to the survey:

	Planned	
Organization:	Last COLA:	Upcoming COLA:
Tallulah Falls:	None	N/A
Hiawassee:	2-3%	3.00%
Blairsville:	3.00%	3.00%
Toccoa:	3.00%	3.00%
Clayton:	3.00%	N/A
Clarkesville:	2.00%	2.00%
Franklin County:	N/A	3.00%
Oakwood:	3.42% (0.90% chart change & 2.5% step change)	
Gainesville:	NO RESPONSE	
Hall County:	NO RESPONSE	
Winder:	up to 3% (merit)	up to 3% (merit)
Commerce:	Considering merit increases for Spring 2021	
Jefferson:	None	None

For example, a starting officer makes \$42,348 annually. If a 1.8% COLA is merited, but we only implement a 1.75% step adjustment, this position will be behind 1.8% due to inflation and would need to be added to the next COLA in order to stay even with inflation. If only the COLA is added, then we will experience compression between new and seasoned employees.

Staff recommends implementation of 1.75% step adjustment and 1.8% COLA adjustment effective January 1, 2021. Current economic reports show we may not feel the effect of COVID-19 financially until 2-3 years out. We recommend taking care of our employees while we can as we do not know what the future may hold with our budget.

This adjustment will cost a total of \$36,076 broken down as:

General Fund:	\$26,876
Water Sewer:	\$9,201
Less Insurance savings:	(\$22,141)
Fund Balance Adjustment:	\$13,936

We estimate a surplus from FY2020 for General Fund of \$800,000 (which will be presented 12/17 by our auditors). \$13,936 is 1.7% of the surplus.

OPTIONS:

Approve Resolution 20-028 for the implementation of 1.75% step adjustment and 1.8% COLA adjustment, effective January 1, 2021 for a total cost of \$36,076, or do not approve.

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

No

AMOUNT AND SOURCE OF FUNDS:

Surplus from Insurance budget of \$22,141, remaining adjustment request from fund balance; \$13,936.

RECOMMENDATION:

Request approval of Resolution 20-028; Implementation of 1.75% step adjustment and 1.8% COLA adjustment, effective January 1, 2021.

SAMPLE MOTION:

I make a motion to approve Resolution 20-028, implementation of 1.75% step adjustment and 1.8% COLA adjustment, effective January 1, 2021 for a total cost of \$36,076.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Vickie Short

ATTACHMENTS

- [Resolution 20-028 Executive Summary.pdf](#)
- [Resolution 20-028 Mid-Year COLA and Step Adjustments.pdf](#)
- [ECI Historical Listing -- Volume V - September 2020 \(002\).pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Request approval of Resolution 20-028; Implementation of 1.75% step adjustment and 1.8% COLA adjustment, effective January 1, 2021.

DATE: Number 24, 2020

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COMMISSION ACTION REQUESTED ON: December 17, 2020

PURPOSE: To re-evaluate step and COLA adjustments for FY2021.

HISTORY: Due to the COVID-19 pandemic, Council elected to hold off any salary adjustments with the FY2021 budget and re-evaluate mid-year.

FACTS AND ISSUES: To maintain the accuracy of our pay table, the City should continue to provide cost of living adjustments (COLA's) annually as the pay scale changes. According to the September 2020 Employment Cost Index Report, the COLA adjustment for state and local government workers is 1.8%. A recent survey completed by the Carl Vinson Institute of Government (CVIOG), shows several local governments around us have provided or plans to provide a COLA adjustment to their employees. I have also included some others that did not respond to the survey:

<u>Organization:</u>	<u>Last COLA:</u>	<u>Planned Upcoming COLA:</u>
Tallahul Falls:	None	N/A
Hiawassee:	2-3%	3.00%
Blairsville:	3.00%	3.00%
Toccoa:	3.00%	3.00%
Clayton:	3.00%	N/A
Clarksville:	2.00%	2.00%
Franklin County:	N/A	3.00%
Oakwood:		3.42% (0.90% chart change & 2.5% step change)
Gainesville:	NO RESPONSE	
Hall County:	NO RESPONSE	
Winder:	up to 3% (merit)	up to 3% (merit)
Commerce:		Considering merit increases for Spring 2021
Jefferson:	None	None

For example, a starting officer makes \$42,348 annually. If a 1.8% COLA is merited, but we only implement a 1.75% step adjustment, this position will be behind 1.8% due to inflation and would need to be added to the next COLA in order to stay even with inflation. If only the COLA is added, then we will experience compression between new and seasoned employees.

Staff recommends implementation of 1.75% step adjustment and 1.8% COLA adjustment effective January 1, 2021. Current economic reports show we may not feel the effect of COVID-19 financially until 2-3 years out. We recommend taking care of our employees while we can as we do not know what the future may hold with our budget.

This adjustment will cost a total of \$36,076 broken down as:

General Fund:	\$26,876
Water Sewer:	\$9,201
Less Insurance savings:	(\$22,141)
Fund Balance Adjustment:	\$13,936

We estimate a surplus from FY2020 for General Fund of \$800,000 (which will be presented 12/17 by our auditors). \$13,936 is 1.7% of the surplus.

OPTIONS: Approve Resolution 20-028 for the implementation of 1.75% step adjustment and 1.8% COLA adjustment, effective January 1, 2021 for a total cost of \$36,076, or do not approve.

RECOMMENDED SAMPLE MOTION: I make a motion to approve Resolution 20-028, implementation of 1.75% step adjustment and 1.8% COLA adjustment, effective January 1, 2021 for a total cost of \$36,076.

DEPARTMENT: Finance

Prepared by: Alisha Gamble

RESOLUTION 20-028

FY2021 MID-YEAR COLA AND STEP PAYROLL ADJUSTMENTS

WHEREAS, the City of Flowery Branch operates under a fiscal annual cycle from 7/1 to 6/30; and,

WHEREAS, Council elected to exclude cost of living (COLA) and step payroll adjustments from the FY2021 budget process; and

WHEREAS, Council and staff elected to re-evaluate implementation of a COLA and step adjustment mid-year FY2021 ; and

WHEREAS, Staff proposes an implementation of 1.75% step adjustment and 1.8% COLA adjustment for a total cost of \$36,076; and

WHEREAS, the City captured a savings in health insurance renewals of \$22,141 and requesting the difference in cost from general fund balance of \$13,936.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Flowery Branch authorize the budget amendment for \$13,936 COLA and step adjustments for all employees effective January 1, 2021.

BE IT FURTHERMORE RESOLVED that this budget amendment is hereby adopted.

SO RESOLVED this 17th day of December 2020.

Attest:

James M. Miller

Vickie Short, City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney

Table 11. Employment Cost Index for wages and salaries, for State and local government workers, by occupation and industry
Continuous occupational and industry series

(Not seasonally adjusted)

Occupational group and industry	Indexes (Dec. 2005 = 100)				Percent changes for–							
	Mar.	June	Sep.	Dec.	3-months ended–				12-months ended–			
					Mar.	June	Sep.	Dec.	Mar.	June	Sep.	Dec.
State and local government workers												
All workers												
1981	–	37.5	39.3	40.1	–	–	4.8	2.0	–	–	–	–
1982	40.6	40.7	42.5	42.7	1.2	0.2	4.4	.5	–	8.5	8.1	6.5
1983	43.1	43.4	44.7	45.0	.9	.7	3.0	.7	6.2	6.6	5.2	5.4
1984	45.6	45.7	47.2	47.7	1.3	.2	3.3	1.1	5.8	5.3	5.6	6.0
1985	48.1	48.2	49.9	50.3	.8	.2	3.5	.8	5.5	5.5	5.7	5.5
1986	50.8	50.9	52.6	53.0	1.0	.2	3.3	.8	5.6	5.6	5.4	5.4
1987	53.4	53.5	54.8	55.2	.8	.2	2.4	.7	5.1	5.1	4.2	4.2
1988	55.8	55.9	57.3	57.9	1.1	.2	2.5	1.0	4.5	4.5	4.6	4.9
1989	58.4	58.7	60.5	61.0	.9	.5	3.1	.8	4.7	5.0	5.6	5.4
1990	61.7	62.0	63.7	64.2	1.1	.5	2.7	.8	5.7	5.6	5.3	5.2
1991	64.9	65.1	66.2	66.4	1.1	.3	1.7	.3	5.2	5.0	3.9	3.4
1992	66.8	67.0	68.0	68.4	.6	.3	1.5	.6	2.9	2.9	2.7	3.0
1993	68.8	68.9	70.0	70.2	.6	.1	1.6	.3	3.0	2.8	2.9	2.6
1994	70.7	70.8	72.1	72.4	.7	.1	1.8	.4	2.8	2.8	3.0	3.1
1995	72.9	73.1	74.3	74.7	.7	.3	1.6	.5	3.1	3.2	3.1	3.2
1996	75.0	75.2	76.3	76.8	.4	.3	1.5	.7	2.9	2.9	2.7	2.8
1997	77.1	77.2	78.4	78.9	.4	.1	1.6	.6	2.8	2.7	2.8	2.7
1998	79.3	79.5	80.8	81.3	.5	.3	1.6	.6	2.9	3.0	3.1	3.0
1999	81.6	81.9	83.5	84.2	.4	.4	2.0	.8	2.9	3.0	3.3	3.6
2000	84.7	84.9	86.4	87.0	.6	.2	1.8	.7	3.8	3.7	3.5	3.3
2001	87.6	88.1	89.8	90.2	.7	.6	1.9	.4	3.4	3.8	3.9	3.7
2002	90.6	90.9	92.5	93.1	.4	.3	1.8	.6	3.4	3.2	3.0	3.2
2003	93.4	93.7	94.7	95.0	.3	.3	1.1	.3	3.1	3.1	2.4	2.0
2004	95.4	95.5	96.5	97.0	.4	.1	1.0	.5	2.1	1.9	1.9	2.1
2005	97.6	97.8	99.1	100.0	.6	.2	1.3	.9	2.3	2.4	2.7	3.1
2006	100.3	100.8	102.8	103.5	.3	.5	2.0	.7	2.8	3.1	3.7	3.5
2007	104.1	104.6	106.4	107.1	.6	.5	1.7	.7	3.8	3.8	3.5	3.5
2008	107.7	108.2	110.1	110.4	.6	.5	1.8	.3	3.5	3.4	3.5	3.1
2009	110.9	111.4	112.2	112.5	.5	.5	.7	.3	3.0	3.0	1.9	1.9
2010	112.7	112.9	113.6	113.8	.2	.2	.6	.2	1.6	1.3	1.2	1.2
2011	114.1	114.2	114.7	114.9	.3	.1	.4	.2	1.2	1.2	1.0	1.0
2012	115.2	115.4	116.0	116.2	.3	.2	.5	.2	1.0	1.1	1.1	1.1
2013	116.4	116.5	117.1	117.5	.2	.1	.5	.3	1.0	1.0	.9	1.1
2014	117.8	118.0	119.0	119.4	.3	.2	.8	.3	1.2	1.3	1.6	1.6
2015	119.9	120.3	121.2	121.6	.4	.3	.7	.3	1.8	1.9	1.8	1.8
2016	122.0	122.4	123.6	124.1	.3	.3	1.0	.4	1.8	1.7	2.0	2.1
2017	124.7	125.0	126.1	126.7	.5	.2	.9	.5	2.2	2.1	2.0	2.1
2018	127.0	127.4	129.0	129.7	.2	.3	1.3	.5	1.8	1.9	2.3	2.4
2019	130.2	130.6	132.5	133.0	.4	.3	1.5	.4	2.5	2.5	2.7	2.5
2020	133.7	134.0	134.9	–	.5	.2	.7	–	2.7	2.6	1.8	–
Occupational group												
Professional and related ¹												
1989	–	58.7	60.9	61.3	–	–	3.7	.7	–	–	–	–
1990	62.1	62.4	64.4	64.9	1.3	.5	3.2	.8	–	6.3	5.7	5.9
1991	65.4	65.6	66.8	67.0	.8	.3	1.8	.3	5.3	5.1	3.7	3.2
1992	67.2	67.4	68.7	69.0	.3	.3	1.9	.4	2.8	2.7	2.8	3.0

See footnotes at end of table.



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider ordinance #2020-615 a request to annex a portion of 6495 McEver Road into the city-limits of Flowery Branch.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the first parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

This 50-foot strip along McEver (and another 50-foot strip located on 6509 McEver) must be annexed and rezoned in order to consider the proposed industrial project located at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-615 a request to annex a 50-foot strip along McEver Road.

SAMPLE MOTION:

I make a motion to approve ordinance #2020-615 annexing a portion of 6495 McEver Road into the city-limits of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6495 McEver Crawfor Annexation FINAL .pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-615

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A 50' WIDE STRIP RUNNING THE LENGTH OF THE SUBJECT PARCEL ALONG THE RIGHT OF WAY OF MCEVER ROAD, OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL 08150 002002A AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Estate of Clara Mae Mann owns the 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as Parcel Tax Identification No.08150 002002A, as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application of Diane Mann Crawford and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City's corporate limits; and

WHEREAS, said 50' wide strip running the length of the subject parcel along the right of way of McEver Road is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, Diane Mann Crawford has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the parcel of land, and the 50' wide strip running the length of the subject parcel along the right of way of McEver Road which is being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as a portion of Parcel Tax Identification No. 08150 002002A, as shown on Exhibit "A", and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

A 50' wide strip running the length of the subject parcel along the right of way of McEver Road.

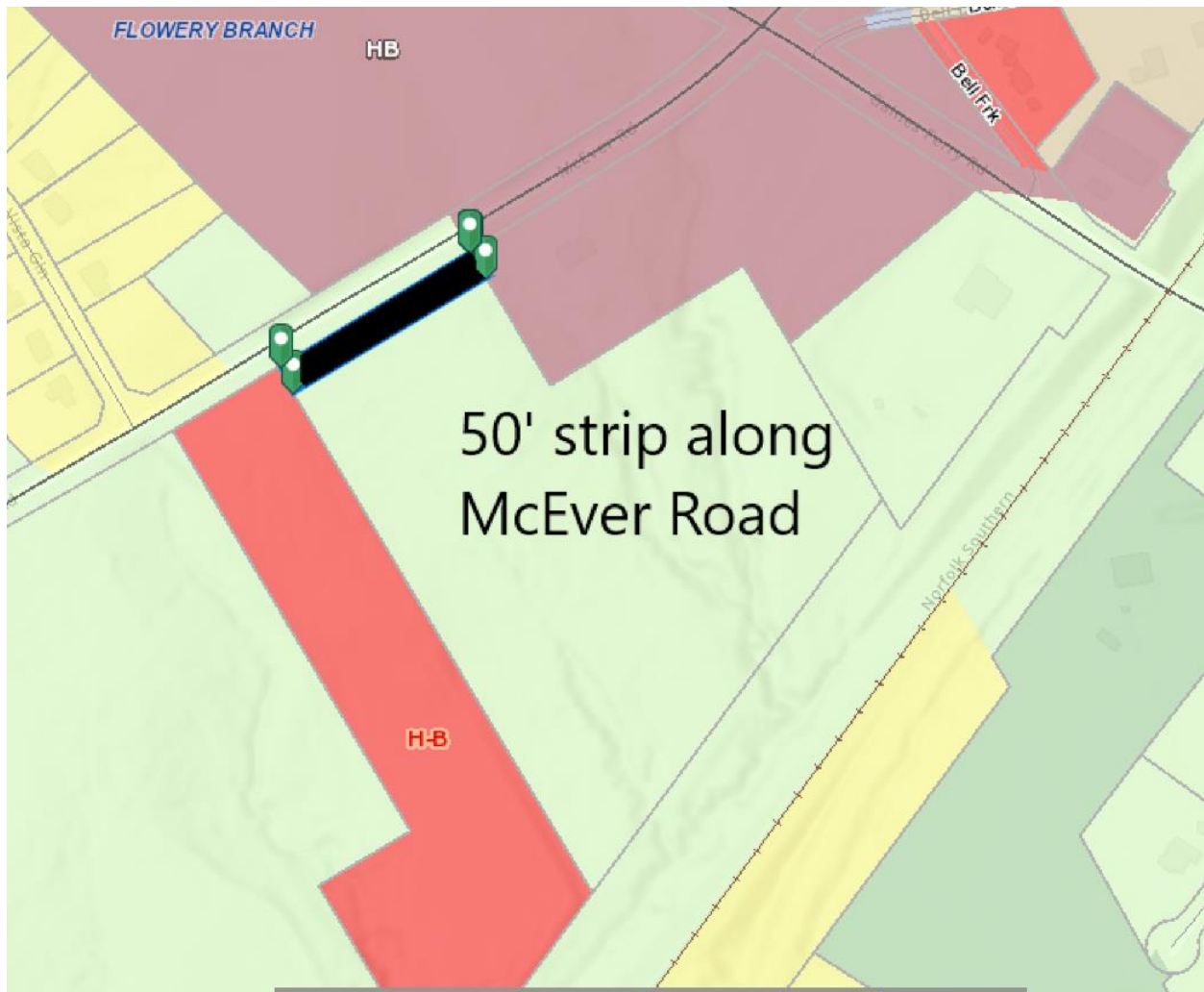


Exhibit "B"

all that tract or parcel of land lying and being in land lot,
158th Land District of Hall County, Georgia and more fully
described as follows:

Beginning at an iron pin corner on the Southeast side of McEver Road where said property joins property of Newton E. Mann and running thence S30-30E 290 Feet to an iron pin corner; thence N58-30E 425 Feet to an iron pin corner; thence S30-30E 507.5 Feet to an iron pin corner at the Southern Railway right of way; thence along said Southern Railway right of way S35-56W 948.35 Feet to an iron pin corner where said property joins property of Mrs. Gwendolyn Mann Dimler; thence N31-28W 1151.8 Feet to an iron pin corner on the Southeast side of McEver Road; thence along McEver Road N58-30E 447.5 Feet to an iron pin corner where said property joins property of Newton E. Mann and being the beginning corner and being a part of the same property described in Deed from Newton E. Mann to Gwendolyn Mann Dimler and H. Dewey Mann which Deed is recorded in Deed Book 236, pages 191 and 192, in the office of the Clerk of the Superior Court of Hall County, Georgia, and also being that tract of land described in a plat of the property of Viola Mann Estate, dated June 4, 1959, and revised on December 29, 1969 by Farley-Collins and Associates which Deed and plat are by reference made a part of this description herein. This deed represents 16.51 acres, more or less.



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider ordinance #2020-616 a request to rezone a portion of 6495 McEver Road.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the first parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

This 50-foot strip along McEver (and another 50-foot strip located on 6509 McEver) must be annexed and rezoned in order to consider the proposed industrial project at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-616 a request to rezone the 50-foot strip along McEver Road from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).

SAMPLE MOTION:

I make a motion to approve ordinance #2020-616 rezoning a portion of 6495 McEver Road to A (Agricultural)

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6495_McEver_Crawford_Rezone FINAL.pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-616

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 50' WIDE STRIP RUNNING THE LENGTH OF THE SUBJECT PARCEL ALONG THE RIGHT OF WAY OF MCEVER ROAD, OWNED BY THE ESTATE OF CLARA MAE MANN IDENTIFIED AS 6495 MCEVER ROAD, TAX PARCEL 08150 002002A AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Estate of Clara Mae Mann owns the 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as Parcel Tax Identification No.08150 002002A, as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, Diane Mann Crawford has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land, including the 50' wide strip running the length of the subject parcel along the right of way of McEver Road, to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

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

SECTION 2. REZONING.

The 50' wide strip running the length of the subject parcel along the right of way of McEver Road, as shown on Exhibit "A" which is part of the parcel legally described in Exhibit "B", is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch A (Agricultural). Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

A 50' wide strip running the length of the subject parcel along the right of way of McEver Road.

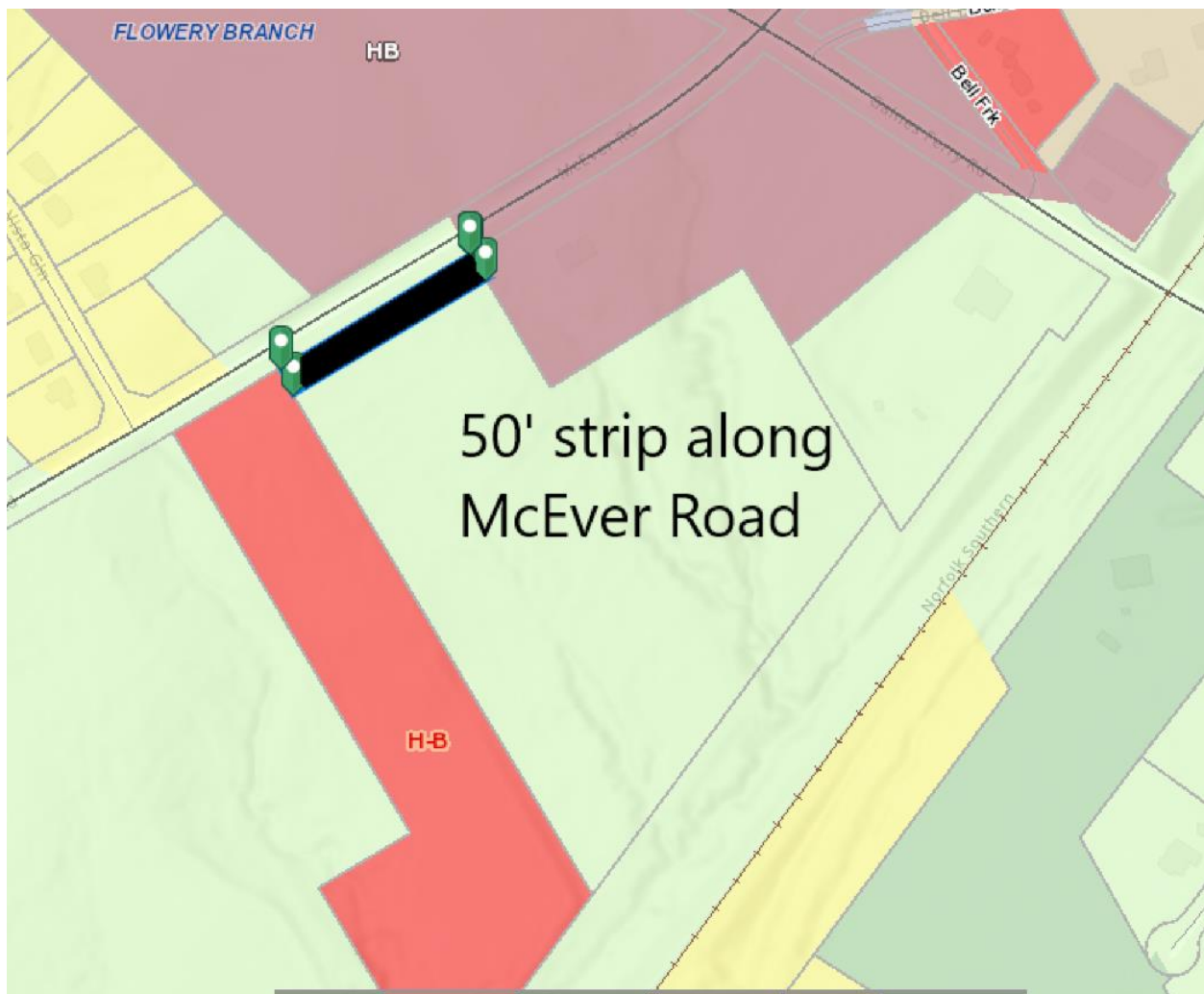


Exhibit "B"

all that tract or parcel of land lying and being in land lot,
158th Land District of Hall County, Georgia and more fully
described as follows:

Beginning at an iron pin corner on the Southeast side of McEver Road where said property joins property of Newton E. Mann and running thence S30-30E 290 Feet to an iron pin corner; thence N58-30E 425 Feet to an iron pin corner; thence S30-30E 507.5 Feet to an iron pin corner at the Southern Railway right of way; thence along said Southern Railway right of way S35-56W 948.35 Feet to an iron pin corner where said property joins property of Mrs. Gwendolyn Mann Dimler; thence N31-28W 1151.8 Feet to an iron pin corner on the Southeast side of McEver Road; thence along McEver Road N58-30E 447.5 Feet to an iron pin corner where said property joins property of Newton E. Mann and being the beginning corner and being a part of the same property described in Deed from Newton E. Mann to Gwendolyn Mann Dimler and H. Dewey Mann which Deed is recorded in Deed Book 236, pages 191 and 192, in the office of the Clerk of the Superior Court of Hall County, Georgia, and also being that tract of land described in a plat of the property of Viola Mann Estate, dated June 4, 1959, and revised on December 29, 1969 by Farley-Collins and Associates which Deed and plat are by reference made a part of this description herein. This deed represents 16.31 acres, more or less.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-617 a request to annex a portion of 6509 McEver Road into the city-limits of Flowery Branch.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the second parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

This 50-foot strip along McEver (coupled with the 50-foot strip approved under ordinance 2020-615) must be annexed and rezoned in order to consider the proposed industrial project located at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-615 a request to annex a 50-foot strip along McEver Road.

SAMPLE MOTION:

I make a motion to approve ordinance #2020-617 annexing a portion of 6509 McEver Road into the city-limits of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6509 McEver E&S Annexation FINAL .pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-617

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A 50' WIDE STRIP RUNNING THE LENGTH OF THE SUBJECT PARCEL ALONG THE RIGHT OF WAY OF MCEVER ROAD OWNED BY E&S DEVELOPMENT LLC. IDENTIFIED AS 6509 MCEVER, TAX PARCEL 08150 002002 AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B"; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, E&S Development, LLC. own the 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as Parcel Tax Identification No.08150 002002, as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application of E&S Development, LLC. and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Community Agenda for annexation into the City's corporate limits; and

WHEREAS, said 50' wide strip running the length of the subject parcel along the right of way of McEver Road is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, E&S Development, LLC. have submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the parcel of land, and the 50' wide strip running the length of the subject parcel along the right of way of McEver Road which is being considered to be annexed, is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as a portion of Parcel Tax Identification 08150 002002, as shown on Exhibit "A", and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

A 50' wide strip running the length of the subject parcel along the right of way of McEver Road.

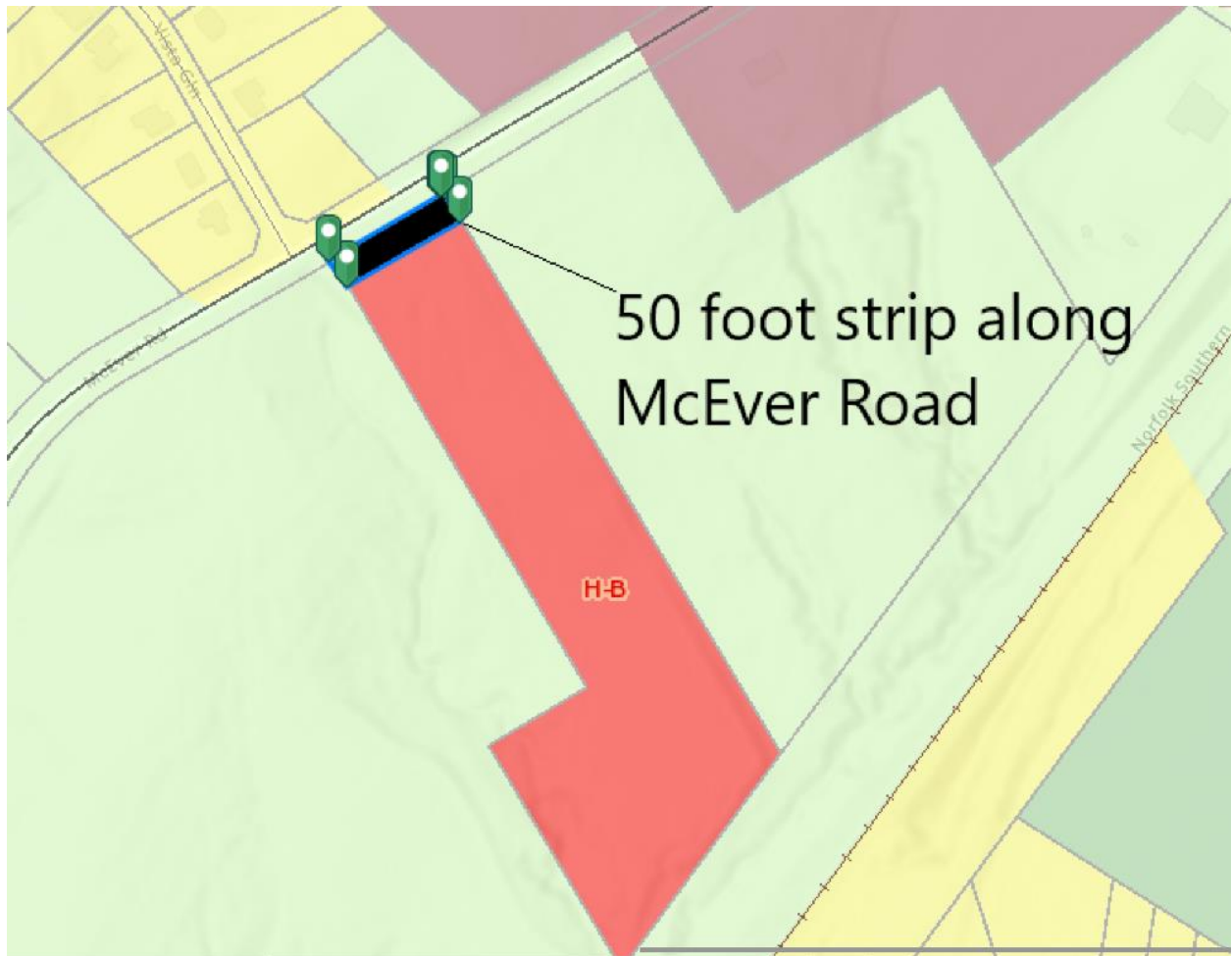


Exhibit "B"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 150 OF THE 8TH LAND DISTRICT, HALL COUNTY, GEORGIA, AS SHOWN AND DELINEATED AS 8.843 ACRES, MORE OR LESS, ON PLAT OF SURVEY FOR ANTHONY SHERMAN & VICTOR FELIX ESPINOSA BY JARRARD SURVEYING DATED MAY 26, 2005, LAST REVISED SEPTEMBER 9, 2005, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT A POINT ON THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD (80 FOOT RIGHT OF WAY), SAID POINT BEING SOUTH 63 DEGREES 25 MINUTES 07 SECONDS EAST, A DISTANCE OF 50.84 FEET, FROM THE INTERSECTION OF THE CENTERLINES OF MCEVER ROAD AND VISTA GLEN; THENCE RUNNING NORTH 64 DEGREES 26 MINUTES 11 SECONDS EAST ALONG THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD, A DISTANCE OF 247.50 FEET, TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING SOUTH 24 DEGREES 39 MINUTES 37 SECONDS EAST, A DISTANCE OF 1160.82 FEET, TO AN IRON PIN ON THE NORTHWESTERN RIGHT OF WAY OF SOUTHERN RAILROAD (400 FOOT RIGHT OF WAY); THENCE RUNNING SOUTH 41 DEGREES 46 MINUTES 15 SECONDS WEST ALONG SAID RIGHT OF WAY, A DISTANCE OF 484.73 FEET, TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING NORTH 24 DEGREES 47 MINUTES 04 SECONDS WEST, A DISTANCE OF 477.85 FEET, TO AN IRON PIN; THENCE RUNNING NORTH 64 DEGREES 50 MINUTES 23 SECONDS EAST, A DISTANCE OF 200.05 FEET, AN IRON PIN; THENCE RUNNING NORTH 24 DEGREES 48 MINUTES 14 SECONDS WEST, A DISTANCE OF 871.14 FEET, TO AN IRON PIN ON THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD, THE PLACE OR POINT OF BEGINNING.

LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 69 of the 8th Land District, Hall County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 2 on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-039; Drawing/File #20-039), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;

THENCE proceeding along the line common to Land Lots 69 and 70 North 60 degrees 50 minutes 40 seconds East for a distance of 749.58 feet to a 1/2" rebar found at the intersection with the northwesterly right-of-way line of Falcon Parkway (S.R. #13, 60' public r/w and varies);

THENCE departing said Land Lot line and proceeding along said right-of-way line of Falcon Parkway the following courses and distances: North 18 degrees 47 minutes 19 seconds East for a distance of 262.54 feet to a 1/2" rebar found;

THENCE North 18 degrees 55 minutes 09 seconds East for a distance of 671.72 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

THENCE departing said northwesterly right-of-way line of Falcon Parkway North 63 degrees 29 minutes 04 seconds West for a distance of 1087.76 feet to a concrete right-of-way monument found on the southeasterly right-of-way line of Interstate 985 (Lanier Parkway, S.R. #365, limited access variable width public r/w, Project #F-013-1(18)(21);

THENCE proceeding along said southeasterly right-of-way line of Interstate 985 the following courses and distances: North 61 degrees 19 minutes 46 seconds West for a distance of 69.70 feet to a 1/2" iron pin set;

THENCE North 36 degrees 44 minutes 45 seconds East for a distance of 36.76 feet to a 1/2" iron pin set;

THENCE North 32 degrees 55 minutes 54 seconds East for a distance of 560.83 feet to a 1/2" iron pin set (said 1/2" iron pin set being witnessed by a 1/2" rebar found on line 3.22 feet northwest thereof);

THENCE South 68 degrees 13 minutes 43 seconds East for a distance of 737.93 feet to a 1/2" iron pin set;

THENCE South 54 degrees 50 minutes 16 seconds East for a distance of 272.56 feet to a 1/2" iron pin set on the aforesaid northwesterly right-of-way line of Falcon Parkway;

THENCE proceeding along said right-of-way line of Falcon Parkway the following courses and distances: South 19 degrees 05 minutes 35 seconds West for a distance of 187.40 feet to a 1/2" iron pin set;

THENCE South 18 degrees 41 minutes 24 seconds West for a distance of 434.39 feet to a 1/2" rebar found, said 1/2" rebar found being the POINT OF BEGINNING.

Said tract or parcel of land contains 15.558 acres or 677,720 square feet.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-618 a request to rezone a portion of 6509 McEver Road.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the second parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road -Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road -Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

This 50-foot strip along McEver (coupled with the 50-foot strip approved under ordinance 2020-615) must be annexed and rezoned in order to consider the proposed industrial project located at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-618 a request to rezone the 50-foot strip along McEver Road from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).

SAMPLE MOTION:

I make a motion to approve ordinance #2020-618 rezoning a portion of 6509 McEver Road to HB ((Highway Business)).

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6509 McEver E&S Rezone FINAL.pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-618

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 50' WIDE STRIP RUNNING THE LENGTH OF THE SUBJECT PARCEL ALONG THE RIGHT OF WAY OF MCEVER ROAD, OWNED BY E&S DEVELOPMENT LLC. IDENTIFIED AS 6509 MCEVER, TAX PARCEL 08150 002002 AND AS SHOWN ON ATTACHED EXHIBIT "A", AND AS DESCRIBED ON ATTACHED EXHIBIT "B", TO BE REZONED FROM HALL COUNTY HIGHWAY BUSINESS (HB) TO FLOWERY BRANCH HIGHWAY BUSINESS (HB); PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, E&S Development, LLC. own the 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as Parcel Tax Identification No.08150 002002as shown on Exhibit "A", and as described on Exhibit "B"; and

WHEREAS, E&S Development, LLC. has submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned, and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17th, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

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

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

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

SECTION 2. REZONING.

The 50' wide strip running the length of the subject parcel along the right of way of McEver Road identified as a portion of Parcel Tax Identification 08150 002002, as shown on Exhibit "A," and as legally described in Exhibit "B", is hereby rezoned from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business). Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day, of January 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

A 50' wide strip running the length of the subject parcel along the right of way of McEver Road.

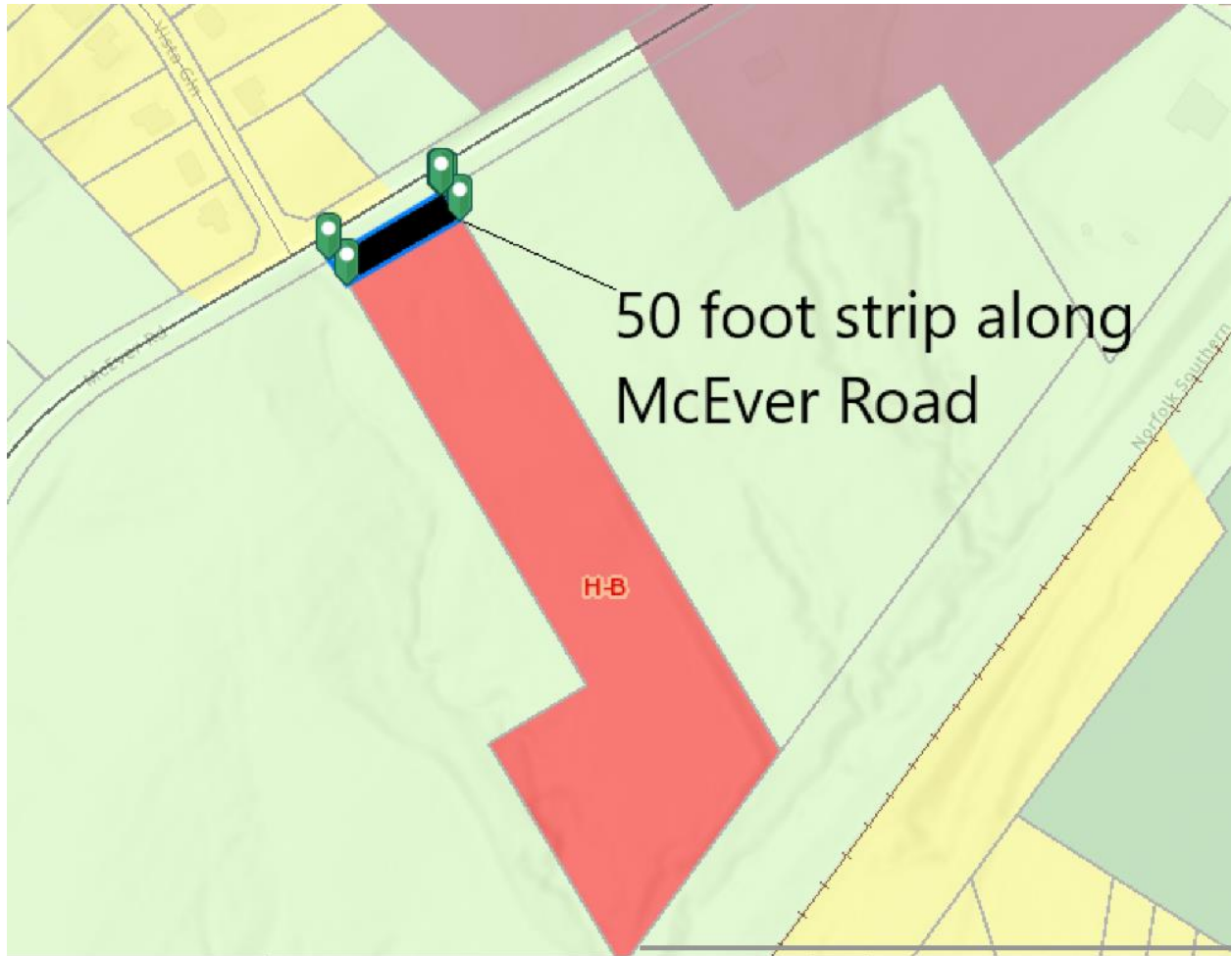


Exhibit "B"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 150 OF THE 8TH LAND DISTRICT, HALL COUNTY, GEORGIA, AS SHOWN AND DELINEATED AS 8.843 ACRES, MORE OR LESS, ON PLAT OF SURVEY FOR ANTHONY SHERMAN & VICTOR FELIX ESPINOSA BY JARRARD SURVEYING DATED MAY 26, 2005, LAST REVISED SEPTEMBER 9, 2005, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT A POINT ON THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD (80 FOOT RIGHT OF WAY), SAID POINT BEING SOUTH 63 DEGREES 25 MINUTES 07 SECONDS EAST, A DISTANCE OF 50.84 FEET, FROM THE INTERSECTION OF THE CENTERLINES OF MCEVER ROAD AND VISTA GLEN; THENCE RUNNING NORTH 64 DEGREES 26 MINUTES 11 SECONDS EAST ALONG THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD, A DISTANCE OF 247.50 FEET, TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING SOUTH 24 DEGREES 39 MINUTES 37 SECONDS EAST, A DISTANCE OF 1160.82 FEET, TO AN IRON PIN ON THE NORTHWESTERN RIGHT OF WAY OF SOUTHERN RAILROAD (400 FOOT RIGHT OF WAY); THENCE RUNNING SOUTH 41 DEGREES 46 MINUTES 15 SECONDS WEST ALONG SAID RIGHT OF WAY, A DISTANCE OF 484.73 FEET, TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING NORTH 24 DEGREES 47 MINUTES 04 SECONDS WEST, A DISTANCE OF 477.85 FEET, TO AN IRON PIN; THENCE RUNNING NORTH 64 DEGREES 50 MINUTES 23 SECONDS EAST, A DISTANCE OF 200.05 FEET, AN IRON PIN; THENCE RUNNING NORTH 24 DEGREES 48 MINUTES 14 SECONDS WEST, A DISTANCE OF 871.14 FEET, TO AN IRON PIN ON THE SOUTHEASTERN RIGHT OF WAY OF MCEVER ROAD, THE PLACE OR POINT OF BEGINNING.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-619 a request to annex 6533 McEver Road into the city-limits of Flowery Branch.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

This is the third parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

The two 50-foot strips along McEver must be annexed and rezoned in order to consider this proposed industrial project located at 6533 McEver Road.

OPTIONS:

.

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-619 a request to annex the entirety of 6533 McEver Road.

SAMPLE MOTION:

I make a motion to approve ordinance #2020-619 annexing 6533 McEver Road into the city-limits of Flowery Branch.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [6533_McEver_CA_Ventures_Annexation ERB Rev.pdf](#)
- [Staff report .pdf](#)

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-619

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA A PARCEL OF REAL PROPERTY TOTALING 34.6 +/- ACRES, OWNED BY DARYL CROW HOLDINGS, LLC IDENTIFIED AS 6533 MCEVER ROAD TAX PARCEL 08150 002018 AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Daryl Crow Holdings, LLC owns all that tract or parcel of land totaling 34.6+/- acres identified as Parcel Tax Identification No. 08150 002018, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

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

WHEREAS, Daryl Crow Holdings, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being annexed, and whereas a survey and complete description of the land to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17th 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. RECITALS.

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

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia a tract or parcel of land totaling 34.6 +/- acres identified as Parcel Tax Identification No. 08150 002018, as shown on Exhibit "A", and as described on Exhibit "B". Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney



Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 150, 8th District, Hall County, Georgia, said tract or parcel of land being more fully shown on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-043; Drawing/File #20-043), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

BEGINNING at a 1/2" iron pin set at the intersection of the southeasterly right-of-way line of McEver Road (80' public r/w) and the northerly line of Land Lot 150 (said Land Lot line also being the common line with Land Lot 149), THENCE proceeding northeasterly along said southeasterly right-of-way line of McEver Road the following courses and distances: North 59 degrees 08 minutes 30 seconds East for a distance of 192.23 feet to a 1/2" iron pin set;

THENCE North 59 degrees 31 minutes 51 seconds East for a distance of 138.36 feet to a disturbed 1/2" rebar found;

THENCE departing said southeasterly right-of-way line of McEver Road South 30 degrees 15 minutes 31 seconds East for a distance of 871.02 feet to a 1/2" rebar found;

THENCE South 59 degrees 25 minutes 34 seconds West for a distance of 200.12 feet to a 1/2" rebar found;

THENCE South 30 degrees 13 minutes 50 seconds East for a distance of 477.95 feet to a 1" crimped top pipe found on the northwesterly right-of-way line of Norfolk Southern Railroad (400' r/w) (said 1" crimped top pipe found being witnessed by a 1" crimped top pipe found 4.32 feet southeast thereof);

THENCE proceeding southwesterly along said northwesterly right-of-way line of Norfolk Southern Railroad South 36 degrees 20 minutes 56 seconds West for a distance of 1006.97 feet to a 3/4" crimped top pipe found;

THENCE departing said northwesterly right-of-way line of Norfolk Southern Railroad North 30 degrees 13 minutes 33 seconds West for a distance of 1279.91 feet to a 1/2" iron pin set on the aforesaid southeasterly right-of-way line of McEver Road (said 1/2" iron pin set being witnessed by a disturbed 1" crimped top pipe found on line 6.18 feet southeast thereof);

THENCE proceeding northeasterly along said northwesterly right-of-way line of McEver Road the following courses and distances: North 17 degrees 07 minutes 38 seconds East for a distance of 410.19 feet to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 1587.00 feet for an arc distance of 111.26 feet (said arc being subtended by a chord of North 19 degrees 08 minutes 08 seconds East for a distance of 111.24 feet) to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 508.74 feet for an arc distance of 281.59 feet (said arc being subtended by a chord of North 37 degrees 00 minutes 02 seconds East for a distance of 278.01 feet) to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 1376.00 feet for an arc distance of 150.93 feet (said arc being subtended by a chord of North 55 degrees 59 minutes 58 seconds East for a distance of 150.85 feet) to a 1/2" iron pin set at the intersection with the aforesaid northerly line of Land Lot 150, said 1/2" iron pin set being the POINT OF BEGINNING;

Said tract or parcel of land contains 33.947 acres or 1,478,717 square feet and is intended to be the same tract or parcel of land as previously conveyed by Deed Book 3438, Page 507, Hall County, Georgia records.

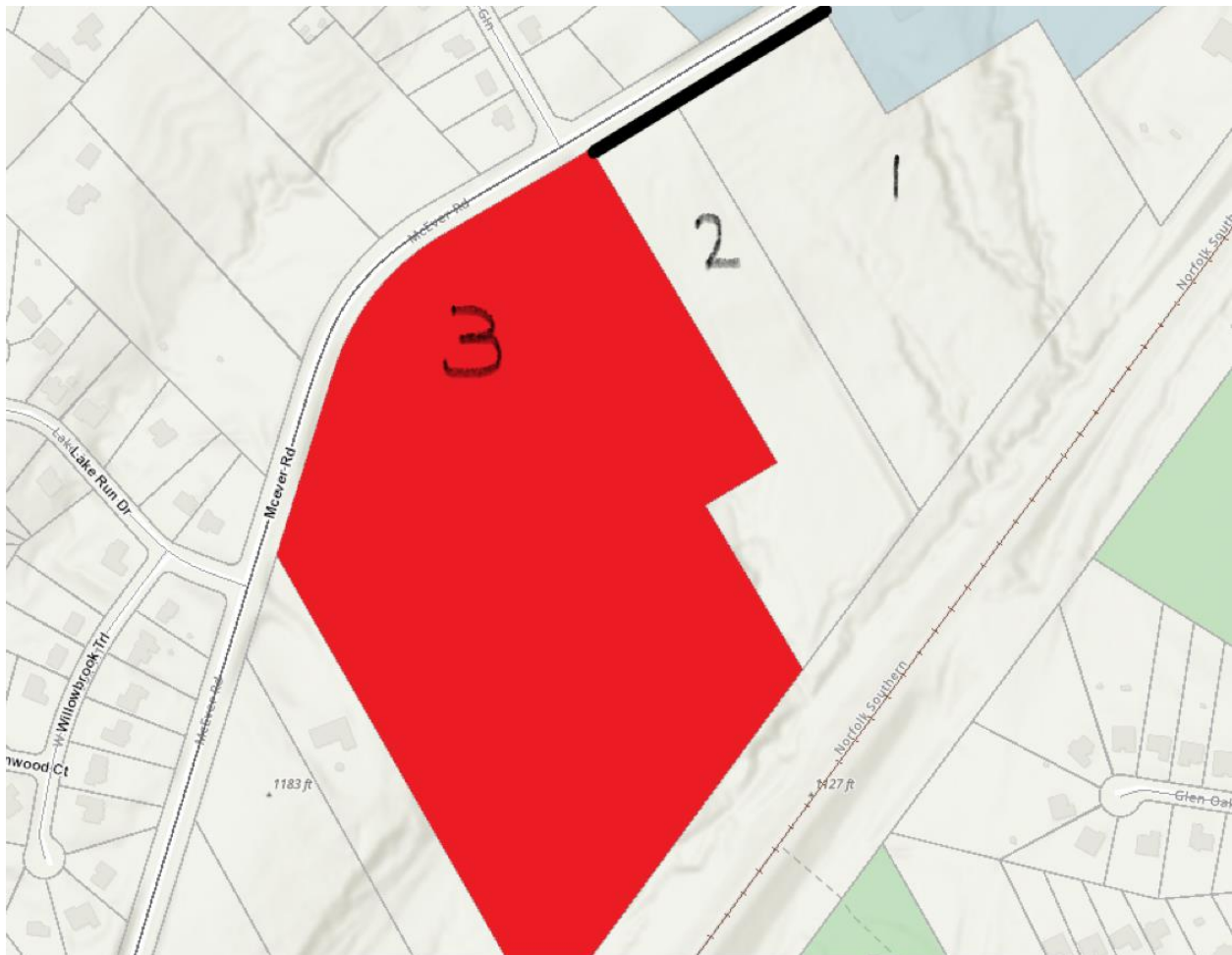


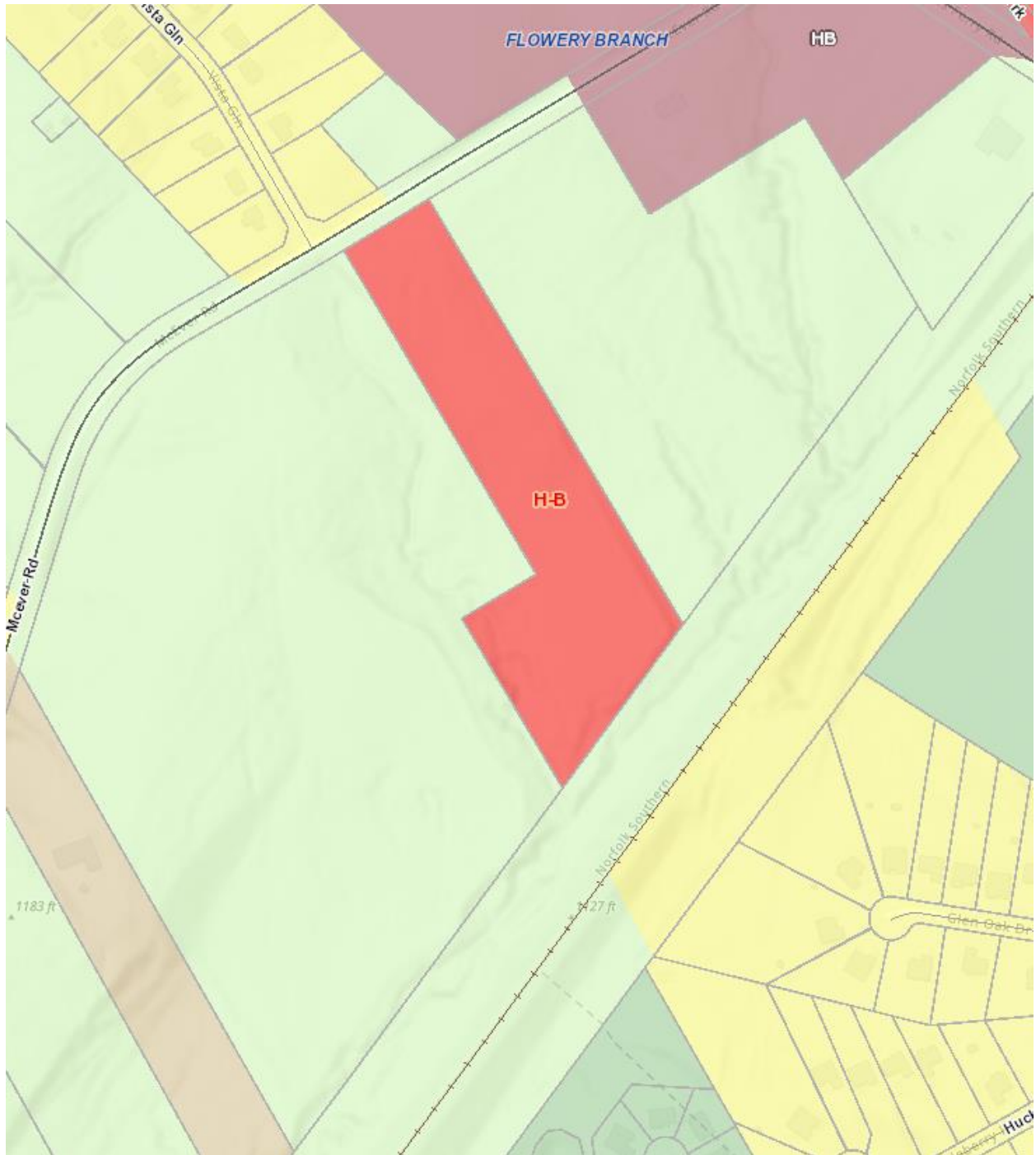
Applicants: Ms. Diane Crawford, E&S Development, CA-Ventures

Subject Properties: 6495 McEver Road; tax parcel 08150 002002A; 50-foot strip
6509 McEver Road; tax parcel 08150 002002; 50-foot strip
6533 McEver Road; tax parcel 08150 002018; +/- 34.6 acres

Annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road -Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road -Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).







Request:

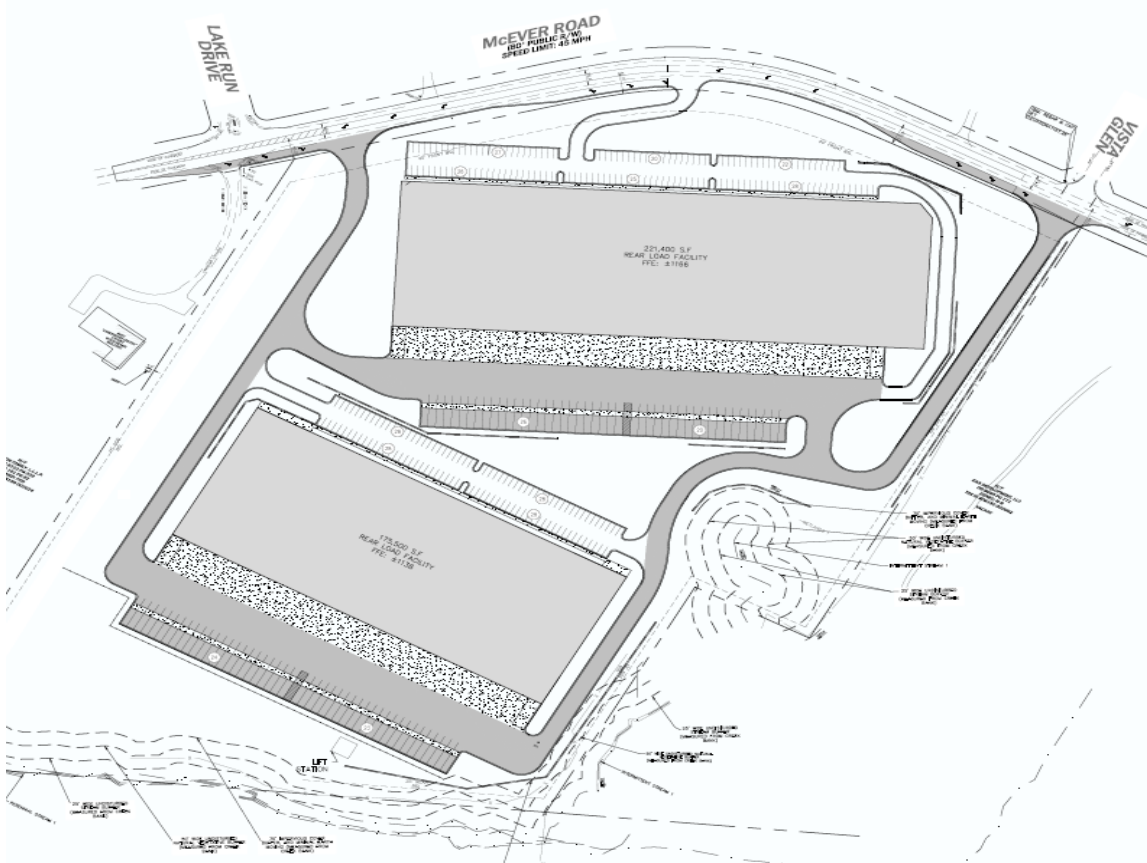
Properties 1 and 2 are only requesting annexation and rezoning to accommodate the proposed industrial use on property 3. The 50- foot strip(s) on properties 1 and 2 -6495 and 6509 McEver Road - are requested to make property 3 (6533 McEver Road) contiguous and therefore eligible for annexation and rezoning consideration by the City of flowery Branch. Properties 1 and 2 will be annexed and rezoned at a date to be determined.

Per the applicant's application:

The request is to Annex 6533 McEver Road from Unincorporated Hall County, to the City of Flowery Branch. Concurrently we are requested to be rezoned to M-1 (light Manufacturing & Industrial) (The parcel is currently zoned AR III in Hall county)

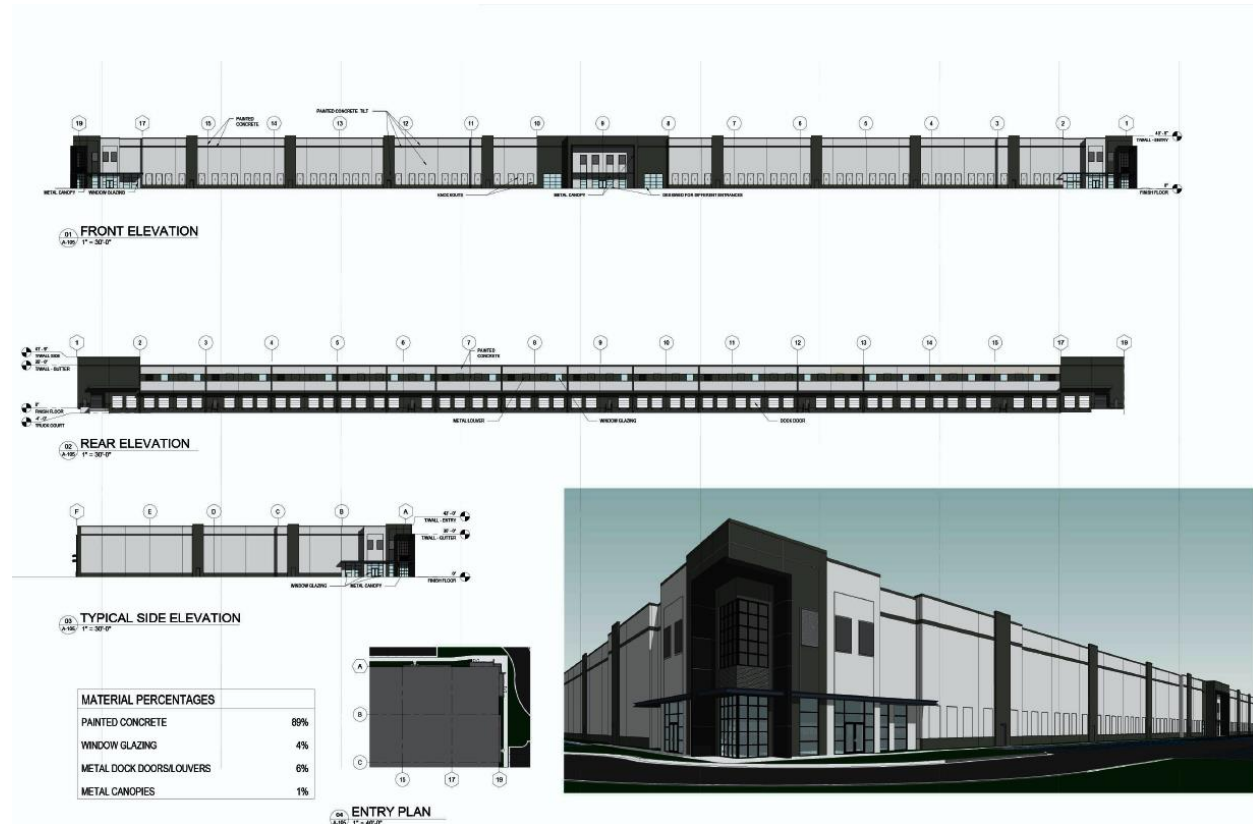
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 396,900 square feet. Associated parking lot and landscape areas will be included as well.

Proposed general layout of development:





Typical building elevations:



Analysis

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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



Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial 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 development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial 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. **It is staff's opinion that the use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Currently, the Comprehensive Plan denotes this area as part of the "Mixed Use" character area. The proposed use meets the 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. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed use will fit in well with the corridor.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff does not have a specific number regarding property value, but the current zoning classifications of Agricultural-Residential does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed use will enhance the character of the existing district 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 development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed development will enhance the surrounding area and meets the intent of the Zoning Ordinance.**

Applicant response addressing the analysis requirement:

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 396,900 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Adjacent properties are zoned H-B and PCD in Hall.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowerly Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surrounding parcels are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowerly Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- d) **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**
No future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on McEver Road. Proposed improvements will mitigate any impact. The utility and school impact will be less than as currently zoned.
- 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 comprehensive plan shows this parcel as a mixed use character area. Light industrial is a use that is included in the Mixed Use Uses and Intensities.
- 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 should be noted that Annexation will be needed the parcel. With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and



development of the property.

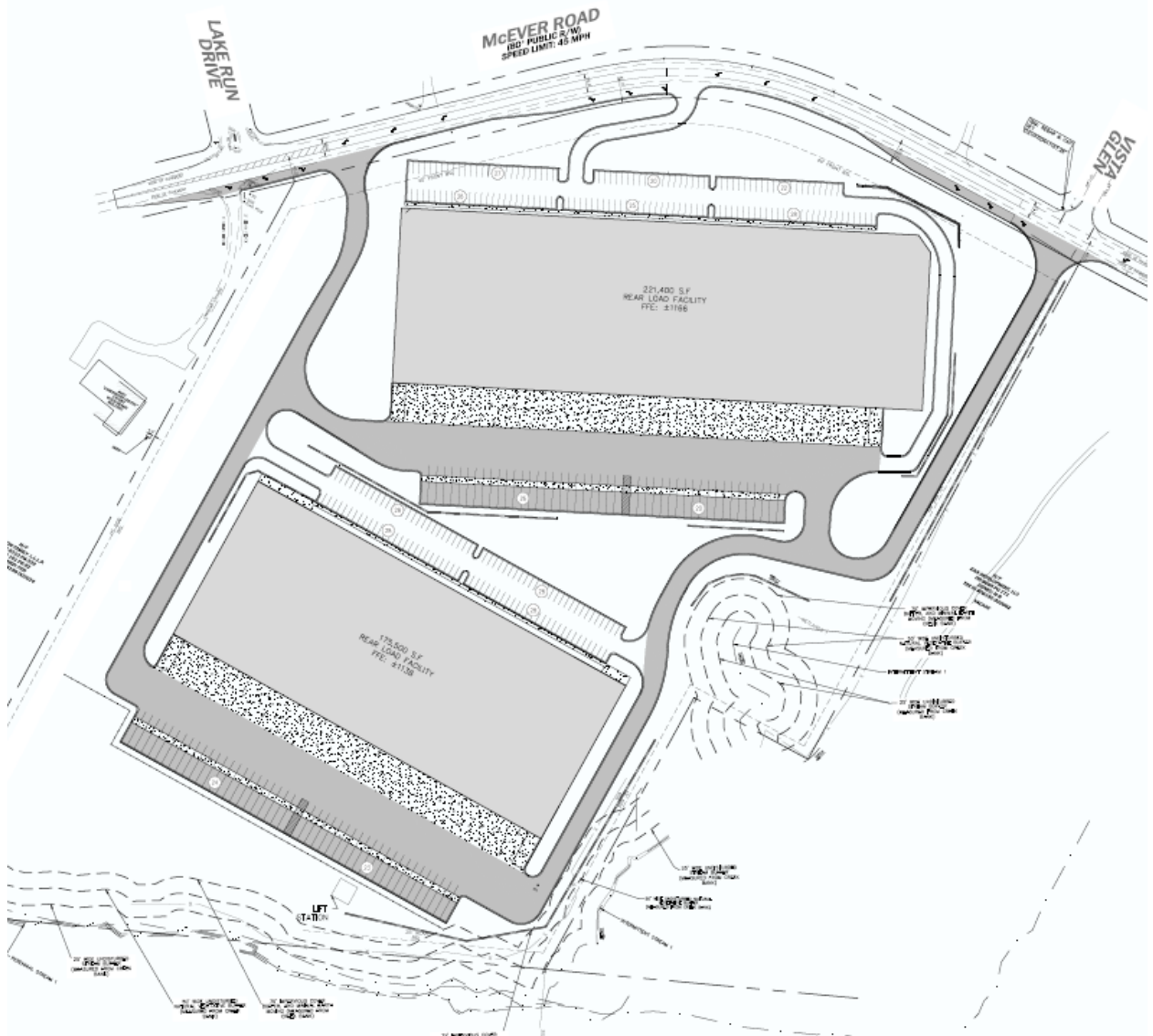
- g) Existing Use(s) and zoning of the subject property and nearby properties.
The existing parcel is zoned AR III and is currently undeveloped. The adjacent parcels are zoning H-B and PCD in unincorporated Hall County.
- h) Existing value of the property under the existing zoning district classification, 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 is significantly undervalued as zoned.
- i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
No deterrence to the value and improvement of adjacent properties is anticipated.
- j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
There are currently nearby districts with properties that are zoned H-B and PCD. There are M-1 zoned properties approximately 0.3 miles from the subject parcel.
- k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
No adverse effects on the character of the zoning district is anticipated.
- 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 zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.
- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.
Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.



Staff Recommendation

Approve with conditions as presented.

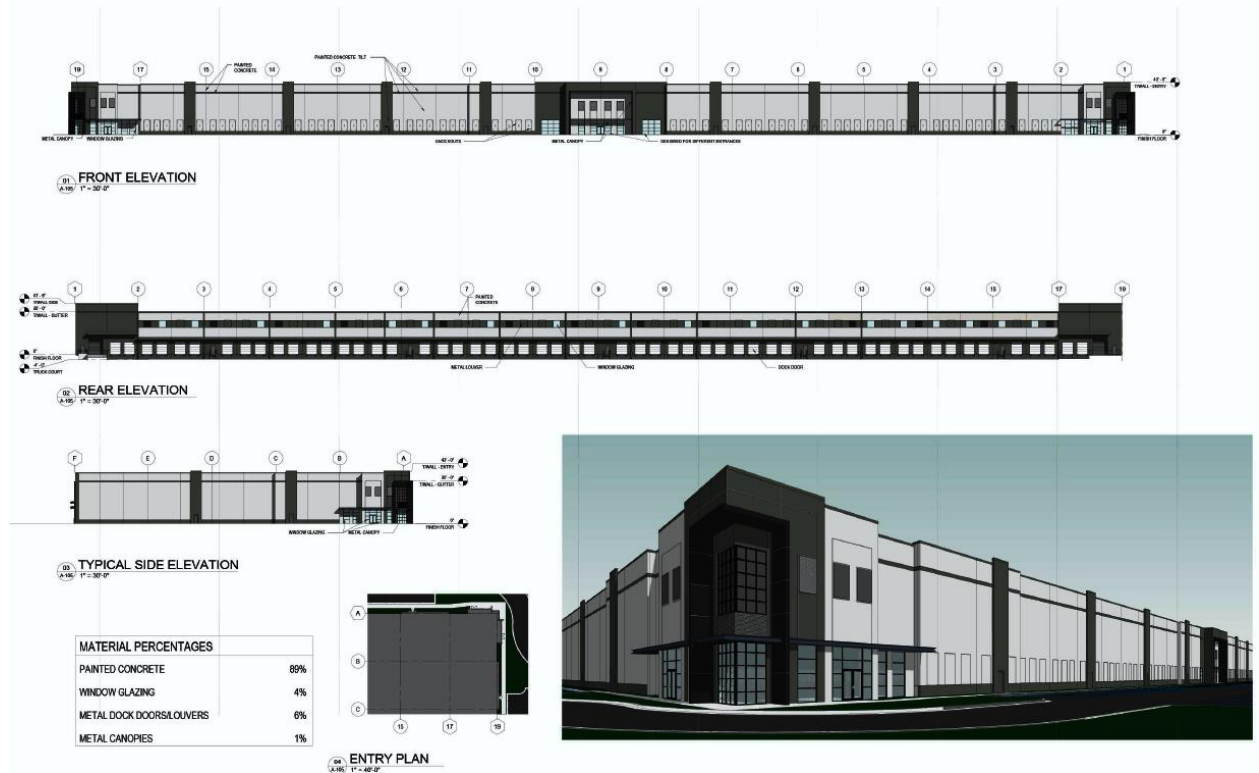
1. The project shall significantly adhere to the site plan as submitted below:



2. A lighting plan shall be submitted prior to the issuance of a full land disturbance permit.



3. A landscape/buffer plan shall be submitted as part of the land disturbance permit plan set.
4. A unified sign plan shall be submitted prior to the issuance of any building permits.
5. Buildings shall significantly adhere to the elevations as shown below:





Signs Posted
11/30/2020









Ads run in The Gainesville Times on November 25, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by Ms. Diane Crawford for the annexation and rezoning of a portion of a +/- 16.5 acre parcel of land identified as 6495 McEver Road and also as tax parcel 08150 002002A. Said property, if annexed, is requesting to be zoned Flowery Branch A (Agricultural).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their



opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by E&S Development, LLC for the annexation and rezoning of a portion of a +/- 8.84 acre parcel of land identified as 6509 McEver Road and also as tax parcel 08150 002002. Said property, if annexed, is requesting to be zoned Flowery Branch HB (Highway Business).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org



In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by CA Ventures for the annexation and rezoning of a +/- 34.6 acre parcel of land identified as 6533 McEver Road and also as tax parcel 08150 002018. Said property, if annexed, is requesting to be zoned Flowery Branch M-1 (Light Industrial).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org



In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #2020-620 a request to rezone 6533 McEver Road.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

.

FACTS AND ISSUES:

This is the third parcel to consider for the annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road - Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).

The two 50-foot strips along McEver must be annexed and rezoned in order to consider this proposed industrial project located at 6533 McEver Road.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #2020-620 a request to rezone 6533 McEver Road from Hall County A-III (Agricultural Residential) to Flowery Branch M-1 (Light Industrial).

SAMPLE MOTION:

Approve ordinance #2020-620 a request to rezone 6533 McEver Road from Hall County A-III (Agricultural Residential) to Flowery Branch M-1 (Light Industrial).

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [McEver Road FB Presentation.pptx \(FROM APPLICANT\)](#)
- [Staff report .pdf](#)
- [6533_McEver_CA_Ventures_Rezoning ERB Rev.pdf](#)



CA Industrial

McEver Road Discussion

November 2020

CHICAGO

130 E. Randolph Street
Suite 2100
Chicago, IL 60601

NEW YORK

106 W. 56th St
Suite 2200
New York, NY 10019

DENVER

2401 East 2nd Avenue
Suite 500
Denver, CO 80206

LONDON

2 Cross Keys Close
Marylebone London
W1U 2DF

BOGOTÁ

Carrera 9 # 70 A - 35
Piso 2
Bogotá, Colombia

CA Ventures McEver Road - Advantages

- What – Class A distribution and advanced assembly industrial project that could bring up to 200 high paying jobs and economic growth. Multi-tenant facilities with high office component to attract office/warehouse jobs. Approximately \$55MM project.
- Benefits –
 - Improved Safety – road improvements to widen and improve safety
 - Tax Revenue – minimal impact on infrastructure and broaden tax base
 - Flowery Branch is Open for Business
- Who – CA Ventures, a \$13B international developer with local representation and an Atlanta office. Strong track record of successful developments in GA and throughout US.
- Goal – build a “best-in-class” LEED Certified project while minimizing impact on community.
- Have met with neighbors – feedback is that they do not want any development. We have addressed road safety concerns by following recommendations of Hall County Public Works and Utilities.



CA Ventures McEver Road – Corner Elevation



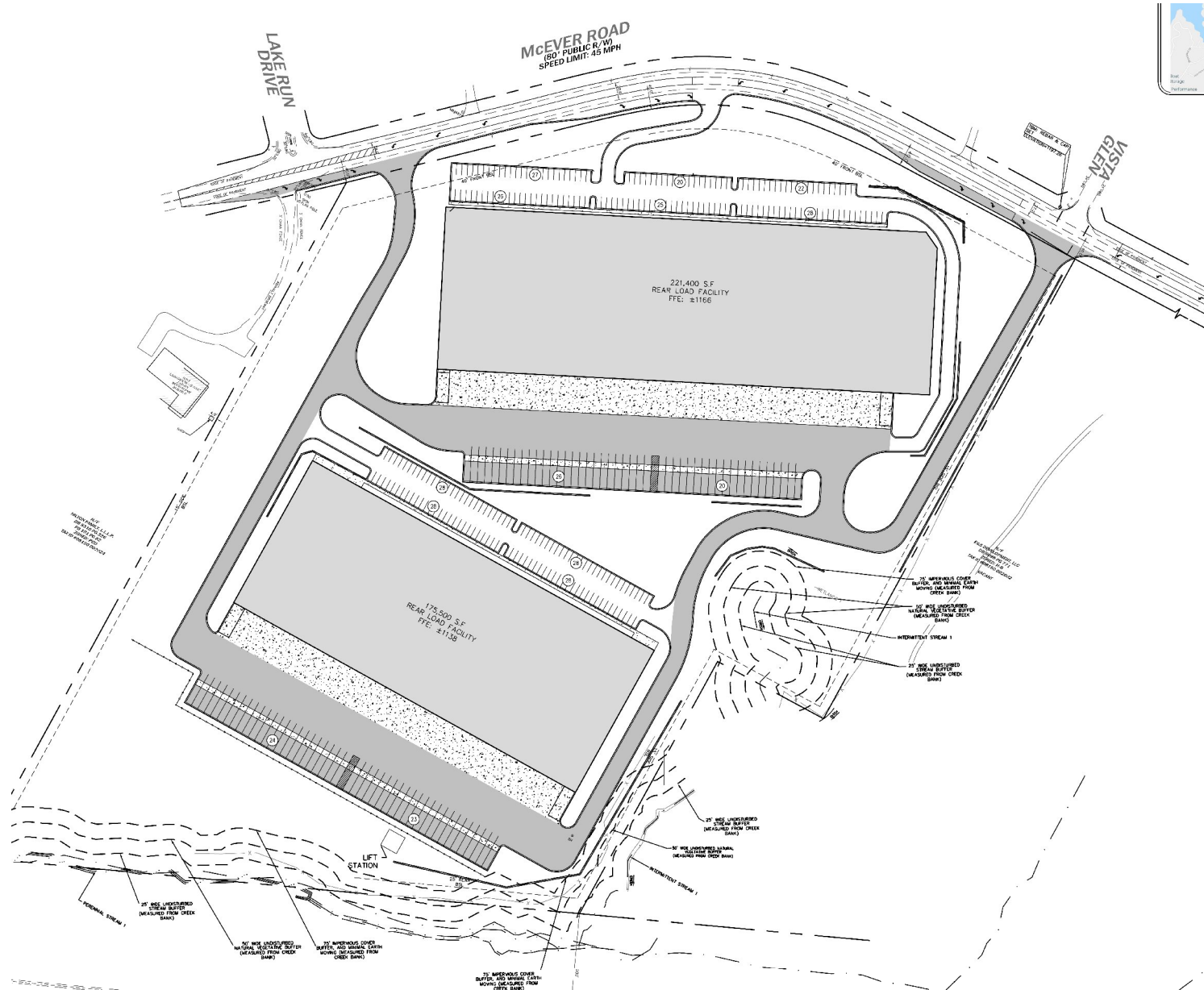
The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road – Front Elevation



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

387

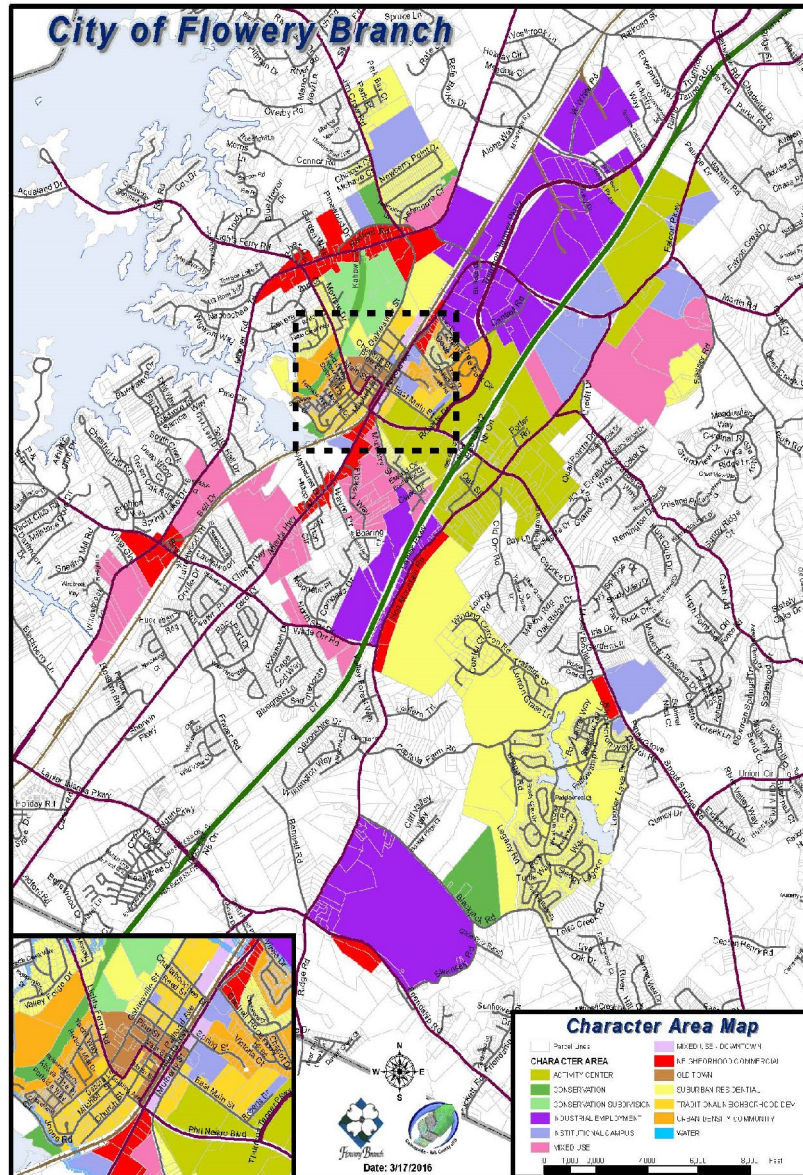


CA Ventures McEver Road Staff Comments - Addressed

- All staff comments addressed
 - ✓ Comprehensive Plan – PCD and HB on either side of site and so light industrial zoning is consistent with neighbor's commercial zoning. Designated as Mixed Use in Flowery Branch Comprehensive Plan which includes Light Industrial.
 - ✓ Industrial growth along McEver Road includes multiple projects (Crow Holdings/Contemporary Marketing to the south and Pattillo to the north). Multiple Industrial and Residential coexisting.
 - ✓ Traffic Improvements:
 - ✓ Only three entries allowed.
 - ✓ Decel Lanes at all entries.
 - ✓ Left hand turn lane at all entries.
 - ✓ Center entry no trucks allowed.
 - ✓ Widening of road.
 - ✓ Confirmed by Hall County Director of Public Works and Utilities. Developer will work with Flowery Branch Engineering on final design.
 - ✓ Building Materials – requested variance for concrete tilt wall construction. Variances have been granted by Hall County/Oakwood. Will work with staff on final design.
 - ✓ Minimum Buffers – No minimum buffers are required, however, CA has implemented 75' buffers along west border including wooded and landscaped area and sloped wall. Additionally, sloped wall will help minimize any light or sound from project (See Site Plan).
 - ✓ Parking Areas – all parking will be paved asphalt or concrete (note added to plan)
 - ✓ No Floodplains – (note added to plan)

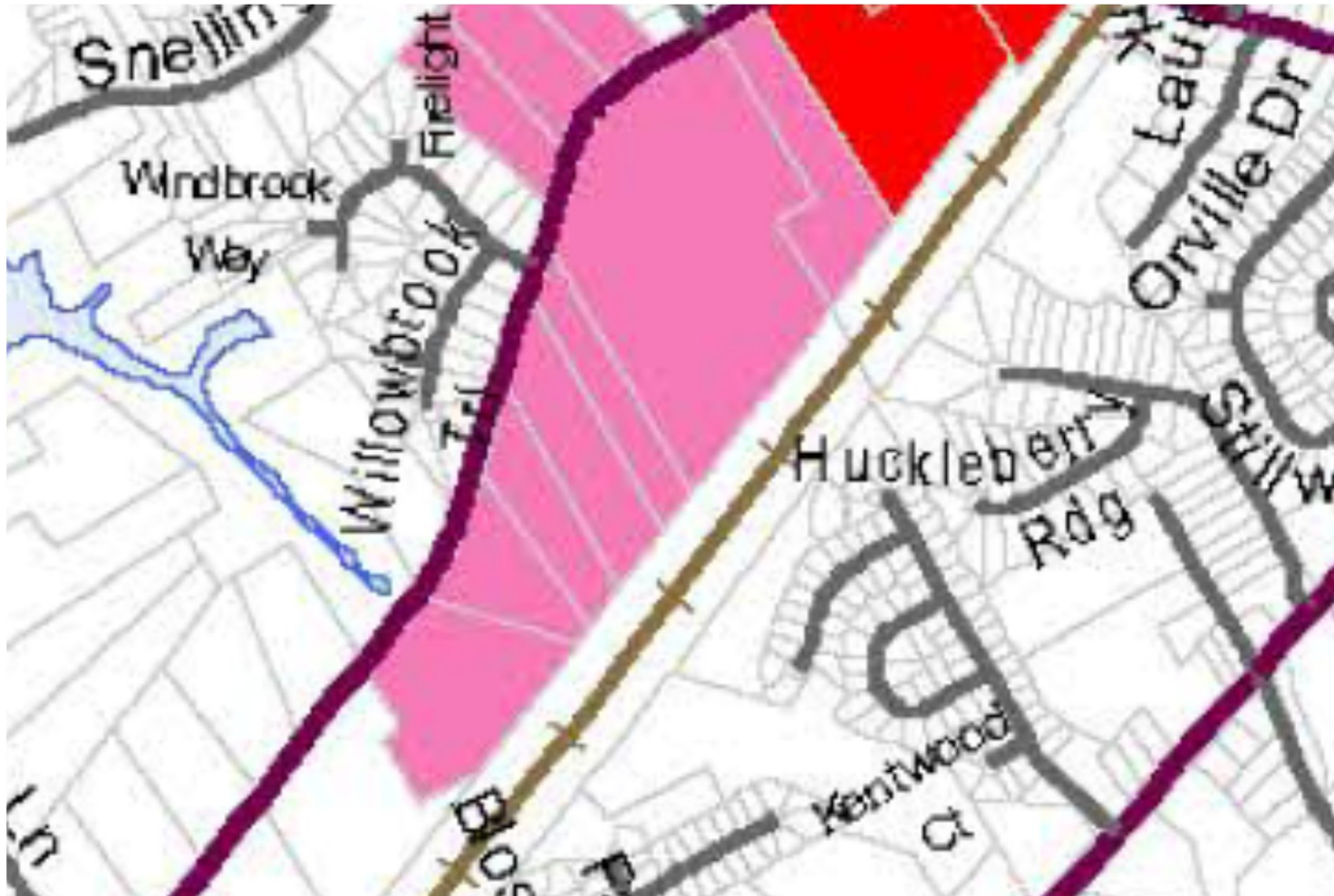


CA Ventures McEver Road – Flowery Branch Comprehensive Plan



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road – Flowery Branch Comprehensive Plan



Mixed Use

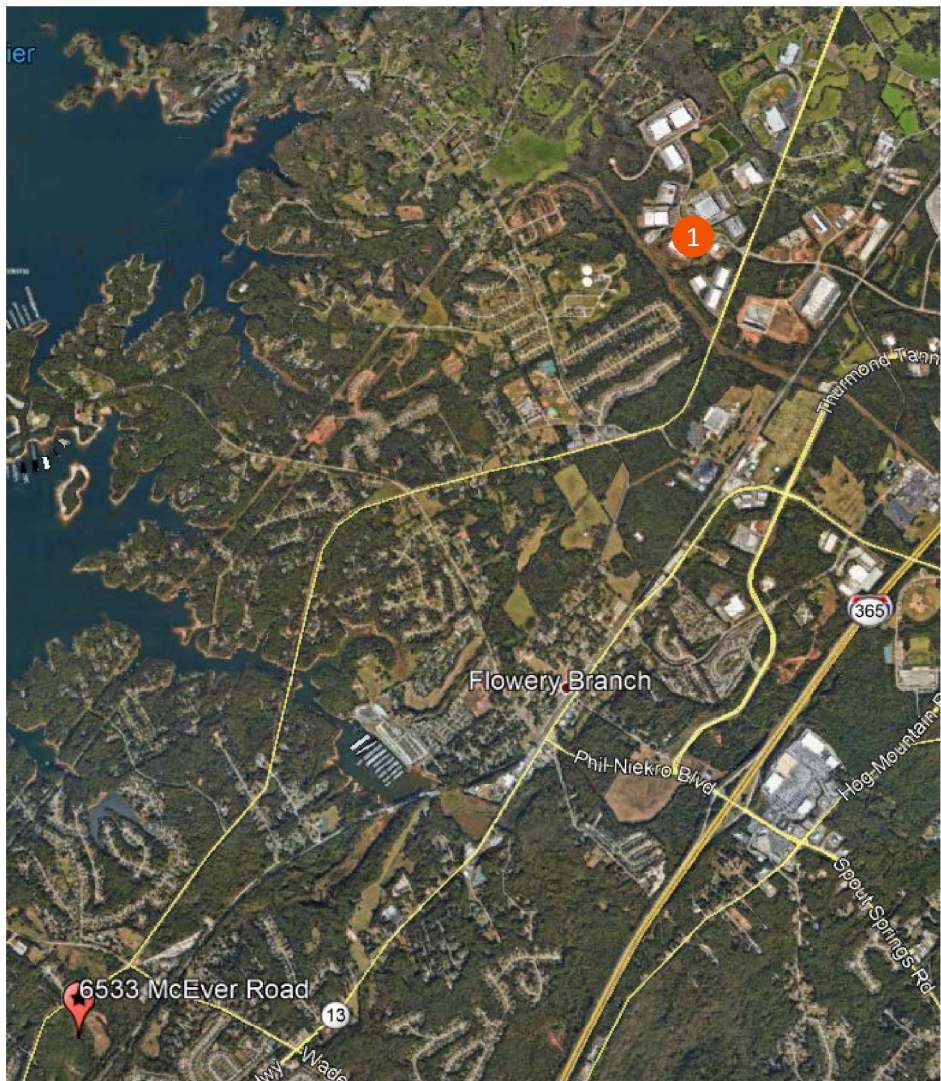
VISION: Areas that will be developed with a combination of different land uses intended to create an environment where compatible land uses can be located in close proximity to each other. Diverse places with unique architecture contributing to the economic base of the city.

USES AND INTENSITIES: Acceptable uses include business/office parks, light industrial, smaller scale retail, neighborhood commercial and residential uses.



CA Ventures McEver Road – North Industrial and Residential Coexist

Surrounding Industrial (North of Subject Site)



#	Building / Park Name	SF	Comments
1	Patillo Industrial Park	1,327,587	14 light industrial buildings built between 1990-2005



CA Ventures McEver Road – North Industrial and Residential Coexist



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

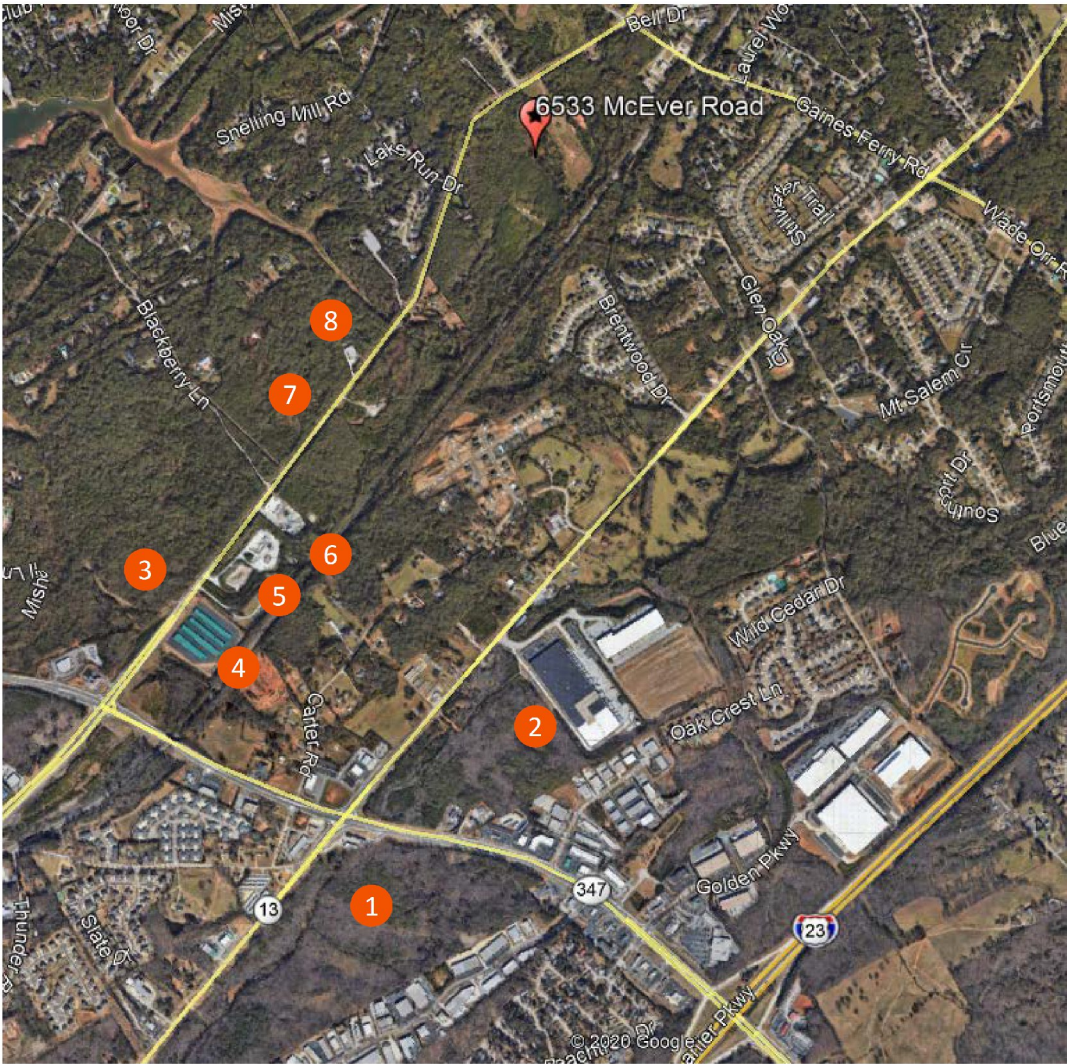
CA Ventures McEver Road – North Industrial and Residential Coexist



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road – South Industrial and Residential Coexist

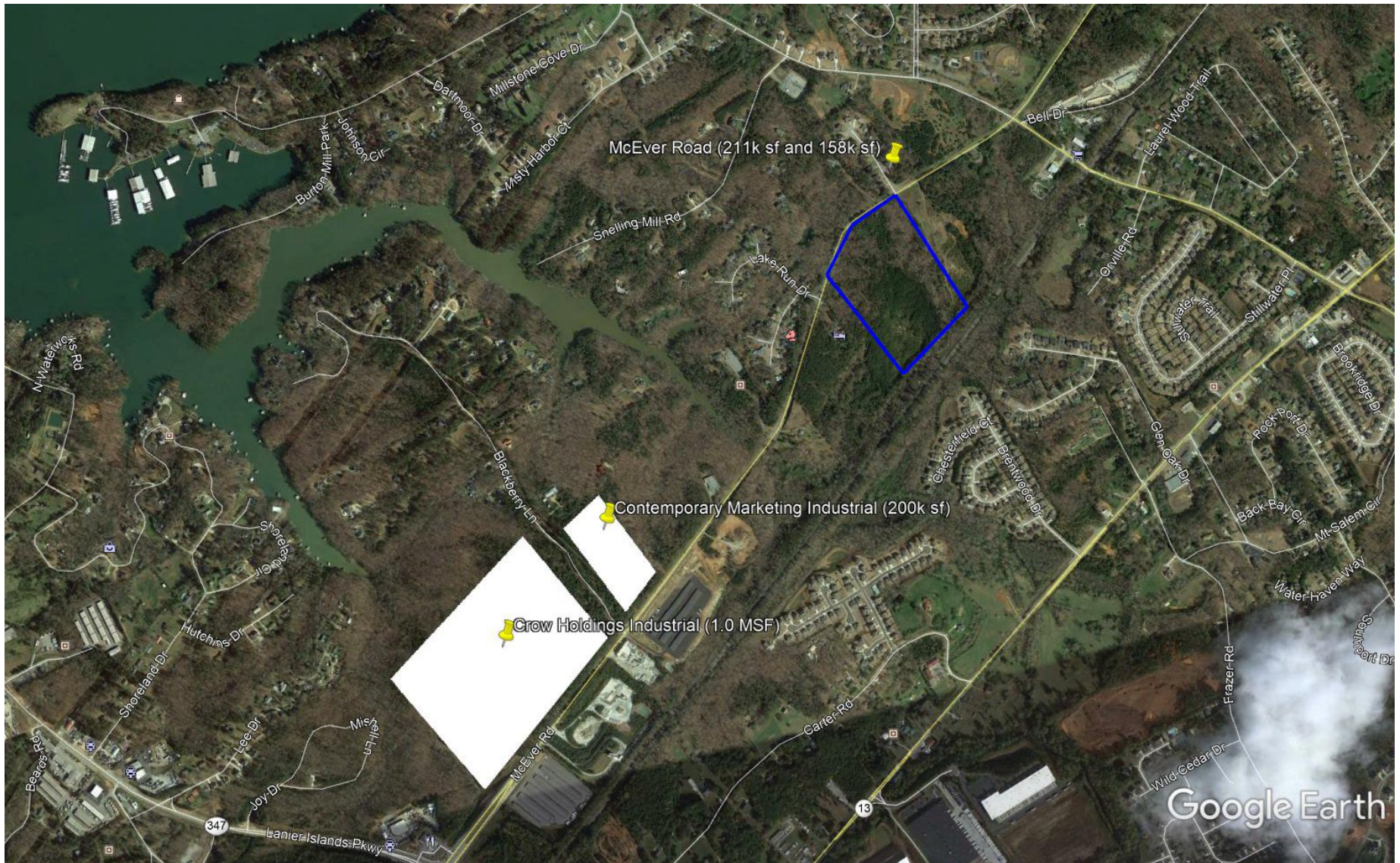
Surrounding Industrial (South of Subject Site)



#	Building / Park Name	SF	Comments
1	IDI Amazon	1,000,000	2 buildings
2	McCraney - 985 Lanier Logistics	612,000	3 buildings
3	Crow Holdings	1,500,000	
4	Lanier Harbor Boat Storage		
5	Morgan Concrete		
6	North Harbor Boat Storage		
7	BTS Industrial		
8	Industrial Warehouse	12,000	



CA Ventures McEver Road – South Industrial and Residential Coexist



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road - Traffic Improvements

- Road Improvements:
 - Decel lanes (14') and left-hand turn lanes (12') – increased road width by approximately 26' for 1285' curve distance
 - Designed and implemented all Hall County Staff Traffic Recommended Improvements – confirmed by Director of Public Works.
 - Existing thick trees removed and site lines increased.
 - Increased safety and visibility.
- Significantly increased line of site distances along curve
 - Pre-improvements (55')/Post-Improvements (965')
 - Exceeded GDOT Driveway Design Manual (465'/530') minimum turning site distances
- Total cost of infrastructure improvements (Sewer + Road = \$1.2MM)
- Video presentation



CA Ventures McEver Road - Traffic Improvements



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road - Traffic Improvements



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road - Traffic Improvements



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road - Traffic Improvements



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Road – Tree Relocation



The content of this document is proprietary and confidential information belonging to CA. It is not intended to be distributed to any third party without written consent from CA.

CA Ventures McEver Site Lighting – Gateway Corridor Requirements

Outdoor Lighting

1. Streetlights

- a. Streetlights shall be provided on all public streets.
- b. The spacing of street lights shall be staggered, 300 feet on-center, along both sides of the roadway.
- c. All Street lighting shall be subject to review and approval of the Hall County Public Works Department.
- d. All outdoor lighting, shall be the semi-cut-off type.

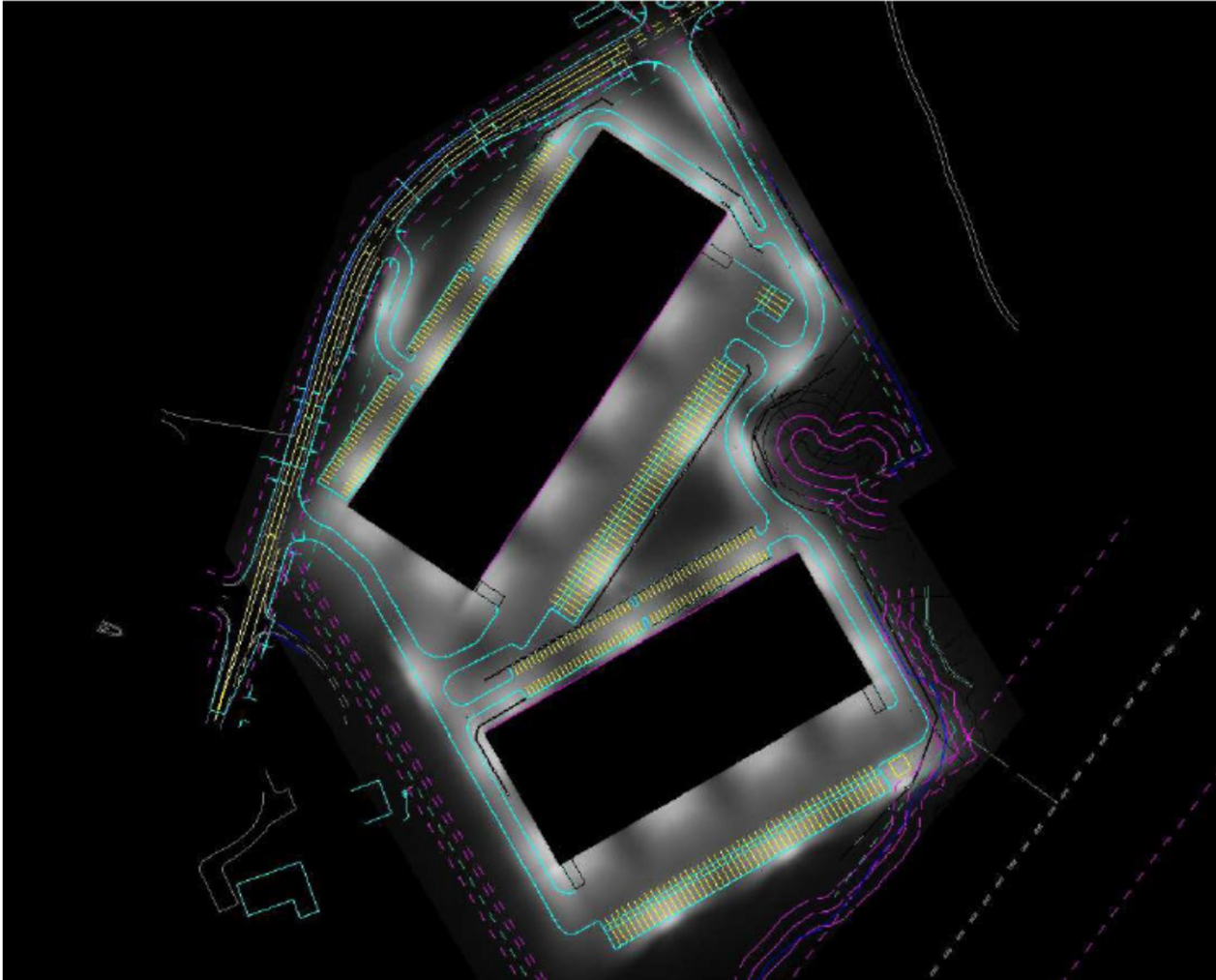
2. Parking lot, sidewalk and building illumination.

- a. Lighting shall be designed to avoid intrusion on adjacent properties and away from adjacent thoroughfares. All lighting shall be semi-cutoff luminary fixtures mounted in such a manner that the cove of light is directed downward.
 - b. Only incandescent, florescent, metal halide, low-pressure sodium, or color corrected, high-pressure sodium may be used. The same type of lighting must be used for the same or similar types of lighting on any one site.
 - c. Parking light fixtures shall be the box head type, shall have a maximum height of 35 feet.
- ### 3. Security lighting. Semi-cutoff luminaries shall be used for all security lighting.



CA Ventures McEver Site Lighting - Addressed

- All sight lighting to conform to overlay and code requirements



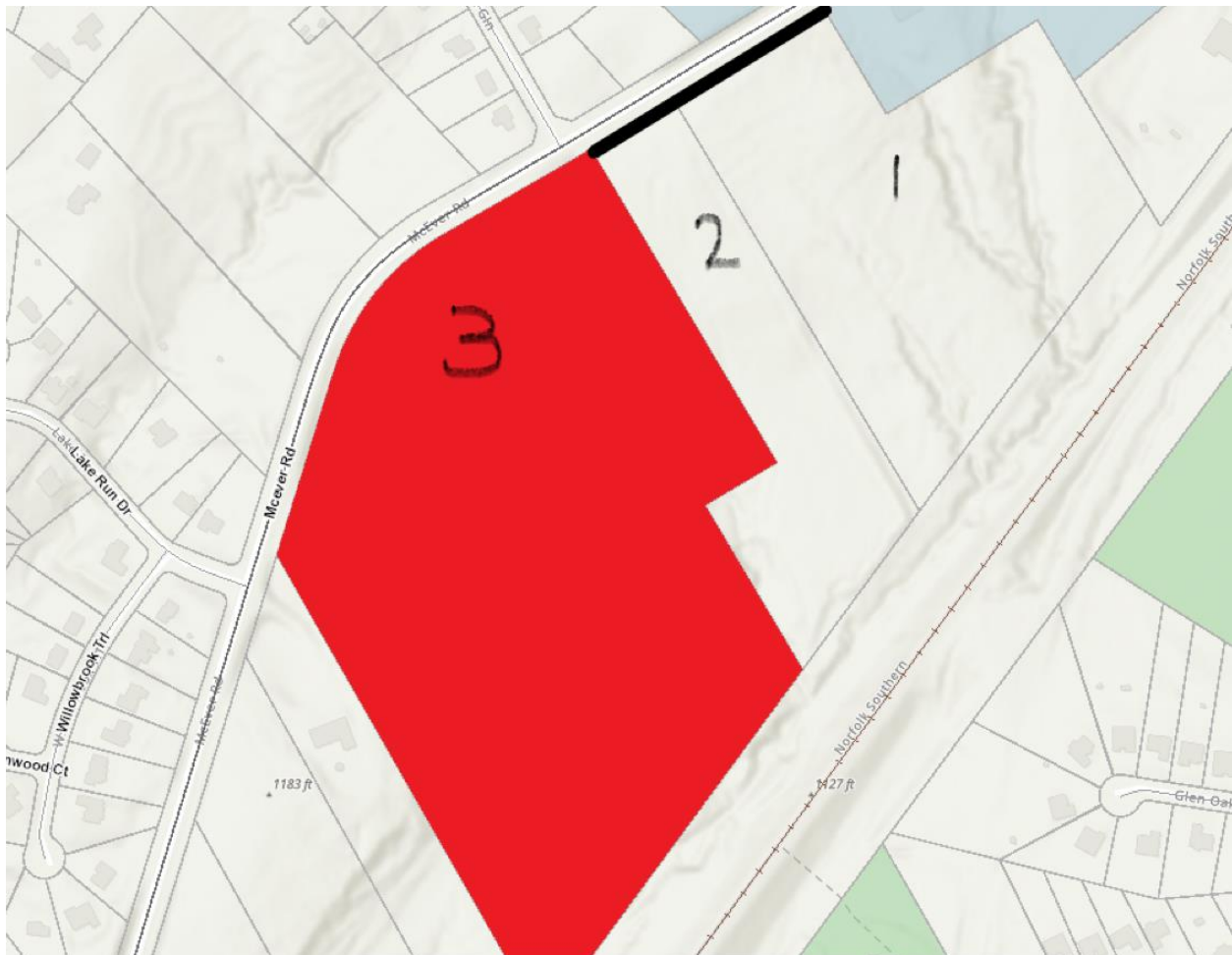


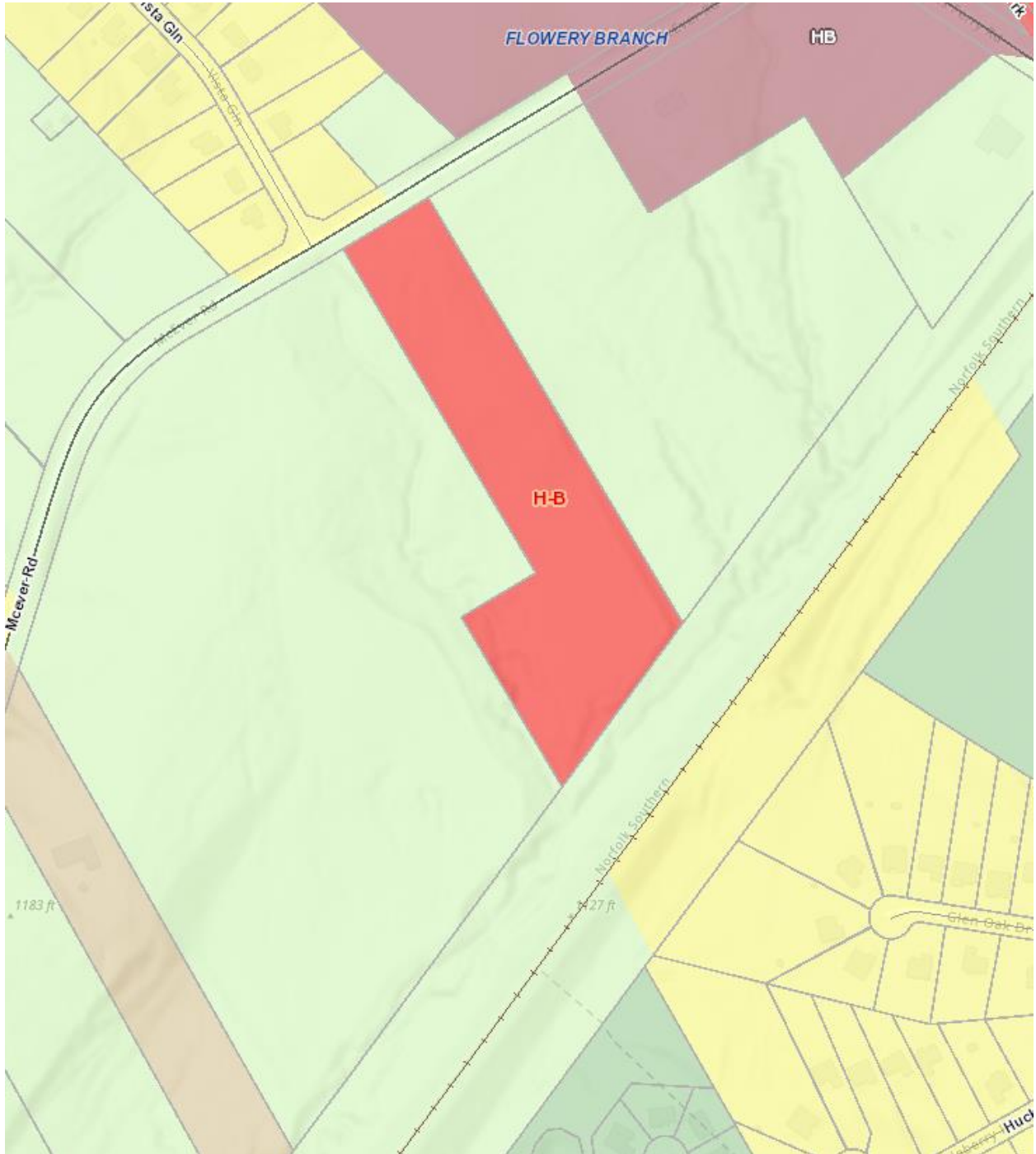
Applicants: Ms. Diane Crawford, E&S Development, CA-Ventures

Subject Properties: 6495 McEver Road; tax parcel 08150 002002A; 50-foot strip
6509 McEver Road; tax parcel 08150 002002; 50-foot strip
6533 McEver Road; tax parcel 08150 002018; +/- 34.6 acres

Annexation & rezoning requests submitted for three properties on McEver Road. The properties are as follows:

1. 6495 McEver Road -Annex a 50-foot strip along McEver Road and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch A (Agricultural).
2. 6509 McEver Road - Annex a 50-foot strip along McEver Road and rezone from Hall County HB (Highway Business) to Flowery Branch HB (Highway Business).
3. 6533 McEver Road -Annex the entire 34.6 +/- acre parcel and rezone from Hall County A-III (Agricultural-Residential) to Flowery Branch M-1 (Light Industrial).







Request:

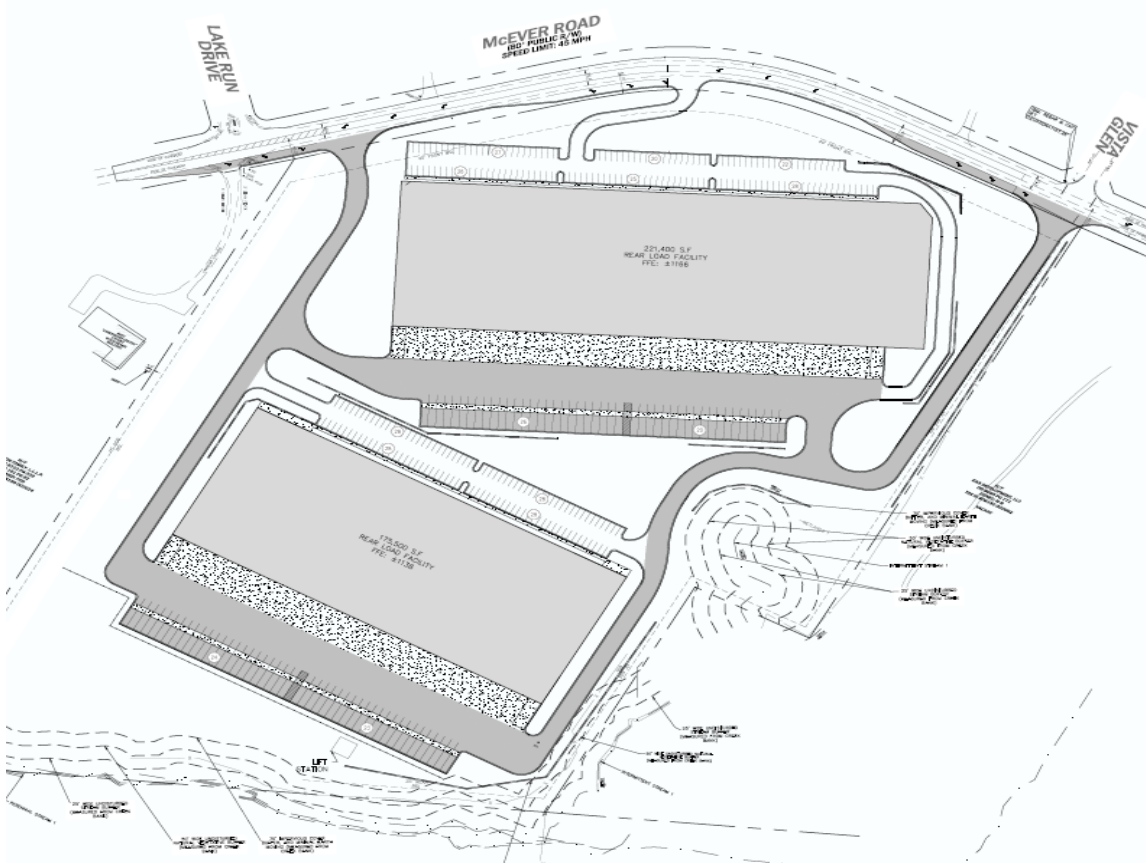
Properties 1 and 2 are only requesting annexation and rezoning to accommodate the proposed industrial use on property 3. The 50- foot strip(s) on properties 1 and 2 -6495 and 6509 McEver Road - are requested to make property 3 (6533 McEver Road) contiguous and therefore eligible for annexation and rezoning consideration by the City of flowery Branch. Properties 1 and 2 will be annexed and rezoned at a date to be determined.

Per the applicant's application:

The request is to Annex 6533 McEver Road from Unincorporated Hall County, to the City of Flowery Branch. Concurrently we are requested to be rezoned to M-1 (light Manufacturing & Industrial) (The parcel is currently zoned AR III in Hall county)

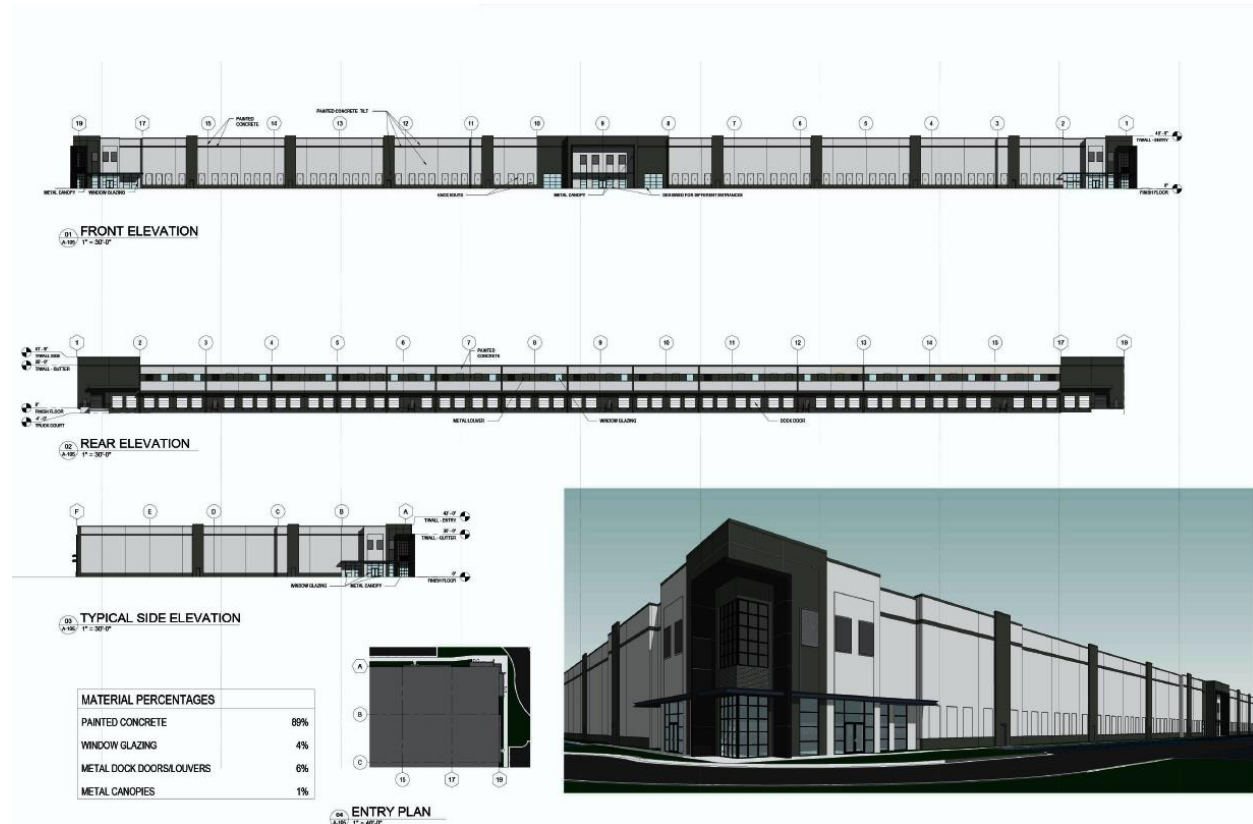
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 396,900 square feet. Associated parking lot and landscape areas will be included as well.

Proposed general layout of development:





Typical building elevations:



Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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



Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial 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 development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of Agricultural Residential could be used for other developments but none are appropriate for the proposed light industrial 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. **It is staff's opinion that the use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Currently, the Comprehensive Plan denotes this area as part of the "Mixed Use" character area. The proposed use meets the 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. **No**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant the proposed use will fit in well with the corridor.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff does not have a specific number regarding property value, but the current zoning classifications of Agricultural-Residential does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed use will enhance the character of the existing district 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 development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed development will enhance the surrounding area and meets the intent of the Zoning Ordinance.**

Applicant response addressing the analysis requirement:

- a) **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
Proposed project consists of construction of two new distribution facility buildings, totaling approximately 396,900 square feet. Associated parking lot and landscape areas will be included as well. Rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Adjacent properties are zoned H-B and PCD in Hall.
- b) **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowerly Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surrounding parcels are not adversely affected.
- c) **Whether the property to be affected by the proposal can be used in accordance with the regulations and has a reasonable economic use as currently zoned.**
The proposed project can be used in accordance with City of Flowerly Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.
- d) **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**
No future burdensome use of existing streets is anticipated; However, it should be noted that the proposed distribution facility will increase the vehicular traffic on McEver Road. Proposed improvements will mitigate any impact. The utility and school impact will be less than as currently zoned.
- 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 comprehensive plan shows this parcel as a mixed use character area. Light industrial is a use that is included in the Mixed Use Uses and Intensities.
- 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 should be noted that Annexation will be needed the parcel. With the exception of Annexation, no other existing or changing conditions is anticipated to affect the use and



development of the property.

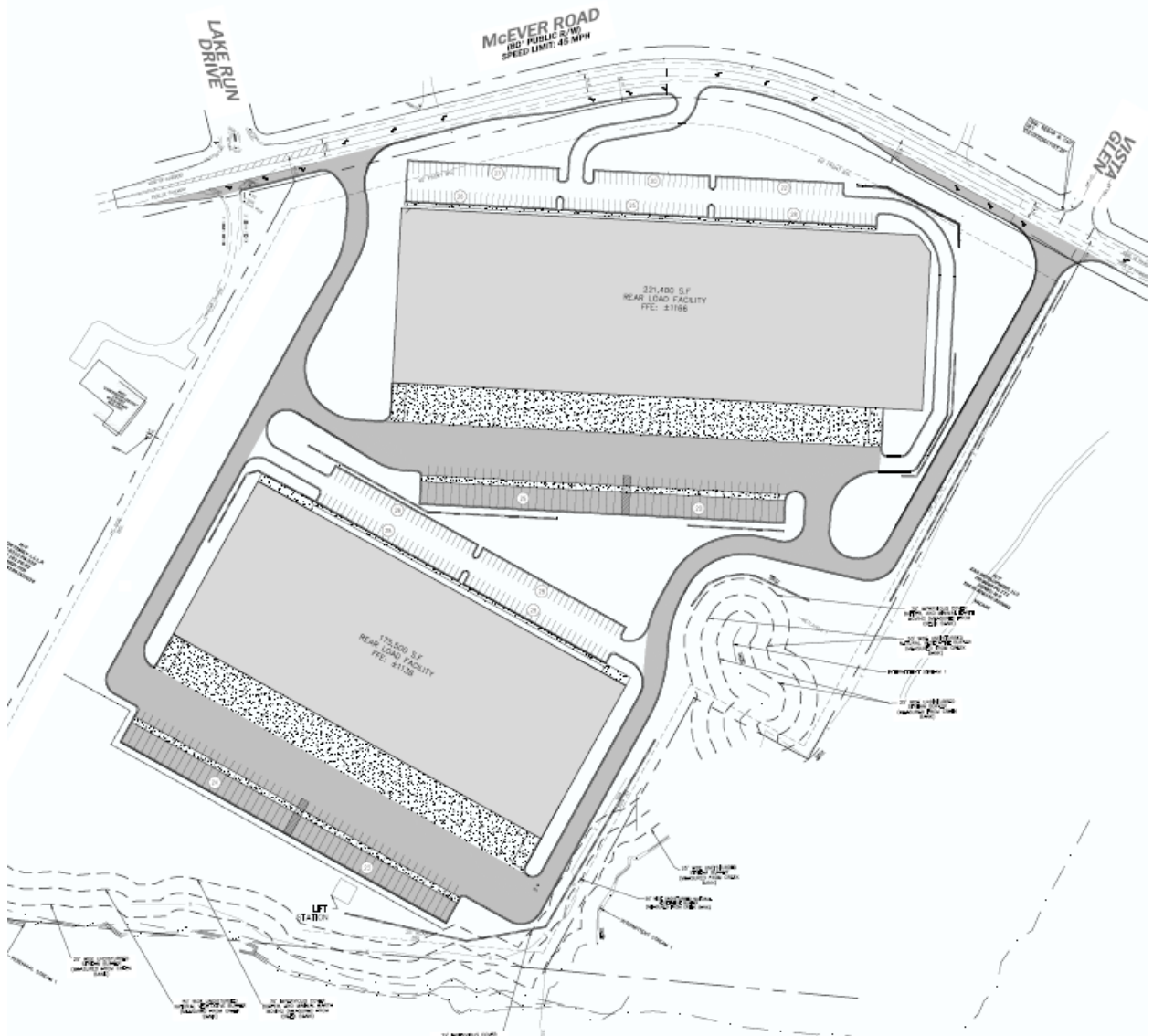
- g) Existing Use(s) and zoning of the subject property and nearby properties.
The existing parcel is zoned AR III and is currently undeveloped. The adjacent parcels are zoning H-B and PCD in unincorporated Hall County.
- h) Existing value of the property under the existing zoning district classification, 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 is significantly undervalued as zoned.
- i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
No deterrence to the value and improvement of adjacent properties is anticipated.
- j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
There are currently nearby districts with properties that are zoned H-B and PCD. There are M-1 zoned properties approximately 0.3 miles from the subject parcel.
- k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
No adverse effects on the character of the zoning district is anticipated.
- 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 zoning request will not adversely impact the environment and surrounding natural resources. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.
- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.
Zoning proposal will be in compliance with City of Flowery Branch zoning ordinance, and Comprehensive Plan.



Staff Recommendation

Approve with conditions as presented.

1. The project shall significantly adhere to the site plan as submitted below:



2. A lighting plan shall be submitted prior to the issuance of a full land disturbance permit.



3. A landscape/buffer plan shall be submitted as part of the land disturbance permit plan set.
4. A unified sign plan shall be submitted prior to the issuance of any building permits.
5. Buildings shall significantly adhere to the elevations as shown below:





Signs Posted
11/30/2020









Ads run in The Gainesville Times on November 25, 2020:

**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by Ms. Diane Crawford for the annexation and rezoning of a portion of a +/- 16.5 acre parcel of land identified as 6495 McEver Road and also as tax parcel 08150 002002A. Said property, if annexed, is requesting to be zoned Flowery Branch A (Agricultural).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their



opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org

In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by E&S Development, LLC for the annexation and rezoning of a portion of a +/- 8.84 acre parcel of land identified as 6509 McEver Road and also as tax parcel 08150 002002. Said property, if annexed, is requesting to be zoned Flowery Branch HB (Highway Business).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org



In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.



**CITY OF FLOWERY BRANCH
NOTICE OF PUBLIC HEARING
ANNEXATION AND REZONING**

NOTICE IS HEREBY GIVEN (pursuant to O.C.G.A. § 36-36-1) that a public hearing will be held before the City of Flowery Branch City Council to consider a request submitted by CA Ventures for the annexation and rezoning of a +/- 34.6 acre parcel of land identified as 6533 McEver Road and also as tax parcel 08150 002018. Said property, if annexed, is requesting to be zoned Flowery Branch M-1 (Light Industrial).

NOTICE IS HEREBY GIVEN that the Mayor & Council have the power to impose a different zoning designation from the requested and impose or delete zoning conditions that may change the application considerably. The public is invited to attend this meeting at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

WHEN: December 17, 2020 - 6:00 p.m.
WHERE: City Hall Council Chambers
MAIL: PO Box 757
TELEPHONE: (770) 967-6371

PERSONS INTERESTED IN THIS MATTER are invited to review the application for annexation and rezoning which is on file with the City Clerk of the City of Flowery Branch and to attend the public hearing at the date, time and place provided in this notice, to express their opinion on this matter. Written comments may also be received in lieu of testimony during the public hearing. For more information, contact Rich Atkinson, Community Development Director at:

Rich@flowerybranchga.org



In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact the Flowery Branch City Clerk Vickie Short at:

Vickies@flowerybranchga.org

If special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

Public Hearing Published 11/25/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-620

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY TOTALING 34.6 +/- ACRES, OWNED BY DARYL CROW HOLDINGS, LLC IDENTIFIED AS 6533 MCEVER ROAD, TAX PARCEL 08150 002018 AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”; TO BE REZONED FROM HALL COUNTY A III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH M1 (LIGHT INDUSTRIAL), AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B”, AND AS CONDITIONED ON ATTACHED EXHIBIT “C”, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Daryl Crow Holdings, LLC owns all that tract or parcel of land totaling 34.6+/- acres identified as Tax Parcel Identification No. 08150 002018, as shown on Exhibit “A”, and as described on Exhibit “B”; and

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

WHEREAS, the City Council held a public hearing at the meeting of December 17th, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Hall County A III (Agricultural Residential) to Flowery Branch M1 (Light Industrial) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

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

SECTION 2. REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Hall County A III (Agricultural Residential) to Flowery Branch M-1 (Light Industrial) and conditioned as shown on attached Exhibit “C”. Said Exhibits are incorporated by reference.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

ATTEST:

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

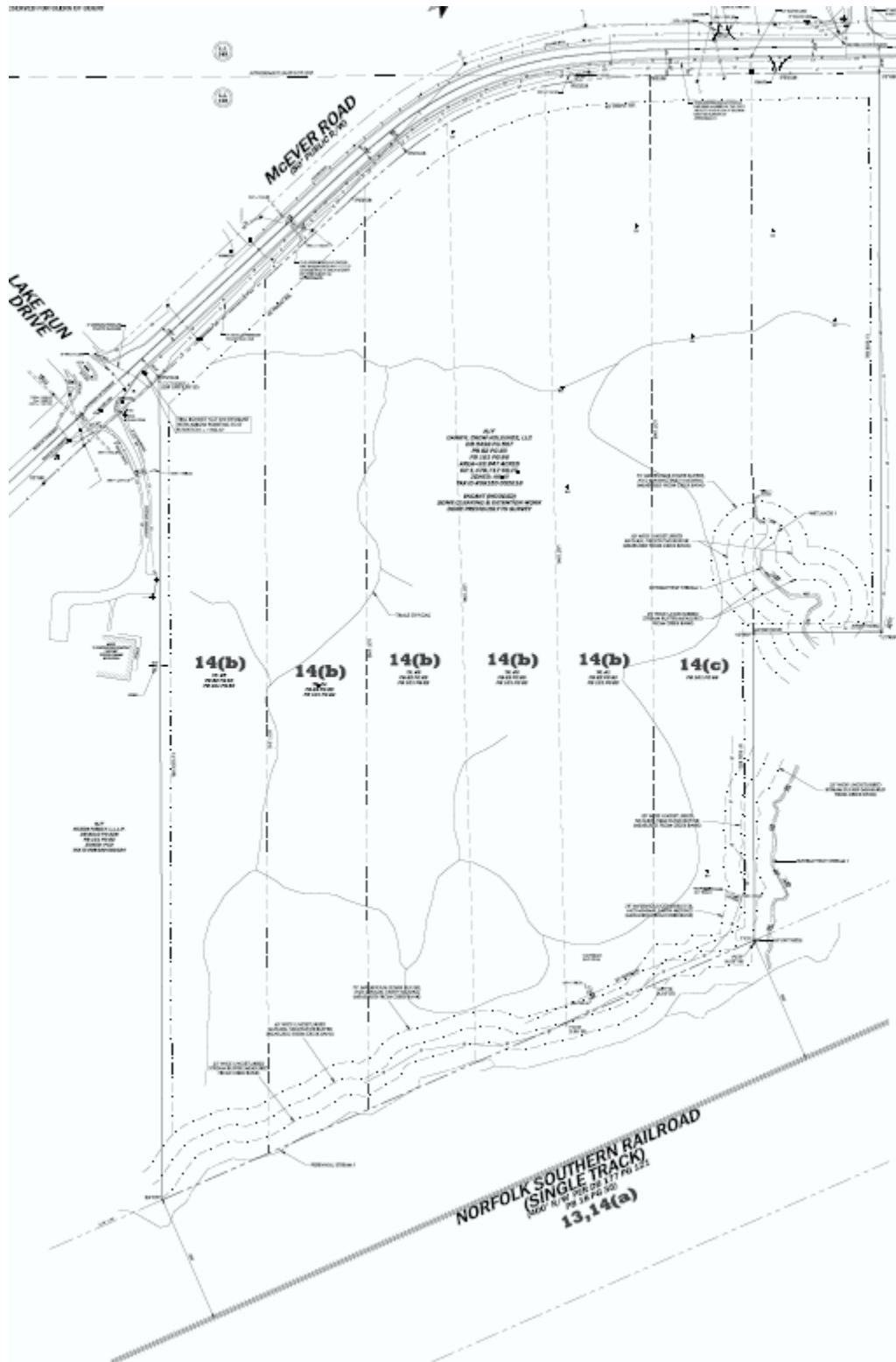


Exhibit "B"

All that tract or parcel of land lying and being in Land Lot 150, 8th District, Hall County, Georgia, said tract or parcel of land being more fully shown on a plat of survey prepared by Valentino & Associates, Inc. (Job #20-043; Drawing/File #20-043), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

BEGINNING at a 1/2" iron pin set at the intersection of the southeasterly right-of-way line of McEver Road (80' public r/w) and the northerly line of Land Lot 150 (said Land Lot line also being the common line with Land Lot 149), THENCE proceeding northeasterly along said southeasterly right-of-way line of McEver Road the following courses and distances: North 59 degrees 08 minutes 30 seconds East for a distance of 192.23 feet to a 1/2" iron pin set;

THENCE North 59 degrees 31 minutes 51 seconds East for a distance of 138.36 feet to a disturbed 1/2" rebar found;

THENCE departing said southeasterly right-of-way line of McEver Road South 30 degrees 15 minutes 31 seconds East for a distance of 871.02 feet to a 1/2" rebar found;

THENCE South 59 degrees 25 minutes 34 seconds West for a distance of 200.12 feet to a 1/2" rebar found;

THENCE South 30 degrees 13 minutes 50 seconds East for a distance of 477.95 feet to a 1" crimped top pipe found on the northwesterly right-of-way line of Norfolk Southern Railroad (400' r/w) (said 1" crimped top pipe found being witnessed by a 1" crimped top pipe found 4.32 feet southeast thereof);

THENCE proceeding southwesterly along said northwesterly right-of-way line of Norfolk Southern Railroad South 36 degrees 20 minutes 56 seconds West for a distance of 1006.97 feet to a 3/4" crimped top pipe found;

THENCE departing said northwesterly right-of-way line of Norfolk Southern Railroad North 30 degrees 13 minutes 33 seconds West for a distance of 1279.91 feet to a 1/2" iron pin set on the aforesaid southeasterly right-of-way line of McEver Road (said 1/2" iron pin set being witnessed by a disturbed 1" crimped top pipe found on line 6.18 feet southeast thereof);

THENCE proceeding northeasterly along said northwesterly right-of-way line of McEver Road the following courses and distances: North 17 degrees 07 minutes 38 seconds East for a distance of 410.19 feet to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 1587.00 feet for an arc distance of 111.26 feet (said arc being subtended by a chord of North 19 degrees 08 minutes 08 seconds East for a distance of 111.24 feet) to a 1/2" iron pin set;

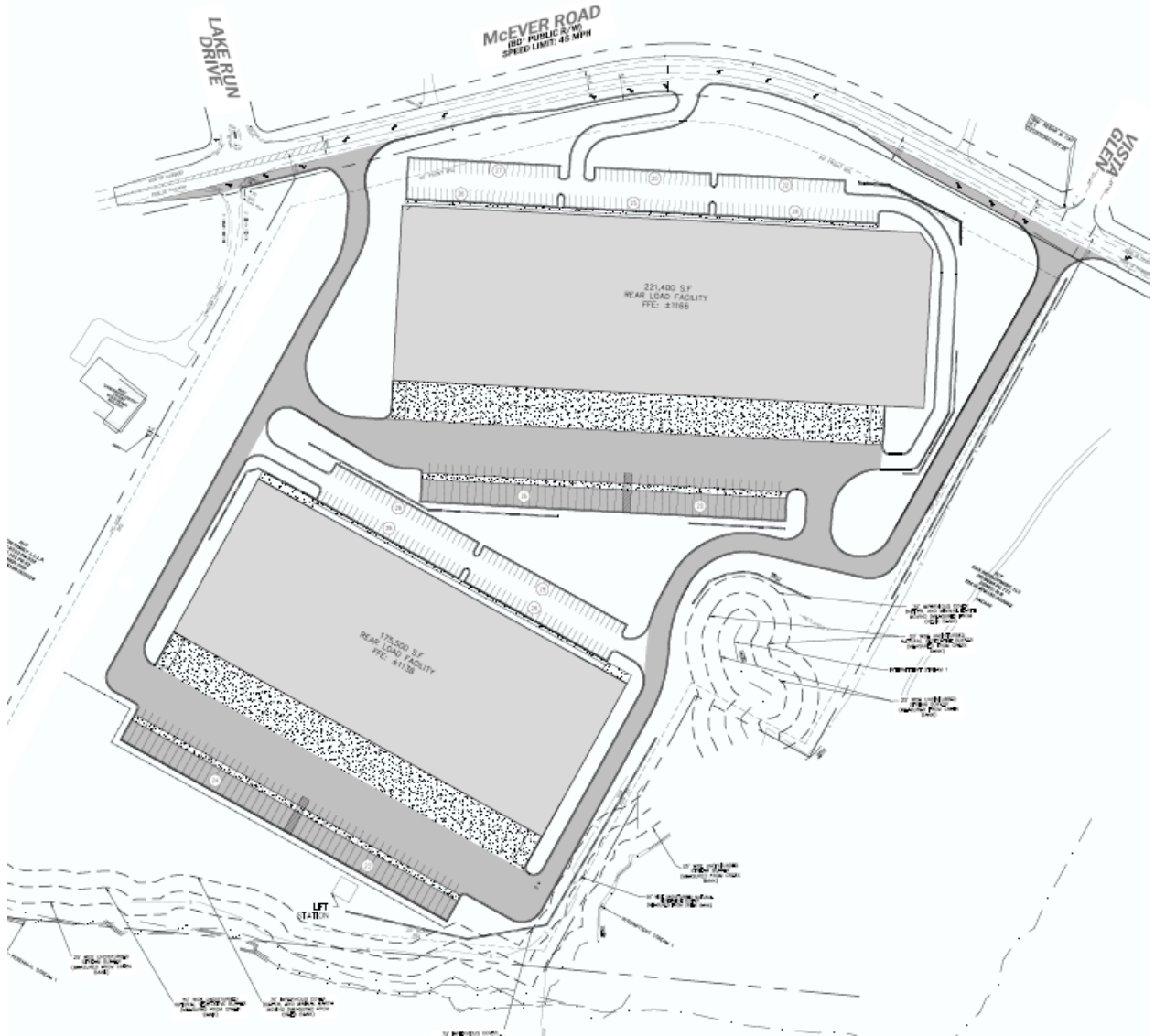
THENCE along a curve to the right having a radius of 508.74 feet for an arc distance of 281.59 feet (said arc being subtended by a chord of North 37 degrees 00 minutes 02 seconds East for a distance of 278.01 feet) to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 1376.00 feet for an arc distance of 150.93 feet (said arc being subtended by a chord of North 55 degrees 59 minutes 58 seconds East for a distance of 150.85 feet) to a 1/2" iron pin set at the intersection with the aforesaid northerly line of Land Lot 150, said 1/2" iron pin set being the POINT OF BEGINNING;

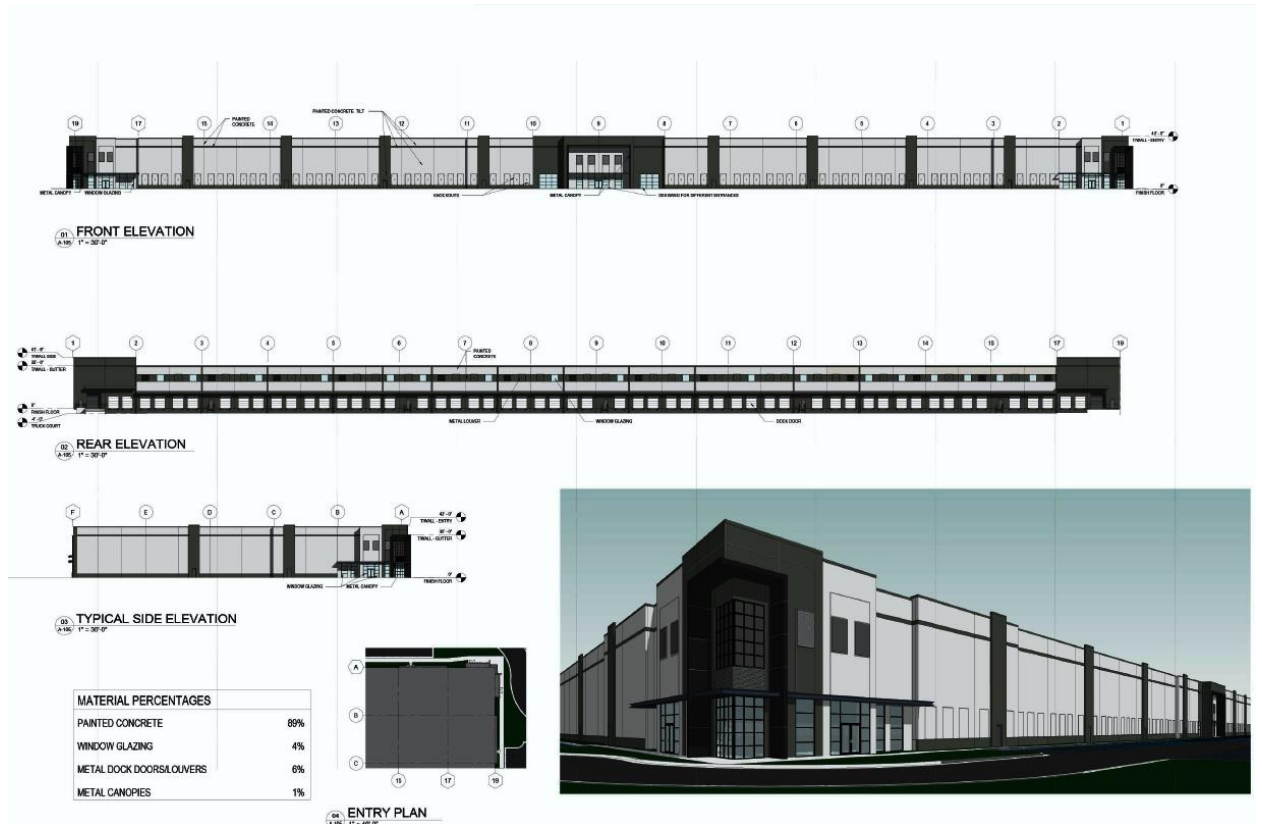
Said tract or parcel of land contains 33.947 acres or 1,478,717 square feet and is intended to be the same tract or parcel of land as previously conveyed by Deed Book 3438, Page 507, Hall County, Georgia records.

Exhibit "C"

1. The project shall substantially adhere to the site plan as submitted below:



2. A lighting plan shall be submitted prior to the issuance of a full land disturbance permit.
3. A landscape/buffer plan shall be submitted as part of the land disturbance permit plan set.
4. A unified sign plan shall be submitted prior to the issuance of any building permits.
5. Buildings shall substantially adhere to the elevations as shown below:





FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #20-621 a rezoning request submitted by Eberly & Associates.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

The request is to rezone the majority of two parcels of land (08070 001002 & 08073 000004A) from A (agricultural) to M-1 (Light Industrial). The project calls for 611,200 SF distribution center and a 45,000 SF office space.

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #20-621 as submitted and conditioned.

SAMPLE MOTION:

I make a motion to approve ordinance #20-621 as submitted and conditioned.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Rezoning Ordinance 20-621.pdf](#)
- [Staff Report .pdf](#)

Public Hearing Published 11/11/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-621

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY OWNED BY JANE WOOD R/A BANKS ET AL IDENTIFIED AS 0000 FALCON PARKWAY, TAX PARCEL 08070 001002 TOTALING 69.68 +/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1) AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Jane Wood R/A Banks Et Al owns all tracts or parcel of land totaling 69.68 +/- acres identified as Parcel Tax Identification No. 08070 001002, as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. William Greer on behalf of Scannell-Falcon Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Agricultural (A) to Light Industrial (M1) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to M1.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Agricultural (A) to Light Industrial (M1) and as conditioned in Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be January 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"

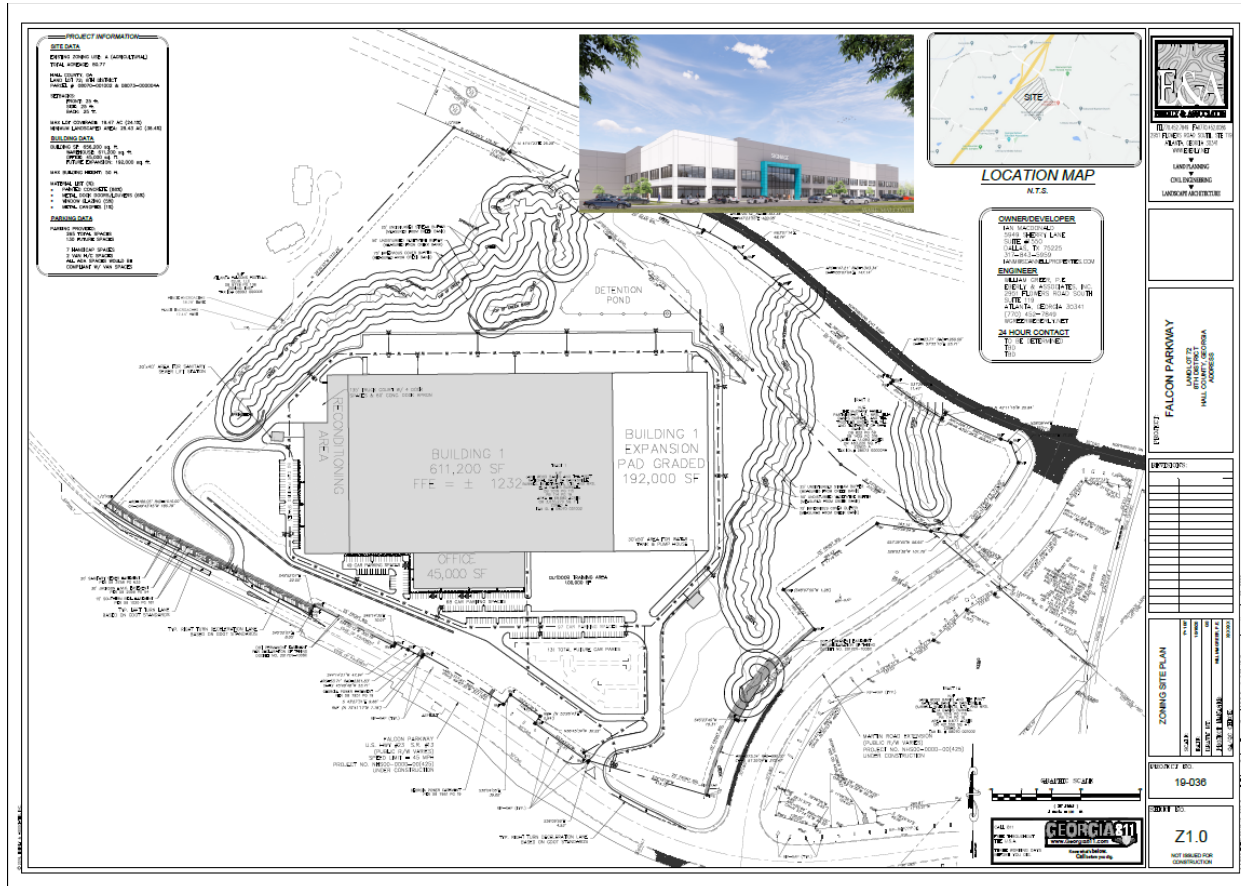


Exhibit "B"

LEGAL DESCRIPTION - TRACT 1

All that tract or parcel of land lying and being in Land Lot 72 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-017; Drawing/File #19-017), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 379.22 feet to a computed point on the northeasterly right-of-way line of Martin Road Extension (public r/w varies);
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 10.76 feet to a computed point;
THENCE South 57 degrees 52 minutes 05 seconds West for a distance of 237.10 feet to a computed point;
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 56.93 feet to a concrete r/w monument found on the northwesterly right-of-way line of aforesaid Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

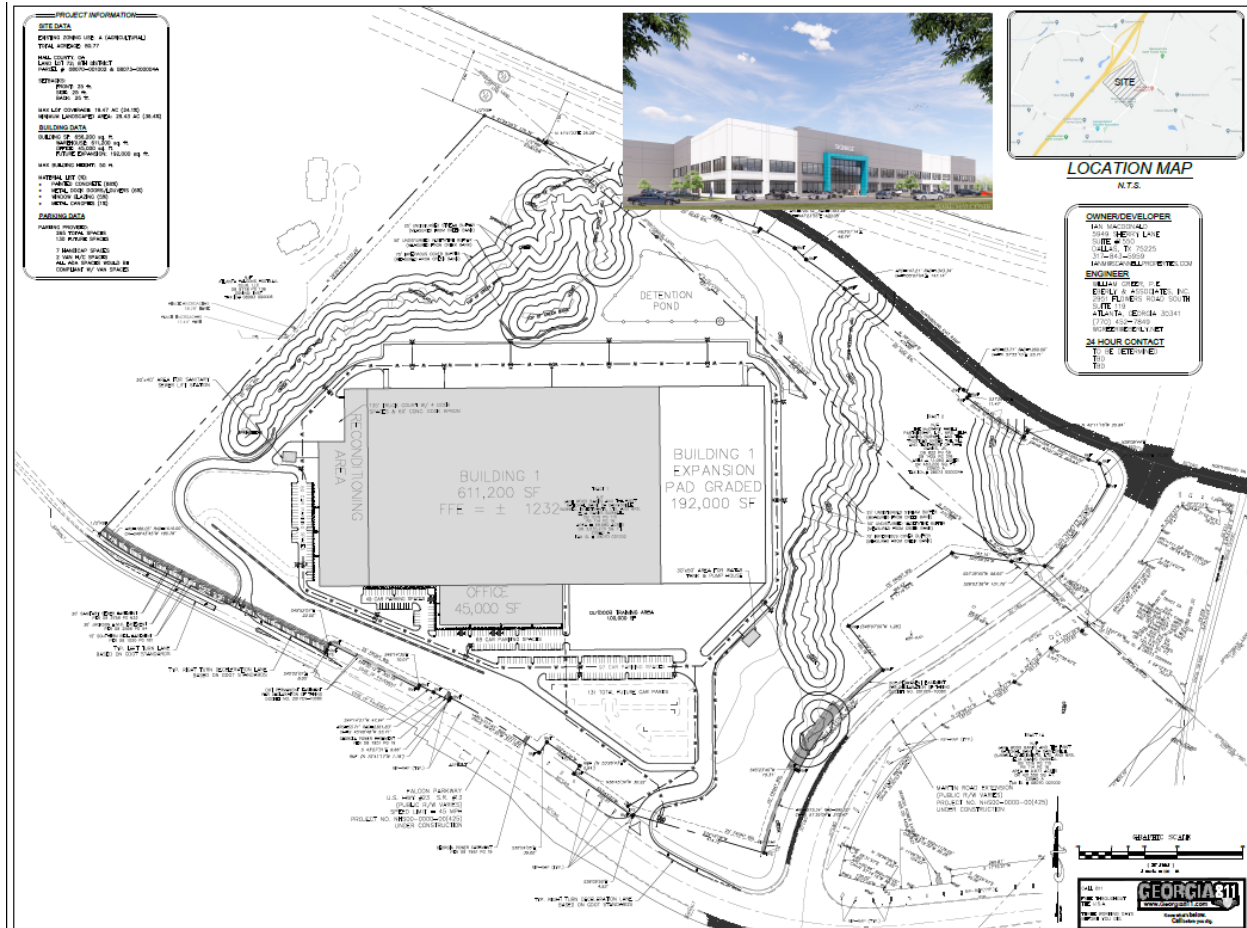
THENCE proceeding along said northwesterly right-of-way line of Martin Road Extension South 25 degrees 59 minutes 24 seconds West for a distance of 183.15 feet to a concrete r/w monument found;
THENCE South 17 degrees 16 minutes 53 seconds East for a distance of 385.63 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying South 48 degrees 07 minutes 50 seconds West for a distance of 1.28 feet;
THENCE North 69 degrees 59 minutes 42 seconds East for a distance of 169.78 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 980.00 feet for an arc distance of 403.54 feet (said arc being subtended by a chord of South 31 degrees 53 minutes 00 seconds East for a distance of 400.69 feet) to a concrete r/w monument found;
THENCE South 45 degrees 23 minutes 40 seconds West for a distance of 10.31 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 990.00 feet for an arc distance of 273.34 feet (said arc being subtended by a chord of South 51 degrees 35 minutes 04 seconds East for a distance of 272.47 feet) to a 1/2" Iron pin set at the intersection of the northwesterly right-of-way line of Falcon Parkway (S.R. #13, public r/w varies);
THENCE proceeding southwesterly along the northwesterly right-of-way line of said Falcon Parkway South 34 degrees 16 minutes 08 seconds West for a distance of 414.72 feet to a 1/2" Iron pin set;
THENCE South 36 degrees 09 minutes 50 seconds East for a distance of 4.53 feet to a concrete r/w monument found;
THENCE South 53 degrees 43 minutes 37 seconds West for a distance of 220.91 feet to a concrete r/w monument found;
THENCE North 36 degrees 45 minutes 34 seconds West for a distance of 30.22 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying North 53 degrees 26 minutes 43 seconds East for a distance of 0.94 feet;
THENCE South 53 degrees 42 minutes 30 seconds West for a distance of 122.61 feet to a concrete r/w monument found;
THENCE South 36 degrees 04 minutes 05 seconds East for a distance of 39.60 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 2371.83 feet for an arc distance of 317.93 feet (said arc being subtended by a chord of South 49 degrees 47 minutes 30 seconds West for a distance of 317.70 feet) to a concrete r/w monument found;
THENCE South 43 degrees 27 minutes 32 seconds East for a distance of 9.66 feet to a computed point, said computed point being witnessed by a concrete r/w monument found lying North 75 degrees 41 minutes 17 seconds West for a distance of 1.18 feet;
THENCE along a curve to the left having a radius of 2361.83 feet for an arc distance of 53.71 feet (said arc being subtended by a chord of South 45 degrees 48 minutes 48 seconds West for a distance of 53.71 feet) to a concrete r/w monument found;
THENCE South 44 degrees 14 minutes 21 seconds West for a distance of 47.94 feet to a concrete r/w monument found;
THENCE South 46 degrees 14 minutes 35 seconds East for a distance of 10.07 feet to a concrete r/w monument found;
THENCE South 44 degrees 50 minutes 12 seconds West for a distance of 300.18 feet to a concrete r/w monument found;
THENCE South 45 degrees 52 minutes 07 seconds East for a distance of 22.05 feet to a concrete r/w monument found;
THENCE South 45 degrees 52 minutes 07 seconds East for a distance of 8.05 feet to a 1/2" Iron pin set;
THENCE South 44 degrees 27 minutes 31 seconds West for a distance of 592.97 feet to a 1/2" Iron pin set;
THENCE along a curve to the right having a radius of 1010.00 feet for an arc distance of 186.57 feet (said arc being subtended by a chord of South 49 degrees 42 minutes 52 seconds West for a distance of 186.31 feet) to a 1/2" Iron pin set;
THENCE departing said right-of-way line of Falcon Parkway North 29 degrees 20 minutes 52 seconds West for a distance of 1731.04 feet to a 1/2" Iron pin found on the southeasterly right-of-way line of Interstate 985 (S.R. #365, limited access public r/w varies);
THENCE proceeding northeasterly along said right-of-way line of Interstate 985 North 41 degrees 54 minutes 20 seconds East for a distance of 179.39 feet to a 1/2" rebar found;
THENCE departing said right-of-way line of Interstate 985 North 57 degrees 26 minutes 46 seconds East for a distance of 467.26 feet to a computed point;
THENCE North 61 degrees 32 minutes 17 seconds East for a distance of 421.28 feet to a computed point;
THENCE North 59 degrees 35 minutes 50 seconds East for a distance of 234.18 feet to a computed point;
THENCE North 64 degrees 56 minutes 32 seconds East for a distance of 435.28 feet to a computed point;
THENCE North 53 degrees 08 minutes 22 seconds East for a distance of 272.69 feet to a computed point;
THENCE North 57 degrees 39 minutes 45 seconds East for a distance of 105.28 feet to a concrete r/w monument found on the aforesaid right-of-way line of Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

Said tract or parcel of land contains 69.680 acres or 3,035,270 square feet.

Exhibit “C”

Conditions of Zoning

1. Development shall generally adhere to the site plan as submitted



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy



Applicant: Eberly & Associates on behalf of Scannell Properties, LLC.

Property Owners: Banks

Subject Property: Portion of 0000 Falcon Parkway; 08070 001002, 69.68 +/- acres
Portion of 0000 Falcon Parkway; 08073 000004A, 11.1 +/- acres

Request: Rezone from A (Agricultural) to M1 (Light Industrial) with the intend to construct a distribution facility and office.

Current Use: Vacant

Character Area: Activity Center

Description of Request:

The request is to rezone both parcels 08070-001002 & 08073-000004A from Agriculture (A) to M-1 (light Manufacturing & Industrial).

The proposed project consists of construction of single distribution facility totaling approximately 611,200 SF, 43,000 SF of dedicated office space, and a 192,000 building pad for future expansion. This facility with include on-site parking lot, landscape areas, and above ground stormwater detention pond.

Below is information on the subject properties proposed to be rezoned:

08070-001002

Owner: Jane Wood R/A Banks
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 69.676 Acres

08073-000004A

Owner: Dr Rafe Jr Est R/A Banks Et. Al
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 11.094 Acres





Rezoning Analysis (from applicant):

- 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 project consists of construction of a single distribution warehouse facility that totals to approximately 611,200 SF, 43,000 SF of dedicated office space and includes a future bldg. pad of 192,000 for future expansion. This project is accompanied by adjacent employee parking lot, landscape areas, and an above ground stormwater detention facility will be included as well. The rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Our subject site will be bordered to the South by the Atlanta Falcons training grounds, bordered to the West, East, and North by existing and future roadways which are currently under construction as part of the Martin Road extension.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected. Additionally, there are state waters located on-site that will act as natural buffers between our development and neighboring properties.

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

The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.

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

No – the current improvements being completed by the Georgia Department of Transportation increases the amount of lanes, adds a signalized intersection, and allows for much desired direct access to Interstate 985. However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high-volume traffic road. This project will trigger a DRI which will ensure that the future development accounts for traffic volume.



- 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.

No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in 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.

No existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposed project includes two (2) parcels:

- Parcel 08070-001002 is within City of Flowery Branch City Limits, currently undeveloped, and zoned A (Agricultural).
- Parcel 08073-000004A is within City of Flowery Branch City Limits, currently undeveloped and zoned A (Agricultural).

Two developed parcel border our proposed project:

- Parcel 08093 000006, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)
- Parcel 08070 001003, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)

- 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 extent under which the current value being affected by the existing zoning cannot be determined by the applicant at this time. It is assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (Light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

- 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 zoning request will not adversely impact the environment and surrounding



natural resources. There will be limited disturbance to streams and wetlands on-site. This will require our proposed development to apply for a nationwide permit with the USACE and it will be our intent to pull a nationwide permit prior to obtaining a LDP from the City of Flowerly Branch. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowerly Branch zoning ordinance, and Comprehensive Plan.

Rezoning Analysis (Staff):

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial 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 development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of A (Agricultural) could be used in accordance with the current rules and regulations of that zoning district.**



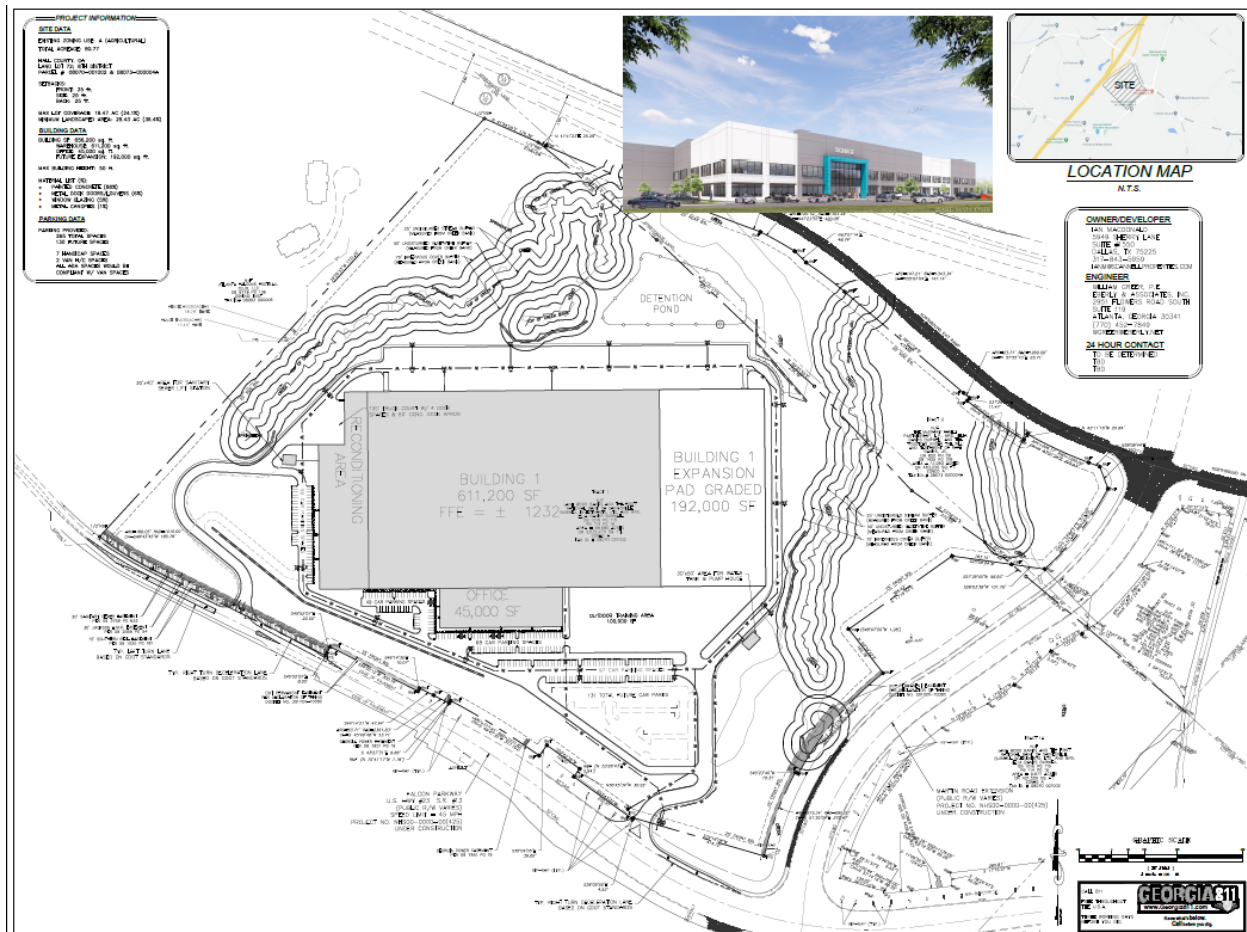
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *It is staff's opinion that the use will not create any unnecessary burdens.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *Currently, the Comprehensive Plan denotes this area as part of the "Activity Center" character area. The proposed use meets the 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. *No*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *Currently vacant the proposed use will fit in well with the corridor.*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of Agricultural does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district 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 development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*



Staff Recommendation:

Staff recommends approval of the rezoning with the following conditions:

1. Development shall generally adhere to the site plan as submitted



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider ordinance #20-622 a rezoning request submitted by Eberly & Associates.

COUNCIL MEETING DATE: December 17, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve ordinance #20-622

SAMPLE MOTION:

I make a motion to approve ordinance#20-622 as submitted and conditioned by staff.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Vickie Short

ATTACHMENTS

- [Staff Report .pdf](#)
- [Rezoning Ordinance 20-622.pdf](#)



Applicant: Eberly & Associates on behalf of Scannell Properties, LLC.

Property Owners: Banks

Subject Property: Portion of 0000 Falcon Parkway; 08070 001002, 69.68 +/- acres
Portion of 0000 Falcon Parkway; 08073 000004A, 11.1 +/- acres

Request: Rezone from A (Agricultural) to M1 (Light Industrial) with the intend to construct a distribution facility and office.

Current Use: Vacant

Character Area: Activity Center

Description of Request:

The request is to rezone both parcels 08070-001002 & 08073-000004A from Agriculture (A) to M-1 (light Manufacturing & Industrial).

The proposed project consists of construction of single distribution facility totaling approximately 611,200 SF, 43,000 SF of dedicated office space, and a 192,000 building pad for future expansion. This facility with include on-site parking lot, landscape areas, and above ground stormwater detention pond.

Below is information on the subject properties proposed to be rezoned:

08070-001002

Owner: Jane Wood R/A Banks
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 69.676 Acres

08073-000004A

Owner: Dr Rafe Jr Est R/A Banks Et. Al
C/O Region Bank Trust Department
PO Box 937
Gainesville, GA 30503-0937
Site Area: 11.094 Acres





Rezoning Analysis (from applicant):

- 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 project consists of construction of a single distribution warehouse facility that totals to approximately 611,200 SF, 43,000 SF of dedicated office space and includes a future bldg. pad of 192,000 for future expansion. This project is accompanied by adjacent employee parking lot, landscape areas, and an above ground stormwater detention facility will be included as well. The rezoning to M-1 (light Manufacturing & Industrial) will permit a use that is suitable in view of the use and development of adjacent & nearby properties. Our subject site will be bordered to the South by the Atlanta Falcons training grounds, bordered to the West, East, and North by existing and future roadways which are currently under construction as part of the Martin Road extension.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Development of the project site will abide by City of Flowery Branch standards in regards to setbacks, buffers, etc., to give adequate separation from adjacent parcels, and ensure surround neighborhoods are not adversely affected. Additionally, there are state waters located on-site that will act as natural buffers between our development and neighboring properties.

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

The proposed project can be used in accordance with City of Flowery Branch Regulations, and will be an improvement from an economic standpoint by being rezoned and developed.

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

No – the current improvements being completed by the Georgia Department of Transportation increases the amount of lanes, adds a signalized intersection, and allows for much desired direct access to Interstate 985. However, it should be noted that the proposed distribution facility will increase the vehicular traffic on Falcon Parkway. The existing areas surrounding the property are heavily wooded, and some undeveloped. The road in and out of the site is not currently a high-volume traffic road. This project will trigger a DRI which will ensure that the future development accounts for traffic volume.



- 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.

No conflict has been indicated between the proposal and the comprehensive plan, including the character area map. Subject properties are not within the limits of any character areas in 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.

No existing or changing conditions is anticipated to affect the use and development of the property.

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

The proposed project includes two (2) parcels:

- Parcel 08070-001002 is within City of Flowery Branch City Limits, currently undeveloped, and zoned A (Agricultural).
- Parcel 08073-000004A is within City of Flowery Branch City Limits, currently undeveloped and zoned A (Agricultural).

Two developed parcel border our proposed project:

- Parcel 08093 000006, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)
- Parcel 08070 001003, currently developed and owned by Atlanta Falcons Football Club, LLC, and zoned INST (Institutional)

- 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 extent under which the current value being affected by the existing zoning cannot be determined by the applicant at this time. It is assumed that development of the subject properties will not bring down the property value.

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

No deterrence to the value and improvement of adjacent properties is anticipated.

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

There are currently nearby districts with properties that are zoned M-1 (Light Manufacturing & Industrial); therefore, proposed development will not create an isolated zoning district.

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

No adverse effects on the character of the zoning district is anticipated.

- 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 zoning request will not adversely impact the environment and surrounding



natural resources. There will be limited disturbance to streams and wetlands on-site. This will require our proposed development to apply for a nationwide permit with the USACE and it will be our intent to pull a nationwide permit prior to obtaining a LDP from the City of Flowerly Branch. Drainage and stormwater flow reduction will be taken into consideration during site design. A detailed Erosion, Sedimentation, and pollution control plan will be designed to protect adjacent parcels from future construction activities, and prevent soil erosion and water quality impact.

- m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purpose of this zoning ordinance.

Zoning proposal will be in compliance with City of Flowerly Branch zoning ordinance, and Comprehensive Plan.

Rezoning Analysis (Staff):

Flowerly Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

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

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, an industrial 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 development will not adversely affect the area and will in fact enhance it.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of A (Agricultural) could be used in accordance with the current rules and regulations of that zoning district.**



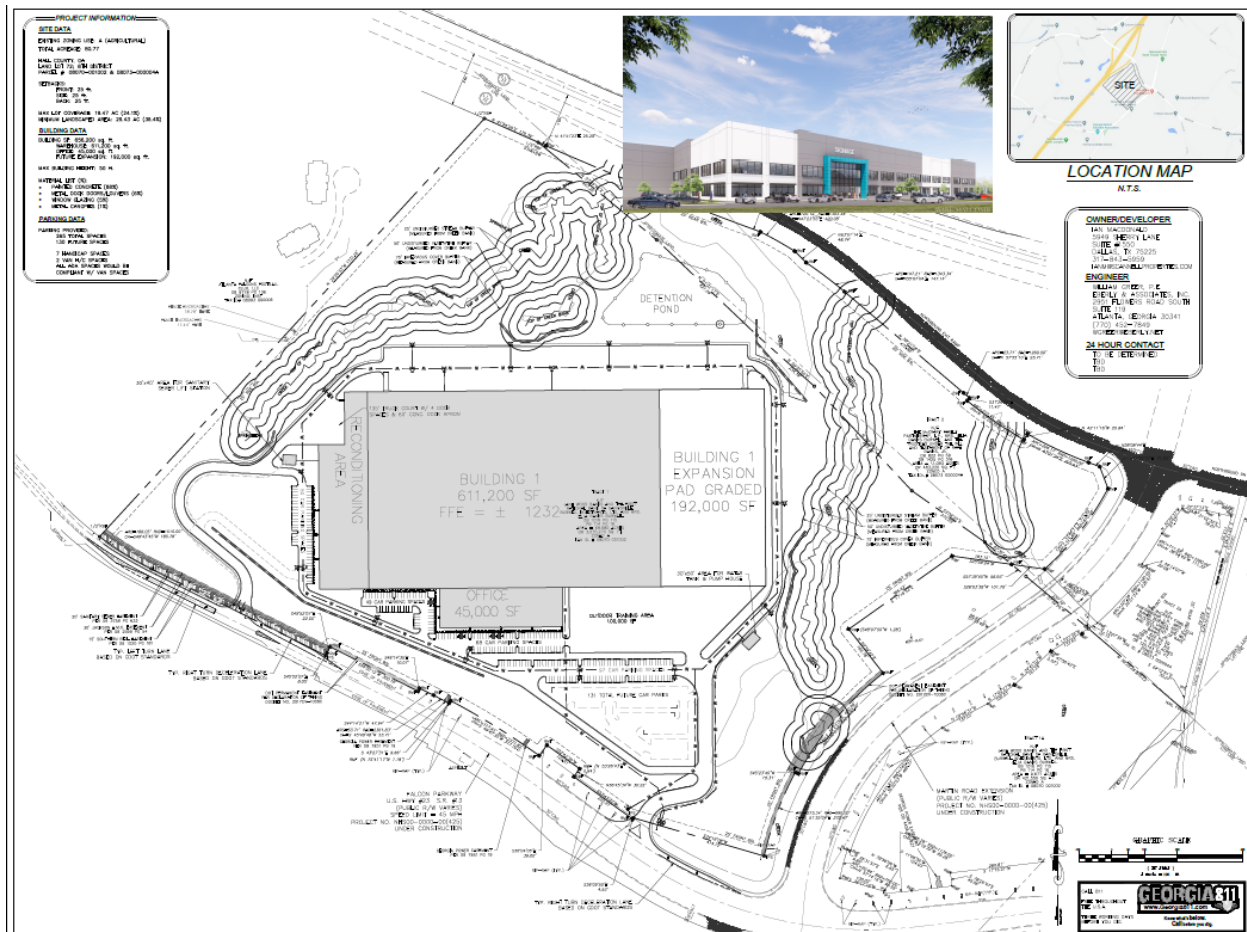
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *It is staff's opinion that the use will not create any unnecessary burdens.*
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. *Currently, the Comprehensive Plan denotes this area as part of the "Activity Center" character area. The proposed use meets the 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. *No*
- (g) Existing use(s) and zoning of the subject property and nearby properties. *Currently vacant the proposed use will fit in well with the corridor.*
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. *Staff does not have a specific number regarding property value, but the current zoning classification of Agricultural does not allow the proposed light industrial use. The M-1 classification is a more realistic zoning designation for this area*
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. *Staff does not feel that the proposed will be a deterrent.*
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. *N/A*
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. *The proposed use will enhance the character of the existing district 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 development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.*
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. *The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance.*



Staff Recommendation:

Staff recommends approval of the rezoning with the following conditions:

1. Development shall generally adhere to the site plan as submitted



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy

Public Hearing Published 11/11/20
Public Hearing 12/17/20

First Reading 12/17/20
Adopted 01/21/21

ORDINANCE NO. 20-622

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A PORTION OF A PARCEL OF REAL PROPERTY OWNED BY DR. RAFE JR. EST. R/A BANKS ET. AL IDENTIFIED AS 0000 FALCON PARKWAY, TAX PARCEL 08073 000004A TOTALING 11.1 +/- ACRES TO BE REZONED FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL (M1) AND AS SHOWN ON ATTACHED EXHIBIT “A”, AND AS DESCRIBED ON ATTACHED EXHIBIT “B” AND AS CONDITIONED ON ATTACHED EXHIBIT “C”; PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Dr. Rafe, Jr. Est. R/A Banks, Et. Al owns all tracts or parcel of land totaling 7.34 +/- acres identified as Parcel Tax Identification No. 08073 000004A as shown on Exhibit “A”, and as described on Exhibit “B”; and

WHEREAS, Mr. William Greer on behalf of Scannell-Falcon Properties, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned and whereas a survey and complete description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of December 17, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

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

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Agricultural (A) to Light Industrial (M1) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

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

4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is generally in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to M1.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTIONS AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Agricultural (A) to Light Industrial (M1) and as conditioned in Exhibit “C”. Said Exhibits are incorporated.

SECTION 3. AMENDMENT OF THE ZONING MAP.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be January 21st, 2021.

SECTION 6. REPEALER.

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

Approved this 21st day of January 2021.

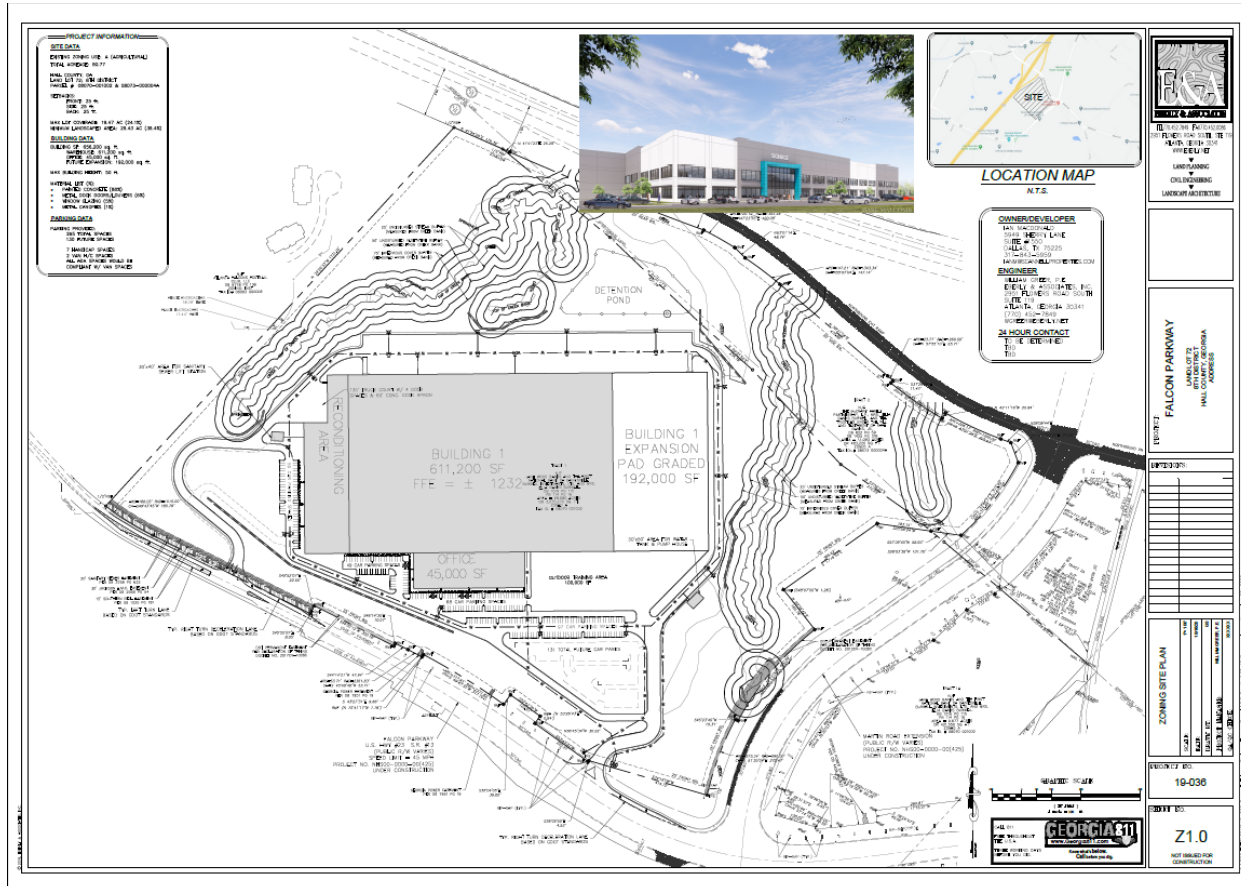
James M. Miller, Mayor

Vickie Short, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 73 of the 8th Land District, City of Flowery Branch, Hall County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #19-017; Drawing/File #19-017), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a 2" open top pipe found at the common corner of Land Lots 69, 70, 72 and 73;
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 379.22 feet to a computed point on the northeasterly right-of-way line of Martin Road Extension (public r/w varies);
THENCE South 58 degrees 29 minutes 26 seconds West for a distance of 10.76 feet to a computed point;
THENCE South 57 degrees 52 minutes 05 seconds West for a distance of 237.10 feet to a computed point;
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 56.93 feet to a concrete r/w monument found on the northwesterly right-of-way line of aforesaid Martin Road Extension, said concrete r/w monument found being the POINT OF BEGINNING.

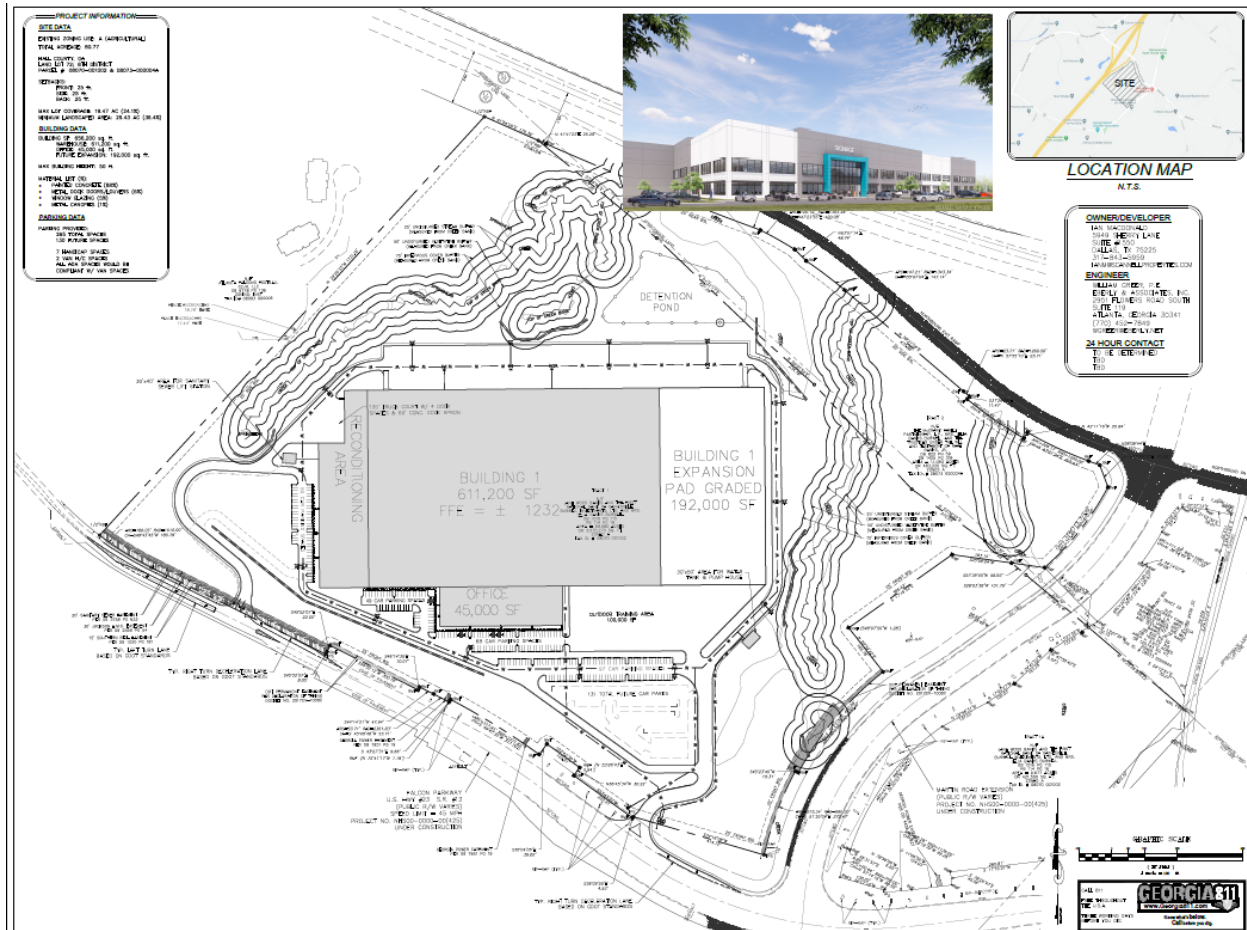
THENCE South 57 degrees 39 minutes 45 seconds West for a distance of 105.28 feet to a computed point;
THENCE South 53 degrees 08 minutes 22 seconds West for a distance of 272.69 feet to a computed point;
THENCE South 64 degrees 56 minutes 32 seconds West for a distance of 435.28 feet to a computed point;
THENCE South 59 degrees 35 minutes 50 seconds West for a distance of 234.18 feet to a computed point;
THENCE South 61 degrees 32 minutes 17 seconds West for a distance of 421.28 feet to a computed point;
THENCE South 57 degrees 26 minutes 46 seconds West for a distance of 467.26 feet to a 1/2" rebar found on the southeasterly right-of-way line of Interstate 985 (S.R. #365, limited access public r/w varies);
THENCE proceeding northeasterly along said right-of-way line of Interstate 985 North 41 degrees 41 minutes 23 seconds East for a distance of 25.59 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 11457.89 feet for an arc distance of 704.56 feet (said arc being subtended by a chord of North 39 degrees 51 minutes 03 seconds East for a distance of 704.45 feet) to a concrete r/w monument found;
THENCE along a curve to the right having a radius of 1343.34 feet for an arc distance of 120.12 feet (said arc being subtended by a chord of North 47 degrees 23 minutes 55 seconds East for a distance of 120.08 feet) to a concrete r/w monument found;
THENCE North 63 degrees 01 minutes 14 seconds East for a distance of 48.74 feet to a concrete r/w monument found;
THENCE along a curve to the right having a radius of 1333.34 feet for an arc distance of 147.21 feet (said arc being subtended by a chord of North 55 degrees 07 minutes 04 seconds East for a distance of 147.14 feet) to a concrete r/w monument found;
THENCE North 58 degrees 21 minutes 06 seconds East for a distance of 475.88 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1260.00 feet for an arc distance of 23.71 feet (said arc being subtended by a chord of North 57 degrees 55 minutes 10 seconds East for a distance of 23.71 feet) to a concrete r/w monument found;
THENCE South 31 degrees 26 minutes 06 seconds East for a distance of 11.47 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1271.36 feet for an arc distance of 210.45 feet (said arc being subtended by a chord of North 52 degrees 28 minutes 33 seconds East for a distance of 210.21 feet) to a concrete r/w monument found;
THENCE North 42 degrees 11 minutes 16 seconds West for a distance of 20.84 feet to a concrete r/w monument found;
THENCE along a curve to the left having a radius of 1250.00 feet for an arc distance of 206.42 feet (said arc being subtended by a chord of North 42 degrees 59 minutes 55 seconds East for a distance of 206.19 feet) to a 1/2" iron pin set;
THENCE North 38 degrees 16 minutes 04 seconds East for a distance of 36.08 feet to a concrete r/w monument found;
THENCE North 87 degrees 26 minutes 37 seconds East for a distance of 71.20 feet to a concrete r/w monument found at the intersection with the southwesterly right-of-way line of aforesaid Martin Road Extension;
THENCE along a curve to the right having a radius of 870.00 feet for an arc distance of 313.68 feet (said arc being subtended by a chord of South 33 degrees 46 minutes 11 seconds East for a distance of 311.99 feet) to a concrete r/w monument found;
THENCE South 26 degrees 03 minutes 38 seconds West for a distance of 101.79 feet to a concrete r/w monument found, said concrete r/w monument found being the POINT OF BEGINNING.

Said tract or parcel of land contains 11.093 acres or 483,220 square feet.

Exhibit “C”

Conditions of Zoning

1. Development shall generally adhere to the site plan as submitted



2. Sewer shall be provided by the City of Flowery Branch
3. Landscape plan is required at time of land disturbance permit review
4. Lighting plan is due prior to the issuance of a building permit
5. Uniform sign plan is required prior to the issuance of a certificate of occupancy